



ALAN HALLMAN
MAYOR

MIKE RAST
ALDERMAN AT LARGE

TRAVIS HORSLEY
COUNCILMAN AT LARGE

MARK ADAMS
COUNCILMAN WARD I

CHLOE ALEXANDER
COUNCILMAN WARD II

Mayor and Council Regular Session

Join in person at 700 Doug Davis Drive, Hapeville, GA 30354

Or, visit the City's Website for live stream at

<https://hapevillega.civicclerk.com/Web/Player.aspx?id=337&key=-1&mod=-1&mk=-1&nov=0>

August 3, 2021 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. PRESENTATION(S):

6.I. Traffic Calming

Background:

Hapeville continues to grow and become a more popular destination for people to visit and to live. With increased popularity comes increased traffic. To help Mayor and Council in its future evaluations of traffic calming methods, we have asked Glenn Durrense, Transportation Manager of Thomas and Hutton, to share a presentation of different effective methods of traffic calming.

Supporting Document(s):

1. Traffic Calming Presentation

7. PUBLIC HEARING

- 7.I. Consideration of an amendment to the Code of Ordinances, Chapter 11 (Business licensing and regulations), Article 11 (Commercial solicitations and transient merchants), Section 11-11-2 (Definition), and Section 11-11-3 (Regulations and licensing of mobile food vendors); Chapter 93 (Zoning), Article 1 (Title, definitions, and application of regulations), Section 93-1-2 (Definitions), and Section 93-2-27 (Food truck courts and food trucks, special provisions) to amend and update the regulations for mobile food vendors and food truck courts. 2nd Reading

Background:

At the City Council meeting on May 18, 2021, the City Council discussed the food truck ordinance and requested staff provide a draft revised food truck ordinance to clarify food

trucks, food truck courts, and mobile food vendors. The Planning Commission considered this item on June 15, 2021, and recommended approval with the following change:

1. Add the following language to Section 93-2-27(c)9: Food trucks may not violate any parking ordinances or rules. In addition, the Planning Commission recommended the City Planner consult with someone in the food truck industry to review the proposed ordinance. Staff supports their recommendations.

Staff Comments:

Applicant Comments:

Public Comments:

Supporting Document(s):

1. Ordinance - Text Amendment Food Truck Court - Mobile Food Vendor (02788505xAoB3B)
2. Legal Adv - 07-13-2021_Mobile Food Trucks
3. Planners Report Proposed Food Truck Revisions June 9
4. Food Truck Ordinance - Permanent Food Truck Request

8. QUESTIONS ON AGENDA ITEM(S):

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.

9. CONSENT AGENDA:

- 9.I.** Consideration and Action Authorizing City to Purchase Replacement Vehicle for Economic Development, up to \$15,000.

Background:

The City's Economic Development Department is requesting to purchase a gently used vehicle. The Department's current vehicle was purchased in 2005 and its current condition is beyond repair. The department has spent a considerable amount of funds towards towing and maintenance. The newer vehicle will provide staff a more reliable and safer means of transportation and cargo space to transport items needed for various events. The vehicle is a budgeted item in the 2021/2022.

- 9.II.** Mayor and Council Special-Called Meeting Drafted Minutes for July 8, 2021.

- 9.III.** Mayor and Council Meeting Drafted Minutes for July 13, 2021.

- 9.IV.** Approval of Executive Session Minutes for July 8th and July 13th.

- 9.V.** Consideration and Action on Spin the District Special Event Open Container District.

Background:

Alexia Ryan of Beer Girl, LLC is requesting Mayor and Council's approval on the Open Container District for the upcoming Spin the District special event scheduled for August 28, 2021. A map of the proposed open container area is attached for review.

Supporting Document(s):

1. Spin the District Open Container 28aug2021

- 9.VI.** Consideration and Action to approve Magnum Paving, LLC in the amount of \$ 116,068.50 for the paving of Oak Drive from Lake Avenue to Forest Hills Drive.

Background:

The City of Hapeville was awarded an LMIG grant of \$ 67,933.69 for 2021. Magnum Paving LLC was the lowest responsible bidder at \$ \$116,068.50. The next lowest bidder was Mullins Brothers Paving at \$ 118,500 and HEH Paving Inc. at \$133,259.02.

Supporting Document(s):

1. Bid Recommendation Letter

10. OLD BUSINESS: None

11. NEW BUSINESS

- 11.I.** Consideration and Action of Ordinance for Rules and Procedures (Allow for Email Comments).

Background:

At the July 13th Mayor and Council meeting, the governing body agreed on preserving the acceptance of public comment by the way of email. Previously, only individuals present at the City Council Meeting were allowed to make public comments. With the COVID-19 pandemic, temporary exceptions were made to allow the public to submit comments via email. This drafted Ordinance will formalize allowing public comment submittals to be accepted by email. The ordinance also reinforces the rules and procedures for comments in public hearings and revising the order of the agenda.

Supporting Document(s):

1. Ordinance - RULES FOR ORDER (02088533-3xA0B3B) (002)-A

- 11.II.** Consideration and Action for Revocation of Occupational Tax Certificates.

Background:

Previously, Mayor and Council along with City staff discussed having procedures and defined guidelines in place regulating occupational tax certificates, including procedures to revoke or suspend certificates. City staff requests Mayor and Council approval or comments to the attached draft ordinance.

Documents:

1. ORDINANCE-Revocation of Occupational Tax Certificate DRAFT (02791510xA0B3B) (1)

12. CITY MANAGER REPORT:

13. 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.

14. MAYOR AND COUNCIL COMMENTS:

15. 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).

16. 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.

Traffic Calming

Purpose

- ◆ To reduce negative effects of motor vehicle use, alter driver behavior, and improve conditions for non-motorized street users
- ◆ Reduces traffic speed and motor-vehicle collisions



Traffic Calming Measures

Horizontal deflection - hinders the ability of a motorist to drive in a straight path by creating a horizontal shift in the roadway.

Reduces the ability of the motorist to maintain speed while comfortably navigating the measure

- Lateral shift
- Traffic Circle
- Small Modern Roundabout/Mini-Roundabout
- Roundabout



Traffic Calming Measures

Vertical deflection - creates a change in the height of the roadway which typically forces the motorist to slow down to maintain an acceptable level of comfort

- Speed Hump
- Speed Cushion
- Speed Table
- Raised Intersection
- Raised Crosswalk



Traffic Calming Measures

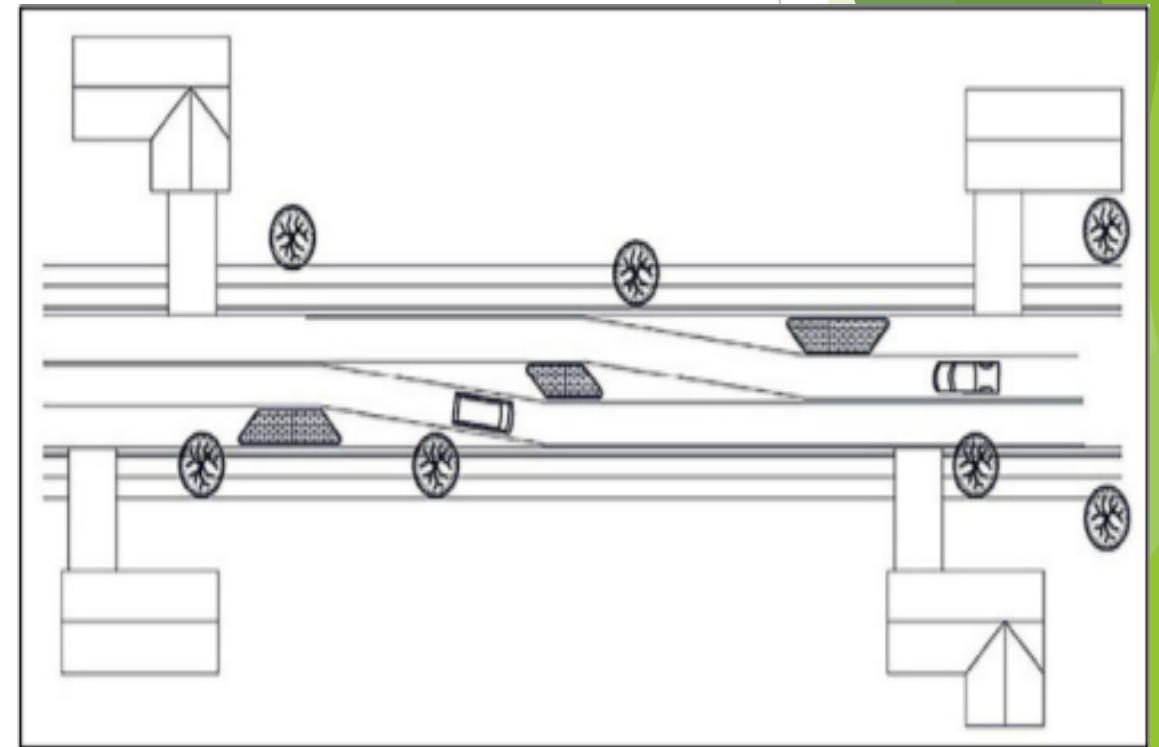
Street width reduction - narrows the width of a vehicle travel lane or roadway which typically causes the motorist to slow the vehicle to maintain an acceptable level of comfort and safety.

- Median Island
- On-Street Parking
- Road Diet
- Choker
- Corner Extension/Bulb-Out



Lateral Shift

- Appropriate for local, collector, or arterial roadways along with one-lane one way and two-lane two-way streets.
- Maximum appropriate speed limit is typically 35 mph
- Typically separates opposing traffic through the shift with the aid of a raised median
- Can be installed on either open- or closed-section (i.e. curb and gutter) roads
- Can provide locations for pedestrian crosswalks
- May require drainage feature relocation
- Without islands, motorists could cross the centerline to drive the straightest path possible
- Reported costs range between \$8,000 and \$25,000



Traffic Circle

- Appropriate for one way and two-way streets in urban and suburban settings
- Recommend YIELD signs on all approaches
- Preferable for roadways to be closed-section (i.e. curb and gutter)
- Can be applied to roads both with and without dedicated bicycle facilities; bike lanes not striped in circulatory roadway
- May require additional street lighting
- Landscaping needs to be designed to allow adequate sight distance, per AASHTO
- Bicyclist and motorists will share lanes at intersection because of narrowed roadway
- Large vehicles/buses usually not able to circulate around center island for left turns
- Typical cost is \$15,000, with a range between \$10,000 and \$25,000



Mini-Roundabout

- Intersections of local and/or collector streets
- Controlled by YIELD signs on all approaches
- Can be applied to road with on-street parking
- Can be applied to roads both with and without a bicycle facility.
- Bicycle facilities, if provided, must be separated from the circulatory roadway with physical barriers; cyclists using the circulatory roadway must merge with vehicles. Bicycle facilities are prohibited in the circulatory roadway to prevent right-hook crashes.
- Little diversion of traffic
- Bicycle and motorist will share lanes at intersections because of narrowed roadway
- Large vehicles/buses usually drive over the center island for left turns
- Cost is similar to bulb-outs because pedestrian ramps and outside curb lines usually have to be relocated



Roundabout

- Intersections of arterial and/or collector streets
- One or more entering lanes
- Can be used at intersections with high volumes of large trucks and buses, depending on design
- Controlled by YIELD signs on all approaches with pedestrian crosswalks, if included, one car-length upstream of YIELD bar
- Bicycle facilities, if provided, must be separated from the circulatory roadway with physical barriers; cyclists using the circulatory roadway must merge with vehicles. Bicycle facilities are prohibited in the circulatory roadway to prevent right-hook crashes.
- Large vehicles circulating around the center island for all movements may traverse the apron
- Cost varies widely by site, but is usually comparable to a traffic signal



Speed Hump

- Appropriate for residential local streets and residential/neighborhood collectors
- Can be used on a one-lane one-way or two-lane two-way street
- Typically spaced no more than 500 feet apart to achieve an 85th percentile speed between 25 and 35 mph
- Average speeds between humps reduced between 20 and 25 percent
- Traffic volumes diversion estimated around 20 percent; average crash rates reduced by 13 percent
- Approximate delay between 3 and 5 seconds per hump for fire trucks and up to 10 seconds for ambulances with patients
- Cost ranges between \$2,000 and \$4,000



Speed Cushion

- Appropriate on local and collector streets at mid-block locations only
- Can be used on a one-lane one-way or two-lane two-way street
- Material can be asphalt or rubber
- Average speeds between humps reduced between 20 and 25 percent
- Speed cushions have minimal impact on emergency response times, with less than a 1 second delay experienced by most emergency vehicles
- Traffic volumes diversion estimated around 20 percent; average crash rates reduced by 13 percent
- Cost ranges between \$3,000 and \$4,000 for a set of rubber cushions



Speed Table

- Appropriate for local and collector streets; mid-block or at intersections, with/without crosswalks
- Can be used on a one-lane one-way or two-lane two-way street
- Speeds reductions typically less than for speed humps (typical traversing speeds between 25 and 27 miles per hour) Average speeds between humps reduced between 20 and 25 percent
- Speeds typically decline approximately 0.5 to 1 mph midway between tables for each 100 feet beyond the 200-foot approach and exit points of consecutive speed tables
- Traffic volumes diversion estimated around 20 percent; average crash rates reduced by 45 percent
- Increase pedestrian visibility and likelihood of driver yield compliance
- Typically preferred by fire departments over speed humps, but not appropriate for primary emergency vehicle routes; typically less than 3 seconds of delay per table for fire trucks
- Cost ranges between \$2,500 and \$8,000 for asphalt tables; higher for brickwork, stamped asphalt, concrete ramps, and other enhancements sometimes used at pedestrian crossings



Raised Intersection

- Intersections of collector, local, and residential streets
- Typically installed at signalized or all-way stop controlled intersections with high pedestrian crossing demand
- Often part of an area-wide traffic calming scheme involving both intersecting streets in densely developed urban areas
- Used at intersections with a maximum speed limit of 35 mph
- Traffic volumes diversion estimated around 20 percent; average crash rates reduced by 45 percent
- Can make entire intersections more pedestrian-friendly
- Slows emergency vehicles
- Costs range between \$15,000 and \$60,000



Median Island

- For use on arterial, collector, or local roads
- Typically installed on a closed-section roadway (i.e. curb and gutter)
- Often part of an area-wide traffic calming scheme involving both intersecting streets in densely developed urban areas
- Used at intersections with a maximum speed limit of 35 mph
- Potential legal issues associated with blocking a public street (e.g., business or emergency access)
- May require relocation of drainage features and utilities
- Typically not appropriate near sites that attract large combination trucks
- Bicyclists may have to share vehicular travel lanes near the island
- Cost between \$1,500 and \$10,000, depending on length and width of island



On-Street Parking

- Narrows road travel lanes and increases side friction to traffic flow
- High likelihood of acceptability for nearly all roadway functional classifications and street functions
- Can be combined with other traffic calming measures
- Provides buffer between moving vehicles and pedestrian facilities
- Should not be applied along median island curbs
- Should not be considered near traffic circles nor roundabouts
- Can put bicyclists at risk of colliding with car doors
- Preferred by emergency responders to most other traffic calming measures
- Approximately \$6000 or less (factor of design specifics and length of application); can be much higher



Road Diet

- Revision of lane use or widths to result in one travel lane per direction with minimum practical width, with goal of reducing cross-section
- Common application involves conversion of four-lane Two-way road to three-lane road - two through lanes and center two-way left-turn lane (TWLTL)
- Can be applied in urban, suburban, or rural settings
- Reduction of through lanes tends to reduce speeds
- Can improve pedestrian crossing ease and safety
- Can improve bicycle accessibility if travel lanes can be used for shoulders/bike lanes instead
- Approximately \$6000 or less (factor of design specifics and length of application); can be much higher
- The biggest impact to cost involves signal modifications, if applicable; other primary costs include pavement marking and signing revisions



Choker

- Curb extension is a lateral horizontal extension of the sidewalk into the street, resulting in a narrower roadway section
- Only applicable for mid-block locations
- Applicable on streets with, and can protect, on-street parking
- Length of choker island should be at least 20 feet
- Encourages lower travel speeds by reducing motorist margin of error
- May force bicyclists and motor vehicles to share the travel lane
- May require relocation of drainage features and utilities
- Between \$1,500 and \$20,000, depending on length and width of barriers



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

3
4 **ORDINANCE NO. _____**
5

6 **AN ORDINANCE TO AMEND CHAPTER 11 (“BUSINESS LICENSING AND**
7 **REGULATIONS”), ARTICLE 11 (“COMMERCIAL SOLICITATIONS AND**
8 **TRANSIENT MERCHANTS”), SECTION 11-11-2 (“DEFINITIONS”) AND SECTION 11-**
9 **11-3 (“REGULATIONS AND LICENSING OF MOBILE FOOD VENDORS”); CHAPTER**
10 **93 (“ZONING”), ARTICLE 1 (“TITLE, DEFINITIONS AND APPLICATION OF**
11 **REGULATIONS”), SECTION 93-1-2 (“DEFINITIONS”) AND SECTION 93-2-27 (“FOOD**
12 **TRUCK COURTS AND FOOD TRUCKS, SPECIAL PROVISIONS”) OF THE CODE OF**
13 **ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO PROVIDE FOR**
14 **SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN**
15 **EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**
16

17 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the
18 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
19 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,
20

21 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and
22 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
23 the legislative body of the City; and,
24

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

28 **WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its
29 agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall
30 remain effective until they have been repealed, modified or amended; and,
31

32 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be
33 by ordinance; and,
34

35 **WHEREAS**, the procedures required for amending the City’s zoning ordinance have been
36 satisfied, including, but not limited to, notice and public hearings; and,
37

38 **WHEREAS**, the governing authority of the City finds it desirable to amend and update the
39 regulations for mobile food vendors and food truck courts.
40

41 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
42 **THE CITY OF HAPEVILLE, GEORGIA THAT:**
43

44 **Section One.** The definition for “mobile food vendor” in Chapter 11 (Business Licensing
45 and Regulations), Article 11 (Commercial Solicitations and Transient Merchants), Section 11-11-2

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(Definitions) of the City Code of Ordinances is hereby stricken in its entirety and replaced with the following language:

Mobile food vendor shall mean a retail food establishment that reports to and operates from a commissary and is readily moveable, and is a motorized wheeled vehicle or a towed wheeled vehicle designed and equipped to serve food.

Section Two. Chapter 11 (Business Licensing and Regulations), Article 11 (Commercial Solicitations and Transient Merchants), Section 11-11-3 (Regulation and licensing of mobile food vendors) of the City Code of Ordinances is hereby stricken in its entirety and replaced with the following language:

- (a) It shall be unlawful for any person to sell, or offer for sale, food of any type from a mobile food vendor without a permit first having been granted under this section.
- (b) An application for a permit hereunder shall be submitted to the city clerk or his or her designee setting forth all information required hereunder and in compliance with this ordinance. The city clerk or his or her designee shall develop a form application for the purpose of compliance with this article. The application shall be accompanied by an executed indemnity agreement indemnifying and releasing the city, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever arising in connection with the activities of the mobile food vendor pursuant to the permit issued hereunder. Mobile food vendor permits shall be active for:
 - (1) First time mobile food vendors may obtain one (1) complimentary mobile food permit per fiscal year (July 1-June 30) valid for one (1) day. Subsequent operation within the City limits require either a 90-day or a 3-day consecutive permit, as described below.
 - (2) Mobile food vendors may obtain a 90-day permit commencing on the day of issuance and are subject to locations designated and approved on the application;
 - (3) Mobile food vendors that plan to locate in the public right of way or operate as an ancillary use may obtain a 3-day consecutive permit and are subject to locations designated and approved on the application.
- (c) The following information shall be provided with each application for a mobile food vendor permit, along with an application fee of \$100.00 for a 90-day permit or \$50.00 for a three consecutive day permit, and an executed release and indemnification agreement provided by the city:
 - (1) Name of the mobile food vendor;
 - (2) Make, model and license plate number of vending unit;
 - (3) Owner's contact information;
 - (4) Operator's contact information;
 - (5) Copy of approved permit from the county health department and fire safety certificate of inspection;

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- 87 (6) List of operating locations and times including map detailing the position of the
88 vehicle, and current zoning in said locations;
- 89 (7) Lease or rental agreements between property owners and mobile food vendors;
- 90 (8) Signatures from property owners indicating consent for the use of their property;
- 91 and
- 92 (9) Signature of applicant indicating agreement to the listed requirements.
- 93 (d) A waiver of the application fee may be requested at the time of application by the applicant
94 if:
- 95 (1) The event is a 501(c) non-profit event and proof is submitted thereof; or
- 96 (2) The event is a city-sponsored event as determined by the city manager. However,
97 all mobile food vendors must fill out an application form, execute an
98 indemnification agreement, and provided the city with all necessary
99 documentation required by the city.
- 100 (e) Mobile food vendors may conduct business or operate in the public right-of-way, only if
101 parking in the right-of way is legally allowed and it does not impede the flow of traffic.
102 A determination of traffic impediment shall be made by the city police department.
103 Mobile food vendors must be located in a lot that can safely be accessible by patrons.
104 Mobile food vendors cannot be parked on sidewalks, be located within any required
105 setback, any sight distance triangle, or required buffer. Access aisles sufficient to provide
106 emergency access to any food truck shall be provided. Parking on public, city-owned
107 grass areas is permissible with prior approval from the city manager at the time of
108 application.
- 109 (f) A mobile food vendor shall not be allowed to park overnight on any public or private
110 property.
- 111 (g) A mobile food vendor may operate on city-owned property, if:
- 112 (1) The mobile food vendor has received permission to do so from the city manager;
113 and
- 114 (2) Has indicated the appropriate city-owned location, date, and times of use on the
115 application.
- 116 (3) At no time shall a mobile food vendor be allowed to park overnight on any city-
117 owned property.
- 118 (4) The mobile food vendor has met all requirements for the City sponsored food
119 truck ordinance (see below).
- 120 (h) A mobile food vendor shall maintain a \$1,000,000.00 liability insurance policy. Proof of
121 current liability insurance, issued by an insurance company licensed to do business in the
122 state, protecting the mobile food vendor, the public and the city from all claims for
123 damage to property and bodily injury, including death, which may arise from operation
124 under or in connection with the permit, shall be provided to the city as part of its permit
125 application. If the mobile food vendor does not have insurance, the mobile food vendor
126 may be under the umbrella of an existing business with the business' permission to do so.
127 Such arrangement documentation shall be included with the application to the city.
- 128 (i) A mobile food vendor shall not make sounds or announcements to call attention to the
129 mobile food vehicle either while traveling on the public rights-of-way or when stationary.
130 At all times said mobile food vendor shall be in compliance with the city's noise
131 ordinance.

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- (j) The permit under which a mobile food vendor is operating must be firmly attached and visible on the mobile food vendor at all times.
- (k) Any driver of a mobile food vendor motorized vehicle must possess a valid Georgia driver's license.
- (l) Mobile food vendors shall not be located within 30 feet of any street intersection or pedestrian crosswalk or 15 feet of any driveway.
- (m) A mobile food vendor shall not sell or offer to sell any goods, foods, products, or services between the hours of 10:00 p.m. to 7:00 a.m., unless otherwise approved and extended by the city manager.
- (n) Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.
- (o) No sale or offer for sale of ice cream, frozen milk, frozen dairy or ice confection products shall be made from a mobile food vendor unless each side of the vehicle is marked, in letters and numbers at least three inches in height, with the name and address of the mobile food vendor licensee.
- (p) Mobile food vendors shall comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and all license and permits required by any other health organization or governmental organization having jurisdiction over this subject matter.
- (q) The following safety regulations shall apply to any and all vehicles operating under this article or used for mobile retail food establishments:
 - (1) Every vehicle shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding noise level.
 - (2) Every vehicle shall be equipped with two rear-vision mirrors, one at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle.

Section Three. The following definition in Chapter 93 (Zoning), Article 1 (Title, Definitions and Application of Regulations), Section 93-1-2 (Definitions) of the City Code of Ordinances is hereby stricken in its entirety and replaced with the following definitions:

Food truck. A motorized vehicle or trailer drawn by a motorized vehicle used to prepare and sell food to the public directly from the vehicle or trailer. Food trucks are mobile food vendors and shall follow all requirements of section 11-11-3.

Food truck court. An area designated on a site for hosting food trucks, subject to the requirements of section 93-28-12 and the mobile food vendor requirements of section 11-11-3.

Food truck court operator. The property owner or responsible party established to operate and rent food truck court spaces on a site.

Food truck vendor. Any person or entity that prepares and sells food from a food truck in a designated food truck court or that otherwise operates a food truck in accordance with the requirements of section 11-11-3.

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177 *Mobile food vendor.* A retail food establishment that reports to and operates from a
178 commissary, is readily moveable, and is a motorized wheeled vehicle or a towed wheeled vehicle
179 designed and equipped to serve food.
180

181 **Section Four.** Chapter 93 (Zoning), Article 2 (General Provisions) of the City Code of
182 Ordinances is hereby amended and Section 93-2-27 (Food Truck Courts and Food Trucks, special
183 provisions) is hereby created with the following definitions:
184

185 The following standards shall control the development and manner of operation of the following
186 uses within the City of Hapeville:
187

- 188 a) Food Truck Court as a primary use located on private property.
- 189 1) Food truck courts may be established as a primary use in undeveloped lots or free-standing
190 commercial parking lots provided the property is not zoned or used as residential, the lot
191 is paved where food trucks and parked vehicles are located, and that there are no
192 unoccupied buildings present on the parcel.
 - 193 2) Food truck courts operating as a primary use shall require a special use permit. The special
194 use permit application must include a site plan designating food truck locations, parking,
195 amenities, and is subject to approval by City Staff.
 - 196 3) Food truck court operators must obtain an occupational tax permit.
 - 197 4) Food truck court operators must provide the City with emergency contact information.
 - 198 5) Operators of food truck courts shall enter into rental agreements with any food truck
199 vendor, which shall include the specific space being leased. Copies of said contracts shall
200 be furnished upon request to the code enforcement officer.
 - 201 6) No vehicles or food trucks shall be permitted to park overnight in the food truck court. The
202 operators will be responsible for the removal of any unauthorized vehicles.
 - 203 7) There shall be no more than six (6) food trucks per acre.
 - 204 8) Food truck courts operating as a primary use must provide a minimum of four parking
205 spaces for customer use per food truck in addition to any parking necessary for the use of
206 the food trucks themselves. All spaces must be paved and striped.
 - 207 9) Food truck courts shall have dedicated on-site amenities for the patrons, including but not
208 limited to on-site customer restrooms, customer seating, adequate lighting, trash
209 receptacles, and clear pathways for patrons separate from parking and circulation. Food
210 truck court operators shall be responsible for all maintenance of on-site amenities and
211 property.
 - 212 10) Any accessory structures, such as pavilions, wooden gazebos, or pergolas may be provided
213 by the food truck court operator subject to Design Review Committee approval. Other than
214 dining umbrellas, which must be removed at the end of the business day, temporary
215 canopies are not permitted.
 - 216 11) Food truck courts must adhere to all requirements of the sign ordinance. No LED strip
217 lighting shall be used in conjunction with any food truck court.
 - 218 12) No food truck shall be left unattended or unsecured at any time.

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219 13) All food trucks shall have valid mobile food vendor permits from the city per the
220 requirements of section 11-11-3. Operators of food truck courts shall retain a copy of each
221 food truck's mobile food vendor permit, to be furnished upon request to the code
222 enforcement officer.

223 14) No wastes of any kind shall be discharged from a food truck. Trash receptacles shall be
224 provided by the food truck court operator for customers to dispose of food wrappers, food
225 utensils, paper products, cans, bottles, food and other such waste. The food truck court
226 operator shall be responsible for removing all trash, litter and refuse from the site at the
227 end of each business day.

228 15) No loudspeakers shall be used for announcements or hawking of products in conjunction
229 with any food truck court.

230 16) Food trucks must be located a minimum of 100 feet from any operating restaurant entrance.
231 Food trucks may be located within 100 feet of a restaurant entrance if the restaurant is
232 closed based on the posted operating hours.

233 17) No food truck in a food truck court shall be located within any required setback, any sight
234 distance triangle or required buffer. Access aisles sufficient to provide emergency access
235 to any food truck shall be provided.

236 18) Sales of articles other than food and non-alcoholic beverages shall be prohibited.

237 19) Food truck courts may operate between 7am and 10pm, 7 days per week.
238

239 b) Food Truck Courts as an accessory use located on private property.

240 1) Food truck courts are allowed as an accessory use when there is an excess of parking in
241 addition to the minimum site parking requirements.

242 2) Food truck courts operating as an accessory use shall require a special use permit. The
243 special use permit application must include a site plan designating food truck locations,
244 parking, amenities, and is subject to approval by City Staff.

245 3) The accessory food truck court may not block access to the existing uses on the site.

246 4) Food truck court operators must obtain an occupational tax permit.

247 5) Food truck court operators must provide the City with emergency contact information.

248 6) Operators of food truck courts shall enter into rental agreements with any food truck
249 vendor, which shall include the specific space being leased. Copies of said contracts shall
250 be furnished upon request to the code enforcement officer.

251 7) No vehicles or food trucks shall be permitted to park overnight in the food truck court. The
252 operators will be responsible for the removal of any unauthorized vehicles.

253 8) No food truck shall be left unattended or unsecured at any time.

254 9) All food trucks shall have valid mobile food vendor permits from the city per the
255 requirements of section 11-11-3. Operators of food truck courts shall retain a copy of each
256 food truck's mobile food vendor permit, to be furnished upon request to the code
257 enforcement officer.

258 10) There shall be no more than three (3) food trucks per acre.

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- 11) Food truck courts operating as an accessory use must provide a minimum of four (4) parking spaces for customer use per food truck in addition to any parking necessary for the use of the food trucks themselves. All spaces must be paved and striped.
- 12) Food trucks located in an accessory food truck court must be located a minimum of 100 feet from any operating restaurant entrance. Food trucks may be located within 100 feet of a restaurant entrance if the restaurant is closed based on the posted operating hours.
- 13) Food truck courts shall have dedicated on-site amenities for the patrons, including but not limited to on-site customer restrooms available to the public during operating hours, customer seating, adequate lighting, trash receptacles, and clear pathways for patrons separate from parking and circulation. Food truck court operators shall be responsible for all maintenance of on-site amenities and property.
- 14) Any accessory structures, such as pavilions, wooden gazebos, or pergolas may be provided by the food truck court operator subject to Design Review Committee approval. Other than dining umbrellas, which must be removed at the end of the business day, temporary canopies are not permitted.
- 15) No wastes of any kind shall be discharged from a food truck. Trash receptacles shall be provided by the food truck court operator for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food and other such waste. The food truck court operator shall be responsible for removing all trash, litter and refuse from the site at the end of each business day.
- 16) Food truck courts must adhere to all requirements of the sign ordinance. No LED strip lighting shall be used in conjunction with any food truck court.
- 17) No loudspeakers shall be used for announcements or hawking of products in conjunction with any food truck court.
- 18) No food truck in a food truck court shall be located within any required setback, any sight distance triangle or required buffer. Access aisles sufficient to provide emergency access to any food truck shall be provided.
- 19) Sales of articles other than food & non-alcoholic beverages shall be prohibited.
- 20) Food truck courts may operate between 7am and 10pm, 7 days per week.

c) Food Truck Court or Food Trucks located on public property.

- 1) Food trucks may be allowed to operate on a City-sponsored food truck court, City property, or in the public right-of way subject to the following conditions:
- 2) The City may establish a food truck court on public property. Any food truck vendor desirous to operate in a City food truck court must operate under an agreement for the space with the City.
- 3) All food trucks shall have valid mobile food vendor permits from the city per the requirements of section 11-11-3. Operators of food trucks shall retain a copy of its mobile food vendor permit, to be furnished upon request to the code enforcement officer.
- 4) Food trucks may locate on City property or public right of way provided the food trucks

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operators provide locations, dates, and times for their proposed operations. The City Manager must approve all locations, dates, and times for food truck operations.

- 5) Food trucks are not permitted to operate in the right of way in residential districts unless approved by special permission by the City Manager. Food trucks operating under special permission in the right of way in residential areas are restricted to 4 hours, 1 day per month.
- 6) No vehicles or food trucks shall be permitted to park overnight on City property or in the public right of way. Unauthorized vehicles may be ticketed or impounded at the owner's expense.
- 7) No food truck shall be left unattended or unsecured at any time. Unauthorized or unattended food trucks may be ticketed or impounded at the owner's expense.
- 8) Food trucks located in City-sponsored food truck courts may operate between 7am and 10pm, 7 days per week.
- 9) Food trucks located in the public right of way may operate up to six hours per day, and up to three days per week and between the hours of 7am and 10pm. Food trucks may not violate any parking ordinances or rules, unless specifically approved by the City Manager.
- 10) Food trucks located in the public right of way may not reduce shared parking requirements for surrounding properties or impede traffic.
- 11) Food trucks located in the public right of way must be located a minimum of 100 feet from any operating restaurant entrance. Food trucks may be located within 100 feet of a restaurant entrance if the restaurant is closed based on the posted operating hours.
- 12) Access to food trucks may not hinder or impede pedestrian traffic.
- 13) No food truck in a City sponsored food truck court or public right of way shall be located within any required setback, any sight distance triangle or required buffer. Access aisles sufficient to provide emergency access to any food truck shall be provided.
- 14) Sales of articles other than food & non-alcoholic beverages shall be prohibited.

d) Food Trucks as an ancillary use.

- 1) Food trucks operating as an ancillary use may locate on a site for limited periods or special events.
- 2) A host business or property owner may allow for a food truck to operate ancillary to an existing business for limited periods or special events.
- 3) If the food truck shares a parking lot with other tenants or property owners, and the minimum parking requirements for all users are greater than the number of spaces provided in the lot, the hosting entity shall obtain written consent from each tenant or property owner prior to operating a food truck court. This consent will be made available to the city upon request. Lack of written consent will constitute violation of this Code and the food trucks will be required to leave the premises immediately.
- 4) All food trucks shall have valid mobile food vendor permits from the city per the requirements of section 11-11-3. Operators of food truck courts shall retain a copy of each food truck's mobile food vendor permit, to be furnished upon request to the code

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enforcement officer.

- 5) Ancillary food truck may operate up to six hours per day, and up to three days per week.
- 6) Up to two food trucks are allowed as an ancillary use per acre
- 7) No vehicles or food trucks shall be permitted to park overnight in the food truck court. The operators will be responsible for the removal of any unauthorized vehicles.
- 8) No food truck shall be left unattended or unsecured at any time.
- 9) Food trucks must be located a minimum of 100 feet from any operating restaurant entrance. Food trucks may be located within 100 feet of a restaurant entrance if the restaurant is closed based on the posted operating hours.
- 10) No food truck in a food truck court shall be located within any required setback, any sight distance triangle or required buffer. Access aisles sufficient to provide emergency access to any food truck shall be provided.
- 11) Sales of articles other than food & non-alcoholic beverages shall be prohibited.
- 12) No wastes of any kind shall be discharged from a food truck. Trash receptacles shall be provided by the host of the food truck vendor for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food and other such waste. The host of the food truck vendor shall be responsible for removing all trash, litter and refuse from the site at the end of each business day.
- 13) Food truck must adhere to all requirements of the sign ordinance. No LED strip lighting shall be used in conjunction with any food truck.
- 14) No loudspeakers shall be used for announcements or hawking of products in conjunction with any food truck.
- 15) The host or food truck vendor may provide limited seating to customers of the food truck vendor(s). Canopies for the protection of customers from the elements may also be provided by the property owner. Such canopies shall be temporary, shall not exceed an area of 144 square feet, and shall be removed at the conclusion of business each day.

Section Five. 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 Six. 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

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

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

ORDAINED this _____ day of _____, 2021.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

Sharee Steed, City Clerk

APPROVED BY:

Priya M. Patel, City Attorney



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: 06/17/2021.

Alecia Seab

[Signature]

Subscribed and sworn to before me this June 17, 2021



NOTICE
City of Hapeville

A Public Hearing will be held by the City of Hapeville Mayor and Council on **Tuesday, July 13, 2021 at 6:00 p.m.** at the City of Hapeville Municipal Annex located at 700 Doug Davis Drive, 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 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://ga-hapeville3.civicplus.com/562/Agendas-and-Minutes> to consider the following:

Consideration of an amendment to the Code of Ordinances, Chapter 11 (Business licensing and regulations), Article 11 (Commercial solicitations and transient merchants), Section 11-11-2 (Definition), and Section 11-11-3 (Regulations and licensing of mobile food vendors); Chapter 93 (Zoning), Article 1 (Title, definitions and application of regulations), Section 93-1-2 (Definitions), and Section 93-2-27 (Food truck courts and food trucks, special provisions) to amend and update the regulations for mobile food vendors and food truck courts.

Public Hearing Comments: For those who are unable to physically attend the meeting, citizen comments must be emailed to the City Clerk at ssteed@hapeville.org or called in at 404-766-3004 no later than 5:00 p.m. on July 12, 2021. When emailing or verbally delivering your comment to the City Clerk, please include your name, address, the agenda item, and the comment for or against the item. All comments submitted to the City Clerk will be read into the record during the meeting. Citizens may not make comments on public hearing agenda items via teleconference/videoconference.
#0000535516:6/17-1AS



**DEPARTMENT OF PLANNING AND ZONING
PLANNER'S REPORT**

DATE: June 9, 2021
TO: Tim Young
FROM: Lynn Patterson
RE: Food Truck Ordinance Revision

BACKGROUND

At the City Council meeting on May 18, 2021 the City Council discussed the food truck ordinance and requested staff provide a draft revised food truck ordinance to clarify food trucks, food truck courts and mobile food vendors.

The City Manager, City Planner, and City Attorney reviewed the current food truck ordinance and mobile food vendor sections of the City Code and are proposing the following modifications based upon four food truck scenarios.

1. Food Truck Court as a primary use. This scenario entails a vacant or undeveloped lot used solely as a food truck court.
2. Food Truck Court as an accessory use. This scenario may entail the use of a portion of a site for food trucks in addition to an alternate primary use.
3. Food Trucks located in a City-sponsored food truck court or in the public right-of-way. This scenario allows food trucks to locate in City lots designated as food truck courts, public parking lots or parking spaces / within the City's right-of-way.
4. Food Trucks as an ancillary use. This scenario allows for a property to have a food truck on-site for limited periods or special events.

Draft language was presented to the City Council on June 8 and the following revisions are proposed, eliminating the restriction of Food Truck Courts from the Arts District and allowing it in all commercial and mixed use locations.

PROPOSED ORDINANCE

Sec. 11-11-2. - Definitions.

Mobile food vendor shall mean a retail food establishment that reports to and operates from a commissary and is readily moveable, and is a motorized wheeled vehicle or a towed wheeled vehicle designed and equipped to serve food.

Sec. 11-11-3 Regulation and licensing of mobile food vendors.

(a) It shall be unlawful for any person to sell, or offer for sale, food of any type from a mobile food vendor without a permit first having been granted under this section.

(b) An application for a permit hereunder shall be submitted to the city clerk or his or her designee setting forth all information required hereunder and in compliance with this ordinance. The city clerk or his or her designee shall develop a form application for the purpose of compliance with this article. The application shall be accompanied by an executed indemnity agreement indemnifying and releasing the city, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever arising in connection with the activities of the mobile food vendor pursuant to the permit issued hereunder. Mobile food vendor permits shall be active for:

(1) First time food truck vendors may obtain 1 complimentary mobile food permit per fiscal year (July 1-June 30) valid for 1 day. Subsequent operation within the City limits require either a 90 day or a 3 day consecutive permit.

(2) Food truck court vendors may obtain a 90 day permit commencing on the day of issuance and are subject to locations designated and approved on the application;

(3) Food truck vendors that plan to locate in the public right of way or operate as an ancillary use may obtain a three consecutive day permit and are subject to locations designated and approved on the application.

(c) The following information shall be provided with each application for a mobile food vendor permit, along with an application fee of \$100.00 for a 90-day permit or \$50.00 for a three consecutive day permit, and an executed release and indemnification agreement provided by the city:

(1) Name of the mobile food vendor;

(2) Make, model and license plate number of vending unit;

(3) Owner's contact information;

(4) Operator's contact information;

(5) Copy of approved permit from the county health department and fire safety certificate of inspection;

(6) List of operating locations and times including map detailing the position of the vehicle, and current zoning in said locations;

(7) Lease or rental agreements between property owners and mobile food vendors;

(8) Signatures from property owners indicating consent for the use of their property; and

(9) Signature of applicant indicating agreement to the listed requirements.

(d) A waiver of the application fee may be requested at the time of application by the applicant if:

(1) The event is a 501(c) non-profit event and proof is submitted thereof; or

(2) The event is a city-sponsored event as determined by the city manager. However, all mobile food vendors must fill out an application form, execute an indemnification agreement, and provided the city with all necessary documentation required by the city.

(e) Mobile food vendors may conduct business or operate in the public right-of-way, only if parking in the right-of way is legally allowed and it does not impede the flow of traffic. A determination of traffic impediment shall be made by the city police department. Mobile food vendors must be located in a lot that can safely be accessible by patrons. Mobile food vendors cannot be parked on sidewalks, be located within any required setback, any sight distance triangle, or required buffer. Access aisles sufficient to provide emergency access to any food truck shall be provided. Parking on public, city-owned grass areas is permissible with prior approval from the city manager at the time of application.

- (f) A mobile food vendor shall not be allowed to park overnight on any public or private property.
- (g) A mobile food vendor may operate on city-owned property, if:
 - (1) The mobile food vendor has received permission to do so from the city manager; and
 - (2) Has indicated the appropriate city-owned location, date, and times of use on the application.
 - (3) At no time shall a mobile food vendor be allowed to park overnight on any city-owned property.
 - (4) met all requirements for the City sponsored food truck ordinance. (see below)
- (h) A mobile food vendor shall maintain a \$1,000,000.00 liability insurance policy. Proof of current liability insurance, issued by an insurance company licensed to do business in the state, protecting the mobile food vendor, the public and the city from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit, shall be provided to the city as part of its permit application. If the mobile food vendor does not have insurance, the mobile food vendor may be under the umbrella of an existing business with the business' permission to do so. Such arrangement documentation shall be included with the application to the city.
- (i) A mobile food vendor shall not make sounds or announcements to call attention to the mobile food vehicle either while traveling on the public rights-of-way or when stationary. At all times said mobile food vendor shall be in compliance with the city's noise ordinance.
- (j) The permit under which a mobile food vendor is operating must be firmly attached and visible on the mobile food vendor at all times.
- (k) Any driver of a mobile food vendor motorized vehicle must possess a valid Georgia driver's license.
- (l) Mobile food vendors shall not be located within 30 feet of any street intersection or pedestrian crosswalk or 15 feet of any driveway.
- (m) A mobile food vendor shall not sell or offer to sell any goods, foods, products, or services between the hours of 10:00 p.m. to 7:00 a.m., unless otherwise approved and extended by the city manager.
- (n) Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.
- (o) No sale or offer for sale of ice cream, frozen milk, frozen dairy or ice confection products shall be made from a mobile food vendor unless each side of the vehicle is marked, in letters and numbers at least three inches in height, with the name and address of the mobile food vendor licensee.
- (p) Mobile food vendors shall comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and all license and permits required by any other health organization or governmental organization having jurisdiction over this subject matter.
- (q) The following safety regulations shall apply to any and all vehicles operating under this article or used for mobile retail food establishments:
 - (1) Every vehicle shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding noise level.
 - (2) Every vehicle shall be equipped with two rear-vision mirrors, one at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle.

Sec. 93-1-2 Definitions

Food truck. A motorized vehicle or trailer drawn by a motorized vehicle used to prepare and sell food to

the public directly from the vehicle or trailer. Food trucks are mobile food vendors and shall follow all requirements of section 11-11-3.

Food truck court. An area designated on a site for hosting food trucks, subject to the requirements of section 93-28-12 and the mobile food vendor requirements of section 11-11-3.

Food truck court operator. The property owner or responsible party established to operate and rent food truck court spaces on a site.

Food truck vendor. Any person or entity that prepares and sells food from a food truck in a designated food truck court or that otherwise operates a food truck in accordance with the requirements of section 11-11-3.

Mobile food vendor. A retail food establishment that reports to and operates from a commissary, is readily moveable, and is a motorized wheeled vehicle or a towed wheeled vehicle designed and equipped to serve food.

Sec. 93-2-27. – Food Truck Courts and Food Trucks, special provisions.

The following standards shall control the development and manner of operation of the following uses within the arts district overlay:

a) Food Truck Court as a primary use located on private property.

- 1) Food truck courts may be established as a primary use in undeveloped lots or free-standing commercial parking lots provided the property is not zoned or used as residential, the lot is paved where food trucks and parked vehicles are located, and that there are no unoccupied buildings present on the parcel.
- 2) Food truck courts operating as a primary use shall require a special use permit. The special use permit application must include a site plan designating food truck locations, parking, amenities, and is subject to approval by City Staff.
- 3) Food truck court operators must obtain an occupational tax permit.
- 4) Food truck court operators must provide the City with emergency contact information.
- 5) Operators of food truck courts shall enter into rental agreements with any food truck vendor, which shall include the specific space being leased. Copies of said contracts shall be furnished upon request to the code enforcement officer.
- 6) No vehicles or food trucks shall be permitted to park overnight in the food truck court. The operators will be responsible for the removal of any unauthorized vehicles.
- 7) There shall be no more than 6 food trucks per acre.
- 8) Food truck courts operating as a primary use must provide a minimum of four parking spaces for customer use per food truck in addition to any parking necessary for the use of the food trucks themselves. All spaces must be paved and striped.
- 9) Food truck courts shall have dedicated on-site amenities for the patrons, including but not limited to on-site customer restrooms, customer seating, adequate lighting, trash receptacles, and clear pathways for patrons separate from parking and circulation. Food truck court operators shall be

responsible for all maintenance of on-site amenities and property.

- 10) Any accessory structures, such as pavilions, wooden gazebos, or pergolas may be provided by the food truck court operator subject to Design Review Committee approval. Other than dining umbrellas, which must be removed at the end of the business day, temporary canopies are not permitted.
 - 11) Food truck courts must adhere to all requirements of the sign ordinance. No LED strip lighting shall be used in conjunction with any food truck court.
 - 12) No food truck shall be left unattended or unsecured at any time.
 - 13) All food trucks shall have valid mobile food vendor permits from the city per the requirements of section 11-11-3. Operators of food truck courts shall retain a copy of each food truck's mobile food vendor permit, to be furnished upon request to the code enforcement officer.
 - 14) No wastes of any kind shall be discharged from a food truck. Trash receptacles shall be provided by the food truck court operator for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food and other such waste. The food truck court operator shall be responsible for removing all trash, litter and refuse from the site at the end of each business day.
 - 15) No loudspeakers shall be used for announcements or hawking of products in conjunction with any food truck court.
 - 16) A minimum distance of 100 feet shall be maintained between any food truck and the entrance to any restaurant.
 - 17) No food truck in a food truck court shall be located within any required setback, any sight distance triangle or required buffer. Access aisles sufficient to provide emergency access to any food truck shall be provided.
 - 18) Sales of articles other than food & non-alcoholic beverages shall be prohibited.
 - 19) Food truck courts may operate between 7am and 10pm, 7 days per week.
- b) Food Truck Courts as an accessory use located on private property.
- 1) Food truck courts are allowed as an accessory use when there is an excess of parking in addition to the minimum site parking requirements.
 - 2) Food truck courts operating as an accessory use shall require a special use permit. The special use permit application must include a site plan designating food truck locations, parking, amenities, and is subject to approval by City Staff.
 - 3) The accessory food truck court may not block access to the existing uses on the site.
 - 4) Food truck court operators must obtain an occupational tax permit.
 - 5) Food truck court operators must provide the City with emergency contact information.
 - 6) Operators of food truck courts shall enter into rental agreements with any food truck vendor, which shall include the specific space being leased. Copies of said contracts shall be furnished upon request to the code enforcement officer.
 - 7) No vehicles or food trucks shall be permitted to park overnight in the food truck court. The operators will be responsible for the removal of any unauthorized vehicles.
 - 8) No food truck shall be left unattended or unsecured at any time.
 - 9) All food trucks shall have valid mobile food vendor permits from the city per the requirements of section 11-11-3. Operators of food truck courts shall retain a copy of each food truck's mobile

food vendor permit, to be furnished upon request to the code enforcement officer.

- 10) There shall be no more than 3 food trucks per acre.
 - 11) Food truck courts operating as an accessory use must provide a minimum of four parking spaces for customer use per food truck in addition to any parking necessary for the use of the food trucks themselves. All spaces must be paved and striped.
 - 12) Food trucks located in an accessory food truck court must be located a minimum of 100 feet from any restaurant entrance.
 - 13) Food truck courts shall have dedicated on-site amenities for the patrons, including but not limited to on-site customer restrooms available to the public during operating hours, customer seating, adequate lighting, trash receptacles, and clear pathways for patrons separate from parking and circulation. Food truck court operators shall be responsible for all maintenance of on-site amenities and property.
 - 14) Any accessory structures, such as pavilions, wooden gazebos, or pergolas may be provided by the food truck court operator subject to Design Review Committee approval. Other than dining umbrellas, which must be removed at the end of the business day, temporary canopies are not permitted.
 - 15) No wastes of any kind shall be discharged from a food truck. Trash receptacles shall be provided by the food truck court operator for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food and other such waste. The food truck court operator shall be responsible for removing all trash, litter and refuse from the site at the end of each business day.
 - 16) Food truck courts must adhere to all requirements of the sign ordinance. No LED strip lighting shall be used in conjunction with any food truck court.
 - 17) No loudspeakers shall be used for announcements or hawking of products in conjunction with any food truck court.
 - 18) No food truck in a food truck court shall be located within any required setback, any sight distance triangle or required buffer. Access aisles sufficient to provide emergency access to any food truck shall be provided.
 - 19) Sales of articles other than food & non-alcoholic beverages shall be prohibited.
 - 20) Food truck courts may operate between 7am and 10pm, 7 days per week.
- c) Food Truck Court or Food Trucks located on public property.
- 1) Food trucks may be allowed to operate on a City-sponsored food truck court, City property, or in the public right-of way subject to the following conditions:
 - 2) The City may establish a food truck court on public property. Any food truck vendor desirous to operate in a City food truck court must operate under an agreement for the space with the City.
 - 3) All food trucks shall have valid mobile food vendor permits from the city per the requirements of section 11-11-3. Operators of food trucks shall retain a copy of its mobile food vendor permit, to be furnished upon request to the code enforcement officer.
 - 4) Food trucks may locate on City property (non food-truck) or public right of way provided the food trucks operators must provide locations, dates, and times for their proposed operations. The City Manager must approve all locations, dates, and times for food truck operations.
 - 5) Food trucks are not permitted to operate in the right of way in residential districts unless

approved by special permission by the City Manager. Food trucks operating under special permission in the right of way in residential areas are restricted to 4 hours, 1 day per month.

- 6) No vehicles or food trucks shall be permitted to park overnight on City property or in the public right of way. Unauthorized vehicles may be ticketed or impounded at the owner's expense.
- 7) No food truck shall be left unattended or unsecured at any time. Unauthorized or unattended food trucks may be ticketed or impounded at the owner's expense.
- 8) Food trucks located in City-sponsored food truck courts may operate between 7am and 10pm, 7 days per week.
- 9) Food trucks located in the public right of way may operate up to six hours per day, and up to three days per week and between the hours of 7am and 10pm.
- 10) Food trucks located in the public right of way may not reduce shared parking requirements for surrounding properties or impede traffic.
- 11) Food trucks located in the public right of way must be located a minimum of 100 feet from any restaurant entrance.
- 12) Access to food trucks may not hinder or impede pedestrian traffic.
- 13) No food truck in a City sponsored food truck court or public right of way shall be located within any required setback, any sight distance triangle or required buffer. Access aisles sufficient to provide emergency access to any food truck shall be provided.
- 14) Sales of articles other than food & non-alcoholic beverages shall be prohibited.

d) Food Trucks as an ancillary use.

- 1) Food trucks operating as an ancillary use may locate on a site for limited periods or special events.
- 2) A host business or property owner may allow for a food truck to operate ancillary to an existing business for limited periods or special events.
- 3) If the food truck shares a parking lot with other tenants or property owners, and the minimum parking requirements for all users are greater than the number of spaces provided in the lot, the hosting entity shall obtain written consent from each tenant or property owner prior to operating a food truck court. This consent will be made available to the city upon request. Lack of written consent will constitute of violation of this Code and the food trucks will be required to leave the premises immediately.
- 4) All food trucks shall have valid mobile food vendor permits from the city per the requirements of section 11-11-3. Operators of food truck courts shall retain a copy of each food truck's mobile food vendor permit, to be furnished upon request to the code enforcement officer.
- 5) Ancillary food truck may operate up to six hours per day, and up to three days per week.
- 6) Up to two food trucks are allowed as an ancillary use per acre
- 7) No vehicles or food trucks shall be permitted to park overnight in the food truck court. The operators will be responsible for the removal of any unauthorized vehicles.
- 8) No food truck shall be left unattended or unsecured at any time.
- 9) Food trucks must be located a minimum of 100 feet from any restaurant entrance.
- 10) No food truck in a food truck court shall be located within any required setback, any sight distance triangle or required buffer. Access aisles sufficient to provide emergency access to any food truck shall be provided.

- 11) Sales of articles other than food & non-alcoholic beverages shall be prohibited.
- 12) No wastes of any kind shall be discharged from a food truck. Trash receptacles shall be provided by the host of the food truck vendor for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food and other such waste. The host of the food truck vendor shall be responsible for removing all trash, litter and refuse from the site at the end of each business day.
- 13) Food truck must adhere to all requirements of the sign ordinance. No LED strip lighting shall be used in conjunction with any food truck.
- 14) No loudspeakers shall be used for announcements or hawking of products in conjunction with any food truck.
- 15) The host or food truck vendor may provide limited seating to customers of the food truck vendor(s). Canopies for the protection of customers from the elements may also be provided by the property owner. Such canopies shall be temporary, shall not exceed an area of 144 square feet, and shall be removed at the conclusion of business each day.

RECOMMENDATIONS

Staff recommends the proposed text amendment to the City Code of Ordinances.

Tim Young

From: baileysa@bellsouth.net
Sent: Thursday, July 29, 2021 4:41 PM
To: Tim Young
Cc: Alan Hallman; Mark Adams; Mike Rast; Chloe Alexander; Travis Horsley; ccrentz@comcast.net; 'ELLEN FREE'; Sharee Steed; 'Michael C Gibbs'; 'Derrick Booker'; 'Lee Duke'; DAVID BURT; 'Corner Tavern'; academytheatre@mindspring.com; Bianca Howard; Adrienne Senter
Subject: Food Truck Ordinance

The Main Street Board is in support of an amendment to the City of Hapeville Food Truck Ordinance that would allow for permanent food truck use in the Arts Overlay District ONLY. Below is suggested language for the ordinance and we are requesting that this be placed on the August 3, agenda for your consideration. Main Street Board members will be present at this meeting should you have questions.

We would appreciate a response as to whether you will agree to discuss this matter at your August 3, meeting so MSB members can make plans to attend.

PERMANENT FOOD TRUCKS

1. Permanent food truck must be located on the same parcel as an operating restaurant with the restaurant kitchen approved by Fulton County Health Department
2. Both restaurant and permanent food truck must be owned, operated, and managed by the same entity
3. Food truck customers must be allowed access to operating restaurant bathroom facilities
4. Must have own in-ground grease trap
5. Must be tied into city water supply and must use electrical supply of operating restaurant or have own metered electrical supply
6. Permanent food trucks are only allowed in the Arts Overlay District with no more than two (2) permanent food trucks allowed in this district

City of Hapeville Main Street Board

Charlotte Rentz
Michael Gibbs
Derrick Booker
Ellen Free
Lorene Fey
Lee Duke
Melanie Rabb
David Burt
Susan Bailey

Thanks.



ALAN HALLMAN
MAYOR

MIKE RAST
ALDERMAN AT LARGE

TRAVIS HORSLEY
COUNCILMAN AT LARGE

MARK ADAMS
COUNCILMAN WARD I

CHLOE ALEXANDER
COUNCILMAN WARD II

Mayor and Council Special Called Meeting Summary Minutes

700 Doug Davis Drive
Hapeville, GA 30354

July 8, 2021 6:30 PM

Agenda

1. **CALL TO ORDER:** by Mayor Hallman at 6:34 PM
2. **ROLL CALL:** All Members of Council, with the exception of Councilman Horsley and Councilman Alexander.
 - ✓ Alan Hallman
 - ✓ Mike Rast
 - × Travis Horsley
 - ✓ Mark Adams
 - × Chloe Alexander
3. **WELCOME:** Mayor Hallman welcomed all to the July 8th Special Called Meeting.
4. **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).*

MOTION: Alderman Rast made a motion to go into recess, Councilman Adams seconded.
Motion carried 2-0.

Alderman Rast made a motion to go into executive session at 6:35PM. Councilman Adams seconded.
Motion carried 2-0.

Councilman Adams made a motion to reconvene into the Council Meeting at 7:54 PM, Alderman Rast seconded. **Motion carried 2-0.**
5. **PROPERTY DISCUSSION:** No discussion was had on the agenda item.
6. **ADJOURN:**

MOTION: Councilman Adams made a motion to adjourn at 7:56PM, Alderman Rast seconded. **Motion carried 2-0.**



ALAN HALLMAN
MAYOR

MIKE RAST
ALDERMAN AT LARGE

TRAVIS HORSLEY
COUNCILMAN AT LARGE

MARK ADAMS
COUNCILMAN WARD I

CHLOE ALEXANDER
COUNCILMAN WARD II

Mayor and Council Regular Meeting Summary Minutes

Join in person at 700 Doug Davis Drive, Hapeville, GA 30354

Or, visit the City's Website for live stream at

<https://hapevillega.civicclerk.com/Web/Player.aspx?id=336&key=-1&mod=-1&mk=-1&nov=0>

July 13, 2021 6:00 PM

1. **CALL TO ORDER:** by Mayor Hallman at 6:04 PM
2. **ROLL CALL:** All Members of Council were present which constituted a quorum.
 - ✓ Alan Hallman
 - ✓ Mike Rast
 - ✓ Travis Horsley
 - ✓ Mark Adams
 - ✓ Chloe Alexander
3. **WELCOME:** Mayor Hallman welcomed all to the July 13th Meeting.
4. **PLEDGE OF ALLEGIANCE:** The pledge of allegiance was led by the local Boys Scout Troup (*Noah Davis and Simon Rockett*) and recited in unison by the attendees.
5. **INVOCATION:** given by Mayor, Alan Hallman
6. **PRESENTATION(S):**
 - 6.I. **Proclamation Recognizing Chapman Drug Company 100th Year of Business**

Mayor Hallman read the Proclamation Recognizing Chapman Drug Company 100th Year of Business. Honoring their achievements, contribution, and service to city for over 100 years.
7. **PUBLIC HEARING:**
 - 7.I. Consideration of an amendment to the Code of Ordinances, Chapter 11 (Business licensing and regulations), Article 11 (Commercial solicitations and transient merchants), Section 11-11-2 (Definition), and Section 11-11-3 (Regulations and licensing of mobile food vendors); Chapter 93 (Zoning), Article 1 (Title, definitions and application of regulations), Section 93-1-2 (Definitions), and Section 93-2-27 (Food truck courts and food trucks, special provisions) to amend and update the regulations for mobile food vendors and food truck courts. 1st Reading

Public Comment(s): None

 - **No action was taken.**
8. **QUESTIONS ON AGENDA ITEM(S):** None
9. **CONSENT AGENDA:**
 - 9.I. Mayor and Council Meeting Drafted Minutes for June 22, 2021.

9.II. Approval of Executive Session Minutes.

9.III. Consideration and Action on Ordinance to Repeal City Mask Mandate.

9.IV. Consideration and Action on Ordinance to Recognize Juneteenth as a City Holiday of the City of Hapeville.

9.V. Consideration And Action on Changin' Hearts Foundation Inc. Request to Use Jess Lucas Park on October 23, 2021, For Their "Laps for Chatt" Event.

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

10. OLD BUSINESS: None

11. NEW BUSINESS:

11.I. Discussion on Procedures and Guidelines for Revocation of Occupational Tax Certificates.

- **No action was taken:** Discussion item only

11.II. Consideration and Action for an Alcohol Beverage License Application for the Sonesta Select Atlanta Airport.

- Attorney Mitch Funk was present on behalf of the applicant.

MOTION: Councilman Adams made a motion to approve Alcohol Beverage License Application for the Sonesta Select Atlanta Airport, Councilman Alexander seconded. **Motion carried 4-0.**

11.III. Consideration and Action on Updated Costs and Timelines for Redevelopment of Printmaker Studio, 748 Virginia Avenue.

MOTION: Councilman Horsley made a motion to approve the Updated Costs and Timelines for Redevelopment of Printmaker Studio, 748 Virginia Avenue., Councilman Adams seconded.
Motion carried 4-0.

12. CITY MANAGER REPORT:

13. PUBLIC COMMENTS: None

14. MAYOR AND COUNCIL COMMENTS:

15. 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).*

MOTION: Councilman Horsley made a motion to go into recess, Councilman Alexander seconded.
Motion carried 4-0.

Alderman Rast made a motion to go into executive session at 7:01PM. Councilman Adams seconded. **Motion carried 4-0.**

Councilman Adams made a motion to reconvene into the Council Meeting at 7:31 PM, Councilman Alexander seconded. **Motion carried 4-0.**

16. ADJOURN:

MOTION: Alderman Rast made a motion to adjourn at 7:32PM, Councilman Horsley seconded. **Motion carried 4-0.**



Spin the District Hapeville Crit
Saturday, August 28th, 2021
10am to 9pm
Special Event Open Container District

July 30, 2021

City of Hapeville
3747 North Fulton Avenue
Hapeville, GA 30354

Re: Oak Drive Paving Project

Dear Honorable Mayor and Council:

We have reviewed the bids received at Hapeville Community Services Building, at 2:00 p.m., local time on July 20, 2021 for construction of the referenced project. Five (5) bids were received. The following is a summary of the three (3) low bids.

	<u>Bidder</u>	<u>Bid Amount</u>
1.	Magnum Paving, LLC 140 Baker Industrial Court Villa Rica, GA 30180	\$ 116,068.50
2.	Mullins Brothers Paving Contractors, Inc. 1692 Empire Avenue East Point, GA 30344	\$ 118,500.00
3.	H.E.H. Paving, Inc. 3384 Almand Road Atlanta, GA 30316	\$ 133,259.02

A certified tabulation of all bids received is attached. A copy of the tabulation has been mailed to each bidder for their information.

Each bidder submitted a bid bond from a surety company listed on U. S. Treasury Circular 570 (07/01/21). Magnum Paving, LLC submitted bid bonds in the amount of 5%. The low bid of \$116,068.50 is within the funds allocated for the project.

The low bidder, Magnum Paving, LLC, appears to have met all of the required qualifications. Keck & Wood, Inc. performed due diligence on Magnum Paving, LLC and considers Magnum Paving, LLC to be capable of performing the activities required to complete construction of this project

Keck & Wood, Inc., therefore, recommends contract award to Magnum Paving, LLC in the amount of \$116,068.50 for construction of the Oak Drive Paving Project.

Frankenmuth Mutual Insurance Company is the surety company for the recommended bidder's bid bond and will likely be the surety company used for the payment and performance bonds on the project. In addition to being listed on the U.S. Treasury Department Circular 570, the surety is shown as being licensed in Georgia, having an Active/Compliance status, and with an underwriting limitation that is greater than the bond amount. Please note that in accordance with Georgia Law (OCGA 36-91-40 (a)(2)), the City must have an "officer of the government entity" to "approve as to form and as to the solvency of the surety" for the proposed surety company named above. We recommend that your legal counsel be contacted to handle or suggest the procedures necessary to comply with this Georgia law. We can provide additional information on this issue if needed.

If there are any questions, please contact our office.

Very truly yours,

KECK & WOOD, INC.



Adam Shelton, PE
Assoc. Vice President

Enclosure

BID TABULATION
OAK DRIVE PAVING PROJECT
CITY OF HAPEVILLE, GEORGIA

RECEIVED BY: CITY OF HAPEVILLE, GEORGIA
AT CITY OF HAPEVILLE COMMUNITY SERVICES BUILDING
2:00 P.M., LOCAL TIME, JULY 20, 2021

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT	BIDDER NO. 1			BIDDER NO. 2			BIDDER NO. 3			BIDDER NO. 4			BIDDER NO. 5		
				UNIT	PRICE	AMOUNT	UNIT	PRICE	AMOUNT	UNIT	PRICE	AMOUNT	UNIT	PRICE	AMOUNT	UNIT	PRICE	AMOUNT
1	Traffic Control	1	LS	\$6,500.00		\$6,500.00	\$2,280.00		\$2,280.00	\$16,078.68		\$16,078.68	\$13,192.00		\$13,192.00	\$17,146.82		\$17,146.82
2	Mobilization	1	LS	\$3,000.00		\$3,000.00	\$1,980.00		\$1,980.00	\$11,798.64		\$11,798.64	\$4,500.00		\$4,500.00	\$15,066.37		\$15,066.37
3	Mill 1.5" Asphalt Concrete	8,250	SY	\$2.04		\$16,830.00	\$3.60		\$29,700.00	\$2.26		\$18,645.00	\$3.42		\$28,215.00	\$5.88		\$48,510.00
4	Recycled Asphalt Concrete	750	TN	\$92.88		\$69,660.00	\$99.00		\$74,250.00	\$88.18		\$66,135.00	\$107.40		\$80,550.00	\$127.68		\$95,760.00
5	Asphalt Patching, Recycled Asph Conc 19 MM Superpave, GP 1 or 2, Ind Bitum Matl and H Lime	40	TN	\$204.00		\$8,160.00	\$138.00		\$5,520.00	\$151.61		\$6,064.40	\$278.05		\$11,122.00	\$187.54		\$7,501.60
6	Thermoplastic Solid Double Yellow Traffic Striping, 5"	3,110	LF	\$2.75		\$8,552.50	\$1.00		\$3,110.00	\$2.65		\$8,241.50	\$2.75		\$8,552.50	\$0.83		\$2,581.30
7	Thermoplastic Stop Bar, 24"	24	LF	\$16.50		\$396.00	\$10.00		\$240.00	\$8.85		\$212.40	\$17.00		\$408.00	\$11.00		\$264.00
8	Thermoplastic Crosswalk, 8"	140	LF	\$5.50		\$770.00	\$3.00		\$420.00	\$18.17		\$2,543.80	\$5.50		\$770.00	\$4.95		\$693.00
9	Thermoplastic Shared Bicycle Lane Marking	4	EA	\$550.00		\$2,200.00	\$250.00		\$1,000.00	\$884.90		\$3,539.60	\$600.00		\$2,400.00	\$385.00		\$1,540.00
TOTAL BID AMOUNT						\$116,066.50			\$118,500.00			\$135,259.02			\$149,709.50			\$189,053.09
						5%			5%			5%			5%			5%
						(1)			(1)			(1)			(1)			(1)
						N/A			N/A			2HE321			2ST570			UC301837
BID BOND																		
NOTE REFERENCE																		
LICENSE NUMBER																		

NOTES:

* DENOTES CORRECTED VALUE

(1) SURETY COMPANY LISTED ON U. S. TREASURY CIRCULAR 570 (7/1/21).

READ ALOUD IN THE PRESENCE OF THE OWNER'S REPRESENTATIVE.

 7/27/21
RECK & WOOD, INC. DATE

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

3
4 **ORDINANCE NO. _____**
5

6 **AN ORDINANCE TO AMEND CHAPTER 2 (“ADMINISTRATION”), ARTICLE 2**
7 **(“MAYOR AND COUNCIL”) SECTION 2-2-5 (“RULES AND PROCEDURES OF**
8 **MAYOR AND COUNCIL”) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE,**
9 **GEORGIA TO PROVIDE FOR THE REGULATION OF CITY COUNCIL MEETINGS;**
10 **TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO**
11 **PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL**
12 **PURPOSES.**

13
14 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the
15 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
16 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,
17

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

22 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by
23 amending such provisions by specific reference to the section number of the City’s Code; and,
24

25 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be
26 by ordinance; and,
27

28 **WHEREAS**, the governing authority of the City finds it desirable to provide appropriate
29 rules and procedures for the Mayor and Council Members.
30

31 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
32 **THE CITY OF HAPEVILLE, GEORGIA THAT:**
33

34 **Section One.** Chapter 2 (Administration), Article 2 (Mayor and Council), Section 2-2-5
35 (Rules and Procedures of Mayor and Council) of the City Code of Ordinances is hereby amended
36 and revised as follows:
37

38 **Sec. 2-2-5. Rules and procedures of mayor and council.**
39

40 (a) *Ordinances.* All ordinances passed by the Council may, at a minimum, contain the
41 following items:
42

- 43 (1) Ordinance number;
44 (2) Adoption date;
45 (3) Codification clause;
46 (4) Severability clause;

- 47 (5) Signature of mayor;
48 (6) Attestation by City Manager, Chief Administrator, City Administrator,
49 Director of Finance and Administration or City Clerk as applicable; and
50 (7) Approval of City Attorney as to form.
51

52 (b) *Recording of Ordinances.* All ordinances shall be recorded in a separate book for that
53 purpose, and the book shall bear the title "Ordinances of the City of Hapeville, Georgia."
54

55 (c) *Mayor's Meeting Responsibilities.* The Mayor shall take the chair at the hour
56 appointed and call the members of the Council to order. He or she shall preserve order
57 and decorum, decide all questions of order, unless appealed to the Council, and appoint
58 all committees of the Council. In the absence of the Mayor, the Alderman Rast or the
59 Councilman-at-Large is vested with like powers. The Mayor may participate in
60 discussion.
61

62 (d) *Order of Meetings.* The business of all regular meetings of the Council may be
63 transacted in the following order:
64

- 65 (1) Call to order
66 (2) Roll Call
67 (3) Welcome
68 (4) Pledge of Allegiance
69 (5) Invocations
70 (6) Presentation(s);
71 a. Presentation approved by City Manager, if any.
72 (7) Public Hearing
73 (8) Questions on Agenda Item(s)
74 (9) Consent Agenda
75 a. Approval of items on the Consent agenda, if any.
76 (10) Old Business
77 (11) New Business
78 (12) City Manager Report
79 (13) Public Comments
80 (14) Mayor and Council Comments
81 (15) Executive Session
82 a. Executive Session may be called for the following issues: (1)
83 Litigation O.C.G.A. § 50-14-2; (2) Real Estate O.C.G.A. § 50-14-
84 3(b)(1); or (3) Personnel O.C.G.A. § 50-14-3(b)(2).
85 (16) Adjournment
86

87 The Mayor and Council, by a vote of a majority of the members present, may suspend
88 the rules and change in any way, the order of, and the subjects for business.
89 Questions on agenda items may be emailed to the City Clerk at cityclerk@hapeville.org
90 or called in at 404-766-3004 no later than 5:00pm on the day before the scheduled Mayor
91 and Council meeting. When emailing or calling in a comment to the City Clerk, citizens
92 must include their name, address, agenda item, and the comment. All comments submitted

to the City Clerk will be read into the record during the meeting pursuant to the time allotted pursuant to this section.

(e) *Public Hearings*. Public comment period at meetings of the City shall be conducted in accordance with the following provisions:

(1) Staff Recommendation: First, the staff will present its recommendation to Mayor and Council including dispositive considerations in making their recommendation.

(2) Applicant's Presentation: After the Staff Recommendation, the Applicant shall present their application by first identifying themselves and then providing any pertinent facts or documentation in support of their applications.

(3) Public Comments: Comments from members of the public regarding the matter for public comment, beginning with comments in opposition, followed by comments in support, with a follow-up from the Applicant to address issues raised by previous commenters. If the commenter begins to stray away from the specific agenda item, the Mayor may limit the commentary. Once an agenda item has passed, the matter for public comment during the meeting shall be concluded, unless a motion for reconsideration is made during the same meeting and prior to adjournment.

1. Speaker must sign up with Clerk prior to the meeting.
2. Speaker must limit comments to agenda items.
3. Mayor may cut off speaker or grant removal of a speaker.
4. A total of ten (10) minutes will provided for the public comment section with two (2) minutes afforded to each speaker. Mayor may extend any persons time for up to two (2) minutes and may extend the time for public comments up to ten (10) additional minutes.

For those who are unable to physically attend the meeting, citizen comments may be emailed to the City Clerk at cityclerk@hapeville.org or called in at 404-766-3004 no later than 5:00pm on the day before the scheduled Mayor and Council meeting. When emailing or calling in a comment to the City Clerk, citizens must induce their name, address, agenda item, and the comment for or against the item. All comments submitted to the City Clerk will be read into the record during the meeting pursuant to the time allotted pursuant to this section.

(f) *Zoning Hearings*. The following rules of procedures shall govern any public hearing regarding zoning request or determination before the Mayor and Council:

- (1) Each applicant shall appear before the Council, identify himself/herself by name, address and whether or not applicant is owner or agent for owner.
- (2) Each applicant or other interested party who provides the Council with documents shall have each document numbered and shall identify each

- document and each such document submitted shall be made a part of the official record of the hearing.
- (3) Each applicant shall have ten (10) minutes to present facts pertinent to the application. An applicant may have additional time to address the Council if the applicant notifies the City Clerk prior to the start of the public hearing that applicant needs additional time. The Council may grant additional time to the applicant at their own discretion.
 - (4) All people in opposition to the rezoning of property and amendment to the zoning ordinance shall have two (2) minutes to address the Council and shall provide the City Clerk with name and address; however, Mayor may extend the time for oppositional comments for up to two (2) minutes per person and may extend the time for oppositional comments up to (10) additional minutes.
 - (5) The Mayor shall determine when the public hearing is closed and so state.
 - (6) At the conclusion of the hearing, the Council may make a decision at its next regular public meeting. The director of the community development department shall notify the applicant in writing of the Council's decision. The written notification shall immediately be entered on the minutes and made a part of the record on the date that written notification is given to the applicant.
 - (7) Any aggrieved party shall have thirty (30) days from the date of written notification to file an appeal from the council's decision with the superior court.
- (g) *Evidentiary Hearings*. The following rules of procedures shall govern all other evidentiary hearings not covered above:
- (1) Each proponent shall appear before the Council, identify himself/herself by name, and present the issue to the Council.
 - (2) Each proponent who provides the Council with documents shall have each document numbered and shall identify each document and each such document submitted shall be made a part of the official record of the hearing. Certified Copies of documents shall be provided to the Council, if applicable.
 - (3) Each proponent shall have ten (10) minutes to present facts pertinent to the issue. The proponent may have additional time to address the Council if the proponent notifies the City Clerk prior to the start of the public hearing that proponent needs additional time. The Council may grant additional time to the proponent at their own discretion.
 - (4) All people in opposition to the issue shall have ten (10) minutes to address the Council and shall provide the City Clerk with name and address; however, the total time for all interested parties in opposition shall be thirty (30) minutes unless the proponent requests for additional time, in which case the total time shall not exceed forty (40) minutes.
 - (5) The proponent shall be granted an additional five (5) minutes to rebut any arguments made in opposition but submitting additional evidence.
 - (6) At the conclusion of the hearing, the Council shall make a final decision and during its next regular public meeting, shall notify the proponent in writing of the Council's decision. The written notification shall immediately be entered

- 185 on the minutes and made a part of the record on the date that written
186 notification is given to the proponent.
- 187 (7) Any aggrieved party shall have thirty (30) days from the date of written
188 notification to file an appeal from the Council's decision with the superior
189 court.
- 190
- 191 (h) *Public Comments.* Public comments regarding items which are not designated for a
192 public hearing not listed on the agenda will be made available before the adjournment of
193 the meeting. Prior to the commencement of each meeting during which there will be a
194 general comment portion, members of the public wishing to speak shall sign in with the
195 City Clerk and shall provide their name and the topic upon which they wish to speak.
- 196
- 197 (1) *Time Limitations.* Each member of the public wishing to address the Mayor
198 or Council during the public comment session shall have a total of three (3)
199 minutes during which he/she may address the Mayor or Council. Such time
200 shall not be extended unless approved by a majority of the Council Members
201 present. The three (3) minute time limit shall not be extended by any dialogue
202 with or comments by Council or the Mayor. The entire public comment
203 session shall not last more than ten (10) minutes unless extended by Council.
- 204
- 205 (2) *General Comment Content.* No member of the public shall be permitted to
206 make personal, impertinent, slanderous or profane remarks to the Mayor or
207 any Council Member. Mayor and Council meetings serve the purpose of
208 conducting City business and are not a forum for the unlimited expression of
209 opinion. The Mayor reserves the right to limit comments to matters germane to
210 City business and may refer speakers to the City Manager or other staff for
211 resolution.
- 212
- 213 (i) *Recording in Minutes.* All of the following shall be recorded in the ordinance and
214 minute books of the mayor and council:
- 215
- 216 (1) All motions, ordinances, resolutions and proclamations;
217 (2) The number and title by which new ordinances, resolutions, and
218 proclamations are introduced;
219 (4) The vote of each member shall be recorded whenever required by one or more
220 Members; or
221 (5) All other information which the mayor and council may direct.
- 222
- 223 (j) *Appointments.* All appointments shall be by ballot.
- 224
- 225 (k) *Council Members.* During Mayor and City Council Meetings, the Council Members
226 shall not:
- 227
- 228 (1) Interrupt anyone who has the floor;
229 (2) Represent the personal opinion and beliefs;
230 (3) Refuse to recognize the validity of the actions approved by a majority vote of
231 the board; and

(4) Text and send messages to other Council Members.

(l) *Addressing Presiding Officer.* During City Council meetings, each Council Member, when speaking on a particular item, shall address the Presiding Officer.

(m) *Robert's Rules of Parliamentary Order.* Robert's Rules of Parliamentary Order shall be regarded as supplementary guidelines for the proceedings of the Council insofar as the same are applicable, and do not conflict with City of Hapeville Ordinances.

(n) *Recording of Meeting.* The Mayor and Council meetings may be recorded by audio or video. Upon the minutes being edited and reduced to writing, the audio or video used may then be erased or destroyed.

Section Two. Preamble Incorporated. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section Three. Codification. This Ordinance shall be codified 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 _____, 2021.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

City Clerk

APPROVED BY:

City Attorney

DRAFT

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

3
4 **ORDINANCE NO. _____**

5
6 **AN ORDINANCE TO AMEND CHAPTER 17 (“FINANCE AND TAXATION”), ARTICLE**
7 **5 (“OCCUPATIONAL TAXES”) TO CREATE SECTION 17-5-30 (“REVOCATION OF**
8 **OCCUPATIONAL TAX CERTIFICATE”) OF THE CODE OF ORDINANCES, CITY OF**
9 **HAPEVILLE, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL**
10 **CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO**
11 **PROVIDE FOR OTHER LAWFUL PURPOSES.**

12
13 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the
14 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
15 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,

16
17 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and
18 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
19 the legislative body of the City; and,

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

23
24 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be
25 by ordinance; and,

26
27 **WHEREAS**, the governing authority of the City finds it desirable and necessary to create
28 Section 17-5-30 of the City Code of Ordinances to allow for the revocation of occupational tax
29 certificates under specific circumstances.

30
31 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
32 **THE CITY OF HAPEVILLE, GEORGIA THAT:**

33
34 **Section One.** Section 17-5-30 (Revocation of Occupational Tax Certificate) in Chapter 17
35 (Finance and Taxation), Article 5 (Occupational Taxes) of the City Code of Ordinances is hereby
36 created and shall state the following language:

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38 (A) *Causes for Revocation.* Any occupational tax certificate may be revoked or suspended, and
39 the City may cease and desist all non-permitted operations if any of the following criteria are met:

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41 (1) The change of use of the property no longer meets the qualifications for an
42 occupational tax certificate under this code;

43 (2) False or incomplete information was provided on an application;

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(3) The business owner or holder of the occupational tax certificate has violated or is violating any provision of this chapter or provision of the City Code, state or federal statutes or regulations governing the business owner or holder's business;

(4) The business owner or holder of the occupational tax certificate has obtained or aided another person to obtain an occupational tax certificate by fraud or deceit;

(5) The business owner or holder of the occupational tax certificate has failed to pay any taxes or fees to the City when due;

(6) The business owner or holder of the occupational tax certificate is not complying with a requirement or condition set by the Planning Commission or Planning and Zoning Department, if applicable, under a conditional use permit; by the Board of Zoning Appeals, if applicable, granting a variance or special exception; by the City Council, or by agreement;

(7) Violation of this chapter by the agents or employees of a business owner or holder of the occupational tax certificate and violations of any other laws by the agents or employees committed while acting as an agent or employee of the owner or holder; or

(8) Any other reason expressly provided for by ordinance.

The City Manager shall have the authority to temporarily suspend an occupational tax certificate, without a hearing, for reasons provided for in this section. However, the temporary suspension shall not be for more than ____ days. A hearing following a temporary suspension must be scheduled within fifteen (15) days.

Code Enforcement may, on his/her own initiative or in response to complaints from the general public or any City department or division, investigate and gather evidence of violations of this chapter or other circumstances which may give rise to a denial, suspension or revocation.

(B) *Procedure for suspension or revocation.* Code Enforcement shall cause written notice to be given by personal service or registered mail to the business owner or holder of the occupational tax certificate at the owner's or holder's business address which states:

(1) His or her decision to suspend or revoke an occupational tax certificate;

(2) The reason for such decision;

(3) That operation of a business after the effective date of the suspension or revocation shall constitute a misdemeanor;

(4) The owner or holder's right to appeal the Code Enforcement's decision and have a hearing; and

(5) The appeal procedure.

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76 (C) *Procedure for appeal.* Appeals of the Code Enforcement or City Manager's decision to deny,
77 suspend or revoke an occupational tax certificate or regarding the application of this chapter may
78 be made to the City Council by filing a written notice of appeal with the City Clerk within fifteen
79 (15) days of receipt of the notice of denial, suspension or revocation.

80 Notice of appeal shall be in writing and shall set forth with specificity the reasons for which the
81 appeal is taken.

82 (D) *Hearing.* Hearing shall be at a time, place, and day set by the City Council, but not later than
83 twenty-one (21) days after receipt of the notice of appeal.

84 (1) At the hearing, Code Enforcement or his or her designee shall have fifteen (15)
85 minutes to present the reasons for the decision to deny, suspend or revoke the occupational tax
86 certificate. City Council may extend the time to present evidence as necessary.

87 (2) The business owner or holder of the occupational tax certificate, in person or through
88 his or her attorney, shall have fifteen (15) minutes to present any evidence showing reason why
89 the decision was in error. City Council may extend the time to present evidence as necessary.

90 (3) All witnesses shall be sworn to testify truthfully. Either party is entitled to confront
91 and cross-examine any witnesses.

92 (4) Any oral or documental evidence may be received, but the Council shall exclude all
93 privileged, irrelevant, immaterial, or unduly repetitious evidence.

94 (5) If the denial, suspension, or revocation appealed from is based on a determination by
95 a Code Enforcement official that grounds existed pursuant to this code, the City Council may
96 examine the factual nature of the grounds and determine whether such grounds are sufficient to
97 sustain the decision of the Code Enforcement.

98 (6) The City Council does not have the authority to waive compliance with applicable
99 provisions of the occupational tax certificate codes, nor can the Council extend deadlines set
100 forth in the City Code or change the substance or form of the City Code.

101 (E) *Decision of the City Council.* The City Council, after hearing all the evidence, shall announce
102 its decision within fifteen (15) days from the date of hearing. The Council may affirm, reverse or
103 modify the decision of the City Manager or Code Enforcement. The decision shall be in writing
104 and shall be based upon findings of fact.

105 (F) *Appeal of the City Council decision.* Any decision of the City Council made pursuant to the
106 provisions of this title may be appealed by any aggrieved party to the Fulton County Superior
107 Court within thirty (30) days from when the written decision is made.

108 (G) *Obtaining an occupational tax certificate after revocation.* A person or business, whose
109 occupational tax certificate has been revoked, may not be issued an occupational tax certificate
110 for a period of twelve (12) months after the decision of revocation by City Council.

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(H) *Validity of the business license during appeal.* Throughout the administrative appeal process as outlined above, a business owner or holder of a suspended or revoked occupational tax certificate may continue to operate his or her business in accordance with federal, state and local laws pending final decision on the appeal, or until the time for appeal has passed, whichever occurs first.

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 _____, 2021.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

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ATTEST:

Sharee Steed, City Clerk

APPROVED BY:

Priya M. Patel, City Attorney