

EXECUTIVE SESSION: Eric Thomas made a motion to go into executive session to discuss personnel issues. Seth Weaver seconded, and all Council members present voted in favor. Motion passed. The Mayor and Council went into executive session at 6:50pm. They returned from executive session at 7:08pm.

The Clermont Town Council met on March 3, 2015. The Mayor called the meeting to order at 7:10pm.

Seth Weaver gave the invocation and Mayor Nix led the Pledge of Allegiance. Present: Mayor, James Nix, Council members, Kristi Crumpton, John Brady, Lynn Adams, Seth Weaver, and Eric Thomas. Deputy Clerk, Amy Lomax and Town Clerk, Sandra Helton.

PUBLIC HEARING: CHRIS NONNEMAKER-DEANNEXATION: Mayor Nix opened the public hearing by explaining that we would hear from both sides regarding the recent request from Chris Nonnemaker to de-annex his property located at 6483 Cleveland Highway. This is a 5.67 acre tract and is known as Papa's Pizza. Mayor Nix said those wishing to speak would have ample time but please remain mindful of others and limit your time. He asked Chris Nonnemaker to speak first and state his request.

Owner of Papa's Pizza, Chris Nonnemaker approached the Mayor and Council and gave them copies of maps of showing where the 5.67 acre tract is located as well as a view of the property showing the proximity from Papa's Pizza to the Town Hall. He stated because of where his property is located, most residents do not pass his business nor do they have a lot of local traffic passing by. He said he has a potential offer on the property contingent upon it being de-annexed from the town limits and annexed back into Hall County. He said the restaurant is a family place and has sponsored and contributed many things to the town over the past 11 years. He said he has enjoyed the community but sometimes the rules get in the way.

He said this is a property rights issue for him, for his family, including his children and grandchildren and said he doesn't think anyone would argue with the fact that he should have certain rights to do legal activities within his property which includes paying \$5,000.00 each year in property tax. He said if anyone here is opposed to property rights issues he is sorry. He also said he was like most people in the fact that he does not want big government telling him what he can and cannot do. He said there was no added benefit of being in the town, for example the Hall County Fire Department and Hall County Sheriff's Department are the ones protecting him and therefore he receives

nothing from Clermont. He said wants to move forward by selling the property so he can retire and enjoy his twin grandsons.

Council member John Brady pointed out that a benefit to being in the Town limits is the business license are much less than Hall County and we are a face you can talk to. He said he appreciated him being a good neighbor.

Seth Weaver asked Chris Nonnemaker what was his intent when he had his property annexed in to the Town of Clermont in 2003. He replied he wanted to be part of the city and be a good neighbor. He said things have changed since 2007 with the downfall of the economy as well as the elections that effected everyone. He said right across the street from his property line which is in Hall County, the owners have a total different level of opportunity which decreases his property values tremendously. He said you could get an Outback Steakhouse across the street but in the Town of Clermont you cannot. He said there were more opportunities by being out of the town limits.

Council member Seth Weaver said it not's just about the alcohol issue and what you can and cannot do regarding the regulations of Clermont, but Clermont does not have the infrastructure for a Longhorn Steak house.

Chris Nonnemaker said there is infrastructure because he built a restaurant and had to jump through hoops with the health department. He said today there were new systems with sewer plans which use a fraction of the property.

He also mentioned the Town's sign ordinance. He said he went to Las Vegas and purchased a new full color LED digital sign board and was planning on using it to advertise events for the community like Clermont Days, etc. He said when he returned from Vegas and put up the new sign, he received a call from the Town clerk asking to remove the sign because of a recent sign moratorium. He said he didn't understand the reasons behind it. He said someone directly across the street could put that same sign on their property and have no issues.

He said it was 100% about property rights and we stand before the flag and we fight for property rights. He said this country has fought for property rights and that is why he is doing this. He said he doesn't want a long legal battle but said he would do whatever he needs to do.

Mayor Nix asked if anyone else wanted to speak in favor of the de-annexation. With their being none, he then asked if anyone wanted to speak in opposition.

Joe McGoogan, resident of Clermont, came to the stand and said he doesn't quite understand the issue on property rights. He said there are rules and regulations everywhere in the country for what you can and cannot do. He gave an example saying the residents inside the town are under the fire and police services and must abide by their rules. He said he was not allowed to shoot his gun in his back yard and doesn't like it, but it was something the Town Council passed. He said his biggest concern was about a recent issue that came about 4 months ago regarding the sale of alcohol in the town limits and said the Mayor and Council does not need to make an exception for one person.

Chris Nonnemaker asked if he could respond to Mr. McGoogan's comments. He said he appreciated his opinion and said there are state laws set up for annexation and de-annexation. He said you cannot de-annex if you create an island but if your property is on the outskirts and does not create an island then you may do so. He stated his property was on the outskirts of the town limits. He said the property owners who are 120 feet away from his property are able to do things he can't do and this makes his property of less value.

Warren Weaver, resident of Clermont, said he has lived in Clermont for 45 years. He thanked the Mayor and Council for what they do and for making tough decisions. He also thanked them for the recent decision about alcohol sales in the town limits of Clermont. He said Clermont was where he raised his family and the town has a lot of good folks in it as well as some who have passed away. He said Clermont is a rural town and possibly everyone is not for the next big business and the reason they come here is for the fact that Clermont is a bedroom community. He said he hoped each one would consider if they were doing the right thing for Clermont and that progress is not always progress. He questioned the Mayor and Council if the Town would lose revenue by allowing Chris Nonnemaker to de-annex.

In response to statements about police and fire protection, Mayor Nix said the Town of Clermont has Intergovernmental agreements with Hall County regarding the fire and police services. The town provides the land and the building in which they operate and by doing this we are providing these services to the residents of Clermont. Deputies respond to calls in the town, just as they do to those in the county.

Danny Head said although he has a Clermont address he does not live in the town limits but hopes to one day. He said Chris Nonnemaker has been a good neighbor and runs a nice family oriented business with great pizza. He said Clermont is a great place to live with nice people, a beautiful community. He said people move here to enjoy the beautiful surroundings and feel safe along with the home town feeling. He said if we wanted a sports bar with

alcohol sold on every corner, we would move to an area as such. He said there are plenty of places like that and every business in Clermont on Cleveland Highway knew when they opened, that alcohol could not be served or sold in Clermont. He said we recently addressed this issue back in July of 2014. When other businesses wanted to sale beer, wine and alcohol, we voted to let the ordinance stand. He said the owner, Chris Nonnemaker purchased the Hall County property, and later requested to be annexed into Clermont. Although, Mr. Head said he didn't know the reason why Mr. Nonnemaker wanted to be in Clermont he knew alcohol sales was prohibited in Clermont. He mentioned that previously in July, the Mayor and Council was approached by the Shell Station and El Rey Mexican Restaurant to consider the sale of alcohol in Clermont, because they said they would go out of business, but yet they are still in business. He said when the fields and pastures are filled with businesses, the country life will be gone. He thanked the Mayor and Council for allowing him to speak his thoughts on this matter.

Louie Gailey, resident of Clermont said he has lived in Clermont since 1946. He said as long as he can remember there has never been a place here to buy beer and wine. He said Mr. Nonnemaker knew when he bought the property there was a reason he wanted in the city and now he wants out to make a profit. He said he does not agree with the de-annexation and the Mayor and Council should make no exceptions. He said he wants the Council to look at this situation very closely before they decide. He said he doesn't have an objection to beer and wine as long as they don't buy it in this town.

Calvin Stewart, came to the stand and said he is worried about establishing a precedence about future de-annexations that could arise. He said he hoped it would be given much thought before a vote is made. He spoke of his love of Clermont and apologized for possibly contributing to any ill will or negativity by his comments in the July 2014 Council meeting. He said he appreciated everyone's efforts to make Clermont what it is.

Warren Weaver asked if this was put before the Planning and Zoning Board and if so what they recommended. Mayor Nix told him the planning and zoning board met and heard this request and it was voted to recommend the denial of the de-annexation.

Chris Nonnemaker asked the Mayor and Council if they have consulted legal counsel concerning this matter. Mayor Nix said he contacted the Town's attorney and was told the Council could accept or deny the de-annexation. Mayor Nix explained the only time we de-annexed property in Clermont was to correct a previous mistake.

FIRST READING OF ORDINANCE: 82-2015-03-01: AN ORDINANCE DE-ANNEXING PROPERTY BELONGING TO CHRIS NONNEMAKERSITUATED ALONG 6483 CLEVELAND HIGHWAY.

The Mayor read this ordinance and opened the floor for the council to consider this request.

Kristi Crumpton asked if the matter could be tabled so the Mayor and Council could have an opportunity to discuss the request more in detail. She said there were some very good points made by everyone tonight. She said the recent work session was canceled due to inclement weather. Mayor Nix told her she could make the motion.

MOTION TO TABLE ORDINANCE 82-2015-03-01: Kristi Crumpton made a motion to table Ordinance 82-2015-03-01 until a scheduled work session to look at the implications of this issue for everyone including the community and the affects now and 10 years from now. Lynn Adams seconded. Kristi Crumpton and Lynn Adams voted in favor. Seth Weaver, Eric Thomas, and John Brady voted against the motion. Motion failed.

Council member Seth Weaver said after looking over the issue and hearing the comments from those who opposed the de-annexation that everyone knew where he stood on the issue. He said the issue was about alcohol and then again, it's wasn't about alcohol, and he questioned is it about land rights or not about land rights. He asked if we were going to be bombarded with the issue every time someone cannot be satisfied. He said the council was elected to govern and uphold the ordinances just like the law and his vote was going to be to deny Mr. Nonnemaker request on de-annexing out of the Clermont district, considering this could mean future tax loss

Council member Eric Thomas said there is a current house bill (HB170) on the floor regarding excise tax and the Town may lose money and could be closer to an implemented tax. He said he was in agreement with Seth Weaver to oppose the de-annexation.

Council member John Brady asked if there were legal reason why the de-annexation could not be allowed.

Mayor Nix said Attorney David Syfan said we have the right to decide either way regarding the de-annexation.

Mayor Nix said he was worried about the precedence it would set if we allow this de-annexation. He said this could be the start of other business's wanting to de-annex.

Council member Seth Weaver said it could keep going down the line and the next thing you know we may as well as de-annex it back and let the county run the whole thing.

Chris Nonnemaker said you have to remember that's about the only commercial stretch which is about two miles at the most and even though it borders the city it is still unincorporated and it's not part of the city.

Council member Kristi Crumpton said it's not about beer and wine but about losing businesses and about setting a precedence. If we lose our businesses then we would be just a set of neighborhoods and not a town. We would also be losing some future taxes. She said she spoke with the legal counsel member of GMA and he told her the broad underlying reason you would deny an annexation would be because it would cause direct harm to the community and she said that is what has caused her to question this judgment. She said just because she did research for the decision making on whether or not revenue would be generated in regards to a request made earlier in July to allow alcohol did not necessarily mean that she wanted or did not want the sale of beer and wine. The reason she did research was so the Mayor and Council would have all the information. She said it comes down to what the people want. She called for the table because she was unsure of the legal precedence it would set and if the selling of beer and wine would cause harm to the community any more than the Citgo Station located right outside the Town limits. She said she didn't know if it was our legal right to deny Mr. Nonnemaker the ability to make a living and if what the Town sets forth causes him not to be able to make money and sustain himself. She said if he was going to open a business that causes physical harm to all of us it would be a black and white issue, but said we have this already on both sides. She said she would like to talk about this in a work session. She said this was not a cut and dry issue and she said she wished he would have never had said what he planned to with his business so the Town Council could focus on how this would impact out town financially and in the future about setting a precedence.

Chris Nonnemaker asked if a vote was going to be taken at tonight's meeting. Mayor Nix explained there would be a vote taken on the first reading and the second reading would be voted upon in the April council meeting.

Council member Lynn Adams said she has wrestled with this since the vote taken at the Council meeting in July regarding the sale of alcohol in Clermont. She said she has heard tonight a lot of comment made regarding the precedence that would be set. She said she thinks we have already set a precedence in July when the town said we were going to stick with this decision about not selling alcohol in the town limits of Clermont. She said she has heard many comments from the people they like a bedroom community and that's what the people are choosing. A bedroom community does not include businesses. As the different businesses begin to have difficulties or want to make changes and they can't and therefore request to de-annex or they close, they are not helping us if they are

closed. That's the precedence that has been set. It appears the citizens in this town are more interested in keeping it a quiet town and the businesses are not what's important to them. She said she is not surprised that Mr. Nonnemaker wants to de-annex. She said she doesn't believe that it is her right to tell him what he can do with his property. She said it may set a new precedence but we have to live with what we decided in July and this is fallout from that decision. She said she feels very strongly and has tried very hard to listen to what everybody had to say but feels it's not her business to tell him he can't leave.

MOTION TO DENY DE-ANNEXATION FOR CHRIS NONNEMAKER: Seth Weaver made a motion to deny Ordinance 82-2015-03-01 the de-annexation for Chris Nonnemaker. Eric Thomas seconded. Seth Weaver and Eric Thomas voted in favor. John Brady, Kristi Crumpton, and Lynn Adams voted against. Motion passed to accept the first reading.

MINUTES: Seth Weaver made a motion to approve the February 2015 Minutes. John Brady seconded, and all Council members present voted in favor. Motion passed.

MINUTES: SPECIAL CALLED MEETING: Seth Weaver made a motion to approve the minutes from the January 20th special called meeting. Kristi Crumpton seconded, and all Council members present voted in favor. Motion passed.

FINANCIAL STATEMENT: Seth Weaver made a motion to approve the January 2015 Financial Statement. Kristi Crumpton seconded, and all Council members present voted in favor. Motion passed.

REPORT: ORDINANCE 97-01 PLANNING AND ZONING: The Council reviewed the report.

KRISTI CRUMPTON: She said she wanted to update everyone regarding the letter presented at the last meeting from Officer Calvin Stewart regarding the clean-up on our roadways. The Mayor and Council thought it was a good idea. So the Town will start a Clean in Clermont campaign and place some trash bag receptacles along the sidewalks and parks so that everyone may participate with clean up.

She said she spoke with Lieutenant Brad Rounds about helping to get some community service workers to help with trash pickup and ice storm clean up.

SETH WEAVER: Seth Weaver thanked Maintenance workers, Tommy Roger and Jason Greenway for the Town's clean up during the ice storm

JOHN BRADY: John Brady said he was still working on the Town's sign located at the corner property of the Shell Station and has three different companies looking at quoting this project.

LYNN ADAMS: Lynn Adams said she would like to get with someone who would help with the ball field rentals so she could pass that on to another council member.

MAYOR NIX: Mayor Nix said the new town charter has passed in the House and is now on the floor of the senate.

Mayor Nix asked everyone to support SPLOST VII. Voting is in two weeks.

He said he attended a meeting on the Hazardous Mitigation plan update presented by Hall County. The plan is updated every five years and asked the council member to read through the current plan and give their input and ideas to be implemented in the updated plan.

Council member John Brady said he didn't mind looking over the ball field rentals since Lynn Adams wanted to turn it over to another council member.

Council member Seth Weaver made a suggestion. Being there is different teams requesting the use of the ball field and the responsibility being on one team, could we provide Maintenance workers, Tommy and Jason with the equipment they need to prep the field and set the bases and then the teams would contact the town hall when requesting the field. Then no one person has control over the field.

John Brady said we should have one person in charge and questioned if this would be the clerks responsibility.

Seth Weaver said to take the next two weeks and think about this issue so we could get it settled.

Mayor Nix said we would discuss this matter in the next work session.

WORK SESSION: The council agreed to have a work session on March 17th.

ADJOURN: Seth Weaver made a motion to adjourn at 8:15pm. John Brady seconded, and all Council members present voted in favor. Motion passed.

Sandra Helton, Town Clerk
