

NOVEMBER 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: 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 October 24, 1994 Regular City Council Meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Meadows stated the motorcade to Northwest Regional Hospital has been scheduled for December 7, 1994 at 10:00 A.M. He asked that everyone remember those at the hospital at this special time of year.
 - b. Mayor Meadows reminded the Council of the GMA Mayor's Day Meeting in Atlanta on January 22 and 23, 1995.
 - c. Mayor Meadows thanked the CARE Group for their efforts to clean up political signs, other than those wooden signs which will be retained by the candidates. He stated this had been most helpful in returning our City to its former position.
 - d. Mayor Meadows expressed appreciation to City Management and the City Fire Department for their work in obtaining an ISO Rating of four for the City's Fire Department. Mayor Meadows also announced a \$200,000.00 grant which will be available to the City in 1995 for low income home owners through the Georgia Housing and Finance Authority. He stated this was a program which the City applied for earlier in the year, and he was pleased to receive approval.
 - e. Mayor Meadows stated the City of Calhoun has been selected as a Main Street City, and he asked the Council if they were prepared to accept the designation and the commitment associated with the designation. Mayor Pro-Tem Bond stated that he supports the designation and was committed to the program. Councilman Shelton stated that he felt it was a good start for our downtown area. Councilman Palmer stated that he supported the program, and he looks forward to working in the program. Councilman McEntire asked that the merchants also support the program. It was the general consensus of the Mayor and Council to accept the designation and to move forward with implementation.
5. Council's Comments:
 - a. Mayor Pro-Tem Bond stated the Street Department had continued road patching, clearance of right-of-ways, continued working at the Recreation Department, with

assistance of additional ball fields, and also continues to work on the sidewalk project on the block south of the Courthouse.

- b. Councilman Shelton stated the Fire Inspection Department had 47 inspections for the month of October, 1994. The Police Department made 177 arrests with 11 being DUI's and collected \$13,383.00 in fines. They issued 67 warnings and 82 parking tickets. They investigated 162 incidents, 100 accidents, provided 102 escorts and answered 101 burglar alarms. The Fire Department responded to three residential, one commercial, one industrial, four vehicle, four brush and trash, six rescue, six false alarms, 3 hazardous materials, and eight public assistance calls, with an estimated damage of \$92,770.00.
- c. Councilman McEntire stated the Waste Treatment Plant had an average daily flow of 10.895 with an average BOD effluent of 17, and average suspended effluent of 24 and an average COD effluent of 109. The Water Treatment Plant pumped 385,147,000 gallons of raw water during the month of October with a daily average of 12.424 million gallons. The Water/Sewer Construction Department completed 41 water taps in the month of October and seven sewer taps. They installed 5,000 ft. of six inch PVC water line and 4,800 ft. of eight inch PVC water line.
- d. Councilman Palmer stated the Electric Department sold 29,906,998 KWH during the month of October to a customer base of 3,799. They provided 43 inspections, issued 16 permits, and set nine electric meters. The Building Permitting Department issued permits for five new residential houses for a total construction cost of \$370,000.00, one permit for apartments at Holly Hills for \$160,000.00 of construction and various additions to residential and commercial property for total building construction for the month of October of \$629,500.00

6. Public Hearings & Comments:

Ord. No. 561

- a. A 2nd reading of the Animal and Fowl Ordinance Amendment regarding a Leash Law was given, and a public hearing was opened. Vernon Brookshire of 213 Line Street stated that he was in favor of the Leash Law, that he continually has dogs in his yard causing damage, and he feels that it is proper for those who own dogs to keep those animals within their own yards. Polly Tipscord stated she was an animal lover, and that she takes her dog on a walk on a leash or at her command, and that other animals who are not on their own property or on a leash corner her and her dog, and that she definitely supports the Leash Law. Anita Richardson of Spring Valley Subdivision stated that she is also an animal lover, but that she keeps her pet on a leash, and that she is opposed to any dogs or cats roaming the area, especially in a highly congested area. She stated there had been an incident of a dog attacking a small child in the neighborhood. There were no other comments and the hearing was closed. Mayor Meadows stated a 2nd hearing and a 3rd reading of the proposed ordinance would be held on November 28, 1994 at 7:00 P.M.
- b. A 2nd reading of the Zoning Change Request of the Raymond King Company for 965 North Wall Street for 3.7 acres on the North end of the Old Echota Mill Property was given. The request being to rezone from C-2 to Ind.-G. The 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 grant the zoning change from C-2 to Ind.-G, 2nd by Councilman Shelton with Mayor Pro-Tem Bond, Councilman Shelton, Councilman McEntire and Councilman Palmer voting

affirmatively, motion carried.

- c. A 2nd reading of the Zoning Variance Request of the Raymond King Company for property located at 965 North Wall Street for a 10 ft. variance from the commercially zoned area, and a 28 ft. variance for an addition to an existing building off College Street. A public hearing was opened, and the Zoning Advisory Board stated they would recommend approval, however, the 2nd variance originally listed as 28 ft. had been reduced to 20 ft. Mayor Pro-Tem Bond stated the structure would still be 10 ft. from the sidewalk and the ZAB 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 the request for both variances, 2nd by Councilman Palmer, with Councilman McEntire, Councilman Palmer, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- d. A 2nd reading of the Annexation Ordinance Request of Joe Stepp for 204 Kirk Drive for Units 1, 2, 5, 6, 9, and 10 for R-2 zoning was given. A public hearing was opened with the Zoning Advisory Board recommending approval, however, they stated the units were older units, and they would recommend that the buildings be in compliance with existing City Fire, Building and Electrical Codes. 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 with the stipulations as outlined by the Zoning Advisory Board, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire, Councilman Shelton, and Councilman Palmer voting affirmatively, motion carried.
- e. A 2nd reading of the Zoning Variance Request of Thurman Carpets, in reference to the Interstate Sign Ordinance to increase the total square footage of sign in one direction from 673 sq. ft. to 756 sq. ft. for two faces in each direction. A public hearing was opened, and the Zoning Advisory Board stated the sign would be on their property at Curtis Parkway near I-75, and would also be subject to DOT approval, therefore, the Zoning Advisory Board recommended approval of the variance. There were no further comments, and the hearing was closed. Councilman Palmer made a motion to approve, subject to DOT approval, 2nd by Councilman Shelton, with Councilman Palmer, Councilman Shelton, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- f. A 2nd reading of the Zoning Variance Request of Calhoun Auto Parts located a 424 South Wall Street for a five ft. variance off the south property line, and a five ft. variance off the front property line to allow erection of an on premise sign which would be approximately 4'x12' wide and 10 ft. high. A public hearing was opened with the Zoning Advisory Board recommending approval, and with the adjoining property owner having no objections. There were no other comments, and the hearing was closed. Councilman McEntire made a motion to approve the variance request as stated, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.
- G. A 2nd public hearing on the Department of Community Affairs Block Grant to aid the City with water, sewer and street improvements in the Gallman Avenue area was opened. Mayor Meadows stated the grant would be to extend 5,495 L.F. of eight inch sewer, and 7,400 L.F. of four inch building laterals to serve 48 residences, replacement old small water mains with 5,050 L.F. six inch pipe and five new fire hydrants, extension of 450 L.F. two lane street and related drainage to connect two

Ord. No. 560

dead end streets. The cost of the project would be street improvements in the amount of \$57,770.00 water improvements in the amount of \$88,030.00 and sewer improvements in the amount of \$178,150.00 with a contingency of \$20,000.00 for total grant cost of \$343,950.00. The City would apply \$83,000.00 for a total project cost of \$426,950.00. The area which would be served would be Crest Drive and the Gallman Avenue area, and would not require any displacement of individuals, and that those persons who were of low and moderate income would not be required to pay for any taps, but would have connection to the house under the grant funds. There were no comments, and the hearing was closed.

- ord. No. 558
- h. A 2nd reading of an ordinance amendment regarding insurance companies was given, the ordinance being to amend the amount of license for the year 1995, and would be separate legislation other than H.B. 362 regarding other occupation license taxes. A public hearing was opened, there were no comments, and the hearing was closed. Mayor pro-Tem Bond made a motion to waive the 3rd and 4th readings of the ordinance and to approve, 2nd by Councilman Shelton with Mayor Pro-Tem Bond, Councilman Shelton, Councilman McEntire and Councilman Palmer voting affirmatively, motion carried.
 - i. A 2nd reading of the Zoning Variance Request of McArthur Glenn Outlet Centers Limited Partnership regarding lowering the parking spaces to 5.5 per 1,000 sq. ft. of building space was given. A public hearing was opened, and the Zoning Advisory Board stated that this affected primarily Phase II, however, it would include Phase I, but that research has indicated that many areas have only a 5 parking space per 1,000 sq. ft. of building space, and the McArthur Glenn Group stated they expected to not have the numbers of vehicles associated with Phase II that they had for Phase I, that past experience has shown that shoppers visit all the stores in the complex, as opposed to creating a larger percentage of additional traffic. There were no further comments, and the hearing was closed. Councilman McEntire made a motion to waive the 3rd and 4th readings, and to approve, 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.
 - j. A 2nd reading of the Beer Pouring License Request of El Pueblito Mexican Restaurant, Inc. with Juana Naranjo as Manager for the 206 Park Avenue location was given. A public hearing was opened, a clear police report was given, there were no other comments, and the hearing was closed. Councilman Palmer made a motion to approve, 2nd by Councilman Shelton, with Councilman Palmer, Councilman Shelton, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.
 - k. A 2nd reading of the Martha Stewart Beer/Wine Pouring License Request for Jackie's Restaurant at Red Carpet Inn located on Highway 53, East 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 a motion to approve the request, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.

7. Old Business:

- a. A 2nd reading of the Amusement License Request of Bilbeck, Inc., William D. Lowery, President/Jana Mincey, Manager, for the Place located at 360 Piedmont Street was given. 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.
- b. The Council reviewed the proposed schedule for the changes in the Business License or Occupation Tax Ordinance to comply with H.B. 362. Following discussions of the exhibits presented, Councilman McEntire made a motion to include Exhibit 6 in the ordinance to be adopted for the 1995 Occupation License Tax, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.
 - c. The Council discussed the fees presently associated with the Rabies Control Department, and approved those recommendations for changes to be included in the Fee Schedule for a future reading. The Council discussed the level of warnings that would be associated with a new Leash Law, and at what point fines would be associated with the warnings. These would be discussed at a later meeting.
 - d. In reference to Dwight Wilson's request to dedicate the Saddlebrook Development to the City of Calhoun by way of a Warranty Deed and a clear title opinion from a local attorney. Director Cornwell stated the streets met City codes for base and paving, and he would recommend approval. There was no further discussion, and Mayor Pro-Tem Bond made a motion to accept the dedication of the streets as City Streets, 2nd by Councilman Shelton with Mayor Pro-Tem Bond, Councilman Shelton, Councilman McEntire and Councilman Palmer voting affirmatively, motion carried.
 - e. The discussion for the sewer tap off Highway 41 for John Didier was held for a later meeting.
 - f. Cornwell and Harrison stated the County had agreed to waive the landfill charges for garbage coming from apartments since it was classified as residential garbage if the City could properly identify the loads, since they would be coming on our normal commercial truck. Following discussion, Councilman McEntire made a motion to waive the pickup charge for apartments, provided they coincided with no more than two pickups per week, which is normally allowed for residential pickups, however, the dumpster rental charge would still need to remain in effect, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.

8. New Business:

- a. Mayor Meadows, on behalf of the Mayor and Council, congratulated the new County Commissioners who were elected recently, and stated they would look forward to working with them in the future years. Mayor Meadows also thanked those County Commissioners who would be leaving after several years of service, and commended them for the work they had done and the efforts they had made toward improvements at the County level.
- b. A 1st reading of the Beer, Wine, and Liquor License Renewal Applications was given.
 - 1. ABC Oasis Package - Augustus Rawson King - Beer Package
 - 2. American Legion Post 47 - Dewitt Carter - Beer/Liquor Package/Pouring
 - 3. Arch City Package - Otto L. Defoor - Beer Package
 - 4. Atlanta Gate Restaurant - Soleh Rashid - Beer/Wine Pouring

5. B&L Liquor - Lindsey Lewis - Wine/Liquor Package
6. Calhoun Liquor - John H. Bell - Wine/Liquor Package
7. Golden Gallon, Inc. - Nancy G. Williams - Beer Package
8. Gondolier Pizza of Calhoun, Inc. - Evangelos Pateritsas - Beer Pouring
9. El Pueblito - Juana Naranjo - Beer/Liquor Pouring
10. Holiday Inn of Calhoun (Makibe Corp.) - Betty Gilbert - Beer/Wine/Liquor Pouring
11. J.J.'s Package - Raymond J. Brown - Beer Package
12. Jimmy's Package - Alton Defoor - Beer Package
13. Louie's Package - Louie D. & Faye Worley - Beer Package
14. North 41 Package - Jimmy Chapman - Beer Package
15. Pizza Hut, Inc. - Cecilia Phillips - Beer Pouring
16. Red Bud Liquor Store - Champ Kelly - Wine/Liquor Package
17. J&P - Patsy Colleps - Beer/Wine Package
18. South 41 Package - Roy T. Aaron - Beer/Wine Package
19. Speedy's Spirits Shop - Doug Thomason - Wine/Liquor Package
20. Troy's Package - Ronald Robinson - Beer Package
21. VFW - Lois Crump - Beer Pouring/Package
22. Wallace Enterprises - Beverly O'Bryan - Beer/Wine Package
23. Highway 53 Package - Terry G. Ross - Beer/Wine Package
24. Bilbeck, Inc. - Jana Mincey - Beer/Wine Pouring
25. Dixie Beverage Shop - Barbara V. Bishop - Beer Package
26. China Hall - Yong Hwang Laing - Beer/Wine Pouring
27. Los Reyes Mexican Restaurant - William Terry Howard - Beer/Wine/Liquor Pouring
28. Odyssey Cafe - Bill Gillespie - Beer Package/Pouring

c. A 1st reading of the Pawn License Renewal Applications was given.

1. Calhoun Trophy & Sporting Goods - Jimmy Gee
2. Cannonballs Pawn Shop - Kenneth McEntyre
3. North Georgia Pawn Shop - Walter James
4. This & That Pawn Shop - Clyde McEntyre
5. Coast to Coast - Jimmy Payne
6. Park Avenue Pawn & Jewelry - Douglas Driscoll
7. Pete's Music City & Pawn - C.L. Cochran
8. Title Exchange & Pawn of Calhoun - Deborah A. Shuler
9. D&S Pawn - Bobby J. Dodd
10. A & A Title Pawn - Alex W. Feagin
11. Cash Express - Mike H. Horton

d. A 1st reading of the Amusement License Renewal Applications was given.

1. Calhoun Bowling Center - James H. Roark
2. King's Skating Palace - Harvey A. King
3. Martin Theater - Paul F. Jones
4. Pizsa Hut, Inc. - Cecilia Phillips
5. Odyssey Cafe - Billy Gillespie
6. Bilbeck, Inc - Jana Mincey

e. Wynne Grubbs of Piedmont Olsen Hensley Engineering Firm reviewed the proposed expansion to the Waste Treatment Facility to increase the plant capacity from 12 MG per day to 16 MG per day, stating the estimated cost was \$8,500,000.00. Harrison stated the City was proposing a loan for funding of the project, through the State

Revolving Loan Fund, with an interest rate of 4% and a 4% closing fee. Following discussion, Councilman Palmer made a motion to adopt a resolution authorizing the Mayor to sign an application and other documents needed to procure the loan, 2nd by Councilman Shelton with Councilman Palmer, Councilman Shelton, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.

- f. Following review of a Parade Permit from the March of Dimes Walk America for closing of the street at the Recreation Department on April 8, 1995 from 7:00 A.M. to 1:00 P.M., Councilman Shelton made a motion to approve, 2nd by Councilman Palmer with Councilman Shelton, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- g. A 1st reading of the Zoning Change Request of Colbert Cox for property at 48 Old Red Bud Road, to change from R-2 to Neighborhood Commercial was given. Mayor Pro-Tem Bond made a motion to set the public hearing for December 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.

9. Other Written Items Not on the Agenda:

- a. Following discussion, Councilman Shelton made a motion to adopt a resolution commending the Calhoun Yellow Jacket Football Team for their eight win, two loss season, and to commend them for the Regional Playoffs which will begin on Friday, February 18, 1994 at 7:00 P.M. at Phil Reeves Stadium, 2nd by Mayor Pro-Tem Bond with Councilman Shelton, Mayor Pro-Tem Bond, Councilman McEntire and Councilman Palmer voting affirmatively, motion carried.

10. Director Cornwell's Work Report:

- a. Kelly Cornwell reviewed the sludge dryer research which had been handled by the City, and by Piedmont Olsen Hensley over the last six months, evaluating the type of dryers on the market, and the type of dryer which would work with the City's volume of sludge waste. Director Cornwell stated the City had accepted bids on October 18, 1994, those being from Universal Drying Systems, Bedford Industries, Inc., By-Products Solutions, Inc. and Stord, Inc. There was only one company which had bid according to specifications, and that company was Universal Drying Systems for a bid of \$795,897.00, however, the product is new and no bond is available. The company has agreed to build a unit and install, and have it in full operation prior to receiving any funds. This has been verbally approved by the Georgia Environmental Facilities Authority. Also, the company has reviewed their bid, and the alternates available, and has revised their price to a total of \$642,347.10. Following discussion on the dryer, Wynne Grubbs of Piedmont Olsen Hensley stated the City had also taken bids on Tuesday, July 12, 1994 for construction of the buildings associated with the dryer and the dechlorination facility. Those bidders were Southern Champion Const., Inc. for \$1,825,336.00; M&H Const. Co., Inc. for \$1,896,000.00; and J. S. Haren Company for \$1,991,000.00. Following review of those bids, Councilman McEntire made a motion to accept the revised bid of Universal Drying Systems for \$642,347.10 with a provision that the equipment be installed and in full operation prior to any payment, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond, Councilman Shelton, and Councilman Palmer voting affirmatively, motion carried. Mayor Pro-Tem Bond made

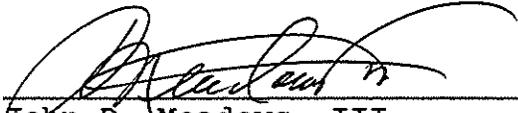
a motion to accept the low bid of Southern Champion, Inc. for \$1,825,336.00 for the buildings associated with the dryer and the dechlorination facility, 2nd by Councilman Shelton, with Mayor Pro-Tem Bond, Councilman SHleton, Councilman Palmer and Councilman McEntire voting affirmatively, motion carried. Harrison stated both projects will be funded by two separate loan programs through the Georgia Environmental Facilities Authority, one being through the Solid Waste Program for \$1,000,000.00, and the other through the normal GEFA Program for \$1,317,000.00. She stated there would be a slight short fall in the funds needed, however, Wynne Grubbs of Piedmont Olsen Hensley stated that he was under negotiations with Southern Champion Const, Inc., and expected to be able to lower their bid by a little over \$100,000.00 which should bring the projects in line with the available loan funds.

b. Cornwell stated the work was proceeding on the two tier sidewalk proejct on South Wall Street, as well as sidewalks for the entire block. He stated the work should be complete in approximately two weeks, that a substantial amount of water line and sewer line improvements had been made in the area, and had slowed the street work down, but that he expected it to be completed within two weeks.

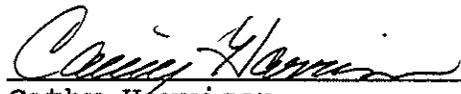
11. Mayor Pro-Tem Bond made a motion to adjourn, 2nd by Councilman McEntire with Mayor Pro-Tem Bond Councilman McEntire, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.

Approved:

Submitted:



John D. Meadows, III
Mayor



Cathy Harrison
City Administrator