

CITY COUNCIL AGENDA
MONDAY, APRIL 19, 2021
CITY HALL COUNCIL ROOM AT 5:30PM
IMMEDIATELY AFTER WORK SESSION
79 CITY SQUARE, HOSCHTON



REGULAR COUNCIL MEETING

SUMMARY

WELCOME AND CALL TO ORDER *by 6:34pm by Mayor Sell*

PRESENT FOR MEETING

Mayor Shannon Sell
Councilmember Adam Ledbetter
Councilmember Tracy Carswell
Councilmember James Lawson
Councilmember Shantwon Astin
City Administrator Gary Fesperman
City Clerk Jennifer Kidd-Harrison
City Planner Jerry Weitz
City Attorney Abbott Hayes

Media was present

AGENDA APPROVAL *Making a motion to mend with having #13 taking off and adding Personnel to the Executive section, by Lawson, second by Ledbetter and all in favor.*

MINUTE APPROVAL:

March 15, 2021 Work Session Minutes
March 15, 2021 Regular Council Minutes

Motion to approve as is by Lawson, second by Ledbetter and all in favor.

CONSENT AGENDA:

1. **Z-21-02 Rezone:** Shea & Company, Inc., by Mark Shea, applicant, seeks to rezone 2.13 acres consisting of Map/Parcel H02/055 (0.817 acre owned by Brenda J. Clark, 18 Railroad Avenue), and Map/Parcel H02/064 (1.32 acre owned by Horace Johnson Revocable Living Trust, by Nancy Tabor, Trustee, 44 Railroad Avenue) fronting approximately 105 feet on the north side of E. Broad Street approximately 160 feet east of State Route 53 from OR (Office Residential) District to MFR (Multiple-Family Residential District). Proposed use: Multi-family residential. *[Planning staff*

recommendation: approval conditional] [Planning Commission recommendation: approval conditional] [continued from ~~February~~ 15, 2021]

2. **V-21-02 Variance:** Shea & Company, Inc., by Mark Shea, applicant, seeks a variance to the Hoschton Zoning Ordinance for 2.13 acres consisting of Map/Parcel H02/055 (0.817 acre owned by Brenda J. Clark, 18 Railroad Avenue), and Map/Parcel H02/064 (1.32 acre owned by Horace Johnson Revocable Living Trust, by Nancy Tabor, Trustee, 44 Railroad Avenue) fronting approximately 105 feet on the north side of E. Broad Street approximately 160 feet east of State Route 53, to vary Article VI, "Specific Use Provisions," Section 6.55. "Fee Simple Townhouse" Proposed use: Fee simple townhomes. *[Planning staff recommendation: Approval conditional]] [Planning Commission recommendation: approval conditional] [continued from ~~February~~ March 15, 2021]*
3. **O-21-03 Sign Ordinance (2nd Reading)** An Ordinance Repealing Chapter 43, "Signs" of the Code of Ordinances of the City of Hoschton and Adopting A New Chapter 43, "Signs And Advertising Devices;" To Repeal Conflicting Ordinances; To Provide For Severability; To Provide For Codification; To Provide For An Effective Date; and for Other Purposes *[1st Reading ~~February~~ March 15, 2021]*
4. **Final Plat, Cresswind Phase 2,** KH Twin Lakes, LLC, 157 Lots on 86.99 acres (Private Street)

Items 1-4, Motion to approve on the consent agenda by Ledbetter, second by Carswell and all in favor.

NEW BUSINESS:

1. **Preliminary Plat for Twin Lakes – Phase 7** by KLP Twin Lakes, LLC: 11.76 acres, including 66 townhouse lots on 8.57 acre and 3 commercial tracts totaling 3.42 acres *[staff recommendation: approval] [planning commission recommendation: to approve as is. Motion to approve by Carswell, second by Astin and all in favor]*
2. **Ordinance Z-21-03:** Paran Homes, LLC, applicant, The Estate of Alice Marie Nunley, property owner, seeks to rezone 20.7 acres fronting approximately 1,200 feet on the northwest side of Peachtree Road (Map/Parcel 120/010) (300 Peachtree Road) from R-1 (Single-Family Low Density Residential) District to R-3 (Single-Family Moderate Density Residential) District. Proposed use: Single-family subdivision (55 lots/units). *[staff recommendation: approval conditional] [planning commission recommendation to approve with condition] Motion to approve by Astin, second by Lawson and all in favor*

- 3. Ordinance TA 21-02:** An Ordinance to Amend the Hoschton Zoning Ordinance To Repeal All References to the Planning Commission, Including Those In Article I, “General,” Section 1.04, “Purposes;” Article VIII, “Zoning Amendments and Applications,” Including Section 8.01, “Procedures for Calling and Conducting Public Hearings,” Section 8.02, “Text Amendments,” Section 8.03, “Amendment to the Official Zoning Map,” Section 8.04, “Conditional Uses,” Section 8.05, “Variances,” and Section 8.06, “Appeals of Administrative Decisions;” Article XI, “Administration and Enforcement,” Section 11.01, “Zoning Administrator;” and Article XII, “Definitions;” To Repeal Conflicting Ordinances; To Provide For Severability; To Provide An Effective Date; and For Other Purposes
Motion to approve by Lawson, second by Ledbetter and all in favor
- 4. Ordinance O-21-05:** Chapter 23 Stream Buffer Protection and Chapter 39 Land Development Regulations: An Ordinance Amending Sections of the Code Of Ordinances of the City of Hoschton, Georgia, Including Those In Chapter 23, “Stream Buffer Protection” Section 23-105, “Land Development Requirements,” Section 23-107, “Additional Information Requirements For Development On Buffer Zone Properties;” Section 23-111, “Administrative Appeal And Judicial Review;” and Chapter 39, “Land Development Regulations;” To Repeal Conflicting Ordinances; To Provide For Severability; To Provide An Effective Date; And For Other Purposes
Motion to approve by Lawson, second by Ledbetter and all in favor
- 5. Ordinance O-2021-04:** An Ordinance to Amend Sections of the Hoschton Subdivision and Land Development Ordinance, Including Those in Article III, “General Provisions,” Section 303, “Planning Commission Authority;” Article IV, “Preliminary Plat,” Section 405, “Preliminary Plat Process Administration,” Section 408, “Planning Commission Review and Recommendation,” Section 409, “City Council Review and Action,” Article IX, “Development Plan and Permits,” Section 908, “Land Development Inspections,” Article X, “Final Plat,” Section 1002, “Application for Final Plat Approval,” Article XII, “Administrative and Legal Status Provisions,” Section 1204, “Variances,” and Section 1207, “Amendment;” To Repeal Conflicting Ordinances; To Provide for Severability; To Provide an Effective Date; and For Other Purposes
Motion to approve by Carswell, second by Astin and all in favor
- 6. Ordinance O-21-06: Chapter 3 Administration:** An Ordinance Amending The Code Of Ordinances Of The City Of Hoschton, Georgia, To Repeal Section 3-801, “Planning and Zoning Commission” of Article VIII, “Boards And Commissions” of Chapter 3, “Administration; To Repeal Conflicting Ordinances; To Provide For Severability; To Provide an Effective Date; and For Other Purposes
Motion to approve by Astin, second by Lawson and all in favor

7. GIRMA Property & Liability Insurance, Renewal May, 01, 2021 – May 01, 2022

8. Emery & Garrett – Groundwater Exploration and Development Study – EMI

9. Panther Court – Proposed Sewer- Potential Preconstruction Rock Bores – EMI

10. Panther Court – Easement Values

11. Water Supply & Water Storage – Waterline Extension – EMI

12. Main Sewer Outfall Line Upgrade – Final Easement – EMI

~~**13. R-21-09: A resolution accepting from Lumpkin Street Creekside Village, LLC, the dedication of public streets in Creekside Village Subdivision, authorizing the recording of a warranty deed, and authorizing the release of the cash surety for street maintenance.**~~

Motion to accept items 7-12 on the consent agenda by Lawson, second by Ledbetter and all in favor.

EXECUTIVE SESSION – Litigation, Real Estate & Personnel

Pursuant to the attorney-client privilege and as provided by Georgia Code section 50-14-2(1), a meeting otherwise required to be open was closed to the public in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee maybe directly involved and the matter discussed was pending or potential litigation; Meeting to discuss or deliberate upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee as provided in Georgia Code section 5014-3(b)(2).

Motion to go into executive session at 6:39pm by Ledbetter, Carswell and all in favor for Litigation, Real Estate and Personnel.

Motion to go out executive session at 7:05pm by Ledbetter, Carswell and all in favor for Litigation, Real Estate and Personnel.

Motion to vote on New City Manager Job Description & to post Job Listing by Carswell, Second by Astin and all in favor.

Council authorizes the Mayor to pursue in negotiating property in the city & to sign the closing documentation. Motion to approve by Lawson, second by Ledbetter and all in favor.

ADJOURN