

MARCH 11, 1996

7:00 P.M.

REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
226 SOUTH WALL STREET

PRESENT: JOHN D. SHELTON, MAYOR PRO-TEM
PAUL MCENTIRE, COUNCILMAN
JIMMY PALMER, COUNCILMAN
RON WOODS, COUNCILMAN

ABSENT: JOHN D. MEADOWS, III, MAYOR

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

1. Mayor Pro-Tem Shelton called the meeting to order, and welcomed everyone. Mayor Pro-Tem Shelton announced that Mayor Meadows was attending a National League of Cities Meeting in Washington, D.C., and was unable to attend the Council Meeting. William P. Bailey led the group in the Lord's Prayer.
2. Ron Woods led the group in the Pledge of Allegiance to the U.S. Flag.
3. On a motion by Councilman Palmer and 2nd by Councilman Woods, the Minutes of the February 26, 1996 Regular City Council Meeting were approved.
4. Mayor's Comments:
 - a. Mayor Pro-Tem Shelton reminded the Council of the public hearings scheduled for April 8, 1996: (1) Zoning Variance Request of Calhoun Super Sports, Inc. to allow replacement of a dysfunctional concession stand with a 14 x 50 portable commercial building; (2) Annexation Request of Gary Duke for a lot at 209 Shadowood Drive; (3) Annexation Request of James W. Hobgood for lots 68 and 67A off East Belmont Drive behind property presently occupied by Brad Ragan.
 - b. Mayor Pro-Tem Shelton reminded the Council of the GMA Spring Board Meeting which will be held in Calhoun on March 22 and 23, and he reminded the Council that they and their wives are invited to attend and to assist in hosting the event.
 - c. Mayor Pro-Tem Shelton congratulated the Calhoun, Gordon County Recreation Department nine and ten year old girls basketball team, who won the State Championship over the weekend, and also congratulated the Calhoun Cheerleaders, who won first place in the state.
5. Council's Comments:
 - a. Mayor Pro-Tem Shelton stated the Fire Department answered 50 calls during the month of February, 1996 with an estimated damage of \$76,000.00. The Police Department made 180 arrests, seven being DUI's. They collected fines in the amount of \$21,188.00. They issued 131 warnings, and 234 parking tickets. They worked 106 accidents, provided 92 escorts and answered 107 burglar alarms. The Fire Inspection Department made 75 inspections during the month of February.
 - b. Councilman McEntire stated the Waste Water Treatment Plant had an average daily flow of 11.864 million gallons

per day with average BOD effluent being 24, average suspended effluent being 25, and average COD effluent being 129. The Water/Sewer Construction Department completed 24 water taps and one sewer tap during the month of February. The Water Treatment Plant had a daily average of 12.026 million gallons of raw water treated during the month of February, 1996.

- c. Councilman Palmer stated the Electric Department sold 25,933,468 KWH of electricity during the month of February, 1996 to a customer base of 3,855. They issued seven permits and set eight meters. The Building Inspection Department had one new residential permit issued for \$100,000.00. Four commercial alteration permits were issued, and one medical facility permit in the amount of \$219,000.00 was issued during the month of February. He Stated the Airport continues to work on proposed funding for T-Hangars. They continue to plan for their 500 ft. runway extension, and also to improve the existing terminal while making plans for construction of a new terminal.
- d. Councilman Woods stated the Street Department continued to work at the Water Plant. During the icy weather in early February, they provided salt and deicer on the streets to ease the situation. They continue to pick up leaves and limbs, and work on drainage. The Sanitation Department, in addition to commercial pickups, repaired and painted dumpsters. The Rabies Control Department handled 55 dogs during the month and 18 cats, and issued 14 licenses. The Cemetery Department opened and closed 17 graves and did general maintenance. The Parks Department painted several of the City facilities, replaced the shingles on the City Hall drive-in facility, framed a breakroom at the Water Treatment Plant and general maintenance.

6. Public Hearings & Comments:

- a. A 2nd reading of the Zoning Variance Request of Raymond Bagwell to allow a mobile unit to replace a unit burned on the second lot on Crest Drive, South of Talley Avenue intersection was given. The lot is currently zoned R-3. A public hearing was opened with a report of the advertisement, placement of signs and notice of adjoining property owners having been completed. Councilman Woods stated the Zoning Advisory Board had reviewed the request, and based on other mobile units located in the immediate area, based on a similar action being handled in 1991, the Committee had voted to recommend approval of the request. There were no other comments and the hearing was closed. Councilman Woods made a motion to approve the request, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, and Councilman McEntire voting affirmatively, motion carried.
- b. A 2nd reading of the Annexation Request of Patsy Gravitt for property in Land Lot 190 on Kirby Road which adjoins City property was given. A public hearing was opened with Harrison reporting that advertisement, placement of signs and notification of surrounding property owners had been completed. Councilman Woods stated the Zoning Advisory Board had reviewed the request, and had found the property abutted a public road only by means of a 50 ft. easement into their property. They expressed concern of whether the 50 ft. easement met the City's code requirement, that property in the City abut a public road by at least 25 ft. Their Committee had tabled the matter until April 4, 1996 in order to allow the City Attorney to give a ruling on the question. Following discussion, Councilman McEntire made a motion to table the request

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for a zoning review by the Zoning Advisory Board on April 4, and a continuation of the hearing by the City Council on April 8, 1996, 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer and Councilman Woods voting affirmatively, motion carried.

- c. A 2nd reading of the Zoning Variance Request of Debra Ginter for Lot 9 in Timber Ridge Subdivision, which would allow a set back relief of 22 ft. at the cul-de-sac. Harrison reported that advertising and placement of sign had been completed, however, there had been no need for notification of adjoining property owners since Mrs Ginter owns all surrounding property. Councilman Woods stated the Zoning Advisory Board had reviewed the request, and had recommended approval. There were no other comments, and the hearing was closed. Councilman McEntire made a motion to approve the request to grant a 22 ft. set back relief, 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer and Councilman Woods voting affirmatively, motion carried.
- d. A 2nd reading of the Zoning Change Request of the Estate of Sallie B. Legg for a lot at 415 West Belmont Drive from R-2 to C-2 zoning was given. A public hearing was opened, and Harrison reported the advertisement, placement of signs, and notification of adjoining property owners had been completed. Councilman Woods stated the zoning advisory Board had reviewed the request, and had stated the property at 415 West Belmont Drive was definitely commercial property, and recommended the change to the Mayor and Council. There were no other comments, the hearing was closed. Councilman Woods made a motion to approve the zoning change to C-2, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, and Councilman McEntire voting affirmatively, motion carried.
- e. A 2nd reading of the Zoning Request of newly annexed property of Bob and Carol Nance for a lot at the intersection of Dews Pond and Barrett Roads for R-2 zoning was given. A public hearing was opened, with Harrison reporting the advertisement, placement of signs, and notification of adjoining property owners had been completed. Councilman Woods stated the zoning advisory board had reviewed the request and found Mr. and Mrs. Nance had planned to provide rental town houses on the property, therefore, they recommended approval to the Mayor and Council. There were no other comments, and the hearing was closed. Councilman McEntire made a motion to approve the zoning of newly annexed area for R-2 zoning, 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer and Councilman Woods voting affirmatively, motion carried.

7. Old Business:

- a. City Attorney William P. Bailey stated that he had written Pizza Hut on Highway 53, East on February 16, 1996 regarding an incident of February 12, 1996 in Municipal Court, which found that two under aged employees, had sold beer to underage customers. These employees and customers had been found guilty in Municipal Court and were properly sentenced and fined. he stated in his letter to Pizza Hut, he had expressed the inappropriate action at the restaurant, and had recommended the license be voluntarily suspended for 45 days with a \$1,000.00 fine. Following review of the proposal, Pizza Hut had agreed to the voluntary suspension which was set to begin on March 15 at Noon and end at Noon on April 29, 1996. They had also provided the \$1,000.00 fine. Following discussion of the matter,

Councilman Woods made a motion to accept the voluntary suspension and fine, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer and Councilman McEntire voting affirmatively, motion carried.

- b. Councilman Palmer stated the Pension Plan Review Committee, which had been composed of Chairman Tom Bond, Councilman Shelton himself, Cathy Harrison, and City Attorney William P. Bailey, had met six times during the last couple of months, charged with the request to review the City's Pension Plan. Councilman Palmer stated the group had advertised for proposals from outside vendors regarding possible plan changes and updates. He stated the group had received four proposals, those being from the current vendor, Davis, Smith & Associates; AmSouth Bank; Georgia Bank & Trust; and Hardwick Bank & Trust. He stated the Committee had met six times, providing individual interviews with each of the vendors, plus two sessions which dealt with reviewing the existing plan. He stated that approximately two weeks ago, the Committee had provided each member of the Council with a copy of the minutes of each of those meetings, as well as, a pro and con review of the proposals which had been presented by the vendors and the current plan, in order for the Council to have information in which to make a decision. Councilman Woods stated that he had reviewed the information prepared, that he commended the committee for their work, and that based on the information, he would recommend that the plan be changed to allow a newly drawn plan specifically for the City of Calhoun to delete insurance requirement from the plan, but allow current policy holders to retain if desired, to provide indemnification agreements to assure that investments conformed to State and Federal Laws to maintain a mandatory 3% contribution from employees, based on base pay, and to recognize age 65 as a retirement age, however, there would continue to be a possibility of early retirement at age 55 with 20 years of City service. He stated that after review of the proposals by the vendors and the information submitted by the Committee and the vendors, that he would recommend changing the plan to AmSouth Bank, effective July 1, 1996, 2nd by Councilman McEntire with Councilman Woods, Councilman McEntire and Councilman Palmer voting affirmatively, motion carried. Councilman Palmer stated he would like to thank each vendor for their proposal, and also for the individual interviews by each.
- c. Following a review of the Nutrition Program with Coosa Valley Tech, which allows meal services to shut ins and to individuals at the Recreation Department daily, with the City providing the driver, vehicle maintenance, gas and oil with Coosa Valley Regional providing the van, insurance and food. Councilman McEntire made a motion to continue the program for the next year, approving the contract and authorizing Mayor Pro-Tem Shelton to sign, 2nd by Councilman McEntire with Councilman Woods, Councilman McEntire and Councilman Palmer voting affirmatively, motion carried.

8. New Business:

- a. Following review of a Parade Request by the March of Dimes Organization for March 30, 1996 from 7:00 A.M. to 1:30 P.M. around the drive at the Calhoun, Gordon County Recreation Department Park, Councilman McEntire made a motion to approve the request, 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer and Councilman Woods voting affirmatively, motion carried.
- b. Harrison presented two new policies for review, and for

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consideration of adoption of March 25, 1996. The first being a Transportation Policy which had been developed along the guidelines of the present operation, and a mandatory drug and alcohol testing policy for commercial drivers.

- c. Harrison reviewed the proposed police policy amendment which would adopt restrictions on compensation time for some types of duties at the Police Department which would be an effort to curb some of the absenteeism due to compensation time, and allow a more effective paroling of city streets and businesses. Following discussion of the proposed policy, Councilman McEntire made a motion to approve effective July 1, 1996, 2nd by Councilman Woods with Councilman McEntire, Councilman Woods and Councilman Palmer voting affirmatively, motion carried.
- d. Harrison reported that plans and specifications from the engineers hired to review the Civic Auditorium roof structure and stability of the structure has been completed, and bids should be out to vendors this week. Harrison stated she had met with Larry Harmon of the City School System and reviewed the work to be completed inside the facility once the roofing structure had been completed. It is hopeful the roof will be completed by June 30, and all other improvements completed within 60 days following that time period.

9. Other Written Items Not on the Agenda.

- a. A 1st reading was given to a Zoning Variance Request by Tri State Systems, Inc., which would grant a variance from the interstate sign ordinance reducing those to the restrictions of the Georgia State Law for a commercial sign to be located on the property. Following review of the application and an explanation by Charles Wayne, a representative of Tri State Systems, Inc., Councilman Woods made a motion to set the public hearing for April 8, 1996 at 7:00 P.M., 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer and Councilman McEntire voting affirmatively, motion carried.
- b. A request was made by Don Sanders for Lot 15 at his property located off Dews Pond Road near Reeves Transportation. The Request being to allow a Sewer Tap for property located in the County. Harrison stated a letter had been provided from the County Health Sanitarian, which stated that septic tank service could not be permitted in that area, with his recommendation of connecting to the City Sewer system, which is within 200 feet of the property. Following discussion regarding the possible need for a 10 to 15 ft. easement on the Stephens property to allow the tap, Councilman McEntire made a motion to approve the County tap at a price of \$1,000.00 based on the County Sanitarian's recommendation, provided any easements necessary for the tap be provided by Mr. Sanders, 2nd by Councilman Woods with Councilman McEntire, Councilman Woods and Councilman Palmer voting affirmatively, motion carried.

10. Director Cornwell's Work Report:

- a. Cornwell stated the City had received a list of approved engineers, and a scope of work is presently being provided in order for proposals from engineers to be reviewed for the Piedmont Project. Cornwell stated the Water/Sewer Construction Department continues to work on the Campbell Access Road to the well site, and also to install water line on the Covington Bridge Road.

11. Councilman Woods made a motion to move to Executive Session

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for personnel matters, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer and Councilman McEntire voting affirmatively, motion carried.

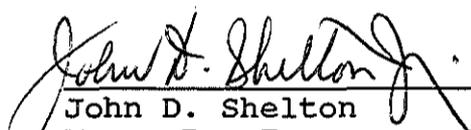
12. Councilman Palmer made a motion to move to General Session, 2nd by Councilman McEntire with Councilman Palmer, Councilman McEntire and Councilman Woods voting affirmatively, motion carried.

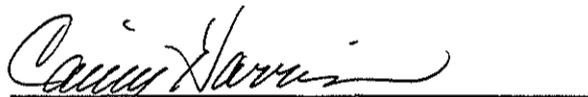
13. Director Cornwell and Assistant Director Peterson reviewed the City's current review of its commercial dumpster business and the loss of some customers to BFI and to the Baxter Firm. Cornwell stated that he and Peterson were currently providing a cost estimate of operations due to changes in the department, such as the purchase of new equipment, which has reduced operating cost. Once these are completed, they will be available for review by the Council. The Council also approved a letter to be sent to the existing commercial accounts informing them of this review and a possible drop in operating cost which might allow lower rates, express appreciation for their business, and the City's reason for being in the business which is to provide stability in rates, and to eliminate a monopoly in the commercial garbage area.

14. Councilman Woods made a motion to adjourn, 2nd by councilman McEntire with Councilman Woods, Councilman McEntire and Councilman Palmer voting affirmatively, motion carried.

Approved:

Submitted:


John D. Shelton
Mayor Pro-Tem


Cathy Harrison
City Administrator