



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.

22-PC-10-35

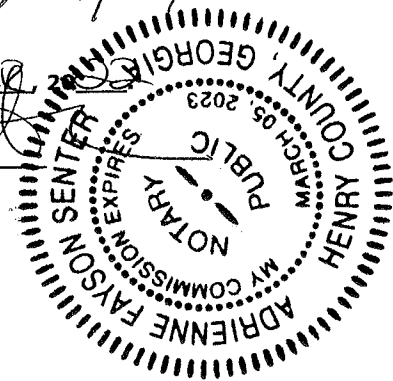
**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
REZONING APPLICATION**

Name of Applicant Fisher Allen Group, Roger Fisher
Mailing Address P.O Box 32638, Hapeville, GA 30354
Telephone [REDACTED] Mobile# [REDACTED]
Email roger@fisherallengroup.com
Property Owner (s) Stream Funding Group, LLC
Mailing Address 3300 Benjamin E Mays Dr SW
Telephone [REDACTED] Mobile# [REDACTED]
Address/Location of Property: 3410 N. Fulton Ave & 3396 Park Pl
Parcel ID #: 14-0095-0009-008-1, 14-0095-0009-012-3
Square Foot of Property _____ Acres 1.439 ac
Present Zoning Classification R-SF Proposed Zoning Classification R-5
Present Land Use Residential
Proposed Land Use Residential

I hereby make application to the City of Hapeville, Georgia for the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I understand that the City of Hapeville, Georgia, reserves the right to enforce any and all ordinances regardless of any action or approval on this application. I further understand that it is my/our responsibility to conform with all of City of Hapeville's Ordinances in full. I hereby acknowledge that all requirements of the City of Hapeville shall be adhered too. I can read and write the English language and/or this document has been read and explained to me and I have full and voluntarily completed this application. I understand that it is a felony to make false statements or writings to the City of Hapeville, Georgia pursuant to O.C.G.A. 16-10-20 and I may be prosecuted for a violation thereof.

[Signature]
Applicant's signature
Date: 9/9/2022

Sworn to and subscribed before me
This 9th day of September, 2022
[Signature]
Notary Public



CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
REZONING APPLICATION

LETTER OF INTENT

In detail, provide a summary of the proposed project in the space provided below. Include the proposed use of each existing or proposed building, and the proposed land use.

Fisher Allen Group proposes to construct a new 22-unit townhome development at 3410 N. Fulton Ave and 3396 Park Avenue. The properties are currently zoned R-SF and we are requesting to rezone the properties to R-5. The residential community will have 13 guest parking spaces and feature a common area.

What are the reasons the property cannot be used in accordance with the existing regulations?

The property is currently zoned R-SF and allows single family detached and can not be developed as townhomes.

Will the proposed zoning change create an isolated zoning district that is unrelated to adjacent and nearby districts? Yes _____ No X

If so, why should this property be placed in a different zoning district than all adjoining property?

N/A

How would the proposed zoning change impact on public facilities and services?

There would not be any impact on public facilities or services.

What environmental impacts would the proposed project have?

There would not be any negative environmental impacts.

Describe the effect the proposed zoning request will have on the adjacent properties and how it will impact the character of the neighborhood.

There would not be a negative impact to the adjacent properties. The current property is residential and we propose to enhance the current character of the neighborhood.

Are there any proffered conditions you would like to apply to and be made part of this application for rezoning? Yes _____ No X

Please list any written proffered conditions below.

N/A

Any development and site plans or other demonstrative materials presented as proffered conditions shall be referenced below and attached to this application as follows: (Please include a date or other identifiable information of each piece of material attached)

1. Conceptual Site Plan

2. Property Survey

**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
REZONING APPLICATION**

AUTHORIZATION OF PROPERTY OWNER

I CERTIFY THAT I AM THE OWNER OF THE PROPERTY LOCATED AT:

3410 N. Fulton Avenue and 3396 Park Place

City of Hapeville, County of Fulton, State of Georgia

WHICH IS THE SUBJECT MATTER OF THIS APPLICATION. I AUTHORIZE THE APPLICANT NAMED BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF A REZONING FOR THE PROPERTY.

Name of Applicant Roger Fisher

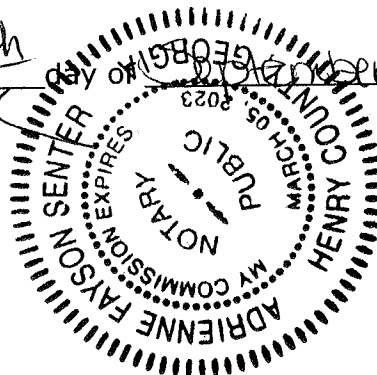
Address of Applicant P.O. Box 32638
Hapeville, GA 30354

Telephone of Applicant [REDACTED]

[Signature]
Signature of Owner

STREAM FUNDING GROUP / RANDALL BROW
Print Name of Owner

Personally Appeared Before Me this 9th day of December, 2022.
[Signature]
Notary Public



**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
REZONING APPLICATION**

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS & GIFTS

Application filed on 09-~~15~~⁰⁹-2022, 2022 for action by the City Council on the following requested rezoning:

R-4, Multifamily Residential

Address to be rezoned: 3410 N. Fulton Avenue and 3396 Park Avenue

All individuals, business entities or other organizations having a property or other interest in said property that is subject of this application are as follows:

Stream Funding Group, LLC

The undersigned below, making application for Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. Seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on this form as provided.

Have you as applicant or anyone associated with this application or property, within the two (2) years immediately preceding the filing of this application, made campaign contributions aggregating \$250 or more to a member of the Hapeville City Council? ____ Yes X No

If YES, please complete the following section (attach additional sheets if necessary):

Name and Official Position of Government Official	Contributions (List all which aggregate to \$250 or more)	Date of Contribution (Within last 2 years)
None		

I do hereby certify the information provided herein is both complete and accurate to the best of my knowledge.

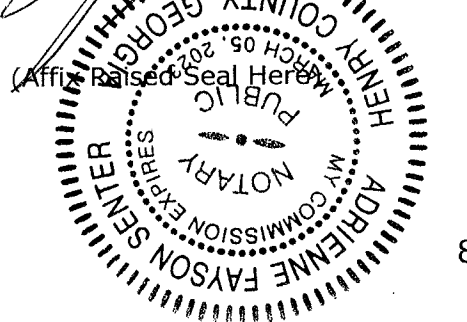
[Signature]
Signature of Applicant

Roger Fisher MGR.
Type or Print Name and Title

[Signature]
Signature of Applicant's Representative

[Signature] MGR.
Type or Print Name and Title

[Signature] 9/9/22
Signature of Notary Public Date



LEGAL DESCRIPTION
PARCEL # 14 009500090081
HAPEVILLE, GA 30354

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 95 OF THE 14TH LAND DISTRICT,
FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A SCRIBED "X" IN CONCRETE AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF NORTH FULTON AVENUE (HAVING A 50 FEET RIGHT-OF-WAY) AND THE NORTH RIGHT-OF-WAY OF PARK STREET (HAVING A 30 FEET RIGHT-OF-WAY), SAID SCRIBE BEING THE TRUE POINT OF BEGINNING; THENCE ALONG THE EAST RIGHT-OF-WAY OF NORTH FULTON AVENUE ALONG A CURVE TO THE LEFT WITH AN ARC LENGTH OF 149.47 FEET, WITH A RADIUS OF 1325.00 FEET, WITH A CHORD BEARING OF NORTH 23 DEGREES 24 MINUTES 07 SECONDS EAST, AND A CHORD LENGTH OF 149.37 FEET TO A 1/2" REBAR, AT THE INTERSECTION WITH THE WEST RIGHT-OF-WAY OF PARK STREET (HAVING A 50 FEET RIGHT-OF-WAY); THENCE ALONG THE WEST RIGHT-OF-WAY OF PARK STREET ALONG A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 158.37 FEET, WITH A RADIUS OF 200.00 FEET, WITH A CHORD BEARING OF SOUTH 00 DEGREES 23 MINUTES 36 SECONDS EAST, AND A CHORD LENGTH OF 154.27 FEET TO A 1/2" REBAR, AT THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY OF PARK STREET (HAVING A 30 FEET RIGHT-OF-WAY); THENCE ALONG THE NORTH RIGHT-OF-WAY OF PARK STREET NORTH 74 DEGREES 07 MINUTES 59 SECONDS WEST A DISTANCE OF 62.78 FEET TO A SCRIBED "X" IN CONCRETE, SAID SCRIBE BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 6,043 SQ FT / 0.139 ACRES.

LEGAL DESCRIPTION
PARCEL # 14 009500090123
HAPEVILLE, GA 30354

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 95 OF THE 14TH LAND DISTRICT,
FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A SCRIBED "X" IN CONCRETE AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF NORTH FULTON AVENUE (HAVING A 50 FEET RIGHT-OF-WAY) AND THE SOUTH RIGHT-OF-WAY OF PARK STREET (HAVING A 30 FEET RIGHT-OF-WAY), SAID SCRIBE BEING THE TRUE POINT OF BEGINNING; THENCE ALONG THE SOUTH RIGHT-OF-WAY OF PARK STREET SOUTH 74 DEGREES 07 MINUTES 59 SECONDS EAST A DISTANCE OF 117.00 FEET TO A 1/2" REBAR, AT THE INTERSECTION WITH THE EAST RIGHT-OF-WAY OF PARK STREET (HAVING A 50 FEET RIGHT-OF-WAY); THENCE ALONG THE EAST RIGHT-OF-WAY OF PARK STREET ALONG A CURVE TO THE LEFT WITH AN ARC LENGTH OF 187.51 FEET, WITH A RADIUS OF 250.00 FEET, WITH A CHORD BEARING OF NORTH 06 DEGREES 28 MINUTES 26 SECONDS EAST, AND A CHORD LENGTH OF 183.15 FEET TO A 1" OPEN TOP PIPE; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 72 DEGREES 05 MINUTES 10 SECONDS EAST A DISTANCE OF 170.12 FEET TO A 1" OPEN TOP PIPE; THENCE SOUTH 01 DEGREES 58 MINUTES 30 SECONDS WEST A DISTANCE OF 307.50 FEET TO A CONCRETE MONUMENT; THENCE NORTH 89 DEGREES 56 MINUTES 29 SECONDS WEST A DISTANCE OF 359.06 FEET TO A 1" OPEN TOP PIPE ON THE EAST RIGHT-OF-WAY OF NORTH FULTON AVENUE; THENCE ALONG SAID RIGHT-OF-WAY NORTH 35 DEGREES 29 MINUTES 06 SECONDS EAST A DISTANCE OF 128.50 FEET TO A SCRIBED "X" IN CONCRETE, SAID SCRIBE BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 59,013 SQ FT / 1.354 ACRES.

TOTAL AREA = 1.439 ACRES
(59,013 SQ.FT.)

THIS PLAT IS A REVISION/UPDATE PER THE CITY OF HAPEVILLE FOR THE SURVEY RECORDED IN PLAT BOOK 440, PAGES 123-127

THIS BLOCK RESERVED FOR THE
CLERK OF THE SUPERIOR COURT.

TAX PARCEL: 14 009500090081
TAX PARCEL: 14 009500090123
3410 NORTH FULTON AVENUE
HAPEVILLE, GEORGIA 30354
ZONED: R-SF

OWNER/DEVELOPER 24 HR CONTACT:

OWNER/DEVELOPER: STREAM FUNDING GROUP, LLC
CONTACT: RANDELL BROWN
PHONE: 404-285-5501
EMAIL: randellb5@gmail.com
ADDRESS: 3300 BENJAMIN E. MAYS DRIVE SW
ATLANTA, GA 30311

FLOOD ZONE NOTE:

A PORTION OF THIS PROPERTY SHOWN HEREON DOES NOT
LIE IN A DESIGNATED FLOOD HAZARD AREA ACCORDING
TO THE F.I.R.M. NO 1312100366 F AND NO. 1312100367 F,
DATED SEPTEMBER 18, 2013.

Owner? Acknowledgement and Dedication:

(STATE OF GEORGIA)
(FULTON COUNTY)

The owner of the land shown on this plat and whose name is
subscribed thereto, and in person or through a duly authorized
agent, acknowledges that this plat was made from an actual survey,
and dedicates by this Declaration to the use of the public forever all
streets, easements, sanitary sewers and appurtenances, potable water mains
and appurtenances, storm drains and appurtenances, and other public
facilities and appurtenances thereon shown.

Signature of Subdivider Date Signed

Printed or Typed Name of Subdivider

Signature of Owner Date Signed

Printed or Typed Name of Owner

Final Surveyor? Certificate:

It is hereby certified that this plat is true and correct as to the property
lines and all improvements shown thereon, and was prepared from an actual
survey of the property made by me or under my supervision; that all
monuments and markers shown thereon actually exist, and their location, size,
type and material are correctly shown. The field data upon which this plat is
based has a closure precision of one foot in 57,421 feet and an angular
error of 02' per angle point, and was adjusted using the compass
rule. This plat has been calculated for closure and is found to be accurate
within one foot in 101,103 feet and the property shown contains a total of 0.28
acres. The equipment used to obtain the linear and angular measurements
herein was (SEE NOTE 5).

By: David L. Garrison Date 12/9/2019

Registered Georgia Land Surveyor No.2756 Date of Expiration 12/31/20

Final Plat Approval:

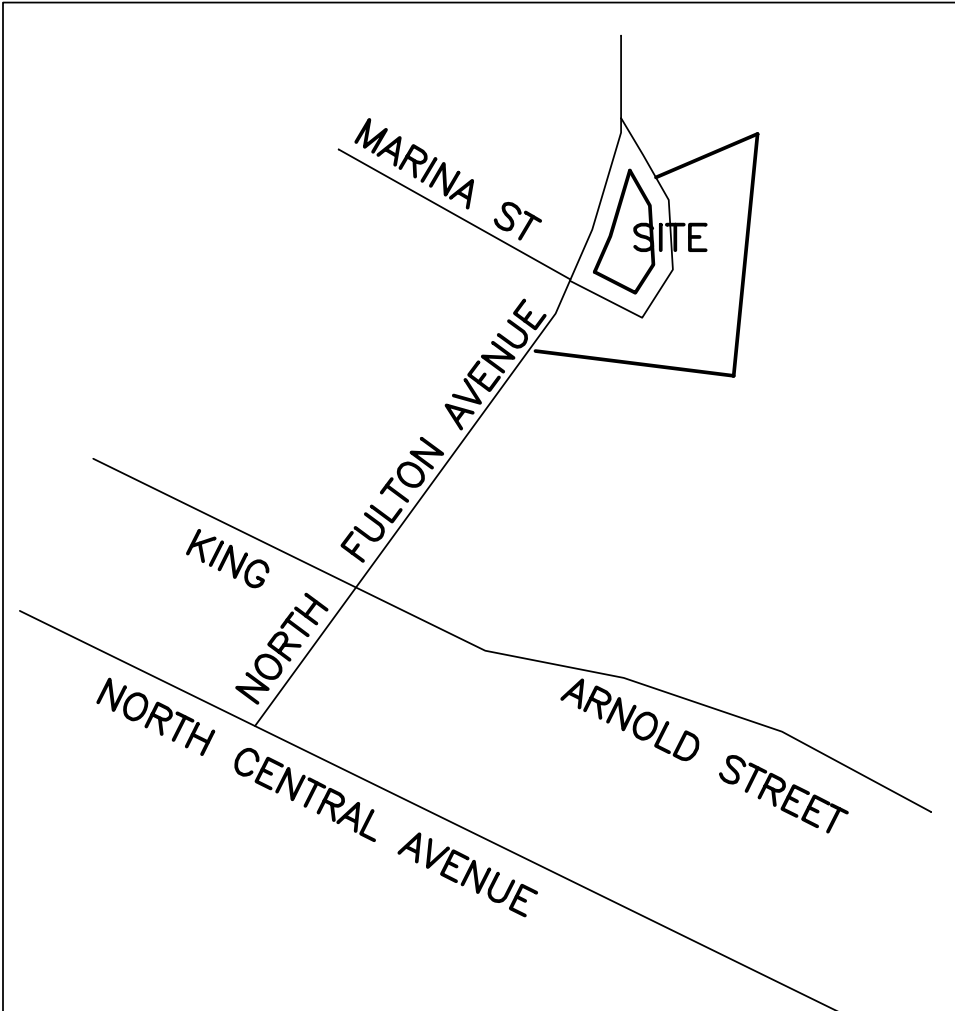
This subdivision plat has been reviewed by the Planning Commission and the City
Engineer and found to be in compliance with Zoning Ordinance, Conditions
of Zoning Approval, City of Hapeville Development Regulations and
Subdivision Regulations, as amended, and that it has been approved
by all other affected City and County Departments, as appropriate. The
Mayor and City Council hereby approve this Final Plat, subject to the
provisions and requirements of the City's regulations and the
provisions and requirements of the Development Performance and
Maintenance Agreement executed for this development between the
Owner and the City of Hapeville.

City Clerk 70n Behalf of Mayor and Council Date

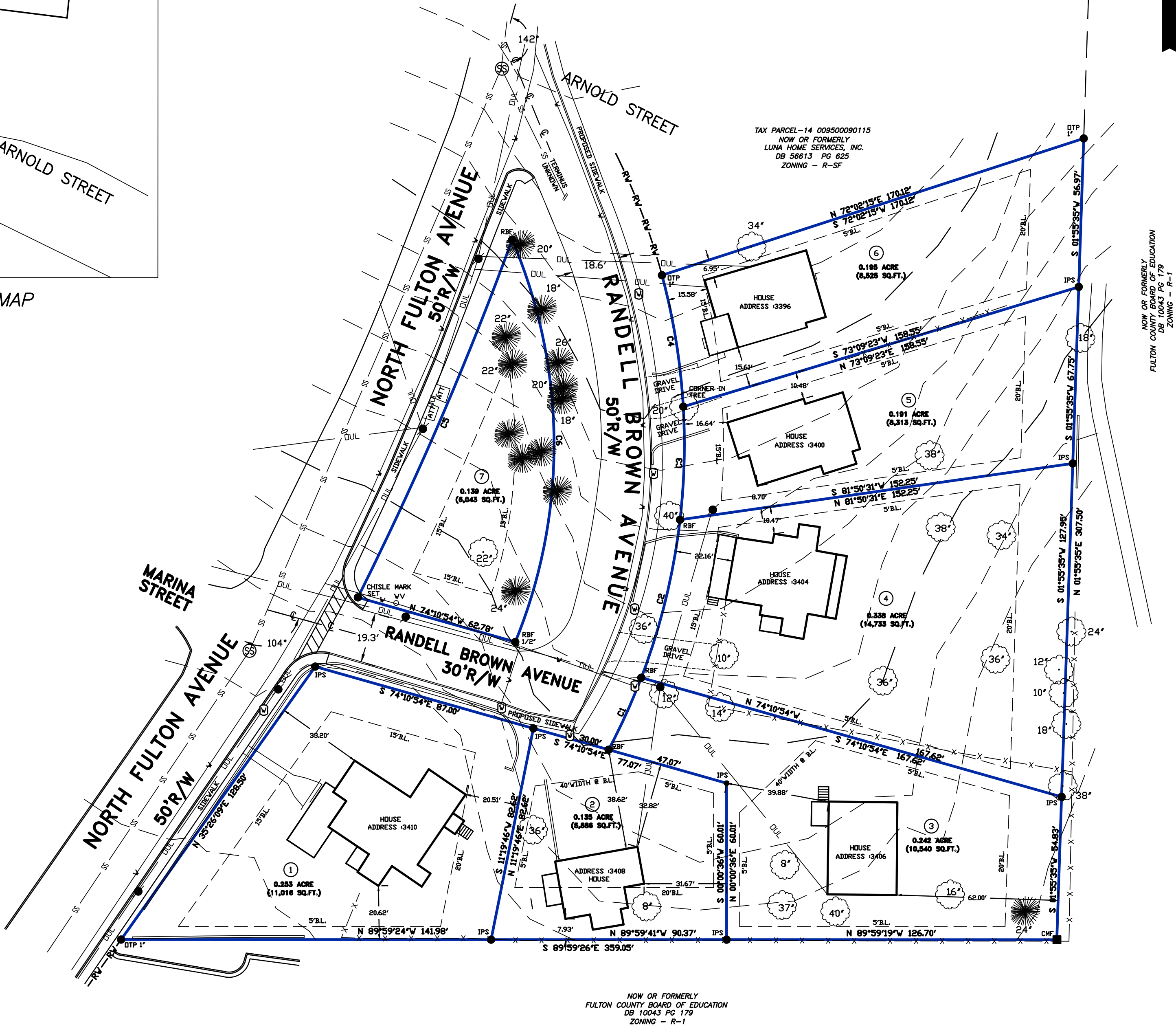
Chairman, Planning Commission Date

City Engineer Date

THE REGISTERED LAND SURVEYOR FURTHER CERTIFIES THAT THIS MAP, PLAT OR PLAN COMPLIES WITH
THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE STATE BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE GEORGIA SUPERIOR COURT CLERKS
COOPERATIVE AUTHORITY.



VICINITY MAP

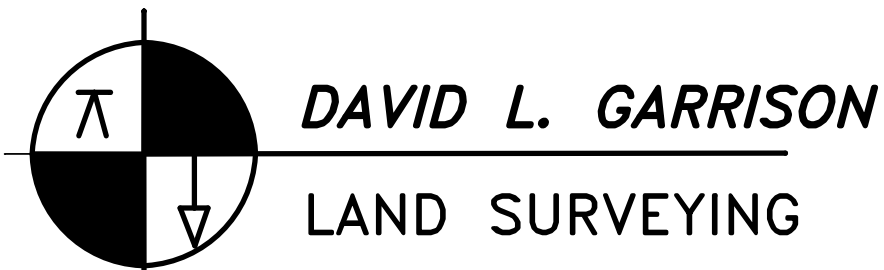
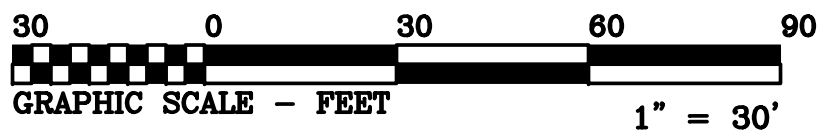


NOTES:

- ALL IRON PINS SET ARE 1/2" REBAR UNLESS OTHERWISE STATED.
- THE FIELD DATA UPON WHICH THIS PLAT IS BASED
WAS AN OPEN TRAVERSE AND HAD NO ADJUSTMENT.
- BEARING BASIS TAKEN FROM A GPS OBSERVATION USING THE LEICA SMARTNET NETWORK.
- THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS
FOUND TO BE ACCURATE WITHIN ONE FOOT IN 44,990 FEET.
- EQUIPMENT USED IN THIS SURVEY WAS A SOKKIA IX AUTO TRACKING ROBOTIC
TOTAL STATION, A CHAMPION GPS 180 AND A CHAMPION HC-3 DATA COLLECTOR.
- FIELD WORK COMPLETED ON APRIL 23, 2021.
- SETBACK SHOWN ARE FROM COUNTY RECORDS.
DAVID GARRISON LAND SURVEYING IS NOT LIABLE FOR DISCREPANCIES.
- REFERENCED PROPERTY IS THE SAME AS THAT CERTAIN TRACT OF LAND
RECORDED IN DEED BOOK 62888, PAGE 425, FULTON COUNTY, GEORGIA RECORDS.
- WATER METERS AND LINES SHOWN ARE EXISTING UTILITIES.
- SANITARY SEWER SYSTEM SHOWN ARE EXISTING UTILITIES.
- CONTOURS SHOWN ARE TAKEN FROM COUNTY RECORDS AND DOES NOT CONSTITUTE
AS A TOPOGRAPHY SURVEY BY DAVID GARRISON LAND SURVEYING.
- SIDEWALKS SHOULD BE A MINIMUM WIDTH OF 5' AND 4" THICK CONCRETE.
- HANICAP CROSSING SHOULD INCLUDE ADA RAMPS PER US DOT AND DEPARTMENT
OF JUSTICE STANDARDS.

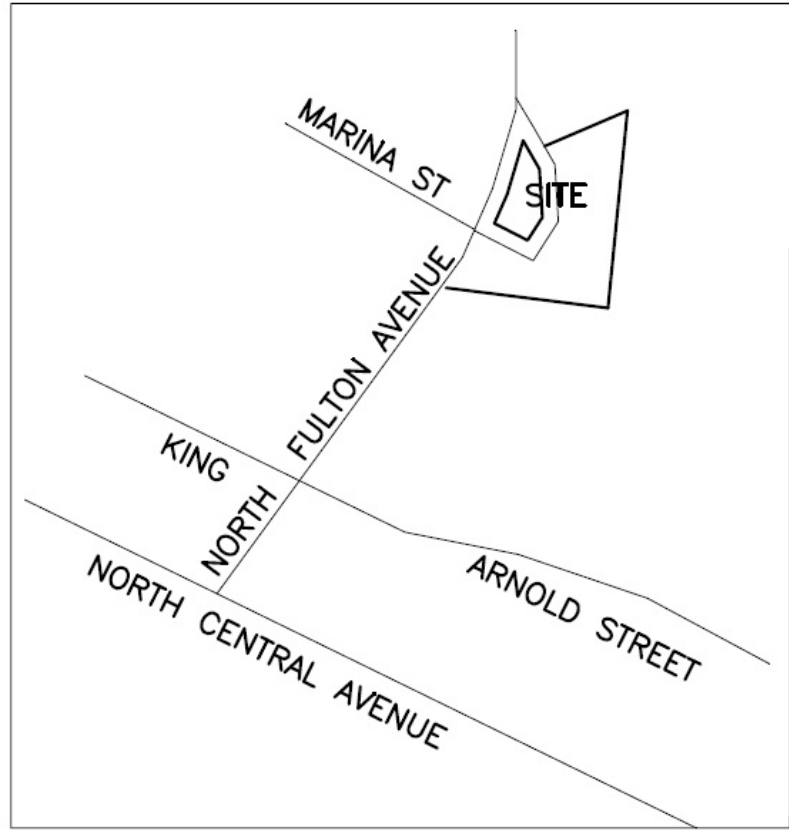
NUMBERED CURVE CALLS:

Curve	Radius	Length	Chord	Chord Bear.
C1	250.00'	30.36'	30.34'	N 24°25'39" E
C2	250.00'	62.54'	62.38'	N 13°47'08" E
C3	250.00'	43.45'	43.39'	N 01°38'09" E
C4	250.00'	51.16'	51.07'	N 09°11'58" W
C5	1325.00'	149.46'	149.38'	N 23°20'48" E
C6	200.00'	158.38'	154.27'	S 00°28'49" E



969 HALE ROAD
MAYSVILLE, GEORGIA 30558
PH.(770)560-8031 EMAIL:DGARRISON1@AOL.COM

THIS PLAT IS A REVISION/UPDATE PER THE CITY OF HAPEVILLE FOR THE SURVEY RECORDED IN PLAT BOOK 440, PAGES 123-127



VICINTY MAP



PROPOSED SITE PLAN

SCALE: APPROX 1" = 20"

- * 1.439 AC
- * 22 UNITS
- * 13 GUEST SPACES

3D VIEWS ARE NOT TO SCALE AND MAY NOT REFLECT EXACTLY WHAT IS AVAILABLE FOR THE PROJECT. RENDER VIEWS ARE REPRESENTATIONS OF WHAT THE VIEW COULD LOOK LIKE, NOT WHAT IT WILL LOOK LIKE. 2D VIEWS ALWAYS SUPERCEDE 3D VIEWS

FISHERALLEN
CONSTRUCTORS • DESIGNERS • DEVELOPERS
PHONE: 404.391.6533 EMAIL: Roger@fisherallengroup.com

PLANS FOR:	ROGER FISHER
	NORTH FULTON AVE Hapeville, GA 30354
PAGE TITLE:	Project Overview
DRAWN BY:	LS
DATE:	8/27/2022
SCALE:	
SHEET #:	1



PLANNER'S REPORT

DATE: October 6, 2022
 TO: Adrienne Senter
 FROM: Lynn Patterson
 RE: Rezoning 2 Tracts from RSF to R-5, Parcel numbers 14 009500090081 and 14 00950090123

BACKGROUND

The City of Hapeville received a rezoning application from Fisher Allen Group on behalf of Stream Funding Group, LLC for the rezoning of 2 parcels (3410 N Fulton Ave and 3396 Park Place) from R-SF, Single Family Residential to R-5, One Family Attached/Detached Residential as part of an assemblage. The current parcels have 6 single family dwellings sited on the two non conforming parcels and a wooded greenspace located along North Fulton Avenue. The paved "street" (Park Place) is not an official street for the City and does not meet City street criteria regarding widths, curb and gutter, sidewalks, etc. In addition, the utilities located throughout the project are undersized and would require upgrading. These conditions render the site difficult for redevelopment as single-family lots which has been proposed in prior iterations.

The proposed rezoning from R-SF to R-5 would allow for a 22 unit attached single family development with interior circulation and a common area.

The location of the parcel is shown on Figure 1, City of Hapeville Zoning Map. According to the City of Hapeville Future Land Use Map (Figure 2), the property is identified as Residential.

Zoning District	Development Type	Lot Frontage (feet)	Min. Lot Area Sq. Ft.	Lot Area/ DU Square Feet	Floor Area/ DU Sq. Ft.	Max Lot Coverage	Minimum Front Yard		Minimum		Maximum		Min. Parking Spaces	Max Unit Per Bldg/Lot
							Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet		
RSF	Single-family detached	40	4,000	4,000	1,000	70	15	15	5	20	2 ½	35	2 DU	1
	Accessory structure(s)								5	5	2	25		
R-5	Single-family detached	40	4,000	4,000	1,000	70	15	15	5	5	2½	35	1.5 DU	1
	Accessory structure(s)								5	5	2	25		
	Single-family attached – 4 to 8 units	40	10,000	2,500	1,000	70	15	15	5	10	2½	35	1 DU	a.
	Accessory structure(s)								5	5	2	25		

a. Single-family attached patio/townhomes cannot have more than eight units per building and no less than four units attached.

City of Hapeville Official Zoning Map

February 1, 2022: As Amended from December 21, 2020



- ARTS DISTRICT OVERLAY
- R-AD RESIDENTIAL ARCHITECTURAL DESIGN
- R-SF RESIDENTIAL SINGLE FAMILY
- R-1 ONE-FAMILY DETACHED
- R-2 TWO-FAMILY RESIDENTIAL
- R-3 SINGLE FAMILY ATTACHED
- R-4 MULTIFAMILY RESIDENTIAL
- R-5 SINGLE FAMILY ATTACHED AND DETACHED
- R-0 ONE-FAMILY DETACHED
- R-C NEIGHBORHOOD COMMERCIAL
- V VILLAGE
- U-V URBAN VILLAGE
- RMU RESIDENTIAL MIXED USE
- C-1 RETAIL COMMERCIAL
- C-2 GENERAL COMMERCIAL
- C-T COMMERCIAL TRANSPORTATION
- B-P BUSINESS PARK
- P-D PLANNED UNIT DEVELOPMENT
- I-1 LIGHT INDUSTRIAL

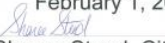
C - ZONING WITH CONDITION

NOTE: Addresses and parcel boundaries are based on data provided by the Fulton County Tax Assessor's Office and are not guaranteed by the City of Hapeville to be accurate.

I, Sharee Steed, City Clerk of the City of Hapeville, Georgia, do hereby certify that this is the City of Hapeville Official Zoning Map, Fulton County, Georgia, adopted by the Mayor and Council of Hapeville on the 1st day of February, 2022, and includes all subsequent amendments adopted by Mayor and Council as indicated in the Mayor and Council meeting minutes and as further indicated on this Map.

Date	Amendment


Alan Hallman, Mayor
February 1, 2022


Sharee Steed, City Clerk


City Attorney

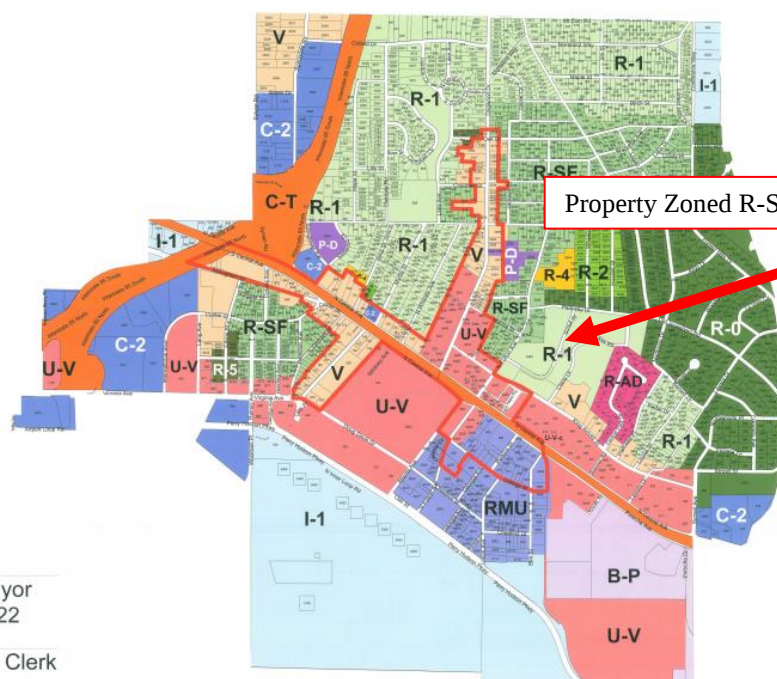
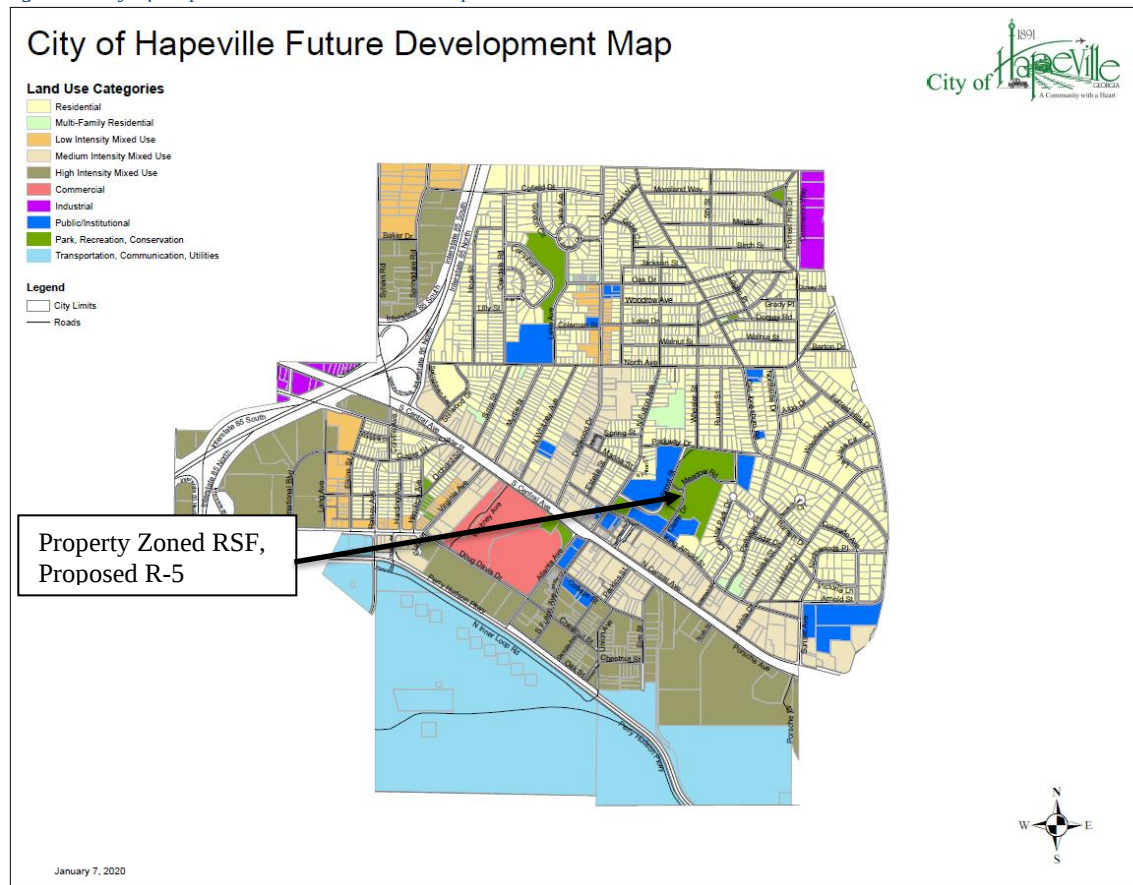


Figure 1 City of Hapeville Current Zoning Map

Figure 2 City of Hapeville Future Land Use Map



REVIEW OF APPLICATION

The analysis below is for the proposed rezoning consolidating two tracts totaling 1.439 acres to accommodate 22 townhomes located at 3410 N Fulton 3396 Park Place. The Mayor & Council may place conditions on any zoning map amendment that is conditional to the submitted site plan (Sec. 93-25-7). Note: a formal site plan review has not been submitted for nor completed and therefore any site plan associated with this rezoning will require a separate review.

(1) The existing land use pattern;

The parcels currently house 6 single family dwellings (3 each property). These houses are non-conforming as the lots are R-SF with one dwelling unit per lot allowed. The current dwellings also do not enfront N Fulton as prescribed in the zoning standards. The current "street", Park Place, it technically not a street as it doesn't meet City requirements with regard to width, radii, curb and gutter, sidewalks. The current utilities are undersized and require updating. The properties surrounding the parcel are an elementary school (to the south), undeveloped Fulton County School Board land (to the east) and single-family residences to north and west (across the street).

(2) The possible creation of an isolated district unrelated to adjacent and nearby districts;

The current zoning (RSF), while consistent with surrounding properties, does not lend to redevelopment of the existing properties as they are non conforming (see above). The R-5 zoning designation allows for single family detached or attached homes and does not include any multi-family or commercial components. The Future Land Use Map designates the properties as residential. While this use is higher in density than the surrounding properties of single family detached, it may be considered a buffer between the downtown commercial developments, the institutional use of the Hapeville Elementary School and Fulton County School Board properties.

(3) The population density pattern and possible increase or overtaxing of the load one public facilities including, but not limited to, schools, utilities, and streets;

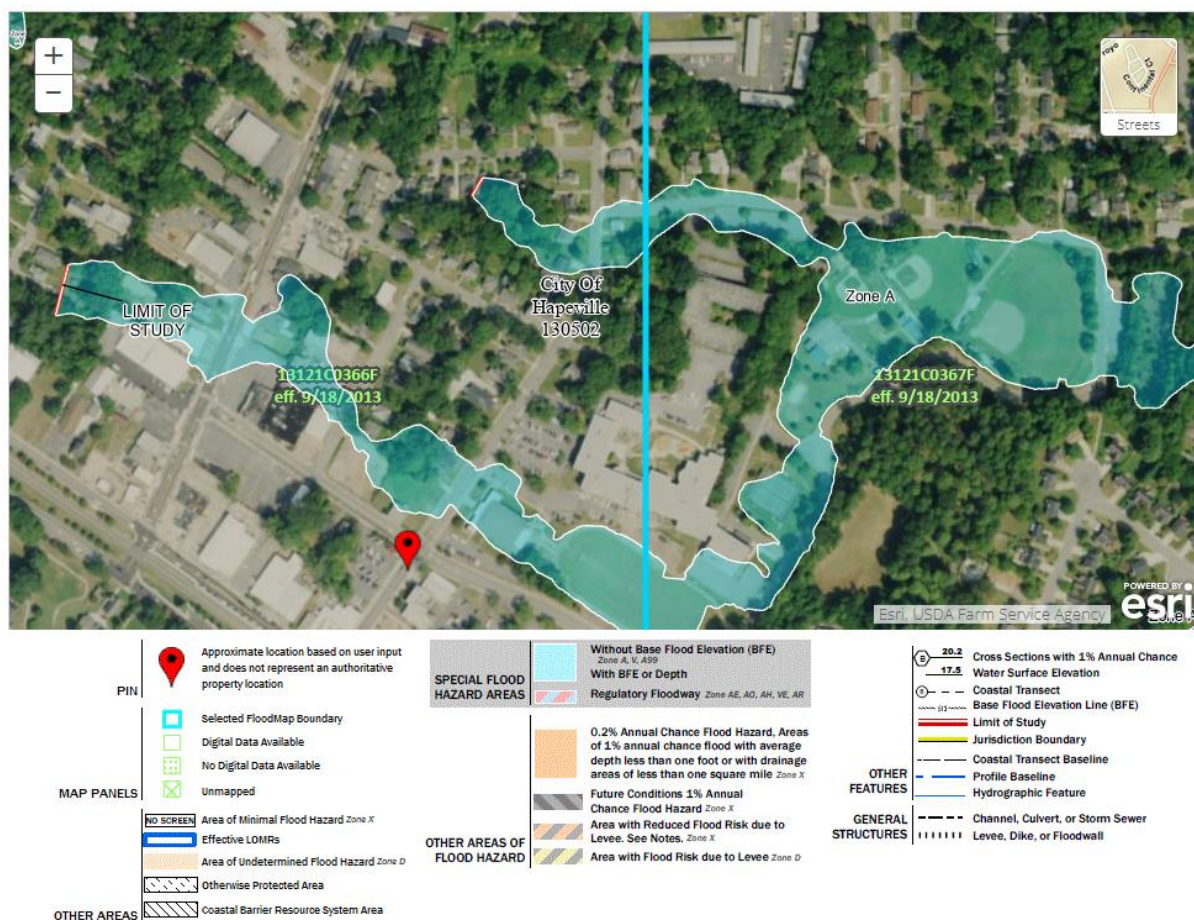
The proposed zoning change and accompanying development includes attached single-family dwellings. The density allowed is higher than existing zoning and will require local upgrades on the site.

(4) The cost of the city and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures;

There is no foreseeable significant increase in providing, improving, increasing or maintaining public utilities, schools, streets, and other public safety measures.

(5) The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity.

Per the survey and the below map, it does not indicated that the properties are located within the FEMA Flood Map. All city and state requirements regarding drainage, soil erosion, sedimentation, flooding, air quality and water quality are required during development.



(6) Whether the proposed zoning map amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations;

There is no evidence the change in zoning is a deterrent to the value or improvement of adjacent property.

(7) Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;

The proposed rezoning would allow for redevelopment of the properties which would be difficult to achieve given current conditions described above.

(8) The aesthetic effect of existing and future use of the property as it relates to the surrounding area;

The proposed zoning would increase the density of the site and would site attached dwelling units along the N. Fulton frontage, which is currently a vegetated parcel.

(9) The extent to which the proposed zoning map amendment is consistent with the land use plan;

The future land use plan designates the land use as residential use. The proposed zoning amendment is consistent with the future land use map.

(10) The possible effects of the proposed zoning map amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community;

The effects of the zoning map amendment would increase residential density.

(11) The relation that the proposed zoning map amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations;

The proposed zoning map amendment would not substantially change the purpose of these zoning regulations.

(12) Applications for a zoning map amendment which do not contain specific site plans carry a rebuttable presumption that such rezoning shall adversely affect the zoning scheme;

A site plan was provided. Modifications to the site plan will be required, if approved.

(13) The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;

There are adjacent residential neighborhoods across the street to the west and to the north. A landscape buffer on the property line adjacent to the single-family residential properties is recommended.

(14) In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.

Not applicable.

FINDINGS

The proposed zoning change to R-5 is required for the assemblage redevelopment of the two properties. Multiple iterations for the properties have been examined using single family detached schemes, however, they have proven difficult given property shape and infrastructure. A rezoning to R-5 would permit redevelopment while limiting it to residential use only. Revisions to the site plan, including a shift in one of the units along N. Fulton Ave to 4 units would be required as well as any others identified once a formal site plan is submitted and reviewed.



Brian Wismer, Chairman
Lucy Dolan, Vice Chairman
G. Leah Davis
Rob Hall
Miller Radford
Jeanne Rast
Cliff Thomas

**Planning Commission Meeting
700 Doug Davis Drive
Hapeville, Georgia 30354**

October 11, 2022 6:00 PM

MINUTES

1. Called to Order at 6:03 PM.

2. Roll Call

Brian Wismer, Chairman
Lucy Dolan, Vice Chairman
G. Leah Davis
Rob Hall
Miller Radford
Jeanne Rast
Cliff Thomas - Absent

3. Approval of Minutes

3.I. Minutes of September 13, 2022

MOTION ITEM: Lucy Dolan made a motion to approve the minutes of September 13, 2022, as submitted. Leah Davis seconded the motion. Motion carried: 5-0.

4. New Business

4.I. 3410 North Fulton Avenue and 3396 Park Avenue

Rezoning Request

Background:

Roger Fisher of Fisher Allen Group submitted a request to rezone 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, Single Family Attached and Detached for the purpose of constructing a townhome development.

Chairman Wismer asked which lots are planned for redevelopment. The developer stated the three homes north of the subject properties would remain.

Commissioner Davis asked when the site plan would be submitted. Mr. Fisher stated the site plan would be submitted shortly after the rezoning.

Commissioner Rast asked regarding the existing property lines. Mr. Fisher stated the property extends to the school's property line.

Planner's Report:

The current parcels have 6 single family dwellings sited on the two non-conforming parcels and a wooded greenspace located along North Fulton Avenue. The paved "street" (Park Place) is not an official street for the City and does not meet City street criteria regarding widths, curb and gutter, sidewalks, etc. In addition, the utilities located throughout the project are undersized and would require upgrading. These conditions render the site difficult for redevelopment as single-family lots which has been proposed in prior iterations.

Findings:

The analysis below is for the proposed rezoning consolidating two tracts totaling 1.439 acres to accommodate 22 townhomes located at 3410 N Fulton 3396 Park Place. The Mayor & Council may place conditions on any zoning map amendment that is conditional to the submitted site plan (Sec. 93-25-7). Note: a formal site plan review has not been submitted for nor completed and therefore any site plan associated with this rezoning will require a separate review.

(1) The existing land use pattern;

The parcels currently house 6 single family dwellings (3 each property). These houses are non-conforming as the lots are R-SF with one dwelling unit per lot allowed. The current dwellings also do not front N Fulton as prescribed in the zoning standards. The current "street", Park Place, is technically not a street as it doesn't meet City requirements with regard to width, radii, curb and gutter, sidewalks. The current utilities are undersized and require updating. The properties surrounding the parcel are an elementary school (to the south), undeveloped Fulton County School Board land (to the east) and single-family residences to north and west (across the street).

(2) The possible creation of an isolated district unrelated to adjacent and nearby districts;

The current zoning (RSF), while consistent with surrounding properties, does not lend to redevelopment of the existing properties as they are non-conforming (see above). The R-5 zoning designation allows for single family detached or attached homes and does not include any multi-family or commercial components. The Future Land Use Map designates the properties as residential. While this use is higher in density than the surrounding properties of single family detached, it may be considered a buffer between the downtown commercial developments, the institutional use of the Hapeville Elementary School and Fulton County School Board properties.

(3) The population density pattern and possible increase or overtaxing of the load on public facilities including, but not limited to, schools, utilities, and streets;

The proposed zoning change and accompanying development includes attached single-family dwellings. The density allowed is higher than existing zoning and will require local

upgrades on the site.

(4) The cost of the city and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures;

There is no foreseeable significant increase in providing, improving, increasing or maintaining public utilities, schools, streets, and other public safety measures.

(5) The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity.

Per the survey and the below map, it does not indicate that the properties are located within the FEMA Flood Map. All city and state requirements regarding drainage, soil erosion, sedimentation, flooding, air quality and water quality are required during development.

(6) Whether the proposed zoning map amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations;

There is no evidence the change in zoning is a deterrent to the value or improvement of adjacent property.

(7) Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;

The proposed rezoning would allow for redevelopment of the properties which would be difficult to achieve given current conditions described above.

(8) The aesthetic effect of existing and future use of the property as it relates to the surrounding area; *The proposed zoning would increase the density of the site and would site attached dwelling units along the N. Fulton frontage, which is currently a vegetated parcel.*

(9) The extent to which the proposed zoning map amendment is consistent with the land use plan;

The future land use plan designates the land use as residential use. The proposed zoning amendment is consistent with the future land use map.

(10) The possible effects of the proposed zoning map amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community;

The effects of the zoning map amendment would increase residential density.

(11) The relation that the proposed zoning map amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations;

The proposed zoning map amendment would not substantially change the purpose of these

zoning regulations.

(12) Applications for a zoning map amendment which do not contain specific site plans carry a rebuttable presumption that such rezoning shall adversely affect the zoning scheme;

A site plan was provided. Modifications to the site plan will be required, if approved.

(13) The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;

There are adjacent residential neighborhoods across the street to the west and to the north. A landscape buffer on the property line adjacent to the single-family residential properties is recommended.

(14) In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.

Not applicable.

Recommendation

The proposed zoning change to R-5 is required for the assemblage redevelopment of the two properties. Multiple iterations for the properties have been examined using single family detached schemes, however, they have proven difficult given property shape and infrastructure. A rezoning to R-5 would permit redevelopment while limiting it to residential use only. Revisions to the site plan, including a shift in one of the units along N. Fulton Ave to 4 units would be required as well as any others identified once a formal site plan is submitted and reviewed.

Commissioner Radford asked if a landscape buffer would be required and what other modifications would be required during the site plan review. Dr. Patterson stated that R-5 does not require a buffer, but the Planning Commission can recommend Council make that a condition of the rezoning on the northern end of the property line adjacent to the single-family residential district.

Commissioner Rast commented that traditionally she is hesitant to change the zoning in single-family residential districts because the city has been careful to place multifamily, townhomes, and condominiums within the gateways and in areas that do not abut single-family residential. Ms. Rast also stated that the existing homes on the properties are nonconforming and essentially undevelopable. Ms. Rast noted that protecting the integrity of existing single-family neighborhoods is essential. Ms. Rast pointed out that the townhomes located near Virginia Avenue within Virginia Park that abuts single-family residential are great and work well in that community.

Commissioner Dolan stated that the proposed project would greatly benefit the neighborhood and the city.

Public Comment:

None.

End of Public Comments.

6. Next Meeting Date – November 8, 2022 at 6:00 p.m.

7. Adjourn

MOTION ITEM: Lucy Dolan made a motion to adjourn the meeting at 6:33 p.m. Rob Hall seconded the motion. Motion carried: 5-0.

Respectfully submitted by,

Brian Wismer, Chairman

Adrienne Senter, Secretary



CITY OF HAPEVILLE
3468 NORTH FULTON AVENUE
ATLANTA, GA 30354

NOTICE
City of Hapeville

A Public Hearing will be held by the City of Hapeville Mayor and Council on **Tuesday, October 18, 2022 at 6:00 p.m.** at the City of Hapeville Municipal Annex located at 700 Doug Davis Drive, Hapeville, Georgia 30354. The meeting will be made available to the public by live streaming only via teleconference/videoconference in accordance with O.C.G.A § 50-14-1(g) at <https://gahapeville3.civicplus.com/562/Agendas-and-Minutes> to consider the following:

Rezoning Request:

Rezoning requests 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, Single Family Attached and Detached for the purpose of constructing a townhome development. Applicant: Fisher Allen Group, Roger Fisher

Rezoning Request:

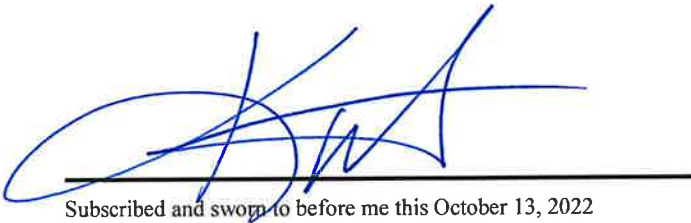
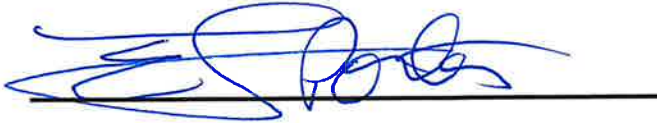
Rezoning requests for the property located at 0 Norman Berry Drive on Land Lot 127 of the 14th District, City of Hapeville, Fulton County, Georgia, Parcel Identification Number 14 0127 LL1230 from U-V, Urban Village to C-2, General Commercial for the purpose of constructing a hotel. Applicant: Williams Teusink, LLC

Public Hearing Comments: For those who are unable to physically attend the meeting, citizen comments must be emailed to the City Clerk, Sharee Steed, at ssteed@hapeville.org or called in at 404-766-3004 no later than 5:00 p.m. on October 17, 2022. When emailing or verbally delivering your comment to the City Clerk, please include your name, address, the agenda item, and the comment for or against the item. All comments submitted to the City Clerk will be read into the record during the meeting. Citizens may not make comments on public hearing agenda items via teleconference.
#0000623504:10/3-1kmo

PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA
COUNTY OF FULTON

Before me, the undersigned, a Notary Public, this day personally came the undersigned who, being duly sworn, according to law, says she is an agent of ALM Media, LLC., publishers of the **Daily Report**, the official newspaper published in Atlanta, GA, in said county and state, and that the publication, of which the annexed is a true copy, was published in said newspaper as provided by law on the following dates: 10/03/2022.



Subscribed and sworn to before me this October 13, 2022



1 **STATE OF GEORGIA**
2 **CITY OF HAPEVILLE**

3
4 **ORDINANCE NO. _____**
5

6 **AN ORDINANCE TO AMEND PART 1 (“CHARTER AND RELATED LAWS”),**
7 **SUBPART A (“CHARTER”), ARTICLE I (“INCORPORATION, POWERS,**
8 **BOUNDARIES”), APPENDIX C (“WARD BOUNDARIES”) OF THE CODE OF**
9 **ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO AMEND THE CITY OF**
10 **HAPEVILLE’S WARD BOUNDARIES; TO PROVIDE FOR SEVERABILITY; TO**
11 **REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND**
12 **TO PROVIDE FOR OTHER LAWFUL PURPOSES.**
13

14 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the
15 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
16 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,
17

18 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and
19 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
20 the legislative body of the City; and,
21

22 **WHEREAS**, existing ordinances, resolutions, rules, and regulations of the City and its
23 agencies now lawfully in effect not inconsistent with the provisions of the City’s Charter shall
24 remain effective until they have been repealed, modified, or amended; and,
25

26 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by
27 amending such provisions by specific reference to the section number of the City’s Code; and,
28

29 **WHEREAS**, the Mayor and Council are specifically authorized by law to make certain
30 changes as deemed necessary to the City Charter pursuant to O.C.G.A. § 36-35-6; and
31

32 **WHEREAS**, the procedures required for amending the City’s Ward Boundaries have been
33 satisfied, including, but not limited to, notice and public hearings; and,
34

35 **WHEREAS**, the governing authority of the City finds it desirable to amend and update the
36 City of Hapeville’s Ward Boundaries; and,
37

38 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
39 **THE CITY OF HAPEVILLE, GEORGIA THAT:**
40

41 **Section One.** Part 1 (“Charter and Related Laws”), Subpart A (“Charter”), Article I
42 (“Incorporation, Powers, Boundaries”), Appendix C (“Ward Boundaries”) of the City Code of
43 Ordinances is hereby amended by striking:
44

45 The City of Hapeville shall be divided into two (2) wards. Ward No. 1 shall consist of all
46 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.

and inserting in lieu thereof the following language:

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.

Section Two. Part 1 (“Charter and Related Laws”), Subpart A (“Charter”), Article I (“Incorporation, Powers, Boundaries”), Appendix C (“Ward Boundaries”) is hereby amended by striking existing Ward Boundary and replacing with Hapeville City Council Wards map attached hereto as Exhibit “A.”

Section Three. Codification and Certify. This Ordinance and the Ward Boundary Map adopted hereby shall be codified and certified in a manner consistent with the laws of the State of Georgia and the City.

Section Four. Severability.

(a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this 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 this 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 of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph 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 Five. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section Six. Effective Date. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this _____ day of _____, 2022.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

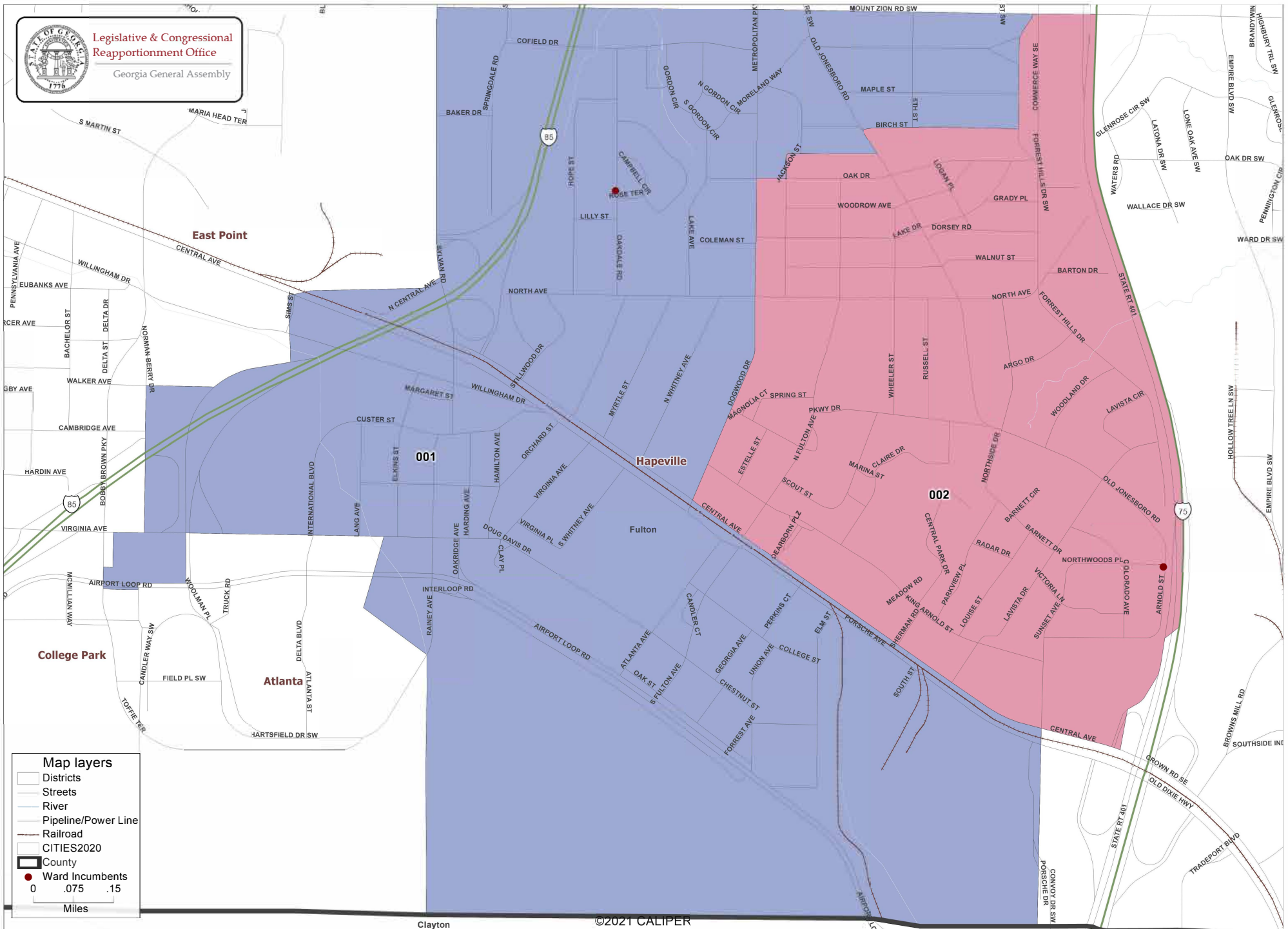
City Clerk

APPROVED BY:

City Attorney

Hapeville City Council Wards

Client: Hapeville
Plan: HapevilleWards-2022
Type: Local



Public Notice Order Confirmation

Ad Order # 0000624653 PO # Ordered By Averiel D. Jackson

Account # 9029759 Name SMITH WELCH WEBB & WHITE Address 2200 KEYS FERRY COURT, MCDONOUGH, GA 30253
Phone 770-957-3937 Fax Email

Daily Report

Placement: Government Notice Position: Public Hearing County:
Run Dates: 10/12 # of Ins: 1 Ad Size: 196 Words
Subject: Tuesday, October 18, 2022 at 6:00 p.m.

<u>Gross Amount</u>	<u>Affidavit Fee</u>	<u>Amount Due</u>
20.00	5.00	25.00

Ad Text Corrections Please review and provide corrections as needed.

NOTICE City of Hapeville

A public hearing regarding the consideration of an ordinance to amend the Ward Boundaries will be held by the City of Hapeville Mayor and Council on Tuesday, October 18, 2022 at 6:00 p.m. at the City of Hapeville Municipal Annex located at 700 Doug Davis Drive, Hapeville, Georgia 30354. The meeting will be made available to the public by live streaming via teleconference/videoconference in accordance with O.C.G.A § 50-14-1(g) at <https://ga-hapeville3.civicplus.com/562/Agendas-and-Minutes>. The purpose of the public hearing is to provide an opportunity for the community to participate in the discussion regarding amendments to the Ward Boundaries.

Public Hearing Comments: For those who are unable to physically attend the meeting, citizen comments must be emailed to the City Clerk, Sharee Steed, at ssteed@hapeville.org or called in at 404-766-3004 no later than 5:00 p.m. on October 14, 2022. When emailing or verbally delivering your comment to the City Clerk, please include your name, address, the agenda item, and the comment for or against the item. All comments submitted to the City Clerk will be read into the record during the meeting. Citizens may not make comments on public hearing agenda items via teleconference.
#0000624653:10/12-1AS

Payment By Credit Card

() Visa () MC () Amex

Credit Card #: Exp. Date: / Security Code:
Card Holder Name: Signature: Pmt Amount:



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 SPECIAL-CALLED MEETING

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=809&key=-1&mod=-1&mk=-1&nov=0>.

September 27, 2022 6:00 PM

MINUTES

1. **CALL TO ORDER:** by Mayor Hallman at 6:02PM
2. **ROLL CALL:** All Members of Council were present, which constituted a quorum.
 - ✓ Alan Hallman
 - ✓ Mike Rast
 - ✓ Brett Reichert
 - ✓ Mark Adams
 - ✓ Chloe Alexander

3. **WELCOME:** Mayor Hallman welcomed all to the September 27th Meeting.

4. **PUBLIC HEARING:**

- 4.I. Consideration to approve the 2022 Property Tax Millage Rate - Second Reading

Staff Comments: City Manager, Tim Young stated that no new circumstances would change the recommendation.

Mayor Hallman gave Council a brief update on the current mediations and encouraged all to attend the September 28th Town Hall meeting for the local option sale tax.

Public Comments: There was no public comment given on this item.

DISCUSSION: This was a discussion item only; no action was taken. The budget amendment review stood as the first reading.

5. **ADJOURN:**

MOTION: Councilman Adams made a motion to adjourn at 6:20PM, Councilman Alexander provided a seconded. **Motion carried 4-0.**

Respectfully submitted,

Alan Hallman, Mayor

Sharee Steed, City Clerk



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 REGULAR 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=618&key=-1&mod=-1&mk=-1&nov=0>

October 4, 2022 6:00 PM

MINUTES

1. **CALL TO ORDER:** by Mayor Hallman at 6:02 PM.
2. **ROLL CALL:** All Members of Council were present, which constituted a quorum.
 - ✓ Alan Hallman
 - ✓ Mike Rast
 - ✓ Brett Reichert
 - ✓ Mark Adams
 - ✓ Chloe Alexander
3. **WELCOME:** Mayor Hallman welcomed all to the October 4th Meeting.
4. **PLEDGE OF ALLEGIANCE:** The pledge of allegiance was recited in unison.
5. **INVOCATION:** Given by Rev. Johnetta Johnson.
6. **PRESENTATIONS:**
 - 6.I. Coffee & Chrome Porsche Experience Drawing.

Mayor Hallman and the Coffee and Chrome organization members presented and drew a submitted name for the Porsche Experience prize. Mr. John Simmons was announced as the winner and was congratulated by all.
7. **PUBLIC HEARING:**
 - 7.I. Consideration and Action to approve the 2022 Property Tax Millage Rate.- Third Reading

Staff Comments: City Manager, Tim young stated that were no further changes for this item.
Public Comments: There was no public comment given on this item.

MOTION: Councilman Reichert made a motion to approve the 2022 Property Tax Millage Rate, Councilman Alexander provided a second. **Motion carried 4-0.**
8. **QUESTIONS ON AGENDA ITEMS:** None
9. **CONSENT AGENDA:**
 - 9.I. Consideration and Action to approve the September 6, 2022, Council Meeting minutes.
 - 9.II. Consideration and Action to approve the September 20, 2022, Council Meeting minutes.

MOTION: Alderman Rast made a motion to approve the consent agenda, Councilman Adams provided a second. **Motion carried 4-0.**
10. **OLD BUSINESS:**

10.I. Consideration and Action to approve the Short-Term Rental Ordinance:**Ordinance 2022-09.**

Councilman Alexander expressed her concern about the provision that requires an applicant seeking a permit must have a homestead exemption. She stated that this could limit the amount of short-term rental owners, but it does not eliminate the absentee problems. Councilman Alexander indicated that this would be incredibly hard to monitor due to possible policing by neighbors to report if the owner is home 50% of the time. She stated that her final concern was the provision in the ordinance that said homeowners are limited to two permits. Councilman Alexander noted that one could not be an owner-occupant of two different properties. You can only be an owner-occupant of one.

The Body Governing and Staff further discussed Council Alexander's concerns.

MOTION: Alderman Rast made a motion to approve the Short-Term Rental Ordinance, Councilman Adams provided a second. **Motion carried 4-0.**

11. **NEW BUSINESS:**

11.I. Consideration and Action on Staff Recommendation to Updated City Retirement Plan.

Human Resource Director, Stacie Johnston stated that the September 20th Council staff presented to the Governing Body a plan to update the retirement for employees, especially public safety. Ms. Johnston explained that this change would increase the multiplier and make the City more marketable for inquiring candidates. She acknowledged that this also could help retain great current employees. Ms. Johnston stated the incentives of the plan to the Council. Key points that she shared were:

- Rule of 70
- The multiplier for Certified Police and Fire will be increased to 3% across the board
- The vesting period for new hires in Public Safety (not in civilian positions) will be ten years effective 1/1/2023.
- For employees hired on or after 1/1/2023, there will be a salary cap on their pension at 90%. If in-service on 12/31/2022, there will be no cap on the salary for calculation of the pension.
- To retire using the Rule of 70, the employee must be in-service regardless of hire date.
- There will be no early retirement offered when using the Rule of 70 option of retiring.

MOTION: Alderman Rast made a motion to approve Staff recommendation to updated City Retirement Plan, Councilman Adams provided a second. **Motion carried 4-0.**

11.II. Consideration and Action to approve Event Request Form- Everyone Deserves A Birthday 5k - November 19, 2022.

MOTION: Alderman Rast made a motion to table agenda item 11. II., Councilman Reichert provided a second. **Motion carried 4-0.**

12. **CITY MANAGER REPORTS:** City Manager, Tim Young spoke about the Following items:

-  The Hemp Festival was a successful event.
-  Upcoming Alcohol Workshop for City licensees.

13. **PUBLIC COMMENTS:**

1. James Edwards
2. Laura Murphy
3. Susan Bailey

14. **MAYOR AND COUNCIL COMMENTS:**

Councilman Alexander- asked staff to contact Marta. She expressed that the stop near the library makes it extremely dangerous for pedestrians. She stated that she has witness nearly two accidents at that location.

Councilman Adams- Thanked everyone for attending the Council and stated that he did a walk through of the new Steel wood development.

Councilman Reichert- Reminded and encouraged all to come out and join the Family Life ministries annual Chili Cookoff at Jess Lucas Park on Saturday October 15th.

Alderman Rast- No Comment at this time.

Mayor Hallman-Commended City Staff on their hard and dedication. Mayor Hallman thanked everyone for attending the meeting and being a part of your local government.

15. EXECUTIVE SESSION: An Executive Session was not conducted at this meeting.

16. ADJOURN:

MOTION: Councilman Alexander made a motion to adjourn at 7:01PM, Councilman Adams provided a seconded. **Motion carried 4-0.**

Respectfully submitted,

Alan Hallman, Mayor

Sharee Steed, City Clerk

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF HAPEVILLE

RESOLUTION NO. _____

A Resolution of the Mayor and Council of the City of Hapeville to adopt the City of Hapeville Comprehensive Plan Study; to provide for an effective date and other lawful purposes.

WHEREAS the City of Hapeville is subject to the State of Georgia Planning of 1989 which calls for a certified Comprehensive Plan in order to obtain and maintain the status of a Qualified Local Government; and

WHEREAS the City of Hapeville, Georgia is a member of the Atlanta Regional Commission, an agency created to provide regional planning and intergovernmental coordination among certain county and city governments in the metropolitan area of Atlanta; and

WHEREAS the proposed amendments to the Comprehensive Plan Update were prepared in accordance with the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989; and Public Hearings were held on September 6, 2022, before the Hapeville Mayor and Council, where the public had the opportunity for public input, to review goals, objective and strategies associated with the findings of the Plan.

WHEREAS 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.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Mayor and Council of the City of Hapeville, Georgia hereby adopt the 2022 Comprehensive Plan Update. SO RESOLVED, this 18th day of October 2022.

Signed: Attest:

Alan Hallman, Mayor

Sharee Steed, City Clerk

Approved as to Form:

City Attorney

City of Atlanta

It shall be unlawful for any person to possess one ounce or less of marijuana within the corporate limits of the city. Any person found guilty of violating this section shall be punished by a fine not exceeding \$75.00, and shall not be punished by imprisonment for any term; provided that any defendant charged with possession of one ounce or less of marijuana shall be entitled on request to have the case against such defendant transferred to the court having general misdemeanor jurisdiction in the county wherein the alleged offense occurred.

(Code 1977, § 17-8003; Ord. No. 2017-55(17-O-1152), § 1, 10-2-17)

City of Savannah

Sec. 9-2026. – Marijuana. It shall be unlawful for any person to possess one ounce or less of marijuana within the corporate limits of the City of Savannah. Any person found guilty of violating this section shall be punished by a fine not to exceed \$150.00. Where the Court finds that a defendant is without the financial means to pay a fine, the Court may direct the defendant to perform community service commensurate with the fine that would otherwise be imposed. In no event shall any person convicted of marijuana possession pursuant to this section be punished by imprisonment for any term. Any defendant charged hereunder with possession of one ounce or less of marijuana shall be entitled on request to have the case against the defendant transferred to the court having general misdemeanor jurisdiction in Chatham County.

http://agenda.savannahga.gov/content/files/ordinance-sec-9-2026-marijuana-simple-possession_1.pdf

ORDINANCE NO. 397

AN ORDINANCE BY THE CITY OF CLARKSTON TO AMEND CHAPTER 12 OF THE CITY CODE; TO ESTABLISH THE PUNISHMENT FOR THE MUNICIPAL CODE VIOLATION OF POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA; TO ENCOURAGE LAW ENFORCEMENT OFFICERS TO ISSUE CITATIONS FOR SUCH OFFENSE RATHER THAN EFFECTUATING ARREST; AND TO REPEAL CONFLICTING ORDINANCES

WHEREAS, the City Council finds that enforcement of the State law prohibiting possession of less than one ounce of marijuana has been inequitable and has fallen disproportionately on certain subsets of the population; and

WHEREAS, arrest and/or conviction for the State law offense of possession of less than one ounce of marijuana presents employment obstacles which marginalize broad swaths of the population; and

WHEREAS, the City Council desires to facilitate equity in the administration of criminal justice; and

WHEREAS, O.C.G.A. § 36-32-6 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.

NOW THEREFORE, BE IT ORDAINED by the City of Clarkston, as follows:

Section 1. City of Clarkston law enforcement officers are hereby encouraged by the City Council to issue citations for violation of City Code to individuals possessing one ounce or less of marijuana rather than arresting such individuals, when possession of marijuana is the sole non-traffic offense by the individual observed by the officer.

Section 2. City Code Section 12-26 is hereby amended to read as follows:

“(a) It shall be unlawful for any person to possess one (1) ounce or less of marijuana within the corporate limits of the City.

(b) Conviction for violation of this ordinance shall be punished by a fine of \$ 75.00.

(c) No person convicted of violating this ordinance shall be punished by confinement for any period of time.”

Section 3. The various clauses and subsections of this ordinance are intended to be severable. Should any of the provisions of this ordinance be deemed invalid by a court of competent jurisdiction, it is the intent of the City Council that the remaining provisions remain in full force and effect.

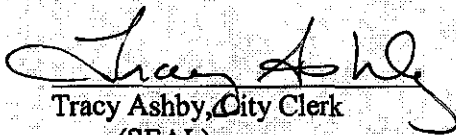
Section 4. All ordinances and portions of ordinances in conflict with the terms of this ordinance are hereby repealed as to the subject matter of this ordinance.

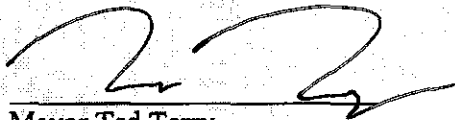
Section 5. This ordinance shall become effective upon its approval by the City Council, signature by the Mayor and approval as to form by the City Attorney.

ADOPTED this 5 day of July, 2016.

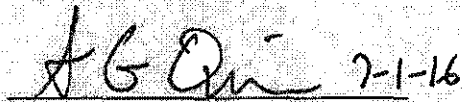
ATTEST:

CITY COUNCIL OF
CITY OF CLARKSTON, GEORGIA


Tracy Ashby, City Clerk
(SEAL)


Mayor Ted Terry

Approved as to Form:


Stephen G. Quinn, City Attorney