CITY OF HAPEVILLE

MEETING OF MAYOR AND COUNCIL

September 15, 2009

MINUTES

6:00 PM Work Session

I. Call to Order – Mayor Alan Hallman
Mayor Hallman called the meeting to order at 6:35p.m.

II. Roll call
Alderman at Large Ann Ray
Councilman at Large Richard Murray
Councilman Ward 1 Susan Bailey
Councilman Ward 2 Lew Valero

III. Welcome, Mayor Alan Hallman
Mayor Hallman thanked those in attendance for coming to the meeting.

IV. Presentations and Recognitions

A) Presentation Ed Macey

The Mayor and Council had general discussion with Ed Macey regarding the City's Tree Ordinance and the need for updates to the Ordinance. Mr. Macey stated that the Ordinance needed to be rewritten and he estimated that it would take 25 billable hours for revisions and one day of staff training. Chris Montesinos inquired about taking the Tree Ordinance out of the current Zoning Ordinance. The Mayor and Council will further consider removing the Tree Ordinance from the Zoning Ordinance.

MOTION: Councilman Murray made a motion Councilman Bailey seconded a motion to engage Ed Macey to rewrite the Tree Ordinance up to 25 billable hours and 1 day of staff training. Motion carried 4-0.

V. Public Comments on Agenda Items
Mike Clark, Finance Director stated that Fulton County had a tax digest and that they were currently preparing bills and that hopefully, the City will have a digest within the next week or so.

Ashley Smith, IT & Communications Manager, stated that IT would be hosting an Open House on October 30th regarding the WiFi Network.

Allie O'Brien, Main Street & Marketing Manager, stated that she had engaged several new online advertisers for the Happy Days Festival.

Bill Werner, City Manger, stated that Ordinance 2009-15 was an amendment to the annual budget that would allow for the purchase of a Cisco Analyst 3750 Local Area Network Core Switch.

MOTION: Councilman Bailey made a motion Alderman Ray seconded to waive first reading of Ordinance 2009-15 amendment to the Annual Budget. Motion carried 4-0.

MOTION: Councilman Bailey made a motion Alderman Ray seconded a motion to adopt Ordinance 2009-15. Motion carried 4-0.

VI. Administrative

A) Georgia Power Franchise Fee Agreement

Summary and Background

This amended franchise agreement with Georgia Power is the result of discussions between Georgia Power and the Georgia Municipal Association regarding differences that have arisen over the years between municipalities and Georgia Power in the administration of franchise agreements. The amendment includes the following:

- *Georgia Power will pay for relocation of its distribution facilities within the City's right-of-ways for "non beautification" projects (i.e., not streetscape/sidewalk projects)*
- *The City will pay for relocation of distribution facilities (1) located on private property at the time relocation is requested or demanded; (2) relocated in connection with sidewalk improvements (unless such sidewalk improvements are related to road widenings, creation of new turn lanes, or addition of acceleration/deceleration lanes); (3) relocated in connection with projects undertaken for aesthetic purposes (streetscape projects); and (4) converted from overhead to underground installations.*
- *For relocation of facilities due to streetscape projects, the City will pay Georgia Power in advance the estimated cost of the relocation. Georgia Power, however, will estimate the amount of incremental base revenue it will realize as a result of the project and if such estimate indicates it will realize incremental base revenue, it will either (whichever is greater) (1) reduce the City's advance payment by 10%, or (2) where the City has developed a bona fide marketing plan within 12 months after construction of such project begins, refund the amount of its incremental base revenue during such 12-month period to the City or credit such amount against any future payment due from the City.*

Moreover, under the City's current franchise agreement with Georgia Power, which was accepted in February 1976 and expires in 2011, Georgia Power is required to pay the City 4% of the gross sales of electric power sold within the City limits. Under the amended agreement, this amount will not change and will be extended until February 2, 2031.

Paul Koster, City Attorney, stated that he had pursued the matter and that currently the City of Statesboro had said no to the new Franchise Agreement with Georgia Power. Mr. Koster further stated that the City was under no compunction to sign the agreement immediately in that the current Agreement did not expire until 2011. Mr. Koster will continue to monitor the situation.

B) Consideration to enter into an agreement with the Hapeville Development Authority to purchase six (6) parcels, known as the Thrailkill Properties.
Summary and Background
This is an agreement between the City of Hapeville and the Hapeville Development Authority for the City to purchase Parcel ID#s 14-0098-0004-001, 14-0098-0004-004, 14-0098-0004-005, 14-0098-0004-006, 14-0098-0004-007, and 14-0098-0004-008 from the Hapeville Development Authority for $25,000.

MOTION: Councilman Valero made a motion Alderman Ray seconded a motion to purchase six properties from the Hapeville Development Authority in the amount of $25,000.00. Motion carried 4-0.

VII. Old Business

MOTION: Councilman Bailey made a motion Alderman Ray seconded a motion to enter a Joint Meeting with the Alcohol Review Board at 7:20p.m. Motion carried 4-0.

A) 1st Reading Ordinance 2009-14, Amendment to Alcohol Beverage Ordinance
Summary and Background
This Ordinance amends Chapter 5 of the Hapeville Code of Ordinances to reflect a number of recommended regulatory changes to streamline the alcohol beverage regulatory process and to clarify applicable standards.

MOTION: Councilman Bailey made a motion Alderman Ray seconded a motion to adjourn the Joint Meeting with the Alcohol Review Board at 9:30p.m. Motion carried 4-0.

B) Discussion of the Conditional Use Permit approved for 3266 Dogwood Drive (Quik Pick)
Summary and Background
BB&T was granted a Conditional Use Permit on June 16, 2009 based on the proposed business plan and renderings provided by a prospective purchaser of the property. The City was notified recently that the property is no longer under contract and is back on the market. The City Attorney has opined that the Conditional Use Permit was granted based on the plans submitted under the previous purchaser, and should the next prospective purchaser intend to deviate from the previously submitted plans, then they would need to request a modification to the approved Conditional Use Permit. The representative from Grubb & Ellis who has been representing the applicant has been notified.

The Mayor and Council discussed the Conditional Use Permit issued for 3266 Dogwood Drive and stated that if another person was interested in the property they would have to conform to the previous plan submitted.

VIII. New Business

A) Motion to adopt, Resolution 2009-13, Amendments to the Retiree Healthcare and Life Insurance Plan
Summary and Background
This Resolution adopts amendments to the City of Hapeville Retiree Health Benefit Plan and Retiree Life Insurance Plan, which, among other things, clarifies the powers and responsibilities of the Plan Administrator and provides that the City will attempt to provide ninety (90) days prior written notice to Enrolled

Persons of any discontinuance or termination of the Plans, however, the lack of notice shall have no effect whatsoever on the legality and validity of any discontinuance or termination of the Plans.

Bill Werner, City Manager, stated that the amendments were based on meetings that the City Attorney had conducted with the Employee - Retiree Committee.

MOTION: Councilman Valero made a motion Councilman Murray seconded a motion to adopt Resolution 2009-13. Motion carried 4-0.

Councilman Bailey inquired about discontinuing retiree dependant coverage and the maximum healthcare payout.

MOTION: Councilman Valero made a motion Councilman Murray seconded a motion to adopt Resolution 2009-13 with the following amendment "effective October 1, 2009 the City will no longer provide healthcare coverage to retiree dependant(s)." Motion carried 4-0.

B) Consideration to make citizen appointments for the Design Review Commission, the Board of Ethics, and the Alcohol Review Board.
Summary and Background
These appointments will fill vacancies due to members resigning from the Boards and Commission.

MOTION: Councilman Valero made a motion Councilman Murray seconded a motion to appoint Jay Neely to the Board of Ethics, Steve Love to the Alcohol Review Board, and Michael Burnett to the Design Review Commission. Motion carried 4-0.

Mayor Hallman asked the City Attorney if the Ethics Ordinance would allow a husband and wife to run and hold office of as elected officials. The City Attorney stated that the Ordinance does currently allow this practice.

IX. Public Comments

None.

X. Executive Session

A) Consideration to enter into Executive Session for the purpose of a personnel matter.

MOTION: Councilman Bailey made a motion Councilman Valero seconded a motion to enter into Executive Session at 10:00 p.m. for the purposes of pending legal matters, personnel matter, and future acquisition of real estate. Motion carried 4-0.

No action taken.

MOTION: Counilman Valero made a motion Councilman Bailey made a motion to enter into Open Session at 10:10p.m. Motion carried 4-0.

XI. Adjournment

MOTION: Councilman Murray made a motion Councilman Bailey seconded a motion to adjourn the meeting at 10:15p.m. Motion carried 4-0.

Respectfully submitted,

____
Alan Hallman, Mayor

____
Jennifer Elkins, Deputy City Clerk

CITY OF HAPEVILLE

JOINT MEETING

OF THE

MAYOR AND COUNCIL

AND

ALCOHOL REVIEW BOARD

TUESDAY, SEPTEMBER 15, 2009

CALLED MEETING

A G E N D A

I. CALL MEETING TO ORDER

Chairman Maddox called the Alcohol Review Board meeting to Order at 7:20p.m. at 3468 North Fulton Avenue, Hapeville, Georgia 30354.

II. ROLL CALL

Mayor Alan Hallman
Alderman at Large Ann Ray
Councilman at Large Richard Murray
Councilman Ward 1 Susan Bailey
Councilman Ward 2 Lew Valero

Alcohol Review Board:
Michael Adkison - absent
Frank Cranford
David Maddox, Chairman
Alice Shepard

III. WELCOME

IV. OLD BUSINESS

A) 1st Reading Ordinance 2009-14, Amendment to Alcohol Beverage Ordinance
Summary and Background
This Ordinance amends Chapter 5 of the Hapeville Code of Ordinances to reflect a number of recommended regulatory changes to streamline the alcohol beverage regulatory process and to clarify applicable standards.

The Mayor and Council and the ARB discussed the proposed changes with City Attorney Paul Koster and made recommendations. Mr. Koster stated that he would have the revised Ordinance ready for adoption at the first Council meeting in October.

V. NEW BUSINESS

Consideration to approve Irish Bred Pub for an Off Premise/Special Events Permit for 2009.

MOTION: Alice Shepard made a motion Frank Cranford seconded a motion to approve Irish Bred Pub for an Off Premise/Special Events Permit for 2009. Motion carried 3-0.

Consideration to cancel monthly meeting for September 2009.

MOTION: Alice Shepard made a motion Frank Cranford seconded a motion to cancel the monthly meeting of the ARB for September 2009. Motion carried 3-0.

VI. ADJOURN

MOTION: Frank Cranford made a motion Alice Shepard seconded made a motion to adjourn the Alcohol Review Board meeting at 9:30p.m. Motion carried 3-0.

MOTION: Councilman Bailey made a motion Alderman Ray seconded a motion to adjourn the Joint Meeting of the Council and Alcohol Review Board at 9:30p.m. Motion carried 4-0.

Respectfully submitted,

____
Alan Hallman, Mayor

____
David Maddox, Chairman

____
Jennifer Elkins, Deputy City Clerk