

**CITY OF CALHOUN  
REGULAR CITY COUNCIL MEETING  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET  
FEBRUARY 28, 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 Safety and Public Works  
Cathy Harrison, City Administrator**

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance.
  - a. Councilman Crowley gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Following review of the minutes of the February 14, 2005 regular City Council meeting, Mayor Pro Tem Potts made a motion to approve as written, second by Councilman Hammond, with Mayor Pro Tem Potts, Councilman Hammond, Councilman Denmon, and Councilman Crowley voting affirmatively, motion carried.
4. Mayor's comments:
  - a. Mayor Palmer thanked the Industrial Development Authority members for the opportunity to be a part of their annual Chamber breakfast. He stated this gave him and the Chairman of the County Commission an opportunity to update the citizens on the state of the City of Calhoun and Gordon County and their future plans.
  - b. Mayor Palmer expressed appreciation to the Gordon County Board of Commissioners and to the Mayors and Council members from the other four cities in Gordon County for the SPLOST meeting. He stated this was a meeting to discuss the possible continuation of the current countywide SPLOST as a method of addressing the tremendous challenges of the community due to growth.
  - c. Mayor Palmer reminded the Council of the rescheduled GMA District Days at the Capitol on March 9, 2005. He encouraged all who could attend to notify Administrator Harrison in order that arrangements can be made for the trip.
  - d. Mayor Palmer reminded the Council and public of the zoning hearing scheduled for March 28, 2005:
    - 1) A request for zoning of R-1B and annexation by Roxie W. Holland for a house and lot at 102 Georgia Drive.

5. 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 or needed to file 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 zoning of C-2 and annexation of 2.63 acres on Lover's Lane Road across from Cracker Barrel by Carolyn L. Cochran.
  - a) A public hearing was opened.
  - b) Harrison reported that notification to adjoining property owners had been completed, signs had been placed on the property and notices had been forwarded to the local legal organ for publication.
  - c) Mayor Pro Tem Potts stated the Zoning Advisory Board met on this matter on February 10, 2005 at 4:30 p.m. She stated this request was an accommodation annexation that would allow Julian and Jackie Jones to annex their property adjoining the property of Ms. Cochran. She stated the 2.63 acres on Lover's Lane Road with C-2 zoning is appropriate for the area. According to the long range plans of the city and the findings of the Zoning Advisory Board, it was their recommendation to approve the request.
  - d) Mayor Palmer inquired if there were any comments by the applicant. There were none.
  - e) Mayor Palmer asked if there were any comments by the Council or public. There were none and the hearing was closed.
  - f) The findings of the Council based on zoning criteria were as follows:

**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 has a reasonable economic use as currently zoned in the county.
- (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 future development of the property will be borne by the developer.
- (6) The proposal is in conformity with the policy and intent of the land use plan.
- (7) There are no other existing or changing conditions affecting the use and development of the property.
- (8) There are no other factors relevant to balancing the interest in promoting the public health, safety, morality or general welfare against the right to the unrestricted use of property.

- g) Based on these findings, 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 of 2.63 acres owned by Carolyn Cochran on Lover's Lane Road, second by Councilman Crowley, with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon, and Councilman Hammond voting affirmatively, motion carried.

- 2) Mayor Palmer gave a second reading of a request for zoning of C-2 and annexation of 2.494 acres at 1322 Lovers Lane Road by Julian and Jackie Jones.
- a) A public hearing was opened.
  - b) Harrison reported that notification to adjoining property owners had been completed, signs had been placed on the property and notices had been forwarded to the local legal organ for publication.
  - c) Mayor Pro Tem Potts stated this matter had been heard by the Zoning Advisory Board on February 10, 2005. There was a small trucking company office building on the property with the balance of the area being used for parking for trucks, making the zoning of C-2 appropriate. The request fit within the long range plans for the area. It was the recommendation of the Zoning Advisory Board to approve the request.
  - d) Mayor Palmer inquired if there were any comments by the applicant. There were none.
  - e) Mayor Palmer asked if there were any comments by the Council or public. There were none and the hearing was closed.
  - f) The findings of the Council based on zoning criteria were as follows:

**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 has a reasonable economic use as currently zoned in the county.
- (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 future development of the property will be borne by the developer.
- (6) The proposal is in conformity with the policy and intent of the land use plan.
- (7) There are no other existing or changing conditions affecting the use and development of the property.
- (8) There are no other factors relevant to balancing the interest in promoting the public health, safety, morality or general welfare against the right to the unrestricted use of property.

- g) Based on these findings, 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 of 2.494 acres owned by Julian and Jackie Jones at 1322 Lovers Lane Road, second by Councilman Hammond, with Mayor Pro Tem Potts, Councilman Hammond, Councilman Denmon, and Councilman Crowley voting affirmatively, motion carried.

- 3) Mayor Palmer gave a second reading of a request for zoning of R-1B and annexation of a house and lot at 100 Georgia Drive by Bernardino Rodriguez.
- a) A public hearing was opened.
  - b) Harrison reported that notification to adjoining property owners had been completed, signs had been placed on the property and notices had been forwarded to the local legal organ for publication.
  - c) Mayor Pro Tem Potts stated this matter had been heard by the Zoning Advisory Board on February 10, 2005. The Zoning Advisory Board saw no problem with the request, since it does partially fill an existing major island. It was the recommendation of the Zoning Advisory Board to approve the zoning of R-1B and annexation of the property owned by Bernardino Rodriguez.
  - d) Mayor Palmer inquired if there were any comments by the applicant. There were none.
  - e) Mayor Palmer asked if there were any comments by the Council or public. There were none and the hearing was closed.
  - f) The findings of the Council based on zoning criteria were as follows:

**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 as currently zoned in the county.
- (4) The zoning proposal will not result in a use which would cause an excessive burden on existing streets, utilities or schools, since it is currently developed and has city utilities.
- (5) There are no proposed capital improvement costs.
- (6) The proposal is in conformity with the policy and intent of the land use plan.
- (7) There are no other existing or changing conditions, with the exception that the proposal will aid in reducing one of the largest islands in the city.
- (8) There are no other factors relevant to balancing the interest in promoting the public health, safety, morality or general welfare against the right to the unrestricted use of property.

- g) Based on these findings, Mayor Pro Tem Potts made a motion to waive the third and fourth reading and approve the request for zoning of R-1B and annexation of a house and lot at 100 Georgia Drive owned by Bernardino Rodriguez, second by Councilman Denmon, with Mayor Pro Tem Potts, Councilman Denmon, Councilman Crowley, and Councilman Hammond voting affirmatively, motion carried.
- 4) Mayor Palmer gave a second reading of a request for zoning of R-1B and annexation by Ronnie Holbrook for a house and lot at 201 Jeep Street.

- a) A public hearing was opened.
- b) Harrison reported that notification to adjoining property owners had been completed, signs had been placed on the property and notices had been forwarded to the local legal organ for publication.
- c) Mayor Pro Tem Potts stated this matter had been heard by the Zoning Advisory Board on February 10, 2005. The property adjoins the Rodriguez property, making it eligible for annexation. This property also helps to fill in one of the larger islands outside the city, and it would be the recommendation of the Zoning Advisory Board to approve the R-1B zoning and annexation request of Ronnie Holbrook for the property at 201 Jeep Street.
- d) Mayor Palmer inquired if there were any comments by the applicant. There were none.
- e) Mayor Palmer asked if there were any comments by the Council or public. There were none and the hearing was closed.
- f) The findings of the Council based on zoning criteria were as follows:

**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 as currently zoned in the county.
  - (4) The zoning proposal will not result in a use which would cause an excessive burden on existing streets, utilities or schools, since it is currently developed and has city utilities.
  - (5) There are no proposed capital improvement costs.
  - (6) The proposal is in conformity with the policy and intent of the land use plan.
  - (7) There are no other existing or changing conditions, with the exception that the proposal will aid in reducing one of the largest islands in the city.
  - (8) There are no other factors relevant to balancing the interest in promoting the public health, safety, morality or general welfare against the right to the unrestricted use of property.
- g) Based on these findings, Mayor Pro Tem Potts made a motion to waive the third and fourth reading and approve the request for zoning of R-1B and annexation of a house and lot at 201 Jeep Street by Ronnie Holbrook, second by Councilman Crowley, with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon, and Councilman Hammond voting affirmatively, motion carried.

b. Other hearings and comments:

- 1) A second reading was given on the proposed ordinance to regulate entertainment clubs in the City of Calhoun and a public hearing was

opened. Mayor Palmer asked Attorney Bailey to review the proposed ordinance. Attorney Bailey stated the proposed ordinance would govern entertainment clubs in the City of Calhoun as to the hours and days the clubs could be opened. It divided the clubs into two categories: those for teens between the ages of 16 and 21; and adults 21 and over. He stated the ordinance would regulate the activities, would provide for applications and license approval. It would cover the types of beverages and food that could be sold under this type of license. The ordinance would also cover revocation and the appeal process, as well as the renewal process. He stated no alcoholic beverages would be allowed for the entertainment clubs. He asked if there were any questions or concerns regarding any of the proposed items. There were none and there were no additional comments. Mayor Palmer stated a second hearing on the matter would be held on March 14, 2005 at 7:00 p.m.

6. Old business: **none.**

7. New business:

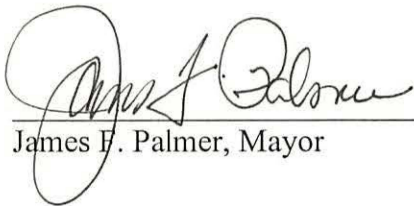
- a. Mayor Palmer recommended that everyone review the proposed updated city zoning map which contains all the zoning changes and annexations through January 31, 2005. He stated the zoning map would be reviewed and a public hearing would need to be set for March 28, 2005 at 7:00 p.m. Councilman Hammond made a motion to set the public hearing for that date and time, second by Councilman Denmon, with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.
- b. Mayor Palmer gave a first reading of a request by Russell Owen for rezoning from the PRD (Planned Residential Development) to C-2 of approximately one acre (of the 27 acre development) at 405 Belwood Road for future commercial development. He stated the earliest possible date for a public hearing would be March 28, 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 Denmon, with Mayor Pro Tem Potts, Councilman Denmon, Councilman Crowley and Councilman Hammond voting affirmatively, motion carried.
- c. Mayor Palmer stated the request by Andres Hernandez for a change of address for Oasis Taxi from 401 Oothcalooga Street to 802 North Wall Street had been withdrawn.
- d. Councilman Hammond stated that based upon a request by Police Chief Garry Moss, he would make a motion to authorize the transfer of \$1,350.00 from the Asset Seizure Fund to cover the purchase of surveillance equipment and the lease of a copier for four months for the Criminal Investigation Division. The motion was seconded by Councilman Denmon, with Councilman Hammond, Councilman Denmon, Councilman Crowley, and Mayor Pro Tem Potts voting affirmatively, motion carried.
- e. Mayor Palmer state a traditional parade request had been filed by Brent Parker for "Carry the Cross" on March 25, 2005 at 6:00 p.m. on a modified route. The modified route would start at the Library parking lot on Park Avenue, proceed east on West Line Street, south on Highway 41 to the Courthouse, departing the Courthouse and proceeding west on Court Street, north on Park Avenue and

returning to the Library parking lot. He stated any motion to approve would be subject to approval by the Department of Transportation. Mayor Pro Tem Potts made a motion to approve the request for March 25, 2005 at 6:00 p.m. for the traditional parade, subject to approval by the DOT. The motion was seconded by Councilman Hammond, with Mayor Pro Tem Potts, Councilman Hammond, Councilman Denmon, and Councilman Crowley voting affirmatively, motion carried.

8. Other written items not on the agenda:
  - a. Mayor Palmer stated the city had received information from the Department of Transportation regarding tentative approval for the city's LARP paving for the year, based on 0.82 miles. The paving would cover portions of Curtis Parkway and Hillcrest Drive. Following review, Councilman Crowley made a motion to approve the projects and to authorize the Mayor to sign all documents associated with the proposed contract. The motion was seconded by Councilman Denmon, with Councilman Crowley, Councilman Denmon, Councilman Hammond, and Mayor Pro Tem Potts voting affirmatively, motion carried.
9. Work reports:
  - a. Kelly Cornwell, Director of Utilities: **no report.**
  - b. Eddie Peterson, Director of Public Safety and Public Works, stated his report was in written form and was available for all to review as "Exhibit A" attached to these minutes.
10. Mayor Palmer stated it 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:

Submitted:



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James F. Palmer, Mayor



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Cathy Harrison, City Administrator

**“EXHIBIT A”**

Report by Eddie Peterson,  
Director of Public Safety and Public Works

1. **Harris Road Closure Certificate:** After several years of post closure construction, the Harris Road Phase 4 Industrial Solid Waste Landfill has received closure certification from the Environmental Protection Division. At this time all slopes, drainage systems, cover amounts, monitoring structures, and grassing has been accepted by EPD. Our continuing goal is to remove the Harris Road site from the Hazardous Site Index. If we continue to have “good” ground water monitoring numbers there is a possibility that the site could be declassified from the HSI. This would allow for less expensive monitoring events and remove Calhoun from the HSI radar screen.
2. **Completed LARP:** The resurfacing of Old Dalton Road has completed the 2004 LARP paving program. The LARP contract provided \$35,889 for resurfacing Old Dalton Road, Stewart Drive, and Riverview Drive, a total of 1.88 miles. The job required 1,600 tons @ \$42 per ton or \$67,000. So our GDOT LARP cost was about 54% State money and 46% City funds.

Our LARP request for 2005, on which we should see some pre-contract documents by April 2005, included; Curtis Parkway from SR 156 to Dews Pond Road, 0.6 miles, River Street from Oothcalooga Street to SR 53, 1.4 miles, Hillcrest Drive from Cherry Hill Drive to Sequoyah Terrace, 0.4 miles, Lake Drive from Amakanata Road to Sunset Drive 0.5 miles, and Marine Drive from Old Belwood Road to Union Grove Road, 1.4 miles.

3. **Mohawk Road:** Plans, drawings, and specs will be completed by March 4, 2005. This is several weeks behind schedule. We will have to make up this delay with GDOT contracts and construction to meet the July 2005 deadline. The Erwin/Wadkins property has been acquired so the three-lane Mohawk Road can merge with the County three lane Old Dixie Highway Project. We are working with Randy Dowling and Barry Hice to reach an agreement on the County’s previous taper plan. We are 90 percent complete with clearing and grubbing. The estimate for clearing, grubbing, and disposal was over \$50,000. It looks like we will be at the \$38,000 to \$40,000 range.

Instead of using six, 6’x6’ box culverts for the Lynn Creek crossing, we will propose to GDOT a Con-Span structure. These structures are pre-cast modular units which can be installed in two days with minimal creek disturbance. The flow area is greater than box culverts with no pillars to trap debris. The creek bed remains intact so scouring is eliminated. The cost is similar to box culverts (\$200,000 range). We asked Kenny Morton, with Mohawk, to extend the temporary creek crossing permit from the Corp of Engineers for another 120 days. He agreed to contact the Corp for additional permit time.

We will need assistance from Representative John Meadows and Representative Tom Graves to ask GDOT to expedite the city contract process for the Mohawk Road Project. During this time, we can bid the project and be ready to go when the GDOT contracts are executed.

4. **Orthophotography:** Color aerial photography will be flown sometime between late February and mid-March 2005. The County is using a 1"= 200'. The City will be flown at 1"= 100'. The City will also have 2' contours on all digital images where the County will have 8' contours. The City will expand its boundaries to provide for future annexation and sewer flow information. The cost of the flight will be \$21,845 shared between the City and the County. If we miss this late winter flight opportunity it would be 2006 before we could fly again. The entire project will cost \$174,626. I am working with Wayne Walters and Spectrum at this time to determine a fair approach for the total project cost. While the County has more photo sheets, the City will have more detailed and useable information for our needs. Calhoun's cost can be part of SPLOST Transportation for center lining our street system. This is a major step in providing for Calhoun's Geographic Information System.
5. **Park Ave. Sidewalks:** The two lengths of sidewalk are now complete on Park Avenue. From Oothcalooga north to Harlan Street, the sidewalks have been reconstructed along with new curb, gutter, and service lines. Please advise on the remaining sidewalk from Hicks Street to Oothcalooga.
6. **Drainage Problems:** We are working on several recurring flood problems where water is going into or onto property structures. One is near Red Bud Road at Winsor Drive and the other is on Alyssa Lane and Vogel Street.
7. **Soccer Field Lighting:** The lower soccer fields have been under water several times during January and February 2005. We planned on this project being completed by the end of February (optimistic) but construction during this time would damage the fields due to the heavy equipment required (cranes, cement trucks, etc.). We are still looking at mid-March 2005 for completion (barring wet weather).
8. **Impact Fees:** I will have you a report on the procedures and processes required to impose impact fees before the next council meeting.
9. **Firing Range:** The firing range is complete. This \$130,000 project was completed with in-kind labor, inmate labor, surplus property from the Department of Defense, asset seizure money, and donated materials from local supply houses. Actual monies spent were in the \$35,000 range. Special thanks to the Street Department and Electrical Department for their efforts. We now have a facility that allows law enforcement personnel to be certified and meet training requirements in Calhoun. The Coosa Valley Technical College Police Academy can use the facility for training and other law enforcement agencies are using the facility for training and certification purposes.