



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

May 20, 2013 6:30 PM

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. EXECUTIVE SESSION

4. CEREMONIAL PRESENTATIONS, CITY ANNOUNCEMENTS, SPECIAL GUESTS:

- Proclamation Presentation to Buford Hwy. Farmers Market

5. ROLL CALL

6. APPROVAL OF MINUTES:

- April 15, 2013

7. PUBLIC COMMENTS ON AGENDA ITEMS

8. REPORTS: DEPARTMENTS

- Mayor
- City Attorney
- Stormwater
 - Floodplain Management Ordinance Update
- Police
- Courts
- Public Works
- Library
- Parks & Recreation
 - Part Time Employee
- City Hall
 - 5921 New Peachtree Rd. Rental Building Proposal
 - Resolution Activating a Downtown Development Authority
- Planning & Zoning
- IT Department
- Finance
 - Submission of 2014 Budget to Council
 - First Read on Proposed Amendment to FY 2013 Budget
 - Group Insurance Renewal

9. PUBLIC HEARING

10. OLD BUSINESS

11. NEW BUSINESS

- Establish Purchasing Authority for City Manager- City Manager Shawn Gillen
- Banner Permit Fees- Stephe Koontz

12. EXECUTIVE SESSION

13. REPORTS; COMMITTEES, COMMISSIONS, BOARDS AND APPOINTMENTS

14. PUBLIC COMMENTS

15. ADJOURNMENT



AGENDA ITEM REQUEST SHEET
May 5, 2013

Subject: Proclamation Presentation to Buford Hwy. Farmers Market

Date of Meeting: April 15, 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: May's "Business of the Month" is the Buford Highway Farmers Market. For twenty-five years, Buford Highway Farmers Market has been in the business of providing what you normally wouldn't find in a typical grocery store. As one of the City's biggest draws and revenue generators, BHFH has been a valued partner for more than twenty-five years. The store specializes in all types of Asian foods, especially Korean. In recent years, the business has grown and diversified our offerings to include foods from Mexico, Central and South American, the Caribbean, West Africa, Japan, China, Thailand, Vietnam, the Philippines, Eastern Europe and more. At no other store in metro Atlanta, will you find more ethnic food varieties under one roof.

Respectfully,

S/ Luke Howe
Assistant to the Mayor



THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: Floodplain Management
Ordinance Update

Date of Meeting: May 20, 2013

Budget Impact: No

Budget Impact Amount:

Funding Source:

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

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

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Action Requested: First read and discussion of ordinance

History, Facts, Issues: FEMA will adopt the new DFIRM Flood Maps on May 16 th and requires municipalities to adopt the updated maps. This ordinance changes the effective date for the new maps.

Options:

Recommended Action: First read and discussion 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 AMEND THE CITY OF DORAVILLE, GEORGIA, CODE BY REVISING CHAPTER 8 ("FLOODPLAIN MANAGEMENT/FLOOD DAMAGE PREVENTION PLAN"), BY ADOPTING NEWLY ADOPTED FEMA FLOODPLAIN MAPS; AND FOR OTHER PURPOSES

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

WHEREAS, the City previously adopted the Floodplain Management Ordinance in Chapter 8 of the City Code, a portion of which adopted the Floodplain Map; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has adopted a new Floodplain Map set to take effect on May 16, 2013 and in order to stay current and provide for the best protection for its citizens, the Mayor and Council wish to clarify the Ordinance by adopting the most-recently adopted FEMA Floodplain Maps.

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

Section 1

Chapter 8 ("Floodplain Management/Flood Damage Prevention Plan") of the Code of Ordinances, City of Doraville, is hereby amended by revising Section 8-2 ("General Provisions"), subsection (d)(1) to read as follows:

Sec. 8-2. General Provisions

. . . .

(d) Basis for area of special flood hazard – Flood area maps and studies. For the purposes of this Chapter, the following are adopted by reference:

- (1) The Flood Insurance Study (FIS), dated May ~~7~~16, 2013~~04~~, with accompanying maps and other supporting data and any revision thereto are hereby adopted by reference. For those land areas acquired by a municipality through annexation, the current effective FIS and data for DeKalb County are hereby adopted by reference.*

. . . .
. . . .
. . . .

Section 2

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

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

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

Section 3

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

Section 4

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

SO ORDAINED, this ____ day of _____, 2013.

CITY OF DORAVILLE, GEORGIA

Mayor

First Reading

Second Reading

ATTEST:

Sandra Bryant, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

Cecil G. McLendon, Jr., City Attorney

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



THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: Part Time Employee

Date of Meeting: May 20, 2013

Budget Impact: x Y N

Budget Impact Amount: \$ 16,950,00

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

Funding Source:

(X) Annual

() Capital

() N/A

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Action Requested: Request to hire Part Time employee for the annual Summer Camp (6) and Pool (2) season with in the Recreation Department.

History, Facts, Issues: These Recreation Department positions are an annual need to accommodate our summer programs to benefit the community. These positions allow us to maintain hours of other employees below the mandatory limit for Part Time employment.

Options:

Recommended Action: _____

Department: Parks and Recreation

Department Head: Rip Robertson

Administrative Comments and Recommendation: _____

Action Taken By Board: _____



AGENDA ITEM REQUEST SHEET
May 8, 2013

Subject: 5921 New Peachtree Rd. Rental Building Proposal

Date of Meeting: May 20, 2013

Budget Impact: ☐ Yes ☒ N/A

Budget Impact Amount: \$ _____

Funding Source:

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

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

Department: Administrative

Department Head: Mayor

Background: For several years, the old Clincare building located at 5921 New Peachtree Road, a city-owned property, has sat vacant. In that time, only about a half dozen inquiries have been made; but, until recently, a serious offer to lease the space has not been offered. In April, Pastor Jung Bell of Victory International Church, a non-denominational Christian church, has rendered an offer of \$1,600 per month plus aesthetic improvements. Pastor Bell is requesting an audience with the Mayor and Council to gauge the City's interest in moving forward with the conditional use process and lease drafting. The church would use the building's largest room for sermons and devotionals, but its primary use would be a base for the organization's food outreach program. Pastor Bell and her team will be on-hand for questions.

Action Requested: Direction in proceeding with conditional use process and lease drafting.

Attachments: Victory Church's proposal

Respectfully,

S/ Luke Howe
Assistant to the Mayor

April 16, 2013

Dear City of Doraville Council Members,

My name is Pastor Jung Bell of Victory International Church and I would first like to thank you for taking the time to read and consider this building rental proposal. For the purpose of this proposal I would like to begin with a brief introduction of "who we are" as a church. In 2002 I opened my church in Lawrenceville, GA under the denomination of the Church of God. I have been doing this ministry for eleven years now and have seen my church grow and change tremendously. During the past eleven years we have grown into a racially diverse congregation that has served individuals from all "walks of life." Many of our church members have, at one point in their lives, dealt with alcohol and sex addiction, substance abuse, mental illnesses such as schizophrenia, and family and relationship difficulties. However through their time in coming to our church services and individual counseling sessions with me, they have been delivered from these problems and dependences and are leading happier and more fulfilled lives, in and outside of the church. Additionally, God asked us seven years ago to begin the Food Outreach program but we did not fully understand its purpose. However during these last seven years we understand now that it has been for training purposes and to prepare us for moving to this new location so that we are better equipped for reaching out to those in need.

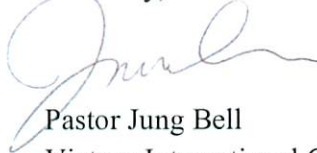
Two years ago God spoke to my heart to come and help the City of Doraville. Although there is a need in Lawrenceville I believe that there is a greater need in the Doraville/Chamblee area. During those two years and after prayer and deliberation we have finally decided to move to this area. For the last three months we have been scouring the Doraville and Chamblee area for the perfect relocation site. It is important to us that our new location has a great deal of foot traffic so that we may reach out to the many people that do not have cars. When we found this building we knew that is perfect for us and the purpose of our ministry. Through the ministry our goal is to help the spiritual needs of the people in this city. There are many people who have a desire and need for spiritual support but have difficulty finding it. We want to meet that need. Along with giving spiritual encouragement we want to be available to this community as well for those who are dealing with the same or similar issues as some of our own members have dealt with through prayer and counseling. It is our goal and mission to change the City of Doraville for the better through our outreach programs. It is not an easy task but I know from experience with working with drug and alcohol addicts that it takes several years for a person to reach a true "breakthrough." This is the heart of our ministry.

God has placed a special calling in my heart to reach out to people of the community. I have always felt led to help enrich the lives of the people spiritually and in other aspects of their lives. That is why in 2006 my church became affiliated with the Atlanta Community Food Bank

and has ever since been distributing food to our surrounding community. We are both USDA (Federal program) and SNAP (Georgia program) certified and always have two members from our church recertified every year. For the past seven years we have, on average, helped between 200-300 people through each distribution in our Food Outreach Program. Some of the types of food that have handed out have been assorted meats (800-1000lbs of chicken alone at each distribution), canned and frozen vegetables, breads, cereals, chesses, baby supplies (diapers, food, etc...), and various school supplies. We are open to the entire community and no one has ever been turned away. We would like to continue to bring this Food Outreach Program to your city. Another outreach program we are in the process of starting is a Backpack Outreach. We understand that many of the Doraville/Chamblee residents are financially stressed and we would love to help with that burden by providing school backpacks and various school supplies for their children. We have yet to start this program but it is in the process and we hope to have it available to the surrounding residents as soon as possible.

Above all, we know and believe that we are supposed to open up our ministry to these individuals and firmly believe that we can best do that by renting this building. By coming to this building we want to take care of it on the inside and the outside. It is our desire to bring new life to not only the people of this city but edifying the city itself through our work. We have no other agenda other than to serve the people and to help them in every way possible. With that in mind, now that we are in the process of moving we had to give up our previous church location and also ended up losing a few church members. All of the funding for our outreach programs are paid and provided for by the church and no other outside funding. However, we will do everything we can to work with you and will stretch our financial budget as much as possible. Subsequently, we are in the mindset that we are starting "fresh" and ask that you allow us to rent this property at the rate of \$1600/month. Again, we greatly appreciate all of your time and consideration for this proposal and look forward to the upcoming City Council meeting. May God bless you.

Sincerely,



Pastor Jung Bell
Victory International Church





**5921 NEW PEACHTREE RD, DORAVILLE GA.
BUILDING LEASE PROPOSAL**

A PROPOSAL TO DORAVILLE CITY COUNCIL:

4/16/2013

Victory International Church

About VIC and Our Plans for Doraville Community

Goals and Mission

- Reach out to the community through the Kingdom of God
- Family Support
- Food Outreach
- Prayer Support (Healing) by phone and/or individual counseling
- Teen Outreach
- Substance Abuse Support

Food Outreach

- To be held once a month
- Open to the public (average served: 250 individuals)
- Free of charge
- Foods/supplies available: canned/frozen assorted vegetables, assorted frozen meats (over 1000lbs), variety of breads and cheeses, cereals, assorted snacks and desserts, diapers, baby food, occasional school supplies
- VIC is a credited and certified (USDA and SNAP) agency affiliated with the Atlanta Community Food Bank

Plans for Community Improvement

Our Goal is to reach the people in the Doraville community. As a church, our main goal and purpose is to embrace our community and its people to offer Spiritual support and to bring spiritual awareness and understanding to those in need and desire of it. The current state of our growing and developing society only makes us more fervent in the desire to help those around us. By offering God's Word, prayer, and love through our services we believe a new hope can be ushered into the hearts of the people. It is through past experience that we recognize that when a person's heart and soul has been changed

through a spiritual awakening that their actions and their surroundings begin to change for the better. We plan to help this community one person at a time. When the people change for the better, the community will change for the better.

Our Pastor and Credentials

Pastor Jung Sun Bell

California Union University – Bachelors of Art
Church of God 3 yr Minister's Course

Licenses:

Exhorter License 1998

Licensed Minister 1999

Ordained Minister 2000

Victory International Church 2001-Present

Building Goals and Requirements

Financial Proposal

Rent: \$1600 per month

Due to the nature of our Church and the method in which we operate on donations only and most of the money is used to purchase food and clothing to help individuals, we would like to occupy the building with a lease of \$1600 per month. We will however improve the building through repainting, landscaping and interior improvements which will in turn benefit the owner in the long run. We have a history at our old location of using a shopping center suite in the Shannon Oaks shopping center in Lawrenceville, GA in which Graffiti and transients occupying the lot were a problem. After clean up and work with the police, the area is not only clean and safe but also a thriving shopping center with all units leased (previously there was only two units leased...ours and one other.)

Please feel free to contact our previous landlord as a reference. Her name is Diana Powell and she can be reached at 770-361-2388.

Why Building Meets Our Needs

Specific Room requirements

- Sanctuary/Meeting Space
- Food Storage Space
- Kitchen
- 2+ bathrooms

Plans for building enhancements and changes

Planned Enhancements

Our Goal for the building will be to make it aesthetically pleasing as well as warm and inviting. Upon leasing of the location we will complete the following items:

- Repaint Exterior Trim
- Pressure wash sidewalks and Brick exterior
- Plant Flowers and Azaleas around the building
- Put up exterior lights for parking lot safety
- Exterior sign in spec with city ordinance
- Paint interior and Carpet in front main area
- Replace exterior doors with something more sturdy
- Exterminate pests and bugs interior and exterior



Needed Modifications

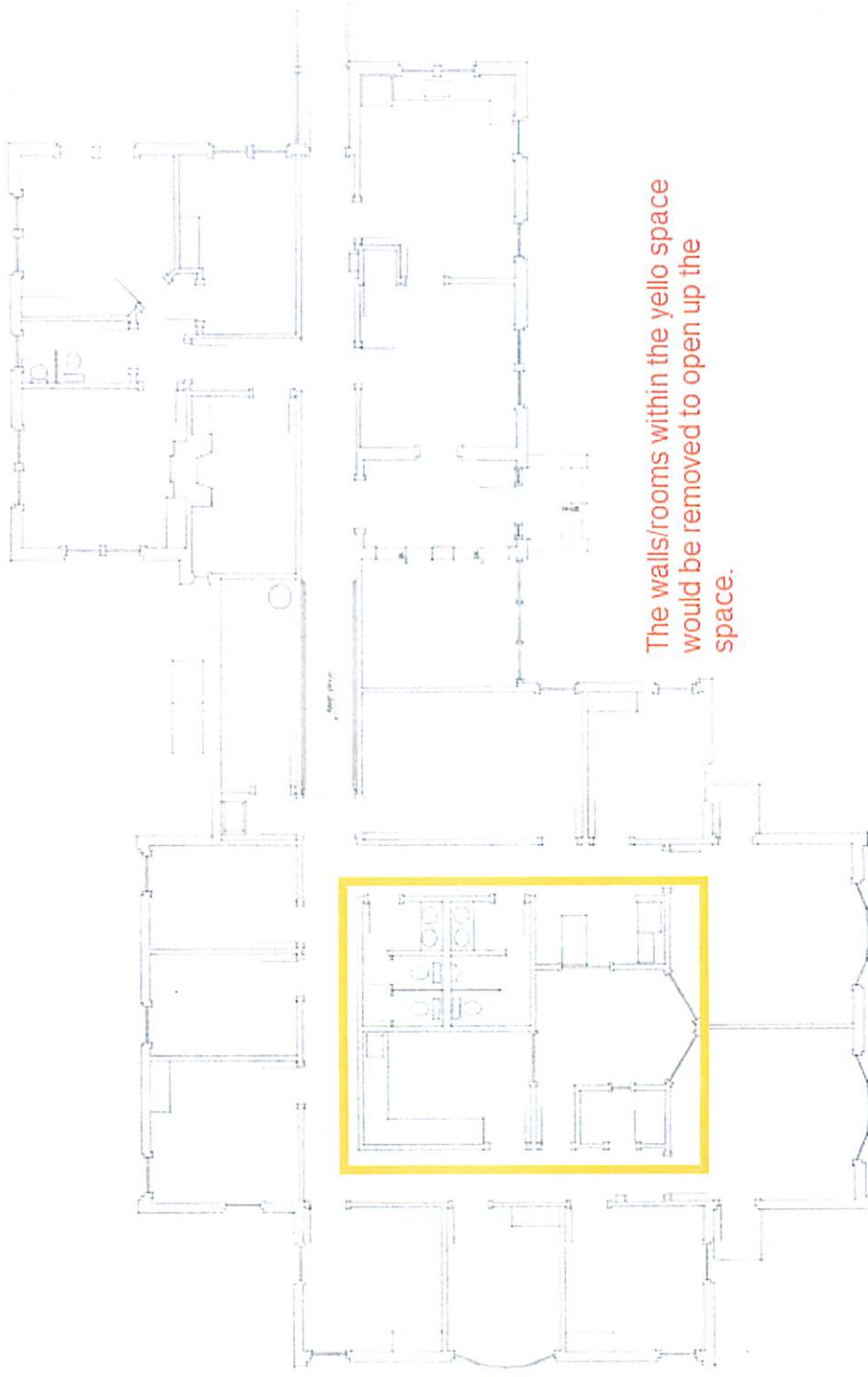
- Possible leaking in the roof as per slight water damage on inspection(photo to left)
- Remove a few walls at the front of the house on interior to open up the space for the main meeting area.
{See Attached Floorplan}

Victory International Church

Pastor Jung Sun Beil
Senior Pastor

4680 Bankside Way
Norcross, GA 30092
www.victoryinternationalchurch.com

E: victoryinternationalchurch@gmail.com
P: 404-997-9564



The walls/rooms within the yellow space
would be removed to open up the
space.

HEATING, VENTILATION & AIR CONDITIONING PLAN
1/2" = 1'-0"

My name is Hector Moreno and this is my testimony:

For more than thirteen years I lived near death with a heavy addiction to alcohol. I lived without hope until I met this ministry Victory International Church and Pastor Bell.

I am Hector Moreno and I left the streets and the alcohol addiction and am now restored man. Thanks to the ministry Victory International Church and thanks to Pastor Bell and the whole congregation for now I am a free man. And it is my hope that many, many more people will be reached and have deliverance from these things as I have.

Hector Moreno

Hector Moreno



DEPARTMENT OF
BUSINESS AND RECORDS

CHURCH OF GOD

INTERNATIONAL OFFICES

2490 KEITH ST., P.O. BOX 2430, CLEVELAND, TENNESSEE 37320-2430

TELEPHONE 423/472-3361

FAX: 423/478-7245

April 11, 2013

To Whom It May Concern:

This is to verify that the Church of God, headquartered in Cleveland, Tennessee, is recognized and approved by the Internal Revenue Service as a tax-exempt non-profit organization under Section 501 (c) (3) of the Code. This exemption applies to the Church of God and all of its subordinates, which includes Doraville-Victory Christian International Church of God, file no. 12432, 2399-3 Lawrenceville Highway, Lawrenceville, GA 30044.

Enclosed for your information is a copy of the group exemption letter from the Internal Revenue Service.

If I can be of further assistance, please feel free to contact me.

Sincerely,

Julian B. Robinson, Director
Business and Records

JBR/skw

Enclosure

Department of the Treasury
OCT 26 1972



Internal Revenue Service
Washington, DC 20224

Date:

OCT 20 1972

In reply refer to:

T:MS:EO:R:1

Church of God
▷ Keith at 25th Street
Cleveland, Tennessee 37311

GEN#2358

Gentlemen:

Based on the information supplied, and assuming that your operations will continue to be as stated, we rule that you and your subordinates, as listed on your group exemption roster, are recognized as being exempt under section 501(c)(3) of the Internal Revenue Code.

This ruling does not extend to any subordinate which has previously received a ruling or determination letter holding that it is not exempt. Its qualifications to be included in this group ruling must be separately established.

Additionally, we have classified you and the subordinates you operate, supervise, or control, and which are covered by your notification to us, as organizations that are not private foundations as defined in sections 509(a)(1) and 170(b)(1)(A)(i) of the Code.

You are not required to file the Return for Organizations Exempt From Income Tax, Form 990, as you come within the exception contained in section 6033(a)(2)(A)(i) of the Code. Your subordinates are also not required to file the Form 990 if they qualify as churches or integrated auxiliaries of churches or otherwise come within the exceptions provided in section 1.6033-2(g) of the Income Tax Regulations.

You and your subordinates are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you or your subordinates are subject to this tax, an income tax return on Form 990-T must be filed. In this letter we are not determining whether any of your activities or those of your subordinates are unrelated trade or business as defined in section 513 of the Code.

You and your subordinates are not liable for social security (FICA) taxes unless you and they file a waiver of exemption certificate as provided in the Federal Insurance Contributions Act. You and your subordinates are not liable for the taxes imposed under the Federal Unemployment Tax Act (FUTA).

Church of God

Contributions made to you and your subordinates by individuals are deductible by such donors as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes as provided in section 2055, 2106, and 2522 of the Code.

You should advise each of your subordinates of the provisions of this ruling, including the requirements for filing information or other returns.

Each year within 45 days after the close of your annual accounting period, please send the following to the Philadelphia Service Center, 11601 Roosevelt Boulevard, Philadelphia, Pennsylvania 19155, Attention: EOR Branch:

1. A statement describing any changes during the year in the purposes, character, or method of operation of your subordinates.
2. Lists of the names, mailing addresses, including Postal ZIP Codes, and employer identification numbers of subordinates that during the year
 - a. changed names or addresses;
 - b. were deleted from your roster; or
 - c. were added to the roster.
3. For subordinates to be added attach
 - a. a statement that the information upon which your present group exemption letter is based applies;
 - b. a statement that each has given you written authorization to add its name to the roster;
 - c. a list of those to which the Service previously issued exemption rulings or determination letters; and

Church of God

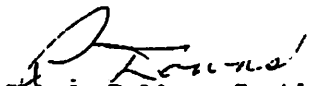
- d. a statement that none of the subordinates are private foundations as defined in section 509(a) of the Code.
- 4. If applicable, a statement that your group exemption roster did not change during the year.

This ruling does not apply to any of your subordinates organized and operated in a foreign country.

Please be sure to enter your employer identification number on all tax returns and in your correspondence with the Internal Revenue Service.

Your key District Director in Atlanta is being advised of this action.

Sincerely yours,


Acting Chief, Rulings Section
Exempt Organizations Branch



AGENDA ITEM REQUEST SHEET
May 8, 2013

Subject: Resolution Activating a Downtown Development Authority

Date of Meeting: May 20, 2013

Budget Impact: ☐ Yes ☒ N/A

Budget Impact Amount: \$ _____

Funding Source:

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

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

Department: Administrative

Department Head: Mayor

Background: The creation of a downtown development authority has been a key goal that was initially identified in the 2005 Comprehensive Plan. For decades, downtown development authorities have been used in cities throughout the state as a mechanism to revitalize and redevelop municipal central business districts by planning and financing projects that promote trade, commerce, industry and employment. Established by the Georgia Downtown Development Authority Law in 1981 (O.C.G.A. § 36-42-1), local governing bodies can create DDAs by adopting an enabling resolution. Their statutory purpose is to:

"develop and promote for the public good and general welfare trade, commerce, industry, and employment opportunities and promote the general welfare of this state by creating a climate favorable to the location of new industry, trade, and commerce and the development of existing industry, trade and commerce within the municipal corporations of this state. Revitalization and redevelopment of central business districts by financing projects under this chapter will develop and promote for the public good and general welfare trade, commerce, industry, and employment opportunities and will promote the general welfare of this state."

DDAs have the power to conduct a number of economic development activities, including property acquisition and disposition, applying for federal and state grants, engage in long-range planning and other activities that would augment the City's efforts. In looking ahead, a DDA will play a critical role in redeveloping the GM plant and downtown area.

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

Downtown development authorities have been created by the General Assembly in every city in the state of Georgia. However, downtown development authorities cannot transact any business or exercise any powers until

the local governing body adopts a resolution, which must be filed with the Secretary of State and the Department of Community Affairs. The resolution must declare the need for the authority, specify the boundaries of the downtown development area that constitutes the central business district and appoint the initial directors.

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

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

Directors must be:

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

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

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

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

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

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

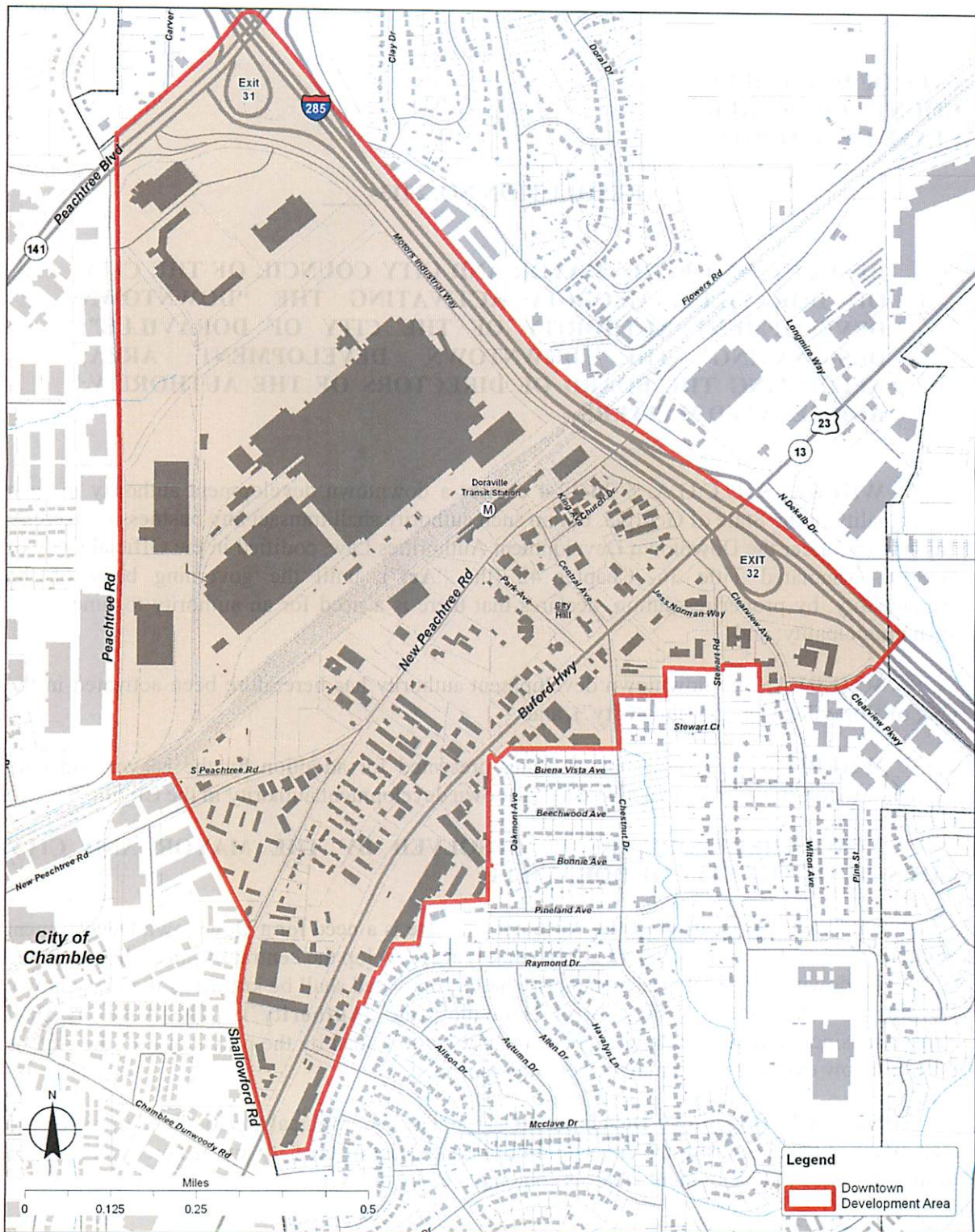
Action Requested: Adopt enabling resolution

Attachments: Downtown Area Map; Draft Resolution; "The DNA of a DDA" power point presentation

Mr. Dan McRae, Esq., an economic development attorney/ bond counsel and author of the power point, as well as Mr. Charles Whatley, formerly the DeKalb County Economic Development Director and Invest Atlanta (Atlanta Development Authority) executive, will be on-hand to field questions from Mayor/ Council. Both have offered their services and expertise pro bono to help nurse the DDA in its development.

Respectfully,

S/ Luke Howe
Assistant to the Mayor



Downtown Development Area

Prepared for:
The City of Doraville

Prepared by:
Tunnell-Spangler-Walsh & Associates



January 14, 2013

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

RESOLUTION NO. 2013-_____

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY
OF DORAVILLE, GEORGIA ACTIVATING THE “DOWNTOWN
DEVELOPMENT AUTHORITY OF THE CITY OF DORAVILLE”;
DESIGNATING THE DOWNTOWN DEVELOPMENT AREA;
APPOINTING THE BOARD OF DIRECTORS OF THE AUTHORITY;
AND RELATED MATTERS**

WHEREAS, O.C.G.A. § 36-42-4 creates a downtown development authority in each municipality in the State of Georgia, but no such authority shall transact any business or exercise any powers under the Downtown Development Authorities Law, codified in the Official Code of Georgia Annotated Title 36, Chapter 42 (the “Act”), until the governing body of the municipality, by proper resolution, declares that there is a need for an authority to function in such municipality; and

WHEREAS, no downtown development authority has heretofore been activated in the City of Doraville, Georgia (the “City”), and

WHEREAS, this resolution is being presented for adoption by the Mayor and City Council of the City in order to activate a downtown development authority in the City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAVILLE:

Section 1. Activation of the Authority. There is a need for a Downtown Development Authority to function in the City so to revitalize and redevelop the central business district of the City. The downtown development authority hereby activated shall be known as the “Downtown Development Authority of the City of Doraville” (the “**Authority**”). The Authority shall transact business pursuant to, and exercise the powers provided by the provisions of, the Act, as the same now exists and as it may be hereafter amended.

Section 2. Downtown Development Area. The geographical area outlined in red on the map attached hereto constitutes the central business district of the City and is hereby designated as the “downtown development area” as contemplated by the Act.

Section 3. Directors.

(a) The number of persons who shall constitute the Board of Directors of the Authority shall be seven (7). The Directors shall satisfy the qualification requirements of the Act.

(b) Each member of the Board of Directors initially appointed shall serve an initial term commencing on the date of the activation of the Authority and expiring as set forth in the table below. After expiration of the initial term of each such appointed member, the terms of office of his or her respective successor shall be as provided in the Act. The above notwithstanding, the term of a director who is also a member of the City's governing body shall end when such director is no longer a member of the City's governing body.

(c) The following persons are hereby appointed as members of the first Board of Directors of the Authority, such persons being qualified under the requirements of the Act:

NAME	EXPIRATION DATE
	_____, 2015
	_____, 2015
	_____, 2017
	_____, 2017
	_____, 2019
	_____, 2019
	_____, 2019

Section 4. Filing with Secretary of State. A copy of this resolution shall be filed with the Secretary of State of Georgia and the Georgia Department of Community Affairs.

Section 5. Effective Date. This resolution shall become effective on the date of its adoption.

APPROVED AND ADOPTED THE ____ DAY OF _____, 2013.

CITY OF DORAVILLE, GEORGIA

Donna Pittman, Mayor

ATTEST:

_____ (SEAL)

Sandra Bryant, Acting City Clerk

APPROVED AS TO FORM:

Cecil G. McLendon, City Attorney

CLERK'S CERTIFICATE

I, the undersigned Clerk of the City of Doraville, Georgia (the "City"), keeper of the records of the Mayor and City Council of the City and seal thereof, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Mayor and City Council of the City at an open public meeting at which a quorum was present, duly called and lawfully assembled at _____ o'clock __.m., on the ____ day of _____, 2013, activating the "Development Authority of the City of Doraville," designating the downtown development area of the City and containing provisions relating to the directors of such Authority, in a public meeting assembled on _____, 2013, an original of which resolution has been entered in the official records of the City under my supervision and is in my official possession, custody and control.

Clerk of the City of Doraville, Georgia

[SEAL]



DAN MCRAE

Dan McRae is a partner in the Atlanta office of [Seyfarth Shaw LLP](#), a national law firm (this website is personal to Dan, however, not the law firm). Dan leads the Finance Team that handles the financing of private and public projects. Dan has handled finance and investment transactions amounting to billions of dollars.

He received the first ever "Bond Counsel of the Year" award from the largest issuer of revenue bonds in the State of Georgia.

Dan is known for his expertise in finance and incentives, and is frequently retained by companies or communities to help them obtain successful project locations.

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- A PILOT bond transaction (the Monroe County/IDI industrial park project) that Mr. McRae structured and closed received one of the first ever "Deal of the Year" awards from the [Georgia Economic Developers Association](#). In 2010, GEDA gave the "Deal of the Year" award for the most outstanding regional project to another project handled by Mr. McRae (the Grady County, Thomas County/Turner Furniture Company of Tallahassee, Inc. project). Two other projects handled by Mr. McRae were nominated for other GEDA "Deal of the Year" awards that year- the Range Fuels cellulosic ethanol project in Treutlen County for most outstanding rural project; and the 1075 Peachtree vertical mixed-use development in Fulton County for the most outstanding metro project.
- The prior year, GEDA gave the "Deal of the Year" award to two of Mr. McRae's projects, one for the most outstanding regional project (the City of Columbus, Fayette County, Gwinnett County/NCR headquarters relocation and manufacturing projects), the other for the most outstanding rural project (the Toombs County/Chicken of the Sea food processing project).

Also that year, ULI gave one of Mr. McRae's Atlanta mixed-use projects (3344 Peachtree/Sovereign, a Regent Partners office/commercial development in Buckhead) its top award--the Urban Land Institute Atlanta District Council's "Project of the Year."

Dan's Finance Team obtained for a business locating its headquarters to Georgia the first ever qualification for the Mega Project Tax Credit. His work with communities includes obtaining a difficult Opportunity Zone designation for a site for a new manufacturing plant for a foreign industry.

Mr. McRae was the first practicing attorney to be elected a director of the Georgia Economic Developers Association. He is a recipient of the Rip Wiley Award, GEDA's highest award for achievement in economic development. Mr. McRae is now serving his second tour as the Chair of GEDA's Public Policy Committee. In 2009, he received GEDA's "Zell Miller Public Policy Leadership Award," for highest achievement in the field of economic development policy. He is the only person ever to have won both the Rip Wiley and Zell Miller awards.

"Southern Business & Development" magazine ranked Dan's firm among the top "Law Firms that Understand Economic Development", referring to Dan as an "economic development legal guru."

Mr. McRae has helped members of Georgia's general assembly draft economic development legislation that has become law in the State of Georgia. Dan is a member of the National Association of Bond Lawyers, and is listed in the "Red Book" directory of nationally recognized bond lawyers. He represents a number of public authorities that issue bonds in Georgia, and is one of few attorneys in Georgia to have closed a variety of synthetic lease and bondable lease financings. He is also active in such real estate industry associations as [ULI](#), [ICSC](#) and [NAIOP](#).

Dan is a faculty member for the University of Georgia's Fanning Institute, which trains members of development authorities, hospital authorities and other local authorities. Mr. McRae helped the Fanning Institute initiate its training programs 10 years ago, and recently helped the Fanning Institute redesign and modernize the program. Recent subjects he has taught include: "Emerging Issues for Development Authorities," "The MOU/LOI - Importance and Value," "Ethics, Liabilities, Conflicts of Interest, Open

Meetings, and Open Records,” “Survey of Authorities and Their Powers,” “How to Write Good Development Agreements and Review of Regional Case Studies,” and “Intergovernmental Relations and Intergovernmental Agreements,” as well as “Development Financing & The Art of Making the Deal.” Examples of other presentations by Dan include “Project Finance for Economic Development” (in Jacksonville, Florida, in 2010 to the Cornerstone Regional Economic Development Forum), “Project Finance” at the Rural Economic Development Summit (in St. Augustine, Florida, in February 2011), and “Industrial Bonds” at the Biomass Trade & Power Americas Conference (in Atlanta, February 2011).

Mr. McRae also does workshops for individual communities for which board member training credit is awarded, including presentations on “Development Authorities 101,” “Bonds 101,” “What Development Authorities Can and Cannot Do,” and “Development Authorities - How to Make the Most Out of This Economic Development Resource.” He has presented for the American Bar Association, the National Association of Bond Lawyers, the Carl Vinson Institute of Government at the University of Georgia, and various other colleges and universities. Dan presents at each biennial “Economic Development Law in Georgia” conference sponsored by, among others, the Institute of Continuing Legal Education in Georgia, most recently on “Project Finance.”

He has been a speaker at programs sponsored by such influential organizations as ICSC, the International Economic Development Council (IEDC), NAIOP, and the Institute for Professionals in Taxation (IPT). Dan is a member of the Bank Counsel Section of the [Georgia Bankers Association](#), and is an Associate Member of the [Association County Commissioners](#) of Georgia and the [Georgia Municipal Association](#).

Dan publishes Quick Takes, a newsletter on finance, economic development and other topics. He also makes available a series of White Papers on topics of interest in the fields of finance, investment and economic development.

Mr. McRae has served as an officer in the U.S Navy, and was a member of the Local Redevelopment Agency for NAS Atlanta, giving him personal redevelopment experience from the perspective of the local public body.

Dan received his undergraduate degree and his law degree (with distinction) from Emory University. At Emory, Dan was elected to Phi Beta Kappa, and to the equivalent in law school, which is the “Order of the Coif.”

Daniel M. McRae, Partner

Seyfarth Shaw LLP
404.888.1883
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1075 Peachtree Street, N.E.
Atlanta, GA 30309

dmcrae@seyfarth.com

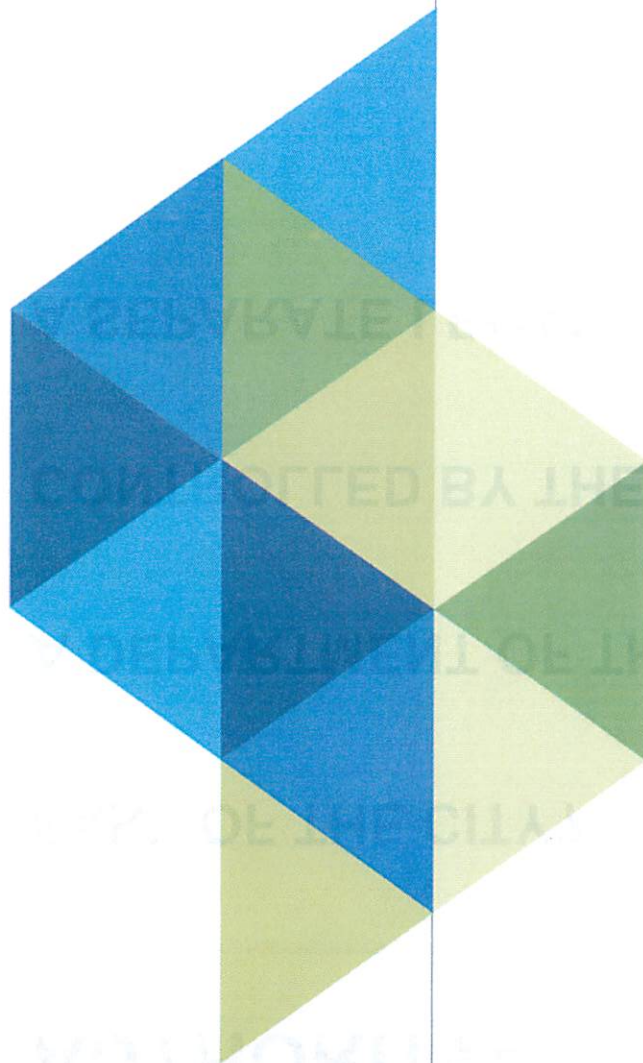


Charles Whatley

Charles has more than 20 years of professional experience in economic development, including most recently a year as DeKalb County's Economic Development Director and DeKalb Development Authority Administrator. Prior to that, Whatley spent six years as the Manager of the Atlanta Development Authority's Business Development Division and as the Director of Commerce and Entrepreneurship. He also spent 15 years as an independent consultant specializing in business models, strategic and marketing plans, opportunity and economic feasibility studies, and market forecasts for clients in the U.S., Malaysia, India, and Canada. After 7 years with DeKalb and ADA, Charles has returned to consulting.

Charles holds a Bachelor of Arts degree in economics from Yale University, and has completed course work for a Master of Science degree in economics at the Georgia Institute of Technology.

Charles is also a member of numerous professional organizations including, the Urban Land Institute; the International Economic Development Council; the Council for Development Finance Agencies; the International Council of Shopping Centers; and Lambda Alpha International, the Honorary Society for the Advancement of Land Economics.



THE DNA OF YOUR DDA

UNDERSTANDING DOWNTOWN DEVELOPMENT AUTHORITIES

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June 2012



IS A DOWNTOWN DEVELOPMENT AUTHORITY-

- **PART OF THE CITY?**
- **A DEPARTMENT OF THE CITY?**
- **CONTROLLED BY THE CITY?**
- **A SEPARATE LEGAL ENTITY?**



ANSWER

SEPARATE LEGAL ENTITY



THE ORIGINS OF DDAs

- “Statutory”
 - ▶ Created by General Assembly under Downtown Development Authorities Law
 - ▶ 1981 and later
 - ▶ Statewide pattern
 - ▶ Activation by City required
- “Constitutional”
 - ▶ Pursuant to Local Constitutional Amendment (“LCA”)
 - ▶ 1987 and earlier
 - ▶ each LCA is different
 - ▶ referendum was required
- Local Act (of General Assembly, not under home rule powers)
 - ▶ Prior to 1981
 - ▶ no referendum required
 - ▶ each Local Act is different



STATUTORY DDA- AREA OF OPERATIONS

- The City designates the downtown development area served by the DDA.
 - ▶ This is the “geographical area within the municipal corporation which, in the judgment of the governing body [of the city], constitutes the central business district.” O.C.G.A. Sec. 36-42-5(a).
- Is designation or redesignation subject to challenge?
 - ▶ In at least one Superior Court case a few years ago, businessmen in the traditional historical central business district successfully convinced the judge that the expansion of the designated area across a river so as to accommodate a big box retailer was improper.



CONSTITUTIONAL DDA- WHERE CAN IT OPERATE?

LOOK AT WHAT ITS LOCAL CONSTITUTIONAL AMENDMENT SAYS (SUBJECT TO THE ORIGINAL REFERENDUM AND THE OTHER PROVISIONS OF THE CONSTITUTION)-
FOR EXAMPLE-

“The above area encompassed shall also allow real property owners within 200 feet of the outer boundary with property contiguous to the district to become a part of the territory encompassed by the Downtown [City] Development Authority District, provided such businesses or property are not located more than 200 feet from the outer boundary as described above.”



STATUTORY DDA- AFTER ACTIVATION

- “A copy of the governing body's resolution shall be filed with the Secretary of State, who shall maintain a record of all authorities activated under [the Downtown Development Authorities Law], and with the Department of Community Affairs. The Department of Community Affairs may, but shall not be required to, furnish written comments to any authority within 30 days after the governing body's resolution is filed with the Department of Community Affairs.” O.C.G.A. Sec. 36-42-5(b).
- The City may make a prospective change in the designation of the central business district. O.C.G.A. Sec. 36-42-6(1).



CONSTITUTIONAL DDA- CREATION

- CREATION PARTICULARS DEPEND ON THE LOCAL CONSTITUTIONAL AMENDMENT (LCA) AND ANY IMPLEMENTING LOCAL LAWS.
- FOR EXAMPLE,

“There is hereby created a body corporate and politic in the City of [City name] in [name] County to be known as the [City] Downtown Development Authority, which shall be an instrumentality of the City ... and a public corporation and which in this amendment is hereafter referred to as the ‘authority’.”



DIRECTORS- STATUTORY DDA

- **Statutory DDAs have a fixed board size of 7 members**
 - ▶ In contrast, boards of statutory citywide or countywide development authorities under the Development Authorities Law can vary from 7 to 9 directors. O.C.G.A. Sec. 36-62-4(a)
- **Directors are appointed by the City**
- **Staggered terms are provided for the initial directors**
 - ▶ 2 directors for 2 year term, 2 directors for 4 year term, 3 directors for 6 year term
- **Thereafter, all terms are 4 years**
 - ▶ Exception- term of director who is also member of governing body of the City ends when such director is no longer a member of the City's governing body

See O.C.G.A. Sec. 36-42-4



DIRECTORS- STATUTORY DDA

“(a) Directors shall be:

- **(1) Taxpayers residing in the municipal corporation for which the authority is created;**
- **(2) Owners or operators of businesses located within the downtown development area and who shall be taxpayers residing in the county in which is located the municipal corporation for which the authority is created; or**
- **(3) Persons having a combination of the qualifications specified in paragraphs (1) and (2) of this subsection;**
- **provided, however, that one of such directors may be a member of the governing body of the municipal corporation.**
- **(b) Not less than four of the directors having the qualifications specified in subsection (a) of this Code section shall be persons who, in the judgment of the governing body of the municipal corporation, either have or represent a party who has an economic interest in the redevelopment and revitalization of the downtown development area. Successors to the directors shall be appointed by the governing body of the municipal corporation.” O.C.G.A. Sec. 36-42-7**



DIRECTORS- STATUTORY DDA

“(c.1) Notwithstanding subsection (a) of this Code section, one director appointed to the board may reside outside the county; provided, however, that such appointed director owns a business within the downtown development area and is a resident of the State of Georgia. If subsequently to his or her appointment to the board pursuant to this subsection, the director ceases to own a business within the downtown development area or reside in the State of Georgia, such director shall relinquish his or her seat on the board.” O.C.G.A. Sec. 36-42-7

- Question- How much ownership interest is required?
- Another question- If the ownership interest or residency terminates, is the loss of office automatic, or does it require an act by the director? If so, what if he doesn't act?



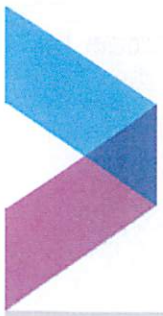
DIRECTORS- CONSTITUTIONAL DDA

- MEMBERSHIP DEPENDS ON THE LOCAL CONSTITUTIONAL AMENDMENT (LCA) AND ANY IMPLEMENTING LOCAL LAWS.
- FOR EXAMPLE,
“The authority shall be composed of nine members to be appointed and elected as hereinafter provided. One member of the authority shall be appointed by the mayor and city council of the City.... Five members of the authority shall represent the owners of real property and shall be known as Real Property Owner Group. The remaining three members of the authority shall represent the owners of business establishments whose principal place of business is located in the downtown [City] district and shall be the person or persons actually licensed and operating a business in the district. These members shall be known as the Business Owner Group. The appointment of the representative for the City ... to the authority shall be mandatory.”



DIRECTORS- CAN THE CITY REMOVE THEM FROM OFFICE?

- STATUTORY DDAs- NO REMOVAL PROVISION.
“The City takes the position that because the Act is silent as to removal, it must be presumed that the directors who are appointed by the City serve at the City's pleasure. We do not agree. The fact that the legislation provides specified terms for the office of director is inconsistent with the idea of tenure at the pleasure of the City.”
... “Because the matter is not before us, we express no opinion as to whether directors may be removed for cause, or under what procedures that might be done.” *Hernandez v. Downtown Development Authority of the City of St. Marys*, 56 Ga. 356, 349 S.E.2d 449 (1986).
- CONSTITUTIONAL DDAs- REMOVAL POSSIBILITY DEPENDS ON LOCAL CONSTITUTIONAL AMENDMENT.
 - ▶ SOME LCAs HAVE REMOVAL PROVISIONS.



IS DISSOLVING THE DDA AN OPTION?

- Statutory DDAs have “perpetual existence”. O.C.G.A. Sec. 36-42-7.
- A similar provision (O.C.G.A. Sec. 36-62-14) for statutory citywide and countywide development authorities under the Development Authorities prevented dissolution of such an authority by the parent local government.
- This Section of the Development Authorities Law was amended by the General Assembly in 2000 to allow the parent local government to dissolve a statutory citywide or countywide development authority if it did not have bonds (or bond anticipation notes) outstanding.
- No corresponding amendment was made to the Downtown Development Authorities Law.



IS DISSOLVING THE DDA AN OPTION?

CONSTITUTIONAL DDAs-

- They exist under their respective Local Constitutional Amendments (LCAs).
- An LCA can be repealed (but not amended). A referendum is required.
 - ▶ “(b) Any amendment which is continued in force and effect after July 1, 1987, pursuant to the provisions of subparagraph (a) of this Paragraph shall be continued in force and effect as a part of this Constitution, except that such amendment may thereafter be repealed but may not be amended. The repeal of any such amendment shall be accomplished by local Act of the General Assembly, the effectiveness of which shall be conditioned on its approval by a majority of the qualified voters voting thereon in each of the particular political subdivisions affected by the amendment.” Georgia Constitution Article XI, Section I, Paragraph IV
- Some LCAs have special dissolution provisions, typically providing for the Constitutional DDA’s property to pass to the City if the DDA is dissolved.
- Unlikely that a Court would permit a dissolution in a situation where it jeopardized repayment of any outstanding bonds.



WHY A DDA?

A DOWNTOWN DEVELOPMENT AUTHORITY HAS ITS OWN “GOVERNMENTAL MISSION”



IT'S IN THE CONSTITUTION

GEORGIA CONSTITUTION ARTICLE IX, SEC. VI,-

“PARAGRAPH III. *DEVELOPMENT AUTHORITIES.* THE DEVELOPMENT OF TRADE, COMMERCE, INDUSTRY, AND EMPLOYMENT OPPORTUNITIES BEING A PUBLIC PURPOSE VITAL TO THE WELFARE OF THE PEOPLE OF THIS STATE, THE GENERAL ASSEMBLY MAY CREATE DEVELOPMENT AUTHORITIES TO PROMOTE AND FURTHER SUCH PURPOSES OR MAY AUTHORIZE THE CREATION OF SUCH AN AUTHORITY BY ANY COUNTY OR MUNICIPALITY OR COMBINATION THEREOF UNDER SUCH UNIFORM TERMS AND CONDITIONS AS IT MAY DEEM NECESSARY.”



THE PUBLIC POLICY OF A STATUTORY DDA

“THE REVITALIZATION AND REDEVELOPMENT OF THE CENTRAL BUSINESS DISTRICTS OF THE MUNICIPAL CORPORATIONS OF THIS STATE DEVELOP AND PROMOTE FOR THE PUBLIC GOOD AND GENERAL WELFARE TRADE, COMMERCE, INDUSTRY, AND EMPLOYMENT OPPORTUNITIES AND PROMOTE THE GENERAL WELFARE OF THIS STATE BY CREATING A CLIMATE FAVORABLE TO THE LOCATION OF NEW INDUSTRY, TRADE, AND COMMERCE AND THE DEVELOPMENT OF EXISTING INDUSTRY, TRADE, AND COMMERCE WITHIN THE MUNICIPAL CORPORATIONS OF THIS STATE. REVITALIZATION AND REDEVELOPMENT OF CENTRAL BUSINESS DISTRICTS BY FINANCING PROJECTS UNDER THIS CHAPTER WILL DEVELOP AND PROMOTE FOR THE PUBLIC GOOD AND GENERAL WELFARE TRADE, COMMERCE, INDUSTRY, AND EMPLOYMENT OPPORTUNITIES AND WILL PROMOTE THE GENERAL WELFARE OF THIS STATE. IT IS, THEREFORE, IN THE PUBLIC INTEREST AND IS VITAL TO THE PUBLIC WELFARE OF THE PEOPLE OF THIS STATE, AND IT IS DECLARED TO BE THE PUBLIC PURPOSE OF THIS CHAPTER, SO TO REVITALIZE AND REDEVELOP THE CENTRAL BUSINESS DISTRICTS OF THE MUNICIPAL CORPORATIONS OF THIS STATE.” O.C.G.A. SEC. 36-42-2



THE PUBLIC PURPOSE OF A CONSTITUTIONAL DDA

WHAT ITS LOCAL CONSTITUTIONAL AMENDMENT
SAYS. FOR EXAMPLE,

“The General Assembly shall be authorized to create in
and for [the City] the Downtown [City] Development
Authority for the purpose of redevelopment of the
Downtown [City] area.”



HOW TO CARRY OUT YOUR MISSION

- MOST DDAs ARE FOCUSED ON CBD BUSINESSES.
- THEY ADMINISTER PROGRAMS; e.g., THOSE SPONSORED BY DCA'S OFFICE OF DOWNTOWN DEVELOPMENT.
- HOWEVER, DDAs HAVE THE POWER TO CARRY OUT "PROJECTS."
- 6) "Project" means the acquisition, construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other improvements located or to be located within the downtown development area, and the acquisition, installation, modification, renovation, rehabilitation, or furnishing of fixtures, machinery, equipment, furniture, or other property of any nature whatsoever used on, in, or in connection with any such land, interest in land, building, structure, facility, or other improvement, any undertaking authorized by Chapter 43 of this title as part of a city business improvement district, any undertaking authorized in Chapter 44 of this title, the "Redevelopment Powers Law," when the downtown development authority has been designated as a redevelopment agency, or any undertaking authorized in Chapter 61 of this title, the "Urban Redevelopment Law," when the downtown development authority has been designated as an urban redevelopment agency, all for the essential public purpose of the development of trade, commerce, industry, and employment opportunities in its authorized area of operation. A project may be for any industrial, commercial, business, office, parking, public, or other use, provided that a majority of the members of the authority determine, by a duly adopted resolution, that the project and such use thereof would further the public purpose of this chapter. Such term shall include any one or more buildings or structures used or to be used as a not for profit hospital, not for profit skilled nursing home, or not for profit intermediate care home subject to regulation and licensure by the Department of Community Health and all necessary, convenient, or related interests in land, machinery, apparatus, appliances, equipment, furnishings, appurtenances, site preparation, landscaping, and physical amenities." O.C.G.A. Sec. 36-42-3(6)
 - ▶ Legislative intent was to confer upon DDAs the power to act up to the full Constitutional limit. See *Odom v. Union City Downtown Development Authority*, 251 Ga. 248, 305 S.E.2d 110 (1983).
- AS GEORGIA BECOMES INCREASINGLY URBAN, MORE AND MORE DDAs-
 - ▶ CARRY OUT PROJECTS
 - ▶ ISSUE REVENUE BONDS TO FINANCE PROJECTS



DDAs ARE SPECIAL

- CONSTITUTIONAL DDAs HAVE WHATEVER POWERS WERE INCLUDED IN THEIR LOCAL CONSTITUTIONAL AMENDMENTS AND RELATED LOCAL ACTS
- BUT EVEN STATUTORY DDAs HAVE SOME POWERS THAT CITYWIDE OR COUNTYWIDE DEVELOPMENT AUTHORITIES DON'T HAVE UNDER THE DEVELOPMENT AUTHORITIES LAW
- SPECIAL STATUTORY DDA POWERS-
 - ▶ OPERATE OR MANAGE PROJECTS. O.C.G.A. Sec.. 36-42-8(a)(5)
 - APPARENTLY DDA CAN GO INTO BUSINESS.
 - IN REALITY, THERE ARE CONSTITUTIONAL LIMITS. *See Smith v. State*, 222 Ga. 552, 150 S.E.2d 868 (1966)(Constitutional amendment invalid, in part, because it did not limit the activities of the county in furnishing facilities to private enterprise to relieve unemployment, or for any other public purpose).
 - ▶ “EXERCISE ANY POWER GRANTED BY THE LAWS OF THIS STATE TO PUBLIC OR PRIVATE CORPORATIONS WHICH IS NOT IN CONFLICT WITH THE PUBLIC PURPOSE OF THE [DDA]. O.C.G.A. Sec.. 36-42-8(a)(20)
 - THIS POWER COULD HAVE AUTHORIZED CONFERENCE CALL MEETINGS OF THE DIRECTORS PRIOR TO THE EFFECTIVENESS OF HB 397 (NEW OPEN MEETINGS/OPEN RECORDS LAW)



DDAs ARE SPECIAL

- **SPECIAL STATUTORY DDA POWERS-**
 - ▶ **ISSUE PROMISSORY NOTES.** O.C.G.A. Sec. 36-42-8(a)(6).
 - APPARENT REQUIREMENT- DDA NOTES HAVE TO BE “REVENUE NOTES” PAYABLE OUT OF PLEDGED REVENUE, NOT OUT OF THE FULL FAITH AND CREDIT OF THE DDA. O.C.G.A. Sec.. 36-42-9(a)
 - ▶ **DDAs CAN ALSO ISSUE REVENUE BONDS** O.C.G.A. Sec.. 36-42-8(a)(6)
 - ▶ **SPECIAL RESTRICTIONS-**
 - MAJORITY VOTE OF ALL OF THE MEMBERS OF THE BOARD REQUIRED TO AUTHORIZE ISSUING BONDS OR NOTES (OR OTHER OBLIGATIONS)
 - NO BONDS, NOTES OR OTHER OBLIGATIONS CAN BE ISSUED UNLESS THE BOARD FINDS BY RESOLUTION THAT THE PROJECT BEING FINANCED PROMOTES THE OBJECTIVES FOR WHICH DDAs WERE AUTHORIZED
 - REVITALIZATION AND REDEVELOPMENT OF THE CENTRAL BUSINESS DISTRICT
 - PROMOTE TRADE, COMMERCE, INDUSTRY AND EMPLOYMENT OPPORTUNITIES
 - PROMOTE LOCATION AND DEVELOPMENT OF NEW AND EXISTING INDUSTRY, TRADE AND COMMERCE. O.C.G.A. Sec. 36-42-2



DDAs ARE SPECIAL

SPECIAL STATUTORY DDA POWERS-

- ▶ SPECIAL RESTRICTIONS-
- ▶ CONSISTENT WITH GENERAL PATTERN, DDA REVENUE BONDS HAVE TO BE JUDICIALLY VALIDATED. O.C.G.A. Sec.. 36-42-10(a)
- ▶ SPECIAL RIGHT- DDA HAS THE OPTION TO GET ITS PROMISSORY NOTES JUDICIALLY VALIDATED. O.C.G.A. Sec.. 36-42-10(a)
- ▶ CITY CAN “DISAPPROVE ANY PROPOSED ISSUE OF REVENUE BONDS, NOTES, OR OTHER OBLIGATIONS OF THE [DDA], IN THE MANNER PROVIDED IN [THE DOWNTOWN DEVELOPMENT AUTHORITIES LAW]”. O.C.G.A. Sec.. 36-42-6(3)
 - HOWEVER, DOWNTOWN DEVELOPMENT AUTHORITIES LAW DOESN'T PROVIDE ANY MANNER FOR DISAPPROAL.
 - » WHAT HAPPENS IF A CITY TRIES TO “DISAPPROVE?”
 - » AT WHAT POINT IS THE PROPOSED ISSUE FREE FROM THE RISK OF DISAPPROVAL?



DDAs ARE SPECIAL

SPECIAL STATUTORY DDA POWERS-

- ▶ PER O.C.G.A. SEC. 36-42-3(6), A DDA CAN IMPORT POWERS UNDER-
- ▶ CITY BUSINESS IMPROVEMENT DISTRICT ACT (O.C.G.A. Sec.. 36-43-1 et seq.)
- ▶ REDEVELOPMENT POWERS LAW (O.C.G.A. Sec.. 36-44-1 et seq.)
 - WHEN THE CITY HAS REDEVELOPMENT POWERS AND THE DDA HAS BEEN DESIGNED AS A REDEVELOPMENT AGENCY
 - A CITY CAN HAVE TWO REDEVELOPMENT AGENCIES
 - DDA WITHIN THE DOWNTOWN AREA IF IT'S WITHIN THE REDEVELOPMENT AREA; ANOTHER REDEVELOPMENT AGENCY FOR THE REST OF THE REDEVELOPMENT AREA. O.C.G.A. Sec.. 36-44-4(f)
 - IF A TAD IS CREATED UNDER THE REDEVELOPMENT POWERS LAW AND TAX ALLOCATION BONDS WILL BE ISSUED, THOSE BONDS ARE ISSUED BY THE CITY, NOT THE DDA.
 - DDA CAN ACT AS "PROGRAM MANAGER"
- ▶ URBAN REDEVELOPMENT LAW (O.C.G.A. Sec.. 36-61-1 et seq.)
 - WHEN THE DDA HAS BEEN DESIGNATED AS AN URBAN REDEVELOPMENT AGENCY



THE EVOLUTION OF PUBLIC/PRIVATE PARTNERSHIPS (P3)

- The Georgia Supreme Court is most comfortable with development authorities when they only finance private projects.
- However, in the 21st Century, many private projects have public involvement.
- Our Courts are receptive to some P3 projects if they are properly “Integrated.”
 - ▶ “This Project is designed to fulfill the governmental functions of improving streets and of providing facilities for municipal administration and police and jail services. Accordingly, it does not appear to fit within the definitions of commerce, trade, or industry.” *Odom* case, 1983.
 - ▶ “In *Odom*, the DDA sought to issue revenue bonds, the proceeds of which would finance the construction of a new city hall, renovate the existing police station and jail, and improve city streets. The project thus consisted of purely public elements. This court held that the scope of this project did not fall within the constitutionally designated purposes of Downtown Development Authorities which are the promotion and development of “trade, commerce, industry, and employment opportunities.” 1983 Georgia Constitution, Art. IX, Sec. VI, Par. III. In the case before us the project is comprised of both public and private components which are integrated so as to produce the desired purposes. The trial court found that the project will promote and develop the public purposes of trade, commerce, industry, and employment opportunities. There is evidence in the record to support this determination.” *Nations I*, 1985 (Underground Atlanta project).
- Some Constitutional DDAs have power to carry out purely public projects.



VALIDATION IS A BEST PRACTICE FOR ECONOMIC DEVELOPMENT PROJECTS

- Judge's final validation order is "forever incontestable and conclusive." Ga. Const. Art. IX, Sec. VI, Para. IV
- Traditional- Use validation orders to cover-
 - ▶ Incentives don't violate Constitutional prohibition of "Gifts and Gratuities"
 - ▶ Validity of "abatement" structure
 - leasehold valuation
 - usufruct
 - nontaxable lease
 - PILOT (payment in lieu of taxes) bonds



VALIDATION IS A BEST PRACTICE FOR ECONOMIC DEVELOPMENT PROJECTS

Now- Also use validation orders to cover-

- P3 project is properly integrated
- the project is not subject to the Georgia Local Government Public Works Construction Law (O.C.G.A. § 36-91-1 *et seq.*)
- the bonds do not constitute a “business loan” or confer any other “public benefit” within the meaning of O.C.G.A. § 50-36-1 (HB 87)
- neither the Company nor any other participant in the transaction involving the bonds or the project and their respective counsel constitute an “applicant for public benefits” within the meaning of O.C.G.A. § 50-36-1
 - ▶ therefore, such persons are not subject to Systematic Alien Verification of Entitlement (SAVE)
- the bonds are not subject to the PILOT Restriction Act (O.C.G.A. § 36-80-16.1)
- the bond issue and the expenditure of the proceeds thereof are exempt from the performance audit and performance review provisions of O.C.G.A. § 36-82-100



MONEY MAKES THE WORLD GO 'ROUND

- Community development and redevelopment, and economic development, require funding
 - ▶ Where does the money come from?
- Some Constitutional DDAs have the power to tax or assess within their area of operations
- A City has the power to create a special tax district to financially support the DDA and its projects (subject to other legal constraints). Ga. Const. Art. IX, Sec. II, Para. VI; O.C.G.A. Sec. 36-42-16.
- Local governments have the option to financially support their development authorities.
 - ▶ County: 1 mill to a county development authority or a joint city/county development authority (O.C.G.A. Sec. 48-5-220 (20))
 - ▶ City: 3 mills to a city development authority or a joint city/county development authority (O.C.G.A. Sec. 48-5-350)
 - ▶ More: if governmental purpose or if provided in Local Constitutional Amendment
- Some Local Constitutional Amendments (LCAs) authorize additional millage support
- An intergovernmental agreement (IGA) between the local government and the development authority can be used to “monetize” this millage.
 - ▶ Monetization is through “contract revenue bonds.”
 - ▶ IGA can be multiyear.



BONDS

- The interest on bonds issued by a development authority (industrial development revenue bonds, or IDBs) is either federally taxable or federally tax-exempt.
- Federally tax-exempt bonds are more desirable.
 - Advantages of tax-exempt financing
 - Lower interest rate
 - Longer term
 - Greater marketability
 - More availability of interest-only/capitalized interest
 - Smaller bond issues more do-able



BONDS

- Historically, DDAs were active in the bond financing of downtown projects
- But federal tax law changes in the 1980's removed access to tax-exempt financing for most types of DDA projects.
- When tax-exempt bond financing is available, it's still the best way to finance a project.



DO YOU SPEAK “BOND”? AND CAN YOUR DDA ISSUE BONDS LIKE THESE?

THIS ...	IS THE <u>OPPOSITE</u> OF...THIS
REVENUE BOND Yes. Only revenue and other collateral from the private company is at risk. No repayment obligation on the part of the development authority, the city, the county or the State.	GENERAL OBLIGATION BOND No (with contract revenue bonds, the IGA is pledged) Exception: Constitutional DDA with power to tax/assess.
TAX-EXEMPT BOND Yes- mainly “small issue” manufacturing bonds, qualified 501(c)(3) bonds, and exempt facility bonds (if state law authorizes for development authority). Federal tax laws make inducement resolution mandatory.	“TAXABLE” BOND Yes. Some taxable “green” bonds are actually “tax credit” bonds with economics like tax-exempt bonds. Examples: CREBs; QECBs. Inducement resolution is traditional but optional.



DO YOU SPEAK “BOND”? AND CAN YOUR DDA ISSUE BONDS LIKE THESE?

THIS ...	IS THE <u>OPPOSITE</u> OF...THIS
PRIVATELY PLACED Yes. Example- bond sold to local bank. No underwriter necessary. Fewer private placements, because fewer profitable banks that can use tax-exempt bonds.	PUBLICLY SOLD Yes. An underwriter is needed for public offerings. A bank letter of credit is needed to secure the bonds. Fewer public offerings because fewer banks provide LOCs.
INVESTMENT GRADE Yes- depending on quality of pledged revenue and/or credit enhancement	“JUNK”/HIGH YIELD/ UNRATED Yes (but be cautious)



DO YOU SPEAK “BOND”? AND CAN YOUR DDA ISSUE BONDS LIKE THESE?

THIS ...	IS THE <u>OPPOSITE</u> OF...THIS
PRIVATE ACTIVITY Yes- if project is authorized by governing law (Downtown Development Authorities Law or LCA and local acts; Constitution)	GOVERNMENTAL PURPOSE Only for qualified public/private partnership projects (P3) or if LCA permits
FLOATING RATE Yes (letter of credit normally required)	FIXED RATE Yes
NON-AMT Except for qualified 501(c)(3) bonds, most development authority bonds are subject to the Alternative Minimum Tax.	AMT Yes



DO YOU SPEAK “BOND”? AND CAN YOUR DDA ISSUE BONDS LIKE THESE?

THIS ...	IS THE <u>OPPOSITE</u> OF...THIS
<p>“BANK QUALIFIED”</p> <p>Except for some situations involving qualified 501(c)(3) bonds, most development authority bonds are not “bank qualified”, or “BQ” (doesn’t mean banks can’t buy them; means banks don’t get a carrying charge deduction)</p>	<p>NOT “BANK QUALIFIED”</p> <p>Yes</p>
<p>AUTHORITY-ISSUED</p> <p>Yes. Bonds that are tax-exempt have to be issued through a public body.</p>	<p>COMPANY-ISSUED</p> <p>No- Taxable bonds can be issued directly by the company. But no incentives authorized!</p>



DO YOU SPEAK “BOND”? AND CAN YOUR DDA ISSUE BONDS LIKE THESE?

THIS ...	IS THE <u>OPPOSITE</u> OF...THIS
CAPITAL MARKETS Yes. “Capital markets” refers to the various types of bond purchasers.	“BONDS FOR TITLE” Yes. Company buys its own bonds.
LOCAL GOVERNMENT APPROVED Yes. In order for private activity bonds to be tax-exempt, they have to be approved by the local government (TEFRA approval).	NOT APPROVED BY LOCAL GOVERNMENT Yes- Taxable bonds can always be issued by a development authority. (Some LCAs require local government approval-also see O.C.G.A. Sec. 36-42-6(3).)



CONCLUSION- DDAs ARE IMPORTANT

- BOTH CITYWIDE DEVELOPMENT AUTHORITIES AND COUNTY DEVELOPMENT AUTHORITIES HAVE JURISDICTION WITH A DDA'S AREA OF OPERATIONS. SO, WHY DO WE NEED DDAs?
ANSWER

- ▶ ONE SIZE DOES NOT FIT ALL;
- ▶ DDAs ARE A SPECIALIZED RESPONSE TO A SPECIALIZED NEED;
- ▶ DDAs ARE THE MOST INVOLVED WITH THE DOWNTOWN DEVELOPMENT AREA;
- ▶ DDAs HAVE SOME SPECIAL POWERS THAT CAN BE VERY HELPFUL IN SPECIAL SITUATIONS;
- ▶ DDAs' DIRECTORS REPRESENT THE DOWNTOWN STAKEHOLDERS; AND
- ▶ DDAs HAVE AN IMPORTANT ROLE TO PLAY!



REFERENCES

THIS PRESENTATION AND OTHER REFERENCES CAN BE DOWNLOADED AS FOLLOWS:

- June 2012- “Bonds 101”
- April 2012- “Development Authorities 101”
- June 2011- "TIFs and TADs in Tough Times"; TIFs and TADs Questions and Answers
- January 2011 - “Introduction to Tax-Exempt Bonds”
- January 2011 - “Introduction to 'Taxable Floaters' ”
- August 2010 – “Bonds For Title”

at <http://danmcrae.info/whitepapers>



QUESTIONS?

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14569099



MORE INFORMATION

This presentation is a quick-reference guide for company executives and managers, elected and appointed officials and their staffs, economic developers, participants in the real estate and financial industries, and their advisors. The information in this presentation is general in nature. Various points which could be important in a particular case have been condensed or omitted in the interest of readability. Specific professional advice should be obtained before this information is applied to any particular case. Any tax information or written tax advice contained herein is not intended to be and cannot be used by any taxpayer for the purpose of avoiding tax penalties that may be imposed on the taxpayer. (The foregoing legend has been affixed pursuant to U.S. Treasury Regulations governing tax practice.)



AGENDA ITEM REQUEST SHEET

Subject: Submission of 2014 Budget to Council

Date of Meeting: May 20, 2013

Budget Impact: ☐ Yes ☐ N/A

Budget Impact Amount: \$ _____

Funding Source:

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

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

Department: Finance

Department Head: Lisa Ferguson

Purpose:

Dr. Gillen will be making the initial presentation of the 2014 Annual Budget for the City of Doraville to the City Council for discussion purposes. This presentation will be followed up with a worksession on May 28th to respond to any questions from Council.

The first read on the budget ordinance is scheduled for June 3rd, with the second and final read scheduled for June 17th.

City of Doraville
FY2014 Proposed Budget
May 20, 2013

	2012 Actual	YTD as of 12/31/2012	2013 Approved Budget	2014 Proposed	Increase/ (Decrease)
Fund 100 - General Fund					
Taxes	6,107,096	3,628,876	5,998,686	6,026,186	27,500
Licenses and Permits	274,933	101,853	234,000	203,000	(31,000)
Intergovernmental Revenues	177,196	39,608	113,469	65,066	(48,403)
Charges for Services	278,852	46,504	137,802	127,320	(10,482)
Fines and Forfeitures	2,139,800	981,344	2,200,000	1,975,000	(225,000)
Investment Income	23,086	7,310	2,725	-	(2,725)
Contributions and Donations from Private Sources	16,352	1,034	2,500	10,000	7,500
Miscellaneous	137,539	40,720	66,000	63,500	(2,500)
Operating Transfers In			28,800	24,000	(4,800)
Fund Balance				382,103	382,103
Total General Fund Revenues	9,154,854	4,847,249	8,783,982	8,876,175	(289,910)

	2012 Actual	YTD as of 12/31/2012	2013 Approved Budget	2014 Proposed	Increase/ (Decrease)
General Fund Departmental Budgets					
City Council	153,635	66,708	139,485	134,828	(4,657)
Mayor	280,481	98,035	199,771	112,061	(87,710)
City Administrator		-	80,846	204,821	123,975
Elections	12,374	-	-	20,000	20,000
General Administration	321,214	96,989	258,848	289,113	30,265
Finance	248,546	125,876	269,501	212,069	(57,432)
Legal	241,561	77,876	205,000	225,000	20,000
Information Technology	-	47,100	94,200	94,200	-
Facilities & Buildings	23,504	7,448	27,220	16,020	(11,200)
Municipal Court	432,696	203,249	424,976	427,997	3,021
Police	4,235,729	1,995,212	4,452,399	4,448,275	(4,123)
Animal Control	67,773	35,514	87,829	74,553	(13,276)
Public Works	741,184	329,251	684,112	666,471	(17,641)
Street Lights	180,755	74,594	180,000	185,000	5,000
Recreation	353,261	173,085	385,899	361,987	(23,912)
Recreation Programs				83,520	83,520
Swimming Pool	74,705	27,554	54,825	60,125	5,300
Parks	33,880	16,465	32,000	29,635	(2,365)
Library Administration	314,458	149,800	307,878	308,478	600
Planning and Zoning	247,991	125,314	290,802	307,751	16,949
Code Enforcement	124,235	61,027	120,795	131,319	10,524
Interfund Transfers					-
To E911	414,535	125,299	422,181	482,952	60,771
To Sanitation	-	(82,145)			-
Contingency			65,416	-	(65,416)
	8,502,518	3,754,249	8,783,982	8,876,175	92,193

City of Doraville
FY2014 Proposed Budget
May 20, 2013

	2012 Actual	YTD as of 12/31/2012	2013 Approved Budget	2014 Proposed	Increase/ (Decrease)
<i>Fund 210 - Confiscated Assets Fund</i>					
Revenues			385,285	385,000	(285)
Expenditures			385,285	385,000	(285)
Surplus/(Deficit)	-	-	-	-	-
<i>Fund 215 - Emergency 911 Fund</i>					
Revenues	554,479	171,546	572,181	612,952	40,771
Expenditures	574,119	211,186	572,181	612,952	40,771
Surplus/(Deficit)	(19,641)	(39,641)	-	-	-
<i>Fund 230 - Tree Bank</i>					
Revenues	33,394	15,000	15,000	15,000	-
Expenditures	7,450	11,495	15,000	15,000	-
Surplus/(Deficit)	25,943	3,505	-	-	-
<i>Fund 250 - Multiple Grants Fund</i>					
Revenues	411,881	-	25,000	-	(25,000)
Expenditures	411,881	25,000	25,000	-	(25,000)
Surplus/(Deficit)	-	(25,000)	-	-	-
<i>Fund 275 - Hotel/Motel Tax fund</i>					
Revenues	33,235	20,607	48,000	40,000	(8,000)
Expenditures	33,956	18,264	48,000	40,000	(8,000)
Surplus/(Deficit)	(721)	2,343	-	-	-
<i>Fund 280 - Motor Vehicle Rental Excise Tax Fund</i>					
Revenues				39,000	39,000
Expenditures	-	-	-	39,000	39,000
Surplus/(Deficit)	-	-	-	-	-
<i>Fund 330 - Homestead Option Sales Tax (HOST) Fund</i>					
Revenues	227,758	69,029	144,097	367,913	223,817
Expenditures	3,845	32,268	144,097	367,913	223,817
Surplus/(Deficit)	223,913	36,761	-	-	-
<i>Fund 505 - Stormwater Fund</i>					
Revenues	507,972	489,005	474,001	475,000	999
Expenditures	200,621	179,288	474,001	475,000	999
Surplus/(Deficit)	307,350	309,717	-	-	-
<i>Fund 540 - Solid Waste Fund</i>					
Revenues	404,627	345,227	362,000	420,999	58,999
Expenditures	366,828	123,269	362,000	420,999	58,999
Surplus/(Deficit)	37,799	221,958	-	-	-



AGENDA ITEM REQUEST SHEET

Subject: First Read on Proposed Amendment to FY 2013 Budget

Date of Meeting: May 20, 2013

Budget Impact: ☐ Yes ☐ N/A

Budget Impact Amount: \$ _____

Funding Source:

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

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

Department: Finance

Department Head: Lisa Ferguson

Background:

The City of Doraville currently owns a 2004 Crown Victoria. The Asset Forfeiture fund currently owns a 2008 Chrysler 300. The Police Department desires to transfer the Chrysler 300 to the General Fund for the use of the City Manager. The Police Department would then use Asset Forfeiture funds to purchase a new more fuel efficient vehicle to replace the vehicle being transferred thus reducing the cost of operating both the Police Department's new vehicle and the City Manager's vehicle.

The laws governing Asset Forfeiture funds require that the fund receive fair market value for the vehicle. Fair market value has been determined to be \$10,000 based on data from Edmunds.com. The City currently has an insurance claim pending for a wrecked police vehicle. The proceeds from this claim are expected to be approximately \$10,000.

The proceeds from the insurance claim are being amended into the revenue budget and a line item is being created in the City Manager's budget to purchase the Chrysler 300 from the Asset Forfeiture fund.

Analysis:

See Attachment.

If the police Asset Forfeiture funds are used to purchase the new car for the police department then the annual savings to the general fund for fuel in the vehicles is roughly \$2,642.

(If we assume the average gas price of \$3.70)

This equates to \$13,211 in savings for fuel over five years.

The maintenance savings on the Chrysler over the Crown Vic through 150,000 miles is \$5,127.50 if you take the midpoint between the high and low estimates.

Using these assumptions the total savings over five years is \$18,399.

The transfer from the general fund to the Police Seized Property Fund will be approximately \$10,000. (The transfer will use revenue from the sale of the Crown Victoria and the insurance payment for the wrecked squad)

This generates a net savings to the general fund of \$8,399.

Purpose:

To amend the current fiscal year budget to include proceeds from the insurance claim and provide a line item in the City Manager's budget from which to purchase the Chrysler 300 from the Asset Forfeiture fund.

2004 Crown Victoria
Mileage in thousands

	Minimum	Maximum
25	189.00	189.00
30	337.00	1,293.00
35	189.00	189.00
40	225.00	225.00
45	213.00	507.00
50	189.00	225.00
55	189.00	189.00
60	407.00	1,363.00
65	189.00	189.00
70	189.00	225.00
75	213.00	359.00

Maintenance costs for the next 50,000 miles

	2,529.00	4,953.00
--	----------	----------

80	189.00	225.00
85	189.00	225.00
90	337.00	1,440.00
95	189.00	189.00
100	450.00	486.00
105	213.00	359.00
110	189.00	225.00
115	189.00	189.00
120	407.00	1,363.00
125	189.00	189.00
130	189.00	225.00
135	213.00	507.00
140	189.00	225.00
145	189.00	189.00
150	467.00	1,293.00

Maintenance costs through 150K

	6,317.00	12,282.00
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<http://repairpal.com/estimator>

<http://www.fueleconomy.gov/feg/bymake/Ford2004.shtml>

Calculation of cost to drive 500 miles

	14mpg city	19mpg hwy
Gallons required	35.71	26.32
Price per gallon	3.34	3.34
	\$ 119.29	\$ 87.89

Calculation of cost to drive 20,000 miles

	14mpg city	19mpg hwy
Gallons required	1,428.57	1,052.63
Price per gallon	3.34	3.34
	\$ 4,771.43	\$ 3,515.79

Price per gallon for regular unleaded gasoline at Quikrip, Doraville GA as of 4/11/2013

Regular	3.34
Midgrade	3.39
Premium	3.54

2008 Chrysler 300

Mileage in thousands

	Minimum	Maximum
54	95.00	95.00
60	334.00	2,062.00
66	95.00	95.00
72	260.00	260.00
78	95.00	95.00
84	167.00	167.00
90	162.00	162.00
102	797.00	797.00

Maintenance costs for the next 50,000 miles

	2,005.00	3,733.00
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114	95.00	95.00
120	334.00	334.00
126	95.00	95.00
132	167.00	167.00
138	95.00	95.00
144	355.00	355.00
150	162.00	162.00

Maintenance costs through 150K

	3,308.00	5,036.00
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<http://www.fueleconomy.gov/feg/bymake/Chrysler2008.shtml>

Calculation of cost to drive 500 miles

	15mpg city	22-23 MPG Hwy
Gallons required	33.33	22.73
price per gallon	3.34	3.34
	111.33	75.91
Fuel savings	7.95	11.99

Calculation of cost to drive 20,000 miles

	15mpg city	22-23 MPG Hwy
Gallons required	1,333.33	909.09
price per gallon	3.34	3.34
	4,453.33	3,036.36
Fuel savings	318.10	479.43

Price per gallon for regular unleaded gasoline at Quikrip, Doraville GA as of 4/11/2013

Regular	3.34
Midgrade	3.39
Premium	3.54

Cost differential for City driving over 20,000 miles				Cost differential for City driving over 20,000 miles			
Price per gallon	Crown Vic 14 MPG	Chrysler 15 MPG	Annual Savings	Price per gallon	Chrysler 15 MPG	New Car 28 MPG	Annual Savings
3.34	4,771.43	4,453.33	318.10	3.34	4,453.33	2,385.71	2,067.62
3.45	4,928.57	4,600.00	328.57	3.45	4,600.00	2,464.29	2,135.71
3.50	5,000.00	4,666.67	333.33	3.50	4,666.67	2,500.00	2,166.67
3.55	5,071.43	4,733.33	338.10	3.55	4,733.33	2,535.71	2,197.62
3.60	5,142.86	4,800.00	342.86	3.60	4,800.00	2,571.43	2,228.57
3.65	5,214.29	4,866.67	347.62	3.65	4,866.67	2,607.14	2,259.52
3.70	5,285.71	4,933.33	352.38	3.70	4,933.33	2,642.86	2,290.48
3.75	5,357.14	5,000.00	357.14	3.75	5,000.00	2,678.57	2,321.43
3.80	5,428.57	5,066.67	361.90	3.80	5,066.67	2,714.29	2,352.38
3.85	5,500.00	5,133.33	366.67	3.85	5,133.33	2,750.00	2,383.33
3.90	5,571.43	5,200.00	371.43	3.90	5,200.00	2,785.71	2,414.29
3.95	5,642.86	5,266.67	376.19	3.95	5,266.67	2,821.43	2,445.24
4.00	5,714.29	5,333.33	380.95	4.00	5,333.33	2,857.14	2,476.19

Cost differential for Highway Driving over 20,000 miles				Cost differential for Highway Driving over 20,000 miles			
Price per gallon	Crown Vic 19 MPG	Chrysler 22 MPG	Annual Savings	Price per gallon	Chrysler 22 MPG	New Car 32 MPG	Annual Savings
3.34	3,515.79	3,036.36	479.43	3.34	3,036.36	2,087.50	948.86
3.45	3,631.58	3,136.36	495.22	3.45	3,136.36	2,156.25	980.11
3.50	3,684.21	3,181.82	502.39	3.50	3,181.82	2,187.50	994.32
3.55	3,736.84	3,227.27	509.57	3.55	3,227.27	2,218.75	1,008.52
3.60	3,789.47	3,272.73	516.75	3.60	3,272.73	2,250.00	1,022.73
3.65	3,842.11	3,318.18	523.92	3.65	3,318.18	2,281.25	1,036.93
3.70	3,894.74	3,363.64	531.10	3.70	3,363.64	2,312.50	1,051.14
3.75	3,947.37	3,409.09	538.28	3.75	3,409.09	2,343.75	1,065.34
3.80	4,000.00	3,454.55	545.45	3.80	3,454.55	2,375.00	1,079.55
3.85	4,052.63	3,500.00	552.63	3.85	3,500.00	2,406.25	1,093.75
3.90	4,105.26	3,545.45	559.81	3.90	3,545.45	2,437.50	1,107.95
3.95	4,157.89	3,590.91	566.99	3.95	3,590.91	2,468.75	1,122.16
4.00	4,210.53	3,636.36	574.16	4.00	3,636.36	2,500.00	1,136.36

City of Doraville
FY2013 Proposed Budget Amendment
May 20, 2013

	2013 Approved Budget	2013 Proposed Amendment	Increase/ (Decrease)
<i>Fund 100 - General Fund</i>			
Taxes	5,998,686	5,998,686	-
Licenses and Permits	234,000	234,000	-
Intergovernmental Revenues	113,469	113,469	-
Charges for Services	137,802	137,802	-
Fines and Forfeitures	2,200,000	2,200,000	-
Investment Income	2,725	2,725	-
Contributions and Donations from Private Sources	2,500	2,500	-
Miscellaneous	66,000	76,000	10,000
Operating Transfers In	28,800	28,800	-
			-
Total General Fund Revenues	8,783,982	8,793,982	10,000

	2013 Approved Budget		Increase/ (Decrease)
<i>General Fund Departmental Budgets</i>			
City Council	139,485	139,485	-
Mayor	199,771	199,771	-
City Administrator	80,846	90,846	10,000
Elections	-	-	-
General Administration	258,848	258,848	-
Finance	269,501	269,501	-
Legal	205,000	205,000	-
Information Technology	94,200	94,200	-
Facilities & Buildings	27,220	27,220	-
Municipal Court	424,976	424,976	-
Police	4,452,399	4,452,399	-
Animal Control	87,829	87,829	-
Public Works	684,112	684,112	-
Street Lights	180,000	180,000	-
Recreation	385,899	385,899	-
Swimming Pool	54,825	54,825	-
Parks	32,000	32,000	-
Library Administration	307,878	307,878	-
Planning and Zoning	290,802	290,802	-
Code Enforcement	120,795	120,795	-
			-
Interfund Transfers			-
To E911	422,181	422,181	-
Contingency	65,416	65,416	-
			-
	8,783,982	8,793,983	10,000

City of Doraville
FY2013 Proposed Budget Amendment
May 20, 2013

	2013 Approved Budget	2013 Proposed Amendment	Increase/ (Decrease)
<i>Fund 210 - Confiscated Assets Fund</i>			
Revenues	385,285	385,285	-
Expenditures	385,285	385,285	-
Surplus/(Deficit)	-	-	-
<i>Fund 215 - Emergency 911 Fund</i>			
Revenues	572,181	70,000	70,000
Expenditures	572,181	70,000	70,000
Surplus/(Deficit)	-	-	-
<i>Fund 230 - Tree Bank</i>			
Revenues	15,000	-	-
Expenditures	15,000	-	-
Surplus/(Deficit)	-	-	-
<i>Fund 250 - Multiple Grants Fund</i>			
Revenues	25,000	25,000	-
Expenditures	25,000	25,000	-
Surplus/(Deficit)	-	-	-
<i>Fund 275 - Hotel/Motel Tax fund</i>			
Revenues	48,000	48,000	-
Expenditures	48,000	48,000	-
Surplus/(Deficit)	-	-	-
<i>Fund 330 - Homestead Option Sales Tax (HOST) Fund</i>			
Revenues	144,097	144,097	-
Expenditures	144,097	144,097	-
Surplus/(Deficit)	-	-	-
<i>Fund 505 - Water and Sewer Fund</i>			
Revenues	474,001	474,001	-
Expenditures	474,001	474,001	-
Surplus/(Deficit)	-	-	-
<i>Fund 540 - Solid Waste Fund</i>			
Revenues	362,000	362,000	-
Expenditures	362,000	362,000	-
Surplus/(Deficit)	-	-	-

City of Doraville
FY2013 Proposed Budget Amendment
May 20, 2013

Revenues

Fund 100 - General Fund

Account Description	2013 Approved Budget	2013 Proposed Amendment	Increase/ (Decrease)
Real property tax-current year	1,779,427	1,779,427	-
Public utility tax-current year	62,742	62,742	-
Real property tax-prior year	-	-	-
Personal property tax-current year	939,511	939,511	-
Motor vehicle	135,506	135,506	-
Personal property-prior year	3,000	3,000	-
Real estate transfer (intangible)	1,500	1,500	-
Franchise taxes	600,000	600,000	-
Hotel/motel	-	-	-
Alcoholic beverage excise	80,000	80,000	-
Local option mixed drink	4,500	4,500	-
Business and occupation taxes	2,000,000	2,000,000	-
Insurance premium taxes	390,000	390,000	-
Penalties and interest on delinquent taxes	2,500	2,500	-
Alcoholic beverages	18,000	18,000	-
Building and signs	165,000	165,000	-
Motor vehicle operators	40,000	40,000	-
Regulatory fees	11,000	11,000	-
Federal government grants	113,469	113,469	-
Accident reports	15,000	15,000	-
Warrant contract	-	-	-
Background check fees	2,000	2,000	-
Activity fees	63,387	63,387	-
Spec Ev Receipts	-	-	-
Program fees	57,415	57,415	-
Municipal	2,200,000	2,200,000	-
Interest revenues	2,725	2,725	-
Contributions and Donations from Private Sources	2,500	2,500	-
Rents and royalties	30,000	30,000	-
Miscellaneous	36,000	46,000	10,000
Transfers from Hotel Motel	28,800	28,800	-
	8,783,982	8,793,982	10,000

City of Doraville
FY2013 Proposed Budget Amendment
May 20, 2013

Dept. 1320
City Manager

Account Description	2013 Approved Budget	2013 Proposed Amendment	Increase /(Decrease)
Regular employees	24,750	24,750	-
Overtime			-
Paid Time Off (PTO)	4,500	4,500	-
Holiday Pay	450	450	-
Group insurance	3,127	3,127	-
Social Security (FICA) contributions	1,931	1,931	-
Medicare	431	431	-
Retirement contributions	2,376	2,376	-
Workers' compensation	512	512	-
Moving Expenses	17,000	17,000	-
Repairs and maintenance	1,000	1,000	-
Insurance, other than employee benefits	2,500	2,500	-
Communications	500	500	-
Printing and binding	500	500	-
Travel	3,500	3,500	-
Dues and fees	12,670	12,670	-
Education and training	500	500	-
General supplies and materials	500	500	-
Water/sewerage	500	500	-
Natural gas	500	500	-
Electricity	500	500	-
Gasoline	600	600	-
Books and periodicals	500	500	-
Small equipment	1,500	1,500	-
Vehicles	-	10,000	10,000
	80,846	90,846	10,000

ORDINANCE 2013-__

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

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

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

Section II. General Fund. The General Fund for the City of Doraville shall have an appropriation of \$8,793,982, for the general obligations and legal obligations in FY 2013.

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

Taxes	\$5,998,686
Licenses and Permits	234,000
Intergovernmental Revenues	113,469
Charges for Services	137,802
Fines and Forfeitures	2,200,000
Investment Income	2,725
Contributions & Donations from Private Sources	2,500
Miscellaneous	76,000
Operating Transfers In	28,800

Total Estimated General Fund Revenues	\$8,793,982
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Should the total estimated revenues received exceed the amount estimated, the City Council shall allocate such excess to the General Fund subject to further action.

Section III. There is appropriated for the general operation and payment of certain legal obligations of the City of Doraville for the fiscal year 2013 a total of \$8,793,982, or as much as may be deemed necessary, not to exceed this amount and such sums shall be disbursed from the following:

City Council	\$139,485
Mayor's Office	199,771
City Administrator	90,846
City Clerk General Administration	258,848
Finance	269,501
Legal	205,000
Information Technology	94,200
Government Buildings	27,220
Municipal Court	424,976
Police and Jail	4,452,399
Animal Control	87,829
Public Works	684,112
Street Lighting	180,000
Recreation	385,899
Swimming Pool	54,825
Parks	32,000
Library	307,878
Planning and Zoning	290,802
Quality of Life	120,795
Transfers to Other Funds-E911	422,181
Contingency	65,416

Total Estimated General Fund Expenditures	\$8,793,982
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Section IV. Confiscated Assets Fund. There is hereby established a Confiscated Assets Fund for the City of Doraville with an appropriation of \$385,285.

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

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

The following disbursements are authorized for the fiscal year 2013:

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

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

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

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

The following disbursements are authorized for the fiscal year 2013:

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

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

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

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

The following disbursements are authorized for the fiscal year 2013:

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

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

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

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

The following disbursements are authorized for the fiscal year 2013:

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

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

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

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

The following disbursements are authorized for the fiscal year 2013:

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

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

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

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

The following disbursements are authorized for the fiscal year 2013:

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

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

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

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

The following disbursements are authorized for the fiscal year 2013:

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

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

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

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

The following disbursements are authorized for the fiscal year 2013:

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

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

CITY OF DORAVILLE, GEORGIA

Mayor

First Reading

Second Reading

ATTEST:

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

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF DORAVILLE

RESOLUTION NO. 2013 - ____

A RESOLUTION TO AUTHORIZE LEVEL OF PURCHASING
AUTHORITY FOR CITY MANAGER

- WHEREAS,** the Mayor and Council of the City of Doraville are duly elected governing authority of the City of Doraville, Georgia; and
- WHEREAS,** the Mayor and City Council recently adopted changes to the City Charter to create administrative powers for the City Manager; and
- WHEREAS,** pursuant to the new provisions of the City Charter, Section 2.07A(10) and (11), the City Manager shall have power to execute all lawful contracts of the City, sign all orders and checks within the established authority of the City Manager, to the extent same is funded in the City budget; and
- WHEREAS,** the Mayor and City Council, pursuant to the Charter, desire to establish the purchasing authority for the City Manager to sign Agreements and checks on budgeted items to be up to and including \$_____.

THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE HEREBY RESOLVE that the City Manager's purchasing authority to the extent provided under the City Charter shall be \$_____ for budgeted items. This Resolution shall become effective on July 1, 2013.

SO RESOLVED, this ____ day of _____, 2012.

Approved:

Donna Pittman, Mayor

Attest:

Sandra Bryant, Acting City Clerk
(Seal)



THE CITY OF DORAVILLE
AGENDA ITEM SHEET

04-18-13P04:00 PAID

Subject: Banner permit Fees

Date of Meeting: May 20

Budget Impact: ___ Y ___ N

Budget Impact Amount: \$ _____

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

Funding Source:

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

Stephe Koontz
3941 Red Oak Dr. 770-734-0409

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: review banner permit Fees, especially for
non-profit, non-commercial, community service events

History, Facts, Issues: In the past, the church of the new
Evangelist had permit fees waived for event banners.
Recently was informed permit fee for banner is now
\$120.00

Options: _____

Recommended Action: Waive permit fee for non-profit event
banner permit & lower banner fee for all purposes to a
reasonable amount.

Department: _____

Department Head: _____

Administrative Comments and Recommendation: _____

Action Taken By Board: _____