

## Minutes-CalledCouncil-20090901

# HOSCHTON CITY COUNCIL Called Council Meeting Minutes September 1, 2009, 6:00 p.m. Hoschton Depot

A called council meeting of the Hoschton City Council was held September 1, 2009 at 6:00 p.m. in the Hoschton Depot. Present were Mayor Pro Tem Richard Green, Council Members Jim Jester, Richard Shepherd, Tom Walden, Theresa Kenerly. Also present were City Clerk Kristen Mahan and City Attorney Thomas Mitchell. Mayor Copenhaver and Council member John Schulte are absent. Mayor Pro-Tem Green called the meeting to order at 6:00 p.m.

## **ORDER OF BUSINESS**

### **EXECUTIVE SESSION:**

#### **Council Member Tom Walden makes the following motion:**

- (1) That the Mayor and Council now enter into closed session as allowed by O.C.G.A. § 50-14-4 and pursuant to advice by the City Attorney, for the purpose of discussing the following: **Litigation**
- (2) That this body, in open session, adopt a Resolution authorizing and directing the Mayor or presiding officer to execute an Affidavit in compliance with O.C.G.A. § 50-14-4, and that this body ratify the actions of the council taken in closed session and confirm that the subject matters of the closed session were within exceptions permitted by the open meetings law, said Resolution to be in the form as attached hereto.

#### **COUNCIL MEMBER WALDEN MADE A MOTION, SECONDED BY COUNCIL MEMBER KENERLY, TO ENTER INTO EXECUTIVE SESSION.**

The motion carried by a 4 - 0 vote with all members present in favor.

#### **COUNCIL MEMBER WALDEN MADE A MOTION, SECONDED BY COUNCIL MEMBER SHEPHERD, TO LEAVE EXECUTIVE SESSION.**

The motion carried by a 4 - 0 vote with all members present in favor.

### **PURPOSE OF MEETING:**

#### **1. Budget**

Council Member Tom Walden reported the city is holding approximately \$70,000 to \$77,000 in bills that haven't been paid because the city doesn't have the money to pay them. Walden explained the outstanding bills are due for August or will be due in September. Walden requested recommendations from Council with regard to fixing the financial problem.

Council Member Jim Jester addressed Chief Howell, thanking him and the police department for doing the best they can with what resources they have. Jester expressed to Howell that public safety is running the best it has in a long time under Chief Howell's management.

Councilman Jester distributed a handout titled Cost Savings Measures for Austere Times to Mayor Pro- Tem, Council, city clerk and city attorney. Handout is included herein and made a part of the official minutes.

Councilman Jester reported more money spent in the Public Safety budget than any other department. Councilman Jester first recommended actions for Public Safety as copied and pasted from his handout:

- \* Re-locate the police department back to city hall; thereby eliminating most reoccurring facility expenses and inherently inefficient personnel support.
- \* Eliminate all duplicate services (such as telephone systems, alarm systems, copiers and utilities that are currently required for the separate police dept. location).
- \* Permanently hold all future city council meetings in the depot.
- \* Dedicate the existing city council meeting room, city clerk's office, largest restroom, and other private offices to the police department.
- \* Consolidate and re-assign office space among existing city hall personnel and functions (city clerk, public works, break room)

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- \* Re-locate the public works office to the w/s treatment plant.
- \* Re-locating the police dept. to city hall would vastly improve coordination among city functions and restore confidence, visibility, access and communications between the police department and the public.
- \* Implement the Chiefs initiative for the use of the "express" gas card for patrol vehicles.
- \* Implement the Chiefs initiative of combining court nights and holding all court sessions in the depot to take advantage of the bigger space, larger parking lot and handicap accessibility

### Discussion between Public and Council regarding the outstanding unpaid bills:

David Zeigler, Deer Creek Farms.

Scott Butler, Deer Creek Farms, asks to confirm that most of the outstanding \$77,000 is related to lawsuits.

Deb Donaldson, Quail Crossing, asks Councilman Walden when the shortfall came to his attention and what safeguards are now in place.

Councilman Walden responds that he learned of the unpaid bills about two weeks ago and that no safeguards have yet been put in place.

Councilwoman Kenerly responds the city has been seeing the shortfall over the past twelve months.

Deb Donaldson asks Walden who's responsibility is it to not spend money the city doesn't have.

Councilman Walden responds that first it is Mayor and Council responsibility then the City Clerk.

David Zeigler states his personal concern that it seems since litigation is a foreseeable event the city should try to deter litigation.

Erma Denney, Hunters Way, states to Council she had mentioned furloughs and need to cut employee compensation during budget hearings in 2008 but that Councilman Walden had responded the city wasn't considering furloughs.

David Zeigler asked if Hoschton considered filing bankruptcy. Zeigler offered to do the city Clerk responsibilities for \$1 per year.

Randy Denney, Hunters Way, asked Council if Hoschton could give plant to County.

Erma Denney announced she spoke with Jackson County authorities and was told the county is interested in running the Hoschton WWTP.

David Poteef, The Village, asked Councilman Walden if the Water Sewer Fund began making money could those funds be used by the General Fund.

Councilman Walden responded that a city can legally transfer or borrow from Water Sewer to General Fund if excess funds are available.

Kelley Gary, 22 Hickory Walk, expressed his frustration with meetings over and over regarding the budget deficit. Gary stated his thoughts that City Planner Wistar Harmon should be part-time and that the city clerk is overpaid compared to the prior city clerk.

Erma Denney asks when the Police Department lost its police dog.

Councilman Shepherd responded it was over a year ago.

Erma Denney asks why Dino, previous police dog, is still on the city website. Denney stated this as reason for not trusting in the work being done by city employees and that Council needs to fix the personnel issue.

Councilman Jester restates that Council did not have much detail regarding the purpose of this Called meeting. Jester stated he spent the weekend considering cuts and large amounts of inventory that could be sold by the city. Jester discussed recommended actions with regard to Public Property, Facilities & Resources as copied and pasted below from his handout:

- \* Sell and dispose of all vacant city property (excluding city hall and the ice cream parlor).
- \* Inventory, sell and otherwise dispose of excess vehicles, equipment and all other items that are no longer serviceable, occupy space or are unnecessary for the day-to-day, good operation of the city.
- \* Discontinue complementary use of city facilities.
- \* Increase the rental rate for use of the depot (actual costs are less when it is not used as opposed to renting it for a loss).
- \* Impose an event fee for all functions sponsored by third parties that utilize or otherwise impact city streets, rights-of-way, properties or services (such as facilities, public works or public safety).
- \* Discontinue the use of city hall staff for all functions other than official city business; insure that the use of city postage, copies, etc. is restricted to essential official city business.

### Discussion between Public and Council regarding Hoschton Fall Festival:

Erma Denney, Hunters Way, stated she agreed with all Jester said regarding the Hoschton Fall Festival.

David Zeigler, Deer Creek Farms, asks if vendors can now be forced to pay for use of electricity.

Councilman Jester responds that vendors have signed contracts and that it would have to go through the Hoschton Fall Festival Committee.

Sandy Romer, Panther Creek, asks why the city is having the Fall Festival if it costs money.

Mary Ann Kenerly, Hwy 53, stated the Fall Festival is to promote the city and bring people into Hoschton.

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Councilwoman Kenerly states she thinks Councilman Jester believes the Hoschton Fall Festival should be separate from the city. Kenerly states the purpose of the Hoschton Fall Festival is to promote Hoschton and bring people into the city to spend money at local businesses.

Scott Butler, Deer Creek Farms, states 2008 Hoschton Fall Festival was great and agrees the city should make some money from the event.

Mayor Pro-Tem Richard Green asks if there are comments regarding city property.

### Discussion between Public and Council regarding city property:

Sandy Romer, Panther Creek, says the market is down but the city must sell to pay bills.

Scott Butler, Deer Creek Farms, says he disagrees because he believes the property is valuable and it is paid for.

Mary Ann Kenerly, Hwy 53, states that if the city sells the property and pays bills then the money will be used and the property will be gone, it's a one-time hit.

Erma Denney, Hunters Way, states the whole thought is to get money by selling the property and use that money to get caught up on bills and then the city won't get in a hole again if Council also cuts the fat of expenses at city hall.

Brian Bowmer, Hwy 53, said the city should sell the property to have the land developed.

David Poteef, Village of Hoschton, says it's a good time to look to disposition city property especially if Braselton moves forward with plans to create a small town look.

Jim Cleveland, Deer Creek Farms, says the city may need the vacant lot in conjunction of moving the police department. Cleveland expressed the need for the city to make enough from the sell of city property to build a new city hall and police department.

Erma Denney asks Council about Creekside Developers having made a part of their zoning to put a new city hall within the new development.

Councilman Jester responds that it had not been a part of zoning but the developers had offered that idea.

Kelley Gary, 22 Hickory Walk, states the city should sell the property but not now because of the market. Gary further says that if the city did find a buyer, the city doesn't have a history of being fiscally responsible to handle large sources of money.

Deb Donaldson, Quail Crossing, asks if possible for city to establish a minimum amount willing to accept for sale of property.

Councilman Walden responds the city holds the right to refuse any offer made.

Councilman Jester reports there has been no joint concession regarding selling of city property. Jester states a City Property Study Committee has been established, chaired by Jan Baker, to create a potential future land use plan over a twelve month period.

Deb Donaldson, Quail Crossing, asks what's stopping the city from up a "for sale" sign to gauge interest.

City Attorney Thomas Mitchell states a city must declare property surplus before it may sell.

Councilwoman Kenerly states the land across the street from city hall along with city hall is more valuable than the small piece alone.

Erma Denney says it's a "bird in the hand", something is better than nothing and selling should be considered.

Councilman Jester reads his recommended actions regarding Waste Water and Water Service as copied and pasted below from his handout:

### Waste Water

\* Upon the completion of w/s improvements, lease or sell excess treatment plant capacity to other entities.

\* Lease or sell excess treatment plant capacity to septic tank service companies and other industries.

### Water Service

\* "Close the valve" and discontinue further purchases of water from Jackson Co. until such time as demand exceeds our city well capabilities (presently pumping approx. one-half of the 4.5 million gallons per month capacity).

### Discussion between Public and Council regarding Waste Water and Water Service:

Kelley Gary, 22 Hickory Walk, asks if Hoschton water service is still connected to Barrow County and what the cost per thousand is for Hoschton to produce water from its own well.

Councilman Green responds no to first question. Green responds to question two stating that cost hasn't been looked at for Hoschton but the cost by Jackson County is \$3 per 1,000 gallons.

Jim Cleveland, Deer Creek Farms, asks if Hoschton is obligated to buy water from Jackson County.

Councilman Green responds no.

Brian Boehmer, Hwy 53, asks if water restrictions are in place.

Councilman Green responds no, Hoschton follows County restriction guidelines.

Brian Boehmer asks if the city should have more restrictions so our well will provide enough water.

Sandy Romer suggests staggering water usage to save money by not buying water from the county.

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City Attorney Thomas Mitchell states, in response to earlier suggestion by citizen to sell WWT Plant that the city can't sell the plant due to GEFA loans unless Jackson County is approved for assignment and GEFA agrees to the assignment otherwise Hoschton could be considered in default if the plant is sold.

Erma Denney, Hunters Way, asks status of Jackson Park well.

Councilman Green reports if the Jackson Park well is approved as a system then the city can beginning running that well.

Kelley Gary says Hoschton has a water quality issue.

Councilman Jester reads his recommended actions regarding Utilities as copied and pasted below from his handout:

- \* Reduce the number of illuminated streetlights (excluding residential areas); turn-off every other streetlight on the city square and depot area.
- \* Turn-off all rooms or facility lights and HVAC systems when space is not occupied.

Councilman Jester reads his recommended actions regarding Miscellaneous as copied and pasted below from his handout:

- \* In conjunction with social and civic organizations and city square businesses, sponsor a Fall Season garage sale on the city square - with participants donating a percentage of their proceeds to specific city needs (to be held in a manner that does not block or require the closing any street).
- \* Discontinue non-contract lawn treatment service (Top Turf).
- \* Contact our state representatives and apprise them of our situation and request their assistance in obtaining supplemental funds or grants that may be available for public safety or other specific public services.

### Discussion between Public and Council regarding recommended Miscellaneous actions:

David Zeigler, Deer Creek Farms, says city may be required to have a licensed pesticide company/person to apply to lawn.

Councilman Jester says he will look into that.

### Discussion between Public and Council:

Kelley Gary, 22 Hickory Walk, asks if there is not going to be any discussion of the planning department.

Councilman Jester states he did not plan to discuss personnel.

Erma Denney, Hunters Way, gives comparison of personnel/salary between Hoschton and Nicholson.

Kelley Gary, 22 Hickory Walk, asks if the WWTP Operator can be contracted.

Erma Denney asks why Court Clerk not at police department or taking dictation.

Chief Howell responds with explanation that court software is on the server at city hall and would be very costly to move.

Scott Butler, Deer Creek Farms, asks Councilman Jester what total savings his recommended actions would create.

Councilman Jester responds the public safety savings could possibly be \$13,000 per year. Jester said he has not calculated the other savings and some involve variables that would be difficult to determine the savings on a monthly basis.

Deb Donaldson, Quail Crossing, asks when the city's last audit was.

Councilman Walden responds the last audit which was for YE 2008 has just been completed and a copy of the audit is available at city hall.

Erma Denney, Hunters Way, asks Councilman Shepherd what it would take to come out of this meeting with a solution to one item, being the express gas card for the police department.

Councilman Shepherd states the express card is being reviewed and considered for the best option.

Kelley Gary, 22 Hickory Walk, says the amount of real savings for the city requires discussion about personnel.

Brian Boehmer asks if Council believes it necessary that the city planner be full time.

Councilman Green responds Wistar has multiple responsibilities and is involved with various items outside planning.

Councilwoman Kenerly states the value of Wistar with his multiple duties and vast experience.

Council also uniformly expresses the importance of a good Comp Plan which is being prepared by Wistar Harmon.

Scott Butler asks if Councilman Jester is the only Council member with actions to recommend.

Councilman Walden responds that he agrees with many of Jesters' recommendations but not all. Walden recommends turning off street lights which would save approximately \$12,000 per year. Walden agrees something must be done about salaries.

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Deb Donaldson asks where city is in process of Bond.

Councilman Walden reports he will ask council to approve putting Bond Referendum on November 2009 General Election ballot.

Kelley Gary, 22 Hickory Walk, requests Council share lots of information early on regarding the bond.

Councilwoman Kenerly agrees it's important to educate Hoschton citizens of the general obligation bond referendum.

Councilman Walden responds that the bond does not increase the city debt except by the amount of fees for issuing.

Erma Denney states to Council she had asked during the 2008 Budget hearings what it would take to dissolve the city. Denney urges Council and city attorney to get the answers.

City Attorney Thomas Mitchell responds it is up to the State Legislature to dissolve a city and would take ten years.

Brian Boehmer asks city attorney Thomas Mitchell status of Water Sewer litigation.

Mitchell responds the lawsuit was filed in Athens-Clarke County which is the county of Armentrout's personal residence. Mitchell says he is unable to comment further other than the discovery is finishing now.

### EXECUTIVE SESSION:

#### Council Member Theresa Kenerly makes the following motion:

- (1) That the Mayor and Council now enter into closed session as allowed by O.C.G.A. § 50-14-4 and pursuant to advice by the City Attorney, for the purpose of discussing the following: **Personnel**
- (2) That this body, in open session, adopt a Resolution authorizing and directing the Mayor or presiding officer to execute an Affidavit in compliance with O.C.G.A. § 50-14-4, and that this body ratify the actions of the council taken in closed session and confirm that the subject matters of the closed session were within exceptions permitted by the open meetings law, said Resolution to be in the form as attached hereto.

COUNCIL MEMBER KENERLY MADE A MOTION, SECONDED BY COUNCIL MEMBER SHEPHERD, TO ENTER INTO EXECUTIVE SESSION.

The motion carried by a 4 - 0 vote with all members present in favor.

COUNCIL MEMBER WALDEN MADE A MOTION, SECONDED BY COUNCIL MEMBER KENERLY, TO LEAVE EXECUTIVE SESSION.

The motion carried by a 4 - 0 vote with all members present in favor.

**ADJOURNMENT:** Meeting adjourned at 10:03 p.m.

BEING NO FURTHER BUSINESS, COUNCIL MEMBER KENERLY MADE A MOTION, SECONDED BY COUNCIL MEMBER SHEPHERD, TO ADJOURN.

Motion carried by a 4 - 0 vote with all members present in favor.

**Respectfully submitted,**

**Kristen Mahan, City Clerk**

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### Attachments in Minute Book

APPROVED:

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Richard Green, Mayor Pro-Tem

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Kristen Mahan, City Clerk