

REGULAR MEETING MINUTES SEPTEMBER 8, 2008

A regular meeting of the Hoschton City Council was held on September 8, 2008 at 7:00 p.m. in the City Council Room at City Hall. Present were Mayor Bill Copenhaver, Council Members Richard Green, Jim Jester, John Schulte, Richard Shepherd, Tom Walden, and Theresa Kenerly. Also present were City Planner Wistar Harmon, City Clerk Kristen Smith, and City Attorney Thomas Mitchell. Mayor Copenhaver called the meeting to order at 8:00 p.m.

REVIEW AND APPROVAL OF MINUTES: AUGUST 4, 2008

Councilman Walden made a motion, seconded by Councilman Schulte, to approve the minutes of the August 4, 2008 Regular Meeting. The motion carried a 6-0 vote.

APPROVAL OF AGENDA: No discussion

PETITIONS, COMMUNICATIONS, RECOGNITION AND AWARDS:

Councilman Green recognized and thanked Lt. Simmons and Officer Grogan of the Hoschton Police Department for answering a call within 90 seconds to his personal residence.

Mayor Bill Copenhaver expressed the thanks of Commerce Mayor, Buzzie Hardy, to the Hoschton Police Department for their help during the recent hurricane that touched down and caused damage in Commerce.

PUBLIC INPUT/DISCUSSION: None.

REPORTS OF STANDING COMMITTEES:

1. Water, Waste and Environmental Services

Councilman Green reported that the WWTP additions had a walk-through inspection with RMA on 8/21/2008. Green also reported a 9/04/2008 "punch list" meeting had taken place with RMA and W.F. Floyd. Most issues have been handled and resolved with exception to the SCADA, remote controls, and Phase Separator. Green reported that two additional meetings will need to take place and then the WWTP start-up should occur.

Councilman Green reported EPD has approved pond abandonment if their requirements are followed. Pond drainage will take approximately 80 calendar days (weekdays only).

Councilman Green reported an update of the Jopena Interceptor, which equipment has been delivered and start-up should begin this week.

2. Fiscal Resources

Councilman Walden reported a committee meeting occurred on 8/18/2008. Walden reported there was discussion regarding recommendation of some changes to the current fee schedule. Remaining meeting discussion focused primarily on Public Works and Public Safety Budgets.

Councilman Walden reported there would be a committee meeting September to discuss utility billing fees and the 2009 Budget. Date and time of the meeting will be determined.

3. Public Works and Properties

Councilman Jester reported the railing around the concrete padding at the back of City Hall and Little Hooties was complete.

Councilman Jester reported the Neighborhood Watch signs expense decision was deferred to Councilman Walden based on his position as Fiscal Resources Chair.

4. Public Safety

Councilman Shepherd reported a committee meeting occurred on 8/19/2008 at 6:00 p.m. Shepherd reported the meeting discussion focused on the Public Safety 2009 proposed budget, the pending golf cart Ordinance, and the pending beer & wine Resolution.

5. Planning & Zoning

Councilwoman Kenerly had nothing to report.

6. Business, Commerce, and Economic Development

Councilman Schulte reported the Farmers Market continued to do well and the city has a number of faithful vendors for this weekly event. The Farmers Market vendors had sold out again this past Saturday.

Councilman Schulte reported the Tractor Event will be held November 14 and 15, 2008. Schulte reported that entertainment would include square dancers who will engage the audience for participation. There are between 100 and 145 tractors expected this year compared to approximately 40 at the 2007 event. There are two citizens interested in bringing cotton to the Tractor Event; however the logistics are still being discussed.

REPORTS OF SPECIAL COMMITTEES AND COMMISSIONS:

1. Fall Festival Committee

Mayor Copenhaver reported that a final "scarecrow" count would happen on Friday, September 12th. The Mayor also reported that Guinness estimates 10 to 12 weeks for review of scarecrow photos and notification of if new record set. New vendor applications continue to come in to City Hall. Plans for the two concerts and entertainment are in place.

2. Economic Development Commission

No report.

3. Historic Commission

No report.

ADMINISTRATIVE ACTIVITY REPORT:

Mayor Copenhaver presented the August Administrative Activity Report, a copy of which is attached in the official minute book.

UNFINISHED OR TABLED BUSINESS:

1. Ordinance – Motorized Carts

MOTION TO APPROVE ORDINANCE: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HOSCHTON TO AMEND CHAPTER 11 OF THE CODE OF ORDINANCES OF THE CITY OF HOSCHTON, GEORGIA; TO REDESIGNATE THE EXISTING SECTIONS AS ARTICLE I; TO CREATE AN ARTICLE II ENTITLED "MOTORIZED CARTS"; TO CREATE AND ESTABLISH RULES AND REGULATIONS REGARDING MOTORIZED CARTS WITHIN THE CITY OF HOSCHTON; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Councilman Shepherd reported that money would be necessary when cross-over recommendations were submitted then approved by DOT. Funds would be needed for paint and signs. Shepherd also shared that Councilman Jester had discovered the requirement of approval by County and State DOT before maps or cross-overs of state or county roads were allowed to be adopted by a city. Councilman Jester asked why there was a section on rentals. This section was previously determined by council to be removed. City Attorney to remove Section C and sub paragraphs 1 and 2.

Councilman Shepherd made a motion, seconded by Councilman Walden, to approve Ordinance only with the removal of Section C and sub-paragraphs 1 and 2. Council members Shepherd, Walden, Green, Schulte, and Kenerly voted in favor of the motion. Councilman Jester voted in opposition of the motion. The motion carried by a 5-1 vote.

2. Resolution – Fees – Motorized Carts

MOTION TO APPROVE RESOLUTION: WHEREAS, THE MAYOR AND COUNCIL IS AUTHORIZED TO SET VARIOUS FEES, INCLUDING THOSE RELATED TO REGISTRATION OF MOTORIZED CARTS, BY RESOLUTION; AND WHEREAS, THE MAYOR AND COUNCIL HAS DETERMINED THAT SUCH FEES SHOULD BE IMPLEMENTED; AND NOW, THEREFORE, BE IT RESOLVED THAT THE FOLLOWING SHALL BE IMPLEMENTED UPON THE EFFECTIVE DATE OF THE MOTORIZED CART ORDINANCE. ONE-TIME REGISTRATION FEE WILL BE \$15.00.

Councilman Shepherd recommended registration fees set aside for funding of future needs for signage, paint, and maintenance. Shepherd provided two Resolution options offering the choice of an annual registration fee or a one-time registration fee. Councilman Walden and Councilman Green stated their agreement on recommending a one-time registration fee. Councilman Jester recommended that the city not charge any residents until further work had been completed in the effort to submit to County and State DOT for approval of Highway 53 crossing. Thereby not yet requiring citizens to pay a registration fee when they will primarily only be driving within their subdivisions.

Councilman Shepherd stated the dollar amount for registration could be adjusted. The city's hard cost for the motorized cart decal received at registration is \$3.65 each. A "do's and don'ts" brochure could also be provided at registration. Councilman Green stated the city could re-visit the registration fee upon residential growth and once the motorized carts usage had grown.

Councilman Schulte stated he felt the Motorized Cart Ordinance and Resolution was advantageous to the city for attracting new residents and businesses.

Councilman Shepherd made a motion, seconded by Councilman Schulte, to approve Resolution. Council members Shepherd, Schulte, Green, Walden, and Kenerly voted in favor of the motion. Councilman Jester voted in opposition the motion. The motion carried by a 5-1 vote.

3. Ordinance allowing open containers of beer/wine at events as authorized by City Council Resolution

MOTION TO APPROVE ORDINANCE: AN ORDINANCE TO AMEND CHAPTER 40 OF THE CODE OF ORDINANCES OF THE CITY OF HOSCHTON REGARDING ALCOHOLIC BEVERAGES; TO ALLOW FOR THE MAYOR AND CITY COUNCIL TO APPROVE BY RESOLUTION THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A DESIGNATED TIME AND PLACE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Councilman Shepherd recommended allowing open containers of beer and wine at events during allotted hours and asked Council be open for consideration and discussion. Shepherd stated the open container concept had been brought forth by the Fall Festival Entertainment Committee. Councilman Shepherd had heard from various citizens that were for and those against the Ordinance. Shepherd explained that the Ordinance lays the groundwork for Council to pass a Resolution for the Fall Festival.

Councilwoman Kenerly addressed Council and thanked them for their consideration. Kenerly stated she hoped for approval. Kenerly reported that, although she could personally be fine with or without alcohol being allowed, many other cities were looking at Hoschton right now. Kenerly recommended that if the Ordinance did pass then the Council should allow a 2 drink maximum otherwise attendees will be standing in line rather than sitting and enjoying the concert.

Councilman Schulte stated he would like to this Ordinance pass and believes it will be successful. Schulte agrees the need to have the 2 drink maximum per person. This will give Council the basis to make future decisions. Schulte supports giving the city a chance to try this.

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Public comment made to raise the question of having a one drink maximum Saturday night and a two drink maximum Friday night.

Claudine, public attendee and Hoschton citizen, addressed Council and read a letter she wrote addressed to all Council members. The basis of letter was that Claudine was raised a Christian so she doesn't know anything personally about the consumption of beer or wine. She asked how can the city determine what is too much consumption of alcohol with regard to a one drink or two drinks maximum.

Councilman Jester stated he sounded to him as though Banks & Shane and Bill Gentry only performed at events where alcohol would be served during their performance. Councilman Schulte reported that both entertainers would perform no matter what was determined with regard to allowing open containers of alcohol.

Chuck Cope, public attendee and Hoschton business owner, addressed Council to report his recommendation of the two drink maximum. Mr. Cope stated that Public Safety would be on site to ensure control of all concert attendees. Mr. Cope stated he felt alcohol should be allowed at the concert since alcohol is sold at local bars.

Al Day, public attendee and Hoschton business owner, addressed Council to state his recommendation of the two drink maximum. Mr. Day stated that no one is able to know how much an attendee has consumed prior to arriving to the concert. Mr. Day voiced his concern that the longer the lines for alcohol the more aggravation caused to the attendees.

Mayor Copenhaver reported the city received an email from 7 Hoschton residents expressing their hope that the Council will vote not to include the sale of beer and wine at the upcoming Fall Festival.

Councilwoman Kenerly made a motion, seconded by Councilman Shepherd, to approve Ordinance. Council members Kenerly, Shepherd, Schulte, and Walden voted in favor of the motion. Council members Jester and Green voted in opposition of the motion. The motion carried by a 4-2 vote.

4. Resolution authorizes sell and consumption of beer & wine during two evening concerts at Fall Festival, September 26 & 27, 2008

MOTION TO APPROVE RESOLUTION: APPROVING THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC AND FROM OPEN CONTAINERS AT THE 2008 HOSCHTON FALL FESTIVAL.

Al Day, public attendee and Hoschton business owner, addressed Council to state that it would be unfair to change the rules of the drink maximum based on the night of the concerts. Mr. Day stated both nights should allow for the same number of drinks to be sold to individuals.

Councilwoman Kenerly reported that the Hoschton Business Alliance would be paying for security both nights during the hours of the concert.

Councilwoman Kenerly made a motion, seconded by Councilman Schulte, to approve Resolution with the two-drink maximum. Council members Kenerly, Schulte, Walden and Shepherd voted in favor of the motion. Councilman Jester and Green voted in opposition of the motion. The motion carried by a 4-2 vote.

NEW BUSINESS:

1. Poppi's Pub Alcohol License

Mayor Copenhaver reported the Applicant for Poppi's Pub Alcohol License and Business License had addressed Mayor Pro Tem and Council during September 4, 2008 Work Session to announce termination of the applications.

Councilwoman Kenerly made a motion, seconded by Councilman Schulte, to approve termination of the alcohol license and business license applications. The motion carried by a 6-0 vote.

2. Ordinance allowing abandonment of alley, which may or may not exist, on block bounded by Bell Avenue, White Street, West Jefferson Avenue, and Highway 53.

MOTION TO APPROVE ORDINANCE: A ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HOSCHTON FOR THE SALE OF PROPERTY OF THE CITY; TO PROVIDE FOR NOTICE TO ABUTTING OWNERS; TO PROVIDE FOR SOLICITATION OF BIDS IF NECESSARY; TO REQUIRE A CASH PRICE; AND FOR OTHER PURPOSES.

City Planner Harmon reported receiving a call from a Title Insurance Company regarding above referenced property. Harmon reported being unable to find any record of an alley. City Planner Harmon recommends approval of Ordinance.

Councilman Shepherd made a motion, seconded by Councilman Schulte, to approve Ordinance. Council members Shepherd, Schulte, Green, Jester, Walden voted in favor of the motion. Council member Kenerly abstained. The motion carried by a 5-0 vote.

3. Approval of Sign Permit Application in the Downtown Development Overlay District. Applicant: Nancy Cronic, 4162 Highway 53.

City Planner Harmon had nothing to add from Work Session discussion.

Councilman Jester expressed concern regarding the size of the sign and whether or not it would obstruct the view of drivers. Mr. Harmon reassured the Council that the size and placement of the sign would not interfere with vehicle traffic visibility.

Councilman Schulte reported that the current sign is an eye sore and the new sign would be a great improvement.

Councilwoman Kenerly made a motion, seconded by Councilman Schulte, to approve sign permit application. The motion carried by a 6-0 vote.

4. Hardship request to keep camper on property at 320/358 White Street for a period of 12 months.

Councilman Green asked if the city had been asked to change current zoning of the property at 320/358 White Street. City Planner Harmon reported the city had not been asked to change zoning. Harmon presented a hardship letter from Ms. Wood, 358 White Street property owner, requesting permission for her mother to keep a camper on the 320 White Street property, which is currently occupied by her son. Harmon also presented a petition previously presented to Council opposing the request to change the zoning laws of White Street from the present R1 to R2. The purpose of the opposition was to ensure mobile homes/campers could remain but once removed, they could not be replaced. The petition contains the signature of Ms. Jonell Morris, 320 White Street property owner.

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Ms. Donna Wood addressed Council to verbalize the hardship request. Ms. Wood stated that she and her mother, Ms. Jonell Morris, were life-time residents of Hoschton. Ms. Wood asked for hardship consideration. Ms. Wood reported that her son was experiencing financial hardship and that it was necessary for him to live in the camper so that he could provide the care necessary for his grandmother, Ms. Morris. Ms. Wood stated she had originally visited City Hall on August 5, 2008 to ask assistance and had met with Mayor Copenhaver and City Clerk Kristen Smith. Ms. Wood also reported having delivered the hardship request letter to City Hall on August 5th and asked why Council was only now getting a copy.

Ms. Wood reported that during every rain her mothers' yard is full of grease from run-off. Ms. Wood also presented photos to Council she had taken of properties within the city of Hoschton that she considers to look much worse than the camper.

Mr. Christopher Wood, current occupant of said camper, addressed Council. Mr. Wood stated that City Planner Harmon had gone to Ms. Morris' house twice and it had upset her. Mr. Wood requested that we contact Ms. Wood or him rather than Ms. Morris in the future. Mr. Wood stated that he had to live in the camper right now to take care of his grandmother and that he would not be moving it (camper).

Ms. Morris addressed Council and stated that she wanted the Mayor to come and personally take a soil sample from her yard. Ms. Morris was visibly upset.

Ms. Wood requested increased police protection because of people driving by at all hours of the day and night stopping in front of her house and her mother's house. Ms. Wood also reported John Davis being in their yard.

Councilman Green reported that he was very upset also and understood why Ms. Wood was upset. Green stated that he too wanted to know why Council had only just now learned of and been presented a copy of the hardship request letter from Ms. Wood dated August 5th.

Councilman Walden requests tabled because he had not yet viewed property.

CLOSING COMMENTS: None.

EXECUTIVE SESSION:

Council member 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:

Personnel Matters

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 expectations permitted by the open meetings law, said resolution to be in the form as attached hereto.

Motion Approved

Those voting in favor of the motion for closure, Council Members: Richard Green, Jim Jester, John Schulte, Richard Shepherd, Tom Walden, and Theresa Kenerly.

ADJOURNMENT:

Meeting adjourned at 8:41 p.m.

Being no further business, Councilman Schulte made a motion, seconded by Councilwoman Kenerly, to adjourn. Motion carried with a 6-0 vote.

Respectfully submitted,

Kristen A. Smith, City Clerk

Attachments in Minute Book

APPROVED:

William Copenhaver, Mayor

Kristen A. Smith, City Clerk

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Manner of Addressing Council. No member, while the City Council is in session shall speak on any subject unless recognized by the presiding officer. Every speaker shall address the chair, and no member shall interrupt anyone who is speaking, except to call him to order or for explanation.

Limitations on Addressing City Council. Any person not a member of City Council who desires to address the City Council shall first secure the permission of the presiding officer, and then shall step up in front of the council, give his name and address in an audible tone of voice for the record, and direct his remarks to the City Council as a body rather than to any particular member, limiting such remarks to a reasonable time (**2 minutes per person/ 5 minutes per topic**) unless additional time is granted by City Council. Permission to speak is at the discretion of the Mayor and City Council. Persons wishing to bring subjects to attention of the City Council may do so either by providing the City Clerk or the Mayor with a written petition for presentation to the City Council at its regular meeting or by contacting the Mayor or any City Council member informally

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