



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

March 18, 2013 6:30 PM

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. EXECUTIVE SESSION
4. CEREMONIAL PRESENTATIONS, CITY ANNOUNCEMENTS, SPECIAL GUESTS:
5. ROLL CALL
6. APPROVAL OF MINUTES:
7. PUBLIC COMMENTS ON AGENDA ITEMS
8. REPORTS: DEPARTMENTS
 - a) Mayor
 - b) City Attorney
 - c) Stormwater
 - Second Read MS4 Green Infrastructure Ordinance Update
 - d) Police
 - e) Courts
 - f) Public Works
 - g) Library
 - h) Parks & Recreation
 - i) City Hall
 - Proclamation Presentation to Red Cross
 - j) Planning & Zoning
 - k) IT Department
 - l) Finance
9. PUBLIC HEARING
 - Public Hearing for Ordinance Annexing 4473 Tilly Mill Rd., Parcel 18 342 05 004
 - Final Action for City Initiated Rezoning of Property located at 4473 Tilly Mill Road, Doraville, Ga., Parcel # 18 342 05 004

10. OLD BUSINESS

- Second Read for Amendment to Zoning Code to delete as permitted uses certain uses related to water and waste treatment from the M-1 and M-2 zoning districts.
- Review and Revision of Sec 23-501 through 506- Councilmember Robert Patrick
- Paperwork Reduction Act- Councilmember Robert Patrick
- Employment Verification Policy for Former Employees- Councilmember Trudy Jones Dean
- Communication between City Manager, Council and Mayor regarding Personnel Issues- Councilmember Trudy Jones Dean

11. NEW BUSINESS

- Salary for Part-time Mayor-Councilmember Karen Pachuta

12. EXECUTIVE SESSION

13. REPORTS; COMMITTEES, COMMISSIONS, BOARDS AND APPOINTMENTS

14. PUBLIC COMMENTS

15. ADJOURNMENT



THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: MS4 Green Infrastructure
Ordinance Update

Date of Meeting: March 18, 2013

Budget Impact: No

Budget Impact Amount:

Funding Source:

() Annual

() Capital

() N/A

Regular Meeting (X)

Work Session ()

Recommendation ()

Policy/Discussion ()

Report ()

Other ()

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Action Requested: Second read and approval of ordinance

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

Options:

Recommended Action: Second read and approval of ordinance

Department: Stormwater

Department Head: S Strickland

Administrative Comments and Recommendation: _____

Action Taken By Board: _____

STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2013-__

AN ORDINANCE TO REVISE CHAPTER 5 (“BUILDINGS AND BUILDING REGULATIONS”), CHAPTER 6.5 (“ENVIRONMENT”) AND CHAPTER 17.5 (“SUBDIVISION REGULATIONS”) TO REVISE REGUALTIONS REGARDING COMPLYING WITH MS4 GREEN INFRASTRUCTURE AND LOW IMPACT DEVELOPMENT REVIEW; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES

WHEREAS, the Mayor and Council for the City of Doraville are charged with protecting the health, safety and welfare of the citizens of the City; and

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

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

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

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

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

Section 1

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

Sec. 5-64. Maintenance of exterior premises.

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

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

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

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

Section 2

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

Sec. 6.5-28. Definitions.

....

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

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

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

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

....

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

....

Sec. 6.5-34. Prohibited and Illicit Connections.

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

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

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

Section 3

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

Sec. 6.5-71. General Provisions.

. . . .

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

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

Sec. 6.5-73. Permit procedures and requirements.

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

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

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

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

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

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

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

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

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

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

- (7) Construction-phase erosion and sedimentation control plan. An erosion and sedimentation control plan in accordance with the Doraville Erosion and Sedimentation Control Ordinance and NPDES Permit for Construction Activities. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.*
- (8) Landscaping and open space plan. A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include: the arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible*

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

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

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

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

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

. . . .

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

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

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

Section 4

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

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

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

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

<i>Major thoroughfare</i>	<i>100 feet minimum</i>	<i>36 feet curb to curb</i>
<i>Minor thoroughfare</i>	<i>80 feet minimum</i>	<i>36 feet curb to curb</i>
<i>Collector street</i>	<i>70 feet minimum</i>	<i>36 feet curb to curb</i>
<i>Local street</i>	<i>6045 feet minimum</i>	<i>2618 - 22 feet curb to curb</i>
<i>*Face-to-face of vertical curbs, and centerline-to-centerline of the valley of rolled curbs, or from the edge of pavement to edge of pavement.</i>		

Section 5

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

Sec. 17.5-201. Improvements Installed by Developer.

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

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

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

Section 6

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

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

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

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

Section 7

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

Section 8

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

SO ORDAINED, this ____ day of _____, 2013.

CITY OF DORAVILLE, GEORGIA

Mayor

First Reading

Second Reading

ATTEST:

_____(SEAL)
Acting City Clerk

APPROVED AS TO FORM:

Cecil G. McLendon, Jr., City Attorney

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



AGENDA ITEM REQUEST SHEET
March 5, 2013

Subject: Proclamation Presentation to Red Cross

Date of Meeting: March 18, 2013

Budget Impact: ☐ Yes ☒ N/A

Budget Impact Amount: N/A

Funding Source:

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

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

Department: Administrative

Department Head: Mayor

Action Requested: March is Red Cross Month. Earlier in the year, the Metro Atlanta Red Cross requested a Mayoral Proclamation, declaring March as "Red Cross Month" in Doraville. The Mayor accepted. At the March 18th meeting, she will be presenting the proclamation to representatives from the metro chapter.

Respectfully,

S/ Luke Howe
Assistant to the Mayor

Proclamation

Declaring Red Cross Month

Whereas, *March is American Red Cross Month - a special time to recognize and thank our heroes – those who volunteer, donate blood, take life-saving courses or provide financial donations to support an organization whose mission is to help those in need.*

Whereas, *the City would like to remember those who help all of us here in Doraville by giving their time to help their neighbor, and thank our heroes – our volunteers, blood donors, class takers and financial supporters who help us assist those in need.*

Whereas, *in Doraville, the Metropolitan Atlanta Chapter of the American Red Cross which covers 13 counties including DeKalb County, works tirelessly with the help of 1,300 volunteers to help when disaster strikes, when someone needs life-saving blood, or the comfort of a helping hand. It provides 24-hour support to members of the military, veterans and their families, and provides training in CPR, aquatic safety, and first aid.*

Whereas, *across the country, the American Red Cross responds to nearly 70,000 disasters a year, of those 646 disasters happen right here in Metro Atlanta. It provides some 400,000 services to military members, veterans and civilians, collects and distributes about 40 percent of the nation's blood supply and trains more than seven million people in first aid, water safety and other life-saving skills every year.*

Whereas, *our community depends on the American Red Cross, which relies on donations of time, money and blood to fulfill its humanitarian mission. Despite these challenging economic times, the American Red Cross continues to offer help and comfort to those in need.*

Therefore, *be it resolved that, I, Donna Pittman, Mayor of the City of Doraville, do hereby proclaim March 2013 as "American Red Cross Month" in Doraville*

In witness thereof, *I have hereunto set my hand and affixed the City Seal on this Eighteenth day of March, in the year of our Lord Two Thousand Thirteen.*

Mayor

Assistant to the Mayor



AGENDA ITEM REQUEST SHEET
March 5, 2013

Subject: Ordinance Annexing 4473 Tilly Mill Rd., Parcel 18 342 05 004

Date of Meeting: March 18, 2013

Budget Impact: ☐ Yes ☒ N/A

Budget Impact Amount: N/A

Funding Source:

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

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

Department: Administrative

Department Head: Mayor

Action Requested: Staff recommends waiving first reading to adopt the ordinance, annexing 4473 Tilly Mill Road into the corporate city limits of Doraville pursuant to O.C.G.A. § 36-36-21.

Background: On November 15, 2012, Mr. Marty Kogon, property owner of 4473 Tilly Mill Road, and Mr. Steve Levetan, owner of Pull-A-Part – the property's occupying business – submitted an Annexation Application via the "100% method" as outlined in O.C.G.A. § 36-36-21. The State law allows property owners to petition the governing bodies of municipalities to annex into an existing city provided that the property is contiguous to said city's corporate borders. To be considered contiguous, the abutting area must be at 1/8th of the aggregate external boundary or 50 feet of the area to be annexed whichever is less.

The application was received on November 15, 2012; however, without the then required \$750 application fee, the application was deemed incomplete and an official letter to the applicants administratively approving the application was withheld. At the December 3, 2012 Council meeting, staff petitioned the Council to waive the annexation fee for parcels of one acre or less. Council approved the fee revision, and the applicants were notified of the impending process via letter.

On December 5, 2012, a certified letter was sent to the governing authority of DeKalb County pursuant to O.C.G.A. § 36-36-6, notifying them of the approved application. The Clerk of DeKalb County certified receipt on December 10, 2012. State law provides counties with a 30-day period, from date of receipt, to object to annexations under the 100% method. No objections were made. The annexation process then proceeded to the Planning Commission, who approved the action on February 6, 2013.

A legal ad, announcing the March 4, 2013 public hearing for the property's rezoning ran on January 10, 2013 pursuant to the Zoning Procedures Act. On February 28, 2013, a legal ad, announcing a public hearing on the application, was published.

Respectfully,

S/ Luke Howe
Assistant to the Mayor

Annexation Application

Property Owner Information

Property Owner's Full Name: COHEN KOGON CHARITABLE FOUNDATION
Owner's Address: 1440 SPRING ST S.W., ATLANTA, GA 30309
Phone: 404-607-2000 Fax: 404-607-7058 Email: MARTYK@PULLAPART.COM

Company/ Business Contact Information

Business Name: PULL-A-PART, L.L.C.
Address: 4473 TILLY MILL RD, ATLANTA, GA 30360
Phone: 404-607-7000 Fax: 404-607-7058 Email: MARTYK@PULLAPART.COM

Property Location

Tax Parcel Identification Number: 18 342-05 004
Property Address: 4473 TILLY MILL RD, ATLANTA, GA 30360
Number of Existing Structures: 1 Existing Zoning Classification: C-2

Required Application Documents

- ☒ Legal Description ☐ Date of Pre-Application Meeting 11/15/2012
☒ Annexation Letter of Request ☒ Conflict of Interest Certification
☒ Site Plan (copy to scale) showing existing and proposed improvements

Owner's Signature

I hereby certify that I have received a copy of City Code Sec. 23-1604A. (Public Hearings)

Applicant Signature: [Signature] Date: 11/11/12

For City Use Only

Date Received: 11/15/2012 Application Number: ANY-11/15/12
Notes: Staff finds application to be complete LGH
needs fee

Public Hearing Notice

The Mayor and City Council holds regular business meetings at 6:30 P.M. on the first and the third Monday of each month unless one of those Mondays falls on a City-observed holiday, in which case, the Mayor and Council conducts regular business meetings the following evening at 6:30 P.M. All applications must be submitted at least two week prior to a regular Council meeting.



the city of

Doraville™

DIVERSITY | VITALITY | COMMUNITY

Annexation

Sample Letter of Request

100% Method

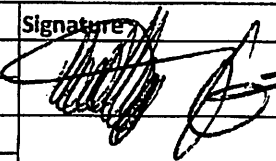
Property Address: 4473 TILLY MIKE RD., ATLANTA, GA 30360

To the Mayor and City Council of Doraville, Georgia,

I (or We), the undersigned, owner (s) of all real property of the territory described herein, respectfully request that the City Council annex this territory into the City of Doraville, Georgia and extend the city boundaries to include same.

The territory to be annexed is unincorporated and contiguous (as described in O.C.G.A. Section 36-36-20) to the existing corporate limits of Doraville, Georgia and the description of such territory is as follows:

(Attach a complete description and survey of land to be annexed)

Name (print)	Address	Signature
1) MARTY KOGON	4473 TILLY MIKE RD ATLANTA, GA 30360	
2)		
3)		
4)		
5)		

(Please add additional sheets if necessary)

Application Received By: Luke Howe

Date: 11/15/2012

For City Use Only

Dorothy E Venable

Dorothy E Venable
Notary Public, DeKalb County GA
My Commission Expires:
September 8, 2015



the city of

DoravilleSM

DIVERSITY | VITALITY | COMMUNITY

Conflict of Interest Certification For Rezonings

The undersigned below, making application for rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et seq. Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Applicant Signature

Date

Print Name and Title

Applicant's Attorney or
Representative's Signature

Date

Print Name and Title

Before me, the undersigned notary public, this day, personally, appeared _____ to me known, who being duly sworn according to law, deposes the following:

Subscribed and sworn to before me this 1st day of November, 2012.

Notary Public

Disclosure of Campaign Contributions

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a City of Doraville Mayor/Council Member or a Member of the Planning Commission.

☐ YES or ☒ NO

YOUR NAME

If the answer is yes, please complete the following section (add additional sheets if necessary to disclose and/ or describe all contributions.

NAME AND POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (LIST ALL EQUAL TO OR GREATER THAN \$250.00)	DATE CONTRIBUTION WAS MADE (WITHIN LAST TWO YEARS)

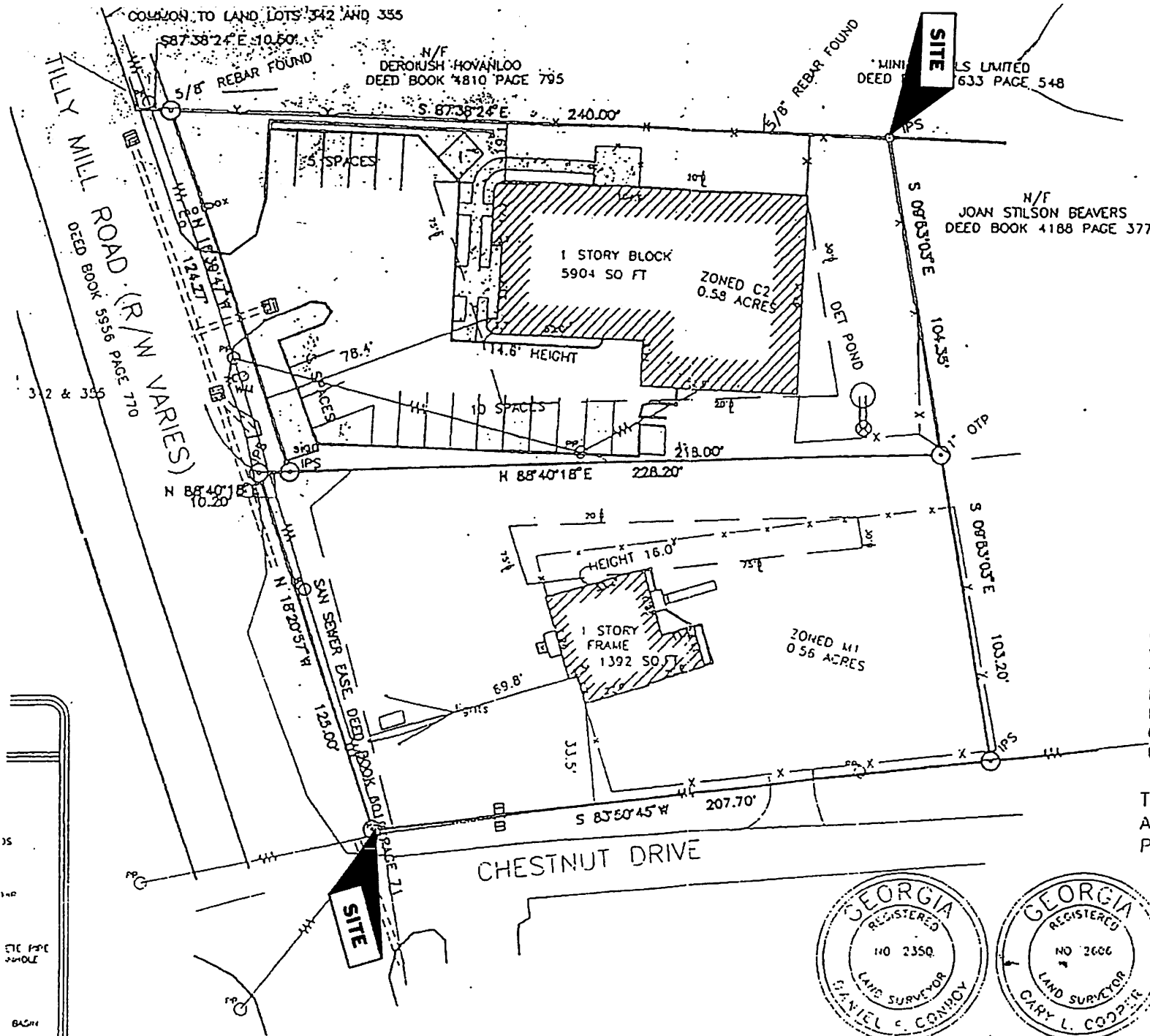
DATE RECEIVED: 11/15/12

RECEIVED BY: Lake Hem

Dorothy E Venable

Dorothy E Venable
Notary Public, DeKalb County GA
My Commission Expires:
September 8, 2015





THIS IS TO CERTIFY THAT THIS
WHICH IT IS BASED WERE MADE
STANDARD DETAIL, REQUIREMENTS
JOINTLY ESTABLISHED AND ADOPTED
INCLUDES (ITS 1.3.1.2.7(a), 7(b), 8.2,
SUBMIT TO THE ACCURACY STANDARDS
AND IN EFFECT ON THE D
"URBAN" SURVEY.

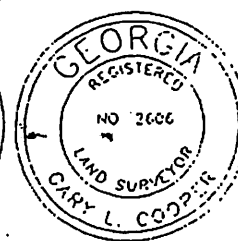
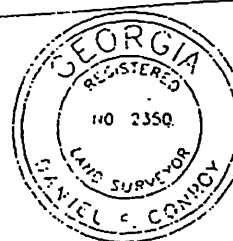
DATE: 7/29/98

SIGNED: Daniel

REGISTRATION NO.:

NOTES:
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PER PANEL NO.



IN MY OPINION THIS PLAT IS A CORRECT

FRITZLER &
and LAWYERS

DATE 2-23-98

SCALE: 1" = 40'

CONROY &

LITHONIA,



CITY OF DORAVILLE

December 5, 2012

Mr. Marty Kogon
1440 Spring Street, SW
Atlanta, Georgia 30309

Dear Mr. Kogon,

We are pleased to inform you that your application for annexing into the City of Doraville under O.C.G.A. § 36-36-21 has been administratively approved.

An official notice to DeKalb County has been sent as of today. Under State law, the County has thirty (30) days upon receipt of the notice to adopt a resolution, objecting to the proposed annexation or has fifteen (15) days from receipt to call a meeting with the City to discuss the proposed annexation. In the case of the latter, the County would have thirty (30) days after such meeting to adopt a resolution of objection.

Barring any County objection, the proposed rezoning of the property will be heard at a called meeting of the Doraville Planning Commission. This meeting will be held at 7:00 PM on Wednesday, January 9, 2012 at Doraville City Hall (3725 Park Avenue). Under DeKalb County Code, the property is zoned C-2 Commercial. The Development Department will issue a recommendation to rezone the property as C-2 Commercial under the City of Doraville Zoning Code. All existing, legal land uses and structures will be considered either legal conforming or legal non-conforming under City Code.

A proposed ordinance officially annexing the property into the City will be read at a called meeting of the City Council, which will be held at 6:30 PM on Monday, January 21, 2012 at Doraville City Hall. Lastly, a public hearing on the final zoning action will be held at a called meeting of the City Council on Monday, February 4, 2012 at 6:30 PM. Your and/ or the business owner's attendance at the scheduled meetings is encouraged. You will be notified in writing upon any County objections or changes to the meeting schedule.

Thank you for taking this first step in joining the City of Doraville. We welcome and look forward to serving you. Please don't hesitate to contact me should you have any questions.

Sincerely,


Joe Cooley, JD, AICP
Development Director

Cc: Hon. Donna Pittman, Mayor; Sandra Bryant, City Clerk; Mr. Steve Levetan



CITY OF DORAVILLE

December 5, 2012

Ms. Barbara H. Sanders, C.C.C.
Office of County Clerk
DeKalb County Board of Commissioners
1300 Commerce Drive
Decatur, Georgia 30030

Dear Ms. Sanders,

Please be advised that the City of Doraville, Georgia, by the authority vested in the Mayor and the Council of the City of Georgia, Georgia by Article II of Chapter 36, Title 36, of the Official Code of Georgia Annotated, intends to annex the property hereinafter described by ordinance at a regular meeting of the Mayor and the City Council. The meeting has been scheduled for 6:30 PM on Monday, January 21, 2012 at Doraville City Hall.

This letter has been sent to you by certified mail, return receipt requested, within five (5) business days of acceptance of an application for annexation, a petition for annexation, or upon the adoption of a resolution for annexation by the City of Doraville, in accordance with O.C.G.A. § 36-36-6 and O.C.G.A. § 36-36-9 and after receipt of the application for zoning pursuant to O.C.G.A. § 36-36-111.

Legal Description:

All that tract or parcel of land lying and being in Land Lot 342 of the 18th Land District of DeKalb County, Georgia and more particularly described as follows: To find the point of beginning, commencement at the intersection of the northerly right-of-way of Chestnut Drive and the easterly right-of-way of Tilly Mill Road, thence along Tilly Mill Road N18°20'57"W a distance of 125.00' to an iron pin; thence N88°40'18"E a distance of 10.20' to an iron pin and THE TRUE POINT OF BEGINNING; thence along the right-of-way S87°38'42"E a distance of 240.00' to an iron pin; thence S09°53'03"E a distance of 104.35' to a 1" open top pipe; thence S88°40'18"W a distance of 218.00' to the point of beginning. This tract contains 0.58 acres and is shown on a survey for Fritzler & Harmon, L.L.C., Regions Bank and Lawyers Title Insurance Corporation dated 2/23/98 last revised 4/27/98 being the seal of Daniel Conroy RLS 2350.

**Said property being of one (1) parcel, consisting of 0.58 acres.*

Pursuant to O.C.G.A. § 36-36-7 and O.C.G.A. § 36-36-9, you must notify the City of Doraville, in writing and by certified mail, return receipt requested, of any county facilities or property located within the property to be annexed, within five (5) business days of receipt of this letter.

Pursuant to O.C.G.A. § 36-36-4, a public hearing on rezoning of the property to be annexed as C-2 Commercial will be held at the February 4, 2012 City Council meeting. If the county has an objection under O.C.G.A. § 36-36-113, in accordance with the objection and resolution process, you must notify the City Clerk's Office at 3725 Park Avenue, Doraville, Georgia 30340-1111 within thirty (30) calendar days of the receipt of this notice.



CITY OF DORAVILLE

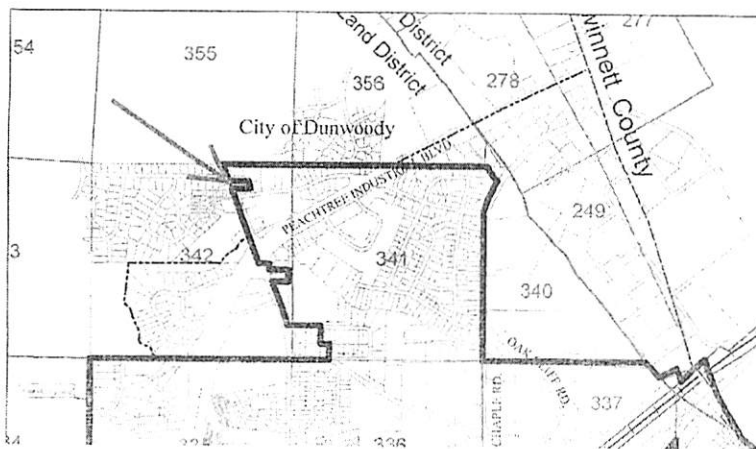
Page 2

Sincerely,

Mayor Donna Pittman

Enclosures: Annexation Application (ANX-11-15-12)

Cc: Hon. Burrell Ellis, Jr.; Hon. Elaine Boyer; Hon. Kathie Gannon; Hon. Larry Johnson; Hon. Lee May; Hon. Jeff Rader; Hon. Sharon Barnes Sutton; Hon. Stan Watson



*The bold borders on the map below indicate the City's current boundary as of this date. The shaded areas to the east and west of the current borders represents City borders effective at 12:01 AM, December 31, 2012 – an annexation authorized under Senate Bill 532. The arrow points to property described in this correspondence.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DeKalb County Board of Com.
1300 Commerce Dr.
Decatur, Ga.
30030

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Dominic Rodriguez

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☒ YesIf YES, enter delivery address below: ☐ No

DEC 10 2012

3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. /

7008 0500 0000 9396 3912



DeKalb County Geographical Information Systems

W. Burrell Ellis, Jr.
Chief Executive Officer

Stacy Gear
Director



December 20, 2012

Donna Pittman
Mayor
City of Doraville
3725 Park Avenue
Doraville, Georgia 30340

Dear Mayor Pittman:

We are in receipt of your December 5, 2012 letter regarding the purposed annexation of property located at 4473 Tilly Mill Road (tax parcel 18 342 05 004). The GIS Department will update the county's tax map and records once we receive a copy of the Justice Department's pre-clearance letter.

We have reviewed the address listed in your correspondence to be annexed. Our review has determined that no county facilities are located at 4473 Tilly Mill Road (tax parcel 18 342 05 004).

With regard to easements and drainage, DeKalb County hereby reserves for itself, its successors and assigns any and all existing water and sewer easements upon, over, across and under the above mentioned annexed property and an easement upon, over, cross and under the above mentioned annexed property for the collection, direction, concentration, discharge, ponding or retention of rain waters, surface waters or other waters from roads, street, alleys, parks, lots, ditches, culverts, drains, lake, rivers, streams, pond and properties of DeKalb County, Georgia or properties devoted to a public use.

The GIS Department is responsible for processing annexations. GIS will receive the notification of annexation in a more expeditious manner if you would please copy this office on annexation notices. If you have any questions, you may contact me at 404.371.3619 or via email at scgear@dekalbcountyga.gov.

Sincerely,

Stacy Gear
Director

cc: Burrell Ellis, CEO
Richard Stogner, COO
Hakim Hilliard, Chief of Staff
Ted Rhinehart, Deputy COO of Infrastructure
Lisa Chang, County Attorney
Gary Cornell, Interim Director, Planning & Sustainability
Claudia Lawson, Tax Commissioner
Maxine W. Daniels, Elections Director

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

ORDINANCE NO. 2013-__

AN ORDINANCE TO ANNEX PROPERTY LOCATED AT 4473 TILLY MILL ROAD INTO THE CORPORATE LIMITS OF THE CITY OF DORAVILLE, GEORGIA PURSUANT TO THE 100 PERCENT METHOD AS STATED IN CHAPTER 36 OF TITLE 36 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED; TO AUTHORIZE STAFF TO SEEK PRECLEARANCE FROM THE UNITED STATES DEPARTMENT OF JUSTICE AND TO NOTIFY THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the owner of real property (the "Applicant") has applied to the City of Doraville (the "City") for annexation (the "Application") of parcel number 18 342 05 004 located at 4473 Tilly Mill Road, Doraville, Georgia 30360-2107, as more fully described and delineated in Exhibit "A" and attached hereto (the "Property"); and,

WHEREAS, the City has determined that the Property is contiguous with the existing corporate limits of the City in excess of one-eighth (1/8th) of the aggregate external boundary as required for such annexations under O.C.G.A. § 36-36-1 *et seq.*; and,

WHEREAS, the City has determined that the Applicant is the title holder of record of 100% of the privately owned land within the Property, as evidenced by the Clerk of Superior Court of DeKalb County, Georgia; and,

WHEREAS, pursuant to O.C.G.A. § 36-36-4(d) the governing procedures for the zoning of the land to be annexed into a municipality have been satisfied; and,

WHEREAS, the zoning classification of C-2 (General Business District) approved by the City for the Property for said annexation shall become effective upon adoption of this ordinance as required by O.C.G.A. § 36-36-2; and,

WHEREAS, the City has lawfully provided notice to DeKalb County, Georgia of all required information including notice of the City's receipt of the Application for the annexation of the Property; and,

WHEREAS, the City has the authority pursuant to O.C.G.A. § 36-36-1 *et seq.* to annex certain property into the corporate limits of the City of Doraville, and that the Mayor and Council of the City of Doraville have determined that the annexation of the Property would be in the best interest of the property owner of said area to be annexed and of the citizens of the City of Doraville; and,

WHEREAS, the City has determined that the Application meets the requirements of the law pursuant to O.C.G.A. § 36-36-1 *et seq.*; and,

WHEREAS, upon annexation, the City must seek preclearance from the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965 as well as pursuant to State law, submit a report to the Georgia Department of Community Affairs; and,

THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAVILLE, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1. The Property addressed as 4473 Tilly Mill Road, Doraville, Georgia 30360-2107, Parcel number 18 342 05 004 as more fully described in Exhibit "A" which is incorporated by reference, is hereby annexed into the existing corporate limits of the City of Doraville, Georgia, pending approval by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.

Section 2. City staff is hereby authorized and directed to submit to the United States Department of Justice all necessary documentation required for the Department's review and approval of the annexation pursuant to Section 5 of the Voting Rights Act of 1965.

Section 3. City staff is hereby authorized and directed to file a report identifying property annexed with the Georgia Department of Community Affairs and with the governing authority of DeKalb County, Georgia as required by O.C.G.A. § 36-36-3, and to take all other actions required by law with regard to the adoption of this ordinance and the annexation of the Property.

Section 4. This Ordinance shall become effective immediately for all purposes in accordance with applicable provisions of Georgia law, contingent upon approval of the annexation by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.

Section 5. All Ordinances or parts of Ordinances in conflict with the terms of this Ordinance shall be repealed.

SO BE IT ORDAINED AND EFFECTED this 18th day of March, 2013.

CITY OF DORAVILLE, GEORGIA

Donna Pittman, Mayor

March 18, 2013

First Reading

Second Reading

ATTEST:

Sandra Bryant, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

Cecil G. McLendon, Jr., City Attorney

EXHIBIT A

4473 Tilly Mill Road, Doraville, Georgia 30360-2107

All that tract or parcel of land lying and being in Land Lot 342 of the 18th Land District of DeKalb County, Georgia and more particularly described as follows: To find the point of beginning , commencement at the intersection of the northerly right-of-way of Chestnut Drive and the easterly right-of-way of Tilly Mill Road, thence along Tilly Mill Road N18°20'57"W a distance of 125.00' to an iron pin; thence N88°40'18"E a distance of 10.20' to an iron pin and THE TRUE POINT OF BEGINNING; thence along the right-of-way S87°38'42"E a distance of 240.00' to an iron pin; thence S09°53'03"E a distance of 104.35' to a 1" open top pipe; thence S88°40'18"W a distance of 218.00' to the point of beginning. This tract contains 0.58 acres and is shown on a survey for Fritzler & Harmon, L.L.C., Regions Bank and Lawyers Title Insurance Corporation dated 2/23/98 last revised 4/27/98 being the seal of Daniel Conroy RLS 2350.



THE CITY OF DORAVILLE
Planning Commission Agenda Sheet
AGENDA ITEM SHEET

Subject: Public Hearing for City Initiated Rezoning of Property located at 4473 Tilly Mill Road, Doraville GA, Parcel # 18 342 05 004

Date of Meeting: Feb. 6, 2013

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: Public Hearing on the zoning of property which is currently zoned C-2 under DeKalb County Zoning to C-2 under the City of Doraville Zoning Ordinance as part of annexation of a single parcel unincorporated island in DeKalb County by the 100% method of annexation. This will be the public hearing and first reading of the zoning action. Final action will not take place until after the public hearing and annexation of the property currently scheduled for the Council meeting on 18. The final action can take place directly after the annexation on the same agenda.

History, Facts, Issues: This parcel has applied to be annexed into the City of Doraville by the 100% method where all property owners request such action. This is a single parcel on Tilly Mill Road that was not included in the annexation areas recently incorporated by legislative action on Dec. 31, 2012.

The parcel is currently uses as the corporate headquarters of Pull-A-Part LLC and the same use will continue with the annexation.

Planning Commission Recommendation: Approval; 3-0 in favor

Staff Recommendation: Approval

Options: Approve proposed zoning, deny proposed zoning, or approve proposed zoning with conditions.

Annexation Application

Property Owner Information

Property Owner's Full Name: COHEN KOGON CHARITABLE FOUNDATION
Owner's Address: 1440 SPRING ST S.W., ATLANTA, GA 30309
Phone: 404-607-2000 Fax: 404-607-7058 Email: MARTYK@PULLAPART.COM

Company/ Business Contact Information

Business Name: PULL-A-PART, L.L.C.
Address: 4473 TILLY MILL RD, ATLANTA, GA 30360
Phone: 404-607-7000 Fax: 404-607-7058 Email: MARTYK@PULLAPART.COM

Property Location

Tax Parcel Identification Number: 18 342-05 004
Property Address: 4473 TILLY MILL RD, ATLANTA, GA 30360
Number of Existing Structures: 1 Existing Zoning Classification: C-2

Required Application Documents

- ☒ Legal Description ☐ Date of Pre-Application Meeting 11/15/2012
☒ Annexation Letter of Request ☒ Conflict of Interest Certification
☒ Site Plan (copy to scale) showing existing and proposed improvements

Owner's Signature

I hereby certify that I have received a copy of City Code Sec. 23-1604A. (Public Hearings)

Applicant Signature: [Signature] Date: 11/15/12

For City Use Only

Date Received: 11/15/2012 Application Number: ANY-11-15-12

Notes: Staff finds application to be complete. LPH

Public Hearing Notice

The Mayor and City Council holds regular business meetings at 6:30 P.M. on the first and the third Monday of each month unless one of those Mondays falls on a City-observed holiday, in which case, the Mayor and Council conducts regular business meetings the following evening at 6:30 P.M. All applications must be submitted at least two week prior to a regular Council meeting.

P.C. recommend approval to City Council 3-0



the city of
DoravilleSM

DIVERSITY | VITALITY | COMMUNITY

Annexation

Sample Letter of Request

100% Method

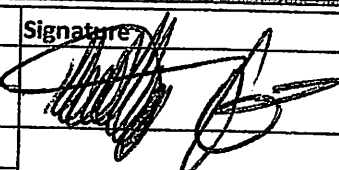
Property Address: 4473 TILLY MILL RD., ATLANTA, GA 30360

To the Mayor and City Council of Doraville, Georgia,

I (or We), the undersigned, owner (s) of all real property of the territory described herein, respectfully request that the City Council annex this territory into the City of Doraville, Georgia and extend the city boundaries to include same.

The territory to be annexed is unincorporated and contiguous (as described in O.C.G.A. Section 36-36-20) to the existing corporate limits of Doraville, Georgia and the description of such territory is as follows:

(Attach a complete description and survey of land to be annexed)

Name (print)	Address	Signature
1) MARTY KOGON	4473 TILLY MILL RD ATLANTA, GA 30360	
2)		
3)		
4)		
5)		

(Please add additional sheets if necessary)

For City Use Only	
Application Received By: <u>Lake Hane</u>	Date: <u>11/15/2012</u>

Dorothy E Venable

Dorothy E Venable
Notary Public, DeKalb County GA
My Commission Expires:
September 8, 2015

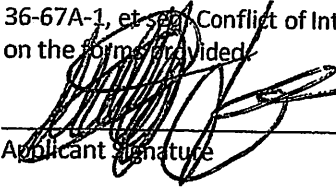


the city of
DoravilleSM

DIVERSITY | VITALITY | COMMUNITY

Conflict of Interest Certification For Rezoning

The undersigned below, making application for rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et seq. Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.


Applicant Signature

4/1/12
Date

MARTY KOGON, DIRECTOR
Print Name and Title

Applicant's Attorney or
Representative's Signature

Date

Print Name and Title

Before me, the undersigned notary public, this day, personally, appeared _____ to me known, who being duly sworn according to law, deposes the following:

Subscribed and sworn to before me this 1st day of November, 20 12.

Tara Renea Chandler
Notary Public

Disclosure of Campaign Contributions

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a City of Doraville Mayor/Council Member or a Member of the Planning Commission.

☐ YES or ☒ NO

MARTIN KOGON

YOUR NAME

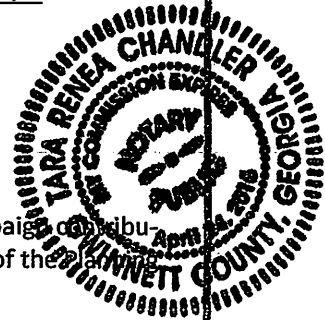
If the answer is yes, please complete the following section (add additional sheets if necessary to disclose and/or describe all contributions).

NAME AND POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (LIST ALL EQUAL TO OR GREATER THAN \$250.00)	DATE CONTRIBUTION WAS MADE (WITHIN LAST TWO YEARS)

DATE RECEIVED: 11/15/12 RECEIVED BY: Late Kogon

Dorothy E Venable

Dorothy E Venable
Notary Public, DeKalb County GA
My Commission Expires:
September 8, 2015



Linda Carter
Clerk of Superior Court Dekalb Cty. Ga.
1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990

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

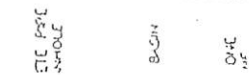
This tract contains 0.58 acres and is shown on a survey for Fritzler & Harmon, L.L.C., Regions Bank and Lawyers Title Insurance Corporation dated 2/23/98 last revised 4/27/98 being the seal of Daniel F. Conroy RLS 2350.

[Handwritten signature]

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PR

Property Tax Information Results

Online Payments are for 2012 Only

[Pay Now](#)

[Back](#)

For additional assistance, contact (404) 298-4000.

Property Identification <u>Parcel ID</u> 18 342 05 004 <u>Pin Number</u> 1536383 <u>Property Address</u> 4473 TILLY MILL RD <u>Property Type</u> Real Estate <u>Tax District</u> 04 - Unincorporated		Property Value/Billing Assessment <u>Taxable Year</u> 2012 <u>Land Value</u> \$314,600 <u>Building Value</u> \$368,200 <u>Misc. Improvement Value</u> \$0 <u>Total Value</u> \$682,800 <u>40% Taxable Assessment</u> \$273,120 <u>Appeal Assessment</u> \$232,152 * Appeal Assessment is a temporary value until appeal is resolved Information as of 10/31/2012																																					
Owner Information <u>Last Name, First Name</u> COHEN KOGON CHARITABLE <u>Jan. 1st Owner</u> <u>Co-Owner</u> <u>Current Owner</u> COHEN KOGON CHARITABLE <u>Co-Owner</u> <u>Owner Address</u> 1440 SPRING ST NW ATLANTA GA 30309 2832 <u>Care of Information</u>		Tax Information Summary <u>Taxable Year</u> 2012 <u>Millage Rate</u> 0.04539 <u>2nd Installment Amount</u> \$5,383.89 <u>DeKalb County Taxes Billed</u> \$10,767.78 <u>DeKalb County Taxes Paid</u> \$5,383.89 <u>DeKalb County Taxes Due</u> \$5,383.89 <u>Total Taxes Billed</u> \$10,767.78 <u>Total Taxes Paid</u> \$5,383.89 <u>Total Taxes Due</u> \$5,383.89 <u>Last Payment Date for DeKalb County Taxes</u> 10/8/2012 <u>Last Payment Amount for DeKalb County Taxes</u> \$5,383.89																																					
Homestead Exemption <u>Exemption Type</u> - NO EXEMPTION <u>Tax Exempt Amount</u> \$0.00 APPLY FOR BASIC HOMESTEAD EXEMPTION AND PROPERTY ASSESSMENT FREEZE																																							
Other Exemption Information <u>Exemption Type</u> <u>Value Exemption Amount</u> \$0.00		<div style="text-align: center;"> Tax Paid Receipt Tax Bill Details -- Choose a Tax Year -- Get Tax Payoff Info. </div>																																					
Deed Information <u>Deed Type</u> WARRANTY DEED <u>Deed Book/Page</u> 14690 / 00318 <u>Plat Book/Page</u> 0 / 0		Prior Years Tax **Please note that information below may be 2 days old. <table border="1"> <thead> <tr> <th>DeKalb County Tax</th> <th>Total Owed</th> <th>Total Paid</th> <th>Total Due</th> </tr> </thead> <tbody> <tr><td>2012</td><td>\$10,767.78</td><td>\$5,383.89</td><td>\$5,383.89</td></tr> <tr><td>2011</td><td>\$12,367.84</td><td>\$12,367.84</td><td>\$0.00</td></tr> <tr><td>2010</td><td>\$11,453.51</td><td>\$11,453.51</td><td>\$0.00</td></tr> <tr><td>2009</td><td>\$11,453.51</td><td>\$11,453.51</td><td>\$0.00</td></tr> <tr><td>2008</td><td>\$12,003.96</td><td>\$12,003.96</td><td>\$0.00</td></tr> <tr><td>2007</td><td>\$10,964.00</td><td>\$10,964.00</td><td>\$0.00</td></tr> <tr><td>2006</td><td>\$10,964.00</td><td>\$10,964.00</td><td>\$0.00</td></tr> <tr><td>2005</td><td>\$8,796.14</td><td>\$8,796.14</td><td>\$0.00</td></tr> </tbody> </table>		DeKalb County Tax	Total Owed	Total Paid	Total Due	2012	\$10,767.78	\$5,383.89	\$5,383.89	2011	\$12,367.84	\$12,367.84	\$0.00	2010	\$11,453.51	\$11,453.51	\$0.00	2009	\$11,453.51	\$11,453.51	\$0.00	2008	\$12,003.96	\$12,003.96	\$0.00	2007	\$10,964.00	\$10,964.00	\$0.00	2006	\$10,964.00	\$10,964.00	\$0.00	2005	\$8,796.14	\$8,796.14	\$0.00
DeKalb County Tax	Total Owed	Total Paid	Total Due																																				
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2005	\$8,796.14	\$8,796.14	\$0.00																																				
Property Characteristics/ Sales Information <u>NBHD Code</u> <u>Acreage</u> 0.602 <u>Zoning Type</u> <u>Improvement Type</u> <u>Year Built</u> 1987 <u>Condition Code</u> Good <u>Quality Grade</u> Good <u>Air Conditioning</u> <u>Fireplaces</u> 0 <u>Stories</u> 1 <u>Square Footage</u> 5,896 Sq. Ft. <u>Basement Area</u> N/A <u>% Bsmt Finished</u> N/A <u>Bedrooms</u> 0 <u>Bathrooms</u> 0 <u>Last Deed Date</u> 6/27/2003 <u>Last Deed Amount</u> \$697,200.00		Delinquent Taxes/ Tax Sale Information <u>Tax Sale File Number</u> <u>Fifa-GED Book/Page</u> <u>Levy Date</u> <u>Sale Date</u> <u>Delinquent Amount Due</u> Call 404-298-3053 for Payoff Amount																																					
Additional Property For additional information on the data above, contact the Property Appraisal Department at 404-371-2471		Property Tax Mailing Address DeKalb County Tax Commissioner Collections Division PO Box 100004 Decatur, GA 30031-7004																																					

For additional assistance, contact (404) 298-4000.



2012 DEKALB COUNTY REAL ESTATE TAX STATEMENT

PAY ONLINE AT www.yourdekalb.com/taxcommissioner
OR BY PHONE AT 404-298-4060

CLAUDIA G. LAWSON
TAX COMMISSIONER

OWNER COHEN KOGON CHARITABLE
CO-OWNER
PARCEL I.D. \ PIN 18 342 05 004 \ 1536383
PROPERTY ADDRESS 4473 TILLY MILL RD
TAX DISTRICT 04 UNINCORPORATED

APPRAISAL VALUES AND EXEMPTION INFORMATION

TOTAL APPRAISAL	682,800	EXEMPTION CODE
40% ASSESSMENT	273,120	BASE ASSESSMENT FREEZE
APPEAL ASSESSMENT	232,152	NET FROZEN EXEMPTION

THIS YEAR THE STATE PORTION OF YOUR TAX BILL IS BEING REDUCED AND WILL GRADUALLY BE ELIMINATED FROM YOUR TAX BILL. THIS TAX RELIEF WAS PASSED BY THE GOVERNOR AND THE HOUSE OF REPRESENTATIVES AND THE GEORGIA STATE SENATE.

COUNTY GOVERNMENT TAXES				Levied by the Board of Commissioners: representing 45.73% of your tax statement					
TAXING AUTHORITIES	TAXABLE ASSESSMENT	X	MILLAGE	=	GROSS TAX AMOUNT	- FROZEN EXEMPTION	- CONST-HHST EXEMPTION	- HOST CREDIT	= NET TAX DUE
COUNTY OPNS	232,152		.0104300		2,421.34	0.00	0.00	0.00	2,421.34
HOSPITALS	232,152		.0009400		218.22	0.00	0.00	0.00	218.22
COUNTY BONDS	232,152		.0007000		162.52	0.00	0.00	0.00	162.52
UNIC BONDS	232,152		.0017200		399.30	0.00	0.00	0.00	399.30
FIRE	232,152		.0032900		763.78	0.00	0.00	0.00	763.78
UNIC TAXDIST	232,152		.0003800		88.22	0.00	0.00	0.00	88.22
POLICE SERVC	232,152		.0037500		870.58	0.00	0.00	0.00	870.58
TOTAL COUNTY TAXES									\$4,923.96
BOARD OF EDUCATION - SCHOOL TAXES				Levied by Board of Education: representing 51.7% of your tax statement					
TAXING AUTHORITIES	TAXABLE ASSESSMENT	X	MILLAGE	=	GROSS TAX AMOUNT	- FROZEN EXEMPTION	- CONST-HHST EXEMPTION	- HOST CREDIT	= NET TAX DUE
SCHOOL OPNS	232,152		.0239800		5,567.00	0.00	0.00	0.00	5,567.00
TOTAL SCHOOL TAX									\$5,567.00
STATE & CITY TAXES, AND OTHER CHARGES				Levied as applicable by State, City, or County: representing 2.57% of your tax statement					
TAXING AUTHORITIES	TAXABLE ASSESSMENT	X	MILLAGE	=	GROSS TAX AMOUNT	- FROZEN EXEMPTION	- CONST-HHST EXEMPTION	- HOST CREDIT	= NET TAX DUE
STATE TAXES	232,152		.0002000		46.42	0.00	0.00	0.00	46.42
STORM WATER	4.8 UNIT(S)		48.00		230.40	0.00	0.00	0.00	230.40
TOTAL STATE, CITY AND OTHER ASSESSMENTS									\$276.82
TOTAL PROPERTY TAXES				TOTAL MILLAGE	GROSS TAX AMOUNT	FROZEN EXEMPTION	CONST-HHST EXEMPTION	HOST CREDIT	NET TAX DUE
TOTAL DUE				0.045390	10,767.78	0.00	0.00	0.00	\$10,767.78

SPECIAL NOTICE: As required by state law O.C.G.A. 48-5-311, this is a TEMPORARY bill pending the resolution of your appeal. If an appeal had not been filed, your taxes would have been \$12,627.32 based on the original assessment of 273,120. This TEMPORARY bill of \$10,767.78 is based on an appeal assessment of 232,152. Payments are still required by October 1st and November 15th. The final amount will be adjusted when the appeal is resolved. If the appeal is resolved before November 15th, a bill will be issued for the balance due or a refund will be sent for any overpayment. Interest applies after November 15th.

MAKE YOUR CHECK PAYABLE TO:

DEKALB COUNTY TAX COMMISSIONER
P.O. BOX 100004
DECATUR, GA 30031-7004
PAY BY PHONE - (404)298-4000 or
online at www.yourdekalb.com/taxcommissioner

DUE DATE

NOVEMBER 15, 2012
5% PENALTY FOR LATE PAYMENT
RETURN COUPON WITH PAYMENT

PARCEL I.D.	18 342 05 004
TOTAL ANNUAL TAX	\$10,767.78
INSTALLMENT AMOUNT DUE	\$5,383.89
ENTER AMOUNT PAID	

SECOND INSTALLMENT

*****AUTO**5-DIGIT 30309

COHEN KOGON CHARITABLE
1440 SPRING ST NW
ATLANTA GA 30309-2832



1 of 1
1189334653801



PIN: 1536383

02153638310000053838990000107677818

IF MAKING FULL PAYMENT, TAXES MUST BE PAID ON OR BEFORE OCTOBER 1, 2012

MAKE YOUR CHECK PAYABLE TO:

DEKALB COUNTY TAX COMMISSIONER
P.O. BOX 100004
DECATUR, GA 30031-7004
PAY BY PHONE - (404)298-4000 or
online at www.yourdekalb.com/taxcommissioner

DUE DATE

OCTOBER 1, 2012
5% PENALTY FOR LATE PAYMENT
RETURN COUPON WITH PAYMENT

PARCEL I.D.	18 342 05 004
TOTAL ANNUAL TAX	\$10,767.78
INSTALLMENT AMOUNT DUE	\$5,383.89
ENTER AMOUNT PAID	

FIRST INSTALLMENT

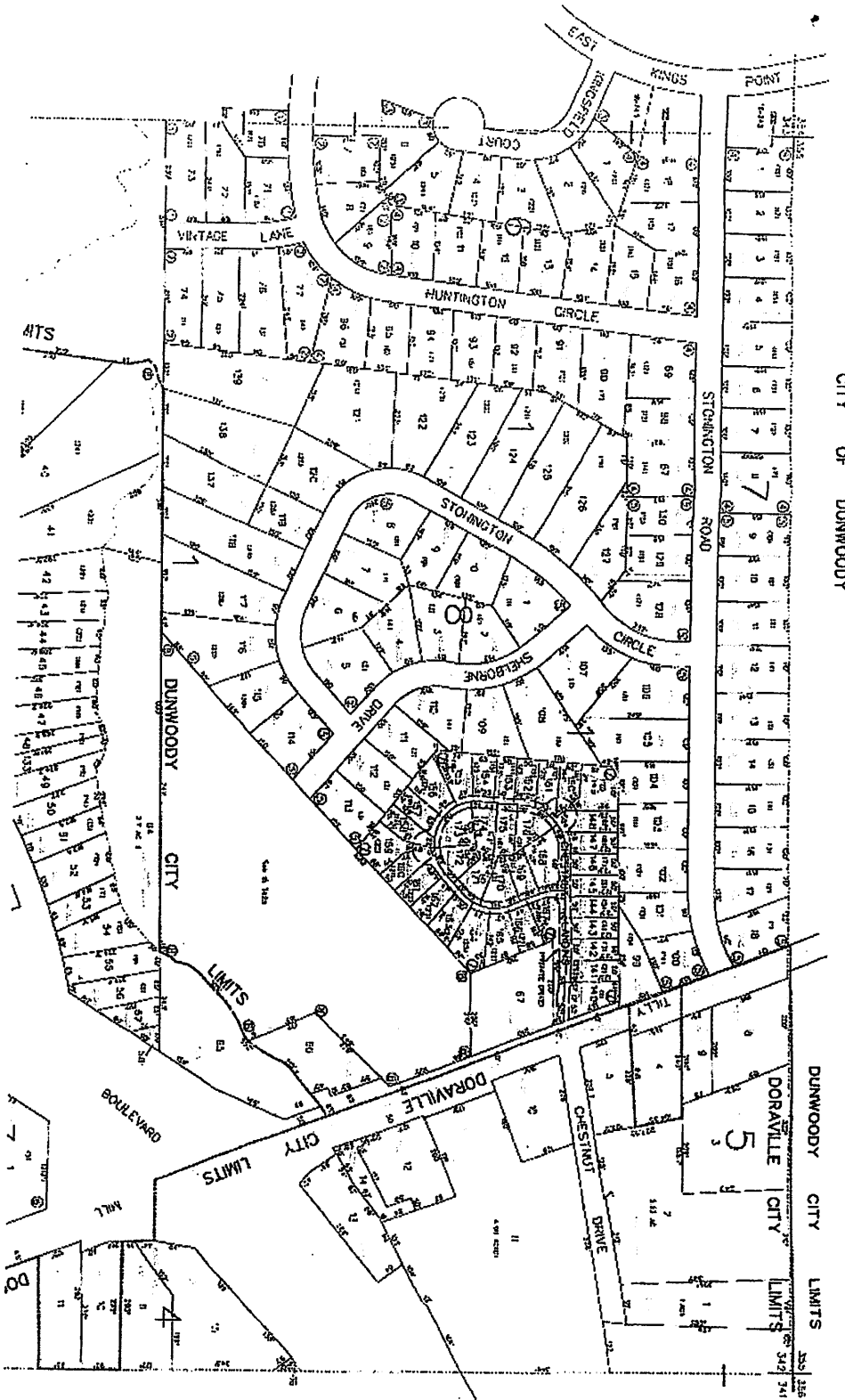
COHEN KOGON CHARITABLE
1440 SPRING ST NW
ATLANTA GA 30309-2832



PIN: 1536383

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Latest News

View All

10:14a Radio update: Jobless claims at 18-month high
 10:11a Whole Foods at half price?
 10:09a Target faces backlash over 'Black Thursday'

10:04a BREAKING

DOW	-1.07	NASDAQ	-0.07	S&P 500	+1.70
12,569.88	-0.01%	2,846.74	-0.00%	1,357.19	+0.13%

November 15, 2012

10:24 AM EST

New York	London	Tokyo
Open	Open	Closed

From Fox Business



MICHAEL WOODWARD

Holiday help for a jobless friend

Offering support and guidance to a jobless friend or family member during the holidays can help both parties, writes Michael Woodward of Fox Business

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press release

Nov. 15, 2012, 8:00 a.m. EST

Pull-A-Part and the Georgia Recycling Coalition Launch a Partnership to Promote Automobile Recycling and Reduce the Number of Junk Cars in the Metro Atlanta and Augusta Areas



PR Newswire

United Business Media

ATLANTA, Nov. 15, 2012 /PRNewswire via COMTEX/ -- Pull-A-Part, a Do-It-Yourself Used Auto Parts Retailer and purchaser of End of Life Vehicles ("Junk" Cars), announced a partnership today with the Georgia Recycling Coalition (GRC) to promote the recycling of older cars in the Metro Atlanta and Augusta areas. Pull-A-Part will donate funds to the Georgia Recycling Coalition and the local recycling program members, including Keep Atlanta Beautiful, Keep DeKalb Beautiful, Keep East Point Beautiful, Keep Forest Park Beautiful, Keep Roswell Beautiful, Keep Columbia County Beautiful, and Gwinnett Clean & Beautiful for every vehicle sold through their promotion of this program. Residents in these areas can contact Pull-A-Part at (888) 237-7198 if they wish to sell their old junk cars for cash, which includes free vehicle pickup.

The donated funds will be used to help support local recycling and litter prevention programs throughout the state. "Pull-A-Part is excited to work with the Georgia Recycling Coalition to help remove and recycle 'junk' cars from our neighborhood streets and yards," says Steve Levetan, Senior VP. "We are committed to helping our communities stay cleaner and safer through our continued support of sustainable reuse and recycling practices."

"We're proud to partner with Pull-A-Part, a clear leader in the 'do-it-yourself' used auto parts industry," says Gloria Hardegree, Executive Director, Georgia Recycling Coalition. "Through this program we hope to keep communities clean while reducing the number of 'junk' cars on the streets and in yards. With Pull-A-Part funding cash incentives for each car purchased as a result of this program, we will be able to further support GRC's mission and our members."

This program kicks off today in recognition of America Recycles Day. For more information on how to sell your old car and help your community (free towing included), please contact Pull-A-Part at customerservice@pullapart.com or (888) 237-7198.

About Pull-A-Part LLC: As the premiere do-it-yourself used auto parts superstore, Pull-A-Part reduces the costs, hassles and headaches of finding quality used auto parts for less. Its lots are organized, well-tended and safe, with computerized inventory systems that allow customers to quickly select from more than 2000 cars and remove parts themselves thereby avoiding expensive labor costs and mark-ups. Make sure to visit them at www.pullapart.com.


About GRC: The Georgia Recycling Coalition is the 501 c 3 state recycling organization in Georgia. Its mission is to promote & enhance waste reduction and recycling programs & activities in the state. It is comprised of members representing all sectors of the recycling industry. GRC was awarded the Recycling Coalition of the Year for 2008 by the National Recycling Coalition. Atlanta Magazine recognized the Georgia Recycling Coalition and its EcoVill website in the Best of Atlanta December 2009 issue for best Eco Service in its "Thrive" category. In 2011, GRC celebrated its 20th Anniversary and in March 2012 was honored with the Green Reach Award by the Atlanta Business Chronicle in its 2012 Environmental Awards. See www.georgiarecycles.org for more GRC information.


SOURCE Pull-A-Part


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COMTEX


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Video »

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THE CITY OF DORAVILLE
Planning Commission Agenda Sheet
AGENDA ITEM SHEET

Subject: Public Hearing on Amendment to Zoning Code to delete as permitted uses certain uses related to water and waste water treatment from the M-1 and M-2 zoning districts.

Date of Meeting: March 4, 2013

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: Public hearing and review and comment by City Council for amendment to the City Ordinances

History, Facts, Issues: The Planning Commission and Staff were requested by the City Council to review and make recommendations as to certain water and wastewater uses currently allowed in the M-1 and M-2 zoning districts. A moratorium on acceptance of application of such uses was imposed while the issue was reviewed.

The following are Staff and Planning Commission's recommendations:

Text Amendment to Delete Specific Uses as Permitted Uses in M-1 Zoning District

Sec. 23-911. - M-1 light manufacturing district.

Purpose: This district is to provide for moderate to heavy commercial and light industrial uses, all of which shall be nuisance free and not generators of hazardous substances. It is intended that light manufacturing uses shall be located on either arterial or major collector streets or within industrial parks having access to such thoroughfares. No residential use shall be permitted in the M-1 district.

Permitted uses:

Delete Essential services in its entirety:

~~Essential services. Electrical and gas substations, electrical, gas, water, and sewer distribution and collection lines, pumping facilities for water and sewer systems; rights-of-way for transportation modes; and telephone switching facilities.~~

Delete water and sewerage plants as a permitted use under Intermediate impact facilities:

Intermediate impact facilities. Colleges, junior colleges, and universities; industrial training facility (simulated industrial environmental with classroom instruction); radio and television transmission facilities; ~~water and sewerage plants~~; and water storage facilities.

The Planning Commission also makes a recommendation that water and sewerage plants should not be allowed as a permitted use or a use by conditional use permit in the M-2 zoning district. These are functions provided by DeKalb County. No need has been identified for these services or long range plans by DeKalb County wishing to locate such facilities in Doraville. Further any such facilities if needed would be considered governmental facilities.

By eliminating the uses from the M-1 zoning district as permitted uses, they will also be automatically deleted as permitted uses in M-2 zoning districts.

Department: Planning & Development

Department Head: Joe Cooley

Action Taken By Board: _____



THE CITY OF DORAVILLE
AGENDA ITEM SHEET

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

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

Budget Impact: ___Y___X___N

Budget Impact Amount: \$ ___N/A___

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

Funding Source:

() Annual
() Capital
() N/A

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

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

Options: ___To Adopt Ordinance or revise.

Recommended Action: _Adoption is Recommended.

Department: _Legal

Department Head: _Cecil G. McLendon, Jr.

Administrative Comments and Recommendation: _____

Action Taken By Board: _____

STATE OF GEORGIA

CITY OF DORAVILLE

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

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

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

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

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

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

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

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

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

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

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

Section 1

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

Sec. 2-02. City Council

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

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

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

Section 2

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

Section 2.03. Mayor as Presiding Officer

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

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

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

- (6) Make all appointments of Officers as provided by this Charter, subject to confirmation by the City Council;
- (7) Serve in a part-time capacity and be compensated accordingly; and
- (8) Shall perform such other duties imposed by state or federal law, this Charter and duly adopted ordinances not in conflict with this Charter.

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

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

Section 3

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

Section 2.04. Mayor Pro Tem

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

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

Section 4

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

Sec. 2.07. Compensation and Expenses.

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

Section 5

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

Sec. 2.07A. City Manager.

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

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

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

(14) Perform such other duties that are specified by state law or this Charter or required by the City Council.

(b) The Council shall require the City Manager, before entering upon discharge of his duties, to give good and sufficient bond in an amount to be decided by the Council but not less than twenty-five thousand dollars (\$25,000.00), said bond payable to the City of Doraville for the faithful performance of his duties and to secure against corruption, malfeasance, misappropriations or unlawful expenditures. Said surety bond shall be obtained from a surety company licensed to do business in the State of Georgia and approved by the Council, and the premium thereon shall be paid by the City.

(c) No member of the City Council shall be appointed City Manager during the term of office for which he or she is elected or for a period of two (2) years thereafter.

(d) By a letter filed with the City Clerk, the City Manager shall designate, subject to approval of the City Council, a qualified city officer or employee to exercise the powers and perform the duties of City Manager during the manager's temporary absence or disability. The City Council may revoke such designation at any time and appoint another officer of the City to serve until the City Manager returns.

(e) Except for the purposes of inquiries and investigations as authorized by a majority vote of the Council, the Mayor, the City Council, and members of the City Council shall deal with city officers and employees who are subject to the direction and supervision of the City Manager solely through the manager; and neither the Mayor, the City Council, nor individual members of the City Council shall give orders to any such city officer or employee, either publicly or privately.

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

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

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

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

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

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

an affirmative vote of no less than four (4) Councilmembers.

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

Section 6

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

Sec. 2.08. City Clerk.

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

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

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

Section 7

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

Sec. 2.11. Organization.

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

Section 8

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

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

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

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

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

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

Section 9

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

Sec. 2.13. Finance Director

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

Section 10

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

Sec. 2.14. City Attorney

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

Section 12

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

Sec. 2.15. Oath of Office.

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

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

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

Section 13

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

Section 14

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

Section 15

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

ORDINANCE 2013-____ IS SO ORDAINED, this 19th day of February, 2013.

CITY OF DORAVILLE, GEORGIA

Mayor

ATTEST:

_____(SEAL)
Sandra Bryant, Acting City Clerk

APPROVED AS TO FORM:

Cecil G. McLendon, Jr., City Attorney

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

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

CITY OF DORAVILLE, GEORGIA

Mayor

ATTEST:

_____(SEAL)
Sandra Bryant, Acting City Clerk

APPROVED AS TO FORM:

Cecil G. McLendon, Jr., City Attorney

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



THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: Review and Revision of Sec 23-501 through 506

Date of Meeting: 3/4/13

Budget Impact: Y ☐ N ☒

Budget Impact Amount: \$ n/a

Funding Source:

Annual ☐
Capital ☐
N/A ☒

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

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested:

Council to direct staff to review and propose revisions to the nonconforming use ordinance within three months. There are sections of the code that may not be legal under current Georgia law. As this would be a change to the zoning ordinance any proposed changes would need to go through the Planning Commission for citizen review and input before Council adoption.

History, Facts, Issues:

Nonconforming uses have been a concern to the community for some time.

Options:

Vote to approve, deny or other

Recommended Action:

Vote to approve

Department: City Council

Department Head: Mayor Donna Pittman

Submitted by: Robert Patrick

Attachment/s: Existing code with suggested starting points for review and revision

PART II - CODE OF ORDINANCES
Chapter 23 - ZONING
ARTICLE V. - NONCONFORMING USES

ARTICLE V. - NONCONFORMING USES

Within the zoning districts established by this chapter or amendments that may later be adopted there exist lots, structures and uses of structure and premises in combination which were lawful before this chapter was adopted or amended but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this chapter to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and premises in combination shall not be extended or enlarged after passage of this chapter.

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this chapter. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially began preparatory to rebuilding, such as excavation or demolition or removal shall be deemed to be actual construction.

[Sec. 23-501. - Nonconforming lots of record.](#)

[Sec. 23-502. - Nonconforming uses of land \(or land with minor structures only\).](#)

[Sec. 23-503. - Nonconforming structures.](#)

[Sec. 23-504. - Nonconforming uses of structures or of structures and premises in combination.](#)

[Sec. 23-505. - Repairs and maintenance.](#)

[Sec. 23-506. - Amortization and discontinuance.](#)

Sec. 23-501. - Nonconforming lots of record.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of this chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lots shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the City Council.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area below the

PART II - CODE OF ORDINANCES
Chapter 23 - ZONING
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requirements stated in this chapter.

Sec. 23-502. - Nonconforming uses of land (or land with minor structures only).

Where at the time of passage of this chapter lawful use of land exists which would not be permitted by the regulations imposed by this chapter, and where such use involves no individual structure with a replacement cost exceeding one thousand dollars (\$1,000.00), the use may be continued so long as it remains otherwise lawful, provided:

- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
- (2) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this chapter;
- (3) If any such nonconforming use of land ceases for any reason for a period of more than ninety (90) days, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
- (4) No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

Sec. 23-503. - Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter due to restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- (2) Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
- (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Sec. 23-504. - Nonconforming uses of structures or of structures and premises in combination.

If lawful use involving individual structures with a replacement cost of one thousand dollars (\$1,000.00) or more, or a structure and premises in combination, exists at the effective date of adoption or amendment of this chapter, the lawful use may be continued so long as it remains lawful subject to the following provisions:

- (1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter,

PART II - CODE OF ORDINANCES
Chapter 23 - ZONING
ARTICLE V. - NONCONFORMING USES

but no such use shall be extended to occupy any land outside such building;

Comment [rjp1]: ...not be extended throughout any part of the building nor beyond the existing square footage of the tenant space and...

(3) ~~If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the City Council, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the City Council may require appropriate conditions and safeguards in accord with the provisions of this chapter;~~

(4) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;

(5) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) months (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

(6) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than sixty (60) percent of the replacement cost at time of destruction.

Comment [rjp2]: ...fifty (50)...

(7) Structures incurring damage of less than sixty (60) percent of fair market value ~~above the foundation~~ may be restored, reconstructed and used as before, provided that such restoration is commenced within six (6) calendar months from the date damages were incurred. If reconstruction is not commenced within six (6) months, the use of said land or structure shall thereafter conform to the provisions of this chapter. Fair market value shall be determined by reference to current statutory provisions pertaining to real estate assessment and the records of the county assessor.

Comment [rjp3]: ...fifty (50)...

Comment [rjp4]: ...three (3)...

Comment [rjp5]: ...three (3)...

Sec. 23-505. - Repairs and maintenance.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current replacement cost of the nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any vacant, nonconforming structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Sec. 23-506. - Amortization and discontinuance.

~~There are found to be certain uses of land, buildings and structures which have an adverse effect on the carrying out of the land use plan and which can reasonably be discontinued after a reasonable time~~

PART II - CODE OF ORDINANCES
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ARTICLE V. - NONCONFORMING USES

~~irrespective of aforementioned rules as to nonconforming uses. The following uses shall be removed or made conforming within the specified amortization period. Said amortization period shall commence upon the effective date of this chapter.~~

~~(1) The amortization period for existing nonconformances begins on the date upon which each became nonconforming regardless of the date of adoption of this chapter.~~

~~(2) Nonconforming outdoor advertising signs and billboards shall conform within two (2) years.~~

~~(3) All provisions in business or industrial districts of this chapter setting forth specifications for the operation of a business or industry requiring fencing or opaque shielding shall be complied with within one (1) calendar year.~~

~~(4) Nonconforming open storage operations, such as truck parking, automobile wrecking or salvage material storage and similar uses shall be made conforming within two (2) calendar years.~~

~~(5) All other nonconforming structures shall be made conforming in accord with the following schedule:~~

~~Age of Building Calculated from Date of Initial Construction~~

(Years)	Discontinuance at End of (Years)
0 - 10	30
11 - 20	20
over 20	10



THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: Paperwork Reduction Act

Date of Meeting: 3/4/13

Budget Impact: Y ☐ N ☒

Budget Impact Amount: \$ n/a

Funding Source:

Annual ☐
Capital ☐
N/A ☒

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

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Action Requested:

Request Council to direct the City Attorney's Office to draft an ordinance requiring all staff and applicants that present agenda items to any public board within the City of Doraville to submit electronic, preferably pdf, versions of their documents.

History, Facts, Issues:

Our current system of agenda preparation and administration involves too much staff time allocated to assembling physical stacks of paper. Additionally, once hard copy agenda items have been assembled, more time is spent scanning these documents into electronic versions for the website that are not always legible. Council would still retain the ability to have hardcopy agenda items, the public would have access to legible documents and, I believe, city staff would save time and reduce clutter.

Options:

Approve, deny or other

Recommended Action:

Approval

Department: City Council

Department Head: Mayor Donna Pittman

Submitted by: Robert Patrick

Attachment/s:



THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: Communication between City Manager,
Council and Mayor regarding personnel
Personnel Issues

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

Date of Meeting: March 4, 2013

Budget Impact: Y X N

Budget Impact Amount: \$ _____

Funding Source:

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

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Action Requested: Discussion and revision of the Ordinance under Chapter 2 Administration, Article III Mayor, Section 2-63 regarding personnel issues. The Ordinance currently states matters must be discussed within fifteen days of "incident" to be discussed. Often in personnel matters, discussion is warranted based on an accumulation of incidents.

Department: Trudy Jones Dean/City Council

Administrative Comments:

Action Taken By Board: _____



THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: Salary for Part-time Mayor

Regular Meeting (x)

Date of Meeting: 3/18/13

Budget Impact: Yes

Budget Impact Amount: \$ TBD

Work Session ()
Recommendation ()
Policy/Discussion ()
Report ()
Other ()

Funding Source:

(X)Annual
()Capital
()N/A

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Determine a salary for the part-time mayor position as the City transitions to a City Manager form of government.

History, Facts, Issues: The City is scheduled to complete its transition to a City Manager/part-time Mayor form of government on 7/1/2013. The transition process begins 4/17/13 as the new City Manager, Dr. Gillen, begins employment. Council recently passed Charter changes that include the removal of certain administrative functions and the supervision of daily operations from the Mayor's position. Those powers, as detailed in the new Charter, will now be entrusted to the City Manager. A salary adjustment for the Mayor will need to be made to accommodate the change to a more ceremonial role. Per the new Charter, the salary may be set by ordinance after a public hearing on the matter.

The Georgia Department of Community Affairs conducts an annual survey of elected officials' salaries. That data may be reviewed at http://www.dca.state.ga.us/dcawss/reports/static/2012/2012_Muni_Elected_FINAL.pdf. In addition, I contacted the city clerks for surrounding municipalities to obtain supplemental information on benefits for part-time mayors. Those results are entered into the attached spreadsheet.

Options: 1) Agree to salary and terms for the part-time mayoral position and direct the City Attorney to draft an ordinance for a 7/1/13 start date; 2) Retain the current full-time salary and terms for the Mayor's position.

Recommended Action: Set a reasonable salary for the part-time Mayor's position and direct the City Attorney to draft the necessary ordinance.

Department: City Council

Submitted by: Karen Pachuta

Mayoral Salaries - Sorted by Population

[illegible]

Mayoral Salaries - Sorted by Salary

City	Population	Mayoral Salary	Health Insurance?	City cost	Mayoral contribution	Expense Account	Other benefits
Alpharetta	59,397	\$ 30,000.00	Yes	same as employees	same as employees	\$9,000	457 and 401 plan
Sandy Springs	96,856	\$ 25,000.00	No	N/A	N/A	budget for travel and training	None
Johns Creek	79,192	\$ 25,000.00	No	N/A	N/A	may submit mileage/meals, approved by CM	None
Smyrna	51,982	\$ 22,800.00	Yes	same as employees	same as employees	reimbursements for mileage, etc	Retirement
East Point	34,784	\$ 20,799.00	Yes	for POS: \$339.70 - 730.56 for HMO: \$620/mo single \$1560/mo family	for POS: \$194.84 - 993.64 for HMO: \$52/mo single \$179/mo family	\$1300/yr expenses; \$6000 car allowance	
Kennesaw	30,196	\$ 19,200.00	Yes	\$337.25/mo single \$828.77/mo family	\$47.76/mo single \$138.05/mo family		
Marietta	57,357	\$ 18,000.00	Yes				
Brookhaven	49,000	\$ 16,000.00	they have not decided yet				
Dunwoody	46,809	\$ 16,000.00	Yes	90%	10%	\$5000/yr	None
Suwanee	15,734	\$ 15,000.00	No	N/A	N/A	No	can elect to participate in retirement
Woodstock	24,346	\$ 12,000.00	Yes	unknown	unknown	reimbursement for training	may participate in 457 plan
Chamblee*	15,500	\$ 10,800.00	Yes	for family \$1613.78	\$34.66		health, dental, vision and life
Albany	77,437	\$10,000.00	Yes	75%	25%	yes; unknown amount	Mayor may pay 100% cost of Vision, Life, disability
Duluth	27,258	\$ 9,600.00	No	N/A	N/A	travel reimbursement	
Clarkston	7,641	\$ 6,500.00	Yes; single only	\$545/mo	\$0	\$3000/yr travel; \$700/yr ed	officials may pay 100% premium cost to add dependent to insurance
Norcross	9,340	\$ 6,400.00	Yes; single only		\$60/mo		if Mayor chooses to opt out of insurance, receives extra \$250/mo
Snellville	18,686	\$ 5,000.00	No	N/A	N/A	No	cell phone
Lilburn	11,951	\$ 5,000.00	No	N/A	N/A	\$225 per quarter	
Vienna	4,000	\$1,680.00	No	N/A	N/A	reimbursements for expenses	Retirement
**Additional cities contacted that did not respond:							
Roswell	91,168	\$ 40,000.00					
Riverdale	15,251	\$ 14,400.00					
Loganville	10,601	\$ 14,000.00					
Fayetteville	16,124	\$ 11,400.00					
Dallas	11,638	\$ 10,000.00					
Notes:							
*The mayoral salary for Chamblee is set to raise to \$18,000/yr on 1/1/14.							
**Salary data was collected from DCA survey; benefit information was collected by request from each city's city clerk							