

**HOSCHTON CITY COUNCIL  
Regular Council Meeting  
MINUTES**

March 2, 2009 at 7:00 p.m. at City Hall

A regular meeting of the Hoschton City Council was held March 2, 2009 at 7:00 p.m. in City Hall. Present were Mayor William Copenhaver, Council Members Richard Green, Jim Jester, John Schulte, Richard Shepherd, Tom Walden and Theresa Kenerly. Also present were City Clerk Kristen Mahan, City Planner Wistar Harmon, Police Chief Dave Hill 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:**

COUNCIL MEMBER SCHULTE MADE A MOTION, SECONDED BY COUNCIL MEMBER KENERLY, TO APPROVE MINUTES OF FEBRUARY 2, 2009 REGULAR COUNCIL MEETING.

The motion carried by a 6 - 0 vote with all members present in favor.

**APPROVAL OF AGENDA:**

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

**PUBLIC INPUT/DISCUSSION:** None

**REPORTS OF STANDING COMMITTEES:**

**Water, Waste and Environmental Services**

Councilman Green reported no changes from report given during Work Session. Green stated there were no adverse impacts to the White Street infrastructure from the power failure.

**Fiscal Resources**

Councilman Walden reported no changes from report given during Work Session.

**Public Works and Properties**

Councilman Jester reported nothing to add from report given during Work Session.

**Public Safety**

Councilman Shepherd reported no changes from report given during Work Session.

**Planning & Zoning**

Councilwoman Kenerly reported no changes from report given during Work Session.

**Business, Commerce, and Economic Development**

Councilman Schulte reported no changes from report given during Work Session.

**REPORTS OF SPECIAL COMMITTEES AND COMMISSIONS:**

Mayor Copenhaver reported the date of Art Trax 2009 to be April 18 from 10:00 a.m. until 5:00 p.m. and held at the Depot and a portion of City Square.

Mayor Copenhaver reported the dates of Hoschton Fall Festival 2009 to be September 25 through the 27 with Sunday having been added this year. Copenhaver also announced there would be concerts Friday and Saturday nights.

**ADMINISTRATIVE ACTIVITY REPORT:**

Mayor Copenhaver presented the February 2009 report, a copy of which is attached in the official minute book.

**UNFINISHED OR TABLED BUSINESS:** None.

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**NEW BUSINESS:**

**1. Request approval for Mayor to enter into Intergovernmental Agreement and Adopt Ordinance with regard to Animal Control.**

Mayor Copenhaver requested Council enter into an Intergovernmental Agreement with Jackson County to have the County handle Hoschton animal control at no cost to the city.

COUNCIL MEMBER KENERLY MADE A MOTION, SECONDED BY COUNCIL MEMBER SCHULTE, TO APPROVE THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH JACKSON COUNTY TO HANDLE HOSCHTON ANIMAL CONTROL.

The motion carried by a 6 - 0 vote with all members present in favor.

Mayor Copenhaver requested Council adopt the Jackson County Animal Control Ordinance and waive first read.

COUNCIL MEMBER KENERLY MADE A MOTION, SECONDED BY COUNCIL MEMBER WALDEN, TO WAIVE FIRST READ AND ADOPT JACKSON COUNTY ANIMAL COUNTRLO ORDINANCE.

The motion carried by a 6 - 0 vote with all members present in favor.

**2. WWTP Modifications and Funding**

Councilman Green reported an additional \$257,000 funding needed for WWTP modifications and GEFA requires the city submit a letter requesting additional money. Green explained that, according to GEFA, loan increases less than \$300,000 may be handled administratively. Green further stated that the city may increase the GEFA loan by \$299,000 and recommended this to cover any cost overruns. Complete Water Services, Inc. is to submit bid for project.

COUNCIL MEMBER GREEN MADE A MOTION, SECONDED BY COUNCIL MEMBER JESTER, THAT THE CITY REQUEST, BY SUBMITTING A LETTER, AN ADDITIONAL \$299,000 BE ADDED TO HOSCHTON'S GEFA LOAN.

The motion carried by a 6 - 0 vote with all members present in favor.

**3. 86 West Broad water main and asphalt replacement contract award**

COUNCIL MEMBER GREEN MADE A MOTION, SECONDED BY COUNCIL MEMBER SCHULTE, THAT THE CONTRACT TO PERMANENTLY FIX THE WATER MAIN BE AWARDED TO DALE CONSTRUCTION.

The motion carried by a 6 - 0 vote with all members present in favor.

**4. Fat Cheung Steaks beer and wine permit**

COUNCIL MEMBER SHEPHERD MADE A MOTION, SECONDED BY COUNCIL MEMBER WALDEN, TO APPROVE THE BEER AND WINE PERMIT APPLICATION FOR FAT CHEUNG STEAKS.

The motion carried by a 6 - 0 vote with all members present in favor.

**5. Resolution – Amend Fees – Business and Home Occupation Licenses**

Councilman Walden requested to withdraw his submission of a Resolution to amend fees for Business and Home Occupation Licenses. Walden announced he had discussions with Councilman Jester and feels this is not the appropriate time to increase this fee. Walden stated it would be considered during the 2010 Budget process.

**6. Ordinance – Amend due dates for Business License, Beer and Wine License, and Distilled Spirits License**

Councilman Walden stated the need for Hoschton to adjust the due dates of licenses in order to establish consist dates for all renewals to be due annually.

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COUNCIL MEMBER SCHULTE MADE A MOTION, SECONDED BY COUNCIL MEMBER KENERLY, TO WAIVE FIRST READ AND ADOPT AMENDMENTS OF SECTION 32-105 ENTITLED "TERMINATION AND RENEWAL OF LICENSES".

The motion carried by a 6 - 0 vote with all members present in favor.

Councilman Walden stated need for Hoschton to establish delinquent penalties for license renewals. City Attorney Mitchell explained Hoschton can't impose a 100% penalty for a delinquent license renewal. Title 48 statute sets penalty limits of 1.5% as of January 1 then 10% as of April 1. Mitchell stated the City Clerk can issue an execution against a business owner for an unpaid business license which imposes a civil fine up to \$500.

COUNCIL MEMBER SCHULTE MADE A MOTION, SECONDED BY COUNCIL MEMBER WALDEN, TO WAIVE FIRST READ AND ADOPT AMENDMENTS OF SECTION 32-113 ENTITLED "DELINQUENT FEES".

The motion carried by a 6 - 0 vote with all members present in favor.

### **7. Little Hooties Lease Agreement**

Councilman Walden recommended amending the current city property lease agreement with Little Hooties to establish a grace period and have the lease expiration date of December 31 annually.

COUNCIL MEMBER WALDEN MADE A MOTION, SECONDED BY COUNCIL MEMBER KENERLY, TO AUTHORIZE THE MAYOR BETWEEN NOW AND AUGUST 1, 2009 TO ENTER INTO A NEW LEASE AGREEMENT WHICH WILL EXPIRE DECEMBER 31, 2009, WITH THE ONLY CHANGES BEING THE DUE DATE AND ESTABLISHING A GRACE PERIOD.

The motion carried by a 6 - 0 vote with all members present in favor.

### **8. Highway 332 Realignment**

City Attorney Mitchell explained the City cannot abandon Towne Center Parkway right of way until D.O.T. is done.

COUNCIL MEMBER JESTER MADE A MOTION, SECONDED BY COUNCIL MEMBER WALDEN, TO ACCEPT DEDICATION OF THE RIGHT OF WAY PROPERTY AS OFFERED FROM PURCELL AND STJ PARKS GROUP TO THE CITY OF HOSCHTON AND AUTHORIZE MAYOR TO EXECUTE AN AGREEMENT WITH D.O.T. TO TRANSFER THE RIGHT OF WAY AT THE APPROPRIATE TIME.

The motion carried by a 6 - 0 vote with all members present in favor.

### **9. Presentation of 2 Planning & Zoning Commission candidates**

COUNCIL MEMBER KENERLY MADE A MOTION, SECONDED BY COUNCIL MEMBER GREEN TO APPOINT BOB BLANKENSHIP AND BOB MCNAUGHTON AS NEW MEMBERS TO THE PLANNING & ZONING COMMISSION.

The motion carried by a 6 - 0 vote with all members present in favor.

### **10. Discuss reallocation of Police Department new patrol vehicle budget item**

Councilman Shepherd recommended the \$10,500 allocated for a new Police Department cruiser be reallocated as a bonus in an attempt to boost morale and keep the Officer still currently employed by the City of Hoschton. Shepherd recommended dividing the \$10,500 by four and paying out over a three month period to the Officers. Shepherd stated the Police Department can reapply one budget item to another within its own department budget.

Councilman Walden stated his concern that the General Fund is already short on revenue and only two months into 2009.

George Nault, Deer Creek Farms, addressed Council asking if they see a correlation between losing officers and losing revenue.

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Chief Hill addressed Council sharing that his department doesn't have GEFA loan for money.

**11. Review revised Sentinel contract**

Councilman Shepherd recognized and thanked Councilman Jester for assisting Chief Hill in negotiations with Sentinel to revise the existing contract so that Hoschton receives more of the money collected.

Steve Reagan, Chelsea Court, addressed Council and Chief stating he sees people speeding and running stop signs constantly. Reagan asked Chief if it is due to not having staff or not being a priority.

Chief Hill responded it was both. Hill explained people on people crimes are the priority. Hill stated he too is now working 12 hour shifts.

**COUNCIL MEMBER SHEPHERD MADE A MOTION, SECONDED BY COUNCIL MEMBER KENERLY TO AUTHORIZE MAYOR TO EXECUTE A REVISED AGREEMENT WITH SENTINEL**

The motion carried by a 6 - 0 vote with all members present in favor.

**CLOSING COMMENTS:**

Shelby Stancil, Hoschton, addressed Council asking when the hole in her drive would be fixed. Councilman Green explained that the water main contract was now awarded and the job would begin promptly.

**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:  
**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 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:  
The motion carried by a 6 - 0 vote with all members present in favor.

**ADJOURNMENT:** Meeting adjourned at 8:37 p.m.

**BEING NO FURTHER BUSINESS, COUNCIL MEMBER SCHULTE MADE A MOTION, SECONDED BY COUNCIL MEMBER WALDEN, TO ADJOURN.**

Motion carried by a 6 - 0 vote with all members present in favor.

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**Respectfully submitted,**

**Kristen A. Mahan, City Clerk**

**Attachments in Minute Book**

APPROVED:

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William Copenhaver, Mayor

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Kristen A. Mahan, 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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