

CITY OF HOSCHTON
CITY COUNCIL AGENDA
AUGUST 2, 2018
HISTORIC TRAIN DEPOT, 5:30 PM
4272 HWY 53, HOSCHTON, GA 30548



WORK SESSION

The Public Hearing for the Comprehensive Plan Amendment and Zoning Ordinance Amendment opened at 5:50 p.m. Jerry Weitz, Planning and Zoning Administrator, was present for the Hearing, and went over each item with Council. Mr. Weitz discussed what problems arise with small lots, including parking, and the amendment(s) are designed to address these issues. These amendments would not allow any more R-4 zoning by making it inactive; will reduce the density and increase setbacks. Further, Mr. Weitz stated the a PUD can do smaller lots but the plan says that we (the City) are going to look at them very carefully. Councilman Cleveland asked about the distance between houses, and Mr. Weitz stated that fire walls are required for homes less than ten feet apart. He continued by stating the City has become a "target" because not many municipalities allow these small of lots anymore, and that Hoschton has what it needs with R-4 zoning.

Carol Collins, 153 Quail Run: Inquired on the possibility of the City being sued by making the R-4 inactive.

Deborah Teakell, 185 Quail Run: Asked a couple questions about new developments, and allowing them to use R-4.

The Public Hearing closed at 5:53 p.m.

PUBLIC HEARING

- 1. COMPREHENSIVE PLAN AMENDMENT:** An amendment to the Hoschton 2015 comprehensive plan update, to revise the housing opportunities policy in the Appendix (Planning and Development Policies).
- 2. ZONING ORDINANCE AMENDMENT:** An Ordinance Amending The Zoning Ordinance of the City of Hoschton, Adopted January 4, 2016, As Amended, To Amend Article Iv, Zoning Districts, Section 4.05, "R-4, Single-Family Urban Residential District" To Prohibit Rezoning To That District; To Amend Table 4.2, "Dimensional Requirements for Residential and Agricultural Zoning Districts, Relative To The R-3, R-4, And MFR Zoning Districts; To Provide For Severability; To Repeal Conflicting Ordinances; To Establish An Effective Date; To Provide For Codification; And For Other Lawful Purposes.

The Public Hearing for the Eminent Domain, 89 Dove Trail, opened at 6:15 p.m. City Attorney, Thomas Mitchell, went over the hearing item, what an eminent domain means and what the process is. A letter was sent to the Kingreys on July 12th. The appraised value was \$6,050, which was offered to the Kingreys. An eminent domain is acquisition of interests by legal action.

Terry Teakell, 185 Quail Run: Verified the project's mission, and verified the City's willingness to work with the Kingreys.

Pat Salsman, 164 Pheasant Run: Asked for the reason why the Kingrey's would not want to hook up to sewer.

Tony Stinchcomb, 72 Dove Trail: Asked the cost to hook up to sewer, and stated that the whole project is beneficial to the residents whose properties cross the interceptor line.

The Public Hearing closed at 6:25 p.m., and Mayor and Council returned to Work Session.

PUBLIC HEARING

- 1. EMINENT DOMAIN – 89 DOVE TRAIL, HOSCHTON, GEORGIA:** The property located at 89 Dove Trail, Hoschton GA, is subject to a proposed eminent domain proceeding for the purposes of acquisition of permanent and temporary utility easements. If required to proceed, the City will proceed under the provisions of Title 32 as allowed by O.C.G.A. § 22-3-140. Pursuant to O.C.G.A. § 22-1-10.1(b), if an emergency is determined to exist, the City may initiate the proposed condemnation as soon as practicable after the date of approval of the exercise of the power of eminent domain.

CALL TO ORDER

Mayor Kenerly called the meeting to order at 5:35 p.m.

1. Roll Call

Mayor Theresa Kenerly – Present Councilmember Jim Cleveland – Present Councilmember Mindi Kiewert – Absent Councilmember Susan Powers – Present Councilmember Hope Weeks – Present
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Also present:

City Administrator, April Plank
City Attorney, Thomas Mitchell
Planning & Zoning Administrator, Jerry Weitz
Media was present

OPENING PRAYER

Mayor Kenerly led the invocation.

PLEDGE OF ALLEGIANCE

Councilman Cleveland led the Pledge of Allegiance.

CITIZEN INPUT

None.

REPORTS

- 1. Mayor:** Mayor Kenerly provided her feedback on the proposed warehouses on Josh Pirkle Road.
- 2. EMI Engineering:** Jerry Hood, City Engineer, provided his report to Mayor and Council.
- 3. Public Works/Wastewater:** David Pollard submitted his report prior the meeting. City Administrator, April Plank gave an update on water and wastewater projects.

DISCUSSION ITEMS

- 3. COMPREHENSIVE PLAN AMENDMENT:** An amendment to the Hoschton 2015 comprehensive plan update, to revise the housing opportunities policy in the Appendix (Planning and Development Policies).
- 4. ZONING ORDINANCE AMENDMENT:** An Ordinance Amending The Zoning Ordinance of the City of Hoschton, Adopted January 4, 2016, As Amended, To Amend Article Iv, Zoning Districts, Section 4.05, "R-4, Single-Family Urban Residential District" To Prohibit Rezoning To That District; To Amend Table 4.2, "Dimensional Requirements for Residential and Agricultural Zoning Districts, Relative To The R-3, R-4, And MFR Zoning Districts; To Provide For Severability; To Repeal Conflicting Ordinances; To Establish An Effective Date; To Provide For Codification; And For Other Lawful Purposes.

5. **RESOLUTION FOR EMINENT DOMAIN - 89 DOVE TRAIL, HOSCHTON:** To authorize the Mayor to sign a Resolution for the condemnation of a certain portion of the property known as 89 Dove Trail that is necessary for the easement required to complete and construct a certain sewer line and collection system; improvement project known as the White Street Sewer Project.

EXECUTIVE SESSION

Pursuant to the attorney-client privilege and as provided by Georgia Code section 50-14-2(1), a meeting otherwise required to be open was closed to the public in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee maybe directly involved and the matter discussed was *pending or potential litigation*.

1. *Motion to Enter*
2. *Motion to Exit*

At 5:35 p.m., Mayor Kenerly asked for a motion to enter Executive Session. Councilwoman Weeks made a motion to enter Executive Session. Councilman Cleveland seconded the motion, and the motion passed unanimously.

Mover: Cleveland Secunder: Powers Ayes: Cleveland, Powers, Weeks Nays: None
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At 6:00 p.m., Mayor Kenerly asked for a motion to exit Executive Session. Councilwoman Weeks made a motion to enter Executive Session. Councilwoman Powers seconded the motion, and the motion passed unanimously.

ADJOURN

Prior to the adjournment of Work Session, Mayor Kenerly stated that Angel Ride, a 501(c)(3) that raises money for people with health issues, would like to use the Depot at no cost on September 29, 2018. Councilman Cleveland agreed to allowing them to use the Depot at no cost; Councilwoman Powers showed concern about others asking for the rental fee to be waived. Mayor Kenerly stated it was a case-by-case basis. Councilman Cleveland stated the City does not get asked a lot for the waiver, but if we did, we would look at it again. Mayor Kenerly stated that the Depot rental fee waiver for Angel Ride would be added to the Regular Meeting agenda.

Mayor Kenerly asked for a motion to adjourn the meeting. At 6:29 p.m., Councilman Cleveland made a motion to adjourn the Work Session. Councilmember Powers seconded the motion, and the motion passed unanimously.

Mover: Cleveland Secunder: Powers Ayes: Cleveland, Powers, Weeks Nays: None
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Theresa Kenerly, Mayor


April Plank, City Administrator

9-10-18
Date

ANNOUNCEMENTS:

- August 6 – City Council Regular Meeting, 5:30 p.m. at the Train Depot. Public welcome.
- August 11 – Bubble Fun Day, 11 a.m. – 1 p.m.
- August 20 – Planning & Zoning Commission Meeting, 6:15 p.m., City Hall. Public welcome.
- September 6 – City Council Work Session, 5:30 p.m. at the Train Depot. Public welcome.
- September 10 – City Council Regular Meeting, 5:30 p.m. at the Train Depot. Public welcome.

Manner of Addressing Council - No Council 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/Mayor, 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 sign in at the beginning of the work session giving his or her address and the subject they wish to speak about. Permission to speak is at the discretion of the Mayor and City Council. Three (3) minutes will be allowed for each person chosen to speak. Grievances with individual employees may not be discussed. If you are selected to speak, you will be called upon by the presiding officer, and then shall come to the podium, state your 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 no more than three (3) minutes.

AFFIDAVIT OF THE HOSCHTON CITY COUNCIL

Before an officer duly authorized to administer oaths appeared **Theresa Kenerly**, who after being duly sworn, deposes and on oath states the following: (1) I am competent to make this Affidavit and have personal knowledge of the matters set forth herein. (2) Pursuant to my duties as **Mayor**, I was the presiding officer of a meeting of the Hoschton City Council held on the **2nd day of August, 2018**. A portion of said meeting was closed to the public. (3) It is my understanding that O.C.G.A. § 50-14-4(b) provides as follows: When any meeting of an agency is closed to the public pursuant to subsection (a) of this Code section, the person presiding over such meeting or, if the agency's policy so provides, each member of the governing body of the agency attending such meeting, shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception. (4) The subject matter of said meeting, or the closed portion thereof, was devoted to matters within exceptions to public disclosure provided by law. Those specific relevant exceptions are identified as follows:

_____ A. Meeting to discuss or vote to authorize the settlement of a matter covered by the attorney-client privilege as provided in Georgia Code section 50-14-2(1) and 50-14-3(b)(1)(A). The subject discussed was _____.

_____ B. Meeting to discuss or vote to authorize negotiations to purchase, dispose of or lease property as provided in Georgia Code section 50-14-3(b)(1)(B).

_____ C. Meeting to discuss or vote to authorize the ordering of an appraisal related to the acquisition or disposal of real estate as provided in Georgia Code section 50-14-3(b)(1)(C).

_____ D. Meeting to discuss or vote to enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote as provided in Georgia Code section 50-14-3(b)(1)(D).

_____ E. Meeting to discuss or vote to enter into an option to purchase, dispose of, or lease real estate subject to approval in a subsequent public vote as provided in Georgia Code section 50-14-3(b)(1)(E).

_____ F. Meeting to discuss or deliberate upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee as provided in Georgia Code section 5014-3(b)(2).

_____ G. Meeting to interview one or more applicants for the position of the executive head of an agency as provided in Georgia Code section 50-14-3(b)(2).

 X H. Pursuant to the attorney-client privilege and as provided by Georgia Code section 50-14-2(1), a meeting otherwise required to be open was closed to the public in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved and the matter discussed was pending or potential litigation.

_____ I. Staff meeting held for investigative purposes under duties or responsibilities imposed by law as provided by Georgia Code section 50-14-3(a)(1).

_____ J. Meeting to consider records or portions of records exempt from public inspection or disclosure pursuant to Article 4 of Chapter 18 of Title 50 of the Georgia Code because there are no reasonable means to consider the record without disclosing the exempt portions.

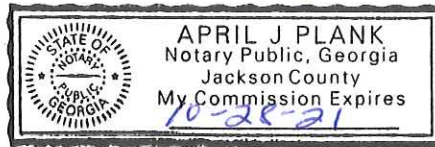
This Affidavit is executed for the purpose of complying with the mandate of O.C.G.A. § 5014-4(b) and is to be filed with the official minutes for the aforementioned meeting.

This 2nd day of August, 2018.

Shawn Kennedy
City Administrator *Mayor*

Affiant Sworn to and subscribed before me this 2nd day of August, 2018.

April J Plank
Notary Public



Jim Cleveland
Council Member

[Signature]
Council Member

Susan Powers
Council Member

Council Member

