

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
CALHOUN, GA
APRIL 25, 2005, 7:00 P.M.**

MINUTES

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

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

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance. Councilman Hammond gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Mayor Palmer asked if everyone had reviewed the April 11, 2005 regular City Council minutes and stated that he would entertain a motion for approval. Mayor Pro Tem Potts made a motion to approve as written, second by Councilman Denmon, with Mayor Pro Tem Potts, Councilman Denmon, Councilman Crowley, and Councilman Hammond voting affirmatively, motion carried.
4. Mayor's comments:
 - a. Mayor Palmer expressed appreciation to the Gordon County Officials and to the City Officials of Fairmont, Resaca, Plainville, and Ranger for the productive meeting held on April 21, 2005, regarding the continuation of the SPLOST tax for vital community projects. He stated that each government is to forward their proposed budgets for the SPLOST tax and the County Attorney will move forward with a November 2005 referendum for the continuation of the SPLOST tax.
Mayor Palmer stated the City's SPLOST budget will include water and sewer projects. The primary water project being the spring. This will include piping and filtration to connect "Big Spring" water flow to the City's current water system.
The second major project will be the mandated treatment of phosphorous at the sewer plant that will be required within the next few years. This will affect every sewer user. The budget will also include water and sewer line extensions and construction and equipping of a fourth fire station on the west side of the railroad.

- b. Mayor Palmer reminded the Council of a public hearing for May 9, 2005 at 7:00 p.m., regarding the beer, wine and liquor pouring license of the El Rayos Restaurant Inc. Luis Ruc Fitz Solis, President and Manager at 360 Belmont Street.
 - c. Mayor Palmer reminded the Council and public of the City's first budget hearing for the 2005-2006 fiscal years. Said hearing to be on May 9, 2005 at 7:00 p.m.
 - d. Mayor Palmer reminded the Council and public of zoning hearings scheduled for May 23, 2005:
 - 1) An R-1B zoning and annexation request of Terry Brumlow, agent for Gerald W. and Edith King for approximately 48 acres in land lot 122 of the 15th district, 3rd section of Gordon County, GA, off Nelson Lake Road.
 - 2) An Industrial / R-1B residential zoning and annexation request of Clarence B. King for approximately 105 acres off Union Grove Road and a small portion fronting on Hensley Road. (Industrial zoning for approximately 102 acres and R-1B for approximately 3 acres.)
 - 3) A zoning variance request by Carrie Smith, agent for Ronald and Landa Culberson. The request is for a 30 foot variance to the setback on the North and South sides of the property to allow construction of an Emergency Veterinary Clinic at 1318 Hwy 41 South, Calhoun, GA.
5. Public Hearings and Comments:
- a. Mayor Palmer stated at this time the public hearings would be opened on zoning matters. The public will 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 must have filed a financial disclosure statement, five days prior to the hearing. Also each person must give their name and their address. Mayor Palmer inquired if any elected official had filed or needed to file a disclosure statement regarding ownership or any special interest in any agenda item. The response was negative for each one.
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 the 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) A request by the Moss Family Inc., Truett Moss, Senior, President for a 10 foot rear setback variance to accommodate an addition to an existing building at Challenger Carpet on highway 41 south.
- a) A public hearing was opened.
- b) Harrison reported that notices to the adjoining property owners, signs had been placed on the property, and notices to the local legal organ had been completed.
- c) Mayor Pro Tem Potts stated this matter was heard by the Zoning Advisory Board on April 7, 2005 at 4:30 p.m. The 10 foot setback variance would be to accommodate an addition to an existing building at Challenger Carpet on highway 41 south. The building would need to have sprinklers and be brought up to code. Also, there are no hydrants in the area. Therefore, hydrants will be required to be provided by the owner. It was reported that Mr. Moss is seeking proposals from sprinkler companies and will make a final decision regarding the building expansion.
The Zoning Advisory Board made a recommendation to approve the variance request of a 10 foot setback provided all issues as addressed were implemented.
- d) Mayor Palmer asked if there were any comments by the applicant. Mr. Truett Moss stated that he had no comments but was available for questions.
- e) Mayor Palmer asked if there were any comments by the public or Council, there were none. The public hearing was closed.
- f) Mayor Pro Tem Potts stated the findings of the Zoning Advisory Board were:

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 would cause an excessive burden on existing streets, utilities or schools.
- (5) The capital costs to serve the area will be borne by the owner.
- (6) The proposal is in conformity with the policy and intent of the land use plan and will infill an area.
- (7) There are no 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.

- g) Mayor Pro Tem Potts made a motion to approve the zoning variance request of 10 feet for the location on highway 41 south, the motion was second by Councilman Crowley, with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon, and Councilman Hammond, voting affirmatively, motion carried.
- 2) A request for zoning of C-2 an annexation of 1.66 acres at the intersection of Curtis Parkway in Kent Lane, by Donald E. Taylor as agent for J. Haley Stephens, Mary Lynn Kelly, and Christina Roberson.
 - a. A public hearing was opened.
 - b. Harrison reported that notices to the adjoining property owners had been completed, signs placed on the property, and notices to the local legal organ had been completed.
 - c. Mayor Pro Tem Potts stated this matter also had been heard on April 7, 2005 at 4:30 p.m. It was determined that the building to be located on the property will be one story. It will have several doctor offices including space for four doctors and two nurse practitioners. The developer will be required to install a fire hydrant since the nearest one is over 700 feet from the proposed location.
 - d. Mayor Pro Tem Potts stated that the recommendation based upon the zoning standards by the Zoning Advisory Board was to recommend approval of the C-2 zoning and annexation request.
 - e. Mayor Palmer asked if there were any comments. Attorney Thomas Shanahan stated that he represented Dr. Taylor and Dr. Morgan, and they would establish a facility for the OBGYN medical offices that they would build according to the required standards.
 - f. Mayor Palmer asked if there were any comments by the public or by the Council, there were none. The hearing was closed.
 - g. Mayor Pro Tem Potts stated the findings of the Zoning Advisory Board were:

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 would cause an excessive burden on existing streets, utilities or schools.
- (5) Any capital costs associated with the development will be at the expense of 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 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.

- h. Mayor Pro Tem Potts stated that based upon those findings she would make a motion approving the C-2 zoning and annexation of the 1.66 acres at the intersection of Curtis Parkway in Kent Lane. The motion was second by Councilman Hammond, with Mayor Pro Tem Potts, Councilman Hammond, Councilman Denmon, and Councilman Crowley voting affirmatively, motion carried.
- 4) Mayor Palmer stated that items three through nine on the agenda are listed in order of annexation based upon properties being contiguous and that since they are inter-related, they will be discussed at one time. However, they will be voted on independently and they will initially be read independently. They are as follows:
 - a. A request for zoning of R-1B and annexation of a lot at 1174 McDaniel Station Road, between McDaniel Station and the railroad, on the corner of Salem Church Road, by Terry Brumlow as agent for Ruth Ann Logan. Open public hearing. Report of Harrison on notices. Report of Zoning Advisory Board. Comments. Close hearing. (May be approved, denied or continued.)
 - b. A request for zoning of R-1B and annexation of 2.927 acres on McDaniel Station Road, directly across from the end of Salem Church Road, by Terry Brumlow as agent for B & J Development Company, LLC. Open public hearing. Report of Harrison on notices. Report of Zoning Advisory Board. Comments. Close hearing. (May be approved, denied or continued.)
 - c. A request for zoning of C-2 and annexation of 1.624 acres on McDaniel Station Road, just south of Salem Church Road, by Terry Brumlow as agent for Kevin Vaughn. Open public hearing. Report of Harrison on notices. Report of Zoning Advisory Board. Comments. Close hearing. (May be approved, denied or continued.)
 - d. A request for zoning of R-1 and annexation by the City of Calhoun for property 2.82 acres on McDaniel Station Road just south of the Salem Church Road intersection, which contains a 6 million gallon water reservoir. Open public hearing. Report of Harrison on notices. Report of Zoning Advisory Board. Comments. Close hearing. (May be approved, denied or continued.)

- e. A request for zoning of R-1B and annexation by Terry Brumlow as agent for Gregory Leonard and Carla J. Saunders of 16 acres on Nelson Lake Road. Open public hearing. Report of Harrison on notices. Report of Zoning Advisory Board. Comments. Close hearing. (May be approved, denied or continued.)
- f. A request for zoning of R-1B and annexation of a parcel approximately 100 x 2,000 feet off of Nelson Lake Road by Terry Brumlow as agent for Gerald King. Open public hearing. Report of Harrison on notices. Report of Zoning Advisory Board. Comments. Close hearing. (May be approved, denied or continued.)
- g. A request for zoning of R-1B and annexation of 70.659 acres off McDaniel Station Road by Terry Brumlow as agent for B & J Development Company, LLC. Open public hearing. Report of Harrison on notices. Report of Zoning Advisory Board. Comments. Close hearing. (May be approved, denied or continued.)

Mayor Palmer inquired regarding notification.

Harrison stated the notices had been forwarded to all adjoining property owners, signs had been placed on the property and notices had been forwarded to local legal organ.

Mayor Pro Tem Potts stated the Zoning Advisory Board had also heard these matters on April 7, 2005. She stated there are seven tracts being requested for zoning and annexation. Six of those tracts are accommodating annexation and zoning requests associated with tract number 7. Terry Brumlow is the agent for all with the exception of the City's.

Item F which is tract 6 is a partial request by Mr. Brumlow as agent for Gerald W. King, but since the initial hearings, an additional 48 acres for zoning and annexation has been filed by Mr. King. This matter will be heard and finalized on May 23, 2005.

Mayor Pro Tem Potts stated that the findings of the Zoning Advisory Board were to recommend approval of zoning of R-1 B an annexation of items a, b, e, f, g. Item c to be zoned C-2 and annexed. Item d owned by the City of Calhoun would be zoned R-1 and annexed.

At this point Mayor Pro Tem Potts stated the City Council had received a copy of a letter from Mr. Winifred VanEvery of 175 Spencer Drive. She stated he had several comments regarding the growth of the City of Calhoun and the proposed expansions by the City. He was opposed to the numerous requests for the annexation. Mayor Pro Tem Potts asked that his letter be made a part of the official record. She also stated that she would like to make a few comments regarding the growth in the city and county.

April 21, 2005

RE: McDaniel Station/ Nelson Lake .Annexation and Rezoning

The Honorable Jimmy Palmer
City of Calhoun
226 S. Wall Street
Calhoun, Georgia 30701

Dear Mayor Palmer,

I am a retiree who has recently moved to Calhoun from Florida. I am writing to express my concerns over the annexation and rezoning proposed by B & J Development and others which will be considered at the City of Calhoun meeting of April 25, 2005 which I will not be able to attend. I live in a small development off of Nelson Lake Road which would be impacted by this potential development. My concerns are listed below:

*** The zoning proposal would put an excessive burden on the City of Calhoun's Police and Fire Departments.** There is a concern that the Fire Department and Police Department would be "stretched thin" from the additional public safety requirements of this R-1B development. In fact, Wayne Brown stated at the: Zoning Board meeting on April 7th that his department would not be able to provide the same level of service to this remote area.

*** The zoning proposal would put an excessive burden on other city services.** The City of Calhoun's garbage and brush collection, street cleaning, water and animal control services would be burdened by the annexation of these 92 acres, and the acreage which would inevitably follow:.

*** The zoning proposal would put an excessive burden on existing streets.** Both McDaniel Station and Nelson Lake Road are narrow, winding county roads. In fact Nelson Lake is only 18 feet wide and McDaniel Station 20. There are no shoulders or curbs on these roads and in most places there are deep drainage ditches on both sides of the road. If two wide vehicles are passing on Nelson Lake Road, both must come to a crawl in order to pass safely. Once the Mountain area Transportation mini-bus fell into the ditch on Nelson Lake Road to avoid a passing car. Thankfully, no one was injured, but a tow truck had to be summoned which closed the road for a time.

These roads would not support the additional traffic burden which would be placed on them by this annexation and rezoning. School busses, delivery trucks, SUV's and even small cars would be put in danger by the increased traffic from this development. Additionally, the roads would remain county-owned and maintained and the city would not have authority or spending power to correct this dangerous situation for our citizens.

- 2 -

April 22, 2005

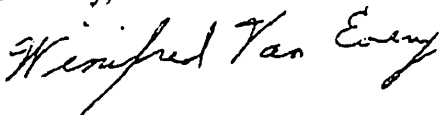
***The zoning proposal would put an excessive burden on the City of Calhoun School System.**

The requirements of a development of this size and density' will create an excessive burden on the school system's physical plant, staff, budget and transportation systems. If allowed, the rezoning and annexation will result in a large number of children living to the distant southwest of the City of Calhoun requiring education by and transportation to the city. It will also cause a "domino effect" which will worsen the problem. As you are probably aware, there are other adjoining properties of about 55 acres which will request annexation and rezoning at the next meeting if this measure is passed.

*** The zoning proposal would result in additional development costs to the city which would not be offset by additional revenue.** This R-1 B development will be a net revenue consumer for the city. A recent University of Georgia study confirmed that "the infrastructure necessary to support and satisfy humans at home is far more elaborate than the network for farmland or business: Georgia housing developments cost from \$1.23 to \$2.07 for every dollar or revenue that is brought in." The report continues "the cost difference is due, in large part to the financial drain of schools- but even discounting the price of education, new developments are a fiscal loss. In Cherokee County, Ga., for instance, the service cost for housing, even without schools, was \$1.44 per \$1 of revenue, but a mere 31 cents for business development, and 52 cents for farms and natural landscapes." (See Attached)

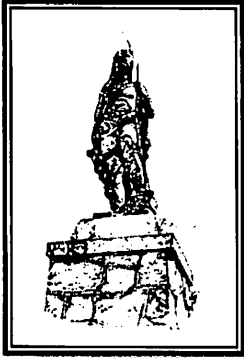
There is little doubt that one day in the future: this area will become a part of the City of Calhoun. However, any annexation for city growth, should take place as part of a planned and orderly march from the city that allows city services to expand to meet the needs of hundreds of new families and the current families and citizens of Calhoun.

Sincerely,



Winifred VanEvery
175 Spencer Drive S.W.
Calhoun, Georgia 30701

cc. Cathy Harrison
City Administrator



City of Calhoun, Georgia

Site of New Echota in the Land of the Cherokee

PLANNING & ZONING COMMENTS **CHAIRMAN, ZONING ADVISORY BOARD**

The City of Calhoun is experiencing growth at 5% or more each year in population. This is reflected in the growth of commercial, industrial and residential development. The City of Calhoun, Gordon County and the other four cities in the area are feeling the demands that result from growth at this rate. The factors that have been addressed and those that will be addressed in response to this growth are:

1. In August 2001 the Mayor and Council of the City of Calhoun made major changes to the Zoning Code adding additional Districts and new lot sizes, building area and setback requirements. The code amendments also recognized lots of record for single family housing of 40 years or more.
2. The City established a zoning review committee composed of department heads authorized to review each zoning request on its technical merits. The reports are forwarded to the Zoning Advisory Board and become a part of the information that establishes the official findings of the Board. This allows the Board a broader approach to each request.
3. The City of Calhoun reviews the development fee schedules for all services frequently in order to maintain Market Rates.
4. The City of Calhoun, Gordon County and the other five local cities are mandated to prepare twenty year comprehensive plans and review each five years. The state has upgraded the criteria for the planning and the local governments must complete a new plan and have it adopted by June 30, 2007. This will be an excellent opportunity for all local governments to jointly hire a qualified specialist to assist in the development of a working document that will be most useful for each local government. Planning and Zoning Committees and Boards will have a current community plan that will address all development associated with growth. The development of the new Comprehensive plan will require input from local elected officials, planning and Zoning staff and the general public. The development of a qualified plan will take Approximately 18 months to complete.

Following those, Mayor Palmer asked if there were any comments by the applicant. Terry Brumlow as agent for B & J Development stated the annexation of these properties will allow a residential development at a better scale, since development cost will be lower in the city. This will allow a better product and will allow development of amenities for the area.

Mayor Palmer asked if there were any comments by the public or by the Council.

Mrs. Elizabeth Box of 615 Nelson Lake Road commented on the narrow streets in the immediate area. She stated that it is not uncommon for cars to frequently be found in ditches as a result of the narrow roads. She asked if the city would do improvements since these are county roads. Mayor Palmer responded that these are county's roads and they are currently on the counties list for improvements based on traffic demand. He stated city residents pay the same tax rate of county taxes as incorporated Gordon County residents, and although part of the property along the roads will be in the city, the county will continue to maintain the roads.

Mayor Palmer inquired if there were any additional comments by the public or the Council. There were none.

Mayor Palmer stated that with the installation of the gravity flow sewer line it opened up of the possibility of development of over 2,000 acres. At the time this was done the Council understood that there would be requests from this area for annexations. He stated that quality growth and addressing quality growth is not an overnight issue. As Mrs. Potts had stated, the City of Calhoun along with Gordon County and other cities in the area will hire a specialist to assist with long term planning for the development for the entire county. The public hearing was closed on these seven items.

Mayor Palmer stated that he would now accept motions regarding each of the seven items on an individual basis.

Mayor Pro Tem Potts stated that based upon the findings of the Zoning Advisory Board for all of the parcels as follows:

- (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 would cause an excessive burden on existing streets, utilities or schools.
- (5) The capital costs to serve the area will be borne by the owner.
- (6) The proposal is in conformity with the policy and intent of the land use plan and will infill an area.
- (7) There are no 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.
- (7) There are no existing or changing conditions affecting the use and development of the property.

Mayor Pro Tem Potts made a motion to waive the second and third readings and approve the request of R-1B zoning and annexation for a lot at 1174 McDaniel Station Road by Terry Brumlow as agent for Ruth Logan. The motion was second by Councilman Crowley, with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon, and Councilman Hammond voting affirmatively, motion carried.

Mayor Pro Tem Potts made a motion to approve zoning of R-1B and annexation of 2.927 acres on McDaniel Station Road, directly across from the end of Salem Church Road, by Terry Brumlow as agent, for B & J Company LLC. The motion was second by Councilman Denmon, with Mayor Pro Tem Potts, Councilman Denmon, Councilman Hammond, and Councilman Crowley voting affirmatively, motion carried.

Mayor Pro Tem Potts made a motion to waive the second and third readings and to approve the zoning of C-2 and annexation of 1.624 acres on McDaniel Station Road south of the Salem Church Road, by Terry Brumlow, as agent for Kevin Vaughn. The motion was second by Councilman Denmon, with Mayor Pro Tem Potts, Councilman Denmon, Councilman Crowley, and Councilman Hammond voting affirmatively, motion carried.

Mayor Pro Tem Potts made a motion to waive the second and third readings and approve the zoning of R-1 and annexation by the City of Calhoun for property as identified as 2.82 acres on McDaniel Station Road south of Salem Church Road intersection, which contains a 6 million gallon water reservoir. The motion was second by Councilman Denmon, with Mayor Pro Tem Potts, Councilman Denmon, Councilman Hammond, and Councilman Crowley voting affirmatively, motion carried.

Mayor Pro Tem Potts made a motion to waive the second and third readings of a zoning of R-1B annexation request by Terry Brumlow as agent, for Gregory Leonard and Carla J. Saunders of 16 acres on Nelson Lake Road. The motion was second by Councilman Crowley, with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon, and Councilman Hammond voting affirmatively, motion carried.

Mayor Pro Tem Potts made a motion to waive the second and third readings and approve zoning of R-1B and annexation of a parcel of approximately 100 feet by 2,000 feet off of Nelson Lake Road, as Terry Brumlow as agent, for Gerald King. The motion was second by Councilman Hammond, with Mayor Pro Tem Potts, Councilman Hammond, Councilman Denmon, and Councilman Crowley voting affirmatively, motion carried.

Mayor Pro Tem Potts made a motion to waive the second and third readings and approve zoning of R-1B and annexation of 70.659 acres on McDaniel Station Road by Terry Brumlow as agent, for B & J Development. The motion was

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

b. Other hearings and public comments:

- 1) Mayor Palmer reopened the public hearing on the two proposed changes to the zoning ordinance. First regarding factory fabricated transportable buildings, and a time frame for permits issued for said buildings was reviewed by Attorney William P. Bailey. Mr. Bailey reviewed the history of factory fabricated transportable buildings in the city, and the prior one year limitation that has proven to be unsatisfactory for these types of buildings. Following the review on this portion of the zoning ordinance, Mayor Palmer asked if there were any questions or comments. There were none. He asked if there were any by the Council members. There were none. The hearing was closed. Councilman Hammond made a motion to adopt the proposed changes to the zoning ordinance as it relates to factory fabricated transportable buildings. The motion was second by Councilman Denmon, with Councilman Hammond, Councilman Denmon, Councilman Crowley, and Mayor Pro Tem Potts voting affirmatively, motion carried.

The second part of the zoning ordinance change related to increasing the setback footage on the east and west sides of Curtis Parkway. Attorney Bailey reviewed the history and the reason for the proposed increase. However he stated that a citizen had brought to his attention that a portion of the area is currently served by a three lane road on Curtis Parkway and those adjoining properties should not be penalized, since they currently meet the requirements. Mr. Bailey stated that he agreed with the statement and he would recommend the proposed amendment be amended, and to include an exception to the area where three lanes of Curtis Parkway currently existed as of January 1, 2005. He also recommended that in light of this additional amendment that the hearing be extended on this portion of the zoning ordinance change until May 9, 2005. The Council agreed and confirmed that the hearing should be continued until May 9, 2005.

- 2) The public hearing was reopened on the proposed amendment to expand the definition of a potentially dangerous dog and the hearing procedures. Mayor Palmer stated that this had been reviewed by Attorney Bailey on numerous occasions. Based upon the local instances, it is the city's desire to expand its definition of a potentially dangerous dog. This expansion would include harm to other animals as well as to an individual. Mayor Palmer inquired if there were any comments by the public, or by other Council members or staff. There were none. The hearing was closed. Councilman Crowley made a motion to approve the amendment to the dog ordinance. The motion was second by Councilman Hammond, with Councilman Crowley, Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.

- 3) A public hearing on a beer pouring license request on Won Shil K. Witcher doing business as China Panda for a restaurant at 474 Red Bud Road, a new location was opened. Mayor Palmer stated that the application received from China Panda does not include a survey to indicate if the applicant meets the proper distance between their building and a church on the east side of their building. He stated without proper documentation the application could not go forward.
- 4) A public hearing was opened on a proposed amendment to the City of Calhoun GMA Pension Plan Agreement regarding life insurance in the plan and other items. Harrison reviewed the history of the change of administration and trusteeship of the cities pension plans from AmSouth to GMA and the change from a defined contribution to a defined benefit program. The defined contribution plan was frozen and the freeze included the life insurance policies associated with the plan. Unfortunately the GMA agreement did not include an allowance for the employee to transfer the policy owned by the plan on the life of the employee to a personal policy at termination. It did allow the policy to be surrendered and the cash value added to their account balance. There were several other house keeping items that had been recommended by the GMA Pension attorney also included in the proposed amendment. Mayor Palmer stated the hearing would be continued on May 9, 2005.

6. Old Business:

- a. Mayor Palmer asked the Director of Public Works to review the bids for the proposed road known as the Clarence B. King drive off of the Mohawk Project off of Union Grove Road. Peterson reviewed the three bids received: C. W. Matthews for a total of \$1,856,972.34; Bartow Paving \$1,352,069.78 and Northwest Georgia Paving \$1,220,986.62. Peterson stated that the road would be built in two phases. The first phase being approximately 2,700 feet with a requirement that the section be completed by July 1, 2005 to a level of base and binder that would allow traffic to exit the new Mohawk entrance and exit until the full completion of the road. Phase two would be the balance of the project, including a bridge, and including the finished work for phase one. He stated this is a project that will require a combination of public and private funding and donations to complete the project. He stated that the city had applied for DOT funding, and a grant from EIP for a portion of the road cost if approved. Peterson stated that the low bid is from a contractor that the city has worked well with in the past. He would recommend the low bid. Councilman Denmon made a motion to approve the low bid of \$1,220,986.62. The motion was second by Councilman Hammond, with Councilman Denmon, Councilman Hammond, Councilman Crowley, and Mayor Pro Tem Potts voting affirmatively, motion carried.

7. New Business:

- a. In reference to a proposed surplus property sale Mayor Palmer stated that the City of Calhoun has been reviewing the GMA vendor program for sale of surplus property on a website, similar to eBay, and that a draft copy of the contract had been forwarded to the city attorney for review. The city had also acquired recommendations from department heads for property that can be declared surplus

- for the first initial sale of this type. He stated that he would first entertain a motion regarding the GMA vendor contract and an authorization for the Mayor to sign. Mayor Pro Tem Potts made the motion to allow Mayor Palmer to enter into a contract with GovDeals, a vendor approved and under contract with GMA. The motion would also authorize Mayor Palmer to sign the contract document. The motion was second by Councilman Crowley, with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon, and Councilman Hammond voting affirmatively, motion carried.
- b. Councilman Crowley stated at the recent Airport Authority Board meeting, the Board had heard a report from Administrator Harrison concerning the correspondence and telephone conversations that she had with management of Temple-Inland Inc. regarding a new lease for the airport beacon on approximately 1 acre on Temple-Inland Inc. property. He stated that the last offer made by Temple-Inland Inc. required a \$35,000.00, 20-year payment for lease of the 1 acre of the property. Based upon an unfavorable review by the Mayor and Council regarding the amount, Harrison approached Temple-Inland Inc. with a request to purchase. Temple-Inland Inc. declined but asked the City and Airport Authority to submit a new proposal. He stated that the Airport Authority reviewed the matter and determined that a 10 year lease with an annual payment of \$1,000.00 and with an opt out clause and notification period of 90 days would meet their needs. He stated that this was the recommendation coming from the Airport Authority Board. Following review, Councilman Crowley made a motion to approve the Airport Authority's recommendation. The motion was second by Councilman Denmon with Councilman Crowley, Councilman Denmon, Councilman Hammond, and Mayor Pro Tem Potts voting affirmatively, motion carried.
- c. Mayor Palmer stated that the City of Calhoun had received two traditional parade requests. The first was Cherokee Capital Fair September 10, 2005 at 11:00 a.m. on the traditional route. The second was from Calhoun Christmas parade scheduled for December 8, 2005 at 7:00 p.m. The vehicles and the individuals in the parade would travel on highway 41 to the end of the Piedmont intersection. Mayor Palmer stated if the Council approves the request, they should make it subject to DOT approval. Following review, Councilman Hammond made a motion to approve both traditional parade requests as stated, subject to the approval by the DOT. The motion was second by Councilman Denmon, with Councilman Hammond, Councilman Denmon, Councilman Crowley, and Mayor Pro Tem Potts voting affirmatively, motion carried.
- d. Mayor Palmer gave a first reading of a Pawn license request of Betty Lee Pack for 601 South Wall Street. Mayor Palmer stated a second reading could be held on May 9, 2005 at 7:00 p.m. Councilman Crowley made a motion to set the review on that date and time. The motion was second by Councilman Denmon, with Councilman Crowley, Councilman Denmon, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.
8. Other written items not on the agenda:
- a. None.

EXHIBIT "A"

Work Report April 2005
Eddie Peterson

1. Mohawk Road: Bids were opened on Friday, April 8, 2005 for the construction of 5,300 feet of three lane road for the Mohawk Project.

<u>Bidder</u>	<u>Price</u>
Northwest Georgia Paving	\$ 1,220,986.62
Bartow Paving	1,352,069.78
C.W. Matthews	1,856,972.34

The new road begins at Union Grove Road and connects with the Gordon County Old Dixie Highway Project which is now under construction. The GDOT Project designation is PRC10-S007-00(305) Gordon County, Mohawk Road - City of Calhoun, 0.990 miles (grade, drain, base and paving). Hopefully, we will receive a \$400,000 contract and notice to proceed from GDOT for the project by the first week in July 2005. It seems as though the Appalachian Regional Commission grant request of \$1,000,000 for the Mohawk Road Project has been denied. We are still awaiting word on the Community Development Block Grant Employment Incentive Program grant in the amount of \$500,000. Mohawk has agreed to fund \$200,000 for the project which will allow construction to begin the first week of May 2005. This construction phase will be undercutting, filling, drainage pipe, graded aggregate base, and binder for 2,500' to 2,700' from Union Grove Road south to the Mohawk building footprint. This work will have to be complete by the second week in July 2005 to allow for Mohawk production. The remaining 2,700' of roadway can be completed by October 2005.

2. Special Response Team: During the last week of March 2005, nine officers from the Calhoun PD completed the Basic Special Response Team Training, conducted at the Whitfield County Sheriff's Office Training Center. The course involved 60 hours of Firearms Skills, Shooting and Moving Techniques, Building Clearing, Search Warrant Planning and Execution, Use of Less than Lethal Weapons, and Physical Conditioning. The course ended with a non-stop 36 hour Hostage Rescue Exercise.

The Calhoun Officers who completed the course are:

Sergeant Marquez	Officer Poarch
Officer Gillman	Officer Pullen
Officer Channell	Officer Hall
Detective Kay	Officer Stargell
Officer Smith	

Officer Tim Poarch, at the end of the 36 hour exercise, negotiated the obstacle course in a record time of 3 minutes and 15 seconds and hit 100 percent of his targets. Officer Poarch was recognized by the instructors for his ability and motivation during this training event. Corporal Wayne Willard, Training Officer for the Calhoun PD, was responsible for conducting the course, which included officers from Whitfield County, Dade County, Polk County, Floyd County, Rome PD, and the Calhoun PD. Corporal Willard is a State Certified Special Response Team Training Officer. This training and certification event was very demanding and Calhoun's PD was well represented.

3. Pre-Disaster Hazard Mitigation: Chief Nesbitt and Chief Moss attended a meeting on March 29, 2005 with Georgia Emergency Management Agency representatives to discuss a new disaster plan for our community so that Calhoun could remain eligible for post disaster mitigation funding. The new plan will include; organizing resources, risk assessment, mitigation plan, plan implementation, and plan monitoring. The plan is due by June 2005.

4. Soccer Lights: The Soccer Field lights are installed and are being wired at this time. Completion should be within the next 10 days. With the installation of lights Calhoun will now be eligible to hold region, district, and state soccer tournaments. The lights will also expand the window of time for recreation league and middle and high school games. The Calhoun Soccer Complex (fields, building, layout, parking, lighting, location) now ranks with the best facilities in Georgia.

5. Drainage Problems: Two storm water drainage problems were addressed and hopefully resolved. At Red Bud Road at Windsor Drive a newly designed cross drain inlet was installed. During the last three significant rain events the new design seems to keep water from entering one particular home. An 100' pipe extension at Alyssa Lane has stopped the undercutting of a residents foundation. With our rapid build out and expansion storm water issues will continue press us for solutions.

6. Soccer Field at Old Landfill: We are continuing to work toward building two 60' x 100' soccer fields with parking facilities off of SR 136 near the Oostanaula River. These fields would replace the fields used by the Hispanic community which abuts the Waste Water Treatment Plant. Our timetable is to have the fields complete by this fall 2005.

7. Tennis Courts: Our tennis court renovation and expansion should begin this summer. Four new courts will be added and the other twelve courts would be rebuilt. A 1,800 sq. ft. tennis club house would also be constructed. These monies will come from Recreation SPLOST funds.

8. Erosion and Sedimentation: A meeting was held on April 5, 2005 between Calhoun and representatives of the Georgia Soil and Water Conservation Commission. Calhoun's program was reviewed and site visits were conducted. Overall the Calhoun program is proceeding well and contractors are generally cooperating in the prevention of erosion and sedimentation pollution. Some of the deficiencies which were noted at ongoing sites included; proper outlet

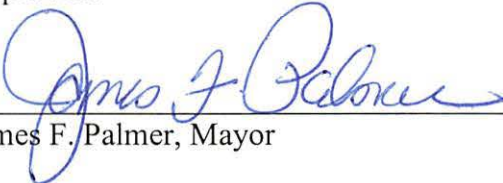
control for sedimentation ponds, silt fence installation, detention ponds undersized, and more rigid control of runoff which might include diesel fuel, motor oil, and hydraulic fluid. In the next few months new training programs, required by State Law, for City officials involved in enforcement will be required. Keith Gilmer, GSWCC Regional Representative, was impressed that Calhoun dedicated an engineer, Ross Wilburn, to head up the Calhoun program.

9. Safe Streets: The Calhoun PD is working with the North Georgia FBI District Office to begin a Safe Streets Program in Calhoun. This Federal Program involves a task force concept using local officers and the resources of the FBI. Targeted areas would be criminal activity associated with street gangs, immigration violations, and drug related violence. Various FBI crime reduction models would be used as strategies to recognize, combat, and reduce gang related crime. The FBI would provide Calhoun monies for manpower, vehicle usage, and other resources. The timetable to implement the Safe Streets program would be June or July 2005.

10. Dilapidated Structures: Several weeks ago we began working with property owners in the removal of 15 dilapidated structures. At this time three have been razed and four will be either removed or renovated in the near future. During the next month or two the status of the other eight houses should be resolved.

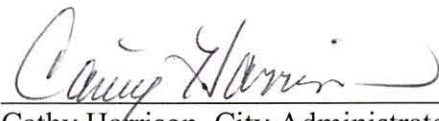
9. Work reports:
 - a. Kelly Cornwell, Director of Utilities: no report.
 - b. Eddie Peterson, Director of Public Safety and Public Works: stated that he had submitted his written report that will become Exhibit "A" to the minutes. He also stated in his report the police training for the special units had been completed and he asked the Council members to review that area carefully. He stated the Recreation Board had lost a member, Tommy Curtis and that following conversations with Mr. Ben McCormick, he had expressed interest in serving on the Recreation Commission. Following discussion Councilman Crowley made a motion to appoint Mr. Ben McCormick to fill the unexpired term of Tommy Curtis. The motion was second by Councilman Hammond, with Councilman Crowley, Councilman Hammond, Councilman Denmon, and Mayor Pro Tem Potts voting affirmatively, motion carried.
10. Mayor Palmer stated there was no need to move to Executive Session.
11. Mayor Pro Tem Potts made a motion to adjourn, second by Councilman Hammond, with Mayor Pro Tem Potts, Councilman Hammond, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.

Approved:



James F. Palmer, Mayor

Submitted:



Cathy Harrison, City Administrator