Mayor and Council

700 Doug Davis Drive
Hapeville, GA 30354

February 16, 2016

Agenda

6:00 PM

1. Call To Order

2. Roll Call
   Mayor Alan Hallman
   Alderman at Large Ruth Barr
   Councilman at Large Michael Randman
   Councilman Ward I Joshua Powell
   Councilman Ward II Diane Dimmick

3. Welcome

4. Presentations

4.I. State Of The City

4.II. GCCMA 60th Anniversary Proclamation

Background

Attached is a Resolution acknowledging the Georgia City/County Manager's Association's (GCCMA) 60th anniversary. The City Manager of Hapeville is a member of this organization. Council has an opportunity to show it's support for professional local government management here in Georgia by passage of this resolution.

For additional information/questions, please contact the City Manager.

Documents: GCCMA 60TH ANNIVERSARY PROCLAMATION.PDF

5. Public Comments On Agenda Items
   The public is encouraged to communicate their questions, concerns, and suggestions during Public Comments, however, State Statute prohibits the City Council from discussing an item that is not on the agenda. The Council does listen to your concerns and will have Staff follow-up on any questions you raise. Any and all comments should be addressed to the Governing Body, not to the general public and delivered in a civil manner in keeping with common courtesy and decorum.

6. Old Business

6.I. Discussion Of T-SPLOST

Background

The Mayor and City Manager have been meeting with Fulton County and the 14 other Fulton County Mayors to reach consensus on the proposed T-SPLOST. Since the first of the year, three (3) meetings have been held; one in January and two (2) in February. The discussions are complex and wide ranging. Attached is the materials received from the Mayor's meeting held on February 10, 2016.

The City Manager and the Mayor will be updating the Council on the various discussions that have taken place.

Documents: FULTON COUNTY MAYORS MEETING AGENDA 2-10-2016.PDF, SB 330 MAYORS MEETING.PDF, TSPLOST MAYORS MEETING 2-10-2016.PDF

7. New Business

7.I. 1st Reading Billiard Ordinance 2016-03

Background

On February 2, 2016 Council adopted an Ordinance redefining the term pool halls/billiard rooms in the Arts Overlay District of the City. For equity purposes, the City Council asked staff to prepare for consideration an Ordinance that would expand the new definitions into additional commercial areas of the City.

The Attached Ordinance is recommended to correct this issue as requested by Council and will be the first reading. The second and final reading has been advertised and will be considered (if approved) on March 1, 2016. For additional questions, please contact the City Manager.

Documents: 2016-03 BILLIARD ROOM ORDINANCE.PDF

7.II. 1st Reading Ordinance 2016-04 Blighted Tax Property

Background

Last year, staff presented the concept of a "Blight Tax" be developed and adopted for the City of Hapeville as a tool to encourage property owners to clean up and better maintain their property. The City of College Park already has such an Ordinance. The basic public policy being proposed here is to penalize properties that are not in compliance with our Codes with additional property taxes. This is logical as such properties take additional City time and resources to serve.

City staff worked with the City Attorney's Office to use the College Park Ordinance as a basic model and apply the language to Hapeville. The proposed Ordinance is the result of those discussions and is submitted for Council's review and consideration for first reading.

Documents: 2016-04 FINAL BLIGHTED PROPERTY TAX ORDINANCE.PDF

7.III. 1st Reading 2016-05 Extended Stay Hotels

Background

Last year, the City Council had passed a moratorium on the development of new extended stay hotel projects until rules could be drafted that would better clarify our intent and that would
result in higher end development projects. Taking this new approach would better achieve Council's goals and philosophy for community development.

Staff has now met with local developers in the industry and surveyed other communities to
learn more about the best practices, techniques and approaches that would achieve our goals
for quality development projects.

Attached is our recommendation for a new Ordinance that we believe would be more in line with Council goals and the best approach for the City to consider. Please contact the City Manager if you have any additional questions.

Documents: 2016-05 EXTENDED-STAY HOTEL ORDINANCE.PDF

7.IV. Discussion Of Alcohol Code Amendments

Background:

The City Attorney was requested to provide the attached information regarding a possible re-write of the local alcohol ordinance for the City. The price quoted has to do with the amount of customization and special provisions (i.e. Attorney staff time) required to produce an Ordinance that reflects the will and direction of Council.

Should you have any questions, please feel free to touch base with the City Manager and/or City Attorney.

Documents: ALCOHOL CODE AMENDMENT EMAIL.PDF

8. City Manager Report

9. Update By Department
   Recreation
   Economic Development
   Planning & Zoning Consultant
   Fire
   City Clerk
   Finance
   Community Services
   Police
   Legal
   Economic Development Consultant

10. Public Comments

    The public is encouraged to communicate their questions, concerns, and suggestions during Public Comments, however, State Statute prohibits the City Council from discussing an item that is not on the agenda. The Council does listen to your concerns and will have Staff follow-up on any questions you raise. Any and all comments should be addressed to the Governing Body, not to the general public and delivered in a civil manner in keeping with common courtesy and decorum.

11. Mayor And Council Comments

12. Executive Session

    - Personnel Matters
    - Pending or potential litigation
    - Acquisition/Disposal of Real Estate

13. Adjourn

Public involvement and citizen engagement is welcome as Hapeville operates a very open, accessible and transparent government. We do however remind our attendees/residents that there are times allocated for public comments on the agenda. In order for council to conduct their necessary business at each meeting, we respectfully ask that side-bar conversations and comments be reserved for the appropriate time during the meeting. This will allow the City Council to conduct the business at hand and afford our meeting attendees ample time for comments at the appropriate time during the meeting.

GCCMA 60th Anniversary Proclamation

WHEREAS, the Georgia City-County Management Association (GCCMA) is celebrating 60 years of service to Georgia's leaders, cities, and counties;

WHEREAS, GCCMA is the recognized affiliate organization of the International City/County Management Association (ICMA); and

WHEREAS, GCCMA, originally founded in 1956 by a small group of managers interested in professional development, has grown and expanded its membership to include Georgia's city and county managers and administrators, directors of regional development centers, and their principal assistants; and

WHEREAS, GCCMA membership represents several state agencies in addition to representatives of the Association of County Commissioners of Georgia and the Georgia Municipal Association; and

WHEREAS, GCCMA is revered as the premier association of professional local government leaders building sustainable communities to improve lives across Georgia; and

WHEREAS, GCCMA's mission is to create excellence in local governance by fostering innovation, collaboration, mentoring, networking, continuing education and other professional development opportunities; and

WHEREAS, GCCMA provides a variety of member services including a coaching program and two educational conferences each year, with programs emphasizing issues of special interest to Georgia Managers, and

WHEREAS, GCCMA members also have access to multiple training programs on special subject matters as part of GCCMA's commitment to continuing professional development, and

WHEREAS, GCCMA has assisted professional local government managers in all areas of the State of Georgia in obtaining continued education and experience through scholarship and internship programs;

NOW, THEREFORE, I, Mayor Alan Hallman, do hereby recognize the Georgia City-County Management Association's 60th Anniversary in the year of 2016 and encourage all of our government leaders to recognize GCCMA for the significant impact the organization has made and continues to make in Georgia's communities.

City of Hapeville, GA

Attest:

_____

Mayor Alan Hallman

_____

Jennifer Elkins, City Clerk

Next Mtg
2/16/16
Tues. at
10:00 AM

FULTON COUNTY

IMPACT • SERVICE • EFFICIENCY
fulton county 1st in 3
ENGAGED PEOPLE

AGENDA

Meeting With Fulton County Mayors
and the Fulton County Board of Commissioners

Wednesday, February 10, 2016, 10 a.m.
141 Pryor Street SW, 6th Conference Room

Welcome — Chairman John H. Eaves

Todd Long, Chief Operating Officer

Review Decisions Made
- Move forward list development
- Decision made on distribution method

Review of Latest MARTA Bill
- Specifics of SB 330
- Project List for MARTA tax

Other Considerations
- DeKalb County SPLOST
- Ballot Question language
- Timing of Referendum

Open Discussion — Mayors & Board of Commissioners

Senate Bill 330

By: Senators Beach of the 21st, Butler of the 55th, Mullis of the 53rd, Hill of the 6th, Sims of the 12th and others

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965,"
2 approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, so as to provide for a
3 definition; to provide that transit oriented development and property of the Authority not
4 used for transportation or rapid transit purposes shall be subject to local planning and zoning
5 requirements of the Constitution of Georgia; to provide for procedures, conditions, and
6 limitations for the imposition of an additional 1/2 percent retail sales and use tax; to provide
7 for the selection and submission of rapid transit projects to be funded by the revenue of such
8 tax; to provide for a limitation on the collection of a tax for transportation purposes in certain
9 counties upon imposition of an additional 1/2 percent retail sales and use tax; to provide for
10 a referendum; to provide for an additional referendum under certain conditions; to provide
11 for a procedure for conclusion of such tax; to provide for related matters; to repeal
12 conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 An Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved
16 March 10, 1965 (Ga. L. 1965, p. 2243), is amended by enacting a new Section to read as
17 follows:

18 "SECTION 18.

19 Zoning and Planning.

20 "(a) For purposes of this Section, the term 'transit oriented development' means any
21 commercial, residential, retail, or office building or development located on Authority
22 property or connected physically or functionally to a transit station, including, without
23 limitation, joint development projects on Authority property which provide for lease of
24 Authority property to private parties, convenient access to a transit station, and construction

25 of a development for any such use. Notwithstanding the foregoing, the location of retail
26 concessions within a transit station shall not alone constitute a transit oriented
27 development.
28 (b) Notwithstanding any other provision of law, the power of zoning and planning
29 provided for by Article IX, Section II, Paragraph IV of the Constitution of Georgia shall
30 extend to transit oriented development and to Authority property which is not part of the
31 transportation system, transportation projects, or rapid transit system or projects of the
32 Authority."

33 **SECTION 2.**

34 Said Act is further amended by revising subsections (a), (b), and (k) of Section 25 as follows:
35 "(a) Authority to Tax. Each of the local governing bodies of those local governments
36 referred to and defined in Section 2 of the Metropolitan Atlanta Rapid Transit Authority
37 Act of 1965 (Ga. L. 1965, p. 2243), as amended, which shall hereafter pursuant to the
38 provisions of said Act enter into a rapid transit contract with the Metropolitan Atlanta
39 Rapid Transit Authority that has become final and binding upon its local government by
40 compliance with the provisions of Section 24 of said Act and approval of the voters as
41 therein required, shall be authorized to levy a retail sales and use tax upon the retail
42 purchase, retail sale, rental, storage, use or consumption of tangible personal property, and
43 the services described and set forth in Ga. L. 1951, p. 360, as amended, on sales, uses and
44 services rendered, in the geographical area governed by such local government. Provided,
45 in the event Clayton County acting for and on behalf of the Clayton County-Atlanta Airport
46 Public Transportation District that may be created in accordance with Section 24(1) of this
47 Act and the Authority enter into a rapid transit contract pursuant to Section 24 of this Act,
48 said retail sales and use tax shall be levied only within the geographical area contained
49 within said District. Provided, however, the tax herein authorized shall not be levied by
50 any local government unless the same is also levied in the geographical areas of Fulton
51 ~~and~~, DeKalb, and Clayton Counties. The tax imposed shall correspond, so far as
52 practicable, except as to rate, with the Georgia Retailers' and Consumers' Sales and Use
53 Tax Act, approved February 20, 1951 (Ga. L. 1951, p. 360), as amended, and as it may be
54 from time to time amended. Provided, however, that no tax shall be imposed upon the sale
55 of tangible personal property which is ordered by and delivered to the purchaser at a point
56 outside the geographical area in which the tax is imposed, regardless of the point at which
57 title passes, if such delivery is made by the seller's vehicle, U.S. mail, common carrier or
58 by private or contract carrier licensed by the Interstate Commerce Commission or the
59 Georgia Public Service Commission. Provided further that the tax authorized to be levied
60 herein shall apply, any law to the contrary notwithstanding, to the retail sale, rental,

61 storage, use, or consumption of motor fuel as the term 'motor fuel' is defined by Code
62 Section 92-1402 or, after January 1, 1980, by Code Section 91A-5002.
63 (b)(1) Rate of Tax. ~~The~~ Except as otherwise provided for in Section 25A, the tax when
64 levied shall be at the rate of one (1%) percent until and including June 30, 2057, and shall
65 thereafter be reduced to one-half (1/2%) of one percent. Said tax shall be added to the
66 State Sales and Use Tax imposed by Article 1 of Chapter 8 of Title 48 of the O.C.G.A.,
67 and the State Revenue Commissioner is hereby authorized and directed to establish a
68 bracket system by appropriate rules and regulations to collect the tax herein imposed in
69 the areas affected.
70 (2)(A) A local governing body which, on January 1, 1988, is not a party to the Rapid
71 Transit Contract and Assistance Agreement specified in subsection (k) of this Section
72 may enter into a rapid transit contract to provide public transportation services and
73 facilities other than any extension of or addition to the Authority's existing rail rapid
74 transit system and may levy a retail sales and use tax authorized under subsection (a)
75 of this Section at the rate of one (1%) percent, except as otherwise provided for in
76 Section 25A. Such contract shall require that the costs of the transportation services
77 and facilities contracted for, as determined by the Board of Directors on the basis of
78 reasonable estimates, allocation of costs and capital, and projections shall be borne by
79 one or more of the following:
80 (i) Fares;
81 (ii) The proceeds of the tax levied in accordance with this subparagraph;
82 (iii) Other revenues generated by such services and facilities; and
83 (iv) Any subsidy provided, directly or indirectly, by or on behalf of that local
84 governing body which is the party to the contract.
85 Notwithstanding any limitation in subsection (i) of this Section or any other provision
86 of this Act, the proceeds of the retail sales and use tax levied pursuant to this
87 subparagraph may be used in their entirety to pay the operating costs of the system, as
88 defined in that subsection (i).
89 (B) In the event a local governing body which has entered into a rapid transit contract
90 as authorized by subparagraph (A) of this paragraph thereafter determines that any
91 extension of or addition to the Authority's existing rail rapid transit system should be
92 constructed and operated within the territory of such local government, a separate rapid
93 transit contract shall be required to provide for the local government's proper share of
94 financing any such contemplated rapid transit project, and no retail sales and use tax
95 authorized under subsection (a) of this Section may be levied to fulfill the obligations
96 under that separate contract except at the rate of one (1%) percent or as provided for in
97 Section 25A. A separate rapid transit contract required by this subparagraph shall not

98 be subject to the limitations of divisions (i) through (iv) of subparagraph (A) of this
99 paragraph but shall be subject to the limitations regarding the use of the tax proceeds
100 for the operating costs of the system under subsection (i) of this Section.
101 (C) A tax levied under this paragraph shall be added to the State Sales and Use Tax
102 imposed by Article 1 of Chapter 8 of Title 48 of the O.C.G.A., and the State Revenue
103 Commissioner is authorized and directed to establish a bracket system by appropriate
104 rules and regulations to collect the tax imposed under this paragraph in the areas
105 affected. Nothing in this paragraph shall be construed to require that any tax levied at
106 a rate specified by this paragraph <u>or Section 25A</u> be reduced as provided for the ~~one~~
107 ~~(1%) percent~~ tax levied pursuant to paragraph (1) of this subsection.
108 (D) No contract shall be entered into by a local government pursuant to this paragraph
109 unless and until the same has been approved in a referendum held in the political
110 subdivision, which referendum shall be held in conjunction with and at the same time
111 as a state-wide general election and which was called not less than 120 days prior to
112 such referendum election."
113 "(k) ~~The~~ <u>Except as otherwise provided in Section 25A, the</u> Authority shall use the proceeds
114 of the tax levied pursuant to this Act and the proceeds from bonds or certificates issued by
115 the Authority for the following purposes and in the following order of priorities: First, for
116 the purposes and in the manner required by any trust indenture or other agreement with or
117 for the benefit of bondholders, including payment of the principal of or premium or interest
118 upon bonds or certificates issued by the Authority or to create a reserve for that purpose;
119 second, to pay the operating costs of the system as defined in subsection 25(i) of this Act,
120 to pay the general administrative expenses of the Authority, to purchase, construct, replace,
121 and maintain buses and facilities necessary for the operation, repair, and maintenance of
122 buses, to purchase on terms advantageous to the Authority real property necessary and
123 appropriate to construct, complete, and operate the rapid transit system described in the
124 Rapid Transit Contract and Assistance Agreement by and between the Authority, the
125 counties of Fulton and DeKalb and the City of Atlanta dated September 1, 1971, as now
126 and hereafter amended, and to complete and operate those portions of the Authority's rapid
127 transit system defined as Phase 'A' in those contracts existing on the effective date of this
128 Act between the Authority and the Urban Mass Transportation Administration of the
129 United States Department of Transportation; and third, to construct, complete, and operate
130 that portion of the rail system described as Phases A, B, and C in the Rapid Transit
131 Contract and Assistance Agreement by and between the Authority, the counties of Fulton
132 and DeKalb, and the City of Atlanta, dated September 1, 1971, as amended, in the
133 following manner and order of priority: (1) Phase A; (2) Phase B; (3) That portion of Phase
134 C extending from Lenox Road to Brookhaven on the Northeast Line and from Lakewood

135 to East Point on the South Line, with completion of Brookhaven occurring before
136 completion of East Point; (4) That portion of Phase C extending from Brookhaven to
137 Chamblee on the Northeast Line; (5) That portion of Phase C extending from East Point
138 to College Park to the mid-field terminal in Clayton County, Georgia, at the Hartsfield
139 International Airport on the South Line and Southwest Branch; and (6) That portion of
140 Phase C extending from Chamblee to Doraville on the Northeast Line. This subsection (k)
141 shall not be construed to change either any limitations upon the use of the proceeds of the
142 tax levied pursuant to this Act imposed by subsection (i) of this Section 25 or any
143 limitations upon the use of the proceeds of bonds or certificates issued by the Authority
144 imposed by this Act. The provisions of this subsection shall not be construed so as to
145 prohibit the Authority from utilizing its available revenues for technical studies nor from
146 utilizing available revenues to construct, complete, and operate those portions of the
147 Authority's rapid transit system contained in Phases D and E of the system as set forth in
148 and defined by the Ninth Amendment to the Rapid Transit Contract and Assistance
149 Agreement so long as the Authority has available sufficient funds, grants-in-aid, proceeds
150 of unissued bonds, or other sources of revenue to construct, complete, and operate Phases
151 A, B, and C of the rapid transit system and is proceeding with the design and construction
152 thereof."

153 **SECTION 3.**

154 Said Act is further amended by adding a new Section to read as follows:

155 "SECTION 25A.

156 Additional Retail Sales and Use Tax.

157 (a)(1) For purposes of this Section, the term 'local jurisdiction' means the governing
158 bodies of those local governments which have entered into a rapid transit contract with
159 the Metropolitan Atlanta Rapid Transit Authority, in accordance with the provisions of
160 Section 24 of this Act and approval of the voters as therein required, and have authorized
161 the levy of a one (1%) percent tax.
162 (2) Local jurisdictions shall be authorized to levy an additional one-half (1/2%) percent
163 retail sales and use tax under the provisions set forth in this Section. A referendum shall
164 be held at the 2016 general election in each local jurisdiction as provided for by this
165 Section; provided, however, that any such local jurisdiction may elect to not hold such
166 referendum within such jurisdiction, or to hold such referendum on the date of the
167 November, 2017, municipal general election, by the adoption of a resolution or ordinance
168 by its governing body to that effect on or prior to June 30, 2016. Such additional one-half

169 (1/2%) percent tax shall not count toward any local sales tax cap provided for by law and
170 may be imposed notwithstanding the provisions of Code Section 48-8-6 of the O.C.G.A.
171 Except as provided for to the contrary in this Section, such additional one-half (1/2%)
172 percent tax shall be collected in the same manner and under the same conditions as set
173 forth in Section 25 of this Act.
174 (b)(1) No later than May 31, of the year a referendum is to be called for as provided in
175 this Section, the Authority shall submit to each local jurisdiction a preliminary list of
176 rapid transit projects within or serving the geographical area of such local jurisdiction
177 which may be funded in whole or in part by the proceeds of the additional levy authorized
178 by this Section.
179 (2) No later than July 31, of the year a referendum is to be called for as provided in this
180 Section, the Authority shall submit to each local jurisdiction electing to hold a
181 referendum provided for in this Section a final list of rapid transit projects within or
182 serving such local jurisdiction to be funded in whole or in part by the proceeds of the
183 additional levy authorized by this Section. Such final list of rapid transit projects shall
184 be incorporated into the rapid transit contract established under Section 24 of this Act
185 between the Authority and the local jurisdiction upon approval of the referendum to levy
186 an additional one-half (1/2%) percent by the qualified voters of the territory of a local
187 jurisdiction.
188 (c) Before the additional levy authorized under this Section shall become valid, the levy
189 shall be approved by a majority of qualified voters of the territory of the local government
190 electing to hold a referendum. The procedure for holding the referendum called for in this
191 Section shall be as follows: There shall be published in a newspaper having general
192 circulation throughout the territory of the local government involved, once each week for
193 four weeks immediately preceding the week during which the referendum is to be held, a
194 notice to the electors thereof that on the day named therein an election will be held to
195 determine the question of whether or not an additional sales and use tax of one-half (1/2%)
196 percent should be collected in the territory for the purpose of expanding and enhancing the
197 rapid transit system. Such election shall be held in all the election districts within the
198 territorial limits of the local government involved except that an election called by the local
199 governing body of any county within the metropolitan area shall not be held in any part of
200 such county which is within the territorial limits of the City of Atlanta. The question to be
201 presented to the electorate in any such referendum shall be stated on the ballots or ballot
202 labels as follows:

203 Shall an additional sales and use tax of one-half (1/2%) percent be collected in (Insert
204 name of City or County) for the purpose of significantly expanding and enhancing
205 MARTA rail service to reduce traffic congestion and create jobs?
206 YES NO _____
207 The question shall be published as a part of the aforesaid notice of election. Each such
208 election called by the governing body of a county within the metropolitan area under the
209 provisions of this subsection shall be governed, held, and conducted in accordance with the
210 provisions of law from time to time governing the holding of elections to elect members
211 to the General Assembly of this state. After the returns of such an election have been
212 received, and the same have been canvassed and computed, the result shall be certified to
213 the local governing body which called the election, in addition to any other person
214 designated by law to receive the same, and such governing body shall officially declare the
215 result thereof. Each election called by the governing body of the City of Atlanta under the
216 provisions of this subsection shall be governed by and conducted in accordance with the
217 provisions of law at the time governing the holding of elections by said City. The expense
218 of any such election called by the governing body of the City of Atlanta shall be paid by
219 the City of Atlanta.
220 (d) If a majority of those voting in such an election vote in favor of the proposition
221 submitted, then the contract between the Authority and the local jurisdiction shall authorize
222 the levy and collection of an additional one-half (1/2%) percent sales and use tax, and the
223 final list provided for in paragraph (2) of subsection (b) of this Section shall be
224 incorporated therein. All of the proceeds derived from the additional one-half (1/2%)
225 percent shall be first allocated for payment of the cost of the rapid transit projects
226 incorporated in the contract, except as otherwise provided by the terms of such rapid transit
227 contract, including, without limitation, any escrow requirements applicable to Clayton
228 County, and thereafter, upon completion and payment of such rapid transit projects, as
229 provided for in the rapid transit contract and this Act. It shall be the policy of the Authority
230 to provide that the levy collected under this Section in an amount greater than the cost of
231 the rapid transit projects incorporated in the contract shall be expended solely within and
232 for the benefit of each local jurisdiction in which such levy is collected; provided, however,
233 that if the levy authorized under this Section is approved by all local jurisdictions, then any
234 such excess amount shall be expended for the completion and payment of costs of rapid
235 transit projects provided for in paragraph (2) of subsection (b) of this Section for all local
236 jurisdictions and as otherwise provided for in this Act. The levy provided for by Article
237 5A of Chapter 8 of Title 48 of the O.C.G.A. shall not be imposed at a rate exceeding
238 one-half (1/2%) percent in any part of any jurisdiction in which the levy provided for by
239 this Section has been approved.

240 (e) If a majority of those voting in a local jurisdiction in an election provided for by this
241 Section on the date of the 2016 general election vote against the proposition submitted,
242 such local jurisdiction may elect to resubmit such proposition on the date of the November,
243 2017, municipal general election by the adoption of a resolution or ordinance by its
244 governing authority to that effect on or prior to June 30, 2017, subject to the provisions of
245 this Section.
246 (f) The Authority shall maintain a record of the incurred and projected cost of each rapid
247 transit project incorporated into a rapid transit contract under paragraph (2) subsection (b)
248 of this Section and shall, no less than annually, provide such record to the local jurisdiction
249 whose rapid transit contract includes such project. The Authority shall notify such local
250 jurisdiction upon the completion of payment of all costs of each rapid transit project
251 incorporated into a rapid transit contract under the provisions of this Section. Upon
252 completion of such projects and the full payment of all bonds and interest thereon and any
253 other obligations or indebtedness incurred for such projects, a local jurisdiction may adopt
254 a resolution or ordinance to abolish the additional one-half (1/2%) percent sales and use tax
255 or decrease such levy in increments of one-tenth (1/10%) percent, with such excess funds
256 collected over the levy authorized under Section 25 of this Act to pay the operation and
257 maintenance of such rapid transit projects."

258 **SECTION 4.**

259 All laws and parts of laws in conflict with this Act are repealed.

FULTON/CITY OF ATLANTA
Transportation SPLOST
Mayor's Meeting, February 10, 2016

Agenda

-Introduction - Chairman Eaves

-Review Decisions Made
- Move forward with list development
- Decision made on distribution method

-Review of Latest MARTA Bill
- Specifics of SB 330 vs SB 313
- Project List for MARTA tax

- Other Considerations
- DeKalb County SPLOST
- Ballot Question language
- Timing of Referendum

- Next Steps

Proposed timeline

Feb	Move Forward
Feb-May	Jurisdictions develop their list (4 months)
May 30	Jurisdiction lists due
June 15	Complete Master List is sent to all jurisdictions
June	Intergovernmental Agreement and Master List are discussed at meeting (with proper 10 day notice)
July	Vote taken on Agreement and Agreement signed Separate Resolution signed calling for referendum
Aug-Nov	Voter information campaign
Nov 8	VOTE

Population-Based Distribution Scenarios - Fulton County

Jurisdiction	Population (2014)	% of County Population	Distribution at 1%	Distribution at 0.75%	Distribution at 0.5%
ALPHARETTA	63,038	6.3%	$83,600,946	$62,700,710	$41,800,473
ATLANTA	425,458	42.7%	$564,242,065	$423,181,549	$282,121,033
CHATTAHOOCHEE HILLS	2,610	0.3%	$3,461,380	$2,596,035	$1,730,690
COLLEGE PARK	13,290	1.3%	$17,625,188	$13,218,891	$8,812,594
EAST POINT	35,488	3.6%	$47,064,158	$35,298,118	$23,532,079
FAIRBURN	13,696	1.4%	$18,163,624	$13,622,718	$9,081,812
HAPEVILLE	6,669	0.7%	$8,844,423	$6,633,317	$4,422,211
JOHNS CREEK	83,102	8.3%	$110,209,807	$82,657,355	$55,104,904
MILTON	36,662	3.7%	$48,621,116	$36,465,837	$24,310,558
MOUNTAIN PARK	557	0.1%	$738,693	$554,020	$369,346
PALMETTO	4,437	0.4%	$5,884,346	$4,413,259	$2,942,173
ROSWELL	94,089	9.4%	$124,780,758	$93,585,568	$62,390,379
SANDY SPRINGS	101,908	10.2%	$135,150,310	$101,362,732	$67,575,155
UNION CITY	20,427	2.1%	$27,090,271	$20,317,704	$13,545,136
FULTON (UNINCORPORATED)	94,888	9.5%	$125,840,391	$94,380,293	$62,920,196
Totals	**996,319**	**100.0%**	**$1,321,317,475**	**$990,988,106**	**$660,658,738**

Source: Population information from latest Census City/County Population Estimates (US Census)

Distribution Based on Historical Spending (does not include non-general fund expenditures for HAJIA and Fulton County Airport)

Jurisdiction	Historical Transportation Expenditures					Distribution at 0.75%	Distribution at 0.5%
	FY 2012	FY 2013	FY 2014	FY 2012-2014 Totals	% of County Total Spending 2012-2014		
Alpharetta	$17,401,452	$18,841,761	$11,252,428	$47,495,641	12.9%	$127,737,813	$85,158,542
Atlanta	$35,117,040	$37,243,000	$38,113,000	$110,473,040	30.0%	$297,113,256	$198,075,504
Chatatahoochee Hills	$406,111	$255,794	$400,604	$1,062,509	0.3%	$2,857,580	$1,905,053
College Park	$1,083,159	$998,289	$1,060,825	$3,142,273	0.9%	$8,451,030	$5,634,020
East Point	$2,503,699	$1,938,895	$1,360,123	$5,802,717	1.6%	$15,606,198	$10,404,132
Fairburn	$2,645,111	$2,241,755	$3,001,305	$7,888,171	2.1%	$21,214,951	$14,143,301
Hapeville	$681,035	$710,177	$630,731	$2,021,943	0.5%	$5,437,943	$3,625,295
Johns Creek	$8,532,096	$11,002,183	$13,869,879	$33,404,158	9.1%	$89,839,278	$59,892,852
Milton	$3,969,899	$6,314,852	$7,315,006	$17,599,757	4.8%	$47,333,912	$31,555,941
Mountain Park	$15,150	$34,624	$210,507	$260,281	0.1%	$700,016	$466,678
Palmetto	$757,280	$577,774	$315,705	$1,650,759	0.4%	$4,439,657	$2,959,771
Roswell	$11,362,495	$11,099,389	$11,288,472	$33,750,356	9.2%	$90,770,365	$60,513,577
Sandy Springs	$21,968,932	$24,646,882	$25,885,129	$72,500,943	19.7%	$194,988,671	$129,992,447
Union City	$3,056,476	$2,508,927	$2,223,382	$7,788,785	2.1%	$20,947,656	$13,965,104
Fulton County	$7,141,685	$9,907,703	$6,579,775	$23,629,163	6.4%	$63,549,781	$42,366,521
Totals	**$116,641,620**	**$128,322,005**	**$123,506,871**	**$368,470,496**	**100.0%**	**$990,988,106**	**$660,658,738**

Source: Georgia DCA Report of Local Government Finances (last 3 reported fiscal years)

Note: According to state law, only Airport expense from General Funds can be included. There is no indication in DCA Report that either Fulton County of the City of Atlanta had General Fund Expenses for their Airports

MARTA Bill - Senate Bills

- SB 330 Filed Feb 4 to replace SB 313 which was assigned to Sen Albers' Committee on State and Local Government Operations. SB 330 is assigned to the Transportation Committee.

- SB Bill 330 Sponsors - Sen. Beach, Butler, Mullis, Hill, and Sims

- Sen Albers held hearings on SB 313 on 2/9/16

MARTA Bill – SB 330 Highlights

- Adds two new Sections to MARTA Act of 1965, as amended

- Adds new Section 18 that defines "Transit Oriented Development"

(a) For purposes of this Section, the term 'transit oriented development' means any commercial, residential, retail, or office building or development located on Authority property or connected physically or functionally to a transit station, including, without limitation, joint development projects on Authority property which provide for lease of Authority property to private parties, convenient access to a transit station, and construction of a development for any such use. Notwithstanding the foregoing, the location of retail concessions within a transit station shall not alone constitute a transit oriented development.
(b) Notwithstanding any other provision of law, the power of zoning and planning provided for by Article IX, Section II, Paragraph IV of the Constitution of Georgia shall extend to transit oriented development and to Authority property which is not part of the transportation system, transportation projects, or rapid transit system or projects of the Authority."

MARTA Bill – SB 330 Highlights

- Adds new Section 25A which does the following:

- Allows local referenda to increase (by 0.5%) the MARTA Sales Tax (not subject to sales tax cap)

- Defines "local governments" that can call the referendum as Fulton and DeKalb Counties (outside the Atlanta City Limits) and the City of Atlanta. (Clayton County could also call a referendum, but is unlikely to do so.)

- Allows the referendum to be called for the November 2016 General Election, but also allows local jurisdictions to elect not to hold the referendum; or to hold the referendum at the November 2017 General Municipal Election date.

- Requires that a resolution to pick election date be adopted by the governing body prior to June 30, 2016; regardless of the option that is chosen

MARTA Bill – SB 330 Highlights

- Requires MARTA to provide, by May 31 of the referendum year, a preliminary list of rapid transit projects proposed for funding by jurisdiction.

- Requires MARTA to provide, by July 31 of the referendum year, a final list of rapid transit projects proposed for funding by jurisdiction. (This list is to be incorporated into the contract between MARTA and the local jurisdictions upon approval of the referendum)

- Requires MARTA to report to each local jurisdiction at least annually and to notify each local jurisdiction when projects are completed

- Upon completion of all projects (and payment of all associated bonds and interest costs), allows local jurisdictions to adopt a resolution to abolish the additional 0.5% sales tax, or to reduce the tax to not less than increments of 0.1% (to be applied to operation and maintenance costs of the projects)

Ballot Questions

House Bill 170

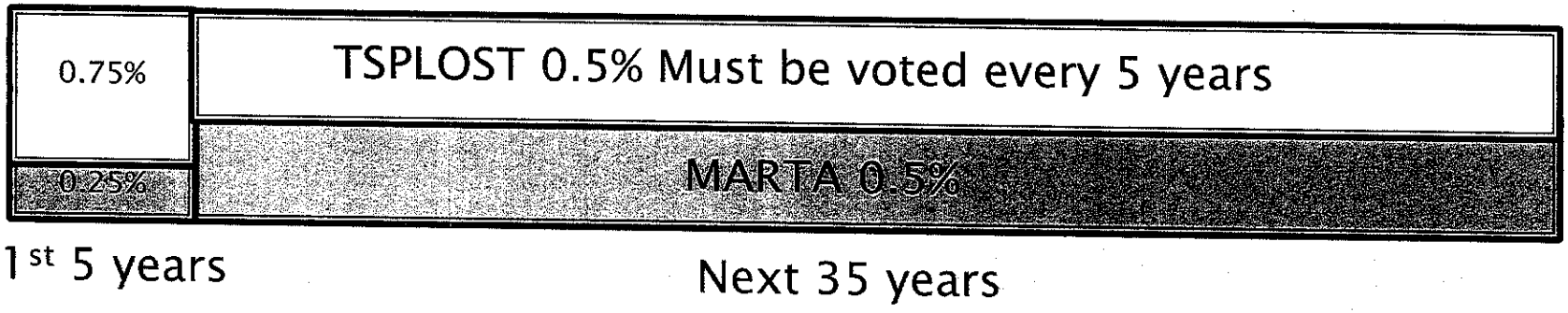
Shall a special ___ percent sales and use tax be imposed in the special district consisting of Fulton County for a period of time not to exceed 5 years and for the raising of not more than an estimated amount of $_____ for transportation purposes?

MARTA SB 330 Language

Shall an additional sales and use tax of one-half (1/2%) percent be collected in (Insert name of City or County) for the purpose of significantly expanding and enhancing MARTA rail service to reduce traffic congestion and create jobs?

Other Considerations

There has been some discussion around a modified proposal 0.75 % TSPLOST for 5 years + 0.25% for MARTA for 5 years (1% total), with MARTA increasing to 0.50 % for 35 years through 2057.



This potential solution provides a similar level of revenue for MARTA as if they had a full 0.5% for 40 years. In fact, if you assume a 2% growth rate over 40 years, having MARTA at 0.25% for first 5 years only yields a 4.3% reduction as compared to having 0.5% over 40 years.

DeKalb County SPLOST and MARTA implications

ROUNDTABLE DISCUSSION

STATE OF GEORGIA

CITY OF HAPEVILLE

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL CHAPTER 11, BUSINESS REGULATION, OF ARTICLE V, BILLIARD ROOMS, OF THE CODE OF ORDINANCES OF THE CITY OF HAPEVILLE; TO AMEND CHAPTER 93, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF HAPEVILLE, GEORGIA TO INCLUDE A DEFINITION OF AND REGULATE THE LOCATION OF BILLIARD ROOMS THROUGHOUT THE CITY; TO ALLOW RESTAURANTS TO OPERATE UP TO SIX BILLIARD TABLES; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing authority of the City of Hapeville, Georgia (hereinafter the "City") is the Mayor and Council thereof; and

WHEREAS, the City has the power to adopt ordinances promoting the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Mayor and Council have, as a part of planning, zoning and growth management, been in review of the City's zoning ordinances and have been studying the City's best estimates and projections of the type of development which could be anticipated within the City; and

WHEREAS, the Mayor and Council therefore consider it paramount that land use regulation continue in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the citizens of the City. The Mayor and Council have always

had a strong interest in growth management so as to promote the traditional police power goals of health, safety, morals, aesthetics and the general welfare of the community; and in particular the lessening of congestion on City streets, security of the public from crime and other dangers, promotion of health and general welfare of its citizens, protection of the aesthetic qualities of the City including access to air and light, and facilitation of the adequate provision of transportation and other public requirements; and

WHEREAS, it is the belief of the Mayor and Council that the concept of "public welfare" is broad and inclusive; that the values it represents are spiritual as well as physical, aesthetic as well as monetary; and that it is within the power of the City "to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled." Kelo v. City of New London, 545 U.S. 469 (2005); Berman v. Parker, 348 U.S. 26 (1954). It is also the opinion of the City that "general welfare" includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, making the most appropriate use of resources, preserving neighborhood characteristics, enhancing and protecting the economic well-being of the community, facilitating adequate provision of public services, and the preservation of the resources of the City; and

WHEREAS, the Mayor and Council are, and have been interested in, developing a cohesive and coherent policy regarding certain uses in the City, and have intended to promote community development through stability, predictability and balanced growth which will further the prosperity of the City as a whole; and

WHEREAS, the governing authority of the City has determined, after careful consideration, that the City's definition of "Billiard Room" and provisions of the Zoning Code regarding the locations of Billiard Rooms and should be amended; and

WHEREAS, the governing authority of the City has determined, after careful consideration, that provisions of the Zoning Code regarding restaurants as a permitted use should be amended to allow for the operation of up to six (6) billiard tables; and

WHEREAS, the governing authority of the City finds it desirable and in the interest of the public health, safety, and general welfare of its citizenry to amend its ordinances accordingly.

BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAPEVILLE, GEORGIA THAT:

<u>Section One.</u> The Code of Ordinances is hereby amended by deleting the existing Subsection 8 of Section 93-28-9, Accessory Uses, of Chapter 93, Zoning, of Article 28, A-D Zone (Arts District Overlay), and inserting the following text, in lieu thereof, to read as follows:

"8. Reserved."

<u>Section Two.</u> The Code of Ordinances is hereby amended by inserting, between the existing definitions of "Bazaars" and "Boardinghouse," the following text/definitions into Section 93-1-2, Definitions, of Chapter 93, Zoning, of Article 1, Title, Definitions and Application of Regulations, to read as follows:

"*Billiards*. Any of the several games played on a table surrounded by an elastic ledge of cushions with balls which are impelled by a cue and shall include all forms of the game known as "carom billiards," "pocket billiards," and "English billiards."

Billiard Room. Any public place where a person is permitted to play the game of billiards and for which more than six (6) billiard tables are made available for use."

<u>Section Three.</u> The Code of Ordinances is hereby amended by inserting a new Section 93-2-21, into Chapter 93, Zoning, of Article 2, General Provisions, to read as follows:

"Sec. 93-2-21. – Billiard Rooms and Billiard Tables.

(a) Billiard Rooms, as defined in this Chapter, are prohibited in every zoning district of the City.

(b) No facility shall offer to the public more than one freestanding Billiard table, unless such Billiard tables are operated as permitted within this Chapter."

<u>Section Four.</u> The Code of Ordinances is hereby amended by deleting the existing text of Subsection (6) of Section 93-11.1-3, Nonpermitted Uses, of Article 11.1, V Zone (Village), of Chapter 93, Zoning, and inserting the following text in lieu thereof, to read as follows:

"(6) Reserved."

<u>Section Five.</u> The Code of Ordinances is hereby amended by deleting the existing text of Subsection (9) of Section 93-11.2-3, Permitted Uses, of Article 11.2, U-V Zone (Urban Village), of Chapter 93, Zoning, and inserting the following text in lieu thereof, to read as follows:

"(9) Restaurants, grills, cafes, taverns and similar eating and drinking establishments with a maximum size of 6,000 square feet, but excluding drive-in restaurants, fast food restaurants, or restaurants in which patrons are not served exclusively seated or standing at a counter. Such restaurants, grills, cafes, taverns and similar eating and drinking establishments shall be allowed to operate no more than six (6) billiard tables upon the premises."

<u>Section Six.</u> The Code of Ordinances is hereby amended by deleting the existing text of Subsection (6) of Section 93-11.2-4, Nonpermitted Uses, of Article 11.2, U-V Zone (Urban Village), of Chapter 93, Zoning, and inserting the following text in lieu thereof, to read as follows:

"(6) Reserved."

<u>Section Seven.</u> The Code of Ordinances is hereby amended by deleting the existing text of Subsection (6) of Section 93-11.5-3, Permitted Uses, of Article 11.5, RMU Zone (Residential Mixed Use), of Chapter 93, Zoning, and inserting the following text in lieu thereof, to read as follows:

"(9) Restaurants, grills, cafes, taverns, and similar eating and drinking establishments with a maximum size of 6,000 square feet. Such restaurants, grills, cafes, taverns, and similar eating and drinking establishments shall be allowed to operate no more than six (6) billiard tables upon the premises."

<u>Section Eight.</u> The Code of Ordinances is hereby amended by deleting the existing text of Subsection (25) of Section 93-13-3, Permitted Uses, of Article 13, C-1 Zone (Retail Commercial), of Chapter 93, Zoning, and inserting the following text in lieu thereof, to read as follows:

"(25) Restaurants, grills, cafes, taverns, and similar eating or drinking establishments, but not including drive-in restaurants. Such restaurants, grills, cafes, taverns, and similar eating or drinking establishments shall be allowed to operate no more than six (6) billiard tables upon the premises."

<u>Section Nine.</u> The Code of Ordinances is hereby amended by deleting the existing text of Subsection (36) of Section 93-14-3, Permitted Uses, of Article 14, C-2 (General Commercial), of Chapter 93, Zoning, and inserting the following text in lieu thereof, to read as follows:

"(36) Restaurants, grills, cafes, taverns, and similar eating and/or drinking establishments. Such restaurants, grills, cafes, taverns, and similar eating and/or drinking

establishments shall be allowed to operate no more than six (6) billiard tables upon the premises."

<u>Section Ten.</u> The Code of Ordinances is hereby amended by deleting the existing text of Subsection (7) of Section 93-18-2, Permitted Uses, of Article 18, B-P Zone (Business Park), of Chapter 93, Zoning, and inserting the following text in lieu thereof, to read as follows:

"(7) Restaurants, grills, cafes, taverns, and similar eating and drinking establishments, but not including drive-in restaurants, fast-food restaurants, restaurants in which patrons are served exclusively seated or standing at a counter. Such restaurants, grills, cafes, taverns, and similar eating and drinking establishments shall be allowed to operate no more than six (6) billiard tables upon the premises."

<u>Section Eleven.</u> The Code of Ordinances is hereby amended by deleting the existing text of Subsections (a)(7) and (b)(5) of Section 93-19-3, Uses; Permitted and Nonpermitted, of Article 19, D-D Zone (Downtown Development), of Chapter 93, Zoning, and inserting the following text in lieu thereof, to read as follows:

Subsection (a)(7):

"(7) Restaurants, grills, cafes, taverns and similar eating and drinking establishments, but not including drive-in restaurants, fast food restaurants, restaurants in which patrons are not served exclusively seated or standing at a counter. Such restaurants, grills, cafes, taverns, and similar eating and drinking establishments shall be allowed to operate no more than six (6) billiard tables upon the premises."

Subsection (b)(5):

"(5) Reserved."

Section Twelve. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section Thirteen. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section Fourteen. (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 Fifteen. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section Sixteen. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this _____ day of _____, 2016.

CITY OF HAPEVILLE, GEORGIA

_____

Alan H. Hallman, Mayor

ATTEST:

_____

Jennifer Elkins, City Clerk

APPROVED BY:

_____

Steven M. Fincher, City Attorney

STATE OF GEORGIA
CITY OF HAPEVILLE

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF HAPEVILLE, GEORGIA; TO AMEND ARTICLE 4 ("PROPERTY AND SANITARY TAXES") OF CHAPTER 17 ("FINANCE AND TAXATION") BY ADDING DIVISION 4, TO BE KNOWN AS THE HAPEVILLE BLIGHTED PROPERTY TAX ORDINANCE; TO PROVIDE SEVERABILITY; TO PROVIDE PENALTIES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing authority of the City of Hapeville, Georgia (the "City") is the Mayor and Council thereof;

WHEREAS, the existence of real property, which is maintained in a blighted condition, burdens the government by increasing the need for governmental services, including but not limited to social services, public safety services, and code enforcement services, and negatively impacts property values;

WHEREAS, in recognition of such service needs and to encourage redevelopment, Article IX, Section II, Paragraph VII(d) of the 1983 Constitution of the State of Georgia allows municipalities to establish community redevelopment tax incentive programs that increase taxes to properties maintained in a blighted condition and decrease taxation for a time when the respective property's blighted condition is removed;

WHEREAS, it is in the best interest of the City that this type of community redevelopment tax incentive program be established; and

WHEREAS, the City desires to amend its current tax regulations, codified in Chapter 17 of the City's Code of Ordinances, to specify ascertainable standards to be

applied in determining whether a property within its municipal limits is maintained in a blighted condition, to establish an official identification procedure for such property maintained in a blighted condition, to provide for an increase in ad valorem taxation on blighted property, and also to provide for a reduction in ad valorem taxation for such property where the blighted condition has been removed.

BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUCIL OF THE CITY HAPEVILLE, GEORGIA THAT:

Section One. The Code of Ordinances, City of Hapeville, Georgia is hereby amended by adding a new Division IV ("Blighted Property Tax") to Article 4 ("Property and Sanitary Taxes") of Chapter 17 ("Finance and Taxation"), which shall read as follows:

"DIVISION 4. – BLIGHTED PROPERTY TAX

Sec. 17-24-40. – Short Title.

This division shall be known as the "Hapeville Blighted Property Tax Ordinance."

Sec. 17-24-41. - Purpose.

The existence of real property which is maintained in a blighted condition increases the burden of the state and local government by increasing the need for government services, including but not limited to social services, public safety services, and code enforcement services. Rehabilitation of blighted property decreases this need for such government services.

In furtherance of its objective to eradicate conditions of slum and blight within the city, the mayor and council, in exercise of the powers granted to municipal corporation in Chapter 61, Urban Redevelopment, of Title 36 of the Official Code of Georgia Annotated, has designated those areas of the city where conditions of slum and blight are found or are likely to spread.

In recognition of the need for enhanced governmental services and in order to encourage private property owners to maintain their real property and the buildings, structures and improvement thereon in good condition and repair, and as an incentive to encourage community redevelopment, a community redevelopment tax incentive

program is hereby established as authorized by Article IX, Section II, Paragraph VII (d) of the 1983 Constitution of the State of Georgia.

Sec. 17-24-42. - Definitions.

The following words and phrases when used in this division shall have the meaning given to them in this section unless the context clearly indicates otherwise:

(a) Blighted property, blighted, or blight means any urbanized or developed property which:

(1) Presents one (1) or more of the following conditions:

a. Uninhabitable, unsafe, or abandoned structure;

b. Inadequate provisions for ventilation, light, air, or sanitation;

c. An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe respecting which the governor has declared a state of emergency under the state law or has certified the need for disaster assistance under federal law; provided, however, this provision shall not apply to property unless the relevant public agency has given notice in writing to the property owner regarding specific harm caused by the property and the owner has failed to take reasonable measures to remedy the harm;

d. A site identified by the federal Environmental Protection Agency as a superfund site pursuant to 42 U.S.C. Section 9601, et seq., or having environmental contamination to an extent that requires remedial investigation or a feasibility study;

e. Repeated illegal activity on the individual property of which the property owner knew or should have known; or

f. The maintenance of the property is below state, county, or municipal codes for at least three (3) months after written notice of the code violation to its owner;

g. Vacant commercial property where no visible commercial activity has occurred for at least three (3) months. For purposes of this subsection, evidence that the property has been gated or chained from public access for at least three (3) months or that there is an accumulation of weeds, trash, junk, filth, or other unsanitary or unsafe conditions exist in the interior or the exterior of the property and such conditions have existed for at least three (3) months establishes a rebuttable presumption that this subsection applies.

(2) Is conducive to ill health, transmission of disease, infant mortality, or crime in the immediate proximity of the property.

Property shall not be deemed blighted solely because of aesthetic conditions.

(b) Building inspector means a certified inspector possessing the requisite qualifications to determine minimal code compliance.

(c) Community redevelopment means any activity, project, or service necessary or incidental to achieving the redevelopment or revitalization of a redevelopment area or portion thereof designated for redevelopment through an urban redevelopment plan or through local ordinances relating to the repair, closing, and demolition of buildings and structures unfit for human habitation.

(d) Governing authority means the mayor and council of the City of Hapeville, a Georgia municipal corporation.

(e) Millage or millage rate means the levy, in mills, which is established by the governing authority for purposes of financing, in whole or in part, the levying jurisdiction's general fund expenses for the fiscal year.

(f) Person means such individual(s), partnership, corporations, business entities and associations which return real property for ad valorem taxation or who are chargeable by law for the taxes on the property.

(g) Public officer means the city manager or such officer or employee of the city as designated by the city manager to perform the duties and responsibilities hereafter set forth in this division.

Sec. 17-24-43. - Ad valorem tax increase on blighted property.

(a) There is hereby levied on all real property within the city which has been officially identified as maintained in a blighted condition an increased ad valorem tax by applying a factor of seven (7.0) to the millage rate applied to the property, so that such property shall be taxed at a higher millage rate generally applied in the municipality, or otherwise provided by general law.

(b) Such increased ad valorem tax shall be applied and reflected in the first tax bill rendered following official designation of a real property as blighted; provided however, if a property owner resolves the blighted condition of such owner's property to the city's satisfaction (in accordance with the provisions of section 17-24-46) at least sixty (60) days prior to the preparation of the first tax bill following such official designation of such real property as blighted, the property shall be eligible for the decrease of the tax rate as provided in section 17-24-47 in the first tax bill rendered following official designation of such real property as blighted.

(c) Revenues arising from the increased rate of ad valorem taxation shall, upon receipt, be segregated by the city manager and used only for community redevelopment purposes, as identified in an approved urban redevelopment program, including defraying the cost of the city's program to close, repair, or demolish unfit building and structures.

Sec. 17-24-44. – Identification of blighted property.

(a) In order for a parcel of real property to be officially designated as maintained in a blighted condition and subject to increased taxation, the following steps must be completed:

(1) An inspection must be performed on the parcel of property. In order for an inspection to be performed,

(A) A request may be made by the public officer or by at least five (5) residents (each living in a different household from the others) of the city for inspection of a parcel of property, said inspection to be based on the criteria as delineated in ordinance, or

(B) The public officer may cause a survey of existing housing conditions to be performed, or may refer to any such survey conducted or finalized within the previous five (5) years, to locate or identify any parcels which may be in a blighted condition and for which a full inspection should be conducted to determine if that parcel of property meets the criteria set out in this division for designation as being maintained in a blighted condition.

(2) A written inspection report on the findings for any parcel of property inspected pursuant to subsection (1) above shall be prepared and submitted to the public officer. Where feasible, photographs of the conditions found to exist on the property on the date of inspection shall be made and supplement the inspection report. Where compliance with minimum construction, housing, occupancy, fire and life safety codes in effect within the city are in question, the inspection shall be conducted by a certified inspector possessing the requisite qualifications to determine minimal code compliance.

(3) Following completion of the inspection report, the public officer shall make a determination, in writing, that the property is maintained in a blighted condition, as defined in this division, and is subject to increased taxation.

(4) The public officer shall cause a written notice of his determination that the real property at issue is being maintained in a blighted condition to be served upon the person(s) shown on the most recent tax digest of Fulton County as responsible for payment of ad valorem taxes assessed thereon; provided, however, where through the existence of reasonable diligence it becomes known to the public officer that real property has been sold or conveyed since publication of the most recent tax digest, written notice shall be given to the person(s) known or reasonably believed to then own the property or be chargeable with the payment of ad valorem taxes thereon, at the best address available. Service in the manner set forth at O.C.G.A. § 41-2-12 and a notice posted on the property shall constitute sufficient notice to the property's owner or person chargeable with the payment of ad valorem taxes for purpose of this section, except that posting of the notice on the property will not be required.

(b) The written notice given to the person(s) chargeable with the payment of ad valorem taxes shall notify such person of the public officer's determination the real property is being maintained in a blighted condition and shall advise such person of the hours and location at which the person may inspect and copy the public officer's determination and any supporting documentation. Persons notified that real property of which the person(s) is chargeable with the payment of ad valorem taxes shall have thirty (30) days from the receipt of notice in which to request a hearing before the city's municipal court. Written request for hearing shall be filed with the public officer and shall be date stamped upon receipt. Upon receipt of a request for hearing, the public officer shall notify the municipal court and the building inspector or person who performed the inspection and prepared the inspection report.

(c) Within thirty (30) days of the receipt of a request for hearing, the municipal court clerk shall set a date, time and location for the hearing and shall give at least ten (10) business days notice to the person(s) requesting the hearing, the public officer and the building inspector or person who performed the inspection and prepared the inspection report. Notice of scheduled hearings shall be published as a legal advertisement in the designated legal organ of the city, at least five (5) days prior to the hearing. Hearings may be continued by the municipal court judge upon request of any party, for good cause.

(d) At the hearing, the public officer shall have the burden of demonstrating by a preponderance of the evidence that the subject property is maintained in a blighted condition, as defined by this division. The municipal court judge shall cause a record of the evidence submitted at the hearing to be maintained. Upon hearing from the public officer and/or their witnesses and the person(s) requesting the hearing and/or their witnesses, the judge of municipal court shall make a determination either affirming or reversing the determination of the public officer. The determination shall be in writing and copies thereof shall be served on the parties by certified mail or statutory overnight delivery. The determination by the court shall be deemed final. A copy of such determination shall also be served upon the Tax Commissioner of Fulton County, who shall include the increased tax on the next regular tax bill rendered on behalf of the city.

(e) Persons aggrieved by the determination of the municipal court affirming the determination of the public officer may petition the Superior Court of Fulton County, as applicable, for a writ of certiorari within thirty (30) days of issuance of the municipal court's written determination.

Sec. 17-24-45. – Dwelling house occupied as a primary residence.

Real property on which there is situated a dwelling house which is being occupied as the primary residence of one (1) or more persons shall not be subject to official identification as maintained in a blighted condition under the provisions of section 17-24-44 and shall not be subject to increased ad valorem taxation under the provisions of section 17-24-43.

Sec. 17-24-46. - Remediation or redevelopment.

(a) A property owner or person(s) who is chargeable with the payment of ad valorem taxes on real property which has been officially designated pursuant to this division as property maintained in a blighted condition may petition the public officer to lift the designation, upon proof of compliance with the following:

(1) Completion of work required under a plan of remedial action or redevelopment approved by the city’s planning and development director which addresses the conditions of blight found to exist on or within the property, including compliance with all applicable minimum codes; or

(2) Completion of work required under a court order entered in a proceeding brought pursuant to the provisions in Chapter 54 of the Code of Ordinances, City of Hapeville, Georgia.

(b) Before action on a petition to lift the designation, the public officer shall cause the property to be thoroughly inspected by a building inspector who, by written inspection report, shall certify that all requisite work has been performed to applicable code in a workmanlike manner, in accordance with the specifications of the plan of remedial action or redevelopment, or applicable court order. Upon finding required work to be satisfactorily performed, the public officer shall issue a written determination that the real property is no longer maintained in a blighted condition. Copies of this determination shall be served upon the person(s) chargeable with the payment of ad valorem taxes, and upon the Tax Commissioner of Fulton County.

(c) All plans for remedial action or redevelopment shall be in writing, signed by the person(s) chargeable with the payment of ad valorem taxes on the real property and the director or contractor of the city's planning and zoning services, and contain the following:

(1) The plan shall be consistent with the city's comprehensive plan and all laws and ordinances governing the subject property, and shall conform to any urban redevelopment plan adopted for the area within which the property lies;

(2) The plan shall set forth in reasonable detail the requirements for repair, closure, demolition, or restoration of existing structures, in accordance with minimal statewide codes; where structures are demolished, the plan shall include provisions for debris removal, stabilization and landscaping of the property;

(3) On parcels of five (5) acres or greater, the plan shall address the relationship to local objectives respecting land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements;

(4) The plan shall contain verifiable funding sources which will be used to complete its requirements and show the feasibility thereof;

(5) The plan shall contain a timetable for completion of required work; and

(6) Any outstanding ad valorem taxes (state, school, county and city, including the increased tax pursuant to this division) and governmental liens due and payable on the property must be satisfied in full.

Sec. 17-24-47. - Decrease of tax rate.

(a) Real property which has had its designation as maintained in a blighted condition removed by the public officer shall be eligible for a decrease in the rate of city ad valorem taxation by applying a factor of 0.5 to the city millage rate applied to the property, so that such property shall be taxed at a lower millage rate than the millage rate generally applied in the municipality or otherwise provided by general law; such decreased rate of taxation shall be applied beginning with the next tax bill rendered following removal of official designation of a real property as blighted. The decreased rate of taxation may be given in successive years, depending on the amount of cost expended by the person(s) chargeable with payment of ad valorem taxes on the property to satisfy its remediation or redevelopment, with every twenty-five thousand dollars ($25,000.00) or portion thereof equaling one (1) year of tax

reduction; provided, however, that no property shall be entitled to reduction in city ad valorem taxes for more than four (4) successive years.

(b) In order to claim entitlement for a decreased rate of taxation, the person(s) chargeable with payment of ad valorem taxes on the property shall submit a notarized affidavit to the public officer, supported by receipts or other evidence of payment, of the amount expended.

Sec. 17-24-48 - Notice to tax commissioner.

It shall be the duty of the public officer to notify the Tax Commissioner of Fulton County in writing as to designation or removal of designation of a specific property as maintained in a blighted condition. Such notice shall identify the specific property by street address and tax map, block and parcel number, as assigned by the Fulton County Tax Assessor's Office. The public officer shall cooperate with the Tax Commissioner to assure accurate tax billing of those properties subject to increased or reduced ad valorem taxation under this division."

Section Two. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section Three. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section Four. (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 Five. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section Six. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this ____ day of _____, 2016.

CITY OF HAPEVILLE, GEORGIA:

_____

Alan Hallman, Mayor

ATTEST:

_____

Jennifer Elkins, City Clerk

APPROVED AS TO FORM:

_____

Steven Fincher, City Attorney

STATE OF GEORGIA

CITY OF HAPEVILLE

ORDINANCE NO.

AN ORDINANCE TO AMEND THE CHAPTER 93, ZONING, OF THE CODE OF ORDINANCES FOR THE CITY OF HAPEVILLE, GEORGIA; TO CREATE RESTRICTIONS ON THE ESTABLISHMENT OF EXTENDED-STAY HOTELS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Hapeville, Georgia (the "City") is the Mayor and Council thereof; and

WHEREAS, the Mayor and Council have, as a part of planning, zoning and growth management, been in review of the City's zoning ordinances and have been studying the City's best estimates and projections of the type of development which could be anticipated within the City; and

WHEREAS, the Mayor and Council therefore consider it paramount that land use regulation continue in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the citizens of the City. The Mayor and Council have always had a strong interest in growth management so as to promote the traditional police power goals of health, safety, morals, aesthetics and the general welfare of the community; and in particular the lessening of congestion on City streets, security of the public from crime and other dangers, promotion of health and general welfare of its citizens, protection of the aesthetic qualities of the City including access to air and light, and facilitation of the adequate provision of transportation and other public requirements; and

WHEREAS, it is the belief of the Mayor and Council that the concept of "public welfare" is broad and inclusive; that the values it represents are spiritual as well as physical, aesthetic as well as monetary; and that it is within the power of the City "to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled." Kelo v. City of New London, 545 U.S. 469 (2005); Berman v. Parker, 348 U.S. 26 (1954). It is also the opinion of the City that "general welfare" includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, making the most appropriate use of resources, preserving neighborhood characteristics, enhancing and protecting the economic well-being of the community, facilitating adequate provision of public services, and the preservation of the resources of the City; and

WHEREAS, the Mayor and Council are, and have been interested in, developing a cohesive and coherent policy regarding certain uses in the City, and have intended to promote community development through stability, predictability and balanced growth which will further the prosperity of the City as a whole; and

WHEREAS, the City has thoroughly researched standards regarding Extended-Stay Hotels; and

WHEREAS, the Mayor and Council find it desirable and in the interest of the health, safety, and welfare of the citizens of the City to amend certain provisions of the City's zoning ordinances regarding Extended-Stay Hotels.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAPEVILLE, GEORGIA, and by the authority thereof:

<u>Section 1.</u> That the City Code, Chapter 93, Zoning, Article I, Title, Definitions and Application of Regulations, Section 93-1-2, Definitions, is hereby amended by inserting new text between the terms and definitions of "Height" and "Junk" to read as follows:

"*Hotel.* A building designed for occupancy for a fee as the temporary abiding place of individuals who are lodged within.

Hotel, Extended-Stay. A building that otherwise meets the definition of hotel, but in which Cooking Facilities are included in more than twenty (20) percent of the total units. For the purposes of this section, "Cooking Facilities" shall mean a stove top burner, a hotplate that does not serve as an integral part of an appliance designed solely to produce coffee; a conventional oven; a convection oven; a grill; a hibachi; or any oven producing heat using resistance heating elements or infrared heating sources. All Extended-Stay Hotels must comply with the provisions of Section 93-2-22."

<u>Section 2.</u> That the City Code, Chapter 93, Zoning, Article I, Title, Definitions and Application of Regulations, Section 93-1-2, Definitions, is hereby amended by inserting new text between the terms and definitions of "Antique Shop" and "Basement" to read as follows:

"Apartment. A dwelling unit that is physically attached to at least two (2) other dwelling units, either directly or through an intervening unit, and that does not constitute a condominium."

<u>Section 3.</u> That the City Code, Chapter 93, Zoning, Article 2, General Provisions, is hereby amended by inserting new text as Section 93-2-22 to read as follows:

"Sec. 93-2-22. – Extended-Stay Hotels.

(a) Standards.

(1) The minimum number of guest rooms shall be one hundred fifty (150).

(2) The minimum floor area of a one bedroom guest room shall be four hundred eighty (480) square feet, a minimum floor area of seven hundred thirty (730) square feet for a two (2)

bedroom guest room, and not less than an additional one hundred fifty (150) square feet of floor area for each additional bedroom.

(3) No minimum lot size shall be required.

(4) Access shall be by means of a single, main entrance within view of a registration desk that is staffed at all times.

(5) Access to guest rooms shall be via an interior corridor, only, with guest room doors opening only onto such corridors. No guest room shall be accessible from the exterior of the building. Access to individual guest rooms shall be by magnetic card access or as otherwise required by fire or life safety regulations.

(6) A manager and a minimum of one (1) additional employee shall be on duty at all times.

(7) The minimum number of floors allowed shall be four (4).

(8) A minimum lighting intensity of two and one half (2.5) foot-candles shall be maintained in all vehicle use and all pedestrian areas. A minimum lighting intensity of five (5.0) foot-candles shall be maintained at each entrance and exit.

(9) Extended-Stay Hotels may have a flat or sloped roof, provided the minimum roof pitch shall be a six-to-twelve ratio (6:12), as appropriate.

(10) All construction shall be subject to all provisions of the 2012 International Building Code and shall also comply with all Fire and Life Safety Codes applicable on the date of the application for building permits.

(11) All construction shall comply with the Architectural Design Standards that allow brick, concrete stucco, stone and wood. In addition, glass in combination with metal and approved synthetic finishes complying with the “Dryvit” standards acceptable to the City shall be allowed.

(12) Room furnishings shall be subject to inspection by the City Police Chief who shall evaluate the furnishings for “wear and tear” on a seven (7)-year cycle and shall be authorized to require replacement of any furnishings deemed to be in disrepair or otherwise in need of replacement.

(13) Extended-Stay Hotels shall not be the primary residence of any guest and shall not qualify the children of any guest for registration in any K-12 educational institution.

(14) Provisions for guest room cleaning on a minimum schedule of once weekly shall be established.

(15) All guest rooms shall be protected with a smoke detector and sprinkler system approved by the City Fire Department.

(16) All guest rooms shall provide an automatic power shut off timer for each stove top unit or other type burner.

(17) No outside storage, long term parking of heavy equipment, nor parking of construction or related equipment shall be permitted.

(18) No guest room permitted under this section shall be converted to or used as an apartment or condominium.

(19) Any pay phone on the premises shall only be located in the interior of the building.

(20) Extended-Stay Hotels shall feature a minimum of two (2) of the following amenities:

a. Health or fitness club.

b. Swimming pool.

c. A minimum of two (2) meeting rooms.

(21) All Extended-Stay Hotels shall serve a continental breakfast daily.

(22) Guest room amenities shall include each of the following:

a. Granite counter tops
b. Dark wood tables and night stands
c. Forty two (42)-inch or larger flat screen televisions
d. Wi-Fi connections and in-room work stations
e. On-site upscale coin laundry facilities with high efficiency machines
f. Breakfast/Coffee Bar
g. Upscale Security Gates (black wrought iron)
h. Premium fixtures and furnishings
i. Queen Size bed standard in double rooms
j. King Size bed standard in single rooms
k. Upscale Lighting
l. Upscale shampoos and soaps
m. Upscale bedding and towels"

<u>Section 4.</u> That the City Code, Chapter 93, Zoning, Article 14, C-2 (General Commercial), is hereby amended by deleting the existing text of Subsection 24 of Section 93-14-3, Permitted Uses, and inserting new text in lieu thereof to read as follows:

"(24) Hotels and motels, including Extended-Stay Hotels, subject to the provisions of Section 93-2-22; provided, however, that any unit for occupancy which includes cooking facilities shall have a total floor area of not less than 480 square feet for an efficiency or one bedroom unit; a total floor area of not less than 730 square feet for a two bedroom unit, and not less than an additional 150 square feet of floor area for each additional bedroom; and provided further that all proposed hotel and motel developments shall be subject to the site plan review requirements of section 93-2-16."

<u>Section 5.</u> That the City Code, Chapter 93, Zoning, Article 11.5, RMU Zone (Residential Mixed Use), is hereby amended by deleting the existing text of Subsection 17 of Section 93-11.5-3, Permitted uses, and inserting new text in lieu thereof to read as follows:

"(17) Hotels, as defined in Section 93-11.5-2 above; and Extended-Stay Hotels, as defined in Section 93-1-2, and subject to the provisions of Section 93-2-22."

<u>Section 6.</u> That the City Code, Chapter 93, Zoning, Article 11.2, U-V Zone (Urban Village), is hereby amended by deleting the existing text of Subsections 16 and 17 of Section 93-11.2-3, Permitted uses, and inserting new text in lieu thereof to read as follows:

"(16) Hotels.

(17) Extended-Stay Hotels, subject to the provisions of Section 93-2-22."

<u>Section 7.</u> That the City Code, Chapter 93, Zoning, Article 11.2, U-V Zone (Urban Village), is hereby amended by deleting the existing text of Subsection 24 of Section 93-11.2-4, Nonpermitted uses, and inserting new text in lieu thereof to read as follows:

"(24) Reserved."

<u>Section 8.</u> That the City Code, Chapter 93, Zoning, Article 11.2, U-V Zone (Urban Village), is hereby amended by deleting the existing text of Subsection 3 of Section 93-11.2-5, Conditional uses, and inserting new text in lieu thereof to read as follows:

"(3) Reserved;"

<u>Section 9.</u> That the City Code, Chapter 93, Zoning, Article 12, C-R Zone (Commercial-Residential), is hereby amended by deleting the existing text of Subsections (b)(11) and (b)(12) of Section 93-12-2, Permitted uses, and inserting new text in lieu thereof to read as follows:

"(11) Reserved.

(12) Reserved."

<u>Section 10.</u> (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 11. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 12. Penalties in effect for violations of the Zoning Ordinance of the City of Hapeville at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 13. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

ORDAINED this ____ day of _____, 2016.

CITY OF HAPEVILLE, GEORGIA

_____

ALAN HALLMAN, Mayor

ATTEST:

_____

JENNIFER ELKINS, City Clerk

APPROVED AS TO FORM:

_____

STEVE FINCHER, City Attorney

Jennifer Elkins

From: William Whitson
Sent: Friday, February 12, 2016 10:08 AM
To: Steve Fincher
Cc: Mayor and Council; Jennifer Elkins
Subject: RE:

Thank you Steve.....I will let our Council know. This will be on the Agenda for discussion on 02-16-16

Thanks!

W W

From: Steve Fincher [redacted]
Sent: Thursday, February 11, 2016 2:03 PM
To: William Whitson
Subject:

William,

The Mayor and Council have asked me to propose a flat fee to rewrite the alcoholic beverage code. This is a little outside of my normal paradigm, and I really hate to get into the practice of negotiating my fee with the client on each individual discrete matter. As you know, sometimes simple matters can turn complex, and complex matters can have simple solutions; and when you add in the group dynamics of a five-member Board, who answer to a broad range of different constituencies, we can rarely foresee what the ultimate outcome can be.

With that in mind, I propose that I present to the Mayor and Council a modern, streamlined and flexible alcoholic beverage code, while at the same time preserving those things we have worked on the last 2 years. As discussed, the further way we get from that, likely as a result of requests from council members or their constituencies, the more work we will likely have to perform.

So, I propose the following:

If adopted in 60 days $10,000 from notice to proceed.

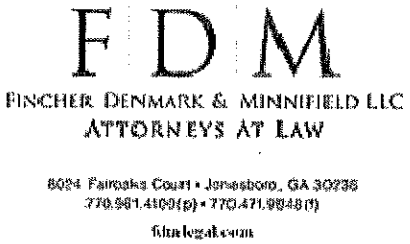
If adopted in 90 days $13,000 from notice to proceed.

If adopted in 120 days $16,000 from notice to proceed.

After that, I suggest we go back to the hourly rate for any work after that point, because we may still be talking about major stuff, or minor stuff, who knows?

As always I appreciate the confidence you have placed on our firm, and look forward to serving the City to the best of our abilities.

STEVE FINCHER



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