

REGULAR COUNCIL MEETING

January 7, 2013

The regularly scheduled meeting of the Hartwell City Council was held on Monday, January 7, 2013 in the council chambers of city hall with all members present. The meeting was called to order by Mayor Jennifer Scott at 7:00 p.m.

Following the Pledge of Allegiance, everyone paused for a moment of silence, followed by the invocation given by City Manager David Aldrich.

Mayor Scott presented a plaque to Ms. Gwen Fisher in appreciation of her 27 years of service to the City of Hartwell. Ms. Fisher recently retired from employment with the City.

A motion was made by Councilman Arthur Craft to add the City Manager's report to the agenda as item #17. Motion was seconded by Councilman David Little and carried unanimously.

The Mayor reported on the reappointment of Mr. Dorsey Howington to the Hartwell Housing Authority Board.

Upon recommendation received from the Downtown Development Authority (DDA), a motion was made by Councilman Tray Hicks to reappoint Ms. Nicki Meyer to the DDA Board, and also appoint Ms. Henley Cleary and Mr. Gene Fraley to serve on the DDA Board of Directors, replacing Mr. Earl Johnson and Mr. Carey Jackson. Motion was seconded by Councilman Little and carried unanimously.

As the Mayor announced that this was an election year for Mayor and three council members, she read the qualifications for anyone wishing to qualify as a candidate for those offices, and stated that the qualifying fee for council seat was \$72.00 and \$144.00 for Mayor's seat.

Mayor Scott brought recognition to the fact that funds were not currently available for a full-time animal control officer, and strongly encouraged the Police Department to enforce the City's Animal Control Ordinance. She explained that she had recently taken her children to volunteer their services to the Northeast Georgia Animal Shelter, where she witnessed a dog being brought in that had been tied to a clothes line, without food or water. The animal had been tied with a large, heavy metal chain, which was displayed by the Mayor.

A motion was made by Councilman Little to approve the minutes of the December 3, 2012 public hearing. Motion was seconded by Councilman Tony Haynie and carried unanimously.

A motion was made by Councilman Craft to approve the minutes of the December 3, 2012 regular council meeting. Motion was seconded by Councilman Billy Ethridge and carried unanimously.

A motion was made by Councilman Haynie, seconded by Councilman Little, and carried unanimously to approve the minutes of the December 6, 2012 public hearing.

A motion was made by Councilman Ethridge, seconded by Councilman Craft, and carried unanimously to approve the minutes of the December 6, 2012 called council meeting.

Councilman Hicks asked that an addition be made to the minutes of the December 18, 2012 called meeting, after the first sentence in the fifth paragraph, to read: "If this project goes back to the Economic Development Committee, then the Economic Development Committee will bring back to City Council, not TORCH." A motion was made by Councilman Ethridge, seconded by Councilman Craft, and carried unanimously to approve the minutes of the December 18, 2012 meeting with the addition, as stated.

Attorney Walter Gordon presented a copy of a check to the City of Hartwell (with the actual check already received by the City) in the amount of \$2,500.00 as part of a class premium for participating with approximately 16 other cities and counties in a lawsuit against on-line travel companies. As explained by Attorney Gordon, the on-line travel companies had been underpaying governments throughout the state of Georgia, and the City of Hartwell would also be receiving the first payment from the partial settlement of the lawsuit. He further stated that another component of the case

was an appeal with the 11th Circuit of the U. S. Court of Appeals regarding taxes due from May 16, 2011 backwards to year 2002, and if granted, the City of Hartwell may receive a considerable amount of money.

Following discussion, a motion was made by Councilman Little not to accept a proposal from AT&T for a pre-payment of rent in the amount of \$225,000.00 in exchange for a Perpetual Easement for the current cell site lease on City property. Motion was seconded by Councilman Mike MacNabb and carried unanimously. Currently, the City receives \$1,900.00 per month from AT&T for lease of property near the City's radio tower, and also space on the tower.

City Manager David Aldrich gave an overview of a Site License Agreement with Conterra Ultra Broadband, LLC, and Conterra's request to extend the initial term of the Agreement for two years. As explained by the City Manager, Conterra is requesting the 2-year extension to coincide with the terms of Conterra's other vendors. Conterra currently pays the City \$1,688.26 per month for use of the City's communication tower, and the City Manager stated that he saw no downside to the City in approving this request. A motion was made by Councilman Hicks, seconded by Councilman Little and carried unanimously to approve Conterra's request for a 2-year extension.

A motion was made by Councilman Little, seconded by Councilman Craft, and carried unanimously to continue with Georgia Municipal Association's Cable and Telecommunications Management Services.

A motion was made by Councilman Hicks, seconded by Councilman Ethridge, and carried unanimously to approve a request for a beer and wine license for Mr. Bob Patel, new owner of Handy Pantry located at 50 W. Franklin Street.

A motion was made by Councilman Little to set the qualifying fees for municipal candidates as stated earlier by the Mayor in her 'Mayor's Moment' portion of the meeting, which is \$72.00 for Council seat and \$144.00 for Mayor's seat. These qualifying fees are based on 3% of the total gross salary of the office paid in the preceding calendar year, in accordance with Section 21-2-131 of the Georgia Election Code.

As discussion began regarding a possible increase to the hotel-motel tax rate from 5% to 8%, Mr. Bob Patel, owner of a local hotel, stated that he would lose customers if the City increased the hotel-motel tax more than the tax imposed by neighboring counties. He referred to the Cities of Royston at only 5%, Franklin Springs at 2%, Elberton at 6%, and Anderson, SC at 5%. He urged Council to keep the tax rate at 5% for the next year or two. Mayor Scott stated that while an increase from 5% to 8% was a very minimal increase, every little bit going toward economic development would only increase tourism in the area. She also stated that rather than depend completely on the citizens for the City's tax revenue source, it was time to begin looking at other revenue sources. Councilman Hicks questioned whether or not Council could increase the tax levy rate in one percent increments once a Resolution was approved for an increase up to 8%. City Attorney Rob Leverett replied that he felt it could. A motion was made by Councilman Little to have Representative Alan Powell introduce to local legislation an increase of hotel-motel tax levy to 8%. Motion was seconded by Councilman Hicks. Motion and second were then amended by Councilmen Little and Hicks to adopt Resolution No. 2013-07-01, increasing the hotel-motel tax rate to 8%, with the premise that Council will be allowed to raise the tax rate in increments of one percent. Motion was carried 5 to 1, with Councilman Craft opposing. Representative Powell will be asked to present the Resolution to legislature for approval during the upcoming legislative session.

Discussion regarding the water system was delayed until after the Hart County Water Authority meets later during the month.

A motion was made by Councilman Hicks, seconded by Councilman Craft, and carried unanimously to table until next month discussion regarding a proposed Recycling Agreement.

The City Manager reported that the natural gas project had been completed, and work is currently underway on the regulator station.

Councilman Haynie reported that natural gas revenue came in \$1.8M under projection for year 2012, while projected expenses came in under \$2M. This was mainly due to gas sales because of warm winter months.

Councilman Little commented that he had attended several meetings of the Hart County Water Authority and felt the Authority was moving in very positive steps in working with the City.

Benson Street resident Mr. Ralph Kiser commended the Hartwell Police Department, stating that they were all ladies and gentlemen. He commented that this was totally exemplified at a horrible wreck on Christmas morning on Benson Street when Officers Reggie Teasley and Charles Wright operated under a total professional attitude. Mr. Kiser stated that Chief Cecil Reno was doing a wonderful job and he was very proud of the Hartwell Police Department.

There being no further business to come before Mayor and Council, a motion was made by Councilman Hicks to adjourn at approximately 7:45 p.m. Motion was seconded by Councilman Little and carried unanimously.

Respectfully submitted,

Jean Turner
City Clerk

CALLED COUNCIL MEETING
January 16, 2013

The City of Hartwell Mayor and Council met in special called session Wednesday, January 16, 2013 in the council chambers of city hall, 456 E. Howell Street, Hartwell. Present were Mayor Jennifer Scott, Councilmembers Arthur Craft, Billy Ethridge, Tony Haynie, Tray Hicks, David Little, and Mike MacNabb. Others present were City Manager David Aldrich and City Clerk Jean Turner.

Mayor Scott called the meeting to order at 7:00 p.m. and stated the purpose of the meeting was to address the issue of speed limits in school zones approved by the Georgia Department of Transportation (GDOT.)

City Manager David Aldrich explained that the City had asked the Department of Transportation (DOT) to relook at school zones in the city. Upon reviewing the school zones, the DOT basically told the City what the speed limits needed to be in these areas, as shown on the list received from the DOT. The City Manager further explained that the DOT referred to "off-system" streets as city streets, and "on-system" streets as state roadways.

A motion was made by Councilman Hicks to approve the speed zones as listed on the DOT's list of roadways in the city. Motion was seconded by Councilman Haynie. As discussion ensued, Councilman Hicks pointed out that the DOT list of roadways showed the speed limit as 25 on Fairview Avenue, from Fifth Street to Benson Street, but should actually be listed as 35. The City Manager recommended the list be approved in order to allow the Police Department to run radar, and then request the DOT to change the speed limit on Fairview Avenue to 35, as noted. Upon this recommendation, the motion and second were amended by Councilmembers Hicks and Haynie to accept the DOT's list of roadways in the city, with one change forthcoming on Fairview Avenue, as requested of the DOT. Motion was carried unanimously, 6 to 0.

There being no further business, Councilman Hicks moved to adjourn the meeting at 5:10 p.m., with a second to the motion offered by Councilman Haynie. Motion was carried unanimously, 6 to 0.

Respectfully submitted,

Jean Turner
City Clerk