

CITY OF HAPEVILLE, GEORGIA
MEETING OF MAYOR AND COUNCIL

March 4, 2014

AGENDA

6:00 PM Work Session

1. Call to Order

2. Roll Call

Mayor Alan Hallman
Alderman at Large Ann Ray
Councilman at Large Michael Randman
Councilman Ward 1 Joshua Powell
Councilman Ward 2 Diane Dimmick

3. Informal discussion of Agenda Items

4. Update by Department

5. Adjournment

7:00 PM Council Session

1. Call to Order

2. Roll Call

Mayor Alan Hallman
Alderman at Large Ann Ray
Councilman at Large Michael Randman
Councilman Ward 1 Joshua Powell
Councilman Ward 2 Diane Dimmick

3. Welcome

4. **Pledge of Allegiance**

5. **Invocation**

6. **Presentation**

7. **Approval of Minutes February 4, 8, and 18, 2014**

8. **Public Comments on Agenda Items**

9. **Old Business**

- A. Motion to adopt Ordinance 2014-03, Noise - Decibel Reading Location
1st Reading February 18, 2014

Summary and Background

This Ordinance amends the Hapeville Code of Ordinances to specify the decibel reading location to determine a noise ordinance violation under Hapeville Code Section 26-2-17. Specifically, the Ordinance provides that, "Such noise sensitiveness shall be deemed breached by evidence of noise in excess of 70 decibels as measured at the nearest receiving property line. Where a violation is perceived by the city to be occurring absent a report of noise disturbance from a nearby property, or the nearest receiving property line is not readily apparent or accessible, such measurement shall take place from the public right-of-way adjacent to the property from which the noise source originates."

10. **New Business**

- A. Consideration to enter into an Indemnification and Hold Harmless Agreement and to execute a Affidavit in Support of Claim for Excess Funds and to authorize the Mayor to sign all necessary documents pending legal review.

Summary and Background

This will allow the City to claim excess fund from Fulton County for property taxes owed at 3580 Perkins Street. The past due property taxes owed are \$4,677.10 including penalty and interest.

- B. Motion to adopt Resolution 2014-05 Acceptance of Donation of Personal Property
Summary and Background

This Resolution approves and authorizes the City to accept the donation of a 1984 Honda Civic by Josh Powell for use for training by the Fire Department.

- C. Motion to adopt Resolution 2014-06 Fire Surplus
Summary and Background
This will surplus 2 vehicles that are no longer in use in the Fire Department.
- D. Consideration to approve expenditure to the Hapeville Development Authority for the Paint the Town Program.
Summary and Background
This expenditure will be made to the Hapeville Development Authority for the Paint the Town Program in an amount to be determined.
- E. Consideration to approve noncompetitive negotiation for selection of sound and lighting vendors and event planning/equipment providers for 2014 Spring Festival, Movie Nights, Concert Series, Fall Festival, and Holiday Tree Lighting
Summary and Background
Pursuant to Section 17-3-24 of the Hapeville Code, "[w]hen, as determined by the mayor and council prior to an award, the needs of the city cannot be met by the other methods of procedure outline hereunder, a contract may be made by noncompetitive negotiation, as determined prior to an award." Noncompetitive negotiation is being requested for selection of sound and lighting vendors (service includes sound equipment and technicians for concerts and festivals) and event planning/equipment providers (services includes bounce houses, movie screens, generators, DJs, staff for inflatables) for the following City events: Spring Festival (April 20, 2014); Movie Nights (April 25, May 16, and June 20, 2014); Concert Series (July 18, August 15, September 19, and October 17, 2014); Fall Festival (September 20, 2014); and Holiday Tree Lighting (November 25, 2014).
- F. Consideration to approve application from Tower Cloud, LLC to install approximately 3,600 feet of fiber optic cable within the City right-of-way.
Summary and Background
Tower Cloud, Inc. provides backhaul communications services to wireless communications carriers at certain mobile base stations and cells sites located in Georgia.

11. Public Comments

12. Mayor and Council Comments

13. Executive Session - for purposes of acquisition of real estate

14. Adjournment

STATE OF GEORGIA
CITY OF HAPEVILLE

ORDINANCE 2014-03

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO AMEND SECTION 26-2-17 (NOISES PROHIBITED); TO PROVIDE SEVERABILITY; TO PROVIDE PENALTIES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the health, safety, and welfare of the people of the City of Hapeville shall be preserved, enhanced, and guarded by the adoption of this Ordinance;

BE IT, AND IT IS HEREBY ORDAINED by the Mayor and Council of the City of Hapeville and under the authority thereof that:

Section 1.

The Code of Ordinances, City of Hapeville, Georgia is hereby amended by amending section 26-2-17(a) to read as follows.

“Sec. 26-2-17. - Noises prohibited.

(a) It shall be unlawful for any person willingly to make, continue or cause to be made or continued, or to allow to continue after warning, any loud, unnecessary, unusual or excessive noise between the hours of 10:00 p.m. and 7:00 a.m., or at any time in residential areas, which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of a normal sensitiveness residing in the area. Such noise sensitiveness shall be deemed breached by evidence of noise in excess of 70 decibels as measured at the nearest receiving property line. Where a violation is perceived by the city to be occurring absent a report of noise disturbance from a nearby property, or the nearest receiving property line is not readily apparent or accessible, such measurement shall take place from the public right-of-way adjacent to the property from which the noise source originates.”

Section 2.

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of the Ordinance are or were, upon their enactment believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of the Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph sentence, clause or phrase this Ordinance.

c. In the event that any phrase, clause, sentence or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 3.

All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 4.

This Ordinance shall become effective upon its adoption by the Mayor and Council.

Section 5.

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Hapeville.

Section 6.

It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Hapeville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

First Reading: February 18, 2014

Adoption: _____

This Ordinance having been properly considered and adopted by the City Council of the City of Hapeville, Georgia the same is approved this ___ day of _____, 2014.

CITY OF HAPEVILLE, GEORGIA

ATTEST:

Alan Hallman, Mayor

Jennifer Elkins, City Clerk

APPROVED AS TO FORM:

Paul R. Koster, City Attorney