

JULY 10, 1995

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: KELLY CORNWELL, DIRECTOR UTILITIES/PUBLIC
WORKS
WILLIAM P. BAILEY, CITY ATTORNEY
CATHY HARRISON, CITY ADMINISTRATOR

1. Mayor Meadows welcomed the group, 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 June 19, 1995 Regular City Council Meeting and June 29, 1995 Special Called Council Meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Meadows stated the GMA Conference was quite successful, with the main topic being the future of Georgia cities. He also stated that a fantastic speaker was available at the conference, a Dr. Jim Crupi, and he recommended anyone who has the opportunity to hear Dr. Crupi, please take the opportunity. In addition to the Mayor's remarks regarding the conference, Mayor Pro-Tem Bond stated that both he and Councilman Shelton serve on the Criminal Justice Committee, with the main focus of the Committee being the proposed Bill of Rights which is a method of unionization for police and fire, and the efforts it would take to combat the proposed litigation. He also stated the group discussed unfunded mandates, and had a presentation from the Board of Pardons and Paroles, as well as, representation from the Fire Chiefs and Police Chiefs. Councilman Shelton stated he echoed the comments of Mayor Pro-Tem Bond, and stated there was one other item that was discussed by the group, and that was the necessity of sprinklers for nursing homes. Councilman McEntire stated he served on the Transportation Committee, and that his committee focused on the need for additional and expanded rail service into the City of Atlanta, since it is almost impossible for additional highways to be built into and around the Atlanta area. He also stated the group focused on the need for additional motor fuel tax, which can be used for street and road maintenance and expansion. Councilman Palmer stated he served on the Community and Human Development Committee, with their main topics being the new downtown development activity which will be sponsored through GMA with a Director to be hired in the near future, who will work with all Georgia cities in their individual programs. Harrison stated she served on the Revenue Committee, with its primary focus being on proposed litigation which will give additional revenues for Georgia cities, and methods to improve taxation, which is disproportionate for various groups of citizens such as those citizens who presently pay intangible

taxes, compared to those who pay advalorem taxes. Kelly Cornwell stated that he served on the Environmental Committee, and their main focus was on the Clean Water Act with David Word from EPD making a presentation. He stated the MEAG Board also had an election for three new members. Larry Vickery stated that he attended the meeting, with his primary focus being with Electric Cities, in which he made approximately 200 contacts.

- b. Mayor Meadows asked the Council if they had found a replacement to serve the unexpired term of Lamar Harrison on the County Planning Zoning Board. Following discussion, Mayor Pro-Tem Bond made a motion to appoint George Odom to serve the unexpired term of Lamar Harrison, 2nd by Councilman Palmer with Mayor Pro-Tem Bond, Councilman Palmer, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.
- c. Mayor Meadows stated the City and County had a special joint meeting on June 29, 1995 in which both parties agreed to a formula for the local option sales tax distribution. He stated the members of the City Council nor the members of the County Commission had any intention of letting the sales tax die from lack of a new distribution formula, however, it was in the best interest of all citizens for the negotiations to continue until the last minute, in order for a compromise to be reached in which both parties felt comfortable.
- d. Mayor Meadows reminded the group of a ground breaking for the Technical Institute on July 18, 1995 at 10:30 A.M. at the site.
- e. Mayor Meadows stated that in reference to the Council's earlier discussion of an attorney to serve as the municipal judge, he would entertain a motion regarding that matter. Councilman McEntire made a motion to appoint Suzanne Hutchinson as the City of Calhoun Municipal Judge, 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.

5. Council's Comments:

- a. Mayor Pro-Tem Bond stated the Street Department continued to do sign replacements, patching, limb and leaf pickup and installation of storm tile during the month.
- b. Councilman Shelton stated the Police Department made 189 arrests with 16 being DUI, collected fines of \$22,239.00, issued 96 warning tickets and 137 parking tickets, responded to 244 incidents, 103 accidents, provided 112 escorts and answered 111 burglar alarms.
- c. Councilman McEntire stated the Waste Treatment Plant average flow for the month was 9.115 million gallons per day with the average BOD Effluent being 19, average suspended effluent 23 and average COD effluent being 108. The Water/Sewer Construction Department made 65 water taps and three sewer taps, installed 860 feet of two inch PVC water line, 2,000 ft. of four inch PVC water line and 7,650 feet of six inch PVC water line. The Water Treatment Plant pumped 381,768,000 gallons during the month of June for a daily average of 12.725.
- d. Councilman Palmer stated the Electric Department provided 29,358,034 KWH of electricity to a customer base of 3,905 for the month of June. They did 63 inspections and issued 40 permits.

6. Public Hearings & Comments:

- a. A 2nd reading of the Marion King Zoning Change Request for a lot at the corner of Red Bud Road and Devonwood Drive to re-zone from R-1 to O&I was given. A public

hearing was opened with Councilman Bond stating that due to vacations, a quorum was not present for the Zoning Advisory Board, however, he and Ed Lewis along with information from the Building Inspector, would make a recommendation that based on the information provided by Dr. Spiro, who wishes to purchase the lot and build a medical office in a building engineered similar to that of Dr. Kosmel on the other corner in the Devonwood subdivision. Mayor Pro-Tem Bond stated the lot would require quite a bit of grading, with possibly a retaining wall, and that a buffer of 50 ft. would be required between the development of that lot and the residential lot south of the proposed lot. Mr. Pat Thornton, who is the property owner south of the lot, reviewed the plat of the property and the proposed type of construction, and stated he had no problem with the proposed development. There were no other comments and the hearing was closed. Mayor Pro-Tem Bond made a motion to re-zone the lot from R-1 to O&I provided the structure is built according to the relative design as presented, and that the developer provides hydraulic control and erosion control for the lot along with the required buffer, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire, Councilman Shelton and Councilman Palmer voting affirmativley, motion carried.

b. A 2nd reading of the Herbert and Flora Thacker and Annie Grace Hall Annexation Ordinance Request for approximately 21 acres of land located in land lot 311, 14th District and 3rd Section of Gordon County off of Flowers Road for Ind.-H zoning was given. A public hearing was opened
ord. No. 569 with the Zoning Advisory Board stating the proposed development was in accordance with long range plans for the area, and they would recommend annexation for the proposed zoning of Ind.-H. There was no further discussion, and the hearing was closed. Councilman McEntire made a motion to waive the 3rd and 4th readings, and to approve the Annexation Ordinance Request for Ind.-H zoning, 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.

c. A 2nd reading of the Spink, Lawrence and Slagle Zoning Change Request for a 200 ft. strip of property directly south of Idle Acres off Curtis Parkway was given. The request being to re-zone from C-2 to R-2. A public hearing was opened with Mayor Pro-Tem Bond stating the property in question was annexed several years ago, when the Amakanata area was brought into the City, and it was the owners at that time who requested a commercial zoning. He stated the current request is opposed by almost 100% of the residents in Idle Acres. He further stated the legal ad regarding the hearing had been listed as 20 ft. rather than 200 ft. with the said ad being scheduled for re-advertising over the next two weeks, therefore, he would recommend the matter be postponed until July 24, 1995 at 7:00 P.M. Mayor Meadows asked for comments from any of the residents present. Ted Gilbert, owner of the lot at the corner of Dews Pond Road and Curtis Parkway at the four way stop, stated the traffic is extremely heavy in the area now, and that apartments would only add to the traffic situation and would devalue their property. Ms. Joe Shaffer, owner of Lot 22, stated the development would have an impact on traffic, on schools, on property devaluation and crime. George Odom, a spokesman for the group, stated that all the residents in the subdivision were in opposition to re-zoning which would allow apartments in the area. He stated the traffic is currently a problem, and would be even more of a problem with additional housing units. He

stated security and street signs would be a problem. He stated that since being annexed into the City, the only services from the City has been limb and leaf pickup, that they are still without sewer in the area. John Powell of 196 Dogwood Drive stated that he was in agreement with the opposition, with his primary concern being that of crime. Steve Carol stated he was opposed to apartments. He stated he had three children, and the area is at present a relatively safe place for raising children, and he would hate to see that atmosphere change. Fred Hendrix stated he had lived in the area for 25 years, and he was very much opposed to apartments in the adjacent area. Janet Landell, 220 Dogwood Drive, stated she had moved from an apartment to a Idle Acres, and she and her husband and children were enjoying the quiet residential area. Mrs. Joe Shaffer stated she was concerned about the adjoining 20 acres in addition to the 200 ft. strip, which had been annexed earlier for residential zoning which would allow apartments. She stated she was concerned the property had not been properly posted. Tom Buffey stated the re-zoning of the property adjoining their property which would allow apartment construction would decrease the value of the homeowners in Idle Acres. Betty Reeves stated she was a 27 year resident of the subdivision, and she would be opposed to the rezoning. Linda Thomas stated she had lived in the neighborhood for 24 years, and that she would like to see the atmosphere remain as it has in the past. Councilman McEntire stated that he had listened to the comments made by the residents, and would give these comments consideration at the time the matter is voted upon. Mayor Pro-Tem Bond stated that he would recommend a 3rd reading of the request, and the ad had been re-advertised for the appropriate 200 ft. He stated that he would make that recommendation a motion, 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 Kitty Seto Leung Annexation Ordinance Request for three parcels on U.S. 41 North, and two parcels fronting on Hood Street at the rear was given. The three parcels on U.S. 41 North for C-2 zoning and the two parcels fronting on Hood Street for R-2 zoning. The properties on the front join the Tierce Market property. A public hearing was opened with Mayor Pro-Tem Bond stating that after careful review of the request, and that fact that it is in accordance with long range plans, that the members present at the Zoning Advisory Board Meeting would recommend approval. 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 annexation at C-2 zoning for the lots fronting on U.S. 41 and R-2 zoning for those fronting on Hood Street, 2nd by Councilman Palmer with Mayor Pro-Tem Bond, Councilman Palmer, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.

Ord. No. 570

- e. A 2nd reading of the Mary Ann Leatherwood Kenemer Annexation Ordinance Request for approximately three fourths of an acre consisting of two tracts off of Jones Road for R-1 zoning was given. A public hearing was opened with the Zoning Advisory Board stating the property is contiguous, conforms to long range plans and is appropriate for the area. 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 approve annexation for R-1 zoning, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire,

Ord. No. 571

Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.

- f. A 2nd reading of the Zoning Change Request of Ann and Ferrell Grizzle for approximately three acres on Newtown Road with a request to re-zone from R-1 to R-2 for apartment construction was given. A public hearing was opened with Mayor Pro-Tem Bond stating it is the understanding of those members of the Zoning Advisory Board present that the area owned by Ferrell Grizzle, including his house, is being requested to be re-zoned from R-1 to R-2. He stated there are R-2 developments within the area, and the members of the Zoning Advisory Board present would recommend 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 for R-2 zoning, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.

7. Old Business:

- a. Director Cornwell stated that it is his understanding that the Rakestraw Contract in reference to the sewer interceptor project has been signed, but not forwarded to the City. He did state, however, Mr. Rakestraw had made a request to delay the Notice to Proceed for sixty days in order to allow him sufficient time to move his materials in to begin the project. Following discussion, Mayor Pro-Tem Bond made a motion to delay the signing of the Notice to Proceed for sixty days, 2nd by Councilman Palmer with Mayor Pro-Tem Bond, Councilman Palmer, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried. In a separate move, Councilman Palmer made a motion to authorize the Mayor to sign the sewer interceptor contracts and other necessary documents once the contract has been received by the City and has been fully approved by EPD, 2nd by Councilman McEntire with Councilman Palmer, Councilman McEntire, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- b. Director Cornwell asked that discussion on the garbage pickup bids and the direction from the Council be postponed until the meeting of July 24.

8. New Business:

- a. Ruth Powell, Director of the HOME Program for the City, reviewed the program, indicating the contacts made during the five month period and the steps necessary in implementing a very difficult program through the Department of Housing and Urban Development. Following the report, Councilman McEntire stated that he wasn't sure that the amount of funds, a maximum of \$200,000.00 per year, was enough to justify the cost, which he was not sure what those costs were at this time. Harrison stated the costs were still within the guidelines that were presented to the Council prior to the initial program being approved net cost for the first year of \$36,000.00. Ms. Powell stated that she had received a grant through the HOME Program State Office for \$500.00 to assist with marketing which would offset some of the costs that would have been Born by the City. Councilman McEntire further stated that he was not sure the program would be effective with a minimum of \$200,000.00 per year, and that he was concerned that not enough application could be taken to make it an effective program. Mayor Pro-Tem Bond stated that he was also

concerned with the time frame of the program, however, Harrison stated the program for Calhoun is ahead of the schedule which had been predicted by the State Office, since it is one of the most difficult HOME programs to implement in a community which has not had any home improvement programs previously.

- b. A resolution regarding an application for funding of the 1995-1996 year for HOME funds was read with Councilman Shelton making a motion to approve the resolution, 2nd by Councilman Palmer with Councilman Shelton, Councilman Palmer, Mayor Pro-Tem Bond and Councilman McEntire voting affirmatively, motion carried.
- c. Harrison reviewed the 1995 Election Calendar, stating the city election for three city positions and two school board positions would be held on November 7, 1995. She reviewed two changes which were made by the state legislators in the 1995 session, and which were at the Justice Department for pre-clearance at this time. Those changes being the qualifying time for candidates, which would be the 2nd Monday in September at 8:30 A.M. through the following Friday at 4:30 P.M. The Change would also require cities to develop qualifying costs for candidates based on three percent of salary positions and non-salary position to have a fee not to exceed \$35.00. Harrison recommended that those changes be adopted by the City in an ordinance which could be developed for a first reading on July 24. Following discussion, the Council approved the need to develop an ordinance, and asked that the school board fee be set at zero dollars.
- d. Harrison distributed finance and budget policies which need to be included in the 1995-1996 Budget when it is printed, and asked that the Council review these and make any suggested changes by the July 24, 1995 meeting date, and asked that they consider approval at that time.
- e. A 1st reading of the Annexation Ordinance Request of the Water Plant property and the proposed park property on the Oostnala River for R-1 zoning was given. Following discussion, Mayor Pro-Tem Bond made a motion to set the public hearing for August 14, 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.
- f. A request for a Farm City Week traditional parade on the regular route was made for October 21, 1995 at 10:00 A.M. Following discussion, Councilman Palmer made a motion to approve the request subject to DOT approval, 2nd by Councilman McEntire with Councilman Palmer, Councilman McEntire, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- g. Eddie Peterson reviewed the bids for the City's water and sewer construction contract work for the following year. The bids were as follows:

(1.) C&S Construction	\$315,100.00
(2.) Pheonix Water & Sewer	\$703,145.00
(3.) Cash COstruction Co.	\$719,900.00
(4.) Unity Construction Co.	\$729,500.00

Mr. Peterson stated that the low bid was that of Bruce Shuler, C&S Construction, who had requested a cash bond in lieu of a performance bond, and who had also indicated that the prices he had given would be good for a two year period if the contract could be extended for two years with a price index increase of 2.98% along the lines of inflation. Following discussion, Mayor Pro-Tem Bond made a motion to approve the contract prices from Bruce Shuler, Shuler Construction, and to authorize the Mayor to sign the contract and other necessary documents, 2nd

by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried. Councilman Palmer made a motion to approve the contract for a second year based on the consumer price index of 2.98%, 2nd by Mayor Pro-Tem Bond with Councilman Palmer, Mayor Pro-Tem Bond, Councilman Shelton and Councilman McEntire voting affirmatively, motion carried.

- h. Peterson reviewed the bids for the repair of water tanks as follows:

(1.) Hames Contracting	\$398,750.00
(2.) Corydon Tank and Tower	\$147,636.00
(3.) Southern Corrosion	\$130,105.00
(4.) Utility Service	\$185,509.00

Peterson stated the bid of Southern Corrosion in North Carolina for \$130,105.00 was the low bid, and that the company had been in business for over 20 years and their references had checked out well, and he would recommend the bid. Attorney Bailey stated the City had hired an out of state contractor for tank repairs for the previous year and the work had not been satisfactory, and since the company was out of state, there was very little that could be done in terms of warranty. He asked that this be kept in mind prior to accepting the bids. Peterson stated that this had been considered, and this was one of the reasons that the references had been checked so thoroughly and since the company had been in business for such a long period of time, that he still felt the recommendation would be in order. There was no further discussion and Councilman McEntire made a motion to approve the low bid of Southern Corrosion of North Carolina for a repair contract in the amount of \$130,105.00, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.

9. Other Written Items Not on the Agenda:

- a. A resolution was read regarding the Housing Authority Board's request to apply for funds from the Department of Housing and Urban Development for an addition 30 housing units to be constructed in the Calhoun area. Following discussion with the Executive Director, Patsy Thacker, Councilman Palmer made a motion to approve the resolution and endorse the application for the funds to construct the additional 30 units, 2nd by Councilman McEntire with Councilman Palmer, Councilman McEntire, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- b. A 1st reading of the Zoning Change Request for the proposed Super Walmart Development which would be in the 20 acres off West Belmont Drive north of Carriage Industries, and east of the Proctor Clinic. The property being the former Hugh Amos property. The request being to re-zone from C-N to C-2. Mayor Pro-Tem Bond made a motion to set the public hearing for August 14, 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.
- c. A 1st reading of a Beer and Liquor By the Drink request of Kurt Lucas, Managing partner for the OPM Trust Company, Inc. for the property off of Highway 53, East, previously known as Oddessey Cafe. Following discussion, Mayor Pro-Tem Bond made a motion to set the public hearing for the Beer and Liquor By The Drink License

Request for August 14, 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.

- d. A resolution regarding the City changing from the present company providing probation services for the City Municipal Court to a local company called Supervision Services, Inc. was read. The new contract would be an annual contract with the right of a 30 day notice to cancel by either party, the contract to be effective July 15, 1995. Following discussion, Councilman Shelton made a motion to approve the resolution and to authorize the appropriate officials to sign, 2nd by Councilman Palmer with Councilman Shelton, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried.

10. Director Cornwell's Work Report:

- a. Cornwell stated the engineering firm of Piedmont Olsen Hensley had requested an additional \$28,800.00 for inspection services which would be associated with the dryer project currently underway which is running longer than the original contract had called for. The inspection services would also include inspection for the sewer interceptor project, provided it is begun and is in progress at the time the sludge dryer project is still underway. Following discussion as to the amount of the request, Councilman McEntire made a motion to approve, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.

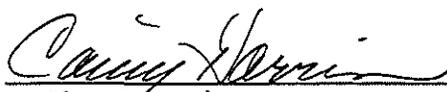
- 11. Councilman McEntire made a motion to adjourn, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.

Approved:



John D. Meadows, III
Mayor

Submitted:



Cathy Harrison
City Administrator