

APRIL 14, 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: EDDIE PETERSON, ASST. DIRECTOR OF UTILITIES/  
PUBLIC WORKS  
WILLIAM P. BAILEY, CITY ATTORNEY  
CATHY HARRISON, CITY ADMINISTRATOR

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 March 24, 1997 Regular City Council Meeting were approved as written.
4. Mayor's Comments:
  - a. Mayor Meadows reminded everyone of the Public Hearing scheduled for April 28, 1997 regarding the Liquor Pouring License Application of Jean Kelly, Manager of Savannah's Restaurant at Quality Inn on Highway 53, East.
  - b. Mayor Meadows reported that he had successfully completed the Academy for Economic Development hosted by the Georgia Chamber of Commerce and the Governor's Development Council.
  - c. Mayor Meadows reminded the Council of the Budget Work Session scheduled for May 8, 1997 at 6:30 P.M. at the Depot.
  - d. Mayor Meadows stated a hearing was held by the Georgia House on April 14, 1997 in Atlanta concerning deregulation of electricity. He stated there were 19 speakers, and that it was most important for everyone to understand that stranded investment must be considered by the House and Senate.
5. Council's Comments:
  - a. Mayor Pro-Tem Shelton stated the Fire Department made 44 inspections during the month of March, 1997. He stated the Police Department made 320 arrests, 13 UI's and collected \$28,084.00 in fines. He stated they issued 135 warning tickets, 204 parking tickets, worked 112 accidents, provided 63 escorts and answered 53 burglar alarms.
  - b. Councilman McEntire stated the Water Treatment Plant pumped an average of 11.658 million gallons of raw water during the month of March, 1997. He stated the Waste Treatment Plant treated a daily average of 11.55 MGD in March with BOD effluent 26, Suspended Effluent 27 and COD effluent 142. He stated the Water/Sewer Construction Department made 37 water taps, seven sewer taps, installed 315 ft. of two inch PVC line and 300 ft. of 12 inch Ductile Line. He stated the Sewer Infiltration Crew rehabilitated eight manholes, cleared 7,000 ft. of sewer line right-of-way, and worked on roads into sewer easement off Meadowbrook Subdivision. He stated they

also inspected and mapped 36 manholes and removed four beaver dams.

- c. Councilman Palmer stated the Electric Department sold 24,762,314 KWH to a customer base of 3,928 for the month of March. He stated they also sold 10 permits, set six meters and made 40 inspections. Councilman Palmer also stated the Building Inspection Department sold 31 permits for a total construction cost of \$1,245,500.
- d. Councilman Woods stated the Street Department continued to haul fill dirt to the baseball fields at the park. He stated they patched streets, layed storm drain, and prepared the site for the new well to be drilled. He stated the Sanitation Department provided commercial pickup, and repaired and painted dumpsters. He stated the Rabies Control Department housed 35 dogs and nine cats during the month. He stated they issued 11 first warnings, two second warnings, two third warnings and two fourth warnings. Councilman Woods stated the Cemtery Department supervised the opening and closing of 12 graves, and continued to computerize all manual accounts. He stated the Parks Department mowed and trimmed sidewalks, worked at the Water Plant and sprayed right-of-ways.

6. Public Hearings & Comments:

Mayor Meadows announced at this time Public Hearings for zoning matters would be held. He stated they would be presented in alphabetical order with reports by the Zoning Advisory Board. He stated public hearings would have pro and con comments, with a ten minute maximum time limit on each. He stated each person speaking is required to have filed a Financial Disclosure Statement five days prior to the hearing, and must give their name and address. He asked if any Council Member needed to file a disclosure statement on any of the items to be considered, and the response was no.

- a. A 2nd reading of the Annexation/New Zoning Request of Huntsman Packaging located on the west side of Highway 41 South, south of Goodyear for Ind.-G zoning was given. Harrison reported the advertisement, placement of signs and notification of adjoining property owners had been completed. Councilman Woods stated the Zoning Advisory Board had met on April 10, 1997 and confirmed that the request substantially met the standards provided by the Zoning Code. He stated the petitioner was aware he would be responsible for the cost of any utility connection, and based on these facts, the Zoning Advisory Board recommended approval of the request. There were no other comments, and the hearing was closed. Councilman Woods made a motion to waive the 3rd and 4th readings and approve for annexation at Ind.-G zoning, 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton, Councilman McEntire and Councilman Palmer voting affirmatively, motion carried.
- b. A 2nd reading of the Stanley Simpson/Bill Walraven Annexation/New Zoning Request for approximately 20 acres on the east side of Highway 41 North, west of the railroad and Gee Road for C-2 zoning was given. Harrison stated the advertisement, placement of signs and notification of adjoining property owners had been completed. Councilman Woods stated the Zoning Advisory Board met on April 10, 1997, and following a report by the Zoning Review Committee in which the Simpson/Walraven and Whittemore property had been considered jointly, they found that the Simpson property would require water extension and sewer extension in addition to a sewer lift station for proper sewer services to the facility. The

Committee also reported that any street development would need to be handled by the developer according to City specifications. Councilman Woods stated the Committee determined that the request substantially met the standards in the City Zoning Code, and the Zoning Advisory Board recommended approval of the requests for C-2 zoning. There were no other comments, and the hearing was closed. Councilman Woods made a motion to waive the 3rd and 4th readings and approve annexation at C-2 zoning, 2nd by Councilman McEntire with Councilman Woods, Councilman McEntire, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

- c. A 2nd reading of the 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, west of the railroad and north of the Simpson/Walraven property for C-2 zoning was given. A public hearing was opened. Harrison stated the advertisement, placement of signs and notification of adjoining property owners had been completed. Councilman Woods stated the Zoning Advisory Board had met on April 10, 1997, and as had previously been reported, sewer and water services were available on the property. Woods stated the request substantially complied with the City's Zoning Standards, and that the Zoning Advisory Board recommended approval. There were no other comments, and the hearing was closed. Councilman Woods made a motion to approve the annexation for C-2 zoning, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

(Other Hearings)

- d. A 2nd reading of the proposed sewer ordinance was given. Wynne Grubbs opened the public hearing by reviewing a summary of the proposed sewer ordinance change. He stated the amendment was being made due to changing Federal and State laws. He stated the City had held an informational meeting with approximately 20 industries on April 10, 1997, and had excellent questions. He stated EPA and EPD Officials also attended the meeting, and indicated that some additional changes might be made to the ordinance which would lower monitoring costs to industry. He stated this was being pursued with EPD and EPA. There were no other comments. Mayor Meadows announced the public hearing would be continued until April 28, 1997 at 7:00 P.M. in order to allow additional changes if approved by Georgia EPD and EPA.
- e. A 2nd reading of the Beer/Wine Pouring License Request of P. Jean Kelly, Manager of Savannah's Restaurant located at Quality Inn on Highway 53, East was given. A public hearing was opened. A clear police report was given. There were no other comments, and the hearing was closed. Councilman McEntire made a motion to approve the Beer/Wine Pouring License Request, 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer, Councilman Woods and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- f. Mayor Meadows stated the Ben Morrow Package License Request had been withdrawn.
- g. Robert S. Tucker, Jr. and Robert S. Tucker, III requested the Council give consideration to a situation which had developed in April, 1995 when Robert S. Tucker, III had inquired at the County Building Inspector's Office about water to a tract of property that was to be auctioned by his company. He stated the personnel at the County

Building Inspector's Office had called someone at the City, and had been informed that water was available on the property. Mr. Tucker stated, however, water was not available to all the lots, and that one of the property owners had attempted to secure a water tap, but had found that he was unable to get water because the water line did not extend to that area. It was approximately 1,600 ft. short. Mr. Tucker asked the Council's consideration in the cost of extending water to fully serve the property which was auctioned in April, 1995. The Council stated they would not be able to set a precedent by charging anything less than the current price, and suggested Mr. Tucker contact the property owners, and advise them the extension could be made at a cost of approximately \$1,000.00 per lot.

- h. Lori Ethridge requested the Mayor and Council adopt a proclamation regarding observation of the National Day of Prayer on May 1, 1997. Following review of the proclamation, Councilman Woods made a motion to adopt, 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton, Councilman McEntire and Councilman Palmer voting affirmatively, motion carried.

7. Old Business:

- a. Following discussion, Councilman Palmer made a motion to adopt a resolution officially adopting the Short Term Work Program Update 1997-2002 which has been reviewed and approved by the Department of Community Affairs, 2nd by Councilman Woods with Councilman Palmer, Councilman Woods, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- b. A 1st reading of a Garage/Carport Sale Ordinance was given. Following discussion, the Council stated that the primary target of their request to draft an ordinance was to address the yard sales which have been occurring in commercial areas with new and used merchandise, and not yard sales at private residences. The Council's comments ranged from allowing those type sales periodically with permits, to no yard sales in commercial areas. Attorney Bailey was asked to redraft the ordinance for a second reading for April 28, 1997 at 7:00 P.M.

8. New Business:

- a. A 1st reading of the Beer Package License Request of Dilip S. Patel for the Tobacco Outlet in the Kroger complex on Highway 53, West (West Belmont Drive) was given. Harrison stated the request would be for a new location which had not been previously reviewed as to traffic flow, number of ft. from churches and other residential housing. She recommended the public hearing be held on May 12, 1997 at 7:00 P.M. in order to allow sufficient time to make all the checks necessary for a new location. Councilman McEntire made a motion to set the public hearing for May 12, 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.
- b. Councilman Woods made a motion to appoint Larry Roye to fill the unexpired term of Thomas L. Shanahan on the Housing Authority Board, 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 Annexation/New Zoning Request of Michael and Beth Kolar for property located at 356 Saddlebrook Drive for R-1 zoning was given. Councilman

Woods made a motion to set the public hearing for May 12, 1997 at 7:00 P.M. and the Zoning Advisory Board Hearing for May 9, 1997 at 3:00 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.

- d. A 1st reading of the Annexation/New Zoning Request of Raymond Bagwell, Agent for Bert Watts for approximately six and one half acres on Barrett Road, north of the Kelly Cornwell property for R-2 zoning was given. Councilman Woods made a motion to set the public hearing for May 12, 1997 at 7:00 P.M. and the Zoning Advisory Board Hearing for May 9, 1997 at 3:00 P.M., 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- e. 1st reading of the Parade Request of Alfred Knight for the Shriner's Parade on July 12, 1997 at 11:00 A.M. for the regular parade route was given. Mayor Meadows stated the Battle of Resaca Parade is no longer held in Calhoun, and the Shriner's have been using that slot as a traditional parade for the last couple of years. Mayor Pro-Tem Shelton made a motion to approve the request subject to DOT approval, 2nd by Councilman McEntire with Mayor Pro-Tem Shelton, Councilman McEntire, Councilman Palmer and Councilman Woods voting affirmatively, motion carried.
- f. Councilman Woods made a motion to adopt a resolution declaring several vehicles and equipment as surplus property, and to set a public auction for May 3, 1997 at 10:00 A.M. on Kirby Road, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

9. Other Items Not on the Agenda:

- a. A request by Gordon Hospital to close a part of Curtis Parkway for two hours for their annual Fun Run on May 8, 1997 in which approximately 1,000 participants will be on the street. Following discussion and a request that the hospital be informed to notify all truck terminals in the area of the closing for two hours on May 8, 1997. Councilman Palmer made a motion to approve the closing, 2nd by Mayor Pro-Tem Shelton with Councilman Palmer, Mayor Pro-Tem Shelton, Councilman McEntire and Councilman Woods voting affirmatively, motion carried.
- b. A 1st reading was given to the Calhoun North Industrial Properties, LLC Request to rezone property on Jolley Road from Ind.-G to R-2 zoning. The property being located near the golf course, and being adjacent to other property zoned R-2. Following discussion, Councilman Woods made a motion to set the public hearing for May 12, 1997 at 7:00 P.M., and the Zoning Advisory Board Hearing for May 9, 1997 at 3:00 P.M., 2nd by Councilman McEntire with Councilman Woods, Councilman McEntire, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- c. A review of the Telecommunications Contract with the amended language regarding the "Take or Pay" Clause was discussed. Following discussion, Councilman Palmer made a motion to adopt a resolution, adopting the first amendment to the Telecommunication Contract, 2nd by Councilman Woods with Councilman Palmer, Councilman Woods, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

10. Director Cornwell's Work Report:

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- a. In the absence of Director Cornwell, Asst. Director Peterson reported the Sewer Plant Expansion under the contractor Ruby Collins is 65% complete, and is proceeding quite well.
  - b. Peterson stated one of the plant clarifiers is back on line, and the plant is operating much more efficiently.
  - c. Peterson stated the first test well had been redrilled, and is a dry well which will not be useful to the City.
  - d. Peterson stated the fiber optics installation is proceeding on course.
11. Councilman Woods made a motion to move to Executive Session for personnel and legal matters, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman McEntire 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 McEntire stated that in view of the Department Head appointment of his son, Kevin McEntire as Street Superintendent that in order for there to be no appearance of nepotism, that he would offer his resignation from the City Council effective May 26, 1997. He stated he would address the matter further at the next meeting.
  14. 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:

  
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John D. Meadows, III  
Mayor

  
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Cathy Harrison  
City Administrator