

CITY OF HAWTHORNE

COMMISSIONERS:

Eleanor Randall, Mayor
William Carlton, Vice Mayor
DeLoris Roberts
Harry Carter
Matthew Surrency

CITY MANAGER:

Edward F. Smyth Jr.
CITY CLERK:
LaKesha H. McGruder

INTERIM CITY ATTORNEY:

Audrie Harris

**MINUTES
REGULAR COMMISSION MEETING
DECEMBER 1, 2009**

Due to technical difficulties there is no recording of this meeting

A. CALL TO ORDER

Mayor Randall called the Regular Commission Meeting to order at 6:40PM. Commissioner Roberts gave the Invocation and Commissioner Surrency led the Pledge of Allegiance.

City Commission Present: Commissioner Roberts, Surrency and Carter. Vice Mayor Carlton and Mayor Randall. Staff Present: City Manager Edward Smyth Jr, City Clerk LaKesha McGruder and Interim City Attorney Audrie Harris.

B. APPROVAL OF AGENDA

Moved to approve the agenda.

Motion- Commissioner Surrency

Second- Commissioner Carter

Commissioner Carter	Yes
Vice Mayor Carlton	No
Commissioner Roberts	Yes
Commissioner Surrency	Yes
Mayor Randall	Yes

Vote- 4-1

C. RECOGNITIONS AND GUESTS

None for this meeting

D. COMMITTEE REPORTS/APPOINTMENTS/INFORMATION/PRESENTATION

None for this meeting

E. CITIZEN COMMENTS (ON AGENDA ITEMS)

Larry Tilbury- Don't think citizen comments should be before any of the items being discussed. As citizens we have a right to be heard.

Don Danneoffer- Representing the First United Methodist Church. The Church would like to have a tent revival after the holidays but was told by staff that it's not allowed.

City Manager Smyth- The Church must apply for a variance because tent revivals are prohibited in a residential community. City Manager Smyth advised Mr. Dannenhoffer to contact the City Planner for information about the variance.

F. CONSENT AGENDA

Moved to approve the consent agenda and pull items F1B and F7.

Motion- Commissioner Roberts

Second- Commissioner Surrency

Commissioner Carter	Yes
Vice Mayor Carlton	Yes
Commissioner Roberts	Yes
Commissioner Surrency	Yes
Mayor Randall	Yes

Vote- 5-0

F1B. Commission Meeting November 17, 2009

Vice Mayor Carlton- Citizen Comment section did not any comments written concerning what the citizen said.

Moved to amend item 1B and have the minutes rewritten to include the citizen comments.

Motion- Vice Mayor Carlton

Second- Commissioner Surrency

Commissioner Carter	Yes
Vice Mayor Carlton	Yes
Commissioner Roberts	Yes
Commissioner Surrency	Yes
Mayor Randall	Yes

Vote- 5-0

F7. Resolution

Moved to adopt F7 Resolution

Motion- Vice Mayor Carlton

Second- Commissioner Carter

Discussion:

City Manager Smyth- The contractors said the ground was not leveled and because of this they had to re-dig the area and they charged an additional \$1,500.00 to complete the job.

Vice Mayor Carlton- Didn't the contractor go out and look at the property before the contracted amount was submitted?

City Planner Moosbrugger- They did go out and look at the site but they didn't measure the elevation until after the estimate was submitted.

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Commissioner Surrency- Think the City Manager should look at the contract to see if we can get out of paying this extra money because it's the contractors fault if they under bided themselves and didn't properly measure the site.

The previous motion and 2nd was withdrawn.

Moved to table this item until a later date until staff can review the contract.

Motion- Vice Mayor Carlton

Second- Commissioner Carter

Commissioner Carter	Yes
Vice Mayor Carlton	Yes
Commissioner Roberts	Yes
Commissioner Surrency	Yes
Mayor Randall	Yes

Vote- 5-0

G. PUBLIC HEARINGS

Interim City Attorney informed the City Commission and Citizens of the Quasi-Judicial nature of the hearing.

1. SECOND READINGS

A. Ordinance 2009-25 (2nd Reading)

City Clerk McGruder read Ordinance 2009-25 by title only.

Moved to adopt Ordinance 2009-25 on 2nd reading by title only.

Motion- Commissioner Surrency

Second- Vice Mayor Carlton

Discussion:

Heather Surrency- will people still be able to park their personal RV's on their property?

Commissioner Surrency- Yes

Commissioner Carter	Yes
Vice Mayor Carlton	Yes
Commissioner Roberts	Yes
Commissioner Surrency	Yes
Mayor Randall	Yes

Vote- 5-0

B. Ordinance 2009-27 (2nd Reading)

City Clerk McGruder read Ordinance 2009-27 by title only.

Moved to adopt Ordinance 2009-27 on 2nd reading by title only.

Motion- Commissioner Surrency

Second- Commissioner Carter

Commissioner Carter	Yes
Vice Mayor Carlton	Yes
Commissioner Roberts	Yes
Commissioner Surrency	Yes
Mayor Randall	Yes

Vote- 5-0

2. FIRST READINGS

A. Ordinance 2009-20 (1st Reading)

City Clerk McGruder read Ordinance 2009-20 by title only.

Moved to adopt Ordinance 2009-20 on 1st reading by title only.

Motion- Commissioner Surrency Second- Commissioner Carter

Discussion:

Commissioner Roberts- What is Item Q on page 11 regarding deposits for election signs?

City Manager Smyth- It's a clean up deposit if city staff has to go out and remove the signs off city right-a-way.

Moved to lower the deposit from \$150.00 to \$50.00 for election signs.

Motion- Commissioner Carter Second- Commissioner Roberts

Commissioner Carter	Yes
Vice Mayor Carlton	No
Commissioner Roberts	Yes
Commissioner Surrency	Yes
Mayor Randall	Yes

Vote- 4-1

B. Ordinance 2009-23 (1st Reading)

City Clerk McGruder read Ordinance 2009-23 by title only.

Moved to adopt Ordinance 2009-23 on 1st reading by title only.

Motion- Commissioner Carter Second- Commissioner Surrency

Discussion:

Commissioner Carter- Pg 2, Section 14.9.1 does not state who the administrator is and it should be spelled out.

City Manager Smyth- Its whom ever the City Commission appoints to this position.

Vice Mayor Carlton- Has anyone tried to do this without a permit?

City Planner Moosbrugger- A vendor tried to have outside sales in the Hitchcocks parking lot and it was not allowed. Staff will grant all permits for profit and non-profit organizations for outside sales.

The previous motion and 2nd was withdrawn.

Moved to table Ordinance 2009-23 until a later date.

Motion- Commissioner Carter Second- Vice Mayor Carlton

Commissioner Carter	Yes
Vice Mayor Carlton	Yes

Commissioner Roberts	Yes
Commissioner Surrency	Yes
Mayor Randall	Yes

Vote- 5-0

Commissioner Roberts left the meeting due to a sudden illness.

C. Ordinance 2009-26 (1st Reading)

City Clerk McGruder read Ordinance 2009-26 by title only.

Moved to adopt Ordinance 2009-26 on 1st reading by title only.

Motion- Commissioner Surrency Commissioner Carter

Discussion:

Vice Mayor Carlton- What areas are being discussed in the Ordinance?

City Planner Moosbrugger- This is only for Commercial General (CG) zoned areas. CG prohibits off site signs so it had to be modified.

Commissioner Carter- Asked the City Planner to explain the term “similar uses”.

City Planner Moosbrugger- It is there to include anything that was left out that serves the same purpose.

City Commission and Staff continued to discuss the item.

Commissioner Carter	Yes
Vice Mayor Carlton	Yes
Commissioner Roberts	
Commissioner Surrency	Yes
Mayor Randall	Yes

Vote- 4-0

D. Ordinance 2009-28 (1st Reading)

City Clerk McGruder read Ordinance 2009-28 by title only

Moved to adopt Ordinance 2009-28 on 1st reading by title only.

Motion- Commissioner Carter Second- Vice Mayor Carlton

Discussion: None

Commissioner Carter	Yes
Vice Mayor Carlton	Yes
Commissioner Roberts	
Commissioner Surrency	Yes
Mayor Randall	Yes

Mayor Randall closed the Public Hearing

H. CITIZEN COMMENTS (NON AGENDA ITEMS)

None

I. REPORTS/ANNOUNCEMENTS/PROCLAMATIONS

1. City Manager Smyth- Suggested postponing the December 15, 2009 meeting and carry over the agenda items to January 5, 2010. The City Commission agreed to have the regular meeting on December 15, 2009.

2. Interim City Attorney Harris- There is a need for City Commission by laws and procedures on how the meeting should be ran to bring consistency. Interim City Attorney Harris asked for permission to do a draft of procedures for running a meeting. Vice Mayor Carlton said if we abide by Roberts Rules of Order we should be fine. Mayor Randall stated she asked the Interim City Attorney if there were guidelines to govern city meetings because she's made several mistakes in the past and thinks it's something the City Commission needs. Commissioner Surrency agreed it's a good idea and suggest having a workshop to discuss the guidelines. Commissioner Carter also agreed it was worth looking into.

3. City Commissioners

A. Commissioner Surrency- HHS football team won the Regional Championship game a it was broadcast live on the internet. There is a game this Friday at 7:30PM and if they win they will go represent Hawthorne at the State Championship. December 14 at 6:30PM he would like to have a Youth Council Meeting at City Hall.

B. Vice Mayor Carlton- Asked City Manager Smyth to put on his agenda for the next year to not have the staff Thanksgiving dinner on Thanksgiving Eve because people travel that day. The food was delicious.

C. Commissioner Carter- On November 14, 2009 he attended a litigation meeting with Mrs. Jones and the another meeting is scheduled for December 14, 2009. He has aligned himself with Relay for Life American Cancer Society and asked the City to co-sponsor the event. He will bring the dates back to the City Commission.

4. Mayor

Mayor Randall- Thanked everyone for attending the meeting and encouraged them to keep coming.

J. ADJOURN

Moved to adjourn the December 1, 2009 Regular Commission Meeting at 8:15PM.

Motion- Commissioner Carter Second- Commissioner Surrency

Commissioner Carter	Yes
Vice Mayor Carlton	Yes
Commissioner Roberts	
Commissioner Surrency	Yes
Mayor Randall	Yes

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Vote- 4-0

These Minutes are submitted for approval.

LaKesha H. McGruder, City Clerk

Eleanor Randall, Mayor