



**AGENDA
CITY OF MCDONOUGH
CITY COUNCIL MEETING
CITY HALL – MONDAY, MAY 16, 2022
6:00 PM**

- 1. Call to Order**
- 2. Roll Call**
- 3. Invocation**
- 4. Pledge of Allegiance**
- 5. Approval of the Agenda**
- 6. Public Comments**
- 7. Proclamations**
 - A. Proclamation Honoring the Reverend Doctor Bert Neal, Pastor of Wesley Chapel United Methodist Church
 - ☐ National Historic Preservation Month in Recognition of the Brown House
 - ☐ Motorist Awareness Month
 - ☐ Proclamation in Recognition of National Public Works Week, May 15 – 21
 - ☐ Proclamation in Recognition of Mental Health Awareness Month
- 8. Administration - Mayor Sandra Vincent**
 - A. Adoption of a Resolution to re-certify the City of McDonough as a City of Ethics with the Georgia Municipal Association
- 9. Blighted Property Presentation and Municipal Code Update**
 - A. Attorney Emilia Walker
Mayor Sandra Vincent
Director Charles Reese
- 10. Community Development - Mr. Charles Reese, Director**
 - A. Case #220209 District 3: Scott Reeves Applicant: Michael Burdette for The Copeland House Address: 94 Macon St. Request: To rezone property to O-I (Office Institutional) Zoning: RM-75 (Multi-Family Residential) Land Lot(s) 134 of the 7th District 0.7135 +/- total acres MPC Workshop (4/12/22) MCC Workshop (5/10/22) MPC Public Review (5/5/22) MCC Public Hearing & Vote (5/16/22)
 - B. Case # 220301 District 1: Rufus Stewart Applicant: Allen Carmichael for Hampton Road Market Address: 502-522 Hampton Rd. (aka Hwy. 20/81) Request: To rezone property to C-3 (Highway Commercial) Zoning: C-2 (Central Commercial) with conditions per

ORD #07-02-05001(Z) Land Lot(s) 157 of the 7th District 6.64 +/- total acres MPC Workshop (4/12/22) MCC Workshop (5/10/22) MPC Public Review (5/5/22) MCC Public Hearing & Vote (5/16/22)

11. **Executive Session (if needed) for:** **Litigation O.C.G.A. 50-14-2**
 Real Estate O.C.G.A. 50-14-3 (b)(1)
 Personnel O.C.G.A. 50-14-3 (b)(2)
12. **Approval of the April 25, 2022 Special-Called City Council Meeting Minutes.**

 A. Approval of the May 5, 2022 City Council Workshop Minutes.
13. **Project Updates:**

 A. District I | Rufus Stewart District III | Scott Reeves At-Large | Ben Pruett \
 District II | Jamal Burt District IV | Kam Varner At-Large | Vanessa
 Thomas
14. **City Clerk, City Attorney, Councilmembers and Mayor Comments**
15. **Adjournment**

OPEN MEETINGS COMPLIANCE NOTICE: This is a regularly scheduled meeting of Mayor and Council of the City of McDonough duly noticed pursuant to the requirements of the Georgia Open Meetings Law (O.C.G.A. § 50-14-1, et seq). Notice of the meeting schedule was published in the Henry Herald on DATE; and a copy the meeting schedule was posted at City Hall and on the City's website, as required by law.

DATE @ TIME

AGENDA ITEM SUMMARY
May 16, 2022 Council Meeting
Item Number: 8



Presented by:

Department:

ITEM SUMMARY:

Adopt a Resolution to re-certify the City of McDonough as a City of Ethics with the Georgia Municipal Association (GMA). The Resolution must be sent to GMA along with the City's Ethics Ordinance and the resolution must be signed by the governing body.

SPECIAL CONSIDERATIONS OR CONCERNS:

The Resolution and the Ethics Ordinance must be reviewed by the legal staff of GMA for re-certification. After approval from GMA, the City will be recognized at the June GMA Convention in Savannah.

STAFF RECOMMENDATION:

Staff recommends adoption of the Resolution.

FINANCIAL IMPACT:

None.

FUNDING SOURCE:

ATTACHMENTS:

Letter requesting to recertify City of McDonough as City of Ethics
Copy of the Resolution
Copy of the Ethics Ordinance

OTHER DEPARTMENTAL REVIEW NEEDED:

☐ Yes

☒ No



City of McDonough

May 16, 2022

MAYOR
Sandra Vincent

COUNCIL MEMBERS

Benjamin Pruett
Vanessa Thomas
Rufus Stewart
Scott Reeves
Kamali Varner
Jamal Burt

CITY CLERK
Christy L. Taylor

CITY ATTORNEY
James E. Elliott, Jr.

Ms. Gina Grisham, Legal Assistant
Georgia Municipal Association
P.O. Box 105377
Atlanta, GA 30348

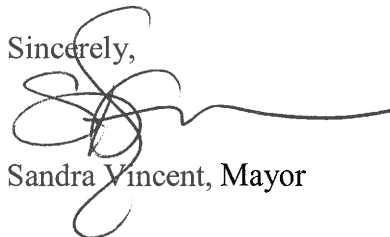
Dear Ms. Grisham,

The City of McDonough would like to be re-certified as a “City of Ethics” at the GMA Convention in Savannah this summer. Enclosed you will find the Resolution signed by our Councilmembers and me at our meeting last night. There have been no revisions to the City’s Ethics Ordinance since April 17, 2017.

We look forward to the convention and our City becoming re-certified. The City of McDonough is happy to be a part of this very important program of GMA.

Thank you.

Sincerely,



Sandra Vincent, Mayor

**STATE OF GEORGIA
CITY OF MCDONOUGH**

RESOLUTION _____

WHEREAS the Board of Directors of the Georgia Municipal Association has established a Certified City of Ethics program; and,

WHEREAS the City of McDonough, wishes to be certified as a Certified City of Ethics under the GMA Program; and,

WHEREAS part of the certification process requires the Mayor and Council to subscribe to the ethics principles approved by the GMA Board;

NOW THEREFORE BE IT RESOLVED by the governing authority of the City of McDonough, Georgia, that as a group and as individuals, the governing authority subscribes to the following ethics principles and pledges to conduct its affairs accordingly:

- * Serve Others, Not Ourselves**
- * Use Resources with Efficiency and Economy**
- * Treat All People Fairly**
- * Use the Power of Our Position for the Well Being of Our Constituents**
- * Create an Environment of Honesty, Openness and Integrity**

THIS RESOLUTION is adopted, this _____ day of _____, 2022.

CITY OF MCDONOUGH, GEORGIA

SANDRA VINCENT, Mayor

ATTEST:

Christy L. Taylor, Clerk

Jamal Burt, Councilmember

Benjamin Pruett, Councilmember

Scott Reeves, Councilmember

Rufus Stewart, Mayor Pro Tem

Vanessa Thomas, Councilmember

Kamali Varner, Councilmember

**STATE OF GEORGIA
CITY OF MCDONOUGH**

ORDINANCE NO. 17-04-17 (B)

AN ORDINANCE AMENDING TITLE 2 OF THE CODE OF ORDINANCES, CITY OF MCDONOUGH, GEORGIA, CHAPTER 2.20 "CODE OF ETHICS"; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MCDONOUGH AND IT IS HEREBY ORDAINED BY AUTHORITY HEREOF:

SECTION I.

Title 2 of the Code of Ordinances of the City of McDonough, Georgia is hereby amended by deleting the existing Chapter 2.20 in its entirety, and inserting the following new Chapter 2.20 "Code of Ethics," in its place, to read as follows:

Part 1. In General.

Sec. 2.20.010—Purpose.

Declaration of policy. It is the policy of the City of McDonough (the "City") that the proper operation of democratic government requires that public officials be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a Code of Ethics for all City Officials is adopted.

A. This Chapter has the following purposes:

1. To encourage high ethical standards in the official conduct of City Officials;
2. To establish guidelines for ethical standards of conduct for City Officials by setting forth those acts or actions that are incompatible with the best interest of the City;
3. To require City Officials to disclose private financial or other interests in matters affecting the City; and
4. To serve as a basis for disciplining those who refuse to abide by its terms.

B. In the performance of their duties, City Officials must avoid even the appearance of impropriety, and are prohibited from:

1. Using public office for private gain;
2. Impeding governmental efficiency or economy; or

3. Affecting adversely the confidence of the public in the integrity of the government.

Sec. 2.20.020—Scope.

- A. The provisions of this chapter apply to City Officials of the City of McDonough, as that term is defined in § 2.20.030, below.
- B. State law and the Charter of the City of McDonough shall be controlling in the event of an actual conflict with this chapter.
- C. This chapter shall be interpreted to supplement, and not replace, said provisions of state law and the Charter.
- D. Notwithstanding anything herein to the contrary, this chapter shall NOT:
 1. Prevent any City Official from accepting other employment, or following any pursuit that does not interfere with the full and faithful discharge of his or her public duties.
 2. Prohibit a former City Official from entering into a contract to represent the City in any matter.
 3. Prohibit any City Official from taking any action to approve the lawful payment of salaries, employee benefits, reimbursements of actual and necessary expenses, or other lawful payments that are authorized in accordance with City policies.
 4. Apply to political contributions, loans, expenditures, reports or regulation of political campaigns.
- E. The City Administrator shall cause a copy of this chapter to be distributed to every City Official within 30 days after its effective date; thereafter, any new City Official shall be furnished with a copy prior to assuming the duties of his or her office.

Sec. 2.20.030—Definitions.

The words and phrases, below, shall have the following meanings, except when context clearly indicates a different definition:

- A. *City* means the City of McDonough, Georgia.
- B. *City Official or Official*, unless otherwise expressly defined, does not include City employees, but does mean the Mayor, members of the City Council, City of McDonough Municipal Court judges (including substitute judges), the City Administrator, the City Clerk, the City Attorney. The term "City Official" also includes all individuals, including any City employees, appointed by the Mayor and/or City Council to City authorities, commissions, committees, boards, task forces, or other bodies which can, or may vote; or take formal action; or make official recommendations to the Mayor and City Council. "City Official" does not include members of the McDonough Youth Advisory Council.
- C. *Employee* means any person who is a full-time or part-time employee of the City.

- D. *Family member* means the spouse, mother, father, brother, sister, son or daughter of a City Official, or the mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law of a City Official.
- E. *Incidental interest* means an interest in a person, entity, or property which is not a substantial interest, as defined below, and which has insignificant value.
- F. *Remote interest* means an interest of a person or entity, including a City Official, which would be affected in the same way as the general public. For example, the interest of a City Official in the property tax rate, general City fees, City water/sewer charges, or a comprehensive zoning ordinance, or similar matters, is deemed remote to the extent the City Official would be affected in the same manner as a member of the public at large.
- G. *Substantial interest* means an interest, either directly or through a member of the immediate family, in another person or entity, where: (1) the interest is 5% or more of the voting stock, shares or equity of the entity, or ownership of \$5,000 or more of the equity or market value of the entity; or (2) the funds received by the person from another person or entity during the previous 12 months, either equal to or exceed (a) \$5,000 in salary, bonuses, commissions or professional fees, or \$5,000 in payment for goods, products or services, or (b) 10% of the recipient's gross income during that period, whichever is less; or (3) the person serves as a corporate officer, or member of the board of directors, or other governing board, of a for-profit entity, other than a corporate entity owned or created by the City Council; or (4) the person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000 or more.
- H. *Substantial interest in real property* means an interest in real property, which is an equitable or legal ownership, with a market value of \$5,000 or more.

Sec. 2.20.040—Prohibitions.

All City Officials shall meet the following standards:

- A. *Compliance with the law.* City Officials shall comply with all laws of the United States, the State of Georgia, and the City of McDonough in the performance of their public duties. These laws include, but are not limited to: the Constitution of the United States and the Georgia Constitution; laws pertaining to conflicts of interest, elections, campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and written policies.
- B. *Policy role of elected officials.* All City Officials shall respect and adhere to the City's structure of government, as outlined in the Charter, as well as its policies and procedures. The Mayor and Council determine the legislative policies of the City, with advice, information and analysis provided by citizens and other members of the public; members of City boards, committees, commissions; and City staff. No individual elected official may independently direct the activities of staff, interfere with the day-to-day administrative functions of the City, or the professional duties of the staff; nor impair the ability of City staff to implement the policy decisions of the governing body.
- C. *Independence of boards, committees and commissions.* The independent advice of members of boards, committees and commissions is valuable to the public decision-making process. Therefore, Officials shall refrain from using their position to influence

unduly the deliberations or outcomes of board, committee and commission proceedings of which they are not members. City Officials shall also refrain from appearing or speaking on behalf of themselves or third parties in front of any City board, committee or commission; however, this prohibition shall not prevent (1) an Official from appearing or speaking on behalf of the City in front of an independent authority or commission of the City; or (2) Officials from speaking on behalf of the City board, committee, or commission on which they serve, when such city board, committee, commission or council has expressly authorized and appointed such Official to speak on its behalf.

D. Acceptance of gifts, benefits or remuneration.

1. City Officials shall not solicit or accept directly or indirectly anything of value from any person, corporation, or group which:
 - a. Has, or is seeking to obtain, contractual or other business or financial relationships with the City, unless: the City Official's contractual relationship with such person, corporation, or group existed prior to the City's contractual relationship, or prior to the Official's election or appointment to office; or an Official, who is in office at the time the contractual, business or financial relationship comes before the City for consideration, discloses such relationship or, if not in office at such time, immediately discloses the relationship to the City after being elected or appointed to office and becoming aware of the City's relationship with such person, corporation or group; or the Official abstained from discussion of the City's consideration of entering a contract with such person, corporation, or group or competing vendor; or the Official abstained from voting on any matter related to the relationship between such person, corporation, or group or the subject contract or services; and the Official did not make personal use of any official non-public information;
 - b. Seeks to have an Official exercise a matter of discretion in his or her favor, in exchange for a thing of value; or
 - c. In exchange for the thing of value, seeks to have interests that may be affected by the performance or nonperformance of the official duty of the Official.
2. City Officials shall not directly or indirectly request, exact, receive, or agree to receive a gift, loan, favor, promise, benefit or thing of value for him/herself or another person if:
 - a. It could reasonably be considered to influence the Official in the future, and he/she is involved in any official act or action which results in a pecuniary benefit for the donor or lender which is not available to the public at large; or
 - b. It could reasonably be considered to influence, benefit or reward the Official, and he/she recently has been, or is now or within six months in the future, involved in any official act or action which results in a

pecuniary benefit for the donor or lender which is not available to the public at large.

3. The above prohibitions shall not apply in the case of:

- a. An occasional non-pecuniary gift of insignificant trinkets or gifts, such as a calendar, memento or pen received in the normal course of business with a value of less than \$100.00;
- b. Admission to, and or consumption of, food and beverages at a breakfast, lunch, dinner, function or event;
- c. Awards publicly presented in recognition of public service;
- d. Transactions authorized by, and performed in accordance with, O.C.G.A. § 16-10-6, as now, or as may be amended;
- e. A commercially reasonable loan or other financial transaction, made in the ordinary course of business by an institution or individual authorized by the laws of Georgia to engage in the making of such loan or financial transaction; or
- f. Campaign contributions made and reported in accordance with Georgia laws.
- g. Any gift, loan, favor, promise or thing of value from a family member.

E. Conflict of Interest.

1. City Officials are prohibited from participating in any vote or decision on a matter affecting an immediate family member; or with respect to any person, entity, or property in which the Official has a substantial interest.
2. Any City Official who serves as a corporate officer, or member of the board of directors, of a nonprofit entity, must disclose their interest on the record, prior to participating in a vote or decision regarding that entity.
3. Where the interest of a City Official in the subject matter of a vote or decision is remote or incidental, the Official may participate in the vote or decision and need not disclose the interest.

F. Use of public property. An Official shall not use City property of any kind for other than officially approved activities, nor shall he or she direct staff to use such property for these purposes.

G. Coercion by Officials. An Official shall not use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to him or her or a family member, or those with whom a member has a financial interest.

H. Voting in matters of personal interest. City Officials shall not vote on any matter or transaction before the City Council that would directly and immediately affect his or her pecuniary interest. Provided, however, that in the event the matter or transaction is of general application, or in the event such vote would be proper under the City Charter,

then the Official shall disclose his or her interest; and, following disclosure, shall be allowed to vote on the matter. Votes taken in compliance with the requirements of this section shall not constitute a violation of the Code of Ethics, and any ethics complaint filed on the basis of such, shall be subject to dismissal.

- I. *Unauthorized use of City staff.* City Officials shall not use his or her superior position to unduly pressure, request, or otherwise require a member of City staff to:
1. Perform clerical work on behalf of a family member, business, social, church or fraternal interests;
 2. Purchase goods and services to be used for the Official's personal, business or political purposes; and/or
 3. Work on personal business for the Official, without offering him or her just compensation.
- J. *Restrictions on contracts with former Officials.* The City shall not enter into any contract with any person or business represented by such person, who has been within the preceding 12-month period a City Official, unless the contract is awarded by a competitive bid or a committee selection process.
- K. *Improper use of official, non-public information.* City Officials shall not directly or indirectly make use of, or permit others to make use of, official (confidential) information, which at the time of its disclosure is not subject to being made available to the general public, for the purpose of furthering a private interest regardless of whether the private interest belongs to the Official, or a third party.
- L. *Unauthorized attempts to bind the City.* City Officials shall not order any goods and services for the City without prior official authorization for such an expenditure; nor shall Officials attempt to obligate the City, or give the impression of obligating the City without proper prior authorization to purchase or otherwise be liable for any goods, services or property.
- M. *Improper influence in City judicial matters.* No City Official shall attempt to unduly influence the outcome of a case before the Municipal Court of the City of McDonough nor shall any Official engage in ex parte communication with a municipal court judge of the City of McDonough on any matter pending before the Municipal Court of the City of McDonough.
- N. *Retaliatory action against City employees.* No Official shall attempt to influence or take any adverse employment action against a City employee where an employee has provided of truthful information about the City Official, or any other Official, including any information that forms a part of a complaint or answer submitted under this Code of Ethics, or which is provided pursuant to an investigation or hearing conducted in accordance with this Code of Ethics.

Part 2. Complaints; Hearings; Appeal.

Sec. 2.20.050—Receipt of Complaints.

- A. *Complaint; required contents.* All complaints against City Officials shall be filed with the City Clerk, using the standard complaint form provided by the City, copies of which may be obtained from the City's Clerk's office. If the standard form is not used, then the substituted document must: (1) state a separate count for each alleged violation; (2) identify the specific section of state law, the City Charter, or this Code of Ethics, alleged to be violated for each count; (3) state with specificity, the factual basis of the violation; and (4) identify any and all documentary evidence in the complainant's possession, that supports the allegations in his or her complaint. Copies of all documentary evidence must be attached as an exhibit, and filed simultaneously with the complaint.
- B. *Individual complaints required.* A separate complaint is required for each City Official alleged to have engaged in any activity violating this Chapter.
- C. *Affidavit required.* All complaints shall contain an oath that the facts set forth therein are true and correct to the best of the complainant's knowledge in substantially the following form:

STATE OF GEORGIA
COUNTY OF HENRY

AFFIDAVIT

Personally appeared before the undersigned officer duly authorized to administer oaths, (Name of person filing complaint), who on oath deposes that the statements in the foregoing Complaint are true and correct to the best of his/her knowledge and belief. The affiant further acknowledges that false statements made in this application may result in a prosecution against them for false swearing, a felony under O.C.G.A. § 16-10-71.

(Signature of person filing complaint)

Sworn to and subscribed
before me this ____ day of _____, 20 ____

Notary Public

- D. *Successive complaints.* No action may be taken on any complaint that arises out of substantially the same facts or circumstance that have previously served as the basis for a complaint pursuant to this Chapter.
- E. *Deadline to file.* No action may be taken on any complaint which is filed later than one year after a violation of this Code of Ethics is alleged to have occurred, and a complaint alleging a violation must be filed within six months from the date the complainant knew or should have known of the action alleged to be a violation; such limitation periods to be measured from the date of the last act occurring in furtherance of such violation. No

proceedings under this Chapter shall be instituted or prosecuted after the earlier of: (1) the expiration of the term of office of the person complained against; or (2) the resignation, death, vacancy, disqualification or withdrawal from office of the person against whom a complaint is filed.

- F. *Complaints filed solely for political purposes.* In order to discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted against a person seeking election to the office of Mayor or Council Member, whether currently serving or not, from the date qualifying opens for the elected office at issue, through the date the election results for that office are certified. The time limitations for filing complaints will not run during this period. Properly filed complaints will be accepted and processed after the election results have been certified.
- G. *Properly filed complaint.* Complaints submitted to the City Clerk using the City's standard complaint form, or a substitute document in conformity with subsection (A), above, shall be deemed to have been properly filed. The City Clerk shall provide copies of all properly filed complaints to the City Administrator and the City Attorney.
- H. *Service on City Official; filing of subsequent documents.* Upon receipt of a properly filed complaint, the City Clerk shall serve the charged City Official with a copy of the complaint as soon as practicable. In no event shall service occur later than seven calendar days after receipt of the complaint. Service may be by personal service, by certified mail, return receipt requested or by statutory overnight delivery. All subsequent documents, pleadings, exhibits, and/or other related filings, of any type whatsoever, shall be filed with the City Clerk.

Sec. 2.20.060—Appointment of Hearing Officer; service of complaint; burden of proof.

- A. All complaints filed hereunder shall be heard before a Hearing Officer who: (1) shall be an attorney at law, in good standing with the State Bar of Georgia, (2) shall have at least five years' experience in the practice of law, and (3) shall not maintain an office within a ten-mile radius of the City of McDonough, Georgia. The City Clerk shall maintain a listing of no less than five qualified attorneys willing to serve as a Hearing Officer pursuant to this section.
- B. Within two business days of the receipt of any properly filed complaint, the City Clerk shall draw names randomly from the listing of qualified Hearing Officers, and appoint the first one who is available to serve in the matter. Once a Hearing Officer is appointed, no City Official shall communicate with or otherwise contact the Hearing Officer, except as authorized herein; unless such Official is the complainant, or the Official charged in the complaint. Provided, however, no party to a complaint shall engage in *ex parte* communications with the Hearing Officer.
- C. In all proceedings under this section, the burden of proof shall be on the complaining party. Further, the quantum of proof required to establish a violation under this Chapter shall be beyond a reasonable doubt.

Sec. 2.20.070—Hearing.

- A. The City Official charged in the complaint shall have 15 business days to file an answer to the complaint. Response to a complaint, however, is not mandatory.
- B. Upon the expiration of the 15 business day answer period, the Hearing Officer shall review the complaint and answer, if any, to determine: (1) whether the complaint is in conformity of the requirements of section 2.2.050 above, (2) whether, upon consideration of the complaint and answer, the complaint is unjustified, frivolous, patently unfounded, or (3) whether, upon consideration of the complaint and answer, the complaint demonstrates facts sufficient to invoke disciplinary jurisdiction as set forth in this Chapter.
- C. If the complaint fails based upon the requirements of the foregoing subsections (B)(2) or (B)(3), the complaint shall be dismissed, the Hearing Officer shall issue a written opinion, stating the basis for the dismissal.
- D. If the dismissal is based upon the failure to comply with sections 2.20.050(A) or (B), the complainant shall have 15 business days to re-file the complaint, and correct the defect. If the corrected complaint is not filed within 15 business days, the provisions of the foregoing subsection (B) shall apply to the complaint. If the complaint otherwise fails, the provisions of subsection (B) shall apply to the complaint.
- E. Upon a determination that the complaint should not be dismissed pursuant to subsection (B), the Hearing Officer shall be empowered to collect evidence and information concerning any complaint and to add the findings and results of its investigations to the file containing such complaint. In furtherance of this investigation, the Hearing Officer may:
 - 1. First, seek such further information from the complainant or the City Official charged through inquiry or written questions, provided, however the Official charged shall have no obligation to answer any inquiries; and make a further determination as to whether the complaint demonstrates facts sufficient to invoke disciplinary jurisdiction of this Chapter. If it is determined that the complaint should not be dismissed pursuant to this subsection, then the provisions of section 2.20.070(E)(2) below shall apply; or
 - 2. Conduct a hearing in accordance with the administrative hearing procedures, as adopted by resolution of Mayor and Council, regarding the allegations set forth in the complaint. At any hearing, the Official who is the subject of inquiry shall have the right: (1) to representation by counsel at all stages of these proceedings, (2) to written notice of the hearing at least ten calendar days before the first hearing, (3) to hear and examine the evidence and witnesses, (4) to not testify, and (5) to submit evidence and call witnesses to oppose or mitigate the allegations. In all hearings held under this section, the rules of evidence applicable in civil cases shall apply.
- F. All investigations under this section shall be completed within 45 business days of the filing of the complaint. Should the investigation not be completed within that time period, the complaint will be deemed dismissed for failure to state facts sufficient to invoke the disciplinary jurisdiction of the City Council.

G. Within seven business days of the completion of the investigation, the Hearing Officer shall:

1. Dismiss the complaint on the grounds that it is unjustified, frivolous, patently unfounded, or that it fails to state facts sufficient to invoke the disciplinary jurisdiction of the City Council, or
2. Prepare a report of findings and recommendations to the City Council.
3. Should the Hearing Officer determine to submit a report in the matter, the report shall consist of: (1) a written finding of facts; (2) a determination that the complaint establishes beyond a reasonable doubt that a violation has been committed, and if so, the specific violation and evidence supporting the same, and (3) a recommendation regarding the punishment for such violation.
4. Any person violating any provision of this article is subject to: (1) public or private reprimand or censure by the City Council; (2) request for resignation by the City Council; or (3) removal from office in accordance with all applicable state and local laws.
5. The Hearing Officer's written determination of findings and recommendations shall be delivered to the City Clerk who shall provide a copy to the City Council, the City Administrator, and the City Attorney. The City Clerk shall serve a copy on the complainant and City Official charged by personal service, by certified mail, return receipt requested or by statutory overnight delivery. Such findings shall not be final until approved by vote of the City Council, as provided in section 2.20.080.

Sec. 2.20.080—Report to Mayor and Council.

- A. Upon receipt of findings and recommendations from the Hearing Officer, the City Council may:
1. By simple majority accept the findings and recommendations of the Hearing Officer.
 2. By simple majority accept the findings of fact and reject the recommended discipline, instead substituting its own discipline.
 3. By a supermajority consisting of a majority of those present forming a quorum, plus one, reject the findings and recommendations and either: (1) dismiss the complaint, or (2) conduct its own hearing in accordance with § 2.20.070, above. Upon the completion of such hearing, the findings and recommendations of the City Council shall be binding.
- B. If the subject of the complaint is the Mayor or any City Councilmember, he or she will not be allowed to vote pursuant to this section, or participate in any hearing held pursuant to this section, nor shall such position be counted for the purposes of establishing a quorum.
- C. Upon a final judgment and certification of the minutes of the meeting disposing of the matter, the City Clerk shall serve the respondent City Official with a copy of the certified

minutes, and findings and recommendations of the City Council, by personal service, certified mail (return receipt requested) or by Federal Express or other overnight delivery service.

Sec. 2.20.090—Right to appeal.

- A. Any City Official or complainant adversely affected by the findings or recommendations of the City Council may obtain judicial review of such decision as provided in this section.
- B. An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of Henry County within 30 business days after the final action on a complaint pursuant to this Chapter. The filing of such application shall act as supersedeas.

Section 2.

The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining section, subsections, paragraphs, sentences, clauses and phrases of this ordinance.

Section 3.

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

Section 4.

This ordinance shall become effective immediately upon adoption.

So ordained this 17th day of April, 2017.

CITY OF MCDONOUGH, GEORGIA


BILLY COPELAND, MAYOR

ATTEST:

APPROVED AS TO FORM:


JANIS PRICE, CITY CLERK


LEIGH HANCHER, CITY ATTORNEY

Date Received in City Clerk's
Office:

CITY OF McDONOUGH

OFFICE OF THE CITY CLERK

**CITY OF MCDONOUGH: CODE OF ETHICS
COMPLAINT FORM**

Information About You (Complainant)			
Name			
Address			
Phone No.		Email Address	
<i>(Please circle preferred form of contact)</i>			

Information About Your Complaint		
Name of City Official against whom this Complaint is directed:		
In the space below, please list each activity by the City Official that you contend violates the Code of Ethics, along with the requested additional information. A separate count must be stated for each alleged violation.		
COUNT ONE	Date of Violation:	Identify the specific section of state law, City Charter, or Code of Ethics violated:
Please explain the factual basis of your complaint. Attach additional pages if necessary.		

(cont'd. from previous page)

Describe any documents in support of your claim. Attach copies to this Complaint, if available.

COUNT TWO	Date of Violation:	Identify the specific section of state law, City Charter, or Code of Ethics violated:
Please explain the factual basis of your complaint. Attach additional pages if necessary.		

(Cont'd. from previous page)

Describe any documents in support of your claim. Attach copies to this Complaint, if available.

(Additional pages may be attached)

Signature of Complainant

In filing this Complaint, I understand and/or affirm that:

- A copy of my Complaint, and all attachments will be provided to the City Official against whom it is filed;
- No complaint will be accepted during an election cycle (from the date qualifying opens, through the date of the election);
- I have read the Code of Ethics, and cited the section(s) I believe to have been violated;
- I have enclosed a written, factual summary of each of my claims;
- I have enclosed supporting documentation, if any; and
- I have executed the required Affidavit.

Signature

Date

STATE OF GEORGIA
COUNTY OF HENRY

AFFIDAVIT

Personally appeared before the undersigned officer duly authorized to administer oaths, _____ who on oath deposes that the statements in the foregoing Complaint are true and correct to the best of his/her knowledge and belief. The affiant further acknowledges that false statements made in this application may result in a prosecution against them for false swearing, a felony under O.C.G.A. § 16-10-71.

(Signature of person filing complaint)

*Sworn to and subscribed
before me this _____ day of _____, 20 ____.*

Notary Public

AGENDA ITEM SUMMARY
(May 16, 2022)
Item Number: 10A



Presented by: Charles Reese

Department: Community Development Department

ITEM SUMMARY:

The request for Case #220209 for **Michael Burdette for the Copeland House** is for a rezoning to O-I (Office / Institutional) from RM-75. The subject property is recognized as Tax Parcel ID #M20-12012000, located at 94 Macon Street.

SPECIAL CONSIDERATIONS OR CONCERNS:

Said application is to be processed in accord with schedule herein:

- 4/12/2022 Municipal Planning Commission Workshop
- 5/10/2022 Municipal Planning Commission Public Review
- 5/5/2022 City Council Workshop
- **5/16/2022 City Council Public Hearing & Vote**

RECOMMENDATIONS:

MPC

Taira Castora made Motion for Approval of the rezoning with Staff Recommendations,
Second-Calvin McClendon

- **Vote: 5-0 Approved**

CDD –Approval as requested by Applicant with Stipulations.

FINANCIAL IMPACT: N/A

FUNDING SOURCE: N/A

ATTACHMENTS:

- ORD #22-05-16001(Z)
- P/Z Final Staff Report

OTHER DEPARMENTAL REVIEW NEEDED:

Yes

OTHER DEPARMENTAL REVIEW

McDonough Police	McDonough Fire	Building & Inspections
City Engineer	Public Works	Stormwater
Water Distribution	Water/Sewer Operations	HC Water & Sewer
HCDOT	HCBOE	HC GIS
HC Environmental Health Dept.	GDOT	Other

Department Name: McDonough Police

Comments: Police Chief (Mr. Ken Noble) – Not applicable at this time (*Police only receive the Final Plat for review.*)

Department Name: McDonough Fire

Comments: Fire Chief (Mr. Steve Morgan) – The property will require a fire sprinkler system 13R

Department Name: Building & Inspections

Comments: Building Official (Mr. Mark Dobson) – If zoned for Office Space, project must meet all current GA Minimum Standard codes as adopted by the City of McDonough. Also must meet all applicable City of McDonough ordinances.

Department Name: City Engineer

Comments: City Engineer (Mr. Mark Whitley) – If the driveway is expanded then access should be limited to Bryan Street.

Based upon the amount of area that will be disturbed or surface modified, if applicable, will determine the level of requirements for a plan for LDP. A basic site plan showing any changes to the site can be submitted to the Community Development Department as a preliminary review to advise the property owner of the level of plans required.

Department Name: Public Works

Comments: No initial comments returned – official plan review required.

Department Name: Stormwater

Comments: No initial comments returned – official plan review required.

Department Name: Water Distribution

Comments: No initial comments returned – official plan review required.

Department Name: Water/Sewer Operations

Comments: Not a reviewing agency.

Department Name: HC Water & Sewer

Comments: Not a reviewing agency.

Department Name: HCDOT

GOOD GOVERNANCE

Guiding Principle: Fiscal Responsibility, Accountability, Transparency

Comments: Not a reviewing agency.

Department Name: HCBOE

Comments: Not a reviewing agency.

Department Name: HC GIS

Comments: Not a reviewing agency.

Department Name: HC Environmental Health Dept.

Comments: Not a reviewing agency.

Department Name: GDOT

Comments: Georgia Department of Transportation (Mr. Donald Wilkerson) Any access would be off Bryan street.

STATE OF GEORGIA
CITY OF MCDONOUGH

ORDINANCE NO. 22-05-16001(Z)

AN ORDINANCE, PURSUANT TO MCDONOUGH CODE OF ORDINANCES SECTION 17.104.020(A)(1), AMENDING THE ZONING MAP OF THE CITY OF MCDONOUGH; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MCDONOUGH AND IT IS HEREBY ORDAINED BY AUTHORITY HEREOF:

SECTION 1.

This ordinance applies to the following real property per the application filed by **Michael Burdette for the Copeland House**:

All that lot, tract or parcel of land, otherwise known as a portion of Parcel #M20-12012000, lying and being in Land Lot(s) 134 of the 7th District of Henry County, Georgia, consisting of 0.68 +/- acres and being more particularly described on Exhibit "A," attached hereto and incorporated herein by reference.

SECTION 2.

The above property is hereby zoned O-I (Office Institutional), and subject to the new conditions of development contained in Exhibit "B," attached hereto and incorporated herein by reference.

SECTION 3.

The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining section, subsections, paragraphs, sentences, clauses and phrases of this ordinance.

SECTION 4.

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION 5.

This ordinance shall become effective immediately upon adoption.

So ordained this 16th day of May, 2022.

CITY OF MCDONOUGH, GEORGIA

SANDRA VINCENT, MAYOR

ATTEST:

APPROVED AS TO FORM:

CHRISTY TAYLOR, CITY CLERK

JIM, ELLIOTT, CITY ATTORNEY

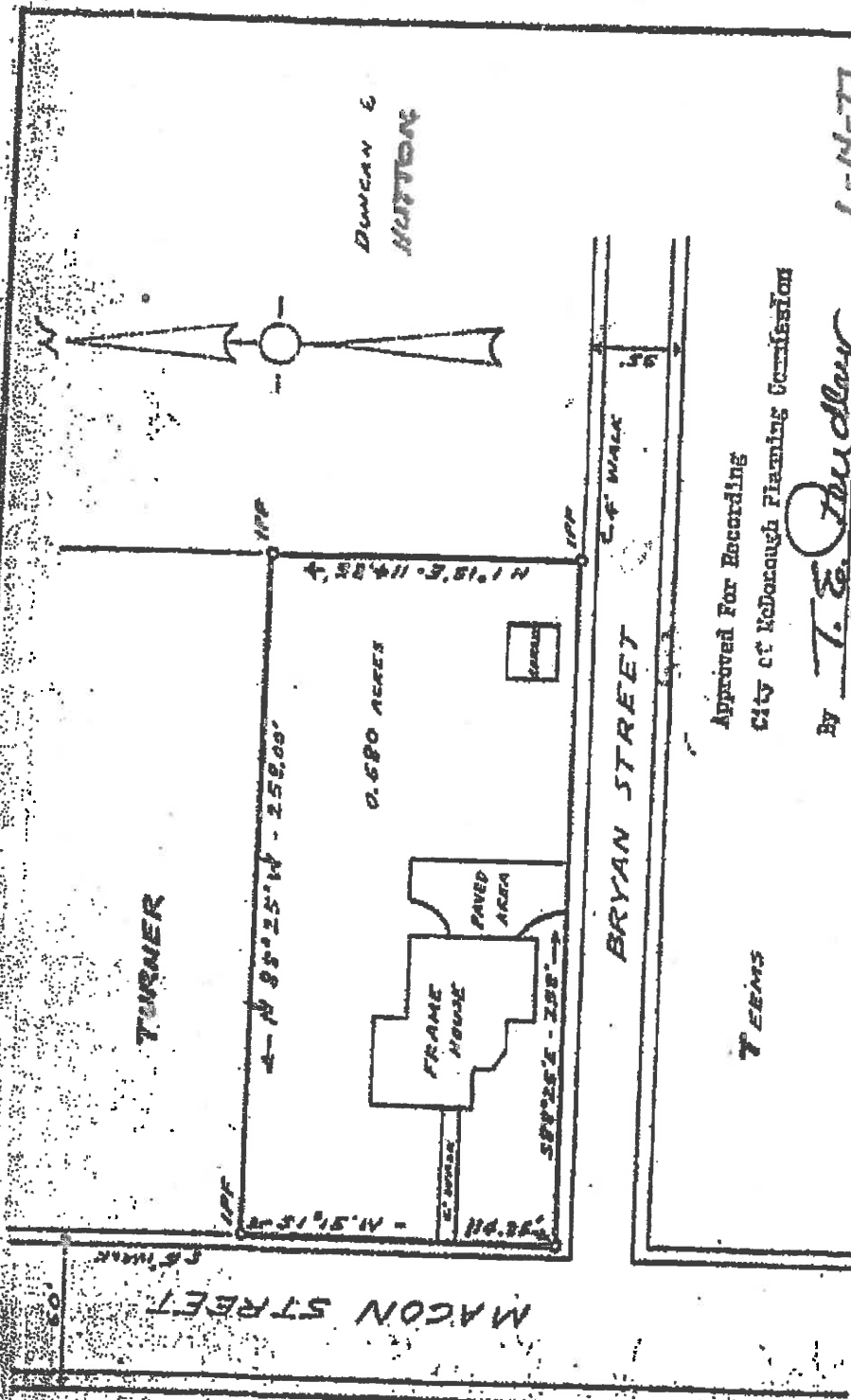
Exhibit A
Legal Description (See Attached)

EXHIBIT "A"

16-088431B

All that tract or parcel of land lying and being in Land Lot 134 of the 7th District of Henry County, Georgia, as shown by plat of survey made for the Estate of Macie E. Copeland by Alton G. Wiggers, Registered Land Surveyor, dated December 17, 1976, and being more particularly described by reference to said plat as follows:

Beginning at the intersection of the East right of way line of Macon Street (said street having a right of way of 60 feet) with the North right of way line of Bryan Street (said street having a right of way of 35 feet) (said point also being located at the intersection of the East side of a five foot sidewalk which runs parallel to Macon Street and the North side of a four foot sidewalk which runs parallel to Bryan Street) and running thence South 88 degrees 25 minutes East along the North right of way line of Bryan Street and said sidewalk 253 feet to a point; thence North 1 degree 15 minutes East 114.85 feet to a point; thence North 88 degrees 25 minutes West 253 feet to an iron pin located on the East right of way line of Macon Street and said sidewalk; thence South 1 degree 15 minutes West along the East right of way line of Macon Street and said Sidewalk 114.85 feet to the point of beginning.



Approved For Recording
 City of McDonough Planning Commission
 By T. E. Tindley
 Building Inspector

1-N-77

PROPERTY SURVEY FOR	
THE ESTATE OF MARCIE E. COPELAND	
SCALE: 1" = 60'	APPROVED BY: AGW
DATE: DEC. 17, 1976	DRAWN BY: AGW
REVIEWED	
LAND LOT 134 - DISTRICT SEVEN	
HENRY COUNTY - GEORGIA	
NOTE: THIS PLAN IS A REPRESENTATION OF ACTUAL FIELD CONDITIONS	DRAWING NUMBER HE 2

Filed in office this the 14th day of January 1977
 3:00 P. M.
David E. Taylor
 Clerk Superior Court

NOTE: SURVEYOR'S RECORD TO BE ATTACHED

Exhibit B
Conditions of Development

REFER TO FINAL STAFF REPORT



City of McDonough, Georgia

Community Development Department

Rezoning Staff Report *(For Recommendation Only)

Case Petition:

#220209

Applicant:

Michael Burdette for the Copeland Home

Address/Location:

94 Macon Street

Council District:

3 Scott Reeves

Request:**Rezone to O-I (Office/Institutional)**

from RM-75 (Multi-Family Residential)

Land Lot/District:

Land Lot(s) 134 of the 7th District

Tract Size:

Approximately 0.68 acres +/- (Parcel)

Meetings:

04/12/22

Planning Commission Workshop

05/05/22

City Council Workshop Review

05/10/22

Planning Commission

05/16/22

City Council "Public Hearing"

Community Development Staff recommendation

Staff recommends **Approval** of the Rezoning to **O-I (Office/Institutional)**.

The rezoning request is to allow businesses to rent rooms as office space.

Background InformationThe subject property is presently zoned **RM-75** and is located **94 Macon Street**.

It is situated along the 23/42 corridor and Bryan Street.

Site and Location Photos**North Boundary**

Zoning: O-I (Office/Institutional) and C-2 (Central Commercial District)

Land Use: Office-Law Office

East Boundary

Zoning: R-50

Land Use: Single Family Residential

South Boundary Zoning: RM-75

Land Use: Single Family Residential

West Boundary

Zoning: O-I

Land Use: First Baptist Church





Staff Analysis:

Section 17.104.048 Standards of Review for Rezoning

► <i>Isolated district</i>	No
► Possible overtaxing load on public facilities	No
► Cost increase to the City	No
► Impact to environment	No
► Amendment will be a deterrent to adjacent properties	No
► Current zoning may be used for the purpose intended	No
► Property to stay compatible with adjacent properties	Yes
► Property is consistent with FLUM	Yes
► Any character change to the Zoning District	No
► Does the amendment follow the zoning regulations	Yes
► Applicant submitted all information	Yes
► Any impact to neighboring residential properties	No
► Buffers have been adhered to	Yes

Professional Staff (City/Henry County/State) Analysis:

Police Chief (Mr. Ken Noble) – Not applicable at this time (*Police only receive the Final Plat for review.*)

Fire Chief (Mr. Steve Morgan) – The property will require a fire sprinkler system 13R

City Engineer (Mr. Mark Whitley) –If the driveway is expanded then access should be limited to Bryan Street.

Based upon the amount of area that will be disturbed or surface modified, if applicable, will determine the level of requirements for a plan for LDP. A basic site plan showing any changes to the site can be submitted to the Community Development Department as a preliminary review to advise the property owner of the level of plans required.

Building Official (Mr. Mark Dobson) – If zoned for Office Space, project must meet all current GA Minimum Standard codes as adopted by the City of McDonough. Also must meet all applicable City of McDonough ordinances.

Public Works Director (Mr. Brandon Williams) – No concerns with the proposed petition. Official civil plan review is required.

City Environmental Engineer (Mr. Tom Fleming) – Not applicable at this time

Henry County Board of Education (Dr. Carl Knowlton) – Not applicable at this time

Henry County Dept. of Transportation (Mr. David Simmons) – Not applicable at this time

Henry County Environmental Health Dept. (Ms. Glenda Scott) – Not applicable at this time

Henry County Water Authority (Ms. Fritz Jacques) – Not applicable at this time

Georgia Department of Transportation (Mr. Donald Wilkerson) Any access would be off Bryan street.

Infrastructure:

- Water Service:** City of McDonough
- Sewer Service:** City of McDonough
- Electricity:** Georgia Power
- Telephone:** N/A
- Cable Television:** N/A
- Schools:** Not affected by petition request per scope of work

Final Staff Recommendation by: Charles Reese, Community Development Director
Staff recommends **Approval** of the Rezoning to **O-I (Office – Institutional District)**

1. Building style/exterior to remain residential
2. Tennant parking shall be located in back yard
3. The property will require a sprinkler system 13R type
4. Applicant may not reside in building
5. Fence will stay in place

GENERAL CODE COMPLIANCE DISCLAIMER

The proposed project shall be developed consistent with the conditions in this report, all codes and ordinances of the City of McDonough, the State of Georgia and all other applicable regulatory agencies.

NOTE: *All Concept Plans are accepted as an illustrative drawing to represent an idea only and are not approved during the rezoning process as an official review and approval by Staff showing compliance with City Codes, State Laws, and Zoning conditions which are required during the plan review process.*



AGENDA ITEM SUMMARY
(May 16, 2022)
Item Number: 10B

Presented by: Charles Reese

Department: Community Development Department

ITEM SUMMARY:

The request for Case #220301 for **Richard Allen Carmichael for Hampton Road Market** is for a rezoning to C-3 (Highway Commercial). The subject property recognized as Tax Parcel ID #092-01011000, #092-01009005, and #092-01010000 located at 502-522 Hampton Road.

SPECIAL CONSIDERATIONS OR CONCERNS:

Said application is to be processed in accord with schedule herein:

- 4/12/2022 Municipal Planning Commission Workshop
- 5/10/2022 Municipal Planning Commission Public Review
- 5/5/2022 City Council Workshop
- **5/16/2022 City Council Public Hearing & Vote**

RECOMMENDATIONS:

MPC

Stanley Head made the Motion for Approval of the rezoning with Staff Recommendations, with a change to Condition #6; that no drive-through restaurants be allowed.

Second-Calvin McClendon

➤ **Vote:** [4 Yes, 1 No] **Approved**

CDD –Approval with Staff Conditions

FINANCIAL IMPACT: N/A

FUNDING SOURCE: N/A

ATTACHMENTS:

- ORD #22-05-16002(Z)
- P/Z Final Staff Report

OTHER DEPARTMENTAL REVIEW NEEDED:

Yes

OTHER DEPARTMENTAL REVIEW

McDonough Police	McDonough Fire	Building & Inspections
City Engineer	Public Works	Stormwater
Water Distribution	Water/Sewer Operations	HC Water & Sewer
HCDOT	HCBOE	HC GIS
HC Environmental Health Dept.	GDOT	Other

Department Name: McDonough Police

Comments: **Police Chief** (Mr. Ken Noble) – Not applicable at this time (*Police only receive the Final Plat for review.*)

Department Name: McDonough Fire

Comments: **Fire Chief** (Mr. Steve Morgan) – Not applicable at this time (*Fire will review LDP when submitted.*)

Department Name: Building & Inspections

Comments: **Building Official** (Mr. Mark Dobson) – If rezoned to C-3, project must meet all current GA Minimum Standard Codes as adopted by the City of McDonough. Also must meet all applicable City of McDonough ordinances. Must obtain GDOT approval for access road to Hampton Road (Hwy 20/81 West).

Department Name: City Engineer

Comments: **City Engineer** (Mr. Mark Whitley) – Project will need to coordinate access/driveway on Autumn Lake Drive to align with project on the adjacent corner of Autumn Lake Drive and Highway 81/20 that is also being developed as a C-Store and retail. This project is nearing the Land Disturbance Permit being issued by the City.

Project will need to coordinate the driveway on Highway 81/20 with GDOT and their future plans for improvements to Highway 81/20.

Approval for the availability and capacity for sewer and water should be provided by HCWA.

Civil Plans will need to address site development requirements to include but not be limited to environmental related issues, site grading, drainage, utilities, NPDES/erosion control, stormwater detention/water quality, etc.

Department Name: Public Works

Comments: **Public Works Director** (Mr. Brandon Williams) – No concerns with the proposed petition. Official civil plan review is required.

Department Name: Stormwater

GOOD GOVERNANCE

Guiding Principle: Fiscal Responsibility, Accountability, Transparency

Comments: No initial comments returned – official plan review required.

Department Name: Water Distribution

Comments: No initial comments returned – official plan review required.

Department Name: Water/Sewer Operations

Comments: Not a reviewing agency.

Department Name: HC Water & Sewer

Comments: Not a reviewing agency.

Department Name: HCDOT

Comments: Not a reviewing agency.

Department Name: HCBOE

Comments: Not a reviewing agency.

Department Name: HC GIS

Comments: Not a reviewing agency.

Department Name: HC Environmental Health Dept.

Comments: Not a reviewing agency.

Department Name: GDOT

Comments: Georgia Department of Transportation (Mr. Donald Wilkerson) This project is in an active GDOT project and is currently under review by the project manager and team.

STATE OF GEORGIA
CITY OF MCDONOUGH

ORDINANCE NO. 22-05-16002(Z)

AN ORDINANCE, PURSUANT TO MCDONOUGH CODE OF ORDINANCES SECTION 17.104.020(A)(1), AMENDING THE ZONING MAP OF THE CITY OF MCDONOUGH; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MCDONOUGH AND IT IS HEREBY ORDAINED BY AUTHORITY HEREOF:

SECTION 1.

This ordinance applies to the following real property per the application filed by **Richard Allen Carmichael for Hampton Road Market:**

All that lot, tract or parcel of land, otherwise known as 502 & 522 Hampton Rd., (Parcel #092-01011000, #092-01009005 & #092-01010000), lying and being in Land Lot(s) 157 of the 7th District of Henry County, Georgia, consisting of 6.64 +/- total acres and being more particularly described on Exhibit "A," attached hereto and incorporated herein by reference.

SECTION 2.

The above property is hereby zoned C-3 (Highway Commercial), and subject to the new conditions of development contained in Exhibit "B," attached hereto and incorporated herein by reference.

SECTION 3.

The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining section, subsections, paragraphs, sentences, clauses and phrases of this ordinance.

SECTION 4.

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION 5.

This ordinance shall become effective immediately upon adoption.

So ordained this 16th day of May, 2022.

CITY OF MCDONOUGH, GEORGIA

SANDRA VINCENT, MAYOR

ATTEST:

APPROVED AS TO FORM:

CHRISTY TAYLOR, CITY CLERK

JIM, ELLIOTT, CITY ATTORNEY

Exhibit A
Legal Description (See Attached)

LEGAL DESCRIPTION

Tract I Area 0.32 Acres

All that tract of parcel of land lying and being in Land Lot 157 of the 7th District, Henry County, Georgia and being more particularly described as follows:

Beginning at a point 404.24' to the centerline of Phillips Drive Extended on the northerly right of way of Georgia State Route 20 & 81 (80' R/W), proceed easterly along the northerly right of way of Georgia State Route 20 & 81 S 75°34'24" W, a distance of 240.26' to a point, thence N 75°34'24" E, a distance of 100.0' to a point, thence leaving said right of way, proceed N 14°25'36" W, a distance of 140.0' to a point, thence S 75°34'24" W, a distance of 100.0' to a point, thence S 14°25'36" E, a distance of 140.0' to a point along the northerly right of way of Georgia State Route 20 & 81 (80' R/W).

Said tract contains 0.32 acres as shown on a drawing entitled Boundary Survey Allen Carmichael by Broward Davis and Associates Inc. dated 06/24/93.

Tract II Area 0.65 Acres

All that tract of parcel of land lying and being in Land Lot 157 of the 7th District, Henry County, Georgia and being more particularly described as follows:

Beginning at a point 404.24' to the centerline of Phillips Drive Extended on the northerly right of way of Georgia State Route 20 & 81 (80' R/W), proceed easterly along the northerly right of way of Georgia State Route 20 & 81 S 75°34'24" W, a distance of 240.26' to a point, thence N 75°34'24" E, a distance of 100.0' to a point, thence along the arc of a curve to the right an arc distance of 200.0' (said arc having a radius of 769.49' and being subtended by a chord N 67°18'04" E with a distance of 199.43') to a point, thence leaving said right of way, proceed N 14°11'35" W, a distance of 140.0' to a point, thence S 67°25'19" W, a distance of 200.0' to a point, thence S 14°25'36" E a distance of 140.0' to a point along the northerly right of way of Georgia State Route 20 & 81 (80' R/W).

Said tract contains 0.65 acres as shown on a drawing entitled Boundary Survey Allen Carmichael by Broward Davis and Associates Inc. dated 06/24/93.

Tract III Area 5.67 Acres

All that tract of parcel of land lying and being in Land Lot 157 of the 7th District, Henry County, Georgia and being more particularly described as follows:

Beginning at a point 404.24' to the centerline of Phillips Drive Extended on the northerly right of way of Georgia State Route 20 & 81 (80' R/W), proceed easterly along the

northerly right of way of Georgia State Route 20 & 81 S 75°34'24" W, a distance of 240.26' to a point, thence leaving said right of way, proceed S 14°25'36" E, a distance of 140.0' to a point, thence S 75°34'24" W, a distance of 100.0' to a point, thence S 67°19'25" W, a distance of 200.0' to a point, thence N 14°11'35" W, a distance of 140.0' to a point along the northerly right of way of Georgia State Route 20 & 81 (80' R/W), thence along the arc of a curve to the right an arc distance of 91.05' (said arc having a radius of 769.40' and being subtended by a chord N 56°27'56" E with a distance of 90.99') to a point, thence S 53°58'02" W, a distance of 116.60' to a point, thence leaving said right of way, proceed S 40°03'58" E, a distance of 411.27' to a point, thence S 90°21'58" E to a point, a distance of 447.47', thence S 81°48'46" E, a distance of 50.56' to a point, thence N 19°13'08" E, a distance of 1111.97' to a point along the northerly right of way of Georgia State Route 20 & 81 (80' R/W) to a point and the Point of Beginning (P.O.B.);

Said tract contains 5.67 acres as shown on a drawing entitled Boundary Survey Allen Carmichael by Broward Davis and Associates Inc, dated 06/24/93.

Exhibit B
Conditions of Development

REFER TO FINAL STAFF REPORT



City of McDonough, Georgia
Community Development Department
Rezoning Staff Report
For Recommendation Only

Case Petition

220301

Applicant

Richard Allen Carmichael for
Hampton Road Market

Address/Location
Council District I

502-522 Hampton Rd
Rufus Stewart

Request

**Rezone from C-2 (Neighborhood Commercial) to
C-3 (Highway Commercial)**

Land Lot District
Tract Size

Land Lot(s) 157 of the 7th District
Approximately 6.64 Acres +/-
Parcel # 092-01011000, #092-01009005,
#092-01010000

Meetings

04/12/22
05/05/22
05/10/22
05/16/22

Planning Commission Workshop
City Council Workshop
Planning Commission "Public Review"
City Council "Public Hearing"

Background Information

Current Zoning
Location

C-2 Central Commercial with conditions
502-522 Hampton Rd.



North Boundary

Zoned: County
Land Use: Residential

East Boundary

Zoned: County and C-3 Highway Commercial
Land Use: Vacant

South Boundary

Zoned: O-I Office Institutional
Land Use: Office/Business

West Boundary

Zoned: County
Land Use: Vacant



City of McDonough, Georgia
Community Development Department
Rezoning Staff Report
For Recommendation Only

Professional Staff (City/Henry County/State) Analysis:

Police Chief (Mr. Ken Noble) – Not applicable at this time (*Police only receive the Final Plat for review.*)

Fire Chief (Mr. Steve Morgan) – Not applicable at this time (*Fire will review LDP when submitted.*)

City Engineer (Mr. Mark Whitley) – Project will need to coordinate access/driveway on Autumn Lake Drive to align with project on the adjacent corner of Autumn Lake Drive and Highway 81/20 that is also being developed as a C-Store and retail. This project is nearing the Land Disturbance Permit being issued by the City.

Project will need to coordinate the driveway on Highway 81/20 with GDOT and their future plans for improvements to Highway 81/20.

Approval for the availability and capacity for sewer and water should be provided by HCWA.

Civil Plans will need to address site development requirements to include but not be limited to environmental related issues, site grading, drainage, utilities, NPDES/erosion control, stormwater detention/water quality, etc.

Building Official (Mr. Mark Dobson) – If rezoned to C-3, project must meet all current GA Minimum Standard Codes as adopted by the City of McDonough. Also must meet all applicable City of McDonough ordinances. Must obtain GDOT approval for access road to Hampton Road (Hwy 20/81 West).

Public Works Director (Mr. Brandon Williams) – No concerns with the proposed petition. Official civil plan review is required.

City Environmental Engineer (Mr. Tom Fleming) – Not applicable at this time

Henry County Board of Education (Dr. Carl Knowlton) – Not applicable at this time

Henry County Dept. of Transportation (Mr. David Simmons) – Not applicable at this time

Henry County Environmental Health Dept. (Ms. Glenda Scott) – Not applicable at this time

Henry County Water Authority (Ms. Fritz Jacques) – Not applicable at this time

Georgia Department of Transportation (Mr. Donald Wilkerson) This project is in an active GDOT project and is currently under review by the project manager and team.



City of McDonough, Georgia
Community Development Department
Rezoning Staff Report
For Recommendation Only

Infrastructure:	Water Service:	Henry County Water Authority
	Sewer Service:	Henry County Water Authority
	Electricity:	Georgia Power
	Telephone:	AT&T
	Cable Television:	Charter
	Schools:	N/A

Final Staff Recommendation by: Charles Reese, Community Development Director
Staff recommends **Approval** of the Rezoning to **C-3 Highway Commercial**

1. A lot consolidation will need to take place before civil drawings are developed
2. Development will be built out as reflected in presentation dated 5.5.22 including elevations (style/materials/colors) and layout. Note: Official Façade review/approval by CDD is required.
3. Comprehensive landscape plan to be approved by Community Development
4. All building shells to be built (as shown in presentation dated 5.5.22) prior to a CO being issued on any building
5. Boulevard to be completed in initial phase and dedicated to City
6. Based on the Development Concept, it is preferred that there be no drive-through restaurants
7. No hotel to be built on this/these parcels

GENERAL CODE COMPLIANCE DISCLAIMER

The proposed project shall be developed consistent with the conditions in this report, all codes and ordinances of the City of McDonough, the State of Georgia and all other applicable regulatory agencies.

NOTE: *All Concept Plans are accepted as an illustrative drawing to represent an idea only and are not approved during the rezoning process as an official review and approval by Staff showing compliance with City Codes, State Laws, and Zoning conditions which are required during the plan review process.*

AGENDA ITEM SUMMARY
Date: May 16, 2022

ITEM NUMBER: 12.A.

ITEM SUMMARY:

SPECIAL CONSIDERATIONS OR CONCERNS:

RECOMMENDATION:

FINANCIAL IMPACT:

ATTACHMENTS:

None

Submitted by:

AGENDA ITEM SUMMARY
Date: May 16, 2022

ITEM NUMBER: 13.A.

ITEM SUMMARY:

SPECIAL CONSIDERATIONS OR CONCERNS:

RECOMMENDATION:

FINANCIAL IMPACT:

ATTACHMENTS:

None

Submitted by: