

Mayor and Council Session
700 Doug Davis Drive
Hapeville, GA 30354

January 8, 2019 6:00PM

MINUTES

1. Call to Order: Mayor Hallman called the Council Session to order at 6:03pm at 700 Doug Davis Drive, Hapeville, GA 30354.

2. Roll Call:

Mayor Alan Hallman
Councilman at Large Travis Horsley
Councilman Ward I Mark Adams
Councilman Ward II Chloe Alexander

3. Welcome

4. Pledge of Allegiance was led by Councilman Horsley.

5. Invocation was given by Mrs. Ellen Surber-Simpson.

6. PRESENTATIONS

6.I Recognition of Service Awards by Mayor Hallman

Awards were presented to Battalion Chief Robert Donaldson and Lieutenant Jimmy Coley for 20 years of service; Sergeant Nicholas Condrey for 15 years of service; Firefighters Brian Thomas and Aaron Williamson for 5 years of service.

6.II Recognition of Police Department Awards by Chief Glavosek

Awards were presented by Chief Glavosek to Dennis Rowe for Officer of the Year and Nicoma Rodriguez for Employee of the Year.

7. PUBLIC HEARING

7.I Consideration and Action to Grant a Conditional Use Permit at 1031 Virginia Avenue

Mayor Hallman opened the public hearing. Dr. Patterson stated there is no adverse impact on the City. Rental agencies are allowed in C-2 zoning. Dr. Patterson also added that no body work will be done onsite, only minor mechanical repairs and that the hotel site satisfies the landscaping requirement. Staff and Planning Commission recommends approval. The applicant's representative, Rob Lafayette stated he appreciated being heard by Council. There were no public comments made.

MOTION: Councilman Horsley made a motion to grant the conditional use permit at 1031 Virginia Avenue, Councilman Adams seconded. Motion carried 3-0.

7.II Consideration and Action to Provide a Special Exception at 917 Virginia Avenue

Mayor Hallman opened the public hearing. Dr. Patterson stated that the original decision for the drive-thru was approved under the previous Council, so she gave a little background on this, stating that this is part of a larger development. The original drive-thru was on the rear; however, the entrances have since been altered. The concern is queuing. It needs to be addressed so there is no backup on the street and there is no conflict with pedestrians. U-V zoning is pedestrian oriented development. The applicant has added significant landscaping between Rainey and the side street. After considering all of the factors under special exceptions, the Planning Commission approved the drive-thru on the side of the building.

Councilman Horsley said hopefully queuing would not be a problem and asked could Rainey be made as an exit only. Dr. Patterson stated that could create more problems for the neighborhood as it doesn't really help with the circulation of the parking lot. Councilman Adams asked how long is the lease. He said his biggest concern is equitability because Council has denied other tenants that have requested a drive-thru. How could Council in good faith approve this drive-thru but have denied others. The applicant, Mr. Rajesh Patel said it is a one-year lease and said it's a Dunkin Donuts. He said he's never seen a Dunkin Donuts that has closed down. He thinks it is unlikely, but it's a possibility. Mr. Patel said he had met the next-door neighbor and they discussed the landscaping. He said the previous drive-thru that was approved did not work, so he had to discard the plan. This is the last resort. Dunkin Donut will not consider it without a drive-thru. Mr. Patel passed out the recent landscape plan to Mayor and Council.

Councilman Alexander said she thinks that one of the concerns is the volume of traffic and people in that area have already been complaining; with waze and ridesharing. She added that she has never seen a Dunkin Donuts close but has seen them relocate. She is thinking about long term residents that will be there. Mayor Hallman said he thinks about process. The processes have been met and gone before the Planning Commission; version one and version two. The Planning Commission debated it pretty heavily and it has come back to make a recommendation. It was an understanding when Mr. Patel bought the property, the drive-thru was part of that discussion.

During the public comments, Mike Rasby, Daniel Ray, George Rogan and Brendan Dalton spoke in opposition. Mr. Patel was given an opportunity to give a rebuttal.

City Attorney Andy Welch confirmed that a decision could not be made at the meeting as the rules and procedures do speak of making the decision on a zoning matter at the next meeting. He also confirmed that Gerald Chichester was appointed as was the Smith, Welch, Webb & White firm to serve as the City's attorney. The comments made should not have any bearing on the decision on whether not to approve or disapprove.

Councilman Adams asked who actually owns the alleyway. Dr. Patterson said the City owns the "T". There are no utilities underneath the alleyway. The City is putting an easement across that is not on any built section, it's only across the parking lot. The City is allowing for an easement on the subdivision plat, so if they ever acquire access to it. They're not selling it to Mr. Patel. Mr. Welch stated that a title research of the property had not been done. An official determination has not been made as to the existence or non-existence of the alley way as it pertains to being a public right of interest. Councilman Adams said he would prefer to have the answer.

Councilman Horsley asked about the legal process of making it a dead-end street. Mr. Welch stated there is a process for the abandonment of roads which requires a notice and identification of the area to be abandoned. Council would want to adopt an ordinance that says the road is closed. As far as the abandonment and declaration of the property being identified as surplus, there is a process for that. Mr. Welch said his team can draft a memo explaining the abandonment process and then Council can consider whether to move forward or not. Councilman Horsley asked for photos of the signage on the property to be provided at the next meeting. No action was taken on this item.

7.III Consideration and Action on a 2019 Alcohol Beverage License for Kimpton Hotel & Restaurant Group

Mayor Hallman opened the public hearing. City Manager, Tim Young stated staff had met that day and all inspections had been passed. However, due to special circumstances and timing of the holidays, the advertisement had not been published. As a leader of the alcohol group, he cannot recommend, but as a City Manager, given the circumstances, he would say that it is fair for the City to go ahead and give them the alcohol license. Mr. Welch stated that documentation has been provided to us that the advertisement has been purchased and it is set to run. It is a timing issue and that the license can be approved subject to actual proof of running the ad which is an affidavit from the newspaper office. The business cannot serve/sell alcohol until the City receives the affidavit showing proof that the ad has been run. Applicant representative, Michael Sard stated it is a practical matter and that Kimpton is a national company. Public comments were made by George Rogan and Rod Mack.

MOTION: Councilman Alexander made a motion to approve the 2019 Alcohol Beverage License for Kimpton Hotel & Restaurant Group subject to the issuance of the affidavit for advertisement, Councilman Adams seconded. Motion carried 3-0.

7.IV Consideration and Action on a 2019 Alcohol Beverage License for Kimpton Hotel & Restaurant Group (Additional Facility)

Mayor Hallman opened the public hearing. City Manager, Tim Young stated the same for this item as for the previous item. The applicant did not make any comments nor did the public.

MOTION: Councilman Horsley made a motion to approve the 2019 Alcohol Beverage License for Kimpton Hotel & Restaurant Group (Additional Facility) that the advertisement be ran and the affidavit brought in to the City, Councilman Adams seconded. Motion carried 3-0.

7.V Consideration and Action on 2019 Alcohol Beverage License for Kimpton Hotel & Restaurant Group (In-Room Service)

Mayor Hallman opened the public hearing. City Manager, Tim Young stated the same for this item as for the previous item. The applicant did not make any comments nor did the public.

MOTION: Councilman Adams made a motion to approve the 2019 Alcohol Beverage License for Kimpton Hotel & Restaurant Group (In-Room Service) pending that notification is ran in the newspaper on January 9th and 16th, Councilman Alexander seconded. Motion carried 3-0.

8. Questions on Agenda Items: none

9. CONSENT AGENDA

9.I Approval of Minutes

- December 4, 2018
- December 18, 2018

9.II Approval of Executive Session Minutes

- December 4, 2018

9.III Consideration and Action for Peachtree Projects, Inc. to Hang Banner Advertising A-Town Stomp X Event in Hapeville

9.IV Consideration and Action on Resolution for Adoption for the Right of Entry Agreement for the Fulton County Old Health Building

9.V Consideration and Action on the Right of Entry Agreement for the Fulton County Old Health Building

9.VI Consideration and Action Ambulance Purchase for Fire Department

9.VII Consideration and Action on Van Replacement for Recreation Department

MOTION: Councilman Adams made a motion to approve the consent agenda, Councilman Alexander seconded. Discussion: Councilman Horsley said he appreciated staff looking at prices for the replacement van and ambulance. Motion carried 3-0.

10. OLD BUSINESS

10.I Consideration and Action on the 2019 Meeting Schedule Ordinance -2nd Reading

MOTION: Councilman Horsley made a motion to approve with caveat to include Council Retreat dates, Councilman Adams seconded. Motion carried 3-0.

11. NEW BUSINESS

11.I Organizational Appointments:

Legal drafted an ordinance to cover items 11.I and 11.II.

MOTION: Councilman Horsley waived the first reading of the ordinance, Councilman Alexander seconded. Motion carried 3-0.

MOTION: Councilman Horsley made a motion to approve the organizational and reappointments ordinance subject to the Authority's name and newspaper title revisions, Councilman Alexander seconded. Motion carried 3-0.

11.III Discussion on the Regulation of Electric Scooters

Councilman Adams said he thinks the trend is coming this way and the City needs to get ahead versus behind it. Mayor Hallman said he would prefer that the scooters are driven on the sidewalk instead of the streets and would need to require helmets. Councilman Alexander said to restrict the streets the scooters can be driven on. Councilman Horsley said that Atlanta requires a helmet but does not give penalty for not wearing one. Also, Atlanta requires

scooters to be placed 5 feet from sidewalk but no clarification on if less than 5 feet. We could designate the spots and give a fine if not placed correctly. Mayor Hallman said he thinks it'll be an evolving discussion. Council will make comments on the draft ordinance and forward to legal. Ms. Patel said she would email a copy of the City of Atlanta's ordinance to the City Clerk to forward to Council.

11. City Manager Report:

Mr. Young stated the budget process for FY2020 had begun and that he would have the proposed budget schedule for review at the next meeting. Staff are reviewing booting practices and will have a proposal for Council to review at the next meeting or first meeting in February. Lastly, he stated that coyotes have been spotted and trapping is underway.

12. Public Comments:

John Stalvey
George Rogan
Patricia Walton
Mike Simpson

13. Mayor and Council Comments

Councilman Alexander requested that leaf issue be on the next agenda and mentioned that garbage cans are not in compliance near Sombreros; need enforcement in this area. Councilman Adams said that the trash near the Fire Department smells as well. Councilman Horsley stated that Dekalb County had passed a MOU regarding ring doorbells. He said that there wasn't a trade for cash or doorbells. He will keep Council abreast. Councilman Horsley and Mayor Hallman talked about a leaf machine that has super high performance and is inexpensive. Lemuel Eubanks stated that parts are on order for equipment in response to leaf issue.

14. Executive Session –

MOTION: Councilman Adams made a motion at 7:42PM to go into executive session to discuss real estate, Councilman Horsley seconded. Motion carried 3-0. Councilman Horsley made a motion to go in to recess, Councilman Alexander seconded. Motion carried 3-0.

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

No action was taken in executive session.

MOTION: Councilman Adams made a motion to go in to recess, Councilman Horsley seconded. Vote 3-0. Councilman Adams made a motion to go in to open session, Councilman Alexander seconded. Vote 3-0. Councilman Alexander made a motion to adjourn from executive session, Councilman Adams seconded. Vote 3-0.

15. **MOTION: Councilman Adams made a motion to modify the agenda to add for consideration and action on MOU pertaining to acquisition of property with Jackson Mitchell Holdings. Councilman Alexander seconded. Vote 3-0.**

MOTION: Councilman Horsley made a motion to approve the MOU pertaining to the acquisition of property with Jackson Mitchell Holdings, striking the word “liability” in section (1)(a) and changing the signature line information, Councilman Adams seconded. Vote 2-1 (Councilman Alexander opposed).

16. Adjourn –

MOTION: Councilman Adams made a motion to adjourn at 8:48PM, Councilman Alexander seconded. Vote 3-0.

Respectfully submitted,

Alan Hallman, Mayor

Crystal Griggs-Epps, City Clerk