



CITY OF JONESBORO
Regular Meeting
170 SOUTH MAIN STREET
November 14, 2016 – 6:00 PM

NOTE: As set forth in the Americans with Disabilities Act of 1990, the City of Jonesboro will assist citizens with special needs given proper notice to participate in any open meetings of the City of Jonesboro. Please contact the City Clerk's Office via telephone (770-478-3800) or email at rclark@jonesboroga.com should you need assistance.

Agenda

- I. CALL TO ORDER**
- II. ADMINISTRATION OF OATH OF OFFICE FOR COUNCILMAN ALFRED DIXON - MAYOR JOY B. DAY**
- III. ROLL CALL - RICKY L. CLARK, JR., CITY ADMINISTRATOR**
- IV. INVOCATION**
- V. PLEDGE OF ALLEGIANCE**
- VI. PRESENTATIONS**
- VII. PUBLIC HEARING**
 - A. Public Hearing regarding zoning appeal (16ZA-003) as filed by Farid Khan of "The Money Services" for business located at 8596 Tara Blvd.
 - B. Public Hearing Map Amendment #16MA-003, rezoning of property located at 163 North Avenue from Highway Commercial (C-2) to Office and Institutional (O-I) & to also rezone property located at 511 Fayetteville Road from Single Family Residential (R-2) to Office and Institutional (O-I).
 - C. Public Hearing regarding Variance Application #16VAR003 as requested by LIDL US Operations at property located at 8155 Tara Boulevard.
 - D. Public Hearing regarding establishing the millage rate of 1.5 for FY 2016.
- VIII. PUBLIC COMMENT - PLEASE LIMIT TO 3 MINUTES**
- IX. NEW BUSINESS**

- A. Council to consider zoning appeal (16ZA-003) as filed by Farid Khan of "The Money Services" for business located at 8596 Tara Blvd.
- B. Council to consider Map Amendment #16MA-003, rezoning of property located at 163 North Avenue from Highway Commercial (C-2) to Office and Institutional (O-I) & to also rezone property located at 511 Fayetteville Road from Single Family Residential (R-2) to Office and Institutional (O-I).
- C. Council to consider Variance Application #16VAR003 as requested by LIDL US Operations at property located at 8155 Tara Boulevard.
- D. Council to consider Resolution establishing the millage rate of 1.5 for FY 2016.
- E. Council to consider West Mill Street Construction Project.
- F. Discussion regarding city-wide burn ban.

X. REPORT/ANNOUNCEMENT FROM MAYOR/CITY CLERK

XI. REPORT OF COUNCILMEMBERS

XII. OTHER BUSINESS

Executive Session to discuss personnel, pending/potential litigation & real estate acquisition.

XIII. ADJOURNMENT



CITY OF JONESBORO, GEORGIA COUNCIL
Agenda Item Summary

Agenda Item #

9.A

- A

COUNCIL MEETING DATE
November 14, 2016

Requesting Agency (Initiator)

Office of the City Administrator

Sponsor(s)

Requested Action (Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)

Council to consider zoning appeal (16ZA-003) as filed by Farid Khan of "The Money Services" for business located at 8596 Tara Blvd.

Requirement for Board Action (Cite specific Council policy, statute or code requirement)

Sec. 86-109. - Tara Boulevard Overlay.

Is this Item Goal Related? (If yes, describe how this action meets the specific Board Focus Area or Goal)

Yes

Community Planning, Neighborhood and Business Revitalization

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

History:

The applicant is seeking to house a money services facility in the property located at 8596 Tara Blvd. The subject property contains approximately 1043.00 square footage, according to the Clayton County Property Card. Our Occupational Tax records, the property has been vacant for about 10 years and was formally home of the USA Payday Cash Advance Center. Upon application to the Zoning Administrator to utilize this property for a Money Services Facility, the applicant was denied as the use was not permitted in the Tara Boulevard Overlay District. Subsequent to the denial of the money service center, the applicant also completed a zoning verification to house a rental car facility at this location. This particular request was approved. If approved, the rental car facility would also house the money services center. (See table below).

NAICS Code	USES	R-2	R-4	R-C	R-A	RM	H-1	H-2	O&I	MX	C-1	C-2	M-1	Code Section
522390	Other Activities Related to Credit Information	N	N	N	N	N	P	P	N	P	N	P	N	

H-1 historic district.

Purpose of district. The purpose of the Tara Boulevard Overlay District is to implement the policies of the mayor and council as adopted in the City of Jonesboro Comprehensive Plan. Uses permitted in the Tara Boulevard Overlay District shall be as allowed in the underlying zoning district, and any use prohibited or subject to conditional use approval in the underlying zoning district is similarly prohibited or subject to conditional use approval in the overlay, except as specified below:

The following uses shall be prohibited in the Tara Boulevard Overlay District:

522298 Pawn shop, including title pawn, both as defined in O.C.G.A. § 44-12-130(5);

522390 Check cashing services in which such services are the primary use of the property;

812990 Bail bonding;

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky Clark, City Administrator

Date

November, 14, 2016

Signature

City Clerk's Office

561320 Temporary help services;
 561491 Repossession services;
 44112 Used car dealers;
 48841 Motor vehicle towing and storage;
 81219 Tattoo parlors;
 713990 Billiard halls;
 Adult entertainment;
 5321 Automotive equipment rental and leasing;
 Palm readers and astrologers;
 Modeling agencies;
 Massage parlors;
 Hypnotists;
 Video game parlors;
 Flea markets.

The use is permitted in the C-2 District; however, the Tara Boulevard Overlay District specifically excludes this use. Based upon our Code, an applicant can appeal my decision under Article XI of the Zoning Code (Appeals and variances). This would not be considered a variance because 86-344(6) provides that "[n]o variance may permit a use of land, buildings or structures not permitted by right in the district involved." Since his appeal would be of a use of land that is nonpermitted, a variance would not be allowed. The applicant is required to go through an appeal hearing before mayor & council as set forth in Article XI, Section 86-344:

Sec. 86-344. - Procedures.

Applications for a public hearing and decision on variances and administrative appeals shall be filed with the city clerk on forms provided by the city a minimum of 30 days prior to the hearing at which such applications will be heard. Each application shall contain such information as the city clerk may require sufficient to enable mayor and council to render a decision. No submitted application may be amended following public notice of the application; however, mayor and council may allow such application to be amended during the public hearing.

An appeal to mayor and council may be brought by any person having a substantial interest in any decision of the code enforcement officer or by any officer, department, board or agency of the city affected by any decision of the code enforcement officer pursuant to enforcement of this chapter. Such appeal shall be filed within ten business days following notice of the decision being appealed by filing a written notice of appeal with the code enforcement officer and specifying the grounds, thereof. The code enforcement officer shall forthwith transmit to the secretary of the mayor and council all the documents related to the decision being appealed.

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

Application Fee - \$700.00

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- 16ZA-003- Zoning Appeal Application - 8596 Tara Blvd
- 8596 Tara Blvd - Zoning Appeal - Application Acceptance

- Zoning Appeal - 8596 Tara Blvd - Legal Notice (Horizon Rental Car)

9.A

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Denial



CITY OF JONESBORO
 124 North Avenue
 Jonesboro, Georgia 30236
 City Hall: (770) 478-3800
 Fax: (770) 478-3775
 www.jonesboroga.com

ZONING APPEAL

PROCEDURE:

Date: 10-24-16

Sec. 86-344 An appeal to mayor and council may be brought by any person having a substantial interest in a decision of the code enforcement officer or by any officer, department, board or agency of the city affected by a decision of the code enforcement officer pursuant to enforcement of this chapter. Such appeal shall be filed within 10 business days following notice of the decision being appealed by filing a written notice of appeal with the code enforcement officer and specifying the grounds, thereof. The code enforcement officer shall forthwith transmit to the secretary of the mayor and council all the documents related to the decision being appealed.

Applicant's Information

Name of Applicant: FARID M. KHAN.
 Name of Business: HORIZON RENTAL CAR/TRUCK.
 Property's Address: 8596 TARA BLVD., JONESBORO GA 30236.
 Email Address: Info@horizonrentalcar.com.
 Phone: (Day): 404-557-2100. (Evening): _____

Owner Information

Property Owner (Please Print): MR. SADI SUHWEIL
 Address: 4690 SAGINAW ST. City, State, Zip Lake in the hills, IL 601
 Email Address: Sunnysuhweil@yahoo.com.
 Phone: (Day): 847-961-0224 (Evening): 847-961-0224.

Property Information

Address: 8596 TARA BWD City, State, Zip JONESBORO, GA 302
 Current Use: RENTAL AUTO Current Zoning: C-2
 Legal Description of Property (Please provide as an attachment)

Requirements

Please complete all attached forms, which must be typed or legibly printed; signatures must be Blue Ink. The applicant or his agent must submit the ORIGINAL, SIGNED form to the Zoning Administrator located at City Hall, 124 North Avenue Jonesboro, Georgia.

Plans may or may not be appropriate to an appeal of a decision by a City official. If plans are appropriate, an accurate plan of the property drawn to a maximum scale of 1 inch = 50 feet must be submitted with the application. The plan must show the boundaries of the property, a North arrow, location and size of the property and the location, size height and use of all existing and proposed buildings, yards, driveways and parking areas. Such plans shall also identify the current use of each adjoining property. Please submit a signed, typed or legible printed original application and 7 copies along with 7 sets of plans.

Please explain the specific decision being appealed below. State the jurisdiction for the decision being overturned, citing any ordinance language or other information that supports your position. Attach additional pages as necessary. Please describe the expected outcome of the appeal.

Zoning verification for Money Services.

Reason for filing this appeal is zoning don't approve Money Services Business.

I really think the City needs have need for this kind of Business which really going to help generate more taxes. Previously this location was a bank & after that it was a Money Services place.

I am/will have atleast 4 or 5 employees.

I will beautifully landscapes the property & make it look very beautiful presentable to the City. This property sit on a very busy part of the city.

I have 30 years experience in this business, whole reason I bought this property & I will be there for long time of future & make sure to run this business in very upscale & professional way.

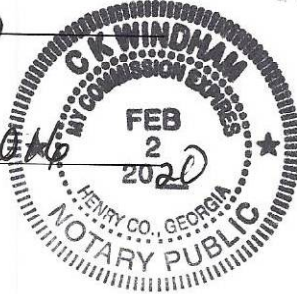
Please allow me & my family to enter into Money Services business in this location & prove you that City will be proud of the way this property will look & do business.

APPLICANT AFFIDAVIT

Personally appeared before me FARID M. KHAN who on oath deposes and says that the above is true to the best of his/her knowledge and belief:

[Signature]
Notary Public

October 24, 2016
Date



[Signature]
Signature of Applicant

FARID M. KHAN
Print Name

157 GLEN EAGLE WAY.
Address

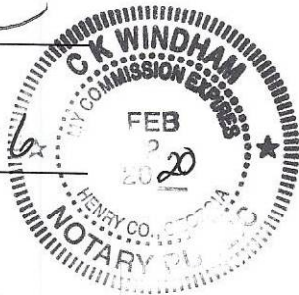
MCDONOUGH, GA 30253.
City, State, Zip

OWNERS AFFIDAVIT

Personally appeared before me Sadi Suhweil who on oath agrees with the above request and states that the information is true to the best of his/her knowledge and belief.

[Signature]
Notary Public

October 24, 2016
Date



[Signature]
Signature of Owner

SADI SUHWEIL
Print Name

4690 Saginaw St.
Address

Lake in the hills, Il 60156.
City, State, Zip

Zoning Administrator

Date

Property address:

8596 Tara Blvd
Jonesboro ga 30236

Owner name:

Sadi Suhweil

4690 Saginaw St

Lake in the hills, IL 60156

Tel # 847-961-0224

Email: Sunnysuhweil@yahoo.com

FILED 31 2005 1651
CLAYTON CO., GA

2005 JUL 27 PM 2:56

Schedule 1

Legal Description

LINDA T. MILLER
CLERK SUPERIOR COURT

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 242 OF THE 13TH DISTRICT OF CLAYTON COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIN ON THE EASTERN LINE OF THE RIGHT OF WAY OF TARA BOULEVARD (ALSO KNOWN AS SOUTH EXPRESSWAY AND AS U.S. HIGHWAY NO. 41), 781.6 FEET SOUTHERLY ALONG SAID RIGHT OF WAY LINE FROM THE SOUTHEASTERN CORNER OF TARA BOULEVARD AND SMITH STREET, AND RUNNING THENCE SOUTH ALONG THE EASTERN RIGHT OF WAY LINE OF TARA BOULEVARD A DISTANCE OF 200 FEET TO AN IRON PIN; THENCE EAST 100 FEET TO AN IRON PIN; THENCE NORTH 200 FEET TO AN IRON PIN; THENCE WEST 100 FEET TO THE IRON PIN ON THE EASTERN LINE OF THE RIGHT OF WAY OF TARA BOULEVARD AT THE POINT OF BEGINNING, AND BEING MORE PARTICULARLY SHOWN ON A PLAT OF SURVEY OF SAID PROPERTY MADE BY W.R. FRANKS, REGISTERED LAND SURVEYOR, DATED DECEMBER 22, 1971. RECORDED DEED YEAR 2001, BOOK 4881, PAGE 001, CLAYTON COUNTY, GEORGIA RECORDS.

	First American Title	Freedom Title & Abstract Co., Inc. 770.931.0430 www.thetitlesite.com	
		ISSUED BY First American Title Insurance Company	
Schedule A (Continued)		POLICY NUMBER	

EXHIBIT A

PARCEL ID 13242D B001A, PIN 13 242D B 001A, ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 242 OF THE 13TH DISTRICT, OF CLAYTON COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIN ON THE EASTERN LINE OF THE RIGHT OF WAY OF TARA BOULEVARD (ALSO KNOWN AS SOUTH EXPRESSWAY AND AS U.S. HIGHWAY NO. 41), 781.6 FEET SOUTHERLY ALONG SAID RIGHT OF WAY LINE FROM THE SOUTHEASTERN CORNER OF TARA BOULEVARD AND SMITH STREET, AND RUNNING THENCE SOUTH ALONG THE EASTERN RIGHT OF WAY LINE OF TARA BOULEVARD A DISTANCE OF 200 FEET TO AN IRON PIN; THENCE EAST 100 FEET TO AN IRON PIN; THENCE NORTH 200 FEET TO AN OIRON PIN; THENCE WEST 100 FEET TO THE IRON PIN ON THE EASTERN LINE OF THE RIGHT OF WAY OF TARA BOULEVARD AT THE POINT OF BEGINNING, AND BEING MORE PARTICULARLY SHOWN ON A PLAT OF SURVEY OF SAID PROPERTY MADE BY W.R. FRANKS, REGISTERED LAND SURVEYOR. DATED DECEMBER 22, 1971. RECORDED DEED YEAR 2001, BOOK 4881, PAGE 001, CLAYTON COUNTY, GEORGIA RECORDS.

09475
00539

EXHIBIT "A"
[Attach Legal Description]

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 242 OF THE 13TH DISTRICT, OF CLAYTON COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN ON THE EASTERN LINE OF THE RIGHT OF WAY OF TARA BOULEVARD (ALSO KNOWN AS SOUTH EXPRESSWAY AND AS U.S. HIGHWAY NO. 41). 781.6 FEET SOUTHERLY ALONG SAID RIGHT OF WAY LINE FROM THE SOUTHEASTERN CORNER OF TARA BOULEVARD AND SMITH STREET, AND RUNNING THENCE SOUTH ALONG THE EASTERN RIGHT OF WAY LINE OF TARA BOULEVARD A DISTANCE OF 200 FEET TO AN IRON PIN; THENCE EAST 100 FEET TO AN IRON PIN; THENCE NORTH 200 FEET TO AN IRON PIN; THENCE WEST 100 FEET TO THE IRON PIN ON THE EASTERN LINE OF THE RIGHT OF WAY OF TARA BOULEVARD AT THE POINT OF BEGINNING, AND BEING MORE PARTICULARLY SHOWN ON A PLAT OF SURVEY OF SAID PROPERTY MADE BY W.R. FRANKS, REGISTERED LAND SURVEYOR, DATED DECEMBER 22, 1971, RECORDED DEED YEAR 2001, BOOK 4881, PAGE 001, CLAYTON COUNTY, GEORGIA RECORDS.

BK 09475 PG 539

12318
FILED
CLAYTON COUNTY, GA

2016 JUN -6 AM 11:04

JACQUILINE D. WILLS
CLERK SUPERIOR COURT

Clayton County, Georgia
Real Estate Transfer Tax
Paid \$ 172.50
Date 6-6 20 16
JACQUILINE D. WILLS
Clerk, Superior Court

After recording, return to:
George C. Childs, Jr.
Attorney at Law
250 Lawrence Street
Marietta, GA 30060

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF CLAYTON

THIS INDENTURE, made this 2nd day of June, 2016, by and between, **L6-CLAYPROP VI, LLC.,** a **Texas Limited Liability Company**, (hereinafter referred to as "Grantor"), and **SADI S. SUHWEIL** (hereinafter referred to as "Grantee"). (The words "Grantor" and "Grantee" when used herein shall include their respective heirs, successors or assigns where the context so requires or permits.)

WITNESSETH:

Grantor, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars, and other good and valuable consideration, paid by Grantee, the receipt and sufficiency of which is hereby acknowledged by Grantor, has bargained, sold and conveyed, and by these presents does bargain, sell and convey unto Grantee:

SEE ATTACHED LEGAL DESCRIPTION MARKED AS "EXHIBIT A" INCORPORATED HEREIN BY REFERENCE

TO HAVE AND TO HOLD the said bargained premises, 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 said Grantee, forever, IN FEE SIMPLE.

And said Grantor will warrant and forever defend the right and title to the above

BK10903PG321

Attachment: 16ZA-003- Zoning Appeal Application - 8596 Tara Blvd (1087 : Zoning Appeal - Horizon Rental Car)

described property unto said Grantee, against the lawful claim of all person whomever.

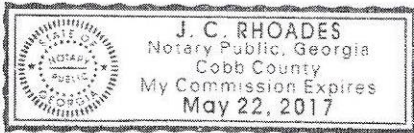
IN WITNESS WHEREOF, the undersigned has caused this Limited Warranty Deed to be signed and sealed, on the day and year first above written.

Richard D. Clay, II
 L6-CLAYPROP VI, LLC
 By: Richard D. Clay, II
 Its: MEMBER

Witness

[Signature]
 Sworn to and subscribed before me
 this 2 day of June, 2016.

[Signature]
 NOTARY PUBLIC



BK 10903PG322

Attachment: 16ZA-003- Zoning Appeal Application - 8596 Tara Blvd (1087 : Zoning Appeal - Horizon Rental Car)

EXHIBIT "A"

ALL THAT TRACT or parcel of land lying and being in Land Lot 242 of the 13th District of Clayton County, Georgia, more particularly described as follows:

BEGINNING at an iron pin on the Eastern line of the right of way of Tara Boulevard (also known as South Expressway and as U.S. Highway No. 41), 781.6 feet southerly along said right of way line from the Southeastern corner of Tara Boulevard and Smith Street, and running thence South along the Eastern right of way line of Tara Boulevard a distance of 200 feet to an iron pin; thence East 100 feet to an iron pin; thence North 200 feet to an iron pin; thence West 100 feet to the iron pin on the Eastern line of the right of way of Tara Boulevard at the POINT OF BEGINNING, and being more particularly shown on a plat of survey of said property made by W. R. Franks, Registered Land Surveyor, dated December 22, 1971.

BK10903PG323

Attachment: 16ZA-003- Zoning Appeal Application - 8596 Tara Blvd (1087 : Zoning Appeal - Horizon Rental Car)



MEMORANDUM

To: Farid M. Khan, applicant
Horizon Rental Car
8596 Tara Blvd
Jonesboro, Georgia 30236

Sadi Suhwell, owner
4690 Saginaw Street
Lake in the Hills, IL 60156

From: Ricky L. Clark, Jr.
City Administrator
124 North Avenue
Jonesboro, GA 30236

Date: October 27, 2016

Re: Notification of Request for a Zoning Appeal – 8596 Tara Blvd

Mr. Khan,

This letter is to serve as notification that the City of Jonesboro has accepted your request to file a zoning appeal for the property located at 8596 Tara Boulevard.

A Public Hearing has been scheduled for Monday, November 14, 2016 before the Jonesboro Mayor and City Council to consider the request as described above. The Jonesboro Mayor and Council will first discuss this item at their next Work Session on Monday, November 7, 2016 . Your presence is strongly recommended.

Both meetings will be held at 6:00 p.m. in the Jonesboro Municipal Court Facility, 170 South Main Street, Jonesboro GA 30236.

Sincerely,

Ricky L. Clark, Jr.
City Administrator

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on November 14, 2016 in the chambers of the Jonesboro Municipal Court facility, 170 South Main Street, Jonesboro, GA, to consider a zoning appeal for property located at 8596 Tara Boulevard, Jonesboro, Georgia 30236.

Applicant – Horizon Rental Car & Truck

Ricky L. Clark, Jr., CMC
Zoning Administrator

Publish 10/29 and 11/2



CITY OF JONESBORO, GEORGIA COUNCIL
Agenda Item Summary

Agenda Item #

9.B

- B

COUNCIL MEETING DATE
November 14, 2016

Requesting Agency (Initiator)

Office of the City Administrator

Sponsor(s)

Requested Action (Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)

Council to consider Map Amendment #16MA-003, rezoning of property located at 163 North Avenue from Highway Commercial (C-2) to Office and Institutional (O-I) & to also rezone property located at 511 Fayetteville Road from Single Family Residential (R-2) to Office and Institutional (O-I).

Requirement for Board Action (Cite specific Council policy, statute or code requirement)

Sec. 86-374

Is this Item Goal Related? (If yes, describe how this action meets the specific Board Focus Area or Goal)

Yes

Community Planning, Neighborhood and Business Revitalization

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

Re-zoning Assessment per Sec. 86-374. - Standards of review for Map Amendments:

- **Relationship to the established land use pattern.** Surrounding properties are as follows: Residential (south), Residential (north), Office & Institutional (west), and Residential (east). Staff feels that it would be in the best interest for the surrounding residential properties to not allow commercial functions within this parcel.
- **Compatibility with comprehensive plan; timing of development.** The property is currently operating as residential structure & a funeral home. Over the years, the structure has been used to operate the Watkins Funeral Home (2009-2016) and the residential unit serving as another facility for repasses, etc. The City's 2025 Future Land Use Map identifies this property for Office/Business uses.
- **Suitability of the zoning proposal.** The proposed use is suitable in terms of zoning and adjacent/nearby property.
- **Impact on public facilities and services; referrals to other agencies.** The City and or County currently has services in place for the site. Services would include: schools, water and sewer utilities, and police and fire protection, and other public agencies or authorities. The City does not foresee any major impacts on the City's public facilities and services.
- **Impact on public financial resources.** The proposed zoning change does not cause any budgetary impacts on the City and other public agencies or authorities. In addition, the proposed zoning change does not cause any issues to the current maintenance plan of public utilities, schools, streets and other public services.
- **Availability of other land suitable for the proposed use.** At this time, a use of the property has not been recommended by the applicant;
- **Impact on neighborhood character.** The site's facility will remain as an office structure. The architectural style, density, scale and dwelling type will be similar as the surrounding homes within the neighborhood. The proposed uses are not offensive to the surrounding properties. Majority of the permitted uses within the Office and Institutional Zoning District are geared

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky Clark, City
Administrator

Date

November, 14, 2016

Signature

City Clerk's Office

toward office use or educational facilities. Other O-I districts in the City are immediately adjacent to Single Family Residential districts as well.

- **Opportunity for economic use of property.** The City may continue to benefit from the current residential use of the property. However, any use that generates a taxable revenue contributes to the City's general fund. It would be beneficial to the City to allow for the property to transition into a business rather than a residence.
 - **Effect on adjacent property.** Although the property owner is currently requesting a change in the zoning of the property, the property has recently served as a business. There are no records of the past businesses causing a detriment to the surrounding properties.
 - **Impact on surrounding property values.** The property owner has recently renovated the property and allowed for an enhancement of the community. With those renovations, the property owner ensured that the renovations were very similar to the original design of the home.
 - **Circumstances peculiar to the context.** There are no conditions or trends that would affect the use and development of the property.
- Environmental impact.** The property does not appear to have any issues with storm drainage, soil erosion and sedimentation, flooding, air quality, loss of natural areas and habitat and water quality and quantity.

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

Exhibits Attached *(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)*

- Application #16MA-003 - 163 North Avenue & 511 Fayetteville Rd
- 511 Fayetteville & 163 North Avenue - Map Amendment Request - Application Acceptance
- Subdivision Plat - 511 Fayetteville & 163 North Avenue

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval



CITY OF JONESBORO

124 North Avenue
Jonesboro, Georgia 30236
www.jonesboroqa.com

MAP AMENDMENT APPLICATION

THE APPLICANT MUST SUBMIT ONE (1) ORIGINAL AND 10 COPIES OF PETITION AND ALL REQUIRED ITEMS. APPLICATIONS ARE DUE TO THE CITY PLANNER BY THE 10TH OF THE MONTH. ALL INFORMATION TO BE PRESENTED TO THE MAYOR AND CITY COUNCIL SHOULD BE ASSEMBLED. THIS APPLICATION WILL NOT BE PROCESSED IF ANY ITEMS ARE MISSING OR IF THE APPROPRIATE FEE DOES NOT ACCOMPANY IT.

LICENSE FEE: \$700.00 IF ADVERTISING FEE EXCEEDS THE \$700.00, YOU WILL BE BILLED ANY ADDITIONAL AMOUNT SPENT ON ADVERTISING.

ANY MISSTATEMENT OR CONCEALMENT OF FACT IN THIS APPLICATION SHALL BE GROUNDS FOR REVOCATION OF THE LICENSE ISSUED AND SHALL MAKE THE APPLICANT LIABLE TO PROSECUTION FOR PERJURY. ALL INFORMATION REQUIRED OF THE APPELLANT MUST BE PROVIDED AND MUST BE PRINTED CLEARLY OR TYPEWRITTEN.

PETITIONER WILL BE NOTIFIED BY CERTIFIED MAIL OF THE SCHEDULED PUBLIC HEARING FOR WHICH HIS/HER APPLICATION WILL BE CONSIDERED.

In addition, please also provide the following:

- ☐ Legal Description of the property for rezoning
- ☐ A plat showing the dimensions, acreage and location of the property prepared by a registered land surveyor whose state registration is current and valid; surveyor's seal shall be affixed to the plat.
- ☐ A conceptual site plan depicting the proposed use of the property
- ☐ A copy of the recorded warranty deed (or other instrument of title) which vests title to the property in the applicant.
- ☐ A copy of the paid in full tax bill or a letter from the City stating that all taxes on the property have been paid.
- ☐ The applicant shall file with the application a letter of intent indicating specifically how the property is to be used. Said letter shall be detailed as necessary to clearly describe the proposed site development.

GENERAL INFORMATION

Name and Address of Appellant Anthony L. Watkins 163 North Avenue
and 511 Fayetteville Road Jonesboro, GA Phone # 678-479-0806

Name and Address of Property Owner Anthony L. Watkins 163 North Avenue
and 511 Fayetteville Road Jonesboro, GA 30236

Location of Property 511 Fayetteville Road Jonesboro, GA 30236

Present Zoning District and use of Property C2 163 North Avenue

Proposed Zoning District and use of Property RS110 511 Fayetteville Road

STANDARDS FOR MAP AMENDMENT

In ruling on any application for a zoning map amendment, Jonesboro's City Council shall act in the best interest of the public health, safety, morals and general welfare. Please complete the following:

- 1.) What is the relationship of the proposed change to the established land use pattern? ONI
- 2.) Is the proposed change compatibility with the City's comprehensive plan and what is the proposed timing of development? Yes
- 3.) What impacts, if any, would the proposed change have on public facilities, services, neighborhood character, environmental impact, public interest, and public financial resources? Employment opportunities
- 4.) What economic opportunities are projected for the property? Employment for Ins Age

5.) To what extent would property values be diminished by the particular zoning restrictions? _

None

6.) To what extent would the destruction of property values, if any, promotes the health, safety, morals, or general welfare of the public? None

7.) What is the relative gain to the public, as compared to the hardship, if any, imposed on the individual property owner? Employment Opportunity

8.) What is the length of time the property, if vacant, has been vacant as zoned? Considered in the context of land development in the areas and the vicinity of the property. None

ATTACHMENT -1-

PROPERTY OWNER'S AUTHORIZATION

The undersigned below, or as attached, is the owner of the property which is subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of an amendment to the property.

I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Clayton County, Georgia.

I hereby depose and say that all above statements and attached statements and/or exhibits submitted are true and correct, to the best of knowledge and belief.

PROPERTY OWNER:

Anthony L. Watkins
PRINT NAME

[Signature]
SIGNATURE/DATE

APPLICANT:

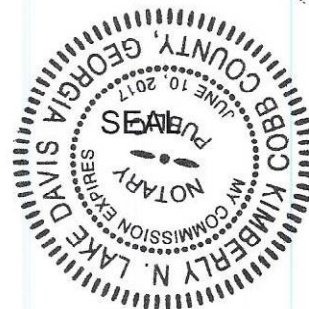
Anthony L. Watkins
PRINT NAME

[Signature]
SIGNATURE/DATE

NOTARY:

[Signature]
SIGNATURE/DATE

10-18-16



Attachment: Application #16MA-003 - 163 North Avenue & 511 Fayetteville Rd (1088 : Map Amendment - Watkins Funeral Home)



MEMORANDUM

To: Anthony Watkins
Watkins Funeral Home
163 North Avenue
Jonesboro, Georgia 30236

From: Ricky L. Clark, Jr.
City Administrator
124 North Avenue
Jonesboro, GA 30236

Date: October 27, 2016

Re: Notification of Request for a Map Amendment – 163 North Avenue & 511 Fayetteville Road

Mr. Watkins,

This letter is to serve as notification that the City of Jonesboro has accepted your request to rezone property located 163 North Avenue from Highway Commercial (C-2) to Office and Institutional (O-I) & to also rezone property located at 511 Fayetteville Road from Single Family Residential (R-2) to Office and Institutional (O-I).

A Public Hearing has been scheduled for Monday, November 14, 2016 before the Jonesboro Mayor and City Council to consider the request as described above. The Jonesboro Mayor and Council will first discuss this item at their next Work Session on Monday, November 7, 2016 . Your presence is strongly recommended.

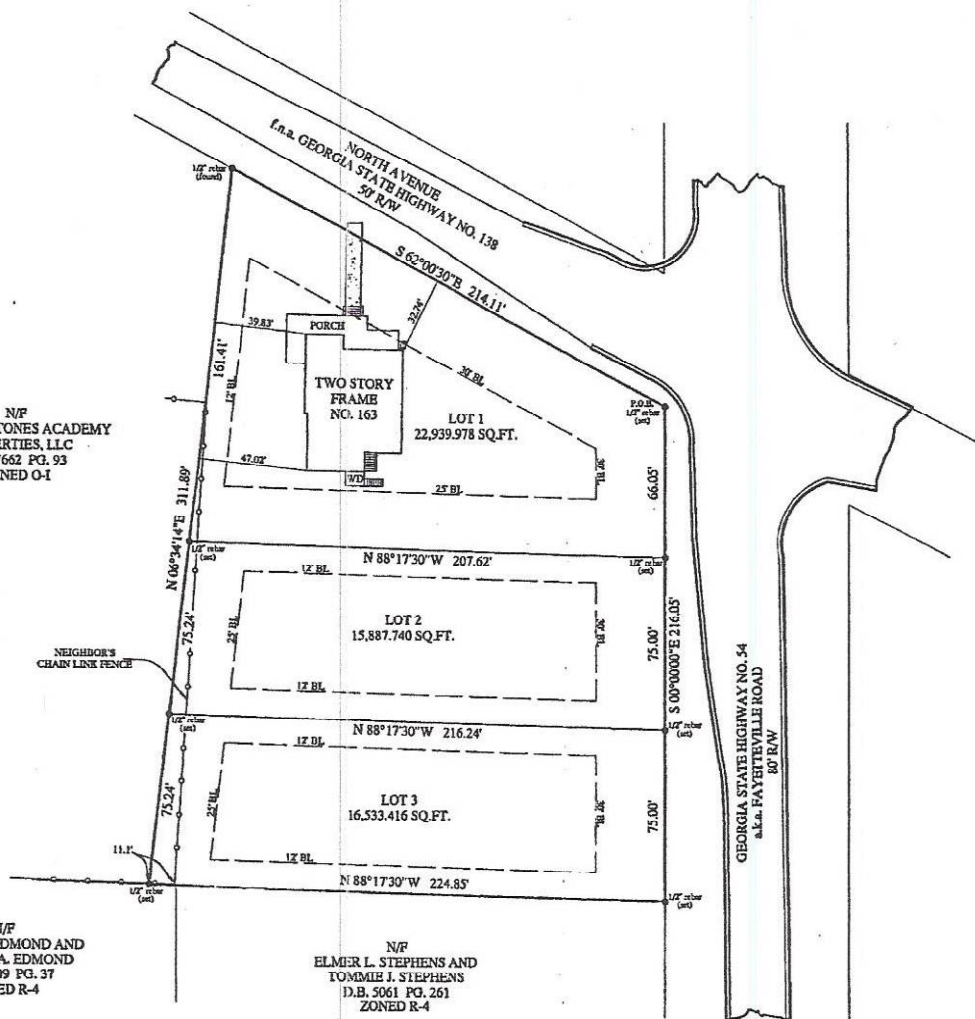
Both meetings will be held at 6:00 p.m. in the Jonesboro Municipal Court Facility, 170 South Main Street, Jonesboro GA 30236.

Sincerely,

Ricky L. Clark, Jr.
City Administrator



N/F
STEPPING STONES ACADEMY
PROPERTIES, LLC
D.B. 7662 PG. 93
ZONED O-1



N/F
DUANE H. EDMOND AND
SABRINA A. EDMOND
D.B. 6409 PG. 37
ZONED R-4

N/F
ELMER L. STEPHENS AND
TOMMIE J. STEPHENS
D.B. 5061 PG. 261
ZONED R-4

GENERAL NOTES:

1. TOTAL SITE AREA - 1.271 ACRES / 55,361.134 SQ. FT.
2. PROPERTY ZONED - R-4
3. SETBACKS:
FRONT - 30'
SIDE - 12'
REAR - 25'
4. MINIMUM LOT SIZE - 10,480 SQ. FT.
5. MINIMUM LOT WIDTH - 75' / 1600
6. MINIMUM FLOOR AREA - 1,400 SQ. FT.
7. MAXIMUM BUILDING HEIGHT - 35'
8. OWNER OF RECORD - RICHARD T. GRIFFIN
D.B. 8303 PG. 673
9. UNLESS OTHERWISE SHOWN, NO UTILITIES LOCATED.
10. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE ABSTRACT, THEREFORE ALL MATTERS OF TITLE ARE EXCEPTED.

LEGEND

P.O.B.	POINT OF BEGINNING
R/W	RIGHT-OF-WAY
N/F	NOW OR FORMERLY
D.B.	DEED BOOK
PG.	PAGE
SQ. FT.	SQUARE FEET
BL	BUILDING SETBACK LINE
L.A.	FORMERLY KNOWN AS
W.D.	WOOD DECK

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 29,266 FEET, AND AN ANGULAR ERROR OF .03" PER ANGLE POINT, AND WAS ADJUSTED USING UNADJUSTED RULE.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 288,020 FEET.



IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

Approved by
Mayor & Council
City of Jonesboro
November 13, 2006

20' 0 40' 80'
SCALE 1" = 40'

Franks & Associates 121 North Main Street Jonesboro, Georgia 30236 (770)471-4420		
MINOR SUBDIVISION PLAT FOR:		
RICHARD T. GRIFFIN 1.271 ACRE TRACT LOCATED IN LAND LOT 240 13TH DISTRICT CLAYTON COUNTY, GA CITY OF JONESBORO		
DATE 04/12/06	DWN BY JPJ	DWG NO. 06-13353
SCALE 1" = 40'	CHK'D BY PLF	C/O

RE-BL 40' 1986 2-20-07

EXHIBIT "A"
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 240 of the 13th District, Clayton County, Georgia, and being shown as Lot 1, Lot 2, and Lot 3, of plat of property of Rick T. Griffin, recorded in Plat Book 40 Page 36, Clayton County, Georgia records, which plat is incorporated into and made a part hereof by reference, and being further described as follows:

Beginning at an iron pin found at the intersection of the southerly right of way of North Avenue (50 foot right of way) with the westerly right of way of Georgia State Highway No. 54 (a/k/a Fayetteville Road - 80 foot right of way); run thence along the westerly right of way of Georgia State Highway No. 54 South 00 degrees 00 minutes 00 seconds East 216.05 feet to an iron pin found and corner; run thence North 88 degrees 17 minutes 30 seconds West 224.85 feet to an iron pin found and corner; run thence North 06 degrees 34 minutes 14 seconds East 311.89 feet to an iron pin found on the southerly right of way of North Avenue; run thence South 62 degrees 00 minutes 30 seconds East 214.11 feet to the point of beginning.

Being known as 163 North Avenue, according to the present system of numbering in Clayton County, Georgia.

BK09455PG127

Return Recorded Document to:
The Clifton Law Firm, LLC
2839 Highway 154
Newnan, GA 30265

Clayton County, Georgia
Real Estate Transfer Tax
Paid \$ 70.00
Date 9-14-2012
JACQUILINE D. WILLS
Clerk, Superior Court

FILED
CLAYTON CO., GA
2012 SEP 14 AM 10:19
JACQUILINE D. WILLS
CLERK SUPERIOR COURT
22512

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF Conasa

File #: 12-0141

This Indenture made this 4th day of September, 2012 between Tommie J. Stephens, as party or parties of the first part, hereinafter called Grantor, and Watkins Funeral Home, Inc., as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lot 240 of the 19th District of Clayton County, being Lot 11 of Mrs. P. T. Powell Property, shown on plat in Plat Book 4, Page 195, Clayton County plat records, and being more particularly described as follows:

Beginning at a point located on the west right of way of Fayetteville Road (formerly known as Highway 54) at the northeast corner of Lot 10, said point being 991 feet north of the northwest intersection of Dixon Street with Fayetteville Road (formerly Highway 54) as measured along the west right of way of Fayetteville Road; running thence north along the west right of way of Fayetteville Road a distance of 80 feet to a point; thence running in a westerly direction 213 feet to a point; thence running south 80 feet to a point located at the northwest corner of Lot 10; thence running east along the north line of Lot 10 a distance of 214 feet to a point located on the west right of way line of Fayetteville Road (formerly Highway 54) and the POINT OF BEGINNING, being improved property with a residence thereon known as 511 Fayetteville Road, according to the present system of numbering houses in Clayton County, Georgia.

Subject to any Easements or Restrictions of Record

Parcel ID Number: 13240A-E024

TO HAVE AND TO HOLD the said tract or parcel of land, 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 Grantee forever in **FEE SIMPLE**.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

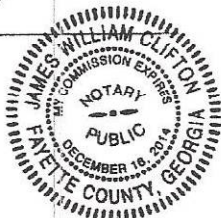
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

Rachel
Witness

Tommie J. Stephens (Seal)
Tommie J. Stephens

[Signature]
Notary Public





CITY OF JONESBORO, GEORGIA COUNCIL
Agenda Item Summary

Agenda Item #

9.C

- C

COUNCIL MEETING DATE
November 14, 2016

Requesting Agency (Initiator)

Office of the City Administrator

Sponsor(s)

Requested Action (Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)

Council to consider Variance Application #16VAR003 as requested by LIDL US Operations at property located at 8155 Tara Boulevard.

Requirement for Board Action (Cite specific Council policy, statute or code requirement)

Section 86-489 (B)(1)

Is this Item Goal Related? (If yes, describe how this action meets the specific Board Focus Area or Goal)

Yes Economic Development, Community Planning, Neighborhood and Business Revitalization

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

In order to complete the required branding for the new PROJECT TARA SITE to be located at 8155 Tara Blvd., Jonesboro, GA a variance is being requested from the signage regulations from Article XVL-Signs Section 86.

Variance Number	Section:	Code:	Proposed:
1.	Section 86-489 (b) (1) (a&b) Wall Signs	Two (2) wall signs max	2 signs and 1 ground sign
2	Section 86-109 K(1) Height of Building & Structural Curve	Minimum height is 18'ft	15'9'
3	Section 86-109 (f)(6)	50 ft buffer	Proposed parking & retaining wall that will encroach due to necessary 172 parking spaces. Along western, rear property lines, Project Tara is proposing to replant any buffers as necessary to ensure opaque screening and provide 6' screening fence.

1. What are the extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.

See application

2. List one or more unique characteristics that are generally not applicable to similarly situated properties.

See application

3. Provide a literal interpretation of the provisions of above referenced chapter and/or section that would deprive the

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky Clark, City Administrator

Date

November, 14, 2016

Signature

City Clerk's Office

applicant of rights commonly enjoyed by other properties of the district in which the property is located.

See application

4. Demonstrate how a variance prevents reasonable use of the property.

See application

5. Please explain the reasoning for the variance and state whether it is a result of the applicant.

See application

6. Demonstrate how the variance is the only result to allow reasonable use of the property.

See application

7. Will the granting of the requested variance be injurious to the public health, safety or welfare?

See application

8. Will the requested variance be in harmony with the purpose and intent of the above referenced chapter and/or section?

See application

In conclusion, the proposed signage is visually complimentary to the architecture and scale of the building and will continue to be in harmony with the general intent and purpose of the code.

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

Exhibits Attached *(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)*

- LIDL - Variance Application
- Jonesboro GA - Preliminary Site Plan_2016-10-19 (002)
- Variance - 8155 Tara Blvd - Lidl US - Legal Notice

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval



CITY OF JONESBORO
 124 North Avenue
 Jonesboro, Georgia 30236
 City Hall: (770) 478-3800
 Fax: (770) 478-3775
 www.jonesboroga.com

VARIANCE REQUEST

Section 86-38. of the Jonesboro Zoning Ordinance allows for the issuance of an Administrative variances. An administrative variance may be granted up to ten percent of the standards of the above referenced chapter. In addition to the Variance Request, please provide a Letter of Intent to include each needed variance and the section of the City's code that pertains to each variance.

Please contact the Jonesboro City Hall (770) 478-3800 and speak with the City Planner for further information.

Property Information:

Address: 8155 Tara Boulevard Jonesboro, GA 30236

Parcel Identification Number: 13239 B D005

Size: 4.875 Acres (212,360 sf)

Owner: Blackstone Property Management, LLC

Applicant Information:

Applicant Name: LIDL US Operations

Mailing Address: 400 Interstate N. Parkway SE, Suite 320, Atlanta, GA 30339

Email Address: shaun.walker@lidl.us Telephone: (703) 946-9783

PROJECT INFORMATION:

Section of Ordinance in which variance is needed: See attached variance list

Requesting Variance from: See attached variance list to: _____

Reason for Variance Request: See attached variance list

Attachment: LIDL - Variance Application (1089 : Variance - LIDL)

VARIANCE REQUEST

1. What are the extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.

This property is slender along the North South Axis with proposed access to both Tara blvd and North Avenue. The parking lot encroaches into the western buffer by necessity due to the requirement to have a truck turn around area in the front parking lot.

2. List one or more unique characteristics that are generally not applicable to similarly situated properties.

This property is slender along the North South Axis with proposed access to both Tara blvd and North Avenue. There is a small "flagpole" swath of land that is intended to provide sanitary service to sewer along N Avenue. This "flagpole" swath of land cannot be subdivided as it doesn't meet zoning requirements for parcels in this zoning.

3. Provide a literal interpretation of the provisions of above referenced chapter and/or section that would deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

If an encroachment into the western buffer is not approved, the project will not include interparcel access.

4. Demonstrate how a variance prevents reasonable use of the property.

The approval of these three requested variances will allow use of the property as intended by the prospective purchaser.

5. Please explain the reasoning for the variance and state whether it is a result of the applicant.

This property is slender along the North South Axis and the developer's store is situated in the only manner possible, rear of store to the west property line. The three variances are necessary in order to construct this grocery store and provide adequate parking to serve it.

6. Demonstrate how the variance is the only result to allow reasonable use of the property.

The variances requested are absolutely required to construct this store.

7. Will the granting of the requested variance be injurious to the public health, safety or welfare?

The approval of these three variances will not be injurious to the public in any manner. This proposed site plan will provide adequate traffic flow, a safe and effecient parking field and adequate fire access to the building.

8. Will the requested variance be in harmony with the purpose and intent of the above referenced chapter and/or section?

Yes the requested variance will suffice to construct a grocery store that is in line with zoning code and the Tara blvd overlay district.

Shaun Walker

PRINT NAME

10/14/2016

DATE



SIGNATURE

FEE AMOUNT

FOR OFFICE USE ONLY:

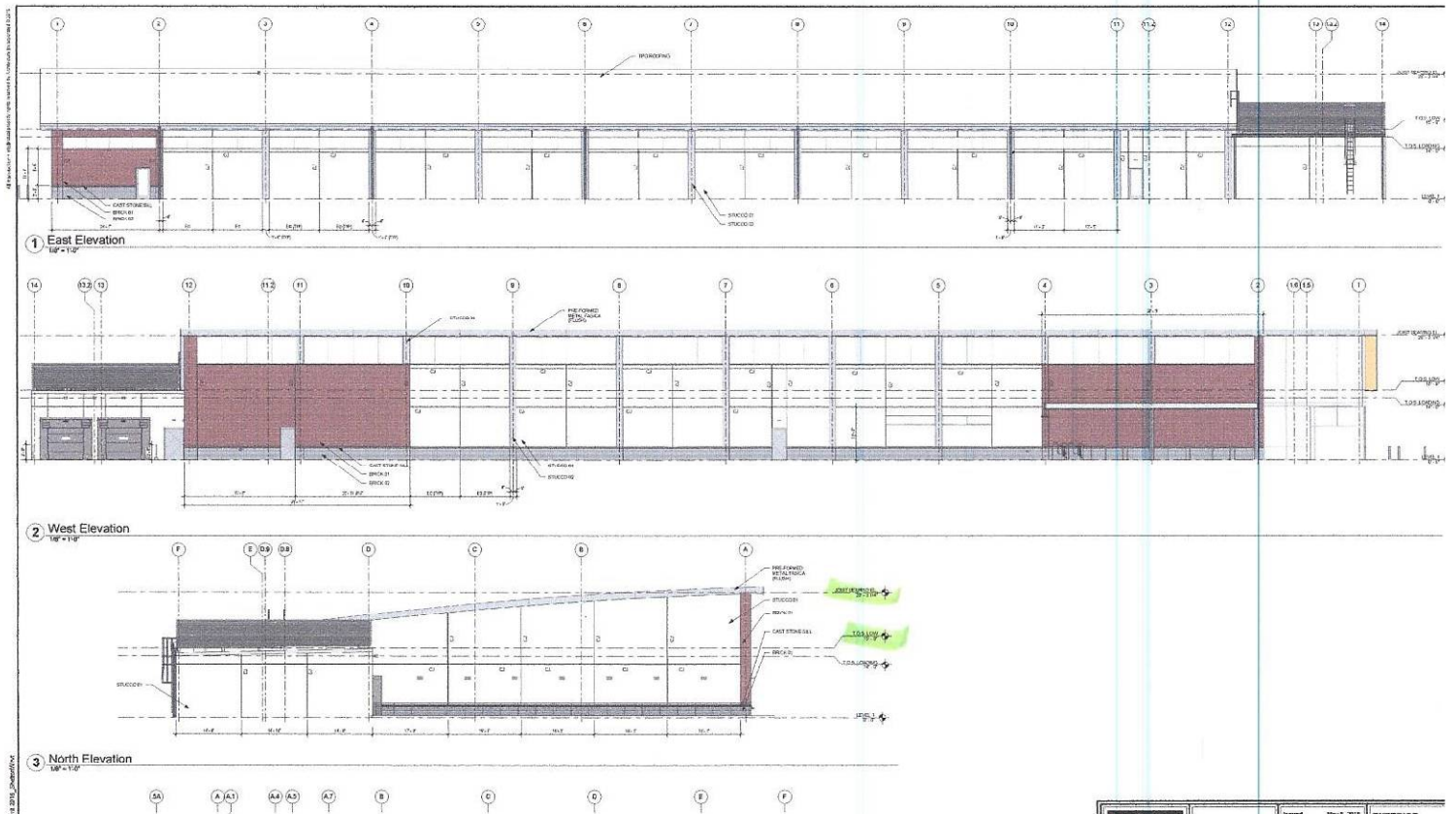
Date Received: ____/____/20____

Information Reviewed By: _____

Actions Taken By: _____

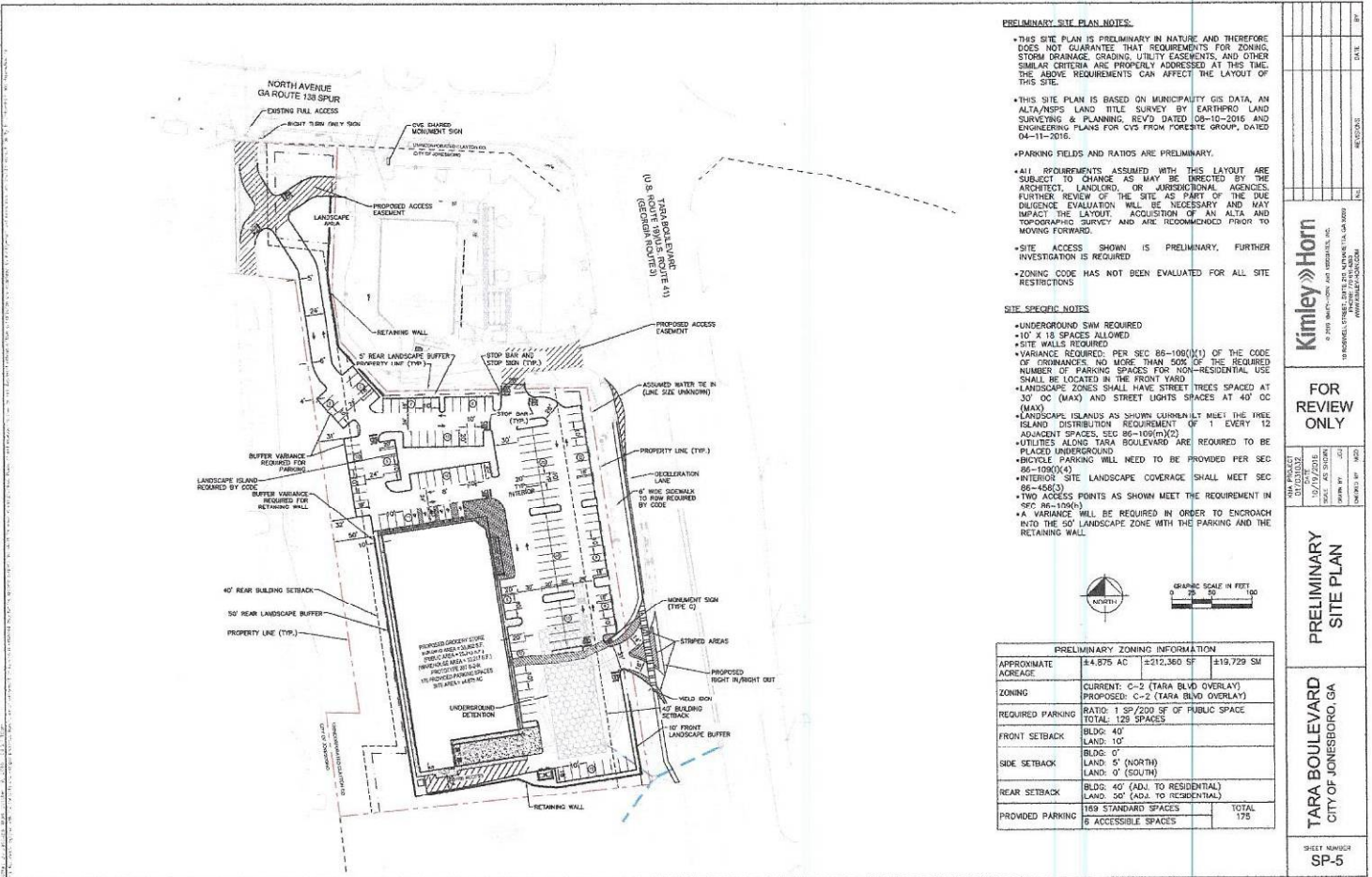
Misc. Notes: _____

Attachment: LIDL - Variance Application (1089 : Variance - LIDL)



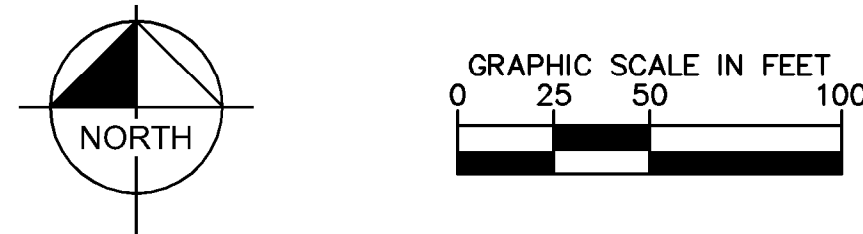
Attachment: LIDL - Variance Application (1089 : Variance - LIDL)





City, State Jonesboro, GA
 Date 12-Oct-16
 Relevant code City of Jonesboro, GA code of ordinances. Enacted 05/31/2016
 Building Use Grocery Store(Retail)
 Prepared by Mark DeSouza

#	Ordinance Article of reference	Variance Detail	Reason	Comments
1	Sec 86-490(b)	No single building or unit shall be permitted more than one wall sign	There will be an approach from the NW of the property justifying an additional Sign at this location in order to identify the building	
2	Sec 86-109(f)(6)(a)	50' Landscape Buffer to be provided along adjacent residential lots on the exterior of the overlay district "Minimum facade height. A minimum facade height of 18 feet shall be maintained on arterial and collector roadways	Proposed parking & retaining wall that will encroach due to necessary 172 space parking count and parking lot circulation.	Along western, rear property line, LIDL is proposing to replant any buffers as necessary to ensure opaque screening and provide 6' screening fence
3	Sec 86-109(k)(1)		The proposed building has a roof that has a minimum height of 15'	



- THIS SITE PLANS PRELIMINARY IN NATURE AND THEREFORE DOES NOT GUARANTEE THAT REQUIREMENTS FOR ZONING, STORM DRAINAGE, GRADING, UTILITY EASEMENTS, AND OTHER SIMILAR CRITERIA ARE PROPERLY ADDRESSED AT THIS TIME. THE ABOVE REQUIREMENTS CAN AFFECT THE LAYOUT OF THIS SITE.

• THIS SITE PLAN IS BASED ON MUNICIPALITY GIS DATA, AN ALTA/NSPS LAND TITLE SURVEY BY EARTHPRO LAND SURVEYING & PLANNING, REV'D DATED 08-10-2016 AND ENGINEERING PLANS FOR CVS FROM FORESITE GROUP, DATED 04-11-2016.

•PARKING FIELDS AND RATIOS ARE PRELIMINARY.

* ALL REQUIREMENTS ASSUMED WITH THIS LAYOUT ARE SUBJECT TO CHANGE AS MAY BE DIRECTED BY THE ARCHITECT, LANDLORD, OR JURISDICTIONAL AGENCIES. FURTHER REVIEW OF THE SITE AS PART OF THE DUE DILIGENCE EVALUATION WILL BE NECESSARY AND MAY IMPACT THE LAYOUT. ACQUISITION OF AN ALTA AND MAP TOPOGRAPHIC SURVEY AND ARE RECOMMENDED PRIOR TO MOVING FORWARD.

• SITE ACCESS SHOWN IS PRELIMINARY, FURTHER INVESTIGATION IS REQUIRED

- ZONING CODE HAS NOT BEEN EVALUATED FOR ALL SITE RESTRICTIONS

- UNDERGROUND SWM REQUIRED
- 10' X 18 SPACES ALLOWED
- SITE WALLS REQUIRED
- VARIANCE REQUIRED: PER SEC 86-109(I)(1) OF THE CODE OF ORDINANCES, NO MORE THAN 50% OF THE REQUIRED NUMBER OF PARKING SPACES FOR NON-RESIDENTIAL USES SHALL BE LOCATED IN THE FRONT YARD
- LANDSCAPE ZONES SHALL HAVE STREET TREES SPACED AT 30' OC (MAX) AND STREET LIGHTS SPACES AT 40' OC (MAX)
- LANDSCAPE ISLANDS AS SHOWN CURRENTLY MEET THE TREE ISLAND DISTRIBUTION REQUIREMENT OF 1 EVERY 12 ADJACENT SPACES, SEC 86-109(m)(2)
- UTILITIES ALONG TARA BOULEVARD ARE REQUIRED TO BE PLACED UNDERGROUND
- BICYCLE PARKING WILL NEED TO BE PROVIDED PER SEC 86-109(I)(4)
- INTERIOR SITE LANDSCAPE COVERAGE SHALL MEET SEC 86-458(3)
- TWO ACCESS POINTS AS SHOWN MEET THE REQUIREMENT IN SEC 86-109(h)
- A VARIANCE WILL BE REQUIRED IN ORDER TO ENCROACH INTO THE 50' LANDSCAPE ZONE WITH THE PARKING AND THE RETAINING WALL

PRELIMINARY ZONING INFORMATION			
APPROXIMATE ACREAGE	±4.875 AC	±212,360 SF	±19,729 SM
ZONING	CURRENT: C-2 (TARA BLVD OVERLAY) PROPOSED: C-2 (TARA BLVD OVERLAY)		
REQUIRED PARKING	RATIO: 1 SP/200 SF OF PUBLIC SPACE TOTAL: 129 SPACES		
FRONT SETBACK	BLDG: 40' LAND: 10'		
SIDE SETBACK	BLDG: 0' LAND: 5' (NORTH) LAND: 0' (SOUTH)		
REAR SETBACK	BLDG: 40' (ADJ. TO RESIDENTIAL) LAND: 50' (ADJ. TO RESIDENTIAL)		
PROVIDED PARKING	169 STANDARD SPACES		TOTAL 175
	6 ACCESSIBLE SPACES		

PRELIMINARY SITE PLAN

TARA BOULEVARD
CITY OF JONESBORO, GA

SHEET NUMBER
SP-5

Kimley»»Horn

© 2016 KIMLEY-HORN AND ASSOCIATES, INC.
10 ROSWELL STREET, SUITE 210, ALPHARETTA, GA 30009
PHONE: 770-619-4280
WWW.KIMLEY-HORN.COM

FOR
REVIEW
ONLY

KHA PROJECT 017031032	DATE 10/19/2016	SCALE AS SHOWN	DRAWN BY JCS	CHECKED BY MGD
--------------------------	--------------------	----------------	--------------	----------------

Attachment: Jonesboro GA - Preliminary Site Plan 2016-10-19 (002) (1089 : Variance - LIDL)

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on November 14, 2016 in the chambers of the Jonesboro Municipal Court facility, 170 South Main Street, Jonesboro, GA, to consider a number of Variance requests by LIDL US Operations at property located at 8155 Tara Boulevard (13239D005).

Ricky L. Clark, Jr.
City Administrator

Publish 10/29 and 11/2

Attachment: Variance - 8155 Tara Blvd - Lidl US - Legal Notice (1089 : Variance - LIDL)



CITY OF JONESBORO, GEORGIA COUNCIL
Agenda Item Summary

Agenda Item #

9.D

- D

COUNCIL MEETING DATE
November 14, 2016

Requesting Agency (Initiator)

Office of the City Administrator

Sponsor(s)

Requested Action (Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)

Council to consider Resolution establishing the millage rate of 1.5 for FY 2016.

Requirement for Board Action (Cite specific Council policy, statute or code requirement)

O.C.G.A. Section 48-5-32

Is this Item Goal Related? (If yes, describe how this action meets the specific Board Focus Area or Goal)

Community Planning, Neighborhood and Business Revitalization

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

The tax rate, or millage, in each county is set annually by the governing authority of the taxing jurisdiction, and by the Board of Education. A tax rate of one mill represents a tax liability of one dollar per \$1,000 of assessed value. We have received our digest from the County and it appears that there was a slight drop in the amount of property tax that will be generated if we keep the millage rate at 1.5.

After speaking with the Councilmembers, staff is not recommending any increase, however, we must proceed with the necessary Public Hearings and the adoption proceeding to get bills mailed out.

We are looking at a due date of January 8, 2016.

Current 2016 Tax Digest and Five Year History of Levy

2013	2014	2015	2016
\$21,685,088.00	\$21,902,002.00	\$24,081,584.00	\$23,586,081.00
\$30,179.00	\$30,179.00	\$30,179.00	\$30,179.00
\$38,904,986.00	\$36,876,051.00	\$36,588,461.00	\$37,629,721.00
\$3,010,960.00	\$3,042,728.00	\$3,788,066.00	\$2,415,167.00
\$7,536,676.00	7,536,676.00	7,001,452.00	\$7,782,845.00
\$12,259,780.00	\$9,068,950.00	\$6,664,830.00	\$4,881,700.00
\$0.00	\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00	\$2,423.00
\$83,427,669.00	\$78,456,586.00	\$78,154,572.00	\$76,598,116.00
\$5,013,978.00	\$10,025,273.00	\$10,758,088.00	\$10,597,825.00
\$10,406,430.00	\$5,659,860.00	\$5,751,132.00	\$5,751,132.00
\$68,007,261.00	\$62,771,453.00	\$67,396,484.00	\$66,000,291.00
18.77	17.94	8.90	15.92
17.27	16.44	7.40	14.42
1.50	1.50	1.50	1.50

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky Clark, City
Administrator

Date

November, 14, 2016

Signature

City Clerk's Office

\$102,010.00	\$94,157.00	\$101,094.00	\$99,000.44
--------------	-------------	--------------	-------------

Fiscal Impact	<i>(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)</i>
Exhibits Attached <i>(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)</i>	
•	
Staff Recommendation <i>(Type Name, Title, Agency and Phone)</i>	
Approval	

STATE OF GEORGIA

CLAYTON COUNTY

RESOLUTION 2016

WHEREAS, Pursuant to the Official code of Georgia Annotated Section 48-5-32,
The City of Jonesboro by this Resolution establishes the millage rate
for fiscal year 2016 and by this Resolution repeal conflicting resolutions, and

WHEREAS, The City of Jonesboro is required by O.C.G.A. 48-8-91 to adjust annually
the millage rate for ad valorem taxation of tangible property within the
city,

WHEREAS, The City of Jonesboro gross M & O is estimated at 15.92 mills less rollbacks
Estimated at 14.42 mills which leaves a net M & O of 1.5 mills: now

THEREFORE, BE IT RESOLVED by the Mayor and Council for the City of Jonesboro and by the authority of the same
that the millage rate for ad valorem taxation as imposed
by the city pursuant to Article 6 of the Charter of the City of Jonesboro shall set 15.92 '[[[[mills with a rollback of 14.42
mills with a net millage of 1.5 mills for 2016.

SO ORDAINED THIS 7TH DAY OF NOVEMBER, 2016

JOY DAY, MAYOR

RICKY L. CLARK, JR



CITY OF JONESBORO, GEORGIA COUNCIL
Agenda Item Summary

Agenda Item #

9.E

- E

COUNCIL MEETING DATE
November 14, 2016

Requesting Agency (Initiator)

Office of the City Administrator

Sponsor(s)

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Council to consider West Mill Street Construction Project.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*

Professional Service

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Yes

Community Planning, Neighborhood and Business Revitalization,
Transportation Infrastructure

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

Recently, staff issued an RFP for the construction of concrete sidewalks along West Mill Street between Fayetteville Road and a point north of Lee Street. This project will consist of sidewalk construction for approximately 1383' of new 5' sidewalk on West Mill Street from Fayetteville Road to a point north of Lee Street. In addition, curb and gutter is also required.

The contractor shall be responsible for the removal of the existing of the existing asphalt sidewalk, grading, compacting, forming, pouring and finishing of concrete, installing necessary topsoil and grassing to restore any disturbed areas to its original condition, removal and replacement of any disturbed shrubbery and clean up.

The contractor shall comply with all ADA requirements and will also be responsible for the:

- Installation of seven (7) new ADA ramps
- Thirteen drive way cuts and repair
- Traffic control
- Replacement of any mailboxes
- Guard rails should any be needed

The contractor shall be responsible for furnishing all materials and labor to complete the project, and shall coordinate construction dates and times with the City of Jonesboro Public Works Director.

The City received the following bids

- C&C Lovejoy - \$79,933.00
- BRTU - \$214,280.00
- Autaco Development - \$126,900.00

After review of the bids, staff is recommending that we move forward with the apparent low bidder, C&C Lovejoy. C&C have done various projects within Jonesboro and we feel certain that the job will be handled accordingly.

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky Clark, City
Administrator

Date

November, 14, 2016

Signature

City Clerk's Office

Fiscal Impact*(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)*

\$79,933.00 – LMIG Funds

For the FY'16 Budget, we budgeted \$30,000.00 for Special Projects Funds. If approved, budget will need to be amended.

Exhibits Attached *(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)*

- RFP- West Mill Street Sidewalk Construction Project
- RFP - West Mill Street Diagram A
- C&C Lovejoy - Bid Proposal

Staff Recommendation *(Type Name, Title, Agency and Phone)***Approval**

CITY OF JONESBORO, GEORGIA

October 20, 2016

REQUESTS FOR PROPOSALS

West Mill Street Sidewalk Construction Project w/ Curb & Gutter



OFFICE OF THE CITY ADMINISTRATOR
Ricky L. Clark, Jr. CMC, City Administrator
124 North Avenue
Jonesboro, Georgia 30236
770-478-3800

CITY OF JONESBORO REQUEST FOR SIDEWALK CONSTRUCTION

QUOTES DUE: (Friday, October 28, 2016), (1:00) PM EST in hard copy.

Questions should be directed to City of Jonesboro, Joe Nettleton, Public Works

Director via e-mail to:

jnettleton@jonesboroga.com

or via phone (404)472-5953

Instructions to Prospects:

All spaces below are to be filled in and the quote Letter on page two must be signed where indicated. Failure to sign and return the quote Letter may cause rejection of the quote.

COMPANY NAME: _____
 TAX ID: _____
 CONTACT PERSON: _____
 ADDRESS: _____
 CITY: _____
 PHONE: _____
 FAX: _____
 EMAIL ADDRESS: _____

Introduction: The City of Jonesboro, Georgia is requesting proposals for the construction of concrete sidewalks along West Mill Street between Fayetteville Road and a point north of Lee Street (see attached diagram). In accordance with requirements of the City of Jonesboro and the State of Georgia, all submitted proposals shall include the E-verify or exemption affidavit form.

Scope of Work: This project will consist of sidewalk construction for approximately 1383' of new 5' sidewalk on West Mill Street from Fayetteville Road to a point north of Lee Street. In addition, curb and gutter is also required.

The contractor shall be responsible for the removal of the existing asphalt sidewalk, grading, compacting, forming, pouring and finishing of concrete, installing necessary topsoil and grassing to restore any disturbed areas to its original condition, removal and replacement of any disturbed shrubbery and clean up.

The contractor shall comply with all ADA requirements and will also be responsible for the:

- Installation of seven (7) new ADA ramps
- Thirteen drive way cuts and repair

- Traffic control
- Replacement of any mailboxes
- Guard rails should any be needed

The contractor shall be responsible for furnishing all materials and labor to complete the project, and shall coordinate construction dates and times with the City of Jonesboro Public Works Director.

All work must be approved prior to the release of payment. All work is expected to be completed within 30 days after a notice to proceed has been issued, pending any unnatural weather occurrence.

All work shall conform to federal, state and local requirements and regulations.

This project is partially funded with GDOT LMIG funds.

Contact with the City of Jonesboro

Questions concerning the requirements, specifications or scope of services shall be directed to Joe Nettleton, Public Works Director at 404-472-5953. Questions can also be directed to Mr. Nettleton via email at jnettleton@jonesboroqa.com

Submission of Proposal

Sealed proposals shall be submitted no later than Friday, October 28th at 1:00 p.m. Proposal delivered after this date and time will not be considered. The sealed proposals will be opened at 1:15 p.m. at the following location:

City of Jonesboro City Hall
124 North Avenue
Jonesboro, Georgia 30236

Interested contractors should submit three (3) copies of the proposals with the required attachment in a sealed envelope to the City of Jonesboro, 124 North Avenue, Jonesboro, Georgia 30236 and clearly marked on the outside, "RFP West Mill Street Projection."

Upon award, the contract shall enter into a contract with the City of Jonesboro for services specified in this RFP. Approved Performance and Payment Bonds for 100% of the bid amount will be required from the successful bidder and must be provided to the City within ten (10) days of being notified of the award.

Selection Criteria

- A. The skill, experience, training of the persons who will be performing the services requested
- B. Prior experience
- C. The degree of responsiveness to this request for proposals
- D. Project costs

Nondiscrimination – The vendor who is selected as the contractor, as required by law,

shall not discriminate directly or indirectly related to employment because of race, color, religion, national origin, age, sex, disability or sexual preference.

Compliance with Laws

In connection with the furnishing of supplies or performance of work under the contract, the Proposer agrees to comply with the Fair Labor Standards Act, Equal Opportunity Employment Act, Georgia Security and Immigration Compliance Act, and all other applicable federal and state laws, regulations, and executive orders to the extent that the same may be applicable and further agrees to insert the foregoing provision in all subcontracts awarded hereunder.

Insurance Requirements

The vendor shall purchase and maintain insurance not less than the limits set forth below. All coverages shall be with insurance companies licensed and admitted to do business in the State of Georgia.

- A. Worker's Disability Compensation Insurance including Employers Liability Coverage in accordance with all applicable Statutes of the State of Georgia.
- B. Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence Coverage shall include the following: (A) contractual liability; (B) products and completed operations; Independent Contractors Coverage; (C) Broad Form General Liability Endorsement or Equivalent.
- C. Motor Vehicle Liability Insurance, including Georgia No-Fault Coverage, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles and all hire vehicles.
- D. Additional Insured – Commercial General Liability Insurance, as described above, shall include an endorsement stating the following shall be "Additional Insured". The City of Jonesboro, all elected and appointed officials, all employees and volunteers, all boards, commissions and board members, including employees and volunteers thereof.
- E. Cancellation Notice – All insurance described above and shall include and endorsement stating the following: It is understood and agreed that thirty (30) days advanced written notice of cancellation, non-renewal, reduction and/or material change shall be sent to: City of Jonesboro, 124 North Avenue, Jonesboro, Georgia 30236.
- F. Proof of Insurance – The vendor shall provide to the City of Jonesboro at the time the contracts are returned by it for execution, two (2) copies of certificates of insurance of each of the policies mentioned above. If so requested, certified copies of all policies will be furnished.

Indemnification and Hold Harmless

The vendor who is selected as the contractor shall, at its own expense, protect, defend, indemnify, save and hold harmless the City of Jonesboro and its elected and appointed officers, employees, servants and agents from all claims, damages, lawsuits, costs and expenses including, but not limited to, all costs from administrative proceedings, court

costs and expenses including, but not limited to, all costs from administrative proceedings, court costs and attorney fees that the City of Jonesboro and its elected and appointed officers, employees, servants and agents may incur as a result of the acts, omissions or negligence of the contractor or its employees, servants, agents or subcontractors that may arise out of the agreement.

The contractor's indemnification responsibility under this section shall include the sum of damages, costs and expenses which are in excess of the sum of damages, costs and expenses which are paid out on behalf of or reimbursed to the City, its officers, employees, servants, and agents by the insurance coverage obtained and/or maintained by the contractor.

Gratuity Prohibition

Proposers shall not offer any gratuities, favors, or anything of monetary value to any official, employee, or agent of the City of Jonesboro for the purpose of influencing consideration of this proposal.

Right of Negotiation

The City of Jonesboro reserves the right to negotiate with the selected Proposer the fee for the proposed scope of work and the exact terms and conditions of the contract.

Independent Contractor

The Proposer represents himself/herself to be an independent contractor offering such services to the general public and shall not represent himself/herself or his/her employees to be employees of the City of Jonesboro. The Proposer shall assume all legal and financial responsibility for taxes, FICA, employee fringe benefits, workers compensation, employee insurance, minimum wage requirements, overtime, and other expenses, and agrees to indemnify, save, and hold City of Jonesboro, its officers, agents, and employees, harmless from and against, and any all loss; cost (including attorneys' fees); and damage of any kind related to such matters. The Proposer understands that the City of Jonesboro cannot save and hold harmless and/or indemnify the Proposer and/or the Proposer's employees against any liability incurred or arising as a result of any activity of the Proposer or any activity of the Proposer's employees performed in connection with the contract.

Right of Rejection

The City of Jonesboro reserves the right to reject any or all proposals, to waive any informalities or irregularities in proposals, and/or negotiate separately the terms and conditions of all or part of the proposals as determined to be in the best interest of the City's best interest in its sole discretion.

ATTACHMENT A

Proposal Submittal Page

Submitted to: the City of Jonesboro

Submitted by: (Name, address, email contact, and telephone number)

1. Quote for Services: (Please attach additional pages as necessary)

2. Timeframe for Completion

BID AMOUNT TOTAL:

Bid :**Proposer's Signature**

 Date

Thanks

EXHIBIT B IMMIGRATION AND SECURITY FORM

O.C.G.A. § 13-10-91 requires contractors interested in public works contracts to file an affidavit that the contractor and its subcontractors have registered and participate in a federal work authorization program intended to insure that only lawful citizens or lawful immigrants are employed by the contractor or subcontractor.

In order to insure compliance with the Immigration Reform and Control Act of 1986 (IRCA), D.L. 99-603 and the Georgia Security and Immigration Compliance Act OCGA 13-10-90 et seq., Contractor must warrant and affirm that Contractor has complied with the Immigration Reform and Control Act of 1986 (IRCA), D.L. 99-603 and the Georgia Security and Immigration Compliance Act by registering at <https://e-verify.uscis.gov/enroll/StartPage.aspx?JS=YES>; and verifying information of all new employees; and by executing any affidavits required by the rules and regulations issued by the Georgia Department of Labor set forth at Rule 300-10-1-.01 et seq.

By executing this affidavit, the undersigned Contractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm, or corporation which is contracting with Jonesboro, Georgia has registered with and is participating in a federal work authorization program [any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603], in accordance with the applicability provisions and deadlines established in O.C.G.A. § 13-10-91, and Contractor warrants that it will continue to use the federal work authorization program throughout the contract period.

The undersigned further agrees that, should it employ or contract with any subcontractor(s) in connection with the physical performance of services pursuant to this contract with Jonesboro, Georgia, contractor will secure from such subcontractor(s) similar verification of compliance with O.C.G.A. § 13-10-91 on the Subcontractor Affidavit provided in Georgia Department of Labor Rule 300-10-01-.08 or a substantially similar form. Contractor further agrees to maintain records of such compliance and provide a copy of each such verification to Jonesboro, Georgia at the time the subcontractor(s) is retained to perform such service.

Signature Title

Firm Name: _____

Street/Mailing Address: _____

City, State, Zip Code: _____

Telephone Number: _____

Email: _____

Federal Work Authorization User Identification Number: _____

Date of Authorization: _____

EXHIBIT C
Affidavit Verifying Status
For Public Benefit Application

By executing this affidavit under oath, as an applicant for the award of a contract with Jonesboro, Georgia, I _____. [Name of natural person applying on behalf of individual, business, corporation, partnership, or other private entity] am stating the following as required by O.C.G.A. Section 50-36-1:

1) _____ I am a United States citizen

OR

2) _____ I am a legal permanent resident 18 years of age or older or I am an otherwise qualified alien or non-immigrant under the Federal Immigration and Nationality Act 18 years of age or older and lawfully present in the United States.*

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of Code Section 16-10-20 of the Official Code of Georgia.

Signature of Applicant: _____ Date _____

Printed Name: _____

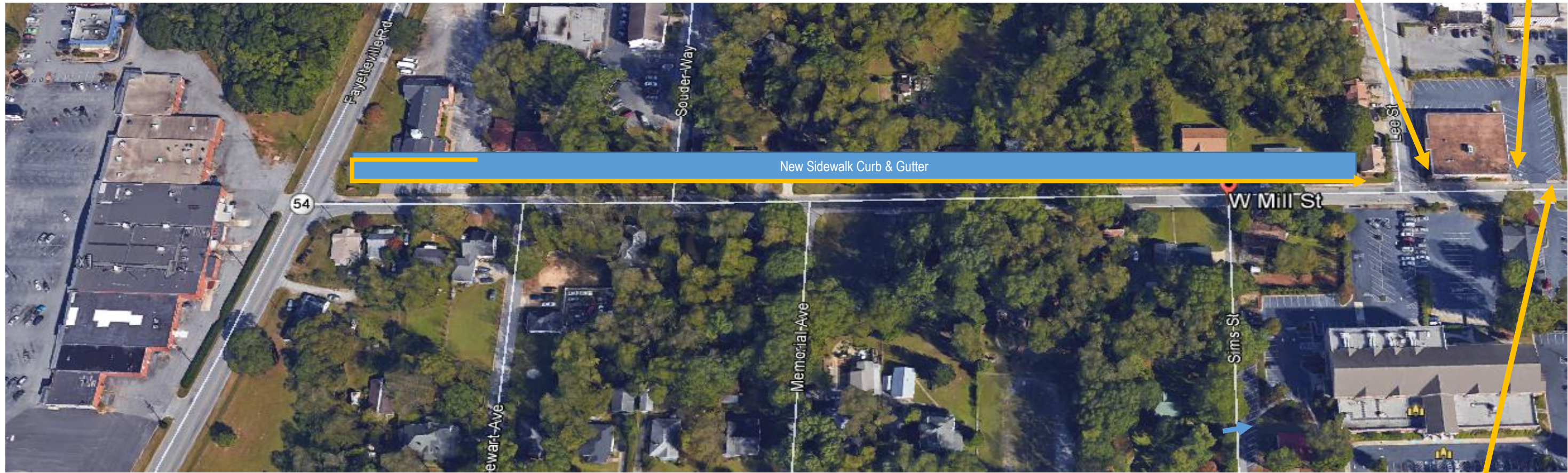
* _____
 Alien Registration number for non-citizens

SUBSCRIBED AND SWORN
 BEFORE ME ON THIS THE
 _____ DAY OF _____, 20_____.

 Notary Public
 My commission Expires:

***Note:** O.C.G.A. § 50-36-1(e)(2) requires that aliens under the federal Immigration and Nationality Act, Title 8 U.S.C., as amended, provide their registration number. Because legal permanent residents are included in the federal definition of "alien", legal permanent residents must also provide their alien registration number. Qualified aliens that do not have an alien registration number may supply another identifying number below.

RFP – West Mill Street Sidewalk Improvement



Replace ADA RAMP

NEW ADA RAMP

NEW SIDEWALK
CURB & GUTTER

ATTACHMENT A

Proposal Submittal Page

Submitted to: the City of Jonesboro

Submitted by: (Name, address, email contact, and telephone number)

C & C Lovejoy LLC

Bobby Cartwright - 678-878-8032

P.O. Box 38, Lovejoy GA 30250

mrhappy38@bellsouth.net

1. Quote for Services: (Please attach additional pages as necessary)
\$ 79,933.00
2. Timeframe for Completion
30 days from signed contract

BID AMOUNT TOTAL: \$ 79,933.00

Bid : C & C Lovejoy LLC - Bobby Cartwright

Proposer's Signature



Date

10/24/16

Thanks

C & C Lovejoy LLC

P.O. Box 522

Lovejoy GA 30250

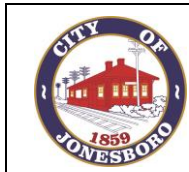
Estimate

Date	Estimate #
8/30/2016	Est4224

Name / Address
City of Jonesboro 124 North Avenue Jonesboro GA 30236 ATTN: Joe Nettleton

			Project
Description	Qty	Rate	Total
Sidewalk improvements - West Mill Street			
West Mill Street			
5' sidewalk (LF)	1,383	22.50	31,117.50
Curb and Gutter (LF)	1,383	11.50	15,904.50
13-each -Driveway aprons (SY) -	416	33.50	13,936.00
Mailbox remove and relocate	5	85.00	425.00
Drop inlet repair	1	500.00	500.00
Access steps - each	6	650.00	3,900.00
Handrails - sets	1	500.00	500.00
ADA Ramps - each	7	250.00	1,750.00
Traffic Control	1	3,500.00	3,500.00
Erosion Control	1	1,500.00	1,500.00
Demo	1	6,900.00	6,900.00
Thank you for allowing us to offer this estimate.			
Total			\$79,933.00

Attachment: C&C Lovejoy - Bid Proposal (1090 : LMIG - West Mill Street Resurfacing)



CITY OF JONESBORO, GEORGIA COUNCIL
Agenda Item Summary

Agenda Item #

9.F

- F

COUNCIL MEETING DATE
November 14, 2016

Requesting Agency (Initiator)

City Council

Sponsor(s)

Councilmember Powell

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Discussion regarding city-wide burn ban.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*

Requested by Mayor Day & Councilman Powell

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

No

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

Staff has been tasked with drafting an ordinance regarding a permanent burn ban. Prior to the drafting of such an ordinance, staff requests discussion with Mayor & Council as to the specifics of the burn ban.

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

Exhibits Attached *(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)*

- Clayton County Burn Ban

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Discussion

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky Clark, City
Administrator

Date

November, 14, 2016

Signature

City Clerk's Office

ARTICLE IV. OPEN BURNING

Sec. 42-91. - Title; purpose.

This article shall be known as the Open Burning and Air Quality Control Code. The purpose of this article is to regulate open burning, to provide for the public health, safety and general welfare with the county.

Sec. 42-92. - Restrictions; permit required; authority of fire marshal; violation; penalty.

Open burning of any type within the unincorporated boundaries of Clayton County is expressly prohibited except as exempted below.

- a) Residential Areas: in residential areas, no person shall cause, suffer or allow open burning in any unincorporated area of the county, except as follows:
 1. For recreational purposes, such as residential fire pits, grills, smokers, outdoor fire places, and other implements used for cooking food for immediate human consumption. At no time shall these devices be used for any purpose or in any manner other than those intended by the manufacturer.
 2. Fires set for the purpose of training firefighting personnel when authorized by the county fire marshal and with the appropriate permits.
- b) Commercial Areas: in commercial areas, no person shall cause, suffer or allow open burning in any unincorporated area of the county, except as follows:
 1. Operation of devices using open flames, such as tar kettles, blow torches, welding torches, portable heaters, and other flame-making equipment where approved safety measures are used.
 2. Fires set for the purpose of training firefighting personnel when authorized by the county fire marshal and with the appropriate permits.
- c) Carrying out recognized agricultural procedures necessary for production of harvesting of crops with the appropriate forestry permit and with the approval of the county fire marshal.
- d) All burning shall be located on private property so as not to interfere with any traffic on public streets or sidewalks.
- e) During any open burning, the burning activity shall be constantly attended by a competent person of at least 18 years of age.
- f) Persons violating this article shall be subject to a fine not to exceed \$1,000.00 per violation.
- g) All fees/fines, etc. are to be assigned to the county fire department budget and used for the benefit of the fire marshal's office.

Secs. 42-93—42-100. - Reserved.