

OCTOBER 26, 1992

7:30 P.M.

REGULAR CITY COUNCIL MEETING  
CITY COUNCIL CHAMBERS  
226 SOUTH WALL STREET

PRESENT: JOHN D. MEADOWS, III, MAYOR  
H.A. OLDFIELD, JR., COUNCILMAN  
JOHN D. SHELTON, COUNCILMAN  
PAUL MCENTIRE, COUNCILMAN

ABSENT: THOMAS BOND, MAYOR PRO-TEM

ALSO: KELLY CORNWELL, DIRECTOR UTILITIES/PUBLIC WORKS  
T. JOSEPH CAMPBELL, CITY ATTORNEY  
WILLIAM P. BAILEY, CITY ATTORNEY ELECT  
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 October 12, 1992 Regular Council Meeting, and the October 22, 1992 Special Called Meeting were approved.
4. Mayor's Comments:
  - a. Mayor Meadows reported the 1992 Revenue Bonds for the Calhoun Recreation Authority were closed on October 15, 1992. As a result, the City of Calhoun has entered into a lease with the Calhoun Recreation Authority for the Golf Course.
  - b. Mayor Meadows reminded the Council of the Public Hearing regarding the Legg Annexation Request for property off West Belmont Drive for R-2 zoning.
  - c. Mayor Meadows announced the City of Calhoun had received a \$10,000.00 grant from the Department of Community Affairs for renovation work on the inside of the Depot. This would be a match grant with a \$2,000.00 cash outlay from the City with \$8,000.00 in City labor. The grant is a result of an application filed by the City Planner, Eddie Peterson. Councilman Oldfield made a motion to authorize the Mayor to sign the grant agreement, 2nd by Councilman Shelton with Councilman Oldfield, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
  - d. Mayor Meadows reminded the general public that Halloween will be celebrated on October 31, 1992 from the time of 6:00 p.m. until 9:00 p.m., and it will be for those in the fifth grade ages twelve and under. He urged the general public to be watchful on City streets for "little goblins", and he reminded everyone that the hospital would provide x-ray services of trick-or-treats.
  - e. Mayor Meadows also reminded everyone of the North West Regional Hospital Drive for Gifts. There will be a Mayor's Motorcade to the hospital in early December.
  - f. Mayor Meadows announced that on November 10, 1992 there will be a meeting of GMA Officials, ACCG County Officials and school officials at the Coosa Civic Center in Rome, Georgia on November 10, 1992 and urged all that could to attend.

5. Public Hearings & Comments:

- a. Mayor Meadows gave a 2nd reading of an ordinance for implementing a business license tax for secondary electric suppliers who do not pay a franchise tax. A Public Hearing was opened. Presently Mr. Jim Brim of Comelia, Georgia gave the following Statement:

Ord. No. 493

Mr. Brim stated that he, Robert Hutchins, Billy Erwin and Hugh Kemp were there to represent North Georgia Electric Membership Corporation in view of the City's ordinance pertaining to a business license regarding secondary electric suppliers. He stated that the ordinance was directed toward North Georgia Electric Membership Corporation, and it was to be in lieu of the franchise fee which the court had declared invalid. The ordinance will require bills of North Georgia's customers within the City to be raised by 4%. He stated that North Georgia Electric Membership Corporation presently has an appeal on Judge Murphy's rule in Federal Court in Rome, Georgia. He stated that his clients, as well as, the City of Calhoun had appealed and cross appealed the recent ruling in the Gordon Superior Court. He stated this ordinance is another which will result in costly litigation. He stated that the federal TVA Act controls taxes and fees, but he will not argue the legal position at this time. He stated that it would be the request of North Georgia Electric Membership Corporation that the City Council hold adoption of the ordinance until all litigation currently in process has been ruled upon. He also stated that he would point out that unjustified efforts could implicate Council members personally.

Following Mr. Brim's statement, there were no other comments and Mayor Meadows closed the hearing. Councilman McEntire made a motion to waive the 3rd and 4th readings, and to approve the ordinance as read, 2nd by Councilman Oldfield with Councilman McEntire, Councilman Oldfield and Councilman Shelton voting affirmatively, motion carried.

- b. Butch Layson, Chairman of the Calhoun Airport Authority, reviewed the current jet fuel system which has been installed at the Tom B. David Airport. Mr. Layson stated that the Authority's preliminary plans were to finance at a local bank the \$60,000.00 for the fuel system, however, after meeting with the bank's attorneys, it is not possible for a bank loan to be made since the legislative act which created the Authority allows for bonded debt only, therefore, Mr. Layson stated the Airport Authority is presently requesting funding of one-half by the City and one-half by the County. He stated that the revenue made from the sale of jet fuel would be retained by the Authority and used to remove the regular underground tanks and install a proper fuel system with those funds rather than requesting funds from the City and County for improvements in that area. Following discussion, Councilman Shelton made a motion to approve payment of one-half the jet fuel system provided the County fund one-half, 2nd by Councilman Oldfield with Councilman Shelton, Councilman Oldfield, and Councilman McEntire voting affirmatively, motion carried.
- c. Mr. Layson also reviewed an experimental concrete paving program that his company would be willing to donate labor if the City would pay the cost for the materials which would be approximately \$4,965.00 to put in the new type of paving on the north end of Hicks Street. Following review of the proposal, Councilman Shelton made a motion

- to approve the experiment, 2nd by Councilman Oldfield with Councilman Shelton, Councilman Oldfield and Councilman McEntire voting affirmatively, motion carried.
- d. Mayor Meadows re-opened the Phillip Lynch Revolving Loan Request for \$150,000.00 to renovate, equip and operate the current Pate Building in downtown Calhoun as a restaurant. Mary Richie reviewed the downtown parking situation in the immediate area near the proposed restaurant showing that there were 218 spaces, and several days at noon, she had reviewed those 218 spaces and found that approximately 108 were usually available during the noon hour. Mrs. Richie stated that the Pate family would be involved in the restaurant operation, and that they felt very strongly that the project would be successful. Phillip Lynch stated that he had reviewed the David Peterson Association study for downtown Calhoun which had been funded by the Industrial Development Authority and the Chamber of Commerce, and the study stated that an upscale restaurant could be supported in the downtown area. Mr. Jack Bentler, the present employer of Phillip Lynch stated that when he opened his business in Marietta, Phillip Lynch came to work for him, had proven to be a hardworking innovative young man, and he would recommend him strongly. He also stated that while he hated to lose him as an employee, he understood everyone's need to make their own achievements. Royal Teague stated he and his wife had been in business in the downtown area for 44 years, and that they were concerned with present empty buildings in the downtown area. He and other downtown merchants feel a restaurant of this caliber will be a great benefit to all the downtown merchants, therefore, they would recommend it strongly. Mrs. Janie Grogan, owner of the Tot Roost in the downtown area stated that she also would recommend the restaurant as being a viable compliment to the downtown business area. The Council reviewed the application regarding its concern that a restaurant is a risky credit application in the normal credit world, and that since the appraisal was three years old, the building is now empty, and they feel the value of the building will be less than stated in the three year old appraisal. Councilman Oldfield inquired about a fire wall that he understood was to be rebuilt by the prior lessee of the property, Super-D. Mrs. Peggy Lynch stated that in the agreement, Super-D is to rebuild the wall, that the Pate family will need to replace the door, but their part of the contract was for Super-D to rebuild the wall, and they will push for this to be done. The hearing was closed. Councilman McEntire made a motion to approve the request for \$150,000.00 with the property and personal endorsement as collateral, 2nd by Councilman Oldfield with Councilman McEntire, Councilman Oldfield and Councilman Shelton voting affirmatively, motion carried.
- e. Mayor Meadows stated that at this time Mr. Ronald Potts has requested their revolving loan application be held, and be reviewed at a later date.

6. Old Business:

- a. Director Cornwell reviewed the bids for the leaf machine and the concrete saw, which had been opened on October 12, 1992. He stated following a review, of the specification and the bids as submitted, that he would recommend Consolidated for their bid of \$11,611.00 for the leaf machine and would recommend the Target Saw for \$6,770.00 since it did include delivery price. Following discussion, Councilman Oldfield made a motion to approve the bid of \$11,611.00 from consolidated for the leaf machine, 2nd by Councilman McEntire with Councilman Oldfield, Councilman McEntire and Councilman Shelton

voting affirmatively, motion carried. Councilman Shelton made a motion to approve the recommendation for the Target Saw for \$6,770.00, 2nd by Councilman Oldfield, with Councilman Shelton, Councilman Oldfield and Councilman McEntire voting affirmatively, motion carried.

- b. Director Cornwell and City Administrator Harrison reviewed the sewer interceptor project which is presently under way, stating that a full tie in of the interceptor is not possible since funding will be short for the full line extension of the Phase I interceptor project. An additional \$445,000.00 is needed to complete Phase I, and it will be to the City's benefit to use the present contract prices since the contractor is almost to the end of the level for which he originally bid. It is important to move quickly in order to maintain these prices. City Administrator Harrison contacted the Georgia Environmental Facilities Authority, and inquired about a budget change for the Water Plant renovation project, which would allow a diversion of \$400,000.00 of those funds to be used toward the completion of the sewer interceptor Phase I. GEFA's tentative response was affirmative provided the City is willing to amend the original contract with the understanding that if the loan is prepaid, the City will pay a penalty. Following these considerations, Councilman McEntire made a motion to move forward with this proposal, and authorize the Mayor to send a letter making the official request, 2nd by Councilman Shelton with Councilman McEntire, Councilman Shelton and Councilman Oldfield voting affirmatively, motion carried.

7. New Business:

- a. A 1st reading was given to the Annexation Request of James W. Lawson for lots 94, 95, 96, 97 and a portion of 98 of the Northside Subdivision for R-1 zoning. Councilman Oldfield made a motion to set the public hearing for December 14, 1992 at 7:30 p.m., 2nd by Councilman Shelton with Councilman Oldfield, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
- b. A 1st reading was given to the Lindsey A. Jackson request for a Zoning Variance of eight feet which would allow construction of a 12' x 14' ft. utility building. The adjoining property owner had signed a statement that they had no problems with the request. Councilman McEntire made a motion to set the public hearing for December 14, 1992 at 7:30 p.m., 2nd by Councilman Shelton with Councilman McEntire, Councilman Shelton and Councilman Oldfield voting affirmatively, motion carried.
- c. A 1st reading was given to the Glennese Rogers Zoning Variance Request which would allow construction at her present property. Councilman Oldfield made a motion to set the public hearing for December 14, 1992, 2nd by Councilman Shelton with Councilman Oldfield, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
- d. A 1st reading was given to the Stanley Simpson Annexation Request for two small lots, Tract 1 and Tract 2, off the Newtown Road at Westwood Hills for R-1 zoning. Councilman Oldfield made a motion to set the public hearing for December 14, 1992 at 7:30 p.m., 2nd by Councilman Shelton with Councilman Oldfield, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.

8. Report of Director Cornwell:

- a. Mr. Cornwell reported that the red light at the intersection of 53 East and Belwood Road had been installed by the City of Calhoun with the equipment being provided by the Department of Transportation. The signal system is presently operational. Mr. Cornwell also stated that the signal system on South River Street at the entrance to the Recreation Department is fully operational, and urged the Police Department to continue to observe and ticket those persons not making the proper stops for the light.
  - b. Director Cornwell stated that he had asked Engineer Ross Wilburn to proceed with specifications, and bid requests for painting of a water reservoir for the City for the current year, however, those specifications and bid requests were not ready at this point, and he would move that to the agenda for the 1st meeting in November.
9. Councilman Oldfield made a motion to move to Executive Session for real estate and legal matters, 2nd by Councilman McEntire, with Councilman Oldfield, Councilman McEntire and Councilman Shelton voting affirmatively, motion carried.
  10. Councilman Oldfield made a motion to move to General Session, 2nd by Councilman McEntire with Councilman Oldfield, Councilman McEntire and Councilman Shelton voting affirmatively, motion carried.
  11. Councilman McEntire made a motion to approve the contracts as reviewed by Attorney Campbell for the water plant renovation with Crom Corporation, and to authorize the Mayor to sign the contracts and the Notice to Proceed, 2nd by Councilman Oldfield with Councilman McEntire, Councilman Oldfield and Councilman Shelton voting affirmatively, motion carried.
  12. Councilman Oldfield made a motion to adjourn, 2nd by Councilman Shelton with Councilman Oldfield, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.

Approved:

Submitted:

  
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John D. Meadows, III  
Mayor

  
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Cathy Harrison  
City Administrator