

# HOSCHTON CITY COUNCIL

## Work Session Minutes

December 4, 2008 at 7:00 p.m. in Hoschton Depot

A work session of the Hoschton City Council was held December 4, 2008 at 7:00 p.m. in the Hoschton Depot. Present were Mayor Bill Copenhaver, Council Members Richard Green, Jim Jester, John Schulte, Richard Shepherd, Tom Walden, Theresa Kenerly. Also present were City Clerk Kristen Smith and City Attorney Thomas Mitchell. Mayor Copenhaver called the meeting to order at 7:04 p.m.

### **ORDER OF BUSINESS:**

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

Regular Meeting of November 3, 2008, Called Council Meeting of November 20, 2008 9:00 a.m. and Called Council Meeting of November 20, 2008 at 6:30 p.m.

**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 the treatment plant has been up and running since November 3<sup>rd</sup>, it's still operating under the old permit so not at full treatment efficiency yet because it takes a while for a biological plant like that to reach its peak but we are making progress. Green said city met with consultants, Rindt-McDuff, on November 18<sup>th</sup>, to discuss EPDs inspection and sent a letter to EPD commenting on each item. Pond drainage began on November 19<sup>th</sup> with process expected to take six months and then once all liquid is out the line of sludge will be turned over and dried. City now stockpiling about 400 additional truckloads of fill, for free and free transportation that could be used to backfill the pond.

Councilman Green reported the Jopena Interceptor Nancy Industrial Boulevard section is complete, route 53 portion is creeping northward up 53. Green said it has been slowed by utilities and driveways.

Councilman Green reported the city received a big part of the second well's water quality analysis on November 7<sup>th</sup>. Green stated all organics and oil parameters are well within state standards. Green said the radiological data is still pending but Green had met today with Al Gephardt, director of the Athens EPD office, and Al promises notify the city as soon as he gets the data.

##### 2. Fiscal Resources

Councilman Walden reported Fiscal Resources didn't have a meeting and he would discuss the budget during that portion of the meeting tonight.

##### 3. Public Works and Properties

Councilman Jester reported the meeting scheduled for Monday, December 1<sup>st</sup> was cancelled based on all the public meetings being held and placed the item to be discussed on the agenda for Monday in terms of disposition of the city square. Jester stated it would be good to get input from the citizens as well as all Council as we discuss options to consider and will do that Monday the 8<sup>th</sup>.

##### 4. Public Safety

Councilman Shepherd reported having a meeting the third Tuesday of November and that it was attended by probably the largest group of citizens of any of the public safety forums. Shepherd said the main item of discussion was the budget as they looked at what was going on with the reduction in force due to several resignations and options available to city regarding full-time/part-time positions and equipment purchases it required. Shepherd said a number of those were incorporated and carried further by the Chief to be submitted those for the revised budget we will see today. Shepherd reported the meeting moved into a brief executive meeting for discussion of pending personnel issues. Shepherd reported he would have meeting minutes available at Monday's Regular City Council Meeting.

**5. Planning & Zoning**

Councilwoman Kenerly reported having met November 21<sup>st</sup> to discuss the Creekside plan amendments which will come shortly.

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

Councilman Schulte reported having met in mid November and early December to continue developing an information packet to promote Hoschton. Schulte said it would contain sheets that describe various points of interest for those that may want to learn about Hoschton and are considering re-locating or want to expand their business. Schulte said they wanted to have separate sheets of information that can be easily discarded and replaced inexpensively as things change.

**REPORTS OF SPECIAL COMMITTEES AND COMMISSIONS:**

1. Fall Festival Committee: No report.
2. Economic Development Commission: No Report.
3. Historic Commission: No report.

**ADMINISTRATIVE ACTIVITY REPORT:**

Mayor Copenhaver reported the November Administrative Activity Report will be ready for distribution Monday, December 8<sup>th</sup> during the Regular Meeting.

**UNFINISHED OR TABLED BUSINESS:**

**1. 2009 budget proposal**

Councilman Walden reported that copies of the proposed budget were available at the entrance as everyone came into the meeting room and hoped all had picked up one. Walden stated after a lot of changes, reiterations and gnashing of teeth that the city now has a balanced budget in all four accounts: General Fund, Water Sewer Revenue Fund, Roads & Bridges SPLOST, Recreation SPLOST, and Water Sewerage SPLOST, and includes no tax revenues from city property tax. Walden said he believes the budget is one that will get the city through next year, it's an honest budget, and one where every line was scrutinized. Walden said the budget has a small increase in the amount flowing into the reserves of the General Fund Budget and a decrease in the reserves going into the Water Sewer Revenue Fund Budget, but also has approximately an \$85,000 short-fall in the Water Sewer revenue Fund. Walden said the short-fall is not so much due to an increase in expenses but more due to a decrease in revenue, with revenues decreasing based on citizens using 70% less water as they did last year. Walden reported that every other county and community you read about in North Georgia had raised their water rates because they are losing revenues due to the drought conditions and revenues are continuing to decrease. Walden explained Hoschton has expenses that have to be met including debt payments so he anticipates by January 2009 having a schedule for the \$85,000 short-fall. Walden explained the budget operates with a 5-man police force having cut police expenses from being approximately 57% of the general fund budget down to about 48% which for such a drastic reduction to occur substantial decreases had to be made in that area.

Susan Bowmar, 4073 Hwy 53, asked why the debt in water sewer dropped. Councilman Walden explained the reason the debt dropped is based on the loan with GEFA doesn't require payments until the waste water treatment plant is fully complete which includes pond abandonment therefore only four payments will have to be made in 2009. Bowmar asked how much staff/salary expense was moved between the Water Sewer Revenue Fund and General Budget in order to balance the budget. Councilman Walden reported no staff/salary expenses were moved in order to balance the budget. Walden explained the city clerks' salary and payroll expenses, per Georgia standards, should be split evenly because she manages both accounts and is the only employee whose salary is split. Walden said all other employees and expenses are paid either 100% by Water Sewer Revenue Fund or 100% by General Fund. Bowmar stated it seemed to her there was more than one position. Walden said during the original budget process employees' had been moved back and forth between General Fund and Water Sewer Fund but the approved budget had each employee, other than the city clerk, in only one or the other Fund determined by position.

Sandy Romer, Panther Creek, stated she heard through the grapevine today that two weeks ago Hoschton had two police officers resign and the city had said although there was no hiring freeze, the city wouldn't be looking into hiring anyone again but Officer Grogan is back on the force. Romer said Hoschton is a small city with about 1600 people and there are many other towns with a lot more people but have a lot less of a police department and are doing fine so that is a major thing that Hoschton

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needs to cut. Romer stated Hoschton can contract an officer from Jackson County. Romer stated that when she calls 911 it goes to Jackson County and has them to her house quicker than the Hoschton police.

Mayor Copenhaver responded that Romer's rumor was wrong, Officer Grogan is not back on the force but is a reserve officer and can be called if the city needs extra and has been budgeted. Copenhaver stated Hoschton several reserve officers that can be called if city needs them.

Romer asked why this can't just be contracted through Jackson County since they're already there. Copenhaver said it's less expensive to use the reserve officers. Romer asked the cost for Hoschton's reserve officers. Copenhaver deferred to Chief Hill for further detail. Chief Hill explained that the city had talked about several different avenues of what we need to protect our city. Hill said that several of the Council members went to the Sherriff's office asking what he thought the city of Hoschton needed to cover what the police currently cover and to make sure there was no excess wait time. Hill reported the Sherriff's budget was \$463,647 which the Mayor has a copy. Hill said the Sherriff's recommended budget called for five certified officers, one investigator, one clerk, patrol vehicles for all, fuel \$30,000; uniforms \$6000; tires \$3000; computer hardware \$35,000; telephone \$6000; electricity \$2000; natural propane gas \$3000; and water/sewage \$3000. Hill asked Councilman Walden the amount of the Hoschton's Public Safety Budget, being \$352,010. Hill said he has the upmost respect for Sherriff Evans. Hill asked why Evans budgeted for just enough people to cover Hoschton and prepared a budget rather than telling the Mayor and Council that the city doesn't need to pay for their own police force that the Sherriff's office can handle it? Hill said it was because the Sherriff's office can't cover Hoschton, too.

Chief Hill explained that everyone who calls 911 talks to Jackson County Dispatchers, that's part of what your tax dollars pay for.

Councilman Shepherd said he was one of the Council members that spoke with Stan Evans. Shepherd referred to page two of the budget hand-out beside Police Department Revenue, stating that when Hoschton Officers write a traffic citation the offender goes to Hoschton traffic court and the income in 2008 is \$235,300 which has been revised down to \$197,500 for 2009. Shepherd said if the city contracted with Jackson County to provide the police force then the revenue generated goes away because it would go to the county, not the city.

Sandy Romer, Panther Creek, asked if Hoschton was going to become like Arcade and doing a speed trap. Councilman Shepherd said Hoschton is not a speed trap, Hoschton receives legitimate citation revenues, and if the city were to contract with the county revenues would decrease while expenses increased. Romer asked if the city has five officers now. Mayor Copenhaver confirmed that was correct. Romer asked if three of the officers basically a Chief, a Captain, and a Lieutenant. Copenhaver said yes. Romer stated there are three chiefs and two Indians. Romer asked the pay difference between the three positions and stated she sees this problem where she works that there are too many chiefs and not enough Indians to get the job done.

Erma Denning, Deer Creek, asked Councilman Walden if this would be the budget proposed Monday night then asked if there are any other budgets that would be on the table to be voted in on Monday evening and if so would the citizens have access to those. Walden stated this is the only budget he knows will be proposed.

Councilman Jester said Council has had more than one budget first read but this will be the only one substitute to the budget on first read. Councilman Walden confirmed this will be the only amended budget to replace the one that had been put on first read. Denning asked if citizens would have access to the more detailed report as they had provided before. Walden reported the detail report is available in City Hall for a copy or can be emailed to anyone that requests.

Alice Nunley, Hoschton, asked if that meant Hoschton would not have a millage. Councilman Walden said the only budget that would be proposed Monday night does not have a millage rate.

Councilman Shepherd said, as a resident, he also looks at the city increasing water and sewer rates for the deficiency. Shepherd asked if those people who have water and sewer would pay for the shortfall then is there the possibility of a small millage to make up that difference which shares the cost across the entire community instead of just the water sewer customers. Councilman Walden reported there are two funds, an enterprise fund and a tax-supported fund, and they are not supposed to mix revenues. Shepherd stated that had been done in the past. Walden said that is done all the time but that's not an honest way to do it and stated he has said he wants an honest budget with water-sewer supporting itself and the tax-supported fund to support itself. Shepherd said he wanted to point out the city is running thin and if there is an emergency there's no room to handle a short-fall. Walden said he agreed but feels the proposed is an honest budget the city can meet.

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Scott Butler, Deer Creek Farms, said he hoped that if city does raise water and sewer rates he hopes city on raises for sewer customers but not water customers. Councilman Walden responded he can't split expenses between one and the other so he thinks all should be raised. Butler asked the usage per day. Councilman Green responded about 45,000. Butler said city using 9% of the 500,000 gallon per day capacity that the city spent \$6.5 million for and wants to charge him an increased water rate when he doesn't use the sewage capacity. Mayor Copenhagen responded yes sir. Butler said they are going to hose us one way or the other. Walden stated he doesn't think the increase in water rate will come anywhere near what the tax would be. Butler said but he will be charged for something he doesn't get a service for. Walden said that Butler had been paying for it since moving to Hoschton. Butler said he recommended against it when they voted to do it and is curious why we are going to continue to abuse the people who don't use the service. Walden said that would be his recommendation but Council could vote against it.

Kelly Gary, 22 Hickory Walk Village of Hoschton, said he wanted to address a few comments about water sewer rates. Gary believes expenses have been shifted from general fund to water sewer that should not have been shifted. Gary said that if the budget is an honest budget then everyone that is listed in water and sewer as an expense needs to be there then it's either the case that the city is inefficient because the cost is far more to deliver water and sewage here than Jackson County could do it for the city or it's not an honest budget.

Councilman Walden responded to Kelly Gary that Kelly has stated in more than one meeting that he had Don Clarecy review providing Hoschton with water. Gary said he had with him a letter from Jackson County Water & Sewer Authority (JCW&SA) proposing to renew the operating agreement with Hoschton. Walden asked if it was dated this year. Gary said it's the last proposal JCW&SA had given to Hoschton which JCW&SA had executed, with Eric Clark's signature, proposing to do it for a base rate of \$3360 a month plus extras. Gary said while this agreement wasn't executed by Hoschton, JCW&SA operated under that basis for seven months and he has seven months of invoices with the average charge by JCW&SA was \$4055 a month which is less than \$50,000 a year. Gary said that during the time JCW&SA operated Hoschton's system he had never experienced any problems with the water quality, once Hoschton started taking it on he experienced problems with water quality specifically his plumbing fixtures are being corroded. Gary said that's going to cost thousands of dollars for the damage in everybody's house that lives in Hoschton and has copper plumbing so it's the case that JCW&SA can do it much cheaper than city can do it here in Hoschton and adds that JCW&SA operate the entire system for county in a safe and effective way there is also the alternative of a private contractor. Gary said the city of Winder has their water and sewer system operated by a company named H.S. Feldman and that he talked to officials at city of Winder and they are very happy with the service and say H.S. Feldman does it for a lot less money than they can do it themselves. Gary said this same company operates water sewer system for Barrow county and city of Buford among others. Gary said cheaper alternatives are out there than what's being proposed and believes based on what he's heard from multiple officials with multiple governments that they can do it in a more effective way than doing here in Hoschton. Gary said rather than talking about cutting the public safety budget, rather than talking about cutting some of the other things, we ought to look at doing things in a cost effective fashion rather than cutting services because there is plenty of low hanging fruit that can be extracted from this budget if we only have the will to do it and thinks we need to do it.

Councilman Green said, with regard to county running Hoschton system again, he spoke with county today. Green said he spoke with two people; Mark Duziak, Chief Operator, and Eric Clark, General Manager, for JCW&SA and both told Green the same thing. Green reported they both told him they couldn't come close to operating Hoschton's water and sewer system for \$50,000 and have no interest in doing it and as a manner of policy they don't contract services any more. Green stated the only thing Clark told Green with regard to contracting was that there are many number of firms out there who would take this on. Green stated before Hoschton hired its own operator they had talked to one firm and their fee to run system for a year was around \$200,000. Green said as far as he is concerned the county is out as they have no interest in doing it. Green reported that as far as the water quality issues in The Village, he spoke to Mike Bergaminy with EPD once again today and Hoschton has implemented a sampling program as asked by EPD and they're satisfied that city is proceeding satisfactorily with the sampling program. Green reported EPD also happy with city's copper and ph results which would be parameters of concern. Green reported Bergaminy said the city is in full compliance with the Lead and Copper Rule which Green said Kelly Gary brought up at last month's meeting. Green said the monitoring program is slated to end next month at which time EPD will write city a letter stating that Hoschton water system is in full compliance with their regulations. Green said EPD happy with results Hoschton is getting and are still working with Georgia Rural Water Association to solve the problem with possible solutions including filters on each home or even installation of PVC plumbing. Green said a meeting is going to be arranged with a corrosive expert from GA Rural Water Assoc. to see if he has any suggestions because they still think the problem goes to improper grounding in the areas that are experiencing these issues but they have no issues with the city's water supply and are going to put that in writing.

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Kelly Gary responded to Councilman Green stating he also spoke to officials with JCW&SA and was told they would be willing to explore a new relationship with Hoschton, they weren't terribly enamored of the current leadership of Hoschton just as many of us aren't but they would be willing to explore and what we need to do as a city that desperately needs financial help is take our hat and put it in our hand and go ask our neighbors for help to deal with this problem.

Councilman Green asked who Gary spoke with at the JCW&SA. Kelly Gary stated he spoke to several people.

Gary said city also needs to look at private contractors.

Green said Eric Clark told him what he told him and that he would not pursue that.

Gary said he was told the same thing and he has lost faith in Green's ability to have this conversation.

Mayor Copenhaver told Kelly Gary he has warned no derogatory, personal comments and we have to end this argument and go on to something else.

Kelly Gary said the second thing he wanted to respond to is the issue of our plumbing being corroded. Gary said it's not just in The Village that he has talked to people across the city, in every sector of the city, they're all having the problem. Gary said to Councilman Green that with Green's long career in EPD he should be more educated.

Councilman Green corrected Mr. Gary that he had worked for EPA.

Kelly Gary stated ph level is the secondary contaminant, the EPD is probably not going to do anything about it unless the copper level gets so high, that not-with-standing, the fact we fall below the minimum thresholds that would require the Federal government come here and do something about it doesn't mean that this city Council shouldn't do anything about it.

Councilman Green asked Gary in what parameter. Gary said in terms of the copper.

Kelly Gary stated the cheapest thing for everybody in Hoschton is for Hoschton to provide citizens quality water that won't corrode their plumbing. Gary said if they have to replace their copper pipes with PVC plumbing is going to be \$5,000; \$10,000; \$15,000; for every homeowner here and simply because Council is not willing to provide quality drinking water that's not going to corrode pipes.

Councilman Green stated there is nothing wrong with the drinking water.

Kelly Gary said to Councilman Green that two weeks ago Green told them he didn't think there was a problem, after much back-and-forth discussion the Mayor said there is a problem and we're working on it. Gary stated that problem exists today and we are monitoring it closely and you (Councilman Green) need to make sure the ph level in our drinking water is not corroding our pipes and I have no confidence that you're taking it seriously and are doing that. Gary said the only way to do it is treat your water appropriately or buy the water from Jackson County or another source that treats their water appropriately. Gary said that is not being done today and is costing thousands of dollars of damage in people's homes.

Councilman Green reported to Mr. Gary that the ph in the city's water is neutral and the state got higher results and came back to Hoschton and said their meters are wrong and the city's are correct.

Kelly Gary said to Councilman Green that he has taken it to an independent lab and they measured it at 6.2 which is below what it should be and so this city has a problem and this Council needs to deal with it.

Mary Ann Kenerly said maybe Mr. Gary can take it back to the builder that built his house and he'll take care it for you.

Susan Bowmar, 4073 Hwy 53, said that when she turns on her faucet mud comes out, their water is not drinkable, and for everything they do they have to use bottled water because the quality of their water is so bad.

Mayor Copenhaver asked for Mrs. Bowmar's address and said the city would have our Public Works employees check on it and that the city was not aware of that.

Susan Bowmar, asked on the water sewer budget under administrative why it went up so much. Councilman Walden explained the increase is due to legal expenses.

Ben Davis, Deer Creek Farms, stated to Council his appreciation for submitting a budget for 2009 that doesn't include a city tax. Davis said based on conversations he's had he thinks the budget will probably be a split vote and Mayor doesn't break a tie what happens next?

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Councilman Walden said if the budget isn't approved then Council will have to go back through the process again.

Tom McClain, Deer Creek, asked if with regard to operation of the water and sewer system, Council considered the competitive bid process which typically drives the cost down.

Councilman Green said the city didn't go out on a bid although the city can do that but doesn't think they will find a lower cost than what city has right now.

Chuck Fisk, Village at Hoschton, said to Councilman Green he had received a call today as well from Michael at EPD telling him the copper content has been under an acceptable level. Fisk said he also told Michael that Kelly Gary and he are working together and have ordered several test kits that will be going to several folks who are paying for them to test the water such as Mary Anne Wilson has been doing. Fisk said that he and Kelly are going to work out a log sheet in a standard form and keep testing the water a while and fax those back to him and furnish the sheets to Councilman Green so he can also get an idea if it is being constant and if he is getting the job done right. Fisk said they're concerned at The Village because they don't want to see their copper pipe corrode and have talked to other folks that have been here a while and they aren't seeing the blue streaks or the film in the water. Fisk said Michael and another co-worker felt those folks had been in there a while and that copper pipe has been coated and is not allowing the corrosion to develop where their copper pipe being brand new hasn't had that chance. Fisk said he doesn't think the copper pipe is the fault of the builder at all and says this is going to be a huge expense to each homeowner at The Village if it isn't addressed so they aren't trying to be an adversary they're just concerned, they want to drink healthy water, and don't want their pipes ruined. Fisk asked Michael today and Michael said he was going to be signing-off on a letter and Fisk asked Michael if he could you wait at least a week or so after seeing the results of their test kits before making that decision and Fisk thinks Michael will go along with that.

Councilman Green asked what will be tested. Fisk answered the ph level. Green asked what kind of kit. Fisk answered the one they had been looking at is Hagan and it seemed to have the range that they need. Green said to please not take this as a negative comment and encourages him to test but as far as the acceptability of the data he doesn't know because it's probably not going to be as accurate as the city's meters. Fisk said they thought about that and one they're looking at was found on the internet, is \$21.95, and has the EPA approval and tests for nine things in the water unfortunately there are only two tests per kit so expensive. Fisk said they had thought about whether the kits would be accurate and the data taken seriously so they're addressing that as well.

Scott Butler, Deer Creek Farms, said he knows this is the only budget that will be voted on Monday night but asked if the millage will be voted on Monday night.

Councilman Walden reported the only budget to be voted on Monday night would be without a millage rate and if it is turned down then Council starts the process over again.

Erma Denning, Deer Creek Farm, said she encourages the entire city Council and Mayor that if they attempt to increase their water and sewer rates that they take into consideration the feelings of the citizens that they might consider this as another form of a tax and to do their utmost in the due diligence process to look for every single option and make that information available to them.

Randy Denning, Deer Creek on Hunters Way, said they have fixtures in Deer Creek that are ruined and he hasn't drunk the water in the past three years. Denning said he would be more willing to pay more for sewage if he was getting water he could trust out of the faucets.

Ben Davis, Deer Creek Farms, said he encouraged each member to vote to approve this budget without a tax on Monday night. Davis said he was sure it has been a difficult process to get to this point and Council has put a lot of hours into it and the people in the audience, unless they've sat in your chair, they don't know what's involved. Davis said he thinks if Hoschton did end up with a property tax it would deter growth and growth is we need right now to solve some of these issues so please would you vote Monday night for the proposed budget that does not have a property tax.

### **NEW BUSINESS:**

#### **1. Change in conditions for Creekside Village, Applicant: Hoschton Properties, LLC**

Wistar Harmon, City Planner, reported the planning Commission and staff recommended approval without townhouses in the project. Harmon explained the developer sought a site plan amendment and the new site plan presented is largely consistent with the original plans as to roadways, open space, density, number of units, and the permitted uses.

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Larry Beck, Creekside Village Developer, reported having been approached by the YMCA to build an upscale 8,000 square foot facility. Mr. Beck introduced Chad Stewart, the Creekside Village Superintendent. Beck reported issues with speaking to a representative at their bank in Loganville regarding the plan changes and funding due to the bank having been taken over by FDIC. Beck respectfully requests to wait until next month for presentation by which time he hopes to have spoken with the bank about their loan.

Councilman Jester asked Mr. Beck if he would give a brief overview of the project and any changes to the audience.

Mr. Beck requests the following specific changes:

1. Replace the originally planned, smaller amenity center with a larger facility that is professionally equipped and staffed by the YMCA.
2. Remove the requirement for equal percentages of completion for the commercial and residential tracts.
3. Add a golf cart path from the northern end of Main Street into the site without encroaching on the commercial traffic and allow golf cart access directly to YMCA.
4. Expand area for the larger amenity center by donating five adjoining buildable lots to the YMCA.
5. Add a lift station to pump in an easterly direction toward their gravity-based sewer to be installed on the commercial frontage, which means they must give up a sixth lot that was dedicated to detached single family homes.
6. Recover the six lots lost above by allowing 12 townhomes be built between the commercial portion on Hwy 53 to the east and the YMCA and residential portion to the west, to maintain original concept of 144 dwelling units.
7. At southwestern portion of the tract, stub and cap an eight-inch diameter waterline in a southerly direction that can be connected in subsequent development so as to loop the line down to West Jefferson Street.

### **2. Review proposed 2009 City Council meeting schedule**

Mayor Copenhaver reported having given all Council copies of the proposed 2009 meeting schedule, asked they all review it over the weekend, and will vote Monday night.

### **3. Discuss disposition of city property**

Councilman Jester reported having originally planned a committee meeting but because of all the things going on he elected to cancel that meeting and put it on the agenda for Monday. Jester stated the primary purpose is to get a sense of what the city should do with the City Square property. Jester said that issue comes up from time to time and he thinks over the last couple months with all the public meetings the city has had it's certainly come up numerous times and thinks the time has come, with talking about raising taxes for reserves and contingencies, that is a resource that's generating nothing for the city. Jester said there may be some debate about the timing of it, as we heard commercial is still moving and still potential in that area. Jester said he wanted to discuss it among the Council members and get some input from the public on setting up a meeting and inviting as many interested parties and developers to come in and talk about some what if's and ideas of what we might do with this property. Jester said he thinks long-term the city needs to be moving toward disposing the property and replacing city hall, that may not be a short-term thing given the financial status we're in but in the meanwhile thinks the city would be better served if someone owned that property other than the city and began building it out where it generated some commerce, paid some taxes, and benefited the community in terms of the aesthetics and completeness of downtown.

Kelly Gary, Village at Hoschton, asked Jester if he was speaking only of the vacant lots adjacent to city hall or are there other assets the city owns that would also be included in the discussion.

Jester confirmed it would be all the property on the Square that is currently owned and maybe include city hall in order to be financially advantageous for a potential developer they'd need it all so it's a wide open discussion.

### **4. Request approval for City to surplus equipment and office items on GovDeals.com**

Councilman Walden reported, during the cleaning out of city hall, finding a considerable amount of old computers, scanners, typewriters, desks, chairs, etc. that have been sitting for many years and requests to place all items on GoveDeals.com, try to sell it by bidding on GovDeals.com, and place the money in the reserve account for future use. Walden said he may have a typed list of items by Monday but the staff is still going through the items.

### **5. Proposal for Ordinance Enacting 2009 Property Tax**

Councilman Shepherd stated that discussions up to this point somewhat negate this item. Shepherd said that he wants to keep it as an option open. Shepherd said he knows no one wants taxes and Council balanced the budget while severely impacting

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the police department to do that and have little to no contingency for the city to itself in case of an emergency. Shepherd said that for fiscal prudence Council needs to look at something and would like to see a standing 1 millage rate.

### **CLOSING COMMENTS:**

Scott Butler, Hoschton, asked if Councilman Shepherd's last comment mean that Council could vote on increasing the millage rate on Monday if either a motion is made or an Ordinance made.

Councilman Walden said that if Council votes on a millage that unbalances the budget the Council can't submit another budget.

City Attorney Thomas Mitchell explained that Hoschton's charter requires the adoption of a budget first and if the budget you adopt requires a millage rate then Council sets the millage rate. If Council adopts a budget that does not have a millage rate requirement, then under the Charter, Council isn't going to adopt a millage rate. If Council adopts no budget they will not be authorized to pass a millage rate.

Walden asked attorney Mitchell the only way to pass an Ordinance that adopts a millage rate is if Council adopts a budget that requires one.

Chuck Fisk, Deer Creek, said there are probably some people in the room that once the word gets out they will sleep a little better tonight because there isn't going to be a tax increase. Fisk thanked all Council for their hard work, dedication, and he never looked at this as if they were adversaries, and he's grateful that he lives in a country where this kind of forum can take place. Fisk said the only thing he asks of Council is they please stay diligent, be prudent, look options, don't have blinders on; there may be an option or an alternative that helps the city and keeps their costs down.

Mayor Copenhagen said Council and staff are always looking at options.

### **EXECUTIVE SESSION:**

Council Member 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:  
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.

#### **Motion Approved**

Those voting in favor of the motion for closure, Council Members:

Tom Walden, Jim Jester, John Schulte, Theresa Kenerly, Richard Green, Richard Green

### **ADJOURNMENT:**

**There being no further business, motion made by Councilwoman Kenerly, seconded by Councilman Green, to adjourn. Motion carried with all present voting in favor. Meeting adjourned at 8:40 p.m.**

Respectfully submitted,

Kristen A. Smith, City Clerk

## Hoschton City Council Work Session Minutes of December 4, 2008

**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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