

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
CALHOUN, GA
OCTOBER 10, 2005, 7:00 P.M.**

MINUTES

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

ABSENT: George R. Crowley, City Councilman

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

1. Mayor James F. Palmer called the meeting to order and welcomed everyone in attendance. Councilman Denmon gave the invocation.
2. Mayor James F. Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Mayor Palmer stated the minutes of the September 26, 2005 regular City Council Meeting were included in each Councilperson's folder and he ask if there were any amendments or if there was a motion. Mayor Pro Tem Potts made a motion to approve the September 26, 2005 regular City Council minutes as written. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond, and Councilman Denmon voting affirmatively, motion carried.
4. Mayor's comments:
 - a. Mayor Palmer reminded the public of the need for safety precautions on October 31, 2005, since the children would be celebrating Halloween on streets and sidewalks inside the City. He stated this holiday is for children age 12 and under and will be observed from 5:00 p.m. until 9:00 p.m.
 - c. Mayor Palmer reminded the public of the annual Mayor's Motorcade to Northwest Regional Hospital on December 13, 2005. He stated gifts and donations may be made by the public until December 12, 2005 for patients at the hospital. He stated these gifts will not only be utilized for Christmas gifts for the patients but also for birthdays during the year.
 - d. Mayor Palmer recognized Scout, Alex Wynn, who is working on his leadership badge.
 - e. Mayor Palmer reminded the public of a public hearing to be held on October 24, 2005 at 7:00 p.m. regarding a request by Barbara Bishop to convert her beer package license to a beer package license for sales within her grocery store located at the same address.

f. Mayor Palmer stated the City had four public hearings scheduled for November 14, 2005 regarding zoning applications. He asks Mayor Pro Tem Potts to review those:

- 1) A zoning variance request of Martha Juanita T. Muse for 1 acre (out of 6 acre tract) at 1066 Sugar Valley Road, NW for rezoning as commercial in order to build a pet grooming shop.
- 2) A zoning request of PRD and C-2 plus annexation by Darin Hardin for approximately 130 acres located at 700 Lover's Lane Rd.
- 3) A zoning request of C-2 and annexation by Darin Hardin for approximately 17 acres located at on the Northwest corner of Dews Pond Road and Harmony Church Road.
- 4) A zoning request of R-1 and annexation by Joe Stepp for approximately 14.388 acres located on Meadowbrook Road.

5. Council Comments:

a. Mayor Palmer stated he would provide the report for Councilman Crowley due to his absence.

- 1) The electric department will continue with the joint construction on Barrett Road and Dews Pond Road. They are continuing the lighting project at the recreation department. He stated the turbine generator operated 3 hours in September. The Calhoun unit is being dispatched on market pricing economics or on load management notices to limit transmission and reserve cost. The Larry Dixon Subdivision on Peters Street is in design. A temporary overhead line is installed at this time for construction purposes. The Mohawk Twisting Plant is in design and is scheduled for additional work. The Christmas lighting preparations are underway and should be completed by Thanksgiving. He stated the electric department has 36 security lighting items in process. They responded to 63 calls for new business and maintenance, and they responded to 12 after hour call outs.
- 2) The telecommunications department has completed construction of the internet service at Race Mark International. They have begun construction of a fiber line for the criminal investigations division for their proposed building on Highway 41 South; they provided support for Dalton Utilities during an equipment upgrade; they opened 14 work orders and closed 13.
- 3) The electric systems purchased 40,546,161 KWH of electricity as wholesale power, the largest monthly purchase in City history.
- 4) Mayor Palmer stated the Airport Authority reported that the airport had its Fly In on September 24th and 25th. It was the largest in the history of the airport with over 2,000 participants and over 200 aircraft at the airport. He stated the reviews were excellent.

b. Mayor Pro Tem Potts stated:

- 1) The street department placed 14 new signs during the month of September and completed 24 shop work orders. They dug out and patched on Flora Drive, Mimms Drive, Richardson Road, the airport, Heritage Hills Condos and at the new building site on Highway 41 South for the Detective division, utilized 48 tons of asphalt. They dug out and laid 60 feet

of 36 inch drain tile, built a 24x24 storm water drain on Allyssa Lane. They hauled, graded and compacted 216 loads of topsoil from the new recreation department road off of McDaniel Station Road to the soccer practice field on Highway 136. They removed graffiti from the wall on Victory Drive. Mayor Pro Tem Potts stated graffiti is becoming a problem and she requested anyone observing graffiti being placed on any buildings or walls to please report to 911 immediately.

- 1) The sanitation department gained 2, 4-yard customers, 2, 6-yard customers and 4, 8-yard customers in the month of September.
- 2) The parks department continued their routine maintenance on City grounds and maintained all fountains owned and operated by the City. They completed maintenance jobs for City Hall, Fields Ferry Snack Bar and the Community Center on McConnell Road. They remodeled the building on Kirby Road for the new Street inspection office. They started construction of the new offices at the detective building on Highway 41 South.
- 3) The cemetery department performed routine maintenance at both Fain and Chandler Cemeteries and they supervised the opening and closing of 13 grave sites, sold 7 new grave spaces and set 6 new monuments.
- 4) The animal control department responded to 49 customer requests.

c. Councilman Denmon:

- 1) The water treatment plant pumped a daily average of 13.992 million gallons per day during the month of September with 41.1% being produced from the City's well on Brittany Drive.
- 2) The waste treatment plant treated a daily average flow of 6.26 million gallons per day. Director Cornwell pointed out this was the low point for treatment without infiltration since there was very little rain during the month of September. Councilman Denmon stated the BOD effluent was 4, suspended effluent 8 and COD effluent 64.
- 3) The water construction department made 25 connections; changed out 13 new meters; repaired 56 leaks; installed 12,000 feet of 2 inch pipe; 1,600 feet of 6 inch PVC pipe; 72 feet of 6 inch ductile iron pipe and 500 feet of 16 inch ductile line pipe. They installed 3 new fire hydrants; responded to 133 calls and provided 409 locates and called in 89 locates.
- 4) The sewer construction department made 13 sewer connections; repaired 7 sewer services; repaired 5 manholes, inspected 1,100 feet of sewer main; completed 223 locates, repaired 2 lift stations, responded to 6 after hour calls; cleaned 3,500 feet of sewer lines and opened and inspected 19 manholes; installed 800 feet of 8 inch sewer line and 4 manholes for the new Mohawk buildings off of Clarence King Drive and installed 250 feet of 8 inch force main at the Yancey lift station off of Robinson Road.
- 5) The Sludge disposal department applied 1,648 cubic yards consisting of 231 dry tons.
- 6) The Building inspection department issued 59 permits, for a total estimated construction of \$2,011,850.00, with approximately \$1.6 million for residential construction.

d. Councilman Hammond:

- 1) The fire department responded to 44 calls for service during the month of September; 7 fire incidents for estimated damages of \$13,000.00. There were 16 emergency medical service calls with 13 injuries and 1 fatality. They responded to 7 hazardous condition calls; 2 service calls; 2 good intent calls; 7 false alarms and 3 special incidents. The department completed in-house training for all firefighter core skills. They gave a fire safety inspection course at Home Depot; participated in collecting relief fund for the hurricane victims; assisted with the fair parade; worked 2 days at the Airport Fly In and 21 fire department personnel attended accident safety classes by the Georgia State Patrol and they completed all scheduled station and vehicle maintenance.
- 2) The fire inspection department provided 2 annual inspections; 2 new business inspections; 8 requested inspections; 2 follow up and 2 illegal burnings. The inspector conducted fire extinguisher classes at the National Distribution Center for 20 people; conducted fire drills at Calhoun High School and Calhoun Middle School; attended the North Georgia Code Officers Meeting and attended Pipe Line Safety Training Classes.
Councilman Hammond announced Chief Nesbitt and Inspector Mills also worked several days in the hurricane areas providing inspection and assistance and he commended both Chief Nesbitt and Inspector Mills.
- 3) The police department made 632 arrests during the month of September, included in those arrests were 108 cases for speeding and 20 D.U.I.'s. They collected \$84,273.50 in fines. They issued 276 warnings; responded to 56 highway accidents with 6 injuries; they provided 86 escorts; responded to 1,686 incidents; responded to 183 alarms; provided 54,841 miles of patrol; responded to 4,043 calls routed through 911. The police department issued 62 parking citations for the month of September.
- 4) Councilman Hammond stated he had attended a 2-day seminar provided by the Coosa Valley RDC Center which concentrated on comprehensive planning and economic development.

6. Public hearings and Comments:

- a. Mayor Palmer announced at this time public hearings on the zoning matters would be held, the public would have an opportunity to make pro and con comments with a ten-minute maximum time limit for each side of the matter and with each person speaking being required to have filed a Financial Disclosure Statement five days prior to the hearing if needed, and each person being required to give their name and address before speaking. Mayor Palmer inquired if any of the elected officials had filed a disclosure statement regarding ownership or special interest in the one agenda item. The response was negative.

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.

- b. Mayor Palmer stated the first two items on the agenda would be reviewed together. However, any action would be taken independently. He stated the two items were as follows:
- 1) A zoning request of A-1 and annexation of approximately 100 feet by 500 feet off of Belwood road, south of Belwood Estates by Mike Jones and Acey Cronan as agents for Raymond King.
 - 2) A zoning variance request of R-1B and annexation of Mike Jones and Acey Cronan as agents for Betty Holbrook for lots 39, 40, 41, 42, 43, 31, 32, 33, 34, 29, 30, 25 and 24 off of the platted Dawn Drive and Sonia Drive. This property adjoins the above referenced property. The public hearings were opened. Harrison reported notices to property owners, signs on the property and notices to the local legal organ had been completed. Mayor Palmer asked for a report from the Zoning Advisory Board. Mayor Pro Tem Potts stated the Zoning Advisory Board had meet on these two matters on October 6, 2005 and in addition to reports made by the applicants there were also several citizens from the adjoining development that spoke. She stated the first request was an accommodation request and would have no construction on the Raymond King property and the Board had recommended the zoning of A-1 and annexation. She stated in terms of the second request that Board found the zoning of R-1B zoning would not be compatible with the adjoining property and had requested the applicants to move to R-1A zoning. She stated

the applicants had also notified the Board they would maintain houses at 1,500 square feet of heated space or higher and based on the information provided had recommended zoning of R-1A and annexation. Mayor Palmer asked if there were any comments by the applicant. Mike Jones and Acey Cronan provided plats that located both properties, the Raymond King site and the proposed development. They also provided a hand out of a plat which reconfigured the lots based on R-1A zoning which had reduced the number to 19 and they renewed their commitment to building nothing less than 1,500 square feet of heated living space for the houses. This would be slightly higher than the requirement in the zoning. Mayor Palmer asked if there were any questions by the public. Randy Greeson stated he had begun purchasing property in the area in 1979. He stated if this new configuration of the lots is allowed the action will land lock several of his lots. He stated the developer made a proposal that does not meet prior restrictions. He stated he would request the Mayor and Council to give thought and consideration to the proposal and the surrounding area. Lloyd Brown, a resident at 222 Belwood Drive stated his property is located across from the proposed development. He stated he had invested in his home and had added to it. It is a subdivision not a cluster development and to allow a cluster development will devalue the property. He stated the proposed sewer line that would be furnished to the development would be brought through the area that had been dedicated as a buffer zone which was suppose to remain in an undisturbed state. He stated his major concern was in the devaluation that would come with cluster housing. Kenneth Abernathy, of 226 Belwood Drive stated he felt the comments of Mr. Greeson and Mr. Brown expressed his views and he had nothing further to add. Attorney Bailey stated Mr. Greeson had brought this matter to his attention in the parking lot and he had not had time to review. However, he had discussed slightly with Mr. Cronan and he stated he researched the matter and they were satisfied that the property had been abandoned. Attorney Bailey stated in order for him to review the matter, more in depth that would allow an appropriate recommendation to the Mayor and Council, he requested the matter be tabled until October 24, 2005, allowing him sufficient time to review in terms of the City's position regarding the matter.

STANDARDS GOVERNING THE EXERCISE OF ZONING POWER

- (1) The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property as it relates to single family housing.
- (2) The zoning proposal for R-1B could adversely affect the existing use or usability of adjoining or nearby property.
- (3) The property in question has a limited economic used as currently zoned due to the absence of sewer.
- (4) The zoning proposal will impact streets, schools and etc...to a limited degree.
- (5) The capital costs for improvements to serve the area for infrastructure and etc. will be born by the developer.
- (6) The zoning for residential zoning is in conformity with the intent of the land use plan and policy.

- (7) There appears to be neighborhood development of adjoining property that is in conflict with the requested zoning.
- (8) There are no other relevant factors to balance the interest in promoting public health, safety, morality or general welfare of the proposal other than the extension of sewer which will relieve the area of septic systems for this particular development.

Mayor Pro Tem Potts made a motion to table until October 24, 2005. The motion was second by Councilman Denmon with Mayor Pro Tem Potts, Councilman Denmon and Councilman Hammond voting affirmatively motioned carried.

- 3) A zoning request of R-1 and annexation by Kris and Kristi McBee for a lot and house at 209 Camelot Drive. A public hearing was opened. Harrison reported notices to property owners, signs on the property and notices to the local legal organ had been completed. Mayor Pro Tem Potts stated the Zoning Advisory Board had meet on this matter on October 6, 2005 and they had determined the property is accessed by a 10-foot easement off of Camelot Drive. They also determined should any addition on the property be required they would not be eligible for a building permit since the property does front on a public street by 25 feet or more. She stated that based on the findings, the recommendation was to zone R-1 and annex. Mayor Palmer inquired if there were any comments by the applicant. There were none. He inquired if there were any comments by the public or by the Council. There were none. The findings of the Mayor and Council were:

STANDARDS GOVERNING THE EXERCISE OF ZONING POWER

- (1) The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (2) The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.
- (3) The affected property has a reasonable economic use as currently zoned.
- (4) The zoning proposal will not result in a use which will or could cause an excessive or burdensome use of streets, utilities or schools.
- (5) There will not be capital costs for capital improvements that will effect City infrastructure. The existing property has a single family home located on the property at this time.
- (6) The zoning 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 that would relate to disapproval of the zoning proposal. The request will diminish an existing island.
- (8) N/A

Mayor Pro Tem Potts stated that based upon the findings on the Zoning Advisory Board she would make a motion to waive the third and fourth readings and approve the request for R-1 zoning and annexation. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond, and Councilman Denmon voting affirmatively motioned carried.

- 4) A rezoning request of L.P. Owens for property at U.S. 41 and Union Grove Road, the tract consists of approximately 23 acres, with a request to rezone from A-1 to Industrial. A public hearing was opened. Harrison reported notices to property owners, signs on the property and notices to the local legal organ had been completed. Mayor Pro Tem Potts stated the Zoning Advisory Board had heard this matter on October 6, 2005 and they had determined the property is compatible to other industrial zoned property in the area and it is in accordance with the long range plans with the City. Mayor Palmer asked if there were any questions by the applicant. There were none. Mayor Palmer asked if there were any comments by the public or by the Council. There were none and the public hearing was closed. The findings of the Mayor and Council were:

**STANDARDS GOVERNING THE EXERCISE OF ZONING
POWER**

- (1) The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (2) The zoning proposal will not adversely affect the existing use or usability of adjacent property.
- (3) The affected property has a reasonable economic use as currently zoned.
- (4) The zoning proposal will not result in a use which will or could cause an excessive or burdensome use of infrastructure.
- (5) The capital costs associated with the development of the property will be born by the developer.
- (6) The zoning 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 or development that would support approving or disapproving of the zoning proposal.
- (8) N/A

Mayor Pro Tem Potts stated that based upon these findings she would vote for the rezoning from A-1 to Industrial for the 23 acres off of Highway 41 and Union Grove Road. The motion was second by Councilman Denmon with Mayor Pro Tem Potts, Councilman Denmon and Councilman Hammond voting affirmatively, motion carried.

- 5) A zoning variance of 10 feet from the required set back for a sign owned by Flipper McDaniel at 815 Curtis Parkway SE, was given. Mayor Palmer stated the sign fits the ordinance in all other areas. A public hearing was opened. Harrison reported notices to property owners and signs on the property and notices to the local legal organ had been completed. Mayor Pro Tem Potts stated the Zoning Advisory Board also heard this matter on October 6, 2005 and they determined the variance was necessary due to the additional 15 foot setback requirements imposed by the City on Curtis Parkway. She stated that based upon the findings the Zoning Advisory Board had recommended approval. Mayor Palmer asked if there were any comments by the applicant. There were none. He asked if there were any comments by the public or by the Council. There were none and the hearing was closed. The findings of the Mayor and Council were as follows:

VARIANCE CONSIDERATIONS (ONE OR MORE)

- (a) There are extraordinary conditions as it relates to the property and the City had requested an additional 15 foot setback for this section of Curtis Parkway.
- (b) The application of this ordinance to the particular piece of property would create an unnecessary hardship.
- (c) There are no conditions that are particular to this particular piece of property other than those mentioned earlier.
- (d) Relief if granted, would not cause detriment to the public good or impair the purposes or intent of the ordinances.

Mayor Pro Tem Potts made a motion to approve the variance request of 10 feet for Flipper McDaniel for a sign on Curtis Parkway. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond and Councilman Denmon voting affirmatively, motion carried.

- 6) A zoning variance by W.H. Ortwein for a sign to increase height from 15 feet to 23 feet and the square footage from 25 feet to 84 feet for a new commercial sign to be located at 160 Robinson Road. A public hearing was opened. Harrison reported notices to the adjoining property owners and signs on the property and notices to the local legal organ had been completed. Mayor Pro Tem Potts stated the Zoning Advisory Board had also heard this matter on October 6, 2005. They had determined the business is located on a dead end road and sits several feet off of the highway and in order for the business to have adequate signage they will need a larger sign due to their distance from a major road. She stated they recommended approval. Mayor Palmer asked if there were any comments by the applicant. There were none. He asked if there were any comments by the public or by the Council. There were none and the public hearing was closed. The findings of the Mayor and Council were:

VARIANCE CONSIDERATIONS (ONE OR MORE)

- (a) There are no extraordinary or exceptional conditions pertaining to the size, shape or topography of the lot.
- (b) The application of this ordinance to the particular piece of property would create an unnecessary hardship.
- (c) The conditions that are particular to this particular piece of property involved is the fact that it is several feet off of a major highway on a minor road in order for customers to know of their location they would require larger signage.
- (d) Relief if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of the ordinance.

Mayor Pro Tem Potts made a motion to authorize the zoning variance that would allow the height to increase from 15 feet to 23 feet and the square footage from 25 feet to 84 feet for a sign at 160 Robinson Road. The motion was second by Councilman Denmon with Mayor Pro Tem Potts, Councilman Denmon and Councilman Hammond voting affirmatively, motion carried.

- 7) Mayor Palmer stated the family of Mike Bagwell and Bagwell Family, LLC had requested their zoning variance for lots on Court Street and River Street be held. Mayor Palmer stated the application would be tabled.

- 8) Mayor Palmer stated a request had been filed by Frank Gentry, Jr. to zone property R-1B and to annex approximately 7 acres off of Nelson Lake Road and he had also requested a variance that would allow him to place a mobile home on the site until his new home is constructed. At the end of the construction the mobile home would be moved. A public hearing was opened. Harrison reported the notices to the adjoining property owners, signs on the property and notices to the local legal organ had been completed. Mayor Pro Tem Potts stated the Zoning Advisory Board had heard the matter on October 6, 2005 and based upon utilization of the commercial-industrial section of the zoning ordinance that does allow mobile units to be erected during a construction phase for a limited time period of 12 months and this amount of time would be efficient and agreeable for the Frank Gentry, Jr. request. The Board had also determined the zoning of R-1B would not be compatible with the immediate area and had recommended zoning of R-1. Mayor Palmer asked if there were any comments by the applicant. Mr. Gentry stated his primary purpose had been to make sure his children were enrolled in the City School System and he had no problem with the recommendations of the Zoning Advisory Board. Mayor Palmer asked if there were any comments by the public. Todd Brock adjoining property owner stated with the stipulations addressed and the R-1 zoning he had no problem with the request. There were no other comments. He asked if there were any comments by the Council. Attorney Bailey asked Mr. Gentry directly if he had any problem with the recommendation of the 12 month only permit for the mobile unit and if he understood that it would have to be removed at that time. Mr. Gentry confirmed that he understood. The hearing was closed. The findings of the Mayor and Council were:

STANDARDS GOVERNING THE EXERCISE OF ZONING POWER

- (1) The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (2) The zoning proposal will not adversely affect the existing use or usability of adjoining property if substituted with R-1 zoning.
- (3) The affected property has a reasonable economic use as currently zoned.
- (4) The zoning proposal will not result in excessive burden to existing streets or schools for one individual home.
- (5) Any capital improvement costs associated with the construction of the new home will at the cost of the property owner.
- (6) The zoning proposal for single family housing is within the conformity of the existing policy and land use plan.
- (7) N/A
- (8) N/A

VARIANCE CONSIDERATIONS (ONE OR MORE)

- (a) There are no extraordinary conditions pertaining to the property because of size shape or topography.
- (b) The application of this ordinance to the particular piece of property could create an unnecessary hardship.
- (c) The condition relating to the sell of his current home making it necessary for him to vacate prior to construction of his new home is a particular circumstance related to the property development.
- (d) Relief, if granted, under the conditions of a non renewable 12 months mobile home permit until the personal home is constructed and with the

substitution of zoning from R-1B to R-1, would not cause detriment to the public good.

Mayor Pro Tem Potts stated that she would make a motion for R-1 zoning and for annexation and she would include in the motion a 12 month permit for the mobile home with full acknowledgement of Mr. Gentry that the home must be removed at the end of the 12 month period. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond and Councilman Denmon voting affirmatively, motion carried.

b. Other hearings and public comments:

- 1) Mayor Palmer opened the public hearing on a beer-wine package license for Smith & Woods Management Corp., Derrick McClinic, as authorized agent for the food store at W.C. Bryant Parkway. Mayor Palmer stated the police report was clear and the new location met the criteria as per the ordinance. Mayor Palmer asked if there were any comments. There were none and the public hearing was closed. Councilman Hammond made a motion to approve the beer and wine package license for Smith & Woods Management Corporation with Derrick McClinic as authorized agent. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.
- 2) A public hearing was opened on a beer-wine package license request for Kroger, Inc., Doug Busch, as authorized agent for store # 393 at 136 West Belmont Drive, Calhoun, GA. Mayor Palmer stated the police report was clear. He stated the location including the distance from the church was adequate. He asked if there were any comments by the applicant, public or Council. There were none. The hearing was closed. Mayor Pro Tem Potts made a motion to approve the beer-wine package license request for Kroger, Inc., Doug Busch, as authorized agent. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond and Councilman Denmon voting affirmatively, motion carried.
- 3) Mayor Palmer opened a public hearing on the beer package license request for Pantry Inc., d/b/a Kangaroo Express, with Hope Kammeraud, as authorized agent for store # 3563 at 1401 Red Bud Road, Calhoun, GA. Mayor Palmer stated the police report was clear and the location otherwise met the criteria. Mayor Palmer asked if there were any comments by the applicant, public or Council. There were none. The hearing was closed. Councilman Hammond made a motion to approve the license request for a beer package license request by Pantry Inc., d/b/a Kangaroo Express, with Hope Kammeraud, as authorized agent for store #3563 at 1401 Red Bud Road. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.
- 4) Mayor Palmer stated the application for Pantry Inc., d/b/a Kangaroo Express, Judy P.Ellis, as authorized agent for store # 3518 at Hwy 225 at Hwy 41, Calhoun, GA. He stated the location did not qualify since it did not meet the requirement of the distance from the church. The application was void.
- 5) Mayor Palmer opened a public hearing on a beer package license request for Pantry Inc., d/b/a Golden Gallon, with Joyce Moody, as authorized agent for store # 3563 at 1476 Red Bud Road, Calhoun, GA. Mayor Palmer stated the police report was clear and met the other criteria. He asked if there were any comments by the applicant, public or Council. There were none and the hearing was closed.

- Mayor Pro Tem Potts made a motion to approve the request for Pantry Inc., d/b/a Golden Gallon, with Joyce Moody, as authorized agent for store # 3563 at 1476 Red Bud Road, Calhoun, GA. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond and Councilman Denmon voting affirmatively, motion carried.
- 6) Mayor Palmer opened a beer package license for Whittenberg Inc., d/b/a Hi-Tech Fuel, with Linda Whittenberg, as authorized agent at 295 W. Line Street, Calhoun, GA. Mayor Palmer stated the police report was clear and the location otherwise met the criteria. Mayor Palmer asked if there were any comments by the applicant, public or council. There were none and the hearing was closed. Mayor Pro Tem Potts made a motion to approve the beer package license for Whittenberg Inc., d/b/a Hi-Tech Fuel, with Linda Whittenberg, as authorized agent. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond and Councilman Denmon voting affirmatively, motion carried.
 - 7) A public hearing was opened on the beer, wine and liquor pouring license request for a second restaurant for Los Gallos de Mexico Inc., with Martin Carranza as the authorized agent for 1220 Red Bud Road. Mayor Palmer stated the police report was clear and the location otherwise met the criteria. Mayor Palmer inquired if there were any comments by the applicant, public or by the Council. Randy Jones asked for clarification on the location and asked if there would be beer, wine and liquor stores on every corner. Mayor Palmer stated the large number of applications at this time is related to a change in the ordinance, and several represent changes in current licenses. There were no other comments and the hearing was closed. Councilman Hammond made a motion to approve the beer, wine and liquor pouring license request for the restaurant d/b/a Los Gallos de Mexico Inc., with Martin Carranza as the authorized agent. The motion was second by Mayor Pro Tem Potts with Councilman Hammond, Mayor Pro Tem Potts and Councilman Denmon voting affirmatively, motion carried.
 - 8) Mayor Palmer opened a public hearing on a beer and wine package license for Food Lion Inc., located at 1512 Red Bud Road with Robert Candler as the authorized agent. Mayor Palmer stated the police report was clear and the location otherwise met the criteria. He inquired if there were any comments by the applicant, public or by the Council. There were none and the hearing was closed. Mayor Pro Tem Potts made a motion to approve the beer and wine package license for Food Lion Inc., located at 1512 Red Bud Road with Robert Candler as the authorized agent. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond and Councilman Denmon voting affirmatively, motion carried.
 - 9) Mayor Palmer opened a public hearing on the beer package license request for an existing liquor package store for Mr. Ghulam Akbar Khan, d/b/a G.A.K Package at 2261 U.S. 41 North. He stated the police report was clear and the location met the criteria. He asked if there were any comments by the applicant, public or by the Council. There were none and the hearing was closed. Councilman Hammond made a motion to authorize a beer package license to accompany an existing liquor package license for Mr. Ghulam Akbar Khan, d/b/a G.A.K Package at 2261 U.S. 41 North. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.

10) Mayor Palmer stated in reference to the beer package license for Cristobol Vazquez d/b/a Tienda El Salvador Grocery Store, at 309 Court Street there was some question as to whether the location is actually operating as a grocery store. He stated in order for the location to be reviewed he would ask for a motion to table until October 24, 2005. Councilman Hammond made a motion to table the request for Cristobol Vazquez d/b/a Tienda El Salvador Grocery Store, at 309 Court Street until October 24, 2005. The motion was second by Mayor Pro Tem Potts with Councilman Hammond, Mayor Pro Tem Potts and Councilman Denmon voting affirmatively, motion carried.

7. Old Business: None.

8. New Business:

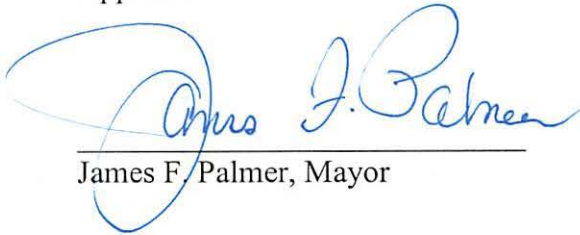
- a. Mayor Palmer gave a first reading of zoning request of R-1B and annexation of Ronnie Holbrook, agent for Jacqueline S. Roberson for property at 104 Joann Street. He stated the earliest date for a public hearing would be December 12, 2005 at 7:00 p.m. Councilman Denmon made a motion to set the public hearing for that date and time, second by Councilman Hammond with Councilman Denmon, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.
- b. A first reading of a zoning request of R-1B and annexation of Ronnie Holbrook for property at 102 Joann Street. Mayor Palmer stated the earliest date for a public hearing would be December 12, 2005 at 7:00 p.m. Councilman Denmon made a motion to set the public hearing for that date and time, second by Councilman Hammond with Councilman Denmon, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.
- c. Mayor Palmer gave a first reading of a zoning request of R-1B and annexation of Ronnie Holbrook, agent for Edna Blankenship for property at 100 Joann Street. He stated the earliest date for a public hearing would be December 12, 2005 at 7:00 p.m. Councilman Denmon made a motion to set the public hearing for that date and time, second by Councilman Hammond with Councilman Denmon, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.
- d. Mayor Palmer gave a first reading of taxi license request of Pedro Gonzales d/b/a Taxi Roman, business address 904 B N. Wall Street, Calhoun, GA. He stated a second reading could be held October 24, 2005 at 7:00 p.m.
- e. Mayor Palmer gave a first reading of a zoning of C-2 and annexation request of Southern Heritage Construction, Inc. for a lot off Hwy 41 and North Drive for approximately .738 acres. He stated the earliest date for a public hearing would be December 12, 2005 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 Hammond with Mayor Pro Tem Potts, Councilman Hammond and Councilman Denmon voting affirmatively, motion carried.
- f. Mayor Palmer gave a first reading of two beer package requests of Fast Petroleum, Inc. for the following:
 - 1) A request to convert beer package license at 1402 U.S. 41 South to a beer package with sales included with grocery sales.
 - 2) A request for new beer package with fuel/grocery items at 326 West Line Street, a new location.

Mr. Worth L. Thompson, Jr. would serve as the authorized agent for both license applications. Mayor Palmer stated the earliest date for a public hearing will be November 14, 2005 at 7:00 p.m. Councilman Hammond made a motion to set the public hearing on those requests for that date and time, second by Councilman Denmon with Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.

9. Other written items not on the agenda: None.
10. Work Reports:
 - a. Director of Utilities Kelly Cornwell. No report.
 - b. Director of Public Safety and Public Works Eddie Peterson. No report.
11. Mayor Palmer stated there was no need to move to Executive Session.
12. Mayor Pro Tem Potts made a motion to adjourn, second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond and Councilman Denmon voting affirmatively, motion carried.

Approved:

Submitted:



James F. Palmer, Mayor



Cathy Harrison, City Administrator

EXHIBIT "A"

City of Calhoun

Water & Sewer

Special Projects Status Report

October 10, 2005

- **Mauldin Road Water Treatment Plant Modifications and Water System Improvements, Phase IV:** Construction of the Sugar Valley Tank and Brownlee Mountain Tanks is complete. The Brownlee Mountain tank is in operation. The Sugar valley tank is in operation. The two new high service pumps have been installed, electrical work is in progress. Installation of the rate of flow control valves and the meters are complete. We have 85,000 feet of the 87,000 feet of new water mains as part of the DWSRF project installed to date. The filter work has begun and 12 filters have been modified. The filter controls are progressing well and the first console is being installed.
- **Wastewater Treatment Plant Modifications:** The projects completed to date as part of the CWSRF Project are: New Belt Press, Sludge Conveying System, the Lime System, cleaning of the old basins, and new sludge holding facility. The Grit Collection System installation is 95% complete. The aeration and clarification equipment has been delivered. Installation has begun on the aeration equipment. The installation will take approximately 120 days. We are expecting delivery of the two replacement screw pumps in December.
- **The Gordon County/City of Calhoun Sewer Projects –** The contractor is working on final punch list items and should be complete by October 28, 2005 . The new high school has been utilizing the new sewer as of July 19, 2005.
- **Engineering has begun for the Pine Chapel Water Transmission Main and Booster Station.**
- **Preliminary engineering is under way for several future sewer infrastructure replacements. The first of these will be the Peter's Creek Replacement Sewer. We will open bids on November 9, 2005.**