

FEBRUARY 14, 1994 7:00 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

ABSENT: JIMMY PALMER, COUNCILMAN

ALSO: WILLIAM P. BAILEY, 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 January 17, 1994 Regular City Council Meeting and the January 26, 1994 Special Called Council Meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Meadows stated that in January, 1994, the City lost employee Dale Weaver. He stated the Mayor and Council, and employees of the City of Calhoun suffered a great loss, and the City's sympathy is expressed to the family of Dale Weaver. Mayor Meadows commended the Fire Department who worked long and hard on the recovery, as well as, the Sheriff's Department which gave the City support. Mayor Meadows and the Council commended all the City departments which assisted on the day of the accident for their professional and caring attitudes.
 - b. Mayor Meadows stated the Mayor and Council and staff attended the GMA Legislative Meeting on January 24, 1994 in Atlanta, and Mayor Meadows proceeded to review several current legislative matters which are of concern to the City of Calhoun and other cities, primarily those being House Bill 1416 regarding unfunded mandates; House Bill 1489 regarding mandatory renegotiation of local option sales tax formulas; House Bill 397 Peace Officer's Bill of Rights; House Bill 1544 regarding deannexations; and House Bill 1482 regarding the accountability of RDC's.
 - c. Mayor Meadows introduced Charles Smith of Employee Benefits, Inc. which administers and advises the City on its pension plan. Mr. Smith reviewed the possibility of a change in the current investment policy of the plan which would allow employees to make individual investments of their funds within the framework of a selected group of municipal funds which would be made available for City employees to review and to pick and choose at their discretion. He stated this policy was preferable over the current policy since interest rates have deteriorated for the conservative investments previously handled by the City. He also stated that previously all the funds had been invested as one group investment whereas

investments by individual employees would allow the employees to make a decision whether they needed to invest short term or long term, thereby, increasing their ability to have higher yields at various levels of risk. Mayor Meadows asked the Council to consider the comments of Mr. Smith, and to make a decision on February 28, 1994 regarding the proposal.

- d. Mayor Meadows read a letter from Mr. Bill Childers of Multitex regarding the professional assistance he and his company had received from the City of Calhoun during the blizzard, and on subsequent occasions. He commended the City Elected Officials on the attitudes they fostered with the City department heads and employees.
- e. Mayor Meadows informed the Council and the news media that the City had received a solid waste loan of \$1,000,000.00 through the GEFA program which would allow the City to finance ways to handle its sewer sludge as an alternate to using the landfill at the prices proposed by the County Commission.

5. Council's Comments:

- a. Mayor Pro-Tem Bond stated the Street Department continued to clean streets, do patching, and also continued leaf and limb pickups, and drainage area cleanups as needed. Mayor Pro-Tem Bond also stated that he also attended the GMA Legislative Meeting, and his Committee, Environmental Protection reviewed those programs available to assist cities, and the legislation which would be considered in the 1994 session which would benefit cities in the State of Georgia.
- b. Councilman Shelton stated the Fire Department answered three residential calls, one commercial call, nine public assistance calls, one hazardous material call and 16 false alarms. They had an estimated loss of \$24,700.00 of property during the month of January, 1994. He stated the Police Department made 150 arrests during the month of January, 1994 of which 10 were DUI's. They collected \$18,180.50 in fines. They issued 66 warnings and 156 parking tickets. They responded to 157 incidents, 74 accidents, 141 burglar alarms and provided 63 escorts. The Fire Inspection Officer provided 34 inspections in the month of January, 1994. Mr. Shelton stated he served on the Public Safety Committee at the GMA Legislative Meeting, and his department reviewed legislation such as the Peace Officer's Bill of Rights and others which were of primary interest to the cities of the State of Georgia.
- c. Councilman McEntire stated the Water Treatment Plant pumped a daily average of 12.452 million gallons of raw water during the month January, 1994. The Waste Treatment Facility treated a daily average of 10.35 million gallons per day with BOD effluent being 19, suspended solids effluent being 25, and COD effluent being 133. The Water/Sewer Construction Department made 19 water taps and one sewer tap, and had a minimum amount of extensions during the month of January, 1994. Councilman McEntire stated he attended the DOT Meetings at the GMA Legislative Meeting in January, and that he was always amazed at the long range planning that was necessary by the Department of Transportation. He also was delighted to know that the Georgia Department of Transportation was one of the top states in the nation in the management of its maintenance for its highway system. He commended the Board of Directors for the Department of Transportation, specifically Mr. James

- Beverly Langford from Calhoun who serves on the Board.
- d. Mayor Meadows gave the electrical report for Councilman Palmer. He stated the Electric Department sold 25,384,246 KW of electricity in the month of January, 1994, and they provided 29 inspections. He stated the Building Inspection Department sold building permits for over \$3,000,000.00 of new building projects during January, this being the highest within the last five years for the month of January.

6. Public Hearings & Comments:

Ord. No. 527

- a. A 2nd reading of the Annexation Ordinance Request of Stanley Simpson for approximately eight acres off Water Works Road for R-2 zoning was given. The public hearing was opened with the Zoning Advisory Board recommending approval. Mayor Pro-Tem Bond stated the residents of the area had provided a petition against the zoning, however, the Zoning Advisory Board reviewed the make up of the area surrounding the property, and found that it was a mixture of commercial, single family and multi family development, and they felt the specific area involved would be appropriate for R-2 zoning. There were no other comments. Mayor Meadows stated the request was within the guidelines of the City's long range plans, and the public hearing was closed. Mayor Pro-Tem Bond made a motion to waive the 3rd & 4th readings and approve for R-2 zoning, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire and Councilman Shelton voting affirmatively, motion carried.

- b. A 2nd reading of the Beer/Wine/Liquor License Request of the Makibe Corp. with Betty Gilbert, Manager d/b/a Holiday Inn Restaurant located off Highway 156. The public hearing was opened. Mayor Meadows stated the Police Report was in order. Economic Development Coordinator Peterson stated the Building Inspector had reviewed the premises, and that it meets the codes. There were no other comments, and the hearing was closed. Councilman McEntire made a motion to approve the license request, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond and Councilman Shelton voting affirmatively, motion carried.

Ord. No. 531

- c. A 2nd reading of the Annexation Ordinance Request of Billy V. Hensley for six lots being 25 ft. wide each located at 112 Edwards Street for R-2 zoning was given. Mayor Pro-Tem Bond stated the Zoning Advisory Board had reviewed the request and recommended approval. There were no other comments, with the exception Mayor Meadows stated the area conformed to the long range plans of the City, and the hearing was closed. Mayor Pro-Tem Bond made a motion to approve the request, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire and Councilman Shelton voting affirmatively, motion carried.

Ord. No. 530

- d. A 2nd reading of the Annexation Ordinance Request of Floyd and Dorothy M. Reed for three lots 25 ft. wide each at 111 Fox Street for R-2 zoning was given. A public hearing was opened with the Zoning Advisory Board recommending approval. Mayor Meadows stated the request conformed to the long range plans of the City. There were no other comments, and the hearing was closed. Mayor Pro-Tem Bond made a motion to approve the request for R-2 zoning, 2nd Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire and Councilman Shelton voting affirmatively, motion carried.

- e. A 2nd reading of the Zoning Variance Request of Arthur

Brown for a 10 ft. relief of the area located off Gee Road at I-75 was given. A public hearing was opened. The Zoning Advisory Board recommended approval of the request with Mayor Pro-Tem Bond stating the area abutting the variance would be the State right-of-way, and would not effect any other property owner. The public hearing was closed. Mayor Pro-Tem Bond made a motion to approve the recommendation, 2nd by Councilman Shelton with Mayor Pro-Tem Bond, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.

- f. A 2nd reading of the Wine and Liquor Pouring License Request of Tina Louise Silvers d/b/a the Englander located at the Red Carpet Inn off of Highway 53, East was given. A public hearing was opened, the police report was clear, the building inspection for the property revealed that it conformed to the current codes. Harrison stated the previous license issued to Mr. Gosain had been forfeited without having been used. There were no other comments, and the hearing was closed. Mayor Pro-Tem Bond made a motion to approve the license request, 2nd by Councilman Shelton with Mayor Pro-Tem Bond, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
- g. A public hearing was re-opened, and a 3rd reading was given of the Fast Petroleum, Inc. Beer Package License Request for the building located on U.S. 41, South. Mayor Meadows stated the application was in order. The police report was clear, and the Economic Development Coordinator's Report indicated the traffic for the street directly in front of the business, Highway 41, South had a traffic count of 7,900 vehicles per day. The area immediately behind the facility was a predominately residential area with other commercial activity on Highway 41. Mayor Meadows stated that the public hearing was open, and he would accept comments from anyone in the audience. Mrs. Edna Rickett presented the Council with a signed petition from all residential home owners in the area requesting that the Beer Package License Request be denied. She stated the community was a small community encompassing Stone's Loop. That children played on the small narrow streets, and the residents walked in the area. She stated she was concerned about crime and also safety which would be jeopardized due to the granting of the license. Buddy Gray, a commercial property owner in the area, stated that he was in favor of the license being approved, that he understood that the previous owners were not able to keep the business open without a Beer Package License, and that he would rather see the business operational, than standing vacant and being an eye sore for the area. Attorney James B. Langford representing Mr. Worth Thompson and Mr. Duke for Fast Petroleum, Inc. stated that of the total sales approximately 8% would be for beer sales. He stated Mr. Thompson would be selling Phillips 66 gasoline and convenient groceries, however, without the beer available at the store, he would loose other business in addition to the beer sales, and that these were necessary in order for him to make a profit. Mr. Langford stated that he operates other facilities in Dalton, and that he knows the necessity of operating a properly run facility. Mr. Langford stated that he had the appropriate personnel who met the license requirements, and would be able to provide the proper management for the facility. Mrs. Rickett stated the reason the last owner closed the store was that it had been robbed several times. Police Chief Mitchell

confirmed that he wasn't sure of the number of times, but that he did recall answering a robbery call there more than one time. Mrs. Geneva Worley stated she lived in the area, and that she didn't want the beer there next to the area where she lived, nor did she want beer signs. Councilman McEntire stated the store represented a \$350,000.00 investment for the property owner, and that he felt that if there was no drive thru window for the property that it might be a workable solution, and would diminish the concerns of the residents in the area. Mayor Pro-Tem Bond stated it was a difficult decision, that the area on Highway 41 itself is commercial. He stated that without the drive in facility that he would support the request. Councilman Shelton stated that he would like to see the entrance on the back street closed, and no drive thru. Following a review of a map of the area, Mayor Meadows recommended that the Council consider no drive thru window for the licensee, that the back exit be blocked with curbing, that no left turn and no thru traffic for the street behind the building be considered for residential traffic only. Following discussion, the public hearing was closed. Councilman Shelton made a motion to approve the license request based on those items previously discussed, preferably that there be no drive thru window for the facility, that the back exit be blocked with curbing, that no left turns and no thru traffic be posted for the street behind the facility, and that it remain for residential traffic only, 2nd by Councilman McEntire with Councilman Shelton, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.

7. Old Business:

- a. Harrison reviewed the recommendations of the Department of Community Affairs for the City's Revolving Loan Fund Policy. She distributed copies of the policy indicating those areas which would be changed, including the adoption of a conflict of interest clause, a clause requiring specific auditing requirements which the City presently adheres to, and a clause indicating a change in interest rates which would mean a minimum of five percent, and a maximum of ten percent for the fund. Following review of the recommendations by the Department of Community Affairs, Mayor Meadows read a resolution regarding the adoption of the changes as recommended. Councilman Shelton made a motion to adopt the resolution, and to approve the changes as recommended, 2nd by Mayor Pro-tem Bond with Councilman Shelton, Mayor Pro-Tem Bond and Councilman McEntire voting affirmatively, motion carried.
- b. Mayor Meadows stated the City had received three responses to the RFP's distributed for the efficiency assessment of the City and County's Police and Fire Departments. Mayor Meadows appointed a committee to review the proposals, and to make a recommendation back to the Mayor and Council on February 28, 1994. The committee consisted of Cathy Harrison, City Administrator, Councilman John D. Shelton, Commissioner Danny Hightower, Commission Chairman Joe Powell and Lester Rampy.
- c. A 2nd reading of a resolution amending the electric rates adopted August 9, 1993 for the small commercial users on the first level of the formula was given. Following review, Councilman Mcentire made a recommendation to adopt the resolution approving the rate change to lower the rate for the small users, 2nd

by Councilman Shelton, with Councilman McEntire, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.

8. New Business:

- a. The Mayor and Council reviewed a recommendation for engineering services for upgrade at the Waste Treatment Facility for a dechlorination building, and also for an industrial type dryer to be used for handling the sludge at the Waste Treatment Facility. The total estimated construction for the project being \$1,770,000.00, engineering to be based on rates per hour, those being considered with the engineering firm of Piedmont Hensley Olson which is presently handling other engineering for the Waste Treatment Facility. Following review of the recommendation for the project, and for those engineering services, Harrison stated that part of the services will be funded by a loan through Georgia Environmental Facilities Authority for approximately \$1,000,000.00 as reported by Mayor Meadows earlier. Harrison also recommended that during the week in which a test program will be scheduled for the industrial dryer, that Dan Clark of the Georgia Environmental Facilities Authority be invited to review the equipment. Following further discussion, Mayor Pro-Tem Bond made a motion to approve the engineering services for the project, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire and Councilman Shelton voting affirmatively, motion carried.
- b. A 1st reading of the Beer Package License Manager Change Request of Golden Gallon was reviewed. The prior manager being Ida Ruth Anderson, to be changed to Mary Ann Brown of 317 Hall Memorial Road. The Police Department has reviewed the application and has approved Mrs. Brown as meeting the requirements. Councilman McEntire made a motion to confirm the approval by the Police Department, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond and Councilman Shelton voting affirmatively, motion carried.
- c. A 1st reading of the L.P. Owens Zoning Change request for two lots north of the Calhoun Car Clinic on U.S. 41, North to change from R-2 zoning to C-2 zoning was given. The earliest date for the public hearing would be March 14, 1994 at 7:00 p.m. Mayor Pro-Tem Bond made a motion to set the public hearing for that date and time, 2nd by Councilman Shelton with Mayor Pro-Tem Bond, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
- d. A 1st reading of the Donald E. & Faye Vaughan Annexation Ordinance Request for 108 West May Street for R-1 zoning was given. Harrison stated the property abutted property previously annexed into the City. Councilman McEntire made a motion to set the public hearing for March 14, 1994 at 7:00 p.m., 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond, and Councilman Shelton voting affirmatively, motion carried.
- e. A 1st reading of the Charles W. Smith Annexation Ordinance Request for Lot 1 off Newtown Road adjoining the Southern Sewing property for R-2 zoning was given. Councilman Shelton made a motion to set the public hearing for the request on March 14, 1994 at 7:00 p.m., 2nd by Mayor Pro-Tem Bond with Councilman Shelton, Mayor pro-Tem Bond, and Councilman McEntire voting affirmatively, motion carried.

- f. A 1st reading of the George C. Mashburn Annexation Ordinance Request for .547 acres on Holly Hills Drive for a lot adjacent to Fire Station No. 3 for R-2 zoning was given. Councilman McEntire made a motion to set the public hearing for the request for March 14, 1994 at 7:00 p.m., 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond and Councilman Shelton voting affirmatively, motion carried.
 - g. Harrison presented the Mayor and Council with a copy of the June 30, 1993 Annual Report, and stated a copy had been forwarded to the Calhoun, Gordon County Library, therefore, the audit would be available both at the library and at City Hall for any member of the public to review.
9. Other Written Items Not on the Agenda: None
10. Director Cornwell's Work Report:
- a. The Mayor and Council reviewed three DOT projects which the Department of transportation had asked the City to commit for clearance of utilities on right-of-ways. The first project being at I-75 and Highway 156 which would involve relocation of a sewer line with a cost of approximately \$20,000.00, the 2nd would be at I-75 and Highway 225. There were no City utilities involved. Councilman McEntire made a motion to approve these requests, and to authorize the Mayor to sign, 2nd by Councilman Shelton with Councilman McEntire, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried. On the third item which involved Piedmont Street and Park Avenue in terms of one way pairs, the Council asked that this request be held.
 - b. Cornwell stated Stanley Simpson and Bill Walraven had reviewed the cost for a pump station and pressure line which would provide sewer service to their property north of the interstate near the Georgia Floor Covering business location. They own approximately 40 acres with a possibility of 150 acres in the area which could be sewered from the installation of the pumping station and the pressure line. He stated Mr. Simpson had requested the Council to review the possibility of refunding a portion of their cost should other property be developed as a result of access to the City sewer system. The Mayor and Council stated they would consider the development of the area for sewer, and would review and make a decision at a later date.
 - c. Cornwell stated the water sales for January, 1994 were approximately two and one half times higher than the January sales of 1993. He stated the electric sales of January were a record high for the month of January of any given year, and he stated these figures indicated that we had made full recovery from the blizzard, that local industries are expanding internally, and that the City should once again be considering expansion of its water and waste water facilities.
11. Councilman McEntire made a motion to move to Executive Session for legal and real estate matters, 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 move to General Session, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire and Councilman Shelton voting affirmatively, motion carried.
13. Councilman McEntire made a motion to adopt a resolution

which would allow the exchange of excess property as a result of the road being re-routed at the intersection of Peter Street and Highway 41 which would allow that property to be exchanged with MTD Investments, Inc. for easements for three tracts owned individually and corporately by the owners of MTD Investments for the sewer transmission line behind Astro Dye Works. The resolution also authorized Mayor Meadows to issue a quit claim deed to MTD Investments, Inc. for the property in the Peter Street area, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond and Councilman Shelton voting affirmatively, motion carried.

14. The meeting was adjourned.

Approved:

Submitted:



John D. Meadows, III
Mayor



Cathy Harrison
City Administrator