

CITY COUNCIL WORK SESSION

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

**October 21, 2013- following
the 6:30pm meeting**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES:
4. APPROVAL OF MEETING AGENDA
5. PUBLIC COMMENT
6. REPORTS AND PRESENTATIONS
7. UNFINISHED BUSINESS
 - a) Retirement Plan Revision- Shawn Gillen
 - b) Architectural Design Standards-Shawn Gillen
 - c) CIP –Shawn Gillen
 - d) Stormwater Infrastructure Policy- Steven Strickland
 - e) Discussion of CMA Contract-Shawn Gillen
8. NEW BUSINESS
 - a) Amending Chapter 23, Zoning, to Revise Procedural Provisions and Other Inconsistencies- Cecil McLendon Jr.
9. OTHER BUSINESS
10. ADJOURNMENT



THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: Stormwater Infrastructure Policy

Regular Meeting ()

Date of Meeting: Oct 21, 2013

Work Session (X)

Recommendation ()

Budget Impact: No

Policy/Discussion ()

Report ()

Other ()

Budget Impact Amount:

Funding Source:

() Annual

() Capital

() N/A

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE
CITYOFDORAVILLE

Action Requested: Discussion of policy as it pertains to private property

History, Facts, Issues: About half of the stormwater pipes in the City are on private property as part of a contiguous system. The City will need to obtain easements from the owners in order to repair. The easement would be to repair and maintain the pipe system. Maintenance of the vegetation over the pipe would remain with the property owner.

Options:

Recommended Action: A typical policy would be for the City to repair a system from inlet to outlet when it goes under the road or Right-of-Way.

Department: Stormwater

Department Head: S Strickland

Administrative Comments and Recommendation: _____

Action Taken By Board: _____

CITY OF DORAVILLE

Stormwater Management

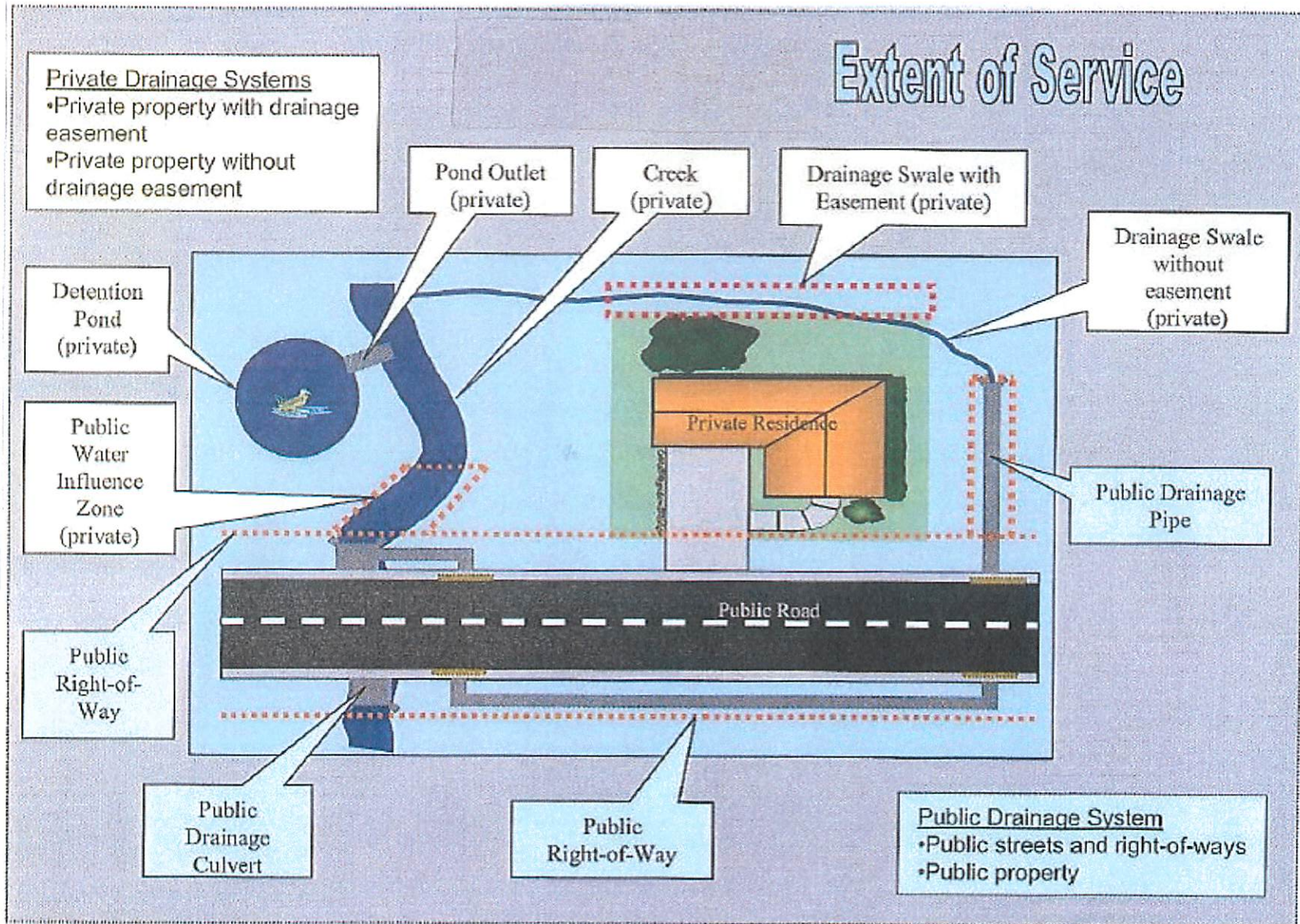
The storm drainage system is a network of pipes, open ditches, and other structures that collect and transport stormwater runoff to the nearest stream or lake.

Stormwater Management

Extent of Service / Level of Service Discussion

What elements of the storm drainage system are maintained by the City, and what elements are maintained by the private property owners or Homeowners Associations is the point of discussion for tonight.

Possible Extent of Service (EOS)



Possible Level of Service (LOS)

In the public drainage system, the City will provide inspections and prioritize and make necessary repairs.

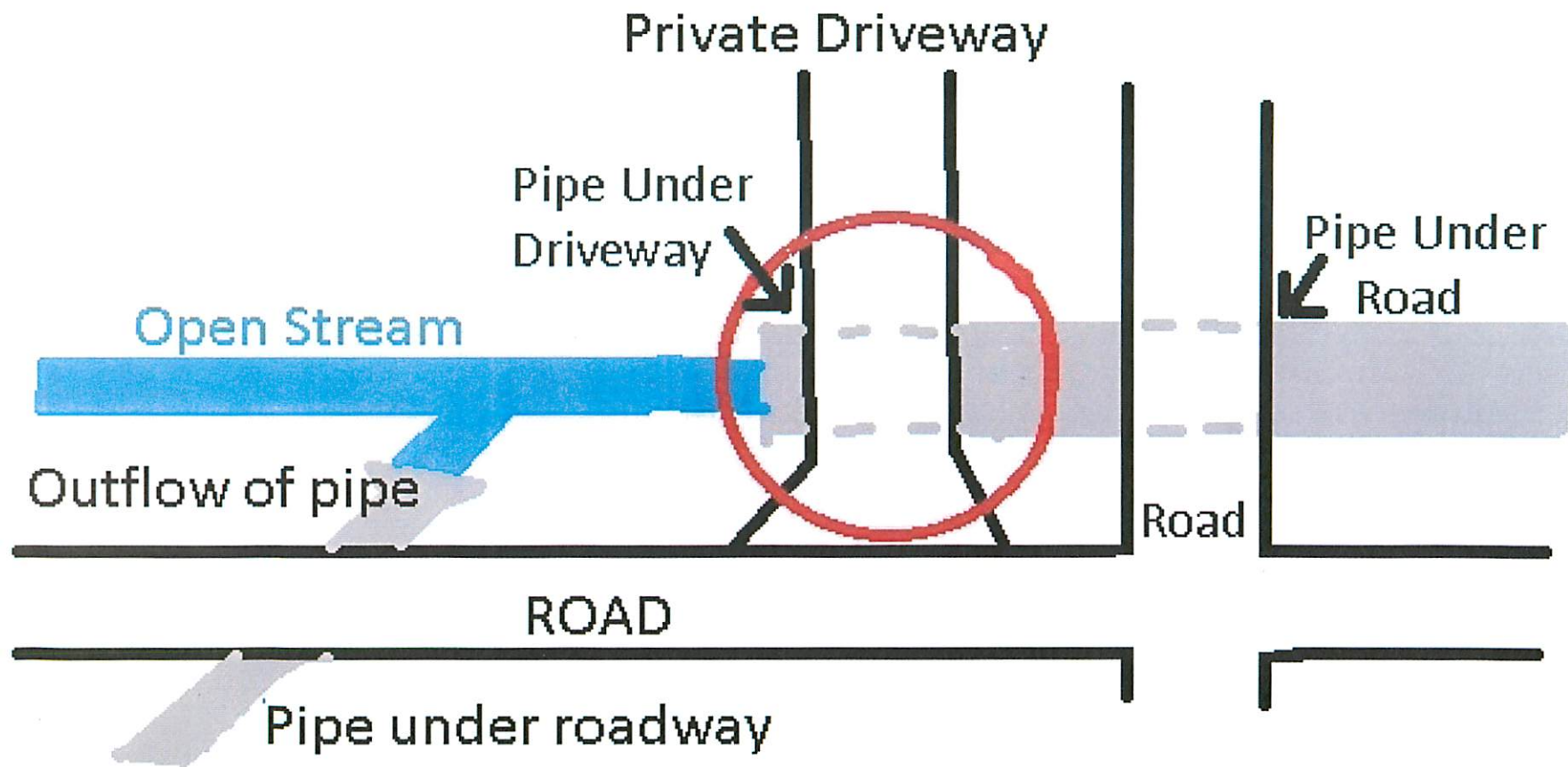
In the private drainage system, the City provides regulatory enforcement and may provide emergency response in isolated instances.

City staff will respond to all stormwater concerns and provide a determination of whether the system is public or private.

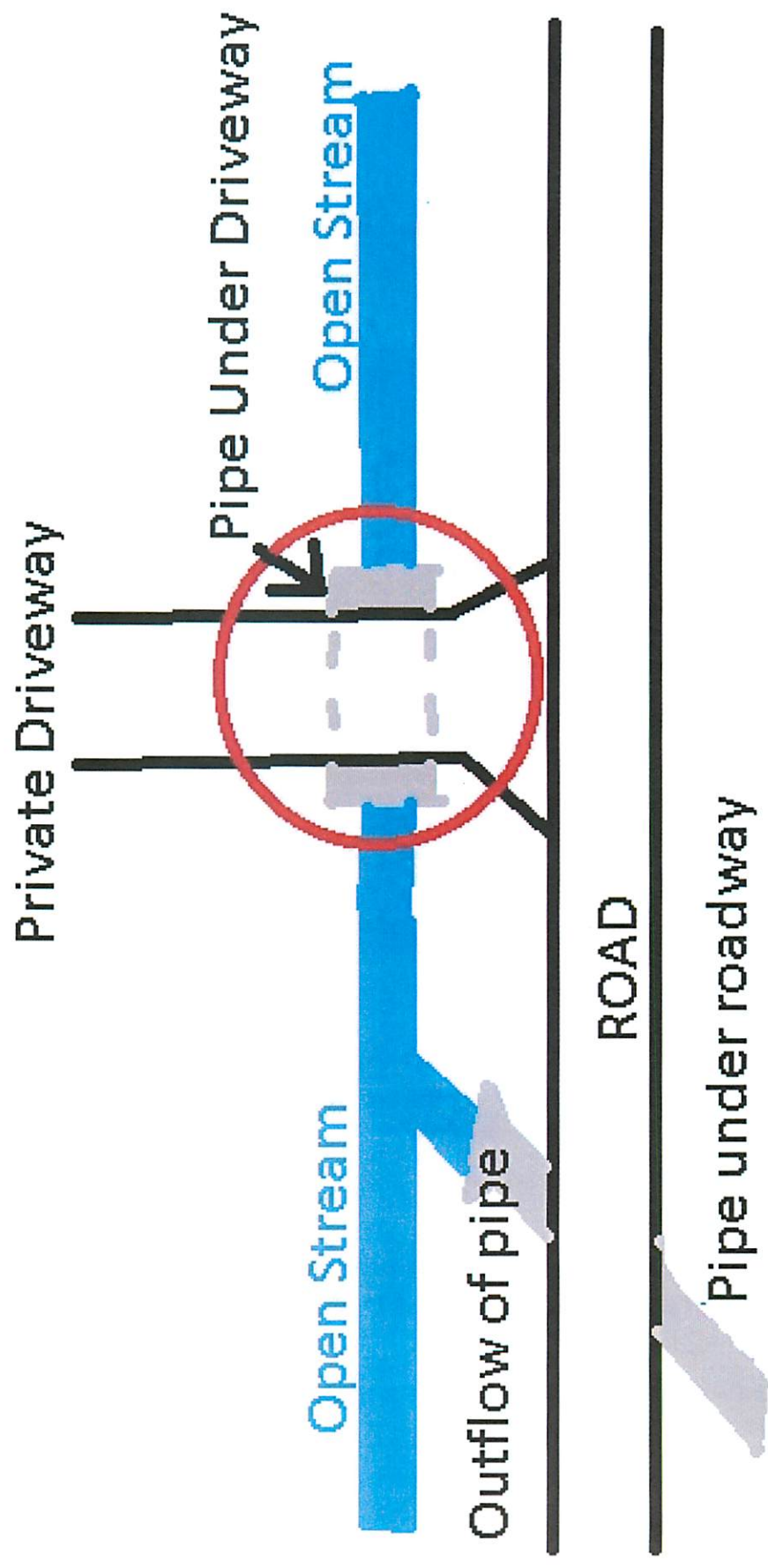
Stormwater Management Policy Discussion

- Some situations are clear-cut.
- Some situations require a particularized and individual determination of the City's Extent of Service for a specific issue.
- What is the City's Extent of Service?

Example 1



Example 2



Stormwater Management

Policy Discussion

Placing stormwater infrastructure within the City's purview and responsibility carries financial and legal responsibilities.

The City can fix a pipe, or it can tell property owners of their responsibility to fix it and possibly cite accordingly.

Sec. 6.5-124. - Scope of responsibility for the drainage system in the City.

- (a) The City drainage system consists of all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainageways, channels, ditches, swales, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural or manmade, within the corporate boundaries of the City which control and/or convey stormwater through which the City intentionally diverts surface waters from its public streets and properties. The City or the county owns or has legal access for purposes of operation, maintenance and improvements to those segments of this system which (i) are located within public streets, rights-of-way, and easements; (ii) are subject to easements, rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, and/or improvement of systems and facilities; or (iii) are located on public lands to which the City has adequate access for operation, maintenance, and/or improvement of systems and facilities. Operation and maintenance of stormwater systems and facilities which are located on private property or public property not owned by the City or county and for which there has been no public dedication of such systems and facilities shall be and remain the legal responsibility of the property owner, or its occupant, except as that responsibility may be otherwise affected by the laws of the state and the United States of America.
- (b) It is the intent of this article to protect the public health, safety and general welfare of all properties and persons in general, but not to create any special duty or relationship with any individual person or to any specified property within or without the boundaries of the City. The City expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the City, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created. To the extent any permit, plan approval, inspection or similar act is required by the City as a condition precedent to any activity by or upon property not owned by the City, pursuant to this or any other regulatory ordinance, regulation or rule of the City or under federal or state law, the issuance of such permit, plan approval, or inspection shall not be deemed to constitute a warranty, express or implied, nor shall afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages against the City, its officers, employees or agents.

(Ord. No. 04-27, § 1, 12-6-04)

Sec. 6.5-125. - Requirements for on-site stormwater systems; enforcement methods and inspections.

All property owners and developers of developed real property within the City shall provide, manage, maintain, and operate on-site stormwater systems sufficient to collect, convey, detain, and discharge stormwater in a safe manner consistent with all City development regulations and the laws of the state and the United States of America. Any failure to meet this obligation shall constitute a nuisance and be subject to an abatement action filed by the City in the Municipal Court. In the event a public nuisance is found by the court to exist, which the owner fails to properly abate within such reasonable time as allowed by the court, the City may enter upon the property and cause such work as is reasonably necessary to be performed, with the actual cost thereof assessed against the owner in the same manner as a tax levied against the property. From date of the filing of such action, the City shall have lien rights which may be perfected, after judgment, by filing a notice of lien on the general execution docket of the Superior Court of DeKalb County. The City shall have the right, pursuant to the authority of this article, for its designated officers and employees to enter upon private and public property owned by entities other than the City, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance.

(Ord. No. 04-27, § 1, 12-6-04)

Permit Payment Report

08/01/2013 - 08/31/2013

Permit Date	Permit #	Permit Type	Work Classification	Payment Date	Payment Amount	Payment Type	Paid By
8/23/2013	130097	Sign Permit - Vacant Property	Commercial	8/30/2013	275.00	Check	Mercado Plaza, LLC
8/30/2013	130107	Tree Service Permit	Residential	8/30/2013	25.00	Visa	Cesar Sesmas
8/21/2013	130088	Tree Service Permit	Residential	8/30/2013	25.00	Check	Zamora Landscaping
8/20/2013	130084	Residential Deck/Sunroom/Patio Permit	Residential	8/29/2013	203.76	Visa	Paul Neal
8/21/2013	130090	Tree Service Permit	Residential	8/29/2013	25.00	Check	BAM Tree Experts, Inc.
8/28/2013	130105	Trade Permit - Plumbing	Residential	8/28/2013	100.00	Check	Greater DeKalb Plumbing LLC
8/15/2013	130063	Residential Deck/Sunroom/Patio Permit	Residential	8/28/2013	99.50	Visa	Yaghoob Ebraimdoost
8/19/2013	130077	Sign Permit	Commercial	8/28/2013	250.00	Check	Sky D, LLC
8/15/2013	130071	Sign Permit	Commercial	8/27/2013	150.00	Check	Joseph Lee
8/27/2013	130102	Trade Permit - Mechanical	Residential	8/27/2013	100.00	Check	R.S. Andrews
8/27/2013	130101	Trade Permit - Plumbing	Residential	8/27/2013	100.00	Visa	Stephen Thompson
8/26/2013	130099	Trade Permit - Electrical	Commercial	8/26/2013	100.00	Visa	Michael Keierleber
8/15/2013	130062	Commercial General Building Permit (Minor) - Tenant Improvement of Building Shell	Commercial	8/26/2013	704.66	MasterCard	Guigen Wang
8/19/2013	130081	Tree Service Permit	Commercial	8/26/2013	25.00	Check	Lee Friends Tree Service, Inc.
8/23/2013	130098	Trade Permit - Plumbing	Residential	8/23/2013	100.00	Check	Georgia Delta Mechanical, Inc.

8/13/2013	130047	Occupation Tax Certificate - Fire Marshall Review	Commercial	8/23/2013	75.00	Check	Guile & Lupa
8/15/2013	130060	Sign Permit	Commercial	8/23/2013	150.00	Cash	Xuan Liang
8/15/2013	130066	Tree Service Permit	Commercial	8/23/2013	25.00	Cash	Sabina Rebollar
8/22/2013	130091	Trade Permit - Electrical	Residential	8/22/2013	148.00	Visa	SiavashVojdani
1/1/1900	130085	Trade Permit - Electrical	Commercial	8/21/2013	400.00	Visa	Brad Ross
8/21/2013	130086	Occupation Tax Certificate - Fire Marshall Review	Residential	8/21/2013	25.00	Check	Jesse Norman
8/12/2013	130041	Tree Service Permit	Residential	8/20/2013	25.00	Visa	Juana Sesmas-Ponce
8/20/2013	130083	Trade Permit - Mechanical	Commercial	8/20/2013	155.00	Check	ACS Inc.
8/19/2013	130078	Trade Permit - Electrical	Commercial	8/19/2013	100.00	Check	T K Electric LLC
8/19/2013	130080	Residential Driveway or Parking Pad Permit	Commercial	8/19/2013	100.00	Check	Tommy Tillman
8/15/2013	130070	Sign Permit	Commercial	8/19/2013	350.00	Visa	John Pavropolous
8/15/2013	130069	Sign Permit	Commercial	8/19/2013	150.00	Visa	John Pavropolous
8/15/2013	130068	Sign Permit	Commercial	8/19/2013	150.00	Visa	John Pavlopoulos
8/15/2013	130067	Tree Service Permit	Residential	8/19/2013	25.00	MasterCard	Victor Perez
8/19/2013	130076	Trade Permit - Plumbing	Residential	8/19/2013	100.00	Check	Cross Consulting & Contracting
8/16/2013	130072	Trade Permit - Electrical	Commercial	8/16/2013	110.00	Visa	Sam Bui
8/16/2013	130074	Occupation Tax Certificate - Fire Marshall Review	Commercial	8/16/2013	75.00	Check	H&J Associates, P.C.
8/15/2013	130065	Tree Service Permit	Residential	8/16/2013	25.00	Visa	Andre Gould
8/16/2013	130073	Trade Permit - Plumbing	Commercial	8/16/2013	100.00	Check	Builders Unlimited of Georgia LLC

8/15/2013	130061	Trade Permit - Electrical	Commercial	8/15/2013	100.00	Check	Star Sign
8/9/2013	130040	Sign Permit	Commercial	8/15/2013	200.00	Check	Star Sign
8/14/2013	130053	Trade Permit - Electrical	Commercial	8/14/2013	100.00	Visa	Stanley Chan
8/14/2013	130054	Trade Permit - Electrical	Residential	8/14/2013	100.00	Visa	Daniel Reppert
8/14/2013	130055	Trade Permit - Electrical	Residential	8/14/2013	118.00	Visa	Daniel Reppert
8/14/2013	130057	Residential Garage or Storage Building	Residential	8/14/2013	50.00		Chadwick Estrada
8/14/2013	130058	Trade Permit - Plumbing	Residential	8/14/2013	50.00	Cash	Chadwick Estrada
8/14/2013	130056	Trade Permit - Mechanical	Commercial	8/14/2013	100.00	Check	Expert Heating & Air Conditioning
8/9/2013	130034	Commercial General Building Permit (major)	Commercial	8/14/2013	75.00	MasterCard	Jeremy Hubbard
8/14/2013	130051	Residential Building Permit	Residential	8/14/2013	50.00	Cash	Douglas Whitfield
8/12/2013	130042	Residential Building Permit	Residential	8/14/2013	76.29	Cash	Victor Aguilar
8/13/2013	130050	Residential Building Permit	Residential	8/13/2013	50.00	Cash	Chadwick Estrada
8/13/2013	130049	Occupation Tax Certificate - Fire Marshall Review	Commercial	8/13/2013	75.00	Visa	Jay Wicklund
8/8/2013	130031	Tree Service Permit	Residential	8/12/2013	25.00	Cash	Lan Ho Thi
8/12/2013	130043	Trade Permit - Plumbing	Commercial	8/12/2013	100.00	Check	Automated Billing System
8/6/2013	130020	Residential Garage or Storage Building	Residential	8/9/2013	73.04	Check	Nolman Cubas
8/6/2013	130024	Tree Service Permit	Residential	8/9/2013	25.00	Cash	Perez Tree Service
8/9/2013	130038	Occupation Tax Certificate - Fire Marshall Review	Commercial	8/9/2013	75.00	Visa	John E. Swiney
8/8/2013	130033	Demolition Permit	Commercial	8/9/2013	504.00	Cash	Reny Nguyen

8/8/2013	130032	Trade Permit - Electrical	Residential	8/8/2013	100.00	Cash	Jason Martin
8/8/2013	130029	Tree Service Permit	Residential	8/8/2013	75.00	Cash	Mares Tree Service
8/7/2013	130028	Occupation Tax Certificate - Fire Marshall Review	Commercial	8/7/2013	75.00	Cash	Masud Kamdar
8/7/2013	130026	Trade Permit - Mechanical	Commercial	8/7/2013	180.00	Check	Complete Comfort Inc.
8/6/2013	130019	Commercial General Building Permit (minor)	Commercial	8/6/2013	250.00	Check	venture Construction Co
8/5/2013	130009	Trade Permit - Plumbing	Residential	8/5/2013	120.00	Cash	Douglas Ray
8/5/2013	130008	Trade Permit - Mechanical	Residential	8/5/2013	105.00	Cash	Arturo Flores
8/2/2013	130005	Trade Permit - Electrical	Commercial	8/2/2013	100.00	VISA	COLLIS L. JOHNSON
8/2/2013	130007	Tree Service Permit	Residential	8/2/2013	25.00	VISA	ARQUIMIDEA CHAVEZ LOPEZ
8/2/2013	130006	Sign Permit	Commercial	8/2/2013	250.00	Check	Good Earth LLC
8/2/2013	130004	Trade Permit - Plumbing	Residential	8/2/2013	100.00	Visa	Moo C. Chong
8/1/2013	130001	Trade Permit - Plumbing	Commercial	8/1/2013	156.00	Check	Oasis Mechanical Inc.
					8,053.25		

Total Records: 65

From: [Rich Edinger](#)
To: [Lisa Ferguson](#)
Cc: [Shawn Gillen, PhD](#); [Joe Cooley](#)
Subject: Doraville - 2013-08 Permit Fee Revenue.xls
Date: Monday, October 07, 2013 7:24:11 PM
Attachments: [Doraville - 2013-08 Permit Fee Revenue.pdf](#)

Lisa,

Sorry, I forgot to attach the permit fee report.

Rich

Richard J. Edinger, Jr., P.E., CFM
Principal
800.274.9000 ext. 3003



Clark Patterson Lee
DESIGN PROFESSIONALS

Please consider the environment prior to printing this email.



AGENDA ITEM REQUEST SHEET

Subject: Retirement Redesign Discussion

Date of Meeting: October 21, 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: City Manager

Department Head: Shawn Gillen

Purpose:

To provide information about retirement plans from surrounding local and county governments and to provide various sample scenarios for discussion purposes.

Attachments:

Municipality Plan Design Considerations
Doraville DC Model 12%
Doraville DC Model 10% with 2% Match
Doraville DC Model 8% with 4% Match

Municipality Plan Design Considerations

The City of Sandy Springs

- Investment Provider – Mass Mutual Financial
- Target Date Series – American Century OneChoice
- 457/401(a) Combination
- Match 1 for 1 to 5%, 12% City Contribution to 401(a)
- Eligibility 30 days, immediate 100% vesting

The City of Dunwoody

- Investment Provider – OneAmerica Financial
- Target Date Series – T Rowe Price
- 457/401(a)/SS Replacement Plan
- 10% City contribution to 401(a), SS contribution
- Eligibility 30 days, 1 year 100% vesting

The City of Brookhaven

- Investment Provider – OneAmerica Financial
- Target Date Series – T Rowe Price
- 457/401(a)/SS Replacement Plan
- 10% City contribution to 401(a), SS contribution
- Eligibility 30 days, 1 year 100% vesting

The City of Johns Creek

- Investment Provider – Principal Financial
- Target Date Series – Principal Lifetime
- 457/401(a) Combination
- Match 1 for 1 to 5%, 12% City Contribution to 401(a)
- Eligibility 6 Months, 100% vesting

The City of Union City

- Investment Provider – OneAmerica / GMA
- Target Date Series – American Century OneChoice
- Pension plan through GMA
- 457 Plan - match up to 4.5% of pay (tiered structure)
- Eligibility – immediate (full time employees only)

The City of Griffin

- Investment Provider - OneAmerica
- 457 Plan Only – No DB
- Match 100% to 2%

The City of Ball Ground

- No current retirement plans

Dekalb County

- Current 401/457 plan is under review through RFP process issued in September of 2013.
Pension plan still exists at present

City of Doraville
Summary of Scenarios
Dollar values shown in millions

	Scenario 1: Continue Current DB			Scenario 2: Close DB, Provide 8% DC Benefit 4% Match			Scenario 3: All actives to DB Provide 8% DC Benefit 4% Match		
	DB Costs	DC Costs	Total Costs	DB Costs	DC Costs	Total Costs	DB Costs	DC Costs	Total Costs
2013	\$ 0.55	\$ -	\$ 0.55	\$ 0.55	\$ -	\$ 0.55	\$ 0.55	\$ -	\$ 0.55
2014	0.56	-	0.56	0.54	0.01	0.55	0.16	0.38	0.54
2015	0.57	-	0.57	0.53	0.03	0.56	0.17	0.38	0.55
2016	0.59	-	0.59	0.53	0.05	0.57	0.18	0.39	0.57
2017	0.61	-	0.61	0.52	0.07	0.59	0.19	0.40	0.59
2018	0.63	-	0.63	0.52	0.09	0.61	0.20	0.41	0.61
2019	0.65	-	0.65	0.51	0.11	0.62	0.21	0.42	0.62
2020	0.67	-	0.67	0.51	0.13	0.63	0.22	0.43	0.64
2021	0.69	-	0.69	0.50	0.15	0.65	0.22	0.44	0.66
2022	0.71	-	0.71	0.49	0.17	0.66	0.23	0.45	0.68
			\$ 6.22			\$ 5.98			\$ 6.01

City of Doraville
Summary of Scenarios
Dollar values shown in millions

	Scenario 1: Continue Current DB			Scenario 2: Close DB, Provide 10% DC Benefit 2% Match			Scenario 3: All actives to DB Provide 10% DC Benefit 2% Match		
	DB Costs	DC Costs	Total Costs	DB Costs	DC Costs	Total Costs	DB Costs	DC Costs	Total Costs
2013	\$ 0.55	\$ -	\$ 0.55	\$ 0.55	\$ -	\$ 0.55	\$ 0.55	\$ -	\$ 0.55
2014	0.56	-	0.56	0.54	0.01	0.55	0.16	0.40	0.56
2015	0.57	-	0.57	0.53	0.03	0.56	0.17	0.40	0.57
2016	0.59	-	0.59	0.53	0.05	0.58	0.18	0.41	0.59
2017	0.61	-	0.61	0.52	0.07	0.59	0.19	0.42	0.60
2018	0.63	-	0.63	0.52	0.09	0.61	0.20	0.43	0.62
2019	0.65	-	0.65	0.51	0.11	0.63	0.21	0.44	0.64
2020	0.67	-	0.67	0.51	0.13	0.64	0.22	0.45	0.66
2021	0.69	-	0.69	0.50	0.15	0.65	0.22	0.46	0.68
2022	0.71	-	0.71	0.49	0.17	0.66	0.23	0.47	0.70
			\$ 6.22			\$ 6.01			\$ 6.17

City of Doraville
Summary of Scenarios
Dollar values shown in millions

	Scenario 1: Continue Current DB			Scenario 2: Close DB, Provide 12% DC Benefit			Scenario 3: All actives to DB Provide 12% DC Benefit		
	DB Costs	DC Costs	Total Costs	DB Costs	DC Costs	Total Costs	DB Costs	DC Costs	Total Costs
2013	\$ 0.55	\$ -	\$ 0.55	\$ 0.55	\$ -	\$ 0.55	\$ 0.55	\$ -	\$ 0.55
2014	0.56	-	0.56	0.54	0.01	0.55	0.16	0.41	0.57
2015	0.57	-	0.57	0.53	0.03	0.56	0.17	0.41	0.58
2016	0.59	-	0.59	0.53	0.05	0.58	0.18	0.42	0.60
2017	0.61	-	0.61	0.52	0.07	0.60	0.19	0.43	0.62
2018	0.63	-	0.63	0.52	0.10	0.61	0.20	0.45	0.64
2019	0.65	-	0.65	0.51	0.12	0.63	0.21	0.46	0.66
2020	0.67	-	0.67	0.51	0.14	0.65	0.22	0.47	0.68
2021	0.69	-	0.69	0.50	0.16	0.66	0.22	0.48	0.70
2022	0.71	-	0.71	0.49	0.18	0.67	0.23	0.49	0.72
			\$ 6.22			\$ 6.05			\$ 6.34



AGENDA ITEM REQUEST SHEET

Subject: Discussion of Capital Improvement Plan

Date of Meeting: October 21, 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: City Manager

Department Head: Shawn Gillen

Purpose:

To discuss the Capital Improvement Plan recommendations, project priorities and funding options.

Recommendation: For discussion purposes only.

Projection of Funding options for 5 Year Capital Improvement Plan

FYE 2014 through FYE 2018

Funding Sources	General Fund	Asset Forfeiture	HOST	LMIG	Stormwater
Available Fund Balance	464,729		337,295	55,250	1,311,287
FYE2014	585,000	56,000	150,000	67,000	325,000
FYE2015	655,000	31,000	150,000	67,000	325,000
FYE2016	655,000	31,000	150,000	67,000	325,000
FYE2017	655,000	31,000	150,000	67,000	325,000
FYE2018	655,000	31,000	150,000	67,000	325,000
	3,669,729	180,000	1,087,295	390,250	2,936,287
Total Projected Resources - All Categories				5,327,274	2,936,287
Total Projects - All Categories				4,861,267	1,540,000
Excess of Resources over Requirements				466,007	1,396,287

Notes

Asset Forfeiture - Assumes that Asset Forfeiture will fund one vehicle and related equipment to match the General Fund funding.

HOST - Assumes that our portion will average \$150,000 per year.

LMIG - Increase in FYE2014 is due to annexation.

Sanitation - Costs for sanitation activities performed by Public Works employees can be charged to the sanitation fund, thereby providing additional funding in the General Fund for capital items. Additionally, capital items related to sanitation activities can also be charged to the Sanitation fund, such as a curbside leaf vacuum.

Additional Calculations

Funding - General Fund

Addition of Court Costs	250,000	First year is prorated at \$180,000
Savings due to Reorganization of Staff	165,000	See FYE 2014 Budget
Increase in Business & Occ Tax	165,000	See FYE2013 Final receipts
Shift PW Wages to Sanitation	75,000	Wages only; does not include fringes
	655,000	
Fund Balance - Projected as of 6/30/2013	2,753,868	
25% Reserve	2,289,139	25% of Final FYE2013 Budget
Excess Fund Balance	464,729	

Other Considerations:

- The items in yellow can be dropped to \$165,000 each and still fully fund the projects.
- Other major expenditures need to be taken into account before committing all of our spare resources to the CIP.
 - Retirement Plan
 - Health Insurance costs
 - Liability and Workers Comp insurance
 - Salary Supplements/Retention strategy

City of Doraville, Georgia
Capital Improvement Plan -In Progress
 '13/'14 thru '17/'18

PROJECTS BY DEPARTMENT

Department	Project#	Priority	'13/'14	'14/'15	'15/'16	'16/'17	'17/'18	Total
Animal Control (AC)								
Vehicle Lifecycle Replacement Prgm	AC-14-0001	n/a			25,000			25,000
Animal Control (AC) Total					25,000			25,000
City Council (CC)								
Council Chambers Sound System	CC-13-0001	n/a	12,000					12,000
City Council (CC) Total			12,000					12,000
City Manager (CM)								
Vehicle Replacement	CM-14-0001	n/a					25,000	25,000
City Manager (CM) Total							25,000	25,000
Facilities & Buildings (FB)								
HVAC Systems (Citywide)	FB-13-0001	n/a		10,000	10,000	10,000	10,000	40,000
VOIP Phone System (Citywide)	FB-13-0003	n/a	25,000					25,000
Facilities & Buildings (FB) Total			25,000	10,000	10,000	10,000	10,000	65,000
Finance (FI)								
Financial Software	FI-14-0001	n/a	50,000					50,000
Finance (FI) Total			50,000					50,000
General Administration (GA)								
Electronic Document Mgt System	GA-14-0002	n/a	50,000					50,000
Business License Software	GA-14-0003	n/a	50,000					50,000
General Administration (GA) Total			100,000					100,000
Information Technology (IT)								
Emergency Contingency Equipment and Software	IT-14-0001	n/a		11,682	8,200	3,000	8,300	31,182
Training Equipment Maint & Lifecycle Mgt	IT-14-0002	n/a	2,580	3,300	1,080	2,800	3,080	12,840
Network Growth Planning	IT-14-0003	n/a		103,005	17,100	21,650	13,200	154,955
Productivity Equip Lifecycle Mgt	IT-14-0004	n/a		61,500	81,700	11,000	65,500	219,700
Network Lifecycle Mgt	IT-14-0005	n/a		11,100	16,020	11,100	16,020	54,240
Productivity Software Upgrades	IT-14-0006	n/a		23,000			23,000	46,000
Video Surveillance Upgrades	IT-14-0007	n/a		25,600	30,000			55,600
Information Technology (IT) Total			2,580	239,187	154,100	49,550	129,100	574,517
Library (LB)								
Library Bathroom Renovation	LB-13-0001	n/a	68,000					68,000
Replace Library Shelving	LB-14-0001	n/a			40,000			40,000
Replace Library Stacks	LB-14-0002	n/a			25,000			25,000

Department	Project#	Priority	'13/'14	'14/'15	'15/'16	'16/'17	'17/'18	Total
Library (LB) Total			68,000		65,000			133,000
Municipal Court (MC)								
Xray Scanner	MC-14-0002	n/a			20,000			20,000
Municipal Court (MC) Total					20,000			20,000
Parks & Recreation (PR)								
Pool/Police Retaining Wall	PR-13-0001	n/a		160,000				160,000
Pool/Park Upgrades	PR-13-0003	n/a				50,000	50,000	100,000
Honeysuckle Park Bleachers	PR-13-0004	n/a	30,000					30,000
Halpern Park Phase II	PR-13-0005	n/a		100,000				100,000
Parks/Walkability Master Plan (Citywide)	PR-13-0006	n/a	100,000					100,000
Playground Equipment (Citywide)	PR-13-0007	n/a		10,000	10,000	10,000	10,000	40,000
Replace Arena Floor	PR-14-0001	n/a			120,000			120,000
Gym Roof Renovation	PR-14-0002	n/a		120,000				120,000
Arena Lobby Renovation/Redesign	PR-14-0004	n/a				50,000		50,000
Field House Renovation (Honeysuckle Park)	PR-14-0005	n/a					50,000	50,000
Vehicle Lifecycle Replacement Program	PR-14-0006	n/a			35,000			35,000
Field Maintenance Equipment	PR-14-0007	n/a			25,000			25,000
Scoreboards (Baseball Fields)	PR-14-0008	n/a			25,000			25,000
Halpern Park Phase III	PR-14-0010	n/a			50,000			50,000
Sports Field Fencing	PR-14-0011	n/a				25,000		25,000
Sports Field Lighting	PR-14-0012	n/a				50,000		50,000
Sidewalks/Trails	PR-14-0013	n/a		50,000	50,000	50,000	50,000	200,000
Parks & Recreation (PR) Total			130,000	440,000	315,000	235,000	160,000	1,280,000
Planning & Zoning (PZ)								
Large Format Printer/Scanner	PZ-13-0001	n/a	6,500					6,500
GIS Software	PZ-14-0002	n/a	40,000					40,000
Planning & Zoning (PZ) Total			46,500					46,500
Police Department (PD)								
Car Tag Readers	PD-13-0001	n/a		20,000				20,000
Pave Parking Lot	PD-14-0001	n/a		10,000	10,000	10,000	10,000	40,000
Vehicle Lifecycle Replacement Prgm	PD-14-0002	n/a	62,000	62,000	62,000	62,000	62,000	310,000
Bar Code Inventory System	PD-14-0003	n/a	5,000					5,000
RMS	PD-14-0004	n/a		500,000				500,000
Police Department (PD) Total			67,000	592,000	72,000	72,000	72,000	875,000
Public Works (PW)								
New Peachtree/Shallowford Rd Improvements	PW-13-0003	n/a		280,000	280,000			560,000
Ironsby Citywide Surveillance System	PW-13-0005	n/a	250,000					250,000
Curbside Leaf Vacuum	PW-13-0007	n/a		75,000				75,000
Replace Wooden Fence at PW Shop	PW-14-0001	n/a	20,000					20,000
Vehicle Lifecycle Management Program	PW-14-0002	n/a	15,000	25,000	25,000	25,000	25,000	115,000
Gas Heaters for PW Shop	PW-14-0003	n/a	10,000					10,000
Mowers & Mowing Equipment	PW-14-0005	n/a			25,000			25,000
Paving-General (Citywide)	PW-14-0007	n/a	155,250	100,000	100,000	100,000	100,000	555,250
City Wide Signage	PW-14-0009	n/a	75,000	75,000	75,000	75,000	75,000	375,000
Public Works (PW) Total			525,250	555,000	505,000	200,000	200,000	1,985,250

Department	Project#	Priority	'13/'14	'14/'15	'15/'16	'16/'17	'17/'18	Total
Stormwater (SW)								
Vehicle Lifecycle Replacement Prgm	SW-14-0001	n/a	30,000					30,000
3655 Chestnut Drive	SW-14-0002	n/a		12,000	108,000			120,000
Oakcliff Subdivision (South)	SW-14-0003	n/a	150,000					150,000
McClave Dr	SW-14-0004	n/a	150,000					150,000
Wheeler Drive	SW-14-0005	n/a		50,000				50,000
Winters Chapel Subdivision	SW-14-0006	n/a		100,000				100,000
Pineland Avenue	SW-14-0007	n/a		125,000				125,000
Northwoods Subdivision	SW-14-0008	n/a			200,000			200,000
Windsor Oak Drive	SW-14-0009	n/a			25,000			25,000
Homeland Drive (West)	SW-14-0010	n/a				10,000		10,000
Doral Circle	SW-14-0011	n/a				100,000		100,000
Eula Circle	SW-14-0012	n/a				50,000		50,000
Clay Drive	SW-14-0013	n/a				50,000		50,000
Johnny's Lane	SW-14-0014	n/a				50,000		50,000
Stormwater (SW) Total			330,000	287,000	333,000	260,000		1,210,000
GRAND TOTAL			1,356,330	2,123,187	1,499,100	826,550	596,100	6,401,267

Projects Eligible For GMA Capital Leasing

Sum of GMA Capital Lease							
Row Labels	2014	2015	2016	2017	2018	2019	Grand Total
Bar Code Inventory System	5,000						5,000
Business License Software	50,000						50,000
Car Tag Readers		20,000					20,000
Council Chambers Sound System	12,000						12,000
Curbside Leaf Vacuum		75,000					75,000
Electronic Document Mgt System	50,000						50,000
Emergency Contingency Equipment and Software		11,682	8,200	3,000	8,300		31,182
Financial Software	50,000						50,000
Gas Heaters for PW Shop	10,000						10,000
GIS Software	40,000						40,000
HVAC Systems (Citywide)		10,000	10,000	10,000	10,000		40,000
Ironsky Citywide Surveillance System	250,000						250,000
Large Format Printer/Scanner	6,500						6,500
Mowers & Mowing Equipment			25,000				25,000
Network Growth Planning		103,005	17,100	21,650	13,200		154,955
Network Lifecycle Mgt		11,100	16,020	11,100	16,020		54,240
Playground Equipment (Citywide)		10,000	10,000	10,000	10,000		40,000
Productivity Equip Lifecycle Mgt		61,500	81,700	11,000	65,500	86,700	306,400
Productivity Software Upgrades		23,000			23,000		46,000
Replace Library Shelving			40,000				40,000
Replace Library Stacks			25,000				25,000
RMS		500,000					500,000
Sports Field Lighting				50,000			50,000
Training Equipment Maint & Lifecycle Mgt	2,580	3,300	1,080	2,800	3,080		12,840
Vehicle Lifecycle Management Program	15,000	25,000	25,000	25,000	25,000		115,000
Vehicle Lifecycle Replacement Prgm	62,000	62,000	87,000	62,000	62,000		335,000
Vehicle Lifecycle Replacement Program			35,000				35,000
Vehicle Replacement					25,000		25,000
Video Surveillance Upgrades		25,600	30,000				55,600
VOIP Phone System (Citywide)	25,000						25,000
Xray Scanner			20,000				20,000
Grand Total	578,080	941,187	431,100	206,550	261,100	86,700	2,504,717



AGENDA ITEM REQUEST SHEET

Subject: Discussion of CMA Contract

Date of Meeting: October 21, 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: City Manager

Department Head: Shawn Gillen

Purpose:

To discuss the contract with CMA, Inc. for the purposes of promoting the lease of the City's municipal properties by wireless companies and others

Recommendation: For discussion purposes only.

Attachments:

CMA Agreement with Doraville GA.pdf



MUNICIPALITY REPRESENTATION AGREEMENT

This Sole Source Representation Agreement (hereinafter "Agreement") entered into as of _____, 2013, is by and between City of Doraville, GA a Municipality organized and existing under the laws of the State of Georgia (hereinafter "City"), and Communication Management Associates, Inc. (hereinafter "CMA").

WHEREAS, The City is a Municipality which owns certain Properties and Rights of Way that may be utilized for wireless communication infrastructure; and

WHEREAS, The City and CMA desire to enter into a relationship, whereby CMA will promote the lease of these Municipal properties by wireless communications companies and others in the geographical areas hereinafter described, upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, for good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, it is mutually agreed upon as follows:

1. TERRITORY

CMA will market, lease and manage wireless sites and infrastructure including DAS (Distributed Antennas Systems), Micro Cell and Wi-Fi networks on properties as described by the municipality. (See attached).

See Attachment "A"

2. DUTIES OF CMA

CMA will use its best efforts to market, lease and manage the construction and maintenance of wireless sites and infrastructure including DAS/Micro Cells and Wi-Fi networks.

See Attachment "B"

3. FINANCIAL CONSIDERATION

Subject to the terms and conditions of this Agreement and contracts to be negotiated and executed subsequently, the City shall receive 60% of all lease/license rental income for the properties leased/licensed as a result of this Agreement.

4. VENUE

This Agreement is governed by the laws of the State of Georgia. The Superior Court of DeKalb County, Georgia shall be the proper venue for any disputes arising from this Agreement.

5. TERM & TERMINATION

This Agreement shall be effective on the date of execution hereafter ("Effective Date"). The term of CMA's retention pursuant to this Agreement shall commence on the Effective Date through December 31, 2013. This Agreement shall automatically renew for an additional 12 months unless the City gives written notice to CMA at least 90 days prior to the termination of the Agreement's current term. This Agreement may be automatically renewed a total of 4 times, terminating on December 31, 2017.

CMA, Inc



CREATING TOMORROW'S
WIRELESS INFRASTRUCTURE

Either party shall have the right to terminate this Agreement if the other party is in default of any obligation hereunder, and such default is not cured within a reasonable amount of time after notice specifying such default. Default shall mean: any failure to perform or observe any respective duties or obligations under this Agreement; or any material breach of any term under this Agreement.

6. TIME OF COMMENCEMENT

The services to be rendered under this Agreement shall commence upon execution by all Parties.

7. NON-BINDING RIGHT OF FIRST REFUSAL

At the conclusion of this Agreement and in the event that the City is offered similar products or services from a third party, the City shall grant CMA the opportunity to negotiate or renegotiate this Agreement, on the same terms and conditions if similar products or services are offered from a third party, at least 90 days prior to any termination hereof.

8. NONCOMPETE COVENANT

For the term of this Agreement, the City will not directly or indirectly engage in any business that competes directly with CMA's products or services under this Agreement. This covenant shall apply to the territory as defined in this Agreement. Prior to the expiration or termination of this Agreement, no action by the City, including entering into any agreement to engage in any similar 4G program with any competitor to CMA or any Carrier, shall interfere with the CMA's Access Right or ability to realize revenues with respect to any existing agreements between CMA and the Carriers.

9. INDEMNITY AND HOLD HARMLESS AGREEMENT

CMA agrees to indemnify and hold harmless the City, its officers, agents and employees from any liability arising from the actions, active or passive, of CMA, its officers, agents and/or employees related to this Agreement.

10. ENTIRE AGREEMENT

This Agreement embodies the entire agreement between the parties hereto, and there are no verbal or collateral agreements between them. This Agreement may be altered or modified only in writing and signed by all parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement in _____, on the date and year above first written.

City of Doraville, GA

CMA, Inc.

By: _____

By: _____

Title: _____

Title: _____

WITNESS

WITNESS

CMA, Inc



*CREATING TOMORROW'S
WIRELESS INFRASTRUCTURE*

Attachment "A"

To Be Determined by Carriers and City of Doraville, GA.

CMA, Inc

*CREATING TOMORROW'S
WIRELESS INFRASTRUCTURE*
Attachment "B"

Scope of Work

CMA will perform the following task:

- ✓ Conduct an inventory of assets belonging to the municipality. This shall include defining their latitude, longitude, and elevations.
- ✓ Determine which of the assets can support attachments for micro-towers and/or DAS systems to be used by the carriers for the development of the 4G model.
- ✓ Locate all known fiber routes both underground and aerial. Along with the route define if the fibers are lit and dark and where the termination facility is located. The development of this overlay will establish the best method and location of both the micro-towers and/or DAS.
- ✓ Once assets and facilities are determined CMA shall actively market the municipal assets to wireless carriers, broadband access carriers, and fixed wireless carriers. It will take an aggressive and creative campaign program to persuade carriers to choose municipal assets over that of the private sector.
- ✓ Once the carrier has expressed interest in a given area CMA will provide a detailed engineering plan for the deployment of a 4G deployment.
- ✓ Upon the carriers' review CMA will refine the design for final evaluation.
- ✓ CMA will then engage the appropriate city officials/and engineers to review the design and plans for final approval of deployment.
- ✓ The CMA team will then supervise the installation to ensure that it is done according to specifications and design as approved by the municipal entity.
- ✓ Once all installations are complete CMA will then inspect and certify installations have been done according to standards and code.
- ✓ CMA will then provide the municipality detail records and asset listings of all wireless assets.
- ✓ CMA will establish the appropriate billing and collections for the aforementioned assets sites.
- ✓ CMA will conduct quarterly reviews of all sites and continue to market to other carriers for additional revenue opportunities.
- ✓ CMA will provide the municipality quarterly reports and provide funds to appropriate accounts. CMA will fully comply with external audits on a yearly basis.

Definitions: DAS – stands for Distributed Antenna System.

Micro Towers – Is an antenna system that is much smaller than traditional systems and is not required to be mounted on a tower.



THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: **Amending Chapter 23, Zoning, to revise** Regular Meeting (X)
Procedural provisions and other inconsistencies Work Session ()
Date of Meeting: October 21, 2013 Recommendation (X)
Policy/Discussion ()
Budget Impact: ___Y ___X___N Report ()
Other ()
Budget Impact Amount: \$_____

Funding Source:
() Annual
() Capital
() N/A

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

As part of the Council retreat, the Mayor and Council tasked staff with reviewing the Zoning Ordinance and updating/revising it to make sure it is consistent internally as well as in conjunction with the requirements of State law. The attached Ordinance is the first step, which is the revision in mostly procedural provisions of the Zoning Ordinance, such as appeals, variances, Conditional Use Permits, rezoning, etc. to be consistent with the ZPA, Georgia and Federal Constitutions and remove conflicting and outdated provisions that no longer apply or apply in a confusing manner.

Options: ___To adopt this Ordinance or leave regulations as is or revised in a different manner.

Recommended Action: ___Adoption of this Ordinance.

Department: City Attorney Department Head: Cecil G. McLendon, Jr.

Administrative Comments and Recommendation: _____

Action Taken By Board: _____

STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2013 - _

AN ORDINANCE OF THE CITY OF DORAVILLE, GEORGIA, TO AMEND CHAPTER 23, (ZONING), TO REVISE CERTAIN PROVISIONS FOR ZONING PROCEDURES; TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES

WHEREAS, the City Council of the City of Doraville, Georgia is tasked with the protection of the City's public health, safety and general welfare; and

WHEREAS, Chapter 23 (Zoning) is the City's Zoning Ordinance, providing for regulations of zoning districts in the City, as well as procedures for rezoning, variances, administrative determinations, appeals and other provisions; and

WHEREAS, the City desires to revise said regulations to eliminate internal and external inconsistencies and to provide for the clearest and more streamlined procedure and to remove those provisions that are outdated or inconsistent with the intent and purpose of the Zoning Ordinance and state law; and

WHEREAS, a duly advertised public hearing, in accordance with the Georgia Zoning Procedures Act, has been held by the City of Doraville to consider these revisions.

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

Section 1

That Chapter 23 of the City of Doraville, Georgia Code is hereby amended by revising Section 23-402 (“Definitions”) by deleting the definition of “outdoor advertising sign” and revising the definitions of “sign” to read as follows:

~~*Sign means a name, identification, description, display or illustration which is affixed to, painted, or represented, directly or indirectly upon a building, structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business. The term "sign" shall not be deemed to include official court or governmental notices, or the flag, emblem or insignia of a nation, political unit, school, or religion, see Chapter 14, Section 14-1.*~~

Section 2

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article V (“Non-Conforming Uses”), Section 23-502 (“Non-Conforming Uses of Land (or Land with Minor Structures Only)”) to read as follows:

Sec. 23-502. Non-Conforming Uses of Land (or Land with Minor Structures Only)

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

- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.*
- (2) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this chapter;*
- (3) If any such nonconforming use of land ceases for any reason for a period of more than ~~one hundred eighty-nine~~ (90180) days, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.*

- (4) *No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.*

Section 3

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article V (“Non-Conforming Uses”) by deleting Section 23-506 (“Amortization and Discontinuance”) in its entirety.

Section 4

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article IX (“Schedule of District Regulations”), Section 23-903(d) (“R-1 Single Family Residential District”) by amending the “churches and other places of worship” conditional use to read as follows:

Sec. 23-903. R-1 Single Family Residential District

....

(d) Conditional Uses

....

Churches and other places of worship located on compliant R-1 lots with public water and sewer service and with all appropriate accessory uses, including, but not limited to, ~~without any~~ attendant residential habitation, school, day care, sports, event/entertainment facility or cemetery, provided all parking requirements are met on-site and the perimeter of the site is landscaped with a twenty-foot landscape strip where abutting public rights-of-way and a twenty-foot replanted buffer where abutting other residential zoned property. No building shall be located nearer than twenty-five (25) feet to a property line. Buffer requirements are detailed within article XI, buffering and screening provisions.

Section 4

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article IX (“Schedule of District Regulations”), Section 23-907 (“O-I Office Institutional District”) by removing “Schools, Public (offering instruction to children from pre-k through twelve (12))” from *Permitted Uses* and amending the “churches and other places of worship” conditional use to read as follows:

Churches and other places of worship but excluding the use of tents and the adaptive reuse of single-family dwellings and multi-family dwellings where other places of public assembly are prohibited from using the same. Schools, day care, recreational facilities, book stores, icon and religious paraphernalia stores, parsonage, convent dormitory or residential facility, monastery dormitory or residential facility, and religious retreats are ~~not~~ permitted customary accessory uses. ~~However, each of these uses is permitted in the appropriate zone as a nonaccessory use.~~ Retail sales of any type are prohibited. Church parking requirements shall apply.

Section 5

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article IX (“Schedule of District Regulations”), Section 23-909 (“C1 Neighborhood Commercial District”) and Section 23-910 (“C2 General Business District”) by removing “churches and other places of worship but excluding the use of tents” from conditional uses and placing in permitted uses and removing the exclusion of tents in both.

Section 6

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article XIII (“Administration and Enforcement”), Section 23-1301 (“Administration of Article”) to read as follows:

Sec. 23-1301. Administration of ~~Article~~Chapter

The provisions of this ~~article~~Chapter shall be administered and enforced by the ~~building official~~Planning Director. He may be provided with the assistance of such other persons as the ~~City Council~~City Manager may direct. His duties in this capacity shall include interpreting the provisions of this Chapter, granting Administrative permits and variances and making all other administrative determinations as authorized by this Chapter, inspecting premises, and approving for issuance building and occupancy permits for uses and buildings that meet the requirements of this ~~article~~Chapter and other ordinances of the City of Doraville.

If it is found that any of the provisions of this ~~article~~Chapter are being violated, the person responsible for such violations shall be notified in writing indicating the nature of the violation and ordering the action necessary to correct it. Such written notice shall not be a necessary condition precedent to enforcement of the ~~article~~Chapter. The City shall order discontinuance of illegal use of land, buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done, or shall take any other action authorized by this ~~article~~Chapter to ensure compliance with or to prevent violation of its provisions.

In interpreting and applying the provisions of this ~~article~~Chapter, they shall be held to the minimum requirements for the promotion of health, safety, aesthetics, and

convenience of the general welfare. The lot or yard area required by these regulations for a particular building shall not be diminished and shall not be included as part of the lot or yard areas of any other building. The lot or yard areas of buildings existing at the time this ~~article~~ Chapter became effective shall not be diminished below the requirements herein provided for buildings hereafter erected, and such required areas shall not be included as a part of the required areas of any building hereafter erected.

Section 7

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article XIV ("Appeals and Variances"), Section 23-1401 ("Appeals Process") to read as follows:

Sec. 23-1401. Appeals Process.

When it is alleged that an error has been made in interpretation of the provisions of this Ordinance or when decisions relating to provisions of this article aggrieves any person, an appeal ~~shall~~ may be made within thirty (30) days of the decision by the party aggrieved by said interpretation or decision. The aggrieved party shall be one to whom the interpretation or decision is directed or who can otherwise show direct damages to himself or his property as a result of said interpretation or decision.

Such appeal shall be filed with the City of Doraville Planning Director and the purpose of the appeal shall be specified in writing, citing the interpretation or decision appealed and citing to the section of this Chapter the interpretation of which is deemed to be incorrect or a section of this Chapter requiring a different decision. The Planning Director shall place said appeal on the next regular City Council meeting date, that is at least fourteen (14) days from the date of filing of the appeal, for a hearing in front of

Mayor and City Council. The Planning Director shall give the appellant at least ten (10) days' written notice of the date of the hearing.

The City Council shall ~~establish a reasonable time for the hearing of the appeal~~ and shall give public notice thereof as well as due notice to the parties in interest; and shall ~~decide~~hear the appeal and rule on same within reasonable time, but not later than thirty (30) days from the date of the hearing, and said ruling shall be given to the appellant in writing no later than three (3) business days after the date of the decision. At the hearing, any party may appear in person or ~~by agent or by~~through an attorney.

If the City Council, by majority vote, affirms the decision of the Planning Director, the appellant shall have the right to appeal said determination to the Superior Court of DeKalb County by Petition for Writ of Certiorari in accordance with State Law.

Section 8.

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article XIV ("Appeals and Variances"), Section 23-1402A ("Additional Authorization to Grant Variances") to read as follows:

Sec. 23-1402A. ~~Additional Authorization to Grant Variances~~Limitations to Grant of Variances.

~~(a) To issue development permits as required.~~

~~(ab) To grant variances (except for density and use variances) from the development standards of this chapter whereby, for reasons of narrowness, shallowness, shape, topographic conditions or other conditions of the property, strict application of the development standards would result in practical difficulties to,~~

~~or undue hardship upon the property owner. Variances may not be granted from density or use requirements of properties.~~

(b) In granting a variance, the Mayor and Council may attach thereto any conditions which may be deemed advisable so that the purpose of this ~~article~~ Chapter will be served, public safety and welfare secured, and substantial justice done.

(c) As to Development Standards of this Chapter, ~~The~~ authority to grant variances shall be limited to variances from the following requirements:

- (1) In the case of a front, side or rear yard, the variance may not exceed fifty (50) percent of the minimum district requirement.*
- (2) In the case of the distance between the buildings on the same lot, the variance may not exceed ten (10) feet.*
- (3) In the case of parking requirements, the variance may not exceed fifty (50) percent of that required.*
- (4) Variance may be approved to grant parking in a required front yard in an old district if a ten-foot buffer area is retained between the street right-of-way and parking area.*
- (5) In nonresidential districts, a height variance may not exceed approving building heights in excess of five (5) stories in planned centers of not less than four (4) acres.*
- (6) In the case of the minimum single-family lot area required to be above and the distance of dwelling unit from intermediate regional flood contour elevation, the variance is limited to reducing the minimum single-family lot area required to be above intermediate regional flood contour*

elevation to fifty (50) percent and the distance of the dwelling unit from the intermediate regional flood contour elevation to the minimum yard requirements of applicable zoning districts and only upon written approval of the Site Development Department of DeKalb County, Georgia.

Section 9

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article XIV (“Appeals and Variances”), Section 23-1403 (“Variance Procedure”) to read as follows:

Sec. 23-1403. Variance Procedure

An applicant for a variance from this, or other applicable Chapter of the Code, shall file a written request with the City of Doraville on forms provided by the Planning Department and shall not be considered authorized or accepted until complete in all respects, including payment of an application fee as established by Mayor and City Council. The variance application may be submitted by the owner of the Property requesting the variance or by a duly authorized representative. The Planning Director, or designee, shall conduct a site inspection of, and shall prepare an analysis of, each application for variance, applying the criteria and standards set forth in this Chapter appropriate to each such application. Said findings shall be presented in written form to the Mayor and City Council at least seven (7) days prior to the public hearing thereon.

The Planning Director shall place the variance application on the next available Regular Agenda of the Mayor and City Council that is at least thirty days from the date of the submittal of the application, and shall provide the applicant written notice of said

date of hearing no later than ten (10) days prior to the date of the hearing. The Planning Director shall advertise such hearing in the City's Legal Organ at least fourteen days prior to the hearing and shall have authority to make such other notification as the Planning Director deems necessary of the date and time of hearing and action requested. The City Council shall establish a reasonable time for hearing the variance request and shall give public notice thereof and due notice to the parties in interest; and shall decide the variance request within reasonable time.

At the hearing any party may appear in person, or by agent, or by attorney. The Mayor and Council shall hear the variance application and rule on same within reasonable time, but not later than thirty (30) days from the date of the hearing, and said ruling shall be given to the applicant in writing no later than three (3) business days after the date of the decision.

An application for a variance affecting all or a portion of the same property which was denied by the Mayor and City Council shall not be submitted more than once every 24 months measured from the date of the final decision by the Mayor and City Council. The Mayor and City Council may waive or reduce this 24-month interval, providing that if an application for a variance was denied, the time interval between the date of said denial and any subsequent application affecting the same property shall be no less than six months.

Section 10

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article XIV ("Appeals and Variances"), Section 23-1404 ("Administrative Variances") to read as follows:

Sec. 23-1404. Administrative Variances

(a) The ~~Mayor~~ Planning Director shall ~~have the option~~ be authorized to consider and grant or deny, pursuant to the procedures and standards contained in this section, variances from the development standards of this ~~article~~ Chapter, where, in his opinion, the intent of the ~~article~~ Chapter can be achieved and equal performance obtained by granting a variance. The authority to grant such variances shall be limited to variance from the following requirements:

- (1) Front yard or yard adjacent to public street—Variance not to exceed five (5) feet.*
- (2) Side yard—Variance not to exceed two (2) feet.*
- (3) Rear yard—Variance not to exceed four (4) feet.*
- (4) Height of building—Variance not to exceed five (5) feet.*

(b) Any request for an administrative variance permitted by this Section shall be filed in writing with the Planning Director. The Director shall review and decide upon each application pursuant to the standards referred to above, and make a written decision on each such application no later than thirty (30) days from the date such application was filed.

(c) No administrative variance shall be authorized to delete, modify or change in any manner any condition imposed by the Mayor and City Council.

(d) If the Planning Director denies the requested Administrative Variance, the applicant shall have the right to request the variance directly from the Mayor and City Council pursuant to the provisions of this Article.

Section 11

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article XIV (“Appeals and Variances”), Section 23-1405 (“Conditions on Variance Approval”) to read as follows:

Sec. 23-1405. ~~Conditions on Variance Approval~~ Appeals of Variance Decisions.

~~Unless otherwise specifically provided in this zoning chapter, any initially approved variance shall be conditioned upon the applicant's initiation of and substantial progress toward the use of the variance applied for within twelve (12) months of the date of the initial approval. For purposes of this section, "substantial progress" shall mean that the variance approved is acted upon by the applicant through one (1) or more of the following: large expenditures of funds; a change of condition on the land or building in reliance on the variance; that the variance has been recorded in a formal manner such as in a deed, contract, or other recitation of similar solemnity; issuance of a site development permit; subdivision of land; issuance of building permit or demolition permit; and/or permitted building or demolition having begun.~~

~~—— If substantial progress, as defined above, has not been made within the twelve-month period, then a material condition to the initial approval of the variance shall be deemed to have failed and the variance approval may be revoked.~~

~~—— The revocation action shall be treated the same as if a City-initiated rezoning were being considered. Proper notification shall be given and a public hearing duly advertised following the procedure outlined in section 23-1604 of this chapter. The public hearing shall be held and a decision made by the City Council.~~

~~—— Should an applicant determine that substantial progress toward the use of the variance cannot be made within the twelve-month period, he may make written~~

~~application to the City Council no later than sixty (60) days before the expiration of the twelve-month period, for an extension of the twelve-month period, which may not exceed six (6) months. The application for such extension shall be in writing and shall set forth each and every fact or circumstance upon which the request for the extension is based. The City Council, upon a finding of just cause and substantial hardship to the applicant, may extend the twelve-month period for a period of time not to exceed six (6) months. No more than three (3) extensions shall be granted by the City Council. A nonrefundable fee shall be paid by the applicant for any extension. After a total time period of thirty (30) months, all variances shall be deemed exhausted and void.~~

~~Should the applicant not seek such extension, should the extension be denied, or if a variance is revoked, it shall be deemed that the subject property is not suited for the variance proposed.~~

Appeals of Council's variance decisions ~~on revocation~~ shall be made by writ of certiorari to DeKalb County Superior Court in accordance with State Law.

Section 12

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article XV ("Conditional Uses"), Section 23-1501 ("Conditional Use Permits") to read as follows:

Sec. 23-1501. Conditional Use Permits

- (a) *Purposes. The purpose of a conditional use permit (CUP) is to allow the establishment of uses which may be suitable only in certain locations in a zoning district or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are those uses which are generally*

compatible with the permitted land uses in a given zoning district, but which require individual review of their proposed location, design and configuration, and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district. Only those uses enumerated as conditional uses in a particular zoning district shall be authorized as conditional uses. The CUP application must be accompanied by a site plan drawn to scale depicting how the proposed conditional use will conform to all space limits, buffers, parking and loading provisions, and other provisions of the Code of Ordinances.

~~Upon submittal of a CUP application, the Planning Department will schedule a public hearing before the Mayor and City Council. The City Planner shall make a recommendation of approval or denial of the requested CUP to the Mayor and City Council, with the City Council being the final decision maker regarding whether to approve, approve with conditions or modifications, or deny the permit.~~

~~If evidence comes to the attention of the Mayor and Council that there has been a failure of the applicant/owner to abide by or fulfill the conditions set out in a CUP, the Mayor and Council may elect to rezone the property and remove the conditions.~~

(b) Application process:

~~(1) Meet with City staff. Prior to submitting for a conditional use permit, the applicant should meet with the planning department to discuss the process, zoning, conditional use permits, and development of the property.~~

(12) Submittal of the application for a CUP. The ~~applicant or~~ property owner or designated applicant requesting a conditional use permit may apply for same with the Planning Department on a form designated by the Planning Director and shall submit same with the application fee as adopted by the Mayor and City Council as part of the City's Fee Schedule ~~should submit all items as listed on the conditional use permit application.~~

(2) In addition to any other information as required by the application, the applicant shall provide the following to the Planning Director:

(i) Survey plat of subject property, prepared within the last ten years by a professional engineer, landscape architect or land surveyor registered in the state. Said survey plat shall:

a. Indicate the complete boundaries of the subject property and all buildings and structures existing thereon;

b. Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and

c. Include a notation as to the total acreage or square footage of the subject property.

(ii) Name, mailing address and phone number of all owners of the property which is the subject of the application.

(iii) Signed and notarized affidavit of all owners of the subject property authorizing the filing of the application for conditional use permit and, where applicable, the signed and notarized affidavit of the

owner of the subject property authorizing an applicant or agent to act on their behalf in the filing of the application for conditional use permit. The application shall also contain and mailing address and phone number of any applicant or agent who is authorized to represent the owner of the subject property;

(iv) Written legal description of property;

(v) Statement of current zoning classification of property and the proposed use of the property;

(vi) A written, documented analysis of the impact of the proposed conditional use permit with respect to each of the criteria contained in this section and/or any other applicable section;

(vii) Complete and detailed site plan of the proposed use prepared, signed and sealed by an architect, landscape architect or engineer licensed in the state, showing the following;

a. All buildings and structures proposed constructed and their location on the property;

b. Height of proposed buildings;

c. Proposed use of each portion of each building;

d. All driveways, parking areas and loading areas;

e. Location of all trash and garbage disposal materials;

f. Set back and buffer zones required in the district in which such use is proposed to be located;

g. Landscaping plan for parking areas.

- (3) ~~*Review of application by City staff*~~*Staff Analysis. The planning department will process the CUP. Staff may contact the applicant or owner for additional information during the review period. The Planning Director or designee shall conduct a site inspection and shall prepare an analysis of each application for conditional use permit and shall present his findings and recommendations in written form to the Planning Commission. No application shall be amended later than the deadline for advertising the requisite hearing in front of Mayor and City Council.*
- (4) *Notification of public hearing. Staff will notify the applicant of the date of*
the next available Planning Commission hearing as well as
*the public hearing**in front of Mayor and City Council.*
A legal notice is also sent to the local newspaper for publication.
- (5) *Posting of signs on property for zoning notification. As required by ordinance, the applicant will be responsible for the cost of posting the zoning notification signs on the property for which the*
~~*change in*~~
zoning conditional use permit
has been requested prior to the public hearing in accordance with the Georgia Zoning Procedures Law.
- (6) *Council public hearing. A public hearing is required for a conditional use permit application. During the public hearing, staff will present a summary of the proposed development to the Mayor and Council. Persons in support of the proposed request and persons in opposition to the proposed request may speak during the public hearing. The applicant,*

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

- (7) *City Council decision. After hearing the evidence and reviewing the application as well as any staff comments, the City Council shall considers the proposed CUP. The Mayor and Council may vote on the CUP immediately after the public hearing or may defer to the next Council Meeting for decision; the decision must be made not later than thirty-days from the date of the public hearing, unless otherwise agreed to by the applicant.*

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

~~(e) — Expiration: A conditional use permit shall expire if:~~

- ~~———— (1) ——— A building permit, if any, for the use has not been approved within one (1) year of the date of approval of the CUP;~~
- ~~———— (2) ——— The building permit subsequently expires;~~
- ~~———— (3) ——— The use has been discontinued for a period exceeding six (6) months;~~
- ~~———— (4) ——— A termination date attached to the CUP has passed pursuant to subsection (a) or under special conditions attached to the approval and as agreed to by the applicant; or~~
- ~~———— (5) ——— An occupancy permit was denied or expired.~~

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

- (1) The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan;*
- (2) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;*
- (3) The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent developments and neighborhoods;*

- (4) *The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;*
- (5) *The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;*
- (6) *The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and the proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and neighborhoods.*
- (7) *The proposed use is based on the site plan in conformity with all space limits, buffers, parking and loading provisions, and other provisions of this article.*
- (8) *The proposed use applicant has agreed to any specific limitations or conditions necessary to protect the public interest and assure the continued beneficial use and enjoyment of nearby properties or that no special limitations are necessary to protect the public.*

No application for Conditional Use Permit shall be granted by the Mayor and City Council unless satisfactory provisions and arrangements have been made

concerning each of the above factors and any other applicable factors for specific Conditional Use Permits authorized by this Chapter.

(d) Successive Applications. An applications for a conditional use permit affecting all or a portion of the same property shall not be submitted more than once every 24 months measured from the date of final decision of Mayor and City Council. The City Council may, by majority vote, waive or reduce this 24-month time interval, provided that if the application for a conditional use permit was denied by the Mayor and City Council, the time interval between the date of said denial and any subsequent application affecting the same property shall be no less than six months.

(e) An applicant aggrieved by a denial of a Conditional Use Permit shall have the right to file an appeal in DeKalb Superior Court by way of Petition for Writ of Certiorari in accordance with state law.

Section 13

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article XVI (“Amendments”), Section 23-1605 (“Conditions to Rezoning”) to read as follows:

Sec. 23-1605. ~~Conditions to Rezoning~~Appeals

If a rezoning application pursuant to this Article is denied by Mayor and City Council, the applicant shall have the right to appeal said denial in the Superior Court of DeKalb County by Petition for Writ of Certiorari in accordance with state law.

~~Unless otherwise specifically provided in this zoning chapter, any initially approved rezoning shall be conditioned upon the applicant's initiation of and substantial~~

~~progress toward the development of the property in accordance with the uses proposed in the rezoning application, within twelve (12) months of the date of the initial approval of the rezoning. For purposes of this section, "substantial progress" shall mean that time when an initial construction, excavation, or site inspection has been made by City or county building or development officials.~~

~~—— If substantial progress, as defined above, has not been made within the twelve-month period, then a material condition to the initial approval of the rezoning shall be deemed to have failed, the approval shall be revoked, and the zoning classification of the property shall revert to its original classification prior to the initial approval.~~

~~—— Should an applicant determine that substantial progress toward the development of the property cannot be made within the twelve-month period, he may make written application to the City Council, no later than sixty (60) days before the expiration of the twelve-month period, for an extension of the twelve-month period, which may not exceed 6 months. The application for such extension shall be in writing and shall set forth each and every fact or circumstance upon which the request for the extension is based. The City Council, upon a finding of just cause and substantial hardship to the applicant, may extend the twelve-month period for a period of time not to exceed six (6) months.~~

~~—— Should the applicant not seek such extension, or should the extension be denied, it shall be deemed that the subject property is not suited for the purposes proposed in the rezoning application, and the zoning classification of the subject property shall revert to its classification prior to the initiation of the proposed rezoning. This reversion action shall be the same as if a rezoning were being considered. Proper notification shall be given, a sign posted on the property and a public hearing duly advertised following the~~

~~procedure outlined in section 23-1604 of this article. The public hearing shall be held and a decision made by the City Council. Should the applicant seek to rezone the property again, he shall comply with all of the provisions of this article setting for the procedures to be followed with all rezoning applicants.~~

Section 14

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article XIX (“Stream Buffer Protection”), Section 23-1905 (“Land Development Requirements”) to read as follows:

Sec. 23-1905. Land Development Requirements

- (a) Buffer and setback requirements. All land development activity subject to this Chapter shall meet the following requirements:
- (1) An undisturbed natural vegetative buffer shall be maintained for fifty (50) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
 - (2) An additional setback shall be maintained for twenty-five (25) feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.
 - (3) No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.
- (b) Variance procedures. Variances from the above buffer and setback requirements may be granted in accordance with Section 23-1403 of this Chapter ~~the following provisions:~~

~~Where a parcel was platted prior to the effective date of this article, and its shape, topography or other existing physical condition prevents land development consistent with this article, and DeKalb County and the City of Doraville find and determine that the requirements of this article prohibit the otherwise lawful use of the property by the owner, the City Council of the City of Doraville may grant a variance from the buffer and setback requirements hereunder,~~ provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel.

~~(2) Except as provided above, the City Council of the City of Doraville shall grant no variance from any provision of this article without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the City Council. The City of Doraville shall give public notice of each such public hearing in a newspaper of general circulation within the City of Doraville. The City of Doraville shall require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right of way. Variances will be considered only in the following cases:~~

~~a. When a property's shape, topography or other physical conditions existing at the time of the adoption of this article prevents land development unless a buffer variance is granted.~~

~~b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.~~

~~Variances will not be considered when, following adoption of this article, actions of any property owner of a given property have created conditions of a hardship on that property.~~

(13) ~~At a minimum~~In addition to information required of all variance application, a variance request under this Section shall include the following information:

- a. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
- b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
- c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
- d. Documentation of unusual hardship should the buffer be maintained;
- e. At least one (1) alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;

- f. A calculation of the total area and length of the proposed intrusion;
- g. A stormwater management site plan, if applicable; and
- h. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.

(24) In addition to the factors present in Section 23-1403, the following factors will be considered in determining whether to issue a variance under this Section:

- a. The ~~shape, size, topography, slope,~~ soils, vegetation and other physical characteristics of the property;
- b. The locations of all streams on the property, including along property boundaries;
- c. The location and extent of the proposed buffer or setback intrusion; and
- d. Whether alternative designs are possible which require less intrusion or no intrusion;
- e. The longterm and construction water-quality impacts of the proposed variance;
- f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Section 15

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article XIX (“Stream Buffer Protection”), Section 23-1911 (“Administrative Appeal and Judicial Review”) to read as follows:

Sec. 23-1911. Administrative Appeal ~~and Judicial Review~~.

- (a) *Administrative appeal. Any person aggrieved by a decision or order of DeKalb County and the City of Doraville, may appeal in writing within thirty (30) days after the issuance of such decision or order to the Mayor and City Council by filing said appeal with the City Clerk of the City of Doraville. The appeal shall be placed on the next available City Council Meeting for a hearing, but in any case no later than ~~and shall be entitled to a hearing before the City Council of the City of Doraville within~~ thirty (30) days after filing of receipt of the written appeal. The Hearing shall be conducted in accordance with the procedures in Section 23-1401 of this Chapter.*
- (b) ~~Judicial review. Any person aggrieved by a decision or order of DeKalb County and the City of Doraville, after exhausting all administrative remedies, shall have the right to appeal de novo to the Superior Court of DeKalb County [by certiorari].~~

Section 16

- 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 17

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

Section 18

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Doraville.

Section 19

It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Doraville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 20

This Ordinance shall become effective immediately upon adoption.

SO ORDAINED AND EFFECTIVE, this ____ day of _____, 2013.

CITY OF DORAVILLE, GEORGIA

Mayor

First Reading

Second Reading

ATTEST:

_____(SEAL)
Sandra Bryant, City Clerk

APPROVED AS TO FORM:

Cecil G. McLendon, Jr., City Attorney

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