

MAY 13, 1996 7:00 P.M.

REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
226 SOUTH WALL STREET

PRESENT: JOHN D. MEADOWS, III, MAYOR
JOHN D. SHELTON, JR., MAYOR PRO-TEM
PAUL MCENTIRE, COUNCILMAN
JIMMY PALMER, COUNCILMAN
RON WOODS, 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, welcomed everyone in attendance, 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 22, 1996 Regular City Council Meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Meadows presented the crown and banner to Mrs. Teresa Ferris, who is the current Mrs. Calhoun, the representative to the Mrs. Georgia International Contest. Mayor Meadows stated Mrs. Ferris is the owner/operator of a furniture wholesale company, and will be a very good representative for Mrs. Georgia International.
 - b. Mayor Meadows and other members of the Council stated the GMA Policy Meeting in Macon on May 6-7, 1996 was a very timely meeting in terms of identifying areas of prime interest for municipal governments in Georgia which should be addressed at the next meeting of the State Legislature.
 - c. Mayor Meadows reminded the Council of the Regional Legislative Dinner on May 16, 1996 sponsored by MEAG.
 - d. Mike Brunson of the Georgia Forestry Commission presented the City of Calhoun its designation as a Tree City for the 3rd year, presenting the flag and the oak leaf for its plaque. Mr. Brunson commended the City for their efforts and their understanding of the necessity of trees in a municipal setting, in order to have appropriate balance.
 - e. Mayor Meadows commended the Calhoun Housing Authority as a high performer by the State HUD office in their gradings over the past four years. He stated a great deal of the effort was due to the excellent management of Patsy Thacker and her staff.
 - f. Patsy Thacker gave the Mayor and Council an update on the Housing Authority, stating that their current program calls for a minimum 10% cut in their budget, and that they had recently been notified by the Fire Inspection Department that their Imagination Station area was only adequate to hold 20 children, and that they have requests for up to 80 for the summer months. Patsy Thacker asked that the Mayor and Council give thought to ways of providing the services for those children who need the assistance of the program. She stated the increase in children was due to the cuts in some of the school programs, with teachers referring children.
5. Council's Comments:
 - a. Mayor Pro-Tem Shelton stated the Police Department made 169 arrests in April 1996, with 17 being DUI. They

collected \$26,825.00 in fines, issued 110 warning tickets, and 327 parking tickets. They investigated 108 accidents, provided 92 escorts and answered 91 burglar alarms. The Fire Department answered 51 calls during the month, with estimated damages of \$3,600.00. The firemen also had classes on fire extinguishers, and the Fire Inspection Department did 71 inspections during the month. Attorney Bailey stated there were 538 old parking tickets outstanding for a balance of \$2,800.00. He stated he was drafting an ordinance which would provide the ability of the City to add a boot to a vehicle which has outstanding parking tickets, and the ordinance would be available shortly.

- b. Councilman McEntire stated the Water and Sewer Construction Department made 41 water taps during the month of April, 1996. They made 9 sewer taps, installed 140 ft. of two inch water line, 5,100 ft. of six inch water line and 5,800 ft. of 8 inch water line. The Waste Treatment Plant treated an average flow of 11.13 million gallons per day with the average BOD effluent being 17, the average suspended effluent being 24, and the average COD effluent being 121. The Water Treatment Plant treated a daily average of 12.471 million gallons per day of raw water, which was slightly above that of the previous year.
- c. Councilman Palmer stated the Electric Department sold 28,455,405 KWH of electricity during the month of April to a customer base of 3,892. The Electrical Inspector did 44 inspections. The Building Inspector issued permits for \$690,200.00 of residential construction, \$390,500.00 of commercial construction, and \$245,000.00 of industrial construction during the month. He stated the Recreation Department is very busy with its summer athletic programs with 916 adults registered for softball for the current season.
- d. Councilman Woods stated the Street Department continued to lay storm drainage pipe at the Electrical Department, cleaned out pits at all water tank backflow preventors, patching of streets, worked on the road at the well site, worked on the water plant basin, and worked on the change in the entrance to Edwards Street off of Oak Street. The Sanitation Department continued their regular commercial routes with very little change in their customer base, and continued to clean and paint dumpsters. The Cemetery Department opened and closed six graves during the month, did their continual mowing and maintenance and continued to work on the office at the site. The Rabies Control Department housed 37 dogs and 22 cats during the month, issued 8 licenses and nine warning tickets. The Parks Department did general trash pickup on the road right-of-ways, mowing and trimming sidewalks at all city offices and water tank sites, continued to assist in the refurbishing of the house at the cemetery for an office, did ceiling patching for preparations for painting at City Hall, planted leiland cypris on Victory Circle, and sprayed sidewalks for weed control.

6. Public Hearings and Comments:

- a. A 2nd reading of the Annexation Request of Raymond and Eva Bagwell for a lot on Fuller Street in Land Lot 275 was given. A public hearing was opened with the report that advertisement, placement of signs and notification of adjoining property owners had been accomplished. Councilman Woods stated the Zoning Advisory Board had met on the request, and had found the only area of concern was the fact that the lot fronted on a public road only by 18 ft., since Fuller Street dead ends near the

Ord. No. 590

boundary line of the lot. He stated that if there was any construction to be built on the lot, that it would be necessary for a variance to be requested. Otherwise, the Zoning Advisory Board recommended approval of the annexation request. There were no other comments, and the hearing was closed. Councilman Woods made a motion to approve for annexation, 2nd by Councilman McEntire with Councilman Woods, Councilman McEntire, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

- b. A 2nd reading of the Zoning Request of Newly Annexed Property of Gary Duke for Lot 31 of Thornwood Subdivision for R-1 zoning was given. A public hearing was opened with a report that the advertisement, placement of signs and notification of adjoining property owners had been accomplished. Councilman Woods stated the Zoning Advisory Board had reviewed the request, and found that Lot 31 was in an area completely surrounded by other R-1 property, and they recommended approval. There were no other comments, and the hearing was closed. Councilman Woods made a motion to waive the 3rd and 4th readings and to approve zoning of the newly annexed property for R-1 zoning, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- c. A 2nd reading of the Annexation Request of David L. Hiott for Polygon Associates of Tenn., LLC for a lot west of Quality Inn on Highway 53, East was given. A public hearing was opened, with a report that the advertisement, placement of signs and notification of adjoining property owners had been accomplished. The Zoning Advisory Board Chairman, Ron Woods stated the Board had met on the request, and had determined the property would be developed as a Burger King site. He stated the owners were aware of the special sewer tap fees for the area, and that the Board recommended annexation of the property. There were no other comments, and the hearing was closed. Councilman Woods made a motion to waive the 3rd and 4th readings and to approve for annexation, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- d. A 2nd reading of the Zoning Request of Newly Annexed Property of James W. Hobgood for Lot 67A and 68 off East Belmont Drive for C-2 zoning was given. A public hearing was opened with a report of the advertisement, placement of signs and notification of adjoining property owners being accomplished. Ron Woods stated the item had been reviewed by The Zoning Advisory Board, and that the requested zoning for those lots was within an area zoned C-2 with a mixture of R-1 to the north and west of the property. He stated there had been no comments from adjoining property owners regarding the zoning request and the Zoning Advisory Board recommended approval. There were no other comments, and the hearing was closed. Councilman Woods made a motion to waive the 3rd and 4th readings and to approve the zoning request of C-2 for the newly annexed area, 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton, Councilman McEntire and Councilman Palmer voting affirmatively, motion carried.
- e. A public hearing was opened on the City's budget for 1996-1997. Harrison stated the current budget is incomplete, that at this time the process had included input from Department Heads, a review and cut by the Director of Utilities/Public Works and the City Administrator, with the balance of the projected income and requested expenses being forwarded to the Mayor and

Ord. No. 591

Council for their review. The Mayor and Council had met on one occasion, and had made several recommendations for adjustments to the budget, and these had been incorporated at this time, however, a 2nd and possibly 3rd meeting was scheduled prior to the final budget being adopted.

INCOME:	
General Fund (Excludes School Taxes at this time)	\$5,227,228.
Water-Power-Sewer Fund	32,307,060.
Golf	<u>1,379,315.</u>
Total	\$38,913,603.
EXPENSES:	
(Includes Capital Expenses for the current year)	
General Administration	\$1,627,384.
Economic Development	349,293.
Police Department	1,790,874.
Fire Department	1,680,220.
Street Department	1,529,023.
Sanitation Department	518,441.
Rabies Control	50,447.
Cemetery	217,183.
Parks	641,956.
Recreation (City's Local Expense)	435,338.
School (Excluded at this time)	N/A
Water Plant	3,676,360.
Sewer Plant	3,140,313.
Water Construction	1,692,905.
Sewer Construction	950,906.
Electric	19,118,760.
Golf Pro Shop	776,620.
Golf Maintenance	<u>602,695.</u>
Total	\$38,798,718.
Overage in Income	\$114,885.

Notes:

Special Projects such as Sewer Plant Expansion; CDBG (Water-Sewer and Street Improvements) Project; and balance of Water Plant/Wells Projects will be included for the next Public Hearing in addition to the school (local share) Budget.

General Fund Income includes a City Maintenance and Operation Advalorem Tax increase, off set by an increase in Local Option Sales Tax in the amount of \$290,000.00. General Fund Income includes an increase in DOT Funds by \$600,000.00 for the Special Contract on Piedmont Street. General Fund Income includes a special state grant of \$25,000.00 for the Depot which was requested by Representative Shanahan and by \$377,900.00 in ISTEAs for the Walking Trails and River Bridge Project administered under the Parks Department.

Water-Power-Sewer Income includes a water rate increase of \$.05 per 1,000 gallon; increases in water taps which will be effective in June, 1996; a slight lowering of some electric rates due to a lower wholesale rate projected for January, 1997 which has been the result of the City's lawsuit with the Municipal Electric Authority of Georgia. WPS Income will also be increased due to changes in the County Water Line Expansion Program estimated at \$126,000.00.

The Golf Expenses include equipment replacement of mowers and 30 carts for a total of \$156,800.00 which is funded by an increase in the recreation supplement from \$150,000.00 to \$300,000.00 from the General Fund.

The Budgeted Expenses includes three new fire fighters; one new patrolman; one new building inspector; a shift in four men from Sewer Construction to Water Construction; a net reduction of one person in the Electric Department due to retirements; and one part time customer service person.

The expenses includes a substantial increase in group insurance which was budgeted for a 22% increase, however, due to a preliminary review of bids received on May 10, 1996, it is possible this increase is not adequate and

will need to be increased. This could lower the projected income overage. The bids will be thoroughly reviewed and negotiated by the second budget hearing.

As reviewed in the income section, the expenses in the Street Department include the estimated Piedmont Street Project of one million dollars. The Parks Department includes the Bridge and Walking Path Project of over \$400,000.00.

Harrison reported the 2nd Budget Hearing would be held on June 10, 1996 with a possible adoption of the budget at the final meeting in June.

7. Old Business:

- a. Harrison reported the contractor who had received the bid for the auditorium roof had been in touch with the roofing engineer and structural engineers who had been hired by the City prior to the bidding process. The roofing engineer had approved the proposal for amendments to the proposed roofing after several tests had been completed, and the results were satisfactory. The contractor is currently waiting on information from the structural engineer, and hopefully this will be in hand, and the matter will be in a final stage for the May 27, 1996 City Council Meeting.
- b. Attorney Bailey stated the City Administrator, Building Inspector and Asst. Building Inspector had met with him several days ago, and had reviewed an outline of proceedings on the nuisance ordinance. One measure would be to deal with those nuisances which include unsightly trash and garbage, abandoned vehicles and etc. which would be handled at the lower level and forwarded to Municipal Court should those areas not be cleaned up after a notice was issued initially. The second process would be more time consuming and would be regarding condemnation. This would include not only a review by the Building Inspector, but also an appraisal by a real estate appraiser and appraisal by a contract to estimate the repairs needed to the structure, and if those repairs did not exceed 50% of the value of the property, then the property could be ordered to be repaired, however, if it did exceed 50% of the value of the property, then it would be necessary to begin condemnation proceedings. This would go through a hearing process by the Building Inspector or his designee with an ordinance and a public hearing by the Mayor and Council after that, and with a final order of condemnation and destruction. If the destruction is handled by the City, a lien can be placed on the property for collection at a later date.
- c. Attorney Bailey stated the Building Inspector, the Asst. Director of Utilities/Public Works and the City Administrator had met with him to review the current sign ordinance which is currently in several areas of the City's Code of Ordinances. He stated that the City Administrator had provided a current copy of the Cartersville Ordinance which was very lengthy, but was a good ordinance model, and that the Director of Utilities/Public Works had provided a model sign ordinance which was also a good guide. He stated other meetings would be held to review putting the current ordinance into a more useable form, and adopting a variance procedure specifically for signs.
- d. A renewal of lease for the Calhoun Police Precinct at 29A Neal Street had been approved by the Housing Authority for the period of October, 1995 to October, 1996 with the Housing Authority forwarding to the City for their approval and signature. Following review, Mayor Pro-Tem Shelton made a motion to approve the lease renewal, and

to authorize the Mayor to sign, 2nd by Councilman Palmer with Mayor Pro-Tem Shelton, Councilman Palmer, Councilman McEntire, and Councilman Woods voting affirmatively, motion carried.

- e. Harrison stated there were two sewer tap requests which were within 200 ft. of the City sewer, those being for Mary Lou Hilley at 107 Daisy Street and Ronnie Holbrook at 114 Erwin Street, which are not eligible for annexation, with letter from the Health Department requesting sewer for these lots. Following further discussion, Councilman McEntire made a motion to authorize sewer taps at the appropriate cost plus any line extension, 2nd by Mayor Pro-Tem Shelton with Councilman McEntire, Mayor Pro-Tem Shelton, Councilman Woods and Councilman Palmer voting affirmatively, motion carried.
- f. A 1st reading of the ordinance amendment regarding water taps and extension policy were given. The water taps would include an increase to \$400.00 for City 3/4 inch taps, and \$600.00 for County 3/4 inch taps; for one inch taps for the City, the cost would be \$450.00, and the county cost would be \$650.00. The water line extension policy would remain the same for developers, however, the water line extension for existing areas on public roads would involve a line extension providing 12 or more taps per mile are paid, and with the understanding that those parties requesting the extension would pay for the cost of two inch line being extended in the area in addition to the tap fees. Councilman McEntire made a motion to set the public hearing for the 2nd reading and public hearing for the resolution on the fee amendments for May 27, 1996 at 7:00 P.M., 2nd by Mayor Pro-Tem Shelton with Councilman McEntire, Mayor Pro-Tem Shelton, Councilman Palmer and Councilman Woods voting affirmatively, motion carried.
- g. A 1st reading of the Zoning Change Request of Ebbie Mac Carney and Carol W. Carney for a lot at 251 West Belmont Drive to rezone from R-1 to C-2 was given. Councilman Woods made a motion set the public hearing for June 10, 1996, 2nd by Councilman McEntire with Councilman Woods, Councilman McEntire, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- h. A 1st reading of the proposed water line extension policy was reviewed by Mayor Meadows with Councilman McEntire making a motion to set a second reading of the policy on May 27, 1996 at 7:00 P.M., 2nd by Councilman Woods with Councilman McEntire, Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- i. 1st reading of the zoning of newly annexed property of Raymond/Eva Bagwell for C-2 zoning for a lot on Fuller Street. Councilman Woods made a motion to set the public hearing for June 10, 1996 at 7:00 P.M., 2nd by Councilman McEntire with Councilman Woods, Councilman McEntire, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- j. 1st reading of the zoning of newly annexed property of David L. Hiott, Polygon Assoc. of Tenn., for a lot on Highway 53 East, west of Quality Inn for C-2 Zoning. Councilman Woods made a motion to set the public hearing for June 10, 1996 at 7:00 P.M., 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

8. New Business:

- a. A 1st reading of the Zoning Variance Request of Preston

Dupree for property located at 100 Daisy Street to build a house on nonconforming property was given. The earliest date for a public hearing being June 10, 1996 with Mayor Pro-Tem Shelton making a motion to set the hearing for that date at 7:00 P.M., 2nd by Councilman Palmer with Mayor Pro-Tem Shelton, Councilman Palmer, Councilman McEntire and Councilman Woods voting affirmatively, motion carried.

- b. A Parade Permit Road block Request for the Olympic Torch Relay on July 16, 1996 was given. The request being a departure from the traditional parade request in that it would involve a proposed 30 minute program at the Court House with the street area being blocked. Following further discussion, Councilman Woods made a motion to approve the parade permit road block for July 16, 1996 subject to approval of the Department of Transportation, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- c. A 1st reading of the Wine Pouring Request of Brangus Cattle Company in the Manager's name, Mrs. Cheryl Watters, for their restaurant located on Highway 53 East was given, along with a request for the beer and liquor pouring license to be changed from the company name to the Manager's name. Harrison stated based on these multi requests, the earliest date for a public hearing would be June 24 at 7:00 P.M. Following discussion, Councilman McEntire made a motion to set the public hearing for June 24, 1996 at 7:00 P.M., 2nd by Councilman Woods with Councilman McEntire, Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

9. Other Written Items not on the Agenda:

- a. A 1st reading of a Zoning Variance Request of Astro Dye Works, Inc. which would provide a 29 ft. variance for a building addition at their site on Highway 53 Spur. Councilman Woods made a motion to set the public hearing for the Zoning Variance Request for June 10, 1996 at 7:00 P.M., 2nd by Councilman McEntire with Councilman Woods, Councilman McEntire, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- b. A voting delegate resolution was reviewed for the MEAG annual election meeting to be held in association with the Georgia Municipal Association Meeting in Savannah in June and July, 1996. Following review Councilman Woods made a motion to adopt the resolution authorizing the voting delegate to be the City Administrator with alternates to be Councilman Palmer and Mayor Pro-Tem Shelton, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- c. The Calhoun High School Traditional Parade Request was given with Councilman Woods making a motion to approve subject to DOT approval for October 11, 1996 at 3:30 P.M., 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

10. Director Cornwell's Work Report:

- a. Director Cornwell reviewed the bids for the Sewer Plant expansion which was held on April 25, 1996. He stated the top two bidders were Ruby Collins for \$9,444,400.00 and Thamer Construction for \$9,545,000.00. He stated that both bids were substantially over the estimated budget for the project, and that he would request

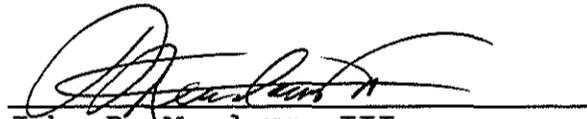
permission to continue to work with the top two bidders to reduce the cost of the project to be within budget. Permission was granted.

- b. Cornwell reviewed the five engineers who had responded to the City's proposal for estimated cost on the Piedmont Street project, and estimated engineering cost. Cornwell stated the top two firms based on their references and work were those of Sweitzer Engineering and also Piedmont Olsen Hensley. Following discussion, no award was made, and Mayor Meadows asked the Council review the information available on the project and be prepared to move on the item on May 27, 1996 in order for the project to move forward.

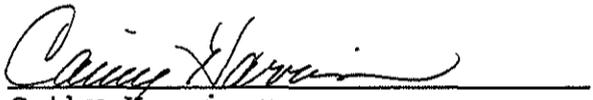
- 11. Councilman Woods made a motion to move to Executive Session for real estate matters, 2nd by Councilman McEntire with Councilman Woods, Councilman McEntire, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- 12. Councilman Woods made a motion to move to General Session,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

Approved:

Submitted:



 John D. Meadows, III
 Mayor



 Cathy Harrison
 City Administrator