

**HOSCHTON CITY COUNCIL  
REGULAR SESSION**

May 5, 2008, 7:00 p.m.  
Hoschton City Hall

**ORDER OF BUSINESS:**

**A. CALL TO ORDER:**

Mayor Copenhaver called the meeting to order at 7:00 p.m.

**B. ROLL CALL OF MEMBERS**

Council members:   Richard Green, Post 1  
                              Jim Jester, Post 2  
                              John Schulte, Post 3  
                              Richard Shepherd, Post 4  
                              Tom Walden, Post 5  
                              Theresa Kenerly, Post 6

Acting City Clerk	Karen Butler
City Attorney	Thomas Mitchell
Mayor	Bill Copenhaver

**C. REVIEW AND APPROVAL OF MINUTES OF PREVIOUS MEETINGS:**

**Motion was made by Councilman Green to approve minutes of the April 7, 2008 regular meeting, seconded by Councilman Shepherd. Motion carried with all present voting in favor.**

**D. APPROVAL OF AGENDA:**

Mayor Copenhaver reports that there will be an addition to the agenda regarding the Gov. Deals contract. This will be item 11 under New Business.

**E. PETITIONS, COMMUNICATIONS, RECOGNITION AND AWARDS:**

Enclosed in the council's package is a resolution dealing with Municipal Clerks Week in the City of Hoschton May 4-10, 2008. A copy of which is attached.

**F. PUBLIC INPUT/DISCUSSION:**

Doug Easter would like the council to consider is either doing away with the storm water facility inspection and maintenance agreement that goes along with the land disturbance activity permit. It puts the homeowners in jeopardy of having to pay for what the developers have done. Either get rid of it all together or take the homeowners association out of it because they are not the ones that

cause the pollution. It is the builders and the developers that do that. They should be held accountable, not the homeowners. That is number 1.

Number 2 – Doug Easter would like to turn the council's attention to the fact that he does not think that the land disturbance activity permits nor the MPDS permits are being properly policed. He sees problems in his community, he sees problems in Brook Glen, he sees it with this development that is going in on 53. From a birds eye view he can see the BMP's are not being installed per the manual for erosion sediment control in Georgia. Those are a mixed bag, but are all in the same area, and would like to recommend that you look at the agreement. It is not part of the agreement with the Georgia Erosion Sedimentation act. It is not something that we had to do, he doesn't know what we've done, but it really needs to be addressed.

Diane Blankenship questioned what the markings were on the streets. Mayor Copenhaver explained that those are for the installation of the new street signs. The installation of those signs will probably begin tomorrow.

**G. REPORTS OF STANDING COMMITTEES:**

**1. Water, Waste, and Environmental Services**

Councilman Green recapped his report from Thursday's work session. A copy of which is attached. A bid advertisement for the second well will have to go out. Councilman Green added that the permission to drill the second well is only good for 90 days.

**2. Fiscal Resources**

Councilman Walden reported in the work session had a meeting where he introduced the new amended budget.

**3. Public Works and Properties**

Councilman Jester reported that a report was given on Thursday, and an RFP of the Deer Creek Paving Project is included. A recommendation on awarding that will be made later, along with the White Street Paving Project RFP is also included and a recommendation will be made on that. A resolution regarding entrance and exit to the Depot, and limiting access to Mill Street. See attached copies.

**4. Public Safety**

Councilman Shepherd recapped the report that was submitted on Thursday night. There will be consideration of similar cities golf cart ordinances for inclusion in the City of Hoschton. This will be held at the next Public Safety Committee meeting, which will be held before the Public forum, which is the 3<sup>rd</sup> Tuesday of each month.

**5. Planning and Zoning**

Councilwoman Kenerly reported that there was not meeting this month, but there are two or three zonings coming up that will need to go before the commission first.

**6. Business, Commerce, and Economic Development**

Councilman Schulte reported that there is nothing to add to his report from Thursday.

**H. REPORTS OF SPECIAL COMMITTEES AND COMMISSIONS:**

Mayor Copenhaver reports that there is nothing to add to this report from Thursday.

**I. ACTIVITY AND ADMINISTRATIVE REPORTS:**

Mayor Copenhaver was not put together, but will get a copy out to everyone.

**J. UNFINISHED OR TABLED BUSINESS:**

None

**K. NEW BUSINESS:**

**1. Beer/Wine License**

Anthony's New York Pizza Italian Grill  
Towne Center

Councilman Shepherd spoke regarding the application for Beer/Wine License for Anthony's New York Pizza Italian Grill. All background checks and all necessary investigative work have been completed by the police department and no issues were found.

**Motion by Councilman Shepherd to approve the beer and wine license for Anthony's New York Pizza Italian Grill, seconded by Councilman Green. Motion carried with all present voting in favor.**

**2. Projects:**

a. White Street Parking, Curb & Sidewalks

Councilman Jester reported that the project includes approximately 187 feet of curbing, 2000 square feet of asphalt parking, and about 825 square feet of concrete sidewalk which will all be along White Street to the open area towards the real estate building. Three bids were received, and bids closed at noon on Friday. The high bid was \$23,718

next bid was \$19,975, and the low bid was \$9,925. The low bid was provided by Souder's Paving. The City has had experience with Souder's Paving. They have done good work for us.

Councilman Shepherd questioned if there were any substantial differences on why there were major differences on the amount. Councilman Jester responded by saying all responded to the same specs. Mayor Copenhagen stated that Souder's is a small company, and the others were bigger with more overhead to deal with.

**Motion made by Councilman Jester to award the contract for Paving of the White Street Parking, curb and Sidewalk project to Souder's Paving for \$9,925, seconded by Councilman Green. Motion carried with all voting in favor.**

b. Paving of Deer Creek Trail

Councilman Jester reports that is project involves about 2500 linear feet of repaving of Deer Creek Trail from the intersection of Peachtree to the vicinity of 448 Deer Creek Trail. This will involve removing all existing asphalt. There will be a new gravel base, a new compact sub-surface and 2-4 inches of new asphalt to be installed. Three proposals were received. The high bid was \$154,990, the next bid was \$76,150 and the low bid by Souder Paving was \$57,200.

**Motion made by Councilman Jester to award the contract for resurfacing of Deer Creek Trail for \$57,200 to Souder Paving Co., seconded by Councilman Walden. Motion carried with all voting in favor.**

**3. Traffic Control – Limiting use of Mill Street at the Cemetery**

Councilman Jester reports that this was part of the street sign study. One of the recommendations was to consider limiting use of Mill Street (1<sup>st</sup> entrance) to either completely restrict it, or restrict its use for funeral only purposes. We are proposing to close that entrance only to be opened by the police department for the purpose of having funeral access and exit.

Discussion regarding the access to Mill Street by Councilman Walden, Councilman Jester and the City Attorney. The way that the proposed ordinance read states that Mill Street would be closed to obtain ingress and egress. This ordinance states that it will be illegal to be on that street except for a funeral or for property owners to access their property. Councilman Jester states that this is not really what was wanted. What was wanted was to close the entrance.

Councilman Walden states that it will just be a dead end so that one end will remain open. The City attorney states that all that is needed is a resolution.

**Motion for resolution made by Councilman Jester to close the Broad Street entrance of Mill Street, except for funerals, seconded by Councilwoman Kenerly. Motion carried with all voting in favor.**

#### **4. 2008 Budget Amendments**

Councilman Walden reports on the proposed 2008 budget. The adjustments are listed on the first page. A copy of this is attached. This budget has been officially presented to council and will be on file in the City Hall for the next 31 days until the next council meeting which will be asked for approval. There will be a public hearing on May 21<sup>st</sup> at 1:00 pm in City Hall.

#### **5. Resolution – Railroad Avenue**

Councilman Walden reports on a declaring Railroad Avenue as an official City street. It would then be made a one-way street from Broad Street to Hwy 53.

A copy is attached.

**Motion for adopting a resolution made by Councilman Walden to designate Railroad Avenue as an official city street between Broad and Hwy 53, seconded by Councilwoman Kenerly. Motion carried with all voting in favor.**

Councilman Walden reports on Ordinance 11-109 to change Railroad Avenue to a one-way street between Georgia Hwy 53 and East Broad Street. This ordinance will read as follows:

Railroad Avenue between Georgia Highway 53 and East Broad Street shall be a one-way street. Traffic on Railroad Avenue shall only be allowed to go in a north and northwest direction or away from East Broad and toward Georgia Highway 53.

A copy is attached.

**Motion made by Councilman Walden to adopt Ordinance amendment Section 11-109 to make Railroad Avenue a one-way from Broad Street to Hwy 53, seconded by Councilman Schulte. Motion carried with all voting in favor.**

**6. New Ordinances**

- a. Loitering and Panhandling  
Section 31-112

Councilman Walden makes a motion to waive 1<sup>st</sup> read and adopt ordinance 31-112. Discussion regarding the wording of this ordinance by Councilman Green and Councilman Jester.

**Councilman Walden amends motion of recommendation to put Ordinance 31-112, Loitering and Panhandling, on 1<sup>st</sup> read to be addressed at the Public Safety Committee meeting for review, seconded by Councilman Green. Motion carried with all voting in favor.**

- b. Solicitation by Charitable Organization  
Section 32-208

**Motion made by Councilman Walden to waive 1<sup>st</sup> read of Ordinance 32-208, and approval of the Ordinance amending Section 32-208, seconded by Councilwoman Kenerly. Motion carried with all voting in favor.**

- c. Door-to-Door Solicitation  
1. Ordinance  
Section 32-209

Motion made by Councilman Walden to waive 1<sup>st</sup> read of Ordinance 32-209 and adopt this ordinance. Seconded by Councilman Shepherd. Additional discussion by Councilman Schulte regarding the length of the license and the fee.

**Amended motion by Councilman Walden to waive 1<sup>st</sup> read of Ordinance 32-209 and adopt Ordinance 32-209 with the change of license expire from 6 months to 3 months, seconded by Councilwoman Kenerly. Motion carried with all voting in favor.**

2. Resolution – Establish Fees

Resolution to establish fees to be \$100 for Business license for businesses with 1-5 employees, with a \$10 additional fee per person over 5 employees. A fee of \$6.50 will be established for background check for each person.

Deb Donaldson asks what kind of background check will be performed, and what is the difference between this background check and the one that is required for the sale of beer and wine? Chief Hill states that this background check is done thru GCIC and

NCIC and gives criminal history within their entire lifespan under criminal investigations, worked last to if there were any alcohol complaints.

Diane Blankenship states that this afternoon a station wagon pulled in her driveway and the person in the car gave her a book. She stated that she was not asked for any money, but questioned if this is the practice that we are trying to get stopped with this ordinance. Attorney Thomas Mitchell states that since they are not asking for anything, they can do this all day.

**Councilman Walden proposes a resolution to add to our fee schedule for door-to-door solicitation, which will be \$100 per firm for 1-5 employees, with additional fee of \$10 for each additional employee, and there will be a \$6.50 fee for background check and documentation per person, seconded by Councilwoman Kenerly. Motion carried with all voting in favor.**

- d. Unfit Structures  
Section 33-501

Councilman Walden states that this is a new ordinance. Attorney Thomas Mitchell states that this ordinance will allow local government to take action against unsafe buildings.

**Motion by Councilman Walden to waive 1<sup>st</sup> read on Ordinance 33-501 and adopt Article V Chapter 33 for unfit structures, with the change for zoning administrator to City Planner, seconded by Councilman Green. Motion carried with all voting in favor.**

**7. Ordinance Revisions:**

- a. Amend Section 40-113  
Move fees to general fee schedule

Councilman Walden states that this ordinance moves the fees out of the ordinance to the fee schedule.

**Motion by Councilman Walden to waive the 1<sup>st</sup> read, and adopt the ordinance change amending Section 40-113 to move the fees for the sale of alcoholic beverages from the Ordinance to the fee schedule, seconded by Councilwoman Kenerly. Motion carried with all voting in favor.**

**Resolution by Councilman Walden to establish fees for beer, wine and distilled spirits into the fee schedule, seconded by Councilwoman Kenerly. Motion carried with all voting in favor.**

- b. Amend Section 32-201  
Add sale of alcoholic beverages to C-3 commercial zoning, and M1

**Amended Motion by Councilman Walden to waive 1<sup>st</sup> read and adopt ordinance amendment to Section 32-201 to allow sales of alcoholic beverages to include C3 and M1 zoning, seconded by Councilman Schulte. Motion carried with all voting in favor.**

- c. Amend Section 40-201  
Add sale of alcoholic beverages to C-3 and M1 zoning

**Motion by Councilman Walden to waive 1<sup>st</sup> read and adopt ordinance amendment to Section 40-201 to allow sales of alcoholic beverages to include C3 and M1 zoning, seconded by Councilwoman Kenerly. Motion carried with all voting in favor.**

- d. Amend Section 40-108  
Add sale of alcoholic beverages to C3 and M1 zoning

**Motion by Councilman Walden to waive 1<sup>st</sup> read and adopt ordinance amendment to Section 40-108 to allow the sale of alcoholic beverages to include C3 and M1, seconded by Councilwoman Kenerly. Motion carried with all voting in favor.**

- e. Amend Section 40-301  
Add sale of alcoholic beverages to C3 and M1 zoning

**Motion by Councilman Walden to waive 1<sup>st</sup> read and adopt ordinance amendment to Section 40-301 to allow the sale of alcoholic beverages to include C3 and M1 zoning, seconded by Councilwoman Kenerly. Motion carried with all voting in favor.**

- f. Amend Section 40-203 and 40-303  
Revise closing times of restaurants selling beer/wine and/or distilled spirits.

1. 40-203 (beer/wine)

**Motion by Councilman Walden to waive 1<sup>st</sup> read and adopt ordinance amendment to Section 40-203 to extend the hours of sale beer and wine from 11:00 pm to midnight, seconded by Councilwoman Kenerly. Motion carried with all voting in favor.**

2. 40-303 (distilled spirits)

**Motion by Councilman Walden to waive 1<sup>st</sup> read and adopt ordinance amendment to Section 40-303 to extend the hours of sale of distilled spirits from 11:00 pm to midnight, seconded by Councilwoman Kenerly. Motion carried with all voting in favor.**

3. Addition of Subsection 3 to Section 40-203 & 40-303 in Article 1 of Chapter 40

**Motion by Councilman Walden to waive 1<sup>st</sup> read and adopt ordinance which adds subsection 3 to Section 40-203 and 40-303 which states closing times for any business holding a license to sell beer, wine or distilled spirits will be closed by 1:00 a.m., seconded by Councilwoman Kenerly. Motion carried with all voting in favor.**

**8. Appointment of City Clerk**

Councilman Walden states that the search committee for the City Clerk position has interviewed 8 applicants, with 2 finalists. A recommendation for that position will be made by Mayor Copenhaver.

Mayor Copenhaver states that it is the recommendation of the search committee that Kristen Smith be appointed the new City Clerk for the City of Hoschton.

**Motion by Councilman Walden to approve Kristen Smith as the new City Clerk for the City of Hoschton, seconded by Councilwoman Kenerly. Motion carried with all voting in favor.**

This appointment is effective May 7, 2008, and the administrative Oath will be given on Wednesday at 9:30 a.m.

**9. Reclassification of Acting City Clerk to Assistant City Clerk**

**Motion by Councilman Walden to reclassify Acting City Clerk to Assistant City Clerk effective May 7, 2008, seconded by Councilwoman Kenerly. Motion carried with all voting in favor.**

**10. Contract for Gov. Deals**

Discussion by Councilman Green on if we need separate contracts for each item. Report by Mayor Copenhaver states that this can be used for any activity that the city would like to advertise.

Councilman Walden asks if we pay a percentage of what is sold. Chief Hill states that the fee is only if something is sold. There is no fee if an item is not sold.

**Motion by Councilman Shepherd to allow the Mayor to sign a contract with Gov. Deals, seconded by Councilman Schulte. Motion carried with all voting in favor.**

**L. CLOSING COMMENTS:**

Doug Easter would like to know how his concerns from the beginning of the meeting will be addressed. Mayor Copenhaver states that the concerns will go thru the Planning & Zoning Committee to be looked at, as well as the City Planner, and will bring it back as soon as we have a review of it.

Mayor Copenhaver reads the press release that is available regarding Kristen Smith. A copy is attached.

**M. EXECUTIVE SESSION:**

There is no need for an executive session.

**N. ADJOURNMENT:**

**Motion by Councilman Walden to adjourn, seconded by Councilwoman Kenerly. Motion carried with all voting in favor.**

Meeting adjourned at 8:35.

Respectfully submitted,

Karen K. Butler, Acting City Clerk

**Attachments in Minute Book**

APPROVED:

---

William Copenhaver, Mayor

---

City Clerk

