

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
MAY 10, 2004, 7:00 P.M.**

MINUTES

**PRESENT: James F. Palmer, Mayor
Mayor Pro Tem Potts
Councilman Denmon
Councilman Crowley**

**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 Palmer gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the April 26, 2004 regular City Council meeting were approved as written.
4. Mayor's comments:
 - a. Mayor Palmer announced there are four candidates to fill the unexpired term of John D. Shelton, Jr. on the City Council: Eddie Hall, David Hammond, Jim Johnson, and Linda Sainato. The election for the non-partisan post is July 20, 2004 and the last day of voter registration is June 21.
 - b. Mayor Palmer reminded the Council of the hearing on May 24, 2004 at 7:00 p.m. on the request of Hussein Asadi for a beer pouring license for the Back Gate Restaurant at 355 Richardson Road, Suite 3.
 - c. Mayor Palmer reminded the Council of a hearing on the liquor pouring license request of Martin Carranza, Manager of the Los Gallos Mexican Restaurant on May 24, 2004 at 7:00 p.m.
 - d. Mayor Palmer reminded the members of the Council of the GMA First District Listening Session scheduled at the Calhoun Depot on Wednesday, May 12, 2004 at 6:00 p.m. He asked each one to attend.
5. Council Comments:
 - a. Mayor Palmer stated:
 - 1) In the month of April, the Calhoun police department made 622 cases, issued 72 warrants, 102 speeding tickets, and 448 other cases. Anticipated fines totaled \$107,416.00 and collected \$75,703.00 on previous cases. They made 18 DUI cases and they issued 458 warnings tickets. They provided 89 escorts and filed 1,406 incident reports.
 - a) Police Chief Goswick had filed a request for a transfer from the Calhoun Police Department assets seizure fund of \$5,840.15 to offset repairs to two police vehicles: a 2000 Ford Taurus and a

2001 Ford Crown Victoria. Following discussion of the request, Mayor Pro Tem Potts made a motion to approve the request for transfer of \$5,840.15 from the assets seizure fund for the repairs, second by Councilman Denmon, with Mayor Pro Tem Potts, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.

- 2) Mayor Palmer stated the fire department responded to 72 calls for service during the month of April, with 6 being fire incidents causing estimated damages of over \$5,500.00. They provided 22 rescue and emergency medical responses and 20 hazardous conditions incident responses. These consisted of 5 service calls, 5 good intent calls, 12 false alarms, and 2 special incident calls. The department completed training for all firefighters on water supply and hydrant maintenance. Firefighters completed all regular scheduled maintenance of equipment and vehicles. The fire inspection division conducted 57 inspections during the month, including 22 annual inspections, 3 new businesses, 14 requested and 8 follow-ups. The fire inspector also attended three pre-construction meetings.

b. Councilman Denmon stated:

- 1) The water and sewer department special projects included the following:
 - a) Construction at the Sugar Valley tank has begun. Grading should be completed in July.
 - b) Grading for the Brownlee Mountain tank began in early May and construction is scheduled for August.
 - c) Engineering has started on the Mauldin Road Water Treatment Plant improvements. Delivery of two new high service pumps is scheduled in May. The flow control valves arrived on May 4 and the meters arrived in March. Construction began on the 85,000 feet of new water mains as a part of this upgrade. At this point, we have installed over 50% of the new mains. The Mauldin Road Treatment Plant carbon feed system for taste and odor is complete; startup is scheduled for early May.
 - d) The waste treatment plant modifications include the new belt-press and sludge conveyor system and the lime system, cleaning of the old basins and the new sludge holding facility. The contract was awarded to Hydro International for the grit collection system and bids are being advertised for the aeration and clarification equipment, with the bid opening scheduled for June 7, 2004. The new roof at the laboratory building is complete.
 - e) On the north interceptor replacement sewer, the contractor has installed all the pipe for the project and is working on final cleanup and paving. The project should be 100% complete by May 21.
 - f) Design work for the Sonoraville sewer project is 100% complete. The county is continuing to obtain easements, with at least two remaining.
 - g) On the Highway 41 South sewer project, surveying is under way, with approximately 95% of the surveys completed. Tests for rock have been completed on the first 15,000, and only small amounts

were found. There will be a slight change order from Phase I of the sewer interceptor and construction will begin in early June.

- 2) The waste treatment plant, during the month of April, treated a daily average of 7.098 million gallons. The average BOD effluent was 15, the average suspended effluent was 20 and the average COD effluent was 106.
- 3) The water treatment plant pumped a daily average of 12.628 million gallons.
- 3) The water and sewer construction department completed 61 water taps and 7 sewer taps in April. They installed 800 feet of 6-inch water line to serve as fire protection on the new airport hangars. They installed a 6-inch meter pit to serve Salacoa Creek Park. They began construction of a 12-inch water line along Orr Mill Road, to serve the Pickens County water project. They repaired 46 water leaks and 23 water meters, changed out 16 water meters installed 40 new meters.
- 4) The Building Inspector issued 71 permits during the month of April for construction of \$2,554,000.00, with new residential being the highest at \$1,625,000.00.

c. Mayor Pro Tem Potts stated:

- 1) The street department, during the month of April, placed 28 new street signs and completed 38 shop work orders. They hauled topsoil to the recreation department to backfill at the pavilion and to build a pad for the new playground equipment. They provided patching in various locations, using a total of 180 tons of asphalt. They ran the storm water maintenance plan on April 26, checking all grates and lines inside the city.
- 2) The parks department crews, in addition to their care of all city property grounds and maintenance of the fountains at various departments of the city, completed a maintenance job at the water treatment plant and completed laying the block, pouring the concrete and painting the fountain at City Hall.
- 3) The cemetery department sold 8 gravesites. Contractors set 9 new monuments. They performed routine maintenance at both Fain and Chandler Cemeteries.
- 4) The safety department reported 3 workers' comp accidents and 1 vehicle accident during the month.
- 5) Animal control department responded to 64 customer calls.
- 6) Mayor Pro Tem Potts introduced 2 new Main Street banners: one that is being located in the newly renovated downtown area and one for the new city park.

d. Councilman Crowley stated:

- 1) The electric department has completed installation of electric service at the Towne Lake Gardens Subdivision on Dews Pond Road. Lighting will be started in May. Underground lighting construction at the new Calhoun Elementary School is nearing completion. More than 30 of the total of 121 lights are ready for operation. Concrete strain poles for the distribution line changes along Park Avenue are engineered and bids have been received. This project should be complete by the end of July. Street lighting for the next phase of Brookstone and Laurel Ridge Developments are nearing completion and the traffic signals for C. L. Moss Parkway and

River Street and C. L. Moss Parkway and Laurel Place are engineered and bid, with the award to be made in the near future. An additional signal for Peters Street and Creekview Drive is engineered and awarded to Bass Signal. The electric department has completed a system-wide liability and protection study. The most seriously affected lines will be constructed in the upcoming 2004-2005 budget year. The electric department staff has also completed a parallel comprehensive 5-year capital construction plan. Wiring for the new water and sewer construction building is under construction and new banners have been installed for the Downtown Development Authority. Projects that are in engineering and design include the electric service design for the Fox Building on Executive Park Drive, the work for the water plant pumping expansion, and the line extension project along Curtis Parkway. The department completed 39 work orders in April for street and security lighting, 22 for new businesses and maintenance, and 16 for after-hours callouts. The electric department purchased over 31 million kilowatt hours of wholesale electricity.

- 2) The electric inspection division issued 23 permits in the month of April, provided 48 inspections and set 27 meters.
- 3) The telecommunications department completed underground construction for internet service to Colorhouse on Russ Drive. They started construction on 100 megabit service to Shaw Industries, Queen Plant. They signed and started construction of internet to the Magnolia Medical Spa on Professional Court. They set up a web hosting site for Fox and Brindle and Learning Labs. Construction has started on network service to the new Calhoun Elementary. The department has also purchased and installed a SPAM blocking appliance and in nine days of operation, more than 60,000 bad e-mails were blocked. They installed Criminet Software for the police department to interface with GCIC.

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 for R-1B zoning and annexation by David Heramb of lots 8, 9, 10, 11, 12 and 13 of Skyline Subdivision off of Viking Drive, which is located off Jones Road.
 - 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 had met on this matter on May 6, 2004 at 4:30 p.m. As a result of the report by the fire inspector to the Zoning Review Committee, it was determined that the project is 597 feet from the nearest fire hydrant, which exceeds the fire code by 97 feet. The report stated this is measured to the outermost point of the last lot and the house would actually be 40 to 50 feet closer than the 597 feet. The report indicated the only way to comply with the ordinance would be to set another hydrant. However, the water line that serves the area is a 4-inch water line and the city's current water and sewer policy will not allow the city to set any additional fire hydrants on a 4-inch line. The only other alternative for the developer would be to extend a water line from the nearest point of a 6-inch line, which

would be an additional cost of approximately \$30,000.00 to the developer. Mayor Pro Tem Potts stated the Zoning Advisory Board also advised Mr. Heramb that lot 13 could not be developed because there was no road frontage for the lot. Prior to the official recommendation of the Zoning Advisory Board, Mayor Palmer notified Mr. Heramb that based upon the information from the Zoning Review Committee and based upon the actual application that had been filed by Mr. Heramb for a 75-foot variance to the fire code for this property, he would inquire if Mr. Heramb would like to table this matter and have it acted upon at the same time as the variance request. Mr. Heramb stated it would be fine if the matter were tabled and acted upon at the same time as the variance.

- d) Mayor Pro Tem Potts made a motion to table the request for R-1B zoning and annexation by David Heramb of lots 8, 9, 10, 11, 12 and 13 of Skyline Subdivision, second by Councilman Denmon, with Mayor Pro Tem Potts, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.
- 2) Mayor Palmer gave a second reading of a request for Industrial zoning and annexation by Enoch Overby, Administrator for the Estate of Miriam Sitton, for approximately 50 acres off Belwood and Marine 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 heard this matter on May 6, 2004. Following review of the findings of the Zoning Review Committee, and from information provided by Tom Shanahan, representing Mr. Overby, the Zoning Advisory Board made a recommendation to approve industrial zoning and annexation of the property.
 - d) Mayor Palmer asked if there were any comments by the applicant.
 - e) Attorney Shanahan stated the property partially abuts other property zoned industrial and property with a truck terminal. He stated the industrial zoning request appears to be the highest and best use of the property and at this time, the owners of the property have no immediate development plans. He stated he would be available to respond to any questions by the Mayor and Council.
 - f) There were no other comments and the public hearing was closed.
 - g) The zoning criteria determined by the Zoning Advisory Board were as follows:

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| (1) The zoning proposal would permit a use that is suitable in view of the use and development of adjacent and nearby property, which is predominately industrial. |
| (2) The proposal would not adversely affect the existing use or usability of adjacent or nearby property. |
| (3) The property as currently zoned has a reasonable economic use. |

- (4) The zoning proposal would not cause an excessive burden on exiting streets, transportation, infrastructure or schools at this time, since no specific development is planned.
- (5) Costs for capital improvements for the property would be borne by any developer in the future.
- (6) The 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 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.

f) Mayor Pro Tem Potts made a motion to waive the third and fourth reading and approve the request for Industrial zoning and annexation of 50 acres off of Belwood Road and Marine Drive, second by Councilman Crowley, with Mayor Pro Tem Potts, Councilman Crowley and Councilman Denmon voting affirmatively, motion carried.

3) Mayor Palmer gave a second reading of a request for zoning of PRD and annexation by Riverside Developers, LLC, Paul Lusk, for 120 acres connected to Riverside Subdivision (Gray's Landing) on Riverside 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 on May 10, 2004.
- c) Mayor Pro Tem Potts stated the Zoning Advisory Board also heard this matter and a presentation on the development by Mr. Mark Chamlee, Mr. Darin Hardin and Mr. Paul Lusk at the May 6, 2004 Zoning Advisory Board meeting. She stated the depth of this development required a regional notification of the project to determine the impact on the region. As a result of that notification, the findings had been transmitted to the City of Calhoun from the Coosa Valley RDC and a hearing had been set for May 12 by Coosa Valley RDC regarding the project.
- d) Attorney Bailey stated the letter from Coosa Valley RDC contained comments from various organizations at the state level; in particular, a notice from the EPD in which they reminded the City of Calhoun that in the past, there had been problems with other large developments and this particular project would require total compliance with the regulations.
- e) Mr. Mark Chamlee addressed the letter from EPD, stating the streams referred to in the letter were the Oostanaula River, which has a requirement of a 50-foot setback. However, his developmental plans called for a 100-foot buffer and they will develop retention basins prior to development grading, in order to insure that there would be no encroachment of sediment into the river.

- f) Paul Lusk stated the development will upgrade the present quality of housing and his group did plan to attend the May 12 meeting at Coosa Valley RDC.
- g) Darin Hardin stated the development is not a subdivision but is a small community that would be user friendly and will provide 40 acres of green space.
- h) Mayor Pro Tem Potts, Attorney Bailey and Mayor Palmer asked the developers, following their attendance of the Coosa Valley RDC meeting on May 12, 2004, to forward a letter responding to the comments made by various organizations, in particular EPD, regarding how they will address those findings and requirements, in order that it may be part of the official records.
- i) Mayor Pro Tem Potts stated that based upon this activity, it had been the recommendation of the Zoning Advisory Board that the request for PRD zoning and annexation of the 120 acres be approved.
- j) Mayor Palmer asked if there were any other comments. There were none and the hearing was closed.
- k) Mayor Pro Tem Potts stated the zoning criteria determined by the Zoning Advisory Board were as follows:

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| <ul style="list-style-type: none">(1) The zoning 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 has a reasonable economic use.(4) The zoning proposal would result in a use that will cause an additional burden on exiting streets, utilities and schools. The Board requested the developers to present their tax estimates from the project to the county commission to encourage them to rethink improvement plans for the road leading into the project, which is a county road.(5) Costs for capital improvements for the property would be borne by any developers.(6) The 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. The board did review and provide a copy of the findings of the regional impact study and notified the members of the development team that a public hearing would be held on May 12, and asked them to attend and to file a response with the city.(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 property. |
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- l) Mayor Pro Tem Potts made a motion to approve the request for zoning of PRD and annexation of the 120 acres connected to Riverside Subdivision on Riverside Drive, based upon the findings

of the Zoning Advisory Board and on the current discussion with the developers and engineer, which would include a letter from them following the Coosa Valley RDC hearing on May 12, 2004 which addresses the findings of all agencies, and with the stipulation that the pre-construction meeting minutes, recorded as “Exhibit A” in the minutes of the Zoning Advisory Board be made a part of the overall findings and plans and of these minutes. The motion was seconded by Councilman Denmon, with Mayor Pro Tem Potts, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.

- b. Other hearings or comments:
 - 1) Mayor Palmer opened the public hearing on the official zoning map and re-adoption of the Code of Ordinances and Zoning Code.
 - a) Attorney Bailey read the heading of the proposed ordinance. He stated the adoption of the official zoning map updating annexations and zoning changes through March 2004 should be approved and the action would include re-adoption of the Code of Ordinances and Zoning Code that are currently in force.
 - b) Mayor Palmer asked if there were any comments by the public or by the Council members. There were none and the hearing was closed.
 - c) Councilman Crowley made a motion to waive the third and fourth reading and approve the official zoning map and the re-adoption of the Code of Ordinances and the Zoning Code, second by Councilman Denmon, with Councilman Crowley, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.
 - 2) Mayor Palmer opened the public hearing on the city’s 2004-2005 budget, with the exclusion of the school’s local share that is not presently available.
 - a) City Administrator Harrison reviewed the proposed budget as per “Exhibit B.”
 - b) Mayor Palmer stated the city will hold a second public hearing in June, with the final budget to be adopted in late June for the next fiscal year.
7. Old business:
- a. Mayor Palmer stated that in following up on the information regarding insurance coverage for taxi cabs, the City Administrator had provided information to the Council, after discussing this coverage with the city’s insurance agent. It was determined that this type of coverage is very limited and the required level of surrounding cities does not exceed \$25,000/\$50,000/\$25,000 limits, due to the excessive costs of any higher coverage. He stated that based upon these findings, he would recommend the required limits for insurance on taxi cabs be lowered to \$25,000/\$50,000/\$25,000 and these limits immediately be made the policy requirements for current and future taxi operations. Following consideration, Councilman Crowley made a motion to approve the recommendation of Mayor

Palmer, second by Councilman Denmon, with Councilman Crowley, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.

8. New business:

- a. Mayor Palmer gave a first reading of a request for zoning of C-2 and annexation by Paul Lusk for approximately 8 acres on Robinson Road off Highway 41 North near the I-75 interchange. He stated the earliest date for a public hearing would be June 14, 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 Denmon, with Mayor Pro Tem Potts, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.
- b. Mayor Palmer gave a first reading of a request for zoning of C-2 and annexation by Paul Lusk, as agent for J. Mack Robinson for approximately 16 acres on Highway 41 North near the I-75 interchange. He stated the earliest date for a public hearing would be June 14, 2004 at 7:00 p.m. Councilman Denmon made a motion to set the public hearing for that date and time, second by Councilman Crowley, with Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.
- c. Mayor Palmer gave a first reading of a request for zoning of C-2 and annexation by Paul Lusk, as agent for Yancey Brothers Properties for approximately 6.5 acres on Highway 41 North near the I-75 interchange. He stated the earliest date for a public hearing would be June 14, 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 Denmon voting affirmatively, motion carried.
- d. Mayor Palmer gave a first reading of a request for zoning of R-1 and annexation by Chris Ormeroid of a house and lot at 235 Thornwood Drive. He stated the earliest date for a public hearing would be June 14, 2004 at 7:00 p.m. Councilman Denmon made a motion to set the public hearing for that date and time, second by Councilman Crowley, with Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.
- e. Mayor Palmer gave a first reading of a request for zoning of R-1B and annexation by Mrs. Louella H. Teffeteller for a house and lot at 103 Harmony Drive. He stated the earliest date for a public hearing would be June 14, 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 Denmon voting affirmatively, motion carried.
- f. Mayor Palmer gave a first reading of a request by David Heramb for a 75-foot variance on Fire Code requirements for the last house in a proposed development in the Skyline Subdivision off of Viking Drive, which is located off Jones Road. He stated the earliest date for a public hearing would be June 14, 2004 at 7:00 p.m. Councilman Denmon made a motion to set the public hearing for that date and time, second by Councilman Crowley, with Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.
- g. Mayor Palmer gave a first reading of a request by Terry Brumlow, Agent for Foxhead Properties, LLC, Randall Fox, Owner, for zoning of R-1B and annexation of Tract 1 (51.275 acres) and zoning of PRD and annexation of Tract 2 (24.9 acres) of property on Henderson Bend Road. He stated the earliest date

for a public hearing would be June 14, 2004 at 7:00 p.m. Councilman Crowley made a motion to set the public hearing for that date and time, second by Councilman Denmon, with Councilman Crowley, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.

- h. Mayor Palmer gave a first reading of a request by Terry Brumlow, Agent for Foxhead Properties, LLC, Randall Fox, Owner, for a zoning change from Industrial to C-2 of Tract 3B on Mauldin Road. He stated the earliest date for a public hearing would be June 14, 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 Denmon voting affirmatively, motion carried.

9. Other written items not on the agenda:

- a. Mayor Palmer stated the Big Brothers/Big Sisters organization had filed a request to close the one-way street between the First Methodist Church and the First Methodist Church Life Center from 2:00 p.m. until 5:00 p.m. on May 22, 2004, in order for a fund raising auction to be held by Big Brothers/Big Sisters. Following discussion, Councilman Crowley made a motion to approve the street closing on May 22, 2004 from 2:00 p.m. until 5:00 p.m., second by Councilman Denmon, with Councilman Crowley, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.

10. Work Reports:

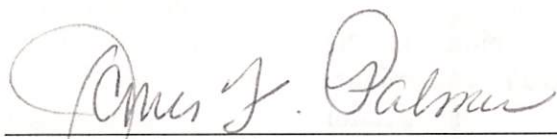
- a. Kelly Cornwell, Director of Utilities, stated the Water and Sewer Director, Jerry Crawford, had worked with the city's engineering company, Peoples & Quigley, to provide criteria for a truck bid to handle the sludge land application process. He stated bids had been taken. However, only one company had bid on the item. He stated their initial bid had been for a Sterling vehicle. However, after reviewing the fleet operated by our current vendor for the sludge land application program, the city had asked the bidder to bid on an alternate with a Mack Truck and a Knight Spreader. The bidder was also a distributor for those items and their bid for the Mack Truck according to the specifications and a 16-yard Knight Spreader was \$116,030.00. He stated the item is in the following year's budget, based upon a 5-year payment financed through a local bank. Following discussion, Councilman Crowley made a motion to authorize the early purchase of the equipment and vehicle in order to have an opportunity to have the operation in place at the beginning of the fiscal year. The motion also authorized bids to be taken from the local banks for the 5-year finance package for the vehicle and equipment. The motion was seconded by Councilman Denmon, with Councilman Crowley, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.
- b. Director Cornwell stated the City of Fairmount, in the 1980's, contracted with the City of Calhoun to have the City of Calhoun purchase and take over the Fairmount water system. That contract had been fulfilled in 2003 and the City of Calhoun now owns the Fairmount water system outright and has provided water services for that area since the 1980's. He stated the City of Fairmount has requested an opportunity to enter into a contract with the City of Calhoun for the purchase of wholesale water in order to serve a new subdivision development that will be on a higher datum than 850 feet. He stated the contract would stipulate

that all customers below that level would be customers of the City of Calhoun on its retail sales system and the customers in the specific area of the City of Fairmount on a higher datum than 850 would be customers of the City of Fairmount. The City of Calhoun would provide one metering point for wholesale water. Director Cornwell asked the Mayor and Council to review the contract and to consider it at the next Council meeting.


- c. Eddie Peterson, Director of Public Safety and Public Works: **none.**
11. Attorney Bailey stated the city and city school system has been in negotiations with Dr. Walter Hackett regarding purchase of additional property to extend Creekview Drive to the property line of the new elementary school. He stated following these negotiations, it has been determined that a condemnation of the property will need to move forward. In order for this to be accomplished, he would ask the Mayor and Council to adopt a resolution authorizing the process for condemnation to move forward with the condemnation of approximately 15,000 square feet for ingress and egress for the new school system off Creekview Drive and to authorize the Mayor to sign all required documents. Mayor Pro Tem Potts made a motion to adopt the resolution authorizing the City Attorney to proceed with the condemnation of approximately 15,000 square feet for ingress and egress for the new school system off Creekview Drive and to authorize the Mayor to sign all required documents, second by Councilman Crowley, with Mayor Pro Tem Potts, Councilman Crowley and Councilman Denmon voting affirmatively, motion carried.
12. Mayor Pro Tem Potts made a motion to adjourn, second by Councilman Denmon, with Mayor Pro Tem Potts, Councilman Denmon, and Councilman Crowley voting affirmatively, motion carried.

Approved:

Submitted:



James F. Palmer, Mayor



Cathy Harrison, City Administrator

“EXHIBIT A”

CITY OF CALHOUN
PRD/ZONING MEETING
Developers: Darin Hardin, Paul Lusk
Project: Riverside Subdivision, Phase 2
Minutes of Meeting
April 15, 2004,
City Annex

Attendees Sheet: **Attached**

Preliminary Specifications from (Darin Hardin): **Attached**

Questionnaire:

1. How many single family units? **238**
2. How many multi-family units? **128 townhouse units**
3. Number of sq. ft. per single unit? **1500 to 1800**
4. Number of sq. ft. per multi-family unit? **1100 to 1500**
5. How much property is being developed? **120 acres.** How much remains green space, parks, etc? **40 acres**
6. Is current water/sewer in area sufficient? **Yes**
7. Will streets be public and follow current requirements? **Yes, they will be city standard streets.**
8. Will planned development allow fire code to be met? **Yes**
9. How long will it take for total build out of project? **6 to 8 years**
10. How many entrances for the total project? **2**
11. Will it be gated? **No**
12. What is average rental rate? **N/ A**
13. What is average price for single family? **\$130,000 to 160,000.** What is an average price for multi (town houses)? **\$85,000 to 110,000**
14. Will lawn service be provided through an association for all or part of development? **No. However there will be homeowner's associations for both single and multifamily properties.**
15. What are special features of the development? **Pool, tennis courts, streetlights, sidewalks, large green-space. Owner would participate in a possible Riverwalk extension on this project.**
16. Time Frame? **18 months infrastructure, 6-8 years total project**
17. Sewer? **10 inch main**
 - This will be a regional impact project which will have to be submitted to Coosa Valley Planning.
 - Owner has acknowledged the imposition of EPD Notice of Intent fees.
 - Owner has acknowledged the new fee schedule for fire protection metering. The multi-family units will be master metered.
 - Subdivision entrance will have substantial entrance sign and landscaped screen. Single Family lot sizes will range from 7500 Sq Ft to 22,800 Sq Ft

Pre-Construction Meeting (PRO)
 Darin Hardin and Paul Lusk Property
 North of Riverside Subdivision
 Meeting Time: April 15, 2004
 Place: City Annex (10:30 A.M.)

| NAME | REPRESENTING | PHONE NUMBER |
|------------------|-------------------------------|--------------|
| Donald McGinnis | City of Calhoun Bldg. | 770-545-2318 |
| Terry Mills | Calhoun Fire Dept | 770-548-0781 |
| EDDIE PETERSON | City of Calhoun | 706 602-6025 |
| Ross Wilburn | City, E&S | 706-602 6024 |
| MICHAEL ROBERSON | CENTL SOUTH | 706-624-0208 |
| PAUL LUSK | Riverside II | 706-260-6415 |
| MARK SHAMBLIN | CIVIL SOUTH | 706 624-0208 |
| Jerry Crawford | City of Calhoun | 706-602-6078 |
| Darin Hardin | Riverside II | 770-547-0116 |
| BRANDON COOK | CITY OF CALHOUN | 706-602-6076 |
| Kenny Rogers | City of Calhoun - Elec. Insp. | 770-548-0792 |
| Mark Williamson | City of Calhoun W&S | 706 602-6080 |
| | | |

Preliminary Specifications for
 Riverside Development Phase II

We propose to annex 120.43 acres of property into the City of Calhoun under the planned residential development classification. This development will consist of single family housing and town homes. The total developed acreage will be approximately 75 acres with 12,500 feet of street and pedestrian sidewalks lined with street lights. Riverside II will have 242 single family homes and 128 town homes when fully developed. The footprints of the buildings for single family houses on the plan are 35 feet by 50 feet and for the town homes 28 feet by 40 feet. Green-space for the project will consist of 90 acres which includes a 7 1/4 acre retention lake, 6 acres of totally undisturbed land along the riverbank, and private residence yards. These residences are serviced amenities which feature a 40 feet by 60 feet pool with a 25 feet by 20 feet kiddy pool area with a mushroom fountain, lighted tennis courts, and an open air pavilion. Additional recreation areas will be considered for this development. Water service will be provided by an 8" looped main service and sewer is provided to the project by a 10" trunk main.

"EXHIBIT B"

City of Calhoun, Georgia
Operating Budget
July 1, 2004 - June 30, 2005
(Excludes School Local Share Funding)

General Fund Revenue:

| | |
|------------------------|---------------------------|
| Ad Valorem Taxes | \$ (804,128.00) |
| Other Taxes | (2,780,460.00) |
| Business License Taxes | (1,310,000.00) |
| Permits & Fees | (2,057,481.00) |
| Lease of Assets | (3,147,508.00) |
| Interest | (90,150.00) |
| Transfers | (2,315,924.00) |
| Other Taxes | (283,203.00) |
| TOTAL | \$ (12,788,854.00) |

General Fund Expenses:

| | |
|---|-------------------------|
| Executive - Mayor and Council | \$ 296,079.00 |
| Administrative | 3,525,291.00 |
| Airport | 161,499.00 |
| Library | 191,630.00 |
| Building Inspection | 239,378.00 |
| Public Utilities Director / Engineering | 638,984.00 |
| Public Safety - Director | 109,485.00 |
| Public Safety - Police | 2,991,486.00 |
| Public Safety - Fire | 2,504,546.00 |
| Public Works | 2,130,476.00 |
| TOTAL | \$ 12,788,854.00 |

Footnotes:

No *ad valorem* tax increases - No business license tax increases. Lease of assets represents lease of city owned utilities to utility funds, in order to properly allocate cost of operations.

Utilities Revenue:

| | |
|---|---------------------------|
| Water, Sewer, Electric and Telecommunications Sales | \$ (37,558,223.00) |
| Fees, Permits and Fines | (631,600.00) |
| Cost Recovery - Connections | (580,000.00) |
| Interfund Transfers | (1,708,764.00) |
| Other | (406,050.00) |
| TOTAL | \$ (40,884,637.00) |

Utilities Expenses:

| | |
|--------------------|-------------------------|
| Water Plant | \$ 6,324,756.00 |
| Water Construction | 2,512,261.00 |
| Sewer Plant | 4,988,727.00 |
| Sewer Construction | 1,361,637.00 |
| Electric | 25,010,403.00 |
| Telecommunications | 686,853.00 |
| TOTAL | \$ 40,884,637.00 |

Footnotes:

Following a full cost study of water, sewer and electric operations, a rate increase for water and sewer was required to cover costs. The city made a decision to pro-rate the increase over a three-year period, in order to make it easier for individuals, businesses and industries to budget for the increases.

The electric cost study indicated a rate decrease was required for businesses and smaller industrial accounts. The decrease is also pro-rated over a three year period. The study also indicated a small residential increase was required which will be implemented in July 2004.

Senior Citizen discounts for water, sewer and electric services were recommended and will be implemented in July 2004.

Other Funds - Revenue:

| | | |
|--------------------------|--------------------------------|---------------------------|
| Recreation | Fees, Other | \$ (687,530.00) |
| Golf | Fees, Other | (1,065,000.00) |
| Solid Waste | Fees, Other | (927,399.00) |
| Municipal Court | Fines | (1,031,000.00) |
| SPLOST | Taxes | (1,510,000.00) |
| | Other Funds | (295,000.00) |
| Bond Debt | Sinking Funds, Other | (3,989,041.00) |
| Economic Development | Revolving Loan Fund - Interest | (65,700.00) |
| | Hotel-Motel Fees | (231,000.00) |
| | Department of Justice - Grant | (11,370.00) |
| | Confiscated Assets, Seizures | (22,200.00) |
| Utility Capital Projects | Water - SRF Loans | (4,100,000.00) |
| | Sewer - SRF Loans, Other | (6,859,000.00) |
| TOTAL | | \$ (20,794,240.00) |

Other Funds - Expenses:

| | | |
|--------------------------|-------------------------------|-------------------------|
| Recreation | | \$ 687,530.00 |
| Golf | Pro Shop | 424,456.00 |
| | Maintenance | 640,544.00 |
| Solid Waste | | 927,399.00 |
| Municipal Court | | 1,031,000.00 |
| SPLOST | Streets and Roads | 1,050,000.00 |
| | Recreation | 755,000.00 |
| | School | 2,193,099.00 |
| | Golf | 367,546.00 |
| Bond Debt | Water and Sewer | 1,428,396.00 |
| Economic Development | Revolving Loan | 65,700.00 |
| | Hotel-Motel Fees | 231,000.00 |
| | Department of Justice - Grant | 11,370.00 |
| | Confiscated Assets, Seizures | 22,200.00 |
| Utility Capital Projects | Water Plant Reservoirs | 2,944,031.00 |
| | Spring Project | 655,969.00 |
| | CDBG Water Project | 500,000.00 |
| | Sewer Plant Renovations | 3,250,000.00 |
| | Sonoraville Sewer | 1,173,000.00 |
| | Highway 41 South Sewer | 1,936,000.00 |
| | CDBG Sewer Project | 500,000.00 |
| TOTAL | | \$ 20,794,240.00 |

| | |
|---|---------------------------|
| Total Revenue Budget Excluding Schools | \$ (74,467,731.00) |
| Total Expense Budget Excluding Schools | \$ 74,467,731.00 |

Utility Rate Changes:

| Rate Increase | Inside/ Outside City | Account Type | Rate Increase | Increase on Minimum |
|-----------------------------|----------------------------|--------------------------|------------------|------------------------|
| 1/3 Rate Increase for Water | Inside | Residential & Commercial | 19¢ | 50¢ |
| | Outside | Residential & Commercial | 25¢ | 50¢ |
| | Inside | Industrial | 13¢ | none |
| | Outside | Industrial | 16¢ | none |
| 1/3 Rate Increase for Sewer | Inside | Residential & Commercial | 32¢ | none |
| | Outside | Residential & Commercial | none | none |
| | Inside | Industrial | 12¢ | none |
| | Outside | Industrial | none | none |

10% senior citizen discount for household accounts using less than 5,000 gallons of water and sewer treatment, beginning at age 65 or older.

Electric: Residential base rate of \$7.88 increased to \$10.00. Commercial business tariffs - reduced based on new rates projected by MEAG.

Senior citizen discount of 10% for senior household accounts with a \$5.00 credit in the base rate, beginning at age 65 or older, for senior homeowners.

No projected increases in ad valorem taxes or business license taxes for residential, commercial or industrial customers.

**A RESOLUTION AUTHORIZING
THE CONDEMNATION OF CERTAIN LANDS
OF WALTER F. HACKETT, JR.
FOR A PUBLIC STREET**

WHEREAS, the City of Calhoun has constructed a new elementary school on 41.992 acres in Land Lots 229 and 230 in the 14th District and 3rd Section of Gordon County, Georgia; and

WHEREAS, as a part of said construction, certain access streets and roads are required to accommodate transportation service to and from the elementary school for students and the general public; and

WHEREAS, it has been determined that necessary access to the elementary school property can be had from Creekview Drive across portions of Lots 15 and 16 of the Creekview Subdivision owned by Walter G. Hackett, Jr.; and

WHEREAS, the City of Calhoun is authorized pursuant to Article I, Section 1-103(A) of its City Charter to acquire real property by condemnation for street and road purposes;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Calhoun, Georgia, that condemnation proceedings be filed in the Superior Court of Gordon County, Georgia, seeking to convey fee simple title to certain lands owned by Walter G. Hackett, Jr. for street and transportation purposes, said lands described as follows:

All that tract or parcel of land lying and being in Land Lot 229 in the 14th District and 3rd Section of Gordon County, Georgia and described as follows: BEGINNING at the Northeast corner of Lot 16 of Creekside Estates (as shown on a plat of survey for Walter G. Hackett, dated June 28, 1978, prepared by A. H. Horne G.R.L.S. No. 1529 and recorded in the office of the Clerk of the Superior Court of Gordon County, Georgia in Plat Book 10 Page 58) thence South 00 degree 10 minutes 00 second West 22.66 feet to a point; thence Northwesterly along an arc having a radius of 240 feet, a tangent of 26.06 feet and a length of 51.92 feet to a point; thence North 70 degrees 07 minutes 31 seconds West 66.33 feet to a point; thence Northwesterly and Southwesterly along an arc having a radius of 25 feet, a tangent of 25 feet and a length of 39.27 feet to a point on the existing right of way of Creekview Drive; thence Northeasterly along the existing right of way of Creekview Drive along an arc having a radius of 245.44 feet, a tangent of 12.42 feet and a length of 24.82 feet; thence continuing along the arc of the existing right of way of Creekview Drive Northeasterly with said arc having a radius of 50 feet, a tangent of 26.42 feet and a length of 48.61 feet; thence continuing along the arc of the existing right of way of Creekview Drive Northerly with said arc having a radius of 50 feet, a tangent of 12.25 feet and a length of 24.03 feet; thence South 70 degrees 07 minutes 33 seconds East 63.82 feet; thence Southeasterly along an arc having a radius of 300 feet, a tangent of 14.57 feet and a length of 29.12 feet; thence

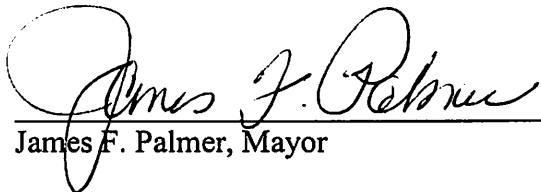
South 00 degree 48 minutes 48 seconds West 45.34 feet to the POINT OF BEGINNING.

Said tract of land being portions of Lots 15 and 16 of the Creekview Subdivision and being 3263 square feet off Lot 15 and 3392 square feet off Lot 16 all as shown and described on a plat of survey for the City of Calhoun, dated October 28, 2003, prepared by David L. Glass, G.R.L.S. No.2822, recorded in the office of the Clerk of the Superior Court of Gordon County, Georgia in Plat Book 43 Page 35 and said plat and the record thereof are made a part of this description and instrument by reference.

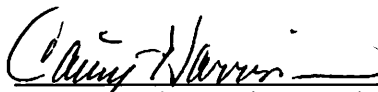
BE IT FURTHER RESOLVED that the City Attorney is authorized to file in the City's name condemnation proceedings under the Special Master method (O.C.G.A. Section 22-2-101, et seq.) as soon as reasonably possible and obtain a judgment awarding fee simple title to property for a sum certain and satisfactory to the City to be paid immediately by the City into the registry of the Clerk of the Superior Court of Gordon County, Georgia.

SO RESOLVED this 10th day of May 2004, in an open, regularly called meeting.

CITY OF CALHOUN, GEORGIA


James F. Palmer, Mayor

ATTEST:


Cathy Harrison, City Administrator/Clerk