

# HOSCHTON CITY COUNCIL REGULAR MEETING MINUTES November 3, 2008

A regular meeting of the Hoschton City Council was held November 3, 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 Clerk Kristen Smith and City Attorney Thomas Mitchell. Mayor Copenhaver called the meeting to order at 7:00 p.m.

## **REVIEW AND APPROVAL OF MINUTES OF PREVIOUS MEETINGS:**

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

**APPROVAL OF AGENDA:** No Discussion.

**PETITIONS, COMMUNICATIONS, RECOGNITION AND AWARDS:** None.

**PUBLIC INPUT/DISCUSSION:** None.

## **REPORTS OF STANDING COMMITTEES:**

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

Councilman Green reported having a couple additions since the Work Session. Green announced solids had been brought in today and at 11:14 a.m. the Operator began receiving solids from Hoschton residents. The plant began treating waste today. Councilman Green reported that close monitoring would be necessary for a while and minor adjustments made to get equilibrium. Councilman Green thanked for their help, the past and present Council; past and present City Clerk; past and present Water, Waste and Environmental Services Committees; Waste Water Treatment Plant Operator, Johnny Hill; Mayor Copenhaver; and City Planner, Wistar Harmon and tax payers of Hoschton.

Councilman Green reported the contractor for the interceptor has turned north on Highway 53 toward Jopena Boulevard. Now waiting for Georgia Power to move a pole and then the project will continue moving forward.

Councilman Green reported the second city well pump test had been completed on October 20<sup>th</sup> and flow was maintained for 24 hours. City will have its Official water quality analysis results two weeks from October 20<sup>th</sup>.

Councilman Green reported the State of Georgia is asking for a Wellhead Protection Plan. Green will discuss Wellhead Protection Plan with Thomas Mitchell and review various available drafts for an Ordinance.

### **2. Fiscal Resources**

Councilman Walden reported having nothing to add since the discussion during the Work Session.

### **3. Public Works and Properties**

Councilman Jester reported having no meeting since October 6, 2008. Jester announced the next Public Works and Properties Committee Meeting to be December 1, 2008 at 10 a.m. in City Hall to primarily discuss disposition of the vacant property on City Square and the pros and cons of keeping or selling the land. Jester encouraged Council and citizens to attend the meeting.

### **4. Public Safety**

Councilman Shepherd reported having nothing further to add from the meeting notes presented at the Work Session.

### **5. Planning & Zoning**

Councilwoman Kenerly reported not having a reason for the committee to meet.

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

Councilman Schulte reported he had informed Charles Braden, Magnolia Farms, of the conditions of the Agreement. Schulte announced he would discuss the Christmas Market further during the New Business portion of the meeting.

**REPORTS OF SPECIAL COMMITTEES AND COMMISSIONS:**

1. **Fall Festival Committee:** Nothing to report.
2. **Economic Development Commission:** No report.
3. **Historic Commission:** No report.

**ADMINISTRATIVE ACTIVITY REPORT:**

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

**UNFINISHED OR TABLED BUSINESS:** None.

**NEW BUSINESS:**

**1. Christmas Holiday Market-City Square**

Councilman Schulte read the proposed Agreement for rental of the vacant City Square property, between Little Hooties and Exit Realty, by Magnolia Farms for a Christmas tree farm.

Councilman Schulte made a motion, seconded by Councilwoman Kenerly, to approve the Christmas tree lot on City Square as outlined in the Agreement with Magnolia Farms. The motion carried by a 6 – 0 vote.

**2. Presentation of 2009 Proposed Budget**

Councilman Walden reported having presented the 2009 Proposed Budget during the Work Session. Walden is presenting the 2009 Proposed Budget to the Council for discussion as is required one month prior to being able to vote. Two Public Budget Hearing meetings will be held but those dates and times have not yet been determined.

Councilman Shepherd reluctantly disagrees with some items in the proposed budget. Shepherd is concerned that too much pressure is being put on the water/sewer budget because of items transferred from the general budget. Shepherd states he sees the city's only recourse is to raise water and sewer rates if the Water Sewer Budget is strained. Thereby the total burden would be on those property owners that use city water and sewer. Shepherd believes it is fiscally prudent that, along with this proposed budget, put on the table the budget that was originally discussed as well. Then parallel go through these budgets to show the pros and cons with each during the public hearings.

Councilman Schulte reported having difficulty with the budget. Schulte thinks it puts the city in financial danger. Schulte believes the city must have some means of obtaining credit or borrowing power and there are certain requirements for that by various lending institutions.

Councilman Shepherd asked to add to Councilman's Schulte's comments from his own perspective as a Loan Officer for five years and experiences making tax anticipation loans to cities which required him to analyze cities financial statements for credit worthiness. Shepherd stated that a city having no contingency reserve or plans to implement such a contingency is not viable fiscally as an entity and Hoschton needs to move in that direction despite the hard times.

Councilwoman Kenerly worries the city is taking off general budget items and putting all to water sewer to avoid having a tax. Kenerly believes this will cause the city to have to go up on water and sewer rates to try to combat that. Kenerly feels that either way the city still has the same problem.

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Ms. Wilson, residing at 59 Chestnut Chase The Village, addresses Mayor and Council to voice her concerns about their water and that the idea of water rates going up right now is insane to her. Ms. Wilson states that the city shouldn't go up on water rates while at this time they aren't able to use their water.

Councilman Green responds to Ms. Wilson's concerns. Green announces the city is aware of the water issue in The Village and tests indicate it is a localized problem occurring between the water meter and the faucet. Samples of the city water have been taken at its source and there is nothing wrong with that water. Green reported that today the state met with the Georgia Rural Water Association. They site a similar condition in Nicholson and have suspicions of the cause which doesn't have anything to do with the city water. Several avenues are being investigated currently and think we are narrowing in on the conclusion. Green allows that if it is occurring as the city and state think, between the meter and faucet, then technically it is not a city problem but the city is working very hard to try and solve it.

Ms. Wilson reported that EPD was at her house last week and took samples. Wilson says EPD told her the city well would be shut down at that time because her water was so bad.

Councilman Green reported that EPD had not communicated to the city what was told to Ms. Wilson, but had stated the city water is okay.

Mayor Copenhaver asked that the discussion move back to the current agenda item being the 2009 proposed budget.

Councilwoman Kenerly voices her concerns of not having a contingency fund set up like the town needs and was working toward. Kenerly is concerned that if the budget is cut so far back that the city's visions for the sewer being in many different places will be unattainable due to costs that may arise without the necessary funds.

Councilman Green states he has not added up what has been taken from water and sewer but believes what has been re-distributed to water/sewer is okay. Green requests to see an accounting break-down of what is being taken from water/sewer but has no reservations about the propriety of what would come from water/sewer. Green says if the Phase II Interceptor couldn't be accomplished without a tax that he would not support a tax in favor of Phase II.

Councilman Walden, upon advice of the city attorney, recommends following the public hearing requirements pertaining to raising a millage rate based upon the indication that a second proposed budget may be presented by other council members which include a property tax.

Ms. Alice Nunley, residing at 300 Peachtree Road, addressed Mayor and Council voicing her feeling that council is misleading the public. Ms. Nunley says Council is now stating differently from what had been stated at previous meetings which could cause trouble.

Mr. George Nault, residing at 777 Buck Trail, voiced that after the last budget he left that meeting with the understanding that Council would be proposing a 2009 budget with no property tax.

Councilman Walden reported he had presented a 2009 proposed budget with no property tax, but there were three other council members at the table indicating another budget proposal would be presented to include a property tax.

Councilman Walden made a motion, seconded by Councilman Jester to put the 2009 Proposed Budget on first read. The motion carried by a 4 – 3 vote. Those in favor are Councilman Walden, Councilman Green, Councilman Jester, and Mayor Copenhaver. Those opposed are Councilwoman Kenerly, Councilman Schulte, and Councilman Shepherd.

**3. Presentation of Resolution taking Council and Mayor stipend to zero for 2009 Budget Year**

Councilman Walden reported taking the stipend for 2009 to zero is set by Resolution. Walden read the proposed Resolution to Mayor and Council.

Councilman Shepherd asked if the 2008 budgeted stipend could be taken to zero. Councilman Walden said that had not been discussed during any fiscal resource meetings.

Councilman Green asked if the money budgeted for the 2008 Mayor and Council stipend was in the bank. Councilman Walden reported there would be the approximate \$2,500 in the bank at year-end. Green asked that a discussion regarding taking the 2008 Mayor and Council stipend be added as number six to the agenda.

**MOTION TO APPROVE RESOLUTION: TAKING COUNCIL AND MAYOR STIPEND TO ZERO FOR 2009 BUDGET YEAR.**

Councilwoman Kenerly made a motion, seconded by Councilman Schulte, to approve the Resolution taking Council and Mayor stipend to zero for 2009 Budget Year. The motion carried by a 6 – 0 vote.

**4. Presentation to increase Water Service security deposit to \$100 and Sewage Service security deposit to \$50**

Councilman Walden reported that he had been approached by the water department regarding concerns of the number of people that leave without paying their final bill. Walden therefore requests to increase the water and the sewer security deposits as written in the Resolution. The new rates will begin in ten days from meeting.

**MOTION TO APPROVE RESOLUTION: TO INCREASE WATER SERVICE SECURITY DEPOSIT TO \$100 AND SEWAGE SERVICE SECURITY DEPOSIT TO \$50.**

Councilman Walden made a motion, seconded by Councilman Green, to approve the Resolution to increase Water Service security deposit to \$100 and Sewage Service security deposit to \$50. The motion carried by a 6 – 0 vote.

**5. Discuss business license fees for not for profit organizations**

Councilman Walden reported that the city does not have a non profit business license fee therefore non-profit businesses have to pay the same as for-profit businesses. Walden announced Hoschton is getting its first not for profit business and recommended establishing a \$50 not for profit business license fee.

**MOTION TO APPROVE RESOLUTION: ESTABLISHING A \$50 BUSINESS LICENSE FEE FOR NOT FOR PROFIT ORGANIZATIONS.**

Councilman Walden made a motion, seconded by Councilman Kenerly, to approve the Resolution establishing a \$50 business license fee for non-profit organizations. The motion carried by a 6 – 0 vote.

**6. Discuss 2008 Council and Mayor stipend**

Councilman Green desires to see the amount of Mayor and Council 2008 stipend distributed among the city's lower paid employees which include four patrolmen.

Councilman Green made a motion, seconded by Councilman Shepherd, take 2008 Council and Mayor stipend to zero and take the amount due to the Council and Mayor in 2008 and divide it

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equally among the eight (8) lower paid employees of the city. The motion carried by a 6 – 0 vote.

**CLOSING COMMENTS:** None.

**EXECUTIVE SESSION:** Pending Litigation.

Council member Green makes the following motion:

1. That this Mayor and Council now enter into closed session as allowed by O.C.G. A. 50-14-4 and pursuant to advise by the City Attorney, for the purpose of discussing the following:

Pending 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 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.

Councilman Walden made a motion, seconded by Councilman Kenerly, to adjourn from Executive Session.

**ADJOURNMENT:** Meeting adjourned at 8:14 p.m.

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

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**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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