

MAY 22, 1995

7:00 P.M.

REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
226 SOUTH WALL STREET

PRESENT: JOHN D. MEADOWS, III, MAYOR
THOMAS BOND, MAYOR PRO-TEM
PAUL MCENTIRE, COUNCILMAN
JIMMY PALMER, COUNCILMAN

ABSENT: JOHN D. SHELTON, JR., COUNCILMAN

ALSO: KELLY CORNWELL, DIRECTOR UTILITIES/PUBLIC
WORKS
WILLIAM P. BAILEY, CITY ATTORNEY
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 May 8, 1995 Regular City Council Meeting and May 18, 1995 Special Council Meeting were approved.
4. Mayor's Comments:
 - a. Mayor Meadows stated Councilman Shelton was in Redmond Park Hospital suffering from heart problems, and hopefully would be released on Tuesday or Wednesday.
 - b. Mayor Meadows reminded the Council of three public hearings scheduled for June 12, 1995: (1) 1995-95 Budget; (2) Zoning Change Request of Stanley Simpson for property around the Beth Bennett house off Jolley Road from Ind.-G zoning to R-2 zoning; (3) Zoning Change Request of Dyetron, Inc. for property adjacent to and South of the Beth Bennett property off Jolley Road from Ind.-G to R-2 zoning.
 - c. The Golf Advisory Commission met on May 22, 1995 at noon, with the main item being an expansion of the annual fee passes expanded from two to five possible passes.
 - d. Following discussion that the June 26, 1995 Regular City Council Meeting would coincide with the GMA annual conference, Mayor Pro-Tem Bond made a motion to move the June 26, 1995 meeting to June 19, 1995 at 7:00 P.M., 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire and Councilman Palmer voting affirmatively, motion carried.
 - e. Mayor Meadows, in response to printed matter issued by Commissioner Ferrell regarding Commissioner Ferrell's statement that he was prepared to have the County loose its share of the Local Option Sales Tax rather than share with the cities. Mayor Meadows stated the city and county had entered into an agreement in the early 80's which gave the county the predominant share of the local option sales tax primarily due to the county's poor financial condition at the time. Over the next few years as the County's financial condition improved, the City of Calhoun asked for the funding to be readdressed, however, the County would never agree to any redistribution formula. Mayor Meadows stated the state law changed last year, which required cities and counties to renegotiate the formula, and that the cities and counties had been meeting over the last few weeks to discuss possible formulas, and to review information prepared by staff from the City of Calhoun, Gordon County and the City of

Fairmount. Mayor Meadows stated the loss of the local option sales tax would result in an almost 50% increase in property taxes for all county residents, including those within the City of Fairmount and the City of Calhoun, since all residents of those communities pay the level of county taxes as all citizens in the unincorporated area. He stated the local option sales tax was a very fair tax in that some 20% of those funds come from travelers on I-75, and with the remaining portion coming from all segments of the population as opposed to property taxes which are assessed only against one part of the county wide population, those being property owners.

5. Public Hearings & Comments:

- a. A 2nd reading of the Richard Dixon Beer Package License Request for Highway 41, North was given. A public hearing was opened and Mayor Meadows stated the police report was clear. There were no other comments, and the hearing was closed. Mayor Pro-Tem Bond made a motion to approve the license change request, 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire and Councilman Palmer voting affirmatively, motion carried.
- b. Gail Holland Whitbeck addressed the Mayor and Council on behalf of the Daniel Holland family, as per the following:

"My name is Gail Holland Whitbeck and I am here as a spokesperson for my family. My brother, Daniel Holland, died as a result of a broken neck while in the care and custody of the Calhoun Police and Gordon County Sheriff's departments on November 5, 1994. A coroner's jury ruled his death homicide on April 17, 1995. As of now, the officers responsible for his death and the jailers and at least one detective who stood by while it happened have not been as much as reprimanded. Instead, they have been boldly defended by their department heads, Willie Mitchell and Sid Roberts.

We are here tonight to ask for help from the city's leaders. We have all, at one time or another, read about officers being suspended because someone was hurt or seriously injured while being arrested or detained. The obvious purpose for this is to guard against the possibility of any further misconduct while that case is investigated. The ultimate goal of any Chief of Police or County Sheriff is, to protect the people. When the truth is known, the officer involved will either be punished appropriately or found innocent. In the meantime, his immediate reputation is less important than the safety of the people he is sworn to protect.

My brother, Daniel, was not only hurt and seriously injured, his life was taken. He had no power against those who held him. His cries for help were ignored by those who watched. Someone should have taken a stand. Someone there that night should have said "STOP"! Did each one of them silently hope the other would be the first to protest this violence? Those people will have to live with that on their conscience.

Can you, Mr. Meadows, and you, the council members, tell us tonight that you will take a stand. Or will you sit back and wait and hope that someone

else will take care of it.

We feel the absence of Daniel every day. Mother and Daddy ache with every breath. Daniel's widow, Teresa, cries and visits his grave to talk to the man she married only four months before he died. My brothers and I struggle with feelings of depression and hopelessness as we fight to keep the memory of what happened to Daniel alive in the minds of those who can help us find justice. And then there's Daniel's children. His 10 year old daughter, Danielle, has nightmares about being put in jail. His son, Bryan, will graduate on May 30 with his senior class at Calhoun High School. His daddy won't be there.

Daniel was a good man. He had a family he loved. He was a hard worker and he liked living a simple life with few possessions. He will be remembered by those who were lucky enough to know him for his spontaneous smile. He was the only brother who called me "Sis".

As Daniel's family and friends, we ask you to take this opportunity to make a difference. Help us restore Danielle's faith in Calhoun as a safe place to live and play. Restore Danielle and Bryan's confidence in our Police and Sheriff's department. They need to know that not all officers in uniform are bad. The mayor and each of you as city council members have been put here by the citizens of Calhoun to make decisions on their behalf. You have earned the respect of the people of this county by being the leaders you are. It is your duty and responsibility to take a stand against anything or anyone who might threaten the safety of our people. Please don't turn your backs on us. Please have the courage to do what is right.....Not just for Danielle and Bryan, but for all of the people in our town."

Following Ms. Whitbeck's comments, City Attorney William P. Bailey stated the City had been served notice by the family's attorney of pending litigation in the amount of \$2,000,000.00 and that it would be inappropriate for the Mayor and Council to make any comments regarding the situation. Attorney Bailey denied all accusations as stated by the family.

- c. A 2nd reading of the resolution regarding a change in commercial pickup rates by the City of Calhoun was given, and a public hearing was opened. Mayor Meadows stated the rates would increase to \$2.50 per cubic yard, with the City having four, six and eight cubic yard containers. The pickups would be \$10.00, \$15.00 and \$20.00 per pickup based on cubic yards. There were no further comments and the hearing was closed. Councilman McEntire made a motion to adopt the resolution incorporating the new pickup rates, 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer and Mayor pro-Tem Bond voting affirmatively, motion carried.

6. Old Business: None

7. New Business:

- a. A first reading of the Annexation Ordinance Request of Larry Grider and Lamar Whittenburg for property located at 813 South Wall Street for C-2 zoning was given. Mayor

Pro-Tem Bond made a motion to set the public hearing for June 12, 1995 at 7:00 P.M., 2nd by Councilman McEntire with Mayor Pro-Tem Bond, Councilman McEntire and Councilman Palmer voting affirmatively, motion carried.

- b. A first reading of the Fee Resolution to amend the Sewer Rate Resolution which would cover debt and operating costs associated with the sewer plant expansion for an additional 4,000,000 gallons per day. Mayor Pro-Tem Bond made a motion to set the public hearing on the Fee Resolution Amendment for June 12, 1995 at 7:00 P.M., 2nd by Councilman Palmer with Mayor Pro-Tem Bond, Councilman Palmer and Councilman McEntire voting affirmatively, motion carried.
 - c. A first reading of the Annexation Ordinance Request of the Syble Spink, Florence Lawrence and John Slagle Estate for approximately 27 acres south of Idle Acres Subdivision off of Curtis Parkway for R-2 zoning was given. Councilman McEntire made a motion to set the public hearing for June 12, 1995 at 7:00 P.M., 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer and Mayor Pro-Tem Bond voting affirmatively, motion carried.
 - d. Councilman Palmer made a motion to adopt a resolution naming Cathy Harrison as the voting delegate for MEAG with Jimmy Palmer and Larry Vickery serving as voting alternates, 2nd by Mayor Pro-Tem Bond with Councilman Palmer, Mayor Pro-Tem Bond and Councilman McEntire voting affirmatively, motion carried.
8. Other Written Items Not on the Agenda: None
 9. Director Cornwell's Work Report:
 - a. Cornwell stated the County had agreed to a negotiated sludge handling rate of \$20.00 per ton for the first 30 days; \$32.00 per ton for the second 30 days, with the price escalating to \$50.00 per ton on August 1. In exchange, the City would handle the County's leche' at the new landfill. Mayor Meadows expressed his appreciation to the County for working on this proposal, which was beneficial to both governments.
 - b. Director Cornwell produced a letter from the Department of Natural Resources stating that the City of Calhoun was in non-compliance according to its waste treatment permit having exceeded levels above those permitted, and that corrective measures must be taken immediately in order for the City to not be fined. Director Cornwell stated the planned expansion would alleviate the problem.
 - c. Cornwell presented two completed contracts, one from Electronic System Products Division of Antech, which had been approved by the Mayor and Council earlier, and the Willowbrater Clean Water Systems, Inc. contract regarding the sludge land application contracts which had been approved earlier. Both contracts were made available for the Mayor's signature.
 - d. Following discussion, Mayor Pro-Tem Bond made a motion to adopt a resolution approving and authorizing execution of the telecommunications support service agreement between MEAG and the City of Calhoun, 2nd by Councilman Palmer with Mayor Pro-Tem Bond, Councilman Palmer and Councilman McEntire voting affirmatively, motion carried.
 10. Mayor Pro-Tem Bond made a motion to move to Executive Session for legal matters, 2nd by Councilman Palmer with Mayor Pro-Tem Bond, Councilman Palmer and Councilman McEntire voting affirmatively, motion carried.
 11. Councilman McEntire made a motion to move to General Session,

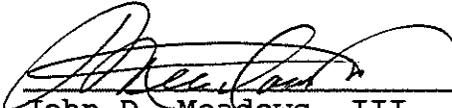
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2nd by Mayor Pro-Tem Bond with Councilman McEntire, Mayor Pro-Tem Bond and Councilman Palmer voting affirmatively, motion carried.

12. Councilman McEntire made a motion to adjourn, 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer and Mayor Pro-Tem Bond voting affirmatively, motion carried.

Approved:

Submitted:



John D. Meadows, III
Mayor



Cathy Harrison
City Administrator

