

FEBRUARY 10, 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: 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 welcomed everyone to the meeting, called the meeting to order and provided a special prayer for families and employees of the City of Calhoun who are ill or who have members of their family who are ill.
2. Mayor Meadows led the group in the Pledge of Allegiance to the U.S. Flag.
3. Minutes of the January 20, 1997 Regular City Council Meeting were approved as written.
4. Mayor's Comments:
  - a. Mayor Meadows recognized Larry Deaton of the Calhoun, Gordon County Leadership Program who presented young people from Gordon Central and Calhoun High School who are members of the Youth Leadership Program. Mayor Meadows extended a special welcome to the Juniors and Seniors of both schools who were present to observe government in action.
  - b. Mayor Meadows stated the Council and staff members attended the GMA Mayor's Day Legislative Meeting in Atlanta on January 26-27, 1997. He stated the meeting allowed City Elected Officials and staff members to meet with members of the House and Senate to express Georgia Cities' Goals for 1997. He stated one primary area of concern by Georgia cities is the recommendation of the Georgia Future Commission as it relates to service delivery issues.
  - c. Mayor Meadows asked the Council to meet on February 17, 1997 at 7:00 P.M. at the Depot for a Work Session on the short term goals for the five year revisions to the City/County Comprehensive Plan.
  - d. Councilman Palmer made a motion to set a public hearing for February 24, 1997 at 7:00 P.M. to review with the public the short term goals for the Comprehensive Plan as was determined at the February 17, 1997 Work Session, 2nd by Councilman Woods with Councilman Palmer, Councilman Woods, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
  - e. Mayor Meadows introduced Joiner Smith of the USDA Rural Development Department, Cartersville Office, who reviewed the process for implementing the \$300,000.00 ARC Grant for the City's permanent wells. Following review of the materials, Councilman McEntire made a motion to adopt a resolution authorizing the Mayor to sign various documents associated with the acceptance and processing of the grant, 2nd by Councilman Palmer with Councilman

McEntire, Councilman Palmer, Councilman Woods and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

5. Council's Comments:

- a. Councilman Shelton stated the Fire Department answered 33 fire calls in January, with total losses estimated at \$1,004,900.00. The Fire Department also provided 12 inspections of new facilities, 10 inspections of existing facilities and 8 other inspections during the month of January. He stated the Police Department made 189 cases with 9 being DUI. They collected \$23,141.00 in fines. They issued 168 parking tickets, investigated 93 accidents with 29 injuries, provided 76 escorts and responded to 94 burglar alarms.
- b. Councilman McEntire stated the Waste Treatment Department treated an average daily flow of 10.914 million gallons per day, with BOD effluent being 19, suspended effluent being 24 and COD effluent being 127. He stated the Water/Sewer Construction Department made 20 water taps and two sewer taps for the month, installed 700 ft. of two inch PVC pipe, and installed 1,100 ft. of eight inch sewer line on Hood Street. Councilman McEntire stated the sewer inflow/infiltration crew cleared 2,800 ft. of right-of-way, cleared six beaver dams and located 1,036 manholes. They also checked 123 two inch and larger water meters for backflow preventors. He stated the Water Treatment Plant pumped an average daily flow of 12.373 MGD of raw water.
- c. Councilman Palmer stated the Building Inspection Department reported permits issued for \$40,000.00 of residential construction, and \$129,400.00 of commercial construction for the month of January. He stated the Electric Department sold 23,473,574 KWH of electricity to a customer base of 3,937 during the month of January. He also stated the Electric Department made 43 inspections, sold 12 permits and set 19 meters.
- d. Councilman Woods stated the Street Department did street patching during the month of January, cleaned storm drains and ditches in several locations around the city, worked on building the road going to the Hall Water Tank and cleared leaves in the downtown and residential areas. He stated the Sanitation Department continued on the regular commercial routes, and rebuilt dumpsters. Rabies Control housed 44 dogs and 29 cats during the month. They issued 11 licenses, six first warnings, two second warnings and one third warning. He stated the Cemetery Department supervised opening and closing of 11 graves and provided general maintenance. The Parks Department provided general maintenance to buildings and grounds of public rights-of-way. They also rebuilt several offices for Customer Service at City Hall during the month.

6. Public Hearings & Comments:

Mayor Meadows stated that at this time, the zoning hearings 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 meeting, and must give their names and addresses for the record. Mayor Meadows asked if any Council Member needed to file a disclosure statement for any of the items to be considered? The response was No.

- a. A 4th reading of the Annexation/New Zoning Request of J.

Russell McBrayer for approximately seven acres located on the north side of Devonwood Subdivision for R-2 zoning was given. Mayor Meadows reopened the public hearing, and ascertained that advertisement, placement of signs and notification of adjoining property owners had been properly handled. Councilman Woods stated the Zoning Advisory Board held a meeting on February 6, 1997, and considered the Russell McBrayer request. Mr. Woods reviewed the comments from the February 6 meeting of the general public and of Mr. McBrayer. He stated based upon comments from elected officials at previous meetings, Mr. McBrayer stated he would have no problem with the changing of the zoning of his original request from R-2 to R-1, provided a variance allowing smaller lots was also approved. Mayor Meadows opened the meeting for additional comments by the public. Helen Strickland, who owns property, including a lake on the east side of the proposed development stated she was concerned about water run off from the development which would flow down the hill into the lake and on the dam. She was concerned about the liability, and was also concerned about the buffer, which according to Mr. McBrayer, the Corp. of Engineers required a 25 ft. natural buffer extended from the lake. She stated in parts of the boundary, the 25 ft. would be on her property and very little on the property of the developer. She also expressed concern about children, even with a fence, who would find ways to play at the lake. Ms. Strickland also expressed concern for the heavy amount of traffic on the Dews Pond Road. Mr. McBrayer stated that he was also concerned about children, and this was his primary reason for agreeing to erect a fence although it was not required. He stated he had exceeded the requirements of all the City Ordinances, and that in his efforts to utilize the property, he had tried to make everyone as comfortable as possible. There were no further comments from the public, and Mayor Meadows asked the Zoning Advisory Board for their recommendation. Councilman Woods stated the Zoning Advisory Board recommended the property be annexed at R-1 zoning with variances to reduce the lot sizes. He stated the recommendation would be subject to the recording of the plat as presented to the Zoning Advisory Board, and recording of the covenants as presented to the Zoning Advisory Board. He also stated the recommendation would be based upon the acceptance of the four standards as expressed by Mr. McBrayer to obtain the variance for smaller lots. The public hearing was closed, with Councilman Woods making a motion to annex the property for R-1 zoning, and to grant a variance to allow smaller lots as was discussed in order for the property to be utilized. The motion would be subject to the recording of the plat, recording of the covenant, and to the set backs as discussed, subject to the fence and other requirements which had been outlined during the hearing, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

- b. A 2nd reading of the Annexation/New Zoning Request of Stanley Simpson for approximately 1/2 acre off Henderson Bend Road adjoining the Dyetron property for Ind.-H zoning was given. A public hearing was opened with Mayor Meadows determining that advertising, placement of signs and notification of adjoining property owners had been properly handled. Councilman Woods stated the Zoning Advisory Board had met on February 6, 1997, and determined the property was eligible for annexation. It was determined that water and sewer were available in the immediate area. It was also determined the property

contained a mobile home without underpinning. Councilman Woods stated the property had been purchased by Stanley Simpson separately from the Dyetron property, however, the individuals who rent the property for the trailer are charged very low rent in order for them to provide security for the Dyetron Plant adjacent to the property. He stated the current septic tank had been determined to be working improperly by the Health Department, and that a new septic system would not be approved since the property was within 200 ft. of sanitary sewer, and the mobile home would be required to tap on to City sewer. Councilman Woods stated that based upon City policy. Annexation is required for sewer if the property is eligible for annexation. However, he stated with the Ind.-H zoning request, that trailers would not be permitted, and that it was the Zoning Advisory Board's recommendation that the annexation be denied, and that a county sewer tap be approved. Stanley Simpson stated the request was made to annex and to zone the property Ind.-H since it also joined the Dyetron property, and since the area provided security for the Dyetron Plant. There were no other comments, and the hearing was closed. Councilman Woods made a motion to deny the request for annexation at Ind.-H zoning, 2nd by Councilman McEntire with Councilman Woods, Councilman McEntire, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried. Councilman Woods made a motion to approve a county sewer connection, provided a letter is given to the City stating that it is necessary for the facility to be connected to the city sewer system, since sewer is within 200 feet of the property, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried. Stanley Simpson asked, since he was denied annexation, if he could have a county sewer tap with the fee being lowered to \$500.00. There was no motion, and the fee will stand at \$1,000.00.

- c. A 3rd reading of the Annexation/New Zoning Request of Marvin Taylor for approximately five acres on the east side of Highway 41, north of Union Grove Road for C-2 and Ind.-H Zoning was given. Councilman Woods stated there had been no notice by owner of his desire to proceed, and that he would request the matter be tabled, and the request was acknowledged by Mayor Meadows.
- d. A 2nd reading of the Beer/Wine Package License Request of Terry Ross for relocation from Highway 53 Package to Highway 53 East to the ABC Package Store located at 767 1/2 Highway 53 East, S.E. was given. A public hearing was opened. Harrison stated license would be relocated for Mr. Ross, and the present license issued to James Thomason at ABC Package Store would be dropped. The Police Report was clear. There were no other comments, and the hearing was closed. Councilman McEntire made a motion to approve the relocation request, 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer, Councilman Woods and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- e. A 2nd reading of the proposal for a 3rd level of garbage pickup in the downtown area was given. The proposal being for one pickup per week to be priced a \$7.50 in addition to the two pickups and five pickups per week which had been adopted earlier. A public hearing was opened. There was no discussion, and the hearing was closed. Councilman Palmer made a motion to approve the request for a single pickup per week at a price of \$7.50 per month, 2nd by Councilman Woods with Councilman Palmer, Councilman Woods, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

7. Old Business:

- a. Following a review of the consideration of the proposal to transfer approximately \$95,000.00 from the Revolving Loan Program to the HOME Program for 1997 activities was considered. Harrison gave a review of the material which had been distributed to the Mayor and Council over the prior two weeks, and the response to questions which had been asked. Harrison reviewed the affects of the program over the past two years, and the possibilities of other funding which could be obtained to leverage the funds from the Revolving Loan Program. Following questions by the Mayor and Council, Councilman Palmer made a motion to deny the request to transfer funds from the Revolving Loan Program to the HOME Program, 2nd by Councilman Woods who stated the program had helped 11 families, and that he felt the program had been effective in the community. He stated he would like for the Administrator and the Director to look at the possibility of other funding over the next two weeks prior to consideration for disbandment of the program. There was no other discussion, and the motion was approved unanimously to deny transfer of funds from the Revolving Loan Program to the HOME Program.
- b. Mayor Meadows asked the Council if they had had sufficient time to consider the trade of a county sewer tap to Mydrin Industries in exchange for property to locate a pumping station which will improve water pressure in the Resaca area. The Council stated it was possible for the City to find other property on which to locate a pump station, and that it would not be necessary to extend sewer in the County for industry in order to improve water pressure in the Resaca area. It was the consensus of the Council that a precedent would be set by extending sewer to an industry which is located in the county, and the request was denied.

8. New Business:

- a. A 1st reading of an Amusement License Request of the VFW located at 406 West Line Street with Lois Crump as Manager was given. Mayor Meadows stated the VFW had failed to reapply at year end, and this would be reconsideration of a new Amusement License, since the renewal time had passed. Councilman Palmer made a motion to set the public hearing for February 24, 1997 at 7:00 P.M., 2nd by Councilman McEntire with Councilman Palmer, Councilman McEntire, Councilman Woods and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- b. Harrison reviewed the proposed amendments to the Purchasing Policies, and expressed appreciation to Brenda Wilson, who had provided many of the amendments due to her previous training and certification as a public purchasing agent. Following discussion, Councilman Palmer made a motion to approve the Purchasing Policy Amendments and to adopt, 2nd by Councilman Woods, with Councilman Palmer, Councilman Woods, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- c. Mayor Meadows stated a county sewer tap request had been proposed by Robin and Cale Curtis for 509 Linda Lane. He stated the property is located near the end of a line, which was installed as a result of a City/County grant several years prior. Mayor Meadows reviewed a letter from Mark Crosby of the Health Department, which stated that very serious conditions exist, since a previous building permit had allowed construction over the sewer line. Following discussion, Councilman Woods made a motion to approve the county sewer tap at county rates,

based upon the request and recommendation of Mark Crosby from the Health Department, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

- d. Mayor Meadows stated the Cemetery Ordinance Amendments would be held until February 24, 1997.

9. Other Written Items not on the Agenda:

- a. Harrison stated a Revolving Loan Application of \$200,000.00 from Joel Ostuw for Echota Fabrics, Inc. to relocate the drapery portion of the business to the downtown area which would relocate 38 jobs within the city. Following discussion of the application, Councilman Woods made a motion to set a public hearing for February 24, 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. Cornwell stated the sewer plant expansion is continuing with excellent progress.
- b. Cornwell stated the City had received verbal assurance of \$302,000.00 in ISTEPA Funds which would be used for bike and pedestrian paths associated with the park area, and other improvements at the new park area.
- c. Cornwell reviewed a memorandum from Larry Vickery on the current operations by the Electric Department for fiber optics.
- d. Cornwell stated the Mt. Alto Tank renovation has been completed, and renovations on the Hall Tank should be complete at the end of the month. He stated the water/sewer project on Gallman Avenue was 99% complete, and the street portion of the project had been held up due to winter weather, but should be completed shortly.

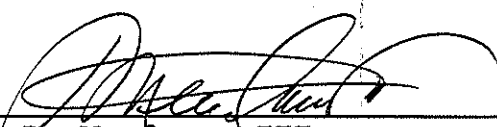
- 11. Councilman McEntire made a motion to move to Executive Session for legal and real estate matters, 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer, Councilman Woods and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

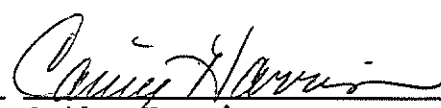
- 12. Councilman McEntire made a motion to move to General Session, 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer, Councilman Woods and Mayor Pro-Tem Shelton voting affirmatively.

- 13. Councilman McEntire made a motion to adjourn, 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer, Councilman Woods 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