

APRIL 13, 1992

7:30 P.M.

REGULAR CITY COUNCIL MEETING
CITY HALL 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
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 March 23 Regular City Council Meeting were approved.
4. Mayor's Comments:
 - a. Mayor Meadows reported the following written response regarding the question of a referendum for liquor by the drink:

City	258	Yes
City	306	No
County	149	Yes
County	426	No

Late Arrivals:

City	31	Yes
City	39	No
County	71	Yes
County	33	No

He stated the compilation was based on the address information provided and some were questionable. The industry was counted as one vote rather than the number of employees for each voting industry. Mayor Pro-Tem Bond stated he felt the question should come before the people, and he felt it was time to make a decision. Councilman Oldfield stated there were more citizens in the City voting no, therefore, he would vote no for a referendum. Councilman McEntire stated there had been lots of response to the question, and he felt there should be a referendum. Councilman Shelton stated he had given the matter a great deal of consideration and based on the level of response he felt a referendum was needed in order for the people to decide. Mayor Meadows stated there had been more response on this item than there were citizens voting in the last election and he was in agreement with the Council. Mayor Pro-Tem Bond made a motion to hold a referendum on the question of liquor by the drink to be governed by a very strictly drawn ordinance, and for the referendum to be held at the earliest lawful date, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire, and Councilman Shelton voting affirmatively, Councilman Oldfield voting negatively, motion carried three to one.

- b. Mayor Meadows stated two members of the County Commission had continued to work with the City drafting language in sections 2.4 and 2.5 which was acceptable to both parties. He stated he would recommend the latest proposed draft, Mayor Pro-Tem Bond made a motion to

authorize the Mayor to sign on behalf of the City, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire, Councilman Shelton and Councilman Oldfield voting affirmatively, and approved.

- c. Mayor Meadows asked the Council to review the 1st draft of the Comprehensive Plan and also attend the hearing scheduled for April 20, 1992 at 7:00 p.m., County Courthouse.
- d. Mayor Meadows reminded the Council of the Golf Commission meeting on April 21, 1992 at 7:30 A.M. West Line Street Conference Room. He stated the Council was invited.
- e. Ms. Eula Bowden presented two petitions to the City requesting Alexander Street be named Martin Luther King Blvd. or Street. Mayor Pro-Tem Bond made a motion to set a Public Hearing for May 11, 1992 at 7:30 P.M., 2nd by Councilman Shelton with Mayor Pro-Tem Bond, Councilman Shelton, Councilman Oldfield and Councilman McEntire voting affirmatively, motion carried.

5. Council's Comments:

- a. Mayor Pro-Tem Bond stated the Street Department had been patching, hauling dirt, working at Sewer Plant installing safety chains around clarifiers. Mayor Pro-Tem Bond recognized Mayor Meadows for having been awarded the 1st GMA Seventh District Service Award recently in Marietta on April 7, 1992.
- b. Councilman Oldfield stated the Electric Department sold 22,9980,000 KWH to a customer base of 3603 during March, 1992. They performed 30 inspections, set 2 meters and issued 8 permits. The Building Inspector issued 3 residential permits for \$701,500.00 of construction, 1 school permit exceeding \$1,600,000.00 of construction plus several residential, commercial and industrial for alterations.
- c. Councilman Shelton stated the Police had two new cars in service. He stated in March they made 297 arrests, 27 being DUI's, and collected \$23,734.00 in fines. They worked 99 incidents, 72 accidents, answered 78 burglar alarms, provided 72 escorts. The Fire Department answered 13 alarms for a loss of \$9,750.00. They performed 27 building inspections.
- d. Councilman McEntire stated the Water Plant pumped a daily average of 10.286 million gallons in March; the Waste Treatment Plant treated an average of 11.65 million gallons with BOD of 18, suspended solids of 26 and COD of 112. The Water/Sewer Construction Department made 57 water taps and 5 sewer taps; installed 160 feet of 2 inch PVC, 360 feet of 6 inch PVC, and 1350 feet of 8 inch PVC.

6. Public Hearings and Comments:

- a. a 2nd reading was given to the McArthur/Glen Group's Temporary Zoning Variance request to locate a construction trailer on the Belwood Road site. A Public Hearing was opened, Building Inspector, Chairman Bond stated they recommended approval. There were no other comments and the hearing was closed. Mayor Pro-Tem Bond made a motion to approve, 2nd by Councilman Shelton with Mayor Pro-Tem Bond, Councilman Shelton, Councilman Oldfield, and Councilman McEntire voting affirmatively, motion carried.
- b. A Public Hearing was opened on the Bill Walraven Wine Pouring License Request for El Pueblito Restaurant at 206 Park Avenue. Mayor Meadows stated the requestor presently has a Beer Pouring License for the location. There were no comments and the hearing was closed. Councilman McEntire made a motion to approve subject to a clear Police Report, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond, Councilman

Shelton and Councilman Oldfield voting affirmatively, motion carried.

- Ord. No. 485
- c. A 2nd reading was given to the Pat and Jimmy Stokes Annexation Ordinance Request for Lot 15 of Thornwood Subdivision for R-1 zoning. Inspector Moore recommended approval. There were no other comments and the hearing was closed. Councilman Oldfield made a motion to waive the 3rd and 4th readings and approve, 2nd by Councilman Shelton with Councilman Oldfield, Councilman Shelton, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.
 - d. A 2nd reading was given to the Georgia Tufters Zoning Variance Application to place a loading dock facing River Street with the set back area. A Public Hearing was opened. Zoning Advisory Board Chairman Bond stated the dock was well set back and would cause no problem. There were no other comments and the hearing was closed. Councilman Shelton made a motion to approve, 2nd by Councilman Oldfield with Councilman Shelton, Councilman Oldfield, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.
 - e. Mayor Meadows asked Phil Overton if the County had been approached about the 2% increase in the Hotel-Motel Tax request by the Chamber. Response, not at this time, the City was approached first, but the County will be approached.
 - f. Ken Payne made a request for the Cherokee Fair Association for a new two inch water tap to be priced for the non profit community organization at material cost. Following discussion, Mayor Pro-Tem Bond made a motion to price at material cost, 2nd by Councilman Oldfield with Mayor Pro-Tem Bond, Councilman Oldfield, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
 - g. James Thomason asked the Council to consider amending the Beer-Wine-Liquor Ordinance to allow a store such as his to house a Beer-Wine-Liquor Store in one building as opposed to a separation wall between the liquor/wine and beer. He stated he would have to give up drive in window sales to be able to meet state regulations, but he was willing to do so. The Council stated they would not be willing to remove the wall required for other types of business and alcohol sales, but in situations such as this, they asked Attorney Campbell to review and draft a proposal.

7. Old Business:

- a. Councilman McEntire made a motion to remove the Danny Burk Amusement license Request from the table motion of March 23, 1992, 2nd by Councilman Shelton with Councilman McEntire, Councilman Shelton, Councilman Oldfield and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- b. Following a review of the Burk Amusement License Application and discussion with Mr. Burk, Councilman McEntire made a motion to hold for a 3rd reading, 2nd by Councilman Shelton with Councilman McEntire, Councilman Shelton, Councilman Oldfield and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- c. Following a review of procedure by Attorney Campbell, Councilman Shelton made a motion to adopt a resolution regarding the recall of the 1980 Water/Sewer Revenue Bonds and the 1992 issue at a more favorable rate, and to authorize the Mayor to sign said resolution, 2nd by Mayor Pro-Tem Bond with Councilman Shelton, Mayor Pro-Tem Bond, Councilman Oldfield and Councilman McEntire voting affirmatively, motion carried.

- d. A 1st reading was given to an ordinance amending the City's practice of authorizing revenue bond issues by ordinance to the more customary practice of authorizing revenue bond issues by resolution. A 2nd reading was scheduled for April 27, 1992.

8. New Business:

- a. A 1st reading of the Nix Amusement Center, A.L. Nix, Operator, Amusement License Request for the former Talley Grocery Building on the Rome Road. A 2nd reading and Police Report was scheduled for April 27, 1992.
- b. A 1st reading of a Zoning Variance Request a 12 foot variance off Holly Hills Drive for the 3rd Fire Station off Curtis Parkway. Councilman Shelton made a motion to hold a Public Hearing for May 11, 1992 at 7:30 P.M., 2nd by Councilman Oldfield, with Councilman Shelton, Councilman Oldfield, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- c. Following review, Councilman Oldfield made a motion to approve the Cherokee Capital Fair Parade Permit, subject to DOT approval, 2nd by Councilman Shelton with Councilman Oldfield, Councilman Shelton, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- d. A 1st reading was given to the City Ordinance regarding the Revolving Loan Program, including the \$200,000.00 set aside for downtown revitalization eligible projects. Councilman Shelton made a motion to set a Public Hearing for May 11, 1992 at 7:30 P.M., 2nd by Councilman Oldfield with Councilman Shelton, Councilman Oldfield, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- e. Bids on Rock Hauling and Gravel Purchases for the City for the 1992-93 Fiscal Year were as follows:

<u>Hauling From</u>	<u>Hauling To</u>	<u>Price Per Ton NW GA Paving</u>	<u>Price Per Ton Billy Holbert</u>
Florida Rock	Kirby Rd.	2.75	2.50
Florida Rock	Various	3.25	2.50
Stone Man	Kirby Rd.	2.75	2.50
Stone Man	Various	3.25	2.50
Vulcan Material	Kirby Road	2.25	1.85
Vulcan Material	Various	2.75	1.85

<u>Stone Type</u>	<u>Price Florida</u>	<u>Price Stone Man</u>	<u>Price Vulcan</u>	<u>Price/Stone & Hauling to Kirby Rd NW GA Paving</u>
quarry run	8.00	5.50	6.00	7.50
No. 2	N/B	N/B	5.40	7.00
No. 4	5.00	5.00	N/B	7.00
No. 5	5.00	N/B	5.20	7.00
No. 7	5.70	5.75	5.70	7.00
No. 57	5.50	5.25	5.40	7.00
No. 89	4.50	6.00	5.70	7.00
Crusher Run	3.50	4.00	4.90	6.75
Agg. Base	3.50	4.75	4.90	6.75
Soil Agg. Base			4.00	

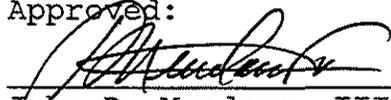
NW GA Paving
Stone & Hauling
Various

8.00
7.50
7.50
7.50
7.50
7.50
7.50
7.50
7.25
7.25

Prices were held for Director Cornwell to review and make a recommendation on April 27, 1992.

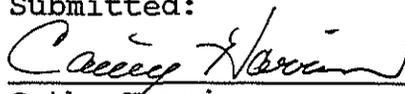
- f. A 1st reading was given to the Burl Stephens Annexation Ordinance Request for Lot Nos. 6 and 7 of Block A, Black Oaks Subdivision for R-1 Zoning. Councilman McEntire made a motion to hold a Public Hearing on May 11, 1992 at 7:30 P.M., 2nd by Councilman Oldfield with Councilman McEntire, Councilman Oldfield, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- g. Mayor Pro-Tem Bond made a motion to authorize a Resolution approving the filing of a \$400,000.00 set aside GEFA application for the funds necessary to complete Phase I of the Sewer Interceptor Project, provided an industrial project could be found to indicate the need for the project, 2nd by Councilman Oldfield with Mayor Pro-Tem Bond, Councilman Oldfield, councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
- h. Councilman McEntire made a motion authorizing the mayor to sign a request for DOT to install a traffic signal at the Belwood Road - Highway 53 intersection, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro Tem Bond, Councilman Shelton and Councilman Oldfield voting affirmatively, motion carried.
9. Councilman McEntire made a motion to move to Executive Session for real estate matters, 2nd by Mayor Pro-Tem Bond, with Councilman McEntire, Mayor Pro-Tem Bond, Councilman Oldfield and Councilman Shelton voting affirmatively, motion carried.
10. Mayor Pro-Tem Bond made a motion to move to General Session, 2nd by Councilman Oldfield with Mayor Pro-Tem Bond, Councilman Oldfield, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
11. Councilman Oldfield made a motion to adjourn, 2nd by Mayor Pro-Tem Bond with Councilman Oldfield, Mayor Pro-Tem Bond, Councilman McEntire and Councilman Shelton voting affirmatively, motion carried.

Approved:



John D. Meadows, III
Mayor

Submitted:



Cathy Harrison
City Administrator