

Mayor and Council

700 Doug Davis Drive
Hapeville, GA 30354

March 1, 2016

Agenda

7:00PM

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. Pledge Of Allegiance

5. Invocation

6. Presentations

6.I. Years Of Service

6.II. Public Safety Recognitions

6.III. Ladder Truck Presentation

Documents: [FIRE APPARATUS PRESENTATION.PDF](#)

7. Approval Of Minutes

- February 2, 2016
- February 16, 2016

8. Public Hearing

8.I. Consideration And Action On Ordinance 2016-03 Billiard Ordinance.

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. First reading was on February 16, 2016. For additional questions, please contact the City Manager.

Staff Comment

Public Comment

Mayor and Council Comment

Documents: [BILLIARD ROOM ORDINANCE.PDF](#)

8.II. Consideration And Action On Ordinance 2016-05 Extended Stay Hotels

Background:

In 2015 Council passed a moratorium on the development of Extended Stay Hotels in the City. The moratorium was for the purpose of clarifying rules and standards for new development of extended stay hotel projects. First reading was held on February 16, 2016 on the new rules. After receiving public comment, staff has modified the ordinance to take into account the comments made at first reading. The major changes made were to have a minimum size of at least 100 rooms, a minimum standard of 400 sq. feet per room and upgrade the requirement's for amenities provided to include hot breakfast and larger screen TV's in each room.

Staff is satisfied that all zoning allowances have been considered and that little to no impacts will occur to neighborhoods in the City. We recommend approval.

Should you have any additional questions, please feel free to contact the City Manager or City Planner.

Staff Comment
Public Comment
Mayor and Council Comment

Documents: [HAPEVILLE EXTENDED STAY COMPARISON CHART VERSION 3.PDF](#), [EXTENDED STAY HOTELS ORDINANCE.PDF](#)

9. 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.

10. Old Business

10.I. Consideration And Action On Ordinance 2016-04 Blighted Property Tax

Background

Council considered and passed this Ordinance at first reading on February 16, 2016. There was little if no public comment made. Staff is prepared to answer any additional questions you may have on this policy/ordinance.

Documents: [2016-04 FINAL BLIGHTED PROPERTY TAX ORDINANCE.PDF](#)

10.II. Discussion Of Alcohol Ordinance

Background:

Council directed staff at the meeting of February 16, 2016 to bring forward some ideas/options for "temporary" relief corrections in the City Alcohol Code. Specifically, such provisions were for addressing concerns being raised by businesses operating closely with the new microbrewery. This is needed quickly due to rapid changes in the microbrewery and beer growler industry. The temporary relief provisions are to be considered for addressing changing market conditions while Council further considers more comprehensive changes/corrections to the City's overall Alcohol Code.

11. New Business

11.I. Consideration And Action To Use Noncompetitive Bid Negotiation In The Selection And Purchasing Of A Ladder Truck For The Fire Department.

Background

The City Council created a Special District to fund the purchase of a ladder truck in 2015. The 1 mill levy within the District has generated approx. \$90,000. The special district applies to all structures over 4 stories tall in the City.

Mindful of the budget limitations; staff has initiated an effort to secure a vehicle that can meet the needs of the City without exceeding the limits of the budget. We have now concluded that process and would like to brief the Council on our efforts to secure the new equipment without exceeding our annual budget allocation. Due to the age and general operating condition of our existing ladder truck staff is requesting direction from Council. A plan has now been developed in order to move forward. Staff would like to brief Council on that plan and receive authorization to:

- 1) Waive formal written bid procedures in favor of the comprehensive competitive negotiations just completed with four (4) vendors.
- 2) Finalize the proposed contracts and process the needed budget amendment to proceed ahead with a lease purchase agreement with the best overall proposal for the City. Staff proposes this be placed on the next Council agenda- March 15, 2016.
- 3) Dispose of the existing ladder truck and utilize funds from the sale to upgrade the fleet inventory in a manner that will assist the City in providing improved emergency response services.

A PowerPoint presentation is attached for your information.

For any questions related to this issue, please feel free to contact the City Manager or Chief Morris.

11.II. Consideration And Action On Resolution 2016-02 Statutory Development Authority

Background:

The City of Hapeville has need for a second Development Authority (DA) mechanism to assist in various aspects of ongoing economic development efforts here in the City. The need for the new statutory DA is triggered by the desire for additional statutory authorities and operating flexibility provided under provisions of Georgia law. Creation of the new DA will provide a critically needed tool with the statutory authority and tools necessary to achieve the City's economic development goals and objectives.

To create the new statutory authority the Council will need to appoint seven (7) members. In addition, once the new Authority is created the City Council will be requested to create various intergovernmental agreements by and between the DA's and City to clarify roles and better define operating responsibilities.

For any additional questions, please contact the City Manager or City Attorney.

Documents: [PROOFED DEVELOPMENT AUTHORITY RESOLUTION.PDF](#)

11.III. Discussion And Consideration Of IT Purchases

Background:

As you know, the City has secured a new IT technology contractor (Liberty Technology). Liberty has done a complete review of our IT equipment and is preparing a five (5) year technology improvement plan. At this time, there are approx. 16 PC's

that are on our critical fail list. This equipment must be replaced immediately or it will fail at any time.

The City has 2-3 options in addressing this need. We can outright purchase all the equipment per the specifications provided by Liberty at an estimated cost of \$13,398 or we can lease purchase this equipment through CISCO. The estimated cost for a three year lease/purchase is \$500.00 per month and \$715.00 per month for a two year lease purchase.

Staff recommends a three (3) year lease purchase for now; because it aligns with the manufacture's warranty. In addition, we also recommend this approach as it lowers our cash outlay for now and establishes our program for additional IT needs that must be addressed in the next two years as other IT equipment will also need to be purchased as well.

The City Manager and/or Mayor will need authorization to sign the appropriate lease/purchase documents. Should you have any questions, please feel free to contact the City Manager.

Documents: [LIBERTY TECH QUOTE.PDF](#)

12. Public Comments

At this time, the Chairperson opens the floor to comments from the audience. Comments should relate to a specific agenda item, not listed on the agenda for a Public Hearing, or to a concern within the jurisdiction of the City. Mayor and Council meetings serve the purpose of conducting city business and are not a forum for the unlimited expression of opinion. The Chairperson reserves the right to limit comments to matters germane to city business and may refer speakers to the City Manager or other staff for resolution.

13. Mayor And Council Comments

14. Executive Session

- Personnel Matters

15. Board Appointments

- Development Authority of the City of Hapeville

16. 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.



2016 Aerial Apparatus Purchase

By: Larry Richardson B.A.S., NREMT-P
Emergency Management Coordinator/ Firefighter/ Paramedic



Objectives



- ⊗ NFPA Requirements
- ⊗ Current Apparatus in Fleet
- ⊗ Maintenance Cost for current Aerial
- ⊗ Aerial Apparatus Options
- ⊗ Cost / Financing
- ⊗ Summary
- ⊗ Recommendations
- ⊗ Looking Ahead



NATIONAL FIRE PROTECTION ASSOCIATION

The leading information and knowledge resource on fire, electrical and related hazards

This standard defines the requirements for new automotive fire apparatus and trailers designed to be used under emergency conditions to transport personnel and equipment and to support the suppression of fires and mitigation of other hazardous situations.

- Aerial apparatus should be taken out of front line service after 15 years
- Fire engine / Pumper apparatus should be taken out of front line service after 10 years
- Front line ambulances should be rotated from front line service after 5 years



Current Fleet



- Ladder 1- 1986 Sutphen Aerial Ladder
- Engine 1 - 2011 KME Fire Engine
- Engine 2 - 1997 Ferrara Fire Engine
- Engine 3 - 1991 E-ONE Fire Engine
- Med 1- 2010 Chevrolet Ambulance
- Med 2- 2003 Freightliner Ambulance
- Rope Rescue- 1995 International



Ladder 1



- 30 Years old.
- 15 years past NFPA recommendations
- Open Cab
- Does not meet current NFPA requirements!
- Safety Concerns with hydraulic system
- Parts are difficult to find and expensive to maintain. Some parts have to be machined.



LADDER 1





Maintenance Cost for Ladder 1



2007	\$ 38,436.00
2008	\$ 3782.34
2009	\$ 43,873.60
2010	\$ 12,447.90
2011	\$ 16,129.52
2012	\$ 823.00
2013	\$ 13,385.00
2014	\$ 8921.00
2015	\$ 2797.00
Total Cost:	\$ 140,505.36

1/3 Cost of a New Engine Pumper



Search & Evaluation Criteria



1. Can this truck serve the citizens of Hapeville as an effective fire suppression apparatus? **YES!**
2. Does this truck have the latest safety features for Hapeville Fire personnel? **YES!**
3. Does this truck meet or exceed our ISO requirements? **YES!**
4. Can this apparatus serve as a front line suppression unit should our aging front line engine be rendered out of service? **YES!**
5. Can this apparatus fit in our station bay and can it maneuver through the city? **YES!**



Search & Evaluation Criteria Cont.



6. Can this apparatus be used to combine the purpose of dual use response vehicles? **YES!**
7. Does this apparatus have to have special licensed personnel to operate? **NO!**
8. Does the apparatus fit within the proposed budget? **YES!**
9. Is the unit reliable/good condition and will future maintenance cost be decreased from current levels? **YES!**
10. Does the apparatus manufacturer have mobile maintenance capabilities to limit down time? **YES!**

Aerial Options Evaluated

- New E-one 95' Mid Mount Aerial Platform
- New Sutphen 95' Mid Mount Aerial Platform
- New Pierce 95' Mid Mount Aerial Platform
- New Ferrara 100' Mid Mount Aerial Platform





REV GROUP

- Mid Mount 95' Aerial Platform
- Aluminum Ladder
- 2000gpm Water Pump
- 4 Fly Ladder Sections
- Meets all NFPA Recommendations
- Lighter weight than most competitors
- Less Fuel consumption
- Less Tire Wear
- Less Maintenance cost- "Dogbone"
- Available Right Now!!



REV GROUP



07/28/2015



REV GROUP



07/28/2015



PERFORM LIKE NO OTHER:

- Pierce 95' Mid Mount Aerial Platform
- 5 Section Steel Ladder
- Heavier than Eone and Sutphen
- More Tire Wear, More Fuel Cost
- More Maintenance Cost, "Dogbone"
- No Demo Available
- Build out time 11-12 months
- The Cadillac of Apparatus
Manufacturers



PERFORM LIKE NO OTHER.



FERRARA

- Ferrara 95' Mid Mount Aerial Platform
- 5 Section Steel Ladder
- Heavier than Eone and Sutphen
- More Tire Wear, More Fuel Cost
- More Maintenance Cost , “Dogbone”
- Demo Available that can be customized
(In Final Production)
- Ready for service in June
- Trusted by FDNY, replacing entire aerial fleet w/ Ferrara.

FERRARA

100' Mid Mount Platform



FERRARA





- Mid Mount 95' Aerial Platform
- Aluminum Box Construction Ladder
- 2000gpm Water Pump
- 4 Fly Ladder Sections
- Meets all NFPA Recommendations
- Lighter weight than most competitors
- Less Fuel consumption
- Less Tire Wear
- Less Maintenance cost- “Dogbone”
- Large Foot Print when operating
- Available Right Now!!





This is the actual Aerial apparatus and is ready immediately!



COST FINANCE



Total cost includes

1. Two (2) permanent shelves
2. Two (2) adjustable shelves with tracking
3. Two (2) floor mounted 500 lb. roll out trays
4. Two (2) slide out, adjustable tool boards
5. Three (3) Smart dock air pack mounting brackets
6. Remove rear bench seat and add a large medical compartment
With roll up door, 2 adjustable shelves and stripe light
7. Aerial sign plates and cab door lettering
8. 129' ground ladders, seven (7) pike poles and one (1) pick

head axe

Total Cost: \$1,010,796.00

Annual Payment for 15 years: \$87,388.42 at 3.10%

3/15/16 "or" \$88,194.77 at 3.10% beginning 7/1/2016



Cost Finance



Total cost includes

1. Permanent shelves
2. Adjustable shelves with tracking
3. Floor mounted 500 lb. roll out trays
4. Slide out, adjustable tool boards
5. Smart dock air pack mounting brackets
6. Aerial sign plates and cab door lettering
7. 129' ground ladders, seven pike poles and pick head axe

Total Cost : \$1,148,212.00

Finance 10 years- Annual Payment \$127,625.03

Finance 15 years- Annual Payment \$94, 675.27



Cadillac

First not due till after one year of lease commencement.



Cost Finance

Total cost includes:

Aerial Platform Apparatus

Pike poles

Ground Ladders

Shelves / EMS Cabinet

Roll Out Equipment doors

Total Cost: \$1,048,652.00 price is currently being negotiated.

Term: 10 years 12 years 15years

Payments: \$119,394.89 \$106,885.26 \$90,285.19

Apr: 2.69% 3.53% 3.63%

New York Fire Dept. is replacing their entire aerial fleet with Ferrara.



Cost Finance

Total cost includes:

1. Permanent shelves
2. Adjustable shelves with tracking
3. Floor mounted 500 lb. roll out trays
4. Slide out, adjustable tool boards
5. Smart dock air pack mounting brackets
6. Aerial sign plates and cab door lettering
7. 129' ground ladders, s pike poles and one pick head axe

Total Cost: \$1,081,000

Finance: \$94,729.47

3.63% for 15 years first payment February 2017



Summary



All manufacturers were given the same search and evaluation criteria.

1. All of these apparatus meet the needs of the city of Hapeville.
2. All of these apparatus are close in price as well as financing terms.
3. The Sutphen truck is available immediately. It is 4,000 above yearly budget but has proven history of longevity.



Summary Continued



4. Pierce is the most expensive of this research and is approximately one year from delivery.
5. E-One is the least expensive. We have laid hands on the very truck we would purchase as it is a demo. E-One is within our budget and meets all of our needs.
6. Ferrara is the next least. Ferrara truck will not be available till July and may be slightly above proposed budget.



Recommendation



After careful research, it is the recommendation of myself, the Fire Chief and City Manager for the Hapeville City Council to vote in favor of the purchase of a new 95' E-ONE Aerial Apparatus.

This apparatus meets all of the search criteria formed by myself and the Fire Chief and comes in \$1,805.23 under annual proposed budget.

There are miscellaneous items that will need to be purchased such as transfer of radio communication equipment, assorted hand tools with associated brackets. These items will be purchased through current Fire Department budget and will not be included in the finance cost.



Recommendation Continued



As part of the 2016 Hazard Mitigation Plan, we have created a critical “Needs Assessment” to bolster the response capabilities of the Fire Department and to reduce liability to the City. These “Needs” are essential items needed to protect the citizens of Hapeville in the time of an emergency be it from a natural, man-made, or technological disaster.

Examples of these items are portable light towers, rescue cribbing, HAZMAT decon systems, portable fans/heaters and other items that would sustain our community for 72-96 hrs.



Recommendation Cont...3



We recommend selling the 1986 Sutphen Ladder and the 1995 International truck to the highest bidder. We then utilize that money and retrofit the Black Ford F-150 Pick up with a roll out bed, camper shell, trailer hitch, and more emergency lighting. We will also purchase a 16' BIG TEX enclosed trailer to house HAZMAT equipment and other disaster response items. We can then use this truck as an Incident Command Vehicle and as the tow vehicle for the trailer should we need to respond to an incident. It will be a functional Incident Command Vehicle for Fire Department shift supervisors.



Next Steps?



Council should waive formal sealed bidding requirements per City Code 17-3-24

A budget amendment should be prepared and adopted to move the special tax district money to a line item to pay yearly payment for the purchased Aerial Apparatus.

Delivery date has to be arranged and contracts be awarded and signed. Recommend Council Action at 03-15-16 meeting.

Ladder 1 and Rope 1 have to be made ready for sale and disposed of per the previous recommendations.



Looking Ahead



Engine 2 is a 1997 Ferrara Pumper. It is 9 years past the federal recommendations by NFPA 1901. Engine 2 is a front line vehicle and is escalating in maintenance cost.





Looking Ahead



Engine 3 is a 1991 E-ONE rear engine pumper. It is 15 years past the federal recommendations by NFPA 1901. Engine 3 is a reserve apparatus utilized during maintenance or out of service front line apparatus.





? QUESTIONS ?



Thank you for your time!

Contact Info:
Fire Chief, Tommy Morris or

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City of Hapeville Fire Dept.
3468 North Fulton Ave.
Hapeville, Georgia 30354
Email: lrichardson@hapeville.org
Cell: 770-718-7667



1 **STATE OF GEORGIA**

2
3 **CITY OF HAPEVILLE**

4
5 **ORDINANCE NO.** _____

6
7 AN ORDINANCE TO REPEAL CHAPTER 11, BUSINESS REGULATION, OF
8 ARTICLE V, BILLIARD ROOMS, OF THE CODE OF ORDINANCES OF THE CITY OF
9 HAPEVILLE; TO AMEND CHAPTER 93, ZONING, OF THE CODE OF ORDINANCES OF
10 THE CITY OF HAPEVILLE, GEORGIA TO INCLUDE A DEFINITION OF AND
11 REGULATE THE LOCATION OF BILLIARD ROOMS THROUGHOUT THE CITY; TO
12 ALLOW RESTAURANTS TO OPERATE UP TO SIX BILLIARD TABLES; TO PROVIDE
13 FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN
14 ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR
15 OTHER LAWFUL PURPOSES.

16 **WHEREAS**, the duly elected governing authority of the City of Hapeville, Georgia
17 (hereinafter the “City”) is the Mayor and Council thereof; and

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

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

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

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

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

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

47 **WHEREAS**, the governing authority of the City has determined, after careful
48 consideration, that the City’s definition of “Billiard Room” and provisions of the Zoning Code
49 regarding the locations of Billiard Rooms and should be amended; and

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

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

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

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

61 “8. Reserved.”

62
63 **Section Two.** The Code of Ordinances is hereby amended by inserting, between the
64 existing definitions of “Bazaars” and “Boardinghouse,” the following text/definitions into
65 Section 93-1-2, Definitions, of Chapter 93, Zoning, of Article 1, Title, Definitions and
66 Application of Regulations, to read as follows:

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

70
71 “*Billiard Room.* Any public place where a person is permitted to play the game
72 of billiards and for which more than six (6) billiard tables are made available for use.”

73
74 **Section Three.** The Code of Ordinances is hereby amended by inserting a new
75 Section 93-2-21, into Chapter 93, Zoning, of Article 2, General Provisions, to read as
76 follows:

77 “Sec. 93-2-21. – Billiard Rooms and Billiard Tables.

- 78
79 (a) Billiard Rooms, as defined in this Chapter, are prohibited in every zoning district of the
80 City.
81 (b) No facility shall offer to the public more than one freestanding Billiard table, unless such
82 Billiard tables are operated as permitted within this Chapter.”
83

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

88 “(6) Reserved.”

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

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

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

102 “(6) Reserved.”

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

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

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

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

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

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

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

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

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

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

140 **Subsection (a)(7):**

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

146 **Subsection (b)(5):**

147 “(5) Reserved.”

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

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

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

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

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

170 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
171 enforceable, and of full force and effect.

172 **Section Fifteen.** All ordinances and parts of ordinances in conflict herewith are hereby
173 expressly repealed.

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

176 **ORDAINED** this _____ day of _____, 2016.

177

178

CITY OF HAPEVILLE, GEORGIA

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Alan H. Hallman, Mayor

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ATTEST:

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Jennifer Elkins, City Clerk

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APPROVED BY:

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Steven M. Fincher, City Attorney

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EXTENDED-STAY HOTEL ORDINANCE

<u>Issue/Provision</u>	<u>Current Hapeville Code</u>	<u>Proposed changes (per 2/16/16 recommendations of Mayor and Council)</u>
<p>Chapter 93, Zoning, Article 1, Title, Definition and Application of Regulations, Section 93-1-2, Definitions</p>	<p>Definition did not exist</p>	<p><i>Hotel, Extended-Stay.</i> 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 Chapter, "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. Microwaves and coffee makers shall not be considered Cooking Facilities. All Extended-Stay Hotels must comply with the provisions of Section 93-2-22.</p>
<p>Chapter 93, Zoning, Article 2, General Provisions</p>	<p>Did not exist</p>	<p>Sec. 93-2-22. – Extended-Stay Hotels. (a) Standards. (1) The minimum number of guest rooms shall be one hundred (100). (2) The minimum floor area of a one bedroom guest room shall be four hundred eighty four hundred (400) square feet, a minimum floor area of six hundred seven hundred thirty seven hundred (600) 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</p>

<u>Issue/Provision</u>	<u>Current Hapeville Code</u>	<u>Proposed changes (per 2/16/16 recommendations of Mayor and Council)</u>
		<p>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.</p> <p>(6) A manager and a minimum of one (1) additional employee shall be on duty at all times.</p> <p>(7) The minimum number of floors allowed shall be four (4).</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>

<u>Issue/Provision</u>	<u>Current Hapeville Code</u>	<u>Proposed changes (per 2/16/16 recommendations of Mayor and Council)</u>
		<p>(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.</p> <p>(14) Provisions for guest room cleaning on a minimum schedule of once weekly shall be established.</p> <p>(15) All guest rooms shall be protected with a smoke detector and sprinkler system approved by the City Fire Department.</p> <p>(16) All guest rooms shall provide an automatic power shut off timer for each stove top unit or other type burner.</p> <p>(17) No outside storage, long term parking of heavy equipment, nor parking of construction or related equipment shall be permitted.</p> <p>(18) No guest room permitted under this section shall be converted to or used as an apartment or condominium.</p> <p>(19) Any pay phone on the premises shall only be located in the interior of the building.</p> <p>(20) Extended-Stay Hotels shall feature a minimum of two (2) of the following amenities:</p> <ol style="list-style-type: none"> a. Health or fitness club. b. Swimming pool. c. A minimum of two (2) meeting rooms. <p>(21) All Extended-Stay Hotels shall serve a continental hot breakfast daily.</p> <p>(22) Guest room amenities shall include each of the following:</p> <ol style="list-style-type: none"> a. Granite counter tops b. Dark wood tables and night stands c. Forty two seven (42) (47)-inch or larger flat screen televisions d. Wi-Fi connections and in-room work stations

<u>Issue/Provision</u>	<u>Current Hapeville Code</u>	<u>Proposed changes (per 2/16/16 recommendations of Mayor and Council)</u>
		<ul style="list-style-type: none"> 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
<p>Chapter 93, Zoning, Article 14, C-2 (General Commercial), Section 93-14-3, Permitted Uses</p>	<p>(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.</p>	<p>(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 730 600 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.</p>
<p>Chapter 93, Zoning, Article 11.5, RMU Zone (Residential Mixed Use), Section 93-11.5-2, Definitions</p>	<p>(d) Any guest room that 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. Microwaves and coffee makers shall not be considered 'cooking facilities.</p>	<p>(d) Any guest room that 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 730 600 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. Microwaves and coffee makers shall not be considered cooking facilities.</p>

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:

Section 1. 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 Chapter, "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. Microwaves and coffee makers shall not be considered Cooking Facilities. All Extended-Stay Hotels must comply with the provisions of Section 93-2-22.”

Section 2. 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.”

Section 3. 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 (100).
- (2) The minimum floor area of a one bedroom guest room shall be four hundred (400) square feet, a minimum floor area of six hundred (600) 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 hot 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 seven (47)-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”

Section 4. 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 400 square feet for an efficiency or one bedroom unit; a total floor area of not less than 600 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.”

Section 5. 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.”

Section 6. 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 d under the definition of “Hotel” in Section 93-11.5-2, Definitions, and inserting new text in lieu thereof to read as follows:

“(d) Any guest room that includes Cooking Facilities shall have a total floor area of not less than 400 square feet for an efficiency or one bedroom unit; a total floor area of not less than 600 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. Microwaves and coffee makers shall not be considered Cooking Facilities.”

Section 7. 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.”

Section 8. 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.”

Section 9. 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;”

Section 10. 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.”

Section 11. (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 12. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 13. 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 14. 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

1 **STATE OF GEORGIA**
2 **CITY OF HAPEVILLE**

3
4 **ORDINANCE NO.** _____
5

6 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY
7 OF HAPEVILLE, GEORGIA; TO AMEND ARTICLE 4 (“PROPERTY AND
8 SANITARY TAXES”) OF CHAPTER 17 (“FINANCE AND TAXATION”) BY
9 ADDING DIVISION 4, TO BE KNOWN AS THE HAPEVILLE BLIGHTED
10 PROPERTY TAX ORDINANCE; TO PROVIDE SEVERABILITY; TO PROVIDE
11 PENALTIES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO
12 PROVIDE FOR ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR
13 CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.
14

15 **WHEREAS**, the duly elected governing authority of the City of Hapeville,
16 Georgia (the “City”) is the Mayor and Council thereof;

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

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

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

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

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

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

38
39 **Section One.** The Code of Ordinances, City of Hapeville, Georgia is hereby
40 amended by adding a new Division IV (“Blighted Property Tax”) to Article 4 (“Property
41 and Sanitary Taxes”) of Chapter 17 (“Finance and Taxation”), which shall read as
42 follows:

43
44 “DIVISION 4. – BLIGHTED PROPERTY TAX

45 Sec. 17-24-40. – Short Title.

46 This division shall be known as the “Hapeville Blighted Property Tax Ordinance.”

47 Sec. 17-24-41. - Purpose.

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

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

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

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

64 Sec. 17-24-42. - Definitions.

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

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

- 69 (1)Presents one (1) or more of the following conditions:
- 70 a. Uninhabitable, unsafe, or abandoned structure;
 - 71 b. Inadequate provisions for ventilation, light, air, or sanitation;
 - 72 c. An imminent harm to life or other property caused by fire, flood,
73 hurricane, tornado, earthquake, storm, or other natural catastrophe
74 respecting which the governor has declared a state of emergency under
75 the state law or has certified the need for disaster assistance under federal
76 law; provided, however, this provision shall not apply to property unless
77 the relevant public agency has given notice in writing to the property
78 owner regarding specific harm caused by the property and the owner has
79 failed to take reasonable measures to remedy the harm;
 - 80 d. A site identified by the federal Environmental Protection Agency as a
81 superfund site pursuant to 42 U.S.C. Section 9601, et seq., or having
82 environmental contamination to an extent that requires remedial
83 investigation or a feasibility study;
 - 84 e. Repeated illegal activity on the individual property of which the property
85 owner knew or should have known; or
 - 86 f. The maintenance of the property is below state, county, or municipal
87 codes for at least three (3) months after written notice of the code
88 violation to its owner;
 - 89 g. Vacant commercial property where no visible commercial activity has
90 occurred for at least three (3) months. For purposes of this subsection,
91 evidence that the property has been gated or chained from public access
92 for at least three (3) months or that there is an accumulation of weeds,
93 trash, junk, filth, or other unsanitary or unsafe conditions exist in the
94 interior or the exterior of the property and such conditions have existed
95 for at least three (3) months establishes a rebuttable presumption that this
96 subsection applies.
- 97 (2)Is conducive to ill health, transmission of disease, infant mortality, or crime in the
98 immediate proximity of the property.
99

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

101
102 (b) Building inspector means a certified inspector possessing the requisite qualifications
103 to determine minimal code compliance.

- 104 (c) Community redevelopment means any activity, project, or service necessary or
105 incidental to achieving the redevelopment or revitalization of a redevelopment area or
106 portion thereof designated for redevelopment through an urban redevelopment plan or
107 through local ordinances relating to the repair, closing, and demolition of buildings
108 and structures unfit for human habitation.
- 109 (d) Governing authority means the mayor and council of the City of Hapeville, a Georgia
110 municipal corporation.
- 111 (e) Millage or millage rate means the levy, in mills, which is established by the
112 governing authority for purposes of financing, in whole or in part, the levying
113 jurisdiction's general fund expenses for the fiscal year.
- 114 (f) Person means such individual(s), partnership, corporations, business entities and
115 associations which return real property for ad valorem taxation or who are chargeable
116 by law for the taxes on the property.
- 117 (g) Public officer means the city manager or such officer or employee of the city as
118 designated by the city manager to perform the duties and responsibilities hereafter set
119 forth in this division.

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

- 121 (a) There is hereby levied on all real property within the city which has been officially
122 identified as maintained in a blighted condition an increased ad valorem tax by
123 applying a factor of seven (7.0) to the millage rate applied to the property, so that
124 such property shall be taxed at a higher millage rate generally applied in the
125 municipality, or otherwise provided by general law.
- 126 (b) Such increased ad valorem tax shall be applied and reflected in the first tax bill
127 rendered following official designation of a real property as blighted; provided
128 however, if a property owner resolves the blighted condition of such owner's property
129 to the city's satisfaction (in accordance with the provisions of section 17-24-46) at
130 least sixty (60) days prior to the preparation of the first tax bill following such official
131 designation of such real property as blighted, the property shall be eligible for the
132 decrease of the tax rate as provided in section 17-24-47 in the first tax bill rendered
133 following official designation of such real property as blighted.
- 134 (c) Revenues arising from the increased rate of ad valorem taxation shall, upon receipt,
135 be segregated by the city manager and used only for community redevelopment
136 purposes, as identified in an approved urban redevelopment program, including
137 defraying the cost of the city's program to close, repair, or demolish unfit building
138 and structures.

139

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

141

- 142 (a) In order for a parcel of real property to be officially designated as maintained in a
143 blighted condition and subject to increased taxation, the following steps must be
144 completed:
- 145 (1) An inspection must be performed on the parcel of property. In order for an
146 inspection to be performed,

147 (A) A request may be made by the public officer or by at least five (5)
148 residents (each living in a different household from the others) of the city
149 for inspection of a parcel of property, said inspection to be based on the
150 criteria as delineated in ordinance, or
151 (B) The public officer may cause a survey of existing housing conditions to be
152 performed, or may refer to any such survey conducted or finalized within
153 the previous five (5) years, to locate or identify any parcels which may be
154 in a blighted condition and for which a full inspection should be conducted
155 to determine if that parcel of property meets the criteria set out in this
156 division for designation as being maintained in a blighted condition.

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

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

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

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

- 192 (c) Within thirty (30) days of the receipt of a request for hearing, the municipal court
193 clerk shall set a date, time and location for the hearing and shall give at least ten (10)
194 business days notice to the person(s) requesting the hearing, the public officer and the
195 building inspector or person who performed the inspection and prepared the
196 inspection report. Notice of scheduled hearings shall be published as a legal
197 advertisement in the designated legal organ of the city, at least five (5) days prior to
198 the hearing. Hearings may be continued by the municipal court judge upon request of
199 any party, for good cause.
- 200 (d) At the hearing, the public officer shall have the burden of demonstrating by a
201 preponderance of the evidence that the subject property is maintained in a blighted
202 condition, as defined by this division. The municipal court judge shall cause a record
203 of the evidence submitted at the hearing to be maintained. Upon hearing from the
204 public officer and/or their witnesses and the person(s) requesting the hearing and/or
205 their witnesses, the judge of municipal court shall make a determination either
206 affirming or reversing the determination of the public officer. The determination shall
207 be in writing and copies thereof shall be served on the parties by certified mail or
208 statutory overnight delivery. The determination by the court shall be deemed final. A
209 copy of such determination shall also be served upon the Tax Commissioner of
210 Fulton County, who shall include the increased tax on the next regular tax bill
211 rendered on behalf of the city.
- 212 (e) Persons aggrieved by the determination of the municipal court affirming the
213 determination of the public officer may petition the Superior Court of Fulton County,
214 as applicable, for a writ of certiorari within thirty (30) days of issuance of the
215 municipal court's written determination.

216

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

218

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

223

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

225

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

230

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

234

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

- 237 (b) Before action on a petition to lift the designation, the public officer shall cause the
238 property to be thoroughly inspected by a building inspector who, by written
239 inspection report, shall certify that all requisite work has been performed to
240 applicable code in a workmanlike manner, in accordance with the specifications of
241 the plan of remedial action or redevelopment, or applicable court order. Upon finding
242 required work to be satisfactorily performed, the public officer shall issue a written
243 determination that the real property is no longer maintained in a blighted condition.
244 Copies of this determination shall be served upon the person(s) chargeable with the
245 payment of ad valorem taxes, and upon the Tax Commissioner of Fulton County.
- 246 (c) All plans for remedial action or redevelopment shall be in writing, signed by the
247 person(s) chargeable with the payment of ad valorem taxes on the real property and
248 the director or contractor of the city's planning and zoning services, and contain the
249 following:
- 250 (1) The plan shall be consistent with the city's comprehensive plan and all laws
251 and ordinances governing the subject property, and shall conform to any
252 urban redevelopment plan adopted for the area within which the property lies;
 - 253 (2) The plan shall set forth in reasonable detail the requirements for repair,
254 closure, demolition, or restoration of existing structures, in accordance with
255 minimal statewide codes; where structures are demolished, the plan shall
256 include provisions for debris removal, stabilization and landscaping of the
257 property;
 - 258 (3) On parcels of five (5) acres or greater, the plan shall address the relationship
259 to local objectives respecting land uses, improved traffic, public
260 transportation, public utilities, recreational and community facilities, and
261 other public improvements;
 - 262 (4) The plan shall contain verifiable funding sources which will be used to
263 complete its requirements and show the feasibility thereof;
 - 264 (5) The plan shall contain a timetable for completion of required work; and
 - 265 (6) Any outstanding ad valorem taxes (state, school, county and city, including
266 the increased tax pursuant to this division) and governmental liens due and
267 payable on the property must be satisfied in full.

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

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

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

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

286

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

288

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

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

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

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

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

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

320 **Section Five.** All ordinances and parts of ordinances in conflict herewith are
321 hereby expressly repealed.

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

324 ORDAINED this ____ day of _____, 2016.
325

CITY OF HAPEVILLE, GEORGIA:

Alan Hallman, Mayor

ATTEST:

Jennifer Elkins, City Clerk

326 **APPROVED AS TO FORM:**

327

328

329 **Steven Fincher, City Attorney**

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF HAPEVILLE

A RESOLUTION TO DECLARE THE NEED FOR THE ACTIVATION OF A DEVELOPMENT AUTHORITY TO FUNCTION IN THE CITY OF HAPEVILLE, PURSUANT TO THE PROVISIONS OF THE DEVELOPMENT AUTHORITIES LAW; TO APPOINT A BOARD OF DIRECTORS FOR SUCH DEVELOPMENT AUTHORITY; TO AUTHORIZE SUCH DEVELOPMENT AUTHORITY TO EXERCISE THE POWERS CONTAINED IN THE DEVELOPMENT AUTHORITIES LAW; TO PROVIDE FOR NOTICE TO THE SECRETARY OF STATE OF THE STATE OF GEORGIA OF THE ADOPTION OF THIS RESOLUTION; TO REPEAL CONFLICTING RESOLUTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 2016-02

WHEREAS, the Mayor and Council of the City of Hapeville (the “Governing Body”) is the governing authority of the City of Hapeville (the “City”), a municipal corporation created and existing under the laws of the State of Georgia, and is charged with the duty of managing the affairs of the City; and

WHEREAS, it has been determined by the Governing Body that there exists an urgent need to develop and promote for the public good and general welfare trade, commerce, industry, and employment opportunities in the City; and

WHEREAS, Article IX, Section VI, Paragraph III of the Constitution of the State of Georgia, which permits the General Assembly of the State of Georgia to create development authorities for certain purposes, and an act of the General Assembly of the State of Georgia entitled the “Development Authorities Law,” as amended, and codified as Chapter 62 of Title 36 of the Official Code of Georgia Annotated (the “Development Authorities Law”), which was enacted by the General Assembly of the State of Georgia pursuant to authority granted in such constitutional provision, creates in each county and each municipal corporation in the State of

Georgia a development authority and authorizes each such county and municipal corporation to activate a development authority within each such county and municipal corporation; and

WHEREAS, the Governing Body has determined that it is desirable and necessary that the Development Authority of the City of Hapeville be activated immediately in order to fulfill the present needs expressed herein;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Hapeville, and it is hereby resolved by the authority of the same, that there be and there is hereby determined and declared to be a pressing, existing, and future need for a development authority (as more fully described and defined in the Development Authorities Law) to function in the City for the purpose of developing and promoting for the public good and general welfare trade, commerce, industry, and employment opportunities in the City, thereby promoting the general welfare of the citizenry.

BE IT FURTHER RESOLVED by the aforesaid authority that there be and there is hereby activated in the City the public body corporate and politic known as the “Development Authority of the City of Hapeville,” which was created upon the adoption and approval of the Development Authorities Law.

BE IT FURTHER RESOLVED by the aforesaid authority that there be and there are hereby elected as members of the first Board of Directors of the Development Authority of the City of Hapeville the following seven (7) named persons, each of whom is a taxpayer residing in the City and not more than one of whom is a member of the Governing Body, and a term of years as follows:

<u>Named Person</u>	<u>Term of Office</u>	<u>Date of Expiration</u>
1.	Two (2) Years	March 1, 2018

2.	Two (2) Years	March 1, 2018
3.	Two (2) Years	March 1, 2018
4.	Two (2) Years	March 1, 2018
5.	Four (4) Years	March 1, 2020
6.	Four (4) Years	March 1, 2020
7.	Four (4) Years	March 1, 2020

BE IT FURTHER RESOLVED by the aforesaid authority that commencing with the date of adoption of this resolution by the Governing Body each of such persons named as directors above shall serve in such capacity for the number of years set forth opposite their respective names and until the date of expiration of those terms likewise stated, unless they cease to be eligible prior to the expiration of such term, and at the end of any term of office of any director, or upon becoming ineligible, a successor thereto shall be elected by the Governing Body. A director whose term of office shall have expired shall continue to hold office until his or her successor shall be so elected.

BE IT FURTHER RESOLVED by the aforesaid authority that at the expiration of the initial two (2) years terms of office of the first four (4) members of the board of directors, the Governing Body shall elect successors to such members to serve terms of four (4) years. Thereafter, the terms of all seven (7) directors shall be for four (4) years. The terms of any directors that may be added to the original seven (7) directors shall be four (4) years. If, at the end of any term of office of any director, a successor thereto has not been elected, the director whose term of office has expired shall continue to hold office until his successor is so elected.

BE IT FURTHER RESOLVED by the aforesaid authority that the Board of Directors hereinbefore elected shall organize itself, carry out its duties and responsibilities, and exercise its

powers and prerogatives in accordance with the terms and provisions of the Development Authorities Law as it now exists and as it might hereafter be amended or modified.

BE IT FURTHER RESOLVED by the aforesaid authority that the City Clerk of the City shall furnish immediately to the Secretary of State of the State of Georgia a certified copy of this resolution in compliance with the mandate set forth in the Development Authorities Law.

BE IT FURTHER RESOLVED by the aforesaid authority that the action taken by the Governing Body herein, including the activation of the Development Authority of the City of Hapeville under the Development Authorities Law, is not intended to, and shall in no way or to any extent, impair or otherwise affect the existence, purpose, organization, powers, or function of any other development or other authority heretofore created by constitutional amendment or Act of the General Assembly, including without limitation the Hapeville Development Authority created pursuant to an amendment to Article IX, Section IV, Paragraph II of the Constitution of the State of Georgia of 1976 (1982 Ga. Laws 2524 to 2540, inclusive), now specifically continued as part of the Constitution of the State of Georgia of 1983 pursuant to Article XI, Section I, Paragraph IV of the Constitution of the State of Georgia of 1983, and an Act of the General Assembly of the State of Georgia (1987 Ga. Laws 4961 to 4962, inclusive).

BE IT FURTHER RESOLVED by the aforesaid authority that any and all resolutions in conflict with this resolution be and the same are hereby repealed.

BE IT FURTHER RESOLVED by the aforesaid authority that this resolution shall be effective immediately upon its adoption by the Governing Body, and from and after such adoption and approval the Development Authority of the City of Hapeville shall be deemed to be fully created and activated.

(SIGNATURES OF MAYOR AND COUNCIL LOCATED ON THE FOLLOWING PAGE)

PASSED, ADOPTED, SIGNED, APPROVED, and EFFECTIVE this ____ day of March, 2016.

CITY OF HAPEVILLE

Alan Hallman, Mayor

Ruth Barr , Alderman at Large

Michael Randman, Councilman at Large

Josh Powell, Councilman (1st Ward)

Diane Dimmick, Councilman (2nd Ward)

(SEAL)

Attest:

City Clerk

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF HAPEVILLE**

CITY CLERK'S CERTIFICATE

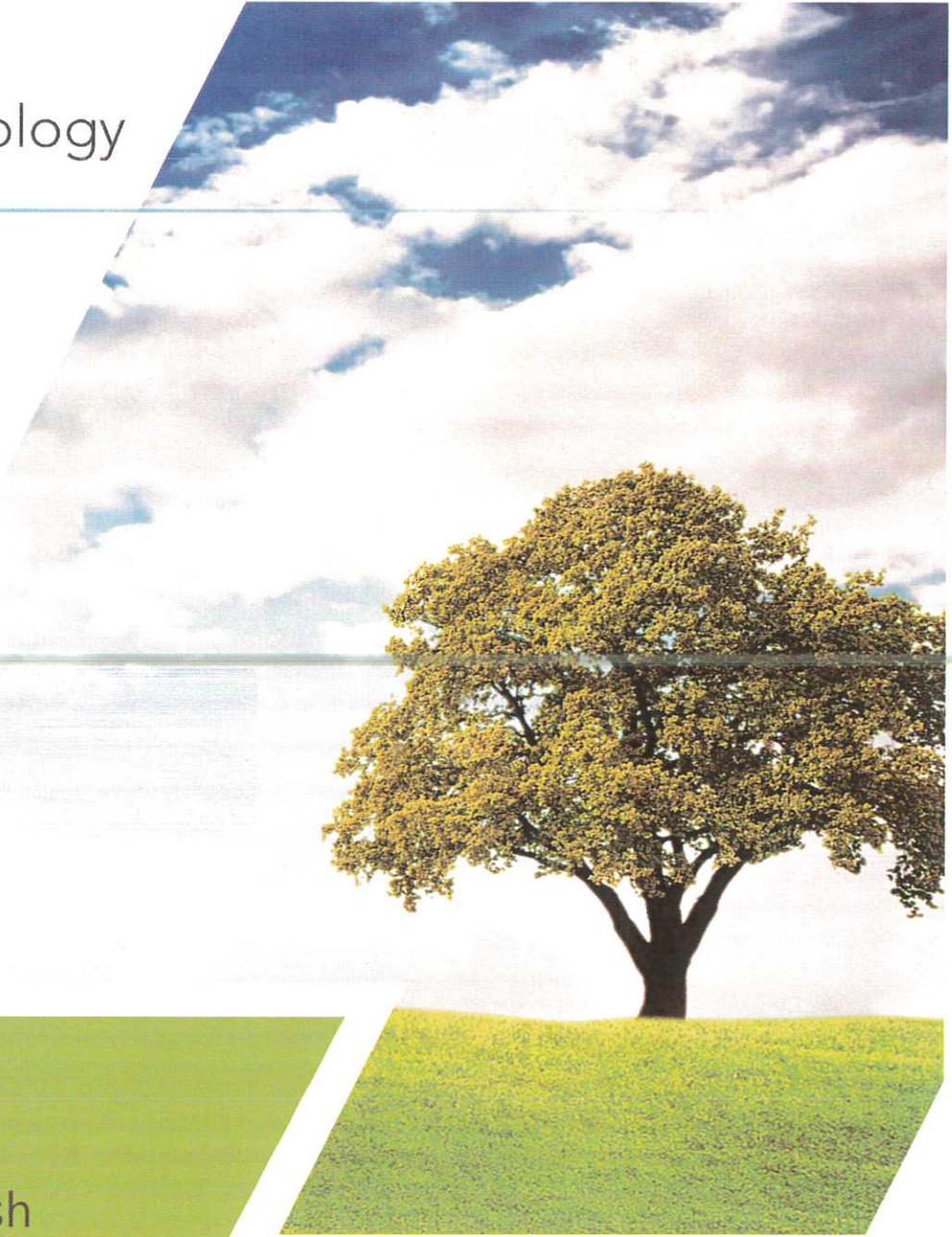
I, **JENNIFER ELKINS**, City Clerk of the City of Hapeville (the "City"), **DO HEREBY CERTIFY** that the foregoing pages constitute a true and correct copy of a resolution adopted by the Mayor and Council of the City at an open public meeting duly called and lawfully assembled at _____ p.m., on the _____ day of March, 2016, in connection with the activation of the Development Authority of the City of Hapeville, the original of such resolution being duly recorded in the Minute Book of the City, which Minute Book is in my custody and control.

I do hereby further certify that a certified copy of the resolution has been furnished to the Secretary of State of the State of Georgia as required by the Development Authorities Law.

WITNESS my hand and the official seal of the City, this the _____ day of March, 2016.

(SEAL)

City Clerk



XP Workstation Refresh

Quote #000233 v1

We have prepared a

QUOTE FOR YOU 

Prepared for:

City of Hapeville

Prepared by:

Scott Gallacher

Products

Description	Price	Qty	Ext. Price
ThinkCentre M73 10B6 SFF - 1 x Core i5 4590 / 3.3 GHz - RAM 4 GB - HDD 500 GB - DVD-Writer - HD Graphics 4600 - GigE - Windows 7 Pro 64-bit / Windows 8.1 Pro 64-bit downgrade - pre-installed: Windows 7	\$679.00	16	\$10,864.00
Acer 21.5" V226HQLAbmd LED monitor 1920 x 1080- DVI, VGA - speakers - black	\$125.00	16	\$2,000.00
APC Back Up 550VA Desktop UPS	\$69.00	16	\$1,104.00
Subtotal:			\$13,968.00

Prepared For	Prepared By	Details
City of Hapeville 3468 N. Fulton Ave Hapeville, GA 30354 William Whitson wwhitson@hapeville.org 4046692100	Liberty Technology  Scott Gallacher (770) 229-9424 x121 scott@libertytech.net	XP Workstation Refresh Quote #: 000233 Version: 1 Delivered: 02/25/2016 Expires: 03/26/2016

Quote Summary

Description	Amount
Products	\$13,968.00
Total:	\$13,968.00

Taxes, shipping, handling and other fees may apply. We reserve the right to cancel orders arising from pricing or other errors.

Signature

Date

William Whitson

From: Scott Gallacher [scott@libertytech.net]
Sent: Thursday, February 25, 2016 6:44 PM
To: William Whitson
Cc: Douglas Stewart
Subject: Re: IT Financing

Good afternoon William,

I am at the mercy of Cisco Capital on when they get back with me on the approval but I can go ahead and give you estimated numbers based upon previous experience with their rates. I expect to have feedback from Cisco tomorrow morning on the status of lease approval. For the sake of simple numbers you're looking at approximately \$500/month for a 3 year, dollar buyout lease on the quote that was sent over today. That's assuming a 5.9% interest rate. For the 2 year you're looking at around \$715/month. Both of these numbers assume a 5.9% interest rate. I'll have more info tomorrow as soon as I speak with Cisco. Thanks!

Scott Gallacher

o. +1 (770) 229.9424 x 121

LIBERTY TECHNOLOGY | 120 East Taylor St, Griffin, GA 30223
web. [www](#) - [blog](#) - [events](#) - [support](#) | social. [Facebook](#) - [LinkedIn](#)

From: William Whitson <wwhitson@hapeville.org>
Sent: Thursday, February 25, 2016 6:05 PM
To: Scott Gallacher
Cc: Douglas Stewart
Subject: IT Financing

Scott:

I need the information about the Financing ASAP if it's going to make the agenda.

Thanks!

W W

This communication, any embedded communications from others and any attachments hereto are intended for the exclusive use of the intended recipient(s) and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not an intended recipient or the employee or agent responsible for delivering this communication to an intended recipient, you have received this communication in error and any disclosure, dissemination, distribution, duplication or use of this communication and its content is strictly prohibited. If you have received this communication in error, please notify the sender by reply e-mail, delete this communication from your system, and destroy all copies thereof. Thank you.