

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
MARCH 8, 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. Councilman Denmon gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the February 23, 2004 regular City Council meeting were approved as written.
4. Mayor's comments:
 - a. Mayor Palmer reminded the Council of the training presented by the Carl Vinson Institute of Government on March 16, 2004 from 9:00 a.m. until noon at the Depot.
 - b. Mayor Palmer reminded the public of the Georgia Cities Week, sponsored by the Georgia Municipal Association during the week of April 18 through 24. He also reminded them of the essay contest for 6th graders entitled "If I Were Mayor." There will be 12 winners in the state; each will receive \$250.00 savings bonds and will have an opportunity to have lunch with the Governor.
 - c. Mayor Palmer reminded everyone that the registration for candidates to fill the unexpired term of Councilman Shelton will begin on April 26 through April 30, 2004 at City Hall.
5. Council Comments:
 - a. Mayor Palmer stated:
 - 1) In the month of February, the Calhoun police department made 723 cases, issued 125 warrants, 96 speeding tickets, and 502 others. Actual fines collected on previous cases were \$79,695.96. They made 13 DUI cases and issued 362 warnings tickets. They had 78 highway accidents with 7 injuries, provided 108 escorts, and responded to 165 alarms.
 - 2) The fire department responded to a total of 66 calls for service during the month of February, with 9 fire incidents causing estimated damages of over \$12,500.00. They provided 23 rescue and emergency medical responses to incidents with 23 injuries. There were 14 hazardous condition incidents, 3 service calls, 3 good intent calls and 12 false alarms.

The department completed training for all firefighters on breathing apparatus use and safety. They conducted safety education classes at Station 1 for 80 children from Swain school. The inspection division conducted 63 inspections during the month. They completed all routine maintenance of stations and vehicles.

b. Councilman Denmon stated:

- 1) The waste treatment plant treated an average flow of 9.03 million gallons per day. The average BOD effluent was 12, the average suspended effluent was 20 and the average COD effluent was 89.
- 2) The water and sewer construction department completed 43 water taps and 4 sewer taps. They installed 1250 feet of 6-inch water line to the Gordon County chert pit on Highway 136. They completed water and sewer line work in the downtown area. They repaired 68 water leaks and 28 meters and responded to 106 miscellaneous calls.
- 3) The water treatment plant pumped a total of 350,000,000 gallons of raw water during the month of February for a daily average of 12.078 MGD. This is up from a year ago. 31% of the raw water was from the wells off Brittany Drive.
- 4) The Building Inspector issued 38 permits for estimated construction of \$2,561,200.00. Of this, \$1,694,000.00 was for new residential construction.

c. Mayor Pro Tem Potts stated:

- 1) The street department placed 12 new street signs during the month and completed 33 shop work orders. They milled and paved Court Street and Park Avenue for the downtown Streetscape project, and paved Chastain Street below Fain Cemetery. They sawed and removed 250 feet of a failed section of North Industrial Blvd. and put down new stone base. They worked at the Ranger, Plainville, Mason Road and Kirby Water Tank Roads, cutting trees, hauling stone and scraping with a motor grader.
- 2) The sanitation department ran their commercial trash routes and serviced and washed vehicles.
- 3) The parks department crews installed a metal roof and painted the new room addition at the Red Bud Road pump station for Cal-net. They worked on a storage room at the water treatment plant, in addition to maintaining all city property, water tank sites and right-of-ways.
- 4) The cemetery department marked and supervised the opening and closing of 9 gravesites. They performed routine maintenance at both Fain and Chandler Cemeteries.
- 5) There was 1 workers' comp accident and 2 vehicle accidents during the month. A safety inspection was conducted at the water treatment plant.
- 6) Animal control housed 35 dogs and 9 cats. They issued 6 first warnings, 2 second warnings and 1 third warning for leash law violations. They responded to 55 customer calls.

d. Councilman Crowley stated:

- 1) The electric department completed work at the Calhoun Elementary and Middle Schools and continues work on the Streetscape project. They completed work on the First Baptist Church expansion. The projects that are in engineering and design are Towne Lake Gardens, Brookstone, and the Laurel Ridge Development, as well as the water plant pumping

expansion. They are also working on the line expansion project along Curtis Parkway and the new traffic signals that will be at the C. L. Moss Parkway and River Street and at Curtis Parkway and Laurel Place. The work orders in process included 74 for street and security lighting, 8 new business and maintenance, and 8 after hours callouts. They purchased wholesale power of 30,572,671 kWh.

- 2) The electric inspection division issued 6 permits in the month of February, provided 44 inspections and set 5 meters.
- 3) The telecommunications department made 9 new contacts during the month resulting in 1 new Internet customer. They also provided quotes for 3 new services and started construction on 2 new customer service lines and completed one. They added fiber at the Depot to increase customer access ports.

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 new zoning of R-1B and annexation of Lots 6, 7, 8, and 21, plus part of lot 9 of the George Fox Estate on Peters Street by Larry Dixon for development of a single-family housing subdivision.

- 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 March 4, 2004 at 4:30 p.m. They determined the area used as a private cemetery would be donated to a resident who owns the adjoining property to square up her lot, with the understanding that she would maintain the cemetery property and would pay the survey fee for squaring up her lot. They also determined the houses that would be built would be covered by covenants; would be in the price range of \$114,000.00 and up; would be on lots of at least 10,000 square feet; and the houses would be 1,150 square feet or larger. The developer would build some of the houses; however other developers would be able to purchase and build homes. It was the recommendation of the Zoning Advisory Board to approve the request.
- d) Mayor Palmer asked if there were any comments by the applicant or by the general public.
- e) Mr. Dixon stated he was available to respond to any questions the Council might have.
- f) There were registered speakers but no one had any comments. There were no additional comments or questions by the Council and the hearing was closed.
- g) Mayor Pro Tem Potts made a motion to waive the third and fourth reading and approve the request based upon the findings of the Zoning Advisory Board as to the following conditions:

- (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 in the unincorporated area of the county has a limited economic use.
- (4) The zoning proposal would add stress to existing streets.
- (5) Costs for capital improvements for the property would be borne by the developer.
- (6) The proposal is in conformity with the policy and intent of the land use plan.
- (7) The request of an adjoining property owner to obtain title and with an offer to keep up the cemetery will be a favorable factor regarding the proposal.
- (8) The development of single family housing in the area will be more favorable than other types of development.

It was understood that the cemetery area would be deeded by quit claim deed to the adjoining property owner and would be maintained by her. The annexation would include that area, since the adjoining property is also inside the city limits. The motion was seconded by Councilman Crowley, with Mayor Pro Tem Potts, Councilman Crowley, and Councilman Denmon voting affirmatively, motion carried.

- 2) Mayor Palmer gave a second reading of a request for new zoning of C-2 and annexation of Lot numbers 55, 56, 57, 58, 59, 60, 61, 62, and 63 at 1228, 1230 and 1232 Highway 41 North by Clara J. Gallman.
 - 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 March 4, 2004 and determined the applicant had no immediate plans for development of the property but wished to annex and zone the property commercial, since it is presently surrounded by commercial property. Mayor Pro Tem Potts stated it was the recommendation of the Zoning Advisory Board to approve the request.
 - d) Mayor Palmer asked if there were any comments by the applicant or the public. There were none and the hearing was closed.
 - e) 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 based on the findings of the Zoning Advisory Board which were as follows:

- (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 in the unincorporated area of the county has a reasonable economic use.
- (4) The zoning proposal would not add any excess burden to existing infrastructure.

- (5) Costs for capital improvements for the property would be borne by the developer.
- (6) The proposal is in conformity with the policy and intent of the land use plan.
- (7) The trend of all the property in this area is to move toward commercial development.
- (8) There are no known factors to balance promoting public health or the general welfare against the right of unrestricted use of the property.

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 a public hearing on the revolving loan request for \$350,000.00 by Ashton Calhoun, LP for renovation of the Calhoun Garden Apartments. Councilman Crowley stated the Revolving Loan Commission had met on February 27 and had reviewed the application thoroughly. He stated based upon the lack of jobs, which is a direct criteria of the program, and also lack of funds for the request, they had recommended denial of the request.
 - a) Mayor Palmer asked if there were any comments by the applicant.
 - b) Mr. Tim Womack of Ashton Calhoun LP stated his company was applying for DCA tax credits in order to renovate the Calhoun Garden Apartments. He stated the renovation would include modernizing the area and making it more comfortable and accommodating for the residents. He stated in order for the company to have a complete application and receive as many points for government support as possible, a revolving loan would be needed. The company reported they had been able to secure a higher first mortgage from HUD and would be able to reduce the borrowing that would be necessary from the revolving loan to \$90,000.00 and would not need the funds until 2005. They also stated they would be able to repay the loan within a 10 year period.
 - c) Mayor Palmer stated even for the reduced funds needed, there would still be a lack of jobs created. He stated the program's main target is economic development and job creation. He stated he did not feel the request presented by Ashton Calhoun conformed to the criteria of the revolving loan fund and based upon the small amount of funds available, it would not be an appropriate loan. The company asked that the request be tabled in order to allow them an opportunity to reevaluate their situation and determine if they would be able to better meet the guidelines of the program.
 - d) Councilman Crowley made a motion to table the hearing, second by Councilman Denmon, with Councilman Crowley, Councilman Denmon, and Mayor Pro Tem Potts voting affirmatively, motion carried.

7. Old business:

- a. Mayor Palmer gave a second reading of a request to amend the procurement card policies and procedures. Administrator Harrison stated the request is to amend the maximum amount of \$500.00 per item in some cases, to be determined by the finance officer and by the affected department head. However, the monthly limit of \$5,000.00 per individual authorized to use the procurement cards would not be increased. Mayor Palmer inquired if there were any questions or additional amendments. There were none. Mayor Pro Tem Potts made a motion to approve the amended policies and procedures for procurement cards, as stated. The motion was seconded by Councilman Crowley, with Mayor Pro Tem Potts, Councilman Crowley, and Councilman Denmon voting affirmatively, motion carried.

8. New business:

- a. Mayor Palmer gave a first reading of a request for rezoning from R-2 to R-1B by Kevin and Brenda Allen for approximately 8.3 acres of land off Henderson Bend Road for development of a single family home subdivision. Mayor Palmer stated the earliest date for a public hearing would be April 12, 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 an amendment to the fee resolution to add commercial and industrial cost recovery fees for water and sewer infrastructure development and to amend the water and sewer connection fees for residential customers. Kelly Cornwell, Director of Utilities, stated at this time, the city is completing major sewer interceptor projects and as these are being installed, it is necessary to review the policy, since the city currently does not have a policy to cover installations that extend into the unincorporated areas of the county. He stated the fees for these areas and also connections in the city are being considered in order to cure inequities in the current policy. (See "Exhibit A" attached hereto.) Mayor Palmer stated a second reading of the cost recovery fees could be held on March 22, 2004.
- c. Mayor Palmer gave a first reading of a request for a taxi license by Alba A. Parra, d/b/a Taxi Acapulco, an existing business. The business is currently operated by the applicant's father, who is returning to Mexico. She is currently a registered driver for the business and wishes to continue the business in her name. Mayor Palmer stated the commercial address for the business would be 1108 South Wall Street, Suite 3. Councilman Crowley made a motion to set the public hearing for March 22, 2004, second by Councilman Denmon, with Councilman Crowley, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.
- d. Mayor Palmer gave a first reading of a zoning variance request by Gary Duke for a 10-foot setback variance from the rear property line for property at 418 Elm Street. Mayor Palmer stated the earliest date for a public hearing would be April 12, 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.

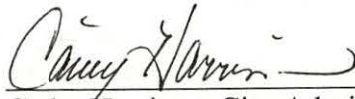
- e. Mayor Palmer gave a first reading of a rezoning request from Industrial to R-1B zoning by DMK Holdings, LLC for 17 acres on New Zion Road. He stated the earliest date for a public hearing would be April 12, 2004 at 7:00 p.m. Councilman Denmon made a motion to set the public hearing for that date and time, second by Councilman Crowley, with Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.
9. Other written items not on the agenda: **none.**
10. Work Reports:
 - a. Kelly Cornwell, Director of Utilities: **none.**
 - b. Eddie Peterson, Director of Public Safety and Public Works: **none.**
 - c. Mayor Palmer stated that both had submitted work reports during the work session and he asked that these be made a part of the official minutes as “Exhibit B” and “Exhibit C.”
11. Attorney Bailey stated the city is currently procuring property from Spring Bank LLC, formerly known as Bowater, for a tank site off Shaw Road. This property is being purchased for \$3,500.00 per acre and due to the low price, the company is requiring an easement 50 feet wide on said property in order to have access to adjoining property. This would be a non-exclusive perpetual easement for joint access of the easement. The joint access would be by Spring Bank LLC or its later owners and the City of Calhoun. He asked the Council to authorize the Mayor to sign the easement that would be completed prior to the next meeting. The easement would have gated access for both parties. Following discussion, Mayor Pro Tem Potts made a motion to approve the purchase of the property and to authorize the Mayor to sign the non-exclusive perpetual easement which would grant gated access to both parties. The motion was seconded by Councilman Denmon, with Mayor Pro Tem Potts, Councilman Denmon and Councilman Crowley 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”

10. **Cost Recovery Fees:**

a. **Cost Recovery and Connection Fees – Water:**

RESIDENTIAL						
Size	City			County		
¾ inch	\$1,500.00 (Single Family)			\$2,250.00 (Single Family)		
¾ inch	Multi-family Residential – \$1,500.00 each for first two units, \$1,200.00 per unit thereafter.			Multi-family Residential – \$2,250.00 each for first two units, \$2,000.00 per unit thereafter.		
1 inch	\$1,600.00			\$2,400.00		
COMMERCIAL AND INDUSTRIAL						
	City			County		
	Capacity	Install. Fee	Total	Capacity	Install. Fee	Total
2 inch	\$5,000	\$2,250	\$7,250	\$7,500	\$2,250	\$9,750
4 inch	10,000	15,286	25,286	15,000	15,286	30,286
6 inch	15,000	20,318	35,318	22,500	20,318	42,818
8 inch	20,000	24,690	44,690	30,000	24,690	54,690
10 inch	25,000	26,390	51,390	37,500	26,390	63,890
12 inch	30,000	39,150	69,150	45,000	39,150	84,150

b. **Cost Recovery and Connection Fees – Sewer:**

Line Size	City	County
4 inch	Residential: \$1,500.00 single family;	Residential: \$2,250.00 single family;
4 inch	Multi-family Residential – \$1,500.00 each for first two units, \$1,200.00 per unit thereafter.	Multi-family Residential – \$2,250.00 each for first two units, \$2,000.00 per unit thereafter.

City Commercial/Industrial	County Commercial/Industrial
\$1,000.00 per acre of land and \$.50 per gallon of capacity.	\$1,500.00 per acre of land and \$.75 per gallon of capacity.

Note: Hotels and motels are included in commercial/industrial fees.

“EXHIBIT B”

Water & Sewer

Special Projects Status Report

By Kelly Cornwell

March 8, 2004

- Mauldin Road Water Treatment Plant Modifications and Water System Improvements, Phase IV: Construction of the Sugar Valley Tank is scheduled to begin in March, 2004. Engineering has begun on the Mauldin Road WTP improvements. Delivery of the two new high service pumps should be in March. Delivery of the new rate of flow control valves and meters should be in March. The construction has begun for the 85,000 feet of new water mains as part of the DWSRF project. We have 20,000 feet installed to date. We are waiting for Submittals for the new motor control centers.
- Mauldin Road Water Treatment Plant (Carbon Feed System for taste and odor): The installation is complete.
- Wastewater Treatment Plant Modifications: The Lime System is in place and in operation. The projects completed to date as part of the CWSRF Project are: New Belt Press, Sludge Conveying System and the Lime System. The sludge holding facility is complete. We are evaluating the bids on the Grit Collection System and reviewing bid documents for Aeration and Clarification equipment. The two old basins have been cleaned of sludge and debris.
- North Interceptor replacement Sewer: The contractor has installed all the pipe for the project and is working on final clean up and paving.
- The Gordon County/City of Calhoun Sewer Projects - Sonoraville Project design is 95% complete. We have given the county the easement drawings. This will allow the county to proceed with easement acquisitions. The county has obtained some of the easements to date, with several remaining.
- Surveying for the 41 South Sewer Project is underway with approximately 60% of the surveying completed. Testing for rock has been completed on the first 7000 feet and only small amounts were found.
- Environmental Protection Agency - Vulnerability Assessment: EPA as part of the “Homeland Security Act” is requiring all water systems to complete a vulnerability assessment of their water systems. The time frame for completion is based on population served. Our deadline is June 30, 2004. In addition to the assessment we will have to develop an Emergency Response Plan along with addressing the possible threats by implementing countermeasures. We are now 45% complete with the assessment.

“EXHIBIT C”

Work Report

By: Eddie Peterson

March 2004

1. **Erosion and Sedimentation Meeting:** We held a meeting on February 17, 2004, at the depot, to assist local developers and contractors with the new permit system associated with storm water discharges from construction activities. The turnout was excellent with over 40 interested parties attending. Amy McGowan and Mark Wyland, with EPD, attended the meeting and were helpful in answering questions. One topic of special interest was the retroactive fee of \$80 per disturbed acre as of August 13, 2003.
2. **G-8 Summit:** The Georgia Office of Homeland Security has requested Calhoun provide assistance during the G-8 Summit which takes place June 8-10, 2004. Sending two investigators, one k-9 unit, and two certified accident investigators. Lieutenant James Pyle, Investigator - Command and Control, Sergeant Javier Marquez (bi-lingual) K-9 unit, Detective Dianne Kirby, Investigation, Officer Timothy Poarch, Certified Accident Investigator, and Arnold Gillman, Certified Accident Investigator. Expenses paid by State and Federal Govt. Police Chief Goswick has received orders from the Department of Defense to provide assistance to the new government in Tbilisi, Georgia. He will leave the United States on March 12 and return on March 21, 2004.
3. **Recreation Board Meeting:** The Recreation Board met on March 2, 2004 to discuss proposed SPLOST projects. The Board members are; Tommy Curtis, Chairman, Forrest Collins, Russ Edwards, Melanie Moore, Grant Walraven. Priority projects included; (1) refurbishing the swimming pool restrooms and changing area to conform to ADA requirements, (2) install new children's playground equipment which was destroyed during May 1,2002 storm, (3) construct four new tennis courts, repair existing courts, install lighting system, build tennis center building, (4) determine 58 acre park construction schedule.
4. **Downtown Streetscape:** Things went good for a while. There is a problem with the light fixture foundations. It seems that the light pole foundations were not constructed as designed. Hopefully, the foundation problem can be resolved this week. The items left on the Valley Crest contract include; light fixture installation, roadway striping, stamping and coloring cross walks, and signage. The application for phase II of our Streetscape program is being reviewed by the Transportation Enhancement Committee and will be forwarded to the Georgia DOT Board by the first week in April. Announcements on funding will be made the first week in May 2004. Our second phase application is for \$1,000,000 in TE money with \$200,000 matching City funds.
5. **New School Access:** We are continuing to work on design for the entrance to the new school. Please find attached a drawing indicating turn and through lanes on Curtis Parkway and Laurel Lane. We have completed the road design off of Creekview and are waiting for an appraisal from Rominger & Associates. A third school access could be constructed between Linda Lane and the school property. Linda Lane and the school property join so the construction would be fairly simple.
6. **DOT North 41 Traffic Study:** The DOT Office of Planning said that our us 41 north transportation study is complete and their office in making final analysis for recommendations. We should have the report by the end of March 2004.
7. **Union Grove Interchange:** There was a meeting at the Georgia DOT office in Atlanta on March 4,2004 at 3:00 P .M. Those in attendance were; DOT Commissioner Harold Linnenkohl, Representative Tom Graves, Senator Don Thomas, Transportation Board Member Mike Evans (via phone), George Crowley, Alvin Long, Randy Dowling, Jim Quest, Jimmy Phillips, Gerald

Pass, Peter Honman, Tom Moreland, Mark Lyle, and Eddie Peterson. The primary topic of business was the Union Grove Interchange (project NH-STP- 75-3)203). The current issues were; right-of-way, environmental studies, and engineering. It was determined that the environmental study should be complete by May 2004 rather than May 2005. If there are no critical environmental findings the review process should take five to six months. Gordon County provided \$80,000 in 2003 for the environmental impact study. The survey work would be complete by the end of March 2004. Commissioner Linnenkohl recommended that right-of-way be acquired during 2005 rather than 2006. Another issue was the alignment of the interchange with US 41 and Belwood Road. This alignment is important due to the South Calhoun Bypass Project (STP-00MS(7) which will begin at SR 53 south of Calhoun and travel eastward to tie back into SR 53 on the east side of Calhoun. Right-of-way for the interchange was projected at \$2,600,000 and the construction project at \$20,000,000 which would be Federal Highway Funds. Mike Evans commented that the Union Grove Interchange Project was one of his highest priorities as a member of the Transportation Board. Tom Graves indicated his full support of the project due to the importance of job creation, safety, and traffic patterns. The general feeling was that this project should be let in 2006. The King property project near US 41 south was briefly discussed. There is a current county contract for the entrance off of US 41 and Commissioner Linnenkohl suggested that the County request another contract after July 1, 2004 for the remaining part of the project.

8. **McDaniel Station Road:** The DOT has received complete engineering packets from Calhoun on the SR 53 and McDaniel Station Road intersection. The intersection will have signalization, turn lanes on SR 53, and approach reconstruction on both sides of McDaniel Station Road. This is a project that Commissioner Linnenkohl indicated he would try to expedite. There is an environmental impact associated with the lake on the south east quadrant and right-of-way acquisition.
9. **Sign Ordinance:** We have talked about political signs recently. This information was provided at the last Zoning Administrators meeting I attended.

Granite State Outdoor Advertising v. City of St. Petersburg, 348 F.3d 1278 (11th Cir. 2003)

Billboard company challenged St. Petersburg's sign regulations. After reviewing the entire sign ordinance, the district court invalidated and severed three provisions: (1) a provision prohibiting the display of political signs until 45 days or fewer before an election; (2) a provision limiting the maximum size of a free speech sign to four feet; and (3) a provision stating that signs may not be displayed on sea walls and piers unless they are approved by the City Manager. The Court of Appeals affirmed this ruling and went on to consider the question of whether time limits were required for a decision. The Court first determined that the ordinance was content-neutral, which entails a lesser standard. In determining whether restriction on speech is content-based or content-neutral, the government's objective in regulating speech is controlling consideration; more specifically, if government's reasons for regulating speech have nothing to do with content, then regulation is content-neutral. St. Petersburg's off premise sign ordinance was content-neutral, where is stated on its face that it was enacted to promote uniformity, preserve aesthetics, and foster safety and Court's review of record did not suggest that ordinance discriminated impermissibly based on content.

The Court further held that the ordinance contained adequate standards to guide official decision making, and its failure to specify any time limits for processing permit application did not give city officials undue discretion so as to render it facially invalid under First Amendment; city officials could only process permit applications based on objective criteria set forth in ordinance, no official was able to reject application simply because of proposed content, and anyone adversely affected by ordinance could resort to either administrative review or courts.

Finally, the Court noted that even if it were to invalidate the sign ordinance in its entirety, it still would not order the City to allow the erection of the billboards, based on the contention that the billboards would violate other provisions of the zoning ordinance – for instance, provisions relating to safety, wind loading, and building codes.

