

City of Hapeville Mayor and Council Session

700 Doug Davis Drive
Hapeville, GA 30354

March 6, 2018 7:00 PM

MINUTES

1. Call to Order: Alderman Rast called the meeting to order at 7:00PM at 700 Doug Davis Drive, Hapeville, GA 30354.

2. Roll Call:

Alderman at Large Michael Rast
Councilman at Large Travis Horsley
Councilman Ward I Mark Adams
Councilman Ward II Chloe Alexander

3. Welcome

4. Pledge of Allegiance – Councilman Adams

5. Invocation – Heather Glantz

6. Presentations

- 6.1. Exchange Club - Fireman of the Year Award was presented to Nicholas Condrey.
- 6.2. Exchange Club - Policeman of the Year Award was present to Clifton Halten.

7. Questions on Agenda Items - None

8. CONSENT AGENDA

Alderman Rast stated that the meeting minutes were accidentally left off of the consent agenda and will be added to the March 20th agenda for Council's approval.

8.I. Consideration And Action To Amend the Contract For Probation Services

Background: At the December 5, 2017 Council meeting, Mayor and Council approved a contract renewal with Professional Probation Services, Inc. (PPSI), for probation services in line with The Department of Community Supervision (DCS). The Department of Community Supervision has requested revised language provide a finite period for contract extensions. PPSI has requests the city replace the previously signed contract with an updated agreement which limits the number of automatic renewals to 4 (see page 4 Period of Service). Staff recommends Council amend the previous action taken to authorize the December agreement and substitute the new agreement.

8.II. Consideration And Action On A Payment Request To The Hapeville Historical Society For The Balance Of The Insurance Settlement.

Background: On April 21, 2017 a driver struck the front of the Depot Museum causing damage to the facility. The City filed an insurance claim against the Driver's insurance carrier, Donegal, who appraised the damaged and estimated cost of repairs at \$35,559.02. The repairs were completed at a cost to the city of \$30,440.00. The insurance settlement to the city was \$35,559.02 – leaving an “overage” of \$5,119.02. In the August 15, 2015 Council meeting there was general affirmation to remit the difference to the Hapeville Historical Society, but no official motion to consider the action. We ask Mayor and Council to now approve the payment of \$5,119.02 to the Hapeville Historical Society of the overage of collections for insurance repairs above the final repair remittances.

MOTION: Councilman Alexander made a motion to approve, Councilman Adams seconded; comment: Ms. Charlotte Rentz of the Hapeville Historical Society Board advised Council that the balance of the insurance payment would be used for the Depot Museum. Ms. Rentz also confirmed the members of the Hapeville Historical Society Board. Vote 3-0, motion carried.

9. Old Business

9.I. Virginia Park Neighborhood Association - Citizen Update

Background:

At the December 5, 2017 meeting, Council instructed staff to address the expressed concerns related to the traffic flow through Virginia Park. Staff suggested an independent traffic survey for the Virginia Park area. The efforts and update from Staff will be presented at the March 20, 2018 meeting. Leaders from the Virginia Park Neighborhood Association have requested time at this meeting to update Mayor and Council on their efforts to date.

Bob Barnett provided Council an update on the association’s efforts petitioning neighborhood support for speed bumps and traffic calming in the Virginia Park Area. Mr. Barnett said the main roads they feel received the greatest impact by traffic are Elkins, Custard, Hamilton and Orchard. They petitioned their neighbors for support and efforts of speed bumps in January and were successful in getting feedback from them. Mr. Barnett said the association looks forward to seeing what the current solution/feedback is from staff and whether a combination of speedbumps, radar signs, signage, traffic calming can help improve the situation.

Alderman Rast stated the Mayor and Council do anticipate some action on these recommendations in April, and staff will give updates on March 20.

10. NEW BUSINESS

10.I. Discussion - Dissolution of Hapeville Association of Tourism and Trade (HATT)

Background: In 2007, the City created the Hapeville Association of Tourism and Trade (HATT) with the specific and primary purpose to own, operate, and maintain, create, develop, facilities and programs for the promotion of tourism, conventions, and trade shows benefiting Hapeville through use of proceeds of the City’s Hotel Motel Tax. With updates to the city practices and at the recommendation by Department of Community Affairs, the city has contracted with a Destination Marketing Organization (DMO) for its Tourism, Convention and Trade marketing. Ongoing marketing will be managed by the DMO, and Tourism Product Development will be managed by the City. With this, the City should effect the dissolution of HATT. Our legal representative will explain the steps the City must take to effect the dissolution.

Legal representative, John O'Neal explained the steps the city must take to effect this dissolution. In Georgia there are certain regulations and code sections that must be abided by in order to dissolve a corporation. First, notice would need to be given in a meeting called by the HATT Board of Directors. The Board of Directors would need to vote (if they choose to vote) to dissolve the organization, HATT would need to file a notice of intent to dissolve with the Secretary of State, and then give preliminary notice to the Attorney General of the intent to dissolve. If there are any debtors and/or creditors, those would have to be dissolved and any money left in HATT's account would need to be disbursed back to the city since the city gave the money to start with.

Councilman Horsley asked is there any obligation that the people listed as officers need to sign off? Mr. O'Neal said the Board will have to be called and according to the by-laws, the HATT Board members are the only members that can vote. The Board will need to hold an election amongst themselves to update officers because that hasn't happened in a while. Also, forms will need to be filed with the IRS to dissolve because the organization is a 503(c)(6). There are already templates available on the Secretary of State website. The website does a very good job of listing the things that need to be done.

Councilman Horsley asked can anyone speak to why this didn't happen July 1, 2017 when DMO was transferred? Representative O'Neal stated it had been discussed but with all the other happenings going on at that time, it was decided that this would be a housekeeping function that would be taken care of later.

Councilman Adams asked what would be the worst situation if decided not to dissolve? Mr. O'Neal said nothing, and the organization would sit there along with the money in the HATT account. If the Board decides not to dissolve, would strongly recommend to at least authorize the transfer of the money back to the city so the money could be used for hotel/motel tax purposes. Councilman Adams also asked how should the verbiage in the current contracts with the Academy Theater be corrected? Mr. O'Neal advised that if there are any involvement between these organizations and the new DMO that those should be separate agreements. However, current agreements with HATT, would dissolve with the corporation and money would be kept by the theater and would not be transferred to HATT.

Councilman Alexander asked would the potential of either changing our designation we currently collect or move to, would there still be a need for an organization or Board to handle those TDP projects? Is there a way to repurpose the organization or reincarnate HATT that excludes its duties of a DMO that allows it to operate for the function of handling designations? Mr. O'Neal stated that the city is able to suspend those monies on its own without a separate organization; however, if you want to use a separate organization the city can. The short answer is yes, you can do it; however, it is complicated. The Articles of Corporation and by-laws would need to be redrafted in order to separate the city from the organization itself. Mr. O'Neal advised that it would be better to dissolve the organization and form a new one. This would be the easiest way. Mr. O'Neal confirmed that the law firm would coordinate with the City Manager on the process.

10.II.

Organizational Appointments

9.1. City Clerk

9.2. Solicitor

9.3. Public Defender

MOTION: Councilman Horsley made a motion to approve the organizational appointments, Councilman Alexander seconded. Vote 3-0, motion carried.

10.III. Board Appointments

- Planning Commission - 3 positions (2 currently serving)
- Board of Appeals - 2 positions (1 currently serving)
- Hapeville Development Authority - 3 positions (1 currently serving)
- Development Authority of the City of Hapeville - 3 positions (1 currently serving)

MOTION: Councilman Horsley made a motion to table until the March 20 meeting, Councilman Adams seconded. Alderman Rast stated for the public's benefit, there were some inaccuracies with some of the terms, and this additional time will give Council time to review applications which were sent today. It will also give staff time to make certain all reappointments considerations are accurate. Alderman Rast also stated that the appointments are right on schedule because last year's appointments were made on March 21, and that members with expiring terms will continue to serve until Council acts on those board members. Vote 3-0, motion carried.

10.V. **MOTION: Councilman Horsley made a motion to amend the agenda, Councilman Adams seconded. Vote 3-0; motion carried. Councilman Horsley made a motion to allow for discussion of forensic audit professional services fiscal and policy review, Councilman Adams seconded. Vote 3-0, motion carried.** Councilman Horsley stated he had drafted a resolution and sent it to staff, Mayor, and Council to touch on the following pertinent points: the need to have a resolution or a series of resolutions at future meetings to review and request in writing to the insurance carriers of the city and the former auditing firm to provide in writing if a forensic audit can be covered by an errors and omission clause. Councilman Horsley desires to publicly post on the city's website a list of all bonds held by the city and any of its associated bodies. He would also like to have a resolution issuing a RFP for a forensic financial and policy audit.

Councilman Adams stated that the financial health of the city is paramount to Council and the citizens of Hapeville, and recommended the city allow the current auditors to do the audit to give a benchmark of what we have currently before proceeding with a forensic audit not knowing the cost and whether insurance would cover it. The audit with the current firm will take place in April. We should let that be the driving force of whether we move forward with the forensic audit. In addition, it will allow staff enough time to follow up with the city's insurance carrier to see if its covered.

Councilman Alexander agreed with Councilman Adams, stating that a fresh set of eyes can perhaps see something. She also added that she had asked a friend of hers which is a Certified Public Accountant, what could a municipal forensic audit cost, and the answer was from \$50,000 to \$500,000 depending on the number of hours. She stated that we don't want to do something that would hurt the city's health at the same time without having somewhere to point someone where to start. And that she would feel more comfortable if we did get something in writing from the insurance company.

11. City Manager Report - None

12. Public Comments:

Daniel Ray
Richard Chambers
Frank Cranford
Cheryl Kelley
Charlene Duran
Katrina Bradbury

13. Mayor and Council Comments

Councilman Alexander said she had been talking to a couple of people that live on Russell and Wheeler Street that are also concerned with speeding on their streets. They are also exploring the idea of having traffic calming just on these two streets. Wheeler is more congested as there seems to be more kids on it. They are in the process of preparing a petition.

Councilman Adams commented that we should look at how we can conduct a traffic study throughout the entire city because it seems like on a daily basis on Next Door there is a consistent, common thread about traffic especially on Jonesboro Road and elsewhere throughout the city. He said he doesn't know how much it will cost, but it would be great to see if we can investigate and see what it looks like. And, that we are in need of having traffic calming efforts in the city.

Councilman Horsley stated he had gone door to door writing down every person that mentioned traffic and some variation of the word; maybe this record can inform staff where focus can be directed. He had the pleasure of attending the recent Virginia Avenue Corridor meeting. He mentioned that the Hotel/Motel tax bill on yesterday passed through the Senate and it is currently sitting in the Georgia General Assembly House Chamber. This type of bill usually is placed on a consent agenda that everyone votes yes for. He also recognized two citizens: Jim Parker for picking up litter in the community; and Sandra Marrongelli of the Decatur based Georgia Department of Juvenile Justice School System. He would like to honor her in some way.

Councilman Horsley asked permission to be a liaison/lead with Mayor and Council as it relates to a grant being issued through Georgia Tech called the Georgia Smart Community Challenge Grant and it is a matching grant that he can bring more information at the next meeting. It is for an initial study on what would it take for Hapeville to become a "Smart City". Alderman Rast stated he would appreciate hearing more information at the next meeting if it is ok with Council.

Lastly, Councilman Horsley mentioned the Georgia Power franchise fees asking is the amount we received higher than normal? Interim City Manager, Tim Young stated the normal amount is \$500,000-520,000 so it is a little bit lower than normal because of the warmer winter last year. They are expecting it to go back up, but it is about a half of a million dollar a year.

Alderman Rast added that the newly elected Council Members will be doing some training later this week and he appreciate them for being available.

14. Executive Session - None

15. Adjourn:

MOTION: Councilman Adams made the motion to adjourn at 8:15PM, Councilman Alexander seconded. Vote 3-0, motion carried.

Respectfully submitted,

Alan Hallman, Mayor

Crystal Griggs-Epps, City Clerk