

DECEMBER 16, 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
RONALD H. WOODS, COUNCILMAN

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

1. Mayor Meadows welcomed everyone, 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 November 25, 1996 Regular City Council Meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Meadows reported on the Mayor's Motorcade to Northwest Regional Hospital on December 4, 1996. He stated he was very impressed by the response of the local citizens, and expressed his appreciation to the men and women of City Hall for coordinating the program on behalf of Calhoun.
 - b. Mayor Meadows reminded the public that Council Meetings and Zoning Advisory Board Meetings will move to the Depot in January, 1997 for regular scheduled and special scheduled meetings.
 - c. Mayor Meadows stated that he, Councilman McEntire, Councilman Woods and Mayor Pro-Tem Shelton had attended the National League of Cities Meeting in San Antonio, Texas for several days. He stated it had been an opportunity for local government officials to meet with other government officials from all over the United States. He stated it was an opportunity to share with your peers, since there are sessions donated to larger cities and to smaller cities. He stated that topics were very appropriate, dealing with the trend in management which would be needed in the year 2000. He also stated it was very evident from all the information that cities and counties at the local level would be facing leaner years in terms of assistance from the Federal and State level. He stated it would be more important for the public to be involved, and to let their local elected officials know the services they require to remain in force and those that can be eliminated in order to assure proper funding of the necessary services.
 - d. Mayor Meadows reminded everyone that taxes are due and payable on January 15, 1997, however, if you wish to have your advalorem taxes deducted from your 1996 tax return then they should be paid by December 31, 1996.
 - e. Mayor Meadows recognized County Commissioner Ted Collins in regard to the previous city/county meeting in which the city and county discussed sewer extension into the county at a limit of up to 1/2 million gallons per day.

The county asked that the city meet with county engineers and pursue the proposal. Mayor Meadows stated that as the city is completing its expansion of the sewer system, it would be an opportune time for the city and county to discuss this matter further, and he asked that the county engineer contact Director of Utilities/Public Works Kelly Cornwell and hold an initial meeting with a report back to the council and staff.

5. Council's Comments:

- a. Mayor Pro-Tem Shelton stated the Fire Department responded to 31 calls in November, 1996, and had estimated damages of \$6,300.00. The Police Department made 187 arrests in November with 10 UI's. They collected \$19,890.00 in fines, issued 160 warning tickets and 221 parking tickets. They investigated 207 incidents and 115 accidents with 31 injuries. They provided 80 escorts and responded to 90 burglar alarms.
- b. Councilman McEntire stated the Water/Sewer Construction Department made 34 water taps and three sewer taps in November. They installed 1,685 ft. of two inch PVC water line. The sewer inflow/infiltration crew cleared 4,800 feet of right-of-way, inspected 74 manholes and reconstructed two manhole rings and covers. The sewer plant pumped an average flow of 8.656 million gallons of raw water per day with BOD effluent being 23, suspended solids 30 and COD effluent 161. The water treatment plant pumped a daily average flow of 11.964 million gallons per day of raw water.
- c. Councilman Palmer stated the Building Inspection Department issued building permits for construction totaling \$1,819,546.00 with actual permit cost of \$5,854.29 in the month of November. Councilman Palmer stated the Electric Department report was not available at the time of the meeting.
- d. Councilman Woods stated the Street Department continued work at the water plant basins, patching streets, hauling leaves and working on storm drainage at different locations in the City. The Sanitation Department continued its regular routes for commercial pickup, coordinated efforts with BFI and continued cleanup and maintenance of dumpsters. The Rabies Control Department housed 34 dogs and 21 cats during the month with one potentially dangerous dog, and issued four first warnings. The Cemetery Department provided general maintenance, assisted in the opening and closing of 11 graves and received its new computer and software, and will be transferring all manual grave records to computer during the Winter months. The Parks Department continued with trash pickup, mowing and trimming, and provided grant applications for wooden bridges and other items to be located in the new River Park.

6. Public Hearings and Comments:

Mayor Meadows stated at this time, the zoning hearings will be held. He stated they will be presented in alphabetical order with reports by the Zoning Advisory Board and public comments pro and con with a ten minute time limit for each. He stated each person speaking is asked to have filed a disclosure statement five days prior to the hearing, and to state their name and address prior to speaking. Mayor Meadows inquired if any council member would need to file a disclosure statement before reviewing the items to be considered. Councilman Woods stated that while he did not need to file a disclosure statement, he owns property adjacent to the In-Home, Inc.

property. He stated that although he would be giving reports of the Zoning Advisory Board, he would be abstaining from any vote on that particular item. The Mayor acknowledged that all notification of adjoining property owners, all signs on the property and legal advertisements have been processed according to the ordinance prior to the public hearing.

- a. A 2nd reading of the Annexation/New Zoning request of Laurel Clark for property located at 988 North Wall Street for C-2 zoning was given. A public hearing was opened with Councilman Woods stating the Zoning Advisory Board had reviewed the item on December 5, 1996, and based on recommendations from the Preliminary Review Committee, they recommended to annexation and C-2 zoning. There were no other comments, and the hearing was closed. See Exhibit No. 008. Councilman Woods made a motion to annex and zone C-2, 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 Change Request of Laurel Clark for property located at 990 North Wall Street to be rezoned from R-1 to C-2 was given. A public hearing was opened. Councilman Woods stated the Zoning Advisory Board considered this item also at the December 5 meeting, and based on information provided by the Preliminary Review Committee, the Zoning Advisory Board recommended approval of the Zoning Change Request from R-1 to C-2. There were no other comments, and the hearing was closed. See Exhibit No. 009. Councilman Woods made a motion to approve rezoning from R-1 to C-2 as requested, 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 Zoning Variance Request of In-Home, Inc. for property located at 1279 Mauldin Road for a 10 ft. set back on the south side of the property to allow for a larger building expansion was given. A public hearing was opened with Councilman Woods stating the Zoning Advisory Board had considered this request at the December 5 meeting, and that the four items to be considered for variances had been reviewed. He stated based upon findings from the Preliminary Review Committee, the Zoning Advisory Board recommended the item be approved. There were no other comments, and the hearing was closed. See Exhibit No. 010. Councilman McEntire made a motion to approve the 10 ft. variance on the south side of the property as requested, 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried. Councilman Woods abstained from the vote.
- d. A 2nd reading of the Annexation/New Zoning Request of J. Russell McBrayer for approximately seven acres, more or less, north of Dews Pond Road and south of Devonwood Subdivision for R-2 zoning was given. A public hearing was opened. Councilman Woods stated the Zoning Advisory Board had reviewed this matter on December 5, 1996 with several members of the area speaking regarding the request. He stated the Zoning Advisory Board felt that it would be appropriate to allow more time for conversation between the members of the community and Mr. McBrayer, and also to allow Mr. McBrayer additional time to prepare his presentation. Councilman Woods asked that the matter be tabled. Councilman Woods made a motion for the matter to be tabled until January 13, 1997. The motion was approved, and the matter was tabled.

- e. A 2nd reading of the Annexation/New Zoning Request of Joe Moore and the Estate of Jerry Moore for property located off U.S. Highway 41, South approximately 440 ft. north of the Union Grove Road intersection for A-1 zoning was given. A public hearing was opened, with Councilman Woods stating the matter had also been reviewed on December 5 by the Zoning Advisory Board, and based upon the recommendations of the Preliminary Zoning Review Committee, the Zoning Advisory Board would recommend annexation and A-1 zoning. There were no other comments, and the hearing was closed. See Exhibit No. 011. Councilman Woods made a motion to annex the property for A-1 zoning, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- f. A 2nd reading of the Annexation/New Zoning Request of L.P. Owens for property located on Union Grove Road, 500 ft. from the U.S. Highway 41 intersection on the north side for Ind.-H zoning. A public hearing was opened, with Councilman Woods stating the Zoning Advisory Board had met on December 5, 1996, and following recommendations of the Preliminary Zoning Review Committee the Zoning Advisory Board recommended that the property be annexed and zoned Ind.-H. There were no other comments and the hearing was closed. See Exhibit No. 012. Councilman Woods made a motion to annex and zone Ind.-H, 2nd by Councilman McEntire with Councilman Woods, Councilman McEntire, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- g. A 2nd reading of the Zoning Change Request of the Calhoun Seventh Day Adventist Church for property located at 350 West Belmont Drive to change from R-1 to C-2 zoning was given. A public hearing was opened with Councilman Woods stating the Zoning Advisory Board had held a special meeting on December 12, 1996, and following recommendation of the Preliminary Zoning Review Committee the Zoning Advisory Board recommended approval of the request for rezoning from R-1 to C-2. There were no other comments and the hearing was closed. See Exhibit No. 013. Councilman Woods made a motion to rezone the property from R-1 to C-2 as requested, 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton, Councilman McEntire and Councilman Palmer voting affirmatively, motion carried.
- h. A 2nd reading of the Annexation/New Zoning Request of Marvin Taylor for property located on the north side of Union Grove Road at the intersection of U.S. Highway 41 for approximately five acres for C-2 and Ind.-H zoning was given. A public hearing was opened with Councilman Woods stating the applicant had been working on a driveway for the property under county guidelines, and at this time wished to delay annexation. Councilman Woods made a motion to table the request until January 13, 1997. The motion was approved, and the matter was tabled.
- i. A 2nd reading of the Annexation/New Zoning Request of Herman Timms for approximately four acres located west of Warrior Path and north of Timms Road for C-2 zoning was given. A public hearing was opened with Councilman Woods stating the Zoning Advisory Board had considered the matter on December 5, 1996, and based on a presentation by Brent Fox, representing Mr. Timms and upon the Board being informed that the property would be used for a medical office complex which would exit off Warrior Path, and based on the recommendations of the Preliminary Zoning Review Committee, the Zoning Advisory Board recommended annexation and C-2 zoning. There were no other comments and the hearing was closed. See Exhibit

- No. 014. Councilman Woods made a motion to approve for C-2 zoning, 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton, Councilman Palmer and Councilman McEntire voting affirmatively, motion carried.
- j. A 2nd reading of the Amusement License Renewal Request of C & N Amusement d/b/a Grand Prix Amusement with Anna Casey and L.C. Nation as owners and managers located at 148 West Belmont Drive was given. A public hearing was opened. There were no comments, and the hearing was closed. Councilman McEntire made a motion to approve the renewal request, 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer, Councilman Woods and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- k. A 2nd reading of the proposed ordinance and fee schedule regarding the landfill charges was given with those as stated at the previous meeting being \$8.00 per month which includes landfill and pickup charges for residential garbage, \$16.00 per month for commercial garbage other than in dumpsters for pickup twice weekly and \$39.00 per month for pickup five times weekly (Monday through Friday). Mayor Meadows stated the City had received over 300 phone calls and visits regarding the matter, and that during the interim between the first and second reading, the Council had asked for a pounds count on the existing pickup route in order for the verification of the proposed landfill charge which would pass through BFI to be considered. Mayor Meadows stated a pounds count had been conducted, and the results were a little lower than the national average, therefore, BFI had agreed to lower its pass through charge basing the poundage on 1.1 tons per family per year. Steve Forster reviewed his comments on the matter as per the following.

"I appreciate the opportunity to speak to you, as this is the American System. It is generally not the American System for elected officials to pay any attention to their constituents until shortly before election day. I hope you will break that mold tonight.

The budget for the City of Calhoun, for Fiscal Year 1996-97 runs from July 1, 1996 until June 30, 1997. One item in that budget is for \$143,851. to pay BFI for household trash pickup. That figure comes from the pickup of about 2800 homes in Calhoun and is computed at the rate of \$4.29 per household for calendar 1997. The figures are per the contract the city has with BFI. As I understand it BFI has estimated its additional cost as a result of the County Commission's unwarranted, unjustified, and unfair implementation of this \$32.00 per ton charge for household trash will amount to \$3.29 per household per month.

If you folks impose an \$8.00 per household tax which would consist of \$4.43 plus \$3.29 which equal \$7.72 plus \$.28 cents administration and enormous windfall to the tune of over \$140,000. will come into the city coffers.

The \$4.43 is already in the budget and already paid for by our property taxes. \$4.43 times 2800 times 12 amounts to \$148,848.00.

Some time ago I attended one of your meetings when the sum of \$2,000.00 was discussed. After some conversation a plaintiff cry came from Mr. McEntire when he asked "Where does this stop?" I now ask you the same question. When does this stop?

Tonight, I am requesting that the City Council at the very least table this \$8.00 proposal until after the new County Commission is in place and see if they won't over rule it.

The Red Bone Ridge dump is operating in the black although it is not covering closure costs. It is also not required by the state to put any money aside at this time for closure. The source for this is the county finance officer.

I would like to ask the media present to stop talking about a \$.05 cent per pound charge at the compactor sites and show it as a charge for household trash at the rate of \$100.00 per ton. All other charges are noted per ton except for the county residents who are being misled. But, City Council even if you don't table the \$8.00 at least don't double tax us. We already are paying the \$4.43."

Mr. Hall from the Hunt's Subdivision area stated he agreed with the comments from Mr. Forster, that he encouraged the Mayor and Council to wait until the new County Commission takes office, and see if the entire matter will be dropped in terms of charges for residential garbage.

Mrs. Randolph Mincey and her daughter and son stated they were concerned with an \$8.00 charge, especially for the older citizens and for those single member families who have very little garbage to dispose of. Mrs. Mincey stated that she would recommend that the community take advantage of recycling and to use recycling to a greater degree.

Mayor Meadows stated the Council was reviewing the possibility of implementing a program at the City's recycling center which would allow citizens to drop off recyclables and to receive a token which could be redeemed as a partial payment toward their garbage fee which would aid in saving space at the landfill, and would also aid the citizens in lowering their garbage charge. He stated this would be further reviewed, and hopefully would be implemented after the first of the year. There were no other comments, and the hearing was closed. Councilman McEntire made a motion to adopt the Fee Resolution and Ordinance Amendment which will impose a \$3.00 charge per household per month as a garbage charge with the residents of the Housing Authority who share one can for three housing units to be billed \$1.00 per unit with downtown pickup other than dumpsters to be priced at \$15.00 per month for twice weekly pickups at the curb, and for \$37.00 per month for five times weekly pickup (Mon.-Fri.) at the curb. Councilman McEntire further stated the charge would be added to existing utility billing, and would carry enforcement in the same manner as current utility enforcement for those charges. Councilman McEntire stated the charge would be effective January 1, 1997 which would coordinate with the effective date the City would be charged by the county landfill through BFI. He stated this would reimburse the city for those items which were currently not in the budget up through June 30, 1997, 2nd by Councilman Woods with Councilman McEntire, Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

7. Old Business:

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- a. Harrison reported the Civic Auditorium refurbishing had been completed, walls had been repaired, painting completed, new ceiling tile installed, new carpet, new wall hangings and the stage area repaired. She stated the auditorium was in the best condition it has been since its original construction in 1979. She encouraged all the elected officials to visit and to see the improvement.
- b. Harrison stated the conversion on the employee pension plan is almost complete, and that based on a conversation with AmSouth as late as December 16, 1996, she had been assured that individual reports on each employee's account would be received by the City at least by the first of next week with the reports to be included with pay checks on December 27, 1996. She stated the conversion had been quite lengthy, and had involved quite a bit of cooperation between AmSouth, City of Calhoun and Davis, Smith & Associates, but that the process had been effective and had worked very well.
- c. Harrison stated that photos were available for the Council to review the request for a right-of-way across the easement owned by the City to the above ground water tank located off Boone Ford Road. The request is to allow underground power from the existing power pole. Following information by Kelly Cornwell in which he stated the City had a water line in the area, therefore he recommended the power company set a service pole on the opposite side of the drive on the property owner's property and use overhead power across the road and then proceed underground from that point. Following further discussion, Councilman Woods made a motion to deny the request, and to recommend the power supply company proceed as outlined, 2nd by Councilman McEntire with Councilman Woods, Councilman McEntire, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

8. New Business:

- a. A 1st reading of the Bubba John Pawn License Request with Lawrence D. Mauldin to serve as manager and to be located at 190 Bryant Parkway was given. Following review, Councilman Woods made a motion to set a public hearing for December 23, 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.

9. Other Written Items Not on the Agenda:

- a. A 1st reading of the Amusement License Renewal request of George Southgate, owner of Toby's Sports Fans Attic located at 436 South Wall Street for 10 arcade machines and one pool table. Following review, Councilman Palmer made a motion to set a public hearing for December 23, 1996 at 7:00 P.M., 2nd by Councilman McEntire with Councilman Palmer, Councilman McEntire, Councilman Woods and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- b. A 1st reading of an Annexation/New Zoning Request of Charles and Candi Talley for property located at 213 West Drive for R-2 zoning was given. Following review of the application, Mayor Pro-Tem Shelton made a motion to set the public hearing for January 13, 1997 at 7:00 P.M., 2nd by Councilman Woods with Mayor Pro-Tem Shelton, Councilman Woods, Councilman McEntire and Councilman Palmer voting affirmatively, motion carried.
- c. 1st reading of a sewer tap request for property located

at 299 Circle Drive. The property is located in the county, and is not eligible for annexation. Accompanying the application was a letter from the Health Department regarding the tap. Harrison stated sewer is in the area because of a city/county sewer grant project from several years prior in which one sewer tap per lot was made for property irregardless of whether they were in the city or county. The property involves a mobile home being moved on the property, provided the county approves. The Council stated the letter from the Health Department does not state whether or not the property could be served by a septic tank, and asked that the matter be held until December 23, 1996 in order to obtain further information from the Health Department.

10. Director Cornwell's Work Report:

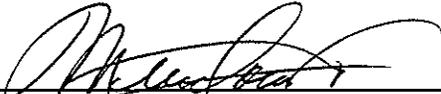
- a. Cornwell stated the work was progressing well with Ruby Collins, the contractor for the expansion to the waste treatment facility. He also stated the SCADA system is on line for the water plant, and that it will eliminate personal visits to the tanks on a daily basis to check for leaks and to determine the level of water in each tank. He stated the department is striving for a drop in the present 16% of unaccounted water losses, and hopes to drop that to 10% within the next few months. Assistant Director Peterson stated the City had received \$50,000.00 in funding to establish city vehicles on natural gas, and the \$50,000.00 grant could be used to install a fueling system provided the City purchase vehicles built for natural gas as opposed to gasoline at a minimum of three per year for the next 18 months to be eligible for the grant. Peterson stated the vehicles at this time are a little higher in price than a regular gasoline vehicle, and he has no idea how long it will be before the two types of systems are competitively priced. Following a lengthy discussion on the matter, the Council felt that at this time the City should decline the funding for the project.
- b. Peterson stated that he and Harrison had met with Harry Maddox of DOT regarding traffic signals for two locations on Red Bud Road, one at Springdale Drive and one at College Street. He stated both had not been able to meet the traffic flow count, however, Mr. Maddox had suggested that should Old Red Bud Road into Red Bud Road be closed, the counts would improve, and it might be possible for both lights to be installed. The recommendation had been to establish a public hearing in which a proposed road closing could be considered. Mayor Meadows stated a public hearing in mid January would be applicable in which all parties on the street could be notified in order for them to have input into the matter. Mayor Meadows stated in reviewing his calendar for January, the Mayor and Council would be attending the GMA Legislative Meeting on January 27, and he would entertain a motion to move the January 27 meeting to January 20. Following discussion, Councilman Woods made a motion to move the January 27 meeting to January 20 at 7:00 P.M. at the Depot, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried. Continuing the discussion for Old Red Bud Road, Councilman Woods made a motion to set a public hearing for January 20, 1997 at 7:00 P.M. regarding the possible closing of Old Red Bud Road and to authorize the City staff to send certified letters to all the residents in the immediate area in order for them to attend the public hearing, 2nd by Councilman Palmer with Councilman Woods, Councilman

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Palmer, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

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

Approved:



John D. Meadows, III
Mayor

Submitted:



Cathy Harrison
City Administrator

