



CITY COUNCIL MEETING

Donna Pittman-Mayor

Robert J. Patrick-District 1

Trudy Jones Dean – District 2

Karen Pachuta – District 3

Pam Fleming – District 1

Brian Bates – District 2

Maria Alexander – District 3

Mayor Pro-Tem

AGENDA

December 3, 2012 6:30 PM

- 1) CALL TO ORDER
- 2) PLEDGE OF ALLEGIANCE
- 3) EXECUTIVE SESSION
- 4) CEREMONIAL PRESENTATIONS, CITY ANNOUNCEMENTS, SPECIAL GUESTS:
- 5) ROLL CALL
- 6) APPROVAL OF MINUTES:
 - a) October 5, 2012
- 7) PUBLIC COMMENTS ON AGENDA ITEMS
- 8) REPORTS: DEPARTMENTS
 - a) Mayor
 - b) City Attorney
 - c) Stormwater
 - d) Police
 - Animal Transport Compartment
 - e) Courts
 - f) Public Works
 - g) Library
 - h) Parks & Recreation
 - i) City Hall
 - I-285 at Georgia 400 Project Resolution of Support
 - Rental Motor Vehicle Excise Tax Ordinance
 - Annexation Fee
 - j) Planning & Zoning
 - k) IT Department
 - l) Finance
 - Auditing Services Contract
 - Retirement Plan Redesign Process

9) PUBLIC HEARING

- a) Text Amendment OW Zoning District- Director of Planning and Development Joe Cooley
- b) Rezoning from OW Office Warehouse to OI Office Institutional for Property at 3988-4064 Flowers Rd (Parcel # 18 322 06 001)- Director of Planning and Development Joe Cooley
- c) Text Amendment to address Signs for Vacant Properties- Director of Planning and Development Joe Cooley

10) OLD BUSINESS

- a) Ordinance Language regarding \$5,000.00 spending allowance- Councilmember Trudy Jones Dean
- b) Agenda Packets- Councilmember Trudy Jones Dean

11) NEW BUSINESS

- a) First Read Ordinance to revise zoning text for Sexually Oriented Businesses- City Attorney Cecil McLendon Jr.
- b) Resolution to impose Moratorium on Sewer treatment and other related facilities- City Attorney Cecil McLendon Jr.
- c) Reduce City Council Size - Change Structure- Councilmember Brian Bates
- d) Agreement with Advanced Disposal for Solid Waste Collection Services- City Attorney Cecil McLendon Jr.

1) REPORTS: COMMITTEES, COMMISSIONS, BOARDS AND APPOINTMENTS

2) PUBLIC COMMENTS:

3) ADJOURNMENT:



THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: ANIMAL TRANSPORT COMPARTMENT

Date of Meeting: 12 03 2012

Budget Impact: X Y N ALREADY BUDGETED

Budget Impact Amount: \$11,485.⁰⁰ MINIMUM

Regular Meeting ☒
Work Session ☐
Recommendation ☐
Policy/Discussion ☐
Report ☐
Other ☐

Funding Source:

- ☐ Annual
☐ Capital
☐ N/A

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: APPROVE BID FROM BOWIE INTERNATIONAL, LLC/CUSTOM FIBERGLASS COACHES FOR THE ANIMAL TRANSPORT COMPARTMENT

History, Facts, Issues: THE CITY COUNCIL APPROVED THE POLICE DEPT. TO SEND OUT AN RFP REGARDING AN ANIMAL TRANSPORT COMPARTMENT FOR THE ANIMAL SERVICES TRUCK. ONE BID WAS SUBMITTED ACCORDING TO THE RFP.

Options: _____

Recommended Action: APPROVE BID FROM BOWIE INTERNATIONAL, LLC/CUSTOM FIBERGLASS COACHES.

Department: POLICE DEPARTMENT

Department Head: CHIEF JOHN KING

Administrative Comments and Recommendation: _____

Action Taken By Board: _____



A subsidiary of Bowie International, LLC

City of Doraville
City Clerk's Office
Attn: Sandra Bryant
3725 Park Avenue
Doraville, GA 30340

Bid Number: Animal Services Bid 01

City of Doraville:

Thank you for the opportunity to present our proposal to provide the new animal transport body to the City of Doraville. We believe Custom Fiberglass Coaches provides the best animal transport unit on the market and here are some of the features and advantages.

- "One piece" molded fiberglass construction with seamless body design
- Pass through swing door the front compartment
- 12 Fresh Air ventilation system distributed to each of the individual compartments
- White gel coat exterior keeps the unit cooler inside and out in warm temperatures
- Ultimate safety doors with catch pole opening
- All LED individual compartment lighting and body lighting
- Back up alarm
- Drainage system keeps compartment floors dry and clean
- Outstanding product longevity and the unit is easily transferred from one vehicle to another

We are bidding the SMALL PRO 6W6 model which has 6 animal compartments with a through compartment in front. Any can be used for storage.

I have included the unit specifications, floor plan drawing and some pictures. I have included optional pricing that has been discussed in the past. If you decide you want any of those items please just add them to your order at the prices listed.

The unit will fit the 2007 Chevrolet Colorado provided it has the longer 6 foot bed. It will not fit the short bed Chevrolet Colorado.

We have included pricing to deliver the unit to your facility and provide on-site installation to the truck you are providing.

Once again, thank you for this opportunity and we look forward to providing the City of Doraville with a quality Animal Transport Unit and great service to go along with it. If you would like to view further information you can go to our website at www.customfiberglasscoaches.com

If you have any further questions or need any specific pictures or details please give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Steve Sinnard".

Steve Sinnard
Executive Vice President
Bowie International, LLC
dba Custom Fiberglass Coaches
313 South Hancock
Lake City, IA 51449
P: 712-464-3191
F: 712-464-8601
E: ssinnard@bowieintl.com
W: www.customfiberglasscoaches.com

QUOTATION

Bowie International, LLC
313 South Hancock
Lake City, IA 51449
P: 800-831-0960 F: 712-464-8601

QUOTATION NO. 012711-5
DATE November 14, 2012
CUSTOMER ID Doraville, GA

TO City of Doraville
City Clerk's Office
Attn: Sandra Bryant
3725 Park Avenue
Doraville, GA 30340



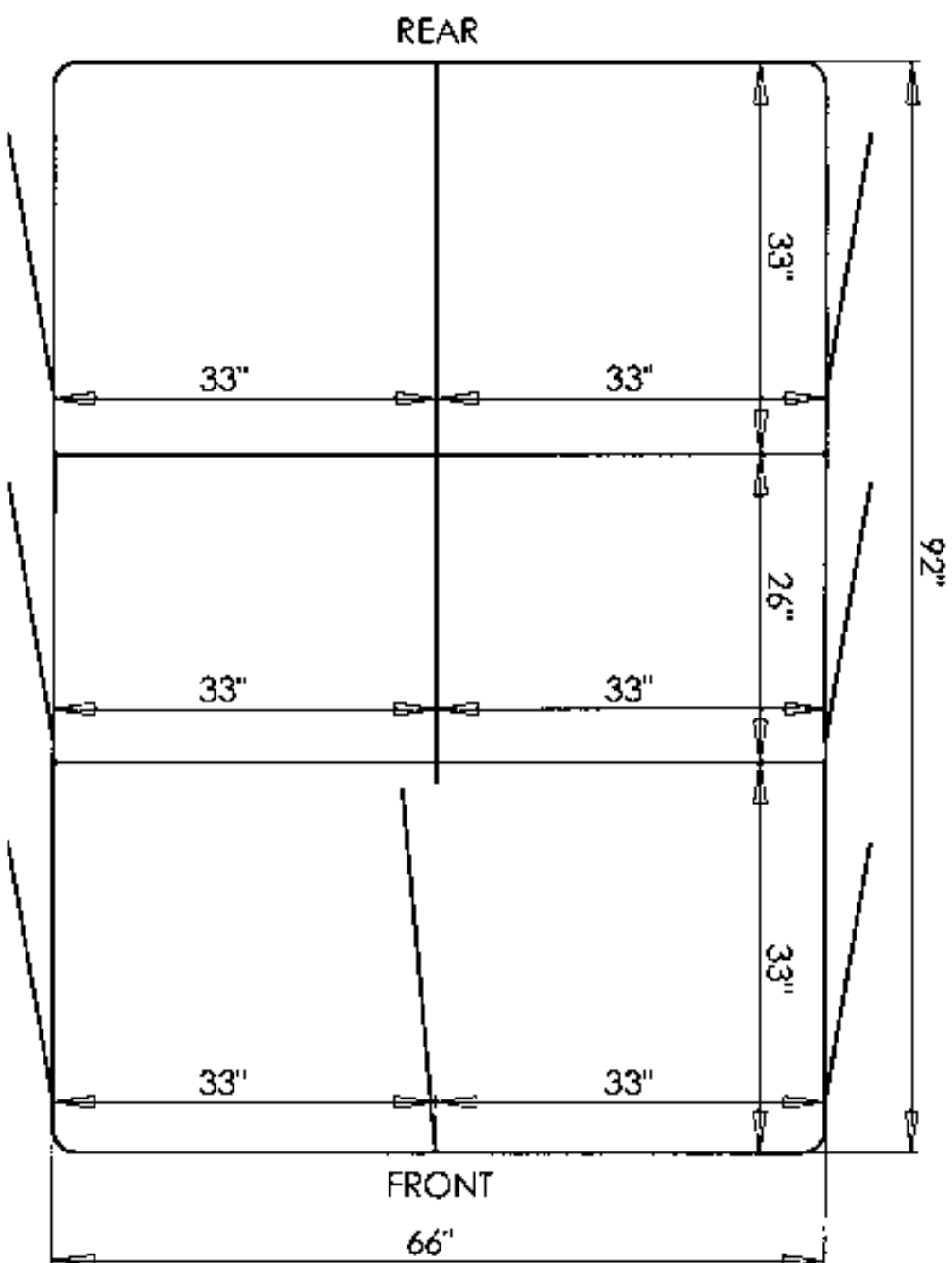
SALESPERSON	JOB	PAYMENT TERMS	DUE DATE
Steve Sinnard		Net 30	

QUANTITY	DESCRIPTION	UNIT PRICE	LINE TOTAL
1.00	SMALL PRO 6W6 Deluxe 6 Hole Animal Transport Unit	\$ 10,185.00	10,185.00
	Includes: Roof rack, L.E.D. Lighted compartments, back-up alarm		
	Hi-Lo L.E.D. brake lights, bumper extensions, white gel coated		
	bumper, Ultimate Safety Doors, stainless steel T-Lock handles,		
	keyed alike locks, ground effects, solid partitions, gel coat sealed		
	and webbed interior, LED clearance lights, pass through swing		
	door in front compartment, floor drainage trough, fiberglass		
	bumper		
1.00	Catch pole holder - tube with rear access door	195.00	
2.00	Clear work lights - 1 Left - 1 Right (\$160)	80.00	
2.00	LED 3" x 5" amber warning lights - rear mount (\$350)	175.00	
1.00	LED Amber beacon light - roof mounted	195.00	
1.00	Delivery of unit to customer	800.00	800.00
1.00	On-Site Installation on customer owned 2007 Chevy Colorado	500.00	500.00
		SUBTOTAL	\$ 11,485.00
		SALES TAX	
		TOTAL	\$ 11,485.00

Custom Fiberglass Coaches is a subsidiary of Bowie International, LLC

Custom Fiberglass Coaches is a subsidiary of Bowie International, LLC

Make all purchase orders and checks to Bowie International, LLC
www.customfiberglasscoaches.com email: ask@customfiberglasscoaches.com



TITLE:
6w6 SMALL PRO Animal Control Truck Body Compartment Layout

SIZE	DWG. NO.	REV
A	6w6- SMALL PRO	A

SCALE: NOT TO SCALE | Jan. 28, 2010

PROPRIETARY AND CONFIDENTIAL
 THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE PROPERTY OF BOWIE INTERNATIONAL, LLC. ANY REPRODUCTION IN PART OR AS A WHOLE WITHOUT THE WRITTEN PERMISSION OF BOWIE INTERNATIONAL, LLC, IS PROHIBITED.

Bowie International, LLC.
 Lake City, IA 51449

MODEL SMALL PRO 6W6

Specifications

Manufacturer: Custom Fiberglass Coaches

Model: SMALL PRO 6W6

Description: A fiberglass one piece molded animal transportation unit with (6) six large animal compartments. Featuring our fresh air ventilation system vented to each compartment, a pass through swing door in the front compartment, solid partitions creating 6 individual compartments, sloped floor drainage system, Ultimate Safety doors with large louvers and small catch pole door within the door, and bright white L.E.D. lighting in individual compartments. Available with air conditioning and heating, back saver hoist, catch pole holder, rear blind spot mirror, custom strobe and light bar lighting, work lights and pet step folding ramp.

Construction: Reinforced One-Piece Molded Fiberglass Construction with a bright white gel coat high gloss exterior finish. Steel tube frame lines interior around the entire bottom of the unit with cross members to provide a solid mounting structure. All the steel under structure is completely sealed in fiberglass.

Body Dimensions: 66" Wide x 45" High x 92" Long

Weight: Varies Between 600 – 700 lbs.

Animal Compartment Sizes: Measured from center of partitions

Street Side: Front 33" Wide x 34" High x 32" Deep (w/ pass through door open 33" Wide x 66" Deep)

Center 26" Wide x 34" High x 32" Deep

Rear Upper 33" Wide x 16" High x 32" Deep

Curb Side: Front 33" Wide x 34" High x 32" Deep (w/ pass through door open 33" Wide x 66" Deep)

Center 26" Wide x 34" High x 32" Deep

Rear Upper 33" Wide x 16" High x 32" Deep

Under Structure: Framed with 1.5" x 2" 14 gauge high strength tubular steel on all sides with two 2" x 3" 11 gauge high strength tubular cross members. Four 5" x 4" x .25" solid steel angle mounts are installed for easy mounting on the vehicle frame using grade 8 bolts. All steel is completely sealed in fiberglass to minimize exposure to the elements and eliminate deterioration.

Floor: Constructed using a 1" foam composite molded and sealed into the unit with two layers of 1.5 oz fiberglass mat. Floors have a 2" recess creating a trough under the unit with individual drain capabilities. And the floor is sloped in so the drainage system directs flow into the trough under the unit keeping compartment floors dry and clean. The undercarriage is then sealed with resin which provides maximum insulation preventing heat from rising through the floor.

Compartments: Walls and ceilings are gel coat sealed and webbed to provide a smooth, easy to clean finish in the compartments. (Note: Bodies can be made to your specifications and partitions can be made with wire)

Doors: Doors are constructed of a reinforced aluminum fabricated frame and are 21" wide x 31.75" high. Aluminum jalousie is 13.5" wide x 29" high with (7) seven louvers split (3) three on top and (4) four on the bottom with welded wire behind the louver. A stainless steel continuous hinge (1.5") (20 Gauge) connects the door to a fiberglass frame molded into the body. Aluminum drip shields are placed over all doors. A keyed alike stainless steel recessed folding 'T' latch locking handle is used.

NEW FEATURE: Doors have a catch pole door within the door measuring 4" wide x 3.75" high.

Ventilation: Forced fresh air ventilation system provides 750 CFM airflow and is vented to each of the individual compartments. A 4" x 6" fiberglass air duct is installed from the front to the rear of the unit running along the center of the ceiling of the unit. Fresh air is drawn in from outside and is vented to each of the individual compartments blowing stale air from the compartments and providing fresh air.

Roof: Roof is backed by .375" dense composite board and 1.5 oz fiberglass mat that is completely glassed in providing maximum insulation and strength. Roof of the compartments are gel coat sealed and webbed. Roof has a 200 lb psf rating.

Roof Rack: Stainless steel tube and stanchions.

Lights: All L.E.D. bright white lights in individual compartments minimizes power draw on vehicle. Rubber mounted L.E.D. running, stop, turn and back up lights. Side mounted clearance lights installed away from gas tank filling areas in accordance with F.H.S.R.

Back Up Alarm: 105 D.B. back up alarm mounted inside back of unit.

Bumper: Fiberglass bumper with matching white gel coat and steel core supplied with unit

Ground Effects: Molded fiberglass skirting is installed in front and behind the wheel on each side of the unit. Ground effects are constructed of fiberglass and have a bright white gel coat high gloss finish.

Installation: Mounts easily to truck frame with bolts using 5" mounting plates previously mounted to cross members. Unit is easily transferred from one vehicle to another. Installation costs for mounting on our premises are included in the pricing.

Color: Bright white gel coat high gloss finish.

Fuel Cap: Recessed.

Rust Proofing: Unit is manufactured from fiberglass which will not rust or corrode and steel components are glassed in minimizing exposure to the elements.

Wiring: All wiring is color coded, run in conduit and glassed in so the animals cannot get to the wires. Wiring is easily accessed in junction boxes for future modifications or add on optional equipment installations.

Available Options:

- Air Conditioning and Heating
- Digital temperature monitoring
- Interior Safety Door
- Hoist Back Saver with cage
- Catch pole holder
- Light bar
- Strobe lights
- Alley lights
- Flood lights
- Work lights
- GOLight remote controlled spotlight
- Customized lighting packages
- Rear blind spot mirror
- Pet Step folding ramp

SMALL PRO 6W6











the city of
Doraville
OFFICE OF THE MAYOR
1000 DORAVILLE AVENUE, SUITE 100
DORAVILLE, GA 30095
770.462.1000

AGENDA ITEM REQUEST SHEET
November 7, 2012

Subject: I-285 at Georgia 400 Project Resolution of Support

Date of Meeting: November 19, 2012

Budget Impact: ☐ Yes ☒ N/A

Budget Impact Amount: \$ _____

Funding Source:

- ☐ Annual
- ☐ Capital
- ☐ Grant(s)/ Technical Assistance
- ☒ N/A

- Regular ☒
- Work Session ☐
- Recommendation ☒
- Policy/Discussion ☐
- Report ☐
- Ceremonial ☐
- Other ☐

Department: Administrative

Department Head: Mayor

Action Requested: Staff recommends adoption of the resolution supporting the I-285 at Georgia 400 Interchange reconstruction project.

Background: The Perimeter Community Improvement Districts (PCIDs) leadership is seeking to enlist the support of the City for the aforementioned project. Ms. Yvonne Williams has requested to present the matter to Council at the November 19th meeting. As is evidenced on any given day at rush hour, the project, in conjunction with our own, is necessary to maximize potential growth. PCIDs is also seeking the support of the cities of Chamblee, Dunwoody and Sandy Springs as well as the affected counties.

Packet materials include draft resolution and the resolution adopted by PCIDs.

Respectfully,

St. Luke Howe
Assistant to the Mayor



Transportation Investment Act of 2010 Final Investment List Project Fact Sheet (FINAL - January 2012)*

Identification

TIA-AR-030

Project Name

I-285 North at SR 400 - Interchange Improvements

Project Type

Roadway

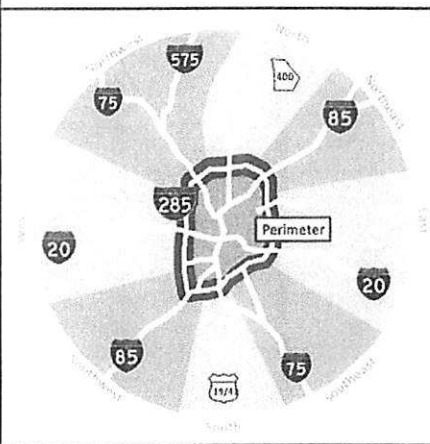
- | | |
|--------------------------------------------------------------|------------------------------------------------------|
| <input type="checkbox"/> Road Capacity Expansion | <input type="checkbox"/> Aviation |
| <input type="checkbox"/> Road Asset Management | <input type="checkbox"/> Bicycle / Pedestrian |
| <input checked="" type="checkbox"/> Road Safety / Operations | <input type="checkbox"/> Transit Network Expansion |
| <input checked="" type="checkbox"/> Freight / Logistics | <input type="checkbox"/> Transit Operations / Maint. |

PLAN 2040 Status

Not identified as a separate line item in PLAN 2040 because it is integrated into broader managed lanes project

Related Project Numbers: AR-ML-200

Location: I-285 Corridor



Description, Purpose and Benefits

This project will reconstruct substantial portions of the I-285 / SR 400 interchange to facilitate the flow of traffic and improve safety. This interchange is one of the most congested in the entire region and Southeastern United States. Located at the edge of the Perimeter Center area, it provides critical connectivity to other regional activity centers to the north, south, east and west. The project will improve ramps between SR 400 and I-285, as recommended by the Revive 285 study's environmental review process. The scope will tie into another project (TIA-FN-014) to the immediate north along SR 400. ARC regional travel demand model calculations indicate that congestion levels for certain analyzed movements, such as from I-285 eastbound to SR 400 northbound, will be reduced by as much as 28% compared to current levels once the project is complete. The total cost of the project is \$450,000,000, of which \$112,500,000 will be funded under TIA and the remaining \$337,500,000 covered by traditional federal formula funds.

Project Length

N/A

miles

These fields are only applicable to certain types of projects.

Lanes (Current)

N/A

Lanes (Proposed)

N/A

Funding

Commitments

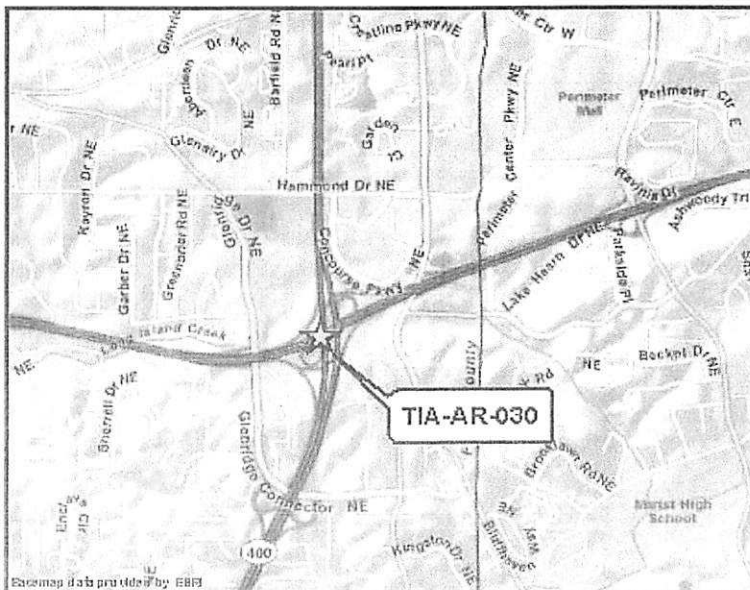
(all amounts shown in current year 2011 dollars)

TIA Funds	\$112,500,000
Federal Funds	\$337,500,000
Local Funds*	\$0
Total Funding	\$450,000,000

* Additional local funds may be identified prior to the referendum to deliver some projects.

Implementation Band

Construction likely to occur in Band 3 (2020-2022)



* This fact sheet provides supplemental scope information related to projects approved by the Atlanta Regional Roundtable on October 13, 2011. For certain project types, it may also include performance data derived through a technical analysis conducted by the Atlanta Regional Commission following approval of the investment list. Grammatical corrections and clarifications were also made to the text as necessary. No changes to project scopes, schedules or budgets were made. For the original fact sheets, as approved by the Roundtable, refer to the Final Report available at www.atlantaregionalroundtable.com.



A RESOLUTION OF SUPPORT

WHEREAS: The Central Perimeter Market is the largest office market in Metro Atlanta with 29 million-square-feet of space and is also one of the largest employment centers in the Southeast with more than 123,000 workers and;

WHEREAS: The heart of the Central Perimeter Market is the Perimeter Community Improvement Districts (PCIDs), which contain \$3.8 billion in real estate development that generates \$306.6 million a year in tax revenues for the State of Georgia with \$77 million more expected annually by 2018 and;

WHEREAS: Serious traffic congestion at the I-285 at Georgia 400 Interchange has a major impact on the Perimeter market and its ability to retain and attract jobs and;

WHEREAS: An adjacent portion of Georgia 400 was named the most unreliable commute in the nation in the Texas Transportation Institute's 2011 Congested Corridors Report and the adjacent top end portion of I-285 was cited in the report for having some of the worst congestion problems in the nation and;

WHEREAS: The I-285 top end corridor connects the two major Cumberland and Perimeter job markets with the former General Motors site in Doraville, a potential third major jobs market, and I-285 is the only east to west connection between the two major I-75 and I-85 Interstate corridors in the northern Atlanta area and;

WHEREAS: In order to meet current and projected future demand that includes 35,000 more jobs within the PCIDs by 2018, and 6.2 million additional square feet of office space and 6 million additional square feet of retail space by 2021, it is crucial that traffic congestion and safety be improved to better prepare the market, maximize transportation alternatives and connect people to jobs and;


WHEREAS: To facilitate traffic flow and safety, current cost estimates for the interchange total \$450 million for a major reconstruction of the I-285 at Georgia 400 Interchange and;

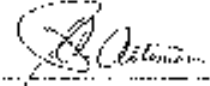
WHEREAS: The I-285 at Georgia 400 Interchange project is already included in the comprehensive solutions developed for the Revive285 top end project and;

WHEREAS: The I-285 at Georgia 400 Interchange is a regional project of significance, serves a major corporate center of the Southeast, will provide opportunities for public-private partnership, strategic delivery and building public trust of its importance and;

WHEREAS: On the 25th day of January 2012 the PCIDs (Central DeKalb and Fulton) signed a resolution of support naming the I-285 at Georgia 400 Interchange as the priority capacity project for the northern quadrant regional economic development center to continue its strength and quality growth as part of the Transportation Investment Act (TIA) and;

NOW THEREFORE BE IT RESOLVED that on this 19th day of September 2012 the PCIDs (Central DeKalb and Fulton) reaffirm their support of the I-285 at Georgia 400 Interchange as the top priority project of regional significance and commit their support to the formation of the cross-jurisdictional public/private "Top-End Perimeter Collaborative" to support the I-285 at Georgia 400 Interchange improvements and the strategies to move the project forward as a top priority.


John Haggerty, Chair
Central (DeKalb) Perimeter CID


Chuck Altman, Chair
Fulton Perimeter CID

**A RESOLUTION OF SUPPORT OF THE I-285 AT GEORGIA 400 INTERCHANGE AS THE
TOP PRIORITY PROJECT OF REGIONAL SIGNIFICANCE**

WHEREAS, The Central Perimeter Market is the largest office market in Metro Atlanta with 29 million-square-foot of space and is also one of the largest employment centers in the Southeast with more than 123,000 workers and;

WHEREAS, The heart of the Central Perimeter Market is the Perimeter Community Improvement Districts (PCIDs), which contain \$3.8 billion in real estate development that generates \$306.6 million a year in tax revenues for the State of Georgia with \$77 million more expected annually by 2018. An adjacent portion of Georgia 400 was named the most unimprovable commute in the nation in the Texas Transportation Institute's 2011 Congested Corridors Report and the adjacent top end portion of I-285 was cited in the report for having some of the worst congestion problems in the nation and;

WHEREAS, The I-285 top end corridor connects the two major Cumberland and Perimeter job markets, and I-285 is the only east to west connection between the two major I-75 and I-85 interstate corridors in the northern Atlanta area. In order to meet current and projected future demand that includes 35,000 more jobs within the PCIDs by 2018, and 6.2 million additional square feet of office space and 6 million additional square feet of retail space by 2021, it is crucial that traffic congestion and safety be improved to better prepare the market, maximize transportation alternatives and connect people to jobs and;


WHEREAS, To facilitate traffic flow and safety, current cost estimates for the interchange total \$450 million for a major reconstruction of the I-285 at Georgia 400 interchange. The I-285 at Georgia 400 interchange project is already included in the comprehensive solutions developed for the Reversible 285 top end project. The I-285 at Georgia 400 Interchange is a regional project of significance, serves a major corporate center of the Southeast, will provide opportunities for public-private partnership, strategic delivery and building public trust of its importance and;

WHEREAS, On the 25th day of January 2012 the PCIDs (Central Dekalb and Fulton) signed a resolution of support naming the I-285 at Georgia 400 Interchange as the priority capacity project for the northern quadrant regional economic development center to continue its strength and quality growth as part of the Transportation Investment Act (TIA);

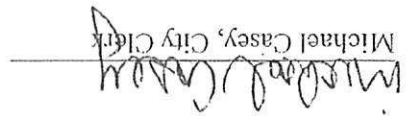
NOW THEREFORE BE IT RESOLVED that on this 2nd day of October 2012, the City of Sandy Springs reaffirms its support of the I-285 at Georgia 400 interchange as the top priority project of regional significance and commits its support to the formation of the cross-jurisdictional public/private "Top-End Perimeter Collaborative" to support the I-285 at Georgia 400 interchange improvements and the strategies to move the project forward as a top priority.

RESOLVED this the 2nd day of October, 2012.

Approved:


Eva Galambos, Mayor

Attest:


Michael Casey, City Clerk

(Seal)



**STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF DORAVILLE**

RESOLUTION NO. 2012-__

**A RESOLUTION SUPPORTING THE RECONSTRUCTION OF THE I-285 AT
GEORGIA 400 INTERCHANGE AS A PRIORITY PROJECT OF REGIONAL
SIGNIFICANCE.**

WHEREAS, the Central Perimeter Market is the largest office market in Metro Atlanta with 29 million square feet of space and is also one of the largest employment centers in Southeast with more than 123,000 workers; and,

WHEREAS, the heart of the Central Perimeter Market is the Perimeter Community Improvement Districts (PCIDs), which contains \$3.8 billion in real estate development that generates \$306.6 million a year in tax revenue for the State of Georgia with \$77 million more expected annually by 2018; and,

WHEREAS, serious traffic congestion in the I-285 at Georgia 400 Interchange has a major impact on the entire top-end especially the Perimeter market and its ability to retain and attract jobs; and,

WHEREAS, an adjacent portion of Georgia 400 was named the most unreliable commute in the nation in the Texas Transportation Institute's 2011 Congested Corridors Report and the adjacent top-end portion of I-285 was cited in the report for having some of the worst congestion problems in the nation; and,

WHEREAS, the I-285 top-end corridor connects the two major Cumberland and Perimeter job markets with the former General Motors site in Doraville, a potential third major jobs market, and I-285 is the only east to west connection between the two major I-75 and I-85 interstate corridors in the northern Atlanta area; and,

WHEREAS, in order to meet current and projected future demand that includes 35,000 more jobs within the PCIDs by 2018, and 6.2 million additional square feet of office space and an additional space by 2021, it is crucial that traffic congestion and safety be improved to better prepare the market, maximize transportation alternatives and connect people to jobs; and,

WHEREAS, to facilitate traffic flow and safety, current cost estimates for the interchange total \$450 million for major reconstruction of the I-285 at Georgia 400 Interchange; and,

WHEREAS, the I-285 at Georgia 400 Interchange project is already included in the comprehensive solutions developed for the Revive285 top-end project; and,

WHEREAS, I-285 at Georgia 400 Interchange is a project of regional significance, serves a major corporate center of the Southeast, will provide opportunities for public-private partnerships, strategic delivery and building public trust of its importance; and,

WHEREAS, on two separate occasions, the PCIDs (Central DeKalb and Fulton) adopted resolutions, supporting the I-285 at Georgia 400 Interchange as a priority project that is critical to the economic vitality of Atlanta's top-end, I-285 corridor; and,

WHEREAS, the PCIDs have sought the support of affected neighboring jurisdictions such as the City of Doraville; and so,

THEREFORE BE IT RESOLVED, in recognizing the importance of forging strategic alliances with its top-end partners for the shared concern of the region, the potential of the General Motors plant redevelopment and the safe and efficient flow of goods, services and people, the Mayor and City Council of the City of Doraville hereby joins its PCIDs partners in supporting the reconstruction of the I-285 at Georgia 400 Interchange as a priority project of regional significance.

ADOPTED AND EFFECTIVE this 19th day of November, in the year 2012.

CITY OF DORAVILLE, GEORGIA

Donna Pittman, Mayor

ATTEST:

Sandra Bryant, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

Cecil G. McLendon, Jr., City Attorney



AGENDA ITEM REQUEST SHEET
November 28, 2012

Subject: Rental Motor Vehicle Excise Tax Ordinance

Date of Meeting: December 3, 2012

Budget Impact: ☐ Yes ☒ N/A

Budget Impact Amount: \$ _____

Funding Source:

- ☐ Annual
- ☐ Capital
- ☐ Grant(s)/ Technical Assistance
- ☒ N/A

- Regular ☒
- Work Session ☐
- Recommendation ☒
- Policy/Discussion ☐
- Report ☐
- Ceremonial ☐
- Other ☐

Department: Administrative

Department Head: Mayor

Action Requested: Staff recommends adoption of the proposed Rental Motor Vehicle Excise Tax Ordinance.

Background: Under state law, an excise tax can be levied on rental motor vehicles that are rented or leased for 31 consecutive days or less. Similar to Hotel/ Motel Excise Tax, the law asserts that excise taxes levied on rental motor vehicles must be used for "promoting industry, trade, commerce and tourism; capital outlay projects consisting of the construction of convention, trade, sports and recreational facilities, or public safety facilities, including the acquiring, constructing, renovating, improving and equipping of parking facilities, pedestrian walkways, plazas, connections and other public improvements associated with such convention, trade, sports and recreational facilities or public safety facilities or the retirement of debt issued with respect to such capital outlay projects; and maintenance and operation expenses or security and public safety expenses associated with capital outlay projects" mentioned above (O.C.G.A. § 48-13-93). Cities and counties that impose a rental car excise tax include (but is not limited to): Athens-Clarke County, Atlanta, Augusta-Richmond County, College Park, DeKalb County, Dunwoody, East Point, Gwinnett County, Johns Creek, Lawrenceville, Marietta, Newnan, Sandy Springs and Savannah.

The annexation area includes one rental car facility – Enterprise Rent-A-Car located at 6715 Peachtree Ind. Blvd. Courtesy of Dunwoody staff, the Enterprise Rent-A-Car of Dunwoody typically remits \$3,800-\$4,000 per month. Avis and Hertz run about \$1,800-\$2,000 per month. Based on those comparisons, the City's Finance Department is comfortable in projecting \$1,800-\$2,000 in monthly revenue provided that the ordinance is adopted.

S/ Luke Howe

**STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF DORAVILLE**

ORDINANCE NO.2012-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF DORAVILLE, GEORGIA TO ESTABLISH AND LEVY A RENTAL MOTOR VEHICLE EXCISE TAX; TO IDENTIFY THE PURPOSE HEREOF; TO REFERENCE THE STATUTORY AUTHORITY HEREFOR; TO PROVIDE DEFINITIONS, TERMS, AND PROVISIONS; TO PROVIDE AN EFFECTIVE DATE; TO SPECIFY THE AMOUNT TO BE LEVIED HEREBY; TO ESTABLISH A MEANS OF COLLECTION; TO IDENTIFY PERSONS AND/OR ENTITIES SUBJECT HERETO; TO PROVIDE FOR A SYSTEM OF RECORD KEEPING AND/OR DOCUMENTATION; TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT HEREOF; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; AND FOR OTHER PURPOSES.

WHEREAS, the City of Doraville is charged with protecting the health, safety and welfare of the citizens of the City; and,

WHEREAS, the City of Doraville is authorized by its Charter to levy certain business and excise taxes on certain businesses and occupations and provided by State Law; and,

WHEREAS, the State Law authorizes the City of Doraville to levy excise taxes on rental motor vehicle agencies; and,

WHEREAS, subsequent to the effective date of the Annexation of certain areas of previously unincorporated DeKalb County, the City of Doraville will have within its geographic boundaries an operational vehicle rental facility, and the Mayor and City Council desire to levy said excise tax on this business.

NOW, THEREFORE, BE ORDAINED, BY THE MAYOR AND CITY COUNCIL
OF THE CITY OF DORAVILLE, GEORGIA AS FOLLOWS:

Section I

That the Code of the City of Doraville, Georgia is hereby amended by revising Chapter 18 ("Taxation"), by addition of a new Article III, entitled "Rental Motor Vehicle Excise Tax," to read in its entirety as follows:

ARTICLE III. RENTAL MOTOR VEHICLES EXCISE TAX

Sec. 18-70 – Intent and statutory authority

The intent hereof is to establish and impose a rental motor vehicle excise tax pursuant to the authority and terms of Title 28, Chapter 13, Article 5 of the O.C.G.A., the funds or revenues from which taxation shall be used and expended for all lawful purposes, in accordance with O.C.G.A. §48-13-93.

Sec. 18-71 – Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Month or monthly period means the calendar months of any year.

Motor vehicle means a motor vehicle designed to carry ten or fewer passengers and used primarily for the transportation of persons that is rented or leased without a driver regardless of whether such vehicle is licensed in the state.

Rental charge means the total value received by a rental motor vehicle concern for the rental or lease of 31 or fewer consecutive days of a rental motor vehicle, including the

total cash and nonmonetary consideration for the rental or lease including, but not limited to, charges based on time or mileage and charges for insurance coverage or collision damage waiver, but excluding all charges for motor fuel taxes or sales taxes.

Rental motor vehicle concern means a person or legal entity which owns or leases five or more rental motor vehicles and which regularly rents or leases such vehicles to the public for value.

Tax, excise tax or taxes means the tax imposed by this Article

Sec. 18-72 – Penalty for violation

In addition to the interest charges and delinquent penalties specified in this article, any person violating any provision of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in this Code. Such persons shall be guilty of a separate offense for each and every day during which any violation of any provision of this article is committed, continued, or permitted by that person and shall be punished accordingly.

Sec. 18-73 – Authority and records

- (a) The City Finance Director and City Clerk shall administer and enforce this Article for the levy and collection of the tax.*
- (b) Every rental motor vehicle concern subject to this article shall keep such records, receipts, invoices and other pertinent papers in such form as the Finance Director and City Clerk may require.*

Sec. 18-74 – Excise tax levied

- (a) There is hereby assessed and levied an excise tax upon each rental charge collected by any rental motor vehicle concern when such charge constitutes a*

taxable event for the purposes of the sales and use tax as provided for under O.C.G.A. § 48-8-1 et seq. on any motor vehicle rental charge made in the city. The tax levied pursuant to this article shall be in the amount of three percent of the rental charge as defined herein. The tax levied pursuant to this article shall be imposed only at the time when and the place where a customer pays sales tax with respect to the rental charge. The customer who pays a rental charge that is subject to the tax levy as provided in this article shall be liable for the tax. The tax shall be paid by the customer to the rental motor vehicle concern. The tax shall be a debt of the customer to the rental motor vehicle concern until it is paid and shall be recoverable at law in the same manner as authorized for the recovery for other debts.

- (b) The rental motor vehicle concern collecting the tax shall remit the tax to the city, and the tax thus remitted shall be a credit against the tax imposed by this article on the rental motor vehicle concern. Every rental motor vehicle concern subject to the tax levied by this article shall be liable for the tax at the rate of three percent upon the rental charges actually collected or the amount of taxes collected from the customers, whichever is greater.*
- (c) The council declares that the proceeds received from the excise tax levied by this article are to be used for promoting industry, trade, commerce and tourism; capital outlay projects consisting of the construction of convention, trade, sports and recreational facilities, or public safety facilities, including the acquiring, constructing, renovating, improving and equipping of parking facilities, pedestrian walkways, plazas, connections and other public improvements*

associated with such convention, trade, sports and recreational facilities or public safety facilities or the retirement of debt issued with respect to such capital outlay projects; and maintenance and operation expenses or security and public safety expenses associated with capital outlay projects as mentioned above within the territorial city limits.

Sec. 18-75 – Exceptions

No tax shall be imposed pursuant to this article on the rental charge associated with the rental or lease of a rental motor vehicle if either:

- (1) The customer picks up the rental motor vehicle outside the state and returns it within the state; or*
- (2) The customer picks up the rental motor vehicle in the state and returns it outside the state.*

Sec. 18-76 – Amount of tax allowed to be retained for expenses

Each rental motor vehicle concern collecting the tax imposed by this article shall be allowed to retain three percent of the tax due and collected and may retain that amount in the form of a deduction for expenses incurred in submitting, reporting and paying the amount of taxes due, if the amounts due are not delinquent at the time of payment.

Sec. 18-77 – Statement required showing gross rental charges and taxes

- (a) On or before the 20th day of each month, the motor vehicle concern liable for the tax provided for herein shall transmit to the city a statement showing the gross rental charges and gross taxes collected through authority of this article for each preceding calendar month. Along with said statement, the motor vehicle concern*

shall submit the net taxes due for each particular month along with a remittance form prescribed by the City Clerk.

- (b) Failure to remit taxes by the due date shall subject the rental motor vehicle concern to a penalty of five percent of the tax then due and, in addition to such penalty, interest thereon the unpaid principal amount due, computed at the rate of one percent per month or fraction thereof from the due date of the taxes.*

Sec. 18-78 – Records

In order to aid in the administration and enforcement of the provisions of this article and collect all the tax imposed, all rental motor vehicle concerns are hereby required to keep a record of rental charges for rental motor vehicles and taxes collected which are related thereto. Said records shall be open for inspection and copying by the City Clerk, or designee, during business hours.

Sec. 18-79 – Deficiency determinations

- (a) If the City Clerk is not satisfied with the return or returns of the excise tax provided for herein, or the amount of the tax required to be paid to the city by any rental vehicle concern, he may compute and determine the amount required to be paid upon use of any information within his possession or that may come into his possession. Deficiency determinations may be made of the amount due for one or more monthly periods.*
- (b) The amount of the determination made by the City Clerk shall bear interest at the rate of one percent per month or fraction thereof from the due date of the taxes found due by him.*

- (c) *The City Clerk shall give to the rental vehicle concern a written notice of any such determination. The notice may be made personally or by mail and, if by mail service, shall be addressed to the operator of the rental motor vehicle concern at the address as the same appears in the records of the City Clerk as provided by each rental motor vehicle concern. Service shall be complete when delivered by certified mail with a receipt signed by an addressee or agent of addressee.*
- (d) *Except in cases of failure to make a return, every notice of deficiency determination shall be mailed within three years after the 20th day of the calendar month following the period in which the amount proposed to be determined or within three years after the return was filed, whichever period shall expire last.*

Sec. 18-80 – Audit authority

Duly authorized representatives of the city, upon exhibition of identification and during regular business hours, may examine and copy the books, papers, records, financial reports equipment and other facilities if necessary of any rental motor vehicle concern in order to verify the accuracy of any return made pursuant to this article, or if no return is made by the rental motor vehicle concern, to ascertain or determine the amount of tax required to be paid.

Sec. 18-81 – Withholding tax on sale of business

- (a) *If any rental motor vehicle concern liable for any amount under this article transfers or sells its business or quits the business, its successors or assigns shall withhold sufficient amounts from the purchase price to cover the amount required to be paid pursuant to this article until the former owner or operator of the rental*

motor vehicle concern produces a receipt from the City Clerk or his designee showing that the indebtedness has been paid or a certificate stating that no amount is due.

(b) If the purchaser of a business or rental motor vehicle concern fails to withhold from the purchase price as required herein, such purchaser shall be personally liable for the payment of the amount of the outstanding tax required to be withheld by him to the extent of such purchase price.

Sec. 18-82 through 18-99 Reserved.

Section 2

- a. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
- b. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no sentence, paragraph, sentence, clause or phrase of this Ordinance.
- c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is

the expressed intent of the Mayor and City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not rendered invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 3

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 4

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Doraville.

Section 5

It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Doraville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 6

This Ordinance shall become effective upon its adoption by the Mayor and Council.

SO ORDAINED AND EFFECTIVE, this ____ day of _____, 2012.

CITY OF DORAVILLE, GEORGIA

Donna Pittman, Mayor

Sandra Bryan, Acting City Clerk
(SEAL)

ATTEST:

First Reading

Second Reading

APPROVED AS TO FORM:

Cecil G. McLendon, City Attorney

	Yea	Nay
Maria Alexander	<input type="checkbox"/>	<input type="checkbox"/>
Brian Bates	<input type="checkbox"/>	<input type="checkbox"/>
Trudy Jones Dean	<input type="checkbox"/>	<input type="checkbox"/>
Pam Fleming	<input type="checkbox"/>	<input type="checkbox"/>
Karen Pachuta	<input type="checkbox"/>	<input type="checkbox"/>
Robert Patrick	<input type="checkbox"/>	<input type="checkbox"/>



the city of
Doraville
DIVERSITY | VITALITY | COMMUNITY

City of Doraville
Office of City Clerk
3725 Park Avenue
Doraville, Georgia 30340-1111
Tel: (770) 451-8745 | Fax: (770) 936-3862 | www.doravillega.us

Rental Motor Vehicle Excise Tax Reporting Form

Month/ Year Reporting: _____/_____/_____

Business Name: _____ Occ. Tax Certificate No: _____

Bus. Address (physical) : _____

Mailing Address (if different): _____

Bus. Tel./ Fax No: _____ Email: _____

All sections of this form must be fully completed, and the return must be filed by the 20th of each month regardless of whether sales merit a remittance. Reports should reflect activity from the previous month. For example, a December report should reflect November's activity.

1. Gross Receipts Subject to Vehicle Rental Tax:	\$
2. Excise Tax Due (3% of Line 1):	\$
3. Credits:	\$
4. Penalty & Interest (5% of Tax Due):	\$
5. Interest - 1% per month or portion thereof times Line 4	\$
6. Less Collection Fee - 3% of Line 4 (for returns submitted on or before deadline):	\$
7. Total Amount Due:	\$
8. Total Amount Paid:	\$

*This return is subject to audit.

This return form and a copy of your Georgia Sales Tax and Use Report are due no later than the 20th day of each month. Reporting must reflect activity for the proceeding month. You may submit additional documentation. A 5% penalty plus an interest rate of 1% per month (or fraction thereof from the due date) will be assessed for businesses that fail to report by the 20th or fail to report altogether. Incomplete forms will be returned until fully completed. Please make a copy for your file and return this form with remittance to the Clerk's Office.

I hereby certify, under penalty of prescribed, that the statements made herein and on any supporting documentation are true, correct and complete to the best of my knowledge.

Printed Name of Preparer: _____ Title: _____

Signature: _____ Date: _____/_____/_____

RETURN/ CHECKS PAYABLE TO:

City of Doraville
3725 Park Avenue
Doraville, Georgia 30340-1111

STAFF USE :

Received By: _____ Date: ____/____/____

Amount Due: \$ _____ Amount Paid : \$ _____ Receipt No: _____



AGENDA ITEM REQUEST SHEET
November 28, 2012

Subject: Annexation Fee

Date of Meeting: December 3, 2012

Budget Impact: ☒ Yes ☐ N/A

Budget Impact Amount: \$10.00 (Approximate)

Funding Source:

- ☒ Annual
- ☐ Capital
- ☐ Grant(s)/ Technical Assistance
- ☐ N/A

- Regular ☒
- Work Session ☐
- Recommendation ☒
- Policy/Discussion ☒
- Report ☐
- Ceremonial ☐
- Other ☐

Department: Administrative

Department Head: Mayor

Action Requested: Staff recommends amending the Fee Schedule, eliminating the Annexation Application Fee (100% method) for properties that are one acre or less. The current fee for all properties is \$750.

Background: Pull-A-Part, LLC., located at 4473 Tilly Mill Road, (see annexation map below for location) was left out of SB 532. This was likely the result of an oversight due to the property's odd configuration in relation to the Doraville-Dunwoody border.

In any event, the property owner, Mr. Marty Kogon, and business owner, Mr. Steve Levetan, have submitted an Annexation Application via the "100% Method" of annexation as outlined in O.C.G.A. § 36-36-21, which allows property owners to petition the governing bodies of municipalities to annex into an existing city provided that the property is contiguous to said city's corporate borders.

Under the "100% Method," cities are not legally obligated to run a legal ad, announcing the annexation. We are, however, obligated to run ads for the property's zoning under the Zoning Procedures Act. A recent zoning ad placed that would be comparable to the size and length of this ad cost the City \$10. The City's ad valorem tax generated from this property is estimated at \$2,000 annually. Based on current estimates, Pull-A-Part would generate \$700-\$1,000 in Occupational Tax. Given the unique circumstances of this case, the return on the City's minimal investment plus the potential to sell other contiguous unincorporated properties (such as Collier's Pharmacy) on annexing into the City via application, a waived application fee for properties that are one acre or less would be an appropriate incentive.

As a footnote, the Pull-A-Part application will be incomplete until the existing \$750 fee is remitted or Council elects to waive the fee as recommended. Once that is settled, staff will process the application for Council approval.



Respectfully,

S/ Luke Howe
Assistant to the Mayor

 Search

☒ Table of Contents (TOC) only

O.C.G.A. § 36-36-21

GEORGIA CODE
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*** Current Through the 2012 Regular Session ***

TITLE 36. LOCAL GOVERNMENT
PROVISIONS APPLICABLE TO MUNICIPAL CORPORATIONS ONLY
CHAPTER 36. ANNEXATION OF TERRITORY
ARTICLE 2. ANNEXATION PURSUANT TO APPLICATION BY 100 PERCENT OF LANDOWNERS

O.C.G.A. § 36-36-21 (2012)

§ 36-36-21. Annexation upon application of all land owners; filing of identification of annexed property with Department of Community Affairs and county governing authority; effect of annexation

Authority is granted to the governing bodies of the several municipal corporations of this state to annex to the existing corporate limits thereof unincorporated areas contiguous to the existing corporate limits at the time of such annexation, in accordance with the procedures provided in this article and in Article 1 of this chapter, upon the written and signed applications of all of the owners of all of the land, except the owners of any public street, road, highway, or right of way, proposed to be annexed, containing a complete description of the lands to be annexed. Lands to be annexed at any one time shall be treated as one body, regardless of the number of owners, and all parts shall be considered as adjoining the limits of the municipal corporation when any one part of the entire body abuts such limits. When such application is acted upon by the municipal authorities and the land is, by ordinance, annexed to the municipal corporation, an identification of the property so annexed shall be filed with the Department of Community Affairs and with the governing authority of the county in which the property is located in accordance with Code Section 36-36-3. When so annexed, such lands shall constitute a part of the lands within the corporate limits of the municipal corporation as completely and fully as if the limits had been marked and defined by local Act of the General Assembly. Except as provided in subsection (c) of Code Section 36-36-20, nothing in this article shall be construed to authorize annexation of the length of any public right of way except to the extent that such right of way adjoins private property otherwise annexed by the municipal corporation.

HISTORY: Ga. L. 1962, p. 119, § 1; Ga. L. 1969, p. 504, § 1; Code 1981, § 36-36-2; Code 1981, § 36-36-21, as redesignated by Ga. L. 1992, p. 2592, § 3; Ga. L. 2000, p. 164, § 6.



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THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: **Award of Auditing Services Contract**

Date of Meeting: December 3, 2012

Regular Meeting (X)

Work Session ()

Recommendation (X)

Policy/Discussion ()

Report ()

Other ()

Budget Impact: ___ Y ___ N

Budget Impact Amount: \$ _____

Funding Source:

(X) Annual

() Capital

() Other

() N/A

CITY OF DORAVILLE CITY OF DORAVILLE CITY OF DORAVILLE CITY OF DORAVILLE CITY OF DORAVILLE

Pursuant to the desires of the City Council, a Request for Proposals was issued on October 1, 2012 to procure auditing services for FY 2013 through 2015. The responses were due on October 26, 2012. We received proposals from Mauldin & Jenkins CPAs, LLC and from Clifton, Lipford, Hardison & Parker, LLC. I have reviewed both proposals extensively and have determined that the services provided along with the methodology and staffing proposed by either would be acceptable to the City of Doraville. My evaluation notes are attached.

An analysis of the pricing (attached) shows that the overall cost to the City over a three year period would be \$73,000 for Mauldin & Jenkins and \$93,585 for Clifton, Lipford, Hardison & Parker. While both proposals are within our budget of \$30,000 per year, it is in the best interest of the City to award the contract to Mauldin & Jenkins.

Options: a) Award the contract to Mauldin & Jenkins
b) Issue a new RFP and start the process over
c) Renew our contract with our current auditor

Recommended Action: Award the contract to Mauldin & Jenkins

Department: Finance

Department Head: Lisa C. Ferguson

Administrative Comments and Recommendation: _____

Action Taken By Board: _____

	M&J	CLH&P
Experience with Govts in GA	X	X
Provides continuing education	30 hours annually	
Newletters	X	
Website	X	
Team	2 Partners 1 Manager 1 Supervisor 1 Staff Professional	Engagement Partner Concurring Review Partner Director of Audits Senior Auditor
GFOA CAFR Program Reviewers	1	4
Cities	Chamblee Clarkston Decatur	Avondale Estates Hinesville Thomaston Perry Newman
Reports to be issued		
Standard report on the Financial Statements	X	X
Report on Internal Controls, Compliance & Other Matters	X	X
Report on Compliance with Requirements Applicable to each Major Program	X	X
Reports as required by Grants to Municipalities Program	X	X
Written Management Letter	X	X
Recommendations for appropriate corrective action	X	X
Copies provided	10 Hard copies perfect bound 1 electronic copy	
Total hours proposed	150	150-175

**Pricing Comparison
Auditing Services RFP**

	Year 1	Year 2	Year 3	Total cost all years
Mauldin & Jenkins				
Audit Cost	18,000	19,000	21,000	58,000
Single Audit	5,000	5,000	5,000	15,000
CAFR (included)				
	<u>23,000</u>	<u>24,000</u>	<u>26,000</u>	<u>73,000</u>

	Year 1	Year 2	Year 3	Total cost all years
CLHP				
Annual Audit	28,095	28,095	28,095	84,285
Single Audit	1,600	1,600	1,600	4,800
CAFR Assistance	1,500	1,500	1,500	4,500
	<u>31,195</u>	<u>31,195</u>	<u>31,195</u>	<u>93,585</u>



THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: **Retirement Plan Redesign Process**
Date of Meeting: December 3, 2012

Regular Meeting	(X)
Work Session	()
Recommendation	()
Policy/Discussion	()
Report	()
Other	()

Budget Impact: ___ Y ___ N

Budget Impact Amount: \$ _____

Funding Source:

- () Annual
- () Capital
- () Other
- () N/A

CITY OF DORAVILLE CITY OF DORAVILLE CITY OF DORAVILLE CITY OF DORAVILLE CITY OF DORAVILLE

During the previous fiscal year, the City Council voted to move the city's retirement plan from GMEBS to OneAmerica. In August, 2012, the old plan was terminated and a new plan was adopted. In the interim, the plan assets have been moved.

David Griffin from OneAmerica will be discussing plan design considerations to assist the City's moving forward with redesigning the retirement plan.

Options:

Recommended Action:

Department: Finance

Department Head: Lisa C. Ferguson

Administrative Comments and Recommendation: _____

Action Taken By Board: _____

CITY OF DORAVILLE

Defined Benefit

PLAN DESIGN REVIEW &

EDUCATION of COST IMPACT

DISCLAIMER

This document is intended to provide context for potential plan changes. Potential cost savings can be estimated once the City of Doraville decides on the parameters for a plan design change. OneAmerica, AUL, and McCreedy and Keene are not a law firm and we cannot offer legal advice. We urge the City of Doraville to discuss any potential plan design changes with appropriate legal counsel.

This presentation only discusses conversational and potential plan design changes on the City of Doraville Retirement Plan. It does not address the costs for replacement plans. It also does not discuss issues relating to the adequacy of retirement benefits or the impact of the City of Doraville to attract and retain employees if benefits are changed. These are issues that should be considered before plan design changes are implemented.

FACTS

The City of Doraville is currently quite expensive. For the current fiscal year, the employer cost for the plan is 17.21% of pay. This is putting a strain on the City of Doraville's budget. This document will explore some potential plan design changes that could be considered to reduce the cost of the plan.

Since many people have some familiarity with the rules that govern benefit changes for corporate plans, this document will discuss some of those rules and also discuss how the rules for public sector plans are different.

All numbers in this document are based on the January 1, 2012 valuation performed by the prior actuary (Segal). Inclusion of those numbers in this document should not be interpreted as implying that McCready and Keene has verified the numbers. **McCready and Keene will be providing updated liability and cost numbers when we prepare the January 1, 2013 actuarial valuation.**

TYPES OF PLAN CHANGES AVAILABLE IN THE MARKET TODAY

Potential plan changes fall into four categories.

These concepts represent actions by other entities are not necessarily recommended or needed for the City of Doraville:

FREEZE NEW ENTRY OF FUTURE NEW EMPLOYEES

Stopping new entrants - assuming 4% attrition, the 2012 normal cost of \$444,000 would decline by about 4% per year.

ADJUST COLA

Eliminating or limiting future COLA increases (this feature is considered a part of the accrued benefit) will create immediate savings.

It is possible to allow Council to “vote” on future COLA increases as needed, and with the knowledge of the cost impact.

The current assumption for the COLA is 3.5% per year. If the decision is to stop the COLA for all current participants, a rough estimate is that this would reduce the Actuarial Accrued Liability by 15% - 35%, say 25%.

Freeze Benefit Accruals

Changing future accruals for current employees has more cost-savings potential, but is much more likely to have legal issues.

In corporate pension plans, employers can “freeze” benefits. For example, an employer might amend the plan such that participants’ benefits are frozen as of December 31, 2012 and no future benefits will accrue.

When GMEBS prepared the January 1, 2012 actuarial valuation, they included the effect of future salary increases on current accrued benefits. This is part of the Projected Unit Credit funding method.

What this means is that if we anticipate a participant’s average salary will increase by 25% in the time from January 1, 2012 to retirement, we include the effect of that future salary increase in determining the liability for that participant’s benefit. *This means that if the City of Doraville were to freeze benefits for current participants, there would be a substantial reduction in the unfunded accrued liability because the liabilities for each active participant would be reduced to reflect the elimination of future salary increases. This is known in corporate accounting as a “curtailment gain.”*

A pension freeze would also eliminate the normal cost portion of the pension cost.

While corporate employers have some freedom to freeze pension accruals, the rules are generally more restrictive for public sector plans. We strongly urge the City of Doraville to consult with appropriate legal counsel if considering changes in this area.

Terminate the Plan

The City of Doraville Retirement Plan is not subject to termination restrictions that normally apply to corporate plans. This plan is not subject to strict guidelines prescribed by the Pension Benefit Guarantee Corporation (PBGC) when a plan terminates because this plan is excluded from their coverage. This plan also is not subject to the similar guidelines mandated by the IRS because of the plan being maintained by a government entity.

We would suggest and recommend that if this approach is considered that the plan mirror the requirements mandated by the IRS and PBGC except for application for their approval. As is the case with other suggested plan redesign issues stated, legal challenges may be an issue for discussion with counsel.

At a quick review, to fully fund this plan to pay current accrued benefits, the City of Doraville may need to contribute as much as \$29 million dollars or more according to the January 1, 2012 actuarial valuation prepared by Segal.



THE CITY OF DORAVILLE

AGENDA ITEM SHEET

Subject: Text Amendment – OW zoning district

Date of Meeting: 11-19-12

Budget Impact: ☐ Yes ☒ No

Budget Impact Amount: \$ n/a

Funding Source:

- ☐ Annual
☐ Capital

Regular Meeting	<input checked="" type="checkbox"/>
Work Session	<input type="checkbox"/>
Recommendation	<input type="checkbox"/>
Policy/Discussion	<input type="checkbox"/>
Report	<input type="checkbox"/>
Other	<input type="checkbox"/>

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Action Requested: Text amendment to allow Office Uses as a permitted use without the requirement for a 51% warehouse space requirement in the O-W Office Warehouse zoning district.

History, Facts, Issues: This application for a text amendment is one approach of a dual-prong approach by the applicant to address the issue of offices within the O-W zoning district relative to property located at 3988 – 4064 Flowers Ave. This property is an existing Office and Warehouse facility and is currently zoned O-W. Offices are located at the front of the buildings and warehouse space is provided toward the rear. The market demand for the project has included a significant increase in need for business office space without extensive warehousing requirements. The O-W zoning district currently requires states:

“Permitted uses: Office/warehouse facilities when the warehouse is an integral portion of the office structure but excluding mini-storage or self-storage facilities. The warehouse portion of the facility must be a minimum of fifty-one (51) percent of the gross floor area regardless of any of heated square footage ratio; however, no less than twenty-five (25) percent of the facility shall be devoted to office use. No warehouse doors shall face a public right-of-way nor shall any shipping/receiving/loading/unloading area face a public right-of-way. No vehicle whose gross vehicle weight rating (GVWR) of over ten thousand (10,000) pounds, including commercial tractor-trailers, dump trucks, wreckers, or earth moving equipment shall be parked, stored, or dispatched in connection with an office/warehouse use conducted on the premises. No vehicle for hire shall be parked, stored, or dispatched from the site.”

Over the last year the City has had numerous Occupational Tax Certificate Applications for office space that did not need extensive warehousing space and did not meet the 51% requirement and were denied. Staff has discussed the matter with the owners and their attorney and the only options to allow this type of use is to either rezone the property to O-I which allows offices, but not warehousing and have warehousing as a

legal non-conforming use or to amend the text of the O-W zoning district to allow "office uses." The Applicant has elected to do both, and is submitting the rezoning application concurrently with an application to amend the O-W text.

Options: Amend the O-W zoning district to allow office use without the 51% warehouse requirements, recommend amendment with modifications or deny the request amendment; or recommend that Council approve the concurrent rezoning of the Subject Property to O-I which will make this application moot; or deny both applications.

Staff Comments and Recommendation: The requirement for 51% warehouse space has been an ongoing issue with many applicants for Occupational Tax Certificates at this property. Staff had recommended to the applicant that in order to use the properties in this manner either a text amendment or rezoning would be required. A rezoning of the property would result creating a large number of legal non-conforming businesses which would be grandfathered. Staff feels amendment to the text of OW permitted uses would be preferable to rezoning of the property to OI to allow businesses who do not need such a large amount of warehouse space within the complex. There is one other area of OW in the City, also developed as an office/warehouse park. The amendment to this ordinance would not negatively affect any existing OW properties in the City, but would allow additional use of such property for smaller businesses. Staff recommends **Approval** of amendment to Sec. 23-908 OW permitted uses to allow offices without the 51% of space to be warehouse requirement.

Planning Commission Recommendation: **Approval** (3-0 in favor) Planning Commission expressed their view that this is the best alternative (over rezoning of property) to allow more flexibility for smaller businesses in the OW district.

Department: Planning & Development
Administrator

Department Head: Zoning

Action Taken By Board: _____

**STATE OF GEORGIA
CITY OF DORAVILLE**

ORDINANCE NO. 2012 - _

AN ORDINANCE OF THE CITY OF DORAVILLE, GEORGIA, TO AMEND CHAPTER 23, (ZONING), SECTION 23-908 TO ADD ADDITIONAL PERMITTED USE TO O-W (OFFICE-WAREHOUSE) DISTRICT; TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES

WHEREAS, the City Council of the City of Doraville, Georgia is tasked with the protection of the City's public health, safety and general welfare; and

WHEREAS, Chapter 23 (Zoning Ordinance), Section 23-908 (O-W office/warehouse district), contains regulations regarding, among other things, permitted uses within the O-W Office/Warehouse District; and

WHEREAS, Section 23-908 of the Zoning Ordinance contains the stated purpose for the creation of the O-W Office/Warehouse District as follows: "the office/warehouse district is intended to encourage the development of office and office warehouse facilities in combination where the manufacture and/or the fabrication of products are not involved"; and

WHEREAS, Section 23-908 currently prohibits office uses and allows only office/warehouse uses as a permitted use; and

WHEREAS, the prohibition of office uses within the O-W Office/Warehouse district has had the impact of discouraging the development of office facilities; and

WHEREAS, amending Section 23-908 of the Zoning Ordinance to allow, as a permitted use, offices, would further the stated purpose, intent and goal of the creation of the O-W Office/Warehouse District; and

WHEREAS, it is in the general interest of the health, safety and welfare of the City of Doraville, Georgia that office uses be permitted in the O-W Office/Warehouse District; and

WHEREAS, a duly advertised public hearing, in accordance with the Georgia Zoning Procedures Act, has been held by the City of Doraville to consider these revisions.

THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN, as follows:

Section 1

That Chapter 23 of the City of Doraville, Georgia Code is hereby amended by revising Section 23-908 (O-W Office/Warehouse District) to add an additional use, as a separate paragraph, to the subsection labeled "*permitted uses*" to read in its entirety as follows:

"Business office and professional office uses, but excluding uses as further regulated by Code. Furthermore, ambulance service; bail bond and appearance bond operations; barter, swap, and trading offices; body craft studio; cash advance; check cashing establishments; firearms dealers office; taxi service and dispatch agencies; wrecker service; blood and/or plasma donor centers; body craft studios; day labor or labor pool agencies; escort services; fortunetellers; handwriting analysts; hypnotists; massage establishments; modeling agencies; palmistry; pawnshops, including title pawn, and pawnbrokers; automotive and truck rental; and automotive dealer's office are specifically excluded. No vehicle whose gross vehicle weight rating (GVWR) of over ten thousand (10,000) pounds, including commercial tractor-trailers, dump trucks, wreckers, or earth moving equipment shall be parked, stored, or dispatched in connection with a business or professional office use conducted on the premises. No vehicle for hire shall be parked, stored, or dispatched from the site."

Section 2

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,

clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Doraville.

Section 6

It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Doraville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 7

This Ordinance shall become effective on the date of adoption.

SO ORDAINED AND EFFECTIVE, this ____ day of _____, 2012.

CITY OF DORAVILLE, GEORGIA

Mayor _____

First Reading

Second Reading

ATTEST:

Sandra Bryant, Acting City Clerk (SEAL)

APPROVED AS TO FORM:

Cecil G. McLendon, Jr., City Attorney

	Yea	Nay
Maria Alexander	<input type="checkbox"/>	<input type="checkbox"/>
Brian Bates	<input type="checkbox"/>	<input type="checkbox"/>
Pam Fleming	<input type="checkbox"/>	<input type="checkbox"/>
Karen Pachuta	<input type="checkbox"/>	<input type="checkbox"/>
Trudy Jones Dean	<input type="checkbox"/>	<input type="checkbox"/>
Robert Patrick	<input type="checkbox"/>	<input type="checkbox"/>



THE CITY OF DORAVILLE

AGENDA ITEM SHEET

Subject: Rezoning from OW Office Warehouse to OI Office Institutional for property at 3988 - 4064 Flowers Road (Tax Parcel # 18 322 06 001)

Date of Meeting: 11-19-12

Budget Impact: ☐ Yes ☒ No

Budget Impact Amount: \$ n/a

Funding Source:

- ☐ Annual
☐ Capital

Regular Meeting	<input checked="" type="checkbox"/>
Work Session	<input type="checkbox"/>
Recommendation	<input type="checkbox"/>
Policy/Discussion	<input type="checkbox"/>
Report	<input type="checkbox"/>
Other	<input type="checkbox"/>

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: Rezoning to allow Office Uses as a permitted use without the requirement for a 51% warehouse space requirement in the O-W Office Warehouse zoning district.

History, Facts, Issues: This application for a text amendment is one approach of a dual-prong approach by the applicant to address the issue of offices within the O-W zoning district relative to property located at 3988 – 4064 Flowers Ave. This property is an existing Office and Warehouse facility and is currently zoned O-W. Offices are located at the front of the buildings and warehouse space is provided toward the rear. The market demand for the project has included a significant increase in need for business office space without extensive warehousing requirements. The O-W zoning district currently requires states:

“Permitted uses: Office/warehouse facilities when the warehouse is an integral portion of the office structure but excluding mini-storage or self-storage facilities. The warehouse portion of the facility must be a minimum of fifty-one (51) percent of the gross floor area regardless of any of heated square footage ratio; however, no less than twenty-five (25) percent of the facility shall be devoted to office use. No warehouse doors shall face a public right-of-way nor shall any shipping/receiving/loading/unloading area face a public right-of-way. No vehicle whose gross vehicle weight rating (GVWR) of over ten thousand (10,000) pounds, including commercial tractor-trailers, dump trucks, wreckers, or earth moving equipment shall be parked, stored, or dispatched in connection with an office/warehouse use conducted on the premises. No vehicle for hire shall be parked, stored, or dispatched from the site.”

Over the last year the City has had numerous Occupational Tax Certificate Applications for office space that did not need extensive warehousing space and did not meet the 51% requirement and were denied. Staff has discussed the matter with the owners and

their attorney and the only options to allow this type of use is to either rezone the property to O-I which allows offices, but not warehousing and have warehousing as a legal non-conforming use or to amend the text of the O-W zoning district to allow "office uses." The Applicant has elected to do both, and is submitting the rezoning application concurrently with an application to amend the O-W text.

Sec. 23-1603 Zoning Approval Review Standards are as follows (with comments):

(1) The existing uses and zoning nearby; This is an existing use which would allow existing businesses to continue as grandfathered uses, but also allow less intense use as primarily office.

(2) The extent to which property values are diminished by their particular zoning restriction; No detrimental impacts are anticipated. This is an existing development. Expansion of use as office is not anticipated to create negative impacts.

(3) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public; No detrimental impacts are anticipated. This is an existing business.

(4) The relative harm to the public as compared to the hardship imposed upon the individual property owner; No detrimental impacts to the public are anticipated. This is an existing business. A decrease in truck traffic is expected if the vacant space was utilized as office as opposed to only office/warehouse. However, there may be an increase amount of traffic from personal vehicles as opposed to trucks.

(5) The suitability of the subject property for zoning proposed; This is a less intense use of the space and is part of the current use, just without the 51% warehouse requirement.

(6) The length of time the property has been vacant as zoned, considered in the context of land development of adjacent and nearby property; The Applicant states that the market has changed such that more office space is required, opposed to purely office/warehouse. A number of businesses by the City have either been rejected or modified their leases when applying for an Occupational Tax Certificate due to the 51% warehouse requirement.

(7) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; The uses are suitable.

(8) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; No detrimental impacts are anticipated. This is an existing business and less intense zoning district proposed.

(9) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; The current permitted uses under C-2 zoning restrict uses for which the site was developed and historically utilized. See Item 6 above.

(10) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools; No detrimental impacts are anticipated. Existing businesses would continue as grandfathered uses.

(11) Whether the zoning proposal is in conformity with the policy and intent of the land use plan; The property is designated as Profession Employment Center. Offices are an appropriate use.

(12) Whether there are other existing or changing conditions affecting the use and development of property which gives supporting grounds for either approval or disapproval of the zoning proposal; None presented

(13) The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area or the community; No detrimental impacts are anticipated. There are existing businesses and OI is a less intense zoning district, and

(14) The impact of the proposed zoning change upon pedestrian and vehicular circulation and traffic and thoroughfare capacities and capabilities. No detrimental impacts are anticipated. See Item 4 above.

Options: Amend the O-W zoning district to allow office use without the 51% warehouse requirements, recommend amendment with modifications or deny the request amendment; or recommend that Council approve the concurrent rezoning of the Subject Property to O-I which will make this application moot; or deny both applications.

Staff Comments and Recommendation: The requirement for 51% warehouse space has been an ongoing issue with many applicants for Occupational Tax Certificates at this property. Staff had recommended to the applicant that in order to use the properties in this manner either a text amendment or rezoning would be required. A rezoning of the property would result creating a large number of legal non-conforming businesses which would be grandfathered. Staff feels amendment to the text of OW permitted uses would be preferable to rezoning of the property to OI to allow businesses who do not need such a large amount of warehouse space within the complex. There is one other area of OW in the City, also developed as an office/warehouse park. The amendment to this ordinance would not negatively affect any existing OW properties in the City, but would allow additional use of such property for smaller businesses. Staff recommends Approval of amendment to Sec. 23-908 OW permitted uses to allow offices without the 51% of space to be warehouse requirement.

Planning Commission Recommendation: Approval (3-0 in favor) Planning Commission expressed their view that this is the best alternative (over rezoning of property) to allow more flexibility for smaller businesses in the OW district.

Department: Planning & Development
Administrator

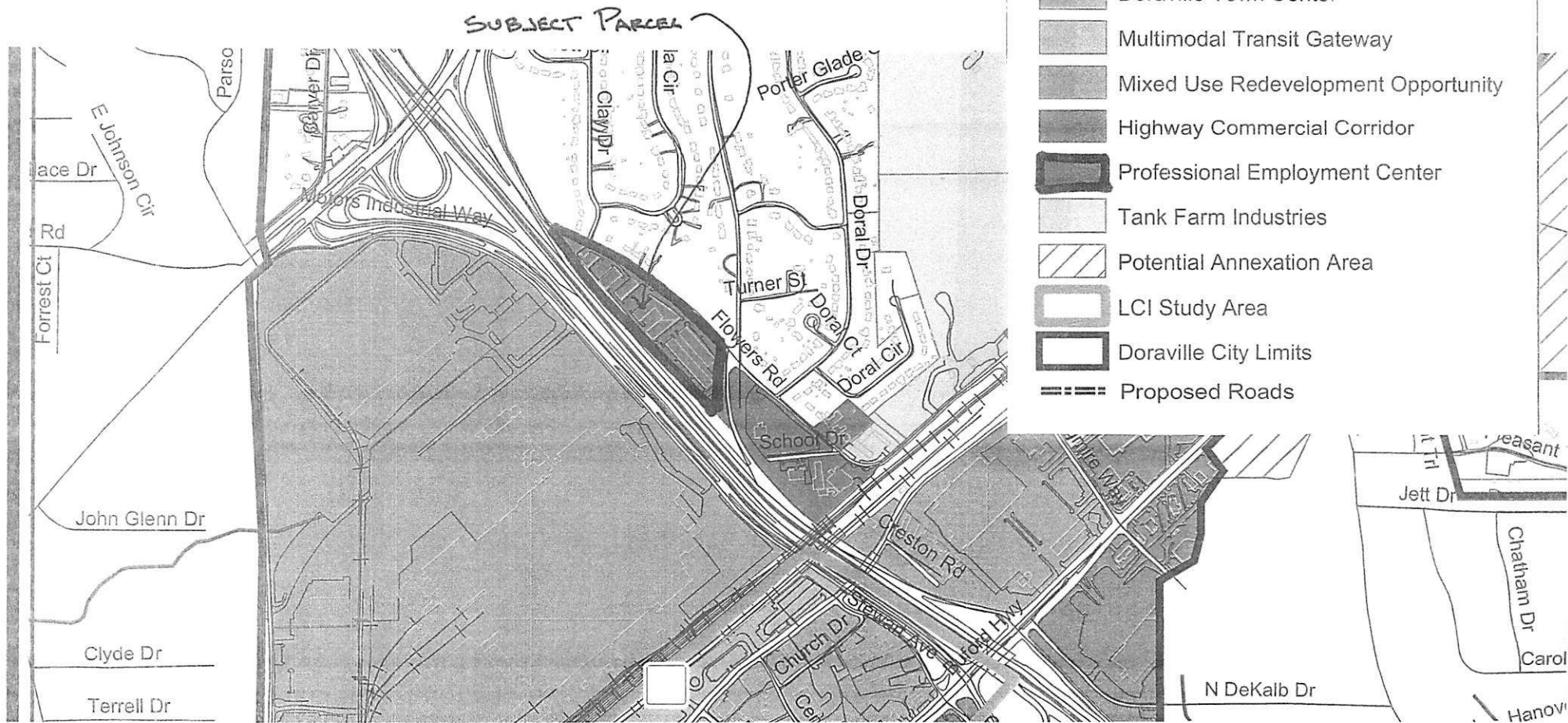
Department Head: Zoning

Action Taken By Board: _____

Legend

Future Development Areas

-  Neighborhood Preservation District
-  Doraville Town Center
-  Multimodal Transit Gateway
-  Mixed Use Redevelopment Opportunity
-  Highway Commercial Corridor
-  Professional Employment Center
-  Tank Farm Industries
-  Potential Annexation Area
-  LCI Study Area
-  Doraville City Limits
-  Proposed Roads

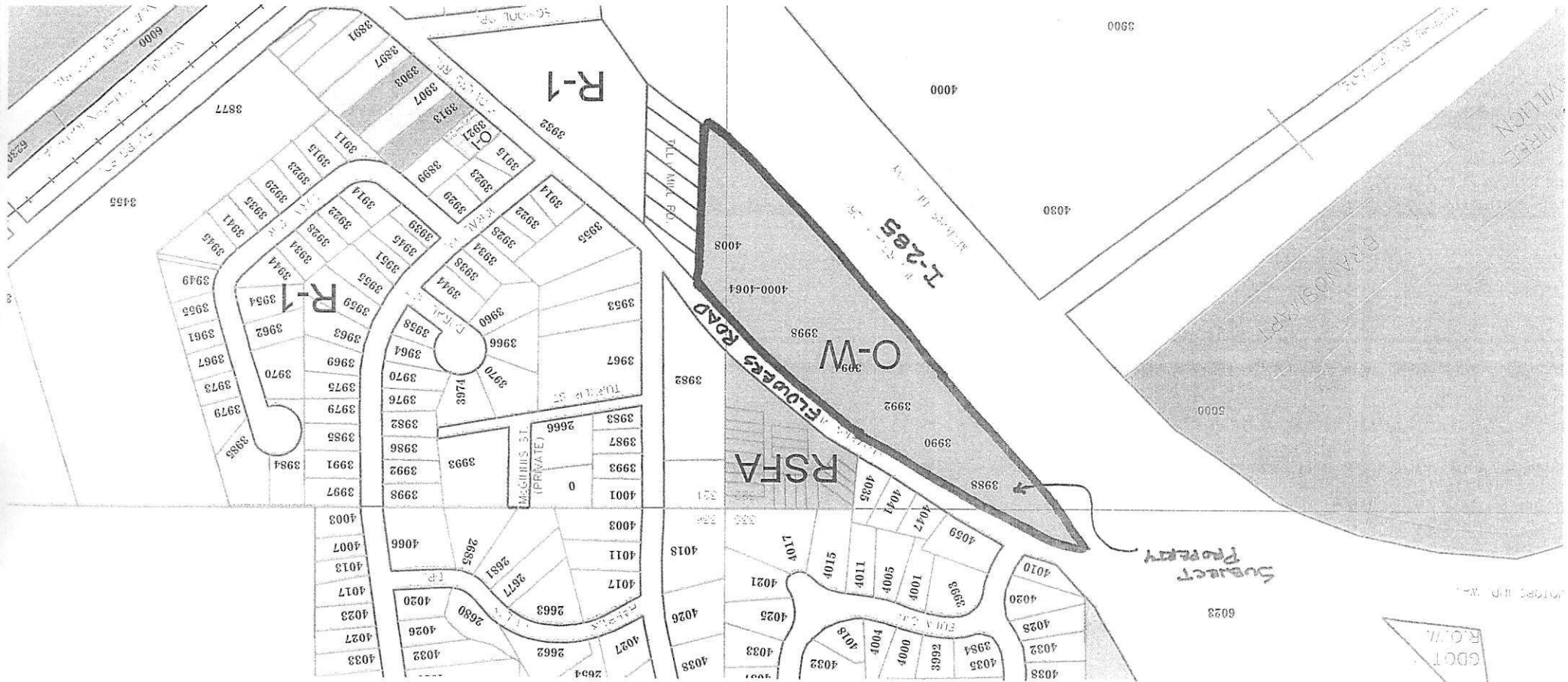


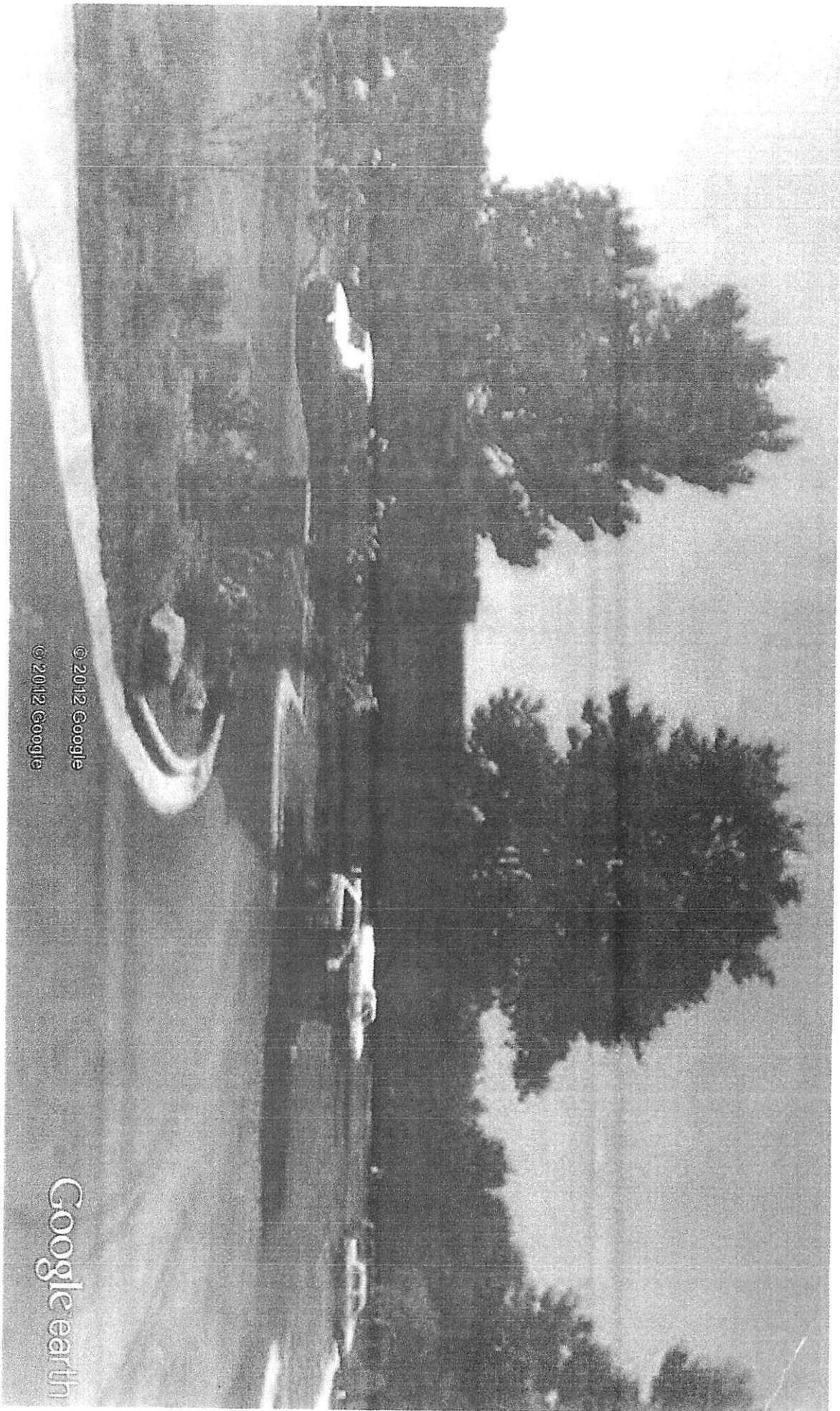
Future Development Map

"-M. U. N. S. G. I. O. N."

6023

Current Zoning





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Google earth

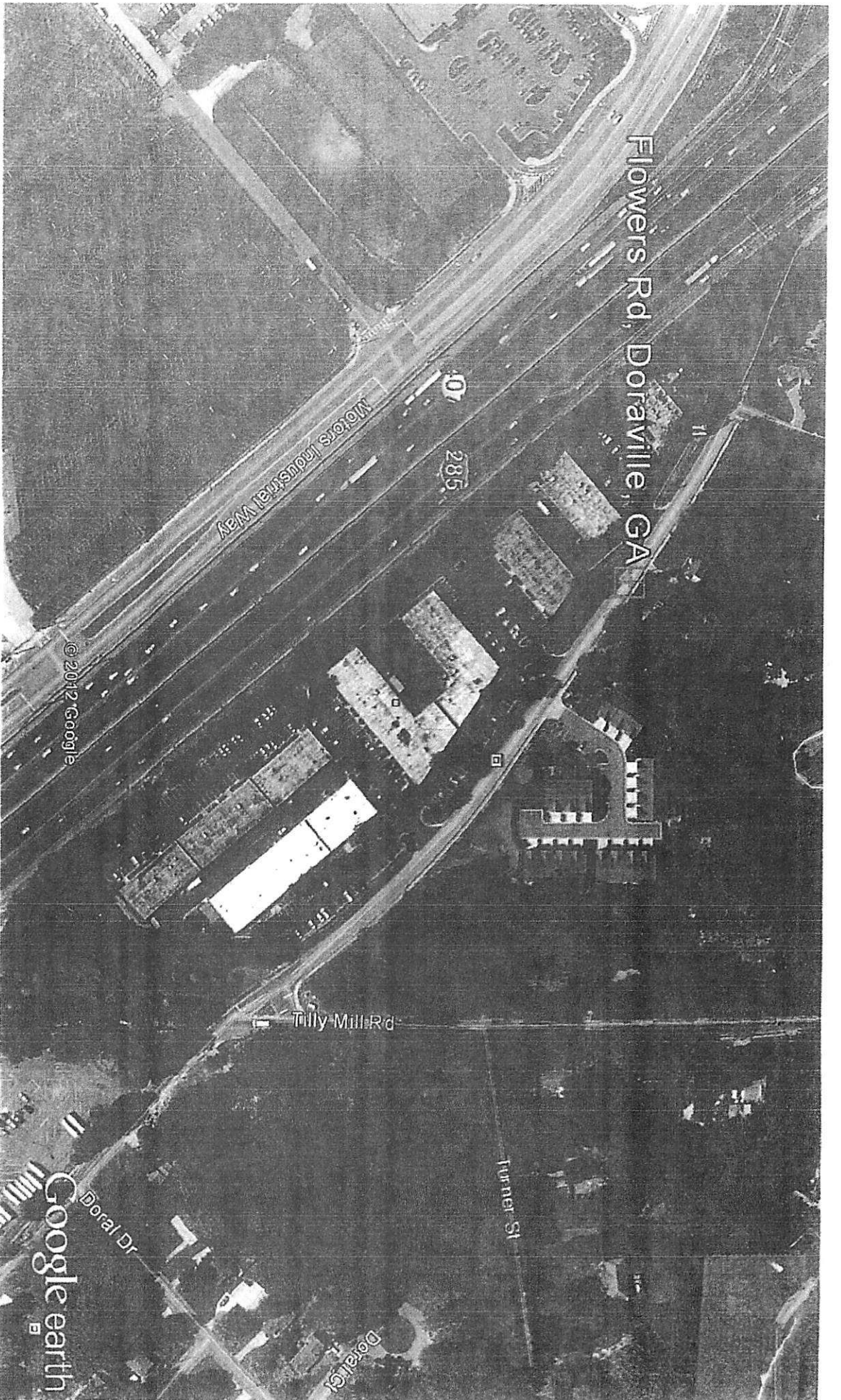
Google earth

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Google earth

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Google earth



City of Doraville Planning & Development Department

APPLICATION FOR REZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP OF THE CITY OF DORAVILLE, GEORGIA

Date Received: _____ (incomplete applications shall not be accepted)

ZONING # _____

APPLICANT

Name: Stephen Rothman, Wilson Brock & Irby, LLC

Mailing Address: 2849 Paces Ferry Rd., Suite 700, Atlanta, GA 30339

E-mail: srothman@wbilegal.com Daytime Phone: 404-853-5050 Fax: 404-853-1812

OWNER

Name: Wiedmayer & Co., LLC, et al.

Mailing Address: 3520 Piedmont Rd., NE, Suite 410, Atlanta, GA 30305

E-mail: srothman@wbilegal.com Daytime Phone: 404-853-5050 Fax: 404-853-1812

SUBJECT PROPERTY

Street Address: 3988-4064 Flowers Road

Tax ID Parcel No.: 18 322 06001 District(s) 18 LL 321, 322 Block 6 Council District: 1

Current Zoning Category: OW Requested Zoning Category: OI Acreage: 8.097

Future Land Use Character Area: professional employment Within LCI Study Area: Yes _____ No x

Application process:

- (1) Meet with City staff. Prior to submitting for a conditional use permit, the applicant shall meet with the planning department to discuss the process, zoning, conditional use permits, and development of the property.
- (2) Submittal of the application. The applicant or property owner should submit all items as listed on the zoning amendment application.
- (3) Review by City staff. The planning department will process the application. Staff may contact the applicant or owner for additional information during the review period.
- (4) Presentation to Planning Commission. The Planning Commission shall review the application and hear any presentation which the Applicant may wish to make. The Planning Commission shall make a recommendation to the City Council for approval, denial, or approval with conditions to the City Council.
- (5) Notification of public hearing. Staff will notify the applicant of the date of the public hearing. A legal notice is also sent to the local newspaper for publication.
- (6) Posting of signs on property for zoning notification. As required by ordinance, the applicant will be responsible for the cost of posting the zoning notification signs on the property for which the change in zoning has been requested prior to the public hearing in accordance with the Georgia Zoning Procedures Law.
- (7) City Council public hearing. A public hearing is required for a zoning amendment application. During the public hearing, staff will present a summary of the proposed development to the Mayor and Council. Persons in support of the proposed request and persons in opposition to the proposed request may speak during the public hearing. The applicant, property owner, and/or

their representative, may be present at the meeting and should be prepared to discuss the conditional use permit and answer any questions that arise.

(b) *City Council decision.* After hearing the evidence and reviewing the application as well as any staff comments, the City Council considers the proposed zoning amendment.

(c) *Conditions.* The City Council may require such modifications in the proposed use and attach such conditions to the zoning amendment as they deem necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of the ordinance. Conditions and modifications may include, but are not limited to: limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit, and hours of operation.

STANDARDS

The Mayor, City Council, staff and appointed bodies shall, in deciding any rezoning application, consider the below listed standards governing the exercise of the zoning power whenever deliberating over any zoning proposal pursuant to this section:

(1) The existing uses and zoning nearby;

(2) The extent to which property values are diminished by their particular zoning restriction;

(3) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public;

(4) The relative harm to the public as compared to the hardship imposed upon the individual property owner;

(5) The suitability of the subject property for zoning proposed;

(6) The length of time the property has been vacant as zoned, considered in the context of land development of adjacent and nearby property;

(7) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

(8) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

(9) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

(10) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools;

(11) Whether the zoning proposal is in conformity with the policy and intent of the land use plan;

(12) Whether there are other existing or changing conditions affecting the use and development of property which gives supporting grounds for either approval or disapproval of the zoning proposal;

(13) The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area or the community; and

(14) The impact of the proposed zoning change upon pedestrian and vehicular circulation and traffic and thoroughfare capacities and capabilities

REQUIRED DOCUMENTS:

- _____ Letter of Intent / Description of the Project: describing the requested conditional use, adjacent land uses, zoning districts and businesses; justification of how the requested use meets the Standards (listed above) and any information the Applicant would like to include in the information package (photos, renderings, etc.);
- _____ Site plan (see site plan requirements)
- _____ Any additional information required by the City based upon the initial application meeting with staff;
- _____ Completed application (incomplete applications will not be accepted);
- _____ Owner's Authorization of Agent (if Applicant is not the owner).

APPLICATION FEE: See current City Fee Schedule: Sec. 2-261 - Zoning processing fees

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A. Ch 36-67A, the following questions must be answered: Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? Yes _____ No x

If the answer is Yes, you must file a disclosure report with the governing authority of the City of Doraville showing:

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and date of each such contribution.

Cheryll Cruz 9/18/12
NOTARY DATE

Shirley Nell 9/18/2012
SIGNATURE OF APPLICANT DATE

May 15, 2016
EXPIRATION DATE / SEAL

Stephen Rothman
Check One: Owner _____ Agent x



APPLICATION FOR REZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP

NOTE: 12 COPIES OF THE COMPLETED PACKAGE ARE REQUIRED FOR SUBMITTAL FOR REVIEW BY STAFF, PLANNING COMMISSION AND CITY COUNCIL. ALL APPLICATIONS SHALL BE COLATED AND SUBMITTED AS 12 SEPERATE PACKAGES INCLUDING ALL PLANS WHICH ARE TO BE FOLDED TO APPROXIMATELY 9" x 12" SIZE.

PLEASE READ THE FOLLOWING BEFORE SIGNING

This form must be completed in its entirety before it will be accepted. It must include all required attachments and filing fees. An application which lacks any of the required attachments or information shall be deemed incomplete and shall not be accepted.

NOTARY George Curry DATE 9/18/12

SIGNATURE OF APPLICANT Stephen Rothman DATE 9-18-2012

EXPIRATION DATE / SEAL MAY 15, 2014



Check One: Owner ☐ Agent ☒ Stephen Rothman



City of Doraville Planning & Development Department

OWNER'S AGENT AUTHORIZATION

Date: _____

TYPE OF APPLICATION

- () Land Use Plan
(x) Rezone
() Conditional Use Permit
() Minor Modification
() Other _____

SUBJECT PROPERTY ADDRESS

3988-4064 Flowers Road

Suite/Unit # _____

Tax Parcels # 18 322 06001

TO WHOM IT MAY CONCERN:

(I) (WE), see attached

(NAME OF OWNER(S)) (print or type)

being (owner)/(owners) of the property described above or as attached hereby delegate authority to

Stephen Rothman

(PRINTED NAME OF APPLICANT OR AGENT REPRESENTING OWNER(S)) (print or type)

to file an application on (my) / (our) behalf.

Richard J. Mary
Notary Public Commission Expires
3/31/2015

Notary Public

Notary Public

Wiedmayer & Co., LLC on behalf of owners
Owner

Owner

Owner

WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

OVERLOOK I, SUITE 700
2848 PACES FERRY ROAD
ATLANTA, GEORGIA 30339
WWW.WBILLEGAL.COM

STEPHEN ROTTMAN
SROTHMAN@WBILLEGAL.COM
DIRECT DIAL: (770) 803-3731

TELEPHONE
(404) 853-5050

FACSIMILE
(404) 853-1812

September 18, 2012

Mayor and City Council
City of Doraville
3724 Park Avenue
Doraville, Georgia 30340

RE: Letter of Intent and Standards/Application for 3988-4064 Flowers Road

Dear Mayor and Council:

This firm represents the owners by and through Wiedmayer & Co., LLC, who respectfully submit this application to rezone 8.097 acres of land to the O-I zoning category. This request is submitted as an alternative to an application contemporaneously herewith to change the text of the existing ordinance to allow office uses in the OW (Office Warehouse) District. If the other application is not approved, we respectfully request that this application be approved.

The property's southern boundary line abuts U.S. Interstate I-285. To the north, across Flowers Road, there exists a mixture of attached and detached single family residential uses.

The subject property is located on Flowers Road adjacent to U.S. Interstate I-285 near its intersection with Tilly Mill Road. The property is currently zoned OW (Office Warehouse) and is currently developed with 103,109 square feet of buildings used for office and warehouse purposes. The property currently has 334 parking spaces. The use of the property has evolved from an office/warehouse use to a mixture of purely office uses and office warehouse uses. This evolution in the use of the property gives rise to this zoning request.

The OW Office/Warehouse District permits one use only: a facility with offices where a warehouse is an integral portion of the office structure. Section 23-908 requires that five-one (51) percent of the gross floor area of the use be dedicated to warehousing use. The OW District does not allow purely office uses.

In the event the companion application is not approved, this is to request that the zoning on the property be changed to the O-I district, so that office uses are permitted without the requirement that fifty-one (51) percent of the facility be used for warehousing purposes.

This rezoning to further the general health, safety and welfare of the City of Doraville and will provide a use that is more compatible with surrounding properties than the current use allowed under the OW District, as is more particularly shown by addressing each of the standards provided in the zoning ordinance for consideration of rezoning. Each consideration is addressed below in turn.

(1) Existing uses and zoning nearby: The property is bordered by U.S. Interstate I-285 to the south. To the east, the property is bordered by R-1 (single family detached) zoning. To the north, across Flowers Road, the property is surrounded by R-1 and RSFA (residential single family attached) zoning. Property on the south side of Flowers Road to the west is zoned to the O-I zoning category. The proposed office use will be less intense, generates less noise, generates less large vehicle traffic and is generally

September 18, 2012

Page 2

more compatible with single family residential uses than the purely OW uses currently allowed on the property.

(2) The extent to which property values are diminished by their particular zoning restriction:

The property is currently developed with tenant spaces which have remained vacant for some time. The current zoning restricts the allowed uses of the tenant spaces to only offices which have fifty one (51) percent of its floor area dedicated to warehouse use. The market for such uses is extremely narrow and the property owner has been unable to lease its tenant spaces to such users. There is simply not a demand or market for the single use allowed in the OW District. As such, the projected lease income for office/warehouse uses is very slight, thereby rendering the fair market value of the property significantly diminished because of the zoning limitation.

The owner has experienced strong interest in office uses without the warehouse component. Pending approval requests with the City to allow conversion of tenant spaces to office uses exist, demonstrating the demand to allow the conversion of the property to office uses. The fair market value of the property would be able to remain stable if leasing to purely office uses was permitted on the property. Therefore, the property values are significantly diminished by the limitation of uses for the property to one use, office warehouses.

(3) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public.

The destruction of the property value of the subject property will not, in any way, promote the health, safety, morals or welfare of the public.

(4) The relative harm to the public as compared to the hardship imposed upon the individual property owner.

If the zoning request is approved, no relative harm to the public will result. The existing OW use is a more intense use that generates truck traffic, generates more noise and results in more activity that is incompatible with the surrounding residential community. The proposed OI uses are less intense and generate less impacts on surrounding property. Moreover, OI uses for this existing business park are more compatible with the surrounding single family detached and attached uses.

(5) The suitability of the subject property for the proposed zoning

The property is currently developed with buildings which are designed to office standards so little, if any, cost is required to adapt the use of the building to the proposed rezoning. The property currently contains 334 parking spaces, which means that parking requirements for the OI district would be met.

(6) The length of time the property has been vacant as zoned, considered in the context of land development of adjacent and nearby property.

The property is currently developed with 103,109 square feet of buildings used for office and warehouse purposes. Tenant spaces remain vacant, despite the context of a healthy demand for office uses at the facility, for excessive periods of time. Pending approval requests with the City exist demonstrating the demand to allow the conversion of the property to office uses. This context shows that

September 18, 2012

Page 3

the length of time that spaces remain vacant for OW uses, considered in the context of the office market demand for the property, is excessive.

(7) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

Adjacent properties are developed, to the south, as US Interstate I-285. Adjacent properties to the north are developed as attached and detached single family residences. The proposed OI uses serve as a buffer between the highway and the residences, essentially serving as a transitional use between the highway and the residences. By proposing OI uses, in lieu of the existing OW uses, the zoning proposal offers a downzoning. Thus, this zoning proposal is for a less intense use in the transitional area between the residences and the highway. This serves to eliminate negative impacts arising from the warehousing component of the OW uses. Thus, the proposal permits a use that is suitable in view of the use and development of adjacent and nearby properties.

(8) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property. Indeed, by proposing a downzoning, resulting in less impact to adjacent and nearby property, the zoning proposal will positively impact the existing use or usability of adjacent or nearby property.

(9) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

For the reasons stated in response to standard 2 above, the property has no reasonable economic use as currently zoned.

(10) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

The zoning proposal will reduce the use of existing streets and transportation facilities, by requiring less heavy vehicles than the currently allowed warehousing uses. There will be no change in the use of utilities. No demand on schools exists with the proposed zoning.

(11) Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

No change in the land use plan is required by this zoning proposal. The zoning proposal is in conformity with the policy and intent of the land use plan.

(12) Whether there are other existing or changing conditions affecting the use and development of property which gives supporting grounds for either approval or disapproval of the zoning proposal.

There are currently applications pending with the City for approval of new office tenants to locate in Doraville. Those new offices are awaiting the outcome of this application.

WILSON BROCK & IRBY, L.L.C.

September 18, 2012

Page 4

(13) The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area or the community.

The proposed map amendment would result in a more vibrant development with less vacant spaces, more offices located in Doraville and a use that is more compatible with the surrounding single family residential uses.

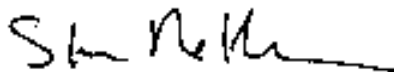
(14) The impact of the proposed zoning change upon pedestrian and vehicular circulation and traffic and thoroughfare capacities.

The proposed zoning change will result in less heavy load vehicles and trucks serving warehouse components of the property driving on streets with single family residences.

For the reasons stated above, this application serves to further the interests of the citizens of Doraville and the goals and intent of the zoning ordinance and comprehensive development plan. Fair notice requires that the owner and applicant place the city on notice that, if this application is denied or approved in a manner inconsistent with the request to allow office uses as proposed herein, then the owner's and applicant's rights pursuant to Article I, Section I, Paragraph I; Article I, Section I, Paragraph II, Article I, Section III, Paragraph I of the Georgia Constitution and the 5th and 14th amendments to the US constitution will be denied. However, given the compatibility of this request with the policies and goals of the City of Doraville, we respectfully request that this application be approved.

Sincerely,

WILSON BROCK & IRBY, L.L.C.



Stephen Rothman

SR
Enclosures



THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: Text Amendment to address Signs for Vacant Properties

Date of Meeting: 11/19/12

Budget Impact: ☐ Yes ☒ No

Budget Impact Amount: \$ n/a

Funding Source:

- ☐ Annual
☐ Capital
☒ N/A

Regular Meeting	<input checked="" type="checkbox"/>
Work Session	<input type="checkbox"/>
Recommendation	<input type="checkbox"/>
Policy/Discussion	<input type="checkbox"/>
Report	<input type="checkbox"/>
Other	<input type="checkbox"/>

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: Text Amendment

History, Facts, Issues: This is a public hearing and second reading Council having heard first reading on Nov. 5, 2012. The Mayor and staff have been receiving a number of comments regarding the fact that the City sign ordinance does not address signage for vacant properties. Chapter 14 (sign code) addresses signage for businesses, but the code does not address signage for vacant properties. Businesses have been using banners for such purposes in the past, which are not allowed according to City code. Our banner ordinance is written to address special sales, opening and events that are of a fixed date or known time period. The signs are limited to 14 days. Sec. 14-8.1 of our code states:

Flags other than official flags of a governmental entity, banners, pennants, balloons, or streamers, air- or gas-filled figures, or other devices requiring air, gas, wind or other natural means for operating or movement (a "promotional sign") except for a period not to exceed fourteen (14) days for the purpose of drawing attention to a particular event or activity.

A number of large and small businesses have expressed concern about not being able to legally place banners or signs on vacant properties. City Council discussed this item at a council signage workshop, made recommendations and forwarded to the Planning Commission for recommendations.

The City Council reviewed the draft language at their workshop on signs on August 13, staff made modifications accordingly, Planning Commission reviewed the text on Sept. 5 and made attached recommendation of approval with modifications (see attached).

Options: Review recommendations by Planning Commission and staff and decide standards in subsections 1(a); 2(a,b,c); and 4, as well as appropriate fee. Staff recommends a fee of \$275 for the first year based upon processing, site inspection and initial site inspections

and measurements and reducing renewal to \$175 to cover processing, site inspection and enforcement.

Planning Commission Recommendation: Approval with modifications as shown on attached sheet "Language based Upon Planning Commission Recommendations".

Staff Recommended Action: Approval

Department: Planning & Development

Department Head: Joe Cooley

Administrative Comments and Recommendation:

Action Taken By Board: _____

Language based upon Planning Commission Recommendations

Amend Sec. 14-12 Signs to

Signs-During-Vacancy shall mean a temporary free-standing sign or a temporary wall banner permitted for development with vacant lots, units, and/or tenant spaces.

Developments in which there are vacant lots, units, and/or tenant spaces shall be entitled to one on-premises temporary Sign-During -Vacancy sign per access-providing street frontage of the development. Said sign may be free-standing or a wall banner subject to the following conditions:

1. Free-standing signs shall not exceed:
 - a. ~~20- 24~~ sixteen (16) square feet per face (double faced signs are allowed as long as the sign faces created an angle no greater than 45 degrees between faces),
 - b. shall have a maximum height of ~~five-45~~ six (6) feet, and
 - c. shall not be internally illuminated.
2. Wall banners shall not exceed:
 - a. 24 sixteen (16) square feet when sign will be on a building wall within 25 feet or less from the road right-of-way.
 - b. 40 twenty-four (24) square feet in area when sign will be on a building wall greater than 25 feet and less than 75 feet from the road right-of-way.
 - c. 80 forty (40) square feet when sign will be on a building wall greater than 75 feet from road right-of-way.
3. All such signs shall be maintained in good condition.
4. All such signs shall be removed upon the development obtaining ~~95%- 90%~~ seventy-five percent (75%) occupancy.
5. All such signs shall require a sign permit *to be renewed on an annual basis. ~~but no fee shall be assessed.~~* (Planning Commission also recommended that there be a annual fee to cover the administrative and enforcement costs added to the city fee schedule)

STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2012 - _

AN ORDINANCE OF THE CITY OF DORAVILLE, GEORGIA, TO AMEND CHAPTER 14, (SIGNS), TO ADD ADDITIONAL REGULATIONS FOR "SIGNS DURING VACANCY" SIGNAGE; TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES

WHEREAS, the City Council of the City of Doraville, Georgia is tasked with the protection of the City's public health, safety and general welfare; and

WHEREAS, Chapter 14 (Signs) does not currently contain any provisions to allow additional signage in those commercial developments that have vacancies that need to be advertised; and

WHEREAS, the Mayor and City Council desire to help promote economic development in the City of Doraville and find that it is necessary to provide for additional signage allowance for developments with substantial vacancies; and

WHEREAS, a duly advertised public hearing, in accordance with the Georgia Zoning Procedures Act, has been held by the City of Doraville to consider these revisions on _____, 2012.

THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN, as follows:

Section 1

That Chapter 14 of the City of Doraville, Georgia Code is hereby amended by revising Section 14-1 (Definitions) to add a definition of "Signs During Vacancy" to read as follows:

Signs-During-Vacancy shall mean a temporary free-standing sign or a temporary wall banner permitted for development with vacant lots, units, and/or tenant spaces.

Section 2

That Chapter 14 of the City of Doraville, Georgia, Code is hereby further amended by revising Section 14-12 ("General Size and Location Requirements on commercial and Industrial Zoned Parcels") to add subsection (i) to read as follows:

(i) *Signs-During-Vacancy Signs.* *Developments in which there are vacant lots, units, and/or tenant spaces shall be entitled to one on-premises temporary Sign-During-Vacancy sign per access-providing street frontage of the development. Said sign may be free-standing or a wall banner subject to the following conditions:*

(1) *Free-standing signs shall not exceed:*

- a. *Sixteen (16) square feet per face (double faced signs are allowed as long as the sign faces created an angle no greater than 45 degrees between faces);*
- b. *Have a maximum height of six (6) feet; and*
- c. *Not be internally illuminated*

(2) *Wall banners shall not exceed:*

- a. *Sixteen (16) square feet when sign will be on a building wall within twenty-five (25) feet or less from the road right-of-way;*
- b. *Twenty-four (24) square feet when sign will be on a building wall greater than twenty five (25) feet and less than or equal to seventy-five (75) feet from the road-right-of-way;*

- c. Forty (40) square feet when sign will be on a building wall greater than seventy-five (75) feet from road right-of-way.*
- (3) All such signs shall be maintained in good condition.*
- (4) All such signs shall be removed upon the development obtaining 75% occupancy.*
- (5) All such signs shall require a sign permit to be renewed on an annual basis.*

Section 3

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional

or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Doraville.

Section 6

It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Doraville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 7

This Ordinance shall become effective on the date of adoption.

SO ORDAINED AND EFFECTIVE, this ____ day of _____, 2012.

CITY OF DORAVILLE, GEORGIA

Mayor

First Reading

Second Reading

ATTEST:

_____(SEAL)
Sandra Bryant, Acting City Clerk

APPROVED AS TO FORM:

Cecil G. McLendon, Jr., City Attorney

	Yea	Nay
Maria Alexander	<input type="checkbox"/>	<input type="checkbox"/>
Brian Bates	<input type="checkbox"/>	<input type="checkbox"/>
Pam Fleming	<input type="checkbox"/>	<input type="checkbox"/>
Karen Pachuta	<input type="checkbox"/>	<input type="checkbox"/>
Trudy Jones Dean	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Patrick	<input checked="" type="checkbox"/>	<input type="checkbox"/>



THE CITY OF KNOXVILLE
AGENDA ITEM SHEET

Subject: Ordinance Language regarding
\$5,000 spending allowance
Date of Meeting: August 20, 2012
Budget Impact: ☒ Y ☐ N
Budget Impact Amount: \$
Funding Source:
☐ Annual
☐ Capital
☐ N/A
CITY OF KNOXVILLE CITY COMMISSIONERS CITY OF KNOXVILLE
Regular Meeting ☒ (X)
Work Session ☐ ()
Recommendation ☐ ()
Policy/Discussion ☐ ()
Report ☐ ()
Other ☐ ()

CITY OF KNOXVILLE CITY COMMISSIONERS CITY OF KNOXVILLE
Action Requested: Revise current language in Ordinance 2.90 regarding the \$5,000
spending amount that does need Council approval. An example is the language
change is:
"Mayor has signing and spending authority for budgeted items, not to exceed
\$_____ within these limits. This spending cannot be used for aggregate services,
including the hiring of temporary firms or employees for the City or long-term contracts."

Options: Not change the language

Recommended Action: Change the language

Department: City Council
Department Head: City Council

Administrative Comments and Recommendations:

Action Taken By Board:

STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2012-__

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF DORAVILLE, GEORGIA TO ADD NEW SECTION 2-91, PURCHASING AUTHORITY, TO AMEND THE PURCHASING AUTHORITY OF THE MAYOR; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO ADOPT A PREAMBLE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the City Charter authorizes the City to enter into contracts and agreements with private parties providing for services to be furnished and payment to be made for such, and all appropriate rules and regulations to accomplish same;

WHEREAS, the duly elected governing authority of the City of Doraville, Georgia are the Mayor and Council thereof;

WHEREAS, the current bid opening procedures in Chapter 2 of the City Code provide for an RFP process for all expenditures above \$5,000;

WHEREAS, the current authority of the Mayor to sign Agreements of \$5,000 or below needs to be clarified to provide proper parameters for use of said authority;

WHEREAS, the City Council wishes to streamline and improve the efficiency of the purchasing power of the City by clarifying the authority of the Mayor to execute Agreements without approval of Council; and

WHEREAS, the health, safety, welfare and aesthetics of the citizens of the City of Doraville shall be improved and protected by adoption and implementation of this Ordinance.

THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA
HEREBY ORDAIN:

Section 2

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 3

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Maria Alexander	<input type="checkbox"/>	Yes
Brian Bates	<input type="checkbox"/>	No
Pam Fleming	<input type="checkbox"/>	No
Karen Pachuta	<input type="checkbox"/>	No
Trudy Jones Depp	<input type="checkbox"/>	No
Robert Patrick	<input type="checkbox"/>	No



THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: Agenda Packets

Regular Meeting (X)

Work Session ()

Date of Meeting: November 19, 2012

Recommendation ()

Budget Impact: Y X N

Policy/Discussion ()

Report ()

Other ()

Budget Impact Amount: \$

Funding Source:

() Annual

() Capital

() N/A

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: Change the Ordinance to allow more time for Council to review materials for agenda items.

Department: City Council/Trudy Jones Dean

Administrative Comments and Recommendation:

Action Taken By Board:



THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: Text Amendments to City Code related to Adult Entertainment (SOB)
ordinances

Date of Meeting: 12-3-2012

Budget Impact: ☐ Yes ☒ No

Budget Impact Amount: \$ n/a

Funding Source:

- ☐ Annual
☐ Capital
☒ N/A

Regular Meeting	<input checked="" type="checkbox"/>
Work Session	<input type="checkbox"/>
Recommendation	<input type="checkbox"/>
Policy/Discussion	<input type="checkbox"/>
Report	<input type="checkbox"/>
Other	<input type="checkbox"/>

CITY OF DORAVILLE CITY OF DORAVILLE CITY OF DORAVILLE CITY OF DORAVILLE CITY OF DORAVILLE

Action Requested: First Read: Text amendment revising Sec. 23-402
(definitions) regarding definitions related to adult entertainment to be consistent with the
City licensing ordinance; amendments to Chapter 23 - Zoning removing adult
entertainment from several zoning districts as an accepted use and allowing it as a
permitted use in the M-2 zoning district; and amendment to Sec. 23-1203 Parking
Standards to revise the term Adult Entertainment to be consistent with concurrent text
amendments.

History, Facts, Issues: Revisions required for consistency in ordinance sections
regarding Sexually Oriented Businesses (SOB)

Options: _____

Recommended Action: Amendment to City Code as submitted by City Attorney

Department: City Attorney

Planning Commission Recommendation: Approval (3-0 in favor) Nov. 7, 2012

Staff Comments and Recommendation: Approval of text amendment

Action Taken By Board: _____

STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2012-__

AN ORDINANCE TO REVISE CHAPTER 23 ("ZONING"), WITH REGARD TO ADULT ENTERTAINMENT ESTABLISHMENTS AND SEXUALLY ORIENTED BUSINESSES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES

WHEREAS, sexually oriented businesses require special supervision from the public safety agencies of the City in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the City; and

WHEREAS, the City Council finds that sexually oriented businesses, as a category of establishments, are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

WHEREAS, there is convincing documented evidence that sexually oriented businesses, as a category of establishments, have deleterious secondary effects and are often associated with crime and adverse effects on surrounding properties; and

WHEREAS, the City Council desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, certain sexually oriented products and services offered to the public are recognized as not inherently expressive and not protected by the First Amendment, *see, e.g., Sewell v. Georgia*, 233 S.E.2d 187 (Ga. 1977), *dismissed for want of a substantial federal question*, 435 U.S. 982 (1978) (sexual devices); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 224 (1990) (escort services and sexual encounter services); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007) (upholding ban on sexual novelty devices); and

WHEREAS, there is documented evidence of sexually oriented businesses, including adult bookstores and adult video stores, manipulating their inventory and/or business practices to avoid regulation while retaining their essentially "adult" nature, *see, e.g., City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002) (noting that "the nonadult video selections appeared old and several of its display cases were covered with cobwebs"); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001) (finding "plaintiff's argument that it is not an adult entertainment establishment frivolous at best"); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005) (noting that "the accuracy and credibility" of the

evidence on inventory in a Lion's Den was suspect, and that testimony was "less than candid" and "suggested an intention to obscure the actual amount of sexually explicit material sold"); and

WHEREAS, the City intends to regulate such businesses as sexually oriented businesses through a narrowly tailored ordinance designed to serve the substantial government interest in preventing the negative secondary effects of sexually oriented businesses; and

WHEREAS, the City's regulations shall be narrowly construed to accomplish this end; and

WHEREAS, the City recognizes its constitutional duty to interpret, construe, and amend its laws to comply with constitutional requirements as they are announced; and

WHEREAS, with the passage of any ordinance, the City and the City Council accept as binding the applicability of general principles of criminal and civil law and procedure and the rights and obligations under the United States and Georgia Constitutions, Georgia Code, and the Georgia Rules of Civil and Criminal Procedure; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the U.S. Constitution or the Georgia Constitution, but to enact legislation to further the content-neutral governmental interests of the City, to wit, the controlling of secondary effects of sexually oriented businesses.

THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN:

Section I

Purpose. It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

Findings and Rationale. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the City Council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v.*

Bellanca, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and

Flanigan's Enters., Inc. v. Fulton County, 596 F.3d 1265 (11th Cir. 2010); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *Artistic Entertainment, Inc. v. City of Warner Robins*, 331 F.3d 1196 (11th Cir. 2003); *Artistic Entertainment, Inc. v. City of Warner Robins*, 223 F.3d 1306 (11th Cir. 2000); *Williams v. Pryor*, 240 F.3d 944 (11th Cir. 2001); *Williams v. A.G. of Alabama*, 378 F.3d 1232 (11th Cir. 2004); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Gary v. City of Warner Robins*, 311 F.3d 1334 (11th Cir. 2002); *Ward v. County of Orange*, 217 F.3d 1350 (11th Cir. 2002); *Boss Capital, Inc. v. City of Casselberry*, 187 F.3d 1251 (11th Cir. 1999); *David Vincent, Inc. v. Broward County*, 200 F.3d 1325 (11th Cir. 2000); *Sammy's of Mobile, Ltd. v. City of Mobile*, 140 F.3d 993 (11th Cir. 1998); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F.3d 1358 (11th Cir. 1999); *This That And The Other Gift and Tobacco, Inc. v. Cobb County*, 285 F.3d 1319 (11th Cir. 2002); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Grand Faloan Tavern, Inc. v. Wicker*, 670 F.2d 943 (11th Cir. 1982); *International Food & Beverage Systems v. Ft. Lauderdale*, 794 F.2d 1520 (11th Cir. 1986); *5634 E. Hillsborough Ave., Inc. v. Hillsborough County*, 2007 WL 2936211 (M.D. Fla. Oct. 4, 2007), *aff'd*, 2008 WL 4276370 (11th Cir. Sept. 18, 2008) (per curiam); *Fairfax MK, Inc. v. City of Clarkston*, 274 Ga. 520 (2001); *Morrison v. State*, 272 Ga. 129 (2000); *Flippen Alliance for Community Empowerment, Inc. v. Brannan*, 601 S.E.2d 106 (Ga. Ct. App. 2004); *Oasis Goodtime Emporium I, Inc. v. DeKalb County*, 272 Ga. 887 (2000); *Chamblee Visuals, LLC v. City of Chamblee*, 270 Ga. 33 (1998); *World Famous Dudley's Food & Spirits, Inc. v. City of College Park*, 265 Ga. 618 (1995); *Airport Bookstore, Inc. v. Jackson*, 242 Ga. 214 (1978); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010); *LEEH, Inc. v. Wichita County*, 289 F.3d 358 (5th Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); *84 Video/Newsstand, Inc. v. Sartini*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Fantasyland Video, Inc. v. County of San Diego*, 505 F.3d 996 (9th Cir. 2007); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Starship Enters. of Atlanta, Inc. v. Coweta County*, No. 3:09-CV-123, R. 41 (N.D. Ga. Feb. 28, 2011); *High Five Investments, LLC v. Floyd County*, No. 4:06-CV-190, R. 128 (N.D. Ga. Mar. 14, 2008); *10950 Retail, LLC v. Fulton County*, No. 1:06-CV-1923, R. 62 Order (N.D. Ga. Dec. 21, 2006); *10950 Retail, LLC v. Fulton County*, No. 1:06-CV-1923, R. 84 Contempt Order (N.D. Ga. Jan. 4, 2007); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); *People ex rel. Deters v.*

The Lion's Den, Inc., Case No. 04-CII-26, Modified Permanent Injunction Order (III. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale*, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005);

and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Houston, Texas - 1983, 1997; Phoenix, Arizona - 1979, 1995-98; Tucson, Arizona - 1990; Chattanooga, Tennessee - 1999-2003; Los Angeles, California - 1977; Whittier, California - 1978; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Littleton, Colorado - 2004; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997; Ft. Worth, Texas - 2004; Kennedale, Texas - 2005; Greensboro, North Carolina - 2003; Amarillo, Texas - 1977; Jackson County, Missouri - 2008; Louisville, Kentucky - 2004; New York, New York Times Square - 1994; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); Dallas, Texas - 2007; "Rural Hotspots: The Case of Adult Businesses," 19 Criminal Justice Policy Review 153 (2008); "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," Journal of Urban Health (2011); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; Fulton County, Georgia - 2001; "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Memphis, Tennessee - 2005-11; and Assorted Reports Concerning Secondary Effects,

the City Council finds:

- (1) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
- (2) Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.
- (3) Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the City's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the City's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may be located in the City. The City finds that the cases and documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.

The City hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.

Section 2

The City of Doraville Zoning Ordinance, Chapter 23 of the City Code, is hereby amended by revising Section 23-402 ("Definitions") by deleting the strike-through text and inserting the underlined text, as indicated as follows:

Sec. 23-402. – Definitions.

For the purpose of this chapter, certain words and terms used herein shall be defined and shall have their customary dictionary definition.

...

Addition to an existing building means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered new construction.

~~*Adult entertainment establishment* is any one (1) or more of the following: Adult book store, adult motion picture theater, adult mini motion picture theater, adult motion picture arcade, adult video store, and erotic entertainment/dance establishment.~~

Advertising device means any structure or device erected or intended for the purpose of displaying advertising situated upon or attached to real property.

...

Rubbish means nonputrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

Sexually oriented business means an "adult bookstore or adult video store," an "adult cabaret," an "adult motion picture theater," a "semi-nude model studio," or a "sexual device shop" as those terms are defined in Chapter 6, Article X of the Code of Ordinances, City of Doraville, Georgia.

Shopping center means a group of commercial establishments having a building composition that is an architectural unit and is not a miscellaneous assemblage of stores; planned, developed, analyzed as a unit, related in location, size and type of shops to the trade area that unit serves, and providing on-site parking in definite relationship to the types and sizes of stores.

...

Section 3

Chapter 23 ("Zoning") is further amended by revising Section 23-907 ("O-I Office/Institutional District") by deleting the strike-through text, as indicated as follows:

Sec. 23-907. – O-I office/institutional district.

Purpose: The office/institutional district ...

Permitted uses:

...

Internet-based business offices but excluding on-site shipping services ~~as otherwise restricted by the adult entertainment ordinance.~~

...

Section 4

Chapter 23 is further amended by revising Section 23-909 ("C-1 Neighborhood Commercial District") by deleting the strike-through text and inserting the underlined text, as indicated as follows:

Sec. 23-909. – C-1 Neighborhood commercial district.

Purpose: The neighborhood commercial district ...

Permitted uses:

...

Books and periodicals ~~(subject to restrictions of adult entertainment)~~, stationary, and card shops, but not sexually oriented businesses.

...

Indoor amusement and recreation businesses including theaters, but excluding drive-in theaters, billiards and pool halls, paintball facilities, sexually oriented businesses, and waterparks.

...

Theaters (indoor only) but excluding alcohol sales and ~~adult entertainment~~ sexually oriented businesses.

...

Video/DVD sales of new merchandise and rental but excluding ~~adult entertainment~~ sexually oriented businesses.

...

Section 5

Chapter 23 is further amended by revising Section 23-912 ("M-2 Heavy Manufacturing District") by deleting the strike-through text and inserting the underlined text, as indicated as follows:

Sec. 23-912. – M-2 heavy manufacturing district.

Purpose: This district ...

Permitted uses:

...

Heating fuel or petroleum products, storage, transmission, wholesaling, or sales provided that materials shall not be extracted or processed on the premises.

Sexually oriented businesses, subject to regulations in Chapter 6, Article X of the Code of Ordinances, City of Doraville, Georgia.

Wrecker service without automobile storage yard.

...

Conditional uses:

~~Adult entertainment establishments subject to restrictions of Code.~~

Alcohol or alcoholic beverage manufacturers provided indoor operations only.

...

Section 6

Chapter 23 is further amended by revising Section 23-914 ("CT Commercial Transition District") by deleting the strike-through text and inserting the underlined text, as indicated as follows:

Sec. 23-914. - CT commercial transition district.

Purpose. The (CT) commercial transition district ...

...

Permitted uses:

...

Art and school supply stores with or without instruction ~~subject to the adult entertainment ordinance.~~

...

Books, periodicals, compact discs, DVD's, and records ~~(subject to restrictions of adult entertainment)~~ new and/or used sales; stationary sales; and card shops sales; but not sexually oriented businesses.

...

Hobby, toy, and games stores ~~(excluding adult entertainment).~~

...

Internet-based business offices ~~except as otherwise restricted by the adult entertainment ordinance.~~ Automotive dealer's offices shall be prohibited.

...

Mail order distribution houses ~~(excluding adult novelty and adult entertainment).~~

...

Photographers (including the sale of supplies and equipment) ~~but excluding the classification of adult entertainment.~~

...

Video/DVD sales and rental but ~~excluding adult entertainment~~ not sexually oriented businesses.

Section 7

Chapter 23 is further amended by revising Section 23-1203 ("Compact Car Parking") by deleting the strike-through text and inserting the underlined text, as indicated as follows:

Sec. 23-1203. – Compact car parking

The parking requirements of this Article ...

The following table depicts the minimum number of off-street parking spaces and loading stalls required by type of permitted use:

Parking and Loading Spaces Required

	Parking	Loading
Schools ...		
Adult Entertainment Establishments <u>Sexually Oriented Businesses</u>	One (1) space for every four hundred (400) square feet of gross floor area	None
Shopping Centers ...		
...		

Section 8

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the

express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 9

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 10

This Ordinance shall be codified in accordance with state law and the Code of the City of Doraville, Georgia. This Ordinance shall become effective upon adoption.

SO ORDAINED, this _____ day of _____, 2012.

CITY OF DORAVILLE, GEORGIA

Mayor

First Reading

Second Reading

ATTEST:

_____(SEAL)
Acting City Clerk

APPROVED AS TO FORM:

Cecil G. McLendon, Jr., City Attorney



THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: **Resolution impose Moratorium on
Sewer treatment and other related facilities**

Date of Meeting: December 3, 2012

Budget Impact: ___Y___X___N

Budget Impact Amount: \$ ___ N/A _____

Funding Source:

() Annual

() Capital

() N/A

Regular Meeting (X)

Work Session ()

Recommendation (X)

Policy/Discussion ()

Report ()

Other ()

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As a result of the discussions at the November 26, 2012 Council Work Session concerning the recent issues with the sewer treatment plant existing in the M1 Zoning District, the Mayor and City Council voted to impose a moratorium on licensing and zoning review of any such facilities until an amendment to the Zoning Ordinance removing said facilities as permitted uses from the M1 zoning district can be adopted by the Mayor and City Council. Attached is the Resolution affirming the imposition of said moratorium for 90 days.

Options: ___To adopt the Resolution or rely on the verbal action item vote to impose the moratorium at the November 26, 2012 meeting.

Recommended Action: ___Recommend adoption.

Department: _Legal

Department Head: _Cecil G. McLendon, Jr.

Administrative Comments and Recommendation: _____

Action Taken By Board: _____

RESOLUTION 2012-_____

A RESOLUTION IMPOSING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF DORAVILLE, GEORGIA A MORATORIUM OF NINETY DAYS (UNLESS SOONER TERMINATED) UPON THE APPLICATION FOR, OR ISSUANCE OF, ANY OCCUPATION TAX CERTIFICATES FOR SEWER DISTRIBUTION AND COLLECTION LINES, PUMPING FACILITIES FOR WATER AND SEWER SYSTEMS, AND WATER AND SEWERAGE PLANTS IN THE M1 AND M2 ZONING DISTRICTS.

WHEREAS, the City of Doraville is a duly constituted municipality of the State of Georgia; and

WHEREAS, the City has previously adopted Chapter 23, Zoning, regulating use of various zoning districts in the City of Doraville; and

WHEREAS, due to the recent events with a leak at a sewer treatment plant, placed in the M1 Zoning District pursuant to Section 23-911 of the Zoning Ordinance, the City Council believes it prudent to reexamine the appropriateness of said facilities in certain zoning districts in the City and to determine how best to provide for their use in the future; and

WHEREAS, prior to determining how best to regulate the use of said facilities, the City needs to review and investigate the impact of said uses and the areas of the City best served to have said use; and

WHEREAS, a reasonable period of time is required for the review of said use and conduct appropriate hearings regarding the regulation of same within the City, and for the consideration and adoption of any appropriate ordinances related thereto.

NOW THEREFORE, be it resolved by the Mayor and Council of the City of Doraville, Georgia, as follows:

1. That the above recitals are not mere recitals, but are material portions of the within resolution; and
2. That the Mayor and Council intend to, and shall, review the City's current M1 and M2 zoning use regulations and the included sewer treatment-related uses in order to determine the proper regulation that would comply with the City's Comprehensive plans; and
3. A moratorium is hereby imposed upon the application for, or issuance of, any occupation tax certificate or zoning appropriateness determination for sewer distribution and collection lines, pumping facilities for water and sewer systems and water and sewerage plants, as provided in the use regulations of the M1 and M2 zoning districts of the City, Chapter 23 of the City Code, within the boundaries of the City of Doraville, Georgia, and

STATE OF GEORGIA
CITY OF DORAVILLE

4. By vote of Mayor and Council at the November 26, 2012 Special Called Meeting of the Mayor and City Council, and hereby affirmed by this Resolution, said moratorium shall have commenced at 12:00 a.m. November 27, 2012 and shall terminate without further action by the City Council at midnight February 27, 2013, unless sooner terminated by resolution of the City Council; and
5. During the period of said moratorium the City Council shall take the following actions in furtherance of the purposes of this moratorium:
 - (a) The City Council shall review the current Chapter 23, Sections 23-911 and 23-912 (M1 and M2 District Regulations), and determine the appropriateness of the use of said sewer treatment-related facilities in both zoning districts; and
 - (b) If the City chooses to adopt regulations different from the currently existing ones, the City shall proceed through the required Zoning Procedures Act process, including a required public hearing, to adopt said regulations and pass an Ordinance therefor.
6. In the event that any one or more of the provisions contained in this resolution or moratorium shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions of this resolution or moratorium but this resolution and moratorium shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
7. The within resolution and moratorium shall become effective as of its adoption.

SO RESOLVED AND EFFECTIVE, this the ____ day of _____, 2012.

Donna Pittman, Mayor

ATTEST:

Sandra Bryant, Acting City Clerk



THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: Reduce City Council Size - Change Structure

Date of Meeting: 12/3/12

Budget Impact: ☒ Yes ☐ No

Budget Impact Amount: \$ Yes

Funding Source:

☒ Annual ☐ Capital ☐ Grant ☐ N/A

Regular Meeting ☒
Work Session ☐
Recommendation ☐
Policy/Discussion ☐
Report ☐
Other ☐

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Action Requested:

Change form of government to 3 district representatives and 2 at-large representatives, a total of 5 plus the mayor.

History, Facts, Issues:

With the City Manager coming on board and new residents via annexation, there is an opportunity to reduce the city council by one seat and virtually eliminate any tie votes requiring the mayor to break the tie, keeping them out of politics. Additionally, most neighboring cities, most of which are larger than Doraville, only have 5 council persons plus the mayor. This would result in a net savings to the city and provide more direct representation to the residents. But this would require Federal approval and drawing district maps to ensure equal representation and would also require legislative approval to make the change in council composition.

Options: Form City Committee on Council Structure

Recommended Action:

Form citizen (as example, one representative from each neighborhood association) and council committee (2 members) to evaluate the change and make recommendation to full body for formal resolution affirming current structure or modifying.

Department: Council - Bates Department Head: Mayor

Administrative Comments and Recommendation: _____

Action Taken By Board: _____



() N/A

Other ()

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At the November 26, 2012 Council Meeting, Council voted to award the 2013 Solid Waste Agreement to Advanced Disposal subject to a negotiated Agreement. Attached hereto is the Draft Agreement for Council review and adoption with Advanced Disposal.

Options: _____ To adopt the Agreement or request changes.

Recommended Action: Recommend adoption.

Department: Legal

Department Head: Cecil G. McLendon, Jr.

Administrative Comments and Recommendation:

Action Taken By Board:

**RESIDENTIAL SOLID WASTE COLLECTION, DISPOSAL, AND RECYCLING
SERVICES AGREEMENT WITH ADVANCED DISPOSAL SERVICES ATLANTA, LLC**

This Service Agreement (the "Agreement") is made this ____ day of _____, 2012, by and between ADVANCED DISPOSAL SERVICES ATLANTA, LLC (hereinafter referred to as "Company"), and the City of Doraville, Georgia ("Doraville").

WITNESSETH:

WHEREAS, Company is engaged in the business of Solid Waste and Recycling collection and Company wishes to perform said support for the City of Doraville as detailed in this Agreement; and

WHEREAS, the City of Doraville wishes to receive said services of Company as detailed in this Agreement, the Request for Proposal RFP 2012-SAN and Company's response to said RFP; and

WHEREAS, Company is willing and able to render said services;

NOW, THEREFORE, in consideration of the mutual terms, conditions and covenants set forth herein, the parties hereto agree as follows:

1. Services.

Company agrees to render services (the "Services") to the City of Doraville as set forth in Exhibit "A." Company agrees to perform the Services at the direction of the appropriate department head, or his designee, in the manner and to the extent required by the parties herein consistent with safe industry standards and practices, as may be amended hereafter in writing by mutual agreement of the parties.

2. Compensation.

a. Fee. In consideration for Services, Doraville shall pay to Company a fee not to exceed the cost described in attached Fee Schedule named hereto as Exhibit "B".

b. Manner of Payment. The City of Doraville shall pay Company pursuant to a monthly invoice by the Company and within thirty (30) days after receipt of said invoice. The fee shall not exceed the Fee Schedule attached as Exhibit B except for the following:

- (1) After the initial one-year anniversary date of this Agreement, rates may be adjusted pursuant to any change in governmental laws, ordinances, regulations, assessments, fees or taxes that require Company to incur

additional costs in the performance of services pursuant to this Agreement, including changes in disposal fees due to some changes in applicable law. In the event that the above occurs, Company shall determine the amount of rate adjustment required to compensate Company for the additional, fully justifiable costs and shall petition the City for the rate adjustment, which approval shall not be unreasonably withheld. Company agrees to continue solid waste collection and disposal services during any dispute with the City until any dispute is resolved and the City and Company agree to adjusted rates of compensation.

- (2) After the initial one-year anniversary date of this Agreement, rates may be adjusted annually to reflect increases in the Consumer Price Index. Adjustments shall be based upon increases in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI-U). Rate changes, if any, shall take effect on January 1st and shall be capped at 5% annually. Mayor and Council must approve any annual CPI adjustment – approval shall not be unreasonably withheld.

There shall not be a fuel adjustment during the term of this Agreement unless otherwise approved by Mayor and Council as an Addendum to this Agreement during its term(s).

3. Relationship of Parties.

a. Independent Contractors. Nothing contained herein shall be deemed to create any relationship other than that of independent contractor between Doraville and Company. This Agreement shall not constitute, create, or otherwise imply an employment, joint venture, partnership, agency or similar arrangement between Doraville and Company. It is expressly agreed that Company is acting as an independent contractor and not as an employee in providing the Services under this Agreement.

b. Employee Benefits. Company shall not be eligible for any benefit available to employees of Doraville including, but not limited to, workers' compensation insurance, state disability insurance, unemployment insurance, group health and life insurance, vacation pay, sick pay, severance pay, bonus plans, pension plans, or savings plans.

c. Payroll Taxes. No income, social security, state disability or other federal or state payroll tax will be deducted from payments made to Company under this Agreement. Company shall be responsible for all FICA, federal and state withholding taxes and workers' compensation coverage for any individuals assigned to perform the Services for Doraville.

4. Term

This Agreement shall be effective beginning on January 1, 2013 (the "Effective Date"). The term of the Company's retention pursuant to this Agreement (the "Term") shall commence on the Effective Date for a Term of twenty-four (24) months, expiring without further obligations of the City on December 31 of each calendar year during this term and any renewal or extension thereof subject to O.C.G.A. § 36-10-13. This Agreement shall automatically renew for an additional year unless the Company is otherwise notified within sixty (60) days by Doraville at the expiration of the initial year, for a maximum of two (2) years. This Agreement may be renewed for additional one year terms by mutual agreement of the Parties prior to December 31, 2014.

5. Termination For Cause.

Either party shall have the right to terminate this Agreement if the other party is in default of any obligation hereunder and such default is not cured within ten (10) days of receipt of a notice from the other party specifying such default. "Default" shall mean:

- a. If Doraville fails to make payments when due or fails to perform or observe any of its duties or obligations under the terms of this Agreement;
- b. If Company fails to perform or observe any of its duties or obligations under the terms of this Agreement;
- c. If either Doraville or Company shall have made any warranty or representation in connection with this Agreement which is found to have been false at the time such warranty or representation was made and is materially harmful to the other party.

This Agreement may also be terminated by Doraville for convenience by giving Company written notice one-hundred twenty (120) days prior to the effective date of termination.

6. Compensation in Event of Termination.

If this Agreement is terminated by Doraville for convenience, Company shall be exclusively limited to receiving only compensation for the work performed and appropriately documented to and including the effective date identified in the written termination notice, but in no event shall Company receive less than a prorated amount of the service fees hereunder. Any amount over the amount otherwise due by Doraville for the services provided prior to the termination date shall be refunded by the Company within ten (10) days of the date of termination.

7. Termination of Services and Return of Property.

Upon the expiration or earlier termination of this Agreement, Company shall immediately terminate the Services hereunder and shall deliver promptly to Doraville all property relating to the Services that is owned by Doraville. The City shall cooperate

and assist the Company in recovering all property owned by the Company upon expiration or earlier termination of this Agreement.

8. Standard of Performance and Compliance with Applicable Laws.

Company warrants and represents that it possesses the special skill and professional competence, expertise and experience to undertake the obligations imposed by this Agreement. Company agrees to perform in a diligent, efficient, competent and skillful manner commensurate with the highest standards of the profession, and to otherwise perform as is necessary to undertake the Services required by this Agreement, including the requirements set forth in the Certification of Sponsor Drug Free Workplace Exhibit "C".

Company warrants and represents that it will, at all times, observe and comply with all federal, state, local and municipal ordinances, rules, regulations, relating to the provision of the Services to be provided by Company hereunder or which in any manner affect this Agreement.

9. Conflicts of Interest.

Company warrants and represents that:

- a. the Services to be performed hereunder will not create an actual or apparent conflict of interest with any other work it is currently performing; and
- b. Company is not presently subject to any agreement with a competitor or with any other party that will prevent Company from performing in full accord with this Agreement; and
- c. Company is not subject to any statute, regulation, ordinance or rule that will limit its ability to perform its obligations under this Agreement. The parties agree that Company shall be free to accept other work during the term hereof; provided, however, that such other work shall not interfere with the provision of Services hereunder.

10. Proprietary Information

Company acknowledges that it may have access to and become acquainted with confidential and other information proprietary to Doraville including, but not limited to, information concerning Doraville, its operations, customers, citizens, business and financial condition, as well as information with respect to which Doraville has an obligation to maintain confidentiality (collectively referred to herein as "Proprietary Information"). Company agrees not to disclose, directly or indirectly, to anyone or to use or to allow others to use, for any purpose whatsoever, any Proprietary Information of any type, whether or not designated confidential or proprietary, acquired in the course

of performing under this Agreement. The obligations of Company under this section shall survive the termination of this Agreement.

11. Insurance.

Company agrees to defend, indemnify and hold harmless the City of Doraville, its officers, employees and agents, to the extent allowed by applicable law, from and against any and all third party claims, losses, liabilities or expenses (including, without limitation, attorneys' fees) which may arise, in whole or in part, out of a breach by the Indemnitor of its obligations under this Agreement. Insurance requirements are attached hereto as Exhibit "D".

12. Assignment.

Company shall not assign this Agreement without the prior express written consent of Doraville. Any attempted assignment by Company without the prior express written approval of Doraville shall at Doraville's sole option terminate this Agreement without any notice to Company of such termination.

13. Notices.

All notices or other communications required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given when delivered personally in hand, or when mailed by certified or registered mail, return receipt requested with proper postage prepaid, addressed to the appropriate party at the following address or such other address as may be given in writing to the parties:

If to the City:

Mayor
Doraville City Hall
3725 Park Avenue
Doraville, Georgia 30340

With copies to:

City Clerk
Doraville City Hall
3725 Park Avenue
Doraville, Georgia 30340

If to the Company:

Advanced Disposal Services Atlanta, LLC
Attn: Brett Harrell
5374 Goshen Springs Road
Norcross, Georgia 30093

14. Governing Law and Consent to Jurisdiction.

This Agreement is made and entered into in the State of Georgia and this Agreement and the rights and obligations of the parties hereto shall be governed by and construed according to the laws of the State of Georgia without giving effect to the

principles of conflicts of laws. The jurisdiction for resolution of any disputes arising from this Agreement shall be in the State Courts of DeKalb County, Georgia.

15. Waiver of Breach.

The waiver by either party of a breach or violation of any provision of this Agreement shall not operate or be construed to constitute a waiver of any subsequent breach or violation of the same or other provision thereof.

16. Severability.

If any provision of this Agreement is held to be unenforceable for any reason, the unenforceability thereof shall not affect the remainder of the Agreement, which shall remain in full force and effect, and enforceable in accordance with its terms.

17. Entire Agreement. This Agreement which includes the exhibits hereto contains the entire agreement and understanding of the parties with respect to the subject matter hereof, and supersedes and replaces any and all prior discussions, representations and understandings, whether oral or written. This Agreement incorporates the City of Doraville's Request for Proposal and Company's response to same. In case of conflict between any term of the Company's response to the RFP and this Agreement, the terms of this Agreement shall control.

IN WITNESS WHEREOF, the parties have executed this Agreement through their duly authorized representatives.

CITY OF DORAVILLE, GEORGIA

By: _____
Donna Pittman

Title: Mayor

Approved as to form:

City Attorney

City Clerk: _____

Attest:

ADVANCED DISPOSAL SERVICES ATLANTA, LLC

By: _____

Title: _____

Date of Execution _____

EXHIBIT "A"

Scope of Services

Services to be provided include residential solid waste collection and disposal, residential recycling collection, residential yard waste collection, residential white and bulk goods collection, dumpster service at Honeysuckle Park and the Doraville Police Department and preferred rates for disposal at the Doraville Transfer Station. The recycling program should include newspaper, plastic, aluminum and glass. Roll-off recycling containers at Honeysuckle Park are also to be provided.

All refuse shall be collected at curbside. Side door service shall be provided for mentally or physically challenged persons who request the same from the City, limited to no more than three percent (3%) of the total billable households.

All solid waste shall be disposed of in a designated, fully permitted, Sub-title D Municipal Solid Waste landfill. The Company shall be responsible for any additional disposal cost associated with the processing of yard waste, bulk and white goods, and recycling.

In order for the City to comply with the Solid Waste Management Plan (hereinafter, "SWMP"), the Company must provide the City with a detailed methodology for the measurement of the amount and composition of solid waste and recycled materials generated by the City. These amounts must be reported to the City monthly before the end of the following month.

The City will pay the Company on a monthly basis, based on a timely invoice with details regarding each household. The City will then invoice customers for solid waste and recycling collection through the property tax process. The City will direct all calls regarding complaints and/or questions to the Company.

Residential Homeowner Services:

Curbside pickup of residential garbage in Contractor owned containers: Once per week service.

Curbside pickup of residential recycling in Contractor owned containers: Once per week. Company will pick-up recycling beyond what fits into one of its containers so long as its placed on the curbside in a resident-owned recycling container.

Curbside pickup of unlimited, containerized residential yard waste in resident owned containers (clearly marked Yard Waste) or brown paper yard waste bags (no plastic bags): Once per week.

Curbside pickup of residential white/bulk goods per specific request of individual homeowners by 4pm each Monday directly to Company; Once per week on Wednesdays.

Additional services:

Once per week for two 8-yard dumpsters located at the Police Department.

Once per week for two 6-yard dumpsters located at Honeysuckle Park.

Once per week when full for three 20-yard roll off recycling containers located at Honeysuckle Park.

Curbside recycling at multi-family locations in contractor owned containers once per week in an 8-yard FEL container.

EXHIBIT "B"**FEE SCHEDULE**

Description Of Service	Monthly Charge Per Household 2-Year Contract
Curbside pickup of garbage in Contractor owned containers – ONCE per week	\$8.50
Curbside pickup of recycling in Contractor owned containers – ONCE per week	\$2.85 (Unlimited)
Curbside pickup of yard waste in resident owned containers and bags. ONCE per week	\$3.10 (Unlimited / Containerized)
Curbside pickup of bulk/white goods as designated and requested, ONCE per week (Wednesdays)	FREE
TOTAL MONTHLY CHARGE:	\$14.45 Bundled: \$10.50

Additional Information For Residential Service	
Contractor owned garbage container	Sizes available: 95 Gallons, Wheeled Carts (Other sizes available upon request)
Contractor owned recycling container	Sizes available: 18-gallon bins (Other sizes available upon request)
Curbside yard waste – RECYCLED?	YES

Yard Waste comingled at curbside feeding our Waste-to-Energy Generators at Eagle Point Landfill

Additional City Services:

Description Of Service	Monthly Charge 2-Year Contract
2 eight-yard dumpsters Police Department ONCE per week	FREE
2 six-yard dumpsters Honeysuckle Park ONCE per week	FREE

3 twenty-yard roll-off recycling containers Honeysuckle Park ONCE per week when full	FREE RENT \$110.00 / haul
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Additional Services:

Description Of Service	Monthly Charge Per Household 2-Year Contract
Curbside pickup of recycling in Contractor owned containers – MULTI-FAMILY locations ONCE per week	\$3.20 / unit Single Stream in 8-yard FEL Container once per week

Honeysuckle Park Recycling Rebate

Paid to the City: 100%

Doraville Transfer Station Discounts:

Volume: <500 tons/year	\$30.00/ton
Volume: 501 – 1,000 tons/year	\$33.00/ton
Volume: >1,000 tons/year	\$36.00/ton

EXHIBIT C

CERTIFICATION OF SPONSOR

DRUG-FREE WORKPLACE

I hereby certify that I am a principle and duly authorized representative of _____, ("Contractor"), whose address is

_____, _____, and I further certify that:

- (1) The provisions of Section 50-24-1 through 50-24-6 of the Official Code of Georgia Annotated, relating to the "Drug-Free Workplace Act" have been complied with in full; and
- (2) A drug-free workplace will be provided for Contractor's employees during the performance of the Agreement; and
- (3) Each Subcontractor hired by Contractor shall be required to ensure that the subcontractor's employees are provided a drug-free workplace. Contractor shall secure from that subcontractor the following written certification: "As part of the subcontracting agreement with Contractor, _____ certifies to Contractor that a drug-free workplace will be provided for the Subcontractor's employees during the performance of this Agreement pursuant to paragraph (7) of subsection (b) of the Official Code of Georgia Annotated, Section 50-24-3"; and
- (4) The undersigned will not engage in unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana during the performance of the Agreement.

CONTRACTOR:

Date: _____ Signature: _____

Title: _____

EXHIBIT D

INSURANCE REQUIREMENTS

Within 10 days of execution of this Agreement, and at all times that this Contract is in force, the Contractor shall obtain, maintain and furnish the City Certificates of Insurance from licensed companies doing business in the State of Georgia with an A.M. Best Rating A-6 or higher and acceptable to the City covering:

1. Statutory Workers' Compensation Insurance

(a) Employers Liability:

Bodily Injury by Accident - \$1,000,000 each accident

Bodily Injury by Disease - \$1,000,000 policy limit

Bodily Injury by Disease - \$1,000,000 each employee

2. Comprehensive General Liability Insurance

(a) \$1,000,000 limit of liability per occurrence for bodily injury and property damage Owner's and Contractor's Protective

(b) Blanket Contractual Liability

(c) Blanket "X", "C", and "U"

(d) Products/Completed Operations Insurance

(e) Broad Form Property Damage

(f) Personal Injury Coverage

3. Automobile Liability

(a) \$ 500,000 limit of liability

(b) Comprehensive form covering all owned, non-owned and hired vehicles

4. Umbrella Liability Insurance

(a) \$1,000,000 limit of liability

(b) Coverage at least as broad as primary coverage as outlined under Items 1, 2 and 3 above

5. The City of Doraville, Georgia, and its subcontractors and affiliated companies, their officers, directors, employees shall be named on the Certificates of Insurance as additional insured and endorsed onto the policies for Comprehensive General Liability, Automobile Liability and Umbrella Liability insurance maintained pursuant to this Contract in connection with

liability of the City of Doraville and their affiliated companies and their officers, directors and employees arising out of Contractor's operations. Copies of the endorsements shall be furnished to the City upon execution of this Agreement. Such insurance is primary insurance and shall contain a Severability of Interest clause as respects each insured. Such policies shall be non-cancelable except on thirty (30) days written notice to the City. Any separate insurance maintained in force by the additional insured named above shall not contribute to the insurance extended by Contractor's insurer(s) under this additional insured provision.

Certificate Holder should read: The City of Doraville, 3725 Park Avenue, Doraville, Georgia 30340.

***Affidavit Verifying Status
for City Public Benefit Application***

By executing this affidavit under oath, as an applicant for a(n) _____ (type of public benefit), as referenced in O.C.G.A. § 50-36-1, from _____ (name of government entity), the undersigned applicant verifies one of the following with respect to my application for a public benefit:

- 1) _____ I am a United States citizen.
- 2) _____ I am a legal permanent resident of the United States.
- 3) _____ I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency.

My alien number issued by the Department of Homeland Security or other federal immigration agency is: _____.

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A. § 50-36-1(e)(1), with this affidavit.

The secure and verifiable document provided with this affidavit can best be classified as:
_____.

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20, and face criminal penalties as allowed by such criminal statute.

Executed in _____ (city), _____ (state).

Signature of Applicant

Printed Name of Applicant

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE
___ DAY OF _____, 20___

NOTARY PUBLIC
My Commission Expires: