

## Mayor and Council Work Session

700 Doug Davis Drive  
Hapeville, GA 30354

May 15, 2018 6:00PM

### MINUTES

1. Call to Order: Mayor Hallman called the work session to order at 6:06pm at 700 Doug Davis Drive, Hapeville, GA 30354.

2. Roll Call:

Mayor Alan Hallman  
Alderman at Large Michael Rast  
Councilman at Large Travis Horsley  
Councilman Ward I Mark Adams  
Councilman Ward II Chloe Alexander (arrived at 6:16PM)

3. Welcome

4. PUBLIC HEARING

4.I Consideration and Action to Amend City Ordinance for the Collection and Use of Hotel Motel Tax Funds Under O.C.G.A. 48-13-51(B). No comments from the public, staff or Council were made.

**MOTION: Councilman Adams made a motion to approve, Councilman Horsley seconded. Motion carried 3-0.**

4.II Consideration and Action on the 2018 Film Ordinance – 2<sup>nd</sup> Reading

No comments from the public or staff. Councilman Horsley stated there is some confusion on section 11-14-2 permits and exemptions under B, C, and D. Councilman Alexander asked about the status of the portfolio. Lynn Patterson said that it is being worked on and the City Film Policy page for the website should be live next week.

Councilman Horsley said particularly in section D where it is calling for a Called Meeting with Mayor and Council. It seems it could be handled administratively. Mayor Hallman thinks they want to give room for unusual circumstances that staff may not have the latitude to handle.

Councilman Adams asked what was the staff's perspective on section D? Lynn Patterson stated that the pyrotechnics would be required to be approved by Mayor and Council, and everything else would be handled by staff. Mayor Hallman said this stemmed from the Den of Thieves gun fire which was much more extreme than what was advised. It scared the residence. However, if a world class film comes through, we might want to make an exception to allow this because the more exposure Hapeville gets to the film industry, the better off we are.

**MOTION: Councilman Horsley made a motion to approve the action on the 2018 Film Ordinance such that we strike the need for a meeting of Mayor and Council as referenced on page 6 Section 11-14-4 (D) (paragraph beginning with "The Film Liaison"), Alderman Rast**

**seconded.** Discussion: Councilman Adams asked what made it feel as if staff could not handle approving it or was that the case? Mayor Hallman said this came from the prior Council and that he thinks Council should take the heat. Councilman Adams said that is his thought process of it too.

Councilman Horsley stated that his point is that the ordinance doesn't really tier it out (small explosive versus a large explosive).

Councilman Alexander questioned the timeline, stating that Council would not meet within seven days of staff receiving an application, so it would require a Called Meeting. If it is depending upon a film going to another location, versus Council being inconvenienced with a Called Meeting, she would rather have the Called Meeting. Councilman Horsley said he does not see how having a Public Meeting and it is Called within 24 hours, will be well distributed enough to get the word out. Councilman Alexander asked how often is it ever going to happen?

**Vote 2-2 (Councilman Adams and Councilman Alexander opposed). Mayor Hallman then voted against the motion in order to break the tie. Motion failed.**

**MOTION: Councilman Adams made a motion to approve the ordinance as written, Councilman Alexander seconded.** Discussion: Councilman Alexander touched on section 11-14-6 stating that she does not know the definition of residential location. She said if it is an interior scene and it is not disrupting quality of life, she does not see why there is a time limit. Mayor Hallman said the word "outdoor" can be added to read "outdoor filming in residential areas".

**MOTION: Councilman Adams made a motion to approve the Film Ordinance with edits to section 11-14-6 in Residential Locations to add "Outdoor Filming in Residential Neighborhoods", Councilman Alexander seconded. Councilman Adams then withdrew his initial motion. The new motion carried 3-1 (Councilman Horsley opposed).**

#### 4.III Questions on Agenda Items: Brendan Dalton

#### 5. CONSENT AGENDA

5.I Consideration and Action to Approve Railroad Management Company IV LLC in the Amount of \$12,485 Annually for Assigned License Rights Related to Hapeville Water Mains Located in the Right of Way.

**MOTION: Councilman Horsley made a motion to approve the consent agenda, Councilman Adams seconded. Motion carried 4-0.**

#### 6. OLD BUSINESS

6.I Consideration and Action on Resolution 2018 – Film Permit Fees.

**MOTION: Alderman Rast made a motion to approve the film permit fees, Councilman Horsley seconded. Discussion: Alderman Rast said to note that there is a tiered permit that the filmmaker would pay more for shorter time frames. Motion carried 4-0.**

6.II Consideration and Action on Accepting Fulton County's Radio Service Offer and to Authorize the Mayor to Sign all necessary documents.

Chief Glavosek addressed both options before Council stating that after review he recommends going with Fulton County in spite the fact that Fulton County's proposal was slightly higher than Clayton County's. What we originally understood was that there was no cost with Clayton County; although we would have to move to the new radio system (no reoccurring cost). Now with the proposals on the table, it changes everything. If going with Fulton County, we would not have to change our current radio system right away, although he recommends changing it very soon.

**MOTION: Alderman Rast made a motion to accept Fulton County's radio service offer, Councilman Alexander seconded. Discussion: Councilman Horsley stated that section 10 references late penalties. If we make payment before the due date, can we receive a deduction in cost? Alderman Rast asked when does the coverage with City of Atlanta ends? Chief Glavosek said he thinks we can terminate immediately. Motion carried 4-0.**

**MOTION: Councilman Adams made a motion to modify the agenda to add the National Police Week and National EMS week proclamations on the agenda, Alderman Rast seconded. Alderman Rast made a motion to approve the proclamations, Councilman Adams seconded. Motion carried 4-0. Mayor Hallman then read both proclamations aloud.**

**MOTION: Councilman Horsley made a motion to amend the agenda to add item to delete adhoc for legal RFP, Councilman Adams seconded. Motion carried 4-0.**

## 7. NEW BUSINESS

- 7.1 Request from Generation Infocus to Place Banner along Jess Lucas Park Gate to Advertise May 19<sup>th</sup> Grand Reveal Event.

**MOTION: Councilman Horsley made a motion to approve the hanging of the banner along Jess Lucas Park Gate from May 16-19, Councilman Alexander seconded. Discussion: Mayor Hallman and Councilman Alexander said they would be out of town. Mayor Hallman asked Alderman Rast to attend in his place. Councilman Horsley said that it is great that Hapeville has a Maker Space now. Motion carried 4-0.**

- 7.II Consideration and Action on Final Audit Fee for the 2017 – Additional Funding Request.

Councilman Horsley said he had received phone calls asking if Maulden & Jenkins bidded a certain price, why isn't it the bid price? City Manager Tim Young said that they thought they could be able to get through with \$35,000; adding that every municipality of this size he has seen runs around \$50,000-\$55,000 at a minimum. They did experience cost overruns and the audit did start late and they received the work late. He believes that the cost they are requesting is fair.

Mayor Hallman stated that staff had requested to keep Boatwright for one more year; however, the previous Council was anxious to change from Boatwright since Boatwright had performed the audit for several years. The last City Manager was concerned about the learning curve and expense that would come with a new firm performing the audit. Also, Tim Young was taken out of the Assistant Finance Director position and was made Interim City Manager at the time.

Councilman Horsley asked would the contract be bid on a yearly basis? And, would next years be \$35,000? City Manager, Tim Young stated no and that he believed it was planned at about \$45,000 this year. Even though he didn't have the proposal in front of him, he stated the contract he believed is for about four years and that the upcoming year is for \$45,000, \$47,000 and then \$50,000. He said an audit of this size cost \$50,000.

Alderman Rast stated he and staff recommended Boatwright, but the previous Council chose to go with Maulden & Jenkins. Mr. Young said staff had more partner time with Boatwright and confirmed that the decrease in staff with Malden & Jenkins also added to the cost.

Councilman Alexander said she just had her roof repaired and would not have hired someone that would charge her a significant smaller amount of money based on her research. She asked what options do we have now moving forward? Mr. Young advised that we can continue for 2017-2018 with Maulden & Jenkins or if Council would like for us to rebid that is an option. Mr. Young added that he doesn't blame Maulden & Jenkins for the overruns, it was bound to happen. They are a well-known firm and there is nothing wrong with their audit and timing.

**MOTION: Alderman Rast made a motion to approve the additional fund request, Councilman Adams seconded. Motion carried 3-1 (Councilman Horsley opposed).**

7.III Consideration and Action to Renew Financial Services Agreement with Piper Jaffray & Co. and to Authorize Mayor to Sign Contract

Councilman Alexander stated the contract does give a 30 day out with written notice and that severance packages are common in certain fields. Ed Wall advised Mayor and Council that the entire termination section of the contract should be different. It should state that each party has the right to fire one another with 30 days written notice with or without cause, that is the way it has always been with his clients and the way he wants it to be with the City of Hapeville.

**MOTION: Councilman Horsley made a motion to table the item until next meeting to allow for resubmission, Councilman Adams seconded. Discussion: Councilman Alexander asked Mr. Wall does that mean if you are terminated that you are compensated for work done prior to being terminated? Mr. Wall said that is correct. Motion carried 4-0.**

7.IV Consideration and Action to Enter into an Agreement with the Atlanta Regional Commission for the Implementation of its LCI Master Plan Recommendations for the Wayfinding and Virginia Avenue Roundabout Study and Demonstration Project.

Councilman Horsley asked about the possibility of funding for the roundabout and repaving. Lee Sudduth confirmed that GDOT requires that we have connection on Loop Road and that it is a possibility concerning the funding. However, he is not sure about the timing. Lynn Patterson advised that the study must be completed by September 2019 and this is just a feasibility study, not the actual construction.

**MOTION: Alderman Rast made a motion to approve the agreement with Atlanta Regional Commission for the Implementation of its LCI Master Plan recommendations for the**

**Wayfinding and Virginia Avenue Roundabout Study and Demonstration Project, Councilman Adams seconded. Motion carried 4-0.**

7.V Consideration and Action on the Extended Intergovernmental Agreement for the Provision of Animal Control Services Between Fulton County and City of Hapeville.

Mayor Hallman stated that Code Enforcement responds to animal needs that are urgent because of Fulton County's response time. And, that the city does not have the extra money to make the investment in a complete animal control solution because of housing requirements and medical care for the animals.

Councilman Horsley asked if anything is added on a local level to the contract, do we amend this contract? Mayor Hallman speculated no. Chief Glavosek said on a local level, Code Enforcement tries to handle everything they possibly can including transporting and keeping everything in our court system. Every time Fulton County does not respond, they do not charge the city the trip fee. Most of the time Fulton County's response time is at night or in the evenings. Chief Glavosek confirmed that the trip fees are unfortunately on the rise again.

Councilman Horsley questioned the discrepancy of the cover page of the agreement to the actual math presented in the agreement; could it mean we should be charged less? Mr. Young advised that whether it is 12 months or 13 months, the percentage would still be the same. However, Mr. Young said he would check on this.

**MOTION: Alderman Rast made a motion to approve, Councilman Alexander seconded.**

**Discussion: Councilman Horsley asked to get clarification. Alderman Rast amended his motion to move to approve the agreement pending clarification of the table in article three, page 3 versus the table on attachment one, Councilman Alexander seconded. Motion carried 4-0.**

7.VI Consideration to Enter Agreement with Fulton County Arts Council Grant in the Amount of \$6,000 and to Authorize the Mayor to Sign all Necessary Documents.

Councilman Horsley asked what does Phase I cover? Economic Development Consultant, David Burt said they did not want to give up the \$6,000 from Fulton County so they tried to keep Phase I vague, so it might just be design or it might be working with the Georgia Council grant to do the part that is over the tracks and then raise funds for the other part. Mr. Burt stated that the idea is to work with different artists to do sketches to bring to Mayor and Council to look at.

**MOTION: Councilman Adams made a motion to approve entering into the agreement with Fulton County Arts Council Grant in the amount of \$6,000, Councilman Alexander seconded. Motion carried 4-0.**

7.VII Consideration and Action to Approve an Agreement between the Georgia Department of Transportation and the City of Hapeville for the Loop Road Access Project for the Amount of \$2,950,000 and Authorize Mayor Hallman to Sign all Necessary Documentation Pending Legal Review.

Mayor Hallman stated that the federal government earmarked this money to work on improvements. When Ford made their decision to move their manufacturing out of the country, we talked our Washington delegation into keeping this money for us.

Councilman Horsley asked about the \$415,000 difference in the bids. Community Services Director, Lee Sudduth said we are required to take the low bidder on federal funding.

**MOTION: Councilman Adams made a motion to approve the agreement between GDOT and the City of Hapeville for the Loop Road Access Project for \$2,950,000, Alderman Rast seconded. Discussion: Councilman Horsley asked is the vision presented in the current LCI Study going to be a guiding light in any way, since these projects were originally conceived under the prior LCI? Mr. Sudduth advised that the LCI came in afterword; but we are underbudget so if something comes up that we may want to change or add, it may be possible. Motion carried 4-0.**

7.VIII Consideration and Action to Approve Low Bidder Excellere Construction, LLC in the Amount of \$2,779,000 for the Construction of the Loop Road Access Project and Authorize Mayor Hallman to Sign All Necessary Documentation Pending Legal Review.

Councilman Horsley asked how much does the city currently have in TSPLOST? City Manager, Tim Young confirmed that there is \$800,000 in TSPLOST. Community Services Director, Lee Sudduth stated that Excellere Construction, LLC has done work here before in 2009.

**MOTION: Councilman Horsley made a motion to approve the low bidder Excellere Construction, LLC for \$2,779,000 for the construction of the Loop Road Access Project, Councilman Adams seconded. Motion carried 4-0.**

7.IX Bucket Sales (Alcohol Ordinance) Resolution Discussion.

Councilman Adams said he thinks we need to be careful about bucket sales as far as the enforcement of the legal age. How can we ensure that the 8<sup>th</sup> person sitting at the table that may be underage doesn't consume the beer? And if another business comes forth, that we are flexible in our approach to consider some things that they may want too.

Councilman Horsley said the establishment will be required to card everyone sitting at the table. He agrees that it is always the possibility someone might consume 2 or 3 of those beers; however, the establishment should be the one that enforces. Alderman Rast said that he has seen at sporting events for instances, beer sold to adults and they may purchase two, but who knows where the adult takes the second beer. There is always a need for that type of enforcement and that responsibility should be on the establishment.

Councilman Adams asked if this resolution is ultimately passed, would it be applicable to all our businesses that have alcohol licenses? Councilman Horsley said that it would allow them to market the bucket sales; and offer a discount depending on the size ordered. Mayor Hallman said that he is not sure about the discount because he wonders if it's against the state's happy hour rule. Councilman Alexander said if it is discounted, the establishments will not be paying the correct amount of taxes on alcohol sales. She questioned the amount of people allowed to consume the beers. Also, she said she would like the option to mix the beers instead of having one option.

Councilman Horsley said he thinks this is a good idea and it helps the businesses that are asking for it. He will also be asking for an ordinance that allows for craft brewing competitions; and he will be asking for mixed and matched purchases as it relates to purchasing beer at a liquor/bottle

store. Mayor Hallman said he gets a little concern with the mixing and matching as it gets back to why Council (years back) stopped single beer sales. Council felt like that encouraged people to drink and be mobile at the same time (either driving or walking).

Councilman Horsley would like to come back for a 1<sup>st</sup> reading and then a 2<sup>nd</sup> reading. Council is not opposed. Will need to go to legal review.

7.X Removal of Adhoc Committee on the Legal RFP

Councilman Horsley requested to have a vote tonight to remove language as it relates to having an adhoc committee as it is referenced in the legal RFP as he thinks Council should make the decision. Mayor Hallman said staff needs to hear clear and consistent message from Mayor and Council when doing an RFP, we need to state desires on the front end. Alderman Rast stated it was his understanding that it was an internal staff committee to do an initial review of the RFPs, then they make recommendations to Mayor and Council. City Manager, Tim Young advised that the language had already been pulled from the RFP.

Councilman Adams stated that he does not have a problem with staff taking an assessment of the candidates, but he does believe Mayor and Council should be able to make the decision based on the preliminary work. Mayor Hallman reached out to the Georgia Municipal Association (GMA) about a firm versus an individual. The City Charter states that "City Attorney" means only an individual; however, GMA disagrees that this is the case. Mayor Hallman said he is basing the opinion of Chief Legal Counsel of GMA and other cities' traditions of having firms sit as a "City Attorney." He added that he believes that "City Attorney" is interchangeable between an individual and a firm.

**MOTION: Councilman Horsley made a motion to strike the language pertaining to the adhoc committee from the legal Request for Proposal, Councilman Alexander seconded. Motion carried 4-0.**

8. City Manager Report – advised everyone that the news stations had been out because the Police Department had identified a child molester last month and the news coverage is to help find the perpetrator. On a lighter note, he stated that "Paint the Town" would be May 19-23; Memorial Day celebration would take place at the Hoyt Smith Center on May 28 at 10AM; and also, he mentioned making the City's website more user friendly and adding more information on it. It will be a long-term project depending on funding. Mayor Hallman asked Mr. Young to look into agenda software along with the City Clerk to take a look at some of the different things that are out there. Councilman Horsley requested to have video incorporated as well.

9. Public Comments:

John Christian  
Carolyn Routh  
Mike Simpson  
Ellen Simpson

10. Mayor and Council Comments:

Councilman Horsley commented on the two great events: Cinco de Mayo and the Coffee and Chrome event. He then asked for an update for the dissolution of HATT. Mr. Young said it would be on the next agenda. He asked whether the financial advisement applies to the City of Hapeville and the umbrellas which contains the Development Authority and the Development Authority of the City of Hapeville or is it just the City of Hapeville? Mr. Young said no, it is both. There are separate contracts and both Development Authorities' have already extended their contracts. Councilman Horsley asked is there a specific date for the retreat? Mayor Hallman said can look at July. Also, Councilman Horsley asked about the joint called meeting between the governing authority and the Development Authority. Mayor Hallman said he will reach out to Chairman Bradbury again to arrange a date. He asked would the City be interested in an Atlanta Regional Commission sustainability intern? And, lastly with the increase of people using Craigslist, is it possible to do a friendly pick up at the Police Department?

Councilman Adams commented on the great attendance at the event on May 5<sup>th</sup> and kudos to staff, it was well done. He mentioned the neighborhood association meeting in Cofield Park that he and Councilman Alexander attended; adding that it was the largest meeting year to date. He encouraged the citizens to get to know their neighborhood association. He also advised John Christian to get with Susan Bailey as she is compiling a list for speed bumps. Lastly, he asked was the camera working at the baseball field near the concession stand? Chief Glavosek said he would check. Mayor Hallman said that the ballpark needs some attention such as the building itself, modernizing the bathrooms, and cleaner sidewalks etc.

Alderman Rast said the Governor recently signed a law controlling the discharge of fireworks. They are now remanding the discharge of fireworks back to local cities that have a noise ordinance. He hopes that the Police Department is aware that this bill has been passed and signed by the Governor. We can now lawfully cite fireworks that are noisy after certain times in the evening.

Councilman Alexander added that the Cinco de Mayo event was fun. She also wanted to clarify a comment she made at the last meeting about jury duty. She was referring to employees that jury duty is not a part of their jobs.

Mayor Hallman echoed the same for the events, stating job well done. He also touched on the Air BnB, stating he would like the City of Hapeville to take a look at what the City of Sandy Springs does. They have passed an extensive ordinance requiring participates to have to have an occupational tax permit and pay hotel/motel taxes. Councilman Horsley asked would the Georgia Municipal Association provide monitoring for this? Mayor Hallman said that it would take someone that is dedicated and watching the web to see what is going on and finding hot spots of activity, so we could follow through. And that it creates unfair competition. Also, he reiterated the Memorial Day service scheduled for May 28<sup>th</sup> at 10AM.

11. Executive Session – none

12. Adjourn

**MOTION: Councilman Adams made a motion to adjourn at 8:23PM, Alderman Rast seconded. Motion carried 4-0.**

Respectfully submitted,

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Alan Hallman, Mayor

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Crystal Griggs-Epps, City Clerk