The Planning and Zoning Commission of the City of Harlem, Georgia met for their Regular meeting on Tuesday, June 6, 2023, at 6:00 p.m. at the Public Safety Building with Chairman Robert Holland presiding.

Present: COMMISSION: Chairman Robert Holland, Vice Chairman Dustin Driggers, Commissioner John Thigpen, Jr., and Commissioner James Thomas, Jr.; STAFF: Community Development Director David Jenkins, City Clerk Leona Holley, and City Attorney Adam Nelson; ABSENT: Commissioner Tim Farr.

The meeting was called to order by Chairman Holland at 6:00 p.m.

The Invocation was given by Vice Chairman Driggers.

The Pledge of Allegiance was led by Chairman Holland.

Determination of a Quorum: A quorum of the Commission was present.

Approval of the Agenda: Vice Chairman Driggers made the motion to approve the Agenda as presented; 2nd by Commissioner Thomas. The motion was carried with Commissioners Driggers, Thigpen, and Thomas voting in the affirmative.

Approval of the Minutes: Commissioner Thigpen made the motion to approve the minutes of the May 2, 2023, Regular Meeting as written; 2nd by Vice Chairman Driggers. The motion was carried with Commissioners Driggers, Thigpen, and Thomas voting in the affirmative.

PUBLIC HEARINGS:

TEXT-2023-06-01 – Virgin Bricks and Brick Color Continuum: The proposed text amendment is an updated text amendment that originated by the Historic Preservation Commission and came before the Planning Commission at the February 7, 2023, meeting. After comments from the City Council, the text amendment has been updated and reworded. This text amendment establishes a definition of ‘Virgin Brick.’ The text amendment does not address the painting of bricks; it does establish a suggested color scheme for the downtown area and out towards Harlem High School on N. Louisville Street/Hwy. 221 North. Once a Certificate of Occupancy is issued, bricks can be painted the color chosen by the owner. The City Council has conducted a First Reading of the proposed ordinance. With there being no further discussion, Commissioner Thigpen made the motion to recommend to council to adopt Text-2023-06-01 for Virgin Bricks and Brick Color Continuum and to include approval of the “Findings of Fact” as recommended by Staff; 2nd by Vice Chairman Driggers.

The “Findings of Fact” are as follows:

- The establishment of a brick color continuum confirms past actions approved by city procedures.
- The text amendment provides for owner flexibility and freedom of choice over building color.
- The Regional Center Character Area designated its own brick color area.

The motion was carried with Commissioners Driggers, Thigpen, and Thomas voting in the affirmative.

TEXT-2023-06-02 – Sec. 108-240 Sign Approval Appeal Clarification: After Staff review of the Harlem ordinances dealing with signs, it was found the ordinance mentions ‘Board of Appeals’, there is no ‘Board
PUBLIC HEARINGS (cont’d):

TEXT-2023-06-01 – Virgin Bricks and Brick Color Continuum (cont’d): of Appeals’ for the City. This text amendment updates that the appeals will go to the City Clerk and then to the City Council. The City Council has conducted a First Reading of the proposed ordinance. With there being no further discussion, Vice Chairman Driggers made the motion to recommend approval of Text-2023-06-02 Sign Approval Appeal Clarification, Sec. 108-240 to include the “Findings of Fact” as recommended by Staff; 2nd by Commissioner Thomas.

The “Findings of Fact” are as follows:

- Removes clear errors in the ordinance.
- Establishes a clear process for sign owners to appeal a denial or revocation of a sign permit.
- Removes ambiguities over the parties involved.
- Works to protect First Amendment rights of sign owners.

The motion was carried with Commissioners Driggers, Thigpen, and Thomas voting in the affirmative.

TEXT-2023-06-03 – Sec. 108-244 Sign Removal Appeal Clarification: After Staff review of the Harlem ordinances dealing with signs, Staff recognized that the appeals process for an order to remove an existing sign was not consistent with the appeals process for denial of a sign permit. The City Council has conducted a First Reading for the proposed ordinance. With there being no further discussion, Commissioner Thomas made the motion to recommend approval of Text-2023-06-03 Sign Removal Appeal Clarification, Sec. 108-244 to include the “Findings of Fact” as recommended by Staff; 2nd by Commissioner Thomas. The “Findings of Fact” are as follows:

- Establishes consistency with Sec. 108-240.
- Establishes a clear process for sign owners to appeal a removal order.
- Removes ambiguities over the parties involved.
- Works to protect First Amendment rights of sign owners.

The motion was carried with Commissioners Driggers, Thigpen, and Thomas voting in the affirmative.

NEW BUSINESS:

Addition of Second Driveways: Mr. Jenkins reported there has been an influx of requests for second driveways in subdivisions. Mr. Jenkins has been working with Public Works Director Robert Fields on the approval of requests. Mr. Jenkins stated the following issues are being looked at:

1. New driveway versus existing driveway expansion.
2. Prohibiting alignment of driveways.
3. The existence of easements and public utilities.
4. Proximity to side property line.

Mr. Jenkins asked the Planning Commission for guidance on formal guidelines, if they are needed and are there additional approval items that should be considered. Mr. Jenkins stated after working with Mr. Fields on several requests they think they have a process for additions of second driveways. Chairman Holland replied he would like to have written guidelines to go by. Commissioner Thigpen has concerns if someone drives over the sidewalks and there is damage, who would be responsible for the repairs.
NEW BUSINESS (cont’d):

**Confirmation of Development Timeline Schedules:** Mr. Jenkins provided information on development timeline schedules for general requirements and special development requirements.

OLD BUSINESS:

**Possible Submission of Evidence Commission Policies:** Mr. Jenkins provided information on the Planning Commission policies and procedures. Staff feels that an explicit policy is needed for the submission of evidence with the expectation of more complex applications being submitted to the Planning Commission and possibly controversial projects. City Attorney Nelson explained the proposed amendment would establish rules of submission; this would be a formal streamline and expectations to the developers to let them know what is expected of them. Earlier submission of evidence will allow the Commissioners to fully review the project before the public hearing. Mr. Jenkins stated if this is the Commissioners desire, he will move forward with the proposed amendment. The consensus of the Commissioners is for Mr. Jenkins to move forward with the proposed amendment.

PUBLIC COMMENT: N/A

Legal Matters: N/A

**Staff Report – David Jenkins:**
- Reading materials was provided to the Commission on “The Job of the Planning Commissioner.”
- The City Council recently adopted new fees related to land development:
  1. These fees will generate funds for inspections on a single commercial lot.
  2. A fee for submission of text amendments from individuals that would cover advertising fees.
  3. A fee to investigate state waters in case the city could have to make determination during the rezoning process.
- The City Council recently agreed to enter a Memorandum of Understanding with Fort Gordon related to a two-mile buffer area surrounding the installation.
- A process for an appeals process may be coming up soon.

**Chairman’s Comments:** Chairman Holland thanked everyone for their attendances in tonight’s meeting.

With there being nothing further before the Commission, Commissioner Thomas made the motion to adjourn the meeting; 2nd by Vice Chairman Driggers. The motion carried with Commissioners Driggers, Thigpen, and Thomas voting in the affirmative. The meeting adjourned at 6:20 p.m.

Respectfully submitted,

Leona H. Holley
City Clerk