

DECEMBER 12, 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. Mayor Meadows welcomed all the guests.
4. Minutes of the November 28, 1994 Regular City Council Meeting and the December 8, 1994 Special Called Council Meeting were approved as written.
5. Mayor's Comments:
  - a. Mayor Meadows stated the Mayor's Motorcade to N.W. Regional Hospital went exceptionally well, and he thanked those in the public who had contributed to the occasion. He also expressed his appreciation to Fire Chief Ferrell Grizzle, Police Chief Willie Mitchell and Gary Duke of Club-Y for their efforts in obtaining gifts for the occasion. He also expressed appreciation to the owner of Apparel Mart, who donated over \$300.00 of merchandise for the occasion.
  - b. Mayor Meadows reminded the Council of the 2nd December meeting which has been moved from December 26, 1994 to December 19, 1994.
  - c. Mayor Meadows stated the Pre-Legislative Meeting held in Calhoun on December 7, 1994 at the Elks Club featured Congressman Nathan Deal and State Commissioner Joe Tanner of the Environmental Protection Division as featured speakers. He stated their messages were very interesting and informative.
6. Council's Comments:
  - a. Mayor Pro-Tem Bond stated the Street Department continued to work on patching streets and picking up leaves. They had mowed at the airport and completed the sidewalk project on South Wall Street in addition to their normal routine operations.
  - b. Councilman Shelton stated the Police Department made 146 arrests in November with 10 being DUI. They collected \$23,275.50 in fines, issued 57 warning tickets, and 157 parking tickets. They worked 154 incidents, 96 accidents, answered 106 burglar alarms and provided 148 escorts. The Fire Department provided 48 inspections during the month of November.
  - c. Councilman McEntire stated the Water Treatment Plant pumped 362,786,000 gallons of raw water in the month of November for a daily average flow of 12.093 million gallons. The Waste Treatment Plant treated a daily average flow of 9.46 million gallons with the average BOD effluent being 22, suspended effluent 28, and COD

effluent 132. The Water and Sewer Construction Department made 47 water taps and two sewer taps. They installed 100 ft. of six inch PVC water line, 300 feet of four inch PVC water line, and 1955 feet of two inch PVC water line.

- d. Councilman Palmer stated the Electric Department sold 28,132,103 KWH of electricity during the month of November to a customer base of 3,823. They provided 43 inspections and issued 12 permits. The Building Inspector issued building permits for \$366,000.00 of residential building for five houses. There were two commercial alterations and two residential alterations for total construction of during the month of November of \$777,000.00.

## 7. Public Hearings & Comments:

- a. A fourth reading of the proposed amendments to the Animal and Fowl Ordinance regarding a Leash Law was given. Mayor Meadows opened the public hearing, and asked each one who wished to speak, to please give their name and location, and make a brief statement. Ron Dobbs stated that he was opposed to the proposed Leash Law, that he was speaking for the children. He stated he was opposed to vicious and biting dogs running loose, and dogs which get into trash cans and remove personal property, however, he stated there are good dogs in the City, and that he does not agree with having to keep those on a leash or behind a fence. He asked that the Council enforce the current ordinance on the book, and not add additional legislation. Tony Green stated that he agreed with Ron Dobbs, and asked why punish everyone. Roy Rabb said he was opposed that the new regulations would punish some elderly, and that these individuals need their pets, and that the law should be based on size of animals. Debbie Autry stated that she lived in the City, and that she had lost five cats because of dogs in the neighborhood, and that she was certainly in favor of a leash law. Lynn Houser stated that she was for the leash law, that the community is growing, and that dogs do not need to roam free. Marie Holbert of Meadow Lane stated that she had five roaming dogs in her neighborhood, that although they did not bite, they did roam the neighborhood, and she was afraid for her children to be out when the dogs were in the area. Steve Forrester of Hillcrest stated that he felt if the present law was enforced, problems would be relieved, that it was wrong to blame dogs, dog owners are responsible for the actions of their dogs. Willie Hicks, the Rabies Control Officer for the City of Calhoun explained the current nuisance Ordinance presently on the books. Add Layson stated that he agreed with the statement made by Steve Forrester. Leslie Pennell of Caverns Place stated that her children frequently are out with their dog, especially when they are riding their bikes, and she felt much safer when the children were with their dog. She stated she was in favor of less government not more. Ed Hook of Lake Drive stated he was on a walker, and that he had to take his trash to the curb and wait each day for the trash pickup, so the dogs would not turn over and spread his garbage on the curb. Elizabeth Gillespie stated that she and her husband attempted to use the City's current ordinance several months ago due to their neighbor's dog, however, when he was notified of the hearing, nails appeared in their driveway, and it became an unhealthy situation, however, the dog died before any legal action was taken. Don Hood stated that he was in favor of the Leash Ordinance, that he felt it wasn't to hurt people, but hopefully would prevent some people from being bitten. Frank Gillespie stated that he was also in favor of the Leash Law, and again recounted the situation expressed earlier by his wife. Ed Worley stated that he had always

had a dog when he lived in the country, however, in town on a small lot, that it wasn't appropriate, and that he was in favor of the Leash Law. James Fields of the Amakanata area stated that he was in favor of the Leash Law, that he and his wife worked diligently to obtain a petition of 244 names, and approximately 400 voters to pass a Leash Law in the Calhoun area, and since that petition, another child has been bitten in Park Place. Henry Wyatt stated that he has built a fence on a small lot, and stated that he felt individuals should build fences on small lots, and keep their animals on their property. Jack Sloan of Park Place stated that he felt the question needed to be put on a referendum in order for citizens to make the decision. An unidentified lady from Spring Valley stated that she was for the Leash Law, even though she was an animal lover. She felt that it was best for the animal, and for individual citizens. Lori Fisher stated that she was against the Leash Law, that she had two dogs, and that if any neighbor called her regarding any inappropriate activity by her dogs, that she would handle the situation. She stated that she felt the community was trying to take the easy way out, that there had been one bite in their neighborhood, however, it had not been serious. Mary Dean stated that she was against the Leash Law, that her particular community has a covenant which does not allow fences, and that there would be no way to keep the animals off of other people's property. Vicky Sexton stated that she had had a son bitten by a dog, and found out later that the dog had terrorized the community for years. She stated that it is time for the children to have more rights than pets, and that she had gone through the system to have the dog removed from the neighborhood, which it had been. Another gentleman stated that he was walking his dog on a leash, and that he had been attacked by two dogs. He stated that he was tired of wasting time, that it was time to quit talking and vote on a possible leash law. Robbie Fields of Sunrise, stated that she and her husband had spent three days getting the petition signed, and had been told on many occasions "good luck, the Mayor doesn't want the Leash Law, you will have a hard time getting it." Ellis Hite stated that he was for the Leash Law. Bob Hall of Jackson Street stated there is a terrible dog problem on Jackson Street, and that he was for the Leash Law. Marvin Dixon of Devonwood says he has a dog that protects his family, and he is not for the Leash Law. Betty Surdykowski of Windsor Drive stated that in her area, there are a lot of responsible people who take care of their animals, and she was opposed to the Leash Law. Holly Reece stated that it was possible for invisible fences to be erected, which is a safer way of keeping your dog on your own property. Elsie Haynes stated she does have a dog fence and leash, that she is happy with the way things are, and that she is opposed to the Leash Law. John Alden of Park Place stated that neighbors should talk over the situations, however, he is for the law and for his neighbors. Suzanne Ross stated that it would be easier to have good rapport with the neighbors and be on good terms with them, that children loved dogs, and she is opposed to fencing. Sheila Hood of Rose Way stated that she normally walks two to three miles a day, and that in that radius, it is impossible to know who owns which dog, however, she feels she has a right to walk on the sidewalks without having to fear being bitten. Mayor Pro-Tem Bond stated that he appreciated those who have attended all the meetings regarding this situation, that he appreciated all the comments and insight that has been given. He stated the Council has attempted to write an Ordinance which is fair and equitable, and can be administered in a fair and equitable manner. He stated the present law is not solving the problems, therefore,

- he is in favor of the legislation. Councilman McEntire stated the idea that some citizens have that the City would pick up any loose animals and destroy them was incorrect, that the law would be managed in a fair and equitable manner, and that he was in support of the legislation. Councilman Shelton stated the legislation will place a lot of responsibility on the Dog Control Officer, that the City is attempting to assist in this situation, and that he appreciates all those views expressed. Councilman Palmer stated he appreciated those coming and making their statements over the past several weeks. He stated that he felt those people that have come, and who are opposed to the legislation are responsible owners, however, they are not the group that represent the problem. He stated he has recently become aware of a hearing in which a lady had been bitten by a dog, and it took 28 stitches on the wound, that these were the types of problems that the legislation should help to control. Mayor Meadows stated that he appreciated all the comments, that there is a dog problem, and that the matter will be voted on shortly. Following all comments and discussion, Mayor Pro-Tem Bond made a motion to adopt the legislation as discussed and written, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire, Councilman Palmer and Councilman Shelton voting affirmatively, motion carried. Following the vote, the Council stated that they would allow up to two months for the owners of animals to get in compliance, and that fines would be discussed later.
- b. A 2nd reading of the amendment to the Occupation Tax and Regulatory License Ordinance was given. Mayor Meadows stated the new ordinance was a result of the state mandated House Bill 362. Councilman McEntire made a motion to waive the third and fourth reading, and to adopt the ordinance, 2nd by Councilman Shelton with Councilman McEntire, Councilman Shelton, Councilman Palmer, and Mayor Pro-Tem Bond voting affirmatively, motion carried.
  - c. A 2nd reading of the William Lowery, Place on Piedmont Revolving Loan Request for a loan ranging between \$25,000.00 to \$75,000.00 was given. Mayor Meadows stated there were no comments, and the hearing was closed. Mayor Meadows stated the Loan Advisory Commission would review the application, and make a recommendation by the 19th.
  - d. A 2nd reading of the Colbert Cox Zoning Change Application for the house located at 48 Old Red Bud Road was given. The request being to change from R-2 to C-N for use as a florist. The public hearing was opened, Mayor Pro-Tem Bond stated the Zoning Advisory Board had been unable to meet on the matter, however, he has reviewed with the City Planner and the Building Inspector. He stated the house was half a block from the property re-zoned C-N approximately two months ago, that the property suited the request, and had adequate parking. Mrs. Cox stated that the building next to the house would be moved to provide additional parking on the lot. There were no other comments and the hearing was closed. Mayor Pro-Tem Bond made a motion to approve the request, 2nd by Councilman Shelton with Mayor Pro-Tem Bond, Councilman Shelton, Councilman McEntire and Councilman Palmer voting affirmatively, motion carried.

8. Old Business:

- a. A 2nd reading of the Martha Stewart Beer/Wine Pouring Application for renewal for 1995 at Jackie's Restaurant on Highway 53, East was given. Councilman McEntire made a motion to approve the request, 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.

9. New Business:

- a. A first reading of the amended Fee Resolution, including Regulatory and Occupation Tax Rates was given. Mayor Meadows stated the resolution could be approved or denied on December 19, 1994.
- b. A 1st reading of a Zoning Variance Request to exceed the 50 ft. height for construction of a statue by Service Chevrolet at 1296 Curtis Parkway was given. The request being for a 21 ft. variance. Councilman McEntire made a motion to set the date for the public hearing on January 9, 1995, 2nd by Councilman Shelton with Councilman McEntire, Councilman Shelton, Councilman Palmer and Mayor Pro-Tem Bond voting affirmatively, motion carried.

10. Other Written Items not on the Agenda:

- a. Harrison presented a proposed Reimbursement Policy for the Council to consider following changes in the IRS regulations. The Reimbursement Policy was read, and will be held for further action on December 19, 1994.

11. Kelly Cornwell's Work Report:

- a. Cornwell stated the current second phase of the SRF loan project for sewer interceptors is currently being implemented, however, there is a need to amend the original scope of the project, due to changes, since the application had been filed. These changes would require additional engineering for the project, and he recommended that the engineering contract be amended to cover this additional work. Wynne Grubbs of Piedmont Olsen Hensley, which currently has the contract, reviewed those changes, and stated the engineering services would increase at an upper limit of \$57,000.00. Following discussion, Councilman Shelton made a motion to approve the amended engineering contract with Piedmont Olsen Hensley, 2nd by Mayor Pro-Tem Bond with Councilman Shelton, Mayor Pro-Tem Bond, Councilman McEntire and Councilman Palmer voting affirmatively, motion carried.

12. Councilman McEntire made a motion to move to Executive Session for legal and real estate matters, 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.

13. Councilman McEntire made a motion to move to General Session, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.

14. Following discussion Mayor Pro-Tem Bond made a motion to approve the contract for electric power services for the Mohawk distribution facility located on Union Grove Road in Gordon County, Georgia as requested by Mohawk, and to authorize the Mayor to sign the contract services, 2nd by Councilman Shelton with Mayor Pro-Tem Bond, Councilman Shelton, Councilman McEntire and Councilman Palmer voting affirmatively, motion carried.

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

Approved:

Submitted:

  
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John D. Meadows, III  
Mayor

  
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Cathy Harrison  
City Administrator

