



PUBLIC HEARING & REGULAR BUSINESS MEETING
OF MAYOR AND COUNCIL
CITY OF SNELLVILLE, GEORGIA
MONDAY, DECEMBER 12, 2022

Present: Mayor Barbara Bender, Mayor Pro Tem Dave Emanuel, Council Members Solange Destang, Cristy Lenski, Gretchen Schulz and Tod Warner. Also present City Manager Butch Sanders, Assistant City Manager Matthew Pepper, City Attorney Chuck Ross with Powell and Edwards Attorneys at Law, Police Chief Greg Perry, Assistant Chief Dave Matson, Planning and Development Director Jason Thompson, Public Information Officer Brian Arrington, IT Administrator Erika Fleeman. City Clerk Melisa Arnold was absent.

CALL TO ORDER

Mayor Bender called the meeting to order at 7:32 p.m.

INVOCATION

Chaplain Jackie Turner gave the invocation.

PLEDGE TO THE FLAG

Mayor Pro Tem Emanuel led the Pledge of Allegiance.

CEREMONIAL MATTERS

Mayor Bender administered the Oath of Office to Norman J. Carter for the Board of Appeals (Post 1).

Mayor Bender presented the Senior Center Volunteer of the Year Award to Ernestine Jones.

MINUTES

Approve the Minutes of the November 28, 2022 Meetings

Mayor Pro Tem Emanuel made a motion to approve the minutes of the November 28, 2022 meetings, 2nd by Council Member Destang; voted 6 in favor and 0 opposed, motion approved.

INVITED GUESTS

None

COMMITTEE / DEPARTMENT REPORTS

None

APPROVAL OF THE AGENDA

Council Member Lenski made a motion to approve the December 12, 2022 agenda with two amendments:

City of Snellville Administration Department

2342 Oak Road Snellville, GA 30078 770-985-3500 770-985-3525 Fax www.snellville.org

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1. Under New Business, add Item D – Extend the Moratorium on Build-to-Rent housing; 2. Under the Consent Agenda, add Item A – Approval of the FY22 Budget Amendment, 2nd by Mayor Pro Tem Emanuel; voted 6 in favor and 0 opposed, motion approved.

PUBLIC HEARING

2nd Reading - SUP 22-07 – Consideration and Action on application by Brian Vu, ABN Investment Group, LLC (property owner) requesting a Special Use Permit for a Drive-Thru Restaurant at the former Krystal restaurant location on the 0.775± acre property, zoned BG (General Business) District and located in the Towne Center Overlay District, 2484 E. Main Street, Snellville, Georgia (Tax Parcel 5026240)

Council Member Warner made a motion to table SUP 22-07, and place it on the February 27, 2023 agenda for the Public Hearing and Regular Business Meeting, 2nd by Council Member Destang.

Mayor Bender explained that this application is being postponed because other variances are needed for this location so those will need to go to the Planning Commission also.

The motion was voted 6 in favor and 0 opposed, motion approved.

CONSENT AGENDA

Fiscal Year 2022 Budget Amendment

Mayor Bender explained this is the normal June 30, 2022 fiscal year end amendments that come from the audit.

Mayor Bender called for a vote to approve the Fiscal Year 2022 Budget Amendment; voted 6 in favor and 0 opposed, amendment approved.

OLD BUSINESS

None

NEW BUSINESS

Mayor's Nomination and Council Confirmation of Melvin Everson to the Snellville Tourism and Trade Board for 2023 to 2024 [Bender]

Mayor Bender nominated Melvin Everson to the Snellville Tourism and Trade Board for 2023 to 2024, confirmed 6 in favor and 0 opposed.

1st Reading UDO 22-03 - Consideration and Action on text amendments to The Unified Development Ordinance ("UDO") for the City of Snellville, Georgia, adopted 10-26-2020 and last amended 11-28-2022. The proposed amendment is to establish definitions and regulations for certain zoning classes for "Build to Rent" developments. Articles and Chapters which may be affected by the amendment include: Article 3 of Chapter 100 (General Provisions); Articles 1, 2, 6, and 7 of Chapter 200; (Zoning and Land Use); and Article 1 of Chapter 400 (Land Development) [Bender]

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Council Member Schulz made a motion to waive the first reading and place on the January 9, 2023 agenda, 2nd by Council Member Warner; voted 6 in favor and 0 opposed, motion approved.

2nd Reading ORD 2022-23 - Consideration and Action on an Ordinance to Amend the Code of the City of Snellville, Georgia, to Provide for Regulation of Street Racing and Reckless Driving Exhibitions [Bender]

Mayor Bender explained that other jurisdictions have adopted this type of ordinance that will allow for easier enforcement by being able to hold participants, organizers, and onlookers responsible.

Council Member Lenski made a motion to approve ORD 2022-23, 2nd by Council Member Schulz; voted 6 in favor and 0 opposed, motion approved. (A copy of ORD 2022-23 is attached to and made a part of these minutes.)

Consideration and Action on Approval of a Resolution To Provide for a Study Regarding the Changes Necessary to the Municipal Code and Unified Development Ordinance of the City of Snellville Related to the Regulation of For Rent Housing Developments in the City of Snellville

Mayor Bender explained this would allow for a 30 day extension of the current moratorium's expiration date.

Mayor Pro Tem Emanuel made a motion to approve the extension of the Moratorium until February 10, 2023, 2nd by Council Member Lenski; voted 6 in favor and 0 opposed, motion approved. (RES 2022-09 is attached to and made a part of these minutes.)

COUNCIL REPORTS

Council Members Destang, Warner, Lenski, Schulz, and Mayor Pro Tem Emanuel each gave a report.

MAYOR'S REPORT

Mayor Bender gave a report.

PUBLIC COMMENTS

The following people spoke:

Tom Flynn, 2358 Eastwood Drive, Snellville.

Kurt Schulz, 2027 Tanglewood Drive, Snellville.

Tricia Rawlins, 2088 Harbour Oaks Drive, Snellville.

Rose Purdy, 2270 Burlington Lane, Snellville.

EXECUTIVE SESSION

None

ADJOURNMENT

Mayor Pro Tem Emanuel made a motion to adjourn, 2nd by Council Member Destang; voted 6 in favor and 0 opposed, motion approved. The meeting adjourned at 8:15 p.m.

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A handwritten signature in blue ink, appearing to read 'Barb Bender', written in a cursive style.

Barbara Bender, Mayor

A handwritten signature in blue ink, appearing to read 'Matthew Pepper', written in a cursive style.

Matthew Pepper, Assistant City Manager

ORDINANCE NO. 2022-23

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF SNELLVILLE, GEORGIA, TO PROVIDE FOR REGULATION OF STREET RACING EXHIBITIONS AND RECKLESS DRIVING EXHIBITIONS

WHEREAS, the duly elected governing authority of the City of Snellville, Georgia (the "City") is the Mayor and Council; and

WHEREAS, the Mayor and the Council of the City of Snellville, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government; and

WHEREAS, the Mayor and Council of the City of Snellville, Georgia deem such amendment to be for the betterment and general welfare of the City of Snellville and its inhabitants;

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA, and by the authority thereof:

Section 1: Chapter 58 of the Code of Ordinances of the City of Snellville Georgia is amended as follows:

That the addition of a new Article VI be created and is hereby codified as follows:

ARTICLE VI - STREET RACING EXHIBITIONS AND RECKLESS DRIVING EXHIBITIONS

Sec. 58-207. Definitions.

As used herein, the following terms shall have the meanings ascribed to them below:

Street Racing shall mean the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers overlong-distance driving routes upon the public highways, streets or rights of way in violation of applicable motor vehicle and traffic laws.

Reckless Driving shall mean the operation of any vehicle in reckless disregard for the safety of persons or property

Street Racing Exhibition or Reckless Driving Exhibition shall mean situations including, but not limited to: (1) a group of motor vehicles or individuals has arrived at a location for the purpose of participating in street racing or reckless driving; (2) a group of individuals has gathered on private property without the consent of the owner, operator, or agent thereof for the purpose of participating in street racing or reckless driving; (3) one or more individuals has impeded the free public use of a public street, sidewalk or highway by actions, words, or physical barriers for the purpose of conducting an event featuring street racing or reckless driving; (4) two or more vehicles have lined up with motors running for street racing; (5) one or more drivers is revving

his engine or spinning his tires in preparation for the event; (6) a vehicle is being deliberately operated in a manner which causes the vehicle to slide, skid, spin or otherwise cause its tires to lose traction; (7) individuals are stationed to record or film such acts of street racing or reckless driving; or (8) an individual is stationed at or near one or more motor vehicles serving as a race starter.

Organizer shall mean any individual who in any manner knowingly takes part in the planning, organization, coordination, facilitation, advertising or sharing of the location for any such street race exhibition or reckless driving exhibition or collects money in connection with a street racing exhibition or reckless driving exhibition, as defined herein.

Participant shall mean any individual who is knowingly present at a street racing exhibition or reckless driving exhibition for the purpose of actively taking part in the event, through conduct including, but not limited to: riding in a race vehicle as a passenger; assisting the organizers and/or drivers in carrying out or promoting the event; taking video or photographic images for purpose of promoting and/or profiting from the event (also known as a "spectator"); or exchanging money or anything of value with any driver, car owner, organizer or other participant in connection with the event. For the purpose of this definition, a person who is a mere bystander, passerby, or observer not aware of the illegal activity shall not be deemed a participant.

Sec. 58-208. Violations.

- (a) No person shall knowingly act as an organizer of a street racing exhibition or reckless driving exhibition.
- (b) Except as provided elsewhere in this article, no person shall knowingly act as a participant in, or spectator of, a street racing exhibition or reckless driving exhibition, as defined herein.
- (c) This article shall not apply to licensed or duly authorized racetracks, drag strips, or other designated areas set aside by proper authorities for such purposes, nor shall it apply to exhibitions where the racing or reckless driving occurs entirely within the confines of private property with the full permission of the owner or its duly authorized agent.

Sec. 58-209. Penalties.

Violations of this article shall be punished as follows:

- (a) Organizers shall be punished by a fine not to exceed \$1,000.00, imprisonment for a term not to exceed six months, or any combination thereof, subject to all limitations contained in applicable state law.
- (b) Participants shall be punished by a fine not to exceed \$1,000.00, imprisonment for a term not to exceed six months, or any combination thereof, subject to all limitations contained

in applicable state law.

- (c) Any motor vehicle used in any street racing exhibition or reckless driving exhibition as defined in this article may be removed and impounded by police to the extent authorized by applicable state law, or pursuant to a warrant issued by a court of competent jurisdiction. An impounded vehicle may be held in impound at owner's expense for not less than 30 days or final adjudication of the case, to the maximum extent allowed under state law.

Sec. 58-210. Proving a Violation.


Notwithstanding any other provision of law, to prove a violation of this article, admissible evidence may include, but is not limited to, any of the following:

- a) The time of day;
- b) The nature and description of the scene where the exhibition occurred;
- c) The number of people at the scene where the exhibition occurred;
- d) The location of the individual charged in relation to any individual or group present at the scene where the exhibition occurred;
- e) The number and description of motor vehicles at the scene where the exhibition occurred;
- f) That the individual charged drove or was transported to the scene where the exhibition occurred;
- g) That the individual charged has previously participated in a street racing or reckless driving where the exhibition occurred;
- h) That the individual charged has previously aided and abetted a street racing or reckless driving where the exhibition occurred;
- i) That the individual charged has previously organized a street race or reckless driving exhibition; or
- j) That the individual charged previously was present at a location where preparations were being made for a street race or reckless driving exhibition or where a street race or reckless driving exhibition was in progress.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]


ORDAINED this 12 day of December, 2022.

ATTEST:



Melisa Arnold, City Clerk
Matthew Pepper


APPROVED AS TO FORM:



W. Charles Ross, City Attorney
Powell & Edwards, P.C.



Barbara Bender, Mayor



Dave Emanuel, Mayor Pro Tem



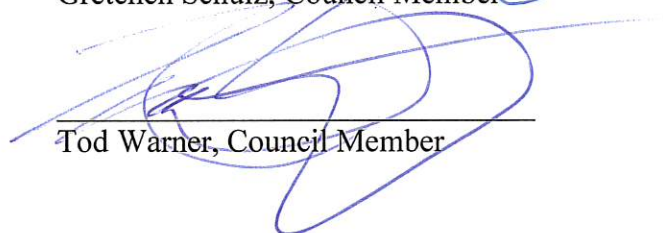
Cristy Lenski, Council Member



Solange Destang, Council Member



Gretchen Schulz, Council Member



Tod Warner, Council Member

**STATE OF GEORGIA
CITY OF SNELLVILLE**

RES 2022-09

**RESOLUTION TO PROVIDE FOR AN EXTENSION OF TIME TO STUDY THE
CHANGES NECESSARY TO THE MUNICIPAL CODE AND UNIFIED
DEVELOPMENT ORDINANCE OF THE CITY OF SNELLVILLE RELATED TO THE
REGULATION OF FOR RENT HOUSING DEVELOPMENTS IN THE CITY OF
SNELLVILLE**

WHEREAS, the need for affordable housing is a growing concern across the United States; and

WHEREAS, the City of Snellville is not immune to this need and City wishes to do all it can to assist in making affordable housing available to its residents; and

WHEREAS, there has arisen an unforeseen trend of development wherein entire neighborhoods of houses for rent are being constructed; and

WHEREAS, many of these neighborhoods are built to high standards and by reputable developers, but many are then sold to business consortiums which may not have any ties to the State they are built in, let alone the municipality; providing unique challenges to providing services and maintaining a consistent quality of life; and

WHEREAS, many municipalities have concerns with ongoing and long-term upkeep and maintenance of these communities; and

WHEREAS, such developments have unique circumstances which may require specialized covenants and bonds to protect the residents of the developments and citizens of Snellville in the event of a financial failure of the development; and

WHEREAS, all of the above factors are of concern to the City of Snellville; and

WHEREAS, issues surrounding the regulation of for rent housing developments continues to be one of a sensitive nature; and

WHEREAS, the Municipal Code of Snellville and Zoning Ordinances of the City of Snellville have not been updated to address these scenarios; and

WHEREAS, on July 22, 2022, the Mayor and Council approved Resolution 2022-06 which enacted a moratorium upon the acceptance of applications or issuance of any permits related to the development or construction of three or more units within the R-TH, RS-5, RS-15,

RS-30 or RO zoning districts, where an owner intends to solely rent those units, until the conclusion of the study at 12:00 AM on January 11, 2023; and

WHEREAS, the City of Snellville has diligently worked to study these issues and has worked closely with stakeholders regarding the complex nature of the issues and prepared a proposed Ordinance to be voted upon; and

WHEREAS, the existing Moratorium may expire before the Mayor and Council have an opportunity to receive public comments and vote upon the proposed ordinance; and

WHEREAS, the Mayor and Council believe it is in the best interest of the Citizens of Snellville to extend the Moratorium until the Mayor and Council have an opportunity to receive public comments and vote upon the proposed ordinance; therefore

BE IT RESOLVED, by the Mayor and Council of the City of Snellville that the existing Moratorium on the acceptance of applications or issuance of any permits related to the development or construction of three or more units within the R-TH, RS-5, RS-15, RS-30 or RO zoning districts, where an owner intends to solely rent those units, shall be extended for a period of thirty (30) days terminating at 12:00 AM on February 10, 2023.

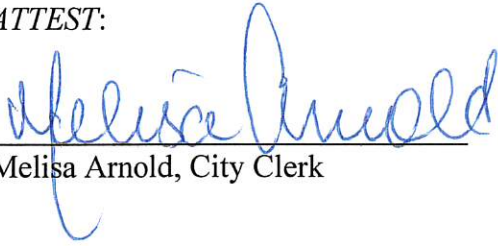
[SIGNATURES ON FOLLOWING PAGE]

SO RESOLVED this 12th day of December, 2022.



Barbara Bender, Mayor


ATTEST:



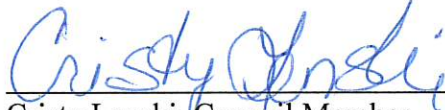
Melisa Arnold, City Clerk



Dave Emanuel, Mayor Pro Tem



Solange Destang, Council Member



Cristy Lenski, Council Member

APPROVED AS TO FORM:



W. Charles Ross, City Attorney
Powell & Edwards, P.C.

John J.
Crowley



Gretchen Schultz, Council Member



Tod Warner, Council Member