

AUGUST 11, 1997

7:00 P.M.

REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET

PRESENT: JOHN D. MEADOWS, III, MAYOR
JOHN D. SHELTON, MAYOR PRO-TEM
JIMMY PALMER, COUNCILMAN
RON 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 welcomed everyone in attendance. George Gray, Minister of Amazing Grace Baptist Church gave the invocation.
2. Mayor Meadows led the group in the Pledge of Allegiance to the U. S. Flag.
3. Minutes of the July 28, 1997 Regular City Council Meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Meadows announced the Cities of Gordon County and Gordon County staff met on July 31, 1997 for the first joint meeting in reference to H. B. 489, with a second meeting scheduled for September 3, 1997.
 - b. Mayor Meadows reminded the Council of the School's Special Purpose Local Option Sales Tax referendum to be held on September 16, 1997.
 - c. Mayor Meadows recognized members of the Calhoun Lions Club, Dick Lowery, President. Mr. Lowery stated the Lion's Club had initially raised \$27,000.00 to build a pavilion located at the Recreation Department, however, in the past two years, they have been unable to schedule their annual cookout which is a fund raiser for the club at the pavilion, and asked for assistance from the Mayor and Council. Councilman Palmer, who serves on the Calhoun Recreation Commission, stated that he would bring this matter to the attention of the director, and he recommended Mr. Lowery write a letter to the Recreation Department requesting their annual reservation for the event.
5. Council's Comments:
 - a. Mayor Meadows stated the Water/Sewer Construction Department made 50 water taps and seven sewer taps during the month of July. He stated they installed 1,150 ft. of two inch line, 450 ft. of four inch line and 1,100 ft. of six inch line. He stated the Water Treatment Plant pumped an average daily flow of 12.798 MGD of raw water. Meadows stated the Waste Treatment Plant treated a daily average of 8.24 MGD with BOD effluent being 23, suspended effluent 24 and COD effluent 122. Mayor Meadows stated that in regard to recent discussions regarding the County's subdivision regulations, that he would like to point out that the City of Calhoun does not control any permitting of homes to be built in the County. He stated the City supports the County's efforts to require proper development regulations which will make it beneficial for

the community in the future. He stated the recent incident of the water line in the Erwin Hill area, which is a four inch line which will not provide proper support for fire protection. He stated the City supported the County's request for a six inch line to be installed at the developer's cost in order to provide proper fire protection for the area. Mayor Meadows stated these types of cost should be paid by the developer, and not paid from the tax base.

- b. Mayor Pro-Tem Shelton stated the Fire Department answered 48 calls during the month of July for damages of approximately \$5,700.00. He stated the Fire Inspector provided 48 inspections, 33 being new, and the balance being annual inspections. He stated all public school facilities had been inspected during the month of July. Mayor Pro-Tem Shelton stated the Police Department reported 355 arrests during the month of July, with 11 being DUI. He stated they collected \$29,385.00 in fines, issued 223 warning tickets, 185 parking tickets, responded to 103 accidents, provided 54 escorts and answered 103 burglar alarms.
- c. Councilman Palmer stated the Electric Department sold 27,666,494 KWH to a customer base of 3,895. He stated the Electric Department provided 59 inspections and issued 23 permits. Palmer stated the Building Inspector issued 10 residential permits for \$1,306,000.00 of construction which included residential apartments for approximately \$500,000.00. He stated there were two new commercial permits issued for new construction of \$89,000.00, and \$322,000.00 of commercial renovation permits issued. He stated the total permitting fees for the month was \$5,062.25. Councilman Palmer stated the Main Street Director had been on board for five months, had spent a great deal of time reestablishing the Main Street Program, developing the proper committees and committee structure. He stated she had established a farmer's market held at the Depot each Saturday. He stated she had been working with the Arts Council, and Representative Tom Shanahan in his efforts to remodel his building facade, and has established a Starry Nights Concert to be held at the Depot later in the month of August. Councilman Palmer displayed a banner which had been designed for the Main Street Program, and which will be posted throughout the downtown area by the city's electric department in the next few days.
- d. Councilman Woods stated the Sanitation Department continued to serve its commercial customer base with routine pickups and maintenance of vehicles. He stated the Cemetery Department supervised the opening and closing of 15 graves, in addition to maintenance at Fain and Chandler Cemeteries; installed four gates and chains at the older part of Fain Cemetery. He stated the Parks Department continued to perform maintenance on city buildings and equipment as needed, completed the expansion and remodeling of the Street Department's restroom, and maintained mowing and trimming on all city properties and rights-of-way. Woods stated the Rabies Control Department housed 58 dogs and 65 cats during the month of July, and issued six warning tickets in response to the leash law. He stated the Street Department Shop performed routing maintenance on vehicles and equipment from all city departments, and installed oak side boards and new tarps and universal trailer light hookups on all dump trucks. He stated the Street Department laid pipe and hauled gravel for the Street Department's holding area. He stated they installed a three way stop on Hunt's Drive, built up the shoulders on Marine Drive, cut rights-of-way with the extended boom mower, bushhogged

much of the street rights-of-way, hauled top soil to the cemetery, golf course, soccer field and street department, patched roads, laid 60 ft. of 15 inch storm pipe on Crest Drive, hauled dirt to River Park, put up signs, installed 1,500 feet of silt fence at the water treatment plat, laid 80 ft. of 15 inch storm pipe on Alton Drive, and employees attended a DOT Flagging Certification School as required. Councilman Woods stated the Street Department had begun the preparation work for resurfacing of streets for the 1997 LARP Program. The streets to be resurfaced will be Dogwood Drive off Curtis Parkway for about 1,680 ft., Forest Heights Drive from State Route 53 Spur to Maplewood Drive, approximately 2,495 ft.; Ivey Lane from Hightpoint to Briarwood for 780 ft.; Jackson Street from Jones Avenue to Hunt's Drive 400 ft.; and Wildwood Circle from Curtis Parkway to Wildwood 4,390 ft. He stated in addition, the City of Calhoun will be patching sections of Pine Street, Peters Street, Line Street, Northside Drive and College Street. Plans are also being formulated to resurface Jones Avenue while paving Jackson Street. He stated the patching work on several City Streets would be reported monthly. He stated the Street Department has also provided a list of city streets as their recommendation for the 1998 LARP resurfacing request, and a copy of those were distributed to the Council.

6. Public Hearings & Comments:

Mayor Meadows stated at this time, public hearings for zoning matter 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 ten 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. He stated each person speaking must give their name and address. At this point, Mayor Meadows asked if any Council Member needed to file a disclosure statement on any of the zoning matters to be considered. The response was no.

- a. Mayor Meadows gave a 2nd reading of the Annexation/New Zoning Request of Amazing Grace Baptist Church for the church property located on Hood Street for R-2 zoning. A public hearing was opened, with Harrison reporting advertisement, placement of signs and notification of adjoining property owners had been completed. Mayor Meadows asked for the Zoning Advisory Board's Report. Councilman Woods, Chairman of the Zoning Advisory Board stated the Board had held a meeting on August 7, 1997 to review the request, and following a report of the Review Committee, felt there was no objections and no problems with the requested annexation. There were no other comments, and the hearing was closed. Councilman Woods made a motion to annex the property for R-2 zoning, 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton and Councilman Palmer voting affirmatively, motion carried.

Other Hearings:

- b. A 2nd reading of the Beer Pouring License Application of Lizzy's Deli which is proposed to be located at 203 Richardson Road was given. A public hearing was opened, and a police report was presented. Following discussion with the City Attorney and members of the Council, the police report was accepted. Loel McKinnon, as owner of

the property at 203 Richardson Road stated the owners of Lizzy's Deli which is presently located in Dalton, Georgia, and which has been at that location for 16 years, plans to open a deli in his building at 203 Richardson Road which proposes to sell draft beer with food. The license will be for a pouring establishment, and will not require a drive up window. Mayor Meadows stated the house located at the rear of the property is approximately 24 ft. from the building, and is zoned A-1. Loel McKinnon stated that should the license be approved, that he would install a fence to provide privacy between the restaurant operation and the residence. He stated the restaurant would be open from 11:00 A. M. until 11:00 P. M. Monday through Saturday, and would be closed on Sunday. Mayor Meadows stated the primary objection to the earlier application for a package store had been the fact of a drive-in window which would have been established between the building and the residence. There were no other comments, and the hearing was closed. Councilman Palmer made a motion to approve the request, with the understanding that a fence be installed between the residence and the commercial building, 2nd by Councilman Woods with Councilman Palmer, Councilman Woods and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

- c. A 2nd reading of the request for public hearing regarding abandonment of Mac Avenue, and a request to return the property to the original owners who had dedicated it to the City in 1948. Attorney Bailey presented a proposed resolution which quoted the proper legal reference for said action. He stated the street had been abandoned since it had been officially closed by the Department of Transportation during the most recent improvements to Highway 41. He stated there would be two property owners affected, whose families had originally made the donation for the street earlier. Following discussion, the public hearing was closed. Councilman Woods made a motion to waive the 3rd and 4th reading, and to make a motion to approve the resolution allowing the City to draft the proper documents to return the property to the original owners, and to authorize the Mayor and City Administrator to sign the necessary documents, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- d. Mr. Tony Martin of South Comm Publishing Company, Inc. presented the magazine which currently serves Calhoun, Gordon County as a marketing tool which had been developed by their company in 1995-1996. He reviewed the format and the proposed format for the publication in 1997-1998. Mr. Martin reviewed the advertising scale, and requested the City consider an ad for the proposed publication. Mayor Meadows stated he and the Council would review the information provided, and would respond to Mr. Martin at their August 25 meeting.

7. Old Business:

- a. Mayor Meadows opened discussion on the HOME Program. Harrison stated the HOME Program Director, Ruth Powell and she had provided information to the Mayor and Council as requested, and were available to respond to any additional questions they may have. Councilman Woods stated the program currently costs \$39,423.00 annually in expenses, with a firm commitment of only \$8,000.00 in revenues. He stated there are no guarantees that the City will be funded for a HOME Grant for the current year. He stated he felt that it was not cost effective,

and the USDA Rural Development Assistance Program will be an avenue that current customers can access. He stated banks currently solicit these types of loans, and that he would not be in favor of continuing the program. Councilman Palmer stated the HOME Program was a good program, and had been managed very well by Ruth Powell, however, he had been disappointed that funds had not been available in the manner as it was initially projected through GHFA. Councilman Shelton stated that without funds, there was really no hope for the program. Based on these comments, it was the consensus of the Mayor and Council to close the HOME Program.

8. New Business:

- a. A 1st reading of the Parade Permit request of Mike Ernest for the Gordon Central Homecoming Parade for October 3, 1997 at 3:00 P. M. for the normal parade route was given. Following discussion, Councilman Woods made a motion to approve the request subject to DOT approval, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- b. A 1st reading of a Zoning Variance Request of Hollis Cronon for a home built in Meadowbrook Place off Curtis Parkway which is 15 inches closer to the adjoining property than authorized by the zoning code due to an error in measurement was given. Following discussion of the request, Councilman Woods made a motion to set the public hearing for September 8, 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. Councilman Palmer stated there were two appointments which needed to be updated for the City on the Airport Authority, those being for Butch Layson for a term of July 1, 1996 until July 1, 1999, and Philip Beamer for July 1, 1997 until July 1, 2000. Following discussion, Councilman Palmer made a motion to approve those appointments for both who have served the Airport Authority faithfully, 2nd by Mayor Pro-Tem Shelton with Councilman Palmer, Mayor Pro-Tem Shelton and Councilman Woods voting affirmatively, motion carried.
- d. Harrison presented a request for the adoption of contracts for social services which had been authorized earlier in the 1997-98 Budget. Said contracts having been drafted by the City Attorney in order to meet the State Statute regarding such services. Following discussion, Councilman Woods made a motion to approve the contracts for Battered Women, Commission on Children and Youth, Gordon County Training Center, Big Brothers/Big Sisters, Voluntary Action Center and the Arts Council. He requested Harrison to provide additional information for the Gordon County Child Care Center in terms of the funds to be provided by the City and those provided by the County, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- e. Harrison stated the City of Calhoun will hold its annual election on November 4, and that at the election there will be three council posts to consider, Post Two for the unexpired term of Paul McEntire through the period of December 31, 1999; Council Post Three currently held by Jimmy Palmer and Council Post Four currently held by John D. Shelton, Jr.; School Board Post One currently held by Henry Holland; School Board Post Two currently held by Judy Wilson and School Board Post Three currently held by Becky Mathews. Harrison stated the qualifying date is

September 3 through September 10 1997 at City Hall during normal business hours.

9. Other Written Items not on the Agenda:

- a. Mayor Meadows stated the Unity Run for United Way will be held on August 21, 1997 at 7:00 P. M. He stated the runners will begin at the Calhoun High School Track and will end at Ratner Stadium on the Gordon Central Campus. He stated the run will be metered, and will be an official run. The current course calls for the participants to travel on Old red Bud road which has been recently closed. Mayor Meadows asked the Council to consider moving the petitions on August 21, 197 at 7:00 P.M. to allow the metered race to continue on its regular path. Following discussion, Councilman Palmer made a motion to authorize the Unity Run on August 21, 1997 at 7:00 P.M., 2nd by Mayor Pro-Tem Shelton with Councilman Palmer, Mayor Pro-tem Shelton and Councilman Woods voting affirmatively, motion carried.
- b. Mayor Meadows stated the Downtown Hoedown has been scheduled for October 30, 1997 at the Depot in the parking lot area, and it also will be in the early evening. Following discussion, Councilman Woods made a motion to authorize the use of the parking facility for this activity, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- c. Curt Lucas of Brangus Cattle Company restaurant stated his purpose in attending the Council Meeting was the fact that he had heard discussion that a possible change would be made to the Alcoholic Beverage Ordinance, and that he would encourage the Mayor and Council to retain all the safeguard presently in the ordinance which allows the licensee to have better control of alcohol sales at their facilities. The Mayor and Council assured Mr. Lucas that should a change be made in the ordinance, he will be notified, and will be given ample opportunity to make his views known at that time.
- d. Mayor Meadows stated the 1st Presbyterian Church had requested the City of Calhoun Elected Officials write a letter to go into their 100 year capsule. The deadline for the letter would be October 1. The Council encouraged the Mayor to provide such a letter.
- e. A 1st reading of an annexation request for a five acre parcel of land owned by Juanita Muse on the Sugar Valley Road for R-1 zoning was given. Following discussion, Councilman Woods made a motion to set the public hearing for September 8, 1997 at 7:00 P.M., 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- f. A Manager Change Application was presented for the VFW, the change to be from Lois Crump to Alesia Russell Chester. The Council reviewed the police report, and based upon recommendations of the City Attorney, approved the report. Following discussion, Councilman Palmer made a motion to authorize the Manager Change, 2nd by Mayor Pro-Tem Shelton with Councilman Palmer, Mayor Pro-Tem Shelton and Councilman Woods voting affirmatively, motion carried.
- g. A Manager Change Application was presented for Pizza Hut located on Highway 53, East. The Change being from Rick Heildleman to Sonia L. Pack. The Police Report was reviewed by the Mayor and Council, and was clear. Following discussion, Councilman Woods made a motion to approve the Manager Change to Sonia L. Pack, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer and Mayor Pro-Tem SHelton voting affirmatively,

motion carried.

- h. Harrison presented a request from Howard & Reece, Inc. which has leased a commercial space on Curtis Parkway for a manufactured home retail sales business. The owners have asked that a manufactured office facility be approved for the operation. The facility being 28' x 76' in size, with concrete foundation and masonry skirting. Harrison stated the present regulations allow for hardship approvals for manufactured units to be placed in residential areas, and that no permanent office facility had been requested in the past, and is not presently covered in the zoning regulations. Attorney Bailey stated that if the Council wished to consider the request, they would need to stipulate the manufactured office facility would be located in a commercial district only, that it would not be used for a residence in any manner, and that should the business cease to exist, the manufactured office facility would be relocated. Following continued discussion, Councilman Woods made a motion to approve the request for a permanent manufactured office facility to be located on the property to serve as an office only in the commercial area on Curtis Parkway, with the understanding that should the business close, the manufactured office facility would be moved, that the manufactured office facility would not serve as a residence in any manner whatsoever, and that it would remain in a commercially zoned area only, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer voting affirmatively, and Mayor Pro-Tem Shelton voting negatively. Mayor Meadows asked that the Council review the situation, and consider the request one more time. Councilman Woods stated he had no problem with a manufactured office facility, especially with a concrete foundation and a masonry skirting, and with the stipulations as outlined by the City Attorney. Following further discussion, Councilman Woods again restated his motion. The motion was second by Councilman Palmer with Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

10. Director Cornwell's Work Report:

- a. Director Cornwell presented a proposed letter to the Department of Transportation regarding the City's offer for extending water to the DOT rest area within Gordon County on I-75 South. Following discussion, Councilman Woods approved the letter, and the course of action, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- b. Cornwell stated the parallel sewer line had been installed on the Haney property, and would be connected later as Highway 41 work is scheduled and is in process within the next 12 to 18 months. He stated the storm sewer line has been installed as authorized by the Mayor and Council.
- c. Attorney Bailey stated that he was including a proposed change to the personnel policy which would delete the existing Section 15-40, and would replace it with one of the two or a combination of the two resolutions being distributed by him. He asked the Council to review those, and to consider at the August 25, 1997 meeting.
- d. Mr. Bailey presented a copy of an application from FB&F Holding Company which owns property off Executive Drive which includes the Fuller Cemetery with approximately 30 graves. He stated the owner wishes to relocate the graves to Fain Cemetery, and has gone through the legal process to make the change. He stated a part of the

requirement is for the Local Governing Authority to consider the request with an ad to be filed in the local newspaper regarding the hearing on the application. Attorney Bailey stated he felt it would be appropriate to hold the hearing on September 22, 1997 in order to allow sufficient time for the owner of the property to notify all existing relatives of the Fuller Family. Following discussion, Councilman Woods made a motion to set the public hearing on the application for September 22, 1997 at 7:00 P.M., 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

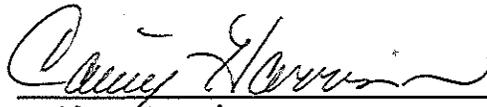
- 11. Councilman Woods made a motion to move to Executive Session for real estate, personnel and legal matters, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shetlon voting affirmatively, motion carried.
- 12. Councilman Woods made a motion to move to General Session, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- 13. Councilman Woods made a motion to adjourn, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

Approved:

Submitted:



 John D. Meadows, III
 Mayor



 Cathy Harrison
 City Adminsitrator