

CITY OF MABLETON, GEORGIA

Riverside EpiCenter
135 Riverside Pkwy, Austell, GA 30168
November 2, 2023 @ 6:30PM

The Honorable Michael Owens, Mayor - Present
The Honorable Ron Davis, District 1 Councilmember - Present
The Honorable Dami Oladapo, District 2 Councilmember - Present
The Honorable Keisha Jeffcoat, District 3 Councilmember - Present
The Honorable Patricia Auch, District 4 Councilmember - Present
The Honorable TJ Ferguson, District 5 Councilmember - Present
The Honorable Debora Herndon, District 6 Councilmember - Present

SPECIAL CALLED

TRANSITIONAL CITY COUNCIL MEETING MINUTES

1. CALL TO ORDER

Mayor Michael Owens

Mayor Owens thanked everyone for attending. He addressed a recent article in the *Marietta Daily Journal* indicating that gas prices would be going up by Austell Gas Systems. He referenced the franchise agreement with Austell Gas that was on the agenda. He explained the City of Mableton does not control whether gas prices go up or down. The City enters into agreements with different utilities and there is a percentage fee paid for franchises to use the right of ways. There is a 3% fee required, but the resident's fees will not go up because of the 3% fee. Austell Gas was already paying a percentage. If a resident's bill goes up, it will not be due to any actions the City of Mableton has taken.

2. ROLL CALL - All present

3. INVOCATION- Led by Pastor Boyd

Councilmember Ferguson announced Pastor Boyd (Dr. Boyd) just received Citizen of the Year Award for Mableton.

4. PLEDGE OF ALLEGIANCE – led by Member from Cobb County Sheriff's Office, Latonya Long.

5. APPROVAL OF AGENDA

Motion was called by Councilmember Jeffcoat to approve as presented. The motion was seconded by Councilmember Davis. The motion to accept the agenda was approved by the council unanimously.

6. PUBLIC COMMENTS

City Clerk Hiott announced information about the time limit and asked those who spoke to announce their address and district. Those who spoke were:

- Denny Wilson of 56 Hillcrest Drive asked why the city of Mableton was entering into a thirty-year agreement with Austell Gas. She asked why the County was building out the City of Mableton with apartments and townhomes. She commented there must be time to say that it is enough. She asked about why Austell Gas was paying franchise fees when the right of ways were still belonging to the County.
- Ken Badalament of District 4 expressed he felt there was a conflict of interest using the interim attorney Amelia Walker-Ashby of Denmark Ashby Attorneys firm. He commented that the the firm's collection of taxes from hotels is a conflict of interest.
- Trent Walker of District 2 expressed his concerns about the eviction crisis and his efforts to get rental assistance.
- Monica Delancy of District 2 spoke about the City of Mableton having the greatest number of black families being evicted. District 2 has the most apartment complexes. She asked Mableton to participate, ask questions, and be strong for the Cobb County Eviction Diversion Program (Rental Assistance Program of the Housing Stability Court).
- Robin Meyer of District 3 stated she worked with the Mableton Improvement Coalition. She spoke about having an effective notice, specific information, and deadline for submitting comments, with an expected date for adoption. She encouraged not having ordinances until have the City website. She encouraged the Council to use the expertise of the public that has experience with the ordinances. She looked forward to working with the City of Mableton.

7. NEW Business:

a. FIRST READ: Civility Resolution

Mayor Owens announced the item and recognized City Clerk Susan Hiott who provided background information. She explained The Georgia Municipal Association (GMA) staff have often commended the Mableton City Council for their leadership and civility during the training sessions at the GMA facility. GMA encourages the City to obtain the City of Civility. The Clerk explained there were 9 Pillars of Civility (per GMA Website): She named:

1. Be considerate of others' opinions. It's ok to agree to disagree.
2. Manage your emotions. Get curious instead of furious.
3. A silent voice is not always a weak voice. Sometimes it's ok not to respond.
4. Be Kind! Make your point about the issue, not the person.
5. Think about the impact of your actions and not the intent.
6. Ask questions to learn. Answer questions with respect.
7. Remember the acronym QTIP (Quit Taking it Personally).
8. Have empathy! Just because you have not experienced it, does not mean it does not exist.

Councilmember Ferguson noted the 9th was not listed and Councilmember Jeffcoat added:

9th - Actively listen, to learn how to engage respectfully.

Attorney Walker-Ashby clarified that the pillars were not listed in the resolution but were in the background information.

Motion was made by Councilmember Auch to approve the resolution, in consideration of the nine pillars. Councilmember Jeffcoat seconded the motion. The motion passed unanimously.

b. FIRST READ: Transitional Spending Plan

Mayor Owens announced the agenda item and provided background information. Highlights included:

- At the last council meeting, year to date funds raised and money spent out included:
 - Revenues received (-Franchises and Hotels) - \$1,414,465.89 – Since June 1st
 - Spent approximately 4,135,000 (Expenses paid out – \$101,637.20 and Deferred Expenses - \$35,474.64)
 - There was catch-up pay for the Mayor and Council and staff over the past six months in the first payroll run.
 - The income side included the franchise fees and the ATV sales. Mayor Owens explained that the \$964,298.73 was from vehicle ad valorem taxes. The taxes go to the County first, and then the County sends to the City.
- The next part of the spending plan is what will be spent December 1st – June 30th 2024. In January 2024 the City will plan for next year's budget, being Fiscal Year July 1st – June 30th 2025 budget. The Council will take feedback and after feedback and consolidation, the Council will consider the final review and approve the spending plan on November 30th.
- The City was just a few months old and is still finding and bringing in additional revenue and additional expenditure. It was challenging to compile the spending plan being in the infancy of the City.
- The City was practicing an organic growth plan instead of the forced growth model that utilized loans and property taxes. The City has not taken on any loans or imposed a property tax this year. Many new cities get loans and have property taxes.
- The Council want to keep the burden as low as possible on the citizens of the City, and at the same time want to move forward and provide services.
- He named the positions that would be needed and referenced the City's proposed Preliminary Compensation Schedule which the numbers came from the Department of Community Affairs survey of salaries. (Discussed at the October 26, 2023 meeting.)
- The City would be competing in the employee marketplace and wants to be competitive in metro Atlanta and Cobb County.
- The plan includes for the first six months \$200,000 plus funds set aside for the Comprehensive Plan, a city-wide planning document. The costs usually range from \$300,000 - \$500,000. The plans take 9 months to a year to complete, and the City would need to act soon. Every city in Georgia must have a Comp Plan or would be limited from state and federal grant funds and other resources.

- The fund will provide contingency for workers and professional services that can provide opportunity to bring in specialists to assist with City operations and strategy.
- The plan includes hardware, software, computing items for council, staff and communications.
- The City will not provide vehicles, but will pay back the mileage, subject to change.
- The plan includes and provides interim office space at 3,000 square feet at a range up to \$28 square feet rate. This would not be a space for council meetings, but to conduct city business and allow citizens to come into the city office.
- The spending plan includes over \$700,000 surplus allowed at the six-month point.

Mayor Owens asked for questions and discussion from Council. Highlights of the discussion included:

- Councilmember Auch clarified the proposed spending plan was December 1st – June 30th.
- Councilmember Auch asked about the timeline for the hiring of the Community Development employees. Mayor Owens explained it would be on a graduated basis, based on staff and professional services offered.
- Councilmember Auch asked when would the City takeover code enforcement. Mayor Owens explained it would take place when the necessary ordinances were in place and the City had staff and external resources to do so.
- She asked if the City had to have code enforcement when taking on occupational taxes. He replied no.
- Councilmember Jeffcoat asked about the costs of the Comprehensive Plan.
- Councilmember Oladapo asked about the advertising line item for the City Manager's proposed spending plan. Mayor Owens explained it could be items related to getting information out to the residents about the City. Each department will have its own budget and have advertising in each department.
- Councilmember Auch expressed concern about the code enforcement, hiring of 3, and not having vehicles. Councilmember Ferguson explained the County had six for entire County, and when the City took over the code enforcement, the City of Mableton would have 3. Councilmember Auch stated she got the plan at midnight last night, noting it would be hard to look at the entire plan by the meeting. The code enforcement allocation concerned her the most.
- Mayor Owens explained there will be a presentation and public hearing next week (November 9th). Within the spending plan there are line items for vehicles, maintenance, gas, fleet vehicle services. If the City could offer at a reduced cost, (providing milage expense for employees' vehicles) the spending plan currently allocated do that, but if Council want to take on purchase of vehicles and other fleet expenses, the spending plan could do that, also.
- Councilmember Auch asked why the deadline is to adopt the spending plan so quickly.
- Mayor Owens explained people had been asking for transparency and to provide a budget. To put something together is about being responsible to the citizens.
- City Attorney Walker-Ashby referenced Section 7.15 of the Charter and clarified the city did not have to have a spending plan. Mayor Owens expressed how the Council wanted

to be fiscally responsible and transparent, and the reason the plan was being implemented now was because of the requests of the people of the community.

- Mayor Owens commented that for the City of Mableton to take on business licenses and pass a occupational tax ordinance , these actions were not solely dependent on the spending plan. The deadline is January 1st, businesses have to renew their business licenses. The goal of the City is to be able to administer and collect occupational taxes for 2024. In order to do that, have to put pieces in place to do that.
- Councilmembers Auch and Herndon expressed why they did not think the City did not have to collect occupational taxes at this time. The council continued to deliberate the transition and roll out time for the need to set up an infrastructure, hiring, time constraints, and collection of the occupational taxes.
- Councilmember Jeffcoat pointed out that during the planned retreat there was discussion about having the transitional spending plan and all agreed. She asked what had changed.
- Councilmember Auch stated there was not a date in those discussions. Mayor Owens explained January 1st date for business licenses was same and those licenses were due January 1st throughout the State of Georgia. A deadline for the spending plan vs deadline for having business license are not one in the same. Having an entire Community Development Department to do business license was not a correct statement. The City could set up a process program and request, issue, and provide method to collect the taxes which would be a highly automated processes. He did not view the implementation as insurmountable. The idea of waiting another year would be to eschew (forgo) millions of dollars. This service would bring in far more money than the City expends.
- Councilmember Auch commented about there not being an additional budget to compare without having occupational taxes vs taking on the service. It seemed the City was in a big rush to adopt ordinances. She wanted clarity of what would be the burden on the City if the County did not do the occupational taxes anymore.
- Councilmember Herndon asked about the hiring to be in place to facilitate the collection of occupational licenses. Mayor Owens explained how there were allocations for options and operation choices built into the spending plan. The spending plan was an allocation of funds. It is not a Standard Operating Procedure (SOP) or the dictation of procedures.
- Councilmember Herndon asked if the City took on occupational taxes, would there be a range of expenses to get the task done. Mayor Owens explained how the spending plan includes staffing, benefits, equipment, and other costs.
- Councilmember Auch asked for clarification of the process of approving items on the agenda later after the spending plan was adopted.

8. **OLD BUSINESS:**

a. *SECOND READ: Ordinance Granting Franchise to Austell Gas System*

Mayor Owens announced the item and recognized Attorney Walker-Ashby who provided background. The item was brought to the council on June 29th for the first read. Austell Gas has seen the initial draft and the agreement required franchise payment owed February 1st, 2024 and initial payment would include fees that commence June 1, 2023 and to continue bi-annually for a term of 30 years. The rate is the same as the rate Austell Gas pays two other jurisdictions. She

recommended adoption. Mayor Owens asked if the agreement between the City of Mableton and Austell Gas dictated who uses Austell Gas. He asked if the agreement changed who can and cannot have customers. Attorney Walker-Ashby replied that does not change. It was a free market and Austell Gas does not regulate. That was up to state law and the services that Austell Gas provides.

Councilmember Auch referenced the Charter's wording about adopting ordinances, and opined that when going forward, if there was a change from first read to second read, the ordinance should go to a third read. Discussion followed about the procedures for future ordinances, noting the concern was not specifically for the Austell Gas ordinance.

Motion was made by Councilmember Davis to approve the ordinance Granting Franchise to Austell Gas System and Councilmember Ferguson seconded the motion. The motion passed unanimously.

9. DISCUSSION:

a. GovPilot Software Integration

(Cloud-based government management platform developed exclusively for local governments).

Mayor Owens announced the item and provided background:

- GovPilot was one of six companies related to cloud-based management program.
- Being a new city in 2023, the City wants to push forward and leverage technology wherever it can. It was more effective, efficient and cheaper in the long run to have the cloud-based GovPilot than having in house systems or paper systems.
- The GovPilot system, is packaged by modules. The modules specifically he was looking at includes: hotel motel tax, business licenses, zoning permits, variance applications, and report of concern.
- It was online, 24-7. Being efficient, it eliminates the need for more employees.
- The software will not allow incomplete applications to go through.
- Other software that was looked at ranged \$40,000 - \$96,000.
- GovPilot has capability of unlimited users.
- The company offers more than 120 modules to choose from as the City grows. It provides flexibility. The subscription order information is included in the agenda packet.
- The company ensures they will have the modules up and running by the time occupational licenses services are in place.

Questions and discussion followed.

- Councilmember Herndon inquired about the bidding requirements. Attorney Walker-Ashby stated she was not aware of any bidding requirements for this purchase. The parameters of a purchasing policy will be in place by the end of the two-year transitional period. She explained how any bidding requirements will be considered on a case-by-case basis.

- Councilmember Auch inquired about the implementation time and if implementation could be done module by module and Mayor Owens explained how doing that way would double the cost. Subscribing to the six modules, would save substantially.
- Attorney Walker-Ashby recommended the motion to include that the mayor is authorized to negotiate and do an agreement for piecemeal. She referenced the City was not going to turn on all modules at the same time.
- Mayor Owens named the four modules to use immediately: Hotel Motel, Report of Concern (See Click, Fix), GIS, and Business License modules.
- Councilmember Auch asked what the benefit of the City was having to implement the report of concern module when the County already had See Click Fix.
- Councilmember Ferguson explained the reasons for Mableton having See Click Fix and having the other GovPilot modules.
- Councilmember Davis pointed out and questioned if purchase now, will there be any inefficiencies. He was hearing if purchase now, the City would be saving \$52,000. He wants to make sure if the City takes on, it will be good for the City. If it is a benefit, and will save money, it is a no brainer.
- Councilmember Herndon pointed out there was “an elephant in the room” and addressed there is a spending plan and goal to collect occupational taxes by January 1st of next year. She speculated the Council wants GovPilot so can collect occupational taxes. Council was looking at passing a spending plan so can start collecting occupational taxes.
- Mayor Owens explained the spending plan was because the citizens have asked for a budget. People want to know. He commented further that yes, the City wants to be in a position to collect occupational taxes under the City’s own capabilities by January 1st. It is crunch time, and Council must move forward. Rushing does not mean recklessness. The spending plan was laid out for review and comments for one month, and the goal is to not adopt it until November 30th. The council was not hiding anything. Collecting occupational taxes is a significant revenue for the City. That is part of the plan that we have to do. He reiterated the City absolutely wants to be able to collect occupational taxes, but there are also additional other items and steps needing to be done to move forward and set the City up for success to provide city services.
- Councilmember Auch pointed out it was not discussed publicly, and Council have not discussed options of if take occupational taxes collection on and if the City did not. Constituents have also asked for website and regularly scheduled meetings, so it was not quite genuine to have a spending plan specifically because they asked for a spending plan. She speculated the spending plan was completely centered around the objective of collecting and implementing a permitting division and collecting occupational taxes.
- Councilmember Jeffcoat commented that the Council’s objective was to build a city and progress forward, and there are steps the City must take to move forward. She heard Councilmember Auch and Herndon’s concerns, noting that clearly outlining the first spending plan, is like building a plane and flying at the same time. It is important to move forward, but necessary steps must be in place. The spending plan was the first step for moving forward.

Mayor Owens asked if there was any more discussion. There was none.

Mayor Owens entertained the motion to approve the GovPilot, and that the mayor to have the ability to execute the agreement, not to exceed the six modules, based on service order, and not to exceed the cost amount of \$56,000.

Motion was made to approve the negotiation and execution by the mayor, the agreement with GovPilot, at a cost of no more than \$56,000, and no more than six modules. Councilmember Jeffcoat seconded the motion. The motion carried 6-1. **Nays:** Auch **Yeas:** Davis, Oladapo, Jeffcoat, Owens, Ferguson, and Herndon

Mayor Owens announced the items of b 1-4 and recognized City Clerk Susan Hiott to provide background. The items are before the Council to have authorization for each item since there is not a spending plan at this time. City Clerk Susan Hiott provided additional information about the costs. The total costs would fluctuate Mayor Owens asked if there were any discussion. There was none. Motions followed for each item.

b. *State Mandated and Other Government Training/Registrations:*

1. 2024 State-Mandated Newly Elected Officials Institute

(February 28-March 1, 2024, Athens, Georgia, facilitated by Carl Vinson Institute of Government) - \$7,500.00 Total Cost if all went

Motion was made by Councilmember Auch to approve the expenditure to attend the State Mandated Newly Elected Officials Institute not to exceed \$7,500 . Councilmember Ferguson seconded the motion. The motion passed unanimously.

2. The National League of Cities Annual City Summit

(Atlanta, Georgia, November 16-18, 2023) - \$650 per attendee

Motion was made by Councilmember Ferguson to approve the National League of Cities Annual City Summit at \$650 per attendee. Councilmember Jeffcoat seconded. The motion carried 6-1. **Nays:** Auch **Yeas:** Davis, Oladapo, Jeffcoat, Owens, Ferguson, and Herndon

3. The Georgia Academy for Economic Development

(Atlanta, Georgia, November 16, 2023, "The Essentials" advanced topic course focusing on in-depth issues in housing, economic development and collaboration.) - \$250 per attendee

Councilmember Davis made motion to approve the expenditure at cost of no more than \$250 per user to attend the Georgia Academy for Economic Development. Councilmember

4. Georgia Municipal Association Cities United Summit

(Atlanta, Georgia, January 26-29, 2024) – Not to exceed \$8633.

Councilmember Jeffcoat motioned to approve the expenditures for Georgia Municipal Association Cities United Summit not to exceed \$8,633. **Nays:** Auch and Herndon **Yeas:** Davis, Oladapo Jeffcoat, Owens, and Ferguson

10. **CITY ATTORNEY COMMENTS - NONE**

11. **CITY CLERK COMMENTS - NONE**

12. **CITY COUNCIL COMMENTS**

Councilmember Davis said he was proud to be a resident of Mableton and was proud of the residents. He commented about how the Mableton residents care and are not apathetic.

Councilmember Oladapo thanked everyone for sitting with them and working with them. It was all growing pains. She commented about Cobb County had just launched the eviction diversion program, known as the Housing Stability Court. She hoped Mableton residents would take advantage of the program and other services. She offered if anyone would like to email her, send email to dami.oladapo@mableton.gov.

Councilmember Jeffcoat thanked everyone for coming out and it was great to hear input and comments. She thanked the mayor and colleagues for adopting to become a City of Civility. She noted we don't all agree, but all have a heart for Mableton. She was not present at the last meeting because she was selected as a community leader by Atlanta Neighborhood Development Partnership to represent South Cobb. She and four other community leaders were chosen to attend the Neighbor Works event in San Francisco. She provided additional information about the program. She spoke about it being Alzheimer's Disease Month, Caregivers Month, and Diabetes Awareness Month.

Councilmember Auch congratulated Councilwoman Jeffcoat. She thanked Mayor and Council for ability to work together. Each may have different ideas, but everyone has commitment to serve. She thanked all for attending the meeting.

Councilmember Ferguson commented about how the City was thriving. Council will continue to work together. He was in awe of all that had happened. He commended the ten, including mayor and council, city clerk, city attorney, and finance consultant. It was more work than anticipated noting that night he was missing an important event for his daughter. Both she and he were committed. He commended all for speaking out, but it was time to get to work. A survey was sent out to the residents. Out of 77,000, the City received only 200-250 responses. As a City, all need to come together. The Council needs the citizens. He commented additionally about unity.

Councilmember Herndon expressed appreciation for all that attended the meeting. She commented about sometimes Council does not always agree but she appreciated the decorum for the discussions. She had a death in her family in June, and the burden has fallen on her to take care of the estate. There was a conflict the next week. She will not be present next week, but she will log in and listen to the meeting. She will be present in spirit and will see everyone at the meeting in November.

Mayor Owens thanked everyone for attending. He wants all to continue to attend. He got an opportunity to present the Citizen of the Year Award. It was given to Dr. Boyd. Dr. Boyd is more than worthy of receiving the award. He is General Manager of the fine facility (EpiCenter). On Halloween Night thousands of people came through. He thanked him for all he did for the City and the entire community. Mayor Owens reported the City emails are up and running. He explained the other technological features he had been working on. If there is an issue, please let him know. The website was close to being finished. Since the City was the newest in Georgia, he wanted to leverage technology. As collect information from the City, must be effective data stewards. He had seen cities get attacked. He can be emailed at Michael.owens@mableton.gov. Mayor Owens reported there was an article in Forbes Magazine. Mableton had the largest increase in house value in the metro area. He looked at it that the secret is out. People understand the City is a gem. Mableton is still the most affordable place to live. He spoke about smart growth. The Council was getting ready to bring boards, commissions, and authorities to life. He encouraged everyone to please get involved. Mableton is a great place to work, live and play, and his main goal was to improve the quality of life for the City.

13. **EXECUTIVE SESSION (IF NEEDED) FOR:**

Litigation O.C.G.A. 50-14-3 (b)(1)(A)

Real Estate O.C.G.A. 50-14-3 (b)(1)

Personnel O.C.G.A. 50-14-3 (b)(2)

Exemptions O.C.G.A. 50-14-3 (b)(4)&(5)

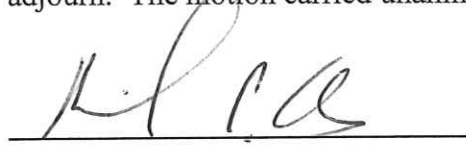
Motion was made by Councilmember Herndon to go into executive session for litigation, real estate, personnel, and exemptions related matters. Councilmember Auch seconded the motion. The motion carried unanimously. **Yeas:** Davis, Oladapo, Jeffcoat, Owens, Auch, Ferguson, and Herndon (9:02 p.m.)

Motion was made to close executive session by Councilmember Auch and seconded by Councilmember Herndon. The motion carried unanimously. **Yeas:** Davis, Oladapo, Jeffcoat, Owens, Auch, Ferguson, and Herndon (11:01 p.m.)

Motion was made by Ferguson to authorize the mayor to publish and place solicitation for commercial lease space for City administrative operations. Councilmember Jeffcoat seconded. The motion carried unanimously.

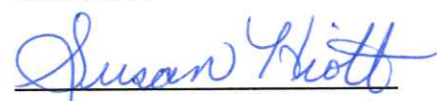
14. **ADJOURNMENT**

Motion was made by Councilmember Auch and seconded by Councilmember Oladapo to adjourn. The motion carried unanimously.



Mayor Michael Owens

ATTEST:



Interim City Clerk Susan Hiott