

MAY 8, 1995

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 ADMINSTRATOR

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 April 24, 1995 Regular City Council Meeting were approved as written.
  4. Mayor's Comments:
    - a. Mayor Meadows recognized Holli Reese, a student at Calhoun High School, who works in the volunteer program managed by Vicki Jastrum at the school. Mayor Meadows stated Holli Reese volunteered to transcribe approximately five years of the City's Rabies Control Records from a manual system to a computer program which would serve as a historical base for the new records to be kept dealing with the leash law, and also with animal control permitting. Mayor Meadows commended Holli Reese for the excellent manner in which she had done her work.
    - b. Mayor Meadows announced the winners of the Safe Drinking Water Posters from the Gordon County School System and the Calhoun City School System. Those winners were"
      1. Shantera Kirby - 1st place for County.
      2. Chris Temple - 2nd place for County.
      3. Jason - 3rd place for County.
      4. Sam Pennel - 1st place for City.
      5. Kerri Edwards - 2nd place for City.
      6. Megan - 3rd place for City.
- Mayor Meadows commended all of the children for their participation in the program. He stated the 1st place winners receive \$25.00, 2nd place winners receive \$15.00, and 3rd place winners receive 10.00, with the prize money being furnished by City employees.
- c. Mayor Meadows announced the 2nd Budget Work Session for May 15, 1995 at 6:30 P.M. at the City Council Chambers.
  - d. Mayor Meadows stated Fields Ferry Golf Course hosted the Class A Golf Tournament in Calhoun, for the 1st time in 24 years, for the competition to be held in North Georgia. The City of Calhoun team came in 2nd, with Aquanis coming in first. There were a total of 101 players for the competition. Mayor Meadows recognized Matt Brannon, who scored a 75 from the Calhoun team, and also Drew Nelson, who scored a 73.
5. Council's Comments:
  - a. Mayor Pro-Tem Bond - No report.

- b. Councilman Shelton stated the Fire Department answered 2 commercial, 1 industrial, 3 vehicle, 7 brush, 13 emergency medical, 1 hazardous material, 1 bomb threat, 11 false alarms and 10 others during the month of April for estimated damages of \$5,800.00. The Fire Inspection Department made 43 inspections during the month of April. The Police Department made 202 arrests in April with 10 being DUI, collected \$18,856.00 in fines, issued 93 warning tickets and 195 parking tickets. There were 180 incidents and 80 accidents. They provided 152 escorts and responded to 94 burglar alarms.
- c. Councilman McEntire stated the water Treatment Plant treated an average daily flow of 12.346 million gallons of raw water during the month of April. The Waste Treatment Plant treated a daily average of 8.869 million gallons per day, with the average BOD effluent being 26, average suspended effluent being 29, and the average COD effluent being 108. The Water/Sewer Construction Department made 55 water taps and 10 sewer taps during the month of April. They installed 650 ft. of two inch PVC water line, 260 ft. of four inch PVC water line and 1,009 ft. of 6 inch PVC water line.
- d. Councilman Palmer stated the Electric Department sold 24,982,079 KWH of electricity to a customer base of 3,864 during the month of April and provided 53 inspections. The building permit department issued permits for three residential houses, two commercial, and one commercial alteration with total construction being \$436,000.00 for April 1995.

6. Public Hearings & Comments:

- a. A 2nd reading of the Larwic Realty, Inc. Temporary Zoning Variance Request to locate a mobile sales office in Meadowbrook Place Subdivision was given. A public hearing was opened. Mayor Pro-Tem Bond stated he had reviewed the application with the Building Inspector and City Planner, and would recommend approval of the request. There were no other comments, and the hearing was closed. Mayor Pro-Tem Bond made a motion to approve the temporary request for a mobile sales office in the Meadowbrook Place Subdivision, 2nd by Councilman Shelton with Mayor Pro-Tem Bond, Councilman Shelton, Councilman Palmer and Councilman McEntire voting affirmatively, motion carried.
- b. A 2nd reading of the Temporary Zoning Variance Request of Ismac Company to set a temporary mobile office at 115 Marine Drive was given. A public hearing was opened. Mayor Pro-Tem Bond stated following review with the appropriate building officials, that he would recommend the temporary variance allowing a mobile office at 115 Marine Drive. There were no other comments and the hearing was closed. 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.
- c. A public hearing was opened regarding the GMA report of the cable rate reviews. Mayor Meadows issued a statement as follows:

"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."

"The City has gathered information about basic cable rates which have been forwarded to the Georgia Municipal Association (GMA), the City's regulatory agent. GMA has reviewed the 1993 cable rates from information provided by Scripps Howard's and the City and now recommends the adoption of a resolution by the City which orders a refund for the period of September 1, 1993 to July 14, 1994."

"The cable company was sent the preliminary findings and has disputed the amount and time period for the proposed refunds. While the City through it's agent, GMA, will continue to communicate with Scripps Howard, due to an FCC timetable, the City of Calhoun will adopt a resolution tonight, May 8, 1995 which can be amended if needed in the future."

Following the prepared statement, Mayor Meadows stated that GMA, who acts as the City's agent for reviewing the rates by the cable company, had recommended a rebate to customers for the period of September, 1993 until the date of filing of the rates for review, however, Scripps Howard Cable Company had issued a written report refuting those findings, and at the present time GMA and the cable company are reviewing the prepared statement by Scripps Howard Cable and a further recommendation will be made to the Mayor and Council at a later date. However, to be in compliance with the time table issued by FCC, Mayor Meadows recommended the Council adopt a resolution regarding the ordering of a refund for the period of September 1, 1993 through the date the company became subject to the amended rules. There were no other comments issued, and the hearing was closed. Following discussion, Councilman McEntire made a motion to adopt the resolution as read by Mayor Meadows, 2nd by Councilman SHelton with Councilman McEntire, Councilman Shelton, Councilman Palmer and Mayor Pro-Tem Bond voting affirmatively, motion carried.

- d. Mayor Meadows opened the first public hearing on the City's General, Enterprise, Special Projects, Debt Service and other projects for the FY 1995-1996. A summary of each budget was reviewed as to the proposed revenues and expenses with the combined summary for the General Fund, Water/Power/Sewer Enterprise Fund and Golf Enterprise fund currently being in the deficit position of \$36,675.00. There were no comments regarding the projected budget items, and the hearing was closed. Mayor Meadows announced the Mayor and Council would hold a second work session on May 15, 1995 at 6:30 P.M. to continue to cut the budget to get it in the form of a

balanced budget. He stated the cuts have totaled over \$1,800,000.00 to this point. Councilman Shelton commended the City staff and Department Heads for their work thus far on the budget. Mayor Meadows also stated the 2nd public hearing on all the budgets for the City would be held on June 12, 1995 at 7:00 P.M., and the City school budget requests for local dollars should be available at that time, and should be included in the budget.

7. Old Business:

- a. Mayor Meadows stated the sale of surplus property on May 6, 1995 was very successful with the sale dollars totaling \$29,124.50 for the surplus property and used vehicles. Mayor Meadows stated he was very surprised, since most of the vehicles and equipment were completely worn out.
- b. Director Cornwell and Engineer Wynne Grubbs, Jr. stated the bids for the sewer interceptor project had been opened on May 2, 1995 at 2:00 P.M. at the offices of the City Purchasing Department at 100 Piedmont Street. Engineer Wynne Grubbs of Piedmont Olsen Hensley stated the low bid was Eric N. Rakestraw Construction, Inc. of Dallas, Georgia for a bid of \$543,646.98. He stated following review of the bids, and review of the proposed contractor, that he would recommend award of the contract to Rakestraw. Following discussion, Councilman Palmer made a motion to award the contract to Eric N. Rakestraw Const., Inc. for \$543,646.98 subject to the approval of EPD and the City Attorney, 2nd by Councilman Shelton with Councilman Palmer, Councilman Shelton, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- c. Mr. Mike Wroble presented a proposal to the Mayor and Council in which he and his partner T.J. Kaikobad proposed to rehabilitate the downtown depot into a full service restaurant serving meals and beverages six days per week between the hours of 11:00 A.M. until 1:00 A.M. The proposal would be to have a lease for ten years of abatement until the return of the initial investors has been set aside. Then the lease would be based on graduated percentages over the next three or more years with the City being allowed to receive income for the rental. The property would be on the tax rolls immediately following the lease. There would be approximately employee payrolls in the area of \$220,000.00 annually, and they projected a traffic flow of around 8,000 in the downtown area in the central business district. Following further discussion, the council agreed to a three month period in which to allow Mr. Wroble and his group to form a group of investors for the project with the City agreeing to transfer title of the facility to the Downtown Development Authority, through which a lease could be procured with those items to be voted on as is necessary during the three months or the time period following if Mr. Wroble is successful in establishing investors for the project.

8. New Business:

- a. A 1st reading of the Stanley Simpson Zoning Change Request for property around the Beth Bennett house off Jolley Road for R-2 zoning from Ind.-G for the building of single family homes was read. Mayor Meadows stated the earliest date for public hearing was June 12, 1995 at 7:00 P.M. Mayor pro-Tem Bond made a motion to set the public hearing for June 12, 1995 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 1st reading of the Beer Package License Request of Richard R. Dixon for Highway 41, North was given with the note that the present licensee Jimmy Chapman desires to release his license at the time a new license is granted. Councilman McEntire made a motion to set the public hearing on the request on May 22, 1995 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 of the Dyetron, Inc. Zoning Change Request for property adjacent to and South of the Beth Bennett Property off Jolley Road for R-2 zoning from Ind.-G zoning was given. The earliest date for public hearing being June 12, 1995 at 7:00 P.M. Mayor Pro-Tem Bond made a motion to set the public hearing for June 12, 1995 at 7:00 P.M., 2nd by Councilman Shelton with Mayor Pro-Tem Bond, Councilman Shelton, Councilman McEntire and Councilman Palmer voting affirmatively, motion carried.

9. Other Written Items Not on the Agenda: None

10. Director Cornwell's Work Report:

- a. Director Cornwell stated the City must do an annual CMAR Report on its Waste Treatment Facility each year, and that if the City has a grade of 200 or better, it would indicate that additional plant expansion must be under consideration. The City's grade was 217, and he pointed out that the City presently has plans to add another expansion to the plant at a cost of over 8.5 million dollars. Councilman Palmer made a motion to adopt a resolution regarding the CMAR Compliance Review and review of the report by the Mayor and Council, 2nd by Councilman Shelton with Councilman Palmer, Councilman Shelton, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- b. Cornwell stated that Randy Butler who had been approved to provide the initial proposal for the fiber optics study had changed companies, and is now employed by the ESP Company, and following review of their proposal and other proposals, he would recommend the consulting contract be issued to Randy Butler of ESPN for a cost of \$12,000.00. Following review, Mayor Pro-Tem Bond made a motion to approve the agreement, and to authorize Mayor Meadows to sign subject to the changes being incorporated as per Attorney William P. Bailey, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.
- c. Cornwell stated the City had earlier awarded a groundwater monitoring contract to W. L. Jordon and Company, and he presented the work agreement for the Mayor's signature. Mayor Meadows signed the document as had been approved earlier.
- d. Following discussion, Cornwell was authorized to negotiate with the County regarding the City handling the landfill leache' for a temporary time frame in exchange for the County handling the City's sludge on a temporary basis until its current contract is in force as was approved earlier.
- e. Cornwell stated that in reference to the County's increased landfill fees that will go into effect in late May, that he would recommend the City's commercial dumpster charge to go from \$1.87 per yard to \$2.50 per yard in order to meet those additional costs. Following

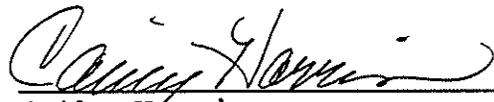
discussion, the fee schedule resolution will be amended and will be heard on May 22, 1995 at 7:00 P.M. Councilman Palmer made a motion to set the hearing regarding that resolution for May 22, 1995 at 7:00 P.M., 2nd by Councilman McEntire with Councilman Palmer, Councilman McEntire, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.

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

Approved:

Submitted:

  
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John D. Meadows, III  
Mayor

  
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Cathy Harrison  
City Adminsitrator