



---

**REGULAR MEETING**

---

**CALL TO ORDER**

Mayor Kenerly called the meeting to order at 5:31 p.m.

*1. Roll Call*

Mayor Theresa Kenerly – Present Councilmember Jim Cleveland – Present Councilmember Mindi Kiewert – Present Councilmember Susan Powers – Present Councilmember Hope Weeks – Present
---

Also present:

City Administrator, April Plank  
City Attorney, Thomas Mitchell  
Media was present

**OPENING PRAYER:** Mayor Kenerly led the invocation.

**PLEDGE OF ALLEGIANCE:** Councilmember Cleveland led the Pledge of Allegiance.

**CITIZEN INPUT**

Erma Denney, 79 Hunters Way, Hoschton: Ms. Denney stated that her findings of the budget were that it was \$95,000 overrun in 2017, and as of October 2018, an overrun of \$128,000 and asked if this had been looked in to. She inquired if all those professional services payments were to EMI, added procedures, and wanted to know when the council would address it. She quoted Thomas Jefferson; asked for two-way communication and that the City left citizens in the dark throughout the Kolter process. She began talking about open records requests and open meetings act, and that a complaint had been sent to the AG's office regarding her ORR. She passed out a copy of an email to all Council members and the Mayor, in which discussed the budget and Kolter, and Councilmember Kiewert stated that she was not copied on that email as other council members were. Ms. Denney stated that it was to be proofed first by other council members. She then went on to bring up meeting start times of 5:30 p.m., and Mayor Kenerly stated she had not heard from anybody after last week's meeting, and Councilmember Kiewert asked Ms. Denney why she didn't attend last week's meeting (if it was such an issue).

Mayor Kenerly reiterated at this time that citizen input would only be allowed during Work Session meetings, and will no longer be part of Regular Meeting. This was discussed at Work Session between council.

Richard Green, 122 Pheasant Run, Hoschton: Mr. Green inquired on the process of meeting agendas and records; asked about submittals and where the minutes are located and whether or not his comments from the last meeting are in those minutes. Thomas Mitchell, City Attorney, read the open meetings act, and April Plank, City Administrator, assured Mr. Green that his comments are in the minutes and he is more than welcome to review the minutes anytime.

Judy Hall, 190 Doe Ridge, Hoschton: Ms. Hall was signed up, however, she stated she needed to think about the new citizen input schedule and did not need to say anything at that point.

#### MINUTE APPROVAL

1. *November 1, 2018 Public Hearing & Work Session Minutes*
2. *November 5, 2018 Council Regular Meeting Minutes*

Mover: Cleveland  
Seconded: Kiewert  
Ayes: Cleveland, Kiewert, Powers, Weeks  
Nays: None

**AGENDA APPROVAL** – December 3, 2018 Regular Meeting Agenda: Councilmember Cleveland made a motion to approve the agenda and add two items listed as a new agenda item #7 “O-13-18, waiving requirements” and new agenda item #9 “O-12-18, remove the Planning & Zoning Commission consideration of final plat.” Councilmember Kiewert seconded the motion and the added agenda items, and the motion passed unanimously.

Mover: Cleveland  
Seconded: Kiewert  
Ayes: Cleveland, Kiewert, Powers, Weeks  
Nays: None

#### CONSENT AGENDA

Mover: Kiewert  
Seconded: Cleveland  
Ayes: Cleveland, Kiewert, Powers, Weeks  
Nays: None

1. **2019 CITY COUNCIL MEETING SCHEDULE:** To approve a meeting schedule for the year 2019 to include Work Session and Regular Council Meetings.
2. **2019 PLANNING & ZONING COMMISSION MEETING SCHEDULE:** To approve a meeting schedule for the year 2019.
3. **2019 EVENTS SCHEDULE:** To approve a schedule of community events for the year 2019, and for the Mayor to approve additional events that may be added at future dates.
4. **FEE SCHEDULE UPDATE:** To approve an updated fee schedule to include but not limited to the following services: planning and zoning, plan review, and building and inspections.
5. **HOSCHTON HERITAGE ARTS COUNCIL TRAIN DEPOT RENTAL FEE WAIVER:** To waive the rental fee of the Depot for the Hoschton Heritage Arts Council on March 9, 2019; May 18, 2019; and July 13, 2019.

#### VOTING ITEMS

1. **R-7-18 COMPREHENSIVE PLAN AMENDMENT:** An amendment to the Hoschton 2015 Comprehensive Plan, to update and revise the housing opportunities policy in the Appendix (Planning and Development Policies). This was a previously tabled item, and all required public hearing(s) have been met.

Mover: Powers  
Second: Kiewert  
Ayes: Cleveland, Kiewert, Powers, Weeks  
Nays: None

2. **O-8-18 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. This was a previously tabled item, and all required public hearing(s) have been met. This is the second reading.

Mover: Cleveland  
Second: Kiewert  
Ayes: Cleveland, Kiewert, Powers, Weeks  
Nays: None

3. **O-1-19 SPECIAL ASSESSMENT ORDINANCE:** An Ordinance to add a new Chapter 25 of the Hoschton Code of Ordinances titled, "Assessments and Fees," and to authorize the Mayor and Council of the City of Hoschton to establish services and improvements and fund such services and improvements through special assessments. Such services and improvements may include streets and roads, traffic calming devices and measures, water and sewage systems, water and sewage treatment plants, drainage, sidewalks and other such services, improvements or facilities as may be deemed essential. This is the first reading.

Councilmember Cleveland made a motion to waive the first reading. Councilmember Kiewert seconded the motion, and the motion passed unanimously.

Mover: Cleveland  
Second: Kiewert  
Ayes: Cleveland, Kiewert, Powers, Weeks  
Nays: None

4. **O-2-19 REVOCATION OR SUSPENSION OF BUSINESS LICENSE:** An Ordinance to amend Chapter 32 of the Hoschton Code of Ordinances; to authorize the Mayor and Council of the City of Hoschton to revoke or suspend any business license issued in the City of Hoschton of a license has been mistakenly or improperly issued; licensee has breached any condition upon the license was issued or has failed to comply with Ordinances, rule or regulation; licensee has obtained license through fraud or misrepresentation; licensee has been convicted of a certain offense; licensee has engaged in unlawful activity; licensee is delinquent in payment to the City of any tax, fee or charge; licensee fails to adhere to mandatory water service ordinance, and for other purposes. This is the first reading.

Councilmember Cleveland made a motion to waive the first reading, and to add the newly added sections numbers 7 and 8, of the Ordinance. City Attorney, Thomas Mitchell, read the newly added 7 and 8 sections. Councilmember Kiewert seconded the motion, and the motion passed unanimously.

Mover: Cleveland  
Second: Kiewert  
Ayes: Cleveland, Kiewert, Powers, Weeks  
Nays: None

5. **O-3-19 UPDATE AND AMEND CHAPTER 40 ALCOHOL BEVERAGES:** An Ordinance to repeal and replace Chapter 40 of the Hoschton Code of Ordinances for the purpose of updating; to delete the chapter in its entirety and replace with a new Chapter 40 Alcoholic Beverages of the Hoschton Code of Ordinances. This is the first reading.

Councilmember Cleveland made a motion to waive the first reading. Councilmember Kiewert seconded the motion, and the motion passed unanimously.

Mover: Cleveland  
Secunder: Kiewert  
Ayes: Cleveland, Kiewert, Powers, Weeks  
Nays: None

6. **PERSONNEL POLICY:** To approve an updated Personnel Policy, and to authorize the Mayor or his/her designee to make changes or amendments as necessary, from time to time.

Councilmember Weeks made a motion to table the Personnel Policy and establish a committee to review the proposed new policy, and to approve the policy that is currently in place until an updated policy can be established. Councilmember Powers seconded the motion, and the motion passed unanimously. Councilmember Powers and Councilmember Cleveland have been designated to be on the committee, and to work with Mayor Kenerly and City Administrator, April Plank, on updating the personnel policy. Thomas Mitchell stated that when the committee meets that a notice will need to be sent out.

Mover: Weeks  
Secunder: Powers  
Ayes: Cleveland, Kiewert, Powers, Weeks  
Nays: None

7. **O-13-18 ORDINANCE TO PROVIDE FOR THE APPROVAL OF FINAL PLAT OF WINTERSET SUBDIVISION:** An ordinance to provide for the approval of the final plat of Winterset Subdivision; to waive by ordinance Section 1004 of the Subdivision and Land Development Ordinance that requires the Planning & Zoning Commission to consider final plat approval; to waive that requirement by Mayor and Council, the Mayor and Council having reviewed and considered the plat in public meetings. The final plat of Winterset Subdivision may be approved by Mayor and Council without further consideration by the Planning & Zoning Commission.

City Attorney read the proposed ordinance and the change to the section. Councilmember Powers asked who compared this Winterset final plat with the previous plat, and Thomas Mitchell stated he believed the former Planning Director had compared the two plats prior to his departure, and that EMI had also looked at the final plat. Councilmember Cleveland made a motion to approve O-13-18, and Councilmember Kiewert seconded the motion. The motion passed unanimously, and the Ordinance went into effect immediately.

Mover: Cleveland  
Secunder: Kiewert  
Ayes: Cleveland, Kiewert, Powers, Weeks  
Nays: None

8. **WINTERSET FINAL PLAT:** To approve the Winterset Subdivision Final Plat.

Councilmember Cleveland made a motion to approve the Winterset Final Plat with the conditions of the City Engineer and City Staff approval prior to Mayor Kenerly's signature. Councilmember Kiewert seconded the motion, and the motion passed unanimously.

Mover: Cleveland  
Secunder: Kiewert  
Ayes: Cleveland, Kiewert, Powers, Weeks  
Nays: None

9. **O-12-18 ORDINANCE TO AMEND SECTION 1004 SUBDIVISION AND LAND DEVELOPMENT ORDINANCE:** An ordinance to remove the requirement of the Planning & Zoning Commission consideration and recommendation for final plats; to repeal conflicting ordinances; to provide an effective date, and for other purposes. Amended as follows: the third sentence of the first paragraph is deleted and the following inserted in lieu thereof: "If the application involves a dedication or is a major subdivision, the final plat requires approval by the Hoschton Mayor and City Council."

City Attorney, Thomas Mitchell, went over the reasons why this ordinance was prepared, and as long as it matches the original submitted plat, this will be a fix (to the section/ordinance).

Mover: Cleveland  
Secunder: Kiewert  
Ayes: Cleveland, Kiewert, Powers, Weeks  
Nays: None

#### 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*; 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); land acquisition.

1. *Motion to Enter:* At 5:58 p.m., Mayor Kenerly asked for a motion to enter Executive Session. Councilmember Kiewert made a motion to enter, and Councilmember Weeks seconded the motion. The motion passed unanimously.

Mover: Kiewert  
Secunder: Weeks  
Ayes: Cleveland, Kiewert, Powers, Weeks  
Nays: None

2. *Motion to Exit:* At 6:05 p.m., Mayor Kenerly asked for a motion to exit Executive Session. Councilmember Kiewert made a motion to exit, and Councilmember Weeks seconded the motion. The motion passed unanimously.

Mover: Kiewert  
Secunder: Weeks  
Ayes: Cleveland, Kiewert, Powers, Weeks  
Nays: None

**ADJOURN:** At 6:06 p.m., Mayor Kenerly asked for a motion to adjourn the meeting. Councilmember Kiewert made a motion to adjourn, and Councilmember Powers seconded the motion. The motion passed unanimously.



Theresa Kenerly, Mayor



April Plank, City Administrator

1-9-19  
Date



---

**DECEMBER**

8<sup>th</sup> – Breakfast & Lunch with Santa, 4272 Hwy 53, 9:00 a.m. & 11:00 a.m.

10<sup>th</sup> – City Council Public Hearing, 4272 Hwy 53, 5:30 p.m.

17<sup>th</sup> – Planning & Zoning Commission Meeting, 79 City Square, 6:15 p.m. – CANCELLED DUE TO NO AGENDA ITEMS

17<sup>th</sup> – Called City Council Meeting, 4272 Hwy 53, 5:30 p.m.

24<sup>th</sup> – City Hall CLOSED

25<sup>th</sup> – City Hall CLOSED

26<sup>th</sup> – City Hall CLOSED

**JANUARY**

1<sup>st</sup> – City Hall CLOSED

3<sup>rd</sup> – City Council Work Session, 4272 Hwy 53 Train Depot, 5:30 p.m.

7<sup>th</sup> – City Council Regular Meeting, 4272 Hwy 53 Train Depot, 5:30 p.m.

**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.