

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
CALHOUN, GA
AUGUST 8, 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/ Public Works
Cathy Harrison, City Administrator**

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance. Councilman David Hammond gave the invocation.
2. Mayor Palmer led the group to the Pledge of Allegiance to the United States Flag.
3. Following review of the July 25, 2005 regular City Council meeting minutes, Councilman Hammond made a motion to approve as written. Second by Councilman Crowley with Councilman Hammond, Councilman Crowley, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.
4. Mayors Comments:
 - a. Mayor Palmer reminded everyone that school begins on August 9, 2005. He asked everyone to watch out for children and to remember congestion will be extremely heavy for at least two weeks until everyone gets on a schedule.
 - b. Mayor Palmer reminded the Council of a GMA meeting in Rome on August 9, 2005 at 7:00 p.m. at the Rome Braves Stadium.
 - c. Mayor Palmer congratulated Joyce James on her recent retirement from the City's waste treatment facility where she served as a lab technician, providing 29 years of service. Mayor Palmer wished her a successful retirement.
 - d. Mayor Palmer expressed sympathy to Harold Cronan, a City water plant operator, and Diane Cronan, Chief Librarian, on the loss of their daughter Stephanie.
 - e. Mayor Palmer reminded the Council of the DCA officials that would be meeting with the Council on August 22, 2005 at the work session at 700 West Line Street.
 - f. Mayor Palmer reminded everyone concerning a wine license application of Marion Whitaker, at 767 Highway 53 East. The license will accompany an existing beer packaging license. The hearing will be on August 22, 2005 at 7:00 p.m.

g. Mayor Palmer reminded the Council and public of a zoning hearings schedule for September 12, 2005 at 7:00 p.m.

- 1) Mayor Pro Tem Potts reviewed the application of Ronnie Holbrook's zoning variance request for setback relief to allow construction of a garage and a zoning change from R-2 to R1-B for the property at 507 College Street.

5. Council Comments:

a. Mayor Pro Tem Potts stated:

- 1) The street department placed 18 new street signs during the month of July, hauled 74 loads of stone and completed 32 workshop orders. They ran the storm water maintenance plan on July 22, 2005, checked all grates and lines. They dug out and patched at the police department alley, Nelson Street, Welco Lane, Florence Ave, and Louise Ave utilizing 40.93 tons of asphalt. They loaded and hauled to the landfill approximately 2 miles of silt fence from the McDaniel Station Road area. They drained the pond and dug out 600 feet of ditch on the Clarence King Drive near the Mohawk plant. They worked at the concert in July at the BB&T Park. They dug out and laid 240 feet of 18 inch, metal pipe on Cobert Cemetery Road. They cleaned up at the DOT intersections, repaired storm water box and hauled in dirt on Alyssa Lane and started demolition work for the new tennis courts.
- 2) Sanitation department gained two 4 yard accounts, two 6 yard accounts and one 8 yard dumpster account.
- 3) The parks department continued their routine work of maintaining all City property. They constructed a 24X36 shed roof over the street department oil changing pit.
- 4) The cemetery department sold 6 new grave spaces, set 3 new monuments, supervised the opening and closing of 12 grave sites and provided routine maintenance at both Fain and Chandler Cemetery.
- 5) Animal Control responded to 71 customer calls and housed 34 dogs and 25 cats during the month of July.
- 6) Mayor Pro Tem Potts stated the Main Street Program will begin selling bricks for the Downtown Park. This will be a continuation of brick sales that were sold prior to the opening of the Park. This will allow individuals who wish to purchase bricks as Christmas gifts etc...an opportunity to do so.
- 7) Mayor Pro Tem Potts stated the Historic Preservation Commission had their first meeting on August 4, 2005. She stated at the organizational meeting they elected officers and their only item of business was to recommend an initial designated area. She stated their recommendation to the Mayor and Council was for the downtown area beginning at the intersection of Line Street and Wall Street, continuing south to Hicks Street and Wall Street including both sides of Wall Street and Park Avenue within the area to be the first designated Historic Preservation district. Following discussion Mayor Pro Tem Potts made a motion to approve the designated area. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond, Councilman Denmon, Councilman Crowley voting affirmatively, motion carried.

Mayor Pro Tem Potts stated the final concert in the Park for the year would be Saturday, August 20, 2005. She stated it would be a gospel concert and she recommended everyone attend this final event.

b. Councilman Denmon stated:

- 1) The water treatment plant pumped a total of 388,040,000 gallons of water during the month of July for a daily average of 12.517. He stated at this time the Brittany well is providing 42.47% of the City's potable water.
- 2) The water construction department made 43 connections during the month of July, changed 17 water meters, repaired 35 leaks, set a total of 58 meters, received 118 calls at the shop, provided 363 locates of line, called in 65 locates for their area and responded to 32 additional calls.
- 3) The waste treatment plant treated a daily average of 8.67 million gallons per day with the average BOD effluent of 8, average suspended effluent 13, and average COD effluent 58.
- 4) The sewer construction department made 10 connections, provided 6 service repairs and repaired 2 manholes, inspected 1,150 feet of sewer mains and 600 feet of sewer services. They responded to 186 calls for locates, repaired 4 lift stations, responded to 2 sewer calls, cleaned 5,650 of sewer lines, opened and inspected 18 manholes, installed 450 of 8 inch sewer main to a new subdivision on Jones Road and installed 180 feet of 8 inch sewer main at the new Yancy Lift Station on Robinson Road.
- 5) For sludge disposal the operator applied 1,392 cubic yards of sludge.
- 6) The water and sewer special projects report, the Mauldin Road treatment plant project includes the Sugar Valley tank and Brownlee Mountain Tank both being completed and in operation. Two high service pumps have been installed, 85,000 feet of the 87,000 feet of new water mains on the project are installed at this time. The filter work has begun at the plant and 12 filters have been modified. The filter controls are progressing well and the first console is scheduled for installation in September.
- 7) The waste treatment plant modifications, the new belt press, sludge conveying system and the lime system, plus the cleaning of the old basins and new sludge holding facility are complete. The grit collection system is 95% complete. The aeration and clarification equipment have been delivered and installation will begin shortly. This installation will take approximately 120 days. The 41 South Interceptor Sewer Project has been complete and close out is in progress. The Gordon County, City of Calhoun sewer project is almost complete in spite of a delayed schedule. Gordon County was notified in April the contingency monies had been used and it had been necessary to install a "Rock Bore/Tunnel for the 53 sewer crossing as a change order number two. The change order was approved in late May and the tunnel was completed in late June. The new high school began utilizing the new sewer on July 19, 2005. The Union Grove Booster station has been completed and preliminary engineering is underway for future sewer infrastructure replacement.
- 8) The building inspector's monthly report indicated that 44 permits were sold during the month of July with a total estimated building cost of \$3,371,050.00 of this, \$1,090,000.00 was for new residential.

c. Councilman Crowley stated:

- 1) The electric department during the month of July, completed and energized services at Hannah Hills, also the Village Bristol Place, Phase II. The department continues to work on the water plant pumping expansion. The new Union Grove pump is installed and ready for service. The Yancy sewer lift station relocation is in progress. The service to the City School system at Eastside School is complete. The new lift station at Sonorville High School is complete and energized. The second pump on Highway 53 is near completion and is currently in the test stage. The tennis court lighting project is under way. The turbine generator operated 26 hours in July. An energy audit for Marquez, Artizans Carpet on River Street is complete and the department continues to work with the company for a 500 kw addition. During the month of July they completed 34 street and security light work orders, 50 new business and maintenance work orders and responded to 10 after hour call outs. The department is installing a new comprehensive work order inventory control program for the fiscal year 2005-2006.
- 2) The telecommunications division signed and started construction on a new connection for Southern Care Family Medicine. They completed the connection for Dr. Joyave's office. They continue to work on the connection at Mohawk's new plant and installed a wireless router for the Airport for hot spot internet connection. They added 7 new computers and two phones to City offices opened 17 work orders and closed 16, responded to 6 trouble calls.
- 3) During the month the electric department issued 25 permits, provided 61 inspections, set 5 meters and purchased over 36 million kw of electricity.

d. Councilman Hammond stated:

- 1) The police department made 594 cases during the month of July, including 103 cases for speeding and 13 for DUI's. They collected \$84,586.00 in fines, issued 268 warnings, responded to 69 highway accidents with 3 injuries and no fatalities, provided 66 escorts, and responded to 1,326 incidents, responded to 204 alarms, and took 3,936 calls from 911. They patrolled 47,303 miles. They issued 53 parking citations.
- 2) The fire department in July responded to 55 calls for service, with 8 fire incidents with an estimated damage of \$142,700. They provided 16 emergency medical services, responded to 5 hazardous condition incidents, 4 good intent calls, and 19 false alarms. The department completed in house training during the month on core skills, truck operations, and ladder use and safety. Four members of the department completed 80 hours of training at the fire academy and will receive post instructor class training certification. The fire escape planning class taught 25 individuals at Catoosa Senior Village, off Red Bud Road.
- 3) The fire inspection area provided 41 inspections during the month and taught one public education class.

Councilman Hammond stated that the Coosa Valley RDC has a new director, Mr. Bill Steiner. He stated the Coosa Valley RDC has issued a new water report that indicates a current usage in the Northwest Georgia area of 131

million gallons of water per day. However, in the year 2050 it will increase to 481 million per day.

6. Public hearings and comments:

a. Mayor Palmer stated at this time public hearings on zoning matters will 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, if required and each person giving their name and address. Mayor Palmer made an inquiry to determine if any elected official had filed or needed to file a disclosure statement regarding ownership or special interest in any of the agenda items. The response was negative.

1) Mayor Palmer stated items 1&2 would be reviewed together since the first is an annexation request that will accommodate the second. The first being a request by Howard L. and Brenda Brock for zoning of A-1 and annexation of approximately 13 acres at 1403 McDaniel Station Road SW.

2) A request by Rickey and Lisa Holden for zoning of R-1 and annexation of approximately 2 ½ acres at 1363 McDaniel Station Road SW.

a) A public hearing was opened.

b) Harrison reported that signs had been placed on the property, notices had been published in the local legal organ and evidence of notification to adjoining property owners had been received.

c) Mayor Palmer asked for a report from the Zoning Advisory Board. Mayor Pro Tem Potts stated the Zoning Advisory Board had heard these matters on August 4, 2005 and found the properties are contiguous. They are within an area that has had recent annexation. There is no planned new development on either parcel and their recommendation was to zone the first as A-1 and annex and zone the second tract as R-1 and annex.

d) Mayor Palmer inquired if there were any comments by the applicant.

e) Brenda Brock stated that she was available to respond to questions on either request.

f) Mayor Palmer asked if there were any questions by the public or the Council. There were none and the hearing was closed.

g) Mayor Palmer stated the items will be voted on individually. Mayor Pro Tem Potts stated the Zoning Advisory Board had met on this matter on August 4, 2005 at 4:30 p.m. Mayor Pro Tem Potts stated it was the recommendation of the Zoning Advisory Board to approve the request for zoning and annexation, based on the following criteria:

STANDARDS GOVERNING THE EXERCISE OF ZONING POWER

(1) The zoning proposals will permit a use that is suitable in view of the use and development of adjacent and nearby property.

(2) The zoning proposals will not adversely affect the existing use or usability of adjacent or nearby property.

- (3) The property affected by the zoning proposal has a reasonable economic use as it is currently zoned in the county.
- (4) The zoning proposal will not result in a use that will cause excessive use or burden on existing streets, utilities or schools, since the children currently attend City Schools and since the property in question is developed.
- (5) There were no capital costs for improvements for water mains or etc. for the properties.
- (6) The zoning proposals is in conformity with the policy and intent of the land use plan.
- (7) There are no changing or existing conditions affecting the use and development of the property that support grounds for approval or disapproval.
- (8) There are no other factors relevant to balancing the interest in promoting public health, safety, morality or general welfare against the right to the unrestricted use of properties.

- h) Mayor Pro Tem Potts made a motion to waive the third and fourth readings and to approve zoning of A-1 and annexation of 13 acres at 1403 McDaniel Station Road. The motion was second by Councilman Denmon, with Mayor Pro Tem Potts, Councilman Denmon, Councilman Crowley and Councilman Hammond voting affirmatively, motion carried.
 - i) Mayor Pro Tem Potts made a motion to zone the property as R-1 and annex 2 ½ acres at 1363 McDaniel Station Road as petitioned by Ricky and Lisa Holden. The Motion was second by Councilman Crowley, with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon and Councilman Hammond voting affirmatively, motion carried.
- 3) Mayor Palmer gave a second reading to the zoning variance of Hopeton and Donna T. Forester for property at 208 Crest Drive. The request would allow construction of an apartment building with four units. There is currently a single-family house in poor condition on the property and the property is currently zoned R-2.
- a) Mayor Palmer opened the public hearing and inquired if all of the notices had been completed.
 - b) Harrison reported that signs had been placed on the property, notices had been published in the local legal organ and evidence of notification to adjoining property owners had been received.
 - c) Mayor Pro Tem Potts stated the Zoning Advisory Board had heard this matter on August 4, 2005 and based upon the ordinance that requires an area zoned R-2 that had previously had single-family housing within the past 40 years remains available for single-family house construction. She stated although there is a mixture of use in the community there is still several single-family homes in the area. It was the recommendation of the Zoning Advisory Board to deny the request.

VARIANCE CONSIDERATIONS (ONE OR MORE)

- (a) There are no 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 not create an unnecessary hardship.
- (c) There are no conditions peculiar to the particular piece of property involved.
- (d) Relief, if granted, could 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.

- d) Mayor Palmer asked if there were any questions by the applicant.
- e) Mr. Hopeton stated he was available to respond to any questions.
- f) Mayor Palmer asked if there were any questions by the public or the Council. There were none and the hearing was closed.
- g) Mayor Pro Tem Potts made a motion to deny the request based upon the findings at the Zoning Advisory Board and at the hearing, the motion was second by Councilman Denmon, with Mayor Pro Tem Potts, Councilman Denmon, Councilman Hammond and Councilman Crowley voting affirmatively, motion carried.

4) Mayor Palmer gave a second reading to request of Ridge Row, LLC filed by Joe Stepp as a member of the LLC for rezoning of property at 711 South Wall Street from R-2 to C-2.

- a) A public hearing was opened.
- b) Harrison reported that signs had been placed on the property, notices had been published in the local legal organ and evidence of notification to adjoining property owners had been received.
- c) Mayor Pro Tem Potts stated the Zoning Advisory Board had heard this matter on August 4, 2005. They determined the majority of the activity in the area is commercial and the request was for the best use of the property. Their recommendation was to approve the rezoning from R-2 to C-2.
- d) Mayor Palmer asked if there were any comments by the applicant.
- e) Joe Stepp stated he was available to respond to any questions.
- f) Mayor Palmer asked if there were any questions by the public or the Council. There were none and the hearing was closed.
- g) Mayor Pro Tem Potts stated the Zoning Advisory Board had met on this matter on August 4, 2005 at 4:30 p.m. Mayor Pro Tem Potts stated it was the recommendation of the Zoning Advisory Board to approve the request for zoning and annexation, based on the following criteria:

STANDARDS GOVERNING THE EXERCISE OF ZONING POWER

- (1) The proposal will 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 since the bulk of the property in the area is zoned commercial.

- (3) The property to be effected by the zoning proposal has economic use as currently zoned but would have a higher level of use zoned commercial.
- (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 cost for the project will be born by the developer.
- (6) The zoning proposal for commercial development 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) N/A

h) Mayor Pro Tem Potts made a motion to rezone the property from R-2 to C-2. The motion was second by Councilman Hammond, with Mayor Pro Tem Potts, Councilman Hammond, Councilman Denmon, and Councilman Crowley voting affirmatively, motion carried.

5) Mayor Palmer gave a second reading to a request of R-1A and annexation by Paul Lusk for approximately 41 acres adjoining the current Parks Place development. The purpose of the annexation and development of an additional phase of Parks Place.

- a) A public hearing was opened.
- b) Harrison reported that signs had been placed on the property, notices had been published in the local legal organ and evidence of notification to adjoining property owners had been received.
- c) Mayor Pro Tem Potts stated the Zoning Advisory Board had also heard this matter on August 4, 2005. Following a report of the Zoning Committee and also following reports by selected speakers from the current Parks Place development, as well as a petition signed by the majority of the individuals at Parks Place that it was the Zoning Advisory Board recommendation the property be zoned as R-1 as apposed to R-1A and annexed based upon the following criteria.

STANDARDS GOVERNING THE EXERCISE OF ZONING POWER

- (1) The zoning proposal as permitted will not permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (2) The zoning proposal would adversely affect the existing use or usability of adjacent or nearby property.
- (3) The property to be effected by the zoning proposal has reasonable value as it is currently zoned agricultural in the county.
- (4) The zoning proposal as presented could result in a use which would cause burden on existing streets, utilities and schools.
- (5) The capital associated with construction of the project would be born by the developer.
- (6) The zoning proposal in terms of the type of development for residential development is within scope and intent of the land use plan and will infill an area.
- (7) There are existing conditions and unanswered questions regarding the development of the property that does not support this approval of R-1A zoning.
- (8) N/A

Mayor Palmer stated he realized there was several people that wished to speak and in order for the matter to be thoroughly discussed he would waived the ten-minute time limit.

- d) Mayor Palmer asked if there were any comments by the applicant.
- e) Mr. Lusk stated he developed the first phase of Parks Place under the zoning regulations that were in place in the late 80's. He stated at that time there was only one zoning classification for single-family housing and that required 15,000 square feet per lot and did not have any reference to the size of the houses. He stated his lot size had exceeded the minimum requirements. He stated the initial development had been built under covenants that were very favorable to the residents. He stated in his additional phases it did not require action by the Council. He had the opportunity to develop those outside of covenants but he elected to put those additional phases under the same covenant. He stated his request of R-1A would allow him flexibility in designing the lot size and utilizing the local terrain. He stated the R-1 zoning will require 25,000 square feet as a minimum per lot and would reduce his flexibility. He stated if the Mayor and Council feel there is a need to lower the lots, he would prefer that rather than the actual R-1 zoning. He stated the initial plat indicated maximum lots that were available under the 15,000 square foot lot size, approximately 79 lots. However, he had dropped that number down to 65, which would raise the square footage considerably above the minimum of 15,000 square feet. He stated that water shed would require a retention pond that would allow a slow exit of water. He stated all of this would be handled under the soil and sedimentation regulations required by the City.
- f) Mayor Palmer stated at this time the Mayor and Council will hear remarks from the residents of the development.
- g) David King of 311 Caverns Drive stated that he is a resident in the development and he had emailed the City regarding the procedure as to whether or not the Council would be considering R-1 or R-1A zoning for the request. He stated in the response from the City he was informed the matter had been discussed in the Work Session and there was an indication an agreement had been reached with the property owners regarding the R-1A zoning. Mayor Palmer stated the Work Sessions are simply work sessions in which the Council reviews the agenda and no vote on any matter is taken. He stated if there were consideration or agreements made by residents in the area there was no confirmation, only a general assumption. Attorney Bailey stated the Zoning Advisory Board had recommended R-1 therefore the application for R-1A and R-1 would be considered.
- h) Jeff Gilmer stated he is a resident of the area since 1995 and he and his family are opposed to the R-1A zoning. He stated they have 138 signatures requesting the Council uphold the Zoning Advisory Boards findings and adopt the R-1 zoning. He stated the R-1A zoning is not a continuation of the previous development due to smaller lot size, shorter setbacks and the heated square footage for houses. He stated the adoption of the R-1 zoning and a protective covenant would ensure that this phase of the development would be consistent with the previous phases. He stated the high-density development under R-1A

would generate a tremendous burden on the subdivisions streets and on the one working entrance. He stated the water run offs from the clearing of trees would be an issue for the residents in the area including those in Timber Ridge. He stated the current zoning for Parks Place in the developed area is R-1 and those lots have an average lot size of .72. They have setbacks of 50 feet from the front and 25 from the rear and side. They have covenants that ensure houses of no less than 2,000 square feet would be built. He stated there are currently 90 homes in the Parks Place development. He stated while the members of the community are not opposed to the development of the land, they are opposed to the development under the R-1A zoning.

- i) Mrs. Lori Moyer presented a photo to each member of the Council and identified the property that would be developed.
- j) Alan McCormick, a resident of the area asked questions regarding the proposed covenant that Mr. Lusk had agreed to provide for the area if zoned R-1A. The City Attorney explained the Mayor and Council could not force the developer to provide covenants. However, Mr. Lusk had offered to provide those covenants and had offered they become a part of the motion if the property was zoned R-1A. However, the Council could not force those covenants to be provided for either zoning.
- k) Several members, unidentified ask if the covenant would become a part of the motion for the R-1 zoning.
- l) Mr. Lusk stated he had met with Marty Brown and Jeff Gilmer and had worked out the proposed covenants. Those covenants were for the zoning of R-1A. Mr. Lusk stated it would take approximately five years to fully develop the acreage and his initial start on the project would be approximately 24 lots.
- m) Trey Pierson ask if the matter could not be returned to the Zoning Advisory Board for the group to review the new discussion. Mayor Palmer stated it would be very time consuming and very inconvenient for everyone for the matter to be returned to the Zoning Advisory Board.
- n) Gary Easton stated that Caverns Drive is not designed for large amounts of traffic. There is a large hill and a “S” shaped curve in the road.
- o) Mrs. Carol Inman, a member of Timber Ridge stated she is concerned the development behind her house and the clearing of trees will cause a water problem. Mayor Palmer stated before any permit can be issued Mr. Lusk will be required to provide engineering, soil and sedimentation plans that will provide for the handling of water and grading.
- p) Alan McCormick stated he is concerned with property values and concerned with the size of houses proposing to be built. He stated if an agreement with the developer could be reached, regarding 2,500 square feet of heated space this might be an option.
- q) Bruce Potts stated he was concerned about school bus traffic. There is currently a problem on Caverns Drive that does not allow the bus to travel on a part of that road at this time.
- r) There was discussion regarding the gate and comments regarding the short period of time the gate was left open and the amount of traffic that came through the subdivision only as a short cut.

- s) There were also comments regarding the gate and the fact that it does not operate easily and a requested the gate be replaced with a more modern and easier to operate by remote control gate. Mayor Palmer stated the proposal has been discussed for a considerable length of time and it would be time to close the hearing. Attorney Bailey stated the Mayor and Council would be a considering a vote for R-1A with a consideration that no more than 60 lots be developed according to the reduction stated by Mr. Lusk and would be requirement for the proposed covenant to be adopted by Mr. Lusk and be a part of the proposal. The R-1A zoning would be considered based on the zoning requirements and minimum standards for the zoning ordinance.
 - t) Mayor Palmer stated in lieu of all of the discussion that Mr. Gilmer might ask the residents of Parks Place to take a vote based upon the outline provided by Attorney Bailey. Mr. Gilmer asked the group to either to raise their hands or stand if they were in favor of R-1A zoning with the minimum development of 60 houses and the covenants as proposed by Mr. Lusk. There were approximately 13 people who raised their hands or stood. He asked those that were interested in voting for the R-1 zoning to stand. There were more than 13.
 - u) Mayor Palmer stated at this time the hearing was closed. He asked if there was a motion.
 - v) Mayor Pro Tem Potts made a motion to zone the property R-1 and to make the packet that had been distributed by the residents a part of the motion. (However, the proposed covenant was not offered by Mr. Lusk to be a part of the R-1 zoning and could not be enforced by the City without his consent.) The motion was second by Councilman Hammond, he stated quality growth and development is a major concern of the Mayor and Council, and they are in the process of hiring the proper planners and engineering groups to provide a quality comprehensive plan for Calhoun and Gordon County and will be meeting with several groups of professionals regarding ways to provide quality growth for the community. The motion was approved on a vote by Mayor Pro Tem Potts, Councilman Hammond, Councilman Denmon and Councilman Crowley.
- 6) Mayor Palmer stated at this time there are other hearings that must be heard by the Council.
- a. The first being a public hearing on proposed amendments to the City's alcohol ordinance. Mayor Palmer asked Attorney Bailey to review the proposed amendments to the alcohol ordinance. Attorney Bailey stated the first amendment deals with the definition of a package store. He stated the package store definition would mean a specific building or facility within the City, where in a license could be issued for the sale of alcoholic beverages in their respective consumer containers and not for consumption on the premises.
 - b. He stated the second amendment dealt with the designation of a store manager. He stated the present ordinance requires that manager to be a resident of Calhoun or Gordon County. However, he stated the amendment would allow a corporation or a registered partnership to provide a person or firm that could act as a person designated to receive notice of any action and that person or firm could be located anywhere in the

State of Georgia. Those applying as individuals or unregistered partnerships would be required to be residents of Gordon County.

- c. The next section proposed for amendment would be the ownership of or an interest in multiple licenses. He stated under the present state code individuals can have an interest or ownership in two licenses. However, under the current City ordinance they can have an interest only in one. He stated this proposal would allow persons to have an interest in two licenses as allowed by the state code. He indicated that wine license would not be considered as a second license but being compatible with either a liquor license or a beer license.
- d. The next area also identified another change that allowed persons to hold an interest in two licenses issued by the City.
- e. The next amendment would clarify those products that could be sold with distilled spirits.
- f. And while listing those it does indicate that all three products may be sold in a package store that does not sell food products and items similar to food products or fuel. He stated this would allow the language that calls for separation of facilities to be removed from the ordinance allowing free standing package stores to provide beer, wine and liquor sales from one store and as one operation.
- g. The last proposed change would firmly identify that beer and wine license as package that could be sold in grocery stores, service stations, pharmacies, etc...it would not require persons under 18 and under that are working in the facility to be registered with the police. However, the owner of the license would need to adhere to the local and state law that does not allow any person under 18 to dispense, serve, sell or take orders for any alcoholic beverages.
- h. Mayor Palmer asked if there were any questions regarding the proposed amendments.
- i. There were a few questions regarding clarification on different items, specifically the ability to sell all types of license from one package store. These clarifications were made, there were no additional questions and the public hearing was closed.
- j. Mayor Palmer stated a second public hearing would be held on the matter on August 22, 2005 at 7:00 p.m.

7. Old Business:

- a. Mayor Palmer reopened a discussion on the amendment on the franchise ordinance with the Georgia Power Company. He stated the power company had asked the City to reconsider the maturity date they had placed on the currently adopted amendment stating they were attempting to have uniform maturity dates for their franchise agreement and this uniform date was September 30, 2042. Following discussion Councilman Crowley made a motion to approve the new proposed maturity date on the recently adopted franchise ordinance amendment to September 30, 2042. The motion

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

8. New Business:

- a. Mayor Palmer stated the Oasis Taxi business operated by Andres Hernandez has requested to relocate his business office to 203 Richardson Road, Suite 90. He stated the police license had been re-run and they remained clear. He stated the location is a commercial area. Councilman Denmon made a motion to approve the relocation request, second by Councilman Crowley with Councilman Denmon, Councilman Crowley, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.
- b. Mayor Palmer gave a first reading of a zoning variance request of W.H Ortwien, for a sign variance to increase the height to 23 feet and increase the size to 84 feet at the business address of 160 Robinson Road, Calhoun. He stated the earliest date for a public hearing would be October 10, 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, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.
- c. Mayor Palmer gave a first reading of 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. He stated the earliest date for public hearing would be October 10, 2005 at 7:00 p.m. Councilman Crowley made a motion to set the public hearing for that date and time, second by Councilman Denmon with Councilman Crowley, Councilman Denmon, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.
- d. Mayor Palmer gave a first reading of 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, 24, 29, 30, 25 and 24 off of the platted Dawn Drive and Sonia Drive. He stated the earliest possible date for public hearing would be October 10, 2005 at 7:00 p.m. He stated this property adjoins the above referenced property. Councilman Denmon made a motion to set the public hearing for the October 10, 2005 at 7:00 p.m. date and time, second by Councilman Crowley with Councilman Denmon, Councilman Crowley, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.
- e. Mayor Palmer gave a first reading of a zoning request of R-1 and annexation by Kris and Kristi McBee for a lot and house at 209 Camelot Drive. He stated the earliest possible date for public hearing would be October 10, 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, Councilman Denmon, and Councilman Crowley voting affirmatively, motion carried.
- f. Mayor Palmer gave a first reading of a rezoning request for property at U.S 41 and Union Grove Road, the tract consisting of approximately 23 acres, with a request to rezone from A-1 to Industrial. He stated the earliest possible date for public hearing would be October 10, 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, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.

- g. Mayor Palmer gave a first reading of a new zoning of R-1B and annexation of approximately 7 acres, lot 4 and tract 1 of Nelson Lake Road as petitioned by Frank Gentry, Jr. He stated the earliest possible date for public hearing would be October 10, 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 Crowley with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon and Councilman Hammond voting affirmatively, motion carried.
- h. Mayor Palmer gave a first reading of a zoning variance of 10 feet for Flipper McDaniel's request for a sign to be located at 815 Curtis Parkway SE, a commercial location. The sign would otherwise fit the criteria of the sign ordinance. Mayor Palmer stated the earliest date for a public hearing would be October 10, 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, Councilman Crowley, and Mayor Pro Tem Potts voting affirmatively, motion carried.
- i. A first reading was given to the zoning variance of Mike Bagwell and Bagwell Family, LLC for construction of multi-family housing on two lots, one on Court Street and one on North River Street currently zoned R-2, but with prior single-family housing history. Mayor Palmer stated the earliest date for a public hearing would be October 10, 2005 at 7:00 p.m. Councilman Hammond made a motion to set the public hearing for that date and time, second by Mayor Pro Tem Potts with Councilman Hammond, Mayor Pro Tem Potts, Councilman Denmon, and Councilman Crowley voting affirmatively, motion carried.

9. Written items not on the agenda: none.

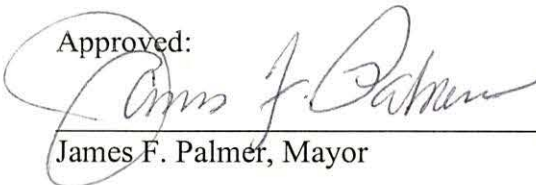
10. Work Reports:

- a. Director of Utilities, Kelly Cornwell stated his primary work report had been reviewed by Councilman Denmon, however, he would add the City had recently received a permit that would allow Big Springs to be utilized at 6 million gallons per day with a peak capacity of 7 million gallons per day.
- b. Director of Public Safety/Public Works, Eddie Peterson, no report.

11. Mayor Palmer stated that it was not necessary 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, Councilman Denmon, and Councilman Crowley, voting affirmatively, motion carried.

Approved:


James F. Palmer, Mayor

Submitted:


Cathy Harrison, City Administrator

EXHIBIT "A"

Work Report
August 2005
Eddie Peterson

1. Mohawk Road and Bridge: Finally, finally, Calhoun has a Georgia DOT contract for \$300,629.14 for base, paving and other parts of the Mohawk road project. The bridge will be complete by September 16, 2005 and the road will be complete by October 21, 2005. We are continuing to discuss the additional 18,000 cu. yards of fill material with Northwest Georgia Paving. Please find attached picture of the bridge foundation (August 19, 2005).

2. Tennis Facility: We have removed the unsuitable material down to subgrade and have hauled in 6,000 cu. yards of shale material to rebuild the base for the lower courts. The primary reason the courts have failed in the past is due to the lack of a solid base and good drainage. Our construction time table is;

Bid Courts: Mid-Sept. 2005

Begin Construction: Lower Courts Oct. 2005

Begin Construction: Upper Courts Nov. 2005

Bid Building: Oct. 2005

Begin Construction: Tennis Center Building Nov. 2005

Complete Total Project: Feb. 1st 2006

The Tennis Facility Project will include; demo and replacing 12 existing courts, add additional 3 courts on northwest property, low mast lighting system, fencing, walkways, drainage, landscaping, and tennis center building approximately 2,000 sq. ft.

The City will provide for all demolition, compacted base course, major drainage, electrical to lights, water, sewer, and supervision and inspection of the project.

The estimated budget is as follows:

| | | |
|--------------------|--------------|---|
| Lighting..... | \$160,000 | |
| Fencing..... | 50,000 | 3,400 LF, includes 15 gates and corners |
| G.A.B..... | 35,000 | Graded Aggregate Base and setup |
| Paving..... | 60,000 | 180 lbs. per sq. yard |
| Court Finish..... | 32,000 | |
| Nets Post..... | 8,000 | |
| Surface Drainage.. | 15,000 | |
| Perimeter Fence.. | 5,000 | |
| Sidewalks..... | 18,000 | |
| Retaining Walls... | 35,000 | includes all interior court retaining systems |
| Landscaping..... | <u>2,000</u> | |
| | \$ 420,000 | |

3. GDOT Off System Safety Program: We are applying for a fully funded Federal Transportation grant for seven miles of thermo striping, intersection safety thermo striping, and approximately 500 highway safety signs. There's a lot of guidelines and background work to be

done, but for \$70 to \$80,000 worth of safety improvements it will be worth the effort.

4. TE Application: Suzanne Roland and I are putting the Transportation Enhancement application together for the second phase of street scape. The application deadline is September 23, 2005. We will ask for \$1,000,000 in funding which means Calhoun will have to match this amount with 20 percent. The project will be from Hick Streets at City Hall north on Wall Street to Line Street. Sidewalks, tree planting, lighting, curb/gutter, handicapped access, cross walks, and signage will be the primary parts of the project. After a State review committee evaluates the application during Oct-Dec. 2005, the award decision will be made by Transportation Board member Mike Evans in January 2006.

5. Residential Garbage Proposals: Request for Proposals for residential trash service will end on September 2, 2005. The anniversary bid date is October 2005. Some contract items are;

- a. Once per week pickup and disposal
- b. Downtown pickup for businesses with no alley access.
- c. Provide eight box containers for cardboard downtown.
- d. Approximately 3,400 customers.
- e. Residential p/u not to begin before 5:00 A.M.
- f. Residents to be made aware of all holiday schedules and any delayed pickups.
- g. Provide 95 gallon toter carts for residential and 65 gallon carts for senior citizens if requested.
- h. Customers can choose up to three carts.
- i. Vendor to work with Gordon County to utilize County landfill, but this request is not binding.
- j. Contract for five year term.
- k. Yearly rate modification shall be based on the Consumer Price Index for Urban and Wage Earners at 90 percent and the gasoline consumer price index 10 percent. A six percent cap per year is in effect.

6. LARP Resurfacing: With the Mohawk Road project underway and facing certain time frames for completion, I have delayed the paving of our LARP streets until late September or early October.

7. Safe Streets Program: The Safe Streets Program, which has been in planning for the past nine months, begins today. We have allocated two officers to work with the FBI, City of Dalton, and Whitfield County Sheriffs Department. The Safe Streets Program is a regional approach to criminal activity associated with street gangs, immigration violations, and drug related violence. We have been assured by the FBI that Calhoun will received as much manpower, technical assistance, equipment, and resources as necessary to address our crime problem. My primary concern was that 80 percent of the efforts would be in Whitfield County. That will not happen.

8. School Traffic: The traffic at the Primary and Elementary School was better this year than last year. It seems that everyone knows the drill with the biggest impact being for the first time kinder garden parents. We still need a third access street for safety measures and improvements in traffic flow. The middle and high school traffic is a different story. The police require two and sometimes three officers during the morning and afternoon at the middle and high school. Pine

Street and River Street are problems due to the sheer volume of school traffic and the mix of industrial traffic.

9. Revise Street Ordinance: There are several items which need revision in the Street Ordinance. Kevin McEntire and I are working on these changes and will provide you with a updated ordinance shortly.

10. Land and Housing Data: The data below is from the 2000 Census. There are many different factors to consider when trying to understand the meaning of these numbers; metro area, bedroom community, agricultural community, transient area, jobs or lack of, distance from Atlanta, etc. Cartersville has twice the geographic area that Calhoun has, while Calhoun has more population density and housing units per square mile. The more spread out you are the more expensive it may be to deliver services. Decatur is saturated with people and housing, but that's probably the way they want it. We know these cities and have a perception on how liveable they seem. While the numbers may be open to numerous interpretations, there are probably lots of subjective conclusions.

| <u>City</u> | <u>Pop.</u> | <u>Housing Units</u> | <u>Land Area</u> | <u>Density per Square Mile</u> | <u>Housing Units Per Sq. Mile</u> |
|----------------|---------------|----------------------|------------------|--------------------------------|-----------------------------------|
| Acworth | 13,422 | 5,453 | 7.08 sq/m | 1,897 | 771 |
| Adairsville | 2,542 | 1,103 | 6.17 | 441 | 178 |
| Albany | 76,939 | 32,062 | 55.53 | 1,385 | 577 |
| Alpharetta | 34,854 | 14,670 | 21.36 | 1,631 | 686 |
| Americus | 17,013 | 7,053 | 10.48 | 1,623 | 673 |
| Atlanta | 416,474 | 186,925 | 131 | 3,161 | 1,418 |
| Bainbridge | 11,722 | 5,051 | 17.71 | 661 | 285 |
| Blue Ridge | 1,210 | 631 | 2.17 | 557 | 290 |
| CALHOUN | 10,667 | 4,298 | 11.65 | 915 | 368 |
| Canton | 7,709 | 2,879 | 14.26 | 540 | 201 |
| Cartersville | 15,925 | 6,130 | 23.40 | 680 | 262 |
| Covington | 11,547 | 4,542 | 13.76 | 839 | 330 |
| Dalton | 27,912 | 10,229 | 19.82 | 1,407 | 516 |
| Decatur | 18,147 | 8,497 | 4.18 | 4,343 | 2,033 |
| Dublin | 15,857 | 6,977 | 13.21 | 1,200 | 528 |
| Fayetteville | 11,148 | 4,572 | 9.9 | 1,126 | 462 |
| Fairmount | 745 | 334 | 1.2 | 619 | 277 |
| Jasper | 2,167 | 1,030 | 3.3 | 657 | 312 |
| Kennesaw | 21,675 | 8,670 | 8.44 | 2,568 | 1,027 |
| LaFayette | 6,702 | 2,926 | 8.09 | 828 | 361 |
| Macon | 97,255 | 44,341 | 55.8 | 1,742 | 794 |
| Marietta | 58,748 | 25,227 | 22 | 2,684 | 1,152 |
| Monroe | 11,407 | 4,637 | 10.3 | 1,101 | 447 |
| Newnan | 16,242 | 6,464 | 17.9 | 906 | 360 |

| | | | | | |
|--------------|--------|--------|------|-------|-----|
| Peachtree C. | 31,580 | 11,313 | 23.2 | 1,356 | 486 |
| Plainville | 257 | 102 | 0.59 | 435 | 172 |
| Ranger | 85 | 44 | 0.82 | 104 | 53 |
| Resaca | 815 | 280 | 2.76 | 295 | 101 |
| Rome | 34,980 | 14,508 | 29.3 | 1,190 | 493 |
| Roswell | 79,334 | 31,300 | 38 | 2,086 | 823 |
| Stockbridge | 9,853 | 3,991 | 11 | 905 | 364 |
| Waycross | 15,333 | 7,534 | 11.7 | 1,311 | 644 |

11. Transfer Addressing to 911: We are working with the Post Office and 911 to transfer the Calhoun addressing system to 911. The County has the CAD system and manpower in place for physical addresses. Don McGinnis currently does the addressing for Calhoun and does not have the equipment nor the time to do this job correctly.

12. Recreation Site 58 Acres: We will begin construction of an access road off of McDaniel Station Road to the 58 acre recreation site within the next two weeks. When this is complete we will be able to provide some quick additional practice fields for the fall football program.

13. Fire Department: Chief Nesbitt continues to work with the County on our Emergency Response Plan, which is required by the State and Federal government to continue eligibility for emergency and capital funding. Chief Nesbitt also is working on a continuing basis with Area Six All Hazards Council which includes 21 counties. Firefighter and Hazmat Specialist Scott Fox attended a hazmat military training session in Utah recently. He was invited to attend by the Department of Defense (only 10 people across the country were invited to take part in the \$33,000 per person session). During the training sessions Scott worked with live biological agents and was involved in specialized chemical exercises. Hands on real life training is invaluable and will place Calhoun in a better position if an industrial or terrorist incident occurs.

14. Erosion and Sedimentation: Current projects which are under construction include;

a) Brent Stepp, Curtis Parkway: This commercial development is approximately 50 percent built out. All individual buildings and projects are in compliance with current regulations.

b) Bonner, Jolley Road: This residential development is being performed in stages with some difficult creek crossings and grading concepts. The project is currently within regulations.

c) Gray's Landing (Riverside): This is a two phase residential development. The first phase is approximately 65 percent built out-the secondary (individual lots) are with regulations. The second phase is still in mass grading phase with 60 percent of storm drainage in place. The project is well protected with significant sedimentation ponds.

d) Wanda Browder (Harmony Church Road) This residential development is 60 percent built out. While the project is within regulations, work from the outflow is causing problems to the neighbors to the north and will be addressed.

e) Darin Hardin (Lover's Lane) A commercial development is approximately 75 percent built out. The project is within regulations with the exception of some vegetation the south end of the project. Hardin has plans to complete the vegetation. Outflow to the south is causing problems at the culvert under Lover's Lane. The culvert is under sized.

f) Wilson (Brookstone) This project has four phases. The first two have been completed. Phase 3 (Townhouses) is approximately 60 percent built out. Phase 4 (individual residences on the ridge) is about 10 percent complete. The project is generally in compliance except for a retrofit for the north detention pond.

g) MICC Development: Commercial building, 50 percent complete. In compliance.

h) Russell Owen (Kensington) Multifamily residential approximately 30 percent complete. In compliance.

i) Bonner, Town Lake Gardens: Residential project, 80 percent complete. In compliance, however, outflow from the project is overcoming the culvert capacity along Dews Pond Road.

j) Kevin Allen (Colton Ridge) Residential development - Mass grading, storm pipe, road base, water and sewer work is complete except for inspection and approval.

k) Brian Carden (Hannah Hills) Residential project on Jones Road. In compliance.

l) Larry Dixon (Peters Street) Project inactive.

m) All God's Children Commercial project within Stepp's Professional Court. Project is essential complete and in compliance.

n) Mohawk Project: Project in mass grading and in compliance.

o) Calhoun Church of Christ (Dews Pond Road) Essentially in compliance except for sparse vegetation on edges of property.

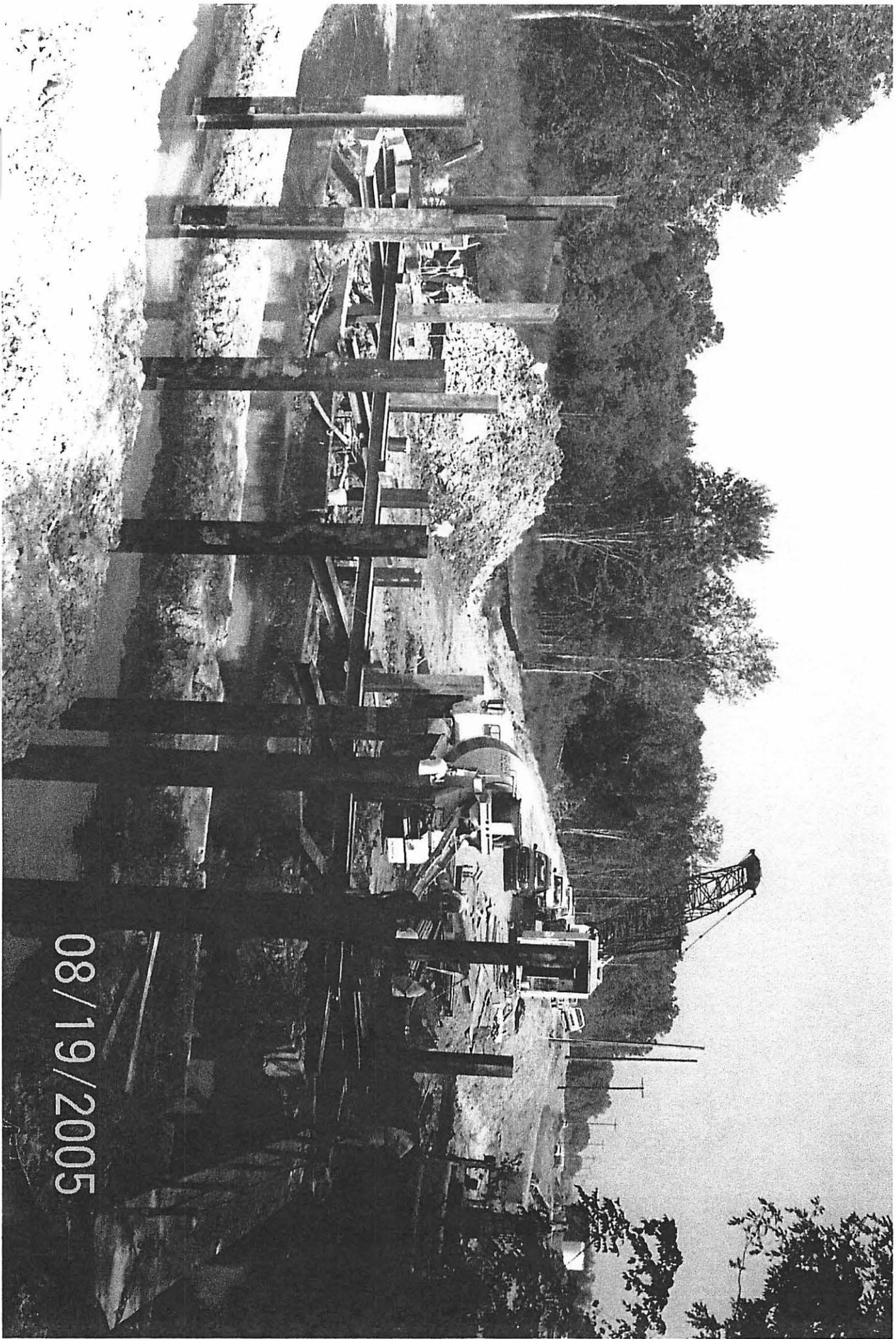
p) Dixon/Duke (Commercial on Hines Hill) in compliance

q) Dan Bramblett (Damascus Church Road) Residential development, inactive, out of compliance.

r) Stepp (Bristol at the Villages) In compliance.

s) Stephens (Warrior Path) Commercial building in compliance.

- t) Henderson Ridge Development - Not started.
- u) Whittenburg Properties, Barrett Road, phase II, under design.
- v) City of Calhoun, Mohawk Road, in compliance.
- w) LP Owens Marine Drive Commercial In compliance
- x) Calhoun Exec. Properties - Commercial building in compliance.



08/19/2005

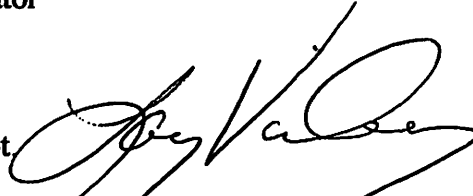
CALHOUN UTILITY SYSTEM
WATER, WASTE WATER, ELECTRIC AND TELECOMMUNICATIONS

EXHIBIT "B"

August 22, 2005

To: Kelly Cornwell, Utilities Director
Mayor and Council
Cathy Harrison, Administrator
Bill Bailey, City Attorney

From: Larry Vickery, Electric Supt.



Subject: Kerry Ingredients Transfer of Service to NGEMC- Reimbursable Facilities

The attached billable charges for lighting and conduit facilities at the Kerry Ingredients Plant is based on both actual material costs and estimated labor related costs that have been straight-line depreciated on a 30 year life and 4 years of service. The transfer of service has been coordinated with NGEMC and is scheduled for Saturday, September 3rd at 8:00 am. The City of Calhoun will remove 4-2,500 kva pad mounted transformers, 2-underground terminating cabinets, and 2-25 kva lighting transformers, all to be returned to stock.

The transfer of service is the result of the Georgia Public Service Commission's order under Docket #71796.

Please review this billable cost summary and transfer process for approval and invoicing.

KERRY LIGHTING AND CONDUIT COST

MATERIALS TOTAL COST = \$20,035.63

TRENCHING TOTAL COST = \$5,040.00

LABOR COST = \$5,440.00

OVERHEAD COST = \$1,904.00

OVERALL TOTAL COST OF JOB = \$32,419.63

**STRAIGHTLINE DEPRECIATION -30 YEAR LIFE
INSTALLED OCTOBER 2001**

26/30(32,419.63)= \$28,097.01

CREATED BY: LEE CRUMP