

Mayor and Council

700 Doug Davis Drive  
Hapeville, GA 30354

August 2, 2016

7:00 PM

MINUTES

1. Call To Order

Mayor Hallman called the meeting to order at 7:02PM at 700 Doug Davis Drive, Hapeville, GA 30354.

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

Councilman Dimmick thanked the wonderful citizens that have offered services and get well wishes and said that she appreciated all of thoughts and prayers.

4. Pledge Of Allegiance – Joshua Powell

5. Invocation –Jane Gunter

6. Presentations

6.I. Years Of Service

- Rick Jenkins, Fire Department, 20 Years
- Leonardo Marquez, Community Service, 20 Years
- Lee Sudduth, Community Service, 20 Years

6.II. Family Life Ministries - Jane Gunter

34 years old – prayer room need in our cities – prayer warriors over city -

6.III. Emory Cares Award - Fire Department – David Bloodworth  
CARE Program

7. Public Hearing

Mayor Hallman called the Public Hearing to order at 7:20PM

7.I. Millage Rate 16.61

**Background**

As you know, Council adopted the City Budget on final reading, June 21, 2016. The adopted Budget for FY 2016-17 contained no property tax rate increase with a recommended rate of \$16.61 mills, same as last FY. This rate has been advertised as required and is ready for adoption by Council. This is the first of three (3) hearings for that purpose.

In closing, staff is still working closely with the Fulton County Property Appraiser to ensure the updated accuracy of the 2016 Tax Digest. At this point in time staff projects that the General Fund millage of 16.61 Mills will generate approx. \$4.6M. The budgeted estimate was \$4.6M.

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

Staff Comment – William Whitson

Public Comment – none

Mayor and Council Comment –

Councilman Dimmick – 2015 public utilities increase, motor vehicles

Councilman Dimmick inquired about the 2015 public utilities increase and the motor vehicles taxes.

Documents:

1. [FIVE YEAR HISTORY 2016.PDF](#)

7.II. Special Tax District 1.0 Millage Rate

**Background**

Council instructed staff to develop a Special District for the purpose of securing special fire equipment. This district applies to buildings of four (4) or more stories in the City. The rate recommended and advertised is 1.0 Mills. This rate is now also ready for renewal. The new Fire equipment has now been purchased and placed into service.

In closing, staff is still working closely with the Fulton County Property Appraiser to ensure the updated accuracy of the 2016 Tax Digest.

The Special District Tax of 1 Mills for Fire will generate an estimated \$90,000 in revenues. A list of properties included in the District has also been provided for your information.

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

Staff Comment – William Whitson

Public Comment - None

Mayor and Council Comment – None

Documents:

1. [FIVE YEAR HISTORY 2016.PDF](#)

7.III. Consideration And Action On Ordinance 2016-18 Extended Stay Ordinance

**Background**

Council tabled this item until July 19, 2016 to allow the Planning Commission (PC) to evaluate and discuss this item. Staff has now reviewed the attached Ordinance with the Planning Commission and the Planning Commission's recommendations are attached. The PC supported the attached version (as red lined) and staff concurs as well. In addition, staff would also like to request that Council entertain a proposal for a new Extended Stay project near the existing Staybridge location off Norman Berry. Representatives from a project proposer plan to be present and review the \$10-12M dollar facility that would be constructed if Council were to adopt the proposed Ordinance. Such a project would obviously be of great interest to the City and improve our existing tax base.

During first reading Council asked several questions and desired that staff clarify certain language. Staff is still working on those changes and we recommend that Council table the proposed second reading of this ordinance to a date certain of Tuesday, August 16, 2016 @ 7:00pm - 700 Doug Davis Drive.

For additional information, please contact the City Manager.

Staff Comment - None  
Public Comment - None  
Mayor and Council Comment –

**MOTION: Alderman Barr made a motion and Councilman Powell seconded a motion to table Ordinance 2016-18 at August 16, 2016 at 6:00PM at 700 Doug Davis Drive, Hapeville, GA 30354. Motion carried 4-0.**

7.IV. Consideration And Action On Ordinance 2016-19 Zoning Map (Text Amendment)

**Background:**

Currently, two sections exist in the City's code of ordinances that establish the City's official zoning map—Section 93-3.1-2 ("Article 3.1 Ordinance") and Section 93-3-1.2 ("Article 3 Ordinance"). Due to the transposition of a dash and a point, the Article 3 Ordinance was incorrectly inserted into the City's code of ordinances in 2007 when the City Council readopted the zoning map, and the error has not been noticed until now.

The Article 3.1 Ordinance is the correct ordinance and it has been amended several times since 2007; however, when the City Council last readopted the zoning map, on April 5, 2016, the Article 3 Ordinance was amended (instead of the correct ordinance, the Article 3.1 Ordinance).

The ordinance currently before you deletes the currently existing text of the Article 3.1 Ordinance and renumbers the Article 3 Ordinance to the Article 3.1 Ordinance. The result will be that the current zoning map is the April 5, 2016 zoning map and only one code section establishing the zoning map remains. The zoning map will not be readopted and the designation of the April 5, 2016 zoning map remains the same as the official zoning map of the City. **The proposed Ordinance is set for the second and final reading.**

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

Staff Comment –  
Public Comment - none  
Mayor and Council Comment –

**MOTION: Alderman Barr made a motion Councilman Randman seconded a motion to adopt Ordinance 2016-19. Motion carried 4-0.**

Documents:

1. [ZONING MAP READOPTION ORDINANCE \\_3\\_.PDF](#)

7.V. Consideration And Action On Ordinance 2016-20 Storm Water Utility

**Background**

For years, the City has failed to make investments in the needed infrastructure to properly manage and control run off from storm water. Ever increasing State and Federal regulatory requirements to clean up this key source of non-point source pollution are being implemented in

the Atlanta metro area.

This ordinance recognizes the importance of controlling the effects of stormwater runoff throughout the City. Efforts to protect the public health, safety, environment and general welfare require the construction, operation and maintenance of Hapeville's stormwater facilities. The establishment of a stormwater utility fee is vital tool in addressing the funding of operational and capital investment needs of Hapeville's stormwater management program now and in the future. The stormwater service fee rate or Equivalent Residential Unit (ERU) will be set at \$ 3.50 per month for the calendar year. This rate is far below many of our neighboring communities. An detailed informational sheet on the Stormwater Utility and how it works will be available on the City's website. We will also be putting together educational information in the upcoming newsletters. The first bill for storm water will be sent out in a stand alone bill in January of 2017 for the 2016 months after the ordinance is approved. Subsequent annual stormwater utility bills will be sent out with the tax bill in August/September. Staff has discussed this proposal as part of the budget process. We see this as a critical step in our overall environmental stewardship to clean and protect our environment. **The proposed ordinance is set for second and final reading. If approved by Council staff will aggressively reach out and educate the citizens and businesses of the community.**

For further information, please contact the City Manager.

Documents:

1. [HAPEVILLE STORMWATER UTILITY ORDINANCE.PDF](#)
2. [STORMWATER UTILITY PRESENTATION 4-28-16.PDF](#)

Staff Comment – William Whitson

Public Comment –  
Laura Murphy  
Mickie Williams  
Joy Whittaker

Mayor and Council Comment –  
Councilman Dimmick stated that she did not see who administers this; inquired if there was a detail information sheet and would rather not vote on it now but table until 4 months down the road.

Alderman Barr stated that the City needed to start doing something about stormwater and that the bulk would be paid for by commercial accounts.

Councilman Powell inquired that he would have to agree with Mickie Williams on having a comprehensive plan highest to lowest priority.

City Manager, Whitson, stated that it would be part of the general fund budget.

Mayor Hallman stated that in the purpose and intent section that this is the first goal of establishing the stormwater fee.

City Manager stated that there is an outline with the initial budgeted projects.

Councilman Powell inquired about GIS mapping.

Lee Sudduth, Interim Community Service Director, stated that the EPD has wanted the City to implement this program.

Councilman Randman stated that the billing should be included on the water bills.

Councilman Powell stated that he had inquired with other municipalities at GMA and he did not meet anyone that did not have the fee.

Councilman Dimmick stated that the ordinance states that all revenues shall be paid/received in the storm water utility enterprise fund.

City Manager Whitson stated that it was a dedicated fund and cost allocated from that fund to pay for stormwater management.

**MOTION: Alderman Barr made a motion Councilman Randman seconded a motion to adopt Ordinance 2016-20. Motion carried 3-1. Alderman Barr, Councilman Powell and Councilman Randman voted in favor and Councilman Dimmick voted against.**

Mayor Hallman closed the Public Hearing at 7:51PM.

**MOTION: Alderman Barr made a motion Councilman Powell seconded a motion to amend the agenda to recognize an employee for yours of service. Motion carried 4-0.**

8. Mayor and Council recognized Leonardo Marquez for 20 years of service.

9. Public Comments On Agenda Items  
Katrina Bradbury

Councilman Dimmick stepped out at 7:58PM

Laura Murphy

10. Old Business

10.I. Discussion Of Building Collapse 597 N. Central  
**Background:**

On July 21, 2015 a construction accident caused a major building collapse at 597 N. Central Ave. the site of the new theater improvements. Fortunately no loss of life or major injury occurred. Staff responded to the emergency, secured the site, cleaned up the site and took actions to protect and stabilize the site. Staff has been actively working in concert with the City Attorney to get the Insurance company of the contractor and sub-contractor to restore the City's loss. We feel comfortable that the claim making the City whole for the loss will be paid in the next few weeks.

Staff now requests direction from the City Council regarding what should be built at the site. Our projected budget is approx. \$317,000 to complete the work. Staff would like Council to outline the basic direction for these funds. We understand safety (due to the compromised stability of the walls) and honoring the contract provisions with the Academy Theater are the primary policy objectives. Staff would like to know if there are there any other directions or objectives that Council would like to see achieved before we initiate work at the site again? For example, what should be the process for design input/approval? The City Manager has stated several times that Mr. David Burt will be the Project Manager and report directly to him on the status of the work effort.

In closing, please contact the City Manager's Office if you have any additional questions.

Mayor Hallman stated that the City Attorney has the check and settlement language is what is holding the process up. Further, Mayor Hallman stated that the Bond issue for the project and that staff would like an outline from Council on possible uses.

Alderman Barr inquired about a steel roofing system.

Lee Sudduth, stated that David Burt had a good idea in using a butler building.

David Burt stated that the pre-engineered building could be wrapped with brick or other siding.

Councilman Dimmick entered the meeting.

Councilman Powell inquired about the use staying a theatre and having stadium seating.

#### 10.II. Board And Commission Appointments

- Design Review Committee (1 position)
- Ethic Committee (1 position)

#### 11. New Business

11.I. Consideration And Action To Enter Into An Agreement With KaBoom! Inc. For \$8,500 To Design And Build A Playground In Master Park.

##### **Background**

In early June, Council entered into a Letter of Intent with the KaBoom Granting Agency (that offers a wide variety of funding opportunities to help you bring more play into communities) to apply for a KaBoom Playground Design & Build Playground Grant for Master Park. The City has now received preliminary grant award notification for this project. This agreement would officially accept the grant award and move the project into implementation.

Improvements to this park's playground would offer a much needed safe play area for active families to walk/bike to and to gather. With the funding assistance of KaBoom's funding partner for this project, Target, and expertise of the KaBOOM team, we could make this playground the place that would be accessible to children and their families to visit and interact with and have fun. Staff has reviewed the Parks and Grounds Site Improvements funds and could make \$8,500 available for this site improvement project. A projected interactive design phase and "build day" is tentatively suggested for October 2016.

If you have any further questions, please contact the City Manager.

Documents:

1. [2016 COVER LETTER - CITY OF HAPEVILLE AND TARGET.PDF](#)
2. [2016 LOA - CITY OF HAPEVILLE AND TARGET.PDF](#)

Councilman Powell inquired where the project would go in Master Park.

Allie O'Brien stated that it would be in the existing playground and build day is October 14, 2016.

Councilman Randman inquired if there would be a water feature.

Councilman Powell inquired if there was a way to use existing playground somewhere else.

City Manager Whitson stated that the equipment will be retired.

**MOTION: Councilman Powell made a motion Councilman Randman seconded a motion to enter into an Agreement with KaBoom! Inc. for \$8,500 to design and build a playground in Master Park. Motion carried 4-0.**

11.II. Consideration And Action On Expenditure Of \$9,502.50 To Municipal Code Corporation For Codification Of The City Of Hapeville Code Of Ordinances.

**Background**

This expenditure will provide for the City of Hapeville Code of Ordinances to be codified through Ordinance 2016-12. This will be Supplement No. 7 for the Code contract. The amount proposed is \$9,502.50. This amount must be approved by Council as the City Manager's spending limit is \$5,000.00. The proposed contract expense was planned for in the FY16/17 budget.

Should you have any additional questions, please contact the City Manager's Office.

**MOTION: Alderman Barr made a motion Councilman Powell seconded a motion to approve the on expenditure of \$9,502.50 to Municipal Code Corporation for codification of the City of Hapeville Code of Ordinances. Motion carried 4-0.**

11.III. Consideration And Action On Ordinance 2016-21 Moratorium Probation/Bail Bonds

**Background**

It has been brought to the City Manager's attention that the ordinance provisions concerning such uses as pawn brokers, check cashing outlets, probationary offices and bail bondsman may not be sufficiently protective of the community and the investment being made by commercial property owners. While certain uses that have proven to have adverse impacts on nearby neighbors are prohibited in individual zoning districts, a comprehensive treatment of such uses is lacking in our current Code.

As the City re-develops; it can be a challenge to "raise the bar" and move in new directions when market forces tend to find uses that match the old pattern and previous development character. If Council is committed to supporting the new vision of an arts-oriented community, we should be proactive in appropriately regulating operations that may be inconsistent with this vision. Our development team recommends we pass the attached Ordinance which would place a 126-day moratorium on several uses that may detract and present a barrier to redeveloping the city particularly the arts overlay district. Such uses as probationary offices, bail bondsman, check cashing outlets and title pawn shops should all be evaluated carefully with an eye to appropriate limitations. Although such services are important and address certain citizen needs, limiting their location and use may help the community better achieve the goals we desire. Passing the moratorium targeted at these specific uses would give our team time to do additional research and make recommendations that properly balance the development rights of various property owners against the greater vision of the community.

It should be noted that this type of planning for growth consideration is scheduled to be looked at comprehensively during the forthcoming LCI Update process. However, this particular measure is being recommended by the team now in order to stay ahead of the curve until that process is complete.

Should you have any specific questions on this matter, please contact the City Manager's Office.

Documents:

1. [HAPEVILLE - MORATORIUM - BAIL BOND\\_PRIVATE PROBATI\(7\).PDF](#)

**MOTION: Councilman Powell made a motion Alderman Barr seconded a motion to adopt Ordinance 2016-21.**

**Discussion: Councilman Powell stated that he would like to thank Susan Bailey for sending Mayor and Council an email regarding this. Councilman Randman inquired as to who would work on the project. City Manager Whitson stated that Planning and Zoning and legal would work on best practices. Motion carried 4-0.**

11.IV. Consideration And Action To Enter Into A Cooperation Agreement With Airport West Community Improvement District Board.

**Background**

On June 7, 2016 the City Council approved Resolution 2016-08 appointing Mr. Joe Folz as our representative on the newly formed/expanded Community Improvement District (CID) Board operating in parts of the City. The attached MOU is a standard agreement between the CID and the City to clarify roles and responsibilities with regard to maintenance and various projects. The CID Board has taken action on the agreement and the CID Executive Director has requested that the City Council approve as well.

For further information, please contact the City Manager's Office

Documents:

1. [COOPERATION AGREEMENT CID WEST.PDF](#)

City Attorney, Steve Fincher, stated that the contract will be modified to state that before any work is done on City assets the CID will have to have City's permission.

**MOTION: Councilman Randman made a motion Alderman Barr seconded a motion to enter into a Cooperation Agreement with Airport West Community Improvement District Board. Discussion: Councilman Dimmick stated that she was concerned about the lack of specific parcels that would be levied the tax; Mayor Hallman stated that it included those that were subject to the expansion; Councilman Dimmick stated that it was not clear if that can be applied to whole city; City Attorney Fincher stated that the document is not establishing the CID and that the properties included should be those listed in the foundational documents; Councilman Powell inquired if Council reviewed the foundational documents yearly; City Attorney Fincher stated that properties can be added based on the foundational documents; Mayor Hallman stated that he thought that there was some confusion that people thought that the City established the CID; Councilman Powell inquired if participation could be mandatory for some businesses; City Attorney Fincher stated that one of the other changes made in College Park was to cancel on a very short time period; Councilman Randman inquired if there was anyway to cut out downtown; City Manager Whitson stated that the Agreement stated that the City and the CID will work together.**

**Motion carried 4-0.**

12. Public Comments

Mike Simpson

Laura Murphy – need solicitor, zoning

Lorrene Faye

13. Mayor And Council Comments

Councilman Dimmick stated thanked everyone for coming out.

Alderman Barr thanked everyone for coming and stated that she was the one that gave Leonardo Marquez his 5 year pin and really enjoy giving those pins out.

Councilman Powell stated that he would like to thank Allie and Jennifer for their hard work.

Councilman Randman stated that he thought of things at 3AM but never remembered the next day, he stated that he was excited about the arts, Happy Days Festival and that it is exciting to see beer growler and other successful business coming.

Mayor Hallman stated that he had 2 East Point councilman that will not speak to him because he says "East Point is where Hapeville does business" however he is saying that to make a point that the City needs to be flexible. Further Mayor Hallman stated that he is happy with progress making and that everyone may not always agree.

**MOTION: Councilman Powell made a motion Alderman Barr seconded a motion to enter into Executive Session for legal and personnel at 8:46PM. Motion carried 4-0.**

**MOTION: Alderman Barr made a motion Councilman Powell seconded a motion to recess the meeting at 8:46PM. Motion carried 4-0.**

14. Executive Session (If Needed)

**MOTION: Councilman Powell made a motion Alderman Barr seconded a motion to reconvene the meeting at 8:58PM. Motion carried 4-0.**

No action taken.

**MOTION: Alderman Barr made a motion Councilman Powell seconded a motion to enter into Open Session at 9:37PM. Motion carried 4-0.**

15. Adjourn

**MOTION: Councilman Dimmick made a motion Councilman Randman seconded a motion to adjourn the meeting at 9:42PM. Motion carried 4-0.**

Respectfully submitted,

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Alan Hallman, Mayor

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Jennifer Elkins, City Clerk