



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 19, 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:
7. PUBLIC COMMENTS ON AGENDA ITEMS
8. REPORTS: DEPARTMENTS
 - a) Mayor
 - b) City Attorney
 - c) Stormwater
 - MS4 Green Infrastructure Ordinance Update-Zoning
 - d) Police
 - e) Courts
 - f) Public Works
 - g) Library
 - h) Parks & Recreation
 - Part Time Employee
 - Pool Contract Extension
 - i) City Hall
 - Resolution Supporting Downtown Development Authority Start-Up Funding
 - Urban Redevelopment Plan Amendment (Peachtree Pavilion) Public Hearing
 - j) Planning & Zoning
 - k) IT Department
 - l) Finance
 - First Read on Proposed Budget Amendment Ordinance
 - Second Read – Ordinance to Revise Section 4 of the Doraville Employee Manual
9. PUBLIC HEARING
 - Conditional Use Permit for a Church in O-I Zoning District at 2000 Clearview Ave. Unit 116, Doraville, GA (parcel # 18 311 04 025) by Omar Garcia Zamudio

- City Initiated Rezone of parcel # 18 342 04 010 Located at 4363 Tilly Mill Rd, Doraville, GA from O-I to C-2
- Conditional Use Permit for Automotive Service Facility (Good Year Tire Center) Parcel # 18 342 04 010 located at 4363 Tilly Mill Rd, Doraville, GA

10. OLD BUSINESS

- Second Read/First Adoption Ordinance to Revise City Charter for City Manager Transition- City Attorney Cecil McLendon

11. NEW BUSINESS

- Sanitation Responsibilities- Councilmember Pam Fleming
- Opportunity Zones- Councilmember Robert Patrick

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 - Zoning

Date of Meeting: Feb 19, 2013

Budget Impact: No

Budget Impact Amount:

Funding Source:

() Annual

() Capital

() N/A

Regular Meeting (X)

Work Session ()

Recommendation ()

Policy/Discussion ()

Report ()

Other ()

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

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.

Options:

Recommended Action: First read and discussion of ordinance. Council to send ordinance to Planning Commission.

Department: Stormwater

Department Head: S Strickland

Administrative Comments and Recommendation: _____

Action Taken By Board: _____

STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2012-__

AN ORDINANCE TO REVISE CHAPTER 23 ("ZONING") 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, Chapter 23 (Zoning) as they've done in a companion Ordinance for Chapters 5, 6.5 and 17.5, in order to add incentives for implementing LID practices; and

WHEREAS, a properly advertised public hearing has been held in conformance with the Zoning Procedures Act preceding the adoption of this Ordinance.

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 23 ("Zoning"), Article XI ("Buffer and Screening Provisions"), Section 23-1104, to read as follows:

Sec. 23-1104. Buffer Compositions and Maintenance.

In those instances where the natural vegetation and topography are insufficient to achieve the desired level of screening as determined by the City Council, a planted buffer shall be provided and shall consist of plant material of such growth characteristics as will provide an acoustical and visual screen. The following plants are approved for use as part of the screening buffer:

typo

(1) Trees	Yaupon Holly
	American Holly
	Eastern Red Cedar
	Laurel Cherry
	Arizona Cypress Redbay
	Virginia Pine
(2) Shrubs	Cleyera
	Euonymus
	Japanese Privet
	California Privet
	European Privet
	Southern Waxmyrtle
	Northern Bayberry
	Pittosporum
	Japan Yew
	Red Tip
(3) Ground Cover	Short Juniper
	Periwinkle

	<i>Lippia</i>
	<i>Evergreen Candyturf</i>
<i>Other evergreen plant materials having the same growth characteristics as the aforementioned may be substituted, subject to approval by the City Council prior to installation.</i>	
<i>The planted buffer installed as required by this article shall be guaranteed for the duration of the incompatible land use, or until such use changes to a compatible type. Necessary trimming and maintenance shall be performed to maintain the health of the plant materials, to provide an aesthetically pleasing appearance, and to assure that the buffer serves the purpose for which it was intended.</i>	

Section 2

That the Code of Ordinances for the City of Doraville, Georgia, is hereby further amended by revising Chapter 23 (“Zoning”), Article XII (“Parking and Loading”), Sections 23-1201 and 23-1205, to read as follows:

Sec. 23-1202. General Requirements.

Off-street parking spaces for single-family and two-family dwellings shall be located on the same lot or plot of ground as the building to be served. Off-street parking spaces for uses other than single-family and two-family dwellings shall not be located more than three hundred (300) feet distant from such uses measured along the nearest pedestrian walkway.

Parking requirements for two (2) or more uses of the same or different types may be satisfied by the allocation of a common or collective parking facility. Such facility shall not be less than the sum of the requirements for the individual uses computed separately in accordance with the requirements of this article, except that up to one-half (½) of the

parking requirements for churches and similar places of public assembly may be satisfied by the parking areas of other dissimilar uses when the hours of operation are normally at different times of the day.

When multiple uses occupy a building, the parking and loading requirement shall be met by determining the percentage of the total building area devoted to each type of use and then applying the appropriate requirements by use.

For any use not listed, the City Council shall determine the proper requirement by classifying the proposed use among the uses specified herein as to assure equal treatment. In making any such determination, the City Council shall follow the principles set forth in the statement of purpose at the beginning of this section.

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

Parking and Loading Spaces Required

	<i>Parking</i>	<i>Loading</i>
<i>Apartments and Other Multiple-Family Uses (three (3) or more attached dwelling units)</i>	<i>Two (2) spaces per dwelling unit</i>	<i>None</i>
<i>Adult Entertainment Establishments</i>	<i>One (1) space for every four hundred (400) square feet of gross floor area</i>	<i>None</i>
<i>Automotive Sales, Service or Rental or Machinery Sales, Service or Rental</i>	<i>One (1) space for each four hundred (400) square feet of gross floor area plus one (1) for each employee. The minimum spaces set forth here are not to be used for automobiles for sale.</i>	<i>One (1) space for each five thousand (5,000) square feet of gross area</i>
<i>Banks, Credit Unions (with or without drive-through)</i>	<i>One (1) space for every five hundred (500) square feet of gross floor area. Refer to zoning use sections for drive-through criteria.</i>	<i>None</i>
<i>Beauty and Barber Shops</i>	<i>Three (3) spaces for each operator</i>	<i>None</i>

<i>Boarding or Rooming House</i>	<i>Two (2) spaces for up to two (2) bedrooms plus one (1) for each additional bedroom</i>	<i>None</i>
<i>Bus Stations</i>	<i>One (1) space for each motor carrier plus one (1) additional space for each two (2) administrative or service employees plus five and one-half (5.5) spaces per one thousand (1,000) feet of gross floor area. If food or beverages are served and a patron use area is provided, then one (1) space per seventy-five (75) square feet of gross floor space is required instead of the five and one-half (5.5) spaces per one thousand (1,000) feet.</i>	<i>None</i>
<i>Bus Terminals</i>	<i>One (1) space for each motor carrier plus five and one-half (5.5) spaces per one thousand (1,000) feet of gross floor area. If food or beverages are served and a patron use area is provided, then one (1) space per seventy-five (75) square feet of gross floor space is required instead of the five and one-half (5.5) spaces per one thousand (1,000) feet. Any motor carrier staying more than twelve (12) hours on the property must be parked within a secured area.</i>	<i>None</i>
<i>Car Wash, full-service</i>	<i>One (1) space for every five hundred (500) square feet of gross floor area, plus four (4) stacking lanes per line</i>	<i>None</i>
<i>Car Wash, self-service</i>	<i>One (1) space within each wash bay</i>	<i>None</i>
<i>Private Clubs, Lodges or Organization Halls</i>	<i>One (1) space per one hundred (100) square feet of assembly space, plus one (1) space per two (2) employees</i>	<i>None</i>
<i>Daycare Center (excluding in-home)</i>	<i>One (1) space for every four hundred (400) square feet of gross floor area</i>	<i>One (1)</i>
<i>Duplexes</i>	<i>Two (2) spaces per dwelling unit</i>	<i>None</i>
<i>Eating Establishments (with or without drive-through), freestanding</i>	<i>One (1) space per every one hundred fifty (150) square feet of gross floor area. Refer to zoning use sections for drive-through criteria.</i>	<i>None</i>
<i>Food</i>	<i>One (1) space per each seventy-five</i>	<i>Two (2)</i>

<i>Markets/Convenience Stores (with gasoline sales)</i>	<i>(75) square feet of floor space exclusive of storage</i>	
<i>Fraternity or Sorority Houses</i>	<i>Two (2) spaces for up to two (2) bedrooms plus one (1) for each additional bedroom</i>	<i>None</i>
<i>Funeral Homes and Mortuaries</i>	<i>One (1) space per each four hundred (400) square feet of gross floor area</i>	<i>One (1) for each hearse, ambulance or other nonpassenger vehicle</i>
<i>Furniture and Appliances</i>	<i>One (1) space per five hundred (500) square feet per gross floor area</i>	<i>One (1) for first five thousand (5,000) square feet plus one (1) for each additional twenty-thousand (20,000) square feet or fraction thereof</i>
<i>Gasoline Service Stations (with or without convenience store)</i>	<i>Two (2) spaces per gas pump plus three (3) spaces for each service bay or similar facility plus one (1) space for each attendant</i>	<i>None</i>
<i>Hospitals, Group Homes, Rest Homes and Assisted Living Facilities</i>	<i>One (1) space for each three (3) beds plus one (1) space for each staff member plus one (1) space for each employee on the largest shift</i>	<i>One (1) space for the first five thousand (5,000) square feet of floor area plus one (1) for each additional fifty thousand (50,000) square feet or fraction thereof</i>
<i>Hotels, Motels and Bread and Breakfast</i>	<i>One (1) space per unit plus one (1) per two (2) employees on the same shift</i>	<i>One (1) space for the first five thousand (5,000) square feet of floor area plus one (1) for each additional fifty thousand (50,000) square feet or fraction thereof</i>
<i>Laboratory/Scientific Research Center</i>	<i>One (1) space for every one thousand (1,000) square feet of gross floor area</i>	<i>One (1) space for the first five thousand (5,000) square feet of floor area plus one (1) for each additional fifty thousand (50,000) square feet or fraction thereof</i>
<i>Libraries, Museums and Similar Uses</i>	<i>One (1) space for each four hundred (400) square feet of gross space to which the public has access</i>	<i>One (1) space for the first five thousand (5,000) square feet of gross area</i>

<i>Markets/Convenience Stores (with gasoline sales)</i>	<i>(75) square feet of floor space exclusive of storage</i>	
<i>Fraternity or Sorority Houses</i>	<i>Two (2) spaces for up to two (2) bedrooms plus one (1) for each additional bedroom</i>	<i>None</i>
<i>Funeral Homes and Mortuaries</i>	<i>One (1) space per each four hundred (400) square feet of gross floor area</i>	<i>One (1) for each hearse, ambulance or other nonpassenger vehicle</i>
<i>Furniture and Appliances</i>	<i>One (1) space per five hundred (500) square feet per gross floor area</i>	<i>One (1) for first five thousand (5,000) square feet plus one (1) for each additional twenty-thousand (20,000) square feet or fraction thereof</i>
<i>Gasoline Service Stations (with or without convenience store)</i>	<i>Two (2) spaces per gas pump plus three (3) spaces for each service bay or similar facility plus one (1) space for each attendant</i>	<i>None</i>
<i>Hospitals, Group Homes, Rest Homes and Assisted Living Facilities</i>	<i>One (1) space for each three (3) beds plus one (1) space for each staff member plus one (1) space for each employee on the largest shift</i>	<i>One (1) space for the first five thousand (5,000) square feet of floor area plus one (1) for each additional fifty thousand (50,000) square feet or fraction thereof</i>
<i>Hotels, Motels and Bread and Breakfast</i>	<i>One (1) space per unit plus one (1) per two (2) employees on the same shift</i>	<i>One (1) space for the first five thousand (5,000) square feet of floor area plus one (1) for each additional fifty thousand (50,000) square feet or fraction thereof</i>
<i>Laboratory/Scientific Research Center</i>	<i>One (1) space for every one thousand (1,000) square feet of gross floor area</i>	<i>One (1) space for the first five thousand (5,000) square feet of floor area plus one (1) for each additional fifty thousand (50,000) square feet or fraction thereof</i>
<i>Libraries, Museums and Similar Uses</i>	<i>One (1) space for each four hundred (400) square feet of gross space to which the public has access</i>	<i>One (1) space for the first five thousand (5,000) square feet of gross area</i>

		plus one (1) for each additional thirty thousand (30,000) square feet or fraction thereof
Manufacturing, Freight Terminals	F Minimum of two (2) and maximum of four (4) spaces per each ten thousand (10,000) square feet or major fraction thereof plus one (1) space for each employee on the largest shift	Sufficient to allow for complete off-street loading but in no event less than required herein for a warehouse
Mini-Warehouse or Self-Storage Facility	Two (2) spaces for the rental or leasing office plus one (1) space for every five thousand (5,000) square feet of gross floor area	None
Offices (Business and Professional)	One (1) space for every four hundred (400) square feet of gross floor area provided concrete curbed landscape islands are provided as detailed in a separate ordinance or that all parking is contained within an on-site enclosed parking facility. Otherwise, one (1) space for every three hundred (300) square feet of gross floor area shall be provided.	None
Offices (Other than Business and Professional)	One (1) space for every three hundred (300) square feet of gross area	None
Places of Public Assembly or Amusement Without Fixed Seats	One (1) space for each two hundred (200) square feet of floor space devoted to public use	None
Places of Public Assembly (buildings including churches and theaters)	One (1) space per each three (3) seats in main assembly area	None
Retail Stores (stand alone use)	One (1) space for every three hundred (300) square feet of gross floor area provided concrete curbed landscaped islands are provided as detailed in a separate ordinance or that all parking is contained within an on-site enclosed parking facility. Otherwise, one (1) space for every two hundred fifty (250) square feet of gross floor area shall be provided.	One (1) space for first five thousand (5,000) square feet plus one (1) additional thirty thousand (30,000) square feet or fraction thereof
Schools (private, including	One (1) space for each teacher and	None

<i>trade and vocational)</i>	<i>employee plus one (1) space for each one hundred (100) square feet of seating space in auditoriums. Where spectator events are held (stadiums and gymnasiums), parking requirements include one (1) space for each four (4) seats. For senior high schools and colleges where students drive to and from school, there shall be an additional requirement of one (1) space for each ten (10) students for which the school was designed.</i>	
<i>Shopping Centers (All—Multi-Tenant Use)</i>	<i>One (1) space for every five hundred (500) square feet of gross floor area provided concrete curbed landscaped islands are provided as detailed in a separate ordinance or that all parking is contained within an on-site enclosed parking facility. Otherwise, one (1) space for every two hundred fifty (250) square feet of gross floor area shall be provided.</i>	<i>One (1) space for the first five thousand (5,000) square feet plus one (1) for each additional fifty thousand (50,000) square feet or fraction thereof</i>
<i>Single-Family Residence</i>	<i>Two (2) spaces per dwelling unit and as specified within the zoning district classification</i>	<i>None</i>
<i>Small Item Service and Repair Shops</i>	<i>One (1) space for each two hundred (200) square feet of gross floor area</i>	<i>None</i>
<i>Subdivision Amenity Area (active or passive) when owned by a property owners association</i>	<i>One (1) space for every ten (10) homes</i>	<i>None</i>
<i>Warehouses (without office)</i>	<i>Four (4) spaces for the first five thousand (5,000) square feet of gross floor area plus one (1) additional space for each five thousand (5,000) square feet or fraction thereof plus one (1) for each full-time employee</i>	<i>Two (2) spaces for the first five thousand (5,000) square feet of gross floor area plus one (1) space for each additional ten thousand (10,000) square feet or fraction thereof</i>
<i>Warehouses (with office)</i>	<i>One (1) space per every two thousand five hundred (2,500) square feet of gross floor space</i>	<i>Two (2) spaces for the first five thousand (5,000) square feet of gross floor area plus one (1) space for each additional ten</i>

		thousand (10,000) square feet or fraction thereof
Wholesale Stores (without retail)	One (1) space for each four hundred (400) square feet of gross floor areas plus one (1) for each full-time employee	One (1) space for the first six thousand (6,000) square feet of gross floor areas plus one (1) space for each additional twenty thousand (20,000) square feet or fraction thereof

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Sec. 23-1205. Design Standards.

The following design standards shall be used to achieve compliance with parking provisions of this Article.

Parking:

- (1) *Each full-size automobile parking space shall not be less than nine (9) feet wide and ~~twenty~~eighteen (2018) feet deep. Compact car spaces shall not be less than eight and one-half (8½) feet wide and seventeen (17) feet deep. Parallel spaces for the handicapped adjacent to a walk shall be a minimum of twelve (12) feet six (6) inches in width by twenty-four (24) feet in length. If a walk is at an elevation of the parking space, a 1:6 ramp shall be provided up to the walk. For ninety-degree or angled spaces, the minimum width of a handicapped stall shall be nine (9) feet. An aisle, having a width of not less than three (3) feet (6) six inches shall be provided between each stall.*
- (2) *Handicapped spaces shall be marked on the pavement and by appropriate signage both markings shall use the universally accepted "handicapped" symbol. Handicapped spaces shall be located in closest proximity to major building*



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entrances, but in no event shall such spaces be more than one hundred (100) feet from an entrance.

- (3) Adequate interior driveways shall connect each parking space with a public right-of-way. Where ninety-degree parking is utilized, all interior driveways shall be a minimum of twenty-four (24) feet in width. If sixty-degree angle parking is used then interior driveways shall be at least twelve (12) feet in width for one-way traffic and twenty-four (24) feet in width for two-way traffic. In the instance where parallel parking is utilized or there is no parking, interior driveways shall be a minimum of twelve (12) feet in width for one-way traffic and twenty-four (24) feet in width for two-way traffic.
- (4) All two-family, multiple-family, commercial and industrial uses shall provide a paved, dust-free surface. The use of approved "porous pavement" is encouraged provided such paving is approved for use by the City. If these facilities are to be used at night, proper illumination shall be provided for the safety of pedestrians, vehicles and for security purposes. Lighting shall be designed so as not to reflect onto or cause glare in any adjacent residential district. Driveways serving single-family and duplex residences shall be paved for the entire width of the public right-of-way.

Parking Design Requirements

Type of Space	Dimensions	<u>Dimensions</u>	Interior Drive Dimensions
One Way Aisle	Full-Size:	9' × 20'	12'
	Compact:	8½' × 17'	
	Handicapped:	12' 6" × 20'	

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<i>Two Way Aisle</i>	<i>Full Size:</i>	<i>9' × 20'</i>	<i>24'</i>
	<i>Compact:</i>	<i>8½' × 17'</i>	
	<i>Handicapped:</i>	<i>12'6" × 20'</i>	
<i>Parallel</i>	<i>Full Size:</i>	<i>9' × 24'</i>	<i>12' (one-way)</i>
	<i>Compact:</i>	<i>8½' × 22'</i>	
	<i>Handicapped:</i>	<i>12' × 24'</i>	

Loading: *The following are the design requirements for off-street loading stalls:*

- (1) Each loading stall shall be a minimum of ten (10) feet in width and thirty (30) feet in length with fourteen (14) feet of overhead clearance except that for wholesale and industrial uses loading stalls shall be a minimum of ten (10) feet wide and fifty (50) feet in length.*
- (2) All off-street loading stalls shall have access from a public street.*
- (3) All off-street loading stalls and access shall be provided with a paved, dust-free surface. If loading stalls are to be used at night, they shall be properly illuminated for the safety of pedestrians, vehicles and for security. Lighting shall be designed to preclude light spill into adjacent properties.*
- (4) Loading stalls are not to hinder movement of pedestrians or vehicles over a street, sidewalk or alley, or to and from an off-street parking area.*

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

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"/>



THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: Part Time Employee

Date of Meeting: Feb 18, 2013

Budget Impact: x Y N

Budget Impact Amount: \$ 6,000.00

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

Funding Source:

(X) Annual

() Capital

() N/A

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: Request to hire a replacement Part Time employee to work in the Recreation Department on an annual basis.

History, Facts, Issues: The Recreation Department has an annual Part Time employee that has found Full Time employment and will be leaving the City. This void will negatively impact the Department due to the loss of an annual position needed to fulfill our daily operations. This position allows us to maintain hours of other employees below the mandatory limit for Part Time employment.

Options:

Recommended Action: _____

Department: Parks and Recreation

Department Head: Rip Robertson

Administrative Comments and Recommendation: _____

Action Taken By Board: _____

THE CITY OF DORAVILLE

AGENDA ITEM SHEET



*Professional Pool
Management*
Service • Safety • Supplies

Extension of Swimming Pool Management Agreement

The extension of the Swimming Pool Management Agreement (the "Agreement") between USA Pools LLC ("Company") and The City of Doraville ("Owner") is hereby amended and modified by extending the term of the Agreement to include the following swim seasons. The renewal date in Paragraph 1 of the original Agreement will be waived during the term of this Extension. Owner may cancel the extension of the swimming pool management Agreement for nonperformance by the Company as provided in (Paragraph 30) of the original Agreement. USA Pools LLC will perform its services for the following prices:

- _____ 2013 (3% price increase), payable according to the same schedule as set forth in the original Agreement.
- _____ 2013 (2% price increase), 2014 (1% price increase), payable according to the same schedule as set forth in the original Agreement.
- _____ 2013 (1% price increase), 2014 (1% price increase), 2015 (0% price increase) payable according to the same schedule as set forth in the original Agreement.

After the expiration of the term of this Extension, the contract will revert to the original renewal date as indicated in Paragraph 1 of the original Agreement. All other terms and conditions of the original Agreement shall continue in full force and effect.

Owner

Title

Date

USA Pools

Title

Date



1073 Green Street • Roswell, Georgia 30075-3608
Phone: (770) 248-1USA (1872) • Fax: (678) 352-0USA (0872)
www.usapools.com





AGENDA ITEM REQUEST SHEET
February 6, 2013

Subject: Resolution Supporting Downtown Development Authority Start-Up Funding

Date of Meeting: February 18, 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: Administrative

Department Head: Mayor

Background: The creation of a downtown development authority has been a key goal that was initially identified in the 2005 Comprehensive Plan. For decades, downtown development authorities have been used in cities throughout the state as a mechanism to revitalize and redevelop municipal central business districts by planning and financing projects that promote trade, commerce, industry and employment. Established by the Georgia Downtown Development Authority Law, local governing bodies can create DDAs by adopting an enabling resolution. DDAs have the power to conduct a number of economic development activities, including property acquisition and disposition, applying for federal and state grants, engage in long-range planning and other activities that would augment the City's efforts. In looking ahead, a DDA will play a critical role in redeveloping the GM plant and downtown area.

How are DDAs created and activated? (O.C.G.A. § 36-42-5)

Downtown development authorities have been created by the General Assembly in every city in the state of Georgia. However, downtown development authorities cannot transact any business or exercise any powers until the local governing body adopts a resolution, which must be filed with the Secretary of State and the Department of Community Affairs. The resolution must declare the need for the authority, specify the boundaries of the downtown development area that constitutes the central business district and appoint the initial directors.

How are directors appointed? (O.C.G.A. § 36-42-4) **What are the qualifications?** (O.C.G.A. § 36-42-7)

The governing board may appoint up to nine directors but no less than seven. Two must be appointed for a two-year term, two for a term of four years and three for a term of six years. One member of the governing body may also serve as a director. Except for the director who is also a board or council member, the DDA directors are appointed to six-year terms after the initial terms expires.

Directors must be:

- (1) Taxpayers residing in the City
- (2) Owners or operators of businesses located within the downtown development area and who shall be taxpayers residing in the county
- (3) Any combination of (1) and (2)
- (4) One Council member may serve
- (5) One director may reside outside of the County provided that he/ she owns a business within the downtown area and is a resident of the State of Georgia.

The board of directors must elect their own officer which include a: chairman, vice chairman, treasurer, secretary or a secretary-treasurer.

What are the training requirements for DDA board members? (O.C.G.A. § 36-42-7)

With the exception of a member who also serves on the city council, all DDA board members must take at least eight hours of training on downtown development and redevelopment programs within the first 12 months of their appointment to the DDA.

What powers does a DDA have? (O.C.G.A. § 36-42-8)

As with other types of authorities in Georgia, downtown development authorities may accept grants and apply for loans. They can also own, acquire and improve property, and they are empowered to enter into contracts and intergovernmental agreements. DDAs also have the authority to issue revenue bonds.

Action Requested: In September 2012, the DeKalb Development Authority provided a \$20,000.00 grant to assist the City of Lithonia in re-establishing their downtown development authority (see attached AJC article). Staff recommends adopting a resolution, supporting the City's own request for financial assistance. As with Lithonia, the County Development Authority required a proposed list of deliverables and corresponding timeline for creating the DDA. A draft letter from the Mayor formally requesting the funds is attached along with a draft resolution and proposed deliverables.

Respectfully,

S/ Luke Howe
Assistant to the Mayor

DRAFT

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

RESOLUTION NO. 2012-__

**A RESOLUTION OF SUPPORT FOR THE REQUEST FOR FUNDING ASSISTANCE
TO ESTABLISH THE DORAVILLE DOWNTOWN DEVELOPMENT AUTHORITY**

WHEREAS, based on planning and economic development goals espoused by the City of Doraville Comprehensive Plan (2005-2025) and the 2010 Downtown Doraville Master Plan Livable Centers Initiative Study, the Mayor and City Council of the City of Doraville (the “City”) seek to enact the enabling legislation, establishing the Doraville Downtown Development Authority (the “Authority”) under the Georgia Downtown Development Authorities Law (O.C.G.A. 34-42-1 through O.C.G.A. 36-42-16); and,

WHEREAS, the Mayor and City Council hereby respectfully requests financial and technical assistance from the DeKalb County Development Authority for the purpose of establishing the Authority and producing the deliverables outlined in Exhibit A; and,

WHEREAS, the Authority shall work towards furthering the adopted planning goals of revitalizing and redeveloping the City’s central business district in a way that fosters a flourishing climate for trade, commerce, industry and employment creation; and,

WHEREAS, the Mayor and City Council are committed to aligning long-term community goals and promoting economic development through a collaborative relationship with the Authority, a relationship predicated on the highest degree of accountability, transparency and the shared concern of promoting the public good; and,

WHEREAS, in acknowledging the critical need of the Authority, the Mayor and City Council is committed to providing financial and/ or technical support to ensure the Downtown Development Authority’s long-term viability and success.

NOW, THEREFORE, BE IT RESOLVED THAT THE MAYOR AND CITY COUNCIL OF DORAVILLE, GEORGIA HEREBY REQUESTS FINANCIAL ASSISTANCE FROM THE DEKALB COUNTY DEVELOPMENT AUTHORITY FOR THE PURPOSE OF ESTABLISHING THE DORAVILLE DOWNTOWN DEVELOPMENT AUTHORITY.

ADOPTED AND EFFECTIVE this ____ day of February, in the year 2013.

CITY OF DORAVILLE, GEORGIA

Donna Pittman, Mayor

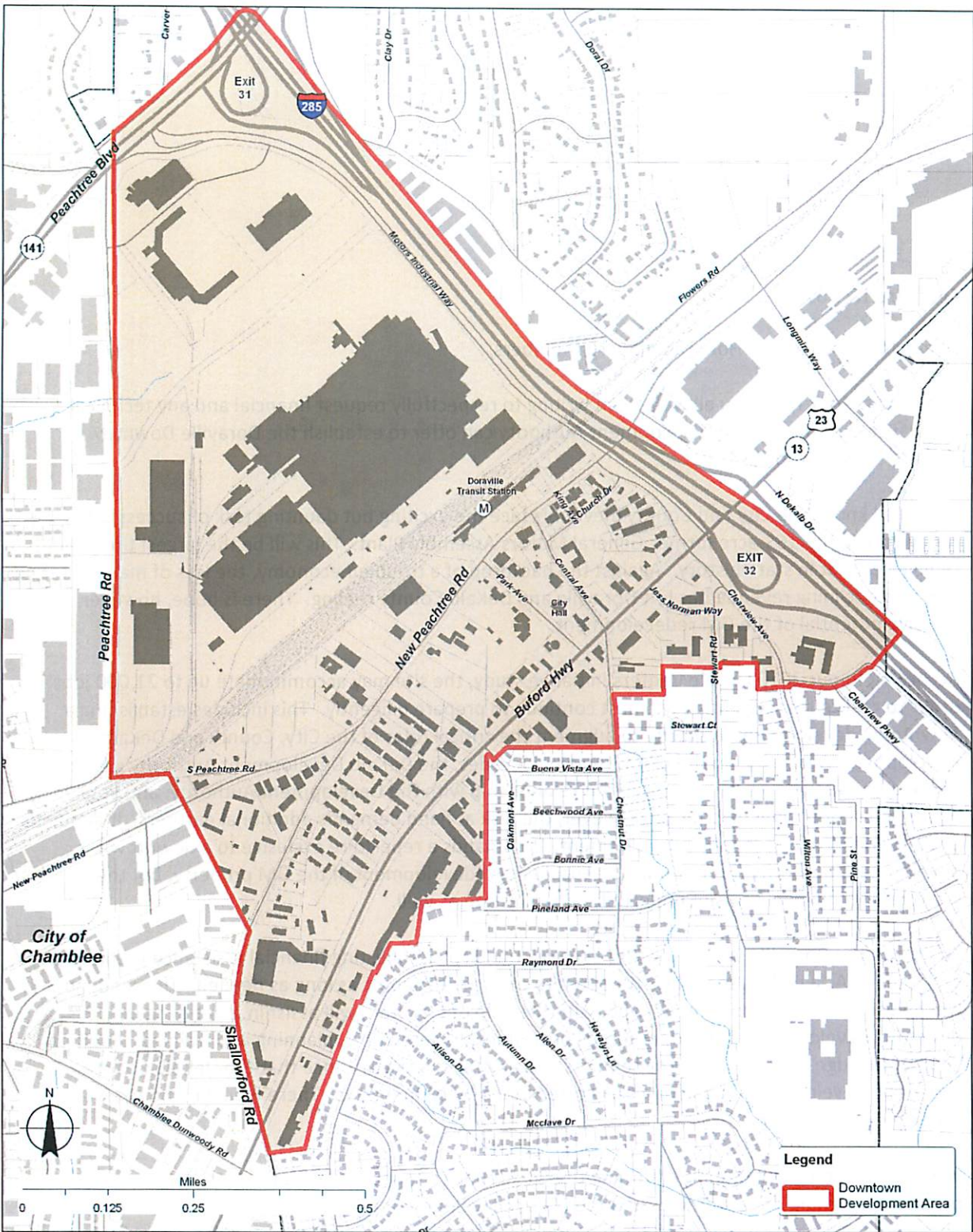
ATTEST:

Sandra Bryant, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

Cecil G. McLendon, Jr., City Attorney



This map was prepared using data provided by the City of Doraville or accessed through the DeKalb County Property Appraisal Department website. Data was not guaranteed. Please contact DeKalb County or the City of Doraville to confirm designations.

Downtown Development Area

Prepared for:
The City of Doraville

Prepared by:
Tunnell-Spangler-Walsh & Associates



January 14, 2013

February 18, 2013

Dear Madam Chair and Honorable Board Members,

I hope this letter finds you all well. I am writing to respectfully request financial and any technical assistance that the DeKalb Development Authority can offer to establish the Doraville Downtown Development Authority.

As you all know, the City and County inevitably face the exciting but daunting task of successfully redeveloping the 165-acre former General Motors Assembly Plant. This will be the largest brownfield redevelopment in state history. Against the backdrop of a troubled economy, the loss of manufacturing jobs and declining revenue has left Doraville and DeKalb County reeling. There is hope, however, in the massive potential of the GM redevelopment.

According to our 2010 Livable Centers Initiative study, the site may accommodate up to 21,000 jobs. In order to realize that potential, we must continue to prepare diligently. This includes establishing a downtown development authority to augment the critical roles of the City, County and DeKalb Development Authority. In the plant's waning decades, the DeKalb Development Authority's financing heroics was a saving grace. We value our relationship with the Development Authority, and your continued support will be critical. However, the task at hand demands additional partners. It demands a local vanguard for economic development. It demands a repertoire exclusive to a downtown development authority, for not only the successful redevelopment of the GM property, but the surrounding 500 plus acres of underutilized real estate as well.

To ensure the Doraville DDA is built for success, the City is requesting financial assistance in the amount of \$20,000. As a match, the City is prepared to offer staff support as long as needed. The seed money will be used to enlist a consultant, who, with the help of City staff, will assist in identifying board directors, developing by-laws, operational procedures, wherewithal, planning and training. Additionally, your knowledge as veteran board members and any technical assistance that the DeKalb County Economic Development Department can offer would be tremendous. There would be no overstating the City's gratitude.

We have included a resolution, affirming the City Council's support for this request, letters of support, a proposed schedule of deliverables and the LCI's redevelopment programs for the downtown area. Thank you in advance for your leadership, your service and your thoughtful consideration.

Sincerely,

Donna Pittman, Mayor

PROPOSED SCHEDULE OF DELIVERABLES

If funding is approved, the following schedule will commence immediately. The schedule is flexible and can incorporate any suggestions offered by the DeKalb Development Authority and/ or the DeKalb County Economic Development Department.

MONTH I

1. Develop any inter-governmental agreements between City and County authority/ agencies
2. City-issued RFP for consulting services
3. Mayor/ City Council select consultant, execute necessary contracts

MONTH II

1. Identify board members/ other stakeholders, enlist support; refine DDA boundaries if needed
2. Adopt activating resolution, notify Secretary of State and Department of Community Affairs
3. Develop Articles of Incorporation, by- laws and other regulatory documents, ensuring compliance with all applicable state and local laws
4. Hold inaugural Doraville Downtown Development Authority work session/ retreat to facilitate a common bond, nominate officers, make appointments, review existing plans, responsibilities, statutory powers, funding considerations and operational procedures; develop action plan for executing initial housekeeping (i.e. bank accounts, insurance, meeting and state-required training schedules, direct staff, prepare Mayor/ City Council and DeKalb Development Authority updates, etc.)

MONTH III

1. Develop any intergovernmental agreements between the City of Doraville
2. Refine and publish governing and operational guidelines
3. Facilitate required DDA board member training
4. Hold second board work session to tie up any loose ends, adopt appropriate measures, review staff generated reports, all the various options for operational funding, etc.

MONTH IV

1. Present draft agreements to the general public and Mayor/ Council; discuss City implementation schedule; possibly set up joint meeting
2. Hold third meeting to review staff reports/ recommendations; within the framework of existing City plans, begin discussion/ commission of long and short term goals and planning (economic development “toolbox” (i.e. incentives/ finance) development, business recruitment/ retention, marketing/ communication strategies, performance measures and timeframes; address any outstanding initial business; adopt any outstanding measures

MONTH V and VI

1. Continue holding monthly business meetings
2. Begin thorough economic development financing/ bond education



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Posted: 11:22 a.m. Tuesday, Sept. 4, 2012

Lithonia to start own development group

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By April Hunt

The Atlanta Journal-Constitution

The Development Authority of DeKalb County recently gave a grant to Lithonia to help jumpstart development in its historic downtown.

One Subscription. Total Access.

The \$20,000 is seed money to help Lithonia start its own downtown development authority. The center city – once full of granite buildings created from stone in nearby quarries – was partly demolished during Urban Renewal to make way for what is now Lithonia Plaza.

The plaza, now an eyesore that is partially owned by the city, will be the first focus of the revitalization.

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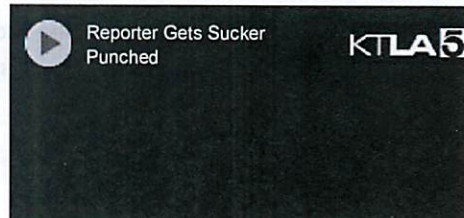
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AGENDA ITEM REQUEST SHEET
February 6, 2013

Subject: Urban Redevelopment Plan Amendment (Peachtree Pavilion) Public Hearing

Date of Meeting: February 18, 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: Administrative

Department Head: Mayor

Background: The purpose of this Urban Redevelopment Plan amendment seeks to expand the Urban Redevelopment Area and the potential Opportunity Zone designation to a single parcel. Parcel number 18 322 02 008, also known as Peachtree Pavilion, is located at 6035 Peachtree Road Buford Highway.

Respectfully,

S/ Luke Howe
Assistant to the Mayor

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

RESOLUTION NO. 2012-__

A RESOLUTION OF THE CITY COUNCIL OF DORAVILLE, GEORGIA; TO AMEND THE CITY OF DORAVILLE URBAN REDEVELOPMENT PLAN FOR AN AREA WITHIN THE CITY OF DORAVILLE, PURSUANT TO THE PROVISIONS OF THE URBAN REDEVELOPMENT LAW, O.C.G.A. SECTION 36-61-1 ET SEQ.; TO APPROVE AN APPLICATION FOR AN OPPORTUNITY ZONE FOR THE AMENDED AREA ENCOMPASSED BY SUCH REDEVELOPMENT PLAN PURSUANT TO O.C.G.A. SECTION 48-7-40.1; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

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

WHEREAS, in August 2012, it was determined by City Council that there is a need for the revitalization and redevelopment of further areas of the City to develop and promote for the public good and general welfare: housing, trade, commerce and employment opportunities within the City; and

WHEREAS, in August 2012, the City Council recognized that within such areas there exist such conditions as: a predominance of buildings or improvements, both residential and nonresidential, which by reason of dilapidation, deterioration, age, vacancy or obsolescence are detrimental to the public health, safety or welfare; the presence of a substantial number of vacant, deteriorated, or deteriorating structures; predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness for present or future development; development impaired by transportation noise or by other environmental hazards; or a combination of such conditions that substantially impairs or arrests the sound growth of the City, retards the provisions of adequate housing accommodations, and constitutes an economic detriment and impairs the public health, safety, or welfare in the present condition and use; and,

WHEREAS, it has been determined by the City Council that it is in the public interest and is vital to the public welfare of the people of the City and of the people of the State of Georgia to revitalize and redevelop such areas of the City; and,

WHEREAS, in August 2012, it was determined by the City Council that such areas met the criteria of O.C.G.A., Section 36-61-7 and O.C.G.A. 36-61-2 (18) and should be designated as Urban Redevelopment Areas; and,

WHEREAS, the City prepared and adopted a workable program to encourage needed urban rehabilitation, to provide for redevelopment, and to undertake such activities as may be

suitably employed to achieve these objectives in the Urban Redevelopment Areas, known as the Doraville Urban Redevelopment Plan; and,

WHEREAS, on August 20, 2012, the City caused a public hearing on the adoption of the Doraville Urban Redevelopment Plan pursuant to the provisions of O.C.G.A., Section 36-61-7; and,

WHEREAS, on August 27, 2012, the City Council adopted the Doraville Urban Redevelopment Plan pursuant to the provisions of O.C.G.A., Section 36-61-7; and,

WHEREAS, the City desires to amend the adopted Doraville Urban Redevelopment Plan, which shall not substantially change the plan; and,

WHEREAS, pursuant to O.C.G.A., Section 36-61-7, the City has caused a public hearing to be held on February 18, 2013 to adopt an amendment to the Doraville Urban Redevelopment Plan; and,

WHEREAS, the City Council amends the Doraville Urban Redevelopment Plan by adding parcel 18 322 02 008 (also known as Peachtree Pavilion) located at 6035 Peachtree Road; and,

WHEREAS, it is determined by the City Council that the amended Doraville Urban Redevelopment Plan conforms to the general plan of the City as a whole; and,

WHEREAS, it is further determined by the City Council that the amended Doraville Urban Redevelopment Plan will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the Urban Redevelopment Area by private enterprise; and,

WHEREAS, Georgia law (O.C.G.A. 48-7-40.1) provides for the creation of an Opportunity Zone to assist in the redevelopment of Urban Redevelopment Areas; and,

WHEREAS, the City finds that all or parts of the amended Doraville Urban Redevelopment Area qualifies for such a zone and seeks to redevelop the City to promote growth and improve the public health, safety, welfare, and property values; and,

WHEREAS, the City finds that the area encompassed by the amended Doraville Urban Redevelopment Area has undergone significant changes and that an Opportunity Zone would increase property values, promote economic development, and provide other benefits; and,

WHEREAS, the City understands that adoption of the amended Doraville Urban Redevelopment Plan will assist in the creation of an Opportunity Zone with the approval of the Georgia Department of Community Affairs; and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Doraville Georgia, that the amended Doraville Urban Redevelopment Plan in the form attached hereto as Exhibit "A" is hereby adopted; that the submission of the amended Doraville Urban Redevelopment Plan to the Georgia Department of Community Affairs for the purpose of

applying for Opportunity Zone designation for the all or parts of the area encompassed by said plan is hereby approved, together with an application for such designation.

APPROVED AND ADOPTED THE ____ DAY OF February, 2013.

CITY OF DORAVILLE, GEORGIA

Donna Pittman, Mayor

ATTEST:

_____ (SEAL)
Sandra Bryant, Acting City Clerk

APPROVED AS TO FORM:

Cecil G. McLendon, City Attorney



AGENDA ITEM REQUEST SHEET

Subject: First Read on Proposed Budget Amendment Ordinance

Date of Meeting: February 19, 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:

During the midyear budget review process, several issues were identified that required budgetary changes to be addressed. This budget amendment addresses those issues as follows:

1. City Manager's budget – As a result of the contract negotiations, certain changes need to be made in order to accommodate the terms of the contract. The budget amendment takes the existing budget of \$80,846 and reallocates it within the same department in salaries, retirement, communications, etc to provide a more comprehensive budget for the City Manager's department which also accommodates the terms of his contract. This item does not increase or decrease the departmental budget nor does it increase or decrease the General Fund budget as a whole.
2. DMA Dues – The DeKalb Municipal Association changed the manner in which it determines dues, resulting in a bill of \$10,536.25 which was not anticipated at the time the previous budget was prepared. This has been included in the City Manager's departmental budget under Dues and Fees. This item does not increase or decrease the departmental budget nor does it increase or decrease the General Fund budget as a whole.
3. Comp time and overtime – The E911 department is currently over its budget for overtime. Earlier this year, we changed the method for timekeeping such that personnel who fill in the E911 department charge the appropriate time to the appropriate department. This change gives a much clearer picture of the true cost of operating the E911 center. At the same time, it has caused the E911 personal

services budget to be exceeded. I am requesting that \$70,000 be transferred from the Police Department budget in the General Fund to the E911 fund. This item will decrease the Police Department budget by \$70,000 and increase the E911 Department budget by \$70,000. The net effect on the overall budget will be no increase in expenditures.

4. Special Events and Medic Unit Budgets – As a result of the audit, it was determined that the Special Events and Medic Unit budgets did not need to be reported in separate funds. This item moves the original Special Events budget of \$15,302 from the Special Events Fund to the General Fund in the Recreation Department. It also moves the original Medic Unit budget of \$1,224 from the Medic Unit fund to the General Fund in the Police Department budget. The net effect on the overall budget will be no increase in expenditures for either category.
5. Hotel Motel Fund – The Hotel Motel fund has already exceeded the projected revenues for the current fiscal year. This is partly due to a slight increase in the revenues from the Comfort Inn but also due to the additional receipts from Alchemy, LLC, and receipts from a class action settlement concerning online hotel reservations. This change increases the budgeted revenues from \$25,000 to \$48,000 for the year. In addition, this also increases the budgeted transfers from Hotel Motel to the General Fund from \$15,000 to \$28,800.
6. Operating Transfers from Hotel Motel – As a result of the audit, we are reclassifying the Hotel Motel revenues in the General Fund to Operating Transfers In. This results in a reduction in the Taxes category of \$15,000 and an increase of \$28,000 in the Operating Transfers In category. The net effect of this change is that the total revenues for the General Fund are increased by \$13,800.
7. HOST Capital Projects Fund – We received the final balloon payment on the HOST tax revenues on January 31st. The total received was \$144,097. The HOST revenues and expenditures were increased to reflect the amount received. Other than the funds already allocated to the Halpern Park renovation project, the remainder of the Infrastructure expenditure budget remains unallocated. The net effect of this change is an increase in revenues and expenditures in the HOST Capital Projects Fund of \$61,262.
8. Interest Revenues – A minor adjustment of \$2,725 was made to the Interest Revenue category to balance the General Fund revenues to the General Fund expenditures. The Special Events and Medic Unit budgets used their own fund balances as their revenue sources. Their fund balances have been transferred to the General Fund. For the purposes of presenting a balanced budget, their expenditures are now being offset by the increase in Hotel Motel revenue and the increase in budgeted interest revenues.
9. LARP/LMIG Paving Projects – We have received confirmation from GDOT and DeKalb County that the proposed paving project discussed at the midyear budget review can be completed using our LMIG allocation using DeKalb's labor costs as the match. DeKalb County will provide the service under the Service Delivery Strategy agreement. Therefore, we have not included any funding for this project in the proposed budget amendment.

Action Required:

None - Because this is the first read on the ordinance, no action is required at this time.

City of Doraville
FY2013 Proposed Budget Amendment
February 19, 2013

	2013 Approved Budget	2013 Requested Amendment	Increase/ (Decrease)
<i>Fund 100 - General Fund</i>			
Taxes	6,013,686	5,998,686	(15,000)
Licenses and Permits	234,000	234,000	-
Intergovernmental Revenues	113,469	113,469	-
Charges for Services	137,802	137,802	-
Fines and Forfeitures	2,200,000	2,200,000	-
Investment Income	-	2,725	2,725
Contributions and Donations from Private Sources	2,500	2,500	-
Miscellaneous	66,000	66,000	-
Operating Transfers In	-	28,800	28,800
			-
Total General Fund Revenues	<u>8,767,457</u>	<u>8,783,982</u>	<u>16,525</u>

	2013 Approved Budget	2013 Requested Amendment	Increase/ (Decrease)
<i>General Fund Departmental Budgets</i>			
City Council	139,485	139,485	-
Mayor	199,771	199,771	-
City Administrator	80,846	80,846	-
Elections	-	-	-
General Administration	258,848	258,848	-
Finance	269,501	269,501	-
Legal	205,000	205,000	-
Information Technology	94,200	94,200	-
Facilities & Buildings	27,220	27,220	-
Municipal Court	424,976	424,976	-
Police	4,521,175	4,452,399	(68,776)
Animal Control	87,829	87,829	-
Public Works	684,112	684,112	-
Street Lights	180,000	180,000	-
Recreation	370,597	385,899	15,302
Swimming Pool	54,825	54,825	-
Parks	32,000	32,000	-
Library Administration	307,878	307,878	-
Planning and Zoning	290,802	290,802	-
Code Enforcement	120,795	120,795	-
			-
Interfund Transfers			-
To E911	352,181	422,181	70,000
Contingency	65,416	65,416	-
			-
	<u>8,767,457</u>	<u>8,783,982</u>	<u>16,525</u>

City of Doraville
FY2013 Proposed Budget Amendment
February 19, 2013

	2013 Approved Budget	2013 Requested Amendment	Increase/ (Decrease)
<i>Fund 210 - Confiscated Assets Fund</i>			
Revenues	385,285	385,285	-
Expenditures	385,285	385,285	-
Surplus/(Deficit)	-	-	-
<i>Fund 215 - Emergency 911 Fund</i>			
Revenues	502,181	572,181	70,000
Expenditures	502,181	572,181	70,000
Surplus/(Deficit)	-	-	-
<i>Fund 220 - Medic Unit Fund</i>			
Revenues	1,224	-	(1,224)
Expenditures	1,224	-	(1,224)
Surplus/(Deficit)	-	-	-
<i>Fund 230 - Tree Bank</i>			
Revenues	15,000	15,000	-
Expenditures	15,000	15,000	-
Surplus/(Deficit)	-	-	-
<i>Fund 250 - Multiple Grants Fund</i>			
Revenues	25,000	25,000	-
Expenditures	25,000	25,000	-
Surplus/(Deficit)	-	-	-
<i>Fund 235 - Special Events Fund</i>			
Revenues	15,302	-	(15,302)
Expenditures	15,302	-	(15,302)
Surplus/(Deficit)	-	-	-
<i>Fund 275 - Hotel/Motel Tax fund</i>			
Revenues	25,000	48,000	23,000
Expenditures	25,000	48,000	23,000
Surplus/(Deficit)	-	-	-
<i>Fund 330 - Homestead Option Sales Tax (HOST) Fund</i>			
Revenues	82,835	144,097	61,262
Expenditures	82,835	144,097	61,262
Surplus/(Deficit)	-	-	-
<i>Fund 505 - Water and Sewer Fund</i>			
Revenues	474,001	474,001	-
Expenditures	474,001	474,001	-
Surplus/(Deficit)	-	-	-
<i>Fund 540 - Solid Waste Fund</i>			
Revenues	362,000	362,000	-
Expenditures	362,000	362,000	-
Surplus/(Deficit)	-	-	-

City of Doraville
FY2013 Proposed Budget Amendment
February 19, 2013

Revenues

Fund 100 - General Fund

Account Description	2013 Approved Budget	2013 Proposed Amendment	Increase/ (Decrease)
Real property tax-current year	1,779,427	1,779,427	-
Public utility tax-current year	62,742	62,742	-
Real property tax-prior year	-	-	-
Personal property tax-current year	939,511	939,511	-
Motor vehicle	135,506	135,506	-
Personal property-prior year	3,000	3,000	-
Real estate transfer (intangible)	1,500	1,500	-
Franchise taxes	600,000	600,000	-
Hotel/motel	15,000	-	(15,000)
Alcoholic beverage excise	80,000	80,000	-
Local option mixed drink	4,500	4,500	-
Business and occupation taxes	2,000,000	2,000,000	-
Insurance premium taxes	390,000	390,000	-
Penalties and interest on delinquent taxes	2,500	2,500	-
Alcoholic beverages	18,000	18,000	-
Building and signs	165,000	165,000	-
Motor vehicle operators	40,000	40,000	-
Regulatory fees	11,000	11,000	-
Federal government grants	113,469	113,469	-
Accident reports	15,000	15,000	-
Warrant contract	-	-	-
Background check fees	2,000	2,000	-
Activity fees	63,387	63,387	-
Spec Ev Receipts		-	-
Program fees	57,415	57,415	-
Municipal	2,200,000	2,200,000	-
Interest revenues		2,725	2,725
Contributions and Donations from Private Sources	2,500	2,500	-
Rents and royalties	30,000	30,000	-
Miscellaneous	36,000	36,000	-
Transfers from Hotel Motel		28,800	28,800
	8,767,457	8,783,982	16,525

City of Doraville
FY2013 Proposed Budget Amendment
February 19, 2013

Dept. 1320
City Manager

Account Description	2013 Approved Budget	2013 Proposed Amendment	Increase /(Decrease)
Regular employees	45,038	24,750	(20,288)
Overtime	-	-	-
Paid Time Off (PTO)	-	4,500	4,500
Holiday Pay	2,962	450	(2,512)
Group insurance	5,241	3,127	(2,114)
Social Security (FICA) contributions	2,170	1,931	(240)
Medicare	508	431	(77)
Retirement contributions	6,416	2,376	(4,040)
Workers' compensation	512	512	-
Moving Expenses	10,000	17,000	7,000
Repairs and maintenance		1,000	1,000
Insurance, other than employee benefits	2,500	2,500	-
Communications	1,500	500	(1,000)
Printing and binding	-	500	500
Travel	2,500	3,500	1,000
Dues and fees		12,670	12,670
Education and training		500	500
General supplies and materials		500	500
Water/sewerage		500	500
Natural gas		500	500
Electricity		500	500
Gasoline		600	600
Books and periodicals		500	500
Small equipment	1,500	1,500	-
	80,846	80,846	-

City of Doraville
FY2013 Proposed Budget Amendment
February 19, 2013

Dept. 3200
Police Department

Account Description	2013 Approved Budget	2013 Requested Amendment	Increase/ (Decrease)
Regular employees	1,935,926	1,865,926	(70,000)
Overtime	32,775	32,775	-
Paid Time Off (PTO)	250,000	250,000	-
Holiday Pay	95,735	95,735	-
Group insurance	469,160	469,160	-
Social Security (FICA) contributions	143,495	143,495	-
Medicare	33,559	33,559	-
Retirement contributions	418,268	418,268	-
Unemployment insurance	4,470	4,470	-
Workers' compensation	164,180	164,180	-
Professional	25,500	25,500	-
Technical	3,645	3,645	-
Disposal (e.g., garbage pickup)	1,550	1,550	-
Lawn care	-	-	-
Repairs and maintenance	114,863	114,863	-
Rental of equipment and vehicles	21,241	21,241	-
Insurance, other than employee benefits	135,317	135,317	-
Communications	126,328	126,328	-
Printing and binding	5,800	5,800	-
Travel	4,000	4,000	-
Dues and fees	2,820	2,820	-
Education and training	23,000	23,000	-
Contract labor	1,000	1,000	-
Other	3,000	3,000	-
General supplies and materials	149,392	149,392	-
Medic Unit Supplies	-	1,224	1,224
Water/sewerage	2,000	2,000	-
Natural gas	9,500	9,500	-
Electricity	42,500	42,500	-
Gasoline	220,000	220,000	-
Food	15,500	15,500	-
Machinery	11,900	11,900	-
Vehicles	25,000	25,000	-
Computers	17,250	17,250	-
Other Equipment	12,500	12,500	-
	<u>4,521,175</u>	<u>4,452,399</u>	<u>(68,776)</u>

City of Doraville
FY2013 Proposed Budget Amendment
February 19, 2013

Dept. 3800
Fund 215 E911

Account Description	2013 Approved Budget	2013 Requested Amendment	Increase /(Decrease)
Fund balance - E911 Fund			
E-911 charges-Landlines	150,000	150,000	-
E-911 Charges-Wirele			-
Operating Trnsfrs In	352,181	422,181	70,000
Total Revenues	502,181	572,181	70,000
		-	
Regular employees	250,740	250,740	-
Overtime	14,426	84,426	70,000
Paid Time Off (PTO)	40,000	40,000	-
Holiday Pay	12,207	12,207	-
Group insurance	34,936	34,936	-
Social Security (FICA) contributions	19,677	19,677	-
Medicare	4,602	4,602	-
Retirement contributions	55,536	55,536	-
Unemployment insurance	275	275	-
Workers' compensation	1,167	1,167	-
Professional	900	900	-
Insurance, other than employee benefits	18,216	18,216	-
Communications	48,000	48,000	-
Travel	1,500	1,500	-
Total Expenditures	502,181	572,181	70,000

City of Doraville
FY2013 Proposed Budget Amendment
February 19, 2013

Fund 275 Hotel Motel

Account Description	2013 Approved Budget	2013 Requested Amendment	Increase/ (Decrease)
Fund balance - Hotel/Motel tax Fund			
Hotel/motel	25,000	48,000	23,000
Total Revenues	<u>25,000</u>	<u>48,000</u>	<u>23,000</u>
Payments to other agencies	10,000	19,200	9,200
Operating transfers-To General Fund	15,000	28,800	13,800
Total Expenditures	<u>25,000</u>	<u>48,000</u>	<u>23,000</u>

City of Doraville
FY2013 Proposed Budget Amendment
February 19, 2013

Fund 330 HOST Capital Projects Fund

Account Description	2013 Approved Budget	2013 Proposed Amendment	Increase/ (Decrease)
Fund Balance			
HOST Tax	82,835	144,097	61,262
Retained Earnings			
Total Revenues	82,835	144,097	61,262
Site Improvements	32,268	32,268	-
Infrastructure	50,567	111,829	61,262
Total Expenditures	82,835	144,097	61,262

ORDINANCE 2012-__

**ORDINANCE TO PROVIDE FOR THE ADOPTION OF AN AMENDED BUDGET, ITS EXECUTION
AND EFFECT FOR THE FISCAL YEAR BEGINNING JULY 1, 2012
AND ENDING JUNE 30, 2013**

BE IT ORDAINED by the Mayor and City Council of the City of Doraville, Georgia:

Section I. The City previously adopted a Budget for fiscal year July 1, 2012 through June 30, 2013. There is hereby adopted for the fiscal year July 1, 2012 through June 30, 2013, an amendment for the City of Doraville, Georgia, as detailed herein. Amounts in this budget may be re-allocated within funds by approval of the Mayor as long as the total budgeted amounts do not exceed these appropriations by fund.

Section II. General Fund. The General Fund for the City of Doraville shall have an appropriation of \$8,783,982, for the general obligations and legal obligations in FY 2013.

General Fund revenues for the fiscal year are estimated as follows:

Taxes	\$5,998,686
Licenses and Permits	234,000
Intergovernmental Revenues	113,469
Charges for Services	137,802
Fines and Forfeitures	2,200,000
Investment Income	2,725
Contributions & Donations from Private Sources	2,500
Miscellaneous	66,000
Operating Transfers In	28,800
Total Estimated General Fund Revenues	\$8,783,982

Should the total estimated revenues received exceed the amount estimated, the City Council shall allocate such excess to the General Fund subject to further action.

Section III. There is appropriated for the general operation and payment of certain legal obligations of the City of Doraville for the fiscal year 2013 a total of \$8,783,982, or as much as may be deemed necessary, not to exceed this amount and such sums shall be disbursed from the following:

City Council	\$139,485
Mayor's Office	199,771
City Administrator	80,846
City Clerk General Administration	258,848
Finance	269,501
Legal	205,000
Information Technology	94,200
Government Buildings	27,220
Municipal Court	424,976
Police and Jail	4,452,399
Animal Control	87,829
Public Works	684,112
Street Lighting	180,000
Recreation	385,899
Swimming Pool	54,825
Parks	32,000
Library	307,878
Planning and Zoning	290,802
Quality of Life	120,795
Transfers to Other Funds-E911	422,181
Contingency	65,416
Total Estimated General Fund Expenditures	\$8,783,982

Section IV. Confiscated Assets Fund. There is hereby established a Confiscated Assets Fund for the City of Doraville with an appropriation of \$385,285.

Revenues for the Confiscated Assets Fund shall be from the following sources:

Fund Balance – Confiscated Assets Fund	385,285
Total Confiscated Asset Fund Revenues	\$ 385,285

The following disbursements are authorized for the fiscal year 2013:

Public Safety	385,285
Total Confiscated Asset Fund Expenditures	\$ 385,285

Section V. E911 Special Revenue Fund. There is hereby established an E-911 Fund for the City of Doraville with an appropriation of \$572,181.

Revenues for the E911 Fund shall be from the following sources:

Transfer in from General Fund	422,181
E911 Charges	150,000
Total Fund Revenues – E911	\$ 572,181

The following disbursements are authorized for the fiscal year 2013:

Operations	\$ 572,181
Total E-911 Fund Expenditures	\$ 572,181

Section VI. Tree Fund. There is hereby established a Tree Fund for the City of Doraville with an appropriation of \$15,000.

Revenues for the Tree Fund shall be from the following sources:

Fund Balance – Tree Fund	15,000
Total Tree Fund Revenues	\$ 15,000

The following disbursements are authorized for the fiscal year 2013:

Supplies – Trees	15,000
Total Tree Fund Expenditures	\$ 15,000

Section VII. Multiple Grants Fund. There is hereby established a Multiple Grants Fund for the City of Doraville with an appropriation of \$25,000.

Revenues for the Multiple Grants Fund shall be from the following sources:

Halpern Park Grant – Multiple Grants Fund	25,000
Total Multiple Grants Fund Revenues	\$ 25,000

The following disbursements are authorized for the fiscal year 2013:

Purchased/Contracted Services	25,000
Total Multiple Grants Fund Expenditures	\$ 25,000

Section VIII. Hotel/Motel Tax Fund. There is hereby established a Hotel/Motel Tax Fund for the City of Doraville with an appropriation of \$48,000.

Revenues for the Hotel/Motel Tax Fund shall be from the following sources:

Taxes-Hotel/Motel	48,000
Total Hotel/Motel Tax Fund Revenues	\$ 48,000

The following disbursements are authorized for the fiscal year 2013:

Payments to Other Agencies	19,200
Transfer out to General Fund	28,800
Total Hotel/Motel Tax Fund Expenditures	\$ 48,000

Section IX. Capital Projects Fund. There is hereby established a Capital Projects Fund for the City of Doraville with an appropriation of \$144,097.

Revenues for the Capital Projects Fund shall be from the following sources:

HOST Tax	144,097
Total Capital Projects Fund Revenue	\$ 144,097

The following disbursements are authorized for the fiscal year 2013:

Capital Outlay	144,097
Total Capital Projects Fund Expenditures	\$ 144,097

Section X. Stormwater Management Fund. There is hereby established a Stormwater Management Fund for the City of Doraville with an appropriation of \$474,001.

Revenues for the Stormwater Management Fund shall be from the following sources:

Charges for Services – Stormwater	474,001
Total Stormwater Management Fund Revenue	\$ 474,001

The following disbursements are authorized for the fiscal year 2013:

Public Works-Stormwater	474,001
Total Stormwater Management Fund Expenditures	\$ 474,001

Section XI. Solid Waste Fund. There is hereby established a Solid Waste Fund for the City of Doraville with an appropriation of \$362,000.

Revenues for the Solid Waste Fund shall be from the following sources:

Sanitation Fees	362,000
Total Solid Waste Fund Revenues	\$ 362,000

The following disbursements are authorized for the fiscal year 2013:

Purchased/Contracted Services	362,000
Total Solid Waste Fund Expenditures	\$ 362,000

SO RATIFIED AND ADOPTED by the Mayor and City Council of the City of Doraville, Georgia, in regular session assembled this ____ day of _____, 2013.

CITY OF DORAVILLE, GEORGIA

Mayor

First Reading

Second Reading

ATTEST:

Sandra Bryant, Assistant 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"/>
Robert Patrick	<input type="checkbox"/>	<input type="checkbox"/>
Trudy Jones Dean	<input type="checkbox"/>	<input type="checkbox"/>



AGENDA ITEM REQUEST SHEET

Subject: Second Read – Ordinance to Revise Section 4 of the Doraville Employee Manual

Date of Meeting: February 19, 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 implemented an online timekeeping and payroll system in 2009. In addition, the employees have been paid biweekly since that time. The changes requested in this ordinance update the existing ordinance to reflect the changes made to the payroll and timekeeping procedures when the online timekeeping system was implemented. These changes will allow the recordkeeping and payroll processing to be accomplished using the online timekeeping and payroll system within the parameters specified in the ordinance.

References to changing the Comp Time cap have been removed.

Recommendation:

The Finance Department recommends that the Council approve the changes to the Personnel Policy ordinance.

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;*

- Final: 4-February-2013**

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 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 eighty (80) hours of compensatory time off at any given time. Any overtime hours worked by an employee after he has accrued eighty (80) 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 and REPORT

Subject: Application for Conditional Use Permit for a church in O-I zoning district at 2000 Clearview Ave. Unit 116, Doraville, GA (parcel # 18 311 04 025) by Omar Garcia Zamudio

Date of Meeting: Feb. 19, 2013

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: Conditional Use Permit to allow a church in an existing O-I office park at 2000 Clearview Ave. Unit 116.

History, Facts, Issues: This application is to allow a church at the above reference location. Churches are allowed in the O-I zoning district as a conditional use as per Sec. 23-907 of the city code. The property is developed as an existing multi-building office complex (see site plan submitted by Applicant). Based upon the requirement for 1 parking space per 200 s.f. of area dedicated to public use for assembly without fixed seating and the requirement for 1 parking space per 300 s.f. of gross floor area there is no net increase in the amount of parking that would be required. The adjacent properties to the west and south are zoned O-I, the property east was recently rezoned from C-2 to O-I with a conditional use permit granted for an assisted living facility; and the Clearview Ave. and the I-285 corridor are directly to the north of the subject property.

Options: Grant the conditional use permit, grant the conditional use permit with modifications or deny the conditional use permit.

Planning Commission Recommendation: To be submitted

Staff Comments: The proposed use is a permitted use by conditional use permit in the O-I Office Institutional zoning district.

The standards for review for Conditional Use Permits are as follows:

STANDARDS

When considering an application for a CUP, the Planning Staff, Planning Commission, Mayor, and City Council shall evaluate the impact of the proposed conditional use on and its compatibility with surrounding properties and residential areas to ensure the appropriateness of the use at the particular location, and shall consider the extent to which:

- (1) The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan;**

The property is within the Commercial Redevelopment Corridor (CRC) of the comprehensive plan and adopted LCI and shown as Highway Commercial Corridor on the Future Development Map. Recommended uses with the CRC include: Commercial; Limited office/professional; Public/institutional.

- (2) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;**

As per City of Doraville code, churches are a consistent use in office/commercial area, but do require review through the CUP process to insure there are no negative impacts especially to surrounding properties.

- (3) The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent developments and neighborhoods;**

The proposed use is within an existing building which is a part of an existing office park adjacent to O-I zoned properties. No adverse effects to adjacent developments or neighborhoods are foreseen.

- (4) The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;**

Based upon the size of the facility and intensity of uses no vehicular and/or pedestrian traffic hazards are anticipated. No additional parking is required based upon the proposed size and use of the unit.

- (5) The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;**

No additional adjustments are foreseen based upon the size and intensity of use; existing office park.

- (6) The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and the proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and neighborhoods.**

Not applicable.

(7) The proposed use is based on the site plan in conformity with all space limits, buffers, parking and loading provisions, and other provisions of this article.

Not applicable, existing facility.

(8) The proposed use applicant has agreed to any specific limitations or conditions necessary to protect the public interest and assure the continued beneficial use and enjoyment of nearby properties or that no special limitations are necessary to protect the public.

None recommended by staff.

Staff Recommendation: Approval of CUP or approval of CUP with conditions determined by City Council to address concerns.



City of Doraville Planning & Development Department

APPLICATION FOR CONDITIONAL USE PERMIT IN THE CITY OF DORAVILLE, GEORGIA

PURPOSE OF CONDITIONAL USE PERMIT

A conditional use permit (CUP) is to allow the establishment of uses which may be suitable only in certain locations in a zoning district or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are those uses which are generally compatible with the permitted land uses in a given zoning district, but which require individual review of their proposed location, design and configuration, and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district. Only those uses enumerated as conditional uses in a particular zoning district shall be authorized as conditional uses. The CUP application must be accompanied by a site plan drawn to scale depicting how the proposed conditional use will conform to all space limits, buffers, parking and loading provisions, and other provisions of the Code of Ordinances.

PROCESS

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 conditional use permit application.
- (3) Review by City staff. The planning department will process the CUP. 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 conditional use permit 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.
- (8) City Council decision. After hearing the evidence and reviewing the application as well as any staff comments, the City Council considers the proposed CUP.

(9) Conditions. The City Council may require such modifications in the proposed use and attach such conditions to the CUP 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

When considering an application for a CUP, the Planning Staff, Planning Commission, Mayor, and City Council shall evaluate the impact of the proposed conditional use on and its compatibility with surrounding properties and residential areas to ensure the appropriateness of the use at the particular location, and shall consider the extent to which:

- (1)** The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan;
- (2)** The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- (3)** The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent developments and neighborhoods;
- (4)** The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
- (5)** The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
- (6)** The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and the proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and neighborhoods.
- (7)** The proposed use is based on the site plan in conformity with all space limits, buffers, parking and loading provisions, and other provisions of this article.
- (8)** The proposed use applicant has agreed to any specific limitations or conditions necessary to protect the public interest and assure the continued beneficial use and enjoyment of nearby properties or that no special limitations are necessary to protect the public.

APPLICATION FOR CONDITIONAL USE PERMIT

SITE PLAN REQUIREMENTS:

The site plan shall be clearly drawn at a scale of not less than 100 feet per inch on a sheet size not to exceed 24" x 36". The Director may approve other sheet sizes as deemed appropriate.

The following information shall be depicted on the site plan if applicable: (LET FROM BUILDING OWNER)

- Survey of Project Sufficient
- ☒ Project name;
 - ☒ Project owner and address (both local and permanent if different), telephone numbers and e-mail address;
 - ☒ Date, scale and north arrow;
 - ☒ Site location / vicinity map;
 - ☒ Proposed use of property;
 - ☒ Required yard setbacks;
 - ☒ Project acreage including breakdown of pervious / impervious area, and/or dedicated greenspace;
 - ☒ Total number of lots and minimum lot sizes (if applicable);
 - ☒ Names, locations, and right-of-way widths of adjoining existing streets or access drives and proposed right-of-ways and roadways;
 - ☒ Topography with contour interval no greater than 10 feet;
 - ☒ Sewage disposal method (note);
 - ☒ Property lines with bearings and distances; location of utility and private easements, ;
 - ☒ All proposed development features and layout;
 - ☒ Location of floodplains, lakes, ponds, water courses, conservation areas, and environmental areas of concern;
 - ☒ Building heights;
 - ☒ Proposed buffers, landscape development, sidewalks and other hardscape;
 - ☒ Land lot and district;
 - ☒ General development data in tabular form;
 - ☒ Name of person or company preparing the site plan;
 - ☒ Any other data requested by the Planning Director necessary for an understanding and evaluation of the project.

APPLICATION FEE: See current City Fee Schedule. The current application fees on November 15, 2011 are as follows:

- CUP Application: \$450.00
- ~~Concurrent Variance Request: \$150.00/variance request~~
- Public Notice / Advertisement Fee: \$45.00

450
45
495

APPLICATION FOR CONDITIONAL USE PERMIT

SITE PLAN REQUIREMENTS

The site plan shall be clearly drawn at a scale of not less than 1/8" = 1'-0" and not more than 1/4" = 1'-0". The Director may approve other sheet sizes as deemed appropriate.

The following information shall be depicted on the site plan if applicable: (List from business owner)

- Project name
- Project owner and address (with local and permanent if different) telephone numbers and e-mail addresses
- Date, scale and north arrow
- Site location (city, county, map)
- Proposed use of property
- Proposed yard setbacks
- Project drawings including breakdown of previous/improvements area, and/or dedicated green space
- Total number of lots and minimum lot sizes (if applicable)
- Width, location, and right-of-way widths of adjoining existing streets or access drives and proposed right-of-ways and roadways
- Topography with contour interval no greater than 10 feet
- Swamp disposal (notes)
- Property lines with bearings and distances, location of utility and private easements
- All proposed development features and layout
- Location of floodplain, lakes, ponds, water courses, conservation areas, and environmental areas of concern
- Building footprint
- Proposed outdoor, landscape development, sidewalks and other features
- Land use and zoning
- General development data (tabular form)
- Name of person or company preparing the site plan
- Any other data requested by the Planning Director necessary for an understanding and evaluation of the project

APPLICATION FEE: See current City Fee Schedule. The current application fee on November 15, 2013, was as follows:

- CUP Application: \$450.00
- Environmental Impact Report: \$150.00 (not applicable)
- Public Notice Advertisement Fee: \$45.00

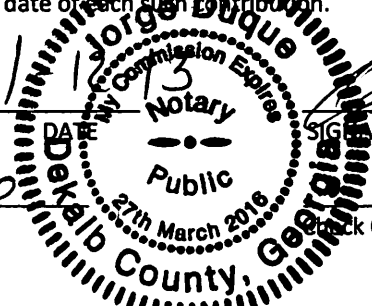
APPLICATION FOR CONDITIONAL USE PERMIT
IN THE CITY OF DORAVILLE, GEORGIA

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 NO

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

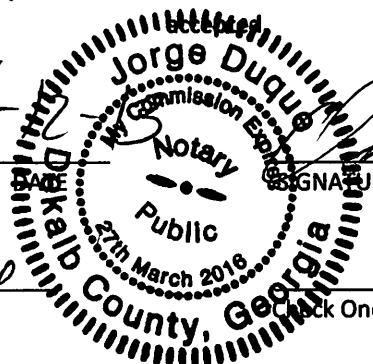
1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and date of each such contribution.

 [Signature] 1-12-13
NOTARY DATE SIGNATURE OF APPLICANT DATE
March 16 2016
EXPIRATION DATE / SEAL
Check One: Owner ☒ Agent _____

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

 [Signature] 1-12-13
NOTARY DATE SIGNATURE OF APPLICANT DATE
March 16 2016
EXPIRATION DATE / SEAL
Check One: Owner ☒ Agent _____

APPLICATION FOR CONGRESSIONAL USE PERMIT
IN THE CITY OF DORAVILLE, GEORGIA

EXPLANATION OF CAMPAIGN CONTRIBUTIONS

In connection with the contest of 1964 in Georgia, U.S.A. or 95-97, the following questions must be answered:
Have you or applicant more than \$100 or more in campaign contributions to a local government official within two years
immediately preceding the filing of this application? Yes ☐ No ☐

If the answer is "Yes", attach the 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 year's contribution made during the two years immediately preceding
the filing of this application and date of each contribution.

DATE

SIGNATURE OF APPLICANT



EXPIRATION DATE: 3/31/65

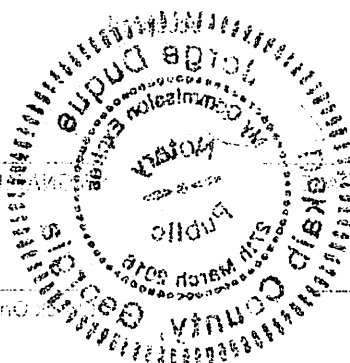
NOTE: IS COPIES OF THE REGISTERED CAMPAIGN ARE REQUIRED FOR SUBMITTAL FOR REVIEW BY STATE PLANNING
COMMISSION AND CITY COUNCIL. ALL APPLICATIONS SHALL BE COPIED AND SUBMITTED AS IS REGISTERED CAMPAIGN
INFORMATION. ALL PLANS WHICH ARE TO BE FORWARDED TO APPROXIMATELY 8" X 11" SIZE.

PLEASE READ THE FOLLOWING BEFORE SIGNING

This form and its contents shall be returned to the authority before it will be accepted. It must include all required statements and filing fees.
Any fee which is not paid or any fee which is not paid shall be deemed incomplete and shall not be

DATE

SIGNATURE OF APPLICANT



EXPIRATION DATE: 3/31/65



City of Doraville Planning & Development Department

OWNER'S AGENT AUTHORIZATION

Date: 1/2/13

TYPE OF APPLICATION

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

SUBJECT PROPERTY ADDRESS

2000 Clearview Avenue Suite/Unit # 116
Doraville, GA 30340

Tax Parcels # _____

TO WHOM IT MAY CONCERN:

(I) (WE), Kingport Kuo
(NAME OF OWNER(S)) (print or type)

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

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

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

[Signature]
Notary Public

[Signature]
Owner

Notary Public

Owner

Notary Public

Owner



Office of Economic Development & Planning



ADMINISTRATIVE INFORMATION

DATE: _____

PROJECT NAME: _____

PROJECT NO: _____

STATUS: _____

LOCATION: _____

OWNER: _____

DATE: _____

PROJECT DESCRIPTION

PROJECT NO: _____

PROJECT NAME: _____

PROJECT LOCATION: _____

PROJECT STATUS: _____

PROJECT INFORMATION	
PROJECT NO	_____
PROJECT NAME	_____
PROJECT LOCATION	_____
PROJECT STATUS	_____
PROJECT OWNER	_____
PROJECT DATE	_____
PROJECT DESCRIPTION	_____
PROJECT COMMENTS	_____
PROJECT APPROVAL	_____
PROJECT REVIEW	_____
PROJECT ACTION	_____
PROJECT STATUS	_____
PROJECT NO	_____
PROJECT NAME	_____
PROJECT LOCATION	_____
PROJECT STATUS	_____
PROJECT OWNER	_____
PROJECT DATE	_____
PROJECT DESCRIPTION	_____
PROJECT COMMENTS	_____
PROJECT APPROVAL	_____
PROJECT REVIEW	_____
PROJECT ACTION	_____
PROJECT STATUS	_____



**ALLEN WHITE
DEVELOPMENT, INC.
P O BOX 2269
DALLAS, GEORGIA 30132
(770) 318-9282
FAX (770) 445-8045
LICENSE # RLQA000436
EXPIRES 06/30/2012**

ESTIMATE

December 21, 2012

TO: CENTRO DE ADORACION PARA LAS NACIONES

JOB LOCATION: 2000 CLEARVIEW ROAD
SUITE 116
DORAVILLE, GA. 30134

SCOPE OF WORK:

ADD 1 - HANDICAP RESTROOM INCLUDING GRAB BARS
RE LOCATE REC. IN NEW RESTROOM
RE LOCATE CAT 5 FROM NEW RESTROOM TO OFFICE
RE LOCATE 2 HVAC TEMPERATURE CONTROLS
RE LOCATE & COMBINE 4 LIGHT SWITCHES
ADD BUG EYES FOR BOTH BATHROOMS
ADD EXHAUST FANS FOR BOTH BATHROOMS
KILL 9 REC. BACK TO JUNCTION BOX OR PANEL

REMOVE ALL DEBRIS AND CLEAN JOB SITE

We propose hereby to furnish material and labor complete in accordance with above specifications for the sum of:

SIX THOUSAND TWO HUNDRED NINETY FIVE DOLLARS

(\$ 6,295.00)

All material is guaranteed to be as specified. All work to be completed in substantial workman like manner according to specifications submitted, per standard practice. Any alterations or deviations from the agreed upon proposal involving extra costs will be executed only when received in a written order, and will become an extra charge over and above the estimate. All agreements are contingent upon any delays beyond our control. Owner's to carry other necessary insurances. Our workers are fully covered by Workers Compensation Insurance.

Authorized Signature:

NOTE: This proposal is
honored for _____ days

ACCEPTANCE OF PROPOSAL The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorizing to do the work as specified. Payment to be made as outlined on page _____.

Signature

Signature

Date of acceptance:



Date Received: 1/15/20 complete (incomplete applications shall not be accepted) CUP # _____

Name: Umar Garcia Zamudio
Mailing Address: 7110 Wood Terrace Ct Doraville, GA 30310
E-mail: _____ Daytime Phone: 770-882-8698 Fax: _____

Name: Manoel Garcia Zamudio
Mailing Address: 7116 Wood Terrace Ct. Doraville, GA 30310
E-mail: _____ Daytime Phone: 770 882-8698 Fax: _____

Street Address: 2000 Clearview Rd^{Ave} Doraville, GA 30340
Tax ID Parcel No.: 461530065 District(s) LL Block Council District:
1831104025
Current Zoning Category: L-2-O-1 Conditional Use Requested Church

Future Land Use Character Area: Masson Heights Corridor

☒ Boundary Survey of the property;

☒ Full site survey to scale for projects with any proposed construction and/or site development work other than interior or façade renovations or uses with special requirements as per zoning requirements such as screening, etc. (see site plan check list for plan requirements);

☐ Floor plan for proposed use for projects involving adaptive reuse or interior renovations (to scale);

☐ Letter of Intent / Description of the Project: describing the requested conditional use, adjacent land uses and/or 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.);

☒ Any additional information required by the City based upon the initial application meeting with staff;

☐ Owner's Authorization of Agent (if Applicant is not the owner).

APPLICATION FOR CONDITIONAL USE PERMIT

SITE PLAN REQUIREMENTS:

The site plan shall be clearly drawn at a scale of not less than 100 feet per inch on a sheet size not to exceed 24" x 36". The Director may approve other sheet sizes as deemed appropriate.

The following information shall be depicted on the site plan if applicable: *Letter from Building Owner*

- ☒ Project name; *SURVEY OF PROJECT SUFFICIENT*
- ☒ Project owner and address (both local and permanent if different), telephone numbers and e-mail address;
- ☒ Date, scale and north arrow;
- ☒ Site location / vicinity map;
- ☒ Proposed use of property;
- ☒ Required yard setbacks;
- ☒ Project acreage including breakdown of pervious / impervious area, and/or dedicated greenspace;
- ☒ Total number of lots and minimum lot sizes (if applicable);
- ☒ Names, locations, and right-of-way widths of adjoining existing streets or access drives and proposed right-of-ways and roadways;
- ☒ Topography with contour interval no greater than 10 feet;
- ☒ Sewage disposal method (note);
- ☒ Property lines with bearings and distances; location of utility and private easements, ;
- ☒ All proposed development features and layout;
- ☒ Location of floodplains, lakes, ponds, water courses, conservation areas, and environmental areas of concern;
- ☒ Building heights;
- ☒ Proposed buffers, landscape development, sidewalks and other hardscape;
- ☒ Land lot and district;
- ☒ General development data in tabular form;
- ☒ Name of person or company preparing the site plan;
- ☒ Any other data requested by the Planning Director necessary for an understanding and evaluation of the project.

APPLICATION FEE: See current City Fee Schedule. The current application fees on November 15, 2011 are as follows:

- o CUP Application: \$450.00
- ~~o Concurrent Variance Request: \$150.00/ variance request~~
- o Public Notice / Advertisement Fee: \$45.00

APPLICATION FOR CONDITIONAL USE PERMIT
IN THE CITY OF DORAVILLE, GEORGIA

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 NO

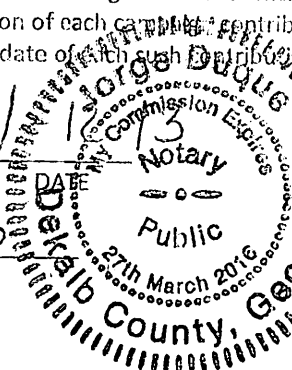
If the answer is Yes, you must file a disclosure report with the governing authority of the City of Doraville showing:

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.

NOTARY

March 16 2016

EXPIRATION DATE / SEAL



SIGNATURE OF APPLICANT

DATE

1-12-13

Check One: Owner ☒ Agent _____

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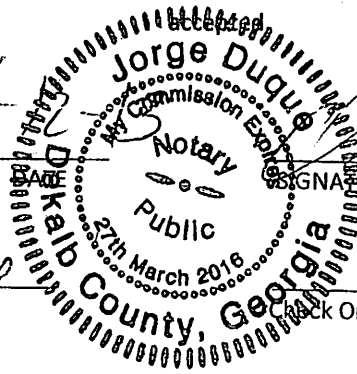
PLEASE READ THE FOLLOWING BEFORE SIGNING

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An application which lacks any of the required attachments or information shall be deemed incomplete and shall not be

NOTARY

March 16 2016

EXPIRATION DATE / SEAL



SIGNATURE OF APPLICANT

DATE

1-12-13

Check One: Owner ☒ Agent _____



City of Doraville Planning & Development Department

OWNER'S AGENT AUTHORIZATION

Date: 1/2/13

TYPE OF APPLICATION

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

SUBJECT PROPERTY ADDRESS

2000 Clearview Avenue
Doraville, GA 30340

Suite/Unit # 116

Tax Parcels # _____

TO WHOM IT MAY CONCERN:

(I) (WE), Kingport Kuo

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

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

Omar Garcia Zamudio

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

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

[Signature]
Notary Public

Notary Public

Notary Public



[Signature]
Owner

Owner

Owner

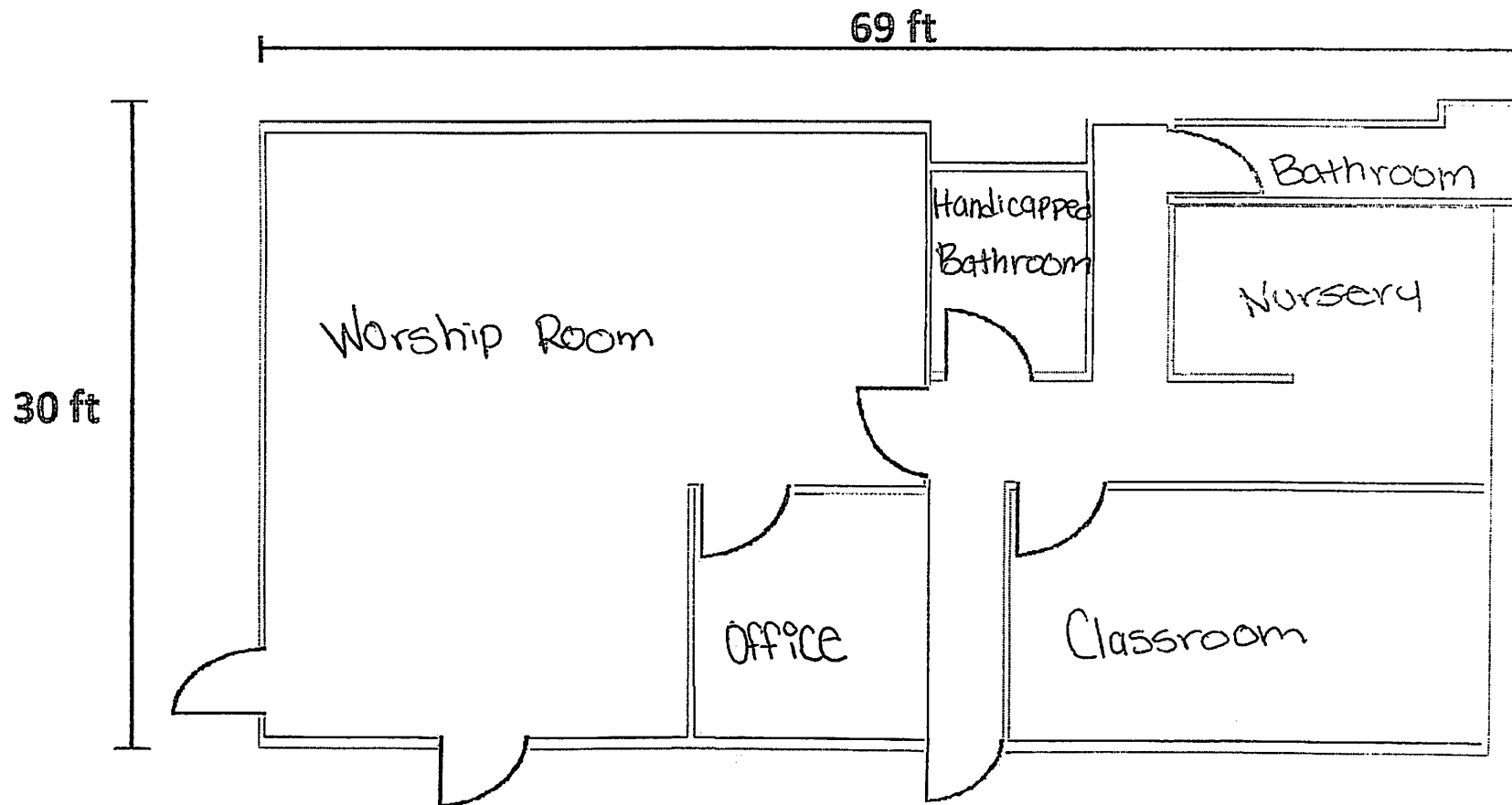
January 7, 2013

To whom it may concern:

This letter is regarding Centro De Adoracion Para Las Naciones. We are a peaceful Christian Church. We are a Church with 30 members in our church we have Bible Study and Sunday school. Our services hours will be Thursday from 8:00pm to 10:00pm and Sunday from 2:00pm to 5:00pm. We are inform that at those hours the other business around us are close and we won't cause any problems with our neighbors with noises or parking lot. We will do our best as a Church. Thank you! For your time if you have any questions or concerns please feel free to contact me at 770-882-8698 or our Pastor Luis Perez at 770-351-6342.

2000 Clearview Avenue
Suite 116
Doraville, GA 30340
+/- 2000 sq ft

18 311 04025





THE CITY OF DORAVILLE AGENDA ITEM SHEET and REPORT

Subject: City Initiated Rezone of parcel # 18 342 04 010 located at 4363 Tilly Mill Road, Doraville, Georgia from O-I to C-2

Date of Meeting: 2/19/13

Budget Impact: ☐ Yes ☒ No

Budget Impact Amount: \$ n/a

Funding Source:

- ☐ Annual
☐ Capital
☒ N/A

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

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: PUBLIC HEARING for City initiated rezoning of parcel of land at 4363 Tilly Mill Road from O-I to C-2 to be consistent with DeKalb County zoning immediately prior to annexation into the City on Dec. 31, 2012.

History, Facts, Issues:

- This site was part of the annexation by the City of Doraville on Dec. 31, 2012 of two unincorporated islands as per SB 532.
- At the time of preparation for annexation the property was identified by the DeKalb County Tax Assessor's office as O-I under DeKalb County records. As such the property was rezoned to O-I in the City to be consistent with existing DeKalb County zoning.
- The property had actually been rezoned to C-2 by DeKalb County on November 18, 2008 (see attached DeKalb County records) with the lower level to be a Good Year Tire Center and the upper level to be office and restricted retail uses. However, the zoning change from O-I to C-2 was not reflected in the DeKalb County Tax Appraiser data base utilized by the City or in zoning map received by the City from the County in preparation for the annexation.
- The City has initiated the rezoning to C-2 to be consistent with the properties previous zoning classification within DeKalb County.
- The owner has applied with the City of Doraville for a Conditional Use Permit as required under Sec. 23-910 which allows automotive services by Conditional Use Permit.
- The CUP is being processed concurrently with the city initiated rezoning.
- Correction to the annexation zoning error has been discussed with the City Attorney who has recommended the City initiated rezoning process.
- Public notice in the local newspaper and by posting of the site has been completed as per ZPA requirements.

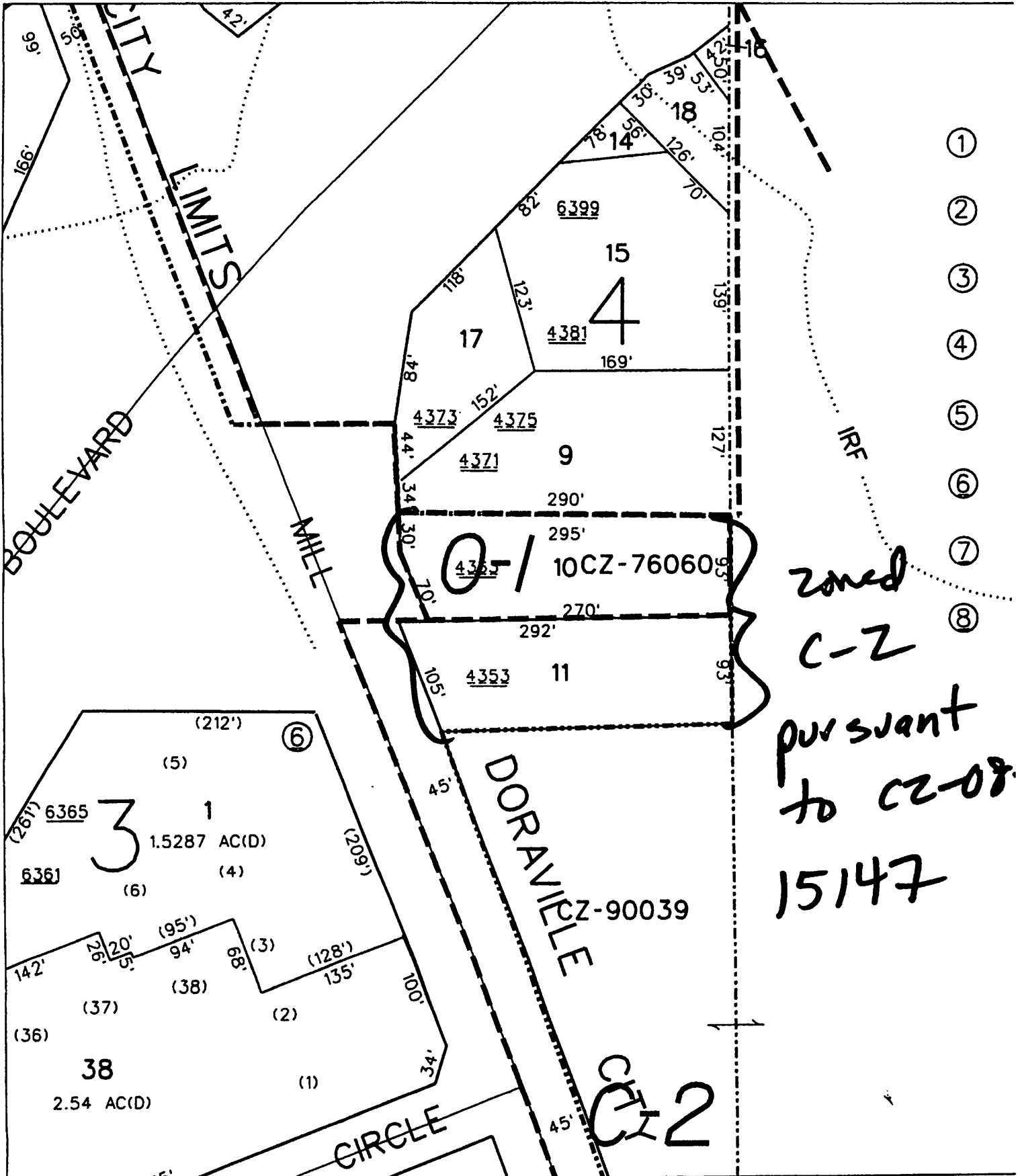
Department: Planning & Development

Department Head: Joe Cooley

Planning Commission Recommendation: The Planning Commission has previously heard the application for the CUP, but due to the new timeframes established by the Council for submittal of meeting packets, the Planning Commission report was not ready at the time of preparation of this document. The PC will be hearing the matter at their regular meeting on Feb. 6, 2013.

Staff Recommendation: Rezoning of the property to C-2 to be consistent with the DeKalb County zoning on the property at the time of annexation into the City of Doraville.

Action Taken By Board: _____



January 5, 2009

Barbara Sanders
DeKalb County Clerk's Office
1300 Commerce Drive, 6th Floor
Decatur, Georgia 30030


**RE: Tilly Mill Auto Center, LLC—CZ 08-1547; BOC Zoning Meeting 11-18-08
(N.12)**

Dear Barbara:

I represent the applicant in connection with the above-referenced zoning matter and would like to secure a certified copy of the minutes for the above item (which I understand were approved on December 16, 2008) for my client's records. Please call my office when a copy is available for pick up and I will send someone over to get it. Otherwise, if you have any questions, please give me a call. As always, I thank you for your time and attention to this matter.

Sincerely,

DUNLAVY LAW GROUP, LLC



Linda I. Dunlavy

PPL

cc: John Astor

PARCEL ID # 18 - 342 - 04 - 011

© TII-1

ORIGINAL R

S89°38'32"W 245.06'

5' ASPHALT

TEMPORARY BENCH MARK
TOP OF CATCH BASIN GRATE

ELEV. 995.53 FT., NSL DATUM

N/F

HOME DEPOT U.S.A., INC.

TOTAL AREA
OR 29,311

TILLY MILL
DORAVILLE, GA

PARCEL ID #

18 - 342 - 04 - 012

CLUNG

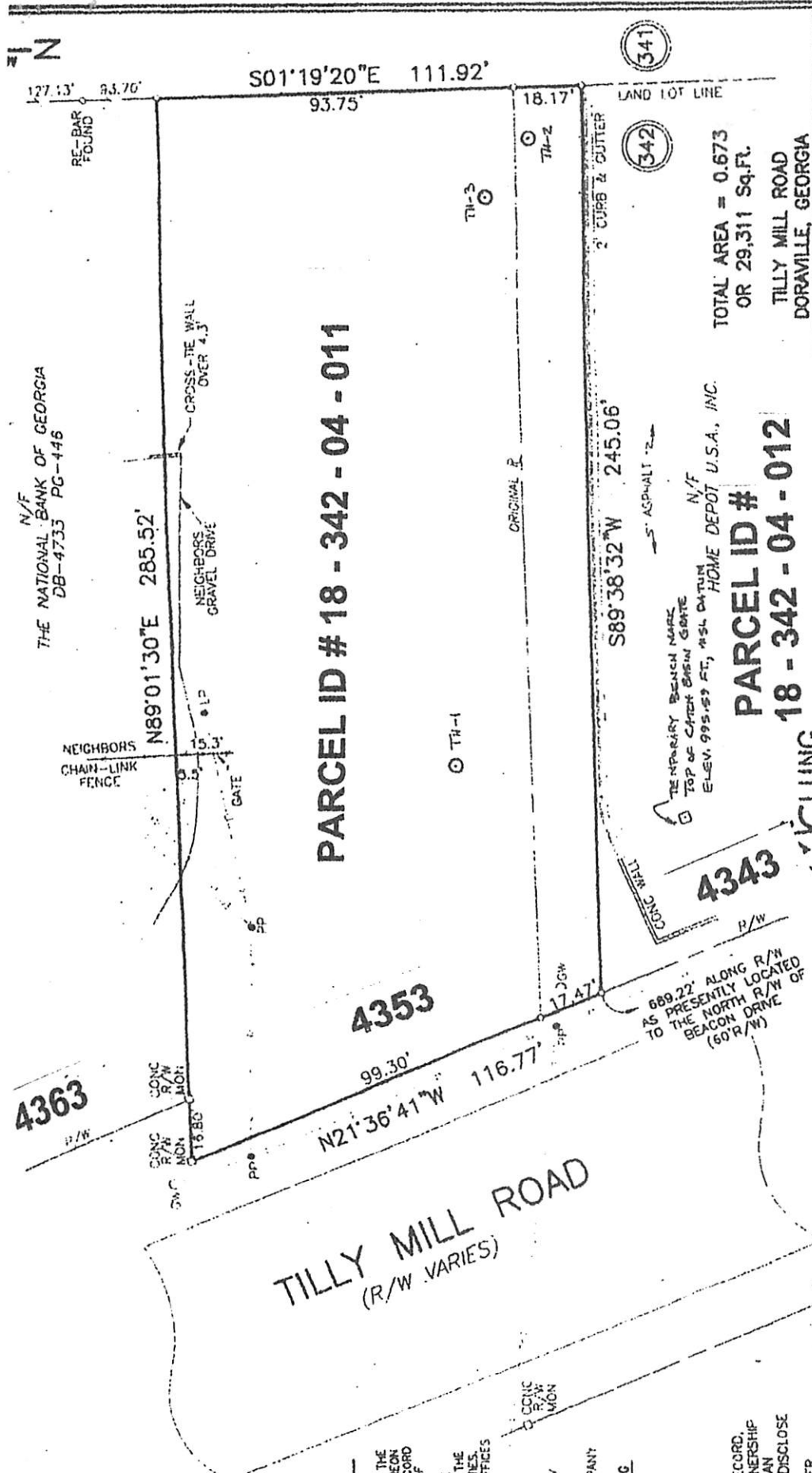
SURVEYING SERVICES, INC.

4343

R/W

R/W

CONC WALL



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U.S.A., INC.
TES, INC.
4-29-91

L OF ATLANTA, INC.
MC
TES
5-3-90

NOTES

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LEGEND

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- LP DENOTES LIGHT POLE
- GW DENOTES GUY WIRE
- P/W DENOTES POWER LINE
- DENOTES RIGHT-OF-WAY
- DENOTES FENCE
- TEST HOLE LOCATION
- TH-2
- 30'



SCALE IN FEET



4136 West Atlanta Road
Smyrna, Georgia 30080 (770) 434-3303

This property (is not)
located in a Federal Flood
Area as indicated by F.I.R.M.
Official Flood Hazard Maps

In my opinion this plat is a
correct representation of the
land plotted

Michael R. Notes
Michael R. Notes, Surveyor
Member SAMSOC

TEST HOLE LOCATION PLAN

DRAWN BY R.R. TUCKER RE
FEB-20, 2006

LAND LOT 342
DISTRICT 18TH
COUNTY DEKALB
GEORGIA

DATE 3-25-02 SCALE: 1"=30'

HOME DEPOT U.S.A., INC.
ELEV. 995.59 FT, 454 DATUM

PARCEL ID #
18 - 342 - 04 - 012

4343

4353

4363

TILLY MILL ROAD
(R/W VARIES)

TOTAL AREA = 0.673
OR 29,311 Sq.Ft.
TILLY MILL ROAD
DORAVILLE, GEORGIA

DEKALB COUNTY

ITEM NO. N.12

BOARD OF COMMISSIONERS**ZONING AGENDA / MINUTES****MEETING DATE:** November 18, 2008**HEARING TYPE**
PUBLIC HEARING**ACTION TYPE**
ORDINANCE**SUBJECT:** Rezone – Tilly Mill Auto Center, LLC**COMMISSION DISTRICTS:** 1 & 7**DEPARTMENT:** Planning**PUBLIC HEARING:** ☒ YES ☐ NO**ATTACHMENT:** ☒ YES ☐ No**INFORMATION** Patrick Ejike/Kevin Hunter**CONTACT:****PAGES:** 28**PHONE NUMBER:** (404) 371-2155**PURPOSE:**
CZ-08-15147

Application of Tilly Mill Auto Center, LLC to rezone property from O-1 (Office-Institutional - Conditional) and C-2 (General Commercial) to C-2 (General Commercial - Conditional) for development of a new, 15,548-square foot retail and office building on 4363 Tilly Mill Road alongside the existing retail and office building on 4353 Tilly Mill Road. The property is located on east side of Tilly Mill Road, approximately 173 feet south of Peachtree Industrial Boulevard. The property has approximately 205 feet of frontage along Tilly Mill Road and contains 1.29 acres.

Subject Property: 18-342-04-010 & 011**RECOMMENDATION(S):****PLANNING DEPARTMENT:**

APPROVAL WITH CONDITIONS. Based on the submitted application and field inspection of the subject property and surrounding areas, the requested rezoning is suitable. The rezoning classification of C-2 would allow the property to be redeveloped without negatively impacting adjoining or surrounding properties. It would be consistent with the Comprehensive Plan land use map designation of CRC (Commercial Redevelopment Corridor), and with the Comprehensive Plan policy that states: "Focus development on parcels that abut or have access to the designated Commercial Redevelopment Corridor." (CRCCAS12) Compatibility with nearby land uses in the adjoining City of Doraville, and a statement of support by the City of Doraville, support the rezoning request. Therefore, the Department of Planning and Development recommends that the rezoning request be "Approved with the following conditions":

1. General compliance with the site plan titled, "Tilly Mill Professional Center Phase II", by Vest Engineering, Inc., dated 8-25-08 and stamped as received by the Department of Planning and Development on September 10, 2008.
2. Provide access to the subject property via no more than one curb cut from Tilly Mill Road, subject to DeKalb County Department of Traffic and Transportation approval.
3. Provide interparcel access via the existing easement on the southern boundary of the property, as shown on the site plan titled, "Tilly Mill Professional Center Phase II", by Vest Engineering, Inc., dated 8-25-08 and stamped as received by the Department of Planning and Development on September 10, 2008.
4. The retail uses within the proposed center shall not include any of the following: sit-down or fast-food restaurants, nail salons, hair braiding establishments, pawn shops, pool halls and/or sports bars, nude or erotic dancing establishments, adult book or gift stores concentrating on prurient interests, establishments dedicated to beer sales or check cashing, or night clubs for which receipts are generated by sales of alcohol.
5. All lighting used in conjunction with the project shall minimize glare onto adjacent properties.
6. Sidewalks shall be constructed along the street frontage on Tilly Mill Road as required by the Transportation Division of the Public Works Department.
7. The building shall have exteriors of four sided brick with glass and metal accents.

ACTION: N.12 CZ-08-15147

ITEM N.12 WAS HEARD AFTER ITEM N.6, BUT FOR ORGANIZATIONAL PURPOSES WILL REMAIN IN SEQUENCE.

MOTION was made by Commissioner Boyer, seconded by Commissioner Stokes, and passed 6-0-0-1, to approve per staff's conditions, the rezoning application of Tilly Mill Auto Center, LLC. Commissioner Ellis was absent and not voting.

ADOPTED: NOV 18 2008
(DATE)

Kathie Gannon
PRESIDING OFFICER
DEKALB COUNTY BOARD OF COMMISSIONERS

CERTIFIED: NOV 18 2008
(DATE)

[Signature]
CLERK,
DEKALB COUNTY BOARD
OF COMMISSIONERS

FOR USE BY CHIEF EXECUTIVE OFFICER ONLY

APPROVED: DEC - 5 2008
(DATE)

Vernon Jones
CHIEF EXECUTIVE OFFICER
DEKALB COUNTY

VETOED: _____
(DATE)

CHIEF EXECUTIVE OFFICER
DEKALB COUNTY

VETO STATEMENT ATTACHED: _____

MINUTES:

Linda Dunlavy, 1026 B, Atlanta Avenue, Decatur, Ga. 30030, spoke in support of the application.

No one spoke in opposition of the application.

	FOR	AGAINST	ABSTAIN	ABSENT
DISTRICT 1 - ELAINE BOYER	<u>X</u>	_____	_____	_____
DISTRICT 2 - JEFF RADER	<u>X</u>	_____	_____	_____
DISTRICT 3 - LARRY JOHNSON	<u>X</u>	_____	_____	_____
DISTRICT 4 - BURRELL ELLIS	_____	_____	_____	<u>X</u>
DISTRICT 5 - LEE MAY	<u>X</u>	_____	_____	_____
DISTRICT 6 - KATHIE GANNON	<u>X</u>	_____	_____	_____
DISTRICT 7 - CONNIE STOKES	<u>X</u>	_____	_____	_____

STATE OF GEORGIA
DEKALB COUNTY

I DO HEREBY CERTIFY that the foregoing is a true and
correct excerpt from the Minutes of the Board of
Commissioners of DeKalb County, Georgia ADOPTED

This 15th day of January, 2009.

Darius B. Lee
Deputy Clerk, Board of Commissioners

PLANNING COMMISSION:

Approval with conditions. V. Elisa moved and G. Cornell seconded for approval as recommended and conditioned by staff. The motion unanimously passed 6-0-0 for approval with conditions of this application.

COMMUNITY COUNCIL:

Approval.



The Honorable Vernon
Jones
Chief Executive Officer

DeKalb County Planning & Development

Department

330 Ponce De Leon Avenue, Suite 500
Decatur, GA 30030

(404)371-2155 or (404)371-2813 (Fax)

Patrick Ejike
Director

ZONING ANALYSIS

Case No: CZ-08-15147 **Agenda #:** N-12

Location / Address: The east side of Tilly Mill Road, approximately 173 feet south of Peachtree Industrial Boulevard. **Commission District:** 1 **Super District:** 7

Parcel - ID: 18-342-04-010, 18-342-04-011

Request: To rezone property from O-I (Office-Institutional - Conditional) and C-2 (General Commercial) to C-2 (General Commercial - Conditional) for development of a new, 15,548-square foot retail and office building on 4363 Tilly Mill Road alongside the existing retail and office building on 4353 Tilly Mill Road.

Property Owner: L Inc

Applicant / Agent: Tilly Mill Auto Center, Llc

Acreage: 1.29

Existing Land Use: The subject property is developed with a one-story office building on 4363 Tilly Mill Road and a newly-constructed, unoccupied office and retail building with underground parking on 4353 Tilly Mill Road.

Surrounding Properties: To the north, east, and southeast, south, and southwest, commercial and vacant land (within the City of Doraville); to the north and northwest, Peachtree Industrial Boulevard and Tilly Mill Road right-of-way.

Adjacent Zoning: North-East: North-West: C-1 South-East: South-West: C-1

Comprehensive Plan: CRC Corridor ☒ Consistent ☐ Inconsistent

Proposed Density / Acre:	14,652 square feet	Existing Density / Acre:	6,404 square feet
Proposed Units / Square ft:	0	Existing Units / Square ft:	0

Zoning History

4355 Tilly Mill Road was rezoned in 1976 pursuant to CZ-76060, from the R-75 (Single-Family Residential) classification to the O-I - Conditional (Office-Institutional - Conditional) classification, for the purpose of developing an office building. 4353 Tilly Mill Road was rezoned in 1990 pursuant to CZ-90039 from O-I to C-2 - Conditional (General Commercial - Conditional), with the condition that the property be developed in accordance with a site plan depicting a Home Depot store. This Home Depot store has been constructed entirely on property to the south, within the City of Doraville. In 1994, the previously imposed conditions were removed from 4353 Tilly Mill Road. Also in 1994, the property owner obtained a special exception (AO6-1863) to reduce the allowed parking requirement for a proposed office-retail building from one space per 150 square feet to one space per 180 square feet of useable space (from 42 to 35 spaces).

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Planning and Development Department Recommendation:

APPROVAL WITH CONDITION: Based on the submitted application and field inspection of the subject property and surrounding areas, the requested rezoning is suitable. The rezoning classification of C-2 would allow the property to be redeveloped without negatively impacting adjoining or surrounding properties. It would be consistent with the Comprehensive Plan land use map designation of CRC (Commercial Redevelopment Corridor), and with the Comprehensive Plan policy that states: "Focus development on parcels that abut or have access to the designated Commercial Redevelopment Corridor." (CRCCAS12) Compatibility with nearby land uses in the adjoining City of Doraville, and a statement of support by the City of Doraville, support the rezoning request. Therefore, the Department of Planning and Development recommends that the rezoning request be "Approved - Conditional" with the following conditions:

1. General compliance with the site plan titled, "Tilly Mill Professional Center Phase II", by Vest Engineering, Inc., dated 8-25-08 and stamped as received by the Department of Planning and Development on September 10, 2008.
2. Provide access to the subject property via no more than one curb cut from Tilly Mill Road, subject to DeKalb County Department of Traffic and Transportation approval.
3. Provide interparcel access via the existing easement on the southern boundary of the property, as shown on the site plan titled, "Tilly Mill Professional Center Phase II", by Vest Engineering, Inc., dated 8-25-08 and stamped as received by the Department of Planning and Development on September 10, 2008.
4. The retail uses within the proposed center shall not include any of the following: sit-down or fast-food restaurants, nail salons, hair braiding establishments, pawn shops, pool halls and/or sports bars, nude or erotic dancing establishments, adult book or gift stores concentrating on prurient interests, establishments dedicated to beeper sales or check cashing, or night clubs in which receipts are generated by sales of alcohol.
5. All lighting used in conjunction with the project shall minimize glare onto adjacent properties.
6. Sidewalks shall be constructed along the street frontage on Tilly Mill Road as required by the Transportation Division of the Public Works Department.
7. The building shall have exteriors of four sided brick with glass and metal accents.

- Planning and Development Department Recommendation:
- APPROVAL WITH CONDITION:** Based on the submitted application and field inspection of the subject property and surrounding area, the requested rezoning is suitable. The rezoning classification of C-2 would allow the property to be developed without negatively impacting adjoining or surrounding properties. It would be consistent with the Comprehensive Land Use Map designation of CRC (Commercial Redevelopment Corridor) and with the Comprehensive Plan policy that states: "Focus development on parcels that allow or have access to the designated Commercial Redevelopment Corridor." (CHC02A2.12) Consistency with existing land use in the adjoining City of Knoxville, and a statement of support by the City of Knoxville upon the rezoning request. Therefore, the Department of Planning and Development recommends that the rezoning request be "approved - Conditional" with the following conditions:
1. General compliance with the site plan filed, "Tilly Mill Professional Center Phase II", by Vest Engineering, Inc., dated 8-24-06 and stamped as received by the Department of Planning and Development on September 10, 2006.
 2. Provide access to the subject property via no more than one curb cut from Tilly Mill Road, subject to Dekalb County Department of Traffic and Transportation approval.
 3. Provide incidental access via the existing easement on the southern boundary of the property as shown on the site plan filed, "Tilly Mill Professional Center Phase II", by Vest Engineering, Inc., dated 8-24-06 and stamped as received by the Department of Planning and Development on September 10, 2006.
 4. The rezoning within the proposed center shall not include any of the following: a) down or rear-lot residential use; b) retail use; c) fast-food restaurants; d) drive-through restaurants; e) drive-through banks; f) drive-through car washes; g) drive-through car detailing; h) drive-through car repair; i) drive-through car wash and detailing; j) drive-through car wash and detailing; k) drive-through car wash and detailing; l) drive-through car wash and detailing; m) drive-through car wash and detailing; n) drive-through car wash and detailing; o) drive-through car wash and detailing; p) drive-through car wash and detailing; q) drive-through car wash and detailing; r) drive-through car wash and detailing; s) drive-through car wash and detailing; t) drive-through car wash and detailing; u) drive-through car wash and detailing; v) drive-through car wash and detailing; w) drive-through car wash and detailing; x) drive-through car wash and detailing; y) drive-through car wash and detailing; z) drive-through car wash and detailing.
 5. All parking used in connection with the project shall minimize glare onto adjacent properties.
 6. Signage shall be constructed along the street frontage on Tilly Mill Road as required by the Transportation Division of the Public Works Department.
 7. The building shall have exterior of four inch thick with glass and metal accents.

SITE ANALYSIS

The subject property is comprised of two lots of record, 4363 Tilly Mill Road and 4353 Tilly Mill Road. The combined total of the two lots is 1.285 acres. The subject property is located on the western edge of the City of Doraville, which has proposed to annex it by referendum on November 4, 2008. (The applicant explains that they wish to secure the zoning prior to the referendum.) The northernmost lot, 4363 Tilly Mill Road, is currently developed with a one-story office building, which the applicant plans to demolish and replace with a new, two-story building. Vehicular access to this building is provided via a curb cut from Tilly Mill Road. The southernmost lot, 4353 Tilly Mill Road, is developed with a two-story office-retail building that was recently completed and is not yet occupied. Vehicular access to the parking in the lower level of this office-retail building is provided via a curb cut from the south property line, which allows interparcel access between the property and the adjoining Home Depot property to the south.

Both parcels that comprise the subject property are elevated approximately ten feet above street level, with several trees growing near the front of the site.

Surrounding land uses to the north, northeast, east, southeast, and south, all of which are located within the City of Doraville, include a Home Depot hardware store to the south, a Waffle House restaurant and Citgo service station to the north and northwest, and vacant, wooded land to the east. The property is bordered on its west side by Tilly Mill Road.

PROJECT ANALYSIS

The applicant requests rezoning to construct a 14,996 two-story commercial building on 4363 Tilly Mill Road. According to the submitted application, the proposed new building would be part of an "integrated mixed use center" comprised of the proposed building and the existing office building on the southernmost lot. The concept involves combining the two lots so that parking in the lower level of the existing office-retail building on 4353 Tilly Mill Road can be shared, and vehicles can enter or exit the project via either of the curb cuts on Tilly Mill Road and the south property line.

According to the applicant, the new building would be used as follows:

- Lower Level: 7,222 total square feet for a Good Year Tire Center (auto repair garage), including 4,324 square feet for a tire repair/replacement shop and 2,898 for a tire storage area.
- Upper Level: 7,774 square feet for office and retail uses.

The applicant has proposed conditions regarding the mixture of retail and office uses in the two buildings, access to the property, limitations on potentially objectionable commercial uses, lighting, sidewalks, building construction materials, and parking. The staff recommendation includes conditions recommended by the applicant.

The applicant has submitted a letter stating that the City of Doraville has no objections to the proposed rezoning.

CONDITIONS REQUESTED BY APPLICANT

Please see the list of conditions on page 2 of the attached Statement of Intent, as proposed by the applicant.

ZONING ANALYSIS

The purpose and intent of the O-I district is to provide convenient areas within the county for the location of office and institutional uses which are necessary for the residents and business and professional practitioners with the County and to provide locations for the development of cultural, recreational, educational, and health service facilities for the County. The purpose and intent of the C-2 district is to provide for the general business and commercial needs of the County, at relatively high-intensity commercial uses, including auto-oriented uses.

Combined, the two lots comply with the C-2 standards of a minimum lot width of 100 feet and a minimum lot area of 30,000 square feet. The submitted site plan shows that the proposed new building would comply with the front, side, and rear yard setback requirements and the maximum height requirement. The development, including both buildings and in consideration of the parking reduction received for 4353 Tilly Mill Road, is required to have a total of 109 spaces, which is 29 fewer than the 138 spaces that are provided.

LAND USE PLAN CONSISTENCY

C-2 zoning is consistent with the Comprehensive Development Plan land use map designation of Commercial Redevelopment Corridor and the following Comprehensive Plan policies: "Focus development on parcels that abut or have access to the designated Commercial Redevelopment Corridor." (CRCCAS12), "Enhance the visual appearance of commercial structures in a state of disinvestment, underdevelopment and decline." (HCCAP5) and "Promote interparcel connectivity for improved accessibility between uses." (HCCAS2)

ACCESS AND CIRCULATION

The subject property has 205 feet of frontage on Tilly Mill Road, a four (4)-lane major arterial with curb and gutter. It is located approximately 50 feet southeast of Peachtree Industrial Boulevard, a limited-access, six (6)-lane major thoroughfare.

Vehicular access to the property would be provided by a 24-inch wide curb cut from Tilly Mill Road and by an existing curb cut on the south property line, which allows access from the Home Depot property.

NOISE IMPACT

All development must comply with Section 27.762 of the Zoning Ordinance regarding noise impact.

DEVELOPMENT ANALYSIS

- ENVIRONMENTAL CONSERVATION: If the proposed rezoning is approved, civil engineering plans will be reviewed for compliance with County regulations and best practices regarding grading, vegetation, erosion control, and sedimentation control.
- FLOODPLAINS AND WETLANDS: It appears that a detention pond is located on the adjoining property to the east, and that the subject property is not located within a riparian buffer zone.
- TREE PROTECTION: Any removal of trees must comply with the DeKalb County regulations regarding tree preservation and replacement contained in Section 14-39, Tree Protection.
- STORMWATER MANAGEMENT: Where appropriate, permanent easements must be dedicated to the County for operation and maintenance of public storm drainage facilities. All issues of non-compliance with State and County storm drainage design standards must be mitigated. The site plan submitted for permitting must indicate storm piping on site plan so that compliance with best practices can be determined.
- FIRE SAFETY: The location of the nearest fire hydrants should be shown on the site plan submitted for permitting. Fire line connections must be located at a distance from the structures.
- TRANSPORTATION: Emergency access to the property appears to be satisfactory.
- PARKING: The proposed development is required to have 109 spaces and provides 138.

Combin. of the two lots comply with the 0-2 standards of a minimum lot width of 100 feet and a minimum lot area of 20,000 square feet. The submitted site plan shows that the proposed new building would comply with the front side, and rear yard setback requirements and the maximum height requirement. The development including both buildings and in consideration of the parking reduction received for 4000 Tully Mill Road is required to have a total of 100 spaces, which is 20 fewer than the 120 spaces that are currently required.

LAND USE PLAN CONSISTENCY

0-2 zone is consistent with the Comprehensive Development Plan and use map designation of Commercial Redevelopment Corridor and the following Comprehensive Plan policies: "Form development on parcels that cut or have access to the designated Commercial Redevelopment Corridor," (PCOAS12), "Enhance the visual appearance of commercial structures in a state of development," (PCOAS13), and "Promote transit-oriented development for transit use," (PCOAS14). The proposed development is consistent with the Comprehensive Development Plan and use map designation of Commercial Redevelopment Corridor.

ACCESS AND CIRCULATION

The subject property has 200 feet of frontage on Tully Mill Road, a four (4)-lane major arterial with a 60-foot right-of-way. The subject property is located approximately 50 feet southeast of the intersection of Tully Mill Road and 10th Avenue, a four (4)-lane major arterial.

Visitor access to the property would be provided by a 24-foot wide curb cut from Tully Mill Road and by an existing driveway on the subject property, which allows access from the Home Depot property.

NOISE IMPACT

All development must comply with Section 17.08 of the zoning Ordinance regarding noise impact.

DEVELOPMENT ANALYSIS

- ENVIRONMENTAL CONSERVATION: If the proposed rezoning is approved, civil engineering plans will be reviewed for compliance with County regulations and best practices regarding grading, vegetation, erosion control, and sedimentation control.
- FLOODPLAIN AND WETLANDS: If approved, the subject property is not located within a flood plain or wetland.
- TREE PROTECTION: A review of trees must comply with the Ordinance regarding tree protection and preservation contained in Section 17-09, Tree Protection.
- STORMWATER MANAGEMENT: Where appropriate, permanent easements must be dedicated to the County for operation and maintenance of public storm drainage facilities. All areas of non-compliance with Stormwater Management Ordinance must be eliminated. The site plan submitted for rezoning must indicate stormwater management on the plan so that compliance with best practices can be demonstrated.
- THE SWIFT: The location of the project the right-of-way should be shown on the site plan submitted for rezoning. The line connecting the lot located at a distance from the street.
- TRASH ORIENTATION: Landscaping access to the property appears to be satisfactory.
- PARKING: The proposed development is required to have 100 spaces and provides 120 spaces.

DEKALB COUNTY PUBLIC WORKS DEPARTMENT

TRAFFIC: The DeKalb County Department of Public Works comments that a sidewalk should be provided along the entire frontage of the subject property.

Category: MINOR MAJOR THOROUGHFARE

Street Name: THOROUGHFARE
Tilly Mill Road Peachtree Industrial
Boulevard

Existing Number of Lanes: 4 6 0

Trips Generated: Existing Zoning: TPD Proposed Zoning: TP
D

WATER:

Size of main serving property: 6-inch and 8-inch

SEWER:

Outfall Serving Project: Nancy Creek

Is Sewer adjacent to this property? Y

Treatment Plant: R.M. Clayton WWTP

WASTE GENERATION IF RESIDENTIAL:

Capacity: 0 **MGPD Current Flow:** 36 **MGP**
D

DRAINAGE:

Percentage of this property covered by IRF: 0

COUNTY DEPARTMENT DIVISION COMMENTS OR RECOMMENDATIONS**DIVISION OF ENVIRONMENTAL HEALTH:**

Sidewalks are recommended to begin a new sidewalk network.

Radon resistant construction is recommended because DeKalb County is classified as a Zone 1 Radon County.

DEKALB COUNTY BOARD OF EDUCATION

SCHOOL: The proposed retail development is not expected to have any affect on the public school system.

High School

Middle School

Elementary School

Name of School:

Section 27-832 of the Zoning Ordinance, "Standards and factors governing review of proposed amendments to official zoning map" states that the following standards and factors are found to be relevant to the exercise of the county's zoning powers and shall govern the review of all proposed amendments to the zoning maps:

A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan:

C-2 zoning is consistent with the Comprehensive Development Plan land use map designation of Commercial Redevelopment Corridor and the following Comprehensive Plan policies: "Focus development on parcels that abut or have access to the designated Commercial Redevelopment Corridor." (CRCCAS12), "Enhance the visual appearance of commercial structures in a state of disinvestment, underdevelopment and decline." (HCCAP5) and "Promote interparcel connectivity for improved accessibility between uses." (HCCAS2)

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

The proposed development is suitable in view of the non-residential, auto-oriented land uses that adjoin three sides of the subject property, and the vacant, wooded land to its rear.

C. Whether the property to be affected by zoning proposal has a reasonable economic use as currently zoned:

The existing O-1 and C-2 zoning appear to have reasonable economic use, although they do not appear to be the most desirable zoning classifications to allow redevelopment of the property.

D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

It does not appear that the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property. Office and retail uses are compatible with surrounding land uses. The applicant will be required to make necessary road improvements to minimize impacts to traffic congestion and to allow safe entry and exit to and from the project site.

E. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:

See item C., above.

F. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal:

Support of the proposed rezoning from the City of Doraville, which has proposed to annex the property, gives supporting grounds for approval of the zoning proposal.

G. Whether the zoning proposal will adversely affect historic building, sites, districts, or archaeological resources:

There are no historic buildings, sites, or archaeological resources on the subject property or in its vicinity.

H. 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 surrounding road system appears to have more than sufficient capacity to absorb traffic that might be generated by the proposed development. The proposed development will not generate school students and will not, therefore, have any impact on the school system. Impact on utilities will be evaluated during later

phases of the development review process.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATION:

APPROVAL WITH CONDITION: Based on the submitted application and field inspection of the subject property and surrounding areas, the requested rezoning is suitable. The rezoning classification of C-2 would allow the property to be redeveloped without negatively impacting adjoining or surrounding properties. It would be consistent with the Comprehensive Plan land use map designation of CRC (Commercial Redevelopment Corridor), and with the Comprehensive Plan policy that states: "Focus development on parcels that abut or have access to the designated Commercial Redevelopment Corridor." (CRCCAS12) Compatibility with nearby land uses in the adjoining City of Doraville, and a statement of support by the City of Doraville, support the rezoning request. Therefore, the Department of Planning and Development recommends that the rezoning request be "Approved - Conditional" with the following conditions:

1. General compliance with the site plan titled, "Tilly Mill Professional Center Phase II", by Vest Engineering, Inc., dated 8-25-08 and stamped as received by the Department of Planning and Development on September 10, 2008.
2. Provide access to the subject property via no more than one curb cut from Tilly Mill Road, subject to DeKalb County Department of Traffic and Transportation approval.
3. Provide interparcel access via the existing easement on the southern boundary of the property, as shown on the site plan titled, "Tilly Mill Professional Center Phase II", by Vest Engineering, Inc., dated 8-25-08 and stamped as received by the Department of Planning and Development on September 10, 2008.
4. The retail uses within the proposed center shall not include any of the following: sit-down or fast-food restaurants, nail salons, hair braiding establishments, pawn shops, pool halls and/or sports bars, nude or erotic dancing establishments, adult book or gift stores concentrating on prurient interests, establishments dedicated to beeper sales or check cashing, or night clubs in which receipts are generated by sales of alcohol.
5. All lighting used in conjunction with the project shall minimize glare onto adjacent properties.
6. Sidewalks shall be constructed along the street frontage on Tilly Mill Road as required by the Transportation Division of the Public Works Department.
7. The building shall have exteriors of four sided brick with glass and metal accents.

ATTACHMENTS:

Zoning Analysis
Letter of Intent
Site Plan
Zoning Map
Land Use Map
Pictometry

[illegible]

Drive, 82 feet west of the southwest corner of Sunland Drive and Apple Valley Drive, at 1287 Sunland Drive. The property has 47 feet of frontage on Sunland Drive and contains .23 acre.

N.11 Z-08-15166 (APPROVED WITH FIVE REVISED CONDITIONS SUBMITTED BY COMMISSIONER RADER) Commission
District: 2 Super District: 6
18-241-06-016 & I 017

Application of Nonami Oglethorpe, LLC to rezone property from PC-2 (Planned Community -2) to RM-75 (Multi-family Residential). The property is located on the southeast corner of Sunland Drive and Apple Valley Road, at 1279 and 1283 Sunland Drive. The property has 82 feet of frontage on Sunland Drive, approximately 185 feet of frontage on Apple Valley Road and contains .49 acre.



N.12 CZ-08-15147 (APPROVED PER STAFF'S CONDITIONS)
Commission District: 1 Super District: 7
18-342-04-010 & 011

Application of Tilly Mill Auto Center, LLC to rezone property from O-I (Office-Institutional - Conditional) and C-2 (General Commercial) to C-2 (General Commercial - Conditional) for development of a new, 15,548-square foot retail and office building on 4363 Tilly Mill Road alongside the existing retail and office building on 4353 Tilly Mill Road. The property is located on east side of Tilly Mill Road, approximately 173 feet south of Peachtree Industrial Boulevard. The property has approximately 205 feet of frontage along Tilly Mill Road and contains 1.29 acres.



THE CITY OF DORAVILLE AGENDA ITEM SHEET and REPORT

Subject: Conditional Use Permit for Automotive Service Facility (Good Year Tire Center) Parcel # 18 342 04 010 located at 4363 Tilly Mill Road, Doraville, GA

Date of Meeting: 2/19/13

Budget Impact: ☐ Yes ☒ No

Budget Impact Amount: \$ n/a

Funding Source:

- ☐ Annual
☐ Capital
☒ N/A

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

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: PUBLIC HEARING for a conditional use permit for property located at 4363 Tilly Mill Road, Doraville, GA. Said property concurrently be rezoned through a City initiated rezoning to correct the City zoning district designation from O-I to C-2 to be consistent with DeKalb County zoning immediately prior to annexation of the parcel into the City.

History, Facts, Issues:

- The parcel and the adjacent parcel were zoned C-2 by DeKalb County in 2008 (CZ-08-15147) to C-2 to allow use as an auto repair garage (Good Year Tire Center) and restricted office and retail use.
- The property is concurrently being rezoned by City initiated action to be consistent with the DeKalb County zoning district existing at the time of annexation.
- The proposed use for an automotive service center (Good Year Tire Store) is the same that was approved by DeKalb County in the 2008 rezoning of the property consisting of office/retail/automotive center uses.
- The Applicant states that the development of the Good Year Tire Center was delayed to economic conditions and the property was annexed by the City before plans could be developed and submitted to DeKalb County.
- Property directly to the north is zoned C-2 and consists of an existing Waffle House; the property directly south of the parcel is zoned C-2, under the same ownership and part of the application/rezone to allowed the proposed use in DeKalb County. It currently is an office/commercial building. The property directly south of the developed portion of the combined properties is zoned C-2 and is occupied by Home Depot.
- The proposed use meets the requirements and standards established under Sec. 23-910 for a Conditional Use Permit regarding building materials and roofing.

Conditional Use Standards of Review with Staff Findings:

1. Is the proposed use at the specified location consistent the policies embodied in the adopted Comprehensive Plan?

The property where the proposed use is located is classified as Potential Annexation Area on the Future Development Map of the Comprehensive Plan. The non-residential properties along Peachtree Industrial Blvd. shown on the Future Development Map currently within the City are identified as Highway Commercial Corridor, which is consistent with the proposed use and surrounding uses.

Staff finding: The proposed use is consistent with Comprehensive Plan Policies as noted above.

2. Is the proposed use consistent with the general purpose and intent of the applicable zoning district regulations?

The Purpose of C-2 zoning district is as follows: Purpose: The general commercial district is established in order to provide suitable areas for the various types of community and regional oriented commercial activities including retail uses, highway business uses, and office uses. General commercial districts are intended to be located along arterial or major collector streets and at such locations as are appropriate for community and regional commercial areas as opposed to locations that serve primarily local neighborhoods. Residential habitation, wholesaling, and warehousing are not permitted within the C-2 district. Development is restricted to lands with public water and sewer available.

Staff finding: The proposed use is consistent with the intent of the C-2 zoning district.

3. Is the proposed use compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public right-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects on adjacent developments and neighborhoods?

This is the completion of a project approved by DeKalb County in 2008. The proposed building is architecturally consistent with the existing brick office/commercial structure.

4. Does the proposed use generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood?

None anticipated beyond those identified in the original rezoning of the property in DeKalb County for the applied for use.

Staff finding: No negative impacts.

5. Does the proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets?

Staff finding: No negative impacts on surrounding neighborhood streets. The proposed use does not generate the need for additional traffic control devices.

6. **Does the proposed use incorporate features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and the proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and neighborhoods?**

The Applicant's proposal meets the CUP specific requirements regarding building form and materials.

Staff finding: No negative impacts are anticipated.

7. **Is the proposed use based on the site plan in conformity with all space limits, buffers, parking and loading provisions, and other provisions of this article?**

Staff finding: The existing facility meets dimensional requirements of the C-2 zoning district.

8. **Is the proposed use applicant in agreement to any specific limitations or conditions necessary to protect the public interest and assure the continued beneficial use and enjoyment of nearby properties or that no special limitations are necessary to protect the public?**

Neither the Planning Commission or staff have recommended any special conditions.

Options: Approve conditional use permit as presented; approve conditional use permit with additional conditions; or deny conditional use permit.

Recommended Action: Review CUP application after City initiated rezoning of property.

Department: Planning & Development

Department Head: Joe Cooley

Planning Commission Recommendation: The Planning Commission heard the presentation by the Applicant on 12/9/12. Planning Commission recommendation was for recommendation of **Approval** by a 3-0 vote

Staff Recommendation: **Approval** with any conditions deemed necessary by City Council.

Action Taken By Board: _____



City of Doraville Planning & Development Department

APPLICATION FOR CONDITIONAL USE PERMIT IN THE CITY OF DORAVILLE, GEORGIA

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

APPLICANT

Name: JOHN PAVLOPOULOS

Mailing Address: 4675 EIDSON ROAD DUNWOODY, GA. 30360

E-mail: astorin1@gmail.com Daytime Phone: 404-512-8391 Fax: 770-457-9305

OWNER

Name: SAME AS THE ABOVE

Mailing Address: _____

E-mail: _____ Daytime Phone: _____ Fax: _____

SUBJECT PROPERTY

Street Address: 4363 TILLY MILL ROAD ATLANTA, GA. 30360

Tax ID Parcel No.: 1536286 District(s) 18 LL 342 Block 04 Council District: 010

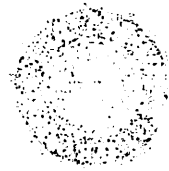
Current Zoning Category: C2 Conditional Use Requested FOR GOOD YEAR TIRE STORE

Future Land Use Character Area: _____

REQUIRED DOCUMENTS:

- _____ Boundary Survey of the property;
- _____ Full site survey to scale for projects with any proposed construction and/or site development work other than interior or façade renovations or uses with special requirements as per zoning requirements such as screening, etc. (see site plan check list for plan requirements);
- _____ Floor plan for proposed use for projects involving adaptive reuse or interior renovations (to scale);
- _____ Letter of Intent / Description of the Project: describing the requested conditional use, adjacent land uses and/or 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.);
- _____ Any additional information required by the City based upon the initial application meeting with staff;
- _____ Owner's Authorization of Agent (if Applicant is not the owner).

City of Doraville Planning & Development Department



APPLICATION FOR CONDITIONAL USE PERMIT
IN THE CITY OF DORAVILLE, GEORGIA

City of Doraville (the applicant) hereby certifies that the information provided herein is true and correct.

APPLICANT

Name: JOHN W. WATSON, JR.

Mailing Address: 1111 N. W. 11th Ave., Doraville, GA 30034

Phone: 404-371-2121 Fax: 404-371-2121

PROPERTY

Location: AS 10000

Address: 10000

Phone: 404-371-2121 Fax: 404-371-2121

SUBJECT PROPERTY

Street Address: 10000

Lot ID: 10000 District: 10000 Block: 10000 Parcel: 10000

Current zoning category: 10000 Conditional use requested: 10000

Future Land Use Category: 10000

STATEMENT OF WORK

Boundary Survey of the property

Full site survey to scale for project with any proposed construction and/or development work other than interior or exterior alterations or uses with special requirements as per zoning regulations (such as screening, etc.) (see site plan for details) (see zoning map)

Proposed use for project involving adaptive reuse or renovation (to include)

Location, description of the project, describing the requested conditional use, adjacent land use and/or businesses, a description 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.)

Any additional information required by the City based upon the initial application meeting with staff.

Owner's Authorization to sign (if applicant is not owner)

APPLICATION FOR CONDITIONAL USE PERMIT
IN THE CITY OF DORAVILLE, GEORGIA

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.

Bruce D. [Signature] 12/24/12
NOTARY DATE

2/1/13
EXPIRATION DATE / SEAL

[Signature] 12-24-12
SIGNATURE OF APPLICANT DATE

Check One: Owner X Agent _____

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.

Bruce D. [Signature] 12/24/12
NOTARY DATE

2/1/13
EXPIRATION DATE / SEAL

[Signature] 12-24-12
SIGNATURE OF APPLICANT DATE

Check One: Owner X Agent _____





City of Doraville Planning & Development Department

OWNER'S AGENT AUTHORIZATION

Date: 12-24-12

TYPE OF APPLICATION

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

SUBJECT PROPERTY ADDRESS

4363 TILLY MILL ROAD Suite/Unit # _____
ATLANTA GA. 30360
Tax Parcels # 18 342 04 010

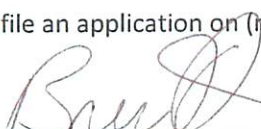
TO WHOM IT MAY CONCERN:

(I) (WE), JOHN PAVLOPOULOS
(NAME OF OWNER(S)) (print or type)

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

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

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


Notary Public

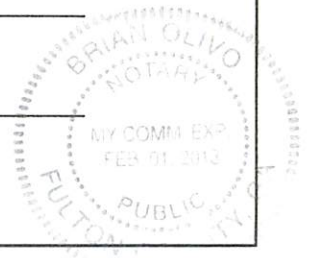

Owner

Notary Public

Owner

Notary Public

Owner



STATEMENT OF INTENT

And

Other Material Required by
City of Doraville, GA
For the
Purpose of Conditional Use Permit

Of

Tilly Mill Auto Center, Goodyear Tire Store
and Automotive Center

For

+/- 1.285 Acres of Land
Located in
Land Lot 342 18th District, DeKalb County
4363 Tilly Mill Road (Zone C-2)

Submitted by Applicant:

John Pavlopoulos
4675 Eidson Road
Atlanta, GA 30360
404-512-8391
Astorinc1@gmail.com

I. INTRODUCTION

This Application seeks the purpose of “conditional use permit” (CUP) of +/- 1.285 acres of land located approximately 700 feet north of the intersection of Beacon Drive and Tilly Mill Road in the northeast quadrant of said intersection in Land Lot 342 of the 18th District of DeKalb County. The Applicant seeks a purpose of CUP for 4363 Tilly Mill Road to allow for the development of an integrated mixed used center comprise of two office building. Building #2 shall have no more than 5470 additional square feet¹ for a Goodyear Tire Center; 1250 square feet for a tire storage area; and 1960 additional square feet for office/retail. Building #1 is comprised of a minimum of 6900 square feet of office and no more than 6900 square feet of retail. The Applicant proposes the following conditions: 1) The tire center in Building #2 shall consist of no more than 5470 square feet of space comprised of 6 bays plus no more than 1250 square feet of tire and equipment storage; 2) Building #1 shall be comprised of no more than 6900 square feet of retail and a minimum of 6900 square feet of office; 3) Subject to Department of Transportation approval, there will be access to the development from Tilly Mill Road through one curb cut, as shown on the site plan filed contemporaneously with this application, and through an interparcel access easement shown on the site plan on the southern boundary of the Subject Property; 4) the retail uses within the proposed center shall not include any of the following uses: pawn shop, pool hall and/or sports bar, nude or erotic dancing establishments, adult book or gift stores concentrating on prurient interests, establishments dedicated to beeper sales, or night clubs in which receipts are generated by sales of alcohol; 5) all lighting used in conjunction with the project shall be of a controlled footprint so as to minimize glare onto adjacent properties; 6) Sidewalks shall be constructed along the street frontage on Tilly Mill

¹ The term “additional square feet” is used herein because the southern tract (4353 Tilly Mill Road) is already zoned C-2 and permitted for construction. It is being developed per these permits for 13,800 square feet of office/retail. Permit #1039705738, 1043705752, and 1043705753 copies are included herein. Half of the space is leased to an insurance company with the remaining 6,900 square feet available for lease to small office/retail end users.

Road; and 7) the building shall be steel with exteriors of four sided brick, glass and metal; 8) Parking for both buildings shall be provided in a two level parking deck.

The land use on the property is CRC (commercial redevelopment corridor) which allows C-2 development and thus a land use map amendment is not required to support the proposed purpose of conditional use permit.² Applicant, Tilly Mill Auto Center, LLC is an Atlanta-based developer and builder with experience in this type of development. The same company developed the 4353 Tilly Mill Road site with a two story office/retail building with drive under parking. Photographs of the building along with photographs of the surrounds and the existing conditions at 4363 Tilly Mill Road are included in this application package.

This document is submitted as a Statement of Intent with regard to the purpose of conditional use permit, a preservation of the Applicant's constitutional rights, and a Written Justification for the application required by the City of Doraville. This document is also intended to address and substantiate the requisite responses to the state "Steinberg Act", O.C.G.A. §36-67-1 et. seq. A survey of the property, a site plan, and other supporting documents referenced herein have been filed contemporaneously with this Statement of Intent.

II. HISTORY

Approximately 0.673 acres (4353 Tilly Mill Road) of the Subject Property is currently zoned C-2 unconditional. It was rezoned from O-I to C-2 with conditions in 1990 as part of a larger zoning for the Home Depot building supply store immediately to the south of the Subject Property (See CZ-90039). Apparently, the inclusion of 4353 Tilly Mill Road in the Home Depot rezoning conditions was in error and in 1994, an alteration of conditions application was filed by a predecessor in title to the current owner to remove the condition of use on the Subject parcel.

² See Non-Residential Consistency Matrix in Comprehensive Plan 2005-2025.

This was approved in November of 1994. Additionally, that Applicant at the time secured a parking special exception for the southern tract to allow one space per 180 square feet of useable space (A06-1863). The remaining +/- .612 acres of the Subject Property (4363 Tilly Mill Road is zoned O-I and appears to have been so zoned since 1976 (See CZ 76-060). It was rezoned from R-75 to O-I with conditions on July 27, 1976. It was developed with an aging one story ranch house of approximately 1600 square feet, which has been used over the years for a variety of adaptive office reuses, including a massage and spa that was well affiliated with the Oasis Goodtime Emporium located across the street. For many years the ranch house gave off a negative impression to the community and was an eye sore for the neighborhood. When the current Applicant purchased the property to pursue and complete Phase II of the development for the Goodyear store, the Applicant immediately terminated the lease of the tenant and demolished the house in 2009.

It should be noted that the Subject Property was within annexation into the City of Doraville by referendum for numerous years and will finally be effective January 1, 2013. All these years, the property has been wedged between what is the City of Dunwoody, the City of Doraville and unincorporated DeKalb County.

III. IMPACT ANALYSIS

A.

THE CUP PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN

The Subject Property is located in a Commercial Redevelopment Corridor (CRC) Comprehensive Land Use Plan category. CRC and the C-2 zoning associated with it for the

Subject Property would allow development of the approximate 28, 244 square feet of office/retail/auto center use proposed by Applicant. Zoning these two adjoining parcels to C-2 with the same conditions would make the Subject Property consistent with the land use designation thereon. The C-2 zoning is consistent with many of the Plan goals for DeKalb County.

The countrywide Comprehensive Land Use plan (LUP) 2005-2025 which DeKalb County adopted in 2007 consists of a text and series of maps. The Plan is accompanied by a procedure to link changes in zoning with corresponding changes in the Land Use Plan in order to avoid repeating the situation in which a static land use plan and an evolving zoning map become increasingly out of step with each other. Thus, with an updated Land Use plan in effect and a mandatory planning-zoning consistency mechanism in place, it is extremely important that any CUP request, be based on sound land use planning and comprehensive planning principles. The plan shows that the Subject Property is located between the Doraville LCI and the Neighborhood Center at Peeler Road and Winters Chapel Road. The proposed development and the C-2 zoning would effectively implement policies that are embodied in the text of the County's Land Use as excerpted below:

LSU4 –Encourage the clustering of neighborhood and community shopping and office facilities in nodes with defined boundaries which are convenient to population concentrations and major transportation facilities.

LUP8 –Improve the aesthetic appearance of developments along major corridors.

LUS1 –Locate developments in areas with direct access to existing infrastructure.

LUS2 –Ensure heavy vehicle access does not intrude on residential areas.

LUS3 –Encourage development within and near and principal transportation corridors and activity centers.

LUS14 –Establish inter-parcel connectivity in residential and commercial areas.

CRCCAP3 –Redevelop older strip commercial centers in to viable mixed-use developments along the corridor.

CRCCAP6 –Cluster high density development at nodes & along major corridors outside of established residential areas.

CRCCAP7 –Enhance the visual appearance of commercial structures in a state of disinvestment, underdevelopment and decline.

CRCCAS5 –Promote parcel interconnectivity.

CRCCAS12 –Focus development on parcels that abut or have access to the designated Commercial Redevelopment Corridor.

CRCCAS13 –In appropriate locations, build new commercial structures closer to street on existing under utilized parking lots creating internal smaller or decked parking.

In summary, the proposed development serves to implement specific goals, objectives and policies of the County’s and the City of Doraville’s Land Use Plan.

B.

THE PROPOSED CUP PERMITS A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY.

The Subject Property fronts on Tilly Mill Road. Tilly Mill is a four lane road with dedicated turn lanes at major intersections. It is classified in the 2007 Comprehensive Transportation Plan as a “collector” road. The Subject Property is south of Peachtree Industrial Boulevard, on the east side of Tilly Mill Road surrounded on the north, south and east by the City of Doraville boundaries and is north of Beacon Drive. Development patterns in the immediate area have trended heavily to general and light commercial for over 20 years. To the immediate north of the site is a Waffle House and Shell gas station zoned C-2. To the southwest, is the Friday’s Plaza and Tilly Mill Crossing at the intersection of Van Fleet Circle and Tilly Mill

Road; to the east is a mix of general commercial development and low density residential development in the City of Doraville. Immediately to the west of the Subject Property across Tilly Mill Road is the Oasis Goodtime Emporium, an adult entertainment establishment, and Barnacles Seafood (now closed and vacant) zoned C-1. To the south and the immediate southeast is the Home Depot building supply store with the associated garden center zoned in 1990 C-2. Further to the east and northeast are extensive industrial and warehouse properties. The nearest residences are located on Beacon Drive, more than 1/3 of a mile from the Subject Property.

The intended final appearance of this development will compare favorably with other new retail/office projects in this community. However, this developer will be striving for more of a neighborhood shopping appearance, layout and feel to the site than the standard strip retail center. Appropriate attention to scale, setbacks, landscaping, and high quality building materials has been given by the Applicant to ensure that this project will blend harmoniously with its surroundings and provide an attractive office/retail/auto center to serve the immediately surrounding residential communities. The proposed second building on the site will mirror the building currently under construction, be aesthetically pleasing and strike a proper development balance along the Tilly Mill corridor.

C.

THE SUBJECT PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE AS PRESENTLY CONDITIONED

The current C-2 vacant land on the 4363 parcel merged with the 4353 C-2 property is the only means of meaningfully redeveloping the site in an economically feasible manner. The Applicant respectfully submits that the Zoning Ordinance of the City of Doraville and DeKalb

County, Georgia, as amended from time to time and known as the “ Zoning Ordinance”, to the extent that it classifies the Subject Property in any zoning district which would preclude the development of this project, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning and land use of the Property pursuant to the City of Doraville Zoning Ordinance deprives the current owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and the one requested herein, would deprive the current owner of any reasonable use and development of the Property. Further, an attempt by the Planning Commission and City Council to impose greater restrictions upon the manner in which the property will be developed than presently exist, such as by the way of approving the zoning district requested but limiting development to standard allowed under more stringent classifications, would be equally unlawful.

Accordingly, Applicant submits that the current zoning classifications and any other zoning of the Property save for what has been requested by it as established in the City of Doraville Zoning Ordinance constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no substantial relation to the public health, safety, morality or general welfare of the public and substantially harm the Property owners. All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality or general welfare of the public and would substantially harm the Property owner. Further, the existing inconsistent zoning classifications constitute, and all zoning and plan classifications intervening between the

existing inconsistent zoning classification and that required to develop this project would constitute a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process Clause of the Fourteenth Amendment of the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that the Planning Commission's and City Council's failure to approve the requested CUP change would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Finally, the Applicant respectfully submits that the Planning Commission and City Council cannot lawfully impose more restrictive standards upon the development of the property than presently exists as to do so not only would constitute a taking of the property as set forth above, but also would amount to an unlawful delegation of their property of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution. Moreover, in the event of opposition to the proposed CUP, the Applicant submits that opponents do not have standing to assert opposition and can prove no special damages as per the specially aggrieved citizen test.

This Application meets favorably the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and

zoning and planning as an expression of the government's police power, Guhl vs. Holcome Bridge Road, 238 Ga. 322 (1977).

D.

**THE PROPOSED CUP WILL NOT ADVERSELY AFFECT THE EXISTING USE OR
USABILITY OF ADJACENT OR NEARBY PROPERTY**

Pursuing the rezoning and development of a Goodyear Tire and Service store, the Applicant, as evidenced by the documents filed at that time did notice a pre-submittal community meeting on September 9, 2008. Letters to 84 individual residents on Glenda Way, Chicopee Drive, Beacon Drive, Johnny's Lane, BarryLynn Drive, Redwood Street and Valley Stream Drive were sent regarding this presubmittal meeting. The Applicant attended a pre-application meeting with staff on August 26, 2008. A copy of the pre-application form completed at that time is included with this package. Applicant continued to engage in discussion with interested community members and associations in the vicinity of the Subject Property as this application moved through the zoning process. The Applicant agreed to appropriate conditions to eliminate any potential negative impacts from the proposed development.

The primary goal of land use planning is to eliminate or minimize the potential adverse effect of the dissimilar uses of adjacent tracts of land by establishing a harmonious transition between them. The traditional method of achieving this goal is through both "off-site" and "on-site" transition. Off-site transition consists of avoiding the placement of dissimilar uses next to each other by placing uses of intermediate density between them. The proposed project is the epitome of off-site transition goals. On-site transition, which might either supplement or replace off-site transition, consists of measures imposed on or adjacent to the more intensive use to

protect neighborhoods from adverse effects. Thus, this method of land use planning includes measures such as maintenance of buffers; walls, fences or berms; lighting control; noise control; aesthetic control; limitations on building location and orientation; location of or restriction upon accessory uses; and prohibition of certain uses or hours of use normally permitted for that district. Many, if not all of these devices have been utilized in this application.

E.

**THE SUBJECT PROPERTY DOES NOT HAVE A REASONABLE
ECONOMIC USE AS PRESENTLY CONDITIONED**

See Section C above.

F.

**OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND
DEVELOPMENT OF THE PROPERTY**

The Subject Property is in the North DeKalb Planning Area. This area has been the site of extensive development activity during the past decade. Its relative ease of access, coupled with the actual development which has occurred in this area, have resulted in the designation of several Neighborhood Centers, Town Centers, and a large Regional Activity Center at Perimeter Center in the 2007 Comprehensive Plan.

The entire point of a nodal development pattern, as well as the existing Land Use goals for this area, is to encourage the “clustering” of mixed commercial, office and residential uses. Such clustering decreased dependence on the automobile, provides effective stepdowns/buffers between high intensity developments and further removed single-family subdivisions, and allows

for the efficient provision of public services and utilities. Each of these policies expressly is recognized and endorsed in the County's Comprehensive Land Use plan. The proposed use is completely suitable in light of its adjacent and nearby developments and uses. It is Applicant's goal to provide a friendly office/retail/auto center which bridges the gap between needed office/retail/auto services and those already provided.

The CUP requested here conforms to the ideals and spirit of the City of Doraville Zoning Ordinance while developing a practical, useful and marketable development that will develop this underdeveloped property into an asset for the immediate area and the county as a whole. This type of development should be encouraged to allow for the provision of services near the communities needing those services where infrastructure and access to major transportation corridors already exist.

G.

**THE PROPOSED CUP WILL NOT ADVERSELY AFFECT HISTORIC BUILDINGS,
SITES, DISTRICTS OR ARCHAEOLOGICAL RESOURCES**

Applicant knows of no historic buildings, sites, districts, or archaeological resources either on the Subject Property or located in the immediate vicinity that would suffer adverse impacts from the rezoning requested.

H.

**THE REQUESTED PROPOSED CUP WILL NOT RESULT IN A USE WHICH WILL
OR COULD CAUSE EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS,
TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS**

This project, if approved, certainly will not affect existing transportation facilities. The Subject Property lies approximately 1/8th mile south of and is easily accessible to the Peachtree Industrial Boulevard interchange. PTI is an urban principal arterial and Tilly Mill is a collector road. Arterial streets serve as the “backbone” of the surface roadway network and are designed to carry large volumes of traffic at moderate speeds. Principal arterial system and carry traffic at low to moderate speeds. The collector roadways average 9,020 vpd. A MARTA bus rout runs directly in front of the Subject Property on the east side of Tilly Mill Road. According to the Institute of Traffic Engineers (ITE) Trip Generation Manual (Seventh Edition)(§848 and 814), the project will more than generate 100 new vehicle trips per day and a maximum 20 additional trips at peak hour of adjacent street. These numbers are for the new uses in Building #2 because the C-2 uses in Building #1 are already permitted. This site is served by the R.M. Clayton sewage treatment plant. Capacity is available to service waste generated by this project. Sufficient water capacity also is available for fire protection. The project will have no impacts on the schools.

IV. CONCLUSION

The Applicant is a successful individual who has been living and working in this area for over 40 years and is well involved in the community. After Phase I of Applicant’s development of an office/retail building at 4353 Tilly Mill was completed in 2010, Applicant spent 2 years striving and working towards obtaining a loan with a private lender or bank, but was unsuccessful. Finally, Applicant was able to acquire an SBA loan to build the Goodyear Tire and Service store. The Goodyear store will be a family owned and operated business, which will

also employee several other individuals and therefore further assist the improvement of the economy.

For the foregoing reasons, the Applicant respectfully requests that the Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Doraville so that such recommendations on how to successfully develop and start a new business that will prove to be beneficial to the community by enhancing the area as well as the city and county by helping with additional property tax revenue.

This 24 day of December, 2012.

Respectfully submitted,



John A. Pavlopoulos

EXHIBIT A

Issuing Office File No.: 2080188S

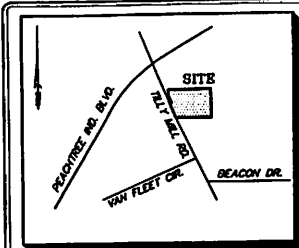
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 342 OF THE 18TH DISTRICT OF DEKALB COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO ARRIVE AT THE TRUE POINT OF BEGINNING BEGIN AT THE INTERSECTION OF THE NORTHEAST SIDE OF TILLY MILL ROAD (60 FOOT RIGHT OF WAY) WITH THE NORTH RIGHT OF WAY LINE OF BEACON DRIVE; RUNNING THENCE NORTHWESTERLY ALONG THE NORTHEAST RIGHT OF WAY LINE OF TILLY MILL ROAD A DISTANCE OF 801.8 FEET TO A CONCRETE MONUMENT; RUNNING THENCE EAST A DISTANCE OF 40.4 FEET TO A CONCRETE MONUMENT LOCATED ON THE EAST RIGHT OF WAY LINE OF TILLY MILL ROAD AND THE TRUE POINT OF BEGINNING; FROM SAID TRUE POINT OF BEGINNING RUNNING NORTHWESTERLY ALONG THE NORTHEAST RIGHT OF WAY LINE OF TILLY MILL ROAD A DISTANCE OF 55.8 FEET TO A CONCRETE MONUMENT; RUNNING THENCE NORTH ALONG THE EAST RIGHT OF WAY LINE OF TILLY MILL ROAD AND ALONG A LINE OF WHICH FORMS AN INTERIOR ANGLE OF 158 DEGREES 57 MINUTES WITH THE PRECEDING COURSE A DISTANCE OF 41.4 FEET TO AN IRON PIN; RUNNING THENCE EAST ALONG A LINE WHICH FORMS AN INTERIOR ANGLE OF 89 DEGREES 38 MINUTES WITH THE PRECEDING COURSE A DISTANCE OF 290.7 FEET TO AN IRON PIN; RUNNING THENCE SOUTH ALONG A LINE WHICH FORMS AN INTERIOR ANGLE OF 90 DEGREES 19 MINUTES WITH THE PRECEDING COURSE A DISTANCE OF 93.7 FEET TO AN IRON PIN; RUNNING THENCE WEST ALONG A LINE WHICH FORMS AN INTERIOR ANGLE OF 89 DEGREES 37 MINUTES WITH THE PRECEDING COURSE A DISTANCE OF 270.6 FEET TO THE TRUE POINT OF BEGINNING; BEING ACCORDING TO PLAT OF SURVEY BY JOHN L. SHIREY, R.L.S., DATED AUGUST 1, 1974.



Commitment (Exhibit A)

(2080188S.PFD/2080188S/11)



MCINTY MAP
(N.T.S.)



Written Description

All that tract or parcel of land lying and being in Land Lot 342, 18th District, DeKalb County, Georgia, and being more particularly described as follows:

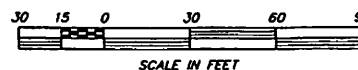
COMMENCE at the intersection of the easterly right of way of Tilly Mill Rd. (right of way varies) and the northerly right of way of Deacon Drive; thence following the easterly right of way of Tilly Mill Road running in a northerly direction a distance of 609.22 feet to an iron pin found and the POINT OF BEGINNING; thence along said right of way of Tilly Mill Road the following courses and distances: thence N 21°33'35" W a distance of 116.71 feet to a concrete monument found; thence N 89°01'30" E a distance of 15.07 feet to an iron pin set; thence N 22°24'05" W a distance of 56.12 feet to an iron pin set; thence N 01°18'18" W a distance of 41.39 feet to a 1/2" rebar found; thence having said right of way N 09°02'45" E a distance of 290.55 feet to a 1/2" rebar found; thence S 01°20'15" E a distance of 93.52 feet to an iron pin found; thence S 01°22'01" E a distance of 111.82 feet to an iron pin found; thence S 89°39'08" W a distance of 245.18 feet to the POINT OF BEGINNING. Said tract contains 1.285 acres.

LEGEND

1/2" REBAR FND.	1/2" REBAR SET
R.K.	RIGHT OF WAY
SSE	SALE/LEASE EASEMENT
DE	DRAINAGE EASEMENT
L.L.	LAND LOT LINE
C.L.	CENTERLINE
OT	OPEN TOP PIPE
OT	OPEN TOP PIPE
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
DI	DROP INLET
JB	JUNCTION BOX
MH	MANHOLE
CB	CATCH BASIN
BM	BENCHMARK
PP	POWER POLE
PH	FIRE HYDRANT
CMF	CONCRETE MONUMENT FND.
B.C.	BACK OF CURB
E.P.	EDGE OF PAVEMENT
FEN	FENCE
Q.H.	OVERHEAD ELEC. SERVICE LINE
B.L.	BUILDING LINE
U.G.	UNDERGROUND POWER LINE
TX	TRANSFORMER

PLAT FOR TILLY MILL AUTO CENTER LIMITED d/b/a GOODYEAR TIRE STORE and AUTOMOTIVE SERVICE CENTER

LOCATED IN LAND LOT 342
18th DISTRICT
DEKALB COUNTY, GEORGIA
DECEMBER 19, 2012 1"=30'



Now or Formerly
Waffle House, Inc.

N89°02'45"E 290.55'
CITY OF DORAVILLE
DEKALB CO.

Now or Formerly
Tilly Mill Auto Center Limited d/b/a
Goodyear Tire Store and Automotive Center

CONC. DECK
Now or Formerly
Tilly Mill Professional Center
BUILDING
No. 4353

Now or Formerly
Home Depot USA, Inc.
Zoned: C2

GENERAL NOTES --

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS AN ANGULAR ERROR OF 5 SECONDS PER ANGLE POINT AND A PRECISION RATIO OF 1 IN 40,344. IT HAS BEEN ADJUSTED USING THE COMPASS RULE.

EQUIPMENT USED TO OBTAIN THESE MEASUREMENTS WAS A TOPCON GTS-233.

THE DATA SHOWN ON THIS PLAT HAS A CLOSURE PRECISION RATIO OF 1 IN 126,090.

ALL L.P.'s ARE 1/2" REBARS.

BEARINGS ARE CALCULATED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.

ACCORDING TO THE CURRENT "F.L.A. OFFICIAL FLOOD HAZARD MAP", COMMUNITY PANEL NO. 13089C 0017 H, DATED MAY 07, 2001, THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

ALL MATTERS OF TITLE ARE EXCEPTED.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH FOR BOTH PARCELS. THERE MAY BE EASEMENTS OR OTHER ENCUMBRANCES NOT SHOWN.

* = FOR DEED AND PLAT RECORDS; NO MONUMENT FOUND.

REFERENCES:

- 1) DB 7218, PG. 608
- 2) DB 5543, PG. 151
- 3) DB 6854, PG. 480
- 4) DB 18846, PG. 255
- 5) SURVEY FOR TILLY MILL PROFESSIONAL CENTER BY BARTON SURVEYING, INC. DATED JULY 30, 2008, LAST REVISED AUGUST 11, 2008.

PROPERTY IS ZONED "C-2" PER DEKALB COUNTY PLANNING AND ZONING BUILDING SETBACKS PER "C-2" ZONING ARE AS FOLLOWS:

FRONT: 75' FROM R.W.

REAR: 30'

SIDE: 30'

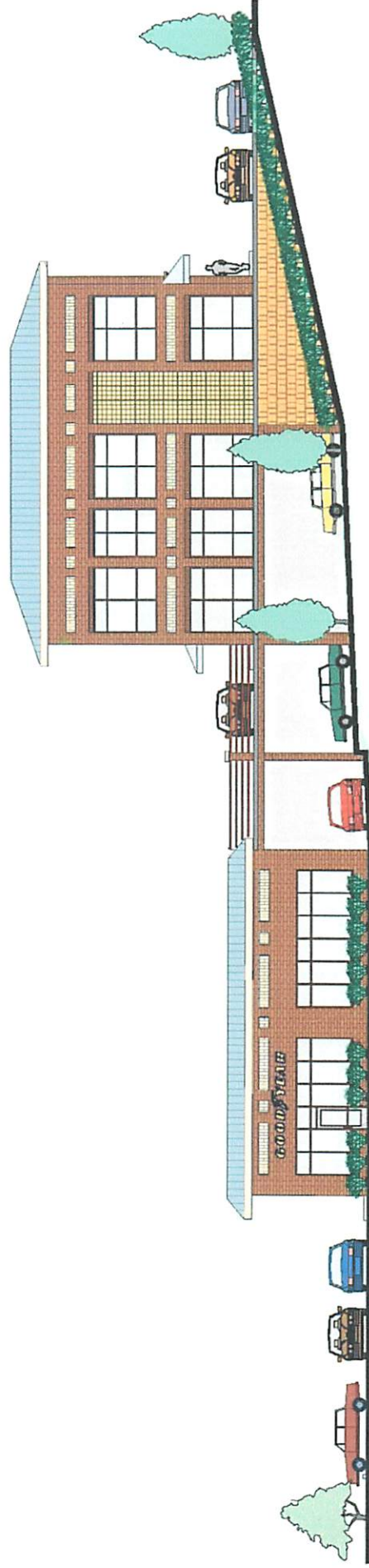
NOTE: EXISTING AND PROPOSED EASEMENTS NOT SHOWN.

TOTAL AREA = 55,977 SQ. FT.
1.285 ACRES.



**BARTON SURVEYING
INC.**

1500 PALM STREET
CANTON, GEORGIA 30115
(770) 345-2810



TILLY MILL PROFESSIONAL CENTER PHASE I

TILLY MILL PROFESSIONAL CENTER PHASE II



4353 TILLY MILL RD.
OFFICE/RETAIL BUILDING



PROPOSED GOODYEAR TIRE
STORE & SERVICE CENTER SITE

4353 AND 4363
TILLY MILL RD. PROPERTIES



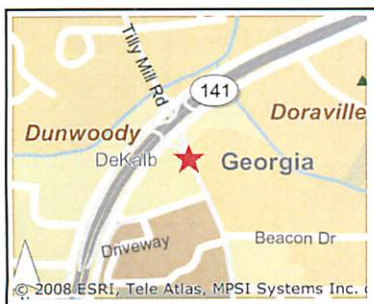
NORTH TO PEACHTREE INDUSTRIAL

Traffic Count Map

4363 Tilly Mill Rd
Atlanta, GA 30360

July 13, 2009

Latitude: 33.922222
Longitude: -84.281125



Average Daily Traffic Volume

- ▲ More than 100,000 per day
- ▲ 50,001 - 100,000
- ▲ 30,001 - 50,000
- ▲ 15,001 - 30,000
- ▲ 6,001 - 15,000
- ▲ Up to 6,000 per day
- ▲ Interstate counts

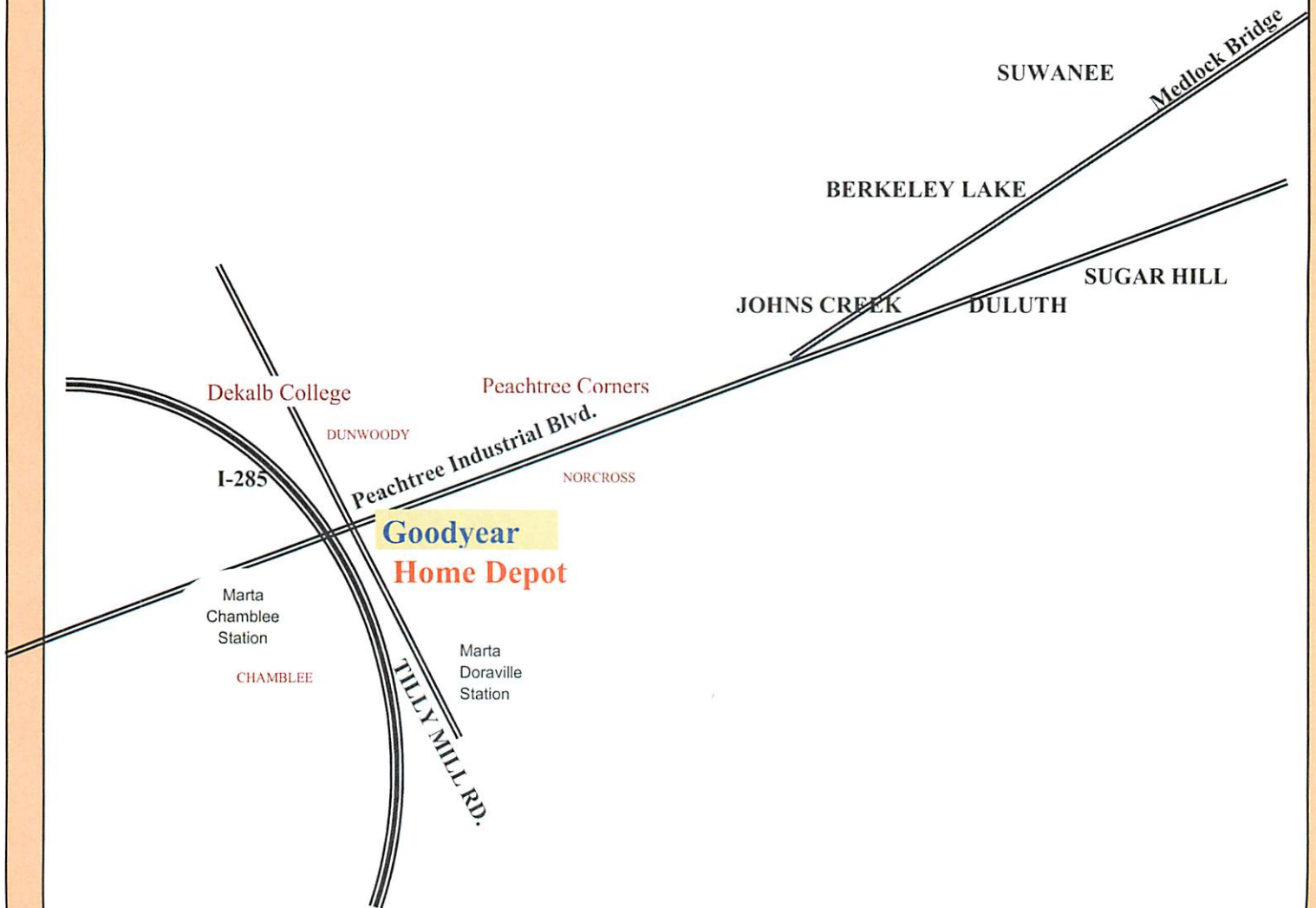


LOCAL AREA MAP



DIRECTIONS

From 285 take exit 31B to 141 North/Peachtree Industrial Blvd.
Proceed 1/4 mile and exit on Tilly Mill Rd.
Turn Right on Tilly Mill and left into the property,





4363 Tilly Mill Rd
Atlanta, GA 30360

Site Type: Radius

Latitude: 33.922222
Longitude: -84.281125
Radius: 1.0 miles

Summary Demographics

2008 Population	14,763
2008 Households	5,792
2008 Median Disposable Income	\$48,222
2008 Per Capita Income	\$30,117

Industry Summary

	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
Total Retail Trade and Food & Drink (NAICS 44-45, 722)	\$170,653,028	\$248,559,480	\$-77,906,452	-18.6	113
Total Retail Trade (NAICS 44-45)	\$144,983,606	\$234,422,453	\$-89,438,847	-23.6	90
Total Food & Drink (NAICS 722)	\$25,669,422	\$14,137,027	\$11,532,395	29.0	23

Industry Group

	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
Motor Vehicle & Parts Dealers (NAICS 441)	\$36,275,608	\$81,686,729	\$-45,411,121	-38.5	22
Automobile Dealers (NAICS 4411)	\$31,440,931	\$79,209,032	\$-47,768,101	-43.2	16
Other Motor Vehicle Dealers (NAICS 4412)	\$2,404,081	\$651,424	\$1,752,657	57.4	1
Auto Parts, Accessories, and Tire Stores (NAICS 4413)	\$2,430,596	\$1,826,273	\$604,323	14.2	5
Furniture & Home Furnishings Stores (NAICS 442)	\$4,600,186	\$13,181,804	\$-8,581,618	-48.3	7
Furniture Stores (NAICS 4421)	\$2,972,511	\$1,548,943	\$1,423,568	31.5	2
Home Furnishings Stores (NAICS 4422)	\$1,627,675	\$11,632,861	\$-10,005,186	-75.5	5
Electronics & Appliance Stores (NAICS 443/NAICS 4431)	\$5,631,570	\$5,178,595	\$452,975	4.2	7
Bldg Materials, Garden Equip. & Supply Stores (NAICS 444)	\$4,618,808	\$24,174,087	\$-19,555,279	-67.9	10
Building Material and Supplies Dealers (NAICS 4441)	\$4,416,993	\$23,168,254	\$-18,751,261	-68.0	9
Lawn and Garden Equipment and Supplies Stores (NAICS 4442)	\$201,815	\$1,005,833	\$-804,018	-66.6	1
Food & Beverage Stores (NAICS 445)	\$24,678,733	\$50,881,914	\$-26,203,181	-34.7	8
Grocery Stores (NAICS 4451)	\$22,405,863	\$47,657,586	\$-25,251,723	-36.0	5
Specialty Food Stores (NAICS 4452)	\$509,272	\$303,138	\$206,134	25.4	1
Beer, Wine, and Liquor Stores (NAICS 4453)	\$1,763,598	\$2,921,190	\$-1,157,592	-24.7	2
Health & Personal Care Stores (NAICS 446/NAICS 4461)	\$5,605,798	\$1,935,884	\$3,669,914	48.7	4
Gasoline Stations (NAICS 447/4471)	\$21,983,596	\$41,422,307	\$-19,438,711	-30.7	5
Clothing and Clothing Accessories Stores (NAICS 448)	\$9,077,013	\$1,870,830	\$7,206,183	65.8	5
Clothing Stores (NAICS 4481)	\$7,005,356	\$1,442,055	\$5,563,301	65.9	4
Shoe Stores (NAICS 4482)	\$1,216,933	\$0	\$1,216,933	100.0	0
Jewelry, Luggage, and Leather Goods Stores (NAICS 4483)	\$854,724	\$428,775	\$425,949	33.2	1
Sporting Goods, Hobby, Book, and Music Stores (NAICS 451)	\$2,150,029	\$1,549,717	\$600,312	16.2	7
Sporting Goods/Hobby/Musical Instrument Stores (NAICS 4511)	\$1,027,937	\$1,090,472	\$-62,535	-3.0	4
Book, Periodical, and Music Stores (NAICS 4512)	\$1,122,092	\$459,245	\$662,847	41.9	3

Data Note: Supply (retail sales) estimates sales to consumers by establishments. Sales to businesses are excluded. Demand (retail potential) estimates the expected amount spent by consumers at retail establishments. Supply and demand estimates are in current dollars. The Leakage/Surplus Factor presents a snapshot of retail opportunity. This is a measure of the relationship between supply and demand that ranges from +100 (total leakage) to -100 (total surplus). A positive value represents 'leakage' of retail opportunity outside the trade area. A negative value represents a surplus of retail sales, a market where customers are drawn in from outside the trade area. The Retail Gap represents the difference between Retail Potential and Retail Sales. ESRI uses the North American Industry Classification System (NAICS) to classify businesses by their primary type of economic activity. Retail establishments are classified into 27 industry groups in the Retail Trade sector, as well as four industry groups within the Food Services & Drinking Establishments subsector.

Source: ESRI and infoUSA®

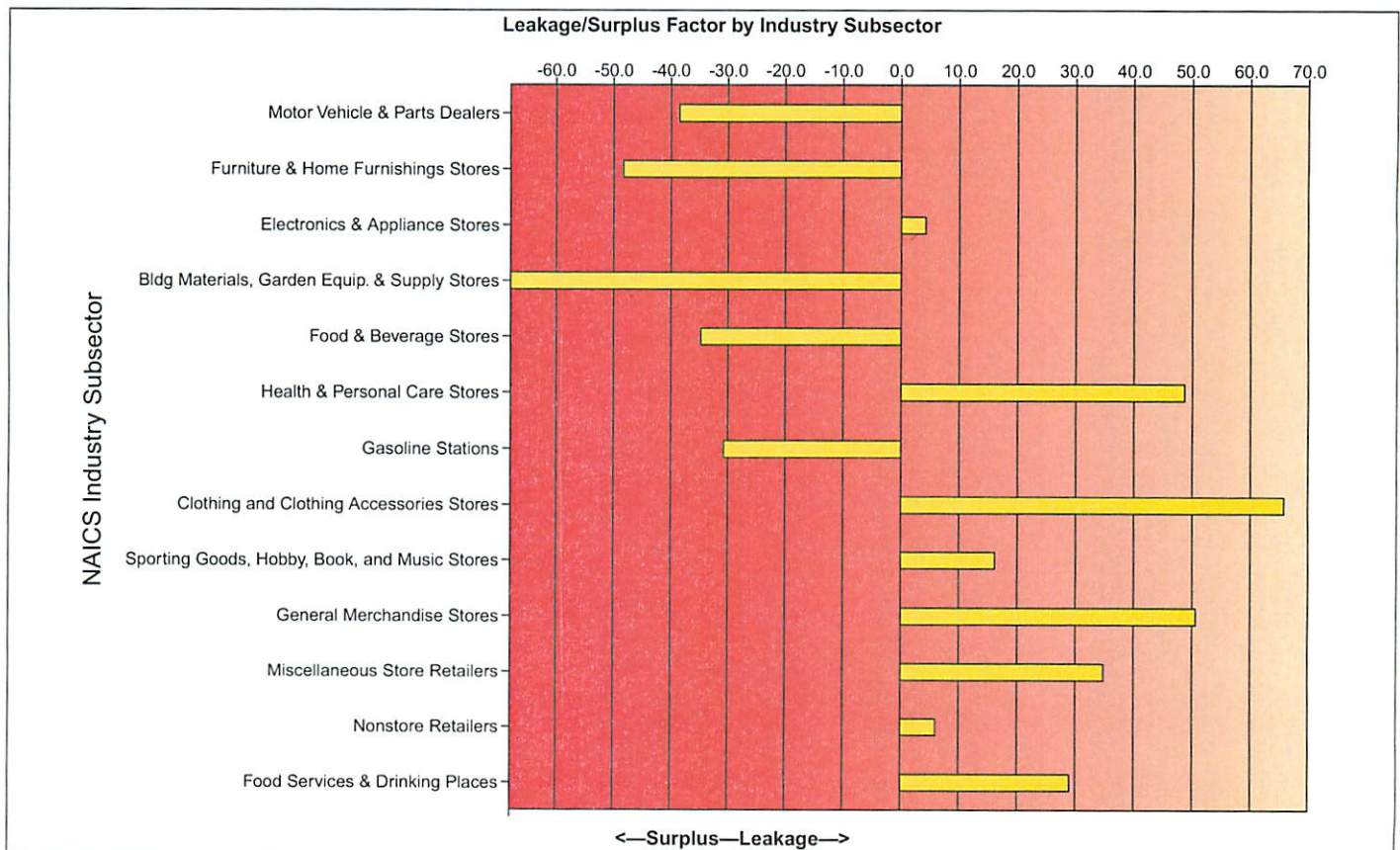


4363 Tilly Mill Rd
Atlanta, GA 30360

Site Type: Radius

Latitude: 33.922222
Longitude: -84.281125
Radius: 1.0 miles

Industry Group	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
General Merchandise Stores (NAICS 452)	\$24,231,667	\$7,951,760	\$16,279,907	50.6	5
Department Stores Excluding Leased Depts.(NAICS 4521)	\$9,963,950	\$2,289,718	\$7,674,232	62.6	1
Other General Merchandise Stores (NAICS 4529)	\$14,267,717	\$5,662,042	\$8,605,675	43.2	4
Miscellaneous Store Retailers (NAICS 453)	\$2,100,922	\$1,016,235	\$1,084,687	34.8	8
Florists (NAICS 4531)	\$253,927	\$21,765	\$232,162	84.2	1
Office Supplies, Stationery, and Gift Stores (NAICS 4532)	\$868,956	\$349,951	\$519,005	42.6	1
Used Merchandise Stores (NAICS 4533)	\$138,228	\$11,210	\$127,018	85.0	0
Other Miscellaneous Store Retailers (NAICS 4539)	\$839,811	\$633,309	\$206,502	14.0	6
Nonstore Retailers (NAICS 454)	\$4,029,676	\$3,572,591	\$457,085	6.0	2
Electronic Shopping and Mail-Order Houses (NAICS 4541)	\$2,397,235	\$111,452	\$2,285,783	91.1	0
Vending Machine Operators (NAICS 4542)	\$787,284	\$446,138	\$341,146	27.7	1
Direct Selling Establishments (NAICS 4543)	\$845,157	\$3,015,001	\$-2,169,844	-56.2	1
Food Services & Drinking Places (NAICS 722)	\$25,669,422	\$14,137,027	\$11,532,395	29.0	23
Full-Service Restaurants (NAICS 7221)	\$8,787,232	\$5,112,990	\$3,674,242	26.4	17
Limited-Service Eating Places (NAICS 7222)	\$12,730,537	\$1,802,937	\$10,927,600	75.2	2
Special Food Services (NAICS 7223)	\$2,490,990	\$6,625,501	\$-4,134,511	-45.4	3
Drinking Places - Alcoholic Beverages (NAICS 7224)	\$1,660,663	\$595,599	\$1,065,064	47.2	1



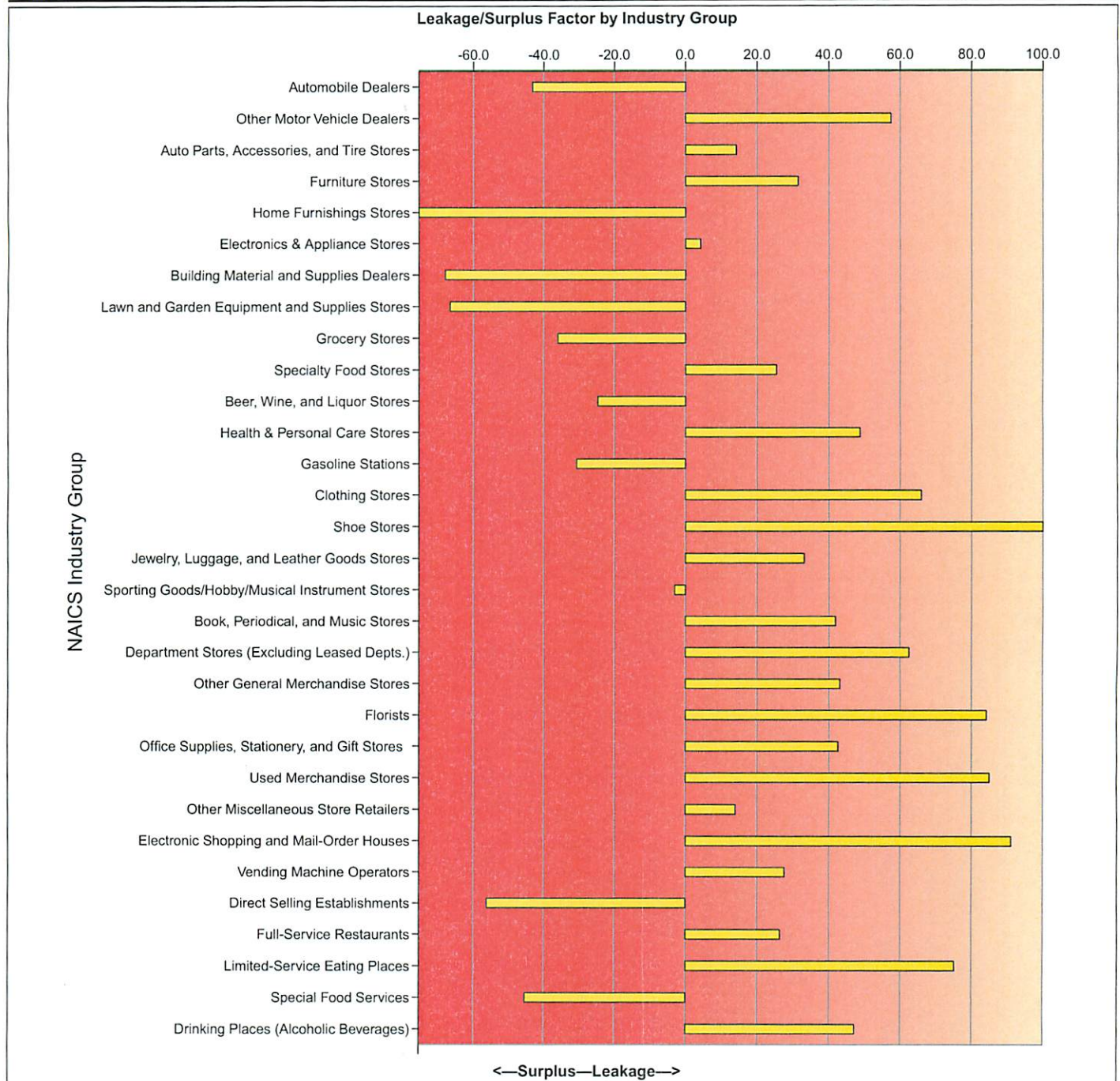
Source: ESRI and infoUSA®



4363 Tilly Mill Rd
Atlanta, GA 30360

Site Type: Radius

Latitude: 33.922222
Longitude: -84.281125
Radius: 1.0 miles



Source: ESRI and infoUSA®



THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: **Second Read/ First Adoption Ordinance to Revise City Charter
For City Manager Transition**

Date of Meeting: February 19, 2013,
March 4, 2013

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	()

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

The Legislature, in 2011, passed an Amendment to the City Charter to change the City form of government to a City Manager form of government. At the November, 2011, General Election, the voters of the City of Doraville passed said Charter change by Referendum. Part of the law authorized the City to create duties for the incoming City Manager and to transition the City to a part-time Mayor/Full-time City Manager form of government. The attached Ordinance, pursuant to that authority, amends various provisions of the City Charter, including the duties of the Mayor and Council, and creates duties of the City Manager, as well as other clean-up matters in the Charter that are authorized to be revised pursuant to the Georgia Home Rule Act. It is up for First Read on January 22, 2013 and for Second Reads and votes at two consecutive meetings of the Mayor and City Council, on February 19 and March 4, 2013, at which time final adoption of this Home Rule Charter Amendment will be accomplished.

Options: ☐ To Adopt Ordinance or revise.

Recommended Action: ☐ Adoption is Recommended.

Department: ☐ Legal

Department Head: ☐ Cecil G. McLendon, Jr.

Administrative Comments and Recommendation: _____

Action Taken By Board: _____

STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2013-__
ORDINANCE NO. 2013-__

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF DORAVILLE, GEORGIA FOR THE PURPOSE OF REVISING DUTIES OF THE MAYOR AND CITY COUNCIL AND CREATING DUTIES FOR THE CITY MANAGER

WHEREAS, the Georgia Legislature adopted House Bill 544 in 2011, to provide a change in the Charter for the City of Doraville to provide for a new position of City Manager and a transition of up to two years, until January 1, 2014, for the City Manager to become the administrative head of the City of Doraville and the Mayor's position to be changed from full-time to part-time; and

WHEREAS, the duly qualified electors of the City of Doraville voted to adopt said changes to the Charter by voting in favor of the Referendum at the General Election in November, 2011; and

WHEREAS, HB 544 provides that the Mayor and City Council shall prescribe for the duties of the City Manager; and

WHEREAS, as part of the prescribing of said duties, the Mayor and City Council desire to amend the duties of the Mayor and City Council to provide for the traditional duties of a part-time Mayor and to operate to provide for the City Manager to be the day-to-day administrator of the City's affairs; and

WHEREAS, to accomplish said revisions, it is necessary for the Mayor and City Council to provide for same by amending the City Charter pursuant to its powers under the Georgia Home Rules Act; and

WHEREAS, pursuant to O.C.G.A. §36-35-3, the required notice has been published in the DeKalb Champion once a week for three weeks prior to the final adoption of these Ordinances, and a copy of the proposed amendment has been placed on file in the Office of the Clerk of the City of Doraville and in the Office of the Clerk of the Superior Court of DeKalb County, Georgia, all as required by law; and

WHEREAS, the required notice will have been published within the statutory period of 60 days immediately preceding the final adoption of these Ordinances amending the Charter; and

WHEREAS, the title of these Ordinances shall have been read and the Ordinances duly adopted at two consecutive City Council meetings not less than seven (7) nor more than 60 days apart as required by Georgia law.

THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN, in accordance with O.C.G.A. §36-35-3, as follows:

Section 1

That the Charter of the City of Doraville, Georgia shall be amended in accordance with the above so that upon proper passage, Section 2.02 of the City Charter, "City Council" shall be revised to read as follows:

Sec. 2-02. City Council

Be it further enacted, that the governing body of said City shall ~~remain composed of a Mayor and four (4) councilmen until the two (2) newly elected councilmen take office in May, 1972, at which time the City Council of the City of Doraville shall thereupon~~ consist of six (6) councilmen and a Mayor and shall so remain, as hereinafter provided.

In the City Council shall be vested all corporate, legislative, and other powers of the City, except as otherwise provided in this act. The council shall hold regular public

meetings at a stated time and place as provided by ordinance. The council shall meet in special session on call of the Mayor or on call of the Mayor pro-tem and two (2) councilmen and noticed at least twenty-four (24) hours in advance of the meeting pursuant to the requirements of the Georgia Open Meetings Act. ~~of which has been served on the other members personally or left at their residence at least twenty-four (24) hours in advance of the meeting. Notice of any special meeting may be waived in writing. Such notice of a special meeting shall not be required if the Mayor and all councilmen are present when the special meeting is called, and notice of a special meeting shall be considered waived if the Mayor and all councilmen are present when the special meeting is convened.~~ Only the business stated in the call may be transacted at a special called meeting, ~~except by unanimous consent of all members of the council. With such consent, any business which may be conducted in a regular meeting may be conducted in the special meeting.~~ The council shall exercise its powers in public meetings. A majority of the council shall constitute a quorum; the Mayor shall be included for the purposes of establishing a quorum. The council may, by ordinance, adopt rules and bylaws to govern the conduct of its business, including procedures for compelling the attendance of absent members. The council may provide by ordinance for punishment for contemptuous behavior conducted in the presence of the council.

Section 2

That the Charter of the City of Doraville, Georgia shall be further amended in accordance with the above so that upon proper passage, Section 2.03 of the City Charter, "Mayor as Presiding Officer," subsection (a), shall be revised to read as follows:

Section 2.03. Mayor as Presiding Officer

~~*Be it further enacted, that the Mayor shall preside at meetings of the Council; shall have a vote only in the case of a tie vote by Councilmembers, but shall not have veto power; shall be the ceremonial head of the City; shall sign ordinances and resolutions on their final passage; may obtain short-term loans in the name of the City when authorized by the Council to do so; shall sign deeds, bonds, and contracts when authorized by the Council to do so; and shall perform such other duties imposed by this Charter and duly adopted ordinances.*~~

(a) Be it further enacted, that the Mayor shall:

- (1) Preside at meetings of the Council and set the Agenda therefor after receiving input from members of the City Council, the City Manager and the public;*
- (2) Have a vote only in the case of a tie vote by Councilmembers, but shall not have veto power;*
- (3) Shall be the ceremonial head of the City; shall sign ordinances and resolutions on their final passage;*
- (4) May obtain short-term loans in the name of the City when authorized by the Council to do so;*
- (5) Shall sign deeds, bonds, orders, checks, warrants and contracts and other obligations of the City when authorized by the Council to do so;*

(6) Make all appointments of Officers as provided by this Charter, subject to confirmation by the City Council;

(7) Serve in a part-time capacity and be compensated accordingly; and

(8) Shall perform such other duties imposed by state or federal law, this Charter and duly adopted ordinances not in conflict with this Charter.

(b)(1) For the four-year term of office beginning January 1, 2012, the office of Mayor shall be a full-time position ~~for the first two years of such term of office~~ until ~~December 31~~12:01 a.m. on July 1, 2013. From ~~January 1~~12:01 a.m. on July 1, 2013~~4~~, through the end of such term of office, the office of Mayor shall be a part-time position. Thereafter, the office of Mayor shall be a part-time position.

(2) The qualifying fee for the term of office of Mayor beginning January 1, 2012, shall be paid pursuant to Code Section 21-2-131 of the O.C.G.A. for a full-time position. The qualifying fee for the term of office of Mayor beginning January 1, 2016, shall be calculated on the basis of a part-time position in accordance with Code Section 21-2-131 of the O.C.G.A.

Section 3

That the Charter of the City of Doraville, Georgia shall be further amended in accordance with the above so that upon proper passage, Section 2.04 of the City Charter, "Mayor Pro Tem," shall be revised to read as follows:

Section 2.04. Mayor Pro Tem

*Be it further enacted, that the council ~~at the first regular meeting in May, 1972,~~
~~and after the newly elected councilmen have taken office following each regular election~~*

~~thereafter,~~ shall elect from its membership a Mayor pro-tem for a term of one (1) year by the end of January of each calendar year. Upon the council's failure to elect a Mayor pro-tem by the end of January, at its first regular meeting in May of each year, the incumbent councilman not up for election at the previous election who received the highest number of votes, when last elected, shall be declared the Mayor pro-tem. The Mayor pro-tem shall perform the duties of the Mayor during his or her absence from the City or his disability.

Section 4

That the Charter of the City of Doraville, Georgia shall be further amended in accordance with the above so that upon proper passage, Section 2.07 of the City Charter, "Compensation and Expenses," shall be revised to read as follows:

Sec. 2.07. Compensation and Expenses.

Be it further enacted that, subject to Georgia Law, the Mayor shall receive a salary ~~of \$70,000.00 per year~~ as fixed by Ordinance of the City Council after a public hearing. The Mayor, when authorized by the Council and upon the presentation of itemized vouchers shall receive his or her actual and necessary expenses incurred in the performance of his or her duties of office, such expenses to be capped by Ordinance. Be it further enacted that the Mayor Pro Tem and each other member of the City Council shall receive a salary ~~of \$700.00 per month, beginning October 1, 2011~~ as fixed by Ordinance of the Mayor and City Council after a public hearing. Each Councilmember, when authorized by the Council and upon the presentation of itemized vouchers, shall receive their actual and necessary expenses incurred in the performance of their duties of office, such expenses to be capped by Ordinance.

Section 5

That the Charter of the City of Doraville, Georgia shall be further amended in accordance with the above so that upon proper passage, Section 2.07A of the City Charter, "City Manager," shall be revised to read as follows:

Sec. 2.07A. City Manager.

- (a) *The City shall be authorized to employ a City Manager whose compensation shall be established by the Council ~~and whose duties and responsibilities shall be prescribed by the Council~~ either by Resolution or adoption of a duly negotiated Employment Agreement. The manager shall be appointed solely on the basis of his or her executive and administrative qualifications. The City Manager shall be ~~generally~~ in charge of the day-to-day operations ~~and be the Chief Executive Officer~~ of the City, responsible to the City Council for the administration of all city affairs placed in the manager's charge by or under this Charter or state law. Specifically, the duties of the City Manager shall be as follows:*
- (1) ~~Appoint and, when necessary for the good of the City, suspend or remove all officers and employees of the City subject to this Charter and applicable personnel policies and procedures, which the Mayor and Council had been heretofore empowered to appoint and discharge, except the City Attorney and municipal judges, who shall be appointed and removed by the Mayor and Council. The City Manager may authorize any administrative officer who is subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;~~*

- (2) With the consent of the Mayor and City Council, the City Manager may serve as the head of one or more departments, offices, or agencies or may appoint an administrative officer as the head of two or more of them or may combine the functions of any offices specified in this Charter which may be appointed by the City Manager.
- (3) Direct and supervise the administration of all departments, offices, and agencies of the City except as otherwise provided by law or this charter;
- (4) Attend all City Council meetings. The City Manager shall have the right to take part in discussion but shall not have the right to vote. The City Manager shall be entitled to notice of all special called meetings;
- (5) See that all laws, provisions of this Charter, and acts of the City Council subject to enforcement by the City Manager or by officers subject to the manager's direction and supervision are faithfully executed;
- (6) Prepare and submit the annual operating budget and the capital budget to the City Council;
- (7) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
- (8) Make such reports as the City Council may require concerning the operations of city departments, offices, and agencies subject to the manager's direction and supervision;
- (9) Keep the City Council fully advised as to the financial condition and future needs of the City;

- (10) Make and execute all lawful contracts on behalf of the City as to matters within the City Manager's level of authorization as established by the City Council to the extent that such contracts are funded in the City's budget, except as may otherwise be provided by law; provided that no contract purchase or obligation requiring a budget amendment shall be valid and binding until after approval of the City Council;
- (11) Sign all orders, checks, and warrants for payment of money within the City Manager's level of authorization as established by the City Council to the extent that such are funded in the City's budget, except such as may be otherwise provided by law; provided, however, that no such order, check or warrant requiring a budget amendment shall be valid and binding until after approval of the City Council;
- (12) Make recommendations to the City Council concerning the affairs of the City;
- (13) The City Manager, with the approval of the City Council, may consolidate any positions under the direction and management of the City Manager or may assign the functions of any one or more of such positions to the holder or holders of any other positions. The City Manager may also, with the approval of the City Council, perform all or any part of the functions of any of said positions or offices in lieu of the appointment of other persons to perform the same; and

- (14) Perform such other duties that are specified by state law or this Charter or required by the City Council.
- (b) The Council shall require the City Manager, before entering upon discharge of his duties, to give good and sufficient bond in an amount to be decided by the Council but not less than twenty-five thousand dollars (\$25,000.00), said bond payable to the City of Doraville for the faithful performance of his duties and to secure against corruption, malfeasance, misappropriations or unlawful expenditures. Said surety bond shall be obtained from a surety company licensed to do business in the State of Georgia and approved by the Council, and the premium thereon shall be paid by the City.
- (c) No member of the City Council shall be appointed City Manager during the term of office for which he or she is elected or for a period of two (2) years thereafter.
- (d) By a letter filed with the City Clerk, the City Manager shall designate, subject to approval of the City Council, a qualified city officer or employee to exercise the powers and perform the duties of City Manager during the manager's temporary absence or disability. The City Council may revoke such designation at any time and appoint another officer of the City to serve until the City Manager returns.
- (e) Except for the purposes of inquiries and investigations as authorized by a majority vote of the Council, the Mayor, the City Council, and members of the City Council shall deal with city officers and employees who are subject to the direction and supervision of the City Manager solely through the manager; and neither the Mayor, the City Council, nor individual members of the City Council shall give orders to any such city officer or employee, either publicly or privately.

All employees and officers shall be permitted to provide information to any member of the City Council or member of the public upon request.

(f) The City Manager shall not be eligible for election as a member of the City Council of Doraville for a period of two (2) years after termination of service as City Manager.

(g) The City Council may remove the manager from office in accordance with the following procedures:

(1) The City Council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the manager;

(2) Within five (5) days after a copy of the resolution is delivered to the manager, the manager may file with the City Council a written request for hearing by the City Council. This hearing shall be held within thirty (30) days after the request is filed. The manager may file with the Council a written reply not later than five (5) days before the hearing; and,

(3) If the manager has not requested a hearing within the time specified in paragraph (2) of this subsection, the City Council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all its members. If the manager has requested a hearing, the City Council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote

of no less than four (4) Councilmembers.

(4) The manager shall continue to receive his or her salary until the effective date of a final resolution of removal.

Section 6

That the Charter of the City of Doraville, Georgia shall be further amended in accordance with the above so that upon proper passage, Section 2.08 of the City Charter, "City Clerk," shall be revised to read as follows:

Sec. 2.08. City Clerk.

Be it further enacted, that the ~~Council~~City Manager shall appoint a City Clerk, subject to confirmation of the Mayor and City Council. ~~who shall be ex-officio treasurer.~~ The City Clerk shall be responsible for keeping and preserving the City seal and all records of the Council; shall be responsible for ~~keeping~~maintaining a journal of proceedings at Council Meetings, and the proceedings at meetings of other City boards, agencies, or commissions, including the names of members present and absent, the vote of each member on each question and each motion considered, and the text of each Resolution or Ordinance considered; preparing and certifying the copies of official records in his or her office, for which fees may be prescribed by ordinance; and performing such other duties as may be required by the City Manager~~Council or Mayor.~~

The Council shall require the clerk, before entering upon discharge of his duties, to give good and sufficient bond in an amount to be decided by the council but not less than twenty-five thousand dollars (\$25,000.00), said bond payable to the City of Doraville for the faithful performance of his or her duties and to secure against corruption, malfeasance, misappropriations or unlawful expenditures. Said surety bond shall be

obtained from a surety company licensed to do business in the State of Georgia and approved by the council, and the premium thereon shall be paid by the City.

Section 7

That the Charter of the City of Doraville, Georgia shall be further amended in accordance with the above so that upon proper passage, Section 2.11 of the City Charter, “Organization,” shall be revised to read as follows:

Sec. 2.11. Organization.

Be it further enacted, that the City government shall continue as presently organized unless and until otherwise provided by ordinance or this charter. The council by such ordinance, and upon recommendation of the City Manager, may establish, abolish, merge or consolidate offices, positions of employment, departments and agencies of the City; may provide that the same person shall fill a number of offices and positions of employment; may transfer or change the functions and duties of offices, positions of employment, departments and agencies of the City; and may prescribe the duties and compensations of any office or position of employment.

Section 8

That the Charter of the City of Doraville, Georgia shall be further amended in accordance with the above so that upon proper passage, Section 2.12 of the City Charter, currently titled “Supervision of Employees,” shall be retitled “General Powers and Authority of the City Council,” and be revised to read as follows:

Sec. 2.12. General Powers and Authority of the City Council.

~~*Be it further enacted, that the Council shall have authority as the governing body of the City to generally supervise and hire or fire any employee of the City, and may delegate*~~

~~all or part of such authority to responsible City management personnel. The Council may, by Ordinance or Resolution, create policies for any grievance procedure resulting from any employment practices, including employee termination.~~

(a) The Mayor, the City Council, and members of the City Council shall deal with city officers and employees who are subject to the direction and supervision of the City manager solely through the manager; and neither the Mayor, the City Council, nor individual members of the City Council shall give orders to any such city officer or employee, either publicly or privately.

(b) In addition to all other powers conferred upon it by law, the City Council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this Charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Doraville and may enforce such ordinances by imposing penalties for violation thereof.

Section 9

That the Charter of the City of Doraville, Georgia shall be further amended in accordance with the above so that upon proper passage, Sections 2.13, 2.13A and 2.13B of the City Charter shall be deleted in their entirety and replaced by a new Section 2.13, titled "Finance Director; Additional Duties of the City Manager," to read as follows:

Sec. 2.13. Finance Director

- (a) *The City Manager may appoint a Finance Director subject to confirmation by the City Council who shall be the Tax Collector and City Accountant to collect all taxes, licenses, fees, and other moneys belonging to the City subject to the provisions of this Charter and the ordinances of the City; and the Finance Director shall diligently comply with and enforce all general laws of Georgia relating to the collection, sale, or foreclosure of taxes by municipalities. The Finance Director, if necessary for support and administration, may designate the Office of the City Clerk to collect certain taxes, licenses and fees pursuant to policies and procedures defined by the Finance Director.*
- (b) *The Council shall require the Finance Director, if one is appointed, before entering upon discharge of his or her duties, to give good and sufficient bond in an amount to be decided by the Council but not less than twenty-five thousand dollars (\$25,000.00), said bond payable to the City of Doraville for the faithful performance of his or her duties and to secure against corruption, malfeasance, misappropriations or unlawful expenditures. Said surety bond shall be obtained from a surety company licensed to do business in the State of Georgia and approved by the Council, and the premium thereon shall be paid by the City.*

Section 10

That the Charter of the City of Doraville, Georgia shall be further amended in accordance with the above so that upon proper passage, Section 2.14 of the City Charter, "City Attorney," shall be revised to read as follows:

Sec. 2.14. City Attorney

Be it further enacted that the Council shall appoint a City Attorney, together with such assistant City Attorneys as may be authorized by Ordinance, and shall provide for the payment of such attorney or attorneys for the services rendered to the City. The City Attorney shall be responsible for representing and defending the City in all litigation in which the City is a part; ~~may be the prosecuting officer in the Municipal Court;~~ shall attend the meetings of the Council as directed; shall advise the Council, Mayor and other officers and employees of the City concerning legal aspects of the City's affairs; and shall give official opinions involving applicable ordinances and laws affecting the City when requested by the Council, or by the Mayor.

Section 12

That the Charter of the City of Doraville, Georgia shall be further amended in accordance with the above so that upon proper passage, Section 2.15 of the City Charter, "Oath of Office," shall be revised to read as follows:

Sec. 2.15. Oath of Office.

Be it further enacted, that before a person takes office in the City government, he shall take before the Mayor or an officer of the state authorized to administer oaths, as required by Georgia Law, ~~the following such oath or affirmation:~~

~~"I solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Georgia; that I will in all respects observe the provisions of the Charter and Ordinances of the City of Doraville, and I will faithfully discharge the duties of _____ . So help me God."~~

~~Said oaths, with the officer's jurat attached,~~ shall be written or printed, and when executed, filed with the City Clerk.

Section 13

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

Section 14

That the changes to the City Charter as enacted in this Ordinance shall be codified in accordance with state law and the Code of the City of Doraville, Georgia.

Section 15

This Ordinance and these changes to the Doraville City Charter shall take effect on July 1, 2013.

ORDINANCE 2013-____ IS SO ORDAINED, this ____ day of _____, 2013.

CITY OF DORAVILLE, GEORGIA

Mayor

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 type="checkbox"/>	<input type="checkbox"/>
Robert Patrick	<input type="checkbox"/>	<input type="checkbox"/>

ORDINANCE 2013-__ IS SO ORDAINED, this __ day of ____, 2013.

CITY OF DORAVILLE, GEORGIA

Mayor

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 type="checkbox"/>	<input type="checkbox"/>
Robert Patrick	<input type="checkbox"/>	<input type="checkbox"/>



THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: Sanitation Responsibilities

Date of Meeting: February 19, 2013

Budget Impact: Y x N

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: Unlimited discussion of the duties of the City of Doraville to our residents regarding Sanitation Services including but not limited to "Delivery of Resident Information" and "Services not provided by present contractor"..

History, Facts, Issues: The City of Doraville entered into a contract with Advanced Disposal for Sanitation Services which include Raw Waste(Kitchen), Recycling, Limited Yard Waste, and Bulk Items. A flyer was delivered by Advanced advising pick up dates and limited information regarding bulk items. Many residents did not receive this information and many were confused that the flyer did not come directly from the City.

Options: Don't Discuss or Clearly articulate are desires..

Recommended Action: Additional Items for Discussion:

1. Communication to residents
2. Duties of the Public Works Department
3. \$30 Fee for anything Advanced will not pick up
4. Schedule, Time, Cost of Public Works
5. Annexation Area Double pick up service
6. Senior/Disabled Side yard pick up
7. Complaint/Bulk Item Request Log
8. Other

Department: City Council

Department Head: Mayor Donna Pittman

Submitted by: Pam Fleming

Documentation attached..

City of Doraville

Advanced Disposal will handle the removal of the Yard Waste, Recycling, Household Waste and Bulk Items:

- Household Waste/MSW:** Any waste produced with in the home i.e. kitchen waste, restroom waste, food waste. This does not include any type of construction or remodeling waste or any hazardous wastes.
- Recycling:** Any type of recycleable material as listed on the Contract i.e. paper, cardboard, clean/rinsed kitchen plastic such as OJ containers.
- Yard Waste:** Containerized Yard Waste that is generated by the resident i.e. glass clippings, leaves, small twigs/branches
- Bulk:** Items that are larger than what fits in your residential waste container i.e. desk, chair, couch. This does not include any type of construction or remodeling waste or any hazardous wastes.

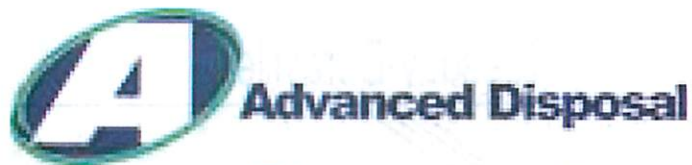
Advanced Disposal will provide 1 time per week service on Yard Waste. Yard Waste will be serviced every week on Monday for the entire City of Doraville. Please make sure that all of your yard waste is containerized. This can be a personally owned container that is marked yard waste or paper bags. Please do not place the yard waste in plastic bags.

Advanced Disposal will provide 1 time per week service on both Household Waste/MSW and Recycling to each resident. The flyers have been distributed to all residents have the day of service marked at the bottom of the flyer to indicate their service day. The day that has been marked is the day that both the Household Waste and the Recycling will be serviced. Please make sure that both the Household Waste and the Recycling are at the curb prior to 7 am on your service day to avoid being missed.

Bulk Waste constitutes larger items that do not fit in your Household Waste container. These items will be removed 1 x per week on Mondays. In order to have a Bulk pick up the resident needs to call Advanced Disposal by Friday each week and the items will be serviced the following Monday.

Citizens that have been set up as special back door service will continue to be provided with that service on the day that was indicated on their flyer.

Any questions regarding any service please feel free to call 770-381-6420.



Connect with us: AdvancedDisposal.com [Facebook](#) [YouTube](#)

CITY OF DORAVILLE TRASH, RECYCLE, YARD WASTE AND BULK SERVICE

MONDAY: Will be **YARDWASTE AND BULK PICK-UP**

Please Note: Bulk service requests must be called in to Advanced Disposal at 770-381-6420 on the previous Friday by 4 PM to be serviced on Monday.

Please be prepared with the materials/items that will be picked up as it will be asked for routing purposes. Please be aware that Construction/Demolition material is not accepted for Bulk Pick Up.

Tuesday and Wednesday: Will be **WASTE and RECYCLING** service days. Please see below for your service day starting the week of 1/28/13.

Your Service Day for Waste and Recycling is:
Tuesday **Wednesday**

☐☐

This map displays a residential area with a network of streets. Major roads include Peachtree Industrial Blvd running diagonally from the bottom left, and I-285 running diagonally from the bottom right. Other significant roads are Winters Chapel Rd, Oakcliff Rd, and Bankers Industrial Dr NW. Numerous smaller residential streets are labeled, such as Winters Chapel Rd, Oakcliff Rd, Bankers Industrial Dr NW, and many others. Red dots are placed along these streets, often in clusters, indicating specific locations or points of interest. The map also shows some commercial areas and parking lots.



THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: Opportunity Zones

Date of Meeting: 2/19/13

Budget Impact: Y ☐ N ☒

Budget Impact Amount: \$ n/a

Funding Source:

Annual ☐
Capital ☐
N/A ☒

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

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Action Requested:

Request Council review the attached City Map marked with potential areas for inclusion within the the Opportunity Zone designation.

History, Facts, Issues:

The Opportunity Zone designation for the non-residential properties of our city would provide a valuable economic incentive to attract new business models and employers within our corporate boundaries. Council is familiar with the initial draft document presented in 2012 which identifies key areas of concern that indicate Doraville would qualify for the Opportunity Zone designation. Council is also familiar with the benefits potential employers would gain and the potential positive knock effects if the Opportunity Zone was expanded.

Options:

Review the attached map and determine which of the defined areas Council would like to include in economic incentives.

Recommended Action:

Expand the Opportunity Zone to all non-residential properties.

Department: City Council

Department Head: Mayor Donna Pittman

Submitted by: Robert Patrick

Attachment/s: See attached Map and brief overview documentation describing Opportunity Zones.

Opportunity Zones

Georgia's Opportunity Zone Job Tax Credit Program offered through the Department of Community Affairs offers the highest and most user-friendly job tax credit in the state. To be eligible for the program, an "area" must be "adjacent to" or included within a census tract having greater than 15% poverty according to the 2000 Census (beginning in 2011, 2010 Census data will be applied), and have a Redevelopment Plan or Georgia Enterprise Zone in place by local action. If the area can show to the satisfaction of the DCA Commissioner that it is "blighted", "underdeveloped", or characterized by "slum" conditions (all of which have extremely broad definitions under Georgia law), then the Commissioner may designate the area as an Opportunity Zone. The designation lasts for ten years.

Designation carries dramatic tax advantages. First, the area becomes eligible for a substantial state job tax credit, **\$3500 per employee for 5 years starting the year of the hire**. Second, **any legal business is eligible**; there are no restrictions on the type of jobs created. Third, **only 2 or more jobs need to be created** to be eligible, (other programs require ten) and there is **no upper limit on eligible jobs**. Fourth, there is **no qualifying salary level**, all jobs at all wage levels are eligible. Fifth, and most significantly, if the company's state income tax liability is insufficient to absorb all of the credits, the balance may be taken by **retaining employee withholding taxes** that would otherwise be paid to the state. This allows the credit to be "cashed out" quickly and easily. The amounts retained by the company from employee withholding are exempt by law from Georgia income tax and may be subject to deferred federal income tax, so the company gets the full value of the credited dollars. And all of this costs the local government nothing; the credits are paid for by the state.

The features of the Opportunity Zone Job Tax Credit are summarized on the following page. Note that there are flow-through opportunities to pass the credit to partners, shareholders, etc.

Also a DCA document, based upon a company choosing to locate within DeKalb County, Georgia (a Tier Three county under Georgia's four-tier job tax credit system, with a \$1200 credit). The information lays out in plain financial terms the cash and cash-flow advantages of locating within an Opportunity Zone in the county rather than elsewhere in the county. It is based upon the minimum eligible number of jobs (two in an Opportunity Zone, ten outside), and an assumption that the regular income tax liability of the companies is the average of similarly-situated companies. It illustrates that just two jobs in an Opportunity Zone generates a far higher usable cash flow to the company than 10 jobs would in the same county, but outside the Opportunity Zone.

Opportunity Zones have been termed "Tier 1 on Steroids" because even in a Tier 1 county, which already has a \$3500 credit, the ability to obtain the credit for any job and to apply it to withholding taxes makes it a far more valuable commodity than a conventional tax credit. Simply put, many job tax credits are wasted because the company never generates enough income tax liability to cash them out before they expire at the end of their carry-forward period. Opportunity Zone credits have the tremendous advantage of withholding tax treatment, providing steady and predictable cash flows. Locating in an Opportunity Zone offers cash advantages to a company that cannot be matched anywhere else in the State of Georgia.

Georgia Tax Credit Program

Tier	Job Tax Credit \$	Jobs	Use of Credits	Carry Forward
1	\$3,500 - \$4,000*	5	100% of tax liability - excess to withholding tax up to \$3,500	10 years
2	\$2,500 - \$3,000*	10	100% of tax liability	10 years
3*	\$1,250 - \$1,750*	15	50% of tax liability	10 years
4	\$750 - \$1,250*	25	50% of tax liability	10 years
Military/ Opp. Zone	\$3,500	2	100% of tax liability - excess to withholding	10 years
Less Developed Census Tract	\$3,500	5	100% of tax liability - excess to withholding	10 years

**An additional \$500 tax credit bonus can be applied if the jurisdiction participates in a Joint Development Authority (JDA). The JDA bonus, however, cannot be applied in Military Zones, Opportunity Zones or Less Developed Census Tracts. *Counties and certain census tracts in the state are ranked and placed in economic tiers, considering the following factors: 1) highest unemployment rate; 2) lowest per capita income; 3) highest percentage of residents whose income are below the poverty level. DeKalb is classified as a Tier 3 county.*

Opportunity Zone Example

Job Creation = 2. A minimum of two jobs have to be created in order to claim the credit. Opportunity Zone businesses are not limited to a defined "Business Enterprise" as is the case in Tiers 1 and 2 (businesses "engaged in manufacturing, warehousing/ distribution, processing, telecommunications, broadcasting, tourism, and research and development and developmental industries").

Tax Credit = \$3,500 per job. May be claimed up to five years as long as the jobs are maintained. Credits can be claimed against 100% of the business's Georgia income tax liability with excess claimed against withholding.

	Jobs Created	Credit	Tax Liability	Withholding
Year 1	2	\$0		
Year 2	3	\$7,000	\$1,200	\$5,800
Year 3	3	\$10,500	\$1,000	\$9,500
Year 4	4	\$10,500	\$1,500	\$9,000
Year 5	4	\$14,000	\$1,700	\$12,300
Year 6	5	\$14,000	\$2,100	\$11,900
Year 7	5	\$10,500	\$2,050	\$8,450
Year 8	6	\$7,000	\$1,800	\$5,200
Year 9	6	\$7,000	\$1,750	\$5,250
Year 10	6	\$3,500	\$1,450	\$2,050
Year 11	7	\$3,500	\$1,600	\$1,900
Year 12	7	\$0	\$0	\$0
Totals		\$87,500	\$16,150	\$71,350