

SEPTEMBER 12, 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
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 August 22, 1994 Regular City Council Meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Meadows welcomed Ron Swanson as President to Coosa Valley Technical School to the area.
 - b. Mayor Meadows congratulated the City of Lafayette on the opening of their 18 hole municipal golf course headed by Mayor Neal Florence.
 - c. Mayor Meadows expressed appreciation to Tyron Johnson and Terry Timms for their purchase and renovations of the Robertson Department Store buildings and also Super-D building in the downtown area, and stated that the community should give them their support.
 - d. Mayor Meadows stated the Golf Commission met on August 29, 1994, and the primary discussion at that meeting was the rounds which were down, and discussion on whether to allow patrons to come off the cart paths with the decision being made for September and October for players to be allowed to come off the cart paths, but to change the rulings again for November and the rest of the winter season.
5. Council's Comments:
 - a. Mayor Pro-Tem Bond stated the Street Department during the month of August continued patching City streets, installing storm drainage on College Street, and working on the lake at the golf course.
 - b. Councilman Shelton stated the Fire Department answered five vehicle calls in August, one tractor call, one hazardous material, one brush and trash, six burglar alarms and eight public assistance calls with damages of approximately \$9,750.00 for the month. The Police Department made 209 arrests with 9 being DUI. They collected \$17,147.00 in fines, issued 150 warning tickets, 257 parking tickets, investigated 206 incidents and 85 accidents, answered 91 burglar alarms and provided 71 escorts. Fire inspections provided 12 new inspections and 11 existing inspections.
 - c. Councilman McEntire stated the Water Treatment Plant pumped a daily average of 13.444 million gallons per day. The Waste Treatment Plant treated a daily average of 10.293 million gallons per day with BOD effluent being 13, suspended effluent being 16, and COD effluent being

103. The Water/Sewer Construction Department made 44 water taps and one sewer tap. They installed 4,085 feet of six inch PVC 200 PSI water line for the month of August.

- d. Councilman Palmer stated the Electric Department sold 27,434,528 KWH to a customer base of 3,747 customers. They provided 68 inspections, and issued 15 permits. The Building Inspectors's Office had five new residential permits for a total of \$380,000.00 of construction, commercial remodeling for four units for a total of \$64,500.00.

6. Public Hearings & Comments:

- a. A 2nd reading of the Larry Thomason Zoning Variance Request for a lot off W.C. Bryant Parkway, East of Georgia Bank & Trust for a 20 ft. buffer off the rear which would allow the building to be set back further from the road, allowing additional parking spaces on the front. The rear property owner had signed a notice of approval for the variance. The public hearing was opened, and the Zoning Advisory Board recommended approval. There were no further comments, and the hearing was 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 Billy Cochran Zoning Variance Request for a lot located at 1238 North Wall Street, at the corner of North Wall and Jolley Road, for a 13 ft. variance off Jolley Road to allow an addition to a restaurant. The public hearing was opened, and the Zoning Advisory Board recommended approval. There were no other comments and the hearing was closed. Councilman McEntire made a motion to waive the 3rd and 4th readings, and to approve, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.
- c. A 2nd reading of the Annexation Ordinance Request of Bill Walraven and Stanley Simpson for .34 acres off Old Dixie Highway for C-2 zoning was given. A public hearing was opened, and the Zoning Advisory Board recommended approval. There were no other comments, and the hearing was closed. Mayor Pro-Tem Bond made a motion to waive the 3rd and 4th reading and to approve, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.
- d. A 2nd reading of the Weldon C. Childers Zoning Variance Request for property located at 108 Fain Street for a 10 ft. variance from the East property line and a 10 ft. variance from the rear property line. A public hearing was opened, and the Zoning Advisory Board stated that two property owners had given their approval for the request, however, one of the properties has since been sold and the new property owner has not given his approval at this time, therefore the Zoning Advisory Board recommended that any action be held until September 26, 1994. Upon consent by other Council members, the public hearing was held until September 26, 1994.
- e. A 2nd reading of the 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 was given. A public hearing was opened, and the Zoning Advisory Board 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, 2nd by Councilman

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

- f. A 2nd reading of the American Weaver L.P. Temporary Zoning Variance Request for property located at 965 North Wall Street (Old Echota Mill property) for a mobile home office while permanent offices are being built. A public hearing was opened, and the Zoning Advisory Board recommended that a six month temporary permit be allowed. There were no other comments, and the hearing was closed. Councilman McEntire made a motion to waive the 3rd and 4th readings and to approve, 2nd by Councilman Shelton with Councilman McEntire, Councilman Shelton, Councilman Palmer and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- g. A 2nd reading of the Zoning Variance Request of Prater Ford located at 704 South Wall Street for a 23 ft. variance off Peter Street for a building addition. A public hearing was opened. The Zoning Advisory Board recommended approval, and stated there would be no infringement on the City's existing water line in the area, and would still leave adequate access to Peter Street. There were no other comments, and the hearing was 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.
- h. A 2nd reading of the Zoning Variance Request of New Beginnings Home Center to allow a 14x70 mobile home to serve as a sales office was given. The public hearing was opened, and the Zoning Advisory Board recommended approval subject to the permit being allowed for the mobile home only as long as the business is active as a mobile home sales business, and as long as the trailer meets all codes. There were no other comments, and the hearing was closed. Councilman McEntire made a motion to approve with the stipulations as recommended by the Zoning Advisory Board, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.
- i. A 2nd reading of the Zoning Variance Request of Astro Dye Works located at 925 Oothcalooga Street for a 26 ft variance off Pine Street was given. The public hearing was opened, and the Zoning Advisory Board recommended approval. There were no other comments, and the hearing was closed. Councilman Palmer made a motion to approve the request, 2nd by Councilman McEntire with Councilman Palmer, Councilman McEntire, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- j. A 2nd reading of the Annexation Ordinance Request of Bill Walraven and Stanley Simpson for 10.24 acres off Gee Road for Ind.-G zoning was given. A public hearing was opened, and the Zoning Advisory Board recommended approval. They stated this was the highest and best use for the property. Jimmy Gee, E.J. Gee and Mrs. Gee expressed their concern since all have wells in the area. They were concerned about possible contamination. Mr. Walraven and Mr. Simpson explained that they had paid for City water to be extended to the area, as well as City sewage, with a lift station being installed in the area in order to provide sewer. The Council stated that under the current EPD and EPA regulations, they felt the chances of contamination in the area would be highly unlikely. Bill Walraven stated the latest company which would locate in the area would be manufacturing carpet tape. The Gee's expressed their request for City water to be extended down Gee Road, or from another area which

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could possibly serve their property. This would be reviewed with the possibility of extensions to be made in the area. Following discussion, the public hearing was closed. Councilman McEntire made a motion to approve the request for annexation at Ind.-G zoning, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor pro-Tem Bond, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.

Ord. No. 555 k. A 2nd reading of the Annexation Ordinance Request of Paul Lusk and Linda Whittenburg for approximately 10 acres adjoining the Parks Place property in Land Lot 197 for R-1 zoning was given. A public hearing was opened, and the Zoning Advisory Board 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 the request, 2nd by Councilman Shelton with Councilman Palmer, Councilman Shelton, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.

Ord. No. 552 l. A 2nd reading of the Annexation Ordinance request of Paul Lusk for approximately one and one half acres off Land Lot 197, North of Park Place for R-1 zoning was given. A public hearing was opened, and the Zoning Advisory Board recommended approval. There were no other comments, and the hearing was closed. Councilman McEntire made a motion to waive the 3rd and 4th readings, and to approve, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.

ord. No. 551 m. A 2nd reading of an Annexation Ordinance Request of Deborah Owens Ginter for approximately 30 acres off Red Bud Road adjoining the Parks Place property on the South for R-1 zoning was given. The public hearing was opened, and the Zoning Advisory Board recommended approval. There were no other comments, and the hearing was closed. Councilman Shelton made a motion to waive the 3rd and 4th readings and to approve, 2nd by Councilman McEntire with Councilman Shelton, Councilman McEntire, Councilman Palmer and Mayor Pro-Tem Bond voting affirmatively, motion carried.

7. Old Business:

- a. The Mayor and Council reviewed copies of leash ordinances from Cartersville, Dalton, Cobb County, Spalding County and several other areas. Harrison recommended the Mayor and Council allow she and Attorney Bailey to combine the two existing dog ordinances, and to add in requirements of a leash law with common areas for all three regarding proper notification fees and punishments for violations. Following discussion, the Mayor and Council stated they would review the material distributed to each one, notifying the Administrator and Attorney of their desires for the new draft to be provided by October 10, 1994.
- b. Harrison stated the Main Street application had been completed and filed within the proper time frame.
- Ord. No. 557 c. A 2nd reading of the Speed Limit Ordinance Amendment for McConnell Road from 35 mph to 25 mph was given. Councilman McEntire made a motion to waive the 3rd and 4th readings and to approve, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.
- d. Harrison stated the legal notice regarding acceptance of sealed bids for the Waste Treatment surplus scrap metal had been published, and bids could be accepted through September 23, and brought to the Council at the September 26 meeting.

8. New Business:

- a. A review of the City Limit map which included annexations and Zoning Changes which had been made and approved individually by the Mayor and Council during the calendar year 1993 was reviewed. Following review, Councilman McEntire made a motion to approve the map as the Official City Limit Map including those annexations and zoning changes, 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- b. Harrison stated that following receipt of the proposed assessments for 1994 advalorem taxes, a memo was issued to the Mayor and Council with a recommendation for the millage to meet those dollars set in the 1994-95 budget for the City School System, and the City of Calhoun. The Administrator also stated that on September 9, 1994, she had been informed by the Assessor's Office that four and one half million dollars of industrial real property had been appealed, and these appeals could possibly affect the digest by as much as 30%. Keeping that in mind, Administrator Harrison provided new digest values, however, following a review of the situation, she stated she would still recommend the original proposed millage which showed a \$25,000.00 reduction in the cushion that is normally allowed to compensate for errors which are found on the digest during the tax year. Following this review, the Mayor and Council approved the legal notices which will be listed in the legal organ for the City of Calhoun for two weeks, with a special council meeting being set for September 29, 1994 at 9:00 A.M. to set the City's tax millage.

9. Other Written Items Not on the Agenda:

- a. A first reading of the Milton Stewart Annexation Ordinance Request for 501 Sugar Valley Road, N.W. was given, which contains approximately 3.6 acres of land for R-1 zoning. Mayor Pro-Tem Bond made a motion to set a public hearing for October 10, 1994 at 7:00 P.M., 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire, Councilman Sheltn and Councilman Palmer voting affirmatively, motion carried.
- b. A first reading of the Clyde W. and Betty J. Allen Zoning Change Request for 728 College Street was given. The property owners of Lots 23 and 24 with a portion of Lot 24 being used for sale as Allen Concrete products on a portion of the lot. Following discussion, Mayor Pro-Tem Bond made a motion to set the public hearing for the request for October 10, 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. Following discussion, Councilman Shelton made a motion to approve the Housing Authority's request to extend the terms of Frank Dickinson and Wilson Baxley from July, 1994 for an additional five year period, 2nd by Councilman Palmer, with Councilman Shelton, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- d. The Mayor and Council discussed a request being made by the Housing Authority Director Patsy Thacker regarding an outstanding bill of \$16,032.95 which has remained in dispute since the mid 80's regarding a road constructed off Highway 53, East to the housing units. The City had never accepted a Deed of Dedication for the roads in the project area, and this matter would need to be cleared before the new project for Calhoun could be considered at

the Federal level. The Mayor and Council stated they understood the previous project had been closed, and no funds were available to pay the City for the construction of the road, therefore the invoice would be void, and they asked that the Deed of Dedication be resubmitted for the Mayor and Council to consider.

- e. Following discussion, Councilman Palmer made a motion to adopt a resolution authorizing the application to the Municipal Electric Authority of Georgia for a \$5,000.00 Downtown Revitalization Grant for a marketing study, 2nd by Councilman Shelton with Councilman Palmer, Councilman Shelton, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.

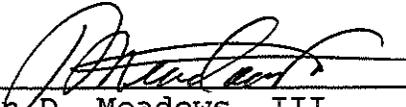
10. Director Cornwell's Work Report:

- a. Mayor Meadows stated that Director Cornwell was out due to surgery, however, he stated that a letter had been filed with the Cartersville Office of DOT requesting a traffic light at the entrance to Sequoyah Village. Mayor Meadows stated the Council should make an official request for the study to be provided by DOT. Following discussion, Councilman Shelton made a motion for the study by DOT, 2nd by Mayor Pro-Tem Bond with Councilman Shelton, Mayor Pro-Tem Bond, Councilman Palmer and Councilman McEntire voting affirmatively, motion carried.
- b. Mayor Meadows stated a copy of a LARP list which had been provided by the Director of Utilities/Public Works and the Street Department Superintendent. He asked that it be reviewed by the Council with any additions or deletions being made in order for the list to be forwarded to DOT as soon as possible.
- c. Mayor Meadows stated Director Cornwell had provided copies of two proposals which should be reviewed during the next two weeks, and with further discussion scheduled for September 26, 1994.

- 11. 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