

City of Hapeville Mayor and Council Session

700 Doug Davis Drive  
Hapeville, GA 30354

June 5, 2018 7:00 PM

**MINUTES**

1. Call to Order: Mayor Hallman called the meeting to order at 7:16PM at 700 Doug Davis Drive, Hapeville, GA 30354.
2. Roll Call  
Mayor Alan Hallman  
Alderman at Large Mike Rast  
Councilman at Large Travis Horsley  
Councilman Ward I Mark Adams  
Councilman Ward II Chloe Alexander
3. Welcome – Mayor Hallman welcomed everyone.
4. Pledge of Allegiance – Councilman Adams
5. Invocation – Betty Morgan

**6. PUBLIC HEARING**

- 6.1 Consideration and Action on 2018 Alcohol Beverage License for Marco’s Pizza Located at 832 Virginia Avenue, Hapeville, GA 30354.

Mayor Hallman stated that an email had been received from a resident posing a challenge to the Alcohol Review Board. When the Alcohol Review Board was redone last year, the title stayed the same, and the functions were given to the staff to handle. But since it is called a review board and is technically a committee, the question has been raised, does that constitute a meeting that is subject to the open meetings act? Mayor Hallman said after discussing this with the City Attorney, he recommends tabling this item to air on a side of caution and to have staff and the City Attorney begin the investigation of how to remedy the situation expeditiously.

**MOTION: Councilman Horsley made a motion to table to June 19, 2018, Alderman Rast seconded. Discussion: Councilman Alexander asked are staff meetings not posted? And do the two licenses that were previously approved, need to be unapproved and then reapproved? Mayor Hallman stated that we’ll need a resolution to this sooner rather than later because people’s lively hoods are affected.**

**Councilman Adams asked legal counsel what ramifications could there potentially be, and what actions (if any) does Council need to take tonight regarding the licenses previously**

approved? City Attorney, John O'Neal said before Council takes any action, Council would need to make a motion to amend the agenda to add those items onto the agenda. However, he said he would caution taking this action because it may not be necessary. Ramifications would include being subjected to a challenge from the citizens of Hapeville pursuant to the City Ordinances and State law that the license was not properly issued. And, such challenger could file an action with the Superior Court for a mandamus to have the court order the city to enforce its own laws and regulations. Mr. O'Neal asked for a week or so to give Mayor and Council an answer as opposed to taking an action now that may not be necessary.

**Vote 2-2 with Councilman Adams and Councilman Alexander opposed. Mayor Hallman cast his vote in the affirmative to table the item to mid-month June and send his apologies to the applicant, Marco's Pizza.**

6.II Alcohol Bucket Sales Ordinance – 1<sup>st</sup> Reading

Councilman Alexander commented on section three of the proposed ordinance stating that she doesn't think discounts are necessary because you cannot discount alcohol anyway. And, it gives the perception that alcohol can be discounted. Councilman Horsley said the reason he used percentages in section three is because he was trying to avoid buy one, get one free (Happy Hour). Councilman Horsley asked if the proposed ordinance was reviewed by legal staff and legal presented back to us this way; is this not correct with state statute? The consensus from Council was to remove section three from the proposed ordinance.

Councilman Alexander added that something should be in the proposed ordinance stating that bucket sales must be consumed in person. Mayor Hallman said this will stand as the first reading with the consensus that the discount per number of items will be removed.

6.III Consideration and Action on the Amendment to the City Ordinance for the Collection and Use of Hotel Motel Tax Funds Under OCGA 48-13-51(B) – 2<sup>nd</sup> Reading

**MOTION: Alderman Rast made a motion to approve the Amendment to the City Ordinance for the Collection and Use of Hotel Tax Funds, Councilman Adams seconded. Motion carried 4-0. City Manager, Tim Young said staff will send letters to the hotels advising of the change and the reason why it occurred. The collection will start in the beginning of July, and we should start seeing the increase in the City's collections in September.**

6.IV FY18-19 Budget Ordinance – 1<sup>st</sup> Reading

Mayor Hallman stated that a multiple page printout had been provided for review. He read the background which stated the budget calls for approximately \$12.4 million in general fund revenues and a net add to Fund Balance of approximately \$150,000.

Mayor Hallman stated that if there are no comments, that will stand as the first reading and if there are items that need to be changed, to let Council know and those can be incorporated in the second reading.

7. Questions on Agenda Items: Mike Murphy

8. CONSENT AGENDA

8.I. Approval of Minutes

- May 1, 2018
- May 15, 2018

**MOTION: Councilman Horsley made a motion to approve the minutes, Councilman Alexander seconded. Motion carried 4-0.**

9. OLD BUSINESS

9.I Employee Handbook – 2<sup>nd</sup> Reading

Mayor Hallman asked were there any subsequent changes or anything that is dramatically different from the previous so that this would have to stand as another first reading or will it count as a second reading? City Manager, Tim Young said based on some of the questions, staff added some information for Mayor and Council regarding clarifications. Councilman Horsley stated his suggestions again which included: striking the words “may, at their discretion, require preapproval of” in the last paragraph in section 3.02(108) and replacing it with “must approve”. Councilman Adams asked what is the thought process of having to approve outside employment? Councilman Horsley said it would make sure there is no conflict.

Alderman Rast stated he was not at the May 1<sup>st</sup> meeting and asked if there is something in the handbook that has been removed from the first reading he would like for it to be pointed out. Assistant Human Resources Manager, Christa Gilbert said nothing had been removed.

Councilman Horsley said there is a typographical error in the word “inappropriate” on page 50. And, requested that the Social Media section 12.02 on page 60 be upheld.

Councilman Adams said on page 33 section 6.06(308), it has a typographical error; it reads “up to 35 days”. Mrs. Gilbert said it should be three days. Also, on page 44, section 10(701), Councilman Adams recommended adding “no sleeping on the job or appearing to sleep on the job”. Lastly, on page 56, section 11.07(806), are there any particular benefits for having arbitration versus going directly to legal action? Attorney, John O’Neal recommends if the City is writing the policy, he recommends arbitration as opposed to immediate litigation. Councilman Adams said that is his recommendation, to do arbitration first. Mr. O’Neal added and then the employee submits to that as a condition of their employment.

Councilman Alexander asked is there a plan to update the handbook annually? And, are there plans to put processes in place to go over annual changes, hopefully with annual reviews so employees can sign off stating they are aware of the changes? Mayor Hallman said he absolutely agrees that the handbook needs to be revisited more frequently. Councilman Adams stated that at his job, if they do not get a new handbook, they are given a summation of changes and employees must sign saying they’ve received it. At a minimum of two years, should have

employees to sign acknowledgement form. Councilman Horsley said maybe we can piggyback off Fulton County, as they assign employees a list of things to do that correlate closely to a preset Human Resource policy. He says the cost for this outweighs the legal risk. He then clarified that he is talking about ongoing employee training. The training would stay part of the employee's annual performance metric. Councilman Alexander asked are there any mandated annual training for the employees that must happen? Mrs. Gilbert said yes, and that she had already contacted GIRMA for a list of annual training. Councilman Adams added that if the required training is not completed, there should be disciplinary action. Mrs. Gilbert said that an instructor would have to come and give in-house training since the City does not have an intranet.

Councilman Alexander said it would be worth viewing it periodically and that it is proven people feel better at work when they are told "good job" or recognizing their improvement. This would be valuable to add to the handbook. Mrs. Gilbert confirmed that some departments do have evaluations; however, not a uniformed policy. She has information to start implementing evaluations citywide.

**MOTION: Councilman Adams made a motion to approve the employee handbook with the notation of the typographical errors and the recommendations that were brought forth, Councilman Horsley seconded. Motion carried 4-0.**

**Mayor Hallman entertained a motion to amend the agenda to revisit item 6.IV to take public comments. Alderman Rast made a motion to amend the agenda, Councilman Alexander seconded. Motion carried 4-0. Mayor Hallman opened the floor for public comments in which no one stood to speak. Mayor Hallman then closed the Public Hearing.**

9.II Renew Financial Services Agreement with Piper Jaffray & Co. and to Authorize Mayor to Sign Contract

Councilman Horsley said he would like to modify section 8 to the first Tuesday of January 2021.

**MOTION: Councilman Horsley made a motion to approve with edits reflecting in section 8 term of agreement to January 5, 2021, Alderman Rast seconded. Motion carried 4-0.**

9.III HATT Discussion

Attorney, John O'Neal addressed the Council to explain the steps to take to dissolve the HATT corporation. In order to dissolve HATT, the HATT Board would need to be called into session. The HATT Board is made up of members of Mayor and Council. The By-Laws mandate that elections must be held amongst the members of the Board. An election has not been held in some time and he is certain that there are no other members of the HATT Board that are current Council members. So, a HATT Board meeting would need to be called to hold elections, vote to dissolve the HATT Board, if vote is successful, a notice of dissolution would then be filed with the Secretary of State Office, a separate notice would need to be placed in the legal organ of the city, articles of dissolution would need to be filed with the Secretary of State Office. There must be a planned disbursement of the funds remaining in HATT. Right now, HATT has about

\$4000 in an account. This is a problem because HATT cannot spend it and those are hotel/motel funds that must be spent by law. Even if the Board decides not to dissolve HATT, a meeting must be called because something has to be done with those funds. Would either have to dissolve HATT, disburse funds back to the city with a disbursement plan that will be filed with the articles of dissolution, or if Mayor and Council decides to keep the HATT organization, would need to call a vote, hold elections and then vote to transfer the money back to the city to give it to the DMO.

Once the articles of dissolution and disbursement plan is filed with the Secretary of State Office and signed off on, then will need to file a notice with the IRS stating that the 501(c)(6) has been dissolved.

Mr. O'Neal recommends that the HATT Board follows the Open Meetings Act to publish the meeting holding it in conjunction with a Mayor and Council meeting and making sure to publish the HATT agenda.

Councilman Horsley asked could the governing authority modify the by-laws to allow the current membership? Mr. O'Neal said it can be done by filing the appropriate amendments with the State Office because the by-laws would have to be updated through their office. Mr. O'Neal stated that this route would add one more layer/one more step that would not be necessary if Mayor and Council called a meeting and held an election, and in the same meeting, vote to dissolve HATT and vote to transfer the money back to the city.

Mr. O'Neal stated that keeping the organization and changing the makeup and the purpose of the organization can be done; however, he cautions against it because the HATT organization is on DCA radar. Anything with the HATT organization name in it, is going to be viewed automatically as suspect; and you'll spend a lot of time and effort trying to prove to them that this is not the same HATT organization that the city had before. Mr. O'Neal added that it would be easier to dissolve the current organization and then start a new one with a new name and new by-laws.

Mayor Hallman said that we need to schedule a HATT meeting. Alderman Rast stated that once we verify the by-laws to confirm the sitting members of HATT, then we are ready to proceed. Mayor Hallman said that they could have a HATT meeting in conjunction with the mid-month meeting.

## 10. NEW BUSINESS

### 10.1 Consideration and Action on Granting Permission to Bertha Rojas to Sell Produce on City Property between the Hours of 5-9PM

Councilman Adams asked about insurance requirements for Ms. Rojas and will the space be leased to her? Councilman Horsley said that he thinks the code was written before food trucks and transient vendors. If we're aiming to attract a crowd that will appreciate art etc., we probably should revisit the time limits for transient vendors/food trucks. Mayor Hallman added that we need to revisit the liability and insurance requirements as well.

Mayor Hallman asked the attorney could an agreement be drafted in order to protect the city when granting a transient vendor permit? Attorney, Serena Nowell said a release of indemnification can be drafted and signed by Ms. Rojas releasing the city of all liability.

Councilman Alexander said that she is in favor of changing the ordinance because she has had a couple of people approach her about it and decided not to apply for the permit because of the hours.

**MOTION: Councilman Horsley made a motion to approve pending a signed release of indemnification agreement, Councilman Adams seconded. Discussion: Councilman Alexander asked would an ice cream truck need this to sell ice cream? Alderman Rast said that he thinks they would have to physically setup shop to be a transient vendor. Councilman Alexander asked if she reapplies at day 31, does that no longer make her a transient vendor? Councilman Adams recommended addressing the frequency of renewal, whether it is considered still transient or business license. Councilman Alexander recommended allowing a low-cost peddler's permit, so it won't have to be renewed every 30 days. Alderman Rast said he thinks it is a good window to look at after 30 days. Mayor Hallman said maybe to have staff to take a look at the transient vendor permit in general and to try to incorporate food trucks. Motion carried 3-1 with Alderman Rast opposed.**

- 10.II Consideration and Action to Approve Play South, LLC in an Amount not to Exceed \$161,350 for Playground Equipment at the New Virginia Avenue Park.  
Community Services Director, Lee Sudduth confirmed the different options stating that one option is \$125,000 and the other option is \$100,000.

Councilman Adams asked is it a neighborhood park or a City park? Mayor Hallman confirmed that this is a city park financed with taxpayer dollars. Councilman Horsley said the conversation he has seen via email is that the abutting neighborhood desires a placement of a bridge that would make the area walkable and accessible through the neighborhood. Councilman Alexander said she doesn't want the cost of the bridge to affect the park itself. Mayor Hallman said that the general concept of this was approved by the previous Council because the loans must be applied for in advance. Mr. Sudduth confirmed that the bridge would be very small and insignificant.

**MOTION: Councilman Horsley made a motion to approve the option for \$125,000 but not to exceed \$161,350, Alderman Rast seconded. Discussion: Councilman Alexander asked why does it cost so much more? Is the equipment itself is more expensive? Mr. Sudduth said yes. Motion carried 4-0.**

- 10.III **MOTION: Councilman Adams made a motion to amend the agenda to add a discussion about water usage and a potential Water Advisory Committee, Councilman Horsley seconded. Motion carried 4-0.**

Councilman Adams read his drafted resolution creating a potential Water Advisory Committee. Mayor Hallman said he feels that Mayor and Council was elected to perform these duties as part of their responsibilities. Mayor Hallman said he doesn't disagree with citizen involvement and feels that citizen involvement occurs at every Council meeting. Councilman Adams said duly noted and added that they had been elected to perform these duties but think there is nothing that should prevent an enhancement in those duties.

Councilman Horsley stated that one thing he would like for staff to look at and maybe this can be recommended by this group, the Georgia Department of Finance Authorities rotating loan program as it relates to replacing the water meters citywide.

Alderman Rast said he is not opposed to the idea of an advisory committee; however, he didn't have any comments at the meeting since the resolution was received yesterday. He added there are some modifications that he would recommend and will send to the City Manager and Council via email within the next two weeks.

Councilman Alexander said she thinks switching over as many meters as possible could provide some sense of clarity to residents that are having seemingly reoccurring water issues. This is something that could benefit the city. It would confirm that certain events are contributing to water usage.

Councilman Adams stated that the City of Thomasville replaced approximately 10,000 meters via a GEFA loan which was written by another company. The City of Thomasville did some of the leg work (cleaning out the water boxes etc.) before the meters were put in. Mayor Hallman is not opposed to replacing meters. He said that Mayor and Council has duties and responsibilities as elected officials to represent those duties in delivering infrastructure, water/sewer services, police and fire protection; all of these things fall under the umbrella of what it means to be an elected official. He does not think it is right to subcontract these duties.

Councilman Alexander said that the formation of this committee would make those that are elected more informed.

Councilman Adams said he is open to redrafting the resolution and sending it back out for support.

#### 10.IV Tourism Product Development (TPD) Discussion

Councilman Alexander stated she also has a resolution regarding a committee. The idea behind the Tourism Project Development committee is that we are now increasing the amount of funds we use for brick and mortar projects. And, with two new hotels being constructed, the tax money we'll be getting in will be increased, perhaps significantly. The committee would do the work that would otherwise be passed on to staff. The committee would consist of some staff members and Council. The committee would firsthand formulate a list of projects to be funded using TPD. And, also the possibility of securing a bond that could fund multiple projects at once instead of waiting for those funds to be paid. TDP could fund itself to pay off bonds in a short

period of time. The Committee would consist of the City Manager, Economic Development Consultant, Councilmember, Community Representative, and a Development Authority representative to discuss projects for recommendation to Council.

Mayor Hallman asked about formulating a 5-year plan of action. Councilman Alexander said she doesn't ideally like to see a one to five-year plan, more like a standard plan with a shorter time table. Councilman Alexander stated that pending the hiring of more accounting staff, some of the reporting duties can be referred to the Economic Development Consultant.

11. City Manager Report – City Manager, Tim Young made a correction to the collection time frame of the hotel/motel tax. The 8% would go into effect at the beginning of August and then the payments would be received in October.
12. Public Comments:
  - Steve Love
  - Charlotte Rentz
  - Lauren Fye
  - Laura Murphy
13. Mayor and Council Comments:

Councilman Horsley asked Chief Glavosek the purpose of maintaining the CALEA certification? Chief Glavosek said it is an elite standard of excellence in the law enforcement field. Chief Glavosek confirmed that state certification cost \$350 per year and national accreditation cost \$4000 per year. And, that having the CALEA certification makes the Hapeville Police Department more marketable to those looking for a place they can count on. Councilman Horsley asked about the agreement with Outfront Media for advertising on the billboard. The City Clerk will follow up with Susan Fromm on the usage of the board.

Councilman Adams asked about a sound barrier on I-85. He said to contact GDOT to see what could be done about some type of sound barrier on I-85.

Councilman Alexander asked about employee records retention and is there a way to get a formula for storm water fees?

Alderman Rast had no comments.

Mayor Hallman thanked everyone for coming out to the Memorial Day ceremony. He also added that the CALEA certification is very impressive, and it is like being a member of the elite.

14. Executive Session:

**MOTION: Councilman Adams made a motion to go into executive session for personnel and legal, Councilman Horsley seconded. Motion carried 4-0.**



**MOTION: Councilman Adams made a motion to go into recess, Councilman Horsley seconded. Motion carried 4-0.**

**MOTION: Councilman Horsley made a motion to go into executive session at 9:37pm, Councilman Adams seconded. Motion carried 4-0.**

15. Adjourn

**MOTION: Councilman Horsley made a motion to reconvene into the open meeting, Alderman Rast seconded. Motion carried 4-0.**

**MOTION: Alderman Rast made a motion to adjourn at 10:10pm, Councilman Alexander seconded. Motion carried 4-0.**

Respectfully submitted,

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Alan Hallman, Mayor

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Crystal Griggs-Epps, City Clerk