

AUGUST 14, 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: WILLIAM P. BAILEY, CITY ATTORNEY
KELLY CORNWELL, DIRECTOR UTILITIES/PUBLIC
WORKS
CATHY HARRISON, CITY ADMINISTRATOR

1. Mayor Meadows welcomed everyone to the August 14, 1995 regular City Council Meeting, 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 July 24, 1995 Regular City Council Meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Meadows introduced Jeff Bishop, a new reporter for the Calhoun Times. He stated that Mr. Bishop will be covering the City Council Meetings in the future.
 - b. Mayor Meadows read a resolution recognizing the "Drugs Don't Work" program in its first year of operation, and asked for adoption. Mayor Pro-Tem Bond made a motion to adopt the resolution, 2nd by Councilman Shelton with Mayor Pro-Tem Bond, Councilman Shelton, Councilman McEntire and Councilman Palmer voting affirmatively, motion carried.
5. Council's Comments:
 - a. Mayor Pro-Tem Bond stated the Street Department had been patching and grading, clearing right-of-ways, and cutting new driveways during the month of July, 1995.
 - b. Councilman Shelton stated the Police Department made 192 arrests during the month of July, 1995 with 14 being DUI's. They collected \$17,865.00 in fines, issued 82 parking tickets, 103 warning tickets, investigated 85 accidents, provided 106 escorts, and answered 133 burglar alarms. During the month of July, 1995, the Fire Department responded to three residential, three industrial, three vehicle, five brush and trash, nine emergency rescue-medical, three hazardous materials, six public assistance, 13 false alarms and one bomb threat for a total estimated damage of \$7,050.00 for the month.
 - c. Councilman McEntire stated the Water Treatment Plant pumped an average of 11.997 million gallons per day during the month of July, 1995. He stated the waste Treatment Plant treated an average of 7.797 million gallons per day, with BOD effluent being 11, Suspended effluent 19, and COD effluent 97. The Water/Sewer Construction Department made 55 water taps and four sewer taps in July. They installed 1,360 ft. of two inch PVC water line and 5,360 ft. of six inch PVC water line.
 - d. Councilman Palmer stated the Electric Department sold 28,761,611 KWH of electricity for the month to a customer

base of 3,863. They provided 68 inspections, issued seven permits and set five meters. Councilman Palmer stated the Building Inspector issued permits for \$3,312,190.00 of construction during the month of July which consisted of six new residential housing permits for \$558,000.00 of construction; residential remodeling and additions \$43,000.00; two new commercial for \$2,348,690.00; two new industrial for \$356,500.00 and one commercial alteration for \$6,000.00.

6. Public Hearings and Comments:

- a. William P. Bailey, City Attorney, stated at this time, he would like to make a recommendation to the Mayor and Council regarding the City's Zoning Ordinance and the statement was as follows:

"I have reviewed the City's Zoning Ordinance as presently amended. The Zoning Ordinance was originally adopted in March of 1966. Since that time there have been nineteen amendments, the latest being June 26, 1989.

The Zoning Ordinance presently provides for notice by publication in the local newspaper and notice by a sign upon the property advising of any amendment to the Zoning Ordinance. The provisions for such notice are found in Section 14.2 of the Zoning Ordinance. Additionally, there are twelve standards the City is required to consider when an amendment to the Zoning Ordinance is proposed. These standards are stated in Section 14.5 of the Zoning Ordinance. It has been the City's procedure since 1966 to consider a zoning amendment - which includes a rezoning request - by first receiving the application and conducting a first reading where the matter is referred to the Zoning Advisory Board for consideration and recommendation. A public hearing is then set for a time at least 15 days but not more than 45 days from the first reading, and a sign containing a required notice is placed upon the property in a conspicuous location by the Building Inspector not less than 15 days nor more than 45 days prior to the public hearing date.

The public hearing and second reading are held in conjunction with each other. The matter appears on the printed agenda as the second reading where the matter is announced, a public hearing is opened, the recommendation of the Zoning Advisory Board is received, public comments are heard from anyone in attendance, petitions are received together with any other information made reasonably available to the Mayor and Council. The public hearing is closed and the matter may be voted upon at that time or be held over for a third reading and subsequently a fourth reading. All such procedures are conducted in an open, public meeting of the Mayor and Council at the regular meeting times, the 2nd and 4th Monday of each month.

In reviewing the Zoning Ordinance at the request of the Mayor and Council and the City Administrator (after inquiries from individuals in the Idle Acres Subdivision) I discovered a mandated minimum zoning decision procedure requirement imposed by the Georgia Legislature in 1986. The Georgia Zoning Procedures Law requires that not only must the zoning standards be adopted, they must be printed upon copies available for distribution to the general public. The City has such standards, they are written, contained in the Code of Ordinances and can be

distributed to the general public if requested. The Zoning Procedure Law also mandates that the City must adopt policies and procedures for the calling and conducting of public hearings involving zoning decisions, have these printed, and make them available for public distribution.

Based upon my review of the present Zoning Ordinance of the City, I would recommend to the Mayor and Council that all future zoning decisions and annexations be delayed until such time as the Mayor and Council adopt and have printed, policies and procedures which governing calling and conducting hearings resulting in a zoning decision as required by the Georgia Zoning Procedure Law. I am suggesting that annexations be included for purposes of ease and efficiency in administration - there is no need for two separate procedures involving similar issues.

Secondly, I would recommend that the 4th reading of the rezoning request of the Spink, Lawrence and Slagle property from C-2 to R-2 not to take place, and the applicants to be advised to resubmit the rezoning application after the policies and procedures involving zoning decisions are adopted, printed, and made available for distribution to the public.

Third, I would recommend that 12 zoning standards of Section 14.5 of the City Code be reviewed, revised and/or amended and then printed in a form available to the general public together with the written policies and procedures to be adopted.

I suggest this be done as expeditiously as possible after public notice, public hearing and public input. The future participation of all citizens is encouraged and welcomed."

Following the City Attorney's statement, Mayor Meadows stated that several individuals had registered to speak before the Mayor and Council, and that he would listen to those people at this time.

Mr. Joe Schaeffer was not available.

Mrs. Mildred Jolley stated that she had no comments at this time.

Linda Jolley stated she had no comments at this time.

Jock Russell was not in attendance.

Fred and Opal Hemrick stated they would hold their comments as did Harold Deaton.

Mrs. Young-Schaeffer asked about the action taken by the Mayor and Council on June 12, 1995 in regard to annexation of approximately 20 acres of property south of Idle Acres. Attorney William P. Bailey stated the Mayor and Council hold the position that any annexations acted upon prior to August 14, 1995 are valid.

George Odom asked the Council if the letter delivered to Cathy Harrison earlier had been accepted as a notice of appeals for the annexation. Attorney William P. Bailey stated the Board of Appeals, as addressed in the Zoning Ordinance, was

an appeals process for anyone who disagreed with rulings in reference to set backs, other zoning matters, or building permits issued by the Building Inspector. He further stated that once the Mayor and Council act on any zoning or annexation, the only recourse for appeal would be through the Superior Court. Mr. Odom then asked about sewer to Idle Acres. Mr. Bailey replied the Idle Acres property was annexed under the 100% method, and not under the 60% method which addresses sewer. Mr. Odom then asked about the annexations of Idle Acres in 1980, and stated that he felt they were by the 60% method. Mayor Meadows stated the City had only accepted one area for annexation under the 60% method since he had been on the Council, that being the area off Peters Street.

Louise Walters then asked the Mayor and Council if there was any way to straighten the city limits area to have a specific boundary, rather than the in and out method. Mayor Meadows stated the City of Calhoun has a policy of accepting annexation upon petition only, which is the 100% method, rather than arbitrarily annexing and petitioning areas for annexation. He stated this accounts for the gerrymandering, however, the Mayor and Council share the opinion that they do not wish to have anyone annexed into the City, who do not wish to be annexed.

Another party asked about the traffic on Curtis Parkway. Mayor Meadows stated the road is a high traffic area, and that the City is presently investigating the possibility of installing a red light on Curtis Parkway. If it cannot be installed by DOT, then the City will investigate the possibility of installing the light through its resources.

Following discussion by the Council, as to the possibility of a time table, Attorney Bailey stated that he felt he and Administrator Harrison could possibly have a first draft available for the Mayor and Council to review on September 11, 1995, with the first public review and discussion available on October 9, 1995. Between the period of September 11 and October 9, the proposed draft would be available for distribution to the general public at City Hall. He stated the process then could develop over the next two or possibly four meetings, until all input was discussed and with final drafts and policies being made at least by the fourth reading. The Zoning Ordinance could be reviewed simultaneously, and with a maximum time of possibly four months. Following discussion, Councilman Shelton made a motion to authorize a hold on any zoning matters, and to await a first draft of policies, procedures and standards to be reviewed and developed for a first reading on September 11, 1995, and the first public hearing for October 9, 1995 at 7:00 P.M., 2nd by Councilman Palmer with Councilman Shelton, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Bond voting affirmatively, motion carried. Mayor Meadows stated the Zoning Change Request of Spink, Lawrence and Slagle would not be acted upon, and should be resubmitted by the property owners after the City's Zoning Changes have been completed.

- b. Mayor Meadows stated the Annexation Ordinance Request of the City of Calhoun for the Water Plant property would also be held, and would be resubmitted following the

amendments to the Zoning Ordinance.

- c. A 2nd reading of the Beer and Liquor-by-the-Drink Pouring Request of O.P.M. & Trust Company, Inc. d/b/a The Brangus Cattle Company Restaurant, Curt Lucas, Managing Partner, was held. Mayor Meadows stated the Police Report was clear, and he opened the public hearing. Curt Lucas stated he had placed a sign on his property notifying the public of the public hearing date, time and place. There were no further comments, and the hearing was closed. Councilman McEntire made a motion to approve the request, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.
- d. Mayor Meadows stated the Zoning Change Request for the Super Walmart for approximately 20 acres off West Belmont Drive had been withdrawn.
- e. A 2nd reading of the Ordinance amending the City Election Procedures to equal the State Municipal Code regarding qualifying dates and times, and qualifying fees was given. 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 and to approve, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.
- f. A 2nd reading of the Cindy Bockholt Beer Package License Request for the store located at 100 Fairmount Highway currently operated by Louie and Faye Worley was given. A public hearing was opened and Mayor Meadows stated the Police Report was clear. There were no other comments, and the public 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.

Ord. No. 571A

7. Old Business:

- a. Discussion continued regarding the bid from BFI, whether the City would continue to deliver service. Mayor Pro-Tem Bond stated that the BFI bid was a good bid, but he stated he was reluctant to give up the service, however, he was in favor of the City changing its procedures and the method of pickup in order to be more cost effective. Councilman Palmer stated that he would agree with Mayor Pro-Tem Bond, and he was concerned about pricing in the future without the City being in the business. Councilman McEntire stated while the BFI bid was very good, that he would be in favor of the City staying in the business. Councilman Shelton stated that he would like for the City to stay in control, and he felt it could be more flexible. Mayor Meadows asked BFI if they wished to respond.

George Paturalski stated he would like to address several areas mentioned by the Council. He stated that in the matter of control, that his company would provide a 100% performance bond. He stated he was proud of the service by his company and he felt with the depth of infrastructure, that his company could improve on the quality of service. In regard to competition, he stated that his company would be happy to extend th original bid for five year extensions based on the consumer price index. This would be related to the original bid submitted by the company. In reference to cost, he stated he had reviewed the City's evaluation of its cost of handling the service, and that following a meeting with Eddie Peterson, that the cost was closer than

originally thought.

Eddie Peterson stated there was different ways of interpreting capitalization and values, and he felt that while the cost was still close, that the City's cost would still be lower than that of the BFI bid.

Mr. Paturalski stated that his company would be making a commitment, and that they would assume the risk of service for worker's comp., for future capitalization to cover the service. He also stated his company would swap out the truck currently on order by the City of Calhoun, and would order a more heavy duty truck, but it would relieve the City of the obligation to purchase the truck that it had on order.

Following other discussion by the Mayor and Council relative to the comments made on behalf of BFI, the Council stated they would look at the situation again, and hold their decision until August 28, 1995.

- b. Mayor Meadows stated that he had a meeting with Commissioner Shackelford on Wednesday, and that he would ask Commissioner Shackelford for a possible date in September in which the Mayor and Council could meet with him.

8. New Business:

- a. A first reading of the Annexation Ordinance Request of Janice L. Carroll was held pending the City's amendment to the Zoning Ordinance.
- b. A first reading of the Bob and Carol Nance Annexation Ordinance Request was held pending the City's amendment to the Zoning Ordinance.
- c. A first reading of an Ordinance amending Article III, Section 11 of the City of Calhoun Code of Ordinances as it pertains to rubbish collection and disposal. Mayor Meadows read the proposed amendments, with Councilman McEntire stating that we might wish to amend further. Mayor Meadows stated a public hearing could be set, and those items discussed more fully at the time of the public hearing. Councilman McEntire made a motion to set the public hearing for August 28, 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.
- d. A first reading of the Revolving Loan Application of Larry Thomason and Donna Fuquea for \$260,000.00 for Donna's Hallmark on W.C. Bryant Parkway. Following discussion, Mayor Pro-Tem Bond made a motion to set the public hearing for August 28, 1995 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.
- e. A first reading of a Revolving Loan Application of Larry Thomason and Heath Thomason for Blimpies of Calhoun, Inc. at 125 W.C. Bryant Parkway for \$100,000.00 was given. Councilman McEntire made a motion to set the public hearing for August 28, 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.
- f. A request to affirm the Police Chief's approval of the Manager Change for C.L. Rutledge for the Alcoholic Beverage License for the American Legion of Calhoun was made. Harrison stated the Police Report for Mr. Rutledge was clear, and since the license was in the corporate name, Mr. Rutledge had been tentatively approved by the

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Police Chief pending affirmation by the Mayor and Council. Mayor Pro-Tem Bond made a motion to affirm the Police Chief's approval for the change of managers for the American Legion to Mr. C.L. Rutledge, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.

- g. Mayor Pro-Tem Bond made a motion to approve the traditional parade request for Gordon Central High School for their Homecoming Parade to be held on September 29, 1995 at 3:30 P.M. subject to DOT approval, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.
- h. Councilman McEntire made a motion to approve the traditional parade request of Calhoun High School for their Homecoming Parade on October 13, 1995 at 3:30 P.M. on the regular parade route subject to DOT approval, 2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond, Councilman Shelton and Councilman Palmer voting affirmatively, motion carried.
- i. A first reading of the Amusement Machine Livense Request was given for Larry Clark, Triangle Grocery, at 101 Newtown Road for four amusement machines and for Sidney Abernathy, Dairy Queen, at 288 Highway 53 East for three amusement machines. Mayor Meadows stated a second reading should be held on August 28, 1995 at 7:00 P.M.

9. Other Written Items Not on the Agenda: None

10. Director Cornwell's Work Report:

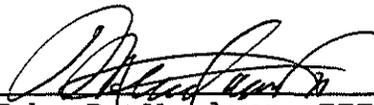
- a. Director Cornwell stated the unused dryer beds at the Sewer Treatment Plant had been used for storage of sewer sludge until the Bio-grow contract was effective. He stated the backhoe used to transfer the sludge to trucks had caused breakup of tile, therefore, rendering the drying beds unusable since gravel mixed in with the sewer sludge caused distribution problems. He stated in lieu of the dryer beds, that he had been working on a pit behind the Sewer Plant which would cost approximately \$25,000.00. He stated the contract price in our budget with Bio-grow was approximately \$242,000.00, and included their loading the sludge, whereas the City can load the sludge and save approximately \$25,000.00 to cover the cost of the pit for storage. He stated this could be handled without a budget increase in cost, but with a budget amendment, however, he wished to keep the Council informed of the activity.
- b. Cornwell stated the irrigation for the final soccer fields should be completed within the next week, and should be ready for sprigging.
- c. Attorney Bailey stated the Outlet Mall had requested the City to abandon its existing sewer easement, in exchange for the new sewer easement of the same approximate length and width which would accommodate the addition to the Outlet Mall. Following discussion with the City Attorney, Councilman McEntire made a motion to abandon the existing sewer easement, and to quitclaim that property to the mall, and to accept a new sewer easement of like length and width, 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer, Councilman Shelton and Mayor Pro-Tem Bond voting affirmatively, motion carried.
- d. The Council concurred to a 1986 Ford F-150, Serial No. 1FTCF15N7GLA52188 in the Electric Department being declared surplus since it had burned.

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

Approved:

Submitted:



John D. Meadows, III
Mayor



Cathy Harrison
City Administrator