



CIVILITY PLEDGE

The way we govern ourselves is often as important as the positions we take. Our collective decisions will be better when differing views have had the opportunity to be fully vetted and considered. All people have the right to be treated with respect, courtesy and openness. We value all input. We commit to conduct ourselves at all times with civility and courtesy to each other.

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 <http://hapevillega.civicclerk.com/Web/Player.aspx?id=945&key=-1&mod=-1&mk=-1&nov=0>

March 21, 2023 6:00 PM

MINUTES

1. **CALL TO ORDER:** by Mayor Hallman at 6:06 PM
2. **ROLL CALL:** All Members of Council, with the exception of Alderman Rast, were present, which constituted a quorum.
 - ✓ Alan Hallman
 - × Mike Rast
 - ✓ Brett Reichert
 - ✓ Mark Adams
 - ✓ Chloe Alexander
3. **WELCOME:** Mayor Hallman welcomed all to the March 21st Meeting.
4. **PUBLIC HEARING:**
 - 4.I. Consideration and action on a request to rezone the property located at o Norman Berry Drive.

Williams Teusink, LLC submitted a rezoning request for the property located at o 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.

The Planning Commission considered this item on March 14, 2023 and recommended denial. Staff supports their recommendation.

Staff Comments: City Planner Dr. Lynn Patterson summarized the background history regarding this rezoning request to the Governing Body. Dr. Patterson acknowledged there had been several issues related to the property. She clarified that the proposed rezoning accommodates a hotel, and requests use located at o Norman Berry Drive, Parcel ID 14 0127 LL1230. If the proposal is for a hotel, a hotel is allowable with an approved conditional use permit - similar to the one granted on the property in 2013 but never fulfilled by the owner. Dr. Patterson further indicated that the proposed use is not specific, as represented in the Planning Commission meeting on 3/14/23. In that case, the application is insufficient, as a site plan is required for the review of the application. Dr Patterson concluded the planner's report by reading into the record the findings of the applicant's application, which states, "*Rezoning require a public hearing such that the Governing Body (Mayor & Council) and the citizenry can properly evaluate the impact of a rezoning measure on the subject property, surrounding property, and community as a whole. Transparency for the proposed use of a rezoned property is essential for establishing a basis for evaluation of the impact of the rezoning. The applicant has provided incorrect, incomplete, inconsistent, and false information regarding the rezoning proposal throughout the process. The applicant claimed at the Planning*

Commission meeting that the property was zoned C-2 at the time of acquisition by the current property owner and that the applicant was requesting a reversion to C-2. This is false. The property has not been zoned C-2 for over 14 years. In 2009, under the ownership of RC Patel/PR Hotels, the property was rezoned from C-2 to U-V-c. The same owner, RC Patel/Diplomat Hospitality IV, then rezoned the property to U-V (without conditions) in 2013 for the purposes of building a hotel and parking deck and obtained a conditional use permit approval with conditions at that time. RC Patel/ Diplomat Hospitality IV sold the property to Hapeville Capital (Jay Patel) who then sold it to Fort Wayne Capital (Sonial Patel) both on May 1, 2015. The rezoning application presented a parcel not owned by the applicant. The rezoning application included a 2015 site plan for an extended-stay hotel that was not current for Code requirements, was incorrect and incomplete. Though shown as an extended stay hotel, the applicant has since claimed that a non-extended stay hotel is not the declared use. The proposed use of a hotel does not require a rezoning but rather a conditional use permit application. This conditional use process had been utilized for the property in 2013 but never acted upon or requested for an extension. Therefore, a rezoning to C- 2 is not appropriate. If the hotel non-extended stay) is not the declared use, then the applicant is obliged to provide a conceptual site plan detailing the proposed use under the Code. At the Planning Commission meeting, the applicant stated they did not wish to declare a use at this time but rather allow the litany of C-2 uses to be available to develop the property "as they see fit." The desire for a blanket C-2 rezoning without a declared use does not provide a basis for which the Planner, Planning Commission, or Mayor & Council can render an informed decision and convey to the public the potential impacts of such a decision. The existing zoning, U-V, is consistent with the Future Land Use Map of High Intensity Mixed Use. The current zoning can accommodate a hotel with an approved conditional use permit. Should a different use not permitted under U-V zoning be desired, then the applicant should provide all required documentation. As the applicant has not provided clear and sufficient evidence for the rezoning, Staff and the Planning Commission's recommendation is disapproval of the rezoning request."

Applicant Comments: Mr. Sam Artopoeus of the Williams and Teusink spoke on behalf of Wayne Capital LLC. Mr. Artopoeus addressed the need for the modifications and answered questions concerning the rezoning of property o Norman Berry Drive on Land Lot 127 of the 14th District, City of Hapeville, Fulton County, Georgia.

Public Comments: Mayor Hallman opened the floor for those who were in favor or opposition to the public hearing item.

1. Joseph Netto- In Favor

MOTION: Councilman Adams made a motion to **deny** the rezoning request for property located at o Norman Berry Drive on Land Lot 127 of the 14th District, City of Hapeville, Fulton County, Georgia, Councilman Alexander provided a second. **Motion passed 3-0**

5. **QUESTIONS ON AGENDA ITEMS:** None

6. **CONSENT AGENDA:**

- 6.I. Consideration and Action to approve the March 7th, Council Meeting minutes.
- 6.II. Consideration and Action to enter into an agreement with Bright from the Start Summer Food Service Program, nominate Ashley Moody as Delegated Principle, and acceptance from Ashley Moody of this position as Principal.

MOTION: Councilman Reichert made a motion to approve the consent agenda, Councilman Adams provided a second. **Motion carried 3-0.**

7. **OLD BUSINESS:** None

8. **NEW BUSINESS:**

- 8.I. Consideration and Action to approve the Represent Yourself Scholarship 5k Event Request.

Councilman Reichert requested that the applicant notify residents ahead of the event due to the 5k route going into residential areas.

MOTION: Councilman Reichert made a motion to approve the Represent Yourself scholarship 5k Event Request, Councilman Alexander provided a second. **Motion carried 3-0.**

- 8.II. Consideration and Action to approve the Delta Scholarship 5K run.

MOTION: Councilman Adams made a motion to approve the Represent Yourself Scholarship 5k Event Request, Councilman Alexander provided a second. **Motion carried 3-0.**

- 8.III. Consideration and Action on Intergovernmental Agreement with Fulton County to Conduct the Municipal General Election for November 7, 2023, and Authorize Payment of Invoice.

MOTION: Councilman Reichert made a motion to approve the Intergovernmental Agreement with Fulton County to Conduct the Municipal General Election for November 7, 2023, and Authorize Payment of Invoice, Councilman Alexander provided a second. **Motion carried 3-0.**

- 8.IV. Discussion on the Art Container Memorandum of Understanding (MOU).

At the March 7, 2023 Mayor and Council meeting, one of the agenda items was for an event request to be hosted by local businesses, Beer Girl and Got Seafood, to rent usage of the Arts Alley and Arts Container on April 22, 2023 for a Crawfish Boil event. Council approved the restriction of the Alley and with access to the Container. During public comment, Executive Director Hapeville Arts Alliance expressed disappointment with the council decision.

Given the comments at the March 7th meeting, council has suggested an open discussion of the Arts Container including authority and purpose of its use. A copy of the 2014 Memorandum of Understanding was provided to Council for Review.

DISCUSSION: Mayor Hallman provided clarity on the MOU, stating that the containers were originally purpose was for art-related activities. He further stated that the MOU was a partnership between the City and the Art Alliance. However, due to the growing request for the use of the containers. Staff deem it necessary for the Governing Body to have an open discussion regarding container usage. Mayor Hallman opened the agenda up for discussion from the Governing Body.

This was a discussion item only; No action was taken. Mayor Hallman recommended adding this item to the upcoming council retreat as a discussion. He suggested that the Mainstreet Board should be in attendance to determine an understanding of the Art Container usages.

9. **CITY MANAGER REPORTS:** City Manager, Tim Young spoke about the Following items:
- The film series is ongoing, and the March 17th screening was a tremendous hit and the largest attended during the series.
 - Construction on the ball fields will start on March 22nd. The Splash Pad Project construction is going along, permitting the weather condition.
 - The City will have the first Butterfly Lantern Parade the weekend of March 25th.
10. **PUBLIC COMMENTS:**
1. Brittany Williams
11. **MAYOR AND COUNCIL COMMENTS:**
- Councilman Alexander** advised everyone that Spring was coming, and Hapeville is ready.
- Councilman Adams** Thanked everyone for coming to the Council meeting.
- Councilman Reichert** informed the audience that there was still time to participate and create a butterfly lantern for the upcoming parade. He noted that he hopes the event becomes a long-standing tradition within the City.
- Mayor Hallman** Thanked everyone for coming out to the Council meeting and being a part of their

local government. He stated that it makes a difference to participate in this process. Mayor Hallman thanked staff for the hard work in the film series. He recognized Ms. Charlotte Rentz for bringing that concept to the City.

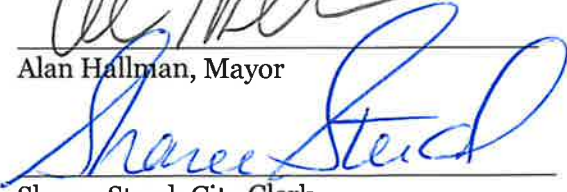
12. EXECUTIVE SESSION: An Executive Session was not conducted at this meeting.

13. ADJOURN:

MOTION: Councilman Adams made a motion to adjourn at 7:27 PM, Councilman Alexander provided a second. **Motion carried 3-0.**

Respectfully submitted,



Alan Hallman, Mayor

Sharee Steed, City Clerk