

Mayor and Council

700 Doug Davis Drive  
Hapeville, GA 30354

November 15, 2016  
6:00 PM

1. Call To Order

2. Roll Call

Mayor Alan Hallman  
Alderman at Large Ruth Barr  
Councilman at Large Michael Randman  
Councilman Ward I Joshua Powell  
Councilman Ward II Diane Dimmick

3. Welcome

4. Presentations

4.I. American Cancer Society Presentation - Police Department

**Background:**

In October, the Hapeville Police Department honored Breast Cancer Awareness Month. As a department, we collected donations from department members, citizens and local business interested in bringing awareness to breast cancer research and to help find a cure. Some of the donations went toward the purchase of pink badges and ribbons that our officers wore throughout the month of October and the remaining cash is intended to go directly to the American Cancer Society. On October 8th, the Hapeville Police Department played a scrimmage football game with the semi-pro football team, Atlanta Storm to continue bringing awareness. After the purchase of the badges, the department has \$1,231.15 that we would like to present to the American Cancer Society.

4.II. Quarterly Report Presentation

**Background:**

Please see the attached information reporting on the first quarter of the new FY.

The General Fund has a deficit of \$1.88 million as of the end of the quarter. Last year at September 30, 2015 the deficit was ~\$440,000. The difference approximates ~\$1.4 million.

There are several reasons for this shift:

1. The tax billings went out earlier on last year's schedule and revenues were ~\$800,000 higher due to collections.
2. The debt service schedule changed and more payments were made earlier this year by ~\$400,000.
3. Last year the Water & Sewer Transfer had been made. This year's transfer of about \$230,000 has not yet been made. The year-end and quarter-end closings are running slower than last year because of multiple illnesses and special projects.

The net effect is almost break-even for the two quarters. The budgetary performance appears to be "on-line" with budget projections.

The most significant impact is on cash flow. At quarter end General Fund has a

\$1.2 million deficit in cash. Total pooled cash is ~\$1.9 million with Water and Sewer's equity at \$2.3 million and HATT's equity at \$950,000. Charts provided for reference.

Documents:

[QUARTERLY REPORT FY 2016-2017.PDF](#)  
[COPY OF SEPOCT CASH.PDF](#)

#### 4.III. T Splost Presentation

**Background:**

It appears (that as of the writing of this agenda material) that the T-SPLOST initiative passed 52% to 47%. Now staff will begin the work of preparing to make specific plans for implementation consistent with the approved intergovernmental agreement. The City Engineering firm (Keck & Wood) would like to have the first of several discussions regarding our T-SPLOST project list. In addition, the intergovernmental agreement with Fulton County requires that the City appoint a citizen to the oversight committee that will monitor the overall implementation of T-SPLOST initiative over the next five years.

For additional information, please contact the City Manager's Office.

#### 5. Public Hearing

##### 5.I. Consideration And Action On A Conditional Use Permit For The Construction Of A 62' X160' Gravel Parking Area For A Commercial Parking Area At 1155 Virginia Avenue.

**Background:**

The City Planning Commission considered this issue and recommended denial by Council of the Conditional Use Permit. Staff supported their findings and recommendation. However, on November 1, 2016, Council directed that staff try negotiating a resolution and extended the Public Hearing to a date certain of November 15, 2016. Staff has since met with the developer and attempted a potential resolution. After thorough consideration, the applicant informed the staff the cost to bring the lot into compliance was too costly.

Consequently, staff recommends Council follow the recommendation of the Planning Commission and deny the Conditional Use Permit.

For additional information, please contact the City Manager's Office.

Staff Comment  
Public Comment  
Mayor and Council Comment

Documents:

[PUBLIC HEARING ITEM - 1155 VIRGINIA AVENUE\\_REDACTED.PDF](#)

#### 6. Public Comments On Agenda Items

The public is encouraged to communicate their questions, concerns, and suggestions during Public Comments. The Council does listen to your concerns and will have Staff follow-up on any questions you raise. Any and all comments should be addressed to the Governing Body, not to the general public and delivered in a civil manner in keeping with common courtesy and decorum.

## 7. Consent Agenda

### 7.I. Consideration And Action On Letter Of Engagement With J.K. Boatwright & Co. P.C. For Auditing Services FY 2015 - 2016.

#### **Background**

Each year, the City is required by law to have an annual audit for each fiscal year.

The City has a continuing agreement with Boatwright to provide for such services as necessary. The proposed fee of \$55,000 includes costs for all the appropriate tests/procedures needed to comply with State and Federal laws. This item has been planned for and is a budgeted item.

Documents:

[LETTER ENGAGEMENT JK BOATWRIGHT.PDF](#)

### 7.II. Consideration And Action On Resolution 2016-10 AT&T Settlement

#### **Background:**

In July 2015, the City responded to customer complaints regarding sewer problems on Custer Street. The City found that a total collapse of the line occurred in this area due to AT&T activities (years before) that compromised the City sewer line leading to a failure. The City repaired the line and sought damages from AT&T. Following extensive negotiations, a mediator was selected to resolve the issues between the parties. The attached agreement outlines the negotiated settlement of this matter for \$50,000 and AT&T's agreement to pay for the cost of the mediation process. City staff recommends approval.

For additional information, please contact the City Manager's Office.

Documents:

[REVISED SETTLEMENT AGREEMENT AND MUTUAL RELEASE 10 28 2016.PDF](#)  
[RESOLUTION APPROVING ATT SETTLEMENT.PDF](#)

### 7.III. Consideration And Action On The First Amendment To Option And Ground Lease Agreement Between The Hapeville Development Authority And Towercom V, LLC.

#### **Background:**

The Ground Lease must be amended to provide an updated legal description of the leased premises and the easements upon the leased premises. The Ground Lease must be approved and executed by both the City and the Development Authority.

For additional questions, please feel free to contact the City Manager's Office.

Documents:

[FIRST AMENDMENT TO OPTION AND GROUND .PDF](#)

### 7.IV. Consideration And Action On A Recognition Agreement Between The City Of Hapeville And TowerCom V, LLC

#### **Background:**

The Recognition Agreement is an agreement between the City and Towercom wherein the City will agree to recognize the Ground Lease if the Master Lease is terminated for some reason. The Master Lease can only be terminated in an extremely limited number of circumstances. However, Towercom wants assurance that if the Master

Lease were terminated, it wouldn't be evicted especially since Towercom will have invested so much money into the project. The Recognition Agreement provides that if the Master Lease is terminated, the City would assume the Ground Lease. The only problem is that a City can only enter into year-to-year (renewable) leases with private parties. Therefore, the City Attorney recommends that the Agreement be revised to provide that the City would assume the Ground Lease on the same terms as provided by law. That way, the terms would be year-to-year renewable.

For additional information, please contact the City Manager's Office.

Documents:

[RECOGNITION AGREEMENT.PDF](#)

7.V. Consideration And Action The First Amendment To The Lease Agreement Between The City Of Hapeville And The Hapeville Development Authority.

**Background:**

The Master Lease for the new cell Tower proposed and approved by the City earlier this year in Master Park must be amended to (1) extend the term of the lease from thirty-five (35) to up to fifty (50) years to accommodate the Ground Lease and (2) provide an updated legal description of the leased premises. Changing the leased area description is basically to accommodate the need to adjust the site slightly due to various ground & site conditions. The Master Lease amendment must be approved and executed by both the City and the Development Authority. The Development Authority took action last week and awaits the City Council's review. Staff recommends approval.

For any additional information, please contact the City Manager's Office.

Documents:

[FIRST AMENDMENT TO MASTER LEASE.PDF](#)

7.VI. Consideration And Action On The Expenditure Of \$14,481 For Radios For 3 Police Cars From Motorola Solutions, Inc.

**Background:**

Earlier this year, we accepted a bid to purchase 3 fully equipped 2016 Dodge Charger Police Vehicles from vender, Ginn Automotive. Since Motorola has proprietary rights to sell and install the radio equipment through a limited number of installers, Ginn Automotive had to omit the radio installation from their quote and defer to our local installer Atlanta Communications. The vehicles arrived in late September and we are now ready to install the radios. Therefore, we are seeking approval to move forward with the installation of Motorola Mobile Radios (As a Sole Source vendor) in the 3 new Dodge Chargers at a cost of \$14,481.00. See the attached proposal.

For any additional information, please contact the City Manager's Office.

Documents:

[HAPEVILLE POLICE DEPT\\_3 APX6500MOBILES QUOTE .PDF](#)  
[SFS\\_ASTRO\\_25\\_DS \(2\).PDF](#)

7.VII. Approval Of Minutes

- April 29, 2016
- May 3, 2016

- August 2, 2016
- August 15, 2016
- August 16, 2016 at 9:00 AM

## 8. Old Business

### 8.I. Security Camera Update

#### **Background:**

The Five Year Technology Plan was adopted by the Council earlier this fiscal year. The plan called for building through a lease purchase mechanism the infrastructure for our basic server system as well as advancing our plans for installing a new expanded security camera system in the City. Our technology contract partner (Liberty Tech.) would like to provide a brief update the Council on the status of our plans on these two key initiatives.

For additional information, please contact the City Manager's Office.

### 8.II. LCI Update

#### **Background:**

The Mayor and Council have selected the committees as recommended by the Atlanta Regional Commission to support the process and provide key guidance and input. Staff have extended invitations to the initial committee, the Core Team, to attend their first meeting with the Sizemore Group. In preparation for the meeting, several concepts have been drafted for review of the Core team including a community input survey, a Key Stakeholders list (as approved by Council), and concepts and a proposed schedule for Community Outreach methods. The Sizemore Group will lead several public input sessions including a Design Workshop and two Plan Review Sessions. In addition to these sessions, an interactive community downtown "Planning Crawl" and a traditional "Visioning Session" are being proposed to the Core Team.

The Sizemore Group is concurrently working with staff on comprehensive data collection for the initial discovery phase of inventory, analysis and market study. Staff are working with Sizemore on drafting project and meeting announcements.

In addition to public meetings, opportunities for public input and outreach, once developed, will be made available on the City website and on a dedicated project website: <HTTPS://SITES.GOOGLE.COM/SITE/HAPEVILLE2016LCI/> which is currently in draft form.

In closing, the LCI is making steady progress. The purpose of this update is to provide Council with information on next steps for the project. We will announce and widely distribute plans and schedules as soon as they are reviewed with the Core Team and are available.

For additional information, please contact the City Manager's Office.

## 9. New Business

### 9.I. Discussion Of Connect South Fulton

9.II. Consideration And Action To Approve The 2017 Meeting Schedule.

**Background:**

Staff has reviewed the City Council's meeting schedule for 2017 and made adjustments for various holiday dates. Your review and consideration is needed so that we can publish the approved schedule and plan for the various meetings in 2017.

Should you have any questions, please feel free to contact the City Manager's Office.

Documents:

[2017 MAYOR AND COUNCIL MEETING SCHEDULE.PDF](#)

9.III. 1st Reading Ordinance 2016-28 Bail Bonds/Pawn Shop Text Amendment

**Background:**

As you may recall on August 2, 2016 the City Council adopted a moratorium on expanding Bail Bond, check cashing and pawn shop type operations. That moratorium is set to expire on December 7, 2016 unless a new ordinance is adopted or the moratorium is extended. Staff has been working on a new proposed Ordinance. This ordinance was presented to the Planning Commission for review on Tuesday, November 8, 2016. The Planning Commission concurs with staff and recommends adoption of this Ordinance by the Council. Basically, the Bail Bond Office, Private Probation Office, Check Cashing Office and Pawn Shop Ordinance does the following:

Defines bail bond office, private probation offices, check cashing offices and pawn shop.

Allows these uses as permitted uses in an overlay identical to the adult entertainment overlay, which includes portions of the C-2, U-V and L-I Districts.

Resolves inconsistencies in other Districts that may have allowed these uses.

Limits certificates of occupancy for each of the uses at one time to one certificate per 10,000 residents.

For additional information, please contact the City Manager's Office.

Documents:

[WEB - BAIL BONDSMEN PAWN SHOP TEXT AMENDMENT.PDF](#)

9.IV. 1st Reading Ordinance 2016-29 Surfacing Definitions

**Background:**

Prior to 2013, Section 93-23-5 of the City's zoning ordinance provided that all driveways must be hard- surfaced pavement, properly drained, lighted and maintained. In 2013, per EPD rules, Section 93-23-5 was amended to require different types of surfacing standards for residential and non-residential parking areas. In an effort to clarify the meaning of and assist in enforcement of this ordinance, Section 93-23-5 was (1) removed from the zoning code, and (2) revised and reinstated within its own chapter, the newly-created Chapter 58, of the Code of Ordinances. Further, upon thorough consideration and reflection of city staff and the Planning Commission, it was determined that residential driveways that were not hard-surfaced pavement prior to the 2013 revision to the zoning ordinance, would be grandfathered or deemed a non-conforming use of land.

The proposed Ordinance for your consideration allows for the following:

- Removal/peel of Section 93-23-5 from the zoning code. This ordinance was approved by the Planning Commission.
- Revision and reinstatement of Section 93-23-5 as Chapter 58, Sections 58-1-1 through 58- 1-4. This revision includes but it is not limited to defining terms that were previously undefined in Section 93-23-5 and separation, into different sections, of the residential and non-residential surfacing requirements. This ordinance was reviewed by the Planning Commission, but its approval was not required because it is not an amendment to the zoning ordinance.

In closing, staff believes the recommended changes are fair to the citizens, meets the newer standards for stormwater management, clarifies old definitions and will be easier to administer and enforce in the field by Code Enforcement. We recommend approval.

For additional information, please contact the City Manager's Office.

Documents:

[FINAL SURFACING DEFINITIONS ORDINANCE.PDF](#)  
[MINUTES - 10-11-2016.PDF](#)  
[SURFACING ORDINANCE WITH STAFF REPORT, 11-15-2016 COUNCIL MEETING.PDF](#)

9.V. 1st Reading Ordinance 2016-30 Fireworks

**Background:**

This revision to the City's zoning ordinance does the following in response to recent state legislation regarding consumer fireworks regulation and sales:

- Defines consumer fireworks, consumer fireworks retail sales stand, consumer fireworks retail sales facility and the National Fire Protection Agency.
- Allows consumer fireworks retail sales facilities and stands in the C-1 District, but doesn't allow them in the V or the N-C Districts (which incorporate the C-1's permitted uses).

This ordinance was approved by the Planning Commission. In closing, the only power under the new State law that was not listed in the revised Ordinance was limiting the number of the fireworks stands. This is an option, should Council wish to do so.

For additional information, please contact the City Manager's Office.

Documents:

[FIRE WORKS ORDINANCE WITH STAFF REPORT, 11-15-2016 COUNCIL MEETING.PDF](#)  
[FIREWORKS ORDINANCE.PDF](#)  
[MINUTES - 10-11-2016.PDF](#)

9.VI. 1st Reading Ordinance 2016-31 Halfway Houses

**Background:**

This revision to the City's zoning ordinance defines and regulates halfway houses. A

halfway house is defined as:

“A temporary residential living arrangement for persons discharged from an institutional setting and in need of a supportive living arrangement to readjust to living outside the institution. These are persons who are receiving therapy and counseling from support staff who are present when residents are present for the following purposes:

- (1) To help them recuperate from the effects of drug or alcohol addiction;
- (2) To help them re-enter society while housed under supervision while under the constraints of alternatives to imprisonment including, but not limited to, pre-release, work release, or probationary programs; or
- (3) To help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence.”

Halfway houses will be prohibited in the following zones: all residential zones, RMU, V, U-V, C-R, N-C and C-1. And they will be permitted in the C-2 by special use (which must meet certain criteria and come before Mayor and Council).

The Halfway House Ordinance, per state law, requires two readings between six and nine months apart. This will be the first reading.

Documents:

[HALFWAY HOUSE ORDINANCE WITH STAFF REPORT, 11-15-2016 COUNCIL MEETING.PDF](#)  
[MINUTES - 10-11-2016.PDF](#)

9.VII. 1st Reading Ordinance 2016-32 Alcohol Ordinance Extension

**Background:**

Council continues to work on the comprehensive update of the City Alcohol Codes/Ordinances. In the meantime, the temporary measures placed in the City Alcohol Code related to the microbrewery industry will expire on December 30, 2016 unless extended. The attached Ordinances extend the temporary provisions for another 90 days to allow time for the Comprehensive Ordinance write up to be completed.

For additional information, please feel free to contact the City Manager's Office.

Documents:

[EXTENDED ALCOHOL AMENDMENT COMPARISON CHART.PDF](#)  
[EXTENDED ALCOHOL ORDINANCE AMENDMENT.PDF](#)

10. City Manager Report

11. Public Comments

At this time, the Mayor opens the floor to comments from the audience. Comments should relate to a specific agenda item, not listed on the agenda for a Public Hearing, or to a concern within the jurisdiction of the City. Mayor and Council meetings serve the purpose of conducting city business and are not a forum for the unlimited expression of opinion. The Mayor reserves the right to limit comments to matters

germane to city business and may refer speakers to the City Manager or other staff for resolution.

12. Mayor And Council Comments

13. Executive Session (If Needed)

When Executive is Required one will be called for the following issues: 1) Litigation O.C.G.A. §50-14-2; 2) Real Estate O.C.G.A. §50-14-3(b)(1); or 3) Personnel O.C.G.A. §50-14-3(b)(2).

14. Consideration And Action To Enter Into A Consent Agreement With Joshua Nelson.

15. Adjourn

Public involvement and citizen engagement is welcome as Hapeville operates a very open, accessible and transparent government. We do however remind our attendees/residents that there are times allocated for public comments on the agenda. In order for council to conduct their necessary business at each meeting, we respectfully ask that side-bar conversations and comments be reserved for the appropriate time during the meeting. This will allow the City Council to conduct the business at hand and afford our meeting attendees ample time for comments at the appropriate time during the meeting.