

Council:

Mayor - Kimberly Kraeling

Post 1 – Jason Wisniewski

Post 2 – Steve Holzman

Post 3 – David Lawrence

Post 4 – Stephen Arnold

Post 5 – Violet Dawe

# Town of North High Shoals

108 Jefferson Road  
P.O. Box 129  
High Shoals, Georgia 30645  
706-769-4289  
www.northhighshoals.org

## Official Minutes Town of North High Shoals, Georgia March 22, 2010– 7:30 p.m. Regular Meeting

**Council Present:** Interim Mayor Violet Dawe, Council Members Steve Holzman, David Lawrence, Stephen Arnold, Mayor-Elect Kim Kraeling and Council-Elect Jason Wisniewski

<b><u>Others Present:</u></b>	Jessica Rumley	Mike Beall
	Suzanne Beall	David Kirk
	Fred Johnson	Jessica Tiller
	Wesley Donegan	Rhianan Eades
	Kristen Jenkins	John MacKay
	Eric Eberhardt	Mark Campbell
	Horst Klein	Jeff Thomas
	Jeff Thomas, Jr.	John Lauth

Interim Mayor Violet Dawe called the meeting to order and declared a quorum. The first order of business was the administration of oaths by Probate Judge David Anglin to the new Council Member Jason Wisniewski and to the new Mayor, Kimberly Kraeling. Oaths were given and Interim Mayor Dawe turned the meeting over to Mayor Kraeling.

Mayor Kraeling presided over the remainder of the meeting. She recommended several changes in the order of the agenda. Council Member Jason Wisniewski made the motion to accept the agenda changes, and Council Member Steve Arnold made the second. The vote was unanimous.

Mayor Kraeling asked Council to review the minutes of the February 15, 2010 meeting. Council Member Steve Holzman made the motion to accept the minutes as amended. Council Member David Lawrence made the second, and the vote was unanimous.

Council reviewed the financial statements, and Council Member Steve Holzman made the motion to accept the financial statement. Council Member David Lawrence made the second, and the vote was unanimous.

## **Oconee County Planning Commission Meeting**

Mayor Kraeling asked Council Member Violet Dawe to update council and visitors with a synopsis of the Oconee County Planning Commission meeting. Council Member Dawe first invited Mr. David Kirk, the attorney with Troutman/Sanders for Verizon, to speak before she presented the synopsis/minutes of the Oconee County Planning Commission meeting. Council Member Dawe reported that the Oconee County Planning Commission met on Monday, March 15, to discuss Conditional Use Permit #5929 (for a cell tower) for Jeffrey Donald Thomas II on 5.0015 acres on Frazier Hill Road and State Route 186 in North High Shoals.

Council Member Dawe stated that Mr. Kirk had mentioned, at the Planning Commission meeting, that there are no other Verizon cell towers within five miles of the planned site in North High Shoals. The proposed height of the tower is 180 feet, which includes the antenna. Council Member Dawe stated that during the Planning Commission public hearing, Mr. John MacKay expressed concerns about the low-level vibrations and noise, as well as future expansions of the tower. Mr. MacKay asked if it would be possible for Verizon to float a balloon at the proposed tower height for 30 days to allow the public to view how tall the tower would be. It was reported that Mr. Kirk had answered that a 30-day balloon test would be costly. Council Member Dawe stated that several questions were asked from the Planning Commission members regarding the frequency of maintenance and other items. Mr. Kirk stated that Verizon would provide the basic general maintenance and that the noise from the equipment would be equivalent to a home residential air conditioning unit. There was a question on fire safety, since the location is in a wooded area. Karl Berg, the town's representative to the Planning Commission, asked a couple of questions at the hearing, including one about noise and what would happen if the noise was found to be too loud.

Council Member Dawe stated that this topic was not open for public comment; this was only a synopsis of the Oconee County Planning Commission public hearing. The town will have a public hearing on this conditional use permit on April 19 at Town Hall.

## **Resolutions**

a) Mayor Kraeling read the budget reallocation, which was to transfer \$2400 from the elections line item to the office supplies/training line item. Council Member Dawe made the motion to accept the resolution. Council Member Holzman made the 2nd, and the vote was unanimous.

b) Mayor Kraeling read the resolution which dealt with changing the park loan and other items with Oconee State Bank, listing Mayor Kraeling as Mayor and removing the names of the previous Mayor and Treasurer. Council Member Dawe made the motion to accept the resolution. Council Member Steve Arnold made the second. The vote was unanimous.

c) Mayor Kraeling read the resolution giving Mayor and Council permission to utilize up to \$500, if needed for emergencies and other purposes which might arise between council meetings. The resolution calls for an agreement of three council members. Council Member Holzman made the motion to accept the resolution. Council Member Wisniewski made the second. The vote was unanimous.

### **Old Business**

1. City park update. Council Member David Lawrence reported that the city park porta john had been installed. This was arranged by the baseball team that is utilizing the ball field for practice. A discussion followed regarding the park.
2. Website. Council Member Holzman reported 124 website visitors last month. He will update the website with the calendar and add photos and other town items.
3. Adopt a Stream. Council Member Lawrence stated that the Oconee County school system is experiencing a budget crisis but the project had been allocated some financial assistance from the High Shoals Elementary School Principal's Fund to be used in the testing of Frazier Creek. Discussion followed regarding the best route for the High Shoals Elementary School students to get to the testing area, posting the results on the website, etc.
4. Speed Platforms. After discussion on painting the speed platforms, it was agreed that Council Member Lawrence would lead the project of painting the platforms with the white paint and the donated glass beads for visibility. The town could possibly hire a company to paint these with the thermoplastic paint in the future.
5. Lawn Service Bids. Clerk Carolyn Pritchett stated that a legal ad had been sent to The Oconee Enterprise to run three times, and a notice was on the bulletin board of the office and on the town's website. She said that the sealed bids would be opened at the April 19 meeting.
6. Insurance. Council Member Stephen Arnold stated that he had emailed questions to insurance agents about the "tail insurance coverage," for public officials. After discussion, Council Member Arnold stated that he did not recommend the purchase of this insurance. It is felt that the town's current GIRMA insurance (through GMA) is sufficient for the town.
7. Street Maintenance. Council Member Dawe reported that the paving company, All About Asphalt, had completed some street maintenance work on Plantation Road in preparation for a DOT resurfacing project at a cost of \$1680.
8. Septic Tank System. Council Member Dawe reported that an Oconee County Environmental Health Department employee had become involved in a problem with a faulty septic tank system located in the town, and that there had been a court hearing. The occupants of the home were given 60 days to correct the problem before fines are levied for their household.

9. Office Update. Council Member Dawe stated that the town had received the safe deposit box key from the former Mayor, and that the box contained only an old insurance policy. She also stated that a new door knob had been installed on the office door, and it was decided to possibly to use the older lock for the old fire station door.

### **New Business**

10. Occupation Tax Certificates.

a) PMW. PMW (Performance Motor Works) on Plantation Road seeks to renew their occupational tax certificate. Mayor Kraeling stated that because the business is in an R-2 (residential) zone rather than in a business zone, the town council could issue a Provisional Occupational Tax Certificate. She read the letter written by the city attorney about provisional occupational tax certificates for non-conforming uses. She described the nature of the business and read aloud the 2009 agreement between the owners (Wesley Donegan) and a nearby homeowner (Mike Beall). The agreement outlined problems, solutions, and conditions for the garage owners in matters such as Sunday work traffic, patron parking, 'trip traffic,' etc.

One item of the agreement stated that "tool truck and part delivery services will be met off-site and not on the premises." Discussion followed regarding types of delivery vehicles, number of deliveries, etc. Mr. Donegan's attorney, Mr. Eric Eberhardt, stated that Mr. Donegan felt the agreement addressed only the large delivery and tool trucks, and not the smaller delivery vehicles. Council Member Arnold suggested that there was little difference between small delivery trucks and UPS or FED-X deliveries which can come to anyone's home any number of times per day. Council Member Dawe pointed out that the agreement states "part delivery services," which would include delivery vehicles of all sizes. Council Member Lawrence expressed concern for the neighborhood and stated that the agreement is an attempt to address the problems encountered when this type of business is operating in a residential district. Discussion followed about deliveries, trip traffic, who would be responsible for monitoring the situation, etc. Council Member Lawrence also expressed his concern about the large trucks that pick up the oil, his position on agreement compromises, neighborhood protection, etc. Also discussed were possible fines, license revocations, etc. Council Member Holzman stated that he is concerned about oil trucks and potential oil spills, insurance, traffic, and stated that he would not want the town to be in a position of responsibility or liability. Council Member Arnold pointed out that these companies would have liability insurance that would cover against any type of accidental spill that might occur.

Council Member Lawrence stated that he wanted to ask Mr. Donegan if he would be able to strictly adhere to the submitted legal agreement. Attorney Eberhardt stated that Mr. Lawrence was addressing the concerns of neighbors, and he presented a signature list of residents who signed a statement stating that the garage was not a nuisance to them. However, it was later pointed out by Council Member Dawe that only one of the residents who signed the statement were residing in close proximity to the automobile repair business. Residents had signed who no longer live next door to the garage.

Mr. Eberhardt stated that his clients would be willing to adhere to the agreement mediated by the former Mayor, provided that it can be clarified that the agreement is not prohibiting small delivery trucks, such as the NAPA trucks, as well as emergency deliveries. Attorney Eberhardt stated that his clients have attempted to stay in compliance with the agreement, and Mr. Donegan agreed that he had.

Mr. Mike Beall stated that the email agreement from the former Mayor stated that all parties were in agreement. Mr. Beall stated that he and his wife had tried to be good neighbors and were willing to reside next to a garage if the agreement could be adhered to so that the neighborhood can still appear to be a normal residential area. Mr. Beall stated that a “normal” home occupation is a low impact business and does not disturb the existing neighborhood. He stated that the extensive traffic has caused the business to become a disturbance. He stated that the many delivery trucks and the customers who drop off and pick up vehicles create so much traffic that the business cannot be considered a normal home occupation operating in a residential zone. Mr. Beall stated that he had built a fence and planted shrubbery to try to mask the garage business, but the garage owner cut trees and installed more pavement, making the business more evident. He stated that if the customers would drive on down to the garage located behind the home and if Mr. Donegan could meet the delivery vehicles off-site, the garage business would not be so disturbing. Mr. Beall stated that he would be able to live with this situation, if PMW could be minimally visible to preserve the residential setting.

Council Member Arnold asked Mr. Donegan if a nearby drop-off point (such as the post office) could be a possible place for him to meet the delivery vehicle, but Mr. Eberhardt stated that this might be a problem due to current inadequate cell phone service.

Resident Fred Johnson relayed to council the feelings of citizens about this zoning breach, their concern about their own homes and property, and questions about zoning security.

Mayor Kraeling asked Mr. Beall if the business would be acceptable to his family if PMW would strictly abide by the agreement. Mr. Beall affirmed that it would be, and he stated that the agreement is less restrictive for a home occupation than the Oconee County Unified Code and should be workable for PMW. Mayor Kraeling then addressed Mr. Donegan about the agreement, and Mr. Eberhardt stated that the section on deliveries was problematic, but PMW could abide with the agreement if that section could be clarified. Mr. Beall then stated that he did not think this section should be compromised.

A resident from Ray’s Church Road also conveyed his concerns about a long-term precedent being set, as well as the enforcement of any agreement or requirements. He also commented that if a compromise was made here, then the door is open for other compromises. Council Member Arnold agreed that, according to the chart, the business shouldn’t be located in the residential area, that zoning ordinances should be ‘tightened up,’ and that residents should feel secure about town zoning ordinances.

After discussion, Council Member Lawrence made the motion to table the decision on the renewal of the PMW Occupation Tax Certificate application until next month’s council meeting so that the town could get additional legal guidance. Council Member Holzman made the

second. Discussion followed, and council agreed that the business could continue operating, under the agreement, while the town seeks additional guidance from the attorney before the next meeting. The vote on tabling the matter passed 4-1 with Council Member Holzman opposing.

b) PNE Enterprises. Mayor Kraeling read the application from PNE Enterprises (Patrick Nelson) requesting the Occupational Tax Certificate. Council Member Holzman asked if business was conducted off site, as it is located in an R-2 zone, and Clerk Carolyn Pritchett stated that she understood from Mr. Nelson that it was. Because the business is located in a residential zone, council voted to award a Provisional Occupation Tax Certificate. Council Member Holzman made the motion to accept the business with this type of certificate, and Council Member Lawrence made the second. The motion passed unanimously.

c) Appraisal Services of Georgia, Inc. Mayor Kraeling stated that this business (owned by Scott Wilson) would receive a regular Occupation Tax Certificate, since they were in a proper zoning district. Council Member Holzman made the motion to accept, and Council Member Arnold made the second. The motion passed unanimously.

d) Arch Real Estate Services. Mayor Kraeling read the application from Arch Real Estate Services (Jennifer Wilson). Council Member Holzman made the motion to accept, and Council Member Wisniewski made the second. The motion passed unanimously.

e). Baboon Science Aquatics. Mayor Kraeling read the application from Baboon Science Aquatics (John Lauth). Council Member Holzman made the motion to accept. Council Member Wisniewski made the second, and the motion passed unanimously.

f). Insurance. Mayor Kraeling mentioned that one insurance company had sent in the \$15 license fee, and Council Member Dawe made the motion to accept the fee. Council Member Lawrence made the second. The motion passed unanimously. Council Member Holzman will publish the list on insurance companies on the website.

11. Meeting Continuation. Council Member Dawe made the motion to extend the meeting time to complete the agenda. Council Member Wisniewski made the second, and the motion passed unanimously.

12. May Day is Dog Day at the Park. Citizen John MacKay presented his plans for May Day is Dog Day at the Park. Council Member Dawe made the motion for the town to sponsor this event and to appoint Mr. MacKay and Lorena DeStanta as leaders. Council Member Lawrence made the second. Discussion followed regarding water at the park, refreshments, ribbons, etc. The motion passed unanimously.

13. Town Hall Work Day. Council Member Wisniewski advised council that he had looked at Town Hall for needed repairs. Discussion followed regarding hand rails, wood rot, windows, basement, privet, etc., and Council Member Wisniewski also stated that installing gutters would be beneficial in keeping the water away from the foundation, but facial boards might need some modifications before gutters could be installed. Council Member Lawrence made the motion that a Town Hall Work Day be planned, and Council Member Arnold made the second.

Discussion followed regarding repairs, materials (possibly some donated), a date, etc. Council unanimously voted to schedule the Town Hall Work Day for April 17 with an April 24 rain date.

14. Horse Path at the Park. Council member Dawe reported that a citizen, Margo Candelario had asked that council consider a horse path around the back of the park. Council Member Dawe made the motion to set up a committee (possibly David Lawrence, Violet Dawe and Margo Candelario) to formulate some rules and work out a possible horse path and plans for council consideration. She suggested that days could be designated for horse-riding or for walking. Council Member Steve Holzman made the motion to gather information and consider a horse path at the park, and Council Member Lawrence made the second. The motion passed unanimously.

15. Budget. Mayor Kim Kraeling stated that council had received a FY 2010 budget, and that a public discussion is scheduled for April 19 regarding the 2011 budget presentation. She also stated that the budget will be discussed at the May meeting and adopted at the June meeting. She asked council to let her know their suggestions.

16. Bike Day at the Park. Council Member Dawe reminded council that The Tony Sarrano Bike Ride will be utilizing the park for a rest stop on their 100-mile bike ride for charity on April 10. They will also have activities to offer local youth and adults, and that the town could furnish refreshments.

17. Sidewalks/Greenway. Council Member Steve Arnold stated that a committee could be formed, or a work day scheduled, to discuss the potential for the green trails and sidewalks for Hickory Lake Subdivision and to connect the school, park, and town. Council Member Arnold made the motion to proceed with the above, and Council Member Holzman made the second. The motion passed unanimously. Council Member Arnold made the motion that bids be gathered and considered for the construction of the sidewalk to connect the entrances of Hickory Lake Subdivision, and Council Member Dawe made the second. The motion passed unanimously. Council Member Holzman asked that visitors give council any ideas they might have about green trails for the town.

18. Soldier Support. Council previously agreed to repeat the Christmas effort for our soldiers, possibly around Easter. Council Holzman made the motion to sponsor a collection project for the soldiers again in April. Council Holzman made the second, and the motion passed unanimously.

19. Well Grants. Council Member Wisniewski discussed the low-interest well water grant program through the Southeast Rural Community Assistance program. Council Member Holzman stated that he would add this information to the website for citizens.

20. Clean Up Day/Dumpster Day. Council Member Holzman suggested that the town sponsor a Spring Clean-Up option for residents on a Saturday or a weekend by offering a 30-yard dumpster at the park for citizen use. He also mentioned that council members might be willing to offer to help those citizens who need some assistance. He stated that he had received an

estimate of \$175, in addition to \$42/ton from O.W.T. This will be discussed and a date set at the next council meeting.

21. Steeplechase Subdivision. Council Member Dawe updated council about the situation at Steeplechase Subdivision. The subdivision was approved with the zoning conditions that the subdivision would offer a maintained horse trail/walking trail around the subdivision. Some residents want to abandon the trail. She stated that progress has been made in resolving the matter.

22. Park Work Day. Council Member Lawrence expressed his appreciation to volunteers who helped at Park Day. He stated that volunteers had voiced no concern in signing a liability waiver, and that a lot of work had been done.

23. Oconee County School System Cooperation. Council Member Arnold proposed that the town council invite the Superintendent of the Oconee County Board of Education to meet with council regarding the trail that could connect the school with the park. It was decided to invite him to attend the June or July Council Meeting.

#### **Mayor's Update**

Mayor Kraeling reminded council and visitors to turn in the census forms. She also reminded everyone of the cell tower public hearing and gave some agenda items for the month of April.

There was no further business, and Council Member Dawe made the motion to adjourn. Council Member Lawrence made the second, and the vote was unanimous.

A handwritten signature in cursive script that reads "Carolyn Pritchett".

Carolyn Pritchett, Clerk