

CITY OF HAPEVILLE, GEORGIA
MEETING OF MAYOR AND COUNCIL
JANUARY 15, 2013
MINUTES

6:00 PM Work Session

I. Call to Order

Mayor Hallman called the meeting to order at 6:00PM at 700 Doug Davis Drive, Hapeville, Georgia 30354.

II. Roll Call

Mayor Alan Hallman
Alderman at Large Ann Ray
Councilman at Large Richard Murray
Councilman Ward 1 Jimmy Lovern
Councilman Ward 2 Lew Valero

III. Presentation

A) Paint the Town Program - David Burt and Linda Murray

IV. Informal Discussion of Agenda Items

Paul Koster, City Attorney, stated that there were several Public Hearings set for the Council meeting.

The Mayor reviewed the agenda items.

V. Status Update by Department

Jennifer Elkins, City Clerk, stated that the Everify and SAVE reports had been submitted, advertising for the 2013 election would be placed by the end of January, and that the alcohol audit was in progress.

Bill Werner, City Manager, discussed changing the parade route to turn on LaVista.

Councilman Murray stated that the City should prepare safety requirements for float participants.

Paul Koster, City Attorney, stated that the City can do an ordinance that would give discretion to the Fire and Police Chiefs for safety procedures and permitting.

Allie O'Brien, Main Street and Marketing Manager, stated that the Tri-Cities Merchant Mingle had been a success, she is currently working on the Opportunity Zone Report and movie night get some Disney movies.

Mayor Hallman stated that the South Fulton Municipal Association would be meeting on Thursday at Hilton.

Rick Glavosek, Police Chief stated that the Department was working on its Certification and had filled on police officer vacancy.

Tom Morris, Fire Chief, stated that GEMA and Fulton County Emergency Management Agency would be meeting to discuss evacuation routes.

Lee Sudduth, Interim Director of Community Service, stated that Fulton County School Board fixed the tennis courts.

Bill Johnston, Planning and Zoning Consultant, stated that South Fulton Comprehensive Transportation Plan was being updated from 2001.

Tod Nichols, Recreation Manager, stated that David Knots with Fulton County School Board wanted extend his gratitude to City for all the work done.

Corey Daniel, Interim IT Manager, stated that the Wi-fi expansion was ongoing and that poles had been installed and 15 radios had been activated.

VI. Adjournment

MOTION: Alderman Ray made a motion Councilman Murray seconded a motion to adjourn the Work Session at 6:57 PM. Motion carried 4-0.

7:00 Council Session

I. Call to Order

Mayor Hallman called the meeting to order at 7:04 PM at 700 Doug Davis Dr., Hapeville, Georgia 30354.

II. Roll Call

Mayor Alan Hallman

Alderman at Large Ann Ray

Councilman at Large Richard Murray

Councilman Ward 1 Jimmy Lovern

Councilman Ward 2 Lew Valero

III. Welcome

Mayor Hallman stated that Mike Clark would be leaving the City and wished him well.

IV. Invocation - Jennie Rast

V. Pledge of Allegiance, Alderman Ann Ray

VI. Approval of Minutes December 4 and 18, 2012

MOTION: Alderman Ray made a motion Councilman Valero seconded a motion to approve the Minutes of December 4 and 18, 2012. Motion carried 4-0.

VII. Public Hearing

A) Discussion of Personal Care Homes

Summary and Background

Discussions of conditions upon which a personal care home may be permitted in a residential zone.

Staff Comment:

Paul Koster, City Attorney, stated that he had researched other sister jurisdiction and case law and fair housing concerns. Mr. Koster further stated that Fair Housing did not look favorable on adoption of regulations on personal care homes. It was Mr. Koster's recommendation the City have an internal process in place to review each application submitted for a personal care home.

Public Comment: None

B) 1st Reading of Ordinance 2013-02 Commercial Parking Lots

Summary and Background

This Ordinance establishes definitions for airport parking facility, car rental agency, and commercial parking lot, and establishes special use permit procedures in connection thereto.

Staff Comment:

Bill Johnston, Planning and Zoning Consultant, stated that the Ordinance defined commercial parking, car rental and commercial parking lot.

Mayor and Council Comments:

Alderman Ray inquired as to the buffer size

It was consensus of the Mayor and Council to have a 30 foot buffer on any property abutting residential property.

MOTION: Councilman Lovern made a motion Alderman Ray seconded a motion to continue the Public Hearing to February 5, 2013 at 7:00 PM at 700 Doug Davis Drive, Hapeville, Georgia 30354. Motion carried 4-0.

Public Comment:

Charlotte Rentz

C) Discussion of Abandonment of Nonconforming Uses

Summary and Background

Certain provisions of the nonconforming use section of the Code are being considered for revision to improve the monitoring and enforcement associated with the loss of "legal, nonconforming use" status by the owner. Criteria for determining what constitutes abandonment are also being considered.

Staff Comments:

Bill Johnston, Planning and Zoning Manager, stated that the ordinance had been to Planning Commission twice and that the current ordinance does not have any criteria for abandonment.

Public Comments: None

Mayor and Council Comments:

Mayor Hallman inquired about the process if the ordinance passed.

MOTION: Councilman Murray made a motion Alderman Ray seconded a motion to continue the Public Hearing to March 5th, 2013 at 7:00 PM at 700 Doug Davis Drive, Hapeville, Georgia 30354. Motion carried 4-0.

D) Discussion of Exemption for Existing Developments

Summary and Background

A text amendment is being considered that would exempt developed properties from the strict enforcement of parking, floor area and sidewalk width standards.

Staff Comment:

Bill Johnston, Planning and Zoning Consultant, stated that the proposed amendment would allow property owners who have been in business for decades to be exempt from parking standards.

Public Comment: None

Mayor and Council Comment:

MOTION: Alderman Ray made a motion Councilman Murray seconded a motion to continue the Public Hearing for March 5th, 2013 at 7:00 PM at 700 Doug Davis Drive, Hapeville, Georgia 30354. Motion carried 4-0.

E) Consideration to approve a Conditional Use Permit to operate a bus sales business at 3120 Sylvan Road, Hapeville, GA 30354.

Public Comment:

Fritz Englemann

Staff Comment:

Bill Johnston, Planning and Zoning Consultant, stated that the property was zoned C2 and was subject to a conditional use and approval by the Mayor and Council. Further, Mr. Johnston stated that the Planning Commission limited the use to bus sales only.

Mayor and Council Comment:

Councilman Murray inquired if any maintenance was going to be done on the busses at this location.

MOTION: Alderman Ray made a motion Councilman Valero seconded a motion to approve the Conditional Use for 3120 Sylvan Road, Hapeville, GA 30354 with the following conditions:

A) Vehicular work performed on the premises shall be limited to minor modifications and cleaning.

B) No body work shall be performed on the premises.

C) No outdoor storage of vehicle parts, tires or dismantled or wrecked vehicles shall be permitted.

D) A landscape buffer along the entire Sylvan Road frontage, excepting driveways, having a minimum horizontal dimension of 10 feet to be established entirely on the property and in compliance with the ordinance as to plant materials and quantities shall be installed within six (6) months of approval of the conditional use. A Certificate of Occupancy shall not be issued prior to installation of such landscaping.

E) All buses offered for sale shall be clean in appearance; not require body or other repairs or painting; be in an operable condition; and be suitable for licensing and operation under laws applicable in the state.

F) All site lighting shall be directed inward and toward the ground to prevent glare on public right-of-ways and adjoining properties.

Motion carried 4-0.

VIII. Public Comments on Agenda Items - None**IX. Administrative**

A) Consideration to approve the expenditure of \$6,629.30 for ICOP high Performance Video Storage System.

Summary and Background

This system will serve as a backup system for the video surveillance system in patrol cars to allow for more efficient and productive downloading/retrieval. This item will be purchased with Asset Forfeiture monies.

MOTION: Councilman Lovern made a motion Councilman Valero seconded a motion to approve the expenditure of \$6,629.30 for ICOP high Performance Video Storage System. Motion carried 4-0.

B) Consideration to enter into an Agreement with IBM for maintenance on the Spillman Server for \$2,646.66.

Summary and Background

This Agreement will allow IBM to perform maintenance on the Spillman Serve for one year. This item will be purchased with Asset Forfeiture monies.

MOTION: Councilman Lovern made a motion Alderman Ray seconded a motion to enter into an Agreement with IBM for maintenance on the Spillman Server for \$2,646.66. Motion carried 4-0.

C) Consideration to enter into a Memorandum of Understanding between the City of Hapeville and the Georgia Department of Community Affairs for the Main Street Program.

MOTION: Alderman Ray made a motion Councilman Murray seconded a motion to enter into a Memorandum of Understanding between the City of Hapeville and the Georgia Department of Community Affairs for the Main Street Program. Motion carried 4-0.

D) Administrative Appointments:

- City Attorney - **MOTION: Councilman Lovern made a motion Councilman Valero seconded a motion to appoint Daley, Koster & LaValle as the City Attorney. Motion carried 4-0.**
- City Clerk - **MOTION: Alderman Ray made a motion Councilman Murray seconded a motion to appoint Jennifer Elkins, City Clerk. Motion carried 4-0.**
- Legal Organs - **MOTION: Councilman Lovern made a motion Councilman Valero seconded a motion to appoint the South Fulton Neighbor and the Fulton Daily Report as the Official Newspapers. Motion carried 4-0.**

X. Old Business

A) Motion to Adopt Ordinance 2012-04B Budget Amendment

1st Reading December 18, 2012

Summary and Background

The Ordinance amends the City's 2012-2013 Budget by appropriating funds for items approved during recent City Council Meetings, including the purchases of a vehicle and equipment for the Recreation Department and mobile unit technology used in police vehicles.

MOTION: Councilman Lovern made a motion Alderman Ray seconded a motion to adopt Ordinance 2012-04B. Motion carried 4-0.

B) 1st Reading Ordinance 2012-09 Juvenile Curfew Ordinance (as amended)

Summary and Background

This Ordinance establishes the City of Hapeville Juvenile Curfew Ordinance.

Subject to certain enumerated exceptions, this Ordinance puts in place a curfew for persons 17 years of age or younger from between the hours of 11:00 p.m. on any day and 6:00 a.m. on the following day; provided, however, that on Fridays and Saturdays the effective hours are between 11:59 p.m. and 6:00 a.m. of the following day.

XI. New Business

A) 1st Reading Ordinance 2012-04C Budget Amendment

Summary and Background

The Ordinance amends the City's 2012-2013 Budget by appropriating funds for items approved for as follows:

Special Revenue Funds:

Asset Forfeiture Fund: ICOP Storage Server for \$6,629 and IBM maintenance agreement for \$2,646.66.

Capital Projects Fund:

Depot Renovation Project - Construction costs of \$50,000.

XII. Public Comments

Charlotte Rentz

XIII. Mayor and Council Comments

Mayor Hallman that the South Arts Movie Festival would be on the 16th, that the Council would be having its Annual Retreat in January, and that LOST negotiations were still ongoing with Fulton County.

MOTION: Councilman Lovern made a motion Councilman Murray seconded a motion to recess the meeting at 8:09 PM. Motion carried 4-0.

XIV. Executive Session

For purposes of personnel matters and potential litigation.

MOTION: Alderman Ray made a motion Councilman Murray seconded a motion to enter into Executive Session for personnel matters and potential litigation at 8:40 PM. Motion carried 4-0.

No action taken.

MOTION: Councilman Murray made a motion Councilman Lovern seconded a motion to enter into Open Session at 9:32 PM. Motion carried 4-0.

XV. Adjournment

MOTION: Councilman Valero made a motion Councilman Murray seconded a motion to adjourn the meeting at 9:32 PM. Motion carried 4-0.

Respectfully submitted,

Alan Hallman, Mayor

Jennifer Elkins, City Clerk