

### 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**

July 15, 2013. 6:30PM

- 1. CALL TO ORDER
- 2. PLEDGE OF ALLEGIANCE
- 3. EXECUTIVE SESSION
- 4. CEREMONIAL PRESENTATIONS, CITY ANNOUNCEMENTS, SPECIAL GUESTS:

Gu's Bistro Proclamation

- 5. ROLL CALL
- 6. APPROVAL OF MINUTES:
  - June 17, 2013
- 7. PUBLIC COMMENTS ON AGENDA ITEMS
- 8. REPORTS: DEPARTMENTS
  - a) Mayor
  - b) City Manager
  - c) City Attorney
  - d) Stormwater
  - e) Police
  - f) Courts
  - g) Public Works
  - h) Library
  - i) Parks & Recreation
  - j) City Hall
  - k) Planning & Zoning
  - 1) IT Department
  - m) Finance
    - Draft Surplus Policy
    - First Read on Ordinance to revise the Disposition of Property provisions in Chapter 2 of the City Code

### 9. PUBLIC HEARING

a) Application for Rezoning of Parcel # 18 310 04 028 located at 5859 New Peachtree Road from C-2 Commercial to CT Commercial Transition

- b) Application for Conditional Use Permit for a Teen Dance Club in the C-2 Zoning District at 5938 Buford Hwy Suites 108 &109 Doraville, GA (parcel # 18 337 030 01) by Darnell Gaskins
- c) Urban Redevelopment Plan I Amendment for 5999 New Peachtree Rd

### 10. OLD BUSINESS

- a) Discussion of Proposed Rules and Procedures for City Council Meetings- City Manager Shawn Gillen
- b) Second Read of Ordinance to Revised Agenda Procedures- City Manager Shawn Gillen
- c) Second Read Amending Chapter 2 to Remove Purchasing and Bidding Procedures-City Attorney Cecil McLendon Jr.
- d) Building Department Permits Manager, Building Inspections, Plan Review and Code Enforcement Services- City Manager Shawn Gillen

### 11. NEW BUSINESS

a) Traffic Study- Councilmember Robert Patrick

### 12. EXECUTIVE SESSION

13. REPORTS; COMMITTEES, COMMISSIONS, BOARDS AND APPOINTMENTS

### 14. PUBLIC COMMENTS

15. ADJOURNMENT



### AGENDA ITEM REQUEST SHEET July 3, 2013

Date of Meeting: <u>J</u>	uly 15, 2013	Regular Work Session Recommendation		
Budget Impact:	□Yes ■ N/A	Policy/Discussion Report Ceremonial Other		
Budget Impact Amount: \$N/A				
Funding Source:				
□ Annual □ Capital □ Grant(s)/ Techr ■ N/A	nical Assistance			

**Department:** Administrative

Subject: Gu's Bistro Proclamation

Department Head: Mayor

**Action Requested:** Mayor will present a proclamation to Gu's Bistro as June's "Business of the Month" for their recent recognition in the AJC as one the Metro area's best restaurants. This was originally scheduled for the June 17<sup>th</sup> meeting, however, the restaurant was closed to celebrate the wedding anniversary of Chef Gu and his wife. Chef Gu had his family have confirmed they will be in attendance to accept the proclamation.

Respectfully,

S/Luke Howe Assistant to the Mayor



### AGENDA ITEM REQUEST SHEET

Department: Finance	Department Head: Lisa F	erguson		
<ul><li>□ Annual</li><li>□ Capital</li><li>□ Grant(s)/ Technical Assistance</li><li>□ N/A</li></ul>	L.			
Funding Source:				
Budget Impact Amount: \$	Other			
Budget Impact: □ Yes □ N/A	Policy/Discussion  Report  Ceremonial			
Date of Meeting: July 1, 2013	Regular Work Session Recommendation			
Subject: Surplus Property Policy				

The surplus policy is being updated to provide more flexibility in disposing of personal property items that the City has determined are no longer of use to them. The current ordinance requires that all surplus items be auctioned. Auctioning items is an excellent way to dispose of surplus items however, it is not always the most appropriate way to dispose of certain items.

Background:

The new policy allows the staff the flexibility to determine what the best method of disposing of property is. It allows for exceptions for certain items which cannot legally be auctioned and for items which simply should not be auctioned. It restricts donations and prohibits direct sales to employees. It provides for specific instructions on how confiscated assets are handled.

This policy applies to personal property only. Real property cannot be disposed of under the provisions of this policy.

### CITY OF DORAVILLE FINANCIAL POLICIES

#### SURPLUS PROPERTY POLICY

Excess, Surplus, and Obsolete Materials: It shall be the duty of the user to report all excess, surplus or obsolete materials to the Finance Department. At this point, the Finance Director will examine alternatives as to the most advantageous disposition of the items. Items could be refurbished or reconditioned, transferred, traded in for new equipment, sold by auction or sealed bid or recycled.

<u>Transfer:</u> The most gainful method for handling an item no longer needed by a department is to transfer it to another department that has a use for the item. Items may also be transferred to other governmental units such as schools, municipalities, counties, etc.

<u>Trade-In:</u> In replacing obsolete equipment, it is sometimes advantageous to trade-in the old equipment. The invitation for bids on the replacement item should call for bid prices with or without trade-in and provided that award may be made either way.

Sale: Excess, surplus and obsolete items not transferred will be consolidated and offered for sale by auction or by sealed bid method. The preferred method of selling surplus property will be the Govdeals web auction. The consolidated list will be submitted to the City Manager or his designee for approval before an auction or sealed bid is organized. The property offered for sale will be on an "AS IS/WHERE IS" basis. The sale will be given public notice on the city website. Sealed bids will be opened at the time and place announced with the City retaining the right to reject any and all bids.

Recycling: Items which cannot be sold via auction, traded-in or transferred within a reasonable amount of time may be recycled by delivering the items to the local recycling center or to a specialized recycling vendor if necessary.

Other means of disposal: As a last resort, items which cannot be auctioned, traded-in, transferred or recycled may be destroyed and thrown away. Any items that are thrown away must be destroyed or otherwise rendered unusable prior to disposal.

<u>Sale to Employees:</u> To reduce opportunities for deception and to help avoid any appearances of impropriety in the disposition program, it will be the policy to prohibit the direct sale of surplus property to any City employee. This policy does not prohibit City employees from extending an offer at a public auction or in the form of a sealed bid.

<u>Donations</u>: Donations and contributions of City property, funds and services by the City, without valuable consideration, are prohibited.

Allocation of Proceeds: Proceeds from the sale of excess or surplus property will go into the General Fund as miscellaneous revenue.

### **Exceptions:**

1. Confiscated Assets and other property in the hands of the Police Department: Property received through the asset forfeiture process will be disposed of using the guidelines provided in the Guide to Equitable Sharing for State and Local Law Enforcement Agencies published by the US Department of Justice Criminal Division/Asset Forfeiture and Money Laundering Section. This provision includes assets purchased using Confiscated Assets funds and evidence for which no owner can be identified.

Allocation of Proceeds: Proceeds from the sale of confiscated assets will be returned to the Confiscated Assets Fund.

- <u>Retirement of Police Canines</u>: Though it is rare, from time to time Police dogs will need to be retired. Our primary focus will be to place the animal in an appropriate environment. It is the City's preference to transfer ownership of the animal to its handler. If that is not feasible, the City will make arrangements to transfer ownership of the animal to another individual who is trained as a handler of Police dogs. The new owner will be required to release the City of any liability upon completion of the sale. Police Canines will not be auctioned to the general public.
  - Allocation of Proceeds: Proceeds from the sale of Police Canines will be returned to either the General Fund or the Confiscated Assets fund depending on which fund originally paid for the purchase of the animal.
- 3. Other Police Property: Certain items purchased for use by the Police Department may not be auctioned due to safety concerns, such as bulletproof vests, or due to restrictions imposed by Federal or State law, such as firearms.

Bulletproof vests have expiration dates. Though they may still appear usable after that point, it is not advisable to do so. Therefore, they cannot be sold at auction and must be thrown away.

Firearms may not be sold at auction but may be traded in by the Police Department when they purchase new weapons. Firearms may also be transferred to another Police Department or public safety entity provided that the transfer complies with the applicable federal and state laws. In all cases, disposition of firearms shall comply with applicable state law requirements.

Note: This exception list is not meant to be all inclusive and may change over time. Exceptions will be handled on a case by case basis and the policy may be amended or expanded based on experience.



### AGENDA ITEM REQUEST SHEET

Subject: First Read on Ordinance to revise the Disposition of Property provisions in Chapter 2 of the City Code

	Regular Work Session	=	
Date of Meeting: July 15, 2013	Recommendation		
	Policy/Discussion		
Budget Impact: □ Yes □ N/A	Report		
<b>†</b>	Ceremonial		
Budget Impact Amount: \$	Other		
Funding Source:			
□ Annual			
□ Capital			
□ Grant(s)/ Technical Assistance			
□ N/A			
Department: Finance	Department Head: Lisa	a Ferguson	
Background:			

The purpose of this ordinance is to revise the current provisions of Chapter 2 of the Doraville City Code of Ordinances that concern disposition of personal property of the City as well as property in the hands of the Police Department, to reference the adopted policy so as not to conflict with it.

Action Required: None

is otherwise made; provided, however, the Council is hereby authorized to dispose of obsolete or worn out material accumulated in the various departments to the best advantage of the City by selling, trading or transferring, whichever in its discretion will be most advantageous to the City, or such property may be abandoned by motion of the City Council.

(c) All public sales by the purchasing agent shall be advertised at least one (1) time in the official gazette of the City and by posting a notice of the time, place and terms of sale and describing the property to be sold in at least three (3) public places in the City, including the bulletin board in the lobby of the City Hall; provided, after a public offering of property for sale by the purchasing agent as provided in this section, it shall be lawful for the City Council to sell at private sale if same is deemed appropriate.

### Section 2

Chapter 2 ("Administration") is further amended by deleting Article V ("City Property"),
Division 2 ("Property in Hands of Police Department") in its entirety.

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

SO ORDA	AINED, th	is day of		, 2013.	
			CITY OF	DORAVILLE, GEORGIA	
			Mayor		
First Reading				Second Reading	
ATTEST:					
		(SEA	L)		
Sandra Bryant, A	cting City	Clerk			
APPROVED AS	TO FORM	1:			
Cecil G. McLend	on, Jr., Cit	y Attorney			
Maria Alexander	Yea □	Nay			
Brian Bates					
Pam Fleming					
Karen Pachuta					
Trudy Jones Dean					
Robert Patrick					



# THE CITY OF DORAVILLE REGULAR CITY COUNCIL MEETING AGENDA ITEM SHEET

Subject: Application for Rezoning of Parcel # 18 310 04 028 located at 5859 New Peachtree Road from C-2 Commercial to CT Commercial Transition Date of Meeting: 7/15 /13 ☐Yes ☐ No Budget Impact: Budget Impact Amount: \$ n/a Funding Source: Annual Capital  $\times$  N/A CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE Action Requested: Rezoning of property from C-2 to CT History, Facts, Issues: The CT Commercial Transition zoning district was established by the City Council in 2008 "intended for parcels that have existing roll-up doors. The district provides a mixture of commercial, office, light industrial, and office warehouse style uses while allowing flexibility in their assemblage and configuration. Parcels must be three (3) acres of less in size." Properties eligible for CT zoning is limited to those within the block of parcels which front New Peachtree/Shallowford Roads/Buford Highway and Church/Drive/Stewart Road/New Peachtree Road. The existing parcel must be currently zoned C-2 or O-I. Split zoning of properties fronting on Buford Highway are not allowed. The subject property meets the criteria required in Sec. 23-914 CT. It currently has both offices and businesses with roll-up doors. (see attached photos). The rezoning will make the existing businesses legal conforming uses under the CT zoning district, while they are currently legal non-conforming under the C-2 zoning district. This is problematic for the owner and occupants in obtaining Occupational Tax Certifications for new businesses utilizing the spaces with the roll-up doors. **Options:** Recommend Council grant the rezoning, grant rezoning with conditions or

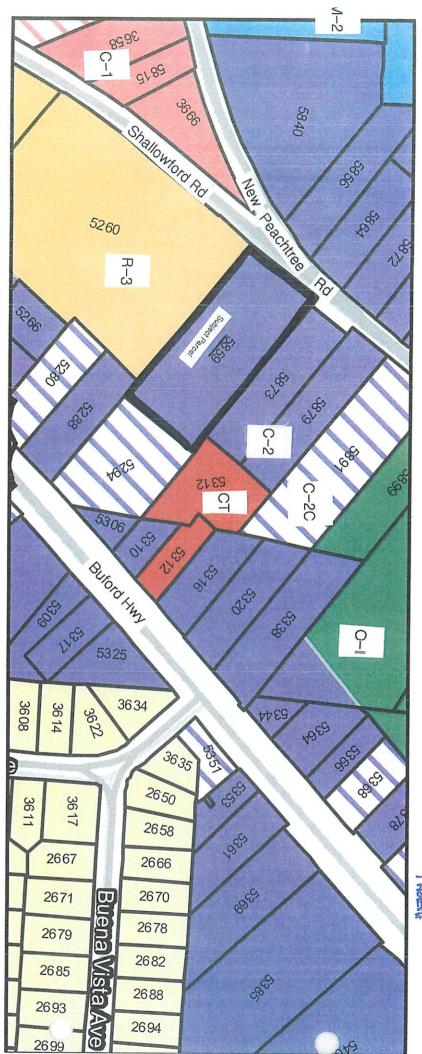
Planning Commission Recommendation:

deny the rezoning application.

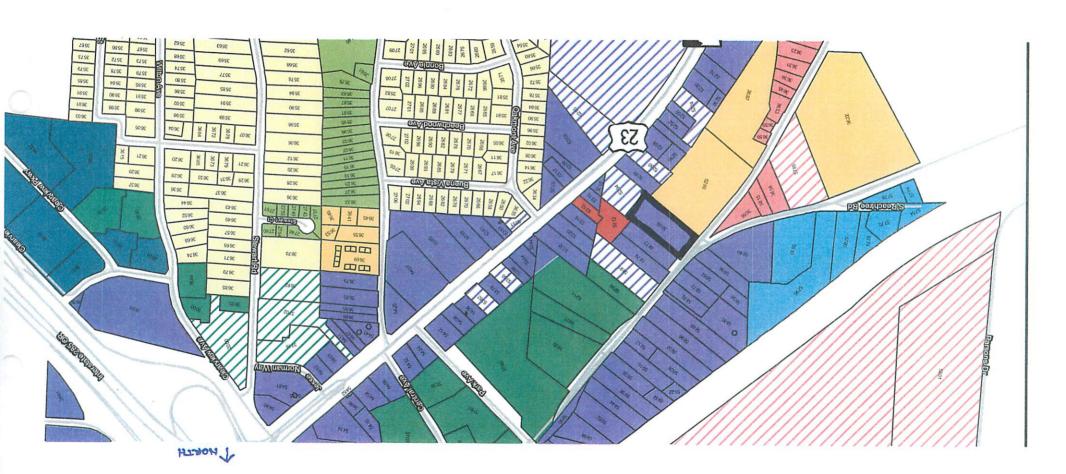
Staff Recommendation: The subject property meets the criteria established by the City Council in Sec. 23-914 for rezoning from C-2 to CT zoning district. The existing parcel is developed as office and businesses with roll-up door. It is located on New Peachtree Road, faces the intersection of New Peachtree Rd. and Shallowford Road. This zoning district was developed to allow existing businesses of this nature to continue as a legal

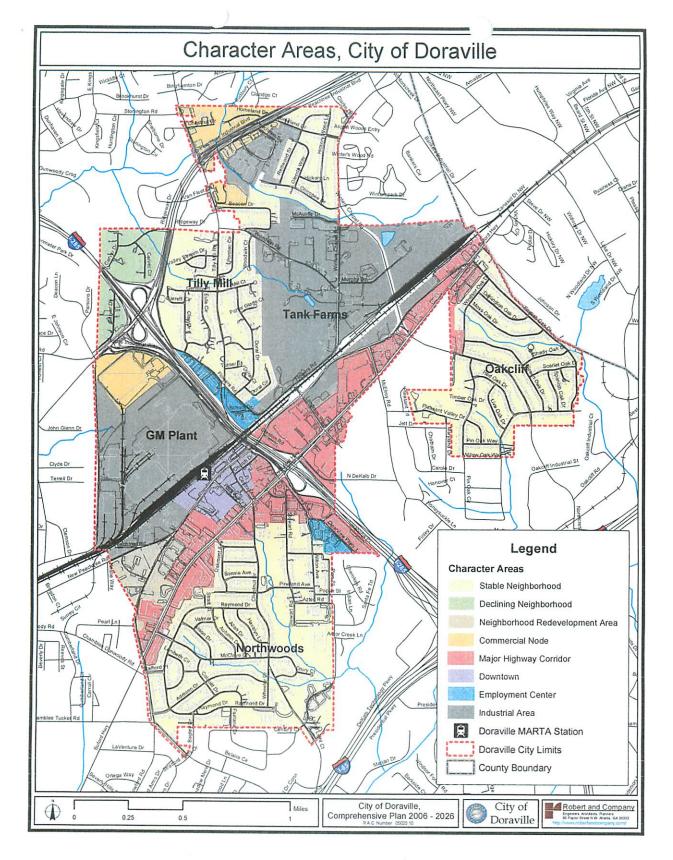
Department: Planning & Development Administrator	Department Head: Zoning	
Administrative Comments and Recomme	endation:	
Action Taken By Council:		

use in CT anticipating such parcels will eventually be assembled into larger parcels and redeveloped. Staff recommends Approval.



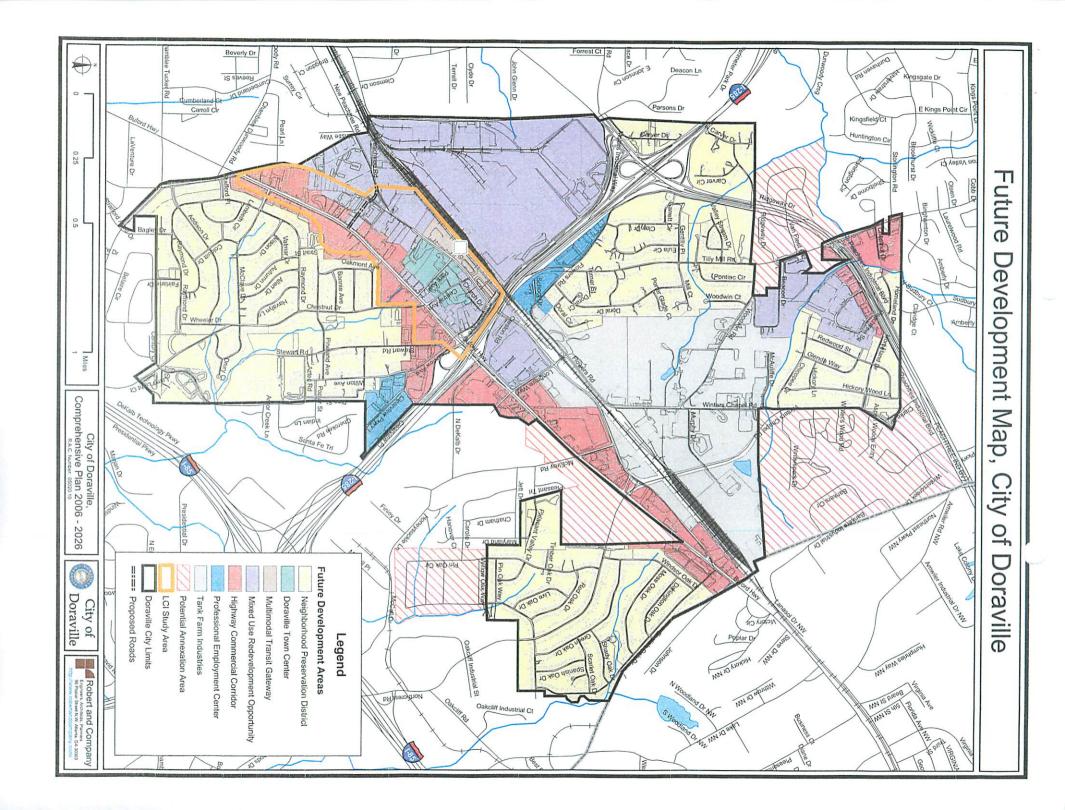
HAZZON





Citizen Advisory Panel:

Please use this map to take notes on Doraville's character and come to the February CAP meeting with some ideas on what makes different areas of Doraville unique! Feel free to come up with your own ideas for the appropriate characteristics and names of future development areas within the city.



P. O. BOX 47909 5312 BUFORD HIGHWAY DORAVILLE, GEORGIA 30362

Doraville City Council City of Doraville Doraville, Georgia

April 26, 2013

Dear Council Members:

This is a request for zoning change on my property at 5859 New Peachtree Road from the current C-2 zoning to the more suitable zoning classification of CT.

Respectfully yours,

Deane H. Stokes



### City of Doraville Planning & Development Department

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

Date Received: 4/26/13 (incomplete applications shall not be accepted) ZONING #
APPLICANT
Name: Deane H. Stokes
Mailing Address: PO Box 47909 Doraville Ga. 30362
Mailing Address: PO Box 47909 Dorowill Ga. 30362  E-mail: D6 to Kessrot Live. Daytime Phone: 770 458 8366 Fax: 770 457 3705
<u>OWNER</u>
Name: Decrese & Stikes allo/o Dovaville Square Mailing Address: POBOX 47904 Dyaville, Go. 30362
Mailing Address: POBOX 47904 Dyaville, Go. 30362
E-mail: DSfokes 5r & Live - Compaytime Phone: 770 4588366 Fax: 770 457 3705
SUBJECT PROPERTY
Street Address: 5859 New Peoclifree Rd, Doraville Ga. 30340  Tax ID Parcel No.: 831004028 District(s) 18 LL 310 Block Council District: 2
Tax ID Parcel No.: 18 310 04 028 District(s) 18 LL 310 Block — Council District: 2
Current Zoning Category: C-2 Requested Zoning Category: CT Acreage: Z
Future Land Use Character Area: MASON HWY CONTUON Within LCI Study Area: Yes No

#### Application process:

- (1) <u>Meet with City staff</u>. 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) <u>Submittal of the application</u>. The applicant or property owner should submit all items as listed on the zoning amendment application.
- (3) <u>Review by City staff</u>. The planning department will process the application. Staff may contact the applicant or owner for additional information during the review period.
- (4) <u>Presentation to Planning Commission</u>. 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) <u>Notification of public hearing</u>. 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) <u>Posting of signs on property for zoning notification</u>. 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) <u>City Council public hearing</u>. A public hearing is required for a zoning amendment application. During the public hearing, staff will present a summary of the proposed development to the Mayor and Council. Persons in support of the proposed request and persons in opposition to the proposed request may speak during the public hearing. The applicant, property owner, and/or

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

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

#### **STANDARDS**

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

- (1) The existing uses and zoning nearby;
- (2) The extent to which property values are diminished by their particular zoning restriction;
- (3) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public;
- (4) The relative harm to the public as compared to the hardship imposed upon the individual property owner;
- (5) The suitability of the subject property for zoning proposed;
- (6) The length of time the property has been vacant as zoned, considered in the context of land development of adjacent and nearby property;
- (7) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
- (8) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (9) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- (10) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools;
- (11) Whether the zoning proposal is in conformity with the policy and intent of the land use plan;
- (12) Whether there are other existing or changing conditions affecting the use and development of property which gives supporting grounds for either approval or disapproval of the zoning proposal;
- (13) The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area or the community; and
- (14) The impact of the proposed zoning change upon pedestrian and vehicular circulation and traffic and thoroughfare capacities and capabilities.

**REQUIRED DOCUMENTS:** i Letter of Intent / Description of the Project: describing the requested conditional use, adjacent land uses, zoning districts and businesses; justification of how the requested use meets the Standards (listed above) and any information the Applicant would like to include in the information package (photos, renderings, etc.); Site plan (see site plan requirements) Any additional information required by the City based upon the initial application meeting with staff; Completed application (incomplete applications will not be accepted); Owner's Authorization of Agent (if Applicant is not the owner). APPLICATION FEE: See current City Fee Schedule: Sec. 2-261. - Zoning processing fees **DISCLOSURE OF CAMPAIGN CONTRIBUTIONS** In accordance with the Conflict of Interest in Zoning Act, O.C.G.A. Ch 36-67A, the following questions must be answered: Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? Yes \_\_\_\_\_ No \_\_\_\_\_ 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. ary Public, DeKalb County GA My Commission Expires: September 8, 2015 **EXPIRATION DATE / SEAL** Check One: Owner \_\_\_\_\_ Agent

### **APPLICATION FOR REZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP**

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. Dorothy E Venable
Notary Public, DeKalb County GA
My Commission Expires:

September 8, 2015

**EXPIRATION DATE / SEAL** 



## THE CITY OF DORAVILLE AGENDA ITEM SHEET and REPORT

Subject: Application for Conditional Use Permit for a teen dance club in the C-2 zoning district at 5938 Buford Hwy Suites 108 & 109 Doraville, GA (parcel # 18 337 030 01) by Darnell Gaskins

Date of Meeting: July 15, 2013

### CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: Conditional Use Permit to allow a dance club (teen) in an existing shopping center at 5938 Buford Hwy.

History, Facts, Issues: This application is to allow a teen dance club. Dance clubs are allowed in the C-2 zoning district as a conditional use as per Sec. 23-910 of the city code but sale of alcoholic beverages are not allowed. The property is developed as an existing shopping center (Plaza 1) (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 approximately 5,700 s.f. of space in the proposed use a total of 29 spaces would be required for the use. The shopping center currently has 153 parking spaces which were calculated based upon 1 parking space per 200 s.f. according to the development plans. Current code requirements require one space per 300 s.f. of retail space, so more parking spaces are existing that would be required under current code requirements. No net increase in required parking would be needed for the use. The adjacent properties to the northwest across New Peachtree Rd. are zoned M-1; properties to the north and south along Buford Highway are zoned C-2; and properties to the southeast directly across Buford Highway are commercial properties within unincorporated DeKalb County.

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

Planning Commission Recommendation: To be sumbitted

**Staff Comments:** The proposed use is a permitted use by conditional use permit in the C-2 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 Highway Commercial Corridor of the Comprehensive Plan 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, dance clubs are a consistent use in the general commercial zoning districts, 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 that is designed as a two-level shopping center. No adverse effects to adjacent developments or neighborhoods are foreseen.

The property is bordered by either M-1 or C-2 properties.

(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;

No traffic study was requested or presented by the applicant. Any event such as special shows which begin at a certain would likely create increased vehicular traffic and start and end of events. Ingress/egress to the shopping center are from Buford Highway and New Peachtree Road. There is a signaled intersection at Buford Highway and Oakcliff Road. 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.

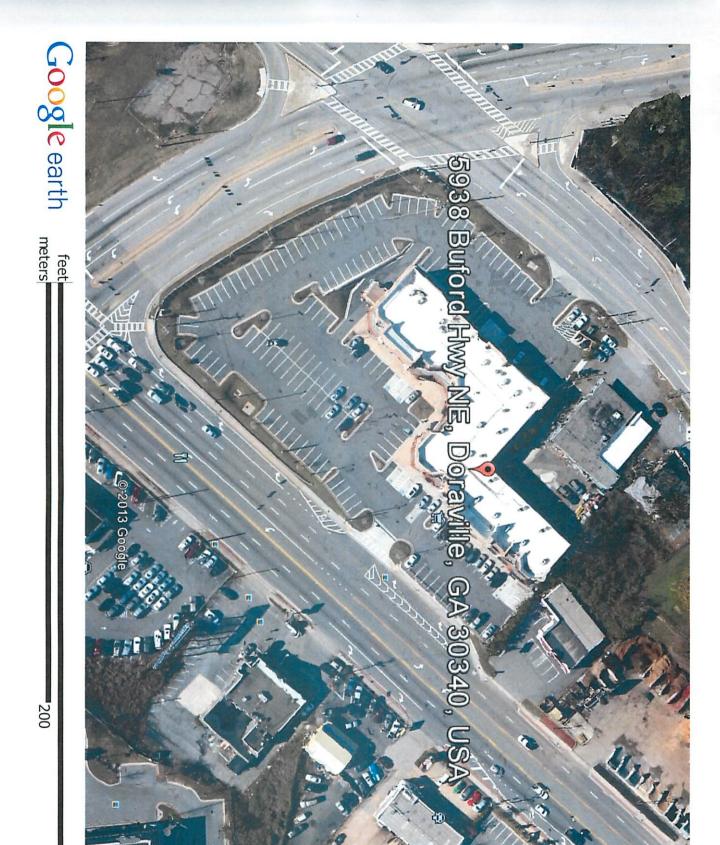
(7) The proposed use is based on the site plan in conformity with all space limits, buffers, parking and loading provisions, and other provisions of this article.

Not applicable, existing facility.

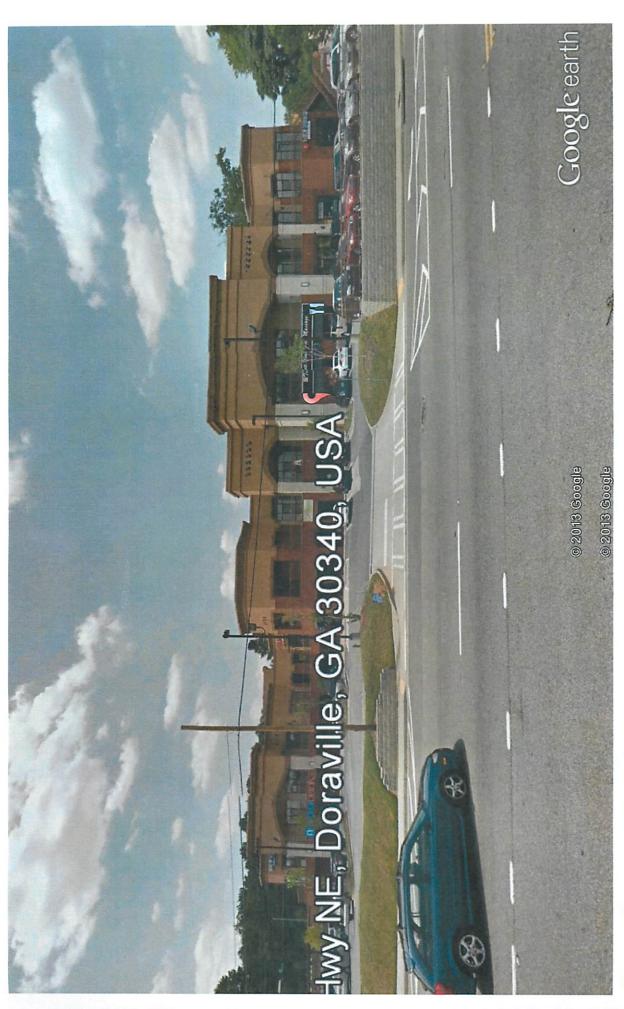
(8) The proposed use applicant has agreed to any specific limitations or conditions necessary to protect the public interest and assure the continued beneficial use and enjoyment of nearby properties or that no special limitations are necessary to protect the public.

None recommended by staff.

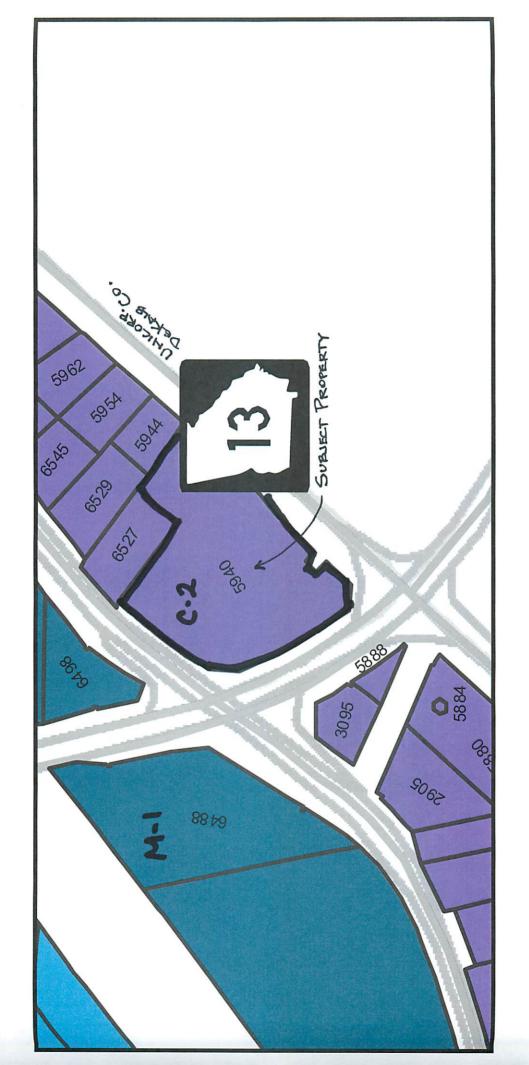
Staff Recommendation: Staffs concerns relate to increased traffic for specific events and gathering of persons outside of the facility in the parking area creating potential safety issues. Staff recommends that if approved, conditions relating to such concerns be considered and made part of the CUP by City Council.

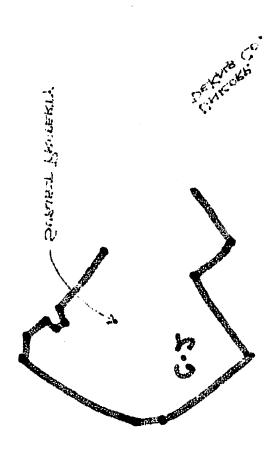




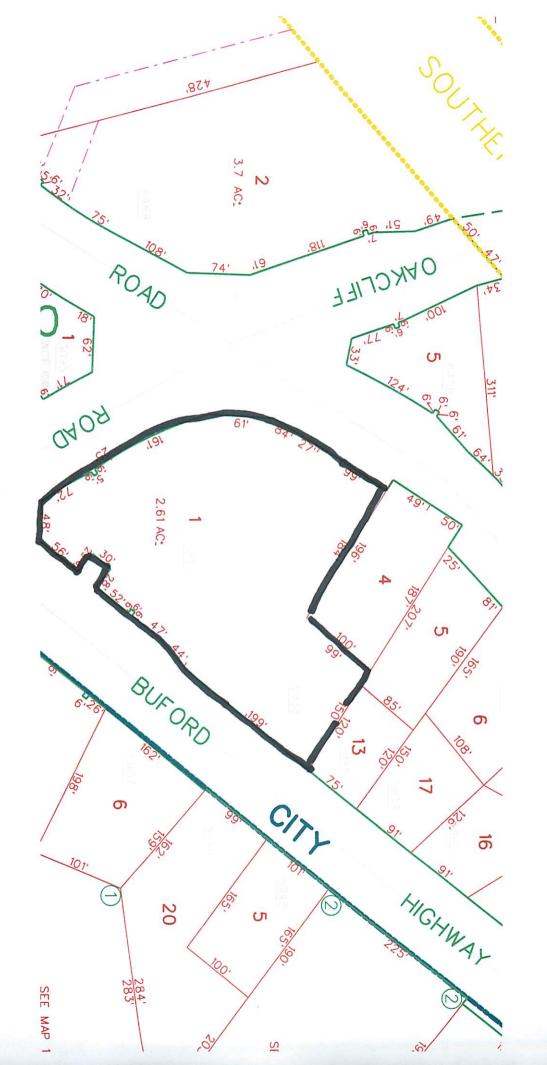


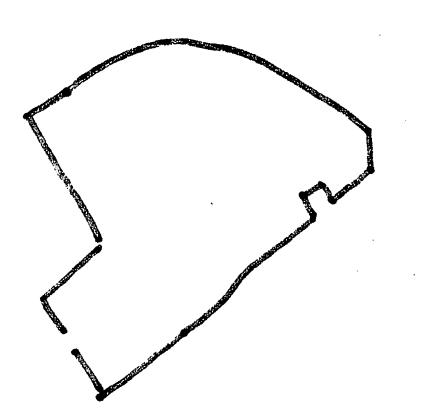
Google earth feet





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### 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) <u>Meet with City staff</u>. 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) <u>Submittal of the application</u>. The applicant or property owner should submit all items as listed on the conditional use permit application.
- (3) <u>Review by City staff</u>. The planning department will process the CUP. Staff may contact the applicant or owner for additional information during the review period.
- (4) <u>Presentation to Planning Commission</u>. 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) <u>Notification of public hearing</u>. 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) <u>Posting of signs on property for zoning notification</u>. 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) <u>City Council public hearing</u>. 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) <u>City Council decision</u>. After hearing the evidence and reviewing the application as well as any staff comments, the City Council considers the proposed CUP.

(9) <u>Conditions</u>. 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.



# City of Doraville Planning & Development Department

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

Date Received: 6(13/1) (incomplete applications shall not be accepted) CUP #			
<u>APPLICANT</u>			
Name: Danill Gaskins (club Hollywood)			
Mailing Address: 5938 Buford Hwy Doraville 69 30340 Suite 108			
E-mail: Club Hullywood DLG Daytime Phone: (078-772-6357 Fax:			
OWNER Gmail.com			
Name:Same 95 above			
Mailing Address:			
E-mail: Daytime Phone: Fax:			
SUBJECT PROPERTY			
Street Address: 5938 Botord Huy SUITE 108-109 Dorguille 69 30340			
Tax ID Parcel No.: 18 33 70300 District(s) 18 LL Block Council District: Trudy Dean June			
Current Zoning Category: Conditional Use Requested			
DANCE CLUB			
Future Land Use Character Area: Humay Commercia			
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).			

### **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:

)

	Project name;
<u></u> _	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;
<u>AH</u>	Required yard setbacks;
HD	Project acreage including breakdown of pervious / impervious area, and/or dedicated greenspace;
44	Total number of lots and minimum lot sizes (if applicable);
<u>44</u>	Names, locations, and right-of-way widths of adjoining existing streets or access drives and proposed right-of-ways and roadways;
44	Topography with contour interval no greater than 10 feet;
M	Sewage disposal method (note);
HP	Property lines with bearings and distances; location of utility and private easements,;
	All proposed development features and layout;
444	Location of floodplains, lakes, ponds, water courses, conservation areas, and environmental areas of concern;
<u>49</u>	Building heights;
<u>44</u>	Proposed buffers, landscape development, sidewalks and other hardscape;
pp	Land lot and district;
AN	General development data in tabular form;
-M	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.

<u>APPLICATION FEE</u>: 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

# <u>APPLICATION FOR CONDITIONAL USE PERMIT</u> <u>IN THE CITY OF DORAVILLE, GEORGIA</u>

### **DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

	more in campaign contr	ibutions to a local government official within  No	
1. The name and official positio	n of the local governmer iption of each campaign	governing authority of the City of Doraville so nt official to whom the campaign contribution contribution made during the two years imm ntribution.	n was made.
NOTARY	DATE	SIGNATURE OF APPLICANT	DATE
EXPIRATION DATE / SEAL	· · · · · · · · · · · · · · · · · · ·	Check One: Owner Agent	
COMMISSION AND CITY COU	INCIL. ALL APPLICATIONS TH ARE TO BE FOLDED TO	RED FOR SUBMITTAL FOR REVIEW BY STAFF, S SHALL BE COLATED AND SUBMITTED AS 12 APPROXIMATELY 9" X 12" SIZE.  LOWING BEFORE SIGNING	
	PLEASE READ THE POL	LOWING DEFORE SIGNING	
•	the required attachmen	accepted. It must include all required attachr ts or information shall be deemed incomple cepted.	=
NOTARY Derothy E Venable Notary Public, DeKaib County My Commission Expires: September 8, 2015	DATE V GA	SIGNATURE OF APPLICANT	6/12/13 DATE
EXPIRATION DATE / SEAL		Check One: Owner Agent	



### City of Doraville Planning & Development Department

### **OWNER'S AGENT AUTHORIZATION**

Date: 6.17.2013	
TYPE OF APPLICATION	
( ) Land Use Plan	
( ) Rezone	
Conditional Use Permit	
( ) Minor Modification	
( ) Other	
SUBJECT PROPERTY ADDRESS	
5938 Buturd Highway Davav. 1/2 6-9 30340	Suite/Unit #_108 & 109
Dojav. 1/2 6-9 30340	<u> </u>
Tax Parcels #	
TO WHOM IT MAY CONCERN:	
(1) (WE), Sam Jeons	×
(NAIVIE O	F OWNER(S)) (print or type)
	d above or as attached hereby delegate authority to
Danell Gaskins	
(PRINTED NAME OF APPLICANT O	OR AGENT REPRESENTING OWNER(S)) (print or type)
to file an application on (my) (our) behalf of the commission of t	
merel me E NOTARY 3	
Notary Public  Notary Public  Notary Public  Notary Public	Owner P.M
Notary Public -	Owner
Notary Public	Owner

### City of Doraville Planning and Development Department

3725 Park Avenue

Doraville, Georgia 30340

### **Dear Planning and Development Board Members:**

I have leased commercial spaces at **5938 Buford Highway in Doraville**, **Ga**. I am asking the Planning and Development Department for a Conditional Use Permit so that I may conduct various activities in the space.

The details of how I will operate my business will consist of the following:

The primary revenue generator will be a Teen Dance Hall which will be open on Saturday night between the hours of 8 p.m. and 1 a.m. The venue will have a strong Law Enforcement presence to detour any potential threat of aggression by any club patrons. All club goers will be instructed to remain inside while attending any event being held, so that there will not be an inundation of people in the parking area and surrounding businesses in the plaza. There will be no alcohol served on the premises, nor tobacco products. Food items intended to be served will be limited to sodas and concession type items (i.e. hot dogs, chips, and slushy type drinks).

The venue also intends to engage the community with free tutoring for any school age child that needs additional help in their academics. The instructors will be in the process of becoming Professional Educators or present Educators. During these tutoring sessions children will have the opportunity to utilize free internet computers to complete assignments that they have been given at school. When the venue has designated a time for tutoring it will be used for educational purposes only. This will not be a time to socialize, check social media, or hang out with friend's time. This will be a strict learning environment.

There will be an opportunity for anyone who is not comfortable working with computers to learn from industry professionals such as Microsoft. These classes will be free and will be open to the public. No age limit will be set to take these classes. We intend to reach out to other industries to have them to come and educate members of the community in areas such as health, nutrition, and education etc...

Entertainment and educating local youth will be a paramount goal, however we understand that even with these opportunities that will be available for their disposable. Adolescents need some spiritual guidance. With that in mind Club Hollywood has established relationships with some well recognized spiritual leaders in the community that has expressed a sincere commitment to minister to the youth on Sundays.

Elderly citizens will have the opportunity for various activities free of charge on a weekly basis. Activities will be conducted on the premises. Also we intend to help elderly citizens with having difficulty with their utility bill or lawn maintenance.

The site presently is an empty space. Some construction will be necessary to complete the overall project. Nothing will be done structurally to the building during the construction phase. All construction will be performed to all City and County guidelines by an insured and certified builder. All construction will be restricted to the inside of the building.

I respectfully submit my application for a Conditional Use Permit. I thank you for your consideration.

Sincerely,

**Darnell Gaskins** 

Owner of Club Hollywood

5938 Buford Highway Suite 108-109

Doraville, GA 30340



### AGENDA ITEM REQUEST SHEET July 3, 2013

Subject: Urban Redevelopment Plan I Amendment (former USPS Facility) Public Hearing

		Regular Work Session	10:10:00
Date of Meeting:	July 15, 2013	Recommendation	
		Policy/Discussion	
Budget Impact:	□ Yes ■ N/A	Report	
		Ceremonial	
Dudwet Immed A		Other	
Budget Impact Amo	ount: \$		
Funding Source:			
□ Annual			
□ Capital			
□ Grant(s)/ T	echnical Assistance		
■ N/A			
1 1 10 10 10 10 10 10 10 10 10 10 10 10	and the least and the manufacture of	www.commission.com/date	

Department: Administrative

**Background:** The purpose of this Urban Redevelopment Plan I amendment seeks to expand the Urban Redevelopment Area I and the potential Opportunity Zone I designation to a single parcel. Parcel number 1831101008, also known as the former United States Postal Service Training Center, is located at 5999 New Peachtree Road.

**Department Head: Mayor** 

Recently, a video game company, "GamesThatWork," signed a contract with the intent to purchase the property. The expected closing date is August 15, 2013. Mr. Dov Jacobson, owner and Managing Director of the firm, approached the City about including the property in the City's existing Opportunity Zone. "GamesThatWork" (a.k.a. "Big Fun Development Corporation") has been an active creative studio since 1993. A family owned and operated company, "GamesThatWork" develops digital games and digital game components. Their business primarily focuses on training/ instructional games for children and the U.S. Armed Forces. The facility is approximately 7,500 square feet. The firm plans on sub-leasing space within the facility to budding entrepreneurs within the digital media sector. As such, the property will serve as sort of a business incubator.

**Recommendation:** Staff recommends approving the URP I amendment and the accompanying Opportunity Zone application.

Respectfully.

S/ Luke Howe Assistant to the Mayor STATE OF GEORGIA COUNTY OF DEKALB CITY OF DORAVILLE

### **RESOLUTION NO. 2013-**

A RESOLUTION OF THE CITY COUNCIL OF DORAVILLE, GEORGIA; TO AMEND THE CITY OF DORAVILLE URBAN REDEVELOPMENT PLAN I 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 I; and,
- WHEREAS, on August 20, 2012, the City caused a public hearing on the adoption of the Doraville Urban Redevelopment Plan I 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 I 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 I, 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 July 15, 2013 to adopt an amendment to the Doraville Urban Redevelopment Plan I; and,
- WHEREAS, the City Council amends the Doraville Urban Redevelopment Plan I by adding parcel 18 311 01 008 (also known as the former U.S. Postal Service Training Center) located at 5999 New Peachtree Road; and,
- WHEREAS, it is determined by the City Council that the amended Doraville Urban Redevelopment Plan I 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 I 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 I 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 I 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 I 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 I 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 I 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 sa plan is hereby approved, together with an application for such designation.	iid
APPROVED AND ADOPTED THE DAY OF, 2013.	
CITY OF DORAVILLE, GEORGIA	
Donna Pittman, Mayor	
ATTEST:	
Sandra Bryant, City Clerk	
APPROVED AS TO FORM:	
Cecil G. McLendon, City Attorney	



July 3, 2013

City of Doraville Mayor, Manager and Council 3725 Park Avenue Doraville, Georgia 30340

Dear Honorable Mayor, City Manager and City Council Members,

I am very encouraged to meet the City's planners and to see your designs for urban redevelopment. We hope to participate in this redevelopment as we relocate our growing studio from Candler Park.

Our team makes a variety of digital games which teach real-life skills. We teach fitness skills to young children and critical thinking skills to US intelligence agents. And everything in between. We solve problems for national agencies, military trainers, schools, and commercial interests.

We seek a home for a dozen employees, and an incubation opportunity for a few sister companies.

Please include 5999 New Peachtree Road (the former Post Office) in the Urban Redevelopment Area. I realize this is a statutory requirement that must be undertaken in order to submit an Opportunity Zone application to the Georgia Department of Community Affairs. The Opportunity Zone designation affords the highest state job tax credit of \$3,500 per employee provided a new or existing business hires a minimum of two employees. This is a powerful incentive that will enable a flourishing business climate, and I would like to applaud you for this initiative. I look forward to URA extension along New Peachtree Road and Park Avenue, and the potential renaissance of the downtown.

Georgia law requires that this resolution include specific language outlining "negative conditions" associated with an Urban Redevelopment Area. I take no offence nor exception to this. The benefits of the Opportunity Zone designation to my company and our co-located associates eclipse any awkwardness associated with the stark wording mandated by the law.

Those who love Doraville may be disturbed to hear her described in unflattering terms. I apologize for the discomfort, but real problems are best solved by addressing them directly using plain language. The State offers ample incentive for this candor.

Thank you for considering this measure. I look forward to growing along with the City of Doraville.

Sincerely,

Dov Jacobson Managing Director, GamesThatWork



### THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: Ordinance to revise Chapter 2 of City Code to delete certain Agenda Procedures and to adopt Rules and Procedures for Council Meetin	Regular Meeting Work Session gs	(X) ( )
Date of Meeting:	Recommendation	(X)
Budget Impact:Y _X N	Policy/Discussion Report Other	( )
Budget Impact Amount: \$N/A	Other	(X)
Funding Source:     ( )Annual     ( )Capital     ( )N/A		
CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDOI	RAVILLE CITYOFDORAVII	
This Agenda Item is actually two items intert proposed Rules and Procedures for Council adoption of document creating the procedures by which Council Meetings would proceed, including decorum, Agendas hearings, committees, etc. To adopt these Rules and Fit placed in the City Code allows for flexibility to revise this document is an Ordinance for First Read to revise provisions for Agenda and Council Meeting Administr Chapter 2, Article II, currently. These are set for adoption	which is a comprelemetings and other public comments or procedures without as necessary. Alcombat would be corrected in the City Comparison in the Comparison in the City Comparison in	nensive r Open , public having ongside offlicting
Options: Adopt or revise these Rules and Procedures a	nd Ordinance.	
Recommended Action: Adopt the attached Ordinance and	d Rules and Proced	lures.
Department: _City Manager Department Head:	_Shawn Gillen	_
Administrative Comments and Recommendation:		
Action Taken By Board:		

### **STATE OF GEORGIA**

### **CITY OF DORAVILLE**

### ORDINANCE NO. 2013-

AN ORDINANCE TO REVISE CHAPTER 2 ("ADMINISTRATION"), ARTICLE II ("CITY COUNCIL") TO DELETE MEETING AGENDA AND ORDER OF BUSINESS PROVISIONS FROM THE CODE; 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, Chapter 2 ("Administration") of the City Code currently contains several provisions in Article II ("City Council") that set out the Agenda process and Order of Business for City Council Meetings; and

WHEREAS, the Mayor and City Council are considering a comprehensive set of Rules and Procedures for Council Meetings that would provide a clearer and more orderly process for Council Meetings and would conflict with the currently existing provisions in Chapter 2 of the City Code; and

WHEREAS, the Mayor and City Council find that, in order to have appropriate flexibility in its meeting procedures, said Rule and Regulations are best kept out of the Code of the City to allow for faster revision if necessary in the future; and

WHEREAS, the Mayor and City Council believe that said Rules and Procedures will enhance public discourse at City Council Meetings and be a more productive mode of conducting business in public meetings.

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 ("Administration"), Article II ("City Council"), by deleting Sections 2-33 ("Order of Business"), 2-34 ("Points of Order"), 2-35 ("Robert's Rules of Order") 2-36 ("Items on Agenda and Appearance before Council"), 2-38 ("Councilmen appointed to departments") and 2-39 ("Mayor ex officio member of committees") in their entirety and renumbering the remaining Sections of Chapter 2, Article II accordingly.

### **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. This Ordinance shall become effective upon adoption. SO ORDAINED AND EFFECTIVE, this \_\_\_ day of \_\_\_\_\_\_, 2013. CITY OF DORAVILLE, GEORGIA Mayor First Reading Second Reading ATTEST:

APPROVED AS TO FORM:

Sandra Bryant, Acting City Clerk

Cecil G. McLendon, Jr., City Attorney

Maria Alexander	Yea □	Nay
Brian Bates		
Pam Fleming		
Karen Pachuta		
Trudy Jones Dean		
Robert Patrick		

### RULES AND PROCEDURES FOR CITY COUNCIL MEETINGS AND PUBLIC HEARINGS

- **Section 1. Open Meetings.** All meetings of the Mayor and City Council shall be held in accordance with the provisions of Title 50, Chapter 14 of the Official Code of Georgia Annotated. The public shall be afforded access to meetings other than Executive Sessions, in compliance with Georgia law. Only Executive Sessions held in accordance with Georgia law may be closed to the public.
- **Section 2.** Executive Sessions. Executive sessions of the Council may be held for the purpose of discussing topics exempted from public access requirements by Title 50, Chapter 14 of the Official Code of Georgia Annotated. Meetings will only be closed to the public for the purposes allowed within State law.
  - (a) Non-Exempt Topics. If a Council Member attempts to discuss a non-exempt topic during an Executive Session, the Mayor shall immediately rule that Council Member out of order and such discussion shall cease. If the Council Member persists in discussing the non-exempt topic, the Mayor shall adjourn the meeting immediately.
  - **(b) Procedure For Entering Into Executive Sessions.** No Executive Session shall be held except pursuant to a majority affirmative vote of the City Council Members present with the vote taken in a public meeting. The minutes of the public meeting shall reflect the names of the Council Members present, those voting for the Executive Session, and the specific reasons for the Executive Session. All votes taken on items discussed in Executive Session shall be taken in an open meeting.

### (c) Executive Session Minutes.

- (1) Executive Sessions Discussing Real Estate Acquisition. Minutes of an Executive Session in which the acquisition of real estate is discussed shall be taken in the same manner as minutes of an open meeting (Section 21) and shall be available for public inspection except that any portion of the minutes identifying the real estate shall be redacted until such time as the action for acquisition of on the real estate is taken, or decision is reached that the proposed deal acquisition is to be terminated, abandoned or until court actions are to be initiated through the use of condemnation proceedings.
- (2) Other Executive Sessions. Minutes of Executive Sessions devoted to any permissible topic other than land acquisition shall be maintained by the clerk in accordance with State of Georgia law.
- (d) Mayor or Presiding Officer Affidavit. The Mayor or other presiding officer shall execute an affidavit stating, under oath, that the Executive Session was devoted to topics exempt from the public access requirements. The affidavit shall include the specific

exemption to the open meetings law. The City Attorney shall review and approve the form of the affidavit to be utilized, as well as the completed affidavit to be executed for each Executive Session. The affidavit shall be notarized and filed with the minutes of the open meeting.

[Cross Reference: O.C.G.A. §§ 50-14-2, 5-14-3 and 50-14-4]

**Section 3. Visual and Sound Recordings.** Visual, sound, and visual and sound recordings shall be permitted for all public hearings, as long as such recordings are in accordance with State law.

[Cross-reference: O.C.G.A. § 50-14-1(c)]

- **Section 4. Quorum.** A quorum must be present for conducting meetings of the City Council. A quorum is four (4) members of the City Council. Any Council Member may raise a point of order directed to the Mayor or presiding officer if he or she believes that a quorum is not present. If, during the course of a meeting, a Council Member or Council Members leave and a quorum no longer exists, the meeting may not continue. If a quorum is not attained within thirty (30) minutes, the meeting may be rescheduled by the Mayor or presiding officer with the approval of the Council Members present.
- **Section 5. Mayor.** As provided in Article III, Section 3.01 of the City Charter, the presiding officer of the City Council shall be the Mayor. As presiding officer, he or she is responsible for the orderly conduct of the meeting. In order to fulfill this duty, the Mayor shall enforce the rules of procedure that are adopted by the City Council. The Mayor shall be impartial and conduct the meetings in a fair manner. The Mayor may name a Sergeant-at-Arms to assist in maintaining the orderly conduct of the Council Meetings. As provided in Article II, Section 2.10, the Mayor is treated as one of the Council Members for quorum purposes, and the Mayor may vote only when there is a tie.
- **Section 6. Mayor Pro-Tempore.** The Council shall select a Mayor Pro-Tempore from the Council Members at the first meeting of each calendar year following each general election by a majority vote. The Mayor Pro-Tempore shall fulfill the duties of the Mayor if the Mayor is not in attendance. The Mayor Pro-Tempore shall serve a term of one two-years and until a successor is elected and qualified.
- **Section 7. Presiding Officer.** If the Mayor and the Mayor pro-tem are absent or otherwise unable to serve as presiding officer at a meeting and a quorum of Council Members is present, the remaining Council Members shall select a Council Member to serve as presiding officer of the meeting until either the Mayor or Mayor pro-tem is present at the meeting.
- **Section 8. Parliamentarian.** The City Attorney shall serve as the parliamentarian for City Council meetings.
- **Section 9.** Amendments to the Rules. Any amendments to the rules of order shall be submitted by a Council Member in writing to the city manager three business days before a regular meeting of the City Council. The proposed amendment shall be included in the agenda

for that meeting and distributed to all Council Members. All amendments require a two-thirds vote of the Council to be adopted.

Section 10. Suspending the Rules of Order. Rules of Order may be suspended in the case of an emergency. A motion to suspend the rules requires a second, is debatable, and requires a two-thirds vote of the Council. Rules governing quorums, voting methods and requirements (Article II, Section 2.10), the notification to Council Members of meetings (Article II, Section 2.09) and rules necessary for compliance with state law may not be suspended; provided, however, that, in the event that a state of emergency is declared by the Governor or other authorized state official, the City Council may waive time-consuming procedures and formalities imposed by state law.

[Cross-reference: O.C.G.A. § 38-3-54]

Section 11. Regular Meetings. Regular meetings of the City Council shall be held at 6:30 p.m. or at a time determined by majority vote of the City Council, but shall include at least one regular meeting per month, on the first Monday of each month as provided in Article II, Section 2.09 (c). If starting at 6:30 p.m., the Meeting shall end at 9pm unless otherwise extended by a majority vote of Council. All regular meetings shall be held in the City Council meeting room, provided however, that other sites are allowed prior to the opening of City Hall or as provided by other sections of this document. A notice containing the foregoing information shall be posted and maintained in a conspicuous place available to the general public at the regular meeting place of the City Council. Prior to the establishment of a regular meeting place, the public notice shall be posted at the location at which the meeting will be held. Prior to each Regularly Scheduled Meeting, there shall be a Work Session scheduled for one (1) hour prior to the Meeting. No item on the Work Session shall also appear at the Council Meeting that same day. The Work Session Agenda shall be as follows:

**Section 12. Meetings Other Than Regular Meetings.** The City Council may meet at times and locations other than those regularly scheduled meetings.

(a) Special Meetings and Rescheduled Regular Meetings. A regular meeting may be canceled, rescheduled, recessed or moved to a new location within the City by the Mayor or by a majority of the Council in office for any reason. As provided in Article II, Section 2.09 of the City Charter, special meetings of the City Council may be held on call of the Mayor and one (1) councilmember or three (3) council members. Notice of such special meetings shall be served on all other members personally, by registered mail or by electronic means at least 24 hours in advance of the meeting. Such notice shall not be

required, if the Mayor and Council Members are present when the Special Meeting is called. Such notice of any Special Meeting may be waived by a Council Member in writing before or after such a meeting. Attendance at a meeting shall also constitute a waiver of notice on any business transacted in such Council Member's presence. Only the business stated in the call may be transacted at the Special Meeting. Notice to the public shall be given in accordance with State law.

- (b) Meetings With Less Than 24 Hours Notice. When emergency circumstances occur, the City Council may hold a meeting as allowed by State law. When such meetings are to be held, the clerk shall provide notice to the legal organ of the city and to each member of the city governing authority as soon as possible. The notice shall include the subjects expected to be considered at the meeting. In addition, the minutes shall reflect the reason for the emergency meeting and the nature of the notice given to the media and public. [Cross-reference: O.C.G.A. § 50-14-1-(d)]
- (c) Meetings During a State of Emergency. When it is imprudent, inexpedient or impossible to hold City Council meetings at the regular meeting place due to emergency or disaster resulting from manmade or natural causes, as declared by the Governor or other authorized state official, the City Council may meet anywhere within or outside of the city. Such a meeting may be called by the Mayor and one councilmember or three (3) Council Members. At the meeting, the Council Members shall establish and designate emergency temporary meeting locations where public business may be transacted during the emergency. Any action taken in such meetings shall have the same effect as if performed at the regular meeting site.

[Cross reference: O.C.G.A. §§ 50-14-1(d), 38-3-54, 38-3-55]

(d) Policy Committee of the Whole/Work Session. Policy Committee of the Whole/Work Session meetings shall be held at a time determined by majority vote of the City Council, but shall include at least one meeting per month on the Second meeting of the Month. The Policy Committee of the WholeCity Council shall review and provide suggestions and opinions on items submitted by the City Manager or member of City Council regarding Ordinances and Policies that the City is or will be undertaking and which, in the City Manager's or the City Council's opinion, needs additional review and comment prior to the item coming before the full Mayor and Council Board at a Council Meeting or Work Session. The Policy Committee of the Whole shall be composed of the members of the City Council.

The order of business of the Policy Committee of Whole Work session shall be as follows:

- 1. Call to Order
- 2. Roll Call
- 3. Minutes
- 4. Approval of Meeting Agenda
- 5. Public Comment (limited to 20 minutes, 3 minute per person and limited to Agenda items)

- 6. Reports and Presentations
- 7. Unfinished Business
- 8. New Business
- 9. Other Business
- 10. Adjournment

No final action shall be taken on items <u>beforeat</u> the <u>Policy Committee of the Whole/Work Session</u>. Items on the agenda may be referred to the regular council meeting <u>or Work Session</u> for review or final action.

Prior to any Policy Committee of the Whole/Work Session Meeting, a voting meeting shall be held to vote on zoning-related items or other items that need a vote and cannot wait until the first meeting of the following month for a vote.

**Section 13. Order of Business.** All regular City Council meetings, except for Work Sessions as delineated above, shall substantially follow an established order of business. The order shall be as follows:

- 1. Call to Order
- 2. Roll Call
- 3. Pledge of Allegiance
- 4. Minutes
- 5. Approval of Meeting Agenda
- 6. Public Comment
- 7. Consent Agenda
- 8. Organizational and Procedural Items
- 9. Reports and Presentations
- 10. Unfinished Business
- 11. New Business
- 12. Other Business
- 12.13. Council Comments
- 13.14. Adjournment

Section 14. Agenda. The City Manager shall prepare an agenda of subjects to be acted on for each meeting. Work session topics and Council agenda items shall be submitted consistent with the process established by the City Manager. An agenda approval meeting shall be held by the City Manager and the Mayor to finalize the agenda. The agenda for the following Council Meeting or Work Session shall be finalized by noon, and shall be made available to the City Council at least one (1) day before no later than the end of business, on the Friday following every City Council meeting.

(a) Changing The Agenda. The order of the agenda may be changed during a meeting by a majority vote of the City Council. A new item, other than a zoning decision, may be added to the agenda by a majority vote of the City Council only if it becomes necessary

to address the item during the meeting. An existing item may be removed from the agenda by the majority vote of the City Council.

**(b) Agenda Must Be Made Public.** The agenda of all matters to come before the City Council shall be made available to the public upon request and shall be posted at the meeting site as far in advance as reasonably possible, but not less than 24 hours prior to the start of the meeting. Notice of the agenda for emergency meetings will be handled in accordance with State law.

[Cross-reference: O.C.G.A. §§ 50-14-1(e)(1) and 36-66-4]

Section 15. Consent Agenda. A consent agenda may be prepared by the City Manager for the City Council to unanimously adopt motions on routine items. Any items of business that are expected to receive unanimous approval without debate may be placed on a consent agenda. At the appropriate time of the meeting, the Mayor shall read all of the items on the consent agenda. If a Council Member objects to an item being on the consent agenda, the Council Member shall direct the move of that particular item to the regular agenda. Following the reading of the consent agenda, the Mayor may ask for unanimous approval of the items on the consent agenda. If there are no objections, all the items on the consent agenda shall be approved—by a majority vote of the City Council.

Section 16. Decorum. All Council Members and members of the public shall conduct themselves in a professional and respectful manner. Remarks should be professional and personal attacks on, or disparaging remarks about, councilmembers, staff or the public shall not be allowed or tolerated and the Mayor shall enforce such decorum. All remarks shall be directed to the Mayor and not to individual Council Members, staff, or citizens in attendance. Personal remarks are inappropriate and may be ruled out of order. A Council Member may not speak at a meeting until he or she has been recognized by the Mayor. All comments made by a Council Member shall address the motion that is being discussed. The Mayor shall enforce these rules of decorum. If a Council Member believes that a rule has been broken, he or she may raise a point of order. A second is not required. The Mayor may rule on the question or may allow the City Council to debate the issue and decide by majority vote.

**Section 17. Voting.** Under normal circumstances, passage of a motion shall require the vote of at least four (4) Council Members, and must receive the affirmative vote of a majority of those voting at which a quorum is present. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the record, but any member of the City Council shall have the right to request a roll-call vote and such vote shall be recorded in the journal until such time as an alternative system is implemented.

Except as otherwise provided in the City Charter, the affirmative vote of a majority of the Council Members present shall be required for the adoption of any ordinance, resolution or motion.

Section 18. Abstentions. No Council Member shall abstain from voting except in the case of a conflict of interest or if absent when a motion being voted upon was made. If a conflict of

interest does exist, the Council Member shall provide a specific explanation of the conflict, and the explanation shall be recorded in the journal.

Section 189. Public Participation. Public participation in meetings of the City Council shall be permitted in accordance with the provisions of this section.

i. Public Comments. The floor shall be open for public comments at no less than one point during the meeting. The public comments section will be provided immediately following the approval of the meeting agenda. This public comments period will last a maximum of thirty minutes, and sSpeakers' comments will be limited to three (3) minutes each. No speaker shall yield time to another person. If a speaker is yielded time by other members of the public at the meeting, said speaker may speak use said additional three (3) minutes per person up to ten minutes, irrespective of how many persons yielded their time to said speaker.

The presiding officer, at his or her discretion, may also call for additional public comment periods during the meeting whenever the presiding officer has a reasonable belief that such additional public input would be advantageous in guiding a specific Council decision. These public comment periods will also be limited to fifteen minutes. Individual speakers are limited to three (3) minutes each. All members of the public wishing to address the City Council shall submit their name and the topic of their comments to the city clerk prior to the start of any meeting held by the City Council; provided, however, that if the applicants of rezoning actions or individuals who wish to oppose a rezoning action have contributed more than \$250 to the campaign of a Council Member, the individual shall file a campaign disclosure form as required by O.C.G.A. § 36-67A-3 at least five (5) calendar days prior to the first hearing by the City Council. Individuals will be held to established time limits. These limits may be waived by a majority vote of the City Council.

[Cross-reference: O.C.G.A. § 36-67A-3]

**(b) Public Hearings.** The City Council may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the City Council. Hearings may be held immediately prior to, during or following a meeting of the City Council or at such other places and times as the City Council may determine. Hearings require at least ten (10) minutes per side. These limits may be waived by a majority vote of the City Council. No official action shall be taken during any such public hearing. Hearings on zoning decisions shall be governed in accordance with the zoning policies and procedures.

[Cross-reference: O.C.G.A. §§ 36-66-4 and 36-66-5]

(c) **Decorum.** Members of the public shall not make inappropriate or offensive comments at a City Council meeting and are expected to comply with the rules of decorum that are established for Council Members. Individuals violating any rules of the City Council may be ruled out of order by the Mayor or on a point of order made by a Council Member. A majority vote of the City Council shall rule on the point of order. An individual violating the rules of decorum may be removed from the meeting at the direction of the Mayor.

**Section 1920. Meeting Summary.** A summary of the subjects acted upon in a meeting and the names of the Council Members present at a meeting shall be prepared by the City Clerk and made available to the public for inspection within two business days of the adjournment of the meeting. This summary will be noted as unofficial prior to adoption by the Council of the minutes for the meeting. [Cross-reference: O.C.G.A. § 50-14-1(e)(2)]

Section 201. Minutes. The clerk of the City Council shall promptly record the minutes for each City Council meeting. The minutes shall specify the names of Council Members present at the meeting, a description of each motion or other proposal made at the meeting, the name of the Council Member who proposed each motion, the name of the Council Member who seconded each motion, and a record of all votes. In the case of a roll call vote, the name of each Council Member voting for or against a proposal shall be recorded. It shall be presumed that a Council Member has voted in the affirmative unless the minutes show otherwise. More detailed information may be included in the minutes at the request of the City Council.

The City Council shall approve the minutes before they may be considered as an official record of the City Council. The minutes shall be open for public inspection once approved as official by the City Council but in no case later than immediately following the next regular meeting of the City Council. A copy of the minutes from the previous meeting shall be distributed to the City Council in the agenda package for the following meeting. The minutes of the previous meeting shall be corrected, if necessary, and approved by the City Council at the beginning of each meeting. A majority vote is required for approval. Conflicts regarding the content of the minutes shall be decided by a majority vote. Upon being approved, the minutes shall be signed by the Mayor and attested to by the clerk of the City Council.

[Cross-reference: O.C.G.A. § 50-14-1(e)(2)]

Section 212. Procedure and Deadline. The Mayor and City Manager are authorized to establish detailed procedures and deadlines as necessary to ensure the effective organization of Council proceedings and orderly handling of business to come before the Council, in accordance with the Rules and Procedures adopted by the Mayor and Council.

Section 223. Roberts Rules of Order. This document shall serve as the rules and procedures of the Mayor and City Council. In the absence of applicable rules and procedures which may from time to time be encountered during the public meetings, Roberts Rules of Order shall be followed.

Section 234. Deferrals. If five (5) or fewer members of the City Council are present at the meeting, and upon request of the Mayor or a member of the City Council at such meeting, an

item up for vote can be deferred for one (1) meeting. This "normal course" deferral may not be repeated for any item deferred in accordance with this provision.



### THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: Amending Chapter 2 to remove purchasing and bidding procedures  Date of Meeting: July 1, 2013	Regular Meeting Work Session Recommendation Policy/Discussion	` '
Budget Impact:Y _X N	Report Other	( )
Budget Impact Amount: \$	Cure	( )
Funding Source:     ( )Annual     ( )Capital     ( )N/A		
CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDOR	AVILLE CITYOFDORAVIL	
The Mayor and City Council recently adopted a co- policy which specifically regulates all the purchasing to the City and City Staff, including RFP, RFQ and of Currently, Sections 2-90 and 2-91 of the City Code also is now in the Purchasing Policies, specifically bidding authority, and these provisions are now in conflict with Policies. In order to keep clarity and make sure that the followed, these conflicting Code provisions should Purchasing Policies referenced as the adopted docume in the City.	ansactions conductions bidding process provide for some of procedures and sport the adopted Purchasing Polices be removed an ent regulating purchasing pur	cted by edures. of what ending hasing ties are nd the
Options:To adopt this Ordinance or leave conflicting pr	ovisions as is.	
Recommended Action:Adoption of this Ordinance.		
Department: City Attorney Department Head: Cecil G	. McLendon, Jr.	
Administrative Comments and Recommendation:		
Action Taken By Board:		

### STATE OF GEORGIA CITY OF DORAVILLE

### ORDINANCE NO. 2013-\_\_\_\_

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY OF DORAVILLE, GEORGIA CODE OF ORDINANCES TO REVISE PURCHASING REQUIREMENTS; AND FOR OTHER PURPOSES

WHEREAS, the City of Doraville is tasked with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the Mayor and Council have adopted comprehensive purchasing policies to guide procedures for purchasing and bids in the City of Doraville; and

WHEREAS, Chapter 2 of the City of Doraville Code currently contains two sections, 2-90 and 2-91, that set out bidding procedures and some purchasing requirements that would be in conflict with the most recently established purchasing policies; and

WHEREAS, the Mayor and City Council have determined that it is appropriate to amend the City Code by deleting said conflicting provisions in the Code and linking to adopted purchasing policies.

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

### Section 1

Chapter 2 ("Administration") Section 2-90 of the Code of Ordinances, City of Doraville, is hereby revised to read as follows:

"2-90. - Bids required; conditions; exceptions Purchasing.

The City's purchasing and bidding requirements shall be governed by Purchasing Policies as adopted by Mayor and City Council and as may be amended in the future. A

copy of said Purchasing Policies shall be kept on file with the City Clerk and Finance Director, and available for inspection upon request.(a) — Except — as — set — out — in subsection (b) below, all expenditures in excess of five thousand dollars (\$5,000.00) shall only be incurred after seeking sealed bids or request for proposals (RFPs) and all such bids or RFPs shall be opened and recorded by the Mayor, City Clerk and appropriate Department Head at an public meeting compliant with the requirements of the Georgia Open Meetings Act. The City Clerk and Department Head will review the bids for compliance and qualifications in accordance with the established requirements in the RFP and provide Mayor and Council with a recommendation along with a complete list of the responding bidders, their ranking and all appropriate measuring criteria for same, and each bidder's bid amount. The City Council shall make the award at a regular public meeting.

(b) If the Mayor deems it appropriate and necessary to open bids or RFPs prior to the time stated in the RFP because the property or service acquired is deemed to be an emergency purchase which should be expedited, and a determination of such emergency is made by the Department Head, including a reason therefor, a particular bid or RFP may be opened prior to the designated time as stated in the RFP provided the same is opened in the presence of, and recorded by the City Clerk, Department Head and one (1) City Councilmember. Reasonable effort shall be made to notify all bidders and Councilmembers of the intent to open such bid(s) or RFPs ahead of the designated time. Otherwise such bids or RFPs shall be opened pursuant to the requirements of subsection (a) above.

- (c) It is the intention of the Mayor and Council that, except as set out in subsection (d) below, not less than two (2) bids be obtained for all purchases over five thousand dollars (\$5,000.00) and that the best bid, in accordance with the recommended measuring criteria for said bid or RFP, as determined by the Mayor and Council will be accepted. However, if only one (1) bid is submitted, the Council may choose to accept the sole bid or have the expenditure rebid. The City shall have the right to reject any and all bids or RFPs in its sole discretion without obligation to any bidder.
- (d) The following are exempt from the requirements of subsection (c) above.
- (1) Purchases under a contract which has been subject to the bidding process set out above.
- (2) Purchases from any previously bid government contract.
- (3) Purchases under a state or federal contract.
- (4) Purchases from a single source vendor.
- (e) The City Clerk is hereby authorized to develop all appropriate forms, a well as any necessary rules and procedures to effect the provisions of this section."

### **Section 2**

Chapter 2 ("Administration") is further amended by deleting Section 2-91 in its entirety.

### **Section 3**

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

S	ection	4

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 its adoption by the Mayor and Council. SO ORDAINED, this \_\_\_\_ day of \_\_\_\_\_\_, 2013. CITY OF DORAVILLE, GEORGIA Mayor First Reading Second Reading ATTEST: \_(SEAL) Sandra Bryant, Acting City Clerk APPROVED AS TO FORM: Cecil G. McLendon, Jr., City Attorney Yea Nay Maria Alexander **Brian Bates** Pam Fleming Karen Pachuta Trudy Jones Dean Robert Patrick 

Rate Co	mparison -	- Doraville Bui	lding Dep	t. Services an	d Code Enforc	cement Servic	es				The same of the sa
						ondent					
				CH2MHill	Clark, Patterson & Lee	Charles Abbott Associates	SAFEbuilt				
Rates											
Fee structure for plan review											
(% basis)				NA	60%	68%	70%				
Fee structure for inspection						Statement of the					
(% basis)				NA	60%	68%	70%				
Fee structure for Permit											
Coordination and				Transaction of	entrant N						
Management (hourly)				NA	\$57.81	\$45	\$89				
Fee structure for Code											
Enforcement Sevices (hourly)				\$76	\$46.25	\$55	\$49.75				
Enjorcement Sevices (nearly)			-	370	Ş40.23	333	343.73				
				1							
· · · · · · · · · · · · · · · · · · ·		Contro	ict Service	s (yearly bas	sis)			<u>c</u>	urrent Cit	y Costs (yearly basi	is)
							Chillian di praya san				
4-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1				CH2MHill	Clark, Patterson &	Charles Abbott	SAFEbuilt	Individual		Budgeted Costs (cars, gas,	
Analysis (cost for service					Lee	Associates		Salary (see sheet	Total Salary	computers, training, licenses,	Total Cost
contract vs. in-house): Plan Review and Inspections								2)	(current staffing)	retirement contributions,etc.)	(current staffing)
(based upon last years											
combined fees paid) (costs will											
vary annually based upon fees)				na	\$77,103.03	\$87,383.43	\$89,953.54	\$66,846.23		\$17,235.00	
Permit						ST-14 CENTER					
Coordination/Management (base on full time current staff rate, 40 hr											
work week deducting time for holiday &											
PTO which is built into rates)				na	\$34,223.52	\$26,640.00	\$52,688.00	\$56,485.99	\$123,332.22	\$13,097.00	
Code Enforcement (per			TOTAL	na	\$111,326.55	\$114,023.43	\$142,641.54				\$153,664.22
person) (base on full time 8 hr/day, 7											
day/week) (base on full time current staff							Un waste				
40 hr work week deducting time for holiday & PTO which is built into rates)				****	447 000 00	4400 505 00					
noliday & PTO which is built into rates)				\$192,812	\$117,336.25	\$139,535.00	\$126,215.75	\$50,883.89	\$101,767.78	\$28,329.00	\$130,096.78
Market S. A. Thomas			SUMN	<u>//ARY</u>							
	on		Cost on								
	Contract		In-House								
DIW DIVIG CEDI "CES		4444 000									
<b>BUILDING SERVICES</b>	Basis	\$111,326.55	Basis	\$153,644.22	Net Savings	\$42,317.67					
	Low Cost	N. Valley	Current		Final Street						
BUALTERS OF THE	on		Cost on			PERSONAL TRANSPORT					
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the second secon	Contract	A CONTRACTOR	In-House								
ENFORCEMENT	Basis	\$117, 336.25	Basis	\$130,096.78	Net Savings	\$12,760.53					

				Social		Workmans		
In- House Position	Salary	Medical		l	Medicare	Comp	Total	
								Totals
Building Official	\$50,003.00	\$11,780.00	\$988.00	3100.186	725.0435	\$250.00	\$66,846.23	\$123,332.22
Permit Clerk	\$40,379.00	\$11,780.00	\$988.00	2503.498	585.4955	\$250.00	\$56,485.99	
Quality of Life	\$35,175.00	\$11,780.00	\$988.00	2180.85	510.0375	\$250.00	\$50,883.89	\$101,767.78
Quality of Life	\$35,175.00	\$11,780.00	\$988.00	2180.85	510.0375	\$250.00	\$50,883.89	

## Benefits of Privatized Services

- Depth of Organization provides additional Resources, when needed
- Staff available to help cover needs during employee paid time off
- Access to highly qualified design professionals for input on projects
- Level of service is automatically adjusted to align with development needs for plan review and inspections
- Shared permit revenue ensures no budget crisis situations for unexpected changes in development activity

## Benefits of Privatized Services

- Cost effective solutions
- Key Performance Indicators allow for tracking of how well we are doing
- We provide the vehicles, insurance, gas and maintenance for the services we provide
- We provide the software for tracking development activity and code compliance cases

### Process - Permitting

- Customer comes to Doraville seeking a permit
- Development Coordinator guides the customer through the application process, which may have the following
- Selecting the type of permit
- Verifying contractor licenses
  - Approving Plans
- Calculating permit fees
- Entering the project in the database
- Issuing the permit
- Contractor, after completing the application and plan review processes, and receiving the permit, begins construction.

### Process - Plan Review

- Customer drops off plans and permit application with the Development Coordinator.
- Development Coordinator records plans in the database and notifies plan reviewer.
- appends review comments to the database, and sends Plan Reviewer picks up plans and performs review, review comments to Development Coordinator.
- Development Coordinator sends plan review comments to applicant.
- application is in order, the applicant can pay the permit fee Applicant makes corrections and re-submits plans. Once plan reviewer approves the changes, and the rest of the and obtain the permit.

## Process - Building Inspections

- Contractor, after receiving a permit, begins construction.
- contractor calls an inspections hotline and schedules an At certain points in the construction process, the inspection by leaving a message with pertinent
- inspectors by 5pm. This ensures next day inspections Development Coordinator checks inspections hotline by following day. Sends the next day's inspections to the 4pm each day and schedules the inspections for the
- Building Inspectors visit sites and perform inspections.
- Inspectors record inspections results in database.

### Metrics - Building Inspections and Plan Review

activity monthly, and monitor permits, inspections and plan Monitor building plan review, permitting and inspections

- Total number of inspections (trend data)
- Total number of plan reviews (trend data)
  - Plan review duration (and trend data)
- Inspections duration and types of inspections
  - Permit activity, status, and types
- Counter service
- Number of permits issued
- Number of customers served

## Process - Code Compliance

- · City Hall receives a complaint.
- Code Compliance Inspector enters complaint into the database.
- Goal is compliance CC Inspector investigates complaint to determine if there is a violation of the city code, and speaks with the property owner to educate them about the violation.
- CC Inspector gives property owner time to bring the property into compliance. Enters information into database.
- CC Inspector returns at the end of the time period to check on property owner's progress.
   If property is in compliance, case closed.

## Process - Code Compliance

- speaks with owner to determine why. Based on reason for lack of progress, may issue a citation or give more time to comply. Actions are recorded in the database.
- If not in compliance after the third visit, a citation is issued. Actions are recorded in the database to build the case file for the solicitor.
- Court decides guilt or innocence. CC Inspector follows Court's instructions to close the case.

### **SWEEPS Program**

- SWEEPS is a proactive program to enforce the City's building, property maintenance and Land Development codes in multi-family housing developments.
- An Inspections Team is created composed of Building and Code Compliance Inspectors to sweep through the public spaces in multi-family developments and record code violations using photography and the Building, Property Maintenance, and Land Development Codes.
- The violations are summarized in a report format, which is then submitted to the property owner. The property owner is given a period of time to correct the violations. Permits must be obtained to perform the work.

### **SWEEPS Program**

- Property owners must hire, city-approved third party inspectors to inspect the tenant occupied spaces, and submit the report to the city.
- Property owners must obtain permits and correct the documented violations within a certain time period
- Ordinance Change Needed

### Metrics - Code Compliance

Monitor Code Compliance cases monthly, and monitor CC inspections trends.

- Total number of cases (trend data)

  Total number of CC inspections (trend data)
- Inspections duration
- Case status and type

### ADDITIONAL POINTS TO CONSIDER

- · Reduce Perception of Cronyism
- Simplify the processes and improve customer experience
- Increased Coverage and Enhanced Service Levels
- Cost of Automobile maintenance not included in cost analysis
- · Additional "Soft Costs" of administration in PD will be eliminated

## COMMUNICATION

- Code enforcement hotline
- Code enforcement direct email
- · Call City Hall
- · Contact the Mayor or City Council members

# NET SAVINGS OF \$55,078

		の は では できる				
	on		Cost on			
BUILDING	Contract		In-House			
SERVICES	Basis	\$111,326.55	Basis	Basis <b>\$153,644.22</b> Net Savings <b>\$42,317.67</b>	Net Savings	\$42,317.67
					)	
	Low Cost		Current			
	on		Cost on			
CODE	Contract		In-House			
ENFORCEMENT	Basis	\$117, 336.25	Basis	\$130,096.78 Net Savings \$12,760.53	Net Savings	\$12,760.53