

JULY 14, 1997

7:00 P.M.

REGULAR CITY COUNCIL MEETING  
DEPOT COMM. ROOM  
109 SOUTH KING STREET

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

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

1. Mayor Meadows 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 June 23, 1997 Regular City Council Meeting were approved as written.
4. Mayor's Comments:
  - a. Mayor Meadows reported he and the Council had attended the GMA annual meeting June 29, 1997 - July 2, 1997, in Savannah. The main focus of the meeting being the explanation of House Bill 489, which deals with service delivery in which Cities and Counties must meet and determine who will provide what service; Deregulation of the Electrical and Gas Systems and the effect on Georgia Cities. Councilman Woods and Mayor Pro-Tem Shelton stated they had reviewed new legislation regarding annexation in land use and attended sessions regarding future planning.
  - b. Mayor Meadows, reminded the Council of a service delivery meeting in Rome, Ga. on July 29, 1997, regarding House Bill 489 and service delivery. He also reminded the Council of the first meeting with Gordon County on July 31, 1997, at 2:00 P. M. regarding House Bill 489.
  - c. Mayor Meadows, stated effective July 28, 1997, the City would begin locking gates at Fain Cemetery in an effort to deter damage in the area.
5. Council Comments:
  - a. Mayor Meadows stated that the Water Construction Department made 44 water taps and 3 sewer taps. He stated they installed 1,987 feet of 2" PVC water line, 1,700 feet of 6" PVC water line, and 540 feet of 4" PVC water line. He stated the sewer inflow infiltration crew cleared 3,900 feet of sewer right of way; rehabilitated four man holes and removed two beaver dams. He stated they rebuilt a manhole invert at Walmart and replaced five rings and covers on man holes. Meadows stated the Water Treatment Plant pumped an average of 2.175 million gallons during the month of June. He stated the Waste Treatment Plant treated a daily average of 10.007 million gallons per day in June with the average BOD effluent being 30, the average suspended effluent 36, and the average COD effluent 157.
  - b. Mayor Pro-Tem Shelton, stated the Fire Department responded to 43 calls during the month of June with damages estimated at \$1,800.00. He stated the Fire Department provided 19 inspections during the month of June. Shelton stated the police department made 204 arrest, 10 being DUI and collected \$23,119.00 in fines.

He stated they issued 134 warning tickets; 224 parking tickets and worked 87 accidents; provided 56 escorts and responded to 90 burglar alarms.

- c. Councilman Palmer, stated the Electric Department sold 27,678,839 KWH of electricity in June with a customer base of 3,897, and inspected 40 sites. He stated the building inspector issued new permits for 19 residential houses for 1.5 million, one new commercial for \$35,000.00, and one new industrial for \$200,000.00. He stated they issued 5 buildings permits for apartments at \$600,000.00, with total building construction in June, including remodeling for \$1,816,532.00.
- d. Councilman Woods, stated the Street Department continued to haul chert for the stock pile, clean ditches and cross drains, closed the old Red Bud Rd. permanently, cut rights-of-way with extended mower; bush hogged rights-of-way; put in drive way for apartments on Newtown Rd; patched; worked with the Electric Dept. cutting two large trees in front of Calhoun First National Bank on the right-of-way; clearing and hauling for new power line on Forest Ave; hauled dirt to River Park and put up signs. Woods stated the Sanitation Dept. ran the commercial routes and serviced trucks. He stated the Cemetery Department opened and closed grave spaces and maintained the grounds at Fain & Chandler Cemeteries. He stated the Parks Department performed maintenance on City building and equipment as needed; began expansion and remodeling of street department bathrooms; mowing and trimming on all City properties and rights-of-way. Woods stated the Street Department shop began to issue work orders for all maintenance, welded new bottoms on dumpsters and performed maintenance on City vehicles and equipment. He stated the Rabies Control Department housed 26 dogs and 25 cats during the month of June and issued 3 license.

6. Public Hearings & Comments:

Mayor Meadows, stated at this time public hearings for zoning matters will be held and would be presented in alphabetical order with reports from the Zoning Advisory Board with one exception, the William Hopper property must be annexed prior to the Henderson property in order for the item to be contiguous. The 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 be willing to give there name and address. The Mayor determined that none of the Council members needed to file a disclosure statement on items to be considered, however, Mayor Pro-Tem Shelton stated he needed to abstain from the first item to be considered.

- a. A second reading of the Annexation/New Zoning Request of Gordon Bearden Jr., as represented by John Erwin, for property approximately 150 feet on Curtis Parkway with a depth of 860 feet for C-2 zoning. A public hearing was opened, Harrison reported advertisement, placement of signs and notification of adjoining property owners had been completed. The Zoning Advisory Board reported that several people had expressed their views regarding the annexation, the majority of those in attendance at the Zoning Advisory Board Meeting had been concerned about storm water control for the entire 27 acre tract owned by Mr. Bearden. Following discussion of the report from the Zoning Advisory Board, Councilman Woods, stated the Zoning Advisory Board had made a recommendation to approve the annexation with the understanding that a 50 foot buffer be required at the rear of property, which

would give the property owners on the west additional protection. The Zoning Advisory Board also recommended the balance of the 27 acre tract have a hydrological study prior to further development of the property. There was no other comments and the hearing was closed. Councilman Woods made a motion to approve the Gordon Bearden annexation of the 150 X 860 foot tract for C-2 zoning, the motion was second by Jimmy Palmer with Councilman Woods, Councilman Palmer and Mayor Meadows voting affirmatively.

- b. A second reading of zoning change request of Celeste Chattam, as agent for Marie Silvers for property located at 106 Wilson Street to change from R-2 to C-2 zoning was given. A Public hearing was opened with Harrison reporting that advertisement, placement of signs and notification of adjoining property owners had been completed. Councilman Woods, stated the Zoning Advisory Board had also met on July 10, 1997, and considered the matter. He stated the review committee had determined that the development of the area would be a plus for the property and the proposed development would be within the scope of the C-2 zoning. There were no questions of the comments of the Zoning Advisory Board. Councilman Woods, stated the recommendation of the Board was to approve the re-zoning from R-2 to C-2. There were no further comments and the hearing was closed. Councilman Woods made a motion to approve the re-zoning from R-2 to C-2 , 2nd by Councilman Palmer, with Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- c. A 2nd reading of the annexation/new zoning request of Mr. & Mrs William L. Hopper, for property located on Henderson Bend Rd. across from Grays Landing for R-1 zoning was given. A public hearing was opened with Harrison reporting the advertisement, placement of signs and notification of adjoining property owners had been completed. The Zoning Advisory Board reported that the Hopper request and the Cindy Henderson annexation and new zoning for R-2 had been reviewed together. Woods, stated the Hopper property was an accommodating annexation which did not have any development plan at the present time. Therefore, no recommendation for compliance was made for the property. The Hendersons had proposed the building of apartments. The review committee had recommended extension of water lines in order to provide proper fire protection, with the developer paying cost as outlined in the City's policy. The committee also had concerns regarding the sight distance for the entrance of the drive. The committee recommended that the radius be widened in order to allow better access and compensate for the sight distance. The committee had heard from two citizens Mr. Ralph Henderson and Reed Turner who stated they owned chicken houses in the area and wished to make the Zoning Advisory Board aware they were in the area prior to any development. They requested that this be noted in case of any complaints of odor problems made in the future. Prior to a recommendation of the Zoning Advisory Board, Jeff Henderson asked to be heard regarding the matter. He stated he wished to speak both for Mr. Hopper and for himself. He stated Mr. Hopper is an 83 year old resident who lives in the Ranger area. He stated Mr. Hopper's son owns property on the same side of the road in which Mr. Hopper is located. He stated the son had annexed the property at an earlier time and currently has sewer. Mr. Hopper had agreed to annex his property which would make Mr. Henderson's property contiguous and to allow him to apply for annexation. Mr. Henderson stated that his wished to annex into the City

of Calhoun in order to have better fire protection, better police protection, better tax benefits and also more economical cost in terms of water and sewer cost. He stated he had retained an engineer to consider the entrance into the property and also to advise him of proper construction methods for the property. He also stated he had obtained written affidavits from both of the persons who had registered to speak at the Zoning Advisory Board in which they stated that they were not opposed to the annexation of Mr. Hopper or Cindy Henderson. Their main objective was to make the local government aware that their property was agricultural in nature and that these activities were ongoing at the time of development. Following discussion Mr. Henderson stated that it would be a hardship for him to wait until August for a response to this matter from the City Council, since he had borrowed funds to complete construction and the cost was a daily factor. Mr. Woods stated the information provided by Mr. Henderson had not been available to the Zoning Advisory Board since Mr. Henderson had not been in attendance at the meeting. Attorney Bailey, stated in reference of the two gentlemen who spoke regarding their agricultural activities that the state regulations gave precedent to promotion of agricultural activities and that he felt that the annexation of the property would not be a consideration for any action regarding the chicken houses operation at a future date. Following discussion Councilman Woods made a motion to table the Hopper and Henderson matters and hold a special Zoning Advisory Board hearing on July 25, 1997, at 4:00 p.m. the motion was 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, and Mayor Pro-Tem Shelton voting affirmatively, motion carried. Mayor Meadows, stated that the Council would hear the matter at its July 28, 1997 Regular City Council Meeting.

- d. A 2nd reading of a loan request of Shireen K. Ku, DDS. for approximately \$45,000.00, for the opening of a dental office which will create approximately 4 1/2 jobs was given. A public hearing was opened, and Harrison stated the Loan Advisory Commission had met the prior week and reviewed the application with one member of the committee representing Georgia Bank & Trust, stating they would provide the \$185,000.00, bank loan. The loan will be secured in part by dental and office equipment and an assignment of a life insurance policy. The City revolving loan would be secured by a 2nd mortgage on these items, The Loan would be for a 10 year period at 5%. Harrison, stated that the members of the Loan Advisory Commission were familiar with Dr. Ku's work and with her favorable reputation in the community. Based on the circumstance the Loan Advisory Commission recommend approval of the request. Following discussion of the report from the Loan Advisory Commission, Councilman Woods made a motion to approve, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, and Mayor Pro-Tem Shelton voting affirmative, motion carried.
- e. A 2nd reading of the beer pouring license request of Kitty Seto Leung, for the Great Wall Chinese Restaurant located on North Wall Street was given. A public hearing was opened. Mayor Meadows, stated that the police report was not available at this time, there were no comments from the general public and the hearing was closed. Councilman Palmer made a motion to approve the request for the beer pouring license, subject to a clear police report, 2nd Mayor Pro Tem Shelton with Councilman Palmer, Mayor Pro Tem Shelton and Councilman Woods voting affirmatively, motion carried.

7. Old Business: None

8. New Business:

- a. A 1st reading of the Utility Rate Resolution as per the 1997-1998 Budget effective July 1, 1997 was given. Councilman Palmer made a motion to set the public hearing for July 28, 1997, at 7:00 P.M., 2nd by Councilman Woods with Councilman Palmer, Councilman Woods and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- b. Harrison requested the Council consider a 2 1/2 month sale on the price of cemetery lots which would allow a more prompt increase in the perpetual care fund. Harrison stated that the City currently has over 4,000 grave spaces for sale and that she anticipates due to the sale, contributions to the perpetual care fund to double for the year bringing the fund to a balance of \$400,000.00. Following discussion, Councilman Woods made a motion to approve the request for a 2 1/2 month sale of cemetery spaces reducing the price from \$350.00 per space to \$300.00 per space, However, the contributions to the perpetual care fund will remain at \$200.00 per space. The motion was 2nd by Councilman Palmer, with Councilman Woods, Councilman Palmer, and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- c. Harrison, provided a report of uncollectible commercial garbage charge fees and dumpster rental fees from a period of 1990-1997, which represents approximately 1/4 of 1 percent billed for the period. Harrison, asked each councilman to review and to let her know of any item which they might have knowledge, which would allow collection by the City.
- d. Harrison, reviewed the property and contents insurance bid for 1997, she stated the low bid had been from Zurich Insurance Company, for a price of \$46,568.00, with a 2nd bid of \$51,100.00 for Affiliated FM, and a bid of \$72,106.00 for CNA Insurance. She stated the low price for Zurich of \$46,568.00, was approximately \$2,000.00, lower than the prior year with increased values on property and contents by 12%, for the current fiscal year. She stated the low bid from Zurich had been accepted.

9. Other Written Items Not On The Agenda:

- a. A 1st reading of a Pawn License request of Elliott Carl Roundtree for Cash Express located at 109 S. Wall St. was given. Following discussion, Councilman Palmer made a motion to set the public hearing for July 28, 1997, at 7:00 P.M., 2nd by Councilman Woods, with Councilman Palmer, Councilman Woods, and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- b. A 1st reading of Amazing Grace Baptist Church Inc., annexation/new zoning application for the church property located on Hood Street, in land lot 157, 14th district 3rd section of Gordon County, Georgia for R-2 zoning. Following discussion Councilman Woods made a motion to set the public hearing for August 7, 1997, at 7:00 P. M. 2nd by Councilman Palmer, with Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- c. Attorney Bailey reviewed the DOT right-of-way certification which was needed for the Executive Park Drive project. He stated that Steve Fox was ready to donate the property, however, he felt he should not have to post a bond at the normal rate, since he had already provided engineering, part of the grading and drainage to

the project prior to this point. Bailey stated the Asst. Director of Utilities and he had reviewed the situation and recommended a \$35,000.00 bond be accepted. He stated that if the Mayor and Council would accept the project based upon the title and bond being forth coming that the information could be forwarded to DOT and the project could move forward. Following review Councilman Woods made a motion to authorize the City to proceed as outlined by Attorney Bailey, 2nd by Councilman Palmer, with Councilman Woods, Council Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

- d. Attorney Bailey, stated the City School Board needed to pass a resolution by both City and County School Boards and by the Mayor and Council of the City of Calhoun regarding the proposed special referendum to be held in September. He stated that a special meeting would need to be held in order to adopt the resolution after it had been reviewed by both school boards. Following discussion a special meeting was called for Friday July 18, 1997 at 4:00 P. M. at the depot community room with the public being invited, following a motion by Councilman Woods, 2nd by Councilman Palmer.

10. Director Cornwell's Work Report:

- a. Cornwell, provided the Cartersville Fence contract which had been reviewed by Attorney Bailey and had been approved by the Council at the last meeting in June, 1997.
- b. Cornwell, discussed the easement being proposed by Jim Phillips, regarding ingress and egress into their property northeast of the City's maintenance barn for Fields Ferry Golf Course. Cornwell, stated that he had reviewed the area and had found the easement to be in line with the early agreement for the sight. Following discussion, Councilman Palmer made a motion to approve the request for easement as had been in the original development plans for Fields Ferry Golf Course, 2nd by Mayor Pro-Tem Shelton, with Councilman Palmer, Mayor Pro-Tem Shelton and Councilman Woods voting affirmatively, motion carried.
- c. Cornwell, discussed a pump station near Myrid which would benefit the City in terms of alleviating renovation of the Resaca Water Tank. The City Engineer and Asst. Director had recommended the engineering firm of Peoples & Quiggley be allowed to provide a model for the work at a cost not to exceed \$5,000.00, which would provide the planning for the facility which would cost in the neighborhood of \$85,000.00. Following further discussion, Councilman Woods made a motion to approve the engineering services of Peoples & Quiggley at a cost not to exceed \$5,000.00, 2nd by Councilman Palmer, with Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- d. Cornwell asked Larry Vickery to review the economic study provided by Eddie Capes, regarding the T-1 and the T-1 equivalents which would provide future income for the system and would provide an even break in the estimated capital expenditure of \$900,000.00, in approximately five years. Should the City not have the benefits of the MEAG telecommunication systems, it would extend the even break point two to three years. Other benefits to the program would be excellent technical services for the City and School Systems at less cost than they can be obtained from a private company. Vickery also reviewed bids which had been taken for the Electronics for the systems, with six bids being sent and three responding. The first being from Lucent Technology for a bid of \$501,882.00, a 2nd

from Nor-Tel for \$396,854.00, the third being Fujitsu Network Systems for \$599,567.00, Vickery, stated that he had used the services of Eddie Capes, to analyze the bids. Following the analysis the Lucent Technology bid had been reduced to \$341,347.00, and based upon other factors, such as MEAG using Lucent Technology Industrial in the telecommunications work, which would coordinate with the City's, the Electric Department recommended the bid of Lucent Technology at the analyzed bid of \$341,347.00, with permission to purchase a clock which would be needed in the system, but which was not included in the bid. The level of sending needed being approximately \$400,000.00. Following discussion Councilman Palmer made a motion to follow the recommendation of the Electrical Department, and accept the bid of Lucent Technology at a level not to exceed \$400,000.00, including purchase of a clock, 2nd by Councilman Woods, with Mayor Pro-Tem Shelton voting affirmatively, motion carried.

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

Approved:

  
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John D. Meadows, III  
Mayor

Submitted:

  
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Cathy Harrison  
City Administrator

