

# HOSCHTON CITY COUNCIL

## Regular Meeting Minutes

June 1, 2009, 7:00 p.m.

Hoschton City Hall

A regular meeting of the Hoschton City Council was held June 1, 2009 at 7:00 p.m. in Hoschton City Hall. 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 Mahan and City Attorney Thomas Mitchell. Mayor Copenhaver called the meeting to order at 7:02 p.m.

### **ORDER OF BUSINESS**

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

COUNCIL MEMBER KENERLY MADE A MOTION, SECONDED BY COUNCIL MEMBER SCHULTE, TO APPROVE MINUTES OF MAY 4, 2009 REGULAR COUNCIL MEETING.

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

#### **APPROVAL OF AGENDA**

Addition by Councilman Jim Jester of New Business Item number 4 being Agenda Format: Citizens Procedures.

#### **PETITIONS, COMMUNICATIONS, RECOGNITION AND AWARDS**

#### **REPORTS OF STANDING COMMITTEES**

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

Councilman Richard Green reported no changes from the Work Session.

Councilman Green reminded Mayor, Council and citizens the JCW&SA eased water restrictions, Hoschton adopts County restrictions by reference, which are now at level 4B until further notice.

##### **Fiscal Resources**

Councilman Tom Walden reported there is nothing to add from the Work Session.

##### **Public Works and Properties**

Councilman Jim Jester reported the speed limit study of our main thoroughfare, with communication to D.O.T., being led by Officer Grogan.

Councilman Jester hopes to have a report in July with regard to communications with Jackson County Recreation Department and have draft Agreement.

##### **Public Safety**

Councilman Richard Shepherd reported no changes from Work Session. Shepherd announced item number 3 would have action following executive session.

##### **Planning & Zoning**

Councilwoman Theresa Kenerly had nothing to report.

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

Councilman John Schulte reported no changes from Work Session.

#### **ADMINISTRATIVE ACTIVITY REPORT**

Mayor Copenhaver presented the May 2009 Administrative Activity Report which is included and made a part of the Minutes.

## **UNFINISHED OR TABLED BUSINESS**

### **City of Ethics Certification reaffirm or replacement**

City Attorney Thomas Mitchell reported no changes had been made since Thursday Work Session other than completing attached Exhibit A, Chapter 3 Section 3-102 blank line items.

### COUNCIL MEMBER KENERLY MADE A MOTION, SECONDED BY COUNCIL MEMBER GREEN, TO APPROVE THE ORDINANCE AMENDING CHAPTER 3, ARTICLE 1, SECTION 3-102 CODE OF ETHICS.

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

## **NEW BUSINESS**

### **Authorize Mayor to Sign Resolution for ARRA Stimulus SCADA Project Application**

Councilman Richard Green reported again that Hoschton had 2 projects accepted for stimulus funding. The SCADA improvements project for WWTP and a Green List project to study infiltration of inflow that Hoschton gets to WWT collection system. Hoschton decided to forego the Infiltration of Inflow ('INI') study project because city is not now in position to correct anything determined during the study. Green explained the proposed Resolution is required by GEFA and has to do with taking a 20 year loan to rebuild the SCADA system at 60 cents on the dollar paid by the government with Hoschton paying 40 cents on the dollar at 3% during the 20 year repayment period which is something the city needs. The Resolution shows agreement among Council to submit application to GEFA for funding of the SCADA Stimulus Project.

### COUNCIL MEMBER GREEN MADE A MOTION, SECONDED BY COUNCIL MEMBER KENERLY, THAT THE CITY PROCEED WITH THE SCADA STIMULUS PROJECT AND AUTHORIZE THE MAYOR TO SIGN THE RESOLUTION AND SUBMIT APPLICATION.

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

### **Fiscal Resources Recommendation Regarding Employee Benefits**

Councilman Tom Walden referenced Thursday night that during the 2009 budget process the Fiscal Resources Committee had decided the city needed to look at the way the city funded employee benefits. In doing so the committee realizes that at these times the city can no longer afford the amounts of money being expenses and therefore the Fiscal Resources Committee recommends remove the one-time-per-month benefits payment and replace with an hourly increase for each employee. The purpose in presenting during the Regular Meeting is to ensure all Council is aware and agrees that this is what needs to be done.

### **Appointment of Police Chief**

Councilman Richard Shepherd reported that as a result of Executive Session held May 12, 2009 Jeremy Howell was interviewed and then Council met and decided to recommend Howell to move from Acting Chief of Police to permanent Chief of Police.

### COUNCIL MEMBER SHEPHERD MADE A MOTION, SECONDED BY COUNCIL MEMBER SCHULTE, TO APPOINT JEREMY HOWELL AS PERMANENT CHIEF OF POLICE.

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

### **Agenda Format: Citizen Procedures**

Councilman Jim Jester recommended changing the Rule of Limitations on Addressing City Council, second line to read "and then shall stand" rather than "and then shall step up in front of the council". Jester further recommended changing 'Procedure for Citizens to Address Council' to read "Citizens wishing to have an item addressed by Council must submit a written request to the City Clerk".

## **ITEMS FOR COUNCIL AND STAFF CONSIDERATION**

Doug Easter, 49 Butternut Walk, asks Council to consider needed Ordinances which he has prepared a written recommendation to Mayor and Council. Written submission is attached and made a part of the Minutes.

Deborah Donaldson, 464 Quail Run, presented Mayor and Council with a \$100 donation for the proceeds to be used to provide copies of agendas at all meetings and public hearings to citizens.

Kelley Gary, 22 Hickory Walk, updates status of petition for revising City Charter with regard to the millage rate. Gary announced having collected thus far 385 signatures. Gary stated that during the budget process for 2010 wants Council to know that 385 citizens want the opportunity to vote on a property tax.

Carolyn Knot, 20 Butternut Walk, asked for clarification of what the petition is asking. Mayor Copenhagen said she may obtain a copy of the petition to read and better understand or meet with him to discuss further for clear understanding. Mayor said petition reflects citizens that want the City Charter changed to suppress City Councils right to impose a city tax and rather require citizen's vote on a property tax.

City Attorney Thomas Mitchell explained the city has two requirements to meet upon submission of the petitions. Validation by Jackson County Registrar, Brenda Fulcher, for signature certification is the first requirement. Secondly, determination of if it is a valid home rule order which must be done within first 50 days and if not validated the Council must publish reasons as to why if not validated or make a call for the referendum.

**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.

**COUNCIL MEMBER WALDEN MADE A MOTION, SECONDED BY COUNCIL MEMBER KENERLY, TO ENTER INTO EXECUTIVE SESSION.**

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

**COUNCIL MEMBER SHEPHERD MADE A MOTION, SECONDED BY COUNCIL MEMBER KENERLY, TO LEAVE EXECUTIVE SESSION.**

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

**Action from Executive Session**

Councilman Jim Jester makes the following motion consistent with discussions during Executive Session:

**COUNCIL MEMBER JESTER MADE A 2 PART MOTION, SECONDED BY COUNCIL MEMBER WALDEN, TO AUTHORIZE THE CITY ATTORNEY TO FILE AN APPEAL REGARDING THE HORIZON MAY 8, 2009 JUDGEMENT AND DIRECT THE CITY ATTORNEY TO COMMUNICATE AND COOPERATE WITH NORTH GEORGIA BANK REGARDING THEIR INTEREST IN THE STATUS OF THE CASE.**

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

**ADJOURNMENT:** Meeting adjourned at 8:05 p.m.

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

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

**Respectfully submitted,**

**Kristen Mahan, City Clerk**

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**Attachments in Minute Book**

APPROVED:

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William Copenhaver, Mayor

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Kristen Mahan, City Clerk

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**Procedure for Citizens to Address Council:** Citizens wishing to have an item addressed by Council must submit a written request to the City Clerk.

**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 stand, give his/her name and address in an audible tone of voice for the record, and direct his/her 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.

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William Copenhaver, Mayor  
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Richard Green, Council Post 1  
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Jim Jester, Council Post 2  
Chairman, Public Works and Properties Committee  
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John Schulte, Council Post 3  
Chairman, Business, Commerce and Economic Development Committee  
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Kristen Mahan, City Clerk  
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Richard Shepherd, Council Post 4  
Chairman, Police Committee  
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Tom Walden, Council Post 5  
Chairman, Fiscal Resources Committee  
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Theresa Kenerly, Council Post 6  
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