

**CITY OF HELEN
COMMISSION MEETING
AUGUST 6, 2013
10:00 A.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 16, 2013
APPROVAL OF MINUTES FROM JULY 25, 2013 CALLED MEETING
6. PETITIONS AND COMMUNICATIONS FROM THE PUBLIC
 - A. Rena Pendley to discuss Relay for Life Event
7. ADMINISTRATIVE OPERATIONS
 - A. Consideration of proposal from AT&T to use property at White Street water tank for a 150 foot monopole
 - B. Approval of Special City Event Alcohol Permit for Robert Lordo, DBA Hofbrau Haus and Mike Ghanes, DBA Hayloft Tavern, Inc.
 - C. Discussion for Consideration of tubing bus routes
 - D. Discussion for Consideration of new date for Show Cause Hearing for Jorge Ramirez, Club Escape
 - E. Discussion for Consideration of Lease agreement renewal with Helen Arts Center
 - F. Discussion for Consideration of changes to Personal Policy
 - G. Discussion for Consideration of: Memorandum of Agreement with White County 911 Emergency system
 - H. Discussion for Consideration of allowing Rib Country Restaurant access from their deck, to the City sidewalk located behind the Public Restrooms

8. POLICE DEPARTMENT OPERATIONS
9. PUBLIC WORKS, WATER AND WASTE WATER OPERATIONS
10. BUILDING AND ZONING OPERATIONS
 - A. Consideration of Sign Variance request by Ron Turner for Viele Margaritas located at 8537-B S. Main Street.
11. ORDINANCES
 - A. First reading of Ordinance 13-08-01; An Ordinance of the City of Helen, Georgia, to provide for the Adoption of an Amended Budget, its execution and effect for the Fiscal year beginning July 1, 2013, and ending June 30, 2014
12. RESOLUTIONS
 - A. Resolution 13-08-01; A Resolution of the City of Helen, Georgia, Authorizing a final Comprehensive adjustment to Fiscal year 2012-2013 Budgetary Appropriations.
 - B. Resolution 13-08-02; A Resolution of the City of Helen, Georgia, Authorizing a Comprehensive adjustment to Fiscal year 2013-2014 Budgetary Appropriations.
13. PURCHASES AND BIDS
14. CITY COMMISSION COMMENTS
15. ADJOURNMENT

THIS AGENDA WAS POSTED AUGUST 2, 2013 AT 12:30 P.M.

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The Helen City Commission met on Tuesday August 6, 2013 at 10:00 a.m. in the Commission chambers at Helen City Hall.

Mayor Lynn Whitener called the meeting to order at 10:04 a.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, 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 I. Discussion for consideration for the Island Area Development, One way Street, Sidewalks, Street Lights. Motion to add as Item I made by Commissioner Helen Wilkins, 2nd by Commissioner Dona K Burke.

Motion approved with a unanimous vote of the Commission

City Manager Jerry Elkins asked the Commission to Amend the Agenda to add under Purchases and Bids as Item A, Consideration for approval of bid for Sediment Removal Project. Motion to add as Item A made by Commissioner Helen Wilkins, 2nd by Commissioner Dona K Burke.

Motion approved with a unanimous vote of the Commission.

Motion to approve the Minutes of July 16, 2013 made by Commissioner Judy Holloway, 2nd by Commissioner Dona K Burke.

Motion approved with a unanimous vote of the Commission

Motion to approve the Minutes of July 25, 2013 Called Meeting made by Commissioner Judy Holloway, 2nd by Commissioner Helen Wilkins.

Motion approved with a unanimous vote of the Commission.

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Petitions and Communications from the Public.

Rena Pendley to discuss Relay for Life Event. Ms Pendley was not present for the meeting and no discussion was made.

Administrative:

Consideration of proposal from AT&T to use property at White Street water tank for a 150 foot monopole. Kathy Jacobs with ATT wireless was present and presented the commission with pictures of how the tower will look from different locations, that the tower would actually be 195' which would be low enough not to require lights, and is proposing a 30 year lease at \$800.00 per month with renewals at 4 to 5 years. Police Chief Jim Couch asked if the City would be allowed to include a position on the tower for the Public Safety - City Radio equipment and Ms Jacobs replied definitely so, and at no cost to the City. City Manager Jerry Elkins explained that the proposal would also need to go before the Planning Design and Review Board, and suggested taking the proposal up at the next Commission meeting after it had gone before the PDRB.

Item H was moved up for discussion. Discussion for consideration of allowing Rib Country Restaurant access from their deck, to the City sidewalk located behind the Public Restrooms. Builder Steve Welch explained the drawing and location. Public works Director Ross Hewell presented pictures of the proposed location with shots of the trees that would need to be trimmed. Commissioner Jeff Ash stated that the Planning Design and Review Board should look at the plans and approve before the Commission could make a decision.

Approval of Special City Event Alcohol Permit for Robert Lordo, DBA Hofbrau Haus Restaurant, and Mike Ghanes, DBA Hayloft Tavern, Inc. City Manager Jerry Elkins explained that Robert Lordo and Mike Ghanes had submitted applications for the City Special event Street Dance to sell alcohol. Motion to approve applications of Robert Lordo and Mike Ghanes for alcohol sales at the Special City Event Street Dance made by Commissioner Judy Holloway, 2nd by Commissioner Dona K Burke. Motion approved with a unanimous vote of the Commission.

Commissioner Helen Wilkins made a motion to allow food sales as well to each approved Alcohol applicant for the City Special Event Street Dance that wants to sell food, 2nd by Commissioner Dona K Burke. Motion approved with a unanimous vote of the Commission.

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Discussion for Consideration of tubing bus routes. Commissioner Dona D Burke stated that she had been sent pictures from a concerned citizen, of the Tubing Buses with trailers attached coming down Ridge Road and also stated her concerns of safety because of the length and height of the attached trailers, and that she would like for the busses not to be allowed on Ridge Road before someone was seriously hurt. It was decided to take up more discussion at the next Commission meeting in order to have time for consideration.

Discussion for Consideration of a new date for the Show Cause Hearing for Jorge Ramirez, Alcohol License holder of Club Escape. City Manager Jerry Elkins stated that due to the Court date for the violations, being moved to August 14, 2013 that the Show Cause Hearing should be set for a later time. It was decided to reschedule the Show Cause hearing on August 20th, 2013 at 10:00 a.m. for Jorge Ramirez Alcohol License holder of Club Escape.

City Manager Jerry Elkins stated that Jeff Zerby of Bigg Daddys had asked to have his Show Cause hearing rescheduled for a different time. The decision of the Commission was to leave as scheduled.

Discussion for Consideration of Lease agreement renewal with Helen Arts Center. Nancy Ackerman from the Arts and Heritage center was present for the meeting and gave a report on the classes held, repairs to the building that had been done, addition of the Kiln in the old restroom building and continued maintenance of the building. Commissioner Helen Wilkins made the motion to renew the lease agreement with the same terms as last year, 2nd by Commissioner Dona K Burke. Motion approved with a unanimous vote of the Commission.

Discussion for Consideration of changes to Personal Policy. City Manager Jerry Elkins explained to the Commission that if an employee was out on a Workers Comp claim, that employee is currently not allowed to use accrued personal leave time while being paid by Workers Comp, and what is being asked of the Commission to consider is allowing and employee to use accrued personal leave time for payment of insurance premiums while drawing Workers Comp. City Attorney Carl Free explained that it is allowed by current personnel Policy, and an update was needed to be more specific. To better clarify, there would need to be changes to section 15.400 of the City's Personnel Policy and read what he had drafted for the change as follows:

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15.400 The city maintains appropriate workers' Compensation insurance on all employees. Employees do not contribute toward payment of premiums. Employees receiving pay under workers' compensation are entitled to utilize temporary disability leave under Section 4.202 of the Personnel Policy to meet the required matching contributions for insurance benefits for the employee and their immediate family. However, Employees receiving pay under workers' compensation do not receive additional payment through leave, other than that amount of leave necessary to meet those contributions necessary to continue to receive insurance benefits. Commissioner Jeff Ash made a motion to accept as written by City Attorney Carl Free, 2nd by Commissioner Dona K Burke.

Motion approved with a unanimous vote of the Commission.

Discussion for Consideration of: Memorandum of Agreement with White County 911 Emergency system. Motion to approve Memorandum of Agreement as written made by Commissioner Jeff Ash, 2nd by Commissioner Dona K Burke.

Motion approved with a unanimous vote of the Commission.

Discussion for Consideration for the Island Area Development, One Way Street, Sidewalks, and Street Lights. City Manager Jerry Elkins explained that there needs to be decisions made in the near future of which direction the one way street will go, where and how many street lights to install, and if the sidewalks need to be changed to be 5 ft wide, or as shown in the plans to be 4 ft wide with one ft of grass between the curb and sidewalk. The decisions were to have the sidewalks made 5 ft wide, the street to enter at the Munich Strasse side, and the price of the lights and installation to be gotten before deciding on how many, and where to locate them.

Police Department Operations. Police Chief Jim Couch stated the 911 system went into effect on August 1, 2013, but because of the delay with Windstream getting the new phone system installed, David Murphy from White County 911 had contacted Windstream about the possibility of delayed reaction times, and the liability factor of the phone system not being installed as scheduled. Police Chief Jim Couch also reported that the Officers had been inspecting the Horse Carriages, and the owners had been very cooperative in making repairs to any problems reported, also that both 4 wheelers had been used during the busy weekends and were very helpful in getting thru traffic.

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Public Works, Water and Waste Water Operation. Public works Director Ross Hewell discussed with the Commission the pictures, of the trees behind the public restrooms on River Street that would need to be trimmed for the proposed walkway if allowed at Rib Country Restaurant. Commissioner Helen Wilkins wished Ross Hewell success with his upcoming surgery.

Consideration of Sign Variance request by Ron Turner for an illuminated open-sign at Viele Margaritas located at 8537-B South Main Street. City Manager Jerry Elkins informed the Commission of the request, and that at the July 23, 2013 Planning Design and Review Board meeting, it had been recommended to forward to the Commission for approval. Motion to approve the illuminated Open-sign variance by Ron Turner for Viele Margaritas at 8537-B South Main made by Commissioner Dona K Burke, 2nd by Commissioner Jeff Ash.

Motion approved with a unanimous vote of the Commission.

Ordinances:

- A. First reading of Ordinance 13-08-01; An Ordinance of the City of Helen, Georgia, to provide for the Adoption of an Amended Budget, its execution and effect for the fiscal year beginning July 1, 2013 and ending June 30, 2014, Mayor Lynn Whitener read the Ordinance. Motion to approve the first reading of Ordinance 13-08-01 made by Commissioner Judy Holloway, 2nd by Commissioner Jeff Ash. Motion approved with a unanimous vote of the Commission.

Resolutions:

- A. Resolution 13-08-01; A Resolution of the City of Helen, Georgia Authorizing a final Comprehensive adjustment to Fiscal year 2012-2013 Budgetary Appropriations. City Manager Jerry Elkins read the Ordinance. Commissioner Jeff Ash made a motion to approve Resolution 13-08-01, 2nd by Commissioner Dona K Burke. Motion approved with a unanimous vote of the Commission.
- B. Resolution 13-08-02; A Resolution of the City of Helen, Georgia, Authorizing a Comprehensive adjustment to Fiscal year 2013-2014 Budgetary Appropriations. City Manager Jerry Elkins read the Ordinance. Commissioner Dona K Burke made a motion to approve Resolution 13-08-02, 2nd by Commissioner Judy Holloway. Motion approved with a unanimous vote of the Commission.

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Mayor Lynn Whitener stated he thought Ordinance 13-06-02 about animals in the Market Platz area is unclear in its meaning. City Attorney Carl Free explained his interpretation of the Ordinance. It was decided not to make any changes to the Ordinance.

Purchases and Bids:

- A. Consideration for approval of bid for Sediment Removal Project. City Manager Jerry Elkins read the letter from EMI (Engineering Management) about the Bid tabulation for the Wilkins Sediment Removal Project; the City had received bids from Square Deal, Inc and from American Sites, Inc. with Square Deal, Inc. coming in with the lowest bid of \$45,000.50 with recommendation to award the bid to the lowest Bidder Square Deal, Inc. Motion to award the bid to Square Deal, Inc. at \$45,000.50 made by Commissioner Dona K Burke, 2nd by Commissioner Judy Holloway.
Motion approved with a majority vote of the Commission, with Commissioner Helen Wilkins abstaining from the vote.

City Commission Comments:

City Commissioner Dona K Burke asked if anyone knew the status of the Church on River Street because it appears as if someone were living there and that the Church sign had been taken down. No one knew of any changes.

Motion to adjourn at 11:35 a.m. made by Commissioner Dona K Burke, 2nd by Mayor Lynn Whitener.

Motion approved with a unanimous vote of the Commission.

Respectfully Submitted,

Marilyn Chastain / City Clerk