

OCTOBER 14, 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: WILLIAM P. BAILEY, CITY ATTORNEY
EDDIE PETERSON, ASST. DIRECTOR UTILITIES/
PUBLIC WORKS
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 23, 1996 Regular City Council Meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Meadows stated the Green Carpet Tour Presentation on September 26, 1996 at the World Congress Center went extremely well. He stated the Green carpet Tour included representatives from rating agencies such as Moody's and Standard & Poor. It included members of the banking community and others who would be assisting companies locating in the State of Georgia. He stated the Green Carpet Tour was sponsored by the Georgia Chamber of Commerce and the Georgia Department of Community Affairs. He stated Calhoun was one of six local governments invited to make the presentation. He expressed his appreciation to Sandra Long, JoAnn Owens and Cathy Harrison for their assistance in preparing the presentation. He expressed appreciation to Henry Holland for his assistance in the delivery of the program.
 - b. Mayor Meadows reminded the Council of the GMA Fall Prelegislative Meeting at Jekyll Island October 15-18, 1996.
 - c. Mayor Meadows stated Halloween would be celebrated on October 31, 1996 with trick-or-treating for those in the 5th Grade or below from the hours of 6:00 P.M. to 9:00 P.M.
 - d. Mayor Meadows announced the Mayor's Motorcade to Northwest Regional Hospital would be on December 4, 1996, with the group departing Calhoun from City Hall at 9:00 A.M. Mayor Meadows appointed Chief Mitchell and Chief Nesbitt as the coordinators for the motorcade. Mayor Meadows asked for everyone to remember those at the hospital during this Christmas Season.
 - e. Mayor Meadows congratulated the County on the ground breaking for the Senior Citizens Complex which is funded by a CDBG Grant.
5. Council's Comments:
 - a. Mayor Pro-Tem Shelton stated during the month of September, 1996, the Police Department made 131 arrests with 10 DUI's and a total of \$20,436.00 collected in fines. They issued 41 warning tickets and 173 parking

tickets. They investigated 206 incidents and 104 accidents. They provided 56 escorts and answered 85 burglar alarms. The Fire Department responded to 53 calls with damages estimated at \$40,000.00.

- b. Councilman McEntire stated the Water Treatment Plant pumped an average of 13.799 MGD during the month of September, 1996. The Waste Treatment Plant treated an average flow of 8.98 MGD with average BOD effluent being 22, average suspended effluent 20 and average COD effluent of 131. The Water/Sewer Construction Department completed 93 water taps and 5 sewer taps in September, and installed 1,680 ft. of two inch PVC water line.
- c. Councilman Palmer stated the Electric Department sold 32,226,309 KWH of electricity to a customer base of 3,851. They inspected 46 structures and set 12 meters during the month. The Building Inspection Department issued 10 building permits during the month for a total of \$1,940,257.00 of construction. This included \$120,000.00 in new residential construction, one residential alteration under the HOME program, one new commercial, three commercial renovations, three new industrial and one school alteration.
- d. Councilman Woods stated the Street Department continued patching, hauling dirt to substation no. 4, hauling fill dirt to the ball field on Sugar Valley Road, mowing right-of-ways and working on storm drainage at various locations within the city. The Sanitation Department continued their regular commercial routes and painting and cleaning dumpsters. The Cemetery Department overviewed the opening and closing of ten graves, and performed general maintenance. The Parks Department provided general trash pickups and mowing and trimming. They installed hand rails at City Hall, worked on refurbishing the civic auditorium and replacing bulbs and general maintenance at the library. The Rabies Control Department housed 23 dogs and 23 cats during the month. They issued four licenses, five first warnings and one third warning.

6. Public Hearings & Comments:

- a. A 2nd reading of the Zoning Variance Request of Kevin & Donna McClain for property located at 126 Garden Hills Drive to allow a fence on the right-of-way was given. A public hearing was opened, with a report that the advertising, placement of signs and notification to the adjoining property owners had been completed. Councilman Woods stated the Zoning Advisory Board had reviewed the matter on October 10, 1996 at 4:30 P.M. and that the fence in question was a split rail fence. He stated adjoining property owners, Tim and Susan McGowan, were opposed to the fence remaining on the right-of-way, stating it was a nuisance. He stated the owner of the fence, Kevin McClain, had stated the fence had been put on the right-of-way in order to protect his property from vehicles which had lost control and rolled into his yard. Councilman Woods stated the City had reviewed the cost to curb and gutter the street as recommended by the Zoning Advisory Board which would be \$48,000.00 to completely curb and gutter the street and tie into an existing drainage area. To add a turn around at the end of the street would be an additional \$50,000.00 for a total project cost of approximately \$100,000.00. He stated there was a second possibility of adding a guard rail or possibly adding asphalt curb for drainage at the end of the street into a natural drainage area. The asphalt curb would only be in front of the McClain and McGowan properties. Councilman Woods stated the Zoning Advisory

Board had recommended the request to allow the fence to remain on the road right-of-way be denied. However, the Zoning Advisory Board did recommend that some consideration for safety be given to Mr. McClain. Tim McGowan spoke, stating that he was opposed to the fence remaining on the right-of-way, and that it was a safety issue. He stated a great deal of the problem dealt with the abrupt ending of the road. He stated he had brought this matter to the City's attention approximately one year ago. Kevin McClain stated the fence had been installed for safety reasons only. He stated he would be willing for a guard rail or something to provide safety for his home and property. Susan McGowan stated the problem was visitors not having a sufficient area to turn around, that the fence had been broken twice, and that it is a nuisance and hazard. Mayor Meadows stated that he was opposed to the City providing a turn around, since that really was the developer's responsibility. Councilman Palmer stated he felt the guard rail would be a viable alternate. Mayor Meadows stated signs would be erected at the connecting end of the street, stating it was a dead end with no turn around. There were no further comments, and the hearing was closed. Councilman Woods made a motion to deny the request, but to assist Mr. McClain with some safety considerations. He asked the Assistant Director and Street Department Superintendent to report back within two weeks with a recommendation on these proposed features, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried. Councilman Woods stated that he would ask for the turn around to be considered during the 1997-98 budget planning sessions.

b. A 2nd reading of the zoning request of newly annexed property of Randy and Elaine Miller for property located at 119 Kent Lane for R-1 zoning. A public hearing was opened with a report of advertisement, placement of signs and notification of adjoining property owners being completed. Councilman Woods stated the Zoning Advisory Board had reviewed the request, found it to be appropriate, and recommended approval. There were no other comments and the hearing was closed. Councilman Woods made a motion to approve the zoning of the newly annexed property for R-1 zoning, 2nd by Councilman McEntire with Councilman Woods, Councilman McEntire, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

c. A public hearing was opened on the zoning variance request by Tri-State Systems, Inc. for four sign locations off Curtis Parkway. Wayne Charles of Tri-State stated that he felt the December 11, 1995 zoning variance granted to the Industrial Development Authority for the sign on the interstate provided the criteria for consideration of additional variances for billboards. He stated there were similarities in the request, and that the door had been opened for variances to be granted for billboard signs. Councilman Woods stated that he had reviewed the happenings on December 11, 1995, and that the request had been presented as an on premise sign. He stated the request had been reviewed by the Zoning Advisory Board and by the Council, and the request had approval by the Department of Transportation. Mr. Charles stated the request may have been presented as an on premise sign, but it was not, and reviewed the state code and the City's zoning ordinance in various sections in support of his argument. He stated that if the Council disapproved his request, he would like for the reasons to be very specific in order that he could turn

the matter over to an attorney. City Attorney William P. Bailey stated the December, 1995 request had been made with the backing of the Industrial Development Authority, and he quoted the state code which allowed the creation of development authorities as non profit for benefit of the public. He also reviewed the code on convention bureaus and their creation. He stated the development authority was a governmental entity, and the request differed greatly from profit making sign requests. Mr. Charles stated that these arguments and reasons were not listed in the minutes. Mr. Woods stated that in an earlier presentation by Charles the Council had been led to believe the location for these four signs would be the only area for signs. He stated since that time, there has been numerous inquiries for annexations and other comments regarding signs. He stated that according to the City's criteria for reviewing zoning variances, he felt the standard which applied most accurately to the situation was Standard No. 7, and that he felt the Council would need to make a decision as to whether they wanted to approve more signs, since this would not be the only application, or whether they wanted to limit signs as required by the ordinance. There was no further discussion, and the hearing was closed. Councilman Palmer made a motion to deny the request, stating he based his reasons as presented by Councilman Woods reflected on Standard No. 7 and a desire for no signs other than those allowed by the current ordinance, 2nd by Councilman McEntire with Councilman Palmer, Councilman McEntire, Councilman Woods and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

- d. A 2nd reading of the annexation and new zoning request of Hugh Dell and Dollie West for property located at 906-910 South Wall Street for C-2 zoning was given. A public hearing was opened, with Councilman Woods stating the Zoning Advisory Board had reviewed the request, found it to be in order, and recommended approval. Mayor Meadows stated the advertising, placement of signs and notification of adjoining property owners had been completed. There were no other comments and the hearing was closed. Councilman Woods made a motion to annex the property for C-2 zoning, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- e. Councilman Woods requested the Buford J. Wilson annexation and new zoning request for approximately 4 acres off Highway 41, South near the airport for C-2 zoning be tabled until November 11, 1996.
- f. A 2nd reading of the Beer Pouring License request of Debra Stephens for the former Rock House Grill located on Piedmont street was given. A public hearing was opened. Mayor Meadows stated the police report was clear. There were no other comments, and the hearing was close. Councilman McEntire made a motion to approve the request, 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer, Councilman Woods and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

7. Old Business:

- a. Harrison stated the employee pension plan individual accounts had been balanced, and a spread sheet of all information had been forwarded to AmSouth Bank. She stated she expected a report shortly from AmSouth which could be reviewed and rechecked with a complete conversion shortly.
- b. Harrison stated the roof on the civic auditorium had been

completed, with the warranty documents to be forwarded within the next 30 days following inspection. The interior improvements, which are being handled by Crawford Greeson and his department, are 80% complete. She stated the low bid for this work would allow the stage floor to be refinished also with some additional painting in the stage area.

8. New Business:

- a. A 1st reading of an annexation and new zoning request of Jeanette Burch for property located in Lot 40 of Thornwood Subdivision for R-1 zoning was given. Councilman Woods made a motion to set the public hearing for November 11, 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 1st reading of an annexation and new zoning request of James and Mary Jones for property located at 113 Edwards Street for R-2 zoning was given. Councilman Woods made a motion to set the public hearing for November 11, 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.
- c. A 1st reading of a zoning variance request of Hugh Dell and Dollie West for property known as 906-910 South Wall Street for relief on the required number of parking spaces, and a confirmation that no buffer would be required was given. Councilman Woods made a motion to set the public hearing for November 11, 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.
- d. A sewer tap request of Daniel Mowery at 105 White Street was reviewed. Harrison stated an original easement from a Ms. Jessie Hensley was made in 1975, when Ms. Hensley owned lots 103 and 105. At that time a sewer tap was given in consideration of the sewer line which crossed the back of lot 105. Since that time, there are two owners for the two lots, and when the tap was made for lot 103, it was necessary for the line to be run an additional length of the lot of 105. Therefore, a connection was made available for Lot 105 in addition to Lot 103. Mr. Mowery now needs, due to septic tank failure, to tap into the line in exchange for the line being extended on his property. Mr. Mowery had understood that he would need to annex the property, and had filed an application for R-2 zoning. Councilman McEntire made a motion to approve the sewer connection, provided Mr. Mowery give the City an easement for the additional line extension, and also continue with the annexation, 2nd by Mayor Pro-Tem Shelton with Councilman McEntire, Mayor Pro-Tem Shelton, Councilman Palmer and Councilman Woods voting affirmatively, motion carried. Councilman Woods made a motion to set the public hearing for the annexation and new zoning request of Mr. and Mrs. Mowery for November 11, 1996 at 7:00 P.M., 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton, Councilman Palmer and Councilman McEntire voting affirmatively, motion carried.
- e. A water line extension for John Brown of Resaca on the Pine Chapel Road from Owens Gin Road for approximately one mile was reviewed. The extension would allow a housing development of approximately 80 houses to be started. The extension would require a bridge crossing, and the developer had asked that he not be assessed any charge for the bridge crossing. Harrison stated the cost

of the line extension as per the City's policy would be approximately \$13,000.00, with Peterson stating the bridge crossing would be in excess of \$30,000.00. The Council reviewed the area, however, they asked that before any consideration be given, that they have additional information such as how many requests had been filed previously to this request, and how many dollars remain in the budget for line extension for the fiscal year.

9. Other Written Items not on the Agenda:

- a. A 1st reading of a zoning variance request of Mike Meadows for property located on Curtis Parkway being zoned C-2 which is vacant at this time with a request for relief of the City's 2,035 corridor limitation to allow signs not on premise. Councilman Woods made a motion to set the public hearing on the request for November 11, 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 1st reading of an annexation and new zoning request of Nena Walraven for property located South of Torrington on Highway 41, South was given for A-1 zoning. Councilman Woods made a motion to set the public hearing for November 11, 1996 at 7:00 P.M., 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton, Councilman Palmer and Councilman McEntire voting affirmatively, motion carried.
- c. A 1st reading of an annexation and new zoning request for property located South of the Walraven property being owned by Joe Moore and the Estate of Jerry Moore for A-1 zoning was given. Councilman Woods made a motion to set a public hearing for November 11, 1996 at 7:00 P.M., 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton, Councilman Palmer and Councilman McEntire voting affirmatively, motion carried.
- d. A 1st reading of the Marvin Taylor annexation and new zoning request for property located south of the Moore property with an original request of A-1 zoning and a last minute request to reconsider for C-2 and possibly Industrial zoning. Mr. Taylor stated that he would like to review his options overnight, and notify the City on October 15, prior to legal advertisement. Councilman Woods made a motion to set the public hearing on the annexation and Zoning request for November 11, 1996 at 7:00 P.M., 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton, Councilman Palmer and Councilman McEntire voting affirmatively, motion carried.
- e. A 1st reading of an annexation and new zoning request of L.P. Owens for property located East of the Taylor property and South of the Moore property for Ind.-H zoning was given. Councilman Woods made a motion to set the public hearing for November 11, 1996 at 7:00 P.M., 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton, Councilman McEntire and Councilman Palmer voting affirmatively, motion carried.

10. Director Cornwell's Work Report:

- a. Assistant Director Eddie Peterson stated the City had recently approved a SCADA bid of \$102,680.00, with work scheduled to begin the week of October 14, 1996. He stated in reviewing the final locations, that it had been determined that two very vital areas had been left off the original request, those areas being the Red Bud pumping station and the Antioch Tank. He stated the cost

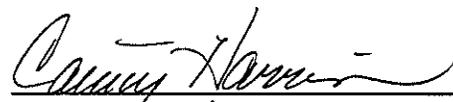
to include these in the project would be an additional \$14,684.00. Harrison stated the budget for the original SCADA work had been \$50,000.00, however, she had noted that at the time of the original bid approval, a recommendation had been made to amend capital items in the January budget amendments. She stated an additional amendment could be made to include the additional funds. Councilman McEntire made a motion to approve amendment of the contract to allow the additional work for \$14,684.00, and to authorize the Mayor to sign the change order, 2nd by Mayor Pro-Tem Shelton with Councilman McEntire, Mayor Pro-Tem Shelton, Councilman Palmer and Councilman Woods voting affirmatively, motion carried.

- b. Peterson stated the concept plans for Piedmont Street should be completed by the end of the week and ready for review.
 - c. Peterson stated the road work as previously outlined by Fox & Brindle was underway.
 - d. Peterson stated the paving which had previously been approved for Meadowbrook Subdivision would be started within the next week.
 - e. Peterson stated the Crest Drive CDBG Project was 85% complete at this time.
11. Councilman Woods made a motion to move to Executive Session for legal matters, 2nd by Councilman McEntire with Councilman Woods, Councilman McEntire, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
12. Councilman McEntire made a motion to move to General Session, 2nd by Mayor Pro-Tem Shelton with Councilman McEntire, Mayor Pro-Tem Shelton, Councilman Palmer and Councilman Woods voting affirmatively, motion carried.
13. Mayor Pro-Tem Shelton made a motion to adjourn, 2nd by Councilman McEntire with Mayor Pro-Tem Shelton, Councilman McEntire, Councilman Palmer and Councilman Woods voting affirmatively, motion carried.

Approved:

Submitted:

John D. Meadows, III
Mayor



Cathy Harrison
City Administrator

