

JULY 28, 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  
RONALD H. WOODS, COUNCILMAN

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

1. Mayor Meadows called the meeting to order, welcomed everyone, and gave the invocation.
2. Mayor Meadows led the group in the Pledge of Allegiance to the U. S. Flag.
3. Minutes of the July 14, 1997 Regular City Council Meeting and the July 16, 1997 Special Called Council Meeting were approved as written.
4. Mayor's Comments:
  - a. Mayor Meadows reminded the Council of the Public Hearing scheduled for August 11, 1997: (1) Annexation/New Zoning Request of Amazing Grace Baptist Church for the church property located on Hood Street for R-2 zoning.
  - b. Mayor Meadows reminded the Council of the Service Delivery Meeting in Rome at the Forum on July 29 at 9:00 A. M. until 12:30 P. M. and the first meeting with the county regarding H. B. 489 on July 31, 1997 at 2:00 P. M.
  - c. Mayor Meadows stated he had received a request from Mayor Penson of Adairsville regarding a DOT request for Adairsville to furnish water for the rest area located in the southern part of Gordon County. Cornwell stated the City of Calhoun currently has a water line approximately 4,000 ft. from the site, and that he was presently checking with the owners of the property to determine if easements would be easily obtained. Bob Peoples of Peoples Engineering, representing the City of Adairsville, stated Mayor Penson was unable to attend. He stated the City of Adairsville had provided sewer for the rest area, approximately 24 months earlier, and at that time, DOT stated it would continue to use its well for water services to the property. However, in the last few months, they have decided to connect to a public water system, and had asked Adairsville if they would extend water services to the area. Peoples stated the City of Adairsville had planned to connect to the six inch line going to their tank, with no I-75 crossings involved, with the line to the rest area being on DOT right-of-way. He stated Mayor Penson had contacted the City of Calhoun after receiving the request from DOT. Following discussion, the City Council advised the staff to determine the cost which would be paid by DOT for the water services, and to make a recommendation to the Council.
  - d. Mayor Meadows stated the City of Calhoun had received notice that the decision of Judge Pope regarding the MEAG lawsuit had been upheld in the Appeals Court of Georgia. Mayor Meadows stated the lawsuit had been an effort by

the City of Calhoun to be compensated for the improper rate structure by MEAG for several years. Attorney Bailey stated there was a possibility that MEAG could file for a reconsideration of the case, and then could file for certiorari. He stated these two items could be filed within a 20 day period.

5. Council's Comments:

- a. Mayor Pro-Tem Shelton stated he had a special report from the Police Department regarding the cooperative City and County Drug Task Force. Mayor Pro-Tem Shelton introduced Chief Willie Mitchell, who in turn introduced Seargent Randy Gallman, who participates in the Cooperative Drug Task Force. Seargent Gallman reviewed the activities of the task force from January to July 25, 1997. He stated during this period of time the task force had filed 311 Warrants, Received 59 Orders to Search, issued 36 traffic violations and had 20 pending investigations. He stated there had been charges against 195 defendants, with a confiscation of drugs valued at \$330,000.00 and confiscation of \$58,000.00 in cash, 11 vehicles, 24 fire arms, and one mobile home. He stated the cases had concerned not only Calhoun, Georgia, but parts of Arizona, Texas and Tennessee. He stated the most current round up, July 26, 1997 involved several defendants, and included 11 confiscated vehicles, three of which had been returned; involved three major dealers and included confiscation of \$12,000.00 in cash. He stated 71 warrants had been issued. Mr. Gallman stated that the work of the Drug Task Force required the use of confidential informants in an effort to be successful in these cases. He stated a problem associated with this type of law enforcement are the rumors which are constantly flowing. He stated after this most recent raid, there had been more than normal rumors in the rumor mill. He stated they had not only attacked the officers personally, but had attacked the department. He assured the Mayor and Council that his behavior was above reproach, and that should any citizen have any complaints, the City of Calhoun Police Department had an internal affairs division which could investigate any complaints, as well as, an option for additional law enforcement personnel to be drawn in for any special complaints. Mr. Gallman assured the Council and his superiors that his portion of the operation was being handled in a proper manner. Mayor Pro-Tem Shelton commended the Police Department for their effective activities, and expressed support for the work of the Cooperative Drug Task Force.

6. Public Hearings & Comments:

Mayor Meadows stated that based on a Special Zoning Advisory Board Hearing on July 25, 1997, two zoning items would be held at the present time. Those matters will be open to the public, with anyone wishing to speak having a ten minute time limit for pro and con sides of the discussion. Mayor Meadows stated there were no conflicts nor reason for disclosure from the Mayor and Council who would be hearing the zoning matters. Mayor Meadows also determined there had been proper advertisement in the legal organ, signs placed on the property and notification of adjoining property owners.

- a. A 3rd reading of the Annexation/New Zoning Request of Mr. and Mrs. William L. Hopper for property located on Henderson Bend Road across from Gray's Landing for R-1 zoning was given. A public hearing was opened. Ron

Woods, Chairman of the Zoning Advisory Board, reported the matter had been heard on July 25, 1997 by the Board. He stated they heard a report from Jeff Henderson who stated the request of Mr. Hopper was an accommodating annexation request in order for his property to be annexed. He stated Mr. Hopper had no development plans at present, and wished to maintain the property for a single family residence. Chairman Woods stated the Board had recommended the property be annexed for R-1 zoning. There were no other comments and the hearing was closed. Councilman Woods made a motion to annex for R-1 zoning, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

- b. A 3rd reading of the Annexation/New Zoning Request of Cindy G. Henderson for property located at 597 Henderson Bend Road for R-2 zoning was given. A public hearing was opened. Chairman Woods stated the Zoning Advisory Board had reviewed the matter also on July 25, and had heard comments from Mr. Jeff Henderson who stated that he wished to annex the property in order to have the fire protection and police protection offered by the City in addition to more economical water extension costs and rates, as well as, sewer should it be used in the future. Affidavits from Mr. Ralph Henderson and Mr. Reed Turner indicated they were not opposed to the annexation and development, however, they wished to make everyone aware that their chicken houses had been in operation prior to the development in case of any future odor complaints. Following review of the location of the property, and discussion of the road, Chairman Woods stated the Zoning Advisory Board had recommended the property be annexed and zoned R-2. 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.
- c. A 2nd reading of the Utility Rate Resolution as per the 1997-98 Budget, being effective July 1, 1997 was given. A public hearing was opened. Mayor Meadows stated the resolution called for reduction in electric rates, and a ten cents per 1,000 gallons of water usage and sewer rate increase was included. There were no other comments, and the hearing was closed. Councilman Palmer made a motion to waive the 3rd and 4th readings, and to adopt the resolution, 2nd by Councilman Woods with Councilman Palmer, Councilman Woods and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- d. A 2nd reading of the Pawn License Request of Elliott Carl Roundtree for Cash Express located at 109 South Wall Street was given. A public hearing was opened. There were no comments, and the hearing was closed. Mayor Meadows stated at this time a police report was not available, and any motions should be made subject to the receipt of a clear police report. Councilman Woods made a motion to waive the 3rd and 4th readings, and to approve the license request subject to a clear police report, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- e. The presentation of Mr. Tony Martin was rescheduled for August 11, 1997.

7. Old Business:

- a. Harrison reported that during the first two weeks of the cemetery sales, that Mr. Keith Cochran had sold 38 spaces at Fain and Chandler, totaling \$11,400.00, providing

\$7,600.00 for the Perpetual Care Fund. She stated he had reported approximately 75 telephone calls regarding the sale during the first two weeks.

- b. In reference to commercial garbage charge offs for the period of 1990 to June 30, 1997, Harrison stated the list had been reviewed with three or four accounts being removed for additions to personal utility accounts. The total charge off would be \$5,473.92 representing 1/3 of one percent of the total billed for the period. Following discussion, Councilman Woods made a motion to approve the Charge Offs, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- c. Harrison stated the two applications which had been filed by the HOME program, one being through the Federal Land Bank, through Georgia Bank & Trust, and the second with USDA for an affordable housing grant had been denied. She stated there was an upcoming CHIP or HOME Grant application available to be filed during the month of October with an approval date of February 1, 1998. Harrison stated she had provided information for the Mayor and Council which had been distributed during the CHIP Workshop. She asked the Mayor and Council to review the information prior to any decisions regarding the HOME Program, and asked them to review by August 11, 1997. Mayor Meadows stated he understood the continuation of the HOME Program would be subject to the approval of the USDA and Federal HOME Loan Grant Applications. He stated the Council would review the information provided, and would revisit the item on August 11, 1997.

8. New Business: None

9. Other Written Items Not on the Agenda:

- a. A 1st reading of a Beer Pouring License application for Lizzy's Deli which proposes to locate at 203 Richardson Road was given. The property being owned by Loel McKinnon. The Council discussed a prior Beer Package License Application which had been denied for the location since there was a residence located within 24 ft. of the rear of the property. Following discussion, Mayor Pro-Tem Shelton made a motion to set the public hearing for August 11, 1997 at 7:00 P.M., 2nd by Councilman Woods with Mayor Pro-Tem Shelton, Councilman Woods, and Councilman Palmer voting affirmatively, motion carried.
- b. Attorney Bailey introduced a request to hold a public hearing on the abandonment of Mac Avenue, and to return the property to the original owners who had dedicated the property in 1948. He stated the road had been closed approximately two years ago at the time of DOT renovation of U. S. Highway 41. Following discussion, Councilman Woods made a motion to set the public hearing regarding the matter on August 11, 1997 at 7:00 P. M., 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton and Councilman Palmer voting affirmatively, motion carried.

10. Director Cornwell's Work Report:

- a. Cornwell stated that pipe was on site on College Street, and work should be completed in approximately one week on the Haney Project, in which the Council had approved the work based upon the owner paying for the cost of pipe as had been previous policy.
- b. Cornwell stated work continued on the pump station for the Resaca and Sugar Valley area.

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- c. Cornwell stated that property owners adjoining the 750 ft. road bed owned by the City of Calhoun had proposed to develop and build the street to city specs. The City discussed the matter with Attorney Bailey recommending that he be allowed to review and determine the best method to handle the request. The matter was postponed until August 11, 1997.
  
- 11. Councilman Woods made a motion to move to Executive Session for real estate, legal and personnel 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 Councilman Palmer with Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
  
- 13. Mayor Pro-Tem Shelton made a motion to adjourn, 2nd by Councilman Palmer with Mayor Pro-Tem Shelton, Councilman Palmer and Councilman Woods voting affirmatively, motion carried.

Approved:

Submitted:

  
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John D. Meadows, III  
Mayor

  
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Cathy Harrison  
City Administrator

