

Council:
Post 1 – Steve Holzman
Post 2 – Eddie Cape
Post 3 – Vacant
Post 4 – Violet Dawe
Post 5 – Fred Johnson

Town of North High Shoals

Mayor Jeff Thomas

108 Jefferson Road
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Minutes

October 13, 2008

Present: Council Members Steve Holzman, B. J. Ivie, Fred Johnson, Violet Dawe, Eddie Cape, Mayor Jeff Thomas, and Town Attorney Joe Reitman

Others Present:

David & Amy Lawrence	175 Hillsboro Road
Horst Klein	1150 Falcon Ridge Drive
Karl Berg	307 Jefferson Rd
Scott Wilson	427 Rays Church Rd
Quinton Still (Oconee Emergency Management Director)	PO Box 145 Watkinsville
Suzanne & Mike Beall	212 Jefferson Rd
Felicia Kautz	180 Plantation Rd
Sarah Donegan	202 Plantation Rd
Wade Thomas	310 Hopping Rd
Robin Pannel	
Beth Sosbee	301 Hopping Rd
Tara Clark	190 Shadyfield Ln
Brad Wilson	1080 Old Bishop Rd
Steve Tucker	302 Benedict Ct

Agenda Setting

1. Emergency Management Resolution Signing

- Mr. Quinton Still presented the EMR from the county which needed to be signed tonight by the council. Motion to accept the EM Resolution by Council Member Cape & 2nd by Council Member Johnson. Approved 5-0

2. Agenda Setting

- Mayor Thomas presented an alternative agenda; discussion of agenda order, old business, and new business ensued. Repeated requests by the town lawyer for the council to move on.
- Motion to proceed with Council Member Holzman's agenda while also changing the order as we proceed by Council Member Johnson & 2nd by Council Member Holzman. Approved 3-1(Council Member Cape)-1(Council Member Ivie abstained)

Monthly Business

1. Presentation of Financial Statements for months of June 08, July 08 and August 08, September 08

- Question by Council Member Johnson as to whether there have been any late fees concerned with GA power bill and other town bills; Mayor Thomas said no. Question by Council Member Dawe about a telephone bill for over \$800. Mayor Thomas responded that it was the normal bill we receive for a six month contract.
- Motion to postpone/table the consideration of financial statements by Council Member Johnson & 2nd by Council Member Ivie. Approved 5-0

2. Presentation of Draft Minutes for month of June 08.

- Motion to adopt June Minutes by Council Member Ivie & 2nd by Council Member Holzman. Approved 4-1(Council Member Cape)

Old Business

1. Meeting Rules of Order

- Motion to table by Council Member Cape. No 2nd
- Motion by Cape to change setting of meeting dates to be a two-thirds or unanimous vote. No 2nd.
- Motion to accept section III, version 2 by Council Member Holzman & 2nd by Council Member Johnson. Approved 3-1(Council Member Cape)-1(Council Member Ivie abstains)
- Motion to accept section V.A-C.1 and previous parts of V by Council Member Holzman & 2nd by Council Member Dawe. Approved 3-1(Council Member Cape)-1(Council Member Ivie abstains)
- Motion to accept section V.C.6 version #1 by Council Member Holzman & 2nd by Council Member Dawe. Approved 3-1(Council Member Cape)-1(Council Member Ivie abstains)
- Motion to accept VII version #2 by Council Member Holzman and 2nd by Council Member Johnson. Approved 3-1(Council Member Cape)-1(Council Member Ivie abstains)
- Motion to accept entire rules of order by Council Member Holzman & 2nd by Council Member Dawe. Approved 3-1(Council Member Cape)-1(Council Member Ivie abstains)

2. Audit Update

- Mayor Thomas announced that he had an email from Mr. Hawkins saying he has been given everything he needs except the loan papers for the city park.
- Statement by Council Member Johnson that Council Members Johnson and Holzman, and town resident Vita Beall went to Atlanta together on September 24,

2008 and had a positive meeting with state auditor Mr. Blaha. Papers requested by our accountant in April had not been provided as of the previous week. Mayor Thomas blamed the clerk and the clerk's resignation for not getting the papers to the auditor. Three topics were discussed: the roles of the mayor and clerk; taking powers away from the mayor; and town council members pitching-in.

- Statement by David Lawrence that this important item needs to get done and that if the mayor and clerk are not doing it another person should be assigned to get it done.
- Motion for resolution that the Council bestows Council Member Violet Dawe with the authority to complete the audit process for the town. She will be granted access to all town records she needs to work with the State of Georgia and the town accountant to complete the audits. She will be provided the use of the town attorney to complete these tasks. Motion by Council Member Johnson & 2nd by Council Member Holzman. Approved 3-1(Council Member Cape)-1(Council Member Ivie abstains)

****Motion to skip to New Business to conserve attorney time and return to other items later by Council Member Holzman. Council agreed, but no formal vote was taken.**

3. City Park Improvements Other

- Discussion of tree plan for the park. Council Member Johnson requested that this be placed on the next work session.
- Motion for the city to pay for a gate to be placed behind the school as an entrance to the park and path cleared along the fence to the park. Council Member Johnson to be placed in charged or coordinating this action. Second by Dawe. Approved 4-0
- Further discussion and action under this topic was postponed until the October 27, 2008 meeting.

4. Law enforcement update

- Discussion and action under this topic was postponed until the October 27, 2008 meeting.

5. Street improvements

- Discussion and action under this topic was postponed until the October 27, 2008 meeting.

6. HSES

- Discussion and action under this topic was postponed until the October 27, 2008 meeting.

7. Web Site

- Discussion and action under this topic was postponed until the October 27, 2008 meeting.

8. Business Licenses

- Discussion and action under this topic was postponed until the October 27, 2008 meeting.

9. Follow-up on advertising for permanent City Clerk

- Discussion and action under this topic was postponed until the October 27, 2008 meeting.

10. Fire Department

- Discussion and action under this topic was postponed until the October 27, 2008 meeting.

11. Building Code Enforcement

- Request for building permit for lot 15B on Shadyfield Ln by Vicki Presley to allow her to sell the lot with a building permit.
- Extensive discussion on surveys, rezoning, variances, lot size, and taxes
- Mayor Thomas asked Council Member Dawe to take the lead of this item and help the city prepare to revisit this item in two weeks. She was given permission to consult the town's attorney.

12. Sidewalk Ordinance

- Discussion and action under this topic was postponed until the October 27, 2008 meeting. Also assigned to work session October 20, 2008.

13. SPLOST

- Motion that Council Member Steve Holzman be designated as the representative for the town on matters concerning SPLOST. He will speak for the town on SPLOST matters to Oconee County, municipalities, and other government entities needed to conduct town business. Other elected officials of the town will quickly provide him with information they receive regarding SPLOST concerns. The Council shall write a letter for him stating that he is the designated representative of the town. Motion by Council Member Johnson & 2nd by Council Member Dawe. Approved 3-1(Council Member Cape)
- Question by Horst Klein concerning the completion of the audit in relation to the town getting SPLOST funding. Mayor Thomas said the audits will get done.
- Mayor Thomas announced a series of meetings by the Oconee County Commissioners: October 21 Meeting for public comment, November 25 prioritization of SPLOST projects, December 2 set for approval of SPLOST referendum for March election.

- Motion by Johnson that the town designates their priorities for SPLOST funding to the following items: 1) sidewalks; 2) town hall; 3) park debt; and 4) paving roads. No second.
- Motion that the town designates their priorities for SPLOST funding to the following items: 1) paving roads; 2) sidewalks; 3) town hall; and 4) water lines. Motion by Council Member Dawe & 2nd by Council Member Holzman. Approved 4-0.

New Business:

1. Millage Rate

- Motion to lower millage rate to 1.245 mils. Motion by Council Member Johnson and 2nd by Council Member Holzman. Approved 5-0.

2. Bank Signature Card

- Motion that Council Member Dawe in her role as Mayor pro tem be placed on the signature card of all town bank accounts. Resolution to this effect was read. Motion by Council Member Johnson & 2nd by Council Member Holzman. Approved 3-1(Council Member Cape)-1(Council Member Ivie abstains)

***Resignation of Council Member Ivie**

- Council Member Ivie requested that the Mayor read a letter of resignation he had earlier presented to the mayor. Ivie accused council members of pursuing personal agendas, taking credit for the work of others, and not putting the town first.
- Motion to accept Council Member Ivie's resignation by Council Member Johnson & 2nd by Council Member Holzman. Approved 4-0.
- Motion to place special election in March on the agenda by Council Member Johnson & 2nd by Council Member Dawe. Approved 4-0.
- Motion to hold special election in March, 2009 and to place Council Member Holzman in charge of contacting the Secretary of State to organize election by Johnson and 2nd by Dawe. Approved 3-1(Council Member Cape)

3. Town Mail

- Discussion of the following topics: town mail had not been picked up in three months; important mail has not been answered or delivered to the council; and the post master has requested that the mail be picked up regularly or the city will be charged for another box.
- Motion for Resolution that Violet Council Member Dawe be placed in charge of the town mail. Motion by Council Member Johnson & 2nd by Council Member Holzman. Approved 3-1(Council Member Cape)

4. Meeting Schedule Changes and Additional Meetings and Work Sessions

- Motion by Council Member Holzman to schedule town work session on October 20 and a called meeting on October 27 at 7:00 pm. Addition of work session following the October 27 meeting if time permitted by Council Member Johnson was accepted by Mayor Thomas.
 1. October 20 & 27 Agendas
 - Work Session Agenda
 1. Town Charter
 2. Sidewalk Ordinance
 3. SPLOST
 4. City Park
 5. Clerk

 2. October 27 Agenda would consist of unfinished items
 - Unfinished Items from October 13 Meeting
 1. Audit
 2. City Park
 3. Law enforcement
 4. Street improvements
 5. Web site
 6. Business licenses
 7. Clerk
 8. Fire Department
 9. Code enforcement
 10. Sidewalk Ordinance
 11. SPLOST
 12. Meeting Schedule
 13. Town Charter
 14. Citizen-Council Communication
 15. FEMA
 16. Approving Past Minutes January to May
 17. Community Day
 18. Resignation

5. New Town Charter

- Town Attorney Reitman explained the charter he presented to the town several months ago. He explained that we need to get this to the GA Legislature no later than February 1, 2009. He suggested that repeated public meetings would be a good idea. Proposed charter will be posted on the web site.
- Suggestion that we have several work sessions on this topic by Council Member Johnson.

6. Potential Zoning Violation

- Resident Vita Beall asked the council if a business license was issued to operate a garage at 202 Plantation; Mayor Thomas said: “It was issued right here by this council.” Council Member Dawe rebutted the mayor’s statement saying only the building permit was issued by the council and no discussion occurred about the business license. Council Member Johnson echoed Council Member Dawe’s version of events. Cape said he remembers Mr. Donegan saying at the time that he was quitting his job and going into business for himself when he asked for the building permit.
- Requests were made for the city to check out records of the past event and revisit this topic at the next council meeting.
- Below is the relevant section from the August 14, 2006 Minutes:

Swimming Pool and Garage

Sara & Wesley Donegan, 202 Plantation Road, requested permission to proceed with their plans for the construction of a garage and swimming pool. Due to the close proximity of the addition to the creek and the extreme slope of the land, Mayor Thomas stated that he would seek guidance from the Oconee Code Enforcement Department before issuing any permits, etc. Councilman Cape made the motion to allow the project to proceed, Councilman Johnson seconded the motion, and all members were in favor.

7. Citizen-city council communication

- Discussion and action under this topic was postponed until the October 27, 2008 meeting.

8. FEMA Report

- Discussion and action under this topic was postponed until the October 27, 2008 meeting.

9. Presentation and approval of minutes from Jan 2008 – May 2008.

- Discussion and action under this topic was postponed until the October 27, 2008 meeting.

10. Agenda and Minutes Responsibilities.

- Council Member Steve Holzman asked for clarification on producing the meeting agendas. Attorney Reitman pointed out that this was covered in the rules of order; the explanation was accepted.
- Town Attorney Reitman suggested that changes be made to the letter head to recognize people and offices completing city documents

- Motion to place Council Member Johnson in charge of writing the minutes for the town until the town designates otherwise. Motion by Council Member Dawe & 2nd by Council Member Holzman, Approved 3-1(Council Member Cape)

11. GA SEB update

- Council Member Holzman read violations reported to the State Election Board.
- Council Member Johnson reported that Secretary of State Karen Handel laid the blame for the problems in our election on the fact that the city allowed a person who was not qualified and trained to run the election.

12. Recall procedures.

- Town resident David Lawrence said that for recall procedures to go forward the city would have to have an election superintendent in place. Mr. Lawrence reported that he called Oconee County Election Superintendent Pat Hayes to ask if she would be the official contact to initiate recall. He asked what his recourse is for following recall procedures.
- Attorney Reitman said the town would need to look at House Bill 489 to find the answer of who citizens contact to pursue recall procedures.
- Council Member Cape said the Sec of State said state law says that in situations where a municipality does not have a trained person to run an election the county took over this role.

13. Complaint concerning meeting held in September

- No motions made on this item; items requested to be removed by Council Member Cape.

14. Community Day

- Discussion and action under this topic was postponed until the October 27, 2008 meeting.

15. Resignation request for mayor

- Mayor Thomas stopped David Lawrence after his first paragraph and asked attorney Reitman when would be the best time for the mayor to resign. Answer was sometime in December on first thought, but attorney Reitman says he will get back with a more definitive answer. Mayor Thomas explained that he was asking this question because Council Member Cape informed Mayor Thomas that he would resign if Mayor Thomas tendered his resignation. Mayor Thomas said he is worried that the city would then not be able to operate because it would not have a quorum until the March special election.
- Council Member Cape asked attorney this question: Can a sitting council member run for mayor without resigning. Attorney says he thinks it would be legal, but he would have to get back to the council with a more definitive answer.
- Statement made by David Lawrence follows:

As a citizen and active member of the town of North High Shoals since 2002, it has become very apparent to me, especially within the past year, that the shortcomings of this municipality's governing body can be attributed mostly to Mayor Jeff Thomas. While harboring no ill feelings at all towards this man as my neighbor and fellow community member, I feel it is imperative that he resign his office as soon as possible for the good of this town and its citizens. This is why:

Poor Communication

1. *Not forthcoming with information when asked directly by council members and the public*
 - *Inability to provide bank statements for the accountant*
 - *Inability to provide recordings of council meetings*
 - *Inability to advertise for a new city clerk*
2. *Not distributing mail addressed to the mayor/city and council members*
3. *Not getting the monthly agenda posted in a manner as defined by the town charter*
4. *Approving business licenses for some while bringing others to the attention of the city council for a motion*
5. *Not notifying council members/public of meeting cancellations in a timely manner*
6. *Making biased statements about non-English speakers related to flying the U.S. flag in the city park*

Unfulfilled Promises

1. *Announcing resignation plans in November, 2007, yet not resigning*
2. *Not flying the already-purchased U.S. flag in the city park*
3. *Not posting signs in the park that were purchased*
4. *Not following through on the following from "A Letter to the Citizens of North High Shoals" published in the Oconee Enterprise on Nov. 1st, 2007*
 - *"Continue vigilance and unbiased enforcement of current city ordinances*
 - *Continue to enhance the quality of the annual NHS Community Day*
 - *Maintain a close working relationship with the Oconee County Govt*
 - *Enhance community cohesion by promotion of volunteerism and civic communication"*

Lack of Leadership

1. *Losing the majority vote in the uncontested mayoral election, 2007*
2. *Resignation of the town's deputy patrolman and the NHS interim city-clerk/city elections superintendent*
3. *Allowing a councilman to place only his name on the agenda yet present a resolution for a referendum to remove the Town Charter/disband the town*

4. *Not attending the Oconee Planning Commission for months as the NHS representative*
5. *Not enforcing building permit requirements, instead encouraging citizens to report their neighbors when building begins*
6. *Not attending Park Clean-up Days*
7. *Not following through on a serious noise complaint & ordinance request*
8. *Not following through on a councilman's offer to mediate between the two parties concerning the aforementioned noise complaint*
9. *Not attending the opening ceremony for the new HSES*
10. *Not enlisting the help of the Oconee Board of Elections Supervisor thus causing the November '07 election debacle that is now being investigated by the State Attorney General's Office*
11. *Not filing the proper paperwork in time to have these city council members trained as public officials so that they may best serve the citizens*
12. *Not doing everything possible to find the time and encourage this city council to meet in the past three months*
13. *Not making sure that this town filed proper audits for the past four years*
14. *Even after hiring a new accountant, still not filing a proper audit this year*

*Thanks for your time and your careful consideration of this request.
Respectfully submitted,
David Lawrence*

- Council Member Johnson asked Mayor Thomas to clarify his questions of the attorney as to when it would be best to resign. Mayor Thomas said some items were not completed by him, he did not have the help he needed, sometimes the help did not complete assigned tasks, but he said the buck stops here and that he is strongly considering the request. He said he would not finish serving out his present term and this might be a time to go. However, he is concerned that the city will shut down because of Council Member Cape's statement that he will also resign then.
- Statement by Horst Klein. He stated that he would wish that the council would improve its behavior and concentrate their efforts on doing the business of the citizens.

Mayor's Update and Agenda Requests

(All requests to be on the agenda must be submitted at least 7 days before a meeting. Direct your agenda items to Council Member Steve Holzman directly or to him through the Clerk, or Mayor Thomas. Look for the agenda for the next council meeting on the town's web site one week before the next meeting. The next council meeting will be held at 7:30 pm on Monday, October 27, 2008.)

1. Motion to adjourn by Council Member Cape & 2nd by Council Member Holzman.
Approved 4-0.

**Document Prepared by:
Fred Johnson, Post 5**