

JUNE 8, 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
JOHN D. SHELTON, COUNCILMAN
H.A. OLDFIELD, JR., 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 May 25, 1992 Regular City Council Meeting were approved.
4. Mayor's Comments:
 - a. Mayor Meadows announced the following public hearings scheduled for June 22, 1992: Personnel Ordinance; Policy Amendments; Question of One Way Traffic on Pitts Street; Hotel-Motel Tax Ordinance.
 - b. Mayor Meadows announced the Council will be attending the annual GMA conference in Savannah on June 27, 1992.
 - c. Mayor Meadows announced the City will recognize July 4, 1992 on July 3, 1992.
5. Council's Comments:
 - a. Mayor Pro-Tem Bond and Councilman McEntire held their reports until a later date.
 - b. Councilman Oldfield stated the Building Inspector had issued permits for the following construction: Commercial - \$3,400,000.00; Industrial - \$500,000.00.
 - c. Councilman Shelton stated the Police Department made 187 arrests of which 19 were DUI's; collected \$13,016.00 in fines; worked 78 accidents; investigated 118 incidents; provided 76 escorts; answered 81 burglar alarms. A delegation of wrecker shop owners/operators met to discuss the lack of cooperation from the Police Department. They were: Doyle Bennett, A-One Towing; Johnny Martin; Joe Tatum, Cherokee Salvage; Jay Green, Jay's Towing; Charles Cooper, Resaca Auto Towing. The primary complaint being that several police officers allow towing companies not on call to pull vehicles out of turn; or police officers recommend other companies. Their primary complaint being with action by Neal Russell. Officer Russell stated many accident victims requested A-One Towing, therefore, Baker's and a company in Adairsville were the only ones qualified. Officer Russell stated he did not recommend, but did provide the names of all the towing companies in the area in order for the accident victim to make a choice. Following lengthy discussion, Mayor Meadows asked all the towing owners/operators to meet with Chief Mitchell and develop a policy regarding call jumping, and he stated Public Safety Commissioner Shelton would work with chief Mitchell regarding police policy during the next thirty days.

6. Public Hearings:

- a. A 2nd reading was given to the M/M Loel McKinnon Annexation Ordinance Request for Tract 31-B off Kirk Drive for R-2 zoning. A public hearing was opened. The ZAB recommended holding for a third reading, there were no other comments and the hearing was closed. Mayor Pro-Tem Bond made a motion to hold for a third reading, 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 John Reese Zoning Change Request for a lot on West Belmont Drive, west of the 7th Day Adventist Church. The request being to rezone from R-1 to C-N. The ZAB recommended the request be approved, but asked for additional advertising prior to a 3rd reading. Mayor Pro-Tem Bond made a motion to hold for a 3rd reading, 2nd by Councilman Oldfield with Mayor Pr-Tem Bond, Councilman Oldfield, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
- c. A public hearing was opened on the Zoning Variance Request of Calhoun Personal Care for an off premise sign to be located on the property of Stanley Simpson on C.L. Moss Parkway and Jolley Road. The ZAB recommended approval for the type of sign to be used. There were no other comments and the hearing was closed. Councilman McEntire made a motion to approve, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Councilman Bond, Councilman Shelton and Councilman Oldfield voting affirmatively, motion carried.
- d. A public hearing was opened on the Mary Will Stephens rezoning request for the lot off Devonwood Drive and Red Bud Road, west of Dr. Kosmel. The request being to rezone from R-1 to O&I. The ZAB recommended the Council hold until the DOT traffic study of the intersection had been made. Pat Thornton expressed concern for the type of design for the area, and questioned the traffic entrances. There were no other comments and the hearing was closed. Councilman Oldfield made a motion to hold for a third reading, 2nd by Mayor Pro-Tem Bond with Councilman Oldfield, Councilman Shelton, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- e. A public hearing was opened on the Larry Heard Beer Package License Request for The Beer Store on Red Bud Road previously licensed to Kenneth Williams. The Police Report was clear. There were no comments and the hearing was closed. Councilman McEntire made a motion to approve, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond, Councilman Shelton and Councilman Oldfield voting affirmatively, motion carried.
- f. A public hearing was opened on the residents request to rename Alexander Street to Martin Luther King, Jr. Street/Avenue/Boulevard. There were no comments and the hearing was closed. Mayor Pro-Tem Bond made a motion to rename Alexander Street to Martin Luther King, Jr. Street, 2nd by Councilman Oldfield with Mayor Pro-Tem Bond, Councilman Oldfield, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
- g. A public hearing was opened on the City's 1992-93 Budget. Mayor Meadows stated the Budget was balanced, with special projects such as water plant improvements and Boone Ford Road 3 MGD Water Reservoir being included. The budget of \$39,590,288.00 calls for no increase in City M&O Taxes, but approximately a 2 mill increase for the school budget, including debt service through a lease-purchase for the on-going improvements. There were no comments and the hearing was closed.
- h. A public hearing was opened on the Beer-Wine-Liquor

License Ordinance Amendments, following a second reading. Following questions by Councilman McEntire and Councilman Bond, Mayor Pro-Tem Bond stated the proposed amendment might call for additional research. Steve Williams, an attorney for Golden Gallon requested the Council consider an additional amendment in order to allow alcoholic beverage sales in grocery stores within the city limits, for the convenience of the public. Alton Defoor, who holds a Beer Package License on Red Bud Road, stated he was opposed to the ordinance. James Thomason stated his original request was not only to remove the requirement for a wall between the beer and liquor operations, but to allow him to have all three licenses. Following further discussion with Mr. Thomason, the hearing was closed. Councilman McEntire made a motion not to adopt the amendment, 2nd by Councilman Oldfield with Councilman McEntire, Councilman Oldfield, Mayor Pro-Tem Bond and Councilman Shelton voting to deny the adoption.

Mayor Meadows stated the Ordinance Amendment would be redrawn and set for a public hearing on July 13, 1992, as per a motion by Councilman Oldfield, 2nd by Mayor Pro-Tem Bond with Councilman Oldfield, Mayor Pro-Tem Bond, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.

7. Old Business:

- a. A 1st reading was given to the Hotel-Motel Tax Ordinance Amendment to increase the rate from 3% to 5%. Mayor Meadows stated the public hearing had previously been set for June 22, 1992, 7:30 p.m.
- b. A 2nd reading was given to the BBC Amusement License Application for Betty Fregeau for 117 South Wall Street (former Impact Furniture Store.) The Police Report was clear. Councilman McEntire made a motion to approve subject to the site meeting all codes, 2nd by Councilman Oldfield with Councilman McEntire, Councilman Oldfield, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- c. A 2nd reading was given to the Wayne Ballard, Kwick Kash, Pawn License Application for 606 Oothcalooga Street. A clear police report was given. Mayor Meadows stated guns would not be handled at the location. Mayor Pro-Tem Bond made a motion to approve subject to the location meeting all code requirements, 2nd by Councilman Oldfield with Mayor Pro-Tem Bond, Councilman Oldfield, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.

8. New Business:

- a. Councilman Oldfield made a motion to recommend the County Commissioners reappoint Lamar Harrison to the Planning Commission, 2nd by Councilman Shelton with Councilman Oldfield, Councilman Shelton, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- b. Councilman Shelton made a motion to adopt a resolution endorsing and supporting Kelly Cornwell as a prospective Director for the Municipal Electric Authority of Georgia, 2nd by Councilman Oldfield with Councilman Shelton, Councilman Oldfield, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- c. Councilman Shelton made a motion to approve and authorize the Mayor to sign the Subordination Agreement on the City's Revolving Loan to P&P Industries, changing property title to Steven Pendley, subject to the issuance of a warranty deed and other documents recommended by Attorney Campbell, 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 the Charles Roy Rickett and Geneva R. Owens Annexation Ordinance Request for property off West Belmont Drive for C-2 zoning. Councilman Oldfield made a motion to set the public hearing for July 13, 1992, 7:30 p.m., 2nd by Councilman Shelton with Councilman Oldfield, Councilman Shelton, Councilman McEntire, and Mayor Pro-Tem Bond voting affirmatively, motion carried.
 - e. A 1st reading was given to the Beer/Wine Pouring License application of Portifino's, Inc., Mathew Clegg as Manager, on Highway 53, East, Red Carpet Inn. The current license being in the name of Gosain Enterprises, Inc. Councilman Oldfield made a motion to set a public hearing for June 22, 1992 at 7:30 p.m., 2nd by Councilman McEntire with Councilman Oldfield, Councilman McEntire, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.
 - f. A 1st reading was given to the Cemetery Ordinance Amendments. Councilman McEntire made a motion to set the public hearing for July 13, 1992 at 7:30 p.m., 2nd by Councilman Shelton with Councilman McEntire, Councilman Oldfield, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.
 - g. Councilman Oldfield made a motion to approve and authorize the Mayor to sign the airport hanger sub-lease agreement of Georgia Cumberland Association and Crown Crafts, 2nd by Councilman Shelton with Councilman Oldfield, Councilman Shelton, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.
 - h. Councilman McEntire made a motion to waive the 1st reading, ZAB recommendation and to approve the temporary construction trailer permit for Wachovia Bank on South Wall Street, 2nd by Councilman Shelton with Councilman McEntire, Councilman Shelton, Councilman Oldfield and Mayor Pro-Tem Bond voting affirmatively, motion carried.
9. Director Cornwell and Engineer John Sweitzer reviewed the recent bids on the 3 MGD Water Reservoir for Boone Ford Road. Engineer Sweitzer recommended the Council approve the low bid of Advance Tank (steel) for \$457,790.00. He stated the bids on the line work were over the budget due to the length of the line, therefore, he would not recommend at this time. The Council decided to hold the award until June 22, 1992 to allow time to secure the final deed for property for the reservoir.
10. Councilman Oldfield made a motion to move to Executive Session for 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:

Submitted:


John D. Meadows, III
Mayor


Cathy Harrison
City Administrator