

SEPTEMBER 23, 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, MAYOR PRO-TEM
PAUL MCENTIRE, COUNCILMAN
JIMMY PALMER, COUNCILMAN
RON WOODS, COUNCILMAN

ALSO: EDDIE PETERSON, ASST. DIRECTOR OF UTILITIES/
PUBLIC WORKS
WILLIAM P. BAILEY, CITY ATTORNEY
CATHY HARRISON, CITY ADMINSTRATOR

1. Mayor Meadows called the meeting to order, welcomed everyone and gave the invocation.
2. Mayor Meadows led the group in the Pledge of Allegiance to the U.S. Flag.
3. Minutes of the September 9, 1996 Regular City Council Meeting and September 12, 1996 Special Called Council Meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Meadows reminded everyone of the public hearings scheduled for October 14, 1996 at 7:00 P.M.: (1) Annexation/New Zoning Request of Hugh Dell and Dolly West for property located at 906-910 South Wall Street for C-2 zoning; (2) Zoning Variance Request of Kevin and Donna McClain for property located at 126 Garden Hills Drive to allow a fence on the right-of-way; (3) Zoning of newly annexed property request of Randy and Elaine Miller for property located at 119 Kent Drive for R-1 zoning.
 - b. Mayor Meadows reviewed a recommendation of the Downtown Development Authority for an appointment of Dr. Gary Edgemond to fill the unexpired term of Vincent Bagwell who had recently submitted his application. Following review, Councilman Palmer made a motion to appoint Dr. Gary Edgemond to the Downtown Development Authority for a term to expire June 30, 1999, 2nd by Councilman McEntire with Councilman Palmer, Councilman McEntire, Councilman Woods and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
 - c. Mayor Meadows informed the Council that they had been invited to a joint meeting of the Gordon County Board of Commissioners and the Mayor and Council of the City of Calhoun for October 1, 1996 at 3:00 P.M. at the Grand Jury Room in the Annex Building regarding sewer extensions east of I-75 on Highway 156.
 - d. Mayor Meadows expressed appreciation to the Wal-Mart Foundation for their donations to the Fire Department and the Recreation Department.
 - e. Mayor Meadows stated that he and Henry Holland would be making a presentation for the Green Carpet Tour on September 26, 1996 at the World Congress Center. He stated that it was a high honor for Calhoun to be one of six communities which had been invited to make a presentation at the Green Carpet Tour.
 - f. Following discussion, Councilman Palmer made a motion to officially confirm that the Mayor and Council have authorized the firm of Davis, Smith & Associates with the assistance of Cathy Harrison, City Adminsitrator and

former Trustee and Plan Administrator of the Employees Pension Plan to close out the retirees and terminations for the plan year ending 1995-96. This being handled in this manner to allow full concentration for the conversion of the accounts from Davis, Smith & Associates to AmSouth Bank at the earliest opportunity, but effective as of July 1, 1996, 2nd by Mayor Pro-Tem Shelton with Councilman Palmer, Mayor Pro-Tem Shelton, Councilman Woods, and Councilman McEntire voting affirmatively, motion carried.

5. Public Hearings & Comments: None

6. Old Business:

- a. Wayne Charles of Tri State Systems, Inc. requested a zoning variance regarding signs which had been made several weeks earlier be returned to the table and be considered. City Attorney William P. Bailey stated the committee appointed by Mayor Meadows had met again recently and reviewed the existing sign ordinances. On second and third review, it was determined that the sign ordinance listed in Section 17 of the Code of Ordinances had been repealed by the Sign Ordinance currently listed under the zoning portion of the code. Therefore, the appeals and variance procedure outlined in the zoning code would be applicable to the sign ordinance located therein. He stated that the committee had also reviewed the model ordinance regarding signs and also the Cartersville Sign Ordinance. He stated the Cartersville Sign Ordinance was an extremely good ordinance, but it was relative to the City of Cartersville, and had specific areas which dealt with their individual situation, and that some parts of it would not be applicable to the City of Calhoun. Therefore, he would recommend that the Mayor and Council review the request by Tri-State Systems, Inc. under its current ordinance and postpone changes to the sign ordinance until such time as appropriate study has been given to the City's individual situation regarding signs. Following discussion, Councilman Woods made a motion to place the Tri-State Systems, Inc. zoning variance request regarding signs on the table, 2nd by Paul McEntire with Councilman Woods, Councilman McEntire, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried. Following further discussion, Councilman Woods made a motion to set a public hearing on the request for October 14, 1996, 2nd by Councilman McEntire with Councilman Woods, Councilman McEntire, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried. In the discussion regarding the public hearing, Mr. Charles was requested to provide specific information in terms of footage requested in the variance request.
- b. Harrison stated John Sweitzer, Lloyd Frasier, Ruth Powell and she had visited Chantal Matthews, Susan McGhee and Walter Brown of the Department of Community Affairs with its preliminary CDBG application. Following review of the application, DCA stated they could not accept the \$200,000.00 request for CDBG housing rehab which included wiring and plumbing for individual houses. They stated those funds would not be available unless complete home rehabs were done for each individual home in the area. Harrison stated there would not be sufficient funds for all the homes, therefore, DCA had recommended that part of the grant application be dropped and infrastructure and street improvements be addressed initially with an application for the HOME Program which could renovate up to five homes in the area. Harrison stated the final

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application was submitted on September 16, 1996 along those guidelines as outlined by DCA. She stated that the City is hopeful to have a response regarding the application by January, 1997.

7. New Business:

- a. A sewer tap request of Don Sanders for 130 Versailles Drive which is not eligible for annexation was given. A review of the situation and the particular area was considered by the Council, as well as, a letter from the Health Department. Harrison stated in view of problems of sewer lines on private property, that she would recommend the City request an easement for the line which would be on the private property which would not only protect the home owner, but would also protect the City. Following further discussion, Councilman McEntire made a motion to approve the sewer tap request at County rates, provided the easement is procured, 2nd by Mayor Pro-Tem Shelton with Councilman McEntire, Mayor Pro-Tem Shelton, Councilman Palmer and Councilman Woods voting affirmatively, motion carried.
- b. A 1st reading of the annexation/new zoning request of Burl Wilson for approximately four acres off Highway 41, South near the airport for C-2 zoning was given. Following review of the application, Councilman Woods made a motion to set the public hearing for October 14, 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. The Mayor and Council reviewed the sewer situation in that particular area. At the present time, Mr. Wilson has four buildings in the area, and has new construction underway at this time. According to a 1985 easement which allowed Mr. Wilson two sewer connections in the area, Mr. Wilson has made those connections, and had stubbed two other buildings which have not been completely connected. One being Bulk Chemical. Due to the nature of the sewer emissions from the business, Attorney William P. Bailey had notified the owner, Randall Carter, that a sewer connection for Bulk Chemical could not be made until such time as he had made a proper application to the City, and had discussed the nature of his emissions. Mr. Wilson's request which stemmed from a misunderstanding of what his consideration for the sewer easement in 1985 entailed, asked that the City allow him to connect the new building that is currently under construction for the sewer fee of \$500.00 as priced in 1985. Councilman McEntire made a motion to decline the sewer request for the new building based on 1985 prices and stated Mr. Wilson would be required to improve the manhole on his property which empties into the City's sewer system to city standards at his expense, 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer, Councilman Woods and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

8. Other Written Items Not on the Agenda:

- a. Following review of a request by Deborah Stephens for a Beer Pouring License for the restaurant formerly known as the Rock House Grill located on Piedmont Street. Councilman McEntire made a motion to hold a public hearing on October 14, 1996 at 7:00 P.M., 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer, Councilman Woods and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- b. A zoning variance request was considered. The request

being signed by the proposed owners of the property to be purchased from Hugh Dell and Dolly West. City Attorney Bailey stated the property has not actually been transferred to the proposed owner, therefore, the application would not be viable at this time.

- c. Following review of a resolution of support for revitalization of the downtown area as recommended by the Downtown Development Authority, Councilman Palmer made a motion to adopt the resolution, 2nd by Councilman Woods with Councilman Palmer, Councilman Woods, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

9. Director Cornwell's Work Report:

- a. Assistant Director Eddie Peterson stated that he had obtained prices for 323 tons of tar and gravel which could be used for leveling at the Meadowbrook area, and would serve as improved base for black top to be applied at a later date, hopefully through the LARP Program. The cost is estimated at \$10,781.00, and if the black top is added at this time, it would be an additional \$8,000.00. Following discussion, Councilman Woods made a motion to approve the expenditure of \$10,781.00 for the leveling in areas at the entrance and on both ends of the circle, and to make sure the street is listed on the City's 1997 LARP List, 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton, Councilman Palmer and Councilman McEntire voting affirmatively, motion carried.
- b. Asst. Director Peterson stated a letter had been received by EPD stating Well No. 3 was certified for drinking water, and the City could proceed with its permanent well preparation.
- c. Asst. Director Peterson stated he had met with Bill Jourden, along with Councilman Woods and Councilman Palmer, and had reviewed the engineering which was in progress for the Piedmont Street improvements. He stated he expected to have drawings and specifications within five weeks.
- d. Peterson stated he continued to work with Janet Harvey regarding the ISTEPA Project for the walking trails and bike paths at the newly proposed park.

10. Councilman Palmer made a motion to move to Executive Session for legal matters, 2nd by Councilman Woods with Councilman Palmer, Councilman Woods, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

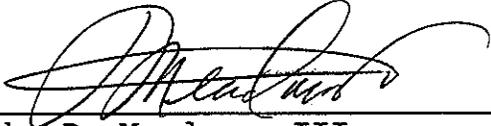
11. Councilman Palmer made a motion to move to General Session, 2nd by Councilman McEntire with Councilman Palmer, Councilman McEntire, Councilman Woods and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

12. Councilman McEntire made a motion requesting City Attorney Bailey to notify Universal Drying, Inc. that they had failed to provide adequate assurance to the City of Calhoun of its ability to complete the contract, and that under the terms of the purchase order, the work had not been properly performed, and was now negated. The motion would also authorize Attorney Bailey to pursue the City's legal recourse to recover the City's losses, 2nd by Councilman Woods with Councilman McEntire, Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

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

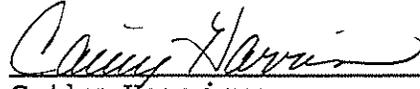
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Approved:



John D. Meadows, III
Mayor

Submitted:



Cathy Harrison
City Administrator

