

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
APRIL 14, 2003, 7:00 P.M.**

MINUTES

**PRESENT: James F. Palmer, Mayor
John D. Shelton, Jr., Mayor Pro Tem
Ronald H. Woods, Councilman
Ray M. Denmon, Councilman
Lorene Potts, Councilwoman**

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

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance.
 - a. Councilman Denmon gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the March 24, 2003 regular City Council meeting were approved as written.
4. Mayor's comments:
 - a. Mayor Palmer reminded everyone of the GMA conference that would be held in June and stated the City of Calhoun would need a voting delegate and an alternate for the business session. Councilman Woods made a motion to appoint Mayor Palmer as the voting delegate and Mayor Pro Tem Shelton as the alternate. The motion was seconded by Councilwoman Potts, with Councilman Woods, Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
 - b. Mayor Palmer reminded the Council of the budget work session immediately following the Council meeting.
 - c. Mayor Palmer stated April 20-26 would be "Georgia Cities Week," sponsored by the Georgia Municipal Association, and he asked Councilman Woods to read a proposed resolution. Councilman Woods read the resolution and made a motion to adopt, second by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
 - d. Mayor Palmer stated developer Milton Stewart is applying for rehabilitation assistance for 50 units at Forest Heights through the Georgia Department of Community Affairs low income housing tax credit program. He asked that the Council consider a resolution of support for the project. Mayor Palmer asked Councilman Denmon to read the proposed resolution. Councilman Denmon reviewed the resolution of support. Councilman Woods made a motion to adopt, second by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem

Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.

- e. Mayor Palmer stated the Georgia Municipal Association will no longer provide website maintenance and stated this service will be provided directly to the city by Georgia Public Web, who had been under contract with the Georgia Municipal Association. He asked that the Council authorize him to sign an agreement for the service directly from Georgia Public Web at a reduced cost. Councilman Woods made a motion to authorize the agreement and to authorize the Mayor to sign, second by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.
 - f. Mayor Palmer stated May 17, 2003 will be recognized as “Kids’ Day in America” and he asked Councilwoman Potts to review a resolution regarding “Kids Day America.” Councilwoman Potts reviewed the resolution for the public and the elected officials and made a motion to adopt the resolution. The motion was seconded by Councilman Denmon, with Councilwoman Potts, Councilman Denmon, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried. Mayor Palmer stated this year, Kids Day America will be celebrated through the Big Brother-Big Sister program. They, along with the Calhoun Police Department, will sponsor a children’s ID program for the community.
 - g. Mayor Palmer stated it was his pleasure at this time to review a resolution recognizing Grady Lingerfelt for 30 years of service with the Calhoun electric, sanitation and street departments. Mayor Palmer read a resolution recognizing his service and presented Mr. Lingerfelt with a gold watch in recognition of his 30 years of dedicated service. The resolution was adopted on a motion by Councilwoman Potts, second by Councilman Denmon, with Councilwoman Potts, Councilman Denmon, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.
 - h. Mayor Palmer stated the Industrial Development Authority had requested the City of Calhoun adopt a resolution regarding a business retention and expansion process for the community. He asked Councilman Woods to review the proposed resolution. Councilman Woods reviewed the resolution for the elected officials and the public and following review, Mayor Pro Tem Shelton made a motion to adopt, second by Councilman Denmon, with Mayor Pro Tem Shelton, Councilman Denmon, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.
5. Council Comments:
- a. Mayor Pro Tem Shelton stated:
 - 1) The police department made 692 cases in the month of March 2003, issuing 134 warrants, 127 speeding tickets and 431 others. They identified anticipated fines of \$116,352.00. They actually collected \$106,726.00 on previous cases. There were 20 DUI’s cases. They issued 392 warning tickets, responded to 61 highway accidents and 39 private property accidents, with 11 injuries. They provided 78 escorts, investigated 1273 incidents, responded to 133 burglar alarms, and drove 60,372 miles on patrol. They received 6,546 calls for service via 911.

2. The fire department responded to a total of 48 calls during the month of March, with estimated fire damages of \$45,500.00. They responded to 20 vehicle accidents, 11 with injuries, and 2 vehicle fires. They responded to 1 industrial fire, 3 hazardous materials calls and 1 mutual aid call. They answered 14 false alarms.

b. Councilman Woods stated:

- 1) During the month of March, the electric department had the following projects under construction: maintenance rebuild and new conductor installation on Red Bud Road; electric department crews have replaced 28 poles with 9 remaining to be replaced. The line will be finished in May with the help of a contract crew working with city personnel. A new set of 900 amp feeder line switches were installed at the #4 substation. Electrical primary construction on Brian Wright's South Wall Street commercial project is under way and the filter plant, wiring and controls are complete. Programming and testing is nearing completion. Well pump and high service pump electrical equipment are in the process of installation. The telecommunications building interior offices are 95% complete by city personnel. Projects include engineering and design, the Red Bud Road line addition from College Street to Curtis Parkway, which is planned to coordinate with the system-wide improvement project. It will include the Curtis Parkway line extension, coordinated fault protection and possibly, a new electric substation for the upcoming budget. The new Home Depot and the new Calhoun Elementary School load are being incorporated in the Curtis Parkway system improvement project. Work orders in progress include 42 street and security lighting orders, 56 new business and maintenance, and 8 after-hour call outs.
- 2) The telecommunications department continued evaluation of four proposals to upgrade the Calnet node sites for increased capacity and liability. They began design work on two new internet customers: Civil South and Tri State Communications. They completed an agreement with Georgia Public Web to provide data connections to the MEAG power substations; started an intern program with Coosa Valley Technical College; started a project to install the latest patches on all city computer operating systems including security and innate problems, and supported Georgia Public Web and fiber-cut over to increase Calnet's signal reliability.
- 3) During the month of March, the electric department issued 10 permits, provided 28 inspections and set 23 meters. They purchased 27,137,441 kWh of electricity during the month from MEAG.
- 4) There was no report from the Coosa Valley RDC.

c. Councilman Denmon stated:

- 1) The waste treatment plant treated a daily average of 9.84 million gallons per day (MGD.) The average BOD effluent was 11, the average suspended effluent was 20 and the average COD effluent was 80.
- 2) The water treatment plant treated a daily average of 11.637 MGD of raw water at the well and at the raw water intake.

- 3) The water and sewer construction department made 54 water taps during the month and 7 sewer taps. They installed 2,420 feet of 6-inch water line to replace an old line along Richard Street, Louise Avenue, Cherry Street and Dan Cherry Drive. They installed four 12-inch grate valves on the water line that serves the hospital. This will insure that the hospital will not lose water service in the event of a line break. They replaced two old fire hydrants in the city with new fire hydrants. They replaced all the water and sewer lines in the alley across from the police station. They repaired 22 water leaks and 14 meters. They changed out 4 meters and responded to 71 miscellaneous calls and installed 98 new meters.
- 4) The building inspection department issued 60 permits in the month of March for total construction estimated at \$19,979,750.00, with the bulk of these being for new residential construction.

d. Councilwoman Potts stated:

- 1) The street sweeper cleaned 36 miles of curb and gutter. The street department hauled 81 loads of stone and erected 16 new street signs. They completed 33 shop work orders. They dug out and patched roads on East Line Street, Kent Lane, Edwards Street, Curtis Parkway, Cumberland Drive, Devonwood Drive, Galmon Avenue, Meadowbrook Road and Crest Drive, using 56.78 tons of asphalt. They sawed and removed old concrete and dug out for a new wash out basin at the street department shop. They hauled stone and graded the road to the soccer practice field. They dug out and poured 75 feet of sidewalk and curb on Dews Pond Road. Work continued at the old industrial landfill, removing brush and debris, digging test holes and hauling fill dirt. They sawed and removed cracked concrete at the recreation department pavilion where the crews will begin construction of a new pavilion in April. They cut down damaged white pine trees and dug out stumps at Fain Cemetery. They ran the storm water maintenance plan on March 17, checking all pipes and grates.
- 2) The sanitation department ran their commercial trash routes and serviced vehicles. They gained four 4-yard commercial dumpster accounts.
- 3) The parks department provided their routine maintenance on city property, water tank sites and right-of-ways. They continued work on the new addition to the parks department, completed painting the inside of the Depot and the cemetery shop building. They installed grid and ceiling tile at Calnet and painted the underneath of the roof of the new gazebo at the downtown park.
- 4) The cemetery department marked and supervised the opening and closing of 6 gravesites and performed routine maintenance at Fain and Chandler cemeteries. They sold 14 burial spaces. They assisted contractors with the installation of 9 new monuments.
- 5) The safety committee inspected the electric department. There were 2 workers' comp accidents and no vehicle accidents during the month.
- 6) Animal control housed 25 dogs and 16 cats during the month, and issued 7 third warnings for leash law violations. They responded to 62 customer calls.

6. Public Hearings and Comments:

- a. Mayor Palmer stated at this time, public hearings on zoning matters would be held. The public would have the opportunity to make pro and con comments with a ten-minute maximum time limit for each side of the matter. Each person speaking would be required to have filed a Financial Disclosure Statement five days prior to the hearing, and each person would be required to give their name and address before speaking. An inquiry was made to determine if any of the elected officials had filed a disclosure statement regarding ownership or special interest in the agenda items. The response was negative.
- b. 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 by Jeff Erwin as agent for Haley Stephens for zoning C-2 and annexation of a lot that would be utilized for a car wash off Warrior Path.
 - a) A public hearing was opened.

- b) Harrison reported notices had been mailed to the adjoining property owners, signs had been placed on the property and notices had been published in the local legal organ.
- c) Councilwoman Potts stated the matter came before the Zoning Advisory Board and following reports from the zoning committee composed of city department heads, it was ascertained as follows:

- (1) The requested zoning will permit suitable use and development of adjacent and nearby property.
- (2) The proposal as stated will not adversely affect existing use or usability of adjacent property.
- (3) The property is currently located in the unincorporated area of the county.
- (4) The proposed use will not cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
- (5) The capital costs for water and sewer connections, etc., will be paid by the developer.
- (6) The proposed annexation and zoning is in conformity with the policy and intent of the land use plan.
- (7) From the information available, there are no existing or changing conditions affecting the use or development of the property, which would support the approval or denial of the zoning proposal.
- (8) There are no other factors relevant to balancing the interest of promoting the public health, safety and morality or general welfare against the right to the unrestricted use of the property.

Based on these findings, the Zoning Advisory Board recommended zoning of C-2 and annexation of the property.

- d) Mayor Palmer inquired if there were any comments by the applicant. There were none.
 - e) He inquired if there were comments by any other party. There were none and the public hearing was closed.
 - f) Councilwoman Potts made a motion to waive the third and fourth reading and approve the request for C-2 zoning and annexation of the property, second by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- 2) Mayor Palmer gave a second reading of a rezoning request by Randy and Robin Freeman as agents for Jerry Phillips for property located at 307 Henderson Bend Road. The request is to rezone from C-2 to R-2 to expand apartments adjoining the property.
 - 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 published in the local legal organ.
 - c) Attorney Bailey stated the property in question is in a unique area. Based upon the fact that Randy and Robin Freeman were not

available to answer questions and provide additional information for the Zoning Advisory Board and in order to completely review the standards as outlined in the city zoning policy, he would ask that the matter be presented back to the Zoning Advisory Board for reconsideration on May 8, 2003. Following discussion, Councilwoman Potts made a motion to hold the item on the agenda and return it to the Zoning Advisory Board for reconsideration, second by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.

- 3) A second reading was given of a request for zoning of R-1B and annexation of a house and lot at 108 Daisy Street by Buren Max Gregory; **and**
- 4) A request for R-1B zoning and annexation of a house and lot at 107 Daisy Street by Earl and Mary Lou Hilley.
 - 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 published in the local legal organ regarding both properties.
 - c) Councilwoman Potts stated the Zoning Advisory Board had met on both of these items at their April meeting and found that no additional construction was planned for either lot. They were in a single family area, which was partially annexed and would fill in an area. The Zoning Advisory Board had the following findings for both:

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| <ol style="list-style-type: none">(1) The requested zoning of R-1B will permit suitable use in view of the use and development of adjacent and nearby property.(2) The proposal will not adversely affect the existing use or usability of adjacent or nearby property.(3) The property is currently located in the unincorporated area of the county.(4) The proposed use will not cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.(5) No capital costs for improvements would be needed to serve the area.(6) The residential use and zoning is in conformity with the policy and intent of the land use plan.(7) There are no existing or changing conditions affecting the use or development of the property, which would support the approval or denial of the zoning proposal.(8) There are no other factors relevant to balancing the interest in promoting the public health, safety or general welfare against the right to the unrestricted use of the property. |
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Councilwoman Potts stated based upon these findings, it was the recommendation of the Zoning Advisory Board to approve the requests.

- d) There were no other comments by the applicant or the general public and the hearings were closed.
 - e) Councilwoman Potts made a motion to waive the third and fourth reading and approve the request for rezoning from R-1B and annexation of both lots, second by Councilman Woods and Councilman Denmon, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- 5) A second reading of a zoning variance request for Tires, Inc. for an extension of one year (first renewal request) for a construction trailer on site at 301 Wellco Lane.
- 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 published in the local legal organ regarding the request.
 - c) Councilwoman Potts stated the Zoning Advisory Board had met on this item at their April meeting. Based upon the fact the company had a 40% startup cost overrun and was unable to begin construction during the first year and it would not be a detriment to the public safety of the community, the Zoning Advisory Board recommended approval of the request for a one year extension, with the understanding that a new fire line along Wellco Lane must be installed prior to issuance of any building permit, and the firm understanding that the construction trailer must be removed by April 2004. The findings of the Zoning Advisory Board included the following:

<ul style="list-style-type: none">(a) There are no extraordinary or exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.(b) The application of the zoning ordinance as it relates to this particular piece of property would create an unnecessary hardship.(c) The conditions of a 40% overrun on startup costs for the new facilities have made it impractical for the company to begin construction plans during the first twelve months as it relates to this particular piece of property.(d) Relief, if granted for a twelve month variance for the mobile facility would not cause substantial detriment to the public good or impair the purposes and intent of the ordinance.
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 - d) There were no comments by the applicant or members of the general public and the hearing was closed.
 - e) Councilwoman Potts made a motion to approve the extension based on the facts as discussed, second by Councilman Denmon,

with Councilwoman Potts, Councilman Denmon, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.

- 6) A third reading was given of the request by William L. Eubanks, Sr. and Jack L. Anderson, Sr. for a 45-foot fire code variance for lots 5 and 8 and a 30-foot fire code variance for lots 6 and 7 of the property at 145 Marine Drive, for a new development.

- a) A public hearing was opened.
- b) Harrison stated signs had been placed on the property and notices had been published in the local legal organ regarding the request. However, she had not received any evidence of notification to the adjoining property owners.
- c) Mayor Palmer stated the item had been held over from the prior month, allowing the applicants time to notify the adjoining property owners.
- d) Councilwoman Potts stated the Zoning Advisory Board had no new recommendations other than those provided at the previous hearing. She stated that based upon the findings at the previous meeting, it was the recommendation of the Zoning Advisory Board to deny the request. The findings were as follows:

- (a) There are no extraordinary or exceptional conditions pertaining to the particular piece of property in question.
- (b) The application of this ordinance regarding the variance request for this particular piece of property would **not** create a hardship for the applicant.
- (c) There are no special conditions that are peculiar to the piece of property involved.
- (d) If relief is granted, it **would** cause substantial detriment to the public good or impair the intent and purposes of the zoning ordinance by failing to provide proper fire coverage for the subject property and its surrounding properties.

- e) Attorney Bailey stated the Council should also consider that the applicants had not complied with the zoning policy, which requires notification to the adjoining property owners and this should also be a factor in their decision.
- f) Mayor Palmer asked if there were any comments. There were none and the hearing was closed.
- g) Councilwoman Potts made a motion to deny the request based upon the findings and the applicants' failure to notify the adjoining property owners, second by Councilman Woods and Councilman Denmon, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.

b. Other Hearings and Comments:

- 1) Mayor Palmer gave a second reading of a taxi license request by Fidel Aguirra Ramos for a business office at 112 Riverview Drive.
 - a) A public hearing was opened.

- b) Mayor Palmer stated there was some question as to whether the address of 112 Riverview Drive was a residential or commercial area. Therefore, the application might be determined to be improper based on those findings.
- c) Councilman Denmon made a motion to table the item, second by Mayor Pro Tem Shelton, with Councilman Denmon, Mayor Pro Tem Shelton, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.

7. Old business: **none.**

8. New business:

- a. Mayor Palmer gave a first reading of a request by L. P. Owens for rezoning from A-1 to Industrial-G of property located on Highway 41 South, 440 feet north of Union Grove Road. Mayor Palmer stated the earliest date for a public hearing would be May 12, 2003 at 7:00 p.m. Councilwoman Potts made a motion to set the public hearing for that date and time, second by Councilman Denmon, with Councilwoman Potts, Councilman Denmon, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- b. Mayor Palmer gave a first reading of a request by Paul Lusk for rezoning from Industrial-H to R-2 of property at the corner of Edmond Street and Pine Street, the site of the old medical arts building, for apartments. The earliest date for a public hearing would be May 12, 2003 at 7:00 p.m. Councilman Denmon made a motion to set the public hearing for that date and time, second by Councilman Woods and Mayor Pro Tem Shelton, with Councilman Denmon, Councilman Woods, Mayor Pro Tem Shelton and Councilwoman Potts voting affirmatively, motion carried.
- c. Mayor Palmer gave a first reading of a request by Clark Scherer for a zoning variance regarding parking spaces at a new Eckerd Drugs at 200 Curtis Parkway. Mayor Palmer stated the earliest date for a public hearing would be May 12, 2003 at 7:00 p.m. Councilman Denmon made a motion to set the public hearing for that date and time, second by Mayor Pro Tem Shelton, with Councilman Denmon, Mayor Pro Tem Shelton, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.
- d. Mayor Palmer gave a first reading of a zoning variance request of Northwest Georgia Medical Park, Dr. Box and associates, at 400 Timms Road for a 60-inch high by 120-inch wide sign for their business office located on site. He stated the earliest date for a public hearing would be May 12, 2003 at 7:00 p.m. Councilwoman Potts made a motion to set the public hearing for that date and time, second by Councilman Woods and Councilman Denmon, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- e. Mayor Palmer gave a first reading of a pawn shop license application for Cash One/Georgia Money, Inc. at two locations: 374 South Piedmont and 1108 Red Bud Road, Doug Heir, owner and Carol Thomas as local manager. Mayor Palmer stated the earliest date for a public hearing would be April 28, 2003 at 7:00 p.m. Councilman Denmon made a motion to set the public hearing for that date and time, second by Mayor Pro Tem Shelton, with Councilman Denmon, Mayor Pro

- Tem Shelton, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.
- f. Mayor Palmer gave a reading of a traditional parade request by Echota Vann Shrine Club for June 7, 2003 at 11:00 a.m. on the traditional route as recorded with the Department of Transportation. Mayor Palmer stated that should the Council approve the request, it should be subject to DOT approval. Mayor Pro Tem Shelton made a motion to approve the request subject to DOT approval, second by Councilman Denmon, with Mayor Pro Tem Shelton, Councilman Denmon, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.
 - g. Mayor Palmer gave a first reading of a request for a taxi license by Everilda Velasquez and Rony Alonso, 126 Henderson Bend Road. He stated the earliest date for a public hearing would be April 28, 2003 at 7:00 p.m. Mayor Palmer also stated this application might have a residential address and he asked that the City Administrator make this determination prior to a public hearing, which could be set for April 28, 2003 at 7:00 p.m. Councilman Woods made a motion to set the public hearing for that date and time, second by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
 - h. Mayor Palmer gave a first reading of a request for adoption of a fee schedule resolution for telecommunications, which lowers commercial rates. Director of Utilities Cornwell reviewed the proposed rates and the reasoning for lowering those rates. Following review, Councilman Woods made a motion to adopt the resolution outlining the new rate schedules for telecommunications services, second by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
 - i. Mayor Palmer read a request for the Council to approve and authorize two purchases associated with the sewer plant renovation under the SRF loan program: Kelly Cornwell, Director of Utilities, stated the one source procurement had been authorized by SRF, since the city currently has the Ashbrook equipment in their waste treatment operation and it would be advantageous for them in terms of parts and repairs. Director Cornwell stated the price for the belt press was \$213,516.00; the bid for a polymer feed system was \$27,187.00, which was less than had been previously priced the year before. He stated the items were recommended by Bob Peoples of Peoples and Quigley Engineering. Following review, Councilman Denmon made a motion to approve the single source bids for the Ashbrook equipment in the amount of \$213,516.00 for the belt press and \$27,187.00 for the polymer feed system. The motion was seconded by Mayor Pro Tem Shelton, with Councilman Denmon, Mayor Pro Tem Shelton, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.
9. Other written items not on the agenda:
- a. Mayor Palmer gave a first reading of a request for zoning of PRD and annexation of over 15 lots in the Blackwood Subdivision across from the Outlet Mall, by Russell Owen. He stated the earliest possible date for a public hearing would be May 12, 2003 at 7:00 p.m. Councilwoman Potts made a motion to set the public hearing for that date and time, second by Councilman Denmon, with

Councilwoman Potts, Councilman Denmon, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.

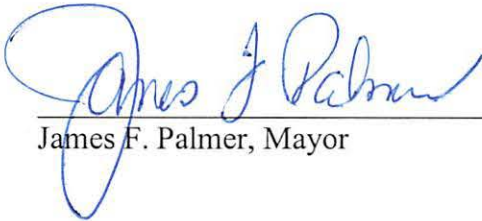
10. Work Reports:
 - a. Kelly Cornwell, Director of Utilities: **no report.**
 - b. Eddie Peterson, Director of Public Safety and Public Works: **no report.**

11. Attorney Bailey stated it was necessary for the Council to go into executive session to discuss real estate matters. A motion was made by Councilman Woods to move to executive session, second by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.

12. Councilman Woods made a motion to adjourn, second by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.

Approved:

Submitted:



James F. Palmer, Mayor



Cathy Harrison, City Administrator

**STATE OF GEORGIA
COUNTY OF GORDON
CITY OF CALHOUN**

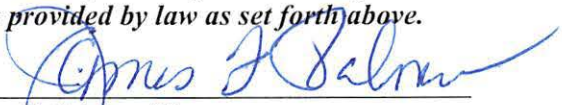
AFFIDAVIT REGARDING CLOSURE OF OPEN MEETINGS

Personally appeared before the undersigned officer, duly authorized under the laws of the State of Georgia to administer oaths, James F. Palmer, Mayor, who in his capacity as Chairperson or the person presiding over a City Council meeting of the City of Calhoun, and after being first duly sworn, certifies under oath and states to the best of his knowledge and belief the following:

At its meeting held on April 14, 2003, the City Council's Executive Session voted to go into closed session and exclude the public from all or a portion of its meeting. The legal exceptions applicable to the exempt matters addressed during such closed meeting are as follows (Check or initial, as appropriate:)

- Discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action, dismissal, periodic evaluation or rating of a government officer or employee. [O.C.G.A §50-14-3(6)]
- Privileged consultation with legal counsel pertaining to pending or threatened litigation, claims, administrative proceedings or settlements. [O.C.G.A §50-14-2]
- Discussing the future acquisition of real estate. [O.C.G.A §50-14-3(4)]
- Staff meetings for investigative purposes under duties or responsibilities imposed by law. [O.C.G.A §50-14-3(1)]
- Tax matters made confidential by state law. [O.C.G.A §50-14-2]
- Inspection of physical facilities under the jurisdiction of the City Council. [O.C.G.A §50-14-1(a)(2)]
- Meeting with a governing body, officer, agent or employee of another agency at a location outside the geographical jurisdiction of the City Council at which no final action is taken. [O.C.G.A §50-14-1(a)(2)]
- Other (Explanation and citation to statutory authority required:)

I certify that the subject matter of the closed meeting or the closed portion of this meeting was devoted to matters of official business or policy within the exceptions provided by law as set forth above.

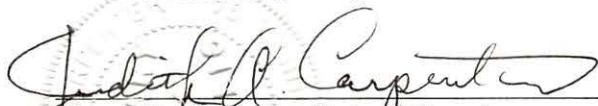


James F. Palmer, Mayor
City of Calhoun, Georgia

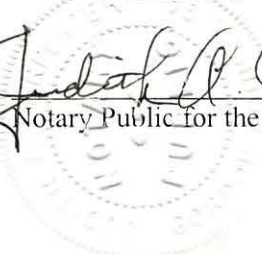


Witness

Sworn to and subscribed to before
me this 14th day of April 2003.



Notary Public for the State of Georgia



**CITY OF CALHOUN
CITY COUNCIL MEETING
EXECUTIVE SESSION
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
APRIL 14, 2003 – 8:15 P.M.**

MINUTES

PRESENT: James F. Palmer, Mayor
Ronald H. Woods, Councilman
Ray M. Denmon, Councilman
Lorene Potts, Councilwoman

ABSENT: John D. Shelton, Mayor Pro Tem

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. Attorney Bailey stated he had received a proposed agreement whereby the City of Calhoun would purchase approximately 100 acres of property, including the Big Spring, from the estate of Forester Bates for a price of \$4,025,000.00. The agreement would provide an easement for the Bates estate to continue their operation of the bottling company, which utilizes spring water from Big Spring at the spring head, up to 250,000 gallons per day, with the understanding that they would be responsible for any permits needed for the operation. A security fence would be provided and the company would not be allowed to enter the fenced area around the spring without notifying the city. In turn, the city would also notify the company, should they do any construction which would cause any turbidity of the spring itself. The agreement would exclude 15.85 acres from the purchase of all the property owned by Mr. Bates in the 259th and 246th Land Lots in Calhoun, Gordon County, Georgia.
 - a. Following discussion, Councilman Woods made a motion to approve the agreement and the proposed purchase and to authorize the Mayor to sign all necessary documents. The motion was seconded by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.


2. Attorney Bailey stated that in order to move forward with the project, it would be necessary for the city to obtain a short-term loan, not to exceed December 31, 2003 from BB&T, on an unsecured basis, with interest to be prime minus .50 %, floating daily, or one month LIDOR plus 2.25% floating monthly, or 3.75% fixed until maturity. Following closure, the city would need to move forward with a water and sewer bond issue for the long term financing of the project.
 - a. Following discussion, Councilwoman Potts made a motion to authorize the temporary loan from BB&T. The temporary borrowing would be along the lines as outlined by Attorney Bailey and with the understanding that the loan would not exceed the period ending December 31, 2003 and would be replaced by permanent funding through a water and sewer bond issue within the December 31, 2003 time frame. The motion was seconded by Councilman Denmon, with

Councilwoman Potts, Councilman Denmon, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.


3. Councilman Woods made a motion to return to regular session, second by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.

Approved:

Submitted:



James F. Palmer, Mayor



Cathy Harrison, City Administrator

**CITY OF CALHOUN
GEORGIA**

RESOLUTION

WHEREAS, Forest Heights Properties, LP, Milton Stewart, Developer, has notified the City of Calhoun, Georgia of its intent to rehabilitate fifty units at 153 Forest Heights Circle in Calhoun, Georgia; and

WHEREAS, the rehabilitation will include improvements to lighting, roofs, structures, streets and add recreational areas; and

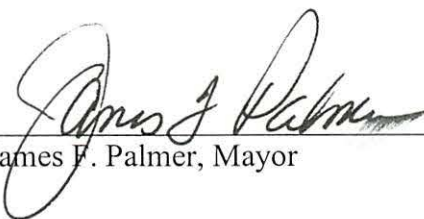
WHEREAS, the rehabilitation is proposed to be funded through the Georgia Department of Community Affairs Low Income Housing Tax Credit Program or through the Home Investment Partnerships Program.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council of the City of Calhoun hereby commend Milton Stewart, Developer, for his rehabilitation plans for the fifty units, which will improve the quality of life for the tenants of the facility; and

BE IT FURTHER RESOLVED, the Mayor and Council of the City of Calhoun support the project and offer our letter and resolution as inducements to the Department of Community Affairs to indicate city support of the project.

ADOPTED this the 14th day of April 2003.

City of Calhoun, Georgia



James F. Palmer, Mayor

Attest:



Cathy Harrison, City Administrator

**CITY OF CALHOUN
GEORGIA**

RESOLUTION

BUSINESS RETENTION AND EXPANSION PROCESS

WHEREAS, the goal of every unit of local government in Georgia is to provide the highest possible quality of life for its citizens; and

WHEREAS, the overall health of the businesses in a community contributes significantly to the economy, local tax base, and employment opportunities for local citizens; and

WHEREAS, local government officials, working with business and civic leaders, can form working partnerships to encourage the retention and expansion of the existing community business base; and


WHEREAS, the Georgia Business Retention and Expansion Process, coordinated by the Georgia Department of Community Affairs, offers tools which can be utilized by local leaders to improve knowledge about and communication with local industry to encourage further economic development; and

WHEREAS, the governing body of the City of Calhoun has reviewed this program process and pledges its full support as a part of the overall commitment to community preparedness for economic development;

NOW THEREFORE BE IT RESOLVED that the City of Calhoun has entered into the Georgia Business Retention and Expansion Process and commends to all community leaders full participation in these activities designed to promote overall economic development.


ADOPTED and made effective this 14th day of April 2003.

City of Calhoun, Georgia



James F. Palmer, Mayor

Attest:



Cathy Harrison, City Administrator

**CITY OF CALHOUN
GEORGIA**

RESOLUTION

WHEREAS, the health and well-being of children is of interest to adults of this community; and

WHEREAS, the safety of our children is a significant concern for parents, community leaders and health care givers; and

WHEREAS, environmental welfare is of universal concern and deserves the utmost attention; and

WHEREAS, Kids Day America is an annual event held across the United States where children have fun and receive valuable information and parents learn about health awareness, fire safety, bicycle safety, recycling, drug awareness and other important topics to keep children safe; and

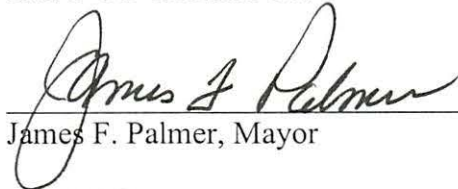
WHEREAS, if started in childhood, proper health, safety and environmental habits can be maintained for a lifetime, producing a valued member of society and enhancing our community; and

WHEREAS, with the help and support of local police department, Advanced Wellness and Physical Therapy Center, Chik-fil-a and other concerned members of the community, child safety identification will be issued for each participating child.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Calhoun that Saturday, May 17, 2003 as "Kids Day America," to be dedicated to the efforts of doctors of Chiropractic in helping educate all citizens on the importance of health, safety and environmental issues affecting our community.


ADOPTED and made effective this 14th day of April 2003

CITY OF CALHOUN



James F. Palmer, Mayor

ATTEST:



Cathy Harrison, City Administrator

**CITY OF CALHOUN
GEORGIA
RESOLUTION**

WHEREAS, city government is the closest to most citizens, and the one with the most direct daily impact upon its residents; and

WHEREAS, city government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

WHEREAS, city government officials and employees share the responsibility to pass along their understanding of public services and their benefits; and

WHEREAS, Georgia Cities Week is a very important time to recognize the important role played by city government in our lives; and

WHEREAS, this week offers an important opportunity to spread the word to all the citizens of Georgia that they can shape and influence this branch of government which is closest to the people; and

WHEREAS, the Georgia Municipal Association and its member cities have joined together to teach students and other citizens about municipal government through a variety of different projects and information; and

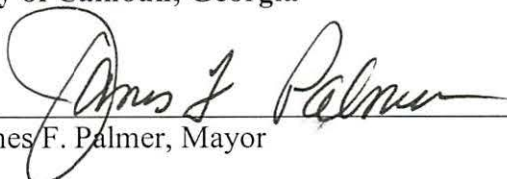
WHEREAS, Georgia Cities Week offers an important opportunity to convey to all the citizens of Georgia that they can shape and influence government through their civic involvement.

NOW, THEREFORE BE IT RESOLVED that the city of Calhoun declares April 20-26, 2003 as *Georgia Cities Week*.

BE IT FURTHER RESOLVED that the City of Calhoun encourages all citizens, city government officials and employees to do everything possible to ensure that this week is recognized and celebrated accordingly.


ADOPTED and made effective this the 14th day of April 2003.

City of Calhoun, Georgia



James F. Palmer, Mayor

Attest:



Cathy Harrison, City Administrator

**CITY OF CALHOUN
GEORGIA**

R E S O L U T I O N

WHEREAS, the City of Calhoun has established a telecommunications department; and

WHEREAS, approximately 40 miles of fiber-optic lines are in place and ready to serve internal and external customers; and

WHEREAS, the City of Calhoun is restricted by the Public Service Commission regarding rate structure and the need to charge each customer for service;

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the City of Calhoun hereby authorize the following rates, which have been developed over the past twelve months, as follows:

Internet Pricing:

Speed	Monthly Fee
512 K	\$ 99.00
768 K	300.00
1.5 M	450.00

Internet Services:

Additional Internet Services	Monthly Fee	Description
Public IP Address	\$ 5.00	
Web Hosting (Includes Domain)	20.00	100 Meg HD Space
E-Mail (self administered)*	1.00	Per account - \$5.00 minimum
E-Mail (Calnet administered)	2.50	Per account - \$5.00 minimum

* Available with personal domain name only.

Voice and Data Services:

Service	Monthly Fee
Local Point-to-point T-1 Service (1.5M)	\$ 425.00
10 Mbit Ethernet Circuit (Local)	600.00
10 Mbit Ethernet Circuit (To Dalton)	1,200.00
100 Mbit Ethernet Circuit (Local)	1,300.00
100 Mbit Ethernet Circuit (To Dalton)	2,600.00
Dark Fiber Lease (Multi-Mode)	250.00
Local Loop to Finish T-1	225.00

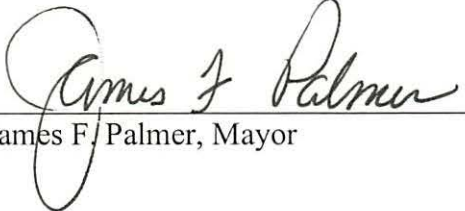
Governmental:

Telephone, Internet and data services are provided at the above rates. The rates vary based on new equipment added and increased customer base added.

THESE RATES shall be effective from the date of adoption until amended.

ADOPTED this the 14th day of April 2003.

City of Calhoun, Georgia



James F. Palmer, Mayor

Attest:



Cathy Harrison, City Administrator