



**CITY OF JONESBORO  
Regular Meeting  
170 SOUTH MAIN STREET  
December 10, 2018 – 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](mailto:rclark@jonesboroga.com) should you need assistance.

**Agenda**

- I. CALL TO ORDER - MAYOR JOY B. DAY**
- II. ROLL CALL - RICKY L. CLARK, JR., CITY MANAGER**
- III. INVOCATION**
- IV. PLEDGE OF ALLEGIANCE**
- V. ADOPTION OF AGENDA**
- VI. PRESENTATIONS - NONE**
- VII. PUBLIC HEARING - NONE**
- VIII. PUBLIC COMMENT (PLEASE LIMIT COMMENTS TO THREE (3) MINUTES)**
- IX. MINUTES**
  1. Consideration of the Minutes of the November 12, 2018 Regular Meeting.
  2. Consideration of the Minutes of the December 3, 2018 Work Session.
- X. CONSENT AGENDA**
  1. Council to consider approval of the FY' 19 Holiday Calendar.
  2. Council to consider approval of 2018 audit engagement letter with Fulton & Kozak.
  3. Council to consider approval of revisions to the Jonesboro Police Department Standard Operating Procedures.
  4. Council to consider approval of City of Jonesboro Employee Medical Benefits opt-out arrangement.

5. Council to consider approval regarding City of Jonesboro Spousal Surcharge Policy.
6. Council to consider approval of regarding #18-TA-006, Ordinance #2018-016 a proposed text amendment to the City of Jonesboro Code of Ordinances, regarding further revisions and updates to Chapter 70 – Telecommunications, of the City of Jonesboro Code of Ordinances.
7. Council to consider approval of Ordinance #2018-015 adopting the FY' 19 proposed budget.

**XI. OLD BUSINESS**

1. Council to consider approval of 18-VAR-007, variances for The Grove subdivision, to consider multiple variances concerning the reduction of the minimum front setback, reduction of greenspace width, greenspace location, and the provision of front entry garages on non-corner lots, by Sovereign Holdings, LLC and Key Corp Financial, Inc., for property located at 0 McDonough Street (Parcel No. 13240D A027), Jonesboro, Georgia 30236.

**XII. NEW BUSINESS**

**XIII. OTHER BUSINESS**

1. REPORT FROM MAYOR/CITY MANAGER
2. REPORT FROM COUNCILMEMBERS

**XIV. ADJOURNMENT**

**CITY OF JONESBORO  
REGULAR MEETING  
170 SOUTH MAIN STREET  
November 12, 2018 – 6:00 PM**

**MINUTES**

The City of Jonesboro Mayor & Council held their Regular Meeting on Monday, November 12, 2018. The meeting was held at 6:00 PM at the Jonesboro Police Station, 170 South Main Street, Jonesboro, Georgia.

**AGENDA**

- I. **CALL TO ORDER - MAYOR JOY B. DAY**
- II. **ROLL CALL - RICKY L. CLARK, JR., CITY MANAGER**

Attendee Name	Title	Status	Arrived
Larry Boak	Councilmember	Present	
Alfred Dixon	Councilmember	Present	
Bobby Lester	Councilmember	Present	
Billy Powell	Councilmember	Present	
Pat Sebo	Councilmember	Present	
Ed Wise	Councilmember	Present	
Joy B. Day	Mayor	Present	
Ricky L. Clark, Jr.	City Manager	Present	
Pat Daniel	Assistant City Clerk	Present	
Clifford Kelker	Chief of Police	Present	
Joe Nettleton	Public Works Director	Present	
Cable Glenn-Brooks	Executive Assistant	Present	

- III. **INVOCATION - LED BY DAVID ALLEN, COMMUNITY DEVELOPMENT DIRECTOR (CITY OF JONESBORO)**

- IV. **PLEDGE OF ALLEGIANCE**

- V. **ADOPTION OF AGENDA**

1. Motion to adopt the agenda with the following amendments:

Under New Business:

- **Item No. 2** - Council to consider engagement letter from 4PM Public Private Partnership for the Jonesboro Bed & Breakfast Project.
- **Item No. 3** - Council to consider renewal of major medical insurance with United Healthcare for FY' 19.

- VI. **PRESENTATIONS**

1. Presentation of winners of the Annual Scarecrow Contest

At this time, Cable Brooks (Executive Assistant) & Mayor Day presented the following winners of the City of Jonesboro Annual Scarecrow Contest:

1st Place - Georgia Power  
 2nd Place - Dr. Taylor  
 3rd Place - Tara Wrecker

## VII.

**PUBLIC HEARING**

1. Public Hearing regarding 18-VAR-007, variances for The Grove subdivision, to consider multiple variances concerning the reduction of the minimum front setback, reduction of greenspace width, greenspace location, and the provision of front entry garages on non-corner lots, by Sovereign Holdings, LLC and Key Corp Financial, Inc., for property located at 0 McDonough Street (Parcel No. 13240D A027), Jonesboro, Georgia 30236.

**RESULT:****CLOSED**

At this time, Mayor Day opened the Public Hearing. The following spoke opposed to the Grove Development (Joel Aviles). In addition to those speaking against, the following spoke in favor of the Development (Den Webb & Fronze Van Wheeler).

2. Public Hearing regarding 18-CU-003, Conditional Use Permit Application for "What A Day Daycare" an adult daycare center, by Barbara Thomas and Kamill Mallory, for property located at 8712 Tara Boulevard (Parcel No. 05242B A002), Jonesboro, Georgia 30236.

**RESULT:****CLOSED**

At this time, Mayor Day opened the Public Hearing. As none were present to speak, the Public Hearing was duly adjourned.

3. Public Hearing regarding 18-VAR-008, to consider a variance concerning exceeding the maximum allowable percentage of building face coverage for signs on the property. Jim Reaves / Hometown Car Wash is the current property owner for the subject property located at 8787 Tara Boulevard (Parcel No. 05242B C005), Jonesboro, Georgia 30236.

**RESULT:****CLOSED**

At this time, Mayor Day opened the Public Hearing. As none were present to speak, the Public Hearing was duly adjourned.

4. Public Hearing regarding VAR-009, to consider a variance concerning replacement wall signs, exceeding the maximum number of wall signs allowed. Clayton County Tourism Authority is the current property owner for the subject property located at 136 South Main Street (Parcel No. 13241D C013), Jonesboro, Georgia 30236.

**RESULT:****CLOSED**

At this time, Mayor Day opened the Public Hearing. As none were present to speak, the Public Hearing was duly adjourned.

5. Public Hearing regarding a proposed text amendment to the City of Jonesboro Code of Ordinances, regarding further revisions and updates to the "Table of Uses Allowed by Zoning District", Section 86-204, of Article VI – Conditional Uses, Chapter 86 – Zoning, of the City of Jonesboro Code of Ordinances.

**RESULT:****CLOSED**

At this time, Mayor Day opened the Public Hearing. As none were present to speak, the Public Hearing was duly adjourned. After the Public Hearing was adjourned, City Manager Ricky L. Clark Jr requested that this item be table until January.

6. Public Hearing regarding 18-VAR-010, to consider a variance concerning a new ground sign encroaching on the minimum allowable setback from buildings, exceeding the maximum allowable size for tenant panels, and the position of the ground sign. Regency Development Partners, LLC is the current property owner for the subject property located at 8896 Tara Boulevard (Parcel Nos. 05239 241001 and 05239 24010), Jonesboro, Georgia 30236.

**RESULT:****CLOSED**

At this time, Mayor Day opened the Public Hearing. As none were present to speak, the Public Hearing was duly adjourned.

**VIII. PUBLIC COMMENT (PLEASE LIMIT COMMENTS TO THREE (3) MINUTES)****IX. MINUTES**

1. Consideration of the Minutes of the October 1, 2018 Public Hearing.
2. Consideration of the Minutes of the October 8, 2018 Regular Meeting.
3. Consideration of the Minutes of the November 5, 2018 Work Session.

**X. CONSENT AGENDA**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Billy Powell, Councilmember
<b>SECONDER:</b>	Ed Wise, Councilmember
<b>AYES:</b>	Boak, Dixon, Lester, Powell, Sebo, Wise

1. Council to consider pricing proposals as received by the Downtown Development Authority of the City of Jonesboro for the Broad Street Plaza Project.
2. Council to consider approval of membership to the Aerotropolis Atlanta Alliance.

**XI. OLD BUSINESS**

1. Council to consider approval of 18-VAR-007, variances for The Grove subdivision, to consider multiple variances concerning the reduction of the minimum front setback, reduction of greenspace width, greenspace location, and the provision of front entry garages on non-corner lots, by Sovereign Holdings, LLC and Key Corp Financial, Inc., for property located at 0 McDonough Street (Parcel No. 13240D A027), Jonesboro, Georgia 30236.

**RESULT: TABLED [UNANIMOUS]**

**Next: 12/3/2018 6:00 PM**

**MOVER:** Billy Powell, Councilmember

**SECONDER:** Bobby Lester, Councilmember

**AYES:** Boak, Dixon, Lester, Powell, Sebo, Wise

Each of the variances were voted upon separately:

1. Variance #1 - Reduce front setback from 20 feet to 15 feet (8 foot porch zone behind setback line).

*Motion made by Councilman Powell, seconded by Councilman Lester to table until December 2018. Motion carried unanimously.*

2. Variance #2 - Reduce 20\$ minimum greenspace required to 15.7% provided on plat an infield.

**Resolved**

3. Variance #3 - Not all greenspace meets 100-foor width requirement; match what is provide on plat an infield. Although the greenspace total is now 21.6% (20% minimum required), some of the greenspace cannot meet the 100-foot minimum requirement

*Motion made by Councilwoman Sebo, seconded by Councilman Powell to table until December 2018. Motion carried unanimously.*

4. Variance #4 - Less than 50% of lots touch greenspace; match what is provided on plat and in field. Although the greenspace total is now 21.6% (20% minimum required), some of the greenspace cannot meet the minimum 50% touching of lots required.

*Motion made by Councilwoman Sebo, seconded by Councilman Powell to approve. Motion carried unanimously.*

5. Variance #5 - Except on designated corner lots, placement of garages for front entry of vehicles pursuant to City Code Section 86-229.

*Motion made by Councilwoman Sebo, seconded by Councilman Lester to table until December 2018. Motion carried unanimously.*

2. Council to consider approval of 18-CU-003, Conditional Use Permit Application for "What A Day Daycare" an adult daycare center, by Barbara Thomas and Kamill Mallory, for property located at 8712 Tara Boulevard (Parcel No. 05242B A002), Jonesboro, Georgia 30236.

**RESULT: APPROVED [UNANIMOUS]**

**MOVER:** Pat Sebo, Councilmember

**SECONDER:** Bobby Lester, Councilmember

**AYES:** Boak, Dixon, Lester, Powell, Sebo, Wise

3. Council to consider approval of 18-VAR-008, to consider a variance concerning exceeding the maximum allowable percentage of building face coverage for signs on the property. Jim Reaves / Hometown Car Wash is the current property owner for the subject property located at 8787 Tara Boulevard (Parcel No. 05242B C005), Jonesboro, Georgia 30236.

**RESULT: APPROVED [UNANIMOUS]**

**MOVER:** Pat Sebo, Councilmember

**SECONDER:** Bobby Lester, Councilmember

**AYES:** Boak, Dixon, Lester, Powell, Sebo, Wise

4. Council to consider approval of VAR-009, to consider a variance concerning replacement wall signs, exceeding the maximum number of wall signs allowed. Clayton County Tourism Authority is the current property owner for the subject property located at 136 South Main Street (Parcel No. 13241D C013), Jonesboro, Georgia 30236.

**RESULT: APPROVED [UNANIMOUS]**

**MOVER:** Pat Sebo, Councilmember

**SECONDER:** Alfred Dixon, Councilmember

**AYES:** Boak, Dixon, Lester, Powell, Sebo, Wise

5. Council to consider tabling approval of 18-TA-005, a proposed text amendment to the City of Jonesboro Code of Ordinances, regarding further revisions and updates to the "Table of Uses Allowed by Zoning District", Section 86-204, of Article VI – Conditional Uses, Chapter 86 – Zoning, of the City of Jonesboro Code of Ordinances. Staff is requested that the item be tabled for a period of 60 days to allow additional time to synchronize the table with the necessary conditional use provisions.

**RESULT: TABLED [UNANIMOUS]**

**Next: 1/7/2019 6:00 PM**

**MOVER:** Ed Wise, Councilmember

**SECONDER:** Billy Powell, Councilmember

**AYES:** Boak, Dixon, Lester, Powell, Sebo, Wise

6. Council to consider approval of 18-VAR-010, to consider a variance concerning a new ground sign encroaching on the minimum allowable setback from buildings, exceeding the maximum allowable size for tenant panels, and the position of the ground sign. Regency Development Partners, LLC is the current property owner for the subject property located at 8896 Tara Boulevard (Parcel Nos. 05239 241001 and 05239 24010), Jonesboro, Georgia 30236.

**RESULT: APPROVED [UNANIMOUS]**

**MOVER:** Billy Powell, Councilmember

**SECONDER:** Alfred Dixon, Councilmember

**AYES:** Boak, Dixon, Lester, Powell, Sebo, Wise

## XII.

### NEW BUSINESS

1. Council to consider adoption of Budget Amendment #18-02 in the amount of \$1,800 making needed line item transfers within the Public Works Department.

**RESULT: APPROVED [UNANIMOUS]**

**MOVER:** Ed Wise, Councilmember

**SECONDER:** Alfred Dixon, Councilmember

**AYES:** Boak, Dixon, Lester, Powell, Sebo, Wise

2. Council to consider engagement letter from 4PM Public Private Partnership for the Jonesboro Bed & Breakfast Project.

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Pat Sebo, Councilmember  
**SECONDER:** Alfred Dixon, Councilmember  
**AYES:** Boak, Dixon, Lester, Powell, Sebo, Wise

3. Council to consider renewal of major medical insurance with United Healthcare for FY' 19.

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Pat Sebo, Councilmember  
**SECONDER:** Alfred Dixon, Councilmember  
**AYES:** Boak, Dixon, Lester, Powell, Sebo, Wise

### XIII. OTHER BUSINESS

1. Executive Session for the purpose of discussing the conveyance of real estate.

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Ed Wise, Councilmember  
**SECONDER:** Alfred Dixon, Councilmember  
**AYES:** Boak, Dixon, Lester, Powell, Sebo, Wise

2. Motion to adjourn Executive Sessions and reconvene Regular meeting at 7:15 p.m.

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Ed Wise, Councilmember  
**SECONDER:** Pat Sebo, Councilmember  
**AYES:** Boak, Dixon, Lester, Powell, Sebo, Wise

3. Consider any action(s) if necessary based on decision(s) made in the Executive Session

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Pat Sebo, Councilmember  
**SECONDER:** Ed Wise, Councilmember  
**AYES:** Boak, Dixon, Lester, Powell, Sebo, Wise

4. Motion to authorize Mayor Day to execute a Purchase and Sale Agreement for the property located at 144 Smith Street and to allow for further negotiations.

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Pat Sebo, Councilmember  
**SECONDER:** Ed Wise, Councilmember  
**AYES:** Boak, Dixon, Lester, Powell, Sebo, Wise

### XIV. ADJOURNMENT

1. Motion to adjourn

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Bobby Lester, Councilmember  
**SECONDER:** Ed Wise, Councilmember  
**AYES:** Boak, Dixon, Lester, Powell, Sebo, Wise

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JOY B. DAY – MAYOR

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RICKY L. CLARK, JR. – CITY MANAGER

**CITY OF JONESBORO  
WORK SESSION  
170 SOUTH MAIN STREET  
December 3, 2018 – 6:00 PM**

**MINUTES**

The City of Jonesboro Mayor & Council held their Work Session on Monday, December 3, 2018. The meeting was held at 6:00 PM at the Jonesboro Police Station, 170 South Main Street, Jonesboro, Georgia.

**I. CALL TO ORDER - MAYOR JOY B. DAY**

**II. ROLL CALL - RICKY L. CLARK, JR., CITY MANAGER**

Attendee Name	Title	Status	Arrived
Larry Boak	Councilmember	Present	
Alfred Dixon	Councilmember	Present	
Bobby Lester	Councilmember	Present	
Billy Powell	Councilmember	Present	
Pat Sebo	Councilmember	Present	
Ed Wise	Councilmember	Present	
Joy B. Day	Mayor	Present	
Ricky L. Clark	City Manager	Present	
Pat Daniel	Assistant City Clerk	Present	
Clifford Kelker	Chief of Police	Present	
Joe Nettleton	Public Works Director	Present	
Cable Glenn-Brooks	Executive Assistant	Present	
Derry Walker	Building Official	Present	

**III. INVOCATION - MOMENT OF SILENCE FOR CAROL CANNON - JONESBORO RESIDENT**

**IV. ADOPTION OF AGENDA**

1. Motion to adopt the agenda as presented.

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Pat Sebo, Councilmember  
**SECONDER:** Alfred Dixon, Councilmember  
**AYES:** Boak, Dixon, Lester, Powell, Sebo, Wise

**V. PUBLIC HEARING**

1. Public Hearing regarding the proposed FY' 19 Annual Budget.

**RESULT:**

**ADJOURNED**

At this time Mayor Day opened the Public Hearing. As none were present to speak, the Public Hearing was duly adjourned.

**VI. WORK SESSION**

1. Discussion regarding #18-TA-006, a proposed text amendment to the City of Jonesboro Code of Ordinances, regarding further revisions and updates to Chapter 70 – Telecommunications, of the City of Jonesboro Code of Ordinances.

<b>RESULT:</b>	<b>CONSENT AGENDA ITEM</b>	<b>Next: 12/10/2018 6:00 PM</b>
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2. Discussion regarding revisions to the Jonesboro Police Department Standard Operating Procedures.

<b>RESULT:</b>	<b>CONSENT AGENDA ITEM</b>	<b>Next: 12/10/2018 6:00 PM</b>
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3. Discussion regarding FY' 19 proposed budget.

<b>RESULT:</b>	<b>CONSENT AGENDA ITEM</b>	<b>Next: 12/10/2018 6:00 PM</b>
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4. Discussion regarding City of Jonesboro Spousal Surcharge Policy.

<b>RESULT:</b>	<b>CONSENT AGENDA ITEM</b>	<b>Next: 12/10/2018 6:00 PM</b>
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5. Discussion regarding proposed City of Jonesboro Employee Medical Benefits opt-out arrangement.

<b>RESULT:</b>	<b>CONSENT AGENDA ITEM</b>	<b>Next: 12/10/2018 6:00 PM</b>
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6. Discussion regarding 2018 audit engagement letter with Fulton & Kozak.

<b>RESULT:</b>	<b>CONSENT AGENDA ITEM</b>	<b>Next: 12/10/2018 6:00 PM</b>
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7. Discussion regarding parallel parking on Main Street between West Mill Street & Church Street.

<b>RESULT:</b>	<b>CONSENT AGENDA</b>
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8. Discussion regarding approval of the FY' 19 Holiday Calendar.

<b>RESULT:</b>	<b>CONSENT AGENDA ITEM</b>	<b>Next: 12/10/2018 6:00 PM</b>
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9. Motion to approve December 31st as an additional holiday for City employees.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
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<b>MOVER:</b>	Pat Sebo, Councilmember
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<b>SECONDER:</b>	Ed Wise, Councilmember
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<b>AYES:</b>	Boak, Dixon, Lester, Powell, Sebo, Wise
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## VII. OTHER BUSINESS

- A. Executive Session for the purpose of discussing Personnel Related Matters.

1. Motion to enter Executive Session at 7:10 p.m. for the purpose of discussing Personnel Related Matters.

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Ed Wise, Councilmember  
**SECONDER:** Pat Sebo, Councilmember  
**AYES:** Boak, Dixon, Lester, Powell, Sebo, Wise

2. Motion to adjourn Executive Session and reconvene Work Session at 7:37 p.m.

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Pat Sebo, Councilmember  
**SECONDER:** Billy Powell, Councilmember  
**AYES:** Boak, Dixon, Lester, Powell, Sebo, Wise

3. Consider any action(s) if necessary based on decision(s) made in the Executive Session

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Pat Sebo, Councilmember  
**SECONDER:** Ed Wise, Councilmember  
**AYES:** Boak, Dixon, Lester, Powell, Sebo, Wise

4. Motion to approve renewal of Agreement for Employment of City Manager.

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Pat Sebo, Councilmember  
**SECONDER:** Ed Wise, Councilmember  
**AYES:** Boak, Dixon, Lester, Powell, Sebo, Wise

## VIII. ADJOURNMENT

1. Motion to adjourn

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Pat Sebo, Councilmember  
**SECONDER:** Billy Powell, Councilmember  
**AYES:** Boak, Dixon, Lester, Powell, Sebo, Wise

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JOY B. DAY – MAYOR

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RICKY L. CLARK, JR. – CITY MANAGER



# CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

-1

10.1

COUNCIL MEETING DATE  
December 10, 2018

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

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

Council to consider approval of the FY' 19 Holiday Calendar.

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

Requires Adoption by Mayor & Council

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

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 schedule set forth simply formalizes the FY' 19 Holiday Calendar. In addition, this year staff is recommending that employees be allowed to take their floating holiday any time within the year. Should the floating holiday not be used before the end of the year, the employee will lose the time.

- Tuesday, January 1, 2019 – New Year's Day
- Monday, January 21, 2019 – Martin Luther King Jr., Day
  - Monday, May 27, 2019 – Memorial Day
  - Thursday, July 4, 2019 – Independence Day
  - Monday, September 2, 2019 – Labor Day
- Thursday November 28, 2019 – Thanksgiving Day
  - Friday November 29, 2019 – Thanksgiving
  - Tuesday, December 24, 2019 – Christmas Eve
  - Wednesday, December 25, 2019 – Christmas Day

Part-time employees shall not be paid for holidays. When an observed holiday falls on a day on which a part-time employee is scheduled to work, the part-time employee may request to re-schedule their work with the appropriate Department Director.

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.)*

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

Approval

## FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title Ricky L. Clark, City Manager	Date December, 10, 2018	12/03/18 ITEM	City Council CONSENT AGENDA Next: 12/10/18
Signature	City Clerk's Office		



## CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

-2

10.2

COUNCIL MEETING DATE  
December 10, 2018

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

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

Council to consider approval of 2018 audit engagement letter with Fulton & Kozak.

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

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

Yes

Innovative Leadership

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.)*

During each year, monthly, city finance staff prepares financial statements for the city council. At the end of the fiscal year, the auditors spend one to three months preparing their report and audited financial statements, which they ultimately present to the city council. Georgia cities are subject to specific accounting and financial reporting guidelines, standards, and rules. In addition, Georgia law requires cities that spend at least \$300,000 annually or have a population in excess of 1,500 to be audited annually; most other cities are required to be audited at least every two years. Because cities operate largely on involuntary resources in the form of taxes, which are entrusted to elected and appointed officials for the provision of public services, an audit by an independent certified public accounting firm is essential to ensure that public funds have been expended as legally required.

For several years, the City of Jonesboro has utilized the services of Fulton & Kozak for annual auditing purposes. This year, we are recommending to engage the same firm for such purposes. As we have added several different funds that required auditing as well (i.e. Downtown Development Authority & the Urban Redevelopment Agency) the cost for such services have increased. For the purpose of the Downtown Development Authority Audit, we will ensure that the portion by which we are assessed for this particular auditing is reimbursed by the DDA (\$5,000).

This year, we are proposing to prepare a full CAFR (Comprehensive Annual Financial Report). This report provides a better understanding of not just finances, but where we are as it relates to activity such as economic development trends, employment trends, demographic statistics, unemployment information, ratio of bonded debt outstanding, operating indicators and capital assets. For completion of this report, we will receive our first ever Certificate of Achievement for Excellence in Financial Reporting and join the many prestigious cities around the State to receive this esteemed accolade. The Georgia Finance Officers Association (GFOA) established the Certificate of Achievement for Excellence in Financial Reporting Program (CAFR Program) in 1945 to encourage and assist state and local governments to go beyond the minimum requirements of generally accepted accounting principles to prepare comprehensive annual financial reports that evidence the spirit of transparency and full disclosure and then to recognize individual governments that succeed in achieving that goal. The goal of the program is not to assess the financial health of participating governments, but rather to ensure that users of their financial statements have the information they need to do so themselves.

The cost of engagement for auditing services for FY' 18 will not exceed \$35,000. Last year the cost of our audit was merely \$30,000. The additional \$5,000 will be remitted by the Downtown Development Authority due to the activity of their accounts. Further, the cost of the CAFR assistance will range between \$4,500 and \$12,000 as this is the first year it is

### FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title Ricky L. Clark, City Manager	Date December, 10, 2018	12/03/18 ITEM	City Council CONSENT AGENDA Next: 12/10/18
Signature	City Clerk's Office		

hard to pinpoint the actual cost. The amount of the auditing and additional services has been budgeted within the budget.

10.2

For comparative purposes the following cities have been awarded the Excellence in Financial Reporting Awards:

Entity Name	State	Number of Awards
Acworth	GA	17
Albany	GA	26
Alpharetta	GA	28
Americus	GA	29
Atlanta	GA	38
Austell	GA	20
Avondale Estates	GA	20
Ball Ground	GA	10
Brookhaven	GA	2
Brunswick	GA	3
Calhoun	GA	18
Canton	GA	30
Cartersville	GA	37
Chamblee	GA	4
College Park	GA	26
Columbus Consolidated Government	GA	27
Conyers	GA	24
Covington	GA	2
Dahlonega	GA	8
Dalton	GA	15
Dawsonville	GA	3
Decatur	GA	14
Doraville	GA	1
Douglas	GA	3
Douglasville	GA	16
Dublin	GA	29
Dunwoody	GA	8

East Dublin	GA	26
East Point	GA	21
Elberton	GA	14
Fairburn	GA	35
Fayetteville	GA	21
Forest Park	GA	38
Forsyth	GA	6
Gainesville	GA	27
Griffin	GA	13
Hapeville	GA	4
Hartwell	GA	11
Hinesville	GA	12
Holly Springs	GA	5
Johns Creek	GA	9
Kennesaw	GA	17
Kingsland	GA	13
LaFayette	GA	35
LaGrange	GA	29
Lawrenceville	GA	2
Manchester	GA	25
Marietta	GA	30
Milledgeville	GA	35
Milton	GA	9
Monroe	GA	15
Morrow	GA	22
Newnan	GA	8
Palmetto	GA	25
Peachtree City	GA	29
Perry	GA	28
Pooler	GA	16
Port Wentworth	GA	17
Powder Springs	GA	26
Riverdale	GA	18

Rockmart	GA	31
Rome	GA	30
Roswell	GA	31
Sandy Springs	GA	11
Savannah	GA	34
Smyrna	GA	25
Snellville	GA	4
St. Marys	GA	3
State of Georgia	GA	5
Stockbridge	GA	14
Suwanee	GA	14
Thomaston	GA	31
Thomasville	GA	22
Thunderbolt	GA	11
Union City	GA	25
Valdosta	GA	33
Woodstock	GA	25

**Fiscal Impact**

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

- City of Jonesboro 2018 audit engagement letter (003)

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

**Approval**



November 15, 2018

Ricky L. Clark  
*City Manager*  
 City of Jonesboro, Georgia  
 124 North Avenue  
 Jonesboro, Georgia 30236

We are pleased to confirm our understanding of the services we are to provide the City of Jonesboro, Georgia for the year ended December 31, 2018. We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the City of Jonesboro, Georgia as of and for the year ended December 31, 2018. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City of Jonesboro, Georgia's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City of Jonesboro, Georgia's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by U.S. generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis.

We have also been engaged to report on supplementary information other than RSI that accompanies the City of Jonesboro, Georgia's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in

City of Jonesboro, Georgia

November 15, 2018

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accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements:

1. Combining and individual non-major fund financial statements and schedules.
2. Schedule of Projects Constructed with Special Purpose Local Option Sales Tax

### **Audit Objectives**

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of accounting records of City of Jonesboro, Georgia and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of City of Jonesboro, Georgia's financial statements. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-emphasis paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or may withdraw from this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering internal control and compliance. The paragraph will also state that the report is not suitable for any other purpose. If during our audit we become aware that City of Jonesboro, Georgia is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

City of Jonesboro, Georgia

November 15, 2018

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### **Audit Procedures - General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by general accepted auditing standards.

### **Audit Procedures – Internal Control**

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and

City of Jonesboro, Georgia  
 November 15, 2018  
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detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

### **Audit Procedures – Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City of Jonesboro, Georgia's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

### **Other Services**

We will also assign a staff person to prepare the financial statements and related notes of City of Jonesboro, Georgia in conformity with U.S. generally accepted accounting principles based on information provided by you. Additionally we will complete the City of Jonesboro, Georgia's Report of Local Government Finances for the year ended December 31, 2018. Finally, we will assist the City in gathering the necessary information for reporting in a Comprehensive Annual Financial Report ("CAFR"). These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

### **Management Responsibilities**

Management is responsible designing, implementing, establishing and maintaining effective internal controls, relevant to the preparation and fair presentation of financial statements that are free from material misstatement whether due to fraud or error, including evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; following laws regulations; and ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to

City of Jonesboro, Georgia  
November 15, 2018  
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achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles for the preparation and fair presentation of the financial statements and all accompanying information in conformity with U.S. generally accepted accounting principles, and for compliance with applicable laws and regulations and provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants for taking timely and appropriate steps to remedy any fraud, violations of contracts or grant agreements, or abuse that we may report.

You are responsible for the preparation of the supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) that you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

City of Jonesboro, Georgia

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Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us report copies of previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities for any non-audit services we provide; oversee the services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them.

### **Engagement Administration, Fees, and Other**

We may from time to time and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash or other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to City of Jonesboro, Georgia. However, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Fulton & Kozak, LLC and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to the State of Georgia or its designee, a federal agency providing direct or indirect funding, or the U.S. Government

City of Jonesboro, Georgia

November 15, 2018

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Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Fulton & Kozak, LLC personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies. The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the State of Georgia. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Geoff Fulton is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed \$35,000 for the audit and \$1,750 for the Report of Local Government Finances. Additionally, the CAFR assistance fee will range between \$4,500 and \$12,000. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 60 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to the City of Jonesboro, Georgia and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,



Fulton & Kozak, LLC

City of Jonesboro, Georgia  
November 15, 2018  
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## RESPONSE:

This letter correctly sets forth the understanding of the City of Jonesboro, Georgia.

By: \_\_\_\_\_  
City Manager

Date: \_\_\_\_\_



## CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

-3

10.3

COUNCIL MEETING DATE  
December 10, 2018

Requesting Agency (Initiator)

Police

Sponsor(s)

Kelker

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

Council to consider approval of revisions to the Jonesboro Police Department Standard Operating Procedures.

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

None

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

Yes

Safety, Health and Wellbeing

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.)*

Jonesboro Police Department Policies

The Jonesboro Police Department is submitting the following policies for Council review and consideration. This is to inform the Jonesboro City Council about the police department's new policies and procedures as they are developed. These documents are being submitted to the Mayor and City Council in order to provide an opportunity for department transparency, allow the council to ask questions and give them an opportunity voice to address their concerns on police operations, goals and accountability:

### 1. Subject: Organization

It shall be the policy of the Jonesboro Police Department that the department be organized in such a manner to provide maximum efficiency and effectiveness and to provide clear channels of communication, direction and control between management and employees.

### 2. Departmental Meetings

It is the policy of the Jonesboro Police Department to ensure that meetings shall be held with various levels of supervisory, sworn and civilian personnel. Meetings shall be scheduled for specific dates each week, month, quarter or periodically as needed. This policy shall apply to all sworn and non-sworn personnel.

### 3. Rules and Regulations

The Rules and Regulations of the Jonesboro Police Department have been adopted to give the employees a clear understanding of what is expected of them. These regulations are applicable to each employee and a violation of such will result in disciplinary actions as prescribed by the Department.

### 4. Vehicle Pursuits

Pursuits present a dangerous situation to the officers and suspects involved in the pursuit and the public at-large; therefore, it shall be the policy of the Jonesboro Police Department to set strict guidelines governing vehicular pursuits.

### 5. Use of Force

#### FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title Ricky L. Clark, City Manager	Date December, 10, 2018	12/03/18 ITEM	City Council CONSENT AGENDA Next: 12/10/18
Signature	City Clerk's Office		

The purpose of this policy is to establish general guidelines and procedures for the lawful use of force during the performance of an officer's duties.

10.3

The Purpose of the Policies are to establish the validity and the continuity of the Jonesboro Police Department's Standard Operating Procedures Manual. It Shall be the policy of the Jonesboro Police Department to establish policies, procedures, rules and regulations as necessary to govern the actions of the employees of the Department. In addition, it shall be the Policy of the Agency that Departmental Policies, Procedures, Rules and Regulations with a like subject matter to City of Jonesboro Personnel Policies and Procedures Shall Serve as a Supplement to Those Policies and Procedures and Are Enforceable as Such.

**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.)

- A-011 Organization
- A-020 - Departmental Meetings
- A-035 - Rules Regulations
- P-002 - Vehicle Pursuits
- T-005 - Use Of Force (3)

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

**Review, Consideration, Approval**

**JONESBORO POLICE DEPARTMENT**  
**STANDARD OPERATING PROCEDURES**  
*Subject: Organization*

**Date of Issue:**  
**Chapter: A-011**  
**Distribution: Departmental**

**Number of Pages: 7**  
**Review Date:**  
**Revision Date:**

**I. Purpose**

To designate an organizational structure, through which organizational components are arranged, defined, directed and coordinated. This policy will also define the general authority and responsibilities of command and supervisory personnel.

**II. Statement of Policy**

It shall be the policy of the Jonesboro Police Department that the department be organized in such a manner to provide maximum efficiency and effectiveness and to provide clear channels of communication, direction and control between management and employees.

**III. Organizational Structure**

**A. The Jonesboro Police Department**

The Jonesboro Police Department organizational structure includes divisions, shifts, units, and individuals to each of which are assigned specific functional areas of responsibility, which include activities directly related to achieving the department's objectives or supporting those objectives.

Ranking members are those persons having authority to administer and supervise the work of various divisions, shifts, units or individuals of the department. A ranking member shall exercise the authority of his or her position in the best interest of the department. A ranking officer shall not unnecessarily countermand any orders of a subordinate officer or needlessly interfere with the specific duties of members of lesser rank.

Situations arise where supervisory personnel from different areas within the department work together on a single operation. In such cases, the type of incident shall dictate the supervisor in charge. Whichever supervisor routinely handles incidents such as the one in question will be considered in charge. For example, if a Detective Lieutenant and a Uniform Patrol Services Lieutenant were both present

at the scene of a homicide investigation, the Detective Lieutenant would be in charge

#### **B. Office of the Chief of Police**

The Chief of Police is the chief executive officer of the department to include commanding responsibility over the following components: Investigative Division, Patrol Division, and the Administrative Division. The administrative assistant reports to and is accountable to the Chief of Police. The Chief of Police will assign each lieutenant to serve as Duty Officer on a rotating basis. Rotations and alignment of the Duty Officer shall be at the discretion of the Chief of Police.

#### **C. Criminal Investigations Division**

A Lieutenant commands the Investigation Division, with one Supervisor/Sergeant assigned specific supervisory duties. General investigations shall be the primary duties for each detective. The Criminal Investigations Division will also be responsible for all crime prevention/community relation and other public relations functions, and monthly crime analysis. The division has officers assigned as Clayton County Narcotics Task Force and Federal Drug Enforcement Administration Task Force agents. These investigators report to their respective supervisors for case assignment but report to the Criminal Investigation Division Sergeant for leave requests and other specific requests pertinent to the City of Jonesboro. Overall supervision and responsibility for the division's performance rests with the Division Commander.

#### **D. Patrol Division**

A lieutenant commands the Patrol Division. The Patrol Division is divided into the morning, and day watches with 4 teams working 12-hour shifts each. A Sergeant, who serves as the Watch Commander, commands each watch. Overall supervision and performance of each watch is the responsibility of the Sergeant. Patrol Sergeants are responsible for employee relations, evaluations and discipline. Patrol sergeants assist officers in the completion of reports, investigation of serious incidents and field training. Overall supervision and responsibility for the division's performance rests with the Patrol Division Lieutenant.

#### **E. Administrative Services Division**

The Administrative Services Division provides support services for this Agency, especially in patrol, community policing and records maintenance. The Administrative Services Division shall be commanded by an officer with the rank of lieutenant. Functions and work units of the Administrative Services Division include:

1. Probation

2. Records Management
3. Georgia Crime Information Center
4. Office of Professional Standards
5. Training

#### IV. Chain of Command

- A. Each organizational component will be under the direct command of only one supervisor. Additionally, each employee will be accountable to only one supervisor at any given time.
- B. In descending order, the chain of command of the department is as follows:
  1. Chief of Police;
  2. Lieutenant;
  3. Sergeant;
  6. Officer;
  7. Civilian Employee.
- C. General orders relative to the chain of command are as follows:
  1. The chain of command, descending from the Chief and ascending from the lowest rank, shall be preserved and shall be respected in the delegation of authority;
  2. Members shall not bypass their supervisors except as set forth in departmental policy;
  3. All employees should follow their chain of command when addressing departmental matters. But, no member of the chain of command shall discourage, harass, or in any other way prohibit another member from reaching the top of the chain of command, being the Chief of Police.

Any member in the chain of command who is guilty of such activities will be in violation of this policy, regardless of rank. In incidents of such violation, the member following the chain of command shall make a written request for a hearing with the Chief of Police and should specify the violation and violator. Appropriate disciplinary hearings and actions will follow.

If, during a conversation between the Chief of Police and an employee, the employee begins to discuss a matter related to discontent with a supervisor or a supervisor's decision, the Chief of Police will stop the conversation. The Chief of Police will determine if the employee has discussed the matter with the supervisor. If the matter has not been discussed, the Chief of Police will advise the employee to speak with his or her supervisor to resolve the incident. If the employee states that he or she has already spoken with their supervisor, the Chief of Police will discontinue the conversation until the employee's supervisor can come forward to join the discussion.

In all cases, supervisors are responsible for the performance of employees under their command.

## V. Command During Absence of the Chief of Police

Whenever the Chief is unavailable during normal working hours and after normal working hours, on holidays and weekends, the Duty Officer shall have such duty, responsibility and authority as conferred by statute upon the Chief of Police. The current watch commander will serve as the Duty Officer in the absence of the Chief of Police or designee (refer also to sub-section O. Notification of Incidents).

During the absence of the Chief of Police for a specified number of days, the authority vested in this position shall be delegated to a Deputy Chief. Prior to his or her absence the Chief shall designate which Deputy Chief will assume command of the department as acting Chief. That Deputy Chief shall assume full authority and responsibility of the department. The designated Deputy Chief will consult with the other Deputy Chiefs on matters of Major importance, especially matters pertaining to the other divisions.

### A. Watch Commander

The highest-ranking person on a patrol shift is referred to as the Watch Commander. The Watch Commander shall act for the Chief of Police on matters brought to their attention when higher-ranking officers are not on duty. When the supervisor of an oncoming, overlapping shift is of equal rank to the Watch Commander of the current on-duty shift, the current on-duty Shift Supervisor shall retain the responsibilities as Watch Commander until their tour of duty has ended.

### B. Absence of Ranking Officer

In the case of a call for service, a self-initiated call or a citizen complaint, the first subordinate on the scene will be designated the Incident Commander until relieved by a ranking officer unless said ranking officer has pre-designated his or her temporary replacement. In cases not involving calls (i.e., roll call, meetings, etc.) the senior ranking subordinate present or available for duty acts as the ranking officer during such absence, unless said ranking officer has pre-designated his or

her temporary replacement. In all cases, the subordinate assuming command shall be delegated the authority to make decisions and shall be held accountable for decisions made or the failure to make decisions.

**C. Accountability for Decisions**

At every level within the agency, personnel shall be given the authority to make the decisions necessary for the effective execution of their responsibilities. The employee shall be made accountable for the use of delegated authority as well as for the failure to use it. In all cases, supervisors are responsible for authority, which they have delegated to subordinates.

**D. Lawful Orders**

At all times members will obey any lawful order given by a supervisor, including any other relayed from a superior by an employee of the same or lesser rank.

**E. Unjust, Improper, Unlawful or Conflicting Orders**

No command or supervisory officer shall knowingly issue any order which is in violation of any law, ordinance, special order, memorandum, standard operating procedure, or the City of Marietta/BLW Personnel Rules and Regulations.

No member is required to obey any order, which is contrary to federal, state, or local law or ordinance. Obedience to an unlawful order is never a defense for an unlawful action or a violation of city of departmental rules, standard operating procedures or policies.

Employees who are given orders, which they feel, are unjust or contrary to rules or policy may first question the order in a professional and respectful manner with the issuing authority. If the order stands as issued, the employee is expected to obey the order to the best of his or her ability and then may proceed with any remedy provided.

Orders will be countermanded, or conflicting orders will be issued only when reasonably necessary for the good of the department. Upon receipt of an additional order which conflicts with any previous order or instruction, the member affected will advise the person issuing the second order of this fact, in a professional and respectful manner. Responsibility for countermanding the original instruction rests with the individual issuing the second order to have the original order rescinded. In no event will an employee countermand a supervisor's order unless immediate danger to lives or property exists.

**F. Notification of Incidents**

All personnel are responsible for notifying their immediate supervisor when significant incidents have occurred. As notification is made through the chain of command, each level of supervision will determine if the incident requires immediate notification of the next level or if notification may be postponed to a later time. Notifications may be made by phone, email, or incident reports,

depending on the nature of the incident. As not all possible incidents can be predicted or listed individually, all personnel will make the decision based on the seriousness of the incident, the potential impact on the department, and the level of community interest regarding the incident. All incidents requiring notification to the Chief of Police will be entered on the Critical Incident Log, excluding personnel matters and incidents that will be investigated by Internal Affairs. The shift/unit supervisor is responsible for ensuring this is done.

The Chief of Police will be immediately notified through the chain of command when an incident occurs which may involve serious agency liability, heightened community interest or any of the following types of incidents:

1. Serious injury or death of an employee;
2. Serious injury or death of a civilian as a direct result of the actions, or inactions, of an employee;
3. Significant damage to, or loss of property, resulting from employee actions, unusual criminal activity, or acts of nature;
4. Activation of the emergency mobilization schedule;
5. Any incident when one or more media outlets is on scene;
6. Arrest of a police department employee, other high-profile government employee, or an elected official.

Other incidents for which notification may be postponed to a later time include, but are not limited to:

1. Minor injuries of employees;
2. Minor injuries of civilians as a direct result of the actions, or inactions, of an employee;
3. Agency liability, not of a serious nature;
4. Minor damage to property resulting from employee actions;
5. Arrest of a person employed by any local, state, or federal government agency or department.

The shift/unit Major of the arresting officer will notify government organizations when one of their employees is arrested, as soon as possible, but no later than one business day after the occurrence.

**G. Chief of Police Authority**

Within the department there exists whatever units of organization the Chief of Police deems necessary.

**V. Organizational Chart**

An organizational chart shall be maintained in each SOP manual and shall be updated annually, or as needed.

---

Chief C. Kelker

*This SOP supersedes any SOP previously issued.*  
BY ORDER OF THE CHIEF OF POLICE:

First Reading:  
Final Adoption:  
Distribution Date:  
Effective Date

**JONESBORO POLICE DEPARTMENT**  
**STANDARD OPERATING PROCEDURES**  
*Subject: Departmental Meetings*

**Date of Issue:**  
**Chapter: A-020**  
**Distribution: Departmental**

**Number of Pages: 3**  
**Review Date:**  
**Revision Date:**

**I. PURPOSE**

The purpose of this policy is to establish guidelines to allow employees to exchange ideas; pool information and opinions; identify, analyze and solve problems; and to pass on new information.

**II. POLICY**

It is the policy of the Jonesboro Police Department to ensure that meetings shall be held with various levels of supervisory, sworn and civilian personnel. Meetings shall be scheduled for specific dates each week, month, quarter or periodically as needed. This policy shall apply to all sworn and non-sworn personnel.

**III. PROCEDURES**

To ensure the proper exchange of information and ideas, various types of meetings will be held regularly.

**A. Senior Command Staff Meetings**

Senior command staff meetings will include the Chief of Police and Lieutenants. Other supervisors in assignments such as Certification and Training may be in attendance at these meetings to address certain issues. Meetings are scheduled monthly unless otherwise planned. The Chief of Police will preside over these meetings. In the absence of the Chief of Police a Lieutenant of his choosing will preside over meetings. Attendance at senior command staff meetings is mandatory unless the employee is excused in advance by the Chief.

**B. Full Staff Meetings**

Full staff meetings will also be known as command staff meetings. Full staff meetings will include the Chief of Police, Lieutenants, Sergeants and any civilian supervisors. Full staff meetings will be scheduled as needed by the Chief of Police. The Chief of Police will preside over the meeting. Attendance at full staff meetings are mandatory for all supervisors. Senior command staff members and Lieutenants, must be excused in advance by the Chief of Police prior to missing a full staff meeting. A Lieutenant must excuse Sergeants and OIC's in advance for their division prior to missing a full staff meeting. Patrol officers and civilian representatives will be chosen by a Lieutenant, but their attendance is not mandatory.

**C. Preparation for Senior Command and Full Staff Meetings**

To ensure the smooth flow of senior command and full staff meetings, the following procedures will be followed:

1. Prior to a meeting, the Chief of Police will ensure that an agenda and all read-ahead material is prepared and circulated to those individuals who are known to be attending the meeting;
2. It shall be the responsibility of all individuals wishing to place an issue on the agenda to notify the administrative assistant of the Chief of Police no later than three days prior to a scheduled meeting;
3. It shall be the responsibility of the Lieutenants to ensure that all patrol officers or civilians under their command, who will attend the staff meeting, have a copy of the agenda and read-ahead material;
4. All rated officers attending meetings are responsible for being familiar with read-ahead material. In some cases, employees may be called upon to present a summary of the material and state the relevance of the material to the department;
5. Meetings will be conducted democratically using Robert's Rules of Order. All employees are encouraged to participate by expressing their opinions and making recommendations;
6. Whenever possible and practical, minutes of the meetings will be hand-recorded by the Chief's administrative assistant and a written summary of each meeting prepared. If the Chief's administrative assistant is not present, a person appointed by the Chief of Police or his designee will take the minutes. The Chief's administrative assistant will maintain the minutes on file. Minutes will be distributed to the Chief of Police and Lieutenants.
7. Employees attending meetings will dress appropriately. Approved forms of dress for males will include departmental issued uniforms, suits, sport coats, slacks, "Dockers" type pants, polo shirts, golf shirts and button up shirts. Approved forms of dress for females will include departmental issued uniforms, slacks, "Dockers" type pants, polo shirts, golf shirts, button up shirts, skirts, dresses and pantsuits. Inappropriate apparel will include, but not be limited to: shorts, sweat shirts, B.D.U.'s (except departmental issued uniforms), tank tops, t-shirts, blue jeans, sandals and flip flops. Apparel worn by undercover officers, while on duty, will be acceptable. In all cases, the Chief of Police will have ultimate discretion in determining what is or is not appropriate dress for meetings.

#### **D. Miscellaneous Meetings**

In addition to the reading of daily bulletins and lookout sheets, representatives from the various units and divisions will meet regularly with other units and divisions to ensure the proper flow of information within the department. Examples of this type of interaction will include, but not be limited to:

1. a representative of the Detective Division appearing at Uniform Patrol Services roll call meetings to discuss current unsolved crimes, lookouts, and report protocol;
2. a representative from the Certification Office meeting various units within the department to discuss policy issues;
3. a representative from Administration meeting with Uniform Patrol Services and the Detective Division to relay crime trends of special significance;
4. a representative of the Narcotic Task Force meeting with Uniform Patrol Services at roll call to discuss current street level narcotics intelligence.

*This SOP supersedes any SOP previously issued.*

BY ORDER OF THE CHIEF OF POLICE:

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Chief C. Kelker

First Reading:  
Final Adoption:  
Distribution Date:  
Effective Date:

# JONESBORO POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURES

*Subject: Rules and Regulations*

**Date of Issue:**

**Chapter:** A-035

**Distribution:** Departmental

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### I. PURPOSE

The Rules and Regulations of the Jonesboro Police Department have been adopted to give the employees a clear understanding of what is expected of them. These regulations are applicable to each employee and a violation of such will result in disciplinary actions as prescribed by the Department.

### II. PROFESSIONAL CONDUCT AND RESPONSIBILITIES

Because of the responsibility of an employee and his/her visible position within the community in both his/her public and private life, the following work rules will be obeyed while an employee is both on and off duty. **These rules apply to sworn and civilian employees.**

#### A. APPROPRIATE ACTION REQUIRED

The demands for service are many, varied, and often extreme. Employees shall meet these challenges by responding in an appropriate manner to whatever situation they encounter by:

- A. Being considerate of the rights, feelings, and interests of all persons.
- B. Acting in each situation to provide the necessary service and insuring the notification of the proper supervisors when indicated by the circumstances.
- C. Requesting the assistance of supervisors when the appropriate action required is either not clear, not possible under the circumstances, or not within the scope of authority of the employee of whom the action was requested.
- D. Performing official acts in a lawful, restrained, dignified, impartial, and reasonable manner.

## B. DUTY TO ABIDE BY ALL LAWS AND ORDERS

Employees will abide by the laws, statutes, and ordinances of the federal, state, city, and county governments.

## C. COOPERATION

- A. Employees will promptly cooperate with other department employees and with the employees of any other public agency toward the accomplishment of any public responsibility.
- B. Employees will fully cooperate with internal, administrative investigations as described in this manual.
- C. Failure to cooperate, answer questions, respond to lawful orders, render material and relevant statements in an internal, administrative investigation when such orders, questions, and statements are directly related to job responsibilities is prohibited.

## D. TRUTHFULNESS

Employees will be truthful, always, both in their spoken and written words. Official reports, statements, applications for assignments, and court testimony will invariably be as factual and accurate as possible.

## E. CONDUCT

- A. All employees, sworn and civilian, will conduct themselves in such a manner as to reflect a favorable image on themselves and the Department.
- B. Employees will refrain from initiating or spreading gossip and rumors concerning another employee(s) within this department or other departments and agencies.
- C. Employees will not act in an official or private capacity in such a manner as to bring discredit upon the Department or upon themselves. Such conduct is unbecoming and prohibited.
- D. Any action in the form of intimidation, humiliation, insult, or subjecting someone to offensive physical or verbal abuse, or actions of a sexual, ethnic, racial, or religious nature is prohibited.
- E. Failure to report an employee's violation of a law, rule or regulation, policy or procedure, or general order is prohibited. To this end, all such violations will be reported to the supervisor within the employee's chain of command. If the

employee committing a violation is a supervisor, the reporting employee may circumvent the chain of command and tell the next appropriate supervisor.

#### F. CONFLICT OF INTEREST

No employee of the department shall engage in any activity in which there is a significant potential for conflict of interest or the appearance of a conflict of interest with the lawful duties of the employee. He or she will not intercede, order, ask, suggest, or involve themselves in the filing, bonding, or adjudication of traffic or criminal charges initiated by an officer or agency on behalf of any person who has been given a citation or arrested for any violation of law. He or she will not misrepresent, alter, lessen or make more severe the facts of an incident by adding to or taking away information that may influence the decision for a bond, detention or punishment of any kind.

Conflict of interest is any activity which would tend to influence a decision, create a bias or prejudice, or create a gain or loss for any person or agency, which would favor one side or the other in conflict with the employee's official duties, or which conflicts with the accomplishment of prosecution. Likewise, employees will not encourage or assist any person in circumventing any form of legal process.

#### G. SUSPENDED EMPLOYEES

- A. Suspended employees will surrender their badge, gun, vehicle, department identification cards, and any other designated department issued equipment to the employee's immediate supervisor or his/her designee for the period of their suspension.
- B. Any supervisor may relieve from duty an employee under that supervisor's control for a period of one (1) workday, if that employee is in the judgment of the supervisor "unfit" due to physical, mental, or other reasons to adequately perform his/her duties or might otherwise discredit the Department. Justification, in writing, is required of the initiating supervisor through the chain of command, indicating the nature of the infraction and any action taken. This justification should be submitted as soon as reasonably possible.
- C. During their suspensions, employees are divested of all legal authority to act as officers in any capacity which includes any off-duty employment.

**H. INSUBORDINATION**

No employee shall willfully disregard the expressed or implied directions of a supervisor, whether written or oral. Such willful disregard may be expressed or implied.

**I. CRITICISM**

Employees will not publicly or maliciously criticize any employee or any order, action, or policy of this Department or other governmental departments. Criticism, when required, will be directed only through official department channels to correct any deficiency and will not be used to the disadvantage of the reputation or operation of the Department or any employees.

**J. CONFIDENTIALITY OF DEPARTMENT BUSINESS**

Discussion of the operations and official business of the Department, division, component, or assignment, which are of a confidential nature, with anyone, without the permission of a supervisor, is prohibited. Additionally, all employees are prohibited from passing criminal history, driver's history information, or any other document that is considered confidential to unauthorized persons.

**K. CONFIDENTIALITY OF DEPARTMENTAL RECORDS**

No employee shall disburse, distribute or disseminate any information concerning any employee of the city without authorization from the Chief of Police or his designee.

**L. DUTY TO REFRAIN FROM GIVING PERSONAL INFORMATION**

No employee will disclose any private telephone number or address of any employee within the Department to the public.

**M. PROVIDE RESIDENCE ADDRESS AND TELEPHONE**

Employees of this department must keep the department informed of his/her current place of residence. The employee must immediately report any change of address to his/her immediate supervisor and the Chief of Police. The address will be kept confidential.

Employees will maintain a working telephone service. Employee's telephone numbers shall be provided to the employee's immediate supervisor and the Chief of Police. The telephone number will be kept confidential.

## N. USING POSITION FOR PERSONAL GAIN

Employees will not use their official position or identification for any financial gain.

## O. SOLICITING MONEY, GRATUITIES, LOANS, FEES, ETC.

Employees will not, under any circumstances, solicit any gift, gratuity, loan, or fee where there is any direct or indirect connection between the solicitation and their employment with the Department.

## P. ACCEPTANCE OF GIFTS, GRATUITIES, LOANS, FEES, ETC.

- A. Employees will not accept, either directly or indirectly, any gift, gratuity, loan, fee, or any other thing of value arising from or offered because of departmental employment without the permission of the Chief of Police.
- B. Employees will not accept, either directly or indirectly, any gift, gratuity, loan, fee, or any other thing of value, which would influence their actions or that of any other employee in any matter of departmental business.
- C. Employees will not accept, either directly or indirectly, any gift, gratuity, loan, fee, or any other thing of value, which would cast an adverse reflection on the Department or any employee thereof.
- D. No supervisor will borrow money or use their position in any manner to solicit or gain personal favors from a subordinate employee.

## Q. REWARDS

An employee will not accept any reward for services rendered in the line of duty without the knowledge and written consent of the Chief of Police or his designee.

## R. BRIBERY

An employee will not accept any money, gift of any kind, or any other thing of value, from any person, where the purpose of which is intended to influence the employee in the performance of his/her duty.

## S. DUTY REGARDING SPECIAL CONSIDERATION

- A. No employee will seek assistance other than through the appropriate chain of command, to obtain changes in duty assignments, promotional status, disciplinary actions, or other department matters.

- B. Employees will not solicit anyone to intercede with the Chief of Police, City council, legislative body, or any elected/appointed official in relation to promotions, departmental assignments, disposition of pending charges, or findings in a disciplinary proceeding.

## **T. THREAT OR VIOLENCE TO AN EMPLOYEE**

Employees will not threaten, strike, or attempt to strike any other employee or threaten any violence against another employee.

## **U. GENERAL CONDUCT ON-DUTY**

### **Purpose:**

The purpose of this section is to establish general rules and guidelines to regulate an employee while he/she is acting in an official capacity.

## **V. PUBLIC SERVICE**

It is the principal responsibility of every employee to promptly, courteously, and effectively assist the public whether in person, by telephone, or by letter. The invariable policy of the Department is that the need for assistance by a citizen takes precedence over any activity except those of an emergency nature. It will never be acceptable to place routine department business ahead of providing service to the public.

## **W. COURTESY**

- A. Employees will be civil, orderly, and courteous to the public, co-workers, and supervisors. Employees will not use coarse, insensitive, abusive, violent, or profane language.
- B. When in public, in an on-duty capacity, supervisors will be referred to by rank or title.

## **X. DISCRIMINATION/DISCRIMINATORY REFERENCES**

- A. Employees will not allow any of his/her actions or decisions to be affected by prejudice of sex, race, color, religion, or political belief.
- B. Employees will not refer to any person in a derogatory manner because of his/her sex, race, color, religion, or political preference.

## Y. COMMAND RESPONSIBILITY

- A. Supervisors will enforce the rules and regulations and will ensure the proper conformity to the department directives and procedures.
- B. Supervisors will take immediate, appropriate action(s) when the conduct of employees is contrary to the public interest or the good reputation or proper operation of the Department. Supervisors will avoid censuring subordinates in the presence of others and will not injure or discredit those under their authority by intentional or abusive conduct.

## Z. ISSUANCE OF ORDERS

Orders from supervisors to employees will be clear, understandable, expressed in civil tone and manner, and issued pursuant to departmental business.

### AA. LAWFUL ORDERS

All employees will promptly obey all direct lawful orders given by a supervisor.

#### 1. UNLAWFUL ORDERS

- A. No supervisor shall knowingly issue any order, which is in violation of any law, ordinance, or departmental rule.
- B. Obedience to an unlawful order is never a defense for an unlawful action; therefore, employees are not required to obey any order, which is contrary to any law or ordinance.
- C. Refusal to obey an order rests with the officer or employee and if they do refuse an order, they are required to provide a written justification for the refusal through the chain of command.

### BB. IMPROPER ORDERS

- A. Employees, who are given an order, which they feel is an improper or unjust order, may first question the order in a professional and respectful manner with the issuing supervisor.
- B. Employees who receive an improper or unjust order will report in writing to the Chief of Police through the chain of command. This report shall contain the facts of the incident and the action taken.

## CONFLICTING ORDERS

- A. Upon receipt of an order conflicting with any previous order, instruction, or directive, the employee affected will, when practical, advise the supervisor issuing the second order of this fact in writing. Responsibility for countermanding the original order then rests with the supervisor issuing the second order.
- B. If so directed by a supervisor, the latter command will be obeyed unless that command is unlawful or improper.
- C. In no event, shall a subordinate officer countermand a supervisor's order unless immediate danger to lives or property exists.

CC.

## CHAIN OF COMMAND

Employees will conduct official business through the chain of command. While lateral communication is encouraged, employees will inform supervisors of significant matters and parties involved in such lateral communications.

DD.

## UNDERSTANDING/CONFORMANCE TO DIRECTIVES

- A. Employees will familiarize themselves with and conform to the rules, regulations, directives, and procedures of the Department.
- B. Employees, who do not understand an official department directive or procedure, will seek the advice of their supervisor.

EE.

## PROMPT PERFORMANCE OF DUTY/NEGLECT OF DUTY

Neglect of duty is the failure to promptly perform as directed all lawful duties required by constituted authority, notwithstanding the general assignment of duties and responsibilities.

FF.

## DUTY TO HAVE LEAVE PROPERLY AUTHORIZED

Employees will take leave only when properly authorized by a supervisor.

GG.

## ABUSE OF LEAVE

Employees will not, in any way, misuse or abuse the leave policies, procedures, practices or records of the Department. Employees may use up to two (2) weeks of leave consecutively. Requests for leave of more than two (2) weeks will require written approval by the Chief of Police.

**HH. SICK LEAVE**

- A. Employees will notify supervisors when they become ill or injured and cannot report for work or if there are any changes in their mental health that could impair the employee's ability to carry out job assignments. Notification will be at the earliest possible time prior to the start of shift to ensure the supervisor can arrange for proper coverage.
- B. The habitual or patterned use of sick leave, not supported by competent medical evidence or other proof of necessity is prohibited.

**II. ABSENCE FROM DUTY AND/OR DUTY STATION**

- A. On-duty employees will not excuse themselves from their assignment without permission from a supervisor or until properly relieved.
- B. Employees will remain at their assigned stations and/or at their duty assignment unless and until a supervisor appropriately relieves them or they are dispatched E911.

**JJ. CALL TO DUTY**

Employees are subject to call to active duty twenty-four (24) hours a day seven (7) days a week, and may be re-called from vacation, leave, or off day whenever necessity demands.

**KK. AVAILABLE FOR SERVICE/DUTY TO RESPOND TO CALLS**

- A. Employees will keep themselves available for service, unless they are on a specific assignment.
- B. Employees will respond to all dispatched calls for police services without argument and unnecessary delay.

**LL. GENERAL/PROFESSIONAL APPEARANCE**

While on-duty, employees will be neat, clean, and well groomed. Dress will be appropriate given the position/function of the employee and will reflect standards that depict public service employees in the best possible image.

**MM.****PUNCTUALITY**

Employees will be prompt and punctual when reporting to their official duties. Employees of the department must be punctual in attendance to all calls, requirements of duty, roll call, training, court appearances and other circumstances where time is specified. Once present, employees will maintain their assignment until properly relieved.

**NN.****DUTY TO BE ALERT**

- A. Employees will remain alert and not sleep when they are on-duty.
- B. If unable to remain awake or complete the tour of duty, the employee will report to their supervisor, who will take the appropriate action.
- C. Employees are responsible for reporting for work physically able to appropriately complete the tour of duty.

**OO.****INTOXICANTS, STIMULANTS, OR DEPRESSANTS**

- A. Employees will not consume intoxicants or illegal stimulants or depressants while on-duty nor will they consume intoxicants, legal or illegal stimulants or depressants to the extent that performance is impaired.
- B. In the event an employee has a controlled substance prescribed by a duly licensed practitioner, a written release from the practitioner is required stating the employee can perform assigned duties while under the influence of such controlled substance.
- C. The smell of intoxicants on the breath or any impaired performance resulting from the use of stimulants or depressants by an employee reporting for duty or on-duty is grounds for disciplinary action. The employee will be relieved from duty.
- D. To determine one's fitness for duty, all evidence and/or circumstances up to and including the results of an intoximeter, urinalysis, or blood test may be considered. In administering an intoximeter test, only a state certified instrument capable of printing test results will be used.

**PP.****RADIO COMMUNICATIONS**

- A. All officers engaged in field assignments will be equipped with or have access to radio communications, unless exempted by the Chief of Police or his designee.
- B. Unless authorized by a supervisor, employees assigned a radio for communication purposes will assure that the radio is “on” and tuned to the appropriate frequency.
- C. Employees will not intentionally interfere with radio communications except in case of an emergency.

**QQ.**

### **COWARDICE**

Employees will not shrink from danger and fail to aid, assist, or protect a fellow officer or citizen to the full extent of his/her professional capabilities in the time of need.

**RR.**

### **ABUSE OF AUTHORITY**

Employees will not use their authority as an employee to abuse, harass, oppress, or persecute any person(s).

**SS.**

### **MALTREATMENT OR UNNECESSARY FORCE**

- A. The unnecessary use of excessive force against any person(s) or property is prohibited.
- B. Employees will only use necessary force against another person to affect an arrest, prevent an escape, necessarily restrict the movement of a prisoner, or defend himself/herself or another from physical assault. In any event, only the nature and amount of force deemed reasonably necessary by a prudent person to accomplish a lawful purpose will be used.
- C. Employees who use force against any person or property will complete a detailed report of the incident as well as a Use of Force Report.

**TT.**

### **DUTY TO GIVE NAME AND EMPLOYEE NUMBER UPON REQUEST**

Employees will politely give their name, employee number, and other pertinent information to any person upon request.

**UU.**

### **SUBMITTING REPORTS**

- A. Employees will submit all reports which are required of them as promptly, correctly, and completely as possible.
- B. All reports will be submitted at the end of the employee's tour of duty unless a supervisor gives authorization for delaying the paperwork.

VV.

## **DEPARTMENTAL RECORDS/REPORTS/CITATIONS**

- A. Stealing, forging, tampering with, or unauthorized altering of any City of Jonesboro record, report, or citation is prohibited.
- B. The removal of any record, card, report, letter, document, or other official files from the Department except by process of law or as directed by the Chief of Police or supervisor is prohibited.

The obtaining, duplicating, or attempting to obtain/duplicate any information from department files, sources, or reports other than that to which one is properly entitled, in accordance with one's duties/assignments is prohibited.

WW.

## **BUYING, RECEIVING, OR SELLING ITEMS**

Employees will not buy, receive, or sell anything of value from or to any complainant, suspect, witness, defendant, prisoner, or any other person involved in any case which arose out of performance of duties or departmental employment, unless authorized by the Chief of Police.

XX.

## **CONDUCTING PERSONAL BUSINESS WHILE ON-DUTY**

Employees will refrain from conducting personal business while on-duty that interferes with normal duty functions.

YY.

## **WIRELESS COMMUNICATIONS**

Employees on duty will refrain from engaging in wireless communications by means of writing, sending, or reading text-based communications while driving unless such acts are in performance of his or her official duties; and even then, only if the driver is exercising due regard.

ZZ.

## **NAVIGATIONAL SYSTEMS**

While vehicle navigation systems have proven to be an invaluable tool in assisting employees to locate specific addresses and locations, their use while driving a vehicle may cause unintentional distractions. While driving Department owned vehicles,

employees shall not enter or modify information in a navigational system while the vehicle is in motion. Employees shall pull their vehicle off the road and stop in a safe location to minimize driver distraction

A1.

### **CONFLICTS OF INTEREST**

An employee will not invest or hold investments, directly or indirectly, in any financial, business, commercial, or other private transaction, which creates or gives the appearance of creating a conflict with their official duties.

A2.

### **PROHIBITED ASSOCIATION/FREQUENTING**

Employees will not fraternize with or associate themselves with any person(s), organizations, or places, known to be involved in criminal activity unless necessary for police business where such association would be detrimental to the image of the Department.

A3.

### **SITUATIONS INVOLVING FAMILY OR FRIENDS**

Employees confronted with a situation involving family members or friends which requires public safety action will not intervene unless an emergency exists and then only until the Department can be notified and a more objective public safety officer arrives.

A4.

### **DUTY TO REFRAIN FROM RECOMMENDING SERVICES**

Employees will not, in their official capacity, recommend any legal counsel, bonding company, or wrecker service.

A5.

### **STATUS WHILE OFF-DUTY**

- A. Employees will refrain from acting in their capacity as officers, while off duty, except in cases of emergency or when serious criminal offenses have been committed.
- B. Employees appearing in public in uniform, though off duty, will be considered on duty and must be prepared to assist the public by taking whatever public safety action is appropriate and necessary.

A6.

**OFF-DUTY EMPLOYMENT**

- A. Employees will not engage in any employment outside the department without the written permission of the Chief of Police.
- B. In the event a citizen or a business requests immediate off-duty employment, the officer may complete and sign an "Outside Employment Request" form and request authorization from his/her supervisor of the immediate employment request.

A7.

**FAILURE TO SUPERVISE**

An employee assigned to supervise subordinates has delegated responsibility; that employee is to be held fully accountable for the use of the delegated authority as well as for the failure to use it.

A8.

**PHYSICAL FITNESS FOR DUTY**

Employees shall maintain such physical condition that they can fulfill the duties of their assignments.

A9.

**CONTACT WITH ELECTED OFFICIALS**

Employees of this department shall not initiate contact with a publicly elected official to conduct departmental business without permission of the Chief of Police. Routine or emergency request for departmental services by elected officials are not the subject of this rule.

A10.

**UNSATISFACTORY PERFORMANCE**

An employee shall maintain sufficient competency to perform his/her duties and assume the responsibility of his/her position. Employees shall perform their duties in the manner, which will establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the department.

A11.

**ACCESS TO PLACES OF BUSINESS**

An employee shall not be or become interested, directly or indirectly, in any manner, except as provided by law, in any business dealings with the city.

**A12.****INDEBTEDNESS**

An employee shall not become financially obligated to any person who holds a business license where the business is subject to departmental control or inspection.

**A13.****OUTSIDE AFFILIATION**

An employee shall not affiliate with or become or remain a member of any organization if such affiliation would in any way interfere with or prevent him/her from performing his/her duties as an employee of the department.

**A14.****PERSONAL DEBTS**

Employees of this department shall not contract a debt under false or fraudulent pretenses. No employee shall refuse without reasonable cause to discharge his/her lawful obligations.

**A15.****PROHIBITED JOB ACTIONS**

Employees of the department shall not, at any time, under any circumstances, participate in any apparent job actions (i.e. strikes, walk-outs, work stoppage, work slowdown or “sick-outs,” etc.

**A16.****RESPONISBILITES AND EXAMINATION OF CITY PROPERTY**

Employees of this department shall be responsible for the condition and prompt reporting of loss, damage, or defect of all city property placed in their custody for use.

Before use, employees shall examine any city vehicle or property assigned to them, report unrecorded damage or operational defects to their supervisor, and submit the necessary written reports.

If property is lost, stolen or damaged, a detailed report shall be made immediately. The immediate supervisor of the employee shall review the report and submit an investigative report through the chain of command to the Chief of Police. Employees found to be negligent in lost, stolen or damaged property shall be responsible for the replacement or replacement cost of the property.

**A17.****OPERATORS TO BE QUALIFIED AND AUTHORIZED**

Employees shall not operate a city vehicle, unless they are qualified and authorized to do so and in possession of a valid Georgia Driver's License.

#### **A18. OPERATIONS OF CITY VEHICLES**

Employees shall operate a city vehicle always in such a manner as to avoid injury to person or damage to property.

#### **A19. VEHICLE APPEARANCES**

Employees assigned to operate city vehicles are responsible for ensuring their cleanliness.

#### **A20. SAFE DRIVING TECHNIQUES**

All employees of the department shall exercise due caution and exhibit good driving habits when operating departmental vehicles.

#### **A21. INSPECTION AND REGISTRATION OF FIREARMS**

All firearms issued or approved to be utilized by members of this department for law enforcement duties or functions, must be inspected and registered within the department by the departmental Firearms Training Officer. All firearms will be inspected for safety and to ensure that they are in proper working order with no functional alterations.

All firearms will be registered by make model and serial number and added to the employee's departmental identification card.

All registered firearms must be used for qualification at least once a year.

#### **A22. CARRYING OF FIREARMS**

While on duty, each officer of this department will carry his/her approved firearm(s) and said firearms(s) will be carried in a secure holster. Each officer will carry at least two (2) extra fully loaded magazines.

A back up firearm may be carried. However, the firearm will be concealed and used only as a last resort.

Officers of this department may carry a weapon while off duty. When doing so, the officer must also carry his/her departmental identification card. Off duty firearms must be carried concealed in such a manner as not to alarm the public.

#### A23. FIRING OF WEAPON

Any time an officer of this department fires his/her firearm, other than on the pistol range, he/she will immediately notify his/her supervisor. The officer will, as soon as possible, submit a written report outlining the circumstance involved.

#### A24. SURRENDER OF WEAPON

Under **no circumstances** will an officer surrender his/her firearm to a suspect.

#### A25. USE OF FORCE (General Order # 06-30)

**Physical Force:** Officers of this department may use only as much force as necessary to effect a lawful arrest. Whenever physical force is required to affect an arrest, the officer involved will notify his immediate supervisor and complete a use of force report.

**Deadly Force:** Officers of this department may use deadly force in defense of his/her life or the life of another. When deadly force is used the officer will notify his/her supervisor. The supervisor will then notify the chain of command, including the Chief of Police.

Use of Force reports will be annually reviewed by the Chief of Police and department training officer. The review will determine whether there are policy, training, weapons/equipment, or discipline issues that should be addressed. The department training officer will prepare a written analysis of all use of force incidents annually.

#### A26. IMPOUNDING ABANDONED VEHICLES

An officer encountering an abandoned vehicle on public property will attempt to notify the owner of the vehicle. If the owner or person responsible for the vehicle cannot be found, the officer will place a written warning on the windshield or side window of the vehicle to determine if it is in fact abandoned. If after forty-eight (48) hours the vehicle has not been moved, the officer shall impound the vehicle.

An officer shall not impound vehicle from private property unless the vehicle is wanted in connection with a crime or the vehicle constitutes an immediate damage of life or property.

When a complaint is received of an abandoned vehicle on private property that is creating a health or fire hazard, the officer shall make a report and have a copy forwarded to the property agency. If the hazard is of immediate nature, the proper agency should be contacted immediately.

A27.

### **IMPOUNDING VEHICLE DUE TO DRIVER BEING ARRESTED**

A vehicle will be impounded upon arrest of the driver if,

- The vehicle contains evidence or contraband that requires the vehicle to be taken to a secure facility to conduct a proper search.
- The vehicle must be processed for latent prints, bloodstains, or any other laboratory analysis.
- The operator refuses to release the vehicle to a person of his/her own choosing who is present and is properly qualified and physically capable of operating the vehicle, or there is no such person present and the vehicle is parked at his/her residence or property or if a responsible driver has been notified and it will take longer than thirty (30) minutes to arrive.
- The vehicle condition would not permit it to be operated without being unsafe or creating a hazard.

A28.

### **IMPOUNDING VEHICLE DUE TO TRAFFIC VIOLATION**

**A vehicle may be impounded if a traffic citation is issued for the following traffic violations.**

Driving Under the Influence (drugs/alcohol)

Reckless Driving

Aggressive Driving

V.G.C.S.A

Fleeing/Attempting to Elude an Officer

No Driver's License

No Insurance

No Tag or Expired Tag

**A29.****VEHICLE INVENTORY PRIOR TO IMPOUND**

Every impounded vehicle will be inventoried and an impound sheet will be completed listing all damages and contents of the vehicle prior to its release to the wrecker service.

**A30.****Oath of Office**

The Jonesboro Police Department requires all personnel, prior to assuming sworn status, to take and subsequently abide by the oath of office to enforce the law and uphold the nation's Constitution, law of the State of Georgia and the ordinances of the City of Jonesboro.

**A31.****Code of Ethics**

The Jonesboro Police Department requires all personnel, sworn and civilian, to read, sign and abide by the code of ethics adopted by the department.

**A32.****Authority to Arrest**

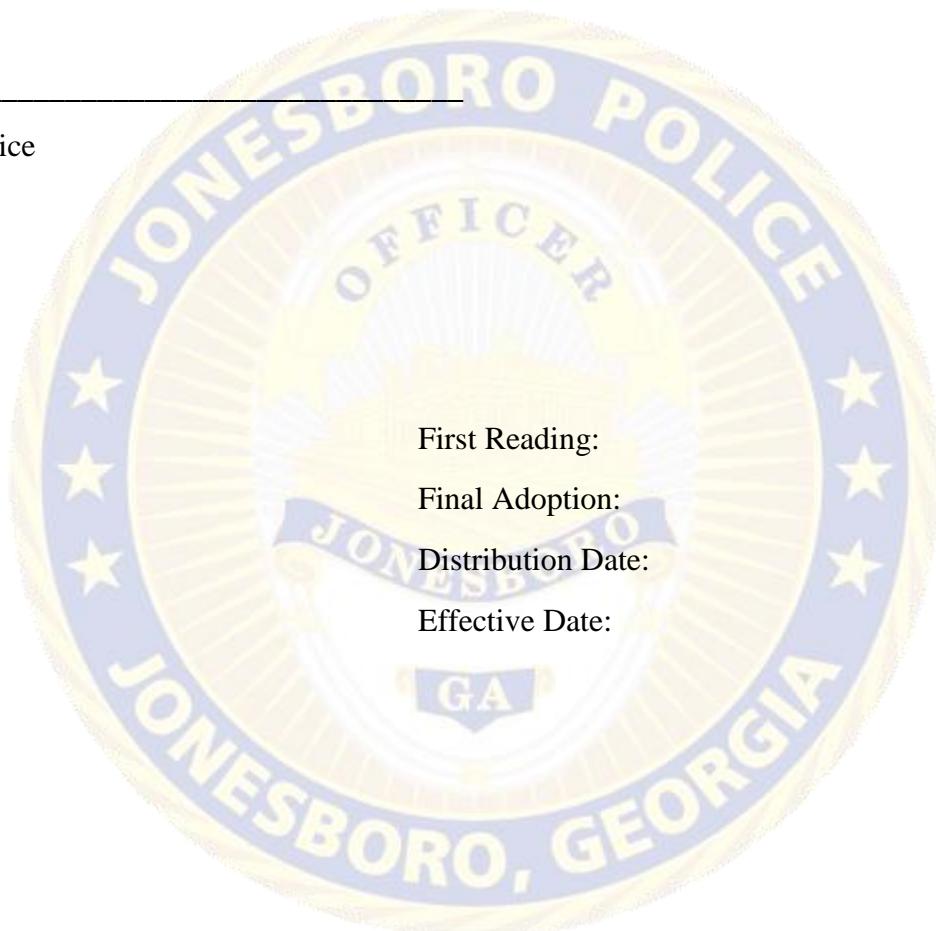
Only sworn certified peace officers in good standing with the Georgia Peace Officers and Standards Training Council are authorized to make lawful arrest and carry weapons as employees of the City Jonesboro Police Department.

**Any violation of these rules/regulations may result in disciplinary action including suspension or termination.**

*This SOP supersedes any SOP previously issued.*  
BY ORDER OF THE CHIEF OF POLICE

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Chief of Police



First Reading:

Final Adoption:

Distribution Date:

Effective Date:

**JONESBORO POLICE DEPARTMENT**  
**STANDARD OPERATING PROCEDURES**  
**Subject: *Vehicle Pursuits*    *HIGH LIABILITY***

**Date of Issue:**  
**Chapter: P-002**  
**Distribution: Departmental**

**Number of Pages: 10**  
**Review Date:**  
**Revision Date:**

### **I. Purpose**

It is the purpose of this policy to ensure that emergency operation of police vehicles while in pursuit is done in a manner that provides due regard for the safety of the general public and the police officers involved.

### **II. Statement of Policy**

Pursuits present a dangerous situation to the officers and suspects involved in the pursuit and the public at-large; therefore, it shall be the policy of the Jonesboro Police Department to set strict guidelines governing vehicular pursuits.

### **III. General Guidelines**

- A. Police pursuit of motor vehicles shall be conducted in strict accordance with existing statutes. To be considered an “Authorized Emergency Vehicle,” officers must activate their blue lights and siren when engaged in a pursuit.
- B. All personnel operating departmental vehicles shall exercise due regard for safety of all persons.
- C. No assignment shall be of such importance, and no task shall be expedited with such emphasis, that the principles of safety become secondary.
- D. There are no tasks in the department of such importance that justify the reckless disregard for the safety of innocent persons.
- E. Department personnel will be held strictly accountable for the consequences of their reckless disregard for the safety of others.

### **IV. Definitions**

- A. PURSUIT - An active attempt by one or more police officers operating a motor vehicle to apprehend a suspect operating a motor vehicle, while the suspect is trying to avoid capture by using high speed driving or other evasive tactics such as driving off a highway, making sudden or unexpected movements, or maintaining legal speed, but willfully failing to yield to the officer’s signal to stop.

- B. **FORCIBLE FELONY** - A felony that involves an actual or threatened attack in which the officer has reason to believe could result or has resulted in death or serious bodily injury (e.g., aggravated assault, armed robbery, murder).
- C. **PRIMARY PURSUIT UNIT** - The police unit that initiates a pursuit or any unit that assumes control of the pursuit.
- D. **SECONDARY PURSUIT UNIT** - The police unit that trails the primary pursuit unit at a safe distance. This officer is available to assume the role of primary pursuit unit or assist when the fleeing vehicle stops.
- E. **TERTIARY (THIRD) PURSUIT UNIT** - The police unit that trails the secondary pursuit unit at a safe distance. This officer provides support for the primary and secondary unit when they enter the city limits of Jonesboro from another jurisdiction. Jonesboro Police Department units should be made aware of a pursuit initiated by another jurisdiction that is traveling through the City of Jonesboro. They may support the pursuing units by blocking intersections, warning civilians in the pursuit's path and assist securing the scene if the pursuit ends within the City Limits.
- F. **OFFICER REASONABLY BELIEVES** – Means what a reasonable officer in the same or similar circumstance would believe based upon his knowledge of the facts surrounding the event as they existed at the time of the event. This is more than mere suspicion.
- G. **SERIOUS PHYSICAL INJURY** – A bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement or results in long-term loss or impairment of the functioning of any bodily member or organ.
- H. **ROAD BLOCK** - An obstruction placed across a road, especially of barricades or police cars, for halting or hindering traffic, as to facilitate the capture of a pursued car or inspection for safety violations.

## V. Initiating Officer's Responsibilities

### A. Pursuit Initiation

The Jonesboro Police Department recognizes that police pursuits pose a risk to the safety of citizens as well as members of the department. Therefore, pursuits are

prohibited unless there is a reasonable suspicion (which must be articulated in subsequent reports) to believe that the person(s) to be pursued is committing or has committed or expressed intent to commit:

- Murder
- Voluntary Manslaughter
- Involuntary Manslaughter
- Aggravated Assault
- Aggravated Battery
- Kidnapping
- Rape
- Armed Robbery
- Arsons in the First Degree

Note: The Chief of Police may amend this policy at any time to include pursuing suspects and suspect vehicles for additional crimes not listed above that have the potential to severely threaten public safety. For example, if there is a spree of burglaries or entering autos, the Chief may temporarily amend this policy to allow the pursuit of those suspects.

*\*Pursuit of a suspect who is believed to have only committed a misdemeanor is strictly prohibited by this policy. \**

B. Pursuit is justified only when the officer knows or has reasonable grounds to believe:

1. That the suspect has committed, is attempting to commit or expressed intent to commit a felonious crime(s)against another person as listed in section A above;
2. That the suspect presents a clear and immediate danger to other motorists or the public in general; and
3. The necessity of immediate apprehension outweighs the level of danger created by the pursuit.
4. Police officers involved in a pursuit will utilize all emergency equipment and may do the following with due care:

- a. Park or stand irrespective of the provisions of the Georgia statute;
- b. Proceed past a red or stop signal or stop sign, but only after slowing down or stopping as may be required and necessary for safe operation;
- c. Disregard regulations governing direction of movement or turning in specific directions.

C. Any officer engaged in or initiating a pursuit of a motor vehicle will immediately notify Clayton County Communication / 911 of the following:

1. That a pursuit has been initiated;
2. Location and direction of travel;
3. Speed and traffic conditions;
4. Description of vehicle and tag number, if available;
5. Reason for incident (commission of a felony, etc.); and
6. Description and number of occupants, if known.

D. The initiating or primary unit shall be in command and bears operational responsibility for the pursuit unless relieved by a supervisor.

NOTE: The mere fact that the suspect(s) flees is not reasonable grounds to believe that he/she has committed felonious crimes against another person. Officers engaging in a vehicular pursuit, and supervisors approving the continuation of a pursuit, cannot use the suspect's driving behavior after the traffic stop is initiated to establish a basis for the pursuit

## VI. Termination of the Pursuit

A. The primary unit may continue a pursuit if it is safe to do so until the suspect is stopped, unless directed to terminate the pursuit by a supervisor.

B. **The decision to pursue is not irreversible. The decision to abandon the pursuit may be the most intelligent course of action. Officers must continually**

**evaluate the circumstances and question whether the seriousness of the crime justifies continuing the pursuit.**

C. A pursuit shall be terminated under any of the following circumstances:

1. If, in the opinion of the pursuing officer or the supervisor, there is a clear and unreasonable danger to the officer and other users of the highway created by the pursuit that outweighs the necessity for immediate apprehension.
2. The suspect's identity has been established to the point that later apprehension can be accomplished, and there is no longer any need for immediate apprehension.
3. The visibility, weather conditions and/or road conditions limit the probability of a safe and successful end to the pursuit.
4. The location of the pursued vehicle is no longer known.
5. The pursuing officer, knows, or is reasonably certain, that the fleeing vehicle is operated by a juvenile, the offense constitutes a misdemeanor, or a non-serious felony and the safety factors involved are obviously greater than a juvenile can cope with.
6. A supervisor or higher authority orders the pursuit terminated.
7. The termination of a pursuit does not prohibit remaining in the area to reinitiate the pursuit if the opportunity and conditions permit.

## VII. Secondary Unit Responsibilities

- A. Assistance will be coordinated by Clayton County Communications / 911 under the direction of the supervisor. The supervisor and the primary unit will be advised of the identity and the location of backup units that can assist.
- B. The active pursuit will normally involve not more than two units: the primary unit and a secondary unit. If more assistance is specifically requested, the amount will be determined by:
  1. Nature of the offense
  2. Number of suspects
  3. Whether the participating units one or two-man units

- 4. Other clear and articulated facts that would warrant the increased hazard
  
- C. Only the supervisor may authorize more than two units to be in active pursuit. All other units will remain aware of the pursuit, but shall not actively participate, and shall not respond or parallel the pursuit on adjacent streets unless specifically authorized to do so.
- D. The secondary unit, upon joining the pursuit, shall immediately notify Clayton County Communications / 911 of its identity. If the primary unit is a one-man unit, the backup unit may assume radio communications responsibility, allowing the primary unit to devote full attention to driving.
- E. The secondary unit will maintain a safe distance behind the primary unit, but close enough to render assistance when required.
- F. Secondary units shall, at all costs, avoid intersecting the path of an oncoming high-speed vehicle.
- G. If the primary unit becomes disabled, the secondary unit will become the primary unit. Clayton County Communications / 911 will advise the supervisor and other units that a new secondary unit is needed, and the next unit to join the pursuit will be designated as the secondary unit.

## VIII. Communications Center Responsibilities

Upon notification of a pursuit in progress, the dispatcher will immediately:

- A. Clear the radio channel of any unnecessary traffic and advise all other units that a pursuit is in progress, providing all relevant information.
- B. Ascertain location and direction of the pursuit.
- C. Perform relevant records and motor vehicle check.
- D. Notify the supervisor that a pursuit has been initiated.
- E. Control all radio communications during the pursuit.
- F. Coordinate assistance under the direction of the supervisor.
- G. Continue to closely monitor the pursuit until it has been terminated.

## IX. Supervisor's Responsibilities

- A. Upon notice of a pursuit in progress, the supervisor will immediately:
  - 1. Ascertain direction/location of the pursuit and verify that no more than the required or necessary units are involved.
  - 2. Ascertain the reason for pursuit.
  - 3. Maintain contact with pursuing officer to determine how dangerous the chase is.
- B. The supervisor will continue to direct the pursuit, and approve or order alternative tactics, such as the use of a roadblock, and maintain control until the pursuit is terminated. In the absence of adequate information from the primary or secondary unit, the supervisor may order termination of the pursuit.
- C. It is not necessary that the supervisor be on-duty to begin coordination and assert control of the pursuit.
- D. When the pursued vehicle is stopped, the supervisor shall proceed to the location to conduct an after-action assessment and provide supervision and guidance.
- E. The supervisor shall ensure that the officer involved in the pursuit completes a Vehicle Pursuit Report. Once the supervisor receives the report, he will complete the supervisor's section and submit it up the chain-of-command. A copy of the completed report will be forwarded to the Training Officer.
- F. After the pursuit has ended, the supervisor may, depending on the circumstances, request a copy of all radio transmissions during the pursuit. The request form will be forwarded to Clayton County Communications / 911 where a tape of the radio transmissions will be made and delivered back to the supervisor and training officer of the police department. The recording will be reviewed by management personnel and will be used for an after-action assessment and training purposes.

## X. Pursuit Tactics

- A. Offensive tactics - During pursuit, deliberate contact between vehicles or forcing the pursued vehicle into parked cars, ditches, or any other obstacle, boxing in, heading off, ramming, or driving alongside the pursued vehicle while it is in motion shall be prohibited, unless such actions are specifically authorized by the

supervisor. Such actions may be approved only when the use of deadly force would be authorized.

- B. Passing - There shall be no attempt by officers to pass other Patrol units involved in the pursuit unless the passing officer receives specific permission from the primary unit or the Patrol supervisor
- C. Spacing - All units in the pursuit, whether the vehicle in front of the unit is the suspect vehicle or another police vehicle, shall space themselves at a distance that will ensure proper braking and reaction time in the event the lead vehicle stops, slows, or turns
- D. Number of police vehicles - No more than two police vehicles will become actively involved in a pursuit, unless specifically directed otherwise by the Commanding Officer or Patrol Supervisor. Other officers should be alert to the pursuit progress and location.
- E. Unmarked Police Vehicles - Officers operating unmarked police vehicles may engage in pursuit only when the fleeing vehicle presents an immediate and direct threat to life or property (provided the vehicle is equipped with emergency lights and siren). Whenever a marked unit becomes available to take over the pursuit, the unmarked vehicle will withdraw from active pursuit and serve in a support role.
- F. Controlled Access Highways - Officers shall not pursue suspects the wrong way on interstate or other controlled access highways or divided roadways unless specifically authorized by the Patrol Supervisor.
- G. Traffic Control Devices - Extreme caution must be used whenever officers disregard traffic signs or signals, even though statutes permit such conduct. Officers shall make use of all available warning devices to alert other motorists and pedestrians.
- H. Precision Immobilization Techniques – Only those officers who have been trained and certified in the “PIT” maneuver will utilize this technique and only after receiving permission from a Patrol Supervisor. Due regard should be considered before using this technique to insure the safety of the citizens and other officers in the area.

## **XI. Forcible Stopping**

- A. Because of the obvious dangers inherent in the use of roadblocks in pursuit situations, it shall be the policy of this department that setting up roadblocks for apprehending wanted suspects shall not be employed in misdemeanor cases and only as a last resort in felony cases. If circumstances exist so that a roadblock is deemed necessary by the supervisor, police department vehicles may be used.

Officers **will not** remain inside any vehicles that are used as roadblocks and an avenue of escape must be available.

- B. It is the policy of the department that each officer shall use only the minimum amount of force necessary, which is consistent with the accomplishment of his mission, and shall exhaust every other reasonable means of apprehension or defense before resorting to the use of roadblocks.
- C. Police officers will not discharge a firearm at or from a moving vehicle except as the ultimate measure of self-defense or the defense of another when the offender is employing deadly force. (See SOP T-005, Use of Force)
- D. Discharging a firearm solely to disable a vehicle is strictly prohibited.

## **XII. Inter/Intra-jurisdictional Pursuits**

- A. Clayton County Communications / 911, with the approval of the supervisor, will notify outside agencies if this department is in a pursuit moving into their jurisdiction. The informing person will specify that the call is either a request for assistance or merely a courtesy notification, with no participation desired.
- B. Notification by another jurisdiction of a pursuit in progress shall not be construed as a request to join the pursuit. Officers shall not become involved in another agency's pursuit unless specifically authorized by the supervisor, or it is clearly demonstrated that the unit from an outside agency is unable to request assistance, or the emergency nature of the situation dictates the need for assistance. In these instances, all departmental pursuit policies are in effect.
- C. When communications personnel receive notification of a pursuit by an outside agency, they will carefully assess the circumstances to determine if the pursuit is likely to enter the city limits of Jonesboro. Prior to making any radio broadcast, dispatch personnel will obtain from the notifying agency the same information our primary unit is expected to provide.
- D. When a pursuit, initiated by an outside agency, does not meet the criteria set forth in this SOP, members may only assist the outside agency at the termination point, if within the city limits, or provide other appropriate assistance during the pursuit which does not violate this SOP.

*This SOP supersedes any SOP previously issued.  
By Order of the Chief of Police*

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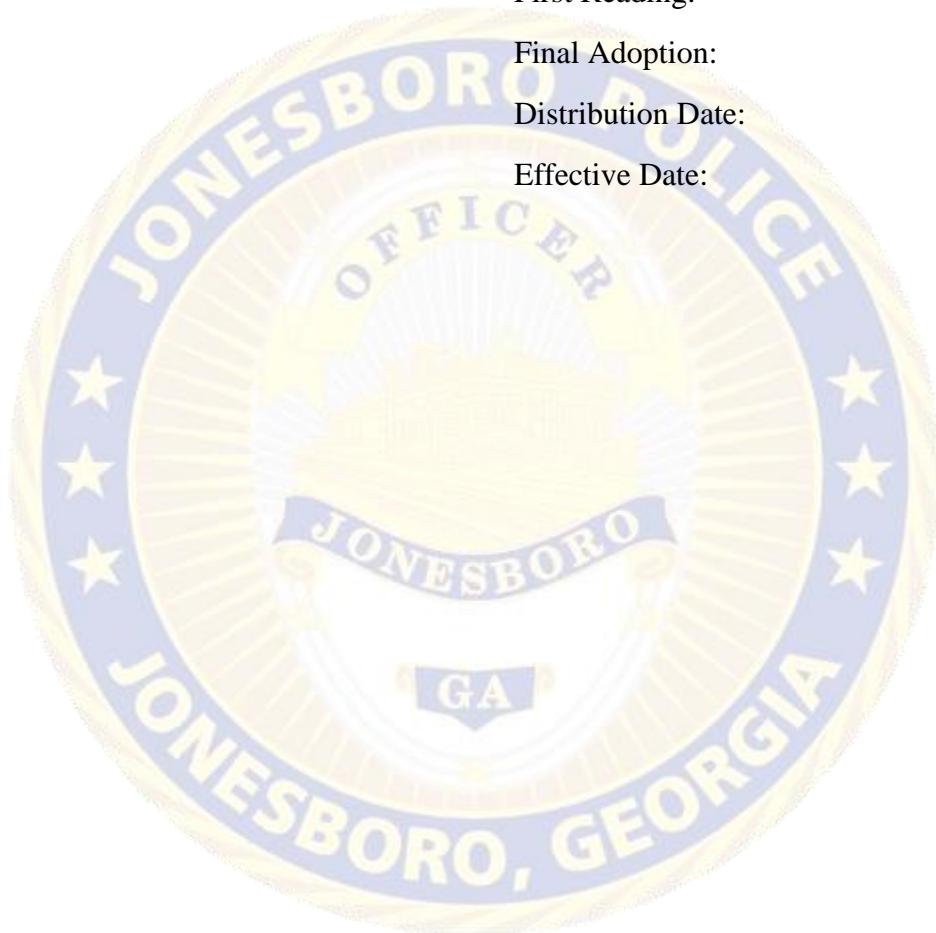
Chief C. Kelker

First Reading:

Final Adoption:

Distribution Date:

Effective Date:



# **JONESBORO POLICE DEPARTMENT**

## **STANDARD OPERATING PROCEDURES**

**Subject: *Use of Force***

**Date of Issue:**

**Chapter:** T-005

**Distribution:** Departmental

**Number of Pages:** 8

**Review Date:**

**Revision Date:**

### **I. Purpose**

The purpose of this policy is to establish general guidelines and procedures for the lawful use of force during the performance of an officer's duties.

### **II. Statement of Policy**

The emphasis and value placed on the preservation of human life in our society requires that law enforcement officers exercise reasonable care and judgment in fulfilling the police function. It is recognized that officers must be properly armed for the protection of society and themselves if the public is victimized, and officers are confronted with deadly force in the performance of their duties. Therefore, it is the policy of the Jonesboro Police Department that sworn officers will use only the "reasonably objective" force necessary to attain legally justified law enforcement objectives while conforming to both State and Federal laws.

### **III DEFINITIONS**

#### **A. Authorized Ammunition:**

Ammunition that is approved by the department for on-duty use.

#### **B. Authorized Weapon:**

One, which meets departmental regulations in regard to type, caliber, inspection by firearms personnel, and qualifications. Includes issued weapon and authorized second weapons.

#### **C. Deadly Force:**

Any force, which in the circumstances then present, is likely to cause great bodily harm or death.

#### **D. Force:**

Capacities to affect, influence, or persuade the mind or behavior of a person.

**E. Forcible Felony:**

Any felony, which involves the use or threat of physical force or violence against any person.

**F. Lawful Force:**

A reasonable amount and degree of lawful force to achieve a legitimate police objective.

**G. Minimum Force:**

A reasonable amount and degree of lawful force to achieve a legitimate police objective.

**H. Non-Deadly Force:**

A quality or quantity of force, which in the circumstances then present, is neither likely nor intended to cause grave bodily harm.

**I. Reasonable Belief:**

The belief by the officer concerned, acting as a reasonable police officer, under which the described facts existed. This is more than mere suspicion.

**J. Serious Physical Injury:**

Any injury, that when inflicted, will cause or result in great bodily injury or death.

**K. Weaponless Force:**

Weaponless force may include verbal commands, soft empty hand and/or hard empty hand techniques that may include "come along", joint manipulation, pressure points, palm or fist strikes, kicks. No form of "NECK RESTRAINT" is taught nor authorized by the City of Jonesboro Police Department, but this shall not hinder the actions taken by an officer during a use of force incident that is justified under OCGA 16-3-20, and in compliance with *Graham v. Conner* 490 US 386 (1989), and/or OCGA 16-3-21, and/or OCGA 17-4-20, and/or OCGA 16-3-23.1.

**IV. LAWFUL FORCE**

A. Officers are often confronted with situations where control must be exercised to effect arrests and to protect the public's safety. The duty and authority of an officer requires them to exercise this control and employ such reasonable force as may be necessary to meet the objective.

B. While the use of reasonable force may be necessary in situations, which cannot otherwise be controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the circumstances. Officers are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.

C. Lawful force may be used by a police officer in the performance of their duties, in accordance with O.C.G.A. 16-3-21, which states:

"A person is justified in threatening or using force against another when and to the extent that he or she reasonably believes that such threat or force is necessary to defend himself or herself or a third person against such other's imminent use of unlawful force: however, a person is justified in using force which is intended or likely to cause death or great bodily harm only if he or she

reasonably believes that such force is necessary to prevent death or great bodily injury to himself or herself or a third person or to prevent the commission of a forcible felony.”

- D. The officer is justified in using force when the officer reasonably believes that such force is:
  - 1. Necessary to preserve the peace and/or prevent commission of offenses;
  - 2. Necessary to prevent suicide or self-injury;
  - 3. Necessary to make a lawful arrest;
  - 4. Necessary to make a lawful search;
  - 5. Necessary to overcome resistance to a lawful arrest or search;
  - 6. Necessary to prevent escape from custody; or
  - 7. In self-defense or in defense of another against an imminent and unlawful act of violence.
- E. Under O.C.G.A. 16-3-21, a person is NOT justified in using force under the above described circumstances if he:
  - 1. “Initially provokes the use of force against himself with the intent to use such force as an excuse to inflict bodily harm upon the assailant;”
  - 2. “Is attempting to commit, committing, or fleeing after the commission or attempted commission of a felony;” or
  - 3. “Was the aggressor or was engaged in a combat by agreement unless he withdraws from the encounter and effectively communicates to such other person his intent to do so and the other, notwithstanding, continues or threatens to continue the use of unlawful force.”
- F. The amount and degree of force, which may be employed are based upon, but not limited to the following factors:
  - 1. The nature of the offense;
  - 2. The behavior of the subject against whom the force is to be used;
  - 3. Actions by third parties, who may be present;
  - 4. Physical conditions and tactical considerations;
  - 5. The possibility of creating an unreasonable risk of death or injury to innocent parties; and/or;
  - 6. The feasibility and availability of alternative actions.

## V. DEADLY FORCE

- A. Deadly force may be used by a police officer in the performance of their duties, in accordance with O.C.G.A. 17-4-20(b), which states:
  1. "Sheriff's and peace officers who are appointed or employed in conformity with Chapter 8 of Title 35 may use deadly force to apprehend a suspected felon only when the officer reasonably believes that the suspect possesses a deadly weapon or any object, device, or instrument which, when used offensively against a person, is likely to or actually does result in serious bodily injury;" or
  2. "When the officer reasonably believes that the suspect poses an immediate threat of physical violence to the officer or others;" or
  3. "When there is probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm."
- B. An officer may use deadly force to destroy a fatally injured or sick domestic animal, if Animal Control is unable to respond in a timely manner. However, the officer should make every reasonable attempt to locate and receive permission from the animal's owner and ensure that no person or property will be injured or damaged when they fire their weapon.
- C. An officer may use deadly force to protect themselves and others from obviously mad or vicious animals that cannot otherwise be controlled.

## VI. UNAUTHORIZED USE OF FORCE

- A. Warning shots are prohibited under any circumstances. An officer will not fire into the air or ground to halt a fleeing felon.
- B. Shots will not be fired at person who have committed or are committing traffic violations, misdemeanors, and non-forcible felonies.
- C. Officers are not authorized to use deadly force to prevent the escape of unarmed and/or nonviolent felons or other criminals even though escape might result in the crime going unpunished.
- D. Due to the inherent risks of such actions, shots will not be fired from or at moving vehicles, unless the occupants of the vehicle are using deadly force against the officer or another person and there are no other alternative means of protecting life.

- E. Unauthorized Weapons include saps, blackjacks, and chemical agents not issued by the department. This will not prohibit an officer from using an improvised weapon to defend themselves in a life or death situation.

## VII. DE-ESCALATION

- A. An officer will use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force.
- B. Whenever possible and when such delay will not compromise the safety of the officer or another, and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer will allow an individual a reasonable amount of time and opportunity to submit to verbal commands before force is used.

## VIII. USE OF FORCE REPORT

- A. On any occasion where an officer uses force, weaponless force, lethal weapon force, or non/less-lethal weapons force, whether injury or death occurs, whether on or off duty, whether in or out of his/her jurisdiction, the officer will immediately notify his/her chain of command, and a detailed report with an assigned case number from Clayton County E911 of the incident will be completed by that officer and forwarded through the chain of command for immediate review. Use of Force incidents that involve weaponless force, lethal or non/less-lethal weapons that results in injury or death, that officer will complete a detailed Incident Report that will be assigned a case number via communications. Any other individual or officers witnessing the incident will be required to complete a written statement.
- B. After conducting a preliminary investigation, the officer's supervisor will complete the appropriate Use of Force Report and forward the said report and any other required documentation (Workers Compensation, Supervisor/Employee Incident and Injury Reports) and statements through the Chain of Command immediately. The Chief of Police will be contacted if any incident results in a serious injury to either the officer or subject. A copy of all reports and documentation will be forwarded to the Chief of Police. Upon receipt of the Use of Force report, the Chief of Police will review the report to determine if the use of force was authorized. The Chief of Police will forward a copy of the report to the designated Internal Affairs Investigator. If such force was not authorized the officer(s) involved will be subject to disciplinary action up to and including termination.
- C. Every officer discharging their firearm, intentional or an unintentional discharge outside the scope of training will notify their supervisor and submit a detailed Incident Report through the Chain of Command before the end of their tour of duty.

D. On any occasion in which an officer uses weaponless force, a detailed Incident Report will be submitted to the Chief of Police through the Chain of Command.

E. Any officer who discharges an assigned weapon or secondary weapon, while off-duty and outside the jurisdiction of this department, will be subject to an Internal Affairs Investigation after any investigation conducted by the agency where the discharge occurred. In this situation, the following will occur:

1. The officer will immediately notify an on-duty supervisor, who will obtain as much information as possible and forward said information through the Chain of Command.
2. The immediate supervisor will then notify the Division Commander and Chief of Police.

H. The Training Officer will utilize the “Use of Force Report” to determine if any additional training in the use of weapons or department policy is necessary.

## IX. INVESTIGATION OF USE OF DEADLY FORCE

### A. Responsibilities and Duties

1. Officers on the Scene:
  - a. Call an ambulance via the Communications Center;
  - b. Call the on-duty Supervisor;
  - c. Secure the scene;
  - d. Identify, detain, and separate all witnesses.
2. On-duty Supervisor:
  - a. Ensure anyone injured is being treated
  - b. Have the involved officer(s) transported to the Detective Division and keep them separated;
  - c. Notify the Chain-of-Command
  - d. Notify the Investigation Supervisor;
  - e. Notify the Investigating Agency (as directed by the Chief of Police i.e. GBI, CCPD):

- f. Notify coroner when directed by Chief of Police
- g. Secure involved weapons from officer(s) and turn over to investigating agency
- h. Plan for taken weapons to be replaced by the Quartermaster as soon as possible

3. Investigation Supervisor:

- a. Shall take command of all incident scenes involving the discharging of a firearm, which results in injury or death.
- b. The Internal Affairs Investigator shall be identified by the Chief of Police and will be assisted by the on-duty Supervisor as necessary.
- c. An investigative report from the Internal Affairs Investigator shall be completed and forwarded to the Chief of Police as soon as possible to ensure thoroughness.
- d. After reviewing the results of the investigation, the Chief of Police shall determine if the use of force was justified and notify the officer of his decision.
- e. This procedure is independent of any criminal prosecution, which may be initiated by the District Attorney's Office if a violation of the law is involved.

**X. TREATMENT OF THE OFFICER**

- A. Any employee involved in the use of deadly force will be placed on paid administrative leave for an automatic period of three (3) days. In addition, the officer, upon his or her own choosing, may speak with a qualified psychological specialist at any time. After the initial three days, the Chief of Police will make the determination as to the officer's duty status.
- B. While on administrative leave, the officer will refrain from acting in their capacity as a law enforcement officer.
- C. The lieutenant over administration or designated supervisor will replace weapons taken from the officer immediately, even if the officer is on administrative leave, unless other conditions prohibit such issuance.
- D. Upon conclusion of the Internal Affairs Investigations, the results will be forwarded to the Chief of Police for a final determination as to whether the use of force was authorized. If the use of force was not authorized, the Chief of Police will take the appropriate disciplinary action.

**XI. TREATMENT OF INJURED SUSPECT**

Immediate medical aid will be rendered to a suspect who is injured or alleged to have been injured because of officer involved use of force. Emergency medical services will be requested to evaluate the suspect's apparent or alleged injuries.

## XII. USE OF FORCE TRAINING

- A. All sworn personnel will receive annual in-service training on the Use of Force Policy and legal updates pertaining to such use as set forth in P.O.S.T. rule 464-5.03.1.

## XIII. MEDIA RELATIONS

*Only the Chief of Police or his designee are authorized to discuss a Deadly force incident with the media.*

*This SOP supersedes any SOP previously issued.  
By Order of the Chief of Police*

Chief C. Kelker

First Reading:

Final Adoption:

Distribution Date:

Effective Date:



# CITY OF JONESBORO, GEORGIA COUNCIL

## Agenda Item Summary

Agenda Item #

10.4

-4

COUNCIL MEETING DATE

December 10, 2018

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

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

Council to consider approval of City of Jonesboro Employee Medical Benefits opt-out arrangement.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Yes

Summary &amp; Background

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

A growing number of employers are offering a “cash in lieu” or “pay in lieu” of benefits option, under which the employer offers an employee a taxable “opt out” amount, if the employee declines coverage under the employer’s group health plan because the employee has coverage under a spouse’s group health plan. With the growing cost of insurance around the State, the City Manager is recommending this plan as a possible way to cut cost and to offer an incentive to our employees. At current, the City pays 100% of employee coverage and 50% of dependent/spousal coverage.

The term “*qualified medical coverage*” means coverage under a plan that provides the minimum essential coverage as defined under the Affordable Care Act, other than a plan or policy issued through the individual marketplace, including coverage under Medicare and Medicare Advantage Plans.

Based upon our 2019 renewal with United Healthcare, employee only coverage is about \$695.52 per month of which we are paying 100% for about 40 employees. This equates to about \$37,685.86 per month. Further, we have about 20 employees that have elected Spousal/Dependent Coverage.

If you are eligible for medical benefits through the City of Jonesboro but elect to waive enrollment in our group medical plan and instead have enrolled or will be enrolling yourself and your expected tax dependents (including your spouse and dependent children, if applicable) in other qualified medical coverage, the City will pay you a stipend of \$75.00 per pay period. If approved, the stipend will be payable to you until further notice for so long as you, a) waive enrollment in the City’s group medical plan (for which you must remain eligible for at all times while receiving this stipend), b) are covered under other qualified medical coverage, and c) provide the required documentation of such coverage. The City reserves the right to discontinue this stipend at any time at our discretion.

To be eligible for this stipend you must:

- 1) complete and submit an ELECTION TO OPT-OUT OF MEDICAL BENEFITS form; and
- 2) provide documentation that you and your expected tax dependents have or will have other *qualified medical coverage* during the period of time to which you have elected to receive this stipend under our medical benefits opt-out arrangement. Such documentation includes:

### FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title Ricky L. Clark, City Manager	Date December, 10, 2018	12/03/18 ITEM	City Council CONSENT AGENDA Next: 12/10/18
Signature	City Clerk's Office		

- A current copy of the Summary of Benefits and Coverage (SBC) for the other Employer's group medical plan in which you and all your tax dependents are enrolled, **and** a copy of the carrier's insurance card for all covered family members.

Or

- A letter from the insurance company showing the Policyholder's Name (employer), all covered family members, coverage effective date(s), current coverage status for each listed family member, and a statement confirming that these individuals are covered by a medical plan that provides the ACA minimum essential coverage.

Or

- A completed and signed ALTERNATIVE COVERAGE AFFIDAVIT form (available from our Human Resources Department). Note: this form requires a signature from the Plan Sponsor or Plan Administrator of the other group medical plan.

▪

If approved, we would like to offer this benefit for the 2019 calendar.

**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.)

•

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

**Approval**



## CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

-5

10.5

COUNCIL MEETING DATE  
December 10, 2018

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

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

Council to consider approval regarding City of Jonesboro Spousal Surcharge Policy.

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

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

Yes Innovative Leadership

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 Spousal Surcharge is becoming more and more common throughout corporate America, as well as common in the public sector. If the spouse of a City employee is eligible for benefits from his or her employer, the employee would pay a monthly surcharge (typically \$50 to \$125 per month) for enrolling the spouse in the City's plan instead of the other employer's plan. Under the Spousal Exclusion theory of savings, if the spouse of a City employee is eligible for benefits from his or her employer, the spouse would not be eligible under the City's plan.

The City Manager is requesting **beginning January 1, 2019, City of Jonesboro to charge employees a surcharge of \$1,950 per year (\$75.00 per pay period) if the employee's spouse is enrolled in the medical plan offered by the City and the spouse is ELIGIBLE for health benefits through his/her own employer, regardless of whether or not the spouse elects to take his/her own employer's health benefits.**

An employee may have the spousal surcharge removed if the required documentation, as noted below, are submitted. The removal request may be made anytime during the Plan Year. Removal of this surcharge is on a prospective basis only and City of Jonesboro will not give refunds for previous deductions.

All requests must be submitted on a "**Removal of Spousal Surcharge Affidavit**" and members must submit the appropriate documentation as listed below:

- Spouse is unemployed and not covered under any other health coverage:** A copy of the prior year's federal tax return (with financial information blocked out) showing unemployed status. If recently unemployed, a signed statement by the employee attesting that the spouse is currently unemployed and not covered under any other employer-sponsored health coverage.
- Spouse is employed but either is not eligible for the health benefits offered by his/her own employer due to their eligibility waiting period, or his/her own employer does not offer health benefits to the class of employees to which the spouse belongs.** A letter from the spouse's employer on their company letterhead stating either that the spouse is not eligible for, or not offered health benefits through that employer.

### STEPS TO REMOVE SURCHARGE

#### FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title Ricky L. Clark, City Manager	Date December, 10, 2018	12/03/18 ITEM	City Council CONSENT AGENDA Next: 12/10/18
Signature	City Clerk's Office		

1. Member must complete the “Removal of Spousal Surcharge Affidavit” and attach corresponding documentation.
2. Member submits the signed affidavit and appropriate documentation to Human Resources.
3. Human Resources receives the form and documentation; reviews to determine appropriate documentation is attached and if correct, removes the surcharge.
4. Once [Sample Company] has removed the surcharge, it will be reflected in your next month’s billing statement.

10.5

**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.)

•

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

**Approval**



# CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

-6

10.6

COUNCIL MEETING DATE  
December 10, 2018

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

Community Development Director Allen

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

Council to consider approval of regarding #18-TA-006, Ordinance #2018-016 a proposed text amendment to the City of Jonesboro Code of Ordinances, regarding further revisions and updates to Chapter 70 – Telecommunications, of the City of Jonesboro Code of Ordinances.

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

Text Amendment Adoption

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

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 September 2018, the Federal Communications Commission issued a ruling dictating new requirements for Small Cell Facilities and Infrastructures in local municipalities. This pertains to the installation of 5G networks, hoping to offer faster internet speeds. Basically, the new regulations establish time limitations on local governments processing applications and fee limitations on the amount that local governments can charge on these applications (see attached FCC Fact Sheet). It also seeks to encourage local aesthetic requirements for cell structures to be "reasonable" and "no more burdensome than those applied to other types of infrastructure deployments."

Section 70-52: Establish revised definitions for Small Cell or Small Cell Installations.

Section 70-61: Establish new guidelines for aesthetics for telecommunication support structures.

Section 70-63: Establish exemptions for fencing for telecommunication support structures within the public right-of-way.

Section 70-64: Establish exemptions for landscaping for telecommunication support structures within the public right-of-way.

Section 70-69: Establish new application standards and review / approval procedures for small cell installations.

Section 70-70: Establish new application standards and review / approval procedures for certain cell installations.

Section 70-71: Establish new application standards and review / approval procedures for certain cell installations.

Section 70-76: Establish new fee standards for certain small cell installations.

Fiscal Impact

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

n/a

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

- Agenda Cover Sheet - Revised Telecom Ordinance 12.3.18
- FCC Fact Sheet

## FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title  
Ricky L. Clark, City Manager

Date  
December, 10, 2018

12/03/18  
ITEM

City Council  
Next: 12/10/18

CONSENT AGENDA

Signature

City Clerk's Office

- Telecom Code Revisions Ordinance
- Fact Sheet2

10.6

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

**Approval**



**CITY OF JONESBORO, GEORGIA COUNCIL**  
**Agenda Item Summary**

Agenda Item 10.6.a

**COUNCIL MEETING DATE**  
December 10, 2018

**Requesting Agency**

Community Development Director

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

Mayor and Council to consider approval for a text amendment to Chapter 70 – Telecommunications

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

Text amendment Adoption

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

Yes  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.)*

In September 2018, the Federal Communications Commission issued a ruling dictating new requirements for Small Cell Facilities and Infrastructures in local municipalities. This pertains to the installation of 5G networks, hoping to offer faster internet speeds. Basically, the new regulations establish time limitations on local governments processing applications and fee limitations on the amount that local governments can charge on these applications (see attached FCC Fact Sheet). It also seeks to encourage local aesthetic requirements for cell structures to be “reasonable” and “no more burdensome than those applied to other types of infrastructure deployments.”

Section 70-52: Establish revised definitions for Small Cell or Small Cell Installations.

Section 70-61: Establish new guidelines for aesthetics for telecommunication support structures.

Section 70-63: Establish exemptions for fencing for telecommunication support structures within the public right-of-way.

Section 70-64: Establish exemptions for landscaping for telecommunication support structures within the public right-of-way.

Section 70-69: Establish new application standards and review / approval procedures for small cell installations.

Section 70-70: Establish new application standards and review / approval procedures for certain cell installations.

(Continued, page 2)

**Fiscal Impact / Funding Source**

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

<b>FOLLOW-UP APPROVAL ACTION (City Clerk)</b>		<b>City Clerk's Office</b>
<b>Typed Name and Title</b>	<b>Phone</b>	
<b>Signature</b>	<b>Date</b>	

Revised 03/12/09 (Previous versions are obsolete)

No cost associated

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

- Formal Text Amendment

**Staff Recommendation:**

**Approval**

Section 70-71: Establish new application standards and review / approval procedures for certain cell installations.

Section 70-76: Establish new fee standards for certain small cell installations.

September 5, 2018

**FCC FACT SHEET<sup>1</sup>****Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment;  
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment**Declaratory Ruling and Third Report and Order  
WT Docket No. 17-79; WC Docket No. 17-84

**Background:** To meet rapidly increasing demand for wireless services and prepare our national infrastructure for 5G, providers must deploy infrastructure at significantly more locations using new, small cell facilities. Building upon streamlining actions already taken by state and local governments, this *Declaratory Ruling and Third Report and Order* is part of a national strategy to promote the timely buildout of this new infrastructure across the country by eliminating regulatory impediments that unnecessarily add delays and costs to bringing advanced wireless services to the public.

**What the Declaratory Ruling and Third Report and Order Would Do:**

- Clarify the scope and meaning of the effective prohibition standard set forth in Sections 253 and 332(c)(7) of the Communications Act as they apply to state and local regulation of wireless infrastructure deployment.
- Conclude that Sections 253 and 332(c)(7) limit state and local governments to charging fees that are no greater than a reasonable approximation of their costs for processing applications and for managing deployments in the rights-of-way.
- Identify specific fee levels for small wireless facility deployments that presumably comply with the relevant standard.
- Provide guidance on certain state and local non-fee requirements, including aesthetic and undergrounding requirements.
- Establish two new shot clocks for small wireless facilities (60 days for collocation on preexisting structures and 90 days for new builds) and codify the existing 90 and 150 day shot clocks for non-small wireless facility deployments that were established in the *2009 Declaratory Ruling*.
- Make clear that all state and local government authorizations necessary for the deployment of personal wireless service infrastructure are subject to those shot clocks.
- Conclude that a failure to act within the new small wireless facility shot clock constitutes a presumptive prohibition on the provision of services. Accordingly, we would expect local governments to provide all required authorizations without further delay.

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<sup>1</sup> This document is being released as part of a “permit-but-disclose” proceeding. Any presentations or views on the subject expressed to the Commission or its staff, including by email, must be filed in WT Docket No. 17-79 and WC Docket No. 17-84, which may be accessed via the Electronic Comment Filing System (<https://www.fcc.gov/ecfs/>). Before filing, participants should familiarize themselves with the Commission’s ex parte rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission’s meeting. *See* 47 CFR § 1.1200 *et seq.*

## 1 STATE OF GEORGIA

## 2 CITY OF JONESBORO

4 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF  
5 JONESBORO, GEORGIA BY REVISING CERTAIN PROVISIONS OF CHAPTER 70  
6 ("TELECOMMUNICATIONS") ARTICLE III ("TELECOMMUNICATION TOWERS  
7 AND ANTENNAS") TO COMPLY WITH REQUIREMENTS OF A FEDERAL RULING;  
8 TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES;  
9 TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND TO  
10 PROVIDE FOR OTHER LAWFUL PURPOSES.

11                   **WHEREAS**, the duly elected governing authority of the City of Jonesboro, Georgia (the  
12        “City”) is the Mayor and Council thereof; and

13       **WHEREAS**, the City has the power to regulate the development, siting and use of  
14       telecommunications towers and related equipment and facilities within its limits pursuant to its  
15       exclusive zoning and planning authority granted by the 1983 Constitution of the State of  
16       Georgia, including, but not limited, to Article IX, Section II, Paragraph IV and Article IX,  
17       Section II, Paragraph III; the authority granted by the General Assembly of the State of Georgia,  
18       including, but limited to, O.C.G.A. § 36-70-3; the authority granted under the Charter of the City  
19       of College Park, including but not limited to Sections 1.13(11) and 1.13(23); as well as the  
20       general police powers of the City and other authority provided by federal, state, and local laws  
21       applicable hereto; and

22           **WHEREAS**, the City previously exercised such power, having adopted a comprehensive  
23   code governing the manner in which people and entities develop, site, and use  
24   telecommunications towers and related equipment and facilities that presently is codified in  
25   Chapter 70 (“Telecommunications”), Article III (“Telecommunications Towers and Antennas”)  
26   in the Code of Ordinances, City of Jonesboro, Georgia; and

27

28                   **WHEREAS**, the Federal Communication Commission (FCC), on or about September,  
29    2018, issued a ruling revising certain requirements and authority of the City in regulating  
30    installation of Small Cell Facilities and Infrastructures; and

31                   **WHEREAS**, as a result of said FCC ruling, the City desires to revise its regulations as  
32    dictated by the FCC Rule; and

33                   **WHEREAS**, the health, safety, and general welfare of the citizens of the City will be  
34    positively impacted by the adoption of this Ordinance.

35                   **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**  
36                   **THE CITY OF JONESBORO, GEORGIA and by the authority thereof:**

37                   **Section 1.** The Code of Ordinances, City of Jonesboro, Georgia is hereby amended by revising  
38    Article III (“Telecommunications Towers and Antennas”) of Chapter 70  
39    (“Telecommunications”), Sections 70-52 (Definitions), 70-61 (Aesthetics), 70-63 (Security  
40    Fencing/Anti Climbing Devices), 70-64 (Landscaping), 70-69 (Applications for Permit to  
41    Modify or Co-locate Telecommunication Facilities for Small Cell Installations or other  
42    Installations Not Resulting in a Substantial Increase in Size), 70-70 (Application for permits for  
43    Modification, and/or Co-location of Telecommunication Antennas which would result in a  
44    Substantial Increase in Size), 70-71 (Applications for Permits to Erect New Telecommunication  
45    Support Structures and Alternative Telecommunication Support Structures), and 70-76 (Fees) to  
46    read as follows:

47                   **Sec. 70-52. Definitions.**

48                   (a) Except as specifically defined herein, all words used in this Section shall be as  
49    defined in The Latest Illustrated Book of Development Definitions (2007,  
50    Rutgers). Words not defined herein or in the above-referenced text shall be

51 construed to have the meaning given by common and ordinary usage and shall be  
52 interpreted within the context of the sentence, section and Section in which they  
53 occur.

54 (b) Definitions:

62                   *Antenna:* Any Equipment designed for wireless telecommunication, radio, or  
63                   television communications through the sending and/or receiving of electromagnetic  
64                   waves or beams of visible or invisible light and radio signals used in the provision of all  
65                   types of Telecommunication Services, including standalone Equipment and Equipment  
66                   affixed to or proposed to be affixed to existing Telecommunication Support Structures  
67                   and/or authorized Alternative Telecommunication Support Structures.

68                   *Applicant:* A person or entity with an application for the permit of the erection of,  
69                   Modification of, or Co-location of Telecommunication Facilities in the City, whether  
70                   located on private lands or in a Public Right-of-Way. For purposes of this Section, this  
71                   term shall include any Co-Applicant or party with an ownership interest in a proposed or  
72                   affected existing Telecommunication Facility, including, but not limited to, property

73                   owners, telecommunication support structure owners, and any proposed tenants for the  
74                   facility.

75                   *Chief Building Inspector:* the building official as designated and defined by  
76                   Section 16-31 of this Code.

77                   *City Property:* All real property owned by the City, other than public streets and  
78                   utility easements as those terms are defined herein, and all property held in a proprietary  
79                   capacity by the City, are not subject to right-of-way access.

80                   *Co-location or Co-locate:* The placement or installation of new  
81                   Telecommunications Facilities, including, but not limited to, Antennas, upon a single  
82                   Telecommunication Support Structure or Alternative Telecommunication Support  
83                   Structure previously approved and constructed, including towers and Monopoles, both  
84                   self-supporting and guyed, in a manner that negates the need to construct a new  
85                   freestanding telecommunications support structure in the City.

86                   *Commission:* The Georgia Public Service Commission.

87                   *Department:* The Office of the City Manager of the City of Jonesboro and any  
88                   designated building officials and zoning administrators.

89                   *Equipment:* Any device or telecommunications infrastructure component serving  
90                   or being used in conjunction with the delivery or transmission of all types of  
91                   Telecommunication Services, including, but not limited to, Antennas, utility transmission  
92                   devices, power supplies, generators, batteries, cables, storage sheds, shelters or similar  
93                   structures, small cell devices, and similar wireless transmitters or conduits.

94                   *FAA:* The Federal Aviation Administration.

95                   *FCC:* The Federal Communications Commission.

96                   *Geographic Search Area:* The geographic area within which the placement of  
97                   Equipment is necessary to meet the engineering requirements of an Applicant's cellular  
98                   network or other broadcasting need.

99                   *Grantee:* Applicant in receipt of written authorization from the City to erect,  
100                   operate, and/or maintain Telecommunication Facilities in Public Rights-of-Way.

101                   *Guyed Structure:* A style of telecommunication support structure consisting of a  
102                   single truss assembly composed of sections with bracing incorporated. The sections are  
103                   attached to each other, and the assembly is attached to a foundation and supported by a  
104                   series of wires that are connected to anchors placed in the ground or on a building.

105                   *Height:* When referring to a telecommunication support structure or other  
106                   structure, shall mean the distance measured from ground level to the highest point on the  
107                   telecommunication support structure or Alternative Telecommunication Support  
108                   Structure, including all Antennas or lightning rods.

109                   *Modification or Modify:* The change, or proposed change, of any portion of an  
110                   existing Telecommunication Facility from its description as previously approved by the  
111                   City, including improvements, upgrades, expansions, or the replacement of any existing  
112                   telecommunication Equipment, conduit, or infrastructure apparatus, provided such  
113                   improvement, upgrade, expansion, or replacement does not increase the Height of the  
114                   telecommunication support structure.

115                   *Monopole:* A style of freestanding telecommunication support structure that  
116                   consists of a single shaft usually composed of two or more hollow sections that are in  
117                   turn attached to a foundation. This type of support structure is designed to support itself

118 without the use of guy wires or other stabilization devices. These facilities are mounted  
 119 to a foundation that rests on or in the ground or on the roof of a building.

120 *Preexisting Telecommunication Support Structures and Antennas:* Structures as  
 121 set forth in Section 70-53(c) of this Article.

122 *Private Street:* A privately owned street, road, highway, boulevard, freeway,  
 123 lane, path, alley, court, sidewalk, parkway, or drive constructed to City standards.

124 *Provider:* Any legal entity authorized and/or engaged in the provision of  
 125 Telecommunication Services.

126 *Public Officer:* As used in O.C.G.A. §§ 41-2-7—41-2-17, shall mean the City  
 127 Manager and/or Chief Building Inspector of the City, as designated.

128 *Public Right-of-Way or Public Rights-of-Way:* Means and includes all public  
 129 streets and utility easements, as defined in this Section, now or hereafter owned by or  
 130 granted to the City, but only to the extent of the City's right, title, interest or authority to  
 131 authorize or permit an Applicant to occupy and use such streets and easements for the  
 132 erection and operation of Telecommunication Facilities.

133 *Public Street:* A street, road, highway, boulevard, freeway, lane, path, alley,  
 134 court, sidewalk, parkway, or drive which is owned by a public entity or to which a public  
 135 entity has an easement for street purposes, and with respect to which, and to the extent  
 136 that, the City has a right to grant use of the surface of and space above and below in  
 137 connection with an authorized Provider of Telecommunications Services and/or owner of  
 138 Telecommunication Facilities.

139 *Small Cell or Small Cell Installations:* ~~One provider units that provide additional~~  
 140 ~~capacity for wireless systems and are supplemental to standard telecommunication~~

141 ~~Equipment, including distributive antenna systems (DAS) and like devices.~~ An antenna  
 142 facility that meets the following conditions:

143 (a) Mounted on structures 50 feet or less in height, including their antennas;  
 144 or  
 145 (b) Mounted on structures no more than 10 percent taller than other adjacent  
 146 structures; or  
 147 (c) Do not extend existing structures on which they are located to a height of  
 148 more than 50 feet or by more than 10 percent, whichever is greater;  
 149 AND  
 150 (d) Each antenna, excluding associated Equipment, is no more than three  
 151 cubic feet in volume; and  
 152 (e) All wireless equipment associated with the structure, including any pre-  
 153 existing associated Equipment on the structure, is no more than 28 cubic  
 154 feet in volume.

155 *Substantial Increase in Size:* Shall mean:

156 i. Any increase in an existing telecommunication support structure Height  
 157 by more than 10% or 10 feet (on private property) or 20 feet (on Right-of-  
 158 Way), whichever is greater, as previously approved by the City, or  
 159 increase in the width of the added appurtenances more than 20 feet on  
 160 private property or 6 feet on the Right-of-Way as a result of Modification  
 161 or Co-location of Antennas or similar telecommunication Equipment;  
 162 ii. An increase in the dimensions of a Telecommunication Facility's  
 163 Equipment compound as approved by the City as a result of Modification

164 or Co-location by more than 10%, inclusive of the increase due to  
165 placement of an additional Equipment compound or, if in the Right-of-  
166 Way, an installation of any Equipment compound where none existed  
167 prior to the Modification or Co-location;

187                   *Telecommunication Facility Owner:* Any person or entity that directly or  
188                   indirectly owns, controls, operates, or manages Telecommunications Facilities, including  
189                   any related Equipment or property within the City, used or to be used for the purpose of  
190                   offering or transmitting signals used in the provision of any Telecommunication Services.

191                   *Telecommunications Service(s):* The transmittal of voice, data, image, graphic,  
192                   and video programming between or among points by wire, cable, fiber optics, laser,  
193                   microwave, radio, satellite, or other facilities. This term shall include commercial mobile  
194                   radio services, unlicensed wireless services, and common carrier wireless exchange  
195                   services as identified in the Telecommunications Act of 1996.

196                   *Telecommunication Support Structure:* Any freestanding structure that is designed  
197                   to support or capable of supporting and constructed primarily for the purpose of  
198                   supporting telecommunication Equipment; this term shall include self-supporting, guyed,  
199                   and Monopole support structures. The term includes, and is not limited to, radio and  
200                   television transmission telecommunication support structures, microwave  
201                   telecommunication support structures, common-carrier telecommunication support  
202                   structures, cellular telecommunication support structures, man-made trees, Alternative  
203                   Telecommunication Support Structures, and other similar structures. In the Public  
204                   Rights-of-Way, only Telecommunication Support Structures erected for the installation  
205                   of Small Cells shall be permitted.

206                   *Utility:* Any person, corporation, municipality, county, or other legal entity, or  
207                   department thereof or entity related or subordinate thereto, providing retail or wholesale  
208                   electric, data, cable, or Telecommunications Services, or otherwise subject in any way to  
209                   the lawful jurisdiction of the Commission.

210                   *Utility Easement:* Any easement owned by the City and acquired, established,  
211                    dedicated, or devoted for public utility purposes not inconsistent with  
212                    Telecommunication Facilities, Telecommunication Support Structures, Alternative  
213                    Telecommunication Support Structures, and any Antennas.

214                   *Visual Quality:* The appropriate design, arrangement, and location of  
215                    telecommunication support structures in relation to the built or natural environment to  
216                    avoid abrupt or severe differences.

217                   **Sec. 70-61. Aesthetics.**

219                   (a) The guidelines set forth in this section shall govern the design and erection of all  
220                    Telecommunication Facilities governed by this Article.

221                   (1) Telecommunication Support Structures and Antennas shall either maintain  
222                    a galvanized steel outer shell or, subject to any applicable standards of the  
223                    FAA and FCC, shall be painted a neutral color so as to reduce visual  
224                    obtrusiveness.

225                   (2) All Telecommunication Support Structure sites and related structure  
226                    designs shall use materials, colors, textures, screening, and landscaping  
227                    that will blend the Telecommunication Facilities to the natural setting and  
228                    surrounding environment.

229                   (3) For Antennas erected on an Alternative Telecommunication Support  
230                    structure, the Antenna and supporting electrical and mechanical ground  
231                    Equipment shall be a neutral color so as to make the Antenna and related  
232                    Equipment as visually unobtrusive as is reasonable.

233 (4) Telecommunication Support Structures shall not be artificially lighted,  
234 unless required by the FAA, FCC, or other applicable authority. If  
235 lighting is required, the City Manager may review the available federally-  
236 approved lighting alternatives and approve the design that would cause the  
237 least disturbance to the surrounding area.

238 (5) No signage or other identifying markings of any nature shall be permitted  
239 upon any Telecommunication Support Structure or authorized Alternative  
240 Telecommunication Support Structure without prior approval of the City  
241 and shall comply with the City's existing sign ordinance, unless otherwise  
242 required by the FAA, FCC, or other applicable authority.

243 (6) Telecommunication Support Structures in the public right-of-way must be  
244 substantially similar in appearance to adjacent light poles or other similar  
245 structures so as to blend in to, including any design requirements of the  
246 adjacent zoning or overlay district. All Equipment associated with a  
247 Telecommunication Support Structure in the public right-of-way that are  
248 not placed on the Structure itself must either be located on adjacent private  
249 property, buried underground, or both. Any such Equipment placed on the  
250 Structure itself must be on the side of the Structure facing away from the  
251 public right-of-way, if at all physically possible.

252 **Sec. 70-63. Security Fencing/Anti-Climbing Devices.**

253 (a) All Telecommunication Support Structures and related Equipment shall be  
254 enclosed by fencing not less than six (6) feet in Height and shall also be equipped  
255 with appropriate anti-climbing devices. Fencing shall be of chain link, wood, or

257 other approved alternative materials, as determined by the City Manager or  
258 designee. Telecommunication Support Structures on the public right of way shall  
259 be exempt from the fencing requirement.

260 (b) Amateur radio Telecommunication Support Structures, or receive-only Antennas,  
261 shall not be subject to the provisions of this Section unless such structures exceed  
262 thirty-five (35) feet in Height.

263 **Sec. 70-64. Landscaping.**

264 (a) The following requirements shall govern landscaping surrounding all  
265 Telecommunication Support Structures, except those on public rights-of-way:

266 (1) Where adequate vegetation is not present, Telecommunication Support  
267 Structures shall be landscaped with a landscaped strip of plant materials  
268 which effectively screens the view of the Equipment compound.  
269 Landscaped strips shall be a minimum of ten (10) feet in width and shall  
270 be located outside the fenced perimeter of the compound. Landscaped  
271 strips shall satisfy the minimum design and planting requirements for  
272 buffers established in the City's Code of Ordinances.

273 (2) Existing mature tree growth and natural land forms on any site containing  
274 an approved Telecommunications Facility shall be preserved to the  
275 maximum extent possible. Where natural vegetation around the perimeter  
276 of the site would provide an adequate visual screen, an undisturbed buffer  
277 may be utilized.

279 (3) Amateur radio Telecommunication Support Structures, or receive-only  
280 Antennas, shall not be subject to the provisions of this Section unless such  
281 structures exceed thirty-five (35) feet in Height.

282 **Sec. 70-69. Applications for Permit to Modify or Co-locate Telecommunication**  
283 **Facilities for Small Cell Installations or other Installations Not Resulting in a**  
284 **Substantial Increase in Size**

285 (a) *Application of Section.* The City Manager or designee may approve the erection  
286 of additional Antennas or otherwise telecommunications Equipment upon existing  
287 Telecommunication Support Structures or Alternative Telecommunication  
288 Support Structures under this Section that do not result in a Substantial Increase in  
289 Size as defined in this Article to any existing Telecommunication Facility or that  
290 are deemed to be Small Cell Installations pursuant to the definitions herein.

291 (b) *Setback Adjustments.* As part of any approval under this Section, the City  
292 Manager or designee may reduce setback requirements for applications not in the  
293 Right-of-Way by up to ten (10) percent to compensate for irregularly shaped lots  
294 or parcels.

295 (c) *Contents of Applications on private property.* All applications for permits to  
296 Modify an existing Telecommunication Facility and/or Co-locate  
297 telecommunication Equipment onto an existing Telecommunication Support  
298 Structure or Alternative Telecommunication Support Structure shall contain or  
299 have attached thereto the following information:

300 (1) Name, address and telephone number of a principal office and local agent  
301 of the Applicant;

303 (2) An affirmative indication that the Applicant seeks either to Modify an  
304 existing Telecommunication Facility or Co-locate a Telecommunication  
305 Facility or Facilities on an existing Telecommunication Support Structure  
306 or Alternative Telecommunication Support Structure as well as an  
307 affirmative indication that the proposed plans do not result in a Substantial  
308 Increase in Size;

309 (3) The Physical Address of the Telecommunication Support Structure or  
310 Alternative Telecommunication Support Structure to be modified or upon  
311 which a proposed Antenna(s) is to be installed;

312 (4) Name of the person, firm, corporation or association performing  
313 Modifications to existing Telecommunication Support Structures or  
314 Alternative Telecommunication Support Structures or erecting the  
315 Antenna(s);

316 (5) Written consent of the owner of the existing Telecommunication Support  
317 Structure or Alternative Telecommunication Support Structure, and any  
318 party with an ownership interest in the applicable Telecommunication  
319 Support Structure or Alternative Telecommunication Support Structure to  
320 be modified or upon which the Antenna(s) is to be erected;

321 (6) Proof of and/or certified copies of any required approval and registration,  
322 to provide such services in the State of Georgia, where applicable, and any  
323 other required FAA, FCC, or otherwise state and federal approval,  
324 registration, and/or licensure required to erect, Modify, or Co-locate the  
325 proposed Telecommunication Facility;

326 (7) A description of the Telecommunication Services to be provided by and  
327 through, or otherwise in connection with, the proposed  
328 Telecommunication Facility or Modified, existing Telecommunication  
329 Support Structure or Alternative Telecommunication Support Structure;

330 (8) An affirmative declaration that the Applicant shall comply with all  
331 applicable federal, state, and local laws and regulations, including all  
332 applicable provisions of the City's Code of Ordinances and conditions  
333 imposed by the City regarding the erection and maintenance of  
334 Telecommunication Facilities consistent with federal standards and, if  
335 applicable, applied equally to all users of the Public Rights-of-Way;

336 (9) Applications for permits to co-locate through the erection of new  
337 Antenna(s) or other Telecommunication Facilities onto an existing  
338 Telecommunication Support Structure or Alternative Telecommunication  
339 Support Structure, shall contain or have attached thereto six (6) sets of  
340 accurate scale drawings including a scaled site plan and a scaled elevation  
341 view and other supporting drawings, calculations, and other  
342 documentation including, but not limited to, the method of construction  
343 and attachment to the Telecommunication Support Structure for the  
344 proposed Telecommunication Facility or Facilities. Plans for Co-location  
345 shall be certified by an independent registered structural engineer licensed  
346 in the State of Georgia as meeting all current safety and design standards  
347 of all applicable federal, state, and City codes and regulations; and

348 (10) Any other information as the City Manager or designee may require to  
349 demonstrate full compliance with this Article, all other ordinances of the  
350 City and all applicable requirements of state or federal law.

351 (d) *Additional requirements for Right-of-Way applications.* Applicants seeking to  
352 Modify or Co-locate Telecommunication Facilities on City property and/or in any  
353 Public Right-of-Way within the municipal limits of the City shall provide the  
354 following, in addition to the requirements of subsection (c):

355 (1) Proof of adequate insurance or self-insurance of the Applicant to defend  
356 and cover all claims of third parties against the Applicant and/or City  
357 personnel related to the use of the Public Rights-of-Way;

358 (2) A description of the Applicant's service area, where applicable, which  
359 shall be sufficiently detailed so as to allow the City to respond to  
360 subscriber or end-user inquiries. For the purpose of this paragraph, an  
361 Applicant providing Telecommunication Services may, in lieu of or as a  
362 supplement to a written description, provide a map on 8 1/2 by 11 inch  
363 paper that is clear and legible and that fairly depicts the service area within  
364 the municipal limits of the City. If such service area is less than the  
365 municipal limits of the City, the map shall describe the boundaries of the  
366 geographic area to be served in clear and concise terms;

367 (3) Proof of the existence of a valid telecommunications franchise to locate  
368 utilities in the public Rights-of-Way of the City, as applicable, in  
369 accordance with State law.

370 (e) Administrative Fee. All applications for permits governed by this Section shall be  
371 accompanied by an administrative fee as provided for in Section 70-76.

372 (ef) *Review Procedures.*

373 (1) Pre-Application Conference. Prior to submitting any application governed  
374 by this Section, all Applicants ~~shall be required~~are encouraged to attend a  
375 pre-application meeting with the Chief Building Inspector and applicable  
376 City staff to discuss the requirements for the application. ~~The Chief~~  
377 ~~Building Inspector shall have the discretion to waive this requirement.~~

378 (2) Deficiencies in Applications.

379 (i) Non-Small Cell Installations. The City Manager or designee shall  
380 notify an Applicant submitting an application governed by this  
381 ~~S~~subsection of any identified deficiencies therein within thirty (30)  
382 calendar days of receipt of such an application. If the City  
383 Manager or designee determines an application is not complete,  
384 ~~it~~he shall notify the Applicant in writing of any information  
385 required to complete the application. To the extent additional  
386 information is required, the time required for an Applicant to  
387 provide such information shall not be counted toward the sixty (60)  
388 calendar day review period set forth herein. Upon any resubmittal  
389 of an application, the City Manager shall have ten (10) additional  
390 calendar days to give notice as to the completeness of the revised  
391 submission. If the application remains incomplete after

392 resubmission, said incompleteness may serve as valid reason for  
393 denial of the application.

394 (ii) Small-Cell Installations. The City Manager or designee shall  
395 notify an Applicant submitting an application for a Small Cell  
396 Installation of any identified deficiencies therein within ten (10)  
397 calendar days of receipt of such an application. If the City  
398 Manager or designee determines an application is not complete, he  
399 shall notify the applicant in writing of said deficiencies. Upon  
400 resubmission of the application, the initial ten (10) day period shall  
401 not be counted towards the 60-day review period defined herein.  
402 The City Manager shall have an additional ten (10) calendar days  
403 to notify Applicant of any other deficiencies in the re-submitted  
404 application. To the extent additional information is required after  
405 resubmission, the time required for an Applicant to provide such  
406 information shall not be counted toward the sixty (60) calendar day  
407 review period set forth herein. If the application remains  
408 incomplete after the second resubmission, said incompleteness  
409 may serve as valid reason for denial of the application.

410 (3) Determination by the City. Within sixty (60) calendar days after receiving  
411 an application under this Section, unless otherwise deemed incomplete and  
412 denied for that purpose after resubmission, the City Manager, at the  
413 direction of the Chief Building Inspector or designee, shall issue a written  
414 determination granting, granting subject to enumerated condition(s), or

420 (fg) Appellate Rights. An Applicant may appeal the City Manager's decision with  
421 respect to an application, including any denial or conditional approval of an  
422 application, to the Mayor and Council by filing a written notice of appeal within  
423 ten (10) calendar days of the issuance of said decision with the City Manager.  
424 Failure to file a notice of appeal within ten (10) calendar days of the decision shall  
425 constitute a waiver of the Applicant's appeal rights.

426 (eh) Appellate Procedure. The Mayor and Council shall hold a public hearing at the  
427 next available Council Meeting, but in no circumstance more than thirty (30)  
428 calendar days of receipt of the notice of appeal of an application as provided in  
429 subsection (d). Official notice of the public hearing shall be given in accordance  
430 with the Zoning Procedures Law of the State of Georgia. In addition, said official  
431 notice of the public hearing shall include the location of the proposed facility.  
432 The Mayor and City Council shall review the appeal on the record and its  
433 determination shall be based on the same Substantial Increase in Size factors as  
434 the decision of the City Manager.

**Sec. 70-70. Application for permits for Modification, and/or Co-location of Telecommunication Antennas which would result in a Substantial Increase in Size.**

438 (a) *Contents of Application.* Applications for permits to erect new  
439 telecommunication Antennas, including, but not limited to, Small Cells and

440 Network Infrastructure, excluding any Telecommunication Support Structure or  
441 Alternative Telecommunication Support Structure, which as proposed would  
442 result in a Substantial Increase in Size, shall contain or have attached thereto the  
443 following information:

444 (1) Name, address and telephone number of a principal office and local agent  
445 of the Applicant;

446 (2) An indication of whether the Applicant seeks Modify existing  
447 Telecommunication Facilities or Co-locate Telecommunication Facilities  
448 on an existing Telecommunication Support Structure or an Alternative  
449 Telecommunication Support Structure as well as an indication that the  
450 proposed plans result in a Substantial Increase in Size;

451 (3) Address of Telecommunication Support Structure or Alternative  
452 Telecommunication Support Structure to be modified or upon which the  
453 proposed Antenna(s) is to be installed;

454 (4) Name of the person, firm, corporation or association installing the  
455 Antenna(s);

456 (5) Written consent of the owner of the Telecommunication Support Structure  
457 or Alternative Telecommunication Support Structure to be Modified or  
458 upon which a proposed Antenna(s) is to be erected, and any party with an  
459 ownership interest therein whose rights and/or use will be impacted  
460 through the City's approval of the application;

461 (6) Proof of and/or certified copies of any required approval, registration,  
462 and/or licensure from the Commission for any Provider of

463 Telecommunications Service to provide Telecommunication Services in  
464 the State of Georgia, where applicable, and any other required FAA, FCC,  
465 or otherwise state and federal approval, registration, and/or licensure  
466 required to erect or Modify the proposed Telecommunication Facility;

467 (7) A certified statement prepared by an engineer licensed in Georgia or other  
468 qualified industry professional that the erection and operation of the  
469 proposed Antenna(s) on an existing Telecommunication Support Structure  
470 or Alternative Telecommunication Support Structure, including reception  
471 and transmission functions, will not interfere with public safety  
472 communications or the usual and customary transmission or reception of  
473 radio, television, or other Telecommunication Service enjoyed by adjacent  
474 properties;

475 (8) A description of all Telecommunication Services to be provided by and  
476 through, or otherwise in connection with, the proposed  
477 Telecommunication Facility or Modified, existing Telecommunication  
478 Support Structure or Alternative Telecommunication Support Structure;

479 (9) A declaration that the Applicant shall comply with all applicable federal,  
480 state, and local laws and regulations, including all City ordinances and  
481 conditions imposed by the City regarding the erection and maintenance of  
482 Telecommunication Facilities;

483 (10) Applications shall contain or have attached thereto six (6) sets of accurate  
484 scale drawings including a scaled site plan and a scaled elevation view and  
485 other supporting drawings, calculations, and other documentation

486 including, but not limited to, the method of construction and attachment to  
487 the telecommunication support structure for the proposed Equipment.

488 Plans for Co-location shall be certified by an independent registered  
489 structural engineer licensed in the State of Georgia as meeting all current  
490 safety and design standards of all applicable federal, state, and City codes;  
491 and

492 (11) Any other information as the City Manager or designee may require to  
493 demonstrate full compliance with this Article, all other ordinances of the  
494 City and all applicable requirements of state or federal law.

495 (b) *Additional requirements for Right-of-Way applications.* Applicants seeking to  
496 Modify or Co-locate Telecommunication Facilities on City property ~~and/or in any~~  
497 ~~Public Right of Way~~ within the municipal limits of the City, resulting in  
498 substantial increase in size, shall provide the following, in addition to the  
499 requirements of subsection (a):

500 (1) Proof of adequate insurance or self-insurance of the Applicant to defend  
501 and cover all claims of third parties against the Applicant and/or City  
502 personnel related to the use of the ~~Public Rights of Way~~City Property;

503 (2) A description of the Applicant's service area, where applicable, which  
504 shall be sufficiently detailed so as to allow the City to respond to  
505 subscriber or end-user inquiries. For the purpose of this paragraph, an  
506 Applicant providing Telecommunication Services may, in lieu of or as a  
507 supplement to a written description, provide a map on 8 1/2 by 11 inch  
508 paper that is clear and legible and that fairly depicts the service area within

512 (3) Proof of the existence of a valid telecommunications franchise to locate  
513 utilities in the public Rights of Way of the City, as applicable, in  
514 accordance with State law.

516 (c) *Administrative Fee.* All applications for permits governed by this Section shall be  
517 accompanied by an administrative fee as provided for in Section 70-76.

518 (d) *Considerations in Approval or Denial of an Application.* Any denial of a request  
519 to modify an existing Telecommunication Support Structure or Co-locate an  
520 Antenna(s) onto an existing Telecommunication Support Structure that would  
521 result in a Substantial Increase in Size shall be issued by the City Manager in  
522 writing and supported by substantial evidence. The City Manager shall consider,  
523 but is not limited to, the following factors in acting upon an application under the  
524 provisions of this Section:

525 (1) The nature of uses, as well as the Height of existing structures, on adjacent  
526 and nearby properties;

## 527 (2) The surrounding topography:

528 (3) The surrounding tree coverage and foliage;

529 (4) The design of the existing Telecommunication Facility, with particular  
530 reference to design characteristics that have the effect of reducing or  
531 eliminating visual obtrusiveness, where applicable;

532 (6) The availability of suitable existing Telecommunication Support  
533 Structures or other Alternative Telecommunication Support Structures for  
534 Antenna Co-location that would not need modification that would  
535 Substantially Increase in Size as defined in this Article;

536 (7) The evidence submitted regarding the need for the Telecommunication  
537 Facility in the area, including but not limited to, propagation maps and  
538 other similar materials, where applicable;

539 (8) The effect, if any, on health, safety, and welfare if the proposed  
540 Modification or Co-location is permitted;

541 (9) Applicable federal, state, and local telecommunications laws, regulations,  
542 and policies;

543 (10) Such other factors as the Department may reasonably deem in the  
544 community interest.

545 (e) *Procedure for Issuance of permits.*

546 (1) Pre-Application Conference. Prior to submitting any application governed  
547 by this Section, all Applicants ~~shall be required~~are encouraged to attend a  
548 pre-application meeting with the Chief Building Inspector and applicable  
549 City staff to discuss the requirements for the application. ~~The Chief~~  
550 ~~Building Inspector shall have the discretion to waive this requirement.~~

551 (2) Review for Completeness. The City Manager shall notify an Applicant  
552 submitting an application governed by this Section of any identified  
553 deficiencies therein within thirty (30) calendar days of receipt of such an  
554 application. If the City Manager or designee determines an application is

555 not complete, the City Manager shall notify the Applicant in writing of  
556 any information required to complete the application. To the extent  
557 additional information is required, the time required for an Applicant to  
558 provide such information shall not be counted toward the applicable  
559 review period set forth herein. Upon any resubmittal of an application, the  
560 Department shall have ten (10) additional calendar days to give notice as  
561 to the completeness of the revised submission. If an application is not  
562 complete upon resubmission, said incompleteness may serve as reason for  
563 immediate denial of the application.

564 (3) Period of Review. Within ninety (90) calendar days after receiving a  
565 complete application for the Modification, or Co-location of a  
566 Telecommunications Facility governed by this Section, the City Manager  
567 shall issue a written determination granting or denying the application in  
568 whole or in part, including imposing any conditions. Any decision by the  
569 City Manager to deny an application shall be in writing, shall include  
570 reasons for denial, and shall be supported by substantial evidence  
571 contained in a written record.

572 (4) Appellate Rights. The City Manager's decision to deny an application  
573 may be appealed to the Mayor and Council by filing a written notice of  
574 appeal within ten (10) calendar days of the denial. Failure to file a notice  
575 of appeal within ten (10) calendar days of such a denial shall constitute a  
576 waiver of the Applicant's appeal rights.

577 (5) Appellate Procedure. The Mayor and Council shall hold a public hearing  
578 within at the next available scheduled Council Meeting, but not later than  
579 thirty (30) calendar days of receipt of the notice of appeal of an  
580 application as provided in subsection (d)(3). Official notice of the public  
581 hearing shall be given in accordance with the state Zoning Procedures  
582 Law. In addition, said official notice of the public hearing shall include  
583 the location of the proposed facility.

584

585 **Sec. 70-71. Applications for Permits to Erect New Telecommunication Support**  
586 **Structures and Alternative Telecommunication Support Structures.**

587

588 Prior to submitting any application governed by this Section, all Applicants ~~shall be~~  
589 ~~required~~are encouraged to attend a pre-application meeting with the Chief Building  
590 Inspector and applicable City staff to discuss the requirements for the application. ~~The~~  
591 ~~Chief Building Inspector shall have the discretion to waive this requirement.~~

592 (a) *Contents of Applications.* Applications for permits to erect a new  
593 Telecommunication Support Structure or Alternative Telecommunication Support  
594 Structure shall contain or have attached thereto the following information:

595 (1) Name, address, and telephone number of a principal office and local agent  
596 of the Applicant;

597 (2) Physical address of the parcel upon which the proposed  
598 Telecommunication Support Structure or Alternative Telecommunication  
599 Support Structure is to be erected;

600 (3) Name of the person, firm, corporation, or association erecting the  
601 Telecommunication Support Structure or Alternative Telecommunication

602 Support Structure, including all parties with a prospective ownership  
603 interest in the proposed Telecommunication Support Structure or  
604 Alternative Telecommunication Support Structure;

605 (4) Written consent of all parties with an existing ownership interest,  
606 including all underlying land owners and owners or licensees of any  
607 affected, existing Telecommunication Support Structures or Alternative  
608 Telecommunication Support Structures, allowing the application;

609 (5) A site plan showing existing vegetation to be removed from the site and  
610 vegetation to be replanted to replace the vegetation that will be removed;

611 (6) A certified statement prepared by an engineer licensed in Georgia or other  
612 qualified industry professional indicating that the erection and operation of  
613 the proposed Telecommunication Support Structure or Alternative  
614 Telecommunication Support Structure, including reception and  
615 transmission functions, will not interfere with public safety  
616 communications or the usual and customary transmission or reception of  
617 radio, television, or other Telecommunication Service enjoyed by adjacent  
618 properties;

619 (7) Proof of and/or certified copies of any required approval, registration,  
620 and/or licensure from the Commission for any Provider of  
621 Telecommunications Services to provide such services in the State of  
622 Georgia, where applicable, and any other required FAA, FCC, or  
623 otherwise state and federal approval, registration, and/or licensure required

624 to erect the proposed new Telecommunication Support Structure or  
625 Alternative Telecommunication Support Structure;

626 (8) Written certification that all emissions from any Antenna on the  
627 Telecommunication Support Structure will comply with FCC frequency  
628 emissions standards;

629 (9) The Applicant shall provide photo-simulated post-construction renderings  
630 of the completed proposed Telecommunication Support Structure,  
631 Equipment compound and/or Equipment cabinets, ancillary structures, and  
632 landscaping, if any, from locations determined at the pre-application  
633 conference, if held. The views shall incorporate before and after  
634 scenarios, a scaled color image of the proposed type of facility, an aerial  
635 map with the location of the selected views, and a description of the  
636 technical approach used to create the photo simulations. The simulations  
637 shall include a minimum of four (4) vantage points (generally north, south,  
638 east, and west). Based on the information provided at the pre-application  
639 conference, the Applicant may be required to provide other pictorial  
640 representations from other viewpoints, including, but not limited to, state  
641 highways and other major roads; state and local parks; other public lands;  
642 historic districts; preserves and historic sites normally open to the public;  
643 and from any other location where the site is visible to a large number of  
644 visitors, travelers or residents;

645 (10) The City Manager may, at its sole discretion, require a balloon test to be  
646 conducted at any time during which an application is pending before the  
647 City for Telecommunication Support Structures on private property;

648 (11) Applications for permits to erect a Telecommunication Support Structure  
649 shall contain or have attached thereto the following information:

650 (i) Six (6) sets of accurate scale drawings including a scaled site plan  
651 and a scaled elevation view and other supporting drawings,  
652 calculations, and other documentation including, but not limited to,  
653 the method of construction and attachment to the ground for the  
654 Telecommunication Support Structure. The plans for the  
655 Telecommunication Support Structure construction shall be  
656 certified by a registered structural engineer licensed in the State of  
657 Georgia as meeting all current safety and design standards of all  
658 applicable federal, state, and City codes, and shall show the  
659 location and dimensions of all improvements, including  
660 information concerning topography, radio frequency coverage,  
661 Telecommunication Support Structure Height requirements,  
662 setbacks, drives, parking, fencing, landscaping, adjacent uses, and  
663 other information deemed by the City Manager or designee to be  
664 necessary to assess compliance with this Section. In addition, the  
665 report from the structural engineer must contain:  
666 a. Telecommunication Support Structure Height and design,  
667 including technical, engineering, economic, and other

668 pertinent factors governing selection of the proposed  
669 design. A cross-section of the Telecommunication Support  
670 Structure shall be included;

- b. Total anticipated capacity of the structure, including number and types of Antenna(s) which can be accommodated;
- c. Evidence of structural integrity of the proposed Telecommunication Support Structure; and
- d. Failure characteristics of the Telecommunication Support Structure and demonstration that site and setbacks are of adequate size to contain debris.

(12) Substantial and detailed showing of need for the new Telecommunication Support Structure or Alternative Telecommunication Support Structure and the reason the Telecommunication Facility cannot be Co-located on an existing Telecommunication Support Structure or Alternative Telecommunication Support Structure, including written proof of contact made with owners of existing Telecommunication or Alternative Telecommunication Support Structures, reasons for why Co-location on said structures was denied or unavailable, and any engineering documentation showing that Co-location on existing structures was not feasible for the Geographic Search Area, the needed design of the Telecommunication Facility, was inadequate for the necessary provision of service to the affected customers and any other substantially convincing

691 evidence that erection of a new Telecommunication or Alternative  
692 Telecommunication Support Structure is the only way to provide the  
693 needed telecommunication services to affected customers.

694 (b) *Additional requirements for Right-of-Way applications.* Applicants seeking to  
695 erect New Telecommunication Support Structures or Alternative  
696 Telecommunication Support Structures on City property and/or in any Public  
697 Right-of-Way within the municipal limits of the City, shall provide the following,  
698 in addition to the requirements of subsection (a):

699 (1) Proof of adequate insurance or self-insurance of the Applicant to defend  
700 and cover all claims of third parties against the Applicant and/or City  
701 personnel related to the use of the Public Rights-of-Way;

702 (2) A description of the Applicant's service area, where applicable, which  
703 shall be sufficiently detailed so as to allow the City to respond to  
704 subscriber or end-user inquiries. For the purpose of this paragraph, an  
705 Applicant providing Telecommunication Services may, in lieu of or as a  
706 supplement to a written description, provide a map on 8 1/2 by 11 inch  
707 paper that is clear and legible and that fairly depicts the service area within  
708 the municipal limits of the City. If such service area is less than the  
709 municipal limits of the City, the map shall describe the boundaries of the  
710 geographic area to be served in clear and concise terms;

711 (3) Proof of the existence of a valid telecommunications franchise to locate  
712 utilities in the public Rights-of-Way of the City, as applicable, in  
713 accordance with State law.

714 (c) *Administrative Fee.* All applications for permits to erect new Telecommunication  
715 Support Structure or Alternative Telecommunication Support Structures shall be  
716 accompanied by an administrative fee as provided for in Section 70-76.

717 (d) **Deficiencies in Applications.**

718 (i) Non-Small Cell Installations. The City Manager or designee shall notify  
719 an Applicant submitting an application governed by this subsection of any  
720 identified deficiencies therein within thirty (30) calendar days of receipt of  
721 such an application. If the City Manager or designee determines an  
722 application is not complete, he shall notify the Applicant in writing of any  
723 information required to complete the application. To the extent additional  
724 information is required, the time required for an Applicant to provide such  
725 information shall not be counted toward the 150 calendar day review  
726 period set forth herein. Upon any resubmittal of an application, the City  
727 Manager shall have ten (10) additional calendar days to give notice as to  
728 the completeness of the revised submission.

729 (ii) Small-Cell Installations. The City Manager or designee shall notify an  
730 Applicant submitting an application for a Small Cell Installation of any  
731 identified deficiencies therein within ten (10) calendar days of receipt of  
732 such an application. If the City Manager or designee determines an  
733 application is not complete, he shall notify the applicant in writing of said  
734 deficiencies. Upon resubmission of the application, the initial ten (10) day  
735 period shall not be counted towards the 90-day review period defined  
736 herein. The City Manager shall have an additional ten (10) calendar days

737 to notify Applicant of any other deficiencies in the re-submitted  
738 application. To the extent additional information is required after  
739 resubmission, the time required for an Applicant to provide such  
740 information shall not be counted toward the ninety (90) calendar day  
741 review period set forth herein. If the application remains incomplete after  
742 the second resubmission, said incompleteness may serve as valid reason  
743 for denial of the application.

744 (e) *Considerations in Approval or Denial of an Application.* Any approval or denial  
745 of a request to erect a new Telecommunication or Alternative Telecommunication  
746 Support Structure in any mixed use, office institutional, commercial or industrial  
747 zoning district, or ~~in the Public Right of Way for a Small Cell Installation~~, shall be  
748 issued by the City Manager in writing and supported by substantial evidence. For  
749 a request to erect a new Telecommunication or Alternative Telecommunication  
750 Support Structure in a residential zoning district, the Applicant shall apply for  
751 same via an application for a Conditional Use Permit in accordance with the  
752 requirements of Article VI of Chapter 86 (Zoning) of the City of Jonesboro Code  
753 of Ordinances. The City Manager or Mayor and City Council, as applicable, shall  
754 consider, but is not limited to, the following factors in acting upon an application  
755 under the provisions of this Section:

756 (1) The Height and setbacks of the proposed Telecommunication Support  
757 Structure and appurtenances thereon. In case of placement on the Right-  
758 of-Way, the height of the proposed Telecommunication Support Structure  
759 shall not exceed the height of the nearest existing utility pole;

760 (2) The proximity of the proposed Telecommunication Support Structure to  
761 residential structures and residential district boundaries, where applicable;

762 (3) The nature of uses, as well as the Height of existing structures, on adjacent  
763 and nearby properties;

764 (4) The surrounding topography;

765 (5) The surrounding tree coverage and foliage;

766 (6) The design of the proposed Telecommunication Support Structure, with  
767 particular reference to design characteristics that have the effect of  
768 reducing or eliminating visual obtrusiveness, where applicable. In case of  
769 placement on the Public Rights-of-Way, the design must be substantially  
770 similar to the nearest utility poles and any deviations therefrom shall be at  
771 the sole discretion of the City Manager;

772 (7) The proposed ingress and egress;

773 (8) The availability of suitable existing Telecommunication Support  
774 Structures or other Alternative Telecommunication Support Structures for  
775 Antenna Co-location;

776 (9) The evidence submitted regarding the need for the Telecommunication  
777 Support Structure and Facility in the area, including but not limited to,  
778 propagation maps and other similar materials, where applicable;

779 (10) The effect, if any, on health, safety, and welfare if the proposed  
780 Telecommunication Support Structure is permitted;

781 (11) Applicable federal, state, and local telecommunications laws, regulations,  
782 and policies;

783 (12) The proposed Telecommunication Support Structure's effect on property  
784 values of any adjacent and nearby residential properties;

785 (13) Structural safety concerns associated with the proposed  
786 Telecommunication Support Structure, including design features which  
787 minimize risks to surrounding areas in the event of major structural  
788 failure;

789 (14) The public interest in minimizing the cost and disruption of construction  
790 within the Public Rights-of-Way, if applicable;

791 (15) If for a Support Structure in the Public Right-of-Way, the likelihood, if  
792 any, that the proposed Telecommunication Facility or Modification would  
793 obstruct free and clear vision from pedestrians or motor vehicle operators,  
794 interfere with the free flow of pedestrian or vehicular traffic, or otherwise  
795 pose a risk to pedestrians or motor vehicle operators; and

796 (16) Such other factors as the City Manager or Mayor and Council, as  
797 applicable, may reasonably deem in the interest of the health, safety and  
798 welfare of the residents of the City and, if applicable, factors as may affect  
799 the City's management of its Public Rights-of-Way in the community  
800 interest;

801 (f) Procedure for Issuance.

802 (1) Pre-Application Conference. Prior to submitting any application governed  
803 by this Section, all Applicants ~~shall be required~~are encouraged to attend a  
804 pre-application meeting with the Chief Building Inspector and applicable

805 City staff to discuss the requirements for the application. ~~The Chief~~  
806 ~~Building Inspector shall have the discretion to waive this requirement.~~

807 (2) ~~Review for Completeness. The City Manager shall notify an Applicant~~  
808 ~~submitting an application governed by this Section of any identified~~  
809 ~~deficiencies therein within thirty (30) calendar days of receipt of such an~~  
810 ~~application. If the City Manager or designee determines an application is~~  
811 ~~not complete, the City Manager shall notify the Applicant in writing of~~  
812 ~~any information required to complete the application. To the extent~~  
813 ~~additional information is required, the time required for an Applicant to~~  
814 ~~provide such information shall not be counted toward the applicable~~  
815 ~~review period set forth herein. Upon any resubmittal of an application, the~~  
816 ~~City Manager shall have thirty (30) additional calendar days to give notice~~  
817 ~~as to the completeness of the revised submission. In case of the~~  
818 ~~application in residential zoning districts, the City Manager shall not~~  
819 ~~forward the application for a public hearing on the Conditional Use Permit~~  
820 ~~to the City Council until the application is deemed complete.~~

821 (32) ~~Period of Review. Within one hundred and fifty (150) calendar days after~~  
822 ~~receiving a complete application for the erection of a new~~  
823 ~~Telecommunications or Alternative Telecommunications Support~~  
824 ~~Structure, or ninety (90) days if the application is for a Small Cell~~  
825 ~~Installation, the City Manager or Mayor and City Council, as applicable,~~  
826 ~~shall issue a written determination granting or denying the application in~~  
827 ~~whole or in part, including imposing any conditions. Any decision to deny~~

828 an application shall be in writing, shall include reasons for denial, and  
829 shall be supported by substantial evidence contained in a written record.

830 (43) Appellate Rights. The City Manager's decision to deny an application in  
831 mixed use, office and institutional, commercial and industrial zones, as  
832 well as ~~the Right of Way~~ for Small Cell Installations, may be appealed to  
833 the Mayor and Council by filing a written notice of appeal within thirty  
834 (30) calendar days of the denial. Failure to file a notice of appeal within  
835 thirty (30) calendar days of such a denial shall constitute a waiver of the  
836 Applicant's appeal rights.

837 (5) Appellate Procedure. The Mayor and Council shall hold a public hearing  
838 within at the next available and scheduled Council Meeting, but in no  
839 respect later than thirty (30) calendar days following the receipt of the  
840 notice of appeal of an application as provided in subsection (d)(3).  
841 Official notice of the public hearing shall be given in accordance with the  
842 state Zoning Procedures Law. In addition, said official notice of the  
843 public hearing shall include the location of the proposed facility.

## Sec. 70-76. Fees.

847 For applications seeking to modify an existing Telecommunication Support Structure or  
848 Alternative Telecommunication Support Structure or seeking to Co-locate Equipment  
849 onto an existing Telecommunication Support Structure or Alternative  
850 Telecommunication Support Structure, not resulting in a Substantial Increase in Size as  
851 governed by this Article, or for a Small Cell Installation (whether co-location or for new  
852 structure), the fee shall be five hundred dollars (\$500.00) for review and inspection of

853       each site for the first five (5) requested sites,, regardless of whether an application  
854       contains multiple site requests or multiple applications submitted concurrently request  
855       one site per application. The fee for any additional site requested in an application or  
856       concurrent applications shall be \$100 per site. The fee for applications fee seeking to  
857       modify an existing Support Structure or Co-locate Equipment on an existing Support  
858       Structure resulting in a Substantial Increase in Size, the fee shall be one thousand dollars  
859       (\$1,000) for review and inspection. The fee for applications seeking to erect a new  
860       Telecommunication Support Structure or Alternative Telecommunication Support  
861       Structure shall be the same as the fee for filing a Conditional Use Permit under the  
862       Zoning Ordinance, plus an additional fee for the City retaining an expert to assist in  
863       assessing Applicant's data on the demonstrated need for erection of a new Support  
864       Structure, not to exceed \$5,000 for proposed Telecommunications Support Structures or  
865       \$2,500 for proposed Alternative Telecommunication Support Structures ~~or Support~~  
866       ~~Structures for Small Cells only.~~ These fees shall be in addition to any building permit-  
867       related fees or any applicable occupation taxes otherwise levied by the City pursuant to  
868       the provisions of this Code of Ordinances.

869       **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby incorporated  
870       by reference as if fully set out herein. All other provisions of Article III of Chapter 70 no  
871       explicitly revised herein shall remain the same as they existed on the date of adoption of this  
872       Ordinance.

873       **Section 3.**

874       (a) It is hereby declared to be the intention of the Mayor and Council that all sections,  
875       paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their

876       enactment, believed by the Mayor and Council to be fully valid, enforceable and  
877       constitutional.

878       (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest  
879       extent allowed by law, each and every section, paragraph, sentence, clause or phrase of  
880       this Ordinance is severable from every other section, paragraph, sentence, clause or  
881       phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor  
882       and Council that, to the greatest extent allowed by law, no section, paragraph, sentence,  
883       clause or phrase of this Ordinance is mutually dependent upon any other section,  
884       paragraph, sentence, clause or phrase of this Ordinance.

885       (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance  
886       shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise  
887       unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is  
888       the express intent of the Mayor and Council that such invalidity, unconstitutionality or  
889       unenforceability shall, to the greatest extent allowed by law, not render invalid,  
890       unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,  
891       sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed  
892       by law, all remaining phrases, clauses, sentences, paragraphs and sections of the  
893       Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

894       **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly  
895       repealed.

896       **Section 5.** The effective date of this Ordinance shall be the date of adoption unless otherwise  
897       specified herein.

898       **SO ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

[0387-0100/294297/1]

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**ATTEST:**

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**RICKY L. CLARK, JR.**, City Clerk

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**APPROVED AS TO FORM:**

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**STEVE FINCHER**, City Attorney

917

**CITY OF JONESBORO, GEORGIA**

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**JOY DAY**, Mayor

— FACILITY IN FAVOR OF  
WIRELESS ACCESS AFFILIATES

LOCAL GOVERNMENTS  
5G, THE FCC, &

FCC Ruling and Order  
Interpreting the September 27, 2018

- Five appeals across the nation have been consolidated into one multi-jurisdictional suit in the 10th Circuit, but there is no automatic stay.
- Motion to Stay pending before the FCC by The National League of Cities, The United States Conference of Mayors, The National Association of County and other local governments and local government associations.
- By its own terms, the RBO is to become effective 90 days from publication in Federal Register, which makes the effective date January 14, 2019.

#### Effective Date Issues

- FCC released the RBO on September 27, 2018 and issued a statement.
- Commissioners Ajit Pai and Commissioners Michael O'Riley and Brendan Carr issued separate statements.
- FCC released the Ruling and Order (RBO) on September 27, 2018 and issued a statement.
- 116 page RBO can be found here: <https://docs.fcc.gov/public/attachments/FC-C-18-133A1.pdf>
- Almost all agree the RBO was a big win for the wireless industry regarding deployment of 5G infrastructure.

#### BasICS

— *Small Cell* *Site*  
*Now* *Goal*  
*Local* *Standard* *for* *Wireless*

*Local* *Standard*

- Under the TCA, a local government maintains its authority over decisions regarding the placement, construction, and modification of wireless facilities, so long as such decisions do not "prohibit or have the effect of prohibiting" the provision of wireless services.
- Prior to the R&O, a local government would have found it "prohibited" to have prohibited services if it prevented a wireless provider from closing a "significant gap" in service coverage. A provider must have shown that the proposed facility is the "least intrusive means" of closing that gap (which required consideration of alternative sites which could fill the gap).
- The R&O redefines this standard to a "materially inhibit" standard that applies to any facility, not just small cells.

### Legal Standard Redefined

— *Any kind of wireless*  
*Facility* *including small cell*

*Any kind of wireless*

- The R&O changes how a local government may rent its property to wireless providers.
- The R&O changes how a local government may rent its property to wireless providers, any facility permit.
- The R&O changes the concept of collocation with local governments to shot clocks.
- The R&O seems to be a response to the misconception that all local governments are opposed to 5G infrastructure.

### General Observations

— *Not much in south*  
*Not much in south*  
*Large area wireless*  
*Not much in south*  
*Not much in south*

- Mounted on structures no more than 50 feet in height including their antennas
- Each antenna associated with the deployment, including associated antenna equipment is no more than three cubic feet in volume.
- Equipment associated with the antenna and antenna associated equipment is no more than 20 cubic feet in volume.
- The facilities do not require antenna structures or equipment associated under FCC regulations.
- The facilities do not located on tribal lands as that is defined under federal regulations.
- The applicable safety standards specified in the FCC regulations in excess of applicable rules for any facility or facility or provider whose structure or equipment associated with the antenna, including the wireless equipment is no more than 20 cubic feet in volume.

### Small Cell Defined

## HISTORIC DISTRICT

### — WHAT ABOUT

NECCO SONG  
CRAZIER

- So that aesthetics do not "materially inhibit" a provider, the following must be considered:
  - 1. Reasonable: "technically feasible and reasonable directly or indirectly or remedying the inadmissible public harm of to avoid causing or remedying the inadmissible public harm of unsightly or out-of-character deployments"
  - 2. No more burdensome than those applied to other types of infrastructure deployments in advance
  - 3. Objectively applies to Small Cells Only\*\*

### AESTHETICS

- Presumptively safe:
  - 1. Fees are a reasonable approximation of the local government's costs directly related to maintaining RW
  - 2. Only objectively reasonable costs are to be used
  - 3. Fees may be no higher than those charged to similarly situated competitors in similar circumstances
- Recurring: \$270 per facility (R/W and Government property)
  - 1. \$500 for first 5, \$100 for each additional
  - 2. \$1,000 for new pole
  - 3. Recurring: \$270 per facility (R/W and Government property)

• So that fees do not "materially inhibit" a provider, the following must be considered:

### FEES

- Much broader standard so that it is easier for a provider to show a prohibition of services.
- Could materially inhibit service specifically applies to small cells.
- Tests for fees, aesthetics, spacing, timing and other requirements that could materially inhibit service of existing services. (R8Q, 137)
- When filling a coverage gap out so when destroying a wireless network, introducing new services or otherwise improving service capabilities, also by materially inhibiting the introduction of new services or the improvement of existing services.
- Inhibits a provider's ability to engage in any of a variety of activities related to its provision of a covered service. This test is met not only when filling a coverage gap out so when destroying a wireless network, introducing new services or otherwise improving service capabilities, also by materially inhibiting the introduction of new services or the improvement of existing services.

### Materially Inhibit Standard

## SHOT CLOCK TERMS

- Non-Small Cell facilities:
  - 90 days on new structure
  - 60 days on existing structure
- Small Cell facilities:
  - 90 days on new structure

— *NOT CONSENT IN SOURCE* —  
— *GRANTS WITH FILING OF* —  
— *APPEL CAT10N* —

- Applies to the entire permit process for deployment, no matter how many permits may be needed
- Pre-Approval requirements do not stall the shot clock
  - Causes legitimate applications are not treated differently — time frame is same for one as for multiple applications. However, a local government may be able to show the shot clock is unreasonable in this circumstance if a batch under the TCA (application is not deemed granted).
- Batches of parallel applications are not treated differently — time frame is same for one as for multiple applications. However, a local government may be able to show the shot clock is unreasonable in this circumstance if a batch under the TCA (application is not deemed granted).
- Requires that information that is specific to the specific application that is incompliant — 10 days to notify provider with missing information that is incompliant and the specific rule to which it applies that is incompliant.

## SHOT Clocks -- Obstructions

- The same considerations apply to Undergrounding and Splicing
  - The requirement would inhibit the provider and would violate the TCA
  - Government goes so far as requiring all facilities to be undergrounded. If the previous factors are not met, then the local government's decision would prevent a provider from replacing its preexisting facilities or collocating new equipment on a structure already in use
  - Local government cannot pass new spacing requirements that would prevent a provider from replacing its preexisting facilities or collocating new equipment on a structure already in use
- \*\*Specifically applies to Small Cells Only\*\*

## Undergrounding &amp; Splicing

## Questions?



ATTORNEYS AT LAW  
**MITCHELL**  
**CAROTHERS**  
 Angela C. Couch  
 Carothers & Mitchell, LLC  
 1809 Buford Highway  
 Buford, Georgia 30518  
 770/932-3552 ext. 114  
 678/730-0444 (direct dial)  
 678/986-9172 (cell)  
 770/932-6348 (fax)

## Considerations

- Much of the RBO specifically applies only to small cells, leaving open tests for non-small cell facilities.
- Now is the time to take a hard look at policies and procedures regarding all wireless facilities.
- Under of impact on existing agreements, but unlikely that agreements would be voided.
- Shot blocks may be difficult to meet, but if you continue to communicate with providers in writing and operate in good faith, it likely will be easier to handle any issues later.
- The RBO may make negotiating more difficult, but not impossible, especially if provider has certainty and predictability when reviewing processes.

— 36/46 Due (HADCO AC  
 — Mostiy to Small Cells (56)



# CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

**-7**

**10.7**

**COUNCIL MEETING DATE**  
December 10, 2018

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

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

Council to consider approval of Ordinance #2018-015 adopting the FY' 19 proposed budget.

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

Title 36, Chapter 81, Article 1 of (OCGA)

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

**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 FY 2019 Recommended Annual Operating and Capital Budget (the "FY 2019 Budget") was distributed to the City Council last month and is available on the city's website through the agenda/minutes web portal. Staff has presented a comprehensive overview of the operating and capital budget to each of the Councilmembers and at a Special Called Meeting.

## Executive Summary

### **Basic Revenue & Expenditure assumptions:**

#### ○ **Revenues**

- *Property Taxes* - Utilize the statutorily authorized 1 mill increase in property tax revenues. The digest indicates a substantial increase in property values; however, we are hopeful that passage of the referendum authorizing the reduction in our Homestead Exemption is favorable. The value of a Mill in Jonesboro has increased from nearly \$60,000 to \$90,000.
- *Alcohol Beverage Taxes* – With the annexation of several parcels along Tara Blvd coupled with the establishments currently in the City, we have forecasted nearly \$40K in alcohol beverage taxes. This tax is due each month and is calculated by three percent of the purchase price of every sale of an alcoholic beverage.
- *Occupational Taxes* – With Economic Development opportunities for our city growing rapidly, so has our business community. We have added roughly 250 new businesses within the City over the past two (2) years. When reviewing revenues based upon gross receipt information received from businesses, we have forecasted nearly a 30% increase in occupational taxes.
- *Local Option Sales & Use Taxes* – Based upon the recent clarification to the FAA bill and the resulting loss of revenues, we conservatively lowered the amount to be received from LOST proceeds; however, we have budgeted utilizing approximately \$100K from the grant received from the Department of Community Affairs and also forecasted based upon the recent uptick in tax collections.

## **FOLLOW-UP APPROVAL ACTION (City Clerk)**

Typed Name and Title Ricky L. Clark, City Manager	Date December, 10, 2018	12/03/18 ITEM	City Council CONSENT AGENDA Next: 12/10/18
Signature	City Clerk's Office		

- *Building Permits* – With business seeking to rehab and rebuild structures and those private entities looking to do business in Jonesboro, we anticipate an uptick in building permits based upon trends within FY' 18.

10.7

- *Municipal Court* – While forecasting FY' 18 financial trends, we anticipate a decrease in Municipal Court fees and it has been properly allocated within the FY' 19 Revenue Structure.
- *Capital Lease*- The FY' 19 proposed budget includes the purchase of one (1) Police Vehicle from the General Fund and one utilizing approved SPLOST dollars. Chief Kelker has discussed ongoing maintenance vehicles and will be working on a Capital Improvement Plan to change the fleet to the new Ford Explorer Police Interceptors. These vehicles boast a spacious interior and ample room for cargo while getting pursuit-rated performance. The vehicles also boast increased interior versatility.

- **Expenditures**

- Within the FY' 19 Budget, we are proposing two (2) full-time positions within the Police Department. Those positions include a full-time Investigator Position and also a Civilian Evidence Custodian.
- Within the FY' 19 Budget, we are also proposing a 2% step increase for all employees.
- *Position Pay & Classification Plan* – In addition to the approval of the budget, we are asking for approval of the revised Pay & Classification Plan which includes clarifying the entry pay for several positions.
- *Reserve*- The FY' 19 Budget includes \$81,425.00 to be transferred to Reserves.
- Optimize use of dedicated funds to sustain core services, particularly in public safety areas and beautification efforts.
- No new debt without new supporting revenue.

**Forecast:** with these basic assumptions, we are proposing a recommended General Fund Budget of \$4,874,330.00 which is approximately a 3.1% increase from the amended FY' 18 Budget.

#### **Four Key Framework Initiatives:**

- ✓ **Firm our foundation.** Improvements in effectiveness and efficiency have allowed the city to maintain levels of service in some core areas despite minimal staffing levels. The City's firm financial condition, largely attributed to great leadership & stewardship from our Mayor, allows us to reaffirm our solid financial foundation while maintaining all current FTE' including contractual positions.
- ✓ **Invest in critical infrastructure.** Of the City's nearly \$24 million in total assets, approximately 73% are capital (buildings, streets, land, utility lines, etc.); our stewardship of these capital assets is critical to efficient, effective and sustainable service delivery. While the true costs to manage these assets through their lifetime is daunting, the City is in a position to begin making meaningful, strategic investments in our assets.
- ✓ **Innovation for the future.** The last five years have demonstrated the need for the City to be nimble and innovative to meet the demands of a changing future. We have made great strides through, and emerging from, the recession to change the way we deliver services. We are working both smarter and harder, while focusing on delivering the highest priority services in each service area. We can always do better; doing better means doing

- ✓ **Leadership and staff development.** In recognition of our employees, we plan to directly implement opportunities for employees to receive additional training to assist us in maintaining a capable workforce. Due to normal and natural attrition, we will also actively manage the transfer of experience and institutional knowledge and cultivate the next generation of leadership to ensure no down time in service delivery.

### City of Jonesboro Staffing Structure

- Administration
  - **City Manager**
  - Executive Assistant
  - Community Development Director
  - Finance Officer
  - Code Enforcement Officer
  - Assistant City Clerk
  - Administrative Assistant
  - City Historian – Part Time
  - Public Works
  - **Public Works Director**
  - City Mechanic
  - General Laborer II (3 Total, 1 Vacant)
  - General Laborer I (5 Total, 1 Part Time Vacant)
- Police Department
  - **Chief of Police**
  - Administrative Assistant
  - Lieutenants (2)
  - Investigators (2 total, 1 vacant, 1 proposed)
  - Sgt's (5)
  - Certification Manager
  - Court Clerk
  - Assistant Court Clerk

- Police Officers (18 Total – 2 Vacant)
- Park Rangers (2 Total)
- Probation Supervisor
- Probation Officers (2 Total)
- Intake Officer
- Evidence Custodian (proposed)
- Receptionist

This budget is a culmination of many hours of staff work meeting with Department Heads to provide policy guidance for the budget development. I believe the recommended budget reflects the Council's and community's priorities and is a strong financial model to move forward.

**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.)

- Copy of 2019 Financial Budget - 12032018!
- Ord 2018-015 Fiscal Year 19 Budget Adoption

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

## General Fund Revenue

Acct#	Account Name	Requested FY'18	Requested FY'19
<b>31.1000</b>	<b>General Property Taxes</b>		
31.1100	Real Property - Current Year	\$70,000.00	\$100,000.0
31.1110	Public Utility	\$0.00	\$15,000.0
31.1200	Real Property - Prior Year	\$5,000.00	\$3,000.0
31.1300	Personal Property - Current Year	\$5,000.00	\$9,000.0
31.1310	Motor Vehicle	\$5,000.00	\$5,000.0
31.1315	TAVT Tax	\$15,000.00	\$15,000.0
31.1400	Personal Property - Prior Years	\$0.00	\$100.0
31.1600	Real Estate Transfer Tax(intang)	\$1,000.00	\$3,500.0
31.1610	Recording Transfer Tax	\$500.00	\$1,500.0
<b>31.1700</b>			
31.1710	GA Power Franchise	\$240,000.00	\$240,000.0
31.1730	Gas	\$20,000.00	\$20,000.0
31.1750	Television Cable	\$50,000.00	\$50,000.0
31.1760	Telephone	\$41,000.00	\$41,000.0
<b>31.3000</b>			
31.3100	Local Option Sales & Use Taxes	\$1,500,000.00	\$1,560,000.0
31.3190	Vacant Property Fees		\$100.0
<b>31.4000</b>			
31.4200	Alcoholic Beverage Excise Tax	\$60,245.00	\$62,000.0
31.4301	Alcohol Beverage Tax	\$0.00	\$40,000.0
<b>31.6000</b>	<b>Business Taxes</b>		
31.6100	Business and Occupation Taxes	\$230,000.00	\$300,000.0
31.6200	Insurance Premium Taxes	\$270,000.00	\$330,000.0
31.6300	Financial Institution Taxes	\$30,000.00	\$31,000.0
31.9110	Real Property		\$1,000.0
31.9120	Personal Property		\$100.0
31.9500	FIFA	\$100.00	\$100.0
31.9600	Fee for Tax Advertising		\$500.0
<b>Total Tax</b>		<b>\$2,542,845.00</b>	<b>\$2,827,900.0</b>

<b>32.1000</b>	<b>Alcohol Fees</b>		
32.1101	Application Fee	\$2,500.00	\$2,500.0
32.1102	Alcohol Background Fee	\$1,000.00	\$500.0
32.1103	Alcohol ID Fee	\$6,000.00	\$6,000.0
32.1110	Beer/Wine	\$25,000.00	\$30,000.0
32.1140	Alcohol Temp License Fee	\$3,000.00	\$1,500.0
32.1130	Alcohol Pouring License	\$8,000.00	\$10,000.0
32.2210	Zoning & Land Use	\$7,000.00	\$7,000.0
32.2230	Signs	\$5,000.00	\$5,000.0
<b>32.3100</b>			
32.3110	Certificate of Occupancy Permits	\$3,000.00	\$10,200.0
32.3120	Building Permits	\$41,000.00	\$61,000.0
32.3130	Plumbing Permits	\$5,000.00	\$1,500.0
32.3140	Electrical Permits	\$5,000.00	\$5,000.0
32.3150	Demolition Fee	\$500.00	\$200.0
32.3160	HVAC Permits	\$6,000.00	\$4,000.0
32.3170	Certificate of Appropriateness	\$500.00	\$500.0
32.3201	Filming Fees	\$0.00	\$5,000.0
32.3900	Other	\$500.00	\$100.0
32.3910	Yard Sale Permits	\$200.00	\$200.0
<b>Total Licenses &amp; Permits</b>		<b>\$119,200.00</b>	<b>\$150,200.0</b>

33.4150	State Grant Indirect	\$0.00	\$0.0
33.6100	GMA Wellness Grant	\$4,000.00	\$0.0

<b>Total Intergovernmental</b>		<b>\$4,000.00</b>	<b>\$0.0</b>
0.0000			
34.1120	Probation Fees	\$900,000.00	\$900,000.0
34.1910	Election Qualifying Fee	\$0.00	\$2,000.0
34.1930	Plan Review Fees	\$7,000.00	\$13,000.0
34.2120	Accident Reports - Misc Other	\$10,800.00	\$15,000.0
34.2902	DEA Overtime Reimbursement	\$17,500.00	\$0.0
34.5410	AT&T Parking Fees	\$14,400.00	\$14,400.0
34.6410	Background Check Fee		\$3,000.0
34.6910	Sale of Cemetery Lots	\$3,000.00	\$3,000.0
34.6920	Burial Fees	\$500.00	\$500.0
34.9300	Return Check Fees	\$0.00	\$100.0
<b>Total Charges For Services</b>		<b>\$953,200.00</b>	<b>\$951,000.0</b>
	<b>Fines &amp; Forfeitures</b>		
35.1170	Municipal Court	\$800,000.00	\$700,000.0
<b>Total Fines &amp; Forfeitures</b>		<b>\$800,000.00</b>	<b>\$700,000.0</b>
	<b>Investment Income</b>		
36.1020	Interest Revenues-Cemetery		\$100.0
.	Interest Revenues-Payroll		\$30.0
36.1070	Interest Revenues-General Fund	\$10,000.00	\$9,000.0
36.1080	Interest Revenues-Municipal	\$2,500.00	\$1,500.0
36.1090	Interest Revenue- Firehouse Museum		
	<b>Total Investment Income</b>	<b>\$12,500.00</b>	<b>\$10,630.0</b>
37.1025	Concert Sponsors	\$35,000.00	\$42,000.0
37.1026	Contributions to Veteran Markers	\$100.00	\$100.0
37.1060	Contribution To Firehouse Museum	\$0.00	\$0.0
<b>Total Investment Income</b>		<b>\$35,100.00</b>	<b>\$42,100.0</b>
	<b>Miscellaneous Revenue</b>		
38.1010	Park Pavillion Rental	\$1,500.00	\$2,500.0
38.1011	Lee Street Park Rental	\$4,000.00	\$8,500.0
38.1020	Fire Station Rental	\$75,000.00	\$74,000.0
38.1030	Event Vendors	\$13,000.00	\$12,000.0
38.1100	Rental Property (Cloud Street)	\$9,000.00	\$9,000.0
38.2001	Disposal Fees	\$1,000.00	\$1,500.0
38.9000	Miscellaneous Revenue	\$10,600.00	\$2,000.0
38.9050	Lee Street Concession Stand	\$0.00	\$0.0
38.9100	Transfer of Reserve Funds	\$0.00	\$0.0
38.9300	Towing Fees	\$15,000.00	\$25,000.0
<b>Total Miscellaneous Revenue</b>		<b>\$129,100.00</b>	<b>\$134,500.0</b>
	<b>Revenue - Capital Projects</b>		
39.2100	Sale of Assets	\$0.00	\$5,000.0
39.3200	Capital Lease	\$129,183.00	\$53,000.0
<b>Total Revenue - Capital Projects</b>		<b>\$129,183.00</b>	<b>\$58,000.0</b>
<b>Total Revenue</b>		<b>\$4,725,128.00</b>	<b>\$4,874,330.0</b>

Total Each Department

\$116,661.00 City Council  
\$1,104,107.00 Admin  
\$2,380,868.00 Police  
\$810,990.00 Public Works

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\$385,482.00	Court Services
\$76,222.00	Code Enforcement
\$4,874,330.00	
	\$0.00

## Dept 1300 City Council

Acct#	Account Name	Requested FY' 18	Amended FY' 18	Requested FY' 19
<b>51.1000</b>	<b>Personal Services - Salaries &amp; Wages</b>			
51.1100	Mayor and Council			\$74,000.00
51.1300	Overtime			\$0.00
<b>51.2000</b>	<b>Personal Services - Employee Benefits</b>			
51.2100	Group Insurance			\$0.00
51.2300	Social Security (FICA) Contributions - Mayor & Council			\$4,588.00
51.2300	Medicare - Mayor & Council			\$1,073.00
<b>Total Personal Services and Employee Benefits</b>				\$79,661.00
<b>52.1000</b>	<b>Purchased Professional &amp; Tech Services</b>			
52.1200	Professional			
<b>Total Professional Services</b>				
<b>52.2200</b>				
<b>52.3400</b>	<b>Printing &amp; Binding</b>			
52.3420	Newsletter			\$8,000.00
52.3500	Travel (Mayor Day)			\$3,000.00
52.3501	Travel (Councilman Boak)			\$2,000.00
52.3502	Travel (Councilman Dixon)			\$2,000.00
52.3503	Travel (Councilman Lester)			\$2,000.00
52.3504	Travel (Councilman Powell)			\$2,000.00
52.3505	Travel (Councilwoman Sebo)			\$2,000.00
52.3506	Travel (Councilman Wise)			\$2,000.00
52.3600	Dues and Fees			\$3,000.00
52.3700	Education & Training (Mayor Day)			\$1,500.00
52.3701	Education & Training (Councilman Boak)			\$1,000.00
52.3702	Education & Training (Councilman Dixon)			\$1,000.00
52.3703	Education & Training (Councilman Lester)			\$1,000.00
52.3704	Education & Training (Councilman Powell)			\$1,000.00
52.3705	Education & Training (Councilwoman Sebo)			\$1,000.00
52.3706	Education & Training (Councilman Wise)			\$1,000.00
<b>Total Purchased/Contracted Services</b>				\$33,500.00
<b>53.1000</b>	<b>Supplies</b>			
<b>53.1100</b>	<b>General Supplies &amp; Material</b>			
53.1110	Office Supplies			\$1,750.00
53.1111	Miscellaneous Expense			\$1,750.00
<b>53.1200</b>	<b>Energy</b>			
<b>Total Supplies/Energy/Small Equipment</b>				\$3,500.00
<b>Intergovernmental</b>				
<b>Total</b>				\$0.00
<b>58.1000</b>	<b>Debt Service Principal</b>			
<b>58.1200</b>	<b>Capital Lease - Principle</b>			
<b>Total Debt Service</b>				
<b>Total Expenditures</b>				\$116,661.00

## Dept 1500 Administration Department

Acct#	Account Name	Requested FY' 18	Amended FY' 18	Requested FY' 19
<b>51.1000</b>	<b>Personal Services - Salaries &amp; Wages</b>			
51.1100	Regular Employees	\$270,700.00	\$270,700.00	\$365,000.00
51.1100	Mayor and Council	\$74,000.00	\$74,000.00	\$0.00
51.1300	Overtime	\$6,000.00	\$6,000.00	\$6,000.00
<b>51.2000</b>	<b>Personal Services - Employee Benefits</b>			
51.2100	Group Insurance	\$41,578.00	\$41,578.00	\$74,000.00
51.2200	Social Security (FICA) Contributions	\$20,000.00	\$25,000.00	\$21,505.00
51.2300	Medicare	\$5,000.00	\$5,000.00	\$5,029.00
	Social Security (FICA) Contributions - Mayor & Council	\$5,000.00		\$0.00
	Medicare - Mayor & Council	\$1,000.00	\$1,000.00	\$0.00
51.2400	Retirement Contributions	\$21,000.00	\$21,000.00	\$30,000.00
51.2600	Unemployment Insurance	\$2,800.00	\$2,800.00	\$3,000.00
51.2700	Worker's Compensation	\$5,000.00	\$5,000.00	\$6,000.00
<b>Total Personal Services and Employee Benefits</b>		<b>\$452,078.00</b>	<b>\$452,078.00</b>	<b>\$510,534.00</b>

<b>52.1000</b>	<b>Purchased Professional &amp; Tech Services</b>			
<b>52.1200</b>	<b>Professional</b>			
52.1210	Legal Expense	\$65,000.00	\$65,000.00	\$65,000.00
52.1220	Audit	\$26,000.00	\$26,000.00	\$45,000.00
52.1230	Planning/Development/Engineering	\$55,000.00	\$55,000.00	\$48,000.00
52.1240	Inspections	\$5,000.00	\$40,000.00	\$10,000.00
52.1290	Other Professional Services	\$20,000.00	\$20,000.00	\$20,000.00
52.1300	IT Services	\$25,000.00	\$25,000.00	\$25,000.00
52.1310	Payroll Processing	\$16,000.00	\$16,000.00	\$16,000.00
52.1320	Bank Fees for Credit Cards	\$2,000.00	\$2,000.00	\$2,000.00
52.1330	Software Support	\$8,000.00	\$8,000.00	\$8,000.00
<b>Total Professional Services</b>		<b>\$222,000.00</b>	<b>\$257,000.00</b>	<b>\$239,000.00</b>

<b>52.2200</b>				
52.2250	Pest Control	\$500.00	\$500.00	\$800.00
<b>52.2300</b>	<b>Rentals</b>			
52.2310	Rental of Land	\$3,000.00	\$3,000.00	\$3,000.00
52.2321	City Events	\$55,000.00	\$55,000.00	\$58,000.00
52.2330	Rental of Copiers/Maintenance	\$8,000.00	\$8,000.00	\$8,000.00
<b>52.3000</b>				
52.3100	Insurance, other than employee benefits	\$40,000.00	\$40,000.00	\$40,000.00
<b>52.3200</b>				
52.3210	Telephone	\$5,000.00	\$5,000.00	\$5,000.00
52.3211	Telephone Firehouse Museum	\$1,300.00	\$1,300.00	\$0.00
52.3230	Cellular Phones	\$2,000.00	\$2,000.00	\$2,000.00
52.3260	Postage	\$6,000.00	\$6,000.00	\$5,000.00
52.3290	Other	\$0.00	\$0.00	\$0.00
<b>52.3300</b>	<b>Advertising</b>			
52.3310	Legal Notices	\$6,000.00	\$6,000.00	\$6,000.00
52.3330	Advertising	\$15,000.00	\$15,000.00	\$14,848.00
<b>52.3400</b>	<b>Printing &amp; Binding</b>			

52.3410	Elections	\$0.00	\$0.00	\$5,000.00
52.3420	Newsletter	\$8,000.00	\$8,000.00	\$0.00
52.3500	Travel	\$14,000.00	\$14,000.00	\$8,000.00
52.3600	Dues and Fees	\$9,000.00	\$22,000.00	\$9,000.00
52.3700	Education & Training	\$8,000.00	\$8,000.00	\$9,000.00
52.3701	GMA Wellness Program	\$4,000.00	\$4,000.00	\$0.00
52.3851	Poll Workers	\$0.00	\$0.00	\$1,500.00
52.3905	Special Events	\$14,000.00	\$14,000.00	\$14,000.00
<b>Total Purchased/Contracted Services</b>		<b>\$198,800.00</b>	<b>\$211,800.00</b>	<b>\$189,148.00</b>

<b>53.1000</b>	<b>Supplies</b>			
<b>53.1100</b>	<b>General Supplies &amp; Material</b>			
53.1110	Office and Building Supplies	\$15,000.00	\$15,000.00	\$15,000.00
53.1111	Supplies for Firehouse Museum	\$1,000.00	\$1,000.00	\$0.00
53.1150	Supplies for Neighborhood Watch	\$500.00	\$500.00	\$500.00
53.1171	Building Maintenance	\$5,000.00	\$15,000.00	\$10,000.00
<b>53.1200</b>	<b>Energy</b>			
53.1210	Water/Sewerage	\$1,000.00	\$1,000.00	\$1,000.00
53.1211	Water/Sewerage Firehouse Museum	\$800.00	\$800.00	\$800.00
53.1212	Water/Sewerage Cloud Street	\$700.00	\$700.00	\$700.00
53.1220	Natural Gas	\$3,500.00	\$3,500.00	\$3,500.00
53.1230	Electricity	\$6,000.00	\$6,000.00	\$6,000.00
53.1231	Electricity Firehouse Museum	\$4,000.00	\$4,000.00	\$4,000.00
53.1232	Natural Gas Firehouse Museum	\$2,000.00	\$2,000.00	\$2,000.00
53.1610	Computer Equip/Maint (less than \$5000)	\$5,000.00	\$5,000.00	\$5,000.00
53.1620	Furniture/Fixtures	\$2,500.00	\$2,500.00	\$2,500.00
53.1700	Supplies/Lee Street Park	\$4,000.00	\$4,000.00	\$4,000.00
53.1690	Beautification Commission	\$2,500.00	\$2,500.00	\$2,500.00
<b>Total Supplies/Energy/Small Equipment</b>		<b>\$53,500.00</b>	<b>\$63,500.00</b>	<b>\$57,500.00</b>

54.1300	Property Purchased	\$0.00	\$84,000.00	\$0.00
54.2200	Vehicle Purchase	\$0.00	\$0.00	\$0.00
54.2301	Furniture & Fixtures	\$0.00	\$2,000.00	\$1,000.00
	Transfer to Reserve (Municipal Complex)	\$80,000.00	\$80,000.00	\$81,425.00
<b>Intergovernmental</b>				
57.2100	Payments to Downtown Develop. Authority	\$10,000.00	\$10,000.00	\$10,000.00
57.4001	Returned Checks	\$500.00	\$500.00	\$500.00
57.9000	Contingencies	\$15,000.00	\$15,000.00	\$15,000.00
<b>Total</b>		<b>\$105,500.00</b>	<b>\$191,500.00</b>	<b>\$107,925.00</b>

<b>58.1000</b>	<b>Debt Service Principal</b>			
<b>58.1200</b>	<b>Capital Lease - Principle</b>			
58.1212	Vehicle Lease	\$0.00	\$0.00	\$0.00
58.1230	Other Debt - Fire Station	\$0.00	\$0.00	\$0.00
58.1301	Lee Street Park URD payment	\$150,000.00	\$150,000.00	\$0.00
58.2300	Other Debt Building - Interest on Fire Station	\$0.00	\$0.00	\$0.00
58.2301	Interest Lee Street Park URD	\$65,000.00	\$65,000.00	\$0.00
<b>Total Debt Service</b>		<b>\$215,000.00</b>	<b>\$215,000.00</b>	<b>\$0.00</b>

<b>Total Expenditures</b>	\$1,246,878.00	\$1,390,878.00	\$1,104,107.00
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## Dept 2500 Court Services

Acct#	Account Name	Requested FY' 18	Recommended FY' 18	Requested FY' 19	Recommended FY' 19
<b>51.1000</b>	<b>Personal Services - Salaries &amp; Wages</b>				
51.1100	Regular Employees	\$189,220.00	\$192,000.00	\$192,000.00	\$211,000
51.2100	Group Insurance	\$43,700.00	\$62,436.00	\$62,300.00	\$69,000
51.2200	Social Security (FICA) Contributions	\$12,800.00	\$12,000.00	\$12,000.00	\$13,000
51.2300	Medicare	\$3,800.00	\$3,000.00	\$3,000.00	\$3,000
51.2400	Retirement Contributions	\$6,000.00	\$6,000.00	\$6,000.00	\$6,000
<b>Total Personal Services and Employee Benefits</b>		<b>\$255,520.00</b>	<b>\$275,436.00</b>	<b>\$275,300.00</b>	<b>\$302,000</b>
<b>52.1000</b>	<b>Purchased Professional &amp; Tech Services</b>				
<b>52.1200</b>	<b>Professional</b>				
52.1290	Judge Salary	\$42,700.00	\$43,600.00	\$42,700.00	\$44,444
52.1291	Solicitor Salary	\$34,700.00	\$35,400.00	\$34,700.00	\$36,088
52.1320	Court Reporter/Interpreter	\$500.00	\$1,000.00	\$1,000.00	\$1,000
<b>Total Professional Services</b>		<b>\$77,900.00</b>	<b>\$80,000.00</b>	<b>\$78,400.00</b>	<b>\$81,532</b>
52.3280	Credit Card Merchant Fee				
52.3310	Legal Notices	\$400.00	\$400.00	\$400.00	\$0
52.3500	Travel	\$500.00	\$500.00	\$1,000.00	\$500
52.3600	Dues and Fees	\$750.00	\$750.00	\$750.00	\$750
52.3700	Education & Training	\$1,000.00	\$700.00	\$1,000.00	\$700
<b>Total Services</b>		<b>\$2,650.00</b>	<b>\$2,350.00</b>	<b>\$3,150.00</b>	<b>\$1,950</b>
<b>Total Budget</b>		<b>\$336,070.00</b>	<b>\$357,786.00</b>	<b>\$356,850.00</b>	<b>\$385,482</b>

Dept 3200 Police Dept.

Acct#	Account Name	Approved FY' 18	Amended FY' 18	Requested FY' 19	Recommended FY' 19
51.1000	Personal Services - Salaries & Wages				
51.1100	Regular Employees	\$1,308,660.00	\$1,308,660.00	\$1,308,660.00	\$1,434,000.00
51.1300	Overtime	\$20,000.00	\$20,000.00	\$25,000.00	\$25,000.00
51.1310	Overtime (DEA)	\$17,500.00	\$17,500.00	\$17,500.00	\$17,500.00
51.2000					
51.2100	Group Insurance	\$284,766.00	\$284,766.00	\$253,000.00	\$294,000.00
51.2200	Social Security (FICA) Contributions	\$80,000.00	\$80,000.00	\$80,000.00	\$88,908.00
51.2300	Medicare	\$19,000.00	\$19,000.00	\$19,000.00	\$20,793.00
51.2400	Retirement Contributions	\$53,300.00	\$53,300.00	\$61,274.00	\$61,000.00
51.2600	Unemployment Insurance	\$6,000.00	\$6,000.00	\$7,000.00	\$7,000.00
51.2700	Worker's Compensation	\$40,500.00	\$40,500.00	\$40,500.00	\$42,000.00
<b>Total Personal Services and Employee Benefits</b>		<b>\$1,829,726.00</b>	<b>\$1,829,726.00</b>	<b>\$1,811,934.00</b>	<b>\$1,990,201.00</b>

52.1000	Purchased Professional & Tech Services				
52.1200	Professional				
52.1330	Software Support	\$4,000.00	\$4,000.00	\$1,000.00	\$10,000.00
52.1340	Drug Testing	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00
52.1350	Background Investigation(s)	\$1,800.00	\$1,800.00	\$1,800.00	\$1,800.00
52.2000	Purchased-Property Services				
52.2200	Repairs & Maintenance				
52.2230	Computer	\$500.00	\$500.00	\$500.00	\$500.00
52.2250	Pest Control	\$360.00	\$360.00	\$360.00	\$360.00
52.2300	Rentals				
52.2330	Rental of copiers/maintenance	\$3,200.00	\$3,200.00	\$3,200.00	\$3,200.00
52.3000	Other Purchased Services				
52.3100	Insurance, other than employee benefits	\$67,000.00	\$67,000.00	\$67,000.00	\$67,000.00
52.3200	Communications				
52.3210	Telephone	\$8,500.00	\$8,500.00	\$8,500.00	\$8,500.00
52.3230	Cellular Telephones	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00
52.3260	Postage	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00
52.3310	Legal Notices	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
52.3500	Travel	\$6,000.00	\$6,000.00	\$7,000.00	\$7,000.00
52.3600	Dues and Fees	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
52.3700	Education & Training	\$4,000.00	\$4,000.00	\$5,000.00	\$4,000.00
<b>Total Purchased/Contracted Services</b>		<b>\$118,860.00</b>	<b>\$118,860.00</b>	<b>\$117,860.00</b>	<b>\$125,860.00</b>

53.1000	Supplies				
53.1110	Office and Building Supplies	\$15,000.00	\$20,000.00	\$22,000.00	\$20,000.00
53.1130	Uniforms	\$15,000.00	\$15,000.00	\$18,000.00	\$15,000.00
53.1140	Vehicles/Equipment Parts	\$20,000.00	\$20,000.00	\$30,000.00	\$20,000.00
53.1141	Equipment Parts	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
53.1171	Building Maintenance	\$1,000.00	\$3,000.00	\$5,000.00	\$5,000.00
<b>Total Supplies</b>		<b>\$56,000.00</b>	<b>\$63,000.00</b>	<b>\$80,000.00</b>	<b>\$65,000.00</b>

53.1200	Energy				
53.1210	Water/Sewerage	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
53.1220	Natural Gas	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00

53.1230	Electricity	\$15,300.00	\$15,300.00	\$15,300.00	\$15,300.00
53.1270	Gasoline/Diesel	\$65,000.00	\$65,000.00	\$70,000.00	\$65,000.00
<b>Total Energy</b>		<b>\$85,300.00</b>	<b>\$85,300.00</b>	<b>\$90,300.00</b>	<b>\$85,300.00</b>

	<b>Small Equipment</b>				
53.1610	Computer Equip/Maint (less than \$5000)	\$0.00	\$0.00	\$0.00	\$0.00
53.1620	Furniture & Fixtures (less than \$5000)	\$0.00	\$0.00	\$0.00	\$0.00
53.1690	Other Small Equipment (less than \$5000)	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total Small Equipment</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

54.1000	<b>Property</b>				
54.1200	Site Improvements	\$1,000.00	\$1,000.00	<b>\$1,000.00</b>	\$1,000.00
54.2000	Equipment	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
54.2200	Capital Outlay Vehicle	\$95,000.00	\$95,000.00	\$170,000.00	\$53,000.00
54.2201	Vehicle Equipment				
54.2400	Computers				
54.2410	Hardware				
<b>Total Capital Outlay</b>		<b>\$98,000.00</b>	<b>\$98,000.00</b>	<b>\$173,000.00</b>	<b>\$56,000.00</b>

58.1000	<b>Principal</b>				
58.1200	<b>Capital Lease - Principle</b>				
58.1210	Lease - Machinery				
58.1220	Lease - Vehicles	\$55,000.00	\$55,000.00	\$54,372.00	\$54,372.00
58.2220	Other Debt -Vehicle Interest	\$3,000.00	\$3,000.00	\$4,135.00	\$4,135.00
58.1230	Lease - Other				
58.1300	Other Debt - Building				
58.2300	Other Debt Building - Interest				
<b>Total Debt Service</b>		<b>\$58,000.00</b>	<b>\$58,000.00</b>	<b>\$58,507.00</b>	<b>\$58,507.00</b>

<b>Total Expenditures</b>		<b>\$2,245,886.00</b>	<b>\$2,252,886.00</b>	<b>\$2,188,094.00</b>	<b>\$2,380,868.00</b>
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## Dept 4100 Public Works

Acct#	Account Name	2017 Approved	Amended FY' 17	Requested FY' 19	Recommended FY' 18
<b>51.1000</b>	<b>Personal Services - Salaries &amp; Wages</b>				
51.1100	Regular Employees	\$300,000.00	\$300,000.00	\$322,787.00	\$316,000.00
51.1300	Overtime	\$3,500.00	\$6,000.00	\$6,500.00	\$6,500.00
<b>51.2000</b>	<b>Personal Services - Employee Benefits</b>				
51.2100	Group Insurance	\$82,000.00	\$82,000.00	\$82,000.00	\$97,000.00
51.2200	Social Security (FICA) Contributions	\$18,600.00	\$18,600.00	\$18,600.00	\$19,592.00
51.2300	Medicare	\$4,400.00	\$4,400.00	\$4,400.00	\$4,582.00
51.2400	Retirement Contributions	\$26,274.00	\$26,274.00	\$26,274.00	\$31,244.00
51.2600	Unemployment Insurance	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00
51.2700	Worker's Compensation	\$24,000.00	\$24,000.00	\$24,000.00	\$25,500.00
<b>Total Personal Services and Employee Benefits</b>		<b>\$461,774.00</b>	<b>\$464,274.00</b>	<b>\$487,561.00</b>	<b>\$503,418.00</b>

<b>52.1000</b>	<b>Purchased Professional &amp; Tech Services</b>				
52.1200	Professional				
52.1300	Technical				
<b>52.2000</b>	<b>Purchased-Property Services</b>				
<b>52.2100</b>	<b>Cleaning Services</b>				
52.2100	Disposal	\$7,500.00	\$7,500.00	\$8,000.00	\$8,000.00
52.2160	Tree Removal	\$9,500.00	\$9,500.00	\$12,500.00	\$12,500.00
<b>52.2200</b>					
52.2210	Street Maintenance	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
<b>52.3000</b>					
52.3100	Insurance, other than employees	\$26,000.00	\$26,000.00	\$30,000.00	\$30,000.00
<b>52.3200</b>					
52.3210	Telephone & Internet	\$1,300.00	\$1,300.00	\$1,400.00	\$1,400.00
52.3230	Cellular Phones	\$1,400.00	\$1,400.00	\$1,350.00	\$1,200.00
52.3500	Travel	\$0.00	\$0.00	\$0.00	\$1,000.00
52.3600	Dues and Fees	\$100.00	\$100.00	\$100.00	\$100.00
52.3700	Education & Training	\$0.00	\$0.00	\$0.00	\$2,400.00
<b>Total Purchased/Contracted Services</b>		<b>\$50,800.00</b>	<b>\$50,800.00</b>	<b>\$58,350.00</b>	<b>\$61,600.00</b>

<b>53.1000</b>	<b>Supplies</b>				
<b>53.1100</b>	<b>General Supplies &amp; Materials</b>				
53.1110	Office	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
53.1111	Tools	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00
53.1130	Uniforms	\$4,200.00	\$4,200.00	\$6,000.00	\$5,000.00
53.1140	Vehicle/Equipment Parts	\$15,000.00	\$15,000.00	\$13,000.00	\$13,000.00
53.1141	Equipment Parts	\$6,200.00	\$6,200.00	\$5,000.00	\$5,000.00
53.1142	Safety Equipment	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00
53.1143	Signs & Banners	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
53.1144	Christmas Supplies	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
53.1150	Landscaping	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
53.1160	Park Supplies	\$5,000.00	\$5,000.00	\$7,500.00	\$7,500.00
53.1171	Building Improvements	\$5,000.00	\$5,000.00	\$7,500.00	\$7,500.00
53.1180	Cemetery Equipment	\$0.00	\$0.00	\$0.00	\$0.00
53.1190	Other Supplies	\$15,000.00	\$15,000.00	\$12,500.00	\$12,500.00
<b>TOTAL</b>				<b>\$80,500.00</b>	<b>\$79,500.00</b>
<b>53.1200</b>	<b>Energy</b>				

53.1210	Water/Sewerage	\$3,000.00	\$3,000.00	\$4,500.00	\$4,500.00
53.1220	Natural Gas	\$3,500.00	\$3,500.00	\$4,500.00	\$4,500.00
53.1230	Electricity	\$8,500.00	\$8,500.00	\$9,000.00	\$9,000.00
53.1231	Street Lights-Signals-etc	\$110,000.00	\$110,000.00	\$118,000.00	\$118,000.00
53.1270	Gasoline/Diesel	\$13,000.00	\$13,000.00	\$13,000.00	\$13,000.00
<b>TOTAL</b>				\$149,000.00	\$149,000.00
<b>53.1600</b>	<b>Small Equipment</b>				
53.1610	Computer Equip/Maint (Less than \$5000)	\$250.00	\$250.00	\$0.00	\$0.00
53.1690	Other Small Equipment (Less than \$5000)	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00
<b>Total Supplies</b>		<b>\$220,650.00</b>	<b>\$220,650.00</b>	<b>\$233,000.00</b>	<b>\$232,000.00</b>

<b>54.1000</b>	<b>Property</b>				
54.1101	CDBG Engineering Fees	\$0.00	\$0.00	\$0.00	\$0.00
54.1200	Site Improvements	\$0.00	\$0.00	\$0.00	\$0.00
54.1401	Infrastructure (Curb-cuts)	\$0.00	\$0.00	\$0.00	\$0.00
54.2200	Capital Outlay - Vehicle	\$5,000.00	\$5,000.00	\$0.00	\$0.00
54.2201	Capital Outlay - Equipment	\$0.00	\$0.00	\$0.00	\$0.00
54.2102	Cemetery Equipment	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total Capital Outlay</b>		<b>\$5,000.00</b>	<b>\$5,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
54.1300	Lee Street Park storage facility			\$0.00	\$0.00
<b>57.1000</b>	<b>Intergovernmental</b>				
<b>57.2000</b>	<b>Payments to Other Agencies</b>				
<b>Total Other Cost</b>		<b>\$0.00</b>	<b>\$0.00</b>		<b>\$0.00</b>

	<b>Debt Service</b>				
<b>58.1000</b>	<b>Principal</b>				
<b>58.1200</b>	<b>Capital Lease - Principal</b>				
58.1210	Lease - Machinery	\$0.00	\$0.00	\$0.00	\$0.00
58.1220	Lease - Vehicles	\$6,330.00	\$6,330.00	\$12,691.00	\$12,691.00
58.2000	Interest	\$675.00	\$675.00	\$1,281.00	\$1,281.00
<b>Total Debt Service</b>		<b>\$7,005.00</b>	<b>\$7,005.00</b>	<b>\$13,972.00</b>	<b>\$13,972.00</b>
<b>Total Expenditures</b>		<b>\$745,229.00</b>	<b>\$747,729.00</b>	<b>\$792,883.00</b>	<b>\$810,990.00</b>

Dept 7450

Code Enforcement

Acct#	Account Name	Request FY' 18	Recommended FY' 18	Request FY' 19	Recommended FY' 19
<b>51.1000</b>	<b>Personal Services - Salaries &amp; Wages</b>				
51.1100	Regular Employees	\$42,800.00	\$42,800.00	\$49,220.00	\$44,470.00
51.2100	Group Insurance	\$12,000.00	\$12,000.00	\$12,000.00	\$12,000.00
51.2200	Social Security (FICA) Contributions	\$2,700.00	\$2,700.00	\$2,700.00	\$2,757.00
51.2300	Medicare	\$650.00	\$650.00	\$650.00	\$645.00
51.2400	Retirement Contributions	\$2,000.00	\$2,000.00	\$2,000.00	\$3,000.00
51.2700	Workers Compensation	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00
<b>Total Personal Services and Employee Benefits</b>		<b>\$63,424.00</b>	<b>\$64,150.00</b>	<b>\$70,570.00</b>	<b>\$66,872.00</b>
	<b>Services</b>				
52.2200	Repairs & Demolitions	\$5,000.00	\$2,500.00	\$2,500.00	\$2,500.00
52.3260	Cellular Telephone	\$500.00	\$500.00	\$600.00	\$500.00
52.3500	Travel	\$1,000.00	\$750.00	\$1,600.00	\$1,600.00
52.3600	Dues and Fees	\$250.00	\$250.00	\$250.00	\$250.00
52.3700	Education & Training	\$1,500.00	\$1,000.00	\$1,000.00	\$1,000.00
<b>Total Services</b>		<b>\$8,250.00</b>	<b>\$5,000.00</b>	<b>\$5,950.00</b>	<b>\$5,850.00</b>
53.1130	Uniforms	\$500.00	\$500.00	\$500.00	\$500.00
53.1270	Gasoline	\$1,500.00	\$1,500.00	\$3,000.00	\$3,000.00
58.1200	Vehicle Lease - Purchase	\$0.00	\$0.00	\$0.00	\$0.00
		<b>\$2,000.00</b>	<b>\$2,000.00</b>	<b>\$3,500.00</b>	<b>\$3,500.00</b>
<b>Total Budget</b>		<b>\$73,674.00</b>	<b>\$71,150.00</b>	<b>\$80,020.00</b>	<b>\$76,222.00</b>

## Solid Waste Revenue

Acct#	Account Name	Requested FY' 18	Requested FY' 19
<b>Sanitation Revenues</b>			
34.4110	Refuse Collection Fees	\$180,600.00	\$191,186.00
36.1010	Interest	\$0.00	\$0.00
	Transfer From Reserves	\$0.00	\$0.00
39.3200	Capital Lease	\$25,000.00	\$0.00
<b>Total Personal Services and Employee Benefits</b>		<b>\$205,600.00</b>	<b>\$191,186.00</b>

Dept 1500

Solid Waste

Acct#	Account Name	Approved 2017	Amended FY' 17	Requested FY' 18	
<b>51.1000</b>	<b>Personal Services - Salaries &amp; Wages</b>				
51.1100	Regular Employees	\$50,800.00	\$50,800.00	\$56,048.0	
51.2200	Social Security (FICA) Contribut	\$3,200.00	\$3,200.00	\$3,475.0	
51.2300	Medicare	\$740.00	\$740.00	\$813.0	
51.2700	Workers Compensation	\$6,000.00	\$6,000.00	\$11,000.0	
<b>Total Personal Services and Employee Benefits</b>		<b>\$60,740.00</b>	<b>\$60,740.00</b>	<b>\$71,336.0</b>	
<b>Other Costs</b>					
52.2110	Disposal Landfill Fees	\$84,000.00	\$84,000.00	\$90,000.0	
52.3100	Insurance ( NonBenefit)	\$6,000.00	\$6,000.00	\$9,000.0	
53.1100	Supplies/Materials	\$200.00	\$200.00	\$200.0	
53.1130	Uniforms	\$500.00	\$500.00	\$650.0	
53.1140	Vehicle/Equipment Parts	\$8,000.00	\$8,000.00	\$15,000.0	
53.1270	Gasoline	\$5,000.00	\$5,000.00	\$5,000.0	
54.2200	Vehicle Purchase	\$0.00	\$0.00	\$0.0	
<b>Total Other Costs</b>		<b>\$103,700.00</b>		<b>\$119,850.0</b>	
<b>Total Budget</b>		<b>\$164,440.00</b>	<b>\$164,440.00</b>	<b>\$191,186.0</b>	

**STATE OF GEORGIA****CITY OF JONESBORO****ORDINANCE #2018-015**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF JONESBORO, GEORGIA, TO ADOPT THE FISCAL YEAR 2019 BUDGET FOR EACH FUND OF THE CITY OF JONESBORO, APPROPRIATING THE AMOUNTS IN EACH BUDGET AS EXPENDITURES/EXPENSES, ADOPTING THE REVENUE ANTICIPATIONS AND PROHIBITING EXPENDITURES OR EXPENSES FROM EXCEEDING THE ACTUAL FUNDING AVAILABLE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, the governing authority of the City of Jonesboro, Georgia (“City”) is the Mayor and Council thereof; and

**WHEREAS**, the proposed budget represents a balanced budget for each of the City’s various funds, so that anticipated revenues equal proposed expenditures for each fund; and

**WHEREAS**, the Mayor & Council of the City of Jonesboro have held public hearing(s) upon its proposed millage rates and its proposed budget for the 2018 fiscal year; and

**WHEREAS**, Title 36, Chapter 81, Article 1 of the Official Code of Georgia Annotated (OCGA) requires a balanced budget for the City’s fiscal year, which runs from January 1 to December 31 of each year

**NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, GEORGIA and the authority thereof:**

**Section 1.** That the proposed Fiscal Year 2019 Budget, “Exhibit A” attached hereto and by this reference made a part hereof this ordinance, is hereby adopted as the Budget for the City of Jonesboro, Georgia for Fiscal Year 2019, which begins January 1st and ends on December 31st.

**Section 2.** That the several items of revenues, other financial resources, and sources of cash shown in the budget for each fund in the amounts shown anticipated are hereby adopted, and that the several amounts shown in the budget for each fund as proposed expenditures or expenses, and uses of cash are hereby appropriated to the departments named in each fund.

**Section 3.** That the “legal level of control” as defined in OCGA 36-81 is set at the department level, meaning that the City Manager is authorized to move appropriations from one line item to another within a department, but under no circumstances may expenditures or expenses exceed the amount appropriated for a department without a further Budget amendment approved by the Mayor and City Council.

**Section 4.** That all appropriations shall lapse at the end of the fiscal year.

**Section 5.** That this Ordinance shall be and remain in full force and effect from and after its date of adoption.

**Section 6.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of

this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

**Section 7.** The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

**ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018

**THE CITY OF JONESBORO, GEORGIA**

By: \_\_\_\_\_  
Joy Brantley Day, Mayor

(SEAL)

Attest:

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Ricky L. Clark, Jr., City Manager





# CITY OF JONESBORO, GEORGIA COUNCIL

## Agenda Item Summary

Agenda Item #

11.1

-1

COUNCIL MEETING DATE

December 10, 2018

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

Community Development Director Allen

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

Council to consider approval of 18-VAR-007, variances for The Grove subdivision, to consider multiple variances concerning the reduction of the minimum front setback, reduction of greenspace width, greenspace location, and the provision of front entry garages on non-corner lots, by Sovereign Holdings, LLC and Key Corp Financial, Inc., for property located at 0 McDonough Street (Parcel No. 13240D A027), Jonesboro, Georgia 30236.

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

City Code Section 86-99 – RC Zoning Standards for Setbacks and Greenspace; Sec. 86-229 Garage Placement

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

Yes

Economic Development

Summary &amp; Background

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

Approval of revised variance requests #1, #2, #3, and #4; see discussion of variance request #5; The subdivision was first developed in 2006/2007, with all infrastructure currently in place. Due to the recession that started in 2007/2008, no houses were built. The roads and utility stub outs are already in place. Update: The subdivision design and requested variances were presented at the City Council work session on July 2, 2018, with the following original variance requests:

Variance request #1 – Reduce front setback from 20 feet req. to 10 feet (8-foot porch zone behind setback line)

Variance request #2 – Reduce side setback from 7 feet req. to 0 feet (maintain 10-foot building separation)

Variance request #3 – Reduce 20% minimum greenspace req. to 15.7% provided on plat and in field

Variance request #4 – Not all greenspace meets 100-foot width req.; match what is provided on plat and in field

Variance request #5 – Less than 50% of lots touch greenspace; match what is provided on plat and in field

However, due to some design concerns by the City Council and staff, the scheduled public hearing on July 9, 2018 did not occur, and the City and the property owners discussed the design for several more months. Recently, the property owners requested that the subdivision design be reconsidered by the City, and a revised plat was submitted for consideration. The revised plat reduces the number of lots from 55 to 49, makes the minimum lot width five feet wider from 50 feet to 55 feet, and eliminates the need for some of the original variance requests, such as the side setback reduction and minimum required greenspace. The revised application now has the following updated variance requests:

Variance request #1 – Reduce front setback from 20 feet req. to 15 feet (8-foot porch zone behind setback line)

Variance request #2 – Reduce 20% minimum greenspace req. to 15.7% provided on plat and in field

Variance request #3 – Not all greenspace meets 100-foot width req.; match what is provided on plat and in field. Although the greenspace total is now 21.6% (20% min. required), some of the greenspace cannot meet the 100-foot minimum requirement, due to existing site constraints.

Variance request #4 – Less than 50% of lots touch greenspace; match what is provided on plat and in field. Although the greenspace total is now 21.6% (20% min. required), some of the greenspace cannot meet the minimum 50% touching of lots requirement, due to existing site constraints.

Variance request #5 – Except on designated corner lots, placement of garages for front entry of vehicles. City Code Section 86-299 reads as follows:

### FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title Ricky L. Clark, City Manager	Date December, 10, 2018	11/05/18 REQUIRED 11/12/18	City Council PUBLIC HEARING Next: 11/12/18
Signature	City Clerk's Office	11/12/18 City Council TABLED Next: 12/10/18	

Attached garages shall feature side or rear entry access. Where lot width on a lot of record prevents such access, garages shall be recessed a minimum horizontal distance of four feet.

Variances #1 through #4 deal with the horizontal aspects of the plat and staff is recommending approval for them. The number of lots has been reduced, the amount of greenspace has increased, and the driveways have increased five feet in length from what was proposed before with the 10-foot front setback variance. Staff does not believe that the approval of these variances will be detrimental to the overall development.

Regarding variance #5, it is both part of the horizontal and vertical aspects of the development, but is included in this application, because the denying of a variance for front-entry garages will affect the vertical design later. The revised plat does provide for some side entry garages on the corner lots, which account for about 15% of the 49 lots. The City Code standard for garage placement is for side and rear entry garages, with most of the residential architecture in the City reflecting this standard. (Houses on adjacent Roberts Street, Wallis Street, and Royston Street are almost totally non-front facing garages. There are several front-facing, open carports, but the Code makes a distinction between enclosed garages and carports.) With regards to the portion of Code Section 86-229 which states where lot width on a lot of record prevents such access, garages shall be recessed a minimum horizontal distance of four feet, the proposed garages are either flush with the front of the house or in front of the rest of the house (see attached elevations), so a variance must be applied for.

Over the last several months, multiple concerns have been raised about the possibility of front garages:

1. The front-facing garage will not be used for vehicular parking at all and will instead be used for storage, which will be unsightly from the street. Can a strong Homeowners' Association solve this by fining residents who keep their garage doors open?
2. A front-facing garage will not go with the overall housing styles found throughout Jonesboro. The City predominantly features side and rear facing garages, but it does have plenty of open, front-facing carports that can be readily seen from the road. Most of the houses (especially the front) will only be able to be seen if someone actually drove through, or lived in, the subdivision. The only houses that could potentially be seen from McDonough Street are Lots 1, 2, 3, 31, and 40, and even these would only be able to be viewed from the side from McDonough Street. Due to the orientation of the house lots, no front-facing garages would be able to be seen from adjacent properties either. A citizen buying an already built house with a front-facing garage will not have a problem with it.
3. A front-facing garage and front driveway will not contain enough off-street parking area, forcing people to park on the street. This is the most legitimate of the concerns, due to measurements taken over the summer at the property by staff. However, the front setback has now been extended back five feet, making for a five-foot longer driveway than before. Also, the proposed house elevations show a double garage, which would make for a larger driveway parking area. From the back edge of the sidewalk to the garage door would be a 17.5-foot minimum long driveway. From the edge of asphalt to the garage door would be a 25-foot minimum long driveway. A standard, 90 degree parking space in Jonesboro is 8 feet wide by 20 feet long.

Regarding the possibility of a side entry garage on non-corner lots, the lots have increased to 55 feet wide, but the proposed house size has remained the same width – 40 feet. This leaves 15 feet, or 7.5 feet either side of the house (which meets the Code side setback). There is a minimum two-foot setback for paving from the side property line, so given the house width of 40 feet and the side paving setback of 2 feet, there would only be room for a 5.5-foot wide driveway and turnaround area, which is not large enough for practical use of vehicles. Given the proposed house designs provided, there is not enough room for side driveways and garages on non-corner lots. The current contractor candidate, Rockhaven Homes, has built a similar size home with side-entry garages in the Park Chase subdivision in the City of Brookhaven, but those lots are a minimum 60 feet wide (see attached drawings).

Regarding the possibility of rear entry garages non-corner lots, unless a rear alley is provided to the interior lots, there would not be enough room for an adequate driveway to go from the road and along the side of the house towards the rear of the house. Past plans called for rear alleyways, but these were not shown on later plans, and they are not built on the property. In addition, the back yards are only slated to be about 20-feet deep maximum without any rear alley or driveway. A rear driveway would consume most of the backyard space of the residents, and, in a cluster development, the backyard space is the only potential for outdoor privacy that the residents would have.

Regarding the possibility of a shared, side driveway between two lots, seemingly successful examples of this have been observed in Fayetteville and Peachtree City. It is not known what specific legal apparatus allows the shared access and parking between these lots, but there is the potential of legal and logistical problems with shared driveways. It is the Zoning Administrator's opinion that shared driveways are not a good, practical option. In addition, the City Code (Sec. 86-405) only allows joint use of parking spaces for certain commercial situations:

No portion of an off-street parking facility required for any building or use for the purpose of complying with the provisions of this section shall be considered as part of an off-street parking facility similarly required for another building or use. In instances in which the hours of operation of uses for which a sharing, or joint use, of parking facilities is proposed indicate that the respective parking demands occur at alternating times of the day, city council may grant approval for such joint use of parking facilities. For a detached dwelling, the driveway is the off-street parking space, and the

In summary, there is no significant problem approving variances #1 through #4. Regarding variance #5, front-entry garages, staff is recommending approval based on the previous rationales and the product that the current contractor candidate is willing and able to build. Should the Council choose not to approve variance #5, the following options are available in the future, if the site is to be developed at all:

1. Selection of another house product, about 30 feet wide, 35 feet wide maximum.
2. Significant redesign of the subdivision to accommodate minimum 60 to 65-foot wide lots.
3. Rezone the property to a district more suitable to attached townhomes and condominiums, where more open space could occur and concentrated parking lots, rather than individual driveways, would be possible.

Other plat items to consider:

1. The proposed sidewalks are labeled as 4 feet wide, with a 2-foot wide grass strip between sidewalk and back of curb. 4 feet wide meets the City Code standard, but there was talk of a 5-foot wide sidewalk. Staff wants an adequately size sidewalk, but also does not want too much impervious at the front of the house. The City Code references a minimum 5-foot wide grass strip between curb and sidewalk. This sidewalk standard may need to be part of the variance request as well. The proposed sidewalks on the plat connect the interior house lots and extend to McDonough Street, but do not run along the perimeter lots.
2. Street lighting shall conform to Code Section 44-161 and shall be spaced out 100 feet maximum on local/residential streets. Poles shall be 12 to 14 feet tall on this type of roads and shall have an 0.3 horizontal foot-candle illumination level. Street lights shall be installed and operating prior to approval of the final plat. (See copy enclosed)
3. Along lots 15 through 20, there will need to be a "drainage wall" to direct runoff to the detention pond in the northeast corner. The proposal from the builder was to have this be a pressure treated wood wall, but staff does not believe that this material will be durable enough. Poured in place concrete or similar material will need to be used. The height of the wall also needs to be specified.
4. The dead end for Grove Parkway at the southeast corner of the subdivision needs to be addressed. City Code does not allow for dead end streets to not terminate in a cul-de-sac (Section 44-158). However, this portion of Grove Parkway is not wide enough for a cul-de-sac. Staff discussed with the developer making this a landscaped area, off limits to vehicles.
5. Greenspace area #1 needs to be provided with a walking trail amenity, per the plat.

### Update for December Council

Agency recommendation – Approval of all remaining variance requests; At the November 12, 2018 City Council meeting, the Council voted to approve variance request #3 below and to table the other variance requests until the December Council meetings.

Variance request #1 – Reduce front setback from 20 feet req. to 15 feet (8-foot porch zone behind setback line)

Variance request #2 – Not all greenspace meets 100-foot width req.; match what is provided on plat and in field. Although the greenspace total is now 21.6% (20% min. required), some of the greenspace cannot meet the 100-foot minimum requirement, due to existing site constraints.

Variance request #3 – Less than 50% of lots touch greenspace; match what is provided on plat and in field. Although the greenspace total is now 21.6% (20% min. required), some of the greenspace cannot meet the minimum 50% touching of lots requirement, due to existing site constraints.

Variance request #4 – Except on designated corner lots, placement of garages for front entry of vehicles. City Code Section 86-299 reads as follows:

Sec. 86-229. - Placement of garages. Attached garages shall feature side or rear entry access. Where lot width on a lot of record prevents such access, garages shall be recessed a minimum horizontal distance of four feet.

In terms of the remaining variance requests, staff is still recommending approval of all variance requests and has further information below on these ongoing items. The information from the November 12th staff report still stands as well and may not be reproduced in its entirety in this updated staff report.

11.1

Variance request #1 – Reduce front setback from 20 feet req. to 15 feet (8-foot porch zone behind setback line)

This request is designed to make as large of a backyard for each house as practicably possible, while still providing a long enough front driveway for adequate off-street parking. In a tight development like the Grove property, livable backyard space is at a premium. Reduction of the front setback would help with the amount of quality space in each backyard. As long as an adequately long driveway can be demonstrated by the developer (at least 20 feet of length between the garage front and the inner edge of the concrete sidewalk), then the front setback reduction would not be a problem. The original variance request of a 10-foot front setback would probably make for too short of a driveway; thus, the 15-foot front setback request would be an improvement on the driveway length from the original request and would not be a significant departure from the Code standard of a 20-foot front setback.

(The 20-foot long parking standard comes from the City Code Section 86-406, in which a 90-degree parking space minimum is 9 feet wide by 20 feet long (18 feet asphalt plus 2-foot gutter overhang. Since most cars in commercial parking lots use the concrete gutter as parking area also, the driveway parking spaces in The Grove need to be at least 20 feet long from garage front to inner edge of sidewalk. City Code also requires two off-street parking spaces per each single family dwelling unit, which can be achieved by an 18-foot wide and 20-foot long driveway clearance on each house, to say nothing of using the inside of the garage for parking as well.)

(See perpendicular parking standard in diagram below.)

Variance request #2 – Not all greenspace meets 100-foot width req.; match what is provided on plat and in field. (Although the greenspace total is now 21.6% (20% min. required), some of the greenspace cannot meet the 100-foot minimum requirement, due to existing site constraints.)

The Council did not approve this greenspace variance along with the other one on November 12th. There are five total greenspace areas on the final plat. Greenspace areas #1 and #5 meet the 100-foot width requirements both ways. Greenspace area #2 (at the entrance) meets the width requirement east to west but cannot possibly meet the width requirement north to south due to the constraints of the existing road. Greenspace areas #3 and #4 (in interior) meet the width requirements north to south but cannot meet the width requirement east to west without getting rid of at least two more housing lots each. The City, and not just the developer, would benefit in having the maximum number of housing lots possible, so staff is once again recommending approval of this variance request. Six lots were already lost in redesigning the lots to 55-foot wide lots.

Variance request #4 – Except on designated corner lots, placement of garages for front entry of vehicles. City Code Section 86-299 reads as follows:

Sec. 86-229. - Placement of garages.

Attached garages shall feature side or rear entry access. Where lot width on a lot of record prevents such access, garages shall be recessed a minimum horizontal distance of four feet.

The aforementioned variances just deal with the horizontal aspects of the plat. Regarding the variance for front-entry garages, it is both part of the horizontal and vertical aspects of the development, but is included in this application, because the denying of a variance for front-entry garages would affect the vertical design later. The revised plat does provide for some side entry garages on the corner lots, which account for about 15% of the 49 lots. The City Code standard for garage placement is for side and rear entry garages, with most of the residential architecture in the City reflecting this standard. (Houses on adjacent Roberts Street, Wallis Street, and Royston Street are almost totally non-front facing garages. There are several front-facing, open carports, but the Code makes a distinction between enclosed

garages and carports.) With regards to the portion of Code Section 86-229 which states where lot width on a lot of record prevents such access, garages shall be recessed a minimum horizontal distance of four feet, the proposed garages are either flush with the front of the house or in front of the rest of the house (see attached elevations), so a variance must be applied for. In addition, the City Code defines a "lot of record" as a lot for which a plat has been recorded in the office of the Clerk of the Superior Court of Clayton County. The desired 55-foot wide lots on the revised final plat are not yet recorded and are therefore not lots of record.

11.1

Over the last several months, multiple concerns have been raised about the possibility of front-facing garages:

1. The front-facing garage will not be used for vehicular parking at all and will instead be used for storage, which will be unsightly from the street. Can a strong Homeowners' Association solve this by fining residents who keep their garage doors open?

2. A front-facing garage will not go with the overall housing styles found throughout Jonesboro. The City predominantly features side and rear facing garages, but it does have plenty of open, front-facing carports that can be readily seen from the road. Most of the houses (especially the front) will only be able to be seen if someone actually drove through, or lived in, the subdivision. The only houses that could potentially be seen from McDonough Street are Lots 1, 2, 3, 31, and 40, and even these would only be able to be viewed from the side from McDonough Street. Due to the orientation of the house lots, no front-facing garages would be able to be seen from adjacent properties either. A citizen buying an already built house in The Grove with a front-facing garage will not have a problem with it because they chose that style already built.

3. A front-facing garage and front driveway will not contain enough off-street parking area, forcing people to park on the street. This is the most legitimate of the concerns, due to measurements taken over the summer at the property by staff. However, the front setback has now been extended back five feet, making for a five-foot longer driveway than before. Also, the proposed house elevations show a double garage, which would make for a larger driveway parking area. A standard, 90-degree parking space in Jonesboro is 9 feet wide by 20 feet long (with concrete gutter). If the contractor provides new lot drawings showing a 20-foot long parking area between the garage front and the inner edge of the sidewalk and wide enough for two standard parking spaces (18 feet total), then they will have satisfied the minimum Code requirements for parking for single-family houses, to say nothing of vehicle parking actually occurring inside the garage itself.

Regarding the possibility of a side entry garage on non-corner lots, the lots have increased to 55 feet wide, but the proposed house size has remained the same width – 40 feet. This leaves 15 feet, or 7.5 feet either side of the house (which meets the Code side setback). There is a minimum two-foot setback for paving from the side property line, so given the house width of 40 feet and the side paving setback of 2 feet, there would only be room for a 5.5-foot wide driveway and turnaround area, which is not large enough for practical use of vehicles. Given the proposed house designs provided, there is not enough room for side driveways and garages on non-corner lots. The current contractor candidate, Rockhaven Homes, has built a similar size home with side-entry garages in the Park Chase subdivision in the City of Brookhaven, but those lots are a minimum 60 feet wide (see attached drawings).

Update: Rockhaven Homes has told staff that they also have a couple of narrower housing types – a 30-foot wide product and a 25-foot wide product (which hasn't been built yet). However, reducing the width of a house means that you have to compensate by adding more depth to make each house livable. Thus, the 30-foot wide product has a depth of 72 feet, and the 25-foot wide product has a depth of 56 feet (and is only a 1700 square foot product). Some of the interior lots are as shallow as 82 feet deep, which would make the 30' by 72' product a physical impossibility with the yard requirements and would make the 25' by 56' product too tight to meet the yard requirements as well. Even with some of the perimeter lots being 92 feet deep, the 30-foot wide and 25-foot wide products would not have large enough back yards.

82-foot deep lot, with reduced 15-foot front setback

40' by 40' house product: 15-foot front yard, 27-foot back yard

30' by 72' house product: 15-foot front yard, no back yard

25' by 56' house product: 15-foot front yard, 11-foot back yard

82-foot deep lot, with standard 20-foot front setback

40' by 40' house product: 15-foot front yard, 22-foot back yard

30' by 72' house product: 15-foot front yard, no back yard

25' by 56' house product: 15-foot front yard, 6-foot back yard

92-foot deep lot, with reduced 15-foot front setback

40' by 40' house product: 15-foot front yard, 37-foot back yard

30' by 72' house product: 15-foot front yard, 5-foot back yard

25' by 56' house product: 15-foot front yard, 21-foot back yard

92-foot deep lot, with standard 20-foot front setback

40' by 40' house product: 15-foot front yard, 32-foot back yard

30' by 72' house product: 15-foot front yard, no back yard

25' by 56' house product: 15-foot front yard, 16-foot back yard

There is not adequate depth of lots in The Grove to accommodate the narrower Rockhaven Homes listed products. There is not adequate width of lots in The Grove to accommodate the requested 40-foot wide Rockhaven Homes product.

Regarding the possibility of rear entry garages non-corner lots, unless a rear alley is provided to the interior lots, there would not be enough room for an adequate driveway to go from the road and along the side of the house towards the rear of the house. Past plans called for rear alleyways, but these are not built on the property, because they were demonstrated in the past to have not been workable for The Grove property. In addition, the back yards are only slated to be about 20-feet deep maximum without any rear alley or driveway. A rear driveway would consume most of the backyard space of the residents, and, in a cluster development, the backyard space is the only potential for outdoor privacy that the residents would have. Also, a series of rear driveways would, in essence, make a "chopped up" rear alleyway, which has already been rejected by the City.

Regarding the possibility of a shared, side driveway between two lots, seemingly successful examples of this have been observed in Fayetteville and Peachtree City. It is not known what specific legal apparatus allows the shared access and parking between these lots, but there is the potential of legal and logistical problems with shared driveways. It is the Zoning Administrator's opinion that shared driveways are not a good, practical option. In addition, the City Code (Sec. 86-405) only allows joint use of parking spaces for certain commercial situations:

No portion of an off-street parking facility required for any building or use for the purpose of complying with the provisions

of this section shall be considered as part of an off-street parking facility similarly required for another building or use instances in which the hours of operation of uses for which a sharing, or joint use, of parking facilities is proposed indicate that the respective parking demands occur at alternating times of the day, city council may grant approval for such joint use of parking facilities. 11.1

Also, per Sec. 86-339: Driveway separations. The minimum distance between a private driveway serving one single-family dwelling and a street intersection shall be 20 feet; this minimum distance shall be 50 feet for all other uses. Minimum distance between private driveways serving single-family dwellings along a street right-of-way shall be ten feet; this minimum distance shall be 40 feet for all other uses. Thus, a shared driveway would violate the highlighted driveway spacing requirement.

For a detached dwelling, the driveway is the off-street parking space, and the

Code Section above seems to indicate that dwelling parking requirements could not be shared with a joint driveway.

In summary:

1. It has been demonstrated that side-entry garages are not physically possible with the current lot layout and available Rockhaven housing products.
2. It has been demonstrated that rear-entry garages are not physically possible with the current lot layout and available Rockhaven housing products.
3. If the contractor / developer demonstrates a minimum 18-foot wide by 20-foot long parking area, then a front-facing garage and front-entry driveway can meet the City Code parking requirements.
4. Front-entry garages will not be able to be readily seen from North McDonough Street or from adjacent properties. They will only affect the actual homeowners in The Grove, which consented to a front-facing garage when they bought an already-built house. The developer is now proposing a gated community, which would limit general public exposure to front-facing garages even more.
5. R-C zoning requirements require 40% maximum lot coverage. Even if side or rear entry garages were possible, the added concrete for these longer driveways would likely put each lot over the 40% threshold, thus requiring another variance. A quick calculation of the smallest lot with a certain width driveway at the just the front of the lot already put the impervious coverage at 40%. Longer driveways for side or rear entry would only make the % coverage worse. In addition, the storm water pond on the property may not have been sized for the added impervious area of longer driveways for side or rear entry.

Other options:

1. Significant redesign of the subdivision to accommodate minimum 60 to 65-foot wide lots.
2. Selection of other housing products, not as deep. (The current candidate has no other products.)
3. Rezone the property to a district more suitable to attached townhomes and condominiums,

where more open space could occur and concentrated parking lots, rather than individual driveways, would be possible.

Other plat items to consider:

1. The proposed sidewalks are labeled as 4 feet wide, with a 2-foot wide grass strip between sidewalk and back of curb. 4 feet wide meets the City Code standard, but there was talk of a 5-foot wide sidewalk. Staff wants an adequately size sidewalk, but also does not want too much impervious at the front of the house. The City Code references a minimum 5-foot wide grass strip between curb and sidewalk. This sidewalk standard may need to be part of the variance request as

well. The proposed sidewalks on the plat connect the interior house lots and extend to McDonough Street, but do not along the perimeter lots.

11.1

2. Street lighting shall conform to Code Section 44-161 and shall be spaced out 100 feet maximum on local/residential streets. Poles shall be 12 to 14 feet tall on this type of roads and shall have an 0.3 horizontal foot-candle illumination level. Street lights shall be installed and operating prior to approval of the final plat. (See copy enclosed)

3. Along lots 15 through 20, there will need to be a "drainage wall" to direct runoff to the detention pond in the northeast corner. The proposal from the builder was to have this be a pressure treated wood wall, but staff does not believe that this material will be durable enough. Poured in place concrete or similar material will need to be used. The height of the wall also needs to be specified.

4. The dead end for Grove Parkway at the southeast corner of the subdivision needs to be addressed. City Code does not allow for dead end streets to not terminate in a cul-de-sac (Section 44-158). However, this portion of Grove Parkway is not wide enough for a cul-de-sac. Staff discussed with the developer making this a landscaped area, off limits to vehicles.

5. Greenspace area #1 needs to be provided with a walking trail amenity, per the plat.

Regarding house architecture:

The City Code authorizes the City to approve certain housing styles in Article VII, Architectural Style and Scale, of the Zoning Code. The provided Variance / Developers Agreement says that the developer / contractor will comply with all City Codes. However, the styles specified in Article VII may not agree with the proposed styles for The Grove, but this could be rectified in the Developer's Agreement. As stated before, approval of any variances and approval of the final plat need to be considered "Phase 1" of this development, and approval of a revised Developer's Agreement, regulating the style of the exterior architecture, needs to be considered "Phase 2".

While there are not usually conditions put on variance approvals, there needs to be a condition put on the final plat approval, which specifies that the approval of any variances to the subdivision layout and approval of the final plat layout does not connote approval of the vertical house designs nor approval of the exterior architectural style. These elements of house design shall be reviewed and approved by the City Council in a revised Developer's Agreement prior to the issuance of building permits for the individual houses. The streets also need to be cored to check their quality. The Council may also want to decide whether or not they want to require The Grove to be a "gated community" or not (this would probably reduce the possibility of rental houses in the subdivision).

I believe that the approval / denial of the variances and the approval / denial of the final plat need to be separate agenda items.

Items to consider for future Developer's Agreement:

1. A strong Homeowners Association to enforce the closing of garage doors, etc.
2. The Homeowners Association to provide a designated entity lawn care and other forms of maintenance for all lots in the subdivision.
3. Whether or not the developer's new proposal for a "gated community" conflicts with the Fire Department's requirements for access to the subdivision.
4. Could the HOA restrict the number of rental houses within the subdivision?

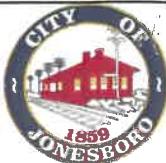
Private Developer; Streets and utilities already installed.

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

- Legal Ad Run Date 10\_17\_18
- Posted Notice
- The Grove Meeting Packet Scan - 11.5.18
- Agenda Cover Sheet - The Grove subdivision REV 12.10.18
- Grove Final Plat REV December 2018
- GRV \_Concept 15 - driveways (002)
- Parking Requirements
- Grove Driveway Measurements December 2018

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

**Approval**



# Agenda Item Summary

COUNCIL MEETING DA  
November 12, 2018

## Requesting Agency

Community Development (Sovereign Holdings, LLC &amp; Key Corp Financial, Inc., owners)

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

## Variances on specific items (see below)

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

City Code Section 86-99 – RC zoning standards for setbacks and greenspace; Sec. 86-229 Garage placement

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)* Yes  No

## Summary &amp; Background

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

Agency recommendation – **Approval of revised variance requests #1, #2, #3, and #4; see discussion of variance request #5;** The subdivision was first developed in 2006/2007, with all infrastructure currently in place. Due to the recession that started in 2007/2008, no houses were built. The roads and utility stub outs are already in place. Update: The subdivision design and requested variances were presented at the City Council work session on July 2, 2018, with the following **original** variance requests:

Variance request #1 – Reduce front setback from 20 feet req. to 10 feet (8-foot porch zone behind setback line)

Variance request #2 – Reduce side setback from 7 feet req. to 0 feet (maintain 10-foot building separation)

Variance request #3 – Reduce 20% minimum greenspace req. to 15.7% provided on plat and in field

Variance request #4 – Not all greenspace meets 100-foot width req.; match what is provided on plat and in field

Variance request #5 – Less than 50% of lots touch greenspace; match what is provided on plat and in field

## Fiscal Impact / Funding Source

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

Private Developer

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

Revised variance application, revised final plat, various subdivision design drawings

## Staff Recommendation

## Approval

David Allen, Community Development Director, 770.570.2977

FOLLOW-UP APPROVAL ACTION (City Manager)		City Manager's Office
Typed Name and Title	Phone	
Signature	Date	

Revised 03/12/09 (Previous versions are obsolete)

However, due to some design concerns by the City Council and staff, the scheduled public hearing on July 9, 2018 did not occur, and the City and the property owners discussed the design for several more months. Recently, the property owners requested that the subdivision design be reconsidered by the City, and a revised plat was submitted for consideration. The revised plat reduces the number of lots from 55 to 49, makes the minimum lot width five feet wider from 50 feet to 55 feet, and eliminates the need for some of the original variance requests, such as the side setback reduction and minimum required greenspace. **The revised application now has the following updated variance requests:**

Variance request #1 – Reduce front setback from 20 feet req. to **15 feet** (8-foot porch zone behind setback line)

Variance request #2 – Reduce 20% minimum greenspace req. to 15.7% provided on plat and in field

Variance request #3 – Not all greenspace meets 100-foot width req.; match what is provided on plat and in field. **Although the greenspace total is now 21.6% (20% min. required), some of the greenspace cannot meet the 100-foot minimum requirement, due to existing site constraints.**

Variance request #4 – Less than 50% of lots touch greenspace; match what is provided on plat and in field. **Although the greenspace total is now 21.6% (20% min. required), some of the greenspace cannot meet the minimum 50% touching of lots requirement, due to existing site constraints.**

Variance request #5 – Except on designated corner lots, placement of garages for front entry of vehicles. City Code Section 86-299 reads as follows:

*Sec. 86-229. - Placement of garages.*

*Attached garages shall feature side or rear entry access. Where lot width on a lot of record prevents such access, garages shall be recessed a minimum horizontal distance of four feet.*

**Variances #1 through #4** deal with the horizontal aspects of the plat and staff is recommending **approval** for them. The number of lots has been reduced, the amount of greenspace has increased, and the driveways have increased five feet in length from what was proposed before with the 10-foot front setback variance. Staff does not believe that the approval of these variances will be detrimental to the overall development.

Regarding **variance #5**, it is both part of the horizontal and vertical aspects of the development, but is included in this application, because the denying of a variance for front-entry garages will affect the vertical design later. The revised plat does provide for some side entry garages on the corner lots, which account for about 15% of the 49 lots. The City Code standard for garage placement is for side and rear entry garages, with most of the residential architecture in the City reflecting this standard. (Houses on adjacent Roberts Street, Wallis Street, and Royston Street are almost totally non-front facing garages. There are several front-facing, open carports, but the Code makes a distinction between enclosed garages and carports.) With regards to the portion of Code Section 86-229 which states *where lot width on a lot of record prevents such access, garages shall be recessed a minimum horizontal distance of four feet*, the proposed garages are either flush with the front of the house or in front of the rest of the house (see attached elevations), so a variance must be applied for.

Over the last several months, multiple concerns have been raised about the possibility of front garages:

1. The front-facing garage will not be used for vehicular parking at all and will instead be used for storage, which will be unsightly from the street. **Can a strong Homeowners' Association solve this by fining residents who keep their garage doors open?**
2. A front-facing garage will not go with the overall housing styles found throughout Jonesboro. **The City predominantly features side and rear facing garages, but it does have plenty of open, front-facing carports that can be readily seen from the road. Most of the houses (especially the front) will only be able to be seen if someone actually drove through, or lived in, the subdivision. The only houses that could potentially be seen from McDonough Street are Lots 1, 2, 3, 31, and 40, and even these would only be able to be viewed from the side from McDonough Street. Due to the orientation of the house lots, no front-facing garages would be able to be seen from adjacent properties either. A citizen buying an already built house with a front-facing garage will not have a problem with it.**
3. A front-facing garage and front driveway will not contain enough off-street parking area, forcing people to park on the street. **This is the most legitimate of the concerns, due to measurements taken over the summer at the property by staff. However, the front setback has now been extended back five feet, making for a five-foot longer driveway than before. Also, the proposed house elevations show a double garage, which would make for a larger driveway parking area. From the back edge of the sidewalk to the garage door would be a 17.5-foot minimum long driveway. From the edge of asphalt to the garage door would be a 25-foot minimum long driveway. A standard, 90 degree parking space in Jonesboro is 8 feet wide by 20 feet long.**

Regarding the possibility of a side entry garage on non-corner lots, the lots have increased to 55 feet wide, but the proposed house size has remained the same width – 40 feet. This leaves 15 feet, or 7.5 feet either side of the house (which meets the Code side setback). There is a minimum two-foot setback for paving from the side property line, so given the house width of 40 feet and the side paving setback of 2 feet, there would only be room for a 5.5-foot wide driveway and turnaround area, which is not large enough for practical use of vehicles. **Given the proposed house designs provided, there is not enough room for side driveways and garages on non-corner lots. The current contractor candidate, Rockhaven Homes, has built a similar size home with side-entry garages in the Park Chase subdivision in the City of Brookhaven, but those lots are a minimum 60 feet wide (see attached drawings).**

Regarding the possibility of rear entry garages non-corner lots, unless a rear alley is provided to the interior lots, there would not be enough room for an adequate driveway to go from the road and along the side of the house towards the rear of the house. Past plans called for rear alleyways, but these were not shown on later plans, and they are not built on the property. In addition, the back yards are only slated to be about 20-feet deep maximum without any rear alley or driveway. **A rear driveway would consume most of the backyard space of the residents, and, in a cluster development, the backyard space is the only potential for outdoor privacy that the residents would have.**

Regarding the possibility of a shared, side driveway between two lots, seemingly successful examples of this have been observed in Fayetteville and Peachtree City. It is not known what specific legal apparatus allows the shared access and parking between these lots, but there is the potential of legal and logistical problems with shared driveways. **It is the Zoning Administrator's opinion that shared driveways are not a good, practical option. In addition, the City Code (Sec. 86-405) only allows joint use of parking spaces for certain commercial situations:**

*No portion of an off-street parking facility required for any building or use for the purpose of complying with the provisions of this section shall be considered as part of an off-street parking facility similarly required for another building or use. In instances in which the hours of operation of uses for which a sharing, or joint use, of parking facilities is proposed indicate that the respective parking demands occur at alternating times of the day, city council may grant approval for such joint use of parking facilities. For a detached dwelling, the driveway is the off-street parking space, and the Code Section above seems to indicate that dwelling parking requirements could not be shared with a joint driveway.*

In summary, there is no significant problem approving variances #1 through #4. Regarding variance #5, front-entry garages, staff is recommending approval based on the previous rationales and the product that the current contractor candidate is willing and able to build. Should the Council choose not to approve variance #5, the following options are available in the future, if the site is to be developed at all:

1. Selection of another house product, about 30 feet wide, 35 feet wide maximum.
2. Significant redesign of the subdivision to accommodate minimum 60 to 65-foot wide lots.
3. Rezone the property to a district more suitable to attached townhomes and condominiums, where more open space could occur and concentrated parking lots, rather than individual driveways, would be possible.

Other plat items to consider:

1. The proposed sidewalks are labeled as 4 feet wide, with a 2-foot wide grass strip between sidewalk and back of curb. 4 feet wide meets the City Code standard, but there was talk of a 5-foot wide sidewalk. Staff wants an adequately size sidewalk, but also does not want too much impervious at the front of the house. **The City Code references a minimum 5-foot wide grass strip between curb and sidewalk. This sidewalk standard may need to be part of the variance request as well.** The proposed sidewalks on the plat connect the interior house lots and extend to McDonough Street, but do not run along the perimeter lots.
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5. Greenspace area #1 needs to be provided with a walking trail amenity, per the plat.



**CITY OF JONESBORO**  
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 Fax: (770) 478-3775  
[www.jonesboroga.com](http://www.jonesboroga.com)

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 Clerk for further information.

**Property Information:**

Address: 0 NORTH McDONOUGH STREET

Parcel Identification Number: 13240 D A027

Size: 10.75 ACRES

Owner: SOVEREIGN HOLDINGS, LLC AND KEYCORP FINANCIAL, INC.

*Note: if applicant is not the owner, the applicant must provide written permission from the owner – notarized, and owner's contact information. See Jonesboro City Hall staff to obtain permissible document.*

**Applicant Information:**

Applicant Name: SOVEREIGN HOLDINGS, LLC AND KEYCORP FINANCIAL, INC.

Mailing Address: PO BOX 81123, CONYERS, GA 30013

Email Address: ASHIPP@SOVEREIGNPARTNERS.COM Telephone: 770.329.4200

## PROJECT INFORMATION:

Section of Ordinance in which variance is needed:

SECTION 86-99 (b) 3, 4

Requesting Variance from:

FRONT SETBACK 20' to: 15'

Reason for Variance Request:

\* ALLOW MORE BACK YARD SPACE

~~CONTINUED ON ATTACHED PAGE - INCLUDE BEHIND SIGNATURE PAGE~~

## 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.

ORIGINALLY DEVELOPED IN 2006/2007, THIS PROPERTY IS SITTING VACANT AND UNUSED. THE VARIANCES ARE NEEDED DUE TO EXISTING STREETS WHICH CREATE DESIGN CONSTRAINTS.

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

1) THE SUBDIVISION LOTS, WATER/SEWER/STORM LINES HAVE BEEN INSTALLED. 2) WATER AND SEWER LINES HAVE BEEN DEDICATED AND ARE OWNED BY CLAYTON CO. WATER AUTHORITY.

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.

THE VARIANCES WILL ALLOW THE PROPERTY TO BE DEVELOPED WITH 49 NEW HOMES. AS CURRENTLY BUILT, THE DEVELOPMENT IS NOT ECONOMICALLY VITABLE.

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

NO BUILDERS IN THE LOCAL MARKET BUILD NARROW SIDE OR NEAR GARAGE HOMES. WITHOUT THESE VARIANCES, THE PROPERTY WILL CONTINUE TO SIT VACANT.

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

THE PROPERTY WAS DEVELOPED ABOUT 12 YEARS AGO BY A NOW BANKRUPT DEVELOPER. THE CURRENT OWNER IS ATTEMPTING TO REVITALIZE THE DOWNTOWN JONESBORO AREA.

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

TWELVE YEARS AS AN UNDEVELOPED PROPERTY DEMONSTRATES THE LACK OF ECONOMIC VITALITY.

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

NO. GRANTING OF THESE VARIANCES WILL INCREASE  
SAFETY AND PROMOTE ECONOMIC GROWTH IN  
DOWNTOWN JONESBORO. BRING 49 NEW FAMILIES TO THE CITY.

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

Yes.

INCLUDED BY REFERENCE: SEE ATTACHED "NOTICE OF CONSTITUTIONAL  
CHALLENGE AND LEGAL AND CONSTITUTIONAL OBJECTIONS"

ANDREW C. SKIPP, SR., MGR

WENDELL D. MINER, PRES

**PRINT NAME**

Math

**SIGNATURE**

10-3-2018

DATE

**FEE AMOUNT**

**FOR OFFICE USE ONLY:**

Date Received: \_\_\_\_\_ / \_\_\_\_\_ /20

**Information Reviewed By:**

#### **Actions Taken By:**

#### **Misc. Notes:**

## 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 a variance for 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.

PRINT NAME

ANDREW C. SHIPP, mgn.  
SOVEREIGN HOLDINGS, LLC

WENDELL D. McNEAL, PRES.  
KEY CORP FINANCIAL, INC.

NOTARY:

 10/3/2018

SIGNATURE/DATE

 10/3/2018

 10/3/2018

SEAL



**Project Information – Continued**

Section of Ordinance in which variance is needed: Sec 86-99 (b) 10 and (c) 3, 5

 Requesting Variance from: not all greenspace areas achieving minimum 100-foot width to various greenspace widths per the submitted Final Plat

Reason for Variance Request: to match what is currently developed in the field and previous versions of the Final Plat

 Requesting Variance from: less than 50% of building lots touching greenspace to Five (5) variously located greenspace areas per the submitted Final Plat

Reason for Variance Request: to match what is currently developed in the field and previous versions of the Final Plat

Section of Ordinance in which variance is needed: Sec 86-299

 Requesting Variance from: Placement of garages with side or rear entry to Front garage placement except on designated corner lots

Reason for Variance Request: to match existing development and to allow wider more attractive homes

## **NOTICE OF CONSTITUTIONAL CHALLENGE AND LEGAL AND CONSTITUTIONAL OBJECTIONS**

The Applicant respectfully submits that the existing zoning on the subject property is unconstitutional and that a refusal to approve the proposed Variances would be unlawful, arbitrary, capricious, irrational and a manifest abuse of discretion; all in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

A refusal to approve the proposed Variances would amount to a taking of property, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

A refusal to approve the proposed Variances would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Constitution of the State of Georgia.

A refusal to approve the proposed Variances would be invalid inasmuch as the Zoning Ordinance of the City of Jonesboro is unlawful, null and void because its adoption and map adoption/maintenance did not and does not comply with the

requirements of its predecessor ordinance and/or the Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*

The City of Jonesboro's Code of Ordinances lacks adequate standards for the City Council to exercise its power to review this Application. Specifically, some of the "criteria" are not sufficient to contain the discretion of the City Council and to provide the Courts with a reasonable basis for judicial review. Because the stated criteria (individually and collectively) are too vague and uncertain to provide reasonable guidance, the Code of Ordinances is unlawful and violates, among other things, the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia.

Any limitation on the time for presentation of the issues before the City Council that has the power to grant Variances is a violation of the guarantees of free speech under the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph V of the Constitution of the State of Georgia. Further, said limitations are in violation of the right to petition and assemble, in violation of the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph IX of the Constitution of Georgia, as well as the due process clauses of the U.S. and Georgia Constitutions.

# FINAL PLAT

# The Grove

LL. 240/13th & LL. 17/12th  
CITY OF JONESBORO, CLAYTON COUNTY, GEORGIA

ZONED: RC (CLUSTER RESIDENTIAL)

SUBDIVISION ENTRANCE LOCATION  
LATITUDE = 33.50272°N  
LONGITUDE = 84.3564°W



## APPROVALS

Pursuant to the Development Regulations of the City of Jonesboro Georgia, and all requirements of approval having been fulfilled, this final plat was given preliminary approval by the Mayor and City Council on \_\_\_\_\_, 20\_\_\_\_\_, and final approval by the City Manager and it is entitled to recordation in the Clerk's Office, Clayton County Superior Court.

By:

Mayor, City of Jonesboro

By:

City Manager, City of Jonesboro

By:

City Manager, City of Jonesboro

## OWNER'S ACKNOWLEDGEMENT

The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey, and that all State, City and County taxes or other assessments now due on this land have been paid. Said owner donates and dedicates to the public for use forever the street right-of-way and improvements have been installed therein as shown on this plat.

Andrew C. Shipp, Sr. Manager  
Sovereign Holdings, LLC

SIGNATURE

DATE

Wendell D. McNeal, President  
Key Corp Financial, Inc.

SIGNATURE

DATE

Signed, sealed and delivered in the presence of:  
Witness \_\_\_\_\_  
Notary Public \_\_\_\_\_

SIGNATURE

DATE

SIGNATURE

DATE

SIGNATURE

DATE



## SURVEYOR'S ACKNOWLEDGEMENT

ALL MATTER OF TITLE ARE EXCERITED. THIS PLAT IS SUBJECT  
TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY,  
PUBLIC OR PRIVATE  
PERPETUAL CARE AND MAINTENANCE AND THE CONVEYANCE OF  
REAL PROPERTY WILL BECOME EFFECTIVE AT THE COMPLETION  
OF THE FINAL ACCEPTANCE PROCESS.  
STATE LAW PROHIBITS THE PRIVATE CONSTRUCTION, PLANTING,  
OR OTHERWISE MAKING IMPROVEMENTS ON THE DEDICATED  
RIGHT-OF-WAY. THE SOLE RESPONSIBILITY FOR REPAIRING OF  
ANY DAMAGE OF ANY SUCH IMPROVEMENT SHALL BE THE  
PROPERTY OWNERS.  
DISTANCES SHOWN ON PLAT ARE GROUND DISTANCES  
THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS  
FOUND TO BE ACCURATE WITHIN 1 FT IN 258,427.  
ANGULAR ERROR IN THIS FIELD TRAVERSE = NOT MORE THAN 00:00-18  
LINEAR ERROR OF CLOSURE BEFORE ADJUSTMENT NOT MORE THAN 0.116 FT.  
RELATIVE ERROR OF CLOSURE BEFORE ADJUSTMENT LESS THAN 1 FT. IN 31,108 FT.  
LINEAR ERROR OF CLOSURE AFTER ADJUSTMENT NOT MORE THAN 0.087 FT.  
RELATIVE ERROR OF CLOSURE AFTER ADJUSTMENT LESS THAN 1 FT. IN 41,247 FT.  
TRAVERSE ADJUSTED BY COMPASS RULE.  
CONTROL SET UTILIZING EGPS & TRIMBLE RTK.  
ANGULAR AND LINEAR MEASUREMENTS MADE WITH A TRIMBLE 58.

By:  
DAVID B. MILLEN  
DAVID B. MILLEN  
RLS No: 2871

## FINAL PLAT

Attachment: The Grove Meeting Packet Scan - 11.5.18 (1303 : Variances - the Grove Subdivision)

REVISED

GENERAL NOTES			
ZONING:			RC (CLUSTER RESIDENTIAL)
TOTAL PROPERTY AREA:	10.750 Ac	49 (4.56 UNITS/AC)	
TOTAL NUMBER OF LOTS:	49		
TOTAL OPEN/GREEN SPACE:	2.33 Ac (21.6 %)		
TOTAL R/W AREA:	2.50 Ac (23.3 %)		
MIN LOT AREA :	4,000 SF (REG'D)		
SMALLEST LOT:	4,302 SF (ACTUAL)		
AVERAGE LOT:	5,262 SF		
TOTAL LF ROAD:	1,647.8 LF		
MIN LOT WIDTH:	40 FT (REG'D)		
NARROWEST LOT:	55 FT (ACTUAL)		
BUILDING SETBACKS:	15 FT FRONT (REG'D)		
	20 FT REAR		
	7 FT SIDE (w/15' MIN BETWEEN BLDGS)		

NO PORTION OF THIS PROPERTY IS LOCATED  
WITHIN A DESIGNATED 100-YEAR FLOOD ZONE  
AREA. PER FIRM #:13063000865. 9/5/2007  
BOUNDARY AND AS-BUILT SURVEY PERFORMED  
BY MOORE & MILLIN SURVEYING, INC.  
FIELD WORK COMPLETED: 04/15/2017  
PLAT COMPLETED: 09/23/2018

WATER AND SEWER SERVICE PROVIDED BY  
ROADWAYS & R/W TO BE DEDICATED TO  
CITY OF JONESBORO

LOT AREA TABLE			
S.F.	ACRES	S.F.	ACRES
5,024	0.1153	43	0.1075
5,064	0.1163	44	0.1132
5,072	0.1165	45	0.1152
5,072	0.1165	46	0.1152
5,072	0.1165	47	0.1152
5,072	0.1165	48	0.1152
5,072	0.1165	49	0.1152
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5,072	0.1165	262	0.1152
5,072	0.1165	263	0.1152
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5,072	0.1165	266	0.1152
5,072	0.1165	267	0.1152
5,072			



**DESIGN COMMITTEE  
MEETING MINUTES**

The Design Committee held their Regular Meeting on Thursday June 14, 2018. The meeting was held at 4:30 p.m. at the Jonesboro City Hall, 124 North Avenue, Jonesboro, Georgia.

**Committee Present:**

Joel Aviles - Chairman  
 Bonnie Shekarabi - Vice Chair  
 David Allen - Community Development Director  
 Corina Barbee - Committee Member  
 Arlene Charles - Committee Member  
 Sam Fleet - Committee Member  
 Kimberly Lightford - Committee Member

**Committee Absent:**

Jule Segner - Committee Member

Also present were Ricky L. Clark Jr. & Cable Brooks to record the meeting minutes.

There was an introduction from all committee members.

- I. Meeting was called to order by Joel Aviles at 4:30 p.m.
- II. **Approval of Agenda:** Sam Fleet made a motion to amend the agenda to move Speedway to item A and The Grove to item B, said motion was seconded by Arlene Charles. Motion carried unanimously.
- III. **Motion to Adopt the Agenda:** Sam Fleet made a motion to adopt the agenda with the above amendment, said motion was seconded by Bonnie Shekarabi. Motion carried unanimously.
- IV. **Approval of May 8, 2018 Meeting Minutes:** Sam Fleet made a motion to approve the May 8, 2018 meeting minutes, said motion was seconded by Bonnie Shekarabi. Motion carried unanimously.
- V. **Old Business – None-Introduction of Committee Members**
- VI. **New Business – Action Items**
  - A. **Speedway Gas Station / Convenience Store – 8500 Tara Boulevard Parcel No. 05240B A004;** Variances for amount and location parking, width and buffer, and number and areas of signs:
    1. Reduce required parking spaces from 26 spaces to 18 spaces to include 2 ADA spaces and 1 bicycle parking space. Committee accepted the request as submitted unanimously.

2.
  - a. Reduce required landscape buffer from 50 feet to 10 feet. Sam Fleet made a motion to reduce the buffer to 25 feet with an 8-feet non-climbable opaque fence with the specified landscaping, motion denies due to lack of a second.
  - b. Request to accept staff report to maintain the 50-foot buffer with the recommendation of 6 feet, non-climbable opaque fence. Bonnie Shekarabi made a motion to accept staff report recommendations, seconded by Arlene Charles. Motion carried unanimously.
3. Increase the number of signs allowed from a combination of 1 wall sign and 1 ground sign as outlined in the request. Bonnie Shekarabi make a motion to accept the staff report recommendations, said motion was seconded by Arlene Charles. Motion carried unanimously.
4. Request to provide changeable copy for a wall sign in addition to a ground sign to be located on the rear of the building. Sam Fleet motioned to accept the staff report recommendation, said motion was seconded by Bonnie Shekarabi. Motion carried unanimously.
5. Request to increase the ground sign face area from 35 square feet allowed to 260 square feet proposed. Bonnie Shekarabi made a motion to deny the applicants request of 260 square feet and to accept the staff report recommendation for the ground sign not to exceed 150 square feet, said motion was seconded by Arlene Charles. Motion carried unanimously.
6. Request to increase height of ground sign allowed from 6 feet to 60 feet. Bonnie Shekarabi made a motion to deny the request for a 60 feet ground sign and amend the staff report recommendation that the sign height be no more than 20 feet, said motion was seconded by Lisa Lightford. Motion carried unanimously.
7. Increase allowable changeable copy percent from 20% to 58% for ground sign. Sam Fleet made a motion to accept the staff report recommendation, said motion was seconded by motion carried unanimously.
8. Request to increase wall sign are from 150 square feet to 235.28 square feet. Bonnie Shekarabi made a motion to accept the staff report recommendation, said motion was seconded by Sam Fleet. Motion carried unanimously.
9. Request for no more than 50% of the parking spaces to be located in the front yard – proposal for 100% of parking spaces to be located in the front yard due to additional fuel pumps, truck turn-arounds and required buffers in the rear. Arlene Charles made a motion to accept staff report recommendation as requested, said motion was seconded by Bonnie Shekarabi. Motion carried unanimously.

**B. Swint's Feed and Garden Supply, Inc.** – 252 North Main Street; parcel No. 13240b E011; Two sign permit applications for a replacement ground sign and replacement wall sign. Joel Aviles made a motion to accept staff report recommendation, said motion was seconded by Arlene Charles. Motion carried unanimously.

**C. The Grove Subdivision** – North McDonough Street; Parcel No. 13240D A027; variances for front setback, side setback, greenspace provided and greenspace widths; various design elements.

Bonnie Shekarabi made a motion to delay items 1 and 2, said motion was seconded by Arlene Charles, motion carried unanimously.

Arlene Charles made a motion to accept staff report recommendations for items 3, 4 and 5; to reduce 20% minimum greenspace to 15.7% provided on plat and in field. To waive greenspace 100 feet width requirements and to waive requirements of 50% of lots touching greenspace; said motion was seconded by Lisa Lightford. Motion carried unanimously.

**D. Leslie Dodgen** – 180 North McDonough Street; Parcel No. 13240D A030; Certificate of Appropriateness for roof replacement on commercial building in Historic District. Bonnie Shekarabi made a motion to accept the staff report recommendation of architectural asphalt shingles in a dark color, said motion was seconded by Sam Fleet. Motion carried unanimously.

**E. Dry Cleaners** – 220 Jonesboro Rd; Parcel No. 12048A 1009A; Two sign permit application for replacement wall signs. Bonnie Shekarabi made a motion to accept the staff report recommendation, said motion was seconded by Corina Barbee. Motion carried unanimously.

## VII. ADJOURNMENT:

*There being no further business, a motion was made by Arlene Charles, seconded by bonnie Shekarabi to adjourn. Motion carried unanimously.*

/s/

Joel Aviles, Chairperson

/s/

Ricky L. Clark Jr., Executive Director



**CITY OF JONESBORO**  
**Work Session**  
**170 SOUTH MAIN STREET**  
**July 2, 2018 – 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](mailto:rclark@jonesboroga.com) should you need assistance.**

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**POST AGENDA MINUTES**

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This document is tentative, has not been ratified or approved by the Council, and is not binding on the City or any officer.

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**AGENDA**

**I. CALL TO ORDER - MAYOR PRO-TEM PAT SEBO**

Attendee Name	Title	Status	Arrived
Larry Boak	Councilmember	Present	
Alfred Dixon	Councilmember	Present	
Bobby Lester	Councilmember	Present	
Billy Powell	Councilmember	Present	
Pat Sebo	Mayor Pro Tem	Present	
Ed Wise	Councilmember	Present	
Joy B. Day	Mayor	Absent	
Ricky L. Clark	City Manager	Present	
Pat Daniel	Assistant City Clerk	Absent	
Joe Nettleton	Public Works Director	Absent	
Cable Glenn-Brooks	Executive Assistant	Present	
David Allen	Community Development Director	Present	

**II. ROLL CALL - RICKY L. CLARK, JR., CITY MANAGER**

**III. INVOCATION - LED BY WILLIAM WELLS**

**IV. ADOPTION OF AGENDA**

1. Motion to Adopt Agenda

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Ed Wise, Councilmember  
**SECONDER:** Bobby Lester, Councilmember  
**AYES:** Boak, Dixon, Lester, Powell, Sebo, Wise

## V. WORK SESSION

1. Discussion regarding Application # 18-ALC-001 a request for a *Retail Package Dealer* license to sell beer and wine beverages for property located 190 Jonesboro Road dba Jay Food Mart.

**RESULT: OLD BUSINESS**

**Next: 7/9/2018 6:00 PM**

2. Discussion regarding Application #18ALC-003 requesting for the pouring of beer, wine and distilled spirits for the "Sports Cafe" bar/grill located at 8501 Tara Blvd by Jung C. Tak, Inc.

**RESULT: OLD BUSINESS**

**Next: 7/9/2018 6:00 PM**

3. Discussion regarding Application #18ALC-002 requesting for the pouring of beer, wine and distilled spirits for the "Zone 28 LLC dba Sugar Bush" located at 7955 Tara Blvd by Zr Chao Zhu.

**RESULT: OLD BUSINESS**

**Next: 7/9/2018 6:00 PM**

4. Discussion regarding Variance #18VAR-001 as submitted by Sovereign Holdings, LLC (Andrew Shipp, owner) for the property 0 McDonough Street, Parcel Number 13240D A027. Said variances include front setback reduction, side setback reduction, greenspace percentage reductions, and greenspace dimension reductions.

**RESULT: OLD BUSINESS**

**Next: 7/9/2018 6:00 PM**

5. Discussion regarding final plat as related to Variance #18VAR-001 above, as submitted by Sovereign Holdings, LLC (Andrew Shipp, owner) for the property located at 0 McDonough Street, Parcel Number 13240D A027. Said final plat is for a 55 lot, single-family detached development, zoned R-C (Cluster Residential).

**RESULT: OLD BUSINESS**

**Next: 7/9/2018 6:00 PM**

6. Discussion regarding minor subdivision plat, as submitted by Cole's Water Ice, LLC (Hayward Cole, applicant) for the property located at 212 South Main Street, Parcel Number 05241B A006. Said minor subdivision plat is zoned H-2 (Historic District) and involves the subdivision of one parcel into three lots.

**RESULT: OLD BUSINESS**

**Next: 7/9/2018 6:00 PM**

## VI. OTHER BUSINESS

## VII. ADJOURNMENT

1. Motion to adjourn.

## David Allen

**From:** David Allen  
**Sent:** Tuesday, September 25, 2018 11:07 AM  
**To:** 'Andy Shipp'  
**Cc:** Ricky , L. Clark, Jr.; mcnealgp; 'Dennis (Den) J. Webb, Jr.'  
**Subject:** RE: The Grove

You still need a variance for "50% of our lots touching greenspace" and the front setback being 15 feet instead of 20 feet. We do not have time to advertise adequately for the October 8<sup>th</sup> Council meeting. Therefore, it would have to be heard, at the earliest, in November.



David Allen | Community Development Director | City of Jonesboro, GA  
 tel: [770-478-3800](tel:770-478-3800) | cell: [770-570-2977](tel:770-570-2977) | [dallen@jonesboroga.com](mailto:dallen@jonesboroga.com) |  
 124 North Avenue | Jonesboro, Georgia 30236 | [www.jonesboroga.com](http://www.jonesboroga.com)  
[Like Us On Facebook](#) [Like Us on Twitter](#)

**From:** Andy Shipp <[ashipp@sovereignpartners.com](mailto:ashipp@sovereignpartners.com)>  
**Sent:** Tuesday, September 25, 2018 10:47 AM  
**To:** David Allen <[dallen@jonesboroga.com](mailto:dallen@jonesboroga.com)>  
**Cc:** Ricky , L. Clark, Jr. <[rclark@jonesboroga.com](mailto:rclark@jonesboroga.com)>; mcnealgp <[mcnealgp@bellsouth.net](mailto:mcnealgp@bellsouth.net)>; 'Dennis (Den) J. Webb, Jr.' <[dwebb@sgrlaw.com](mailto:dwebb@sgrlaw.com)>  
**Subject:** The Grove

David and Ricky-

We have modified our final plat and would like to (un) table our application.

Under this plan:

- We have reduced lot count from 55 to 49
- We have increased lot width from 50 to 55+ feet
  - We will no longer need a side yard variance
- We have increased greenspace from 15.7% to 21.6%
  - We will no longer need a percentage greenspace variance
  - We will still need a variance from "50% of our lots touching greenspace"

We have pushed all front yard setbacks from 10 feet to 15 feet

- The requirement is 20 feet
- When you add in street right of ways, the driveways will be at least 25 feet long...a standard truck is 18' long
- The 5-foot decrease in the setback goes into the back yard

- We have maintained the 20-foot rear yard setback
  - No variance needed
- Our first home will be over 230' from N. McDonough Street
  - This is well behind all homes/converted offices along the street
  - Local residents will only see the entrance greenspace
  - Someone would have to drive into the development to actually see the homes
- Most corner lots will have side entry garages.

If possible, we would like to be considered for the October City Council meeting.

Let me know the next steps.

Best regards,

Andy Shipp, MAI, CCIM  
**Sovereign Partners, LLC**  
770/329-4200

*Please note new e-mail address: [ASHIPP@SOVEREIGNPARTNERS.COM](mailto:ASHIPP@SOVEREIGNPARTNERS.COM)*

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## David Allen

**From:** David Allen  
**Sent:** Tuesday, September 25, 2018 12:04 PM  
**To:** Ricky , L. Clark, Jr.; 'Steven Fincher'  
**Subject:** FW: The Grove



David Allen | Community Development Director | City of Jonesboro, GA  
 tel: [770-478-3800](tel:770-478-3800) | cell: [770-570-2977](tel:770-570-2977) | [dallen@jonesboroga.com](mailto:dallen@jonesboroga.com) |  
 124 North Avenue | Jonesboro, Georgia 30236 | [www.jonesboroga.com](http://www.jonesboroga.com)  
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**From:** Andy Shipp <[ashipp@sovereignpartners.com](mailto:ashipp@sovereignpartners.com)>  
**Sent:** Tuesday, September 25, 2018 12:00 PM  
**To:** David Allen <[dallen@jonesboroga.com](mailto:dallen@jonesboroga.com)>  
**Subject:** Re: The Grove

Unfortunately, no. Even at 55 feet wide we would have to narrow the house too much to accommodate side entry garages on all lots. The builder wants to stick with front loaded garage except for the corner lots.

Andy Shipp  
 Sovereign Partners

Sent from my iPhone

On Sep 25, 2018, at 11:50 AM, David Allen <[dallen@jonesboroga.com](mailto:dallen@jonesboroga.com)> wrote:

Ok. So interior lots will be able to accommodate side entry garages as well? (With the new lot width). How will that affect the designs we were previously given?

<image001.jpg>

David Allen | Community Development Director | City of Jonesboro, GA  
 tel: [770-478-3800](tel:770-478-3800) | cell: [770-570-2977](tel:770-570-2977) | [dallen@jonesboroga.com](mailto:dallen@jonesboroga.com) |  
 124 North Avenue | Jonesboro, Georgia 30236 | [www.jonesboroga.com](http://www.jonesboroga.com)  
[Like Us On Facebook](#) [Like Us on Twitter](#)

**From:** Andy Shipp <[ashipp@sovereignpartners.com](mailto:ashipp@sovereignpartners.com)>  
**Sent:** Tuesday, September 25, 2018 11:48 AM  
**To:** David Allen <[dallen@jonesboroga.com](mailto:dallen@jonesboroga.com)>  
**Subject:** Re: The Grove

## David Allen

---

**From:** David Allen  
**Sent:** Tuesday, September 25, 2018 1:10 PM  
**To:** Andy Shipp  
**Cc:** Ricky , L. Clark, Jr.  
**Subject:** The Grove subdivision

I went back and looked at the City Council meeting minutes from July. Typically, the Council has a work session on the first Monday of the month and then an actual public hearing on the second Monday of the month. While the Council did indeed have a work session on The Grove on July 2<sup>nd</sup> (with you and Mr. Hughes presenting some display boards), the subsequent public hearing on July 9<sup>th</sup> was not held. This was mainly due to an agreement between all parties on July 6<sup>th</sup> to defer the hearing until a meeting could be held between City representatives and the owner / developer (which was held at Mr. Fincher's office).

Therefore, the public hearing requirement for any relevant variances has not been fulfilled and must still be held in front of City Council, and must be re-advertised. It is now too late to advertise adequately (twice in the newspaper) before the October 8<sup>th</sup> City Council meeting. Therefore, any remaining variances will have to be scheduled for November City Council.

Per your updated plat, there seems to be a few variances still needed:

1. Minimum front setback from 20 feet to 15 feet.
2. Not having at least 50% of the house lots touching greenspace.

Also, during this summer's further research on the subdivision, this City Code section was taken into account (from Chapter 86, Article VII, Architectural Style and Scale):

***Sec. 86-229. - Placement of garages.***

***Attached garages shall feature side or rear entry access. Where lot width on a lot of record prevents such access, garages shall be recessed a minimum horizontal distance of four feet.***

***(Ord. No. 05-08, § 2(7.09), 8-15-05)***

Based on this, the lots not having side or rear entry garages will have to be considered for a variance along with the other two items listed above. The variance applications will have to be revised accordingly.

As discussed before, the horizontal aspects of the project will have to be considered separately from the vertical aspects (house style, etc. to be covered in a revised developer's agreement). The Design Review Commission will have to review variance items in early November (no charge), and will need to review house designs a little later down the road, based on their recent codification:

***Sec. 2-303. – Powers and Duties***

***The Design Review Commission is an advisory Board. The Commission's recommendations on review items are not binding, but are intended to be utilized by the City Council, the Historic Preservation Commission, and the Community Development Department in making informed, binding decisions.***

***The Commission shall be authorized to:***

***a. Make recommendations to the Historic Preservation Commission regarding Certificate of Appropriateness applications for any exterior modifications to existing developments, buildings and structures (including signs) within***

*the Historic Districts and Historic Residential Overlay, prior to the scheduled Historic Preservation Commission hearing on the applications.*

*b. Make recommendations to the Historic Preservation Commission regarding Certificate of Appropriateness applications for proposed and replacement developments, buildings and structures (including signs) within the Historic Districts and Historic Residential Overlay, prior to the scheduled Historic Preservation Commission hearing on the applications.*

*c. Make recommendations to the Mayor and City Council regarding any exterior modifications to existing developments, buildings and structures (including signs) that require variances, generally within the City and, more specifically, within the Tara Boulevard Overlay or Assembly Overlay.*

*d. Make recommendations to the Mayor and City Council regarding proposed developments, buildings and structures (including signs) that require variances, generally within the City and, more specifically, within the Tara Boulevard Overlay or Assembly Overlay.*

*e. Make recommendations to the Mayor and City Council regarding any exterior modifications to existing developments, buildings and structures (including signs) that require conditional use hearings and / or zoning change hearings, generally within the City and, more specifically, within the Tara Boulevard Overlay or Assembly Overlay.*

*f. Make recommendations to the Mayor and City Council regarding proposed developments, buildings and structures (including signs) that require conditional use hearings and / or zoning change hearings, generally within the City and, more specifically, within the Tara Boulevard Overlay or Assembly Overlay.*

*g. Make recommendations to the City Manager and Community Development Director regarding significant exterior modifications to existing developments, buildings and structures (including signs) that do not require public zoning hearings and do not lie within the Historic District or Overlays.*

*h. Make recommendations to the City Manager and Community Development Director regarding significant proposed developments, buildings and structures (including signs) that do not require public zoning hearings and do not lie within the Historic District or Overlays.*

*i. Make recommendations to the Mayor and City Council regarding proposed text amendments to the City Zoning Code.*

*j. Make recommendations to the Mayor and City Council regarding applicable façade grant applications for existing buildings and structures within the City.*

*The Commission shall not be authorized to:*

*k. Make recommendations to the City Manager and Community Development Director regarding the permitting of minor buildings and structures (such as decks, sheds and other accessory buildings, etc.) that do not require variances or other public zoning hearings and do not lie within the Historic District or Overlays.*

*l. Make recommendations to the City Manager and Community Development Director regarding the permitting of minor exterior modifications to existing buildings and structures (repairs, etc.) that do not require variances or other public zoning hearings and do not lie within the Historic District or Overlays.*

*m. Make recommendations to the City Manager and Community Development Director regarding the permitting of solely interior modifications to buildings and structures.*

*n. Make recommendations to the City Manager and Community Development Director regarding the replacement of sign faces or panels within an existing framework that do not require variances or other public zoning hearings, do not lie within the Historic District or Overlays, and do not significantly change the size of the former face or panel.*

*o. Make recommendations to the Mayor and City Council regarding conditional use and change of zoning applications that do not involve the construction of new buildings or the significant exterior modification of existing buildings.*

*p. Make recommendations to the Mayor and City Council regarding the review of major or minor subdivision plats.*

November meetings:

November 5<sup>th</sup> – City Council work session

November 12<sup>th</sup> – City Council regular meeting (public hearings) (also Veterans Day)

November 7<sup>th</sup> – Design Review Commission

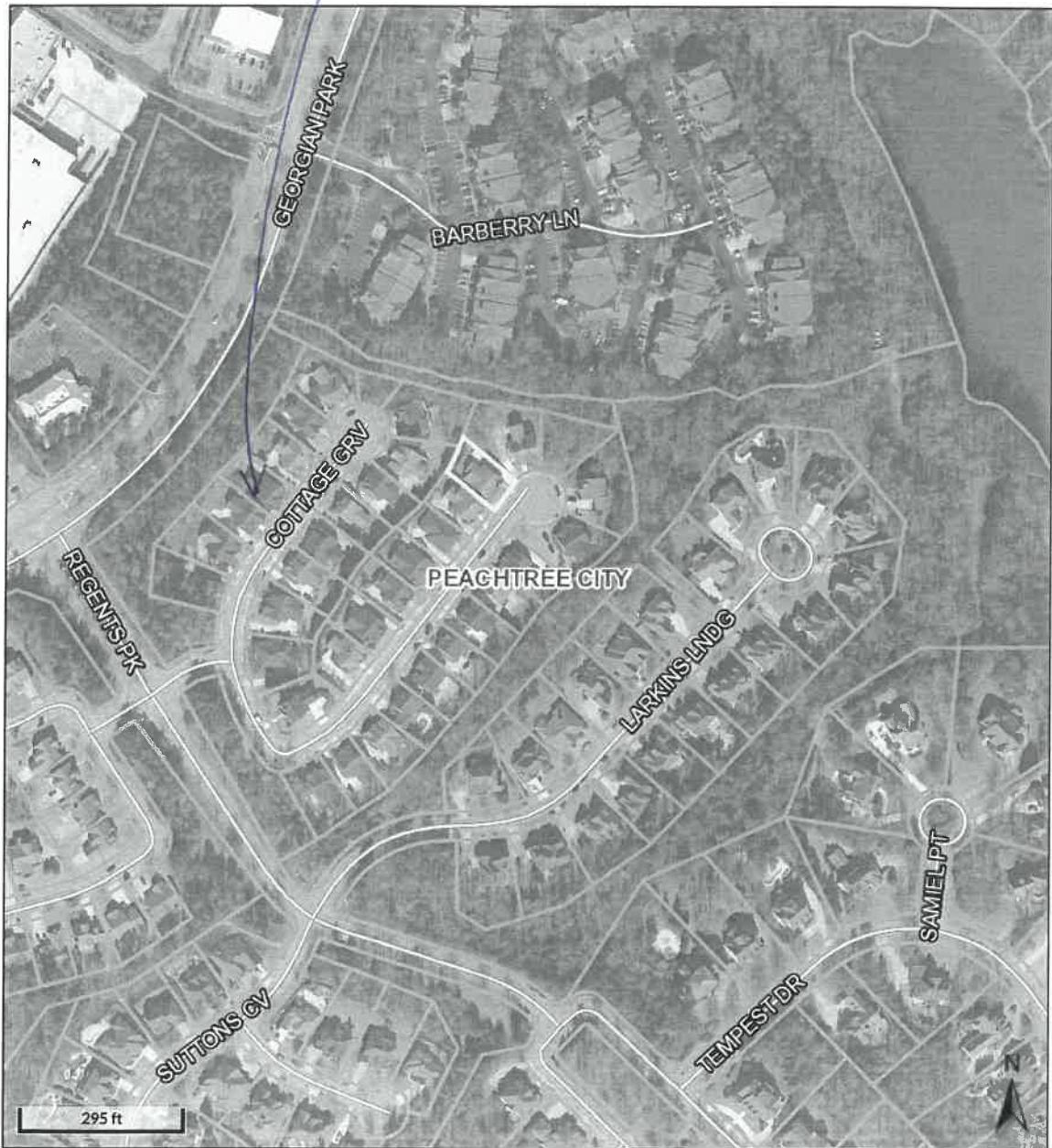
Min. 60' wide lots

11.1.c



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Fayette County, GA



Date created: 10/29/2018  
Last Data Uploaded: 10/29/2018 5:57:45 AM

Developed by  Schneider  
GEOSPATIAL

Attachment: The Grove Meeting Packet Scan - 11.5.18 (1303 : Variances - the Grove Subdivision)

### OWNER'S ACKNOWLEDGEMENT

1. The undersigned utilities owner have been located from field surveying and validating drawings. The surveyor has no knowledge that the undersigned utilities are not in service or which utility is not in service or abandoned. The surveyor has no knowledge that the undersigned utilities shown are in service or abandoned. The surveyor has no knowledge that they are located an accurately or possible from information supplied and to the surveyor's best knowledge are approximately as shown. The surveyor has not physically located the underground utilities.

2. I have examined its Federal Emergency Management Agency Flood Insurance Rate Map for DeKalb County, Georgia and Incorporated Areas, Community Panel Number: 13089C00534, Panel 51, 201, effective date May 16, 2013 and Incorporated Areas, Community Panel Number: 13089C0054, Panel 54 of 201, effective date May 16, 2013 and found no portion of the property shown herein to fall within a designated Flood Zone "A" (areas of 100 Year Flood).

3. The orthographic heights (elevations and contours) shown herein were determined by GDS observations and were originally by Partners and Engineers Collaborative in June 2014. North American Datum of 1983 (NAVD83).

4. The term "Certification" relating to professional engineering and land surveying services shall mean a signed statement, attested to by a registered engineer and/or surveyor or warrant, either expressed or implied.

5. The site is zones RA-8. Conditional. Case number: RZ-14-01

6. -Flood zone approved per Case 4-35 to reduce rear yard setback from 30 feet - 15 feet.

7. There are no wells on this site.

8. Receiving waters: unnamed tributary of the north fork of peachtree creek.

9. City of Brookhaven and DeKalb County personnel and/or agents shall have free and total access to and across all easements.

10. Lots 7-21 will require individual controls to capture and infiltrate or release the water quality volume. Each Park Chase Lane - 0.630 acres.

11. Internal sidewalks to be installed prior to house certificate of occupancy.

12. Trees are not to be removed without the approval of the City of Brookhaven. Any tree approved for removal must be replaced with a 3" caliper tree of similar species and canopy size at maturity.

13. Tax ID: 18-109-13-014

14. Minimum Setback requirements  
Front Yard Setback: five (5) feet, except that where a garage door faces the street, the facade of said garage shall be set back no less than twenty (20) feet from back of curb, or where a side entrance or side garage shall be set back no less than twenty (20) feet from back of sidewalk.

The owner of record of the land shown on this plot and whose name is subscribed thereto in person or through a duly authorized agent, hereby certifies that this plot was made from an actual survey, and to the best of my knowledge, the City of Brookhaven shall not be liable to him/her, his/her heirs, successors or assigns for damages or damages resulting from the construction or maintenance of structures, pipes, structures, streets, curbs or sidewalks, the changing of courses of streams and rivers, flooding from natural creeks and rivers, surface waters and any other matter whatsoever. I further warrant that I have the right to sell and convey the land described to this plan and do hereby bind myself and owners subsequent in title to the changing of courses of streams.

The owner of record of the land shown on this plot and whose name is subscribed thereto in person or through a duly authorized agent, hereby certifies that this plot was made from an actual survey, and to the best of my knowledge, the City of Brookhaven shall not be liable to him/her, his/her heirs, successors or assigns for damages or damages resulting from the construction or maintenance of structures, pipes, structures, streets, curbs or sidewalks, the changing of courses of streams and rivers, flooding from natural creeks and rivers, surface waters and any other matter whatsoever. I further warrant that I have the right to sell and convey the land described to this plan and do hereby bind myself and owners subsequent in title to the changing of courses of streams.

Public Street Right-of-Way dedication:

Exdale Alley  
Park Chase Lane - 0.677 acres.  
East Rosboro Rd, Goodwin Rd, North Druid Hills Rd & Wright Ave - 0.677 acres.

Exdale Alley

In witness whereof, have hereunto set my hand this 25 day of March, 2016.

*Leah Bell Fulton*  
Leah Bell Fulton  
Witness (Print name under signature)

Attest: *C. S.*  
(Print name of Corp. Sec.)  
Corporate Secretary

By: *C. S.*  
(Print name and title under signature)

### SITE DATA:

#### TOTAL SITE AREA: ..... 6.250 ACRES

#### ZONING:

#### EXISTING ZONING: ..... RA-8 DR-1 AC HI (CONDITIONAL: CASE RZ-14-01)

#### ZONING/JURISDICTION: ..... CITY OF BROOKHAVEN

#### DENSITY:

#### TOTAL HOMES: ..... 26.000

#### TOTAL DENSITY: ..... 4.16 LOTS/Acre

#### DENSITY ALLOWED: ..... 8 UNITS/AC.

#### DEVELOPMENT TYPE:

#### TOTAL SINGLE FAMILY: ..... 26 LOTS

#### PRODUCT TYPE:

#### SINGLE FAMILY DETACHED

#### SINGLE FAMILY TYPE:

#### FRONT & REAR LOADED

#### MAX. LOT COVERAGE: ..... 50% COVERAGE

#### MAX. HEIGHT BLDG: ..... 40' HEIGHT

#### LOT WIDTH MINIMUM: ..... 60 FT FT

#### LOT SIZE MINIMUM: ..... 60 FT X 30 FT

#### SETBACK SUMMARY:

#### FRONT AND SETBACK REAR LOADED: ..... 15 feet

#### FRONT AND SIDE: ..... 15 feet

#### FRONT AND REAR: ..... 20 feet

#### REAR AND SIDE: ..... 15 feet

#### VARIANCE SUMMARY:

#### REAR AND SIDE BACK (FRONT LOADED): ..... 10 feet

#### REAR AND SIDE BACK (FRONT LOADED): ..... 15 feet

NOTE: REAR AND SIDE BACK (FRONT LOADED): 10 feet

NOTE: REAR AND SIDE BACK (FRONT LOADED): 15 feet

#### FRONT PLAT APPROVAL:

This plat has been submitted and accepted by the County Development Department for the City of Brookhaven, Georgia, and has been approved for the site and for use as meeting of the requirements of the zoning and building codes of the County.

Plat Approved: *John A. Tolosa*

Date: *3/1/2016*

Plat Approved: *John A. Tolosa*

Date: *3/1/2016*

Plat Approved: *John A. Tolosa*

Date: *3/1/2016*

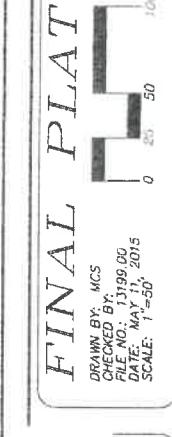


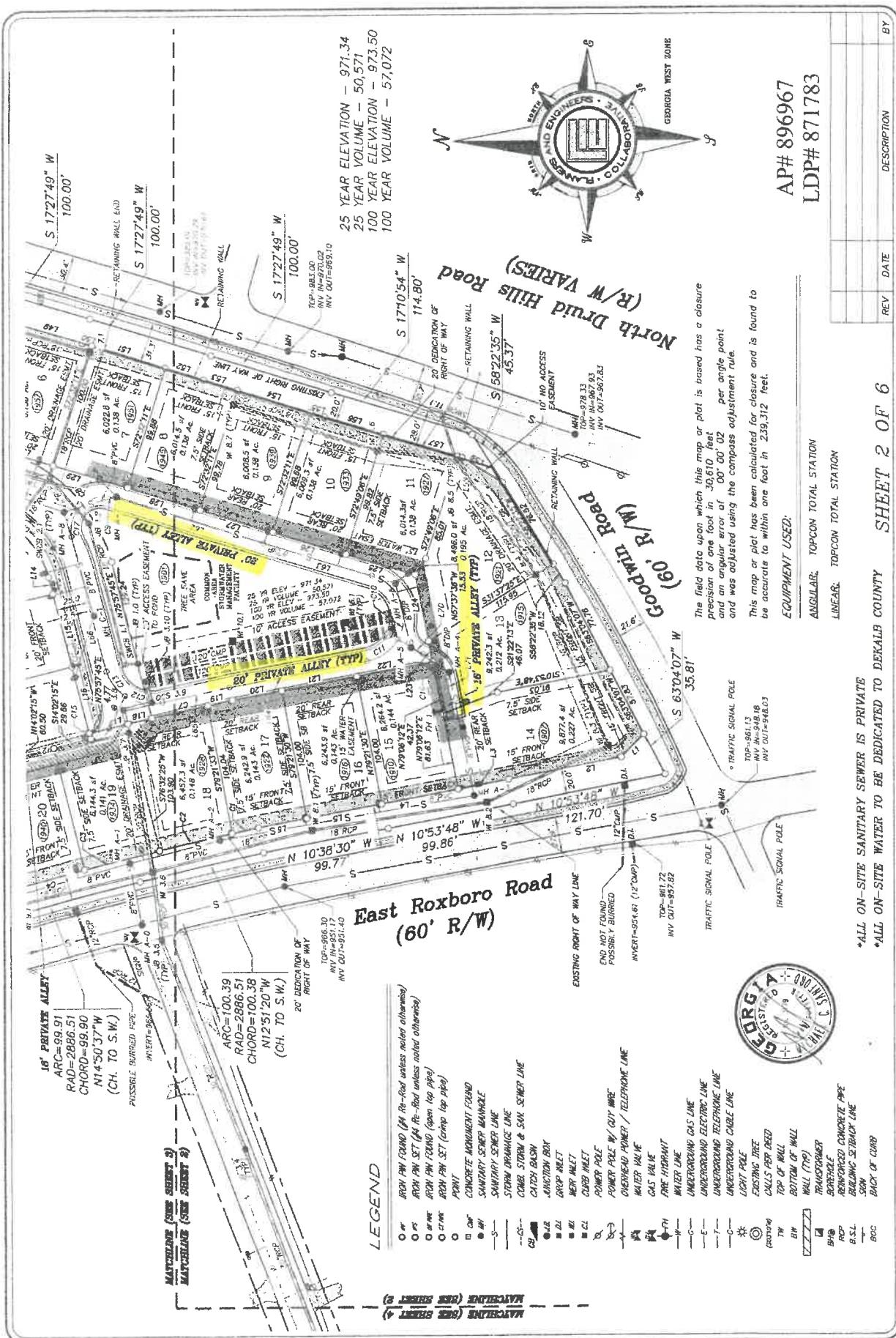
PLAT BOOK 241

FILE NO. 14BH-LDP00020

DATE 3/1/2016

SCALE 1:50





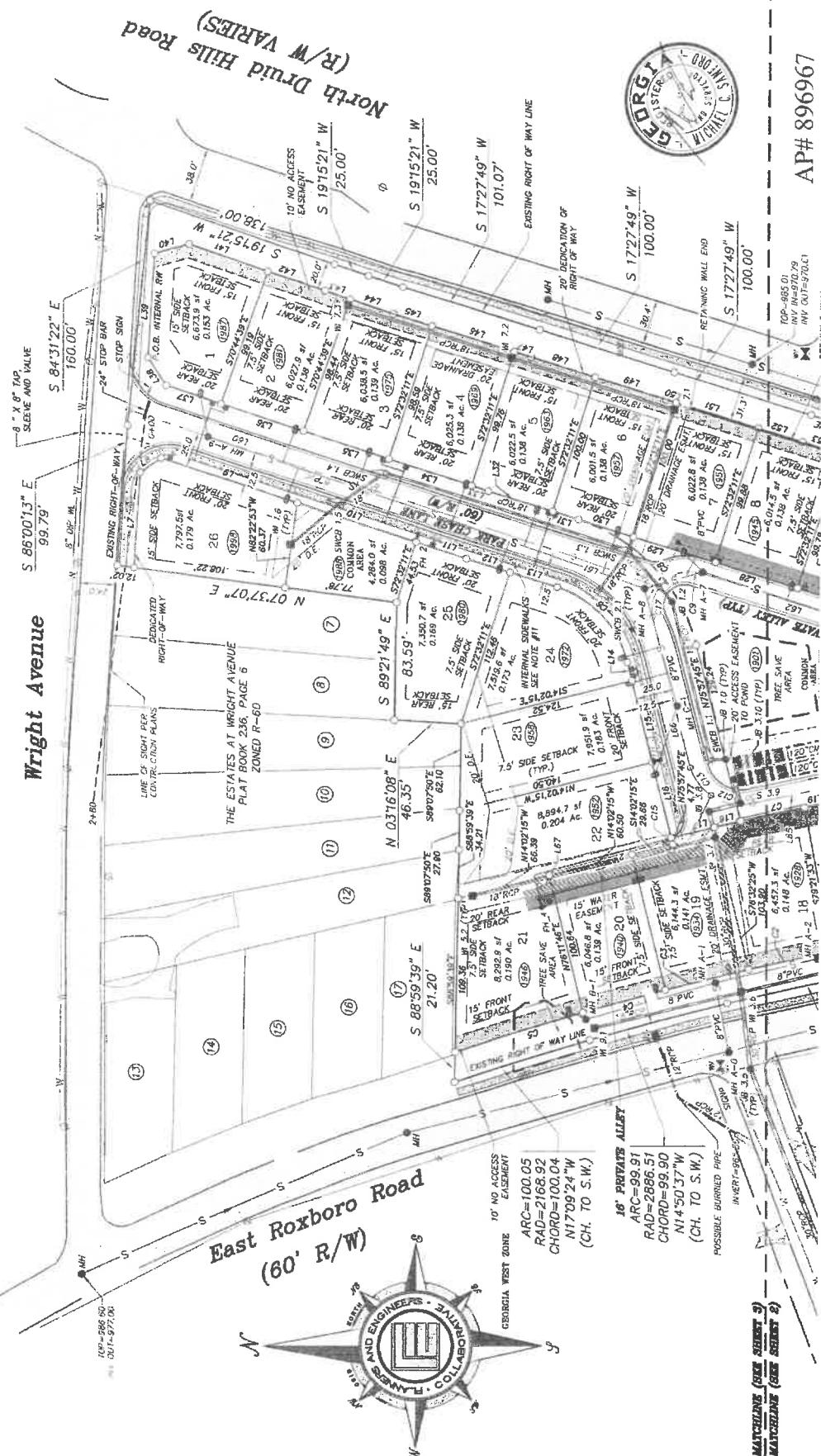
Attachment: The Grove Meeting Packet Scan - 11.5.18 (1303 : Variances - the Grove Subdivision)

**PARK CHASE**  
**OF**  
**CITY OF BROOKHAVEN**

FINAL PLAT  
DRAWN BY: MCS  
CHECKED BY: \_\_\_\_\_  
FILE NO.: 13198.00  
DATE: MAY 11, 2015  
SCALE: 1"-50'

PLAT BOOK 241

PARK C  
OF  
CITY OF BRO



\*ALL ON-SITE SANITARY SEWER IS PRIVATE  
\*ALL ON-SITE WATER TO BE DEDICATED TO

SHEET

مکالمہ اسلامیہ

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OF  
PARK CHASE

CITY OF BROOKHAVEN

PLAT BOOK 241 Pg 19

FULTON COUNTY GEORGIA

FINAL PLAT

FILE NO.: 13199.00  
DATE: MAY 11, 2015  
SCALE: 1" = 50'



## Sec. 86-395. - Location of off-street parking.

Off-street parking for single family and two family dwellings shall not be located between the principal dwelling and the public right-of-way, except on a hard surface driveway using asphalt or concrete pavement, or other hard surface as may be approved by the city manager, or in an enclosed garage.

Off-street parking or vehicle storage in an R-A or RM zoning district shall be located in either the rear or side yard. No more than 25 percent of the parking required in the O&I district may be located between the building and a public right-of-way. No off-street parking shall be located within 20 feet of any residentially zoned property, nor within 20 feet of the street right-of-way as measured along a driveway. A landscaped buffer having a minimum width of 20 feet shall be established and maintained when parking surfaces abut any residentially zoned property. (See article XV, Landscaping and buffers.)

R-C

Off-street parking in an R-A, RM, O-I, MX, HD-1, HD-2, C-1, C-2 or M-1 district shall be set back from the front property line a minimum distance of ten feet, and this setback shall be maintained as a buffer.

Unless otherwise provided in this article, off-street parking and loading spaces as well as all drives and maneuvering areas shall be located a minimum of five feet from all property lines, and such areas shall be maintained as a landscaped buffer. Where those spaces and areas abut off-street parking and loading spaces or drives and maneuvering areas on adjacent property, no such setback shall be required.

(Ord. No. 05-08, § 2(13.05), 8-15-05)

## Sec. 86-399. - Maximum driveway width.

The maximum width for driveways serving properties occupied or intended to be occupied by a single family detached dwelling shall not exceed nine feet as measured at the right-of-way line. The maximum width for any other property shall not exceed 35 feet as measured at the right-of-way line. For the purpose of this section, driveway width shall be measured to the curb face.

Access aisles in parking lots serving spaces perpendicular to the access aisle shall have a minimum width of 24 feet, and provide for two-way traffic. Access aisles serving angled parking spaces shall be one-way and shall have a minimum width of 18 feet for 60 degree angle parking and 13 feet for 45 degree angle parking to the aisle. Angle parking of less than 45 degree to the access aisle is prohibited, except for parallel parking. Interior drives on commercial property shall not exceed 30 feet.

Driveway separations. The minimum distance between a private driveway serving one single-family dwelling and a street intersection shall be 20 feet; this minimum distance shall be 50 feet for all other uses. Minimum distance between private driveways serving single-family dwellings along a street right-of-way shall be ten feet; this minimum distance shall be 40 feet for all other uses.

The minimum distance between a private driveway serving one single family dwelling and a property line shall be five feet; this minimum distance shall be 20 feet for all other residential uses and 50 feet for all other uses.

All distances shall be measured from the back of the driveway curb at the right-of-way line.

(Ord. No. 05-08, § 2(13.09), 8-15-05; Ord. No. 2015-008b, § 2, 8-10-2015)

## Sec. 86-400. - Proximity of driveways.

Vehicular ingress and egress to any property shall be limited to a maximum of one driveway for any property having a frontage of less than 200 feet on any one street. Additional driveways for properties having a frontage in excess of 200 feet may be permitted upon a finding by the city manager that public safety and convenience will not be substantially impaired.

(Ord. No. 05-08, § 2(13.10), 8-15-05)

## Sec. 86-401. - Location of driveways.

No driveway serving a residentially-zoned property may be constructed within two feet of any property line. No driveway serving any other property may be constructed within five feet of any property line.

(Ord. No. 05-08, § 2(13.11), 8-15-05)

**Sec. 86-405. - Joint use of required off-street parking****spaces.**

No portion of an off-street parking facility required for any building or use for the purpose of complying with the provisions of this section shall be considered as part of an off-street parking facility similarly required for another building or use. In instances in which the hours of operation of uses for which a sharing, or joint use, of parking facilities is proposed indicate that the respective parking demands occur at alternating times of the day, city council may grant approval for such joint use of parking facilities. Granting of such approvals shall be based on a finding by the council that the proposed joint use of parking will not generate excessive demand for on-street parking or otherwise adversely impact traffic movement or public safety.

(Ord. No. 05-08, § 2(13.15), 8-15-05)



# Agenda Item Summary

COUNCIL MEETING DAT  
December 10, 2018

## Requesting Agency

Community Development (Sovereign Holdings, LLC &amp; Key Corp Financial, Inc., owners)

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

Variances on specific items (see below)

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

City Code Section 86-99 – RC zoning standards for setbacks and greenspace; Sec. 86-229 Garage placement

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)* Yes  No

## Summary &amp; Background

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

Agency recommendation – **Approval of all remaining variance requests**; At the November 12, 2018 City Council meeting, the Council voted to approve variance request #3 below and to table the other variance requests until the December Council meetings.

Variance request #1 – Reduce front setback from 20 feet req. to 15 feet (8-foot porch zone behind setback line)

Variance request #2 – Not all greenspace meets 100-foot width req.; match what is provided on plat and in field. Although the greenspace total is now 21.6% (20% min. required), some of the greenspace cannot meet the 100 foot minimum requirement, due to existing site constraints.

**Variance request #3 – Less than 50% of lots touch greenspace; match what is provided on plat and in field. Although the greenspace total is now 21.6% (20% min. required), some of the greenspace cannot meet the minimum 50% touching of lots requirement, due to existing site constraints.**

Variance request #4 – Except on designated corner lots, placement of garages for front entry of vehicles. City Code Section 86-299 reads as follows:

*Sec. 86-229. - Placement of garages. Attached garages shall feature side or rear entry access. Where lot width on a lot of record prevents such access, garages shall be recessed a minimum horizontal distance of four feet.*

Uerst

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

Private Developer

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

Revised variance application, revised final plat, various subdivision design drawings

## Staff Recommendation

Approval of all variance requests

David Allen, Community Development Director, 770.570.2977

FOLLOW-UP APPROVAL ACTION (City Manager)		City Manager's Office
Typed Name and Title	Phone	
Signature	Date	

Revised 03/12/09 (Previous versions are obsolete)

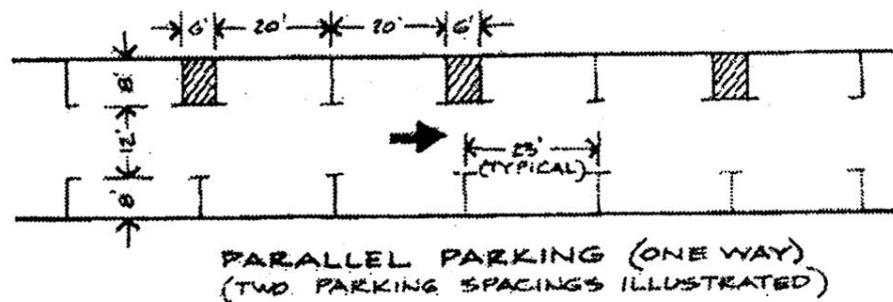
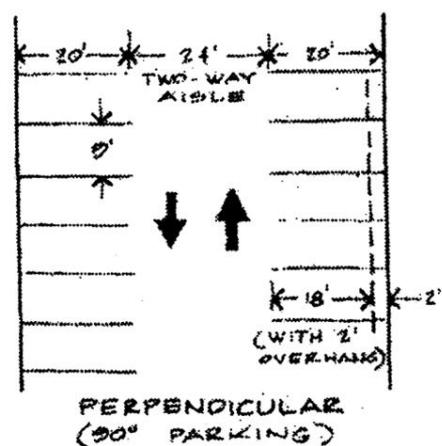
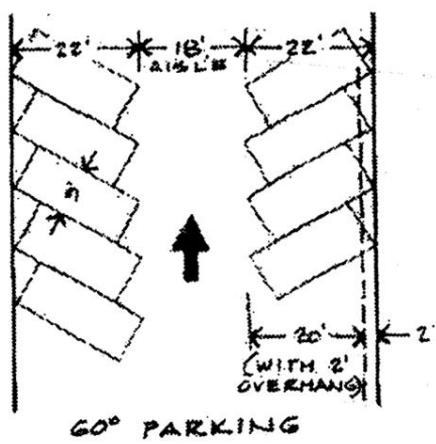
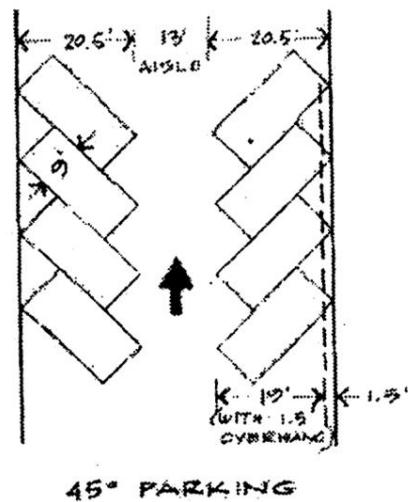
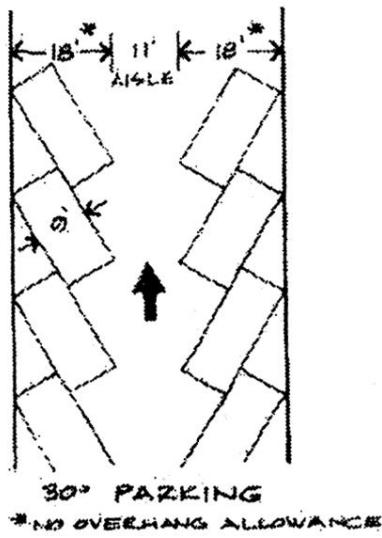
In terms of the remaining variance requests, staff is still recommending **approval of all** variance requests and has *further* information below on these ongoing items. The information from the November 12<sup>th</sup> staff report still stands as well and may not be reproduced in its entirety in this updated staff report.

Variance request #1 – Reduce front setback from 20 feet req. to **15 feet** (8-foot porch zone behind setback line)

This request is designed to make as large of a backyard for each house as practicably possible, while still providing a long enough front driveway for adequate off-street parking. In a tight development like the Grove property, livable backyard space is at a premium. Reduction of the front setback would help the with the amount of quality space in each backyard. **As long as an adequately long driveway can be demonstrated by the developer (at least 20 feet of length between the garage front and the inner edge of the concrete sidewalk), then the front setback reduction would not be a problem.** The original variance request of a 10-foot front setback would probably make for too short of a driveway; thus, the 15-foot front setback request would be an improvement on the driveway length from the original request and would not be a significant departure from the Code standard of a 20-foot front setback.

(The 20-foot long parking standard comes from the City Code Section 86-406, in which a 90-degree parking space minimum is 9 feet wide by 20 feet long (18 feet asphalt plus 2-foot gutter overhang. Since most cars in commercial parking lots use the concrete gutter as parking area also, the driveway parking spaces in The Grove need to be at least 20 feet long from garage front to inner edge of sidewalk. City Code also requires two off-street parking spaces per each single family dwelling unit, which can be achieved by an 18-foot wide and 20-foot long driveway clearance on each house, to say nothing of using the inside of the garage for parking as well.)

(See perpendicular parking standard in diagram below.)



**PARKING AREA DIMENSIONS  
(FOR STANDARD-SIZE VEHICLES)**

Variance request #2 – Not all greenspace meets 100-foot width req.; match what is provided on plat and in field. (Although the greenspace total is now 21.6% (20% min. required), some of the greenspace cannot meet the 100-foot minimum requirement, due to existing site constraints.)

**The Council did not approve this greenspace variance along with the other one on November 12<sup>th</sup>. There are five total greenspace areas on the final plat. Greenspace areas #1 and #5 meet the 100-foot width requirements both ways. Greenspace area #2 (at the entrance) meets the width requirement east to west but cannot possibly meet the width requirement north to south due to the constraints of the existing road. Greenspace areas #3 and #4 (in interior) meet the width requirements north to south but cannot meet the width requirement east to west without getting rid of at least two more housing lots each. The City, and not just the developer, would benefit in having the maximum number of housing lots possible, so staff is once again recommending approval of this variance request. Six lots were already lost in redesigning the lots to 55-foot wide lots.**

Variance request #4 – Except on designated corner lots, placement of garages for front entry of vehicles. City Code Section 86-299 reads as follows:

Sec. 86-229. - *Placement of garages.*

*Attached garages shall feature side or rear entry access. Where lot width on a lot of record prevents such access, garages shall be recessed a minimum horizontal distance of four feet.*

The aforementioned variances just deal with the horizontal aspects of the plat. Regarding the variance for front-entry garages, it is both part of the horizontal and vertical aspects of the development, but is included in this application, because the denying of a variance for front-entry garages would affect the vertical design later. The revised plat does provide for some side entry garages on the corner lots, which account for about 15% of the 49 lots. The City Code standard for garage placement is for side and rear entry garages, with most of the residential architecture in the City reflecting this standard. (Houses on adjacent Roberts Street, Wallis Street, and Royston Street are almost totally non-front facing garages. There are several front-facing, open carports, but the Code makes a distinction between enclosed garages and carports.) With regards to the portion of Code Section 86-229 which states *where lot width on a lot of record prevents such access, garages shall be recessed a minimum horizontal distance of four feet*, the proposed garages are either flush with the front of the house or in front of the rest of the house (see attached elevations), so a variance must be applied for. In addition, the City Code defines a “lot of record” as *a lot for which a plat has been recorded in the office of the Clerk of the Superior Court of Clayton County*. The desired 55-foot wide lots on the revised final plat are not yet recorded and are therefore not lots of record.

Over the last several months, multiple concerns have been raised about the possibility of front-facing garages:

1. The front-facing garage will not be used for vehicular parking at all and will instead be used for storage, which will be unsightly from the street. **Can a strong Homeowners' Association solve this by fining residents who keep their garage doors open?**
2. A front-facing garage will not go with the overall housing styles found throughout Jonesboro. **The City predominantly features side and rear facing garages, but it does have plenty of open, front-facing carports that can be readily seen from the road. Most of the houses (especially the front) will only be able to be seen if someone actually drove through, or lived in, the subdivision. The only houses that could potentially be seen from McDonough Street are Lots 1, 2, 3, 31, and 40, and even these would only be able to be viewed from the side from McDonough Street. Due to the orientation of the house lots, no front-facing garages would be able to be seen from adjacent properties either. A**

citizen buying an already built house in The Grove with a front-facing garage will not have a problem with it because they chose that style already built.

3. A front-facing garage and front driveway will not contain enough off-street parking area, forcing people to park on the street. **This is the most legitimate of the concerns, due to measurements taken over the summer at the property by staff. However, the front setback has now been extended back five feet, making for a five-foot longer driveway than before. Also, the proposed house elevations show a double garage, which would make for a larger driveway parking area. A standard, 90-degree parking space in Jonesboro is 9 feet wide by 20 feet long (with concrete gutter). If the contractor provides new lot drawings showing a 20-foot long parking area between the garage front and the inner edge of the sidewalk and wide enough for two standard parking spaces (18 feet total), then they will have satisfied the minimum Code requirements for parking for single-family houses, to say nothing of vehicle parking actually occurring inside the garage itself.**

Regarding the possibility of a side entry garage on non-corner lots, the lots have increased to 55 feet wide, but the proposed house size has remained the same width – 40 feet. This leaves 15 feet, or 7.5 feet either side of the house (which meets the Code side setback). There is a minimum two-foot setback for paving from the side property line, so given the house width of 40 feet and the side paving setback of 2 feet, there would only be room for a 5.5-foot wide driveway and turnaround area, which is not large enough for practical use of vehicles. **Given the proposed house designs provided, there is not enough room for side driveways and garages on non-corner lots. The current contractor candidate, Rockhaven Homes, has built a similar size home with side-entry garages in the Park Chase subdivision in the City of Brookhaven, but those lots are a minimum 60 feet wide (see attached drawings).**

**Update: Rockhaven Homes has told staff that they also have a couple of narrower housing types – a 30-foot wide product and a 25-foot wide product (which hasn't been built yet). However, reducing the width of a house means that you have to compensate by adding more depth to make each house livable. Thus, the 30-foot wide product has a depth of 72 feet, and the 25-foot wide product has a depth of 56 feet (and is only a 1700 square foot product). Some of the interior lots are as shallow as 82 feet deep, which would make the 30' by 72' product a physical impossibility with the yard requirements and would make the 25' by 56' product too tight to meet the yard requirements as well. Even with some of the perimeter lots being 92 feet deep, the 30-foot wide and 25-foot wide products would not have large enough back yards.**

#### 82-foot deep lot, with reduced 15-foot front setback

**40' by 40' house product: 15-foot front yard, 27-foot back yard**

**30' by 72' house product: 15-foot front yard, no back yard**

**25' by 56' house product: 15-foot front yard, 11-foot back yard**

#### 82-foot deep lot, with standard 20-foot front setback

**40' by 40' house product: 15-foot front yard, 22-foot back yard**

**30' by 72' house product: 15-foot front yard, no back yard**

**25' by 56' house product: 15-foot front yard, 6-foot back yard**

### 92-foot deep lot, with reduced 15-foot front setback

40' by 40' house product: 15-foot front yard, 37-foot back yard  
 30' by 72' house product: 15-foot front yard, 5-foot back yard  
 25' by 56' house product: 15-foot front yard, 21-foot back yard

### 92-foot deep lot, with standard 20-foot front setback

40' by 40' house product: 15-foot front yard, 32-foot back yard  
 30' by 72' house product: 15-foot front yard, no back yard  
 25' by 56' house product: 15-foot front yard, 16-foot back yard

There is not adequate depth of lots in The Grove to accommodate the narrower Rockhaven Homes listed products. There is not adequate width of lots in The Grove to accommodate the requested 40-foot wide Rockhaven Homes product.

Regarding the possibility of rear entry garages non-corner lots, unless a rear alley is provided to the interior lots, there would not be enough room for an adequate driveway to go from the road and along the side of the house towards the rear of the house. **Past plans called for rear alleyways, but these are not built on the property, because they were demonstrated in the past to have not been workable for The Grove property. In addition, the back yards are only slated to be about 20-feet deep maximum without any rear alley or driveway. A rear driveway would consume most of the backyard space of the residents, and, in a cluster development, the backyard space is the only potential for outdoor privacy that the residents would have. Also, a series of rear driveways would, in essence, make a “chopped up” rear alleyway, which has already been rejected by the City.**

Regarding the possibility of a shared, side driveway between two lots, seemingly successful examples of this have been observed in Fayetteville and Peachtree City. It is not known what specific legal apparatus allows the shared access and parking between these lots, but there is the potential of legal and logistical problems with shared driveways. **It is the Zoning Administrator's opinion that shared driveways are not a good, practical option. In addition, the City Code (Sec. 86-405) only allows joint use of parking spaces for certain commercial situations:**

*No portion of an off-street parking facility required for any building or use for the purpose of complying with the provisions of this section shall be considered as part of an off-street parking facility similarly required for another building or use. In instances in which the hours of operation of uses for which a sharing, or joint use, of parking facilities is proposed indicate that the respective parking demands occur at alternating times of the day, city council may grant approval for such joint use of parking facilities.*

Also, per Sec. 86-339: *Driveway separations. The minimum distance between a private driveway serving one single-family dwelling and a street intersection shall be 20 feet; this minimum distance shall be 50 feet for all other uses. Minimum distance between private driveways serving single-family dwellings along a street right-of-way shall be ten feet; this minimum distance shall be 40 feet for all other uses. Thus, a shared driveway would violate the highlighted driveway spacing requirement.*

**For a detached dwelling, the driveway is the off-street parking space, and the**

**Code Section above seems to indicate that dwelling parking requirements could not be shared with a joint driveway.**

**In summary:**

1. It has been demonstrated that side-entry garages are not physically possible with the current lot layout and available Rockhaven housing products.
2. It has been demonstrated that rear-entry garages are not physically possible with the current lot layout and available Rockhaven housing products.
3. If the contractor / developer demonstrates a minimum 18-foot wide by 20-foot long parking area, then a front-facing garage and front-entry driveway can meet the City Code parking requirements.
4. Front-entry garages will not be able to be readily seen from North McDonough Street or from adjacent properties. They will only affect the actual homeowners in The Grove, which consented to a front-facing garage when they bought an already-built house. The developer is now proposing a gated community, which would limit general public exposure to front-facing garages even more.
5. R-C zoning requirements require 40% maximum lot coverage. Even if side or rear entry garages were possible, the added concrete for these longer driveways would likely put each lot over the 40% threshold, thus requiring another variance. A quick calculation of the smallest lot with a certain width driveway at the just the front of the lot already put the impervious coverage at 40%. Longer driveways for side or rear entry would only make the % coverage worse. In addition, the storm water pond on the property may not have been sized for the added impervious area of longer driveways for side or rear entry.

**Other options:**

1. Significant redesign of the subdivision to accommodate minimum 60 to 65-foot wide lots.
2. Selection of other housing products, not as deep. (The current candidate has no other products.)
3. Rezone the property to a district more suitable to attached townhomes and condominiums, where more open space could occur and concentrated parking lots, rather than individual driveways, would be possible.

**Other plat items to consider:**

1. The proposed sidewalks are labeled as 4 feet wide, with a 2-foot wide grass strip between sidewalk and back of curb. 4 feet wide meets the City Code standard, but there was talk of a 5-foot wide sidewalk. Staff wants an adequately size sidewalk, but also does not want too much impervious at the front of the house. **The City Code references a minimum 5-foot wide grass strip between curb and sidewalk. This sidewalk standard may need to be part of the variance request as well.** The proposed sidewalks on the plat connect the interior house lots and extend to McDonough Street, but do not run along the perimeter lots.
2. Street lighting shall conform to Code Section 44-161 and shall be spaced out 100 feet maximum on local/residential streets. Poles shall be 12 to 14 feet tall on this type of roads and shall have an 0.3 horizontal foot-candle illumination level. Street lights shall be installed and operating prior to approval of the final plat. (See copy enclosed)

3. Along lots 15 through 20, there will need to be a “drainage wall” to direct runoff to the detention pond in the northeast corner. The proposal from the builder was to have this be a pressure treated wood wall, but staff does not believe that this material will be durable enough. Poured in place concrete or similar material will need to be used. The height of the wall also needs to be specified.
4. The dead end for Grove Parkway at the southeast corner of the subdivision needs to be addressed. City Code does not allow for dead end streets to not terminate in a cul-de-sac (Section 44-158). However, this portion of Grove Parkway is not wide enough for a cul-de-sac. Staff discussed with the developer making this a landscaped area, off limits to vehicles.
5. Greenspace area #1 needs to be provided with a walking trail amenity, per the plat.

**Regarding house architecture:**

The City Code authorizes the City to approve certain housing styles in Article VII, Architectural Style and Scale, of the Zoning Code. The provided Variance / Developers Agreement says that the developer / contractor will comply with all City Codes. However, the styles specified in Article VII may not agree with the proposed styles for The Grove, but this could be rectified in the Developer's Agreement. As stated before, approval of any variances and approval of the final plat need to be considered “Phase 1” of this development, and approval of a revised Developer's Agreement, regulating the style of the exterior architecture, needs to be considered “Phase 2”.

While there are not usually conditions put on variance approvals, there needs to be a condition put on the final plat approval, which specifies that the approval of any variances to the subdivision layout and approval of the final plat layout does not connote approval of the vertical house designs nor approval of the exterior architectural style. These elements of house design shall be reviewed and approved by the City Council in a revised Developer's Agreement prior to the issuance of building permits for the individual houses. The streets also need to be cored to check their quality. The Council may also want to decide whether or not they want to require The Grove to be a “gated community” or not (this would probably reduce the possibility of rental houses in the subdivision).

I believe that the approval / denial of the variances and the approval / denial of the final plat need to be separate agenda items.

**Items to consider for future Developer's Agreement:**

1. A strong Homeowners Association to enforce the closing of garage doors, etc.
2. The Homeowners Association to provide a designated entity lawn care and other forms of maintenance for all lots in the subdivision.
3. Whether or not the developer's new proposal for a “gated community” conflicts with the Fire Department's requirements for access to the subdivision.
4. Could the HOA restrict the number of rental houses within the subdivision?

# FINAL PLAT

# The Grove

L.L. 240 / 13th & L.L. 17 / 12th  
CITY OF JONESBORO, CLAYTON COUNTY, GEORGIA

ZONED: RC (CLUSTER RESIDENTIAL)

SUBDIVISION ENTRANCE LOCATION  
LATITUDE = 33.5272°N  
LONGITUDE = 84.3540°W

## APPROVALS

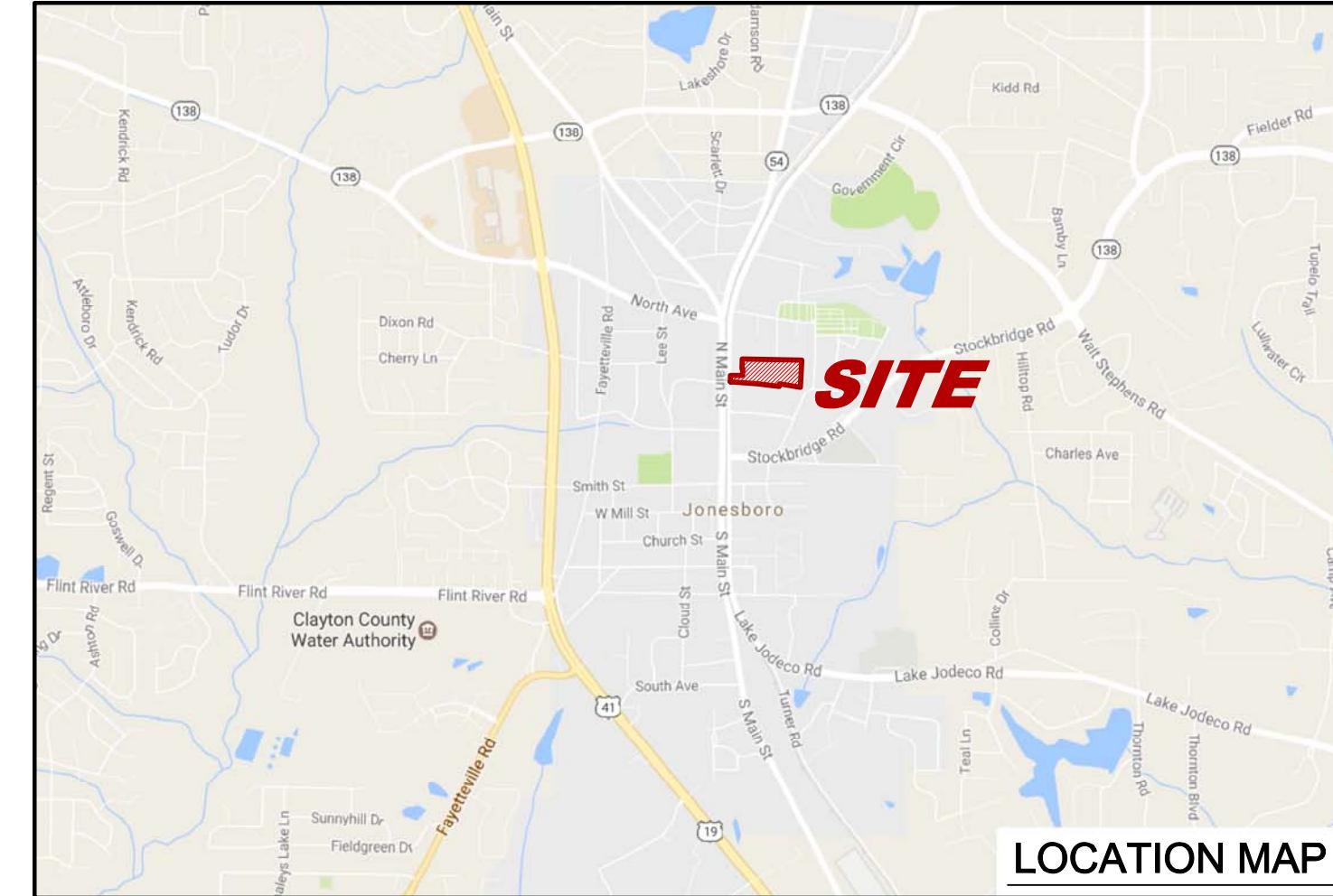
Pursuant to the Development Regulations of the City of Jonesboro Georgia, and all requirements of approval having been fulfilled, this final plat was given preliminary approval by the Mayor and City Council on \_\_\_\_\_, 20\_\_\_\_\_, and final approval by the City Manager and it is entitled to recordation in the Clerk's Office, Clayton County Superior Court.

By:

Mayor, City of Jonesboro

By:

City Manager, City of Jonesboro



## OWNER'S ACKNOWLEDGEMENT

The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey, and that all State, City and County taxes or other assessments now due on this land have been paid. Said owner donates and dedicates to the public for use forever the street right-of-way and improvements have been installed therein as shown on this plat.

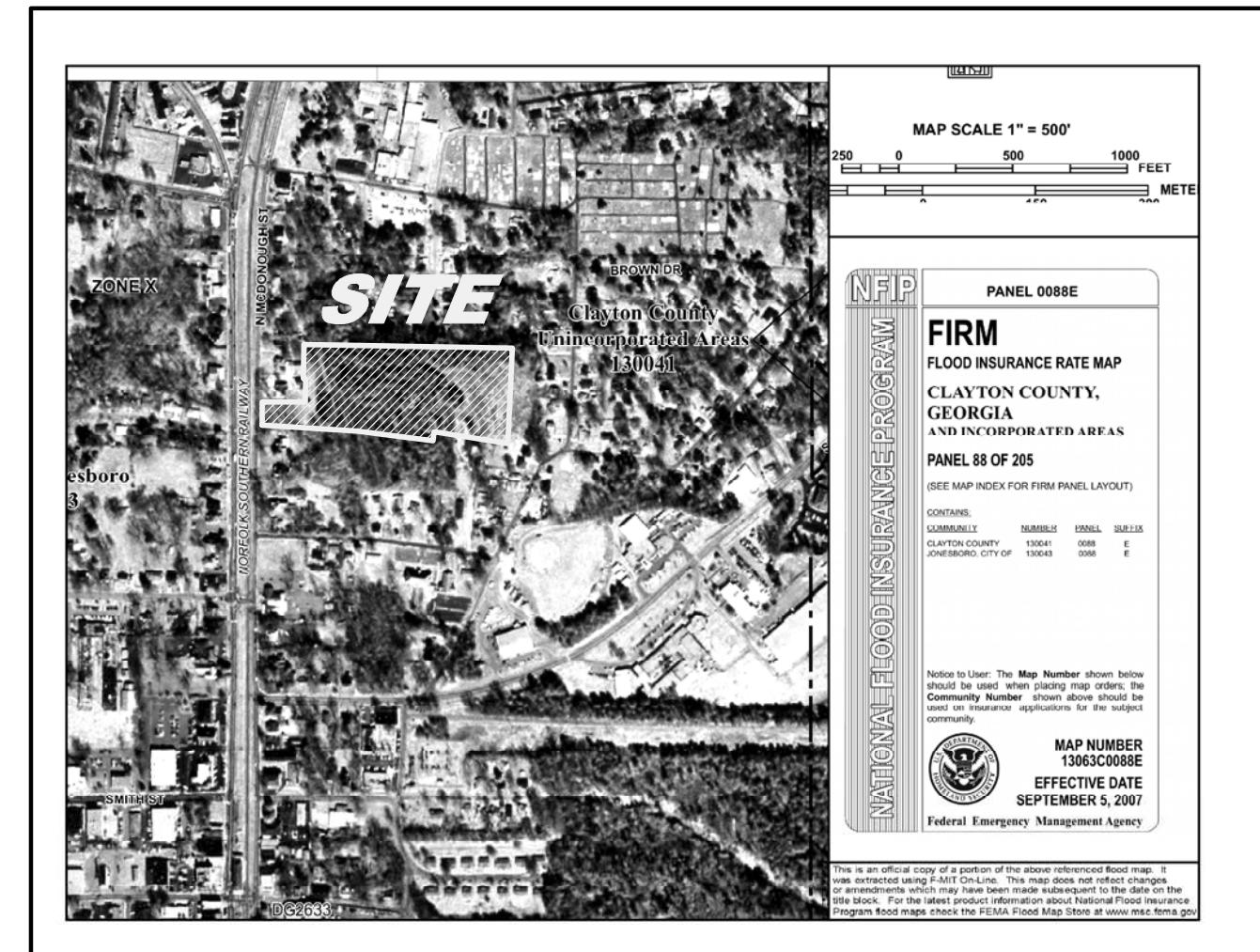
Andrew C. Shipp, Sr., Manager  
Sovereign Holdings, LLC  SIGNATURE  DATE

Wendell D. McNeal, President  
Key Corp Financial, Inc.  SIGNATURE  DATE

Signed, sealed and delivered in the presence of:

Witness  SIGNATURE  DATE

Notary Public  SIGNATURE  DATE



ALL MATTER OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY, PUBLIC OR PRIVATE

PERPETUAL CARE AND MAINTENANCE AND THE CONVEYANCE OF REAL PROPERTY WILL BECOME EFFECTIVE AT THE COMPLETION OF THE FINAL ACCEPTANCE PROCESS.

STATE LAW PROHIBITS THE PRIVATE CONSTRUCTION, PLANTING, OR OTHERWISE MAKING IMPROVEMENTS ON THE DEDICATED RIGHT-OF-WAY. THE SOLE RESPONSIBILITY FOR REPAIRING OF ANY DAMAGE OF ANY SUCH IMPROVEMENT SHALL BE THE PROPERTY OWNERS.

DISTANCES SHOWN ON PLAT ARE GROUND DISTANCES

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1 FT IN 258,427'.

ANGULAR ERROR IN THIS FIELD TRAVERSE NOT MORE THAN 00-00-18  
LINEAR ERROR OF CLOSURE BEFORE ADJUSTMENT NOT MORE THAN 0.116 FT.  
RELATIVE ERROR OF CLOSURE BEFORE ADJUSTMENT LESS THAN 1 FT. IN 31,106 FT.  
LINEAR ERROR OF CLOSURE AFTER ADJUSTMENT NOT MORE THAN 0.087 FT.  
RELATIVE ERROR OF CLOSURE AFTER ADJUSTMENT LESS THAN 1 FT. IN 41,247 FT.  
TRAVERSE ADJUSTED BY COMPASS RULE.  
CONTROL SET UTILIZING EGPS & TRIMBLE R10.  
ANGULAR AND LINEAR MEASUREMENTS MADE WITH A TRIMBLE S6.

## SURVEYOR'S ACKNOWLEDGEMENT

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or persons under my supervision; that all monuments shown hereon actually exist or are marked as "future," and that their location, size, type and material are correctly shown; and that all engineering requirements of the Development Regulations of the City of Jonesboro, Georgia, have been fully complied with.

By:

DAVID B. MILLEN RLS No: 2871

# MCDONOUGH ROAD

50' R/W

NO PORTION OF THIS PROPERTY IS LOCATED  
WITHIN A DESIGNATED 100 YEAR FLOOD ZONE  
AREA, PER FIRM #:13063C0088E, 9/5/2007

BOUNDARY AND AS-BUILT SURVEY PERFORMED  
BY MOORE & MILLEN SURVEYING, INC.  
FIELD WORK COMPLETED: 04/15/2017  
PLAT COMPLETED : 11/27/2018

WATER AND SEWER SERVICE PROVIDED BY  
CLAYTON COUNTY

ROADWAYS & R/W TO BE DEDICATED TO  
CITY OF JONESBORO

N/F DANA HOLMES

S89°22'26"E

N/F  
WILLIAM C.  
WHITE, JR.

N/F  
CLARA ELOISE  
GREENE

N/F  
DAVID BENSON  
TURNER

PROPOSED  
SIDEWALK  
4' WIDE @  
2' B.O.C.

IPF  
N89°59'04"E  
14.67'

IPF  
N00°47'54"N  
111.08'

IPF  
N89°26'42"E  
213.39'

IPF  
N00°23'24"E  
67.14'

IPF  
N83°35'04"E  
67.14' A=67.22'  
R=400.0'

IPF  
N88°46'37"E  
81.34' A=81.50'  
R=375.0'

IPF  
N88°46'48"E  
81.34' A=81.50'  
R=375.0'

IPF  
N82°36'24"E  
145.06' R=925.0'

IPF  
N86°15'13"W  
146.10'

IPF  
N03°44'36"E  
93.40'

IPF  
N03°44'36"W  
94.31'

IPF  
N03°44'36"W  
468.43'

IPF  
N/F DAVID & LUGENE BROOKS

IPF  
N/F CICERO WILLIS SWINT

## GENERAL NOTES

ZONING: RC (CLUSTER RESIDENTIAL)  
TOTAL PROPERTY AREA: 10.750 Ac  
TOTAL NUMBER OF LOTS: 49 (4.56 UNITS/Ac)  
TOTAL OPEN/GREEN SPACE: 2.33 Ac (21.6 %)  
TOTAL R/W AREA: 2.50 Ac (23.3 %)  
MIN LOT AREA : 4,000 SF (REQ'D)  
SMALLEST LOT: 4,302 SF (ACTUAL)  
AVERAGE LOT: 5,262 SF  
TOTAL LF ROAD: 1,647.8 LF  
MIN LOT WIDTH: 40 FT (REQ'D)  
NARROWEST LOT: 55 FT (ACTUAL)  
BUILDING SETBACKS: 20 FT FRONT (REQ'D)  
17.5 FT FRONT (ACTUAL w/VARIANCE)  
20 FT REAR  
7 FT SIDE (w/15' MIN BETWEEN BLDGS)

## LOT AREA TABLE

S.F.	ACRES	S.F.	ACRES	S.F.	ACRES
5,035	0.1156	5,023	0.1153	4,682	0.1075
1,177	0.1188	5,064	0.1163	4,931	0.1132
1,336	0.1179	847	0.1342	5,017	0.1152
1,234	0.1202	789	0.1329	4,684	0.1075
1,952	0.1137	1,02	0.1171	4,74	0.1075
1,516	0.1184	5,076	0.1165	4,74	0.1075
1,622	0.1291	5,056	0.1161	4,74	0.1075
1,700	0.1538	5,431	0.1247	52,893	1.2143
2,346	0.1686	4,489	0.1031	11,816	0.2714
2,29	0.1200	4,668	0.1072	6,637	0.1524
1,056	0.1161	4,779	0.1097	6,056	0.1590
1,274	0.1161	4,824	0.1107	23,962	0.5501
1,405	0.1405	6,321	0.1451	R/W	109.040 2.503
1,539	0.1501	7,016	0.1611		
1,950	0.1336	4,953	0.1137		
1,803	0.1188	4,463	0.1025		
1,045	0.1188	4,302	0.0988		
1,281	0.1442	5,232	0.1201		
5,021	0.1153	4,663	0.1070		

TOTAL PROPERTY  
468,262 SF  
10.750 Ac

## INDIVIDUAL GREENSPACE AREAS

A1	13.17
A2	42.02
A3	55.02
A4	45.04
A5	45.54
A6	26.23
A7	35.45
A8	45.76
A9	14.94
A10	51.53
A11	50.19
A12	3.42
A13	60.15
A14	8.98
A15	19.42
A16	26.05
A17	37.40
A18	15.89
A19	20.25
A20	3.30
A21	29.16
A22	56.19

C1	S84°37'21"E 13.83' A=13.83' R=250.0'
C2	N03°02'03"W 17.64' A=17.65' R=200.0'
C3	S83°09'52"W 76.63' A=76.74' R=420.0'
C4	S84°34'36"W 86.81' A=87.00' R=375.0'
C5	N72°29'48"E 25.68' A=26.15' R=40.0'
C6	S68°04'34"W 19.77' A=19.98' R=40.0'

11.1.e

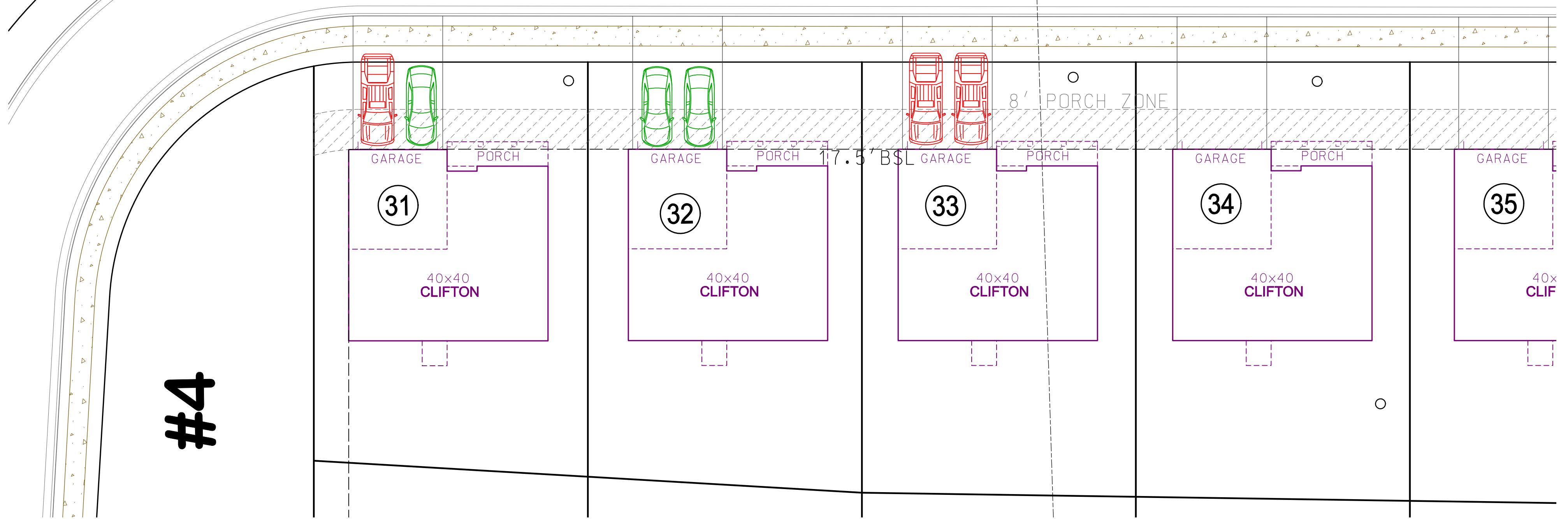
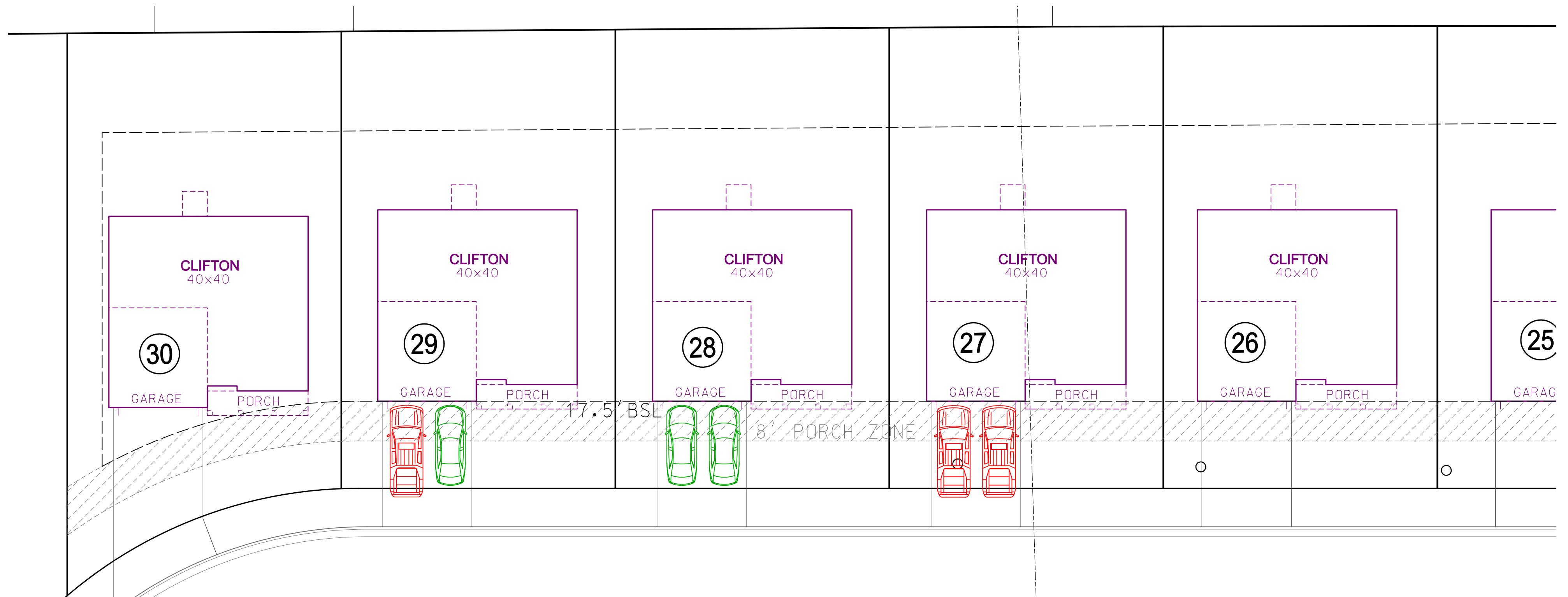
Attachment: Grove Final Plat REV December 2018 (1303 : Variances - the Grove Subdivision)

STATE PLANE

FINAL PLAT

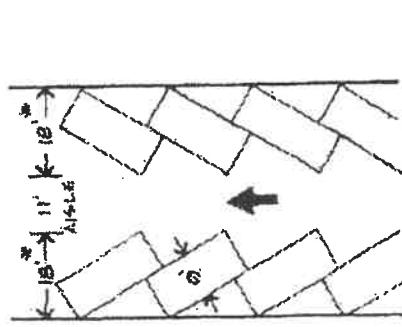
SHEET  
Packet Pg. 203



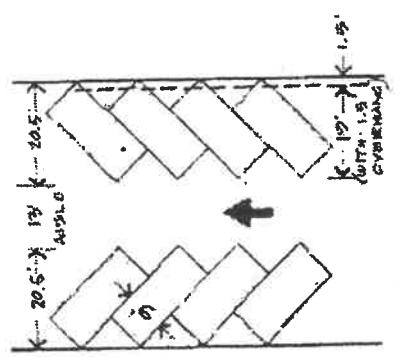


Angle of 61 degrees up to 90 degrees

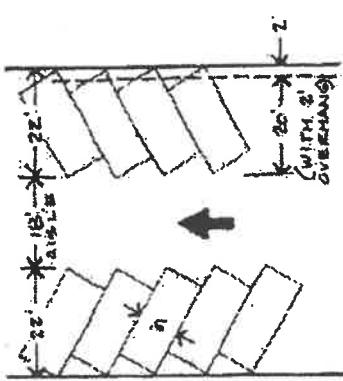
9.0 feet      18.0 feet



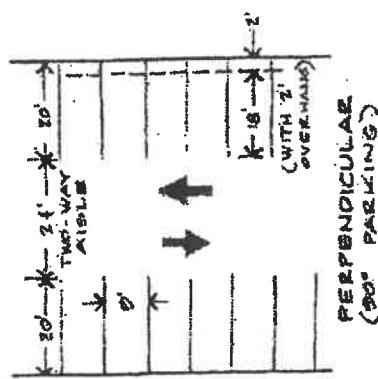
30° PARKING ALLOWANCE



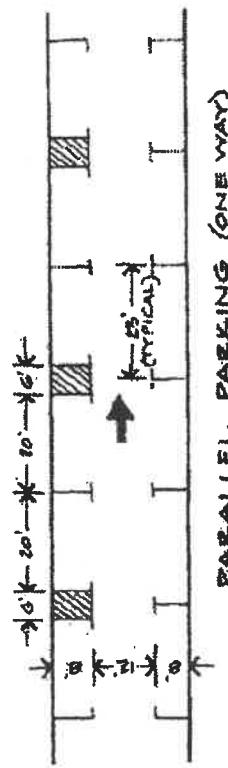
45° PARKING



60° PARKING

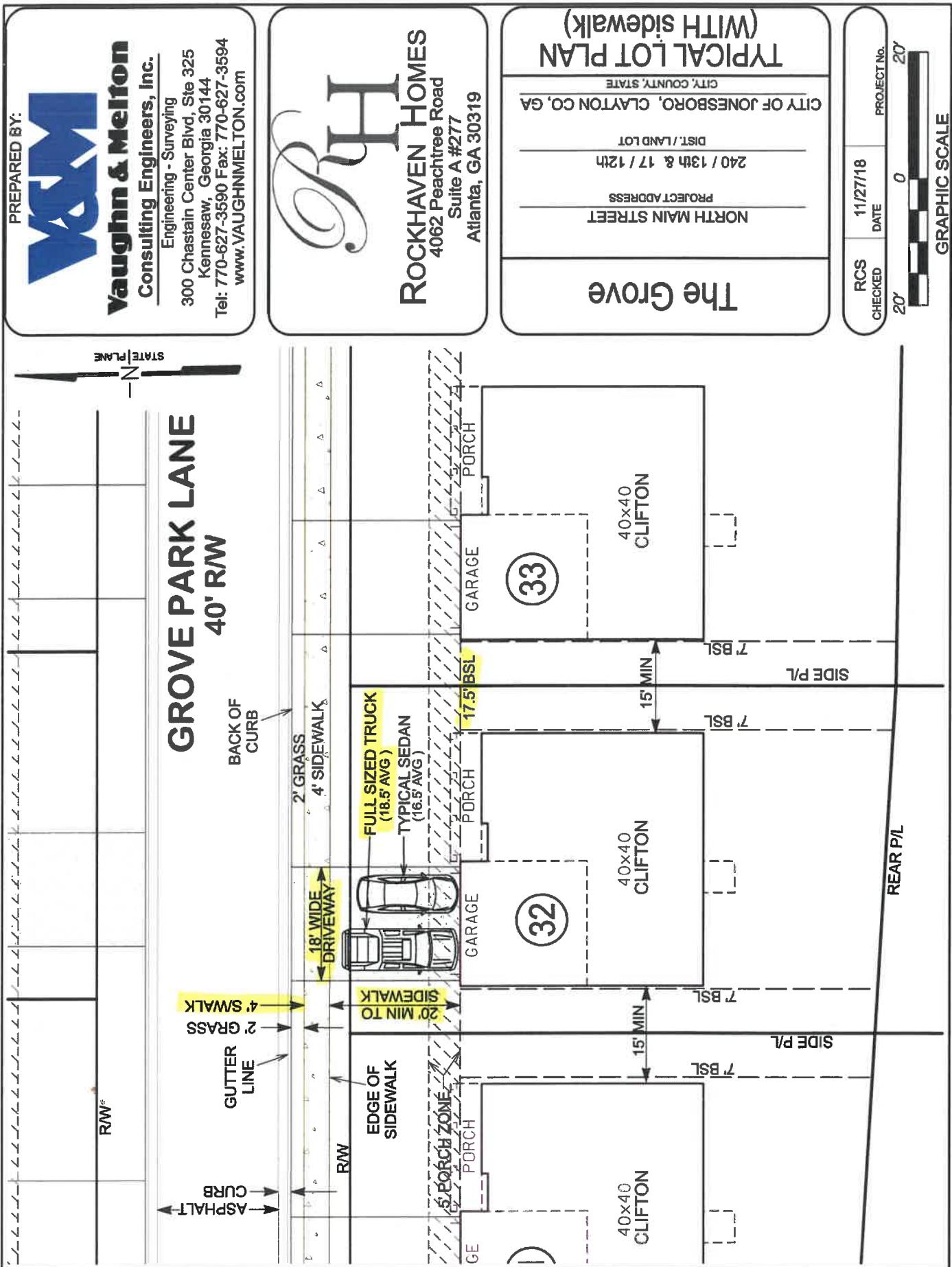


90° PARKING (PERPENDICULAR)



180° PARKING (ONE WAY)

Attachment: Parking Requirements (1303 : Variances - the Grove Subdivision)



PREPARED BY:



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**ROCKHAVEN HOMES**  
4062 Peachtree Road  
Suite A #277  
Atlanta, GA 30319

**TYPIICAL LOT PLAN**  
(with NO Sidewalk)

CITY, COUNTY, STATE  
CITY OF JONESBORO, CLAYTON CO, GA

240 / 13th & 17 / 12th  
DIST / LAND LOT

PROJECT ADDRESS  
NORTH MAIN STREET

**The GROVE**

RCS 11/27/18  
CHECKED DATE  
PROJECT No.  
0 20'  
GRAPHIC SCALE

