



ALAN HALLMAN
MAYOR

MIKE RAST
ALDERMAN AT LARGE

BRETT REICHERT
COUNCILMAN AT
LARGE

MARK ADAMS
COUNCILMAN WARD I

CHLOE ALEXANDER
COUNCILMAN WARD II

MAYOR AND COUNCIL WORK SESSION

Join in person at 700 Doug Davis Drive, Hapeville, GA 30354 Or, visit the City's Website for live stream at
<https://hapevillega.civicclerk.com/Web/Player.aspx?id=650&key=-1&mod=-1&mk=-1&nov=0>

October 18, 2022 6:00 PM

AGENDA

1. CALL TO ORDER:

2. ROLL CALL:

Alan Hallman
Mike Rast
Brett Reichert
Mark Adams
Chloe Alexander

3. WELCOME:

4. PUBLIC HEARING:

- 4.I. Consideration and Action to rezone the properties located at 3410 North Fulton Avenue and 3396 Park Avenue from R-SF to R-5

Background:

Roger Fisher of Fisher Allen Group submitted a rezoning request for the properties located at 3410 N. Fulton Avenue and 3396 Park Place on Land Lot 95 of the 14th District, City of Hapeville, Fulton County, Georgia, Parcel Identification Numbers 14-0095-0009-008-1, 14-0095-0009-012-3 from R-SF, Residential Single Family to R-5, One Family Attached and Detached for the purpose of constructing a townhome development.

The Planning Commission considered this request on October 11, 2022, and recommended approval provided the applicant includes a landscape buffer on the northern property line between the R-5 zone, One Family Attached and Detached, and the R-SF, Residential-Single Family zone.

Staff supports their recommendation.

Staff Comments:

Applicant Comments:

Public Comments:

Supporting Document(s):

1. Application - 3410 N. Fulton Ave and 3396 Park Avenue_Rezoning_Redacted
 2. Plans - 3410 N. Fulton_3396 Park Ave_Rezoning
 3. Planners Report_3410 N Fulton 3396 Park Pl_Rezoning
 4. Minutes -October 11, 2022_draft
- 4.II. Discussion on an Ordinance to Amend the City of Hapeville's Ward Boundaries.

Background:

A proposed ordinance to amend the boundaries for Ward 1 and Ward 2 to the following: Ward No. 1 shall consist of all of the area of the City of Hapeville south of the railroad tracks at Central Avenue and all of the area of the city west of the centerline of Stewart Avenue, the same being the area formerly comprising Wards 1, 2 and 3. Ward No. 2 shall comprise the area north of the railroad tracks on Central Avenue and east of the centerline of Stewart Avenue, being the area formerly known as Ward No. 4. Ward 2 begins at the southernmost city boundary corner closest to I-75 and on the northern side of the center line of Central Avenue; thence running westerly along the center line of Central Avenue to its intersection with Dogwood Drive; thence running northerly along the center line of Dogwood Drive to its intersection with Oak Drive; thence running easterly along the center line of Oak Drive to its intersection with Jackson Street; thence running northerly along the center line of Jackson Street; thence running easterly along the center line of Jackson Street to its intersection with Old Jonesboro Road; thence running northerly along the center line of Old Jonesboro Road to its intersection with Birch Street; thence running easterly along the center line of Birch Street to its intersection with Forest Hills Drive SW; thence running northerly along the center line of Forest Hills Drive SW to the northernmost boundary of the City. The remainder of the City is within Ward 1. Both Ward 1 and Ward 2 are depicted in Appendix C to the Charter.

Staff Comments:

Public Comments:

Supporting Document(s):

1. Ordinance to Amend District Maps
2. Hapeville Wards Map 2022 (Exhibit A)
3. AD# 624653

5. QUESTIONS ON AGENDA ITEMS:

The public is encouraged to communicate their questions, concerns, and suggestions during Public Comments. The Council does listen to your concerns and will have Staff follow-up on any questions you raise. Any and all comments should be addressed to the Governing Body, not to the general public and delivered in a civil manner in keeping with common courtesy and decorum.

6. CONSENT AGENDA:

- 6.I. Consideration and Action to approve September 27, 2022, Special-Called Council Meeting minutes.

Supporting Document(s):

09272022 Meeting Minutes

- 6.II. Consideration and Action to approve October 4, 2022, Council Meeting minutes.

Supporting Document(s):

10042022 Meeting Minutes

7. OLD BUSINESS:**8. NEW BUSINESS:**

- 8.I. Consideration and Action to approve Resolution 2022-14 Comprehensive Plan

Background:

The Department of Community Affairs (DCA) Local Comprehensive Planning Rules require that each local government update its Needs and Opportunities, Community Work Program, and Land Use Element portions of its Comprehensive Plan every five years. The final document was transmitted to the Atlanta Regional Commission and the State of Georgia Department of Community Affairs for review in accordance with procedures prescribed by state law. The Comprehensive Plan Update was transmitted for regional and state review on September 06, 2022 and approved by the State of Georgia Department of Community Affairs (DCA) on September 13, 2022.

Supporting Document(s):

1. Comprehensive Plan Resolution_2022

8.II. Discussion on Amendment of the City of Hapeville's Marijuana Ordinance.

Background:

While Hapeville has a low occurrence of arrests under its current marijuana ordinance, even one life derailed or financially depleted for a minor offense is too many. A change in our local ordinance will achieve several positive outcomes. State law permits such changes under O.C.G.A. § 36-32-6, which grants municipal courts concurrent jurisdiction to try and dispose of cases wherein a person is charged with possession of one ounce or less of marijuana when such conduct occurs inside a municipality. By updating our ordinance, Hapeville does not seek to, nor can it overrule state law regarding marijuana possession and use; rather, the change seeks to create a fairer and more equitable standard for all residents by removing the criminal intent of current state law. Individuals in Hapeville found possessing one ounce or less of marijuana will be cited and paid a fine but no longer face arrest, a trial, or a misdemeanor record. This change recognizes that:

- A criminal record has significant negative effects on an individual's prospects for employment, credit, and other opportunities to succeed later in life.
- Enforcement of state law has unfairly and disproportionately marginalized certain subsets of the general population for decades.
- Removing the burden on local Police and courts to enforce and adjudicate unnecessary misdemeanor cases for minor possession of marijuana will allow them to focus their resources on the prosecution of true and dangerous criminal activity instead.
- Unnecessary confusion and fear of entrapment exist as residents in possession of one ounce or less of marijuana travel from Atlanta into Hapeville, where ordinances literally change across the street instead of being contiguous.
- Over a dozen municipalities across Georgia, like Atlanta, Forest Park, South Fulton, Savannah, Tybee Island, Athens, and Clarkston, have already made these changes in step with national trends, advocacy, and growing education around the topic. Local ordinances need to adapt to avoid the risk of unnecessary criminalization of residents when reality and fairness are not aligned with current laws.

CURRENT Hapeville Marijuana Ordinance

Sec. 26-2-26. - Possession of marijuana.

(a) It shall be unlawful for any person to possess one ounce or less of marijuana within the corporate limits of the city.

(b) No person alleged to have violated subsection (a) above shall be allowed to elect to be treated as an ordinance violator other than on the first such occasion of such violation.

PROPOSED Hapeville Marijuana Ordinance

(a) It shall be unlawful for any person to possess one ounce or less of marijuana within the corporate limits of the city.

(b) Persons found in violation of this ordinance shall be issued a citation with a fine of \$75.00, but shall not face arrest, confinement, or misdemeanor charge.

Supporting Document(s):

1. Marijuana ordinances
2. The City of Clarkston Ordinance No. 397

9. CITY MANAGER REPORTS:

10. PUBLIC COMMENTS:

Members of the public wishing to speak shall sign in with the City Clerk prior to the start of the

meeting. Time limitations for Registered Comments are three (3) minutes per person. The total Registered Comment session shall not last more than fifteen (15) minutes unless extended by Council. Each member of the public, who fails to sign up with the City Clerk prior to the start of the meeting, wishing to address Mayor and Council shall have a total of two (2) minutes. The entire general comment session for Unregistered Comments shall not last more than ten (10) minutes unless extended by Council.

11. MAYOR AND COUNCIL COMMENTS:

12. EXECUTIVE SESSION: *When Executive Session is Required one will be called for the following issues: 1) Litigation O.C.G.A. §50-14-2; 2) Real Estate O.C.G.A. §50-14-3(b)(1); or 3) Personnel O.C.G.A. §50-14-3(b)(2).*

13. ADJOURN:

Public involvement and citizen engagement is welcome as Hapeville operates a very open, accessible and transparent government. We do however remind our attendees/residents that there are times allocated for public comments on the agenda. In order for council to conduct their necessary business at each meeting, we respectfully ask that side-bar conversations and comments be reserved for the appropriate time during the meeting. This will allow the City Council to conduct the business at hand and afford our meeting attendees ample time for comments at the appropriate time during the meeting.