



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

February 4, 2013 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:
 - January 14, 2013
 - January 22, 2013
7. PUBLIC COMMENTS ON AGENDA ITEMS
8. REPORTS: DEPARTMENTS
 - a) Mayor
 - b) City Attorney
 - c) Stormwater
 - MS4 Green Infrastructure Ordinance Update
 - d) Police
 - e) Courts
 - f) Public Works
 - g) Library
 - h) Parks & Recreation
 - i) City Hall
 - j) Planning & Zoning
 - k) IT Department
 - l) Finance
 - Comp Time Cap
9. PUBLIC HEARING
10. OLD BUSINESS
11. NEW BUSINESS
 - Wholesale Business in C2- Councilmember Trudy Jones Dean

12. EXECUTIVE SESSION

13. REPORTS; COMMITTEES, COMMISSIONS, BOARDS AND APPOINTMENTS

14. PUBLIC COMMENTS

15. ADJOURNMENT



THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: MS4 Green Infrastructure
Ordinance Update

Date of Meeting: Jan 22, 2013

Budget Impact: No

Budget Impact Amount:

Funding Source:

() Annual

() Capital

() N/A

Regular Meeting (X)

Work Session ()

Recommendation ()

Policy/Discussion ()

Report ()

Other ()

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Action Requested: First read and discussion of ordinance

History, Facts, Issues: The GA EPD requires the City to update ordinances to include green infrastructure and low impact development (LID) options as part of the Stormwater permit (NPDES MS4 permit) requirements. See attached memo.

Options:

Recommended Action: First read and discussion of ordinance

Department: Stormwater

Department Head: S Strickland

Administrative Comments and Recommendation:

Action Taken By Board:

City of Doraville MS4 Green Infrastructure and Low Impact Development Review

This technical memorandum (TM) documents the City of Doraville's efforts to review its local building codes, ordinances, and other regulations to ensure that use of green infrastructure or low impact development (LID) techniques are not prohibited or impeded. Green infrastructure (GI) is defined by the United States Environmental Protection Agency (US EPA) as "an approach to wet weather management that is cost-effective, sustainable, and environmentally friendly" and that emphasizes the infiltration, evapotranspiration, capture and reuse of stormwater to maintain or restore the natural hydrologic functions of a watershed. At the largest scale, the preservation and restoration of natural landscape features (such as forests and floodplains) are critical components of green stormwater infrastructure. On a smaller scale, green infrastructure practices include reduction in impervious areas, rain gardens, porous pavements, green roofs, infiltration planters, trees and tree boxes, and rainwater harvesting for non-potable uses such as toilet flushing and landscape irrigation (US EPA, 2009).

This ordinance review is being done to satisfy Part III.F of the City's Municipal Separate Storm Sewer System (MS4 permit), dated June 12, 2009, which further describes that the City should consider adding incentives to the ordinances for implementing LID practices. GAEPD recommends reviewing codes and regulations related to the following:

- Zoning
- Subdivision
- Street standards or road design manual
- Parking requirements
- Building and fire regulations/standards
- Stormwater management or drainage criteria
- Buffer and/or floodplain
- Tree protection and landscaping
- Erosion and sedimentation control
- Public fire defense master plans
- Grading
- Comprehensive or master plans
- Open space or natural resource plans

GA EPD recommended review of US EPA's Water Quality Scorecard and the Center for Watershed Protection's (CWP) Codes and Ordinances Worksheet prior to the City's GI review. The Water Quality Scorecard focuses on a detailed review of an entity's potential implementation tools and policies within the following categories:

- Protect Natural Resources (Including Trees) and Open Space,
- Promote Efficient, Compact Development Patterns and Infill,

-
- Design Complete, Smart Streets That Reduce Overall Imperviousness,
 - Encourage Efficient Parking, and
 - Adopt Green Infrastructure Stormwater Management Provisions (US EPA, 2009).

These GI implementation tools and policies are grouped according to whether they relate to the adoption of, or education pertaining to, a plan; the removal of barriers; the adoption of incentives and the enactment of regulations (ordinances). Similarly, the CWP Worksheet evaluates 22 development principles including:

- Residential Streets and Parking Lots (Principles No. 1 - 10)
- Lot Development (Principles No. 11 - 16)
- Conservation of Natural Areas (Principles No. 17 - 22).

STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2012-__

AN ORDINANCE TO REVISE CHAPTER 5 ("BUILDINGS AND BUILDING REGULATIONS"), CHAPTER 6.5 ("ENVIRONMENT") AND CHAPTER 17.5 ("SUBDIVISION REGULATIONS") TO REVISE REGULATIONS REGARDING COMPLYING WITH MS4 GREEN INFRASTRUCTURE AND LOW IMPACT DEVELOPMENT REVIEW; 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 Mayor and Council for the City of Doraville are charged with protecting the health, safety and welfare of the citizens of the City; and

WHEREAS, the City is a holder of an MS4 permit that authorizes the City to issue regulations for the protection of the environmental and stormwater infrastructure of the City; and

WHEREAS, the preservation and restoration of natural landscape features (such as forest and floodplains) are critical components of green stormwater infrastructure; and

WHEREAS, from time and time the City is charged with reviewing its codes and ordinances to ensure that use of green infrastructure or low impact development techniques are not prohibited or impeded; and

WHEREAS, the Mayor and Council, following said review by the City's Stormwater maintenance staff, wishes to make certain changes to the City Code, chapters 5, 6.5 and 17.5, in order to add incentives for implementing LID practices.

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

Section 1

That the Code of Ordinances for the City of Doraville, Georgia, is hereby amended by revising Chapter 5 ("Buildings and Building Regulations"), Article III ("Other Building Regulations"), Section 5-64, to read as follows:

Sec. 5-64. Maintenance of exterior premises.

The exterior of the premises and all structures thereon shall be kept free of all nuisances, and any hazards to the safety of the occupant, pedestrians and other persons utilizing the premises, and free of unsanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards which include but are not limited to the following:

- (1) Refuse. Brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash and debris.*
- (2) Natural growth. Dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.*
- (3) Overhangings. Loose and overhanging objects, and accumulations of ice and snow, which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof.*
- (4) Ground surface hazards or unsanitary conditions. Holes, excavations, breaks, projections, obstructions, icy conditions, uncleared snow and excretion of pets and other animals on paths, walks, driveway, parking lots and parking areas and other parts of the premises which are accessible to the public shall be filled and*

repaired, walks and steps replaced and other conditions removed where necessary to eliminate hazards or unsanitary conditions with reasonable dispatch upon their discovery. This provision does not apply to single-family dwellings.

- (5) Recurring accumulations of stormwater. Adequate run-off drains or grassed swales shall be provided and maintained to eliminate any recurrent or excessive accumulation of stormwater.
- (6) Sources of infestation. Sources of infestation shall be removed from the premises.
- (7) Foundation walls. Foundation walls shall be kept structurally sound, free from defects and damage and capable of bearing imposed loads safely.
- (8) Chimneys, flue and vent attachments. Chimneys and all flue and vent attachments thereto shall be maintained structurally sound and free from defects, and be so maintained as to capably perform at all times the functions for which they were designed. Chimneys, flues, gas vents or other draft-producing equipment shall provide sufficient draft to develop the rated output of the connected equipment, and shall be structurally safe, durable, smoketight and capable of withstanding the action of flue gases.
- (9) Exterior porches, landings, balconies, stairs, fire escapes. Exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of falling, and the same shall be kept structurally sound, in good repair, and free from defects.

Section 2

That the Code of Ordinances for the City of Doraville, Georgia, is hereby further amended by revising Chapter 6.5 ("Environment"), Article II ("Stormwater Quality Management"), Sections 6.5-28 and 6.5-34, to read as follows:

Sec. 6.5-28. Definitions.

....

City of Doraville municipal separate storm sewer system shall mean a stormwater conveyance or system of stormwater conveyances which is:

- (1) Owned, or maintained by the City of Doraville, or located therein; and*
- (2) Designed or used for collecting or conveying stormwater; and*

~~*(3) Not a combined sewer; and*~~

~~*(4) Not part of a publicly owned treatment works (POTW).*~~

....

Stormwater management shall mean the collection, conveyance, storage, treatment and disposal of stormwater in a manner to meet the objectives of this chapter and which shall include a system of vegetative or structural measures, or both, that control the increased volume and rate of stormwater and water quality impacts caused by manmade changes to the land.

....

Sec. 6.5-34. Prohibited and Illicit Connections.

- (a) It is unlawful for any person to connect any stormwater conveyance of any type that discharges any matter of any nature that is not composed entirely of stormwater or such unpolluted water as exempted in accordance with the*

provisions of section 6.5-36 to the City's municipal separate storm sewer system, and such connection shall be deemed an illicit connection and constitute a violation of the provisions of this chapter.

- (b) *Illicit connection must be disconnected and redirected, as necessary and appropriate, to the sanitary sewer system upon approval by the director. Any such redirection to the sanitary sewer system must be in compliance with all City ordinances and state and federal laws and regulations applicable to such discharge and connection. The requirement of disconnection of an illicit connection and redirection to the sanitary sewer system shall be supplemental to any other violation, penalty, remedy or other action taken with respect to the illicit connection.*

Section 3

That the Code of Ordinances for the City of Doraville, Georgia, is hereby further amended by revising Chapter 6.5 ("Environment"), Article IV ("Postdevelopment Stormwater Management For New Development and Redevelopment"), Sections 6.5-71(d), 6.5-73(b) and 6.5-74(g), to read as follows:

Sec. 6.5-71. General Provisions.

....

- (d) *Stormwater design manual. The City will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the ~~Dekalb County Stormwater Design Manual~~ Georgia Stormwater Management Manual and any relevant local addenda, for the proper implementation of the requirements of this article. The manual may be updated*

and expanded periodically, based on improvements in science, engineering, monitoring and local maintenance experience.

Sec. 6.5-73. Permit procedures and requirements.

- (b) Stormwater management plan requirements. The stormwater management plan shall detail how postdevelopment stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this article, including the performance criteria set forth in this section 6.5-73.

~~This plan shall be in accordance with the criteria established in this subsection 6.5-73(b) and must be submitted with the stamp and signature of a professional engineer (PE) licensed in the state of Georgia.~~ This plan shall be in accordance with the criteria established in this Section and be prepared under the direct supervisory control of either a registered Professional Engineer or a registered Landscape Architect licensed in the State of Georgia. Subsections (b), (c), (d), (e) and (f) shall be prepared under the direct supervisory control of a registered Professional Engineer, who shall seal and sign the work and who must verify that the design of all stormwater management facilities and practices meet the submittal requirements outlined in the submittal checklist(s) found in the stormwater design manual. Portions of the overall plan may be prepared and stamped by a registered Land Surveyor licensed in the State of Georgia as appropriate, such as boundary surveys, contour maps, and erosion and sedimentation control plans.

The stormwater management plan must ensure that the requirements and criteria in this article are being complied with and that opportunities are being taken to

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minimize adverse postdevelopment stormwater runoff impacts from the development. The plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan shall include all of the information required in the stormwater management site plan checklist found in the stormwater design manual. This includes:

- (1) Common address and legal description of site.*
- (2) Vicinity map.*
- (3) Existing conditions hydrologic analysis. The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of existing site conditions with the drainage basin boundaries indicated; acreage, soil types and land cover of areas for each subbasin affected by the project; all perennial and intermittent streams and other surface water features; all existing stormwater conveyances and structural control facilities; direction of flow and exits from the site; analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. For redevelopment sites, predevelopment conditions shall be modeled using the established guidelines for the portion of the site undergoing land development activities.*
- (4) Postdevelopment hydrologic analysis. The postdevelopment hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall*

includes: a topographic map of developed site conditions with the postdevelopment drainage basin boundaries indicated; total area of postdevelopment impervious surfaces and other land cover areas for each subbasin affected by the project; calculations for determining the runoff volumes that need to be addressed for each subbasin for the development project to meet the postdevelopment stormwater management performance criteria in this section 6.5-73; location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. If the land development activity on a redevelopment site constitutes more than fifty (50) percent of the site area for the entire site, then the performance criteria in this section 6.5-73 must be met for the stormwater runoff from the entire site.

- (5) Stormwater management system. The description, scaled drawings and design calculations for the proposed postdevelopment stormwater management system, which shall include: A map and/or drawing or sketch of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems,*

and all orifice/restrictor sizes; a narrative describing how the selected structural stormwater controls will be appropriate and effective; cross-section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs); documentation and supporting calculations to show that the stormwater management system adequately meets the postdevelopment stormwater management performance criteria in this section 6.5-73; drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan.

- (6) *Postdevelopment downstream analysis. A downstream peak flow analysis that includes the assumptions, results and supporting calculations to show safe passage of postdevelopment design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel*

or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is ten (10) percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis shall be in accordance with the stormwater design manual.

(7) Construction-phase erosion and sedimentation control plan. An erosion and sedimentation control plan in accordance with the Doraville Erosion and Sedimentation Control Ordinance and NPDES Permit for Construction Activities. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.

(8) Landscaping and open space plan. A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include: the arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible

for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.

- (9) *Operations and maintenance plan. Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, and responsible parties for maintenance, funding, access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.*
- (10) *Maintenance access easements. The applicant must ensure access from public right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access shall be sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist shall be recorded and shall remain in effect even with the transfer of title of the property.*

- (11) *Inspection and maintenance agreements. Unless an on-site stormwater management facility or practice is dedicated to and accepted by the City as provided in subsection 6.5-73(c) below, the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance with subsection 6.5-73(c).*
- (12) *Evidence of acquisition of applicable local and nonlocal permits. The applicant shall certify and provide documentation to the City that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.*
- (13) *Estimate of plan annual maintenance costs. For projects requiring a stormwater management inspection and maintenance agreement, the applicant must provide an estimate of the annual maintenance cost of the stormwater management system defined in the stormwater management plan. Sufficient detail must be provided to allow the City to have reasonable confidence that the estimate is a realistic statement of probable costs.*

Sec. 6.5-74. Postdevelopment Stormwater Management Performance Criteria.

The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this Article:

....

- (g) *Drainage system guidelines. Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop*

inlets, junction boxes, headwalls, flared end sections, gutters, swales, channels, ditches, and energy dissipaters, shall be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public rights-of-way. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:

typ

- (1) Methods to calculate stormwater flows shall be in accordance with the stormwater design manual;
- (2) All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the stormwater design manual; and
- (3) Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the stormwater design manual.

Section 4

That the Code of Ordinances for the City of Doraville, Georgia, is hereby further amended by revising Chapter 17.5 (“Subdivision Regulations”), Article V (“Design Standards”), Division 1 (“Streets”) Section 17.5-100, to read as follows:

Sec. 17.5-100. Right-of-way and Paving Width.

Street right-of-way and paving widths shall be as shown in the thoroughfare plan and where not shown therein shall be no less than as follows:

| <i>Type</i> | <i>Right-of-way</i> | <i>Paving Width*</i> |
|-------------|---------------------|----------------------|
| | | |

| | | |
|---|--------------------------------------|--|
| <i>Major thoroughfare</i> | <i>100 feet minimum</i> | <i>36 feet curb to curb</i> |
| <i>Minor thoroughfare</i> | <i>80 feet minimum</i> | <i>36 feet curb to curb</i> |
| <i>Collector street</i> | <i>70 feet minimum</i> | <i>36 feet curb to curb</i> |
| <i>Local street</i> | <i>60 45 feet minimum</i> | <i>2618 - 22 feet curb to curb</i> |
| <i>*Face-to-face of vertical curbs, and centerline-to-centerline of the valley of rolled curbs, <u>or from the edge of pavement to edge of pavement.</u></i> | | |

Section 5

That the Code of Ordinances for the City of Doraville, Georgia, is hereby further amended by revising Chapter 17.5 ("Subdivision Regulations"), Article VI ("Required Improvements"), Section 17.5-201, to read as follows:

Sec. 17.5-201. Improvements Installed by Developer.

Every developer shall be required to have installed by the appropriate county department at his own expense, or, with the approval of and under the supervision of the appropriate county department, to install all site improvements specified in the DeKalb County Code, chapter 17, subdivision, in accordance with all applicable county standards, specifications and procedures, including but not limited to the following, as shown on the approved preliminary plat:

- (a) Streets—Base and paving.*
- (b) Curbs or vegetated open channels along both sides of all streets.*
- (c) Four-foot-wide sidewalks along at least one side ~~both sides~~ of all streets.*

- (d) *Street name signs.*
- (e) *Water lines and fire hydrants.*
- (f) *Sewer lines and manholes.*
- (g) *Complete storm drainage facilities designed on the basis of one hundred (100) percent runoff in the drainage area.*
- (h) *Street lights.*

Section 6

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 7

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

Section 8

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:

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"/> |



AGENDA ITEM REQUEST SHEET

Subject: Comp Time Cap and Payout

Date of Meeting: February 4, 2013

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: Finance

Department Head: Lisa Ferguson

Background: The City of Doraville Employee Manual as amended on March 7, 2011 in Section 4.3.2 subsection A defines the cap for compensatory time off as 80 hours. It further stipulates that any overtime hours worked by an employee after he has accrued eighty (80) hours will be paid time and a half for additional hours worked. The City is not currently in compliance with this ordinance.

The attached Comp Time Analysis indicates that as of the January 11, 2013 payroll, the city has 24 employees who have in excess of 80 hours of comp time. The bulk of these hours appear to have been carried over from the previous fiscal year. The increases in the comp time balances since June 30, 2012 are primarily the result of the E911 center being understaffed. The E911 center currently has 8 approved full time positions, which is the minimum number required to staff it adequately for a 24/7 operation. They currently have 6 full time employees and 1 part time employee. The remainder of the staffing has been made up by pulling personnel from the Police Department and Code Enforcement. The comp time balances will continue to increase until the E911 center is fully staffed.

Options:

1. Pay out all compensatory time in excess of 80 hours and leave the cap at 80 hours.
Selecting this option would result in a payout of \$85,578.75. This option will result in the necessity of a budget amendment shifting personnel funding from the Police Department to the E911 center. In addition, any overtime worked in that department would be paid out as earned since all six of the current employees exceed 80 hours of comp time.

2. Raise the cap and pay out any comp time which exceeds the new cap.

The attached Comp Time Analysis shows the effects of raising the cap to 160, 240, and 480 hours respectively. The Fair Labor Standards Act caps compensatory time balances at 480 so I have shown the effects up to this point. Any cap less than 240 hours will require a budget amendment in the E911 fund prior to the payout. At a level of 480, four (4) of the six (6) E911 employees will still exceed the cap and therefore be paid over time instead of accruing more comp time.

Recommendation:

The Finance Department is making the following recommendations with respect to the compensatory time issue:

1. Raise the cap to the maximum of 480 hours as allowed by the Fair Labor Standards Act.
2. Pay out any compensatory time in excess of the cap.
3. Cease awarding compensatory time except in cases where the employee requests compensatory time under the terms stated in our ordinance.

Awarding compensatory time in the manner that the City has been doing over the past year has a number of detrimental effects. Because the expenditure for the time is not captured as it occurs, it hides the true cost of running the E911 operation until the audit adjustments are made. Under modified accrual accounting, this liability is not typically recognized until the end of the fiscal year. As a result, the adjustment for the comp time during the audit activities has probably been significant contributing factor in departments being over budget through the last few years. If we change our accounting procedure and capture the expenditure as it occurs, there is no reason not to pay it to the employees as they earn it.

Employee morale is being affected by this policy. We are asking employees to volunteer to work in the E911 center and pay them in comp time that they cannot take off due to being understaffed. It is a vicious cycle that needs to be broken. Our comp time policy is also contributing to our difficulties in hiring staff. Who wants to work knowing they will not get paid immediately for their efforts?

Raising the cap to the maximum will not result in an excessive liability if we change the procedure and start paying overtime as it is incurred. In addition, we could consider requiring comp time to be used prior to PTO if the Council so desires. This could also help reduce the liability over time. This measure has not been addressed in the proposed ordinance change as it raises a new set of issues that would need to be carefully considered prior to implementation. Finally, we could lower the cap in a future year and pay out again if we decided that conditions were favorable to such an action, thereby further lowering the liability. The most important action we can take to reduce the liability is to simply pay overtime as it is incurred.

Any decision made concerning the comp time will result in the necessity of a budget amendment. Once the decision is made, a budget amendment will follow to address the issues remaining. We are not advocating that the restrictions on overtime be relaxed city wide. Departments need to continue to monitor their overtime and make adjustments elsewhere in order to operate within their approved budgets. However, the staffing issues in the Police Department and the E911 center necessitate overtime because these departments cannot be left unstaffed for any period of time. Any additional funding provided to E911 or any department assisting with staffing E911 will be offset by corresponding cuts in the Police Department so that the overall city budget does not increase.

In addition to the changes to the compensatory time policy, we are also recommending that some additional cleanup changes be made to Section 4 of the Employee Manual. These changes reflect more accurately the actual processes being used and update the timesheet procedure to include the use of online attendance software.

SECTION 4 HOURS OF WORK AND ATTENDANCE

Section 4.1. Policy. It is the City's policy to establish and maintain work schedules that are as definite and as reasonable as possible based on the needs of the City and in compliance with applicable laws and regulations. The City complies with the requirements of the Fair Labor Standards Act and any applicable state and local laws with respect to wages and hours.

Section 4.2. Hours of Work.

- A. Work Day/Work Week. Except for employees of the City of Doraville Police Department, a normal work day and work week for full-time employees generally is considered 8 hours per day, Monday through Friday. Actual work hours within each day may vary depending on an employee's job position. In offices or other work situations where service is provided beyond the normal work day or work week (e.g. twenty-four (24) hour service seven days per week), the required regular hours of work may exceed the normal work week.
- B. Hours Worked.
1. Hours worked include, for example:
 - a) Time an employee is required to be on duty at his normal job site, work station, or elsewhere, or which is otherwise spent performing work on behalf of the City. Non-exempt employees should not perform any work outside normal work hours or away from his normal job site or work station (such as working from home) unless such work is approved in advance by the Department Director;
 - b) Rest or break periods approved in advance by the Department Director, which shall not exceed fifteen (15) minutes each in length (NOTE: Such periods, including "coffee breaks" shall not be used to allow an employee to come in late, leave early, or to extend the lunch period);
 - c) Time spent by an employee in travel as part of his principal activity, such as travel from job site to job site during the workday;
 - d) Time spent traveling on one-day assignments;
 - e) Time spent "on-call" where an employee who is required to remain on call on the City's premises or so close to the City's premises that the employee cannot use the time effectively for his own purposes;
 - f) Time spent traveling on overnight assignments away from home when the time traveling occurs during the employee's normal daily working hours. This also has application on days when the employee is not normally scheduled to work (i.e. Saturday and Sunday); and
 - g) Time spent in attendance at required meetings, training programs, etc.
 2. Ordinary Travel To and From Home. Normal travel to and from home or place of residence and the employee's assigned place to report for work is not considered part of hours worked by an employee and will not be paid.
 3. Meal Periods.
 - a) Unless specifically exempted by the Mayor or designee, all full time regular employees shall take an unpaid lunch of at least thirty (30) minutes in duration each workday where the employee works at least 60% of their designated work day. No work may be performed by the employee during the unpaid lunch period.
 - b) Notwithstanding the above, each employee must still work their normal work schedule of at least eight (8) hours per day unless PTO time is taken by the employee. Each Department Head shall establish work

schedules that best serve the functions of their Department and effectuate the purpose of this section.

c) The Mayor or designee may authorize exemptions for the "unpaid lunch" requirement, specifically and in writing, when public safety or well-being of the citizens or employees is at risk.

4. Break Periods. Formal paid break periods are not designated. If and when breaks are given depends on the department involved and the operating needs of the department, and are determined at the discretion of the Department Director.

C. Recording Time Worked.

1. Non-exempt employees must accurately record all time worked for the City by ~~completing a time sheet that records the time~~ clocking in and out when they begin and end work each day using the online attendance system. In completing the time sheet, employees must also record the beginning and ending time of any unpaid period of work or departure from work for personal reasons.

2. Falsifying time records is a serious matter. Employees may not change time after it is already recorded, enter a false time on purpose, tamper with time records, or record other employees' time for them. If corrections or modifications are needed to a time record, a supervisor must verify the changes by initialing the time record approving the requested changes in the online attendance system. Employees engaging in conduct that violates this policy may be subject to disciplinary action, up to and including termination.

3. Employees must sign-submit their time record to their supervisor via the online attendance system to certify it is accurate and truthful. ~~and submit it to their supervisor.~~ The supervisor will review ~~and then initial the~~ time record before submitting it to the Department Director. Department Directors are responsible for submitting-approving all time sheets, time off requests and timesheet change requests for their departments ~~to the City Clerk's office~~ in a timely manner.

D. Pay Period. Employees will be paid on a weekly-biweekly basis for hours worked in the prior ~~pay period~~ week. ~~In the event an employee plans to be absent on the designated pay day, he may request payment on the last work day prior to such absence.~~ When the payday is on a holiday, employees normally will be paid on the last working day before the holiday. If payday occurs on a Saturday or Sunday, employees normally will be paid on Friday. If there is an error in an employee's paycheck, he should advise the City Clerk's Finance Department office immediately. An employee's check will not be given to another person unless the employee authorizes it in writing.

E. Payroll Deductions and Complaint Procedure

1. Federal and state laws require the City to make certain deductions from an employee's earnings, including income withholding and social security taxes. No deductions, other than those legally required, will be made from an employee's paycheck without his consent. An employee may authorize deductions for participation in medical, dental, and other insurance plans.

2. Salaried, exempt employees are subject to deductions from their salaries only for lawful reasons. If an employee feels he has been subject to an improper salary deduction, the employee should utilize the complaint procedure set forth in the City's EEO policy which is set forth in this Manual. In the event it is determined that an improper deduction was made, the City will reimburse the employee for the deduction.

Section 4.3. Overtime.

Section 4.3.1. Policy. There may be circumstances in which employees will be required to work overtime beyond their normal work schedule in order to meet operating requirements. In this

regard, the City intends to establish controls in order to minimize such circumstances and ensure that overtime work is scheduled and paid in accordance with applicable laws. All overtime must be approved in advance in writing by an employee's Department Director.

Section 4.3.2. Overtime Compensation.

A. Non-Exempt Employees. Hours worked in excess forty (40) hours in a work week are considered overtime for pay purposes, except for Police Department employees. Only hours actually worked count toward computing weekly overtime (i.e., PTO, compensatory time off, and holidays do not count toward hours worked). Pay for overtime hours worked shall be at the rate of one and one-half (1.5) times the employee's regular hourly rate of pay. Alternatively, an employee may request to receive compensatory time off instead of overtime pay, in which case compensatory time off will be accumulated at the rate of one and one-half (1.5) hours of compensatory time off for each overtime hour worked. Employees requesting compensatory time off in lieu of overtime pay may accrue up to a maximum of ~~eighty-four hundred eighty (80480)~~ hours of compensatory time off at any given time. Any overtime hours worked by an employee after he has accrued four hundred eighty (480) hours of compensatory time off will be paid time and a half for additional overtime hours worked.

B. Exempt Employees. Exempt salaried employees shall not receive overtime pay or compensatory time off. They are expected, at times, to work extra hours as a part of their job duties.

Section 4.4. Attendance.

Section 4.4.1. Reporting Absences. Consistent and prompt work attendance is a primary work requirement and is considered an essential function of all positions of employment with the City. As such, all employees are required to observe their established hours of work. If an employee is going to be late for work or absent, he must notify his supervisor before the start of his workday. Employees are required to speak with their supervisor directly or if their supervisor is not available, they must speak with another supervisor in the Department or their Department Director. It is not acceptable for an employee to have another person call for him, to leave a message on voicemail, to leave a message with a co-worker, or to send an email or text message.

Section 4.4.2. Job Abandonment. Employees who are absent for three (3) or more days without notifying the City will be assumed that have voluntarily abandoned their position with the City and will be removed from the payroll.

Section 4.4.3. Excessive Absenteeism. Excessive absenteeism and tardiness may result in disciplinary action, up to and including termination of employment with the City. Excessive absenteeism and tardiness is generally considered:

- More than one occasion of unexcused absence. •
- Three occasions of excused absence or tardiness in a three month period. •
- Six or more occasions of excused absence or tardiness within a 12 month period.
- An unacceptable pattern of absences and/or tardiness over an individual's employment history.

Individual circumstances may dictate that fewer tardies or absences than the amounts listed above may still be considered excessive absenteeism. Employee attendance is simply one aspect of job performance and will be considered together with overall performance and attitude. The City will apply this policy consistent with all applicable laws.

Section 4.4.4. Hazardous Weather Conditions.

When the Mayor declares a weather emergency and instructs employees not to report to work, employees designated in advance as essential to dealing with such emergencies are expected to

be prepared to report to work as assigned. Other employees may be called to work in an emergency even though they are not designated in advance as essential.

If the Mayor has not declared a weather emergency, an employee absent from work may be charged with an unexcused absence. However, such employees may be allowed, at the discretion of the Department Director, to:

1. Make up the time lost from work at a time scheduled by the Department Director.
2. Take the time off without pay.
3. Take the time off as Compensatory time.
- 3.4. Take the time off as PTO.

Section 4.4.5. Attendance Report. Each Department Director shall be responsible for completing an attendance report for his department, completed at the end of each pay period, which includes time sheets, time cards, and leave requests signed by the employee. This report should be ~~filed-completed using the online attendance system with the City Clerk~~ no later than ~~9:00~~12:00 p. m.-a.m. on the business day following the end of the regular pay period. Attendance records will be maintained in the online attendance system. The summary of all attendance records shall be filed and maintained by the City Clerk's Office.

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Comp Time Analysis Through January 20, 2015

Current Liability 156,257.79
Current Cap 80 Hours

| Cap | Payout Required | Remaining Liability | # of Employees Exceeding Cap |
|-----|--------------------|------------------------|---------------------------------|
| 80 | 85,578.75 | 70,679.04 | 26 |
| 160 | 55,659.29 | 100,598.50 | 14 |
| 240 | 39,607.01 | 116,650.78 | 8 |
| 480 | 8,933.27 | 147,324.52 | 5 |

Breakdown by Department

| | Current | Payout Required by Cap level | | | |
|------------------------|------------|------------------------------|-----------|-----------|----------|
| | | 80 | 160 | 240 | 480 |
| Mayor | 518.48 | | | | |
| General Administration | 845.23 | | | | |
| Finance | 40.82 | | | | |
| Municipal Court | 1,146.18 | | | | |
| Police | 89,170.92 | 36,103.10 | 17,161.08 | 9,726.69 | 1,557.50 |
| Animal Control | 3,314.50 | 1,769.46 | 224.42 | | |
| Public Works | 77.23 | | | | |
| Parks & Recreation | 906.30 | | | | |
| Library | 6.46 | | | | |
| Planning & Zoning | 70.20 | | | | |
| Code Enforcement | 3,427.01 | 721.26 | | | |
| E911 | 55,696.03 | 46,984.93 | 38,273.79 | 29,880.32 | 7,375.77 |
| Stormwater | 1,038.43 | | | | |
| | 156,257.79 | 85,578.75 | 55,659.29 | 39,607.01 | 8,933.27 |

Accrued Liability by Fund

| | |
|--------------|-------------------|
| General Fund | 83,268.17 |
| E911 | 33,618.54 |
| Stormwater | 1,211.50 |
| Total | <u>118,098.21</u> |

STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2012-__

AN ORDINANCE TO REVISE CHAPTER 2 ("ADMINISTRATION"), ARTICLE IX ("PERSONNEL POLICIES") SECTION 2-242 ("PERSONNEL HANDBOOK") BY AMENDING SECTION 4 OF THE PERSONNEL HANDBOOK TO REVISE PROCEDURES FOR COMP TIME ACCRUAL AND USE; 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 of Doraville, Georgia desires to foster a healthy, efficient, and productive work environment for its staff in their mission to serve the interests of the citizens of the City; and

WHEREAS, the City has duly adopted personnel policies and a corresponding employee manual; and

WHEREAS, the City personnel policies currently establish a cap for compensatory time off as 80 hours; and

WHEREAS, due to shortage in employee staffing, there has been an increasing balance in compensatory time that exceeds 80 hours which has caused increasing incidents of departmental overbudgeting and is not the best way to account for accrued compensatory time; and

WHEREAS, it is best accounting practices for compensatory time to be paid out on a monthly basis and for compensatory time cap to be raised in order to maintain budgetary responsibility.

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

Section 1

That the Code of Ordinances for the City of Doraville, Georgia, is hereby amended by revising Chapter 2, Article IX, Section 2-242, the Personnel Handbook, Section 4 (“Hours of Work and Attendance”) to read as follows:

SECTION 4.

HOURS OF WORK AND ATTENDANCE

Section 4.1. Policy. It is the City's policy to establish and maintain work schedules that are as definite and as reasonable as possible based on the needs of the City and in compliance with applicable laws and regulations. The City complies with the requirements of the Fair Labor Standards Act and any applicable state and local laws with respect to wages and hours.

Section 4.2. Hours of Work.

A. Work Day/Work Week. Except for employees of the City of Doraville Police Department, a normal work day and work week for full-time employees generally is considered 8 hours per day, Monday through Friday. Actual work hours within each day may vary depending on an employee's job position. In offices or other work situations where service is provided beyond the normal work day or work week (e.g. twenty-four (24) hour service seven days per week), the required regular hours of work may exceed the normal work week.

B. Hours Worked.

1. Hours worked include, for example:

- a. *Time an employee is required to be on duty at his normal job site, work station, or elsewhere, or which is otherwise spent performing work on behalf of the City. Non-exempt employees should not perform any work outside normal work hours or away from his normal job site or work station (such as working from home) unless such work is approved in advance by the Department Director;*
- b. *Rest or break periods approved in advance by the Department Director, which shall not exceed fifteen (15) minutes each in length (NOTE: Such periods, including "coffee breaks" shall not be used to allow an employee to come in late, leave early, or to extend the lunch period);*
- c. *Time spent by an employee in travel as part of his principal activity, such as travel from job site to job site during the workday;*
- d. *Time spent traveling on one-day assignments;*
- e. *Time spent "on-call" where an employee who is required to remain on call on the City's premises or so close to the City's premises that the employee cannot use the time effectively for his own purposes;*

- f. Time spent traveling on overnight assignments away from home when the time traveling occurs during the employee's normal daily working hours. This also has application on days when the employee is not normally scheduled to work (i.e. Saturday and Sunday); and
 - g. Time spent in attendance at required meetings, training programs, etc.
2. Ordinary Travel To and From Home. Normal travel to and from home or place of residence and the employee's assigned place to report for work is not considered part of hours worked by an employee and will not be paid.
3. Meal Periods.
 - a. Unless specifically exempted by the Mayor or designee, all full time regular employees shall take an unpaid lunch of at least thirty (30) minutes in duration each workday where the employee works at least 60% of their designated work day. No work may be performed by the employee during the unpaid lunch period.
 - b. Notwithstanding the above, each employee must still work their normal work schedule of at least eight (8) hours per day unless PTO time is taken by the employee. Each Department Head shall establish work schedules that best serve the functions of their Department and effectuate the purpose of this section.

c. *The Mayor or designee may authorize exemptions for the "unpaid lunch" requirement, specifically and in writing, when public safety or well-being of the citizens or employees is at risk.*

4. *Break Periods. Formal paid break periods are not designated. If and when breaks are given depends on the department involved and the operating needs of the department, and are determined at the discretion of the Department Director.*

C. *Recording Time Worked.*

1. *Non-exempt employees must accurately record all time worked for the City by ~~completing a time sheet that records the timeclocking in and out~~ when they begin and end work each day using the online attendance system. In completing the time sheet, employees must also record the beginning and ending time of any unpaid period of work or departure from work for personal reasons.*

2. *Falsifying time records is a serious matter. Employees may not change time after it is already recorded, enter a false time on purpose, tamper with time records, or record other employees' time for them. If corrections or modifications are needed to a time record, a supervisor must verify the changes ~~by initialing the time record~~ approving the requested changes in the online attendance system. Employees engaging in conduct that violates*

this policy may be subject to disciplinary action, up to and including termination.

3. Employees must ~~sign~~submit their time record to their supervisor via the online attendance system to certify it is accurate and truthful ~~and submit it to their supervisor~~. The supervisor will review ~~and then initial~~ the time record before submitting it to the Department Director. Department Directors are responsible for ~~submitting~~approving all time sheets, time off requests and timesheet change requests for their departments ~~to the City Clerk's office~~ in a timely manner.

D. Pay Period. Employees will be paid on a biweekly basis for hours worked in the prior pay period~~week~~. ~~In the event an employee plans to be absent on the designated pay day, he may request payment on the last work day prior to such absence~~. When the payday is on a holiday, employees normally will be paid on the last working day before the holiday. If payday occurs on a Saturday or Sunday, employees normally will be paid on Friday. If there is an error in an employee's paycheck, he should advise the ~~City Clerk's office~~Finance Department immediately. An employee's check will not be given to another person unless the employee authorizes it in writing.

E. Payroll Deductions and Complaint Procedure

1. Federal and state laws require the City to make certain deductions from an employee's earnings, including income withholding and social security

taxes. No deductions, other than those legally required, will be made from an employee's paycheck without his consent. An employee may authorize deductions for participation in medical, dental, and other insurance plans.

2. *Salaried, exempt employees are subject to deductions from their salaries only for lawful reasons. If an employee feels he has been subject to an improper salary deduction, the employee should utilize the complaint procedure set forth in the City's EEO policy which is set forth in this Manual. In the event it is determined that an improper deduction was made, the City will reimburse the employee for the deduction.*

Section 4.3. Overtime.

Section 4.3.1. Policy. *There may be circumstances in which employees will be required to work overtime beyond their normal work schedule in order to meet operating requirements. In this regard, the City intends to establish controls in order to minimize such circumstances and ensure that overtime work is scheduled and paid in accordance with applicable laws. All overtime must be approved in advance in writing by an employee's Department Director.*

Section 4.3.2. Overtime Compensation.

- A. *Non-Exempt Employees.* *Hours worked in excess forty (40) hours in a work week are considered overtime for pay purposes, except for Police Department employees. Only hours actually worked count toward computing weekly overtime (i.e., PTO, compensatory time off, and holidays do not count toward hours*

worked). Pay for overtime hours worked shall be at the rate of one and one-half (1.5) times the employee's regular hourly rate of pay. Alternatively, an employee may request to receive compensatory time off instead of overtime pay, in which case compensatory time off will be accumulated at the rate of one and one-half (1.5) hours of compensatory time off for each overtime hour worked. Employees requesting compensatory time off in lieu of overtime pay may accrue up to a maximum of four hundred eighty (480) hours of compensatory time off at any given time. Any overtime hours worked by an employee after he has accrued four hundred eighty (480) hours of compensatory time off will be paid time and a half for additional overtime hours worked.

- B. Exempt Employees. Exempt salaried employees shall not receive overtime pay or compensatory time off. They are expected, at times, to work extra hours as a part of their job duties.

Section 4.4. Attendance.

Section 4.4.1. Reporting Absences. Consistent and prompt work attendance is a primary work requirement and is considered an essential function of all positions of employment with the City. As such, all employees are required to observe their established hours of work. If an employee is going to be late for work or absent, he must notify his supervisor before the start of his workday. Employees are required to speak with their supervisor directly or if their supervisor is not available, they must speak with another supervisor in the Department or their Department Director. It is not acceptable for an employee to

have another person call for him, to leave a message on voicemail, to leave a message with a co-worker, or to send an email or text message.

Section 4.4.2. Job Abandonment. Employees who are absent for three (3) or more days without notifying the City will be assumed that have voluntarily abandoned their position with the City and will be removed from the payroll.

Section 4.4.3. Excessive Absenteeism. Excessive absenteeism and tardiness may result in disciplinary action, up to and including termination of employment with the City. Excessive absenteeism and tardiness is generally considered:

- More than one occasion of unexcused absence.*
- Three occasions of excused absence or tardiness in a three month period.*
- Six or more occasions of excused absence or tardiness within a 12 month period.*
- An unacceptable pattern of absences and/or tardiness over an individual's employment history.*

Individual circumstances may dictate that fewer tardies or absences than the amounts listed above may still be considered excessive absenteeism. Employee attendance is simply one aspect of job performance and will be considered together with overall performance and attitude. The City will apply this policy consistent with all applicable laws.

Section 4.4.4. Hazardous Weather Conditions.

When the Mayor declares a weather emergency and instructs employees not to report to work, employees designated in advance as essential to dealing with such emergencies are expected to be prepared to report to work as assigned. Other employees may be called to work in an emergency even though they are not designated in advance as essential.

If the Mayor has not declared a weather emergency, an employee absent from work may be charged with an unexcused absence. However, such employees may be allowed, at the discretion of the Department Director, to:

- 1. Make up the time lost from work at a time scheduled by the Department Director.*
- 2. Take the time off without pay.*
- 3. Take the time off as Compensatory time.*
- 4. Take the time off as PTO.*

Section 4.4.5. Attendance Report. Each Department Director shall be responsible for completing an attendance report for his department, completed at the end of each pay period, which includes time sheets, time cards, and leave requests signed by the employee. This report should be filed completed using the online attendance system ~~with the City Clerk~~ no later than 912:00 ~~ap~~.m. on the business day following the end of the regular pay period. Attendance records will be maintained in the online attendance

~~*system The summary of all attendance records shall be filed and maintained by the City Clerk's Office.*~~

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.

Section 4

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

SO ORDAINED, this ____ day of _____, 2013.

CITY OF DORAVILLE, GEORGIA

Mayor

First Reading

Second Reading

ATTEST:

_____(SEAL)
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 type="checkbox"/> | <input type="checkbox"/> |
| Robert Patrick | <input type="checkbox"/> | <input type="checkbox"/> |

THE CITY OF DORAVILLE

AGENDA ITEM SHEET