



CITY OF JONESBORO
Regular Meeting
170 SOUTH MAIN STREET
November 9, 2020 – 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@jonesboroqa.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**
- VII. PUBLIC HEARING**
 - 1. Public Hearing regarding Conditional Use Permit Application 20-CU-013 for Purpose Learning Academy, a daycare / nursery school, by Whitney Wilder, applicant, for property at 177 North Main Street (Parcel No. 13240D C004) Jonesboro, Georgia 30236.
 - 2. Public Hearing regarding Variance Application 20-VAR-007 for a residential addition, by Jose Valbuena, applicant, for property at 253 Wayne Avenue (Parcel No. 12048A E007) Jonesboro, Georgia 30236.
 - 3. Public Hearing regarding Conditional Use Permit Application 20-CU-014 for a post-production studio for movies and video, by Patrick Carpenter, for property at 249 North Main Street (Parcel No. 13240B A005), Jonesboro, Georgia 30236.
 - 4. Public Hearing regarding Conditional Use Permit Application 20-CU-003 for "House of Praise / Casa De Alabanza" a church / place of religious assembly by House of Praise / Casa De Alabanza, for property located at 7827 Old Morrow Road (Parcel No. 12048B B002), Jonesboro, Georgia 30236. Property is owned by Jonesboro Commercial Center, LLC.
- VIII. PUBLIC COMMENT (PLEASE LIMIT COMMENTS TO THREE (3) MINUTES)**

IX. MINUTES

1. Consideration of the Minutes of the October 12, 2020 Regular Meeting.
2. Consideration of the Minutes of the October 19, 2020 Special Called Meeting.
3. Consideration of the Minutes of the November 2, 2020 Work Session.

X. CONSENT AGENDA

1. Council to consider approval of KeyRisk as provider for Workers Compensation insurance renewal.
2. Council to consider approval of the following benefit renewals effective January 1, 2021:
Major Medical – United Healthcare (no increase)
Dental – Lincoln (4% increase)
Basic Life & AD&D – Lincoln (no increase)
Voluntary Life – Lincoln (no increase)
Vision – Lincoln (2% decrease)
3. Council to consider approval of cancelling the 2020 Christmas Parade and hosting a Tree Lighting ceremony and market on December 5, 2020.
4. Council to consider approval of Resolution to affirm the age restriction for the Residential Development of 55 years and older.

XI. OLD BUSINESS

1. Council to consider Conditional Use Permit Application 20-CU-003 for “House of Praise / Casa De Alabanza” a church / place of religious assembly by House of Praise / Casa De Alabanza, for property located at 7827 Old Morrow Road (Parcel No. 12048B B002), Jonesboro, Georgia 30236. Property is owned by Jonesboro Commercial Center, LLC.
2. Council to consider Conditional Use Permit Application 20-CU-013 for Purpose Learning Academy, a daycare / nursery school, by Whitney Wilder, applicant, for property at 177 North Main Street (Parcel No. 13240D C004) Jonesboro, Georgia 30236.
3. Council to consider Conditional Use Permit Application 20-CU-014 for a post-production studio for movies and video, by Patrick Carpenter, for property at 249 North Main Street (Parcel No. 13240B A005), Jonesboro, Georgia 30236.
4. Council to consider Variance Application 20-VAR-007 for a residential addition, by Jose Valbuena, applicant, for property at 253 Wayne Avenue (Parcel No. 12048A E007) Jonesboro, Georgia 30236.

XII. NEW BUSINESS

1. Council to consider approval of settlement agreement and Budget Amendment in the amount of \$425,000 for the purchase of 154 Smith Street and 156 Smith Street.

XIII. REPORT OF MAYOR / CITY MANAGER

XIV. REPORT OF CITY COUNCILMEMBERS

XV. OTHER BUSINESS

1. Executive Session for the purpose of discussing the conveyance of real estate.
2. Consider any action(s) if necessary based on decision(s) made in the Executive Session

XVI. ADJOURNMENT

**CITY OF JONESBORO
REGULAR MEETING
170 SOUTH MAIN STREET
October 12, 2020 – 6:00 PM**

MINUTES

The City of Jonesboro Mayor & Council held their Regular Meeting on Monday, October 12, 2020. 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 |
|--------------------|--------------------------------|---------|---------|
| Pat Sebo-Hand | Mayor Pro-Tem | Present | |
| Bobby Lester | Councilmember | Remote | |
| Tracey Messick | Councilmember | Present | |
| Billy Powell | Councilmember | Present | |
| Donya Sartor | Councilmember | Present | |
| Ed Wise | Councilmember | Present | |
| Joy B. Day | Mayor | Present | |
| Ricky L. Clark | City Manager | Present | |
| Pat Daniel | Assistant City Clerk | Present | |
| David Allen | Community Development Director | Present | |
| Joe Nettleton | Public Works Director | Absent | |
| Cable Glenn-Brooks | Executive Assistant | Present | |
| Derry Walker | Chief Code Officer | Present | |
| Kelli Duffy | Municipal Court Clerk | Present | |
| Brandon Hermismier | City Mechanic | Present | |

III. INVOCATION - DR. DONYA SARTOR, CITY COUNCILWOMAN

IV. PLEDGE OF ALLEGIANCE

V. ADOPTION OF AGENDA

1. Motion to adopt the agenda as presented

| | |
|------------------|--|
| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Ed Wise, Councilmember |
| SECONDER: | Pat Sebo-Hand, Mayor Pro-Tem |
| AYES: | Sebo-Hand, Lester, Messick, Powell, Sartor, Wise |

VI. PRESENTATIONS - NONE

VII. PUBLIC HEARING

1. Public Hearing regarding the adoption of the proposed FY' 21 Millage Rate of 8.0 Mills

Minutes Acceptance: Minutes of Oct 12, 2020 6:00 PM (MINUTES)

At this time, Mayor Joy B. Day opened the public hearing and Keith Kimble property owner of 194 and 198 Jonesboro Road was present to speak in opposition of the increase of the proposed millage rate.

Mr. Kimble stated that he represents 120 businesses in the city and those businesses do not pay property taxes. He collects rent from his businesses and turns around to pay his properties taxes to Clayton County and the City of Jonesboro.

Upon completion of his remarks, the public hearing was duly closed.

VIII. PUBLIC COMMENT (PLEASE LIMIT COMMENTS TO THREE (3) MINUTES) - NONE

IX. MINUTES

1. Consideration of the Minutes of the September 14, 2020 Regular Meeting.

| | |
|------------------|--|
| RESULT: | ACCEPTED [UNANIMOUS] |
| MOVER: | Tracey Messick, Councilmember |
| SECONDER: | Donya Sartor, Councilmember |
| AYES: | Sebo-Hand, Lester, Messick, Powell, Sartor, Wise |

2. Consideration of the Minutes of the September 28, 2020 Special Called Meeting.

| | |
|------------------|--|
| RESULT: | ACCEPTED [UNANIMOUS] |
| MOVER: | Tracey Messick, Councilmember |
| SECONDER: | Donya Sartor, Councilmember |
| AYES: | Sebo-Hand, Lester, Messick, Powell, Sartor, Wise |

3. Consideration of the Minutes of the September 29, 2020 Public Hearing.

| | |
|------------------|--|
| RESULT: | ACCEPTED [UNANIMOUS] |
| MOVER: | Tracey Messick, Councilmember |
| SECONDER: | Donya Sartor, Councilmember |
| AYES: | Sebo-Hand, Lester, Messick, Powell, Sartor, Wise |

4. Consideration of the Minutes of the October 5, 2020 Work Session.

| | |
|------------------|--|
| RESULT: | ACCEPTED [UNANIMOUS] |
| MOVER: | Tracey Messick, Councilmember |
| SECONDER: | Donya Sartor, Councilmember |
| AYES: | Sebo-Hand, Lester, Messick, Powell, Sartor, Wise |

X. CONSENT AGENDA

XI. OLD BUSINESS

1. Council to consider adoption of millage rate of 8.0 for FY 2021.

Minutes Acceptance: Minutes of Oct 12, 2020 6:00 PM (MINUTES)

RESULT: ADOPTED [2 TO 4]
MOVER: Pat Sebo-Hand, Mayor Pro-Tem
SECONDER: Donya Sartor, Councilmember
AYES: Sebo-Hand, Sartor
NAYS: Lester, Messick, Powell, Wise

Councilmember Sebo-Hand motioned to adopt the millage rate of 8.0 for FY2021, Seconded by Donya Sartor.

Councilmember Sebo-Hand motion to adopt the millage rate of 8.0 for FY 2021. Councilmember Sartor seconded- failed due to lack of a vote.

Councilmember Sartor motioned to adopt the millage rate of 7.25 for FY 2021. Councilmember Sebo-Hand seconded, Councilmembers Wise, Messick, Powell

Councilmember Sartor motioned to adopt the millage rate of 7.0 for FY 2021. Councilmember Sebo-Hand seconded - failed due the lack of a vote.

Councilmember Powell motioned to adopt the millage rate of 6.0 for FY 2021. Councilmember Wise seconded by Councilmember Wise.

2. Council to consider Text Amendment Ord. 2020-018 for Chapter 34, Article V - Flood Damage Prevention, revisions and updates, per Metro North GA Water Planning District plan requirements and the Environmental Protection Division.

RESULT: APPROVED [UNANIMOUS]
MOVER: Billy Powell, Councilmember
SECONDER: Ed Wise, Councilmember
AYES: Sebo-Hand, Lester, Messick, Powell, Sartor, Wise

3. Council to consider Text Amendment Ord. 2020-019 for Chapter 34, Article VII – Post Development Stormwater Management for New Development and Redevelopment, revisions and updates, per Metro North GA Water Planning District plan requirements and the Environmental Protection Division.

RESULT: APPROVED [UNANIMOUS]
MOVER: Pat Sebo-Hand, Mayor Pro-Tem
SECONDER: Ed Wise, Councilmember
AYES: Sebo-Hand, Lester, Messick, Powell, Sartor, Wise

4. Council to consider Conditional Use Permit Application 20-CU-012 for event rentals (inflatables), by Cyrel D. Foote, Jr. for property at 127 Jonesboro Road (Parcel No. 13240B E001), Jonesboro, Georgia 30236.

RESULT: APPROVED [UNANIMOUS]
MOVER: Ed Wise, Councilmember
SECONDER: Billy Powell, Councilmember
AYES: Sebo-Hand, Lester, Messick, Powell, Sartor, Wise

Approved for Party Rental Center only. Equipment will not be on display.

XII. NEW BUSINESS

1. Council to consider selection of General Contractor for the Jonesboro City Center project.

RESULT: APPROVED [UNANIMOUS]
MOVER: Billy Powell, Councilmember
SECONDER: Ed Wise, Councilmember
AYES: Sebo-Hand, Lester, Messick, Powell, Sartor, Wise

2. Council to consider approval of mid-year Budget Amendments.

RESULT: APPROVED [UNANIMOUS]
MOVER: Ed Wise, Councilmember
SECONDER: Donya Sartor, Councilmember
AYES: Sebo-Hand, Lester, Messick, Powell, Sartor, Wise

XIII. REPORT OF MAYOR / CITY MANAGER - NONE

City Manager Ricky L. Clark Jr. - None

Mayor Joy B. Day - Thanked the Police Department for hosting the National Faith in Blue Event this evening.

XIV. REPORT OF CITY COUNCILMEMBERS

Councilmember Sartor - None

Councilmember Wise - Thinks we need to be a little harsher concerning the drainage problem at the Grove.

Councilmember Lester - None

Councilmember Powell - Reminded everyone the pumpkins have arrived at Jonesboro United Methodist

Councilmember Messick - None

Councilmember Sebo-Hand - Thanked everyone that participated in the Farmers Market Event. The last day for the market will be October 31, 2020

XV. OTHER BUSINESS

1. Executive Session for the purpose of discussing the conveyance of real estate, personnel related matters and pending or possible litigation at 7:07 PM.

Minutes Acceptance: Minutes of Oct 12, 2020 6:00 PM (MINUTES)

RESULT: APPROVED [UNANIMOUS]
MOVER: Ed Wise, Councilmember
SECONDER: Bobby Lester, Councilmember
AYES: Sebo-Hand, Lester, Messick, Powell, Sartor, Wise

2. Motion to adjourn Executive Session and resume regular session at 8:13 PM.

RESULT: APPROVED [UNANIMOUS]
MOVER: Tracey Messick, Councilmember
SECONDER: Ed Wise, Councilmember
AYES: Sebo-Hand, Lester, Messick, Powell, Sartor, Wise

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

XVI. ADJOURNMENT

1. Motion to adjourn at 8:14 PM.

RESULT: APPROVED [UNANIMOUS]
MOVER: Billy Powell, Councilmember
SECONDER: Bobby Lester, Councilmember
AYES: Sebo-Hand, Lester, Messick, Powell, Sartor, Wise

JOY B. DAY – MAYOR

RICKY L. CLARK, JR. – CITY MANAGER

Minutes Acceptance: Minutes of Oct 12, 2020 6:00 PM (MINUTES)

**CITY OF JONESBORO
SPECIAL CALLED MEETING
170 SOUTH MAIN STREET
October 19, 2020 – 6:00 PM**

MINUTES

The City of Jonesboro Mayor & Council held their Special Called Meeting on Monday, October 19, 2020. The meeting was held at 6:00 PM at the Jonesboro Police Station, 170 South Main Street, Jonesboro, Georgia.

I. CALL TO ORDER

| Attendee Name | Title | Status | Arrived |
|--------------------|--------------------------------|---------|---------|
| Pat Sebo-Hand | Mayor Pro-Tem | Present | |
| Bobby Lester | Councilmember | Present | |
| Tracey Messick | Councilmember | Present | |
| Billy Powell | Councilmember | Present | |
| Donya Sartor | Councilmember | Present | |
| Ed Wise | Councilmember | Present | |
| Joy B. Day | Mayor | Present | |
| Ricky L. Clark | City Manager | Present | |
| Pat Daniel | Assistant City Clerk | Present | |
| David Allen | Community Development Director | Present | |
| Joe Nettleton | Public Works Director | Absent | |
| Cable Glenn-Brooks | Executive Assistant | Present | |
| Derry Walker | Chief Code Officer | Absent | |
| Maria Wetherington | Assistant | Present | |

II. AGENDA

1. Executive Session for personnel related matters at 6:01 PM.

RESULT: APPROVED [UNANIMOUS]
MOVER: Pat Sebo-Hand, Mayor Pro-Tem
SECONDER: Ed Wise, Councilmember
AYES: Sebo-Hand, Lester, Messick, Powell, Sartor, Wise

2. Motion to adjourn Executive Session and resume at 6:25 PM.

RESULT: APPROVED [UNANIMOUS]
MOVER: Pat Sebo-Hand, Mayor Pro-Tem
SECONDER: Bobby Lester, Councilmember
AYES: Sebo-Hand, Lester, Messick, Powell, Sartor, Wise

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

1. Motion to amend the Jonesboro Pay Scale & Classification Plan.

Minutes Acceptance: Minutes of Oct 19, 2020 6:00 PM (MINUTES)

| | |
|------------------|--|
| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Pat Sebo-Hand, Mayor Pro-Tem |
| SECONDER: | Ed Wise, Councilmember |
| AYES: | Sebo-Hand, Lester, Messick, Powell, Sartor, Wise |

The following new positions were added:

TAC Officer, Grade 8 (\$31,408 - \$42,266)

Assistant Police Chief, Grade 23 (\$65,000 - \$87,484.80)

Director of Finance, Grade 24 (\$76,482 - \$100,922)

2. Confirmation of Tommy Henderson, III as Chief of Police for the City of Jonesboro.

| | |
|------------------|--|
| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Pat Sebo-Hand, Mayor Pro-Tem |
| SECONDER: | Tracey Messick, Councilmember |
| AYES: | Sebo-Hand, Lester, Messick, Powell, Sartor, Wise |

III. ADJOURNMENT

1. Motion to adjourn at 6:30 PM

| | |
|------------------|--|
| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Billy Powell, Councilmember |
| SECONDER: | Ed Wise, Councilmember |
| AYES: | Sebo-Hand, Lester, Messick, Powell, Sartor, Wise |

JOY B. DAY – MAYOR

RICKY L. CLARK, JR. – CITY MANAGER

Minutes Acceptance: Minutes of Oct 19, 2020 6:00 PM (MINUTES)

**CITY OF JONESBORO
WORK SESSION
170 SOUTH MAIN STREET
November 2, 2020 – 6:00 PM**

MINUTES

The City of Jonesboro Mayor & Council held their Work Session on Monday, November 2, 2020. 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

| Attendee Name | Title | Status | Arrived |
|--------------------|--------------------------------|---------|---------|
| Pat Sebo-Hand | Mayor Pro-Tem | Present | |
| Bobby Lester | Councilmember | Present | |
| Tracey Messick | Councilmember | Present | |
| Billy Powell | Councilmember | Present | |
| Donya Sartor | Councilmember | Present | |
| Ed Wise | Councilmember | Present | |
| Joy B. Day | Mayor | Present | |
| Ricky L. Clark | City Manager | Present | |
| Pat Daniel | Assistant City Clerk | Present | |
| David Allen | Community Development Director | Present | |
| Joe Nettleton | Public Works Director | Absent | |
| Cable Glenn-Brooks | Executive Assistant | Present | |
| Derry Walker | Chief Code Officer | Present | |
| Kelli Duffy | Municipal Court Clerk | Present | |
| Maria Wetherington | Assistant | Present | |
| Brandon Hermismier | City Mechanic | Present | |
| Tommy Henderson | Chief of Police | Present | |
| Sandra Meyers | Finance Officer | Present | |

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

III. INVOCATION - PRAYERS READ BY MAYOR JOY B. DAY FROM RELIGIOUS LEADER JEN SOLAN.

IV. ADOPTION OF AGENDA

1. Motion to lift from table a Conditional Use Permit for "House of Pruase / Casa De Alvanza" and reset for the November 9, 2020 Regular Meeting

| | |
|------------------|--|
| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Ed Wise, Councilmember |
| SECONDER: | Tracey Messick, Councilmember |
| AYES: | Sebo-Hand, Lester, Messick, Powell, Sartor, Wise |

2. Motion to adopt the agenda as amended.

Minutes Acceptance: Minutes of Nov 2, 2020 6:00 PM (MINUTES)

RESULT: APPROVED [UNANIMOUS]
MOVER: Pat Sebo-Hand, Mayor Pro-Tem
SECONDER: Donya Sartor, Councilmember
AYES: Sebo-Hand, Lester, Messick, Powell, Sartor, Wise

V. WORK SESSION

1. Council to consider Conditional Use Permit Application 20-CU-003 for "House of Praise / Casa De Alabanza" a church / place of religious assembly by House of Praise / Casa De Alabanza, for property located at 7827 Old Morrow Road (Parcel No. 12048B B002), Jonesboro, Georgia 30236. Property is owned by Jonesboro Commercial Center, LLC.

RESULT: WITHDRAWN

2. Council to consider Conditional Use Permit Application 20-CU-014 for a post-production studio for movies and video, by Patrick Carpenter, for property at 249 North Main Street (Parcel No. 13240B A005), Jonesboro, Georgia 30236.

RESULT: PUBLIC HEARING REQUIRED **Next: 11/9/2020 6:00 PM**

3. Council to consider Variance Application 20-VAR-007 for a residential addition, by Jose Valbuena, applicant, for property at 253 Wayne Avenue (Parcel No. 12048A E007) Jonesboro, Georgia 30236.

RESULT: PUBLIC HEARING REQUIRED **Next: 11/9/2020 6:00 PM**

4. Council to consider Conditional Use Permit Application 20-CU-013 for Purpose Learning Academy, a daycare / nursery school, by Whitney Wilder, applicant, for property at 177 North Main Street (Parcel No. 13240D C004) Jonesboro, Georgia 30236.

RESULT: PUBLIC HEARING REQUIRED **Next: 11/9/2020 6:00 PM**

5. Discussion regarding Workers Compensation insurance renewal with Key Risk.

RESULT: CONSENT AGENDA ITEM **Next: 11/9/2020 6:00 PM**

For the 3rd consecutive year, we have seen a decrease in our workers compensation. Total annual cost for 2021 renewal is \$80,247, down by \$9,019.00.

6. Discussion regarding Major Medical Benefit Renewal for FY' 2021.

RESULT: CONSENT AGENDA ITEM **Next: 11/9/2020 6:00 PM**

7. Discussion regarding the Annual Jonesboro Christmas Parade.

RESULT: CONSENT AGENDA

It is the consensus of the council to forego a parade and have a Christmas Market with the Lighting of the Tree and Santa.

Minutes Acceptance: Minutes of Nov 2, 2020 6:00 PM (MINUTES)

8. Discussion regarding One Street Residential

Questions and Concerns

Councilmember Sartor - Explain the 80/20 percentage

Dave Dixon explained that the 80/20 states that 80% of Head of Household has to be 55 year of age or older and 20% can be of age of any other tenant..

Councilmember Sartor - In favor of 55 years of age and older only.

Councilmember Lester - In favor of 55 years of age and older only.

Councilmember Wise - In favor of 55 years of age and older only.

Councilmember Powell - In favor of 55 years of age and older only.

Councilmember Messick - In favor of 55 years of age and a younger spouse at least 45 years of age.

Councilmember Sebo-Hand - In favor of 55 years of age and older only.

9. Council to consider establishment of the Sanitation Fee.

| | |
|------------------|--|
| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Pat Sebo-Hand, Mayor Pro-Tem |
| SECONDER: | Ed Wise, Councilmember |
| AYES: | Sebo-Hand, Lester, Messick, Powell, Sartor, Wise |

Officially increase sanitation from \$180.00 per year to \$200 per year.

VI. OTHER BUSINESS

1. Executive Session for the purpose of discussing potential litigation and real estate at 7:10 PM

| | |
|------------------|--|
| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Ed Wise, Councilmember |
| SECONDER: | Donya Sartor, Councilmember |
| AYES: | Sebo-Hand, Lester, Messick, Powell, Sartor, Wise |

2. Motion to resume Regular Session at 7:33 PM.

| | |
|------------------|--|
| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Tracey Messick, Councilmember |
| SECONDER: | Ed Wise, Councilmember |
| AYES: | Sebo-Hand, Lester, Messick, Powell, Sartor, Wise |

Minutes Acceptance: Minutes of Nov 2, 2020 6:00 PM (MINUTES)

VII. ADJOURNMENT

1. Motion to adjourn at 7:34 PM

| | |
|------------------|--|
| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Billy Powell, Councilmember |
| SECONDER: | Ed Wise, Councilmember |
| AYES: | Sebo-Hand, Lester, Messick, Powell, Sartor, Wise |

JOY B. DAY – MAYOR

RICKY L. CLARK, JR. – CITY MANAGER

Minutes Acceptance: Minutes of Nov 2, 2020 6:00 PM (MINUTES)



CITY OF JONESBORO, GEORGIA COUNCIL
Agenda Item Summary

Agenda Item #

10.1

- 1

COUNCIL MEETING DATE
November 9, 2020

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 KeyRisk as provider for Workers Compensation insurance renewal.

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 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.)

The City of Jonesboro's Workers Compensation, annually, is up for renewal on November 1st and we have received quotes from the incumbent Key Risk. We are pleased to report the Experience Modifier rating decreased from 1.20 to 0.99 which led to an overall rate decrease of 10%. We believe this reduced premium can be attributed to the implementation of Accident Review Committee meetings.

This quote represents the carrier's willingness to provide coverage based on your submission and may not necessarily match the coverage requested. The quote does not supersede the policy.

This quotation is subject but not limited to all carrier conditions listed on the attached quotation.

Additional Conditions:

- The policy is written on an Admitted basis.
- 30 days to bind coverage.
- Coverage is quoted through Key Risk which has an A.M. Best rating of A+:XV.

Through an ongoing commitment to innovation, continuous improvement and education, Key Risk's mission is to enrich each client's risk management strategies by creating and executing comprehensive solutions proven to protect people, support business and exceed expectations. Their regional presence and industry-focused expertise in workers compensation allows Key Risk to optimize opportunities for employers and provide solutions specific to the needs of their business.

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.)

- JONESBORO GA - APEX PROPOSAL (KEY RISK) 10.15.20 (003)

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

November, 9, 2020

11/02/20
ITEM

City Council
Next: 11/09/20

CONSENT AGENDA

Signature

City Clerk's Office

Approval

A WORKERS' COMPENSATION INSURANCE PROPOSAL

PREPARED FOR:

City of Jonesboro

PRESENTED BY:

Apex Insurance Services

EFFECTIVE: 11/1/2020



IMPORTANT: Proposed coverage's are provided by the company's forms, subject to the terms, conditions and limitations of the policy (ies) in current use by the company. The policies themselves must be read for specific details. No warranty is made regarding compliance with any bid specifications, unless such provisions are a part of the proposal

City of Jonesboro

Workers' Compensation Premium Summary

2020-21



| Class Code | Description | KEY RISK 2019-20 | | KEY RISK 2020-21 | |
|-----------------|--|---------------------|-------------|---------------------|-------------|
| | | Rate | Payroll | Rate | Payroll |
| 7720 | Police Officers & Drivers | 3.94 | \$1,319,184 | 4.20 | \$1,319,184 |
| 8380 | Automobile Service or Repair Center | 4.02 | \$43,929 | 3.93 | \$43,929 |
| 8742 | Salespersons or Collectors | 0.43 | IF ANY | 0.38 | \$100 |
| 8810 | Clerical Office Employees NOC | 0.18 | \$568,772 | 0.20 | \$568,772 |
| 9402 | Street Cleaning & Drivers | 10.64 | \$193,714 | 11.01 | \$193,714 |
| 9403 | Garbage, Ashes or Refuse Collection | 12.85 | \$87,691 | 13.41 | \$87,691 |
| 9410 | Municipal, County or State Employees NOC | 5.41 | \$44,481 | 5.22 | \$44,481 |
| Total Payroll | | \$2,257,771 | | \$2,257,871 | |
| Experience Mod | | 1.20 | | 0.99 | |
| Total Premium | | \$89,311 | | \$80,319 | |
| Installment Fee | | \$135 | | \$108 | |
| Total Cost | | \$89,446 | | \$80,427 | |

Attachment: JONESBORO GA - APEX PROPOSAL (KEY RISK) 10.15.20 (003) (1744 : Workers Compensation)

WORKERS COMPENSATION AND EMPLOYERS LIABILITY INSURANCE**Renewal Account Proposal****City of Jonesboro****EFFECTIVE DATE: Nov 1, 2020**

Attachment: JONESBORO GA - APEX PROPOSAL (KEY RISK) 10.15.20 (003) (1744 : Workers Compensation)

Renewal Account – Workers Compensation Proposal from Key Risk

Thank you for the opportunity to provide a workers compensation proposal for City of Jonesboro.

As a sole-focused provider of workers compensation insurance and services, Key Risk is committed to delivering better outcomes to you and your clients. Through Client Experience, our innovative approach to risk management, City of Jonesboro will continue to work with a dedicated risk management professional to develop risk management solutions that provide our clients the freedom to do what they do best.

The following documents and additional information are required within 5 days of binding coverage to insure we issue your policy correctly and according to state guidelines:

- A **completed ACORD 130 application** signed by the producer and the policyholder. The application should include complete information for additional named insureds, schedule of locations, insured contact and officer information.
- If using the PremiumSync payment plan, the completed new client checklist is required.

The following provisions apply:

- **Terrorism Insurance Coverage:** Included at the end of this email is the required Policyholder Disclosure Notice of Terrorism Insurance Coverage. Under Federal law, it is mandatory that you provide this notice to your client along with the proposal for coverage.
- **Pending Rate Change:** A rate change filing is being considered by the regulatory authority of GA. The filing may result in rates different from the rates shown on the quote. If it does, we will issue the policy or an endorsement to show the new rates and their effective date.
- **Other States Insurance:** This proposal includes 3.C. coverage in the District of Columbia and all states except ND, OH, WA and WY.
- **Late fees:** Late fees may apply if payment is not received by the due date.
- **State Specific Information:** Please visit www.keyrisk.com/docs/crm/ssc.pdf for additional information that may relate to this proposal.

Important Reminder:

If your Key Risk renewal policy is issued with a different carrier and/or with a different policy number than the expiring policy, the agent and the insured will receive a cancellation notice for the expiring policy carrier and/or policy number as required by the applicable state statutes.



| a Berkley Company

10.1.a

Focused on Service

Better Outcomes In Workers Compensation



**Service is the #1 reason
why agents recommend
Key Risk!**

*Clients have told us that it is the **responsiveness** and **expertise** of our team that has the most impact on their workers compensation program.*

We Are Here to Protect Employees

Our clients' most important asset is their people and we are here to protect your employees. By partnering with Key Risk, clients can rest assured that their employees are protected while minimizing the total cost of risk of their workers compensation program.

We focus on optimizing opportunities while providing quicker responses and jurisdictional expertise. We truly understand the challenges and opportunities employers face.

Expertise in Risk Management

Key Risk focuses on working together with employers to deliver better outcomes by reducing their workers compensation exposures, establishing integrated action plans and developing effective transitional duty programs. Results include a safer workplace, fewer injuries and the overall improvement in an organization's experience mod.

Specialization in Claims Management

At Key Risk, responsiveness matters. Jurisdictionally focused claim professionals target a lower than industry average of 90 open indemnity claims, with new claim assignments limited per month. We focus on exceeding expectations and helping injured workers return to work through efficient claim handling and expertise.

Online Claim Access & Reporting

Through MasterKey Connects®, clients have 24-hour online access to up-to-date claim information including status updates, alerts and reports.

Outcome-Based Provider Network

We work together with providers focused on better outcomes. Key Risk delivers medical savings well above the industry average through our strategic medical bill review process, providing employers with the benefit of potential savings in the event of a workplace accident.

Key Risk is a member company of W. R. Berkley Corporation, whose insurance company subsidiaries are rated A+ (Superior), Financial Size Category XV by A.M. Best Company and A+ (Strong), by S&P. Products and services are provided by one or more insurance company subsidiaries of W. R. Berkley Corporation. Not all products and services are available in every jurisdiction and the precise coverage afforded by any insurer is subject to the actual terms and conditions of the policies as issued.

For more information on solutions available from Key Risk, please contact your independent insurance agent at 800.942.0225.

MKT.08.10.13

Selecting Value... Scorecard for measuring value across workers compensation programs 10.1.a

Employers can't manage or improve what they don't measure. Having the right information is key to identifying and taking advantage of unrealized opportunities within a workers compensation program. Below is a scorecard to help you chart how Key Risk compares to other workers compensation providers. This tool focuses on our overall program benefits as well as highlights our service areas of Risk Management Services, Claims Management, and Managed Care.

| Scorecard |  a Berkley Company | Value Difference What does this mean to your organization? | Key Risk | Company A | Company B |
|------------------------------------|--|--|----------|-----------|-----------|
| Focus | 100% Workers Compensation | Industry expertise & specialization with no distractions. | ✓ | | |
| Local Presence | Regional offices & territory-focused staff located throughout the core states in which we operate. | Dedicated local teams with jurisdictional expertise are focused on risk management services and efficient claims handling. | ✓ | | |
| Availability | 24/7 Claim Reporting: Online, Fax, Email, or 24-Hour Client Call Center | Multiple options allow you to report claims quickly and easily. | ✓ | | |
| Risk Management Services |  Dedicated Risk Management Services for everyone | Reduced workers compensation exposures, established action plans and effective transitional duty programs result in a safer workplace, fewer injuries and the overall improvement in your organization's experience modification factor. | ✓ | | |
| Risk Management Information System |  | Online risk management system allows you to set automatic alerts, report claims, and generate reports specific to your needs. | ✓ | | |
| Claims Management |  Service model based on 90 Open Indemnity Claims per Claim Professional | Dedicated Claim Professionals With lower than industry average caseloads, local claim professionals focus on exceeding expectations and helping injured workers return to work. VirtualMD+ Telemedicine Solution Three Point Contact Program | ✓ | | |
| Managed Care | Nurse Case Management Proprietary Network of Medical Providers — CompCareLX Outcome-Based Medical Bill Review Pharmacy Management | By integrating expertise and technology, Key Risk maximizes the value of each and every claim dollar spent. Results — Over 52% savings on all medical bills paid in 2017. | ✓ | | |
| Flexibility |  | Managing your workers compensation program is easy and convenient. Pay-as-you-go with PremiumSync®, or select from traditional payment methods | ✓ | | |
| Financial Strength | Key Risk is supported by the resources of W. R. Berkley Corporation, a fortune 500 Company | Rated A+ (Superior) Financial Size Category XV A.M. Best Company, Inc. Rated A+ (Strong) Standard & Poor's | ✓ | | |

Attachment: JONESBORO GA - APEX PROPOSAL (KEY RISK) 10.15.20 (003) (1744 : Workers Compensation)



Pay Online

Better Outcomes In Workers Compensation

Introducing the Ability to Pay Online!

With the Pay Online option you can:

- Schedule ongoing monthly installment payments
- Complete single payments online

To set up your account, you will need:

- Your Customer ID as shown on your premium invoice
- Your bill-to zip code
- Banking information for your organization



Register
Now



Pay
Online

Register online at
www.KeyRisk.com

Select **Pay Online** from www.KeyRisk.com to start the process!

The ability to Pay Online provides you with more control, efficiency and simplicity in managing your workers compensation program. Schedule ongoing premium installment payments or make a one-time payment.

- Complete your easy enrollment through a secure Wells Fargo web portal
- Select and schedule automatic recurring payments or make a one-time payment
- Payments processed before 8 PM EST will be posted the same day
- Receive automatic e-mail notifications following the processing of every payment

For assistance with billing questions, please contact our Premium Billing Team at 800.942.0225, Ext. 3367598.

Key Risk is a member company of W. R. Berkley Corporation, whose insurance company subsidiaries are rated A+ (Superior), Financial Size Category XV by A.M. Best Company and A+ (Strong), by S&P. Products and services are provided by one or more insurance company subsidiaries of W. R. Berkley Corporation. Not all products and services are available in every jurisdiction and the precise coverage afforded by any insurer is subject to the actual terms and conditions of the policies as issued.

FIN.11.16.102

WORKING TOGETHER. DELIVERING BETTER OUTCOMES

Packet Pg. 23

Attachment: JONESBORO GA - APEX PROPOSAL (KEY RISK) 10.15.20 (003) (1744 : Workers Compensation)

Better Outcomes In Workers Compensation

1.866.687.0710

The Support You Need, When You Need It!

At Key Risk, we are committed to providing injured employees with immediate access to the care they need. Recently added to your panel, and with no prequalifications required, our **VIRTUALMD+*** program connects an injured employee with an emergency trained physician in **less than 2 minutes**. Supported by MedCallHealthCare Advisors, Key Risk's **VIRTUALMD+** program provides:

- Availability for emergency and non-emergency calls
- Nationwide 24/7/365 physician triage
- Immediate connection to an ER Physician the moment an accident occurs
- Physician follow-up with injured worker to assure efficient return-to-work
- Guaranteed savings on direct and indirect medical costs
- Subrogate liability with physician intervention
- Real time work status and event notification
- Available video consultation
- Cost savings of more than 20% compared to Emergency and Urgent Care treatment

In the event of injury, Key Risk provides injured employees the opportunity to immediately consult with an emergency trained physician.

* Some state limitations may apply

How Does VIRTUALMD+ Work?

Employer

Contact 911
for Emergency
Situations

Provide injured
employee access
to **VIRTUALMD+**

Report Claim
to Key Risk

Injured Employee

Injured Employee is connected with MedCallHealthCare Advisors Call Coordinator

A case is open and transferred to an Emergency Trained Physician

1
Physician
Triage

2
Immediate Treatment
Action Taken

3
Referred to
In-Network Provide
as Needed



Download the App on Andriod or iPhone to get immediate access to **VIRTUALMD+** emergency trained physicians at the click of a button.

**Client Services**

470.539.5519

clientservices@keyrisk.com

Key Risk is a member company of W. R. Berkley Corporation. Products and services are provided by one or more insurance company subsidiaries of W. R. Berkley Corporation. Not all products and services are available in every jurisdiction, and the precise coverage afforded by any insurer is subject to the actual terms and conditions of the policies as issued.

For more information on solutions available from Key Risk, please contact your independent insurance agent at 800.942.0225.

www.KeyRisk.com



| a Berkley Company

10.1.a

Date: 10/08/2020
Agency: Apex Insurance
Re: Workers Compensation Quote

Named Insured: City of Jonesboro
Effective Date: 11/01/2020
Expiration Date: 11/01/2021

Key Risk is pleased to present to you the following Workers Compensation premium quotation:

Company: Berkley Casualty Company
Employers Liability Limit: 1,000,000 / 1,000,000 / 1,000,000
Estimated Annual Premium: 80,319.00

Premium Detail

| State | Class Code No. | Classification of Operations | Payroll | Rate | Premium |
|-------|----------------|---|--------------|---------|-------------|
| GA | 7720 | POLICE OFFICERS & DRIVERS | 1,319,184.00 | 4.2000 | 55,406.00 |
| | 8380 | AUTOMOBILE SERVICE OR REPAIR CENTER & DRIVERS | 43,929.00 | 3.9300 | \$1,726.00 |
| | 8742 | SALESPERSONS OR COLLECTORS-OUTSIDE | \$100.00 | 0.3800 | \$0.00 |
| | 8810 | CLERICAL OFFICE EMPLOYEES NOC | 568,772.00 | 0.2000 | \$1,138.00 |
| | 9402 | STREET CLEANING & DRIVERS | 193,714.00 | 11.0100 | 21,328.00 |
| | 9403 | GARBAGE, ASHES OR REFUSE COLLECTION & DRIVERS | 87,691.00 | 13.4100 | 11,759.00 |
| | 9410 | MUNICIPAL, TOWNSHIP, COUNTY OR STATE EMPLOYEE NOC | 44,481.00 | 5.2200 | \$2,322.00 |
| | | Policy Minimum Premium | | | \$1,000.00 |
| | 9812 | Employers Liability Limits | | 0.0110 | \$1,030.00 |
| | 9898 | Experience Modification Premium | | 0.9900 | \$-947.00 |
| | 9887 | Schedule Rating Premium | | 0.9200 | \$-7,501.00 |
| | | Total Standard Premium | | | 86,261.00 |
| | 0063 | Premium Discount | | 0.0805 | \$-6,940.00 |
| | 0900 | Expense Constant | | | \$320.00 |

Attachment: JONESBORO GA - APEX PROPOSAL (KEY RISK) 10.15.20 (003) (1744 : Workers Compensation)

| State | Class Code No. | Classification of Operations | Payroll | Rate | Premium |
|-------------------|----------------|---|---------|--------|-----------|
| | 9740 | Terrorism Not Part of Standard Premium | | 0.0100 | \$226.00 |
| | 9741 | Catastrophe (other than Certified Acts of Terror) | | 0.0200 | \$452.00 |
| Total Amount Due: | | | | | 80,319.00 |

| Payment Plan | Down Payment | Installment Amount (Incl. fee/installment) | Fee/Installment |
|---------------------------|--------------|--|-----------------|
| 20% Down - 9 Installments | \$16,320.00 | \$7,123.00 | \$12.00 |

| DUE DATE | DESCRIPTION | PREMIUM DUE | + INSTALLMENT FEE | = TOTAL AMOUNT DUE |
|--------------------------------|--------------|--------------------|-------------------|--------------------|
| 11/01/2020 | Down Payment | \$16,320.00 | | \$16,320.00 |
| 12/01/2020 | Installment | \$7,111.00 | \$12.00 | \$7,123.00 |
| 01/01/2021 | Installment | \$7,111.00 | \$12.00 | \$7,123.00 |
| 02/01/2021 | Installment | \$7,111.00 | \$12.00 | \$7,123.00 |
| 03/01/2021 | Installment | \$7,111.00 | \$12.00 | \$7,123.00 |
| 04/01/2021 | Installment | \$7,111.00 | \$12.00 | \$7,123.00 |
| 05/01/2021 | Installment | \$7,111.00 | \$12.00 | \$7,123.00 |
| 06/01/2021 | Installment | \$7,111.00 | \$12.00 | \$7,123.00 |
| 07/01/2021 | Installment | \$7,111.00 | \$12.00 | \$7,123.00 |
| 08/01/2021 | Installment | \$7,111.00 | \$12.00 | \$7,123.00 |
| Total estimated amount: | | \$80,319.00 | \$108.00 | |

**POLICYHOLDER DISCLOSURE
NOTICE OF TERRORISM
INSURANCE COVERAGE**

Coverage for acts of terrorism, as defined in the Terrorism Risk Insurance Act, as amended, (the "Act"), is included in the quote for your policy. As defined in Section 102(1) of the Act: The term "act of terrorism" means any act that is certified by the Secretary of the Treasury-in consultation with the Secretary of Homeland Security, and the Attorney General of the United States-to be an act of terrorism; to be a violent act or an act that is dangerous to human life, property, or infrastructure; to have resulted in damage within the United States, or outside the United States in the case of certain air carriers or vessels or the premises of a United States mission; and to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion. Under your coverage, any losses resulting from certified acts of terrorism may be partially reimbursed by the United States Government under a formula established by the Act. However, your policy may contain other exclusions which might affect your coverage, such as an exclusion for nuclear events. Under the formula, the United States Government generally reimburses 80% beginning on January 1, 2020 of covered terrorism losses exceeding the statutorily established deductible paid by the insurance company providing the coverage. The Act contains a \$100 billion cap that limits U.S. Government reimbursement as well as insurers' liability for losses resulting from certified acts of terrorism when the amount of such losses exceeds \$100 billion in any one calendar year. If the aggregate insured losses for all insurers exceed \$100 billion, your coverage may be reduced.

- A. The portion of your annual premium that is attributable to coverage for acts of terrorism, as defined in the Act, is \$ 226.00 and does not include any charges for the portion of losses covered by the United States government under the Act.

Carrier Name:Berkley Casualty Company
Quote Number:BCC WC10601-000
City of Jonesboro



CITY OF JONESBORO, GEORGIA COUNCIL

Agenda Item Summary

Agenda Item #

10.2

- 2

COUNCIL MEETING DATE
November 9, 2020

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 following benefit renewals for effective January 1, 2021:

Major Medical – United Healthcare (no increase)**Dental** – Lincoln (4% increase)**Basic Life & AD&D** – Lincoln (no increase)**Voluntary Life** – Lincoln (no increase)**Vision** – Lincoln (2% decrease)**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)**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.)

Upon receipt of our 2021 major medical insurance rates, we experienced initially a 11% increase in our insurance rates (major medical) from United Healthcare. After seeing the budgetary impact of an increase that significant, our broker of record informed Staff of other options within the marketplace. After speaking with our broker and reviewing all options, we went back to our carrier and advised that we would not go to the marketplace if they guaranteed us a flat increase. See attachments for a full breakdown of costs. The carrier granted and we are respectfully requesting renewal of our FY' 21 Major Medical Insurance with United Healthcare. Some highlights of the plan include the following:

DENTAL

Lincoln is increasing the Dental rates by 4% for the upcoming year. The total monthly increase to the City, based on current enrollment, is \$62.02 (\$744.24 annual)

| | | | | | |
|--------------------------------------|----|-------------------|-------------------|-------------------|-------------------|
| Employee Only | 21 | \$27.97 | \$27.97 | \$29.09 | \$29.09 |
| Family | 17 | \$85.02 | \$56.49 | \$88.42 | \$58.76 |
| Monthly Total | | \$2,032.71 | \$1,547.70 | \$2,114.03 | \$1,609.73 |
| Monthly Increase from Current | | | | \$81.32 | \$62.02 |

BASIC LIFE & AD&D

The 1x salary to \$50,000 maximum Basic Life/AD&D policy moved to Lincoln effective 1/1/2020 with a 2-year guarantee. This policy does not renew until 1/1/2022, so there will be no change to the current rates for this benefit.

VOLUNTARY LIFE

The Voluntary Life policy with Lincoln is being given a rate pass for the upcoming year, with a 2-year guarantee (next renewal will be 1/1/23). Lincoln has a strong Voluntary Life contract with options to increase benefits annually without evidence of insurability

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

November, 9, 2020

11/02/20
ITEMCity Council
Next: 11/09/20

CONSENT AGENDA

Signature

City Clerk's Office

VISION

Lincoln is coming in about 2% below the current Anthem Vision rates with a 2-year guarantee. Currently, employees pay \$10 for exams and \$0 for standard materials, whereas Lincoln would offer an enhancement as there would be no copay for exams or standard materials. **The following page shows a side-by-side of the current Anthem Vision benefits compared to Lincoln's proposed benefits.**

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.)*

- City of Jonesboro - 2021 Benefits Renewal Details

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



BALDWIN · KRYSTYN · SHERMAN
PARTNERS
INSIGHT BEYOND INSURANCE

CITY OF JONESBORO

BENEFITS RENEWAL

JANUARY 1, 2021

Attachment: City of Jonesboro - 2021 Benefits Renewal Details (1742 : United Healthcare - FY' 21)



DENTAL

Lincoln is increasing the Dental rates by 4% for the upcoming year. The total monthly increase to the City, based on current enrollment, is \$62.02 (\$744.24 annualized).

| Coverage Type | # Enrolled | Current | | Renewal | |
|--------------------------------------|------------|-------------------|-------------------|-------------------|-------------------|
| | | Total Monthly | City Portion | Total Monthly | City Portion |
| Employee Only | 21 | \$27.97 | \$27.97 | \$29.09 | \$29.09 |
| Family | 17 | \$85.02 | \$56.49 | \$88.42 | \$58.76 |
| Monthly Total | | \$2,032.71 | \$1,547.70 | \$2,114.03 | \$1,609.73 |
| Monthly Increase from Current | | | | \$81.32 | \$62.02 |

BASIC LIFE & AD&D

The 1x salary to \$50,000 maximum Basic Life/AD&D policy moved to Lincoln effective 1/1/2020 with a 2-year guarantee. This policy does not renew until 1/1/2022, so there will be no change to the current rates for this benefit.

VOLUNTARY LIFE

The Voluntary Life policy with Lincoln is being given a rate pass for the upcoming year, with a 2-year guarantee (next renewal will be 1/1/23). Lincoln has a strong Voluntary Life contract with options to increase benefits annually without evidence of insurability.

VISION

Lincoln is coming in about 2% below the current Anthem Vision rates with a 2-year guarantee. Currently, employees pay \$10 for exams and \$0 for standard materials, whereas Lincoln would offer an enhancement as there would be no copay for exams or standard materials. **The following page shows a side-by-side of the current Anthem Vision benefits compared to Lincoln's proposed benefits.**

BKS Partners is requesting a proposal on the above-mentioned benefits from United Healthcare. If the rates are competitive, it may be beneficial to the City to move the ancillary benefits to United Healthcare for potential package discounts on the Medical premium. If UHC is not competitive, based on the details above, BKS Partners would recommend that the City of Jonesboro renew these non-medical benefits with Lincoln for the 2021 plan year.

OCTOBER 6, 2020

MEDICAL RENEWAL DETAILS

UNITED HEALTHCARE RENEWAL

The originally released renewal offer from UHC came in at a 11.5% increase, due to Medical trend and changes in demographics over the past 12 months. After negotiations with underwriting, they have agreed to **no increase** if the City of Jonesboro agrees to not market this year. Below is a breakdown of the current rates compared to the original renewal offer and the revised non-market renewal offer. If the City decides to forgo the non-market offer and there are no carriers more competitive in the market, the original renewal of 11.5% would stand.

Proposed Benefit Changes for Renewal Options:

- BASE PLAN
 - o Virtual Visit copay is currently \$10 per visit; in 2021 this will be included at no cost.
 - o Increase in out-of-pocket maximum from \$7,500 individual / \$15,000 family to \$8,150 individual / \$16,300 family.
- BUY-UP PLAN
 - o No changes to the buy-up medical plan for 2021.

| | | UHC BASE PLAN (\$1,000 Deductible 80% HMO) | | |
|-----------------------------------|----|--|------------------|--------------------|
| | | Current | Original Renewal | Non-Market Renewal |
| Employee Only | 19 | \$773.95 | \$862.48 | \$773.95 |
| EE & Spouse | 7 | \$1,857.20 | \$2,069.64 | \$1,857.20 |
| EE & Children | 6 | \$1,306.67 | \$1,456.14 | \$1,306.67 |
| Family | 1 | \$2,513.35 | \$2,800.85 | \$2,513.35 |
| TOTAL MONTHLY | | \$38,058.82 | \$42,412.29 | \$38,058.82 |
| TOTAL PERCENT CHANGE FROM CURRENT | | | 11.44% | 0.00% |

| | | UHC BUY-UP PLAN (\$1,500 Deductible 100%) | | |
|-----------------------------------|---|---|------------------|--------------------|
| | | Current | Original Renewal | Non-Market Renewal |
| Employee Only | 3 | \$858.31 | \$961.94 | \$858.31 |
| EE & Spouse | 0 | \$2,059.64 | \$2,308.32 | \$2,059.64 |
| EE & Children | 1 | \$1,449.10 | \$1,624.06 | \$1,449.10 |
| Family | 0 | \$2,787.30 | \$3,123.83 | \$2,787.30 |
| TOTAL MONTHLY | | \$4,024.03 | \$4,509.88 | \$4,024.03 |
| TOTAL PERCENT CHANGE FROM CURRENT | | | 67.73% | 0.00% |

| | | | |
|-----------------------------------|--------------|--------------|--------------|
| COMBINED ANNUAL TOTAL | \$504,994.20 | \$563,066.04 | \$504,994.20 |
| TOTAL PERCENT CHANGE FROM CURRENT | | 11.50% | 0.00% |

Please note – the above numbers are based on current enrollment as of October 6, 2020.

KEY DECISIONS

Below are the key decisions to be made for Jonesboro's upcoming plan year. United Healthcare's non-medical proposal has not yet been released in order to finalize these decisions.

| Renewal | Key Decision | In Force Carrier Rate Impact |
|--|--|---|
| Medical | <input type="checkbox"/> Renew with no plan changes at non-market offer without changes to non-medical <input type="checkbox"/> Renew with no plan changes at non-market offer and move non-medical to UHC effective 1/1/21 <i>Waiting on UHC non-med proposal</i> <input type="checkbox"/> Explore options within UHC <input type="checkbox"/> Explore other carrier options / plan alternatives | +11.50% (0% if City of Jonesboro agrees not to go to market) |
| Dental | <input type="checkbox"/> Renew as is with Lincoln <input type="checkbox"/> Explore other carrier options / plan alternatives | +4.0% |
| Basic Life & AD&D | <input type="checkbox"/> Renew as is with Lincoln <input type="checkbox"/> Explore other carrier options / plan alternatives | 0% |
| Voluntary Life | <input type="checkbox"/> Renew as is with Lincoln <input type="checkbox"/> Explore other carrier options / plan alternatives | 0% |
| Vision | <input type="checkbox"/> Renew as is with Lincoln <input type="checkbox"/> Explore other carrier options / plan alternatives | 0% |
| Flexible Spending Account (FSA) | <input type="checkbox"/> Keep current allowed annual FSA election maximum of \$2,700 <input type="checkbox"/> Change maximum to IRS limit (not set yet, but expected to remain at \$2,750) <input type="checkbox"/> Reduce maximum allowed FSA election to: _____ | N/A |

Attachment: City of Jonesboro - 2021 Benefits Renewal Details (1742 : United Healthcare - FY' 21)



CITY OF JONESBORO, GEORGIA COUNCIL
Agenda Item Summary

Agenda Item #

11.1

OLD BUSINESS – 1

COUNCIL MEETING DATE

November 9, 2020

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 Conditional Use Permit Application 20-CU-003 for "House of Praise / Casa De Alabanza" a church / place of religious assembly by House of Praise / Casa De Alabanza, for property located at 7827 Old Morrow Road (Parcel No. 12048B B002), Jonesboro, Georgia 30236. Property is owned by Jonesboro Commercial Center, LLC.

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

City Code Section 86-107 – C-2 Zoning Purpose and Standards; 86-183 Conditional Use Standards for Churches; Chapter 86 – Appendix – Thoroughfare Plan

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

Yes

Community Planning, Neighborhood and Business Revitalization

Summary & Background

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

Agency recommendation – **Denial of Conditional Use application**; Recently, Mr. John Carlisle of Jonesboro Commercial Center, LLC submitted a Conditional Use Permit application for a new church on the subject property, in addition to separate church organizations currently operating on the property (Iglesia de Cristo Elim Heme Aqui, Impact Ministries, New Mount Carmel Apostolic Church). In the last ten years, there have been multiple places of religious assembly operating (often concurrently) on the subject property. There have also been a number of commercial businesses at the property, most currently Real 2 Real recording studio and Family First Meats. Most of the subject property is taken up by an existing commercial "strip mall building" with associated parking in the front. Though the property and building are listed, per the County Tax Assessor, as 7857 Old Morrow Road, most of the connected suites / storefronts within the building have street numbers separate from the listed address – 7815, 7827, 7845, etc. The Casa De Alabanza Conditional Use application is for the 7827 Old Morrow Road suite.

Recent History Summary for entire subject property:

1. November 11, 2013 – John Carlisle's request for a Conditional Use for a church at 7857 Old Morrow Road was denied by City Council.
2. May 12, 2014 – John Carlisle's request for a Conditional Use for a church at 7839 Old Morrow Road was approved by City Council.
3. August 11, 2014 – John Carlisle's request for the rezoning of 7857 Old Morrow Road from O&I (Office-Institutional) to C-2 (Highway Commercial) was approved by the City Council.
4. October 2018 – The New Mount Carmel Apostolic Church was allowed by new City Zoning Administrator David Allen to assume the place of the recently moved Servants of Love 5Fold Outreach Ministries, which had been gone less than 90 days. (See Sec. 86-121.)
5. February 2019 – The City Manager Ricky Clark and Zoning Administrator David Allen personally worked with Mr. Carlisle to locate a new commercial business (food service) at his Old Morrow Road property.
6. February 2019 – The City's Table of Uses and Conditional Use standards were revised, affecting many types of uses. One of the changes affecting churches and other certain uses (from diagnostic laboratories to libraries and tire stores) was the requirement that these specified uses be located in stand-alone buildings and not connected storefronts.
7. May 2019 – The City's Table of Uses and Conditional Use standards were further revised, including churches.

In June 2019, the property owner, Mr. Carlisle, inquired about the new standards and how they would affect an additional church going into the building on the property. The Zoning Administrator replied that all new and existing standards would have to be taken into account:

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

November, 9, 2020

11/02/20

City Council

WITHDRAWN

Signature

City Clerk's Office

Sec. 86-183. - NAICS 8131, 81311 Churches, other places of worship, and religious organizations.

The following conditions are assigned in the H-1, H-2, O&I, MX, C-1, C-2, and M-1 districts:

- (1) *Must be located on a street having a classification of collector or greater.*
- (2) *Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.*
- (3) *Must conform to Chapter 6 setbacks, Alcoholic Beverages.*
- (4) *Must be stand-alone buildings (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).*
- (5) *Must meet the requirements of Article XIII – Parking, Loading, and Interior Circulation.*
- (6) *Must meet applicable buffer requirements of Article XV – Landscaping and Buffers.*
- (7) *No paved parking area shall be established within 25 feet of a lot that is zoned residential or contains a residential use.*
- (8) *Height regulations. The maximum height for buildings abutting a residential district or use shall be three stories or 35 feet as measured at any point 30 feet from any common property line. Building height may be increased one foot for every additional foot beyond a distance of 30 feet from any common property line.; however, no building shall ever exceed a total height of 75 feet.*

I informed Mr. Carlisle that standards (1) and (4) alone (see above) would be major factors for denial for a new church in his building, since the building is a “connected storefront” and the only access road, Old Morrow Road, is considered a “local” street, per the City’s Thoroughfare Plan, which is a lesser street classification than “collector.”

Before you is a Conditional Use application for a new church (Casa De Alabanza), not a replacement of any of the three churches currently operating on the property. As stated above, based on requirements (1) and (4) of Sec. 86-183 not being met, staff recommends **denial** of this Conditional Use application.

The applicant’s attorney has included four constitutional objections (see enclosed) with the Conditional Use application:

1. Constitutional objection to restrictions in the Zoning Ordinance of the City of Jonesboro, Georgia for a Church, Religious Assembly use in the C-2 Zoning District. (Attachment 2)
2. Constitutional objection to restrictions in the Zoning Ordinance of the City of Jonesboro, Georgia for a Church, Religious Assembly use pursuant to the Religious Land Use and Institutionalized Person Act (RLUIPA), 42 U.S.C. 2000cc, et seq. (Attachment 3)
3. Constitutional objection to Designation of Old Morrow Road as Local Street pursuant to the City’s Thoroughfare Plan. (Attachment 4)
4. Constitutional objection to Hearing on Conditional Use Permit Application based on York v. Athens College of Ministry, Inc. (Attachment 5)

Staff will address each of these submitted objections below and clarify the intent of the City’s recommendation on this Conditional Use application, as well as the general intent of zoning standards applicable to this case.

First, for reference, definitions of several terms used regularly in the constitutional objections:

Arbitrary - describes a course of action or a decision that is not based on reason or judgment but on personal will or discretion without regard to rules or standards.

Capricious - unpredictable and subject to whim, often used to refer to judges and judicial decisions which do not follow the law, logic or proper trial procedure

1. Constitutional objection to restrictions in the Zoning Ordinance of the City of Jonesboro, Georgia for a Church, Religious Assembly use in the C-2 Zoning District.

Response:

- **The City Zoning Ordinance does not prohibit the location of a church or place of religious assembly in a C-2 zoning district. Rather, it requires a Conditional Use Permit for this specific use, as well as many other uses in the Table of Uses. A Conditional Use requirement is certainly not an automatic prohibition of a use, as evidenced by the approved churches already operating on the subject property. The Conditional Use requirement for churches in C-2 zoning is not a unique requirement, as it is the same requirement for churches in the H-1, H-2, O&I, M-X, C-1, and M-1 districts.**
- **The requirement of a Conditional Use Permit or Special Use Permit or Special Exception for a church or place of religious assembly is certainly not a unique requirement to the City of Jonesboro, being a**

requirement in most municipalities in the metro Atlanta area and other regions of Georgia. Thus, the Conditional Use Permit requirement is hardly an arbitrary, capricious act of the City, but rather a rational process for certain land uses in the surrounding area as a whole.

- The property owner's rights to the subject property have not been destroyed, as the property currently enjoys a mix of viable uses, including religious uses. The purpose of the Zoning Ordinance is to achieve a balance between individual property rights within a community and the rights of the community as a whole, as stated in Section 86-4 Zoning purpose:

This chapter has been prepared in accordance with the Comprehensive Plan of the City of Jonesboro, Georgia, and is established for the purpose of promoting orderly and sustainable development; protecting public health, safety, convenience and welfare; minimizing traffic congestion; ensuring such access, design and density of development and use as will secure safety from fire, panic, and other dangers; providing adequate access to natural light and air; achieving such timing, density, distribution and design of development and use as will facilitate an economic, adequate and timely provision of transportation, communication, water supply, sanitary sewer, drainage, sanitation, educational, police and fire protection, recreational and other public services; protecting existing development and property against blight and depreciation; preventing flooding of improved property; improving the quality of life through protection of Jonesboro's total environment, including prevention of air, land, water, visual and noise pollution; encouraging greater efficiency and economy of land development through natural resource conservation; preventing the overcrowding of land, undue concentration of population and urban sprawl; encouraging the most appropriate use of land, buildings and other structures; achieving such density, dwelling type, design and distribution of housing as will protect and enhance residential property values and facilitate provision of adequate housing; preserve established development patterns and historic district and structures; and for other purposes. These regulations have been developed with reasonable consideration of the character of various zoning districts and their peculiar suitability for particular uses, and with the general objective of promoting desirable living and working environments, stable neighborhoods, functional and attractive commercial and industrial districts and protecting Jonesboro's natural resources. These regulations have also been developed to accommodate a reasonable balance between the exercise of private property rights and beneficial use and enjoyment of surrounding properties.

These are not arbitrary or capricious purposes.

- The property owner already receives compensation from his tenants on the property, and this compensation can be continued and expanded with a wide variety of approved uses featured in the City's Table of Uses, Article VI – Conditional Uses, and Article XVII Additional Conditional Uses, meeting certain criteria.
- As far as the economically viable use of the property is concerned, the property owner willingly applied for a rezoning of the subject property to C-2 zoning in 2014, for the purposes of providing “more opportunities to rent their units to businesses that would be beneficial to the City” (Bree Jackson, City Council meeting, August 4, 2014). There are a wide variety of outright permitted uses in the City's Table of Uses that could achieve this goal of economic viability.
- The rational basis for the zoning standards currently applied to churches, other places of assembly, and even other uses that not closely related to the practice of religion or assembly mainly concern how levels of activity and traffic for these specified uses could potentially negatively impact adjacent property owners and uses. Another basis for consideration of these specified uses is the adequacy of parking areas for these uses. Inadequate parking on properties for these uses could lead to encroachments on adjacent properties and congestion in public streets.

2. Constitutional objection to restrictions in the Zoning Ordinance of the City of Jonesboro, Georgia for a Church, Religious Assembly use pursuant to the Religious Land Use and Institutionalized Person Act (RLUIPA), 42 U.S.C. 2000cc, et seq.

Response:

- The established requirements of “be located on a street having a classification of collector or greater” and “be established on a lot having a minimum area of one acre and minimum frontage of 150 feet” do not violate RLUIPA, as these requirements do not concern themselves with the nature of a religious service, but rather concern themselves with traffic and parking issues potentially associated with ALL places of assembly. Places of assembly, whether secular or religious in nature, have the potential to involve large numbers of participants, which could adversely affect adjacent properties. Careful consideration must be given to these uses in terms of access routes to them and whether or not there is enough space on properties to have adequate parking for these uses. Thus, local streets (less than collector) are not the best locations for these types of uses, because they are usually residential streets and traffic congestion associated with any place of assembly on a local street could negatively impact the quality of life of residents on that local street. (Note: these two requirements are not new

requirements, being in the City Zoning Ordinance at least as far back as 2005.)

- Many other uses in the City's Table of Uses have the same two conditions specified in the Constitutional Objection and many of these uses have nothing to do with places of assembly or the exercise of religion. Again, the overall goal of these conditions is to help ameliorate the effects of certain active uses on adjacent properties, by not creating excessive traffic on local streets and ensuring that properties of certain active uses are big enough and wide enough to provide adequate space between them and less intense uses.
- The City has recently made revisions to its Zoning Ordinance to better ensure that churches and other places of assembly are treated evenly. The City of Jonesboro takes pride in all of the churches and places of assembly within its limits.

3. Constitutional objection to Designation of Old Morrow Road as Local Street pursuant to the City's Thoroughfare Plan.

Response:

- The designation of Old Morrow Road in the City of Jonesboro as a "local street" is not a recent decision, being in place at least as far back as 2005.
- The designation of Old Morrow Road as a "local street" is not arbitrary and capricious, as it is based on set criteria in the City's Thoroughfare Plan) Chapter 86, Appendix:

Each street classification in the hierarchy is described below:

- Primary Arterial
- Major Collector
- Local Street

Primary Arterials

Arterials are designed to provide a high degree of mobility and serve longer vehicle trips to, from, and within urban areas. Arterials form the skeleton of the roadway network, linking urban centers such as the Central Business District, industrial parks, commercial centers, major residential developments and other key activity centers. Primary Arterials are designed to carry between 45,000 and 75,000 trips per day. The City of Jonesboro has only one Primary Arterial and that is Tara Boulevard (Highway 19/41).

Major Collector Streets

Collector streets link neighborhoods to commercial districts and commuter traffic to secondary arterials. These streets are well traveled and are built to an urban standard. Collector streets are typically two- to four-lane facilities with an average daily traffic count between 7,500 and 15,000 vehicles. The following streets comprise Jonesboro's Major Collector Streets:

*Fayetteville Road
North Avenue
North Main Street
South Main Street
McDonough Street
Smith Street
Stockbridge Road/Highway 138
Jodeco Road*

Local Streets

Local streets serve neighborhoods and are generally arranged in a grid pattern although development out from Jonesboro's historic core tends to be served by curvilinear street patterns. These roads accommodate access to collector streets and local destinations at low speeds; sidewalks encourage pedestrian travel and community livability. Standards and design criteria pertaining to local streets are as follows:

- Local streets shall be limited to a two-lane section with a two-foot curb and gutter on each frontage.
- Pavement sections shall be comprised of two 12-foot lanes with parking permitted
- Stormwater runoff shall be addressed using drainage sales.
- Five-foot sidewalks shall be established on each frontage as well as landscaped strips having a minimum

dimension of four feet. Shade trees shall be planted on 50-foot centers.

•Right-of-way required for a local street shall be a minimum of 50 feet.

•All local streets in the "town center" shall have sidewalks and pedestrian-scale street lights.

While staff does not have current traffic counts for Old Morrow Road available, the amount of traffic on this road, with a handful of businesses, no residences fronting it, and a hard-to-access "right in / right out" entrance off of Highway 138, does not come close to 7500 vehicles per day. Thus, the designation of Old Morrow Road is quantifiable.

4. Constitutional objection to Hearing on Conditional Use Permit Application based on York v. Athens College of Ministry, Inc.

Response:

- As stated in the Constitutional Objection, "the owner objects to any and all members of the public who appear at the public hearing before the Board of Commissioners to oppose the Application to the extent that (but not limited to) said individuals –
 - (a) Do not satisfy the substantial interest-aggrieved citizen test
 - (b) Present evidence on and/or make statements that qualify as (or must or should be assessed with the aid of expert opinion without any or all said individuals being qualified as expert witnesses
 - (c) Present evidence on and/or make statements that are not germane to the factors for approval of the Application set forth in the Zoning Ordinance of the City of Jonesboro, Georgia
 - (d) Present evidence and/or make statements that are founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial and/or lay, nonexpert opinion evidence.

Regardless of whether citizens that attend the public hearing are qualified experts or not, they are entitled by State Zoning Procedures Law to offer input on the application. As stated before, the purpose of the Zoning Ordinance is to achieve a balance between individual property rights within a community and the rights of the community as a whole, and it is the duty of the Mayor and City Council to hear input from citizens who may be experiencing traffic congestion or any of the other issues that the Zoning Ordinance was designed to prevent or improve. In essence, the Zoning Ordinance is designed to first protect the quality of life of citizens from the potentially harmful effects of physical environmental factors.

- **The Mayor and City Council will base their decision on the application on the failure of the proposed use to meet all of the current zoning conditions for churches and other places of assembly. Approving the application without considering all of the conditions could result in excessive traffic congestion on residential Raymond Street and the possibility for inadequate parking for the new church, the existing churches, and the existing businesses at the subject property. The decision will be based on nothing but physical factors that could have negative effects on "public health, safety, convenience and welfare."**

Update for 3.9.20 meeting: The attorney representing the applicant filed an Open Records Request on March 3rd, trying to reconfirm some of the dates of adoption of recent and past changes to the Code.

Main points to highlight from the March 2nd meeting:

- 1. The applicant requested to rezone the subject property from Office-Institutional to C-2 Commercial in 2014, in an effort to provide "more opportunities to rent their units to businesses that would be beneficial to the City".**
- 2. The zoning condition of "must be located on a collector or greater road" is a widespread requirement for many uses in the City, not just churches and other places of assembly. However, this condition comes into play only for conditional use permits in zoning districts, not outright permitted uses. There is a large variety of permitted uses in C-2 zoning that could be located at the property without the collector road requirement being a factor. The applicant has more options than just places of assembly at his commercial center, as evidenced by the meat business and the recording studio there now.**
- 3. Through initial research and through complying with the Open Records Request, staff has found no evidence that the original zoning conditions for churches and other places of assembly (1. *Must be located on a street having a classification of collector or greater.* 2. *Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet*) have changed through the years, and they were definitely in place in 2005, several years prior to most of the churches being approved on the subject property.**
- 4. The Conditional Use Permit requirement for churches and other places of assembly is standard practice for**

most metro Atlanta municipalities, whether it be called a Conditional Use Permit, a Special Use Permit, or a Special Exception. Far from being capricious or arbitrary, the intent of the hearing in all of these municipalities is to allow the governing bodies to review potential issues such as traffic congestion and parking availability.

5. Speaking of parking, there are 37 available parking spaces for the entire commercial center to be divided up between the 3 churches already there, the meat business, and the recording studio.

Sec. 86-410(27):

One space shall be provided for the larger of every four seats or for each 25 square feet of floor area available for chairs in the largest assembly room in the auditoriums or stadiums of schools and public buildings, places of worship or other locations of public assembly.

There has been no information provided as to the number of seats or square footage of each individual church in the commercial center, but even if the 37 available parking spaces were divided up equally between the 3 churches and two businesses, there would only be around 7 parking spaces per organization. If the Casa de Alabanza came to the building, with its 50 to 60 members all attending, it would require at least 12 spaces (based on seats) on its own. There does not appear to be enough parking for this.

5. Through initial research and through complying with the Open Records Request, staff has found no evidence that the Thoroughfare Plan has changed through the years and was definitely in place in 2005, several years prior to most of the churches being approved on the subject property. Old Morrow Road was listed as a local road, not a collector, in the 2005 Code.
6. There appears to have been a major upgrade to the City Code in August 2005, involving the Zoning Ordinance, the Development Ordinance, and the Thoroughfare Plan. Local and collector streets are defined in the Development Ordinance (Article IV, Section 44) and the Thoroughfare Plan.
7. Old Morrow Road does not fully satisfy the definition of a collector road, coming well short of the average daily traffic count between 7,500 and 15,000 vehicles. Also, per the applicant's attorney's rebuttal of the staff report, Old Morrow Road does not provide "convenient ways to reach arterial streets", as it is not near the only arterial road in the City, Tara Blvd. In addition, the right-in / right-out entrance onto Highway 138 coupled with having to travel along heavily residential Raymond Street not only does not make Old Morrow Road convenient, it makes it dangerous on the Highway 138 end and a potential nuisance on the Raymond Street side.
8. The main reasons that the subject property suffers commercially is the access issues specified in #7 above, and the poor visibility of the property from Highway 138, North McDonough Street, and Battle Creek Road. These are physical realities specific to this property that the Zoning Code cannot address.
9. It is staff's opinion that the compelling governmental interest in denying this application aligns with the goals of providing "...the least amount of disturbance to landowners and to the citizens of the City" by discouraging additional traffic congestion along residential Raymond Street potentially generated by assembly uses at the subject property and by weighing the amount of available parking at the subject property and how assembly uses there could potentially negatively connecting businesses and each other. This compelling governmental interest is greater than the substantial burden placed on an additional church at the subject property, through the original, and the updated, zoning conditions on churches and other places of assembly.

Fiscal Impact

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

Private Owner

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

- Application
- Exhibit A
- Exhibit B
- Exhibit C
- Constitutional Objection - C2 zoning

- Constitutional Objection - Conditional Use Hearing
- Constitutional Objection - RLUIPA
- Constitutional Objection - Old Morrow Road
- Property
- Site Pictures
- Conditional Use - House of Praise -Casa De Alabanza - Legal Notice
- Newspaper Notice
- Zoning Sign

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

Denial



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

CONDITIONAL USE PERMIT APPLICATION

ATTACH ADDITIONAL PAGES IF NECESSARY. ALL ATTACHMENTS MUST BE NUMBERED. INDICATE THE PAGE NUMBER OF ATTACHMENT IN THE SPACES PROVIDED FOR EACH RELEVANT ANSWER.

ANY MISSTATEMENT OR CONCEALMENT OF FACT IN THIS APPLICATION SHALL BE GROUNDS FOR REVOCATION OF THE LICENSE ISSUED AND SHALL MAKE THE APPLICANT LIABLE TO PROSECUTION FOR PERJURY. PLEASE DO NOT LEAVE ANY AREAS UNANSWERED.

APPLICATION FEE: \$700.00 (Non-Refundable).

Date of Application: 02 07 2020

Property Owner Authorization

I (We) Jonesboro Commercial Center, LLC (See: Attachment "A") the

owner(s) of the following property located at: 7827 Old Morrow Road,

Jonesboro, Georgia 30236

Tax Parcel Number: 12048B B002 Size of Property: 1.69

Located in Zoning District C-2 do hereby request permission for a

conditional use for the above described property under the Zoning Ordinance zoned for the following purposes:

House of Prayer / Casa De Alabanza. Church, Place of religious assembly.

Attachment: Application (1743 : House of Praise Church)

Property Owner Information

Name: Jonesboro Commercial Center, LLC

Mailing Address: P. O. Box 120

City: Griffin State: Georgia Zip: 30224

Phone: (Day) 770-468-9511 (Evening) _____

Applicant's Information

(If Different from Owner's Information)

Name: House of Praise / Casa De Alabanza

Mailing Address: 429 Roy Huie Drive

City: Riverdale State: Georgia Zip: 30274

Phone: (Day) 678-681-4089 (Evening) _____

Jonesboro Property Information

Existing Uses and Structures: Commercial Shopping Center, Offices

Property address: 7827 Old Morrow Road, Jonesboro, Georgia 30236

Surrounding Uses and Structures: (See Official Zoning Map): (See: Attachment "A")

Surrounding Zoning: (See: Attachment "A") _____

North: _____ South: _____ East: _____ West: _____

Details of Proposed Use: Church; Place of Religious Assembly

Public Utilities: Water/Electric

Access, Traffic and Parking: Existing developed parking area.

Special Physical Characteristics: Traditional 1950's commercial structure and shopping center.

Attachment: Application (1743 : House of Praise Church)

Pursuant to Sec. 86-244 of the Jonesboro Code of Ordinances, a site plan shall accompany an application proposing the rezoning of property to one of the zoning districts contained in article V that is initiated by an owner of property or his agent.

SITE PLAN INFORMATION INCLUDING: (See: Attachment "A")

1. Name, address and phone number of property owner.
2. Name, address and phone number of the applicant (if different from the owner).
3. Nature of proposed uses, including a statistical summary of development indicators such as density, nonresidential floor area, maximum building heights, number of lots or dwelling units and minimum unit sizes, as appropriate.
4. A graphic indication of the architectural style, building materials and elevations anticipated.
5. Date of survey and source of datum, as appropriate.
6. Date of site plan and revision dates, as appropriate.
7. North arrow and scale, not to exceed one inch equals 50 feet.
8. Location (district and land lot) and size of the property in acres (or square feet if below one acre).
9. Location sketch of the property in relation to the surrounding area with regard to landmarks such as arterial streets or railroads. Sketches shall be at a scale sufficient to clearly indicate the location of the property, but not greater than one inch equals 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location sketch.
10. Proposed zoning classification of the property and zoning of all adjacent properties.
11. Man-made features adjacent to the property, including street right-of-ways and street names, city limits and other significant information such as bridges, water and sanitary sewer mains, storm drainage systems and other features, as appropriate.
12. Location and right-of-way width of all proposed streets.
13. Indication of domestic water supply source.
14. Indication of sanitary sewer service.
15. Approximate location of proposed storm water drainage and detention facilities.
16. Any existing or proposed easements.
17. Location of all improvements, public areas or community facilities proposed for dedication to public use.
18. Proposed lot lines and minimum front, side and rear building setbacks for each lot.
19. Approximate footprint and location of all existing and proposed buildings and structures on and adjacent to the site.
20. All existing and proposed access, driveways, parking and loading areas on or adjacent to the site.
21. Proposed solid waste disposal facilities and outdoor storage areas.
22. Proposed buffers and greenspace.
23. Proposed development schedule.

PROPERTY OWNER'S AUTHORIZATION

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

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

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

PROPERTY OWNER:

JONESBORO COMMERCIAL CENTER, LLC

PRINT NAME

By:



SIGNATURE/DATE
John R. Carlisle, Member
Date: 1/30/2020

APPLICANT:


CASA DE ALABANZA

PRINT NAME

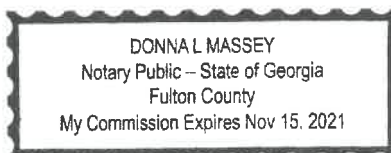
By:



SIGNATURE/DATE
Silvia Salazar
Its:
Date: 02/04/2020

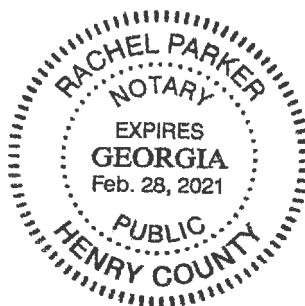
NOTARY:


SIGNATURE/DATE 1/30/2020

SEAL




notary 2/4/2020



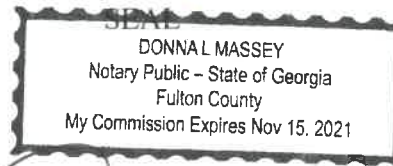
The City may require submission of additional information as may be useful in understanding the proposed use and development of the property.

I HEREBY CERTIFY THAT THE ABOVE INFORMATION AND ALL ATTACHED INFORMATION IS TRUE AND CORRECT:

JONESBORO COMMERCIAL CENTER, LLC

Signed by: John R. Carlisle
John R. Carlisle, Member

Notary: Donna L. Massey
Additional Signature (See: Attachment "A")



FOR OFFICE USE ONLY:

Date Received: 02-07-2020 Received By: [Signature]

Fee Amount Enclosed: \$ 100.00

Public Notice Sign Posted (Date) _____

Legal Ad Submitted (Date) _____

Legal Ad Published (Date) _____

Date Approved: ____/____/20____

Date Denied ____/____/20____

Permit Issued ____/____/20____

Comment:

Attachment: Application (1743 : House of Praise Church)

ATTACHMENT 1

CITY OF JONESBORO, GEORGIA
CONDITIONAL USE PERMIT APPLICATION

(to supplement the preceding and foregoing Conditional Use Permit Application Form (“Application”), identifying the sections supplemented by the section title specified in the Application form.)

Supplement to:
PROPERTY OWNER AUTHORIZATION

The following entity owns the property located at 7827 Old Morrow Road, Jonesboro, Clayton County, Georgia (the “Subject Property”) and consents to the Conditional Use Permit (“CUP”) as requested in the Application:

Jonesboro Commercial Center, LLC, a limited liability corporation organized and existing under the laws of the State of Georgia pursuant to Warranty Deed, dated July 11, 2013 and recorded at the Office of the Clerk of Superior Court, Clayton County, Georgia in Deed Book 10375, page 291, attached hereto as Exhibit “A.”

Supplement to:
JONESBORO PROPERTY INFORMATION

Surrounding Uses and Structures: The Subject Property is located near the north city limits of the City of Jonesboro (“City”). The uses of surrounding properties appear to be, as follows:

To the North: Commercial, residential and governmental structures;
To the East: Governmental related structures, including Clayton County Police, Clayton County Board of Education and the Clayton County Humane Society;
To the South: Smaller commercial structures;
To the West: Residential structures.

Surrounding Zoning: The properties surrounding the Subject Property are zoned, as follows:

To the North: C1/R2;
To the East: OI (in unincorporated Clayton County)
To the South: C1
To the West: R2

Supplement to:
SITE PLAN INFORMATION

The Subject Property has been developed and consistently used for at least thirty-five (35) years. Mr. John R. Carlisle, individually or as a Member of Jonesboro Commercial Center, LLC, has owned the Subject Property since 1984. Pursuant to direction received from the City's Zoning Division of the Community Development Department, a site plan is not required for this Application.

The Subject Property is a portion of a commercial shopping center. A layout of the Subject Property showing the location of 7827 Old Morrow within the development is attached hereto as Exhibit "B." A photograph of the development is attached hereto as Exhibit "C."

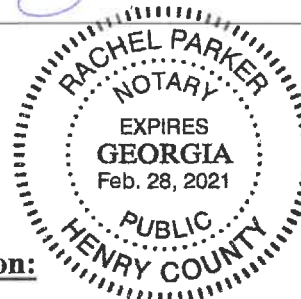
Supplement to:
CERTIFICATION SIGNATURE

CASA DE ALABANZA

By: _____
Its: _____




_____, Notary Public
My Commission expires: 2/28/2021



Additional Supplements to Application:

Constitutional Objection to Restrictions in the Zoning Ordinance of the City of Jonesboro, Georgia for a Church, Religious Assembly use the C-2 Zoning District, Attachment 2.

Objection to Restrictions in the Zoning Ordinance of the City of Jonesboro, Georgia for a Church, Religious Assembly use pursuant to the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc, et seq.; Attachment 3.

Constitutional Objection to Designation of Old Morrow Road as Local Street pursuant to the City's Thoroughfare Plan, Attachment 4.

Objection to Hearing on Conditional Use Permit Application based on York v. Athens College of Ministry, Inc., Attachment 5.

Attachment: Application (1743 : House of Praise Church)

EXHIBIT “A”

10375
00291

"FILED"
CLAYTON CO., GA
2013 JUL 16 AM 10:39

JACQUILINE D. WILLS
CLERK SUPERIOR COURT
20493

RETURN TO:
John T. Newton, Jr.
Newton & Howell, PC
PO Box 551
Griffin, Georgia 30224

Clayton County, Georgia
Real Estate Transfer Tax
Paid \$ 0
Date 7-16-2013
JACQUILINE D. WILLS
Clerk, Superior Court

LAW OFFICES
NEWTON & HOWELL, PC
PO Box 551
Griffin, Georgia 30224

GEORGIA

SPALDING COUNTY

WARRANTY DEED

THIS INDENTURE, made this 11th day of July, in the year Two Thousand Thirteen, between JOHN R. CARLISLE and CAROLE C. CARLISLE of the County of Lamar, State of Georgia, as party of the First Part, hereinafter called Grantor, and JONESBORO COMMERCIAL CENTER, LLC, of the County of Spalding, State of Georgia, as party of the Second Part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor for and in consideration of TEN AND 00/100 (\$10.00) DOLLARS AND OTHER VALUABLE CONSIDERATION in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee the following described property:

All that tract or parcel of land lying and being in Land Lot 48 of the 12th District of Clayton County, Georgia and being more particularly described as follows:

BEGINNING at a point located on the northwestern side of Old Morrow Road 425 feet northeasterly as measured along the northwestern side of Old Morrow Road from the point formed by the intersection of the northwestern side of Old Morrow Road with the northeastern side of Chatham Drive; running thence in a northeasterly direction along the northwestern side of Old Morrow Road a distance of 462.8 feet to a point; running thence in a westerly direction along a line which forms an interior angle of 52 degrees 10 minutes with the preceding course a distance of 323.1 feet to a point; running thence in a southwesterly direction along a line which forms an interior angle of 105 degrees 28 minutes with the preceding course a distance of 208 feet to a point; continuing thence in a southwesterly direction along a line which forms an interior angle of 189 degrees 22 minutes with the preceding course a distance of 72.8 feet to a point; running thence in a southeasterly direction a distance of 154.1 feet to the point of Beginning. Said tract being more fully shown on a plat of survey by W. R. Franks, Registered Land Surveyor, dated June 7, 1971, and revised March 13, 1972.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

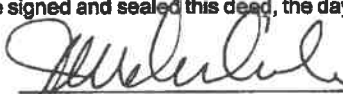
BK 10375PG291

Attachment: Exhibit A (1743 : House of Praise Church)

10375
00292


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

IN WITNESS WHEREOF, the Grantor have signed and sealed this deed, the day and year above written.

 (SEAL)
JOHN R. CARLISLE

Signed, sealed and delivered
in the presence of:


Witness


Notary Public



 (SEAL)
CAROLE C. CARLISLE

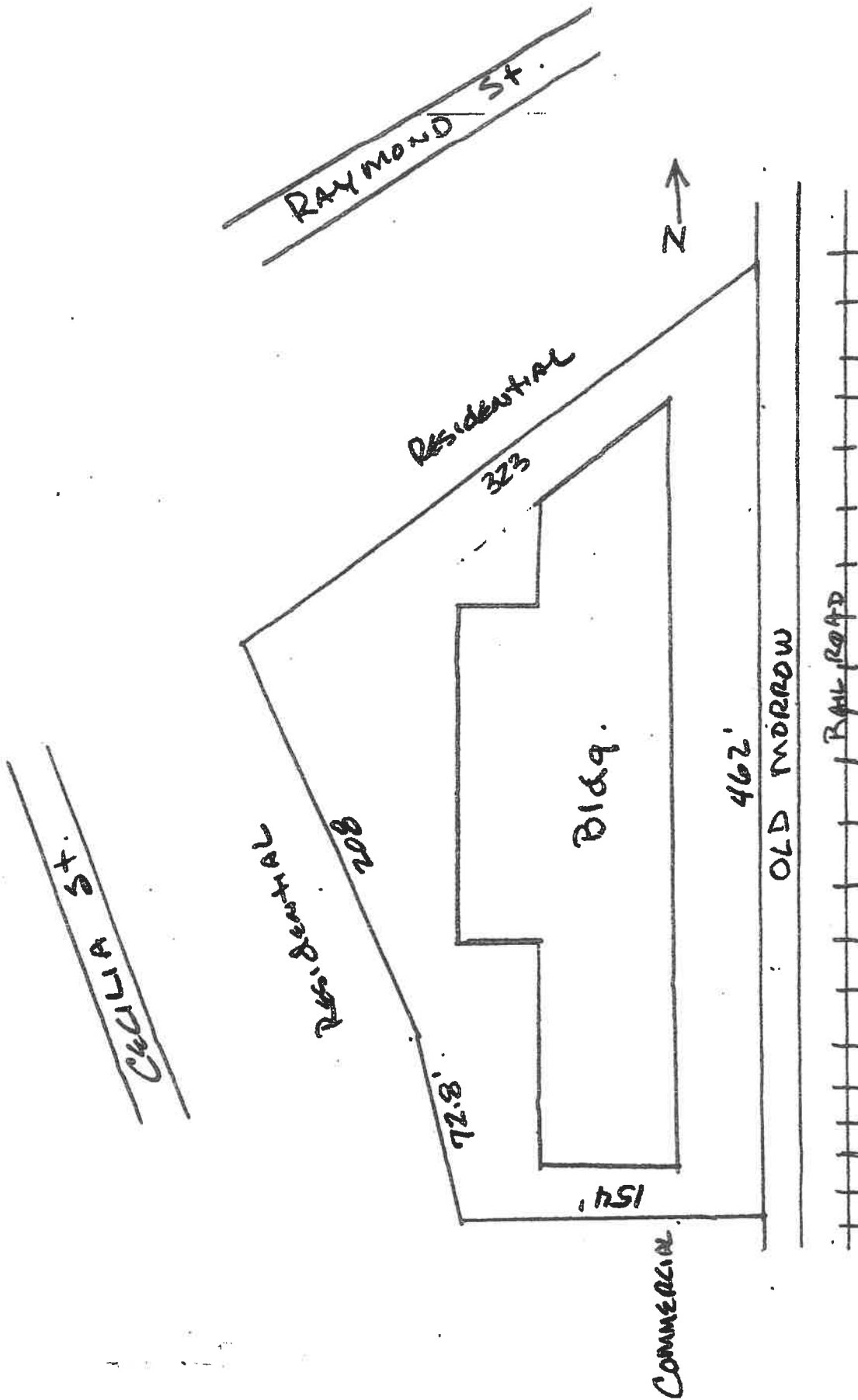
BK 10375 PG 292

Attachment: Exhibit A (1743 : House of Praise Church)

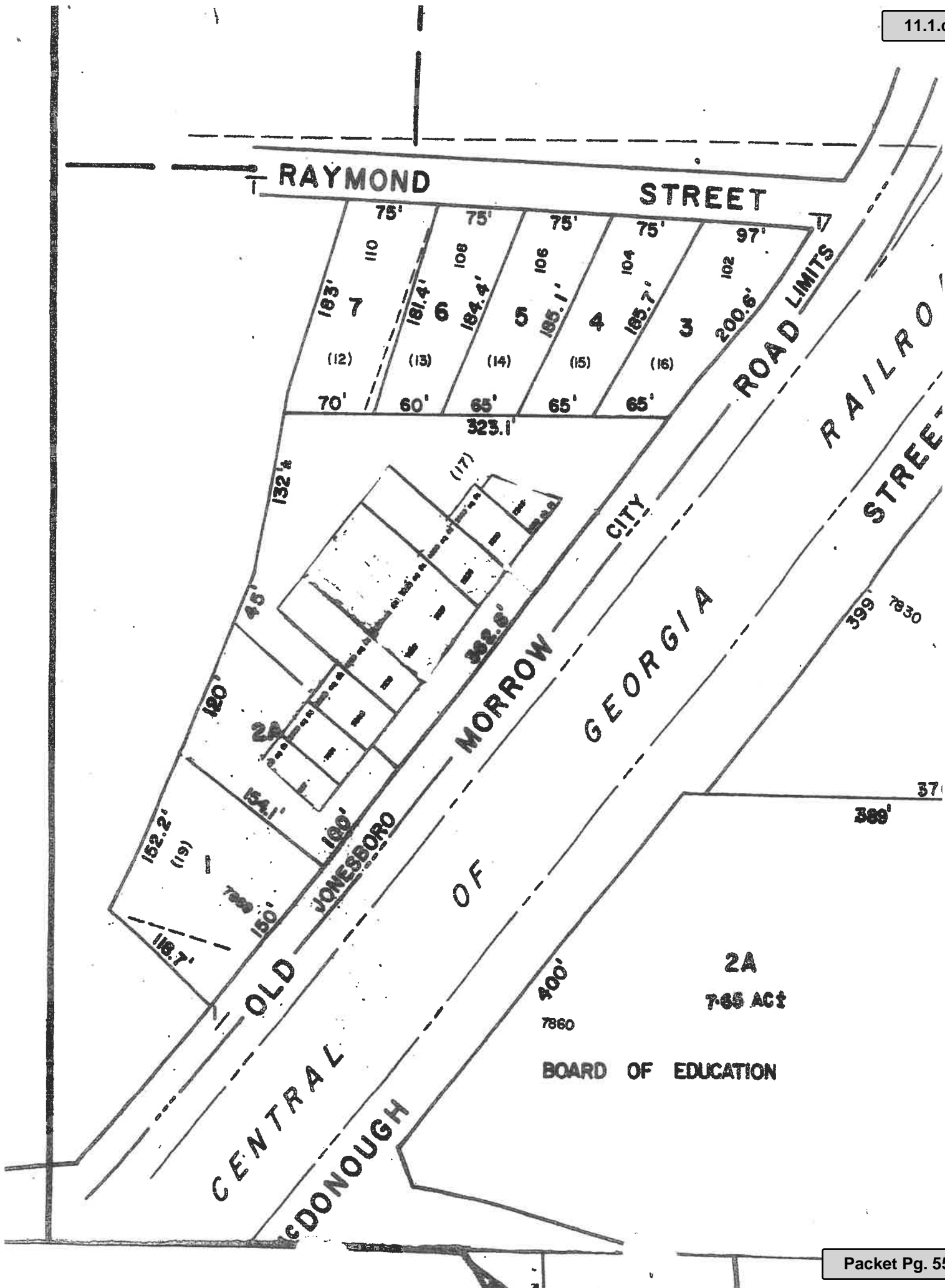
EXHIBIT “B”

Attachment: Exhibit B (1743 : House of Praise Church)

| | | | | | | | | |
|------|-----------|------------|------------|------------|------------|------------|------------|------------|
| 857 | 400 sq ft | 2600 sq ft | 2400 sq ft | 4000 sq ft | 4000 sq ft | 4000 sq ft | 2400 sq ft | 1200 sq ft |
| 7851 | | | | | | | | |
| 7845 | | | | | | | | |
| 7839 | | | | | | | | |
| 7833 | | | | | | | | |
| 7827 | | | | | | | | |
| 7821 | | | | | | | | |
| 7819 | | | | | | | | |
| 7815 | | | | | | | | |



GA. HWY 138



Attachment: Exhibit B (1743 : House of Praise Church)

EXHIBIT “C”



Attachment: Exhibit C (1743 : House of Praise Church)

ATTACHMENT II

In re:

Jonesboro Commercial Center, LLC
and Casa de Alabanza
Conditional Use Permit Application

CONSTITUTIONAL OBJECTION TO RESTRICTION IN ZONING ORDINANCE FOR A
CHURCH, RELIGIOUS ASSEMBLY USE IN THE C-2 ZONING DISTRICT

As applied to the property of the Jonesboro Commercial Center, LLC, and specifically designated as Clayton County, Georgia Tax Parcel Number 12048B-B002, consisting of 1.69 acres more or less (the "Subject Property") and subject of the attached Conditional Use Permit Application, the Zoning Ordinance of City of Jonesboro, Georgia, as applied to the Subject Property, zoned C-2, is unconstitutional to the extent that it prohibits the location of a Church or Place of Religious Assembly on the Subject Property in that the Owner's property rights in and to the Subject Property have been destroyed without first receiving fair, adequate and just compensation for such property rights. As applied to the Subject Property, the Zoning Ordinance of the City of Jonesboro, Georgia County deprives the Owner of constitutionally protected rights in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Application of the Zoning Ordinance of the City of Jonesboro, Georgia to the Subject Property is unconstitutional, illegal, arbitrary, capricious, null and void, constituting a taking of the subject property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraph 1, and Article I, Section III, Paragraph 1 of the Constitution of the State of

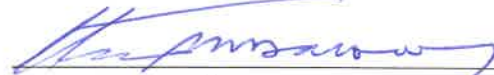
Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States thereby denying the Owner an economically viable use of the Subject Property while not substantially advancing legitimate state interests.

Inasmuch as it is impossible for the Owner to use the Subject Property and simultaneously comply with the Zoning Ordinance of the City of Jonesboro, Georgia, the Zoning Ordinance constitutes an arbitrary, capricious, and unreasonable act by the City of Jonesboro, Georgia without any rational basis therefore and constitutes an abuse of discretion in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Application of the Zoning Ordinance of the City of Jonesboro, Georgia to the Subject Property is unconstitutional and discriminates against the Owner in an arbitrary, capricious, and unreasonable manner between the Owner and others similarly situated in violation of Article I, Section I, Paragraph 2 of the Constitution of the State of Georgia of 1983 and the Equal protection Clause of the Fourteenth Amendment to the Constitution of the United States.;

WHEREFORE, JONESBORO COMMERCIAL CENTER, LLC requests that the City of Jonesboro, Georgia approve the Conditional Use Permit Application to allow Casa de Alabanza to use the Subject Property for a Church or Place of Religious Assembly as specified and designated in this Application.

GALLOWAY & LYNDALL, LLP
Counsel for Owner and Applicant



Newton M. Galloway
Georgia Bar No.: 283069

The Lewis-Mills House
406 North Hill Street
Griffin, Georgia 30223
770)233-6230

Attachment: Constitutional Objection - C2 zoning (1743 : House of Praise Church)

ATTACHMENT V

In re:

Jonesboro Commercial Center, LLC
and Casa de Alabanza
Conditional Use Permit Application

OBJECTION TO ZONING HEARING ON CONDITIONAL USE PERMIT APPLICATION
BASED ON YORK V. ATHENS COLLEGE OF MINISTRY, INC.

As applied to the property of Jonesboro Commercial Center, LLC (“Owner”) which is identified by the Clayton County Tax Assessor as Parcel Number: 12048B – B002 consisting of approximately 1.69 acres (the “Subject Property”), subject of the attached Conditional Use Permit Application (the “Application”), any public hearings and any actions of the CITY OF JONEBORO, GEORGIA (“City”) thereon are objected to based on, but not limited to, the following reasons, in accordance with *York v. Athens College of Ministry, Inc.*, 348 Ga. App. 58, 632, 821 S.E.2d 120 (2018), such objections being in addition to the Constitutional Objection to Restriction in the Zoning Ordinance for a church or religious assembly use in the C-2 Zoning District and all objections set forth therein are incorporated herein by reference as if fully set forth and any and all other objections that may be filed related to this Application.

Owner objects to any and all members of the public who appear at the public hearing before the Board of Commissioners to oppose the Application to the extent that (but not limited to) said individuals (a) do not satisfy the substantial interest-aggrieved citizen test; (b) present evidence on and/or make statements that qualify as (or must or should be assessed with the aid of) expert opinion without any or all said individuals being qualified as expert witnesses; (c) present evidence on and/or make statements that are not germane to the factors for approval of the Application set forth in the Zoning Ordinance of the City of Jonesboro, Georgia; and/or (d) present

evidence and/or make statements that are founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial and/or lay, nonexpert opinion evidence.

Additionally, Owner objects to any action of the City of Jonesboro, Georgia that does not approve the Application or approves it with unreasonable conditions to the extent that (but not limited to) the same is: (a) in violation of Section 50-13-19(h) of the Official Code of Georgia Annotated or otherwise (1) in violation of constitutional, statutory, or ordinance provisions; (2) in excess of the statutory or constitutional authority of the Mayor and City Council; (3) made upon unlawful procedure; (4) affected by other error of law; (5) clearly erroneous in view of the reliable probative, and substantial evidence on the whole record; or (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; (b) founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, unsubstantiated and/or lay, nonexpert opinion evidence; and/or (c) contrary to the factors for approval set forth in the Zoning Ordinance of the City of Jonesboro, Georgia.

By and through this Objection, the Owner hereby reserves all the above and incorporated Objections and asserts them on and within the record before, and for consideration and resolution by, by the City of Jonesboro, Georgia.

WHEREFORE, Owner requests that the City of Jonesboro, Georgia approve the Conditional Use Permit as specified and in the Application.

GALLOWAY & LYNDALL, LLP
Counsel for Applicant



Newton M. Galloway
Georgia Bar No.: 283069

The Lewis-Mills House
406 N. Hill Street
Griffin, Georgia 30223
770-233-6230 – Phone
770-233-6231 – Fax
ngalloway@gallyn-law.com

Attachment: Constitutional Objection - Conditional Use Hearing (1743 : House of Praise Church)

ATTACHMENT III

In re:

Jonesboro Commercial Center, LLC
and Casa de Alabanza
Conditional Use Permit Application

OBJECTION TO RESTRICTIONS IN ZONING ORDINANCE FOR A CHURCH,
RELIGIOUS ASSEMBLY USE PURSUANT TO THE RELIGIOUS LAND USE AND
INSTITUTIONALIZED PERSONS ACT, 42 U.S.C. § 2000CC

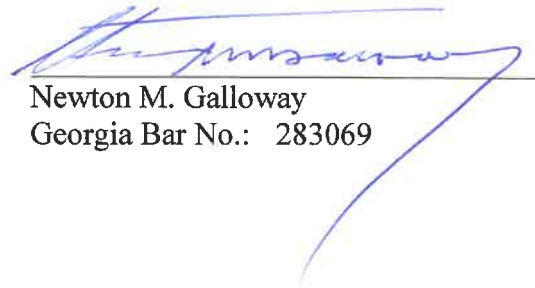
As applied to the property of the Jonesboro Commercial Center, LLC and specifically designated as Clayton County, Georgia Tax Parcel Number 12048B-B002, consisting of 1.69 acres more or less (the “Subject Property”), subject of the attached Conditional Use Permit Application, the Zoning Ordinance of City of Jonesboro, Georgia, as applied to the Subject Property, zoned C-2, violates the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc, et seq. (“RLUIPA”) to the extent that Section 86-183 requires that “churches and other places of worship” must comply with the conditions imposed therein, specifically:

1. “be located on a street having a classification of collector or greater;” and
2. “be established on a lot having minimum area of one acre and minimum frontage of 150 feet.”

Such restrictions prohibit the location of a church or place of religious worship within a shopping center, such as the one constructed on the Subject Property, while the Zoning Ordinance of the City of Jonesboro, Georgia allows other uses that require or involve public assembly to be located on properties without such restrictions. These restrictions imposed on a church or place of religious worship violate RLUIPA.

WHEREFORE, JONESBORO COMMERCIAL CENTER, LLC requests that the City of Jonesboro, Georgia approve the Conditional Use Permit Application to allow Casa de Alabanza to use the Subject Property for a Church or Place of Religious Assembly as specified and designated in this Application.

GALLOWAY & LYNDALL, LLP
Counsel for Owner and Applicant



Newton M. Galloway
Georgia Bar No.: 283069

The Lewis-Mills House
406 North Hill Street
Griffin, Georgia 30223
770-233-6230 – Phone
770-233-6231 – Fax
ngalloway@gallyn-law.com

ATTACHMENT IV

In re:

Jonesboro Commercial Center, LLC
and Casa de Alabanza
Conditional Use Permit Application

OBJECTION TO RESTRICTIONS IN ZONING ORDINANCE AND THOROUGHFARE
PLAN FOR DESIGNATION OF OLD MORROW ROAD AS A LOCAL STREET

As applied to the property of the Jonesboro Commercial Center, LLC specifically designated as Clayton County, Georgia Tax Parcel Number 12048B-B002, consisting of 1.69 acres more or less (the “Subject Property”), subject of the attached Conditional Use Permit Application, the Zoning Ordinance of City of Jonesboro, Georgia and its Thoroughfare Plan, as applied to the Subject Property, zoned C-2, constitutes an arbitrary and capricious designation of Old Morrow Road (on which the Subject Property is located) as a “local street,” thereby precluding the use of the Subject Property for Church or Place of Religious Assembly. As a result, Application of the Zoning Ordinance of the City of Jonesboro, Georgia and its included Thoroughfare Plan to the Subject Property is unconstitutional and discriminates against the Owner in an arbitrary, capricious, and unreasonable manner between the Owner and others similarly situated in violation of Article I, Section I, Paragraph 2 of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

WHEREFORE, JONESBORO COMMERCIAL CENTER, LLC requests that the City of Jonesboro, Georgia approve the Conditional Use Permit Application to allow Casa de Alabanza to use the Subject Property for a Church or Place of Religious Assembly as specified and designated in this Application.

GALLOWAY & LYNDALL, LLP
Counsel for Owner and Applicant

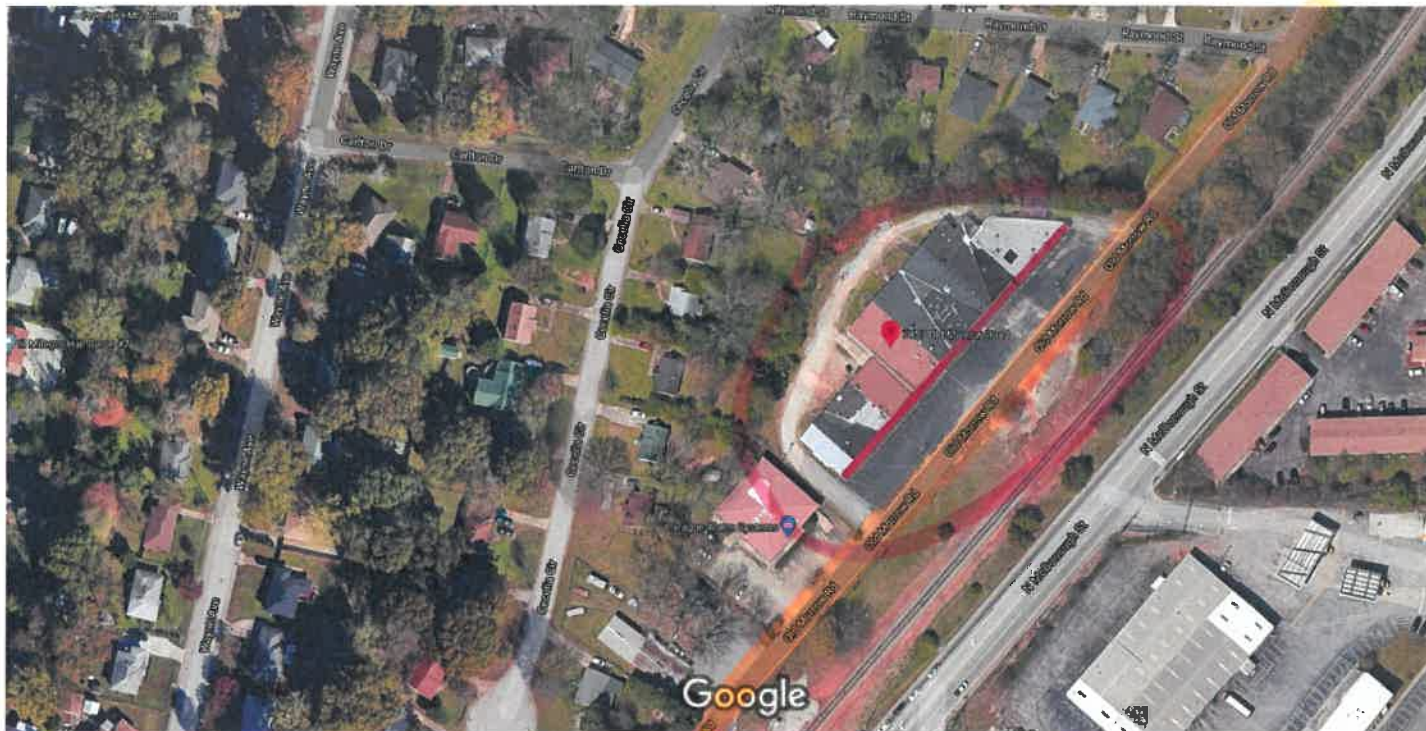


Newton M. Galloway
Georgia Bar No.: 283069

The Lewis-Mills House
406 North Hill Street
Griffin, Georgia 30223
770-233-6230 – Phone
770-233-6231 – Fax
ngalloway@gallyn-law.com

Attachment: Constitutional Objection - Old Morrow Road (1743 : House of Praise Church)

Google Maps 7857 Old Morrow Rd



Imagery ©2020 Maxar Technologies, U.S. Geological Survey, Map data ©2020

50 ft



7857 Old Morrow Rd

Jonesboro, GA 30236



Directions



Save



Nearby

Send to your
phone

Share

Photos

Attachment: Property (1743 : House of Praise Church)

Clayton County Property Card For Year 2019

JONESBORO COMMERCIAL CENTER
LLC
PO BOX 120

PARCEL ID . . 12048B B002
LOCATION . . 7857 OLD MORROW RD

GRIFFIN, GA 30224

LEGAL
DESC

DISTRICT 4 JONESBORO

LOT 17
& 18

NBRHOOD IND12 IND
SOUTHERN/COMM AREA 10

DESCRIPTION NOT IN SUBDIVISION - ALL
UTILITIES

DESCRIPTION PAVED ROAD

MULTI-UNIT OFFICE CLASS
C

ROAD FRONT . . . 303.7

PLAT BOOK/PAGE . . . 3
200

***** CURRENT YR APV/LUV VALUE OVERRIDE EXISTS FOR: . . . LAND IMPROVEMENTS

CURRENT YEAR APPEAL

This Appeal was settled on 09/03/2019 .

SALES HISTORY

| DEED BOOK | PAGE | SALE DATE | SALES INSTRUMENT | DISQUALIFIED | SALE AMT | DEED NAME |
|-----------|------|-----------|------------------|-----------------|----------|--------------------------------|
| 10375 | 291 | 7/11/13 | WARRANTY DEED | RELATED | | JONESBORO COMMERCIAL CENTER LL |
| 6585 | 335 | 6/04/03 | WARRANTY DEED | MULTIPLE PROPER | 339,918 | CARLISLE JOHN R & CAROLE C |
| 6388 | 315 | 3/06/03 | WARRANTY DEED | MULTIPLE PROPER | 330,000 | CARLISLE JOHN R |
| 1197 | 706 | 1/01/84 | WARRANTY DEED | | | CARLISLE JOHN R & KREPPS DONNA |

LAND SEGMENTS

| LND# | ZONE | LAND TYPE/CODE | LAND QTY |
|------|------|----------------|----------|
| 1 | LI | AC 1 | 1.690 |

MAP ACRES . . 1.690

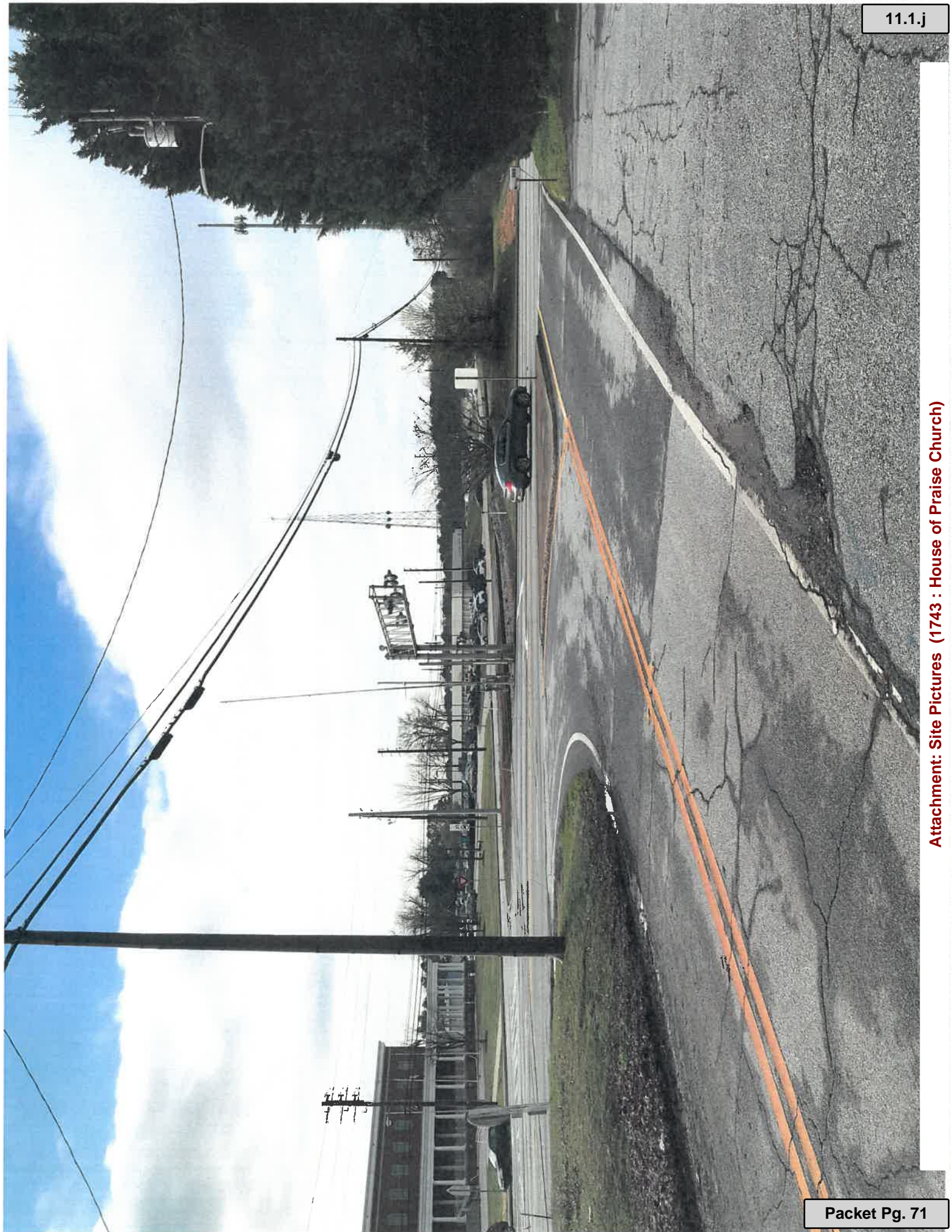
IMPROVEMENT # 1 MISC IMPR-Y

GROUND FLOOR AREA . .

ACT/EFF YR/AGE . . 1970 1978 41

Attachment: Property (1743 : House of Praise Church)





Attachment: Site Pictures (1743 : House of Praise Church)



Attachment: Site Pictures (1743 : House of Praise Church)







Attachment: Site Pictures (1743 : House of Praise Church)



Attachment: Site Pictures (1743 : House of Praise Church)



7827

CITY OF JONESBORO, GEORGIA

PUBLIC HEARING FOR:

Conditional Use Permit Application for
House of Praise/Casa De Alabanza a Church,
Place of Religious Assembly, for Property located
7827 Old Morrow Rd. (Parcel No. 12048B B002)
Jonesboro, Ga 30236

LOCATION

170 SOUTH MAIN STREET, JONESBORO, GEORGIA 30236DATE: 03-09-20 TIME: 6:00 P.M.

FOR MORE INFORMATION, PLEASE CONTACT CITY HALL AT 770-478-3800



Attachment: Site Pictures (1743 : House of Praise Church)



Attachment: Site Pictures (1743 : House of Praise Church)





Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on March 9, 2020 in the chambers of the Jonesboro Municipal Court facility, 170 South Main Street, Jonesboro, GA, to consider a Conditional Use Permit Application for “House of Praise / Casa De Alabanza” a church / place of religious assembly by House of Praise / Casa De Alabanza , for property located at 7827 Old Morrow Road (Parcel No. 12048B B002), Jonesboro, Georgia 30236. Property is owned by Jonesboro Commercial Center, LLC.

David Allen
Community Development Director

Publish 2/19/20

State of Georgia
County of Clayton

PUBLISHER'S AFFIDAVIT

Attach Copy of Advertisement

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on March 9, 2020 in the chambers of the Jonesboro Municipal Court facility, 170 South Main Street, Jonesboro, GA, to consider a Conditional Use Permit Application for "House of Praise / Casa De Alabanza" a church / place of religious assembly by House of Praise / Casa De Alabanza, for property located at 7827 Old Morrow Road (Parcel No. 12048B B002), Jonesboro, Georgia 30236. Property is owned by Jonesboro Commercial Center, LLC.

David Allen

Community Development Director

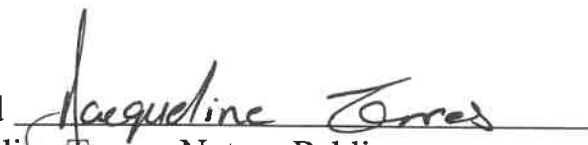
Personally appeared before the undersigned, **Donna Goodson** who after being first duly sworn states that she is the **Circulation Manager, for the Clayton News**, official legal organ of **Clayton County, Georgia**, and that upon her own personal knowledge knows that the advertisement, a true copy of which is hereto annexed, was published in said newspaper of general circulation on the following dates:

Run Dates: 2/19/2020

Newspaper Ad # 633683


Donna Goodson, Affiant

Sworn to and subscribed before me this the
19 day of February, 2020

Signed 
Jacqueline Torres, Notary Public
My commission expires September 28, 2021

Attachment: Newspaper Notice (1743 : House of Praise Church)

Alex Bowman, Austin Dillon, Ty Dillon, Ryan Blaney and Jimmie Johnson.

A couple more late-race wrecks eliminated more contenders.

Seven-time Cup champion and two-time 500 winner Johnson drove well in what could be his final race at Daytona. He had a fast car all day and had the lead for a number of laps late in the race.

Kyle Busch, the two-time Cup champion whose only resume hole is the lack of a 500 victory, was leading just prior to the big wreck but saw his day ruined by a blown engine. "Sucks to be in that conversation," Busch said of being a multi-time champ who has not won The Biggie.

The race started on Sunday but a series of rain storms forced postponement to Monday after 20 laps had been run.

or treatment plants. This staff is trained and certified to address any problems that may lead to sewer overflows. Whenever problems are found in the Clayton County system, the Water Authority repairs them as soon as possible.

CCWA is following all Georgia Department of Natural Resources, Environmental Protection Division (EPD) requirements in regard to, evaluating additional repairs that may be needed to the system, monitoring stream conditions, and issuing a public notice. CCWA asks for the public's assistance in reporting any potential sewer overflow or maintenance problem they may see in the county, to assure a timely response and proper assessment and correction from the CCWA staff.

If you have any questions, you may direct them to General Manager H. Bernard Franks at 770.960.5217.

633870-1

updates to regional water resources, telephone equipment for public safety and Parks & Recreation purposes, the acquisition of replacement of five prison transport vans and to be used for greenspace; the purchase of vehicles and equipment to include road resurfacing, sidewalk, pedestrian crossings, road corridor traffic signals, road signs and markings, operational and safety improvements and renovations of Georgia International Conv Center City of Forest Park including curb, gutter and drainage improvement and purchase of equipment and vehicles for various departments for City of Jonesboro including improvement of Broad Street Parkway acquisition, construction of a new City center and other improvements on various streets; (d) various infrastructure improvements, upgrades to facilities and installation of informal Community Center and Lake City Public Works building, improvement purchase and acquisition of additional greenspaces including a purchase of public safety and public works vehicles and equipment Lovejoy including various sidewalk, intersection, utility, building, of way acquisitions, various public safety equipment purchases, title, real estate and equipment, construction of new facilities including land and title acquisition, and upgrades of phones, infrastructure improvements for the City of Morrow including major Station 2, a bucket truck and an uninterrupted power source for apparatus and public works facilities, various quality of life project traffic mitigation, roadway improvement and City Hall upgrades; City of Riverdale including upgrades and purchases of public safety and roads, various quality of life projects including Parks, Recreation

11.1.1

(1) No.

The ballot shall also have written or printed thereon, following: "If reimposition of the tax is approved by the voters, such vote shall be a debt of Clayton County, Georgia in the principal amount of \$75,000."

The several places for holding the election shall be in the regular and open from 7:00 a.m. to 7:00 p.m., on the date fixed for the election. The respect in accordance and in conformity with the Constitution and laws of the State of Georgia.

The last day to register to vote in this special election is April 20, 2020.

Any brochures, listings, or other advertisements issued by the Board or association with the knowledge and consent of the Board of Commissioners or Board of Commissioners concerning the use of the Debt funds or interest.

This notice is given pursuant to joint action of the Board of Commissioners of Clayton County.

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on March 9, 2020 in the chambers of the Jonesboro Municipal Court facility, 170 South Main Street, Jonesboro, GA, to consider a Conditional Use Permit Application for "House of Praise / Casa De Alabanza" a church / place of religious assembly by House of Praise / Casa De Alabanza, for property located at 7827 Old Morrow Road (Parcel No. 12048B B002), Jonesboro, Georgia 30236. Property is owned by Jonesboro Commercial Center, LLC.

David Allen
Community Development Director

633865-1

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on March 9, 2020 in the chambers of the Jonesboro Municipal Court facility, 170 South Main Street, Jonesboro, GA, to consider a proposed text amendment to the City of Jonesboro Code of Ordinances, regarding revisions to Article X – Regulation of Nonconforming Lots, Uses And Buildings, Chapter 86 – Zoning, of the City of Jonesboro Code of Ordinances.

David Allen
Zoning Administrator / Community Development Director

633867-1

Legal Notice

Public Hearing will be held by the City of Jonesboro at 6:00 P.M. in the chambers of the Jonesboro Municipal Court facility, 170 South Main Street, Jonesboro, GA, to consider a proposed text amendment to the City of Jonesboro Code of Ordinances, regarding updates to Article X – Regulation of Nonconforming Lots, Uses, Chapter 86 – Zoning, of the City of Jonesboro Code of Ordinances.

David Allen
Zoning Administrator / Community Development Director

City of Morrow Request for Proposals

The City of Morrow is seeking qualified vendors to provide sanitation services to residential customers and 2 commercial customers. Details of the services are provided in the Request for Proposals (or "RFP") at www.cityofmorrow.com heading Sanitation RFP. The City reserves the right to accept or reject any or all proposals. However, the city reserves the right to choose. Email questions to the City of Morrow at sylviaaredic@cityofmorrow.com.

Attachment: Newspaper Notice (1743 : House of Praise Church)

7827

CITY OF JONESBORO, GEORGIA

PUBLIC HEARING FOR:

Conditional Use Permit Application for
House of Praise/Casa De Alabanza a Church,
Place of Religious Assembly, for Property located
7827 Old Morrow Rd. (Parcel No. 12048B B002)
Jonesboro, Ga 30236

LOCATION

170 SOUTH MAIN STREET, JONESBORO, GEORGIA 30236DATE: 03-09-20 TIME: 6:00 P.M.

FOR MORE INFORMATION, PLEASE CONTACT CITY HALL AT 770-478-3800



CITY OF JONESBORO, GEORGIA COUNCIL
Agenda Item Summary

Agenda Item #

11.2

- 2

COUNCIL MEETING DATE
November 9, 2020

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 Conditional Use Permit Application 20-CU-013 for Purpose Learning Academy, a daycare / nursery school, by Whitney Wilder, applicant, for property at 177 North Main Street (Parcel No. 13240D C004) Jonesboro, Georgia 30236.

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

City Code Section 86-103 – H-2 Zoning Purpose and Standards; 86-122 Conditional Use Standards

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

Yes Community Planning, Neighborhood and Business Revitalization

Summary & Background

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

Agency recommendation – **Denial of Conditional Use application**; Recently, the applicant submitted a zoning verification form for 177 North Main Street for a child-care learning center (nursery school), which requires a conditional use permit. Most recently, the property formerly served as a law firm. There is already a functional building and paved parking lot there. The only access is North Main Street. The property is zoned H-2 (Historic District).

Sec. 86-103. - H-2 historic district.

- (a) Purpose of district. The purpose of the H-2 historic district is to provide for office and commercial uses having a minimal impact on existing residential uses. Development and redevelopment in this district is intended to enhance and preserve the historic character of the area, to encourage thoughtful reuse of historic structures for non-residential purposes, to protect existing low-density residential uses in the district, and to promote the goals of the Livable Centers Initiative Study.

Per the provided letter of explanation, the day care would operate from Monday through Friday, from 6:00 in the morning to 6:00 in the evening, with no weekend hours. There would be 45 to 50 children, ranging from infants to 5 years old, and there would be 6 to 7 employees in the building.

(Note: The site plan requirements on page 3 of the application are typically for new developments that involve re-zonings.)

The City Code provides a definition for “day care center”:

DAY CARE CENTER

Any place operated by a person, society, agency, corporation, institution, or group wherein are received, for pay, for group care for fewer than 24 hours per day without transfer of legal custody 19 or more children under 18 years of age.

In June 2019, new conditional use standards for day cares and other uses were adopted. Prior to that, the standards were as follows:

- (1) Must be located on a street having a classification of collector or greater.

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

November, 9, 2020

11/02/20
REQUIRED

City Council PUBLIC HEARING
Next: 11/09/20

Signature

City Clerk's Office

- (2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.
- (3) Must provide an outdoor play area containing 100 square feet for each child at play. Such play area shall be fenced using a minimum fence height of four feet and established in the rear yard. A stockade type fence shall be installed along any boundary with a residential use. Such fencing shall comply with the building setback of the adjoining residential property, as appropriate, and the area between the fence and the common property line shall be maintained as a buffer in compliance with article XV, Landscaping and buffers.

The new standards focus more on the "Bright From the Start" program standards for children:

- (1) Every child day care facility shall provide proof of an approved Georgia Department of Human Services registration certificate prior to issuance of a Certificate of Occupancy, and shall conform to all applicable local, state, and federal standards, including Bright From the Start current program standards, O.C.G.A. Chapter 591-1-1. **The applicant will need to provide the certificate.**

An on-site outdoor play area is required, subject to the following minimum standards:

(a) Size requirements.

(1) For Centers with a licensed capacity of 19 or more children first licensed after March 1, 1991, the Center shall provide or have ready access to an outdoor play area. The minimum size of the outdoor area must be equal to one hundred (100) square feet times one-third (1/3) of the Center's licensed capacity for children. **At 45 to 50 children planned daily, this would equal $100 \times (50 \text{ divided by } 3) = 100 \times 17 = \text{minimum } 1700 \text{ square foot outdoor play area required.}$**

(2) For Centers with a licensed capacity of 18 or fewer children first licensed after April 21, 1991, the Center shall provide or have ready access to an outdoor play area. The minimum size of the outdoor area must be equal to one hundred (100) square feet times the center's licensed capacity for children.

With a minimum 45 children daily, this requirement would not be applicable.

(b) Playground Occupancy. At least one hundred (100) square feet shall be available for each child occupying the outside play area at any one time. Groups of children may be rotated if necessary so that one hundred (100) square feet per child is provided at all times. **At 45 to 50 children planned daily, this would equal $100 \times 50 = \text{maximum } 5000 \text{ square feet coverage required. At about a third (17) of the children outside on any shift, the minimum coverage required would be } 1700 \text{ square feet.}$**

(c) Location. Playgrounds shall be adjacent to the Center or in an area which can be reached by a safe route or method approved by the Department. Except in School-age Centers, the playground shall have shaded areas.

The large grass area behind the building and the parking lot can be adequately used. There is enough room there, and it is off the road. There are also some mature trees out there to provide some shade.

(d) Fence or Approved Barriers. Playgrounds shall be protected from traffic or other hazards by a four (4) foot or higher secure fence or other barrier approved by this Department. Fencing material shall not present a hazard to children and shall be maintained so as to prevent children from leaving the playground area by any means other than through an approved access route. Fence gates shall be kept closed except when persons are entering or exiting the area. **So noted.**

(e) Playground Surfaces. Except in School-age Centers, the playground shall have a surface suitable for varied activities. Hard surfaces, such as gravel, concrete, or paving shall not exceed one-fourth (1/4) of the total playground area. **So noted.**

(f) Equipment. Playground equipment shall provide an opportunity for the children to engage in a variety of experiences and shall be age-appropriate. For example, toddlers shall not be permitted to swing in swings designed for School-age Children. The outdoor equipment shall be free of lead-based paint, sharp corners and shall be regularly maintained in such a way as to be free of rust and splinters that could pose significant safety hazard to the children. All equipment shall be arranged so as not to obstruct supervision of children. **So noted.**

(g) Anchoring of Certain Equipment. Climbing and swinging equipment shall be anchored. **So noted.**

(h) Fall Zones and Surfacing. Climbing and swinging equipment shall have a resilient surface beneath the equipment and the fall zone from such equipment must be adequately maintained by the Center to assure continuing resiliency. **So noted.**

(i) Safety and Upkeep of Playground. Playgrounds shall be kept clean, free from litter and free of hazards, such as but not limited to rocks, exposed tree roots and exposed sharp edges of concrete. **So noted.**

(2) Off-street parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided. No on-street parking shall be permitted in conjunction with any child day care facility. Mayor and Council may attach conditions to an approval or may deny approval of a child day care facility upon finding that the proposed facility is within 500 feet of an establishment licensed for the sale of alcoholic beverages or within 500 feet of potentially hazardous land uses or activities that present unacceptable risks to operation of a child day care facility. "Potentially hazardous land uses or activities" include, but are not limited to, gasoline service stations, heavy industrial operations, storage of flammable materials, high pressure underground pipelines or truck or rail loading areas.

Mayor and Council may attach conditions to an approval or may deny approval of a child day care facility upon a finding that traffic conditions present unacceptable risks to operation of the facility and/or the safety of children proposed to be

served by the facility or that traffic impacts associated with the proposed facility would substantially jeopardize the appropriate use of neighboring properties.

The City Code minimum parking requirements for day cares are as follows:

Section 86-410 (33) Kindergarten, day care centers and nursery schools shall provide one space for each employee and one space for every ten students, plus an area sufficient for the safe and convenient loading and unloading of students.

At one space for every ten students – 50/10 = 5 spaces required.

At one space for each employee (7 total) = 7 spaces required.

Total parking required = 13 spaces.

Staff counted 13 parking spaces total that could be used by the daycare, on the side and back of the building.

The subject building shares a driveway and rear parking spaces with the building to the south, the office for Congressman David Scott.

There are no establishment selling alcohol beverages within 500 feet of the subject property, or any potentially hazardous land uses within 500 feet of the subject property.

However - Mayor and Council may attach conditions to an approval or may deny approval of a child day care facility upon a finding that traffic conditions present unacceptable risks to operation of the facility and/or the safety of children proposed to be served by the facility or that traffic impacts associated with the proposed facility would substantially jeopardize the appropriate use of neighboring properties. As stated before, the subject building shares a single access drive with the adjacent Congressman's office. Also, the parking area between the two buildings is tight, and there is no dropoff / pickup area for kids. North Main Street is already congested during the mornings and afternoons, and a high volume of kids being dropped off and picked up at the daycare could make the traffic on this road significantly worse. Due to lack of a drop-off, "car stacking" area and tight circulation within the existing parking area, there is the potential for daycare traffic to spill onto North Main Street.

Staff also has concerns about whether the interior of the two-story building is adequately sized and safe enough for 50 young children plus employees.

Staff recommendation: Denial of application

Update for 11.9.20 Council meeting: At the end of last week's meeting, staff had requested from the applicant and her agent a revised traffic circulation plan for the business, showing a wider driving lane and specifying points of drop-off and pick-up, as well as a more specific drop-off / pick-up schedule. Friday afternoon (11/6) staff received a revised driveway drawing from Mr. Wooten, showing a 20-foot wide entrance. No other information was provided. The applicant stated at the meeting that the drop-off and pick-up times for kids will be staggered, and not all 45 to 50 kids at one time.

Fiscal Impact

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

Private Owner

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

- Application
- Property Info
- Zoning Info
- Letter of Explanation

- Site Pictures
- Conditional Use - 177 North Main Street - Legal Notice
- Zoning Signs
- Licensing
- Acceptance Letter
- Daily Schedule
- Playground1
- Playground2

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

Denial



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

CONDITIONAL USE PERMIT APPLICATION

ATTACH ADDITIONAL PAGES IF NECESSARY. ALL ATTACHMENTS MUST BE NUMBERED. INDICATE THE PAGE NUMBER OF ATTACHMENT IN THE SPACES PROVIDED FOR EACH RELEVANT ANSWER.

ANY MISSTATEMENT OR CONCEALMENT OF FACT IN THIS APPLICATION SHALL BE GROUNDS FOR REVOCATION OF THE LICENSE ISSUED AND SHALL MAKE THE APPLICANT LIABLE TO PROSECUTION FOR PERJURY. PLEASE DO NOT LEAVE ANY AREAS UNANSWERED.

APPLICATION FEE: \$700.00 (Non-Refundable).

Date of Application: 10/15/2020

Property Owner Authorization

I (We) 177 North Main LLC the

owner(s) of the following property located at: 177 North Main St.
Jonesboro GA 30236

Tax Parcel Number: 13240D 0004 Size of Property: 2834.5 sqft (property 2568 sqft Building)
 Located in Zoning District H-2 do hereby request permission for a

conditional use for the above described property under the Zoning Ordinance zoned for the following purposes:

Nursery school (Child Care Services)

Attachment: Application (1739 : Purpose Learning Academy - 177 North Main Street)

Property Owner Information

Name: 177 North Main LLC
 Mailing Address: 2002 Commerce Dr. N. Suite 300
 City: Peachtree City State: Georgia Zip: 30269
 Phone: (Day) 770-473-0072 (Evening) N/A

Applicant's Information

(If Different from Owner's Information)

Name: Whitney Wilder
 Mailing Address: 1117 Coker Way
 City: Jonesboro State: GIA Zip: 30238
 Phone: (Day) 404839 2459 (Evening) 404839 0207

Jonesboro Property Information

Existing Uses and Structures: Vacant
 Property address: 177 N Main St. Jonesboro GA
 Surrounding Uses and Structures: (See Official Zoning Map): OFFICE / COMMERCIAL
 Surrounding Zoning:
 North: H2 South: H2 East: H2 West: R2
 Details of Proposed Use: Nursery School (Childcare Services)
 Public Utilities: yes
 Access, Traffic and Parking: yes (adequate parking)
 Special Physical Characteristics: None

Attachment: Application (1739 : Purpose Learning Academy - 177 North Main Street)

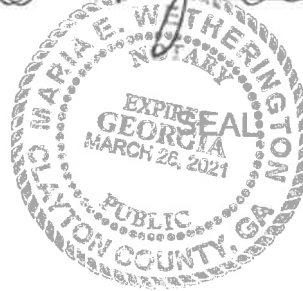
The City may require submission of additional information as may be useful in understanding the proposed use and development of the property.

I HEREBY CERTIFY THAT THE ABOVE INFORMATION AND ALL ATTACHED INFORMATION IS TRUE AND CORRECT:

Date: 10/16/2020

Signed: Thiny Blower

Notary: [Signature]



FOR OFFICE USE ONLY:

Date Received: 10/16/2020 Received By: [Signature]

Fee Amount Enclosed: \$600.00

Public Notice Sign Posted (Date) _____

Legal Ad Submitted (Date) _____

Legal Ad Published (Date) _____

Date Approved: ____/____/20____

Date Denied ____/____/20____

Permit Issued ____/____/20____

Comment:

Attachment: Application (1739 : Purpose Learning Academy - 177 North Main Street)

PROPERTY OWNER'S AUTHORIZATION


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

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

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

PROPERTY OWNER:

T. Kyle King, C.-Manager
PRINT NAME 177 North Main, LLC


SIGNATURE/DATE 10/16/20

APPLICANT:

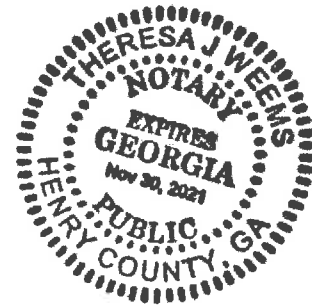
Whitney Wilder
PRINT NAME


SIGNATURE/DATE

NOTARY:

Theresa J. Weems 10/16/2020
SIGNATURE/DATE

SEAL



Real Property Records Search

Clayton County Property Card For Year 2020

177 NORTH MAIN LLC
177 NORTH MAIN ST
JONESBORO, GA 30236

PARCEL ID . . 13240D C004
LOCATION . . 177 N MAIN ST

LEGAL DESC DISTRICT 4 JONESBORO
NBRHOOD JB023 JONESBORO 2NDRY INT LOT

DESCRIPTION NOT IN SUBDIVISION - ALL UTILITIES
DESCRIPTION PAVED ROAD
ROAD FRONT . . . 70.0

SINGLE OFFICE CLASS C

SALES HISTORY

| DEED BOOK | PAGE | SALE DATE | SALES INSTRUMENT | DISQUALIFIED | SALE AMT | DEED NAME |
|-----------|------|-----------|------------------|-----------------|----------|--------------------|
| 7928 | 632 | 12/15/04 | EXEC/ESTATE DEE | MULTIPLE PROPER | 440,000 | 177 NORTH MAIN LLC |
| 1223 | 265 | 1/01/85 | WARRANTY DEED | . | | DAVIS WILLIAM E |

LAND SEGMENTS

| LND# | ZONE | LAND TYPE/CODE | LAND QTY |
|--------------------|------|----------------|------------|
| 1 | C | SF 1 | 32,844.000 |
| MAP ACRES . . .652 | | | |

IMPROVEMENT # 1 MISC IMPR-Y

| | |
|-----------------------|---|
| GROUND FLOOR AREA . . | ACT/EFF YR/AGE . . 1950 1950 70 |
| | DESCRIPTION . . .HODGES & HODGES LAW FIRM |
| | % COMP SQ FOOTAGE STORY |
| BUILDINGS | 100 2568.00 |

IMPROVEMENT # 2 MISC IMPR-Y

| | |
|-----------------------|---|
| GROUND FLOOR AREA . . | ACT/EFF YR/AGE . . |
| | DESCRIPTION . . .LH - CARL HODGES & ASSOC |
| | % COMP SQ FOOTAGE STORY |
| LEASEHOLD ACCT # | 100 950427.00 |

| TOTAL PARCEL VALUES | LAND / OVR | IMPROVEMENTS / OVR | 2020 VALUE | 2019 VALUE |
|---------------------|------------|--------------------|------------|------------|
| APV | 65,500 | 57,019 | 122,519 | 122,551 |

Attachment: Property Info (1739 : Purpose Learning Academy - 177 North Main Street)



Applicant – Whitney Wilder
Name of Business – Purpose Learning Academy
Address - 177 North Main Street
Zoning District – H2
NAICS – 62441

Proposed Use: Child Care Learning Center

| NAICS Code | USES | R-2 | R-4 | R-C | R-A | RM | H-1 | H-2 | O&I | MX | C-1 | C-2 | M-1 | Code Section |
|------------|--|-----|-----|-----|-----|----|-----|-----|-----|----|-----|-----|-----|--------------|
| 62441 | Nursery school (Child Day Care Services) (Out of Home) | N | N | N | N | N | N | C | C | C | C | C | N | Sec. 86-122 |

Use is permitted "by right" in the district indicated = P; Use is permitted as a conditional use (section indicated) = C; Use is not permitted = N

Zoning Classifications



Sec. 86-122. – NAICS 62441, 6244 Child day care. DAY CARE CENTER

Any place operated by a person, society, agency, corporation, institution, or group wherein are received, for pay, for group care for fewer than 24 hours per day without transfer of legal custody 19 or more children under 18 years of age.

(1) Every child day care facility shall provide proof of an approved Georgia Department of Human Services registration certificate prior to issuance of a Certificate of Occupancy, and shall conform to all applicable local, state, and federal standards, including Bright From the Start current program standards, O.C.G.A. Chapter 591-1-1. An on-site outdoor play area is required, subject to the following minimum standards:

(a) Size requirements.

(1) For Centers with a licensed capacity of 19 or more children first licensed after March 1, 1991, the Center shall provide or have ready access to an outdoor play area. The minimum size of the outdoor area must be equal to one hundred (100) square feet times one-third (1/3) of the Center's licensed capacity for children.

(2) For Centers with a licensed capacity of 18 or fewer children first licensed after April 21, 1991, the Center shall provide or have ready access to an outdoor play area. The minimum size of the outdoor area must be equal to one hundred (100) square feet times the center's licensed capacity for children.

(b) Playground Occupancy. At least one hundred (100) square feet shall be available for each child occupying the outside play area at any one time. Groups of children may be rotated if necessary so that one hundred (100) square feet per child is provided at all times.

(c) Location. Playgrounds shall be adjacent to the Center or in an area which can be reached by a safe route or method approved by the Department. Except in School-age Centers, the playground shall have shaded areas.

(d) Fence or Approved Barriers. Playgrounds shall be protected from traffic or other hazards by a four (4) foot or higher secure fence or other barrier approved by this Department. Fencing material shall not present a hazard to children and shall be maintained so as to prevent children from leaving the playground area by any means other than through an approved access route. Fence gates shall be kept closed except when persons are entering or exiting the area.

(e) Playground Surfaces. Except in School-age Centers, the playground shall have a surface suitable for varied activities. Hard surfaces, such as gravel, concrete, or paving shall not exceed one-fourth (1/4) of the total playground area.

(f) Equipment. Playground equipment shall provide an opportunity for the children to engage in a variety of experiences and shall be age-appropriate. For example, toddlers shall not be permitted to swing in swings designed for School-age Children. The outdoor equipment shall be free of lead-based paint, sharp corners and shall be regularly maintained in such a way as to be free of rust and splinters that could pose significant safety hazard to the children. All equipment shall be arranged so as not to obstruct supervision of children.

(g) Anchoring of Certain Equipment. Climbing and swinging equipment shall be anchored.

(h) Fall Zones and Surfacing. Climbing and swinging equipment shall have a resilient surface beneath the equipment and the fall zone from such equipment must be adequately maintained by the Center to assure continuing resiliency.

(i) Safety and Upkeep of Playground. Playgrounds shall be kept clean, free from litter and free of hazards, such as but not limited to rocks, exposed tree roots and exposed sharp edges of concrete.

(2) Off-street parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided. No on-street parking shall be permitted in conjunction with any child day care facility. Mayor and Council may attach conditions to an approval or may deny approval of a child day care facility upon finding that the proposed facility is within 500 feet of an establishment licensed for the sale of alcoholic beverages or within 500 feet of potentially hazardous land uses or activities that present unacceptable risks to operation of a child day care facility. "Potentially hazardous land uses or activities" include, but are not limited to, gasoline service stations, heavy industrial operations, storage of flammable materials, high pressure underground pipelines or truck or rail loading areas. Mayor and Council may attach conditions to an approval or may deny approval of a child day care facility upon a finding that traffic conditions present unacceptable risks to operation of the facility and/or the safety of children proposed to be served by the facility or that traffic impacts associated with the proposed facility would substantially jeopardize the appropriate use of neighboring properties.

David D. Allen, Zoning Administrator / Community Development Director
October 15, 2020



6677 Coker Way
Jonesboro, GA 30238

Phone: 404-839-2459 | 404-839-0207
Email: purposelearningacademy17@gmail.com

RE: 177 North Main St. Jonesboro, GA 30236

Date: 10/19/2020

Dear City Council & Zoning Board Members,

This letter is to express my interest and use of the property 177 N. Main St. Jonesboro, Ga. I am Mrs. Whitney Wilder, A resident and business owner of Purpose Learning Academy LLC. here in Jonesboro, Ga. I am looking to contribute to the progress taking place in Jonesboro with a flourishing state and nationally accredited childcare. With all the fresh and amazing things coming to the city of Jonesboro: quality and accredited childcare, new homes, restaurants and a growing population these things will continue to encourage growth within the city. We have noticed the need for childcare in the downtown area. We would like to offer a program with high standards, exceptional care and a family friendly atmosphere that values community. We would bring over fifteen years of knowledge training, experience in early childcare & education administration and seven years of public service (Zackary Wilder Fulton County Marshal & College Park Police). We are aiming to grow a generation of lifelong learners. This in return will groom a group of individuals that will sow the same seeds back into the city of Jonesboro.

- Use: Child Day Care Services
- Hours of operation: Monday-Friday 6:00am-6:00pm
- Number of students: 45-50 students (playground space used at separate times)
- Age range of students: Infants (6 weeks) to five years old)
- Classroom Ratios (Teacher: Child): Infants 1:6, 1 year 1:8, 2 years 1:10, 3 years 1:12, 4-5 years 1:15
- Employees: 6 to 7

If there are any questions and or concerns, please feel free to contact me via email or by phone @ 404-839-0207 purposelearningacademy17@gmail.com

Sincerely,

Whitney Wilder

Attachment: Letter of Explanation (1739 : Purpose Learning Academy - 177 North Main Street)

David Allen

From: Purpose Learning Academy LLC <purposelearningacademy17@gmail.com>
Sent: Wednesday, October 21, 2020 8:34 AM
To: David Allen
Subject: Re: 177 North Main Street

Good morning Mr. Allen after reviewing Decal/Bright from the start requirements for classroom ratio, I feel it is better to have lower classroom ratios than the allotment by the state (decal) to ensure better care and safety for all students. Teacher to Child ratios at my center are listed below.

Age of |state allows| Purpose Learning ratio|

| | | |
|------------|-------|------|
| Infants: | 1:6. | 1:6 |
| 1 years: | 1:8 | 1:6 |
| 2 years: | 1:10 | 1:8 |
| 3 years | 1:12 | 1:10 |
| 4-5 years. | 1:15. | 2:15 |

On Mon, Oct 19, 2020 at 5:06 PM David Allen <dallen@jonesboroga.com> wrote:

Ms. Wilder –

This week, could you provide me with a detailed letter of explanation for Purpose Learning Academy, including days and hours of operation, number of kids, age of kids, number of employees, etc?

Thank you,



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 |

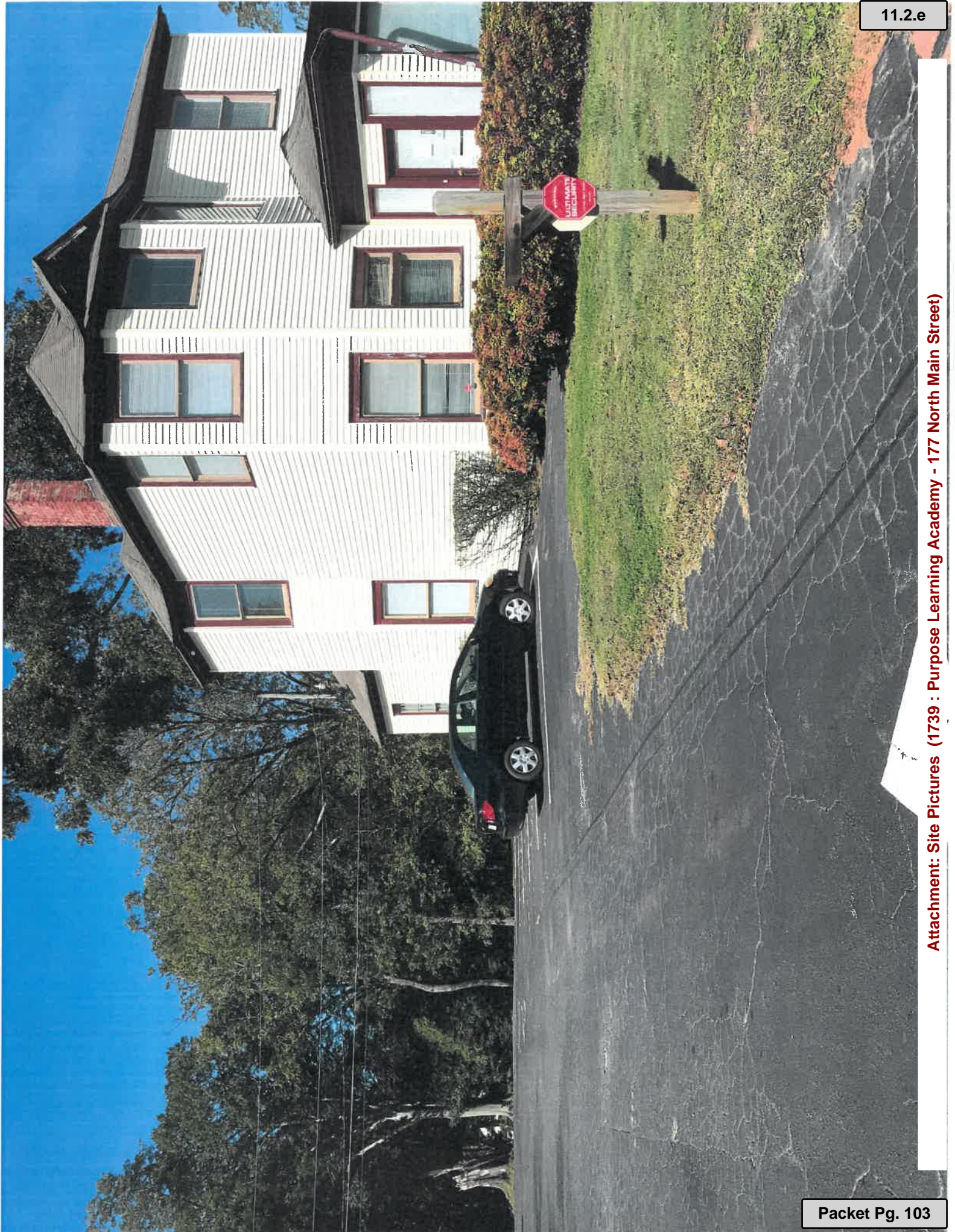
124 North Avenue | Jonesboro, Georgia 30236 | www.jonesboroga.com

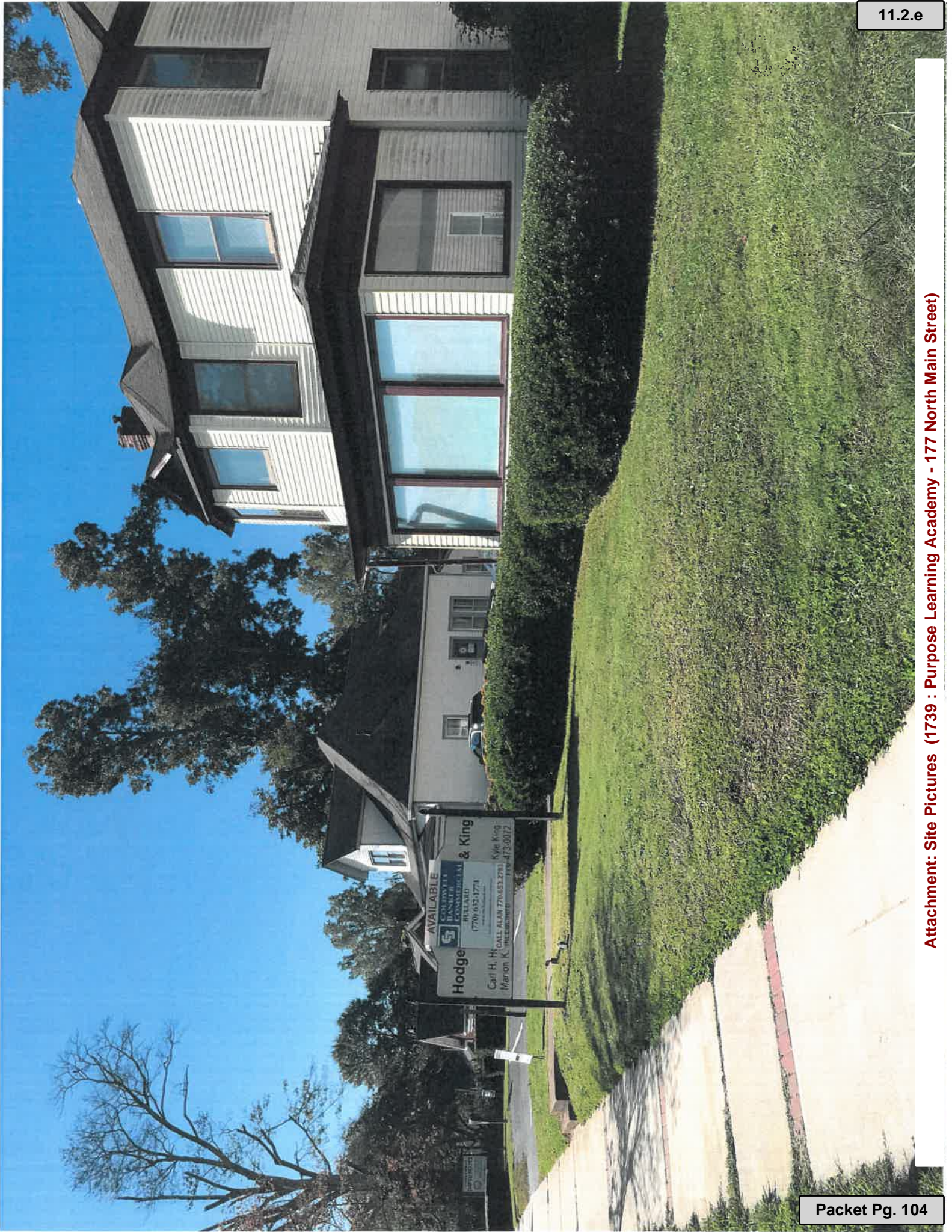
[Like Us On Facebook](#)

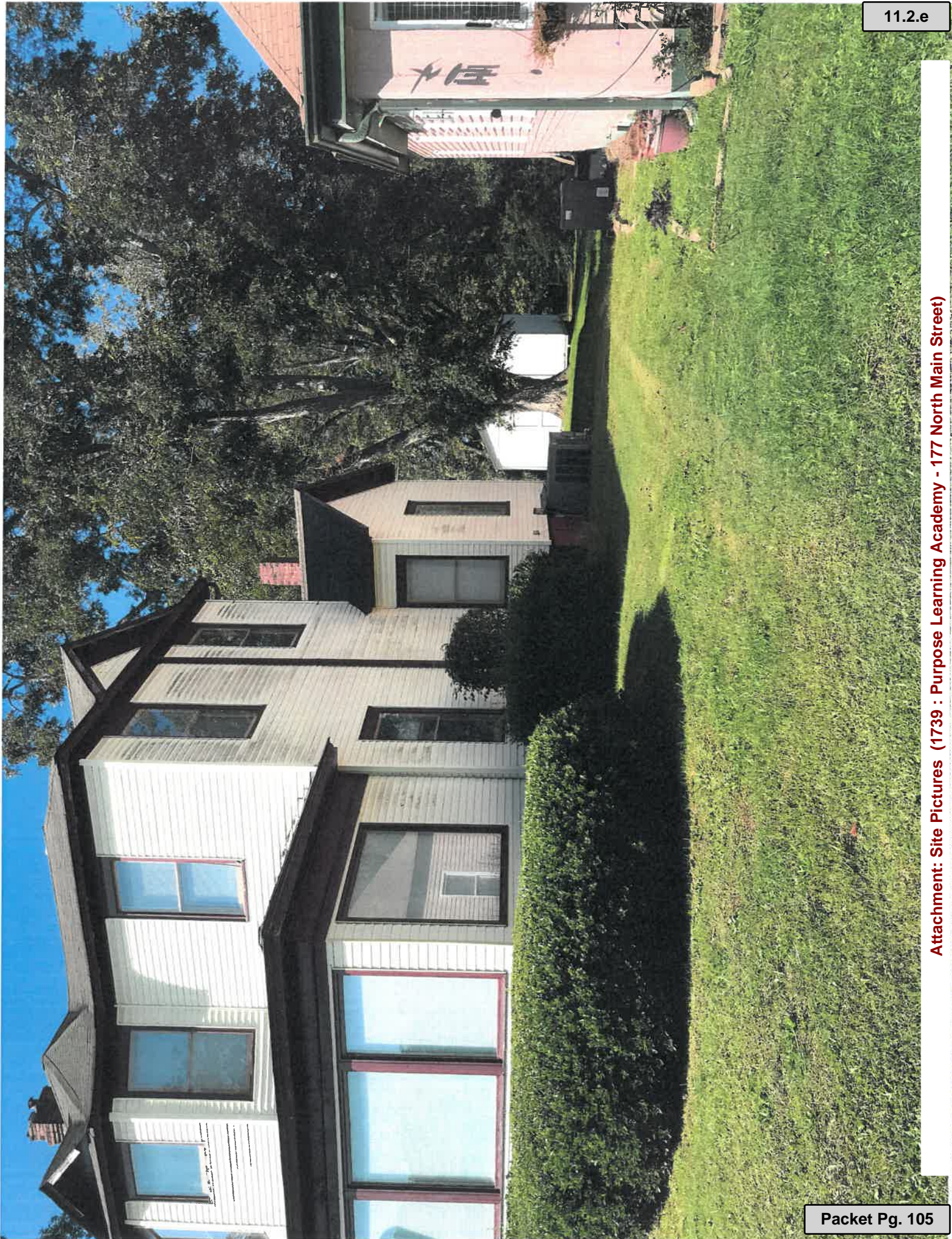
[Like Us on Twitter](#)

Attachment: Letter of Explanation (1739 : Purpose Learning Academy - 177 North Main Street)











Attachment: Site Pictures (1739 : Purpose Learning Academy - 177 North Main Street)





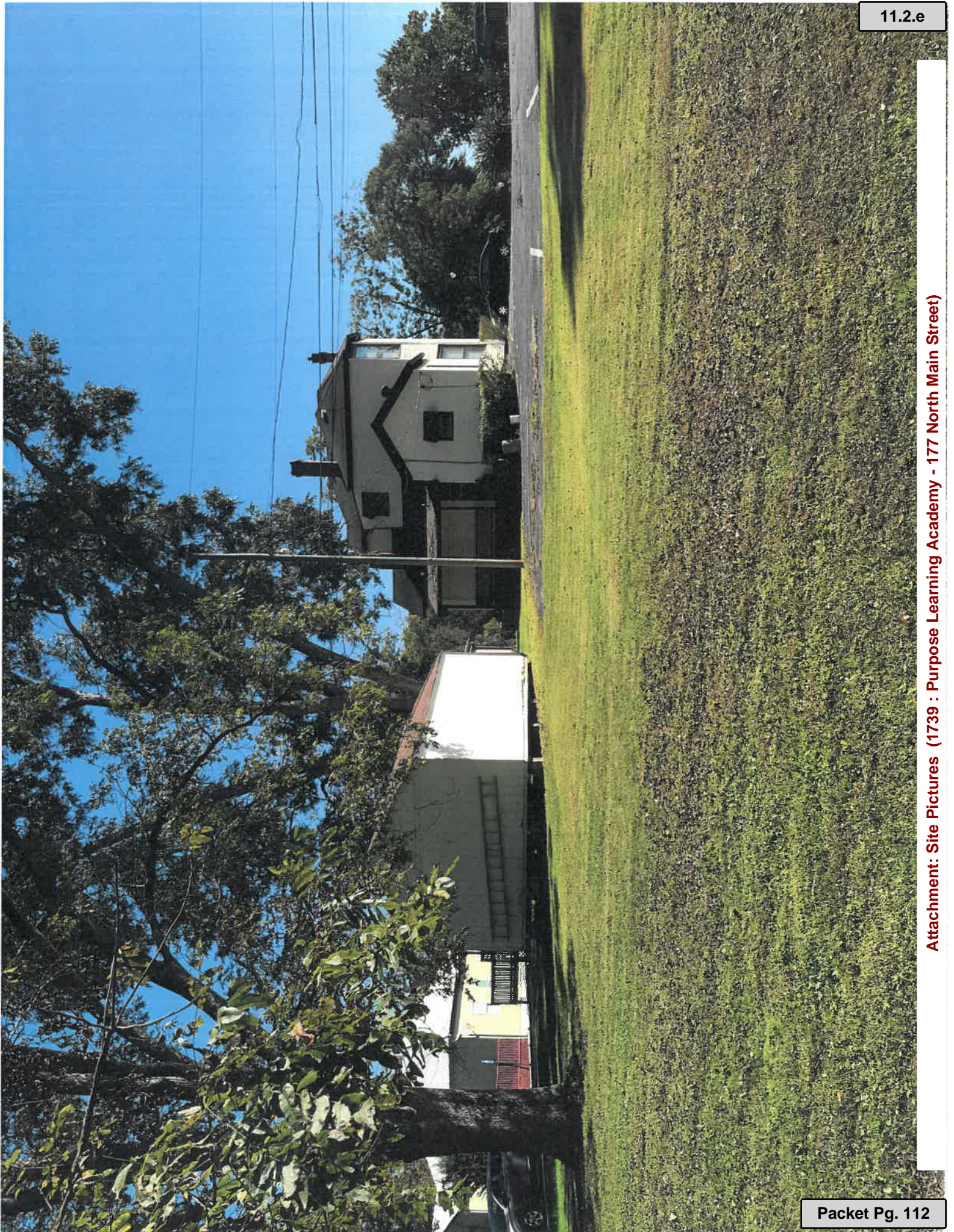




Attachment: Site Pictures (1739 : Purpose Learning Academy - 177 North Main Street)



Attachment: Site Pictures (1739 : Purpose Learning Academy - 177 North Main Street)



Attachment: Site Pictures (1739 : Purpose Learning Academy - 177 North Main Street)

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on November 9, 2020 in the chambers of the Jonesboro Municipal Court facility, 170 South Main Street, Jonesboro, GA, to consider a Conditional Use Permit Application for a nursery school / child care services, by 177 North Main LLC and Whitney Wilder, for property at 177 North Main Street (Parcel No. 13240D C004), Jonesboro, Georgia 30236. Mayor & Council will first discuss the item at their Work Session, to be held on November 2, 2020 at 6 pm.

David Allen
Community Development Director

Publish 10/21/20



CITY OF JONESBORO, GEORGIA
PUBLIC HEARING FOR
CONDITIONAL Use Permit For A NURSERY School
CHILD CARE SERVICES BY 177 N MAIN ST / WHITNEY WILDER
FOR PROPERTY LOCATED AT 177 N MAIN ST (Parcel
13-2-400-0004) JONESBORO, GEORGIA 30236
LOCATION
170 SOUTH MAIN STREET, JONESBORO, GEORGIA 30236
DATE: 11-09-20 TIME: 6:00 PM
FOR MORE INFORMATION, PLEASE CONTACT CITY HALL AT 770-478-3000

CITY OF JONESBORO, GEORGIA

PUBLIC HEARING FOR:

CONDITIONAL Use Permit For A NURSERY SCHOOL /

CHILD CARE SERVICES By 177 N. MAIN ST / WHITNEY WILDER

FOR PROPERTY LOCATED AT 177 N. MAIN ST. (PARCEL

13240D C004) JONESBORO, GEORGIA 30236

LOCATION

170 SOUTH MAIN STREET, JONESBORO, GEORGIA 30236

DATE: 11-09-20 TIME: 6:00 PM

FOR MORE INFORMATION, PLEASE CONTACT CITY HALL AT 770-478-3800

2020



**BRIGHT FROM THE START
GEORGIA DEPARTMENT OF EARLY CARE AND LEARNING
LICENSE**

License # FR-49989

This is to certify that a license is granted to Wilder, Whitney N to operate a Family Child Care Learning Home doing business as Wilder, Whitney N located at 6677 Coker Way, Jonesboro, Clayton County of Georgia.

This license expires 12/31/2020.

"This license is granted pursuant to the authority vested in Bright from the Start: Georgia Department of Early Care and Learning, O.C.G.A. §20-1A-1 et seq."

THIS LICENSE IS NOT TRANSFERABLE AND LICENSE FEE IS NON REFUNDABLE
License Fee of \$50.00 was paid on 11/25/2019

Pam Stearns

Deputy Commissioner for Child Care Services



CLAYTON COUNTY
COMMUNITY DEVELOPMENT

Permits and License Division

This registration must be displayed in a conspicuous place in your business establishment.

This registration is not transferable

Valid for Calendar Year 2020

Business Name: PURPOSE LEARNING ACADEMY LLC

Business Location: 6677 COKER WAY
JONESBORO GA 30238

Mailing Address: 6677 COKER WAY
JONESBORO GA 30238

Owner: PURPOSE LEARNING ACADEMY LLC

License Number: BL-000660-2018

License Type: Business License

Issue Date: 1/1/2020

Classification: In Jurisdiction

Expiration Date: 12/31/2020

Business Type: 624410 Child Day Care Services

Restrictions and Comments:

Other Licenses:

| County/State/Federal | Document No. | Holder Name | Expiration Date |
|----------------------|--------------|----------------|-----------------|
| State License | FR-49989 | WHITNEY WILDER | 12/31/2020 |

This registration may be suspended or revoked if Federal, State or County Codes, Ordinances, or requirements are violated. Report any of the following changes to the Business License Division immediately: Ownership, Name, Location, Business Type, or additional lines of Business.

If this business closes before the end of the expiration date, please send us a signed written notification of the business closure and the last day of operation to the Business License Division address. It will properly inactivate your business license account and protect you from incurring late fees and penalties.



Whitney N Wilder

FR-49989

6677 Coker Way, Jonesboro, GA 30238

Is hereby awarded



Georgia's Quality Rating and Improvement System

Amy M. Jacobs
Commissioner

02/14/2023

Certificate valid until



Bright from the Start Georgia Department of Early Care and Learning
2 Martin Luther King Jr. Drive SE, 670 East Tower
Atlanta, GA 30334
 Phone: (404) 657-5562 WWW.DECAL.GA.GOV

Date: 3/3/2020

VisitType: Licensing Study

Arrival: 9:30 AM

Departure: 12:30 PM

FR-49989

Wilder, Whitney N

6677 Coker Way Jonesboro, GA 30238 Clayton County
 (404) 839-0207 purposelearningacademy17@gmail.com

Regional Consultant

Ebony Kern

Phone: (770) 359-5448
 Fax: (404) 478-8126
 ebony.kern@dec.al.ga.gov

Mailing Address
 Same

Quality Rated: ★ ★

| <u>Compliance Zone Designation</u> | | | Compliance Zone Designation - A summary measure of a program's 12 month monitoring history, as it pertains to child care health and safety rules. The three compliance zones are good standing, support, and deficient. Good Standing - Program is demonstrating an acceptable level of performance in meeting the rules. Support - Program performance is demonstrating a need for improvement in meeting rules. Deficient - Program is not demonstrating an acceptable level of performance in meeting the rules. |
|------------------------------------|------------------|---------------|--|
| 03/03/2020 | Licensing Study | Good Standing | |
| 08/12/2019 | Monitoring Visit | Good Standing | |
| 02/05/2019 | Monitoring Visit | Good Standing | |
| | | | |

Ratios/License Capacity

| Age Ranges | Children Present | Child For Pay | CAPS | Not for Pay | Provider Children |
|----------------------|------------------|---------------|------|-------------|-------------------|
| Infant (0-11 mos) | 0 | 0 | 0 | 0 | 0 |
| 1 & 2 Years | 6 | 1 | 0 | 4 | 1 |
| 3 & 4 Years | 4 | 5 | 0 | 1 | 0 |
| School Age(5+) Years | 0 | 0 | 0 | 0 | 0 |
| Total Under 13 Years | 10 | 6 | 0 | 5 | 1 |
| Total Under 18 Years | 10 | | | | |

Children Present: 10

Total Children: 12

Caregivers/Helpers Present: 4

Total Caregivers/Helpers: 2

Comments

The purpose of this visit was to conduct a licensing study and follow up on the previous visit.

Plan of Improvement: No Plan Developed

Any rule violation which subjects a child to injury or life-threatening situation or any rule violations previously cited but not corrected, may result in the imposition of an adverse enforcement action. Serious or continued noncompliance may also jeopardize participation in one or more DECAL program(s).

Attachment: Licensing (1739 : Purpose Learning Academy - 177 North Main Street)



Please refer to the website, <http://www.dec.state.ga.us/CCS/RuleAndRegulations.aspx>, for information regarding October 1, 2018 rule changes about Criminal Records Checks that may affect your facility. In summary,

- New records checks will be required to be completed if a staff member experiences a six month break in service from the child care industry
- New clearance is required at least once every five years
- Any staff member solely responsible for supervising children will be required to have completed a comprehensive background clearance
- All staff members are required to have completed at least a national fingerprint based clearance check
- Any staff member with only the national fingerprint based clearance, must be under constant and direct supervision of a staff member with a satisfactory comprehensive records check clearance
- Facilities are required to use DECAL KOALA for Criminal Records Checks, including to verify portability of an employee

O.C.G.A. Section 42.1.12(i)(2) requires Bright from the Start: Georgia Department of Early Care and Learning to notify licensed child care programs on accessing and retrieving from the Georgia Bureau of Investigation's (GBI) website a list of the names and addresses of all registered sexual offenders. Please see GBI's website located at <http://gbi.georgia.gov> to access the Georgia Sex Offender Registry.

Refutation Process:

You have the right to refute any of the citations noted in this report with which you disagree. To refute a citation(s), e-mail the following information to CCSRefutations@dec.state.ga.us.

- 1) Facility name, license number and visit date
- 2) Your name, title/relationship to the facility, e-mail address & up to two phone number(s) where you can be reached
- 3) Specific rule number(s) that you are refuting, along with your concerns or questions regarding the rule citation

Refutations must be submitted to Child Care Services (CCS) within 10 business days of the completion date.

A sample form for submitting a refutation can be found at: <http://dec.state.ga.us/ChildCareServices/RefutationInformation.aspx>

Your refutation will be forwarded to the appropriate CCS manager, who will follow up with you about your concerns. If you have any questions about this process, contact our office at 404-657-5562.

Bright from the Start recommends that all licensed child care providers carry liability insurance coverage sufficient to protect its clients. If you do not have this liability insurance, you are required to post a notice with ½ inch letters in a conspicuous location in the program, notify the parent or guardian of each child in care in writing, obtain their signature to acknowledge receipt and maintain this written acknowledgment on file at the program at all times while the child attends the program and for 12 months after the child's last date of attendance. (O.C.G.A. Section 20-1A-4)



Important New Deadlines:

Your program must be Quality Rated by December 31, 2020 in order to continue to receive Childcare and Parent Services (CAPS).

Get started today! Sign up by completing a short online application: <https://qualityrated.dec.state.ga.us/>
Request free technical assistance to help you earn your star rating by contacting the Quality Rated help desk at 855-800-7747 or qualityrated@dec.state.ga.us

Whitney Wilder, Program Official

Date

Ebony Kern, Consultant

Date



Bright from the Start Georgia Department of Early Care and Learning
2 Martin Luther King Jr. Drive SE, 670 East Tower
Atlanta, GA 30334
 Phone: (404) 657-5562 WWW.DECAL.GA.GOV

Findings Report

Date: 3/3/2020 **VisitType:** Licensing Study **Arrival:** 9:30 AM **Departure:** 12:30 PM

FR-49989

Wilder, Whitney N

6677 Coker Way Jonesboro, GA 30238 Clayton County
 (404) 839-0207 purposelearningacademy17@gmail.com

Mailing Address
 Same

Regional Consultant

Ebony Kern

Phone: (770) 359-5448
 Fax: (404) 478-8126
 ebony.kern@dec.al.ga.gov

The following information is associated with a Licensing Study:

Activities and Equipment

290-2-3-.12 Equipment and Supplies(CR)

Met

Comment

A variety of equipment and toys were observed.

Comment

Toys and equipment observed to be clean and safe from hazardous conditions.

Comment

Equipment and furniture observed to be properly secured, as applicable.

290-2-3-.19 Infant-Sleeping Safety Requirements(CR)

Met

Comment

Care is not provided for any infant required to be in a crib

Comment

Pleasant naptime environment observed.

290-2-3-.07 Swimming Pools & Water-related Activities(CR)

Met

Comment

Home does not provide swimming activities.

Children's Records

290-2-3-.08 Children's Records

Met

Comment

Records were observed to be complete and well organized.

Facility

290-2-3-.11 Physical Plant - Safe Environment(CR) Met**Comment**

Home observed complete emergency drills

Comment

An operable and appropriately sized fire extinguisher was observed in the home this date.

Comment

Operable smoke detector(s) were observed as required in the home this date.

290-2-3-.13 Physical Plant-Structural/Mechanical(CR) Met**Comment**

The Home appears clean and free from hazards.

290-2-3-.13 Playgrounds(CR) Met**Comment**

The outside area appears clean and well maintained.

Food Service**290-2-3-.10 Food Service & Nutrition Met****Comment**

CACFP Meal Pattern Requirements effective October 1, 2017 will be implemented October 1, 2018: 3

Components for breakfast: Grains, Vegetables, Fruits or both, Milk

5 Components for lunch – Grains, Meat/Meat alternates, Fruits, Vegetable, and Milk OR Grains, Meat/Meat alternates, 2 different types of vegetables, and Milk

2 of 5 Components for snack

Provided Updated CACFP Infant Meal pattern and Child/Adult Meal pattern flyers.

The Crediting Handbook for the CACFP can be located on DECAL and USDA's website:

DECAL

<http://decals.ga.gov/CACFP/Handbook.aspx>

USDA

<http://www.fns.usda.gov/cacfp/cacfp-handbooks>

Health and Hygiene**290-2-3-.11 Children's Health and Hygiene(CR) Met****Comment**

Proper hand washing observed throughout the Home.

Comment

Staff were observed to remind children to wash hands.

290-2-3-.11 Diapering Areas & Practices(CR) Met**Comment**

Proper diapering procedures observed.

290-2-3-.11 Medications(CR) Met**Comment**

Per the provider no medication is currently dispensed

Licensure

290-2-3-.04 Application Requirements(CR) Met**Comment**

Application requirements reviewed with the Provider on this date.
Discussed related/unrelated children and no pay affidavit.

Safety and Discipline**290-2-3-.11 Discipline(CR) Met****Comment**

Pleasant interactions observed between the provider and children in care.

Comment

Age-appropriate discussion and/or redirection observed.

Comment

The provider and/or the home's employee were observed to maintain a positive learning environment on this date.

290-2-3-.11 Transportation(CR) Met**Comment**

The provider does not provide routine transportation.

Staff Records**290-2-3-.21 Criminal Records and Comprehensive Background Checks(CR) Met****Comment**

Criminal records checks were observed to be complete.

Comment

Provider provided one new file for an employee hired since last visit.

290-2-3-.07 First Aid & CPR Met**Comment**

Evidence observed that the provider was certified in First Aid and CPR.

290-2-3-.07 Staff Qualifications(CR) Met**Comment**

Staff observed to be compliant with applicable laws and regulations.

290-2-3-.07 Staff Training Met**Comment**

Annual training requirement and documentation observed.

Staff:Child Ratios and Supervision**290-2-3-.07 Staff:Child Ratios(CR) Met****Comment**

Appropriate ratios were observed on this date.

290-2-3-.07 Supervision(CR) Met**Comment**

Adequate supervision observed on this date.



Bright from the Start Georgia Department of Early Care and Learning
2 Martin Luther King Jr. Drive SE, 670 East Tower
Atlanta, GA 30334
 Phone: (404) 657-5562 WWW.DECAL.GA.GOV

Date: 10/20/2020 **VisitType:** Monitoring Visit

Arrival: 1:25 PM

Departure: 3:00 PM

FR-49989

Wilder, Whitney N

6677 Coker Way Jonesboro, GA 30238 Clayton County
 (404) 839-0207 purposelearningacademy17@gmail.com

Regional Consultant

Ebony Kern

Phone: (770) 359-5448

Fax: (404) 478-8126

ebony.kern@decal.ga.gov

Mailing Address
 Same

Quality Rated: ★ ★

| Compliance Zone Designation | | | Compliance Zone Designation - A summary measure of a program's 12 month monitoring history, as it pertains to child care health and safety rules. The three compliance zones are good standing, support, and deficient. Good Standing - Program is demonstrating an acceptable level of performance in meeting the rules. Support - Program performance is demonstrating a need for improvement in meeting rules. Deficient - Program is not demonstrating an acceptable level of performance in meeting the rules. |
|-----------------------------|------------------|---------------|--|
| 10/20/2020 | Monitoring Visit | Good Standing | |
| 03/03/2020 | Licensing Study | Good Standing | |
| 08/12/2019 | Monitoring Visit | Good Standing | |

Ratios/License Capacity

| Age Ranges | Children Present | Child For Pay | CAPS | Not for Pay | Provider Children |
|-----------------------------|------------------|---------------|------|-------------|-------------------|
| Infant (0-11 mos) | 0 | 0 | 0 | 0 | 0 |
| 1 & 2 Years | 1 | 0 | 0 | 2 | 0 |
| 3 & 4 Years | 4 | 3 | 0 | 3 | 1 |
| School Age(5+) Years | 0 | 0 | 0 | 0 | 0 |
| Total Under 13 Years | 5 | 3 | 0 | 5 | 1 |
| Total Under 18 Years | 5 | | | | |

Children Present: 5

Total Children: 9

Caregivers/Helpers Present: 2

Total Caregivers/Helpers: 2

Comments

A virtual inspection was conducted on October 20, 2020 with Whiney Wilder. An in-person visit was not conducted due to the COVID-19 pandemic. Compliance with the Executive Order issued on August 15, 2020 was reviewed during the virtual inspection.

Plan of Improvement: No Plan Developed

Any rule violation which subjects a child to injury or life-threatening situation or any rule violations previously cited but not corrected, may result in the imposition of an adverse enforcement action. Serious or continued noncompliance may also jeopardize participation in one or more DECAL program(s).

Attachment: Licensing (1739 : Purpose Learning Academy - 177 North Main Street)



Please refer to the website, <http://www.decal.ga.gov/CCS/RulesAndRegulations.aspx>, for information regarding October 1, 2018 rule changes about Criminal Records Checks that may affect your facility. In summary,

- New records checks will be required to be completed if a staff member experiences a six month break in service from the child care industry
- New clearance is required at least once every five years
- Any staff member solely responsible for supervising children will be required to have completed a comprehensive background clearance
- All staff members are required to have completed at least a national fingerprint based clearance check
- Any staff member with only the national fingerprint based clearance, must be under constant and direct supervision of a staff member with a satisfactory comprehensive records check clearance
- Facilities are required to use DECAL KOALA for Criminal Records Checks, including to verify portability of an employee

O.C.G.A. Section 42.1.12(i)(2) requires Bright from the Start: Georgia Department of Early Care and Learning to notify licensed child care programs on accessing and retrieving from the Georgia Bureau of Investigation's (GBI) website a list of the names and addresses of all registered sexual offenders. Please see GBI's website located at <http://gbi.georgia.gov> to access the Georgia Sex Offender Registry.

Refutation Process:

You have the right to refute any of the citations noted in this report with which you disagree. To refute a citation(s), e-mail the following information to CCSRefutations@decal.ga.gov.

- 1) Facility name, license number and visit date
- 2) Your name, title/relationship to the facility, e-mail address & up to two phone number(s) where you can be reached
- 3) Specific rule number(s) that you are refuting, along with your concerns or questions regarding the rule citation

Refutations must be submitted to Child Care Services (CCS) within 10 business days of the completion date.

A sample form for submitting a refutation can be found at: <http://decal.ga.gov/ChildCareServices/RefutationInformation.aspx>

Your refutation will be forwarded to the appropriate CCS manager, who will follow up with you about your concerns. If you have any questions about this process, contact our office at 404-657-5562.

Bright from the Start recommends that all licensed child care providers carry liability insurance coverage sufficient to protect its clients. If you do not have this liability insurance, you are required to post a notice with ½ inch letters in a conspicuous location in the program, notify the parent or guardian of each child in care in writing, obtain their signature to acknowledge receipt and maintain this written acknowledgment on file at the program at all times while the child attends the program and for 12 months after the child's last date of attendance. (O.C.G.A. Section 20-1A-4)



Important New Deadlines:

Your program must be Quality Rated by December 31, 2020 in order to continue to receive Childcare and Parent Services (CAPS).

Get started today! Sign up by completing a short online application: <https://qualityrated.decal.ga.gov/>
Request free technical assistance to help you earn your star rating by contacting the Quality Rated help desk at 855-800-7747 or qualityrated@decal.ga.gov

Whitney Wilder, Program Official

Date

Ebony Kern, Consultant

Date



Bright from the Start Georgia Department of Early Care and Learning
2 Martin Luther King Jr. Drive SE, 670 East Tower
Atlanta, GA 30334
 Phone: (404) 657-5562 WWW.DECAL.GA.GOV

Findings Report

Date: 10/20/2020 **VisitType:** Monitoring Visit

Arrival: 1:25 PM

Departure: 3:00 PM

FR-49989

Wilder, Whitney N

6677 Coker Way Jonesboro, GA 30238 Clayton County
 (404) 839-0207 purposelearningacademy17@gmail.com

Mailing Address
 Same

Regional Consultant

Ebony Kern

Phone: (770) 359-5448

Fax: (404) 478-8126

ebony.kern@dec.al.ga.gov

The following information is associated with a Monitoring Visit:

Activities and Equipment

290-2-3-.12 Equipment and Supplies(CR)

Met

Comment

A variety of equipment and toys were observed.

Comment

Toys and equipment observed to be clean and safe from hazardous conditions.

Comment

Equipment and furniture observed to be properly secured, as applicable.

290-2-3-.19 Infant-Sleeping Safety Requirements(CR)

Met

Comment

Currently the provider is not caring for infants. (This rule was not evaluated on this date)

Comment

Pleasant naptime environment observed.

290-2-3-.07 Swimming Pools & Water-related Activities(CR)

Met

Comment

Home does not provide swimming activities.

Facility

290-2-3-.11 Physical Plant - Safe Environment(CR)

Met

Comment

An operable and appropriately sized fire extinguisher was observed in the home this date.

Comment

Operable smoke detector(s) were observed as required in the home this date.

290-2-3-.13 Physical Plant-Structural/Mechanical(CR)**Met****Comment**

The Home appears clean and free from hazards. Additional cleaning and sanitizing requirements due to the COVID-19 pandemic were also discussed during a virtual walk through on this date.

290-2-3-.13 Playgrounds(CR)**Met****Comment**

The outside area appears clean and well maintained.

Health and Hygiene**290-2-3-.11 Children's Health and Hygiene(CR)****Met****Comment**

Staff state proper knowledge of hand washing and hygiene procedures.

290-2-3-.11 Diapering Areas & Practices(CR)**Met****Comment**

Staff state proper knowledge of diapering procedures. Hand washing and sanitizing requirements for diapering were discussed with the Director/Provider on this date.

290-2-3-.11 Medications(CR)**Met****Comment**

Per the provider no medication is currently dispensed

Licensure**290-2-3-.04 Application Requirements(CR)****Met****Comment**

Appropriate number of children observed in Family Child Care Learning Home this date.

Safety and Discipline**290-2-3-.11 Discipline(CR)****Met****Comment**

Pleasant interactions observed between the provider and children in care.

Comment

The provider and/or the home's employee were observed to maintain a positive learning environment on this date.

290-2-3-.11 Transportation(CR)**Met****Comment**

The provider does not provide routine transportation.

Staff Records

290-2-3-.21 Criminal Records and Comprehensive Background Checks(CR)**Met****Comment**

Consultant requested to view all Criminal Record checks for employees hired after last visit. Provider stated that there have been no new hires since last visit

Comment

Criminal records checks were observed to be complete.

290-2-3-.07 Staff Qualifications(CR)**Met****Comment**

Staff observed to be compliant with applicable laws and regulations. Additional cleaning and sanitizing requirements due to the COVID-19 pandemic were discussed during a virtual walk through on this date. The program was in compliance with the Executive Order issued on August 15, 2020.

Staff:Child Ratios and Supervision**290-2-3-.07 Staff:Child Ratios(CR)****Met****Comment**

Appropriate ratios were observed on this date.

290-2-3-.07 Supervision(CR)**Met****Comment**

Adequate supervision observed on this date.



BRIGHT FROM THE START
Georgia Department of Early Care and Learning
 2 Martin Luther King Jr. Drive SE, 754 East Tower, Atlanta, GA 30334
 (404) 656-5957

Nathan Deal
GOVERNOR

Amy M. Jacobs
COMMISSIONER

October 19, 2018

Whitney Wilder N, Director
 FR-49989 - Wilder, Whitney N
 6677 Coker Way
 Jonesboro, GA 30238
 Clayton County

Dear Whitney Wilder N, Director:

As of 10/18/2018, Kathy Virginia Bradford, 202269, has received a satisfactory **comprehensive determination** by Bright from the Start: Georgia Department of Early Care and Learning (DECAL) in accordance with 42 U.S.C.S. § 9858(f), 45 C.F.R. § 98.43 and O.C.G.A. § 20-1A-30 *et seq.* This determination allows this person to be present in a child care facility while children are present for care or reside at a child care facility. This letter is neither an endorsement by DECAL nor a guarantee of employment.

This determination letter will replace any DECAL determination letter issued to Kathy Virginia Bradford earlier and must be made immediately available to your consultant upon request.

To determine the status of this determination letter and whether it is portable to another facility, check your DECAL KOALA account or contact the DECAL Records Unit at CRCHelpDesk@decals.ga.gov or 1-855-884-7444.

Sincerely,

Ira M. Sudman
Chief Legal Officer

Attachment: Licensing (1739 : Purpose Learning Academy - 177 North Main Street)



BRIGHT FROM THE START

Georgia Department of Early Care and Learning

2 Martin Luther King Jr. Drive SE, 754 East Tower, Atlanta, GA 30334
(404) 656-5957

Nathan Deal
GOVERNOR

Amy M. Jacobs
COMMISSIONER

October 19, 2018

Whitney Wilder N, Director
FR-49989 - Wilder, Whitney N
6677 Coker Way
Jonesboro, GA 30238
Clayton County

Dear Whitney Wilder N, Director:

As of 10/18/2018, Kathy Virginia Bradford, 202269, has received a satisfactory **comprehensive determination** by Bright from the Start: Georgia Department of Early Care and Learning (DECAL) in accordance with 42 U.S.C.S. § 9858(f), 45 C.F.R. § 98.43 and O.C.G.A. § 20-1A-30 *et seq.* This determination allows this person to be present in a child care facility while children are present for care or reside at a child care facility. This letter is neither an endorsement by DECAL nor a guarantee of employment.

This determination letter will replace any DECAL determination letter issued to Kathy Virginia Bradford earlier and must be made immediately available to your consultant upon request.

To determine the status of this determination letter and whether it is portable to another facility, check your DECAL KOALA account or contact the DECAL Records Unit at CRCHelpDesk@dec.al.ga.gov or 1-855-884-7444.

Sincerely,

Ira M. Sudman
Chief Legal Officer

Attachment: Licensing (1739 : Purpose Learning Academy - 177 North Main Street)



BRIGHT FROM THE START
Georgia Department of Early Care and Learning
 2 Martin Luther King Jr. Drive SE, 754 East Tower, Atlanta, GA 30334
 (404) 656-5957

Nathan Deal
GOVERNOR

Amy M. Jacobs
COMMISSIONER

October 18, 2018

Whitney Wilder N, Director
 FR-49989 - Wilder, Whitney N
 6677 Coker Way
 Jonesboro, GA 30238
 Clayton County

Dear Whitney Wilder N, Director:

As of 10/12/2018, Zackary Wilder Iii, 201956, has received a satisfactory **comprehensive determination** by Bright from the Start: Georgia Department of Early Care and Learning (DECAL) in accordance with 42 U.S.C.S. § 9858(f), 45 C.F.R. § 98.43 and O.C.G.A. § 20-1A-30 *et seq.* This determination allows this person to be present in a child care facility while children are present for care or reside at a child care facility. This letter is neither an endorsement by DECAL nor a guarantee of employment.

This determination letter will replace any DECAL determination letter issued to Zackary Wilder Iii earlier and must be made immediately available to your consultant upon request.

To determine the status of this determination letter and whether it is portable to another facility, check your DECAL KOALA account or contact the DECAL Records Unit at CRCHelpDesk@decals.ga.gov or 1-855-884-7444.

Sincerely,

Ira M. Sudman
Chief Legal Officer

Attachment: Licensing (1739 : Purpose Learning Academy - 177 North Main Street)



BRIGHT FROM THE START

Georgia Department of Early Care and Learning

2 Martin Luther King Jr. Drive SE, 754 East Tower, Atlanta, GA 30334
(404) 656-5957

Brian P. Kemp
GOVERNOR

Amy M. Jacobs
COMMISSIONER

December 06, 2019

Whitney Wilder N, Director
FR-49989 - Wilder, Whitney N
6677 Coker Way
Jonesboro, GA 30238
Clayton County

Dear Whitney Wilder N, Director:

As of 11/25/2019, Chiyyia Nycole Waters, 282823, has received a satisfactory **comprehensive determination** by Bright from the Start: Georgia Department of Early Care and Learning (DECAL) in accordance with 42 U.S.C.S. § 9858(f), 45 C.F.R. § 98.43 and O.C.G.A. § 20-1A-30 *et seq.* This determination allows this person to be present in a child care facility while children are present for care or reside at a child care facility. This letter is neither an endorsement by DECAL nor a guarantee of employment.

This determination letter will replace any DECAL determination letter issued to Chiyyia Nycole Waters earlier and must be made immediately available to your consultant upon request.

To determine the status of this determination letter and whether it is portable to another facility, check your DECAL KOALA account or contact the DECAL Records Unit at CRCHelpDesk@dec.al.ga.gov or 1-855-884-7444.

Sincerely,

Ira M. Sudman
Chief Legal Officer

Attachment: Licensing (1739 : Purpose Learning Academy - 177 North Main Street)



MEMORANDUM

To: Whitney Wilder
Purpose Learning Academy
6677 Coker Way
Jonesboro, GA 30238

From: David D. Allen
City of Jonesboro
124 North Avenue
Jonesboro, GA 30236

Date: October 26, 2020

Re: Notification of Request for Conditional Use – Nursery School / Daycare, 177 North Main Street; Tax Map Parcel No. 13240D C004

Dear Applicant,

This letter is to serve as notification that the City of Jonesboro has received your request for the following requested conditional use for the above referenced property:

- Nursery School / Daycare

A Public Hearing has been scheduled for Monday, November 9, 2020 at 6:00 p.m. before the Jonesboro Mayor and City Council to consider the request as described above. The Jonesboro Mayor and City Council will first discuss this item at their next Work Session on Monday, November 2, 2020 at 6:00 p.m. The meetings will be conducted in the chambers of the Jonesboro Municipal Court facility, 170 South Main Street, Jonesboro, Ga. If you have any questions, please do not hesitate to contact me at 770-570-2977 or at dallen@jonesboroga.com.

Sincerely,

David D. Allen
Community Development Director / Zoning Administrator

DAILY SCHEDULE

Our daily schedules will include age appropriate activities for all hours of operation from opening to closing. Schedules will include a balance of quiet and active periods, free choice and teacher directed activities, gross and fine motor activities, language and literacy building experiences, arts and crafts, dramatic play, music and movement, nature and science experiences.

Purpose Learning Academy Daily Schedule

6:00 - 7:00 Arrival, welcome children, free-play and/or structured-play, story-time, manipulatives etc.

7:00 - 7:15 Clean-up/wash-up restroom/ diaper change, prepare for breakfast

7:15 – 8:00 Breakfast

8:00-8:15 Clean-up/wash-up restroom/ diaper change, prepare for Morning meeting/ circle time.

8:15 - 8:30 Morning Devotion, Circle-time, Daily review, finger play

8:30- 8:45 Music & movement, song & dance, stretching & tumbling exercises.

8:45- 9:30 Free Play, center time, choice exploration. (center swap, periodically)

9:30-9:45 Story time, Communication Language Literacy Building

9:45-10:10 Planned Activities / Teacher Initiated Activities (daily lesson plan – large/ small group).

10:00-10:15- Clean-up/wash-up, restroom/ diaper change, prepare for outside exploration.

10:15-11:00 Outside Exploration

11:00-11:15 Clean-up/wash-up, restroom/ diaper change, prepare for Lunch

11:15 – 11:45am Lunch Time & Routine Care/Clean-up/Diapering/Hand-washing)

11:45-12:00 Short story time, soft melodic music, wind down time

12:00-2:30 Nap time/ rest-time and/or quiet-time (may vary depending on the child)

2:30-2:45 Clean-up/ Routine Care/Clean-up/Diapering/Hand-washing, prepare for p.m. snack.

2:45-3:05 Afternoon Snack time

3:05-3:15 Routine Care/Clean-up

3:15-4:00 Outside Exploration

4:00-4:15 Routine Care/Clean-up/Diapering/Hand-washing)

4:15- 4:45 Daily Review

4:45-5:00 Evening Snack

5:00-6:00 free-play and/or structured-play, puzzles, books, various learning tools
Departure re-visit outside exploration, educational/ interactive television.

11.2.k

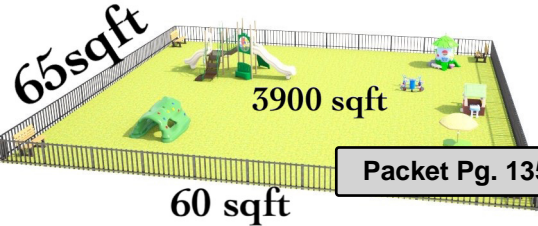
65sqft

3900 sqft

Atta

60 sqft

Packet Pg. 135



11.2.1



Atta

Packet Pg. 136



CITY OF JONESBORO, GEORGIA COUNCIL
Agenda Item Summary

Agenda Item #

11.3

- 3

COUNCIL MEETING DATE
November 9, 2020

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 Conditional Use Permit Application 20-CU-014 for a post-production studio for movies and video, by Patrick Carpenter, for property at 249 North Main Street (Parcel No. 13240B A005), Jonesboro, Georgia 30236.

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

City Code Section 86-105 – C-2 Zoning Purpose and Standards; Article VI Conditional Use Standards

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

Yes Economic Development, Community Planning, Neighborhood and Business Revitalization

Summary & Background

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

Agency recommendation – **Approval of Conditional Use application**; Several months ago, the applicant put in a zoning verification for a post-production studio (scoring, narration, voice-overs of movies and videos) at the subject property. The business would only be located in Suite A at the south end of the building. Per the current Table of Uses, the proposed use requires a conditional use permit, with the following minimum conditions:

Sec. 86-137. - NAICS 51219 Postproduction services and other motion picture and video industries.

The following conditions are assigned in the H-1, H-2, O&I, C-1, C-2, and M-1 districts:

(1) No noise generated by the use shall be perceptible at the property boundary.

Per the provided letter of explanation:

We are solely focusing on post movie production such as- Scoring, Narration, Voice overs, Etc. We will not need any outside fixtures or buildings. Everything will be contained inside the suite itself. Sound will not be distinguished outside of the building and/or property. We will take proper building measures to ensure sound is isolated to only unit A. No other unit, business, nor public space will be disturbed during any period of occupancy.

The noise generated by this business should be relatively low-key and can be adequately contained inside the building suite. Per the site pictures, there are no buildings close to the subject property that would be negatively impacted by the business. The closest building, at 233 North Main Street, is currently inactive and in need of repair. There are no adjacent residences, places of worship, or schools.

There would only be two employees at the business and infrequent visitors, so the multiple parking spaces already in front of the building should be adequate.

Staff Recommendation: Approval

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

November, 9, 2020

**11/02/20
REQUIRED**

**City Council PUBLIC HEARING
Next: 11/09/20**

Signature

City Clerk's Office

Update for 11.9.20 Council meeting: No changes since the last meeting.

Fiscal Impact

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

Private Owner

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

- Application
- Property Info
- Zoning Info
- Letter of Explanation
- Site Pictures
- Interior Pictures
- Conditional Use - 249 North Main St - Legal Notice
- Acceptance Letter
- Zoning Signs

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

Approval



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

CONDITIONAL USE PERMIT APPLICATION

ATTACH ADDITIONAL PAGES IF NECESSARY. ALL ATTACHMENTS MUST BE NUMBERED. INDICATE THE PAGE NUMBER OF ATTACHMENT IN THE SPACES PROVIDED FOR EACH RELEVANT ANSWER.

ANY MISSTATEMENT OR CONCEALMENT OF FACT IN THIS APPLICATION SHALL BE GROUNDS FOR REVOCATION OF THE LICENSE ISSUED AND SHALL MAKE THE APPLICANT LIABLE TO PROSECUTION FOR PERJURY. PLEASE DO NOT LEAVE ANY AREAS UNANSWERED.

APPLICATION FEE: \$700.00 (Non-Refundable).

Date of Application: 09 18 2020

Property Owner Authorization

I (We) ANU JOSHI the

owner(s) of the following property located at: 249 N MAIN ST.

JONESBORO GA 30236

Tax Parcel Number: 13240BA005 Size of Property: 1 ACRE

Located in Zoning District C-2 do hereby request permission for a

conditional use for the above described property under the Zoning Ordinance zoned for the following purposes:

C-2 COMMERCIAL

Attachment: Application (1741 : Post Production Studio - 249 North Main Street)

Property Owner Information

Name: ANU JOSHI
 Mailing Address: P.O BOX 292
 City: EVANS State: GA Zip: 30809
 Phone: (Day) (404) 717-3923 (Evening) (404) 717-3923

Applicant's Information

(If Different from Owner's Information)

Name: PATRICK CARPENTER
 Mailing Address: 2210 SUMMERCOURT DR
 City: JONESBORO State: GA Zip: 30236
 Phone: (Day) 909-570-1160 (Evening) _____

teamFKmg@gmail.com

Jonesboro Property Information

Existing Uses and Structures: CONVENIENCE STORE, GAS STN., RETAILProperty address: 249 N MAIN ST. JONESBOROSurrounding Uses and Structures: (See Official Zoning Map): COMMERCIAL / INDUSTRIAL

Surrounding Zoning:

North: C2 South: H2 East: C2 West: Q+1Details of Proposed Use: Post production for movie & videoPublic Utilities: ELECTRIC, GAS, TELEPHONEAccess, Traffic and Parking: NORTH MAIN ST / HAWES STSpecial Physical Characteristics: NONE

Attachment: Application (1741 : Post Production Studio - 249 North Main Street)

Pursuant to Sec. 86-244 of the Jonesboro Code of Ordinances, a site plan shall accompany an application proposing the rezoning of property to one of the zoning districts contained in article V that is initiated by an owner of property or his agent.

SITE PLAN INFORMATION INCLUDING:

EXISTING PARKING
EXISTING BUILDING

1. Name, address and phone number of property owner.
2. Name, address and phone number of the applicant (if different from the owner).
3. Nature of proposed uses, including a statistical summary of development indicators such as density, nonresidential floor area, maximum building heights, number of lots or dwelling units and minimum unit sizes, as appropriate.
4. A graphic indication of the architectural style, building materials and elevations anticipated.
5. Date of survey and source of datum, as appropriate.
6. Date of site plan and revision dates, as appropriate.
7. North arrow and scale, not to exceed one inch equals 50 feet.
8. Location (district and land lot) and size of the property in acres (or square feet if below one acre).
9. Location sketch of the property in relation to the surrounding area with regard to landmarks such as arterial streets or railroads. Sketches shall be at a scale sufficient to clearly indicate the location of the property, but not greater than one inch equals 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location sketch.
10. Proposed zoning classification of the property and zoning of all adjacent properties.
11. Man-made features adjacent to the property, including street right-of-ways and street names, city limits and other significant information such as bridges, water and sanitary sewer mains, storm drainage systems and other features, as appropriate.
12. Location and right-of-way width of all proposed streets.
13. Indication of domestic water supply source.
14. Indication of sanitary sewer service.
15. Approximate location of proposed storm water drainage and detention facilities.
16. Any existing or proposed easements.
17. Location of all improvements, public areas or community facilities proposed for dedication to public use.
18. Proposed lot lines and minimum front, side and rear building setbacks for each lot.
19. Approximate footprint and location of all existing and proposed buildings and structures on and adjacent to the site.
20. All existing and proposed access, driveways, parking and loading areas on or adjacent to the site.
21. Proposed solid waste disposal facilities and outdoor storage areas.
22. Proposed buffers and greenspace.
23. Proposed development schedule.

The City may require submission of additional information as may be useful in understanding the proposed use and development of the property.

I HEREBY CERTIFY THAT THE ABOVE INFORMATION AND ALL ATTACHED INFORMATION IS TRUE AND CORRECT:

Date: 09/10/2020

Signed: _____

Notary: _____

[Handwritten Signature]



FOR OFFICE USE ONLY:

Date Received: 09/10/2020 Received By: *[Signature]*

Fee Amount Enclosed: \$ 600.00

Public Notice Sign Posted (Date) _____

Legal Ad Submitted (Date) _____

Legal Ad Published (Date) _____

Date Approved: ____/____/20____

Date Denied ____/____/20____

Permit Issued ____/____/20____

Comment:

Attachment: Application (1741 : Post Production Studio - 249 North Main Street)

PROPERTY OWNER'S AUTHORIZATION

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

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

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

PROPERTY OWNER:

ANU JOSHI
PRINT NAME

Anu Joshi
SIGNATURE/DATE

APPLICANT.

Patrick Carpenter
PRINT NAME

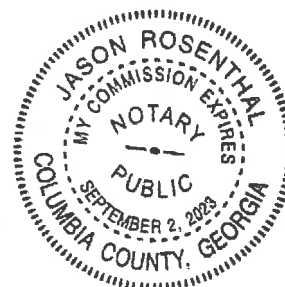
[Signature]
SIGNATURE/DATE

NOTARY:

[Signature]
SIGNATURE/DATE

9/10/2020

SEAL





Real Property Records Search

Clayton County Property Card For Year 2020

JOSHI ANU
PO BOX 292
AUGUSTA, GA 30809

PARCEL ID . . 13240B A005
LOCATION . . 249 N MAIN ST

LEGAL DESC DISTRICT 4 JONESBORO
NBRHOOD JB023 JONESBORO 2NDRY INT LOT

DESCRIPTION NOT IN SUBDIVISION - ALL UTILITIES

DESCRIPTION PAVED ROAD
ROAD FRONT . . . 122.5 133.2

STRIP RETAIL CLASS C

SALES HISTORY

| DEED BOOK | PAGE | SALE DATE | SALES INSTRUMENT | DISQUALIFIED | SALE AMT | DEED NAME |
|-----------|------|-----------|------------------|--------------|----------|---------------|
| 3036 | 106 | 4/29/97 | QUIT CLAIM | RELATED | | JOSHI ANU |
| 1769 | 178 | 1/01/92 | WARRANTY DEED | . | | JOSHI VIJAY C |

LAND SEGMENTS

| LND# | ZONE | LAND TYPE/CODE | LAND QTY |
|------|------|----------------|------------|
| 1 | C | SF 1 | 42,253.000 |

MAP ACRES . . .970

IMPROVEMENT # 1 MISC IMPR-Y

| GROUND FLOOR AREA . . | ACT/EFF YR/AGE . . 1985 35 | DESCRIPTION . . . VACANT FOOD MART/STRIP |
|-----------------------|----------------------------|--|
| | % COMP | SQ FOOTAGE |
| BUILDINGS | 100 | 6707.00 |
| | | STORY |

| TOTAL PARCEL VALUES | LAND / OVR | IMPROVEMENTS / OVR | 2020 VALUE | 2019 VALUE |
|---------------------|------------|--------------------|------------|------------|
| APV | 84,500 | 158,500 | 243,000 | 243,000 |

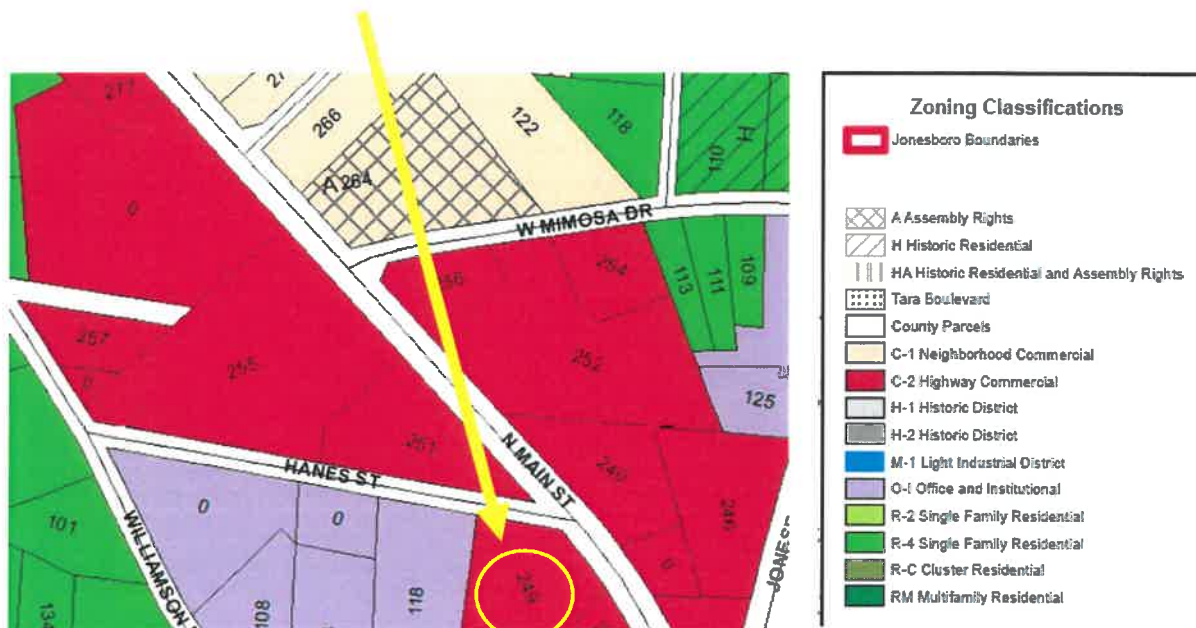
Attachment: Property Info (1741 : Post Production Studio - 249 North Main Street)

Applicant – Vijay Joshi
Name of Business – None
Address - 249 N. Main Street, Suite A
Zoning District – C2
NAICS Code: 51219, 51211

Proposed Use: Postproduction Services, Other Motion Picture and Video Industries

| NAICS Code | USES | R-2 | R-4 | R-C | R-A | RM | H-1 | H-2 | O&I | MX | C-1 | C-2 | M-1 | Code Section |
|------------|---|-----|-----|-----|-----|----|-----|-----|-----|----|-----|-----|-----|--------------|
| 51219 | Postproduction and Other Related Industries | N | N | N | N | N | P | P | N | N | N | C | C | Sec. 86-137 |
| 51211 | Motion Picture and Video Production | N | N | N | N | N | N | N | N | N | N | C | C | Sec. 86-609 |

Use is permitted "by right" in the district indicated = P; Use is permitted as a conditional use (section indicated) = C; Use is not permitted = N



Sec. 86-137. - NAICS 51219 Postproduction services and other motion picture and video industries.

The following conditions are assigned in the H-1, H-2, O&I, C-1, C-2, and M-1 districts:

(1) No noise generated by the use shall be perceptible at the property boundary.

Sec. 86-609. NAICS 51211– Motion Picture and Video Production

The following conditions are assigned in the C-2 and M-1 districts:

(1) Must be located on a street having a classification of collector or greater.

- (2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.
- (3) Must be located in a stand-alone building (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).
- (4) No noise generated by the use shall be perceptible at the property boundary.

David D. Allen, Zoning Administrator / Community Development Director

August 27, 2020

David Allen

From: FirstKontakt ManagementGroup <teamfkmg@gmail.com>
Sent: Monday, October 26, 2020 2:36 PM
To: David Allen
Subject: 249 North Main Street, Conditional Use

To Whom I May Concern:

I am Patrick Carpenter, I am trying to use this space purely for a Post-Production Studio. We are solely focusing on post movie production such as- Scoring, Narration, Voice overs, Etc. We will not need any outside fixtures or buildings. Everything will be contained inside the suite itself. Sound will not be distinguished outside of the building and/or property. We will take proper building measures to insure sound is isolated to only unit A. No other unit, business, nor public space will be disturbed during any period of occupancy.

On Mon, Oct 26, 2020 at 12:17 PM David Allen <dallen@jonesboroga.com> wrote:



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 |

[124 North Avenue | Jonesboro, Georgia 30236](#) | www.jonesboroga.com

[Like Us On Facebook](#)

[Like Us on Twitter](#)

Contact Info

#PLACEMENTPAT

ALL SOCIAL MEDIA

Instagram:

@PLACEMENTPAT
 @FIRSTKONTACTMUSICGROUP
 @PUBDEALWORTHY

Snapchat:

@PLACEMENTPAT
 @FIRSTKONTACTMUSICGROUP

[BOOKING](#)

[909-570-1160](tel:909-570-1160)







Attachment: Site Pictures (1741 : Post Production Studio - 249 North Main Street)



Attachment: Site Pictures (1741 : Post Production Studio - 249 North Main Street)



Attachment: Site Pictures (1741 : Post Production Studio - 249 North Main Street)



Attachment: Site Pictures (1741 : Post Production Studio - 249 North Main Street)

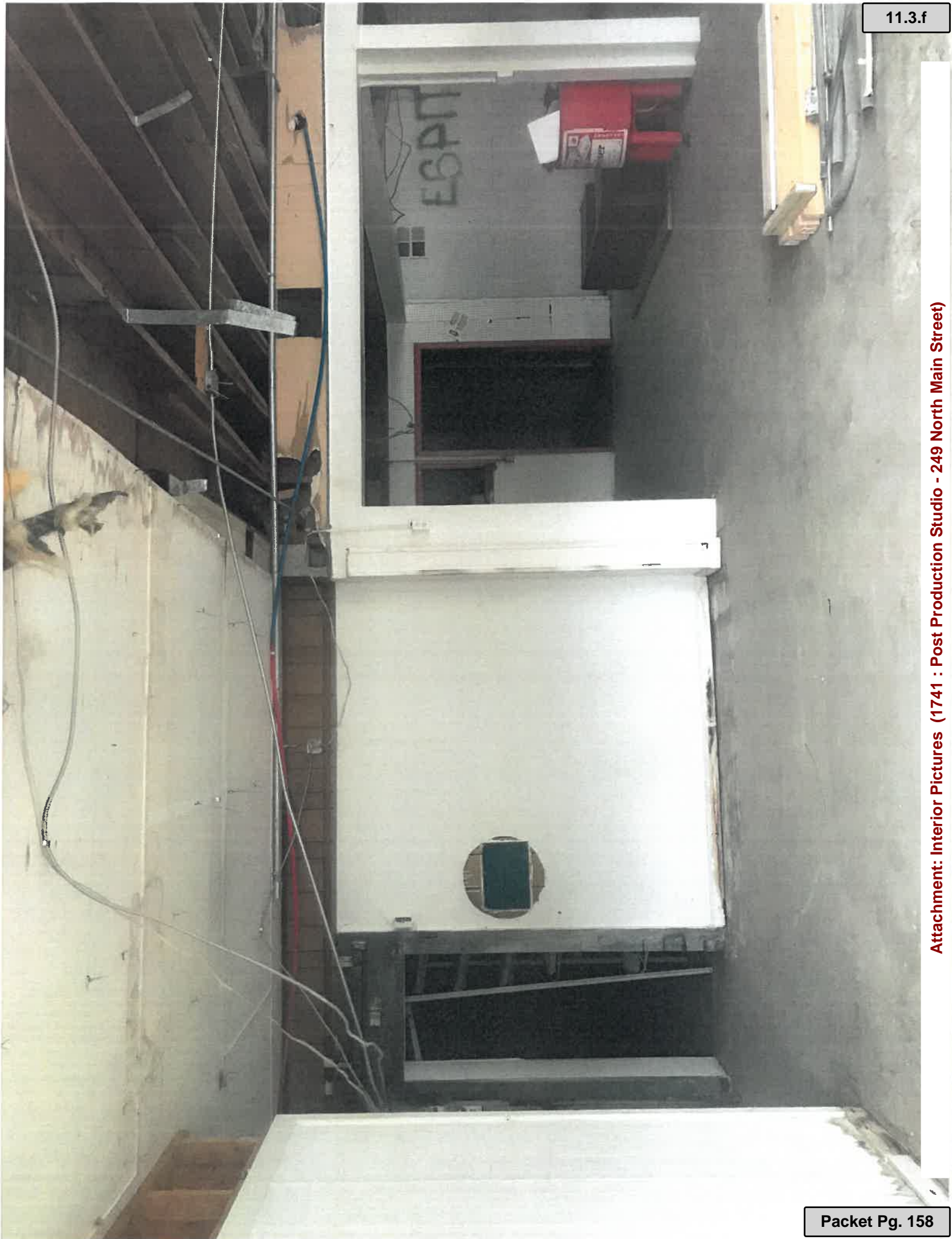


Attachment: Interior Pictures (1741 : Post Production Studio - 249 North Main Street)





Attachment: Interior Pictures (1741 : Post Production Studio - 249 North Main Street)



11.3.f

Attachment: Interior Pictures (1741 : Post Production Studio - 249 North Main Street)

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on November 9, 2020 in the chambers of the Jonesboro Municipal Court facility, 170 South Main Street, Jonesboro, GA, to consider a Conditional Use Permit Application for a post-production studio for movies and video, by Patrick Carpenter, for property at 249 North Main Street (Parcel No. 13240B A005), Jonesboro, Georgia 30236. Mayor & Council will first discuss the item at their Work Session, to be held on November 2, 2020 at 6 pm.

David Allen
Community Development Director

Publish 10/14/20



MEMORANDUM

To: Patrick Carpenter
2210 Summercourt Drive
Jonesboro, GA 30236

From: David D. Allen
City of Jonesboro
124 North Avenue
Jonesboro, GA 30236

Date: October 26, 2020

Re: Notification of Request for Conditional Use – Post-Production Studio, 249 North Main Street; Tax Map Parcel No. 13240B A005

Dear Applicant,

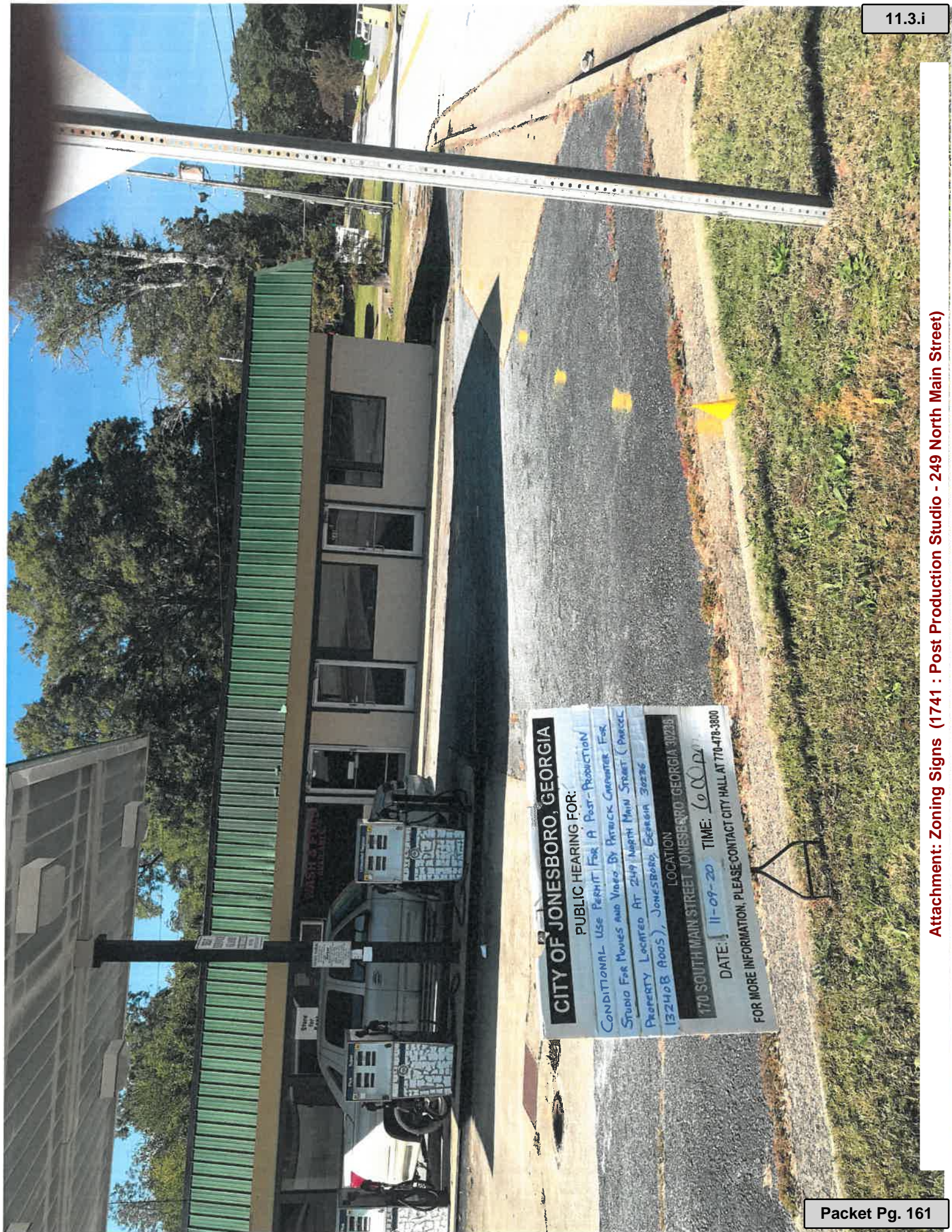
This letter is to serve as notification that the City of Jonesboro has received your request for the following requested conditional use for the above referenced property:

- Post Production Studio

A Public Hearing has been scheduled for Monday, November 9, 2020 at 6:00 p.m. before the Jonesboro Mayor and City Council to consider the request as described above. The Jonesboro Mayor and City Council will first discuss this item at their next Work Session on Monday, November 2, 2020 at 6:00 p.m. The meetings will be conducted in the chambers of the Jonesboro Municipal Court facility, 170 South Main Street, Jonesboro, Ga. If you have any questions, please do not hesitate to contact me at 770-570-2977 or at dallen@jonesboroga.com.

Sincerely,

David D. Allen
Community Development Director / Zoning Administrator



Attachment: Zoning Signs (1741 : Post Production Studio - 249 North Main Street)

CITY OF JONESBORO, GEORGIA

PUBLIC HEARING FOR:

CONDITIONAL USE PERMIT FOR A POST-PRODUCTION
STUDIO FOR MOVIES AND VIDEO BY PATRICK CARPENTER FOR
PROPERTY LOCATED AT 249th NORTH MAIN STREET (PARCEL
13240B A005), JONESBORO, GEORGIA 30236

LOCATION

170 SOUTH MAIN STREET JONESBORO, GEORGIA 30236

DATE: 11-09-20

TIME: 6:00 PM

FOR MORE INFORMATION, PLEASE CONTACT CITY HALL AT 770-478-3800



CITY OF JONESBORO, GEORGIA COUNCIL

Agenda Item Summary

Agenda Item #

11.4

- 4

COUNCIL MEETING DATE

November 9, 2020

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 Variance Application 20-VAR-007 for a residential addition, by Jose Valbuena, applicant, for property at 253 Wayne Avenue (Parcel No. 12048A E007) Jonesboro, Georgia 30236.

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

City Code Section 86-98 – R4 Zoning Standards; Sec. 86-343 – Variance Criteria

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

Yes Community Planning, Neighborhood and Business Revitalization

Summary & Background

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

Agency recommendation – **Approval of variance, with listed conditions**; A few months ago, the new owner of 253 Wayne Avenue was observed to be doing construction to the side of the residence there. He was ordered to stop work until proper construction plans could be approved. The plans went from “replacing roofing and repairing wall” to a more extensive interior renovation and finally, a rear addition. The work is currently undergoing plan review.

The 1085 square-foot house is over 50 years old, predating the current zoning code, and thus is a legal, nonconforming use. **However, altering the existing square footage negates the grandfathering of the size, and thus the inclusion of the addition would need to increase the size of the house to the R-4 minimum of 1600 square feet of floor area. The proposed square footage is only 1236 square feet, thus needing a variance.**

In the City Code, “floor area” is defined as:

Floor area. For residential uses, the total of all floors of a building as measured to the outside surfaces of exterior walls, or from the centerline of walls or partitions separating dwelling units, including halls, stairwells, elevator shafts, and excluding unfinished basements, cellars, storage areas, garages, uncovered porches, terraces, decks and balconies. For non-residential uses, floor area shall include all floors, lofts, balconies, mezzanines, cellars, basements, halls, stairwells, elevator shafts and all other interior spaces.

Sec. 86-314. - Nonconforming use of major structures or land occupied by major structures permitted.

The lawful use of individual structures having a replacement cost of \$10,000.00 or more, or land in combination with such structures, existing at the time of adoption of this chapter that does not conform to the provisions of this chapter may be continued, provided the use remains otherwise lawful and complies with the following provisions:

- (1) No existing structure devoted to a use not permitted by this chapter in the district in which the structure is located shall be enlarged, expanded, extended, moved, constructed, reconstructed, structurally altered or otherwise altered except in converting the use of the structure to a use permitted in the zoning district in which the structure is located.*
- (2) Alterations may be made to the interior of a nonconforming building, and cosmetic alterations may be made to the exterior of such a building; however, no alterations or extensions shall be made which increase the exterior dimensions of a nonconforming building.*
- (3) No nonconforming land use may be enlarged, expanded, relocated on the property or otherwise altered in any manner that increases the degree of nonconformance.*
- (4) While the general intent to prohibit expansion of nonconforming uses set forth in section 86-311 is reaffirmed, where indefinite continuation of nonconforming uses in major permanent structures with fixed foundations and with replacement costs exceeding \$10,000.00 is apparent, such continuation is hereby found to be adverse to the general public interest.*
- (5) A nonconforming use may be extended within the confines of a building manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, provided that such extension in a multi-unit structure shall be confined to the units in use at that time. No such use shall be extended to occupy any land outside such building.*
- (6) Any major structure in or on which a nonconforming use is replaced by a permitted use shall thereafter conform to the standards of the*

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

November, 9, 2020

**11/02/20
REQUIRED**

**City Council PUBLIC HEARING
Next: 11/09/20**

Signature

City Clerk's Office

- zoning district in which the structure is located, and the nonconforming use may not thereafter be resumed.
- (7) Cessation of a nonconforming use for any reason for a period exceeding 12 consecutive months or a total of 18 months within a three-year period, despite the intent of the owner as defined herein, shall comprise a forfeiture of nonconforming status. Such nonconforming use shall not thereafter be resumed and any future use shall conform to the standards of the zoning district in which the use is located and other provisions of this chapter. Such restrictions shall not apply to cessation as a direct result of public agency action impeding access to the premises.
 - (8) Removal or destruction of a major structure shall eliminate the nonconforming status of the land and the structure shall not thereafter be re-established. For the purpose of this subsection, "destruction," shall be defined as damage totaling more than 50 percent of the replacement cost of the structure at the time of such destruction.
 - (9) A nonconforming building may be restored following damage or destruction by accidental or unintentional fire, flood, wind or other such causes, provided construction costs do not exceed 50 percent of the replacement cost of such building. Such restoration may be on the same building footprint and floor area as the original structure existing immediately prior to such damage or destruction or to a smaller size provided; however, that required permits for such restoration or replacement are secured and restoration or replacement is initiated within a period of one year from the date of the damage or destruction, and provided further that such restoration or replacement complies, to the extent physically feasible, with current building and zoning code structural and dimensional requirements. Restoration shall be diligently carried to completion and such nonconforming use may be resumed and continued as before, or on a smaller scale, but shall not be enlarged, nor intensified. Unless restoration is so initiated and completed, the use shall terminate and not be resumed. Remodeling shall not be deemed removal or destruction, nor shall destruction necessitated by repairs, maintenance or remodeling.

Sec. 86-321. - Enlargement.

No nonconforming building, structure or use shall be expanded, enlarged or extended in any manner unless such alteration complies with this chapter.

Thus, the addition needs an approved variance to legally become a reality.

In September, the Design Review Commission reviewed the proposed exterior alteration to the residence and approved it with the listed conditions below. (The house is not in the Historic District.) The house is somewhat unique in that the side under construction was white vinyl siding, contrasted with the brick exterior of the rest of the house. It is often difficult to match existing brick on a house, but the use of future vinyl siding is discouraged in the City. Therefore, at the very least, the replacement exterior of the right side of the house needs to be Hardiplank.

These Design Review conditions need to be incorporated in the Council's approval conditions, should the variance be approved.

- 1. The replacement exterior material shall be either Hardiplank or brick, and not vinyl siding. If Hardiplank, it shall match any siding or trim color already on the rest of the house. If brick, it shall match the brick color already on the rest of the house.**
- 2. Any replacement doors and windows shall match the existing style.**

Approving the variance will not prevent a reasonable use of the property, nor will it be injurious to the public health, safety, or welfare. Being on the rear, the addition will not be readily noticeable from the street. The increased house size will still be in proportion to adjacent houses and will bring more tax revenue to the City.

Staff recommendation: Approval, with listed conditions

Update for 11.9.20 Council meeting: No changes since the last meeting.

Fiscal Impact

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

Private owner

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

- Application

- Property Info
- Existing House
- Site Pictures
- House Size Variance - 253 Wayne Avenue - Legal Notice
- Zoning Signs
- 253 WAYNE AVE_ADDITION PLAN
- Acceptance Letter
- Warranty Deed

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

Approval, with Conditions



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

VARIANCE REQUEST

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

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

Property Information:

Address: (JOSE VALBUENA) 253 WAYNE AV.

Parcel Identification Number: 12048A E007

Size: 0.26 ACRES

Owner: JOSE VALBUENA

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: JOSE VALBUENA

Mailing Address: 124 DAVIS MILL CT - LAWRENCEVILLE GA. 30044

Email Address: jsimar@gmail.com Telephone: 954 401 7856

Attachment: Application (1740 : 253 Wayne Avenue Addition)

PROJECT INFORMATION:

Section of Ordinance in which variance is needed:

SEC. 86-98 (b)(6)

Requesting Variance from:

1600 SQUARE FEET

to:

1236 SQUARE FEET

Reason for Variance Request:

NEED APPROVAL OF RESIDENTIAL AREA,
WILL BE BELOW HOUSE SIZE MINIMUM**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.

NONE

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

NONE

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.

MOST HOUSES IN THE AREA PREPARE THE ZONING
CODE AND THEIR CURRENT SIZES (UNALTERED) ARE
GRANDFATHERED

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

IT WILL NOT, AS LONG AS SETBACKS ARE OBSERVED

Attachment: Application (1740 : 253 Wayne Avenue Addition)

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

RESULT OF APPLICANT TRYING TO ENLARGE
GRANDFATHERED HOUSE BUT CANNOT GO ALL THE
WAY TO 1600 SQUARE FEET

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

REPAIRING THE HOUSE AND ADDING MORE ROOM
BUT CANNOT GO TO CODE REQUIRED 1600 SQUARE FEET

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

No

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

Yes

JOSE VALBUENA

PRINT NAME

10-15-2020

DATE



SIGNATURE

FEE AMOUNT

FOR OFFICE USE ONLY:

Date Received: 10/15/2020

Information Reviewed By: DON

Actions Taken By: _____

Misc. Notes: _____



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

BUILDING PLAN REVIEW APPLICATION

ATTACH ADDITIONAL PAGES IF NECESSARY. ALL ATTACHMENTS MUST BE NUMBERED. INDICATE THE PAGE NUMBER OF ATTACHMENT IN THE SPACES PROVIDED FOR EACH RELEVANT ANSWER. USE A SEPARATE PAGE FOR EACH NECESSARY QUESTION/ANSWER ATTACHMENT.

ADMINISTRATION FEE: \$600.00 (Non-Refundable) for Commercial properties and **\$150.00** (Non-Refundable) for Residential properties. The City of Jonesboro will calculate and advise fees due.

Date: 10-15-2020

Property Owner's Information

Property Owner: JOSE VALBUENA
 Owner Address: 124 DAVIS MILL CT - LAWRENCEVILLE - GA - 30044

Property Information

Location Address: 253 WAYNE AVE.
 Parcel #'s: _____
 Subdivision: _____ Lot#: _____ Zoning: _____
 Disturbed Acreage: _____ Site Acreage: _____

Contractor's Information

General Contractor: OWNER Certification #: _____
 Address: _____

Attachment: Application (1740 : 253 Wayne Avenue Addition)

Email:

CONTRACTOR/ OWNER SIGNATURE: _____ DATE: _____

License Issued / / **20**

Attachment: Application (1740 : 253 Wayne Avenue Addition)



CITY OF JONESBORO

124 North Avenue
Jonesboro, GA 30236
www.jonesboroga.com

BUILDING PERMIT APPLICATION SCOPE OF WORK

Name: JOSE UMBUENA Date: 10-16-2020
Address: 253 WAYNE AV.

Rooms work is to take place in:

- | | | |
|--------------------------------------|---|--------------------------------------|
| <input type="checkbox"/> Basement | <input type="checkbox"/> Living Room | <input type="checkbox"/> Bedroom 3 |
| <input type="checkbox"/> Kitchen | <input type="checkbox"/> Master Bedroom | <input type="checkbox"/> Bedroom 4 |
| <input type="checkbox"/> Bathroom | <input type="checkbox"/> Bedroom 1 | <input type="checkbox"/> Exterior |
| <input type="checkbox"/> Master Bath | <input type="checkbox"/> Bedroom 2 | <input type="checkbox"/> Other _____ |

Electrical and Mechanical

- | | |
|--|---|
| <input type="checkbox"/> New or upgrade of electric service | <input type="checkbox"/> Adding or replacing electric circuits |
| <input type="checkbox"/> Installing smoke detectors | <input type="checkbox"/> Adding or relocating receptacles or switches |
| <input type="checkbox"/> Installing new furnace | <input type="checkbox"/> Installing new AC condenser |
| <input type="checkbox"/> Installing new fireplace or heating stove | <input type="checkbox"/> New chimney or vent |
| <input type="checkbox"/> Installing new bathroom exhaust fan | <input type="checkbox"/> Installing or replacing range hood |
| <input type="checkbox"/> Other: _____ | |

Framing

- | | |
|---|---|
| <input type="checkbox"/> New deck, porch, or stairs | <input type="checkbox"/> Roofing (Replacing decking and shingles) |
| <input checked="" type="checkbox"/> Addition | <input type="checkbox"/> Installing or relocating load bearing walls |
| <input type="checkbox"/> Detached garage, carport, or storage building | <input type="checkbox"/> Altering or relocating existing window/doors |
| <input type="checkbox"/> Replacing deck, porch, stairs or railing | <input type="checkbox"/> Sheathing |
| <input type="checkbox"/> New attached garage or carport | <input type="checkbox"/> Installing new drywall |
| <input type="checkbox"/> New pool, spa or hot tub | <input type="checkbox"/> Installing sunroom or other pre-manufactured |
| <input type="checkbox"/> Installing or relocating non-load bearing walls | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Replacing or repairing damaged: | |
| <input type="checkbox"/> Floor joist <input type="checkbox"/> Stud <input type="checkbox"/> Beam <input type="checkbox"/> Header <input type="checkbox"/> Ceiling Joist <input type="checkbox"/> Rafters or Trusses | |

Plumbing

- | | |
|--|--|
| <input type="checkbox"/> Installing or replacing water heater | <input type="checkbox"/> Relocating existing plumbing fixtures |
| <input type="checkbox"/> Installing new water or DWV piping | <input type="checkbox"/> Installing or replacing gas piping |
| <input type="checkbox"/> Replacing existing water or DWV piping | <input type="checkbox"/> Installing new plumbing fixtures |
| <input type="checkbox"/> Installing or replacing backflow device | <input type="checkbox"/> Installing new sump pump |
| <input type="checkbox"/> Other: _____ | |

Additional Information

SEE BLUEPRINTS

Attachment: Application (1740 : 253 Wayne Avenue Addition)

Real Property Records Search

Clayton County Property Card For Year 2020

MCCLEAN MIRRIAN ALGERNON
600 MOUNTAIN OAKS PARKWAY
STONE MOUNTAIN, GA 30087

PARCEL ID . . 12048A E007
LOCATION . . 253 WAYNE AVE

LEGAL DESC DISTRICT 4 JONESBORO
LOT 17
BLOCK A NBRHOOD 60249 HILLCREST HOMES

DESCRIPTION HILLCREST HOMES - ALL UTILITIES
DESCRIPTION PAVED ROAD
ROAD FRONT . . . 76.0

PLAT BOOK/PAGE . . . 3 200

SALES HISTORY

| DEED BOOK | PAGE | SALE DATE | SALES INSTRUMENT | DISQUALIFIED | SALE AMT | DEED NAME |
|-----------|------|-----------|------------------|----------------|----------|----------------------------|
| 7316 | 057 | 2/13/04 | WARRANTY DEED | QUALIFIED | 68,000 | MCCLEAN MIRRIAN & ALGERNON |
| 4068 | 229 | 9/09/99 | WARRANTY DEED | OTHER | | FRANKS MARY B |
| 3310 | 119 | 9/27/97 | QUIT CLAIM | RELATED | | MCGUIRE JAYNE W |
| 2769 | 127 | 7/17/96 | WARRANTY DEED | SALE FROM BANK | 39,000 | JWM ENTERPRISES INC |
| 1853 | 484 | 1/01/92 | WARRANTY DEED | | | THORNTON JOHN H |

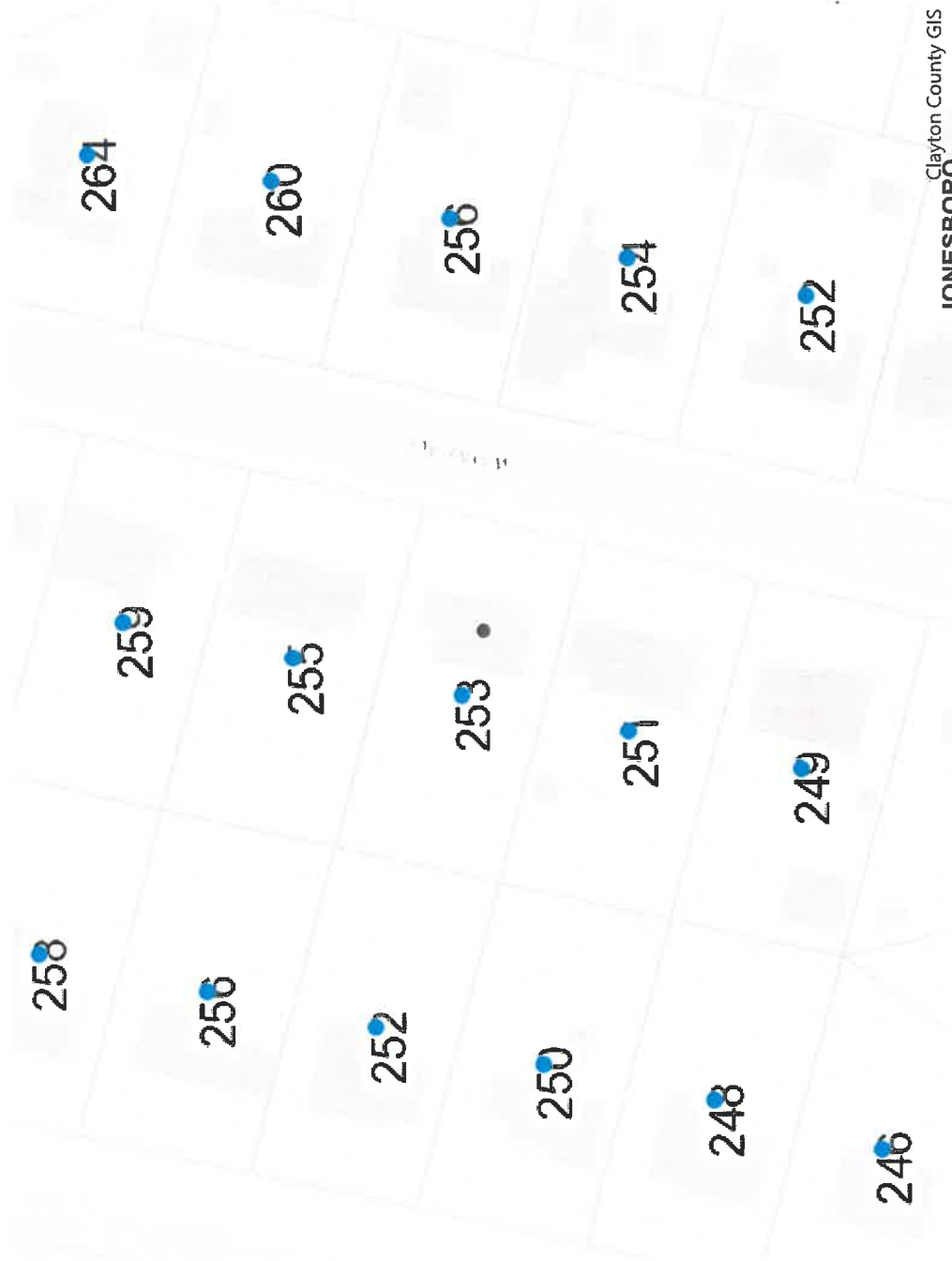
LAND SEGMENTS

| LND# | ZONE | LAND TYPE/CODE | LAND QTY |
|--------------------|------|----------------|----------|
| 1 | R | LT 1 | 1.000 |
| MAP ACRES . . .000 | | | |

IMPROVEMENT # 1 MAJOR IMPR-M

| GROUND FLOOR AREA . . | 1,085.00 | ACT/EFF YR/AGE . . 1953 1953 67 |
|-----------------------|----------|---------------------------------|
| DESCRIPTION . . . | | |
| | % COMP | SQ FOOTAGE |
| RANCH | 100 | 1085.00 |
| BEDROOMS | | 3 |
| BATHROOMS | | 1.0 |
| BRICK | | 1.00 |
| NO ATTIC | | 1.00 |
| CRAWL SPACE | | 1085.00 |
| FLOOR/WALL HEAT | | 1.00 |
| ADDITIONAL PLUMBING | | 3.00- |
| ADDITIONS PORCHES | | 13.00 |

Attachment: Property Info (1740 : 253 Wayne Avenue Addition)



Google Maps 256 Wayne Ave



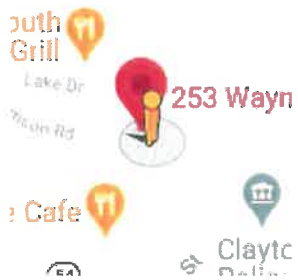
Google

Image capture: Jun 2019 © 2020 Google

Jonesboro, Georgia

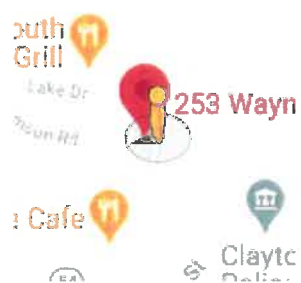


Street View



Attachment: Existing House (1740 : 253 Wayne Avenue Addition)

Street View



Attachment: Existing House (1740 : 253 Wayne Avenue Addition)



Attachment: Site Pictures (1740 : 253 Wayne Avenue Addition)



Attachment: Site Pictures (1740 : 253 Wayne Avenue Addition)

A photograph of a residential property. In the foreground, there is a large, dense green bush on the left side. To the right of the bush, a concrete sidewalk leads towards a white house. The house is partially obscured by the bush and other trees. A driveway leads from the right side of the image towards a garage. A mailbox is visible in the lower right corner. The word "Google" is overlaid on the image.

South Grill
Lake Dr
Main Rd
253 Wayne
Cafe
Clayton

Attachment: Site Pictures (1740 : 253 Wayne Avenue Addition)

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on November 9, 2020 in the chambers of the Jonesboro Municipal Court facility, 170 South Main Street, Jonesboro, GA, to consider a variance for minimum house size (remodel and addition) for an existing residence by Jose Valbuena for property located at 253 Wayne Avenue (Parcel No. 12048A E007), Jonesboro, Georgia 30236. Mayor & Council will first discuss the item at their Work Session to be held on November 2, 2020.

David Allen
Community Development Director

Publish 10/21/20



Attachment: Zoning Signs (1740 : 253 Wayne Avenue Addition)

CITY OF JONESBORO, GEORGIA

PUBLIC HEARING FOR: **VARIANCE**
FOR MINIMUM House Size (REMODEL AND ADDITION) FOR AN
EXISTING RESIDENCE BY JOSE VALBUENA FOR PROPERTY
LOCATED AT 253 WAYNE AVENUE (PARCEL 12048A E007)
JONESBORO, GEORGIA 30236.

LOCATION

170 SOUTH MAIN STREET, JONESBORO, GEORGIA 30236

DATE: 11-09-20 TIME: 6:00 PM

FOR MORE INFORMATION, PLEASE CONTACT CITY HALL AT 770-478-3800

ADDITION TO
253 WAYNE AVE
JONESBORO, GA 30236

CONTENTS

- S-1 SITE PLAN
- A-1 EXISTING FLOOR PLAN & DEMO
- A-2 PROPOSED FLOOR PLAN & FOUNDATION
- A-3 EXISTING ELEVATIONS
- A-4 PROPOSED ELEVATIONS
- A-5 ROOF PLAN & FRAMING
- A-6 ELECTRICAL FIXTURES & WALL SECTION

SCOPE OF WORK:
CONSTRUCTION ADDITION FOR NEW BEDROOM,
BATH AND LAUNDRY.

EXISTING AREA: 1,085 SF
PROPOSED AREA: 1,236 SF

ZONING: R-4

APPLICABLE CODES:
-2018 International Residential Code with 2020 GA Amendments
-2018 International Plumbing Code with 2020 GA Amendments
-2018 International Mechanical Code with 2020 GA Admendments
-2018 International Fire Code
-2017 National Electrical Code
-2012 International Energy Code

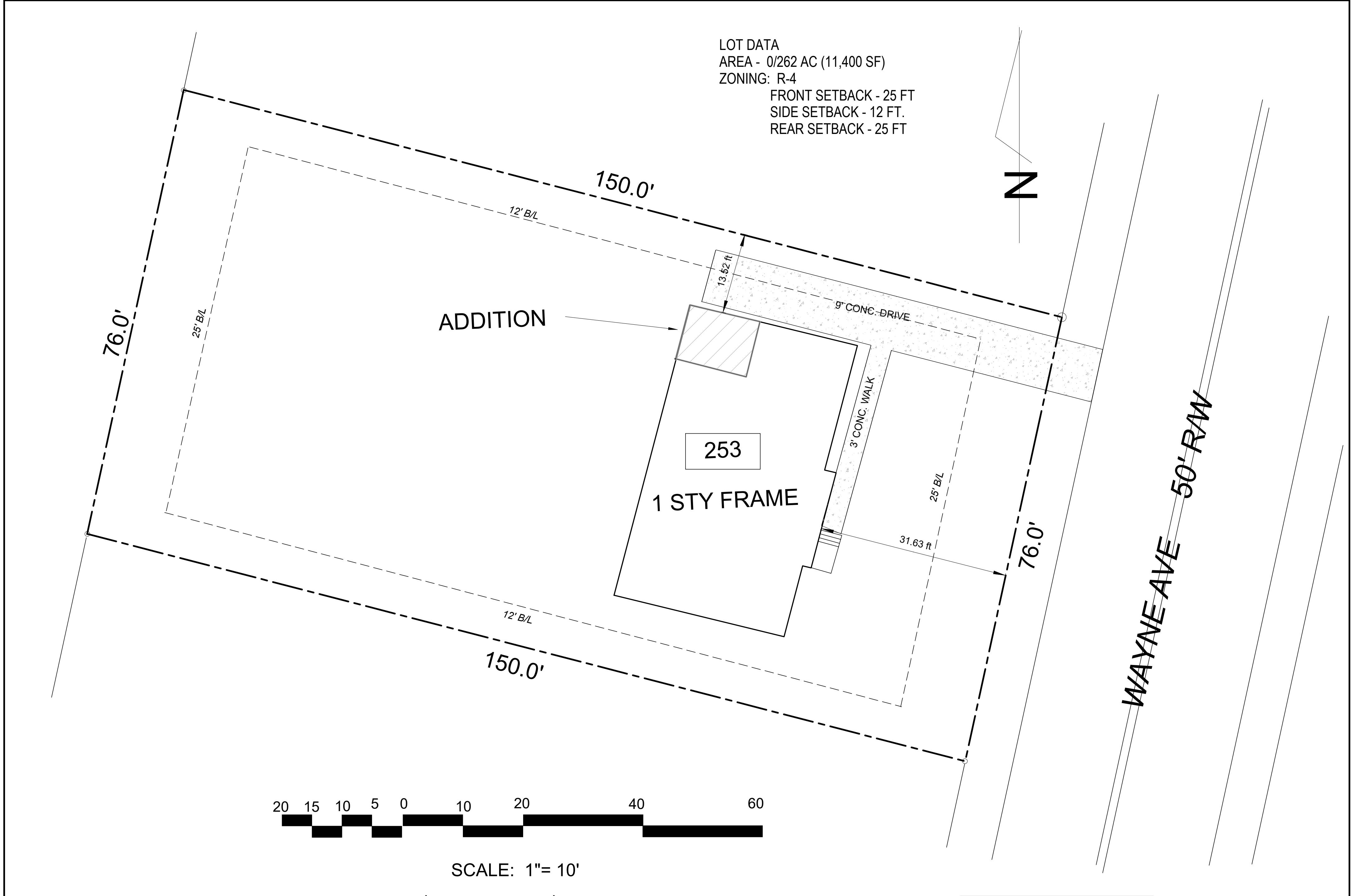
OWNER: JOSE VALBUENA
253 WAYNE AVE
JONESBORO, GA 30236

24 HR. CONTACT JORGE SIERRA 954-401-7856

LUCAS

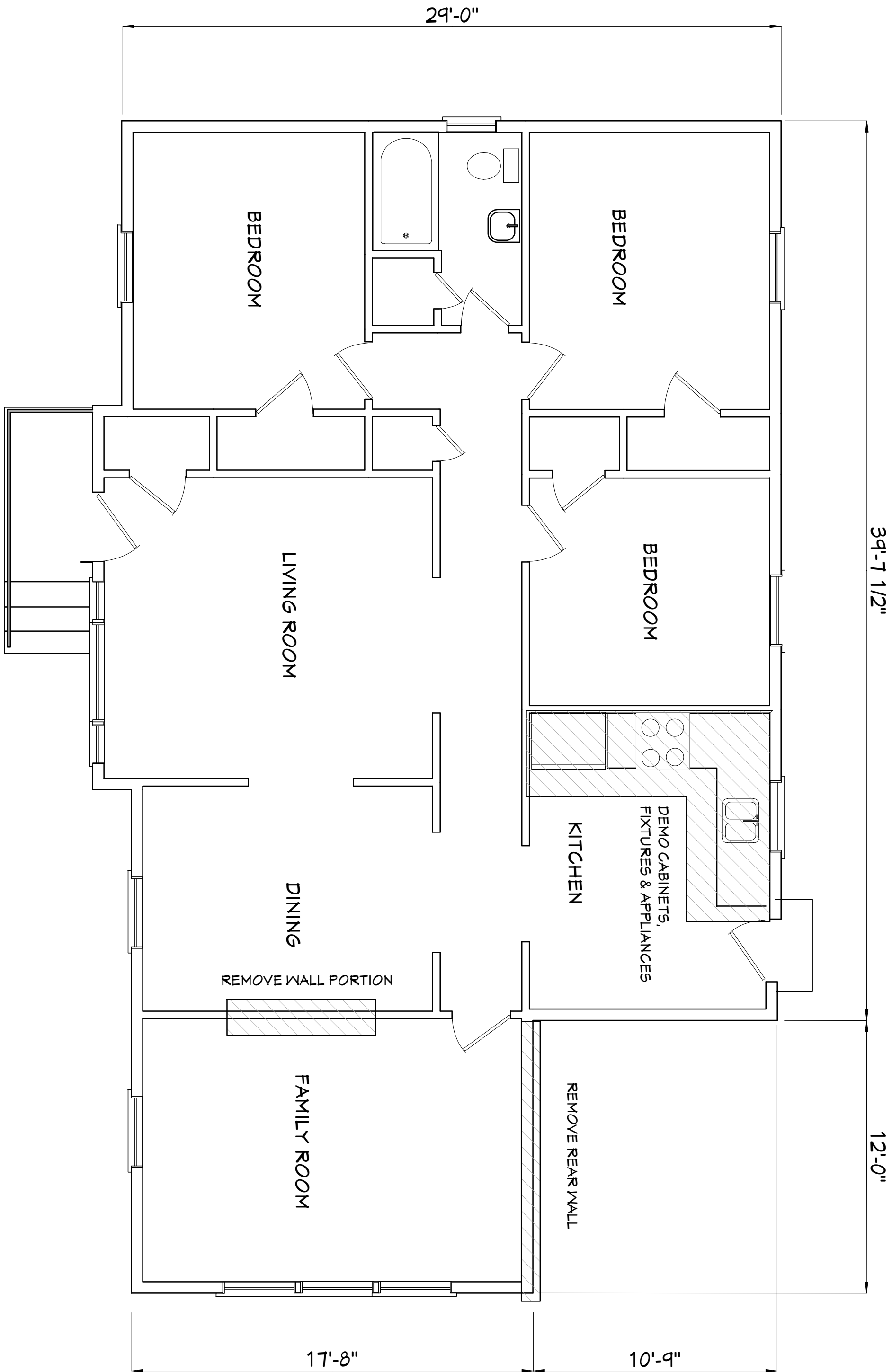
RESIDENTIAL DESIGN
5802 Cedar Croft Lane
Lithonia, GA 30058

404-680-5426
lucas.residentialdesign@gmail.com



| | | | | | | |
|-----------|--|-------|------------|--|--|--------------|
| REVISIONS | LAND LOT: 48A DISTRICT: 12TH COUNTY: CLAYTON | Scale | 1" = 20' | TITLE SITE PLAN FOR JOSE VALBUENA PROPERTY 253 WAYNE AVE JONESBORO, GA 30236 | <div>LUCAS</div> <div>RESIDENTIAL DESIGN 5802 Cedar Croft Lane Lithonia, GA 30058 404-680-5426 lucas.residentialdesign@gmail.com</div> | SHEET S-1 |
| | | Date | XX/XX/XXXX | | | |
| | | Drawn | LJL | | | |

Attachment: 253 WAYNE AVE_ADDITION PLAN (1740 : 253 Wayne Avenue Addition)

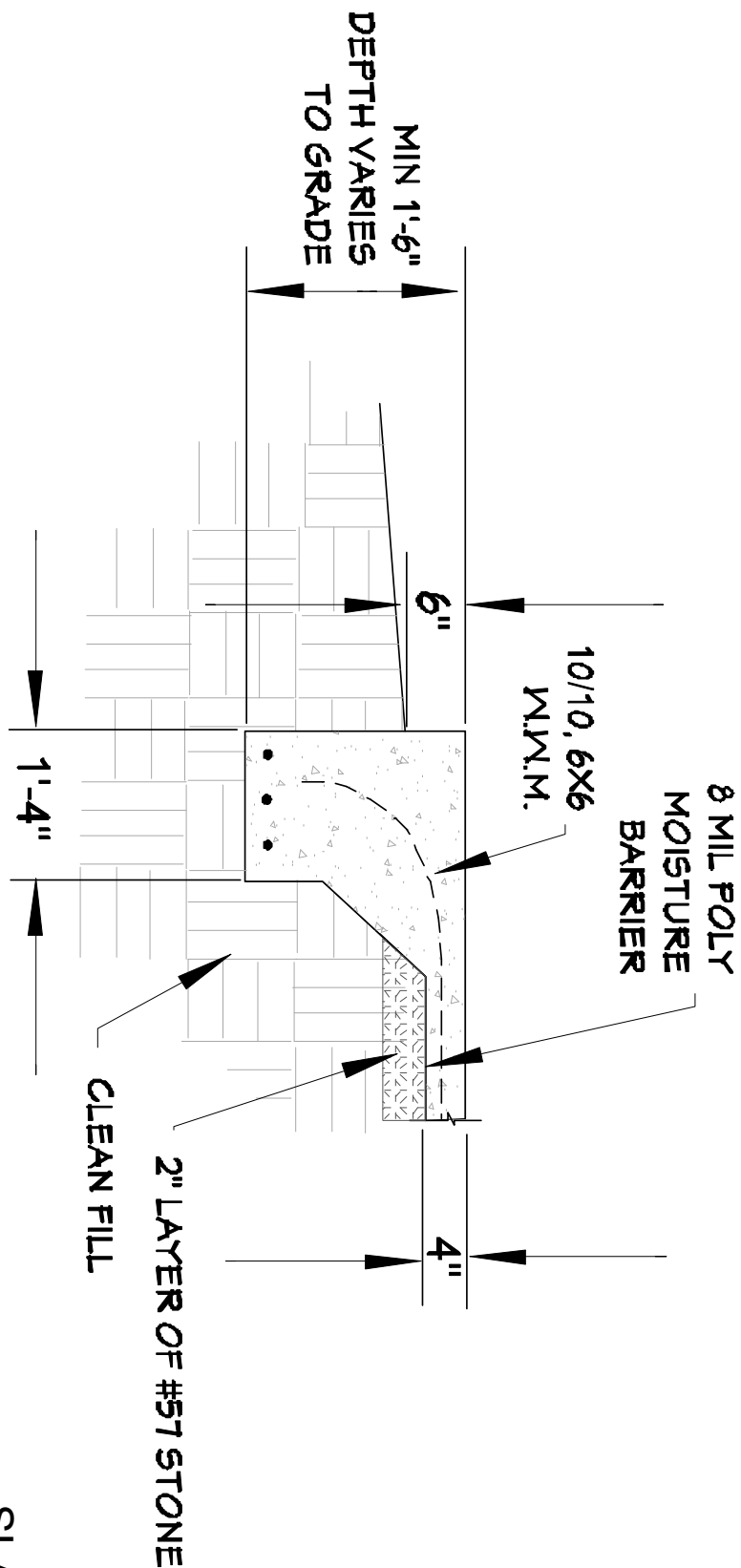


EXISTING FLOOR PLAN & DEMO (1,085 SF)

TO BE REMOVED

| | | |
|-----------|--|--|
| REVISIONS | <p>PLEASE NOTE: Lucas Residential Drafting assumes no liability for any structure constructed from this plan. It is the responsibility of the contractor to perform the following before beginning construction.</p> <p>1) Contractor must verify ALL DIMENSIONS prior to proceeding with construction.</p> <p>2) Contractor must verify compliance with ALL LOCAL BUILDING CODES in the area the project is to be constructed.</p> <p>3) Plans indicate locations only, engineering aspect should incorporate actual site conditions.</p> | <p>LUCAS RESIDENTIAL DESIGN 5802 Cedar Croft Lane Lithonia, GA 30058 404-680-5426 lucas.residentialdesign@gmail.com</p> |
| | | |

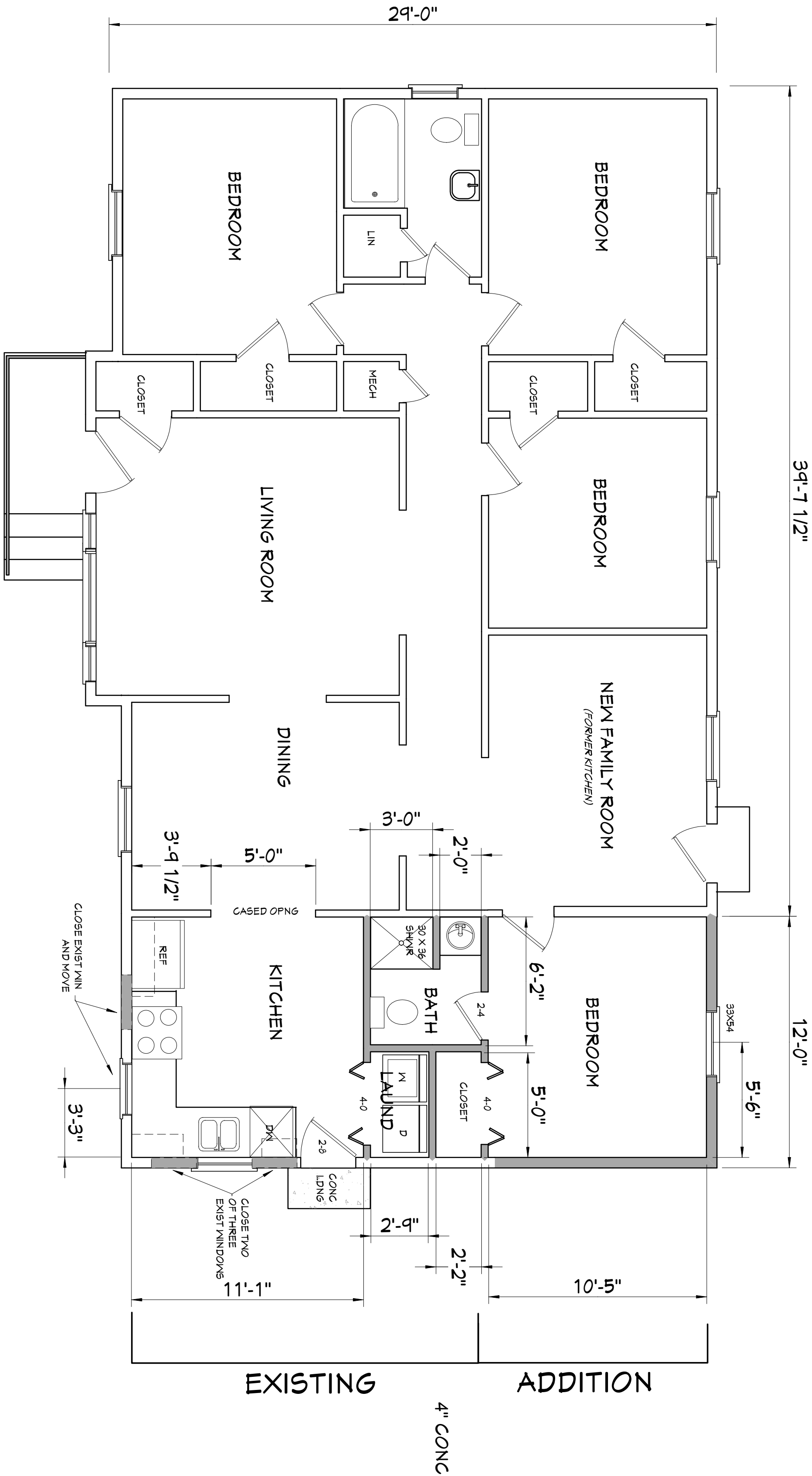
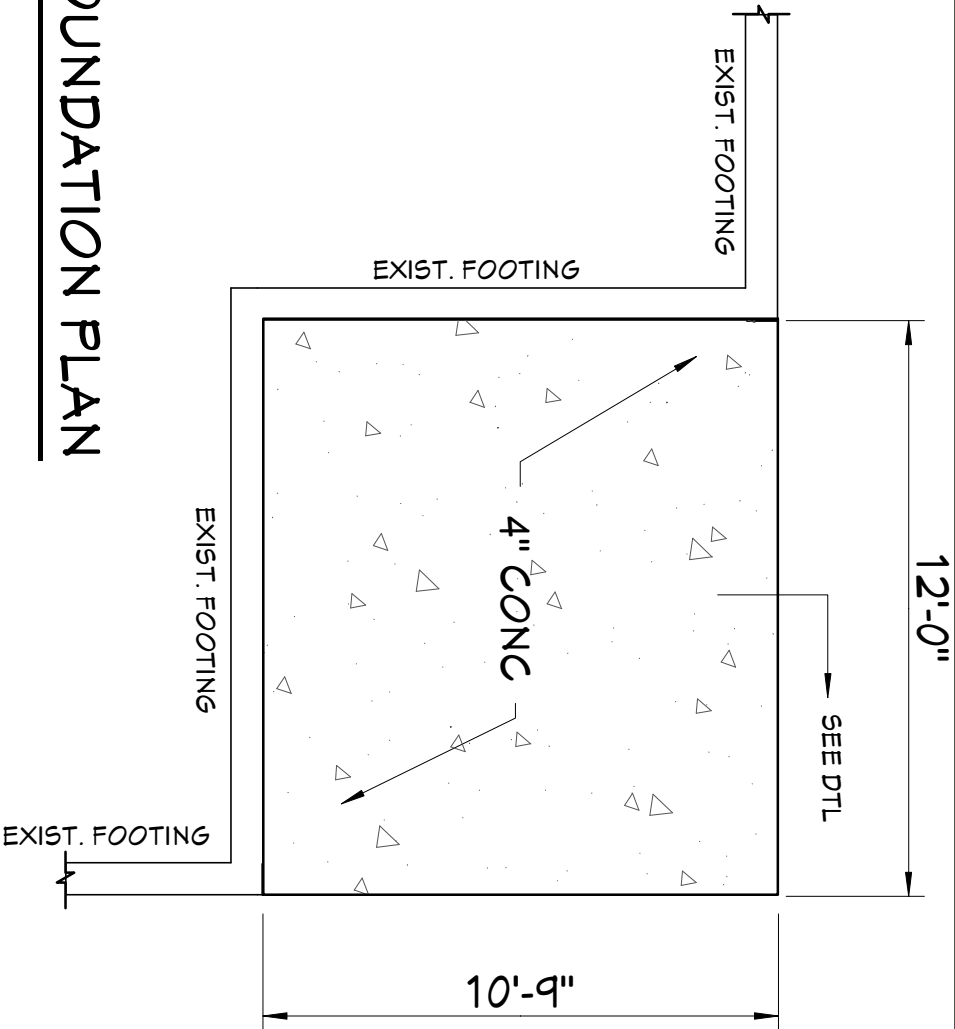
| |
|----------------------------|
| EXISTING FLOOR PLAN & DEMO |
| SCALE 1/4" = 1'-0" |
| DRAWN BY L.J.L |
| DATE 9/27/20 |
| SHEET A-1 |



SLAB DETAIL

N.T.S.

FOUNDATION PLAN



PROPOSED FLOOR PLAN & DEMO

(1,236 SF)

LUCAS RESIDENTIAL DESIGN
5802 Cedar Croft Lane
Lithonia, GA 30058
404-680-5426
lucas.residentialdesign@gmail.com

PLEASE NOTE: Lucas Residential Drafting assumes no liability for any structure constructed from this plan. It is the responsibility of the contractor to perform the following before beginning construction.

- 1) Contractor must verify ALL DIMENSIONS prior to proceeding with construction.
- 2) Contractor must verify compliance with ALL LOCAL BUILDING CODES in the area the project is to be constructed.
- 3) Plans indicate locations only, engineering aspect should incorporate actual site conditions.

REVISIONS

253 WAYNE AVE
JONESBORO, GA 30236

PROPOSED
FLOOR PLAN &
FOUNDATION

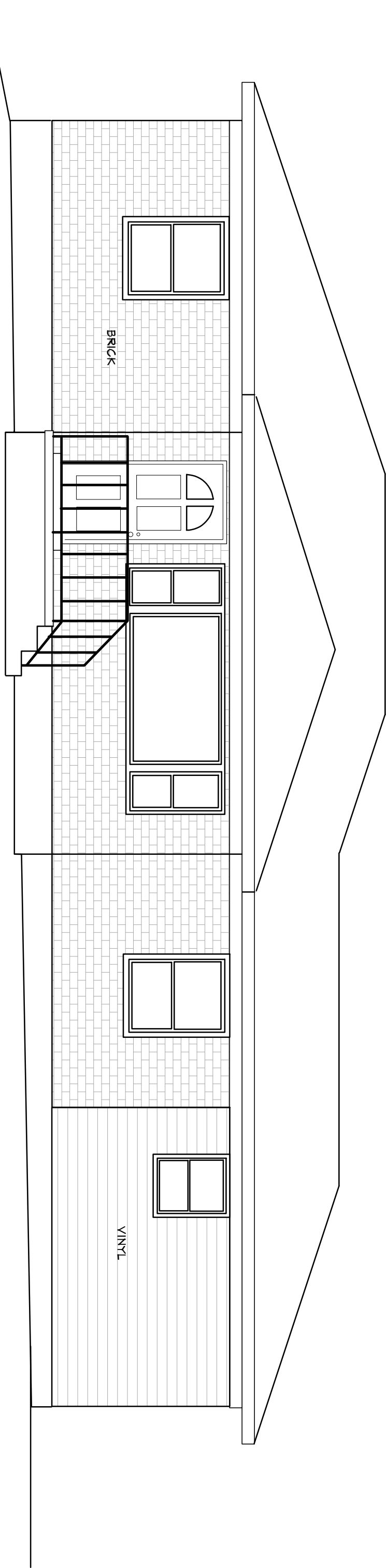
SCALE 1/4" = 1'-0"

DRAWN BY L.J.L

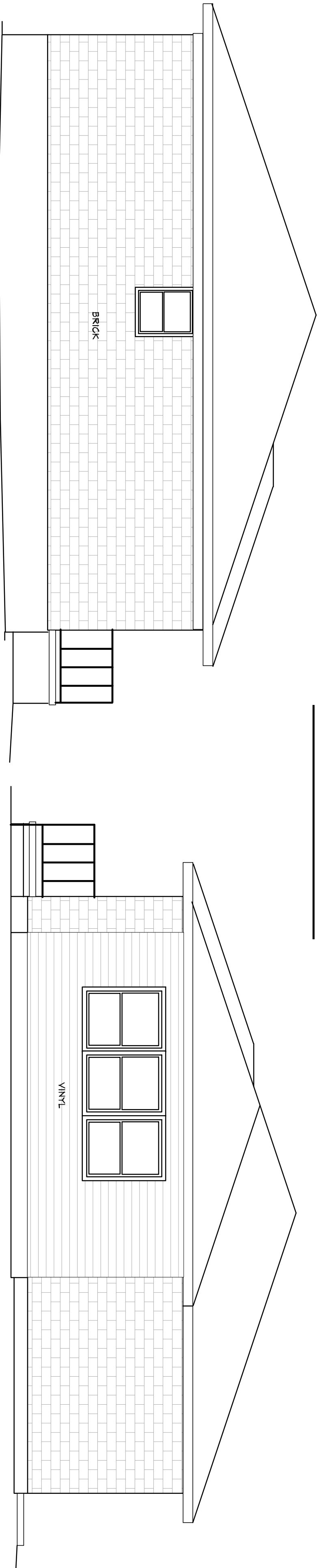
DATE 9/27/20

SHEET

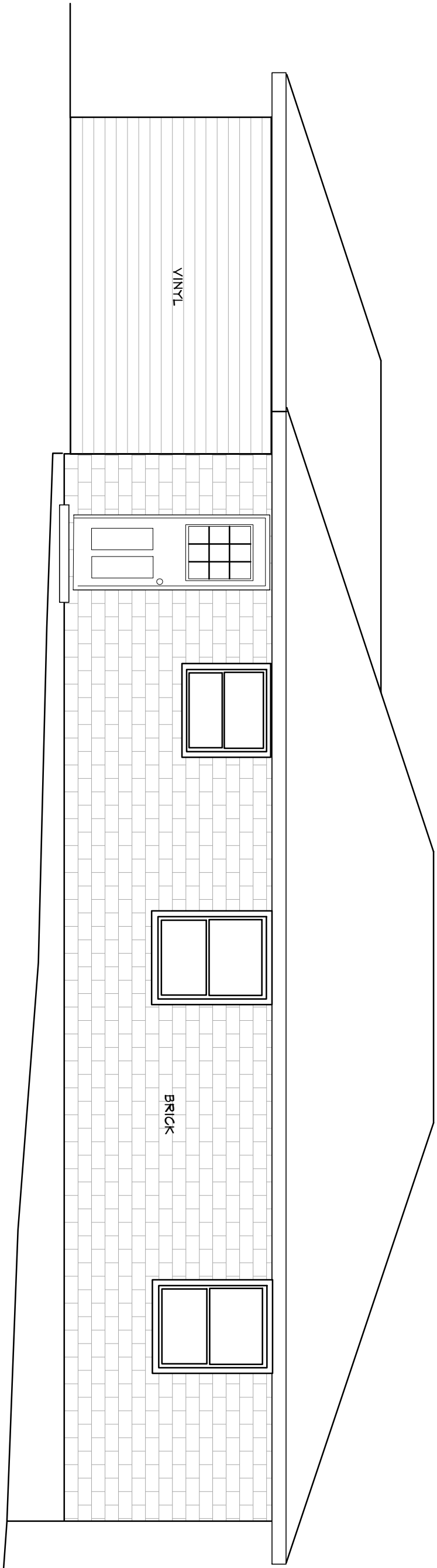
A-2



FRONT ELEVATION



LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION

REAR ELEVATION

LUCAS RESIDENTIAL DESIGN
5802 Cedar Croft Lane
Lithonia, GA 30058
404-680-5426
lucas.residentialdesign@gmail.com

PLEASE NOTE: Lucas Residential Drafting assumes no liability for any structure constructed from this plan. It is the responsibility of the contractor to perform the following before beginning construction.

- 1) Contractor must verify ALL DIMENSIONS prior to proceeding with construction.
- 2) Contractor must verify compliance with ALL LOCAL BUILDING CODES in the area the project is to be constructed.
- 3) Plans indicate locations only, engineering aspect should incorporate actual site conditions.

REVISIONS

253 WAYNE AVE
JONESBORO, GA 30236

EXISTING
ELEVATIONS

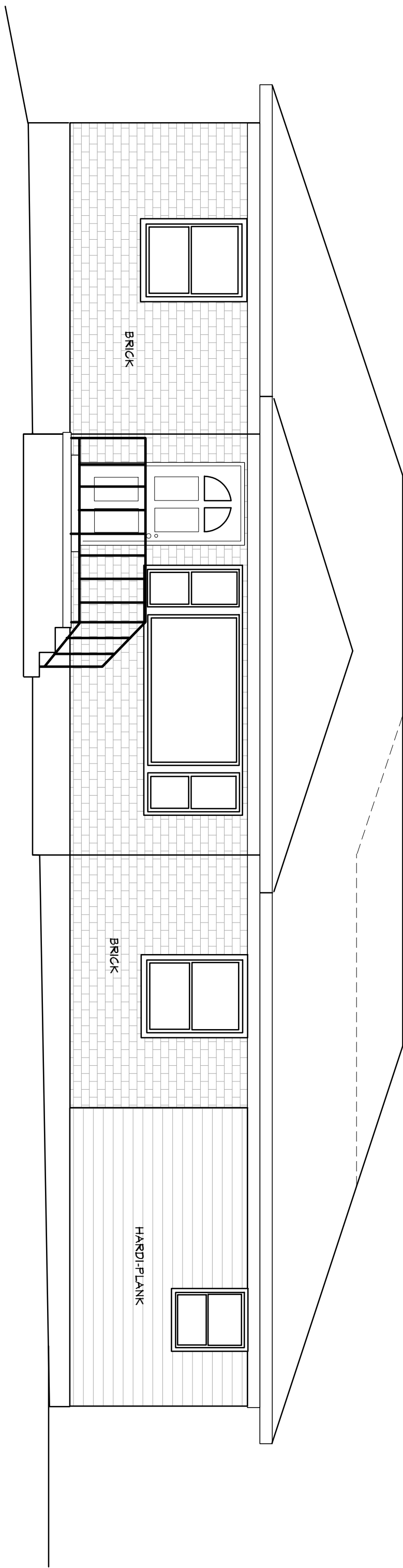
SCALE 1/4" = 1'-0"

DRAWN BY L.J.L

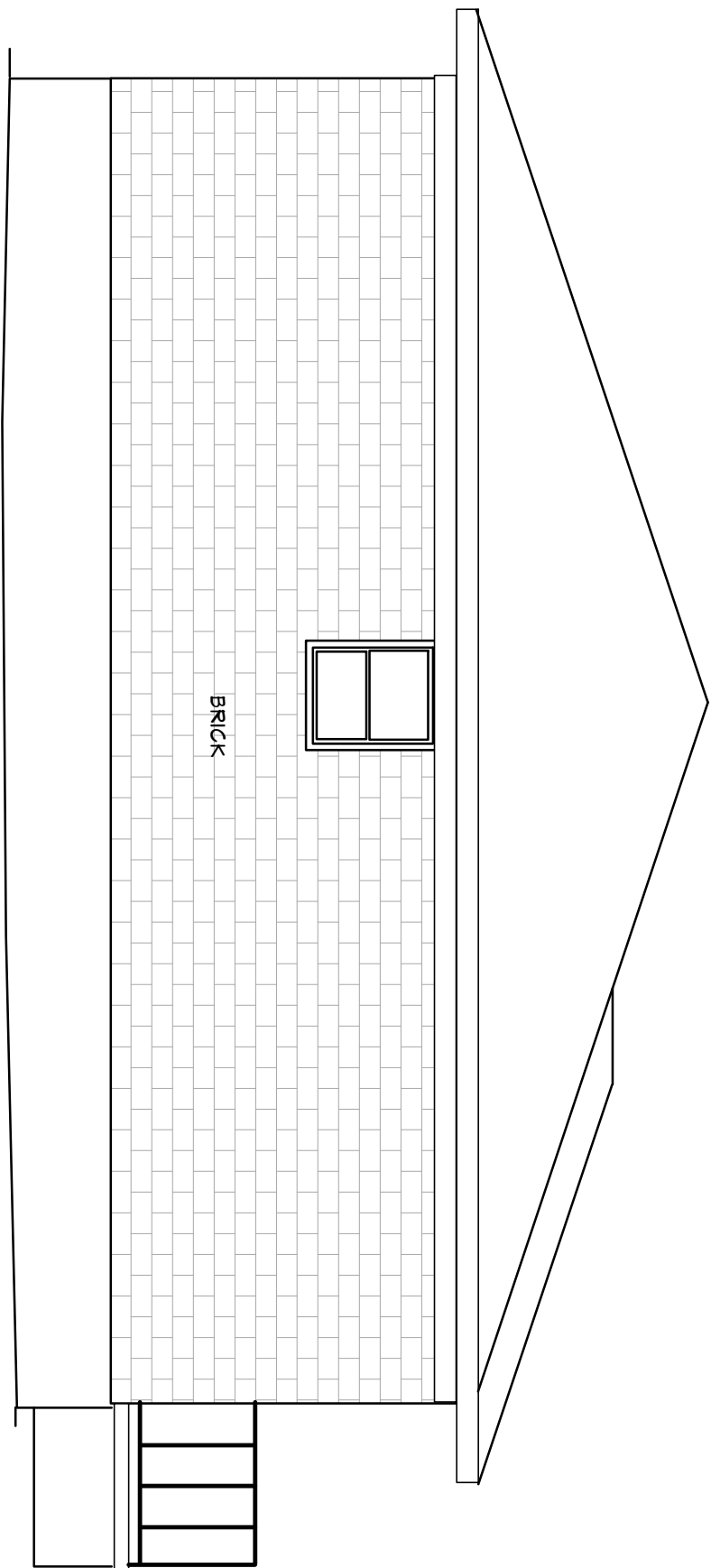
DATE 9/27/20

SHEET

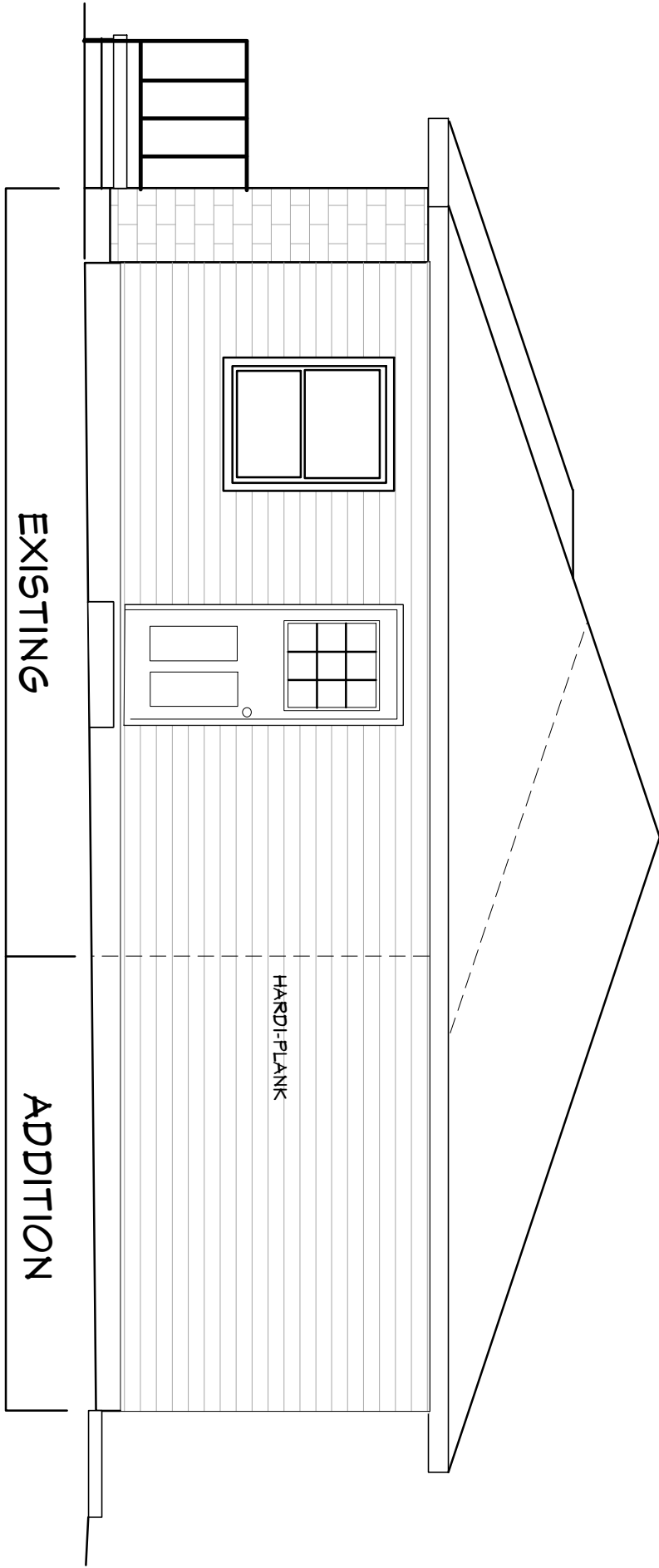
A-3



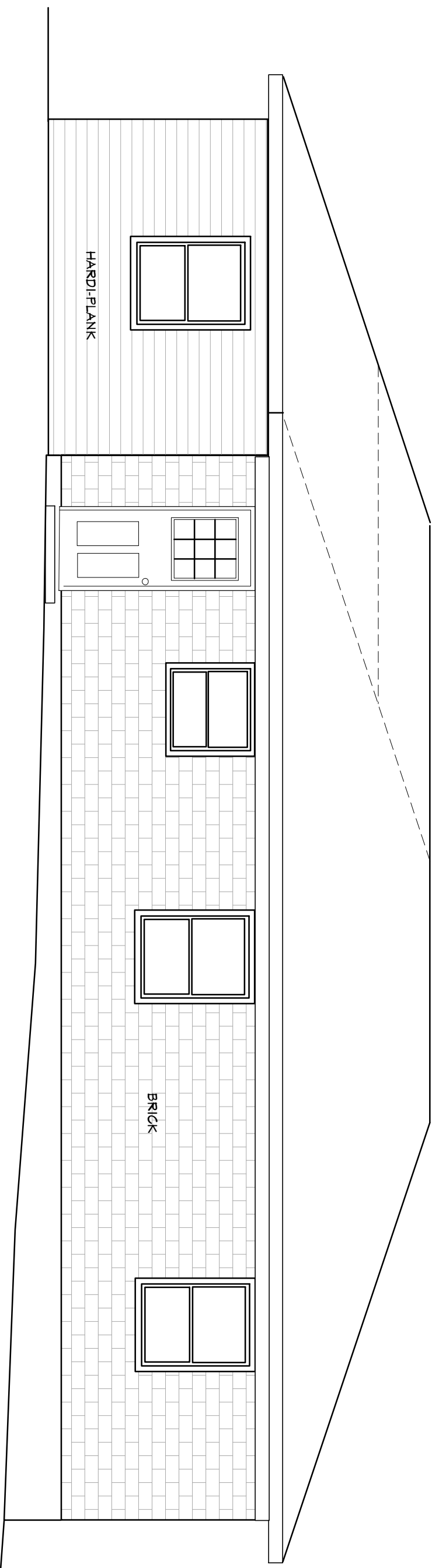
PROPOSED FRONT ELEVATION



PROPOSED LEFT SIDE ELEVATION



PROPOSED RIGHT SIDE ELEVATION



PROPOSED RIGHT SIDE ELEVATION

LUCAS

RESIDENTIAL DESIGN
5802 Cedar Croft Lane
Lithonia, GA 30058
404-680-5426
lucas.residentialdesign@gmail.com

- PLEASE NOTE: Lucas Residential Drafting assumes no liability for any structure constructed from this plan. It is the responsibility of the contractor to perform the following before beginning construction.
- 1) Contractor must verify ALL DIMENSIONS prior to proceeding with construction.

2) Contractor must verify compliance with ALL LOCAL BUILDING CODES in the area the project is to be constructed.

3) Plans indicate locations only, engineering aspect should incorporate actual site conditions.

REVISIONS

253 WAYNE AVE
JONESBORO, GA 30236

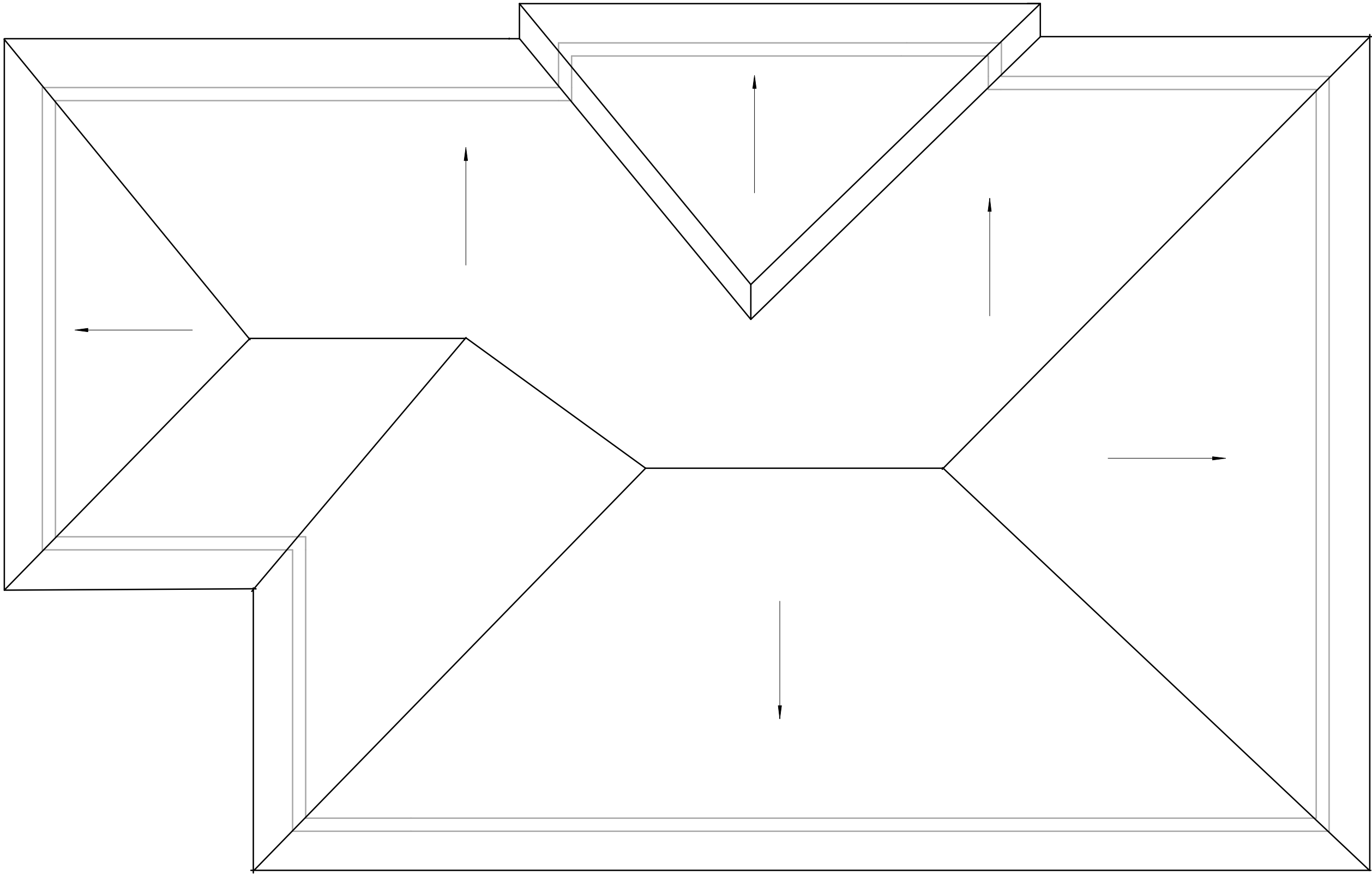
PROPOSED ELEVATIONS

SCALE 1/4" = 1'-0"

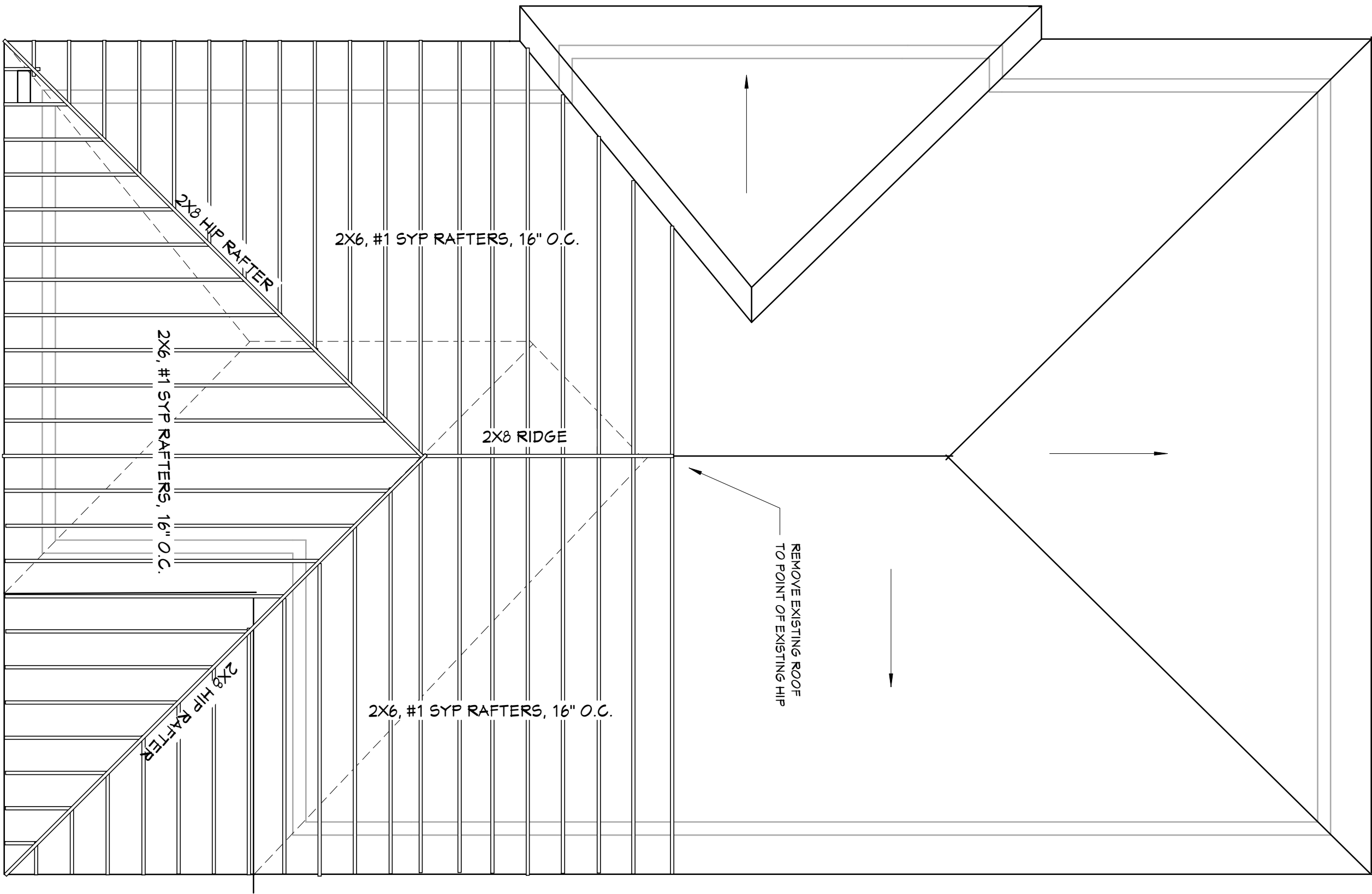
DRAWN BY L.J.L.

DATE 9/27/20

SHEET A-4

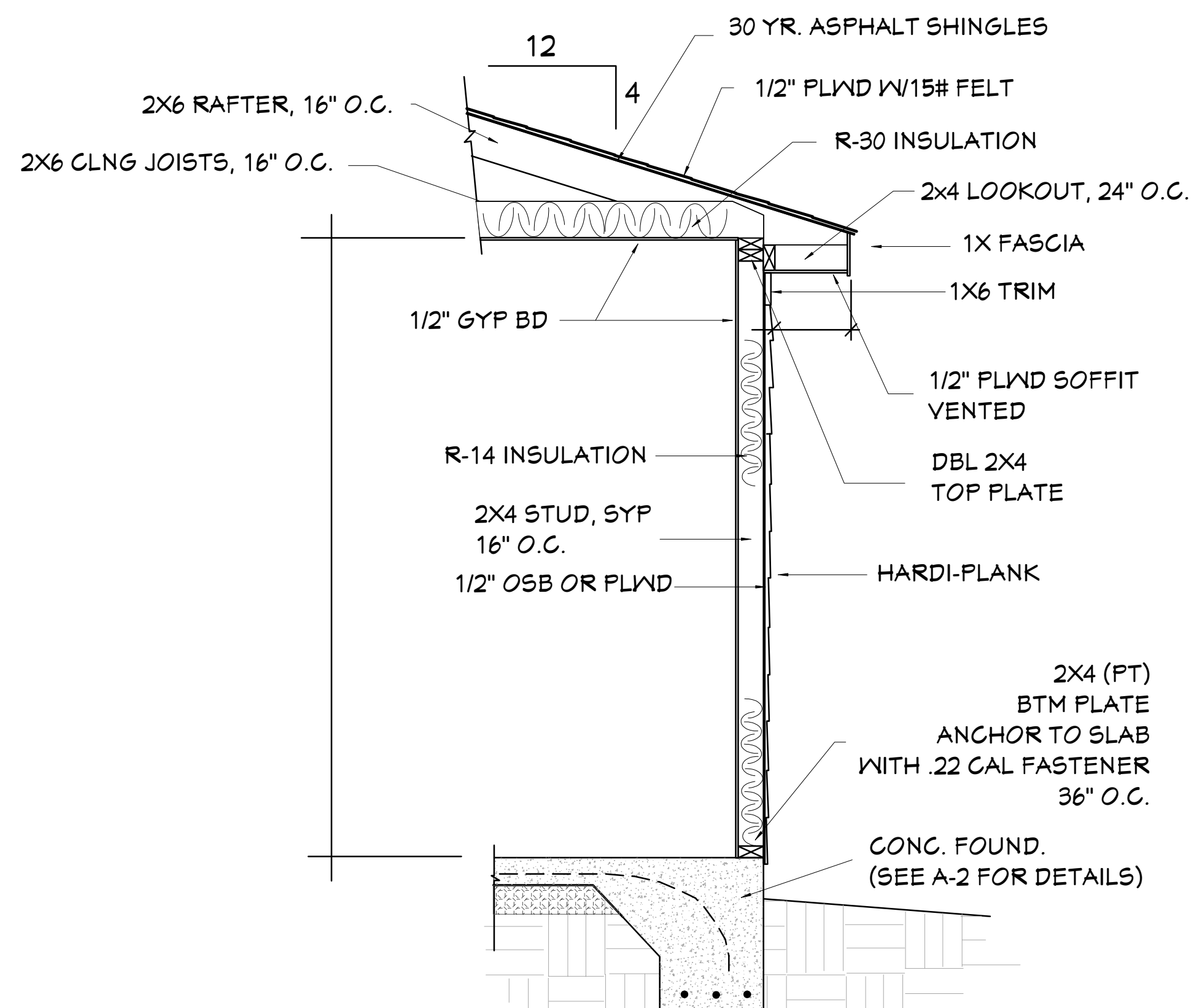


EXISTING ROOF PLAN

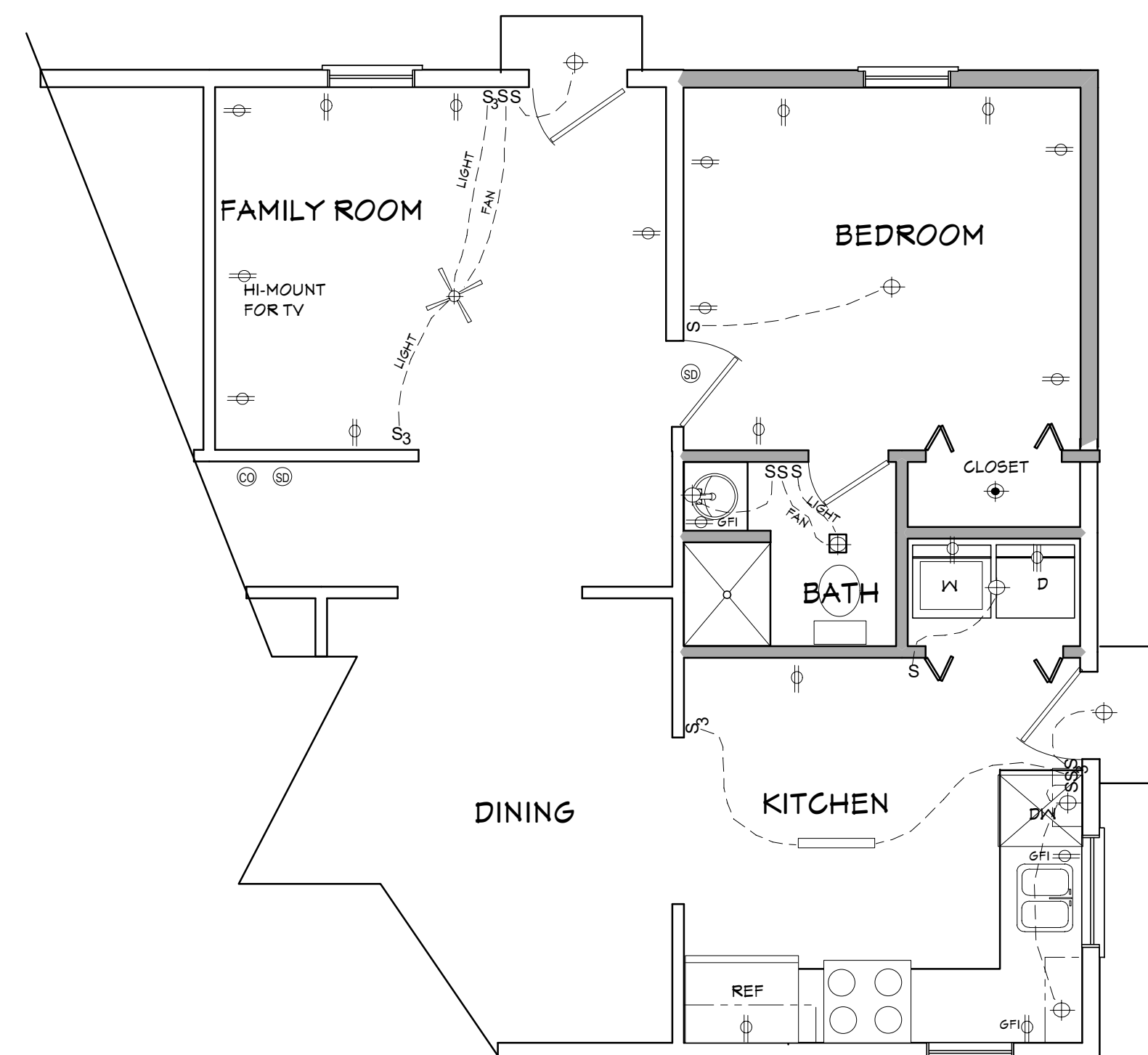


ROOF FRAMING WITH ADDITION

| | | | | | | | | |
|---------------------|-----------------|-----------------|-----------------------|--------------------------------|--------------------------------------|-----------|---|--|
| SHEET A-5 | DATE 9/27/20 | DRAWN BY LJL | SCALE 1/4" = 1'-0" | ROOF PLAN & FRAMING | 253 WAYNE AVE JONESBORO, GA 30236 | REVISIONS | <p>PLEASE NOTE: Lucas Residential Drafting assumes no liability for any structure constructed from this plan. It is the responsibility of the contractor to perform the following before beginning construction.</p> <ul style="list-style-type: none">1) Contractor must verify ALL DIMENSIONS prior to proceeding with construction.2) Contractor must verify compliance with ALL LOCAL BUILDING CODES in the area the project is to be constructed.3) Plans indicate locations only, engineering aspect should incorporate actual site conditions. | <div>LUCAS RESIDENTIAL DESIGN 5802 Cedar Croft Lane Lithonia, GA 30058 404-680-5426 lucas.residentialdesign@gmail.com</div> |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |









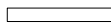






SECTION @ ADDITION



ELECTRICAL FIXTURE PLAN

ELECTRICAL SYMBOL LEGEND

| | |
|---|-------------------------------|
|  | 110V DUPLEX OUTLET |
|  | 220V OUTLET |
|  | GROUND FAULT PROTECTED OUTLET |
|  | WEATHER PROTECTED OUTLET |
|  | SURFACE LIGHT |
|  | LIGHT W/EXHAUST FAN |
|  | RECESSED LIGHT |
| S | TWO-WAY SWITCH |
| S ₃ | THREE-WAY SWITCH |
| S ₄ | FOUR-WAY SWITCH |
|  | PULL CHAIN SWITCH |
|  | FLUORESCENT |
|  | CEILING FAN W/LIGHT |
|  | SMOKE DETECTOR (HARD WIRED) |
|  | CARBON MONOXIDE DETECTOR |
|  | EXHAUST FAN |

LUCAS
RESIDENTIAL DESIGN
5802 Cedar Croft Lane
Lithonia, GA 30058
404-680-5426
lucas.residentialdesign@gmail.com

PLEASE NOTE: Lucas Residential Drafting assumes no liability for any structure constructed from this plan. It is the responsibility of the contractor to perform the following before beginning construction.

- 1) Contractor must verify ALL DIMENSIONS prior to proceeding with construction.
- 2) Contractor must verify compliance with ALL LOCAL BUILDING CODES in the area the project is to be constructed.
- 3) Plans indicate locations only, engineering aspect should incorporate actual site conditions.

REVISIONS

253 WAYNE AVE
JONESBORO, GA 30236

ELECTRICAL FIXTURES & WALL SECTION

SCALE 1/4" = 1'-0"

DRAWN BY L.J.L.

DATE 9/27/20

SHEET A-6



MEMORANDUM

To: JoseValbuena
124 Davis Mill Court
Lawrenceville, GA 30044

From: David D. Allen
City of Jonesboro
124 North Avenue
Jonesboro, GA 30236

Date: October 26, 2020

Re: Notification of Request for Variance – Minimum House Size, 253 Wayne Avenue; Tax Map Parcel No. 12048A E007

Dear Applicant,

This letter is to serve as notification that the City of Jonesboro has received your request for the following requested variance for the above referenced property:

- Minimum house size for renovated residence

A Public Hearing has been scheduled for Monday, November 9, 2020 at 6:00 p.m. before the Jonesboro Mayor and City Council to consider the request as described above. The Jonesboro Mayor and City Council will first discuss this item at their next Work Session on Monday, November 2, 2020 at 6:00 p.m. The meetings will be conducted in the chambers of the Jonesboro Municipal Court facility, 170 South Main Street, Jonesboro, Ga. If you have any questions, please do not hesitate to contact me at 770-570-2977 or at dallen@jonesboroga.com.

Sincerely,

David D. Allen
Community Development Director / Zoning Administrator

Attachment: Acceptance Letter (1740 : 253 Wayne Avenue Addition)

Parcel ID: 12-0048A-00E-007

Return Recorded Document to:
SHAFRITZ & DEAN, LLC
5825 GLENRIDGE DRIVE,
BLDG 2, STE 102
ATLANTA, GA 30328
(404) 255-8183

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FULTON

File #: GA-20-6291

This Indenture made this **30th day of July, 2020** between **Mirrian McClean, a married woman and Algernon McClean**, as party or parties of the first part, hereinafter called Grantor, and **Metropolitan Insurance, LLC, a North Carolina Limited Liability Company**, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

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

See Exhibit "A" Attached HERETO AND INCORPORATED HEREIN BY REFERENCE

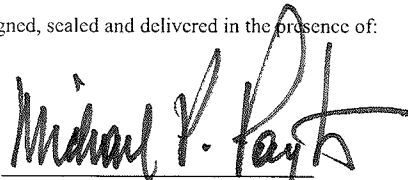
THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

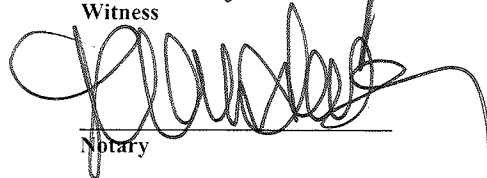
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in **FEE SIMPLE**.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons by, through, and under the above-named grantor.

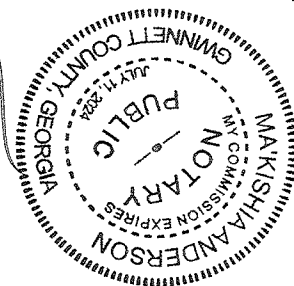
IN WITNESS WHEREOF, the Grantor has hereunto set grantor's hand and seal this day and year first above written.


Signed, sealed and delivered in the presence of:




Witness


Notary





Mirrian McClean


Algernon McClean

Attachment: Warranty Deed (1740 : 253 Wayne Avenue Addition)

EXHIBIT A

Property 1:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT NO. 48, OF THE 12TH DISTRICT, OF CLAYTON COUNTY, GEORGIA, IN THE CITY OF JONESBORO, BEING LOT NO. 17, BLOCK A, HILLCREST HOMES SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK 3, PAGE 200, CLAYTON COUNTY, GEORGIA RECORDS, WHICH PLAT IS HEREBY ADOPTED AND MADE A PART HEREOF BY REFERENCE THERETO FOR A MORE COMPLETE DESCRIPTION OF SAID PROPERTY. SAID PROPERTY BEING IMPROVED PROPERTY NOW OR FORMERLY KNOWN AS 253 WAYNE AVENUE, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING IN CLAYTON COUNTY, GEORGIA.

BEING TAX PARCEL ID #12048A-E007.

BEING THE SAME PROPERTY AS THAT CONVEYED BY WARRANTY DEED DATED FEBRUARY 13, 2004, FROM MARY B. FRANKS, TO MIRRIAN MCCLEAN AND ALGERNON MCCLEAN (TENANTS IN COMMON), AS RECORDED FEBRUARY 19, 2004, AT DEED BOOK 7316, PAGE 57, CLAYTON COUNTY, GEORGIA RECORDS.

Attachment: Warranty Deed (1740 : 253 Wayne Avenue Addition)

mm
dhal



CITY OF JONESBORO, GEORGIA COUNCIL
Agenda Item Summary

Agenda Item #

12.1

- 1

COUNCIL MEETING DATE
November 9, 2020

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 settlement agreement and Budget Amendment in the amount of \$425,000 for the purchase of 154 Smith Street and 156 Smith Street.

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

In Accordance with Government Auditing Standards, All Amendments Require Approval.

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

No 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.)

See attached Budget Amendments Handouts.

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.)

- Settlement Agreement and Release - Candelaria
- Budget Amendment #2020-03 - Purchase of Property

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

November, 9, 2020

Signature

City Clerk's Office

SETTLEMENT AGREEMENT AND RELEASE

THIS SETTLEMENT AGREEMENT AND RELEASE (the “Agreement”) is made and entered into this ____ day of _____ 2020, by and between the City of Jonesboro, Georgia, a Municipal Corporation (hereinafter “Jonesboro” or “Condemnor”), and Leslie Guadalupe Candelaria Torres and Monica Gallegos Candelaria (hereinafter “Condemnees”) (each of the above is a “Party”).

WITNESSETH:

WHEREAS, Condemnees own a certain parcel of land located in the City of Jonesboro, Georgia, addressed at 154 Smith Street and 156 Smith Street, Jonesboro, Georgia according to the present system of numbering therein as more fully described in the Petitions for Condemnation (hereinafter the “Property”) filed in DeKalb County Superior Court, Civil Action File Numbers 2018-CV-02761-12 and 2018-CV-02762-12, filed in Clayton County Superior Court (hereinafter the “Petitions”), and

WHEREAS, via the Petitions, the City of Jonesboro sought to acquire the Property (hereinafter the “Acquired Parcels”), and

;
WHEREAS, Condemnees challenged the condemnation petitions filed by Condemnor and, upon dismissal of same, motioned to Court for attorneys fees; and

WHEREAS, the Parties have reached an agreement regarding the case and desire to settle their disputes with one another.

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties, intending to be legally bound, hereby agree as follows:

1. Compensation, Consideration and Conditions.

- 1.1 In consideration for acquisition of the total Property and transfer of same by Limited Warranty Deed to the City of Jonesboro in fee simple, Condemnor shall pay Condemnee the amount of Four Hundred Twenty-Five Thousand Dollars (\$425,000.00). Said compensation shall be comprised of \$350,000.00 as the purchase price of the Property and, for purposes of this Settlement Agreement, delineated as full Just Compensation for acquisition of the Property, and \$75,000.00 as attorney’s fees paid by Condemnor to Condemnees.
- 1.2 The Parties acknowledge and agree that the Property will be used by the City of Jonesboro for a designated public purpose connected to the City of Jonesboro City Center project, substantially similar to the Site Plan attached hereto and incorporated herein as Exhibit A.

- 1.3 Parties acknowledge that this Settlement Agreement shall, for all intents and purposes, serve as the Purchase Agreement for the Property and further acknowledge that Condemnor is ready and willing to purchase the Property and Condemnees are ready and willing to sell the property, with no due diligence period or any contingency period necessary. Therefore, the Parties agree that Closing on the Property shall be held as soon as reasonably possible after the execution of this Settlement Agreement.
- 1.4 The Parties further agree that Condemnees shall be permitted to remain on the Property, rent free, after the date of Closing and through and including January 31, 2021. If Closing on the Property is delayed beyond November 30, 2020, as a result of any delay by the City of Jonesboro or reasonable and good faith delay by Condemnees, Condemnees shall be permitted to remain on the Property, rent free, for sixty (60) days following the date of Closing.
- 1.5 Property taxes on the Property at time of Closing shall be prorated as of the Closing date.
- 1.6 Any children currently residing on the Property and attending school in the Clayton County School District will remain enrolled in the same school for the duration of the 2020-2021 Academic Year notwithstanding the transfer of this Property to the City of Jonesboro and despite no longer residing at said Property as of the specified time after the time of Closing. Condemnor acknowledges that, pursuant to its conversation with the Superintendent of the Clayton County School District, and for the sole purpose of enrollment in Clayton County schools, said child(ren) shall be considered as residents of the Property for the duration of the 2020-2021 Academic Year. Condemnees shall provide to Condemnor, before the date of Closing, the name(s) of any child(ren) subject to this paragraph and the current school being attended.
- 1.7 Not later than fifteen (15) days prior to the date of any demolition of the structures on the Property by the City of Jonesboro, Condemnor shall notify Condemnees of same through Condemnees' legal counsel and allow Condemnees to remove any personal property and/or fixtures still remaining on the Property.
- 1.8 Concurrently with the date of Closing, Condemnees shall withdraw all Motions previously filed for Attorney's Fees in the above-listed condemnation cases. Condemnees hereby agree and acknowledge that any claims for attorneys' fees by Condemnees related to the above-listed condemnation petitions are, pursuant to the conditions of this Settlement Agreement, hereby released and disclaimed.

2. **Releases.**

2.1 Definition of Claims. For purposes of this Section 2, "Claims" means any and all claims, penalties, charges, citations, demands, liabilities, contracts, liens, lien rights, damages, costs, expenses (including, without limitation, attorneys' and professional fees), compensation, obligations and causes of action or any other right of every type and description whatsoever arising out of or otherwise related to the Project and/or the Contract, including, without limitation, causes of action for legal or equitable relief, whether absolute or contingent, due or to become due, disputed or undisputed, liquidated or unliquidated, known or unknown, actual or potential, express or implied, suspected or unsuspected, fixed or contingent, criminal or civil.

3.2 Release by Condemnees. Condemnees hereby release, quit, and forever discharge Jonesboro or its attorneys, employees, contractors, subcontractors, materialmen, agents, representatives, predecessors, successors, heirs, insurers, bonding companies, assigns, subsidiaries, parent entities, sister entities and affiliates, and their respective successors and assigns (referred to hereinafter as the "Released Parties") from any and all Claims that Condemnees now or hereafter have or may have against Jonesboro regarding the Property. Condemnees hereby covenant and agree that they will forever refrain and forbear from commencing, instituting or prosecuting any lawsuit, action or other proceeding against any of the Released Parties based on, arising out of, or connected with any of the above released Claims.

3. Representations and Warranties; Governing Law; Entire Agreement. The Parties acknowledge that they have executed this Agreement voluntarily, knowingly and with the benefit of advice of legal counsel of their own choosing. The Parties further acknowledge that they and their attorneys have conducted whatever investigation was deemed necessary by them or their attorneys to ascertain all facts and matters related hereto and that they are not relying in any way on any statement or representation by any other party or its attorneys in reaching the decision to enter into this Agreement. The Parties further acknowledge that they may hereafter discover facts different from or in addition to those which they now know or believe to be true and agree that, in such event, this Agreement shall nevertheless remain effective in all respects, notwithstanding such different or additional facts, or the discovery thereof. The Parties to this Agreement hereby covenant and agree that this Agreement sets forth all of the promises, covenants, agreements, conditions and understandings between them with respect to the subject matter hereof and supersedes all prior and contemporaneous agreements and understandings, inducements or conditions, express or implied, except as otherwise set forth herein.

4. Effectiveness of Agreement. This Agreement shall not become effective until and unless all parties have duly executed the Agreement.

5. Miscellaneous.

5.1 Legal Fees. The Parties covenant and agree that if either Party commences an action, at law or in equity, to enforce any right under any provision of this Agreement or to compel compliance with any provision of this Agreement, the prevailing Party shall be entitled to recover all reasonable attorneys' fees and costs incurred in connection therewith.

5.2 Modification. No provision hereof may be changed, altered, modified, or waived except in writing signed by all Parties or their duly authorized representatives, which writing shall specifically reference this Agreement and that provision that the Parties intend to waive or modify. A waiver by a Party hereof of a breach of any of the provisions hereof shall not operate or be construed as a waiver of any subsequent or simultaneous breach.

5.3 Severability. In the event that any provision hereof shall be held to be unenforceable, each and all of the other provisions hereof shall remain in full force and effect.

5.4 Construction. The Parties and their respective counsel have participated jointly in the negotiation and drafting hereof. If an ambiguity or question of intent or interpretation arises, this Agreement shall be construed as if having been drafted jointly by the Parties, and no presumption or burden of proof shall arise favoring or disfavoring any Party by virtue of the authorship of any provisions hereof.

5.5 Headings and Captions. The headings and captions used herein are for means of reference only and shall not in any way define, limit, expand or otherwise affect any provision hereof.

5.6 Counterparts Acceptable. This Agreement may be executed in two or more counterparts, and by each Party on a separate counterpart, each of which shall be deemed to be an original, but all of which shall constitute one and the same instrument.

5.7 Signatories. The individuals signing this Agreement on behalf of Condemnees and on behalf of the City of Jonesboro, Georgia warrant that they are duly authorized to sign on behalf of the respective entities.

5.8 Governing Law/Choice of Forum. This Agreement shall be governed in all respects by, and construed in accordance with, the laws of Georgia. Each Party agrees that any dispute, legal action or proceeding relating hereto or to enforce any judgment obtained in relation hereto shall be brought in the state or federal courts located in and for Clayton County, Georgia, and each Party irrevocably and unconditionally submits to the non-exclusive jurisdiction of such courts for such purposes. In addition, each such person waives, to the fullest extent permitted by applicable law, any objection which such person may now or hereafter have to the venue of any suit, action, or proceeding arising out of our

brought in the above-designated courts, and any claim that any such suit, action, or proceeding brought in any such court has been brought in an inconvenient forum.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first written above.

CONDEMNOR

By: _____
 Name: _____
 Title: _____

CONDEMNNEES

By: _____
 Name: _____

By: _____
 Name: _____

Approved as to Form and Content

 Leonid Felgin, Esq.
 Attorney for Condemnor
 Georgia Bar No. 743786

FINCHER DENMARK, LLC
 100 Hartsfield Centre Parkway
 Suite 400
 Atlanta, Georgia 30354

Approved as to Form and Content

 Warren Tillery, Esq.
 Attorney for Condemnees
 Georgia Bar No. 763972

SMITH, WELCH, WEBB & WHITE, LLC
 P.O. Box 10
 2200 Keys Ferry Court
 McDonough, Georgia 30253

Attachment: Settlement Agreement and Release - Candelaria (1745 : Budget Amendment - #20-03)

CITY OF JONESBORO

Administration

| |
|---------------------|
| Amendment Number |
| _____ |
| _____ |

DEPARTMENT: Administration DATE: 11/09/20FUND: 100

| Revenues | Account Number | Account Name | Original Budget | Amended Budget | Net Change |
|----------|-------------------|--------------|--------------------|-------------------|---------------|
| 100 | | Fund Balance | \$0.00 | \$425,000.00 | \$425,000.00 |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | \$425,000.00 |

| Expense | Account Number | Account Name | Original Budget | Amended Budget | Total Change |
|---------|-------------------|--------------------|--------------------|-------------------|-----------------|
| 1500 | 54.1101 | Purchased Property | \$0.00 | \$425,000.00 | \$425,000.00 |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | \$425,000.00 |

| Revenues | Account Number | Account Name | Original Budget | Amended Budget | Net Change |
|----------|-------------------|--------------|--------------------|-------------------|---------------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | \$0.00 |

| Revenues | Account Number | Account Name | Original Budget | Amended Budget | Net Change |
|----------|-------------------|--------------|--------------------|-------------------|---------------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | \$0.00 |

JUSTIFICATION: Property Purchased 154/156 Smith Street

| | | | | | |
|---|---------------------------------------|----------------|--|-------|-------|
| Department Director: Ricky L. Clark, Jr. | City Manager _____ | Mayor _____ | City Council Meeting Date: Action: Staff: | _____ | _____ |
| Date: | Recommend Approval: Yes / No Date: | Yes / No | | _____ | _____ |