ACTS OF COUNCIL
JANUARY 9, 2012

The Mayor and Council of the Town of Pine Mountain sat in a regular session on the evening of Monday, January 9, 2012 at seven o'clock in the Town Hall.

Mayor Joe D. Teel, Jr. presided with Councilpersons Warren S. Aldrich, Tamara M. Pierce, James W. Trott and Robert L. Frey, Jr. in attendance. Jerry M. Teasley was not in attendance.

OATH OF OFFICE
Mr. Warren S. Aldrich swore to the oath of office.

ACTS OF COUNCIL
Mr. Trott made a motion that the Acts of Council for the December meeting(s) be approved as written.
Mr. Frey seconded the motion.
Ms. Pierce voted in favor of the motion.
Mr. Aldrich did not cast a vote because he was not a member of Council in December.

FINANCIAL REPORTS
Mayor Teel presented the financial report for December.

PINE MOUNTAIN TOURISM-Hank Arnold
Ms. Arnold presented the Monthly Tracking Report for Tourism.

RE-ORGANIZATION-Mayor Teel

Mayor Pro-Tem

Mr. Trott made a motion that Ms. Pierce remain Mayor Pro-Tem for 2012.
Mr. Frey seconded the motion.
Ms. Pierce and Mr. Aldrich voted in favor of the motion.

Legal Organ

Mr. Frey made a motion that the Harris County Journal serve as legal organ for 2012.
Mr. Aldrich seconded the motion.
Ms. Pierce and Mr. Trott voted in favor of the motion.

Depositories

Mr. Trott made a motion that First Peoples Bank remain as depository for the Enterprise Fund and General Fund. Wells Fargo remain as depository for the Hotel/Motel Tax account.

Mr. Frey seconded the motion.
Ms. Pierce and Mr. Aldrich voted in favor of the motion.

RESOLUTION TO PERMIT AND REGULATE SALES OF DISTILLED SPIRITS OR ALCOHOLIC BEVERAGES FOR BEVERAGE PURPOSES BY THE DRINK ON SUNDAYS BETWEEN 12:30 P.M. AND 12:00 MIDNIGHT IN ANY LICENSED ESTABLISHMENT WHICH DERIVES AT LEAST 50 PERCENT OF ITS TOTAL ANNUAL GROSS SALES FROM THE SALE OF PREPARED MEALS OR FOOD IN ALL THE COMBINED RETAIL OUTLETS OF INDIVIDUAL ESTABLISHMENT WHERE FOOD IS SERVED AND IN ANY LICENSED ESTABLISHMENT WHICH DERIVES AT LEAST 50 PERCENT OF ITS ANNUAL GROSS INCOME FROM THE RENTAL OF ROOMS FOR OVERNIGHT LODGING AND TO PERMIT AND REGULATE PACKAGE SALES BY DULY LICENSED RETAILERS OF MALT BEVERAGES, WINE AND DISTILLED SPIRITS ON SUNDAYS BETWEEN THE HOURS OF 12:30 P.M. AND 11:30 P.M. UPON APPROVAL BY THE MAJORITY OF THE VOTERS OF THE TOWN OF PINE MOUNTAIN, GEORGIA AND TO REQUEST THAT THE ELECTION SUPERINTENDENT ISSUE A CALL FOR AN ELECTION FOR THE PURPOSE OF SUBMITTING THE QUESTIONS OF SUCH SUNDAY SALES TO THE ELECTORS OF THE TOWN OF PINE MOUNTAIN FOR APPROVAL OR REJECTION-Mayor Teel
Mr. Frey made a motion to approve the resolution as written.
Ms. Pierce seconded the motion.
Mr. Trott and Mr. Aldrich voted in favor of the motion.

RESOLUTION TO PERMIT AND REGULATE PACKAGE SALES DULY LICENSED RETAILERS OF BOTH MALT BEVERAGES AND WINE ON SUNDAYS BETWEEN THE HOURS OF 12:30 P.M. AND 11:30 P.M. UPON APPROVAL BY THE MAJORITY OF THE VOTERS OF THE TOWN OF PINE MOUNTAIN, GEORGIA AND TO REQUEST THAT THE ELECTION SUPERINTENDENT ISSUE A CALL FOR AN ELECTION FOR THE PURPOSE OF DULY LICENSED RETAILERS OF BOTH MALT BEVERAGES AND WINE TO ELECTORS OF THE TOWN OF PINE MOUNTAIN FOR APPROVAL OR REJECTION-Mayor Teel
Ms. Pierce made a motion to approve the resolution as written.
Mr. Frey seconded the motion.
Mr. Trott and Mr. Aldrich voted in favor of the motion.

GEORGIA MUNICIPAL EMPLOYEES BENEFIT SYSTEM-ORDINANCE TO RESTATE THE RETIREMENT PLAN FOR THE EMPLOYEES OF THE TOWN OF PINE MOUNTAIN, GEORGIA IN ACCORDANCE WITH AND SUBJECT

TO THE TERMS AND CONDITIONS SET FORTH IN THE ATTACHED ADOPTION AGREEMENT, ANY ADDENDUM TO THE ADOPTION AGREEMENT, THE GEORGIA MUNICIPAL EMPLOYEES BENEFIT SYSTEM MASTER PLAN DOCUMENT, AND GMEBS TRUST AGREEMENT. WHEN ACCEPTED BY THE AUTHORIZED OFFICERS OF THE TOWN AND GMEBS, THE FOREGOING SHALL CONSTITUTE A CONTRACT BETWEEN THE TOWN AND GMEBS-1st Reading-Mayor Teel
Mayor Teel presented the 1st reading of the Georgia Municipal Employees Benefit System Ordinance to restate the Retirement Plan for the Employees of the Town of Pine Mountain.

REZONING SCHEDULE-Mayor Teel
Mr. Trott made a motion to approve the rezoning schedule.
Mr. Frey seconded the motion.
Ms. Pierce and Mr. Aldrich voted in favor of the motion.

FOLLOW UP ON SUGGESTIONS-RE: UNTAXED PROPERTY-Joe Manning
Mr. Manning came before the Mayor and Council October 10, 2011 with concerns regarding the Callaway Villas and Cottages not being taxed. Mr. Manning stated that he had not heard back from the Council on this issue. Mayor Teel advised Mr. Manning that Ron Mullins, the Town Attorney, was looking into the issue.
Mr. Manning stated that according to Mr. Danny Bridges, Harris County Manager, the county received property tax funds from the Lodge & Spa located at Callaway Gardens. Mayor Teel advised Mr. Manning that they could not be taxed because it was under the Development Authority.
Mr. Manning advised the Mayor and Council that 45 villas have been sold since the agreement which would generate over $100,000.00 in taxes and 130 cottages have been sold since the agreement which would generate over $180,000.00 worth of taxes.
Mayor Teel said he felt that the fair thing to do would be to charge any new owners from this date forward. He stated that he did not feel it would be fair to the ones that had never been charged taxes, and were probably told they did not have to. The agreement was put in place years before the current Mayor and Council were in office.

REQUEST PERMISSION FOR A SIDEWALK SALE-Dog Gone Good Bargains-Lorraine Berry
Ms. Berry requested permission to have a sidewalk sale on January 14, 2012 from 8:00 A.M. until 4:00 P.M. in front of Dog Gone Good Bargains business.
Mr. Trott made a motion to grant the request.
Mr. Frey seconded the motion.
Mr. Aldrich and Ms. Pierce voted in favor of the motion.

BON-VIVANT CAFE (BEER & WINE LICENSE)(NEIL LIECHTY)-1st Reading
Mayor Teel presented the first reading for a beer and wine license application for Bon-Vivant Cafe in the name of Neil Liechty.

DISTRIBUTION OF SALES TAX-Pine Mountain Merchants Association-Bruce Thompson
Mr. Thompson had several concerns for the Mayor and Council.
1. What is the total sales tax revenue generated by commercial enterprises in Pine Mountain? He stated that the Merchants Association has been told repeatedly that neither the Town nor the County have any means by which they can track the amount of sales tax generated by Pine Mountain businesses. He said that the Merchants has surveyed the membership and determined that they have generated well over a million dollars in sales which translate to $70,000.00 in sales taxes during 2011. We feel that the Town can similarly determine, by an informal survey of all licensed businesses, the total amount of sales tax generated within the Town limits.
2. What is the formula for distributing sales tax revenue back to Pine Mountain? The Merchants are concerned that, since the Town Council has no information on the amount of revenue generated by sales tax in Pine Mountain there is no means of assuring that the Town receives it's "fair share". They feel that it is in the best interest of all the stakeholders of Pine Mountain that the issue of sales tax revenues be thoroughly examined.
Mayor Teel explained to Mr. Thompson that the Georgia Department of Revenue distributes the monies.

ENFORCEMENT OF SIGN ORDINANCE-Pine Mountain Merchants Association-Bruce Thompson
3. How can we assure that zoning and sign ordinances enacted by the Council are enforced? The sign ordinance which, we understand is technically administered by the County, seems to have been completely ignored. While the Town had no Christmas decorations, it did have a plethora of tacky temporary signs everything from fresh vegetables to easy loans to movie rentals. He stated we need to clarify the ordinance and put in place a mechanism for enforcement. The Merchants are concerned that the Town leaders are not sufficiently engaged in keeping Pine Mountain a charming and vibrant tourist destination.
No action was taken on this matter.

CHRISTMAS DECORATION-Pine Mountain Merchants Association-Bruce Thompson
4. As you know the absence of Christmas decorations in the downtown area of Pine Mountain was an issue of major concern to the citizens of town and the Pine Mountain Merchants Association. When it became apparent that the Town was not planning to

refurbish the traditional Christmas lamppost decorations, the Merchants attempted to install festival banners on the lampposts. However, we were advised that the banners were not acceptable. It was never clear if the banners were "too long" or "too heavy" but as a result we could not install them. This left our downtown embarrassingly devoid of Christmas cheer, particularly embarrassing during Fantasy in Lights. Our letter addressed to the Mayor and each Councilperson offering to work with the Town on this issue went unanswered. We were deeply disappointed that the Town was unable to fund decorations appropriate to our status as "Gateway to Callaway Gardens". And more disturbing is that the Town officials seemed to be indifferent to the issue.
No action was taken on this matter.

CLARIFICATION OF POLICY REGARDING NON-CITIZEN RIGHTS TO SPEAK AT MEETING-Pine Mountain Merchants Association-Bruce Thompson
5. Because we are not, for the most part, technically citizens of Pine Mountain, and have no say in the election of the Mayor and Town Council, it is not clear what our role is in helping ensure the future prosperity of Pine Mountain.
a. What, if any, standing do merchants have to raise issues before the Town Council i.e. are merchants considered stakeholders?
b. Do merchants who own property, pay property taxes, and pay inventory tax to the Town but don't reside here, have standing to raise issues?
c. Given those non-resident merchants, whether property owners or renters have made substantial investment in the Town generating significant sales tax dollars what, if any, standing do they have?
No action was taken on this matter.

Thereafter, the meeting was adjourned.

Betsy Sivell
Betsy Sivell
Town Clerk

____________________, Warren S. Aldrich

____________________, Tamara M. Pierce

____________________, James W. Trott

____________________, Robert L. Frey, Jr.

________not in attendance______, Jerry M. Teasley