

APRIL 12, 1993

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
PAUL MCENTIRE, COUNCILMAN

ALSO: KELLY CORNWELL, DIRECTOR UTILITIES/PUBLIC WORKS
WILLIAM P. BAILEY, 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 22, 1993 Regular City Council Meeting were approved as written.
4. Mayor's Comments:
 - a. Following discussion regarding the water line extension to Red Bone Ridge which had been discussed previously on March 22, 1993, Councilman McEntire made a motion to extend the water line extension to Red Bond Ridge as per the sign ups for the 2.7 mile area, and to do the extension within the next 12 months along the guidelines as previously stated, 2nd by Councilman Shelton with Councilman McEntire, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.
 - b. Mayor Meadows expressed sympathy to the family of Harden A. Oldfield, Jr.
 - c. Mayor Meadows gave the building permit report stating that during the month of March, 1993 a commercial permit had been issued for \$850,000.00 construction for a new motel, and only two other permits for additions and swimming pools had been issued. He stated that for the first quarter of 1993, construction exceeding \$2,000,000.00 compared with construction of \$3,000,000.00 for the first quarter of 1992. In regard to the Recreation Department, Mayor Meadows asked the Council to consider re-authorizing the \$8,000.00 payment for the Recreation van even though the County budget cannot be amended and their payment would not follow until their following budget year which would begin in October of 1993. Following discussion, Councilman Shelton made a motion to approve, 2nd by Mayor Pro-Tem Bond with Councilman Shelton, Mayor Pro-Tem Bond and Councilman McEntire voting affirmatively, motion carried.
 - d. Mayor Meadows expressed his appreciation to Senator Sam Nunn for his recent visit to Calhoun, Gordon County regarding the March Blizzard.
 - e. Mayor Meadows expressed appreciation to Dr. Breeding from the State Technical School area regarding the Calhoun, Gordon County application which will be filed in June for a satellite technical school to be located in Calhoun, Gordon County through the assistance of Coosa Technical School.
5. Council's Comments:
 - a. Mayor Pro-Tem Bond reported the Street Department had all employees working continuously for brush and debris removal including overtime hours in order for the brush

and debris to be taken to the landfill within the exempt fee time frame.

- b. Councilman Shelton stated the Fire Department answered 7 residential calls, 34 commercial, 2 vehicle, 3 brush and trash, 1 public utility, 2 extrications and 4 public assistance and 6 false alarms during the month for an estimated damage of \$50,500.00. They also performed 33 inspections. Councilman Shelton read a letter from Kim and Beverly Primmer regarding a chimney fire during the blizzard in which they stated their appreciation for the prompt response by the Fire department in spite of weather conditions. The Police Department made 159 arrests during the month of March with 10 being DUI, collected fines in the amount of \$16,550.00. They worked 92 incidents, 85 accidents, answered 104 burglar alarms and provided 59 escorts. Councilman Shelton made a motion that a resolution commending the service of Harden A. Oldfield, Jr. to the City of Calhoun as a Councilman from 1986 until his death in 1993 be passed, 2nd by Mayor Pro-Tem Bond with Councilman Shelton, Mayor Pro-Tem Bond, and Councilman McEntire voting affirmatively, motion carried.
- c. Councilman McEntire stated during the month of March the Water Treatment Plant treated 342,800,000 of raw water during the month. The Waste Water Plant treated an average of 11.68 million gallons per day with the BOD effluent being 17, suspended solids being 27 and COD effluent being 100. The Water/Sewer Construction Department made 27 water taps, 7 sewer taps, they installed 925 ft. of 2 inch water line, 1,120 ft 4 inch water line, 5,640 ft 6 inch water line.

6. Public Hearings & Comments:

- a. A 2nd reading of an amendment to the Business License Fee Schedule Ordinance for Beer/Wine/Liquor License fees was given by Mayor Meadows. The Public Hearing was opened, there were no comments and the hearing was closed. Mayor Pro-Tem Bond made a motion to adopt the amendment to the Business License Fee Schedule Ordinance, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire and Councilman Shelton voting affirmatively, motion carried.
- b. The Public Hearing was re-opened on the Boeing Investments, Inc. d/b/a Russell McBrayer/John Wayne Hall Annexation Request for 6.037 acres off the Dews Pond Road for R-2 zoning. Mayor Pro-Tem Bond reported the ZAB met on the question, but there was no quorum, therefore, no official recommendation was made. Joe Stepp asked if the property would be eligible for a sewer tap if it remained in the County. Mayor Pro-Tem Bond stated that the property was within a 200 ft. requirement as per health regulations, and would be eligible for a sewer tap, however, the fees for the taps and usage would be doubled if the property remained in the county. Mayor Pro-Tem Bond stated that the R-2 was a proper zoning request based on the terrain and on the utility easements which were on the property, however, it had been the practice of the ZAB to ask that plans be submitted in cases where the zoning was a controversial matter for the surrounding neighborhoods. There were no other comments and the hearing was closed. Councilman McEntire made a motion to deny the request, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond, and Councilman Shelton voting affirmatively to deny, motion carried.

7. Old Business:

- a. A 2nd reading of two parade requests were given:

1. Larry Phillips - Championship Rodeo - August 7, 1993 - 10:30 a.m.
2. Kenyon D. Payne - Cherokee Capital Fair - September 1, 1993 - 10:30 a.m.

Mayor Pro-Tem Bond made a motion to approve subject to DOT approval, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire and Councilman Shelton voting affirmatively, motion carried.

- b. Following discussion by Attorney Bailey regarding an attempt by the City of Calhoun and Kay Owens to exchange property in September, 1993 for a portion of South Industrial Circle in which a portion of the street was to be relocated in order to accommodate Horizon Industries for additional building space. The exchange was held up due to title problems. The problems have now been cleared, however, the State law has changed regarding the exchange of property, therefore, the property must be abandoned, and the adjoining property owners would retain title to the property. Attorney Bailey stated the City still held possession of the warranty deed from Kay Owens which had not been recorded for the new portion of the street and this could be recorded when the property was officially abandoned. Following discussion, Mayor Pro-Tem bond made a motion to set the hearing for abandonment of the property for May 10, 1993 at 7:30 p.m., 2nd by Councilman Shelton with Mayor Pro-Tem Bond, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
- c. Following review of a proposed letter and drawings outlining the City's dissatisfaction with the proposed one way pair as presented by DOT, and suggestions for improvements to Park Avenue and Piedmont Street with each street, as well as, Highway 41 remaining open for two way traffic with the parking as currently stated, Councilman McEntire made a motion to send the letter as written stating the Council's dissatisfaction and inability to support the one way pair as presented, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond and Councilman Shelton voting affirmatively, motion carried.
- d. Following discussion, Mayor Pro-Tem Bond made a motion to reappoint Herbert King as the City's representative for the Industrial Development Authority, 2nd by Councilman Shelton with Mayor Pro-Tem Bond, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried. Mayor Meadows took the opportunity to commend Tom Bond and Jimmy Silvers, who are members of the original Industrial Development Authority for their many years of faithful service to the citizens of Calhoun, Gordon County in a fair and impartial manner. He commended them for their effectiveness and for their ability to attract many new industries over the past several years as a result of their efforts.

8. New Business:

- a. A first reading of an Annexation Ordinance Request of Kip and Ashley Connally for Lot 29 and Lot 30 at Lake Drive, SE for R-1 zoning was given. Councilman McEntire made a motion to set a public hearing for May 10, 1993 at 7:30 p.m., 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond and Councilman Shelton voting affirmatively, motion carried.
- b. 1st reading of an Annexation Ordinance Request of Calhoun Machinery, Inc. for property located at 1401 Highway 41 South for C-2 zoning was given. Mayor Pro-Tem Bond made a motion to set the Public Hearing for May 10, 1993 at 7:30 p.m., 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire and Councilman Shelton voting affirmatively, motion carried.

- c. Following discussion, Councilman McEntire made a motion to approve an amendment to the Transportation Agreement between the City of Calhoun and Coosa Valley Regional Development Center, in which the current van would be exchanged for a new van for the nutrition program, and to authorize Mayor Meadows to sign the amended contract, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond and Councilman Shelton voting affirmatively, motion carried.
- d. Harrison gave a report outlining the dates in which a possible special election could be held, if the dates are confirmed by Attorney Bailey. The proposed date of May 25, 1993 would be the earliest opportunity for a special election if approved by the Justice Department and City Attorney. The voter registration deadline would end on April 26, 1993. The candidates could begin qualifying April 22, 1993 and would continue qualifying through May 7, 1993. Councilman Shelton made a motion to authorize the Special Election for May 25, 1993 if the date is confirmed by the City Attorney and appropriate departments, 2nd by Councilman McEntire with Councilman Shelton, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- e. Mayor Meadows and Harrison reported on the current and estimated damages due to the March, 1993 blizzard stating that FEMA had not officially declared a full fledged emergency, therefore, only snow removal and brush and limb removal had been allowed, however, Governor Miller, Senator Nunn, Representative Deal and Senator Coverdale had all appealed the ruling, and the City is awaiting results of those appeals.
- f. Mayor Meadows reviewed a letter from First Federal regarding their request that those local financial institutions who are providing letters of credit for customers to serve as utility deposits be exempt from providing deposits since their full faith and credit of their institutions are pledged to support those letters of credit. Harrison asked the Council to hold their decision on this matter for at least 30 days in which she would make a recommendation concerning possible amendments to the current ordinance requiring utility deposits of commercial and industrial customers. The Council concurred.
- g. Mayor Meadows gave a 1st reading of three revolving loan applications: The first one being Ron Detra for a loan of \$25,000.00 - \$45,000.00 in which two jobs would be created, Mayor Pro-Tem Bond made a motion to set the public hearing for April 26, 1993 at 7:30 p.m., 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire and Councilman Shelton voting affirmatively, motion carried. The 2nd one being Jim Davis request for \$35,000.00 for one job to be retained and two to be created for purchase of the present building located as Davis Auto Shop, Councilman McEntire made a motion to set the public hearing for April, 26, 1993 at 7:30 p.m., 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond and Councilman Shelton voting affirmatively, motion carried. The third being Friez Bharwanin request for \$50,000.00 to open a Dollar Deals retail store in the Walmart area. Councilman McEntire made a motion to set the public hearing for April 26, 1993 at 7:30 p.m., 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond and Councilman Shelton voting affirmatively, motion carried.
- h. Following discussion, Mayor Pro-Tem Bond made a motion to approve the DOT paving contracts for portions of 2nd Avenue, Cherokee Drive, Hunt Drive, Jolley Road, Stewart Drive and W.C. Bryant Parkway for approximately two miles of paving, and to authorize the Mayor to sign said contracts, 2nd by Councilman McEntire with Mayor Pro-Tem

- Bond, Councilman McEntire and Councilman Shelton voting affirmatively, motion carried.
- i. Following discussion, Councilman McEntire made a motion to approve the Police Department's Grant Request for funds in excess of \$36,000.00 with the City pledging in excess of \$12,000.00 as match funds for an additional drug enforcement officer, for educational material and a new program to be established which would provide assistance for procuring jobs for one time offenders, and also to authorize the Mayor to sign, 2nd by Councilman Shelton with Councilman McEntire, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.
 - j. Zoning Variance Request by King Insurance Company for an on premise sign to be located within two feet from their property at the corner of Hillhouse Drive and South Wall Street, Mayor Pro-Tem Bond made a motion to set the public hearing for May 10, 1993 at 7:30 p.m., 2nd by Councilman Shelton with Mayor Pro-Tem Bond, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
 - k. A 1st reading was given to the Pine Street Rentals, Robert Croft Zoning Variance Request in which a mini storeall building would be located within six feet of Edmond Street. Mayor Pro-Tem Bond made a motion to set the public hearing for May 10, 1993 at 7:30 p.m., 2nd by Councilman Shelton with Mayor Pro-Tem Bond, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
 - l. 1st reading of an Annexation Ordinance Request by Kobelco for two tracts of land with residential houses located on Richardson Street for Ind.-H zoning. Councilman Shelton made a motion to set the public hearing for May 10, 1993 at 7:30 p.m., 2nd by Councilman McEntire with Councilman Shelton, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.
 - m. Harrison reported that the City of Calhoun had been requested to submit a full application for the additional sewer interceptor work which had been delayed because of lack of funding. She reported that in an emergency, the City had gained permission to obtain \$400,000.00 of the original SRF application from GEFA funds in order to complete the present line to a point in which it would be 100% useful. She requested that the full application be continued for the \$1,100,000.00 which would provide the \$400,000.00 in funds to reinstate the original GEFA project for improvements at the water treatment facility. Following discussion, Mayor Pro-Tem Bond made a motion to approve the application and to authorize the Mayor to sign, 2nd by Councilman Shelton with Mayor Pro-Tem Bond, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
 - n. Councilman Shelton made a motion for the City to provide the assistance for the Health Department CDBG Block Grant which will be submitted by Gordon County which will include providing half of the local funds which are required for the grant, and also to provide an additional water tap and sewer tap for the addition to the building if it is needed, 2nd by Mayor Pro-Tem Bond with Councilman Shelton, Mayor Pro-Tem Bond and Councilman McEntire voting affirmatively, motion carried.
 - o. Councilman McEntire made a motion for the City to prepare a block grant application for improvements to Crest, Gallman & Wilson Streets in terms of water/sewer, street improvements and lighting, and to set a public hearing for the proposed project for April 26, 1993 at 7:30 p.m. 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond and Councilman Shelton voting affirmatively, motion carried.

9. Director Cornwell's Work Report:

- a. Director Cornwell reported the Police Department's current budget contained \$5,000.00 for a used vehicle for investigators. He stated the Police Department had found two used vehicles, one for \$11,000.00 and one for \$5,750.00 both with approximately 70,000 miles on the vehicles. He stated the Ford vehicle had a warranty which covered an additional 30,000 miles, and he recommended the budget be amended to include the additional \$750.00 needed to purchase the used Ford vehicle. Councilman Shelton made a motion to approve the recommendation, 2nd by Councilman McEntire with Councilman Shelton, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.
 - b. Director Cornwell recommended that the City's Subdivision Ordinance be amended to improve the base and paving requirements and to require a performance bond for developers developing new proposed City streets. Following discussion, a 1st reading of the proposed amendments was given with Mayor Pro-Tem Bond making a motion to set a public hearing on the amendment for May 10, 1993 at 7:30 p.m., 2nd by Councilman Shelton with Mayor Pro-Tem Bond, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
 - c. Director Cornwell stated the previous authorization allowing the City to work with the Humane Society regarding adoption of pets by the public is not working because of inadequate funding for the Humane Society and because of a lack of volunteers to handle the plan, therefore, they had asked the City to make other arrangements. Director Cornwell stated that his recommendation was to set the fee at \$25.00 with five dollars being used to pay a local veterinarian for the rabies shots for adopted pets. Following discussion, Mayor Pro-Tem Bond made a motion to increase the fee from \$3.00 to \$25.00 from which \$5.00 would be used to pay a local veterinarian who should submit a bill monthly to the City of Calhoun, 2nd by Councilman Shelton with Mayor Pro-Tem Bond, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried. Mayor Meadows asked the Council to consider the current operating cost of the Rabies Control Department and the number of animals handled, and to review the current City/County Contract as to the amount of participation toward the cost of the program.
10. Councilman McEntire made a motion to move to Executive Session for legal matters 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond and Councilman Shelton voting affirmatively, motion carried.
 11. Councilman McEntire made a motion to move to General Session, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond and Councilman Shelton voting affirmatively, motion carried.
 12. Mayor Pro-Tem Bond made a motion to adjourn, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire and Councilman Shelton voting affirmatively, motion carried.

Approved:

Submitted:


John D. Meadows, III
Mayor


Cathy Harrison
City Administrator