Mayor and Council Session
3444 N Fulton Avenue
Hapeville, GA 30354

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September 1, 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. Pledge of Allegiance
5. Invocation
6. Public Hearing - In addition to the public comments made by citizens at the meeting, interested parties may submit written comments to the City Clerk via email or telephonically by 5PM on August 31st. In order for comments to be read into the record at the meeting, all correspondence must include the sendee's name, address, agenda item and position regarding public hearing (pro or con). All sendees must confirm receipt of their public comment with the City Clerk prior to the deadline stated above. Written public comments will be read into record alternating with in-person comments.

   6.I. Consideration on a Text Amendment for Solar Energy Systems - 1st Reading
   Background:
   Consideration on an amendment to the Code of Ordinances, City of Hapeville, to create Article 30 (Solar Energy Systems), Sections 93-30-1 (Intent) through Section 93-30-13 (Permit fees) for the purpose of creating regulations regarding solar energy systems.

   The City of Hapeville does not currently have any zoning or design codes which govern the installation of photovoltaic panels on the roofs or supplemental areas of residences and businesses. Recent applications to install photovoltaic panels have been heard by the Design Review Commission on a case-by-case basis and without any guidance from the code. Outside of the DRC, the city lacks any enforcement mechanisms to ensure for the quality and aesthetics of new solar panel installations. To address this, the following Text Amendment based on Georgia Tech's "Model Solar Ordinance" is presented for recommendation to Mayor & City Council.

   The Planning Commission considered this item on August 11, 2020 and recommended approval with changes. Staff supports their recommendation.
   Staff Comments:
   Applicant Comments:
   Public Comments:

Documents:

1. Ordinance - Solar Energy Systems_2 (02540997xA0B3B)
2. Ordinance - Text Amendment Architectural Design Standards - Solar Energy Systems (02513271xA0B3B)
3. Planner's Report Text Amendment Solar Panels
4. LEGAL ADV - 09-01-2020_Solar Energy Systems
5. SUMMARY MINUTES - 08-11-2020

6.II. Consideration on a Text Amendment to the Official Major Street Plan - 2nd Reading

Background:

Consideration of an amendment to the Major Street Plan, City of Hapeville, Georgia, Chapter 93 (Zoning), Article 2 (General Provisions), Section 93-2-4 (Major street plan) for the purpose of updating the City's Major Street Plan.

The City of Hapeville received a proposal from Chick Fil A Inc. for a new consolidated site plan with properties across Sherman Road along North Central Avenue. On June 2, 2020, the Mayor and Council approved the request to abandon Sherman Road, subsequently requiring adoption of the updated Major Street Plan.

The Planning Commission considered this item on July 14, 2020 and recommended approval. Staff supports their recommendation.

Staff Comments:
Applicant Comments:
Public Comments:

Documents:

1. Ordinance - Major Street Plan (02513989xA0B3B)
2. Official Major Street Plan - Exhibit A
3. Planners Report Major Street Plan Change 040920
4. LEGAL ADV - 08-18-2020_Major Street Plan
5. MINUTES - 07-14-2020 (2)_draft

6.III. Consideration on a Text Amendment to U-V (Urban Village) for Townhome Density - 2nd Reading

Background:

Consideration of an amendment to Article 11.2 (Urban Village), Section 93-11.2-3 (Permitted uses) and Article 22.1 (Dimensional Requirements), Section 93-22.2-1 (Chart of dimensional requirements).

Staff has identified discrepancies and unclear language in the Zoning Code regarding the number of townhomes allowed per building in the U-V, Urban Village zoning district. The proposed text amendment corrects the text to reflect the requirements of the most current ordinances.

The Planning Commission considered this item on July 14, 2020 and recommended approval. Staff supports their recommendation.

Staff Comments:
Applicant Comments:
Public Comments:

Documents:

1. Ordinance - Text Amendment Town homes in UV (02421599xA0B3B)
2. Exhibit A - Chart
3. Planner's Report Text Amendment U-V Townhome Density
4. LEGAL ADV - 08-18-2020_Townhomes in UV
5. MINUTES - 07-14-2020 (2)_draft

6.IV. FY2021 Tax Millage Hearing and Consideration and Action To Set The Millage Rate At 16.00

Background:

The City adopted the Fiscal Year 2020-21 budget with no planned millage rate increase. The Fulton County digest has been provided and the revenue neutral (rollback) millage rate for the City is 16.00 mills, reduced from 16.11 mills. The Five Year History has been advertised as required and millage rate is ready for adoption by Council. Staff projects the General Fund millage of 16.00 Mills will generate approximately $4.75M in billable Real Property Taxes. The City Budgeted $4.75M in Real Property Taxes.

Staff Comments:
Applicant Comments:
Public Comments:

Documents:

1. Five Year History - City of Hapeville
2. PT32.1
3. Consolidation and Evaluation of Digest 2020
4. Consolidation and Evaluation of Digest 2019

7. 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.

8. Consent Agenda

8.I. Approval of Minutes

1. Mayor and Council Session 08042020
2. Mayor and Council Work Session 08182020

8.II. Approval of Executive Session Minutes

Background:

A printed copy of the August 4, 2020 executive session minutes will be distributed to Mayor and Council prior to the start of Tuesday's meeting.

9. Old Business

9.I. Consideration and Action on Naming the Future Soccer Field at the Tom E. Morris Sports Complex the "Gary P. Cooley Memorial Field"

Background:

Alderman Rast and Councilman Horsley jointly recommend naming the new soccer field for Gary Cooley and retain the George Hudson name for the football field. This would allow the City to recognize Mr. Cooley for the work he did for the City while maintaining recognition for George Hudson. It is not their preference to rename Claire Drive at the present time.

Attached for consideration and action is a resolution naming the future soccer field.

Documents:

1. Resolution

9.II. Discussion on Academy Theatre Park Events

Background:

At the August 18, 2020 Work Session Lorenne Fey, Managing Director of Academy Theatre and Artistic Director, Robert Drake, presented a proposal to provide Theatre in the Park at Jess Lucas Park for one weekend each month from September through December. Academy Theatre asked the City to sponsor the events. At the time, the estimated cost to the city was approximately $25,000. Mayor and Council heard the request and asked staff review the 2020 and 2021 budget for cost savings of events cancelled due to COVID 19, with the eye toward applying unused event funds for the Theatre performances. Expenses not incurred due to event cancellations are approximately $15,000. The City Manager suggests, if it is the desire of Council to proceed, we proceed with two events from the Academy Theatre list, October and November at approximately 11,000. As the City is using fund balance this fiscal year to meet budgeted expenses, this allows the City to realize some savings while offering live performing arts in the fall.

Documents:

1. Academy Theatre Performance Series final - Recommendation
2. Theatre in the Park - Rec Remaining Events

10. New Business

10.I. Consideration and action to approve and execute an easement to allow for Georgia Power to complete the necessary work for the Hapeville Library.

Background:

Fulton County has requested that the City execute the attached document in light of the pending Quiet Title Action filed for 525 King Arnold Street. City legal and Staff have reviewed and approved the document.

Documents:

1. Hapeville Library Easement

11. City Manager Report

12. 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.

13. Mayor and Council Comments
14. 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).
15. 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.

DRAFT

STATE OF GEORGIA
CITY OF HAPEVILLE

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 93 ("ZONING") TO CREATE ARTICLE 30 ("SOLAR ENERGY SYSTEMS"), SECTIONS 93-30-1 ("INTENT") THROUGH SECTION 93-30-13 ("PERMIT FEES") OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

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

WHEREAS, the municipal government of the City of Hapeville (hereinafter "City") and all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be the legislative body of the City; and,

WHEREAS, amendments to any of the provisions of the City's Code may be made by amending such provisions by specific reference to the section number of the City's Code; and,

WHEREAS, existing ordinances, resolutions, rules and regulations of the City and its agencies now lawfully in effect not inconsistent with the provisions of the City's charter shall remain effective until they have been repealed, modified or amended; and,

WHEREAS, every official act of the Mayor and Council which is to become law shall be by ordinance; and,

WHEREAS, the procedures required for amending the City's zoning ordinance have been satisfied, including, but not limited to, notice and public hearings; and,

WHEREAS, the governing authority of the City finds it desirable to create regulations regarding solar energy systems.

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

Section One. Chapter 93 (Zoning) of the City Code of Ordinances is hereby amended by creating Article (Solar Energy Systems), Sections 93-30-1 (Intent) through Section 93-30-13 (Permit fees), which shall state as follows:

Sec. 93-30-1. – Intent

The City has identified a need to facilitate the siting, construction, installation, and decommissioning of solar energy systems (SESs) in a manner that encourages local economic development and protects the health, safety, and welfare of the citizens of Hapeville, and at the same time mitigates any adverse impacts to the city or the community.

Sec. 93-30-2. – Definitions

The *Footprint* of a Ground Mounted SES is calculated by drawing a perimeter around the outermost SES panels and any equipment necessary for the functioning of the SES, such as transformers and inverters. The Footprint does not include any visual buffer or perimeter fencing. Transmission lines (or portions thereof) required to connect the SES to a utility or consumer outside the SES perimeter shall not be included in calculating the Footprint.

Ground Mounted SESs shall be delineated by size as follows:

- *Small Scale Ground Mounted Solar Energy System (Small Scale SES)* means a Ground Mounted SES with a Footprint of less than 1 acre.
- *Intermediate Scale Ground Mounted Solar Energy System (Intermediate Scale SES)* means a Ground Mounted SES with a Footprint of between 1 and 15 acres.
- *Large Scale Ground Mounted Solar Energy System (Large Scale SES)* means a Ground Mounted SES with a Footprint of more than 15 acres.

Ground Mounted Solar Energy System means an SES that is structurally mounted to the ground and does not qualify as an Integrated SES or rooftop SES. For purposes of the Hapeville zoning code, any solar canopy that does not qualify as an Integrated SES shall be considered a Ground Mounted SES, regardless of where it is mounted.

Integrated Solar Energy System means an SES where solar materials are incorporated into building materials, such that the two are reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is structurally an integral part of a house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building facade, skylight, shingles, canopy, light, or parking meter.

Rooftop Solar Energy System means an SES that is structurally mounted to the roof of a house, building, or other structure and does not qualify as an Integrated SES.

Solar Energy System (SES) means any device or structural design feature that provides for the collection of solar energy for electricity generation, consumption, or transmission, or for thermal applications.

For the purposes of this article, SES refers only to (1) photovoltaic SESs that convert solar energy directly into electricity through a semiconductor device or (2) solar thermal systems that use collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling.

SES as used here excludes concentrated solar power, which uses mirrors to focus the energy from the sun to produce electricity.

Sec. 93-30-3. – Permitted Use

Integrated SES, Rooftop SES, and Ground Mounted SES are permitted as accessory uses in all districts, subject to the requirements of this article. No other SES are permitted anywhere in the city.

For I-1 or I-2 zoning districts, large scale Solar Energy Systems are not required to be an accessory use.

Sec. 93-30-4. – Applicability

(a) This article applies to the siting, construction, installation, and decommissioning of any new SES to be constructed or installed after [the effective date of this ordinance] within the jurisdiction of the City of Hapeville.
(b) Any SES that, prior to [the effective date of this ordinance]:
    1. is in operation;
    2. is being lawfully sited, constructed, or installed; or
    3. has caused the incurrence of substantial liabilities relating to siting, construction, or installation;
(c) shall be exempt from complying with this article, unless the surface area of an Integrated SES or Rooftop SES is increased by more than 10% after [the effective date of this ordinance].
(d) Unless otherwise expressly stated herein, an SES shall comply with all applicable federal, state, and local laws, including the requirements of the City of Hapeville zoning code and applicable building, fire, electric, and plumbing codes. If a provision in this article directly conflicts with a requirement of the City of Hapeville zoning code, this article shall control.

Sec. 93-30-5. – Requirements for Integrated Solar Energy Systems

(a) *Solar Access.* Consistent with O.C.G.A. § 44-9-20 et seq., a property owner may obtain a solar easement from another property owner for the purpose of ensuring the Integrated SES adequate exposure to sunlight.
(b) *Tree Removal.* The removal of trees or natural vegetation for an Integrated SES shall be avoided to the extent reasonably practicable and shall comply with the requirements of Sec. 93-2-14.

Sec. 93-30-6. – Requirements for Rooftop Solar Energy Systems

(a) *Solar Access.* Consistent with O.C.G.A. § 44-9-20 et seq., a property owner may obtain a solar easement from another property owner for the purpose of ensuring the Rooftop SES adequate exposure to sunlight.

(b) *Tree Removal.* The removal of trees or natural vegetation for a Rooftop SES shall be avoided to the extent reasonably practicable and shall comply with the requirements of Sec. 93-2-14.

(c) *Height.* A Rooftop SES shall be given an equivalent exemption, if any, to the applicable zoning district's height restrictions for roof-mounted mechanical devices or equipment, except a Rooftop SES mounted on a sloped roof shall not vertically exceed the highest point of the roof to which it is attached.

(d) *Roof Setback.* A setback from all roof edges, as defined by most recent the International Fire Code adopted by Georgia at the time the rooftop solar energy system is installed, shall be provided for rooftop solar energy systems to ensure that firefighters may access the roof in a quick and safe manner and may penetrate the roof to create ventilation if necessary.

(e) *Visibility.* Solar Energy systems shall not be allowed on a street-facing sloped roof unless the building owner demonstrates that other locations will result in a decrease in expected energy production of at least 40%.

(f) *Slope.* Street facing Rooftop SES shall be flush with or parallel to the roofline on a sloped roof. Solar panels not visible from the right-of-way may be tilted up to 15% from the roofline on a sloped roof.

(g) *Equipment Placement.* Solar energy equipment shall be installed, when possible, inside walls and attic spaces to reduce their visual impact.

(h) *Decommissioning Plan.* A decommissioning plan will be required for all rooftop systems and subject to current state and local regulations.

Sec. 93-30-7. – General Requirements for All Ground Mounted Solar Energy Systems

The following requirements apply to all Ground Mounted SESs, in addition to the specific requirements in this article that apply to Intermediate and Large Scale SESs respectively.

(a) *Residential Zoning.* Ground Mounted SES shall not be visible from the public right-of-way for any properties zoned residential or where the primary use of the property is residential.

(b) *Solar Access.* Consistent with O.C.G.A. § 44-9-20 et seq., a property owner may obtain a solar easement from another property owner for the purpose of ensuring a Ground Mounted SES adequate exposure to sunlight.

(c) *Impervious Surface.* Ground mounted structures and components of the Ground Mounted SES, including transformers and foundations, shall be considered impervious and included when determining lot coverage. However, for purposes of compliance with the City of Hapeville zoning code's maximum lot coverage requirements found in Sec. 93-22.1-1, the panels of a Ground Mounted SES shall be considered pervious if they maintain sheet flow and allow for water to infiltrate under and around them through a pervious surface and into the subsoil.

(d) *Lighting*. To reduce light pollution, lighting of a Ground Mounted SES shall:

1. not be allowed in any residential district or where the primary use of a lot is residential;
2. be limited to the minimum reasonably necessary for its safe operation;
3. be directed downward where reasonably feasible;
4. incorporate full cut-off fixtures; and

5. reasonably utilize motion sensors.

(e) *Tree Removal.* The removal of trees or natural vegetation for a Ground Mounted SES shall be avoided to the extent reasonably practicable and shall comply with the requirements of Sec. 93-2-14.

(f) *Decommissioning.* Unless otherwise approved by the Planning Commission, decommissioning shall begin no later than 12 months after a Ground Mounted SES has ceased to generate electricity or thermal energy:

1. for a Ground Mounted SES allowed without a permit, within 6 months of the beginning of decommissioning, the SES and all structures associated with it shall be removed, all materials shall be recycled or otherwise reused to the extent reasonably practicable, and the property shall be returned to its condition prior to the installation of the SES or to some other condition reasonably appropriate for the designated land use; and
2. for a Ground Mounted SES allowed with a permit, the SES shall be decommissioned in accordance with the most recent decommissioning plan approved by the Planning Commission, and as further described in the Special Use Permit provision of this article.

Sec. 93-30-8. – Specific Requirements for Intermediate Scale Solar Energy Systems

The following requirements apply to Intermediate Scale SESs, in addition to the general requirements in this article that apply to all Ground Mounted SESs.

(a) *Setbacks*. An Intermediate Scale SES shall comply with the following setback requirements:

1. the Intermediate Scale SES shall be located no closer than the lesser of (a) 15 feet from any property line, or (b) the required setback for the applicable zoning district, if any;
2. the Intermediate Scale SES shall be located no closer than the lesser of (a) 20 feet from any public right-of-way, or (b) the required setback for the applicable zoning district, if any; and
3. the Intermediate Scale SES shall be located no closer than 50 feet from any residential dwelling unit on an adjacent lot.

(b) *Visual Buffers*. An Intermediate Scale SES in a residential or mixed-use district shall have, to the extent reasonably practicable, a 15-foot visual buffer of natural vegetation, plantings, earth berms, and/or six to eight feet high fencing that provides a reasonable visual and lighting screen to reduce the view of the SES from residential dwelling units on adjacent lots (including those lots located across a public right-of-way). The existing natural tree growth and natural land forms along the SES perimeter may create a sufficient buffer and shall be preserved when reasonably practicable.

(c) *Signage*. An Intermediate Scale SES:

1. shall display signs (a) stating the risks that may result from contact with an Intermediate Scale SES, (b) identifying the owner or operator of the Intermediate Scale SES, and (c) providing a 24-hour emergency contact phone number;
2. shall comply with the requirements of Article 3.3 of the City Zoning Code for displaying any advertisement; and
3. may have signs that contain educational information about the Intermediate Scale SES.

4. All systems must adhere to current local and state laws and regulations for decommissioning.

Sec. 93-30-9. – Specific Requirements for Large Scale Solar Energy Systems

The following requirements apply to Large Scale SESs, in addition to the general requirements in this article that apply to all Ground Mounted SESs.

(a) *Setbacks.* A Large Scale SES shall comply with the following setback requirements:
1. the Large Scale SES shall be located no closer than the lesser of (a) 15 feet from any property line, or (b) the required setback for the applicable zoning district, if any;
2. the Large Scale SES shall be located no closer than the lesser of (a) 20 feet from any public right-of-way, or (b) the required setback for the applicable zoning district, if any; and
3. the Large Scale SES shall be located no closer than 100 feet from any residential dwelling unit on an adjacent lot.

(b) *Visual Buffers*. A Large Scale SES shall have, to the extent reasonably practicable, a 15-foot visual buffer of natural vegetation, plantings, earth berms, and/or six to eight feet high fencing that provides a reasonable visual and lighting screen to reduce the view of the SES from residential dwelling units on adjacent lots (including those lots located across a public right-of-way). The existing natural tree growth and natural land forms along the SES perimeter may create a sufficient buffer and shall be preserved when reasonably practicable.

(c) *Signage*. A Large Scale SES:
1. shall display signs (a) stating the risks that may result from contact with a Large Scale SES, (b) identifying the owner or operator of the Large Scale SES, and (c) providing a 24-hour emergency contact phone number;
2. shall comply with the requirements of Article 3.3 of the City Zoning Code for displaying any advertisement; and
3. may have signs that contain educational information about the Large Scale SES.

Sec. 93-30-10. – Permit Required.

It shall be unlawful for any person to place, install, alter, relocate, or modify any SES without first obtaining a permit from the city planner in the manner set forth in this article and otherwise complying with the terms herein.

Sec. 93-30-11. – Permit Application Submission, Requirements, Decision, and Appeal.

(a) *Submission*. SES applications must be delivered to the Department of Community Services. All permit applications must be stamped by Planning and Zoning Department personnel indicating the submission date.

(b) *Requirements for All SES.* The applicant shall submit the following information on a form provided by the Department of Community Services:
1. the address of the property on which the SES will be located;

2. the applicant's name, address, telephone number, and email address;
3. the property owner's name, address, telephone number, and email address;
4. if known, the installation company's name, address, telephone number, email address, and license number;
5. evidence of the applicant's control of the property, such as a deed, lease, or option agreement with the landowner; and
6. a site plan of the property that depicts the locations of all existing and proposed structures (including solar arrays, inverters, transformers, electrical substations, and buildings), property lines, rights-of-way, roads, required setbacks, and visual buffers.

(c) *Additional requirements for Large Scale SES.* When applying for a permit for a Large Scale SES, the following additional information is required:

1. a topographic map that depicts vegetative cover, watersheds, or wetlands on the property;
2. a visual buffer plan that demonstrates that any visual buffer (a) minimizes impacts of the SES on adjacent residential dwelling units, as required by this article, (b) preserves natural tree growth and natural land forms along the SES perimeter, as required by this article, and (c) adheres to any additional visual buffer requirements of the City of Hapeville zoning code that may further minimize impacts of the SES on the community character;
3. a list that identifies (a) federal or state endangered, threatened, or candidate species that may be present on the property or within 1,000 feet of the property, and (b) critical habitat on the property or within 1,000 feet of the property;
4. a decommissioning plan that contains the following:

    a the name, address, telephone number, and e-mail address of the person(s) or entity(ies) responsible for implementing the decommissioning plan;
    b a statement of conditions that require the decommissioning plan to be implemented;
    c as part of decommissioning, a removal plan that identifies all structures, components, and non-utility owned equipment that shall be removed;
    d as part of decommissioning, a plan for recycling or otherwise reusing all materials to the extent reasonably practicable;
    e as part of decommissioning, a restoration plan to return the property to its condition prior to the installation of the SES or to some other condition reasonably appropriate for the designated land use after the SES is removed; and
    f a timeline to complete decommissioning.

5. an affidavit that provides, to the best of the applicant's knowledge:
    a construction and operation of the SES will comply with all applicable federal and state laws;
    b construction and operation of the SES will comply with all local laws, including the requirements of the City of Hapeville zoning code; and
    c commercial general liability insurance will be maintained throughout the siting, construction, installation, operation, and decommissioning of the SES.

(d) *Approval of the Department of Community Services*. The Department of Community Services shall review all SES applications that require a permit for compliance with the building codes and indicate such compliance in a written report attached to the application. After completing any such report, the Department of Community Services shall forward the application, including any other documents submitted by the applicant, and the report to the city planner.

(e) *Decision of the city planner.*

1. Provided that the application is complete, all permit fees have been paid, and the proposed SES and the lot on which the SES is to be placed are in compliance with all requirements of this division and all other ordinances and laws of the city, the city planner shall render a determination and shall inform the applicant of his or her decision within 45 calendar days of the submission date. The city planner shall give notice to the applicant of his or her decision on such application by hand delivery or by mailing such notice, by certified mail, return receipt requested, to the address on the permit application on or before the 45th day.

   Upon the expiration of the 45-day period without a decision being made on the application, the applicant shall be permitted to erect and maintain the SES under this statutory provision unless and until the city planner notifies the applicant of a denial of the application and states the reasons for the denial. No person erecting a SES under this provision shall acquire any vested rights to continued maintenance of such SES, and following a subsequent denial of a SES application by the city planner, the SES must be brought into compliance with this division.

2. The city planner shall reject any application that is incomplete or contains false material information or omissions within 45 calendar days of the submission date. Applications subsequently submitted in conformity with this section shall be deemed to have been submitted on the date of resubmission rather than the original submission date.
3. If the city planner determines that a previously issued SES was issued pursuant to an application that contained false material information or omissions, he or she shall promptly revoke such permit and the sign shall be immediately removed.

(f) *Appeal*. An applicant who is dissatisfied by a decision of the city planner on the application for a SES permit has the right to appeal that decision. Any such appeal shall occur under the following procedures:

1. The applicant shall deliver a written notice of appeal to the city planner within 14 calendar days of his or her receipt of the notice of the decision. In the event that that no appeal is made within the 14-day period, the decision of the city planner shall become final. In the event that an appeal is filed, the city planner shall promptly transmit to the board of appeals all documents constituting the record upon which the decision appealed from was made.
2. The board of appeals shall (a) hold a hearing on any timely filed appeal no more than 30 days after the notice of appeal was received; and (b) make its final determination of the appeal not more than 30 days after the date of such hearing. The review by the board of appeals shall be limited to a determination of whether or not the decision of the city planner was clearly erroneous.

3. Any appeal of the decision of the board of appeals shall be taken to the superior court of Fulton County by a petition for a writ of certiorari.

Sec. 93-30-12. - Permit expiration date.

If work authorized under a permit has not been completed to the satisfaction of the code enforcement officer using common industry standards within six months after the date of issuance, the permit shall become null and void.

Sec. 93-30-13. - Permit fees.

Each application for a SES permit must be accompanied by a payment for the permit fee. The fee for a SES permit shall be as established by the adoption of a resolution for permit fees by Mayor and Council. A copy of the fee schedule shall be available electronically on the city website or as hard copy in the Department of Community Services.

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

Section Three. **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 Four. **Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

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

ORDAINED this _____ day of _____, 2020.

CITY OF HAPEVILLE, GEORGIA

_____

Alan Hallman, Mayor

ATTEST:

_____

Crystal Griggs-Epps, City Clerk

APPROVED BY:

_____

City Attorney

DRAFT

STATE OF GEORGIA

CITY OF HAPEVILLE

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 81 ("ARCHITECTURAL DESIGN STANDARDS"), SECTION 81-1-5 ("APPLICABILITY"), SUBSECTION (b) ("EXEMPTIONS FROM REVIEW") OF THE CITY CODE OF THE CITY OF HAPEVILLE; TO AMEND CHAPTER 81 ("ARCHITECTURAL DESIGN STANDARDS"), SECTION 81-1-6 ("COMMERCIAL/MIXED-USE AREA"), SUBSECTION (f) ("ROOF AND CHIMNEY STANDARDS") OF THE CITY CODE OF THE CITY OF HAPEVILLE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

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

WHEREAS, the municipal government of the City of Hapeville (hereinafter "City") and all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be the legislative body of the City; and,

WHEREAS, amendments to any of the provisions of the City's Code may be made by amending such provisions by specific reference to the section number of the City's Code; and,

WHEREAS, existing ordinances, resolutions, rules and regulations of the City and its agencies now lawfully in effect not inconsistent with the provisions of the City's charter shall remain effective until they have been repealed, modified or amended; and,

WHEREAS, every official act of the Mayor and Council which is to become law shall be by ordinance; and,

WHEREAS, the Mayor and Council wish to update the Architectural Design Standards regarding solar energy systems.

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

Section One. Chapter 81 (Architectural Design Standards), Section 81-1-5 (Applicability), Subsection (b) (Exemptions from review) of the City Code of Ordinances is hereby amended by striking the subsection in its entirety and inserting in lieu thereof the following language:

(b) Exemptions from review. The following shall be exempted from review by the design review committee provided that construction complies with all applicable design requirements:

(1) Interior remodeling;
(2) Single-structure demolition;
(3) Replacement windows on existing structures;
(4) Replacement siding;
(5) Accessory structures less than 144 square feet, including, but not limited to, decks, porches, patios, landings, sheds, arbors, and gazebos.
(6) The addition of solar energy systems, which are subject to the design requirements of Sec. 93-30-6.

Section Two. Chapter 81 (Architectural Design Standards), Section 81-1-6 (Commercial/mixed-use area), Subsection (f) (Roof and chimney) of the City Code of Ordinances is hereby amended by adding (f)(13) which states as follows:

13. Roof integrated or mounted solar energy systems are permitted, subject to the requirements of Sec. 93-30-6.

Section Three. **Codification and Certify.** This Ordinance 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.

<u>Section Five</u>. <u>Repeal of Conflicting Ordinances.</u> All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

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

ORDAINED this _____ day of _____, 2020.

CITY OF HAPEVILLE, GEORGIA

_____

Alan Hallman, Mayor

ATTEST:

_____

City Clerk

APPROVED BY:

_____

City Attorney

Department of Planning and Zoning
Planner's Report

DATE: August 6, 2020
TO: Adrienne Senter
FROM: Lynn Patterson, Consulting Planner for City of Hapeville
RE: Solar Energy

BACKGROUND

The City of Hapeville does not currently have any zoning or design codes which govern the installation of photovoltaic panels on the roofs or supplemental areas of residences and businesses. Recent applications to install photovoltaic panels have been heard by the Design Review Commission on a case-by-case basis and without any guidance from the code. Outside of the DRC, the city lacks any enforcement mechanisms to ensure for the quality and aesthetics of new solar panel installations. To address this, the following Text Amendment based on Georgia Tech's "Model Solar Ordinance" is presented for recommendation to Mayor & City Council.

CODE

ARTICLE 30 – SOLAR ENERGY SYSTEMS

Sec. 93-30-1. – Intent.

The City has identified a need to facilitate the siting, construction, installation, and decommissioning of solar energy systems (SESs) in a manner that encourages local economic development and protects the health, safety, and welfare of the citizens of Hapeville, and at the same time mitigates any adverse impacts to the city or the community.

Sec. 93-30-2. – Definitions

Solar Energy System (SES) means any device or structural design feature that provides for the collection of solar energy for electricity generation, consumption, or transmission, or for thermal applications.

For the purposes of this article, SES refers only to (1) photovoltaic SESs that convert solar energy directly into electricity through a semiconductor device or (2) solar thermal systems that use collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling.

SES as used here excludes concentrated solar power, which uses mirrors to focus the energy from the sun to produce electricity.

Integrated Solar Energy System means an SES where solar materials are incorporated into building materials, such that the two are reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is structurally an integral part of a house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building facade, skylight, shingles, canopy, light, or parking meter.

Rooftop Solar Energy System means an SES that is structurally mounted to the roof of a house, building, or other structure and does not qualify as an Integrated SES.

Ground Mounted Solar Energy System means an SES that is structurally mounted to the ground and does not qualify as an Integrated SES. For purposes of the Hapeville zoning code, any solar canopy that does not qualify as an Integrated SES shall be considered a Ground Mounted SES, regardless of where it is mounted.

The *Footprint* of a Ground Mounted SES is calculated by drawing a perimeter around the outermost SES panels and any equipment necessary for the functioning of the SES, such as transformers and inverters. The Footprint does not include any visual buffer or perimeter fencing. Transmission lines (or portions thereof) required to connect the SES to a utility or consumer outside the SES perimeter shall not be included in calculating the Footprint.

Ground Mounted SESs shall be delineated by size as follows:

- *Small Scale Ground Mounted Solar Energy System (Small Scale SES)* means a Ground Mounted SES with a Footprint of less than 1 acre.
- *Intermediate Scale Ground Mounted Solar Energy System (Intermediate Scale SES)* means a Ground Mounted SES with a Footprint of between 1 and 15 acres.
- *Large Scale Ground Mounted Solar Energy System (Large Scale SES)* means a Ground Mounted SES with a Footprint of more than 15 acres.

Sec. 93-30-3. – Permitted Use

Integrated SES, Rooftop SES, and Ground Mounted SES are permitted as accessory uses in all districts, subject to the requirements of this article. No other SES are permitted anywhere in the city.

Sec. 93-30-4. – Applicability

(a) This article applies to the siting, construction, installation, and decommissioning of any new SES to be constructed or installed after [the effective date of this ordinance] within the jurisdiction of the City of Hapeville.
(b) Any SES that, prior to [the effective date of this ordinance]:
    1. is in operation;
    2. is being lawfully sited, constructed, or installed; or

3. has caused the incurrence of substantial liabilities relating to siting, construction, or installation;

(c) shall be exempt from complying with this article, unless the surface area of an Integrated SES or Rooftop SES is increased by more than 10% after [the effective date of this ordinance].

(d) Unless otherwise expressly stated herein, an SES shall comply with all applicable federal, state, and local laws, including the requirements of the City of Hapeville zoning code and applicable building, fire, electric, and plumbing codes. If a provision in this article directly conflicts with a requirement of the City of Hapeville zoning code, this article shall control.

Sec. 93-30-5. – Requirements for Integrated Solar Energy Systems

(a) *Solar Access.* Consistent with O.C.G.A. § 44-9-20 et seq., a property owner may obtain a solar easement from another property owner for the purpose of ensuring the Integrated SES adequate exposure to sunlight.

(b) *Tree Removal.* The removal of trees or natural vegetation for an Integrated SES shall be avoided to the extent reasonably practicable and shall comply with the requirements of Sec. 93-2-14.

Sec. 93-30-6. – Requirements for Rooftop Solar Energy Systems

(a) *Solar Access.* Consistent with O.C.G.A. § 44-9-20 et seq., a property owner may obtain a solar easement from another property owner for the purpose of ensuring the Rooftop SES adequate exposure to sunlight.

(b) *Tree Removal.* The removal of trees or natural vegetation for a Rooftop SES shall be avoided to the extent reasonably practicable and shall comply with the requirements of Sec. 93-2-14.

(c) *Height.* A Rooftop SES shall be given an equivalent exemption, if any, to the applicable zoning district's height restrictions for roof-mounted mechanical devices or equipment, except a Rooftop SES mounted on a sloped roof shall not vertically exceed the highest point of the roof to which it is attached.

(d) *Roof Setback.* A setback from all roof edges, as defined by most recent the International Fire Code adopted by Georgia at the time the rooftop solar energy system is installed, shall be provided for rooftop solar energy systems to ensure that firefighters may access the roof in a quick and safe manner and may penetrate the roof to create ventilation if necessary.

(e) *Visibility.* Solar Energy systems shall not be allowed on a street-facing sloped roof unless the building owner demonstrates that other locations will result in a decrease in expected energy production of at least 40%.

(f) *Slope.* Street facing Rooftop SES shall be flush with or parallel to the roofline on a sloped roof. Solar panels not visible from the right-of-way may be tilted up to 15% from the roofline on a sloped roof.

(g) *Equipment Placement.* Solar energy equipment shall be installed, when possible, inside walls and attic spaces to reduce their visual impact.

Sec. 93-30-7. – General Requirements for All Ground Mounted Solar Energy Systems

The following requirements apply to all Ground Mounted SESs, in addition to the specific requirements in this article that apply to Intermediate and Large Scale SESs respectively.

(a) *Residential Zoning.* Ground Mounted SES shall not be visible from the public right-of-way for any properties zoned residential or where the primary use of the property is residential.
(b) *Solar Access.* Consistent with O.C.G.A. § 44-9-20 et seq., a property owner may obtain a solar easement from another property owner for the purpose of ensuring a Ground Mounted SES adequate exposure to sunlight.
(c) *Impervious Surface.* Ground mounted structures and components of the Ground Mounted SES, including transformers and foundations, shall be considered impervious and included when determining lot coverage. However, for purposes of compliance with the City of Hapeville zoning code's maximum lot coverage requirements found in Sec. 93-22.1-1, the panels of a Ground Mounted SES shall be considered pervious if they maintain sheet flow and allow for water to infiltrate under and around them through a pervious surface and into the subsoil.
(d) *Lighting*. To reduce light pollution, lighting of a Ground Mounted SES shall:
    1. not be allowed in any residential district or where the primary use of a lot is residential;
    2. be limited to the minimum reasonably necessary for its safe operation;
    3. be directed downward where reasonably feasible;
    4. incorporate full cut-off fixtures; and
    5. reasonably utilize motion sensors.
(e) *Tree Removal.* The removal of trees or natural vegetation for a Ground Mounted SES shall be avoided to the extent reasonably practicable and shall comply with the requirements of Sec. 93-2-14.
(f) *Decommissioning.* Unless otherwise approved by the Planning Commission, decommissioning shall begin no later than 12 months after a Ground Mounted SES has ceased to generate electricity or thermal energy:
    1. for a Ground Mounted SES allowed without a permit, within 6 months of the beginning of decommissioning, the SES and all structures associated with it shall be removed, all materials shall be recycled or otherwise reused to the extent reasonably practicable, and the property shall be returned to its condition prior to the installation of the SES or to some other condition reasonably appropriate for the designated land use; and
    2. for a Ground Mounted SES allowed with a permit, the SES shall be decommissioned in accordance with the most recent decommissioning plan approved by the Planning Commission, and as further described in the Special Use Permit provision of this article.

Sec. 93-30-8. – Specific Requirements for Intermediate Scale Solar Energy Systems

The following requirements apply to Intermediate Scale SESs, in addition to the general requirements in this article that apply to all Ground Mounted SESs.

(a) *Setbacks*. An Intermediate Scale SES shall comply with the following setback requirements:
    1. the Intermediate Scale SES shall be located no closer than the lesser of (a) 15 feet from any property line, or (b) the required setback for the applicable zoning district, if any;
    2. the Intermediate Scale SES shall be located no closer than the lesser of (a) 20 feet from any public right-of-way, or (b) the required setback for the applicable zoning district, if any; and
    3. the Intermediate Scale SES shall be located no closer than 50 feet from any residential dwelling unit on an adjacent lot.

(b) *Visual Buffers*. An Intermediate Scale SES in a residential or mixed-use district shall have, to the extent reasonably practicable, a 15-foot visual buffer of natural vegetation, plantings, earth berms, and/or six to eight feet high fencing that provides a reasonable visual and lighting screen to reduce the view of the SES from residential dwelling units on adjacent lots (including those lots located across a public right-of-way). The existing natural tree growth and natural land forms along the SES perimeter may create a sufficient buffer and shall be preserved when reasonably practicable.

(c) *Signage*. An Intermediate Scale SES:

1. shall display signs (a) stating the risks that may result from contact with an Intermediate Scale SES, (b) identifying the owner or operator of the Intermediate Scale SES, and (c) providing a 24-hour emergency contact phone number;
2. shall comply with the requirements of Article 3.3 of the City Zoning Code for displaying any advertisement; and
3. may have signs that contain educational information about the Intermediate Scale SES.

Sec. 93-30-9. – Specific Requirements for Large Scale Solar Energy Systems

The following requirements apply to Large Scale SESs, in addition to the general requirements in this article that apply to all Ground Mounted SESs.

(a) *Setbacks.* A Large Scale SES shall comply with the following setback requirements:

1. the Large Scale SES shall be located no closer than the lesser of (a) 15 feet from any property line, or (b) the required setback for the applicable zoning district, if any;
2. the Large Scale SES shall be located no closer than the lesser of (a) 20 feet from any public right-of-way, or (b) the required setback for the applicable zoning district, if any; and
3. the Large Scale SES shall be located no closer than 100 feet from any residential dwelling unit on an adjacent lot.

(b) *Visual Buffers*. A Large Scale SES shall have, to the extent reasonably practicable, a 15-foot visual buffer of natural vegetation, plantings, earth berms, and/or six to eight feet high fencing that provides a reasonable visual and lighting screen to reduce the view of the SES from residential dwelling units on adjacent lots (including those lots located across a public right-of-way). The existing natural tree growth and natural land forms along the SES perimeter may create a sufficient buffer and shall be preserved when reasonably practicable.

(c) *Signage*. A Large Scale SES:

1. shall display signs (a) stating the risks that may result from contact with a Large Scale SES, (b) identifying the owner or operator of the Large Scale SES, and (c) providing a 24-hour emergency contact phone number;
2. shall comply with the requirements of Article 3.3 of the City Zoning Code for displaying any advertisement; and
3. may have signs that contain educational information about the Large Scale SES.

Sec. 93-30-7. – Permit Required.

It shall be unlawful for any person to place, install, alter, relocate, or modify any SES without first obtaining a permit from the city planner in the manner set forth in this article and otherwise complying with the terms herein.

Sec. 93-30-8. – Permit Application Submission, Requirements, Decision, and Appeal.

(a) *Submission*. SES applications must be delivered to the department of community services. All permit applications must be stamped by planning and zoning department personnel indicating the submission date.

(b) *Requirements for All SES.* The applicant shall submit the following information on a form provided by the community services department:
   1. the address of the property on which the SES will be located;
   2. the applicant's name, address, telephone number, and email address;
   3. the property owner's name, address, telephone number, and email address;
   4. if known, the installation company's name, address, telephone number, email address, and license number;
   5. evidence of the applicant's control of the property, such as a deed, lease, or option agreement with the landowner; and
   6. a site plan of the property that depicts the locations of all existing and proposed structures (including solar arrays, inverters, transformers, electrical substations, and buildings), property lines, rights-of-way, roads, required setbacks, and visual buffers.

(c) *Additional requirements for Large Scale SES.* When applying for a permit for a Large Scale SES, the following additional information is required:
   1. a topographic map that depicts vegetative cover, watersheds, or wetlands on the property;
   2. a visual buffer plan that demonstrates that any visual buffer (a) minimizes impacts of the SES on adjacent residential dwelling units, as required by this article, (b) preserves natural tree growth and natural land forms along the SES perimeter, as required by this article, and (c) adheres to any additional visual buffer requirements of the City of Hapeville zoning code that may further minimize impacts of the SES on the community character;
   3. a list that identifies (a) federal or state endangered, threatened, or candidate species that may be present on the property or within 1,000 feet of the property, and (b) critical habitat on the property or within 1,000 feet of the property;

   1. a decommissioning plan that contains the following:
      a the name, address, telephone number, and e-mail address of the person(s) or entity(ies) responsible for implementing the decommissioning plan;
      b a statement of conditions that require the decommissioning plan to be implemented;
      c as part of decommissioning, a removal plan that identifies all structures, components, and non-utility owned equipment that shall be removed;
      d as part of decommissioning, a plan for recycling or otherwise reusing all materials to the extent reasonably practicable;
      e as part of decommissioning, a restoration plan to return the property to its condition prior to the installation of the SES or to some other condition reasonably appropriate for the designated land use after the SES is removed; and

f a timeline to complete decommissioning.

2. An affidavit that provides, to the best of the applicant's knowledge:
   a construction and operation of the SES will comply with all applicable federal and state laws;
   b construction and operation of the SES will comply with all local laws, including the requirements of the City of Hapeville zoning code; and
   c commercial general liability insurance will be maintained throughout the siting, construction, installation, operation, and decommissioning of the SES.

(d) *Approval of the community services department*. The community services department shall review all SES applications that require a permit for compliance with the building codes and indicate such compliance in a written report attached to the application. After completing any such report, the community services department shall forward the application, including any other documents submitted by the applicant, and the report to the city planner.

(e) *Decision of the city planner.*

1. Provided that the application is complete, all permit fees have been paid, and the proposed SES and the lot on which the SES is to be placed are in compliance with all requirements of this division and all other ordinances and laws of the city, the city planner shall render a determination and shall inform the applicant of his or her decision within 45 calendar days of the submission date. The city planner shall give notice to the applicant of his or her decision on such application by hand delivery or by mailing such notice, by certified mail, return receipt requested, to the address on the permit application on or before the 45th day.

   Upon the expiration of the 45-day period without a decision being made on the application, the applicant shall be permitted to erect and maintain the SES under this statutory provision unless and until the city planner notifies the applicant of a denial of the application and states the reasons for the denial. No person erecting a SES under this provision shall acquire any vested rights to continued maintenance of such SES, and following a subsequent denial of a SES application by the city planner, the SES must be brought into compliance with this division.

2. The city planner shall reject any application that is incomplete or contains false material information or omissions within 45 calendar days of the submission date. Applications subsequently submitted in conformity with this section shall be deemed to have been submitted on the date of resubmission rather than the original submission date.
3. If the city planner determines that a previously issued SES was issued pursuant to an application that contained false material information or omissions, he or she shall promptly revoke such permit and the sign shall be immediately removed.

(f) *Appeal*. An applicant who is dissatisfied by a decision of the city planner on the application for a SES permit has the right to appeal that decision. Any such appeal shall occur under the following procedures:

1. The applicant shall deliver a written notice of appeal to the city planner within 14 calendar days of his or her receipt of the notice of the decision. In the event that that no appeal is made within the 14-day period, the decision of the city planner shall become final. In the event that an appeal is filed, the city planner shall promptly transmit to the board of appeals all documents constituting the record upon which the decision appealed from was made.

2. The board of appeals shall (a) hold a hearing on any timely filed appeal no more than 30 days after the notice of appeal was received; and (b) make its final determination of the appeal not more than 30 days after the date of such hearing. The review by the board of appeals shall be limited to a determination of whether or not the decision of the city planner was clearly erroneous.
3. Any appeal of the decision of the board of appeals shall be taken to the superior court of Fulton County by a petition for a writ of certiorari.

Sec. 93-30-9. - Permit expiration date.

If work authorized under a permit has not been completed to the satisfaction of the code enforcement officer using common industry standards within six months after the date of issuance, the permit shall become null and void.

Sec. 93-30-10. - Permit fees.

Each application for a SES permit must be accompanied by a payment for the permit fee. The fee for a SES permit shall be as established by mayor and council from time to time. A copy of the fee schedule shall be available electronically on the city website or as hard copy in the community services department.

CHAPTER 81 – ARCHITECTURAL DESIGN STANDARDS

Sec. 81-1-5. – Applicability

(a) *Exemptions from review.* The following shall be exempted from review by the design review committee provided that construction complies with all applicable design requirements:

(6) The addition of solar energy systems, which are subject to the design requirements of Sec. 93-30-6.

Sec. 81-1-6(f)

13. Roof integrated or mounted solar energy systems are permitted, subject to the requirements of Sec. 93-30-6.

DAILY REPORT
dailyreportonline.com

CITY OF HAPEVILLE
3468 NORTH FULTON AVENUE
ATLANTA, GA 30354

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: 08/18/2020.

A Seals
NOTARY PUBLIC
Cobb County
State of Georgia
My Comm. Expires July 23, 2023

Subscribed and sworn to before me this August 18, 2020

NOTICE
City of Hapeville

A Public Hearing will be held by the City of Hapeville Mayor and Council on **Tuesday, September 1, 2020 at 6:00 p.m.** at the City of Hapeville Hoyt Smith Center located at 3444 North Fulton Avenue, Hapeville, Georgia 30354. All attendees will be required to wear a face covering and practice social distancing in accordance with the requirements set forth by state law and public health regulations. The meeting will also 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://us02web.zoom.us/j/83198685101, Passcode: 367314, or by dialing 1-888-788-0099 (Toll Free), Webinar ID: 831 9868 5101 to consider the following:

Consideration of an amendment to the Code of Ordinances, City of Hapeville, Georgia to create Article 30 (Solar Energy Systems), Sections 93-30-1 (Intent) through Section 93-30-13 (Permit fees) for the purpose of creating regulations regarding solar energy systems.

Public Hearing Comments: For those who are unable to physically attend the meeting, citizen comments must be emailed to the City Clerk at cepps@hapeville.org or called in at 404-766-3004 no later than 5:00 p.m. on August 31, 2020. 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 as well as shared on the screen during the meeting. Citizens may not make comments on public hearing agenda items via livestream or video conference.

Questions on the Agenda or General Public Comments: Members of the public wishing to ask a question or make a public comment during the video meeting/conference shall contact the City Clerk prior to the start of the meeting by sending an email to cepps@hapeville.org or calling 404-766-3004. Those unable to attend the meeting and wishing to ask a question or make a public comment must let the City Clerk know their name, address, and the question or comment. All questions and comments received by the City Clerk by 5:00 p.m. on August 31, 2020, will be read into the record as well as shared on the screen during the meeting.
#0000483239:8/18-1AS

Chairman, Brian Wismer
Vice Chairman, Jeanne Rast
Leah Davis
Lucy Dolan
Larry Martin
Charlotte Rentz
Cliff Thomas

Planning Commission Meeting
3444 North Fulton Avenue
Hapeville, Georgia 30354

August 11, 2020 6:00 PM

SUMMARY MINUTES

1. **Call to Order**
   The meeting was called to order at 6:05 p.m.

2. **Roll Call**
   Brian Wismer, Chairman
   G. Leah Davis
   Lucy Dolan - Teleconference
   Jeanne Rast, Vice Chairman
   Charlotte Rentz
   Larry Martin
   Cliff Thomas

3. **Approval of Minutes**

   3.I. Minutes of July 14, 2020

   MOTION: Cliff Thomas made a motion, Charlotte Rentz seconded to approve the minutes of July 14, 2020 as submitted. Motion Carried: 6-0.

4. **New Business**

   4.I. 590 South Central Avenue **Special Exception**

   Background:

   Peter Hausmann of Southern Bank Equipment and authorized representative of Wells Fargo Bank requested approval of a special exception to allow the installation of an Automated Teller Machine (ATM) at 590 South Central Avenue, Parcel Identification Number 14 009800200489. The property is zoned RMU, Residential Mixed Use and is located in the Arts District Overlay (A-D).

   Staff Recommendation:

   As the proposed location will replace an existing drive through lane with the ATM machine on the south side of the site, the replacement will require no site changes and traffic generated by those seeking ATM access will likely reflect existing levels of

customers utilizing the walk-up ATM.

The character of the area is the downtown, arts district and would not, because of its location and accessory use to the existing bank, have a negative impact.

No public utilities, facilities or services are required nor are there parking demands related to the ATM. The existing drive through lanes should adequately support demand. In considering the special exception, staff recommends approval for the replacement of the teller lane with a drive-through ATM.

Applicant Comments: None.

Public Comments: None.

MOTION ITEM: Charlotte Rentz made a motion, Lucy Dolan seconded to recommend approval of the special exception for the installation of an Automated Teller Machine (ATM) at 590 South Central Avenue. Motion Carried: 6-0.

4.II. Solar Energy Systems Text Amendment

Background:

Consideration of a text amendment to create Article 30 (Solar Energy Systems), Section 93- 30-1 (Intent) through Section 93-30-13 (Permit Fees) for the purpose of creating regulations regarding solar energy systems.

The City of Hapeville does not currently have any zoning or design codes which govern the installation of photovoltaic panels on the roofs or supplemental areas of residences and businesses. Recent applications to install photovoltaic panels have been heard by the Design Review Commission on a case-by-case basis and without any guidance from the code. Outside of the DRC, the city lacks any enforcement mechanisms to ensure for the quality and aesthetics of new solar panel installations. To address this, the proposed Text Amendment based on Georgia Tech's "Model Solar Ordinance" is presented for recommendation to Mayor & City Council.

MOTION ITEM: Larry Martin made a motion, Jeanne Rast seconded to recommend approval of the ordinance for Solar Panels with the following recommended changes:

1. **Change the definition for Ground Mounted Solar Energy System: Ground Mounted Solar Energy System means an SES that is structurally mounted to the ground and does not qualify as an Integrated SES or rooftop SES.**

2. **Sec. 93-30-3, add: For I-1 or I-2 zoning districts, large scale Solar Energy Systems are not required to be an accessory use.**
3. **Capitalize Department of Community Services, where applicable.**
4. **Sec. 93-30-6, Add: A decommissioning plan will be required for all rooftop systems and subject to current state and local regulations.**
5. **Sec. 93-30-8 (c), Add #4, All systems must adhere to current local and state laws and regulations for decommissioning.**
6. **Sec. 93-30-10: In reference to fees, replace Mayor and Council from time to time with Mayor and Council shall adopt permit fees by resolution.**

Motion Carried: 6-0.

5. **Next Meeting Date - Tuesday, September 8, 2020 at 6PM**
6. **Adjourn**

There being no further discussion, the following action is taken:

MOTION ITEM: Jeanne Rast made a motion, Cliff Thomas seconded to adjourn the meeting at 7:04 p.m. Motion Carried: 6-0.

Respectfully submitted,

_____

Brian Wismer, Chairman

_____

Adrienne Senter, Secretary

DRAFT

STATE OF GEORGIA
CITY OF HAPEVILLE

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE OFFICIAL MAJOR STREET PLAN PURSUANT TO CHAPTER 93 ("ZONING"), ARTICLE 2 ("GENERAL PROVISIONS"), SECTION 93-2-4 ("MAJOR STREET PLAN") OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

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

WHEREAS, the municipal government of the City of Hapeville (hereinafter "City") and all powers of the City shall be vested in the mayor and council. The Mayor and Council shall be the legislative body of the City; and,

WHEREAS, existing ordinances, resolutions, rules and regulations of the City and its agencies now lawfully in effect not inconsistent with the provisions of the City's charter shall remain effective until they have been repealed, modified or amended; and,

WHEREAS, amendments to any of the provisions of the City's Code may be made by amending such provisions by specific reference to the section number of the City's Code; and,

WHEREAS, every official act of the Mayor and Council which is to become law shall be by ordinance; and,

WHEREAS, the procedures required for amending the City's zoning ordinance have been satisfied, including, but not limited to, notice and public hearings; and,

WHEREAS, the governing authority of the City finds it desirable to update the City of Hapeville's Official Major Street Plan.

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

Section One. The "Official Major Street Plan" as referred to in Section 93-2-4 (Major street plan) in Chapter 93 (Zoning), Article 2 (General Provisions) of the City Code of Ordinances is attached hereto and incorporated herein by reference as:

Exhibit "A"

The Official Major Street Plan attached as Exhibit "A" shall replace the existing Official Major Street Plan.

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

Section Three. 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 Four. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

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

ORDAINED this _____ day of _____, 2020.

CITY OF HAPEVILLE, GEORGIA

_____

Alan Hallman, Mayor

ATTEST:

_____

City Clerk

APPROVED BY:

_____

City Attorney

OFFICIAL MAJOR STREET PLAN OF CITY OF HAPEVILLE, GEORGIA

EXHIBIT "A"

August 18, 2020

Alan Hallman, Mayor Date

Brian Wismer, Planning Commission Chairman

Crystal Griggs-Epps, City Clerk

APPROVED AS TO FORM:

City Attorney

PLANNER'S REPORT

TO: Adrienne Senter
FROM: Lynn Patterson
RE: Major Street Plan
DATE: April 8, 2020

BACKGROUND

The City of Hapeville has received a proposal from Chick Fil A Inc. for a new consolidated site plan with properties across Sherman Road along North Central (see attached survey and proposed plat). This would require a change to the Major Street Plan for the City of Hapeville by abandoning Sherman Road resulting in a sale to the adjacent property owners. The City would retain a utility easement for existing underground utilities on the site.

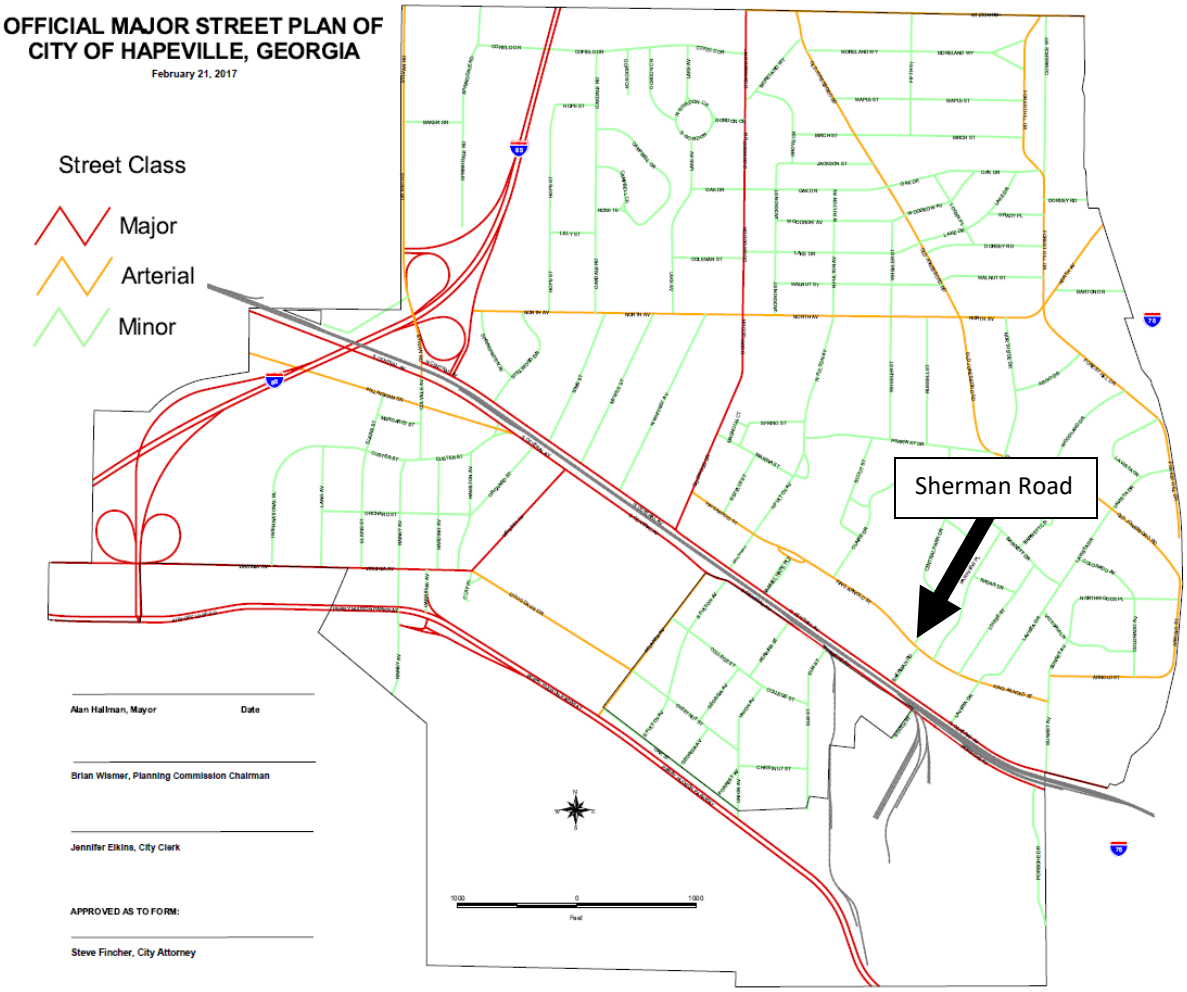
The Major Street Plan is a comprehensive tool that identifies transportation routes throughout the City and facilitates auto, bus, bicycle, and attendant pedestrian movement. As the Official Major Street Plan of Hapeville, Georgia is adopted by the Planning Commission and the Mayor & Council, any proposed change should be approved by those bodies, respectively.

Sec. 93-2-4. - Major street plan.
(a)For the purposes of this chapter, all streets in the city are hereby divided into four classes:
(1) Major streets, 50 to 90 feet of right-of-way minimum.
(2) Arterial streets, 40 to 70 feet of right-of-way minimum.
(3) Minor and collector streets, 40 to 50 feet of right-of-way minimum.
(4) Alleys, ten to 20 feet of right-of-way minimum.

(b)The classification of each street in the city is as shown on a map entitled "Official Major Street Plan of Hapeville, Georgia," adopted by the planning commission and the mayor and council and certified by the city clerk. This map is hereby made a part of this chapter and shall be retained in the office of the city clerk.

Sherman Road is classified as a minor street on the Official Major Street Plan (see next page).

RECOMMENDATION
Given the potential redevelopment opportunities along N Central Ave, the proximity of Lavista Dr as a minor street connecting N Central and King Arnold, and the condition of the road, staff supports the change to the Major Street Plan and the abandonment of Sherman Road.


OFFICIAL MAJOR STREET PLAN OF
CITY OF HAPEVILLE, GEORGIA
February 21, 2017
Street Class
Major
Arterial
Minor
Sherman Road
Alan Hallman, Mayor
Date
Brian Wismer, Planning Commission Chairman
Jennifer Elkins, City Clerk
APPROVED AS TO FORM:
Steve Fincher, City Attorney

DAILY REPORT
dailyreportonline.com

CITY OF HAPEVILLE
3468 NORTH FULTON AVENUE
ATLANTA, GA 30354

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: 07/24/2020.

A Seals
NOTARY PUBLIC
Cobb County
State of Georgia
My Comm. Expires July 23, 2023

Subscribed and sworn to before me this July 24, 2020

NOTICE
City of Hapeville

A Public Hearing will be held by the City of Hapeville Mayor and Council on **Tuesday, August 18, 2020 at 6:00 p.m.** at the City of Hapeville Hoyt Smith Center located at 3444 North Fulton Avenue, Hapeville, Georgia 30354. All attendees will be required to wear a face covering and practice social distancing in accordance with the requirements set forth by state law and public health regulations. The meeting will also 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://us02web.zoom.us/j/81100667230, or by dialing 1-888-788-0099 (Toll Free), Webinar ID: 811 0066 7230 to consider the following:

Consideration of an amendment to the Major Street Plan, City of Hapeville, Georgia Chapter 93 (Zoning), Article 2 (General Provisions), Section 93-2-4 (Major street plan) for the purpose of updating the City's Major Street Plan.

Public Hearing Comments: For those who are unable to physically attend the meeting, citizen comments must be emailed to the City Clerk at cepps@hapeville.org or called in at 404-766-3004 no later than 5:00 p.m. on August 17, 2020. 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 as well as shared on the screen during the meeting. Citizens may not make comments on public hearing agenda items via livestream or video conference.

Questions on the Agenda or General Public Comments: Members of the public wishing to ask a question or make a public comment during the video meeting/ conference shall contact the City Clerk prior to the start of the meeting by sending an email to cepps@hapeville.org or calling 404-766-3004. Those unable to attend the meeting and wishing to ask a question or make a public comment must let the City Clerk know their name, address, and the question or comment. All questions and comments received by the City Clerk by 5:00 p.m. on August 17, 2020, will be read into the record as well as shared on the screen during the meeting.
#0000479451:7/24-1AS

Chairman, Brian Wismer
Vice Chairman, Jeanne Rast
Leah Davis
Lucy Dolan
Larry Martin
Charlotte Rentz
Cliff Thomas

Planning Commission Meeting
3444 North Fulton Avenue
Hapeville, Georgia 30354

July 14, 2020 6:00 PM

MINUTES

1. **Call to Order**
   The meeting was called to order at 6:12 p.m.

2. **Roll Call**
   Brian Wismer
   G. Leah Davis - teleconference
   Cliff Thomas
   Lucy Dolan - teleconference
   Jeanne Rast
   Charlotte Rentz
   Larry Martin - absent

3. **Approval of Minutes**

3.I. Minutes of April 14, 2020

Background:
This item was approved with conditions at the June 9, 2020 meeting. Staff is requesting the Planning Commission approve the minutes as submitted.

MOTION: Jeanne Rast made a motion, Cliff Thomas seconded to approve the minutes of April 14, 2020 as submitted. Motion Carried: 5-0.

3.II. Minutes of June 9, 2020

MOTION: Cliff Thomas made a motion, Charlotte Rentz seconded to approve the minutes of June 9, 2020 as submitted. Motion Carried: 5-0.

3.III. Minutes of June 25, 2020

MOTION: Leah Davis made a motion, Lucy Dolan seconded to approve the minutes of June 25, 2020 as submitted. Motion Carried: 5-0.

4. New Business

4.I. 817 Custer Street Site Plan Review

Background:
Ardina Pierre requested site plan review to construct a new two and a half story, 2,622-sf single-family home at 817 Custer Street, Parcel Identification Number 14 009800080204. The property is zoned V, Village and is subject to the Neighborhood Conservation Area of the Architectural Design Standards.

The dwelling will have three bedrooms and two and a half bathrooms and will be 32'4" high from the average ground line across the front of the building. The site plan shows a 2 ½ story, 2,622-sf single family and a 2-car detached garage.

Ms. Pierre stated that the existing shed located on the adjacent property will be removed. Mr. Pierre also stated the driveway will be high grade concrete and not gravel or porous as indicated on the site plan.

Chairman Wismer asked staff to review code Section 93-2-6, Distance between buildings and Section 93-2-5, Accessory uses, accessory buildings, yard requirements of accessory buildings, outbuildings, and fences as it relates to Comment 8 of the Planner's report.

MOTION: Jeanne Rast made a motion, Cliff Thomas seconded to approve the site plan for 817 Custer Street subject to the following conditions:

1. **Applicant must address deficiencies #1-7 outlined in the Planner's report.**
2. **Planner must confirm the setback requirements for the proposed accessory structure as it relates to Sections 93-2-6 and 93-2-5.**
3. **The driveway surface is concrete and not porous.**
4. **The adjacent neighbor's shed be removed or relocated.**

Motion Carried: 5-0.

4.II. 3273 Old Jonesboro Road Site Plan Review

Background:
Terrence Adams requested site plan review to construct a new two-story single-family dwelling at 3273 Old Jonesboro Road, Parcel Identification Number 14 009400040442. The property is zoned R-SF, Residential Single Family and is subject to the Neighborhood Conservation Area of the Architectural Design Standards.

The dwelling will have 1,990-sf of living area, three bedrooms and two and half bathrooms, and will be 24.8' high from the foundation. A 484-sf detached garage will provide tow covered spaces, connected to the street via a nine-foot-wide driveway.

Mr. Adams stated the site plan indicated the width of the driveway is 12.2' and the

garage setback is shown as 6'9". The garage and patio are attached via a 7' wall.

MOTION: Jeanne Rast made a motion, Lucy Dolan seconded to approve the site plan request for 3273 Old Jonesboro Road subject to the following deficiencies:

1. **The height of the garage must be provided.**
2. **The applicant must provide a Tree Conservation and Protection Plan for review by Staff prior to the issuance of a Land Disturbance Permit.**
3. **A detailed landscape plan must be provided showing the saved trees, new trees (size and species) and other landscaping. The site plan also shows shrub fence between the sidewalk which is not shown anywhere on the submitted landscape plan.**
4. **The plans show an out of date construction schedule which must be updated.**
   Discussion: Chairman Wismer indicated Comment 1 of the Planner's report must be addressed. Jeanne Rast confirmed that the rear setback for the garage and dwelling is provided on the site plan.
   Motion Carried: 5-0.

4.III. 244 Mt. Zion Road (*formerly 250 Mt. Zion Rd.*) Site Plan Review

. Background:

Justin Honore requested site plan review to construct a new two-story single-family dwelling at 244 Mt. Zion Road (formerly 250 Mt. Zion Rd), Parcel Identification Number 14 009400090090. The property is zoned R-1, One Family Residential and is subject to the Neighborhood Conservation Area of the Architectural Design Standards.

The dwelling will have 2,268-sf of living area, four bedrooms and three bathrooms, and will be 26'10" high from the foundation. No driveway detail or parking pad is delineated in the site plan.

The applicant stated that revised plans were submitted on July 14, 2020 to address the comments listed in the Planner's report.

MOTION: Jeanne Rast made a motion, Cliff Thomas seconded to approve the site plan request for 244 Mt. Zion Road provided that the City Planner confirms that the revised plans meets all the requirements noted in the Planner's report. Motion Carried: 5-0.

4.IV. 3206 Oakdale Road Site Plan Review

Background:

Ranjan Avasthi requested site plan review to construct a new three and a half story single- family dwelling at 3206 Oakdale Road, Parcel Identification Number 14 009900031545. The property is zoned R-1, One Family Residential and is subject to the

Neighborhood Conservation Area of the Architectural Design Standards.

The dwelling will have four bedrooms and three and a half bathrooms and will be 35' from the average ground line across the front of the building and approximately 40'8" from the rear ground level. The limitation for heights is 35' from the average ground line across the front of the building and two and a half stories. The dwelling likely measures three and a half stories as the average level of the adjoining ground to the basement exceeds five feet. The applicant must provide actual measurements of the adjoining ground. The application and plans do not indicate actual square feet of living area.

MOTION: Leah Davis made a motion, Cliff Thomas seconded to approve the site plan request for 3206 Oakdale Road provided the applicant address the following deficiencies:

1. **Replace survey on all sheets with correct address.**
2. **Provide average level of the adjoining ground to determine basement categorization.**
3. **Provide square footage of single-family dwelling.**
4. **Provide side, front, and rear setbacks.**
5. **Show proposed grades.**
6. **Provide location and size of proposed landscape material other than trees.**
7. **Provide an updated development schedule.**
8. **Provide proof of ownership as Tax records do not show the applicant as the owner.**
9. **Comply with Tree Conservation Ordinance.**

Motion Carried: 5-0.

4.V. Major Street Plan Text Amendment

Background:
Consideration of an amendment to the Major Street Plan.

The City of Hapeville received a proposal to change the Major Street Plan by abandoning Sherman Road to allow for a new consolidated site plan with properties across Sherman Road along North Central Avenue. The City would retain a utility easement for underground utilities on the site.

The Mayor and Council approved the request to abandoned Sherman Road on June 2, 2020.

MOTION ITEM: Jeanne Rast made a motion, Charlotte Rentz seconded to recommend approval to Mayor and Council. Motion Carried: 5-0.

4.IV. Townhome Density in U-V (Urban Village) Text Amendment

Background:

Consideration of a text amendment to Article 11.2 (Urban Village), Section 93-11.2-3 (Permitted uses) and Article 22.1 (Dimensional Requirements), Section 93-22.2-1 (Chart of dimensional requirements).

Staff has identified discrepancies and unclear language in the Zoning Code regarding the number of townhomes allowed per building in the U-V, Urban Village zoning district. The proposed text amendment corrects the text to reflect the requirements of the most current ordinances.

MOTION ITEM: Cliff Thomas made a motion, Charlotte Rentz seconded to recommend approval to Mayor and Council. Motion Carried: 5-0.

5. Next Meeting Date - Tuesday, August 11, 2020 at 6PM

6. Adjourn

There being no further discussion, the following action is taken:

MOTION ITEM: Cliff Thomas made a motion, Leah Davis seconded to adjourn the meeting at 7:13 p.m. Motion Carried: 5-0.

Respectfully submitted,

_____

Brian Wismer, Chairman

_____

Adrienne Senter, Secretary

DRAFT

DRAFT

STATE OF GEORGIA
CITY OF HAPEVILLE

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 93 ("ZONING"), ARTICLE 11.2 ("U-V ZONE (URBAN VILLAGE)"), SECTION 93-11.2-3 ("PERMITTED USES") AND CHAPTER 93 ("ZONING"), ARTICLE 22.1 ("DIMENSIONAL REQUIREMENTS"), SECTION 93-22.1-1 ("CHART OF DIMENSIONAL REQUIREMENTS") OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

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

WHEREAS, the municipal government of the City of Hapeville (hereinafter "City") and all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be the legislative body of the City; and,

WHEREAS, amendments to any of the provisions of the City's Code may be made by amending such provisions by specific reference to the section number of the City's Code; and,

WHEREAS, existing ordinances, resolutions, rules and regulations of the City and its agencies now lawfully in effect not inconsistent with the provisions of the City's charter shall remain effective until they have been repealed, modified or amended; and,

WHEREAS, every official act of the Mayor and Council which is to become law shall be by ordinance; and,

WHEREAS, the procedures required for amending the City's zoning ordinance have been satisfied, including, but not limited to, notice and public hearings; and,

WHEREAS, the governing authority of the City finds it desirable to amend and clarify requirements regarding townhomes in the Urban Village Zone.

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

Section One. Chapter 93 (Zoning), Article 11.2 (U-V Zone (Urban Village)), Section 93-11.2-3 (Permitted Uses) of the City Code of Ordinances is hereby amended by striking subsection (15) in its entirety, and replacing it with the following language:

(15) Single-family attached dwellings with at least two units attached, but no more than 12 units attached and subject to the density restrictions in subsection (23) of this section.

Section Two. Chapter 93 (Zoning), Article 22.1 (Dimensional Requirements), Section 93-22.1-1(Chart of dimensional requirements) of the City Code of Ordinances is hereby amended by striking the UV zone, Single-Family Attached Patio/Townhomes and Live-Work Unit row in its entirety and the category reference legend in its entirety, and replacing it with the following language:

See Exhibit "A", attached and incorporated herein.

Section Three. Codification and Certify. This Ordinance 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 _____, 2020.

CITY OF HAPEVILLE, GEORGIA

_____

Alan Hallman, Mayor

ATTEST:

_____

Crystal Griggs-Epps, City Clerk

APPROVED BY:

_____

City Attorney

DRAFT

DRAFT

City of Hapeville
Article 22.1 Dimensional Requirements

							Minimum Front Yard		Minimum		Maximum			
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	Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet	Min. Parking Spaces	Max. Unit Per Bldg. Lot
R-O	Single-family Detached	60	10,000	10,000	1,600	40	30	30	6	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
R-1	Single-family Detached	50	6,750	6,750	1,000	40	15	15	5	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25	2 DU	
R-2	Single-family Detached	60	8,500	8,500	1,000	40	15	15	6	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	5	25	2 DU	

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	Two-Family Attached—Duplex		8,500	4,250	1,000	60	15	15	10	20	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
R-3	Single-family Detached	60	8,500	8,500	1,000	40	15	15	5	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached—Duplex	60	8,500	4,250	1,000	60	15	15	10	20	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached Patio/Townhomes	60	10,000	2,500	1,000	60	15	15	5	0	2½	35	2 DU	a.
	Accessory Structure(s)								5	5	2	25		
R-4	Single-family Detached	60	8,500	8,500	1,000	60	15	15	8	25	2½	35	2 DU	1

	Accessory Structure(s)								5	6	2	25		
	Two-Family Attached Duplex	60	8,500	4,250	1,000	60	15	15	5	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached Public/Townhomes	60	10,000	2,500	1,000	50	15	15	5	20	2½	35	2 DU	a.
	Accessory Structure(s)								5	5	2	25		
	Multifamily—2 Stories or Less	100	10,000	3,000	730	50	20	20	10	25	2	30	2 DU	20
	Accessory Structure(s)								5	5	2	25		
	Multifamily—2 Stories or More	200	5 acres	2,000	730	50	20	20	10	25	4	40 b.	2 DU	20
	Accessory Structure(s)								5	5	2	25		

R-5	Single-family Detached	40	4,000	4,000	1,000	70	15	15	5	20	2½	35	2 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	2 DU	a.
	Accessory Structure(s)							15	5	5	25			
R-SF	Single-family Detached	40	4,000	4,000	1,000	70	15	15	5	20	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
R-I	Single-family Detached	40	4,000	4,000	1,000	40	15	15	5	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached— Duplex	40	4,000	2,000	1,000	50	15	15	5	20	2½	35	2 DU	1

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	Accessory Structure(s)								5	5	2	25		
	Single-family Attached Patio/Townhomes	40	10,000	2,500	1,000	60	15	15	5	10	2½	35	2 DU	a.
	Accessory Structure(s)								5	5	2	25		
V	Single-family Detached	50	4,000	4,000	1,000	70	15	15	5	20	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	26		
	Single-family Attached—4 to 8 Units	50	10,000	2,500	1,000	70	15	15	5	20	2½	35	2 DU	a.
	Accessory Structure(s)								5	5	2	25		
	Condominiums	200	43,500	2,500	1,000	70	15	15	10	25		40 b..	2 DU	12

	Accessory Structure(s) Conditional								5	5	2	25		Conditional
	Nonresidential	50	10,000	10,000	1,000	70	15	15	15	25		40 b..	c., d., e.	N/A
C-R	Single-family Detached	60	8,500	8,500	1,000	40	15	15	8	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2½	25		
	Two-Family Attached— Duplex	60	8,500	4,250	1,000	40	15	15	6	20	2½	35	2 DU	1
	Single-family Attached Patio/Townhomes	50	10,000	2,500	1,000	60	15	15	5	0	2½	35	2 DU	a.
	Multifamily—2 Stories or Less	100	30,000	3,000	480	50	15	15	10	25	2	35	2 DU	1
	Nonresidential with floor areas not exceeding 6,000 sf	100	8,500		1,000	60	15	15	15	25	2½	40 b.	c., d., e.	

DRAFT

	Nonresidential with floor areas in exceeding 6,000 sf	200	5 acres	1,000	500	50	15	15	15	25		40 b.	c., d., e.	
C-1	Nonresidential					80	15	15	0	0		40 b.	c., e.	
C-2	Nonresidential					80	15	15	0	0		40 b.	c., d., e.	
D-D	Nonresidential					80	15	15	0	0		40 b.	c., e.	
I-1	Light Industrial					80	20	20	10	20		40 b.	c., d., e., f.	
I-2	Heavy Industrial					80	20	20	10	20		40 b.	c., d., e., f.	
N-C	Single-family Detached	60	8,500	8,500	1,000	40	15	15	8	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached Duplex	80	8,500	4,250	1,000	60	15	15	5	20	2½	35	2 DU	2

	Single-family Attached Patio/Townhomes	60	10,000	2,500	1,000	60	15	15	5	20	2½	35	2 DU	a.
	Accessory Structure(s)								5	5	2	25		
	Multifamily—2 Stories or Less	100	10,000	3,000	480	50	20	20	10	26	2	35	2 DU	20
	Multifamily - 3 Stories or Greater	125	10,000	3,000	730	50	20	20	10	25	4	40 b.	2 DU	30
	Nonresidential	100	8,500		1,000	60	15	15	15	25	4	40 b.	c., d., e., f.	
UV	Single-family Detached	30	2,400		1,000	90	0/15	0/15	0	0	2½	35	1.5 DU	1
	Accessory Structure(s)								0	0	2	25		
	Single-family Attached - Duplex	30	2,400		1,000	90	0/15	0/15	0	0	2½	35	1 DU	2
	Single-family Attached Patio/Townhomes	20	1,200		1,000	90	0/15	0/15	0	0	3	45	1 DU	l.

	and Live-Work Unit													
	Accessory Structure(s)								0	0	2	25		
	Multifamily	20	2,000		600	90	0/15	0/15	0	0	4 g.	64 g.	1 DU	
	Nonresidential	20	2,000			90	0/15	0/15	0	0	4 g.	64 g.	d, e, i. j. k.	
RMU	Single-family Detached	30	2,400	m	1,000	100	0/16	0/15	0	0	2½	35	1.5 DU	1
	Accessory Structure(s)								0	0	2	25		
	Single-family Attached - Duplex	30	2,400	m	1,000	100	0/15	0/15	0	0	2½	35	1 DU	2
	Single-family Attached Patio/Townhomes and Live-Work Unit	20	1,200	m	1,000	100	0/15	0/15	0	0	3	45	1 DU, h	a.

DRAFT

	Accessory Structure(s)								0	0	2	25		
	Multifamily—Condominium	20	2,000	m	600	100	0/15	0/15	0	0	6 b.	m	1 DU	
	Non-Residential	20	2,000			100	0/15	0/15	0	0	6 b.	m	d., e., i., j., k.	

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

b. Buildings over 40 feet in height must be approved by the building official and fire chief to ensure that fire safety design standards are met.

c. One parking space for every 200 square feet of enclosed commercial floor area.

d. One parking space for every unit in a hospital, hotel, motel, boardinghouse, or similar establishment. One off-street loading space for every 10,000 square feet of building.

e. One parking space for every three seats in an auditorium, church, theater, or similar establishment.

f. One parking space for every two employees on the largest shift of any industrial uses or similar establishment.

g. Buildings over four stories or 64 feet in height must be approved by the planning commission and the fire chief to insurance that fire safety standards are met. One off-street loading space for every 10,000 square feet of building.

h. All live-work units shall provide a total of three parking spaces per dwelling unit, one of which may be provided in adjacent on-street parking.

i. Three parking spaces for every 1,000 square feet of enclosed commercial/office floor area.

j. One parking space for every three seats in an auditorium, church, theater, or similar establishment.

k. Three parking spaces for every 1,000 square feet of enclosed restaurant floor area; and three parking spaces for every 1,000 square feet of unenclosed restaurant floor area when such floor area exceeds 300 square feet.

l. Single-family attached patio/townhomes cannot have more than 12 units attached and no less than two units attached.

m. Reference subsection 93-11.5-3(18) Residential density limitations.

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

Section Three. 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 Four. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

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

ORDAINED this _____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

_____

Alan Hallman, Mayor

ATTEST:

_____

Crystal Griggs-Epps, City Clerk

APPROVED BY:

_____

City Attorney

DRAFT

Department of Planning and Zoning
Planner's Report

DATE: March 4, 2020
TO: Adrienne Senter
FROM: Lynn Patterson, Consulting Planner for City of Hapeville
RE: Text Amendment – Correction & Clarification – Townhome Density in U-V.

BACKGROUND

Staff has identified discrepancies and unclear language in the Zoning Code regarding the number of townhomes allowed per building in the U-V, Urban Village zoning district. The following text amendment corrects the text to reflect the requirements of the most current ordinances.

CODE

ARTICLE 11.2. - U-V ZONE (URBAN VILLAGE)

Sec. 93-11.2-3 – Permitted Uses

The following are permitted within the U-V zone:

Change:

(15) Single-family attached dwellings with at least two units attached, but no more than 12 and subject to the density restrictions in subsection (19) of this section.

To:

(15) Single-family attached dwellings with at least two units attached, but no more than 12 units attached and subject to the density restrictions in subsection (23) of this section.

ARTICLE 22.1. - DIMENSIONAL REQUIREMENTS

Sec. 93-22.1-1. - Chart of dimensional requirements.

Change the "Max Unit Per Bldg. Lot" for "UV" "Single-family Attached Patio/Townhomes and Live-Work Unit" from:

a.

To:

l.

Change reference for "l." from:

l. Reserved.

To:

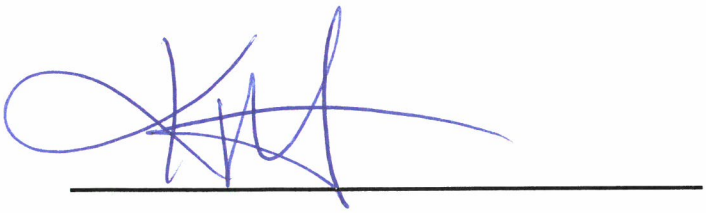
l. Single-family attached patio/townhomes cannot have more than 12 units attached and no less than two units attached.

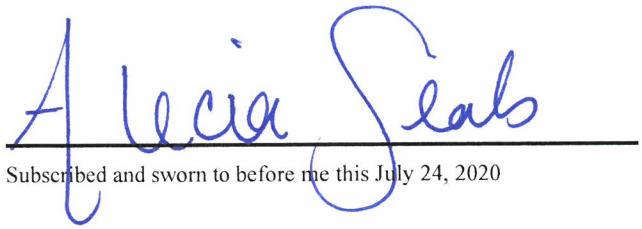
DAILY REPORT
dailyreportonline.com

CITY OF HAPEVILLE
3468 NORTH FULTON AVENUE
ATLANTA, GA 30354

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: 07/24/2020.





A Seals
NOTARY PUBLIC
Cobb County
State of Georgia
My Comm. Expires July 23, 2023

Subscribed and sworn to before me this July 24, 2020

NOTICE
City of Hapeville

A Public Hearing will be held by the City of Hapeville Mayor and Council on **Tuesday, August 18, 2020 at 6:00 p.m.** at the City of Hapeville Hoyt Smith Center located at 3444 North Fulton Avenue, Hapeville, Georgia 30354. All attendees will be required to wear a face covering and practice social distancing in accordance with the requirements set forth by state law and public health regulations. The meeting will also 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://us02web.zoom.us/j/81100667230, or by dialing 1-888-788-0099 (Toll Free), Webinar ID: 811 0066 7230 to consider the following:

Consideration of an amendment to the Code of Ordinances, City of Hapeville, Georgia Chapter 93 (Zoning), Article 11.2 (U-V Zone, Urban Village), Section 93-11.2-3 (Permitted Uses) and Chapter 93 (Zoning), Article 22.1 (Dimensional Requirements), Section 93-22.1-1 (Chart of Dimensional Requirements) for the purpose of amending and clarifying requirements regarding townhomes in the Urban Village Zone.

Public Hearing Comments: For those who are unable to physically attend the meeting, citizen comments must be emailed to the City Clerk at cepps@hapeville.org or called in at 404-766-3004 no later than 5:00 p.m. on August 17, 2020. 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 as well as shared on the screen during the meeting. Citizens may not make comments on public hearing agenda items via livestream or video conference.

Questions on the Agenda or General Public Comments: Members of the public wishing to ask a question or make a public comment during the video meeting/conference shall contact the City Clerk prior to the start of the meeting by sending an email to cepps@hapeville.org or calling 404-766-3004. Those unable to attend the meeting and wishing to ask a question or make a public comment must let the City Clerk know their name, address, and the question or comment. All questions and comments received by the City Clerk by 5:00 p.m. on August 17, 2020, will be read into the record as well as shared on the screen during the meeting.
#0000479446:7/24-1AS

Chairman, Brian Wismer
Vice Chairman, Jeanne Rast
Leah Davis
Lucy Dolan
Larry Martin
Charlotte Rentz
Cliff Thomas

Planning Commission Meeting
3444 North Fulton Avenue
Hapeville, Georgia 30354

July 14, 2020 6:00 PM

MINUTES

1. **Call to Order**
   The meeting was called to order at 6:12 p.m.

2. **Roll Call**
   Brian Wismer
   G. Leah Davis - teleconference
   Cliff Thomas
   Lucy Dolan - teleconference
   Jeanne Rast
   Charlotte Rentz
   Larry Martin - absent

3. **Approval of Minutes**

3.I. Minutes of April 14, 2020

Background:
This item was approved with conditions at the June 9, 2020 meeting. Staff is requesting the Planning Commission approve the minutes as submitted.

MOTION: Jeanne Rast made a motion, Cliff Thomas seconded to approve the minutes of April 14, 2020 as submitted. Motion Carried: 5-0.

3.II. Minutes of June 9, 2020

MOTION: Cliff Thomas made a motion, Charlotte Rentz seconded to approve the minutes of June 9, 2020 as submitted. Motion Carried: 5-0.

3.III. Minutes of June 25, 2020

MOTION: Leah Davis made a motion, Lucy Dolan seconded to approve the minutes of June 25, 2020 as submitted. Motion Carried: 5-0.

4. New Business

4.I. 817 Custer Street Site Plan Review

Background:
Ardina Pierre requested site plan review to construct a new two and a half story, 2,622-sf single-family home at 817 Custer Street, Parcel Identification Number 14 009800080204. The property is zoned V, Village and is subject to the Neighborhood Conservation Area of the Architectural Design Standards.

The dwelling will have three bedrooms and two and a half bathrooms and will be 32'4" high from the average ground line across the front of the building. The site plan shows a 2 ½ story, 2,622-sf single family and a 2-car detached garage.

Ms. Pierre stated that the existing shed located on the adjacent property will be removed. Mr. Pierre also stated the driveway will be high grade concrete and not gravel or porous as indicated on the site plan.

Chairman Wismer asked staff to review code Section 93-2-6, Distance between buildings and Section 93-2-5, Accessory uses, accessory buildings, yard requirements of accessory buildings, outbuildings, and fences as it relates to Comment 8 of the Planner's report.

MOTION: Jeanne Rast made a motion, Cliff Thomas seconded to approve the site plan for 817 Custer Street subject to the following conditions:

1. **Applicant must address deficiencies #1-7 outlined in the Planner's report.**
2. **Planner must confirm the setback requirements for the proposed accessory structure as it relates to Sections 93-2-6 and 93-2-5.**
3. **The driveway surface is concrete and not porous.**
4. **The adjacent neighbor's shed be removed or relocated.**

Motion Carried: 5-0.

4.II. 3273 Old Jonesboro Road Site Plan Review

Background:
Terrence Adams requested site plan review to construct a new two-story single-family dwelling at 3273 Old Jonesboro Road, Parcel Identification Number 14 009400040442. The property is zoned R-SF, Residential Single Family and is subject to the Neighborhood Conservation Area of the Architectural Design Standards.

The dwelling will have 1,990-sf of living area, three bedrooms and two and half bathrooms, and will be 24.8' high from the foundation. A 484-sf detached garage will provide tow covered spaces, connected to the street via a nine-foot-wide driveway.

Mr. Adams stated the site plan indicated the width of the driveway is 12.2' and the

garage setback is shown as 6'9". The garage and patio are attached via a 7' wall.

MOTION: Jeanne Rast made a motion, Lucy Dolan seconded to approve the site plan request for 3273 Old Jonesboro Road subject to the following deficiencies:

1. **The height of the garage must be provided.**
2. **The applicant must provide a Tree Conservation and Protection Plan for review by Staff prior to the issuance of a Land Disturbance Permit.**
3. **A detailed landscape plan must be provided showing the saved trees, new trees (size and species) and other landscaping. The site plan also shows shrub fence between the sidewalk which is not shown anywhere on the submitted landscape plan.**
4. **The plans show an out of date construction schedule which must be updated.**
   Discussion: Chairman Wismer indicated Comment 1 of the Planner's report must be addressed. Jeanne Rast confirmed that the rear setback for the garage and dwelling is provided on the site plan.
   Motion Carried: 5-0.

4.III. 244 Mt. Zion Road (*formerly 250 Mt. Zion Rd.*) Site Plan Review

. Background:

Justin Honore requested site plan review to construct a new two-story single-family dwelling at 244 Mt. Zion Road (formerly 250 Mt. Zion Rd), Parcel Identification Number 14 009400090090. The property is zoned R-1, One Family Residential and is subject to the Neighborhood Conservation Area of the Architectural Design Standards.

The dwelling will have 2,268-sf of living area, four bedrooms and three bathrooms, and will be 26'10" high from the foundation. No driveway detail or parking pad is delineated in the site plan.

The applicant stated that revised plans were submitted on July 14, 2020 to address the comments listed in the Planner's report.

MOTION: Jeanne Rast made a motion, Cliff Thomas seconded to approve the site plan request for 244 Mt. Zion Road provided that the City Planner confirms that the revised plans meets all the requirements noted in the Planner's report. Motion Carried: 5-0.

4.IV. 3206 Oakdale Road Site Plan Review

Background:

Ranjan Avasthi requested site plan review to construct a new three and a half story single- family dwelling at 3206 Oakdale Road, Parcel Identification Number 14 009900031545. The property is zoned R-1, One Family Residential and is subject to the

Neighborhood Conservation Area of the Architectural Design Standards.

The dwelling will have four bedrooms and three and a half bathrooms and will be 35' from the average ground line across the front of the building and approximately 40'8" from the rear ground level. The limitation for heights is 35' from the average ground line across the front of the building and two and a half stories. The dwelling likely measures three and a half stories as the average level of the adjoining ground to the basement exceeds five feet. The applicant must provide actual measurements of the adjoining ground. The application and plans do not indicate actual square feet of living area.

MOTION: Leah Davis made a motion, Cliff Thomas seconded to approve the site plan request for 3206 Oakdale Road provided the applicant address the following deficiencies:

1. **Replace survey on all sheets with correct address.**
2. **Provide average level of the adjoining ground to determine basement categorization.**
3. **Provide square footage of single-family dwelling.**
4. **Provide side, front, and rear setbacks.**
5. **Show proposed grades.**
6. **Provide location and size of proposed landscape material other than trees.**
7. **Provide an updated development schedule.**
8. **Provide proof of ownership as Tax records do not show the applicant as the owner.**
9. **Comply with Tree Conservation Ordinance.**

Motion Carried: 5-0.

4.V. Major Street Plan Text Amendment

Background:
Consideration of an amendment to the Major Street Plan.

The City of Hapeville received a proposal to change the Major Street Plan by abandoning Sherman Road to allow for a new consolidated site plan with properties across Sherman Road along North Central Avenue. The City would retain a utility easement for underground utilities on the site.

The Mayor and Council approved the request to abandoned Sherman Road on June 2, 2020.

MOTION ITEM: Jeanne Rast made a motion, Charlotte Rentz seconded to recommend approval to Mayor and Council. Motion Carried: 5-0.

4.IV. Townhome Density in U-V (Urban Village) Text Amendment

Background:

Consideration of a text amendment to Article 11.2 (Urban Village), Section 93-11.2-3 (Permitted uses) and Article 22.1 (Dimensional Requirements), Section 93-22.2-1 (Chart of dimensional requirements).

Staff has identified discrepancies and unclear language in the Zoning Code regarding the number of townhomes allowed per building in the U-V, Urban Village zoning district. The proposed text amendment corrects the text to reflect the requirements of the most current ordinances.

MOTION ITEM: Cliff Thomas made a motion, Charlotte Rentz seconded to recommend approval to Mayor and Council. Motion Carried: 5-0.

5. Next Meeting Date - Tuesday, August 11, 2020 at 6PM

6. Adjourn

There being no further discussion, the following action is taken:

MOTION ITEM: Cliff Thomas made a motion, Leah Davis seconded to adjourn the meeting at 7:13 p.m. Motion Carried: 5-0.

Respectfully submitted,

_____

Brian Wismer, Chairman

_____

Adrienne Senter, Secretary

DRAFT

TAX DIGEST FOR CITY OF HAPEVILLE 2020

The City adopted the Fiscal Year 2020-21 budget with no planned millage rate increase. The Fulton County digest has been provided and the revenue neutral (rollback) millage rate for the City is 16.00 mills. Pursuant to the requirements of OCGA 48-5-32, the City of Hapeville hereby publishes the following presentation of the estimated current year's Tax Digest and the history of the Tax Digest and Levy for the past five years. The Mayor and Council will hold a single public hearing on September 1, 2020 at 6:00 P.M., 3444 N Fulton Ave, Hapeville, Georgia 30354. Mayor and Council will vote on the 2020 (rollback) millage rate at the meeting. For more information, please contact Stacie Johnston at 404 669-2100 Ext. 2102 or visit www.hapeville.org.

	2015	2016	2017	2018	Updated 2019	Estimated 2020	
Real & Personal	254,277,990	268,039,440	375,191,310	339,969,960.00	399,121,750.00	408,150,720.00	
Public Utilities *	7,372,269	20,331,731	27,267,698	32,176,619.00	35,698,772.00	37,538,572.00	
Motor Vehicles	5,237,390	4,025,640	2,902,570	2,066,900.00	1,584,490.00	1,281,810.00	
Mobile Home							
Gross Digest	266,887,649	292,396,811	405,361,578	374,213,479.00	436,405,012.00	446,971,102.00	
Less M&O Exemption	(51,320)	(7,225,550)	(7,222,990)	(7,627,470.00)	(7,803,640.00)	(11,833,600.00)	
Net M&O Digest	266,836,329	285,171,261	398,138,588	366,586,009.00	428,601,372.00	435,137,502.00	
Gross M&O Millage	21.11	22.39	20.88	20.85	21.16	20.74	*
Less Rollbacks	4.50	5.78	4.44	4.74	5.05	4.74	*
Net M&O Millage	16.61	16.61	16.44	16.11	16.11	16.00	*
Net Taxes Levied	4,418,803	4,953,569	6,545,398	5,905,700.60	6,904,768.10	6,962,200.03	*
Net Tax $ Increase	112,451	534,766	1,591,829	(639,697.78)	999,067.50	57,431.93	*
Net Tax % Increase	2.61%	12.10%	32.13%	-10.83%	14.47%	0.82%	
						Tim Young	
*Proposed Millage and Levy						City Manager	

PT32.1 - Computation of MILLAGE RATE ROLLBACK AND PERCENTAGE INCREASE IN PROPERTY TAXES 2020

COUNTY	FULTON	TAXING JURISDICTION	32 - HAPEVILLE

INFORMATION FOR THE SHADED PORTIONS OF THIS SECTION MUST BE ENTERED

This information will be the actual values and millage rates certified to the Department of Revenue for the applicable tax years.

DESCRIPTION	2019 DIGEST	REASSESSMENT OF EXISTING REAL PROP	OTHER CHANGES TO TAXABLE DIGEST	2020 DIGEST
REAL	309,321,880	6,868,080	14,506,600	330,696,560
PERSONAL	125,498,642		-10,505,910	114,992,732
MOTOR VEHICLES	1,584,490		-302,680	1,281,810
MOBILE HOMES				
TIMBER - 100%				
HEAVY DUTY EQUIP				
GROSS DIGEST	436,405,012	6,868,080	3,698,010	446,971,102
EXEMPTIONS	7,803,640	4,027,340	2,620	11,833,600
NET DIGEST	428,601,372	2,840,740	3,695,390	435,137,502
FLPA Reimbursement Value				
Adjusted NET DIGEST	428,601,372	2,840,740	3,695,390	435,137,502
	(PYD)	(RVA)	(NAG)	(CYD)
2019 MILLAGE RATE	.01611	2020 PROPOSED MILLAGE RATE >>>		

THIS SECTION WILL CALCULATE AUTOMATICALLY UPON ENTRY OF INFORMATION ABOVE

DESCRIPTION	ABBREVIATION	AMOUNT	FORMULA
2019 Net Digest	PYD	428,601,372	
Net Value Added-Reassessment of Existing Real Property	RVA	2,840,740	
Other Net Changes to Taxable Digest	NAG	3,695,390	
2020 Net Digest	CYD	435,137,502	(PYD+RVA+NAG)
2019 Millage Rate	PYM	.016110	
Millage Equivalent of Reassessed Value Added	ME	.00011	(RVA/CYD) * PYM
Rollback Millage Rate for 2020	RR	.016000	PYM - ME

COMPUTATION OF PERCENTAGE INCREASE IN PROPERTY TAXES

If the 2020 Proposed Millage Rate for this Taxing Jurisdiction exceeds Rollback Millage Rate computed above, this section will automatically calculate the amount of increase in property taxes that is part of the notice required in O.C.G.A. Section 48-5-32.1(c) (2)	Rollback Millage Rate	.016000
	2020 Millage Rate	
	Percentage Increase	

CERTIFICATIONS

I hereby certify that the amount indicated above is an accurate accounting of the total net assessed value added by the reassessment of existing real property for the tax year for which this rollback millage rate is being computed.

Chairman, Board of Tax Assessors — Date: 7/6/20

I hereby certify that the values and exemptions above were provided by the Board of Tax Assessors as accurate for 2020.

Tax Collector or Tax Commissioner — Date: 7/6/20

I hereby certify that the above is a true and correct computation of the rollback millage rate in accordance with O.C.G.A. Section 48-5-32.1 for the taxing jurisdiction for tax year 2020 and that the final millage rate set by the authority of this taxing jurisdiction for tax year 2020 is _____

CHECK THE APPROPRIATE PARAGRAPH BELOW THAT APPLIES TO THIS TAXING JURISDICTION

____ If the final millage rate set by the authority of the taxing jurisdiction for tax year 2020 exceeds the rollback rate, I further certify that the required advertisements, notices, and public hearings have been conducted in accordance with O.C.G.A. Sections 48-5-32 and 48-5-32.1 as evidenced by the attached copies of the published five year history and current digest advertisement, the "Notice of Intent to Increase Taxes" showing the times and places when and where the required public hearings were held, and a copy of the press release provided to the local media.

____ If the final millage rate set by the authority of the taxing jurisdiction for tax year 2020 does not exceed the rollback rate, I further certify that the required five year history and current digest advertisement have been published in accordance with O.C.G.A. Section 48-5-32 as evidenced by the attached copy of such advertised report.

Signature of Responsible Party | Title | Date

TAX ALLOCATION DISTRICTS

TAD	REAL ESTATE TOTAL TAD BASE	2020 DIGEST TOTAL TAD GROSS	2020 TOTAL TAD GROWTH	2020 TAD GROWTH%	2020 DIGEST AUTHORITY TAD GROSS
HPV	7,809,720	6,720,720	- 1,089,000	- 16.204	6,720,720
TOTAL	7,809,720	6,720,720	- 1,089,000	- 16.204	6,720,720

HPV HAPEVILLE TAD - 30Z

CONSOLIDATION AND EVALUATION OF DIGEST 2020

COUNTY NAME: Fulton

COUNTY NO: 60

Sheet # 32 - CITY OF HAPEVILLE (30 - 30Z)

Total Parcel Count: 2,541

RESIDENTIAL

Code	Count	Acres	40% Value
R1	1,935		92,751,320
R3	2,091	521.78	35,360,760
R4	1	2.16	33,120
R5	0	0.00	0
R6	0		0
R9	0	0.00	0
RA	0		0
RB	5		5,480
RF	0		0
RI	0		0
RZ	0		0

RESIDENTIALTRANSITIONAL

Code	Count	Acres	40% Value
T1	0		0
T3	0	0.00	0
T4	0	0.00	0

HISTORIC

Code	Count	Acres	40% Value
H1	2		76,680
H3	2	0.75	39,840

AGRICULTURAL

Code	Count	Acres	40% Value
A1	0		0
A3	0	0.00	0
A4	0	0.00	0
A5	0	0.00	0
A6	0		0
A9	0	0.00	0
AA	0		0
AB	0		0
AF	0		0
AI	0		0
AZ	0		0

PREFERENTIAL

Code	Count	Acres	40% Value
P3	0	0.00	0
P4	0	0.00	0
P5	0	0.00	0
P6	0		0

CONSERVATION USE

Code	Count	Acres	40% Value
V3	0	0.00	0
V4	0	0.00	0
V5	0	0.00	0
V6	0		0

BROWNFIELD PROPERTY

Code	Count	Acres	40% Value
B1	0		0
B3	0	0.00	0
B4	0	0.00	0
B5	0	0.00	0
B6	0		0

Q - QUALIFIED TIMBERLAND

Code	Count	Acres	40% Value
Q4	0	0.00	0
Q5	0	0.00	0

FOREST LAND CONSERVATION USE

Code	Count	Acres	40% Value
J3	0	0.00	0
J4	0	0.00	0
J5	0	0.00	0
J6	0	0	0

FLPA FAIR MARKET ASMT

Code	Count	Acres	40% Value
F3	0	0.00	0
F4	0	0.00	0
F5	0	0.00	0
F6	0	0	0
Total		0	0

ENVIRONMENTALLY SENSITIVE

Code	Count	Acres	40% Value
W3	0	0.00	0
W4	0	0.00	0
W5	0	0.00	0

COMMERCIAL

Code	Count	Acres	40% Value
C1	278		147,335,800
C3	282	135.88	19,732,080
C4	27	93.39	11,436,760
C5	4	53.16	6,607,440
C9	0	0.00	0
CA	0		0
CB	0		0
CF	281		68,794,760
CI	126		8,647,120
CP	0		0
CZ	3		6,800

INDUSTRIAL

Code	Count	Acres	40% Value
I1	24		10,071,080
I3	18	8.40	878,120
I4	4	17.06	1,517,720
I5	2	36.56	4,855,840
I9	0	0.00	0
IA	0		0
IB	0		0
IF	0		0
II	0		0
IP	0		0
IZ	0		0

PUBLIC UTILITY

Code	Count	Acres	40% Value
U1	0		0
U2	13	0.00	5,302,151
U3	1	0.00	10,900
U4	0	0.00	0
U5	0	0.00	0
U9	0	0.00	0
UA	3		32,225,521
UB	0		0
UF	0		0
UZ	0		0

EXEMPT PROPERTY

Code	Count	40% Value
E0	0	0
E1	78	59,166,080
E2	25	2,670,040
E3	2	10,600
E4	1	12,160
E5	1	42,430
E6	2	164,040
E7	0	0
E8	0	0
E9	1	136,560
TOTAL	110	62,201,910

HOMESTEAD & PROPERTY EXEMPTIONS

Code	Count	M&O AMOUNT	BOND AMOUNT
S1			
SC			
S3			
S4			
S5			
SD			
SS			
SE			
SG			
S6			
S8			
S9			
SF	0	0	0
SA	0	0	0
SB	0	0	0
SP	43	43,440	43,440
SH	2	88,520	88,520
ST	0	0	0
SV	0	0	0
SJ	0	0	0
SZ	0	0	0
SN	0	0	0

DO NOT USE L1 THRU L9 CODES ON STATE SHEET

L1			
L2			
L3			
L4			
L5			
L6			
L7			
L8			
L9			
L10	0	0	0
L11			
L12			
L13			
L14			
L15	0	0	0
L16			
TOTAL	45	11,833,600	131,960

SUMMARY

PROPERTY CLASS	COUNT	ACRES	ASSESSED VALUE
Residential Real	2,092	523.94	128,145,200
Residential Personal	5		5,480
Residential Total	2,097	523.94	128,150,680
Residential Trans.	0	0.00	0
Historic	2	0.75	116,520
Agricultural Real	0	0.00	0
Agricultural Personal	0		0
Agricultural Total	0	0.00	0
Preferential	0	0.00	0
Conservation Use	0	0.00	0
Environmentally Sen	0	0.00	0
Commercial Real	313	282.43	185,112,080
Commercial Personal	410		77,448,680
Commercial Total	723	282.43	262,560,760
Industrial Real	24	62.02	17,322,760
Industrial Personal	0		0
Industrial Total	24	62.02	17,322,760
Forest Lnd Con Use	0	0.00	0
Brownfield Property	0	0.00	0
Qualified Timberland	0	0.00	0
Real Total	2,431	869.14	330,696,560
Personal Total	415		77,454,160
Digest Total	2,846	869.14	408,150,720
Public Utility	17	0.00	37,538,572
Motor Vehicle	927		1,281,810
Mobile Home			
Timber - 100%			
Heavy Duty Equip.			
Gross Digest Total	3,790	869.14	446,971,102
Exemptions-Bonds			131,960
Net Bond Digest			446,839,142
Gross Digest Total	3,790	869.14	446,971,102
Exemptions-M & O			11,833,600
Net M & O Digest			435,137,502

TYPE	MILLAGE	ASSESSED VALUE	TAX
M & O		435,137,502	
BOND		446,839,142	

I, Arthur E. Ferdinand, Tax Commissioner in and for said county, do hereby certify that the above and foregoing were provided by the Board of Assessors as a true and correct consolidation of tax returns received from the taxpayer (or assessed against defaulters) in said county of Fulton for the year 2020, and duplicate digest has been made and delivered to the county governing authority and tax collector of said county as required by law.

Witness my hand and official signature, this_____day of_____2020.

_____

Tax Commissioner

2019FINAL 08/23/2019

CONSOLIDATION AND EVALUATION OF DIGEST 2019

COUNTY NAME: Fulton

COUNTY NO: 60 | Sheet # 32 - CITY OF HAPEVILLE (30 - 30Z) | Total Parcel Count: 2,538

RESIDENTIAL

Code	Count	Acres	40% Value
R1	1,926		91,221,200
R3	2,087	521.79	22,647,080
R4	1	2.16	32,520
R5	0	0.00	0
R6	0		0
R9	0	0.00	0
RA	0		0
RB	5		5,500
RF	0		0
RI	0		0
RZ	0		0

RESIDENTIALTRANSITIONAL

Code	Count	Acres	40% Value
T1	0		0
T3	0	0.00	0
T4	0	0.00	0

HISTORIC

Code	Count	Acres	40% Value
H1	2		84,880
H3	2	0.75	23,480

AGRICULTURAL

Code	Count	Acres	40% Value
A1	0		0
A3	0	0.00	0
A4	0	0.00	0
A5	0	0.00	0
A6	0		0
A9	0	0.00	0
AA	0		0
AB	0		0
AF	0		0
AI	0		0
AZ	0		0

PREFERENTIAL

Code	Count	Acres	40% Value
P3	0	0.00	0
P4	0	0.00	0
P5	0	0.00	0
P6	0		0

CONSERVATION USE

Code	Count	Acres	40% Value
V3	0	0.00	0
V4	0	0.00	0
V5	0	0.00	0
V6	0		0

BROWNFIELD PROPERTY

Code	Count	Acres	40% Value
B1	0		0
B3	0	0.00	0
B4	0	0.00	0
B5	0	0.00	0
B6	0		0

FOREST LAND CONSERVATION USE

Code	Count	Acres	40% Value
J3	0	0.00	0
J4	0	0.00	0
J5	0	0.00	0
J6	0	0	0

FLPA FAIR MARKET ASMT

Code	Count	Acres	40% Value
F3	0	0.00	0
F4	0	0.00	0
F5	0	0.00	0
F6	0	0	0
Total		0	0

ENVIRONMENTALLY SENSITIVE

Code	Count	Acres	40% Value
W3	0	0.00	0
W4	0	0.00	0
W5	0	0.00	0

COMMERCIAL

Code	Count	Acres	40% Value
C1	275		142,231,360
C3	280	133.36	19,552,280
C4	27	96.12	10,022,960
C5	4	53.16	6,607,440
C9	0	0.00	0
CA	0		0
CB	0		0
CF	288		82,230,780
CI	125		7,530,830
CP	0		0
CZ	4		32,760

INDUSTRIAL

Code	Count	Acres	40% Value
I1	24		9,552,040
I3	19	9.65	973,080
I4	4	17.06	1,517,720
I5	2	36.56	4,855,840
I9	0	0.00	0
IA	0		0
IB	0		0
IF	0		0
II	0		0
IP	0		0
IZ	0		0

PUBLIC UTILITY

Code	Count	Acres	40% Value
U1	0		0
U2	12	0.00	5,122,028
U3	1	0.00	10,900
U4	0	0.00	0
U5	0	0.00	0
U9	0	0.00	0
UA	3		30,565,844
UB	0		0
UF	0		0
UZ	0		0

EXEMPT PROPERTY

Code	Count	40% Value
E0	0	0
E1	80	60,145,640
E2	25	2,551,640
E3	2	6,760
E4	1	11,920
E5	1	42,460
E6	2	162,600
E7	0	0
E8	0	0
E9	1	136,560
TOTAL	112	63,057,580

HOMESTEAD & PROPERTY EXEMPTIONS

Code	Count	M&O AMOUNT	BOND AMOUNT
S1			
SC			
S3			
S4			
S5			
SD			
SS			
SE			
SG			
S6			
S8			
S9			
SF	0	0	0
SA	0	0	0
SB	0	0	0
SP	43	41,320	41,320
SH	2	80,360	80,360
ST	0	0	0
SV	0	0	0
SJ	0	0	0
SZ	0	0	0
SN	0	0	0

DO NOT USE L1 THRU L9 CODES ON STATE SHEET

L1			
L2			
L3			
L4			
L5			
L6			
L7			
L8			
L9			
L10	0	0	0
L11			
L12			
L13			
L14			
L15	0	0	0
L16			
TOTAL	45	7,803,640	121,680

SUMMARY

PROPERTY CLASS	COUNT	ACRES	ASSESSED VALUE
Residential Real	2,088	523.95	113,900,800
Residential Personal	5		5,500
Residential Total	2,093	523.95	113,906,300
Residential Trans.	0	0.00	0
Historic	2	0.75	108,360
Agricultural Real	0	0.00	0
Agricultural Personal	0		0
Agricultural Total	0	0.00	0
Preferential	0	0.00	0
Conservation Use	0	0.00	0
Environmentally Sen	0	0.00	0
Commercial Real	311	282.64	178,414,040
Commercial Personal	417		89,794,370
Commercial Total	728	282.64	268,208,410
Industrial Real	25	63.27	16,898,680
Industrial Personal	0		0
Industrial Total	25	63.27	16,898,680
Forest Lnd Con Use	0	0.00	0
Brownfield Property	0	0.00	0
Real Total	2,426	870.61	309,321,880
Personal Total	422		89,799,870
Digest Total	2,848	870.61	399,121,750
Public Utility	16	0.00	35,698,772
Motor Vehicle	1,064		1,584,490
Mobile Home			
Timber - 100%			
Heavy Duty Equip.			
Gross Digest Total	3,928	870.61	436,405,012
Exemptions-Bonds			121,680
Net Bond Digest			436,283,332
Gross Digest Total	3,928	870.61	436,405,012
Exemptions-M & O			7,803,640
Net M & O Digest			428,601,372

TYPE	MILLAGE	ASSESSED VALUE	TAX
M & O		428,601,372	
BOND		436,283,332	

I, Arthur E. Ferdinand, Tax Commissioner in and for said county, do hereby certify that the above and foregoing were provided by the Board of Assessors as a true and correct consolidation of tax returns received from the taxpayer (or assessed against defaulters) in said county of Fulton for the year 2019, and duplicate digest has been made and delivered to the county governing authority and tax collector of said county as required by law.

Witness my hand and official signature, this 28th day of August 2019.

Arthur E. Ferdinand

Tax Commissioner

Mayor and Council Session
Join in-person at 3444 N Fulton Avenue, Hapeville, GA 30354,
Online using URL: https://us02web.zoom.us/j/83842625121
Or, by Dialing 877 853 5247 (Toll Free) Webinar ID: 838 4262 5121

August 4, 2020
6:00PM

MINUTES

1. Call to Order: Mayor Hallman called the Council Session to order at 6:04pm at the Hoyt Smith Conference Center, 3444 N Fulton Avenue, Hapeville.

2. Roll Call:
   Mayor Alan Hallman
   Alderman Mike Rast
   Councilman at Large Travis Horsley
   Councilman Ward I Mark Adams
   Councilman Ward II Chloe Alexander

3. Welcome

4. Pledge of Allegiance

5. Invocation was given by Councilman Horsley

6. PUBLIC HEARNING
   6.I Consideration and Action on Sign Ordinance Revision – 2nd Reading
   Mayor Hallman opened a public hearing to hear staff and public comments. Dr. Patterson confirmed that temporary signs are allowed two per year and stake signs are exempt. Examples of stake signs include political signs and temporary cardboard signs. No public comments were made.

   MOTION: Councilman Adams made a motion to approve the sign ordinance revision, Alderman Rast seconded. Motion carried 4-0.

7. QUESTIONS ON AGENDA ITEMS - none

8. CONSENT AGENDA
   8.I Approval of Minutes – July 7 and July 21, 2020
   8.II Approval of Executive Session Minutes – July 21, 2020
   8.III Consideration and Action on GEFA Loan Deferral and Authorization for Mayor to Sign Documents
   8.IV Consideration and Action on Body Camera Quote Presented by Axon Enterprise Inc.

   MOTION: Councilman Horsley made a motion to separate out the Axon agenda item from the consent agenda, Councilman Alexander seconded. Motion carried 4-0. Councilman Horsley made a motion to approve the consent agenda, Alderman Rast seconded. Motion carried 4-0. Councilman Adams made a motion to approve the Body Camera Quote by Axon Enterprise Inc., Councilman

Alexander seconded. Motion carried 3-0-1 (Councilman Horsley abstained due to being employed by the state).

9. OLD BUSINESS - none

10. NEW BUSINESS

10.I Consideration and Action to Approve Mullins Brothers, Inc. in the Amount of $124,291.50 for Paving of Georgia Avenue, Stillwood Drive, Baker Drive and Spring Street

MOTION: Alderman Rast made a motion to approve, Councilman Adams seconded. Discussion: Councilman Horsley stated that there is a petition from residents about a speed table and asked about posting speed measurement signs. Councilman Alexander asked about the remaining streets. Motion carried 4-0.

10.II Consideration and Action to Approve Summit Construction in the Amount of $63,416 to Remove the Old 2" Water Main on Spring Street and Replace it with a new 6" Water Main.

MOTION: Councilman Horsley made a motion to approve, Alderman Rast seconded. Motion carried 4-0.

10.III Consideration and action to Approve the Corbett Group, LLC in the Amount of $381,230 for the Annual Emergency and Maintenance Contract for Water Lines, Sanitary Sewer and Storm Sewers and Authorize Mayor Hallman to Sign all Necessary Contracts

MOTION: Alderman Rast made a motion to pull item, Councilman Horsley seconded. Discussion: Councilman Alexander asked why are we pulling it. City Manager, Tim Young said staff had found something in the bid. Motion carried 4-0.

10.IV Consideration and Action on Resolution Honoring Representative John Lewis by Renaming Master Park "John R. Lewis Memorial Park".

MOTION: Councilman Adams made a motion to approve, Councilman Alexander seconded. Motion carried 4-0.

10.V Discussion and Consideration Initiated by Councilman Adams on Anti-Discrimination Ordinance

Councilman Adams said this is a great synopsis of the premise of this ordinance and now is a very vital time since the Supreme Court decision in reference to LGBTQ. He said a resident had reached out to him stating East Point had passed an ordinance. This would be supplemental to the Supreme Court decision. Consensus is to work on the ordinance and bring back.

11. City Manager Report –

Mr. Young said Saturday was the ribbon cutting on InCity Suites. There is COVID 19 testing at the Porsche site and it will go through the entire month. The food distribution program continues through this month. Audit prep is going on for 20-21. The County has closed the time for appeals and we're expecting the final digest and plan to set the millage on September 1st. Moe's ribbon cutting is scheduled for tomorrow with grand opening on August 26th.

12. Public Comments – Melvin Traynum

13. Mayor and Council Comments –
Councilman Alexander said the City is vibrant and it's nice to get out and enjoy the public parks and sidewalks. Councilman Adams said he enjoyed being at the ribbon cutting and thanked staff. Councilman Horsley asked for an update on timeline for crossings. Mayor Hallman extended his condolences to the Cooley family. Gary Cooley was a great and dedicated employee. He also said he enjoyed the ribbon cutting and agreed that we do have a vibrant city and awesome staff.

14. Executives Session –
MOTION: Councilman Horsley made a motion at 6:34PM to go into executive session for real estate, litigation, and personnel, Councilman Adams seconded. Motion carried 4-0. Alderman Rast made a motion to go into recess, Councilman Alexander seconded. Motion carried 4-0.

MOTION: Councilman Alexander made a motion to reconvene in executive session, Councilman Adams seconded. Motion carried 4-0.

Council adopted a resolution to allow for the filing of a legal action on behalf of the City, if necessitated by circumstances. Motion as follows: Councilman Horsley made a motion to approve the resolution, Councilman Alexander seconded. Motion carried 4-0.

MOTION: Councilman Adams made a motion to recess, Alderman Rast seconded. Motion carried 4-0. MOTION: Councilman Alexander made a motion to reconvene back in open session, Councilman Adams seconded. Motion carried 4-0.

15. Adjourn –
MOTION: Councilman Alexander made a motion to adjourn the meeting, Councilman Horsley seconded. Motion carried 4-0.

Respectfully submitted,

_____
Alan Hallman, Mayor

_____
Crystal Griggs-Epps, City Clerk

Mayor and Council Work Session
3444 N Fulton Avenue
Hapeville, GA 30354
Online at: https://us02web.zoom.us/j/81100667230
Or, Dial 888 788 0099 (Toll Free) Webinar ID: 811 0066 7230

August 18, 2020 6:00 PM

Minutes

1. Call to Order: Alderman Rast called the Council Work Session to order at 6:06pm.

2. Roll Call:
   Mayor Alan Hallman
   Alderman at Large Mike Rast
   Councilman at Large Travis Horsley
   Councilman Ward I Mark Adams
   Councilman Ward II Chloe Alexander

3. Welcome

4. PRESENTATIONS

4.I Southern Fulton Comprehensive Transportation Plan Draft Recommendations presented by Kelly Kemp
Ms. Kemp went over plan recommendations and the next steps which includes adoption by City Councils.

4.II Hapeville AeroATL Model Mile Alternatives Presentation by Matthew Wilder
Mr. Wilder presented four concept designs (North Outer Loop Alignment, South Inner Loop Alignment, Cycle-Track One Alignment, and Cycle-Track Two Alignment) to Mayor and Council. He noted his most optimal design was the Cycle-Track One Alignment because it takes advantage of points on Virginia Avenue. He invited all to the virtual meeting scheduled on August 26.

5. PUBLIC HEARING

5.I Consideration and Action on a Special Exception at 590 South Central Avenue

MOTION: Alderman Rast made a motion to approve the special exception, Councilman Alexander seconded. Motion carried 4-0.

5.II Consideration on a Text Amendment to the Official Major Street Plan – 1st Reading

There were no public comments made. The ordinance stood as a first reading.

5.III Consideration on a Text Amendment to U-V (Urban Village) for Townhome Density – 1st Reading

There were no public comments made. The ordinance stood as a first reading.

6. Questions on Agenda Items – none

7. CONSENT AGENDA

7.I Consideration and Action to Enter into a Memorandum of Understanding with Hapeville Elementary School to Allow for Emergency Evacuation of School Facilities to the Hoyt Smith Recreation Center

7.II Consideration and Action on Financing Bank and Financing Terms for Financing Vehicles and Equipment for Fire Department and Police Department

7.III Consideration and Action on Axon Agreement and to Authorize the Mayor to Sign Document

7.IV Consideration and Action to Approve GS Construction Inc. in the Amount of $391,272 for the Annual Emergency Contract for the Construction and Maintenance of Water Lines, Sanitary Sewers and Storm Sewers and Authorize Mayor Hallman to Sign all Necessary Contracts.

Councilman Horsley requested the removal of items 7.II and 7.III from the consent agenda since he works for the state.

MOTION: Councilman Adams made a motion to pull the two aforementioned items from the consent agenda, Councilman Alexander seconded. Motion carried 4-0. Alderman Rast made a motion to approve the consent agenda, Councilman Alexander seconded. Motion carried 4-0. Alderman Rast made a motion to approve items 7.II and 7.III, Councilman Adams seconded. Discussion: Councilman Alexander asked would there be a delay in the delivery of the emergency vehicle due to COVID. Motion carried 3-0-1 with Councilman Horsley abstaining.

8. OLD BUSINESS - none

9. NEW BUSINESS

MOTION: Councilman Adams made a motion to amend the agenda to add Waste Pro discussion item as 9.VII, Councilman Horsley seconded. Motion carried 4-0.

9.I Consideration and Action on Ordinance to Appoint Members to the Design Review Committee and Board of Appeals

MOTION: Councilman Horsley made a motion to waive 1st reading of the ordinance, Councilman Adams seconded. Motion carried 4-0. Councilman Adams made a motion to approve the appointments, Alderman Rast seconded. Discussion: Mayor Hallman thanked the two candidates for committing their time. Motion carried 4-0.

9.II Consideration on a Draft Resolution Naming the Future Soccer and Football Fields at the Tom E. Morris Sports Complex the "Gary P. Cooley Memorial Fields"

Councilman Horsley said that Mr. Cooley had worked 39 years for the city, and he deserved to be honored for maintaining the fields. With our recently awarded CDBG funding to change the current location of the softball field to be a soccer and football practice field. It is an appropriate time to think

about renaming the fields. It was brought to his attention that the field was named after George Hutson. He said it's been about 60 years and that he thinks it is appropriate to consider renaming for a more current. Alderman Rast said there are still Hutson family members living in the metro City areas. He said he is in favor of memorializing Gary Cooley but not in favor of taking names away. The Hutson's contribution to the complex is equal to the other individual at parks. He included that he is certainly in favor of the recommendation the City Manager, Tim Young had sent out via email of renaming Claire Drive. Mayor Hallman suggested naming the field "Gary Cooley Memorial Fields at George Hutson Field" or "Gary Cooley Complex at George Hutson Field".

MOTION: Alderman Rast made a motion to table action item, Councilman Horsley seconded. Motion carried 4-0.

9.III Discussion Initiated by Councilman Horsley Regarding Land and Water Conservation Fun for Funding a Splash Pad

Councilman Horsley stated the maximum request from this fund is $500,000. Councilman Adams verified were there any immediate commitment at this time. Alderman Rast had previously questioned about the matching portion, stating we're not in any kind of position to match. However, he is open to other funding avenues. Consensus is for staff to move forward. City Attorney, Mrs. Patel confirmed that a resolution is not needed right now.

9.IV Discussion Initiated by Councilman Horsley Regarding Seasonal Food and Snow Cone Establishments

Councilman Horsley said Scott Allen is a vendor and resident of the City of Hapeville that is interested in pursuing a seasonal food truck. This is a gray area.

MOTION: Councilman Horsley made a motion to waive procedure to allow for Scott Allen to present, Councilman Adams seconded. Motion carried 4-0. Mr. Allen said this is a little more urban and unique with shipping containers. Mayor and Council was above to view the renderings in their packets as he went over his concept. He wants to bring to Georgia of what he has memories of in his home state. His ask to the City is to amend some of the city codes here to allow. Dr. Patterson posed the questions to Mayor and Council, is it a primary use, would you allow a temporary building, and what would the standards be. Dr. Patterson recommends not a primary use, only an accessary use. She said she didn't have a lot of time to research but would be happy to research and bring back the best practices. Councilman Horsley said he likes the idea of it being an accessory use. Consensus of Council is to begin research for best practices.

9.V Discussion on a Request by Lorenne Fey of Academy Theatre Performance Series in Jess Lucas Y-Teen Park

MOTION: Councilman Horsley made a motion to waive protocol to allow for Lorrene Fey to address Council, Councilman Adams seconded. Motion carried 4-0.

Ms. Fey is proposing to move the fall season productions to Jess Lucas Park and her ask for permission and resources to get it done. There are a series of concerts, dance and jazz in the park. This will get more media coverage and increase property values in the long run. The theatre currently has no

revenue coming in. They are asking for $25,000 but could be lowered. It would be incredible to get a brochure out with the theatre events and the City's events.

Mrs. Patel said the City can sponsor an event like this but need to be budgeted and she said she would look over the governor's executive order for guidelines for events. Councilman Adams asked what would be the feasibility to partner with the Rec Center and could the money earmarked for the Rec Center events be used. Ms. Fey said she would get with the City Manager. Councilman Alexander asked about paying as you go. Ms. Fey said the problem with that is refunding money and security… not that they won't look at it though. Councilman Adams said to try to look at every avenue to get this done.

9.VI Discussion on the Governor's Executive Order Signed August 15, 2020

Mrs. Patel said businesses can consent to enforcement of this ordinance but may opt out. This may lead to a delegation issue. The newly drafted ordinance states that businesses must put up signs and it allows for the Police to enforce the ordinance. Mrs. Patel recommends having an enforcement on all businesses and not letting businesses decide for themselves. Mayor Hallman said law enforcement is already in a pickle and overly tasked and have more than they can deal with. However, he does support the overall desire. Councilman Adams said being on the opposite end of it, seeing the impact that COVID-19 has on families and the death rate. And, the fact that Georgia has not hit a consistent decline yet, he is ok with our Police going out.

MOTION: Councilman Adams made a motion to approve the City Ordinance, Alderman Rast seconded. Discussion: Councilman Horsley asked which ordinance are they voting on. Mrs. Patel said the one with the definitions and for businesses to put signs up. Alderman Rast withdrew his second. Alderman Rast suggested reconvening later to vote after seeing the updated ordinance. Councilman Horsley seconded the original motion. Motion carried 3-0-1 with Alderman Rast abstaining.

9.VII Waste Pro Discussion
Community Services Director, Lee Sudduth said COVID has hit Waste Pro pretty bad; too much turnover. He would like to give Waste Pro until November to get a better evaluation. He said if the City had to do it, it could be done under $400,000.

10. City Manager Report –
Food Delivery continues through October and will start partnering with Wells Fargo. Courts starts the 15th of September and will be 80-90% virtual. At the next Council Meeting, the public hearing for the millage will be held. The Finance team is starting their audit and kudos to the team as it was pushed up to September. Lastly, Mr. Young mentioned moving the Council meetings back to Doug Davis. It's a better venue for the meetings.

11. Public Comments
Julie Morgan
Marth Revelo
Joseph McKnight

12. Mayor and Council Comments –

Mayor and Council thanked everyone for coming out.

13. Executives Session – none

14. Adjourn

MOTION: Alderman Rast made a motion at 8:18PM to adjourn the meeting, Councilman Adams seconded. Motion carried 4-0.

Respectfully submitted,

_____
Alan Hallman, Mayor

_____
Crystal Griggs-Epps, City Clerk

RESOLUTION NO. _____

RESOLUTION TO NAME THE FUTURE SOCCER FIELD AT THE TOM E. MORRIS SPORTS COMPLEX THE "GARY P. COOLEY MEMORIAL FIELD"

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

WHEREAS, the municipal government of the City of Hapeville (hereinafter "City") and all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be the legislative body of the City; and,

WHEREAS, Gary Paul Cooley, 58, passed away on Monday, August 3, 2020; and,

WHEREAS, Mr. Cooley was a cherished employee of the City of Hapeville for a period of 39 years, acting dutifully in his service to the residents of this town as an Equipment Operator; and

WHEREAS, Mr. Cooley was preceded in death by his mother, Sarah Parrott Cooley, in February. Surviving are his daughter, Chelcie Cooley & Clinton Jeffrey; a sister, Elaine Smith; brothers, Jerry (Hope) Cooley, and Scott Cooley; grandchildren, Alissa Shipp, Brycen Jeffreys, and Everlynn Jeffreys; nieces and nephews; and,

WHEREAS, Community Development Block Grant monies have been awarded to the City of Hapeville, in part, to change the current location of the softball field to be a soccer and football practice field; and,

WHEREAS, the City of Hapeville expects completion of the construction and landscape engineering of these fields before the summer of 2021; and,

WHEREAS, the Mayor and Council wish to memorialize Gary Paul Cooley and his humble service in maintaining park grounds in the City of Hapeville.

THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAPEVILLE, GEORGIA, AS FOLLOWS:

1. **Incorporation of Pre-Amble.** The pre-amble is incorporated herein as fully set forth above.

2. **Naming of the future soccer field at the Tom E. Morris Sports Complex.** The Hapeville City Council hereby declare that the future soccer field shall be named "Gary P. Cooley Memorial Field."

3. **Authorization for Mayor.** That the Hapeville City Council hereby authorizes the Mayor to execute any and all documents necessary to effectuate this Resolution. A copy of said documents shall be filed with the City Clerk.

4. **Attestation.** That the Hapeville City Council hereby authorizes the City Clerk or Assistant City Clerk to attest the signature of the Mayor appearing on the documents, to affix the official seal of the City thereto as necessary to effectuate this Resolution, and to place this Resolution and an executed copy of all documents among the minutes or official records of the City for future reference.

5. **Authorization for Attorney.** That the Hapeville City Council hereby authorizes the City Attorney to approve this Resolution as to its form and review any and all documents necessary for the City of Hapeville and to ensure all documents conform to state law.

6. **Severability.** To the extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.

7. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.

8. **Effective Date.** This Resolution shall take effect immediately.

RESOLVED this _____ day of _____, 2020.

CITY OF HAPEVILLE, GEORGIA

_____
Alan Hallman, Mayor

ATTEST:

_____
City Clerk

APPROVED BY:

_____
City Attorney

Academy Theatre Performance Series

BUDGET

PERFORMANCE EXPENSES	Budget	Totals
Music Weekend:		
September 11, 12, & 13, 2020		
Performers		
Eugene H. Russell IV Band - Sept. 11	1,000.00	
Yes Jazz Matters - Sept. 12	1,000.00	
The Lost Boys - Sept. 13	1,000.00	
Park Production Crew - Setup, Show & Strike		
Robert Drake $100 x 3 days	300.00	
Erica French $100 x 3 days	300.00	
Darwin Conort $100 x 3 days	300.00	
Robert Shekell $100 x 3 days	300.00	
Equipment Rental / POD	500.00	
Academy Show Staff		
Danny Dolan $50 x 3 shows	150.00	
Alison Ramsay $50 x 3 shows	150.00	
Kathryn Wood $50 x 3 shows	150.00	
TOTAL MUSIC WEEKEND		**5,150.00**
Love Letters October Weekend:		
October 2, 3, & 4, 2020		
Performers		
Actor - Lynna Schmidt	1,000.00	
Actor - Rob Raissle	1,000.00	
Pianist - Jason Montegue	300.00	
Stage Manager - Faina Khibkin	350.00	
Royalty fees $125 x 3 shows	375.00	
Production Expenses		
Set, props, costumes	250.00	
Park Production Crew - Setup, Show & Strike		
Robert Drake $100 x 3 days	300.00	
Erica French $100 x 3 days	300.00	
Darwin Conort $100 x 3 days	300.00	
Robert Shekell $100 x 3 days	300.00	
Equipment Rental / POD	500.00	
Academy Show Staff		
Danny Dolan $50 x 3 shows	150.00	
Alison Ramsay $50 x 3 shows	150.00	
Kathryn Wood $50 x 3 shows	150.00	
TOTAL LOVE LETTERS WEEKEND		**5,425.00**

Dance November Weekend:		
November 6, 7, & 8, 2020		
Performers		
City Gate Dance Company - November 6	1,500.00	
Giwayan Mata - November 7	1,300.00	
Impact Theatre Atlanta - Cabaret November 8	1,400.00	
Park Production Crew - Setup, Show & Strike		
Robert Drake $100 x 3 days	300.00	
Erica French $100 x 3 days	300.00	
Darwin Conort $100 x 3 days	300.00	
Robert Shekell $100 x 3 days	300.00	
Equipment Rental / POD	500.00	
Academy Show Staff		
Danny Dolan $50 x 3 shows	150.00	
Alison Ramsay $50 x 3 shows	150.00	
Kathryn Wood $50 x 3 shows	150.00	
TOTAL DANCE WEEKEND		**6,350.00**

Holiday Show Weekend:		
December 4, 5, & 6, 2020		
Performers		
Director - Rob Raissle	1,000.00	
Actor - Melody Pinion-Miles	750.00	
Actor - Sam Raffield	750.00	
Music Director - Annie Cook	1,000.00	
Stage Manager - Faina Khibkin	600.00	
Royalty fees $125 x 3 shows	375.00	
Production Expenses		
Set, props, costumes	750.00	
Set Decorations	500.00	
Park Production Crew - Setup, Show & Strike		
Robert Drake $100 x 3 days	300.00	
Erica French $100 x 3 days	300.00	
Darwin Conort $100 x 3 days	300.00	
Robert Shekell $100 x 3 days	300.00	
Equipment Rental / POD	500.00	
Academy Show Staff		
Danny Dolan $50 x 3 shows	150.00	
Alison Ramsay $50 x 3 shows	150.00	
Kathryn Wood $50 x 3 shows	150.00	
TOTAL HOLIDAY WEEKEND		**7,875.00**
TOTAL SERIES PERFORMANCE EXPENSES		**24,800.00**

INCOME	
City of Hapeville Sponsorship	18,800.00
Azalea Park Neighborhood Association - Contribution	1,000.00
Academy Theatre - Contribution	5,000.00
TOTAL PERFORMANCE SERIES INCOME	**24,800.00**
Profit (Loss)	**-**

FY2020-21 Budget Special Events		Current	Budget	Costs Not Incurred
Coffee and Chrome all events	cancelled			
Website subscriptions renewel -Weebly		$230.00	230	230.00
April 11 Easter Egg Hunt	cancelled			
bunny/ face paint			400	
eggs and candy			400	800.00
April 18th Opening Day & Health Fair	cancelled		250	250.00
May 2nd La Fiesta Del Cinco Hapeville			6000	6,000.00
Burgess Events (bull, inflatables)	credit	$2,951.83		
May 25th Memorial Day	online			
Wreath A.D.Inc		$200	500	$300
Online program & speaker		0		
Movie Nights				
June 19th	cancelled		1000	1,000.00
July 11th Toy Story- Swank		$480.00	1000	120.00
Screen and sound - bargain bouncing		$400		
Father Daughter Dance June 20	cancelled		500	500.00
Jazz & Seafood July 18th	cancelled		6000	6,000.00
Show Business sound		$1,900		
Opener		$250		
Jules & The Gents		$3,400		
Downtown Live				
August 15th			6000	310.00
Sound - the Show Business		$1,990		
DJ & Band Musica Y Enento		$3,700		

Remaining Calendar			$ 39,863
Happy Days Weekend		18,000	
September 18th			
Stage Show business/sound (2 days)	$8,925.50		
Spectrum	$1,200		
Darwin & Friends	$1,200		
Security guard overnight (stage)	$250		
Lighting - Show business	$650		
September 19th			
Masterpiece band	$2,300		
Opener	$300		
T-shirts (For Sale)	$1,800		
Pet Parade prizes	$200		
Face mask (For Sale)	$400		
Downtown live		$ 8,000	
October 17th / Chili Cook off			
Jacob Bryant	$4,800		
Band food	$150		
Opener	$150		
Show business sound	$1,990		
Trunk of Treat			
October 31 candy	$200		
Hapeville Holidays			
November 24th		$ 12,000	
Tree install	$6,500		
Santa - Obrien Productions	2,980.00		
Crafts	$175		
DJ Sound/music	$300		
Snow - Show Business	$1,200		
memberships/other			
ASCAP	$363	$ 363	
Martino White Printing	$1,000	$ 1,000	
Sutherlands event supplies	$500	$ 500	

Tax Parcel ID = **14 0095 LL0131**

After recording, return to:
Georgia Power Company
Attn: Land Acquisition (Recording)
241 Ralph McGill Blvd NE
Bin 10151
Atlanta, GA 30308-3374

PROJECT **2020040233** LETTER FILE DEED FILE MAP FILE
ACCOUNT NUMBER **69596-VBS-0-E05120-0-GP141-30000000-0**
NAME OF LINE/PROJECT: **525 KING ARNOLD ST./HAPEVILLE LIBRARY (FULTON COUNTY) - DISTRIBUTION LINE**

PARCEL NUMBER **001**

STATE OF GEORGIA
FULTON COUNTY

U N D E R G R O U N D E A S E M E N T

For and in consideration of the sum of Ten and No/100 Dollars ($10.00) and other good and valuable consideration, in hand paid by GEORGIA POWER COMPANY, a Georgia corporation (the "Company"), the receipt and sufficiency of which are hereby acknowledged, **CITY OF HAPEVILLE** (the "Undersigned", which term shall include heirs, successors and/or assigns), whose mailing Address is **3468 North Fulton Avenue, Hapeville, GA 30354**, does hereby grant and convey to the Company, its successors and assigns, the right, privilege and easement to go in, upon, along, across, under and through the Property (as defined below) for the purposes described herein.

The "Property" is defined as that certain tract of land owned by the Undersigned at 525 KING ARNOLD ST., ATLANTA, GA 30354 (Tax Parcel ID No. 14 0095 LL0131) in Land Lot 95 of the 14 District of Fulton County, Georgia.

The "Easement Area" is defined as any portion of the Property located (a) within ten (10) feet of the centerline of the underground distribution line(s) as installed in the approximate location(s)shown on "Exhibit A" attached hereto and made a part hereof, and (b) within ten (10) feet from each side of any related above-ground equipment and facilities, including without limitations cubicles, transformers and service pedestals, as installed in the approximate location(s) shown in "Exhibit A".

The rights granted herein include and embrace the right of the Company to construct, operate, maintain, repair, renew and rebuild continuously upon and under the Easement Area its lines for transmitting electric current with wires,

transformers, service pedestals, manholes, conduits, cables and other necessary apparatus, fixtures and appliances; the right to stretch communication or other lines of any other company or person under the Easement Area; the right to assign this Underground Easement in whole or in part; the right at all times to enter upon the Easement Area for the purpose of inspecting said lines and/or making repairs, renewals, alterations and extensions thereon, thereunder, thereto or therefrom; the right to cut, trim, remove, clear and keep clear of said underground lines, transformers, fixtures, and appliances all trees and other obstructions that may in the opinion of the Company now or hereafter in any way interfere or be likely to interfere with the proper maintenance and operation of said underground lines, transformers, fixtures, and appliances; the right of ingress and egress over the Property to and from the Easement Area; and the right to install and maintain electrical and communication lines and facilities to existing and future structure(s) within the Easement Area under the easement terms provided herein. Any timber cut on the Easement Area by or for the Company shall remain the property of the owner of said timber.

The Undersigned does not convey any land, but merely grants the rights, privileges and easements hereinbefore set out.

The Company shall not be liable for or bound by any statement, agreement or understanding not herein expressed.

[Signature(s) on Following Page(s)]

IN WITNESS WHEREOF, the Undersigned has/have hereunto set his/her/their hand(s) and seal(s), this _____ day of _____, _____.

Signed, sealed and delivered in the presence of:

_____
Witness

_____
Notary Public

CITY OF HAPEVILLE

By: _____ (SEAL)
Name:
Title:

Attest: _____ (SEAL)
Name:
Title:

[CORPORATE SEAL]