

OCTOBER 27, 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
 EDDIE PETERSON, ASST. DIRECTOR UTILITIES/PUBLIC WORKS
 CATHY HARRISON, CITY ADMINISTRATOR

1. Mayor Meadows called the meeting to order, welcomed everyone and gave the invocation.
2. Troop 13 of the Boy Scouts led the group in the Pledge of Allegiance to the U. S. Flag.
3. Minutes of the October 13, 1997 Regular City Council Meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Meadows introduced Boy Scout Troop 13 of Oostanaula, Jessie Bohannon, Troop Leader, to the group. Mr. Bohannon in turn asked each scout member to introduce themselves and the assistant scout leaders who were present. Mr. Bohannon stated the group was at the meeting in order to obtain credit and receive additional ranking.
 - b. Mayor Meadows reminded the Council and General Public of the Public Hearings scheduled for November 10, 1997 at 7:00 P. M.: (1) Annexation/New Zoning Request of Bonner Construction Company, Ronald H. Woods, for Lot 13 of Thornwood Drive for R-1 zoning; (2) Annexation/New Zoning Request of Manhar N. Patel for property located at 2261 Highway 41, north, which presently contains a motel and restaurant for C-2 zoning; (3) Annexation/New Zoning Request of Diane Poole for approximately two acres south of the Coosa Tech Satellite off Harris-Beamer Road for R-2 zoning; (4) Annexation/New Zoning Request of Ronald B. and Lorene Potts for approximately two acres off Erwin Street in Land Lot 266 in the 14th District and 3rd Section of Gordon County, Georgia for R-2 zoning; (5) Annexation/New Zoning Request of Bulah S. Timms, submitted by David J. Timms, Power of Attorney, for approximately 2.6 acres adjoining other property at the Calhoun Medical Park off Warrior Path for C-2 zoning.
 - c. Mayor Meadows stated the Council and staff attended a GMA Pre-Legislative Meeting on October 15-17, 1997. He stated the meeting was extremely rushed, however, it was very beneficial and well attended. There were brief comments from Mayor Pro-Tem Shelton, Councilman Woods and City Administrator Harrison regarding the actual activities of the meeting. Mayor Meadows stated the legislative agenda for GMA had been prioritized at the meeting, with copies to be distributed to each city within the next few days.
 - d. Mayor Meadows reminded the General Public of the City General Election scheduled for next Tuesday, November 4, 1997 from 7:00 A. M. until 7:00 P. M. with three council posts and three school board posts, however, only one of the council posts and one of the school board posts have opposition. He encouraged everyone to vote.
 - e. Mayor Meadows reminded the public that Halloween will be observed on the traditional date for Halloween which will be October 31, 1997 on Friday evening between the hours of 6:00 P. M. to 9:00 P. M. for trick-or-treaters up to age twelve. He asked the general public to be careful and watch for the little ones as they trick-or-treat.
 - f. Mayor Meadows stated that he felt it was appropriate for the City of Calhoun to begin to recognize the development of the River Park which presently has several of the soccer fields open, and very active. He suggested the park be called the City of Calhoun Clarence E. Harris River Park, and asked for discussion with a motion for a proper name for the park. Following discussion, Councilman Woods made a motion to adopt the name of City of Calhoun, Clarence E. Harris River Park, 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton and Councilman Palmer voting affirmatively, motion carried.
5. Public Hearings & Comments:
 - a. Dr. Chris Nelson of Georgia Tech who had been hired as an independent authority to review the City of Calhoun's waste water rates was introduced by Mayor Meadows. Dr. Nelson stated that when he undertook the job for rate comparison, that he firmly expected to find rates out of line in terms of pricing for the service. He stated he reviewed all the information thoroughly and asked for more and more information, however, in the final

- b. analysis, the City's rates were within one percent of their actual costs based upon the study period, and he stated that one percent could vary either way up or down in any given year. He stated the City of Calhoun had approximately 85% of City customers in terms of volume was from industry. He stated that cost was recovered from industrial customers, to the degree of almost one percent above actual cost. He stated the commercial service made up between seven and eight percent of the volume, and also was billed for that amount of cost. He stated the residential made up approximately seven percent of the volume and was billed at about six percent of the actual cost. He stated this variance was very small. He stated that he also reviewed the five distinct areas in the drainage basins to determine if prices that were out of line in terms of area. He stated this was not the case, that the City's method of determining rates was working well, and needed no modification at this time. He did make several suggestions. He stated the City might wish to make sure that annexations into the system include a revenue to cost analysis, that a renewal and rehabilitation fund be established at one to two percent of system value, and that the equity of the system should be tapped through systems equity charge which can be maintained and used for future updates or improvements to the system. City staff stated in the most current budget, the City had implemented a renewal and rehabilitation fund of approximately \$200,000.00 for its sewer system and its water system, and a smaller amount for its electric system. Dr. Nelson responded to questions from the elected officials, and stated that he would be available to meet with industry to make the presentation in person, and to respond to any questions they had. There was nothing further, and Dr. Nelson was excused from the meeting.
 - c. In the matter of the continuation of the appeals hearing of SMD, LLP a Georgia Limited Partnership, Agent Wayne Charles, for five interstate sign permits, City Attorney William P. Bailey stated that the attorney for the company, Mr. Mark Forsling, stated they wished to withdraw their building permit, therefore, the appeal would not be necessary, and they would move forward with litigation which would attack the validity of the ordinance.
6. Old Business:
- a. Administrator Harrison asked the Council to consider setting a public hearing in order to have the final discussion on the CDBG Grant which did water, sewer and street improvements in the Crest Drive/Gallman Avenue area. Councilman Palmer made a motion to set the public hearing for November 10, 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.
7. New Business:
- a. Harrison stated there was a request by Steve Cochran of 634 Peters Street for the Mayor and Council to hear an appeal for a challenge to the classification of the Rabies Control Officer for his dog as a potentially dangerous dog. This is in compliance with Section 4-20 of the Code of Ordinances. Harrison stated that based upon notification from Mr. Cochran, and a corrected notification to Mr. Cochran which was signed by Mr. Cochran on October 15, 1997, the Council would need to hold the hearing sometime between today's date and November 15, 1997. Following discussion, the Council set the date for the hearing at 6:30 P. M. on November 10, 1997.
8. Other Written Items not on the Agenda:
- a. City Attorney William P. Bailey stated that in response to a request from City Administrator Harrison to look at a drug testing policy for the City, that he has reviewed the options available to the City extensively, and a final draft ordinance will be forwarded to the Administrator on Tuesday, October 28. He asked that a first reading of the policy be held on November 10, 1997.
 - b. City Attorney William P. Bailey stated that based upon his review of the City's Sign Ordinance during the SMD, LLP litigation, that he has become quite familiar with the ordinance, and that he is convinced that the City has a legitimate position in the case, however, he stated that during the period of discovery and waiting for the litigation to move forward, that he felt it would be an appropriate time for the Mayor and Council to review the ordinance, since it is complicated, and to express and make explicit findings as to the reasons for establishing the ordinance. He stated this could be done with a first reading on November 10, 1997.
9. Director Cornwell's Work Report:
- a. Director Cornwell stated the City of Calhoun had received a request from DOT in October 1992 for the City to relocate utilities in three areas. He stated at that time, that two of the areas involved state routes, over which the City has no authority over right-of-way property, however, DOT had requested the City not only to relocate its utilities, but any other utility company who was using the

state right-of-way. At the Council Meeting in 1992, the Council determined that the cost for two of the projects based on the information available could not be determined, therefore, they felt they needed additional information prior to any approval. One project which only involved City relocation of utilities in the form of a water line was agreed upon by the Mayor and Council with that information being forwarded to DOT. Director Cornwell was authorized to write DOT a letter, and explain that additional information would need to be provided to the City prior to any consideration for the other two projects.

- b. Cornwell reviewed the three architectural proposals, which had been received and reviewed for the Clarence E. Harris park project. Those were French & Associates of Columbus; Hughes, Good, O'Leary & Ryan of Atlanta; and Greg Simms of Dalton. Cornwell stated the proposal from French & Associates was excellent, however, it was very expensive. The proposal from Hughes, Good, O'Leary & Ryan was also an excellent proposal, but was costly. He stated both of those firms had worked with Chattanooga and with other large areas who were undertaking tremendous recreation projects, and their cost was based on a premise that similar construction would be undertaken by the City of Calhoun. He stated Greg Simms had provided some advise for the City up to this point in reference to its ISTEPA Project, and that he understood the limited funding that would be available for the project. He had also based his architectural fees on a lower cost project. He stated it was the recommendation of he and Eddie Peterson that the project be awarded to Greg Simms as architect. Following discussion, Councilman Woods made a motion to approve the recommendation, 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton and Councilman Palmer voting affirmatively, motion carried.
- c. Cornwell and Vickery provided an update of the fiber system to this point, and provided the Mayor and Council with a consulting agreement from SynchroTel. Cornwell stated the consultant agreement work at this point had been done by SynchroTel, but had been paid for by MEAG. However, it was time the City began paying for the individualized work that would be done for the City from this point forward. The Council reviewed the proposed consulting agreement, with Mayor Meadows expressing some reservation as to the language regarding subcontractors. Following discussion by the Mayor and Council, it was determined that an additional clause be added to the proposed agreement which would allow approval of subcontractors. The motion was made to approve the consulting agreement by Councilman Palmer, 2nd by Councilman Woods with Councilman Palmer, Councilman Woods and Mayor Pro-Tem Shelton voting affirmatively, motion carried, with Mayor Meadows reminding the group that the clause needed to be amended in the consulting agreement in order to avoid a veto.


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

Approved:

Submitted:



John D. Meadows, III
Mayor



Cathy Harrison
City Administrator

OCTOBER 27, 1997

9:15 P. M.

EXECUTIVE SESSION
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET


PRESENT: JOHN D. MEADOWS, III, MAYOR
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ALSO: WILLIAM P. BAILEY, CITY ATTORNEY
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GEORGE GOVINGNON


1. Attorney Bailey stated that he and George had reviewed the litigation in the Holland death case against several City police officers and a county jailer. He stated Andy Davis had been hired by Scottsdale Insurance Company to represent the city in the matter, and that a mediation hearing had been held last week with a final determination that the case be settled out of court for a payment of \$225,000.00 to the widow and children. Mr. Bailey and Mr. Govington reviewed the expert testimony from the medical personnel hired by the Holland family for the case. Attorney Bailey stated it would be his recommendation that the city accept the settlement agreement as offered by Scottsdale Insurance and by the County's insurance, which involved Officers Pepper, Pyle and Wheat of the City of Calhoun and Tom Owens of Gordon County. Following further discussion, Mayor Pro-Tem Shelton made a motion to approve the proposed settlement of \$225,000.00 from Scottsdale Insurance Company, and from the County's liability insurance company for settlement of the case, 2nd by Councilman Palmer with Mayor Pro-Tem Shelton, Councilman Palmer and Councilman Woods voting affirmatively, motion carried.
2. The staff composed of Kelly Cornwell, Eddie Peterson and Cathy Harrison presented a proposed chain of command, organizational chart and information for the Mayor and Council's review. The Mayor stressed that he desired the top three city appointed officials to meet weekly to discuss City operations. The three stated the meetings have been established for Thursdays at 9:00 A. M. with a two hour meeting following with Attorney Bailey to review the Code of Ordinances for updates and changes. The Mayor and Council asked the appointed officials to continue their discussion and proposal.

Approved:

Submitted:



John D. Meadows, III, Mayor



Cathy Harrison, City Administrator