

MARCH 24, 1997

7:00 P.M.

REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
109 SOUTH KING STREET

PRESENT: JOHN D. MEADOWS, III, MAYOR
JOHN D. SHELTON, MAYOR PRO-TEM
PAUL MCENTIRE, COUNCILMAN
JIMMY PALMER, COUNCILMAN
RONALD H. WOODS, COUNCILMAN

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

1. Mayor Meadows called the meeting to order, and welcomed everyone in attendance. Jack Foley, Minister of Calhoun First Presbyterian Church gave the Invocation.
2. Mayor Meadows led the group in the Pledge of Allegiance to the U.S. Flag.
3. Minutes of the March 10, 1997 Regular City Council Meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Meadows reported the Mayor and Council and City Staff had met with the GMA Members of the 7th District in Rome, Georgia on March 18, 1997. He stated Councilman McEntire moved to Second Vice President, and Doyle Penson, Mayor of Adairsville was elected as Third Vice President of the district. He stated the meeting was primarily to review legislation which concerned municipalities.
 - b. Mayor Meadows reminded the public and Council of the Public Hearings scheduled for April 14, 1997: (1) Annexation/New Zoning Request of Stanley Simpson and Bill Walraven for approximately 20 acres on the east side of Highway 41, North, west of the Railroad and Gee Road for C-2 zoning; (2) Annexation/New Zoning Request of Rawlan M. Whittemore, Minnie Lee Whittemore and C.H. Smith as individuals and Minnie Lee Whittemore and C.H. Smith as heirs of Robert L. Smith for approximately 11 acres located on the east side of Highway 41 North, west of the railroad and north of the Simpson/Walraven property for C-2 zoning; (3) Annexation/New Zoning Request of Huntsman Packaging located on the west side of Highway 41 South, south of Goodyear for Ind.-G zoning; (4) A public hearing for the Sewer Use Ordinance.
 - c. Mayor Meadows read and requested a motion to adopt a resolution honoring Thomas L. Shanahan. Councilman Palmer made a motion to approve the resolution, 2nd by Mayor Pro-Tem Shelton with Councilman Palmer, Mayor Pro-Tem Shelton, Councilman McEntire and Councilman Woods voting affirmatively, motion carried.
 - d. Mayor Meadows requested a motion to adopt a resolution honoring Dean Harris, Department Head with 33 years of service on his retirement. A motion was made by Councilman Woods to adopt the resolution, 2nd by Councilman McEntire with Councilman Woods, Councilman McEntire, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
 - e. Mayor Meadows requested a motion to adopt a resolution

honoring Billy Lackey, an employee retiring with 37 years of service. Mayor Pro-Tem Shelton made a motion to adopt a resolution, 2nd by Councilman Palmer with Mayor Pro-Tem Shelton, Councilman Palmer, Councilman McEntire and Councilman Woods voting affirmatively, motion carried.

- f. Mayor Meadows announced a public hearing for the Sewer Use Ordinance on April 14, 1997, however, a work shop for industrial representatives will be held on April 10, 1997 from 9:00 A.M. until Noon at the Depot. Attending the hearing will be Officials from EPD, the Engineering Staff of Piedmont Olsen Hensley and City Staff.
- g. Mayor Meadows stated that on the weekend of March 22, 1997 the Police found it necessary to close the road at Bryant Parkway to alleviate the congestion caused by crusing in the area. He stated it was impossible for traffic to move in and out of the area due to the high level of crusing by teenagers. He stated the blocking of the road allowed persons except cruisers from coming back in the area. He stated the police will continue their efforts in this regard in order to stop the congestion by crusing. He stated methods were being used in an effort to protect everyone in the area, including the young people.

5. Public Hearings & Comments:

- a. Thomas Owens, Philip Beamer and Jim Johnson from the Airport Authority were in attendance to make a request for funding assistance from the City for a new airport terminal. The presentation was delivered by Thomas Owens, Secretary/Treasurer of the Airport Authority. Mr. Owens stated it was estimated that a new airport terminal will cost approximately of \$400,000.00 for a 3,000 sq. ft. facility. The financing would be over a 20 to 25 year period, and a low interest loan through the USDA Rural Development either through a direct borrowing or through a loan guarantee through a local bank. He asked the Council's assistance in this matter in order to have a more viable airport, and to have a more effective economic development tool. Following discussion, Councilman Palmer made a motion to approve the concept, and to work with the Airport Authority in developing a final solution which would result in a new terminal for the airport, 2nd by Councilman Woods with Councilman Palmer, Councilman Woods, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried. Attorney Bailey presented a Warranty Deed which had been drafted according to the Council's instructions dedicating the approximate 11 acres on the east side of the airport, west of Highway 41, South to the Airport Authority. Following review, Councilman Palmer made a motion to approve and authorize the Mayor to sign the warranty deed, with the stipulation that the property revert to the City should it cease to function as an airport, 2nd by Councilman McEntire with Councilman Palmer, Councilman McEntire, Councilman Woods and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

6. Old Business:

- a. In the matter of reconsideration of the Telecommunications Contract Amendment Request from MEAG, Attorney Bailey stated that he had met with Cliff Adams regarding the matter, and according to Mr. Adams, the language is the same language which is in the No. One Power Sales Contract which is intended to make the financing of the project more attractive on the bond market. The Council stated they would prefer to hold the

matter, since there were several other cities which had not signed at this time.

- b. Harrison stated that she had continued efforts to find a funding method for the Sanders Subdivision Sewer Extension Request. She stated the Georgia Environmental Facilities Authority has three funding methods which would be open for the City, however, the most attractive of these would be an emergency fund which has a top funding amount of \$100,000.00 for a period not to exceed 10 years at a 2% interest rate. The requirements are that the City borrow the funds, and that a letter stating the emergency situation be forwarded with the application from the local Health Sanitarian. Following review of the discussion in which Harrison stated that if 15 members of the subdivision signed agreements to pay monthly payments in addition to their normal water and electric bills, for a five year period, the amount would be \$70.00 each. If there were fewer families who signed for the proposal, the amount would increase. Harrison stated she would also recommend that if the Council approved the proposal, that an ordinance be drafted which would allow the City to require a tap fee of \$5,250.00 in the area for the next 10-20 year period. Following discussion, the Council stated they were in favor of moving forward with the proposal based on the use of the emergency fund through Georgia Environmental Facilities Authority as outlined.

7. New Business:

- a. Following a review of a request of the Industrial Development Authority to reappoint Henry Holland to the Authority for a four year term beginning May 1, 1997, Councilman Woods made a motion to reappoint Henry Holland as one of the City's appointees, and to forward this recommendation to the County Commission, 2nd by Councilman McEntire with Councilman Woods, Councilman McEntire, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- b. Harrison stated that she and Councilman Woods had received several complaints regarding yard sales in commercial areas, in which new merchandise was being sold. The complaints stated that these vendors operated with no business license and no taxes, making it unfair competition for local merchants. Harrison stated that she had polled the City's of Cartersville, Dalton and Rome to inquire about the type of ordinance they currently have in force regarding garage sales, carport sales and yard sales. A review of those ordinances are the City of Cartersville has no ordinance regarding yard sales. The City of Dalton has an ordinance which requires that all yard sales, garage sales or carport sales, whether it be at a private residence or a commercial area have a permit. Said permit to be effective for 72 hours, and no permit can be issued more than twice per year. The City of Rome requires a license for yard sales in commercial areas, with a restricted commercial area available for those types of sales, and allow home owners to have garage sales, yard sales or carport sales no more than twice per year. Following discussion by the Council, the Council asked that the City Administrator and City Attorney pursue a draft of an ordinance which would be similar to a permit application required by the City of Dalton.

8. Other Written Items Not on the Agenda:

- a. A 1st reading was given to the Beer, Wine and Liquor

Pouring License application for P. Jean Kelly, Manager of Savannah's Restaurant located at the Quality Inn on Highway 53, East. Following review of the application, Councilman McEntire made a motion to set the public hearing for the Beer and Wine Pouring License Application for April 14, 1997 at 7:00 P.M., and the public hearing for the Liquor Pouring License Request for April 28, 1997 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.

- b. A 1st reading of the Beer/Wine Package License Application of Ben Morrow for the package store located on Highway 53, East formerly operated by Terry Ross was given. Following review, Councilman McEntire made a motion to set the public hearing for April 14, 1997 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.
- c. Mayor Meadows stated the DOT Street Paving Contract had arrived for the Fiscal Year. He stated the City had received paving for Dogwood Drive at .48 miles; Forest Heights Drive for .85 miles; Ivey Lane for .24 miles; Jackson Street for .13 miles and Wildwood for 1.54 miles. Following review of the contract, Councilman Woods made a motion to approve the paving contracts, and to authorize Mayor Meadows to sign, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

9. Director Cornwell's Work Report:

- a. Director Cornwell stated the Sewer Plant Contractor continues to do an outstanding job on the work with 90% of concrete work being completed.
- b. Director Cornwell stated that the owner of Forest Heights Units had made a request for the City to take over a private water system, and to individually meter the units. Director Cornwell stated that due to the fact that the City had very little information on the type of lines, where the lines were located, the age of the lines, the quality of the materials used in the beginning, and if the lines were layed on top of shale soil in the area, he felt that it would not be wise for the City to take over that system which might need to be replaced very shortly. The Council concurred with those findings.

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

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

12. Attorney William P. Bailey gave a report on the legal question posed by the Mayor and Council of the previous meeting as to whether the City could contribute to the health mobile as proposed by the Hospital Foundation Board. On the advise of Counsel, the City can participate with a proper contract. Councilman Woods made a motion to support the project as was outlined at the March 10 meeting by the Hospital Foundation

.....MARCH 24, 1997 REGULAR CITY COUNCIL MEETING.....

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

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

Approved:

Submitted:



John D. Meadows, III
Mayor



Cathy Harrison
City Administrator

