

**CITY OF HELEN  
COMMISSION MEETING  
JULY 16, 2013  
3:00 P.M.  
AGENDA**

1. CALL TO ORDER BY MAYOR LYNN WHITENER
2. ROLL CALL BY CITY CLERK MARILYN CHASTAIN
3. PLEDGE OF ALLEGIANCE TO THE FLAG
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES FROM JULY 2, 2013
6. PETITIONS AND COMMUNICATIONS FROM THE PUBLIC
7. ALPINE HELEN/WHITE COUNTY CVB MONTHLY REPORT
8. ADMINISTRATIVE
  - A. Financial Report
  - B. Approval of easement for Windstream in Unicoi Hill Park
  - C. Discussion of Possible Show Cause Hearings for Businesses selling Alcohol to underage persons.
  - D. Approval of permits for the Centennial Special Event Alcohol sales for Old Bavaria Inn, and the Helen Chamber of Commerce.
9. FIRE DEPARTMENT MONTHLY REPORT
9. POLICE DEPARTMENT MONTHLY REPORT
10. PUBLIC WORKS, WATER AND WASTE WATER MONTHLY REPORT
10. BUILDING AND ZONING DEPARTMENT MONTHLY REPORT
  - A. Discussion for approval of map of Market Platz designating areas for street performers.

## 11. ORDINANCES

A. Second reading of Ordinance 13-06-02. An Ordinance of the City of Helen, Georgia, to amend the Official Code of the City of Helen, Georgia, by amending Chapter 58; Conditions for the use of the Market Platz, City Parks, and Band Shell: By the addition of a Sub-Section (7) to the list of prohibited activities: with said list of activities to include the prohibition of animals and animal acts, including birds, within the Market Platz area where said acts create sanitation issues, including potential public safety issues and damage to public property: and by the addition of a subsection (8) prohibiting any Market Platz performer from placing any items: displays or signs in the City planters.

B. Second reading and Consideration of Ordinance 13-07-01. An Ordinance of the City of Helen, Georgia, by Amending Chapter 6: Alcoholic Beverages; Article II: Licenses Generally: Section 6-30 Employee Licensing by eliminating the words “Host and/or Hostesses”: from Paragraph (2): and by adding Paragraph (9) to said Code Section: Incorporating O.C.G.A Section 3-3-24.

C. Second Reading and Consideration of Ordinance 13-07-02. An Ordinance of the City of Helen, Georgia, to amend the official Code of the City of Helen, Georgia, by Amending Chapter 42: Miscellaneous Offenses and Provisions, Article I, Section 42-3. Camping within the City; Permit: by its deletion and substituting in lieu of, a New Section 42-3, Camping Prohibited within City Limits, to provide for Definitions of Camping and for other purposes.

D. Second Reading and Consideration of Ordinance 13-06-03. An Ordinance of the City of Helen, Georgia, to Amend the Official Code of the City of Helen, Georgia, by Amending Chapter 34: Land Development Code; Article VII: Signs; By the Amendment of the Definitions Section of said Article to add a Definition for “Shadow Boxes” to Section 34-1001; and also by the Addition of a new Section to Article VII, Signage: Section 34-1118: Standards and Requirements for Shadow Box Signs.

## 12. RESOLUTIONS

## 13. EXECUTIVE SESSION FOR PERSONNEL

## 14. PURCHASES AND BIDS

## 15. CITY COMMISSION COMMENTS

## 16. ADJOURNMENT

**THIS AGENDA WAS POSTED JULY 12, 2013 AT 11:00 A.M.**

**CITY OF HELEN  
COMMISSION MEETING  
JULY 16, 2013 3:00 P.M.  
MINUTES OF MEETING**

The Helen City Commission met on Tuesday July 16, 2013 at 3:00 p.m. in the Commission chambers at Helen City Hall.

Mayor Lynn Whitener called the meeting to order at 3:00 p.m. City Clerk Marilyn Chastain called the roll and the following were present: Commissioner Judy Holloway, Commissioner Helen Wilkins, Mayor Lynn Whitener, Commissioner Dona K Burke, and Commissioner Jeff Ash. Also present were City Manager Jerry Elkins, City Attorney Carl Free, Police Chief Jim Couch, Public Works Director Ross Hewell, Fireman Lee Poteat, and City Clerk Marilyn Chastain.

City Manager Jerry Elkins asked the Commission to Amend the Agenda to add under Administration item D, Bigg Daddys American Tavern and Survivors Restaurant and Lounge. Motion to approve the Amended Agenda made by Commissioner Dona K Burke, 2<sup>nd</sup> by Commissioner Helen Wilkins.

Motion approved with a unanimous vote of the Commission.

Motion to approve the Minutes of July 2, 2013 made by Commissioner Judy Holloway, 2<sup>nd</sup> by Commissioner Helen Wilkins.

Motion approved with a unanimous vote of the Commission.

Mayor Lynn Whitener asked if there could be something done about the over population of cats and groundhogs in the City. City Manager Jerry Elkins stated animal control will be asked for assistance.

Alpine Helen/White County CVB monthly report was presented by CVB Director Jerry Brown. Report included as an integral part of these minutes.

Administrative:

A. Financial Report, Finance Officer Debbie Gerchman was not present for this meeting. Report Included as an integral part of these minutes.

B. Approval of easement for Windstream at Unicoi Hill Park. City Manager Jerry Elkins Explained the revised easement required all installation was to be placed underground. Commissioner Jeff Ash made a motion to agree that all installation was to be placed Underground and to allow City Manager Jerry Elkins to execute all documents associated With the easement, 2<sup>nd</sup> by Commissioner Helen Wilkins. Motion approved with a unanimous vote of the Commission.

C. Discussion of possible Show Cause Hearings for Businesses selling Alcohol to underage Persons. Police Chief Jim Couch informed the Commission of an undercover investigation On sales to underage at local Businesses conducted on June 29, 2013 by the City of Helen Police Department. He explained that six, of the ten Businesses did sell to an undercover Underage person. There was discussion of having possible Show Cause hearings on August 20, 2013 starting at 12:00 p.m.

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D. Approval of permits for the Centennial Special Event Alcohol sales for, Old Bavaria Inn, The Helen Chamber of Commerce, Bigg Daddys, Survivors Restaurant, and City Manager Jerry Elkins asked to include the Troll Tavern to the list for approval. Motion to approve all, made by Commissioner Helen Wilkins, 2<sup>nd</sup> by Commissioner Judy Holloway. Motion approved with a unanimous vote of the Commission.

City Manager Jerry Elkins informed the Commission that bids for the Island Development project were due soon. There was discussion of having a ground breaking ceremony, with the date being set at a future meeting.

City Manager Jerry Elkins informed the Commission that the Shirner's are planning on coming back to Helen in 2014 and would like to use the Pavilion on June 13, 2014 for their private ceremony, and would like to be allowed to have alcohol at their ceremony. City Attorney Carl Free reminded the Commission that the park rules are set by the City Manager. Commissioner Jeff Ash made a motion to approve allowing the City Manager the authority to make changes or exceptions to the park rules, 2<sup>nd</sup> by Commissioner Helen Wilkins. Motion approved with a unanimous vote of the Commission.

Fire Department report. Fireman Lee Poteat informed the Commission the Fire Department has been busy. He also informed the Commission that we will soon have an ISO inspection.

Police Department report. Police Chief Jim Couch informed the Commission that calls will switch over to 911 after August 1, 2013, and asked if he would be able to go ahead and hire a full time Police officer. City Manager Jerry Elkins stated that there was not enough money in the budget at this time to hire another full time officer. Police Chief Jim Couch asked that when possible, the Commission remember his request of replacing the dispatcher that was let go with another full time officer.

Public Works, Water and Waste Water Monthly report. Public Works Director Ross Hewell stated he had been on vacation for 2 weeks but knew the Public Works department had been busy with cleaning up especially with all the rain. Commissioner Judy Holloway said she had gotten complaints about the restrooms on River Street being very dirty and things not working. Public Works Director Ross Hewell stated this is the first time he had heard the complaint but would be sure to address the issue.

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Building and Zoning Department Monthly report. None

A. Discussion for approval of map of the Market Platz, designating areas for street performers. Map included as an integral part of these minutes. After much discussion, Commissioner Jeff Ash made a motion for City Attorney Carl Free to draw up an amendment of the Ordinance stating where street performers be allowed to perform, and to approve the Map as submitted, 2<sup>nd</sup> by Commissioner Helen Wilkins. Commissioner Judy Holloway abstained. Motion approved with a majority vote of the Commission.

Ordinances:

A. Second reading and Consideration of Ordinance 13-06-02. An Ordinance of the City of Helen, Georgia, to amend the Official Code of the City of Helen, Georgia, by amending Chapter 58-; Conditions for the use of the Market Platz, City Parks, and Band Shell: By the addition of a Sub-Section(7) to the list of prohibited activities: with said list of activities to include the prohibition of animals and animal acts, including birds, within the Market Platz area where said acts create sanitation issues, including potential public safety issues and damage to public property: and by the addition of a subsection (8) prohibiting any Market Platz performer from placing any items: displays or signs in the City Planters. Motion to approve Ordinance 13-06-02 made by Commissioner Helen Wilkins, 2<sup>nd</sup> by Commissioner Dona K Burke. Motion approved with a unanimous vote of the Commission.

B. Second reading and Consideration of Ordinance 13-07-01. An Ordinance of the City of Helen, Georgia, by Amending Chapter 6: Alcoholic Beverages; Article II: Licenses Generally: Section 6-30 Employee Licensing by eliminating the words "Host and/or Hostesses": from Paragraph (2): and by adding Paragraph (9) to said Code Section: Incorporating O.C.G.A Section 3-3-24. Commissioner Jeff Ash mad a motion to approve Ordinance 13-07-01, 2<sup>nd</sup> by Commissioner Helen Wilkins. Motion approved with a unanimous vote of the Commission.

C. Second Reading and Consideration of Ordinance 13-07-02. An Ordinance of the City of Helen, Georgia, to amend the official Code of the City of Helen, Georgia, by Amending Chapter 42: Miscellaneous Offenses and Provisions, Article I, Section 42-3. Camping within the City; Permit: by its deletion and substituting in lieu of, a New Section 42-3, Camping prohibited within City Limits, to provide for Definitions of Camping and for other purposes. Commissioner Judy Holloway made a motion to approve Ordinance 13-07-02, 2<sup>nd</sup> by Commissioner Dona K Burke. Mayor Lynn Whitener abstained. Motion approved with a majority vote of the Commission.

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D. Second Reading and Consideration of Ordinance 13-06-03. An Ordinance of the City of Helen, Georgia, to Amend the Official Code of the City of Helen, Georgia, by Amending Chapter 34: Land Development Code; Article VII: Signs; By the Amendment of the Definitions Section of said Article to add a Definition for "Shadow Boxes" to Section 34-1001: and also by the Addition of a New Section to Article VII, Signage: Section 34-1118: Standards and Requirements for Shadow Box Signs. Commissioner Judy Holloway made a motion to approve Ordinance 13-06-03, 2<sup>nd</sup> by Commissioner Jeff Ash.

Motion approved with a unanimous vote of the Commission.

Resolutions: None

Motion to go into Executive Session for Personnel at 4:25 p.m. made by Commissioner Helen Wilkins, 2<sup>nd</sup> by Commissioner Judy Holloway.

Motion approved with a unanimous vote of the Commission.

Motion to come out of Executive Session and resume the Regular Commission meeting at 4:30 p.m. made by Commissioner Jeff Ash, 2<sup>nd</sup> by Commissioner Helen Wilkins.

Motion approved with a unanimous vote of the Commission

Action of Executive Session: Commissioner Jeff Ash stated after a review of City Manager Jerry Elkins Retirement fund, it was disclosed by City Manager Jerry Elkins to the Commission that a mistake had been discovered and that for three years there had been an overpayment of \$300.00 per year above the allowed match by the City made into his retirement fund, and made a motion to allow City Manager Jerry Elkins to withhold making deposits into his retirement fund until the overpayment was corrected, 2<sup>nd</sup> by Commissioner Dona K Burke.

Motion approved with a unanimous vote of the Commission.

Purchases and Bids: None

City Commission Comments: None

Motion to adjourn at 4:35 p.m. made by Mayor Lynn Whitener, 2<sup>nd</sup> by Commissioner Dona K Burke.

Motion approved with a unanimous vote of the Commission.

**Respectfully Submitted,**

**Marilyn Chastain / City Clerk**