

MARCH 9, 1992

7:30 P.M.

REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
226 SOUTH WALL STREET

PRESENT: JOHN D. MEADOWS, III, MAYOR
THOMAS BOND, MAYOR PRO-TEM
H.A. OLDFIELD, JR., COUNCILMAN
JOHN D. SHELTON, COUNCILMAN
PAUL MCENTIRE, COUNCILMAN

ALSO: T. JOSEPH CAMPBELL, CITY ATTORNEY
KELLY CORNWELL, DIRECTOR UTILITIES/PUBLIC WORKS
CATHY HARRISON, CITY ADMINISTRATOR

1. Mayor Meadows called the meeting to order and gave the invocation.
2. Mayor Meadows led the group in the Pledge of Allegiance to the U.S. Flag.
3. Minutes of the February 24, 1992 Regular City Council Meeting were approved.
4. Mayor's Comments:
 - a. Following a review of the proposed settlement regarding the landfill borrow pit lawsuit by Mayor Meadows and Attorney Campbell in which the County will sell approximately 17,000 cubic yards of dirt to the City for \$1.00 for cover and closure. The sale will not constitute a joint operating venture. The City will haul or contract the hauling, and waive liability to the County in reference to the dirt. Neither party will disturb the contested borrow pit without consent of the other party. The County will document approval of the material by EPD. Councilman McEntire made a motion to approve and to authorize Attorney Campbell to sign for the City of Calhoun, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond, Councilman Shelton and Councilman Oldfield voting affirmatively, motion carried.
 - b. Mayor Meadows stated the October, 1991 Language Agreement for the Solid Waste Management Plan drafted by Harrison and Montanaro had not been conveyed to the County's engineering firm which drafted the plan, and the present Commission Board will not approve the October, 1991 Language; therefore, David Howerin of Coosa Valley RDC suggested eliminating the sentences entirely. Following review of Section 2.4 and Section 2.5, Councilman Oldfield made a motion to approve with the sentences referring to two separate solid waste landfills on Harris-Beamer Road being removed, 2nd by Mayor Pro-Tem Bond with Councilman Oldfield, Mayor Pro-Tem Bond, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
 - c. Mayor Meadows stated to date, the City has received the following written notices regarding the question of holding a referendum for liquor-by-the-drink: yes in City 162; yes in County 84; no in City 28; no in County 4.
 - d. Following a recommendation by the Mayor to delete Jim Hobgood's name from the Surplus property purchasing list and to add Kelly Cornwell, Mayor Pro-Tem Bond made a motion to approve the recommendation, 2nd by Councilman Oldfield with Mayor Pro-Tem Bond, Councilman Oldfield, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
5. Council's Comments:
 - a. Mayor Pro-Tem Bond stated the Street Department did

filling, grading, patching and drainage work during the month of February, 1992.

- b. Councilman Oldfield stated the Electric Department sold 22,450,102 KWH of electricity in February, 1992 to a customer base of 3628; and issued four permits. The Building Inspector issued two residential permits for \$146,000.00 of construction; one commercial permit for \$433,000.00 of construction in February, 1992.
- c. Councilman Shelton stated the Police Department made 176 arrests with 12 being DUI's; they collected \$18015.00 in fines; 2 prisoners served 10 days in jail. They worked 118 incidents; 92 accidents; provided 55 escorts and answered 58 burglar alarms. The Fire Department answered 17 calls for a loss of \$6,100.00 and provided 32 inspections.
- d. Councilman McEntire stated the Water Department pumped a daily average of 10.359 million gallons of raw water; sewer plant treated a daily of 10.696 million gallons; BOD was 20, suspended solids of 26; COD of 121. The Water/Sewer Construction Departments made 32 water taps, 2 sewer taps, installed 120 feet of four inch PVC line; 328 feet of six inch PVC line; 930 feet eight inch PVC line and 780 feet of 12 inch DI line.

6. Public Hearings and Comments:

Ord. No. 483

- a. A 2nd reading was given to the Susie Gray and others Annexation Ordinance Request for 9.845 acres off Belwood Road for C-2 zoning. A Public Hearing was opened. The Zoning Advisory Board recommended approval. J.C. Maddox stated a representative of the development company was available to answer questions. There were no other comments and the hearing was closed. Councilman Oldfield made a motion to waive 3rd and 4th readings and approve, 2nd by Mayor Pro-Tem Bond with Councilman Oldfield, Mayor Pro-Tem Bond, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.

Ord. No. 483A

- b. A 2nd reading was given to the L.D. Shaw, Charles Shaw, Harold Shaw and Helen Richardson Annexation Ordinance Request for 28.08 acres off Belwood Road for C-2 zoning. A Public Hearing was opened. The ZAB recommended approval. There were no comments and the hearing was closed. Mayor Pro-Tem Bond made a motion to waive 3rd and 4th readings and to approve, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire, Councilman Shelton and Councilman Oldfield voting affirmatively, motion carried.

Ord. No. 484

- c. A 2nd reading was given to the Vivian Sheehan Annexation Ordinance Request for Lot No. 4 of Black Oaks Subdivision for R-1 zoning. A public Hearing was opened. The ZAB recommended approval, there were no other comments and the hearing was closed. Councilman McEntire made a motion to waive 3rd and 4th readings and approve, 2nd by Councilman Oldfield with Councilman McEntire, Councilman Oldfield, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.

Ord. No. 481

- d. A 2nd reading was given to the Mary Hudgins Annexation Ordinance Request for Lot 14 of Black Oaks Subdivision, Block "D", for R-1 zoning. A Public Hearing was opened and the ZAB recommended approval. There were no other comments and the hearing was closed. Mayor Pro-Tem Bond made a motion to waive the 3rd and 4th readings and approve, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire, Councilman Shelton and Councilman Oldfield voting affirmatively, motion carried.

- e. A 2nd reading was given to the Stanley Simpson Annexation Ordinance Request for two lots off Newtown Road adjoining Westwood Hills Subdivision for C-2 zoning. A Public Hearing was opened. Mayor Pro-Tem Bond stated the ZAB

- recommended denial of the request since the C-2 zoning would be improper zoning due to the adjacent residential property. There were no other comments and the hearing was closed. Councilman Oldfield made a motion to waive the 3rd and 4th readings and deny the request, 2nd by Mayor Pro-Tem Bond with Councilman Oldfield, Mayor Pro-Tem Bond, Councilman Shelton and Councilman McEntire voting affirmatively to deny, motion carried.
- f. A 2nd reading was given to the John Russell Variance Request for a six foot variance off the east property line to construct a 10' x 20' utility building, with the adjoining property owner (R.T. Aaron) signing a no objection statement. A Public Hearing was opened, the ZAB recommended approval. There were no other comments and the hearing was closed. Councilman McEntire made a motion to approve the request, 2nd by Councilman Oldfield with Councilman McEntire, Councilman Oldfield, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.
 - g. A 2nd reading was given to the Shaw/Richardson/Gray and others Zoning Variance Request to reduce the parking spaces for a commercial retail outlet from 10 spaces per 1000 square feet of building to 7 spaces per 1000 square feet of building. The ZAB in conjunction with the Building Inspector and City Planner recommended the approval. There were no comments and the hearing was closed. Mayor Pro-Tem Bond made a motion to approve, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire, Councilman Shelton and Councilman Oldfield voting affirmatively, motion carried.
 - h. A Public Hearing was opened on the Los Reyes, Inc. Beer/Wine Pouring License for a restaurant at 449 Highway 53, East with Carol E. Wingate as the Manager. The Police Report on Ms. Wingate was reported clear. There were no comments other than to pinpoint the location and the hearing was closed. Mayor Pro-Tem Bond made a motion to approve, 2nd by Councilman Oldfield with Mayor Pro-Tem Bond, Councilman Oldfield, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
 - i. There were no comments on the proposed question of increase of 2% for the Hotel-Motel Tax, or the question of a proposed referendum for liquor-by-the-drink.
 - j. Ms. Eula Bowden requested Alexander Street be renamed Martin Luther King Boulevard. Mayor Meadows asked Ms. Bowden to prepare a petition for those citizens to sign who live on Alexander Street. The petition will be reviewed and a Public Hearing set for public input regarding the request.
 - k. Ms. Sheena Lacey Edge presented a request from the Fairmount Kiwanis Club regarding a water tap for a sprinkler system for the non-profit day care center being undertaken by the club. Utilities Director Cornwell stated the tap and backflow preventor and labor would exceed \$900.00. Councilman McEntire made a motion based on previous reductions for non-profit day care centers, to reduce the cost to materials only, 2nd by Councilman Oldfield with Councilman McEntire, Councilman Oldfield, Councilman Shelton, and Mayor Pro-Tem Bond voting affirmatively, motion carried.
 - l. Alvin Hale of Cherokee Subdivision asked the Council for assistance in preventing the construction of apartments in the immediate subdivision. The Council reviewed the current zoning, R-2 which was requested when annexed and approved because the lots were too small to qualify for R-1. Mr. Hale referred to restrictive covenants for the subdivision. Attorney Campbell stated these covenants were not under the jurisdiction of the City and would need to be settled in Civil Court.

7. Old Business:

- a. A 2nd reading was given to the Landers Sale and Pawn License Request at 200 Park Avenue. The Police Department reported Mr. Landers had been arrested for making improper buys prior to obtaining a pawn license, other than this incident, his record was clear. Mayor Pro-Tem Bond made a motion to deny the request at this time, 2nd by Councilman Oldfield with Mayor Pro-Tem Bond, Councilman Oldfield, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
- b. A 2nd reading was given to the Buck's Homestyle Laundry Amusement License Renewal for 1992, for 100 B Richardson Road. Councilman Oldfield made a motion to approve, 2nd by Councilman McEntire with Councilman Oldfield, Councilman McEntire, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- c. Following a review of an August, 1984 agreement signed by City Officials regarding participation in the cost of signals to be erected on U.S. 41 South from the Piedmont intersection to the 53 intersection, and review of a letter from DOT District Engineer Rutledge, Mayor Pro-Tem Bond made a motion to amend the current budget in order to pay the previously approved \$20,000.00 cost, 2nd by Councilman Oldfield with Mayor Pro-Tem Bond, Councilman Oldfield, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.

8. New Business:

- a. A 1st reading was given to the Zeb's Radio and T.V. Service Pawn License Request for 1226 U.S. 41, North. A 2nd reading was scheduled for March 23, 1992.
- b. Councilman Oldfield made a motion to approve and authorize the Mayor/Clerk to sign DOT Contracts for street paving of Kent Lane, part of Richardson Road; Caverns Drive; Caverns Place and Crest Drive under Work Order No. LAU 21-8530-91 (129), 2nd by Mayor Pro-Tem Bond with Councilman Oldfield, Mayor Pro-Tem Bond, Councilman Shelton, and Councilman McEntire voting affirmatively, motion carried.
- c. A 1st reading was given to the James Thomason Beer Package Store License request for 767 Highway 53, East, presently licensed to Thomas Slaughter. Councilman Oldfield made a motion to set the Public Hearing for March 23, 1992, 7:30 P.M., 2nd by Mayor Pro-Tem Bond with Councilman Oldfield, Mayor Pro-Tem Bond, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
- d. Councilman Oldfield made a motion to approve the local armed forces parade request to be coordinated with the Battle of Resaca for May 16, 1992 at 10:00 A.M. along the normal parade route, subject to DOT approval, 2nd by Councilman Shelton with Councilman Oldfield, Mayor Pro-Tem Bond, Councilman Shelton, and Councilman McEntire voting affirmatively, motion carried.
- e. A 1st reading was given to the D.B.I. Fleamarket and Accessories, Danny Roy Burk, Manager, Amusement License Request for 652 Oothcalooga Street. A 2nd reading was scheduled for March 23, 1992 at 7:30 P.M.

9. No report from Director Cornwell.

10. Councilman Oldfield made a motion to move to Executive Session for real estate and legal matters, 2nd by Councilman Shelton with Councilman Oldfield, Councilman Shelton, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.

11. Councilman Oldfield made a motion to move to General Session, 2nd by Mayor Pro-Tem Bond with Councilman Oldfield, Mayor Pro-Tem Bond, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
12. Councilman Oldfield made a motion to adjourn, 2nd by Mayor Pro-Tem Bond with Councilman Oldfield, Mayor Pro-Tem Bond, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.

Approved:



John D. Meadows, III
Mayor

Submitted:



Cathy Harrison
City Administrator