

MAY 12, 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
WILLIAM P. BAILEY, CITY ATTORNEY
EDDIE PETERSON, ASST. DIRECTOR UTILITIES/
PUBLIC WORKS
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 April 28, 1997 Regular City Council Meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Meadows reminded the public of a public hearing scheduled for June 9, 1997 on the Zoning Change Request of Herndon Properties, LLC for property located off South Line Street for approximately 4.33 acres with a request to change from R-2 to C-2 zoning.
 - b. Mayor Meadows stated the Council and staff had met on May 8, 1997 at 6:30 P.M., and had a five hour review and amendments to the proposed budget. Mayor Meadows expressed his appreciation to the staff and department heads for their work in producing a good draft document.
 - c. Mayor Meadows reminded everyone of the GMA Work Session in Macon, Georgia on May 14-15, 1997.
 - d. Mayor Meadows presented City Accountant Sandra Long. Ms. Long presented the 1996 Audit, and reviewed the basic format of the audit and the lifttable report. Ms. Long notified the Mayor and Council that copies would be available at the library and the Chamber of Commerce for the general public to review, and she also stated a copy was available at City Hall for the general public to review during business hours. She stated she was available to respond to any questions or comments regarding the audit.
5. Council's Comments:
 - a. Mayor Pro-Tem Shelton stated the Police Department made 204 cases in April, 1997 with 12 UI's. He stated they collected \$31,850.00 in fines, issued 97 warnings, 170 parking tickets, worked 109 accidents, provided 76 escorts and responded to 94 burglar alarms. Mayor Pro-Tem Shelton stated the Fire Department had an estimated damage of \$4,000.00 during the month of April and responded to 49 calls. He stated the Fire Department had training at Kobelco, and had participated in Safe Kids of Georgia.
 - b. Councilman McEntire stated the Water/Sewer Construction Department made 47 water taps, 26 sewer taps, installed

260 ft. of two inch PVC water line and 1,240 of six inch PVC water line. He stated the sewer infiltration crew rehabilitated four manholes, cleared 21,700 ft. of right-of-way, removed five beaver dams and assisted with inventory at the Water/Sewer Construction Department. Councilman McEntire stated the Waste Treatment Plant treated an average daily flow of 9.804 million gallons per day with the average BOD effluent 26, average suspended effluent 23, and average COD effluent 136. He also stated the Water Treatment Plant treated a daily average of 12.148 million gallons of raw water during the month of April.

- c. Councilman Palmer stated the Electric Department sold 24,195,404 KWH of electricity during the Month of April to a customer base of 3,925. He stated they provided 40 inspections and issued nine permits. Councilman Palmer stated the Building Inspector sold permits for four new residential homes totaling more than \$440,000.00, and one remodeling of \$72,000.00. He stated they issued permits for one commercial new construction of \$121,000.00 and One new industrial permit for \$150,000.00. He stated including all remodeling signs and pools permitted construction totaled \$868,843.00 for the month of April. Councilman Palmer also reported that the Airport Authority Board had been notified that the 400 ft. extension to the airport had been approved, with the earth work being funded this year, and the finished work next year. The grant being worth approximately \$250,000.00 of construction cost.
- d. Councilman Woods stated the Street Department worked on the Hall pit for final closeout as required by EPD, hauled fill dirt to the ballpark, hauled top soil to the VFW ball field, reworked Caverns Way by cleaning gutters and patching for 40 ft. of curb and gutter on Mims drive and took out a bad section of road and patched road. He stated they put up street signs, mowed right-of-ways, held an auction of surplus city vehicles on May 3, 1997, and went through Fox and Hunt's Subdivisions cleaning driveway pipes and cross drains. He stated they picked up all brush on all city routes. Councilman Palmer stated the Sanitation Department ran their commercial trash route, adding four new commercial accounts, serviced trucks, and painted and reconditioned dumpsters. Councilman Palmer stated the Cemetery Department reviewed the opening and closing of 16 graves during the month, and provided ground maintenance at Fain and Chandler. He stated the Park Department cleaned and mowed right-of-way on city streets, planted trees for the Beautification Committee, built a computer office at the Street Department, sprayed right-of-ways and sidewalks with weed killer, and set up chairs at the Depot for various meetings. He stated the Street Department Shop worked on different equipment from street, water, sewer, parks, cemetery, sanitation and sewer treatment. They cleaned the shop and hauled two loads of scrap iron to the self recycling centers.

6. Public Hearings & Comments:

Mayor Meadows stated at this time the 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 will have pro and con comments with a 10 minute maximum time limit on each, and 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. Mayor Meadows asked if any Council member needed to file a disclosure statement on any of

the items to be considered. The response was no.

- a. A 2nd reading of the Annexation/New Zoning Request of Raymond Bagwell, Agent for Bert Watts for six and one half acres on Barrett Road for R-2 zoning was given. A public hearing was opened. Harrison reported the advertising, placement of signs and notification of adjoining property owners had been completed with the exception that one property owner did not pick up their certified mail, however a statement indicating the mailing of the letter had been received from Mr. Bagwell. Councilman Woods stated the Zoning Advisory Board met on May 9, 1997 at 3:00 P.M., and had reviewed the comments of the Zoning Review Committee. The committee had voiced concerns for the storm water drainage problems in the area, and they recommended that a full hydraulic study completed by a certified engineer be required, along with curb and gutter for the length of the property on Barrett Road. The Committee also reported that a 50 ft. buffer would be required on the north and east sides of the property, and as was later determined, a portion of the south part of the property. Chairman Woods stated the Committee had also recommended the Elected Officials review the possibility of widening the road, and also lining the entrance of Barrett Road on Red Bud Road with New Town Road in order to entice the Department of Transportation to install a red light on Red Bud Road at that intersection. Chairman Woods stated the developer had had insufficient time to determine the cost of all the studies which would be required, and had asked the matter be tabled to allow them time to estimate the cost to determine if the project would be feasible. Councilman Woods stated the Zoning Advisory Board had reviewed the comments of the Zoning Review Committee, and had also determined that there was a storm water problem in the area, and that additional construction, unless properly controlled, could add to the current problems in the area. Mayor Meadows asked if there were any additional comments from members in the audience. Angie Hall, who lives on the west side of Barrett Road stated that according to her plat, the section of Barrett Road on which she lives had a 30 ft. right-of-way, and there would be very little room for widening of the road. She stated she was primarily concerned with the storm water run off. Mr. Gallman, who lives at Jones and Barrett Road stated that he was concerned about drainage, and also the width of right-of-way on Barret Road in some sections. Mr. Bob Orr, representing his mother, stated that he was concerned about the water which had been a problem for his mother's property for some time. He stated he wished to see the curb and gutter extended from Hunts and Barrett Road. He stated his main objective was to protect the property interest of his mother's property. There were no other comments, and Councilman Woods made a motion to table with the understanding that the matter would be given two weeks notification in the legal organ prior to removing from the table.
- b. A 2nd reading of the Zoning Change Request of Calhoun North Industrial Properties, LLC for property located on Jolley Road to be rezoned from Ind.-G to R-2 zoning was given. A public hearing was opened. Harrison reported the advertisement, placement of signs and notification of adjoining property owners had been completed with the exception that one notice had not been acknowledged by one of the parties, however, Ms. Brumlow was in attendance at the meeting, and indicated that she had no objection to the request as an adjoining property owner. Councilman Woods, Chairman of the Zoning Advisory Board

stated the request had been considered on May 9, 1997 at 3:00 P.M. He stated the Zoning Review Committee had indicated they were primarily concerned with the narrow paved road, Jolly Road, and the unguarded railroad crossing on the southern part of the road. They also stated that Regal Residence was located on the north end of the road, and that many of the elderly walked on the road for exercise adding to the congestion on the narrow road. He stated the Committee had also noted that a sewer line constructed in 1969 ran through the middle of the property, and would need to be considered as development plans were made. Chairman Woods stated the Committee had also reported that any water line extensions and sewer line connections would be at the cost of the developer. One of the property owners, Mr. Didier stated the current zoning of the property is Ind-G, and that development could be made on the road at this time without a zoning change request. He stated the request for R-2 zoning would allow utilization of property. When asked if the developer would be interested in sharing some of the cost for improving the road, his response was that the property was to be sold, and he could not speak for the proposed purchaser as to whether they would be willing to share any of the cost for improving the road. Chairman Woods stated the Zoning Advisory Board had recommended the rezoning of the property from Ind.-G to R-2, however, they did note that the Mayor and Council should be aware of the condition of the road. Mayor Meadows stated he had reviewed the area, and that he was very concerned about the safety for residents on the road from the unguarded railroad crossing and also additional traffic being added to such a narrow road. It was the recommendation of the Council that the staff and developer review the area and provide recommendations regarding road improvements. Councilman Woods made a motion to table the matter with the understanding that a sufficient time would be allowed to post the removal of the matter from the table to allow sufficient time for the property owner and others to respond.

- c. A 2nd reading of the Annexation/New Zoning Request of Michael and Beth Kolar for property known as 356 Saddlebrook Drive for R-1 zoning was given. A public hearing was opened. Harrison reported the advertising, placement of signs and notification of adjoining property owners had been completed. Chairman Woods of the Zoning Advisory Board stated the Board had reviewed the matter, and had found the request represented an island and that the lot had a house located thereon. HE stated there would not be any new construction, and that the zoning request was in accordance with current zoning in the area. He stated the Zoning Advisory Board made a recommendation to approve the annexation at R-1 zoning with no stipulations. There were no other comments, and the hearing was closed. Councilman Woods made a motion to annex for R-1 zoning, 2nd by Councilman McEntire with Councilman Woods, Councilman McEntire, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

Other Public Hearings:

- d. A 2nd reading of the Beer Package License Request of Dilip S. Patel for the Tobacco Outlet in the Kroger Complex on West Belmont Drive was given. A public hearing was opened. Mayor Meadows stated the request was for an ongoing business in the Kroger Complex, and that according to the current ordinance, there was a listing

of items which could be sold as accessory items for a package store. He stated that prior to a vote on the matter, he would request that additional information be provided by Mr. Patel regarding the percentage of sales that he projects for tobacco and for beer from the shop. There were no other comments, and Mayor Meadows held the request for a 3rd reading on May 26, 1997.

- e. A public hearing was opened on the City's 1997-98 Operating and Capital Budget. Harrison reviewed the proposed revenues and expenditures for the General Fund, Water-Power-Sewer Fund, Special Projects Fund, Golf Fund and Debt Service Fund for the fiscal year. She stated at this time the budget does not include any of the projected revenues and expenses for the city school system, since those are not available at this time. She stated at the present time, the budget is balanced, however, there are other items to be added, and the draft is not a final figure for any of the funds. There were no other comments, and the hearing was closed.

7. Old Business:

- a. A 3rd reading of the Amended Garage/Carport/Yard Sale Ordinance was given. A public hearing was opened. There were no comments, and the hearing was closed. Councilman McEntire made a motion to approve the ordinance regulating these types of sales in the commercial area, 2nd by Councilman Woods with Councilman McEntire, Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried. Councilman McEntire made a motion that the penalty include fines up to \$1,000.00 and a maximum of 30 days jail time or both, 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer, Councilman Woods and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- b. Director Cornwell stated the City had received a letter late Monday afternoon from EPD regarding recommended changes to the Sewer Use Ordinance. He stated he would need to have time to review those items, and for the engineer to make the necessary changes to the ordinance. He stated on a quick review of the letter, he felt EPD comments were closer to the City's original position, and that he felt the changes would be fairly simple to make. Mayor Pro-Tem Shelton made a motion to hold the item until May 26, 1997, 2nd by Councilman McEntire with Mayor Pro-Tem Shelton, Councilman McEntire, Councilman Palmer and Councilman Woods voting affirmatively, motion carried.

8. New Business:

- a. Harrison presented the Council with a utility charge off list for the period of July, 1995 through June 30, 1996, which is in accordance with the auditing policy, for a total of \$32,932.47. Harrison stated this represented one eleventh of one percent of the total billed for the period. She recommended the Mayor and Council review the list prior to the date of the charge off, June 9, 1997.
- b. A 1st reading of the Annexation/New Zoning Request of Alan and Lisa Holcomb for property located at 2024 U.S. Highway 41, S.E. for R-1 zoning was given. Councilman Woods made a motion to set the public hearing for June 9, 1997 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 the Zoning Change Request of the Regents of the University System of Georgia as presented by

William Thompson, Attorney for property located at One McDaniel Station Road (Experiment Station property) to rezone from R-2 to Ind.-G was given. Councilman Woods made a motion to set the public hearing on the zoning change request for June 9, 1997 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.

9. Other Written Items not on the Agenda:

- a. Mr. Tim Haney stated that he had presented the Mayor and Council with a written report on the sink holes which are a result of a collapse of viaduct handling the storm water drainage from the east side of College Street across his property and southward. He stated he had determined the viaduct had been constructed on the property prior to 1914, and that the volume of water going through the viaduct was tremendous. He stated when the original sinkhole had appeared, that it had been filled with gravel, and that following a heavy rain on May 3, 1997, the two tons of gravel which had been placed in the hole had been washed away over night. He stated he was concerned for his home, and asked the City to examine and update the situation, since it handled water from east of his property. Director Cornwell stated that he had been unable to determine who had built the viaduct, and that prior to any work being done by the city, other than immediate safety work which was done on May 3, that he was unable to do any work without a proper easement, and without the consent of the Mayor and Council. The Council stated that it would be unwilling to assume any liability for the condition of the situation at this time, but the city asked permission from Mr. Haney to excavate in the area, and try to determine what the situation was prior to a decision being made. Attorney Bailey stated that he would review the current law regarding the City's liability in the matter, and would report back to the Council. Mr. Haney stated that he would give the City permission to examine the situation.
- b. A 1st reading of an Annexation/New Zoning Request of Paul Lusk for approximately 6.7 acres on Fire Tower Road for R-2 zoning was given. Councilman Woods made a motion to set a public hearing for June 9, 1997 at 7:00 P.M. on the matter, 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 Joe Stepp for property on Highway 41, South across from Sonic Drive-In and north of the County Fire Station for a 12 ft. variance on the north side of the property was given. Councilman Woods made a motion to set the public hearing for the request on June 9, 1997 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.

10. Director Cornwell's Work Report:

- a. Director Cornwell stated that he would ask Eddie Peterson who had met with the contractor recently to give a report on the sewer plant. Mr. Peterson stated the work on the expansion from 12 to 16 million gallons was progressing ahead of schedule, and at this time, 13,000 yds. of concrete had been installed, and that at the present time, the contractor will move into the mechanical and electrical portion of the contract. He stated the work

is progressing in an excellent fashion, and commended the contractor. Larry Vickery, Electrical Superintendent, stated that the fiber optics project currently has fifteen miles of the fiber optic ring in the air, and that the contractor is proceeding promptly, and is doing an excellent job. He stated the specs for the electronics for the fiber has been bid, and that these should be available shortly. Councilman McEntire stated that he understood that before the OC12 fiber was lighted, that a partner would be obtained for the project. Mr. Vickery stated that was also his understanding, and was the manner in which he was proceeding with the project. Director Cornwell stated there were no other comments regarding his work report.

11. 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:

Submitted:



John D. Meadows, III
Mayor



Cathy Harrison
City Administrator

