

Mayor and Council Work Session

700 Doug Davis Drive
Hapeville, GA 30354

February 19, 2019 6:00PM

Agenda

1. Call To Order

2. Roll Call

Mayor Alan Hallman
Councilman at Large Travis Horsley
Councilman Ward I Mark Adams
Councilman Ward II Chloe Alexander

3. Welcome

4. Presentations

4.I. Hapeville/AeroATL Greenway Plan Presentation By Hannah Palmer

Background:

Hannah Palmer with the Aerotropolis CID will give a presentation regarding the Hapeville/AeroATL Greenway Plan and the next phase.

Documents:

[AEROTROPOLIS CID PRESENTATION.PDF](#)

4.II. Spin The District Presentation By Cookie Smoak And Andria Towne

Background:

Ms. Smoak and Ms. Towne will discuss event details for the Spin the District Hapeville Criterium scheduled for Saturday, May 4, 2019 and will also talk about Speed Week which attracts cyclists from across the country in late April to compete in a series of races including the largest bike event in the state, the Athens Twilight Criterium. For a snapshot of last year's Speed Week, click here: [HTTPS://FASTURDAYSRACINGALLIANCE.COM/JOURNAL/2018/5/10/USACRITS-1-SPEEDWEEK](https://fasturdaysracingalliance.com/journal/2018/5/10/usacritys-1-speedweek).

Documents:

[SPINTHEDISTRICT2019HANDOUT.PDF](#)
[SPIN-HAPEVILLE-PRESENTATION.PDF](#)

5. Public Hearing

5.I. Consideration And Action On Conditional Use Permit At 1031 Virginia Avenue

Background:

Andrew Haferkamp on behalf of The Hertz Corporation requests a conditional use permit to operate a rental car business located within the Atlanta Airport Hilton at 1031 Virginia Avenue, Parcel Identification Number 14 0127LL0828 . Hertz's use of the property is limited to the use of counter space inside the hotel and 10 parking spaces for the purpose of car rental to hotel guests and the public. The property is zoned C-2, General Commercial.

The Planning Commission considered this item on December 11, 2018 and recommended the Mayor and Council grant the conditional use permit. Staff supported their recommendation.

Staff Comments:

Applicants Comments:

Public Comments:

Documents:

[1031 VIRGINIA AVENUE - CONDITIONAL USE PERMIT.PDF](#)
[PLANNERS REPORT HERTZ CORPORATION, 1031 VIRGINIA AVENUE
CONDITIONAL USE.PDF](#)
[SUMMARY MINUTES - 12-11-2018.PDF](#)

5.II. Consideration Of The 2018 Zoning Map Ordinance - 1st Reading

Background:

The zoning map is an essential element of the zoning ordinance as it is the record of property rights and limitations. As such, this map should reflect recent zoning decisions as well as proposed changes.

Staff is proposing zoning map amendments to rezone properties within the City limits that are currently zoned C-R, Commercial-Residential to V, Village. The C-R zoning is quite complex and restrictive in terms of allowable uses and dimensional requirements whereas the V, Village zoning offers compatibility in terms of intent to C-R with greater ease. According to the City of Hapeville Future Land Use Map (Figure 2), the properties proposed for rezoning are low to medium intensity mixed use.

The Planning Commission considered this item on January 15, 2019 and February 12, 2019 and recommended the Mayor and Council approve the zoning map amendment. Staff supported their recommendation.

Staff Comments:

Applicants Comments:

Public Comments:

Documents:

[ZONING MAP_02192019 \(2\).PDF](#)
[PLANNERS REPORT CR ZONING TO V REVISED 2019.PDF](#)
[ORDINANCE TO AMEND ZONING MAP \(02121701-2\).PDF](#)
[PLANNERS REPORT ZONING MAP AMENDMENT, C-R TO V.PDF](#)

5.III. Consideration And Action On Sign Ordinance Text Amendment - 2nd Reading

Background:

In reviewing the Sign Ordinance, staff found a section of the code requiring the registration and annual renewal of a fee (\$50 initial registration/\$25 annual renewal) for all non-conforming signs in the City. The Code requires all new signs to be compliant with Code and any modifications to existing signs, other than replacement of the face of the sign, to meet current Code requirements. Code requires regular maintenance of signs and prescribes remedies for those not meeting maintenance requirements.

After discussions with various Departments within the City, staff is recommending that the registration of non-conforming signs be struck from the Code. There is little to no benefit to the City for this registration given the other Code requirements.

The Planning Commission considered this item on January 15, 2019 and recommended the Mayor and Council approve the text amendment. Staff supported their recommendation.

Staff Comments:

Applicants Comments:

Public Comments:

Documents:

[PLANNERS REPORT TEXT AMENDMENT NON CONFORMING SIGN FEES.PDF](#)
[ORDINANCE TO AMEND ZONING SIGNS DELETE FEE.PDF](#)
[SUMMARY MINUTES - 01-15-2019.PDF](#)

5.IV. Consideration And Action On U-V, Urban Village Zone Text Amendment - 2nd Reading
Background:

In reviewing the U-V, Urban Village Zoning Ordinance, staff found a section of the code that is unclear. It appears to require all U-V developments provide a 15' landscape buffer to an adjacent residential zone. U-V allows for single family dwellings. A 15' landscape buffer is unnecessary and not required with other single-family zoning districts. The resulting requirement may alter the nature of contiguous single family dwellings developments.

Staff Comments:

Applicants Comments:

Public Comments:

Documents:

[ORDINANCE TO AMEND U-V REGARDING BUFFER REQUIREMENTS.PDF](#)
[SUMMARY MINUTES-01-15-2019.PDF](#)
[PLANNERS REPORT TEXT AMENDMENT U-V ZONING RESIDENTIAL.PDF](#)

6. Questions On Agenda Items

The public is encouraged to communicate their questions, concerns, and suggestions during Public Comments. 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.

7. Consent Agenda

7.I. Consideration And Action To Authorize The Mayor To Sign A Letter Of Commitment For The AeroATL Greenway Concept Development

Background:

The next phase of the Hapeville/AeroATL Greenway Plan includes a letter of commitment from the City for the Hapeville LCI application. Staff respectfully requests Council to authorize the Mayor to sign.

Documents:

[LETTER OF COMMITMENT.PDF](#)

7.II. Consideration And Action To Authorize The Mayor To Sign Agreement With Waste Pro For Residential Solid Waste Collection And Recycling Services

On February 5, 2019, the Mayor and Council approved Waste Pro as the provider for Residential Solid Waste Collection and Recycling Services for the City of Hapeville. This new service will include bi weekly curbside recycling along with once a week pickup of garbage and yard debris. This new service will begin in May.

Staff respectfully requests Council to authorize the Mayor to sign the attached agreement pending legal review.

Documents:

[HAPEVILLE- WASTE PRO SOLID WASTE COLLECTION AGREEMENT - 2019.DOC](#)

7.III. Consideration And Action On Resolution For Tiered-Billing Rate For Irrigation Water Meter Usage

Background:

The Metropolitan North Georgia Water Planning District and the Georgia Department of National Resources Environmental Protection Division have set forth plans and policies that require local municipal water providers to implement a tiered-billing rate for irrigation meter usage. Attached is a resolution for consideration and action fixing and prescribing the tiered billing rate as \$8.78 per 1000 gallon for the First-Tier and \$17.56 per 1000 gallon for the Irrigation Rate.

Documents:

[ORDINANCE FIXING AND PRESCRIBING IRRIGATION METER BILLING RATE.PDF](#)

7.IV. Consideration And Action On Resolution To Declare Certain Property Of The Police Department Surplus Property

Background:

Attached is a resolution for consideration and action to declare property of the City of Hapeville Police Department as surplus property.

Documents:

[A RESOLUTION DECLARING CERTAIN PROPERTY TO BE SURPLUS PROPERTY.PDF](#)
[EXHIBIT A - DESTRUCTION LIST.PDF](#)
[ORDER FOR DISPOSAL OF EVIDENCE.PDF](#)

8. Old Business

8.I. Consideration And Action On FY2018 Budget Ordinance Amendment - 2nd Reading

Background:

The attached information outlines a final budget amendment for Fiscal 2017-18. This amendment reflects increased revenues and re-alignment of departmental expenditures. Typically, the City processes 2-3 amendments per year. Should you have any questions, please feel free to contact the City Manager's Office.

Documents:

[BUDGET ADJUSTMENT SUM REPORT - 2018-V3.PDF.PDF](#)
[ORDINANCE TO AMEND BUDGET -2017-2018.PDF](#)
[2017-18 FINAL UNAUDITED FINANCIAL.PDF](#)

9. New Business

9.I. Consideration And Action On Resolution Recognizing And Appreciating Hapeville Elementary School

Background:

Attached is a resolution for consideration and action recognizing and appreciating the Hapeville Elementary School as a valuable and integral entity in public education in response to the positive impact on the lives of students and families in addition to providing a safe and nurturing environment where students excel.

Documents:

[HAPEVILLE ELEMENTARY SCHOOL RESOLUTION.PDF](#)

9.II. Consideration And Action On Resolution Recognizing And Appreciating The Hapeville Service League

Background:

Attached is a resolution for consideration and action recognizing the Hapeville Service League highlighting their dedication and commitment.

Documents:

[HAPEVILLE SERVICE LEAGUE RESOLUTION.PDF](#)

9.III. Discussion Initiated By Councilman Horsley On Hapeville Parking Authority

Background:

This is an inquiry into the creation of a Hapeville Parking Authority, its benefits, and potential overlaps with existing statutory and constitutional Development Authorities (HDA and DACOH). As parking in the downtown corridor becomes more of an issue because of the vibrancy of the business community in Hapeville, a Parking Authority could offer a jurisdictional venue in which the City of Hapeville could adequately address parking and mobility issues through the geopolitical boundaries of our city.

9.IV. Discussion Initiated By Councilman Horsley On Vacant Building Fee And Vacant Property Registration Ordinance

Background:

Councilman Horsley will initiate a discussion on responding to the numerous vacant buildings in the City of Hapeville, both residential and commercial and to rid the City of the blight that can occur due to unkempt properties that are both residential and commercial. Furthermore, a directive for the City Attorney to review existing policies in other Georgia Municipalities.

Documents:

[VACANT BUILDING FEE AND VACANT PROPERTY REGISTRATION
ORDINANCE DOCUMENT.PDF](#)

9.V. Discussion Initiated By Councilman Horsley Regarding The Design Of A New City Of

Hapeville Logo

Background:

A discussion regarding the need for updated branding for the City of Hapeville, by way of the creation of a new logo. Such a process should be collaborative and inclusive of all stakeholders within our community. This discussion would propose that the ATL Airport District takes the lead on the design process, as this is already covered within our budget with the DMO.

9.VI. Discussion Initiated By Councilman Horsley Regarding Implementation Of A Non-Discrimination Ordinance

Background:

A discussion reviewing the City of Doraville, Georgia's non-discrimination ordinance, the language contained within their ordinance, the legal memo from HRC, and the implementation of such an ordinance locally within the City of Hapeville, Georgia.

Documents:

[DORAVILLE NDO \(FINAL ADOPTED VERSION\).PDF](#)

[NDO PUBLIC STATEMENT.PDF](#)

[NDO HOME RULE LEGAL OPINION.PDF](#)

10. City Manager Report

11. Public Comments

Members of the public wishing to speak shall sign in with the City Clerk prior to the start of the meeting. Time limitations for Registered Comments are three (3) minutes per person. The total Registered Comment session shall not last more than fifteen (15) minutes unless extended by Council. Each member of the public, who fails to sign up with the City Clerk prior to the start of the meeting, wishing to address Mayor and Council shall have a total of two (2) minutes. The entire general comment session for Unregistered Comments shall not last more than ten (10) minutes unless extended by Council.

12. Mayor And Council Comments

13. Executive Session

When Executive Session is Required one will be called for the following issues: 1) Litigation O.C.G.A. §50-14-2; 2) Real Estate O.C.G.A. §50-14-3(b)(1); or 3) Personnel O.C.G.A. §50-14-3(b)(2).

14. 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.



AEROTROPOLIS
ATLANTA



AeroATL Greenway Plan Model Mile Concept Development

**Shannon James, President & CEO, Aerotropolis
Alliance**

**Kirsten Mote, Program Director, AACIDs
Hannah Palmer, Founder, Finding the Flint**



WWW.AEROATL.ORG

WWW.AEROCIDS.COM

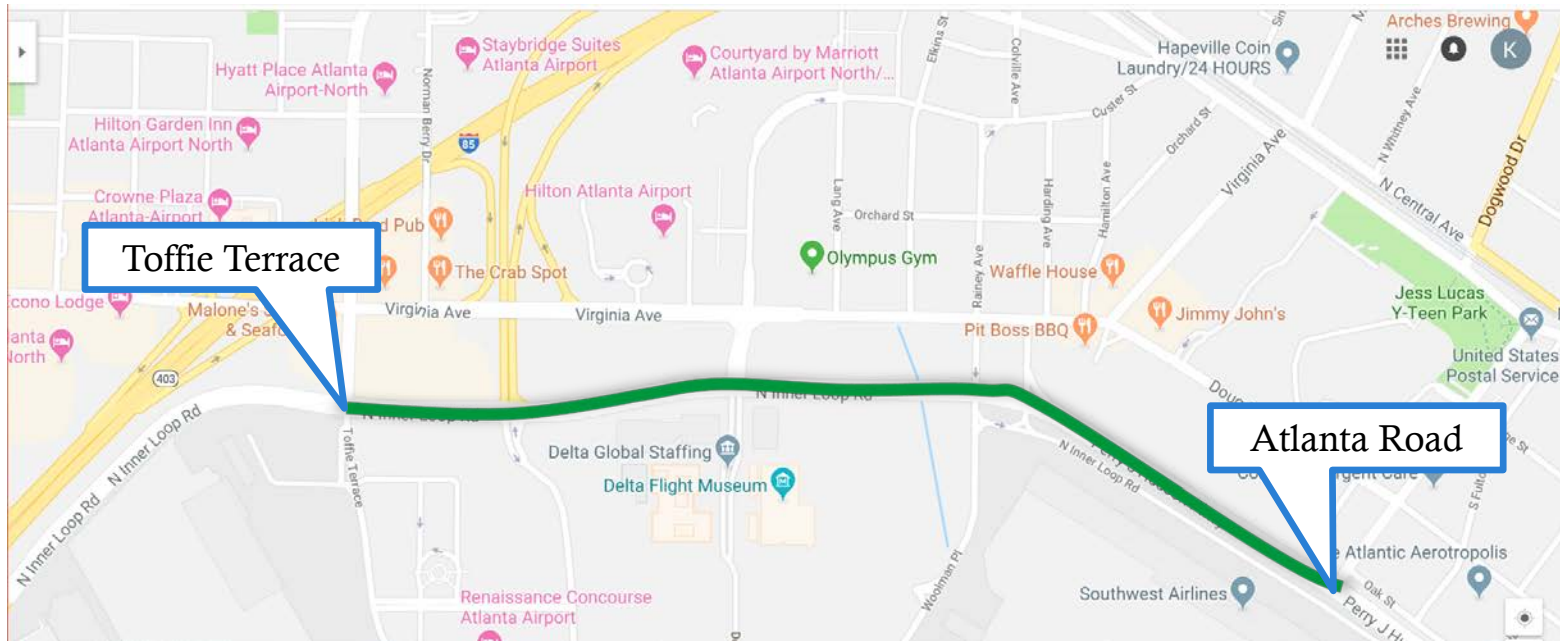
AeroATL Greenway Plan

- Adopted by Aerotropolis Alliance, Cities and Counties in 2018
- Model Mile and Priority Segments identified for each jurisdiction
- Focused on stakeholder and public involvement





Hapeville Model Mile



Route: N Loop Rd

Length: 1.0 Mile

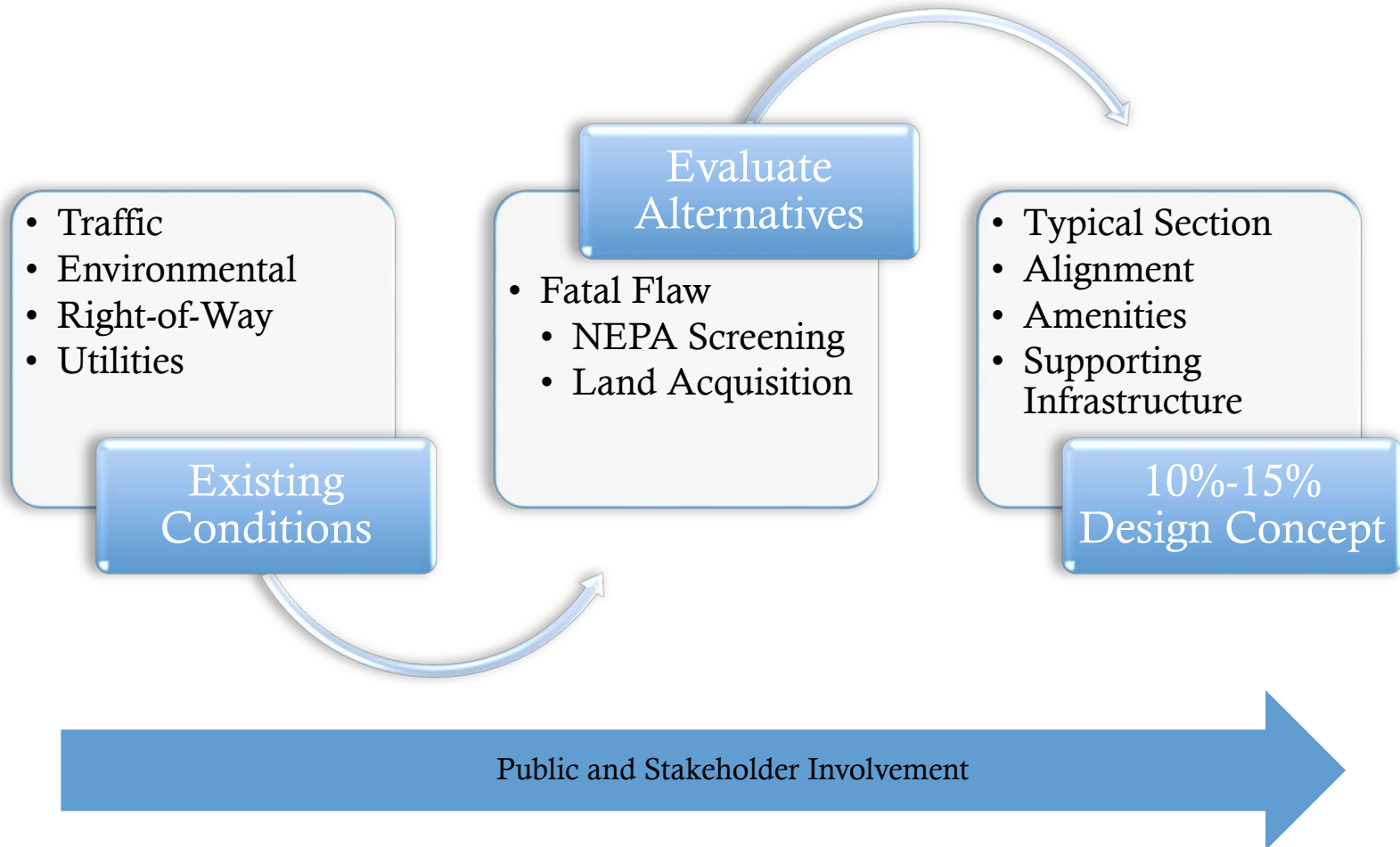
Est. Concept Cost: \$100,000

80% LCI Grant: \$80,000

20% Local Match: \$20,000

AeroATL Concept Development LCI Application

Areas of Focus

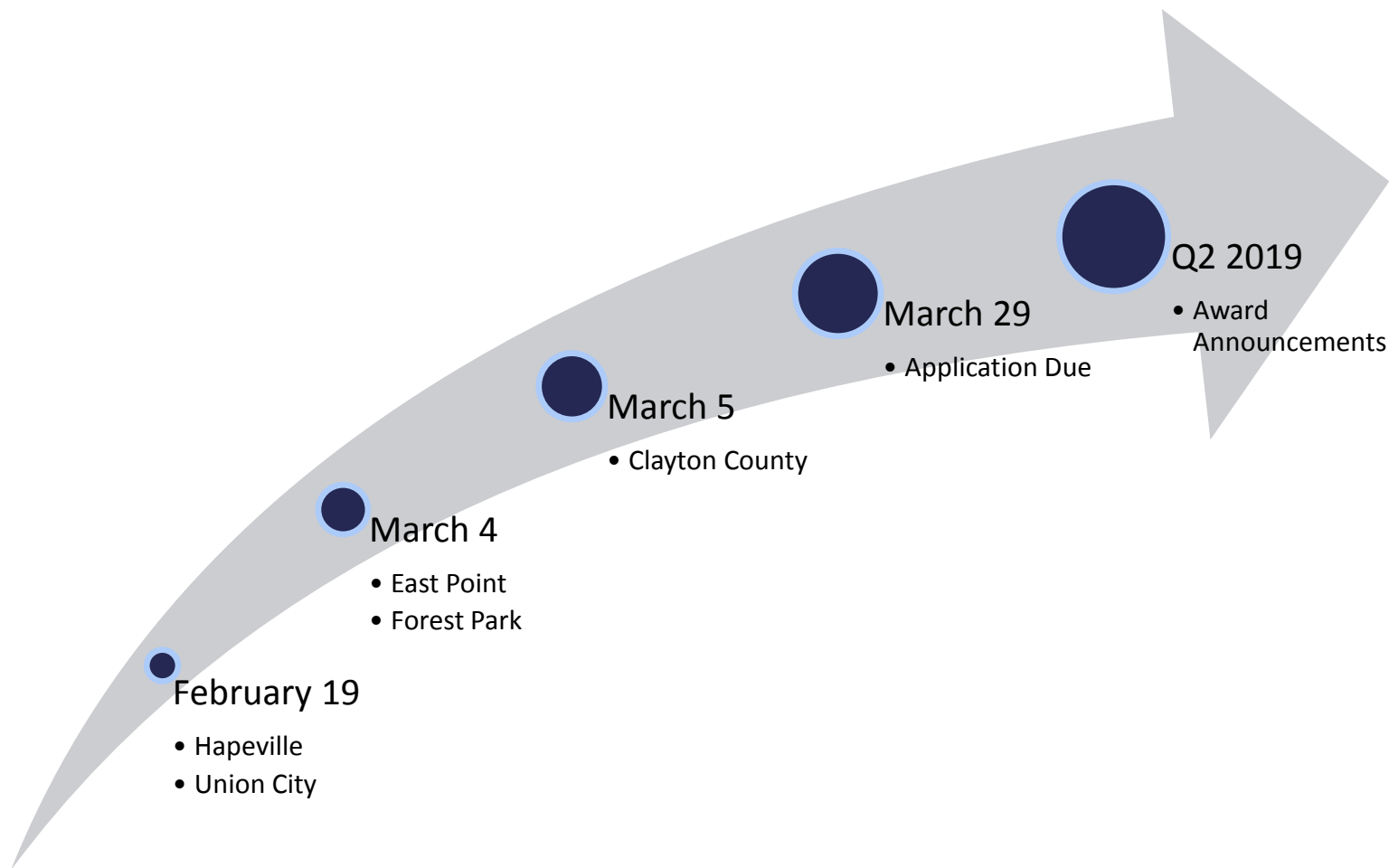


AeroATL Concept Development LCI Application

- Application Due March 29, 2019
- Awarded Summer 2019
- Joint Consultant Procurement
- Local match due Fiscal Year 2020 (Fall 2019)

Jurisdiction	Total LCI Grant	20% Local Match	Total Concept Cost
City of Hapeville	\$80,000	\$20,000	\$100,000
City of East Point	\$80,000	\$20,000	\$100,000
City of Forest Park	\$80,000	\$20,000	\$100,000
Union City	\$80,000	\$20,000	\$100,000
Clayton County	\$80,000	\$20,000	\$100,000
TOTAL:	\$400,000	\$100,000	\$500,000

AeroATL Greenway LCI Application



Questions or Comments?



Shannon James, s.james@aeroatl.org
Kirsten Mote, kmote@aerocids.com
Hannah Palmer, Hannah@findingtheflint.org





SATURDAY, MAY 4, 2019

Hapeville City Requirements

- Road Closure – 8:00am to 7:00pm; event 9:00am to 6:30pm

Hapeville City Requests

- Road Closures w/ movable barriers – We will hire Hapeville police officers
 - Union & Oak
 - Oak & Georgia
 - Chestnut St. & Atlanta Ave.
 - S. Fulton St. & College St.
 - Perkins Court and College St.
 - South Central & Atlanta Ave.
- Communicate Road Closures to MARTA
- Asphalt Repair – Particularly on Union
- Alcohol Sales – w would like to request one of the La Fiesta del Cinco beer stations be near the race start/finish line
- Food Station – we would like to request one of the La Fiesta del Cinco beer stations be near the race start/finish line
- Signage Request – to begin 3 weeks prior to event
 - Pedestrian Bridge
 - Banners on Jess Lucas Park Fence
 - Sign by Porsche and South Central in green space
 - Sign by North Central by the iHOP in green space
 - Sign by post office in green space
 - Yard signs throughout the city





THE REVOLUTIONS BEGIN

MAY 4, 2019





Saturday, May 4th 2019 will be an action-packed day full of fun for the whole family as the final week of the USA CRITS SPEED concludes. The city block course through Hapeville is situated alongside Jess Lucas Park, the site for the La Fiesta del Cinco celebration. After the races, walk over to the festival and enjoy the performances, grab a beer and some food, or check out some great local artists.





CITY NEEDS/REQUESTS

Hapeville: Road Closure 8:00am to 7:00pm; event 9:00am to 6:30pm

Hapeville City Requests

- Road Closures w/ moveable barriers – We will hire Hapeville police officers
 - Union & Oak
 - Oak & Georgia
 - Chestnut St. & Atlanta Ave.
 - S. Fulton St. & College St.
 - Perkins Court and College St.
 - South Central & Atlanta Ave.
- Communicate Road Closures to MARTA
- Asphalt repair – Particularly on Union



CITY NEEDS/REQUESTS

Hapeville City Requests (continued)

- Alcohol Sales – we would like to request one of the La Fiesta del Cinco beer stations be near the race start/finish line
- Food Station – we would like to request one of the La Fiesta del Cinco beer stations be near the race start/finish line
- Would like to find a way to connect the La Fiesta del Cinco with the Spin the District races
- Signage Request – to begin 3 weeks prior to event
 - Pedestrian Bridge
 - Banners on Jess Lucas Park Fence
 - Sign by Porsche and South Central in green space
 - Sign by North Central by the iHOP in green space
 - Sign by post office in green space
 - Yard signs throughout the city



SPEED WEEK INFO



USA CRITS Series

Now in its 13th year, the USA CRITS Series is **the premiere cycling series in the United States**. USA CRITS was developed to feature criterium riders and to offer venues, teams and riders the ability to excel in a unique discipline of cycling. Starting in 2018, an effort to build the sport toward greater sustainability was taken on with the USACRITS.tv project. The events that form the USA CRITS Series showcase the ideals that make criterium racing an American legacy: challenging courses that showcase arts and entertainment districts, a large and growing base of spectators, broad community support, and strong marketing opportunities for partners.



WALTERBORO, SC
Wednesday, April 25



SPARTANBURG, SC
Friday, April 27



ATHENS, GA
Saturday, April 28



COMMERCE, GA
Sunday, April 29



**HAPEVILLE &
COLLEGE PARK, GA**
Sat & Sun, May 4 & 5

18-PC-12-39

**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING COMMISSION APPLICATION**

Name of Applicant The Hertz Corporation

Mailing Address: 8501 Williams Road, Estero, FL 33929

Telephone 239-301-7000 Mobile # _____ Email _____

Property Owner (s) Hapeville Hotel Limited Partnership

Mailing Address 1031 Virginia Ave, Hapeville, GA 30354

Telephone _____ Mobile # _____

Address/Location of Property: 1031 Virginia Ave, Hapeville, GA 30354

Parcel I.D. # **(INFORMATION MUST BE PROVIDED):** 140127LL0828

Present Zoning Classification: C-2 Size of Tract: 10.03 acre(s)

Present Land Use: Luxury Hotel

Please check the following as it applies to this application

☐ Site Plan Review

☒ Conditional Use Permit

☐ Temporary Use Permit

Other (Please State) _____

I hereby make application to the City of Hapeville, Georgia for the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I understand that the City of Hapeville, Georgia, reserves the right to enforce any and all ordinances. I further understand that it is my/our responsibility to conform with all of City of Hapeville's Ordinances in full. I hereby acknowledge that all requirements of the City of Hapeville shall be adhered too. I can read and write the English language and/or this document has been read and explained to me and I have full and voluntarily completed this application. I understand that it is a felony to make false statements or writings to the City of Hapeville, Georgia pursuant to O.C.G.A. 16-10-20 and I may be prosecuted for a violation thereof.

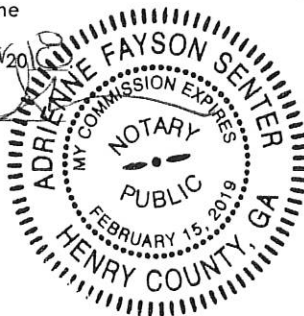
[Signature]
Applicant's signature

Date: 11/19/18

Sworn to and subscribed before me

This 19th day of November, 2018

[Signature]
Notary Public



CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING COMMISSION APPLICATION

WRITTEN SUMMARY

In detail, provide a summary of the proposed project in the space provided below. (Please type or print legibly.)

The Hertz corporation is seeking permission from the City of Hapeville to operate a rental car concession stand out of the Atlanta Airport Hilton, which is located at 1031 Virginia Ave, Hapeville, GA. The subject property is currently zoned as C-2, and the proposed use is not permitted as a right. Accordingly, in compliance with the city's code of ordinance, Section 93.3.2-1, Hertz seeks a conditional use permit to operate from the property. Hertz's use of the property is governed by the agreement entered into with the Owner. Pursuant to that agreement, Hertz shall offer rental car service, without chauffeurs, for the convenience of the hotel guests and others desiring such service. Hertz's use of the property is limited to counter space and ten (10) parking spaces. The aforementioned parking spaces shall be limited to the hotel's overflow parking lot. In addition, please note that there shall be no body work or maintenance performed on-site. As such, because of Hertz's minimal use and presence on the property, the grant of the proposed use will have little to no impact on the health, safety, morals or general welfare of the city. In fact, by granting the proposed use, Hertz will be able to assist the community's vision to better serve residents, visitors, and others seeking quality car rental services.

CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING COMMISSION APPLICATION

AUTHORIZATION OF PROPERTY OWNER

I CERTIFY THAT I AM THE OWNER OF THE PROPERTY LOCATED AT:

1031 Virginia Ave

Hapeville, GA 30354

City of Hapeville, County of Fulton, State of Georgia

WHICH IS THE SUBJECT MATTER OF THIS APPLICATION. I AUTHORIZE THE APPLICANT NAMED BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF THIS APPLICATION FOR PLANNING COMMISSION REVIEW.

Name of Applicant The Hertz Corporation

Address of Applicant
8501 Williams Road, Estero, FL 33928

Telephone of Applicant
239-301-7000

Hapeville Hotel Limited Partnership

By: HLT GP LLC, its general partner


Signature of Owner

ROBERT TANGENBAUM
VICE PRESIDENT Print Name of Owner

Personally Appeared Before Me this 19th day of November, 2018.


Notary Public



Site Plan Checklist – Please include with your application.

A site plan is used to determine the practical ability to develop a particular property within the City of Hapeville. Information relating to environmental condition, zoning, development impact, consistency with the Hapeville Comprehensive Plan and relevant town master plans will be considered in the decision process. To be considered, a site plan **must** contain the following information:

(Please **initial** each item on the list above certifying the all required information has been included on the site plan)

Ad A brief project report shall be provided to include an explanation of the character of the proposed development, verification of the applicant's ownership and/or contractual interest in the subject site, and the anticipated development schedule. Please complete and submit all forms contained within the application for site plan review.

Ad Site plans shall be submitted indicating project name, applicant's name, adjoining streets, scale, north arrow and date drawn.

H/A The locations, size (sf) and height (ft) of all existing and proposed structures on the site. Height should be assessed from the base of the foundation at grade to the peak of the tallest roofline.

Ad Site plans shall include the footprint/outline of existing structures on adjoining properties. For detached single-family residential infill development, the front yard setback shall be assessed based on the average setback of existing structures on adjoining lots. Where practical, new construction shall not deviate more than ten (10) feet from the average front yard setback of the primary residential structure on an adjoining lot. Exemption from this requirement due to unnecessary hardship or great practical difficulty can be approved at the discretion of the Planning Commission. To be considered for an exemption, the applicant must submit a "Request for Relief" in writing with their site plan application, including the conditions that necessitate relief (i.e. floodplain, wetland encroachment, excessive slope, unusual lot configuration, legally nonconforming lot size, unconventional sitting of adjoining structures, etc).

N/A

The location and general design cross-section characteristics of all driveways, curb cuts and sidewalks including connections to building entrances. A walkway from the primary entrance directly to the public sidewalk is required for all single-family residential development.

N/A

The locations, area and number of proposed parking spaces. Please refer to Article 22.1 Chart of Dimensional Requirements to determine the correct number of parking spaces for your particular type of development.

N/A

Existing and proposed grades at an interval of five (5) feet or less.

N/A

The location and general type of all existing trees over six (6) inch caliper and, in addition, an identification of those to be retained. Requirements for the tree protection plan are available in Code Section 93-2-14(f). Please refer to Sec. 93-2-14(y) to determine the required tree density for your lot(s).

N/A

A Landscape Plan: The location and approximate size of all proposed plant material to be used in landscaping, by type such as hardwood deciduous trees, evergreen trees, flowering trees and shrub masses, and types of ground cover (grass, ivies, etc.). Planting in parking areas should be included, as required in Section 93-23-18.

N/A

The proposed general use and development of the site, including all recreational and open space areas, plazas and major landscape areas by function, and the general location and description of all proposed, outdoor furniture (seating, lighting, telephones, etc.). Detached single-family residential development may be exempt from this requirement.

N/A

The location of all retaining walls, fences (including privacy fences around patios, etc.) and earth berms. Detached single-family residential development may be exempt from this requirement.

N/A

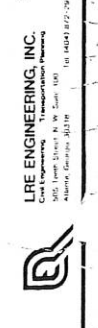
The identification and location of all refuse collection facilities, including screening to be provided. Detached single-family residential development may be exempt from this requirement.

- N/A Provisions for both on-site and offsite storm-water drainage and detention related to the proposed development.
- N/A Location and size of all signs. Detached single-family residential development may be exempt from this requirement.
- N/A Typical elevations of proposed building provided at a reasonable scale (1/8" = 1'0") and include the identification of proposed exterior building materials. Exterior elevations should show all sides of a proposed building.
- AK Site area (square feet and acres).
- N/A Allocation of site area by building coverage, parking, loading and driveways, and open space areas, including total open space, recreation areas, landscaped areas and others. Total dwelling units and floor area distributed generally by dwelling unit type (one-bedroom, two-bedroom, etc.) where applicable.
- N/A Floor area in nonresidential use by category. Detached single-family residential development may be exempt from this requirement.
- AK Total floor area ratio and/or residential density distribution.
- AK Number of parking spaces and area of paved surface for parking and circulation
- AK At the discretion of the planning commission, analyses by qualified technical personnel or consultants may be required as to the market and financial feasibility, traffic impact, environmental impact, storm water and erosion control, etc. of the proposed development.

Please initial each item on the list above certifying the all required information has been included on the site plan, sign and submit this form with your site plan application. Failure to include this form and information required herein may result in additional delays for the consideration of your application.

Applicant Signature: 

Date 11/19/18



24 HOUR CONTACT
 Hilton Inns, Inc.
 1550 Piedmont Avenue, Suite 1201
 Atlanta, Georgia 30308
 Ronald L. Merrill
 P. Southeastern Region
 04-659-2626



Type(s) of Parking Lot Markings



PLANNER'S REPORT

Date: December 5, 2018

To: Adrienne Senter

From: Lynn M. Patterson

RE: **Conditional Use Permit for The Hertz Corporation, 1031 Virginia Avenue**

BACKGROUND

The City of Hapeville received a request for a conditional use permit from The Hertz Corporation to operate a rental car business located within the Atlanta Airport Hilton at 1031 Virginia Avenue. Hertz's use of the property is limited to the use of counter space inside the hotel and 10 parking spaces for the purpose of car rental to hotel guests and the public.

The property is zoned C-2, General Commercial.

CODE

Sec. 93-3.2-5. - Special use permit procedures.

Mayor and council may in considering a special use permit following a public hearing impose reasonable conditions deemed necessary to the protection or benefit of owners of adjacent and nearby properties to ensure compatibility of the proposed development or use with surrounding uses. The decision of mayor and council concerning consideration of a special use shall be given to the applicant in writing, by certified U.S. mail to the address indicated in the application. Aggrieved applicants shall have 30 calendar days from the date of receipt of the notice in which to petition the superior court of Fulton County for writ of certiorari.

Sec. 93-3.2-6. - Special use permit criteria and standards.

(a) *Special use permit criteria.* Special uses are compatible uses of land or the improvement of structures within a zoning district that reasonably require special consideration and therefore, are not allowed "by right." The following standards shall be considered in evaluating the appropriateness of all proposed special uses of property:

- (1) Impact on the use or development of adjacent properties, or the surrounding area, as concerns public health, safety or general welfare;

This area is commercial and the use is located within a hotel – a use that accommodates visitors. Ten parking spaces for rental cars can be accommodated on-site with the parking available to hotel.

- (2) Capacity of the lot to accommodate the use and satisfy the dimensional requirements of the ordinance;

Ten parking spaces for rental cars can be accommodated on-site with the parking available to hotel.

- (3) Compatibility with adjacent properties and other land uses in the vicinity;

The adjacent properties are all commercial and most visitors to the community.

(4) Potential nuisance or hazardous characteristics, specifically as concerns the number of individuals projected to use such facility or nature of the activity;

As this area is designated for visitors to the community, the proposed use is consistent with these other uses. The impact is relatively minor as the space is a counter within the hotel and only 10 parking spaces are required.

(5) Impact on traffic movement, availability of off-street parking, options for buffering or protective screening, hours and manner of operation, lighting, signs and access to the property;
The use is housed (office and parking) within the hotel and all impacts are absorbed within that property.

(6) Conformance of the special use to other requirements of the ordinance.

See below

The following additional standards are to be applied to applications for airport parking facilities, car rental agencies and commercial parking lots:

c) Car rental *agency standards*.

(1) Car rental agencies may only be established on properties zoned C-2.

The property is C-2.

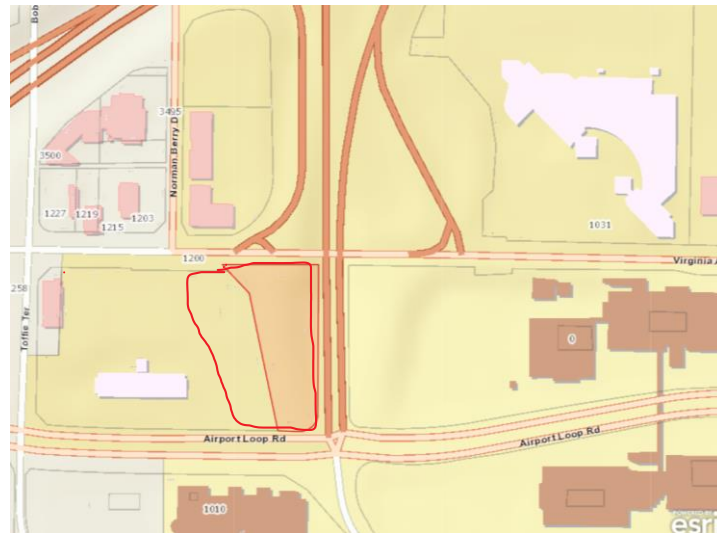
(2) Only minor mechanical repairs shall be conducted on-site; no body work shall be performed in association with a car rental agency.

This requirement is met.

(3) Perimeter landscaped areas abutting a public right of way shall be the lesser of ten percent of the linear feet of road frontage or 30 horizontal feet. Perimeter landscaping along the common boundary of any residential use shall have a minimum horizontal dimension of 30 feet. All perimeter landscaping shall conform to the landscaping requirements of the ordinance and evergreen tree and shrub species shall comprise one-half or more of the planting requirement.
As the use is co-located within the hotel property and there is no surrounding residential, this can be accommodated.

RECOMMENDATION

The proposed use of the property for rental car services as described in the application is consistent with the requirements of the special permits concerning car rental agencies. The application is compliant with regard to zoning criteria. The application is recommended for approval.



Proposed Location



PLANNER'S REPORT

Date: December 5, 2018

To: Adrienne Senter

From: Lynn M. Patterson

RE: **Conditional Use Permit for The Hertz Corporation, 1031 Virginia Avenue**

BACKGROUND

The City of Hapeville received a request for a conditional use permit from The Hertz Corporation to operate a rental car business located within the Atlanta Airport Hilton at 1031 Virginia Avenue. Hertz's use of the property is limited to the use of counter space inside the hotel and 10 parking spaces for the purpose of car rental to hotel guests and the public.

The property is zoned C-2, General Commercial.

CODE

Sec. 93-3.2-5. - Special use permit procedures.

Mayor and council may in considering a special use permit following a public hearing impose reasonable conditions deemed necessary to the protection or benefit of owners of adjacent and nearby properties to ensure compatibility of the proposed development or use with surrounding uses. The decision of mayor and council concerning consideration of a special use shall be given to the applicant in writing, by certified U.S. mail to the address indicated in the application. Aggrieved applicants shall have 30 calendar days from the date of receipt of the notice in which to petition the superior court of Fulton County for writ of certiorari.

Sec. 93-3.2-6. - Special use permit criteria and standards.

(a) *Special use permit criteria.* Special uses are compatible uses of land or the improvement of structures within a zoning district that reasonably require special consideration and therefore, are not allowed "by right." The following standards shall be considered in evaluating the appropriateness of all proposed special uses of property:

- (1) Impact on the use or development of adjacent properties, or the surrounding area, as concerns public health, safety or general welfare;

This area is commercial and the use is located within a hotel – a use that accommodates visitors. Ten parking spaces for rental cars can be accommodated on-site with the parking available to hotel.

- (2) Capacity of the lot to accommodate the use and satisfy the dimensional requirements of the ordinance;

Ten parking spaces for rental cars can be accommodated on-site with the parking available to hotel.

- (3) Compatibility with adjacent properties and other land uses in the vicinity;

The adjacent properties are all commercial and most visitors to the community.

(4) Potential nuisance or hazardous characteristics, specifically as concerns the number of individuals projected to use such facility or nature of the activity;

As this area is designated for visitors to the community, the proposed use is consistent with these other uses. The impact is relatively minor as the space is a counter within the hotel and only 10 parking spaces are required.

(5) Impact on traffic movement, availability of off-street parking, options for buffering or protective screening, hours and manner of operation, lighting, signs and access to the property;
The use is housed (office and parking) within the hotel and all impacts are absorbed within that property.

(6) Conformance of the special use to other requirements of the ordinance.

See below

The following additional standards are to be applied to applications for airport parking facilities, car rental agencies and commercial parking lots:

c) Car rental *agency standards*.

(1) Car rental agencies may only be established on properties zoned C-2.

The property is C-2.

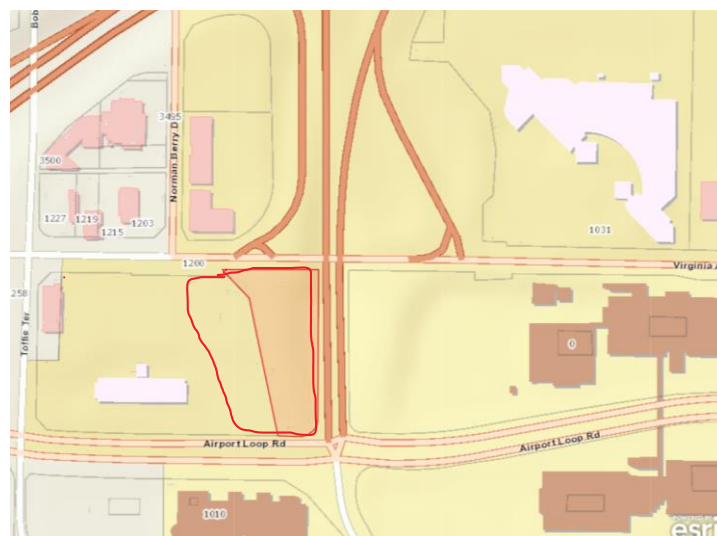
(2) Only minor mechanical repairs shall be conducted on-site; no body work shall be performed in association with a car rental agency.

This requirement is met.

(3) Perimeter landscaped areas abutting a public right of way shall be the lesser of ten percent of the linear feet of road frontage or 30 horizontal feet. Perimeter landscaping along the common boundary of any residential use shall have a minimum horizontal dimension of 30 feet. All perimeter landscaping shall conform to the landscaping requirements of the ordinance and evergreen tree and shrub species shall comprise one-half or more of the planting requirement.
As the use is co-located within the hotel property and there is no surrounding residential, this can be accommodated.

RECOMMENDATION

The proposed use of the property for rental car services as described in the application is consistent with the requirements of the special permits concerning car rental agencies. The application is compliant with regard to zoning criteria. The application is recommended for approval.



Proposed Location



Planning Commission Meeting

700 Doug Davis Drive
Hapeville, Georgia 30354

December 11, 2018 6:00PM

SUMMARY MINUTES

1. Welcome and Introduction

Roll Call:

Brian Wismer, Chairman
Jeanne Rast, Vice Chairman
Lucy Dolan
Mark Farah – Absent
Kaity Ferrero - Absent
Larry Martin
Charlotte Rentz – Absent

2. Minutes of November 13, 2018

MOTION ITEM: Larry Martin made a motion, Lucy Dolan seconded to approve the minutes of November 13, 2018 as submitted. Motion Carried: 3-0.

3. Old Business – None.

4. New Business

a. 903 Margaret Street

Site Plan Review

Shannon Short requested site plan approval to construct a 2,475-sf two-story, 4-bedroom, 3.5-bathroom, single-family home with a detached garage at 903 Margaret Street, Parcel Identification Number 14 012700020510. The property is zoned R-SF, Residential Single Family and is .12 acres. **APPROVED WITH CONDITIONS**

- Public Comment – None.

b. 3303 Sims Street

Site Plan Review

Joseph Wilch of Adonai Custom Estates, LLC requested site plan approval to construct a 935-sf 2nd floor addition at 3303 Sims Street, Parcel Identification Number 14 009800100309. The property is zoned R-1, One Family Detached and is 0.2033 acres. **APPROVED WITH CONDITIONS**

- Public Comment – None.



c. 3202 Hope Street (105 Lilly Street)

Subdivision Plat Review

Jimmy L. Joyner on behalf of William N. Garcia requested subdivision plat approval for the property located at 3202 Hope Street, Parcel Identification Number 14 009900040421. The property is zoned R-1, One Family Detached and is 0.4132 acres.
APPROVED WITH CONDITIONS

- Public Comment – None.

d. 917 Virginia Avenue

Special Use Permit Request

Rajesh A. Patel requested to modify a previously approved special use permit for the location of a drive-through at 917 Virginia Avenue, Parcel Identification number 14 012700040377. The property is zoned U-V, Urban Village and is approximately 0.88 acres.

The proposed re-location of the proposed drive-through is to the side. The drive-through is located 50'+ from both Rainey and Virginia Avenue. No pedestrians would cross the drive-through lanes and would not conflict with pedestrian accessibility nor create an environment not reminiscent of fast food row. The applicant is proposing additional landscaping to screen the queueing lanes and drive-through.

The proposed reconfiguration will increase the car stacking to 4-5 cars. The development timeline of completion is September 2019.

- Public Comment
Daniel Ray, 3468 Rainey Avenue, opposed the modification

MOTION ITEM: Larry Martin made a motion, Jeanne Rast seconded to recommend the Mayor and Council approve the proposed drive-through modification and grant the special use permit request to allow a drive-through at 917 Virginia Avenue based upon the plan was previously approved, the landscaping will provide visual screening and the additional linear feet will eliminate any traffic concerns. Motion Carried: 2-1; Lucy Dolan opposed.

e. 1031 Virginia Avenue

Conditional Use Permit

Robert Lafayette authorized representative of The Hertz Corporation requested approval of a conditional use permit to operate a car rental facility at 1031 Virginia Avenue. The property is zoned C-2, General Commercial and is 10.03 acres.

Hertz's use of the property is limited to the use of counter space inside the hotel and 10 parking spaces for the purpose of car rental to hotel guests and the public.

- Public Comment – None.



MOTION ITEM: Lucy Dolan made a motion, Jeanne Rast seconded to recommend the Mayor and Council grant the conditional use permit to Hertz Corporation to operate a car rental facility at 1031 Virginia Avenue. Motion Carried: 3-0.

f. Official Zoning Map

Text Amendment

Consideration of an Ordinance to amend Chapter 93, Zoning, of the Code of Ordinances for the City of Hapeville, Georgia regarding the Zoning Map.

- Public Comment – None.

MOTION ITEM: Jeanne Rast made a motion, Lucy Dolan seconded to table the official zoning map text amendment until the January 15, 2019 meeting. Motion Carried: 3-0.

g. 2019 Planning Commission Meeting Schedule

Consideration and action to approve the 2019 Planning Commission meeting schedule.

- Public Comment – None.

MOTION ITEM: Lucy Dolan made a motion, Larry Martin seconded to approve the 2019 Planning Commission meeting scheduled as submitted. Motion Carried: 3-0.

5. Open Discussion –

Discussion of zoning text amendments will take place at the January 15, 2019 meeting.

6. Next Meeting Date – January 15, 2019 at 6:00PM

7. Adjourn

MOTION ITEM: Lucy Dolan made a motion, Jeanne Rast seconded to adjourn the meeting at 7:57 p.m. Motion Carried: 3-0.

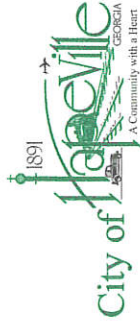
Respectfully submitted by,

Chairman, Brian Wismer

Secretary, Adrienne Senter

City of Hapeville Official Zoning Map

February 19, 2019



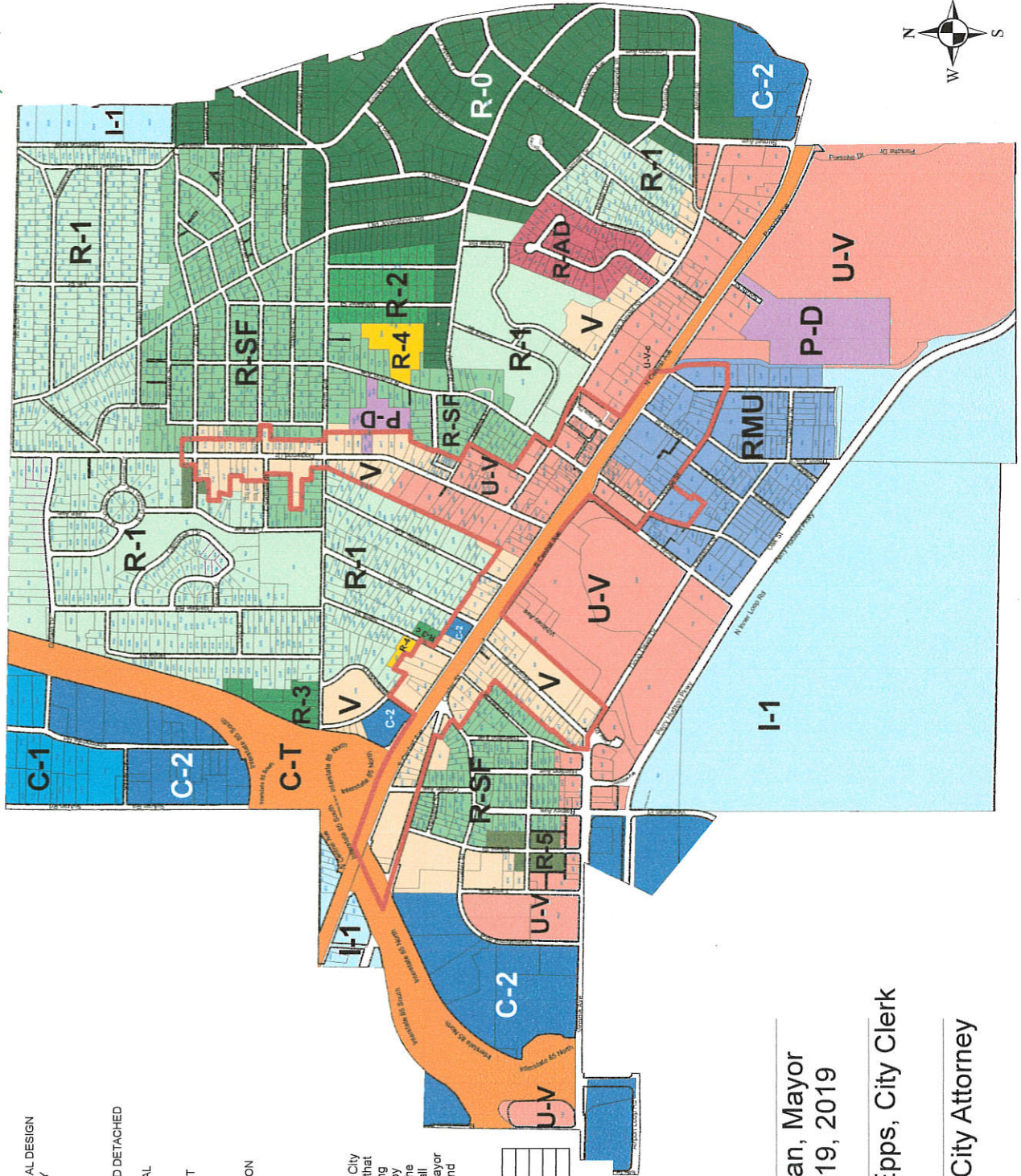
- ARTS DISTRICT OVERLAY
- R-AD RESIDENTIAL ARCHITECTURAL DESIGN
- R-SF RESIDENTIAL SINGLE FAMILY
- R-1 ONE-FAMILY DETACHED
- R-2 TWO-FAMILY DETACHED
- R-3 SINGLE FAMILY ATTACHED
- R-4 MULTIFAMILY RESIDENTIAL
- R-5 SINGLE FAMILY ATTACHED AND DETACHED
- R-0 ONE-FAMILY DETACHED
- N-C NEIGHBORHOOD COMMERCIAL
- V VILLAGE
- U-V URBAN VILLAGE
- P-D PLANNED UNIT DEVELOPMENT
- RMU RESIDENTIAL MIXED USE
- C-1 RETAIL COMMERCIAL
- C-2 GENERAL COMMERCIAL
- C-T COMMERCIAL TRANSPORTATION
- I-1 LIGHT INDUSTRIAL

C - ZONING WITH CONDITION

NOTE: Addresses and parcel boundaries are based on data provided by the Fulton County Tax Assessors' Office and are not guaranteed by the City of Hapeville to be accurate.

I, Crystal Griggs-Epps, City Clerk of the City of Hapeville, Georgia, do hereby certify that this is the City of Hapeville Official Zoning Map, Fulton County, Georgia, adopted by the Mayor and Council of Hapeville on the _____ day of _____, 2019, and includes all subsequent amendments adopted by Mayor and Council as indicated in the Mayor and Council meeting minutes and as further indicated on this Map.

Date	Amendment



Alan Hallman, Mayor
February 19, 2019

Cystal Griggs-Epps, City Clerk

Andy Welch, City Attorney



PLANNER'S REPORT

TO: Adrienne Senter
FROM: Lynn Patterson
RE: Rezoning for parcels currently zoned C-R district
DATE: February 8, 2019

BACKGROUND

Staff had proposed a zoning map amendment to rezone properties within the City limits that are currently zoned C-R, Commercial-Residential to V, Village. The C-R zoning is quite complex and restrictive in terms of allowable uses and dimensional requirements whereas the V, Village zoning offers compatibility in terms of intent to C-R with greater ease. According to the City of Hapeville Future Land Use Map (Figure 2), the properties proposed for rezoning are low to medium intensity mixed use.

During a final review, Staff noticed that rezoning one parcel, Tax ID 14 009800090476 (845 North Central Ave) is the InCity Suites, an extended stay hotel. The City has developed a strict policy on extended stay hotels, including that extended stay hotels are expressly not permitted in the V zoning district. Rezoning this parcel would immediately create a non-conforming use which could be problematic in the long-term. Rezoning this particular parcel to C-2, which is consistent with other commercial parcels adjacent to the Interstate is recommended and would not create a blatant non-conforming use issue.

Staff therefore recommends the Planning Commission maintain the approval of the remainder of the parcels from C-R to V with the exception of Parcel ID 14 009800090476 which would be rezoned to C-2.

City of Hapeville Official Zoning Map

April 5, 2016: As Amended from December 2, 2008



- WITH DISTRICT OVERLAY**
- R-AD RESIDENTIAL ARCHITECTURAL DESIGN
 - R-SF RESIDENTIAL SINGLE FAMILY
 - R-1 ONE-FAMILY DETACHED
 - R-2 TWO-FAMILY RESIDENTIAL
 - R-3 SINGLE FAMILY ATTACHED
 - R-4 MULTIFAMILY RESIDENTIAL
 - R-5 SINGLE FAMILY ATTACHED AND DETACHED
 - R-6 ONE-FAMILY DETACHED
 - N-C NEIGHBORHOOD COMMERCIAL
 - V VILLAGE
 - U-V URBAN VILLAGE
 - P-D PLANNED UNIT DEVELOPMENT
 - RMU RESIDENTIAL MIXED USE
 - C-1 RETAIL COMMERCIAL
 - C-2 GENERAL COMMERCIAL
 - C-4 COMMERCIAL RESIDENTIAL
 - C-T COMMERCIAL TRANSPORTATION
 - I-1 LIGHT INDUSTRIAL
- C - ZONING WITH CONDITION**

NOTE: Addresses and parcel boundaries are based on data provided by the Fulton County Tax Assessor's Office and are not guaranteed by the City of Hapeville to be accurate.

I, Jennifer Elkins, City Clerk of the City of Hapeville, Georgia, do hereby certify that this is the City of Hapeville Official Zoning Map, Fulton County, Georgia, adopted by the Mayor and Council of Hapeville on the 5th day of April, 2016, and includes all subsequent amendments adopted by Mayor and Council as indicated in the Mayor and Council meeting minutes and as further indicated on this Map.

Date	Amendment

Alan Hallman, Mayor
April 5, 2016

Jennifer Elkins, City Clerk

Steve Fincher, City Attorney

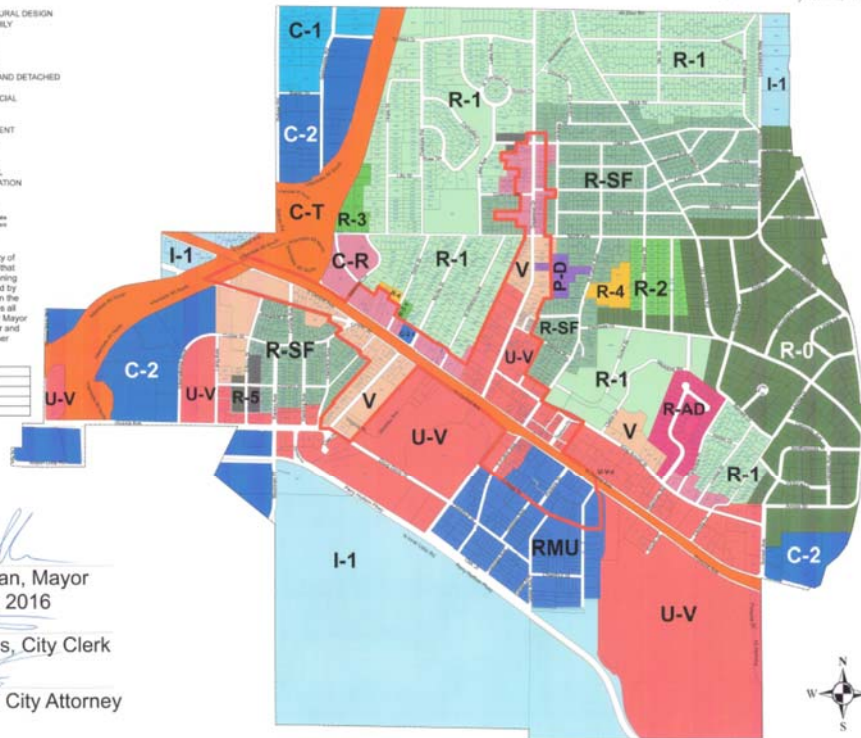


Figure 1 Existing Zoning Map

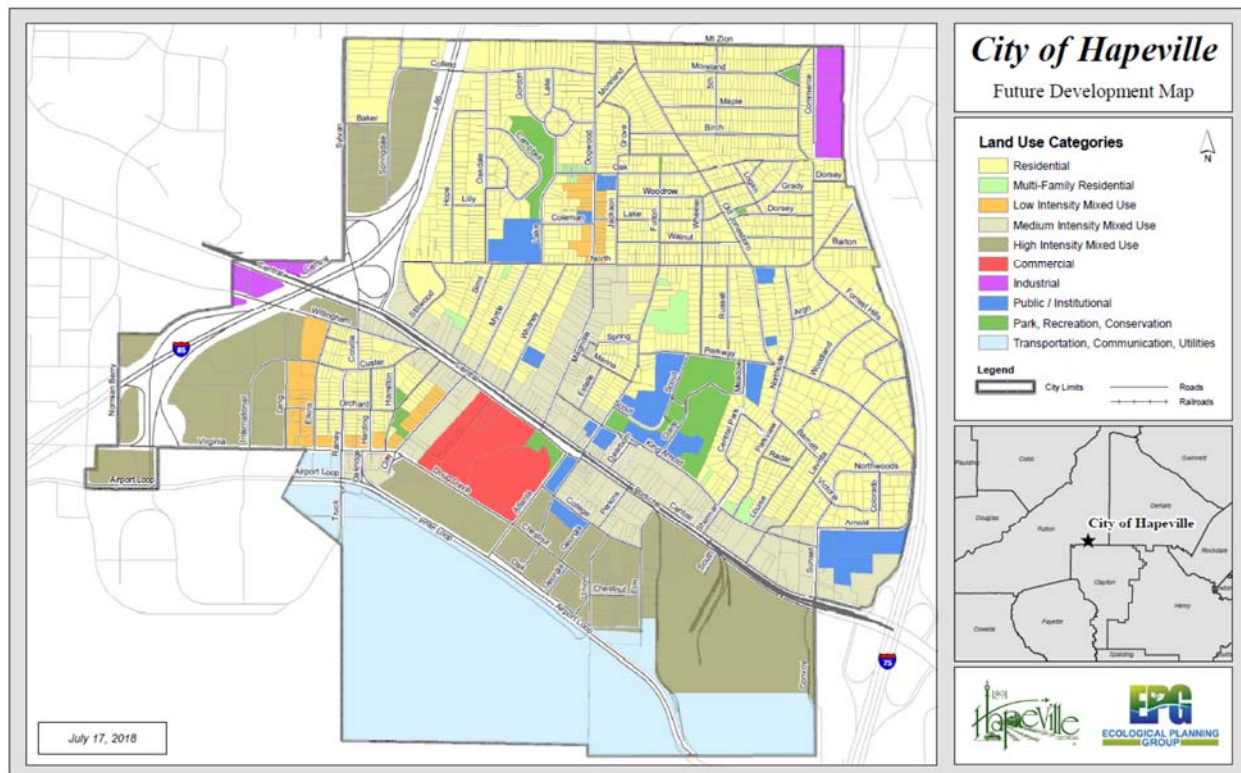
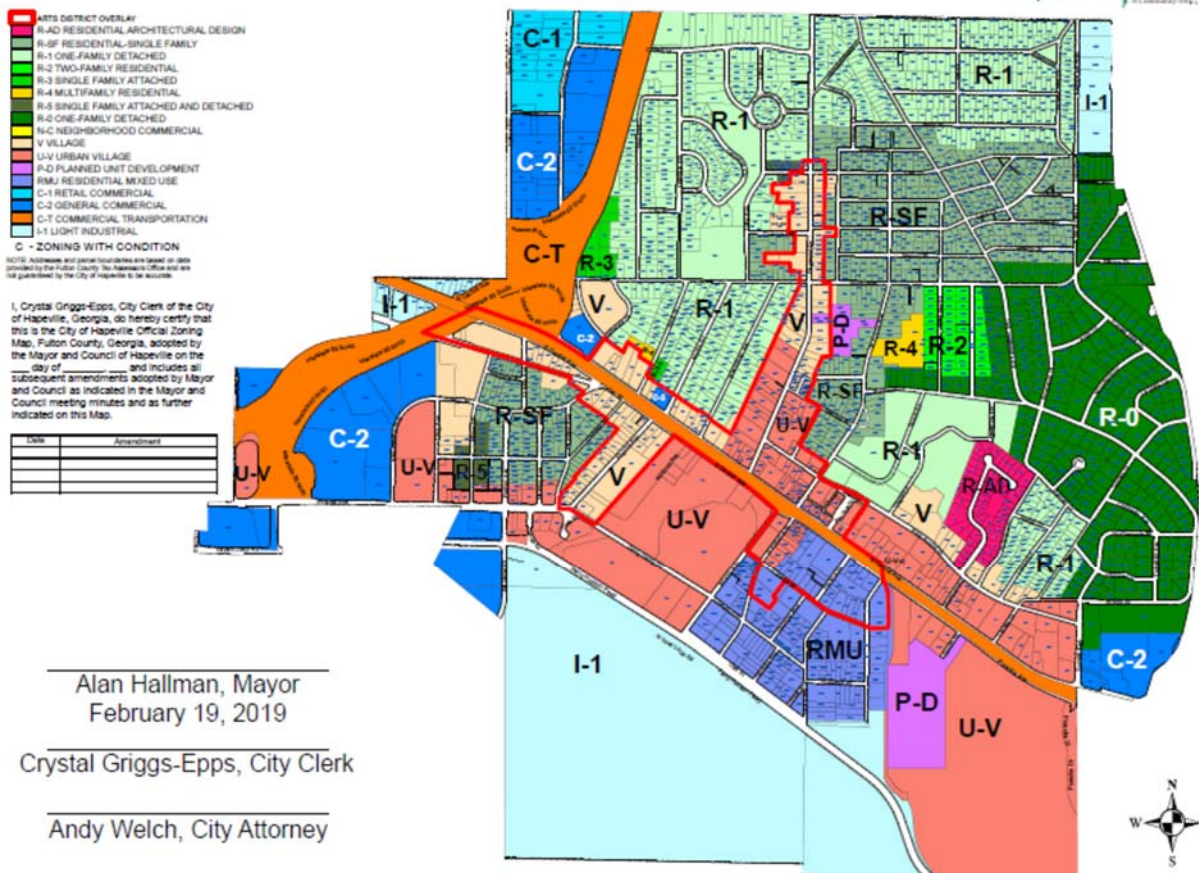


Figure 2 Adopted Future Land Use Map

Figure 3 Proposed Zoning Map

City of Hapeville Official Zoning Map

February 19, 2019: As Amended from December 2, 2008



Alan Hallman, Mayor

February 19, 2019

Crystal Griggs-Epps, City Clerk

Andy Welch, City Attorney

CODE**Current Zoning****ARTICLE 12. - C-R ZONE (COMMERCIAL-RESIDENTIAL)****Sec. 93-12-1. - Intent.**

By virtue of its location within the comprehensive land development plan for the city, and because of the existing mixed development within its zone, and in recognition that limited commercial uses and residential uses can be made compatible and advantageous to the city when established in the same area, and because of the need for controlled flexibility in accommodating the future development and expansion of commercial and residential land uses within the city, the C-R zone is established in order to:

- (1) Stabilize and protect existing development.
- (2) Ensure that future development and redevelopment increase the housing supply and needed office, commercial services and nonintensive retail land uses which are compatible with each other and with existing land uses within the city.
- (3) Encourage certain specific types of transitional uses, building locations and site designs between residences and businesses that locate in or adjoin this zone.

Sec. 93-12-2. - Permitted uses.

(a) The following uses are permitted in any C-R zone, subject to the general requirements of the zone:

- (1) Single-family detached dwellings.
- (2) Two-family dwellings.
- (3) Group homes, subject to the restrictions in [section 93-2-19](#).
- (4) Adult daycare facilities.
- (5) Professional and business office uses, in buildings of not more than 3,000 square feet of floor area, provided that no parking area shall be located within 20 feet of a front property line, and provided further that all buildings conform to the following:
 - a. The roofs of all buildings shall be not less than four feet in rise to ten feet in run. No roof-mounted equipment shall be allowed.
 - b. The exterior wall construction of all buildings shall be one or more of the following:
 1. Wood;
 2. Hard-burned clay brick;
 3. Stone with either a weathered face or a polished, fluted or broken face.

(b) The following uses are permitted in any C-R zone subject to the general requirements of the zone; and subject further to the site plan review requirements of [section 93-2-16](#):

- (1) Single-family attached developments, in structures with not more than four dwellings attached.
- (2) Multifamily dwelling developments, in buildings containing no more than four dwelling units.
- (3) Offices, in buildings of not more than 6,000 square feet of floor area.
- (4) Banks and other financial institutions, in buildings of not more than 6,000 square feet of floor area.
- (5) Clinics, in buildings of not more than 6,000 square feet of floor area.
- (6) Churches and other places of worship.
- (7) Reserved.
- (8) Public, private and parochial schools operated for the purpose of instructing in elementary and high school general education subjects. In addition, other schools are allowed subject to a

finding by the planning commission that the proposed method of establishment and operation would not adversely impact the use and enjoyment of surrounding properties.

(9) Offices, banks and other financial institutions, and clinics in buildings with more than 6,000 square feet of floor area, provided that the minimum lot area for any such development is five acres.

(10) Multifamily developments of high density; provided that the minimum lot area for any such development is five acres; and provided further 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.

(11) Accessory uses to office buildings with more than 6,000 square feet of floor area, or high-density multifamily buildings are permitted, but limited to the first two floors and further limited to those retail uses permitted in the C-1 commercial district, wholly within the principal building. In no case shall accessory use activities utilize more than 25 percent of the floor area of any hotel, motel, office or multifamily building.

(12) Art galleries, in buildings of not more than 6,000 square feet of floor area.

(13) North American Industry Classification System (NAICS) Code 712110 Museums, in buildings of not more than 6,000 square feet of floor area.

(14) NAICS Code 711510 Independent Artists, Writers, and Performers, in buildings of not more than 6,000 square feet of floor area.

(15) NAICS Code 453920 Art Dealers, in buildings of not more than 6,000 square feet of floor area.

Sec. 93-12-3. - Nonpermitted uses.

The following uses are not permitted in any C-R zone:

- (1) Reserved.

Sec. 93-12-4. - Special uses.

The following uses require a special use permit, in accordance with [section 93-3.2-5](#) and [93-3.2-6](#), in any C-R zone:

- (1) Nursing homes.
- (2) Personal care homes, subject to the restrictions in [section 93-2-20](#).

Sec. 93-12-5. - Temporary use permits.

(a) The mayor and council may authorize the issuance of temporary use permits in the C-R zone, for any use permitted in the C-1 and C-2 zones, upon a finding that the proposed use would not cause adverse noise, glare, parking or traffic conditions, or otherwise unduly impair the value, use or enjoyment of adjacent property.

(b) Temporary permits shall be for the duration of six months and may be renewed at the discretion of the mayor and council. The mayor and council may stipulate special conditions or restrictions concerning the method of operation of any use granted a six month temporary permit.

(c) Prior to authorizing the issuance of any six-month temporary use permit, the mayor and council may consider the planning commission recommendations concerning the potential action, including any special conditions or restrictions concerning the method of operation of the use, as may be suggested by the commission. The planning commission and the mayor and council shall use the standards of review found in [section 93-25-6](#) to decide whether or not to recommend approval or denial and to approve or deny the permit.

(d) A use granted a six-month temporary use permit shall not be granted the status of a lawful nonconforming use as defined and provided for in this chapter.

(e) If a temporary use is granted, an occupation tax certificate may be issued. Issuance of tax a certificate shall convey no rights to continue the temporary use.

(f) A temporary use permit issued pursuant to this section which has been approved for use by the mayor and city council for two consecutive six-month terms may be converted upon application to a conditional use permit subject to the standards and requirements set forth above. Such application shall be subject to [article 3.2](#) of this chapter.

ARTICLE 11.1. - V ZONE (VILLAGE)

Sec. 93-11.1-1. - Intent.

The V district is established in order to:

- (1) Accommodate a mixed-use, urban fabric that preserves neighborhood scale;
- (2) Accommodate residents in the district with pedestrian access to services and employment typical of a live/work community;
- (3) Promotes neighborhoods established near shopping and employment centers;
- (4) Encourage pedestrian and neighborhood uses in the commercial area;
- (5) Discourage land uses, which are automobile or transportation related;
- (6) Exclude industrial uses such as manufacturing, processing and warehousing;
- (7) Promote retail and related commercial uses such as business offices, florists, card shops antiques, apparel and banks; and
- (8) Encourage mixed use with commercial uses on the first floor and residential living above.

Sec. 93-11.1-2. - Permitted uses.

The following are permitted within the V zone:

- (1) Any use permitted in the D-D zone;
- (2) Any use permitted in the C-1 zone subject to the requirements of this article;
- (3) Single-family detached dwellings;
- (4) Single-family attached dwellings with at least four units attached;
- (5) Group homes, subject to the restrictions in [section 93-2-19](#);
- (6) Adult daycare facilities;
- (7) Condominiums subject to approval as a conditional use; and
- (8) Combination of residential and business applications within a single structure. However, each use must have a separate entrance.

Sec. 93-11.1-3. - Nonpermitted uses.

The following uses, while permitted in other areas within the city, are not permitted in the V zone:

- (1) Pawnshops and check cashing businesses excluding banks and credit unions;
- (2) Adult entertainment establishments as defined by [section 11-2-1](#) of this Code, including, but not limited to, adult bookstores, video or DVD adult rental or purchase, adult movie or adult live theaters, or adult gifts and novelties, or viewing or listening to other adult entertainment through any other electronic or other technological medium;
- (3) Automotive repair shops, dealerships and service stations, boat sales, auto parts stores;
- (4) Tattoo parlors;
- (5) Palm reading and fortunetelling including psychic and crystal ball readings;
- (6) Reserved;
- (7) Carnivals;
- (8) Stables;
- (9) Shooting galleries, firearm, and archery ranges;

- (10) Firearms dealers;
- (11) Modeling agencies;
- (12) Massage parlors;
- (13) Spas;
- (14) Hypnotists;
- (15) Handwriting analysis;
- (16) Escort services;
- (17) Bazaars;
- (18) Specialty shops;
- (19) Flea markets;
- (20) Junk stores;
- (21) Variety shops;
- (22) Labor pools;
- (23) Extended stay motels/hotels;
- (24) Parking lots (except for municipal parking lots benefiting the V zone;
- (25) Warehouses or longterm storage of material except where such storage does not constitute more than 25 percent of the business's floor space.

Sec. 93-11.1-4. - Conditional uses.

Specific uses may be permitted as conditional uses, provided conformance to the purpose and intent of this article can be demonstrated. Such uses are:

- (1) SIC Code 5261, lawn and garden supplies:
 - a. No outdoor storage of merchandise in the front yard.
 - b. Outdoor storage in the rear yard, only, is permitted, provided storage areas are completely screened.
- (2) SIC Code 5411, grocery stores and food stores;
- (3) SIC Code 7011, Hotels and motels;
- (4) SIC Code 7641, Reupholstery and furniture repair;
- (5) Laundry and dry cleaning shops;
- (6) Undertaking establishments and funeral homes.

Sec. 93-11.1-5. - Special uses.

The following uses require a special use permit, in accordance with sections [93-3.2-5](#) and [93-3.2-6](#), in any V zone:

- (1) Nursing homes.
- (2) Personal care homes, subject to the restrictions in [section 93-2-20](#).

Sec. 93-11.1-6. - Area, placement, and buffering requirements.

All buildings or structures erected, converted or structurally altered shall hereafter comply with the following lot area, yard, and building coverage requirements:

- (1) *Lot area and width.* No lot shall have a minimum frontage of less than 50 feet, while the minimum area shall be established by the restriction governing lot coverage, setbacks, screening, and parking requirements.
- (2) *Front yard.* All structures located along a street shall be set back, at a minimum, of 15 feet, or greater as may be determined to be necessary and advisable by the city planning commission in the course of its site plan review process. In determining such yard setbacks, the city planning commission shall consider the size and configuration of the proposed buildings, their relationship to the existing and proposed thoroughfares; in order to maximize all vehicular and pedestrian safety.

(3) *Side and rear yards.* The side and rear yards adjacent to, or separated by a street, alley or other right-of-way from a residential or commercial zone, shall provide a building setback of at least 15 feet.

(4) *Distance between buildings.* The minimum distance between two multiple family buildings on a single lot or on contiguous property under the same ownership shall be 20 feet, plus four additional feet for every story or fraction thereof that the building exceeds two stories, or such distance determined necessary by the planning commission to enhance the aesthetics of development.

(5) *Height regulations.* No building or structure shall exceed 2½ stories or a 35 feet in height, provided the planning commission may allow a development with greater height, if it finds that:

- a. The proposed height will not adversely impact adjacent properties or nearby residential neighborhoods;
- b. The added height is necessary to support redevelopment of an area, which currently contains uses that have an adverse impact upon adjacent neighborhoods;
- c. The proposed development is designed to facilitate the objectives and strategies of the master plan;
- d. Meets approval from the fire department and FAA.

(6) *Residential buffer.* New development shall provide sufficient setback as well as an attractive physical barrier between the residential and nonresidential uses as necessary to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential environment. A smooth transition between residential neighbors and nonresidential uses (including all parking lots) shall be ensured by the provision of sufficient screening of more intensive uses (i.e., commercial/offices uses) from residential neighborhoods through the use of decorative landscaping and screened walls. A 15-foot landscaped buffer shall be installed between and along the residential and nonresidential sides of said buffer. The landscaped area shall be planted with trees, flowers, grasses and shrubs to visually screen non-residential areas and provide an attractive boundary that encourages continued investment in the adjacent residential property.

REVIEW OF APPLICATION

(1) The existing land use pattern;

The existing land use pattern is a mix of commercial and residential. The properties are located within the gateways to the City as identified in the LCI plan.

(2) The possible creation of an isolated district unrelated to adjacent and nearby districts;

These zoning changes would provide more continuity between commercial areas and buffering residential areas. No isolated district would be created.

(3) The population density pattern and possible increase or overtaxing of the load on public facilities including, but not limited to, schools, utilities, and streets;

There is no foreseeable significant increase on public facilities such as schools, utilities or streets for the proposed zoning change.

(4) The cost of the city and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures;

There is no foreseeable significant increase in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures.

(5) The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity;

There is no foreseeable negative impacts on the environment from the proposed zoning change.

(6) Whether the proposed zoning map amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations;

The proposed zoning map amendment creates more certainty with regard to future uses than the current C-R zoning.

(7) Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;

The C-R zoning district is cumbersome and often precludes staff from approving uses that would otherwise be compatible given the zoning district's intent. For example, a restaurant would need a 6 month temporary use permit granted by the City Council. It would then require a renewal and then potentially a conditional use application approval to continue operation. This is burdensome to the development opportunities Hapeville would like to see.

(8) The aesthetic effect of existing and future use of the property as it relates to the surrounding area;

(9) The extent to which the proposed zoning map amendment is consistent with the land use plan;

(10) The possible effects of the proposed zoning map amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community;

The proposed zoning map amendment allows for ease in development of existing parcels. Many of the setbacks (see dimensional chart below) are similar, but the V, Village zoning allows for slightly narrower lot frontages. The proposed map amendment also allows for retail and commercial uses that are compatible with adjacent residential, particularly given the intent of the zoning:

The V district is established in order to:

- (1) Accommodate a mixed-use, urban fabric that preserves neighborhood scale;
- (2) Accommodate residents in the district with pedestrian access to services and employment typical of a live/work community;
- (3) Promotes neighborhoods established near shopping and employment centers;
- (4) Encourage pedestrian and neighborhood uses in the commercial area;
- (5) Discourage land uses, which are automobile or transportation related;
- (6) Exclude industrial uses such as manufacturing, processing and warehousing;
- (7) Promote retail and related commercial uses such as business offices, florists, card shops antiques, apparel and banks; and
- (8) Encourage mixed use with commercial uses on the first floor and residential living above.

(11) The relation that the proposed zoning map amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations;

The proposed zoning change creates more clarity and certainty with the zoning regulations and overall intent of the properties and adjoining neighborhood.

(12) Applications for a zoning map amendment which do not contain specific site plans carry a rebuttable presumption that such rezoning shall adversely affect the zoning scheme;

(13) The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;

The current zoning classification currently allows for both residential and commercial uses.

(14) In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.

The properties front major thoroughfares and adjoin established residential neighborhoods. The Village Zoning District serves as a transition zoning district to protect the residential areas with buffer requirements.

RECOMMENDATION

The parcels proposed for rezoning are flanked by residential (R1, RSF, RAD, R3) to the north, east and west and commercial (Village) to the south. Both the C-R and Village zoning districts act as transitions between residential and commercial development. Parcel ID 14 009800090476 is recommended to be rezoned C-2.

Staff recommends these zoning map amendments be approved.

DIMENSIONAL CHART COMPARISON

								Minimum Front Yard		Minimum		Maximum			
Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Bed & Bath Req.	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minor Col.	Major Arterial	Side	Rear	Stories	Feet	Min Parking Spaces	Max. Unit Per Bldg. Lot
V	Single-family Detached	50	4,000	4,000	3br/2bth	1,600	70	15	15	5	20	2½	35	2 DU	1
	Accessory Structure(s)									5	5	2	26		
	Single-family Attached—4 to 8 Units	50	10,000	2,500	3br/2bth	1,500	70	15	15	5	20	2½	35	2 DU	a.
	Accessory Structure(s)									5	5	2	25		
	Condominiums	200	43,500	2,500	3br/2bth	1,400	70	15	15	10	25		40 b..	2 DU	12
	Accessory Structure(s) Conditional									5	5	2	25		Conditional
	Nonresidential	50	10,000	10,000		1,000	70	15	15	15	25		40 b..	c., d., e.	N/A
C-R	Single-family Detached	60	8,500	8,500	3br/2bth	1,600	40	15	15	8	25	2½	35	2 DU	1
	Accessory Structure(s)									5	5	2½	25		
	Two-Family Attached—Duplex	60	8,500	4,250	3br/2bth	1,400	40	15	15	6	20	2½	35	2 DU	1
	Single-family Attached Patio/Townhomes	50	10,000	2,500	3br/2bth	1,400	60	15	15	5	0	2½	35	2 DU	a.
	Multifamily—2 Stories or Less	100	30,000	3,000		480	50	15	15	10	25	2	35	2 DU	1
	Nonresidential with floor areas not exceeding 6,000 sf	100	8,500			1,000	60	15	15	15	25	2½	40 b.	c., d., e.	
	Nonresidential with floor areas in exceeding 6,000 sf	200	5 acres	1,000		500	50	15	15	15	25		40 b.	c., d., e.	

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**STATE OF GEORGIA
CITY OF HAPEVILLE**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 93 (“ZONING”), ARTICLE 3.1 (“ZONES”), SECTION 93-3.1-2 (“ZONING MAP”) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO UPDATE THE CITY OF HAPEVILLE ZONING MAP; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the mayor and council shall have full power and authority to provide for the execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers, agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,

WHEREAS, the municipal government of the City of Hapeville (hereinafter “City”) and all powers of the City shall be vested in the mayor and council. The mayor and council shall be the legislative body of the City; and,

WHEREAS, existing ordinances, resolutions, rules and regulations of the City and its agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall remain effective until they have been repealed, modified or amended; and,

WHEREAS, amendments to any of the provisions of the City’s Code may be made by amending such provisions by specific reference to the section number of the City’s Code; and,

WHEREAS, every official act of the mayor and council which is to become law shall be by ordinance;

WHEREAS, the procedures required for amending the City’s zoning ordinance have been satisfied, including, but not limited to, notice and public hearings; and,

WHEREAS, the governing authority of the City finds it desirable to amend and update the City of Hapeville Zoning Map.

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

Section One. Section 93-3.1-2 (Zoning map) in Chapter 93 (Zoning), Article 3.1 (Zones) of the City Code of Ordinances is hereby amended by striking:

April 5, 2016

and inserting in lieu thereof the following language:

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January 8, 2019

Section Two. The “zoning map” referred to in Section 93-3.1-2 (Zoning map) in Chapter 93 (Zoning), Article 3.1 (Zones) of the City Code of Ordinances is attached hereto and incorporated herein by reference as:

Exhibit “A”

The zoning map attached as Exhibit “A” shall replace the zoning map adopted on April 5, 2016.

Section Three. Codification and Certify. This Ordinance and the Zoning Map adopted hereby shall be codified and certified in a manner consistent with the laws of the State of Georgia and the City.

Section Four. Severability.

(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. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

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

ORDAINED this _____ day of _____, 2019.

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CITY OF HAPEVILLE, GEORGIA

Alan H. Hallman, Mayor

ATTEST:

City Clerk

APPROVED BY:

City Attorney



PLANNER'S REPORT

TO: Adrienne Senter
 FROM: Lynn Patterson
 RE: Rezoning for North Central and Dogwood Drive currently zoned C-R
 DATE: December 7, 2018

BACKGROUND

Staff is proposing zoning map amendments to rezone properties within the City limits that are currently zoned C-R, Commercial-Residential to V, Village. The C-R zoning is quite complex and restrictive in terms of allowable uses and dimensional requirements whereas the V, Village zoning offers compatibility in terms of intent to C-R with greater ease. According to the City of Hapeville Future Land Use Map (Figure 2), the properties proposed for rezoning are low to medium intensity mixed use.

City of Hapeville Official Zoning Map

April 5, 2016: As Amended from December 2, 2008

- ARTS DISTRICT OVERLAY**
- R-AD RESIDENTIAL ARCHITECTURAL DESIGN
 - R-SF RESIDENTIAL SINGLE FAMILY
 - R-1 ONE-FAMILY DETACHED
 - R-2 TWO-FAMILY RESIDENTIAL
 - R-3 SINGLE FAMILY ATTACHED
 - R-4 MULTIFAMILY RESIDENTIAL
 - R-5 SINGLE FAMILY ATTACHED AND DETACHED
 - R-0 ONE-FAMILY DETACHED
 - N-C NEIGHBORHOOD COMMERCIAL
 - V VILLAGE
 - U-V URBAN VILLAGE
 - P-D PLANNED UNIT DEVELOPMENT
 - RMU RESIDENTIAL MIXED USE
 - C-1 RETAIL COMMERCIAL
 - C-2 GENERAL COMMERCIAL
 - C-R COMMERCIAL RESIDENTIAL
 - C-T COMMERCIAL TRANSPORTATION
 - I-1 LIGHT INDUSTRIAL

C - ZONING WITH CONDITION

NOTE: Addresses and parcel boundaries are based on data provided by the Fulton County Tax Assessor's Office and are not guaranteed by the City of Hapeville to be accurate.

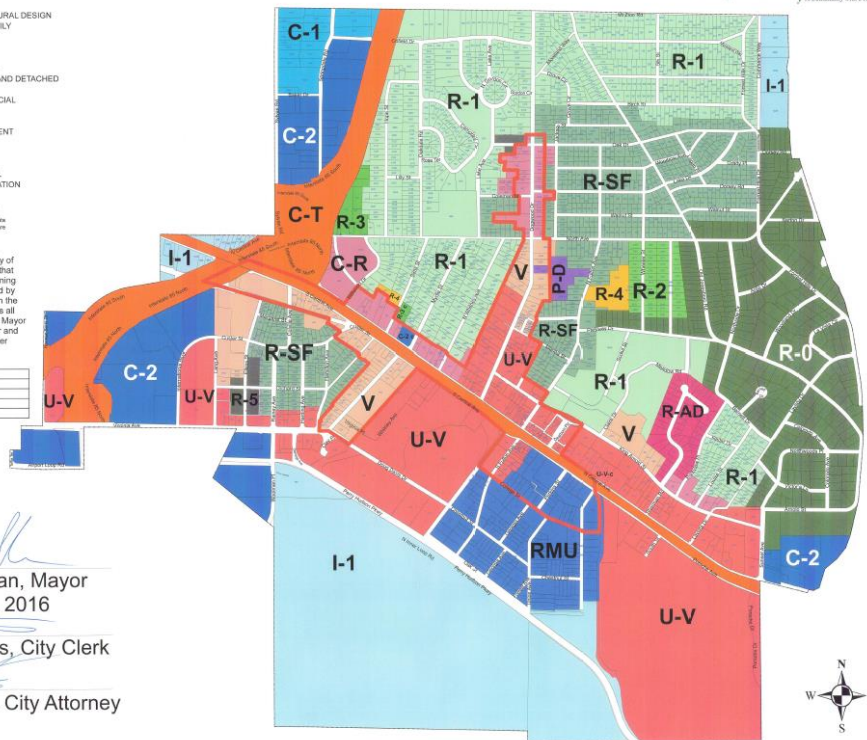
I, Jennifer Elkins, City Clerk of the City of Hapeville, Georgia, do hereby certify that this is the City of Hapeville Official Zoning Map, Fulton County, Georgia, adopted by the Mayor and Council of Hapeville on the 23rd day of April, 2016, and includes all subsequent amendments adopted by Mayor and Council as indicated in the Mayor and Council meeting minutes and as further indicated on this Map.

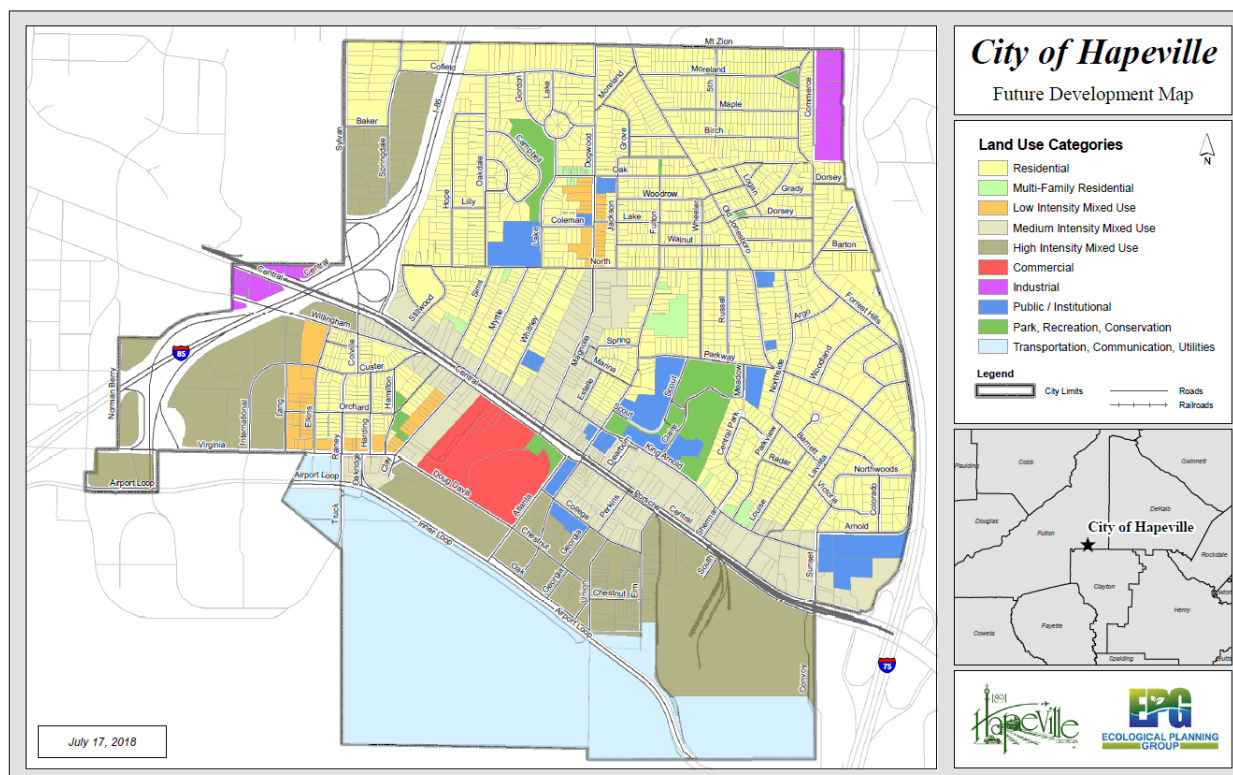
Date	Amendment

Alan Hallman, Mayor
 April 5, 2016

Jennifer Elkins, City Clerk

Steve Fincher, City Attorney





CODE

Current Zoning

ARTICLE 12. - C-R ZONE (COMMERCIAL-RESIDENTIAL)

Sec. 93-12-1. - Intent.

By virtue of its location within the comprehensive land development plan for the city, and because of the existing mixed development within its zone, and in recognition that limited commercial uses and residential uses can be made compatible and advantageous to the city when established in the same area, and because of the need for controlled flexibility in accommodating the future development and expansion of commercial and residential land uses within the city, the C-R zone is established in order to:

- (1) Stabilize and protect existing development.
- (2) Ensure that future development and redevelopment increase the housing supply and needed office, commercial services and nonintensive retail land uses which are compatible with each other and with existing land uses within the city.
- (3) Encourage certain specific types of transitional uses, building locations and site designs between residences and businesses that locate in or adjoin this zone.

Sec. 93-12-2. - Permitted uses.

- (a) The following uses are permitted in any C-R zone, subject to the general requirements of the zone:
 - (1) Single-family detached dwellings.
 - (2) Two-family dwellings.
 - (3) Group homes, subject to the restrictions in [section 93-2-19](#).
 - (4) Adult daycare facilities.

(5) Professional and business office uses, in buildings of not more than 3,000 square feet of floor area, provided that no parking area shall be located within 20 feet of a front property line, and provided further that all buildings conform to the following:

- a. The roofs of all buildings shall be not less than four feet in rise to ten feet in run. No roof-mounted equipment shall be allowed.
- b. The exterior wall construction of all buildings shall be one or more of the following:
 - 1. Wood;
 - 2. Hard-burned clay brick;
 - 3. Stone with either a weathered face or a polished, fluted or broken face.

(b) The following uses are permitted in any C-R zone subject to the general requirements of the zone; and subject further to the site plan review requirements of [section 93-2-16](#):

- (1) Single-family attached developments, in structures with not more than four dwellings attached.
- (2) Multifamily dwelling developments, in buildings containing no more than four dwelling units.
- (3) Offices, in buildings of not more than 6,000 square feet of floor area.
- (4) Banks and other financial institutions, in buildings of not more than 6,000 square feet of floor area.
- (5) Clinics, in buildings of not more than 6,000 square feet of floor area.
- (6) Churches and other places of worship.
- (7) Reserved.
- (8) Public, private and parochial schools operated for the purpose of instructing in elementary and high school general education subjects. In addition, other schools are allowed subject to a finding by the planning commission that the proposed method of establishment and operation would not adversely impact the use and enjoyment of surrounding properties.
- (9) Offices, banks and other financial institutions, and clinics in buildings with more than 6,000 square feet of floor area, provided that the minimum lot area for any such development is five acres.
- (10) Multifamily developments of high density; provided that the minimum lot area for any such development is five acres; and provided further 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.
- (11) Accessory uses to office buildings with more than 6,000 square feet of floor area, or high-density multifamily buildings are permitted, but limited to the first two floors and further limited to those retail uses permitted in the C-1 commercial district, wholly within the principal building. In no case shall accessory use activities utilize more than 25 percent of the floor area of any hotel, motel, office or multifamily building.
- (12) Art galleries, in buildings of not more than 6,000 square feet of floor area.
- (13) North American Industry Classification System (NAICS) Code 712110 Museums, in buildings of not more than 6,000 square feet of floor area.
- (14) NAICS Code 711510 Independent Artists, Writers, and Performers, in buildings of not more than 6,000 square feet of floor area.
- (15) NAICS Code 453920 Art Dealers, in buildings of not more than 6,000 square feet of floor area.

Sec. 93-12-3. - Nonpermitted uses.

The following uses are not permitted in any C-R zone:

- (1) Reserved.

Sec. 93-12-4. - Special uses.

The following uses require a special use permit, in accordance with [section 93-3.2-5](#) and [93-3.2-6](#), in any C-R zone:

- (1) Nursing homes.
- (2) Personal care homes, subject to the restrictions in [section 93-2-20](#).

Sec. 93-12-5. - Temporary use permits.

(a) The mayor and council may authorize the issuance of temporary use permits in the C-R zone, for any use permitted in the C-1 and C-2 zones, upon a finding that the proposed use would not cause adverse noise, glare, parking or traffic conditions, or otherwise unduly impair the value, use or enjoyment of adjacent property.

(b) Temporary permits shall be for the duration of six months and may be renewed at the discretion of the mayor and council. The mayor and council may stipulate special conditions or restrictions concerning the method of operation of any use granted a six month temporary permit.

(c) Prior to authorizing the issuance of any six-month temporary use permit, the mayor and council may consider the planning commission recommendations concerning the potential action, including any special conditions or restrictions concerning the method of operation of the use, as may be suggested by the commission. The planning commission and the mayor and council shall use the standards of review found in [section 93-25-6](#) to decide whether or not to recommend approval or denial and to approve or deny the permit.

(d) A use granted a six-month temporary use permit shall not be granted the status of a lawful nonconforming use as defined and provided for in this chapter.

(e) If a temporary use is granted, an occupation tax certificate may be issued. Issuance of tax a certificate shall convey no rights to continue the temporary use.

(f) A temporary use permit issued pursuant to this section which has been approved for use by the mayor and city council for two consecutive six-month terms may be converted upon application to a conditional use permit subject to the standards and requirements set forth above. Such application shall be subject to [article 3.2](#) of this chapter.

ARTICLE 11.1. - V ZONE (VILLAGE)

Sec. 93-11.1-1. - Intent.

The V district is established in order to:

- (1) Accommodate a mixed-use, urban fabric that preserves neighborhood scale;
- (2) Accommodate residents in the district with pedestrian access to services and employment typical of a live/work community;
- (3) Promotes neighborhoods established near shopping and employment centers;
- (4) Encourage pedestrian and neighborhood uses in the commercial area;
- (5) Discourage land uses, which are automobile or transportation related;
- (6) Exclude industrial uses such as manufacturing, processing and warehousing;
- (7) Promote retail and related commercial uses such as business offices, florists, card shops antiques, apparel and banks; and
- (8) Encourage mixed use with commercial uses on the first floor and residential living above.

Sec. 93-11.1-2. - Permitted uses.

The following are permitted within the V zone:

- (1) Any use permitted in the D-D zone;
- (2) Any use permitted in the C-1 zone subject to the requirements of this article;
- (3) Single-family detached dwellings;
- (4) Single-family attached dwellings with at least four units attached;
- (5) Group homes, subject to the restrictions in [section 93-2-19](#);
- (6) Adult daycare facilities;
- (7) Condominiums subject to approval as a conditional use; and
- (8) Combination of residential and business applications within a single structure. However, each use must have a separate entrance.

Sec. 93-11.1-3. - Nonpermitted uses.

The following uses, while permitted in other areas within the city, are not permitted in the V zone:

- (1) Pawnshops and check cashing businesses excluding banks and credit unions;
- (2) Adult entertainment establishments as defined by [section 11-2-1](#) of this Code, including, but not limited to, adult bookstores, video or DVD adult rental or purchase, adult movie or adult live theaters, or adult gifts and novelties, or viewing or listening to other adult entertainment through any other electronic or other technological medium;
- (3) Automotive repair shops, dealerships and service stations, boat sales, auto parts stores;
- (4) Tattoo parlors;
- (5) Palm reading and fortunetelling including psychic and crystal ball readings;
- (6) Reserved;
- (7) Carnivals;
- (8) Stables;
- (9) Shooting galleries, firearm, and archery ranges;
- (10) Firearms dealers;
- (11) Modeling agencies;
- (12) Massage parlors;
- (13) Spas;
- (14) Hypnotists;
- (15) Handwriting analysis;
- (16) Escort services;
- (17) Bazaars;
- (18) Specialty shops;
- (19) Flea markets;
- (20) Junk stores;
- (21) Variety shops;
- (22) Labor pools;
- (23) Extended stay motels/hotels;
- (24) Parking lots (except for municipal parking lots benefiting the V zone);
- (25) Warehouses or longterm storage of material except where such storage does not constitute more than 25 percent of the business's floor space.

Sec. 93-11.1-4. - Conditional uses.

Specific uses may be permitted as conditional uses, provided conformance to the purpose and intent of this article can be demonstrated. Such uses are:

- (1) SIC Code 5261, lawn and garden supplies:
 - a. No outdoor storage of merchandise in the front yard.
 - b. Outdoor storage in the rear yard, only, is permitted, provided storage areas are completely screened.
- (2) SIC Code 5411, grocery stores and food stores;
- (3) SIC Code 7011, Hotels and motels;

- (4) SIC Code 7641, Reupholstery and furniture repair;
- (5) Laundry and dry cleaning shops;
- (6) Undertaking establishments and funeral homes.

Sec. 93-11.1-5. - Special uses.

The following uses require a special use permit, in accordance with sections [93-3.2-5](#) and [93-3.2-6](#), in any V zone:

- (1) Nursing homes.
- (2) Personal care homes, subject to the restrictions in [section 93-2-20](#).

Sec. 93-11.1-6. - Area, placement, and buffering requirements.

All buildings or structures erected, converted or structurally altered shall hereafter comply with the following lot area, yard, and building coverage requirements:

- (1) *Lot area and width.* No lot shall have a minimum frontage of less than 50 feet, while the minimum area shall be established by the restriction governing lot coverage, setbacks, screening, and parking requirements.
- (2) *Front yard.* All structures located along a street shall be set back, at a minimum, of 15 feet, or greater as may be determined to be necessary and advisable by the city planning commission in the course of its site plan review process. In determining such yard setbacks, the city planning commission shall consider the size and configuration of the proposed buildings, their relationship to the existing and proposed thoroughfares; in order to maximize all vehicular and pedestrian safety.
- (3) *Side and rear yards.* The side and rear yards adjacent to, or separated by a street, alley or other right-of-way from a residential or commercial zone, shall provide a building setback of at least 15 feet.
- (4) *Distance between buildings.* The minimum distance between two multiple family buildings on a single lot or on contiguous property under the same ownership shall be 20 feet, plus four additional feet for every story or fraction thereof that the building exceeds two stories, or such distance determined necessary by the planning commission to enhance the aesthetics of development.
- (5) *Height regulations.* No building or structure shall exceed 2½ stories or a 35 feet in height, provided the planning commission may allow a development with greater height, if it finds that:
 - a. The proposed height will not adversely impact adjacent properties or nearby residential neighborhoods;
 - b. The added height is necessary to support redevelopment of an area, which currently contains uses that have an adverse impact upon adjacent neighborhoods;
 - c. The proposed development is designed to facilitate the objectives and strategies of the master plan;
 - d. Meets approval from the fire department and FAA.
- (6) *Residential buffer.* New development shall provide sufficient setback as well as an attractive physical barrier between the residential and nonresidential uses as necessary to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential environment. A smooth transition between residential neighbors and nonresidential uses (including all parking lots) shall be ensured by the provision of sufficient screening of more intensive uses (i.e., commercial/offices uses) from residential neighborhoods through the use of decorative landscaping and screened walls. A 15-foot landscaped buffer shall be installed between and along the residential and nonresidential sides of said buffer. The landscaped area shall be planted with trees, flowers, grasses and shrubs to visually screen non-residential areas and provide an attractive boundary that encourages continued investment in the adjacent residential property.

REVIEW OF APPLICATION

(1) The existing land use pattern;

The existing land use pattern is a mix of commercial and residential. The properties are located within the gateways to the City as identified in the LCI plan.

(2) The possible creation of an isolated district unrelated to adjacent and nearby districts;

These zoning changes would provide more continuity between commercial areas and buffering residential areas. No isolated district would be created.

(3) The population density pattern and possible increase or overtaxing of the load on public facilities including, but not limited to, schools, utilities, and streets;

There is no foreseeable significant increase on public facilities such as schools, utilities or streets for the proposed zoning change.

(4) The cost of the city and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures;

There is no foreseeable significant increase in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures.

(5) The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity;

There is no foreseeable negative impacts on the environment from the proposed zoning change.

(6) Whether the proposed zoning map amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations;

The proposed zoning map amendment creates more certainty with regard to future uses than the current C-R zoning.

(7) Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;

The C-R zoning district is cumbersome and often precludes staff from approving uses that would otherwise be compatible given the zoning district's intent. For example, a restaurant would need a 6 month temporary use permit granted by the City Council. It would then require a renewal and then potentially a conditional use application approval to continue operation. This is burdensome to the development opportunities Hapeville would like to see.

(8) The aesthetic effect of existing and future use of the property as it relates to the surrounding area;

The proposed site plan does locate the fuel pumps to the rear of the site. The mixed-uses that could accompany the U-V zoning may consider the fuel pumps as an undesirable aesthetic. The proposed elevation as presented to the Planning Commission is not consistent with the Architectural Design Standards, Zoning Code or LCI Study recommendations.

(9) The extent to which the proposed zoning map amendment is consistent with the land use plan;

The existing land use plan designates the land use as commercial. The updated Comprehensive plan recommends that the FLUM be revised to designate this area as high-intensity mixed use.

(10) The possible effects of the proposed zoning map amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community;

The character of the U-V district currently including and surrounding this property is pedestrian-oriented and discourages automobile-based uses. The restaurant and food store are consistent with this intent. The fuel pumps are not.

(11) The relation that the proposed zoning map amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations;

The proposed zoning amendment would alter the purpose of the zoning district by allowing a general commercial use, dimensions, and character in the middle of the U-V district.

(12) Applications for a zoning map amendment which do not contain specific site plans carry a rebuttable presumption that such rezoning shall adversely affect the zoning scheme;

(13) The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;

While the property is not located adjacent to a residential neighborhood, there is a residential neighborhood in close proximity to the property requesting the zoning amendment.

(14) In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.

N/A

DIMENSIONAL CHART COMPARISON

								Minimum Front Yard		Minimum		Maximum			
Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Bed & Bath Req.	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minor Col.	Major Arterial	Side	Rear	Stories	Feet	Min Parking Spaces	Max. Unit Per Bldg. Lot
V	Single-family Detached	50	4,000	4,000	3br/2bth	1,600	70	15	15	5	20	2½	35	2 DU	1
	Accessory Structure(s)									5	5	2	26		
	Single-family Attached—4 to 8 Units	50	10,000	2,500	3br/2bth	1,500	70	15	15	5	20	2½	35	2 DU	a.
	Accessory Structure(s)									5	5	2	25		
	Condominiums	200	43,500	2,500	3br/2bth	1,400	70	15	15	10	25		40 b..	2 DU	12
	Accessory Structure(s) Conditional									5	5	2	25		Conditional
	Nonresidential	50	10,000	10,000		1,000	70	15	15	15	25		40 b..	c., d., e.	N/A
C-R	Single-family Detached	60	8,500	8,500	3br/2bth	1,600	40	15	15	8	25	2½	35	2 DU	1
	Accessory Structure(s)									5	5	2½	25		
	Two-Family Attached—Duplex	60	8,500	4,250	3br/2bth	1,400	40	15	15	6	20	2½	35	2 DU	1
	Single-family Attached Patio/Townhomes	50	10,000	2,500	3br/2bth	1,400	60	15	15	5	0	2½	35	2 DU	a.
	Multifamily—2 Stories or Less	100	30,000	3,000		480	50	15	15	10	25	2	35	2 DU	1
	Nonresidential with floor areas not exceeding 6,000 sf	100	8,500			1,000	60	15	15	15	25	2½	40 b.	c., d., e.	
	Nonresidential with floor areas in exceeding 6,000 sf	200	5 acres	1,000		500	50	15	15	15	25		40 b.	c., d., e.	

RECOMMENDATION

The parcels proposed for rezoning are flanked by residential (R1, RSF, RAD, R3) to the north, east and west and commercial (Village) to the south. Both the C-R and Village zoning districts act as transitions between residential and commercial development.

Staff recommends these zoning map amendments be approved.



**Planning & Zoning
Planner's Report**

TO: Adrienne Senter
FROM: Lynn M. Patterson, Planning Consultant for City of Hapeville
RE: Text Amendment for Sign Ordinance
DATE: January 15, 2019

BACKGROUND

In reviewing the Sign Ordinance, staff found a section of the code requiring the registration and annual renewal of a fee (\$50 initial registration/\$25 annual renewal) for all non-conforming signs in the City. The Code requires all new signs to be compliant with Code and any modifications to existing signs, other than replacement of the face of the sign, to meet current Code requirements. Code requires regular maintenance of signs and prescribes remedies for those not meeting maintenance requirements.

After discussions with various Departments within the City, staff is recommending that the registration of non-conforming signs be struck from the Code. There is little to no benefit to the City for this registration given the other Code requirements.

ARTICLE 3.3. - SIGNS AND MURALS

DIVISION 1. - SIGNS

Sec. 93-3.3-1. - Statement of purpose and intent.

- (a) This division seeks to create the legal framework necessary to ensure a comprehensive and balanced system of signs within the city. A comprehensive regulation is necessary to ensure that signs installed in the city are compatible with the unique nature and character of the community. The purpose of this division is to preserve the right of free speech and expression, facilitate appropriate communication between people and their environment, promote the public health, safety and welfare, and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance.

With these concepts in mind, the provisions in this division, which regulate signs by such factors as design, size, height, spacing and location, but not on the basis of any message conveyed by such signs, and also regulate the maintenance of signs, are hereby established to achieve the following purposes:

- (1) To protect the health, safety, general welfare and property values of residents and property owners of the city.
 - (2) To promote and implement the goals, objectives and policies adopted in the comprehensive plan.
 - (3) To effectively balance public and private objectives by allowing adequate signs for the needs of business and developers.
 - (4) To regulate the installation and placement of signs in order to provide safe operating conditions for pedestrians and motorists by eliminating unsafe, cluttered, distracting, or illegal signs.
 - (5) To promote the use of signs that are aesthetically pleasing, of appropriate scale, integrated with surrounding buildings and landscape, and compatible with the character of the surrounding area.
 - (6) To ensure the protection of free speech rights provided by the United States Constitution and the Georgia Constitution.
- (b) It is the intent of this division to:
- (1) Enable the public to locate and design sign facilities without difficulty or confusion.
 - (2) Provide functional flexibility, encourage variety and relate signing to basic principles of good design.
 - (3) Balance the rights of individuals to convey messages through signs and the right of the public to be protected against the unrestricted proliferation of signs by regulating signs on the basis of such factors as design, height, spacing, and location, but not on the basis of the content of any message conveyed thereby.
 - (4) Provide an enhanced visual environment for residents and visitors and protect existing view sheds in the community.
 - (5) Promote economic development.
 - (6) Ensure the fair and consistent enforcement of sign regulations.

Sec. 93-3.3-8. - Nonconforming signs.

- (a) The city finds that nonconforming signs may adversely affect the public health, safety and welfare. Such signs may adversely affect the aesthetic character of the city and may adversely affect public safety due to the visual impact and structural characteristics of such signs on motorists. Accordingly, the following registration requirements are found to be necessary to minimize these possible adverse effects through annual inspections essential to enabling the city to remain aware of the location and maintenance of nonconforming signs.
- ~~(b) The owner(s) or authorized agent(s) of each nonconforming sign located within the city shall register such nonconforming sign with the city planner no later than six months after the effective date of this division and shall thereafter renew this registration, annually. Any nonconforming sign that does not comply with these registration requirements shall be deemed an illegal sign and shall be subject to the regulations applicable to illegal signs and all other enforcement provisions. The city planner shall provide a form for registering a nonconforming sign and shall annually inspect such sign to ensure continued conformity in all other respects with all other provisions of this division and any other applicable city ordinances or regulations. The initial registration fee shall be \$50.00. Each~~

~~subsequent renewal fee shall be \$25.00. These fees are intended to offset administrative costs associated with monitoring compliance with this division.~~

- (c) Signs which on the effective date of this division were approved and legally erected under previous sign regulations and which became nonconforming with respect to the requirements of this division may continue in existence subject to the following restrictions:
 - (1) No change shall be made in the size of any nonconforming sign, nor shall any structural change be made to any such sign, unless the sign is brought into compliance with the provisions of this division.
 - (2) Any nonconforming sign declared to be unsafe by the code enforcement officer shall be removed or rendered safe and brought into compliance with the provisions of this division.
 - (3) No nonconforming sign damaged by fire or other causes to the extent of more than 50 percent of its assessed value shall be repaired or rebuilt except in compliance with this division. Repair work shall take place within six months of the incident that caused the damage.
 - (4) Any sign erected on public property or in a public right-of-way in violation of this division may be removed by duly authorized employees of the city and the responsible party may be cited for such violation.
- (d) A nonconforming sign shall not be replaced by another nonconforming sign, except the substitution or interchange of poster panels or dismountable material on nonconforming signs shall be permitted, provided such materials do not constitute structural elements.
 - (1) Minor repairs and maintenance of nonconforming signs shall be permitted. However, no structural repair or change in the size, shape or height of a nonconforming sign shall be permitted except to bring the sign into compliance with the requirements of this division.
 - (2) A nonconforming sign which meets all requirements of the City Code when erected may remain in place until one of the following conditions occurs:
 - a. The deterioration of the sign or damage to the sign renders the sign a hazard; or
 - b. The sign has been damaged to such extent that structural repairs are required to restore the sign. A structural repairs are any repair necessary to maintain the stability and structural integrity of the sign and are not merely aesthetic in nature.
 - (3) No structural repair, change in shape, size, height or design of a nonconforming sign shall be permitted except to render such sign in compliance with all requirements of this division.

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STATE OF GEORGIA CITY OF HAPEVILLE

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 93 (“ZONING”), ARTICLE 3.3 (“SIGNS AND MURALS”), DIVISION 1 (“SIGNS”), SECTION 93-3.3-8 (“NONCONFORMING SIGNS”) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO UPDATE THE CITY OF HAPEVILLE FEES FOR NONCONFORMING SIGNS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the mayor and council shall have full power and authority to provide for the execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers, agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,

WHEREAS, the municipal government of the City of Hapeville (hereinafter “City”) and all powers of the City shall be vested in the mayor and council. The mayor and council shall be the legislative body of the City; and,

WHEREAS, existing ordinances, resolutions, rules and regulations of the City and its agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall remain effective until they have been repealed, modified or amended; and,

WHEREAS, amendments to any of the provisions of the City’s Code may be made by amending such provisions by specific reference to the section number of the City’s Code; and,

WHEREAS, every official act of the mayor and council which is to become law shall be by ordinance;

WHEREAS, the procedures required for amending the City’s zoning ordinance have been satisfied, including, but not limited to, notice and public hearings; and,

WHEREAS, the governing authority of the City finds it desirable to amend and update the ordinance regarding fees for nonconforming signs.

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

Section One. Section 93-3.3-8 (Nonconforming Signs) in Chapter 93 (Zoning), Article 3.3 (Signs and Murals), Division 1 (Signs) of the City Code of Ordinances is hereby amended by striking subsection (b):

The owner(s) or authorized agent(s) of each nonconforming sign located within the city shall register such nonconforming sign with the city planner no later than six months after

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the effective date of this division and shall thereafter renew this registration, annually. Any nonconforming sign that does not comply with these registration requirements shall be deemed an illegal sign and shall be subject to the regulations applicable to illegal signs and all other enforcement provisions. The city planner shall provide a form for registering a nonconforming sign and shall annually inspect such sign to ensure continued conformity in all other respects with all other provisions of this division and any other applicable city ordinances or regulations. The initial registration fee shall be \$50.00. Each subsequent renewal fee shall be \$25.00. These fees are intended to offset administrative costs associated with monitoring compliance with this division.

and inserting in lieu thereof the following language:

Reserved.

Section Two. Codification and Certify. This Ordinance adopted hereby shall be codified and certified in a manner consistent with the laws of the State of Georgia and the City.

Section Three. Severability.

(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 Four. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

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

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ORDAINED this _____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

Alan H. Hallman, Mayor

ATTEST:

City Clerk

APPROVED BY:

City Attorney

Planning Commission Meeting
700 Doug Davis Drive
Hapeville, Georgia 30354

January 15, 2019 6:00PM

SUMMARY MINUTES

1. **Welcome and Introduction**

Chairman Brian Wismer called the meeting to order at 6:00 p.m. in the City of Hapeville Municipal Annex located at 700 Doug Davis Drive, Hapeville, Georgia 30354. Members in attendance included Vice Chairman Jeanne Rast, Lucy Dolan, Larry Martin and Charlotte Rentz. City Planner Lynn Patterson and Secretary Adrienne Senter were also present.

Commissioners Mark Farah and Kaity Ferrero were unable to attend the meeting.

MOTION ITEM: Larry Martin made a motion, Jeanne Rast seconded to move item 4(b) Zoning Map Amendment to item 5, Old Business. Motion Carried: 4-0.

2. **Election of Officers**

- Chairman

MOTION ITEM: Lucy Dolan made a motion, Charlotte Rentz seconded to re-elect Brian Wismer as Chairman. Motion Carried: 4-0.

- Vice Chairman

MOTION ITEM: Lucy Dolan made a motion, Larry Martin seconded to re-elect Jeanne Rast as Vice Chairman. Motion Carried: 4-0.

3. **Minutes of December 11, 2018**

MOTION ITEM: Lucy Dolan made a motion, Larry Martin seconded to approve the minutes of December 11, 2018 as submitted. Motion Carried: 4-0.

4. **New Business**

a. **3290 North Whitney Avenue**

Site Plan Review

Samuel Kirkland, on behalf of owner Jann Levesque, requested site plan approval to construct a 2,487-sf, two-story home with an attached garage at 3290 North Whitney Avenue, Parcel Identification Number 14 009800160337. The property is zoned R-1, One Family Detached and is .311 acres. **Approved with Conditions**

Public Comment – None.

5. Old Business

a. Official Zoning Map

Text Amendment

Consideration of an Ordinance to amend Chapter 93, Zoning, of the Code of Ordinances for the City of Hapeville, Georgia regarding the Zoning Map.

Staff proposed zoning map amendments to rezone properties within the City limits that are currently zoned C-R, Commercial-Residential to V, Village. The C-R zoning is quite complex and restrictive in terms of allowable uses and dimensional requirements whereas the V, Village zoning offers compatibility in terms of intent to C-R with greater ease.

Commissioner Larry Martin discussed concern regarding the property located on the northeast side of InCiti Suites as he expressed desire to rezone that property as residential only.

Public Comment – None.

After further discussion, the following action was taken:

MOTION ITEM: Jeanne Rast made a motion, Charlotte Rentz seconded recommend the Mayor and Council approve the Official Zoning Map amendment as submitted. Motion Carried: 4-0.

b. Chart of Dimensional Requirements

Text Amendment

Consideration of an amendment to Chapter 93, Zoning, Sec. 93-22.1-1, Chart of Dimensional Requirements as it relates to minimum dwelling size.

Recommended approval with changes.

c. Accessory Buildings Code Sections

Text Amendment

Consideration of an amendment to Chapter 93, Zoning, Sec. 93-2-5, Accessory uses, accessory buildings, yard requirements of accessory buildings, outbuildings and fences as it relates to running water to accessory structures.

There was discussion regarding allowing water service to accessory structures. Currently, water supply or discharge is prohibited, and the intent is to discourage residential occupancy of any kind within an accessory structure.

The Commission discuss several options that would allow residents to provide utilities to accessory structures but give the city regulations to monitor the use.

Public Comment – None.

After further discussion, the following action was taken:

MOTION ITEM: Jeanne Rast made a motion, Larry Martin seconded to table the accessory use text amendment until the March 12, 2019 to allow staff time adequate time to complete further research based upon the Commission's discussion. Motion Carried: 4-0.

d. Sign Ordinance

Text Amendment

Consideration of an Ordinance to amend Article 3.3, Signs and Murals, Sec. 93-3.3-1, that the registration of non-conforming signs be struck from the Code.

Public Comment – None.

MOTION ITEM: Jeanne Rast made a motion, Lucy Dolan seconded to recommend the Mayor and Council approve the Sign Ordinance text amendment. Motion Carried: 3-0.

e. U-V, Urban Village Zone

Text Amendment

Consideration of an Ordinance to amend Article 11.2 U-V, Urban Village, Sec. 93-11.2-1 for the purpose of adding language to clarify commercial versus single family/residential uses within the U-V Urban Village zoning district.

Public Comment – None.

MOTION ITEM: Larry Martin made a motion, Lucy Dolan seconded to recommend the Mayor and Council approve the U-V, Urban Village text amendment. Motion Carried: 4-0.

6. Next Meeting Date – February 12, 2019 at 6:00PM

7. Adjourn

MOTION ITEM: Larry Martin made a motion, Jeanne Rast seconded to adjourn the meeting at 8:07 p.m. Motion Carried: 4-0.

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**STATE OF GEORGIA
CITY OF HAPEVILLE**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 93 (“ZONING”), ARTICLE 11.2 (“U-V ZONE (URBAN VILLAGE)”), SECTION 93-11.2-7 (“AREA, PLACEMENT, AND BUFFERING REQUIREMENTS”) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO UPDATE THE CITY OF HAPEVILLE RESIDENTIAL BUFFER REQUIREMENTS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the mayor and council shall have full power and authority to provide for the execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers, agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,

WHEREAS, the municipal government of the City of Hapeville (hereinafter “City”) and all powers of the City shall be vested in the mayor and council. The mayor and council shall be the legislative body of the City; and,

WHEREAS, existing ordinances, resolutions, rules and regulations of the City and its agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall remain effective until they have been repealed, modified or amended; and,

WHEREAS, amendments to any of the provisions of the City’s Code may be made by amending such provisions by specific reference to the section number of the City’s Code; and,

WHEREAS, every official act of the mayor and council which is to become law shall be by ordinance;

WHEREAS, the procedures required for amending the City’s zoning ordinance have been satisfied, including, but not limited to, notice and public hearings; and,

WHEREAS, the governing authority of the City finds it desirable to amend and update the ordinance regarding residential buffer requirements in the U-V Zone.

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

Section One. Section 93-11.2-7 (Area, placement, and buffering requirements) in Chapter 93 (Zoning), Article 11.2 (U-V Zone (Urban Village)) of the City Code of Ordinances is hereby amended by striking subsection (8) in its entirety:

(8) *Residential buffer.* Where this district adjoins a residential zone, new development shall provide an attractive physical barrier between different zones as necessary to minimize

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disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential zone. A smooth transition to adjacent residential zones shall be ensured by the provision of:

- a. A minimum 15-foot landscaped buffer located within the U-V zone along the district line. Said buffer shall be planted with a minimum of one tree per 40 linear feet. Shrubs, flowers or grasses shall also be provided and maintained to visually screen non-residential areas and provide an attractive boundary that encourages continued investment in the adjacent residential zones.
- b. A permanent opaque wall between six and eight feet in height and faced in wood, stacked stone, brick or hard-coat true stucco. Said wall may be located anywhere within the required landscaped buffer.
- c. Where an alley separates this zone from a residential zone, the required landscape buffer and permanent opaque wall shall be provided on the portion of the U-V-zoned property adjacent to the alley.

and inserting in lieu thereof the following language:

(8) *Residential buffer.* Where this district adjoins a residential zone, specifically when a commercial or mixed use in the U-V district abuts the residential district, all new developments must provide an attractive physical barrier between different zones as necessary to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential zone. A smooth transition to adjacent residential zones shall be ensured by the provision of:

- a. A minimum 15-foot landscaped buffer located within the U-V zone along the district line. Said buffer shall be planted with a minimum of one tree per 40 linear feet. Shrubs, flowers or grasses shall also be provided and maintained to visually screen non-residential areas and provide an attractive boundary that encourages continued investment in the adjacent residential zones.
- b. A permanent opaque wall between six and eight feet in height and faced in wood, stacked stone, brick or hard-coat true stucco. Said wall may be located anywhere within the required landscaped buffer.
- c. Where an alley separates this zone from a residential zone, the required landscape buffer and permanent opaque wall shall be provided on the portion of the U-V-zoned property adjacent to the alley.

Section Two. Codification and Certify. This Ordinance adopted hereby shall be codified and certified in a manner consistent with the laws of the State of Georgia and the City.

Section Three. Severability.

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(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 Four. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

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

ORDAINED this _____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

Alan H. Hallman, Mayor

ATTEST:

City Clerk

DRAFT

APPROVED BY:

City Attorney

Planning Commission Meeting
700 Doug Davis Drive
Hapeville, Georgia 30354

January 15, 2019 6:00PM

SUMMARY MINUTES

1. Welcome and Introduction

Chairman Brian Wismer called the meeting to order at 6:00 p.m. in the City of Hapeville Municipal Annex located at 700 Doug Davis Drive, Hapeville, Georgia 30354. Members in attendance included Vice Chairman Jeanne Rast, Lucy Dolan, Larry Martin and Charlotte Rentz. City Planner Lynn Patterson and Secretary Adrienne Senter were also present.

Commissioners Mark Farah and Kaity Ferrero were unable to attend the meeting.

MOTION ITEM: Larry Martin made a motion, Jeanne Rast seconded to move item 4(b) Zoning Map Amendment to item 5, Old Business. Motion Carried: 4-0.

2. Election of Officers

- Chairman

MOTION ITEM: Lucy Dolan made a motion, Charlotte Rentz seconded to re-elect Brian Wismer as Chairman. Motion Carried: 4-0.

- Vice Chairman

MOTION ITEM: Lucy Dolan made a motion, Larry Martin seconded to re-elect Jeanne Rast as Vice Chairman. Motion Carried: 4-0.

3. Minutes of December 11, 2018

MOTION ITEM: Lucy Dolan made a motion, Larry Martin seconded to approve the minutes of December 11, 2018 as submitted. Motion Carried: 4-0.

4. New Business

a. 3290 North Whitney Avenue

Site Plan Review

Samuel Kirkland, on behalf of owner Jann Levesque, requested site plan approval to construct a 2,487-sf, two-story home with an attached garage at 3290 North Whitney Avenue, Parcel Identification Number 14 009800160337. The property is zoned R-1, One Family Detached and is .311 acres. **Approved with Conditions**

Public Comment – None.

5. Old Business

a. Official Zoning Map

Text Amendment

Consideration of an Ordinance to amend Chapter 93, Zoning, of the Code of Ordinances for the City of Hapeville, Georgia regarding the Zoning Map.

Staff proposed zoning map amendments to rezone properties within the City limits that are currently zoned C-R, Commercial-Residential to V, Village. The C-R zoning is quite complex and restrictive in terms of allowable uses and dimensional requirements whereas the V, Village zoning offers compatibility in terms of intent to C-R with greater ease.

Commissioner Larry Martin discussed concern regarding the property located on the northeast side of InCiti Suites as he expressed desire to rezone that property as residential only.

Public Comment – None.

After further discussion, the following action was taken:

MOTION ITEM: Jeanne Rast made a motion, Charlotte Rentz seconded recommend the Mayor and Council approve the Official Zoning Map amendment as submitted. Motion Carried: 4-0.

b. Chart of Dimensional Requirements

Text Amendment

Consideration of an amendment to Chapter 93, Zoning, Sec. 93-22.1-1, Chart of Dimensional Requirements as it relates to minimum dwelling size.

Recommended approval with changes.

c. Accessory Buildings Code Sections

Text Amendment

Consideration of an amendment to Chapter 93, Zoning, Sec. 93-2-5, Accessory uses, accessory buildings, yard requirements of accessory buildings, outbuildings and fences as it relates to running water to accessory structures.

There was discussion regarding allowing water service to accessory structures. Currently, water supply or discharge is prohibited, and the intent is to discourage residential occupancy of any kind within an accessory structure.

The Commission discuss several options that would allow residents to provide utilities to accessory structures but give the city regulations to monitor the use.

Public Comment – None.

After further discussion, the following action was taken:

MOTION ITEM: Jeanne Rast made a motion, Larry Martin seconded to table the accessory use text amendment until the March 12, 2019 to allow staff time adequate time to complete further research based upon the Commission's discussion. Motion Carried: 4-0.

d. Sign Ordinance

Text Amendment

Consideration of an Ordinance to amend Article 3.3, Signs and Murals, Sec. 93-3.3-1, that the registration of non-conforming signs be struck from the Code.

Public Comment – None.

MOTION ITEM: Jeanne Rast made a motion, Lucy Dolan seconded to recommend the Mayor and Council approve the Sign Ordinance text amendment. Motion Carried: 3-0.

e. U-V, Urban Village Zone

Text Amendment

Consideration of an Ordinance to amend Article 11.2 U-V, Urban Village, Sec. 93-11.2-1 for the purpose of adding language to clarify commercial versus single family/residential uses within the U-V Urban Village zoning district.

Public Comment – None.

MOTION ITEM: Larry Martin made a motion, Lucy Dolan seconded to recommend the Mayor and Council approve the U-V, Urban Village text amendment. Motion Carried: 4-0.

6. Next Meeting Date – February 12, 2019 at 6:00PM

7. Adjourn

MOTION ITEM: Larry Martin made a motion, Jeanne Rast seconded to adjourn the meeting at 8:07 p.m. Motion Carried: 4-0.



Planning & Zoning Planner's Report

TO: Adrienne Senter
FROM: Lynn M. Patterson, Planning Consultant for City of Hapeville
RE: Text Amendment for U-V Zoning District
DATE: January 15, 2019

BACKGROUND

In reviewing the U-V, Urban Village Zoning Ordinance, staff found a section of the code that is unclear. It appears to require all U-V developments provide a 15' landscape buffer to an adjacent residential zone. U-V allows for single family dwellings. A 15' landscape buffer is unnecessary and not required with other single family zoning districts. The resulting requirement may alter the nature of contiguous single family dwellings developments.

After discussions with various Departments within the City, Staff is recommending that language be added to clarify commercial versus single family/residential uses within the U-V Urban Village.

Article 11.2 U-V, Urban Village

Sec. 93-11.2-1. - Intent.

The U-V district is established in order to:

- (1) Accommodate a mixed-use, urban fabric that preserves neighborhood scale;
- (2) Accommodate residents in the district with pedestrian access to services and employment typical of a live/work community;
- (3) Promote neighborhoods established near shopping and employment centers;
- (4) Encourage pedestrian and neighborhood uses in the commercial area;
- (5) Discourage land uses that are automobile or transportation related;
- (6) Exclude industrial uses such as manufacturing, processing and warehousing;
- (7) Promote retail and related commercial uses such as business offices, florists, card shops, antique shops, new apparel shops and banks; and

- (8) Encourage intensified mixed-use with commercial uses on the ground floor and dwellings above.

Sec. 93-11.2-7. - Area, placement, and buffering requirements.

All buildings or structures erected, converted or structurally altered shall hereafter comply with the following lot area, yard, and building coverage requirements:

- (1) *Lot area and width.* The minimum area shall be established by the restriction governing lot coverage, setbacks, height, and parking requirement as found in article 22.1. Generally, no lot shall have a minimum frontage of less than 20 feet; however, single-family residential lots shall have a minimum frontage of 30 feet.
- (2) *Front yard.* See subsection (3) below.
- (3) *Build-to line.* The minimum build-to line shall be zero feet and the maximum shall be 15 feet, provided that the maximum build-to line may be increased as determined to be necessary and advisable by the city planning commission in the course of its site plan review process. In determining such increase, the city planning commission shall consider the size and configuration of the proposed buildings, their relationship to the existing and proposed thoroughfares, the relationship to existing and proposed parks and plazas, the location of existing mature trees, and supplemental area of adjacent structures. Where the built-to line is modified to provide parks and plazas, said facilities shall be directly accessible to the public during normal city park hours.
- (4) *Side yards.* There shall be no minimum side yard requirement except as required by subsection (8) of this section for residential zone buffers.
- (5) *Rear yards.* There shall be no minimum rear yard requirements except as required by subsection (8) of this section for residential zone buffers.
- (6) *Distance between buildings.* Section 93-2-6 notwithstanding, the minimum distance between two buildings on a single lot or on contiguous property under the same ownership shall be ten feet, plus four additional feet for every story or fraction thereof that the building exceeds three stories, or such distance determined necessary by the city planning commission to enhance the aesthetics of development. All exterior walls shall be designed per the International Residential Building Code 2003, as amended, or the International Building Code 2003, as amended. Adjoining buildings, whether commercial, residential, or mixed-use, shall have sprinkler systems and there shall be a fire resistance rating of one hour between buildings and occupancies that are side-by-side and top and bottom. However, if a building is a single-family dwelling and the adjacent building is closer than 15 feet there can be no vertical openings (windows) between the two structures of buildings that exist within 15 feet of the horizontal fire separation.
- (7) *Height regulations.* No building or structure shall be less than 24 feet in height or exceed four stories or a 64 feet in height, provided the city planning commission may allow a development with greater height via site plan approval, if it finds that:
 - a. The proposed height will not adversely impact adjacent properties or nearby residential neighborhoods.
 - b. The added height is necessary to support redevelopment of an area, which currently contains uses that have an adverse impact upon adjacent neighborhoods.

- c. The proposed development is designed to facilitate the objectives and strategies of an officially adopted master plan, an LCI Study or the current comprehensive plan.
- d. The proposed development meets approval from the fire department and FAA.
- e. The proposed development meets the sprinkling standards set forth by the fire department. It shall meet the requirements as set forth in NFPA (13)(D), standard for the installation of sprinkler systems in one-family or two-family dwellings and NFPA (13)(R) for residential occupancies up to and including four stories in height. All others shall be required to meet NFPA (13) standard for the installation of sprinklers.

(8) *Residential buffer.* Where this district adjoins a residential zone, new development shall provide an attractive physical barrier between different zones when a commercial or mixed use in the U-V district abuts the residential district –as necessary to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential zone. A smooth transition to adjacent residential zones shall be ensured by the provision of:

- a. A minimum 15-foot landscaped buffer located within the U-V zone along the district line. Said buffer shall be planted with a minimum of one tree per 40 linear feet. Shrubs, flowers or grasses shall also be provided and maintained to visually screen non-residential areas and provide an attractive boundary that encourages continued investment in the adjacent residential zones.
- b. A permanent opaque wall between six and eight feet in height and faced in wood, stacked stone, brick or hard-coat true stucco. Said wall may be located anywhere within the required landscaped buffer.
- c. Where an alley separates this zone from a residential zone, the required landscape buffer and permanent opaque wall shall be provided on the portion of the U-V-zoned property adjacent to the alley.



ALAN HALLMAN
MAYOR

TRAVIS HORSLEY
COUNCILMAN AT LARGE

MARK ADAMS
COUNCILMAN WARD I

CHLOE ALEXANDER
COUNCILMAN WARD II

February 19, 2019

Mr. Jared Lombard
Community Development Division
Atlanta Regional Commission
40 Courtland Street, NE
Atlanta, GA 30303

Dear Mr. Lombard,

I am writing you today in support of the Aerotropolis Atlanta Community Improvement District (AACIDs), also known as the Airport West CID and Airport South CID, and its application for funding through the Atlanta Regional's Commission Livable Communities Initiative. Please accept this letter as verification that Hapeville will contribute \$20,000 towards local match for the AeroATL Greenway Concept Development. This funding will be budgeted in the FY 2020 annual budget.

The AACIDs and Aerotropolis Atlanta Alliance have partnered to lead an effort to continue the momentum from the AeroATL Greenway Plan to concept development for priority trail segments in the Aerotropolis communities.

Hapeville believes that partnering with the Aerotropolis Alliance and the AACIDs and the other cities will result in a comprehensive trail network in the Aerotropolis will promote alternative transportation, recreation opportunities, economic development and an overall increase in wellbeing and livability in south metro Atlanta.

Hapeville supports this project and hope that you keep our commitment in mind when making your funding decision. Thank you for your time and consideration.

Sincerely,

Alan Hallman
Mayor, City of Hapeville

3468 North Fulton Avenue, Hapeville, Georgia 30354
City Hall 404.669.2100 www.hapeville.org

Community Service
3474 N. Fulton Avenue
404-669-2120

Economic Development
3468 N. Fulton Avenue
404-669-8269

Fire Department
606 King Arnold Street
404-669-2141

Police Department
700 Doug Davis Drive
404-768-7171

Recreation Department
3444 N. Fulton Avenue
404-669-2136

CITY OF HAPEVILLE, GEORGIA
A Georgia municipal corporation

3474 North Fulton Avenue Hapeville, GA 30354

CONTRACT FOR SOLID WASTE & RECYCLE COLLECTION SERVICES

THIS CONTRACT FOR SOLID WASTE COLLECTION SERVICE (this "Agreement") made and entered into on the ____ day of _____, 20____, by and between the City of HAPEVILLE, a political subdivision of the State of Georgia, by and through its Mayor and City Council, hereinafter referred to as "City," and **Waste Pro of GA Inc.**, or its legal successors, acting by and through its duly authorized officers hereinafter referred to as "Contractor."

WHEREAS, it is necessary for City to promote, preserve and protect the public health of its citizens; and

WHEREAS, the removal of garbage, rubbish and other waste material generated within the City is a valid exercise of City's police power, and

WHEREAS, the granting of an exclusive Contract to a private corporation for the collection and disposal of solid waste is a valid function of City; and

WHEREAS, City and Contractor are desirous of entering into an agreement, under the terms of which, Contractor shall have an exclusive Contract for a specified period of time for the collection and removal of all Residential Waste generated within the City, and

WHEREAS, City and Contractor have agreed to the conditions, terms, rates, provisions and considerations under which Contractor shall perform such solid waste collection and disposal services as herein set out, and for the compensation as hereinafter provided; and

WHEREAS, it is the intent of the City that the owner or occupant of every Residential Premises in the incorporated area of the City shall receive solid waste collection, recycling, and disposal services provided by Contractor, and

WHEREAS, City agrees to pay for residential services.

THEREFORE, City and Contractor agree as follows:

Section 1.0 - Definitions

For purposes of this Agreement, the following terms shall be defined as follows:

1.1 Agreement: This contract agreement, including exhibits and any amendments thereto, agreed to by the City and the Contractor during the term of the Agreement.

1.2 Bulk Items: Those items of furniture, such as sofas, chairs, tables, carpets and other large items, which cannot reasonably be placed in a 95-gallon rollout cart.

1.3 Cart: A rollout receptacle for Residential Solid Waste with a capacity of not less than 95 gallons, constructed of plastic, metal or fiberglass, having handles of adequate strength for lifting, and having a tight fitting lid capable of preventing entrance into the container by animals.

1.4 C & D Materials: Waste materials generated by the construction, remodeling, repair or demolition of residential, commercial or other structures.

1.5 City: City of HAPEVILLE, Georgia.

1.6 Commercial Hand-load Customer: All Commercial Premises utilizing a Cart for the placement of their solid waste for collection by the Contractor.

1.7 Commercial Premises: All non-Residential Premises, public or private, requiring solid waste collection within the incorporated area of the City, including commercial, industrial, institutional, and governmental premises.

1.8 Commercial Solid Waste: All Garbage, Rubbish and other acceptable waste generated by a Commercial Premises and all C & D Materials, excluding Hazardous Waste.

1.9 Contractor: Person, firm, corporation, organization, or entity with whom the City has executed a contract for performance of the work or supply of equipment or materials, and it's duly authorized representative.

1.10 Curbside: The location adjacent to the traveled portion of a publicly owned roadway designated by the Contractor for the placement of Carts and other solid waste for collection.

1.11 Garbage: Solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce and other farm products.

1.12 Hazardous Waste: Any solid waste identified or listed as a hazardous waste by any agency of the State of Georgia or the administrator of the

U.S. Environmental Protection Agency pursuant to the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 72 U.S.C. 6901 et seq., as amended, including future amendments thereto.

1.13 Residential Premises: A dwelling within the incorporated area of the City, occupied by a person or group of persons, including single family homes, duplexes, triplexes, quadraplexes, and mobile homes whether such mobile homes are registered as vehicles or assessed as real property.

1.14 Residential Solid Waste: All Garbage and Rubbish generated by a Residential Premises, excluding automobile parts, tires, C & D Materials, Yard Waste, White Goods, Hazardous Waste, or other unacceptable materials.

1.15 Rubbish: Non-putrescible solid waste consisting of paper, rags, cardboard, cartons, wood, rubber, plastics, glass, crockery, metal cans or other such waste.

1.16 White Goods: Refrigerators, ranges, washers, water heaters, and other similar domestic appliances.

1.17 Yard Waste: Leaves, brush, grass clippings, shrubs and tree pruning, and other vegetative materials from the maintenance of yards, lawns, and landscaping at Residential Premises.

Section 2.0 – Scope of Work

The work under this Contract shall consist of the work and services to be performed in the collection and disposal of Residential Solid Waste, Yard Waste and Recycling generated in the City, including all the supervision, materials, equipment, labor and all other items necessary to complete said work and services in accordance with the terms of this Agreement.

Section 3.0 – Collection

3.1 Service Provided:

- A. Contractor shall collect Garbage and Rubbish from each Residential Premises one (1) time per week at Curbside. The occupant of the Residential Premises shall place only Garbage in a 95 Gallon Cart owned by Contractor and Resident shall place the Cart at Curbside by 6:00 AM on the designated collection day.
- B. Contractor shall collect Yard Waste from each Residential Premises one (1) time per week at Curbside. The occupant of the Residential Premises shall place only containerized Yard Waste at

Curbside by 6:00 AM on the designated collection day.

- a. Yard Waste should be containerized in (a) paper lawn bags (10 bags maximum); or (b) 35 gallon trash cans or containers (5 maximum).
- b. Tree limbs (maximum of 3 feet in length and 6 inches in diameter) should be tightly tied in bundles (10 bundle maximum).

C. Contractor shall collect Recyclables from each Residential Premises on a bi-weekly basis at Curbside. The occupant of the Residential Premises shall place only Recyclables in a 90+ Gallon Cart owned by the Resident and shall place the Cart at Curbside by 6:00 AM on the designated collection day.

D. Contractor will provide for bi-weekly collection of recyclables at City facilities listed below. The Company shall provide multiple 95 gallon carts for the collection of recyclables at each site free of charge to the City. Bi-weekly recyclable collection service will be provided free of charge for City facilities.

- a. City Hall/Community Services/Fire Station #1/Public Works Department (N. Fulton Avenue)
- b. Fire Station #2 (S. Central Avenue)
- c. Police Department/Municipal Court (Doug Davis Drive)
- d. Recreation Department (N. Fulton Avenue)
- e. Hapeville Memorial Stadium/Hoyt Smith Recreation Center (N. Fulton Avenue)
- f. Cofield Park/Scout Hut at Cofield Park
- g. Jess Lucas Y-Teen Park
- h. Master Park/Tom E. Morris Sports Complex (King Arnold Street)

3.2 Carts

Contractor shall furnish collection equipment to every Residential Premise for every occupied location in the incorporated area of the City. Upon placement, Equipment shall be the property of Contractor. It shall be the responsibility of the owner of the Residential Premises to properly use and safeguard the Contractor's Equipment. Contractor shall maintain Equipment in reasonably good condition. Contractor shall have the right to charge Customers for the cost of repair or replacement of Equipment, if such repair or replacement is required as a result of abuse or damage, fire, or theft. The amount charged shall not exceed Contractor's cost for the Equipment. Occupants of

Residential Premises may request one or more additional Containers from Contractor for an additional volume of collection service. Occupants shall pay City for each additional Container and service at the applicable rate of compensation.

Contractor will provide containers that must be clearly labeled to receive single stream recyclables. Containers must be maintained in good working condition, and must be covered to prevent windblown litter and access by birds or animals. Labeling should be replaced or repainted at least annually or more often if needed to maintain legibility. The contractor will also supply the City with an adequate amount of recycling containers for all of the properties owned or controlled by the City.

3.3 Elderly and Disabled

Contractor shall provide back door pick-up to elderly or disabled residents as designated by the City who are physically unable to place container at Curbside on pick-up day. In no case will the quantity of persons receiving back door pick-up exceed three percent (3%) of the total Residential Premises. Contractor shall provide side door Residential Solid Waste collection service at no additional charge for those residents not physically able to take Carts to Curbside, provided however, that such exemptions will be granted only if there is no other occupant of the Residential Premises physically capable of placing the Cart at Curbside and the resident provides an affidavit from a physician certifying the physical disability. In no event will side door or backdoor service be provided at a distance of more than 150 feet from the public roadway. In the event where back door service is provided pursuant to this Section, the occupant shall use the Cart for storage of Residential Solid Waste but must place the Residential Solid Waste in bags, designed to accommodate storage of waste, each bag not to exceed 30 pounds in weight.

3.4 Location of Containers for Collection

The majority of Roll-Out Containers shall be placed at Curbside for collection. Curbside refers to that portion of right-of-way adjacent to paved or traveled City roadways. Containers shall be placed as close to the roadway as practicable without interfering with or endangering the movement of vehicles or pedestrians. When construction work is being performed in the right-of-way, containers, bags and bundles shall be placed as close as practicable to an access point for the

collection vehicle. Contractor may decline to collect any container not so placed or any residential refuse not in a bag. The City reserves the right to amend the placement of containers allowing for safe and efficient service by Contractor. The City shall notify the Contractor on a daily basis of all service requests for extra pick-ups.

Section 4.0 – Routes and Hours of Collection Operation

4.1 Hours of Operation

Collection of Solid Waste shall not start before 6:00 AM nor continue after 7:00 PM.

4.2 Routes of Collection

The Contractor shall establish collection routes. Contractor shall submit a map designating the collection routes with days of pick-up to the City for its approval, which approval shall not be unreasonably withheld. The Contractor may from time-to-time propose to City for approval changes in routes or days of collection, which approval shall not be unreasonably withheld. Upon City approval of the proposed changes, Contractor shall promptly give written or published notice to the affected Customers.

4.3 Holidays

The following shall be holidays for the purpose of this Contract:

New Years' Day	Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	
Labor Day	

Contractor may decide to observe any or all of the above mentioned Holidays by suspension of collection service on the holiday, but such decision does not relieve the Contractor of his obligation to provide collection service at least once per week (Monday - Friday) within the Holiday Week. The Contractor will not be allowed Sunday collection during a Holiday Week.

4.4 Complaints

All complaints shall be made directly to the Contractor, and shall be given prompt and courteous attention. In the case of alleged missed scheduled collections, the Contractor shall investigate and, if such allegations are

verified, shall arrange for the collection of the Refuse not collected within 24 hours after the complaint is received.

4.5 Collection Equipment and Personnel

The Contractor shall provide an adequate number of vehicles for regular collection services. All vehicles and other equipment shall be kept in good repair, appearance, and in a sanitary condition at all times. Each vehicle shall have clearly visible on each side the identity and telephone number of the Contractor. All Solid Waste hauled by the Contractor shall be so contained, tied, covered, or enclosed such that leaking, spilling, or blowing are prevented.

4.6 Office

The Contractor shall maintain an office or such other facilities through which they can be contacted. It shall be equipped with sufficient local service telephones and shall have a responsible person in charge from 8:00 AM to 5:00 PM daily on regular collection days.

4.7 Access

The Contractor shall be required to provide collection services to all Residential Premises located on publicly owned roadways accessible to standard waste collection vehicles. The City shall maintain all publicly owned roads and bridges in a condition that affords access by Contractor's standard waste collection vehicles. The City shall require occupants of Residential Premises to place Carts at curbside for collection. The City shall require occupants of Residential Premises not accessible to standard waste collection vehicles to place Carts Residential Solid Waste at an accessible location on a publicly owned roadway agreed upon by the occupant and the Contractor. If the City or Contractor determines that, for whatever reason, the occupants of Residential Premise cannot place the Cart at curbside adjacent to a publicly owned roadway, then the Contractor will provide the collection service at a location agreed upon by Contractor and the occupant.

Section 5.0 – Compensation

5.3 Rate Adjustments Due to Significant Changes

The rates set forth in Exhibit "A" shall be fixed for the initial first term of this Agreement. After the first term, rates can be adjusted to compensate Contractor for:

- A. Any change in Governmental laws, ordinances, regulations,

assessments, fees or taxes that require Contractor to incur additional costs in the performance of services pursuant to this Agreement (Changes in Law), including changes in disposal fees due to such Changes in Law.

B. Extraordinary fuel rate increases (Fuel cost increase greater than 10%)

C. Consumer Price Index – annual CPI differences based on the change in the U.S. Department of Labor Statistics, Consumer Price Index – South, All Items, All Urban Consumer (the “Index”), with a maximum adjustment of five percent (3%) annually.

In the event that any of the above events occur, Contractor shall determine the amount of rate adjustment required to compensate Contractor for the additional, fully justifiable costs and shall petition the City for the rate adjustment, which approval shall not be unreasonably withheld. Contractor agrees to continue solid waste collection and disposal services during any dispute with the City until any dispute is resolved and the City and Contractor agree to adjusted rates of compensation.

5.4 Delinquent and Closed Accounts

The Contractor shall discontinue refuse collection service at any Residential Unit as set forth in a written notice sent to it by the Residential Unit and the City. Upon further notification by the City, the Contractor shall resume refuse collection on the next regularly scheduled collection day. The City shall indemnify and hold the Contractor harmless from any claims, suits, damages, liabilities or expenses (including but not limited to expenses of investigation and attorney’s fees) that result solely from the Contractor’s discontinuing service at any location at the direction of the City.

Section 6.0 – Non-Discrimination

In the performance of the work and services to be performed under the terms hereof, the Contractor covenants and agrees not to discriminate against any person because of race, sex, creed, color, religion or national origin.

Section 7.0 - Indemnity

The Contractor will indemnify, hold harmless, and defend the City, its officers, agents, servants and employees from and against any and all suits,

actions, legal proceedings, claims, demands, damages, costs, expenses, and reasonable attorney's fees incidental to any work done in the performance of this Contract arising out of a willful or negligent act or omission of the Contractor its officers, agents, servants and employees; provided, however, that the City will indemnify, hold harmless and defend the Contractor, its parent corporation and their respective officers, agents, servants and employees from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses and reasonable attorney's fees arising solely out of a willful or negligent act or omission of the City, its officers, agents, servants and employees.

Section 8.0 – Force Majeure

Except for the obligation to pay for services rendered, neither party hereto shall be liable for failure to perform hereunder due to contingencies beyond its control, including, but not limited to riots, war, fire, acts of God (including without limitation flood, hurricane, tornado or storm), compliance with any law, regulation or order, whether valid or invalid, of the United States of America or any other governmental body or instrumentality thereof, whether now existing or hereafter created (collectively referred to as "Force Majeure Event"). In addition, the performance required under this Contract does not include the collection or disposal of any increased volume of solid wastes resulting from a Force Majeure Event. In the event of such Force Majeure Event, the Contractor will vary routes and schedule as may be deemed necessary. In addition, the City and Contractor shall negotiate the amounts to be paid Contractor for services to be performed as a result of increased volumes resulting from a Force Majeure Event or any other event over which Contractor has no control.

Section 9.0 – Licenses and Taxes

The Contractor shall obtain all licenses and permits and promptly pay all taxes required by any governmental entity.

Section 10.0 - Term

The term of this Agreement shall begin on May, 6, 2019 and continue for a period ending on December 31, 2020. The term shall automatically renew for two (2) additional terms of (36) months unless the City or the Contractor provides the other party with written notice at least thirty (120) days prior to the termination of the term or renewal term.

Section 11.0 - Reports

Contractor shall provide various reports to the City as may be required from time to time.

Section 12.0 – Insurance

The Contractor shall at all times during the Agreement maintain in full force and effect Employer's Liability, Workmen's Compensation, Public Liability, and Property Damage Insurance, including contractual liability coverage for the provisions of Section 7. All insurance shall be by insurers and for policy limits acceptable to the City and before commencement of work hereunder the Contractor agrees to furnish the City certificates of insurance or other evidence satisfactory to the City to effect that such insurance has been procured and is in force. The certificates shall contain the following express obligation:

"This is to certify that the policies of insurance described herein have been issued to the insured for whom this certificate is executed and are in force at this time. In the event of cancellation or material change in a policy affecting the certificate holder, thirty (30) days prior written notice will be given the certificate holder."

For the purpose of this Contract, the Contractor shall carry the following types of insurance in at least the limits specified below:

COVERAGES LIMITS OF LIABILITY

Workers' Compensation Statutory-Minimum \$100,000/accident
Employer's Liability \$1,000,000
Bodily Injury Liability \$1,000,000 each occurrence
Except Automobile \$1,000,000 aggregate
Property Damage Liability \$1,000,000 each occurrence
Except Automobile \$1,000,000 each occurrence
Automobile Bodily Injury \$1,000,000 each person
Liability \$1,000,000 each occurrence
Automobile Property Damage Liability \$1,000,000 each occurrence
Excess Umbrella Liability \$2,000,000 each occurrence

Section 13.0 – Bond

13.1 None

Section 14.0 – City Streets, Roads and Bridges

Contractor must promptly repair damage or injury to City property, road, right of way, bridges, curbs or other structures caused by or arising out of Contractor's provision of services except normal wear and tear. Such repair should restore the City's property, road, right of way, bridges, curbs or other structures to a condition at least equal to that which existed immediately prior to the damage.

Section 15.0 – Compliance with Law

The Contractor shall conduct operations under this Contract in compliance with all applicable laws, including without limitation, ordinances, laws and statutes of the local, state and federal governments provided, however that the Contract shall govern the obligations of the Contractor where there exists conflicting ordinances of the City on the subject. In the event that the collection or disposal of any solid waste hereunder shall become restricted or prohibited by any applicable law, ordinance, rule or regulation, such type of waste shall be eliminated from the requirements and provisions of this Contract.

Section 16.0 Assignment

Contractor's rights accruing under this Contract may be assigned in whole or in part by the Contractor with the prior written approval or consent of the City. As a condition of such assignment, the assignee shall agree to assume the obligations of Contractor hereunder.

Section 17.0 – Exclusive Contract

The Contractor shall have the sole and exclusive contract to provide solid waste collection and disposal service in the incorporated area of the City. The City hereby grants and the Contractor hereby accepts the sole and exclusive contract, license and privilege to provide Residential collection and disposal service to all Residential Premises in the incorporated area of the City for the initial term of this Agreement and all renewal terms thereto. The City further agrees that so long as Contractor is not in default hereunder, it will not enter into any agreement with any other entity for performance of solid waste collection and disposal services during the term hereof or any renewal terms.

Section 18.0 - Ownership

Title to the Residential Solid Waste to be collected under this Contractor shall pass to the Contractor once it is placed in the vehicle under control of the Contractor.

Section 19.0 – Termination and Attorney Fees

In the event of an alleged material breach of this Contract, the City shall provide written notice of such breach to the Contractor, to be delivered by Certified Mail, return receipt requested. If within 20 days from receipt of such notice, the Contractor has either failed to correct the condition or reach an agreement with the City on a mutually satisfactory solution, then the City may, within 10 days, require the Contractor to appear before the City Council, at either a regular or specially called meeting, to show cause why the Contract should not be terminated. After such meeting the Council may elect to:

- A. Provide written notice to the Contractor that the Contract will be terminated 30 days from the receipt of such notice.
- B. Extend the time to allow Contractor to cure the breach.
- C. Impose sanctions or other remedies without terminating the Contract.

Section 20.0 – Miscellaneous Provisions

20.1 Choice of Law

This Agreement shall be construed in accordance with and governed for all purposes by the laws of the State of Georgia, excluding the laws applicable to conflicts or choice of law.

20.2 Entire Agreement

This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representation or modifications concerning this instrument shall be of no force or effect and this Contract may not be amended except by a subsequent modification in writing, signed by the parties hereto or by an ordinance adopted by City modifying the rates to be charged hereunder in accordance with the provisions of Section 6 hereof.

20.3 Severability

If any part of this Agreement for any reason is declared invalid, such decision shall not affect the validity of any remaining portion, which remaining portion shall remain in force and effect as if this Contract had been executed with the invalid portion thereof eliminated. It is hereby declared the intention of the parties that they would have executed the remaining portion of this Agreement without including any such part, parts

or portions which may, for any reason, be hereinafter declared invalid.

20.4 Captions

The titles or headings preceding any section or paragraph are for reference and convenience only and shall be in no way construed to be a material part of this Agreement.

20.5 City's Authority

The parties signing this Contract on behalf of the City have been authorized to do so by specific action of the Mayor and City Council adopted in open meeting and of record in its official minutes.

EXECUTED this ____ day of _____, 20__.

CITY OF HAPEVILLE

Signed: _____ By: _____

Title: _____ Date: _____

WASTE PRO

Signed: _____ By: _____

Title: _____ Date: _____

ATTEST

Signed: _____ By: _____

Title: _____ Date: _____

EXHIBIT A

Monthly rate for one time per week residential garbage service, one time per week yard waste collection service and Bi-weekly recycle collection service using Contractor-owned 95 gallon roll-carts: **\$16.52 per month, per unit.**

Monthly rate for additional 95 gallon roll-carts: **\$7 per month, per cart at the same address.**

STATE OF GEORGIA
CITY OF HAPEVILLE

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF HAPEVILLE FIXING AND PRESCRIBING A TIERED-BILLING RATE FOR IRRIGATION METER USAGE; TO ENCOURAGE WATER CONSERVATION; TO AUTHORIZE THE MAYOR TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS RESOLUTION; TO AUTHORIZE THE CITY CLERK TO ATTEST SIGNATURES AND AFFIX THE OFFICIAL SEAL OF THE CITY, AS NECESSARY; TO REPEAL INCONSISTENT RESOLUTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

W I T N E S S E T H :

WHEREAS, the City of Hapeville (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, the municipal government of the City of Hapeville (hereinafter “City”) and all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be the legislative body of the City; and

WHEREAS, existing ordinances, resolutions, rules and regulations of the City and its agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall remain effective until they have been repealed, modified or amended; and

WHEREAS, the City is part of the Metropolitan North Georgia Water Planning District (the “District”), which was established by O.C.G.A. § 12-5-570 et seq. to set policy, create plans, and promote intergovernmental coordination on water-related issues within the District; and

WHEREAS, the District and the Georgia Department of Natural Resources’ environmental Protection division have set forth plans and policies that ask local municipal water providers to implement a tiered-billing rate for irrigation meter usage; and

WHEREAS, the City provides water to residences and businesses within its municipal limits and Section 69-2-15 in the Code of Ordinances of the City of Hapeville, Georgia requires the Mayor and Council to set, by resolution, the fees for such water services.

THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAPEVILLE, GEORGIA, AS FOLLOWS:

1. **Incorporation of Pre-Amble.** The pre-amble is incorporated herein as fully set forth above.

2. **Tiered Billing Rate.** That the following irrigation meter billing rate is adopted for the use of water provided by the City
 - First-Tier Rate: \$8.78 per 1000 gallon
 - Irrigation Rate: \$17.56 per 1000 gallon
3. **Attestation.** That the Hapeville City Council hereby authorizes the City Clerk to attest the signature of the Mayor appearing on the documents, to affix the official seal of the City thereto as necessary to effectuate this Resolution and to place this Resolution and an executed copy of all documents regarding this conveyance among the minutes or official records of the City for future reference.
4. **Severability.** To the extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.
5. **Repeal of Conflicting Provisions.** All City Resolutions are hereby repealed to the extent that they are inconsistent with this Resolution.
6. **Effective Date.** This Resolution shall take effect immediately.

RESOLVED, this _____ day of February 2019.

CITY OF HAPEVILLE, GEORGIA

Alan H. Hallman, Mayor

ATTEST:

City Clerk

APPROVED BY:

City Attorney

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47
48 3. **Attestation.** That the Hapeville City Council hereby authorizes the City Clerk to attest
49 the signature of the Mayor appearing on the documents, to affix the official seal of the
50 City thereto as necessary to effectuate this Resolution and to place this Resolution and
51 an executed copy of all documents regarding this conveyance among the minutes or
52 official records of the City for future reference.
53

54 4. **Severability.** To the extent any portion of this Resolution is declared to be invalid,
55 unenforceable, or nonbinding, that shall not affect the remaining portions of this
56 Resolution.
57

58 5. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the
59 extent they are inconsistent with this Resolution.
60

61 6. **Effective Date.** This Resolution shall take effect immediately.
62

63 THIS RESOLUTION adopted this ____ day of _____, 2019.
64

65 **CITY OF HAPEVILLE, GEORGIA**
66

67 _____
68 **ALAN HALLMAN, MAYOR**

69 **ATTEST:**

70 _____
71 CITY CLERK

72 [SEAL]
73
74
75
76

77 **APPROVED BY:**
78
79
80
81 _____

82 City Attorney
83



Police Department Detective Division

EXHIBIT A

To: Chief Glavosek

From: Cpl. Det. Dyer

CC: Lt. W. Hughes

Reference: Surplus list of items to be destroyed.

- Panasonic MDU 9 Serial # ZZGEG8067ZZ8138
- MDU 1 Serial # MDU3ZZGE8067ZZ8135
- MDU 7 Serial # ZZGE8067ZZ8139
- MDU 11 Serial # ZZSJC1087Z0103
- IBM Serial # 3J3VG-4QBHW-FY72M
- Money Counter # K1503la47222
- (3) Car Gun Mounts
- (3) Motorola Car Police Radio and mics
- Assorted light bar parts
- (21) body armor Vest
- Evidence Refrigerator
- (2) Car Computer Mounts
- Assortment of gun hostlers, handcuff holders, flashlight holders, radio holders, and duty belts
- (8) Campaign Hats
- Box of police patches
- (3) level three body armor vest
- (7) Kevlar Helmets
- Box of Yates Safety Harnesses
- Kodak Picture Projector
- Lock Box without a key
- Brass Belt Buckles
- (12) road flares
- (4) sets of road reflectors
- Streamlight Flashlight #307881
- Sold State Power Inverter #98040024
- Black case with 34 rounds of .45 caliber ammo
- 5 flashlight chargers
- Blacklight
- Antenna
- 2 Kenwood radio SPEAKERS



Police Department Detective Division

- Icop #D0880236
- Decatur Radar Unit #19309
- Whelen Switch box
- Kenwood radio face
- Whelen Remote amplifier #01-0862100-0
- 3 sets of Metal Shelves
- 2 metal gun racks # DAAA09-80-C4472
- Wig Wag lights
- Spot light (patrol car)
- Emergency door handle lock
- Whelen siren box
- 5 patrol car mics
- 2 Police siren
- 2 police lights
- 4 trash bags of Damaged/worn uniform shirts and pants



Police Department Detective Division





Police Department Detective Division





Police Department Detective Division





Police Department Detective Division





Police Department Detective Division





Police Department Detective Division





Police Department Detective Division





Police Department Detective Division





Police Department Detective Division





Police Department Detective Division





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Police Department Detective Division





Police Department Detective Division





Police Department Detective Division





Police Department Detective Division





Police Department Detective Division





Police Department Detective Division





Police Department Detective Division





Police Department Detective Division





Police Department Detective Division



IN THE SUPERIOR COURT of
FULTON COUNTY, GEORGIA

IN RE:

ATTACHED LIST OF SEIZED PROPERTY

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VERIFICATION

STATE OF GEORGIA,

CITY OF HAPEVILLE,

COUNTY OF FULTON

Personally appeared before the undersigned officer duly authorized by law to administer oaths, RICHARD M. GLAVOSEK, in his official capacity as Chief of the City of Hapeville Police Department who, after being duly sworn, states that he has read the foregoing APPLICATION FOR AN ORDER PURSUANT TO O.C.G.A. Sec. 17-5-54 TO RETAIN FOR DEPARTMENTAL USE, SELL, DONATE, OR DISCARD PERSONAL PROPERTY IN THE CUSTODY OF THE CITY OF HAPEVILLE POLICE DEPARTMENT, and that the information contained therein is true and correct.

RICHARD M. GLAVOSEK
Chief, City of Hapeville
Police Department

Date: 7/16/19

STATE OF GEORGIA

COUNTY OF Fulton

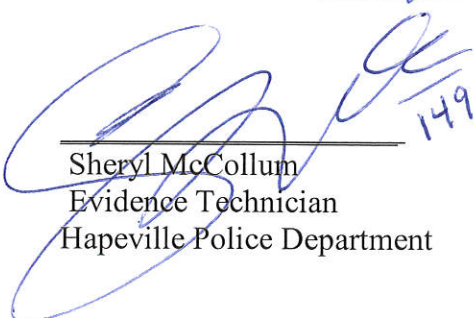
ORDER FOR DISPOSAL OF EVIDENCE

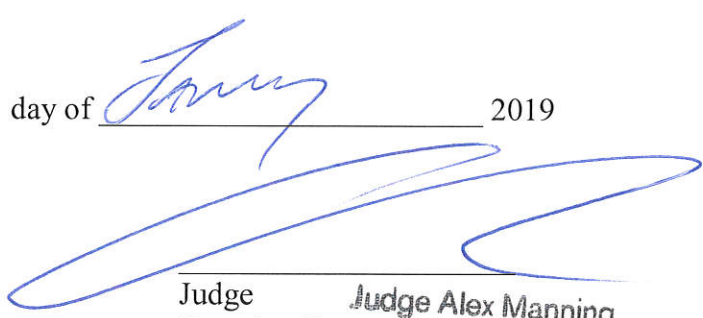
It appearing to the Courts, through the affidavit of Crime Scene Investigator/Evidence Technician Sheryl McCollum, Hapeville Police Department; that the Evidence listed on the attached Exhibits is no longer needed for evidentiary or investigative purposes, in that the cases to which it relates have been disposed of, or that there is no prosecution nor will there be a prosecution.

IT IS HEREBY ORDERED that the Hapeville Police Department dispose of said Evidence and if deemed appropriate, items of value may be sold at auction and the proceeds there of deposited into the general fund of the Hapeville Police Department. Items of property that are useful for law enforcement purposes may be converted to law enforcement use and documented in accordance with departmental policy and procedure. When no longer useful, these items will then be sent to Propertyroom.com for auction purposes.

IT IS FURTHER ORDERED that the Hapeville Police Department shall verify to the court by way of affidavit that said evidence has in fact been disposed of upon completion of the disposition process.

SO ORDERED this 18 day of January 2019


Sheryl McCollum
Evidence Technician
Hapeville Police Department


Judge Judge Alex Manning
Superior Court
Atlanta Judicial Circuit Page 2 of 4



TO: SUPERIOR COURT OF FULTON COUNTY

**FROM: S. MCCOLLUM, EVIDENCE CUSTODIAN, HAPEVILLE POLICE
DEPARTMENT**

RE: PROPERTY TO BE DESTROYED / OR CONVERTED -

EXHIBIT "A"

These items have been deemed to be no longer of evidentiary value through the process of finding no suspects known in the case, case has been dismissed, subjects found guilty and are no longer serving their sentence and/or subjects involved have been found not guilty.

Judge Init _____

McCollum Init _____

Page 3 of 4

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

IN RE:

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ATTACHED LIST OF SEIZED PROPERTY

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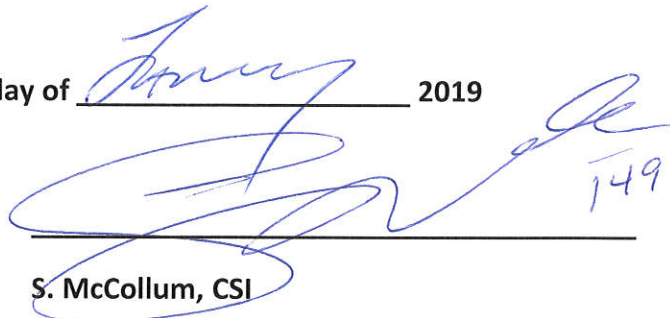
*

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APPLICATION OF DISCARD PROPERTY

Comes now C.S.I. S. McCollum of the Hapeville Police Department, who hereby makes application to the Superior Court pursuant to O.C.G.A. 17-5-54 for an order to dispose of personal property, as listed in the custody of the Hapeville Police Department. The following property was seized by various officers of the Hapeville Police Department as indicated, same having been seized upon arrest or as indicated in the course of duty as provided by law. All items seized are properties in which the court case has been resolved, no owner can be identified, or contacted, and/or the statute of limitations has expired. All items on Exhibit "A" attached.

THIS 18 day of January 2019

 149

S. McCollum, CSI

Criminal Investigative Division

Hapeville Police Dept.

Hapeville Police Department

Officer Report for Incident 18-P05430

Nature: Detail PD

Location: L1

Address: 3279 Dogwood Dr; The Pantry

Hapeville GA 30354

Offense Codes: CODE, AOFF

Received By: W. Hughes

How Received: P

Agency: HPD

Responding Officers: W. Hughes, S. Cushing, Jo. Nelson, B. Barnes, C. Banks, B. Hickman, L. Vanderpool

Responsible Officer: W. Hughes

Disposition: CLO 11/13/18

When Reported: 18:00:00 11/08/18

Occurred Between: 18:00:00 11/08/18 and 18:15:00 11/08/18

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant: 112

Last: Hughes

First: William

Mid: J

DOB: **/**/**

Dr Lic:

Address: 700 DOUG DAVIS DR

Race:

Sex:

Phone: () -

City: Hapeville, GA 30354

Offense Codes

Reported:

Observed: AOFF Alcohol Offense

Additional Offense: CODE City Code Violation

Additional Offense: AOFF Alcohol Offense

Circumstances

LT07 Convenience Store

Responding Officers:

Unit :

W. Hughes

112

S. Cushing

106

Jo. Nelson

104

B. Barnes

145

C. Banks

124

B. Hickman

116

L. Vanderpool

172

Responsible Officer: W. Hughes

Agency: HPD

Received By: W. Hughes

Last Radio Log: **.***.*** **/**/**

How Received: P In Person

Clearance: RTF Incident Report

When Reported: 18:00:00 11/08/18

Disposition: CLO **Date:** 11/13/18

Judicial Status: NIR

Occurred between: 18:00:00 11/08/18

Misc Entry:

and: 18:15:00 11/08/18

Modus Operandi:

Description :

Method :

Involvements

Date	Type	Description	Relationship
11/20/18	Property	Alcohol 0	Property

NarrativeHapeville Police Department
Investigation Narrative

After receiving several complaints from concerned citizens in reference to "The Pantry," 3279 Dogwood Drive, Hapeville, GA 30354, selling beer and wine to people without a City of Hapeville alcohol license, the Hapeville Police Department conduct an operation at the convenience store. On November 8, 2018 at approximately 1800 hours and while I was across the street watching the business, a Hapeville Police Department employee, Lenore Vanderpool, went into the store to purchase beer and a bag of potato chips. Once inside the store, Vanderpool noticed that there was beer and wine inside the coolers but it was not within her reach. The beer that was in one cooler was in the rear of the cooler and on the floor, and the other cooler had a locked cable that ran through the cooler door's handles. The alcohol was not with Vanderpool's reach.

Vanderpool asked the employee about the alcohol and he told her that he would get it for her. Vanderpool asked for a six pack of Budweiser. The employee brought Vanderpool a broken package (six beers) of Budweiser. She gave the employee, who was later identified as Michaele Kahsay, a \$20 bill for the beer and chips and he gave her change. Vanderpool advised me by signal and by telephone that the sale of alcohol was made. She returned to the police department.

Once she left, Detective Cushing, Uniformed Officer Nelson, and I, went inside the store. Since I could not see the store's licenses to sell beer & wine, I asked Kahsay to see his State of Georgia License to Sell Alcohol Beverages and his City of Hapeville. Kahsay had to get on his tippy toes to remove his State of Georgia License (0092265) that was on the left wall of the cashier's cage. It was not in public view. Kahsay advised me that he did not need a city license because he had one from the state. Kahsay was arrested and all the wine and beer was confiscated, inventoried, and placed into evidence. While in the cashier cage, I saw individual cigarettes in a box below the cashier's counter. It appears Mr. Kahsay is selling individual cigarettes to customers (see pictures). Mr. Kahsay was charged with violating city ordinances: Issuance and Display of Alcohol License, No Broken Packages, Permit Required to Handle Alcohol Beverages, Sale Prohibited when Tax Not Paid, and Retail Store Required to have Price Labeling.

Date, Time, Reporting Officer:
Fri Nov 09 14:09:25 EST 2018

Lt William Hughes

Reporting Officer

Responsible LEO:

Approved by:

Date

Property

Property Number: 23665	Owner Applied Nmbr:
Item: Alcohol	
Brand:	Model:
Year: 0	Quantity:
Meas:	Serial Nmbr:
Total Value: \$0.00	Color:
Owner: Kahsay Michael Tesfu 64484	
Agency:	Tag Number:
Accum Amt Recov: \$0.00	Officer: W. Hughes
UCR:	UCR Status:
Local Status: EIS	Storage Location:
Crime Lab Number:	Status Date: 11/08/18
Date Released: **/**/**	Date Recov/Rcvd: 11/08/18
Released By:	Amt Recovered: \$0.00
Released To:	Custody: 21:30:00 11/08/18
Reason: Safe Keeping	
Comments: List of Alcohol Seized for The Pantry 6 Boone's Farm Sunshine Pink 5 Fuzzy Navel 1 Extra Kinky Pink 12 Arbor Mist Assortment of Wine: Mango, Raspberry, Strawberry 2 6 packs Pine Apple Rita 6 pack Smirnoff 1 4 pack Crabbie's 1 Corona Extra 12 Modelo Beer 31 Mad Dog 20/20 8 Bottles of Chardonnay Wine 6 Bottles of Douglas Hill 12 Heineken bottles 16 4 packs of Sutter Homes 12 Sutter Homes Wine 1 6 pack O'Doul's 2 Farmer's Table Wine 12 Night Train Wine 4 4 packs Crabbie's Spiked 4 4 packs Seagram's Fruit 11 Assortment of cans beer 34 Tall assortment of can beer 22 Assortment cans of beer 16 oz 46 cans pint 9 Assortment Wines 16 cans of Ritas assortment 29 Assortment Wines 11 cans of Estrella 6 Bottles Pacifico 14 Bottles of Sutter Home Wine 7 Cardina Pina-go-lada 32 Bottles wine coolers 9 cans of wine coolers 3 Guinness Exports 22 oz 1 XXX 22oz 1 Tecate 32 oz 28 Assortment rita and beer 5 Douglas Hill Wines 6 Sutter Home Rose 23 Arbor Mist assortment 9 Irish Rose Wine 3 Koala Blue 2 Boone's Farm 24 Jack Daniel's Peach 16 Bud Light bottles 24 Modoel beer 12 Pacifico beer 24 assortments of beer 138 assortments of 25oz beer cans 12 Corona bottles 24 Jack Daniels 6 packs bottles 12 Modoel Ultra beer 12 Heineken 59 assortments of wines 4 Mike's Hard Lemonade 26 Coronas cans 12 Bud 12 oz 10 Angry Orchard beer 6 Oculito beer 8 Seagram's 4 pack escapes 4 Pin Apple beer 13 Lime Rita 16 oz 24 Heineken beer 11 assortment beer cans 8 bottles of Champaign 4 Malt OM Bull 10 Mad Dog 20/20 14 assortments of beer	

List of Alcohol Seized for The Pantry

6 Boone's Farm Sunshine Pink

5 Fuzzy Navel

1 Extra Kinky Pink

12 Arbor Mist Assortment of Wine: Mango, Raspberry, Strawberry

2 6 packs Pine Apple Rita

6 pack Smirnoff

1 4 pack Crabbie's

1 Corona Extra

12 Modelo Beer

31 Mad Dog 20/20

8 Bottles of Chardonnay Wine

6 Bottles of Douglas Hill

12 Heineken bottles

16 4 packs of Sutter Homes

12 Sutter Homes Wine

1 6 pack O'Doul's

2 Farmer's Table Wine

12 Night Train Wine

4 4 packs Crabbie's Spiked

4 4 packs Seagram's Fruit

11 Assortment of cans beer
34 Tall assortment of can beer
22 Assortment cans of beer 16 oz
46 cans pint
9 Assortment Wines
16 cans of Ritas assortment
29 Assortment Wines
11 cans of Estrella
6 Bottles Pacifico
14 Bottles of Sutter Home Wine
7 Cardina Pina-go-lada
32 Bottles wine coolers
9 cans of wine coolers
3 Guinness Exports 22 oz
1 XXX 22oz
1 Tecate 32 oz
28 Assortment rita and beer
5 Douglas Hill Wines
6 Sutter Home Rose
23 Arbor Mist assortment
9 Irish Rose Wine
3 Koala Blue

2 Boone's Farm
24 Jack Daniel's Peach
16 Bud Light bottle
24 Modoel beer
12 Pacifico beer
24 assortment of beer
138 assortment of 25oz beer cans
12 Corona bottle
24 Jack Daniels 6 packs bottles
12 Modoel Ultra beer
12 Heineken
59 assortment of wines
4 Mike's Hard Lemonade
26 Coronas cans
12 Bud 12 oz
10 Angry Orchard beer
6 Oculito beer
8 Seagram's 4 pack escapes
4 Pin Apple beer
13 Lime Rita 16 oz
24 Heineken beer
11 assortment beer cans

8 bottles of Champaign

4 Malt OM Bull

10 Mad Dog 20/20

14 assortment of beer

IN THE SUPERIOR COURT of
FULTON COUNTY, GEORGIA

IN RE:

ATTACHED LIST OF SEIZED PROPERTY

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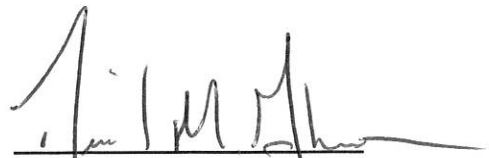
VERIFICATION

STATE OF GEORGIA,

CITY OF HAPEVILLE,

COUNTY OF FULTON

Personally appeared before the undersigned officer duly authorized by law to administer oaths, RICHARD M. GLAVOSEK, in his official capacity as Chief of the City of Hapeville Police Department who, after being duly sworn, states that he has read the foregoing APPLICATION FOR AN ORDER PURSUANT TO O.C.G.A. Sec. 17-5-54 TO RETAIN FOR DEPARTMENTAL USE, SELL, DONATE, OR DISCARD PERSONAL PROPERTY IN THE CUSTODY OF THE CITY OF HAPEVILLE POLICE DEPARTMENT, and that the information contained therein is true and correct.



RICHARD M. GLAVOSEK
Chief, City of Hapeville
Police Department

Date: 1/18/2019

STATE OF GEORGIA

COUNTY OF Fulton

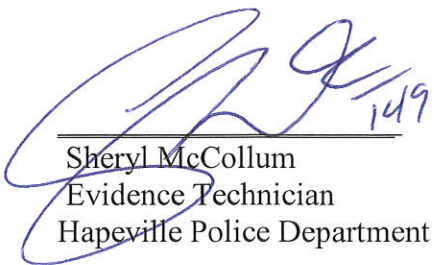
ORDER FOR DISPOSAL OF EVIDENCE

It appearing to the Courts, through the affidavit of Crime Scene Investigator/Evidence Technician Sheryl McCollum, Hapeville Police Department; that the Evidence listed on the attached Exhibits is no longer needed for evidentiary or investigative purposes, in that the cases to which it relates have been disposed of, or that there is no prosecution nor will there be a prosecution.

IT IS HEREBY ORDERED that the Hapeville Police Department dispose of said Evidence and if deemed appropriate, items of value may be sold at auction and the proceeds there of deposited into the general fund of the Hapeville Police Department. Items of property that are useful for law enforcement purposes may be converted to law enforcement use and documented in accordance with departmental policy and procedure. When no longer useful, these items will then be sent to Propertyroom.com for auction purposes.

IT IS FURTHER ORDERED that the Hapeville Police Department shall verify to the court by way of affidavit that said evidence has in fact been disposed of upon completion of the disposition process.

SO ORDERED this 18 day of January 2019


Sheryl McCollum
Evidence Technician
Hapeville Police Department


Judge ~~Judge~~ Alex Manning
Superior Court
Atlanta Judicial Circuit

Page 2 of 4



TO: SUPERIOR COURT OF FULTON COUNTY

FROM: S. MCCOLLUM, EVIDENCE CUSTODIAN, HAPEVILLE POLICE
DEPARTMENT

RE: PROPERTY TO BE DESTROYED / OR CONVERTED -

EXHIBIT "A"

These items have been deemed to be no longer of evidentiary value through the process of finding no suspects known in the case, case has been dismissed, subjects found guilty and are no longer serving their sentence and/or subjects involved have been found not guilty.

Judge Init _____

McCollum Init _____

Page 3 of 4

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

IN RE:

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ATTACHED LIST OF SEIZED PROPERTY

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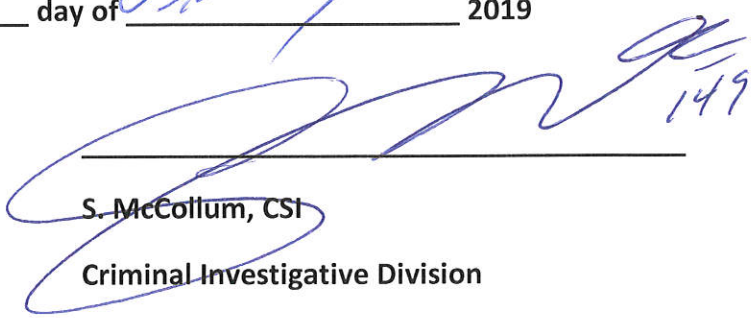
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APPLICATION OF DISCARD PROPERTY

Comes now C.S.I. S. McCollum of the Hapeville Police Department, who hereby makes application to the Superior Court pursuant to O.C.G.A. 17-5-54 for an order to dispose of personal property, as listed in the custody of the Hapeville Police Department. The following property was seized by various officers of the Hapeville Police Department as indicated, same having been seized upon arrest or as indicated in the course of duty as provided by law. All items seized are properties in which the court case has been resolved, no owner can be identified, or contacted, and/or the statute of limitations has expired. All items on Exhibit "A" attached.

THIS 18 day of January 2019


S. McCollum, CSI

Criminal Investigative Division

Hapeville Police Dept.

✓ 18-P00923	P2. 21812	Backpack Swiss	Found property 02-21-18
✓ 17-P03906	Pr. 19838	Backpack	Prisoner Property
✓ 18-P01238	Pr. 21957	Backpack	Prisoner Property
✓ 17-P05062	Pr. 20332	Found Backpack	Found
✓ 16-P05251	17390 Suitcase x3		Found
✓ 18-P05950	23815 Knife		Found stolen car
✓ 17-P02878	19366, 19367	clothes	Suicide Attempt
✓ 17-P02878	19364	rope	Suicide Attempt
✓ 15-P04968	21494	Veh Tag	found
✓ 18-P02284	15230	Helmet	traffic stop
	22401	Jewelry	safekeeping
	19683	Box Bullets	Self Confiscate
✓ 12-P01373	7030 ev2569	Taser Cartridge	No evidence
✓ 17-P02878	19363	rope	suicide attempt
✓ 15-P04968		cell phone	no value
✓ 17-P01961	18833	tag Ga	found
✓ 17-P01669	19091	fingerprint	no value
✓ 18-P01502		vomit	overdoes

City of Hapeville
Fiscal Year 2018
BUDGET ADJUSTMENT SUMMARY REPORT - (UNAUDITED)

PAGE: 1

	Original Budget 2018	Adjustments Increase (Decrease)	Amended Budget	Total Actual <i>Adjust After Audit Rept Recd</i>
100 - GENERAL FUND				
TOTAL REVENUE	11,830,725	0	11,830,725	11,876,323
TOTAL EXPENDITURES				
<u>DEPT#/DEPARTMENTS/DIVISIONS</u>				
1110 - CITY COUNCIL	47,186	0	47,186	41,607
1310 - MAYOR	20,043	0	20,043	18,520
1310 - CITY MANAGER	0	121,000	121,000	120,906
1330 - CITY CLERK	123,265	(19,900)	103,365	94,434
1400 - ELECTIONS	10,050	(5,000)	5,050	78
1510 - FINANCE & ADMINISTRATION	1,023,574	26,800	1,050,374	1,053,555
1530 - LEGAL SERVICES	430,000	(40,000)	390,000	389,447
1540 - HUMAN RESOURCES	377,508	41,500	419,008	413,865
1565 - INFORMATION TECHNOLOGY	495,100	(26,500)	468,600	723,570
2650 - MUNICIPAL COURT	159,639	0	159,639	128,537
3210 - POLICE ADMINISTRATION	3,232,275	(148,500)	3,083,775	3,002,317
3510 - FIRE ADMINISTRATION	2,457,251	46,500	2,503,751	2,502,016
4210 - HIGHWAY AND STREETS	1,149,293	0	1,149,293	1,148,795
6120 - PARTICIPANT RECREATION	525,842	14,000	539,842	537,314
6220 - PARK AREAS & GROUNDS	987,759	0	987,759	979,655
7400 - PLANNING & ZONING	96,300	26,500	122,800	122,402
7450 - CODE ENFORCEMENT	161,430	(11,000)	150,430	56,907
7520 - ECONOMIC DEVELOPMENT	440,685	0	440,685	362,692
7550 - MAIN STREET	20,000	15,000	35,000	27,616
9100 - OTHER FINANCING USES/TRANSFERS	40,400	(40,400)	0	28,589
TOTAL EXPENDITURES: 100 - GENERAL FUND	11,797,600	0	11,797,600	11,752,822
TOTAL REVENUES OVER/(UNDER) EXPENDITURES: 100 - GENERAL FUND	33,125	0	33,125	123,502
201 - SPECIAL REVENUE FUNDS				
TOTAL REVENUE	126,650	0	126,650	126,772
TOTAL EXPENDITURES	126,000	650	126,650	125,185
TOTAL REVENUES OVER/(UNDER) EXPENDITURES: 201 - SPECIAL REVENUE FUND	650	(650)	0	1,587
275 - HOTEL & MOTEL FUND				
TOTAL REVENUE	2,850,000	0	2,850,000	3,108,228
TOTAL EXPENDITURES	2,850,000	0	2,850,000	3,108,228
TOTAL REVENUES OVER/(UNDER) EXPENDITURES: 275 - HOTEL & MOTEL FUND	0	0	0	0
290 - TRADE AND TOURISM				
TOTAL REVENUE	2,070,000	0	2,070,000	1,820,551
TOTAL EXPENDITURES	2,070,000	0	2,070,000	1,617,724
TOTAL REVENUES OVER/(UNDER) EXPENDITURES: 290 - TRADE AND TOURISM	0	0	0	202,827

City of Hapeville

Fiscal Year 2018

BUDGET ADJUSTMENT SUMMARY REPORT - (UNAUDITED)

PAGE: 2

	Original Budget 2018	Adjustments Increase (Decrease)	Amended Budget	Total Actual <i>Adjust After Audit Rept Recd</i>
295 - DEVELOPMENT AUTHORITY				
TOTAL REVENUE	0	0	0	1,671,931
TOTAL EXPENDITURES	300,000	0	300,000	633,580
TOTAL REVENUES OVER/(UNDER) EXPENDITURES: 295 - DEVELOPMENT AUTHORITY	(300,000)	0	(300,000)	1,038,351
301 - CAPITAL PROJECTS FUND				
TOTAL REVENUE	6,424,630	1,704,920	8,129,550	1,860,037
TOTAL EXPENDITURES	6,424,630	1,704,920	8,129,550	1,949,189
TOTAL REVENUES OVER/(UNDER) EXPENDITURES: 301 - CAPITAL PROJECTS FUND	0	0	0	(89,153)
350 - T-SPLOST				
TOTAL REVENUE	1,200,000	0	1,200,000	1,123,090
TOTAL EXPENDITURES	941,230	0	941,230	399,964
TOTAL REVENUES OVER/(UNDER) EXPENDITURES: 350 - T-SPLOST	258,770	0	258,770	723,126
505 - WATER & SEWER FUND				
TOTAL REVENUE	4,625,000	0	4,625,000	4,657,175
TOTAL EXPENDITURES	4,589,123	0	4,589,123	4,268,676
TOTAL REVENUES OVER/(UNDER) EXPENDITURES: 505 - WATER & SEWER FUND	35,877	0	35,877	388,498
506 - STORMWATER FUND				
TOTAL REVENUE	200,000	0	200,000	276,292
TOTAL EXPENDITURES	174,615	0	174,615	70,283
TOTAL REVENUES OVER/(UNDER) EXPENDITURES: 506 - STORMWATER FUND	25,385	0	25,385	206,008
540 - SOLID WASTE FUND				
TOTAL REVENUE	535,775	0	535,775	544,300
TOTAL EXPENDITURES	475,841	0	475,841	561,612
TOTAL REVENUES OVER/(UNDER) EXPENDITURES: 540 - SOLID WASTE FUND	59,934	0	59,934	(17,312)
GRAND TOTAL REVENUES	29,862,780	1,704,920	31,567,700	27,064,698
GRAND TOTAL EXPENDITURES	29,749,039	1,705,570	31,454,609	24,487,264
REVENUES OVER/(UNDER) EXPENDITURES: ALL FUNDS	113,741	(650)	113,091	2,577,434

STATE OF GEORGIA
CITY OF HAPEVILLE

ORDINANCE 2017-

AN ORDINANCE TO AMEND THE ANNUAL BUDGET FOR THE CITY OF HAPEVILLE, GEORGIA FOR THE FISCAL YEAR 2017-2018 FOR THE ADJUSTMENT OF REVENUE AND EXPENDITURES

WHEREAS, the Mayor and Council have approved the budget and budget amendments for the year ending June 30, 2018; and

Whereas accounting standards require the use of year- end adjustments for accrual accounting; and

WHEREAS, amendments to the Fiscal Year 2017-2018 budget are needed to apply the adjustments to budgeted revenues and expenditures in compliance with State law;

WHEREAS, section 17-2-3 of the City of Hapeville Code of Ordinances provides that all amendments to the budget shall be by ordinances;

NOW, THEREFORE BE IT AND IT IS HEREBY ORDAINED by the Mayor and Council of the City of Hapeville, Georgia:

Section 1.

That the Fiscal Year 2017-2018 Budget be amended to reflect the adjustment of revenues and expenditures as follows:

See Attachment

Section 2.

- a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of the 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 the 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 or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed

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

Section 3.

All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 4.

This Ordinance shall become effective upon its adoption by the Mayor and Council.

Section 5.

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

Section 6.

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

First Reading:

Adoption: _____

This Ordinance having been properly considered and adopted by the City Council of the City of Hapeville, Georgia the same is approved this _____

Alan Hallman, Mayor

ATTEST:

Crystal Griggs-Epps, City Clerk

APPROVED AS TO FORM:

Steven M. Fincher, City Attorney

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2018

PAGE: 1

100-GENERAL FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 100.00

REVENUE SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
TAXES	8,982,000	237,716.25	8,793,923.00	0.00	188,077.00	97.91
LICENSES AND PERMITS	615,000	52,357.75	519,741.19	0.00	95,258.81	84.51
INTERGOVERNMENTAL REV	0	0.00	22,340.00	0.00	22,340.00	0.00
CHARGES FOR SERVICES	325,375	24,311.05	391,595.28	0.00	66,220.28	120.35
FINES AND FORFEITURES	272,000	1,708.21	209,066.30	0.00	62,933.70	76.86
INVESTMENT INCOME	150	250.27	780.65	0.00	630.65	520.43
CONTRIBUTIONS	10,000	0.00	5,290.00	0.00	4,710.00	52.90
MISC REVENUE	96,200	2,303.27	186,709.18	0.00	90,509.18	194.08
OTHER FINANCING SOURCES	1,530,000	596,346.94	1,746,877.79	0.00	216,877.79	114.18
TOTAL REVENUES	11,830,725	906,970.78	11,876,323.39	0.00	45,598.39	100.39

EXPENDITURE SUMMARYCOUNCIL

PERSONNEL SERVICES	33,586	3,829.50	33,540.90	0.00	45.10	99.87
CONTRACTED SERVICES	11,600	1,590.05	6,782.05	0.00	4,817.95	58.47
SUPPLIES & MINOR EQPT	2,000	268.47	1,283.69	0.00	716.31	64.18
TOTAL COUNCIL	47,186	5,688.02	41,606.64	0.00	5,579.36	88.18

MAYOR

PERSONNEL SERVICES	9,043	1,031.01	9,320.30	0.00	277.30	103.07
CONTRACTED SERVICES	2,000	1,016.00	3,410.51	0.00	1,410.51	170.53
SUPPLIES & MINOR EQPT	9,000	216.96	5,788.74	0.00	3,211.26	64.32
TOTAL MAYOR	20,043	2,263.97	18,519.55	0.00	1,523.45	92.40

CITY MANAGER

PERSONNEL SERVICES	114,400	14,894.55	114,311.25	0.00	88.75	99.92
CONTRACTED SERVICES	6,350	613.77	6,350.30	0.00	0.30	100.00
SUPPLIES & MINOR EQPT	250	110.37	244.57	0.00	5.43	97.83
TOTAL CITY MANAGER	121,000	15,618.69	120,906.12	0.00	93.88	99.92

CITY CLERK

PERSONNEL SERVICES	86,265	10,061.74	81,603.84	0.00	4,661.16	94.60
CONTRACTED SERVICES	10,100	825.45	7,782.37	0.00	2,317.63	77.05
SUPPLIES & MINOR EQPT	7,000	1,276.52	5,048.10	0.00	1,951.90	72.12
TOTAL CITY CLERK	103,365	12,163.71	94,434.31	0.00	8,930.69	91.36

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2018

PAGE: 2

100-GENERAL FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 100.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
ELECTIONS						
CONTRACTED SERVICES	5,050	0.00	78.00	0.00	4,972.00	1.54
TOTAL ELECTIONS	5,050	0.00	78.00	0.00	4,972.00	1.54
FINANCIAL ADMINISTRATION						
PERSONNEL SERVICES	468,674	39,848.79	342,929.20	0.00	125,744.80	73.17
CONTRACTED SERVICES	516,700	29,862.51	655,692.88	0.00 (	138,992.88)	126.90
SUPPLIES & MINOR EQPT	52,000	6,054.89	44,133.44	0.00	7,866.56	84.87
CAPITAL OUTLAYS > \$5000	13,000	1,246.14	10,799.88	0.00	2,200.12	83.08
TOTAL FINANCIAL ADMINISTRATION	1,050,374	77,012.33	1,053,555.40	0.00 (	3,181.40)	100.30
LAW						
CONTRACTED SERVICES	390,000	36,971.68	389,446.79	0.00	553.21	99.86
TOTAL LAW	390,000	36,971.68	389,446.79	0.00	553.21	99.86
HUMAN RESOURCES						
PERSONNEL SERVICES	403,708	30,012.00	403,370.85	0.00	337.15	99.92
CONTRACTED SERVICES	4,700	495.00	3,702.08	0.00	997.92	78.77
SUPPLIES & MINOR EQPT	10,600	1,962.23	6,791.77	0.00	3,808.23	64.07
TOTAL HUMAN RESOURCES	419,008	32,469.23	413,864.70	0.00	5,143.30	98.77
INFORMATION TECHNOLOGY						
CONTRACTED SERVICES	341,170	279,550.43	596,747.09	0.00 (	255,577.09)	174.91
CAPITAL OUTLAYS > \$5000	127,430	3,153.79	126,822.84	0.00	607.16	99.52
TOTAL INFORMATION TECHNOLOGY	468,600	282,704.22	723,569.93	0.00 (	254,969.93)	154.41
MUNICIPAL COURT						
PERSONNEL SERVICES	59,584	4,913.42	57,345.99	0.00	2,238.01	96.24
CONTRACTED SERVICES	99,555	5,341.98	70,262.47	0.00	29,292.53	70.58
SUPPLIES & MINOR EQPT	500	0.00	929.00	0.00 (	429.00)	185.80
TOTAL MUNICIPAL COURT	159,639	10,255.40	128,537.46	0.00	31,101.54	80.52
POLICE ADMINISTRATION						
PERSONNEL SERVICES	2,478,507	271,471.71	2,318,996.71	0.00	159,510.29	93.56
CONTRACTED SERVICES	262,600	56,350.41	348,747.16	0.00 (	86,147.16)	132.81
SUPPLIES & MINOR EQPT	153,000	25,777.73	151,821.68	0.00	1,178.32	99.23
CAPITAL OUTLAYS > \$5000	136,200	114,089.00	131,217.02	0.00	4,982.98	96.34
DEBT SERVICE	53,468	12,679.94	51,534.81	0.00	1,933.19	96.38
TOTAL POLICE ADMINISTRATION	3,083,775	480,368.79	3,002,317.38	0.00	81,457.62	97.36
FIRE ADMINISTRATION						
PERSONNEL SERVICES	2,128,701	260,962.25	2,146,950.77	0.00 (	18,249.77)	100.86
CONTRACTED SERVICES	72,000	3,189.71	65,093.79	0.00	6,906.21	90.41
SUPPLIES & MINOR EQPT	116,450	14,839.64	114,552.21	0.00	1,897.79	98.37
CAPITAL OUTLAYS > \$5000	22,000	2,180.12	19,841.64	0.00	2,158.36	90.19
DEBT SERVICE	164,600	7,427.65	155,577.17	0.00	9,022.83	94.52
TOTAL FIRE ADMINISTRATION	2,503,751	288,599.37	2,502,015.58	0.00	1,735.42	99.93

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2018

PAGE: 3

100-GENERAL FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 100.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>HIGHWAY AND STREETS ADMIN</u>						
PERSONNEL SERVICES	430,538	45,777.55	375,270.27	0.00	55,267.73	87.16
CONTRACTED SERVICES	36,200	2,793.21	32,206.78	0.00	3,993.22	88.97
SUPPLIES & MINOR EQPT	252,000	35,968.23	255,120.03	0.00 (	3,120.03)	101.24
DEBT SERVICE	430,555	0.00	486,198.00	0.00 (	55,643.00)	112.92
TOTAL HIGHWAY AND STREETS ADMIN	1,149,293	84,538.99	1,148,795.08	0.00	497.92	99.96
<u>PARTICIPANT RECREATION</u>						
PERSONNEL SERVICES	366,552	49,951.21	335,998.01	0.00	30,553.99	91.66
CONTRACTED SERVICES	98,650	8,391.13	97,379.73	0.00	1,270.27	98.71
SUPPLIES & MINOR EQPT	98,600	11,131.09	99,000.04	0.00 (	400.04)	100.41
CAPITAL OUTLAYS > \$5000	2,000	0.00	2,000.00	0.00	0.00	100.00
OTHER COSTS (NOC)	(31,000)	0.00	0.00	0.00 (	31,000.00)	0.00
DEBT SERVICE	5,040	419.43	2,936.01	0.00	2,103.99	58.25
TOTAL PARTICIPANT RECREATION	539,842	69,892.86	537,313.79	0.00	2,528.21	99.53
<u>PARK AREAS & GROUNDS</u>						
PERSONNEL SERVICES	384,759	58,147.47	541,652.42	0.00 (	156,893.42)	140.78
CONTRACTED SERVICES	426,000	30,137.74	288,168.27	0.00	137,831.73	67.65
SUPPLIES & MINOR EQPT	123,000	16,981.92	124,750.71	0.00 (	1,750.71)	101.42
CAPITAL OUTLAYS > \$5000	54,000	3,504.00	25,083.46	0.00	28,916.54	46.45
TOTAL PARK AREAS & GROUNDS	987,759	108,771.13	979,654.86	0.00	8,104.14	99.18
<u>INSPECTION</u>						
<u>PLANNING & ZONING</u>						
CONTRACTED SERVICES	117,600	20,557.01	122,301.97	0.00 (	4,701.97)	104.00
SUPPLIES & MINOR EQPT	200	0.00	100.08	0.00	99.92	50.04
OTHER COSTS (NOC)	5,000	0.00	0.00	0.00	5,000.00	0.00
TOTAL PLANNING & ZONING	122,800	20,557.01	122,402.05	0.00	397.95	99.68
<u>CODE ENFORCEMENT</u>						
PERSONNEL SERVICES	108,530	2,614.09	38,064.69	0.00	70,465.31	35.07
CONTRACTED SERVICES	35,800	3,555.72	16,343.31	0.00	19,456.69	45.65
SUPPLIES & MINOR EQPT	6,100	96.71	2,499.30	0.00	3,600.70	40.97
TOTAL CODE ENFORCEMENT	150,430	6,266.52	56,907.30	0.00	93,522.70	37.83
<u>ECONOMIC DEVELOPMENT</u>						
PERSONNEL SERVICES	263,635	26,385.62	227,532.33	0.00	36,102.67	86.31
CONTRACTED SERVICES	145,500	12,537.97	94,475.00	0.00	51,025.00	64.93
SUPPLIES & MINOR EQPT	8,550	1,619.01	13,149.97	0.00 (	4,599.97)	153.80
CAPITAL OUTLAYS > \$5000	3,000	4,432.00	11,584.99	0.00 (	8,584.99)	386.17
OTHER COSTS (NOC)	20,000	0.00	15,950.00	0.00	4,050.00	79.75
TOTAL ECONOMIC DEVELOPMENT	440,685	44,974.60	362,692.29	0.00	77,992.71	82.30

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2018

PAGE: 4

100-GENERAL FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 100.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>MAIN STREET</u>						
CONTRACTED SERVICES	21,300	0.00	16,164.00	0.00	5,136.00	75.89
SUPPLIES & MINOR EQPT	700	0.00	40.67	0.00	659.33	5.81
CAPITAL OUTLAYS > \$5000	13,000	6,486.00	11,411.00	0.00	1,589.00	87.78
TOTAL MAIN STREET	35,000	6,486.00	27,615.67	0.00	7,384.33	78.90
<u>OTHER FINANCING USES</u>						
INTERFUND TRANSACTIONS	0	28,484.86	28,588.86	0.00	(28,588.86)	0.00
TOTAL OTHER FINANCING USES	0	28,484.86	28,588.86	0.00	(28,588.86)	0.00
TOTAL EXPENDITURES	11,797,600	1,614,087.38	11,752,821.76	0.00	44,778.24	99.62
REVENUE OVER/(UNDER) EXPENDITURES	33,125 (	707,116.60)	123,501.63	0.00 (	90,376.63)	372.84

100-GENERAL FUND

% OF YEAR COMPLETED: 100.00

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
TAXES						
100-0-0000-311100 Real Property-Current	3,500,000	21,670.12	3,304,774.42	0.00	195,225.58	94.42
100-0-0000-311110 Special Tax Distr-Real	90,000	0.00	78,756.17	0.00	11,243.83	87.51
100-0-0000-311150 Public Utilities - CY	560,000	0.00	529,536.61	0.00	30,463.39	94.56
100-0-0000-311160 Public Utilities - Pri	0	0.00	1,228.26	0.00	1,228.26	0.00
100-0-0000-311200 Real Property -Prior Y	100,000	1,201.00	44,648.77	0.00	55,351.23	44.65
100-0-0000-311300 Personal Property-Curr	1,025,000	0.00	1,002,789.83	0.00	22,210.17	97.83
100-0-0000-311310 Motor Vehicle	100,000	11,881.86	128,388.43	0.00	28,388.43	128.39
100-0-0000-311400 Personal Property-Prio	50,000	0.00	4,156.14	0.00	45,843.86	8.31
100-0-0000-311600 Real Estate Intangible	50,000	2,777.62	47,312.12	0.00	2,687.88	94.62
100-0-0000-311710 Franchise Tax-Georgia	525,000	0.00	493,114.03	0.00	31,885.97	93.93
100-0-0000-311730 Franchise Tax-Atlanta	40,000	13,035.58	51,621.33	0.00	11,621.33	129.05
100-0-0000-311750 Franchise Tax-Televisi	50,000	0.00	55,502.58	0.00	5,502.58	111.01
100-0-0000-311760 Franchise Tax-Bell Sou	25,000	0.00	35,943.58	0.00	10,943.58	143.77
100-0-0000-311790 Franchise Tax-Other	16,000	0.00	29,014.66	0.00	13,014.66	181.34
100-0-0000-313100 Local Option Sales & U	1,825,000	164,879.62	1,862,974.27	0.00	37,974.27	102.08
100-0-0000-313910 Real Estate Transfer T	15,000	1,151.01	34,650.94	0.00	19,650.94	231.01
100-0-0000-313920 Railroad Tax	2,000	0.00	0.00	0.00	2,000.00	0.00
100-0-0000-314200 Alcoholic Beverage Exc	160,000	17,328.91	180,868.98	0.00	20,868.98	113.04
100-0-0000-314300 Local Option Mixed Dri	30,000	5,902.95	57,188.03	0.00	27,188.03	190.63
100-0-0000-316100 Occupational Tax Fee	350,000	13,980.05	393,934.45	0.00	43,934.45	112.55
100-0-0000-316200 Insurance Premium Taxe	400,000	14,100.00	433,105.78	0.00	33,105.78	108.28
100-0-0000-319100 Property Tax Penalties	60,000	220.53	21,068.62	0.00	38,931.38	35.11
100-0-0000-319500 Fi Fe	2,000	189.00	2,520.00	0.00	520.00	126.00
100-0-0000-319600 GTS Fees	7,000	0.00	825.00	0.00	6,175.00	11.79
TOTAL TAXES	8,982,000	237,716.25	8,793,923.00	0.00	188,077.00	97.91
LICENSES AND PERMITS						
100-0-0000-321100 Alcoholic Beverage Lic	135,000	5,050.00	169,637.00	0.00	34,637.00	125.66
100-0-0000-321105 Refunds - Alcohol Bev	0	0.00	8,116.06	0.00	8,116.06	0.00
100-0-0000-321140 Alcohol Server ID Card	15,000	1,720.00	15,580.00	0.00	580.00	103.87
100-0-0000-321200 Business License	15,000	14,150.00	14,150.00	0.00	850.00	94.33
100-0-0000-322900 Building Permits	450,000	31,429.75	328,426.25	0.00	121,573.75	72.98
100-0-0000-323200 Notary Fees	0	8.00	64.00	0.00	64.00	0.00
TOTAL LICENSES AND PERMITS	615,000	52,357.75	519,741.19	0.00	95,258.81	84.51
INTERGOVERNMENTAL REV						
100-0-0000-332116 Special Events Grant	0	0.00	6,300.00	0.00	6,300.00	0.00
100-0-0000-335300 KaBoom Grant	0	0.00	13,000.00	0.00	13,000.00	0.00
100-0-0000-336002 LCI-ARC 80%	0	0.00	3,040.00	0.00	3,040.00	0.00
TOTAL INTERGOVERNMENTAL REV	0	0.00	22,340.00	0.00	22,340.00	0.00

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2018

PAGE: 6

100-GENERAL FUND

% OF YEAR COMPLETED: 100.00

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>CHARGES FOR SERVICES</u>						
100-0-0000-341100 Court Costs	500	100.00	409.26	0.00	90.74	81.85
100-0-0000-341110 Technology Fee - Court	22,000	3,320.00	35,258.06	0.00	13,258.06	160.26
100-0-0000-341120 Probation Fees/Fines	65,000	0.00	74,700.00	0.00	9,700.00	114.92
100-0-0000-341190 Other Charges for Serv	1,000	162.50	1,741.21	0.00	741.21	174.12
100-0-0000-341191 Return Check Fees	0	0.00	136.00	0.00	136.00	0.00
100-0-0000-341300 Planning & Dev Fees &	12,000	1,560.00	23,443.75	0.00	11,443.75	195.36
100-0-0000-341910 Election Qualifying Fe	0	0.00	1,873.12	0.00	1,873.12	0.00
100-0-0000-341920 Convenience Fees	12,000	1,415.70	16,869.60	0.00	4,869.60	140.58
100-0-0000-341930 Wrecker Fees	5,000	575.00	6,850.00	0.00	1,850.00	137.00
100-0-0000-341935 Booting Permits	250	0.00	420.00	0.00	170.00	168.00
100-0-0000-342120 Accident Reports	3,000	390.00	4,127.00	0.00	1,127.00	137.57
100-0-0000-342125 VIN Check Fees	600	60.00	765.00	0.00	165.00	127.50
100-0-0000-342310 Fingerprinting Fee	4,000	520.00	4,825.00	0.00	825.00	120.63
100-0-0000-342330 Prisoner Housing Fee	0	465.00	465.00	0.00	465.00	0.00
100-0-0000-342600 Ambulance Fees	145,000	12,357.85	164,638.23	0.00	19,638.23	113.54
100-0-0000-342660 Fire Department Report	25	0.00	80.00	0.00	55.00	320.00
100-0-0000-342670 Fire Dept Fees	1,800	0.00	5.00	0.00	1,795.00	0.28
100-0-0000-342675 Plan Review	0	0.00	60.00	0.00	60.00	0.00
100-0-0000-342680 Fire Dept Permits	0	0.00	180.00	0.00	180.00	0.00
100-0-0000-342900 Criminal History	4,500	360.00	5,705.00	0.00	1,205.00	126.78
100-0-0000-347200 Rec Activity Fee	1,000	0.00	0.00	0.00	1,000.00	0.00
100-0-0000-347400 Coach's Equipment Reim	0	0.00	2,000.00	0.00	2,000.00	0.00
100-0-0000-347500 Rec Rental & Miscellan	3,000	600.00	2,932.05	0.00	67.95	97.74
100-0-0000-347502 Rec Cheerleading/dance	3,000	0.00	3,455.00	0.00	455.00	115.17
100-0-0000-347503 Rec Football	10,000	0.00	8,035.00	0.00	1,965.00	80.35
100-0-0000-347504 Rec Basketball	3,000	0.00	4,170.00	0.00	1,170.00	139.00
100-0-0000-347505 Rec Tournaments	1,200	0.00	0.00	0.00	1,200.00	0.00
100-0-0000-347506 Rec Baseball/Girl's So	10,000	0.00	8,015.00	0.00	1,985.00	80.15
100-0-0000-347507 Rec. Adult Softball	2,500	0.00	0.00	0.00	2,500.00	0.00
100-0-0000-347508 Rec Children's Program	15,000	2,425.00	20,437.00	0.00	5,437.00	136.25
TOTAL CHARGES FOR SERVICES	325,375	24,311.05	391,595.28	0.00	66,220.28	120.35
<u>FINES AND FORFEITURES</u>						
100-0-0000-351100 Court Fines	270,000	1,791.46	203,521.28	0.00	66,478.72	75.38
100-0-0000-351150 Code Enforcement Liens	2,000	0.00	5,461.77	0.00	3,461.77	273.09
100-0-0000-351300 Asset Forfeitures - DE	0	83.25	83.25	0.00	83.25	0.00
TOTAL FINES AND FORFEITURES	272,000	1,708.21	209,066.30	0.00	62,933.70	76.86
<u>INVESTMENT INCOME</u>						
100-0-0000-361100 Interest Revenues	150	250.27	780.65	0.00	630.65	520.43
TOTAL INVESTMENT INCOME	150	250.27	780.65	0.00	630.65	520.43

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2018

PAGE: 7

100-GENERAL FUND

% OF YEAR COMPLETED: 100.00

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
CONTRIBUTIONS						
100-0-0000-375000 Festival Contributions	10,000	0.00	5,265.00	0.00	4,735.00	52.65
100-0-0000-376000 Main Street Donations	0	0.00	25.00	0.00 (	25.00)	0.00
TOTAL CONTRIBUTIONS	10,000	0.00	5,290.00	0.00	4,710.00	52.90
MISC REVENUE						
100-0-0000-381100 Cell Phone Tower Lease	89,200	0.00	14,735.88	0.00	74,464.12	16.52
100-0-0000-381110 Misc Revenue	5,000 (	3,412.65)	7,675.01	0.00 (	2,675.01)	153.50
100-0-0000-381150 Insurance Reimbursemen	0	0.00	115,805.00	0.00 (	115,805.00)	0.00
100-0-0000-381200 Other Reimbursements	1,000	998.38	16,579.29	0.00 (	15,579.29)	1,657.93
100-0-0000-381300 Gas South Fees	1,000	111.00	1,474.00	0.00 (	474.00)	147.40
100-0-0000-383000 Reimbursement for Dama	0	0.00	30,440.00	0.00 (	30,440.00)	0.00
TOTAL MISC REVENUE	96,200 (	2,303.27)	186,709.18	0.00 (	90,509.18)	194.08
OTHER FINANCING SOURCES						
100-0-0000-393100 Lease Proceeds	0	92,754.00	92,754.00	0.00 (	92,754.00)	0.00
100-0-0000-393200 PROCEEDS FROM LOAN	0	255,010.00	255,010.00	0.00 (	255,010.00)	0.00
100-0-0000-395100 Transfer from Water-Se	330,000	0.00	0.00	0.00	330,000.00	0.00
100-0-0000-395250 Carryover	20,000	0.00	0.00	0.00	20,000.00	0.00
100-0-0000-395295 Transfer from Dev Auth	0	111,436.94	111,436.94	0.00 (	111,436.94)	0.00
100-0-0000-395300 Transfer from Hotel/M	1,180,000	137,146.00	1,287,676.85	0.00 (	107,676.85)	109.13
TOTAL OTHER FINANCING SOURCES	1,530,000	596,346.94	1,746,877.79	0.00 (	216,877.79)	114.18
TOTAL REVENUE	11,830,725	906,970.78	11,876,323.39	0.00 (	45,598.39)	100.39

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2018

PAGE: 1

275-HOTEL & MOTEL TAX FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 100.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
TAXES	<u>2,850,000</u>	<u>326,969.47</u>	<u>3,108,227.74</u>	<u>0.00</u>	<u>(258,227.74)</u>	<u>109.06</u>
TOTAL REVENUES	2,850,000	326,969.47	3,108,227.74	0.00	(258,227.74)	109.06
<u>EXPENDITURE SUMMARY</u>						
<u>HOTEL-MOTEL</u>						
DEBT SERVICE	<u>2,850,000</u>	<u>331,084.24</u>	<u>3,108,227.74</u>	<u>0.00</u>	<u>(258,227.74)</u>	<u>109.06</u>
TOTAL HOTEL-MOTEL	<u>2,850,000</u>	<u>331,084.24</u>	<u>3,108,227.74</u>	<u>0.00</u>	<u>(258,227.74)</u>	<u>109.06</u>
TOTAL EXPENDITURES	2,850,000	331,084.24	3,108,227.74	0.00	(258,227.74)	109.06
REVENUE OVER/(UNDER) EXPENDITURES	0	(4,114.77)	0.00	0.00	0.00	0.00

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2018

PAGE: 2

275-HOTEL & MOTEL TAX FUND

% OF YEAR COMPLETED: 100.00

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
TAXES						
275-0-0000-314120 Hotel/Motel Taxes	2,850,000	326,969.47	3,108,227.74	0.00 (	258,227.74)	109.06
TOTAL TAXES	2,850,000	326,969.47	3,108,227.74	0.00 (	258,227.74)	109.06
TOTAL REVENUE	2,850,000	326,969.47	3,108,227.74	0.00 (	258,227.74)	109.06

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2018

275-HOTEL & MOTEL TAX FUND
DEPARTMENT - HOTEL-MOTEL

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>DEBT SERVICE</u>						
275-5-5910-580405 Transfers - DMO - TCT	855,370	99,284.13	932,427.18	0.00 (	77,057.18)	109.01
275-5-5910-580410 Transfers - Tourism B	814,630	94,654.11	888,123.71	0.00 (	73,493.71)	109.02
275-5-5910-580415 Gen Fund Allocation	1,180,000	137,146.00	1,287,676.85	0.00 (	107,676.85)	109.13
TOTAL DEBT SERVICE	2,850,000	331,084.24	3,108,227.74	0.00 (	258,227.74)	109.06
TOTAL HOTEL-MOTEL	2,850,000	331,084.24	3,108,227.74	0.00 (	258,227.74)	109.06
TOTAL EXPENDITURES	2,850,000	331,084.24	3,108,227.74	0.00 (	258,227.74)	109.06
REVENUE OVER/(UNDER) EXPENDITURES	0 (	4,114.77)	0.00	0.00	0.00	0.00

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2018

PAGE: 1

290-TRADE AND TOURISM
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 100.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
OTHER FINANCING SOURCES	2,070,000 (	206,061.76)	1,820,550.89	0.00	249,449.11	87.95
TOTAL REVENUES	2,070,000 (	206,061.76)	1,820,550.89	0.00	249,449.11	87.95
<u>EXPENDITURE SUMMARY</u>						
Hoyt Smith Center						
PERSONNEL SERVICES	126,881	13,057.02	111,673.45	0.00	15,207.55	88.01
CONTRACTED SERVICES	16,500	3.00	92.00	0.00	16,408.00	0.56
SUPPLIES & MINOR EQPT	37,500	0.00	0.00	0.00	37,500.00	0.00
CAPITAL OUTLAYS > \$5000	602,749	0.00	29,531.72	0.00	573,217.28	4.90
DEBT SERVICE	31,000	0.00	0.00	0.00	31,000.00	0.00
TOTAL Hoyt Smith Center	814,630	13,060.02	141,297.17	0.00	673,332.83	17.34
CS - Parks & Grounds						
Economic Development						
CONTRACTED SERVICES	1,255,370	247,733.07	1,476,427.20	0.00 (	221,057.20)	117.61
TOTAL Economic Development	1,255,370	247,733.07	1,476,427.20	0.00 (	221,057.20)	117.61
Main Street						
Other Financing Uses						
TOTAL EXPENDITURES	2,070,000	260,793.09	1,617,724.37	0.00	452,275.63	78.15
REVENUE OVER/(UNDER) EXPENDITURES	0 (	466,854.85)	202,826.52	0.00 (	202,826.52)	0.00

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2018

PAGE: 2

290-TRADE AND TOURISM

% OF YEAR COMPLETED: 100.00

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>TAXES</u>						
<u>INTERGOVERNMENTAL REV</u>						
<u>MISC REVENUE</u>						
<u>OTHER FINANCING SOURCES</u>						
290-0-0000-391280 Trans from Hot/Mot - D	855,370	99,284.13	932,427.18	0.00 (	77,057.18)	109.01
290-0-0000-391285 Transfer from H/M - Ho	814,630	94,654.11	888,123.71	0.00 (	73,493.71)	109.02
290-0-0000-395250 Carryover	400,000 (	400,000.00)	0.00	0.00	400,000.00	0.00
TOTAL OTHER FINANCING SOURCES	2,070,000 (	206,061.76)	1,820,550.89	0.00	249,449.11	87.95
 TOTAL REVENUE	 2,070,000 (	 206,061.76)	 1,820,550.89	 0.00	 249,449.11	 87.95

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2018

PAGE: 1

301-CAPITAL PROJECTS FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 100.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
INTERGOVERNMENTAL REV	6,779,920	1,054,975.44	1,826,570.40	0.00	4,953,349.60	26.94
OTHER FINANCING SOURCES	<u>1,349,630</u>	<u>(39,187.76)</u>	<u>33,466.15</u>	<u>0.00</u>	<u>1,316,163.85</u>	<u>2.48</u>
TOTAL REVENUES	8,129,550	1,015,787.68	1,860,036.55	0.00	6,269,513.45	22.88
<u>EXPENDITURE SUMMARY</u>						
<u>CAPITAL PROJ - DO NOT USE</u>						
<u>CAPITAL PROJECTS</u>						
CONTRACTED SERVICES	300,000	29,814.42	34,614.42	0.00	265,385.58	11.54
CAPITAL OUTLAYS > \$5000	<u>7,829,550</u>	<u>797,361.97</u>	<u>1,914,574.85</u>	<u>0.00</u>	<u>5,914,975.15</u>	<u>24.45</u>
TOTAL CAPITAL PROJECTS	<u>8,129,550</u>	<u>827,176.39</u>	<u>1,949,189.27</u>	<u>0.00</u>	<u>6,180,360.73</u>	<u>23.98</u>
TOTAL EXPENDITURES	8,129,550	827,176.39	1,949,189.27	0.00	6,180,360.73	23.98
REVENUE OVER/(UNDER) EXPENDITURES	0	188,611.29 (	89,152.72)	0.00	89,152.72	0.00

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2018

PAGE: 2

301-CAPITAL PROJECTS FUND

% OF YEAR COMPLETED: 100.00

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>INTERGOVERNMENTAL REV</u>						
301-0-0000-331365 Earmark Loop Road Gran	1,704,920 (	9,029.20)	31,140.80	0.00	1,673,779.20	1.83
301-0-0000-331460 N. Central Streetscape	80,000	34,575.28	52,363.28	0.00	27,636.72	65.45
301-0-0000-331480 Grant Revenue-Dogwood	1,760,000	715,637.26	1,419,188.57	0.00	340,811.43	80.64
301-0-0000-331486 CDBG - Sidewalks--CDBG	100,000	6,749.62	6,749.62	0.00	93,250.38	6.75
301-0-0000-331497 Rail Facilities Grant	3,135,000	307,042.48	317,128.13	0.00	2,817,871.87	10.12
TOTAL INTERGOVERNMENTAL REV	6,779,920	1,054,975.44	1,826,570.40	0.00	4,953,349.60	26.94
<u>MISC REVENUE</u>						
<u>OTHER FINANCING SOURCES</u>						
301-0-0000-391125 Transfers from General	40,400	28,484.86	28,588.86	0.00	11,811.14	70.76
301-0-0000-391147 DOT - LMIG Program Rev	68,000 (	67,672.62)	4,877.29	0.00	63,122.71	7.17
301-0-0000-391295 Transfer from Developm	300,000	0.00	0.00	0.00	300,000.00	0.00
301-0-0000-391350 Transfer from T-SPLST	941,230	0.00	0.00	0.00	941,230.00	0.00
TOTAL OTHER FINANCING SOURCES	1,349,630 (	39,187.76)	33,466.15	0.00	1,316,163.85	2.48
TOTAL REVENUE	8,129,550	1,015,787.68	1,860,036.55	0.00	6,269,513.45	22.88

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2018

301-CAPITAL PROJECTS FUND
DEPARTMENT - CAPITAL PROJ - DO NOT USE

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
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CONTRACTED SERVICES

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2018

PAGE: 4

301-CAPITAL PROJECTS FUND
DEPARTMENT - CAPITAL PROJECTS

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>CONTRACTED SERVICES</u>						
301-5-5920-522205 597 N. Central (Theatr	300,000	29,814.42	34,614.42	0.00	265,385.58	11.54
TOTAL CONTRACTED SERVICES	300,000	29,814.42	34,614.42	0.00	265,385.58	11.54
<u>CAPITAL OUTLAYS > \$5000</u>						
301-5-5920-541260 North Central Ave Stre	0	14,424.38	66,524.10	0.00 (	66,524.10)	0.00
301-5-5920-541272 TSPLOST-Earmark Loop R	2,131,150 (	7,137.20)	31,140.80	0.00	2,100,009.20	1.46
301-5-5920-541273 Railroad Construction	3,210,000	255,363.91	284,734.24	0.00	2,925,265.76	8.87
301-5-5920-541275 TSPLOST - Dogwood-N.Av	2,200,000	545,343.33	1,416,296.57	0.00	783,703.43	64.38
301-5-5920-541280 599 N Central Ave	0	0.00	6,444.30	0.00 (	6,444.30)	0.00
301-5-5920-541281 Theatre - 597 N. Centr	0 (	14,925.24)	0.01)	0.00	0.01	0.00
301-5-5920-541360 CDBG	100,000	0.00	8,437.02	0.00	91,562.98	8.44
301-5-5920-541370 N.CENTRAL PHASE II STU	100,000	0.00	0.00	0.00	100,000.00	0.00
301-5-5920-541375 DOT -LMIG Program Expe	88,400	4,292.79	100,997.83	0.00 (	12,597.83)	114.25
TOTAL CAPITAL OUTLAYS > \$5000	7,829,550	797,361.97	1,914,574.85	0.00	5,914,975.15	24.45

DEBT SERVICE

TOTAL CAPITAL PROJECTS	8,129,550	827,176.39	1,949,189.27	0.00	6,180,360.73	23.98
TOTAL EXPENDITURES	8,129,550	827,176.39	1,949,189.27	0.00	6,180,360.73	23.98
REVENUE OVER/(UNDER) EXPENDITURES	0	188,611.29 (	89,152.72)	0.00	89,152.72	0.00

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2018

PAGE: 1

350-T-SPLOST
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 100.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
TAXES	1,200,000	198,082.74	1,123,089.80	0.00	76,910.20	93.59
TOTAL REVENUES	1,200,000	198,082.74	1,123,089.80	0.00	76,910.20	93.59
<u>EXPENDITURE SUMMARY</u>						
<u>CAPITAL PROJECTS</u>						
CAPITAL OUTLAYS > \$5000	0	369,464.27	399,963.60	0.00	(399,963.60)	0.00
TOTAL CAPITAL PROJECTS	0	369,464.27	399,963.60	0.00	(399,963.60)	0.00
<u>OTHER FINANCING USES</u>						
INTERFUND TRANSACTIONS	941,230	0.00	0.00	0.00	941,230.00	0.00
TOTAL OTHER FINANCING USES	941,230	0.00	0.00	0.00	941,230.00	0.00
TOTAL EXPENDITURES	941,230	369,464.27	399,963.60	0.00	541,266.40	42.49
REVENUE OVER/(UNDER) EXPENDITURES	258,770	(171,381.53)	723,126.20	0.00	(464,356.20)	279.45

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2018

350-T-SPLOST

% OF YEAR COMPLETED: 100.00

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>TAXES</u>						
350-0-0000-313200 T-SPLOST	1,200,000	198,082.74	1,123,089.80	0.00	76,910.20	93.59
TOTAL TAXES	1,200,000	198,082.74	1,123,089.80	0.00	76,910.20	93.59
TOTAL REVENUE	1,200,000	198,082.74	1,123,089.80	0.00	76,910.20	93.59

REVENUE & EXPENSE REPORT (UNAUDITED)

AS OF: JUNE 30TH, 2018

350-T-SPLOST

DEPARTMENT - CAPITAL PROJECTS

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>CAPITAL OUTLAYS > \$5000</u>						
350-5-5920-541272 Earmark Loop Road	0	14,785.20	14,785.20	0.00 (	14,785.20)	0.00
350-5-5920-541275 Dogwood-North Ave Stre	0	354,074.14	354,074.14	0.00 (	354,074.14)	0.00
350-5-5920-542100 TSPLOST - Technical	0	604.93	31,104.26	0.00 (	31,104.26)	0.00
TOTAL CAPITAL OUTLAYS > \$5000	0	369,464.27	399,963.60	0.00 (	399,963.60)	0.00

TOTAL CAPITAL PROJECTS	0	369,464.27	399,963.60	0.00 (	399,963.60)	0.00
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CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2018

PAGE: 4

350-T-SPLOST
DEPARTMENT - OTHER FINANCING USES

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>INTERFUND TRANSACTIONS</u>						
350-5-9100-590301 Transfer to Capital Pr	941,230	0.00	0.00	0.00	941,230.00	0.00
TOTAL INTERFUND TRANSACTIONS	941,230	0.00	0.00	0.00	941,230.00	0.00
TOTAL OTHER FINANCING USES	941,230	0.00	0.00	0.00	941,230.00	0.00
TOTAL EXPENDITURES	941,230	369,464.27	399,963.60	0.00	541,266.40	42.49
REVENUE OVER/(UNDER) EXPENDITURES	258,770 (	171,381.53)	723,126.20	0.00 (	464,356.20)	279.45

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2018

PAGE: 1

505-WATER & SEWER FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 100.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
CHARGES FOR SERVICES	4,625,000	384,218.55	4,647,497.78	0.00 (	22,497.78)	100.49
OTHER FINANCING SOURCES	0	9,676.80	9,676.80	0.00 (	9,676.80)	0.00
TOTAL REVENUES	4,625,000	393,895.35	4,657,174.58	0.00 (	32,174.58)	100.70
<u>EXPENDITURE SUMMARY</u>						
<u>SEWAGE COLLECTION & DISPO</u>						
SUPPLIES & MINOR EQPT	500,000	169,474.28	369,604.36	0.00	130,395.64	73.92
TOTAL SEWAGE COLLECTION & DISPO	500,000	169,474.28	369,604.36	0.00	130,395.64	73.92
<u>WATER SUPPLY</u>						
PERSONNEL SERVICES	522,736	60,959.33	511,791.34	0.00	10,944.66	97.91
CONTRACTED SERVICES	391,000	120,037.90	294,123.78	0.00	96,876.22	75.22
SUPPLIES & MINOR EQPT	88,600	13,995.94	97,538.95	0.00 (	8,938.95)	110.09
CAPITAL OUTLAYS > \$5000	300,000	0.00	0.00	0.00	300,000.00	0.00
DEPRECIATION & AMORT	0	240,200.00	240,200.00	0.00 (	240,200.00)	0.00
DEBT SERVICE	1,369,287	110,599.44	1,158,674.62	0.00	210,612.38	84.62
TOTAL WATER SUPPLY	2,671,623	545,792.61	2,302,328.69	0.00	369,294.31	86.18
<u>WATER DISTRIBUTION</u>						
SUPPLIES & MINOR EQPT	1,377,500	142,012.16	1,596,743.19	0.00 (	219,243.19)	115.92
CAPITAL OUTLAYS > \$5000	40,000	38,976.00	0.00	0.00	40,000.00	0.00
TOTAL WATER DISTRIBUTION	1,417,500	103,036.16	1,596,743.19	0.00 (	179,243.19)	112.65
<u>OTHER FINANCING USES</u>						
TOTAL EXPENDITURES	4,589,123	818,303.05	4,268,676.24	0.00	320,446.76	93.02
REVENUE OVER/(UNDER) EXPENDITURES	35,877 (	424,407.70)	388,498.34	0.00 (	352,621.34)	1,082.86

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2018

506-STORMWATER FUND
FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET	% OF YEAR COMPLETED: 100.00
<u>REVENUE SUMMARY</u>							
CHARGES FOR SERVICES	200,000	77,316.97	276,291.60	0.00	(76,291.60)	138.15	
TOTAL REVENUES	200,000	77,316.97	276,291.60	0.00	(76,291.60)	138.15	
<u>EXPENDITURE SUMMARY</u>							
<u>STORMWATER</u>							
PERSONNEL SERVICES	102,615	0.00	0.00	0.00	102,615.00	0.00	
CONTRACTED SERVICES	60,000	8,961.15	40,814.70	0.00	19,185.30	68.02	
SUPPLIES & MINOR EQPT	0	0.00	445.50	0.00	(445.50)	0.00	
CAPITAL OUTLAYS > \$5000	12,000	0.00	0.00	0.00	12,000.00	0.00	
DEPRECIATION & AMORT	0	29,023.00	29,023.00	0.00	(29,023.00)	0.00	
TOTAL STORMWATER	174,615	37,984.15	70,283.20	0.00	104,331.80	40.25	
TOTAL EXPENDITURES	174,615	37,984.15	70,283.20	0.00	104,331.80	40.25	
REVENUE OVER/(UNDER) EXPENDITURES	25,385	39,332.82	206,008.40	0.00	(180,623.40)	811.54	

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2018

PAGE: 1

540-SOLID WASTE FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 100.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
CHARGES FOR SERVICES	535,775	43,851.26	544,300.34	0.00 (	8,525.34)	101.59
TOTAL REVENUES	535,775	43,851.26	544,300.34	0.00 (	8,525.34)	101.59
<u>EXPENDITURE SUMMARY</u>						
<u>SOLID WASTE/RECYCLING</u>						
PERSONNEL SERVICES	314,841	50,444.45	359,059.23	0.00 (	44,218.23)	114.04
CONTRACTED SERVICES	129,000	25,884.36	156,296.44	0.00 (	27,296.44)	121.16
SUPPLIES & MINOR EQPT	32,000	3,370.61	30,657.68	0.00	1,342.32	95.81
DEPRECIATION & AMORT	0	15,599.00	15,599.00	0.00 (	15,599.00)	0.00
TOTAL SOLID WASTE/RECYCLING	475,841	95,298.42	561,612.35	0.00 (	85,771.35)	118.03
<u>OTHER FINANCING USES</u>						
TOTAL EXPENDITURES	475,841	95,298.42	561,612.35	0.00 (	85,771.35)	118.03
REVENUE OVER/(UNDER) EXPENDITURES	59,934 (	51,447.16)	17,312.01)	0.00	77,246.01	28.89-

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF HAPEVILLE FOR THE RECOGNITION, APPRECIATION, AND SUPPORT OF HAPEVILLE ELEMENTARY SCHOOL AS A VALUABLE AND INTEGRAL ENTITY IN PUBLIC EDUCATION IN RESPONSE TO THE POSITIVE IMPACT ON THE LIVES OF STUDENTS AND FAMILIES IN ADDITION TO PROVIDING A SAFE AND NURTURING ENVIRONMENT WHERE STUDENTS EXCEL. HAPEVILLE ELEMENTARY SCHOOL WORKS TIRELESSLY TO REMOVE BARRIERS TOWARDS DRAMATIC IMPROVEMENT BY INVESTING IN STUDENTS AND STAFF, AND PROVIDING THE OPPORTUNITY FOR EACH STUDENT TO PURSUE THE COLLEGE OR CAREER PATH OF CHOICE; TO FURTHER DECLARE MAYOR AND COUNCIL’S SUPPORT FOR QUALITY PUBLIC EDUCATION; TO SHOW SUPPORT TO OUR HAPEVILLE RESIDENTS WHO ATTEND HAPEVILLE ELEMENTARY SCHOOL; TO FURTHER RECOGNIZE AND SUPPORT THE MISSION AND VISION OF HAPEVILLE ELEMENTARY SCHOOL; TO AUTHORIZE THE MAYOR TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS RESOLUTION; TO AUTHORIZE THE CITY CLERK TO ATTEST SIGNATURES AND AFFIX THE OFFICIAL SEAL OF THE CITY, AS NECESSARY; TO REPEAL INCONSISTENT RESOLUTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

W I T N E S S E T H:

WHEREAS, the City of Hapeville (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, Hapeville Elementary School is a long standing Provider of public education in the City of Hapeville, GA; and

WHEREAS, improving the quality of public education in the City of Hapeville, GA is an urgent public concern; and

WHEREAS, through the collaboration of several community partners, Hapeville Elementary School continue to meet and excel Educators’, students’ and families’ expectations; and

WHEREAS, Hapeville Elementary School has demonstrated marked improvements in their 2018 College and Career Ready Performance Index (CCRPI) scores; and

WHEREAS, on December 18, 2018, Hapeville Elementary School successfully re-established their Parent-Teacher Association, elected officers, and enrolled more than one hundred members; and

WHEREAS, there is a strong community support for sustained collaborative leadership amongst City leadership to address the needs of schools, children and families conducted through a thoughtful manner, with a spirit of urgency; and

WHEREAS, the purpose of this collaborative leadership is and must be to support and improve public education and well-being of children in the City of Hapeville, GA; and

THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAPEVILLE, GEORGIA, AS FOLLOWS:

1. **Incorporation of Pre-Amble.** The pre-amble is incorporated herein as fully set forth above.

2. **Gratitude.** (A) The Mayor and Council would like to give a heartfelt thank you from the City of Hapeville to the Leadership, Educators, parents, and community partners of Hapeville Elementary School and wishes for much success in their future endeavors of service to Hapeville. (B) The Mayor and Council would like to establish a formal Partners-in-Education Program between the City of Hapeville, GA and Hapeville Elementary School.

3. **Authorization for Mayor.** That the Hapeville City Council hereby authorizes the Mayor to execute any and all documents necessary to provide for this resolution. A copy of said documents shall be filed with the City Clerk.

4. **Attestation.** That the Hapeville City Council hereby authorizes the City Clerk to attest the signature of the Mayor appearing on the documents, to affix the official seal of the City thereto as necessary to effectuate this Resolution and to place this Resolution and an executed copy of all documents regarding this conveyance among the minutes or official records of the City for future reference.

5. **Severability.** To the extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.

6. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.

7. **Effective Date.** This Resolution shall take effect immediately.

THIS RESOLUTION adopted this ____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

ALAN HALLMAN, MAYOR

ATTEST:

CITY CLERK

[SEAL]

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF HAPEVILLE FOR THE RECOGNITION AND APPRECIATION OF HAPEVILLE SERVICE LEAGUE TO HIGHLIGHT THE DEDICATION AND COMMITMENT OF THIS CIVIC ORGANIZATION; TO FURTHER DECLARE MAYOR AND COUNCIL'S SUPPORT FOR COMMUNITY INVOLVED ORGANIZATIONS; TO AUTHORIZE THE MAYOR TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS RESOLUTION; TO AUTHORIZE THE CITY CLERK TO ATTEST SIGNATURES AND AFFIX THE OFFICIAL SEAL OF THE CITY, AS NECESSARY; TO REPEAL INCONSISTENT RESOLUTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

W I T N E S S E T H:

WHEREAS, the City of Hapeville ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, Hapeville Service League was founded in 1950 in the City of Hapeville, GA; and

WHEREAS, Hapeville Service League has been a premiere service organization in the City of Hapeville, GA and members serve as volunteers in many different and varied service oriented positions to benefit the City and its residents; and

WHEREAS, the members volunteer over 3000 hours annually in the City; and

WHEREAS, Hapeville Service League annual fundraiser contribute to the Frosty Smith Educational program that supports scholastic achievement and provide scholarships to high school graduating Hapeville residents.

THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAPEVILLE, GEORGIA, AS FOLLOWS:

1. **Incorporation of Pre-Amble.** The pre-amble is incorporated herein as fully set forth above.
2. **Gratitude.** The Mayor and Council would like to give a heartfelt thank you from the City of Hapeville to the Leadership and volunteers of the League and wishes for much success in their future endeavors of service to Hapeville.
3. **Authorization for Mayor.** That the Hapeville City Council hereby authorizes the Mayor to execute any and all documents necessary to provide for this resolution. A copy of said documents shall be filed with the City Clerk.

4. **Attestation.** That the Hapeville City Council hereby authorizes the City Clerk to attest the signature of the Mayor appearing on the documents, to affix the official seal of the City thereto as necessary to effectuate this Resolution and to place this Resolution and an executed copy of all documents regarding this conveyance among the minutes or official records of the City for future reference.

5. **Severability.** To the extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.

6. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.

7. **Effective Date.** This Resolution shall take effect immediately.

THIS RESOLUTION adopted this ____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

ALAN HALLMAN, MAYOR

ATTEST:

CITY CLERK

[SEAL]

Discussion and Action
State of Georgia
Fulton County
City of Hapeville

Discussion and Action 2019.02_2

‘Discussion and Action for Legal - Vacant Building Fee and Vacant Property Registration Ordinance’

A RESPONSE TO THE NUMEROUS VACANT BUILDINGS IN THE CITY OF HAPEVILLE, BOTH RESIDENTIAL AND COMMERCIAL; AND

A DISCUSSION TO RID THE CITY OF THE BLIGHT THAT CAN OCCURR DUE TO UNKEMPT PROPERTIES THAT ARE BOTH RESIDENTIAL AND COMMERCIAL; AND

FURTHERMORE, A DIRECTIVE FOR THE CITY ATTORNEY TO REVIEW EXISTING POLICIES IN OTHER GEORGIA MUNICIPALITIES;

WHEREAS; the Council of the City of Atlanta adopted a Vacant Property Registration Ordinance (VPRO) in December 2011; and

WHEREAS; the Council of the City of East Point adopted a Vacant / Foreclosed Property Registration Ordinance in October 2014, and

WHEREAS; the non-profit Center for Community Progress state many benefits, as shown below, regarding VPROs in their implementation; and

WHEREAS, the health, safety, and welfare of the people of the City of Hapeville shall be preserved, enhanced, and guarded by the discussion and potential action of the aforementioned; and

BE IT, AND IS HEREBY REQUESTED that the Mayor and Council discuss the beneficial tenants of a Vacant / Foreclosed Property Registration Ordinance, and if action is to be taken, that it be done in an upcoming called meeting before the end of Fiscal Year 2019, pursuant the City Attorney drafting legislation that works within the auspices of our codified ordinances:

The Center for Community Progress states directly the following:

The purposes of a vacant property registration ordinance (VPRO) are threefold:

- To ensure that owners of vacant properties are known to the city and other interested parties and can be reached if necessary;
- To ensure that owners of vacant properties are aware of the obligations of ownership under relevant codes and regulations; and
- To ensure that owners meet minimum standards of maintenance of vacant properties.

In addition, the fee structure established in the ordinance may serve additional purposes, including covering costs incurred by the municipality to deal with vacant properties, and under some circumstances, motivating owners to restore and reuse vacant properties.

A vacant property registration ordinance should include the following elements:

- A clear definition of which properties and which parties must register;
- The registration requirements and procedures, including the information required of the owner or lienholder;
- The fee structure;
- The obligations of the owner, with respect to maintaining the property; and
- The penalties for failing to register in timely fashion.

The highlights of the City of Atlanta, GA Ordinance (Ordinance 10-O-1457) can be found [here](#). The link directly to the ordinance can be found [here](#).

The above data from the Center for Community Progress can be found [here](#).

An example of data regarding Vacant Building Fees in the City of Chicago, Illinois can be found [here](#).

An example of the City of East Point, GA ordinance in bullet points can be found [here](#).

An example of the City of Austell, GA ordinance can be found [here](#).

ARTICLE XVIII. - DISCRIMINATION

Sec. 6-1001. – Definitions.

For purposes of this article, certain terms shall be interpreted or defined as follows unless the context clearly indicates otherwise.

- (a) *Business* means any person or entity conducting business within the City, which is required to obtain a license or permit. For purposes of this article, no department of any government agency shall be considered to be a business (notwithstanding licensure by the City).
- (b) *Place of public accommodation* means any place, store, or other establishment, that supplies accommodations, good or services to the general public, or that solicits or accepts the patronage or trade to the general public, or that is supported directly or indirectly by government funds. The term does not include any private club, bona fide membership organization, or other establishment that is not in fact open to the public.
- (c) *Rental housing* means any real property which is required to obtain a license or permit by the City of Doraville.
- (d) *To rent* means to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.
- (e) *Employee* means any person employed by or seeking employment from any business within the City of Doraville. Employee does not include any individual employed by such individual's parents, spouse or child or in the domestic service of any person.
- (f) *Person* means an individual, corporation, partnership, association, labor organization, legal representative, mutual company, joint-stock company, trust, unincorporated organization, trustee, trustee in bankruptcy, receiver and fiduciary.
- (g) *Familial status* means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time.
- (h) *Sexual orientation* means an individual's actual or perceived orientation as heterosexual, homosexual, bisexual or asexual.
- (i) *Gender identity* means the actual or perceived gender-related identity, expression, appearance, mannerisms, or other gender related characteristics, regardless of the individuals designated sex at birth.
- (j) *Military status* means a person who is serving or has served in the uniformed services, and who, was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2), or amendments thereto. Uniformed services is defined as set forth in 20 C.F.R. 1002.5(o), or amendments thereto.
- (k) *Hearing officer* means a person chosen as described in Sec 2104, who is charged with determining the validity of alleged violations of this article, and upon determining that a violation has occurred, assessing appropriate damages, penalties and/or costs as provided in this article.
- (l) *Mediator* means a state registered mediator, who shall be chosen by the City to perform the duties described in Sec 6-1003.
- (m) *Religious organization* means an entity which: Conducts regular worship services; or Is qualified as a religious organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, that is not required to file IRS Form 990, Return of Organization Exempt From Income Tax, under any circumstances.

Sec. 6-1002. – Unlawful Practices.

- (a) It shall be an unlawful discriminatory practice for a business, because of the race, religion, color, sex, disability, national origin, ancestry, sexual orientation, gender identity or military status of any person to refuse to hire or employ such person to bar or discharge such person from employment or to otherwise discriminate against such person in compensation or in terms, conditions or privileges of employment; to limit, segregate, separate, classify or make any distinction in regards to employees; or to follow any employment procedure or practice which, in fact, results in discrimination, segregation or separation.
- (b) It shall be an unlawful discriminatory practice for a business to discriminate against any person in the terms, conditions or privileges of sale or rental of real property or rental housing, or in the provision of services or facilities in connection therewith, because of race, religion, color, sex, disability, familial status, national origin, ancestry, sexual orientation, gender identity or military status, or to discriminate against any person in such person's use or occupancy of rental housing because of the race, religion, color, sex, disability, familial status, national origin ancestry, sexual orientation, gender identity, or military status of the people with whom such person associates.
- (c) It shall be an unlawful discriminatory practice for any business, as defined herein being the owner, operator, lessee, manager, agent or employee of any place of public accommodation, to refuse, deny or make a distinction, directly or indirectly, in offering its goods, services, facilities, and accommodations to any person as covered by this article because of race, religion, color, sex, disability, national origin, ancestry, sexual orientation, gender identity, or military status. Notwithstanding the above, nothing in this article shall be construed to prevent any business as defined in this article from offering, affording or providing any additional benefit or additional discount to a person because of such person's military status.
- (d) Nothing in this article shall be construed to mean that a business shall be forced to hire unqualified or incompetent personnel, or discharge qualified or competent personnel.
- (e) Nothing in this article shall prohibit an employer from requiring an employee, during the employee's hours at work, to adhere to reasonable and equitable dress or grooming standards not prohibited by other provisions of Federal, State, or local law, provided that all employees are permitted to dress in a manner consistent with their gender identity.
- (f) Nothing in this article shall prohibit a religious organization to employ an individual of a particular religion to perform work connected with the performance of religious activities by the religious organization. Nor shall this article prohibit a religious organization from limiting its non-commercial accommodations, advantages, facilities, membership, and privileges to persons of the same religion.
- (g) Nothing in this article shall prohibit a nonprofit private club in fact not open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- (h) Nothing in this article shall be construed to require any entity subject to this article to make changes requiring a building permit to any existing facility, except as otherwise required by law.

Sec. 6-1003. – Enforcement.

- (a) Any person aggrieved by a potential violation of this article may file a complaint with the City Clerk on a form to be provided by the City. Any such complaint must be filed within 60 days after the alleged act of discrimination. A filing fee of \$50.00 shall be paid by the Complainant contemporaneously with the filing of all discrimination complaints, however, Complainant shall receive a refund of the filing fee if the Complaint survives the dismissal provisions of Sec 6-1005(c).

- (b) The City Clerk shall cause the complaint to be served on the person charged with a violation as soon as practicable but in no event later than seven (7) calendar days after receipt of a verified complaint. Service may be by personal service, by certified mail, return receipt requested or by statutory overnight delivery.
- (c) The complaint shall first be referred to a mediator for non-binding mediation. Participation in mediation shall be voluntary for both parties. The mediator shall be a person, selected from a list provided by the City, to serve as the mediator. Any fees charged by the mediator shall be split equally between the parties, unless at the conclusion of the mediation, both parties agree to assess these costs of mediation in some other manner.
- (d) Any mediation hereunder shall be conducted in accordance with procedures to be established by the mediator.
- (e) If, within 15 days of the conclusion of the mediation, either party notifies the City Clerk in writing that such person is dissatisfied with the results of the mediation, or if either party elects not to participate in mediation, the complaint shall be referred to a Hearing Officer as per Sec 6-1004.

Sec. 6-1004 – Appointment of Hearing Officer, Service of Complaint, Burden of Proof

- (a) All complaints not resolved by mediation shall be heard before a Hearing Officer who: (i) shall be a competent attorney at law of good standing in his or her profession, (ii) shall have at least five (5) years' experience in the practice of law, and (iii) shall not maintain an office within a ten (10) mile radius of the City of Doraville, Georgia. The City Clerk shall maintain a listing of no less than five (5) qualified attorneys, who must be licensed to practice law in the state of Georgia, to serve as a Hearing Officer pursuant to this section. Upon receipt of the letter of dissatisfaction with the results of the mediation, or if either party elects not to participate in mediation, the City Clerk shall draw names randomly from the listing of qualified Hearing Officers and appoint the first one who is available to serve in the matter.
- (b) In all hearing officer proceedings under this section, the burden of proof shall be on the complaining party. Further, the quantum of proof required to establish a violation under this Ordinance shall be based on a preponderance of the evidence.

Sec. 6-1005. – Hearing.

- (a) The person violator charged in the Complaint shall have fifteen (15) days to file an answer to the complaint provided, however, the alleged violator charged shall have no obligation to file an answer to any complaint.
- (b) Upon the expiration of the fifteen (15) day answer period, the Hearing Officer shall review the complaint and answer, if any, to determine: (i) whether the complaint is in conformity of the requirements of Sec 6-1003 above, (ii) whether upon consideration of the complaint and answer, the complaint is unjustified, frivolous, or patently unfounded, or (iii) whether upon consideration of the complaint and answer, the complaint demonstrates facts sufficient to invoke disciplinary jurisdiction as set forth in this Ordinance.
- (c) If the complaint fails based upon the requirements of the foregoing subsection (b), the Complaint shall be dismissed stating the basis for said dismissal.

- (d) Upon a determination that the complaint should not be dismissed pursuant to the foregoing subsection (c), the Hearing Officer shall be empowered to collect evidence and information concerning any complaint and to add the findings and results of its investigations to the file containing such complaint. In furtherance of this investigation, the Hearing Officer may:
 - (i) Seek such further information from the complainant or the alleged violator charged through inquiry or written questions, provided, however the alleged violator shall have no obligation to answer any inquiries, or
 - (ii) Conduct a hearing regarding the allegations set forth in the complaint. At any hearing, the alleged violator who is the subject of inquiry shall have the right: (i) to representation by counsel at all stages of these proceedings, (ii) to written notice of the hearing at least ten (10) calendar days before the first hearing, (iii) to hear and examine the evidence and witnesses, (iv) to not testify, and (v) to submit evidence and call witnesses to oppose or mitigate the allegations. In all hearings held under this section, the procedures and rules of evidence applicable in civil cases shall apply.
- (e) All investigations under this section shall be completed within thirty (30) days of: receipt of the alleged violator's response or the expiration of the 15-day answer period. Should the investigation not be completed in said period, the complaint will be deemed dismissed as a failure to state facts sufficient to invoke the disciplinary jurisdiction of the City of Doraville.
- (f) Within seven (7) days of the completion of the investigation, the Hearing Officer shall either:
 - (i) Dismiss the complaint on the grounds that it is unjustified, frivolous, patently unfounded, or that it fails to state facts sufficient to invoke the disciplinary jurisdiction of the City of Doraville, or
 - (ii) Finds that a violation of this article has occurred, and the Hearing Officer may apply a civil penalty in an amount up to \$500.00 for each violation.
- (g) In addition, the Mediator's fees and the Hearing Officer's fees shall be assessed to the non-prevailing party unless the Hearing Officer determines that the circumstances warrant assessing the costs in some other manner.

Sec. 6-1006. – Right To Appeal.

- (a) Any party adversely affected by the findings or recommendations of the Hearing Officer may obtain judicial review of such decision as provided in this Section.
- (b) An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of Dekalb County within thirty (30) days after the final action on a complaint pursuant to this Ordinance. The filing of such application shall act as supersedeas.

Doraville's Non-Discrimination Ordinance

Doraville is a dynamic, incredibly diverse spot in metro Atlanta. People from all types of backgrounds and nationalities live here. "Diversity" is such an important part of our city's identity that it is even part of the city's Motto ("Diversity, Vitality, Community").

We take our city's identity as a diverse community seriously, as does our mayor, fellow council members and city staff. We also strongly feel that it's important to push the needle from tolerance to inclusion. Because of this, we supported the city's participation in both Welcoming America and the One Region Initiative – committing the city to taking actions that reach out to immigrant and refugee populations within our community. Our next step in this process is the introduction of a Non-Discrimination Ordinance at the November 5th council work session and meeting.

This ordinance will provide a level of protection for employees and consumers of Doraville businesses against discrimination based on race, religion, color, sex, disability, national origin, ancestry, sexual orientation, gender identity, or military status. Doraville would be just the second city in Georgia (after Atlanta) to adopt such an ordinance. It is a little known fact that Georgia does not have any protections for discrimination based on the statuses mentioned above – if someone is a member of a protected class and wants to file a complaint, they are required to file a federal lawsuit, which is a challenge for many people who might have been wronged. Most LGBTQ people are not covered as a Federal protected class and have no recourse to discrimination.

The goal for Doraville's Non-Discrimination Ordinance is to provide realistic, reasonable protections locally, and to discourage anyone operating a business or offering public accommodations here in Doraville from discriminating. Our research shows that Non-Discrimination ordinances are tied to economic development for the cities that adopt them. Corporations that are looking for a new location are frequently drawn to municipalities that have protections in place for their employees. Plus, it's just the right thing to do.

In talking with nearby cities, we think this is an opportunity for Doraville to lead the way on diversity and inclusion in our region. Council Member Koontz has crafted a non-discrimination ordinance that will be a model for other small cities that do not have the same level of resources as City of Atlanta. It was created with input from lawyers from all over the country, and has been vetted by lawyers and judges in the state of Georgia as being legal and defensible. We have talked with other elected officials in neighboring cities and believe that several of them will follow our lead and pass similar ordinances soon after we pass ours.

While being one of the first to do something is a leap, we also know that the rewards can be great, if you have the courage to step up. We are both excited about the story this ordinance will tell people in Metro Atlanta and beyond about Doraville's commitment to diversity and inclusion. We will be sending a strong message that Doraville is ready for change, and that we welcome all to join us as we grow.

Sincerely,

Stephe Koontz, Doraville City Council District 3
Joseph Geierman, Doraville City Council District 2

FOR INFORMATIONAL PURPOSES ONLY

TO: Dru Levasseur
FROM: Lauren Wallace
DATE: July 24, 2018
RE: Doraville, GA Non-Discrimination Ordinance

Summary

Currently, there are twenty-nine states that provide no explicit prohibitions for discrimination based on sexual orientation or gender identity in state law. Without this protection, cities assert their sovereignty through their Home Rule authority. As dictated by state law, the Home Rule power provides local governments the freedom to institute local protections on behalf of their constituents. As such, Home Rule grants cities the power to act without prior state authorization. Notwithstanding the autonomy that the Home Rule power provides, the extent of this freedom is unclear. Due to a lack of judicial interpretation of municipalities' home rule power, the degree to which ordinances can enforce public accommodation laws is unknown. Still, in the wake of inaction at the state and federal law, innovative policies constructed by local governments stimulate change by the higher levels of government.

Discussion

Currently, Georgia is one of five states without laws to protect citizens from discrimination in places of public accommodation.¹ Public accommodation laws generally prohibit businesses from discriminating on the basis of sex, race, color, religion, ancestry, national origin, disability, or medical condition.² Some states further prohibit discrimination on

¹ Alabama, Georgia, Mississippi, North Carolina and Texas do not have state public accommodation laws. See <http://www.ncsl.org/research/civil-and-criminal-justice/state-public-accommodation-laws.aspx>; http://www.lgbtmap.org/equality-maps/non_discrimination_laws/public-accommodations.

² See 42 U.S.C. § 12181(7)(1990)(defining private entities considered public accommodations).

FOR INFORMATIONAL PURPOSES ONLY

the basis of sexual orientation or gender identity.³ With inaction by the state, municipal governments have sought protections for LGBTQ+ communities through the state's constitutional and statutory home rule provisions. As such, cities have become instrumental to extending protections to citizens under their Home Rule authority.

The Municipal Home Rule Act of 1965

The Georgia Constitution authorizes the General Assembly to set forth laws allowing municipalities to self-govern “without the necessity of action by the General Assembly.”⁴ Georgia was “adamant[ly] resistan[t] to the home rule movement,” until the passage of the Municipal Home Rule Act of 1965 (“the Act”).⁵ The Act authorizes municipalities to legislate over matters not expressly in the power of the Georgia General Assembly.⁶ Specifically, municipal governments have the power to “adopt clearly reasonable ordinances, resolutions, or regulation for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision...”⁷ If a city's charter is inconsistent with a charter provision, the home rule power allows the city to amend its charter.⁸

Limitations of Home Rule

Despite the broad authority the Act extends to municipalities, Home Rule is not without limits. As dictated by the Act, municipal corporations may not: enact legislation that the General Assembly has enacted by general law, affect the “composition and form of the municipal government authority,” define any offense that is deemed an offense under the criminal laws of

³ See, e.g., C.R.S. §24-34-601 (2008); see also MAP, Non-Discrimination Laws (last visited July 24, 2018), <http://www.lgbtmap.org/img/maps/citations-nondisc-public-accom.pdf>.

⁴ Ga. Const. Art. 9, § 2, ¶ II (1976).

⁵ See R. Perry Sentell, Jr., *The Georgia Home Rule System*, 50 Mercer L. Rev. 99 (1998)

⁶ *Id.*

⁷ O.C.G.A. § 36-35-3(a)(1998).

⁸ O.C.G.A. § 36-35-3(b)(1998).

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Georgia, request fines in excess of \$1,000.00, adopt any form of taxation beyond what is authorized by law or by Constitution, or take any action affecting the private or civil law governing private or civil relationships.⁹

The Power of the General Assembly & Intrastate Preemption

The Act provides that the General Assembly, by general law, may “define ... broaden, limit, or otherwise regulate...” a municipality’s home rule power.¹⁰ Due to the political nature of public accommodations laws and the swell of religious freedom laws across the country, it is possible that the Georgia legislature could attempt to pass a law that limits the local government’s ability to enforce an innovative non-discrimination ordinance. Without case law precedent of the type, it is unclear how probable or successful this strategy would be.

Additionally, cities may not adopt legislation for which the General Assembly has preempted or may preempt.¹¹ While there is no state law preempting cities from enacting a non-discrimination ordinance, Georgia’s constitution contains a “uniformity clause.”¹² Thus, a local ordinance is preempted only when it is in conflict with an existing state law. Because Georgia is without a law prohibiting discrimination in places of public accommodation, it is clear that no statutory language exists to preempt local governments from passing their own ordinance.

The Private-Law Exception

The Act’s private-law exception is one area where an innovative public accommodations law may be limited. This exception provides that Home Rule “shall not include the power to take any action affecting the private or civil law governing private or civil relationships,” unless

⁹ See O.C.G.A. § 36-35-6(2015).

¹⁰ O.C.G.A. § 36-35-3(a)(1998).

¹¹ O.C.G.A. §36-35-6(a)(2015)

¹² Ga. Const. Art. 3, § 6, ¶ IV (1976).

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the power is “incident to the exercise of an independent governmental power.”¹³ Albeit ambiguous under Georgia law, “private law” has popularly adopted a complainant-based meaning.¹⁴ Under this approach, private law “focuses on who has the power to initiate legal action.”¹⁵ Thus, a city’s non-discrimination ordinance could not grant private citizens the power to sue businesses who violate a public accommodations ordinance. Rather, the ordinance could only be enforced by the city.

Even with the private-law exception in place, there is no Georgia case law to interpret this provision of the statute. Without litigation to clarify the availability of municipally created private rights of action, it is possible that Georgia courts would scrutinize the legislature’s intent to the authority that cities have under the Home Rule Act.

The Home Rule Power in Practice

Atlanta and Macon-Bibb County are the only Georgia localities that prohibit discrimination based on sexual orientation and gender identity in private employment, housing, and public accommodations.¹⁶ In 2008, the Atlanta City Council adopted an ordinance designed to prohibit discrimination in places of public accommodation.¹⁷ The ordinance established a Human Relations Commission (“the Commission”), tasking the Commission with “receiving, investigating, and making recommendations” regarding complaints alleging violations of the public accommodations ordinance.¹⁸ The Commission maintains extensive enforcement powers, including the ability to “recommend revocation of [a liquor] license,” revoke a license or

¹³ OCGA 36-35-6(b)(2015).

¹⁴ See Paul A. Diller, *The City and the Private Right of Action*, 64 Stan. L. Rev. 1109 (2012).

¹⁵ *Id.* at 1116.

¹⁶ MAP, Georgia’s Equality Profile (last visited July 24, 2018), www.lgbtmap.org/equality_maps/profile_state/GA.

¹⁷ Atlanta, Georgia Code of Ordinances § 94-68 (2000).

¹⁸ See Atlanta, Georgia Code of Ordinances § 94-41 (2000).

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contract to conduct business with the city, issue enforcement orders, and require the payment of fines.¹⁹ In addition to filing a complaint with the Commission, an aggrieved individual “may seek prosecution of alleged violations of the Human Relations Code” in Atlanta Municipal Court; but “if the person filing the complaint agrees to a conciliation agreement, the basis of an ordinance violation is limited to the enforcement of the terms of the agreement or settlement.”²⁰ The ordinance also allows an individual to proceed directly to municipal court to seek remedies for relief; however, there is no indication whether this action would be likely to succeed²¹ Because Georgia law does not provide an explicit right to sue a business for civil rights discrimination, individuals may largely be left to sue under a tort claim. This provides its own unique set of barriers and challenges.

In practice, it is clear that the Commission has the authority to fine violators of the public accommodations ordinance; however, the ordinance leaves the cost of the fine to the discretion of the Mayor and City Council. While fines incentivize the city to conduct a thorough investigation, it does not promote individuals who have experienced discrimination to come forward with their complaint.

Things to Consider

In the absence of state law, municipalities should pass ordinances that protect local citizens. In constructing a non-discrimination ordinance, localities must consider ways to promote compliance by local businesses. Even without financial remedies to incentivize citizens

¹⁹ See Atlanta Georgia Code of Ordinances § 62-37(1977); Atlanta Georgia Code of Ordinances § 94-121(o)

²⁰ See Atlanta Georgia Code of Ordinances § 94-120; See also City of Atlanta, GA Human Relations Commission (last visited July 24, 2018), <https://www.atlantaga.gov/government/mayor-s-office/executive-offices/office-of-constituent-services/human-relations-commission>.

²¹ Atlanta Georgia Code of Ordinances § 94-120(2002).

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to come forth with their complaints, local governments still maintain considerable authority to remedy discrimination. Fines and the threat of losing a business license could promote substantial compliance with public accommodations laws, especially if the municipality educates the community about their role in the process. Nevertheless, municipal governments must also be ready to face the threat of litigation by business owners who believe that the city is violating their rights. In this case, it is likely that the Home Rule power may gain some traction amongst the General Assembly and Georgia Courts.