

AUGUST 8, 1994

7:00 P.M.

REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
226 SOUTH WALL STREET

PRESENT: JOHN D. MEADOWS, III, MAYOR
THOMAS H. BOND, MAYOR PRO-TEM
JOHN D. SHELTON, COUNCILMAN
PAUL MCENTIRE, COUNCILMAN
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 July 25, 1994 Regular City Council Meeting and the July 29, 1994 Special Called Council Meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Meadows reminded the Council of the Public Hearing scheduled for August 18, 1994 at 6:30 P.M. regarding adoption of a leash law for pets.
 - b. Mayor Meadows reminded the Council of the Public Hearings scheduled for September 12, 1994: (1) Zoning Variance Request of Weldon C. Childers of 108 Fain Street for a 10 ft. variance from the east property line and a 10 ft. variance from the rear property line; (2) Zoning Variance Request of R&R Food Store located at 400 West Line Street for a 20 ft. variance off River and West Line Street for construction of a canopy over gas pumps; (3) Temporary Zoning Variance Request of American Weaver L.P. located at 965 North Wall Street (Old Echota Mill Property) for a mobile home office while permanent offices are being built; (4) Zoning Variance Request of Prater Ford located at 704 South Wall Street for a 23 ft. variance off Peter Street for a building addition; (5) Zoning Variance Request of New Beginnings Home Center to allow a 14x70 mobile home to serve as the sales center office; (6) Zoning Variance Request of Astro Dye Works located at 925 Oothcalooga Street for a 26 ft. variance off Pine Street; (7) Annexation Ordinance Request of Bill Walraven and Stanley Simpson for 10.284 acres off Gee Road for I-G zoning.
 - c. Mayor Meadows reminded the citizens that a third trailer is located at the First United Methodist Church in which citizens can donate bottled water, cleaning supplies, etc. for the South Georgia flood victims.
 - d. Mayor Meadows reminded the Council of the National League of Cities which is scheduled in December, 1994, and asked that they notify Harrison if they are going to attend.
5. Council's Comments:
 - a. Mayor Pro-Tem Bond stated the Street Department continued work at the golf course lake, continued work on storm water drainage and cutting right-of-ways during the month of July.
 - b. Councilman Shelton stated the Fire Department in the

month of July answered two commercial calls, two automobile calls, two brush calls, seven emergency rescue calls, seven false alarms, one hazardous material and one other call with total estimated damage for the month being \$1,500.00. During the month of July, the Police Department made 172 arrests with 13 being DUI and collected \$17,326.00 in fines. They issued 79 warnings, 83 parking tickets, investigated 199 incidents, 93 accidents, provided 100 escorts and responded to 141 burglar alarms. The Fire Inspection Department reported inspection of 14 new facilities, 16 existing and eight annual inspections and nine others. Councilman Shelton also stated that citizens of the McConnell Road area are requesting a lowering of the speed limits on McConnell Road from 35 mph to 25 or 30 mph. Following discussion, the Council stated that ripples at various places on McConnell Road might be appropriate due to all the hills in the area. The City Attorney was authorized to draft a new Ordinance to lower the speed limit.

- c. Councilman McEntire stated the Water Treatment Plant treated a daily average flow of 11.406 million gallons per day. The Waste Treatment Plant had an average daily flow of 8.939 million gallons per day with the average BOD effluent being 13, average suspended effluent being 16 and the average COD effluent being 96. The Water/Sewer Construction Department during the month of July made 48 water taps, eight sewer taps, installed 2,950 ft. of two inch PVC 200 PSI Water Line, installed 2,240 ft. of six inch PVC 200 PSI Water Line, and installed 600 ft. of eight inch SDR 26 sewer pipe and two man holes.
- d. Councilman Palmer stated for the month of July the Building Inspector issued permits for construction of two new residential properties at \$340,000.00, and issued permits for two commercial alterations at \$470,000.00. He stated the Electric Department sold 31,877,874 KWH to a customer base of 3,783. They provided 44 inspections, issued six permits and set two meters.

6. Public Hearings & Comments:

- a. A 2nd reading of the Augustus Rawson King, IV Beer Package License Request for 767 Highway 53, East presently known as ABC Package Store was given. A public Hearing was opened, the Police Report was clear, there were no other comments and the hearing was closed. Mayor Pro-Tem Bond made motion to approve the request, 2nd by Councilman Palmer with Mayor Pro-Tem Bond, Councilman Palmer, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.

7. Old Business:

- a. In regard to the matter of John Wayne Hall and other apartment owners making a Request for relief on their garbage pickup charge for dumpsters placed at apartments which they consider to be residential, Kelly Cornwell stated that he has not received a response from the County regarding the County allowing the front end loader with apartment residential pickup to be emptied at the landfill without a charge. He stated that he had contacted several cities regarding their method of handling, but had not received a response at this time on all cities. Harrison advised the Council of the actual cost expressed in percentages of the rate currently charged which presently go for payment to the landfill for disposal of the apartment waste. Following discussion, Councilman Shelton made a motion to hold any

action until the Council has a response from the County, 2nd by Mayor Pro-Tem Bond with Councilman Shelton, Mayor Pro-Tem Bond, Councilman McEntire and Councilman Palmer voting affirmatively, motion carried.

- b. Lease Agreement on Fire Truck was held.
- c. Councilman Palmer made a motion to approve the DCA Planning Grant for the City of Calhoun/Gordon County in the amount of \$20,488.00, and to authorize Mayor Meadows to sign the agreement, 2nd by Councilman McEntire with Councilman Palmer, Councilman McEntire, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.

8. New Business:

- a. A first reading was given to the Paul Lusk/Linda Whittenburg Annexation Ordinance Request for approximately 10 acres adjoining the Park Place property in Land Lot 197 of Gordon County, Georgia for R-1 zoning. Mayor Pro-Tem Bond made a motion to set the public hearing for September 12, 1994 at 7:00 P.M., 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.
- b. A first reading of the Paul Lusk Annexation Ordinance Request for approximately one and one half acres in Land Lot 197 north of Park Place for R-1 zoning was given. Councilman McEntire made a motion to set the public hearing for September 12, 1994 at 7:00 P.M., 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- c. A first reading of the Annexation Ordinance Request of Deborah Owens Guinter for approximately 30 acres off Red Bud Road being the former Buddy Norton property for R-1 zoning was given. Councilman Shelton made a motion to set the public hearing for September 12, 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. Harrison gave a review of the State Law, HB 362 on new business license changes and management's recommendation. Harrison reviewed the method of the three possible ways allowed by the State for business license taxation, those being based on the number of employees, based on profitability ratios, and based on gross receipts in combination with profitability ratios. Harrison reviewed other particulars of the law such as the exemption of beer/wine/liquor licenses from the law which is covered by other statutes; the ability of the City to set regulatory license fees for such activities as pawn license and etc.; the ability to charge an administrative fee in addition to the tax; the implementation date of January 1 of each year; the ability to penalize a 10% penalty for those who have not paid by April 1 of each year; the restriction that any license purchased after July 1 to be charged only 50% of a normal license tax during the first year, the special requirements for the inability to tax any construction company coming into the area unless they have an office located within the City with the understanding the temporary office trailers do not constitute office buildings. Following review of the particulars of the new law, Harrison stated that the City had received its manual a short time earlier and had been reviewed by Harrison and Attorney Bailey, and that while the authors of the manual stated that the gross receipts and profitability ratios combination was the most equitable manner in which to provide the tax, that there

was insufficient time prior to January 1 to properly implement a total change in the City's business license taxing ordinance. She recommended that for the year 1995, the City adopt a license tax Ordinance based on the number of employees, however, that during the year 1995, a study be conducted with a new Ordinance to be drafted at the end of 1995 which would allow the City to implement a gross receipt and profitability ratio combination tax ordinance as recommended. Following further discussion, Councilman McEntire made a motion to authorize Harrison and Bailey to draft an ordinance for the calendar year 1995 which would allow the City to issue business license tax based on the number of employees, however, that the City Management during the year 1995 continue to plan and implement a new license ordinance by the end of 1995 effective January 1, 1996 for a business license based on profitability ratios and gross receipts combinations, 2nd by Councilman Shelton with Councilman McEntire, Councilman Shelton, Councilman Palmer and Mayor Pro-Tem Bond voting affirmatively, motion carried.

9. Other Written Items Not on the Agenda:

- a. Mayor Meadows stated at the prior Council Meeting, the Council had provided a first reading for changes in its Fee Schedules in the areas of cemetery fees and in the area of inspections for heating and air conditioning fees. He stated one other item needed to be changed, and this would constitute a first reading of that change, it would be to change the two inch water tap from \$650.00 plus cost of backflow preventor to be based on cost plus 10% and the cost of a backflow preventor. The 2nd reading and public Hearing and adoption is scheduled to be held on August 22, 1994 at 7:00 P.M.

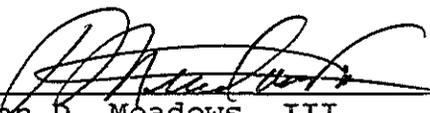
10. Director Cornwell's Work Report: None

11. No motion to move to Executive Session.

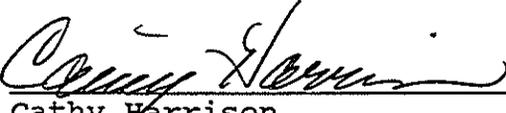
12. Mayor Pro-Tem Bond made a motion to adjourn, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.

Approved:

Submitted:



John D. Meadows, III
Mayor



Cathy Harrison
City Adminsitrator