

MARCH 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
JIMMY PALMER, 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 February 28, 1994 Regular City Council Meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Meadows recognized those in the audience who were members of the Leadership Committee, and welcomed them to the meeting. Claude Sisson stated the Leadership Committee would be sponsoring a "Drugs Don't Work" luncheon at the Elk's Club on March 17, 1994, and reminded employers that it was an excellent opportunity to discuss drugs in the work place and worker's compensation. He also announced that on April 13, 1994 the Leadership Committee will provide an economic overview which would tie in world wide economy. It will be at Heritage Hills at 6:00 P.M., and Bert Lance will be the featured speaker.
 - b. Mayor Meadows reminded the Council of the Public Hearings scheduled for April 11, 1994: (1) Annexation Ordinance Request of Norman D. McGathey for property located at 113 Fox Street for R-2 zoning; (2) Annexation Ordinance Request of Dorothy Faye and George Goble for property located at 115 Fox Street for R-2 zoning.
 - c. After consideration, Mayor Meadows stated that rather than assigning the new purchasing area for a monthly report by the Council, that the area would be under the direct supervision of Harrison and Cornwell. The reports should come to them, and the reporting that is necessary to the Council be given by them.
 - d. Mayor Meadows stated the demonstration of the sludge burner at the Waste Treatment Facility, the week of March 7-11, 1994 went well. He stated the only problem had been due to the cold wind which hampered the demonstration at times, however, he was pleased with the overall demonstration. Cornwell stated that prior to making a final decision on a purchase of a similar unit, that the City would have an opportunity to see a fully installed unit in operation in Gainesville, Florida. Councilman McEntire stated he was impressed with the system, and had been from the start. Mayor Pro-Tem Bond stated he felt it was a good system, and an ideal answer for the City's problem. Councilman Shelton stated he had high hopes for the proposal. Councilman Palmer stated that it appeared to be the best way to handle the City's sludge, but he would withhold final opinion until he saw a live operation.
 - e. Mayor Meadows stated that it had been the decision of City and County Elected Officials to appoint eight

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members each, to a review committee for the efficiency assessment of the Police, Fire and Sheriff's Departments for Calhoun, Gordon County. He stated the appointments by the City were Lester Rampy, Ed Lewis, Calvin Caldwell, Add Layson, Ernest Owens, Police Chief Willie Mitchell, Fire Chief Ferrell Grizzle, and Councilman Shelton.

- f. Mayor Meadows stated the City had been awarded the 2nd phase of the sewer interceptor loan request from the state revolving fund. The request had been in process for approximately two years. It would complete the original sewer interceptors that were needed as had previously been outlined by City Engineering Firm, Piedmont Olsen Hensley. The area for the sewer interceptors would be from Meadowbrook Farm to Gordon Hospital from I-75 at the pump station which would put that area on gravity flow as opposed to the pump station.

5. Council's Comments:

- a. Mayor Pro-Tem Bond stated the Street Department had continued patching, laying drain tile, replacing street signs, with the Sanitation Department picking up limbs and leaves .
- b. Councilman Shelton stated in February, 1994, the Police Department made 170 arrests, 8 being DUI, collected \$14,810.00 in fines, issued 68 warning tickets and 207 parking tickets. They investigated 164 incidents, 80 accidents, provided 72 escorts and answered 89 burglar alarms. The Fire Department answered one residential call, four commercial calls, two vehicle calls, two hazardous materials, seven brush and trash, and provided 10 public assistance. They also answered one public utility call and one bomb threat. They had an estimated loss of \$51,750.00. The Fire Inspection Department provided 14 new inspections with several existing inspections for a total of 33 for the month. Councilman McEntire stated the water/Sewer Construction Department made 28 water taps, 3 sewer taps, installed 5,420 feet of two inch PVC water line and 4,400 feet of six inch PVC water line. The Water Treatment Plant had a daily average flow of 11.9 million gallons. The Waste Treatment Plant had a daily flow of 11.13 million gallons with BOD effluent being 25, suspended solids being 30 and COD effluent being 124.
- c. Councilman Palmer stated the Electric Department in February sold 23,603,638 KWH of electricity to a customer base of 3,741. They provided 29 inspections, issued six permits and set six meters. The Building Inspection Department issued a total of \$640,000.00 of new construction permits with the primary permits being issued for seven new residential houses for a total of \$564,000.00 in construction.

6. Public Hearings & Comments:

- a. A 2nd 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 to C-2 zoning was given. The Public Hearing was opened with the Zoning Advisory Board stating their recommendation was to approve the request. Mayor Pro-Tem Bond also stated that the request was in line with the long range plans. There were no other comments, and the hearing as closed. Mayor Pro-Tem Bond made a motion to approve, 2nd by Councilman Palmer with Mayor Pro-Tem Bond, Councilman Palmer, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
- b. A 2nd reading of the Annexation Ordinance Request of

Ord. No. 534 Donald E. & Faye Vaughn at 108 West May Street for R-1 zoning was given. A Public Hearing was opened, and the Zoning Advisory Board recommended approval of the request. Mayor Pro-Tem Bond stated the request was within the guidelines of the long range plans. There were no other comments, and the hearing was closed. Mayor Pro-Tem Bond made a motion to waive the 3rd and 4th readings, and to approve as requested, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.

c. 2nd reading of the Annexation Ordinance Request of Charles W. Smith for Lot 1 off Newtown Road adjoining the Southern Sewing property for R-2 zoning. A Public Hearing was opened, and the Zoning Advisory Board stated the lot adjoined the existing apartments of John Wayne Hall, and that it was in keeping with the surrounding area, therefore, they recommended approval. There were no other comments and the hearing was closed. Councilman Palmer made a motion to waive the 3rd and 4th readings, and to approve as requested, 2nd by Councilman Shelton with Councilman Palmer, Councilman Shelton, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.

Ord. No. 533

d. 2nd reading of the Annexation Ordinance Request of George C. Mashburn for .547 acres on Holly Hills Drive for a lot adjacent to Fire Station No. 3 for R-2 zoning was given. A Public Hearing was opened. The recommendation of the Zoning Advisory Board was to approve the request. There were no other comments and the hearing was closed. Councilman McEntire made a motion to waive the 3rd and 4th readings & to approve, 2nd by Councilman Shelton with Councilman McEntire, Councilman Shelton, Councilman Palmer and Mayor Pro-Tem Bond voting affirmatively, motion carried.

Ord. No. 532

e. A public hearing was opened on the basic service, other equipment and installation charges currently provided by Scripps Howard Cable of Northwest Georgia. The hearing was being held since the City of Calhoun has applied and been granted permission to regulate basic service rates. The hearing was opened with the comments made by Mayor Meadows. "The Cable Television Consumer Protection and Competition Act of 1992 allows cities to regulate basic cable television service rates and associated equipment and installation charges. "Basic Service" includes, at a minimum, broadcast stations, such as ABC and NBC, along with public, educational and governmental stations. The basic service may include other channels. "Associated Equipment" is any equipment that is used to pick up basic channels, which includes converter boxes, remote controls, and wiring. "Installation charges" includes charges for installing service and charges for changing service.

"The Federal Communications Commission has issued specific rules outlining the method that a city must follow when it reviews a cable company's rates. The FCC's rules include giving interested parties the opportunity to express their views. This public hearing is intended to provide that opportunity. We hope that this hearing will uncover areas of concern and give us direction on where we should place emphasis."

"Currently, the City is gathering information about basic cable rates. The City has not yet determined whether the cable company's basic rates are reasonable."

"The City will issue a written decision to the public and

give public notice if the City disapproves initial rates for basic service, or if the City approves initial rates over the objections of interested parties."

Following the Mayor's comments, Mayor Meadows introduced Neal Fondren who is the manager of the Calhoun and Rome Office. Mr. Fondren introduced Jim Kirk of his office, and stated the basic service provides Channels 2 through 13. He stated that his company had moved Channel 26 to basic service, that the Federal regulators are continuing to review their earlier regulations, and any of the current rules enforced could possibly be changed within the next few days. At the present time, his company is waiting on the final regulations before making other changes. He stated that in an earlier meeting with the Mayor and Council approximately two years ago, that a primary concern had been the interference on Channel 2 and 5 in the Calhoun area. He stated this had been corrected at a cost of \$300,000.00. He stated that he hoped in the near future that a weather channel that would also provide local news and local coverage would be available. Mayor Pro-Tem Bond asked why the basic service is not broader. Mr. Fondren stated that it depends on the plant. He stated that prior to Federal changes, that his company had a full scale rebuild planned for Calhoun. Councilman McEntire stated he would like to see an A & E channel provided for the Calhoun area. A question was asked what the basic rate and number of channels were for Calhoun and Rome. Mr. Fondren stated the Rome area had 18 channels in their basic service, Calhoun 12, however the Rome rate was approximately \$2.40 higher. Mayor Meadows asked why Victory Court was not able to have cable service on part of the street. Mr. Fondren stated that they had at this time plans to add the lower part of that street to their service area. He stated their present requirements to date are for 20 homes per linear mile to build a new line which costs approximately \$18,000.00 per mile. He also stated that under the present conditions, that a converter box is needed. Mayor Meadows stated that he had received several telephone calls, and one customer was very concerned with the lack of proper manners by the staff at the local office. Mr. Fondren stated that the Calhoun Office staff was being sent to Rome for additional training, and that hopefully that problem would be resolved in the near future. Mayor Meadows stated that in order to get a good range of the view of service provided by Scripps Howard Cable for this area, the City would continue to receive written comments through Friday, March 18, 1994 at 6:00 P.M., and these would be reviewed in addition to the comments at the Public Hearing. Kyle Smith stated he would agree with Councilman McEntire that he would prefer to see some of the channels eliminated, and A&E be made available for the Calhoun, Gordon County area. There were no other comments & the Public Hearing was closed.

7. Old Business:

- a. Mayor Meadows stated that in reference to the adoption of the City's internal controls and policies, he had reviewed both items. He noted several areas where changes might be made, and he requested that those changes be reviewed and adoption be held until the 28th.

8. New Business:

- a. A first reading of the Annexation Ordinance Request of

James A. Cox for property located at 179 Moss Road for R-1 zoning was given. Councilman McEntire made a motion to set the public hearing for April 11, 1994 at 7:00 P.M., 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.

- b. A 1st reading of the Annexation Ordinance Request of Robert E. and Virginia McWilliams for property located at 207 Three Oaks Drive for R-1 zoning was given. Mayor Pro-Tem Bond made a motion to set the public hearing for April 11, 1994 at 7:00 P.M., 2nd by Councilman Palmer with Mayor Pro-Tem Bond, Councilman Palmer, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
- c. A 1st reading of the Annexation Ordinance Request of Betty Sutherland Reeves for property located at 117 Dogwood Drive for R-1 zoning was given. Councilman Palmer made a motion to set the public hearing for April 11, 1994 at 7:00 P.M., 2nd by Councilman Shelton with Councilman Palmer, Councilman Shelton, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- d. Mayor Meadows stated that Harrison had ordered materials and discussed the Anniston, Alabama renovation with the project manager, and had made arrangements for a group from Calhoun to select dates for an "on site" visit. He stated a meeting of the Downtown Development Authority, the Mayor and Council and Retail Merchant's Committee of the Chamber had been invited to a meeting on March 28, 1993 at 6:00 P.M. at the City Council Chambers to discuss a possible visit and other items regarding the downtown area. He urged each Council member to attend the meeting.

9. Other Written Items Not on the Agenda:

- a. A 1st reading of the Wanda Gail Bryant Annexation Ordinance Request for property located at Lot 10 of Black Oak Parks Subdivision was given. Mayor Pro-Tem Bond made a motion to set the public hearing for April 11, 1994 at 7:00 P.M., 2nd by Councilman Palmer with Mayor Pro-Tem Bond, Councilman Palmer, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
- b. A 1st reading was given to the Cathy Dorminy Liquor-by-the-Drink License Request for the Englander Restaurant at the Red Carpet Inn on Highway 53, East. Harrison stated the previous license was issued to Joan Heiland, although it had been approved by the City Council, no state license had been obtained and no Liquor-by-the-Drink had been sold at the location. Councilman McEntire made a motion to set the public hearing for April 25, 1994 at 7:00 P.M., 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.
- c. A 1st reading was given to an Ordinance amendment for Section 13-5 of the Code of Ordinances of the City of Calhoun regarding disorderly conduct. Following discussion, Councilman Shelton made a motion to set a public hearing on the Ordinance amendment for March 28, 1994 at 7:00 P.M., 2nd by Councilman Palmer with Councilman Shelton, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- d. Mayor Meadows asked Attorney Bailey to draft the necessary Call for Election for the City citizens to vote on a possible Freeport for the Calhoun area in July, 1994.

10. Director Cornwell's Work Report:

- a. Cornwell stated the lake excavation had gotten back on course, and work would continue until completed.
 - b. Cornwell stated the design for the new sidewalk and wall at the corner of South Court and Wall Street near the Courthouse was underway.
 - c. Cornwell stated he had been in contact with representatives in the Walmart area concerning the traffic signal for Highway 53. He also reviewed the contract and cost with DOT.
 - d. Cornwell stated the South Industrial Street and intersection work was continuing, however, the right-of-way acquired by the City was short by one foot, and may represent a slight problem. He stated the West Line Street project was on line, and that the road bore had been completed, and work should progress rapidly on that particular project.
 - e. Cornwell stated the City would need to purchase an additional screw pump for the Waste treatment Facility, and that although the pump itself would be added to the upcoming budget for July, 1994 through June, 1995, that he would need permission to go ahead and accept bids for the item. He estimated the cost to be \$50,000.00 or more. Following review, Councilman Palmer authorized bids to be taken on the item, 2nd by Mayor Pro-Tem Bond with Councilman Palmer, Mayor Pro-Tem Bond, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
11. Eddie Peterson stated that in the purchasing process, two items needed to be discussed, one being a budget overage for a Street Department two ton truck. Following discussions, Mayor Pro-Tem Bond made a motion to authorize an overage of \$2,726.00, and to award the bid to the low bidder which was Hardy Chevrolet for ~~\$307,726.00~~, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.
- \$ 30,726.00
K.C.
12. Eddie Peterson stated the City's current budget listed a fire truck with an estimated price at budget time of approximately \$130,000.00, however, the bids which were taken on a range of high requirements to low requirements for a fire truck range from a low of \$157,000.00 to a high of approximately \$200,000.00. Following review of each bid, Councilman Palmer made a motion to approve the bid from Quality Fire & Rescue for \$189,903.00 with financing for seven to five years to be discussed at a later time following bids from local financial institutions, 2nd by Councilman Shelton with Councilman Palmer, Councilman Shelton, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.
13. Mayor Pro-Tem Bond made a motion to move to Executive Session for discussion of legal matters, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.
14. Councilman Palmer made a motion to move to General Session, 2nd by Councilman McEntire, Councilman Palmer, Councilman McEntire, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.
15. Mayor Pro-Tem Bond made a motion to approve the Adairsville Water Agreement as written, and to authorize Mayor Meadows to sign, 2nd by Councilman Palmer with Mayor Pro-Tem Bond, Councilman Palmer, Councilman Shelton and Councilman McEntire

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voting affirmatively, motion carried.

16. Councilman Shelton made a motion to approve and authorize Mayor Meadows to sign the Galileo Quality Institute Contract for the Efficiency Assessment Review of Police and Fire activities for City of Calhoun and Gordon County, 2nd by Mayor Pro-Tem Bond with Councilman Shelton, Mayor Pro-Tem Bond, Councilman McEntire and Councilman Palmer voting affirmatively, motion carried.
17. Councilman McEntire made a motion to approve the Jail Contract as outlined by Mayor Meadows, and to authorize the Mayor to sign the contract when presented, 2nd by Councilman Shelton with Councilman McEntire, Councilman Shelton, Councilman Palmer and Mayor Pro-Tem Bond voting affirmatively, motion carried.
18. Councilman McEntire made a motion to adjourn, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.

Approved:

Submitted:



John D. Meadows, III
Mayor



Cathy Harrison
City Administrator

