

Mayor and Council Work Session

700 Doug Davis Drive

Hapeville, GA 30354

August 21, 2018 6:00PM

MINUTES

1. Call to Order: Mayor Hallman called the work session to order at 6:07pm 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
City Manager, Tim Young stated that the City went through a process for proposals for legal services and the process took about three months. Mr. Young introduced Mr. Gerald Chichester from Smith, Welch, Webb & White; stating that Mr. Chichester will be the City's primary attorney from the firm and Andy Welch will serve as backup.

4. PRESENTATIONS

4.I Presentation by Dashboard's Beth Malone

Ms. Malone presented 25 pedestrian bridge project proposals stating that the next step is to have Council choose five finalists with the final decision being made at the September 18th Work Session. Ms. Malone also indicated which proposals were favored by the Main Street Board and Dashboard.

Councilman Adams asked Ms. Malone had she conferred with the railroad to see exactly how this interferes with the trains coming by? David Burt said they had talked to Lee Sudduth and said they would see what proposals came in and then go to the railroad if needed. Mr. Sudduth said they'll run it by them. David Burt said there may be concern with the pink cloud because it would be a new structure over the tracks.

4.II Connect South Fulton Presentation by Michael Davis

Mr. Davis talked about Connect South Fulton's organizational goals and outcomes; starting off by saying it's a brand-new partnership with seven other cities that started in 2017. As small as South Fulton cities are, competition on an Economic Development perspective is with North Fulton, Cobb, and Gwinnett. He uses the rationale of "can get farther, together" than working independently. Cities can develop a regional brand and have a focus that supplements what goes on in each city by sharing the story. The member cities have a competitive advantage by being in proximity to the Atlanta airport. There has never been someone or an organization collectively going out on a state level or a regional level sitting at the table and advocating the

story. The organization is modeled after a Gwinnett County organization. The reception has been great.

Mr. Davis stated that every quarter he meets with the Mayors to discuss what is most important regionally, and he generally takes their direction to complete the tasks. The Mayors do hold him accountable at the next quarterly meeting.

Councilman Horsley asked Mr. Davis' what are his performance measures and how is he held accountable? Mr. Davis said this is the first eight months and the annual report format is being worked on right now. There are several things that has been accomplished. He stated that one of the cities backed out, which took out about 50% of the funding. This action changed the whole metric perspective and the whole course of the year, so he has had to redo the strategic blueprint.

Councilman Adams asked can Council get a report, and is it feasible and how often would they get the report? Mr. Davis said at the beginning of the year he was doing a monthly dashboard scorecard with the Mayors and he still has it. He said he can reinstitute this. He was doing this prior to the other city backing out. The annual report format will be done like a corporation.

Mayor Hallman asked what kind of progress has been made on the private sector financial contribution? Mr. Davis said that most of the corporations come in at \$2500 each and that he is getting traction. Over the last few months he has gotten a lot of response and feels that there will be five on board with investment the next month.

Alderman Rast asked is there any chance of South Fulton coming back to the organization? Mr. Davis said yes and that the dropping out was politically motivated. It was never about the work of Connect South Fulton.

Councilman Horsley asked has any additional cameras been installed since June? Mr. Davis said not to his knowledge. However, the Solis hotel was interested and had questions. He stated that the cameras would help police start their investigation faster because they would already have the data.

Councilman Alexander asked Mr. Davis what happens if he goes away? He said that he had identified interns that are very passionate about this. Mayor Hallman said a new executive director would be hired through the same process.

Councilman Adams asked is there potential for overlap with other organizations i.e. ARC with the cameras? Mr. Davis said there is no overlap and that he works very closely with ARC and Aerotropolis.

5. PUBLIC HEARING

5.1 Consideration and Action on a 2018 Beverage License for Mami's La Cubana.

Mayor Hallman opened the public hearing. Applicant Orquidea Meulener stated that she wants to sell beer and wine, and she has met all the requirements necessary to petition City Council and the Mayor to approve her license and she is very anxious to see if it can be done.

Mayor Hallman opened the floor up for comments for the public to speak for or against the applicant in which no one stood to speak.

Mr. Young stated that staff had worked several weeks and months with Mami's La Cubana to make sure they had all the requirements for the City. They created a very nice fence in their back to wall off the area. They have met all the health codes and there will be no service on the front sidewalk. They will be serving from one location because they do have two buildings. At this point in time, staff feel that they have met the requirements and answered questions, so staff recommends to Mayor and Council to approve their request. City Planner, Dr. Lynn Patterson confirmed that on public sidewalk we do not allow alcohol, but if it was a patio, alcohol would be allowed.

MOTION: Councilman Adams made a motion to approve, Councilman Alexander seconded. Motion carried 3-0-1 (Councilman Horsley recused himself).

5.II Consideration and Action on Conditional Use Permit Request for 1155 Virginia Avenue Parking Lot

Mayor Hallman opened the public hearing to hear from the applicant, public and staff. Roger Fisher spoke on behalf of the applicant saying all the code requirements have been met and one of the reasons for the extension is the owner has planned a project on the site, and there is a large, very deep sewer line underneath that site. There were no comments from the public. Dr. Patterson stated that in last September, Mayor and Council heard this conditional use permit application for a parking lot which serves primarily Crab Spot and some others. It is plenty of parking but sometimes they need additional parking. Staff has been in discussion with the owners who would like to development the property. Last year when the conditional use permit was approved, it was for 12 months because the property owners had intended to start building a hotel and a parking deck which would accommodate the additional parking need. Mr. Patel has been in conversation with Hapeville, East Point and Atlanta. There certainly could be some other alternative developments, but in the interim while they're actively working on it, the Planning Commission met last week and recommended approval for another 12 months with stipulations.

Dr. Patterson said she was asked by the Planning Commission would she recommend for another 12 months and she would say no. Originally from a planning perspective there is a better use for the property than a parking lot, but we just have to get to that which will probably be in two years.

Alderman Rast said that he is ok with another 12 months and he agree with Dr. Patterson comments about not extending beyond.

Councilman Alexander asked what are the other alternatives for development if the hotel is not possible? Dr. Patterson said it can be additional retail. The issue is that the sewer line bisects the property. It would need to be smaller buildings.

Councilman Adams asked had there been any code enforcement issues? Dr. Patterson said the Police Department said there weren't any directly related to the parking lot itself. Councilman Adams said what gives him pause is how the parking lot was done last year. If we want to remain aggressive as a city we need to adhere to our standards and expectations moving forward.

Alderman Rast said he is thinking of the retail that has become accustomed to the parking with the promise that a deck would eventually be built. It would seem if it is denied, it would put a hardship on some of those retail businesses that needs parking.

Councilman Alexander said that people were parking there long before a conditional use permit, so they'll probably continue to park there whether Council permit it or not. Alderman Rast said well it needs to be made legal. Councilman Adams said he doesn't think that it is necessarily an inherent hardship because additional parking wasn't there before, and businesses were still thriving in that area. His concern and what gives him pause is how the parking lot was destructed and that standards have to be set across the board for any businesses that operate in Hapeville.

Mayor Hallman said that he doesn't disagree with Councilman Adams, but he also said we try to work very hard to be business friendly and parking became more of a problem over there when The Crab Spot came because they draw a very large clientele. Councilman Adams said he respect Mayor Hallman's comment, but he disagrees. He thinks we are business friendly; however, if they go back and reorg the way the parking spaces are allocated to the businesses there, that can be resolved. There are so many parking spaces there for management in front of the building and he thinks the spaces are not equally allocated appropriately for the businesses there.

MOTION: Alderman Rast made a motion to approve the conditional use permit, Councilman Horsley seconded. Motion carried 3-1 (Councilman Alexander opposed).

5.III Consideration and Action on Art Overlay District Rezoning – Makerspace – 3578 S. Fulton

Mayor Hallman opened the public hearing. Applicant Tiffany Ray addressed Mayor and Council stating that essentially what they are hoping to do is extend the overlay. Currently in their location, they are a makerspace and their primary function is to cultivate and support the arts in the community. They are hoping with the arts district overlay, it would support the different types of art programs they are wanting to offer. So, they are requesting that the overlay be extended to where they would be included in the zoning of district overlay.

Mayor Hallman opened the floor for public comment in which no comments were made. City Planner, Dr. Patterson stated that there had been long conversations with the applicant about the space. The space is just beyond the existing arts district boundary. They were able to receive an occupational tax permit for an art studio; however, some of the activities are not allowed in the RMU without an art district overlay. Dr. Patterson also added that what they are offering is consistent with the overall vision for Hapeville and don't really see any issues with extending it into the RMU district. However, a couple of small problems were identified and will be brought to Council next month. As of right now, makerspaces are limited to geographic location along

Dogwood and Virginia Avenue and then South Central to Doug Davis. This text will be taken out and therefore will require a different process. Dr. Patterson said she recommends approval as well as the Planning Commission.

MOTION: Councilman Adams made a motion to approve extending the arts overlay district to include makerspace at 3578 S. Fulton, Councilman Horsley seconded. Motion carried 4-0.

5.IV. Consideration and Action on Re-Enactment of the Noise Ordinance – 2nd Reading

Mayor Hallman opened the public hearing. Mayor Hallman opened the floor for public comment and staff comments in which none were made. Alderman Rast asked about section 26-2-17, did the language change from the previous ordinance? He asked because the language used when voting was: the excessive noise hours between 10PM and 7AM, and now the language specifies any time in residential areas which disturbs peace and quiet? He asked could a complaint be registered before 10PM for excessive noise by a resident and that complaint be followed up on? Alderman Rast said it seems to be a little bit of confusion with enforcement. He added that we can clear this up later and that it would not affect his vote. He asked the City Manager to follow up with him.

MOTION: Councilman Horsley made a motion to approve, Alderman Rast seconded. Motion carried 3-1 (Councilman Alexander opposed).

6. Questions on Agenda Items:

Larry Martin
Mr. Shepard

7. OLD BUSINESS

7.I Consideration and Action on Amendment to the Fireworks Ordinance – 2nd Reading

MOTION: Councilman Horsley made a motion to approve, Councilman Adams seconded.
Discussion: Councilman Alexander stated that she didn't mean to vote "no" on the last item; however, it can stay since the item passed anyway. She intended to vote "no" on this because it creates a situation where you can set off fireworks anywhere in the city and every resident is probably going to hear it since the city is so small. The requirement for a permit is most likely to not be known by the people that are most likely to buy fireworks. She thinks enforcement is difficult and that she doesn't like potentially setting up specific people for enforcing of something they probably don't know about anyway.

Councilman Adams asked is there a way to re-look at this? He agrees with Councilman Alexander. How do we actually enforce this? Mr. Young said that staff can look at it and talk to the attorneys.

Councilman Alexander said that she thinks the holidays that people use fireworks are New Year's and Fourth of July is also times people tend to drink a lot. She wouldn't want the police to be bogged down with nuisance calls about noise when people are doing things way more serious. Alderman Rast said that fireworks nuisance has gotten worse over the last three to

four years and is sure it's because the state legalized it. He is in favor of massaging the language and putting something on the books requiring people to get their permit. If an ordinance is passed, it should be well publicized in the newsletter.

Mayor Hallman said if Council doesn't pass something, they can do nothing. Alderman Rast said he doesn't disagree with the enforcement comments at all but he does favor legislatures opening the door for cities to begin some measures of regulation. They may put other stipulations in effect going forward. He added that he would like to have something on the books and maybe the legislature will continue to receive complaints about the fireworks issue in the state.

Councilman Horsley asked is there a reason the fee is set at \$100? Alderman Rast said he thinks the legislature established that. Vote 2-2. Mayor Hallman cast his vote in favor of approving with a caveat to continue massaging the language making it effective the second meeting in September.

7.II Consideration and Action on Tourism Product Development Advisory Committee Resolution – 2nd Reading

MOTION: Councilman Adams made a motion to approve the resolution, Councilman Alexander seconded. Motion carried 4-0.

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

Councilman Horsley made a motion to approve with caveat that the Connect South Fulton provide the Council the same metrics as the Mayors of the other cities are receiving, Alderman Rast seconded. Motion carried 3-1 with Councilman Alexander opposed.

8. NEW BUSINESS

8.I Consideration and Action on Request form the James & Erma Freemont Foundation to Hang Banner to Promote 5K Run/Walk

MOTION: Alderman Rast made a motion to approve the request, Councilman Horsley seconded. Discussion: Alderman Rast commented that he knew Dr. Freemont for many years and served on a board with him. He really enjoyed their relationship and wanted folks to know that Dr. Freemont that has the dental practice in Hapeville, father was a prominent physician at South Fulton Hospital for a number of years, and he was a good man. Motion carried 4-0.

8.II Consideration and Action on Brunch Bill Ordinance – 1st Reading

MOTION: Councilman Horsley made a motion to waive the first reading of the brunch bill ordinance, Councilman Alexander seconded. Vote 4-0. Alderman Rast made a motion to approve the ordinance, Councilman Adams seconded. Vote 4-0.

- 8.III Consideration and Action on Intergovernmental Agreement with Fulton County to Conduct Special Election for Brunch Bill Referendum.

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

- 8.IV Transient Merchants Ordinance Amendment – 1st Reading

Councilman Alexander asked about section 11-11-4, questioning if we are allowing a transient vendor to get a permit for two consecutive 30-day periods. She thought it was changed to 90 days. Councilman Horsley confirmed that at the last meeting it was said 90 days if it was co-located on a property that already has a business license it would be a period of 26 weeks with the intent to being 6 months. In the essence that he wants them to have 26 times that they can locate a business.

Councilman Alexander also mentioned the same section she brought up before where one section says three months and the other section says 30 days. There is a conflict there. It also says 26 continuous days, why is that an arbitrary number? Councilman Horsley said the number is coming from one day per week per half year. He would not want a food truck set up at a location essentially becoming a restaurant for a month.

Alderman Rast asked would the language allow for 90 days? Councilman Horsley stated that the 90 days relates to the transient vendors locating on areas that doesn't currently have a business license. Councilman Alexander said that there is a chance it might exceed 26 days; maybe saying no more than three consecutive days per week.

Councilman Adams asked can the ordinance be reviewed, and Council send comments to the City Manager? Mayor Hallman said as long as it's not a substance change, it can be approved at the next meeting. The City Clerk confirmed that comments are needed by Wednesday 5PM before the next meeting. Mr. Young added that comments are needed sooner than later.

Councilman Alexander wanted to see something about non-profit organizations and something about businesses that doesn't have enough land for it; maybe an application process for approval of where the truck will be parked.

Mayor Hallman said that with the aforementioned caveats, this would serve as first reading of the ordinance.

- 8.V Consideration and Action on RFP for Wayfinding

MOTION: Alderman Rast made a motion to approve, Councilman Horsley seconded. Motion carried 4-0.

8.VI Consideration and Action to Approve the Low Bidder Mullins Brothers Inc. in the Amount of \$121,872 for the LMIG Doug Davis Paving Project and Authorize Mayor Hallman to Sign All Necessary Documents.

Councilman Adams asked how did we decide Doug Davis versus residential street? Mr. Sudduth said they had an inventory done of the conditions of all streets and they look to see which ones are the worst. They also did some core samples. Doug Davis is a lot wider than most of the streets, so while there are funds, they decided to go ahead with that one while they still have LMIG, so it would offset the cost.

Councilman Horsley said that the Aero Green Pathway cause for a modal mile along Virginia towards Doug Davis. Is there a possibility of turning a four lane into a two lane with a center turning lane and having part of that road being multi modal use? Mr. Sudduth said that could work. Mayor Hallman said he thinks we should. Councilman Horsley asked are there any caveats with the grant money that it has to be striped as the current four lanes? Mr. Sudduth said it's not a state road. He'll get with the engineers.

MOTION: Councilman Adams made a motion to approve Mullins Brothers for the paving of Doug Davis with the caveat of potentially looking into how we can make this into a shared road bike lane, Councilman Alexander seconded. Motion carried 4-0.

8.VII Discussion of Millage and the Upcoming Timing

Mr. Young said that staff is continually checking with Fulton County for the digest numbers and suspect the numbers will be in probably by next week. Staff has not gotten a copy of the TCO from court and suspect it will probably be in next week. He reminded everyone that anytime a budget is provided, it is balanced but it is balanced on about \$340,000 worth of budgeted transferred from water and sewer. In order for the City to not continue to borrow from the enterprise fund, we need the general fund to be self-sufficient.

Councilman Horsley asked Mr. Young if there is a reduction in the millage rate to 15.44, would he still see the need to pull from the enterprise fund? Mr. Young said it would be close and we don't know what the digest is right now so if we locked off another \$288,000 it would probably break even with the pulling of \$340,000. Mayor Hallman said he would strongly urge to not go in that direction, but he does respect the question.

Councilman Adams asked if we do not decrease the millage rate; however, increase exemptions, how would that work? Mr. Young said for every \$1000 of homestead exemption that is increased, that basically reduces tax collection about \$12,000. If we wanted to give a benefit to the homeowners and not affect our millage rate, that is what he would recommend looking at doing.

Mayor Hallman urged that we catch a breath for a year before making a drastic change one way or the other.

Mr. Young added that the city had been down for so long and property values weren't adjusted last year. There were many things that the city needed and should had addressed. The City's pension is not woefully underfunded, but there are some very aggressive assumptions on the interest rates that our investments supposed to reach, which are not going to be sustainable. The City needs to increase that funding. He suggested looking at this first before taking the millage rate down.

Councilman Adams said more alarming to him is that 2017 is not finalized.

Alderman Rast said he agrees with Mr. Young's assessment of the issue and he feels it is unwise to make a preliminary adjustment to the millage when we don't have the total picture. Our budget compilation since he's been back on Council is that departments have constrained their budget to avoid bringing any discussion before Council about raising the millage and this is based on the undervalued Fulton County digest prior to the present time. He feels the budgets are not realistic budgets since transferring funds from water and sewer... under performing fund balance. He thinks it would be unwise to take a quick reaction to adjusting this year's millage.

Councilman Horsley asked when would the City get out of the loop of not fully knowing the future? Mayor Hallman said if we go to a calendar budget. Mr. Young added if we go to an October budget.

Mayor Hallman said he favors not messing with the millage at all until for another year until we see how the digest is going to end up.

Mr. Young confirmed that he believes Council can make a downwards change to the millage without staff having to re-advertise.

Councilman Alexander said she calculated the mills down to 14 mills and it wasn't a significant difference.

Councilman Adams stated that if the millage rate stays the same, he thinks we need to revisit the homestead exemption.

8.VIII Discussion on Motorola Radios for Public Safety

Mayor Hallman said that he honestly believes that we have gotten our money worth out of the radios. These radios are a lifeline in our emergency service operations for police and fire.

Councilman Horsley said he sees that the document says state contract, if so, strike him from communication. Mr. Young said he would confirm with Chief Glavosek.

Alderman Rast asked are the leased payment not considered in the current budget? Mr. Young said if we start the lease, the payment wouldn't start until 2020.

Councilman Adams asked what about radios for fire? Mr. Young said it encompasses all of public safety.

Mayor Hallman advised staff to go to the state for a lower lease because he thinks it could be better. Mr. Young said he would shop rates and bring back to Council.

8.IX Proposed Date for the Town Hall Meeting to Discuss Traffic Issues and Potential Traffic Calming Ideas

MOTION: Councilman Adams made a motion to approve to have town hall meeting on September 24 at 7PM at the Hoyt Smith Center, Councilman Horsley seconded. Discussion: Mayor Hallman asked how would the meeting be facilitated? Councilman Adams said the meeting would need to be facilitated. Alderman Rast asked would staff have input on the agenda? Councilman Adams said yes. Council instructed staff to reach out to ARC and Carl Vinson for facilitating. Mayor Hallman said that the date is flexible based on the availability of the facilitator. Motion carried 4-0.

9. City Manager Report - none

10. Public Comments - none

11. Mayor and Council Comments –

Councilman Alexander commended the events that happened over the weekend.

Alderman Rast – none

Councilman Adams said he attended the South Fulton Municipal Association meeting in College Park and it was good dialogue. He also invited everyone to attend a program that includes kid activities, arts and crafts, and healthcare at the GICC in College Park on 9/29 from 3-6PM. There will be 50 vendors present.

Councilman Horsley thanked Lee Sudduth's team for the awesome playground going up in the Virginia Park area and thanks for the speed humps on Russell and Wheeler. He asked when will the fourth playground go up? He stated that Fulton County voted to increase their budget to do a new library versus remodeling. He asked were there any updates on the Virginia Park speed humps? Mr. Young said that Ms. Bradbury is meeting with some of her team on Sunday. He will follow up with her. Lastly, he met with a resident of Hapeville that has an idea to have a contractor fair in the Y-Teen Park or at the Depot in mid-November. Mayor Hallman asked Councilman Horsley could he have the resident put something in writing and turn it into staff, so they can start work on it? Councilman Horsley said sure.

Mayor Hallman said he and Sergeant Barnes met with the Solicitor General of Fulton County, Keith Gammage. Mr. Gammage's mission is to speed up the court process. He has asked Sergeant Barnes to be a liaison with Fulton County in having discussions on how Hapeville is presenting cases to the County.

12. Executive Session:

MOTION: Councilman Horsley made a motion at 8:56PM to go into executive session to discuss personnel, Councilman Adams seconded. Vote 4-0. Councilman Adams made a motion to recess, Councilman Alexander seconded. Vote 4-0.

MOTION: Councilman Horsley made a motion to go into executive session, Councilman Alexander seconded. Vote 4-0.

No action taken.

MOTION: Councilman Adams made a motion to reconvene in open meeting, Councilman Horsley seconded. Vote 4-0.

13. Adjourn –

MOTION: Councilman Alexander made a motion to adjourn at 9:15PM, Councilman Adams seconded. Vote 4-0.

Respectfully submitted,

Alan Hallman, Mayor

Crystal Griggs-Epps, City Clerk