



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 REGULAR SESSION

Join in person at 700 Doug Davis Drive, Hapeville, GA 30354 Or, visit the City's Website for live stream at <https://ga-hapeville3.civicplus.com/562/Agendas-and-Minutes>

December 5, 2023 6:00 PM

MINUTES

1. **CALL TO ORDER:** by Alderman Rast at 6:01 PM
2. **ROLL CALL:** All Members of Council were present with the exception of Mayor Hallman, which constituted a quorum.
 - × Alan Hallman
 - ✓ Mike Rast
 - ✓ Brett Reichert
 - ✓ Mark Adams
 - ✓ Chloe Alexander
3. **WELCOME:** Alderman Rast welcomed all to the December 5th Meeting.
4. **PLEDGE OF ALLEGIANCE:** The pledge of allegiance was recited in unison.
5. **INVOCATION:** Given by Dr. Stuart Gulley
6. **PRESENTATIONS:** None
7. **PUBLIC HEARING:**
 - 7.I. Consideration and Action to Approve the Alcohol Beverage License Request for Junior's Pizza 2, LLC, located at 397 N. Central Ave Ste 203, Hapeville, GA 30354.

Background:

Junior's Pizza 2, LLC has completed all the necessary steps in the alcohol license application process, and therefore, they are requesting approval from the Mayor and Council. All departmental reports have been received, and advertising has been completed.

Staff Comments: No additional comments were provided by staff.

Applicant Comments: The establishment's owners, Ms. Jennifer Spear and Mr. Alex Spear were presented to answer any questions or concerns regarding the requested license.

Public Comments: No public comments were made for this public hearing item.

MOTION: Councilman Adams motioned to approve the Alcohol Beverage License request by Junior's Pizza 2, LLC, located at 397 N. Central Ave Ste 203, Hapeville, GA 30354; Councilman Reichert provided a second. **Motion carried 3-0.**

- 7.II. Consideration of an amendment to the Code of Ordinances, Chapter 90 (Subdivisions)- First Reading.

Background:

Consideration of an amendment to the Code of Ordinances, Chapter 90 (Subdivisions), Sections 90-1-1 (Purpose, authority and jurisdiction), 90-1-2 (Procedure for plat approval), 90-1-4 (Development prerequisite to final approval) for the purpose of amending the subdivision ordinance.

The Planning Commission considered this item on November 13, 2023, and recommended approval. Staff supports their recommendation.

Staff Comments: City Planner, Dr. Lynn Patterson indicated that the City utilizes its subdivision ordinance for consolidations, and the recent text amendments address several key points. Firstly, there is a clarification in the language to acknowledge that specific changes involve consolidations rather than strictly subdividing one parcel into two— annotations in the document highlight where the language was added. Procedurally, we have shifted the responsibility to the applicant to ensure they meet all requirements, removing the 30-day time limitation for planning commission actions. An additional change would limit the extension to one year for those with preliminary plat approval but not yet ready for the final stage. The last modification pertains to boundary markers; we have adjusted the language to allow for concrete monuments or simpler boundary markers, depending on the situation. These changes are detailed in section 90-1-4 of the ordinance.

Public Comments: No public comments were made for this public hearing item.

This stood as the First reading on this item, which was only a discussion item. **No action was taken.**

- 7.III. Consideration of an amendment to the Code of Ordinances, Chapter 93 (Accessory Uses)-First Reading.

Background:

Consideration of an amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 1 (Title, definitions and application of regulations), Sections 93-1-2 (Definitions), 93-2-5 (Accessory uses, accessory structures, yard requirements of accessory structures, outbuildings and fences), and 93-2-6 (Abatement) for the purpose of amending the accessory uses ordinance.

This Planning Commission considered this item at the November 13, 2023, meeting and recommended approval. Staff supports their recommendation.

Staff Comments: Dr. Patterson expressed that the goal of the recent changes was to clarify certain aspects of the code that were unclear. She stated that the definitions were revised, replacing "buildings" with "structures" to account for situations where it might not be a complete building but still qualifies as a structure. The section was reordered to present general information about accessory structures first, distinguishing between permanent and temporary ones and separating residential and commercial structures. Dr. Patterson stated that specific attention was given to permanent accessory structures, emphasizing number, size, and height restrictions. The focus was ensuring that these structures adhere to building codes, involving conversations with building inspectors about foundations and permitting. She further indicated that the amendments also addressed issues related to commercial outdoor cooking facilities, providing clear definitions and guidelines for placement.

Additionally, considerations for accessory structures in commercial areas were outlined, emphasizing that they should not obstruct required parking. Dr. Patterson indicated that changes to definitions and limitations on conditioned floor areas for residential properties were included. The code was adjusted to address long-term construction situations, particularly the use of construction trailers, with a 12-month limit for temporary structures not linked to construction activities. Annotations detailing these changes are available for reference.

Public Comments:

1. Melvin Traynum

This stood as the First reading on this item, which was only a discussion item. **No action was taken.**

- 7.IV. Consideration of an amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 3 (Nonconforming Uses)- First Reading.

Background:

Consideration of an amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 3 (Nonconforming uses), Sections 93-3-2 (Nonconforming uses permitted), 93-3-5 (Restoration), 93-3-6 (Abandonment), 93-3-9 (Enlargement), and 93-3-11 (Notice to owners of nonconforming property) for the purposes of amending the nonconforming uses ordinance.

Staff Comments: Dr. Patterson updated the Council on the recent amendments to clarify the distinction between non-conforming use and non-conforming structure. A new definition for the non-conforming structure was added, and the language in Article Three was refined. She further stated that Section 93-3-2 was revised to state that structures or uses existing for more than 20 years can only be enlarged with bringing them up to code. Restoration requirements were clarified, emphasizing that commercial buildings must be brought into compliance during restoration or replacement. The section addressing abandonment of non-conforming use was updated, reducing the discontinuation period to three months and providing criteria for evaluation. Criteria include disconnection of utilities, failure to pay, and other factors. The provision requiring notice to owners of non-conforming property was removed due to practical challenges in inspecting every structure during broad rezoning efforts. Dr. Patterson stated that the amendments aim to clarify and ensure adherence to current zoning requirements for non-conforming structures and uses.

Public Comments: No public comments were made for this public hearing item.

This stood as the First reading on this item, which was only a discussion item. **No action was taken.**

8. QUESTIONS ON AGENDA ITEMS: None

AMEND AGENDA:

MOTION: Councilman Alexander motioned to amend the agenda and remove item 9.III. under Consent Agenda section: *Consideration and Action to approve November 14, 2023, Council Meeting minutes.*, Councilman Adams provided a second. **Motion carried 3-0.**

9. CONSENT AGENDA:

- 9.I. Consideration and Action Hotel Motel Service Agreement
- 9.II. Consideration and Action to approve the September 26, 2023, Special Called meeting minutes.
- ~~9.III. Consideration and Action to approve November 14, 2023, Council Meeting minutes.~~
~~-Removed~~
- 9.IV. Consideration and Action to approve November 27, 2023, Council Meeting minutes.
- 9.V. Consideration and Action to approve November 27, 2023, Executive Session minutes.

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

10. OLD BUSINESS: None

11. NEW BUSINESS:

- 11.I. Consideration and Action of the Mayor and Council 2024 Meeting Schedule Ordinance. - Second Reading. **Ordinance 2023-09**

MOTION: Councilman Reichert motioned to approve the Mayor and Council 2024 Meeting Schedule Ordinance; Councilman Alexander provided a second. **Motion carried 3-0.**

- 11.II. Consideration and Action to Approve an Intergovernmental Agreement (IGA) with Fulton County for Animal Control Services.

MOTION: Councilman Alexander motioned to approve an Intergovernmental Agreement (IGA) with Fulton County for Animal Control Services; Councilman Adams provided a second. **Motion carried 3-0.**

- 11.III. Consideration and Action to approve Sol Construction LLC in the amount of \$339,877.00 for the construction of the S. Central Avenue Sidewalk and Gateway Project.

MOTION: Councilman Alexander motioned to approve the Sol Construction LLC in the amount of \$339,877.00 for the construction of the S. Central Avenue Sidewalk and Gateway Project; Councilman Reichert provided a second. **Motion carried 3-0.**

- 11.IV. Consideration and Action to Approve the GA DOT – Interstate 85 Lighting Agreement.

MOTION: Councilman Reichert motioned to approve the GA DOT – Interstate 85 Lighting Agreement; Councilman Adams provided a second. **Motion carried 3-0.**

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

Property Tax Collection Status:

- The deadline passed on November 29th.
- Currently 83-84% collected of the \$6.5 million billed.
- Expected to reach 97-98% of total collection before the fiscal year-end.

December Deadline:

- Focus on alcohol permit renewals and short-term rental permits.
- Preparing for public utility billing in January.

Budget Planning:

- Initiating midyear budget adjustments and projections in January or early February.

Main Street Free Fill Event:

- Scheduled for Saturday, December 9th, at 4:30 PM.
- Offers free arts in the art alley behind City Hall.
- Encourages community participation.

Upcoming Holiday Season:

- Employee Holiday Lunch Friday December 15th.

13. **PUBLIC COMMENTS:**

1. Linda William

14. **MAYOR AND COUNCIL COMMENTS:**

Councilman Reichert thanked everyone for attending the meeting and acknowledging another successful year in Hapeville. He expresses that it is an honor and privilege to serve and wishes all a wonderful holiday season in the coming weeks.

Councilman Adams thanked everyone for coming out and wished everyone Happy Holidays.

Councilman Alexander expressed appreciation for the meet and greet event held today. She thanked everyone for attending and wished everyone a wonderful holiday season.

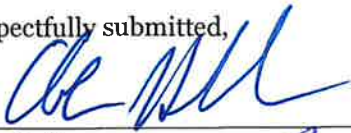
Alderman Rast agreed with Councilman Alexander's sentiments. He thanked the City Clerk for organizing the meet and greet event and mentioned it as the first in several years. Alderman Rast further stated that he enjoys meeting new people and extends his wishes for a happy holiday season and a prosperous new year on behalf of the Mayor and Council.

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

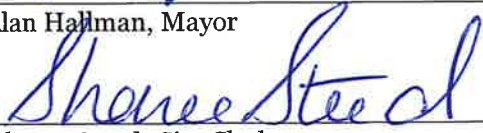
16. **ADJOURN:**

MOTION: Councilman Adams motioned to adjourn at 6:56 PM, Councilman Alexander provided a second. **Motion carried 3-0**

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Alan Hallman', written above a horizontal line.

Alan Hallman, Mayor

A handwritten signature in blue ink, appearing to read 'Sharee Steed', written above a horizontal line.

Sharee Steed, City Clerk