

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
SEPTEMBER 28, 1998, 7:00 P.M.**

MINUTES

PRESENT: JAMES F. PALMER, MAYOR
RONALD H. WOODS, MAYOR PRO TEM
JOHN D. SHELTON, JR., COUNCILMAN
HENRY HOLLAND, COUNCILMAN
RAY M. DENMON, COUNCILMAN

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

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance.
 - a. Councilman Holland gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the September 14, 1998 regular City Council Meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Palmer reminded everyone of the GMA/ACCG joint pre-legislative meeting in Atlanta on September 30 and October 1, 1998. He also stated Councilman Denmon will be attending the newly elected officials' required workshop on September 29 and 30.
 - b. Mayor Palmer announced the public hearings scheduled for October 12, 1998:
 - (1) New zoning and annexation request of Joe Powell, et al, for property adjoining Spring Valley Subdivision for R-1 zoning;
 - (2) Mayor Palmer announced the new zoning and annexation request of William F. Williams had been withdrawn.
 - (3) New zoning and annexation request of Avis Norwood for a house and lot on Peters Street, for R-1 zoning.
 - c. Mayor Palmer announced James Jerry Walraven, of the Water Construction Department, had reached a milestone of 30 years of employment with the City. The Mayor read a resolution commending Walraven for his years of service, and asked for adoption of the resolution by the Council. The resolution was adopted on a motion by Councilman Holland and a second by Councilman Shelton, with Councilman Holland, Councilman Shelton, Councilman Denmon and Mayor Pro Tem Woods voting affirmatively, motion carried.
 - d. Mayor Palmer announced the City of Calhoun had received notification that its 1996-1997 annual report had received GFOA certification. He stated this was the highest award for governmental reports, and he commended Sandra Long, City Accountant, and other members of the Finance Department: Gail Rickett, Bookkeeper; Inez Moorehead, Data Clerk; Linda Weaver, Accounts Payable; Brenda Wilson, Purchasing Director; Rhonda Crider, Assistant Purchasing Director; Linda Brookshire, Payroll; Peggy Brown, Payroll Data Clerk; and Dorothy Bagwell, Tax Clerk. Mayor Palmer presented a Certificate of Award from GFOA to Sandra Long, City Accountant. Ms. Long acknowledged the award and stated she had also received assistance from the accounting firm of R. M. Dobbs & Co.
 - e. Mayor Palmer announced the City has received a Tree City Award, based on its last year's application. This application was for the sixth consecutive year. He stated in recognition of having received five awards, the City had received a special plaque.
5. Public Hearings and Comments:
 - a. Mayor Palmer reopened the Gas Franchise Ordinance public hearing, and stated at the last meeting, the Council had requested Attorney Bailey look into the matter regarding business or occupation taxes levied on gas marketers. Attorney Bailey reviewed the findings in the State regulations, as well as in the gas deregulation documents. He stated, based upon his findings, he would recommend a change in the proposed ordinance in one area, to track the state regulation word for word, in order that the City may also receive possible gross receipt taxes on gas marketers, as well as a franchise fee from the Atlanta

Gas Light Company for use of City right-of-ways. Following discussion, the public hearing was closed. Councilman Shelton made a motion to waive the fourth reading and to approve the Gas Franchise Ordinance as recommended by Attorney Bailey. The motion was seconded by Councilman Holland, with Councilman Shelton, Councilman Holland, Councilman Denmon, Mayor Pro Tem Woods voting affirmatively, motion carried. # 648

- b. Mayor Palmer stated the Revolving Loan Request of Lorene Potts had been withdrawn at this time.
- c. Mayor Palmer gave a second reading of the Street Ordinance and opened the public hearing. Eddie Peterson reviewed an additional section that was put in place to require testing during the process, to assure that new streets were built according to specification. There were no other comments, and based upon the addition of the new information, Mayor Palmer stated the ordinance would be held for a third reading, in order to give everyone a chance to review the additional language. He stated the third reading would be held on October 12, 1998, at 7:00 P.M.
- d. A second reading of the Grading Ordinance was given by Mayor Palmer and a public hearing was opened. Mayor Pro Tem Woods stated he would like to point out that the ordinance does not affect a single homeowner who wishes to build a home. However, the homeowner would have to adhere to soil and sedimentation requirements, but would not be required to purchase a grading permit prior to a building permit. This action was reserved for larger developments. There were no other comments and the hearing was closed. Mayor Pro Tem Woods made a motion to waive the third and fourth readings and to approve the ordinance, second by Councilman Holland, with Mayor Pro Tem Woods, Councilman Holland, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried. # 649
- e. A second reading of the Fee Schedule Resolution was given by Administrator Harrison. Harrison reviewed the new additions that were added, those being the permit requirements for tank removal or modification to existing tanks. The fees are \$100.00 for each action, and would be charged by personnel of the Fire Department. The other change to the Fee Schedule Resolution would be to put in place those fees associated with the Grading Ordinance, including plan checking fees and grading permit fees. Mayor Palmer stated that based upon the additional information added to the Fee Schedule Resolution, it would be held for a third reading on October 12, 1998 at 7:00 P.M.

6. Old Business:

- a. Mayor Palmer stated the request for an additional extension of a sewer connection agreement regarding sewer off of Highway 53 East was reopened. The request was from W. G. Robertson. Following discussion of the request, Councilman Shelton made a motion to deny the request, stating the petitioner had received a three year extension, for a total 13 years regarding the sewer connection agreement. One of the reasons the original extension had been granted was due to the size of the personal commitment made for extending sewer on Highway 53 East, on the east side of I-75. The motion was seconded by Councilman Denmon, with Councilman Shelton, Councilman Denmon, Councilman Holland and Mayor Pro Tem Woods voting affirmatively, motion carried.
- b. Harrison gave a report on the Calhoun Recreation Authority Bond refinancing proposal. Harrison stated the City of Calhoun had initially taken proposals as of September 4, from four different companies. She stated the top two companies had been invited back to make a presentation on September 25, 1998, and they were instructed to bring their best proposal, based upon the current market conditions. She stated those two companies were First Union Bank and Robinson-Humphrey Investment Banker. She stated both companies had made a proposal based upon a three year callable bond and a ten year callable bond. The factor that was considered most by the review committee was the all-inclusive cost. She stated the rates were as follows: for First Union's three year callable bond the rate was 4.51%; First Union's ten year callable bond was 4.32%; for Robinson-Humphrey, the three year callable bond was 4.66%; and their ten year callable bond was 4.58%. Harrison stated the total principal and interest on the existing bonds totaled \$7,621,396.40, and of the four proposals presented (two from each company) the proposal with the lowest debt service payment over the life of the bond, principal and interest, was \$7,136,493.62 on the ten year callable bond from First Union, with a savings of \$484,902.78. This would be expressed in an average annual savings in debt service of approximately \$25,521.00. Councilman Holland stated at this time, although all of the bonds are not callable, and will not be callable until the year 2002, and although a premium would have to be paid for the bonds. He recognized the market is at an all time low, and based upon this factor, he would recommend a refinancing that would save approximately a total of \$500,000.00 over the life of the bond, and that he would recommend the First Union proposal for ten year callable bonds. There were no other comments. Councilman Holland made a motion to approve the First

Union proposal for ten year callable bonds for refinancing of the Calhoun Recreation Authority revenue bonds. The motion was seconded by Mayor Pro Tem Woods, with Councilman Holland, Mayor Pro Tem Woods, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried. Harrison was instructed to work with First Union, and was given the authority to lock in the rate by Thursday for the refinancing of the bond.

- c. Director Cornwell reviewed the water and sewer installation policy, stating there were a couple of proposed changes which had been recommended by EPD, and one deletion, since the policy item was also listed in the City specifications for the water and sewer installation policy. He also stated the City's current verbal policy regarding annexations for property located within the city limit area, and requiring property eligible for annexation to annex in order to obtain sewer would also be included in the policy. Mayor Palmer stated based upon these additional items added to the policy, he would recommend the policy be held until October 12, 1998, in order to give everyone an opportunity to review the deleted language and the additional language.
- d. Assistant Director Peterson stated the City continues to review the request made by Armory personnel regarding the installation of technical support equipment, with an acronym of FAT, representing strategic equipment designed to give computerized firing range abilities within a 40 by 45 foot area. The equipment would be available to be used by the Police Department, the Sheriff's Office, and by Armory personnel. Armory personnel have agreed to train both City and County personnel on the use of the software. They would supply the software, which has a value of over \$250,000.00, and would also supply the material for the improvements to the building. The County would supply labor to build the internal facility, to supervise the building, and also to provide continual janitorial service for the building. The City would provide the space, the heating and air conditioning system, and the recommendation was to allow the use of approximately \$20,000.00 from the City's confiscated drug fund to improve the facility by adding siding to the outside of the building, to improve the restroom facilities, and to add a heating and air conditioning unit. Councilman Shelton stated this had been an ongoing proposal for the past couple of years, and based upon the utilization by the City Police Department, County Sheriff, and possibly the State Highway personnel, in addition to Armory personnel, he would recommend the expenditure of funds. Following further discussion, Councilman Shelton made the motion to proceed with the proposal and to authorize the expenditure from the confiscated drug funds of approximately \$20,000.00. The motion was seconded by Councilman Denmon, with Councilman Shelton, Councilman Denmon, Councilman Holland and Mayor Pro Tem Woods voting affirmatively, motion carried.

7. New Business:


- a. A first reading of the zoning variance request of Safco II for a 4-foot setback variance for an "on premise" sign, north of the building on Maple Street was given. Mayor Pro Tem Woods made a motion to set the public hearing for November 9, 1998 at 7:00 P.M., second by Councilman Shelton, with Mayor Pro Tem Woods, Councilman Shelton, Councilman Holland and Councilman Denmon voting affirmatively, motion carried.
- b. A first reading of new zoning request of Retha Pritchard Poarch for a house and lot at 1130 Dews Pond Road for R-2 zoning and annexation was given. Mayor Pro Tem Woods made a motion to set the public hearing for November 9, 1998 at 7:00 P.M., second by Councilman Holland, with Mayor Pro Tem Woods, Councilman Holland, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.
- c. On a review of the possibility of the City building cellular towers on public property for City use and for lease to others through a public lease proposal, Director Cornwell stated, based upon the City's availability of strategic sites located within the City and in the County, and the fact that these sites were sensitive areas and were not areas that the City would turn over for outside builders to erect towers and continue maintenance for individual companies, that he would recommend the City evaluate the need, and proceed with geo-technical engineering costs, which would be in the neighborhood of \$1,500.00 to \$3,000.00, regarding the possibility of erecting a tower at the site on Hillcrest Drive and that also, prior to any tower construction, the City take bids to determine if there is a demand for the tower. Following further discussion, Mayor Palmer opened the matter up for other comments. Ron Dobbs, a property owner adjoining the City's property located on Hillcrest Drive, inquired of the size of the City's property. Director Cornwell responded the property is in excess of one acre. Mr. Dobbs stated he has always been cautious of government, as it competes with private enterprise, and he inquired if, since his property is also located at a high elevation, if it would also be eligible for erection of towers. The response was as long as he was able to meet the code as addressed in the Tower Ordinance which was adopted on September 14, 1998, he would be eligible to erect towers on private property. The fact that the City was considering erecting towers on public property did not prohibit erection of towers on private property. Following further discussion, Councilman Denmon made a motion to authorize the expenditure of

between \$1,500.00 and \$3,000.00 for geo-technical engineering services regarding the site, and also to authorize the City to proceed with evaluating the need and for taking bids to determine the need for erecting a tower. The motion was seconded by Councilman Shelton, with Councilman Denmon, Councilman Shelton, Councilman Holland and Mayor Pro Tem Woods voting affirmatively, motion carried.

8. Other written items not on the Agenda:
 - a. Harrison stated two items had arrived since the agenda was drawn, those being a request for new zoning and annexation for a lot located at 119 Dan Cherry Drive, owned by Wesley R. Hudgins, with a request for R-1 zoning. Mayor Pro Tem Woods made a motion to set the public hearing for November 9, 1998 at 7:00 P.M. The motion was seconded by Councilman Denmon, with Mayor Pro Tem Woods, Councilman Denmon, Councilman Shelton and Councilman Holland voting affirmatively, motion carried.
 - b. A rezoning request was submitted by Beth Maddox for property located on Piedmont Street, being the former Overton house, for a request to rezone from C-2 to R-1. Mayor Pro Tem Woods made a motion to set the public hearing for November 9, 1998 at 7:00 P.M. The motion was seconded by Councilman Shelton, with Mayor Pro Tem Woods, Councilman Shelton, Councilman Holland and Councilman Denmon voting affirmatively, motion carried.
9. Work report of Director of Utilities and Public Works, Kelly Cornwell:
 - a. Cornwell stated most of the ongoing projects at this time are on schedule or slightly under schedule.
 - b. Cornwell stated he wished to commend members of the Water Department for their performance in repairing leaks, and for continuing to provide water at the level needed for its customers during drought conditions.
 - c. Cornwell commended the members of the sewer treatment facility for their use of the facility following completion of the addition. He stated for the first time in its history, the BOD effluent was in the single digits, at the waste treatment facility.
10. Mayor Palmer inquired if it was necessary to move to Executive Session. The response was negative.
11. Mayor Pro Tem Woods made a motion to adjourn, 2nd by Councilman Holland, with Mayor Pro Tem Woods, Councilman Holland, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.

Approved:

Submitted:



James F. Palmer, Mayor



Cathy Harrison, City Administrator