

Council:
Post 1 – Eddie Cape
Post 2 – Steve Holzman
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

February 16, 2009 at 7:00 pm

3rd Public Hearing on Town Charter

Present: Council Members Steve Holzman, Fred Johnson, Violet Dawe, & Mayor Jeff Thomas
[Council Member Cape came for 30 minutes out of the two hour meeting and was not present for the open hearing.]

Others Present:

Mike Beall	212 Jefferson Road
Sarah & Wesley Donegan	202 Plantation Road
David Lawrence	175 Hillsboro Road
Town Attorney Joe Reitman	
Karl & Ellen Berg	307 Jefferson Rd
Felicia Kautz	180 Plantation Rd
Wade Thomas	310 Hopping Road
Horst Klein	1150 Falcon Ridge Drive
Heike Mueller	1150 Falcon Ridge Drive
Joe Bennett and daughter	385 Gober Road
Walt George	1080 Arborwood Ridge
John & Joey Westman	221 Hillsboro Road

Regular Monthly Meeting

Council Member Cape enters at 7:30pm.

Agenda Setting

- Council Member Cape asked for the proposed charter to be moved to the top of the agenda because he has to leave. Council Member Holzman asked for other items to be moved to more effectively use the time of town lawyer Joe Reitman; the council reordered the agenda into the order presented below. Motion by Council Member Cape to reset agenda and 2nd by Council Member Violet. Approved 4-0.

Public Comments: No public comments were made at this time.

Old Business:

1. Town Charter

- Motion to accept the charter as written and place town attorney Joe Reitman in charge of carrying the charter forward to the appropriate people for consideration of approval by the GA State Assembly. This includes the corrected version of 6.16 and the striking out of the typo “bi” inserted into the text. Motion by Council Member Johnson and 2nd by Council Member Dawe. Approved 3-1(Council Member Cape)
- Citizen Wade Thomas asked the council why they were paying themselves; the town attorney told him that that was not being done. He also told the council that sidewalks are not needed; people should get off the road.
- Mayor Thomas said he could not support a charter without a cap on millage rate. After extensive research by council members and attorneys assisting them, no other example of such a cap could be found in a modern charter in Georgia.

New Business

1. Procedures for use of town lawyer.

- Motion: Any Town Council Member or the Mayor shall assume personal responsibility for the expense of using the town attorney if they are contacting the town attorney without pre-approval of the Town Council. The Town Council can vote to pay for such expenses if they decide that the usage of the town attorney was warranted by the Town council member or the Mayor. Motion by Council Member Johnson and 2nd by Council Member Dawe. Approved 3-1(Council Member Cape).
- Council Members Johnson, Holzman, and Dawe explained that they saw this as reasonable and fiscally responsible. Council Member Cape said this motion was unfair and hypocritical.
- Town attorney Reitman saw no problem with the motion. He stated that he feels more comfortable if the council is in concurrence for him to take action rather than just one

council member. Town Council members should also use other free resources like GMA and the Carl Vinson Institute.

- David Lawrence spoke in support for the motion. He noted that we may have a future attorney who takes advantage of divisiveness on the council and allows council members to accrue charges to the town. He also stated he was surprised there was no limit to use of the town attorney, and he was glad to see some limits put in place.

Council Member Cape left at 8:02pm.

2. Zoning/Code violation enforcement

- Council Member Johnson explained that he thought there were problems with enforcing code violations. He cited examples of recent guns being fired in town and the car repair business, PMW, operating in a residential zone.
- Extensive discussion by council members and citizens concerning the firing of a weapon in the city limits on February 8, 2009. Statement was made by Felicia Kautz can be seen below. Mayor Thomas asked Council Member Dawe to take this issue up with the Oconee Sheriff's Office. Council Member Dawe invited Felicia Kautz to join her.
 - Mayor Thomas suggested that we use the Watkinsville code as a model. The council decided to look into this.

3. New City Code

- Town attorney Reitman informed the council that they need to have a Code or a Compilation for all matters for the town.
- He noted the Town in good faith adopted by reference the Oconee Code but that GMA legal counsel questioned the effectiveness of that.

4. Meeting Date Discussion (This item was not formally on the agenda.)

- Extensive discussion occurred concerning changes of meeting dates over the last year.

Town attorney Reitman left at 8:40pm.

Monthly Business:

1. Presentation of Financial Statement for month of January 2009

- Mayor Thomas asked for this item to be tabled. Motion by Council Member Johnson to table the financial statement and 2nd by Council Member Holzman. Approved 3-0

2. Presentation of Draft Minutes for month of January 2009.

- Motion to accept January 19 minutes with revisions by Council Member Holzman and 2nd by

Council Member Dawe. Approved 3-0.

- Motion to accept January 12 minutes by Council Member Holzman and 2nd by Council Member Dawe. Approved 3-0.

Old Business

1. Building Permits

- In the interest of open town government operation, all building permits will be discussed and voted on before the Town Council. The address of the building permit in question shall be placed on the agenda one week prior to the meeting to allow for community input. Motion by Council Member Johnson and 2nd by Council Member Dawe. Approved 3-0.

2. Business Licenses

- In the interest of open town government operation, all business licenses and business license renewals will be discussed and voted on before the Town Council. The address of the business in question shall be placed on the agenda one week prior to the meeting to allow for community input. Motion by Council Member Johnson and 2nd by Council Member Holzman. Approved 3-0.

3. Audit update

- Council Member Dawe reported that copies were delivered from the State to the town explaining that all the audits through 2008 were completed except 2004 has a small revision to be done. Copies can be seen at Town Hall.

4. Set work session for interviews of clerk.

- Motion to set interview date for clerk for March 2, 2009 at 7pm. Motion by Council Member Johnson and 2nd by Council Member Dawe. Approved 3-0.

5. City Park

- Gate is in place between the city park and the elementary school. People are working on the path to the gate to make it more attractive.
- The County is still planning on clearing the home site at the park during the last week of the month. Last year the Black Vultures started nesting on March 10; therefore it was noted that this job should be completed before then.
- Park Committee Chair David Lawrence presented his biannual City Park Update. See attached. The Council approved David to move forward on all of his suggestions. Mayor Thomas reimbursed David for past expenses concerning the park and gave him a check to cover the expenses involved in the items from his update.

- March 9 from 9-12 am was designated as the next park work day.
- Heike Meuller presented information to help the town develop a park master plan. She contacted the Department of Community affairs which would help our town develop recommendations for the park. The verbal recommendations are free, but they will also provide a formal park plan for \$250. Heike was asked to get together with the David Lawrence and move forward on the first stage with the Department of Community Affairs.

6. Law enforcement

7. Street improvements

- Council Member Dawe asked the Town Council if they would like her to find out how much it would cost to move two street lights in town to Ray's Church Road.
- Mayor Thomas is still working on the bid specs and advertising for paving part of Jefferson Road.

8. March Special Election

- Council Member Holzman passed out copies of the ballots for the March 17th election for proof reading. All decisions about the election will be made by Election Superintendent Julie Sanders.

9. Cable Service (Franchise – update)

- Charter Cable Inc has not moved forward the effort to enter into a franchise agreement with the town.

10. Town Office (update)

- Motion to place Council Member Johnson in charge of providing all Town Council members with a key to access the Town Council office. Motion by Council Member Johnson and 2nd by Council Member Dawe. Approved 3-0.
- Mayor Thomas argued that the town attorney said only the mayor could use the office while Council Member Johnson stated that the town attorney said the Town Council could use the office. Mayor Thomas said he does not use the office, but he does not want anyone else to use the office.
- Mayor Thomas threatened to leave if discussion continued on this matter.
- Council Member Dawe pointed out that the town has a phone and internet hook-up which costs over \$180 per month which cannot be used by the Town Council.

11. Council member and clerk training registration

- Council Members Dawe and Johnson will be attending required training this coming weekend. Council Member Cape does not appear to have registered for this conference accord-

ing to town records although he was given two forms and reminded repeatedly. Council Member Holzman has already attended this required training.

- Council Member Holzman said he would find out if the town or the individual council member faced any penalties for not attending state required training.

12. Town Records

- Motion to place all town records in the Town Office within the next week, by February 23, 2009. These records shall include, but not be limited to, town bills, checkbook, bank statements, and town correspondence. Council Member Dawe shall be given the authority to carry out this motion. Motion by Council Member Johnson and 2nd by Council Member Holzman. Approved 3-0.
- Council Member Dawe asked Mayor Thomas for the password to the town bank accounts which he recently arranged. Mayor Thomas said he would be happy to do that.

13. Web site

- Council Member Holzman announced that he scanned our ordinances to make an electronic version of them and he asked for permission to place them on the web site. He would like to highlight an ordinance periodically. Mayor Thomas suggested that he link to the Oconee County Code also. Council Member Holzman would like to offer a page for people to exchange plants and to possibly have a yard of the month in the future. He was told to proceed with all of these ideas.

14. Fire Department

15. Code enforcement

New Business

1. Annual appointments: lawyer, Mayor Pro-Tempore

- Motion to approve attorney Joe Reitman as the town attorney for the year 2009. Motion by Council Member Johnson and 2nd by Council Member Dawe. Approved 3-0.
- Motion that Council Member Dawe be named Mayor Pro-Tempore for the year 2009. Motion by Council Member Holzman and 2nd by Council Member Johnson. Approved 3-0.

2. City Treasurer

- Motion to advertise this week for the position of treasurer. The position of treasurer shall be 1-4 hours per month with pay to be negotiated in light of the applicant's qualifications. Treasurer shall work closely with the town clerk to monitor the finances of the town and

report monthly to the town council. The treasurer shall pay the town's bills, computerize the town's finances, conduct internal audits of the town's finances, manage payroll, and other duties assigned by the Town Council. Council Member Johnson to be placed in charge of placing the ad in the Oconee Enterprise. Motion by Council Member Johnson and 2nd by Council Member Dawe. Approved 3-0.

Mayor's Update:

(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 1 week before the next meeting. The Council will hold a work session on the on March 2, 2009 at 7:00 pm to interview people for treasurer and town clerk. The next council meeting will be held at 7:30 pm on Monday, March 9, 2009.)

1. Council Member Johnson brought up the possibility of changing the date of the June meeting. After discussion it was discovered that Council Member Dawe and Mayor Thomas would also miss that Monday. The council was asked to bring alternate dates to the next meeting.
2. Motion that the applicants for treasurer be interviewed on March 2, 2009. Mayor Thomas said the council did not need a formal motion to interview applicants at that date. He said the council can go ahead and interview any applicants at that time.
3. Wade Thomas asked if the new charter could be placed in the *Oconee Enterprise*; he was concerned that his father (Who he said paid more taxes than the council members.), two nephews, and his sister who all live across the river had not had a chance to read and comment on the charter. Council Member Holzman and Mayor Thomas said they would make sure his family members were given copies. It was noted that copies of the charter were available at Town Hall and the Post Office.
4. Motion by Council Member Holzman to adjourn. Second by Council Member Dawe. Approved 3-0.

Document Prepared by:

Council Member Fred Johnson, Post 5

Gun Discharge Ordinance [*Public statement by citizen on discharge ordinance, item 2, bullet 2, page 3*]

On Sunday, February 8th, starting before dusk & ending well after the sun had gone down, one of our neighbors in North High Shoals fired off somewhere between 30 to 50 rounds from what has been described as a semi-automatic pistol (this from those who heard it). The shooting started sporadically, then went into rounds of quick succession. The police were summoned by several concerned citizens, myself included. When I made my call, I was outside my home on the steps & the dispatcher acknowledged that she could hear the rounds. She informed me that the officers were on their way, as others had called as well. My husband & my neighbor flagged the officers down when they came through Plantation Road. They told the officers of hearing 30-40 rounds being fired & the probable location of the shootings, which was Officer Brooks' residence, visible through the woods from our home. Yet when I called an hour later the dispatcher told me that "no contact had been made" by the patrolling officers. Since then, I have spoken to Capt Gainey & Deputy Brown, both who have in essence told me that because there was no firing of a weapon when the officers were in the area, they could not pursue the matter. This gravely concerns me, not only for the safety of those around the weapon being fired, but for the safety of Officer Brooks himself, who could have been in jeopardy. There could have been a perpetrator and this could have had a violent ending. Why was this train of thought not pursued?

My questions for the council are as follows:

1. According to the Gun Discharge Ordinance, the discharge of any hand-gun which by definition is considered "high powered" is illegal in the town of North High Shoals. It is also illegal to discharge firearms on Sunday. Why does N. High Shoals not enforce this?
2. If it is to be enforced, what are the fines for violating the ordinance?
3. Why does the Oconee Co. Sheriff's Office not know of this ordinance to enforce it? Perhaps it would have been pursued further if they had been aware of it.

Thank you,
Felicia Kautz
180 Plantation Road
N High Shoals

1. Baseball practice has started.
 - ◆ *Is the scoreboard fixed?*
 - ◆ *Can the Council/Mayor approve the purchase of 2 plastic-bottle receptacles, as well as lids and bungee cords for existing trash cans? Estimated cost \$50.*
2. The gate has been installed between High Shoals Elementary and the park.
 - ◆ *Citizen Joe Bennett has cleared the path between the paved walking path and the new gate. Bush hogging to keep the path clear, or mulch?*
3. Joe Bennett has offered to reestablish the rest of the “woods” path. *Does the Council want this?*
4. Clearing around the barn has not been done.
 - ◆ *What is the status of this?*
 - ◆ *Does the Council want another estimate?*
5. Back field needs bush hogging.
 - ◆ *When should I proceed with this?*
6. Second entrance to parking lot is locked which creates a nuisance to drivers as baseball season begins.
 - ◆ *Can the Council/Mayor issue me a key to lock/unlock this gate as needed?*
7. The U.S. Flag needs replacing and the purchased sign(s) has not been posted.
 - ◆ *Can I get these items from the Mayor?*
8. Park Work Day should be scheduled soon.
 - ◆ *What needs to be done, and on what date?*

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