

Mayor and Council Session  
Videoconference  
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May 5, 2020 6:00 PM

### Agenda

1. Call to Order
2. Roll Call  
Alan Hallman  
Mike Rast  
Travis Horsley  
Mark Adams  
Chloe Alexander
3. Welcome
4. Invocation
5. Public Hearing - Citizens wishing to speak during the public hearing section of the Council meeting must email the City Clerk at [cepps@hapeville.org](mailto:cepps@hapeville.org) or call 404-766-3004 to sign up prior to the meeting. Please provide your name, address, the phone number you will call from on the night of the meeting, the agenda item, and your "for or against" comment.

5.1. Consideration and Action on Special Use Permit to Operate a Personal Care Home at 3234 Dogwood Drive

Background:

Claudette Eley is requesting approval of a special use permit to operate a personal care home within an existing structure located at 3234 Dogwood Drive, Parcel Identification Number 14-0094-0001-013-0. The property is zoned V, Village and is subject to the zoning regulations under Sec. 93-1.1-5 of the City of Hapeville Zoning Ordinance.

The proposed use of a personal care home is compatible with the Village Zoning District and poses no foreseeable conflict with the intent of the district. There were concerns regarding parking and traffic movement during peak transition times.

The Planning Commission considered this item on April 14, 2020 and recommended the Mayor & Council grant the special use permit subject to the applicant providing a shared parking agreement to accommodate the overflow parking. Staff supported their recommendation and also recommended the City Council include the following conditions:

1. The number of total residents must be restricted by the limits imposed by State law.
2. The applicant should demonstrate with a dimensioned site plan that drop-offs and pick-ups of adult day care clients will not impede access of the shared driveway.
3. The owner must furnish a list of all residents living in the facility with disabilities and special needs to the Hapeville Police and Fire Departments with every new admission to and patient permanent exit from the facility.
4. The owner must provide copies of all relevant federal and/or state permits to the Department of Community Services prior to obtaining a Certificate of Occupancy.

Staff Comments:

Applicant Comments:  
Public Comments:

**Documents:**

1. Application - 3234 Dogwood Drive, CUP\_redacted
2. 3234 Dogwood Drive - Supplemental Information\_Redacted
3. Planners Report 3234 Dogwood Dr. SUP - Personal Care Home 4.8.20
4. Fire Marshal's Report - 3234 Dogwood Drive
5. LEGAL ADV - 04-21-2020, 3234 Dogwood Drive, Special Use Permit

5.II. Consideration and Action on Sherman Road Abandonment Request

Background:

Chick-fil-A, Inc. is requesting to abandon Sherman Road located in Land Lot 96 of the 14th District, Fulton County (City of Hapeville) adjacent to North Central Avenue and King Arnold Street for a proposal to reconstruct the existing Chick Fil A restaurant into a new Chick Fil A restaurant, common space, additional parking and a rerouted drive-through.

Staff Comments:  
Applicant Comments:  
Public Comments:

**Documents:**

1. Resolution to Abandon Road - Sherman Road (02422435xA0B3B)
2. Planner's Report Road Abandonment
3. Site Plan - Chick fil A\_Road Abandonment Request
4. LEGAL ADV - 04-21-2020, Sherman Road Abandonment Request\_Chick-fil-A

5.III. Consideration and Action on 3264 Springhaven Avenue Rezoning

Background:

Consideration and action on a rezoning request for a 4.17-acre parcel located at 3264 Spring Haven Avenue on land lot 98 of the 14<sup>th</sup> District, Fulton County (City of Hapeville), Parcel Identification 14-0098-0009-048-4 from V, Village to P-D, Planned Unit Development.

The proposed land use is a planned residential community consisting primarily of approximately 62 single-family homes, arranged around shared amenities and with pedestrian access to public streets and shared greenspaces.

The Planning Commission considered this item on April 14, 2020 and recommended the Mayor and Council approve the rezoning as requested Staff supported their recommendation.

Staff Comments:  
Applicant Comments:  
Public Comments:

**Documents:**

1. 3264 Springhaven Avenue - Rezoning Application\_Redacted
2. 3264 Springhaven Avenue - Development Pictures

3. Planners Report 3264 Spring Haven Ave Rezoning FINAL
4. LEGAL ADV - 04-21-2020, 3264 Spring Haven Avenue\_Rezoning
5. Public Comment 1 - Anne Newman, 811 North Avenue\_Redacted
6. Public Comment 2 - Sharon Hope, 793 North Avenue
7. Public Comment 3 - Susan Bailey, Azalea Park NA President\_Redacted

5.IV. Consideration on Text Amendment for the Purpose of Amending Residential Uses in the A-D Zone - 1st Reading

Background:

Consideration of an amendment to the Code of Ordinances, City of Hapeville, Georgia Chapter 93 (Zoning), Article 28 (A-D Zone Arts District Overlay), Section 93-28-7.5 (Residential Uses) for the purpose of amending residential uses in the A-D Zone.

City Code currently prohibits any new residential construction unless it is part of a mixed-use development with a commercial use at the ground floor in the A-D, Arts District overlay. While ground floor commercial and retail uses are encouraged, this may preclude the development of medium to higher density residential uses such as townhomes and multi-family dwellings. A text amendment to permit residential uses with entrances at street level was reviewed by the Planning Commission and recommended for approval.

During their review of said text amendment, it came to the attention of the Planning Commission that the Code currently allows for a specific type of "artist housing" that only permits residents who are "artists" as determined by a "Juried Commission," a body the City does not currently have. The Planning Commission requested that this use be reviewed by the City's attorney and, should the Code as written fail legal scrutiny, be replaced. The attorney determined the Code as written could not stand, and staff has prepared a replacement "live-work" housing use. Rather than relying on a juried commission to determine the credentials of an "artist," this new use allows residents in possession of certain occupational tax certificates to occupy a live-work unit.

Staff Comments:

Applicant Comments:

Public Comments:

**Documents:**

1. Planner's Report Text Amendment A-D Residential CC
2. Ordinance - Text Amendment Live-Work Units (02402992xA0B3B)
3. LEGAL ADV - 04-21-2020, A-D Residential Uses and Live Work
4. MINUTES - 12-12-2019

5.V. Consideration on Text Amendment for Single Family Attached (SFA) Special Provisions - 1st Reading

Background:

Consideration of a text amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 2 (General Provisions), Section 93-2-10 (Single Family Attached Developments (SFA, Special Provisions) for the purpose of amending special provisions for single-family attached

developments.

The text amendment would remove Sec. 93-2-10(3) in its entirety and allow site design and building construction to instead be regulated by our Architectural Design Standards and the International Residential Code, respectively.

The Planning Commission considered this item on April 14, 2020 and recommend the Mayor and Council approve the text amendment. Staff supported their recommendation.

Staff Comments:

Applicant Comments:

Public Comments:

**Documents:**

1. Ordinance - Text Amendment SFA Special Provisions (02421592xA0B3B)
2. Planner's Report Text Amendment SFA Construction Standards
3. LEGAL ADV - 04-21-2020, Single Family Attached Development\_SFA\_ Special Provisions

5.VI. Consideration on Text Amendment for Curb Breaks - 1st Reading

Background:

Consideration of an amendment to the Code of Ordinances, City of Hapeville, Georgia Chapter 93 (Zoning), Article 23 (Off-street parking and loading), Section 93-23-2 (Entrance and exit points) for the purpose of amending and updating the entrance and exit point regulations.

The proposed changes would eliminate minimum curb break requirements, allow exceptions to maximum widths without the need for a Variance from the Board of Appeals, address three lane entrances and exits, and add safety protections for crossing pedestrians.

The Planning Commission considered this item on April 14, 2020 and recommended the Mayor and Council approve the text amendment subject to a minor grammatical correction. Staff supported their recommendation.

Staff Comments:

Applicant Comments:

Public Comments:

**Documents:**

1. Ordinance - Text Amendment Curb Breaks (02403010xA0B3B)
2. Planner's Report Text Amendment Curb Breaks Upd. 4-8-20
3. LEGAL ADV - 04-21-2020, Entrance and Exit Points\_Curb Breaks

6. Questions on Agenda Items - Citizens wishing to speak during the questions on agenda items section must email the City Clerk at [cepps@hapeville.org](mailto:cepps@hapeville.org) or call 404-766-3004 to sign up prior to the meeting. Please provide your name, address, the phone number you will call from on the night of the meeting, the agenda item, and your question.

7. Consent Agenda

7.I. Approval of Minutes - April 7, 2020 and April 21, 2020

7.II. Consideration And Action On Renewal Agreement With USIS, Inc. For Third Party Worker Compensation Claims Processing In The Amount Of \$5,000 Service Fee, Re-Pricing Fee Of \$5.50 Per Medical Bill, And A 25% Network Savings Fee And To Authorize The Mayor To Sign All Necessary Documents

Background:

Renewing this agreement will allow USIS, Inc. to continue to work as the City's third party administrator (TPA) for all workers compensation claims. No cost increase has been proposed for the service contract in the new FY. The overall costs for this service depend totally on the amount of claims activity experienced by the City. This is a routine budgeted item. Staff recommends approval of the contract agreement.

**Documents:**

1. 2020 City of Hapeville Contract with USIS

8. Old Business

9. New Business

9.I. Consideration and Action on Financing Bank and Financing Terms On One (1) Staff Vehicle For Fire Department In The Amount of \$46,709.70

Background:

The Fire Department previously requested to purchase two staff vehicles in the total amount of \$85,922.42. These vehicles were previously approved in the FY2019 – 2020 budget. After communicating with the vendor (Wade Ford), only one vehicle (the 2020 Ford F-250) is complete and available for pickup. Finance staff submitted RFPs to three (3) banks (BB&T Corporation, Regions Equipment Finance Corporation and Bank OZK) to finance the new fire department vehicle from Wade Ford. After receiving proposals from all three banks, staff recommends Regions Equipment Finance Corporation to finance fire department new vehicle purchase for 60 months at 3.20%.

**Documents:**

1. Banks - Financing Terms - 2020 F-250 Vehicle
2. 2020 F-250 Wade Ford
3. 2020 Ford Explorer Wade Ford

9.II. Discussion on Future Council Meetings

Background:

Given the Governor's most recent Executive Order, Mayor and Council will discuss how to handle future meetings.

10. City Manager Report

11. Public Comments - Citizens wishing to speak during the public comment section of the Council meeting must email the City Clerk at [cepps@hapeville.org](mailto:cepps@hapeville.org) or call 404-766-3004 to sign up prior to

the meeting. Please provide your name, address, the phone number you will call from on the night of the meeting, and your comment.

12. Mayor and Council Comments

13. 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).

14. 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.