

The Mayor and Council met for their regular meeting.

Those Present:	John Howard	Mayor
	Wayne Adcock	Vice-Mayor
	Lee Malcom	Council Member
	Myoshia Crawford	Council Member
	Ross Bradley	Council Member
	Larry Bradley	Council Member
	Norman Garrett	Council Member
	Nathan Little	Council Member
	David Dickinson	Council Member
	Logan Propes	City Administrator
	Debbie Kirk	City Clerk
	Russell Preston	City Attorney
	Paul Rosenthal	City Attorney

Staff Present: Jeremiah Still, Beth Thompson, Rodney Middlebrooks, Patrick Kelley, Darrell Stone, Bill Owens, Sam Treadwell, Chris Bailey, Beverly Harrison, Sadie Krawczyk

Visitors: Andrew Kenneson, Ron Coleman, Ginny Vanoostrom-Willett, Vishal Ali, Asif Ali, Matthew Dion, Janice Dion, Angela Yarman, Brian Widmer, Andy Pippin

I. CALL TO ORDER – JOHN HOWARD

1. Invocation

Associate Pastor Brian Widmer of Grace Monroe at the Mill gave the invocation.

2. Roll Call

Mayor Howard noted that all Council Members were present. There was a quorum.

3. Approval of Agenda

To approve the agenda as presented.

*Motion by Malcom, seconded by Crawford.
Passed Unanimously*

4. Approval of Consent Agenda

- a. October 2, 2018 Council Minutes
- b. October 9, 2018 Council Minutes
- c. October 16, 2018 Planning Commission Minutes
- d. October 23, 2018 Historic Preservation Commission Minutes
- e. September 20, 2018 Downtown Development Authority Minutes
- f. October 11, 2018 Downtown Development Authority Minutes
- g. September 20, 2018 Conventions and Visitors Bureau Minutes
- h. October 11, 2018 Conventions and Visitors Bureau Minutes
- i. Purchase – Trees for West Spring Street Sidewalk Project – To purchase from Bold Springs Nursery. (Recommended for Council approval by Public Works Committee November 6, 2018)
- j. Approval – 2018 CDBG Engineering Services Award – Approval of Hofstadter & Associates for \$141,787.00. (Recommended for Council approval by Utilities Committee November 6, 2018)
- k. Approval – HVAC for Water Plant – To hire JC Lane Consulting for the net cost of \$40,815.00 after rebate. (Recommended for Council approval by Utilities Committee November 6, 2018)
- l. Approval – Electrical System for Water Plant – To hire Peters Electric for \$29,500.00. (Recommended for Council approval by Utilities Committee November 6, 2018)
- m. Approval – Young Street Gas Main Replacement – To hire Harrison & Harrison for \$50,490.00. (Recommended for Council approval by Utilities Committee November 6, 2018)

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- n. Purchase – Vermeer Service Trencher – To purchase the RTX450 from Vermeer Southeast Sales for \$57,500.00. (Recommended for Council approval by Utilities Committee November 6, 2018)
- o. Purchase – Redundant Server System – To purchase from Dell for \$68,845.73. (Recommended for Council approval by Utilities Committee November 6, 2018)
- p. Purchase – Redundant Arris C4 CMTS – To purchase from Netsource Global for \$39,770.00. (Recommended for Council approval by Utilities Committee November 6, 2018)
- q. Purchase – Optical Transport System – To purchase from MEGA Hertz for \$54,046.91. (Recommended for Council approval by Utilities Committee November 6, 2018)
- r. Intergovernmental Agreement for Aerial Photometrics – Approval of IGA with Walton County and the City of Loganville. (Recommended for Council approval by Planning & Code Committee November 6, 2018)

To approve the consent agenda as presented.

*Motion by Dickinson, seconded by Little.
Passed Unanimously*

II. PUBLIC PRESENTATION**1. Communities in Schools**

Ms. Angela Yarman gave a presentation and general overview of Communities in Schools of Walton County. It is a local non-profit organization, which was founded in Walton County. She stated they are a drop-out prevention operation. They follow a Researched Base Model, which involves developing an assessment of needs at each school. Ms. Yarman explained Communities in Schools partners with the local school districts to implement many innovative programs that help students succeed. They develop academic programs for extra tutoring and credit recovery; this gives students the opportunity to stay on track to graduate. She explained that many students need extra support in basic needs, college access, workforce preparation, motivation, attendance, and discipline. Communities in Schools has school-wide programs and one-on-one support to help students take full advantage of their educational opportunities.

No Action.

III. PUBLIC FORUM**1. Public Comments**

Mr. Ron Coleman, of 2103 Whitman Court, stated he is a concerned citizen. He lives in Walton County, but not inside the City limits. He questioned who's responsible for the condition of the old Carver School Building. He presented pictures of the building and discussed the structure. He discussed the children playing in the area, ill will, illegal drugs, the accessible open rooms throughout, the hazards, and all the trash. Mr. Coleman stated this bothers him a lot. He questioned why, for how long, and the plans for the structure. He requested that the City not let an area be abandoned and left in this state going forward. He thanked Council for listening and letting him share his concerns.

IV. NEW BUSINESS

Council Member David Dickinson recused himself from any participation in this matter, stating he is Counsel for the owner of the building.

1. Application – Beer & Wine Package Sales – Alcovy Grocery

City Attorney Paul Rosenthal stated the application is in order, but the current property owner has contacted the Code Office raising concerns and objections about the application.

Mr. Vishal Ali, owner of Alcovy Grocery, stated he is trying to acquire a business license to sell alcohol. He stated that alcohol was sold by the previous business owner.

Ms. Ginny Vanoostrom-Willett, owner of the property, stated she sent the current tenant a notice of termination and demand for the premises. She clarified that she is trying to terminate the lease at this point. The premises was supposed to be used for grocery sales only and no other, as stated in the lease agreement. She stated the definition of grocery is food and supplies by a grocer; alcohol does not fall in line with grocery. Ms. Vanoostrom-Willett stated the business license application shows Mr. Ali took possession of the business in October, but the property lease between Mr. Ali and Arnold Property Management is dated November 14, 2017. She stated that Mr. Ali has been selling alcohol under someone else's name for at least a period of one year. She explained that her insurance company sent her a letter of cancellation. Mr. Ali hasn't even tried to obtain insurance until yesterday. She stated an insurance rider will cost her at

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least \$4,000 more plus a percentage of the sales from alcohol. Ms. Vanoostrom-Willett stated Mr. Ali lost the right to sell lottery tickets at some point during his occupancy.

Council Member Larry Bradley questioned whether Mr. Ali has been selling beer and wine out of the business without a license.

Mr. Rosenthal stated it is his understanding that there is an active license at the property, which appears to be for the former owner of the business. The issue raised by the property owner is that the timing seems wrong. The application before Council for consideration included information that the business was sold to the applicant earlier in the month. According to the leases, it appears that Mr. Ali entered into a lease agreement with an entity related to Arnold Property Management in November of last year. It appears that there is an active license on the property for a K. Corp. doing business as Alcovy Grocery, which is the entity that purports to be selling the business to the current applicant, Mr. Vashal Ali. The inconsistency which is being raised by the property owner is that the lease provided with the application shows that the lease was executed in November of 2017. The lease was not executed contemporaneously with the sale of the business that is purporting to occur right now or when and if this alcohol license is approved.

Ms. Vanoostrom-Willett commented that it is much more than that, it has to do with liability and the lease states that he can only sell groceries. She stated they plan to terminate the lease. She questioned how someone can sell alcohol out of a business when they aren't even on the lease.

Code Enforcement Officer Patrick Kelley stated the whole thing revolves around, that it is a landlord and tenant dispute. He explained that he went to the premises of the business to investigate, and the alcohol was segregated from the other merchandise. It was inside an uncooled cooler, completely sequestered from the main portion of the building.

Mr. Rosenthal stated since there was opposition and issues raised, it would be appropriate for the applicant to be given an opportunity to respond. They may want to comment or have information to provide. He explained that they as the applicant bear the burden. The consideration of this application is for Council alone. It would be appropriate, in the context of general procedural due process that they be given the opportunity to respond to the issues raised by the property owner.

Mr. Ali stated that he was never asked to get insurance, and it is not in his lease that he should have insurance. He stated that he was never approached saying that he could not sell beer until recently. The landlord told him they would not allow him to sell beer and would not renew his lease. He stated that the word grocery is a broad term. Grocery stores sell beer and wine, but liquor is a separate issue. He was never approached about providing insurance; when he was asked recently, he purchased it as quickly as possible. Mr. Ali stated that he was asked about the insurance on Friday evening and provided the proof of insurance the next Monday morning. Even though, it is not in the lease that he must have insurance. He stated the previous owner sold alcohol at this location, and there were not any issues or violations with selling alcohol.

Mr. Larry Bradley questioned how long Mr. Ali has owned the business.

Mr. Ali explained he took over the lease in November of 2017, but he and the previous owner were having disputes concerning the closing. The lease had to be secured before they could complete the transaction. They were disagreeing on certain things so they decided to close the business. Mr. Ali took over the business after it closed and applied for the alcohol license. He explained they took precaution after being told they could not sell alcohol; they locked it up so nobody would have access to it.

Council Member Nathan Little questioned the lease stating that he would not sell alcohol.

Mr. Ali answered that the lease states grocery sales and no other, but grocery is a broad term. If grocery means only food and drinks, then he can't sell motor oil or supplies. It is all in the nature of a grocery store. He stated alcohol was already being sold there and the new landlord never told him that he could not sell it. He stated the landlord wants him to stop doing business so they can take over the property. He was told that they would make no changes to his lease, even if he wanted to use a corporation name for the business. He explained that he received a notice to terminate the lease and is looking into getting an attorney.

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Mr. Rosenthal stated there are obvious issues between the landlord and tenant. The issues are between them and are civil in nature, but doesn't mean that Council can't take into account the possible lease termination. The issue can be taken into account for whether or not the lease was active in November of this year, and the application has just now been applied for a license. That begs the question whose license the alcohol has been sold under from November 2017 until the license was applied for in October of this year. The civil issues of the lease between the landlord and tenant should be separate, but the reality of a potential lease termination is a factor which could be considered. He explained the application before Council is in order and is at their discretion to grant or deny the application based upon the information received.

To table the application. City staff to look into the legality of whose name the alcohol license is in, who has been selling the alcohol in the past, check to see whether there are any issues, and give time for any litigation concerning the termination of the lease.

*Motion by L. Bradley, seconded by Little.
Passed Unanimously.*

2. Application – Beer & Wine On-Premise Consumption – Rocky's Pizzeria & Grill

To approve the application.

*Motion by Malcom, seconded by R. Bradley.
Passed Unanimously.*

3. Resolution – City of Ethics Recertification

To approve the resolution as presented.

*Motion by L. Bradley, seconded by Adcock.
Passed Unanimously.*

4. Easement Acquisition Services for Alcovy Sewer Line

City Administrator Logan Propes discussed obtaining the PRIMACQ Group to assist with the easement acquisition services for the Alcovy sewer line extension to Highway 138. The City needs to be able to start construction as soon as possible. He explained the estimated cost is \$22,750.00 based on the fee schedule, but the amount could vary depending on the number of actual parcels that must be acquired. He stated they have done great work for the City on the North Broad and West Spring Street Sidewalk Projects.

Council Member Larry Bradley questioned the services provided by the PRIMACQ Group. He questioned whether the service fee is for them to negotiate with the property owners; the fee has nothing to do with paying the property owners.

Mr. Propes explained the fee is for PRIMACQ Group to negotiate with the property owners, to work with the legal counsel for the City, to make sure everything is recorded properly, to help execute the easement acquisitions, and work hand-in-hand with the engineers.

Council Member Lee Malcom questioned whether it would be brought back for Council approval if the amount exceeds the \$22,750.00.

Mr. Propes stated he is requesting the item be approved based on these ten parcels, and if it goes beyond those, it will be brought back for approval.

To approve the easement acquisition services for the Alcovy sewer line extension for the estimated amount of \$22,750.00, based on the ten parcels.

*Motion by Dickinson, seconded by R. Bradley.
Passed Unanimously.*

5. Easement Acquisition Services for Loganville Water Line

City Administrator Logan Propes stated this is the same type of services for a different project. The PRIMACQ Group will provide the easement acquisition services for the Loganville Water Line Project. He explained the cost is estimated at \$49,750.00 for about 25 parcels. He stated the same conditions apply, it will be brought back to Council if a change order is required.

Council Member Nathan Little stated all the costs will be accumulated and included in the shared project cost.

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Mr. Propes answered that is correct, it will all be included.

To approve the easement acquisition services for the Loganville water line for the estimated amount of \$49,750.00, based on the 25 parcels.

Motion by Dickinson, seconded by Little. Passed Unanimously.

V. ADJOURN TO EXECUTIVE SESSION

Motion by R. Bradley, seconded by Adcock. Passed Unanimously.

RETURN TO REGULAR SESSION

In recognition of the outstanding performance of City Administrator Logan Propes, to increase Mr. Propes salary \$5,000.00 per year effective January 1, 2019.

Motion by L. Bradley, seconded by Dickinson. Voting no Garrett. Passed 7-1.

VI. ADJOURN

Motion by Little, seconded by R. Bradley. Passed Unanimously.

Handwritten signature of John Howard over the printed name MAYOR.

Handwritten signature of Debbie Kirk over the printed name CITY CLERK.

The Mayor and Council met for an Executive Session.

- Those Present: John Howard (Mayor), Wayne Adcock (Vice-Mayor), Lee Malcom (Council Member), Myoshia Crawford (Council Member), Ross Bradley (Council Member), Larry Bradley (Council Member), Norman Garrett (Council Member), Nathan Little (Council Member), David Dickinson (Council Member), Russell Preston (City Attorney), Paul Rosenthal (City Attorney).

I. Call to Order – John Howard

1. Roll Call

Mayor Howard noted that all Council Members were present. There was a quorum.

II. Personnel Issue (s)

1. Personnel Matter

Personnel matters were discussed, including attorney-client discussions.

III. Adjourn to Regular Session

Motion by R. Bradley, seconded by Adcock. Passed Unanimously.

Handwritten signature of John Howard over the printed name MAYOR.

Handwritten signature of Debbie Kirk over the printed name CITY CLERK.