

Mayor and Council Work Session

700 Doug Davis Drive

Hapeville, GA 30354

August 7, 2018 6:00PM

MINUTES

1. Call to Order: Mayor Hallman called the work session to order at 6:02PM 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

3. Welcome

4. Questions on Agenda Items - none

5. Informal Discussion of Agenda Items –

7.I Consideration and Action to Re-Enact Noise Ordinance – 1st Reading –

Attorney John O’Neal stated that enacting this ordinance keeps it intact but adds a caveat saying that it applies to fireworks; however, the prohibition of fireworks is subject to a special permit which must be allowed under the O.C.G.A. statute which refers you back to the fireworks statute which has also been amended to allow for the permit.

8.III 2018 Engagement Letter from Maudlin & Jenkins –

Councilman Horsley had a question concerning which GASB rule should be protocol. Councilman Alexander asked a general question about the desk reviews and field reviews. Is three years the standard period of time in which they [Mauldin and Jenkins] can list any negative reviews? City Manager, Tim Young said that we can check on this.

10.I Consideration and Action to Amend the Fireworks Ordinance – 1st Reading –

Alderman Rast said that the language referring to permitting seems to apply to individuals and companies that use fireworks for events. At any time and day of the week, a citizen can apply for the permit to do fireworks in their backyard. Is this all-inclusive? Is the individual given a list of times of day they can set off the fireworks? Attorney O’Neal said one of the things considered is the time of day for the noise ordinance. It says specifically in the statute that the noise ordinance timeframes will be control. If the individual wants to be after 10PM, they would need a permit for it. They are bound by the noise constraints themselves. So, when it comes to the timeframe, the noise ordinance prohibits noises in residential areas. If they want to have fireworks to go off in their backyard, right now this is prohibited by city code. But to do this, they must apply for a permit, and staff would take that into consideration when deciding whether to issue the permit.

Basically, you can't prohibit firework use unless you provide for a permitting process; and it applies to everyone (individuals, groups, corporations etc.). Councilman Rast said that citizens will need to know that these changes have been made because enforcement is going to be a challenge. We can educate our citizen starting with publishing information in the September newsletter regarding the parameters and permit requirements. Attorney O'Neal said that they'll be happy to work with staff to create a criteria sheet.

Councilman Horsley asked can verbiage be included that says the projectile must come down on land? Attorney O'Neal said maybe not, he doesn't know about that, but in the statute itself, one of the restrictions, if it's been incredibly dry according to federal/state standards and there is a no burn policy in place, we can also say no fireworks. He added that he would think the Fire Marshal would work with Code Enforcement to control this. If the state issues a no burn ban, it would be an administrative function of left hand telling the right hand; so, code enforcement people when you're getting a fireworks application, be aware there are drought conditions and things can catch fire.

Councilman Adams said it would be tremendously laborious to determine the trajectory of an object.

Councilman Alexander asked if it's not forcible, then does it becomes an ineffective ordinance? Mayor Hallman said that right now there is no vehicle for enforcement. Alderman Rast said he agrees with Councilman Alexander that it is going to be a challenge for enforcement but he fully supports getting something on the books. Then police can work with our citizens, and hopefully citizens that are offended by fireworks can report it.

Councilman Adams asked Legal Counsel what are the other local municipalities doing related to the fireworks/noise ordinance? Attorney O'Neal said the issue is relatively new since it is fresh from the General Assembly, so honestly, he doesn't know, but he would be happy to reach out to other lawyers representing municipalities to see if this has come up and to see what their safeguards in their ordinances are. Councilman Adams said his thought is that this is a lying duck legislative just sitting out there just to have in the books, if we cannot enforce it, why even have it. Attorney O'Neal thinks that was the point. They wanted something saying you can regulate it, but you have to be able to allow for a permitting process. He thinks the bill was designed to say, you can have a ban but good luck enforcing it. Alderman Rast said their thinking was it was a better chance to regulate it on a local level than it would have been statewide.

Public comments/questions from Julian Glantz, Daniel Ray, and Mike Simpson were made.

10.II Tourism Product Development Advisory Committee Resolution – 1st Reading –

Alderman Rast said he was on record last time favoring five members with one Councilmember, and that is still his position; can hash it out at the 7PM meeting.

10.IV Consideration and Action to Approve the South Fulton Chamber of Commerce, Inc. Connect South Fulton Invoice in the Amount \$7,100.00 for Regional Economic Development.

Councilman Horsley asked how is the amount arrived at? Mayor Hallman said it is based on population. Councilman Horsley also asked can we start getting reports from Michael Davis? Mayor Hallman said yes. City Manager Tim Young said Mr. Davis will be in at the next work session

to give a presentation. Mayor Hallman said Mr. Davis was tasked with getting this off the ground and to try to move the model to a self-funded model. His office is at the South Fulton Chamber.

Councilman Alexander asked are we participating in things that will not give us bang for our buck? Is the relationship worth the investment? Mayor Hallman said he thought this in the beginning too, but his experience in watching how the organization has functioned in connection with Aerotropolis, it is a good partnership based on his observation. Councilman Alexander added that she would ideally like to see us cultivate relationships with our immediate neighbors.

Councilman Adams asked had we identified any tangible ROI while participating the past three years? Mayor Hallman said we've only been in it for one year.

Councilman Horsley asked is Mr. Davis relying on our Police force to do part of the leg work? Mayor Hallman said they did talk about collaboration on issues such as car break-ins at hotels because they're a problem all over metro Atlanta. The group felt that with a stronger presence out there, better results would be achieved. Councilman Horsley said we're paying him to be a Project Manager? Mayor Hallman said he would rather Mr. Davis come to the mid-month meeting and talk about what he does and Council can hold before taking action until after Mr. Davis has come.

10.V Consideration and Action to Approve the Corbett Group, LLC in the Amount of \$360,646.50 for Emergency Construction Work on Water Lines and Sewers and Authorize Mayor Hallman to Sign All Necessary Documents.

Community Services Director, Lee Sudduth said basically this is to name Corbett Group, LLC as our emergency contractor if something comes up. Mr. Sudduth confirmed that the enclosed document is a cost sheet for repairs. He added that mostly for Community Services, it's going to be for deep sewer lines because they cannot get in a hole over five feet, or for valves under pressure. There are about four to five things that cannot be done in-house.

10.VI Discussion Initiated by Councilman Horsley on Transient Merchant / Food Truck Policy.

Councilman Horsley said section A (1-8) refers to surety bonds in the amount of \$5000; his general hope is that we can accept general liability. Mr. Young said about five weeks ago he had tasked Fincher Denmark with helping recraft the current ordinance. A copy of the amendment draft was forwarded over to all that morning. Councilman Adams said based on a person's credit rating, a surety bond can be expensive.

Councilman Horsley said essentially, he's trying to get to where concrete brick and mortar businesses can allow food trucks/trailers to place their partnering business on their property. If this is the case, his request instead of 30 days will be for 6 months, but don't want it to be a permanent fixture so in the language if done six months, the cost would be \$250 or \$300. But he doesn't want it to be Bob's Burger Shack out there six months without leaving so need to work in the language to read "26 non-continuous days" to be located there. Elsewise, if it's not collocated on a parcel that is currently owned by a business, it can be there for three months for 12-13 non-continuous days. Lastly, Councilman Horsley said to strike 6PM in D section 2, and allow for later hours, changing 6PM to 10PM.

Councilman Alexander said it still limits any merchant to 30 days; can't have more than four. So, if a church wants to sell on the weekends, they can't even if they were to get a permit. She was thinking that a separate permit could be created that is more cost-effective for churches, non-profit organizations, and schools that want to set up transient or temporary sales of things for fundraising purposes that would lower the cost and for a church it could be free? Alderman Rast doesn't think churches are bound by this ordinance; they haven't been in the past.

Also, Councilman Alexander said she doesn't know about the 9PM after Labor Day. The temperature is still good to be out and about. Councilman Adams said he agrees with 10PM being on the same timeline as the noise ordinance.

Councilman Alexander asked is there a process for the vendor to sign a hold harmless agreement? Mr. Young said yes.

Mayor Hallman said he guess the idea would be to come out of here with enough clarity to bring a first reading at the mid-month meeting. Mr. Young confirmed that that is the plan.

10.VIII – Discussion Initiated by Councilman Horsley on Street Sign Inventory and Replacement

Councilman Horsley said we have signs that are not reflective and would be cost prohibited to replace on a mass form. He said we should think about the vendor we use and mentioned Georgia Correctional Industries (GCI). Councilman Adams said we need to think about the turnaround time. Councilman Horsley said GCI offers free shipping when orders are more than \$100.

6. Old Business – none

7. New Business – none

8. City Manager Report – Mr. Young said he would hold his report until the 7PM session.

9. Adjourn –

MOTION: Councilman Adams made a motion to adjourn the work session at 6:46PM, Alderman Rast seconded. Motion carried 4-0.

Respectfully submitted,

Alan Hallman, Mayor

Crystal Griggs-Epps, City Clerk