

Mayor and Council Work Session

700 Doug Davis Drive
Hapeville, GA 30354

September 17, 2019 6:00 PM

Agenda

1. Call To Order
2. Roll Call
 - Mayor Alan Hallman
 - Alderman Mike Rast
 - Councilman at Large Travis Horsley
 - Councilman Ward I Mark Adams
 - Councilman Ward II Chloe Alexander
3. Welcome
4. Public Hearing
 - 4.I. Consideration And Action On Text Amendment On Setback Definition - 2nd Reading

Background:

Consideration of a text amendment to Chapter 93 (Zoning), Article 1 (Title, definitions, and application of regulations), Section 93-1-2 (Definitions) to change the definition of setback. The Planning Commission considered this item on August 13, 2019 and recommended the Mayor and Council approve the text amendment as presented.

Staff Comment
Applicant Comment
Public Comment

Documents:

[ORDINANCE - TEXT AMENDMENT SETBACK DEFINITION.PDF](#)
[PLANNERS REPORT TEXT AMENDMENT SETBACK DEFINITION.PDF](#)
[LEGAL ADV. - SETBACK ORDINANCE 8-20-2019.PDF](#)
[SUMMARY MINUTES - 8-13-2019.PDF](#)

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- 4.II. Consideration And Action On Text Amendment On Waiting Period For Rezoning - 2nd Reading

Background:

Consideration of a text amendment to Chapter 93 (Zoning), Article 25 (Amendments), Section 93-25-9 (Reconsideration of Defeated Actions) to require a six-month waiting period for reconsideration of defeated rezoning proposals. The Planning Commission considered this item on August 13, 2019 and recommended the Mayor and Council approve the text amendment as presented.

Staff Comment
Applicant Comment
Public Comment

Documents:

[ORDINANCE - TEXT AMENDMENT WAITING PERIOD FOR REZONING.PDF](#)
[PLANNERS REPORT TEXT AMENDMENT APPLICATION LIMITS.PDF](#)
[LEGAL ADV. - RECONSIDERATION OF DEFEATED ACTIONS 8-20-2019.PDF](#)
[SUMMARY MINUTES - 8-13-2019 \(1\).PDF](#)

4.III. Consideration And Action On Text Amendment On Home Occupation Definition - 2nd Reading

Background:

Consideration of a text amendment to Chapter 93 (Zoning), Article 1 (Title, Definitions, and application of regulations), Section 93-1-3 to change the definition of home occupation. The Planning Commission considered this item on August 13, 2019 and recommended the Mayor and Council approve the text amendment as presented.

Staff Comment
Applicant Comment
Public Comment

Documents:

[ORDINANCE - TEXT AMENDMENT HOME OCCUPATION DEFINITION.PDF](#)
[PLANNERS REPORT TEXT AMENDMENT HOME OCCUPATION DEFINITION.PDF](#)
[LEGAL ADV. - HOME OCCUPATION ORDINANCE 8-20-2019.PDF](#)
[SUMMARY MINUTES - 8-13-2019 \(2\).PDF](#)

4.IV. Consideration And Action On Text Amendment On A-D (Arts District Overlay) For Drive-Through - 2nd Reading

Background:

Consideration of a text amendment to Chapter 93 (Zoning), Article 28. A-D Zone (Arts District Overlay), Section 93-28-8 (Prohibited uses) to the change the prohibited uses. The Planning Commission considered this item on August 13, 2019 and recommended the Mayor and Council approve the text amendment with a recommendation to add credit unions to the language. Staff supported their recommendation.

Staff Comment
Applicant Comment
Public Comment

Documents:

[ORDINANCE - TEXT AMENDMENT DRIVE THROUGHS.PDF](#)
[PLANNERS REPORT TEXT AMENDMENT BANK DRIVE-THRU A-D.PDF](#)
[REGIONS BANK - REQUEST LETTER.PDF](#)
[LEGAL ADV. - ARTS OVERLAY DISTRICT 8-20-2019.PDF](#)
[SUMMARY MINUTES - 8-13-2019 \(3\).PDF](#)

4.V. FY2019 Tax Millage Hearing

Background:

Mayor and Council adopted the City Budget on final reading, June 18, 2019. The adopted Budget for FY 2019-20 is based on a recommended rate of 16.11 mills, unchanged from 2018. This rate has been advertised as required and is ready for adoption by Council. This is the first of three (3) hearings for that purpose. Three hearings are required by the state, due to the increase in Hapeville property tax assessments.

As has been well documented, the Fulton County Tax Commissioner has gained approvals for 2017 and 2018 property digests. At this point in time staff projects that the General Fund millage of 16.11 Mills will generate approximately \$4.86M in billable Real Property Taxes. The City Budgeted \$4.30M in Real Property taxes.

Staff Comment
Applicant Comment
Public Comment

Documents:

[MILLAGE - 5 YEAR.PDF](#)

[MILLAGE - ASSESSMENTS - FULTON COUNTY CITIES.PDF](#)

5. 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.

6. Consent Agenda

6.I. Consideration And Action On Parade Route For Dia De Los Muertos Celebration And Parade.

Background:

Dia de los Muertos will include live music, authentic Mexican food and crafts, and local art. There are several maker workshops leading up to the main event in downtown Hapeville on November 2nd. The parade is an extension of the celebration. Attached for consideration and action are two proposed maps, with the difference being one shows a cross walk to the Depot Museum and activity at the Depot Museum.

Documents:

[DAY OF THE DEAD PARADE MAP.PDF](#)

[DAY OF THE DEAD PARADE MAP 2.PDF](#)

6.II. Consideration And Action On Open Container District For Dia De Los Muertos Celebration & Parade

Background:

Alexia Ryan of Beer Girl, LLC is requesting Mayor and Council's approval on the Open Container District map for the upcoming Dia de los Muertos Celebration & Parade event scheduled Saturday, November 2, 2019 from 4PM to 11PM. A map of the proposed open container area is attached for review.

Documents:

[OPEN CONTAINER DISTRICT MAP FOR DIA DE LOS MUERTOS
CELEBRATION AND PARADE.PDF](#)

6.III. Consideration And Action On Open Container District For Atlanta Celebrates
Photography Special Event

Background:

Alexia Ryan of Beer Girl, LLC is requesting Mayor and Council's approval on the Open Container District map for the upcoming Atlanta Celebrates Photography event scheduled Saturday, October 5, 2019 from 4PM to 10PM. A map of the proposed open container area is attached for review.

Documents:

[OPEN CONTAINER DISTRICT MAP FOR ATLANTA CELEBRATES
PHOTOGRAPHY EVENT.PDF](#)

6.IV. Consideration And Action On Open Container District For LocalMotion Arts Festival

Background:

Alexia Ryan of Beer Girl, LLC is requesting Mayor and Council's approval on the Open Container District map for the upcoming LocalMotion Arts Festival event scheduled Saturday, October 19, 2019 from 8AM to midnight. A map of the proposed open container area is attached for review.

Documents:

[OPEN CONTAINER DISTRICT MAP FOR LOCALMOTION ARTS FESTIVAL
EVENT.PDF](#)

6.V. Consideration And Action On Amendment To The Intergovernmental Agreement With
Fulton County For Election Services

Background:

Attached is an amendment to the previously approved Intergovernmental Agreement (IGA) with Fulton County regarding Hapeville's elections later this year. The amendment has been developed as a result of a resolution passed by the Board of Commissioners on August 7th that changes the way municipal election costs are charged to cities. Each city will be charged \$2.96 per active registered voter for the General Election, and each city with a runoff will be charged \$2.46 per voter for the runoff.

A new Exhibit B is attached as well. The exhibit simply shows the number of active registered voters multiplied by \$2.96/\$2.46 since the cost is now based strictly on the number of registered voters.

The difference between the prior amount charged and the new amount is \$920.48 and will be refunded within 30 days of the complete execution of this amendment.

Documents:

[HAPEVILLE CONTRACT AMENDMENT.PDF](#)
[HAPEVILLE EXHIBIT B - NEW.PDF](#)
[HAPEVILLE EXHIBIT B AND INVOICE - OLD.PDF](#)

- 6.VI. Consideration And Action On Approving An Addendum For A One Year Extension With Republic Waste For Commercial Solid Waste Collection Services.

Background

With the current exclusive agreement expiring on October 1, 2019, this one year extension would provide the necessary time to revise the solid waste ordinance, conduct hauler interviews, process applications and provide businesses with adequate notice about the transition to the non exclusive agreement. This one year agreement has a \$ 1.50 increase for state and local fees and there is no franchise fee included. Once the transition is complete, businesses will have the opportunity to shop for the waste hauler that best meets their budget and waste hauling needs.

Documents:

[AMENDMENT TO CONTRACT FOR SOLID WASTE COLLECTION SERVICE \(1\).PDF](#)
[EXHIBIT A FEE SCHEDULE OCTOBER 1, 2019.PDF](#)

- 6.VII. Consideration And Action On Approving The Low Bidder Excellere Construction LLC In The Amount Of \$ 428,400 For The Doug Davis Multi-Use Bike Path Project.

Background

The City received LMIG grant funds in the amount of \$ 72,158.56 for the paving of Doug Davis Drive. In order to take advantage of the wide width of Doug Davis Drive, the City is looking to do a Separated Multi-Use Bike Path that is consistent with AeroATL Greenway Plan and the Hapeville LCI Plan. The Multi-Use Path will run from Atlanta Avenue to Virginia Avenue. In addition to the LMIG grant, funding will come from the TSPLOST fund. The next lowest bid was Construction 57 Inc. in the amount of \$ 445,688.75.

Documents:

[DOUG DAVIS DRIVE CONCEPT ART - ELEVATED BIKE PATH.PDF](#)
[DOUG DAVIS DRIVE BIKE PATH BID TABULATION_FORM.PDF](#)

- 6.VIII. Consideration And Action To Select Grindline Skateparks As The Design/Build Contractor For The Hapeville Skatepark Project And Authorize Them To Start Design Work And Bring Back A Final Construction Amount For Approval.

Background:

Proposals were requested for selection of design/build firms for the Hapeville Skatepark Project. There were fourteen planholders, with only one firm submitting a proposal. Grindline Skateparks was the lone proposal. Grindline Skateparks was the contractor for the Atlanta 4th Ward Skatepark and the Arthur Langford Skatepark. If Grindline is selected, they would create a design for the skatepark and bring back a final construction amount for approval. This project would be located at the old recycling center and it would be funded with TPD funds.

Documents:

[SKM_368E19091212410.PDF](#)

- 6.IX. Consideration And Action On Property Damage Claims Recovery Service Agreement

Background:

On March 5, Todd Rhoad of Peachtree Recovery gave a presentation on Property Damage Recovery Service during the Council Session. As requested by Mayor and Council, Mr. Rhoad forwarded a model service agreement, references, and service guidelines to staff. Legal has reviewed and revised the service agreement for consideration and action.

Documents:

[PRS - PARTICIPANT MODEL AGREEMENT_HAPEVILLE_29AUG19.PDF](#)

6.X. Consideration And Action On Resolution Designating College Street A School Zone
Background:

Hapeville First Baptist Church has inquired about a school zone designation on College Street to ensure safe drop offs and pick up of children for their new school, Gateway Christian Academy. Attached for Mayor and Council's consideration and action is a resolution designating College Street as a school zone.

Documents:

[RESOLUTION - SCHOOL ZONE.PDF](#)
[EXHIBIT A_ \(004\).PDF](#)

7. Old Business

7.I. Consideration And Action On Text Amendment On DRC Board Attendance Requirement
- 2nd Reading
Background:

Consideration of a text amendment to amend Chapter 81 (Architectural Design Standards), Section 81-1-4 (Design Review Committee) for the purpose of updating the procedures for the Design Review Committee.

Attached for consideration and action is the revised text amendment.

Documents:

[ORDINANCE - TEXT AMENDMENT DRC BOARD ATTENDANCE REQUIREMENT.PDF](#)
[PLANNERS REPORT TEXT AMENDMENT BOARD ATTENDANCE.PDF](#)

7.II. Consideration And Action On Text Amendment On Board Procedures - 2nd Reading
Background:

Consideration of a text amendment to amend Chapter 87 (Planning), Article 2 (Planning Commission) and Article 3 (Board of Zoning Appeals) for the purpose of updating the procedures for Planning Commission and Board of Zoning Appeals.

Attached for consideration and action is the revised text amendment.

Documents:

[ORDINANCE - TEXT AMENDMENT BOARD APPOINTMENTS.PDF](#)
[PLANNERS REPORT TEXT AMENDMENT BOARD ATTENDANCE \(1\).PDF](#)

8. New Business

8.I. Consideration And Action On I-85 Sound Barrier Resolution

Background:

On July 17, 2018, Mayor and Council had a discussion on the I-85 sound barrier. The consensus was to have the 2001 resolution updated and to have neighborhoods sign petitions. Attached for consideration and action is the updated resolution including the recent noise decibel study results. Staff is currently working to gather signatures for the petition.

Documents:

[RESOLUTION - I 85 SOUND BARRIER.PDF](#)
[CITY OF HAPEVILLE NOISE MEMO.PDF](#)

8.II. Discussion And Action Initiated By Councilman Alexander To Place A Moratorium On Sign Ordinance Enforcement In The Arts Overlay District While Staff Reviews Potential Text Amendments To The Current Language.

Background:

As the City continues to grow and progress, occasionally its ordinances need to be reviewed to align with the City's evolving trajectory and mission. The City's sign ordinance is currently based on the area of a design, not on aesthetics or other elements and don't necessarily counter the ordinance's original intent. A moratorium will give time for the language of the ordinance to be amended to reflect the current vision of the City.

8.III. Discussion Initiated By Councilman Horsley Regarding The Arts Alleyway And Pedestrian-Only Access At Certain Times

Background:

Councilman Horsley will initiate a discussion for the need for making the Arts Alleyway Pedestrian-Only from 5pm-5am on weekdays, and Pedestrian-Only on weekends from 5pm Friday to 5am Monday.

Documents:

[DISCUSSION REGARDING THE ARTS ALLEYWAY AND PEDESTRIAN ONLY ACCESS AT CERTAIN TIMES.PDF](#)

8.IV. Discussion Initiated By Councilman Horsley Regarding The Needed Signage For Speed Calming

Background:

Councilman Horsley will initiate a discussion on the needed signage as a response to complaints and concerns for residents as it relates to speeders, and requests for calming measures. Refer to the attached document for signage request.

Documents:

[DISCUSSION REGARDING NEEDED SIGNAGE FOR SPEED CALMING.PDF](#)

8.V. Discussion Initiated By Councilman Horsley Regarding Weekly City-Sponsored Food Vendor (Truck/Transient) Event

Background:

Councilman Horsley will initiate a discussion for the need for a reoccurring food truck and transient vendor event.

Documents:

[DISCUSSION REGARDING WEEKLY CITY-SPONSORED FOOD TRUCK AND TRANSIENT VENDOR EVENT.PDF](#)

9. City Manager Report
10. 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.
11. Mayor And Council Comments
12. 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).
13. Adjourn

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

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

3
4 **ORDINANCE NO. _____**
5

6 **AN ORDINANCE TO AMEND CHAPTER 93 (“ZONING”), ARTICLE 1 (“TITLE,**
7 **DEFINITIONS AND APPLICATION OF REGULATIONS”), SECTION 93-1-2**
8 **(“DEFINITIONS”) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE,**
9 **GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING**
10 **ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR**
11 **OTHER LAWFUL PURPOSES.**

12
13 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the
14 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
15 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,
16

17 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and
18 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
19 the legislative body of the City; and,
20

21 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by
22 amending such provisions by specific reference to the section number of the City’s Code; and,
23

24 **WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its
25 agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall
26 remain effective until they have been repealed, modified or amended; and,
27

28 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be
29 by ordinance; and,
30

31 **WHEREAS**, the procedures required for amending the City’s zoning ordinance have been
32 satisfied, including, but not limited to, notice and public hearings; and,
33

34 **WHEREAS**, the governing authority of the City finds it desirable to amend and update the
35 definition of “setback”.
36

37 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
38 **THE CITY OF HAPEVILLE, GEORGIA THAT:**
39

40 **Section One.** Chapter 93 (Zoning), Article 1 (Title, Definitions and Application of
41 Regulations), Section 93-1-2 (Definitions) of the City Code of Ordinances is hereby amended by
42 striking the definition of “Setback” in its entirety and inserting in lieu thereof the following
43 language:
44

45 *Setback.* The distance from the property boundary of a parcel to the nearest point of a
46 building.

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.

ORDAINED this _____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

Crystal Griggs-Epps, City Clerk

APPROVED BY:

City Attorney



**Department of Planning and Zoning
Planner's Report**

DATE: July 18, 2019
TO: Adrienne Senter
FROM: Lynn Patterson, Consulting Planner for City of Hapeville
RE: **Setback Definition**

BACKGROUND

The definition of "Setback" given in Sec. 93-1-2. – *Definitions* of the Hapeville Zoning Code is inconsistent with the standard accepted definition of a "setback" and with other portions of the City Code. The following text amendment would alter the definition of "setback" to reflect the customary meaning of setback and is presented for recommendation to Mayor & City Council.

CODE

ARTICLE 1. – TITLE, DEFINITIONS AND APPLICATION OF REGULATIONS

Sec. 93-1-3. – Definitions

(c) *Definitions*

Change:

Setback. The distance from the centerline of a street to the nearest point of a building.

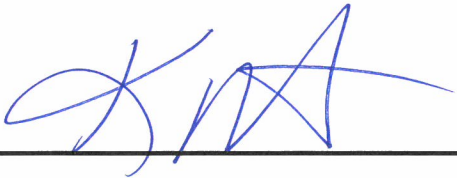
To:

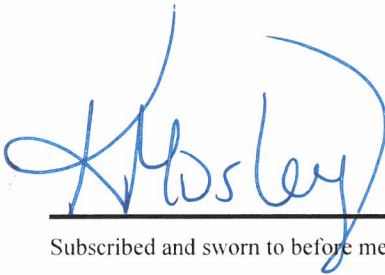
Setback. The distance from the property boundary of a parcel to the nearest point of a building.

PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA
COUNTY OF FULTON

Before me, the undersigned, a Notary Public, this day personally came the undersigned who, being duly sworn, according to law, says she is an agent of ALM Media, LLC., publishers of the **Daily Report**, the official newspaper published in Atlanta, GA, in said county and state, and that the publication, of which the annexed is a true copy, was published in said newspaper as provided by law on the following dates: 08/02/2019.





Subscribed and sworn to before me this August 2, 2019



NOTICE

The City of Hapeville, Georgia will be considering an amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 1 (Title, definitions, and application of regulations), Section 93-1-2 (Definitions) to amend the City of Hapeville definition of "Setback" on **August 20, 2019 at 6:00 p.m.** in the Municipal Court Complex located at 700 Doug Davis Drive, Hapeville, Georgia 30354.
#0000417004:8/02-1AS



Planning Commission Meeting

700 Doug Davis Drive
Hapeville, Georgia 30354

August 13, 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, Leah Davis, Lucy Dolan, Larry Martin, Charlotte Rentz and Cliff Thomas. City Planners Dr. Lynn Patterson and Michael Smith were present along with City Attorney Priya Patel and Secretary Adrienne Senter.

2. Minutes of July 9, 2019

Motion Item: Lucy Dolan made a motion, Cliff Thomas seconded to approve the minutes of July 9, 2019 subject to correction. Motion Carried: 5-0.

3. Presentation

Virginia Ave. Roundabout Study & Wayfinding Project Update by Mitchell Greenway

The City of Hapeville is undertaking a study that will examine the option for development of a roundabout at the Virginia Avenue/Doug Davis/Clay Place/Hamilton Avenue intersection. This project – *the Hapeville Wayfinding & Virginia Avenue Roundabout Study and Demonstration Project* – will build from the previous LCI Studies.

Mitchell Greenway of Stantec Consulting Services presented a project update and next steps. The next community meeting will be held on Thursday, August 15, 2019 at 6 p.m. and will be held at the Municipal Annex, 700 Doug Davis Drive in Hapeville.

- Public Comment – None.

4. New Business

a. 3429 Rainey Avenue

Site Plan Request

Andy Steele requested site plan approval to construct a second story addition and porch to an existing home at 3429 Rainey Avenue, Parcel Identification Number 14 012700030592. The property is zoned R-SF, Residential Single Family and is .1722 acres.

The current dwelling has an integrated carport extending into the northern side setback by two feet, making it a nonconforming use. The Applicant will need a variance from the Board of Appeals to alter or enlarge the dwelling in any way unless it is to bring the dwelling into conformance. Furthermore, an additional variance to allow additional construction within the north side setback.



Jeanne Rast had a question regarding the parking variance. Dr. Patterson explained that this issue will be reviewed at the Design Review Committee for consideration of a design exception.

The following deficiencies must be addressed:

1. The floor areas of the existing and proposed structures must be provided.
 2. The Applicant must provide the widths of the driveway, curb cuts, and the sidewalk.
 3. The Applicant must receive Board of Appeals approval for requested variances.
- Public Comment - none

MOTION ITEM: Larry Martin made a motion, Lucy Dolan seconded to approve the site plan request at 3429 Rainey Avenue subject to the following conditions:

1. The floor areas of the existing and proposed structures must be provided.
 2. The Applicant must provide the widths of the driveway, curb cuts, and the sidewalk.
 3. The Applicant must receive Board of Appeals approval for requested variances.
- Motion Carried: 5-0.

b. 876 Virginia Avenue

Special Exception Request

Mr. John Jordan of Walker and Walker, LLC and authorized representation of Philip Jones of Van Cole Investments, Inc. requested approval of a special exception to authorize the use of an existing drive-through at 876 Virginia Avenue, Parcel Identification number 14 009800010698. The property is zoned U-V, Urban Village and is 0.43 acres.

The applicant presented a traffic study conducted by Vern Wilburn of Maldino & Wilburn who addressed the Commission to discuss the findings of the traffic study. According to the report, there is not a significant difference between the total number of trips occurring at a non drive-through location versus a drive-through location. The applicant also presented a petition with 2000 signatures in support of the drive-through request.

Background and Summary– Planner’s Report:

The drive-through configuration was established prior to the extension renovation of the site. The drive-through is located on the east side of the structure, facing the adjacent property (Wendy’s) and away from the right-of-way along Oakridge Avenue. The Applicant has indicated there was a drive-through window with the same configuration previously utilized on the property by its prior occupants.

An application for the same special exception, a drive-through at 876 Virginia Avenue, was denied by Mayor and City Council on July 17, 2018. The definition provided in the



code for “restaurants” in U-V has changed since this special exception was last considered.

- **Public Comment**

Daniel Ray, 3468 Rainey Avenue, inquired regarding a provision to allow the request, but give it a timeline if there is an issue.

Melvin Traynum, 3550 Atlanta Avenue, suggested a right turn only exiting onto Virginia Avenue.

MOTION ITEM: Lucy Dolan made a motion, Leah Davis seconded to recommend the Mayor and Council grant the special exception at 876 Virginia Avenue subject to the following conditions:

1. The special exception for the drive-through will remain with Smoothie King and is not transferable.
2. A right turn only sign is placed at the Virginia Avenue exit.
3. The applicant must consult with City Staff to determine a long-lasting material to enhance the pedestrian walkway onto Virginia Avenue.

Motion Carried: 5-0.

c. 644 Coleman Street

Site Plan Request

Janice M. White requested site plan approval to construct a 4-bedroom, 3-bath single-family home at 644 Coleman Street, Parcel Identification Number 14 009900031503. The dwelling will have 1,944-sf of heated floor area and will provide off-street parking via a 15’ wide driveway along the west side of the house. The property is zoned R-SF, Residential Single Family and is .114 acres.

A revised site plan was submitted to address the deficiencies listed in the planner’s report. The Applicant must provide design cross sections for all new driveways and walkways.

- **Public Comment – None.**

MOTION ITEM: Jeanne Rast made a motion, Larry Martin seconded to approve the site plan request at 644 Coleman Street subject to the applicant providing design cross sections for all new driveways and walkways. **Motion Carried: 5-0**

d. 3384 North Fulton Avenue

Site Plan Request

Janice M. White requested site plan approval to construct a 3-bedroom, 2-bath single-family home at 3384 North Fulton Avenue, Parcel Identification Number 14 009500090115. The dwelling will have 1,528-sf of heated floor area and will provide off-



street parking via a 10' wide driveway along the south side of the house. The property is zoned R-SF, Residential Single Family and is .278 acres.

- Public Comment – None.

MOTION ITEM: Jeanne Rast made a motion, Lucy Dolan seconded to approve the site plan request at 3384 North Fulton Avenue subject to the applicant providing design cross sections for all new driveways and walkways. Motion Carried: 5-0.

e. Arts District Overlay Ordinance

Text Amendment

Consideration of a text amendment to Chapter 93 (Zoning), Article 28. A-D Zone (Arts District Overlay), Section 93-28-8 (Prohibited uses) to change the prohibited uses.

Background – Planner's Report:

Regions Bank recently requested the City of Hapeville consider allowing a drive-up ATM facility in downtown Hapeville. The request was declined as currently the City of Hapeville Zoning Code prohibits any drive-through facilities in the A-D (Arts District Overlay), within which the bank is located (Sec. 93-28-8 – Prohibited Uses). While drive-up teller windows are present at the banks located in the Arts District, the application of this restriction prohibits conversion or additional drive-up Automated Teller Machines (ATM). This text amendment, presented at the request of Regions Bank, would allow for drive-up ATMs as a permitted use requiring special exception exclusively for banks in the A-D Overlay. Special exceptions require approval from the City Council.

Michael Foster of BDG Architects provided details regarding the construction of the drive-through ATM and Regions Bank's support of the proposed text amendment.

- Public Comment – None.

MOTION ITEM: Lucy Dolan made a motion, Jeanne Rast seconded to recommend the Mayor and Council approve the A-D text amendment with a recommendation to add credit unions to the language. Motion Carried: 5-0.

f. Setback Definition

Text Amendment

Consideration of a text amendment to Chapter 93 (Zoning), Article 1 (Title, definitions, and application of regulations), Section 93-1-2 (Definitions) to change the definition of setback.

Background – Planner's Report:

The definition of "Setback" given in Sec. 93-1-2. – Definitions of the Hapeville Zoning Code is inconsistent with the standard accepted definition of a "setback" and with other portions of the City Code. The following text amendment would alter the definition

- Public Comment – None.



MOTION ITEM: Lucy Dolan made a motion, Jeanne Rast seconded to recommend the Mayor and Council approve the text amendment as proposed. Motion Carried: 5-0.

g. Home Occupation Ordinance

Text Amendment

Consideration of a text amendment to Chapter 93 (Zoning), Article 1 (Title, Definitions, and application of regulations), Section 93-1-3 to change the definition of home occupation.

- Public Comment

Daniel Ray, 3468 Rainey Avenue, asked staff to clarify the proposed amendment.

MOTION ITEM: Lucy Dolan made a motion, Larry Martin seconded to recommend the Mayor and Council approve the text amendment as proposed. Motion Carried: 5-0.

h. Reconsideration of Defeated Rezoning Proposals

Text Amendment

Consideration of a text amendment to Chapter 93 (Zoning), Article 25 (Amendments), Section 93-25-9 (Reconsideration of Defeated Actions) to require a six-month waiting period for reconsideration of defeated rezoning proposals.

- Public Comment – None.

MOTION ITEM: Larry Martin made a motion, Jeanne Rast seconded to recommend the Mayor and Council approve the text amendment as proposed. Motion Carried: 5-0.

5. Old Business

a. Residential Building Height Requirements

Chairman Wismer provided a summary regarding the ongoing discussion pertaining to residential building height requirements

Commissioner Martin discussed concerns regarding solar access and the reports that were provided at the last Commission meeting.

- Public Comment
Melvin Traynum, 3550 Atlanta Avenue, commented regarding solar panels and the city's heavy tree canopy.
Daniel Ray, 3468 Rainey Avenue, commented regarding the current building height requirements and he does not see a need to change the code.

After further discussion, the Commission did not support taking action to recommend the Mayor and Council amend the residential building height requirement.



6. Next Meeting Date – September 10, 2019 at 6:00PM

7. Adjourn

MOTION ITEM: Jeanne Rast made a motion, Lucy Dolan seconded to adjourn the meeting at 8:21 p.m.

Respectfully submitted by,

Chairman, Brian Wismer

Secretary, Adrienne Senter

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

3
4 **ORDINANCE NO. _____**
5

6 **AN ORDINANCE TO AMEND CHAPTER 93 (“ZONING”), ARTICLE 25**
7 **(“AMENDMENTS”) TO CREATE SECTION 93-25-9 (“RECONSIDERATION FOR**
8 **DEFEATED ACTIONS”) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE,**
9 **GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING**
10 **ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR**
11 **OTHER LAWFUL PURPOSES.**

12
13 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the
14 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
15 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,
16

17 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and
18 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
19 the legislative body of the City; and,
20

21 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by
22 amending such provisions by specific reference to the section number of the City’s Code; and,
23

24 **WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its
25 agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall
26 remain effective until they have been repealed, modified or amended; and,
27

28 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be
29 by ordinance; and,
30

31 **WHEREAS**, the procedures required for amending the City’s zoning ordinance have been
32 satisfied, including, but not limited to, notice and public hearings; and,
33

34 **WHEREAS**, the governing authority of the City finds it desirable to amend and create a
35 new section regarding the waiting period for rezoning applications pursuant to O.C.G.A. Section
36 36-66-4.
37

38 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
39 **THE CITY OF HAPEVILLE, GEORGIA THAT:**
40

41 **Section One.** Chapter 93 (Zoning), Article 25 (Amendment), Section 93-25-9
42 (Reconsideration of Defeated Actions) of the City Code of Ordinances is hereby created, and shall
43 state as follows:
44

45 If the zoning decision of the mayor and council is for the rezoning of property and
46 the amendment to the zoning ordinance to accomplish the rezoning is defeated, then the

47 same property may not again be considered for rezoning until the expiration of at least six
48 months immediately following the defeat of the rezoning.
49

50 **Section Two. Codification and Certify.** This Ordinance adopted hereby shall be codified
51 and certified in a manner consistent with the laws of the State of Georgia and the City.
52

53 **Section Three. Severability.**
54

55 (a) It is hereby declared to be the intention of the Mayor and Council that all sections,
56 paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment,
57 believed by the Mayor and Council to be fully valid, enforceable and constitutional.
58

59 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
60 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
61 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
62 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
63 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance
64 is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this
65 Ordinance.
66

67 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
68 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable
69 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of
70 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
71 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
72 of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to
73 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
74 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
75 effect.
76

77 **Section Four. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances
78 in conflict herewith are hereby expressly repealed.
79

80 **Section Five. Effective Date.** The effective date of this Ordinance shall be the date of
81 adoption unless otherwise stated herein.
82

83 **ORDAINED** this _____ day of _____, 2019.
84

85 **CITY OF HAPEVILLE, GEORGIA**
86
87

88
89
90 _____
91 **Alan Hallman, Mayor**
92

ATTEST:

Crystal Griggs-Epps, City Clerk

APPROVED BY:

City Attorney



**Department of Planning and Zoning
Planner's Report**

DATE: July 17, 2019
TO: Adrienne Senter
FROM: Lynn Patterson, Consulting Planner for City of Hapeville
RE: **Waiting Period for Repeat Applications**

BACKGROUND

The State of Georgia limits the reconsideration of defeated rezoning proposals by requiring a six-month waiting period before such a proposal may be reconsidered by a city. The proposed text amendment would add similar language to the City of Hapeville's zoning code and is presented for recommendation to the Mayor & City Council.

CODE

Add the following:

CHAPTER 93 – ZONING

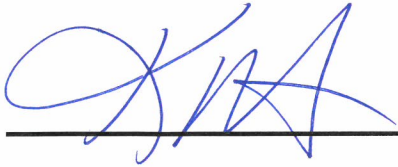
Sec. 93-25-9. – Reconsideration of Defeated Actions.

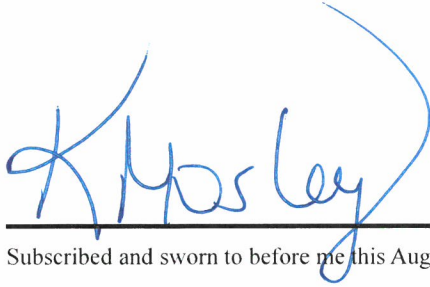
- (a) If the zoning decision of the mayor and council is for the rezoning of property and the amendment to the zoning ordinance to accomplish the rezoning is defeated, then the same property may not again be considered for rezoning until the expiration of at least six months immediately following the defeat of the rezoning.

PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA
COUNTY OF FULTON

Before me, the undersigned, a Notary Public, this day personally came the undersigned who, being duly sworn, according to law, says she is an agent of ALM Media, LLC., publishers of the **Daily Report**, the official newspaper published in Atlanta, GA, in said county and state, and that the publication, of which the annexed is a true copy, was published in said newspaper as provided by law on the following dates: 08/02/2019.





Subscribed and sworn to before me this August 2, 2019



NOTICE

The City of Hapeville, Georgia will be considering an amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 25 (Amendments), to create Section 93-25-9 (Reconsideration for defeated actions) on **August 20, 2019 at 6:00 p.m.** in the Municipal Court Complex located at 700 Doug Davis Drive, Hapeville, Georgia 30354.
#0000417009:8/02-1AS



Planning Commission Meeting

700 Doug Davis Drive
Hapeville, Georgia 30354

August 13, 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, Leah Davis, Lucy Dolan, Larry Martin, Charlotte Rentz and Cliff Thomas. City Planners Dr. Lynn Patterson and Michael Smith were present along with City Attorney Priya Patel and Secretary Adrienne Senter.

2. Minutes of July 9, 2019

Motion Item: Lucy Dolan made a motion, Cliff Thomas seconded to approve the minutes of July 9, 2019 subject to correction. Motion Carried: 5-0.

3. Presentation

Virginia Ave. Roundabout Study & Wayfinding Project Update by Mitchell Greenway

The City of Hapeville is undertaking a study that will examine the option for development of a roundabout at the Virginia Avenue/Doug Davis/Clay Place/Hamilton Avenue intersection. This project – *the Hapeville Wayfinding & Virginia Avenue Roundabout Study and Demonstration Project* – will build from the previous LCI Studies.

Mitchell Greenway of Stantec Consulting Services presented a project update and next steps. The next community meeting will be held on Thursday, August 15, 2019 at 6 p.m. and will be held at the Municipal Annex, 700 Doug Davis Drive in Hapeville.

- Public Comment – None.

4. New Business

a. 3429 Rainey Avenue

Site Plan Request

Andy Steele requested site plan approval to construct a second story addition and porch to an existing home at 3429 Rainey Avenue, Parcel Identification Number 14 012700030592. The property is zoned R-SF, Residential Single Family and is .1722 acres.

The current dwelling has an integrated carport extending into the northern side setback by two feet, making it a nonconforming use. The Applicant will need a variance from the Board of Appeals to alter or enlarge the dwelling in any way unless it is to bring the dwelling into conformance. Furthermore, an additional variance to allow additional construction within the north side setback.



Jeanne Rast had a question regarding the parking variance. Dr. Patterson explained that this issue will be reviewed at the Design Review Committee for consideration of a design exception.

The following deficiencies must be addressed:

1. The floor areas of the existing and proposed structures must be provided.
 2. The Applicant must provide the widths of the driveway, curb cuts, and the sidewalk.
 3. The Applicant must receive Board of Appeals approval for requested variances.
- Public Comment - none

MOTION ITEM: Larry Martin made a motion, Lucy Dolan seconded to approve the site plan request at 3429 Rainey Avenue subject to the following conditions:

1. The floor areas of the existing and proposed structures must be provided.
 2. The Applicant must provide the widths of the driveway, curb cuts, and the sidewalk.
 3. The Applicant must receive Board of Appeals approval for requested variances.
- Motion Carried: 5-0.

b. 876 Virginia Avenue

Special Exception Request

Mr. John Jordan of Walker and Walker, LLC and authorized representation of Philip Jones of Van Cole Investments, Inc. requested approval of a special exception to authorize the use of an existing drive-through at 876 Virginia Avenue, Parcel Identification number 14 009800010698. The property is zoned U-V, Urban Village and is 0.43 acres.

The applicant presented a traffic study conducted by Vern Wilburn of Maldino & Wilburn who addressed the Commission to discuss the findings of the traffic study. According to the report, there is not a significant difference between the total number of trips occurring at a non drive-through location versus a drive-through location. The applicant also presented a petition with 2000 signatures in support of the drive-through request.

Background and Summary– Planner’s Report:

The drive-through configuration was established prior to the extension renovation of the site. The drive-through is located on the east side of the structure, facing the adjacent property (Wendy’s) and away from the right-of-way along Oakridge Avenue. The Applicant has indicated there was a drive-through window with the same configuration previously utilized on the property by its prior occupants.

An application for the same special exception, a drive-through at 876 Virginia Avenue, was denied by Mayor and City Council on July 17, 2018. The definition provided in the



code for “restaurants” in U-V has changed since this special exception was last considered.

- **Public Comment**

Daniel Ray, 3468 Rainey Avenue, inquired regarding a provision to allow the request, but give it a timeline if there is an issue.

Melvin Traynum, 3550 Atlanta Avenue, suggested a right turn only exiting onto Virginia Avenue.

MOTION ITEM: Lucy Dolan made a motion, Leah Davis seconded to recommend the Mayor and Council grant the special exception at 876 Virginia Avenue subject to the following conditions:

1. The special exception for the drive-through will remain with Smoothie King and is not transferable.
2. A right turn only sign is placed at the Virginia Avenue exit.
3. The applicant must consult with City Staff to determine a long-lasting material to enhance the pedestrian walkway onto Virginia Avenue.

Motion Carried: 5-0.

c. 644 Coleman Street

Site Plan Request

Janice M. White requested site plan approval to construct a 4-bedroom, 3-bath single-family home at 644 Coleman Street, Parcel Identification Number 14 009900031503. The dwelling will have 1,944-sf of heated floor area and will provide off-street parking via a 15’ wide driveway along the west side of the house. The property is zoned R-SF, Residential Single Family and is .114 acres.

A revised site plan was submitted to address the deficiencies listed in the planner’s report. The Applicant must provide design cross sections for all new driveways and walkways.

- **Public Comment – None.**

MOTION ITEM: Jeanne Rast made a motion, Larry Martin seconded to approve the site plan request at 644 Coleman Street subject to the applicant providing design cross sections for all new driveways and walkways. **Motion Carried: 5-0**

d. 3384 North Fulton Avenue

Site Plan Request

Janice M. White requested site plan approval to construct a 3-bedroom, 2-bath single-family home at 3384 North Fulton Avenue, Parcel Identification Number 14 009500090115. The dwelling will have 1,528-sf of heated floor area and will provide off-



street parking via a 10' wide driveway along the south side of the house. The property is zoned R-SF, Residential Single Family and is .278 acres.

- Public Comment – None.

MOTION ITEM: Jeanne Rast made a motion, Lucy Dolan seconded to approve the site plan request at 3384 North Fulton Avenue subject to the applicant providing design cross sections for all new driveways and walkways. Motion Carried: 5-0.

e. Arts District Overlay Ordinance

Text Amendment

Consideration of a text amendment to Chapter 93 (Zoning), Article 28. A-D Zone (Arts District Overlay), Section 93-28-8 (Prohibited uses) to change the prohibited uses.

Background – Planner's Report:

Regions Bank recently requested the City of Hapeville consider allowing a drive-up ATM facility in downtown Hapeville. The request was declined as currently the City of Hapeville Zoning Code prohibits any drive-through facilities in the A-D (Arts District Overlay), within which the bank is located (Sec. 93-28-8 – Prohibited Uses). While drive-up teller windows are present at the banks located in the Arts District, the application of this restriction prohibits conversion or additional drive-up Automated Teller Machines (ATM). This text amendment, presented at the request of Regions Bank, would allow for drive-up ATMs as a permitted use requiring special exception exclusively for banks in the A-D Overlay. Special exceptions require approval from the City Council.

Michael Foster of BDG Architects provided details regarding the construction of the drive-through ATM and Regions Bank's support of the proposed text amendment.

- Public Comment – None.

MOTION ITEM: Lucy Dolan made a motion, Jeanne Rast seconded to recommend the Mayor and Council approve the A-D text amendment with a recommendation to add credit unions to the language. Motion Carried: 5-0.

f. Setback Definition

Text Amendment

Consideration of a text amendment to Chapter 93 (Zoning), Article 1 (Title, definitions, and application of regulations), Section 93-1-2 (Definitions) to change the definition of setback.

Background – Planner's Report:

The definition of "Setback" given in Sec. 93-1-2. – Definitions of the Hapeville Zoning Code is inconsistent with the standard accepted definition of a "setback" and with other portions of the City Code. The following text amendment would alter the definition

- Public Comment – None.



MOTION ITEM: Lucy Dolan made a motion, Jeanne Rast seconded to recommend the Mayor and Council approve the text amendment as proposed. Motion Carried: 5-0.

g. Home Occupation Ordinance

Text Amendment

Consideration of a text amendment to Chapter 93 (Zoning), Article 1 (Title, Definitions, and application of regulations), Section 93-1-3 to change the definition of home occupation.

- Public Comment

Daniel Ray, 3468 Rainey Avenue, asked staff to clarify the proposed amendment.

MOTION ITEM: Lucy Dolan made a motion, Larry Martin seconded to recommend the Mayor and Council approve the text amendment as proposed. Motion Carried: 5-0.

h. Reconsideration of Defeated Rezoning Proposals

Text Amendment

Consideration of a text amendment to Chapter 93 (Zoning), Article 25 (Amendments), Section 93-25-9 (Reconsideration of Defeated Actions) to require a six-month waiting period for reconsideration of defeated rezoning proposals.

- Public Comment – None.

MOTION ITEM: Larry Martin made a motion, Jeanne Rast seconded to recommend the Mayor and Council approve the text amendment as proposed. Motion Carried: 5-0.

5. Old Business

a. Residential Building Height Requirements

Chairman Wismer provided a summary regarding the ongoing discussion pertaining to residential building height requirements

Commissioner Martin discussed concerns regarding solar access and the reports that were provided at the last Commission meeting.

- Public Comment
Melvin Traynum, 3550 Atlanta Avenue, commented regarding solar panels and the city's heavy tree canopy.
Daniel Ray, 3468 Rainey Avenue, commented regarding the current building height requirements and he does not see a need to change the code.

After further discussion, the Commission did not support taking action to recommend the Mayor and Council amend the residential building height requirement.



6. Next Meeting Date – September 10, 2019 at 6:00PM

7. Adjourn

MOTION ITEM: Jeanne Rast made a motion, Lucy Dolan seconded to adjourn the meeting at 8:21 p.m.

Respectfully submitted by,

Chairman, Brian Wismer

Secretary, Adrienne Senter

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

3
4 **ORDINANCE NO. _____**
5

6 **AN ORDINANCE TO AMEND CHAPTER 93 (“ZONING”), ARTICLE 1 (“TITLE,**
7 **DEFINITIONS AND APPLICATION OF REGULATIONS”), SECTION 93-1-2**
8 **(“DEFINITIONS”) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE,**
9 **GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING**
10 **ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR**
11 **OTHER LAWFUL PURPOSES.**

12
13 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the
14 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
15 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,
16

17 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and
18 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
19 the legislative body of the City; and,
20

21 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by
22 amending such provisions by specific reference to the section number of the City’s Code; and,
23

24 **WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its
25 agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall
26 remain effective until they have been repealed, modified or amended; and,
27

28 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be
29 by ordinance; and,
30

31 **WHEREAS**, the procedures required for amending the City’s zoning ordinance have been
32 satisfied, including, but not limited to, notice and public hearings; and,
33

34 **WHEREAS**, the governing authority of the City finds it desirable to amend and update the
35 definition of “home occupation”.
36

37 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
38 **THE CITY OF HAPEVILLE, GEORGIA THAT:**
39

40 **Section One.** Chapter 93 (Zoning), Article 1 (Title, Definitions and Application of
41 Regulations), Section 93-1-2 (Definitions) of the City Code of Ordinances is hereby amended by
42 striking the definition of “Home occupation” in its entirety and inserting in lieu thereof the
43 following language:
44

45 *Home occupation.* Any accessory use of a commercial service character customarily
46 conducted within a dwelling by a resident thereof, which use is secondary to the use of the dwelling

for living purposes and does not change the character thereof. Operation of any such use is subject to the provisions set forth in section 93-2-25.

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.

ORDAINED this _____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

Crystal Griggs-Epps, City Clerk

APPROVED BY:

City Attorney



**Department of Planning and Zoning
Planner's Report**

DATE: July 18, 2019
TO: Adrienne Senter
FROM: Lynn Patterson, Consulting Planner for City of Hapeville
RE: **Home Occupation Definition**

BACKGROUND

The definition of "Home Occupation" given in Sec. 93-1-2. – *Definitions* of the Hapeville Zoning Code is restrictive and does not reflect the current trend of dwellings being used as home offices in businesses that operate remotely via telephone and the internet. Sec. 93-2-25 – *Home occupations; special provisions* provides specific guidelines for the operation of a home occupation that make the restrictive language in the definition unnecessary. The following text amendment would alter the definition of "Home Occupation" to be more general and is presented for recommendation to Mayor & City Council.

CODE

ARTICLE 1. – TITLE, DEFINITIONS AND APPLICATION OF REGULATIONS

Sec. 93-1-3. – Definitions

(c) *Definitions*

Change:

Home occupation. Any accessory use of a commercial service character customarily conducted within a dwelling by a resident thereof, which use is secondary to the use of the dwelling for living purposes and does not change the character thereof. The types of businesses meeting the definition of a home occupation include, but are not limited to, the office of a physician, surgeon, dentist, chiropractor, lawyer, engineer, architect, accountant or other professional person, within a dwelling occupied by the same for consultation or emergency treatment, but not for the general practice of his profession and where no assistants are employed.

To:

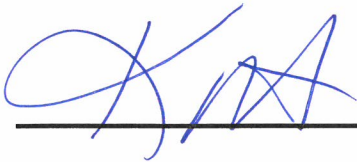
Home occupation. Any accessory use of a commercial service character customarily conducted within a dwelling by a resident thereof, which use is secondary to the use of the dwelling for living

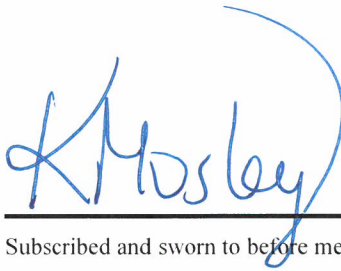
purposes and does not change the character thereof. Operation of any such use is subject to the provisions set forth in section 93-2-25.

PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA
COUNTY OF FULTON

Before me, the undersigned, a Notary Public, this day personally came the undersigned who, being duly sworn, according to law, says she is an agent of ALM Media, LLC., publishers of the **Daily Report**, the official newspaper published in Atlanta, GA, in said county and state, and that the publication, of which the annexed is a true copy, was published in said newspaper as provided by law on the following dates: 08/02/2019.





Subscribed and sworn to before me this August 2, 2019



NOTICE

The City of Hapeville, Georgia will be considering an amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 1 (Title, definitions, and application of regulations), Section 93-1-2 (Definitions) to amend the definition of "Home occupation" on **August 20, 2019 at 6:00 p.m.** in the Municipal Court Complex located at 700 Doug Davis Drive, Hapeville, Georgia 30354.
#0000417007:8/02-1AS



Planning Commission Meeting

700 Doug Davis Drive
Hapeville, Georgia 30354

August 13, 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, Leah Davis, Lucy Dolan, Larry Martin, Charlotte Rentz and Cliff Thomas. City Planners Dr. Lynn Patterson and Michael Smith were present along with City Attorney Priya Patel and Secretary Adrienne Senter.

2. Minutes of July 9, 2019

Motion Item: Lucy Dolan made a motion, Cliff Thomas seconded to approve the minutes of July 9, 2019 subject to correction. Motion Carried: 5-0.

3. Presentation

Virginia Ave. Roundabout Study & Wayfinding Project Update by Mitchell Greenway

The City of Hapeville is undertaking a study that will examine the option for development of a roundabout at the Virginia Avenue/Doug Davis/Clay Place/Hamilton Avenue intersection. This project – *the Hapeville Wayfinding & Virginia Avenue Roundabout Study and Demonstration Project* – will build from the previous LCI Studies.

Mitchell Greenway of Stantec Consulting Services presented a project update and next steps. The next community meeting will be held on Thursday, August 15, 2019 at 6 p.m. and will be held at the Municipal Annex, 700 Doug Davis Drive in Hapeville.

- Public Comment – None.

4. New Business

a. 3429 Rainey Avenue

Site Plan Request

Andy Steele requested site plan approval to construct a second story addition and porch to an existing home at 3429 Rainey Avenue, Parcel Identification Number 14 012700030592. The property is zoned R-SF, Residential Single Family and is .1722 acres.

The current dwelling has an integrated carport extending into the northern side setback by two feet, making it a nonconforming use. The Applicant will need a variance from the Board of Appeals to alter or enlarge the dwelling in any way unless it is to bring the dwelling into conformance. Furthermore, an additional variance to allow additional construction within the north side setback.



Jeanne Rast had a question regarding the parking variance. Dr. Patterson explained that this issue will be reviewed at the Design Review Committee for consideration of a design exception.

The following deficiencies must be addressed:

1. The floor areas of the existing and proposed structures must be provided.
 2. The Applicant must provide the widths of the driveway, curb cuts, and the sidewalk.
 3. The Applicant must receive Board of Appeals approval for requested variances.
- Public Comment - none

MOTION ITEM: Larry Martin made a motion, Lucy Dolan seconded to approve the site plan request at 3429 Rainey Avenue subject to the following conditions:

1. The floor areas of the existing and proposed structures must be provided.
 2. The Applicant must provide the widths of the driveway, curb cuts, and the sidewalk.
 3. The Applicant must receive Board of Appeals approval for requested variances.
- Motion Carried: 5-0.

b. 876 Virginia Avenue

Special Exception Request

Mr. John Jordan of Walker and Walker, LLC and authorized representation of Philip Jones of Van Cole Investments, Inc. requested approval of a special exception to authorize the use of an existing drive-through at 876 Virginia Avenue, Parcel Identification number 14 009800010698. The property is zoned U-V, Urban Village and is 0.43 acres.

The applicant presented a traffic study conducted by Vern Wilburn of Maldino & Wilburn who addressed the Commission to discuss the findings of the traffic study. According to the report, there is not a significant difference between the total number of trips occurring at a non drive-through location versus a drive-through location. The applicant also presented a petition with 2000 signatures in support of the drive-through request.

Background and Summary– Planner’s Report:

The drive-through configuration was established prior to the extension renovation of the site. The drive-through is located on the east side of the structure, facing the adjacent property (Wendy’s) and away from the right-of-way along Oakridge Avenue. The Applicant has indicated there was a drive-through window with the same configuration previously utilized on the property by its prior occupants.

An application for the same special exception, a drive-through at 876 Virginia Avenue, was denied by Mayor and City Council on July 17, 2018. The definition provided in the



code for “restaurants” in U-V has changed since this special exception was last considered.

- Public Comment
Daniel Ray, 3468 Rainey Avenue, inquired regarding a provision to allow the request, but give it a timeline if there is an issue.

Melvin Traynum, 3550 Atlanta Avenue, suggested a right turn only exiting onto Virginia Avenue.

MOTION ITEM: Lucy Dolan made a motion, Leah Davis seconded to recommend the Mayor and Council grant the special exception at 876 Virginia Avenue subject to the following conditions:

1. The special exception for the drive-through will remain with Smoothie King and is not transferable.
2. A right turn only sign is placed at the Virginia Avenue exit.
3. The applicant must consult with City Staff to determine a long-lasting material to enhance the pedestrian walkway onto Virginia Avenue.

Motion Carried: 5-0.

c. 644 Coleman Street

Site Plan Request

Janice M. White requested site plan approval to construct a 4-bedroom, 3-bath single-family home at 644 Coleman Street, Parcel Identification Number 14 009900031503. The dwelling will have 1,944-sf of heated floor area and will provide off-street parking via a 15’ wide driveway along the west side of the house. The property is zoned R-SF, Residential Single Family and is .114 acres.

A revised site plan was submitted to address the deficiencies listed in the planner’s report. The Applicant must provide design cross sections for all new driveways and walkways.

- Public Comment – None.

MOTION ITEM: Jeanne Rast made a motion, Larry Martin seconded to approve the site plan request at 644 Coleman Street subject to the applicant providing design cross sections for all new driveways and walkways. **Motion Carried: 5-0**

d. 3384 North Fulton Avenue

Site Plan Request

Janice M. White requested site plan approval to construct a 3-bedroom, 2-bath single-family home at 3384 North Fulton Avenue, Parcel Identification Number 14 009500090115. The dwelling will have 1,528-sf of heated floor area and will provide off-



street parking via a 10' wide driveway along the south side of the house. The property is zoned R-SF, Residential Single Family and is .278 acres.

- Public Comment – None.

MOTION ITEM: Jeanne Rast made a motion, Lucy Dolan seconded to approve the site plan request at 3384 North Fulton Avenue subject to the applicant providing design cross sections for all new driveways and walkways. Motion Carried: 5-0.

e. Arts District Overlay Ordinance

Text Amendment

Consideration of a text amendment to Chapter 93 (Zoning), Article 28. A-D Zone (Arts District Overlay), Section 93-28-8 (Prohibited uses) to change the prohibited uses.

Background – Planner's Report:

Regions Bank recently requested the City of Hapeville consider allowing a drive-up ATM facility in downtown Hapeville. The request was declined as currently the City of Hapeville Zoning Code prohibits any drive-through facilities in the A-D (Arts District Overlay), within which the bank is located (Sec. 93-28-8 – Prohibited Uses). While drive-up teller windows are present at the banks located in the Arts District, the application of this restriction prohibits conversion or additional drive-up Automated Teller Machines (ATM). This text amendment, presented at the request of Regions Bank, would allow for drive-up ATMs as a permitted use requiring special exception exclusively for banks in the A-D Overlay. Special exceptions require approval from the City Council.

Michael Foster of BDG Architects provided details regarding the construction of the drive-through ATM and Regions Bank's support of the proposed text amendment.

- Public Comment – None.

MOTION ITEM: Lucy Dolan made a motion, Jeanne Rast seconded to recommend the Mayor and Council approve the A-D text amendment with a recommendation to add credit unions to the language. Motion Carried: 5-0.

f. Setback Definition

Text Amendment

Consideration of a text amendment to Chapter 93 (Zoning), Article 1 (Title, definitions, and application of regulations), Section 93-1-2 (Definitions) to change the definition of setback.

Background – Planner's Report:

The definition of "Setback" given in Sec. 93-1-2. – Definitions of the Hapeville Zoning Code is inconsistent with the standard accepted definition of a "setback" and with other portions of the City Code. The following text amendment would alter the definition

- Public Comment – None.



MOTION ITEM: Lucy Dolan made a motion, Jeanne Rast seconded to recommend the Mayor and Council approve the text amendment as proposed. Motion Carried: 5-0.

g. Home Occupation Ordinance

Text Amendment

Consideration of a text amendment to Chapter 93 (Zoning), Article 1 (Title, Definitions, and application of regulations), Section 93-1-3 to change the definition of home occupation.

- Public Comment

Daniel Ray, 3468 Rainey Avenue, asked staff to clarify the proposed amendment.

MOTION ITEM: Lucy Dolan made a motion, Larry Martin seconded to recommend the Mayor and Council approve the text amendment as proposed. Motion Carried: 5-0.

h. Reconsideration of Defeated Rezoning Proposals

Text Amendment

Consideration of a text amendment to Chapter 93 (Zoning), Article 25 (Amendments), Section 93-25-9 (Reconsideration of Defeated Actions) to require a six-month waiting period for reconsideration of defeated rezoning proposals.

- Public Comment – None.

MOTION ITEM: Larry Martin made a motion, Jeanne Rast seconded to recommend the Mayor and Council approve the text amendment as proposed. Motion Carried: 5-0.

5. Old Business

a. Residential Building Height Requirements

Chairman Wismer provided a summary regarding the ongoing discussion pertaining to residential building height requirements

Commissioner Martin discussed concerns regarding solar access and the reports that were provided at the last Commission meeting.

- Public Comment
Melvin Traynum, 3550 Atlanta Avenue, commented regarding solar panels and the city's heavy tree canopy.
Daniel Ray, 3468 Rainey Avenue, commented regarding the current building height requirements and he does not see a need to change the code.

After further discussion, the Commission did not support taking action to recommend the Mayor and Council amend the residential building height requirement.



6. Next Meeting Date – September 10, 2019 at 6:00PM

7. Adjourn

MOTION ITEM: Jeanne Rast made a motion, Lucy Dolan seconded to adjourn the meeting at 8:21 p.m.

Respectfully submitted by,

Chairman, Brian Wismer

Secretary, Adrienne Senter

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

3
4 **ORDINANCE NO. _____**
5

6 **AN ORDINANCE TO AMEND CHAPTER 93 (“ZONING”), ARTICLE 28 (“A-D ZONE**
7 **(ARTS DISTRICT OVERLAY)”), SECTION 93-28-8 (“PROHIBITED USES”) OF THE**
8 **CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO PROVIDE FOR**
9 **SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN**
10 **EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**
11

12 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the
13 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
14 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,
15

16 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and
17 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
18 the legislative body of the City; and,
19

20 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by
21 amending such provisions by specific reference to the section number of the City’s Code; and,
22

23 **WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its
24 agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall
25 remain effective until they have been repealed, modified or amended; and,
26

27 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be
28 by ordinance; and,
29

30 **WHEREAS**, the procedures required for amending the City’s zoning ordinance have been
31 satisfied, including, but not limited to, notice and public hearings; and,
32

33 **WHEREAS**, the governing authority of the City finds it desirable to amend and update the
34 prohibited uses in the Arts Overlay District.
35

36 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
37 **THE CITY OF HAPEVILLE, GEORGIA THAT:**
38

39 **Section One.** Chapter 93 (Zoning), Article 28 (A-D Zone (Arts District Overlay)), Section
40 93-28-8 (Prohibited uses) of the City Code of Ordinances is hereby amended by striking the
41 subsection (1) in its entirety and inserting in lieu thereof the following language:
42

- 43 (1) All drive-through facilities other than those permitted by special exception for
44 accessory use by banks or credit unions.
45

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.

ORDAINED this _____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

Crystal Griggs-Epps, City Clerk

APPROVED BY:

City Attorney



**Department of Planning and Zoning
Planner's Report**

DATE: August 8, 2019
TO: Adrienne Senter
FROM: Lynn Patterson, Consulting Planner for City of Hapeville
RE: **Drive-Up ATMs for Banks in the A-D, Arts District Zoning District**

BACKGROUND

Regions Bank recently requested the City of Hapeville consider allowing a drive-up ATM at its facility in downtown Hapeville (see attached). The request was declined as currently the City of Hapeville Zoning Code prohibits any drive-through facilities in the A-D – Arts District overlay, within which the bank is located (Sec. 93-28-8 – *Prohibited Uses*). While drive-up teller windows are present at the banks located in the Arts District, the application of this restriction prohibits conversion or additional drive-up Automated Teller Machines. This text amendment, presented at the request of Regions Bank, would allow for drive-up ATMs as a permitted use requiring special exception exclusively for banks in the A-D overlay. Special exceptions require approval from the City Council.

CODE

ARTICLE 28. - A-D ZONE (ARTS DISTRICT OVERLAY)

Change:

Sec. 93-28-8. - Prohibited uses.

The following uses shall be prohibited in the Arts District Overlay:

- (1) Any drive-through facility.

To:

Sec. 93-28-8. - Prohibited uses.

The following uses shall be prohibited in the Arts District Overlay:

- (1) All drive-through facilities except those permitted by special exception for accessory use by banks.

FINDINGS

The intent of the Arts District is to generate interest in downtown Hapeville and attract arts and cultural events in part by promoting a pedestrian character. It was specifically designed to provide for walkable distances between nearby neighborhoods and small-scale establishments compatible with the neighborhood character. Allowing for a proliferation of typical drive-through establishments may compromise this goal of the district.

In the past, Hapeville has required new outdoor ATMs to be walk-up models, accessible via the sidewalk but not by car. Staff consulted with the Hapeville Chief of Police to determine if there are any safety concerns regarding vehicle or drive-up ATMs. Chief Glavosek suggested that walk-up ATMs may leave people more vulnerable to being targets of thieves, whereas drive-up ATMs could be a safer alternative. Regions Bank has indicated in conversations that the market and industry standards are changing to address convenience and thus teller windows are being replaced with more ATMs and similar automated machines.

In considering the text amendment, staff recommends the Planning Commission and City Council carefully consider the intent of the Arts-District, safety, and changing industry and market conditions. If the text amendment is approved, staff recommends special exception approvals to include pedestrian safety measures and compatibility with the Arts -District overall intent.



August 9, 2019

To Whom it May Concern:

We are writing in support of the proposed text amendment to the code to allow construction of drive thru lanes on a limited basis. Drive thru ATM usage is central to the modern banking experience, and the level of service and convenience these stations afford our customers is widely used and universally expected.

We understand the intent of the drive thru restriction is to protect the character of the City of Hapeville, but suggest that this should not apply to financial institutions because they do not produce the negative results associated with other uses. The modern fast food chain drive thru, for example, is often associated with wide swathes of impervious surfaces; dramatically increased vehicular traffic; long lines of queuing cars that can stack out and obstruct adjacent roadways; large, garish lighting and signage infrastructure for wayfinding and branding. In contrast, bank drive thru ATMs are small, limited in number, and rarely stack up beyond one or two cars.

The most important distinction, however, is related to customer service. Bank drive thru ATMs allow us to deliver a high level of financial service to our customers during nights and weekends when such services would otherwise be unavailable. Bank drive thru ATMs are useful and convenient during normal branch operations, but absolutely essential when bank branches are closed. Our goal is to make this level of service available to our Hapeville branch patrons.

In our view, bank drive thrus deliver a high level of service to the community without the drawbacks often associated with other drive thru lane usage. They provide valuable services to the community when no other such service can be delivered. Further, with any new drive thru construction, we are committed to doing all that is required to meet the City of Hapeville's high standards and further enhance this community. With these considerations in mind, we encourage the Commission to approve the zoning amendment at issue.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Earley", written over a circular stamp or seal.

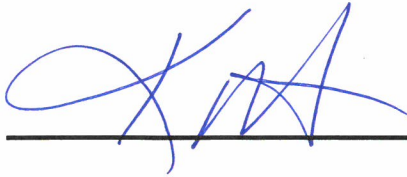
John Earley
Vice President
Corporate Real Estate & Properties Department

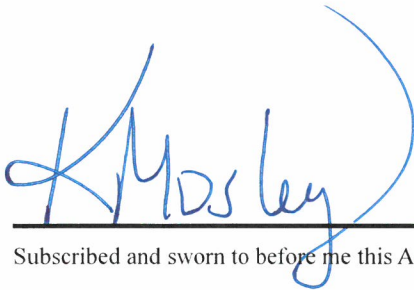
Post Office Box 11007
Birmingham, Alabama 35288

PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA
COUNTY OF FULTON

Before me, the undersigned, a Notary Public, this day personally came the undersigned who, being duly sworn, according to law, says she is an agent of ALM Media, LLC., publishers of the **Daily Report**, the official newspaper published in Atlanta, GA, in said county and state, and that the publication, of which the annexed is a true copy, was published in said newspaper as provided by law on the following dates: 08/02/2019.





Subscribed and sworn to before me this August 2, 2019



NOTICE

The City of Hapeville, Georgia will be considering an amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 28 (A-D Zone, Arts District Overlay) to amend Section 93-28-8 (Prohibited uses) on **August 20, 2019 at 6:00 p.m.** in the Municipal Court Complex located at 700 Doug Davis Drive, Hapeville, Georgia 30354.

#0000417054:8/02-1AS



Planning Commission Meeting

700 Doug Davis Drive
Hapeville, Georgia 30354

August 13, 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, Leah Davis, Lucy Dolan, Larry Martin, Charlotte Rentz and Cliff Thomas. City Planners Dr. Lynn Patterson and Michael Smith were present along with City Attorney Priya Patel and Secretary Adrienne Senter.

2. Minutes of July 9, 2019

Motion Item: Lucy Dolan made a motion, Cliff Thomas seconded to approve the minutes of July 9, 2019 subject to correction. Motion Carried: 5-0.

3. Presentation

Virginia Ave. Roundabout Study & Wayfinding Project Update by Mitchell Greenway

The City of Hapeville is undertaking a study that will examine the option for development of a roundabout at the Virginia Avenue/Doug Davis/Clay Place/Hamilton Avenue intersection. This project – *the Hapeville Wayfinding & Virginia Avenue Roundabout Study and Demonstration Project* – will build from the previous LCI Studies.

Mitchell Greenway of Stantec Consulting Services presented a project update and next steps. The next community meeting will be held on Thursday, August 15, 2019 at 6 p.m. and will be held at the Municipal Annex, 700 Doug Davis Drive in Hapeville.

- Public Comment – None.

4. New Business

a. 3429 Rainey Avenue

Site Plan Request

Andy Steele requested site plan approval to construct a second story addition and porch to an existing home at 3429 Rainey Avenue, Parcel Identification Number 14 012700030592. The property is zoned R-SF, Residential Single Family and is .1722 acres.

The current dwelling has an integrated carport extending into the northern side setback by two feet, making it a nonconforming use. The Applicant will need a variance from the Board of Appeals to alter or enlarge the dwelling in any way unless it is to bring the dwelling into conformance. Furthermore, an additional variance to allow additional construction within the north side setback.



Jeanne Rast had a question regarding the parking variance. Dr. Patterson explained that this issue will be reviewed at the Design Review Committee for consideration of a design exception.

The following deficiencies must be addressed:

1. The floor areas of the existing and proposed structures must be provided.
 2. The Applicant must provide the widths of the driveway, curb cuts, and the sidewalk.
 3. The Applicant must receive Board of Appeals approval for requested variances.
- Public Comment - none

MOTION ITEM: Larry Martin made a motion, Lucy Dolan seconded to approve the site plan request at 3429 Rainey Avenue subject to the following conditions:

1. The floor areas of the existing and proposed structures must be provided.
 2. The Applicant must provide the widths of the driveway, curb cuts, and the sidewalk.
 3. The Applicant must receive Board of Appeals approval for requested variances.
- Motion Carried: 5-0.

b. 876 Virginia Avenue

Special Exception Request

Mr. John Jordan of Walker and Walker, LLC and authorized representation of Philip Jones of Van Cole Investments, Inc. requested approval of a special exception to authorize the use of an existing drive-through at 876 Virginia Avenue, Parcel Identification number 14 009800010698. The property is zoned U-V, Urban Village and is 0.43 acres.

The applicant presented a traffic study conducted by Vern Wilburn of Maldino & Wilburn who addressed the Commission to discuss the findings of the traffic study. According to the report, there is not a significant difference between the total number of trips occurring at a non drive-through location versus a drive-through location. The applicant also presented a petition with 2000 signatures in support of the drive-through request.

Background and Summary– Planner’s Report:

The drive-through configuration was established prior to the extension renovation of the site. The drive-through is located on the east side of the structure, facing the adjacent property (Wendy’s) and away from the right-of-way along Oakridge Avenue. The Applicant has indicated there was a drive-through window with the same configuration previously utilized on the property by its prior occupants.

An application for the same special exception, a drive-through at 876 Virginia Avenue, was denied by Mayor and City Council on July 17, 2018. The definition provided in the



code for “restaurants” in U-V has changed since this special exception was last considered.

- **Public Comment**

Daniel Ray, 3468 Rainey Avenue, inquired regarding a provision to allow the request, but give it a timeline if there is an issue.

Melvin Traynum, 3550 Atlanta Avenue, suggested a right turn only exiting onto Virginia Avenue.

MOTION ITEM: Lucy Dolan made a motion, Leah Davis seconded to recommend the Mayor and Council grant the special exception at 876 Virginia Avenue subject to the following conditions:

1. The special exception for the drive-through will remain with Smoothie King and is not transferable.
2. A right turn only sign is placed at the Virginia Avenue exit.
3. The applicant must consult with City Staff to determine a long-lasting material to enhance the pedestrian walkway onto Virginia Avenue.

Motion Carried: 5-0.

c. 644 Coleman Street

Site Plan Request

Janice M. White requested site plan approval to construct a 4-bedroom, 3-bath single-family home at 644 Coleman Street, Parcel Identification Number 14 009900031503. The dwelling will have 1,944-sf of heated floor area and will provide off-street parking via a 15’ wide driveway along the west side of the house. The property is zoned R-SF, Residential Single Family and is .114 acres.

A revised site plan was submitted to address the deficiencies listed in the planner’s report. The Applicant must provide design cross sections for all new driveways and walkways.

- **Public Comment – None.**

MOTION ITEM: Jeanne Rast made a motion, Larry Martin seconded to approve the site plan request at 644 Coleman Street subject to the applicant providing design cross sections for all new driveways and walkways. **Motion Carried: 5-0**

d. 3384 North Fulton Avenue

Site Plan Request

Janice M. White requested site plan approval to construct a 3-bedroom, 2-bath single-family home at 3384 North Fulton Avenue, Parcel Identification Number 14 009500090115. The dwelling will have 1,528-sf of heated floor area and will provide off-



street parking via a 10' wide driveway along the south side of the house. The property is zoned R-SF, Residential Single Family and is .278 acres.

- Public Comment – None.

MOTION ITEM: Jeanne Rast made a motion, Lucy Dolan seconded to approve the site plan request at 3384 North Fulton Avenue subject to the applicant providing design cross sections for all new driveways and walkways. Motion Carried: 5-0.

e. Arts District Overlay Ordinance

Text Amendment

Consideration of a text amendment to Chapter 93 (Zoning), Article 28. A-D Zone (Arts District Overlay), Section 93-28-8 (Prohibited uses) to change the prohibited uses.

Background – Planner's Report:

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Michael Foster of BDG Architects provided details regarding the construction of the drive-through ATM and Regions Bank's support of the proposed text amendment.

- Public Comment – None.

MOTION ITEM: Lucy Dolan made a motion, Jeanne Rast seconded to recommend the Mayor and Council approve the A-D text amendment with a recommendation to add credit unions to the language. Motion Carried: 5-0.

f. Setback Definition

Text Amendment

Consideration of a text amendment to Chapter 93 (Zoning), Article 1 (Title, definitions, and application of regulations), Section 93-1-2 (Definitions) to change the definition of setback.

Background – Planner's Report:

The definition of "Setback" given in Sec. 93-1-2. – Definitions of the Hapeville Zoning Code is inconsistent with the standard accepted definition of a "setback" and with other portions of the City Code. The following text amendment would alter the definition

- Public Comment – None.



MOTION ITEM: Lucy Dolan made a motion, Jeanne Rast seconded to recommend the Mayor and Council approve the text amendment as proposed. Motion Carried: 5-0.

g. Home Occupation Ordinance

Text Amendment

Consideration of a text amendment to Chapter 93 (Zoning), Article 1 (Title, Definitions, and application of regulations), Section 93-1-3 to change the definition of home occupation.

- Public Comment

Daniel Ray, 3468 Rainey Avenue, asked staff to clarify the proposed amendment.

MOTION ITEM: Lucy Dolan made a motion, Larry Martin seconded to recommend the Mayor and Council approve the text amendment as proposed. Motion Carried: 5-0.

h. Reconsideration of Defeated Rezoning Proposals

Text Amendment

Consideration of a text amendment to Chapter 93 (Zoning), Article 25 (Amendments), Section 93-25-9 (Reconsideration of Defeated Actions) to require a six-month waiting period for reconsideration of defeated rezoning proposals.

- Public Comment – None.

MOTION ITEM: Larry Martin made a motion, Jeanne Rast seconded to recommend the Mayor and Council approve the text amendment as proposed. Motion Carried: 5-0.

5. Old Business

a. Residential Building Height Requirements

Chairman Wismer provided a summary regarding the ongoing discussion pertaining to residential building height requirements

Commissioner Martin discussed concerns regarding solar access and the reports that were provided at the last Commission meeting.

- Public Comment
Melvin Traynum, 3550 Atlanta Avenue, commented regarding solar panels and the city's heavy tree canopy.
Daniel Ray, 3468 Rainey Avenue, commented regarding the current building height requirements and he does not see a need to change the code.

After further discussion, the Commission did not support taking action to recommend the Mayor and Council amend the residential building height requirement.



6. Next Meeting Date – September 10, 2019 at 6:00PM

7. Adjourn

MOTION ITEM: Jeanne Rast made a motion, Lucy Dolan seconded to adjourn the meeting at 8:21 p.m.

Respectfully submitted by,

Chairman, Brian Wismer

Secretary, Adrienne Senter

TAX DIGEST FOR CITY OF HAPEVILLE 2019

Pursuant to the requirements of O.C.G.A. 48-5-32, the Mayor and Council of the City of Hapeville announce that the millage rate will be set October 1, 2019 at 6PM at the Hapeville Municipal Court, 700 Doug Davis Drive, Hapeville, GA 30354, and hereby publishes the following presentation of the current year's tax digest and levy along with the tax digest and levy for the past five years. The Mayor and Council will set the millage rate 16.11 and 1.0 for the Special District Tax.

	2014	2015	2016	2017	Updated 2018	Estimated 2019
Real & Personal	255,349,220	254,277,990	268,039,440	375,191,310	339,969,960.00	400,043,060.00
Public Utilities *	5,585,087	7,372,269	20,331,731	27,267,698	32,176,619.00	35,698,772.00
Motor Vehicles	7,102,350	5,237,390	4,025,640	2,902,570	2,066,900.00	1,584,490.00
Mobile Home						
Gross Digest	268,036,657	266,887,649	292,396,811	405,361,578	374,213,479.00	437,326,322.00
Less M&O Exemption	(8,292,600)	(51,320)	(7,225,550)	(7,222,990)	(7,627,470.00)	(7,801,270.00)
Net M&O Digest	259,744,057	266,836,329	285,171,261	398,138,588	366,586,009.00	429,525,052.00
Gross M&O Millage	21.11	21.11	22.39	20.88	20.85	21.12
Less Rollbacks	4.50	4.50	5.78	4.44	4.74	5.01
Net M&O Millage	16.61	16.61	16.61	16.44	16.11	16.11
Net Taxes Levied	6,545,606	4,418,803	4,953,569	6,545,398	5,905,700.60	6,919,648.59
Net Tax \$ Increase	1,592,037	112,451	534,766	1,591,829	(639,697.78)	1,013,947.98
Net Tax % Increase	32.14%	2.61%	12.10%	32.13%	-10.83%	14.65%
						Tim Young
*Proposed Millage and Levy						City Manager

* Note: In the PT32.1 - Computation Rollback sheet, Public Utilities from the Consolidation and Evaluation of Digest is included on the Personal line.

Municipality	Assessed Value	1 Mill	Relative to Hapeville **
--------------	----------------	--------	--------------------------

Sandy Springs	8,758,486,547.00	8,758,487	20.51
Roswell	6,022,103,827.00	6,022,104	14.10
Alpharetta	5,733,198,249.00	5,733,198	13.43
John's Creek	4,558,113,588.00	4,558,114	10.67
Milton	2,947,716,826.00	2,947,717	6.90
S Fulton	2,570,459,726.00	2,570,460	6.02
East Point	1,247,533,421.00	1,247,533	2.92
Union City	877,411,794.00	877,412	2.05
Fairburn	812,508,080.00	812,508	1.90
College Park	635,348,321.00	635,348	1.49
Hapeville	427,016,882.00	427,017	1.00
Chattahoochee Hills	189,029,014.00	189,029	0.44
Palmetto	119,255,328.00	119,255	0.28
Mountain Park	22,275,702.00	22,276	0.05

**** - Comparison of what 1 mill collects in each municipality relative to Hapeville**

A Sandy Springs mill collects \$20 for each Hapeville mill

Because of small size and high services, the City requires a higher millage ***RATE***.

Day of the Dead Parade

Untitled layer

1

Community Services Parking Lot

2

Westbound on N Central

3

Right turn to Arts Alley

4

Hapeville City Hall

5

Eastbound on Dogwood Dr

6

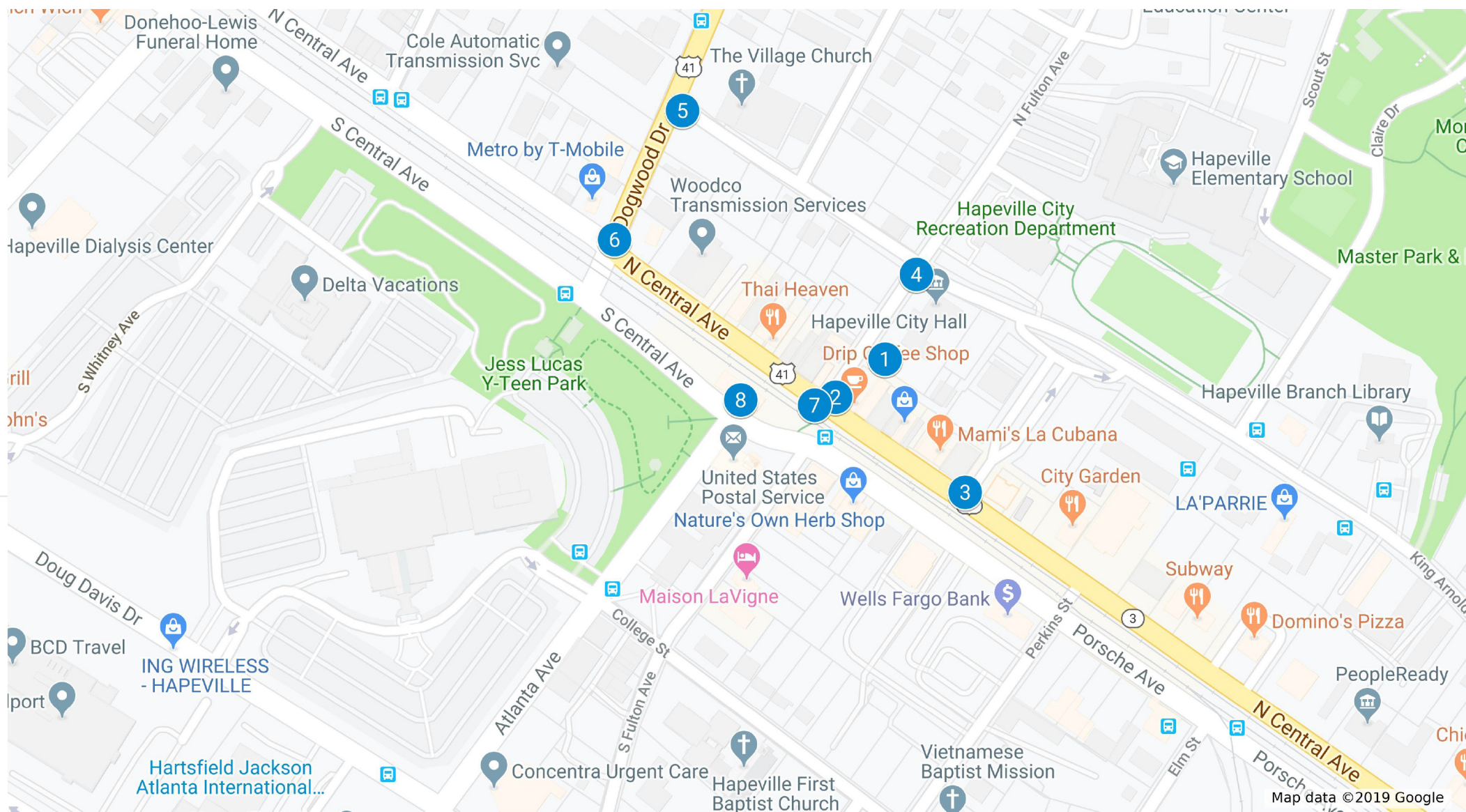
South on Dogwood Dr

7

Cross Walk to Depot Museum

8

Hapeville Depot Museum and Visitor Center



Day of the Dead Parade 2

Untitled layer

1

Community Services Parking Lot

2

Westbound on N Central

3

Right turn to Arts Alley

4

Hapeville City Hall

5

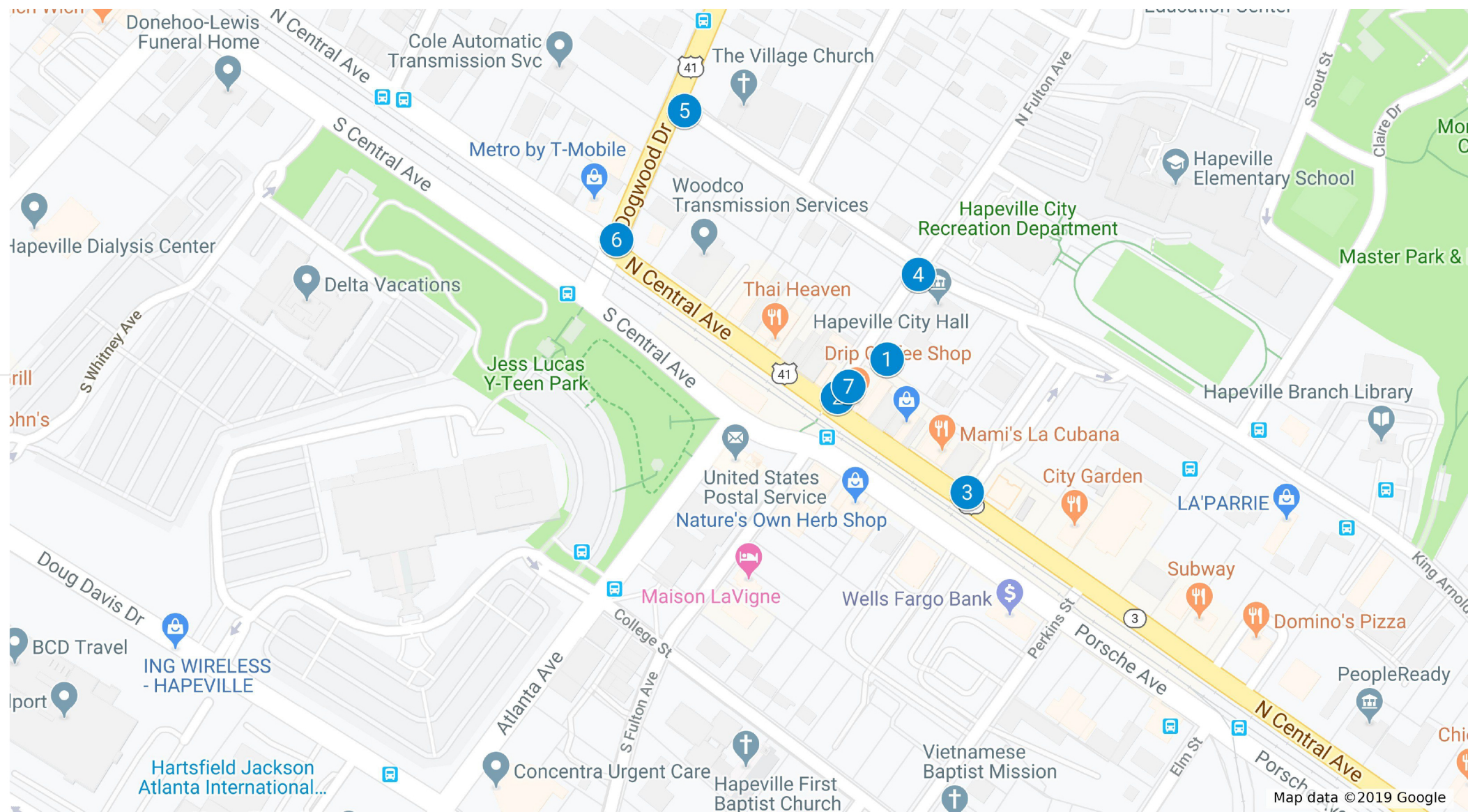
Eastbound on Dogwood Dr

6

South on Dogwood Dr

7

Community Services Lot



Hapeville Main Street Dia de los Muertos Celebration & Parade Saturday, November 2nd, 2019 4pm to 11pm Special Event Open Container District



Hapeville Main Street

Atlanta Celebrates Photography

Saturday, October 5th, 2019 4pm to 10pm

Special Event Open Container District





LocalMotion Festival of the Arts
Saturday, October 19th, 2019
8am to Midnight
Special Event Open Container District

AMENDMENT NO. 1

This Amendment No. 1 is entered into by and between **Fulton County, Georgia ("County")** and the City of Hapeville (hereinafter referred to as ("**the City**")).

WHEREAS, the City and County entered into an Intergovernmental Agreement for the Provision of Election Services with an effective date of _____ (hereinafter "Agreement"); and

WHEREAS, the parties desire to amend the payment provisions under the Agreement to waive certain fees and adjust the manner in which fees due from cities are to be determined.

NOW THEREFORE, the parties agree to the following:

ARTICLE 4 COMPENSATION AND CONSIDERATION

This Article has been amended to reflect the Fulton County Board of Commissioners' action of August 7, 2019. Hereby, Article 4 and Exhibit B of the existing agreement shall be amended as follows:

4.1 For City elections that are to be conducted contemporaneously with a countywide General, Special or Run-off election, pursuant to this Agreement and to action of the Board of Commissioners on August 7, 2019, the City will not be charged for the cost of said election.

4.2 For City elections that are not conducted contemporaneously with any countywide election, the City will pay based on a budget prepared in accordance with the form attached hereto as Exhibit B.

i) The amounts in Exhibit B will be calculated based on a charge of \$2.96 per voter for municipal general elections and special general elections, and a charge of \$2.46 per voter for any necessary municipal runoff elections and special runoff elections.

ii) Payment of estimated fees due to Fulton County is due upon execution of the agreement.

iii) Following the election, the final fees due to Fulton County will be determined.

iii) If, based on an actual registered voter count that is less than estimated, a refund is due to the City, said refund will issue within ninety (90) days after the election.

iv) If, based on an actual registered voter count that is higher than estimated, the City owes the County an additional amount for the election, the County will issue an invoice for that amount which is due and payable within thirty (30) days of receipt.

4.3 Failure to timely remit the funds owed will result in a 10% per month penalty.

4.4 For entities that forwarded fees to Fulton County prior to August 7, 2019, refunds from Fulton County pursuant to the revised Exhibit B will be forwarded within 30 days of the execution of this agreement.

IN WITNESS WHEREOF, City and County have executed this Agreement through their duly authorized officers on the day and year first above written.

FULTON COUNTY, GEORGIA:

(Seal)

Robert L. Pitts, Chairman
Fulton County Board of Commissioners

Attest: _____
Jesse A. Harris
Fulton County Clerk to Commission

Date: _____

APPROVED AS TO FORM:

Fulton County Attorney's Office

APPROVED AS TO SUBSTANCE:

Richard Barron, Director
Fulton County Department of
Registration and Elections

CITY COUNCIL

By: _____
Chair, City Council

Attest: _____

APPROVED AS TO FORM:

City Attorney

**ELECTION FEES ESTIMATE
CITY OF HAPEVILLE
EXHIBIT B**

ELECTION	November 5, 2019 Municipal Election	December 3, 2019 Runoff
DISTRICT	All of Hapeville	NO RUNOFF
NUMBER OF ACTIVE REG VOTERS (as of August 19, 2019)	3387	
COST PER VOTER	\$ 2.96	
TOTAL	\$ 10,025.52	

**PRORATION OF ELECTION FEES ESTIMATE
CITY OF HAPEVILLE
EXHIBIT B**

ELECTION	November 5, 2019 Municipal Election	December 3, 2019 Runoff
DISTRICT	All of Hapeville	NO RUNOFF
NUMBER OF ACTIVE REG VOTERS (June 2019)	3325	
DISTRIB%	1.0%	
OVERTIME - 1001	\$ 728	
TEMP SAL - 1160	\$ 3,647	
Early Voting - 1160	\$ 1,657	
SS-SALARIES - 1010	\$ 45	
SS - MEDICARE - 1011	\$ 11	
UNEMP INS - 1060	\$ 1	
RENTAL EQUIP - 1120	\$ 223	
RENTAL BLDGS - 1121	\$ -	
POLL WORKERS PERS - 1159	\$ 2,071	
STIPEND - 1169	\$ 14	
HOSP - 1307	\$ 38	
ADV- 1342	\$ 156	
MILEAGE - 1346	\$ 5	
VEH SUPPLIES - 1452	\$ 36	
POSTAGE - 1456	\$ 156	
PRINTING - 1459	\$ 364	
PHOTO COPIES - 1461	\$ 16	
OFFICE SUPPLIES/BALLOTS - 1462	\$ 518	
STOCK PAPER - 1475	\$ 10	
INS (HEALTH) - 1501	\$ 79	
INS (LIFE) - 1505	\$ 4	
INS (DENTAL) - 1510	\$ 9	
INS (VISION) - 1512	\$ 1	
RETIRE MATCH - 1522	\$ 22	
SECURITY 1174	\$ 104	
DC-CNTR-EPLR - 1527	\$ 29	
DC-CNTR-2% - 1529	\$ 7	
SUBTOTAL	\$ 9,951	
10% ADMIN FEE	\$ 995	
TOTAL	\$ 10,946	
GRAND TOTAL FOR BOTH ELECTIONS	\$ 10,946	



TO **City of Hapeville
City Clerk's Office
3468 North Fulton Avenue
Hapeville, GA 30354
404-669-2103
Attn: Ms. C. Griggs-Epps**

Item	Description	Total
1	Advance to Conduct General Municipal Election November 5, 2019	\$9,951.00
2	10% Administrative Fee	\$ 995.00
	TOTAL DUE	\$10,946.00

Make Check Payable to: "FULTON COUNTY DIRECTOR OF FINANCE"

**AMENDMENT TO CONTRACT FOR SOLID WASTE COLLECTION SERVICE
AND RECYCLING PROGRAM**

This Amendment to Contract for Solid Waste Collection Service and Recycling Program is made and entered into as of the ___ day of September, 2019, by and between the City of Hapeville, Georgia, by and through its city council (the “City”) and Republic Services of GA d/b/a BFI Waste Services, LLC (“BFI”).

Whereas, the City and BFI entered into the Contract for Solid Waste Collection Service and Recycling Program dated October 1, 2005 (the “Agreement”)

Whereas, the City and BFI last amended the Contract for Solid Waste Collection Service and Recycling Program dated May 6, 2014 (the “Agreement”)

Whereas, this amendment will not include a franchise fee and will include a fee increase of \$1.50 per ton for state and local fee increases.

Now, Therefore, in consideration of the premises and other good and valuable consideration the receipt of which is hereby acknowledged, the City and BFI hereby agree as follows:

1) **Term**. The contract and previous Addenda shall be extended for a term commencing on October 1, 2019 and ending September 30, 2020

2) **FEE Schedule Exhibit A**

3) **No other amendments**. Except as specifically amended hereby, all other provisions of the Agreement remain in full force and effect.

[The rest of this page is intentionally left blank.]

[The next page is the signature page.]

IN WITNESS WHEREOF, the parties hereto have executed and delivered this Amendment to the Agreement as of the ____ day of _____, 2019.

BFI WASTE SERVICES, LLC

By: _____

Name: _____

Title: _____

Attest:

By: _____

CITY OF HAPEVILLE, GEORGIA

By: _____

Name: _____

Title: Alan Hallman, Mayor

Attest:

By: _____

Tim Young, City Manager

Approved as to form:

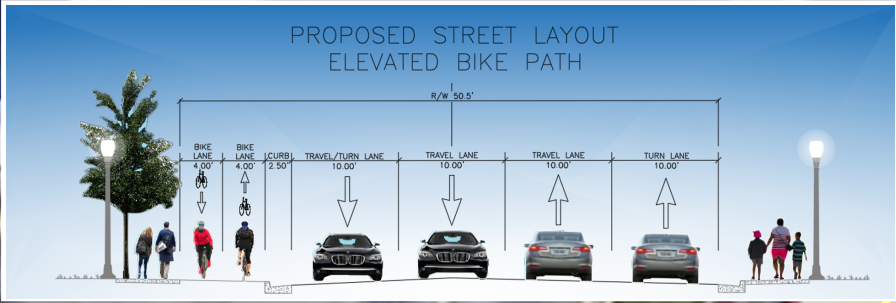
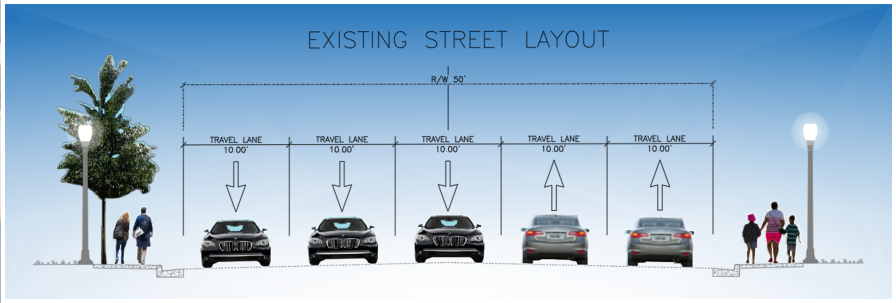
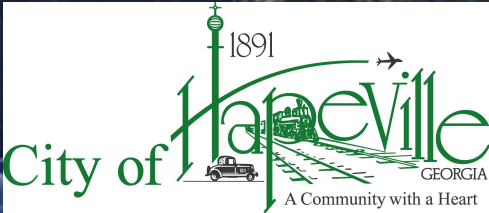
By: _____

Priya Patel, City Attorney

Exhibit A - Fee Schedule October 1st, 2019									
Trash Service 2 yard containers	1x	2x	3x	4x	5x	6x			
	\$ 42.63	\$ 85.26	\$ 127.89	\$ 170.52	\$ 213.15	\$ 255.78			
	Current								
4 yard containers	1x	2x	3x	4x	5x	6x			
	\$ 0.43	\$ 0.87	\$ 1.30	\$ 1.73	\$ 2.17	\$ 2.60			
	LF Tax								
6 yard containers	1x	2x	3x	4x	5x	6x			
	\$ 43.06	\$ 86.13	\$ 129.19	\$ 172.25	\$ 215.32	\$ 258.38			
	New Rate								
8 yard containers	1x	2x	3x	4x	5x	6x			
	\$ 53.29	\$ 106.58	\$ 159.86	\$ 213.15	\$ 266.43	\$ 319.74			
	Current								
Single Stream 6 Yard Container	1x	2x							
	\$ 0.87	\$ 1.73	\$ 2.60	\$ 3.46	\$ 4.33	\$ 5.20			
	LF Tax								
8 Yard Container	1x	2x							
	\$ 54.16	\$ 108.31	\$ 162.46	\$ 216.61	\$ 270.76	\$ 324.94			
	New Rate								
Other Charges Delivery Fee	1x	2x							
	\$ 73.50	\$ 149.21	\$ 223.81	\$ 298.41	\$ 373.01	\$ 447.62			
	Current								
Extra PU - 2 yard	1x	2x							
	\$ 1.30	\$ 2.60	\$ 3.90	\$ 5.20	\$ 6.50	\$ 7.79			
	LF Tax								
Extra PU - 4 yard	1x	2x							
	\$ 74.80	\$ 151.81	\$ 227.71	\$ 303.61	\$ 379.51	\$ 455.41			
	New Rate								
Extra PU - 6 yard	1x	2x							
	\$ 95.92	\$ 191.84	\$ 287.75	\$ 383.67	\$ 479.59	\$ 575.51			
	Current								
Extra PU - 8 yard	1x	2x							
	\$ 1.73	\$ 3.46	\$ 5.20	\$ 6.93	\$ 8.66	\$ 10.39			
	LF Tax								
Recycling OCC 8 Yard Occ Container	1x	2x							
	\$ 97.65	\$ 195.30	\$ 292.95	\$ 390.60	\$ 488.25	\$ 585.90			
	New Rate								

<u>Trash Service</u> 2 yard containers	Current	1x	2x	3x	4x	5x	6x	<u>Recycling OCC</u> 8 Yard Occ Container	Current	1x	2x								
		\$	42.63	\$	85.26	\$	127.89		\$	170.52	\$	213.15	\$	255.78	\$	65.00	\$	130.00	
	LF Tax	\$	0.43	\$	0.87	\$	1.30		\$	1.73	\$	2.17	\$	2.60	New Rate	\$	65.00	\$	130.00
4 yard containers	Current	\$	53.29	\$	106.58	\$	159.86	\$	213.15	\$	266.43	\$	319.74	<u>Single Stream</u> 6 Yard Container	Current	1x	2x		
	LF Tax	\$	0.87	\$	1.73	\$	2.60	\$	3.46	\$	4.33	\$	5.20		\$	48.08	\$	78.33	
	New Rate	\$	54.16	\$	108.31	\$	162.46	\$	216.61	\$	270.76	\$	324.94		New Rate	\$	48.08	\$	78.33
6 yard containers	Current	\$	73.50	\$	149.21	\$	223.81	\$	298.41	\$	373.01	\$	447.62	8 Yard Container	Current	\$	52.08	\$	82.80
	LF Tax	\$	1.30	\$	2.60	\$	3.90	\$	5.20	\$	6.50	\$	7.79		New Rate	\$	52.08	\$	82.80
	New Rate	\$	74.80	\$	151.81	\$	227.71	\$	303.61	\$	379.51	\$	455.41		New Rate	\$	52.08	\$	82.80
8 yard containers	Current	\$	95.92	\$	191.84	\$	287.75	\$	383.67	\$	479.59	\$	575.51	<u>Other Charges</u> Delivery Fee		\$	50.00		
	LF Tax	\$	1.73	\$	3.46	\$	5.20	\$	6.93	\$	8.66	\$	10.39		Extra PU - 2 yard	\$	43.06		
	New Rate	\$	97.65	\$	195.30	\$	292.95	\$	390.60	\$	488.25	\$	585.90		Extra PU - 4 yard	\$	54.16		
													Extra PU - 6 yard	\$	74.90				
													Extra PU - 8 yard	\$	97.65				

DOUG DAVIS DRIVE - SEPARATED MULTI-USE PATH CONCEPT LAYOUT



BID TABULATION
DOUG DAVIS DRIVE BICYCLE PATH FROM VIRGINIA AVENUE TO ATLANTA AVENUE
CITY OF HAPEVILLE, GA

RECEIVED BY: CITY OF HAPEVILLE, GEORGIA
 AT HAPEVILLE CITY HALL
 2:00 P.M., LOCAL TIME, AUGUST 20, 2019

					BIDDER NO. 1 Excellere Construction, LLC 4343 Shallowford Road, Ste B6B Marietta, GA 30062		BIDDER NO. 2 Construction 57, Inc. 809 Park North Boulevard Clarkston, GA 30021	
ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT		UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
150-1000	TRAFFIC CONTROL	1	LS		\$16,601.66	\$16,601.66	\$25,000.00	\$25,000.00
210-0100	GRADING COMPLETE	1	LS		\$74,181.00	\$74,181.00	\$60,000.00	\$60,000.00
163-0550	CONSTRUCT AND REMOVE INLET SEDIMENT TRAP	1	EA		\$146.35	\$146.35	\$120.00	\$120.00
165-0030	MAINTENANCE OF TEMPORARY SILT FENCE, TP C	100	LF		\$0.01	\$1.00	\$1.00	\$100.00
163-0232	TEMPORARY GRASSING	0.15	AC		\$0.01	\$0.00	\$485.00	\$72.75
163-0240	MULCH	5	TN		\$0.01	\$0.05	\$350.00	\$1,750.00
165-0105	MAINTENANCE OF INLET SEDIMENT TRAP	1	EA		\$0.01	\$0.01	\$20.00	\$20.00
171-0030	TEMPORARY SILT FENCE, TYPE C	200	LF		\$2.63	\$526.00	\$3.75	\$750.00
310-1101	GR AGGR BASE CRS, INCL MATL	120	TN		\$38.89	\$4,666.80	\$30.00	\$3,600.00
402-1802	RECYCLED ASPH CONC PATCHING, INCL BITUM MATL & H LIME	30	TN		\$270.00	\$8,100.00	\$220.00	\$6,600.00
402-1812	RECYCLED ASPH CONC LEVELING, INCL BITUM MATL & H LIME	10	TN		\$153.60	\$1,536.00	\$145.00	\$1,450.00
402-3130	RECYCLED ASPH CONC 12.5 MM SUPERPAVE, GP 2 ONLY, INCL BITUM MATL & H LIME	780	TN		\$153.60	\$119,808.00	\$145.00	\$113,100.00
402-3190	RECYCLED ASPH CONC 19 MM SUPERPAVE, GP 1 OR 2, INCL BITUM MATL & H LIME	15	TN		\$240.00	\$3,600.00	\$145.00	\$2,175.00
413-0750	TACK COAT	490	GL		\$5.00	\$2,450.00	\$8.50	\$4,165.00
432-0206	MILL ASPH CONC PVMT, 1 1/2 IN DEPTH	9,100	SY		\$4.09	\$37,219.00	\$6.50	\$59,150.00
441-0018	DRIVEWAY CONCRETE, 8 IN TK	70	SY		\$116.66	\$8,166.20	\$65.00	\$4,550.00
441-0104	CONC SIDEWALK, 4 IN	250	SY		\$59.70	\$14,925.00	\$33.00	\$8,250.00
441-0108	CONC SIDEWALK, 8 IN	140	SY		\$88.31	\$12,363.40	\$65.00	\$9,100.00
441-4030	CONC VALLEY GUTTER, 8 IN	20	SY		\$116.66	\$2,333.20	\$65.00	\$1,300.00
441-6216	CONC CURB & GUTTER, 8 IN X 24 IN, TP 2	40	LF		\$29.17	\$1,166.80	\$15.00	\$600.00
441-6222	CONC CURB & GUTTER, 8 IN X 30 IN, TP 2	540	LF		\$29.17	\$15,751.80	\$18.00	\$9,720.00
446-1100	PVMT REINF FABRIC STRIPS, TP 2, 18 INCH WIDTH	50	LF		\$2.00	\$100.00	\$15.00	\$750.00
500-9999	CLASS B CONC, BASE OR PVMT WIDENING	4	CY		\$276.12	\$1,104.48	\$250.00	\$1,000.00
611-3030	RECONSTR STORM SEW MANHOLE, TYPE 1	1	EA		\$1,566.44	\$1,566.44	\$2,500.00	\$2,500.00
636-1033	HIGHWAY SIGNS, TP 1 MATL, REFL SHEETING, TP 9	64	SF		\$36.37	\$2,327.68	\$40.00	\$2,560.00
636-2070	GALV STEEL POSTS, TP 7	190	LF		\$19.00	\$3,610.00	\$20.00	\$3,800.00
636-4104	PLASTIC FLEXIBLE DELINEATOR, TP 2B	116	EA		\$71.52	\$8,296.32	\$125.00	\$14,500.00
652-0105	PAINT PAVEMENT MARKING, BIKE AND ARROW SYMBOL (COLORIZED GREEN BACKGROUND)	12	EA		\$1,375.00	\$16,500.00	\$200.00	\$2,400.00
652-0110	PAVEMENT MARKING, ARROW, TP 1 (PAINT)	2	EA		\$62.12	\$124.24	\$50.00	\$100.00
652-5452	SOLID TRAFFIC STRIPE, 5 IN, YELLOW (PAINT)	260	LF		\$1.38	\$358.80	\$1.00	\$260.00
653-0120	THERMOPLASTIC PVMT MARKING, ARROW, TP 2	9	EA		\$144.94	\$1,304.46	\$120.00	\$1,080.00
653-0130	THERMOPLASTIC PVMT MARKING, ARROW, TP 3	4	EA		\$241.57	\$966.28	\$200.00	\$800.00
653-1501	THERMOPLASTIC SOLID TRAF STRIPE, 5 IN, WHITE	3,100	LF		\$0.60	\$1,860.00	\$1.50	\$4,650.00
653-1502	THERMOPLASTIC SOLID TRAF STRIPE, 5 IN, YELLOW	3,930	LF		\$0.60	\$2,358.00	\$1.50	\$5,895.00
653-1704	THERMOPLASTIC SOLID TRAF STRIPE, 24 IN, WHITE	80	LF		\$6.90	\$552.00	\$7.00	\$560.00
653-1804	THERMOPLASTIC SOLID TRAF STRIPE, 8 IN, WHITE	1,000	LF		\$2.35	\$2,350.00	\$3.50	\$3,500.00
653-3501	THERMOPLASTIC SKIP TRAF STRIPE, 5 IN, WHITE	710	GLF		\$0.76	\$539.60	\$1.50	\$1,065.00
653-3502	THERMOPLASTIC SKIP TRAF STRIPE, 5 IN, YELLOW	250	GLF		\$0.76	\$190.00	\$1.50	\$375.00
653-6004	THERMOPLASTIC TRAF STRIPING, WHITE	1,271	SY		\$6.90	\$8,769.90	\$14.00	\$17,794.00

BID TABULATION
DOUG DAVIS DRIVE BICYCLE PATH FROM VIRGINIA AVENUE TO ATLANTA AVENUE
CITY OF HAPEVILLE, GA

RECEIVED BY: CITY OF HAPEVILLE, GEORGIA
 AT HAPEVILLE CITY HALL
 2:00 P.M., LOCAL TIME, AUGUST 20, 2019

					BIDDER NO. 1 Excellere Construction, LLC 4343 Shallowford Road, Ste B6B Marietta, GA 30062		BIDDER NO. 2 Construction 57, Inc. 809 Park North Boulevard Clarkston, GA 30021	
ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT		UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
653-6006	THERMOPLASTIC TRAF STRIPING, YELLOW	100	SY		\$6.90	\$690.00	\$14.00	\$1,400.00
654-1001	RAISED PVMT MARKERS TP 1	85	EA		\$6.90	\$586.50	\$12.00	\$1,020.00
654-1003	RAISED PVMT MARKERS TP 3	21	EA		\$6.90	\$144.90	\$12.00	\$252.00
657-1084	PREFORMED PLASTIC SOLID PVMT MKG, 8 IN, WHITE, TP PB	160	LF		\$11.04	\$1,766.40	\$20.00	\$3,200.00
659-5000	HOT APPLIED PREFORMED PLASTIC PVMT MARKINGS (BIKE SYMBOL)	8	EA		\$628.07	\$5,024.56	\$850.00	\$6,800.00
659-5000	HOT APPLIED PREFORMED PLASTIC PVMT MARKINGS (ARROW)	65	EA		\$103.53	\$6,729.45	\$175.00	\$11,375.00
659-7030	HOT APPLIED PREFORMED PLASTIC PVMT MKG, COLORIZED BIKE LANE (GREEN BACKGROUND)	14	EA		\$1,449.40	\$20,291.60	\$2,400.00	\$33,600.00
668-2100	DROP INLET, GP 1	1	EA		\$2,985.05	\$2,985.05	\$2,500.00	\$2,500.00
700-7000	AGRICULTURAL LIME	1	TN		\$0.01	\$0.01	\$500.00	\$500.00
700-8000	FERTILIZER MIXED GRADE	1	TN		\$0.01	\$0.01	\$500.00	\$500.00
700-8100	FERTILIZER NITROGEN CONTENT	10	LB		\$0.01	\$0.10	\$1.50	\$15.00
700-9300	SOD	65	SY		\$16.55	\$1,075.75	\$11.00	\$715.00
900-0039	BRICK PAVERS	290	SF		\$31.88	\$9,245.20	\$15.00	\$4,350.00
999-9999	PRESSURE WASH EXISTING PAVEMENT	860	SY		\$4.00	\$3,440.00	\$5.00	\$4,300.00
TOTAL BID AMOUNT						\$428,400.00		\$445,688.75
BID BOND						5%		5%
NOTE REFERENCE						(1)		(1)
LICENSE NUMBER						GCCO004851		UC302253

BID TABULATION
DOUG DAVIS DRIVE BICYCLE PATH FROM VIRGINIA AVENUE TO ATLANTA AVENUE
CITY OF HAPEVILLE, GA

RECEIVED BY: CITY OF HAPEVILLE, GEORGIA
 AT HAPEVILLE CITY HALL
 2:00 P.M., LOCAL TIME, AUGUST 20, 2019

					BIDDER NO. 3 SD&C, Inc. 4473 Covington Highway Decatur, GA 30035		BIDDER NO. 4 Tri Scapes, Inc. 1595 Peachtree Parkway Ste 204-396 Cumming, GA 30041	
ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT		UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
150-1000	TRAFFIC CONTROL	1	LS		\$40,000.00	\$40,000.00	\$66,000.00	\$66,000.00
210-0100	GRADING COMPLETE	1	LS		\$50,000.00	\$50,000.00	\$373,618.20	\$373,618.20
163-0550	CONSTRUCT AND REMOVE INLET SEDIMENT TRAP	1	EA		\$500.00	\$500.00	\$360.00	\$360.00
165-0030	MAINTENANCE OF TEMPORARY SILT FENCE, TP C	100	LF		\$3.50	\$350.00	\$2.40	\$240.00
163-0232	TEMPORARY GRASSING	0.15	AC		\$2,500.00	\$375.00	\$3,000.00	\$450.00
163-0240	MULCH	5	TN		\$750.00	\$3,750.00	\$594.00	\$2,970.00
165-0105	MAINTENANCE OF INLET SEDIMENT TRAP	1	EA		\$180.00	\$180.00	\$150.00	\$150.00
171-0030	TEMPORARY SILT FENCE, TYPE C	200	LF		\$5.50	\$1,100.00	\$6.00	\$1,200.00
310-1101	GR AGGR BASE CRS, INCL MATL	120	TN		\$30.00	\$3,600.00	\$35.99	\$4,318.80
402-1802	RECYCLED ASPH CONC PATCHING, INCL BITUM MATL & H LIME	30	TN		\$288.00	\$8,640.00	\$180.00	\$5,400.00
402-1812	RECYCLED ASPH CONC LEVELING, INCL BITUM MATL & H LIME	10	TN		\$156.00	\$1,560.00	\$136.80	\$1,368.00
402-3130	RECYCLED ASPH CONC 12.5 MM SUPERPAVE, GP 2 ONLY, INCL BITUM MATL & H LIME	780	TN		\$148.00	\$115,440.00	\$136.80	\$106,704.00
402-3190	RECYCLED ASPH CONC 19 MM SUPERPAVE, GP 1 OR 2, INCL BITUM MATL & H LIME	15	TN		\$179.00	\$2,685.00	\$124.80	\$1,872.00
413-0750	TACK COAT	490	GL		\$6.00	\$2,940.00	\$6.30	\$3,087.00
432-0206	MILL ASPH CONC PVMT, 1 1/2 IN DEPTH	9,100	SY		\$5.25	\$47,775.00	\$4.76	\$43,316.00
441-0018	DRIVEWAY CONCRETE, 8 IN TK	70	SY		\$75.00	\$5,250.00	\$90.32	\$6,322.40
441-0104	CONC SIDEWALK, 4 IN	250	SY		\$55.00	\$13,750.00	\$45.17	\$11,292.50
441-0108	CONC SIDEWALK, 8 IN	140	SY		\$75.00	\$10,500.00	\$90.32	\$12,644.80
441-4030	CONC VALLEY GUTTER, 8 IN	20	SY		\$75.00	\$1,500.00	\$56.87	\$1,137.40
441-6216	CONC CURB & GUTTER, 8 IN X 24 IN, TP 2	40	LF		\$25.00	\$1,000.00	\$27.92	\$1,116.80
441-6222	CONC CURB & GUTTER, 8 IN X 30 IN, TP 2	540	LF		\$25.00	\$13,500.00	\$19.38	\$10,465.20
446-1100	PVMT REINF FABRIC STRIPS, TP 2, 18 INCH WIDTH	50	LF		\$23.00	\$1,150.00	\$12.00	\$600.00
500-9999	CLASS B CONC, BASE OR PVMT WIDENING	4	CY		\$300.00	\$1,200.00	\$409.50	\$1,638.00
611-3030	RECONSTR STORM SEW MANHOLE, TYPE 1	1	EA		\$3,000.00	\$3,000.00	\$3,345.00	\$3,345.00
636-1033	HIGHWAY SIGNS, TP 1 MATL, REFL SHEETING, TP 9	64	SF		\$34.50	\$2,208.00	\$36.00	\$2,304.00
636-2070	GALV STEEL POSTS, TP 7	190	LF		\$23.60	\$4,484.00	\$16.80	\$3,192.00
636-4104	PLASTIC FLEXIBLE DELINEATOR, TP 2B	116	EA		\$214.50	\$24,882.00	\$123.06	\$14,274.96
652-0105	PAINT PAVEMENT MARKING, BIKE AND ARROW SYMBOL (COLORIZED GREEN BACKGROUND)	12	EA		\$690.00	\$8,280.00	\$180.00	\$2,160.00
652-0110	PAVEMENT MARKING, ARROW, TP 1 (PAINT)	2	EA		\$61.00	\$122.00	\$42.00	\$84.00
652-5452	SOLID TRAFFIC STRIPE, 5 IN, YELLOW (PAINT)	260	LF		\$0.50	\$130.00	\$0.60	\$156.00
653-0120	THERMOPLASTIC PVMT MARKING, ARROW, TP 2	9	EA		\$98.00	\$882.00	\$96.00	\$864.00
653-0130	THERMOPLASTIC PVMT MARKING, ARROW, TP 3	4	EA		\$148.50	\$594.00	\$192.00	\$768.00
653-1501	THERMOPLASTIC SOLID TRAF STRIPE, 5 IN, WHITE	3,100	LF		\$1.30	\$4,030.00	\$1.14	\$3,534.00
653-1502	THERMOPLASTIC SOLID TRAF STRIPE, 5 IN, YELLOW	3,930	LF		\$1.30	\$5,109.00	\$1.14	\$4,480.20
653-1704	THERMOPLASTIC SOLID TRAF STRIPE, 24 IN, WHITE	80	LF		\$6.25	\$500.00	\$5.40	\$432.00
653-1804	THERMOPLASTIC SOLID TRAF STRIPE, 8 IN, WHITE	1,000	LF		\$3.25	\$3,250.00	\$2.58	\$2,580.00
653-3501	THERMOPLASTIC SKIP TRAF STRIPE, 5 IN, WHITE	710	GLF		\$1.10	\$781.00	\$1.08	\$766.80
653-3502	THERMOPLASTIC SKIP TRAF STRIPE, 5 IN, YELLOW	250	GLF		\$1.10	\$275.00	\$1.08	\$270.00
653-6004	THERMOPLASTIC TRAF STRIPING, WHITE	1,271	SY		\$11.50	\$14,616.50	\$10.80	\$13,726.80

BID TABULATION
DOUG DAVIS DRIVE BICYCLE PATH FROM VIRGINIA AVENUE TO ATLANTA AVENUE
CITY OF HAPEVILLE, GA

RECEIVED BY: CITY OF HAPEVILLE, GEORGIA
 AT HAPEVILLE CITY HALL
 2:00 P.M., LOCAL TIME, AUGUST 20, 2019

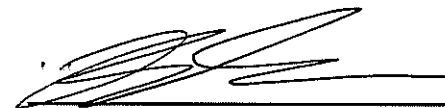
				BIDDER NO. 3 SD&C, Inc. 4473 Covington Highway Decatur, GA 30035		BIDDER NO. 4 Tri Scapes, Inc. 1595 Peachtree Parkway Ste 204-396 Cumming, GA 30041	
ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
653-6006	THERMOPLASTIC TRAF STRIPING, YELLOW	100	SY	\$10.50	\$1,050.00	\$10.80	\$1,080.00
654-1001	RAISED PVMT MARKERS TP 1	85	EA	\$8.00	\$680.00	\$9.60	\$816.00
654-1003	RAISED PVMT MARKERS TP 3	21	EA	\$8.00	\$168.00	\$9.60	\$201.60
657-1084	PREFORMED PLASTIC SOLID PVMT MKG, 8 IN, WHITE, TP PB	160	LF	\$18.50	\$2,960.00	\$15.30	\$2,448.00
659-5000	HOT APPLIED PREFORMED PLASTIC PVMT MARKINGS (BIKE SYMBOL)	8	EA	\$575.00	\$4,600.00	\$822.00	\$6,576.00
659-5000	HOT APPLIED PREFORMED PLASTIC PVMT MARKINGS (ARROW)	65	EA	\$201.25	\$13,081.25	\$150.00	\$9,750.00
659-7030	HOT APPLIED PREFORMED PLASTIC PVMT MKG, COLORIZED BIKE LANE (GREEN BACKGROUND)	14	EA	\$2,128.00	\$29,792.00	\$2,496.00	\$34,944.00
668-2100	DROP INLET, GP 1	1	EA	\$3,000.00	\$3,000.00	\$3,045.00	\$3,045.00
700-7000	AGRICULTURAL LIME	1	TN	\$180.00	\$180.00	\$360.00	\$360.00
700-8000	FERTILIZER MIXED GRADE	1	TN	\$1,074.00	\$1,074.00	\$630.00	\$630.00
700-8100	FERTILIZER NITROGEN CONTENT	10	LB	\$12.00	\$120.00	\$6.00	\$60.00
700-9300	SOD	65	SY	\$20.00	\$1,300.00	\$16.73	\$1,087.45
900-0039	BRICK PAVERS	290	SF	\$28.00	\$8,120.00	\$21.57	\$6,255.30
999-9999	PRESSURE WASH EXISTING PAVEMENT	860	SY	\$5.00	\$4,300.00	\$3.60	\$3,096.00
TOTAL BID AMOUNT				\$470,313.75 *		\$779,558.21	
BID BOND				5%		5%	
NOTE REFERENCE				(1) (2)		(1)	
LICENSE NUMBER				RLC0002041		GCCO003381	

NOTES:

* DENOTES CORRECTED VALUE

- (1) SURETY COMPANY LISTED ON U. S. TREASURY CIRCULAR 570 (7/1/19).
 (2) BIDDER DID NOT SUBMIT PAGE 10 OF THE BID FORM (SYSTEMATIC ALIEN VERIFICATION AFFIDAVIT).

THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT TABULATION OF BIDS RECEIVED AT THE TIME AND PLACE STATED ABOVE. BIDS WERE SEALED WHEN RECEIVED AND OPENED AND READ ALOUD IN THE PRESENCE OF THE OWNER'S REPRESENTATIVE.


 KECK & WOOD, INC.

8/26/2019
 DATE



GRINDLINE
SKATEPARKS

NAME OF PROPOSING FIRM: Grindline Skateparks, Inc.

MAILING ADDRESS OF PROPOSING FIRM: 4619 14th Ave SW

CITY: Seattle STATE: Washington ZIP+4: 98106

TELEPHONE: 206-932-6414 EMAIL: inform@grindline.com

FEE AMOUNT PROPOSED:

DESIGN/BUILD CONTRACTOR SERVICES Tom E. Morris Sports Complex Skate Park	<u>Amount</u>
Design	\$24,450.00
Site Work/Demolition	\$24,000.00
Skate Park Construction	\$101,550.00
Total	\$150,000.00

SIGNATURE OF AUTHORIZED REPRESENTATIVE OF RESPONDING FIRM:

X 

DATE: 9/9/18

TYPED/PRINTED NAME OF AUTHORIZED REPRESENTATIVE OF RESPONDING FIRM

Micah Shapiro, Chief Executive Officer



Tom E. Morris Sports Complex Skate Park– Schedule of Values

Item	Unit Price	Total
General Requirements		
Field Survey and Geotech		\$8,000.00
Design		\$16,450.00
Temporary Facilities & Controls		\$3,000.00
Field Engineering		\$4,500.00
Grading		\$9,000.00
Clean Up		\$7,750.00
Construction Waste Management		\$6,000.00
Concrete		
3,000 sq ft of cast in place skatepark		\$86,300.00
Metals		
Railings		\$7,500.00
Fencing		\$1,500.00

The numbers above are based on design and construction of a 3,000 sq ft skate facility that meets the City's \$150,000 budget. We have the following suggestions to value engineer the project to increase the size of the project and would explore other possibilities working with City Staff

- Coordinate design meeting with Grindline's other work in Atlanta
- Reduce Community Meetings from 2 to 1
- Complete demo of existing site with City forces
- Explore re-use of portions of existing slab

Model PRS-Participant Agreement

AGREEMENT FOR PROPERTY DAMAGE (THIRD PARTY RESPONSIBLE) RECOVERY SERVICES [PRS Agreement Number 19-1028]

This Agreement for Property Damage (Third Party Responsible) Recovery Services (“Agreement”) is made and entered into by and between Peachtree Recovery Services, Inc., (“Product or Service Provider” or “PRS”) and the City of Hapeville (“CLIENT”) and is effective on the date signed by both of them (the “Effective Date”).

RECITALS

WHEREAS, CLIENT is a municipal government or consolidated municipal/county government of the State of Georgia; and

WHEREAS, CLIENT is eligible to purchase the Services described below (“Services”) in accordance with the terms of this Agreement, which have been negotiated by Georgia Municipal Association, Inc. for use by such municipal governments; and

WHEREAS, CLIENT and PRS acknowledge that this Agreement is solely between CLIENT and PRS; and

WHEREAS, PRS warrants that it provides the Services in compliance with all applicable laws and standards applicable to PRS’s industry; and

WHEREAS, PRS warrants that it has and will keep in effect at its sole expense all licenses, permits, qualifications, and approvals which are legally required to provide the Services; and

WHEREAS, **Exhibits A.1, A.2, A.3, and A.4** are incorporated in this Agreement as if fully restated;

NOW THEREFORE, for and in consideration of the foregoing Recitals and the mutual promises, covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, CLIENT and PRS (each individually a “Party” and collectively the “Parties”) agree to the Recitals above and as follows.

1. Services and Compensation

PRS will perform the services described in the Statement of Work attached as **Exhibit A.1** for the compensation described below. **PRS does not provide any form of legal or tax services pursuant to this Agreement.**

- a. PRS shall retain sixteen and one-half per cent (16.5%) of all amounts recovered for each claim after deduction of any Paid Administrative Fee, any PRS Reimbursed Expenses, and any CLIENT Litigation Costs (each defined in **Exhibit A.1**). PRS shall forward the remaining eighty-three and one-half percent (83.5%) for each claim to CLIENT.
- b. PRS shall pay CLIENT thirty (30) days in arrears on a monthly basis for damage claims recovered during the previous month. Such payments shall be accompanied by an emailed or other electronic progress report in a form similar to the form included in **Exhibit A.2**. PRS always will include the Agreement number on such reports.

- c. PRS shall provide such payments and reports to the primary contact at CLIENT set forth in “Notices” below, and CLIENT shall notify PRS promptly of any change to the primary contact or the primary contact’s information.
- d. PRS shall not perform services for CLIENT except those listed in **Exhibit A.1**.

2. Performance Standards for Services and Compliance with Laws

PRS shall use its best efforts and work diligently to perform the services. PRS will comply with laws, ordinances, rules, and regulations that directly apply to its rendering of services to CLIENT pursuant to this Agreement. In the event it appears to CLIENT that PRS is failing to substantially comply with the quality of services or the specified completion schedule of its duties under the Agreement, Client shall provide written notice thereof to PRS. The notice must identify specific incidents or circumstances comprising the conditions of the complaint. As soon as possible after receipt of said notice, the appropriate representatives of both parties shall meet to discuss the conditions of the complaint.

3. Confidential Information and Open Records Act Compliance

Confidential Information. PRS will obtain electronic access to non-public information relating to CLIENT and CLIENT’s property by providing a copy of this Agreement to the entity that manages electronic databases containing such information. PRS agrees that it will only use the non-public information in these databases in order to perform the Services. PRS reviews the information on the electronic databases and does not download or copy information from the databases into its own information systems or paper files.

PRS affirms that it does not need to create or maintain custody of personally identifiable information that must be safeguarded under applicable law in order to perform the Services. Personally identifiable information includes the following: dates of birth, phone numbers, emails and account numbers of individuals, social security numbers, medical information, or information commonly used in identity theft. To the extent PRS reviews such information in the electronic databases, PRS shall not make any record of such information and shall maintain the confidentiality of such information.

Notwithstanding the above, PRS will maintain contact information, checks, and other banking information from responsible third parties and their insurance carriers. PRS shall safeguard such information as it safeguards its own financial account information and shall keep the information confidential.

PRS will not accept credit card payments from responsible third parties and will not maintain any payment card information as a result of this Agreement.

Open Records Act Compliance. If disclosure of information covered by this Agreement is required pursuant to the Georgia Open Records Act (i.e., O.C.G.A. § 50-18-70, et. seq.) or other state or federal law, the recipient may make the required disclosure provided that the recipient must, if permitted by law, advise the other party promptly of the request for disclosure and cooperate with the other party in responding to it. The parties shall clearly identify any document or types of documents submitted to each other that include trade secrets and submit an affidavit with respect to such documents in accordance with O.C.G.A. § Section 50-18-72(a)(34). The parties will follow the provisions of the O.C.G.A. § 50-18-72(a)(34) with respect to any requests under the Georgia Open Records Act (O.C.G.A. § 50-18-70, et. seq.) for such documents.

4. Term

This Agreement shall be effective on the Effective Date and shall continue for three years unless terminated by either Party in accordance with the Termination provisions of this Agreement. This Agreement shall be renewed automatically under the updated terms and conditions negotiated between the Georgia Municipal Association and PRS and provided by PRS to Client at least ninety (90) days prior to the end of the three-year term, unless otherwise terminated in accordance with the Termination

provisions or unless either Party notifies the other in writing at least sixty (60) days prior to the end of the term of a desire not to renew.

5. Indemnification

To the extent permitted by Georgia law, CLIENT shall indemnify, defend, and hold harmless PRS and its officers, directors, agents, and employees, from and against any and all third party claims and actions arising from CLIENT's negligent acts, errors and/or omissions or intentional or willful misconduct in the performance of this Agreement.

PRS shall indemnify, defend, and hold harmless CLIENT and its officers, directors, agents, and employees, from and against any and all third party claims and actions arising from PRS's negligent acts, errors and/or omissions or intentional or willful misconduct in the performance of this Agreement.

6. Insurance

PRS shall maintain, throughout the term of this Agreement, at its own expense comprehensive general liability insurance that includes contractual liability, with limits of no less than \$1,000,000 per occurrence and \$2,000,000 aggregate and professional liability (errors & omissions) insurance with limits of no less than \$1,000,000 per claim and \$2,000,000 aggregate. If such insurance is written on a claims-made form, it shall continue for three years following termination of this Agreement. Said insurance policies shall cover all activities performed by PRS, its agents, officers, and employees under this Agreement. The coverage shall contain no special limitations on the scope of protection afforded to CLIENT.

During the term of this Agreement, PRS shall fully comply with worker compensation laws. Said compliance shall include, but not be limited to, maintaining in full force and effect one or more policies insuring against any liability PRS may have for worker's compensation if such a policy is required by law.

7. Federal Work Authorization Affidavit

PRS performs services for CLIENT as a result of this Agreement and compensation for services may exceed the minimum set forth in O.C.G.A. Section 13-10-91, as amended from time to time. Pursuant to O.C.G.A. Section 13-10-91, for as long as this Agreement remains in effect, PRS will be registered with and participate in the federal work authorization program to verify the immigration status of newly hired employees ("e-Verify"). PRS shall complete and execute the Service Provider E-Verify Compliance Affidavit attached as **Exhibit A.3** to this Agreement, or a similar affidavit that meets the requirements of the law.

If PRS subcontracts any services described in this Agreement, PRS shall require the subcontractor to attest to its compliance with O.C.G.A. Section 13-10-91, as amended from time to time, and complete and execute the Subcontractor to a Service Provider E-Verify Compliance Affidavit attached as **Exhibit A.4** or a similar subcontractor affidavit that meets the requirements of the law. PRS shall maintain any completed affidavit and make a copy of it available to CLIENT upon request. PRS shall ensure that any subcontractor E-Verify affidavit becomes a part of its agreement with the subcontractor.

8. Notices

All notices under this Agreement shall be in writing and shall be delivered (a) personally, with a copy by email; (b) by overnight courier, with a copy by email; or (c) by United States mail, registered or certified, return receipt requested, postage prepaid, with a copy by email. Notices shall be deemed received on the date of personal delivery, the date of action receipt as indicated on the delivery invoice or return receipt

or the date receipt is refused; whichever is earlier. Notices shall be sent to the parties at the addresses set forth below, or at such other addresses as the parties may provide in writing from time to time.

CLIENT:

Tim Young, City Manager
3468 N Fulton Ave, Hapeville, GA 30354
TYoung@hapeville.org
(770) 462-2988

PRS:

Peachtree Recovery Services, Inc.
Todd Rhoad
Vice President
7778 McGinnis Ferry Road #306
Suwanee, GA 30024
(678) 230-7594
todd.rhoad@peachtreers.com

9. Termination

a. Termination by CLIENT.

Termination for Cause. CLIENT shall have the right to terminate this Agreement: if PRS commits a material breach of this Agreement and fails to cure such breach within thirty (30) days after receiving written notice of the breach and CLIENT's intention to terminate the Agreement unless cured.

Termination for Convenience. CLIENT may terminate this Agreement for convenience with thirty (30) days written notice to PRS.

b. Termination by PRS.

PRS may terminate this Agreement for any reason with one hundred twenty (120) days prior written notice to CLIENT.

c. Effect of Termination.

Upon receipt of notification that this Agreement will be terminated, PRS shall notify the primary contact at any governmental entity that manages access to non-public databases of the date of the termination. Then PRS shall take all other necessary steps to terminate the access to such databases that was granted to PRS solely as a result of this Agreement.

Upon receipt of notification that this Agreement will be terminated, PRS will notify all contacts for open claims of the date the Agreement will terminate and provide instructions for the contact to communicate directly with CLIENT about the open claims after that date.

If PRS receives a payment for a claim after the termination date, PRS shall forward the entire payment to CLIENT without deducting any amount from the payment.

No later than one hundred twenty (120) days after the termination date, PRS shall provide CLIENT an electronic copy of all documents PRS developed or maintained on behalf of CLIENT in order to provide the Services.

10. Survival

The terms of the following Sections shall survive any termination of this Agreement:

Ownership and Use of Work Product

Confidential Information

Indemnification

Notices

Effect of Termination

Miscellaneous (Waiver and Severability, Governing Law, Dispute Resolution, No Third Party Beneficiaries, Records Maintenance, Retention and Audit)

11. Miscellaneous

- a. Waiver and Severability. The waiver of one breach or default under this Agreement will not constitute the waiver of any subsequent breach or default. Any provision of this Agreement held to be illegal or unenforceable will be deemed amended to conform to applicable laws or regulations, or if it cannot be so amended without materially altering the intention of the parties, it will be stricken and the remainder of this Agreement will continue in full force and effect.
- b. Governing Law. This Agreement will be governed in all respects by the laws of the state of Georgia, without regard to any conflict of laws principles, decisional law, or statutory provision which would require or permit application of another jurisdiction's substantive law. The Parties agree that the venue of any legal or equitable action that arises out of or relates to this Agreement shall be a court of competent subject matter jurisdiction in the county in which CLIENT is located and the parties hereby consent to the jurisdiction of such court.
- c. Dispute Resolution.
 - i. The Parties shall attempt in good faith to resolve any dispute arising out of or relating to this Agreement promptly by negotiations between those who have authority to settle the controversy. Within ten (10) business days after receipt of the notice, the receiving Party shall submit to the other a written response. The notice and the response shall include (1) a statement of each Party's position and a summary of arguments supporting that position, and (2) the name and title of the person who will represent that Party and of any other person who will accompany that person. Within ten (10) business days after delivery of the disputing Party's notice, the representatives of both Parties shall meet at a mutually acceptable time and place, and thereafter as often as they reasonably deem necessary, to attempt to resolve the dispute. All reasonable requests for information made by one Party to the other will be honored.
 - ii. All negotiations pursuant to this clause will be confidential and shall be treated as compromise and settlement negotiations for purposes of the Federal Rules of Evidence and the rules of evidence of any state.
- d. No Third Party Beneficiaries. There are no intended third party beneficiaries to this Agreement.
- e. Excused Performance. Neither CLIENT nor PRS shall be deemed to be in default of this Agreement or be liable for any delay or failure in performance, resulting directly or indirectly from any act of the elements, civil or military authority, civil disturbance, war, strike, fire, earthquake or other cause beyond its control. The time within which PRS is required to perform in accordance with the terms and conditions of this Agreement shall be extended for any delays caused in whole or in

part by CLIENT, provided however, that CLIENT notifies PRS in writing within ten (10) business days of discovering such delays.

- f. Records Maintenance, Retention and Audits. PRS shall maintain all records pertaining to this Agreement until the earlier of the date PRS delivers an electronic copy of such records to CLIENT or five years after termination of this Agreement, and agrees to retain records pursuant to Georgia laws. PRS's accounting procedures and practices shall conform to generally accepted accounting principles. Upon the request of CLIENT after reasonable notice to PRS, PRS shall make available to CLIENT such records as may be necessary to enable CLIENT to conduct an audit to assure that the appropriate fees have been charged to CLIENT.

Authorized representatives of CLIENT may at all reasonable times have access to review and inspect the Agreement activities and data collected under the terms of this Agreement and any amendments thereto. If CLIENT desires to conduct an audit of all or a portion of claims filed on behalf of CLIENT and the amounts paid to CLIENT, it may do so after providing thirty (30) days written notice to PRS. All books, documents, plans, papers, records, drawings, studies, specifications, estimates, maps and computations, prepared by or for the PRS under the terms of this Agreement, shall be available to authorized representatives of CLIENT for inspection and review at all reasonable times in the general offices of CLIENT or the office of PRS as determined by CLIENT. PRS shall correct, at its expense, any errors in its work. If any errors result in additional amounts due to CLIENT, PRS shall forward such additional amounts to CLIENT promptly.

- g. Subcontracting Performance of Services. PRS may subcontract with engineers, experts and others to provide assistance to PRS in the valuation of claims without first obtaining CLIENT's written consent. PRS may subcontract the performance of other portions of the Services only with CLIENT'S prior written consent.
- h. Assignment of Agreement. PRS may not assign this Agreement.
- i. Binding Agreement. This Agreement shall be binding upon and inure to the benefit of the legal representatives, successors and permitted assigns of the Parties.
- j. No other Agreement; Modification. This Agreement sets forth the entire understanding of the Parties with respect to the subject matter and supersedes any prior negotiations, understandings or agreements with respect to the subject matter hereto. Except as expressly set forth herein, neither Party has made any statement, representation or warranty in connection herewith which has been relied upon by the other party or which acted as an inducement for the other Party to enter into this Agreement. This Agreement may only be modified by a writing signed by both Parties.
- k. Changes in PRS Organization. PRS shall notify CLIENT in writing within five (5) business days upon PRS taking any action to change its corporate structure, including voluntary or involuntary bankruptcy proceedings, company mergers, company acquisitions, changes in corporate names, changes in corporate officers, changes in governing structure, and similar relevant information. Such notification shall identify how the change in corporate business structure will impact CLIENT, including payments to PRS, and PRS shall identify how these impacts to CLIENT will be mitigated.
- l. Drug-Free Workplace. PRS certifies that a drug-free workplace will be provided for PRS's employees during the performance of this Agreement.
- m. Execution in Counterparts. This Agreement may be executed in any number of counterparts, each of which when so executed shall be deemed to be an original and all of which counterparts of this Agreement taken together shall constitute one Agreement.

In witness whereof, the Parties have executed this Agreement and it is effective on the Effective Date.

_____**(CLIENT)** **Peachtree Recovery Services, Inc. (PRS)**

By:_____

By:_____

Name:_____

Name: _____

Title:_____

Title:_____

Date:_____

Date:_____

EXHIBIT A.1

STATEMENT OF WORK

Peachtree Recovery Services, Inc. (PRS) will identify the potential damaged CLIENT property claims through online review of police reports and referrals, determine through various means the third party responsible for the damage, and invoice and collect from the third party or the third party's insurance carriers on CLIENT property damage claims. PRS will perform the following duties as part of its service.

Duties Performed by PRS

A. Process Development

PRS will develop a process for identification of damaged property, identification of the third party responsible for the damage, identification of the third party's insurance coverage, and development of the cost of damages.

1. PRS shall have and exercise specific methodology authority over the method and manner of damage claim information collection and submission to the responsible party or their insurance carrier.
2. PRS shall monitor all statutes of limitations and make proper notice on all claims submitted, including maintaining a status report of all pending claims that specifies the expiration date of the corresponding statute of limitation. However, PRS shall have no liability for any statute of limitation or notification issues.
3. Retention of Counsel and Legal Expenses. PRS may recommend claims for litigation. The City of Hapeville ("CLIENT") is responsible for all aspects and expenses of the litigation process on any claim, including but not limited to the engagement of attorneys, filing fees and court costs. PRS shall never engage an attorney or file a legal action on behalf of CLIENT.
4. Non-litigation. Except when CLIENT's insurance carrier is or will be involved with a loss, PRS has complete authority to submit, sign notice of claim forms, compromise, settle and release third parties from claims for property damage owed to CLIENT, so long as the amount of recovery to be paid in settlement will be 75% or more of the base damages (the amount billed minus any charged Administrative Fees and Expenses), and to execute such documents that are necessary to its exercise of this authority. If the amount of recovery to be paid in settlement will be less than 75% of the base damages amount, PRS shall obtain written approval from CLIENT to perform any such tasks. If CLIENT's insurance policy requires the claim to be subrogated to the

insurance carrier or requires the amount received to be returned to the insurance carrier, PRS shall obtain written approval from CLIENT to perform any such tasks.

5. PRS will monitor all statutes of limitations and make proper notice on all claims, including maintaining a status report on all pending claims that specifies the expiration date of the corresponding statute of limitation for each claim. PRS is not liable for any statute of limitation or notification issues.
6. Recovery of claims less than three thousand dollars (\$3000) by PRS will be attempted for up to two hundred seventy days. At that time PRS will cease recovery efforts and allow for a potential response from the responsible party and/or their insurance company. If unrecovered after twelve (12) months and no promise of payment has been established, PRS will close the claim as "further efforts not warranted," provided that PRS shall promptly notify CLIENT of any decision to close such claim, and, thereafter, CLIENT shall be entitled to pursue such claim itself or through a third-party without any further or other obligations to PRS hereunder relative to such claim. If a promise of payment is established then the claim will remain open for an additional ninety (90) days.

B. Monitoring and Assessment of Damages

PRS shall monitor electronic databases containing non-public CLIENT information for damage to CLIENT's roads and facilities. PRS generally shall use its own data to estimate costs for all property damage. However, if PRS does not have appropriate data to make an assessment, CLIENT will assist PRS as needed to determine the costs of damage. PRS maintains relevant damage data on the following highway facilities:

1. Signs
2. Guardrail
3. Intelligent Transportation Management System (ITMS) facilities
4. Lighting
5. Signals
6. Paving
7. Bridges
8. Drainage Structures
9. Hazmat incidents
10. CLIENT vehicles and off road equipment except totaled vehicles and equipment

C. Identification and Pursuit

PRS shall to the extent possible:

1. Identify the individual(s) and/or company which caused the damage
2. Identify responsible third parties
3. Identify available insurance coverage maintained by the responsible third party/ies
4. Identify the specific damage to property and potential return
5. File any insurance claims with the third party's insurance carrier and pursue the maximum recovery available for the CLIENT
6. Support queries and inquiries about submitted claims
7. Interact with CLIENT offices of [enter departments, such as Safety and Legal Services]as appropriate, to support negotiations with responsible individuals or parties and/or their representatives (such as their insurance companies) regarding:
 - a. Payment process for non-insured motorists
 - b. Legal actions against responsible parties
 - c. Court Appearances

D. Documentation

PRS shall prepare the following:

1. Repair estimates
2. Invoices
3. Cover Letters
4. Other documentation and resources as required

E. Reporting

1. PRS shall provide electronic Monthly Reporting in a form similar to the report attached as Exhibit A.2 to the Agreement, which shall include on a per-claim basis, the total amount requested on behalf of CLIENT, the portion of that amount that was a Charged Administrative Fee, the portion of that amount that was an Expense, a description of the Expense, the amount recovered, the date of receipt, the amount compromised in settlement, the amount retained by PRS as a Paid Administrative Fee or Reimbursed Expense, and the amount forwarded to CLIENT.

F. Administration Fee

PRS may add to the damage claim filed a reasonable fee of no more than five hundred dollars (\$500.00) for any claim for which the third party's insurance carrier has additional requirements during negotiations ("Charged Administrative Fee.") A Paid Administrative Fee means an Administrative Fee or a portion of an Administrative Fee that was fully paid by the third party's insurance carrier as part of the damages "on top" of the base damage claim, and therefore may be deducted from the amount recovered and may be retained by PRS. For example, if PRS submits a damage recovery claim in the amount of \$4,500.00, which includes a base recovery claim of \$4,000.00 plus a Charged Administrative Fee of \$500.00, and the responsible third party pays the entire \$4,500.00, then the \$500.00 is a Paid Administrative

Fee. PRS will deduct the \$500.00 from the amount recovered and use \$4,000 as the recovery amount when calculating the percentage due to CLIENT. In contrast, if the responsible third party pays only \$4,000.00, there is no Paid Administrative Fee and PRS will use the entire amount recovered (\$4,000.00) when calculating the percentage of the recovery amount due to CLIENT.

G. Expenses and CLIENT Litigation Costs

- a. PRS Charged Expenses. PRS may incur reasonable expenses in performing the Services, such as expenses for structural engineering or technical certified expert reports, and may add the amount of those expenses to the damage claim filed. Such expenses are “PRS Charged Expenses.”
- b. PRS Reimbursed Expenses are the entire PRS Charged Expense or a portion of the PRS Charged Expense that was paid by the third party as part of the damages “on top” of the base damage claim. PRS will deduct Reimbursed Expenses from the amount recovered and retain them, and will not include the amount of Reimbursed Expenses when calculating the percent of the recovery amount to forward to CLIENT. For example, if PRS incurs an Expense of \$50.00 when preparing a \$4,000.00 claim, PRS will request \$4,050.00 from the responsible third party, with \$50.00 being the PRS Charged Expense. If the responsible third party pays \$4,050.00, the \$50.00 is a Reimbursed Expense. PRS will keep the \$50.00 and use \$4,000.00 when calculating the percentage of recovery amount due to CLIENT. In contrast, if the third party pays only \$4,000.00, PRS will not receive reimbursement for the expense and will calculate the amount due CLIENT on the entire amount received.
- c. CLIENT Litigation Costs. CLIENT is responsible for all costs of litigation, including costs related to preparation of documents, depositions and court reported or recorded statements, expert witness fees, and attorneys’ fees. CLIENT will include such costs in the litigated claim for damages. When the litigated claim is settled outside of court or resolved in court, the recovery amount first will be reduced by the amount of CLIENT’s Litigation Costs before the remainder of the recovery amount is allocated between the Parties. If PRS receives the payment, PRS will forward to CLIENT the entire amount of CLIENT’s Litigation Costs and CLIENT’s portion of the remaining recovery amount to which CLIENT is entitled. If CLIENT receives the recovery amount directly, CLIENT will retain the entire amount of CLIENT’s Litigation Costs and will forward to PRS the portion of the remaining recovery amount to which PRS is entitled.

Duties of CLIENT

A. Required Claims Referral When Damage is not Covered Under CLIENT's Insurance Policy

1. To prevent duplication of efforts, CLIENT shall refer all Property Damage (Third Party Responsible) claims in excess of one hundred dollars (\$100) that are not covered under the CLIENT's insurance policies to PRS or notify PRS in writing of its decision to pursue a claim on its own. CLIENT will refer such claims to PRS in an electronic format, whenever reasonably possible. PRS will not be responsible for such claims under one hundred dollars (\$100).
2. Claims referred to PRS by CLIENT under this subsection generally cannot be recalled by CLIENT prior to the expiration of 12 months. However, if CLIENT desires to cancel the claim, CLIENT may notify PRS that the claim is cancelled and PRS shall no longer pursue it.

B. Permitted Claims Referral When Damage is Covered Under CLIENT's Insurance Policy

1. CLIENT is solely responsible for filing claims with its own insurance carrier as it desires. Such claims include claims related to property damage caused by a third party that are covered by the insurance policy.
2. CLIENT may, but is not required, to refer Property Damage (Third Party Responsible) claims that are covered under the CLIENT's insurance policies to PRS as an alternative to filing such claims with the CLIENT's insurance policy, or in addition to filing such claims with the CLIENT's insurance policy.
3. Once CLIENT has referred a claim to PRS, the CLIENT generally may not recall the claim prior to the expiration of 12 months. However, if CLIENT has submitted a claim for damages to its insurance carrier and the carrier has not denied coverage for the claim, the CLIENT may recall the claim at any time in order to comply with the requirements of its insurance policy. PRS will have no rights to recoveries or fees for a claim paid by CLIENT's insurance carrier or for which CLIENT's insurance carrier has rights of subrogation.
4. If CLIENT's insurance carrier has paid CLIENT for a loss that includes PD3 losses for which PRS has obtained a recovery, CLIENT is solely responsible for notifying its insurance carrier of the recovery and complying with the reimbursement provisions of the insurance policy.

C. Cooperation

CLIENT shall appoint a primary contact who will receive monthly reports, provide guidance to PRS about property valuations when necessary, approve or arrange for the approval of settlements as necessary, and otherwise provide reasonable assistance to PRS in the performance of this Agreement.

Sample Monthly Report

Date of Accident	Police Report #	PRS File #	Damaged Property	Claim Status	Total Requested	Date Requested	Charged Admin Fee	PRS Charged Expense	Expense Description	Client Litig. Costs	Total Recovered	% Recovered	Date of Receipt	Net Amount Recovered (after deduction of Paid Administrative Fees, Reimbursed Expenses, Client Litig. Costs)	Amount Due to Client	Number of Days to Recover

Exhibit A.3

SERVICE PROVIDER E-VERIFY COMPLIANCE AFFIDAVIT

By executing this affidavit, the undersigned Service Provider named below, which is an individual, firm, or corporation engaged in the physical performance of services in Georgia under a contract with the [Name of CLIENT], affirms that it has registered with, is authorized to use and uses the federal work authorization program commonly known as E-verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. §13-10-91. Furthermore, Service Provider will continue to use the federal work authorization program throughout the contract period and will contract for the performance of services in satisfaction of such contract only with subcontractors who present to Service Provider an affidavit containing the information required by O.C.C.A. §13-10-91(b). The undersigned Service Provider attests that its federal work authorization user identification number and date of authorization are as follows:

Federal Work Authorization User Identification Number Date of Authorization

Service Provider:

Project:

Peachtree Recovery Services, Inc.

**Property Damage (Third Party Responsible)
Recovery Services**

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 20____, in _____ (city), _____ (state).

BY: Service Provider Authorized Officer or Agent Date

Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE

____ DAY OF _____, 20____

Notary Public
My Commission Expires:

SERVICE PROVIDER SUBCONTRACTOR
E-VERIFY COMPLIANCE AFFIDAVIT

By executing this affidavit, the undersigned subcontractor named below, which is an individual, firm, or corporation engaged in the physical performance of services in Georgia under a contract with the **Peachtree Recovery Services, Inc.**, affirms that it has registered with, is authorized to use and uses the federal work authorization program commonly known as E-verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. §13-10-91. Furthermore, the undersigned subcontractor will continue to use the federal work authorization program throughout the contract period. The undersigned subcontractor attests that its federal work authorization user identification number and date of authorization are as follows:

Federal Work Authorization User Identification Number Date of Authorization

Name of Subcontractor Name of Project

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 20 __, in _____ (city), _____
(state).

BY: Subcontractor Authorized Officer or Agent Date

Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN

BEFORE ME ON THIS THE

____ DAY OF _____, 20 ____

Notary Public

My Commission Expires

1 **CITY OF HAPEVILLE**

2 **STATE OF GEORGIA**

3 **RESOLUTION NO. _____**

4 **A RESOLUTION PROVIDING AUTHORITY FOR THE CITY OF HAPEVILLE**
5 **TRAFFIC ENGINEER TO ESTABLISH A SCHOOL ZONE FOR GATEWAY**
6 **CHRISTIAN ACADEMY; TO AUTHORIZE THE MAYOR TO SIGN ANY AND ALL**
7 **DOCUMENTS NECESSARY TO EFFECTUATE THIS RESOLUTION; TO AUTHORIZE**
8 **THE CITY CLERK TO ATTEST SIGNATURES AND AFFIX THE OFFICIAL SEAL OF**
9 **THE CITY, AS NECESSARY; TO REPEAL INCONSISTENT RESOLUTIONS; TO**
10 **PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

11 **W I T N E S S E T H:**

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

14 **WHEREAS,** the Mayor and Council of the City of Hapeville find that for safety and
15 general welfare of residents, including students, a City school zone needs to be established on
16 College Street near Gateway Christian Academy; and

17 **WHEREAS,** the intent of this resolution is to provide for the City of Hapeville Traffic
18 Engineer authority to provide for a City school zone distinction for the Gateway Christian
19 Academy; and

20 **WHEREAS,** the Mayor and Council of the City of Hapeville, in the exercise of their sound
21 judgment and discretion, after giving thorough consideration to all the implications involved, and
22 keeping in mind the public interest and welfare of the citizens of the City, have determined that
23 they would like to establish a City “school zone” distinction on College Street for Gateway
24 Christian Academy.

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

27 1. **Incorporation of Pre-Amble.** The pre-amble is incorporated herein as fully set
28 forth above.
29

30 2. **School Zone Distinction.** That the Hapeville City Council hereby authorizes the
31 City Traffic Engineer to execute any and all documents necessary to establish a City “school zone”
32 for Gateway Christian Academy located at 612 College Street, Hapeville, Georgia 30351. The
33 school zone area will comply with all state and local laws, regulations and rules.
34

35 3. **Street Designation.** The City “school zone” shall be established and enforced on
36 College Street, between South Fulton Avenue and Georgia Avenue, as depicted in the attached
37 Exhibit “A”, which shall be fully incorporated herein.
38

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

5. **Attestation.** That the Hapeville City Council hereby authorizes the City Clerk or Assistant 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 among the minutes or official records of the City for future reference.

6. **Authorization for Attorney.** That the Hapeville City Council hereby authorizes the City Attorney to approve this Resolution as to its form and review or draft any and all documents necessary for the City of Hapeville and to ensure all documents conform to state law.

7. **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.

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

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

RESOLVED this _____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

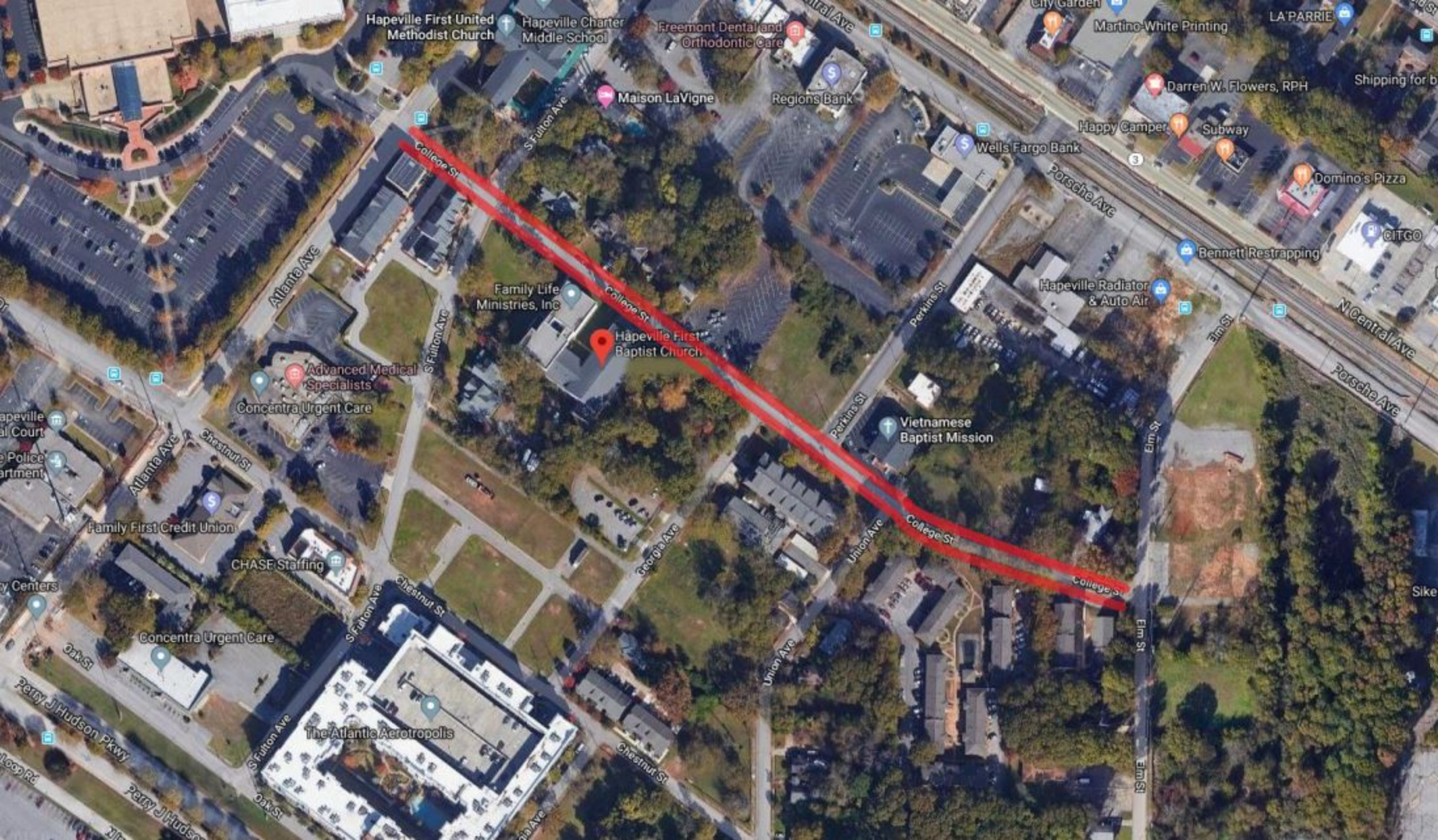
ALAN HALLMAN, MAYOR

ATTEST:

CRYSTAL GRIGGS-EPPS, CITY CLERK
(seal)

APPROVED BY:

CITY ATTORNEY



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

3
4 **ORDINANCE NO. _____**
5

6 **AN ORDINANCE TO AMEND CHAPTER 81 (“ARCHITECTURAL DESIGN**
7 **STANDARDS”), SECTION 81-1-4 (“DESIGN REVIEW COMMITTEE”) OF THE CODE**
8 **OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO PROVIDE FOR**
9 **SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN**
10 **EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**
11

12 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the
13 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
14 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,
15

16 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and
17 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
18 the legislative body of the City; and,
19

20 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by
21 amending such provisions by specific reference to the section number of the City’s Code; and,
22

23 **WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its
24 agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall
25 remain effective until they have been repealed, modified or amended; and,
26

27 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be
28 by ordinance; and,
29

30 **WHEREAS**, the governing authority of the City finds it desirable to amend and update the
31 attendance requirement for the Design Review Committee.
32

33 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
34 **THE CITY OF HAPEVILLE, GEORGIA THAT:**
35

36 **Section One.** Chapter 81 (Architectural Design Standards), Section 81-1-4 (Design review
37 committee) of the City Code of Ordinances is hereby amended by adding subsection (h), which
38 shall state the following language:
39

40 (h) *Attendance.* Should a member of the design review committee fail to attend four or
41 more meetings in one term, he or she shall be subject to termination and replacement by
42 the Mayor and City Council. The member shall be given the opportunity to address Mayor
43 and Council regarding the absences. If Mayor and City Council shall deem necessary, a
44 new replacement member will be selected and appointed to fill the remainder of the term
45 per the regulations set forth in this section.
46

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.

ORDAINED this _____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

93

94

95 _____
Crystal Griggs-Epps, City Clerk

96

97

98 **APPROVED BY:**

99

100

101

102

103 _____
City Attorney



**Department of Planning and Zoning
Planner's Report**

DATE: July 18, 2019
TO: Adrienne Senter
FROM: Lynn Patterson, Consulting Planner for City of Hapeville
RE: **Board Attendance Requirement**

BACKGROUND

The City's Code of Ordinances does not currently have any attendance policy in place requiring appointed officials to regularly attend public meetings. The following text amendment modifies the rules and regulations of the Board of Zoning Appeals, the Planning Commission, and the Design Review Committee to add an attendance requirement limiting the number of absences allowed per term for each member and is presented for recommendation to Mayor & City Council.

CODE

CHAPTER 81 – ARCHITECTURAL DESIGN STANDARDS

Sec. 81-1-4. – Design review committee.

Add:

(h) *Attendance.* Should a member of the design review committee fail to attend four or more meetings in one term, they shall immediately forfeit their membership on the committee. A new replacement member is to then be selected and appointed to fill the remainder of the term per the regulations set forth in this section.

CHAPTER 87 - PLANNING

ARTICLE 2. – PLANNING COMMISSION

Sec. 87-2-3. – Organization; rules; staff; finances

Add:

(d) Should a member of the planning commission fail to attend five or more meetings in one four-year term, they shall immediately forfeit their membership on the commission. A new replacement member is to then be selected and appointed to fill the remainder of the term per the regulations set forth in section 87-2-2.

ARTICLE 3. - BOARD OF ZONING APPEALS

Sec. 87-3-2. – Procedure

Add:

(e) Should a member of the board of appeals fail to attend four or more meetings in one three-year term, they shall immediately forfeit their membership on the board. A new replacement member is to then be selected and appointed to fill the remainder of the term per the regulations set forth in section 87-3-1.

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

3
4 **ORDINANCE NO. _____**
5

6 **AN ORDINANCE TO AMEND CHAPTER 87 (“PLANNING”), ARTICLE 2 (“PLANNING**
7 **COMMISSION”), SECTION 87-2-3 (“ORGANIZATION; RULES, STAFF, FINANCES”);**
8 **CHAPTER 87 (“PLANNING”), ARTICLE 3 (“BOARD OF ZONING APPEALS”),**
9 **SECTION 87-3-1 (“APPOINTMENT”); CHAPTER 87 (“PLANNING”), ARTICLE 3**
10 **(“BOARD OF ZONING APPEALS”), SECTION 87-3-2 (“PROCEDURE”) OF THE CODE**
11 **OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO PROVIDE FOR**
12 **SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN**
13 **EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**
14

15 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the
16 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
17 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,
18

19 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and
20 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
21 the legislative body of the City; and,
22

23 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by
24 amending such provisions by specific reference to the section number of the City’s Code; and,
25

26 **WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its
27 agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall
28 remain effective until they have been repealed, modified or amended; and,
29

30 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be
31 by ordinance; and,
32

33 **WHEREAS**, the governing authority of the City finds it desirable to amend and update the
34 appointments allotted for the Board of Appeals and attendance requirements for the Board of
35 Appeals and the Planning Commission.
36

37 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
38 **THE CITY OF HAPEVILLE, GEORGIA THAT:**
39

40 **Section One.** Chapter 87 (Planning), Article 2 (Planning Commission), Section 87-2-3
41 (Organization; rules; staff; finances) of the City Code of Ordinances is hereby amended by adding
42 subsection (d), which shall state the following language:
43

44 (d) Should a member of the planning commission fail to attend five or more meetings in
45 one four-year term, he or she shall be subject to termination and replacement by the Mayor and
46 City Council. The member shall be given the opportunity to address Mayor and Council in regard

to the absences. If Mayor and City Council shall deem necessary, a new replacement member will be selected and appointed to fill the remainder of the term per the regulations set forth in section 87-2-2.

Section Two. Chapter 87 (Planning), Article 3 (Board of Zoning Appeals), Section 87-3-1 (Appointments) of the City Code of Ordinances is hereby amended by striking the section in its entirety and inserting in lieu thereof the following language:

The board of appeals of the city is hereby established in accordance with the provisions of this chapter. This board shall consist of seven members appointed by the mayor and council. The board members shall be reimbursed for expenses as directed by the mayor and council. Each member of the board shall be a resident of the city at the time of appointment and for at least six months immediately preceding the date of taking office and shall remain a resident of the city while serving as a member of the board. The members shall serve for overlapping terms of three years. No members shall hold any other public office or position. The board of appeals shall adopt rules in accordance with the provisions of this chapter for the conduct of its affairs.

Section Three. Chapter 87 (Planning), Article 3 (Board of Zoning Appeals), Section 87-3-2 (Procedures) of the City Code of Ordinances is hereby amended by adding subsection (e), which shall state the following language:

(e) Should a member of the board of appeals fail to attend four or more meetings in one three-year term, they shall immediately forfeit their membership on the board. A new replacement member is to then be selected and appointed to fill the remainder of the term per the regulations set forth in section 87-3-1.

Section Four. 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 Five. 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

93 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of
94 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
95 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
96 of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to
97 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
98 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
99 effect.

100
101 **Section Six. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances
102 in conflict herewith are hereby expressly repealed.

103
104 **Section Seven. Effective Date.** The effective date of this Ordinance shall be the date of
105 adoption unless otherwise stated herein.

106
107 **ORDAINED** this _____ day of _____, 2019.

108
109 **CITY OF HAPEVILLE, GEORGIA**

110
111
112
113
114 _____
115 **Alan Hallman, Mayor**

116
117 **ATTEST:**

118
119
120
121 _____
122 Crystal Griggs-Epps, City Clerk

123
124
125 **APPROVED BY:**

126
127
128
129 _____
130 City Attorney



**Department of Planning and Zoning
Planner's Report**

DATE: July 18, 2019
TO: Adrienne Senter
FROM: Lynn Patterson, Consulting Planner for City of Hapeville
RE: **Board Attendance Requirement**

BACKGROUND

The City's Code of Ordinances does not currently have any attendance policy in place requiring appointed officials to regularly attend public meetings. The following text amendment modifies the rules and regulations of the Board of Zoning Appeals, the Planning Commission, and the Design Review Committee to add an attendance requirement limiting the number of absences allowed per term for each member and is presented for recommendation to Mayor & City Council.

CODE

CHAPTER 81 – ARCHITECTURAL DESIGN STANDARDS

Sec. 81-1-4. – Design review committee.

Add:

(h) *Attendance.* Should a member of the design review committee fail to attend four or more meetings in one term, they shall immediately forfeit their membership on the committee. A new replacement member is to then be selected and appointed to fill the remainder of the term per the regulations set forth in this section.

CHAPTER 87 - PLANNING

ARTICLE 2. – PLANNING COMMISSION

Sec. 87-2-3. – Organization; rules; staff; finances

Add:

(d) Should a member of the planning commission fail to attend five or more meetings in one four-year term, they shall immediately forfeit their membership on the commission. A new replacement member is to then be selected and appointed to fill the remainder of the term per the regulations set forth in section 87-2-2.

ARTICLE 3. - BOARD OF ZONING APPEALS

Sec. 87-3-2. – Procedure

Add:

(e) Should a member of the board of appeals fail to attend four or more meetings in one three-year term, they shall immediately forfeit their membership on the board. A new replacement member is to then be selected and appointed to fill the remainder of the term per the regulations set forth in section 87-3-1.

1 **CITY OF HAPEVILLE**

2 **STATE OF GEORGIA**

3 **RESOLUTION NO. _____**

4 **A RESOLUTION PROVIDING AUTHORITY FOR THE MAYOR AND CITY COUNCIL**
5 **OF THE CITY OF HAPEVILLE TO TAKE THE NECESSARY STEPS TO CONSTRUCT**
6 **A SOUND BARRIER; TO AUTHORIZE THE MAYOR TO SIGN ANY AND ALL**
7 **DOCUMENTS NECESSARY TO EFFECTUATE THIS RESOLUTION; TO AUTHORIZE**
8 **THE CITY CLERK TO ATTEST SIGNATURES AND AFFIX THE OFFICIAL SEAL OF**
9 **THE CITY, AS NECESSARY; TO REPEAL INCONSISTENT RESOLUTIONS; TO**
10 **PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

11 **W I T N E S S E T H:**

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

14 **WHEREAS,** the Mayor and Council of the City of Hapeville find that the protection and
15 preservation of the quality of life experienced in the neighborhoods in the City of Hapeville are of
16 the upmost concern; and

17 **WHEREAS,** the intent of this resolution is to provide for the City of Hapeville Mayor and
18 Council the authority to take any and all necessary steps for the funding and construction of a
19 sound barrier located on the east side of Interstate 85 from the Atlanta/Hapeville City limits to
20 Central Avenue; and

21 **WHEREAS,** the Mayor and Council of the City of Hapeville, in the exercise of their sound
22 judgment and discretion, after giving thorough consideration to all the implications involved, and
23 keeping in mind the public interest and welfare of the citizens of the City, have determined that
24 the construction of a sound barrier would improve the quality of life for Hapeville residents.

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

27 1. **Incorporation of Pre-Amble.** The pre-amble is incorporated herein as fully set
28 forth above.
29

30 2. **Noise Study and Conditions.** On October 2, 2018, a noise study was conducted
31 around the I-85 sound corridor; said report is attached and incorporated herein as Exhibit “A.”
32

33 3. **Construction of “Noise Wall”.** The Mayor and City Council fully support the
34 construction of sound barriers that have been identified by the Department of Transportation as a
35 measure for noise reduction for the noise polluted areas within the City of Hapeville.
36

37 4. **Authorization for Mayor.** That the Hapeville City Council hereby authorizes the
38 Mayor to execute any and all documents necessary to effectuate this Resolution. A copy of said
39 documents shall be filed with the City Clerk.

40
41 5. **Attestation.** That the Hapeville City Council hereby authorizes the City Clerk or
42 Assistant City Clerk to attest the signature of the Mayor appearing on the documents, to affix the
43 official seal of the City thereto as necessary to effectuate this Resolution, and to place this
44 Resolution and an executed copy of all documents among the minutes or official records of the
45 City for future reference.

46
47 6. **Authorization for Attorney.** That the Hapeville City Council hereby authorizes
48 the City Attorney to approve this Resolution as to its form and review or draft any and all
49 documents necessary for the City of Hapeville and to ensure all documents conform to state law.

50
51 7. **Severability.** To the extent any portion of this Resolution is declared to be invalid,
52 unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.

53
54 8. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the
55 extent they are inconsistent with this Resolution.

56
57 9. **Effective Date.** This Resolution shall take effect immediately.

58
59 **RESOLVED** this ____ day of _____, 2019.

60
61 CITY OF HAPEVILLE, GEORGIA

62
63
64 _____
65 ALAN HALLMAN, MAYOR
66

67
68 ATTEST:

69
70
71
72 _____
73 CRYSTAL GRIGGS-EPPS, CITY CLERK
74 (seal)

75
76
77 APPROVED BY:

78
79
80 _____
81 CITY ATTORNEY

Memo

To: Mr. Lee Suddeth
City of Hapeville, Georgia
From: Josh Earhart
Edwards-Pitman Environmental, Inc.
Date: October 3, 2018
Re: Existing Noise Conditions

On October 2, 2018, Edwards-Pitman Environmental, Inc. (EP) took 15-minute field noise measurements at three residential locations along I-85 between North Avenue and Cofield Drive, and three residential locations along I-75 between Arnold Street and North Avenue (totaling six) in Hapeville, Georgia. These locations are listed as Field Measurement (FM)-1 through FM-6 in **Table 1** below, along with times recorded, general locations, and noise levels, recorded in, the A-weighted decibel equivalent continuous sound level (dBA L_{eq}). Locations along I-75 and I-85 were chosen based on proximity to the interstate, with receptors placed accordingly. Along I-75, receptors benefitted from a noise wall in place, while receptors along I-85 received limited noise shielding (primarily sparse tree cover/topographical changes). **Figure 1** on page 2 shows the locations these receptors.

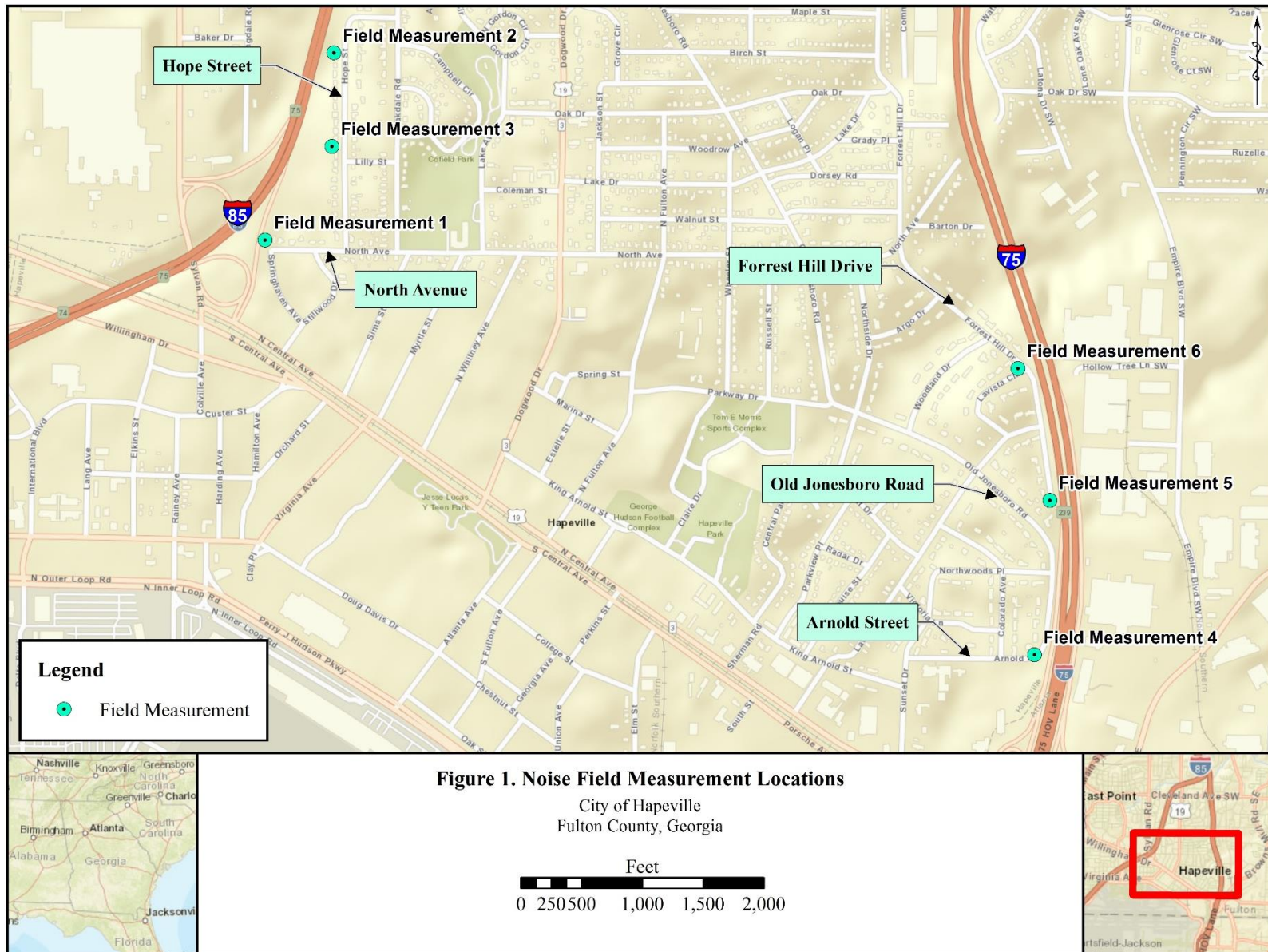
Because the field noise measurements were not associated with a federally funded transportation project and a noise assessment not conducted in accordance with Federal Highway Administration regulations or Georgia Department of Transportation (GDOT) Noise Policy, and discussion of “noise impacted receptors” under this scope is not appropriate. However, for comparison purpose to aid the City of Hapeville with an understanding of the results, the following discussion is provided. The GDOT Noise Policy defines a noise impact for residential addresses (referred to in GDOT Noise Policy as Noise Abatement Criteria, or NAC, Category B) as occurring when design-year build noise levels approach or exceed the NAC threshold of 67 dBA. The GDOT Noise Policy considers approach levels as 1 dBA less than the NAC threshold (i.e. 66 dBA)¹. This level has been included in **Table 1** for comparison to field measurements.

Table 1: Existing Field Measurements Results (dBA L_{eq})

Field Receiver #	Time Range	Receptor Location	Field Measurement (dBA L_{eq})	NAC B Threshold
FM-1	9:50 - 10:05 am	North Avenue	63.3	66.0
FM-2	10:15 - 10:30 am	Hope Street	72.2	
FM-3	10:37 - 10:52 am	Hope Street	64.5	
FM-4 ²	11:02 - 11:17 am	Old Jonesboro Road	67.0	
FM-5	11:25 - 11:40 am	Forrest Hills Drive	65.4	
FM-6	11:53 - 12:08 am	Forrest Hills Drive	65.0	

¹ There is a second criterion for determining impact, which is a substantial increase (defined in Noise Policy as a 15 dBA or greater change between existing and design year). Since no design year analysis was conducted this comparison is not relevant to the discussion.

² Although this measurement behind a noise wall is greater than the NAC, it should be noted that noise walls are designed not to reduce impact below the NAC, but reduce noise levels by a certain amount, ideally 7 dBA lower than design year build noise results.



Noise Assessment Field Data Sheet

Project Data

EPEI Project No. & Name KNW1801 (City of Hapeville, GA) Date: 10-2-2018

Date: 10-2-2018

Project No _____

County: Fulton County

Sampling Data

Measurement No. FM-1

15 minute sample period: 9:50 to

LeqA 63.3

SLM: Bruel & Kjaer 2238 Mediator Factory Calibrated: 21October2011

Factory Calibrated: 21October2011

Field Calibrated: Date/ Initials/

Initials/

Weather Conditions

Sunny no clouds 72°F 4 mph east

Traffic

Road Name: North Ave Posted Speed Limit:

Posted Speed Limit: _____

[illegible]

Notes/Site Sketch

Location: 831 North Ave, Hapeville, GA

Baside of

St. Paul

Hop Street

Hand

North ave

Notes: very loud noise coming off of

Noise Assessment Field Data Sheet

Project Data

EPEI Project No. & Name KNW1801 (City of Hapeville, GA)

Date: 10-2-2018

Project No _____

County: Fulton County

Sampling Data

Measurement No. FM-2

15 minute , to

to	57
----	----

No. 711-2

sample period: 10:15 am

110.30 cm LeqA 12.2

SLM: Bruel & Kjaer 2238 Mediator Factory Calibrated: 21October2011

Factory Calibrated: 21October2011

Field Calibrated: Date/ Initials/

Initials/

Weather Conditions _____

Sunny No clouds 74°F 6 mph east

Traffic

Road Name: Hopetown

Posted Speed Limit: _____

	15 min				Hourly			
	EB	WB	NB	SB	EB	WB	NB	SB
Cars								
Med Trucks								
Heavy Trucks								
Motorcycle								
Bus								

Notes/Site Sketch

Location: Backyard

Backyard.

854-5B

85 → NR

Ditch

□ □ □ □ □

Hope street

Drafts are

2 FM

Noise Assessment Field Data Sheet

Project Data

EPEI Project No. & Name KNW1801 (City of Hapeville, GA)

Date: 10-2-2018

Project No

County: Fulton County

Sampling Data

Measurement

No.

Frn-3

15 minute

sample period:

10:37 am

tc

10:52 am

LeqA

Сы. 5

SLM: Bruel & Kjaer 2238 Mediator

Factory Calibrated: 21October2011

Field Calibrated: Date/

Initials/

Weather Conditions

Sunny ^{No Clouds} 77° F

5 mph east winds

Traffic

Road Name:

Hope Street

Posted Speed Limit:

	15 min				Hourly			
	EB	WB	NB	SB	EB	WB	NB	SB
Cars								
Med Trucks								
Heavy Trucks								
Motorcycle								
Bus								

Notes/Site Sketch

Location: 3195 Hope Street ~~THE~~ Backyard

$$85 \in SB$$

OS $\rightarrow$ NB

Fm3

□ □ □ □ □ □ □

Contract

Hope Street

Noise Assessment Field Data Sheet

Project Data

EPEI Project No. & Name KNW1801 (City of Hapeville, GA)

Date: 10-2-2018

Project No. _____

County: Fulton County

Sampling Data

Measurement No. FM-4

15 minute sample period: 11:02am to 11:17am

LeqA 67.0

SLM: Bruel & Kjaer 2238 Mediator

Factory Calibrated: 21 October 2011

Field Calibrated: Date/

Initials/

Weather Conditions

Sunny No clouds 79°F 6 mph East winds

Traffic

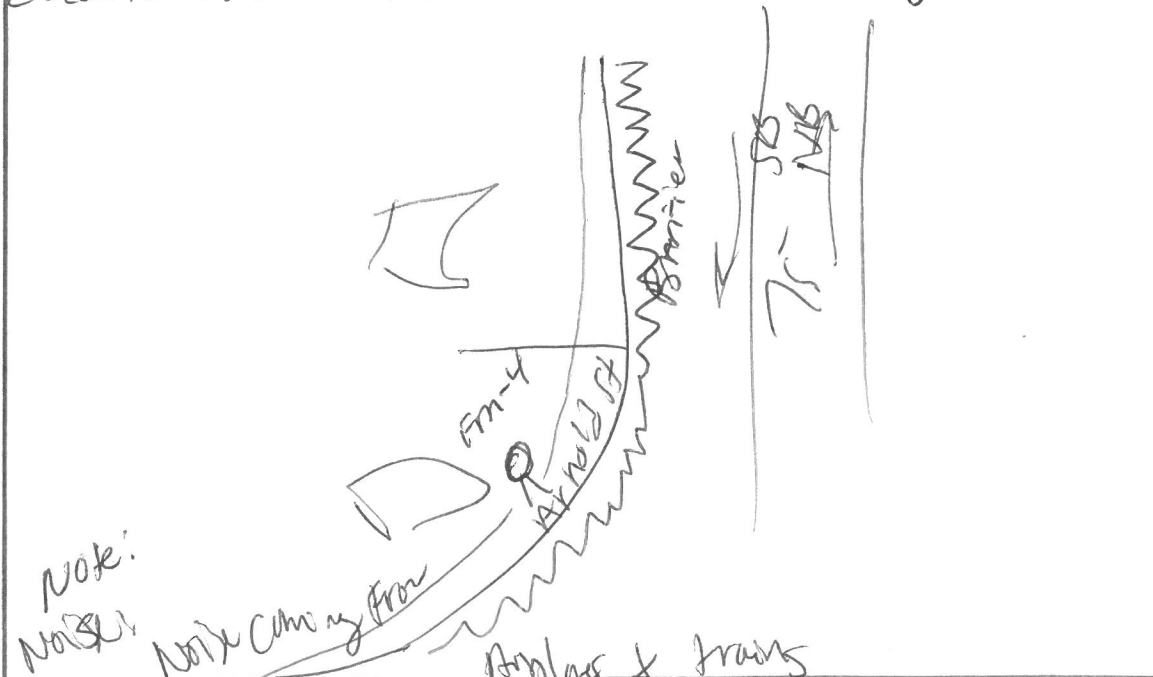
Road Name: Arnold Street

Posted Speed Limit: _____

	15 min				Hourly			
	EB	WB	NB	SB	EB	WB	NB	SB
Cars								
Med Trucks								
Heavy Trucks								
Motorcycle								
Bus								

Notes/Site Sketch

Location: 189 Arnold Street Front yard



Noise Assessment Field Data Sheet

Project Data

EPEI Project No. & Name KNW1801 (City of Hapeville, GA)

Date: 10-2-2018

Project No. _____

County: Fulton County

Sampling Data

Measurement No. PM-5

15 minute sample period: 11:25 to 11:40

LeqA 65.4

SLM: Bruel & Kjaer 2238 Mediator

Factory Calibrated: 21 October 2011

Field Calibrated: Date/

Initials/

Weather Conditions

79°F, Wind SmpH East Sunny

Traffic

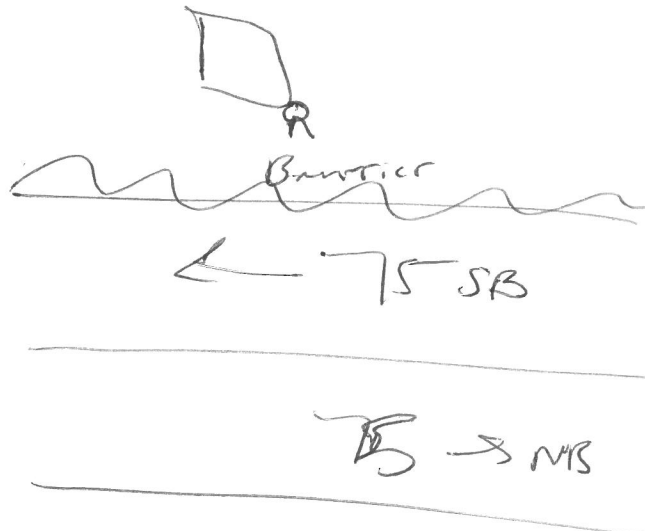
Road Name: Forrest Hills Dr.

Posted Speed Limit: _____

	15 min				Hourly			
	EB	WB	NB	SB	EB	WB	NB	SB
Cars								
Med Trucks								
Heavy Trucks								
Motorcycle								
Bus								

Notes/Site Sketch

Location Forrest hills Price Backyard



Discussion Item
State of Georgia
Fulton County
City of Hapeville

Discussion Item 2019.09.17a

'Discussion Regarding the Arts Alleyway and Pedestrian-Only Access at Certain Times'

A RESPONSE TO THE NEED FOR CONTINUING THE VIBRANCY OF OUR DOWNTOWN;

A FOCUS TO FURTHER DECLARE THE DESIRE TO SEE WALKABILITY IN OUR DOWNTOWN CORRIDOR;

FURTHERMORE A DISCUSSION ON PRACTICAL IMPLEMENTATIONS PLACEMAKING IN THE CONTEXT OF PEDESTRIAN ACCESS TO BUSINESSES AND MURAL VIEWING AREAS;

WHEREAS, the Mayor and Council views the need for increased walkability in downtown; and

WHEREAS, the Mayor and Council want to provide safe walking spaces; and

WHEREAS, the Mayor and Council see that other municipalities are pursuing similar measures to attract individuals to their city; and

WHEREAS, the perception of the Mayor and Council is that 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, HEREBY DISCUSSED AT A CALLED MEETING OF COUNCIL the need for making the Arts Alleyway Pedestrian-Only from 5pm-5am on weekdays, and Pedestrian-Only on weekends from 5pm Friday to 5am Monday.

Discussion Item
State of Georgia
Fulton County
City of Hapeville

Discussion Item 2019.09.17c

'Discussion Regarding Needed Signage for Speed Calming'

A RESPONSE TO COMPLAINTS AND CONCERNS FOR RESIDENTS AS IT RELATES TO SPEEDERS, AND REQUESTS FOR CALMING MEASURES; AND

A RESOLUTION TO FURTHER DECLARE THE NEED FOR SAFER STREETS AND INCREASED WALKABILITY AND SAFETY MEASURE PER THE ACTIVE REQUEST OF RESIDENTS WHO PRESIDE WITHIN THE BOUNDARIES OF THE RESIDENTIAL AREAS OF THE CITY OF HAPEVILLE;

FURTHERMORE, A DISCUSSION AS TO WHICH THE CITY STAFF IS AUTHORIZED TO REVIEW THE COSTS ASSOCIATED WITH THE IMPLEMENTATION THEREOF;

WHEREAS, the Mayor and Council views the need for traffic calming measures in addition to declaring the entrances to all residential areas a 'Residential Zone' and approving appropriate signage at all entrances; and

WHEREAS, the Mayor and Council are appreciative of the dedicated work of the Hapeville Police Department in actively pursuing needs to make the City of Hapeville a safe place to live, work, and play; and

WHEREAS, per the research of the Mayor and Council, stop signs, speed limit notification signage (speed measurement signs), and Rapid Flashing Beacons in various neighborhoods in the metropolitan-Atlanta area have proven effective in making cities and neighborhoods more appealing and family friendly; and

WHEREAS, the Mayor and Council would request that staff to price out the following signage for residential areas; and

WHEREAS, the Mayor and Council would request that the Neighborhood Associations affected by this signage provide input and suggestions in writing to mayorandcouncil@hapeville.org; and

WHEREAS, the perception of the Mayor and Council is that 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 DISCUSSED AT A CALLED MEETING OF COUNCIL the following signage requests:

STOP SIGNS (23 additional):

Section 1: North and South Bound at the intersection of Campbell Circle and Oakdale Road (southern intersection with no current stop signs)

Section 2: East and West Bound at the intersection of Lake Drive and Jackson Street

Section 3: East and West Bound at the intersection of Oak Drive and North Fulton Avenue

Section 4: East and West Bound at the intersection of Wheeler Street and Lake Drive

Section 5: East and West Bound at the intersection of Wheeler Street and Walnut Street

Section 6: East and West Bound at the intersection of Wheeler Street and North Avenue

Section 7: North and South Bound at the intersection of 5th Street and Maple Street

Section 8: North and South Bound at the intersection of La Vista Drive and Victoria Lane

Section 9: North and South Bound at the intersection of La Vista Drive and Barnett Drive

Section 10: North and South Bound at the intersection of King Arnold Street and Sunset Avenue

Section 11: North Bound at the intersection of Sunset Avenue and Arnold Street

STOP SIGN WITH FLASHING SOLAR LIGHTS (1 retrofit):

Section 1: North Bound at the intersection of Campbell Circle and Oakdale Road (northern intersection with existing stop signs) - retrofit one on north facing lane

SPEED MEASUREMENT SIGNS (8 devices):

Section 1: East and West Bound on Virginia Avenue between Lang Avenue and Elkins Street

Section 2: East and West Bound on North Central Avenue at the intersection of North Central Avenue and North Fulton Avenue

Section 3: North bound on Dogwood Drive slightly north of the intersection of Marina Street and Dogwood Drive

Section 4: South bound on Dogwood Drive in front of Discovery Montessori

Section 5: North bound on Dogwood Drive at the intersection of Oak Drive and Dogwood Drive
Section 6: South bound on Dogwood Drive slightly south of Cofield Drive

RAPID FLASHING BEACONS (4 implementations):

Section 1: At the intersection of North Avenue of North Fulton Avenue
Section 2: At the intersection of North Fulton Avenue and Parkway Drive
Section 3: At the intersection of Parkway Drive and Wheeler Street
Section 4: At the intersection of South Fulton Avenue and South Central Avenue

Discussion Item
State of Georgia
Fulton County
City of Hapeville

Discussion Item 2019.09.17b

'Discussion Regarding Weekly City-Sponsored Food Truck and Transient Vendor Event'

A RESPONSE TO THE NEED FOR CONTINUING THE VIBRANCY OF OUR DOWNTOWN;

A FOCUS TO FURTHER DECLARE THE DESIRE TO SEE BUSINESSES, RESIDENTS, AND VISITORS TO SEE CITY OF HAPEVILLE AS A PLACE TO LIVE, THRIVE, EAT, DRINK, AND PLAY;

FURTHERMORE A DISCUSSION ON PRACTICAL IMPLEMENTATIONS OF THE RECENTLY PASSED TRANSIENT VENDOR ORDINANCE AND FOOD TRUCK ORDINANCE, SUCH AS THAT THE CITY OF HAPEVILLE AS A SPACE WHERE SPACED BECOME ACTIVATED FOR COMMERCE AND FUN;

WHEREAS, the Mayor and Council views the need for dining options; and

WHEREAS, the Mayor and Council are appreciative of the existing businesses in Hapeville; and

WHEREAS, the Mayor and Council see that other municipalities are pursuing similar events to attract individuals to their city; and

WHEREAS, the perception of the Mayor and Council is that 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, HEREBY DISCUSSED AT A CALLED MEETING OF COUNCIL the need for a reoccurring food truck and transient vendor event.