

**HOSCHTON CITY COUNCIL
Regular Meeting**

January 7, 2008, 7:00 p.m.
Hoschton City Hall

ORDER OF BUSINESS:

A. CALL TO ORDER:

Due to the absence of Mayor Copenhaver, Mayor Pro Tem Richard Green called the meeting to order at 7:00 p.m.

B. ROLL CALL OF MEMBERS:

Richard Green, Mayor Pro-Tem
Jim Jester, Post 2
John Schulte, Post 3
City Clerk Cindy Edge

Richard Shepherd, Post 4
Tom Walden, Post 5
Theresa Kenerly, Post 6
City Attorney Thomas Mitchell

Absent: Bill Copenhaver, Mayor

C. REVIEW AND APPROVAL OF MINUTES OF PREVIOUS MEETINGS:

Motion was made by Councilman Walden to approve minutes of the December 3rd, 10th, and 19th meetings, seconded by Councilwoman Kenerly. Motion carried with all approving.

D. APPROVAL OF AGENDA:

City Attorney Thomas Mitchell explained in accordance with city ordinances, due to the absence of Mayor Copenhaver, council may not take affirmative action on any ordinances at tonight's meeting.

E. PETITIONS, COMMUNICATIONS, RECOGNITION AND AWARDS:

F. PUBLIC INPUT/DISCUSSION:

Dianne Blankenship asked council to explain a notice placed in the paper regarding coliform in the city water system. Mayor Pro-Tem Green explained the results of current water samples are probably due to a sampling protocol error and he does not believe there is fecal coliform in the city water system. Green further noted follow up samples have been taken and we are awaiting results from the state EPD.

G. REPORTS OF STANDING COMMITTEES:

1. Water, Waste and Environmental Services

Mayor Pro-Tem Green reviewed a report given at the work session. A copy of the report is on file in the official minute book.

2. Fiscal Resources

Councilman Walden reported this committee did not meet during the month of December. A Fiscal Resources Committee meeting will be held on Thursday, January 10, 2008, 7:00 p.m. Agenda items will include ways to improve revenue flow and preliminary discussion on budget amendments.

3. Public Works and Properties

Councilman Jester reported the Public Works and Properties Committee will be meeting Thursday, January 10, 2008, 6:30 p.m. to organize the committee. Jester recommended applicants to fill vacancies on the Historical Committee be interviewed by full council at the next work session.

4. Public Safety

Councilman Shepherd reported the first official meeting of the Public Safety Committee is scheduled for January 15, 2008, 5:30 p.m., prior to the monthly community alliance forum at the Hoschton Police Department.

5. Planning & Zoning

Councilwoman Kenerly reported the Planning and Zoning Committee will be meeting later in the month to review applications to fill vacancies on the Planning and Zoning Commission.

6. Business, Commerce, and Economic Development

Councilman Schulte reported the Art Trax event is scheduled for April 19, 2008. Schulte further reported a team will be making a presentation at the Village of Deaton's Creek tomorrow night to introduce Hoschton, its history, businesses and events.

H. REPORTS OF SPECIAL COMMITTEES AND COMMISSIONS:

I. ACTIVITY AND ADMINISTRATIVE REPORTS:

Mayor/ Staff

Mayor Pro-Tem Green presented the monthly administrative report, a copy of which is attached in the official minute book.

J. UNFINISHED OR TABLED BUSINESS:

1. City Commission Vacancies
(Tabled until February meeting)

B. Copenhaver

2. Council Committee Assignments

Council

Motion was made by Councilman Shepherd to approve council committee assignments and duties as proposed, seconded by Councilman Schulte. Motion carried with all approving.

3. RZ-07-02 – Shannon Sell
Oak Street – Lot 7 (rezone from R1 to C2)

W. Harmon

Shannon Sell is requesting re-zoning of Lot # 7, located on Oak Street, from OR to C2. City Planner Wistar Harmon noted the application stated re-zone from R1 to C2. Mr. Harmon further noted the planning department has recommended that it not be approved due to its inconsistency with the city's comprehensive plan and the applicant has not demonstrated why it is in the best interest of the city to re-zone this particular parcel of land.

Shannon Sell stated the Planning Commission has recommended approval of his request. Mr. Sell further stated he has been working on this track of land for twenty years and he has cleaned up that area of Hoschton and plans to continue his efforts. Mr. Sell stated he would like to see an office retail center on this property.

Upon questioning by Councilman Jester, Mr. Sell stated he also owns lots 8, 9, and 10 and will be requesting re-zoning of those parcels at a later date.

Councilman Schulte stated he feels a package or plan may be helpful in giving council a more comprehensive idea of what the owner has planned for the property. Mr. Sell stated at this time he does not know what the best use of this property may be, adding he would like to see office-retail shops on the property and if any council member has anything they would like to see on this property that is permissible in a C2 zoning, he will consider their recommendation. Mr. Sell stated he feels he could build apartments or condominiums on this property, but he does not feel this is in the best interest of the city.

Councilman Shepherd confirmed that the Hoschton Planning Commission has recommended approval of the request.

In regard to one way traffic on Oak Street, Mr. Sell stated he feels this is beneficial to the city because it will restrict the traffic in this area.

Discussion: Variances on previously re-zoned parcels.

Councilwoman Kenerly stated she would like to see a plan for this area to help determine how the city can work with Mr. Sell before voting on this request.

Councilman Jester asked, when addressing applications for re-zoning, shouldn't council be dealing with the merits of what the zoning provides for and nothing else? City Attorney Thomas Mitchell responded, since Mr. Sell is requesting council go against the city's land use plan, council is entitled to ask for additional information and clarification regarding his request.

Mr. Sell stated, if approved he is willing to concede to a request of the council to improve Oak Street before a certificate of occupancy is issued for this parcel, but he feels it is absurd for council to require him to prepare a plan for the 10 lots. City Attorney Mitchell stated it is not absurd for a legislative body to ask for a site plan. In fact, it is a fairly routine condition of zoning when asking for an up zoning or asking for something contrary to the land use plan. Mr. Sell reminded council the request before them tonight is to re-zone one .20 acre lot, not ten lots. Mr. Sell further noted his vision is to consolidate all parcels along Oak Street, but if someone would like to purchase individual parcels he would like to have the ability to sell lots individually.

Motion was made by Councilwoman Kenerly to deny the request of Shannon Sell to re-zone Lot 7, located on Oak Street, from R1 (OR) to C2, seconded by Councilman Walden. Vote: Kenerly, Walden, and Schulte voted in favor of the motion and Jester and Shepherd voted against the motion. In accordance with city charter provisions, motion failed.

Motion was made by Councilman Shepherd to approve first reading of the request of Shannon Sell to re-zone Lot 7, located on Oak Street, from R1 (OR) to C2, seconded by Councilman Jester. Motion carried with Shepherd, Jester, Schulte and Walden voting in favor of the motion and Kenerly voting against.

K. NEW BUSINESS:

In regard to items 2-10, Councilman Jester recommended vote on these items be delayed until the February regular meeting. Council concurred with first reading of agenda items 2-10.

1. Reaffirmation of All City Employees

B. Copenhaver

Motion was made by Councilman Walden to reaffirm appointment of all city employees, seconded by Councilwoman Kenerly. Motion carried with all approving.

2. Proposed Ordinance Amendment
Section 3-204, Paragraph 6

T. Walden

3. Proposed Ordinance Amendment
Section 3-206, Paragraph 3

T. Walden

4. Proposed Ordinance Amendment
Section 3-206, Paragraph 6

T. Walden

5. Proposed Ordinance Amendment
Section 3-302, Paragraph 4

T. Walden

6. Proposed Ordinance Amendment
Section 3-302, Paragraph 6

T. Walden

7. Proposed Ordinance Amendment
Section 3-303, Paragraph 2

T. Walden

8. Proposed Ordinance Amendment
Section 3-303, Paragraph 4

T. Walden

9. Proposed Ordinance Amendment
Section 3-801, Paragraph 2.A

T. Walden

10. Proposed Ordinance Amendment
Section 3-310, Paragraph 1.B

T. Walden

11. Amendment to Code of Ordinances – Section 5-119

R. Shepherd

Motion was made by Councilman Shepherd to approve first reading of an amendment to Code of Ordinances, Section 5-119, seconded by Councilman Schulte. Motion carried with all approving.

12. Resolution – List of Fines

R. Shepherd

Tabled until February regular meeting.

13. Hoschton Women's Civic Club – Depot Rental Agreement

B. Copenhaver

Motion was made by Councilwoman Kenerly to approve an agreement between the City of Hoschton and the Hoschton Women's Civic Club regarding use of the depot, seconded by Councilman Jester. Motion carried with all approving.

L. CLOSING COMMENTS:

In regard to proposed ordinance amendments, Councilwoman Kenerly stated she is concerned about charter provisions which state a majority does not rule and advised council to keep this in mind when reviewing the proposed amendments.

M. EXECUTIVE SESSION:

N. ADJOURNMENT

There being no further business, motion was made by Councilman Schulte to adjourn, seconded by Councilman Shepherd. Motion carried with all approving. Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Cindy R. Edge
City Clerk

Approved this _____ day of _____, 2008.

Mayor

Richard Green, Post 1

Richard Shepherd, Post 4

Jim Jester, Post 2

Tom Walden, Post 5

John Schulte, Post 3

Theresa Kenerly, Post 6

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Attachments in the official minute book

Committee Report – Water, Waste, and Environmental Services
Council Committee Assignments
Agreement - Hoschton Women's Civic Club