

CITY COUNCIL
JEFF REESE, MAYOR
GIL MCDUGAL, MAYOR PRO-
TEM
VERLAND BEST
DANNY CARTER
SHIRLEY MARCHMAN
LESLIE MCPHERSON

City of Villa Rica



CITY MANAGER: TOM BARBER
CITY CLERK: ALISA DOYAL
CITY ATTORNEY: C. DAVID
MECKLIN

571 W BANKHEAD HWY
VILLA RICA, GA. 30180
770.459.7000 | VILLARICA.ORG

MAYOR & COUNCIL MONTHLY MEETING AGENDA

Holt-Bishop Justice Center, Municipal Courtroom, 101 Main Street

June 5, 2018 | 6:00 PM

Meeting Call to Order (Mayor Jeff Reese)

Invocation (Shirley Marchman)

Pledge of Allegiance (Mayor Jeff Reese)

Ceremonial Presentations (Mayor & Council)

- Recognition of Employee Anniversary:
James Benedik - 10 Years of Service
- Recognition of Carson White - Distribution License
- Oath of Office:
Alan Martinez - Recreation Advisory Commission

Adoption of the Agenda (Mayor Jeff Reese)

Public Comment (We ask that you sign in for Public Comment before the meeting begins. Please state your Name and Address for the record and limit your comments to three minutes)

Council Updates (Subjects of General Interest and Concern)

Consent Agenda

The Consent Agenda is a single item that encompasses all things the City Council would normally approve with little comment. Each of these items were discussed at the Thursday, May 31, 2018, Council Work Session, and it was the unanimous consensus of the Governing Body to place the following items on the Consent Agenda.

1. Contractor Recommendation - Gold Dust Gutter Replacement
2. City partnership with the Community Foundation of West Georgia to assist with donations for the city's trail system.
3. Request to apply and accept Georgia Department of Transportation's Transportation Alternative Program (TAP) funding for trail system implementation.
4. Main Street Advisory Board Appointment - The seven-member Main Street Advisory Board is appointed by the City Council and works to promote and create a thriving central business district in Downtown Villa Rica and along primary entrance corridors into the central downtown business district.

5. Main Street Service Delivery Area Map Amendment - The current Main Street Service Delivery Area was created in 2015 with the establishment of the Main Street Advisory Board. It has been determined that the current Main Street Service Delivery Area does not accurately reflect the current trend and community idea of the Downtown Area.
6. Resolution Mending Downtown Development Authority Boundary - OCGA § 36-42-5 requires the governing body's resolution to include the geographical area within the municipal corporation which constitutes the central business district.
7. Thomas A. Dorsey Festival Community Development Grant - The Villa Rica Community Development Grant Program has been established by the City of Villa Rica to foster and fund activities, projects, special events, sporting events and programs that promote eligible tourism and cultural activities within the City.
8. Redevelopment Powers Law Resolution - A resolution to regulate and to provide for the calling of an election, to be held November 6, 2018, to determine the exercise or non-exercise of redevelopment powers by the City of Villa Rica under Chapter 44 of Title 36 of the Official Code of Georgia Annotated, the "Georgia Redevelopment Powers Law," as amended, in accordance with 201 Georgia House Bill 846;
9. Long-Term Water Quality Monitoring: Request to approve CCR Environmental, Inc. Proposal for \$15,645. (Jameson Green)
10. Purchase Remote-Controlled Sewer Inspection Camera For Distribution And Collections Department (Charlie Davis)
11. Water System Improvements at Stone Street/Hwy 78/Norfolk Southern (Pete Zorbanos)
12. Building Inspector Vehicle (Nic Griffin)
13. Proposal by Raftelis to Develop Water/Sewer Tap Fees and Update the Financial Model from 10 years to 40 years.
14. Cloud-Based GIS Services with Ecological Planning Group

A. Governing Body (Mayor Jeff Reese)

1. Approval of the Minutes:
 - a. Monthly Meeting of May 1, 2018.
2. Intergovernmental Agreement with Douglas County for Installation of Warning Signal for the Connors Road Railroad
3. Carroll County TSPLOST Project List
4. Intergovernmental Agreement Carroll County TSPLOST

B. Finance (Sarah Hefty, CFO)

1. Financial Update: April 2018

C. Community Development (Bobby Elliott, Director)

1. FP-01-18: Final Plat for Twin Oaks (Unit 2A)
2. RA-04-18: Rezoning request for property located at 1030 Third Street. Currently zoned R20 (Single Family Residential) to LI (Limited Industrial).

3. APPEAL: Rex Camp to appeal Historic Preservation Commission decision in regards to Certificate of Appropriateness application COA-01-18.
4. Alcoholic Beverage Ordinance Revision

City Manager's Report (Tom Barber)

D. Executive Session (David Mecklin, City Attorney)

1. Meeting to discuss or deliberate upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee as provided in Georgia code section. 50-14-3(b)(2).
2. Pursuant to the attorney-client privilege and as provided by Georgia Code section 50-14-2(1), a meeting otherwise required to be open was closed to the public in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved and the matter discussed was (identify the matter but not the substance of the discussion).

Adjournment



CITY OF VILLA RICA

City Council Agenda Item

DATE: May 23, 2018

SUBJECT: Gold Dust - Gutter Replacement Bids

FISCAL IMPACT:

ANNUAL –

CAPITAL – \$66,751

OTHER –

FUNDING SOURCE: 2018 Capital Budget (SPLOST)

CITY COUNCIL AGENDA DATE: June 5, 2018

PURPOSE: The Department of Parks, Recreation, and Leisure Services is presenting the lowest bid for replacing gutters at Gold Dust.

BACKGROUND: The Gold Dust facility was constructed in 1991. The City Council approved the roof replacement in February 2018 and the work was completed in April 2018. While obtaining assessments for the roof, staff also obtained bid information for the gutters as well.

The Garland Group, a member of the US Communities cooperative purchasing program under the State, facilitated an invitation to bid for the city. The Garland Group prequalifies commercial roofing and gutter companies and then guarantees their work for the duration of the warranty, along with, providing annual inspections.

A pre-bid meeting was held onsite January 5, 2018. A total of three bid responses were submitted by January 12, 2018 with cost proposals as follows.

Pride Roofing, Inc:	\$66,751
Ben Hill Roofing:	\$89,293
Eskola Roofing:	\$131,362

On May 1, 2018 the City Council amended the 2018 SPLOST budget to incorporate the gutter replacement at Gold Dust Park's recreation building.

STAFF RECOMMENDATION: Approval of the Garland/DBS, Inc with Pride Roofing, Inc.

IMPACT: Approval of the gutter replacement will improve the long-term viability of the building by collecting and directing storm water from the roof away from the structure.

MOTION WORDING: To approve the Garland Group and Pride Roofing, Inc for the purpose of replacing the entire gutter system for the Gold Dust park building.







Garland/DBS, Inc.
3800 East 91st Street
Cleveland, OH 44105
Phone: (800) 762-8225
Fax: (216) 883-2055



ROOFING MATERIAL AND SERVICES PROPOSAL

Gold Dust Parks & Rec. Re-Roof
City of Villa Rica
571 W. Bankhead Hwy.
Villa Rica, Ga 30180

Date Submitted: 05/18/2018
Proposal #: 25-GA-180571
MICPA # 14-5903

Georgia General Contractor License #: GCCO003281, TAYLOR#GCQA003292

Purchase orders to be made out to: Garland/DBS, Inc.

Please Note: The following budget/estimate is being provided according to the pricing established under the Master Intergovernmental Cooperative Purchasing Agreement (MICPA) with Cobb County, GA and U.S. Communities. This budget/estimate should be viewed as the maximum price an agency will be charged under the agreement. Garland/DBS, Inc. administered a competitive bid process for the project with the hopes of providing a lower market adjusted price whenever possible.

Scope of Work: Gutter and Downspout Replacement

1. Remove existing gutters and downspouts
2. New gutters and downspouts will be installed in existing locations.
3. All sheet metal material to be Garland provided 22ga G-90 Galvanized, Kynar coated 48" x 120" steel flat stock. Contractor will fabricate gutters and downspouts from Garland flat stock.
4. Utilize Garland accessories including: Stainless Steel pop rivets colored to match, non-curing butyl rubber sealant, and Tripolymer sealant.
5. New gutters shall match existing gutters
 - a. Gutter brackets shall be 1/4" x 1 1/2" G-90 galvanized steel bent plate and painted to match the gutters. Install every 36" o.c.
 - b. Gutter spacers shall be 22 ga G-90 galvanized steel and installed every 36" o.c. alternating the bracket spacing.
 - c. Install gutter expansion joint every 50'
 - d. 10' sections of gutter shall be joined with a splice plate and joined with 2 1/4" beads of non-curing butyl rubber sealant.
6. New downspouts shall match existing downspouts-box type, 24 ga G-90 galvanized steel in a color to match new gutters, formed out of flat stock
 - a. Downspouts will be routed to match existing routing

- b. Install downspout bracket every 120" o.c. Anchor bracket to masonry wall with Downspout hangers shall be 1/16" x 1" G-90 galvanized steel painted to match the new downspouts. Attach with minimum 2 – 5/16" tapcon masonry anchors with a minimum embedment of 2" into masonry block joints
7. Contractor to provide gutter brackets, gutter and downspout attachment fastener

Proposal Price Based Upon Market Experience:

\$ 66,751

Garland/DBS Price Based Upon Local Market Competition:

1	Pride Roofing Inc.	\$ 66,751
2	Ben Hill Roofing	\$ 89,293
3	Eskola Roofing	\$ 131,362

Potential issues that could arise during the construction phase of the project will be addressed via unit pricing for additional work beyond the scope of the specifications. This could range anywhere from wet insulation, to the replacement of deteriorated wood nailers. Proposal pricing valid through 6/31/2018.

Clarifications/Exclusions:

1. Sales and use taxes are excluded. Please issue a Tax Exempt Certificate.
2. Permits are excluded.
3. Bonds are included.
4. Plumbing, Mechanical, Electrical work is excluded.
5. Masonry work is excluded.
6. Temporary protection is excluded.
7. Prevailing Wages are excluded.
8. Any work not exclusively described in the above proposal scope of work is excluded.

If you have any questions regarding this proposal, please do not hesitate to call me at my number listed below.

Respectfully Submitted,

Joe Slovasky

Joe Slovasky
Garland/DBS, Inc.
(216) 430-3523



Agenda Item: _____

CITY OF VILLA RICA

City Council Packet

SUBJECT: Community Foundation of West Georgia and the Master Trail System
CITY COUNCIL AGENDA DATE: June 5, 2018

DATE: May 23, 2018

PREPARED BY: Vicki D. Coleman, AICP

FISCAL IMPACT:

ANNUAL –

CAPITAL –

OTHER –

FUNDING SOURCE: NA

PURPOSE: The Parks, Recreation and Leisure Services is presenting for consideration a partnership between the City of Villa Rica and the Community Foundation of West Georgia to establish a fund for the purpose of accepting donations for Villa Rica's trail construction and trail amenities.

BACKGROUND: The City is currently undergoing a process to plan a trail system. To pay for trail implementation, the City may utilize multiple methods with donations being just one of those methods.

The Community Foundation of West Georgia is an organization that has previously been used as a vehicle for accepting pass through donations for other City projects (e.g. Villa Rica Public Library). The Foundation accepts the donations on behalf of public entities and incorporates them as part of their investment pool for a greater return to the public organization. Additionally, the Community Foundation has worked as a development partner with public entities to further expedite construction projects by coordinating contractor payments.

The created fund can be established with 100% of donations contributed to the Villa Rica trail project minus a minimal administrative fee for the Community Foundation.

STAFF RECOMMENDATION: Approval

IMPACT: Approval of this partnership allows the City to immediately have a charitable organization that can accept donations.

MOTION: To approve a partnership with the Community Foundation of West Georgia to assist the City with the development and donation acceptance for the City's master trail plan.

**DESIGNATED PASS-THROUGH FUND AGREEMENT
BETWEEN
THE COMMUNITY FOUNDATION OF WEST GEORGIA, INC.,
AND
_____ (“DONORS”)**

THIS AGREEMENT (the “Agreement”) is made and entered into as of _____, 20__, by and between the Community Foundation of West Georgia, Inc. (the “Community Foundation”), and _____ (“Donors”).

Recitals

WHEREAS, Donors desire to establish a designated pass-through fund in the Community Foundation; and

WHEREAS, the Community Foundation is a Georgia nonprofit corporation exempt from federal income taxes under Internal Revenue Code (“Code”) section 501(c)(3), a public charity described in Code section 170(b)(1)(A)(vi), and accordingly an appropriate institution within which to establish such a designated pass-through fund; and

WHEREAS, the Community Foundation is willing and able to hold and administer such a designated pass-through fund, subject to the terms and conditions hereof.

General Provisions

NOW THEREFORE, the parties agree as follows:

1. GIFT AND FUND DESIGNATION. Donors hereby transfer irrevocably to the Community Foundation the property (cash, publicly traded securities, or other assets) described in the attached Exhibit A to establish a designated pass-through fund to be known as the _____ Fund (the “Fund”). Subject to the right of the Community Foundation to reject any particular gift, from time to time the Community Foundation may accept additional irrevocable gifts of property from Donors or from any other source to be added to the Fund, all subject to the provisions hereof. All gifts, bequests, and devises to this Fund shall be irrevocable once accepted by the Community Foundation.

2. PURPOSE. The purpose of the Fund shall be to provide support to _____ (a single tax-exempt nonprofit organization described in Code sections 501(c)(3) and either 509(a)(1), 509(a)(2), or 509(a)(3)) (the “Designated Agency”), as directed by the Board of Directors (the “Board”) of the Community Foundation. Such support shall be used to further the charitable or other exempt purposes of the Designated Agency within the meaning of

Code section 170(c)(1) or 170(c)(2)(B) and shall be consistent with the mission and purposes of the Community Foundation.

3. DISTRIBUTIONS. The ordinary income, capital appreciation (realized and unrealized), and principal (both historic dollar value and any principal contributions, accumulations, additions, or reinvestments) allocable to the Fund, net of the fees and expenses set forth in this Agreement, may be committed, granted, or expended solely for purposes described in this Agreement.

If any gift to the Community Foundation for the Fund is accepted subject to conditions or restrictions as to the use of the gift or income therefrom, such conditions or restrictions will be honored, subject, however, to the authority of the Board to vary the terms of any gift if continued adherence to any condition or restriction is in the judgment of the Board unnecessary, incapable of fulfillment, or inconsistent with the charitable or other exempt purposes of the Community Foundation or the needs of the community served by the Community Foundation. No distribution shall be made from the Fund that may in the judgment of the Community Foundation jeopardize or be inconsistent with the Community Foundation's Code section 501(c)(3) status or result in the imposition of any excise tax, penalty, or other tax, fine, or assessment under the Code.

4. ADMINISTRATIVE PROVISIONS. Notwithstanding anything herein to the contrary, the Community Foundation shall hold and administer the Fund, and all contributions and assets allocable to the Fund, subject to the provisions of applicable law and the Community Foundation's Articles of Incorporation and Bylaws and all Policies and Procedures for the Establishment and Operation of Funds of the Community Foundation, as amended from time to time. The Board shall oversee distributions from the Fund and shall have all powers of modification and removal specified in United States Treasury Regulation section 1.170A-9(e)(11)(v)(B).

The Board agrees to provide Donors a copy of any annual examination of the finances of the Community Foundation as reported by independent certified public accountants.

This Agreement and all related proceedings shall be governed by and interpreted under the laws of the State of Georgia. Any action with respect to this Agreement shall be brought in or venued to a court of competent jurisdiction in Carroll County, Georgia.

5. CONDITIONS FOR ACCEPTANCE OF GIFTS. Donors agree and acknowledge that the establishment of the Fund is made in recognition of, and subject at all times to, applicable law and the terms and conditions of the Articles of Incorporation and Bylaws of the Community Foundation and all Policies and Procedures for the Establishment and Operation of Funds of the Community Foundation, as amended from time to time, including, but not by way of limitation, provisions for:

- a. Presumption of Donors' intent;

- b. Variance from Donors' direction; and
- c. Amendments.

6. CONTINUITY OF THE FUND. The Fund shall continue so long as assets are available in the Fund and the purposes of the Fund can be served by its continuation. If the Fund is terminated, the Community Foundation shall use any remaining assets in the Fund exclusively for charitable or other exempt purposes that:

- a. are within the scope of the charitable and other exempt purposes of the Community Foundation; and
- b. most nearly approximate, in the good faith opinion of the Board, the original purpose of the Fund.

7. NOT A SEPARATE TRUST. The Fund shall be a component part of the Community Foundation. All money and property in the Fund shall be held as general assets of the Community Foundation and not segregated as trust property of a separate trust.

8. ACCOUNTING. The receipts and disbursements of the Fund shall be accounted for separately and apart from those of other gifts to the Community Foundation.

9. INVESTMENT OF FUND ASSETS. The Community Foundation shall have all powers necessary, or in its judgment desirable, to carry out the purposes of the Fund including, but not limited to, the power to retain, invest, and reinvest the assets of the Fund and the power to commingle the assets of the Fund for investment purposes with those of other funds or the Community Foundation's general assets.

10. COSTS OF THE FUND. It is understood and agreed that the Fund shall share a fair portion of the total investment and administrative costs and expenses of the Community Foundation. Those costs and expenses charged against the Fund shall be determined in accordance with the then current fee schedule identified by the Community Foundation as applicable to funds of this type, as such schedule may be amended by the Community Foundation from time to time. Any costs and expenses incurred by the Community Foundation in accepting, transferring, or managing property donated to the Community Foundation for the Fund, including without limitation the Community Foundation's costs and expenses (including reasonable attorneys fees) of any claim or proceeding with respect to the Fund in which the Community Foundation is prevailing party, also shall be paid from the Fund.

Execution

IN WITNESS WHEREOF, Donors and the Community Foundation, by a duly authorized officer, have executed this Agreement as of the day and year first above written.

DONORS:

Donor

Donor

THE COMMUNITY FOUNDATION OF WEST GEORGIA, INC.:

By: _____

Title: _____

EXHIBIT A

LIST OF INITIAL DONATIONS TO FUND

Cash: _____

Publicly Traded Securities:

Other:



Nonprofit FUND PROFILE

Fund Representative I

Contact Name: _____
Preferred Salutation: _____
Date of Birth: _____
Home Address: _____

City State ZIP Code
Business/Org Name: _____
Business Address: _____

City State ZIP Code
Send mailings to: ☐ Home Address ☐ Business Address
Home Phone: _____ Mobile: _____
Business Phone: _____ FAX: _____
E-mail Address: _____

Fund Representative II

Contact Name: _____
Preferred Salutation: _____
Date of Birth: _____
Home Address: _____

City State ZIP Code
Business/Org Name: _____
Business Address: _____

City State ZIP Code
Send mailings to: ☐ Home Address ☐ Business Address
Home Phone: _____ Mobile: _____
Business Phone: _____ FAX: _____
E-mail Address: _____
Preferred Salutation: _____

Fund Name

Please choose a name for your fund.

Fund Name: _____
Would you like your fund to be listed on the Give Now page of CFWG.NET? If listed you can direct donors to the website and donations will be directed to your fund. _____ YES _____ NO
If yes, please write a brief description of your fund to be listed on our website: _____

Change Fund Representative

You may request to change your fund representative as your officers change. CFWG needs a letter on the organization letterhead requesting the change and it must be signed by one of the Fund Representatives above. We can also accept minutes from the meetings where the officers were named.



Agenda Item: _____

CITY OF VILLA RICA

City Council Packet

SUBJECT: Fullerville Trail and GDOT Funding
CITY COUNCIL AGENDA DATE: May 23, 2018

DATE: June 5, 2018
PREPARED BY: Vicki D. Coleman, AICP

FISCAL IMPACT:
ANNUAL –
CAPITAL – minimum \$200,000 (20% Match required)
OTHER –

FUNDING SOURCE: Capital

PURPOSE: The Department of Parks, Recreation, and Leisure Services is requesting permission to apply and accept Transportation Alternative Program (TAP) funding from the Georgia Department of Transportation (GDOT) in fiscal year 2019.

BACKGROUND: The City is currently planning a master trail plan for the City. Funding construction implementation will be accomplished in multiple ways to include funding from GDOT. Most recently, the city completed its first trailhead with funding GDOT's TE grant. The Transportation Alternative Program (TAP) extends the work of the TE grant program.

The Georgia Department of Transportation (GDOT) currently has a call for projects for its Transportation Alternatives Program (TAP). The GDOT partners with the Federal Highway Administration (FHWA) in facilitating and providing an opportunity for local governments to pursue non-traditional transportation related activities such as pedestrian facilities, bicycle facilities, and pedestrian streetscaping projects. TAP improves the quality of life for citizens by providing local governments the means to pursue projects that might not otherwise be possible.

TAP funding provides local recipients *a minimum of \$1 million with a 20% match required* for the purposes of covering such things as engineering, right of way acquisition, construction. TAP applications must be submitted *no later than August 31, 2018* for the State's 2019 fiscal year.

Funding Requirements:

- The call for projects is limited to areas of the state with a population greater than 5,000, but less than 200,000 and areas of the state with a population of less than 5,000 (two separate areas with a defined amount of funding available for each area).

- The minimum amount of funding requested for each project is \$1,000,000. The maximum amount is the pool limit. The minimum amount can be the sum of preliminary engineering (PE) cost, right of way (ROW) cost and construction (CST) cost.
- At least one phase of the project must be ready for funding to be federally authorized in state fiscal year 2019.

Eligible Projects:

Pedestrian and Bicycle Facilities

- Connect and develop documented regional or statewide non-motorized transportation networks
- Are appropriate for the need and user types targeted
- Benefit state tourism or economic development initiatives
- If locally significant, have strong transportation connection and involve planning efforts or serve as connectors to regional networks
- Are a priority on GDOT, county or regional non-motorized transportation plans
- Address documented pedestrian/bike deficiencies

Streetscape Improvements

- Are located in established traditional downtowns or historic districts
- Use a creative design approach that enhances pedestrian safety and takes into account the community identity, history, context, and the human environment

Safe Routes to School Program

- Meet the requirements under section 1404 of the SAFETEA-LU

STAFF RECOMMENDATION: Approval

IMPACT: Approval will facilitate the implementation of the city's trail construction. The city can leverage its 20% funding participation for a greater return.

MOTION WORDING: To approve the city's applying and accepting Transportation Alternative Program (TAP) funding from the Georgia Department of Transportation.

Transportation Alternatives Program Guidance

The Transportation Alternatives Program (TAP):

The Georgia Department of Transportation (GDOT) partners with the Federal Highway Administration (FHWA) in facilitating and providing an opportunity for local governments to pursue non-traditional transportation related activities such as pedestrian facilities, bicycle facilities, and pedestrian streetscaping projects. TAP improves the quality of life for citizens in communities across the state by providing local governments the means to pursue projects that might not otherwise be possible. The Federal Transportation Funding Act, Moving Ahead for Progress in the 21st Century (MAP-21), that was signed into law on July 6, 2012 authorized the Transportation Alternatives Program. TAP builds upon the legacy of the TE program by expanding travel choices, strengthening the local economy, improving the quality of life, and protecting the environment. The most recent Transportation Funding Act, Fixing America's Surface Transportation (FAST) Act, continues funding TAP through 2020.

GDOT Awards TAP Funds to Local Governments in two population categories:

This call for projects is limited to two population areas of the state of Georgia, as outlined below:

- For TAP funds sub-allocated to small urban areas (i.e., areas with populations of 5,001 to 200,000), the State is responsible for selecting TAP projects through a competitive process. The State may make these funds available for projects anywhere within the metropolitan planning area boundaries of a Metropolitan Planning Organization (MPO) serving an urbanized area with a population less than or equal to 200,000.
- For TAP funds sub-allocated to smaller areas (i.e., areas with populations below 5,000), the State is responsible for selecting TAP projects through a competitive process. Projects are only approved up to the funds available in the population area on an annual basis.

Authorized Applicants:

- Local governments
- Regional Transportation Authorities
- Transit Agencies
- Natural Resources or public lands agencies
- School Districts, local education agencies or schools
- Tribal governments

- Any other local or regional governmental entity with responsibility for oversight of transportation or recreational trails (other than a MPO or a State agency that the State determines to be eligible)

State DOTs and MPOs are not eligible entities as defined under 213(c)(4)(B) and therefore are not eligible project sponsors for TAP funds. However, State DOTs and MPOs may partner with an eligible entity project sponsor to carry out a project.

Non-Governmental Organizations are eligible to partner with a government entity when applying for funding.

Local government entities include any unit of local government below a State government agency, except for MPOs. Examples include city, town, or county agencies.

Transit agencies include any agency responsible for public transportation that is eligible for funds under the Federal Transit Administration (FTA).

Natural resource or public land agencies include any Federal, Tribal, State, or local agency responsible for natural resources or public land administration. Examples include: State or local park or forest agencies, State or local fish and game or wildlife agencies, Department of the Interior Land Management Agencies and U.S. Forest Service.

Funding Requirements for This Call for Projects:

- This call for projects is limited to areas of the state with a population greater than 5,000, but less than 200,000 and areas of the state with a population of less than 5,000 (two separate areas with a defined amount of funding available for each area).
- The minimum amount of funding requested for each project is \$1,000,000. The maximum amount is the pool limit. The minimum amount can be the sum of preliminary engineering (PE) cost, right of way (ROW) cost and construction (CST) cost.
- At least one phase of the project must be ready for funding to be federally authorized in state fiscal year 2019. The state fiscal year begins on July 1, 2018 and continues through June 30 2019. The funding authorized in fiscal year 2019 can be for any project phase. The PE phase would most likely be the quickest phase to obtain funds authorization in fiscal year 2019.

Eligible Projects as Authorized by TAP:

Pedestrian and bicycle facilities, including non-motorized paths, that:

- Connect and develop documented regional or statewide non-motorized transportation networks
- Are appropriate for the need and user types targeted
- Benefit state tourism or economic development initiatives
- If locally significant, have strong transportation connection and involve planning efforts or serve as connectors to regional networks
- Are a priority on GDOT, county or regional non-motorized transportation plans
- Address documented pedestrian/bike deficiencies
- Are part of a broader non-TAP funded non-motorized system

Streetscape Improvements, that:

- Are located in established traditional downtowns or historic districts
- Use a creative design approach that enhances pedestrian safety and takes into account the community identity, history, context, and the human environment
- Accomplish multiple goals (traffic calming, enhancement, aesthetics, pedestrian safety, tied with other initiatives, etc.)
- Receive input and support from citizens, local businesses, economic developers, traffic engineers, etc.

Safe Routes to School Program, that:

- Meet the requirements under section 1404 of the SAFETEA-LU

For TAP, a pedestrian is not only defined as a person traveling by foot but also “any mobility impaired person using a wheel chair.” The definition of a bicycle transportation facility is “a new or improved lane, path, or shoulder for use by bicyclists and a traffic control device, shelter, or parking facility for bicycles.” Bicycle and pedestrian projects must be “principally for transportation, rather than recreation purposes.” It must also demonstrate a logical sense of connectivity.

TAP funds cannot be used for:

- State or MPO administrative purposes
- Grant administration
- Promotional activities
- General recreation and park facilities, playground equipment, sports fields, campgrounds, picnic areas and pavilions, etc.
- Routine maintenance and operations
- Safety and educational activities for pedestrians and bicyclists

- Acquisition of scenic easements and scenic or historic sites (including historic battlefields), and scenic or historic highway programs (including tourist and welcome center facilities). *Exceptions:* A few specific activities under this category are eligible for funding as TAP projects, including construction of turnouts, overlooks, and viewing areas; historic preservation and rehabilitation of historic transportation facilities; and bicycle and pedestrian facilities.
- Landscaping and scenic enhancement as an independent project. However, landscaping is eligible as part of the construction of any TAP funded project. In these cases, details for long term maintenance must be provided along with details for the installation of an irrigation system if deemed necessary.
- Historic preservation and rehabilitation of historic buildings, structures, or facilities
Historic preservation activities now are limited to preservation and rehabilitation activities relating to a historic transportation facility. See section 101(a)(29)(E).
Operation of historic transportation facilities is not eligible under TAP.
- Archaeological planning and research. Under TAP, archaeological activities must relate to impacts from implementation of a transportation project eligible under title 23.
- Establishment of transportation museums. There is no eligibility for this activity under TAP.

Careful consideration should be given to whether an activity falls within the eligibilities created under TAP. For more information regarding definitions of eligible TAP activities, please refer to the FHWA TAP Guidance at:

https://www.fhwa.dot.gov/environment/transportation_alternatives/guidance/guidance_2016.cfm

Project Competitive Factors:

Financial factors

- Realistic expectations and cost
- A high level of local match funding and ability to pay
- Non-participating work that is determined to be a benefit to the TAP project

Public input

- Consistency with adopted plans, policies, or other investments
- Opportunity and evidence of public involvement

Safety and Livability

- Addresses safety

- Enhances livability, demonstrates quality of experience, improves quality of life, and improves population health
- Total population served and level of exposure or access including the amount or density of nearby population or employment

Coordinated efforts

- Project supporting a community's Complete Streets policy, is on a designated state or national bicycle trail, or is part of a statewide initiative, provides connectivity among other facilities or regions of activity, adds to or enhances existing network
- Completes planned corridors, fills gaps
- Paired with other infrastructure work
- Part of an economic development or community improvement initiative

Constructability

- Technical merit including feasibility, meeting design standards, realistic scope/schedule/budget and project readiness

Maintenance factors

- Evidence of a strong maintenance plan that includes tasks, schedule, cost, source of maintenance funding, and responsible parties

Previous Transportation Enhancement (TE) and TAP funding

- Number and scale of previously awarded projects
- Timely implementation and appropriate maintenance on previous projects

GDOT has developed criteria to evaluate and rank proposed TAP projects. Qualified projects meeting the mandatory requirements are evaluated, scored and ranked. As funding is available projects are awarded to those applicants receiving the highest scores. Applicants not receiving funding during the year may resubmit their project the following year for consideration.

Applicant Responsibilities:

Application Submission:

Applications are accepted by GDOT's Office of Program Delivery. Applications shall be submitted by August 31, 2018 to the following email address: TAPapplications@dot.ga.gov. Those projects meeting the state and federal requirements will be prioritized, evaluated, scored and ranked.



CITY OF VILLA RICA

City Council Packet

SUBJECT: Main Street Advisory Board Appointments
CITY COUNCIL AGENDA DATE: 05/29/2018

DATE: 5/24/2018
PREPARED BY: Christopher G. Pike

FISCAL IMPACT: None
ANNUAL – N/A
CAPITAL – N/A
OTHER – N/A

FUNDING SOURCE: None

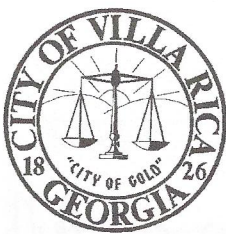
PURPOSE: : The seven-member Main Street Advisory Board is appointed by the City Council and works to promote and create a thriving central business district in Downtown Villa Rica and along primary entrance corridors into the central downtown business district. Term: 2 years | Members: 7

BACKGROUND: The Main Street Advisory Board has one vacant unexpired board term. Term ends 12/31/2020.

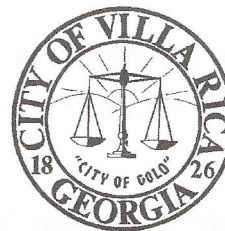
STAFF RECOMMENDATION: At the regular meeting of the Main Street Advisory Board, the Board voted to recommend Carolene Cox, Owner of 2 Sew 4 U Embroidery to fill the unexpired terms.

IMPACT: The Main Street Advisory Board will be back at full capacity.

RECOMMENDED MOTION: I move that we appoint Carolene Cox to fill the unexpired term of the Main Street Advisory Board ending January 31, 2020.



City of Villa Rica
571 W. Bankhead Highway
Villa Rica, GA 30180



APPLICATION FOR BOARD OR COMMISSION
APPOINTMENT

Citizens provide a great insight and knowledge to City government. An avenue that the City of Villa Rica uses to get this insight is through the various Boards and Commissions of the City of Villa Rica. The members of the Boards and Commissions make decisions and help recommend and review policies for the City of Villa Rica and its Mayor and Council. This questionnaire will assist the Mayor and Council in the review process and in determining applicant eligibility requirements and qualifications for Board or Commission membership.

Questions to consider before applying for membership on a Board or Commission:

- Do I fully understand what this Board or Commission expects from me?
- Am I committed to the goals and mission of this Board or Commission?
- Can I afford the demands on my time, resources and energy?
- Will I attend meetings regularly, making them a priority for the duration of my appointment?
- Am I willing to perform a reasonable amount of work outside of regularly scheduled Board or Commission meetings and prepare for each meeting?
- Can I work effectively with the other members of the Board or Commission?
- Am I willing to participate in necessary Board or Commission training, education and development activities that will improve my effectiveness in my position?

APPLICANT INFORMATION

Applicant Name: Carolene B Cox

Occupation: owner Employer: 2 Sew 4 U Embroidery

Home Address: 2860 E Hwy 166 City: C4ton, GA Zip: 30116

Home Phone: (770) 550-5609 Home E-Mail: tosew4u@gmail.com

Work Phone: (678) 952-6500 Work E-Mail: Caroleneb@2SEW4UEmbroidery.com

Cell Phone: (770) 550-5609 Preferred E-Mail: ☒ Home ☐ Work

Name and address of the business entity you own, located within the city limits of Villa Rica (if applicable) _____

2 Sew 4 U Embroidery

214 W Montgomery St., Villa Rica, GA 30180-1804

City of Villa Rica

BOARD OR COMMISSION APPLICATION

Page 2 of 4

- a) Which Board(s) or Commission(s) do you wish to be appointed to? Downtown Development Authority
Main Street Advisory Board
- b) How long have you been a resident of the City of Villa Rica? 2 Years 0 Months Business
Hometown is Villa Rica.
- c) Are you current with all of your financial obligations to the City? ☒ Yes ☐ No

- d) Are you willing and available to attend training sessions on-site and/or off-site if provided by the City? ☒ Yes ☐ No

- e) Available Boards and Commissions and their terms and meeting schedules are listed at the end of this application. Are you able to meet the attendance requirements of the position for which you are applying? ☒ Yes ☐ No

- f) Do you know of any circumstances that would result in you having to abstain from voting on any action before the Board or Commission? ☐ Yes ☒ No If yes, please explain:

- g) Do you or your employer, or your spouse, child, relative or their employers, do business with the City of Villa Rica ☐ Yes ☒ No If yes, please explain:

- h) Do you have any employment or contractual relationship with the City of Villa Rica that would create a continuing or frequently recurring conflict with regard to your participation on a Board or Commission? ☐ Yes ☒ No If yes, please explain:

i) Please briefly explain your reasons for wishing to serve on the Board or Commission you select:

The proposal is not a wish but a desire to make a difference in my hometown. The difference is to consider situations, think with a sound mind, then fairly implement the situations to the best ability.

j) Are you willing to be considered for appointment to any of the other Boards or Commissions of the City if a position is not available on the Board or Commission of your first choice? ☐ Yes ☐ No If yes, please list the Boards or Commissions for which you would like to be considered (in order of interest):

Have not considered other boards at this time.

APPLICANT STATEMENT

I understand that I am applying for appointment to a Board or Commission and that the appointing authority may require an interview prior to consideration for appointment; that I will be required to take an oath of office to uphold the City's charter and ordinances; that I may be removed from office for any reason permitted by law or City charter; and that my application will remain on file for consideration for a period of six months, after which time, I will need to file a new application. I agree to comply at all times with all requirements of the office for which I am applying and to which I may be appointed. All statements and information provided in this application are true to the best of my knowledge.

Signature

Printed Name

Date

Cardene Bailey Cox

5/14/2018

Please return signed application to:

Alisa Doyal, City Clerk
City of Villa Rica
571 W. Bankhead Hwy
Villa Rica, GA 30180

Fax: 770-459-7003
Email: adoyal@villarica.org

Questions? Contact the City Clerk at 678-840-1212

BOARD AND COMMISSION INFORMATION

Board of Appeals (BOA): The BOA is a quasi-judicial body that provides the public with a final administrative review process for appeals relating to a wide range of City determinations. The Board strives to provide an efficient, fair and expeditious public hearing and decision-making process before an impartial panel as a last step in the City's permit issuance process. The Board hears and decides appeals involving the granting, denial, suspension, or revocation of permits, licenses, and other use entitlements by various City commissions and departments. The granting or denial of variances and other determinations by the P&Z Commission. Term: 3 years | Members: 5

Downtown Development Authority (DDA): The DDA's mission is to oversee the revitalization and redevelopment of the central business district and to develop and promote for the public good and general welfare, trade, commerce, industry and employment opportunities. Members must either own a business or have an economic interest in the downtown. A member of the City Council is permitted to serve on the DDA. Term: 4 years | Members: 7

Historic Preservation Commission (HPC): This six-member commission is appointed by the City Council and administers the historic regulations in the City of Villa Rica. Commissioners review requests for retaining wall grants, revolving loan applications, building permit applications and demolition permit requests. Term: 3 years | Members: 6

Housing Authority Board (HAB): The function and responsibility of the HAB is to plan, develop, and administer a public housing program for the City of Villa Rica. Members are appointed by the Mayor for indefinite terms.

Library Advisory Board (LAB): Acts in an advisory capacity to the branch manager of the Villa Rica Public Library. Members work with the Branch Manager to establish operational policies for the library for approval by the City Council and West Georgia Regional Library System, assist the Branch Manager with the annual budget request to the City Council, adopts bylaws and regulations for internal operations, makes recommendations through the City Manager to the Mayor and City Council concerning the library, solicits donations of money and/or property for the benefit of the library, and represents the library to the community. The City Manager, Branch Manager and WGRL Director serve as nonvoting members. Term: 3 years | Members: 7

Main Street Advisory Board (MSAB): This seven-member Board commission is appointed by the City Council and works to promote and create a thriving central business district in Downtown Villa Rica and along primary entrance corridors into the central downtown business district. Term: 2 years | Members: 7

Planning & Zoning Commission (P&Z): The P&Z advises the City Council in decisions pertaining to amendments to the Comprehensive Plan, the Zoning Ordinance and applications for development. The Commission is charged with developing and maintaining the Comprehensive Plan and submitting the plan and its elements to the City Council. The Commission also reviews and makes recommendations regarding changes to the Comprehensive Plan land use map. The Commission hears, reviews and makes recommendations regarding all applications for subdivision site plans, specific plans and phased and conditional use permit applications. Term: 1 year | Members: 5

Recreation Advisory Commission (RAC): The purpose of the RAC is to make recommendations to the City Council regarding parks and recreation plans, policies, programs and projects. Term: 3 years | Members: 7

Villa Rica Cemetery Committee: Functions include making recommendations to the City Manager on all aspects of the management and operations of the city's cemeteries. Term: 3 years | Members: 6

Villa Rica Development Authority (VRDA): The VRDA exists to provide bond financing for community and economic development projects with a goal of increasing job opportunities within the community, supporting education and health care, and providing housing for underserved communities, all of which benefit the residents of the city of Villa Rica and the state of Georgia. Term: 4 years | Members: 7

City of Villa Rica

PROCEDURES FOR BOARD OR COMMISSION APPOINTMENT

- 1) Approximately four weeks before the end of a Board or Commission term, the City Clerk will notify the Mayor and City Council and the members of the Board or Committee affected of the positions and citizens whose terms will be expiring.
- 2) The City Clerk will cause this information to be posted via the City's website, electronic newsletter or other means to inform the residents in the city. This notice will also include qualifications (if any) to serve. The Mayor and City Council will set the timeframe for the acceptance of applicants.
- 3) Applications may be sent to the City Clerk. The Mayor and City Council may interview candidates at its discretion. The Mayor and City Council retains all responsibilities and rights to select candidates, nominate and confirm appointments as required by the City Charter and Code of Ordinances.
- 4) After any appointment, the new Board or Commission member, as well as the other members of that Board or Commission will receive a letter notifying them of their appointment and be scheduled to be administered an Oath of Office.

Please return signed application to: Alisa Doyal, City Clerk
City of Villa Rica
571 W. Bankhead Hwy
Villa Rica, GA 30180

Fax: 770-459-7003
Email: adoyal@villarica.org

Questions? Contact the City Clerk at 678-840-1212



CITY OF VILLA RICA

City Council Packet

SUBJECT: Main Street Advisory Board Service Delivery Area Amendment
CITY COUNCIL AGENDA DATE: 05/29/2018

DATE: 5/24/2018

PREPARED BY: Christopher G. Pike

FISCAL IMPACT: None

ANNUAL – N/A

CAPITAL – N/A

OTHER – N/A

FUNDING SOURCE: None

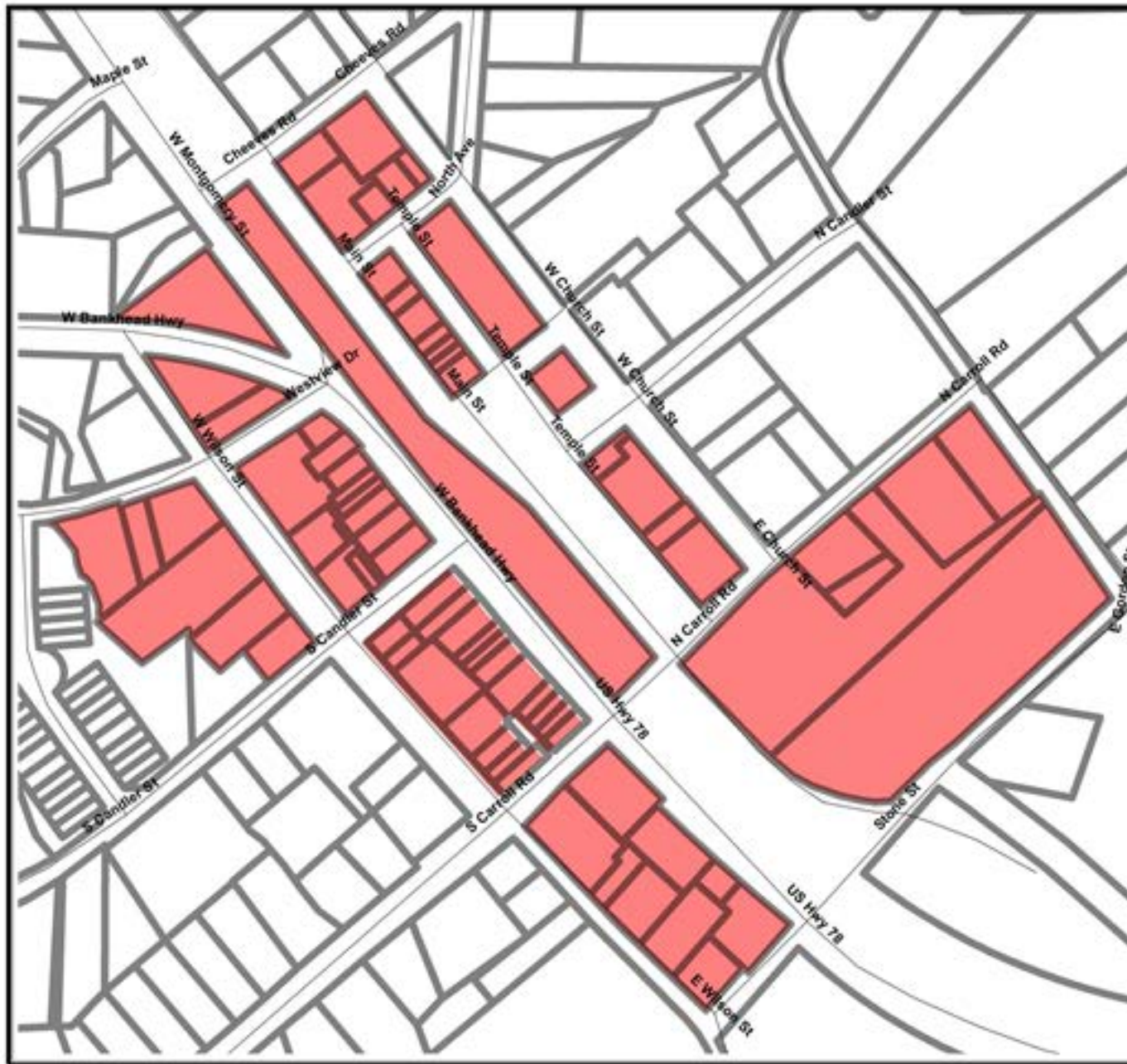
PURPOSE: The Main Street Advisory Board was established to create a vibrant destination that breathes life and diversity into our downtown. Working with Staff, the board works to attract business and patrons to the Central Business District of the City.

BACKGROUND: The current Main Street Service Delivery Area was created in 2015 with the establishment of the Main Street Advisory Board. It has been determined that the current Main Street Service Delivery Area does not accurately reflect the current trend and community idea of what the Downtown is.

STAFF RECOMMENDATION: At the regular meeting of the Main Street Advisory Board, the Board voted to recommend changing the Main Street Service Delivery Area. Map has been included with recommended changes.

IMPACT: The Main Street Service Delivery Area will more accurately reflect the communities understanding of the Downtown District.

RECOMMENDED MOTION: I move that we approve the recommended changes to the Main Street Service Delivery Area as outlined in the 2018 Main Street Service Delivery Area Map.



Legend

Downtown Overlay

DT-Central Business District



www.villarica.org

City of Villa Rica, Georgia

571 W. Bankhead Highway - Villa Rica, GA 30180 - 770.459.7000 (T) - 678.459.7003 (F)

Main Street Program Service Area Boundary



Downtown

Parcels

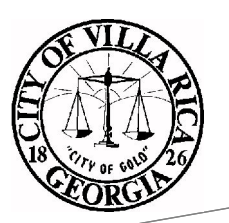
Railroad

Main Road

Local Road

This map is intended for only the Mayor and City Council of Villa Rica use. The City of Villa Rica does not assume any responsibility for the use of this product by any other party. The official version of this map resides within the Planning & Zoning Department of Villa Rica, and is the only official copy. Only a copy signed by the Planning & Zoning Manager reflects official data as of the date signed. This information is only a representation of the current information, and all information should be verified by the Planning & Zoning Manager. The City of Villa Rica does not assume responsibility for the use of the data on this map.

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CITY OF VILLA RICA

City Council Packet

SUBJECT: Resolution Mending Downtown Development Authority Boundary
CITY COUNCIL AGENDA DATE: 05/29/2018

DATE: 05/24/2018

PREPARED BY: Christopher G. Pike

FISCAL IMPACT:

ANNUAL – N/A

CAPITAL – N/A

OTHER – N/A

FUNDING SOURCE:

PURPOSE: OCGA § 36-42-5 requires the governing body's resolution to include geographical area within the municipal corporation which constitutes the central business district.

BACKGROUND: City of Villa Rica adopted a resolution activating the Villa Rica Downtown Development Authority on October 1, 1991, pursuant to OCGA § 36-42-4; The City Council previously designated the central business district of the Downtown Development Authority by a resolution adopted on April 7, 1992, which was filed with the Secretary of State of Georgia.

It appears that at some point between 1992 and 2003, the boundaries of the DDA were changed by the DDA and/or City Council. Then in 2003 a request was made to alter the DDA boundaries to reflect the Central Business District - Church Street, Cheeves Street, West Wilson Street, Stone Street and a portion of South Carroll Road. A third change was made when the latest version of the Villa Rica Comp Plan was adopted.

When a change to the DDA boundaries are made, those changes must be submitted to the Secretary of State's office as per State law that governs the DDA. It appears these changes have never been submitted as required.

STAFF RECOMMENDATION: The Downtown Development Authority recommends to the City Council of the City of Villa Rica amend the geographical area of the central business district to be the area currently included in the City of Villa Rica's Comprehensive Plan. Staff will then submit approved changes to the Secretary of State's Office.

IMPACT: The City will be in compliance with State law.

RECOMMENDED MOTION: I move that we approve the Resolution mending the area of the Villa Rica Downtown Development Authority as required by state law.

A RESOLUTION RECOMMENDING MENDING THE AREA OF THE
VILLA RICA DOWNTOWN DEVELOPMENT AUTHORITY

WHEREAS, the City of Villa Rica adopted a resolution activating the Villa Rica Downtown Development Authority on October 1, 1991, pursuant to OCGA § 36-42-4; and

WHEREAS, OCGA § 36-42-5 requires the governing body's resolution to include geographical area within the municipal corporation which constitutes the central business district; and

WHEREAS, the City Council of the City of Villa Rica previously designated the central business district of the Downtown Development Authority by a resolution adopted on April 7, 1992, which was filed with the Secretary of State of Georgia;

WHEREAS, the Villa Rica Downtown Development Authority desires to recommend to City Council of the City of Villa Rica that the central business district be amended;

NOW THEREFORE, BE IT RESOLVED that the Downtown Development Authority recommend to the City Council of the City of Villa Rica amend the geographical area of the central business district to be the area identified on the drawing attached hereto.

SO RESOLVED, this ____ day of _____, 2018.

Chairman

A RESOLUTION
AMENDING THE RESOLUTION ACTIVATING THE CITY OF
VILLA RICA DOWNTOWN DEVELOPMENT AUTHORITY

WHEREAS, the City of Villa Rica adopted a resolution activating the Villa Rica Downtown Development Authority on October 1, 1991, pursuant to Chapter 42, Section 36-42-4 of the state law; and

WHEREAS, the Secretary of State's Office requires the governing body's resolution to include the initial directors of the authority and the geographical area within the municipal corporation which constitutes the central business district; and

WHEREAS, the City Council of the City of Villa Rica in its regularly scheduled council meeting held March 3, 1992, approved the appointment of seven directors to the Downtown Development Authority;

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF VILLA RICA, GEORGIA, THAT THE RESOLUTION ACTIVATING THE VILLA RICA DOWNTOWN DEVELOPMENT AUTHORITY IS HEREBY AMENDED TO INCLUDE THE FOLLOWING PARAGRAPHS to be inserted after the third paragraph of the original resolution:

WHEREAS, the City Council of the City of Villa Rica in its regularly scheduled council meeting held March 3, 1992, appointed Charlotte Lee, Bill Taylor, Jerry Cole, Tim McCreary, Ed Alverson, Jack White, and Robert Woodall as initial directors of said authority; and

WHEREAS, the parameters of the central business district have been defined as that area beginning at the intersection of Stone Street (being the southern most boundary) and Church Street (being the eastern most boundary) and proceeding in a northerly direction to the intersection of Church Street and Cheves Street (being the northern most boundary); continuing west on Cheves Street until it intersects with Montgomery Street; crossing over to Peachtree Street and then proceeding in a southerly direction until Peachtree Street intersects with Montgomery Street; continuing south on Montgomery Street until it intersects with Westview Drive; and proceeding in a westerly direction on Westview Drive until it intersects with West Wilson Street (the western most boundary); proceeding south on West Wilson Street until it intersects with

Stone Street; turning east on Stone Street and continuing in said direction until returning to the point of beginning. These initial boundaries may change in order for the Central Business District to expand in terms of parking, new growth, acquisition, etc.; and

This 7th day of April, 1992.

Bobby Lee
Mayor

James F. Padgett
Councilmember

Shirley Marchman
Councilmember

Janice May
Councilmember

Joe B. Hester
Councilmember

Ruth Lewis
Councilmember

TEDDY LEE - MAYOR
JUSTY DEAN
EDWIN BUSBIN

LAZELLE IVEY
SHIRLEY MARCHMAN
JERRY PADGETT

City of Villa Rica

571 W. Bankhead

Villa Rica, Georgia 30180

CITY HALL - 459-3658
GREGORY P. POPHAM - CITY MANAGER

April 8, 1992

Ms. Cathy Weber
Business Services and Regulations
Suite 315, West Tower
#2 Martin Luther King Jr. Drive S.E.
Atlanta, GA 30334

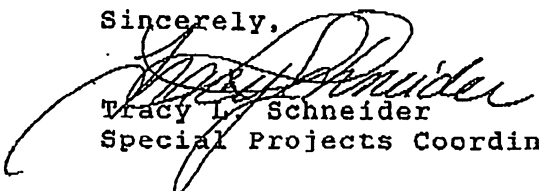
Re: Resolution Activating the Villa
Rica Downtown Development
Authority

Dear Ms. Weber,

Enclosed is the City of Villa Rica's resolution activating the City of Villa Rica Downtown Development Authority. I have also included an amendment which specifies the initial members and also sets the parameters of the central business district.

If you have any questions, please feel free to contact me at 404-681-4746.

Sincerely,


Tracy L. Schneider
Special Projects Coordinator

Encl.

PRINTED ON

RECYCLED PAPER

The Council of the City of Villa Rica met in a regular scheduled meeting on Tuesday, August 5, 2003 at Villa Rica City Hall. Those present were Mayor Monroe Spake, Councilmembers Perry Amidon, Verland Best, Woody Holland, and Jeane Williams; City Manager Lamar Moody and City Attorney David Mecklin. Mayor Pro Tem Shirley Marchman was absent with prior notification. Approximately 45 people were in attendance.

Mayor Spake called the meeting to order at 7:30 p.m. The invocation was by Councilmember Williams. All recited the pledge of allegiance.

The minutes from the July 1, 2003 meeting and the July 8, 2003 meeting were approved as presented.

Tom Proctor, Chairman of the Villa Rica Ethics Committee requested the minutes from the July 8, 2003 Ethics Committee meeting be adopted as presented. Best moved to adopt, seconded by Holland. Motion Carried 4/0.

Fredrick Thomas of Garrett, Stephens, Thomas & Company, P.C. presented the Fiscal Year Audit Report. He complemented the City for early implementation of the GASB 34, a new governmental standard that requires individual government agencies to view operation and finances in a business format. Thomas said the City's net assets increased over three million dollars from FY01-02 to FY023-03. Cash increased 2.7 million dollars during that same period. Debt was reduced \$863,000. The increase in capital assets for the fiscal year was 1.5 million dollars. The drug seizure fund contributed \$582,000 in capital assets primarily through the building of the new police station. The City owns almost 33 million dollars in assets and owes only 8 million dollars in debt. Thomas said the City has a better financial situation than most businesses. Thomas said while the City has over ten million dollars in cash, much of that amount is restricted in what it can be used for. The general fund has nearly 3.5 million dollars. Thomas said the City exceeded budget in the amount of anticipated revenue by \$123,000 and only exceeded expenditures by less than \$19,000. Thomas commended the City for taking positive steps in translating the City's policies and procedures into written form and in a manner that will be utilized. Holland asked if Thomas recommended any changes for this next fiscal year. Thomas said the recent changes of centrally locating the management of all City funds such as the seizure fund and implementing written policies and procedures will be sufficient. Mayor Spake thanked Thomas for the guidance he has provided the City in helping to better manage and track City funds. He pointed to the time several years ago when the City was faced with not being able to make payroll. Thomas thanked Mayor Spake for his service to the city and to Thomas in helping to reach the current financial health.

Bill Taylor of the Villa Rica Downtown Development Authority requested that the geographic area considered within the Authority's jurisdiction be returned to its original historic borders. Taylor pointed out that the Authority had expanded its borders in 1992 by Council resolution in order to maintain its necessary number of Authority members. However, the recent revitalization of the original downtown area has caused the

increased area to become unmanageable for the Authority. Taylor asked the Council to adopt a resolution to return the borders to the original historic downtown area which would be encompassed within the borders of and contiguous to Church Street, Cheeves Street, West Wilson Street, Stone Street, and a portion of South Carroll Road as presented in the resolution. Williams moved to redefine the downtown area as presented, seconded by Best. Motion carried 4/0.

Jane Chastain, City Clerk, informed the Council that Debra Banks, absent due to a death in the family, was to have presented the nomination of Barbara Daniels to serve on the Board of Tourism. Mayor Spake called on Ms Daniels to be sworn in. Moody performed the swearing in and Mayor Spake thanked Ms Daniel for her willingness to serve the City through this position.

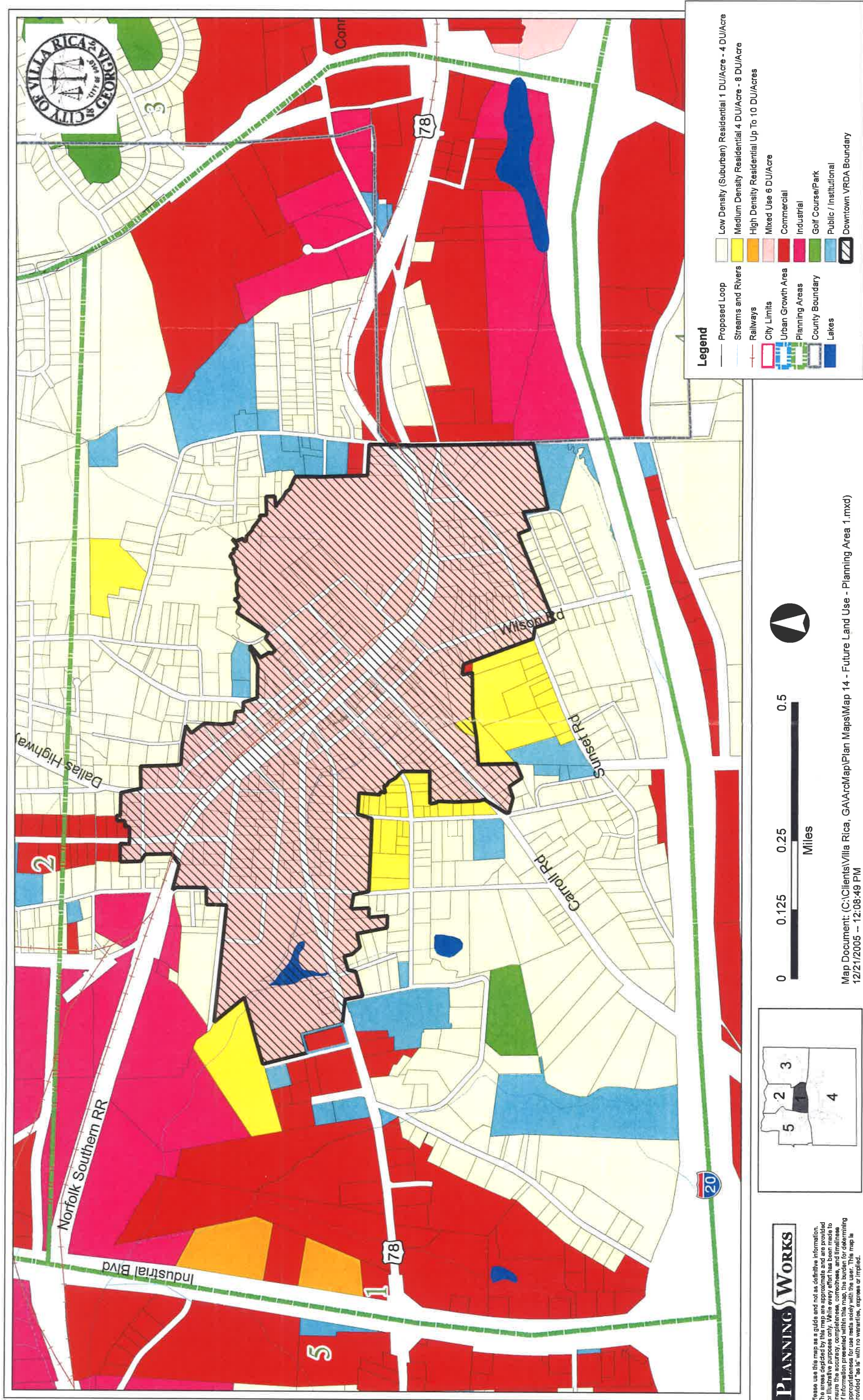
Jeff Reese presented the nominations of reappointment to the Recreation Advisory Board for Willie Marchman and a new appointment of Gary Jenkins representing the Downtown Business Community and replacing Rusty Dean. Reese said Dean had to decline reappointment this time due to an overloaded schedule. Moody swore in Marchman and Jenkins. Best moved to approve all the members just sworn in, seconded by Amidon. Motion carried 4/0. Moody thanked all the volunteer board members for the work done in conjunction with the city and the teamwork exhibited in order to make things happen. Reese updated the council on the track team members who competed in the National AAU track meet in Detroit in July. Villa Rica's 19 participants competed with over 12,000 entrants from all over the nation. All 19 placed in the top 30 including a national third place in shotput, fifth place in javelin throwing and a sixth place in discus throwing. Reese said all 19 Villa Rica athletes are under fifteen years old and already are drawing the interest of college recruiters.

Mayor Spake informed the Council of his desire to dissolve the Council committee known as the Police Committee and sometimes referred to as the Police Commission or Public Safety Commission. Mayor Spake said he knows of no police matter that cannot be handled by the City Manager and if there is, it should come before the whole Council and not just two members of it. Mayor Spake said since the City Charter gives him the authority to appoint committees, it therefore should authorize him to dissolve any of these committees but he asked for the Council's endorsement. Williams moved to allow the Mayor to dissolve the Police Committee, seconded by Holland. Motion carried 4/0.

Soudi presented a Solid Waste Comprehensive Plan update as required by the Department of Community Affairs' every five years. He told the Council that the State has a waste reduction plan and the City "[has] to do certain things to reduce the solid waste by participating in programs such as recycling". Mayor Spake asked if everyone had a chance to look over the Plan. Williams moved to adopt the solid waste plan as presented, seconded by Holland. Motion carried 4/0.

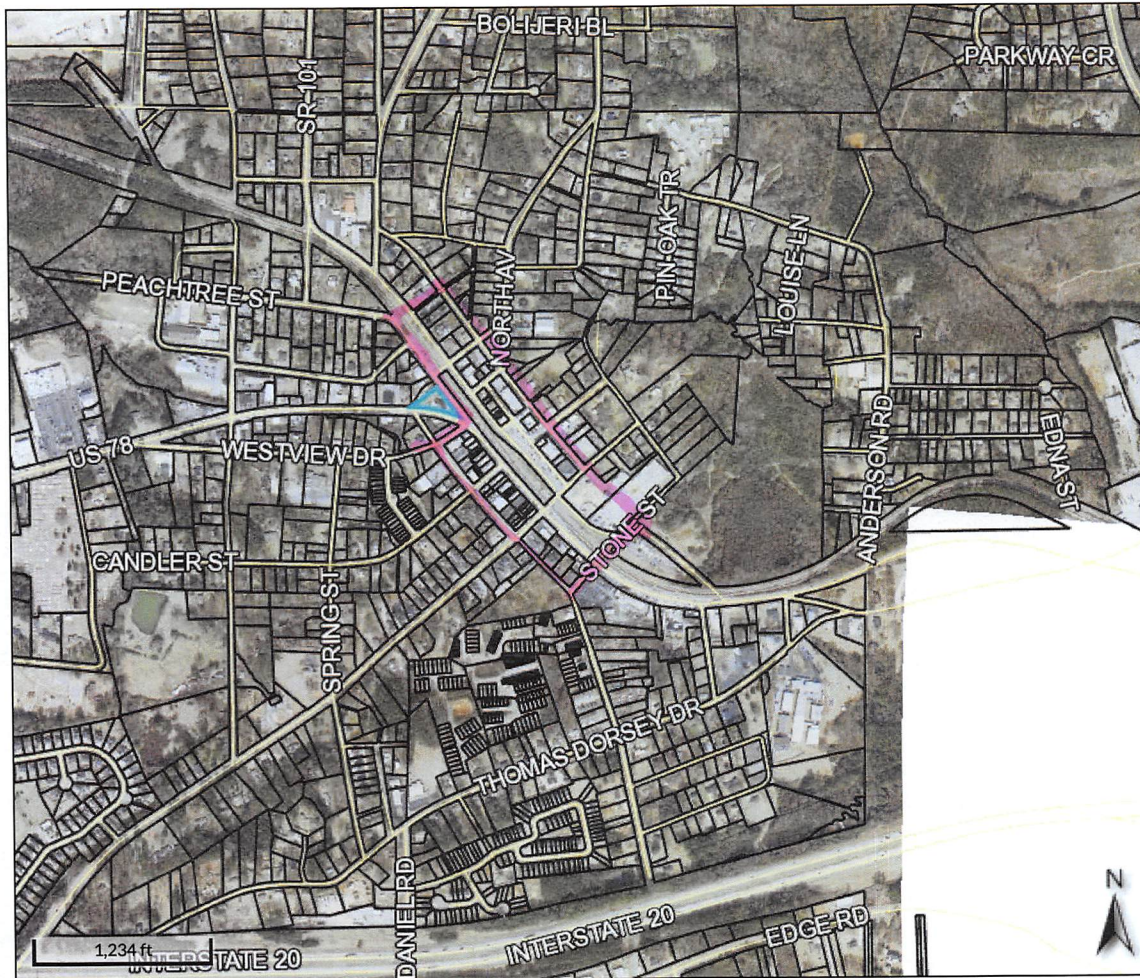
Soudi presented RA-9-03, a request for annexation and rezoning of property belonging to T K Wang and located on the east side of Liberty Road south of I-20. The applicant proposed to build single-family detached housing. Soudi said Douglas County opposed this request and the City and County were unable to reach an agreement in arbitration. The City and County have a signed agreement, the Annexation Dispute Resolution, in

Map 14 - Future Land Use - Planning Area 1



PLANNING WORKS

Please use this map as a guide and not as definitive information. The areas depicted by this map are approximate and are provided for illustrative purposes only. While every effort has been made to ensure the accuracy, completeness, correctness, and timeliness of information presented within this map, the authors or delineators of the map assume no responsibility for any errors or omissions. This map is provided "as is" with no warranties, express or implied.



Overview



Legend

- Parcels
- Roads

Parcel ID V02 0010010
Class Code Commercial
Taxing District VILLA RICA
VILLA RICA
Acres 0.71

Owner VILLA RICA CITY OF
517 W BANKHEAD HWY
VILLA RICA GA 30180
Physical Address 121 W BANKHEAD HWY
Assessed Value Value \$113423

Last 2 Sales			
Date	Price	Reason	Qual
3/1/2016	\$0	LG	U
3/1/2016	\$85000	EG	U

(Note: Not to be used on legal documents)

Date created: 4/20/2017
Last Data Uploaded: 4/3/2017 12:17:04 AM

 Developed by
The Schneider Corporation



CITY OF VILLA RICA

City Council Packet

SUBJECT: The Thomas A. Dorsey Birthplace Festival
CITY COUNCIL AGENDA DATE: 05/29/2018

DATE: 05/24/2018

PREPARED BY: Christopher G. Pike

FISCAL IMPACT:

ANNUAL – \$9,525 | Staff Recommendation \$7,630

CAPITAL – N/A

OTHER – N/A

FUNDING SOURCE: General Fund. In the 2018 Budget passed by the City Council, \$15,000 was allocated for the Community Development Grant Program

PURPOSE: : The Villa Rica Community Development Grant Program has been established by the City of Villa Rica to foster and fund activities, projects, special events, sporting events and programs that promote eligible tourism and cultural activities within the City. The City intends the grant program to be used to increase economic activity by bringing tourists to the City through the development of local events, festivals, and sporting events. Eligibility is broadly defined to encourage wide participation and innovative proposals.

BACKGROUND: The Thomas A. Dorsey Birthplace Festival was started in June of 1994 with the mission to cultivate appreciation and honor the musical contributions of Thomas A. Dorsey in and near the settings where he was born and his talent nurtured, and to explore and preserve the musical traditions form which he sprang.

Thomas A. Dorsey Festival is one of the longest running festivals in West Georgia. Started after the death of Thomas A. Dorsey, the festival seeks to honor his vision, legacy and contribution to music.

Held the last Friday and Saturday in June, the Festival features some of the best artist in the genres of Gospel, Blues and Jazz. The Festival kicks off on Friday night at the MILL Amphitheatre in Downtown Villa Rica with Live Jazz. Saturday features an afternoon Gospel Service at Mt. Prospect Baptist Church followed by a Blues show at the MILL Amphitheatre later that evening.

STAFF RECOMMENDATION: Due to the lack of funds available in Community Development Grant Fund staff recommends funding of \$7,630.

IMPACT: POSITIVE: Important financial assistance will be giving to a program culturally and economically beneficial to the City of Villa Rica. NEGATIVE: Total grant request amount will not be funded. If approved, \$7,630 will be deducted from the Annual Community Development Grant Fund brining the remaining balance of the Grant Funds to \$0.

RECOMMENDED MOTION: I move that we award a Community Development Grant in the amount of \$7,630 dollars to the Thomas A. Dorsey Board to be used for the 24th Annual Thomas A. Dorsey Birthplace Festival



Villa Rica Community Development Grant Program

Program Goals

The Villa Rica Community Development Grant Program has been established by the City of Villa Rica to foster and fund activities, projects, special events, sporting events and programs that promote eligible tourism and cultural activities within the City. The City intends the grant program to be used to increase economic activity by bringing tourists to the City through the development of local events, festivals, and sporting events. Eligibility is broadly defined to encourage wide participation and innovative proposals. The core goal of the program is:

- To promote the City of Villa Rica within the City boundary and beyond;
- To provide support for local community groups or tax-exempt organizations under section 501(c)(3) of the Internal Revenue Code who promote the City;
- To enhance neighborhood vitality and economic development so that all citizens and visitors may participate in the diverse cultural life of the City; and
- To promote the businesses within the City.

Funding Source and Application Due Date

The program receives its funding from the City of Villa Rica General Fund in an annual appropriation by the City Council. Please note that the City is not obligated to award funding dollars. The funds are awarded on a competitive basis.

2017 Available Funds: \$15,000

Application Due Date: At least fourteen (14) calendar days prior to any regularly scheduled Council Meeting.

Submit Applications to: The Villa Rica Community Development Grant Program
Attn: Villa Rica City Manager
571 W. Bankhead Hwy.
Villa Rica, GA 30180

Eligible Activities

The City of Villa Rica believes that assisting local community-minded groups is an investment in the continued quality growth of the City. For this reason, the City views its financial assistance role as that of a catalyst, helping to augment and strengthen activities. Such activities that may be considered for funding include projects, festivals, special events, sporting events and programs that promote eligible tourism and cultural activities within the City. All funded activities must take place within the City of Villa Rica, promote the City, and be available and open to the general public.

Eligible Funding Entities

Those eligible for funding include local community groups or tax-exempt organizations under section 501(c)(3) of the Internal Revenue Code within the city limits of Villa Rica who can demonstrate that the eligible activity will promote and benefit the City. Activities ineligible for funding include any event that occurs outside the city limits of Villa Rica; private events that are closed to the general public; deficit or debt reduction; lobbying; building construction or renovation; and purchase of equipment or real property.

Americans with Disabilities Act (ADA) Compliance

Applicants are required to hold their activities in physically accessible spaces, providing reasonable accommodation for persons with disabilities. All funded organizations must provide written statements that may include a diagram, describing their plan to provide an accessible space. Examples: restroom facilities, parking, unimpeded path to an event, etc.

Reporting Requirements

Every applicant must submit a written final report detailing activities, expenses and revenues associated with the project no later than 45 days after the end of the project period. Each applicant is required to maintain accounts, accurate financial records and other evidence to justify costs incurred and revenues acquired relating to their project. Invoices and receipts are required. If, in the sole discretion of the City of Villa Rica, an applicant fails to adequately perform the services of any contract, the City has the right and authority to terminate the grant without further obligation. Project extensions will only be granted under extreme circumstances. Items to be included in the final report:

- Total project cost including detailed records of expenditures and revenues;
- Invoices and receipts to substantiate costs;
- Approximate number of participants and pictures of the event, to be submitted on electronic media such as a thumb drive, CD-ROM or DVD;
- Narrative outlining the impact of the project;
- SWOT analysis to evaluate the Strengths, Weaknesses, Opportunities, and Threats of the project. This form will be provided to applicants after approval of funding and execution of any agreements with the City.

Review Criteria

The City of Villa Rica will review and rate each application based on the established goals and the criteria listed below. The stated criteria are used by the City Council as a guide to evaluate projects. Since no project scope is exactly the same, the City Council has flexibility to determine which projects best fit the needs of the City. Applications seeking funding to cover 100% of project costs are less likely to be approved. The City Council is not obligated to award any funds or the amount requested on an application.

Project

- Detailed project proposal
- Location and public facilities and resources needed
- Innovation and creativity of the project and marketing plan
- Ability to highlight community strengths and the diverse cultural life of the City
- Anticipated attendance broken out by City residents versus non-city residents
- Compliance with the Americans with Disabilities Act
- List of City businesses or business organizations anticipated to be involved in event

Organization

- Organization's history, mission and stated goals
- List of individuals involved (specify paid or volunteer)
- Prior event experience and success of such programs

Budget

- Level of detail in budget proposal and projected revenue
- Cost for use of any City facilities or resources (buildings, pavilions, staff resources, police security, etc.) must be incorporated into any proposal. City staff will verify compliancy with all local and state laws as well as coordinate City facilities and resources.

Application Instructions

Applications with missing forms, attachments or incomplete documentation may not be considered. Please thoroughly familiarize yourself with the "Review Criteria" section above. Submit only one completed original application to the City by the stated deadline in the "Funding Source and Application Due Date" section above.

Section A: Applicant

1. Name: The name of the organization that will be responsible for the contract. If applying as an organization, give the name of the person to contact for additional information about the application.
2. Mailing Address: The complete mailing address.
3. Telephone Day/Evening: The numbers where applicant/contact person can be reached.
4. Email: The email address where applicant/contact person can be reached.
5. Fax (optional): The number where applicant/contact person can receive fax correspondence.
6. Status: The date of tax-exempt letter and date of incorporation in the State of Georgia.
7. Funding History with Villa Rica: Indicate Yes or No. If Yes, how much funding was awarded? Were there any funds left over? Indicate Yes or No. If Yes, how much?

Section B: Project

1. Project Title
2. Schedule: Calendar of events (if requesting public facilities, you must check on availability prior to applying).
3. Hours of Operation: Provide the start and end time for the event each day it will be operating.
4. Amount Requested: Provide amount requested in support of this project. Please note that applications seeking funding to cover 100% of project costs are less likely to be approved.
5. Funds Disbursement Date: Provide the date the funds are requested to be disbursed.

Section C: Certification

1. Authorized Official: Title and original signature of person authorized on behalf of organization to enter into a legal, binding agreement with the City of Villa Rica.

Section D: Project Narrative (attachments to the application are required)

1. Summarize the organization's mission and goals.
2. Discuss the staff/volunteers qualifications and past work. Include the approximate number of staff or volunteers associated with the project.
3. Discuss prior project successes. This can include photographs.
4. Summarize the proposed project including innovative and creative tools/methods of promoting the project and strengths of the City as well as the location.
5. Discuss the approximate number of participants expected. If the proposed event has occurred in the past, detail the approximate number of participants.

Section E: Accessibility (attachments to the application are required)

1. Is the facility where the project(s) takes place physically accessible? If not, indicate plans to make it accessible and methods used to serve physically challenged participants. Provide a narrative and diagram, if appropriate.
2. Describe plans to meet the Americans with Disabilities Act requirements.

Section F: Project Budget (attachments to the application are required)

Provide a spreadsheet printout or similar chart. A sample budget has been attached to this application. Some of the items below may not apply to every project. Liability insurance may be required for each event.

1. Outside Fees and Services (Administrative, Technical and Professional Services): Show project specific payments to individuals and firms who are not normally considered employees of the applicant for services. Include fees for administrative, technical and professional services.
2. Space Rental: Show project specific payments for rental of office, rehearsal, theater, hall, gallery and other such spaces.
3. Travel: Show all costs for travel directly related to the project.
4. Marketing/Promotion and Printing: Show all costs for marketing/publicity/promotion specifically identified with the project. Do not include payments to individuals or firms that belong under "Personnel" or "Outside Fees and Services." Include the costs of newspaper, radio, television and internet/social media advertising, printing and mailing of brochures, flyers and posters, or other media types.
5. Remaining Operating Expenses-Equipment: Show equipment rental or purchases specifically related to the project.
6. Remaining Operating Expenses-Supplies: Show supply expenses including scripts, scores, lumber, nails, postage, photographic supplies, publications, sets, props, office supplies, etc.
7. Remaining Operating Expenses-Utilities: Show utility expenses including electricity, telephone, heating, etc.
8. Remaining Operating Expenses-Other: Show any additional operating expenses including insurance, non-structural renovations or improvements, permits, storage, shipping, hauling, etc.
9. Discuss revenue generated in past years or projected revenue.
10. Please note any other funding from other organizations.



Villa Rica Community Development Grant Program

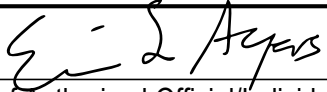
Section A: Applicant

- Name of Organization: Thomas A. Dorsey Birthplace and Gospel Heritage Festival, Inc
Contact Person (if different than above): Shirley Marchman - Eric Ayers
- Mailing Address: 571 West Bankhead Hwy, Villa Rica, GA 30180
- Telephone Day: Eric - 678-697-7684 Evening: Shirley - 770-546-1971
- Email: profese@bellsouth.net 5. FAX (optional): _____
- Date of Tax Exempt Number and date of Incorporation in Georgia: May 15, 2010/ May 20, 1993
- Number of Years in City of Villa Rica: 24 years
- Have you ever received funds from the City of Villa Rica? yes If Yes, most recent funding amount? \$8,025.00
Were there any residual funds at the completion of the project? no If Yes, how much? _____

Section B: Project

- Project Title: Thomas Dorsey Birthplace Festival
- Scheduled Start and End Dates: June 22 & 23, 2018
- Hours of Operation Each Day: All Day
- Amount Requested: \$9,525.00 5. Funds Disbursement Date: June 1, 2018

Section C: Certification

	<u>4-18-2018</u>
Signature of Authorized Official/Individual	Date
<u>Eric L. Ayers</u>	<u>President - Board of Directors</u>
Printed Name of Authorized Official/Individual	Title of Authorized Official/Individual

Sections D-F: Project Narrative, Accessibility and Project Budget

Sections D-F requires an attachment as indicated in the "Application Instructions" accompanying this form.

For Official Use Only

Approved: _____ Approved by: _____ Date: _____ Grant Amount: _____

Sample Event Budget

Provide a spreadsheet printout or similar chart to accompany your Villa Rica Community Partnership Grant application.

EXPENSES	AMOUNT \$
Facility rental	\$600.00
Parking	
Security	
Food	
Service Park & Rec set-up/ breakdown \$25x16 hours	\$800.00
Entertainment	
Speakers	
Transportation	
Hotels	
Equipment rental: Tents- \$25 x 15 tents	\$375.00
Tables	\$75.00
Chairs	\$15.00
Linens	
Glassware	
China	
Flatware	
Stage	
Sound System	\$4,000.00
Projector/Screen/Computer	
Decorations	
Favors/T-shirts/Incentives	
Graphic Design/Artwork	\$4,000.00

EXPENSES	AMOUNT \$
Printing	
Save-the-Date/Invitations/Tickets	
Brochures/Posters/Fliers/Press Packets	
Signage	
Bid Sheets/Programs	
Postage/Mail House	
Credit Card Fees	
Photography	
Total	\$9, 865.00

REVENUES	AMOUNT \$
Ticket Sales (minus complimentary tickets)	
Regular	
Patron	
Donations/Pledges	
Sponsorships/Grants	
Program Ads	
Raffle Tickets	
Contest Tickets	
Food	
Bar	
Silent/Live Auction	

NET INCOME (or LOSS)

Income less Expenses: \$ _____



CITY OF VILLA RICA

City Council Packet

SUBJECT: Redevelopment Powers Law Referendum
CITY COUNCIL AGENDA DATE: 05/29/2018

DATE: 05/24/2018
PREPARED BY: Christopher G. Pike

FISCAL IMPACT:
 ANNUAL – N/A
 CAPITAL – N/A
 OTHER – N/A

FUNDING SOURCE:

PURPOSE: A resolution to regulate and to provide for the calling of an election to determine the exercise or non-exercise of redevelopment powers by the City of Villa Rica under Chapter 44 of Title 36 of the Office Code of Georgia Annotated, the “Georgia Redevelopment Powers Law,” as amended, in accordance with 201 Georgia House Bill 846;

BACKGROUND: The 2018 Georgia General Assembly enacted a certain local act known as H.B. 846 that authorizes the governing authority of the City of Villa Rica to exercise all powers under the Georgia Redevelopment Powers Law contingent upon the calling of a referendum, and a majority of the voters of the City of Villa Rica approving the exercise of powers under the Redevelopment Powers Law.

STAFF RECOMMENDATION: Staff recommends approving the Resolution authorizing the election to be held on November 6, 2018 for the purpose of submitting the question to qualified voters of the City of Villa Rica.

IMPACT: Voters will have an opportunity to determine whether or not they wish to authorize the City of Villa Rica to exercise redevelopment powers.

RECOMMENDED MOTION: I move that we approve the Resolution to regulate and to provide for the calling of an election to determine the exercise or non-exercise of redevelopment powers by the City of Villa Rica under Chapter 44 of Title 36 of the Office Code of Georgia Annotated, the “Georgia Redevelopment Powers Law,”

**A RESOLUTION
OF THE MAYOR AND CITY COUNCIL
OF THE
CITY OF VILLA RICA, GEORGIA**

**A RESOLUTION TO REGULATE AND TO PROVIDE FOR THE
CALLING OF AN ELECTION TO DETERMINE THE
EXERCISE OR NON-EXERCISE OF REDEVELOPMENT
POWERS BY THE CITY OF VILLA RICA UNDER CHAPTER
44 OF TITLE 36 OF THE OFFICIAL CODE OF GEORGIA
ANNOTATED, THE "GEORGIA REDEVELOPMENT POWERS
LAW," AS AMENDED, IN ACCORDANCE WITH 2018
GEORGIA HOUSE BILL 846; TO RESCIND CONFLICTING
RESOLUTIONS; AND FOR OTHER PURPOSES.**

WHEREAS, the Mayor and City Council are the governing authority of the City of Villa Rica; and

WHEREAS, the Mayor and City Council desire to promote economic redevelopment within the City of Villa Rica; and

WHEREAS, the Mayor and City Council seek new economic development incentives that may be used to stimulate redevelopment of distressed and underdeveloped areas of the City; and

WHEREAS, before the Redevelopment Powers Law may be implemented, the Georgia General Assembly must adopt a local act calling for a referendum; and

WHEREAS, the City Council passed a Resolution requesting that the local delegation introduce and pass such local legislation; and

WHEREAS, the 2018 Georgia General Assembly enacted a certain local act known as H.B. 846 that authorizes the governing authority of the City of Villa Rica to exercise all powers under the Georgia Redevelopment Powers Law contingent upon the calling of a referendum, and a majority of the voters of the City of Villa Rica approving the exercise of powers under the Redevelopment Powers Law.

NOW, THEREFORE, it is hereby resolved as follows:

1. There is hereby authorized to be called and there is hereby called an election to be held in all the precincts in the City of Villa Rica, Carroll and Douglas Counties in conjunction with the General Election on November 6, 2018, for the purpose of submitting to the qualified voters of the City of Villa Rica the question of whether or not to authorize the City of Villa Rica to exercise redevelopment powers as fully as the "Redevelopment Powers Law" may now or hereafter

permit, and not to limit any redevelopment powers permitted under the "Redevelopment Powers Law."

2. The City of Villa Rica Election Superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of the City of Villa Rica. The ballot shall have written or printed thereon the words:

"() YES	Shall the Act be approved which authorizes the City of Villa Rica to utilize tax allocation districts and redevelopment powers under the 'Redevelopment Powers Law,' as it may be amended from time to time?"
() NO	

The ballot shall have printed thereon the words "YES" and "NO" in order that each voter may vote in either the affirmative or the negative as to the question propounded.

3. All Resolutions and parts of Resolutions in conflict with this Resolution are hereby rescinded to the extent of said conflict.

NOW BE IT AND IT IS HEREBY RESOLVED.

ADOPTED this the ____ day of _____, 2018.

Jeff Reese, Mayor

ATTEST:

Alisa Doyal, City Clerk

**NOTICE OF SPECIAL ELECTION
TO THE QUALIFIED VOTERS OF THE
CITY OF VILLA RICA, GEORGIA**

YOU ARE HEREBY NOTIFIED that on the 6th day of November 2018, a Special Election will be held in all of the precincts of the City of Villa Rica, Carroll and Douglas Counties, Georgia. At the election there will be submitted to the qualified voters of the City of Villa Rica for their determination the question of whether or not the local act should be approved which authorizes the City of Villa Rica to exercise all redevelopment powers under the 'Redevelopment Powers Law,' as it may be amended from time to time.

Voters desiring to vote for the approval of such act shall do so by voting "YES" and voters desiring to vote against shall do so by voting "NO," as to the question propounded, to wit:

"() YES	Shall the Act be approved which authorizes the City of
() NO	Villa Rica to utilize tax allocation districts and
	redemption powers under the 'Redevelopment Powers
	Law,' as it may be amended from time to time?"

The several places for holding the election shall be in the regular and established precincts of the City of Villa Rica and the polls will be open from 7:00 AM to 7:00 PM on the date faxed for the election. Those qualified to vote at the election shall be determined in all respects in accordance and in conformity with the Constitution and laws of the United States of America and of the State of Georgia.

The last day to register to vote in this election is October 9, 2018, through 5:00 PM.

This notice is given this _____ day of _____, 2018, pursuant to action of the City of Villa Rica.

MAYOR AND CITY COUNCIL
CITY OF VILLA RICA

By: _____
Alisa Doyal, City Clerk

Greg Rigby, Acting as Election Superintendent
For the City of Villa Rica



CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: Long- Term Water Quality Monitoring

AGENDA DATE: 6/5/2018

DATE PREPARED: 5/9/2018

PREPARED BY: Jameson B. Green

AMOUNT: \$15,645

GL ACCOUNT: 100-4320-523850 (Budgeted item)

PURPOSE: To meet the requirements of the Georgia Water Quality Control Act also called the “Clean Water Act” and to stay compliant with the City’s NPDES wastewater discharge permit for the West Water Pollution Control Plant (WPCP), NPDES Permit Number GA0027162.

BACKGROUND: The City of Villa Rica began implementation of its Watershed Protection Plan in May of 2011. Prior to this date, the City had been operating under a Long Term Monitoring Plan put in place in June of 2007. Based on the results of the 2001 Carroll County Watershed Assessment, the Long Term Monitoring Plan of 2007 replaced an informal long-term monitoring arrangement carried out between 2002 and 2007 that was designed to preserve the integrity of the 2001 Assessment. This arrangement included the measurement and reporting of typical water quality parameters from field and laboratory work, and transitioned into the 2007 Long Term Monitoring Plan with little or no modification.

As mandated by the State Georgia Environmental Protection Division the City will conduct water quality monitoring at six (6) study locations.

STAFF RECOMMENDATION: In order to determine long-term trends, comparisons of data over time (multiple years/samples) must be made to ensure accuracy and validity, “like” data must be used, i.e. the same number of samples collected at the same location in the same manner by the same personnel. These factors should be considered when viewing these trend data. This is why it is important to use CCR Environmental to continue with the water quality monitoring as mandated by the Georgia Environmental Protection Division. We have used CCR Environmental for past 2 years going on 3 years.

IMPACT: To protect resources and maintain and/or improve water quality in local streams and rivers within the City of Villa Rica and to meet the requirements of the West Wastewater Plant NPDES Permit Number GA0027162.

MOTION: I make a motion that we approve CCR Environmental Inc. to conduct the long-term water quality monitoring as mandated by the Georgia Environmental Protection Division in the amount of \$15,645.



CCR ENVIRONMENTAL, Inc.

3772 PLEASANTDALE ROAD, SUITE 150, ATLANTA, GEORGIA 30340
TEL: 770-458-7943, FAX: 770-458-2454

February 13, 2018

LONG-TERM WATERSHED MONITORING PROPOSAL CITY OF VILLA RICA, GEORGIA

WORK PLAN

Water Quality Monitoring

Water quality monitoring will be conducted at the current six (6) study locations. Sampling will be performed for three dry events and one wet event. Two of the dry events and the wet event will be collected from May through October, and the third dry event will be collected from November through April. A dry event is one with no rainfall for 72 hours prior to sampling. A wet event will be defined as > 0.2 inches of rainfall over previous 24 hours with dry conditions (no rainfall) for 72 hours prior. Rainfall information will be tracked (real-time) using the USGS website (<http://water.usgs.gov/realtime.html>) for nearby sites. Stream flow will be measured directly during the sampling events at each site, whenever possible. Single, discreet grab samples will be collected for the dry events. The wet sample will be collected across the hydrograph whenever possible.

Samples from all study sites will be analyzed in the laboratory (GEPD-approved) for the following parameters: COD, BOD₅, TSS, hardness, alkalinity, total phosphorus and orthophosphate, TKN, ammonia, nitrate-nitrite. The wet sample also will include analyses for total recoverable metals (Pb, Cu, Zn, and Cd). In addition to laboratory analyses, the following *in situ* parameters will be measured during sample collection: air and water temperature, dissolved oxygen (DO), % DO, salinity, pH, turbidity, and specific conductance. "Clean metals" techniques will be used during the metals sampling.

In addition to the aforementioned parameters, bacteriological monitoring (fecal coliform and *E. coli*) also will be monitored during two periods (May – October). During each sampling period, a total of four grab samples will be collected on a regular schedule (irregardless of weather) within a 30-day period. No sample will be collected within 24 hours of another sample. No flow measurements will be made during bacteriological monitoring.

A report will be provided that describes the methods used, results, and discussion of results and potential problem areas.



CCR ENVIRONMENTAL, Inc.

3772 PLEASANTDALE ROAD, SUITE 150, ATLANTA, GEORGIA 30340
TEL: 770-458-7943, FAX: 770-458-2454

February 13, 2018

LONG-TERM WATERSHED MONITORING PROPOSAL CITY OF VILLA RICA, GEORGIA

WORK PLAN

Annual Watershed Protection Plan Progress Report

CCR will prepare the *Annual Watershed Protection Plan Progress Report* for 2018 to be submitted to the EPD by June 30, 2019. The *Annual Report* will include the Annual Certification of WPP Implementation Statement, Water Quality and Biology Monitoring Results, Long-Term Monitoring Trends, a Summary of Best Management Activities, and any proposed revisions to the Watershed Protection Plan or any recommendations. CCR will prepare the entire document, submit to the City of Villa Rica for review and signature, and submit to the EPD by the due date. The City will provide CCR with the previously collected water quality and biological data for the Long-Term Monitoring Trends analyses and with any BMP information.



CCR ENVIRONMENTAL, Inc.

3772 PLEASANTDALE ROAD, SUITE 150, ATLANTA, GEORGIA 30340
TEL: 770-458-7943, FAX: 770-458-2454

February 13, 2018

LONG-TERM WATERSHED MONITORING PROPOSAL CITY OF VILLA RICA, GEORGIA

COST ESTIMATE (FY 2018-9)

Water Quality Monitoring

Labor

Senior Scientist – 12 hrs. @ \$105/hr. = \$ 1260

Staff Scientist – 92 hrs. @ \$75/hr. = \$ 6900

Total = \$ 8,160

Expenses (Water Chemistry Lab.) = \$4,625

Other Expenses (mileage, field supplies, copying, etc.) = \$995

Total lump sum bid for water quality monitoring in 2018-9 = \$13,780

Annual Progress Report

Labor

Senior Scientist – 14 hrs. @ \$105/hr. = \$ 1470

Staff Scientist – 4 hrs. @ \$75/hr. = \$ 300

Total = \$1,770

Other Expenses (mileage, field supplies, copying, etc.)

Total = \$95

Lump sum total for Annual Progress Reporting = \$1,865

Grand Total for 2018-9 Long-Term Monitoring and Reporting = \$15,645

ASSUMPTIONS

- Six (6) water quality sampling sites
- Three dry samples (two samples collected in May – October; one sample collected November - April)
- Two of the dry sampling events to be collected during biological monitoring
- Grab samples for all dry events
- One wet sample collected across hydrograph, if possible
- “Clean metals” sampling will be performed during wet sampling
- Stream flow measured for all water chemistry events, where practicable
- Two bacteriological sampling periods; 4 sampling events per 30-day period; no flow measurements during bacteriological sampling events; all sampling in May-October
- Includes report and GEPD excel spreadsheets
- Study conducted in 2018-9



CCR ENVIRONMENTAL, Inc.

3772 PLEASANTDALE ROAD, SUITE 150, ATLANTA, GEORGIA 30340
TEL: 770-458-7943, FAX: 770-458-2454

February 13, 2018

LONG-TERM WATERSHED MONITORING PROPOSAL CITY OF VILLA RICA, GEORGIA

This proposal represents a lump sum bid, based on the previous assumptions. Additional or out-of-scope work will be billed at an hourly rate of \$105 per hour for senior biologist and \$75 per hour for staff biologist plus expenses. No additional or out-of-scope work will be performed without authorization of the client. This cost estimate and scope of work were based on the information provided and my understanding of the project.

Your acceptance of this proposal may be indicated by signing in the space provided below. Payment terms are 30 days upon receipt of invoice.

ACCEPTANCE OF PROPOSAL AND AUTHORIZATION TO PROCEED

Authorized By:

Title:

Firm Name:

Date:



CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

Agenda Item: _____

SUBJECT: Purchase of a remote-controlled sewer inspection camera for Distribution and Collections Department

AGENDA DATE: 5/31/18

DATE PREPARED: 5/16/18

PREPARED BY: Charles Davis

AMOUNT: \$56,675.00

GL ACCOUNT #: 505-4440-542500

PURPOSE: To purchase a self-contained remote camera system that will allow in house inspection of our sewer lines 4 inches and larger utilizing our current staff. This saves money and time during an emergency repair, as well as detailed exploration of the City's sewer system. This is a budgeted item.

BACKGROUND: We currently sublet this type of work whenever a long run of line needs to be inspected for damage or blockages. This is a robotic camera system that lets our staff go up to 650 feet into any sewer line and clearly see any angle of the pipe's interior on a clear remote tablet screen in real time. This is going to be increasingly needed as the Department continues to explore the entire water and sewer infrastructure during all the ongoing projects. This inspection camera system is on State Contract through P&H Supply Company, Inc located here in Georgia. This company is one of our routine pipe and fittings supply sources. This is the sole source within the State that handles this camera system. We have a good long-standing relationship with this business, so service after the sale will be there as needed.

STAFF RECOMMENDATION: Staff recommends we authorize the purchase of this budgeted sewer inspection camera per State Contract pricing of \$56,675. This system is \$8,237.00 less than what was budgeted.

IMPACT: This equipment is needed to avoid subletting camera work while doing all the system planning and upgrades we are currently working on. Depending on the size and distance of the pipe, those sublet costs are as high as \$300.00 per hour currently.

MOTION: I make a motion that we purchase this remote-controlled sewer pipe inspection camera system for a total cost of \$56,675.00 from P&H Supply Company, Inc

P & H SUPPLY CO., INC.

101 LENNOX AVE.

P. O. BOX 268

WARRENTON, GA 30828

USA

Voice: 800-836-8705

Fax: 706-465-3695

QUOTATION

Quote Number: 5448

Quote Date: Apr 17, 2018

Page: 1

Quoted To:

CITY OF VILLA RICA
571 W. BANKHEAD HWY
VILLA RICA, GA 30180
USA

Customer ID	Good Thru	Payment Terms	Sales Rep
VILL100	5/17/18	Net 30 Days	ROB SPILLER

Quantity	Item	Description	Unit Price	Amount
1.00		New Mainlite Portable / Entry Level Mainline System (est. delivery Q4 2018) Portable or vehicle mounted mainline system for 4" and up. Includes T66 tractor, orion camera, 656' reel and window10 touchscreen tablet with daylight viewable screen and recording. NJPA Contract # 022014-RVL for RapidView IBAK City of Villa Rica Contract Membership #26846	56,675.00	56,675.00
Subtotal				56,675.00
Sales Tax				
Freight				
TOTAL				56,675.00

IF PURCHASED WITH A CREDIT CARD, A 4.5%
FEE WILL BE CHARGED ON TOP OF THE
PRICE LISTED ON THIS QUOTE.

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Where To Buy



Founded in 1991 as a small pipeline contracting firm, RapidView is today the leading supplier of high quality, high production, professional sewer, water, industrial and other pipeline inspection cameras, sewer inspection software, and sewer pipe rehabilitation robotics to the North American market. RapidView partners with the oldest, largest, and most advanced manufacturers of such products, including IBAK Helmut Hunger GmbH & Co. KG, and others. RapidView products can be purchased through an extensive dealership network, with numerous service and repair centers to keep the customer up and operational.

RapidView is committed to providing a high level of after-sales service and customer support. Our success is based on your success. Call RapidView today to schedule an on-site demonstration and learn how our equipment can make your operations more profitable while generating higher quality results.

Quality Pipeline Inspection & Rehabilitation Equipment From The World's Largest & Oldest Manufacturer

Water - IBAK Mission



What is most important to you when choosing a pipe inspection system?

GSA Schedule Contract
47QMCA18D000E

NJPA
National Joint Powers Alliance®

Have a Question? Let us help!

Let RapidView help find the pipe or manhole inspection system that is best for you. Please fill out the information below and one of our friendly and knowledgeable sales representatives will call / email you in a timely manner.

Name
Phone
E-Mail

Question - Optional

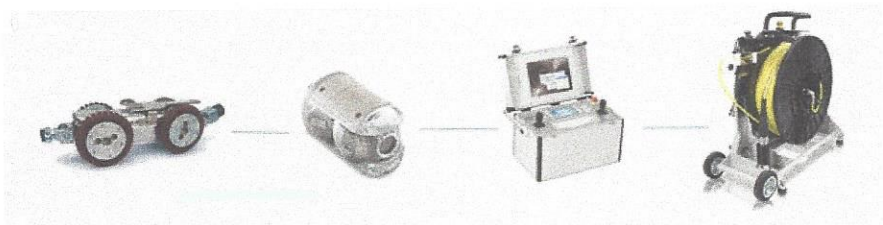
Contact Preference (Required)
☐ Call Me ☐ E-Mail Me



Portable Mainline System

The ultimate in flexibility and capability! The Portable Mainline System package includes everything you need to inspect 4"-12" diameter sewer, industrial, water, and other pipelines. Easily transported in an all-terrain vehicle, pickup truck or SUV, this system is perfect for off-road inspections. Add accessories such as auxiliary light rings, high traction wheelsets and additional weights to increase your capabilities even further! This system is economical, ergonomic and versatile.

Package includes: [T66 Tractor](#), [Orion Camera](#), [KT 180 Reel](#) with 660' of cable, [BK 3.5 controller](#), downhole rollers and a pressure test set.



Package Highlights

- Inspection of pipelines from 4" to 15" in diameter (up to 36" with optional light ring)
- Power assist portable cable winch with 656' of Kevlar reinforced cable
- Robust pan & tilt camera with auto iris, remote focus, and bright LED lighting
- Built-in radio sonde for above ground locating
- ATC - Auto Tilt Compensation, keeps the tractor level in the pipe and aids in prevention of roll-overs
- Steerable tractor with variety of wheel sets
- Portable control center allows you to upgrade without the need of buying new controller components



Have a Question? Let us help!

Let RapidView help find the pipe or manhole inspection system that is best for you! Please fill out the information below and one of our friendly and knowledgeable sales representatives will call or email you in a timely manner.

Name

Phone

E-Mail

Question - Optional

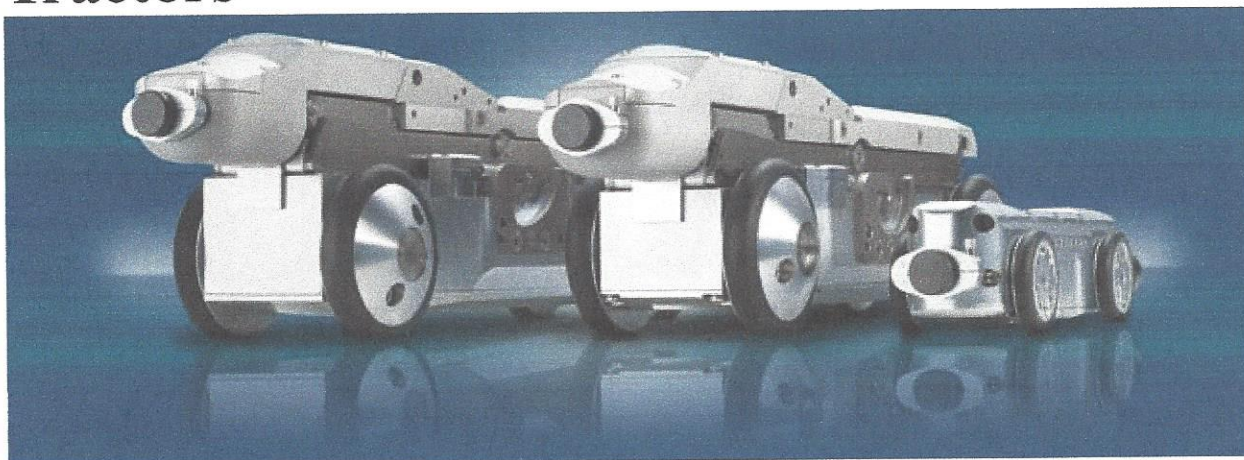
Contact Preference (Required)

☐ Call Me ☐ E-Mail Me



"The Portable Package from RapidView is the clear choice for the sewer inspection professional who cannot get a TV Truck to the pipe location. All the same features as our truck mounted system are included, even the ability to grow to larger tractors, lateral launch, and even robotic cutters."

Tractors



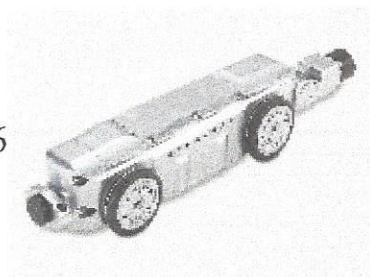
Camera Tractors - Functionality and Flexibility

A critical part of the inspection system, the tractor carries the camera into the pipeline. If you can't get the camera there, you aren't going to see it - so make sure that you choose the correct tractor for your application. While each tractor has its own unique strengths, you can usually make your decision based upon the expected inspection length required, and the diameter of the pipelines you will be inspecting. Our tractors are designed and engineered to work in pipeline environments. Compact, powerful, durable, and agile, our tractors will provide you with years of dependable operation.

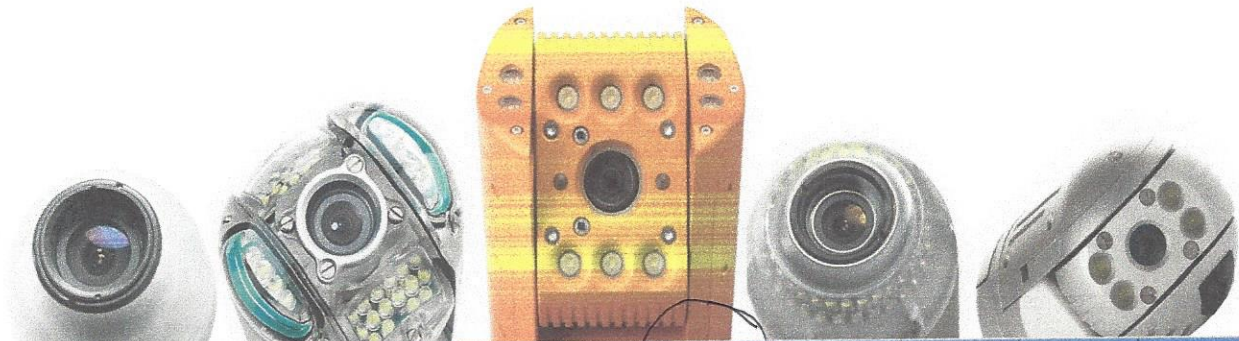
FEATURES	T66	T76	T86
Range (Diameters)	4" and up	5" and up	8" and up
Zero Radius Steering	✓	✓	
Pull Distance	1000'	1000'	1650'
2-Axis High Strength Connector	✓	✓	✓
Automatic Tilt Compensation (ATC)	✓	✓	
Location Transmitter on Tractor		✓	✓
LISY Attachment (optional)		✓	✓
Elevator Attachment (optional)	Attachment	✓	✓

T66 Camera Tractor

The new T66 Steerable Camera Tractor is the latest in the long line of innovative sewer camera transporters from IBAK. The T66 is the natural evolution of the incredibly popular KRA65 model that has been sold throughout the world. The T66 boasts a heavier chassis for added traction, smaller external dimensions for ease of use and greater pulling strength than its predecessor. Small and agile, yet more powerful than some tractors twice its size - the T66 is the core of an effective inspection system for sewers and pipelines ranging from 4" to 24" in diameter. Replaces the KRA65 in 2010.



Cameras



FEATURES	CERBERUS	HYDRUS	JUNO	NANO	NANO-L	ORION Zoom	ORION-L Zoom	ORPHEUS 2.0	ORPHEUS HD	POLARIS
Range (Diameters)	Lg. Diameter	2" and Up	4" and Up	2" and Up	2" and Up	4" and Up	4" and Up	6" and Up	6" and Up	4" and Up
Sonde Transmitter	N/A	In Pushrod	In Camera	In Camera	In Camera	In Camera	In Camera	N/A	N/A	In Camera
Pan & Tilt				✓	✓	✓	✓	✓	✓	✓
Zoom						✓	✓	✓	✓	
Auto Iris	✓		✓	✓	✓	✓	✓	✓	✓	✓
Always Upright Image			✓	✓	✓	✓	✓	✓	✓	✓
Auto Focus								✓	✓	
Laser Measurement	✓			✓	✓	✓		✓	✓	✓
Pushrod Capability		✓	✓	✓	✓	✓	✓			✓
Lateral Navigation					✓		✓			✓
E-Flip								✓	✓	
High Definition Video									✓	

ORION Zoom

The Orion Zoom is the workhorse of our camera line. Deploy as a push camera or on a mainline tractor system in pipelines 4" and up. Pan & Tilt, integrated location transmitter, auto-uprighting, auto-iris, and adjustable focus. The ultimate in flexibility and modularity.



Controllers & Power Supplies

Controllers - Efficiency and Convenience

The best equipment in the world demands a control system to match. What good would a race car be if you had to reach behind the seat to shift the transmission? Unfortunately, many manufacturers do not take the time to solicit feedback from operators in the field like we do. As a result, they construct controllers that, while easy to manufacture, are difficult to use and negatively impact productivity. IBAK has been manufacturing sewer inspection equipment for over 50 years and we've learned a lot about what makes a system easy to use and efficient. You can be sure that when you use IBAK equipment you are in control and getting the job done.

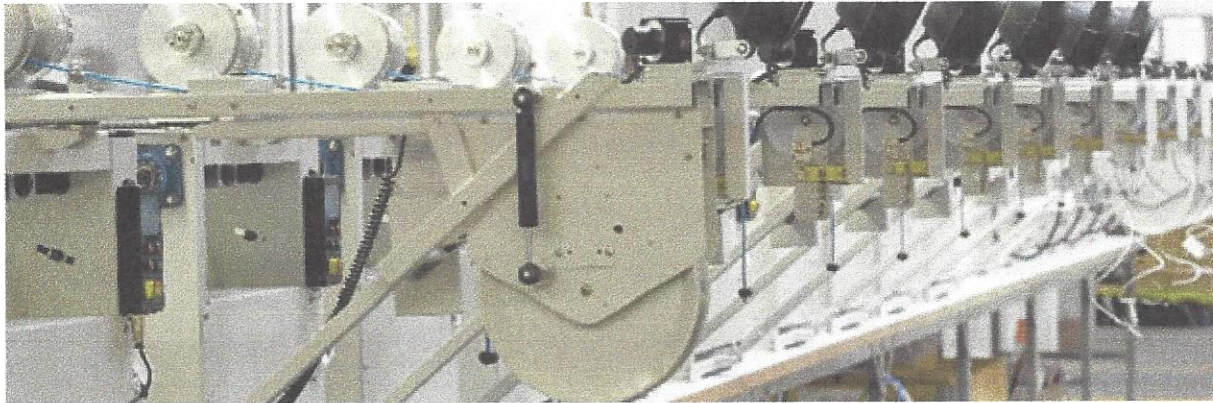
FEATURES	BOP	BK3.5	BE3.5	BS7.0
Pushrod Control	✓	✓	✓	✓
Portable with Digital Recording	✓	✓		
Vehicle Mount			✓	✓
Lateral Launch Control		✓	✓	✓
Tractor Control		✓	✓	✓
PANORAMO® Control				✓
Text Entry (On Screen Display)	✓	✓	✓	✓

BK3.5 Portable Control

The new BK 3.5 portable controller is the perfect solution for taking inspections off-road. The BK offers all of the same features as the truck-mounted BE controller but is self-contained in a rugged case with a built-in LCD monitor. The BK can also be mounted in a truck and removed when portability is needed. The new design reduces the overall size of the controller and adds the option of a built-in computer system that can run pipeline inspection software. The new full-color LCD control and diagnostics panel makes selection of functions and control even easier!



Cable Winches & Reels



Cable Reels - Making your job easier.

Often overlooked, the cable reel is one of the most important pieces of the inspection system. IBAK's line of cable reels are designed specifically to work with IBAK equipment and to withstand the harsh environments that you encounter. All mainline cable is Kevlar reinforced and coated for protection. Our standard mainline cables are rated at over 2000 lbs. pull strength. Special cable reel features like synchronized operation, automatic level winds, and remote controls make your job easier.

FEATURES	HSP	KT 180	KW 180	KW 305	KW 505
Range (Distance)	200'	656'	656'	1000'	1640'
Drainline Inspection	✓				
Mainline Inspection		✓	✓	✓	✓
Cable Retraction	Manual	Power Assist	Power Rewind	Full Synchro	Full Synchro
Built-In Tractor Lowering Winch				✓	✓
Fiber Optic Capability					✓

KT 180 Portable Reel

The KT180 Reel is designed for portable or truck-mounted operation. Features include: manual level-wind, carry handle, roller wheels, power-assist rewind, emergency stop and integrated distance counter. Capacity is up to 656 feet of high-strength cable.





Agenda Item: _____

CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: Water System Improvements at Stone Street/Hwy78/ Norfolk Southern RR identified as Addendum #1 to Water Treatment Plant Improvements Proposal dated March 19, 2018.

AGENDA DATE: May 31, 2018

DATE PREPARED: May 24, 2018

PREPARED BY: Pete Zorbanos, Public Works Director

AMOUNT: Not to exceed \$15,000
GL ACCOUNT # 505-4440-541412

PURPOSE: Additional engineering design and permitting services to bore under the Norfolk Southern Railroad providing for an extension of a ten inch waterline from south of the railroad tracks on Hwy 78 and Stone Street to the north side of the railroad tracks on Stone Street.

BACKGROUND: Originally a 10 inch water line was installed on Stone Street and dead ended at Hwy 78. The intention was to connect this water line with the water distribution system north of the railroad tracks serving Main Street and the surrounding area (e.g. Avanti Building) whereby it might provide greater flow, pressure and fire protection. The project was not realized.

STAFF RECOMMENDATION: Staff recommends that we engage Carter & Sloope, Inc. to assist the City to provide additional engineering design and permitting services for the water system improvements at Stone Street/Hwy 78/Norfolk Southern Railroad.

IMPACT: The engineering and permitting will provide the basis for bidding out the construction needed to accomplish this project. The construction cost for this project is estimated at \$65,000 - 75,000 if there is no rock encountered. If rock is encountered in the bore and a rock head is required, the cost estimate would increase to \$92,500.

MOTION: I make the motion to approve Carter & Sloope for engineering design and permitting services for water system improvements at Stone Street/Hwy 78/Norfolk Southern Railroad identified as Addendum #1 to Water Treatment Plant Improvements Proposal dated March 19, 2018 in an amount not to exceed \$15,000.



Carter & Sloope

CONSULTING ENGINEERS

May 22, 2018

Mr. Pete Zorbanos
Public Works Director
City of Villa Rica
571 W. Bankhead Highway
Villa Rica, GA 30180

RE: City of Villa Rica, Georgia
Addendum No. 1 to Water Treatment Plant Improvements Proposal
C&S Project No. V8150.001
Water System Improvements at Stone
Street/US Hwy 78/Norfolk Southern RR

Dear Mr. Zorbanos:

Carter & Sloope, Inc. (C&S or Engineer) is pleased to submit this Addendum No. 1 to the Proposal/Scope of Services letter for the referenced project (Project) to provide engineering services to the City of Villa Rica (Client or Owner) for the proposed Water Treatment Plant Improvements (proposal letter originally dated March 19, 2018). This addendum covers additional engineering design and permitting services for work described as Water System Improvements at Stone Street/US Hwy 78/Norfolk Southern Railroad. The scope of services described below is based on our understanding of the project from discussions and meetings with Client's personnel.

Scope of Work (Basic Services)

Phase I: Project Administration & Coordination

C&S will meet with personnel from the *City of Villa Rica* to review the scope of the project, develop a project schedule, and confirm deliverables. We will also gather available information about the project routes and existing features including coordination with the existing utility companies. This preliminary work will also include a site visit to verify existing conditions and fully gain an understanding of the project requirements. During this preliminary phase, C&S will evaluate the permitting requirements based on experience with similar projects and discuss how the necessary permits impact the project timeline with the City.

Phase II: Field Surveying/Utility Locates

C&S will utilize a survey crew to provide a field run, topographic survey of the project route. The survey will include all existing features including roadway, drainage, utilities, right-of-way, and any other pertinent topography required for the plans.

Prior to field survey, C&S will call in all utility locates so they can be accurately surveyed and represented with the rest of the existing features and will conduct thorough research to obtain all available utility documents for the project area. Existing road right-of-ways will also be researched and confirmed by the registered surveyor.

Phase III: Engineering Design

C&S understands that detailed engineering, construction drawings are required to complete this project. Using data gathered during Phase I and II, C&S shall prepare detailed construction drawings for the water line. The construction drawings will include a cover sheet, general layout map, erosion control plans, construction plans, and standard details. Construction plans will be generated using AutoCAD Version 2018.

As work progresses, C&S will submit to the Authority for review and approval 60% and 100% construction drawings. The drawings will show the proposed location of the new water mains and connections to existing or proposed services. In addition, C&S will submit engineering estimates of probable cost with a summary of bid items and address any construction concerns or other key issues with the City.

Phase IV: Permitting and Approvals

Based on experience with similar projects, C&S understands there will be multiple permits and approvals required by local, state, and even federal agencies for this project. The proposed improvements should not disturb more than one acre, so a NPDES General Permit GAR100002 should not be required. Best management practices will be incorporated into the project in the soil erosion and sediment control plan. However, if a NPDES permit is required C&S shall prepare the necessary plans and permit forms. The same would apply to a Land Disturbing Activity Permit from the Local Issuing Authority (if required).

It is understood that permits will be required for Norfolk Southern Railroad and GDOT. These permits will be submitted as soon as possible in order to obtain approvals before construction begins. All comments and revisions shall be incorporated into the final construction plans and specifications. Any application fees will be paid by the City.

Based on the current information, it is not expected that a United States Army Corps of Engineers (USACOE) permit and/or a Stream Buffer Variance permit from the GA EPD would be required for this project. However, if they happen to be needed it should be understood that these permits require extensive knowledge and effort to submit the required forms and data in order to achieve permit approval. Practically speaking, C&S would make every effort to design the water line to avoid the need for a Stream Buffer permit as the permitting approval process can be lengthy and problematic (especially for water line consideration). Any crossing of perennial or intermittent streams or associated wetlands would require a USACOE permit, most likely in the form of a Nationwide 12 permit (NWP 12). Jesse Bearden, who is on our staff and project team, would secure any wetland permits required on the project. Jesse has over 30 years of wetland and environmental permitting experience. Again, C&S would make every design effort to avoid a USACOE permit without jeopardizing the integrity of the design.

Fee Basis

We propose to complete our work for Basic Services described herein for the lump sum amounts or hourly, not-to-be exceeded, amounts as scheduled below. Hourly, not-to-exceed amounts shall be determined in accordance with our Hourly Fee Schedule. No fee amount may be exceeded without prior written approval from the Client.

<u>Task No.</u>	<u>Description</u>	<u>Fee Basis</u>
1	Engineering Design & Permitting	Hourly Not-to-Exceed \$ <u>15,000</u>

Total Estimated Fee = \$15,000

Additional Services

Services not included within the Basic Scope of Services above, which are considered Additional Services, are specifically excluded from the Scope of the Engineer's services, but can be provided on an hourly basis in accordance with our Hourly Fee Schedule or as agreed to in writing by the Client and the Engineer. Additional Services include, but are not limited to, the following:

- a. Services resulting from significant changes in the scope, extent, or character of the portions of the Project designed or specified by Engineer or its design requirements including, but not limited to, changes in size, complexity, Client's schedule, character of construction, or method of financing; and revising previously accepted reports, Drawings or Specifications, or other project related documents when such revisions are required by changes in Laws and regulations enacted subsequent to the date of this proposal or are due to any other causes beyond Engineer's control.
- b. Services required as a result of Client providing incomplete or incorrect Project information to Engineer.
- c. Furnishing services of Engineer's Sub-Consultants, if any, for other than Basic Services.
- d. Preparing for, coordinating with, participating in and responding to structured independent review processes, including, but not limited to construction management, cost estimating, project peer review, value engineering, and constructability review requested by Client; and performing or furnishing services required to revise studies, reports, Drawings, Specifications, or other Bidding Documents as a result of such review processes.
- e. Preparing additional Bidding Documents or Contract Documents for alternate bids or prices requested by Client for the Work or a portion thereof.
- f. Assistance in connection with bid protests, rebidding, or renegotiating contracts for construction, materials, equipment, or services.
- g. Providing Construction Phase services beyond the construction Contract Times.
- h. Preparing to serve or serving as a consultant or witness for Client in any litigation, arbitration, or other dispute resolution process related to the Project. Preparation time for deposition and trial testimony or arbitration will be charged at hourly rate multiplied by 1.25. Actual time for deposition, trial testimony or arbitration including travel time will be charged at hourly rate multiplied by 2.0. Reimbursable expenses will be charged at actual cost multiplied by 1.15.

- i. Providing more extensive services required to enable Engineer to issue notices or certifications requested by Client and not specifically provided in the Basic Services.
- j. Services in connection with Work Change Directives and Change Orders to reflect changes requested by Client so as to make compensation commensurate with the extent of the Additional Services rendered.
- k. Services in making revisions to Drawings and Specifications occasioned by the acceptance of substitute materials or equipment other than "or-equal" items; and services after the award of the Construction Contract in evaluating and determining the acceptability of a substitution which is found to be inappropriate for the Project or an excessive number of substitutions.
- l. Additional or extended services made necessary by (1) emergencies or acts of God endangering the Work, (2) the presence at the Site of any Hazardous Materials and/or Environmental Conditions (the presence of asbestos, PCBs, petroleum, hazardous substances or waste, and radioactive materials), (3) Work damaged by fire or other cause during construction, (4) a significant amount of defective, neglected, or delayed work by Contractor, (5) acceleration of the progress schedule involving services beyond normal working hours, or (6) default by Contractor.
- m. Reviewing Shop Drawings more than two (2) times as a result of repeated inadequate submissions by Contractor. In such an event, the Engineer shall prepare a Change Order for the Client that will deduct the cost of these Additional Services from the Client's contract with the Contractor.
- n. Archeological and Historical Preservation consulting;
- o. Delineating wetlands or flood plain determinations.
- p. U.S. Army Corps of Engineering Permitting;
- q. Providing topographic surveys or construction surveys and/or staking to enable Contractor to perform its work and any type of property or boundary surveys or easements or related engineering or surveying services needed for the transfer of interests in real property; and providing other special field surveys not specifically detailed in the Basic Services.
- r. Assistance with funding alternative including, but not limited to, loan/funding applications, grant writing, engineering reports, rates studies, etc. unless specifically included in the Basic Services;
- s. Environmental Surveys including, but not limited to, wetlands, endangered species, cultural resources, historic preservation resources or special sub-consultants for permits; work related to obtaining a NONSI.
- t. Preparing for and participating in public meetings and/or public hearings unless specifically included in the Basic Services;
- u. Other services performed or furnished by Engineer not otherwise detailed or provided for in this Agreement.
- v. All permit fees

Hourly Fee Schedule

The hourly fee schedule is reflected in the original proposal letter dated March 19, 2018.

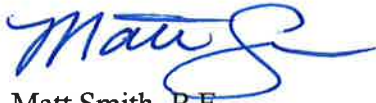
Reimbursable Expenses/Sub-Consultants

There are no fees for reimbursable expenses from Carter & Sloope, Inc. for the Basic Services of the Engineer. All costs associated with normal travel, meals, printing/reproduction, etc. are included in our lump sum fees on/or hourly; however, direct reimbursable expenses for Additional Services, if any, including, but not limited to, fees from sub-consultants.

If you have any questions or concerns regarding our proposed Scope of Work and/or proposed fee schedule, please contact me. I would welcome the opportunity to discuss this with you. If the Scope of Services is acceptable, please sign, date, and return one (1) copy to us for our files. Once approved, Carter & Sloope can begin work on this project immediately.

May 22, 2018

Sincerely,



Matt Smith, P.E.

cc: File

Client Acceptance:

I hereby acknowledge review of this Scope of Services and authorize Carter & Sloope, Inc. to proceed with the work defined in this agreement.

Signature

Date

Title

TERMS AND CONDITIONS

The Client hereby accepts the following general terms and conditions ("Terms and Conditions") applicable to Carter & Sloope, Inc.'s performance of the services described in the attached Proposal (the "Services"):

1. **Method and Terms of Payment:** Invoices will be submitted by Carter & Sloope, Inc. ("Carter & Sloope", "C&S", or "Engineer") monthly in proportion to services performed and are due upon receipt. Any amounts not paid by the Client within thirty (30) days of the date of such invoices shall be considered past due and shall accrue interest at a rate of one-and-one-half percent (1.5%) per month or the maximum allowed by law, whichever is less, of the past due amount per month until such time as such amounts are paid in full. Payment thereafter shall first be applied to accrued interest and then the unpaid principal. If the Client fails to make payment to the Engineer in accordance with the payment terms herein, this shall constitute a material breach of this Agreement and the Engineer shall have the right, upon seven (7) days written notice, to suspend performance of all or part of the Services in accordance with Paragraph 2 "Suspension" until 1.) all past due amounts are paid, and 2.) satisfactory assurance of prompt future payment is received by the Engineer. The above right is in addition to all other rights and remedies Engineer may have at law or in equity including termination of this Agreement by the Engineer for cause in accordance with Paragraph 3 "Termination" herein.
 - A. *Collection Costs:* If the Client fails to make payments when due and the Engineer incurs any costs in order to collect overdue sums from the Client, the Client agrees that all such collection costs incurred shall immediately become due and payable to the Engineer. Collection costs shall include, without limitation, legal fees, collection agency fees and expenses, court costs, collection bonds and reasonable Engineer staff costs at standard billing rates for the Engineer's time spent in efforts to collect. This obligation of the Client to pay the Engineer's collection costs shall survive the term of this Agreement or any earlier termination by either party.
 - B. *Set-offs, Backcharges, Discounts:* Payment of invoices shall not be subject to any discounts or set-offs by the Client unless agreed to in writing by the Engineer. Payment to the Engineer for services rendered and expenses incurred shall be due and payable regardless of any subsequent suspension or termination of this Agreement by either party.
 - C. *Disputed Invoices:* If the Client objects to any portion of an invoice, the Client shall so notify the Engineer in writing within seven (7) calendar days of receipt of the invoice. The Client shall identify in writing the specific cause of the disagreement and the amount in dispute and shall pay that portion of the invoice not in dispute in accordance with the other payment terms of this Agreement. Any dispute over invoiced amounts due which cannot be resolved within ten (10) calendar days after presentation of invoice by direct negotiation between the parties shall be resolved within thirty (30) calendar days in accordance with the Dispute Resolution provision of this Agreement. Interest as stated above shall be paid by the Client on all disputed invoice amounts that are subsequently resolved in the Engineer's favor and shall be calculated on the unpaid balance from the date of the invoice.
 - D. *Legislative Action:* If after the Effective Date of this Agreement, any governmental entity takes legislative action that imposes taxes, fees or charges on Engineer's services or compensation under this Agreement, then the Engineer may invoice such new taxes, fees, or charges as a Reimbursable Expense to which a factor of 1.0 shall be applied. Client shall reimburse Engineer for the cost of such invoiced new taxes, fees and charges in addition to the compensation agreed to herein.
2. **Suspension:** The Client may suspend all or part of the Project for up to ninety (90) days upon seven (7) days written notice to the Engineer. The Engineer may, after giving seven (7) days written notice to the Client, suspend services under this Agreement if Engineer's performance has been substantially delayed through no fault of the Engineer. In the event the Project is suspended for period(s) totaling more than ninety (90) days, Client agrees to pay reasonable costs incurred by the Engineer in: 1.) preserving and documenting services performed or in progress, and 2.) demobilizing and remobilizing services. The Engineer shall have no liability whatsoever to the Client for any costs or damages as a result of such suspension caused by any breach of this Agreement by the Client. Suspended projects may change in many ways due to the passage of time, changes in the size or environment, regulatory modifications, or other issues outside of Engineer's control. Engineer is not and shall not be responsible for any such changes, except to the responsibility or otherwise becomes aware of such issues and the Engineer may rely on information received from the Client or others regarding such issues. Upon payment in full by the Client, the Engineer shall resume services under this Agreement; however, a reassessment of the project scope, fee, and project schedule may be performed by the Engineer as an Additional Service. Upon the conclusion of the project reassessment, the time schedule and Engineer's compensation shall be equitably adjusted to compensate for the period of suspension plus any reasonable time and expense necessary for the Engineer to resume performance.

3. **Termination:** In the event of termination of this Agreement by either party, the Client shall, within fifteen (15) calendar days of termination, pay the Engineer for the services rendered and fees provided in the invoice and all reimbursable expenses incurred by the Engineer, its agents and subcontractors up to the termination date in accordance with the payment provisions of this Agreement. In the event of any termination that is not the fault of the Engineer, the Client shall pay the Engineer, in addition to payment for services rendered and reimbursable costs incurred, for all expenses reasonably incurred by the Engineer in connection with the orderly termination of this Agreement, including but not limited to demobilization, to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, to assemble Project Materials in orderly files, reassignment of personnel, associated overhead costs and all other expenses directly resulting from the termination.

The obligation to provide further services under this Agreement may be terminated as follows:

- A. ***For Cause:*** Either party may terminate the Agreement for cause upon giving the other party not less than thirty (30) days written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement and through no fault of the terminating party.
1. Assignment of this Agreement or transfer of the Project by either party to any other entity without prior written consent of the other party; or
 2. If, through any cause, the Engineer shall fail to fulfill in timely and proper manner any material obligations under this Agreement, or if the Engineer shall violate any of the covenants, agreements, or stipulations of this Agreement, the Client shall thereupon give written notice to the Engineer of such failure, violation or breach. If Engineer has not or cannot remedy such failure, violation or breach within thirty (30) days of the giving of such notice by the Client, the Client shall thereupon have the right to terminate this Agreement by giving written notice to the Engineer of such termination and specifying the effective date thereof, at least ten (10) days before the effective date of such termination. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by the Engineer under this Agreement shall, at the option of the Client subject to the requirements in Paragraph 11 herein, become its property and the Engineer shall be paid within fifteen (15) calendar days of termination for all services rendered and all reimbursable expenses incurred by the Engineer up to date of termination. Engineer shall have no liability to Client on account of such termination.
 3. Suspension of the Project or the Engineer's services by the Client for more than ninety (90) calendar days, consecutive or in the aggregate; or
 4. If Client demands that Engineer furnish or perform services contrary to Engineer's responsibilities as licensed professional; or
 5. Material changes in the conditions under which this Agreement was entered into, the Scope of Services or the nature of the Project, and the failure of the parties to reach agreement on the compensation and schedule adjustment necessitated by such changes.
- B. ***For Convenience:*** Either party shall have the right to terminate this Agreement at any time for convenience and without cause upon thirty (30) days written notice.
4. **Changes:** The Engineer's commitment as set forth in this Agreement is based on the expectation that all of the services described in this Agreement will be provided. The Client may, from time to time, request changes in the scope of the services of the Engineer to be performed hereunder. In the event the Client elects to reduce the Engineer's Scope of Services, the Client hereby agrees to release, hold harmless, defend and indemnify the Engineer from any and all claims, damages, losses or costs associated with or arising out of such reduction in services. Such changes, including any increase or decrease in the amount of the Engineer's compensation, which are mutually agreed upon by and between the Client and the Engineer, shall be incorporated in written amendments to this Contract.
5. **Personnel:** The Engineer represents that he has, or will secure at his own expense, the personnel required in performing the services under this Agreement. Such personnel shall not be employees of or have any contractual relationship with the Client. All of the services required hereunder will be performed by the Engineer or his sub-consultants under his supervision and personnel engaged in the work shall be fully qualified and shall be authorized or permitted under State and Local Law to perform such services.
6. **Reports and Information:** The Engineer, at such times and in such forms as the Client may require, shall furnish the Client such periodic reports as it may request pertaining to the work or services undertaken pursuant to this Agreement, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Agreement.

7. Certifications. As used herein and throughout this Agreement, the words "certify" and/or "certification" shall mean an expression of the Engineering Consultant's professional opinion to the best of its information, knowledge and belief, and therefore does not constitute a warranty or guarantee by the Engineer.
8. Records and Audits. The Engineer shall maintain accounts and records, including personnel, property and financial records, adequate to identify and account for all costs pertaining to the Agreement. These records will be made available for audit purposes to the Client or any authorized representative, and will be retained for three years after, the expiration of this Contract unless permission to destroy them is granted by the Client.
9. Findings Confidential. All of the reports, information, data, etc., prepared or assembled by the Engineer under this Agreement are confidential and the Engineer agrees that they shall not be made available to any individual or organization without the prior written approval of the Client unless required by law, court order, or for use in connection with legal or administrative proceedings, mediation, or arbitration.
10. Standard of Care, Disclaimer of Warranties. Engineer will strive to perform Services under this Agreement in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. NO OTHER REPRESENTATION AND NO WARRANTY OR GUARANTEE, EITHER EXPRESS OR IMPLIED, IS INCLUDED OR INTENDED BY THIS AGREEMENT.
11. Ownership of Documents & Copyright. All documents, including electronic files, prepared or furnished by Engineer are instruments of service, and Engineer retains all common law, statutory and other reserved rights, ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed. The Client may make and retain copies of them for information and reference in connection with the use of the Project; however, such copies are not intended or represented to be suitable for reuse by others, and may not be used by others unless otherwise required by law, court order, or for use in connection with legal or administrative proceedings, mediation, or arbitration. The Client agrees not to distribute, publish or otherwise disseminate Engineer's documents without first obtaining Engineer's prior written consent. The Client may request and negotiate with the Engineer to acquire ownership of the documents for a mutually agreed amount. If Client acquires ownership of Documents prepared by Engineer, Client agrees: 1.) that any subsequent reuse or modification of them by Client or any party obtaining them through Client will be at Client's sole risk and without liability to engineer, and 2.) Client will defend, indemnify and hold harmless Engineer from and against any claims, damages, and liabilities arising from or related to any use, reuse or modification of Documents by Client or any party obtaining them through Client. Client agrees that Engineer may retain copies of all documents for its files. Electronic communications and CADD data transferred by Email, websites or computer disks (collectively "E-Data") are provided only as an accommodation by Engineer for the benefit of Client. Signed paper prints of documents constitute the contract deliverables. Client assumes the risk that E-Data may differ from the paper deliverable. Client agrees to indemnify and hold harmless Engineer from and against Client, damages, and liabilities for defects or inappropriate use of E-Data created or transmitted by Engineer.
12. Third-Party Beneficiaries and Reliance Upon Documents. Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third-party against either the Client or the Engineer. Engineer's performance of the Services, as set forth in this Agreement, is intended solely and exclusively for the Client's benefit and use. No party may claim under this Agreement as a third-party beneficiary, unless otherwise required by law, court order, or for use in connection with legal or administrative proceedings, mediation or arbitration. Client agrees not to distribute, publish or otherwise disseminate Engineer's Documents, without first obtaining Engineer's prior written consent. No third-party may rely upon Engineer's documents or the performance or non-performance of services unless Engineer has agreed to such reliance in advance and in writing. The Client and Engineer agree to require a similar provision in all contracts with contractors, subcontractors, sub consultants, vendors and other entities involved in this Project to carry out the intent of this provision.
13. Compliance with Local Laws. The Engineer shall exercise usual and customary professional care in its effort to comply with applicable laws, codes and regulations as of the date of the execution of this Agreement. Design changes made necessary by newly enacted laws, codes and regulations after this date shall entitle the Engineer to a reasonable adjustment in the schedule and additional compensation in accordance with the Additional Services provisions of this Agreement.
14. Public Responsibility. Both the Client and the Engineer owe a duty of care to the public that requires them to conform to applicable codes, standards, regulations and ordinances, principally to protect the public health and safety. The Client shall make no request of the Engineer that, in the Engineer's reasonable opinion, would be contrary to the Engineer's professional responsibilities to protect the public. The Client shall take all actions and render all reports required of the Client in a timely manner. Should the Client fail to take any required actions or render any required notices to appropriate public authorities in a timely manner, the Client agrees that the Engineer has the right to exercise its professional judgment in reporting to appropriate public officials or taking other necessary action. The Client agrees to

take no action against or attempt to hold the Engineer liable in any way for carrying out what the Engineer reasonably believes to be its public responsibility. Furthermore, the Client agrees the Engineer shall not be held liable in any respect for reporting said conditions. Accordingly, the Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Engineer, its officers, directors, employees and sub-consultants (collectively, Engineer) against all damages, liabilities or costs arising out of or in any way connected with the Engineer's notifying or failing to notify appropriate public officials.

15. **Accessibility.** It is recognized that the Client has certain obligations under local, state and Federal accessibility laws and regulations that could affect the design of the Project. It is further recognized that Federal accessibility laws and regulations are not part of, or necessarily compatible with, State or local laws, codes and regulations governing construction. Consequently, the Engineer will be unable to make recommendations or professional determinations that will ensure compliance with the Federal accessibility laws and regulations, and the Engineer shall, accordingly, not have any liability to the Client in connection with the same. The Engineer strongly advises the Client to obtain appropriate legal and financial counsel with respect to compliance with the appropriate disability access laws. The Engineer will endeavor to design for accessibility by persons with disabilities in conformance with the provisions and references in applicable State or local building codes and the technical design requirements of the Americans with Disabilities Act (ADA) and/or the Fair Housing Act (FHA) in effect as of the date of completion of the design to the extent those statutes apply to the Project. The Client will determine the full extent of its obligations under the ADA and Fair Housing Act Amendments (FHAA), including whether the ADA and/or the FHAA apply to the Project, the extent that modifications are readily achievable under the ADA, and the extent that modifications to improve disability access are necessary during an alteration and provide the Engineer with such information. The Client acknowledges that it has been advised by the Engineer to retain a consultant (Accessibility Consultant) to review the project plans, specifications, and construction for compliance with the Americans with Disability Act, the Fair Housing Act, and other Federal, state, and local accessibility laws, rules, codes, ordinances, and regulations (hereinafter referred to as "Accessibility Issues"). If Client fails to retain an Accessibility Consultant, the Client agrees to release defend, indemnify and hold harmless the Engineer, its officers, directors, employees and subconsultants (collectively, Engineer) from any claim, damages, liabilities or costs arising out of or in any way connected with Accessibility Issues.
16. **Specification of Materials.** The Client understands and agrees that products or building materials that are permissible under current building codes and ordinances may, at some future date, be banned or limited in use in the construction industry because of presently unknown hazardous and/or defective characteristics. The Engineer is only expected to meet current industry standards and may rely on manufacturers' information and representations. The Client agrees that if any product or material specified for this Project by the Engineer shall, at any future date be suspected or discovered to be defective or a health or safety hazard, then the Client shall waive all claims as a result thereof against the Engineer. The Client further agrees that if the Client directs the Engineer to specify any product or material after the Engineer has informed the Client that such product or material may not be suitable or may embody characteristics that are suspected of causing or may cause the product or material to be considered a hazardous substance in the future, the Client waives all claims as a result thereof against the Engineer, and the Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Engineer from any damages, liabilities or costs, including reasonable attorneys' fees and defense costs, arising in any way from the specification or use of any products or materials which, at any future date, become known or suspected health or safety hazards
17. **Opinions or Estimates of Costs.** If included in the Services, the Engineer will provide preliminary opinions of probable costs of materials, installation, remediation or construction and/or total project costs based on the Engineer's experience on similar projects, which are not intended for Client's or others' use in developing firm budgets or financial models, or making investment decisions. Client agrees that any opinion of cost is still merely an estimate.
18. **Limit of Liability.** The inclusion of this Limitation of Liability provision is a material consideration for the Engineer's willingness to perform the services. In recognition of the relative risks and benefits of the Project to both the Client and the Engineer, the risks have been allocated such that, to the fullest extent permitted by law, Client and Engineer: 1.) waive against each other, and the other's employees, owners, partners, officers, directors, shareholders, agents, insurers, and sub-consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages of any nature whatsoever or claims expenses from any cause or causes, including attorney's fees and costs and expert-witness fees and costs arising out of, resulting from, or in any way related to the Project; and 2.) **agree that Engineer's total aggregate liability to Client under this Agreement shall be limited to the total amount of compensation received by Engineer on this Project or \$50,000, whichever is greater.** This limitation shall apply to any and all liability regardless of the cause of action or legal theory placed or asserted unless otherwise prohibited by law. Upon Client's request, Engineer may negotiate an increase to this limitation in exchange for an additional agreed consideration for the increased limit. Client and Engineer agree to limit liability to the other in the following respects to the fullest extent permitted by law: Neither party will have liability to the other for any specials, indirect or consequential, incidental, exemplary, or penal losses or damages including, but not limited to, loss of use, loss of profit, loss of business, loss of income, loss of reputation, unavailability of the other party's property or facility, shutdowns or

service interruptions, and any other consequential damages or claims related to the Project that either party may have incurred from any cause of action including negligence, strict liability, breach of contract and breach of strict or implied warranty. Both the Client and the Engineer shall require similar waivers of consequential damages protecting all the entities or persons named herein in all contracts and subcontracts with others involved in this Project.

19. Insurance. Throughout the term of this Agreement, Engineer shall maintain insurance in amounts not less than shown:
- | | |
|---------------------------|--|
| a) Worker's Compensation | Statutory amount where services are performed |
| b) Automobile | \$1,000,000 combined single limit |
| c) General Liability | \$1,000,000 per occurrence / \$2,000,000 General Aggregate |
| d) Professional Liability | \$1,000,000 per claim and aggregate |
| e) Excess Umbrella | \$5,000,000 on "b" & "c" |

Client agrees to require all third parties engaged by or through Client in connection with the Project to provide Engineer with current Certificates of Insurance Endorsed to include Engineer as an additional insured on their "b", "c" and "e" policies of insurance and authorizes Engineer to enforce this provision directly with all Project related third parties.

20. Indemnification.

- A. Indemnification of Client: Subject to the provisions and limitations of this Agreement, Engineer agrees to indemnify and hold harmless Client, its shareholders, officers, directors and employees from and against any and all liabilities, damages, expenses (including without limitation reasonable attorney's fees) or other losses (collectively "Losses") to the extent caused by Engineer's negligent performance of its Services under this Agreement.
- B. Indemnification of Engineer: To the extent allowed to a municipality by Georgia law and subject to the provisions and limitations of this Agreement, Client agrees to defend, indemnify and hold harmless Engineer from and against any and all claims by third parties related to services provided by Engineer under this Agreement, and against any and all Losses to the extent caused by the negligence of Client, its employees, agents and contractors. In addition, except to the extent caused by Engineer's sole negligence, Client expressly agrees to defend, indemnify and hold harmless Engineer from and against any and all Losses arising from or related to the existence, disposal, release, discharge, treatment or transportation of Hazardous Materials, or the exposure of any person to Hazardous Materials, or the degradation of the environment due to the presence, discharge, disposal, release of or exposure to Hazardous Material.

21. Dispute Resolution. Claims, disputes, and other matters in controversy between Engineer and Client caused by or any way related to this Agreement will be submitted to non-binding mediation as a condition precedent to litigation. The Client and the Engineer further agree to include a similar mediation performed with rules as established by The American Arbitration Association provision in all agreements with independent contractors and consultants retained for the Project and to require all independent contractors and consultants also to include a similar mediation provision in all agreements with their subcontractors, subconsultants, suppliers and fabricators, thereby providing for mediation as the primary method for dispute resolution among the parties to all those agreements. The cost for mediation including the mediator's fees, reproduction of documents, and miscellaneous out-of-pocket expenses will be borne equally by each party to this Agreement. The laws of the State of Georgia will govern the validity of these terms, their interpretation and performance. Client and Engineer agree that venue for any litigation will be in the courts of the State of Georgia and Engineer and Client both hereby waive any right to initiate any action in or remove any action to, any other jurisdiction.
22. Severability. This agreement reflects the entire agreement of the parties with respect to its terms and supersedes all prior agreements, whether written or oral. If any portion of this Agreement is void or voidable, such portion will be deemed stricken and the Agreement reformed to as closely approximate the stricken portions as the law allows.



Agenda Item: _____

CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: Building Inspector Vehicle
AGENDA DATE: May 31st, 2018

DATE PREPARED: May 24th, 2018
PREPARED BY: Nic Griffin

AMOUNT: \$15,497.00
GL ACCOUNT #: 350-7220-542200

PURPOSE: To purchase a vehicle that will provide the Building Inspector with a safe and suitable vehicle to drive during her daily duties.

BACKGROUND: The vehicle that is currently assigned to the Building Inspector is not adequate to the employee's needs. Staff has obtained three quotes from available vendors. The first quote is for a pre-owned 2015 Ford Escape for \$15,497. The other quotes attached are for new Ford Escapes. One from Don-Rich is a ruby red for \$23,000 and the other is from Allen Vigil for \$23,491.00.

STAFF RECOMMENDATION: Staff recommends that the city purchase a 2015 Ford Escape SE from Don-Rich Ford. This vehicle has around 50,000 miles. It is a certified pre-owned, lease turn in. The vehicle will come with the remainder of the 100,000-mile warranty. It will also come with a 12-month bumper to bumper warranty that will cover the entire vehicle and all of the components.

IMPACT: Purchasing this vehicle will take the place of a capital item purchase request of a 2019 Ford F-150 that was put into the upcoming budget. The city would transfer the 2017 Ford F-150 that is currently in the possession of the building inspector to the Parks and Rec department. No new vehicle request would be necessary.

MOTION: I move to authorize the City of Villa Rica to purchase a 2015 Ford Escape from Don-Rich Ford in the amount of \$15,497.00.



Don-Rich Ford Company, Inc.

221 Montgomery Street · P.O. Box 429

Villa Rica, GA 30180

Tel: 770-459-5132 · Fax: 770-459-3201

Bid for the City of Villa Rica

2015 – SE Escape Pwr. seat \$15,497.00

2018 – New SE Escape \$23,000

General Manager

A handwritten signature in black ink, appearing to read "Bart Smith".

Bart Smith



Servicing all of your automotive needs since 1971
www.donrichford.com

ALLAN VIGIL FORD-LINCOLN GOVERNMENT SALES

2018 Escape S
Compact SUV, Front Wheel drive

Base Price \$19,198.00

SWC #99999-SPD-ES40199373-002

**Equipment included in
Base price**

2.5L I4 engine Flex Fuel
6 Speed Automatic Transmission
Power Steering
Tilt / Cruise
Power ABS Brakes
Solar Tinted Windows
Power Windows / Locks / Mirrors
AM-FM-CD-MP3 Radio
Factory AC
Traction Control
Mini Spare Tire
Carpet with Front Mats
Cloth Bucket Seats Front
2nd Row folding split seat
Rear Window Defroster
Keyless Remotes (2)
Roll stability control
Rear view camera w/ 4.2 " screen
Ford SYNC (Bluetooth)

Colors Available
Exterior

Interior
S & SE Black SE only Stone

G1 Shadow Black
FT Blue
N6 Lightning Blue
UX Ingot Silver
YZ Oxford White
J7 Magnetic
GN White Gold
EC Cinnamon Glaze

Options Price Code

Escape S options

Cargo area mat(S,SE)	88.00	50Q
Privacy Glass(S only)	269.00	924
Daytime Running Lights(S,SE)	42.00	942
All Weather Floor Mats(S,SE)	120.00	50C
Reverse sensing(S,SE)	238.00	60S
Cargo Mgt System (includes cargo cover, 110V/150watt AC outlet, roof rack (S only)	385.00	62S
Aluminum wheels (S only)	575.00	64N

Escape SE w/ 1.5L Ecoboost 2,818.00 33,000 U0G

Escape SE w/ 1.5L & 4X4 4,425.00 37,425 U9G

SE includes: Climate control, power driver seat, fog lamps, privacy glass, Sirius XM, Aluminum wheels, keypad

SE only options:

Safe & Smart pkg includes: 1,250.00 38,675 66T

Adaptive cruise control, Front collision warning w/brake support, Blind spot info system, Lane keeping alert, Rain sensing wipers

SYNC 3 package includes: 870.00 39,545 62H

8" touch screen, remote start,

Wi-Fi Hotspot(w/ trial subscription)

Navigation system (requires 62H- SYNC 3 pkg) 775.00 40,320 586

Towing pkg (Class II) 480.00 40,800 534

Ruby Red Exterior paint 379.00 41,179 RR

Added optional equipment 3,500

Other vendor added equipment

Delivery

Total

\$41,179.00

FOB Allan Vigil Ford
Delivery: see Region Chart for pricing

ALLAN VIGIL FORD GOV'T SALES
6790 Mt. Zion Blvd
Morrow, GA 30260

770-968-0680 Phone
800-821-5151 Toll Free
678-364-3910 Fax

Contact person K. Brown

Department SALES

Phone Number 770-968-0680

Fax number 678-364-3910

Aug-17



Agenda Item: _____

CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: Develop Water/Sewer Tap Fees and Update the Rate Study Model
AGENDA DATE: 5/31/2018

DATE PREPARED: 5/24/2018
PREPARED BY: Sarah Hefty

AMOUNT: \$27,840
GL ACCOUNT #: 100-1510-521200 (Professional Fees) – offset with sewer tap fees that have already exceeded the budgeted amount.

PURPOSE: To approve proposal from Raftelis to develop water and sewer tap fees as well as updating and expanding the model that was created during the utility rate study.

BACKGROUND: In 2017, Raftelis completed a utility rate for the City. One of the deliverables from the study was a 10-year financial model for the water/sewer enterprise fund. The model projects revenues, expenses, debt and capital purchases based on estimated growth, number of customers, etc. Almost a year has passed since Raftelis collected the information from the City, and several assumptions have changed since then. Raftelis could update the model for us for changes in assumptions (GEFA, projected growth, etc.) as well as extend the model out from 10 years to 40 years. By expanding the horizon of the model, we will be able to understand our ability to take on debt for infrastructure, and more importantly, our ability to pay back that debt.

Additionally, Raftelis would calculate water and sewer tap fees based on the costs associated with new connections to the water and sewer systems.

STAFF RECOMMENDATION: To hire Raftelis to update the utility rate study model and to develop water and sewer tap fees.

IMPACT: Both the updated model and the updated tap fee structures would be helpful during the 2019 budget for projecting revenues and acceptable debt.

MOTION: I make a motion that we approve the proposal from Raftelis to Provide Debt Issuance Support and the Calculation of Cost-Justified Water and Sewer Tap Fees in an amount not to exceed \$27,840.

May 4, 2018

Mr. Tom Barber
City of Villa Rica
571 West Bankhead Highway
Villa Rica, GA 30180

Subject: Proposal to Provide Debt Issuance Support and the Calculation of Cost-Justified Water and Sewer Tap Fees

Dear Mr. Barber:

Raftelis Financial Consultants, Inc. (Raftelis) is pleased to submit this proposal to provide financial consulting services to the City of Villa Rica (City). We appreciate the opportunity to submit this proposal, which details our project understanding and project approach to meet the City's objectives.

Project Understanding

In November 2017, Raftelis completed a Water and Wastewater Financial Planning and Rate Study (Study) for the City. As a result of the Study, slight modifications to the existing water and wastewater rate structures were recommended, as well as needed rate increases to support an increasing capital plan. The rate increases were also necessary for the wastewater utility to become self-supporting, and not reliant on the City's general fund to pay for its existing debt service. As part of the Study, Raftelis built a financial planning and rate model (Model) to be used by City staff for future planning. This Model was built to reflect a ten-year planning horizon.

Based on recent conversations with City staff, it is our understanding that the City would like for the existing Model to be updated to reflect changes in assumptions that were made during the development of the model. At the time of the Study, the City was considering various options for expanding the capacity of its existing water system, including purchasing water from the neighboring counties of Douglas and Carroll. The City now has more information on which to base its assumptions related to the expansion of its water system. Furthermore, the City has identified significant capital costs related to the expansion that may require debt funding. As part of the scope of work addressed in this engagement letter, the City would like for Raftelis to provide support to determine the level of debt funding that is feasible given the City's capital costs and the current financial forecast.

In addition, the City would like for Raftelis to provide assistance related to the calculation of cost-justified water and sewer tap fees. It is Raftelis' understanding that the City currently has these fees and assesses for this service. The City is interested in evaluating these fees to make sure that the fees are cost-justified and are recovering the current costs to provide this service.

Project Approach

The following tasks detail our project approach for the debt associated with the expansion of the water system and the calculation of the water and sewer tap fees that will be performed as part of the scope of work addressed in this engagement letter.

Task 1 – Project Initiation and Management

The project initiation and management task is designed to ensure the study progresses in an efficient and deliberate manner. This task will include administrative components related to project management, quality assurance and control processes, and the collection of all relevant data. Upon notice to proceed, Raftelis will prepare a detailed data request list that will identify the information needed to complete the financial analyses.

Task 2 – Financial Planning and Debt Service Feasibility

The City is interested in examining the effect of various Georgia Environmental Finance Authority (GEFA) loans on their current financial forecast. Raftelis will work with the City to run various sensitivity analyses to determine the appropriate timing and amount of debt that is palatable to the City to support the City's capital planning objectives. Raftelis will monitor debt service coverage ratios as well as the level of the utility's debt funded capital. In addition, it will be important for the City to maintain a certain level of reserve funds. Raftelis will work with the City to identify the appropriate financial targets.

As part of the financial planning, it is the City's desire to have the Model reflect a longer planning horizon than that for which the Model was originally built to see the impact of the debt over a longer planning horizon. The City has asked that the Model's planning horizon be expanded from 10 years to 40 years.

Task 3 – Development of Water and Sewer Tap Fees

As part of the City's development fee program, the City assesses water and sewer tap fees for new connections to its water and sewer systems. Raftelis will calculate cost-justified fees based on a bottoms-up approach. This approach examines the time and materials required to provide these services to the City's customers. Raftelis will work with staff to identify the amount of time for each of the services provided and the appropriate labor rate and overhead rate that should be charged for the time associated with the fee. In addition, materials needed to provide the service will be taken into consideration in the calculation of the fee.

Task 4 – Communicate Study Results

Raftelis will facilitate a workshop with elected officials or public stakeholder groups and representatives. The objective of these workshop will be to educate stakeholders on the results of the sensitivity analyses related to the debt issuance and the cost-justified water and sewer tap fees.

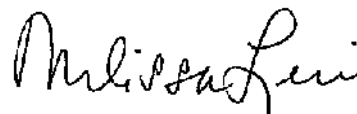
Project Fees

We propose to complete the scope of work detailed in this engagement letter for fees and expenses not-to-exceed \$27,840. Estimated fees assume approximately 136 professional hours and one-person trip to the City. Attachment A provides a work plan, detailing our anticipated level of effort. The project fees are based on our standard hourly billing rates for professional and administrative personnel assigned to the project, plus direct expenses. Expenses would relate to travel costs, computers, postage, supplies, etc.

It is our practice to bill monthly for fees and expenses as they are incurred during a project. The attached work plan provides an estimate of the time required to complete each task, and we reserve the right to shift hours among tasks and personnel as circumstances may change during the project. Total fees and expenses will be limited to the not-to-exceed amount unless specific approval for an adjustment in scope is approved by the City. If actual fees incurred are less than the estimated fees in the work plan, then these savings will be retained by the City.

We look forward to working with you and the City. Should you have any questions, please do not hesitate to contact me at (704) 373-1199. If the provisions of this engagement letter are acceptable, please sign and return one copy of the letter for our files. We are delighted to have this opportunity to be of continued assistance to the City of Villa Rica.

Very truly yours
RAFTELIS FINANCIAL CONSULTANTS, INC.

A handwritten signature in black ink, appearing to read "Melissa Levin". The signature is fluid and cursive, with the first name "Melissa" written in a larger, more prominent script than the last name "Levin".

Melissa Levin
Senior Manager

Mr. Tom Barber
City of Villa Rica, GA

May 4, 2018
Page 4

We accept the terms of this engagement letter:

CITY OF VILLA RICA, GA

Signature	Date
Title	Printed name of authorized agent

Attachment

Tasks

- Task 1. Project Management and Administration
- Task 2. Financial Planning and Debt Service Feasibility
 Expand Model Planning Horizon
 Perform Sensitivity Analyses
- Task 3. Calculate Water and Sewer Tap Fees
- Task 4. Prepare Presentation

Estimated Total Hours

Billing Rate

Total Fees

Estimated Expenses

Estimated Total Project Fees

Hours Requirements			
ML	Staff	Admin	Total
4	4	2	10
2	8		10
24	30		54
16	24		40
10	12		22
56	78	2	136
\$255	\$150	\$75	
\$14,280	\$11,700	\$150	\$ 26,130
			\$ 1,710
			\$ 27,840

ML - Melissa Levin

Disclosure Statement

As a registered Municipal Advisor under the Dodd-Frank Act, Raftelis is required to inform our clients of any existing or potential conflicts of interest that may be relevant to any proposed scope of services that may include providing “advice” as that term is defined in the Dodd-Frank Act. As of the date of this engagement letter, no conflicts of interest are known to exist.

Under the Dodd-Frank Act the definition of “advice” includes providing any opinion, information or assumptions related to the size, timing and terms of possible future debt issues or borrowing. This definition is applicable regardless of whether this information is developed and used solely for planning and decision-making purposes. For the services addressed in the scope of work identified for this engagement, any information that is developed by Raftelis that falls under this definition of municipal advice is not intended to represent a recommendation that the City of Villa Rica should issue debt based on the terms and assumptions used to develop the financial plan or forecast, or that the City of Villa Rica will, in fact, be able to issue debt under the exact terms and conditions assumed and used to develop the financial plan or forecast. The information developed as part of this financial planning study, including any related municipal advice, is intended only to provide information useful in evaluating the potential impact on the utility and future rate adjustments of one potential course of action for the City of Villa Rica. If the City of Villa Rica decides at some future date to issue debt, then at that time the City of Villa Rica will need to engage an independent, registered Financial Advisor to assist in evaluating the availability of different types of debt, and the specific terms and conditions for issuing debt, which will be affected by market conditions and the City of Villa Rica’s credit rating at the time of issuance. At that time, as a registered Municipal Advisor, Raftelis can also provide additional assistance related to a specific bond or debt issue, such as preparing a bond feasibility report or financial forecast for inclusion in bond documents, without requiring additional oversight or supervision by the Financial Advisor.

By signing this engagement letter indicating its approval and acceptance of the of the proposed scope of work and fees, the City of Villa Rica is also explicitly acknowledging that Raftelis has provided the necessary disclosures addressing conflicts of interest and any limitations on the scope of Municipal Advisory services to be provided by Raftelis as part of this engagement.



Agenda Item: _____

CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: Cloud-Based GIS Services with Ecological Planning Group

AGENDA DATE: 06/05/2018 **DATE PREPARED:** 05/24/2018

PREPARED BY: Tom Barber

AMOUNT: \$9,900 one time and \$6,000 per year

GL ACCOUNT #: 100-7400-521200

PURPOSE: To create and host an internet-accessible GIS system.

BACKGROUND: The City has generated a large amount of utility and infrastructure data over the years, and much of it has been captured in various GIS files. The accuracy of the data is questionable as it has not been well maintained; for example, as-built data has not been gathered or entered. The data is also difficult to view and has required us to hire someone to manipulate it, update it, print maps from it, etc.

STAFF RECOMMENDATION: Staff purposes that we engage Ed DiTommaso of Ecological Planning Group to update our current database, load our data into an online map application, provide public GIS viewers that don't require a user license, create a password-protected viewer for staff-only use, make the entire system available through the City website, train us on the system, provide technical support to the staff, and manage the implementation.

IMPACT: The final product will give our staff and the public web-based access to our GIS data.

MOTION: I move that we authorize the City Manager to enter into an agreement with the Ecological Planning Group to create an online GIS map application for an amount not to exceed \$9,900 plus a license fee of \$6,000 per year.



May 23, 2018

Tom Barber
City Manager
City of Villa Rica
571 West Bankhead Highway
Villa Rica, GA 30180

Re: GIS Database Management / Hosting

Dear Tom,

Thank you for meeting last week with Ecological Planning Group, LLC (EPG) and our partner Brennan Jones Engineering Associates, LLC (BJEA), regarding cloud-based GIS services. EPG and BJEA have a long-standing relationship where we have provided consulting services for municipalities. Based on our meeting, we understand that the City of Villa Rica is currently in the budgeting process and has requested a quote for the development, organization, maintenance, hosting and support of the City's GIS system. The desired result is development of a GIS program that will assist planning department functions, water and sewer, public works, and other departments by providing access to data that will help these departments streamline workflow.

The purpose of this letter is to present our scope of work to provide a full-service cloud-based GIS solution in a cost-effective manner that is consistent with the immediate needs of the City. The tasks herein define our approach, which includes the development and maintenance of a comprehensive GIS database, map viewers and mobile applications for staff, training, and support.

We appreciate your confidence in EPG and BJEA, and we look forward to successfully working on this project with the City of Villa Rica. Please contact the undersigned should you have any questions, or if you need additional information.

Sincerely,

Ecological Planning Group, LLC.

A handwritten signature in black ink, appearing to read 'Ed DiTommaso', with a stylized flourish at the end.

Ed DiTommaso, AICP, GISP



SCOPE OF SERVICES

Task 1 –Database Review and Updates

EPG/BJEA proposes to review and update the City's current database. This will include updating and incorporating existing GIS datasets such as; parcels, zoning, streets, environmental features, water and sewer infrastructure, stormwater data, aerial photography, and other data as available. The database will also include some county-wide and regional datasets where appropriate. In developing this database, we will work with the staff to get the most recent data maintained by the City to reflect any changes since the data was last updated.

Once the database is developed, we will develop a protocol for routine updates of the GIS layers to maintain the highest level of accuracy. EPG/BJEA will work with the City to determine the most appropriate schedule for conducting these updates. We will perform updates on an hourly, as needed basis at the request of the City. Alternatively, City staff will be able to utilize the online and mobile applications created in Task 2 to perform their own updates. In our experience, a combination of staff updating the data coupled with EPG/BJEA support is the most efficient manner to ensure the data stays current.

Task 2 – Online GIS Viewers and Mobile Application Development

GIS can be a very valuable tool for most local government functions. It is our belief that all City staff should have access to GIS data that can assist in the daily functions and work duties. We will compile the City's GIS data into an online map application so that staff may view and utilize the GIS database. By hosting the GIS data online, EPG will enable Villa Rica staff to use the GIS database without the purchase of costly, unneeded software licenses. For example, zoning staff will be able to view the parcel, zoning, flood plain GIS data; search for specific properties, and print maps for Council and Planning Commission packets. Other City departments could also print maps to assist with their day to day operations. The Public Works Department will have the ability to utilize the GIS data to facilitate the completion of system maintenance tasks, structural inspections, and updating the locations of features in the field.

Based on input from Villa Rica, we will develop a series of GIS viewers, each serving a particular purpose and audience. The availability of a public GIS viewer can alleviate some burden on staff by providing a tool for residents and businesses to obtain information about a property or other geographic features. We will develop a publicly facing GIS site that could be embedded or accessed from the City's website. This site would include general information such as parcels, zoning, flood zones, etc. In addition we will develop a viewer available to all staff containing more detailed information about city features such as stormwater, water, and sewer infrastructure. This would allow staff to view information and obtain data about these features as well as the information contained on the publicly facing viewer.



Further, we will create a password protected viewer with editing privileges setup allowing appropriate City staff to maintain and update the GIS data associated with various features. This will include a password protected mobile application(s) for data collection in the field. The purpose of the mobile application is to assist with the routine maintenance of infrastructure condition, inspection and maintenance data. For example, the mobile application is a great tool for assisting with stormwater maintenance, updating water features, or updating sewer lines as pipes are replaced or cleaned. This application will allow the City to keep better track of City assets by keeping this information current.

EPG has implemented this approach effectively in other cities, but the number of viewers and associated content will ultimately be determined based on our meetings with city staff. EPG will work with the City to determine the types of tools needed for the application. General setup typically includes tools for searching data, printing, measuring, and drawing. Additional tools and searches are considered technical support and will be developed on an hourly basis. It should be noted that the GIS viewers developed are designed to be accessible using computers as well as smart phones and tablets, making them widely available and accessible from virtually anywhere.

EPG is continually making improvements to website and mobile applications we host as new tools are developed and tested internally. The City of Villa Rica will benefit by our routine development of new tools that we believe will help streamline workflow and improve the overall user experience. When new tools are added, EPG will send out a notification describing the new tool with information about how it works.

Task 3 –Technical Support and Training

Once the database is updated and the GIS website published, EPG/BJEA will be available for technical support as the City begins using the web site(s) and mobile application. EPG staff will lead a two-hour training session for any City of Villa Rica staff wishing to learn how to use the application. This training session will include hands on experience with the software, field work and training material that staff can reference in the future. EPG can provide additional training as needed or address more specific questions about the functionality and additional options.

EPG will provide on-call services to the City. This includes but is not limited to the production/reproduction of maps for meetings, general data updates (i.e. Rezoning), updates to the viewer, creation of new GIS data, etc. EPG/BJEA will work as an extension of staff and will provide the City all the resources associated with having a fully staffed GIS department at a cost that is efficient and suitable to the needs of the City.

Task 4: Project Management

A project manager will be assigned to communicate and coordinate with the City of Villa Rica throughout the duration of the contract. This task includes scheduling meetings, database



updates, training, and other project management tasks. EPG/BJEA proposes to have a kickoff meeting with City staff to better understand how different departments intend to utilize GIS and the associated viewers. EPG proposes to have the kickoff shortly after receiving the notice to proceed, but recommends allowing time to get started on Task 1 prior to having the kickoff meeting. This will allow EPG to gain a better understanding of what data is currently available, which will lead to a more productive kickoff meeting.

FEE

EPG proposes to perform the scope of services included herein for the following proposed budget:

Task 1 – GIS Database Development	\$7,500
Task 2 – Online Viewer and Mobile Application ^{1,2}	\$6,000 / year
Task 3 – Technical Support	Hourly, as needed
Task 4 – Project Management	\$2,400

¹ This includes one unique user name and password. Additional password protected users can be added for \$65 per month. The Annual Subscription fee will be increased by the CPI (consumer price index) annually, beginning in FY 2020.

² 10 hours of technical support are included with the annual subscription. Addition time is considered technical support and will be billed on an hourly basis.



AUTHORIZATION

EPG proposes to implement the scope of work outlined herein in accordance with the terms and conditions included in Attachment A. As our authorization, please sign in the space provided below.

City of Villa Rica, Georgia

Ecological Planning Group, Inc.

By: _____
Tom Barber, City Manager

By:  _____
Ed DiTommaso, Principal

CITY COUNCIL
JEFF REESE, MAYOR
GIL MCDUGAL, MAYOR PRO TEM
SHIRLEY MARCHMAN
VERLAND BEST
DANNY CARTER
LESLIE MCPHERSON

City of Villa Rica



CITY MANAGER: TOM BARBER
CITY CLERK: ALISA DOYAL
CITY ATTORNEY: C. DAVID MECKLIN

571 W BANKHEAD HWY
VILLA RICA, GA. 30180
770.459.7000 | VILLARICA.ORG

CITY COUNCIL MONTHLY MEETING MINUTES

Holt-Bishop Justice Center, Municipal Courtroom, 101 Main Street
Tuesday, May 1, 2018 | 6:00 pm

Meeting Call to Order (Mayor Jeff Reese)

Mayor Jeff Reese called the meeting to order at 6:00 pm.

Present: Mayor Jeff Reese, Mayor Pro Tem Gil McDougal, Councilman Verland Best, Councilman Danny Carter, Councilwoman Leslie McPherson, and Councilwoman Shirley Marchman.

Invocation (Councilwoman Verland Best)

Councilman Verland Best led the Invocation.

Pledge of Allegiance (Mayor Jeff Reese)

Mayor Jeff Reese led the Pledge of Allegiance.

Ceremonial Presentations (Mayor & Council)

- Mayor Jeff Reese and City Clerk Alisa Doyal recognized the Villa Rica High School Senior Beta Club Members who served as the City Clerk Assistants honoring Municipal Clerks Week.
- Chief Michael Mansour recognized Officer Paul Lewis for 5 Years of Service.

Adoption of Agenda (Mayor Jeff Reese)

Mayor Jeff Reese requested to move Council Updates under Public Comment and do this going forward for all Council Meetings.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Gil McDougal, Councilman
SECONDER:	Danny Carter, Councilman
AYES:	McDougal, Carter, Marchman, Best, McPherson

City Manager's Report (Tom Barber)

City Manager Tom Barber presented his report of city projects.

Public Comment (We ask that you sign in for Public Comment before the meeting begins. Please state your Name and Address for the record and limit your comments to three minutes)

Ten citizens came forward to make a public comment.

Council Updates (Subjects of General Interest and Concern)

Councilwoman Leslie McPherson made comments of the recent events in the city and the status on the Animal Ordinance that she working on with others.

Consent Agenda

The Consent Agenda is a single item that encompasses all things the City Council would normally approve with little comment. Each of these items was discussed at the Thursday, April 26, 2018, Council Work Session, and it was the unanimous consensus of the Governing Body to place the following items on the Consent Agenda.

1. Refund of Duplicate Water Tap Fees of \$60,000 to Tanner Medical Center.
2. Amendment of Ordinance Providing for the Better Collection and Administration of Hotel-Motel Tax to comply with State law.
3. Renewal with Georgia Interlocal Risk Management Agency (GIRMA) for Property and Liability Insurance for 2018-2019.
4. HealthScope Plan Summary Document to specify what is covered and not covered by the plan and the percentage of cost that the insurance will pay.
5. Preventative Maintenance Contract for Lift Stations with Goforth Williamson, Inc in the amount of \$16,275.
6. Professional Services Agreement with Jazmin Jackson to provide GIS services for \$35 per hour.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Verland Best, Councilman
AYES:	Carter, Best, Marchman, McPherson, McDougal

A. Governing Body (Mayor Jeff Reese)

1. Approval of Minutes
 - a. Council Monthly Meeting of April 3, 2018.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Leslie McPherson, Councilwoman
SECONDER:	Shirley Marchman, Councilwoman
AYES:	McPherson, Marchman, Best, Carter, McDougal

2. Discussion of City Manager Evaluation

Councilman Gil McDougal proposed to meet in Executive Session on May 10, which is the second of the staff presentations of their budget items, for the Council to discuss individual evaluations and then group evaluations. Because a few Council members were going to be absent on that date and on May 22 (Another Proposed Date), the Mayor will contact the City Manager to set a meeting time and date.

B. Finance (Sarah Hefty, CFO)

1. Financial Update: March 2018

CFO Sarah Hefty presented the March 2018 Financial Report.
2. Update Project List for 2008 Carroll County SPLOST, 2015 Carroll County SPLOST, and 2016 Douglas County SPLOST

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Gil McDougal, Councilman
SECONDER:	Leslie McPherson, Councilwoman
AYES:	McDougal, McPherson, Marchman, Carter

NAYS: Best

C. Human Resources (Stephanie Rooks, Manager)

1. Recommendation for Salary Study Vendor

Contract with Evergreen Solutions to complete the Classification and Compensation Study for the City of Villa Rica not to exceed \$27,435.

RESULT: **ADOPTED (UNANIMOUS)**
MOVER: Verland Best, Councilman
SECONDER: Leslie McPherson, Councilwoman
AYES: Best, McPherson, Marchman, Carter, McDougal

D. Community Development (Bobby Elliott, Director)

1. CU-01-18: Conditional Use for a kennel at 105 Glanton Street for Connie Wood and Cyndy Tolbert of Villa Rica, Parcel No: V06-009-0010, Land Lot 160, 6th District in Carroll County. The property consists of 0.84 +/- acres in Ward 1.

RESULT: **ADOPTED (UNANIMOUS)**
MOVER: Danny Carter, Councilman, to approve with the conditions listed.
SECONDER: Leslie McPherson, Councilwoman
AYES: Carter, McPherson, Marchman, Best, McDougal

2. DRAFT Development Regulations

Revision of Development Regulations will update all specifications relating to the design and construction of Water and Sewer, Streets, Floodplain and Floodplain Management, Erosion and Sediment Control, Stormwater and all other types of construction and maintenance of structures that will fall under the jurisdiction of the City of Villa Rica.

RESULT: **ADOPTED (UNANIMOUS)**
MOVER: Gil McDougal, Councilman
SECONDER: Danny Carter, Councilman
AYES: McDougal, Marchman, Best, Carter, McPherson

E. Public Works (Pete Zorbanos, Director)

1. Construction of One Dumpster Pad and One Retaining Wall by DL Masonry, LLC

Engage DL Masonry, LLC to construct a dumpster pad and enclosure for the new library and construct a retaining wall and fence at Hillcrest Cemetery.

RESULT: **ADOPTED (VOTE: 4-1)**
MOVER: Danny Carter, Councilman
SECONDER: Verland Best, Councilman
AYES: Carter, Best, McPherson, McDougal
NAYES: Marchman

2. Construction of Traffic Islands on West Wilson Street

Engage Classic Curb to construct the traffic islands on both sides of West Wilson at the west end of both one-way blocks for an amount not to exceed \$20,500.

RESULT: **ADOPTED (UNANIMOUS)**

MOVER: Leslie McPherson, Councilwoman
SECONDER: Shirley Marchman, Councilwoman
AYES: McPherson, Marchman, Best, Carter, McDougal

F. Parks, Recreation & Leisure Services (Vicki Coleman, Director)

1. Recreation Advisory Committee Appointment Consideration
Consideration of Alan Martinez as a member of the Recreation Advisory Committee.

RESULT: **ADOPTED (Unanimous)**
MOVER: Danny Carter, Councilman
SECONDER: Verland Best, Councilman
AYES: Carter, Best, Marchman, McPherson, McDougal

G. Information Technology (Jim Chambers, Manager)

1. Server/SAN Replacement: Replace current server infrastructure with virtual Server/SAN solution that is a HP Server/SAN Solution from Technology Integration Group for the sum of \$131,390.55.

RESULT: **ADOPTED (UNANIMOUS)**
MOVER: Danny Carter, Councilman
SECONDER: Shirley Marchman, Councilwoman
AYES: Carter, Marchman, Best, McPherson, McDougal

H. City Manager (Tom Barber)

1. Gaston Outdoor Advertising Request for Assistance with Tree Removal: if City will assist with the removal of trees at one of its billboard's in Villa Rica, and to discuss a new lease. Motion was made by Councilman Danny Carter to authorize the City Manager to sign the GDOT Certification Document and to begin negotiations with a new lease.

RESULT: **ADOPTED (UNANIMOUS)**
MOVER: Danny Carter, Councilman
SECONDER: Leslie McPherson, Councilwoman
AYES: Carter, McPherson, Marchman, Best, McDougal

2. Seasonal Workers to Replace Douglas County Inmate Crew: To modify the 2018 Budget to create positions for three seasonal workers and three full-time code enforcement officers, and to abolish three part-time positions due to Douglas County Sheriff's Office is short-staffed and unable to provide a guard. Motion was made by Councilman Danny Carter to approve the Budget Amendment and the Ordinance.

RESULT: **ADOPTED (UNANIMOUS)**
MOVER: Danny Carter, Councilman
SECONDER: Shirley Marchman, Councilwoman
AYES: Carter, Marchman, Best, McPherson, McDougal

3. Lighting on Bridge Over I-20 at Highway 61: Recommendation to authorize the City Manager to write a letter to the Georgia Department of Transportation specifying the option that the city chooses for the lighting project on Exit 24, Highway 61, over I-20. GDOT gave three options and after the discussion on Thursday night (Work Session) it sounded like either one of the two GDOT funding sources were acceptable to the Council. The one that the city pays for is not. City Manager Tom Barber requested authorization to write a letter stating that the city prefers the quicker of the two GDOT solutions, and if

not then the slower one would be acceptable. Motion was made by Councilman Gil McDougal that we ask GDOT to program the lighting project in the upcoming STIP.

RESULT: **ADOPTED (UNANIMOUS)**
MOVER: Gil McDougal, Councilman
SECONDER: Leslie McPherson, Councilwoman
AYES: McDougal, McPherson, Marchman, Best, Carter

4. Discussion of Tractor Trailers in Industrial Park Parked On Both Sides Of Road

Complaints from workers in the Industrial Park have been coming into the Mayor of tractor trailers parking on both sides of the road from PrintPak and all the other businesses located in the area waiting on the businesses to open. This presents a safety concern because it does narrow those roads and creates mud holes. City Manager Tom Barber will be getting the ones that run the businesses together for a meeting to get a better idea of the consequences of any kind of change in policy. This will help us understand how many of the businesses are accepting 24-hour delivery, two-shift operation, and one-shift operation. City Manager Tom Barber will come back to the Council with a logical solution that works for everybody.

5. Discussion of Gateway Landscaping & Proposal from Tommy McLeod – The Council had discussion on how best to repair and maintain the landscape islands on Highway 61 and other high-profile areas around the city. Tommy McLeod's proposal was \$13,941.96.

6. Grant for Police Department from Norfolk Southern – Mayor Reese reported that the Villa Rica Police Department will be receiving a Safety Grant from Norfolk Solution to purchase body cameras for those police officers that did not have them in the amount of \$4,900+.

7. Status of GDOT Transportation Projects – City Manager Tom Barber presented the status of several GDOT-funded transportation projects for the city.

Executive Session (David Mecklin, Attorney)

City Attorney David Mecklin requested the Council go into Executive Session for the purpose of:

1. Meeting to discuss or vote to authorize the settlement of a matter covered by the attorney-client privilege as provided in Georgia Code Section 50-14-21(1) and 50-14-3(b)(1)(A). The subject discuss was [identify the case or claim discussed but not the substance of the attorney-client discussion].
2. Pursuant to the attorney-client privilege and as provided by Georgia Code section 50-14-2(1), a meeting otherwise required to be open was closed to the public in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved and the matter discussed was [identify the matter but not the substance of the discussion].
3. Meeting to discuss or vote to enter into an option to purchase, dispose of, or lease real estate subject to approval in a subsequent public vote as provided in Georgia Code section 50-14-3(b)(1)(E).

Motion by Councilwoman Leslie McPherson to go into Executive Session for the three written purposes.

RESULT: **ADOPTED (UNANIMOUS)**
MOVER: Leslie McPherson, Councilwoman
SECONDER: Danny Carter, Councilman
AYES: McPherson, Carter, Best, Marchman, McDougal

Motion was made by Councilwoman Shirley Marchman to return back to regular session.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Shirley Marchman, Councilwoman
SECONDER:	Danny Carter, Councilman
AYES:	Marchman, Carter, Best, McPherson, McDougal

City Attorney David Mecklin reported that he discussed with the Council the annexation-arbitration proceeding that was triggered as a result of the annexation request by the property owner to be annexed into the city limits of Villa Rica and that property is located in Douglas County. There is a mandatory state proceeding that municipality and county go through if the county voices opposition of the annexation request and that process has been triggered. The action proposed by the City Council if you chose to approve it to proceeds with Douglas County that annexation-arbitration agreement to express to Douglas County that we are willing to discuss the matter with them while the process is going forward to see if some type of voluntary resolution could be made and this would be the motion

Motion by Councilwoman Shirley Marchman to proceed on . City Attorney David Mecklin stated to summarize is proceeding with the Annexation-Arbitration but also talking to Douglas County to see if we can come up with a voluntary resolution.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Shirley Marchman, Councilwoman
SECONDER:	Danny Carter, Councilman
AYES:	Marchman, Carter, Best, McPherson, McDougal

There being no further business, the meeting was adjourned. Motion by Councilman Danny Carter to adjourn, seconded by Councilwoman Shirley Marchman. Vote: Unanimous. Motion approved.

Jeff Reese, Mayor

Alisa Doyal, City Clerk



Agenda Item: _____

CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: Intergovernmental Agreement with Douglas County for Installation of Warning Signal for the Conners Road Railroad Crossing

AGENDA DATE: 06/05/2018 **DATE PREPARED:** 05/24/2018
PREPARED BY: Tom Barber

AMOUNT: Estimated \$53,900.00
GL ACCOUNT #: Douglas County SPLOST – transportation and streets

PURPOSE: To approve an IGA with Douglas County for the installation of a railroad crossing warning signal.

BACKGROUND: Trains regularly block access where Conners Road crosses the rail line at Highway 78. The train is not visible from the intersection of Conners Road and Liberty Road/Mirror Lake Blvd.

A warning signal would notify drivers of the blockage and enable drivers to take the fly-over bridge without first driving down Conners Road and being forced to turn around.

STAFF RECOMMENDATION: Staff recommends that the City enter into an agreement with Douglas County to install the warning signal as proposed.

IMPACT: Drivers will be able to make an informed decision before traveling down Conners Road.

MOTION: I move that we authorize the Mayor to execute an IGA with Douglas County to install a warning signal on Conners Road just south of the Mirror Lake Blvd. intersection.

**STATE OF GEORGIA
COUNTY OF DOUGLAS**

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”) is made and entered into on the _____ day of _____, 2018, by and between the City of Villa Rica, Georgia, a municipal corporation partially located within Douglas County (hereinafter “City”), and Douglas County (Georgia) Board of Commissioners, a political subdivision of the State of Georgia (hereinafter “County.”)

WITNESSETH:

WHEREAS, there lies within the City a railroad crossing between Mirror Lake Boulevard and Veterans Memorial Highway; and

WHEREAS, the City and the County are each responsible for the ownership, control, care, and maintenance of traffic control devices within its own boundaries; and

WHEREAS, the City has jurisdictional control and ownership of the intersection of Mirror Lake Boulevard and Conners Road; and

WHEREAS, there is a need for an early warning signal to be installed at the intersection of Mirror Lake Boulevard and Conners Road; and

WHEREAS, the City and the County find it in the public’s best interest to coordinate their efforts in a cooperative partnership for the design and installation of said early warning signal.

NOW THEREFORE, in consideration of the mutual promises given by each party to the other, and other good and valuable consideration, it is hereby agreed as follows:

1.

The County will advertise a bid for an independent contractor to provide the labor, materials, and equipment necessary for the installation of the early warning railroad signal at the intersection of Mirror Lake Boulevard and Conners Road.

2.

Attached hereto as Exhibit A is a cost estimate for the labor, materials and equipment necessary to complete the installation of the early warning railroad signal by the County. However, the City will reimburse the County for the actual cost of the installation.

3.

The City will contract directly with Norfolk Southern for the portion of the early warning signal system work that must be performed by the railroad to connect the early warning signal to its system.

4.

The County assumes no obligations for maintenance or repair of the early warning railroad signal after the installation is complete, and the City will be responsible for the ongoing maintenance of the early warning railroad signal after installation, except as provided for herein.

5.

The County will bill the City for the cost of the maintenance work performed by the County under this Agreement or other work required to be performed by an independent contractor. The City agrees to make payment to the County within thirty (30) days of receipt of the invoice.

6.

Each party hereto neither waives any immunities provided by law, nor assumes the legal obligations of the opposite party, except as specifically provided herein.

IN WITNESS WHEREOF, the City and the County have caused these presents to be signed by their proper authorities and the City and County seals to be affixed hereto all on the day and year first written above.

Douglas County Board of Commissioners:

City of Villa Rica:

Chairman, Board of Commissioners

Mayor

Attest:

Attest:

County Clerk
(County Seal)

City Clerk
(City Seal)



Douglas County DOT Engineering Estimate #2: **Hardwired Advance Railroad Warning Signal**

Report for: City of Villa Rica

Date submitted: 3/23/18

Location: Conners Road & Mirror Lake Road

Date of original incident:

Estimate prepared by: Pattillo

Work Order:

Description of work performed: Quote to provide advanced notification to drivers that RxR crossing may have active train out of direct view blocking traffic.

Equipment	Qty	Hourly Rate	Hours	Total
Bucket Truck	1	\$100.00	24.00	2,400.00
Pickup Truck	1	\$65.00	24.00	1,560.00

Equipment Subtotal: \$3,960.00

Parts	Price Per Unit	Qty	Total
Aerial Installation Pricing in Engineering Design and Contingency		1,703.00	*
6 AWG Copper Wire	\$1.45	2,000.00	\$2,900.00
Advanced Warning Flasher w/ 36" x36" LED Blank	\$5,000.00	3.00	\$15,000.00
Wood Poles	\$2,000.00	3.00	\$6,000.00
Engineering Design and Contingency	\$30,000.00	1.00	\$30,000.00
			\$0.00
			\$0.00
			\$0.00
(Requires a separate NSRailRoad Agreement Fees w/PE & Install	\$20,006.65)		\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00

Parts Subtotal: \$53,900.00

Total: \$57,860.00

Authorized by (signature)

Date

The above listed pricing includes ALL initial costs to repair/replace damaged equipment with either contractor services and/or county employees. If both parties are involved then county employees role(s) become that of inspector(s) for the project and are a requirement of the repair. Additional charges may be incurred depending on circumstances in the field.



Agenda Item: _____

CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: Carroll County TSPLOST Project List

AGENDA DATE: 06/05/2018

DATE PREPARED: 05/24/2018

PREPARED BY: Tom Barber

AMOUNT: N/A

GL ACCOUNT #: N/A

PURPOSE: Carroll County is preparing to include a one percent TSPLOST on the November 2018 ballot. Each City in the county is required to submit a project list that has been approved by their governing body.

BACKGROUND: The transportation special purpose local option sales tax (TSPLOST) proposed by Carroll County is estimated to generate about \$100,000 per month in additional revenue for five years. The monies can be used for roads, bridges, sidewalks, walking trails, etc.

STAFF RECOMMENDATION: Staff recommends that City Council approve a generic project list to include new construction and maintenance of roads, bridges, sidewalks, and walking trails. Projects could involve road resurfacing, crack sealing, full-depth reclamation, shoulder improvements, bridge maintenance, sidewalk construction and repair, walking trail construction, street lights, the City's portion of the North Bypass, utility relocation related to GDOT roundabout construction at intersections such as Punkintown/Hwy 61 and Industrial Blvd/Rockmart Road, a new road and railroad crossing in downtown to reduce the impact of truck traffic, and matching funds for various other transportation-related grants.

IMPACT: The proposed TSPLOST is estimated to produce about \$6,000,000 in revenue for Villa Rica over its five-year life.

MOTION: I move that we authorize the City Manager to submit the proposed project list for the Carroll County TSPLOST.



Agenda Item: _____

CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: Intergovernmental Agreement with Carroll County for TSPLOST

AGENDA DATE: 06/05/2018

DATE PREPARED: 05/25/2018

PREPARED BY: Tom Barber

AMOUNT: N/A

GL ACCOUNT #: N/A

PURPOSE: To approve an intergovernmental agreement (IGA) with Carroll County for the 2018 Transportation Special Purpose Local Option Sales Tax. (TSPLOST).

BACKGROUND: Individual counties are now allowed to call a referendum to impose a one-cent TSPLOST. Carroll County and the eight cities within the County are preparing to do so. The nine parties to the tax are required to enter into an IGA that governs how the monies will be distributed and used.

STAFF RECOMMENDATION: Staff recommends that we approve the IGA.

IMPACT: The estimated revenue for Villa Rica will be about \$100,000 per month for five years.

MOTION: I move that we authorize the Mayor to execute the IGA with Carroll County for the 2018 TSPLOST.

**INTERGOVERNMENTAL AGREEMENT BY AND AMONG CARROLL COUNTY
AND THE CITIES OF BOWDON, BREMEN, CARROLLTON, MOUNT ZION,
ROOPVILLE, TEMPLE, VILLA RICA AND WHITESBURG FOR USE AND
DISTRIBUTION OF PROCEEDS GENERATED BY THE 2018 TRANSPORTATION
SPECIAL PURPOSE LOCAL OPTION SALES TAX REFERENDUM**

THIS INTERGOVERNMENTAL AGREEMENT, hereinafter referred to as "Agreement," is made this ____ day of _____, 2018, under the authority granted by Article IX, Section III, Paragraph I of the Georgia Constitution, by and among CARROLL COUNTY, GEORGIA and THE CITIES OF BOWDON, BREMEN, CARROLLTON, MOUNT ZION, ROOPVILLE, TEMPLE, VILLA RICA and WHITESBURG.

WITNESSETH:

WHEREAS, the parties to this Agreement consist of Carroll County and all qualifying municipalities located wholly or partially within Carroll County, Georgia; and

WHEREAS, the parties anticipate that Carroll County, Georgia will approve and sign a Resolution authorizing the Carroll County Board of Elections and Registration to call a Referendum on the issue of the imposition of a one percent (1%) Single County Transportation Special Purpose Local Option Sales Tax ("TSPLOST" or "Tax") to begin on April 1, 2019, and to conclude on March 31, 2024; and

WHEREAS, the parties desire to execute and Intergovernmental Agreement to control the distribution and use of TSPLOST proceeds received solely by Carroll County and one or more Cities located within Carroll County; and

WHEREAS, the City of Bowdon, the City of Bremen, the City of Carrollton, the City of Mount Zion, Town of Roopville, City of Temple, City of Villa Rica and the City of Whitesburg are the only qualified municipalities in Carroll County and thus eligible to receive distributions of the one percent (1%) TSPLOST proceeds; and

WHEREAS, the parties hereto are interested in serving the needs of the residents of the City of Bowdon, the City of Bremen, the City of Carrollton, the City of Mount Zion, Town of Roopville, City of Temple, City of Villa Rica and the City of Whitesburg (hereinafter referred to as the "Cities") and Carroll County, by planning and performing transportation projects within Carroll County and the Cities; and

WHEREAS, the parties intend that the transportation projects which are the subject of this Agreement shall benefit the residents of Carroll County and the Cities; and

WHEREAS, Carroll County and the Cities are committed to continue to work together to improve Carroll County's transportation infrastructure; and

WHEREAS, Carroll County and the Cities have identified transportation needs that are important to the current and future well-being of their residents and have determined that the proceeds from the TSPLOST should be used to address a portion of these needs;

NOW, THEREFORE, in consideration of the mutual promises and the understandings herein made and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto do consent and agree as follows:

1. This Intergovernmental Agreement is conditioned upon a Referendum to be approved by a majority of the voters of Carroll County to impose a TSPLOST of one percent (1%) which shall commence on April 1, 2019, and continue to, through and including March 31, 2024.

2. (a) Pursuant to O.C.G.A. § 48-8-267 and other applicable Georgia law, one percent (1.0%) of the amount of TSPLOST proceeds collected beginning April 1, 2019, shall be paid into the General Fund of the State of Georgia Treasury in order to defray the cost of the administration of the Georgia Department of Revenue. The remaining proceeds of the amount collected from TSPLOST Tax proceeds (hereinafter known as "net proceeds") beginning April 1, 2019, and ending March 31, 2024, shall be distributed by the State of Georgia to Carroll County and the Cities and shall be allocated to each jurisdiction based on the percentages shown below:

City of Bowdon	1.5000%
City of Bremen	3.4941%
City of Carrollton	24.7958%
City of Mount Zion	1.5000%
Town of Roopville	.2000%
City of Temple	2.7000%
City of Villa Rica	7.5941%
City of Whitesburg	.5000%
Carroll County	<u>57.7160%</u>
TOTAL	100.0000%

(b) To facilitate the distribution of net proceeds, the parties agree that the sums below represent an estimate of the maximum net proceeds to be derived from the subject TSPLOST during the five (5) year term for each City and the County.

City of Bowdon	\$ 1,237,500.00
City of Bremen	\$ 2,882,632.00
City of Carrollton	\$20,456,535.00
City of Mount Zion	\$ 1,237,500.00
Town of Roopville	\$ 165,000.00
City of Temple	\$ 2,227,500.00
City of Villa Rica	\$ 6,265,133.00
City of Whitesburg	\$ 412,500.00
Carroll County	<u>\$47,615,700.00</u>
TOTAL	\$82,500,000.00

(c) The parties agree that no project will be given preference in the funding and distribution process in such a way that the monthly distribution formula is affected.

3. In recognition of the need for transportation improvements across Carroll County and the Cities, the parties agree that the total net proceeds shall be utilized for transportation purposes as defined in O.C.G.A. § 48-8-260 and § 48-8-121.

4. The projects and purposes to be funded from the net proceeds of the TSPLOST pursuant to this Agreement, the estimated dollar amounts allocated for each transportation purpose, and the Projects for distribution of funds are contained in Exhibit "A" attached hereto, incorporated herein by this reference and made a part of this Agreement. The parties acknowledge that the estimated costs for the specified transportation purposes are subject to adjustment to accommodate variations in actual costs, available funding, feasibility, and priority of specified transportation purposes. The parties acknowledge and agree that 30% of the estimated revenues are being expended on projects that are consistent with the Statewide Strategic Transportation Plan as defined in O.C.G.A. § 32-2-22. The priority and order in which the TSPLOST proceeds will be fully or partially funded is shown in Exhibit "A".

5. Except as otherwise provided herein, the TSPLOST which is the subject of the November 6, 2018 Referendum shall continue for a period of five (5) years from April 1, 2019 until March 31, 2024, unless otherwise terminated earlier pursuant to applicable Georgia law.

6. All Transportation Projects included in this Agreement shall be funded in whole or in part from net proceeds from the TSPLOST authorized by law except as otherwise agreed in writing by the parties.

7. The net proceeds from the TSPLOST shall be maintained in the parties' separate accounts and utilized exclusively for the purposes specified in this Agreement. The parties acknowledge that SPLOST proceeds are not guaranteed. Proceeds received under the amount estimated in the Referendum question shall be allocated in accordance with the percentages set forth in this Agreement and shall be used on the Transportation Projects and Purposes as outlined in Exhibit "A" to this Agreement.

8. Any net proceeds over and above the amount estimated in Section 2 (A) of this Agreement during the quarter during which this amount is reached shall be allocated in accordance with the percentages set forth in this Agreement and shall be used solely for the transportation purposes listed herein. Each party shall expend its portion of the excess net proceeds from the 2018 TSPLOST Program on the Transportation Projects and Purposes as outlined in Exhibit "A" to this Agreement.

9. At the end of each party's fiscal year wherein net proceeds from the TSPLOST are distributed, each party shall cause an audit of the distribution and use of its portion of the net proceeds from the TSPLOST to be completed. Each party to this Agreement shall pay the cost of its own respective annual audit. Each party shall publish each of its annual audits as required by law. Each party agrees to cooperate with the independent certified public accounting

firm in any audit by providing all necessary information. Each City shall provide the County a copy of the audit of the distribution and use of the TSPLOST proceeds by the City; provided, however, that the City's provision of a copy of the audit to the County shall not imply any obligation on the part of the County to exercise any oversight of the City's management or expenditure of the TSPLOST proceeds. In the event that a City fails to comply with the terms of this Agreement or with the requirements of O.C.G.A. § 48-8-260 *et seq.*, the County shall not be held liable for such noncompliance.

10. This Agreement constitutes all of the understandings and agreements of whatsoever nature or kind existing between the Parties with respect to distribution and use of the proceeds from the TSPLOST.

11. This Agreement shall not be changed or modified except by agreement in writing executed by all Parties hereto.

12. This Agreement shall be deemed to have been made and shall be construed and interpreted in accordance with the laws of the State of Georgia.

13. It is agreed that the illegality or invalidity of any term or clause of this Agreement shall not affect the validity of the remainder of the Agreement, and the Agreement shall remain in full force and effect as if such illegal or invalid term or clause were not contained herein.

14. Each party to this Agreement shall comply with all applicable Local, State, and Federal statutes, ordinances, rules and regulations.

15. No consent or waiver, express or implied, by any party to this Agreement to any breach or any covenant, condition or duty of another party shall be construed as a consent to or waiver of any future breach of the same.

16. All notices, consents, waivers, directions, requests or other instruments or communications provided for under this Agreement shall be deemed properly given if, and only if, delivered personally or sent by registered or certified United States Mail, deposited with sufficient postage with the United State Postal Service, as follows:

Notices to Carroll County shall be sent to:

Carroll County Board of Commissioners
323 Newnan Street,
Historic Court House
Room 200
Carrollton, Georgia 30117

Notices to City of Bowdon shall be sent to:

Mayor of Bowdon, Georgia
136 City Hall

Bowdon, Georgia 30108

Notices to the City of Bremen shall be sent to:

Mayor of Bremen, Georgia
232 Tallapoosa Street
Bremen, Georgia 30110

Notices to the City of Carrollton shall be sent to:

Mayor of Carrollton, Georgia
315 Bradley Street
Carrollton, Georgia 30117

Notices to the City of Mount Zion shall be sent to:

Mayor of Mount Zion, Georgia
4455 Mount Zion Road
Mount Zion, Georgia 30150

Notices to the Town of Roopville shall be sent to:

Mayor of Town of Roopville, Georgia
24500 Georgia Highway 100
Roopville, Georgia 30170

Notices to the City of Temple shall be sent to:

Mayor of City of Temple, Georgia
240 Carrollton Street
Temple, Georgia 30179

Notices to the City of Villa Rica shall be sent to:

Mayor of City of Villa Rica, Georgia
51 West Bankhead Highway
Villa Rica, Georgia 30180

Notices to the City of Whitesburg shall be sent to:

Mayor of City of Whitesburg, Georgia
788 Main Street
Whitesburg, Georgia 30185

18. Any party may at any time change the address where notices are to be sent or the person to whom such notices should be directed by the delivery or mailing to the above persons noting a change.

19. This Agreement, shall become effective and commence on the date of its execution by all parties. If the November 6, 2018 Referendum concerning the imposition of the TSPLOST is not approved by a majority of the voters of Carroll County, this Agreement shall expire and shall be of no force and effect after November 6, 2018.

20. Notwithstanding the parameters of Paragraph 19, this Agreement shall continue in full force and effect until July 1st of the year following completion of the last project funded from the net proceeds from the 2018 TSPLOST Program.

[Signature pages to follow.]

IN WITNESS WHEREOF, the parties hereto, acting through their duly authorized agents, have hereunto set their hands and affixed their seals in duplicate, each to be considered as an original, on the day and year hereinabove written.

CARROLL COUNTY, GEORGIA

Date: _____

By: _____
Marty W. Smith, Chairman of
Board of Commissioners

Attest: _____
Susan A. Mabry, Clerk

(COUNTY SEAL)

CITY OF VILLA RICA, GEORGIA

Date: _____

By: _____
Mayor

Attest: _____
City Clerk

(CITY SEAL)

EXHIBIT A**TRANSPORTATION PROJECTS AND PURPOSES AND ESTIMATED COSTS**

Carroll County	
Transportation Projects and Purposes	Estimated Cost
Road, street, and bridge purposes, including but not limited to: (i) acquisition of rights of way for roads, streets, bridges, sidewalks, and bicycle paths; (ii) construction of roads, streets, bridges, sidewalks, and bicycle paths; (iii) renovation and improvement of roads, streets, bridges, sidewalks, and bicycle paths, including resurfacing; (iv) relocation of utilities for roads, streets, bridges, sidewalks, and bicycle paths; (v) improvement of surface-water drainage from roads, streets, bridges, sidewalks, and bicycle paths; (vi) patching, leveling, milling, widening, shoulder preparation, culvert repair, and other repairs necessary for the preservation of roads, streets, bridges, sidewalks, and bicycle paths; (vii) roadside mowing; (viii) intersection improvements; (ix) road striping; (x) road signage; (xi) borrow pit materials used for constructing and maintaining roads, streets, bridges, sidewalks, and bicycle paths; (xii) a capital outlay project or projects consisting of any of the foregoing to be owned, operated, or administered by the state and located, in whole or in part, in Carroll County; (xiii) equipment used for constructing and maintaining roads, streets, bridges, sidewalks, and bicycle paths; and (xiv) all accompanying infrastructure and services necessary to provide access to roads, streets, bridges, sidewalks, and bicycle paths. At least 30 percent of the amount spent for road, street, and bridge purposes shall be consistent with the state-wide strategic transportation plan as defined in O.C.G.A. § 32-2-22(a)(6).	\$47,615,700.00

City of Bowdon	
Transportation Projects and Purposes	Estimated Cost
	\$ _____



CARROLL COUNTY BOARD OF COMMISSIONERS

323 Newnan Street • Carrollton, Georgia 30117
P.O. Box 338 • Carrollton, Georgia 30112
Phone: 770.830.5800 • Fax: 770.830.5992
www.carrollcountyga.com

BOARD OF COMMISSIONERS:
Marty W. Smith, Chairman
Montrell McClendon, District 1
Vicki J. Anderson, District 2
Tommy Lee, District 3
Michelle Morgan, District 4
Lee Powers, District 5
George A. Chambers, District 6

MEMORANDUM

(Via Email and U.S. Mail)

TO: Mayor Jim Chaffin, City of Bowdon
City Manager Gary Bullock, City of Bowdon
Mayor Sharon Sewell, City of Bremen
City Manager Perry Hicks, City of Bremen
Mayor Walt Hollingsworth, City of Carrollton
City Manager Tim Grizzard, City of Carrollton
Mayor Randy Sims, City of Mount Zion
Mayor Bob Merrell, Town of Roopville
Mayor Michael Johnson, City of Temple
City Administrator Bill Osborne, City of Temple
Mayor Jeff Reese, City of Villa Rica
✓ City Manager Tom Barber, City of Villa Rica
Mayor Amy Reeves Williford, City of Whitesburg

FROM: Marty Smith, Chairman

RE: TSPLOST Meeting of Governing Authorities of Cities and County

DATE: May 21, 2018

A meeting of the governing authorities of each City and the County will be held on Tuesday, June 5, at 4:00 p.m., at the Historic Court House, 3rd Floor, 323 Newnan Street, Carrollton, Georgia, as required by O.C.G.A. 48-8-262. The purpose of the TSPLOST meeting is to discuss possible projects for inclusion in the referendum and the rate of tax, as required by O.C.G.A. 48-8-262.

An updated timeline is attached, along with an initial draft of the Intergovernmental Agreement. The Intergovernmental Agreement will need to be approved and signed by each City in June or July.

Although a quorum for each City is not required, we will notify the Times-Georgian of the meeting in the event a quorum of the governing authorities attend the meeting.

Please RSVP to Cissy Price at (770) 830-5800 or cprice@carrollcountyga.com.

I look forward to seeing you on June 5th.

Copies via email to:

David Mecklin, City Attorney (Bowdon, Mount Zion, Roopville, Villa Rica and Whitesburg)

Chuck Conerly, Carrollton City Attorney

Mike McRae, Temple City Attorney

Stacey Blackmon, County Attorney

Gerald Pilgrim, Operations Director

Leamon Stephens, Finance Director

Enclosures:

Timeline

Intergovernmental Agreement

Carroll County
2018 TSPLOST Timeline

(OCGA § 48-8-260 *et seq.*)

May 9, 2018	Mayors Meeting - include Attorneys
May 30, 2018, 5 pm	County Public Input Meeting – Historic Court House, 3 rd Floor
May/June	Cities Public Input Meetings (optional)
June 5, 2018, 4 pm	Meeting of Governing Authorities of Cities and County Historic Court House, 3 rd Floor (meeting must be at least 30 days prior to call for referendum per OCGA § 48-2-262(a)(2))
June 5, 2018, 6 pm	County votes on list of projects
June	Cities vote on their lists of projects
June/July	Cities approve and sign Intergovernmental Agreement
July 10, 2018, 6 pm	County BOC approves Intergovernmental Agreement
August 2, 2018, 6 pm	County BOC approves Resolution Calling for Referendum
August 8, 2018	Deadline to forward Resolution to Elections and Publish Notice (90 days prior to election per OCGA § 21-2-540(b))
August – November	Voter Education
October 9, 16, 23 & 30, 2018	Public Notice in legal organ of date of TSPLOST referendum once a week for four weeks immediately before the date of the election
November 6, 2018	TSPLOST Election
April 1, 2019	TSPLOST collections start



CITY OF VILLA RICA
FINANCIAL UPDATE
April 2018

CASH		
Total Cash in Bank	\$ 7,269,173	\$ 9,073,612
General Fund	\$ 6,178,671	\$ 6,292,919
Water/Sewer Fund	\$ (619,569)	\$ 1,312,372
Sanitation/Solid Waste	\$ (303,228)	\$ (434,712)
2008 Carroll SPLOST	\$ 688,253	\$ 599,198
2015 Carroll SPLOST	\$ 937,941	\$ 144,954
2016 Douglas SPLOST	\$ 76	\$ 358,403

SELF-FUNDED INSURANCE				
United Healthcare		Self-Funded		Cash Outlay
Premiums Paid		Admin + Claims Paid		Difference
Oct-Dec '16	338,617	Oct-Dec '17	219,994	118,623
Jan-Mar '17	342,474	Jan-Mar '18	262,380	80,094
April 2017	110,895	April 2018	85,294	25,601
				-
TOTALS	\$ 791,985		\$ 567,667	\$ 224,318

OTHER HIGHLIGHTS	
Previously Qualified Senior Discounted Customers	670
Total Applications received as of 5-23-18	301
Qualified Low-Income Seniors as of 5-23-18	259
Percentage of previously qualified seniors	39%
Disqualified applicants due to income	22
Seniors who have turned in partial application	20

GROWTH		2017		2018	
Residential	#	Amount	#	Amount	
Building Permits	16	\$ 22,620	86	\$ 137,332	
Water Taps	19	\$ 28,500	85	\$ 130,100	
Sewer Taps	17	\$ 68,000	82	\$ 332,250	
Commercial	#	Amount	#	Amount	
Building Permits	3	\$ 4,085	-	\$ -	
Water Taps	-	\$ -	-	\$ -	
Sewer Taps	-	\$ -	-	\$ -	

BUSINESS ACTIVITY		
WATER/SEWER	2017	2018
Water Revenue	\$ 749,216	\$ 799,935
Sewer Revenue	\$ 648,183	\$ 890,855
Misc. Revenue	\$ 368,325	\$ 524,265
Total Revenue	\$ 1,765,724	\$ 2,215,055
Water Expenses	\$ 499,725	\$ 382,701
Sewer Expenses	\$ 472,267	\$ 467,347
Dist./Coll. Expenses	\$ 325,576	\$ 395,414
Debt Expense	\$ 573,935	\$ 761,263
Depreciation	\$ 491,058	\$ 502,200
Total Expenses	\$ 2,362,562	\$ 2,508,925
Net Income (Loss)	\$ (596,837)	\$ (293,870)

SANITATION/ SOLID WASTE		2017	2018
Sanitation Revenue	\$ 174,115	\$ 207,556	
Solid Waste Revenue	\$ 69,395	\$ 100,397	
Misc. Revenue	\$ -	\$ 34,444	
Total Revenue	\$ 243,510	\$ 342,398	
Sanitation Expenses	\$ 201,195	\$ 220,635	
Solid Waste Expenses	\$ 131,531	\$ 188,043	
Depreciation	\$ 3,332	\$ 25,822	
Total Expenses	\$ 336,058	\$ 434,500	
Net Income (Loss)	\$ (92,547)	\$ (92,102)	



CITY OF VILLA RICA

City Council Packet

SUBJECT: FP-01-18 – Twin Oaks (Unit 2A)

CITY COUNCIL AGENDA DATE: June 5, 2018

DATE: May 30, 2018

PREPARED BY: Lenise Lyons, Planning and Zoning Specialist

FISCAL IMPACT: N/A

ANNUAL –

CAPITAL –

OTHER –

FUNDING SOURCE: N/A

PURPOSE:

JLB Development, Inc of Douglasville, GA requests final plat approval for Twin Oaks (Unit 2A) located at Great Oak Place, Villa Rica, GA, Parcel No: V06-004-0136, in Land Lot 130 of the 6th District in Carroll County, currently zoned Planned Development (PD). The property consists of 3.568+/- acres (total acreage 28.39+/-) and is located in Ward 2.

BACKGROUND: The applicant, JLB Development, Inc submitted a final plat application for a portion of Phase II in the Twin Oaks subdivision. Currently, Phase I of Twin Oaks is still under construction, but is nearing completion. Some infrastructure in Phase II is already in place, and it appears that the applicant plans to continue development in this Phase in the same manner that was previously approved. The applicant is requesting plat approval for 12 of the 79 lots in Phase II of Twin Oaks. The layout and configuration of these lots are remaining the same.

STAFF RECOMMENDATION: Staff recommends Approval.

IMPACT: N/A

PLANNING COMMISSION: Approved on May 29, 2018.

MOTION: I make a motion to approve the final plat application from JLB Development, Inc for Twin Oaks (Unit 2A).



Planning & Zoning

Community Development Department

FP-01-18

Council Ward: 2

Planning Board Member: Kurt Kraft

City Council Member: Verland Best

Public Hearing Dates

Planning Commission: May 29, 2018

City Council: June 5, 2018

Request: Final plat approval for Phase II – Unit 2A of Twin Oaks in a residential subdivision.



Applicant: JLB Development, Inc.
P.O. Box 1257
Douglasville, GA 30133

Acres: 3.568+/- (28.39+/- total)
Current Land Use: Undeveloped
Future Land Use: Low Density Residential

Parcel Number(s): V06-004-0136

Location: Great Oak Place, in Land Lot 130 of the 6th District in Carroll County.

Project Description:

The applicant is requesting final plat approval for Unit 2A of the Twin Oaks subdivision. This parcel was rezoned from General Commercial (GC) and Rural Development (RD) to PD (Planned Development) in April 2002 (RA-5-02). The property was a part of a 78-acre single family residential development beginning south of Berry Drive. The rezoning for 215 homes was approved by the City Council and was later developed as the Asbury Subdivision.

The Twin Oaks subdivision was originally rezoned from Rural Development (RD) to Planned Development (PD) in August 2002 (RA-12-02). The original subdivision was located on a 39.4-acre tract on the corner of the Tolbert Drive and South Carroll Road intersection. The rezoning for 103 homes was approved by the City Council and was later developed as Phase I of the Twin Oaks subdivision.

In January 2005, the owner of the Twin Oaks subdivision purchased the lots in Phase II of the Asbury subdivision. These lots were reconfigured to allow Phase II of Asbury to become Phase II of Twin Oaks.

Currently, Phase I of Twin Oaks is still under construction, but is nearing completion. Some infrastructure in Phase II is already in place, and it appears that the applicant plans to continue development in this Phase in the same manner that was previously approved.

Final Plat Review Standards:

The Code of the City of Villa Rica, Unified Development Code Section 2.03.E.6, requires all final plat approval at the completion of the major subdivision process so that the subdivision plat can be recorded, and dedications can be made. When the Final Plat conforms to the approved Preliminary Plat, certification to this effect shall be endorsed on the Final Plat by the City Council. Before approving the Final Plat, the Planning Commission shall make the following findings:

1) Substantial Conformance to Preliminary Plat

The Final Plat substantially conforms to the approved Preliminary Plat and any conditions and exceptions granted pursuant thereto. Substantial deviations shall include, but are not necessarily limited to, the following:

- a) Change in the location or design of a public street;
- b) A change in the number or layout of lots or blocks;
- c) A change in access to lots;
- d) A change in areas, streets or rights-of-way to be reserved or dedicated;
- e) A change in the drainage plan which increases the runoff from the tract;
- f) A change in the public utilities and facilities to be provided; and
- g) A change in the extent of buffering between the proposed subdivision and adjacent areas and/or land uses.

Staff finds that there are no substantial deviations on the final plat.

2) Conformance to Regulations

Staff finds that the final plat conforms to all applicable requirements of these regulations, and other applicable land development regulations.

3) Submission Requirements

Staff finds that all submission requirements of these regulations have been satisfied.

Staff Comments:

The applicant is requesting plat approval for 12 of the 79 lots in Phase II of Twin Oaks. The layout and configuration of these lots are remaining the same.

Recommendation:

Staff recommendation: **APPROVAL**

Public Notifications:

As required by *Article 2, Section 2.01* in the Code of the City of Villa Rica, the public has been notified in *Times-Georgian* on April 9, 2018 and a sign has been posted on the subject properties.

Public Response:

There have been no responses from the public regarding this final plat at the time of this staff report.

Office of Community Development

Attachments:

1. Application
2. Letter of Intent
3. Final Plat
4. Location Map
5. Meeting minutes from previous zoning cases

Twin Oaks

2-23-05

Eric

I have had
this sitting @
Council round
table for about
a week
with no comments
Let's proceed -

BOS

City of Villa Rica MEMORANDUM

TO: Robert Zellner, City Manager
FROM: Eric Lacefield, Community Development Manager
SUBJECT: Ashbury and Twin Oaks Subdivision
DATE: January 7, 2005

Belans Properties is the owner of the lots in Twin Oaks Subdivision, and has purchased the lots in Phase II of the Ashbury Subdivision. Belans Properties is requesting that the City allow the company to reconfigure the subdivisions to allow Phase II of Ashbury to become Phase II of Twin Oaks. This would be accomplished by extending the cul-de-sac in Twin Oaks to provide access to the 79 lots originally rezoned as Phase II of Ashbury. This would eliminate a costly crossing of the Plantation Pipeline easement for the developer, and according to the owner, build a product comparable to the Twin Oaks product, rather than that of the Ashbury product.

This reconfigure of lots would not cause substantial detriment to the City or on adjacent properties, but rather provide the City with a higher quality product as is constructed in Twin Oaks. Ashbury was initially approved for 215 lots while Twin Oaks was approved for 103 for a total of 318 between the communities. As permitted, Ashbury was reviewed showing

208 lots for a total of 311 lots. The proposed reconfigured Ashbury would reduce the lots to 126 and Twin Oaks would increase to 182 lots, for a total of 308 lots, reducing the total number of lots in the reconfigured communities by 3 lots. The total acreage for both communities is 113.05 which require 22.61 acres of greenspace. The reconfigured developments meet the required for greenspace. Each community will have separate access; Tolbert Drive for Twin Oaks, and Berry Drive for Ashbury, and are both served by separate amenity packages.

The Community Development Department recommends approval of the reconfiguration of Ashbury and Twin Oaks Subdivision, and ask that Council grant the department authority to handle the request administratively.

Jay Collins, Mayor _____

Woody Holland, Councilman _____

Perry Amidon, Councilman _____

Verland Best, Councilman _____

Danny Carter, Councilman _____

Robert Zellner, City Manager _____

The Council of the City of Villa Rica met in a regular scheduled meeting on Tuesday, April 2, 2002 at Villa Rica City Hall. Those present were Mayor Monroe Spake, Councilmembers Shirley Marchman, Perry Amidon, Verland Best, Woody Holland and Jeane Williams; City Manager Steve Russell; and City Attorney David Mecklin. Approximately 357 people were in attendance.

The meeting was called to order at 7:30 p.m. by Mayor Spake, invocation by Councilmember Amidon, all recited the pledge of allegiance.

Motion to accept the March 5, 2002 minutes as presented by Marchman, seconded by Williams. Carried 5/0.

Soudi presented Annex-2-02, a request by the First Baptist Church to annex one-third of an acre on North Van Wert Road for access purposes. Spake asked if it met all state requirements and was contiguous to the City of Villa Rica Boundary Line, Soudi said yes. Spake opened the floor for public comments either for or against this proposition, hearing none, he closed the public hearing and asked for Council comments. Williams motioned to approve the request, seconded by Marchman. Carried 5/0.

Soudi presented RA-4-02, a rezoning and annexation request by Robert McKenzie to annex approximately 6.69 acres from Douglas County and rezone it from RD to R-20, Single Family. This is proposed to be subdivided into five lots and each would be developed with one single-family dwelling. Soudi said the property is in the Dog River Watershed and Douglas County did not oppose this annexation. The Planning Commission reviewed and recommended approval. Spake opened the Public Hearing on Annexation; with no comments he closed the Public Hearing and asked for Council comments. Best asked about sewer availability, Soudi said the developer is not asking for sewer. Russell said sewer is not available as yet to this property. Williams motioned to annex contingent on rezoning approval, seconded by Holland. Carried 5/0. Spake opened the Public Hearing on the Rezoning request from RD to R-20. Randall White, 1295 Daniel Road, said he thought property in the Dog River Basin had to have sewer, Spake said no, septic tanks are allowed. With no further comments, Spake closed the public hearing and asked for Council comments. Williams motioned to approve the rezoning request, seconded by Holland, carried 5/0.

Soudi presented RA5-02, a request for rezoning by Villa Rica Investment of approximately 78.5 acres located on the southeast corner of Berry Drive and South Carroll Road. The current zoning is General Commercial and Rural Development and the proposed rezoning is PD to allow for 76 units of multi family residential and 238 units of single-family residential dwellings. The Planning Commission recommended denial for non-conformity to the City ordinances. Soudi said the applicant submitted a revised plan today for 215 single-family dwellings, which would bring the project into compliance with all City codes. Ray Barber, the applicant (524 North Avenue) spoke

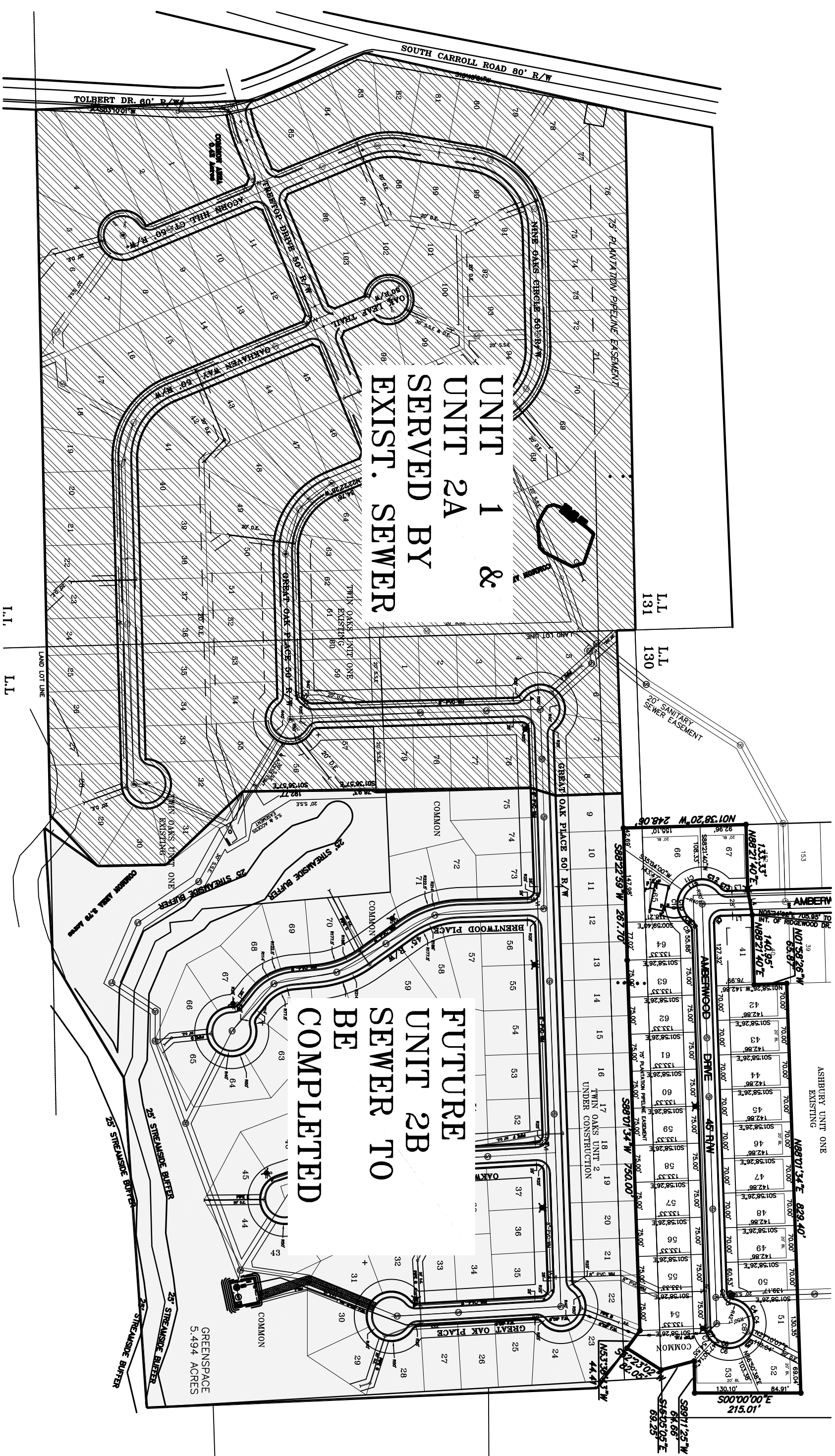
about the project for medium income families. Holland asked about the plans submitted to the Planning Commission and the plans in their packets versus the plans submitted tonight. Barber said the apartment consideration was removed and the units were reduced from 238 to 215 to comply with the ordinances. Holland then asked for clarification as to whether they are asking for apartments tonight, Barber said no, only single family dwellings. Amidon asked about the soccer field, McTyre said the soccer field would be in place when we have a neighborhood to enjoy it. Holland asked about covenants, McTyre said similar to River Trace, maybe a little more stringent. Spake opened the floor for public comments. *Jane Simpson*, 425 Daniel Road spoke against the project, voicing concern about environmental issues, schools and roads and whether or not the city would have to pay for the sewer and water lines. *Mike Gill*, 465 Daniel Road spoke against the project due to the density and minimum house size saying his garage was 1500 square feet. *Jesse Patterson*, 224 Bivins Road spoke against the project due to sewer problems. He then spoke of sewer system problems he had experienced and presented a petition to Council from the residents of Bivins Road. Spake apologized and also voiced his concern about the sewer system and his problems. *Randy White*, 1295 Daniel Road spoke against the project asking for higher minimum square foot homes and less density. *Terry Cornett*, 445 Daniel Road spoke against the project to higher traffic and density. *Ray Barber*, applicant, clarified that the developer would be paying for the sewer (including the lift station) and water and there would be no cost to the city, he also noted that everyone could not be as fortunate as Mr. Gill to own a large home with a 1400 square foot garage and acreage. Spake closed the public comments and asked for Council comments. Holland asked if this was in the Dog River Basin, Soudi said it was in Carroll County and in the upper reaches of the Dog River Watershed. Holland said the Mayor and Council had just gone through about six months of discussion to revise the Zoning Ordinance and had held public hearings asking for public input for this revision. It was decided to change the density from six to four units per acre and hearing nothing from the public at that time thought we had done the right thing. He noted that this application is in complete compliance with all our rules and regulations as adopted by this council. He said Council needs to hear from citizens on a regular basis, not when a project is proposed in their neighborhood. He also said the city needs balance amongst the million dollar houses and the one-hundred-thousand dollar houses. Spake said Mr. McTyre had a proven track record with the City, his record speaks volumes for the few problems we have had in his developments. Best asked Jim Poss, Planning and Zoning Commission to speak about their decision. Poss said the commission voted against this because it did not meet the ordinances as presented to them, but it does now as presented tonight. Best spoke again about the developers changing their plans from the Planning meeting to the Council meeting. Williams said she thought the reason the Planning meeting date was changed was to allow time to make adjustments. Holland motioned to approve as presented for 215 homes, Williams seconded. Carried 5/0.

Soudi presented the Downtown Heart of the City Day resolution to promote downtown vitality. Marchman motioned to approve the resolution, seconded by Williams. Carried 5/0.

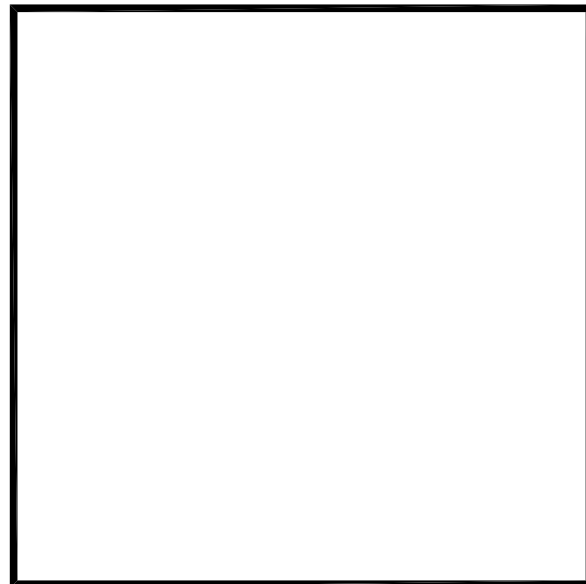
50% of the lots in natural vegetation. Spake asked if this area would be sewerred at his expense, Herrell said yes. Spake opened the floor for the Public Hearing, inviting comments either for or against this project. Mike Gill, 465 Daniel Road spoke in favor of this project. With no further comments, Spake closed this section and asked for council input. Holland questioned changes made by Douglas County and asked if they affected our agreement on the Dog River Watershed. Russell said no, Douglas had made zoning changes requiring minimum lot sizes of three acres. Williams questioned Herrell's ability to build on 47 lots, Herrell said the plan presented was conceptual and he would abide with however many lots are approved or required, be it 40 or 47. Holland motioned to annex this property subject to rezoning, seconded by Best. Motion carried 4/0. Holland motioned to approve the rezoning as presented to PUD, seconded by Best. Carried 4/0.

Soudi presented RA 12-02 a rezoning application on the corner of Tolbert Drive and South Carroll Road, south of Interstate 20. Soudi noted that the Planning Commission had reviewed and recommended approval to Council. Sam Price, 116 Briarwood Drive, Carrollton, representative for the applicant spoke about the project saying the sewer would be paid for by the applicant. Spake opened the floor for Public Comments either for or against this project. Mike Gill, 465 Daniel Road, questioned the buffer area on the stream but spoke in favor of the project. Barbara Wynn, Maple Valley Drive said the City seems to be approving a lot of lower value homes and asked about arrangements to take care of all these extra homes and people; she asked how the Police Department could be spread that thin and still be effective. She asked for the legal description of Greenspace, Spake asked Soudi to provide her a copy of this. Spake then informed the public and Ms. Wynn that the City would be hosting a seminar on Thursday August 15 at 6:00 here at City Hall; Professor Robert H. Freilich will speak as part of the City's ongoing Planning processes. He encouraged everyone to attend. With no further comments, Spake closed the Public Hearing and asked for Council input. Amidon asked if the project would be "clear cut" or if it would be left in as much a natural state as possible. The applicant said it will be left as natural as possible. Williams motioned to approve the rezoning as presented, seconded by Best. Carried 4/0.

Soudi presented RA-13-02, an annexation and rezoning located on the west side of Highway 61, across from Bay Springs Middle School. He noted that the Planning Commission had recommended approval to Council. Spake opened the Public Comment section for comments either for or against this annexation. Mike Gill, 465 Daniel Road, spoke against this project saying it does not meet the zoning requirements of the City of Villa Rica. Barbara Wynn, Maple Valley Drive spoke against this project due to the density. Larry Cohrs, Maple Valley Drive spoke against the project. With no further comments, Spake closed the public comments and asked for Council input. Holland questioned the lack of detail on the site plan. Soudi said it is a conceptual plan



RECORDATION AREA



As required by subsection (d) of O.C.G.A. Section 15-6-67 this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

[Signature]
Aaron M. McCullough (Ga. L.S. #2990)

12/19/17

DATE

CLOSURE STATEMENT

THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS PERFORMED USING AN CLOSED TRAVERSE AND WAS NOT ADJUSTED.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 267,740 FEET.

THE FOLLOWING TYPE OF EQUIPMENT WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT:
TRIMBLE S6 ROBOTIC TOTAL STATION AND DATA COLLECTOR

IF YOU DIG

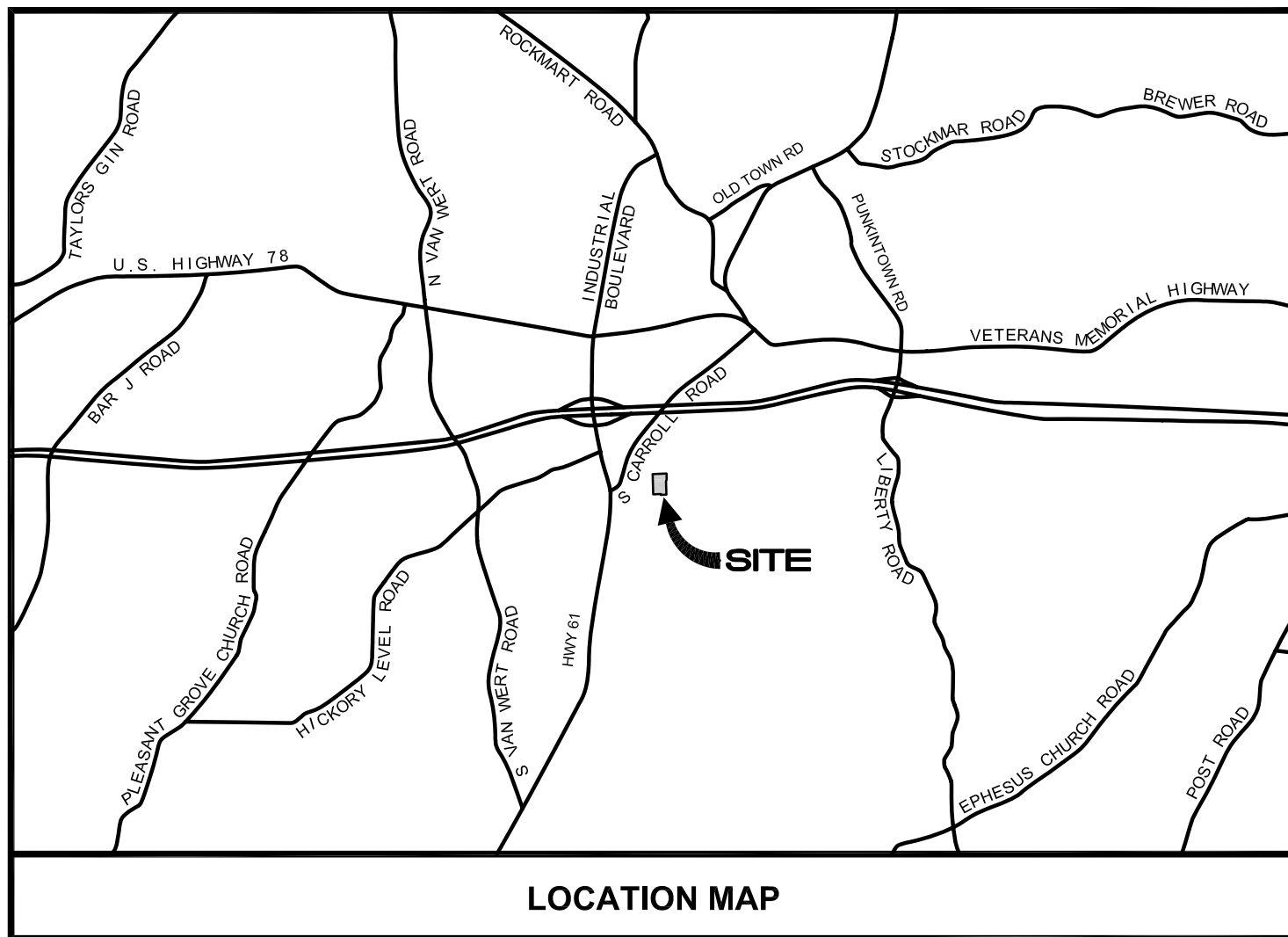


Know what's below.
Call before you dig.
Dial 811
Or Call 800-282-7411

LEGEND

- | | |
|------------------------------------|---|
| ○ ----- CALCULATED POINT | ⊕ ----- WATER METER |
| ● ----- IRON PIN FOUND | ⊗ ----- WATER VALVE |
| ○ ----- IRON PIN SET | ⊕ ----- FIRE HYDRANT |
| (1/2" REBAR) | ⊕ ----- SANITARY SEWER MANHOLE |
| □ ----- R/W MONUMENT | o.c.o. ----- CLEANOUT |
| P/L ----- PROPERTY LINE | ⊙ ----- LIGHT POLE |
| R/W ----- RIGHT OF WAY | ⊕ ----- GAS VALVE |
| N/F ----- NOW OR FORMERLY | ⊕ ----- POWER POLE |
| B/L ----- BUILDING LINE | ⊕ ----- GUY ANCHOR |
| OTP ----- OPEN TOP PIPE | • ----- BOLLARD |
| ⊕ ----- DOUBLE WING CATCH BASIN | o.i.c.v. ----- IRRIGATION CONTROL VALVE |
| ----- HEADWALL | Δ ----- FIBER OPTIC MARKER |
| ⊕ ----- JUNCTION BOX | FDC ----- FIRE DEPT. CONNECTION |
| ⊕ ----- DROP INLET | ⊕ ----- CONCRETE |
| CMP ----- CORRUGATED METAL PIPE | |
| RCP ----- REINFORCED CONCRETE PIPE | |
| ----- BOUNDARY LINE | |
| X ----- FENCE | |
| ----- GAS LINE | |
| UGE ----- UNDERGROUND POWER LINE | |
| ----- OVERHEAD POWER LINE | |
| SS ----- SANITARY SEWER LINE | |
| SD ----- STORM DRAIN LINE | |
| W ----- WATER LINE | |

FINAL PLAT FOR TWIN OAKS UNIT 2A



LOCATION MAP

LOCATION
L.L. 130, 6th DISTRICT
CITY OF VILLA RICA
CARROLL COUNTY, GEORGIA

OWNER/SUBDIVIDER

JLB DEVELOPMENT, INC.
P.O. BOX 1257
DOUGLASVILLE, GA. 30133
PHONE : 770-949-3045

NOTE:
THE CITY OF VILLA RICA ASSUMES NO RESPONSIBILITY FOR THE OVERFLOW OR EROSION OF NATURAL DRAINS. DRAINAGE EASEMENTS NOT LOCATED WITHIN THE STREET RIGHT OF WAY SHALL BE MAINTAINED BY THE PROPERTY OWNER.

THIS PLAT RECORDED IN PLAT BOOK ____ PAGE ____.

THIS PLAT IS SUBJECT TO THE COVENANTS SET FORTH IN A SEPARATE DOCUMENT(S) ATTACHED HERETO DATED 3/15/2004, WHICH HEREBY BECOMES A PART OF THIS PLAT, RECORDED IN DEED BOOK 2632, PAGE 93.

OWNER'S ACKNOWLEDGEMENT

THE OWNER OF THE LAND SHOWN OF THIS PLAT AND WHOSE NAME IS SUBSCRIBED THERETO, IN PERSON OR THROUGH DULY AUTHORIZED AGENTS, CERTIFIES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY, THAT ALL STATE, CITY AND COUNTY TAXES OR OTHER ASSESSMENTS NOW DUE ON THIS LAND HAVE BEEN PAID, THAT ALL STREETS, WATER SYSTEMS, DRAINS AND DRAINAGE EASEMENTS, AND PUBLIC PLACES ARE DEDICATED TO THE USE OF THE PUBLIC IN PERPETUITY.

SUBDIVIDER

DATE

OWNER

12/19/17

DATE

SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE", AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN; AND THAT ALL REQUIREMENTS OF THE DEVELOPMENT AND ZONING REGULATIONS HAVE BEEN FULLY COMPLIED WITH.

[Signature]
Aaron M. McCullough
GA. R.L.S. #2990

12/19/17

DATE

CITY OF VILLA RICA CERTIFICATE

IN ACCORDANCE WITH THE CITY OF VILLA RICA DEVELOPMENT REGULATIONS AND THE CITY'S ZONING ORDINANCE, ALL REQUIREMENTS OF APPROVAL HAVE BEEN FULFILLED; THIS PLAT IS GIVEN FINAL APPROVAL BY THE FOLLOWING OFFICIALS ON BEHALF OF THE CITY OF VILLA RICA:

COMMUNITY DEVELOPMENT DIRECTOR _____ DATE _____

PLANNING COMMISSION _____ DATE _____

MAYOR _____ DATE _____

SITE NOTES

- CURRENT ZONING : PD
- TOTAL AREA OF TRACT = 3.568 acres
- TOTAL NO. OF LOTS SHOWN = 12 = 3.36 UNITS/AC.
- MIN. LOT SIZE = 10,000 SF
- LOT WIDTH A MINIMUM BUILDING SETBACK LINE = 60'
- GREEN/OPEN SPACE SHOWN = 0.00 ACRES (THIS PHASE)
- MINIMUM HOUSE SIZE: 1,200 SF HEATED FLOOR SPACE
- FRONT BUILDING SETBACKS : 25'
- SIDE BUILDING SETBACK : 5'
- REAR BUILDING SETBACK : 20'
- ALL LOTS SERVED BY PUBLIC SANITARY SEWER SYSTEMS
- MINIMUM STREAM BUFFER OF 25' FROM TOP OF BANK APPLIES.
- THIS DEVELOPMENT IS LOCATED IN DOG RIVER WATER SUPPLY WATERSHED.
- THIS PROPERTY SERVED BY CITY OF VILLA RICA WATER SYSTEM.
- THIS PROPERTY IS LOCATED ON A PAVED ROAD (GREAT OAK PLACE)
- THIS PROPERTY IS PART OF A FORMER SUBDIVISION.
- THIS PROPERTY IS NOT LOCATED IN A FLOOD PLAIN. (SEE NOTE)
- THIS PROPERTY IS NOT LOCATED IN A WETLAND AREA
- THIS PROPERTY DOES NOT HAVE ANY BODIES OF WATER LOCATED WITHIN ITS BOUNDARIES.
- THIS PROPERTY HAS 947 lf. OF DEDICATED PAVED ROADS.
- THIS PROPERTY IS NOT LOCATED IN A WATERSHED AREA.
- SIDEWALK SHOWN HEREON SHALL BE INSTALLED AT THE TIME OF HOUSE CONSTRUCTION.
- ALL DRAINAGE EASEMENTS SHALL BE CENTERED ON CONSTRUCTED STORM SEWERS.

GENERAL NOTES

- THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.
- FLOOD STATEMENT: AS PER OFFICIAL FIRM MAP 13045C0158D DATED 9/19/2007 THIS PROPERTY IS NOT LOCATED IN A DESIGNATED FLOOD HAZARD AREA.
- HUGHES-RAY COMPANY, INC. AND THE LAND SURVEYOR WHOSE SEAL IS AFFIXED HERETO DO NOT GUARANTEE THAT ALL EASEMENTS WHICH MAY AFFECT THE PROPERTY ARE SHOWN HEREON.
- THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEY IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

PREPARED BY:
HRC
HUGHES-RAY COMPANY, INC.
ENGINEERS | SURVEYORS | LANDSCAPE ARCHITECTS
6554 EAST CHURCH STREET
DOUGLASVILLE, GEORGIA 30134
p 770.942.0196
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www.HughesRay.com



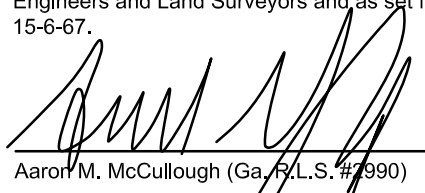
FINAL PLAT FOR
**TWIN OAKS
UNIT 2A**

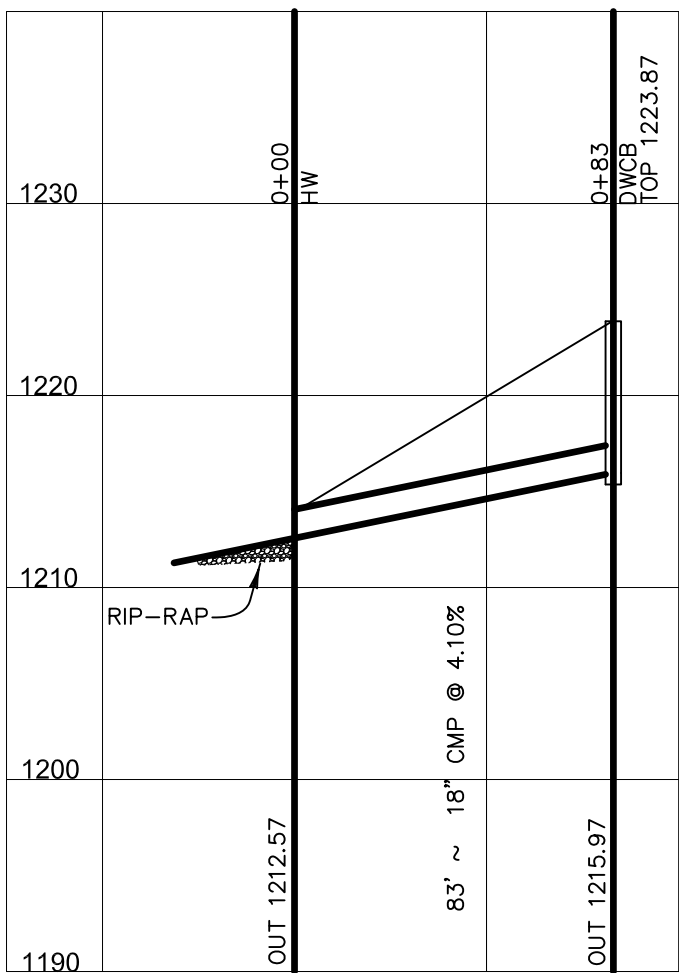
LOCATED IN LAND LOT 130
6th DISTRICT
CITY OF VILLA RICA, CARROLL COUNTY, GEORGIA

DATE: 27 JULY 2016			DRAWING NO. H04120
NO.	DATE	REVISION DESCRIPTION	DRAWN BY: DAS
1	12/19/17	REVISE PER CITY COMMENTS	CHECKED BY: AMM
			JOB NO.: H04120
			SCALE: 1"=50'
			THIS DRAWING IS COPYRIGHTED. THE ORIGINAL DRAWING WAS PRODUCED AND IS ON RECORD IN THE OFFICES OF THIS FIRM. ANY UNAUTHORIZED USE, MODIFICATION, AND/OR REPRODUCTION OF THIS DRAWING, IN PART OR WHOLE, IS HEREBY PROHIBITED.

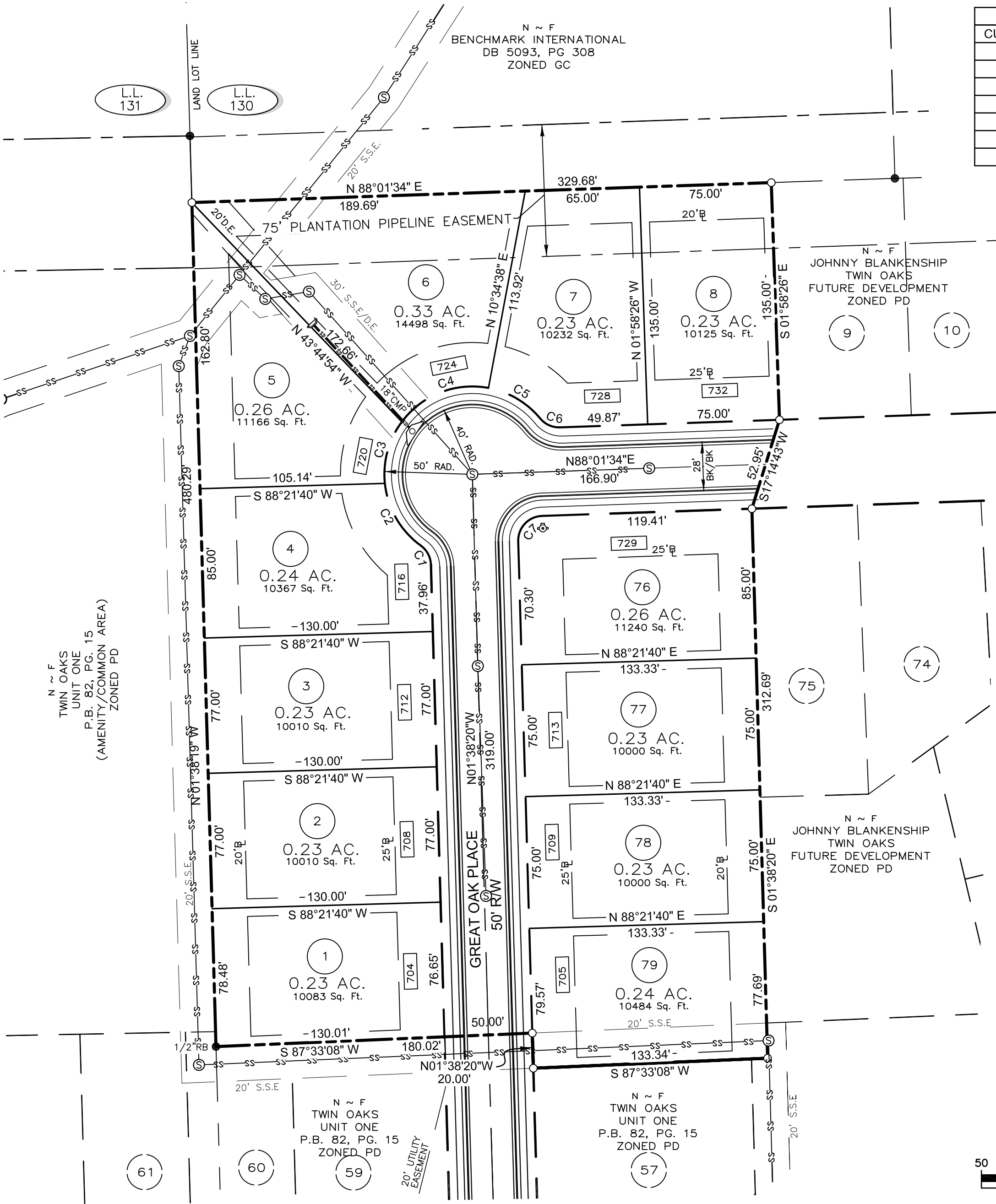
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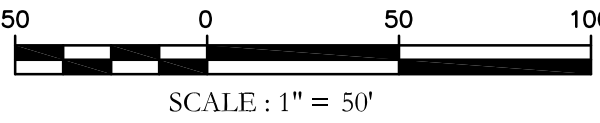
 12/19/17
Aaron M. McCullough (Ga. P.L.S. #990) DATE



PROFILE SCALE : HORIZ - 1"=50'
VERT. - 1"=10'



CURVE TABLE				
CURVE	LENGTH	RADIUS	CH. BEARING	CHORD
C1	12.82	14.00	N27°52'00"W	12.37
C2	42.07	50.00	N29°59'34"W	40.84
C3	37.16	50.00	N15°23'54"E	36.31
C4	55.75	50.00	N68°37'57"E	52.91
C5	34.82	50.00	S59°28'14"E	34.12
C6	12.82	14.00	S65°44'45"E	12.37
C7	12.82	14.00	N27°52'00"W	12.37



PREPARED BY:
HRC
HUGHES-RAY COMPANY, INC.
ENGINEERS | SURVEYORS | LANDSCAPE ARCHITECTS
6554 EAST CHURCH STREET
DOUGLASVILLE, GEORGIA 30134
p 770.942.0196
f 770.942.0152
www.HughesRay.com



FINAL PLAT FOR
**TWIN OAKS
UNIT 2A**

LOCATED IN LAND LOT 130
6th DISTRICT
CITY OF VILLA RICA, CARROLL COUNTY, GEORGIA

DATE: 27 JULY 2016			DRAWING NO. H04120
NO.	DATE	REVISION DESCRIPTION	DRAWN BY: DAS
1	12/19/17	REVISE PER CITY COMMENTS	CHECKED BY: AMM
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CITY OF VILLA RICA

City Council Packet

SUBJECT: RA-04-17 – 1030 Third Street

CITY COUNCIL AGENDA DATE: June 5, 2018

DATE: May 30, 2018

PREPARED BY: Lenise Lyons, Planning and Zoning Specialist

FISCAL IMPACT: N/A

ANNUAL –

CAPITAL –

OTHER –

FUNDING SOURCE: N/A

PURPOSE: David Wiley of Dallas, GA requests a Rezoning for property located at 1030 3rd Street, Villa Rica, GA, Parcel No: V03-010-0013, in Land Lot 190 of the 6th District in Carroll County, currently zoned R-20 (Single Family Residential) to LI (Limited Industrial). The property consists of 10.81+/- acres and is located in Ward 3.

BACKGROUND: The applicant, David Wiley, submitted application to rezone property located at 1030 Third Street, Villa Rica, Georgia from Single-Family Residential (R-20) to Limited Industrial (LI) on November 8, 2017. The proposed use was for equipment storage. The applicant is now requesting to rezone property located at 1030 Third Street from Single-Family Residential (R-20) to Limited Industrial (LI). An updated project description was submitted by the applicant on March 16, 2018. By the request of the City Council, this application is being sent back to the Planning Commission for consideration. The applicant requested 30-day deferrals for the application prior to the March 27, 2018 and April 24, 2018 Planning Commission meetings.

STAFF RECOMMENDATION: Staff recommends Approval with Conditions.

1. Access to site shall be provided from Saber Parkway. No vehicular access shall be allowed from Third Street.
2. Existing single-family use may continue utilizing Third Street for ingress and egress, but must vacate Third Street access once Limited Industrial activities/development begins.
3. All access easements shall be provided to the Community Development Department.

IMPACT: N/A

PLANNING COMMISSION: Approved with conditions on May 29, 2018.

MOTION: I make a motion to approve with conditions the application from David Wiley to rezone property located at 1030 Third Street from Single-Family Residential to Limited Industrial.



Planning & Zoning

Community Development Department

RA-04-17

Council Ward: 3

Planning Board Member: Tom Flowers

City Council Member: Leslie McPherson

Public Hearing Dates

Planning Commission: May 29, 2018 (*originally heard on January 30, 2018; sent back to Planning Commission by City Council on March 6th; deferred by applicant on March 27 and April 30*)

City Council: June 5, 2018 (*sent back to Planning Commission by City Council on March 6, 2018*)

Request: Rezone to from Single-Family Residential (R-20) to Limited Industrial (LI). Original request was to rezone from Single-Family Residential (R-20) to Limited Industrial (LI) for equipment storage.



Applicant: David Wiley
7633 Buchanan Highway
Dallas, GA 30157
770-560-7514

Acres: 10.81+/-
Current Land Use: Residential
Future Land Use: Industrial

Parcel Number(s): V03 0100013

Location: 1030 Third Street, in Land Lot 190 of the 6th District in Carroll County.

Project Description:

The applicant is now requesting to rezone property located at 1030 Third Street from Single-Family Residential (R-20) to Limited Industrial (LI). An updated project description was submitted by the applicant on March 16, 2018. By the request of the City Council, this application is being sent back to the Planning Commission for consideration.

The original request was to rezone property located at 1030 Third Street from Single-Family Residential (R-20) to Limited Industrial (LI) for equipment storage. The applicant intended to utilize approximately four (4) acres in the front of the property for industrial equipment storage. The current request only proposes to rezone the property to Limited Industrial for future development purposes.

Surrounding Properties:

Current Zoning		Land Use
North	Single-Family Residential (R-20) and Limited Industrial (LI)	Place of Worship, Single-Family Residential, and Undeveloped
East	General Industrial (GI)	Industrial
South	General Industrial (GI)	Industrial
West	Limited Industrial (LI)	Undeveloped

Rezoning Review Standards:

The Code of the City of Villa Rica, Unified Development Code Section 2.03.B.4, requires all zoning amendment applications to be reviewed based upon the impact of the proposed rezoning with respect to each of the following matters:

A. *Whether the existing zoning was in error at the time of adoption.*

It does not appear that the existing Residential zoning designation is in error. The parcel is currently developed with a single-family residential structure.

B. *Whether the proposed change is consistent with, and in furtherance of, the implementation of the goals and objectives of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this Code and other city regulations and guidelines.***Future Land Use Map**

The proposed property is currently located within City limits. The Future Land Use Map designations in the surrounding area are General Commercial, Limited Industrial, and Low Density Residential. To the immediate south and east of the parcel, the future land use designations are Limited Industrial.

Relation to the Comprehensive Plan Policies:**Economic Development**

GOAL: Achieve a growing economy that equitably benefits all segments of Villa Rica.

Objective ED-2: Strengthen and diversify Villa Rica's economic base.

Policies:

ED-2b: Encourage a greater variety of businesses.

ED-2f: Promote businesses that complement other businesses in the region.

ED-2h: Encourage commercial /retail development that will be compatible to existing land uses

Land Use and Growth

GOAL: Maintain a balanced, sustainable land use pattern that accommodates projected growth while fostering community vitality, and maintaining or improving the quality of the built environment.

Objective LU-2: Land Use Compatibility – Mitigate land use transitions to ensure that agricultural, residential, industrial, commercial and environmental lands can serve their intended functions (as determined by the Comprehensive Plan) with minimal interference from adjacent land uses.

Policies:

LU-2a: Require development approvals to be consistent with the Future Land Use Plan (Maps 5a-5e) and other plan directives.

Objective LU-4: Corridor Commercial and Employment – Target arterial street corridors for commercial and employment opportunities that support community vitality and enhance the attractiveness of the corridors.

Policies:

LU-4a: Avoid shallow strip development along corridors and encourage nodal development patterns where commercial uses interconnect with each other and adjacent residential neighborhoods through common access points along arterial street corridors.

LU-4c: Ensure that new development and redevelopment are designed to be compatible with the function of the corridors and to establish an attractive environment for users of corridors. Design standards in corridors should address landscape, building form and materials, parking area design, signs and other site design factors.

C. *Whether there is a community need for and benefit from the proposed rezoning; or*
Rezoning the property to industrial would allow the city to increase the amount of land available for industrial use. The future land use map currently supports the change of use from residential to industrial. This parcel, and those to the south and east have an Industrial future land use designation.

D. *Whether the proposed change is consistent with the character of the area in which the proposed rezoning is proposed.*

The proposed rezoning is consistent with the character of the area. Industrial Boulevard is in the immediate vicinity, and thus, there are several industrial uses around the parcel. However, there is also an existing residential community abutting the eastern portion of the subject property. Many of the residential structures have been in place since the early 1900s. The

home on the subject property was built in 1850, according to the Carroll County Tax Assessor. The existing industrial and residential uses are buffered from one another by trees and other vegetation. The Comprehensive Plan recommends that the city “protect neighborhoods from encroachment of incompatible uses” through using buffers and other design features to mitigate potential off-site impacts (noise, traffic, and glare).

E. Whether the proposed zoning is compatible with the zoning and uses of property nearby.

The proposed zoning is compatible with nearby zoning and uses nearby. There are existing industrial, as well as, residential uses in the area. The proposed rezoning is compatible with the commercial and industrial uses found along the Industrial Boulevard corridor. However, there should be some transition between the existing residential community around Third Street. Residential uses should be protected from more intense uses utilizing tools such as landscape buffers, fencing, and other design features.

F. Whether the existing zoning is suitable for the development of the uses authorized under the existing zoning classification, will be conducive to proper community planning, and is a logical extension of an existing urban area or growth center.

The existing zoning would be suitable for R-20 residential uses, as it is currently developed with an 1,833-square foot, single-family home. However, because the parcel is in close proximity to the Industrial Boulevard corridor and other industrial uses, it is a logical extension of an existing urban area. Should the parcel be rezoned, some additional measures should be taken to protect the surrounding residential community from the encroaching industrial uses. In addition to the installation of landscape buffers and fencing, access shall only be provided from the western portion of the site. Limiting vehicular access to the parcel will help mitigate noise and traffic generated from the industrial land use.

G. Whether the public and community facilities, which may include, but are not limited to, sanitary and storm sewers, water, electrical service, police and fire protection, schools, parks and recreation facilities, roads, libraries, and solid waste collection and disposal, are available and adequate to serve uses authorized under the proposed zoning.

The subject property is currently provided with community facilities such as public sewer and gas. These services should remain available, and seem to be adequate to serve uses authorized under the proposed zoning.

H. Whether the authorized uses will not adversely affect the capacity or safety of the street network in the vicinity of the property.

The proposed development will have a significant impact on the capacity of the road. Currently, there is only one point of ingress and egress from Third Street. Third Street is a narrow, winding, one-lane road; and it most likely will not provide adequate access for the proposed industrial use. However, the applicant proposes creating an access point from the western portion of the site via easement from the adjoining parcels. Unnamed Road (Saber Parkway) is immediately west of the subject parcel, and if connected, will provide access to Industrial Boulevard.

I. Are there potential environmental impacts (e.g., excessive storm water runoff, water pollution, air pollution, noise pollution, excessive lighting, or other environmental harms) of authorized uses will be mitigated.

Based on the City's and County's available maps, no streams and rivers are located on the site. Additionally, at this time, the applicant is not proposing any new structures on the property. Any potential environmental impacts should be mitigated by tools such as landscape buffering and fencing. Additionally, the City of Villa Rica Unified Development Code imposes stormwater management requirements for developments that create 5,000 square feet or more of impervious cover, or that involves other land development activities of one (1) acre or more.

Staff Comments:

The applicant is requesting a rezoning of the subject property from Residential (R-20) to Limited Industrial (LI). Previously, the applicant indicated a proposed use for storage of industrial equipment. On March 6, 2018, the applicant submitted a revised letter of intent, since he no longer needed the property for equipment storage. The applicant now only requests to rezone the property to Limited Industrial for development in the future.

Staff recognizes that the Future Land Use Map supports the zoning change to Industrial. Although the applicant no longer requests the rezoning for equipment storage, Staff is still of the opinion that land use transitions are necessary to mitigate the impact of the abutting residential land uses. Additionally, there should be no access to the parcel from Third Street, as this road is not equipped to handle industrial-type vehicles or equipment. Although the type of future development is not specified, all necessary improvements per the Unified Development Code will have to be installed prior to occupancy.

Recommendation:

Staff recommendation: **APPROVAL WITH CONDITIONS**

1. Access to site shall be provided from Saber Parkway. No vehicular access shall be allowed from Third Street.
2. Existing single-family use may continue utilizing Third Street for ingress and egress, but must vacate Third Street access once Limited Industrial activities/development begins.
3. All access easements shall be provided to the Community Development Department.

Public Notifications:

As required by *Article 2, Section 2.01* in the Code of the City of Villa Rica, the public has been notified in *Times-Georgian* on May 13, 2018; a sign has been posted on the subject properties; and all abutting property owners have received notification via certified mail.

Public Response:

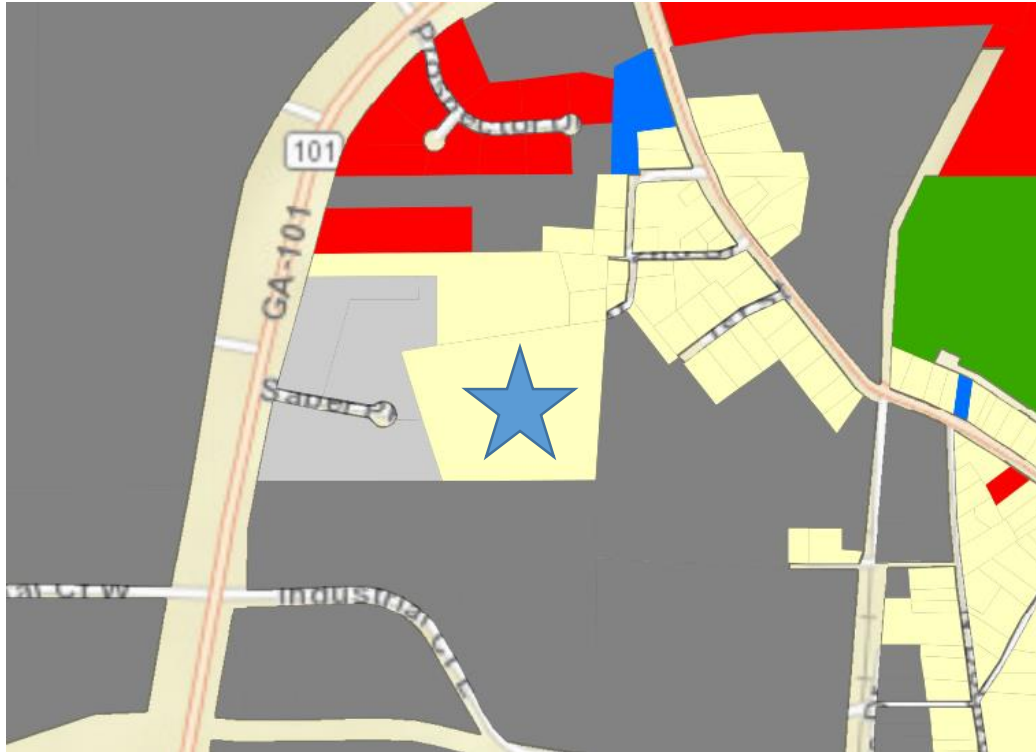
In response to the public notifications, one letter of opposition was mailed to the Community Development Department and has been included in the attachments.

Office of Community Development

Attachments:

1. Application
2. Campaign Disclosure Statement
3. Letter of Intent
4. Property Plat
5. Location Map

City of Villa Rica Zoning Map



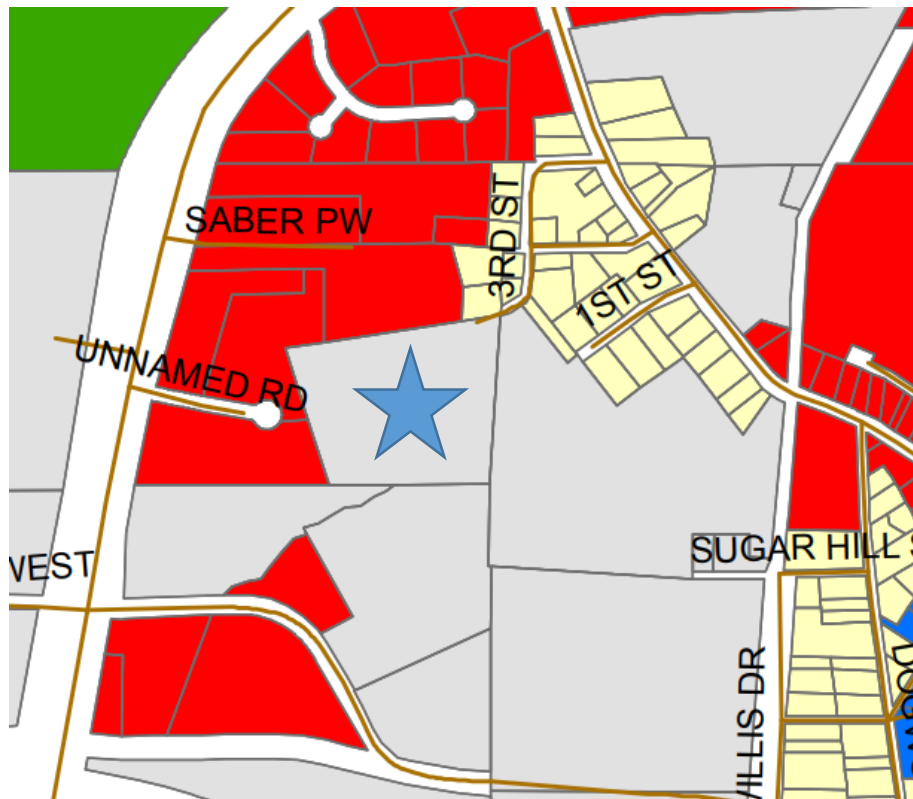
Zoning Map
December 2015



Legend

-  Medical Support
-  DT-Central Business District
-  DT-Commercial Mixed Use
-  DT-Commercial
-  DT-Multi-Family Residential
-  DT-Single Family Residential
-  Office-Institutional
-  General Commercial
-  General Industrial
-  Limited Industrial
-  Neighborhood Commercial
-  Office-Institutional
-  Planned Development
-  Multi-Family Housing
-  Single Family Housing
-  Rural Development
-  Residential Townhome
-  County Line
-  City Limits

City of Villa Rica Future Land Use Map



Future Land Use Map



Legend

- City Limits
- County Line
- Urban Growth Area
- Planning Areas
- Future Land Use Map**
- Low Density Residential 1-4 DU/Ac
- Medium Density Residential 4-8 DU/Ac
- High Density Residential Up to 10 DU/Ac
- Mixed Use 6 DU/Ac
- Commercial
- Industrial
- Park
- Public/Institutional



APPLICATION FOR
UDC TEXT AMENDMENT / ZONING MAP AMENDMENT

☐ UDC TEXT AMENDMENT ☐ ZONING MAP AMENDMENT

Please complete the blanks with the information requested. If any of the information or required materials is missing or incomplete, the application will not be processed. Also, please note the required information requested on the back of this page.

Date of Application: 11-8-2017

APPLICANT

Applicant Name: David Wiley
Address: 7633 Buchanan Hwy City: Dallas State: GA Zip: 30157
Phone: (7) 560-7514 Fax: (8) 363-2955 Email: alphaboringco@bellsouth.net
Agent Name: N/A
Address: _____ City: _____ State: _____ Zip: _____
Phone: () _____ Fax: () _____ Email: _____
Owner Name (If different from applicant): Wayne + Annette Cole
Address: 1030 3rd St City: Villavieja State: GA Zip: 30180
Phone: (7) 459-1659 Fax: () N - N Email: N

(Note: A notarized statement signed by the property owner(s) authorizing the applicant to make this request shall be attached to the application.)

REZONING REQUEST

Existing Zoning: residential Requested Zoning: light Ind
Property Address: 1030 3rd St. Nearest Intersection: SR 61 + SR 101
Present Use of Property: Res vacant
Proposed Use: store equipment for Alpha Boring
Size of Tract: 10.808 Land Lot Numbers: 190 + 191 Districts: 6th
Gross Density: _____ units per acre Net Density: _____ units per acre
Property Tax Parcel Number: V030100013

(For Office Use Only)

Total Amount Paid \$ _____ Cash _____ Check # _____ Received by: _____
Application checked by: _____ Date: _____ Map Number(s): _____
Planning Commission: Approved ☐ Denied ☐ Date: _____ Conditions: No ☐ Yes ☐ How many: _____
City Council Decision: Approved ☐ Denied ☐ Date: _____ Conditions: No ☐ Yes ☐ How many: _____
Manager's Signature: _____ Date: _____

RA-04-17



CASE # _____
UDC TEXT/ZONING MAP

The procedure for amending the Unified Development Code (UDC) text, or making changes to the Official Zoning Map are set forth in Section 2.03.B, of the UDC. Generally, the amendment process involves review by the Community Development Manager and the Planning Commission with a final review and decision by the City Council.

I, David Wiley, hereby state that all of the above statements and statements contained in the documents submitted with this application are true.

David Wiley
Signature of Applicant

11-8-2017
Date

Required Materials to Accompany the Application for Zoning Map Amendment:

The Community Development Manager may waive informational requirements upon finding that the information is not required to determine compliance with UDC requirements.

- ☒ 1. Copy of deed, lease, option agreement or other evidence of ownership or applicant's interest in the property. If the applicant is not the owner, attach a notarized statement signed by the owner authorizing the applicant to request the amendment.
- ☒ 2. A site development plan prepared in conformance with submittal requirements (unless waived by Community Development Manager or requested zoning district is Single-Family Residential).
- ☐ 3. A written statement describing the following:
 - a. The proposed uses and the effect the proposed use may have on surrounding properties and a statement of the facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this Code;
 - b. Whether such change is consistent with the intent and the purpose of this Code and the goals and policies of the Comprehensive Plan;
 - c. The areas which are most likely to be directly affected by such change and the likely effects;
 - d. Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts, or other social or economic conditions in the areas and zoning districts affected;
 - e. The proposed time schedule and phasing for development;
 - f. The source/method for providing utility/infrastructure services to the property;
 - g. A description of existing road conditions and any new roads to be included in the development and of the effect the proposed development will have on existing road and traffic conditions; and
 - h. A list of any state, federal, or other public agencies' approvals or permits required for the proposed development.
- ☐ 4. Additional exhibits, as may be required by the Community Development Director.

Required Materials to Accompany the Application for UDC Text Amendment:

The Community Development Manager may waive informational requirements upon finding that the information is not required to determine compliance with UDC requirements.

Proposed text amendment;

Written statement describing reasons for the proposed text amendment; and any other exhibits as may be required by the Community Development Director.



CASE # _____
UDC TEXT/ZONING MAP

Disclosure of Campaign Contributions

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

Has the applicant¹ made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the City Council or Planning Commission who will consider the application?

Yes _____ No ✓

If **Yes**, the applicant and the attorney representing the applicant must file a disclosure report with the City within ten (10) days after this application is first filed. Please supply the following information that will be considered as the required disclosure:

Council/Planning Commission Member Name	Dollar amount of Campaign Contribution	Description of Gift \$250 or greater given to Board Member

We certify that the foregoing information is true and correct, this 8 day of Nov, 20 17.

David Wiley
Applicant's Name -- Printed

David Wiley
Signature of Applicant

Applicant's Attorney, if applicable -- Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 6th day of November, 20 17.

Alisa M. Doyal
Notary Public



1. Applicant means any individual or business entity (corporation, partnership, limited partnership, firm, association, franchise, association, or trust) applying for rezoning or other action.

George Wayne and Annette S. Cole
2250 Millertown Road
Temple, GA 30179
Telephone (770) 459-1659

Date: November 3, 2017

Ref: Letter of Intent/Authority to Apply for Rezoning

Location: 1030 3rd Street Villa Rica GA 30180

To: Whom it May Concern

Please consider this letter as confirmation that we are entering into an agreement with David Wiley, owner of The Wiley Resource Corporation, Inc., to sell him the property located at 1030 3rd Street, Villa Rica GA 30180.

We grant, David Wiley/The Wiley Resource Corp., the authority to apply for a rezoning permit for said property.

 George Wayne Cole 11-4-17
Property Owner Signature Owner Printed Name Date

 Annette S. Cole 11-4-17
Property Owner Signature Owner Printed Name Date

 2-26-18 11-4-17
Notary Signature Commission Expires Date

Stamp





Full Life Gospel Church
Pastor Johnny Hightower
Saber Parkway
Villa Rica, GA 30180

Date: November 3, 2017

Ref: Agreement

Location: 1030 3rd Street Villa Rica GA 30180

To: To Whom it May Concern

Please consider this letter as confirmation that we are entering into an agreement with David Wiley, owner of The Wiley Resource Corporation, Inc., to trade him the following:

A 60' wide parcel of land from: the cul-de-sac at 102 Saber Parkway Villa Rica GA 30180 to the adjoining property at 1030 3rd Street Villa Rica GA –

Land – L. P. P ½ RB Corner Pin – to 1PF /2 RB (please see copy of plat attached)

to be the future road to the future property owned by The Wiley Resource Corporation, Inc.

In exchange for clearing, grading, and 4" of crush and run gravel for parking lot, work to be performed by Alpha Boring Co., Inc.,

Permits to be acquired by Alpha Boring clearing and gravel.

	<i>Full Life Gospel Ministries</i> <u>Johnny D. Hightower</u>	<u>11-5-17</u>
Property Owner Authorized Signature	Property Owner Authorized Printed Name	Date

	<u>May 18, 2020</u>	<u>Nov. 5, 2017</u>
Notary Signature	Commission Expires	Date



CASE # _____
UDC TEXT/ZONING MAP

The procedure for amending the Unified Development Code (UDC) text, or making changes to the Official Zoning Map are set forth in Section 2.03.B, of the UDC. Generally, the amendment process involves review by the Community Development Manager and the Planning Commission with a final review and decision by the City Council.

I, David Wiley, hereby state that all of the above statements and statements contained in the documents submitted with this application are true.

David Wiley
Signature of Applicant

11-6-17
Date

Required Materials to Accompany the Application for Zoning Map Amendment:

The Community Development Manager may waive informational requirements upon finding that the information is not required to determine compliance with UDC requirements.

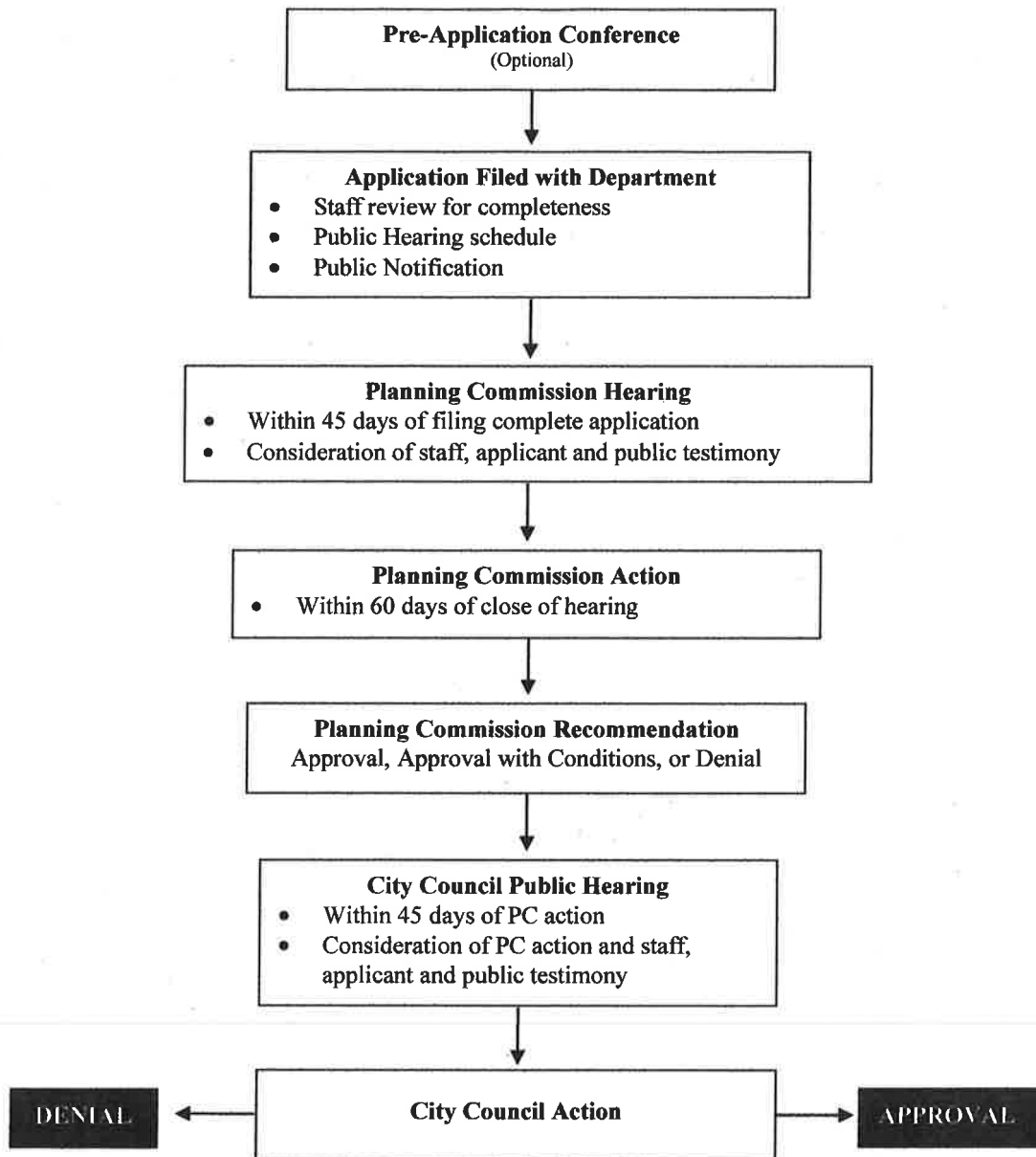
- ☐ 1. Copy of deed, lease, option agreement or other evidence of ownership or applicant's interest in the property. If the applicant is not the owner, attach a notarized statement signed by the owner authorizing the applicant to request the amendment.
- ☐ 2. A site development plan prepared in conformance with submittal requirements (unless waived by Community Development Manager or requested zoning district is Single-Family Residential).
- ☒ 3. A written statement describing the following:
 - a. The proposed uses and the effect the proposed use may have on surrounding properties and a statement of the facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this Code;
 - b. Whether such change is consistent with the intent and the purpose of this Code and the goals and policies of the Comprehensive Plan;
 - c. The areas which are most likely to be directly affected by such change and the likely effects;
 - d. Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts, or other social or economic conditions in the areas and zoning districts affected;
 - e. The proposed time schedule and phasing for development;
 - f. The source/method for providing utility/infrastructure services to the property;
 - g. A description of existing road conditions and any new roads to be included in the development and of the effect the proposed development will have on existing road and traffic conditions; and
 - h. A list of any state, federal, or other public agencies' approvals or permits required for the proposed development.
- ☐ 4. Additional exhibits, as may be required by the Community Development Director.

Required Materials to Accompany the Application for UDC Text Amendment:

The Community Development Manager may waive informational requirements upon finding that the information is not required to determine compliance with UDC requirements.

Proposed text amendment;

Written statement describing reasons for the proposed text amendment; and any other exhibits as may be required by the Community Development Director.



Book 5524 Page 902

BK PG

5524 902

PT-81-022-2017-000 202
CARROLL COUNTY, GA - REAL ESTATE
TRANSFER TAX PD \$ 75.00
INTANGIBLE TAX PD \$
DATE 1-31-17

Alan J. Lee CLERK OF SUPERIOR COURT

FILED
CARROLL COUNTY
CLERK OF SUPERIOR COURT

17 JAN 31 PM 4:43

Alan J. Lee
CLERK OF SUPERIOR COURT
CARROLL COUNTY, GEORGIA

(2)

#2346

Return to:

Timothy A. McCreary
P.O. Box 310
Villa Rica, Georgia 30180

EW

SURVIVORSHIP DEED

**STATE OF GEORGIA
COUNTY OF CARROLL**

THIS INDENTURE, made this 5 day of JANUARY, 2017, between ANNETTE S. COLF, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF RUBY SPINKS, deceased; WAYNE SPINKS; CONNIE REESE AND BARBARA JEAN SPINKS BROWN, of the County of Carroll, and State of Georgia of the first part, and GEORGE WAYNE COLE AND ANNETTE S. COLF, of the County of Paulding, and State of Georgia of the second part;

WITNESSETH:

THAT the said party/parties of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars, and other valuable considerations, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has/have granted, bargained, sold and conveyed, and by these presents does/do grant, bargain, sell and convey unto the said parties of the second part, for and during their joint lives, and upon the death of either of them, then to the survivor of them in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property, to-wit:
All that tract or parcel of land lying and being in the County of Carroll, State of Georgia, in the 6th District, and being part of Land Lot 190, being ten (10) acres, more or less, off the southeast corner of part 1 as shown by the Jones Administrator's plat commencing at the southeast corner; running north along land line 20 chains and 44 1/2 links; thence west 26 chains; thence south 16 chains 45 links; thence east 26 chains to starting point, the said chains referred to above contain 33 feet or two rods each. One acre and one-half having been sold off of the above described land on the west side. Being the property described in deeds recorded in Carroll County Records, as follows: Book 41 Page 80; Book 29, Page 375.

Being the same property described in that Warranty Deed from Mrs. Leila (Sam) Skinner to J. P. Spinks dated September 28, 1951, as recorded in Deed Book 96, Page 138, Clerk's Office, Carroll Superior Court and that deed dated February 20, 1993, from Ruby Spinks, Executrix of the Estate of J. P. Spinks, also known as John Paul Spinks, Annette Cole, Wayne Spinks, Connie Reese, and Barbara Jean Spinks to Ruby Spinks as recorded in Deed Book 771, Page 784, in the Office of the Clerk of the Superior Court, Carroll County, Georgia. Being knowas 1030 Third Street, and being Carroll County Map and Parcel Number V030100013.

Annette S. Cole, Wayne Spinks, Connie Reese and Barbara Jean Spinks Brown all are sui juris and laboring under no disabilities as of this date, and are the sole and only heirs at law of Ruby Spinks, deceased.
SURVIVORSHIP DEED IS CONTINUED TO THE NEXT PAGE...

BK PG
5524 903

SURVIVORSHIP DEED CONTINUED:

TO HAVE AND TO HOLD, the said tract or parcel of land together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said parties of the second part, for and during their joint lives and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

AND the said party/parties of the first part, for themselves, their heirs, executors and administrators, will warrant and forever defend the right and title to the above described property unto the said parties of the second part, as hereinabove provided, against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party/parties of the first part has/have hereunto set their hand(s) and affixed their seal(s) the day and year first above written.

Annette S. Cole

(SEAL)

Annette S. Cole, Individually and as Executrix of
Estate of Ruby Spinks, deceased

Sworn to and subscribed before me
this 5 day of JANUARY, 2017

Witness

Notary Public



Wayne Spinks

(SEAL)

Wayne Spinks

Sworn to and subscribed before me
this 5 day of JANUARY, 2017

Witness

Notary Public



Connie Reese

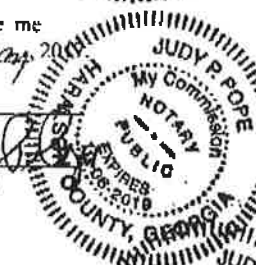
(SEAL)

Connie Reese

Sworn to and subscribed before me
this 5 day of JANUARY, 2017

Witness

Notary Public



Barbara Jean Spinks Brown

(SEAL)

Barbara Jean Spinks Brown

Sworn to and subscribed before me
this 5 day of JANUARY, 2017

Witness

Notary Public



RECORDED

FEB 02 2017

Alan J. Lee, Clerk.

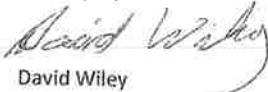
David Wiley
7633 Buchanan Highway
Dallas, GA 30157
(7707) 560-7514

Date: November 7, 2017
Ref: Statement to Accompany Rezoning Application Part Number 3
Location: 1030 3rd Street Villa Rica GA 30180
To: City of Villa Rica
Attn: Nyree Simpson

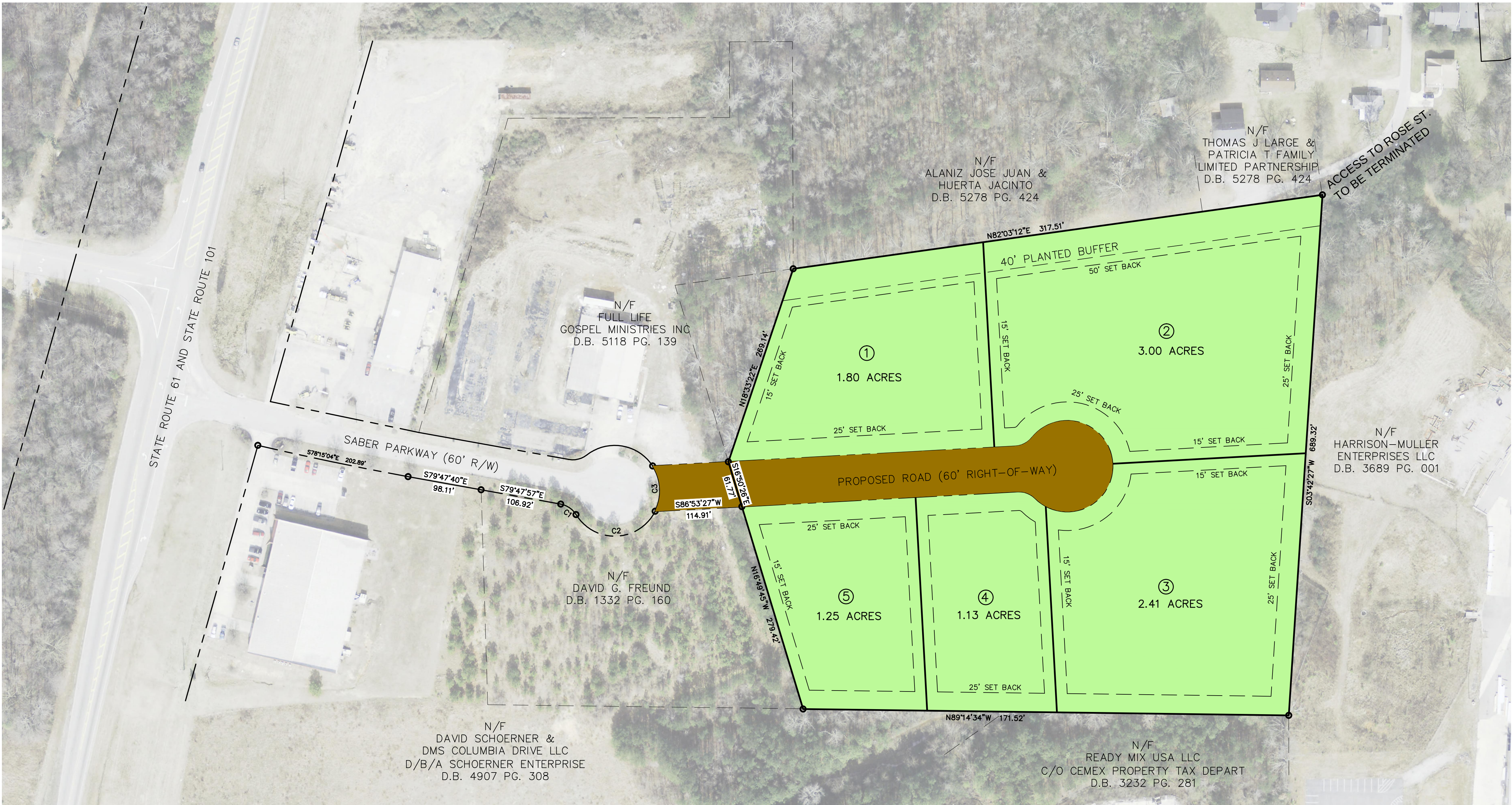
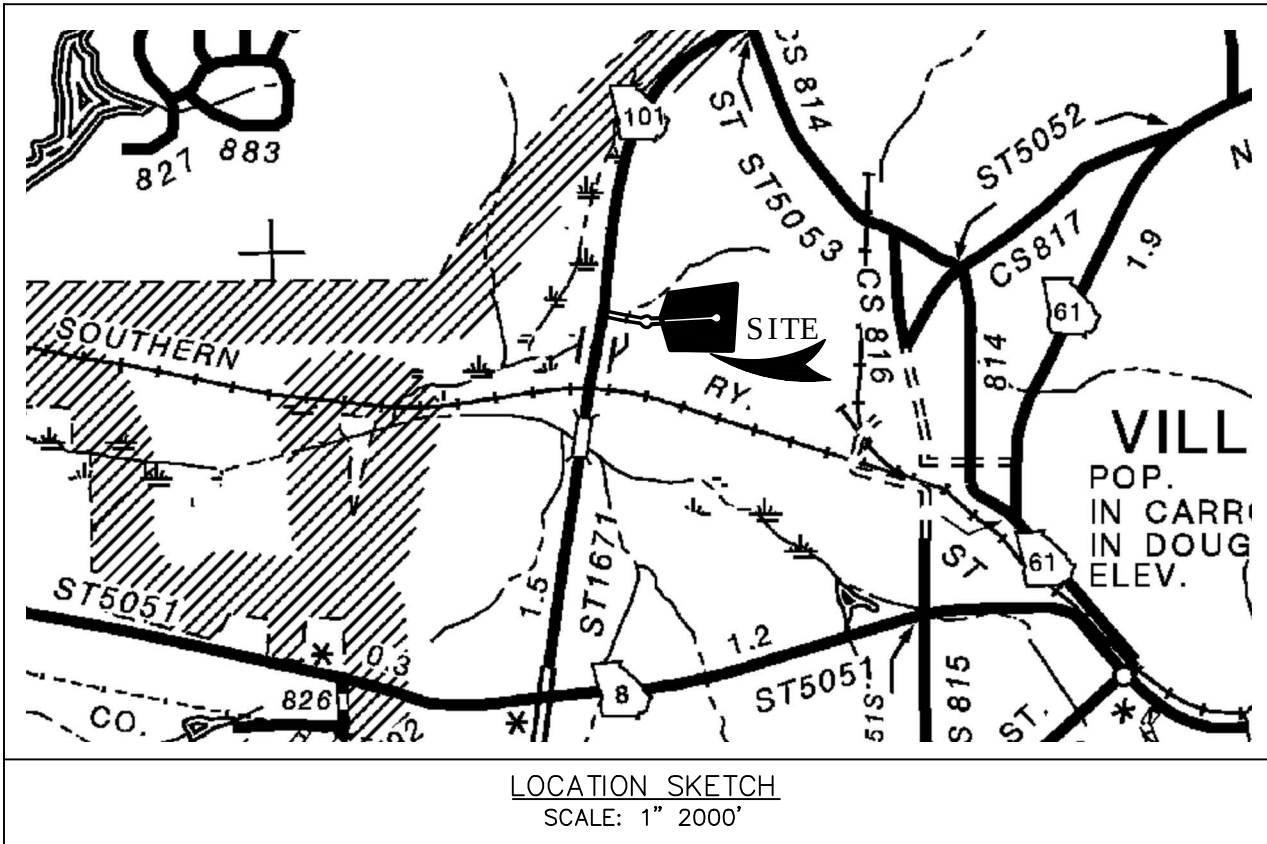
Number 3

- a) Proposed use is for equipment storage space and will not have any effect on the surrounding properties. The change will not be detrimental to the general public's interest and the purposes of this code.
- b) Change is consistent with the intent and the purpose of this code and the goals and policies of this code.
- c) Approximately four acres on the back of the property will be cleared and graded. Also a road to the property will be created.
- d) There will be no changes that will impact social values.
- e) Time schedule to be immediately following rezoning, purchase of property, and required permits obtained.
- f) City water and sewer are already on property
- g) New road to be cleared for the purpose of driveway to access the property. Road to be filled with crush and run gravel.
- h) Only permits required by the City of Villa Rica GA.

Thank you,


David Wiley

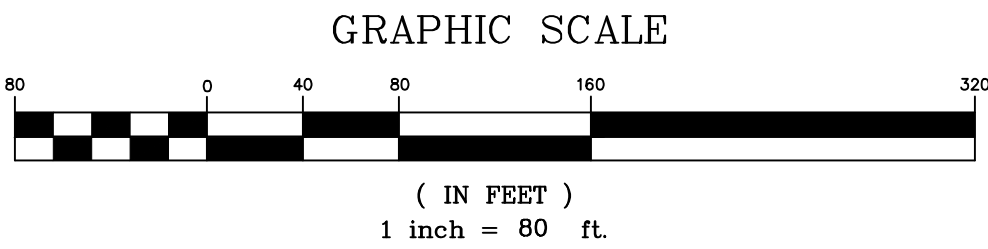
Curve Table				
Curve #	Length	Radius	Chord Direction	Chord Length
C1	25.23	30.00	S55° 42' 15"E	24.49
C2	127.23	60.00	N87° 38' 31"E	104.70
C3	62.83	60.00	N03° 06' 21"W	60.00



LEGEND	
1033 CATCH BASIN	OVERGROUND DOWNSPOUT
1034 CATCH BASIN	WATER VALVE
1019A DROP INLET	GAS VALVE
1011A JUNCTION BOX	HANDICAPPED PARKING
1019A TYPE E CURB INLET	TRAFFIC FLOW
1125 HEADWALL	UNDERGROUND POWER
DRAINAGE SLOPE	UNDERGROUND TELEPHONE
SEWER MANHOLE	OVERHEAD TELEPHONE
EXISTING FIRE HYDRANT	WATER
PROPOSED FIRE HYDRANT	SANITARY SEWER
LAMP POST	FORCE MAIN
GUY POLE	GAS
UTILITY POLE	STORM DRAIN
UNDERGROUND DOWNSPOUT	SEDIMENT BARRIER
	TREE PROTECTION FENCE
	CHAIN LINK FENCE
	EXISTING FENCE
	PROPERTY LINE
	EXISTING CONTOUR
	PROPOSED CONTOUR
	EXISTING CURB & GUTTER
	PROPOSED CURB & GUTTER
	EXISTING SPOT ELEVATION
	PROPOSED SPOT ELEVATION
	EXISTING WATER METER
	PROPOSED WATER METER
	WALLBOX
	GAS METER
	POWER METER



THE F.I.R.M. PANEL 13097C0106C DATE 08/18/2009 INDICATES THIS PROPERTY OR A PORTION IS NOT LOCATED IN A FLOOD HAZARD AREA. THE MAP INDICATES THAT NO STUDY WAS MADE OF THESE AREAS. THE FLOOD HAZARD LINES, IF SHOWN, ARE OUR INTERPRETATION OF THE FLOOD HAZARD AREA TAKING INTO CONSIDERATION EXISTING TOPOGRAPHIC DATA, DRAINAGE AREAS AND FIRM PANELS. THERE MAY BE OTHER INTERPRETATIONS THAT DIFFER FROM THOSE SHOWN.



- NOTES:
- BOUNDARY INFORMATION SHOWN TAKEN FROM SURVEYS PREPARED BY KECK & WOOD, INC. DATED JUNE 30, 1985 & SIMS AND ASSOCIATES DATED JANUARY 12, 2001
 - AS RECORDED IN PLAT BOOK 58 PAGE 287. NO FIELDWORK WAS PERFORMED BY THIS FIRM AT THIS TIME.
 - THIS DRAWING IS NOT A BOUNDARY SURVEY. THIS IS A COMPOSITE MAP BASED ON THE WORK OF OTHERS REFERENCED ABOVE.

- GENERAL SITE NOTES:
- OWNER / DEVELOPER
DAVID WILEY
7633 BUCHANAN HIGHWAY
DALLAS, GEORGIA 30157
(770) 560 7514
- SITE AREA: 10.51 ACRES
 - AREA TO BE DEDICATED TO R/W: 0.93 ACRE
 - EXIST. ZONING: DT-SINGLE FAMILY RESIDENTIAL
 - PROP. ZONING: LI-LIMITED INDUSTRIAL
 - MIN. LOT SIZE: 43560 S.F. 1 ACRE
 - SETBACKS:
FRONT = 25', SIDE = 15', REAR = 25'
 - PROPOSED SUBDIVISION ROADS:
RIGHT OF WAY = 60'
 - SUBDIVISION LOTS TO BE SERVED BY CITY OF VILLA RICA SANITARY SEWER SYSTEM.



WARNING: THIS PLAN SHEET IS NOT THE OFFICIAL CONTRACT DOCUMENT UNLESS APPROVED BY THE APPROPRIATE GOVERNMENTAL AGENCIES.

WARNING: UTILITIES LOCATIONS ARE APPROXIMATE. BEWARE OF HIDDEN UTILITIES NOT SHOWN. CONTACT APPROPRIATE UTILITY COMPANIES PRIOR TO EXCAVATION.

NOTICE: IT IS THE PROPERTY OWNER'S/ CONTRACTOR'S RESPONSIBILITY TO COMPLY WITH ALL ENVIRONMENTAL IMPACT ISSUES AND TO OBTAIN ALL NECESSARY PERMITS FROM THE APPROPRIATE GOVERNING AUTHORITIES.

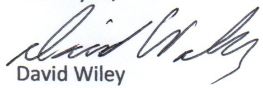
TITLE:	ZONING EXHIBIT		DESIGNED BY
	DAVID WILEY		
SCALE: 1" = 80'	LOCATED IN LAND LOT 190 DISTRICT 6		DATE
	CARROLL COUNTY, GEORGIA		
JOB NUMBER		GNT71101	
NO.			
DESCRIPTION		DATE	
		REVISED	

David Wiley
7633 Buchanan Highway
Dallas, GA 30157
Telephone (770) 560-7514

Date: 03/16/2018
TO: City of Villa Rica
Attention: Lenise Lyons
From: David Wiley
Ref: 1030 Third Street - Project

At this time, we are not using this property for our business, we are asking for Limited Industrial zoning for future development.

Thank you,


David Wiley



March 13, 2018

City of Villa Rica
Planning Commission
571 W. Bankhead Hwy
Villa Rica, GA 30180

Subject: Rezoning Property at 1030 3rd St, Parcel # V03-010013, Land Lot 190

Dear Commissioners:

I am writing to oppose the rezoning of this property unless the impact of the additional traffic (including heavy trucks and equipment) is dealt with first. Saber Parkway is already a problem street regarding access onto the main highway (Rt 101/61). The way the current rezoning proposal is written, the ONLY way to enter and exit this property is via Saber Parkway onto the main road. In this section of main highway there exists both north and south bound active traffic as well as two turning lanes.....potentially 4 lanes of active traffic! Entering the main highway from Saber Parkway through this traffic is controlled only by a stop sign. It is already a dangerous situation that will be further complicated by any zoning change which will add more traffic to this intersection.

This section of highway is already routinely backed up with traffic due to the train track on the south and the stop sign on the north where Rt 101 makes a sharp left turn and heads west. So traffic is already an issue and this rezoning will introduce more large vehicles and potentially additional auto traffic. It was unclear in the last Zoning Commission meeting I attended what the ultimate use of this property will be. In the Zoning Change Proposal submitted, this site is sectioned into five different entities so the ultimate use of this site is currently unknown but could mean a significant traffic volume increase of large trucks and autos, which has not been clarified or defined. It appears this zoning change is being considered without a clear understanding of what the ultimate use of this property will be.

I am not opposed to creating a climate to stimulate new business into Villa Rica. As a business owner in Villa Rica myself, I understand the benefit and the need to create a business friendly city. But I strongly feel it is a mistake to make zoning changes without considering the total ramifications that will occur once the zoning has been changed.

Regards,

A handwritten signature in dark ink, appearing to read "David G. Freund".

David G. Freund
President



CITY OF VILLA RICA

City Council Packet

SUBJECT: COA-01-18 – 209 Main Street - Appeal

CITY COUNCIL AGENDA DATE: June 5, 2018

DATE: May 23, 2018

PREPARED BY: Lenise Lyons, Planning and Zoning Specialist

FISCAL IMPACT: N/A

ANNUAL –

CAPITAL –

OTHER –

FUNDING SOURCE: N/A

PURPOSE:

The applicant/owner, Rex Camp, is requesting an appeal of the decision made by the Historic Preservation Commission regarding a Certificate of Appropriateness application for 209 Main Street.

BACKGROUND: The applicant/owner, submitted a Certificate of Appropriateness application for adding a metal awning to the façade of the building located at 209 Main Street. Staff recommended approval with the following conditions:

- *Awnings should be attached to mortar joints instead building masonry to avoid damage to the original structure.*
 - *Metal awnings be replaced with canvas or fabric awnings with matte finish, that coordinate with the rest of the district, as prescribed by the Downtown Commercial Design Guidelines Handbook and Unified Development Code.*
1. *Per the Commercial Design Standards, metal awnings should be avoided and metal should not be used when historically a building did not use metal elements.*
 - a. *Per the Commercial Design Standards, Chapter 6, Section B8 – Avoid creating false historical appearances such as, “Colonial”, Olde English”, and “Spanish”, or other theme designs such as mansard roofs, metal awnings, coach lanterns, small-paned windows, plastic shutters, inoperable shutters, or shutters on windows where they never previously existed.*

- b. Per the Commercial Design Standards, Chapter 6, Section L – Although metal is not a prevalent decorative element in Villa Rica, the possibility exists that property owners may want to rehab or restore a building using decorative metal elements. Metal should not be used when historically a building did not use metal elements, such as a roof or as an awning.*
- 2. Per the Unified Development Code, fabric awnings are encouraged; canvas with a matte finish is preferred.*
 - a. Per Unified Development Code, Chapter 5, Section 5.09C2 – Awnings – Fabric awnings are encouraged; canvas with a matte finish is preferred. Awnings with high gloss finish and illuminated plastic awnings are prohibited.*

At the May 8, 2018 Historic Preservation Commission meeting, the application was approved with conditions as recommended by Staff. The applicant/owner is appealing the decision of the Commission in order to install metal awnings, as requested in the application.

STAFF RECOMMENDATION: N/A

IMPACT: N/A

HISTORIC PRESERVATION COMMISSION: Approved with conditions at the May 8, 2018 meeting.

MOTION: I make a motion to approve/deny the appeal of the decision made by the Historic Preservation Commission for the Certificate of Appropriateness at 209 Main Street.

**Presentation
for
Villa Rica Historic
Preservation Commission**

**Presentation
By
Rex Camp, CEO
Camp Cap Co.Inc.
209 Main St.
Villa Rica, GA 30180**

Before the storm

**This is the condition of the Building before the storm.
The proposed awning will be the approximate size and location as you see here.**



AFTER THE STORM



Adjacent Building Construction Awning will be similar to this!



Adjacent Building Construction Awning will be similar to this!



Similar Construction in Historic District

Construction will be comparable or better!



Construction and Appearance **WILL BE**
Substantially better than **THIS!**



Construction and Appearance **WILL be
Substantially better than **THIS!****



Downtown store front w/canvas awnings



Downtown store front w/ no awnings
Has recessed entrance



Downtown store front w/no awning



Downtown store front w/ Terracotta awnings



Downtown store front w/ no awnings
Has recessed entrance



Downtown store front w/canvas awnings



Recent Construction 2 years or less!

Has recessed entrances



**Downtown storefront w/recessed entrance
Recent Construction 7 years ago!**



Recent Construction 2 years or less! Has canvas awnings



Downtown store front w/ vertical shingle awning

Has recessed entrance



Downtown store front w/canvas awnings
Note canvas awnings fade and deteriorate
in a relatively short time



Very Diverse
Please note: This is not a criticism only an observation!



City of Villa Rica Meeting & Court Building Metal Roof



Storefront 205 Main St

Replace this remaining awning with new awning



After the storm and loss of awning
Over storefront to the right 207 Main St
The sun shattered right window of 205

Office Storefront 207 Main St

Replace destroyed awning with new awning



Office Storefront 209 Main St

Replace destroyed awning with new awning

This is my office!



Office Storefront 211 Main St

Replace destroyed awning with new awning



Storefront 213 Main St

Replace destroyed awning with new awning

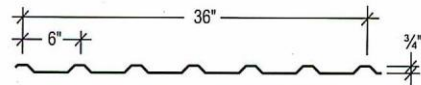
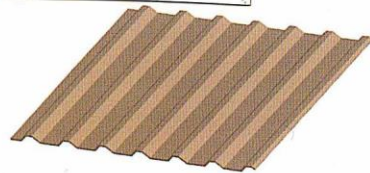


Below is the technical information for the awning cover it is 26 Gauge metal and is suitable for Walls, Roofs and Awnings



FERN GREEN** ★

PBU



The PBU panel is an exposed fastener system that can be used for both roof and wall applications and can be installed directly over purlins or joists. PBU offers the versatility of being used in both vertical and horizontal applications to give designers a contemporary appearance for their building project. PBU is recommended for 1:12 or greater roof slopes.

Product Specifications

- **Applications:** Roof and Wall
- **Coverage Width:** 36"
- **Rib Spacing:** 6" on Center
- **Rib Height:** 3/4"
- **Minimum Slope:** 1:12
- **Panel Attachment:** Exposed Fastening System
- **Gauges:** 26 (standard); 22, 24, 29 (optional)
- **Finishes:** Smooth (standard); Embossed (optional)
- **Coatings:** Galvalume Plus®, Signature® 200, Signature® 300

The purpose of this presentation is to point out the diverse architectural storefront designs in the downtown historic district. Part of the property owned by Camp Cap Co. Inc. , Rex Camp, CEO has been in our family since before the great depression that began in October of 1929. The Camp family has its own historical significance to the City of Villa Rica, all I wish is to be able to replace a part of our property that was damaged by nature and is required for the protection of our property. The construction will be a conventional design as described in the building permit and be equal or better than anything of comparable construction in the downtown historic district.

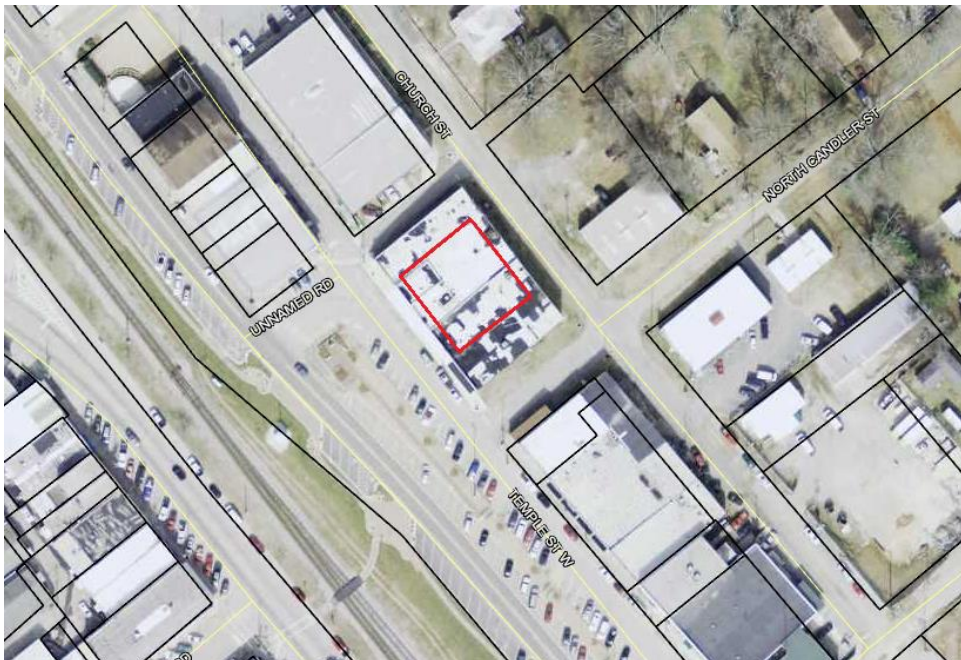
I will not be able to attend the meeting as I will be out of town the entire week. If you have any questions prior to or during the meeting you may call me on my Cell phone 770-301-1258

I am anxious to begin this project please do not cause me any further delay!

**Respectfully,
Rex Camp**



Request: Certificate of Appropriateness



Applicant: Rex Camp
Parcel Number(s): V01-003-0007
Acres: 0.16

Location: 209 Main Street, Land Lot 161 of the 6th District in Carroll County.
Owner: Rex Camp

Project Description:

The applicant is requesting a Certificate of Appropriateness for adding a metal awning to the façade of the building.

COA Review Standards:

According to the Code of the City of Villa Rica, Unified Development Code, a Certificate of Appropriateness is a permit to allow the construction, demolition, or alteration of any property that is designated in a Historic Preservation District. A Certificate helps ensure the preservation of the historic character and architectural integrity of these buildings and sites.

The streetscape of Villa Rica is as important to the overall effect as the individual structures themselves. The overall appearance of the streetscape is the result of the layout of streets and lots, the way buildings were placed on the land, and how the buildings relate to each other and open spaces. Villa Rica's commercial buildings typically have zero lot lines; meaning, the building covers the entire lot. They front the sidewalk with no setback or front or side yards, creating a pattern of street-curb-sidewalk-building. Commercial buildings share common "party" walls and are not seen as individual structures but as a series of facades in a block along the street. The stylistic elements of the downtown are fairly similar throughout in regards to store fronts, cornices and parapets; as well as awnings and canopies. Some of these elements have retained their historic character, while others have been lost through renovations and alterations over the years.

With few exceptions, the buildings in downtown Villa Rica are one-story, connected masonry buildings with center entrances and display windows. Over time buildings are altered or remodeled to reflect current fashions or to eliminate maintenance problems. Sometimes these improvements are misguided and result in a disjointed and unappealing appearance. In other instances, improvements employ quality materials and sensitive design and may be as attractive as the original building. Often in these cases, these changes should be retained.

The following guidelines will help determine what is worth saving and what should be rebuilt.

1. Conduct pictorial research to determine the design of the original building or early changes. Identify which elements remain on the building. Sometimes, this identification stage requires removing materials that have obviously been added to see what lies beneath.
2. Remove any materials, signs, or canopies that have been added and cover the facade.
3. Retain all elements, materials and features that are original to the building or that are sensitive remodeling. Repair as necessary.
4. Restore as many original elements as possible, particularly the materials, windows, decorative details, and cornices.
5. When designing new elements, conform to the configuration and materials of traditional storefront design.
6. Reconstruct missing original elements (such as cornices, windows, and storefronts) if documentation is available, or design new elements that respect the character, materials, and design of the building.
7. Avoid using materials that are incompatible with the district, including textured wood siding, unpainted wood, and artificial siding.

8. Avoid creating false historical appearances such as “Colonial,” “Olde English,” “Spanish” or other theme designs that include inappropriate elements such as mansard roofs, metal awnings, coach lanterns, small-paned windows, plastic shutters, inoperable shutters, or shutters on windows where they never previously existed.

9. Maintain paint on wood surfaces and use appropriate paint placement to enhance the inherent design of the building.

Staff Comments:

The applicant is requesting a Certificate of Appropriateness to add a metal awning to the façade of the building. The Commercial Design Guidelines discourages metal awnings; durable fabric such as canvas is preferred.

Recommendation:

Staff Recommendation: **APPROVAL WITH CONDITIONS**

Staff recommends the following:

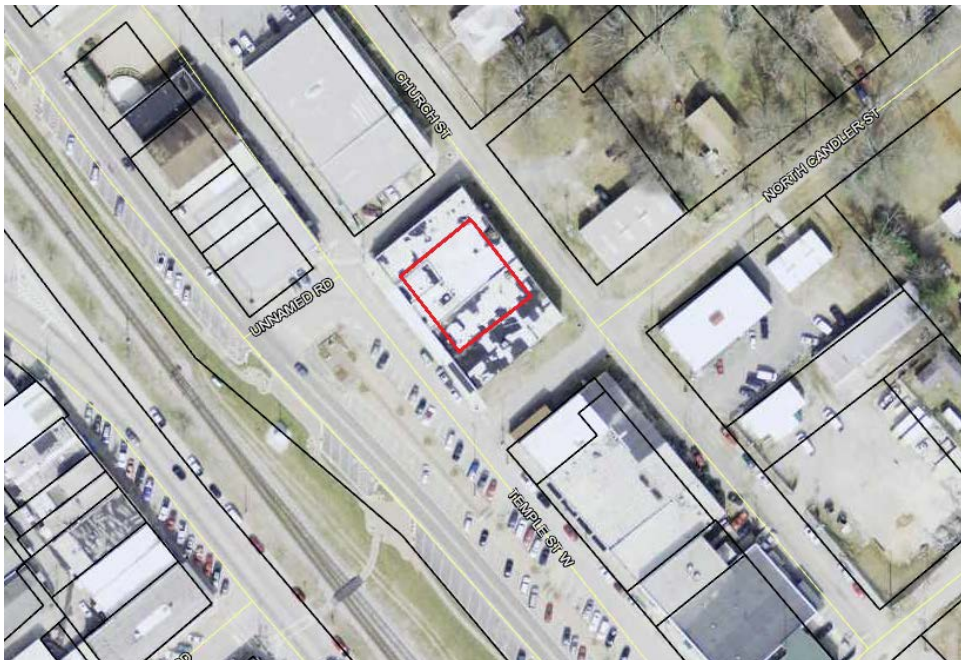
- Awnings should be attached to mortar joints instead building masonry to avoid damage to the original structure.
 - Metal awnings be replaced with canvas or fabric awnings with matte finish, that coordinate with the rest of the district, as prescribed by the Downtown Commercial Design Guidelines Handbook and Unified Development Code.
1. Per the Commercial Design Standards, metal awnings should be avoided and metal should not be used when historically a building did not use metal elements.
 - a. Per the Commercial Design Standards, Chapter 6, Section B8 – Avoid creating false historical appearances such as, “Colonial”, “Olde English”, and “Spanish”, or other theme designs such as mansard roofs, metal awnings, coach lanterns, small-paned windows, plastic shutters, inoperable shutters, or shutters on windows where they never previously existed.
 - b. Per the Commercial Design Standards, Chapter 6, Section L – Although metal is not a prevalent decorative element in Villa Rica, the possibility exists that property owners may want to rehab or restore a building using decorative metal elements. Metal should not be used when historically a building did not use metal elements, such as a roof or as an awning.
 2. Per the Unified Development Code, fabric awnings are encouraged; canvas with a matte finish is preferred.
 - a. Per Unified Development Code, Chapter 5, Section 5.09C2 – Awnings – Fabric awnings are encouraged; canvas with a matte finish is preferred. Awnings with high gloss finish and illuminated plastic awnings are prohibited.

Attachments:

1. Application
2. Photos of previous awning
3. Location Map



Request: Certificate of Appropriateness



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Attachments:

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APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

Please complete the blanks with the information requested. If any of the information or required materials is missing or incomplete, the application will not be processed. Also, please note the required information requested on the back of this page.

Date of Application: 04/03/2018

APPLICANT

Applicant Name: Camp Cap Co. Inc.

Address: 209 Main St. Villa Rica, GA 30180

Phone: (770) 301-1258

Applicant Email Address: CRCBPS@GMAIL.COM

Owner Name (If different from applicant): Rex Camp

Address: 209 Main St. **City:** Villa Rica **State:** GA **Zip:** 30180

Phone: (770) 301-1258

Email: CRCBPS@GMAIL.COM

(Note: A notarized statement signed by the property owner(s) authorizing the applicant to make this request shall be attached to the application.)

Property Address: 209 Main St., Villa Rica, GA 30180

Parcel # V010030007 **County:** Carroll

Zoning District: 003 **General Plan Designation:** _____

Age of Building 107 Years **Relocated or Original Site:** Original

Unique Characteristics or History: _____

Detailed Project Description: See Attached

**Application for Certificate of Appropriateness
Page Two**

Rex Camp, President Camp Cap Co Inc. , hereby state that I of
the above statements and statements contained in the documents submitted with
this application are true.


Signature of Applicant

4/3/2018
Date

Required Materials to Accompany the Application:

The Community Development Director may waive informational requirements upon finding that the information is not required to determine compliance with UDC requirements.

NA ☐ 1. Copy of deed, lease, option agreement or other evidence of ownership or applicant's interest in the property. If the applicant is not the owner, attach a notarized statement signed by the owner authorizing the applicant to request the amendment.

☒ 2. Photographs of the building and existing conditions from all relevant sides;

☒ 3. A written statement describing the following:

a. The proposed change and the effect the proposed change may have on surrounding properties and a statement of the facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this Code;

b. Whether such change is consistent with the intent and the purpose of this Code and the goals and policies of the Comprehensive Plan;

c. The areas which are most likely to be directly affected by such change and the likely effects;

NA ☐ 4. If installing signage or graphics on a building or on the site, or directly behind the window or on a window, a drawing of the signage.

☒ 5. Historic plans, elevations or photographs.

☒ 6. Name and address of adjacent property owners.

☐ 7. Filing fee of \$_____.

If your project goes to City Council, you will be notified by mail in advance of the hearing date. If you would like to check meeting agendas, please go to our website: www.villarica.org.

April 3, 2018

**Villa Rica Historic Preservation Commission
c/o City of Villa Rica
571 W. Bankhead Hwy.
Villa Rica, GA 30180
Re: Building Permit Application**

Villa Rica Historic Preservation Commission

Attached please find Application for Certificate of Appropriateness for replacement of awning damaged by the storm on January 12, 2018. The construction will be a treated wood frame with reinforced corner braces total project size will be upon completion approximately 147ft long 6ft wide & 4 ½ ft high. Because there are 5 distinct fronts and strata each section has its own construction issues and each section will be constructed to reflect those issues as it pertains to attachment to the building. The cover portion will be 26ga metal PBU design in Fern Green (Dark Green) supplied by MBCI Architectural Design Solutions.

It is my plan to construct a working prototype over my personal office front. If I am satisfied with the stability, appearance and cost the remaining 4 front sections will be planed. I have attached a drawing for size description and a picture of the front of the office where the prototype awning will be constructed.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rex Camp', written over a horizontal line.

Rex Camp, President

#3. A. The proposed change is necessary because of a storm on Jan. 12, 2018 destroyed the awning that had existed for over 50 years. The new awning will be constructed in a conventional manner that will protect the now awning less building. The new awning should in my mind add to the esthetics of the area and my building. Without the awning the setting sun in the west creates several problems that is avoided when an awning is in place. Example, many years ago and at that time we had the awning the sun shattered the 2 large windows in my office. Since the storm on Jan 12th one of the large windows in the building at the north end of the building was shattered by the sun because the part of the awning that shaded that window is gone. There will not be any detrimental effect to the general public interest and the purpose of the Code. If anything the awning should add to the area.

#3. B. As far as I can tell the change will be consistent and within the spirit of the Code and Comprehensive Plan referred to in this application.

#3. C. The only areas which will be affected by this change is my building. I have already seen negative affect to my building as stated above but beyond that the original awning was placed there for a purpose, to protect the building. It did so for over 50 years. The awning did its job until destroyed by a short lived storm on Jan. 12, 2018. I am not asking in this application for something unreasonable, only to be able to replace that which I had no control over, that was damaged and or removed by the storm. My goal is to construct an awning that will enhance the appearance of the building and protect it as well.

**Presentation
for
Villa Rica Historic
Preservation Commission**

**Presentation
By
Rex Camp, CEO
Camp Cap Co.Inc.
209 Main St.
Villa Rica, GA 30180**

Before the storm

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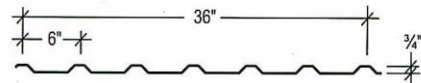
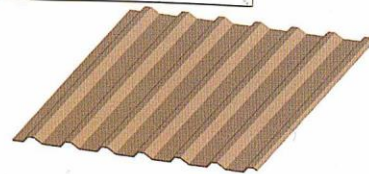


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FERN GREEN** ★

PBU



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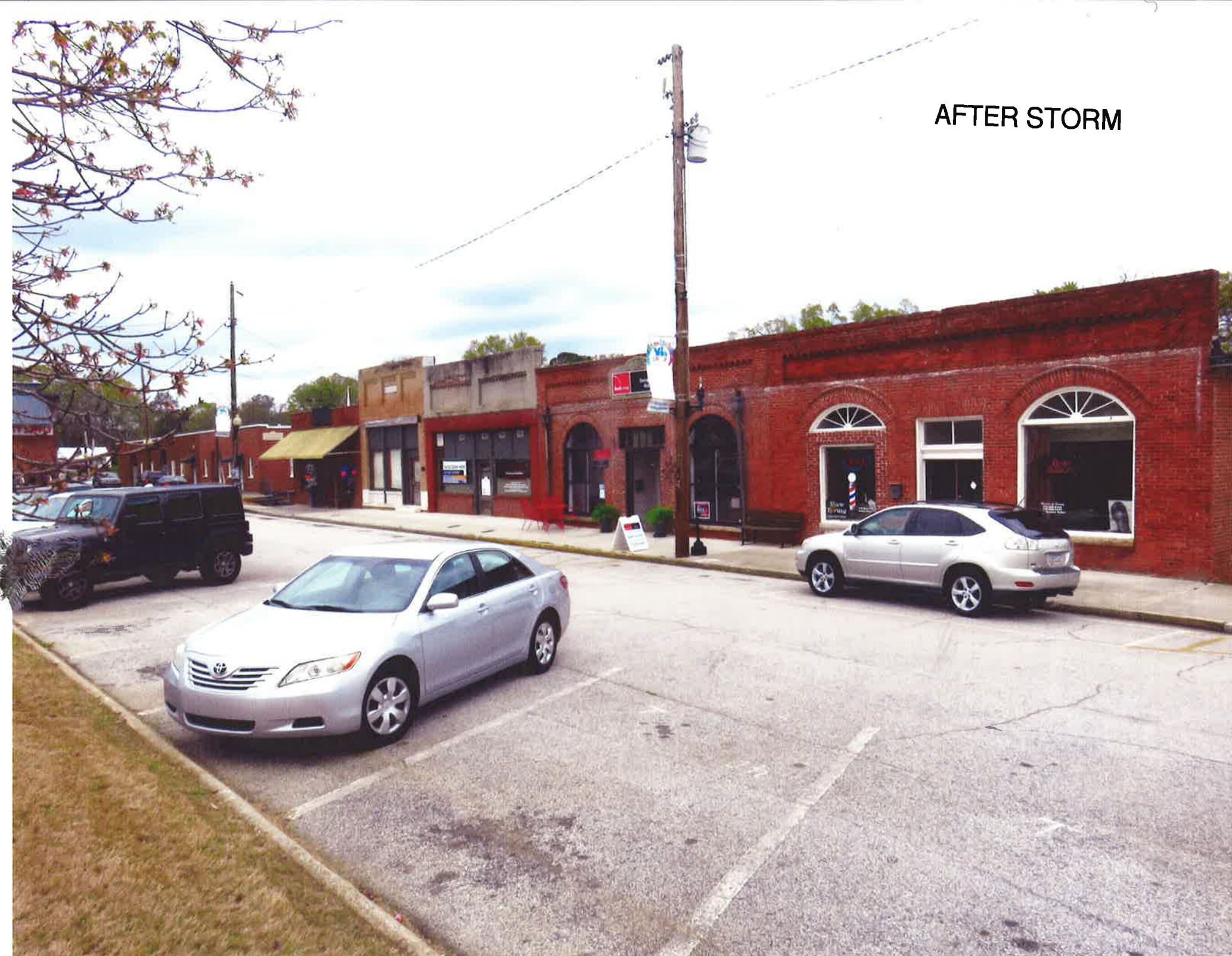
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I will not be able to attend the meeting as I will be out of town the entire week. If you have any questions prior to or during the meeting you may call me on my Cell phone 770-301-1258

I am anxious to begin this project please do not cause me any further delay!

**Respectfully,
Rex Camp**

AFTER STORM





TAXES
NO COS



601-233-1111



OPEN

Now
Hiring
Licensed Stylist & Barber

Full Service
Barber Shop

213

HAIR
SALON

History of Beauty
770-268-8193
770-268-8193
Full Service Salons

NO PETS

MY OFFICE

WORKS DONE HERE
COST UP FRONT

Come in for details

**CAMP
CAP CO.**

CRC

Dev Grimsby

Call me for a free Consultation

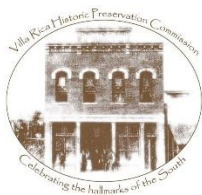
404-931-0764

Certified Agent for

MEDICARE

BEFORE STORM





Villa Rica Historic Preservation Commission

DRAFT

Scheduled Public Hearing
Tuesday, May 8, 2018

The City of Villa Rica Historic Preservation Commission met in a scheduled public hearing on Tuesday, May 8, 2018 at 6:00 p.m. In attendance were Chairman Dale Schwarzkoph, Commissioner Larry Cohrs, Commissioner Nancy Mims, Commissioner Renee Hooks, Commissioner Kim Poer, Community Development Director, Bobby C. Elliot, P.E., & Administrative Assistant, Katie Godfrey. There was (1) person in attendance.

Chairman Dale Schwarzkoph called the meeting to order at 6:00 p.m.

AGENDA ADOPTION

RESULT: **ADOPTED UNANIMOUS 5/0**

MOVER: Nancy Mims

SECONDER: Renee Hooks

AYES: Nancy Mims, Renee Hooks, Larry Cohrs, Dale Schwarzkopf, & Kim Poer

APPROVAL OF MINUTES FOR 4/30/2018

RESULT: **ADOPTED UNANIMOUS 5/0**

MOVER: Larry Cohrs

SECONDER: Renee Hooks

AYES: Larry Cohrs, Renee Hooks, Nancy Mims, Dale Schwarzkopf, & Kim Poer

PUBLIC COMMENT: Chairman Dale Schwarzkoph called for public comment. There was no public comment.

OLD BUSINESS:

NO ACTION TAKEN

NEW BUSINESS:

COA-01-18

Rex Camp requests a Certificate of Appropriateness for property located at 209 Main Street, Villa Rica, GA, Parcel No: V01-003-0007, in Land Lot 161 of the 6th District in Carroll County. The property consists of 0.16+/- acres and is located in Ward 3. Applicant is requesting to place metal awnings on the façade.

CONDITIONS

- Awnings should be attached to mortar joints instead building masonry to avoid damage to the original structure.

- Metal awnings be replaced with canvas or fabric awnings with matte finish, that coordinate with the rest of the district, as prescribed by the Downtown Commercial Design Guidelines Handbook and Unified Development Code.
1. Per the Commercial Design Standards, metal awnings should be avoided and metal should not be used when historically a building did not use metal elements.
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RESULT: **APPROVED WITH CONDITIONS UNANIMOUS 5/0**
MOVER: Renee Hooks
SECONDER: Kim Poer
AYES: Renee Hooks, Kim Poer, Nancy Mims, Dale Schwarzkopf, & Larry Cohrs

COA-02-18

Southern Homes & Land requests a Certificate of Appropriateness for property located at 228 W. Montgomery Street, Villa Rica, GA, Parcel No: V01-007-0001, in Land Lot 161 of the 6th District in Carroll County. The property consists of 0.08 +/-acres and is located in Ward 3. The applicant is requesting a Certificate of Appropriateness for adding new canvas awnings to the façade of the building, to paint the façade gray with black trim, and to add metal sconces beside the main door.

RESULT: **TABLED UNANIMOUS 5/0**
MOVER: Nancy Mims
SECONDER: Larry Cohrs
AYES: Nancy Mims, Larry Cohrs, Dale Schwarzkopf, Renee Hooks, & Kim Poer

COA-03-18

Alycia VanEllis requests a Certificate of Appropriateness for property located at 120 W. Montgomery Street, Villa Rica, GA, Parcel No: V01-006-0005, in Land Lot 161 of the 6th

District in Carroll County. The property consists of 0.05 +/- acres and is located in Ward 3. The applicant is requesting to add a vinyl sign to the façade.

RESULT: **TABLED UNANIMOUS 5/0**
MOVER: Larry Cohrs
SECONDER: Nancy Mims
AYES: Larry Cohrs, Nancy Mims, Dale Schwarzkopf, Renee Hooks, & Kim Poer

ELECTION OF OFFICERS

CHAIRMAN

RESULT: **APPROVED UNAMINIOUS**
MOVER: Renee Hooks
SECONDER: Kim Poer
AYES: Renee Hooks, Kim Poer, Larry Cohrs, & Dale Schwarzkopf

VICE CHAIRMAN

RESULT: **APPROVED UNAMIOUS**
MOVER: Dale Schwarzkopf
SECONDER: Nancy Mims
AYES: Dale Schwarzkopf, Nancy Mims, Renee Hooks, & Kim Poer

ADJOURMENT:

RESULTS: **APPROVED UNANIMOUS 5/0**
MOVER: Larry Cohrs
SECONDER: Kim Poer
AYES: Larry Cohrs, Kim Poer, Nancy Mims, Renee Hooks, & Dale Schwarzkopf

Historic Preservation Chairperson

Date

Office of Community Development

Date



CITY OF VILLA RICA

City Council Packet

SUBJECT Revision to the Alcoholic Beverage Ordinance

CITY COUNCIL AGENDA DATE: June 5, 2018

DATE: 5/25/2018

PREPARED BY: Katie Godfrey

FISCAL IMPACT: N/A

ANNUAL –

CAPITAL –

OTHER –

FUNDING SOURCE: N/A

PURPOSE: To establish parameters and guidelines for breweries, microbreweries, and nanobreweries and to establish permissible location references in city zonings.

BACKGROUND:

STAFF RECOMMENDATION: Approval

IMPACT:

MOTION: I make a motion to approve the revision to the Alcoholic Beverage Ordinance.

Chapter 4 - ALCOHOLIC BEVERAGES^[1]

Footnotes:

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Editor's note— Ord. No. 22-16-CCO, §§ 1, 2(Att.), adopted Oct. 4, 2016, repealed the former Ch. 4 and enacted a new Ch. 4 as set out herein. The former chapter pertained to similar subject matter and derived from Code 1979, § 9-2-1; Code 1993, §§ 3-1, 3-2; Ord. of 12-1-1998; Ord. of 5-1-1999; Ord. of 5-19-1999; Ord. of 12-5-2000; Ord. of 4-1-2003; Ord. of 12-20-2004; Ord. of 1-4-2005; Ord. No. 12-09-CCO; Ord. No. 08-01-ADM, 2-5-2008; Ord. of 11-14-2011; Ord. No. 01-13-CCO, 4-2-2013; Ord. No. 02-13-CCO, §§ 3-208—3-211, 4-2-2013; Ord. No. 03-14-CCO, §§ 1—3, 9-2-2014; Ord. No. 06-16-CCO, 4-5-2016. See the Code Comparative Table for a detailed analysis.

State Law reference— Use of proceeds of alcoholic beverage tax for prevention, education and treatment, Ga. Const. art. 3, § 9, ¶ 6; Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.; furnishing to, purchase of or possession by persons under 21 years of age, use of false identification, O.C.G.A. § 3-3-23; public drunkenness, O.C.G.A. § 16-11-41; furnishing alcoholic beverages to persons under 21 years of age, jurisdiction of municipal courts, O.C.G.A. § 36-32-10; treatment of alcoholics and intoxicated persons, O.C.G.A. § 37-8-1 et seq.; driving under the influence of alcohol or drugs, O.C.G.A. § 40-6-391.

ARTICLE I. - IN GENERAL

Sec. 4-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Unless a contrary intention is clearly apparent from the context, any term used in this chapter shall have the same meaning as when used in a comparable provision of the Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

Alcoholic beverage means and includes all alcohol, malt beverages, distilled spirits, wine and fortified wines defined in this section.

Brewpub means a restaurant in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36 for retail consumption on the premises and solely in draft form. Brewpubs shall be licensed as restaurants as set forth in this chapter.

Brewery means a manufacturer or producer of malt beverages for wholesale off the premises but does not include a brewpub as that term is defined in this section. Typical brewing production is greater than 15,000 barrels per year.

Brown bag establishment means any restaurant, supper club or other establishment providing food or entertainment in the normal course of business, and in which the owners or their agents knowingly allow patrons to bring in and consume the patrons' alcoholic beverages.

Chief of police means the chief of police of the city.

Church means any permanent place of public religious worship.

Craft beer means beer produced by a brewer with an annual production of 6,000,000 barrels or less, and no more than 25 percent of the brewery is owned or controlled by an alcoholic beverage industry member who is not a craft beer brewer.

Designated manager is the primary employee responsible for managing the premises which possesses a license under this chapter.

Distilled spirits means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wines.

Fortified wine means any alcoholic beverage containing more than 21 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term "fortified wine" includes, but is not limited to, brandy.

Interest includes any pecuniary interest and any ownership interest, whether present or future, whole or partial, legal or beneficial, contingent or vested, direct or indirect, and any right, power, or authority of control.

Licensed premises include not only the room wherein alcoholic beverages are sold or served but also the outdoor area within the property lines as approved by the mayor and council for sales and consumption of alcoholic beverages

Licensee includes an individual licensee and in the case of a partnership or corporation includes both the partnership and corporation and the named licensee.

Majority stockholder means the person, if any, who owns more than 50 percent of the voting stock of a corporation; if no person owns more than 50 percent of the voting stock of a corporation, the majority stockholder is the person owning more of the voting stock than any other person; and if two or more persons each own the same amount of the voting stock of a corporation and each own more of the voting stock than any other person, then any one of such persons may act as the majority stockholder.

Malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than six percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

Microbrewery means a manufacturer or producer of malt beverages for wholesale off the premises limited to no more than 15,000 barrels per year.

Mixed drink means any distilled spirits served for consumption on the premises, whether or not diluted by water or any other substance.

Named licensee means the person acting as such for a partnership or corporation pursuant to section 4-26.

Nanobrewery means a manufacturer or producer of malt beverages for wholesale off the premises limited to no more than 2000 barrels per year.

Package means a bottle, can, keg, barrel, or other original consumer container.

Wholesaler or *wholesale dealer* means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

Wine means any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term "wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained herein.

Wine and craft beer boutique means an establishment selling Georgia wine products and other fine wines and craft beer under a limited pouring license by the taste, drink, original package or growler for the purposes of promoting tourism in certain designated areas of the city.

Unless a contrary intention is clearly apparent from the context, any term used in this chapter shall have the same meaning as when used in a comparable provision of the Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-2. - Penalty.

Any person who violates any provision of this chapter shall upon conviction be punished as provided in section 1-8. Any such punishment, if imposed, shall be in addition to and not in lieu of any license suspension or revocation under this chapter.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-3. - Confidentiality of information.

For the purpose of protecting the individual business interests or the person making returns as provided for in sections 4-104 and 4-206, the city licensing authorities shall treat such returns as being of a strictly confidential nature and will not divulge such information unless called for by a court order and/or for city, county, state or federal tax purposes. Any clerks and/or city personnel found guilty of violating such confidence shall be subject to disciplinary action at the discretion of the city manager.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Secs. 4-4—4-24. - Reserved.

ARTICLE II. - LICENSING

Sec. 4-25. - Required, classifications, fee, duration.

- (a) *Required.* It shall be unlawful for any person to sell or offer for sale any alcoholic beverages within the city except under a valid license issued under this chapter and in compliance with the provisions of this article.
- (b) *Classification, fee.* Classes of licenses issued under this chapter, activities permitted and regulated thereunder, and the annual license fees, shall be as follows:
 - (1) *Retail package licenses.*
 - a. Package malt beverage license: retail sale of malt beverages in the original package, \$200.00.
 - b. Package wine license: retail sale of wine in the original package, \$100.00.
 - (2) *Retail consumption on the premises licenses.*
 - a. Distilled spirits, wine, and malt beverages pouring license restaurant: retail sale of distilled spirits, wine, and malt beverages by the drink, \$3,500.00.
 - b. Wine and malt beverage pouring license restaurant: retail sale of wine and malt beverages by the drink, \$500.00.
 - c. Distilled spirits, wine, and malt beverages pouring license supper club as defined in section 4-203: retail sale of distilled spirits, wine and malt beverages by the drink, \$5,000.00.
 - d. Wine and malt beverage pouring license supper club as defined in section 4-203: retail sale of wine and malt beverages by the drink, \$3,000.00.
 - e. Distilled spirits, wine and malt beverages pouring license, private club as defined in section 4-204: retail sale of distilled spirits, wine and malt beverages by the drink, \$3,500.00.
 - f. Wine and malt beverage pouring license private club as defined in section 4-204: retail sale of wine and malt beverages by the drink, \$500.00.
 - g. Ancillary growler license: \$200.00.

- h. Limited pouring license wine and craft beer boutique as defined in section 4-205; retail sale of wine and craft beer by the drink, \$500.00.
- (3) *Wholesale licenses.* Resident wholesale dealer's license, wholesale of distilled spirits, wine, and malt beverages by a wholesale dealer having a place of business in the city, \$5,000.00.
- (4) Brewery License: \$1000.00
- (c) *Duration, proration.* All licenses issued under this chapter shall be issued on a calendar-year basis; and all licenses shall expire at 12:00 midnight on December 31 of the year in which they are issued. The license fees set forth in this section shall be prorated on a 12-month basis, so that the license fee for a partial calendar year shall reflect only those months for which the license actually is issued. For example, the fee for a license issued in January shall be the entire annual fee set forth in this section; the fee for a license issued in February shall be 11/12 of said annual fee; the fee for a license issued in March shall be 10/12 of said annual fee; and so on. Notwithstanding the month in which a license is issued, the license shall still expire at the time and date set forth above.
- (d) *Application fees.* Each application for a license under this chapter shall be accompanied by a nonrefundable application fee in the following amount:
 - (1) Package malt beverage license, \$100.00.
 - (2) Package wine license, \$100.00.
 - (3) Distilled spirits, wine and malt beverages pouring license restaurant, \$100.00.
 - (4) Wine and malt beverage pouring license restaurant, \$100.00.
 - (5) Distilled spirits, wine and malt beverages pouring license supper club, \$500.00.
 - (6) Wine and malt beverage pouring license supper club, \$500.00.
 - (7) Resident wholesale dealer's license, \$500.00.
 - (8) Distilled spirits, wine and malt beverages pouring license private club, \$500.00.
 - (9) Wine and malt beverage pouring license private club, \$500.00.
 - (10) Limited pouring license wine and craft beer boutique, \$100.00.
 - (11) Ancillary growler license: \$100.00.
 - (12) Brewery: \$500.00
- (e) *Payment of fees.* Application fees shall be paid at the time the application is filed and shall not be refunded under any circumstances. An applicant may pay the annual license fee at the time that the application is filed; and in such event the annual license fee shall be refunded if the license applied for is not issued. If the annual license fee is not paid at the time of application, the annual license fee shall be paid prior to the issuance of the license by the mayor and council and no later than 14 days after notification of approval of the license by the mayor and council.
- (f) For any new license granted hereunder prior to June 30 of each year, the licensee shall pay the full annual license fee.
- (g) For any new license granted hereunder after July 1 of each year, the license fee shall be reduced by one-half.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-26. - Procedure for issuance.

- (a) A license issued to an individual under this article shall be issued in the name of the individual. A license issued to a partnership shall be issued in the name of the partnership and in the name of one

of the partners or a designated manager of the premises who shall be named licensee. A license issued to a corporation having as its principal business the sale of alcoholic beverages (wholesaler or brewery) shall be issued in the name of the corporation and in the name of the designated manager of the premises who shall be the named licensee. A license issued to a corporation having as its principal business an activity other than the sale of alcoholic beverages shall be issued in the name of the corporation and in the name of the designated manager of the premises who shall be the named licensee.

- (b) In the case of a corporation having as its principal business the sale of alcoholic beverages (wholesaler or brewery), officer or designated manager of the corporation shall join as applicants for the license; and each such person must meet the qualifications of an individual licensee, as provided in section 4-27 except for the residency requirement which shall be required only for the named licensee.
- (c) In the case of a corporation having as its principal business an activity other than the sale of alcoholic beverages, the officer or designated manager who is to be the named licensee shall be the applicant and must meet the qualifications of an individual licensee, as provided in section 4-27, provided, however, that the mayor and council may require the fingerprinting and investigation of officers and shareholders of the corporation if it deems it necessary in making its investigation.
- (d) In the case of a partnership, each partner shall be responsible for the actions of the named licensee and the conduct of the licensed business. In the case of a corporation, the corporation shall be responsible for the actions of the named licensee and the conduct of the licensed business.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-27. - Qualifications.

- (a) A licensee must be at least 21 years of age, of good moral character and a citizen of the United States.
- (b) A licensee shall not have been convicted of any felony, any misdemeanor involving moral turpitude, or any criminal offense related to gambling, payment of taxes, sale of alcoholic beverages, DUI, or violation of the Georgia Controlled Substances Act within the past ten years. A licensee shall not have been convicted of any other misdemeanor or violation of a city ordinance, excluding minor traffic offenses, within the past six years. This subsection shall apply with respect to the laws of this state, other states, the United States, and other countries. A plea of nolo contendere or the forfeiture of a bond shall be considered a conviction for purposes of this subsection. The mayor and council may, at its discretion, waive the conviction of a misdemeanor for purposes of this subsection if the mayor and council determine that the misdemeanor does not have a bearing on the applicant's fitness for a license.
- (c) A licensee shall not have been denied or had revoked, within the seven years preceding his application, any license to sell alcoholic beverages issued by any governmental entity.
- (d) A licensee shall be the owner of the premises to be licensed or the holder of a lease thereon for substantially the same period to be covered by the license.
- (e) Any person having two convictions for selling alcohol to a minor within a three-year period shall not be eligible for a license.
- (f) No license for the sale of alcoholic beverages by the drink for consumption on the premises shall be issued to any applicant who does not meet the requirements of a private club, restaurant, supper club, brewery or wine and craft beer boutique.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-28. - Application.

- (a) Forms, contents. All applications for licenses shall be made upon application forms provided by the mayor and council. All applications shall contain a full and complete and sworn and notarized statement by each applicant of all material facts relevant to the requirements of this chapter. Each applicant and any corporate officers or shareholders otherwise required to be fingerprinted shall submit themselves to the police department, where a complete set of fingerprints shall be taken. Each application shall include, in addition to all other application fees, a certified check or money order in the amount charged by the state bureau of investigation made payable to the state bureau of investigation to cover the cost of fingerprinting analysis and investigation.
- (b) Each applicant authorizes the city and its agents to secure from any court, law enforcement agency, or other public agency his criminal and civil history and to use such information in determining whether the license applied for shall be issued. Each applicant further authorizes the city and its agents to use such information in any public hearing with respect to the license applied for, either before or after the issuance of the license. Each applicant waives any right which he would otherwise have to preclude the city or its agents from obtaining and using such information; and each applicant further waives any liability of the city or its agents from obtaining and using such information.
- (c) Each application shall be accompanied by:
 - (1) In the case of a partnership, a copy of the partnership agreement;
 - (2) In the case of a corporation, a copy of the articles of incorporation; and
 - (3) A current stamped certificate from a registered surveyor which shows a scale drawing of the premises and the location at which the applicant desires to operate an alcoholic beverage outlet and which shows, with linear foot measurements where appropriate, such location's compliance or noncompliance with the provisions of section 4-70.
- (d) When a license application is for premises not yet constructed or not yet completed, a license may be issued if the application includes the plans for the premises and a surveyor's stamped certificate clearly showing that the premises will, when completed, meet all applicable requirements of section 4-70.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-29. - Investigation; hearing.

- (a) A copy of each application for a license under this article shall be referred within two business days after filing to the police department. The police department shall make a thorough investigation concerning any applicants hereunder if individuals, and the officers and the designated agent or manager, if the applicant is a corporation, and shall submit the results of the investigation promptly to the mayor and council.
- (b) No application for an original license shall be considered by the city manager until after a public hearing has been held thereon by the mayor and council, after notice as provided in subsections (c) and (d) of this section.
- (c) The applicant for an original license shall, at his own expense, post on the premises to be licensed a notice. The notice shall be posted for at least 15 days prior to the date of the hearing.
 - (1) The notice shall be on a board or metal sign having a surface of not less than 12 square feet.
 - (2) The sign shall include the following:
 - a. That an application for a license to sell alcoholic beverages on the premises has been filed with the city;
 - b. The type of license applied for;

- c. The time and place of the public hearing to be held on such license application,
 - d. The name of the proposed licensee; and
 - e. The name and telephone number of the city staff member where additional information may be obtained.
- (3) Such sign shall be placed at least three feet above the ground and facing the most traveled street.
- (d) The applicant for an original license shall at his own expense publish in the official legal organ of the county at least 15 days prior to the hearing, a notice containing the same information as required in the posted notice under subsection (c) of this section. This notice shall be printed in letters no smaller than ten-point capital and lower case with at least a one-inch, two-column arrangement.
 - (e) Prior to the date of the hearing, the applicant shall furnish to the mayor and council a copy of the advertisement required by subsection (d) of this section and a sworn statement of the size of, location of, and information on the sign required by subsection (c) of this section.
 - (f) The mayor and council may require additional investigations, reports and information from city departments and other public agencies as may be deemed necessary to evaluate compliance with the provisions of this article.
 - (g) Following the filling of a complete application, the submission of the police department's report and any other reports deemed necessary by the mayor and council, the notice and advertisement required by subsections (c) and (d) of this section, and the public hearing required by subsection (b) of this section, the mayor and council shall act on the application after considering the standards and guidelines set forth in section 4-38.
 - (h) Any applicant aggrieved by the decision of the mayor and council regarding a license application may request that the mayor and council reconsider its decision after another hearing in which the applicant shall have the opportunity to present evidence and cross examine opposing witnesses. Such request for reconsideration must be in writing and must be made within 30 days of the date of the decision prompting such request.
 - (i) Any person making a false statement in any application for a license, or false statement in connection with renewal thereof, shall be guilty of an offense and punished as provided by state law relating to false swearing; and further, a license if previously granted or renewed, may be revoked for the violation. It shall be an offense for any person to give other than the true and correct legal name of the intended licensee; and a conviction for violation thereof shall be punished as provided for in this chapter.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-30. - Renewals.

- (a) Except as otherwise provided in this chapter, applications for renewal of licenses shall be made and considered in the same manner as applications for original licenses.
- (b) No fingerprints shall be required in the case of an application for renewals.
- (c) No posting of premises and publication of notice by the applicant shall be required in the case of an application for renewal.
- (d) An application for renewal may, if such is the case, be in the form of a sworn and notarized statement by the named licensee, on a form provided by the city manager, stating that there have been no changes in any of the information contained in the original application. If there have been any such changes, the application for renewal shall be in the same form as an original application.
- (e) An application for renewal shall be filed during the month of October. If an existing licensee fails to file for renewal during the month of October, then the licensee shall be required to make application

as for an original license. Existing licensees whose renewal application is filed in October as required in this subsection and approved by the mayor and council, shall pay the appropriate licensing fee required by this chapter on or before January 1 of the year for which the renewal license has been approved.

- (f) In making a determination regarding the renewal of a license, the mayor and council shall consider the standards and guidelines set forth in section 4-38.
- (g) At the discretion of the mayor and council, a public hearing may be required for the renewal of a license if written objections are filed thereto with the city manager at least 15 days before the end of the renewal period. If any such objection is filed, a public hearing shall be held. Prior to such hearing, the city shall publish at public expense a notice in substantially the same form and manner required under section 4-29(d). The applicant shall be given written notice of any objection which is filed and such notice shall be served within 48 hours of the filing of the objection by personal service by a city police officer or by registered or certified mail to the named licensee at the licensed premises. In the circumstances referred to in this subsection, the license under which renewal was applied for shall continue to be valid until the mayor and council acts on the application for renewal if the applicant deposits the amount of the annual license fee for the renewal with the mayor and council, not later than five days after being notified of the filing of the objection.
- (h) An applicant for renewal whose application is denied may request reconsideration as provided for in section 4-29(h).

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-31. - Transfer.

- (a) Except as provided in this section, no license issued under this article shall be transferable to any other person or location.
- (b) If a licensee seeks to move his place of business from the licensee's premises to another place within the city, application shall be made as for an original license.
- (c) In the case of death of an owner of a license or financial interest therein, such license or interest therein may be transferred to the administrator, executor, or adult heir of the deceased unless the mayor and council determines that it would otherwise violate this chapter. If the transferee cannot meet all requirements of this chapter, when the time comes to renew the license, it shall not be renewed.
- (d) Nothing in this section shall prohibit one or more partners in a partnership from retiring therefrom in favor of one or more of the other partners; provided such withdrawal shall not, without application for an issuance of a new license, introduce any new partner or result in any new person acquiring an interest in the licensed business.
- (e) Where a license is issued to a corporation having as its principal business an activity other than the sale of alcoholic beverages, a change in the named licensee may be permitted by the mayor and council if the new named licensee meets the requirements of new license applicants. If a designated manager of a licensed premises terminates employment, then the corporation or partnership licensee must submit an application for a new designated manager to be the named licensee within seven days of the termination.
- (f) In the circumstances described in subsections (c), (d), and (e) of this section, the license may be revoked if the mayor and council determine that the change results in a failure to meet the requirements of this chapter.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-32. - Change in business ownership.

- (a) If any licensee withdraws from, sells, or otherwise transfers the licensee's interest in the licensed business, the licensee shall immediately notify the city manager and surrender the license.
- (b) In the case of such a withdrawal, transfer, or sale, a new application shall be made as for an original license.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-33. - Temporary licenses.

- (a) A temporary license may be issued by the city manager if in his judgment, the denial of a temporary license would create an undue hardship such as the closing of an existing business or a delay in the opening of a new business.
- (b) A temporary license may be revoked, with or without cause, by the city manager at any time, and the grant or denial of a temporary license shall not affect or have any bearing upon the grant or denial of a permanent license.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-34. - Suspension, revocation.

- (a) The violation of any of the provisions of this chapter shall be grounds for suspension or revocation of any retail or wholesale license issued hereunder.
- (b) Notwithstanding final disposition of a case by any court of competent jurisdiction, a license may be suspended or revoked by the mayor and city council for any violation of this and/or another chapter, for any violation of state or federal law, for any material misrepresentation or omission in the application for the license, or if the licensee or the licensed business ceases to meet the eligibility requirements for licensure.
- (c) The city manager is authorized to suspend the sale of alcoholic beverages under any license for any emergency situation that the city manager deems such suspension necessary for the protection of the public health, safety, or welfare. Such suspension may be made effective immediately and may remain in force until the city manager determines that the emergency is over or until the next meeting of the mayor and city council, at which time the suspension shall cease unless it is extended by the mayor and city council.
- (d) Prior to suspending or revoking a license, except as noted in emergency situations in subsection (c) of this section, the mayor and city council shall give at least five days prior written notice to the licensee of the time, place, and purpose of the hearing at which such suspension or revocation will be considered. Service of such notice shall be perfected by personal service at the licensed premises on the named licensee or an employee of the licensee by a city police officer; or, if personal service may not be so effected, by tacking a copy of the notice to the door of the licensed premises and mailing the original to the named licensee at the licensed premises with a copy mailed to any other address of the named licensee contained in the most recent license application on file with the city.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-35. - Automatic revocation.

A license issued under this article shall be automatically revoked by operation of law if:

- (1) The licensee's state alcoholic beverage license is revoked;
- (2) Payment of the annual license fee is not received by the city with 14 days after notification that the issuance of a license has been approved by the mayor and council;
- (3) Operation of the licensed activity is not commenced within six months after the license is issued;
- (4) Operation of the licensed activity is commenced and then discontinued for a period of 30 days unless extended by the mayor and council for good cause;
- (5) The licensed business declares bankruptcy or receivership, is the subject of levy or legal process, or fails to properly account for, file, report and pay any excise tax levied under this chapter;
- (6) The licensed business fails to properly account for, file, report and maintain any records or remit any license fee imposed or taxes required under this chapter;
- (7) Payment of the annual renewal license fee is not received by the city within the time prescribed in section 4-30;
- (8) The named licensee is convicted of a felony by a court of competent jurisdiction.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-36. - Wholesale licenses required.

Any wholesale dealer in alcoholic beverages who is licensed by the state and who has a place of business in the city shall procure a license under the same provisions applicable to retail licensees.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

State Law reference— Permit or license from governing authority required for wholesale or retail sales of alcoholic beverages, due process guidelines; fingerprints, O.C.G.A. § 3-3-1(a).

Sec. 4-37. - Special use permit.

A licensed establishment may request a special use permit for the vending and consumption of alcoholic beverages for outdoor events. A special use permit may only be approved for the licensed premises. Special use permits shall be granted upon approval of the mayor and council after considering the standards and guidelines set forth in section 4-38.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-38. - Temporary permit for special event sales.

- (a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

City council approval means a majority vote of a quorum of the city council at a duly scheduled or called meeting.

Special event means an event approved and sanctioned by the city occurring on city or public property, or an event in which the city's personnel oversees such event.

Structure means an area that can be contained by a secured, contiguous structure including walls, sturdy fencing or other similar approved structures. The structure must be approved by the chief of police or his designee.

- (b) Any entity maintaining an alcohol beverage license in good standing with the state may obtain a temporary special event permit for the sale of beer and/or wine at a city special event under the following terms and conditions:
- (1) Such applicant must complete in a timely manner, the respective application and submit the fee of \$250.00. The applicant shall submit a plan or rendering, and detailed procedures in compliance with subsection (b)(3) of this section. The city manager shall review such application and make recommendations to the city council.
 - (2) The application must be duly approved by the city council after considering the standards and guidelines set forth herein and in section 4-39.
 - (3) The area in which sales and consumption are to occur must be enclosed by some structure providing the public ingress/egress through only one main entrance. When safety considerations and/or effective traffic circulation issues exist, more than one but no more than three entrance/exits may be allowed in certain circumstances as approved by the chief of police or his designee. No individual shall be permitted to leave this confined area with an open drink. The applicant must provide its own staff and procedures to ensure compliance with this section.
 - (4) Notwithstanding the provisions of subsections (b)(1) through (3) of this section, nothing in this section shall relieve applicants from complying with all other provisions of this chapter and state law.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-39. - Standards and guidelines for granting or denying licenses.

In addition to all other requirements stated in this chapter, the mayor and council shall consider the following standards and guidelines in reaching its decision on whether to grant or deny an application for an alcoholic beverage license:

- (1) The nature of the neighborhood immediately adjacent to the proposed location, that is, whether the neighborhood is predominantly residential, industrial or business;
- (2) The proximity of churches, schools, college campuses, housing authority properties, and alcoholic treatment centers owned and operated by the state or any county or municipal government therein, as required by section 4-70;
- (3) The proximity of hospitals, public libraries, children's centers, public parks and playgrounds, and private residences;
- (4) Whether the proposed location has adequate off-street parking facilities or other parking available for its patrons;
- (5) Whether the location would tend to increase and promote traffic congestion and resulting hazards therefrom;
- (6) The criminal record, general good character and reputation, and financial responsibility of the applicant and manager of the premises, provided that nonpayment of federal, state, county or municipal taxes shall be prima facie evidence of lack of financial responsibility;
- (7) The report of the police department on its investigation as required by section 4-29, and any other reports that may be required by the mayor and council;
- (8) Whether the applicant has satisfied all requirements pertaining to the application process and all requirements as to notice and advertisement;

- (9) Consideration of the health, safety, and welfare of the citizens and preservation of surrounding neighborhoods, with reference to such factors as light, noise, pollution, traffic and loitering;
- (10) The number of licenses already granted for similar businesses within the city limits and in the trading area of the location for which a license is sought;
- (11) The history or reputation of the location for criminal activity, including but not limited to prostitution or other sex offenses, crimes of violence, gambling, and illegal dealing in alcoholic beverages or drugs; and
- (12) Any circumstance that may cause minors to frequent the immediate area, even if the location meets the distance requirements set forth in this chapter.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-40. - Decisions.

All decisions approving, denying, suspending, or revoking the license required by this chapter shall be in writing, with the reasons therefor stated, and shall be mailed or delivered to the applicant.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Secs. 4-41—4-68. - Reserved.

ARTICLE III. - LOCATION AND ZONING

Sec. 4-69. - Zoning restriction.

- (a) No retail license shall be granted under this chapter unless the premises to be licensed are, at the time the application is approved by the mayor and council, located under the planning and zoning ordinance of the city in a nonresidential zoning district subject to the specific limitation of the respective districts.
- (b) No license shall be granted under this chapter for a *brewery* unless the premises to be licensed are, at the time the application is approved by the city manager, located under the planning and zoning ordinance of the city in an LI zoning district subject to the specific limitations of the respective districts.
- (c) No license shall be granted under this chapter for a *Nanobrewery* or a *Microbrewery* unless the premises to be licensed are, at the time the application is approved by the city manager, located under the planning and zoning ordinance of the city in an NC, GC, DO-CBD, DO-CMU, or DO-COM zoning district subject to the specific limitations of the respective districts.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-70. - Proximity restrictions.

- (a) No premises shall be licensed under this chapter whose location is within the following distances:
 - (1) For the sale of any wine or malt beverage, within 300 feet of any church building, school building, school grounds, or college campus.
 - (2) For the sale of any distilled spirits, within 300 feet of any church building and within 600 feet of any school building, educational building, school grounds, or college campus.

- (3) For the sale of any distilled spirits, wine, malt beverage, within 300 feet of an alcoholic treatment center owned and operated by the state or any county or municipal government therein.
- (4) For the sale of any alcoholic beverage for consumption on the premises, within 300 feet of any housing authority property. For this subsection, the term "housing authority property" means any property containing 300 housing units or fewer owned or operated by a housing authority created by O.C.G.A. § 8-3-1.
- (b) No consumption-on-the-premises license shall be issued for any place of business which is located within 200 feet of a private single-family or two-family dwelling, the measurement for which shall be by direct measurement from property line, using the closest property lines of the parcels of land involved (the term "parcel of land" means any quantity of land capable of being described by location and boundary, designated and used or to be used as a unit); provided, however, that this prohibition shall not apply with respect to such a private dwelling which is located in a zoning district in which alcoholic beverage outlets are authorized or in the downtown overlay district.
- (c) For the purpose of this section, distances shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:
 - 1) From the front door of the structure from which alcoholic beverages are sold or proposed to be sold;
 - 2) In a straight line to the nearest public sidewalk, street, road, or highway;
 - 3) Along such public sidewalk, walkway, street, road, or highway by the nearest route; and
 - 4) To the front door of the school, church, or alcoholic treatment building or to the nearest portion of the school grounds, college campus, or housing authority property, whichever is applicable under this chapter.
- (d) No license shall be revoked and no application for a license or renewal shall be denied by any reason of the method of measurement set out in this subsection, if such license or license application or renewal application is for premises for which a license was granted prior to the enactment of this chapter in reliance on other methods of measurement or prior to establishment of churches, schools or alcohol treatment center.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

State Law reference— Sales of alcoholic beverages near churches, schools or college campus, O.C.G.A. § 3-3-21.

Sec. 4-71. - Sale, service in public places.

It shall be unlawful for any person to sell or serve any alcoholic beverage in a street, alley, or parking lot commonly used by the public or in any other public place or on public property except as otherwise provided herein.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Secs. 4-72—4-100. - Reserved.

ARTICLE IV. - SALES

DIVISION 1. - GENERALLY

Sec. 4-101. - Responsibility of named licensee.

The named licensee shall be active in the operation of the licensed business and shall be personally present on the licensed premises sufficiently to assure compliance with the provisions of this chapter.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-102. - Rental paid restricted.

- (a) Except as otherwise provided in this section, it shall be unlawful for a licensee to enter into any agreement whereby the rental paid for licensed premises is based in whole or in part on the volume of sales of alcoholic beverages by the licensed business or whereby the lessor otherwise shares in the profits or receipts from the licensed business' sale of alcoholic beverages.
- (b) Subsection (a) of this section shall not apply where the primary business of a package licensee is an activity other than the package sale of alcoholic beverages, for example, a grocery store selling package beer and wine.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-103. - Display of license.

Each license issued under this chapter shall at all times be kept plainly exposed to view upon the licensed premises.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-104. - Retention of records; filing reports.

- (a) All consumption-on-the-premises licensees shall keep and preserve records of all alcoholic beverages purchased and sold by the licensee and shall keep and preserve records of all food and nonalcoholic beverages purchased and sold by them. Such records shall at all times be open for inspection by an authorized agent of the city. Such records shall be maintained for a period of at least three years, provided that the mayor and council may authorize the disposal of records prior to the expiration of three years if the maintenance of such records is no longer required by the city.
- (b) All consumption on the premise licensees shall file with the city manager the following reports at the time and in the form prescribed by the city manager:
 - (1) Monthly on-premises consumption report.
 - (2) A certified copy of the licensee's monthly state sales tax report as filed with the state department of revenue for the period coinciding with on-premises consumption report.
 - (3) Any other documents, reports, records or books as shall be required by the city manager.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-105. - Knowledge of chapter provisions.

Every licensee under this chapter shall, prior to applying for a license, read and familiarize himself with the provisions of this chapter, and an application shall constitute a certification by the applicant that he has done so. Every licensee shall maintain a copy of this chapter on the licensed premises and shall instruct each employee engaged in the sale or handling of alcoholic beverages concerning the relevant provisions of the chapter.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-106. - Sales to underage persons prohibited.

- (a) Except as otherwise provided in this section:
 - (1) No person, directly or through another person, shall furnish, cause to be furnished, or permit any person in such person's employ to furnish any alcoholic beverage to any person under 21 years of age.
 - (2) No person under 21 years of age shall purchase or possess any alcoholic beverage.
 - (3) No person under 21 years of age shall misrepresent such person's age in any manner whatever for the purpose of obtaining unlawfully any alcoholic beverage.
 - (4) No person shall act as an agent to purchase or acquire any alcoholic beverage for or on behalf of a person under 21 years of age.
 - (5) No person under 21 years of age shall misrepresent his identity or use any false identification for the purpose of purchasing or obtaining any alcoholic beverage.
- (b) The prohibitions contained in subsections (a)(1), (2), and (4) of this section shall not apply to the following with respect to the sale, purchase, or possession of alcoholic beverages for consumption:
 - (1) For medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state;
 - (2) At a religious ceremony;
 - (3) When the parent or guardian of the person under 21 years of age gives the alcoholic beverage to the person under 21 years of age and when possession is in the home of the parent or guardian and such parent or guardian is present.
- (c) The prohibition contained in subsection (a)(1) of this section shall not apply with respect to the sale of alcoholic beverages by a person when such person has been furnished with proper identification showing that the person to whom the alcoholic beverage is sold is 21 years of age or older. For purposes of this subsection, the term "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth and includes, without being limited to, a passport, military identification, driver's license, or an identification card authorized under O.C.G.A. §§ 40-5-100 through 40-5-104. The term "proper identification" shall not include a birth certificate identification.
- (d) This section shall not prohibit employment of a person less than 21 years of age in licensed premises if such employment is lawful under section 4-134.
- (e) In any case where a reasonable or prudent person could reasonably be in doubt as to whether or not the person to whom an alcoholic beverage is to be sold or otherwise furnished actually is 21 years of age or older, it shall be the duty of the person selling or otherwise furnishing such alcoholic beverage to request to see and be furnished with proper identification as provided in subsection (c) of this section in order to verify the age of such person; and the failure to make such request and verification in any case where the person to whom the alcoholic beverage is sold or otherwise furnished is less than 21 years of age may be considered by the trier of fact in determining whether the person selling or otherwise furnishing such alcoholic beverage did so in violation of subsection (a)(1) of this section.
- (f) In any case where a person selling or otherwise furnishing alcoholic beverages checks for a proper identification, such person shall carefully inspect such identification. If a reasonable and prudent person could determine that such identification has been altered and if such person sells or otherwise furnishes alcoholic beverages to the holder of such altered identification, then such may be considered by the trier of fact in determining whether the person selling or otherwise furnishing such alcoholic beverage did so in violation of subsection (a)(1) of this section.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

State Law reference— Furnishing to, purchase of, or possession by persons under 21 years of age of alcoholic beverages; use of false identification; proper identification for sale of alcoholic beverages; dispensing, serving, etc., of alcoholic beverages by persons under 21 years of age in the course of employment, seller's duty to request proper identification, O.C.G.A. § 3-3-23.

Sec. 4-107. - Sales permitted.

- (a) No licensee shall permit the sale of alcoholic beverages on any day or at any time when such sales are prohibited by state law.
- (b) Licensees may permit the sale of retail package malt beverages and wine during the following hours:
 - (1) Monday—Saturday: 7:00 a.m.—1:30 a.m.
 - (2) Sunday: 12:30 p.m.—midnight.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-108. - Sales to intoxicated persons; gambling; disorderly conduct.

- (a) No licensee shall permit the sale of alcoholic beverages to any person who is in a state of noticeable intoxication or allow persons who are noticeably intoxicated to congregate on licensed premises.
- (b) No licensee shall permit any gambling, betting, illegal lottery, or other device for the hazarding of any money or other thing of value on the licensed premises, except that this prohibition shall not apply with respect to a properly licensed bingo game.
- (c) No licensee shall permit on the licensed premises any disorderly conduct, breach of the peace, or noise or activity which is disturbing to the surrounding neighborhood.
- (d) Adult entertainment.
 - (1) No holder of a license for the sale of alcoholic beverages issued pursuant to this article shall knowingly allow any performance or entertainment or act on the licensed premises which, when applied to contemporary community standards, the dominant theme taken as a whole appeals to the prurient interests or is licentious or obscene.
 - (2) It shall be prohibited to permit on the premises so licensed any contest or form of entertainment which consists of the wetting or soaking of the upper torso of a female or the pelvic area of a male or female.
 - (3) No retail licensee for on-premises consumption shall cause, suffer or permit any person to appear on its licensed premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva or genitals, or any simulation thereof, nor shall cause, suffer or permit any person to appear on its licensed premises in any such manner or attire as to expose to view any portion of the breast below the top of the areola, or any simulation thereof.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

State Law reference— Sale of alcoholic beverages to intoxicated persons, O.C.G.A. § 3-3-22; restriction on enforcement of local ordinances relating to drinking, being a common drunkard or being found in an intoxicated condition, O.C.G.A. § 37-8-11.

Sec. 4-109. - Containers, storage, illumination.

- (a) Alcoholic beverages shall be delivered to and received at licensed premises only in the original container and only in a conveyance owned and operated by a licensed wholesale dealer (or a licensed common carrier acting for a wholesaler). Alcoholic beverages shall be sold at retail only on the licensed premises.
- (b) A retail licensee shall store alcoholic beverages only on the licensed premises and at no other place. All stock shall be available at all times for inspection by any authorized agent of the city. Any alcoholic beverages found in any retail licensee's stock which were not received from a wholesaler licensed to make deliveries in the city shall be subject to immediate confiscation.
- (c) The exterior of each building in which alcoholic beverages are sold for consumption on the premises shall contain sufficient lighting so that all sides of the building and all entrances thereto are clearly visible at all times.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-110. - Cleanliness of premises; inspections.

All licensed premises shall be kept clean and in proper sanitary condition and in full compliance with all regulations governing the condition of premises used for the storage and sale of food for human consumption. All licensed premises shall be open at all times for inspection by authorized agents of the city.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Secs. 4-111—4-133. - Reserved.

DIVISION 2. - SALES TO AND BY UNDERAGE PERSONS

Sec. 4-134. - Prohibited employment, exceptions.

- (a) Except as provided in subsection (d) of this section, no wholesale dealer or package licensee shall allow any employee under the age of 18 years to dispense, sell, serve, take orders for, or handle alcoholic beverages.
- (b) No consumption-on-the-premises licensee shall allow any employee under the age of 18 years to dispense, sell, serve, take orders for, or handle alcoholic beverages.
- (c) This section shall not prohibit the employment of persons under the above ages on licensed premises where such persons do not dispense, sell, serve, take orders for, or handle alcoholic beverages.
- (d) This section shall not prohibit persons 16 years of age or older from selling or handling alcoholic beverages in grocery stores or supermarkets. For purposes of this subsection, the term "grocery stores" or "supermarkets" shall include convenience stores.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-135. - Activity in grocery stores.

For the purposes of this article, the bagging or carrying out of wine or malt beverages in the original package in the course of employment by a grocery store, convenience store or similar establishment shall not constitute handling of alcoholic beverages.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Secs. 4-136—4-153. - Reserved.

ARTICLE V. - EMPLOYEE IDENTIFICATION CARDS

Sec. 4-154. - Required; issuance; revocation.

- (a) An employee identification card shall be required for any employee of a consumption-on-the-premises licensee who handles alcoholic beverages on the licensed premises or for any employee filling a growler, handling a growler, or offering growler samples.
- (b) Any person required to obtain an employee identification card shall apply to the city police department for such a card, which card when issued shall be valid for a period of two years and shall be renewed on or before its expiration. A fee of \$10.00 shall be paid with each card application. Persons applying for cards shall make themselves available for photographing, fingerprinting, and such other investigation as may be required by the police department. The police department may provisionally grant an employee identification card to a person applying for a card, pending investigation and report.
- (c) Where such report, when received, is unfavorable, the chief of police may revoke the card and demand its return.
- (d) The chief of police may revoke an employee identification card and demand its return where the employee violates the provisions of this chapter or becomes one who adversely affects the public health, safety, or welfare.
- (e) It shall be unlawful for an employee whose employee identification card has been revoked and upon whom demand for return of the card has been made to refuse to return the card or to alter, conceal, deface, or destroy the card.
- (f) When a person applies for an employee identification card, the chief of police or his designee shall have a complete and extensive search made to determine if there is a police record of such person. The conviction of a felony within the past ten years, a second conviction of an alcohol-related misdemeanor, or a record of other conduct prohibited by this chapter, or evidence that the person's employment would adversely affect the public health, safety, or welfare shall preclude issuance of an identification card.
- (g) A plea of nolo contendere or the forfeiture of a bond shall be considered a conviction for purposes of this section.
- (h) A new search may be conducted on any person issued an employee identification card if the chief of police receives information which warrants such a new search. If the new search reveals evidence that warrants revocation of the card, the card may be revoked.
- (i) When any employee identification card is denied or revoked, the chief of police shall issue to the applicant or card holder a letter stating that the person does not meet the requirements of this chapter.
- (j) All employees required to obtain an employee identification card shall be required to display same in a manner readily visible to customers and authorized agents of the city at all times while on duty status at the premises of his employer, including breaks. For purposes of this section the term "break" shall include all temporary relief from duty status during the employee's work period. No employee required to obtain an employee identification card shall display same at any time except on duty status at the premises of his employer.
- (k) Employees of licensees in good standing on the effective date of the ordinance from which this article was derived who will be required to obtain an employee identification card shall be issued such a card without charge or investigation as required by this section. The card shall be valid for a period of two years and shall be renewed on or before its expiration.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-155. - Continuation of existing cards.

All licensees for consumption on the premises in good standing on the effective date of the ordinance from which this article was derived shall submit to the police department a list of the names, addresses and telephone numbers of present employees who will be involved in selling, serving, taking orders for or handling alcoholic beverages and therefore requiring an employee identification card.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-156. - Employees restricted.

No licensee shall knowingly employ on any licensed premises, in any capacity whatsoever, any person who has been convicted within the preceding ten years of any crime involving moral turpitude.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Secs. 4-157—4-180. - Reserved.

ARTICLE VI. - BREAKING PACKAGE OR DRINKING ON PREMISES^[2]

Footnotes:

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State Law reference— Breaking of packages or drinking of contents on premises prohibited, O.C.G.A. § 3-3-26.

Sec. 4-181. - Prohibited.

It shall be unlawful for any person to open or consume any alcoholic beverages on premises licensed for the sale of alcoholic beverages by the package.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Secs. 4-182—4-200. - Reserved.

ARTICLE VII. - CONSUMPTION ON THE PREMISES

Sec. 4-201. - Eligibility for license—Restricted.

Any type consumption-on-the-premises license may be granted only to a restaurant, as defined under section 4-202; a supper club as defined under section 4-203; a private club, as defined under section 4-204; a wine and craft beer boutique as defined under section 4-205; a farm winery as defined under section 4-215; and a brewery as defined under section 4-205.1.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-202. - Eligibility for license—Restaurant.

In order to be eligible for a pouring or limited pouring consumption-on-the-premises license, a restaurant shall be defined as follows:

- (1) Be used and held out to the public as a place where meals prepared on the premises are regularly served to the public for adequate pay each day the establishment is open for business;
- (2) Contain one or more public dining rooms, with adequate and sanitary kitchen facilities and staff to prepare, cook and serve suitable food for its guests;
- (3) Have staff available to serve meals prepared on the premises during any time the establishment is open for business;
- (4) Have a valid county health department food service permit and any other applicable local, state or federal permits, licenses, etc., required for food service establishments;
- (5) Have at least 50 percent of its total sales comprised of the sale of food prepared on the premises and nonalcoholic beverages consumed on the premises; and for this purpose, if a restaurant makes a minimum charge, cover charge, or admission charge, or any other nonfood or nonalcoholic beverage charge, the amount so charged shall not be counted in computing total sales and shall not be counted as a food or beverage sale;
- (6) Have a permanent seating capacity, at tables, not counting bar stools, of at least 50 persons;
- (7) Provide live entertainment, including, but not limited to, bands, orchestras, singers, dancers, actors, performers, musicians or related live entertainment no more than two days in any week.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-203. - Eligibility for license—Supper clubs.

In order to be eligible for a pouring or limited pouring consumption-on-the-premises license, a supper club shall be defined as follows:

- (1) Be used and held out to the public as a place where meals prepared on the premises are regularly served to the public for adequate pay each day the establishment is open for business,
- (2) Have adequate and sanitary kitchen facilities and staff to prepare, cook, and serve suitable food for its patrons;
- (3) Have staff available to serve meals prepared on the premises during any time the establishment is open for business;
- (4) Have a valid county health department food service permit and any other applicable local, state or federal permits, licenses, etc., required for food service establishments;
- (5) Have at least 50 percent of its total sales comprised of the sale of food prepared on the premises and nonalcoholic beverages consumed on the premises, and for this purpose, if a supper club make a minimum charge, cover charge, or admission charge, or any other nonfood charge, the amount so charged shall not be counted in computing total sales and shall not be counted as a food or beverage sale;
- (6) Have a permanent seating capacity, at tables, not counting bar stools, of at least 100 persons;
- (7) Be arranged and maintained such that all seating is open and unobstructed to the view of other persons in the facility;
- (8) Provide live entertainment including, but not limited to, bands, orchestras, singers, dancers, actors, performers, musicians or related live entertainment for more than two days in any week.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-204. - Eligibility for license—Private clubs.

- (a) In order to be eligible for a pouring or limited pouring consumption-on-the-premises license, a private club must be a veteran's organization, fraternal organization or other nonprofit organization all of which must be nationally chartered and maintaining a tax-exempt status under either the United States Internal Revenue Code or the state income tax law and:
 - (1) The local chapter has been in existence at least one year prior to the filing of its application for a license;
 - (2) Have at least 75 regular dues-paying members;
 - (3) Be organized and operated exclusively for pleasure, recreation, and other non-profitable purposes;
 - (4) Own, hire, or lease a building or space within a building for the reasonable use of its members, which building or space:
 - a. Has suitable kitchen and dining room space and equipment;
 - b. Is staffed with a sufficient number of employees for cooking, preparing, and serving meals for its members and guests; and
 - c. Has no member, officer, agent, or employee directly or indirectly receiving in the form of salary or other compensation any profits from the sale of alcoholic beverages beyond a fixed salary.
- (b) For purposes of subsection (a)(4) c. of this section, the term "fixed salary" means the amount of compensation paid any member, officer, agent, or employee of a private club as may be fixed for him by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include any commission or any profits from the sale of alcoholic beverages.
- (c) No alcoholic beverage license shall be granted to a private club organized or operated primarily for the selling or serving of alcoholic beverages.
- (d) Private clubs licensed under the provisions of this section shall not be required to maintain the percentage sale of food/nonalcoholic beverages as compared to alcoholic beverages, however, any such organization shall be subject to all chapter regulations dealing with general licensing and consumption on the premises.
- (e) Records supporting the organization's nonprofit tax-exempt status shall, at all times, be open for inspection by an authorized agent of the city.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-205. - Eligibility for license—Wine and craft beer boutique.

In order to [be] eligible for a limited pouring consumption-on-the-premises license a wine and craft beer boutique shall be defined as follows:

An establishment within the specific districts within the city designated by ordinance open to the public offering sales under a limited pouring license and not required to offer meals prepared on the premises. The purpose of the establishment will be to promote tourism through the sales and promotion of Georgia and other fine wines as well as craft beer. The establishment must meet all the following requirements:

- (1) The designated districts include:
 - a. The downtown overlay zoning district;
 - b. The designated commercial area of the Mirror Lake Planned Unit Development;

- c. Other districts which may be designated by the mayor and council to promote tourism in the city.
- (2) An establishment in the specified districts, with only one such facility located within 750 feet of another such facility.
- (3) No distilled spirits may be offered for sale in any form.
- (4) Must have a seating capacity of table seating for a minimum of 25 people not including bar seating and must have seating that is open and unobstructed to the view of other persons in the facility.
- (5) Smoking shall not be permitted inside the boutique.
- (6) Must be located in a commercial space, no residential buildings.
- (7) Hours of operation on Friday and Saturday shall not exceed 12:00 midnight with the last service by 11:30 p.m. On Sunday through Thursday hours of operation shall not exceed 11:00 p.m. with the last service by 10:30 p.m.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-205.1. - Same—Brewery.

- (a) Breweries must comply with all applicable city, state and federal license requirements.
- (b) Breweries must pay all applicable state, city and county taxes.
- (c) Breweries may offer free tastings of malt beverages produced or manufactured on-site and educational and promotional tours during normal business hours in accordance with state law.

Sec. 4-206. - Ratio of alcoholic, nonalcoholic sales, statement of sales.

- (a) Should the total sales from food and nonalcoholic beverages reported by any licensee for consumption on the premises not equal those from the sale of all alcoholic beverages for any two consecutive reporting periods, the license may be suspended or revoked by the mayor and city council after a hearing, as provided for in section 4-34.
- (b) In addition to the reporting requirements detailed in section 4-104, the city manager may require that a licensee furnish a statement from a certified public accountant that reports the percentage of the licensee's total sales derived from the sale of food and nonalcoholic beverages sold on the premises compared to the sale of all alcoholic beverages sold on the premises in the licensee's most recent reporting period.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-207. - Illumination of premises, location of sale restricted.

- (a) All restaurants and supper club areas, including all tables, booths, and other areas where customers are served and including all passageways for customers, shall be sufficiently well illuminated so that they may be viewed by those inside the premises.
- (b) The sale of alcoholic beverages in any back room or side room, which is not open to the general public, is prohibited, except that this prohibition shall not apply with respect to:
 - (1) Private parties which have been scheduled in advance.

- (2) Room service to hotel guests in their hotel rooms, provided a properly licensed restaurant or supper club is located on the premises.
- (3) Private clubs.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-208. - Prohibited activities by employees.

- (a) It shall be unlawful for any employee of a restaurant, supper club, or private club to engage in the following:
 - (1) Dance or sit with customers on the premises while on duty status, including "breaks" as defined in section 4-154(j);
 - (2) Allow any customer to purchase food or drink, alcoholic or nonalcoholic, for an employee while on duty status, including "break periods" as defined in section 4-154(j);
 - (3) For an employee to consume or simulate the consumption of any alcoholic beverage while on duty status at the premises of his employer, including "breaks" as defined in section 4-154(j);
 - (4) Require, permit, suffer, encourage or induce any employee or person to solicit at the licensed premises for himself or for any person other than the patron and guest of the patron, the purchase by the patron of any drink, whether alcoholic or nonalcoholic; or money with which to purchase same; nor shall any licensee pay a commission or any other compensation to any person frequenting his establishment or to his agent or manager to solicit for himself, or for any other, the purchase by the patron of any drink, whether alcoholic or nonalcoholic.
- (b) For purposes of this section the term "employee" shall also apply to performers, dancers, entertainers, musicians engaged in temporary work, as well as regular employees.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-209. - Purchase of stock limited.

Licensees under this article shall purchase distilled spirits in sizes of one liter or larger unless a particular brand is not packaged in these size containers in which case the licensee may purchase such brand in the nearest size to such containers.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-210. - Hours of sale.

Consumption on the premises licensees may engage in the sale and service of alcoholic beverages only between the hours of 7:00 a.m. and 1:30 a.m., Monday through Saturday, and between the hours of 12:30 p.m. and 12:00 midnight on Sunday. Alcoholic beverages purchased and served prior to 1:30 a.m., Monday through Saturday, may be consumed on the premises until 2:00 a.m. Alcoholic beverages purchased and served prior to 12:00 midnight on Sunday may be consumed on the premises until 12:30 a.m.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-211. - Dancing on premises restricted.

Patron dancing shall be permitted at facilities licensed for consumption-on-the-premises sales only where:

- (1) Adequate space exists;
- (2) All fire and safety regulations are met;
- (3) Prior approval of the chief of police and the chief of the fire department have been obtained.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-212. - Removal of beverages prohibited.

- (a) Except as may be specifically permitted by state law [O.C.G.A. § 3-6-4], all alcoholic beverages sold by consumption-on-the-premises licensees shall be consumed only on the licensed premises. It shall be unlawful for any person to remove from the licensed premises any alcoholic beverages sold for consumption on the premises. Each licensee shall be responsible for ensuring that no person so removes any alcoholic beverages from the premises in any type of container.
- (b) Each consumption-on-the-premises licensee shall post in a prominent place at each exit from the licensed premises a sign in substantially the following form:

"It is a violation of city ordinance to take any type alcoholic beverage from this outlet."

Such sign shall be printed in uniform letters not less than one inch in height.

- (c) Unless permitted by city ordinance, it shall be unlawful for any person to drink or have in his possession an open container of any alcoholic beverage:
 - (1) On any public street, sidewalk, park or other public place within the city, or upon or within any motor vehicle on the streets, sidewalks, parks and public places of the city; or
 - (2) While on private property, open to public view, without the express permission of the owner, agent or person in lawful possession thereof.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-213. - Prohibited practices.

- (a) No consumption-on-the-premises licensee shall engage in any of the following practices:
 - (1) The giving away of any alcoholic beverages in conjunction with the sale of any other alcoholic beverages;
 - (2) The sale of two or more alcoholic beverages for a single price or the sale of all the alcoholic beverages a customer can or desires to drink;
 - (3) The sale or serving of two or more alcoholic beverages at substantially the same price customarily charged for one such alcoholic beverage;
 - (4) Requiring or encouraging the purchase of second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased or before the first such beverage has been consumed;
 - (5) Sponsoring, conducting, or allowing contests or promotions which have as their primary purpose the increasing of the consumption of alcoholic beverages on the premises.

- (b) This section shall not apply with respect to private functions not open to the public with respect to which the licensee has agreed to the use of the licensee's establishment by a person for a set period of time for a valuable consideration.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-214. - Brown bag establishments prohibited.

Brown bag establishments as defined in this chapter shall be prohibited within the city.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-215. - Sale by farm wineries.

A farm winery may sell its wine and the wine of any other state farm winery licensee at retail in a tasting room or other facility on the premises of the winery for consumption on the premises and in closed packages for consumption off the premises and to sell its wine and the wine of any other state farm winery licensee at retail for consumption on the premises and in closed packages for consumption off the premises in tasting rooms at a location within the city that is one of the five additional locations in the state authorized by O.C.G.A. § 3-6-21.1(b), but only if the annual production of wine by the farm winery is made in state in accordance with the source of berries, fruits or grapes as provided by the laws of the state and the rules and regulations of the state department of agriculture.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-216. - Licenses for farm wineries.

The alcoholic beverage licenses which may be issued to farm wineries under this chapter are:

- (1) *Wholesaler of farm winery production.* A farm winery shall be granted a wholesale license for sale and distribution as provided by O.C.G.A. § 3-6-21.1. Such license shall be issued upon application and payment of established fees and upon presentation of a receipt for payment of the state annual license tax as provided by the referenced code provisions in this section.
- (2) *Retail package sales of wine.* Each retail package sales license shall require that all sales shall be by and through the farm winery tasting room at the site for which said license is issued.
- (3) *Retail sales of wine.* Each license for retail sales of wine and malt beverages for consumption on the premises shall require that all consumption shall be at the farm winery site for which said license is issued. This site shall include any wedding or dining facilities associated with the farm winery.
- (4) *Multiple farms winery licenses.* A farm winery may apply for and, if approved, may be issued multiple farm winery licenses. At the primary farm winery facility where the wine is produced, such site may be licensed for wholesale, package retail sales and on-premises consumption. For any site other than the primary farm winery facility where the wine is produced, up to the maximum number of such sites as may be permitted by state statute, such site may be licensed for package retail sales and on-premises consumption. The license created in accordance with this article shall be limited to farm winery tasting rooms licensed by the state in accordance with O.C.G.A. § 3-6-21.1 et seq., and the licensee shall be permitted to perform only acts allowed in accordance with such statutes. No license is hereby created authorizing any other use.
- (5) *Alternate provision.* The first license at any site shall have a cost equal to the cost of a city alcoholic beverage license at the time of the application. Any license for two or more categories of sale shall require payment of the additional license fees as provided in the city fee schedule.

- (6) *Ratio of sales.* There shall be no specified or required ratio of alcohol sales to any other income for winery operations. Farm wineries shall operate on such days and hours as are provided by the Georgia Farm Winery Act, O.C.G.A. § 3-6-21.1 et seq., as amended from time to time and by the terms of this chapter for sale by consumption on the premises.
- (7) *Renewals.* All applications for renewal of a farm winery license or licenses shall be accompanied by a copy of the current state license. Failure to present a valid copy of a current and valid state license will result in a refusal to renew license. Timely application for renewal is determined by the date on which a complete and proper application has been submitted.
- (8) *Premises consumption.*
 - a. A farm winery may apply for a license for on-premises consumption of distilled spirits under the terms as provided under this chapter, retail sales of distilled spirits for consumption on the premises.
 - b. A farm winery may apply for a license for on-premises consumption of wine and malt beverages (not produced under the Georgia Farm Winery Act, O.C.G.A. § 3-6-21.1 et seq.) under the terms as provided under this chapter, retail sales of malt beverages and wine for consumption on the premises.
- (9) *Compliance with article.* All alcoholic beverage sales other than farm winery sales shall be in accordance with all terms of this chapter.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Secs. 4-217—4-236. - Reserved.

ARTICLE VIII. - GROWLERS

Sec. 4-237. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ancillary growler license means the document issued by the city which allows under certain conditions, the filling of reusable containers commonly referred to as growlers on the premises of the licensee directly or vicariously through employees (permittees) who have proper permits issued hereunder or under the city alcoholic beverage code.

Approved closure means a cork, stopper or twist-type closure.

Beer or malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other product, or any combination of such products in water containing not more than six percent alcohol by volume and including but not limited to ale, porter, stout, lager beer, small beer, and strong beer. Also included are beverages known as "non-alcoholic" beer, which is made by fermentation of any infusion or decoction of barley, malt, hops or other products, and containing less than three percent, but more than 0.1 percent alcohol by volume. The term "malt beverage" does not include sake, known as Japanese rice wine.

Growler means a properly sanitized reusable non-plastic container capable of holding no less than 32 fluid ounces nor no more than 64 fluid ounces and which shall be capable of being sealed with an approved closure type at the time of purchase for off premises consumption of the contents thereof.

License or primary license means the document issued by the city pursuant to section 4-25 which allows under certain conditions, the package sale of beer or wine on the premises of the licensee directly or vicariously through employees.

Licensee means the individual to whom a license for the package sale of beer or wine is issued under section 4-25. In the case of a partnership, limited liability company or corporation, all partners, officers and directors of the partnership or corporation are licensees.

Permittee means any individual to whom a pouring permit is issued for the dispensing of malt beverages or beers in establishments licensed for the filling of reusable containers commonly referred to as growlers on the premises of the licensee.

Person means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public.

Pouring permit means an authorization granted by the city to fill reusable containers commonly referred to as growlers on the premises of the licensee. Valid pouring permits issued under section 4-154 shall also be valid for the purposes of this article.

Premises means one room or more all contiguous in nature operating under the same trade name and which share a common entrance.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-238. - Ancillary growler license required.

Any applicant for or holder of a valid retail package beer and wine license (primary license) in the city shall also be eligible for an ancillary growler license upon approval of the primary license and payment of an additional regulatory fee in the amount of \$200.00 annually. The regulatory fee shall be paid upon original application and upon each renewal application and shall be in addition to any other fees associated with the applicant's mandatory primary license.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-239. - Regulations.

- (a) Growlers may only be filled by individuals possessing valid city pouring permits and may only be filled with malt beverages or craft beers from kegs procured from duly licensed wholesalers.
- (b) It shall be the responsibility of the individual or entity filling the growler to sanitize such growler prior to filling. The licensee must comply with the state department of agriculture's General Rules 40-7-1.40 requiring a "contamination free" transfer process for beverages and the use of washed, rinsed and sanitized growler fill tubes, which must be cleaned between each use and must comply with the state department of agriculture's best management practices for growler refilling.
- (c) Each growler must be securely sealed and removed from the premises in its original sealed condition utilizing an approved closure. At the time of the sale and/or refilling, a paper or plastic adhesive band, strip, or sleeve shall be applied to the container and extend over the top of the approved closure forming a tamper evident seal that must be broken upon opening of the container. The adhesive band, strip, or sleeve shall bear the name and address of the business filing the growler and the container must be displayed prominently on the container.
- (d) The licensee must comply with all federal and state laws and regulations regarding packaging and labeling alcoholic malt beverages. Each growler filled with a malt beverage or craft beer must contain the following warning which may be printed on the paper or plastic adhesive band, strip or sleeve that is applied to the container after filling or which may be affixed separately to the container on a preprinted label as follows:

"GOVERNMENT WARNING: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of

alcoholic beverages impairs your ability to drive a car or operate machinery and may cause health problems."

- (e) Establishments licensed to fill growlers shall be authorized to offer without charge, samples of malt beverage or craft beer to patrons over the age of 21 years. Samples shall not exceed two ounces in volume nor shall any one individual be offered more than four samples within a 24-hour period. It shall be the responsibility of the licensee and any employee of the licensee to comply with the identification requirements of this chapter prior to filling a growler or supplying a sample to a patron to ensure the patron is of legal age to purchase and consume alcohol.
- (f) The filling of growlers by means of a tapped keg when properly dispensed by a permitted employee of a licensed retailer under the provisions of this article shall not constitute the breaking of a package as contemplated by O.C.G.A. § 3-3-26 or any other provision of any ordinance regulating the sale of package beer and wine in the city.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Secs. 4-240—4-260. - Reserved.

ARTICLE IX. - EXCISE TAXES

DIVISION 1. - GENERALLY

Sec. 4-261. - Tax imposed.

- (a) There is imposed by the city an excise tax on the first sale or use of malt beverages in the city, as follows:
 - (1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container containing not more than 15 and one-half gallons and a proportionate tax at the same rate on all fractional parts of 15 and one-half gallons.
 - (2) Where malt beverages are sold in bottles, cans or other containers, except barrel or bulk containers, a tax of \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.
- (b) There is imposed by the city an excise tax on the first sale or use of wine in the city at a rate of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.
- (c) There is imposed by the city an excise tax on the first sale or use of distilled spirits in the city at the rate of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.
- (d) The excise taxes provided for in this section shall be imposed upon and paid by the licensed wholesale dealer. Such taxes shall be paid on or before the 20th day of the month following the month in which the alcoholic beverages are sold or disposed of by the wholesaler within the city. The tax shall be remitted on forms prescribed by the city manager.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Secs. 4-262—4-280. - Reserved.

DIVISION 2. - MIXED DRINKS

Sec. 4-281. - Imposition.

There is imposed upon the sale of mixed drinks in the city a tax in the amount of three percent of the purchase price of the mixed drinks to the consumer. Each licensee shall be allowed a deduction of three percent of the amount of taxes collected as reimbursement for the collecting of such taxes, provided that such tax is not delinquent at the time of payment. A record of each sale will be made in writing and maintained for inspection by any authorized agent of the city.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-282. - Collection.

Every consumption-on-the-premises licensee shall collect the tax imposed by this article from purchasers of mixed drinks. The licensee shall furnish such information as may be required by the city manager to facilitate the collection of the tax. In all cases where the purchase is deferred payment or credit, the licensee becomes liable for the collection and payment of the tax at the time of delivery of the mixed drink to the purchaser. The tax shall be remitted on forms prescribed by the city manager.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-283. - Dealers' returns as to gross proceeds of sales and purchases; granting of extensions.

- (a) Each dealer, on or before the twentieth day of each month, shall transmit returns to the city manager showing the gross sales and purchases arising from all sales and purchases taxable under this article during the preceding calendar month. The returns required by this subsection shall be made upon forms prescribed, prepared, and furnished by the city manager.
- (b) The city manager, in his discretion, may grant extensions, upon written application, to the end of the calendar month in which any return is due under this Code section.
- (c)
 - (1) Failure to file a timely return shall result in the loss of vendor's deduction for collection. There shall be a penalty of five percent per month and a one percent per month charge for interest until the debt is paid in full.
 - (2) Delinquent returns over 30 days shall result in a revocation of the alcohol license issued by the City of Villa Rica.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Secs. 4-284—4-299. - Reserved.

ARTICLE X. - WINE TASTING

Sec. 4-300. - Permit required; regulations.

A wine-tasting permit for purposes of this section shall be limited to a person possessing a current license from the city for the sale of wine by the package and a valid current wine license from the state.

- (1) No wine tasting shall be conducted on the premises of any place of business licensed to sell distilled spirits in the unbroken container. Any wine tasting occurring on the premises of a business possessing a license to sell wine by the package shall be limited to an area that is

separated from the retail area of the premises by walls or other partitions that prohibit pedestrian traffic through the wine tasting area.

- (2) An eligible licensee may petition the city for a wine-tasting permit provided it meets all requirements of this chapter and presently maintains a valid license for the sale of wine by the package issued by the city. A wine-tasting permit shall allow the permittee to offer or sell wine samples in connection with an instructional or educational promotion. A wine-tasting permit is intended to allow such activity on a limited basis and shall not be a part of the core operations of such establishment or occur on a daily basis.
- (3) A wine-tasting permittee shall be subject to all laws, rules and regulations of the city and state, including Rule 560-2-5-.05 of the state department of revenue, alcohol and tobacco division, and shall be subject to permit revocation for violation thereof.
- (4) Said wine-tasting permit need only be applied for once and shall automatically renew when said license to sell wine by the package is renewed; provided, however, that the city may revoke or suspend such wine-tasting permit and/or impose such conditions on its operation at the city's discretion for violation of this Code or in furtherance of the health, safety, and welfare of the city's inhabitants.
- (5) The one-time fee for application for the wine-tasting permit shall be equal to the established fee for applications for wine package sales. The wine-tasting permit shall be approved by the city manager or his designee.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Secs. 4-301—4-317. - Reserved.

ARTICLE XI. - ALCOHOL CATERING

Sec. 4-318. - Authority to sell; license required.

It shall be unlawful for any person to engage in, carry on or conduct the sale or distribution of alcoholic beverages off-premises and in connection with a catered event or function without first having obtained an alcoholic beverage catering license.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-319. - Eligibility for license.

- (a) Applicants for an alcoholic beverage caterer's license to sell wine and/or beer and malt beverage and/or distilled spirits for consumption off-premises in conjunction with an authorized catered function at facilities authorized for special event activities must also possess a valid license issued by the city and the state for the retail sale for consumption on-premises of the same alcoholic beverages.
- (b) A licensed alcoholic beverage caterer may only sell that which is authorized by his alcoholic beverage license. For example, if the alcoholic beverage caterer possesses a valid license to sell malt beverages, he may only sell malt beverages at the authorized catered event or function.
- (c) Those employed by a licensed alcoholic beverage caterer to dispense, serve, sell or handle alcoholic beverages must adhere to employee regulations as stated in this article.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-320. - License fees.

- (a) Each applicant shall pay a license fee of \$500.00 per year.
- (b) The license will be valid for the period of no longer than one year. The alcoholic beverage caterer shall apply for a new license annually in the same manner as the original period.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)

Sec. 4-321. - Copy of license; sale without licenses; separate application and separate license required for each place of business.

- (a) A copy of the license shall be kept in the vehicle transporting the alcoholic beverages to the catered event or function and shall be available for inspection at the catered event or function during the duration of such event or function.
- (b) No alcoholic beverage caterer may distribute or sell alcoholic beverages during any hours prohibited in the city.

(Ord. No. 22-16-CCO, § 2(Att.), 10-4-2016)