



City of Hogansville
City Council
Meeting Agenda

Monday, March 1, 2021 – 7:00 pm

Meeting will be held at Hogansville City Hall

Mayor: William C. Stankiewicz	2021	City Manager: Jonathan H. Lynn
Council Post 1: Reginald Jackson	2021	City Clerk: Lisa E. Kelly
Council Post 2: Marichal Price	2021	City Attorney: Alex Dixon
Council Post 3: Mandy Neese*	2023	Interim Chief of Police: Jeffrey Sheppard
Council Post 4: Mark Ayers	2023	
Council Post 5: Toni Striblin	2023	* Mayor Pro-Tem

Regular Meeting – 7:00 pm

Call to Order - Mayor Stankiewicz

Invocation & Pledge

Consent Agenda

All matters listed under the Consent Agenda are considered to be routine in nature and will be approved by one blanket motion.

1. Approval of Agenda: Regular Meeting, March 1, 2021
2. Approval of Minutes: Regular Meeting, February 15, 2021

Old Business

1. 2nd Reading and Adoption – Ordinance – Soil Erosion & Sedimentation
2. Presentation of Mayoral Veto by City Clerk

New Business

1. 1st Reading – Ordinance - Sidewalks
2. Setback Variance Request - Williams Street
3. Preliminary Platt Approval - Williams Street
4. Board Appointments – Planning & Zoning Commission
5. Board Appointments – Historic Preservation Commission

City Manager’s Report

Assistant City Manager’s Report

Council Member Reports

1. Council Member Jackson
2. Council Member Price
3. Council Member Neese
4. Council Member Ayers
5. Council Member Striblin

Mayor’s Report

Adjourn

Upcoming Dates & Events

1. March 15, 2021 | 7:00 pm – Regular Meeting of the Mayor and Council at Hogansville City Hall



Regular Meeting
February 15, 2021

Meeting held at Hogansville City Hall, 400 East Main Street, Hogansville GA 30230

Call to Order: Mayor Bill Stankiewicz called the regular meeting to order at 7:00 pm. Present were Council Members Reginald Jackson, Marichal Price, Mandy Neese, Mark Ayers and Toni Striblin. Also present were City Manager Jonathan Lynn, Assistant City Manager Lisa Kelly, City Attorney Alex Dixon, and Community Development Director Lynne Miller.

Pastor Terry Rainwater gave an Invocation and Mayor Stankiewicz led the Pledge of Allegiance.

CONSENT AGENDA

Motion: Council Member Striblin moved to approve the Consent Agenda, amending to allow for a presentation by Interim Police Chief Jeff Sheppard. The motion was seconded by Council Member Price.

Roll Call Vote: Jackson (Yea), Price (Yea), Neese (Yea), Ayers (Yea), Striblin (Yea).

Motion Passed 5-0

PRESENTATION

Interim Chief Jeff Sheppard presented Chaplin Pastor Terry Rainwater with a Community Service Award and service ribbon. Pastor Rainwater counsels officers and meets with families with hardships. He also introduced new Hogansville Officers Issac Neal and Abby Freeman.

OLD BUSINESS

1. 2nd Reading & Adoption – Ordinance – Nuisance Animals

Motion: City Attorney Alex Dixon read the second reading of the proposed ordinance. Motion was made by Council Member Striblin to adopt the proposed ordinance dealing with nuisance animals. The motion was seconded by Council Member Jackson.

Discussion: None

Roll Call Vote: Jackson (Yea), Price (Yea), Neese (Yea), Ayers (Yea), Striblin (Yea)

Motion Passed 5-0

2. 2nd Reading & Adoption – Ordinance – Rabies Vaccination Requirement

Motion: Motion was made by Council Member Neese to adopt the proposed ordinance requiring rabies vaccinations for pets. The motion was seconded by Council Member Price.

Discussion: None

Roll Call Vote: Jackson (Yea), Price (Yea), Neese (Yea), Ayers (Yea), Striblin (Yea)

Motion Passed 5-0

NEW BUSINESS

1. 1st Reading – Soil Erosion Sedimentation Ordinance

City Attorney Alex Dixon read the first reading of the proposed substitute ordinance. No action was taken at tonight's meeting.

2. Resolution – 2021-2041 Comprehensive Plan

Motion: Motion was made by Council Member Striblin to adopt the resolution approving the City of Hogansville Comprehensive Plan. The motion was seconded by Council Member Neese.

Discussion: None

Roll Call Vote: Jackson (Yea), Price (Yea), Neese (Yea), Ayers (Yea), Striblin (Yea)

Motion Passed 5-0

3. Policy & Procedure – Naming or Renaming of a Park, Street, Structure, or Geographical Feature

Motion: A motion was made by Council Member Jackson to approve the policy. The motion was seconded by Council Member Striblin.

Discussion: Strictly for City, the County has separate policy adhered to in naming / renaming county areas.

Roll Call Vote: Jackson (Yea), Price (Yea), Neese (Yea), Ayers (Yea), Striblin (Yea)

Motion Passed 5-0

4. Board Re-appointment – Willie Ector to Troup County Recreation Board

Motion: Motion was made by Council Member Striblin to re-appoint Mr. Willie Ector to the Troup County Recreation Board. The motion was seconded by Council Member Neese.

Discussion: None

Roll Call Vote: Jackson (Yea), Price (Yea), Neese (Yea), Ayers (Yea), Striblin (Yea)

Motion Passed 5-0

5. Approval of Service Delivery Strategy Proposal – Authorization for Mayor to Sign Final Agreement.

Motion: Motion was made by Council Member Striblin to adopt the proposed language regarding service delivery and authorize the mayor to execute the agreement once all four entities are in agreement. The motion was seconded by Council Member Price

Discussion: After negotiations, Troup County came back with second final offer with a reduction in fire service to \$195k annually for at least the next two years. Troup County also offered a one-time \$40k toward match for grant at lake Jimmy Jackson.

Roll Call Vote: Jackson (Yea), Price (Yea), Neese (Yea), Ayers (Yea), Striblin (Yea)

Motion Passed 5-0

ADJOURNMENT

On a motion made by Council Member Neese and dually seconded, Mayor Bill Stankiewicz adjourned the meeting at 7:40 PM.

Respectfully,



LeAnn Lehigh
Administrative Assistant
City of Hogansville

Model Soil Erosion, Sedimentation And Pollution Control Ordinance

NOW, THEREFORE, BE IT ORDAINED, BY
_____ The City of Hogansville _____

SECTION I TITLE

This ordinance will be known as “Hogansville Soil Erosion, Sedimentation and Pollution Control Ordinance.”

SECTION II DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated:

1. **Best Management Practices (BMPs):** These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the ‘Manual for Erosion and Sediment Control in Georgia’ published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.
2. **Board:** The Board of Natural Resources.
3. **Buffer:** The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.
4. **Certified Personnel:** A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.
5. **Coastal Marshlands:** Shall have the same meaning as in O.C.G.A. 12-5-282.
6. **Commission:** The Georgia Soil and Water Conservation Commission (GSWCC).
7. **CPESC:** Certified Professional in Erosion and Sediment Control with current

certification by EnviroCert, Inc. Certified Professional in Erosion and Sediment Control Inc., a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.

8. **Cut:** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.
9. **Department:** The Georgia Department of Natural Resources (DNR).
10. **Design Professional:** A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control Inc. EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.
11. **Director:** The Director of the Environmental Protection Division or an authorized representative.
12. **District:** The Region I Soil and Water Conservation District.
13. **Division:** The Environmental Protection Division (EPD) of the Department of Natural Resources.
14. **Drainage Structure:** A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.
15. **Erosion:** The process by which land surface is worn away by the action of wind, water, ice or gravity.
16. **Erosion, Sedimentation and Pollution Control Plan:** A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as stringent as the

- State General Permit, best management practices, and requirements in section IV.C. of this ordinance.
17. **Fill:** A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.
 18. **Final Stabilization:** All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region).~~or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region.~~ Final stabilization applies to each phase of construction.
 19. **Finished Grade:** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
 20. **Grading:** Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.
 21. **Ground Elevation:** The original elevation of the ground surface prior to cutting or filling.
 22. **Land-Disturbing Activity:** Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section III, Paragraph 5.
 23. **Larger Common Plan of Development or Sale:** A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.
 24. **Local Issuing Authority:** The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.
 25. **Metropolitan River Protection Act (MRPA):** A state law referenced as O.C.G.A. 12-5-440 et.seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.
 26. **Natural Ground Surface:** The ground surface in its original state before any grading, excavation or filling.
 27. **Nephelometric Turbidity Units (NTU):** Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.
 28. **NOI:** A Notice of Intent form provided by EPD for coverage under the State General Permit.

29. **NOT:** A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.
30. **Operator:** The party or parties that have:
(A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.
31. **Outfall:** The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.
32. **Permit:** The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.
33. **Person:** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.
34. **Phase or Phased:** Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.
35. **Project:** The entire proposed development project regardless of the size of the area of land to be disturbed.
36. **Properly Designed:** Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.
37. **Roadway Drainage Structure:** A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.
38. **Sediment:** Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.
39. **Sedimentation:** The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.
40. **Soil and Water Conservation District Approved Plan:** An erosion, sedimentation and pollution control plan approved in writing by the Soil and Water Conservation District.
41. **Stabilization:** The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.
42. **State General Permit:** The National Pollution Discharge Elimination System (NPDES) general permit or permits for storm water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-5-30.
43. **State Waters:** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds,

drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

44. **Structural Erosion, Sedimentation and Pollution Control Practices:** Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

45. **Trout Streams:** All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.gaepd.org www.epd.georgia.gov. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

46. **Vegetative Erosion and Sedimentation Control Measures:** Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- a. Permanent seeding, sprigging or planting, producing long-term vegetative cover, or

- b. Temporary seeding, producing short-term vegetative cover; or
- c. Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

47. **Watercourse:** Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

48. **Wetlands:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

SECTION III EXEMPTIONS

This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following

1. Surface mining, as the same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining Act of 1968".
2. Granite quarrying and land clearing for such quarrying;
3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
4. The construction of single-family residences, when such construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and not otherwise exempted under

- this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the Local Issuing Authority;
5. Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
 6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Section IV C. of this ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three (3) years after completion of such forestry practices;
 7. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
 8. Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one (1) acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;
 9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway

Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a

larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and

11. Any public water system reservoir.

SECTION IV MINIMUM REQUIREMENTS FOR EROSION, SEDIMENTATION AND POLLUTION CONTROL USING BEST MANAGEMENT PRACTICES

A. GENERAL PROVISIONS

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Section IV B. & C. of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit.

B. MINIMUM REQUIREMENTS/ BMPs

1. Best management practices as set forth in Section IV B. & C. of this ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete

- defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. 12-7-6 subsection (b).
2. A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.
 3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.
 4. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
 5. The LIA may set more stringent buffer requirements than stated in C.15,16 and 17, in light of O.C.G.A. § 12-7-6 (c).
- C. The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. 12-7-1 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:
1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
 2. Cut-fill operations must be kept to a minimum;
 3. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
 4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
 5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
 6. Disturbed soil shall be stabilized as quickly as practicable;
 7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;

8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
9. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. seq.;
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
11. Cuts and fills may not endanger adjoining property;
12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
14. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section IV B. 2. of this ordinance;
15. Except as provided in paragraph (16) and (17) of this subsection, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, where a drainage structure or a roadway drainage structure must be

constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or where bulkheads and sea walls are installed to prevent shoreline erosion on Lake Oconee and Lake Sinclair; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:

- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy

- is left in sufficient quantity to keep shade on the stream bed; and
- b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and
16. There is established a 50 foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed ; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:
- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and
17. There is established a 25 foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with Chapter 5 of Title 12 of this title, the "Coastal Marshlands Protection Act of 1970." And the rules and regulations promulgated thereunder, except where the director determines

to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to Code Section 12-2-8, where an alteration within the buffer area has been authorized pursuant to Code Section 12-5-286, for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. For the purposes of this paragraph maintenance shall be defined as actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life.

Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design and serviceable shall be defined as usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.

- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat; and
- b. The buffer shall not apply to crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer, provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
- c. The buffer shall not apply to any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22,

2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented or any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25 foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

d. Activities where the area within the buffer is not more than 500 square feet or that have a “Minor Buffer Impact” as defined in 391-3-7-.01(r), provided that the total area of buffer impacts is less than 5,000 square feet are deemed to have an approved buffer variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the Division at least 14 days prior to the commencement of land disturbing activities.

- D. Nothing contained in O.C.G.A. 12-7-1 et. seq. shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section IV B. & C. of this ordinance.
- E. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

SECTION V APPLICATION/PERMIT PROCESS

A. GENERAL The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The Local Issuing Authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the owner and/or operator are the only parties who may obtain a permit.

B. APPLICATION REQUIREMENTS

1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City of Hogansville without first obtaining a permit from the City of Hogansville to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable.
2. The application for a permit shall be submitted to the City of Hogansville and must include the applicant’s erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section V C. of this ordinance. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of Section IV B. & C. of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by 4 copies of the applicant’s erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.

3. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the Division, regardless of the existence of a Local Issuing Authority in the jurisdiction.
4. Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Section IV C. 15, 16 and 17 have been obtained, all fees have been paid, and bonding, if required as per Section V B.6., have been obtained. Such review will not be required if the Local Issuing Authority and the District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District. The Local Issuing Authority with plan review

authority shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the Local Issuing Authority with plan review authority to act within 35 days shall be considered an approval of the revised Plan submittal.

5. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the Local Issuing Authority may deny the permit application.
6. The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

C. PLAN REQUIREMENTS

1. Plans must be prepared to meet the minimum requirements as contained in Section IV B. & C. of this ordinance, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the

interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. 12-7-20.

2. Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

D. PERMITS

1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
2. No permit shall be issued by the Local Issuing Authority unless the erosion, sedimentation and pollution control plan has been approved by the District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by Section IV C. 15, 16 and 17 are obtained, bonding requirements, if

necessary, as per Section V B. 6. are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

3. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
5. The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
6. The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. 12-7-7 (f) (1).

SECTION VI
INSPECTION AND ENFORCEMENT

- A. The city employees will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the

- activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.
- B. The Local Issuing Authority must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.
- C. The City of Hogansville shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- D. No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
- E. The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.
- F. The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a Local Issuing Authority.

SECTION VII
PENALTIES AND INCENTIVES

A. FAILURE TO OBTAIN A PERMIT FOR LAND-DISTURBING ACTIVITY

If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.

B. STOP-WORK ORDERS

1. For the first and second violations of the provisions of this ordinance, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or the Local Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;
2. For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order; and;
3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Local Issuing Authority or by the Director or his or her Designee, have been or are being discharged into state waters and where best management practices have not been properly designed,

installed, and maintained, a stop work order shall be issued by the Local Issuing Authority or by the Director or his or her Designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

C. BOND FORFEITURE

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section V B. 6. The Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

D. MONETARY PENALTIES

1. Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to

impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

SECTION VIII
EDUCATION AND
CERTIFICATION

- A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.
- B. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.
- C. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may

contract with certified persons to meet the requirements of this ordinance.

- D. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

SECTION IX
ADMINISTRATIVE APPEAL
JUDICIAL REVIEW

- A. ADMINISTRATIVE REMEDIES
The suspension, revocation, modification or grant with condition of a permit by the Local Issuing Authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the City Administrator within 15 days after receipt by the Local Issuing Authority of written notice of appeal.
- B. JUDICIAL REVIEW
Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Troup County.

SECTION X
EFFECTIVITY, VALIDITY
AND LIABILITY

A. EFFECTIVITY

This ordinance shall become effective on the _____ day of _____, 20__.

B. VALIDITY

If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this ordinance.

C. LIABILITY

1. Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or District for damage to any person or property.
2. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.
3. No provision of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

ATTEST:

Signature

Signature



Interoffice Memo

To: Members of Council
From: Mayor
CC: City Clerk
Subject: Veto of Resolution of the Council
Date: February 18, 2021

Under the authority granted to the Mayor in Section 2.14 of the City Charter, I hereby veto the resolution of the Council on February 15, 2021 authorizing the Mayor to sign the Troup County Service Delivery Strategy Agreement, conditioned upon an agreement also being reached with the City of West Point. It is my judgement that this resolution does not accurately reflect the position of the City of Hogansville and is not in the best interests of the City of Hogansville and its citizens for the following reasons:

1. That authorization states that the Mayor is authorized to sign the Agreement only if all four governments in the County agree and Troup County is attempting to use this conditional authorization to impose Service Delivery Strategy without the approval of the City of West Point.
2. Such Council action was not intended to and should not be construed to reach a final agreement on Service Delivery Strategy without the satisfaction of the stated conditions.
3. The City of Hogansville determined it would be in its best interest to join with the City of West Point to maximize its negotiating position.
4. The County and the City of West Point have been unable to reach an agreement on a Service Delivery Strategy.

By: 

William C. Stankiewicz, Mayor
City of Hogansville

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HOGANSVILLE TO AMEND THE CODE OF THE CITY; TO AMEND SECTION 82-35 OF THE CODE OF THE CITY RELATED TO SIDEWALKS; TO ESTABLISH REQUIREMENTS AND SPECIFICATIONS RELATED TO THE CONSTRUCTION AND LOCATION OF SIDEWALKS FOR RESIDENTIAL AND COMMERCIAL DEVELOPMENTS; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE COUNCIL OF THE CITY OF HOGANSVILLE HEREBY ORDAINS:

SECTION 1:

That Section 82-35 of the Code of Ordinances of the City of Hogansville be modified by deleting said section, in its entirety, inserting in lieu thereof a new Section 82-35 to read as follows:

“Sec. 82-35. – Sidewalks.

Sidewalks shall be provided along both sides of all streets in residential developments and along both sides of the main connector road of commercial/industrial developments, or where OTHERWISE deemed necessary by recommendation of the Public Works Director.

Where a new development or parcel to be developed abuts an existing city or county roadway, curb and sidewalk shall be installed along the entire roadway frontage of the property.

Sidewalks shall be located and designed as follows:

- a. Sidewalks shall not be less than one (1) foot from the right-of-way line to prevent interference with fencing, walls, hedges, landscaping, or structures placed on the property line at a later date.
- b. Sidewalks shall run parallel to the street.
- c. Sidewalks shall be a minimum of four (4) feet wide and four (4) inches thick.
- d. Sidewalks shall be constructed of concrete with twenty-five hundred (2,500) PSI strength at twenty-eight (28) days.
- e. All driveway aprons over sidewalks shall be constructed of concrete.
- f. Sidewalks shall be properly back filled and landscaped.
- g. On-site sidewalks or service walks are required for convenience and access to all dwelling units and other principal buildings from streets, driveways, parking areas or garages and for convenient pedestrian circulation and access to all site facilities.
- h. Sidewalks and walks shall be laterally pitched at a slope of not less than one-quarter (0.25) inch per foot in order to provide adequate surface drainage.
- i. Sidewalks and walks shall not exceed a seven (7) percent grade. Where sidewalks exceed five (5) percent grade, a non-slip surface texture shall be used.
- j. Sidewalks and walks adjacent to parking areas shall be a minimum of five (5) feet wide in order to prevent car overhang from restricting pedestrian movement along the sidewalk.

- k. Width, alignment and grade of sidewalks and service walkways shall provide safety, convenience and good appearance for pedestrian traffic. Small jogs or changes in the alignment shall be avoided.
- l. The alignment and grade of sidewalks and service walkways shall be coordinated with the site grading plan to prevent the passage of concentrated surface water on or across the sidewalk and to prevent the ponding of surface water by the sidewalk.
- m. All sidewalks shall meet Americans with Disabilities Act requirements for handicapped accessibility.
- n. No sidewalk of any description shall be built by any person of any brick, wood or other material without a written permit from the city.”

SECTION 2:

All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be and the same are hereby repealed.

SECTION 3:

This ordinance, after adoption by the Council and upon approval by the Mayor, shall become effective immediately.

INTRODUCED AND FIRST READING _____

SECOND READING AND ADOPTED/REJECTED _____

SUBMITTED TO MAYOR AND APPROVED/DISAPPROVED _____

BY: _____
Mayor

ATTEST: _____
Clerk

CITY COUNCIL
Mayor Bill Stankiewicz
Reginald Jackson, Post 1
Marichal Price, Post 2
Mandy Neese, Post 3
Mark Ayers, Post 4
Toni Striblin, Post 5



Jonathan Lynn, City Manager
Lisa Kelly, Assistant City Manager
Alex Dixon, City Attorney

400 E Main St
Hogansville GA 30230-1196
706-637-8629 | cityofhogansville.org

COUNCIL ACTION FORM

MEETING DATE: March 1, 2021 **SUBMITTED BY:** Lynne Miller *LSM*

AGENDA TITLE: Setback Variance Request – John Hardy Jones

CLASSIFICATION (City Attorney must approve all ordinances, resolutions and contracts as to form)

- | | | | |
|--|-------------------------------------|---|---|
| <input type="checkbox"/> Ordinance (No. ____) | <input type="checkbox"/> Contract | <input type="checkbox"/> Information Only | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Resolution (No. ____) | <input type="checkbox"/> Ceremonial | <input checked="" type="checkbox"/> Discussion/Action | <input type="checkbox"/> Other |

BACKGROUND (Includes description, background, and justification)

Applicant and owner John Hardy Jones is seeking a rear setback variance for a proposed 169-lot townhouse development along Williams Street and E. Main Street. The request is to reduce the rear setback from 25 feet to 20 feet due to topography, rock and an existing waterline easement on the property.

The Hogansville Planning and Zoning Commission met with the applicant representative and applicant engineer on February 18, 2021. The P&Z Commission voted to recommend approval of this variance request.

BUDGETING & FINANCIAL IMPACT (Includes project costs and funding sources)

N/A

STAFF RECOMMENDATION (Include possible options for consideration)

Approve this variance request, as recommended by the Hogansville Planning and Zoning Commission.

JOHN HARDY JONES

**252 SMOKERISE TRACE
PEACHTREE CITY, GEORGIA 30269
(678) 633-8924**

February 11, 2021

City of Hogansville
400 E Main Street
Hogansville GA 30230

Please let this letter serve as my official request for a variance of the setbacks,
for the Williams Street Townhome project. (Proposed preliminary plat is attached)

We are requesting that the rear setback be reduced from 25' to 20'.

This request is being made due to the steep topography of the site and the rock encountered during
our environmental studies we had done prior to design.

In addition, there is an existing waterline easement that runs through the property to the water tower.

All roadways through the development have been designed and will be constructed with a 50' public
Right of Way.

Your consideration in this matter would be greatly appreciated.

Sincerely



John Hardy Jones



City of Hogansville, Georgia

Application for Zoning Variance

Name of Applicant John Hardy Jones / Leigh Ann Green

Address 252 Smokerise Trace

Peachtree City, GA

Zip 30269

Phone 770-318-9912

E-Mail Lgreen@developmentsiteservices.com

Address for Which
Variance is Requested Williams Street & 1731 E Main Street

Hogansville, GA

Zip 30230

Nature of the Variance Requested - Please be as specific as possible.

Request is being made to reduce the rear setback from 25' to 20'. (Due to topography, rock, & existing easements on property.)

On a separate sheet, please explain why this variance is necessary.

Attach a simple sketch of the property showing the following:

General location of the existing structures and Property lines.

Present Zoning of adjacent property.

Existing use of adjacent property.

Location of proposed buildings and land use.

A legal description of the property.

Setback distances.

Parking spaces, if applicable. (See attached Preliminary Plat)

Signature of Applicant



**CITY OF HOGANSVILLE
VARIANCE REQUEST
STAFF ANALYSIS AND REPORT**

DATE: 12/1/2021
TO: Hogansville Mayor and City Council
FROM: Lynne Miller, Planning and Development Director
RE: Setback Variance Request – Williams Street Townhouses
Intersection E. Main St. and Williams St.
Tax Map No. 0214 000027
Applicant: John Hardy Jones

REQUEST:

Applicant and owner John Hardy Jones is seeking a rear setback variance for a proposed 169-lot townhouse development along Williams Street and E. Main Street. The request is to reduce the rear setback from 25 feet to 20 feet due to topography, rock and an existing waterline easement on the property. Attached is a preliminary plat of the proposed townhouse development.

LOCATION:

The property is located along the south side of East Main Street, running east from east along Williams Street, and touching both streets (See attached Tax Map). Tax Map No. 0214 000027 City of Hogansville, Troup County.

SITE:

The 17-acre parcel is wooded and vacant.

ZONING:

The property is zoned commercial. Surrounding city properties are also zoned commercial, with the exception of a city water tower that is zoned public.

COMPREHENSIVE PLAN:

The City of Hogansville’s adopted 2021-2041 Comprehensive Plan and the Plan’s Character Area (Future Land Use) map place this site within the City’s Interstate Area, with commercial, multi-family residential, light industrial and green space recommended.

EXISTING LAND USES:

The 17.36-acre site is wooded and vacant. Adjacent uses consist of the following:

- SW Corner: 1545 Bass Cross Road – Tax Map 0030 000001A – a vacant 4-acre parcel in unincorporated Troup County that is presently vacant, zoned SF-MD – Single Family Moderate Development by the County, with a cell tower on it.
- SOUTH: Williams Street – Tax Map 024 000021 – a 0.23-acre, City-owned parcel in the Hogansville city limits with an elevated water storage tank on it, zoned Public.
- SOUTH: Bass Cross Road – Tax Map 0030 000 001B – vacant, wooded 4-acre parcel slated for 92 townhouse units.
- SOUTH: 1491 Bass Cross Road – Tax Map No. 0030 00002 – a 34-acre parcel in unincorporated Troup County with a house and a conservation easement with agricultural land and timberland on it, zoned SF-MD – Single Family Moderate Development by the County.
- EAST: East Main Street – Tax Map No. 0214 000 028 – 10.69 wooded acres owned by the variance applicant.
- NORTH: East Main Street, from east to west: Two vacant properties --- 0.39 acres and 0.32 acres – owned by the variance applicant, followed by various commercial uses.
- EAST: Bass Cross Road and East Main Street – Commercial uses – Garden Inn, Wendy’s, Dialysis Center, other.

UNIQUE CHARACTERISTICS:

The property has an existing waterline easement running north from the bottom of the site to Williams Street. The site is also rocky, presenting topographic issues.

PREVIOUS RELATED ACTIONS:

On February 18, 2021, the Hogansville Planning and Zoning Commission recommended City Council approval of this variance request.

REQUIREMENTS FOR VARIANCES:

- 1) There are extraordinary and exceptional conditions to the particular piece of property in question because of its size, shape or topography. *The rocky site topography presents problems. It also has a water tank near the bottom of the site that runs north from there to East Main Street, roughly bisecting the site.*
- 2) Such conditions are peculiar to the particular piece of property involved. *Yes.*
- 3) Such conditions are not a result of any action of the property owner. *These conditions are not a result of any action of the property owner*
- 4) Denial of this variance would create unnecessary hardship. *Denial would make this property difficult to use for its proposed use.*

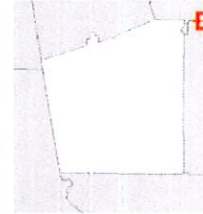
- 5) Relief, if granted, would not cause a substantial detriment to the public good or impair the purposes and intent of the City of Hogansville Zoning Ordinance. *It would not.*

The variance request meets 4 of the 5 variance standards. Approval is recommended. The hardship factor (Standard 4) would be economic only. However, the request is compatible with the City's Industrial District, which allows commercial, multi-family residential, light industrial and greenspace.

The recommendations made herein are the opinions of the City of Hogansville staff and do not constitute a final decision. The Hogansville City Council makes the final decision on all Variance Applications at their regularly scheduled meetings.



Overview



Legend

-  Parcels
-  Roads

Parcel ID	0214 000027	Owner	JONES JOHN H	Last 2 Sales			
Class Code	Residential		252 SMOKERISE TRCE	Date	Price	Reason	Qual
Taxing District	18-HOGANSVILLE		PEACHTREE CITY, GA 30269	9/6/2005		QC	U
	HOGANSVILLE	Physical Address	WILLIAMS ST	8/16/2005		Q	U
Acres	17.36	Assessed Value	Value \$607600				
		Land Value					
		Improvement Value	Value \$252 SMOKERISE TRCE				
		Accessory Value	Value \$PEACHTREE CITY				

(Note: Not to be used on legal documents)

Date created: 2/23/2021
 Last Data Uploaded: 2/23/2021 12:48:06 AM

Developed by  Schneider
 GEOSPATIAL

PRELIMINARY PLAT FOR WILLIAMS STREET TOWNHOMES

LAND LOT 125, 11TH DISTRICT
CITY OF HOGANSVILLE, GEORGIA

Sheet List Table

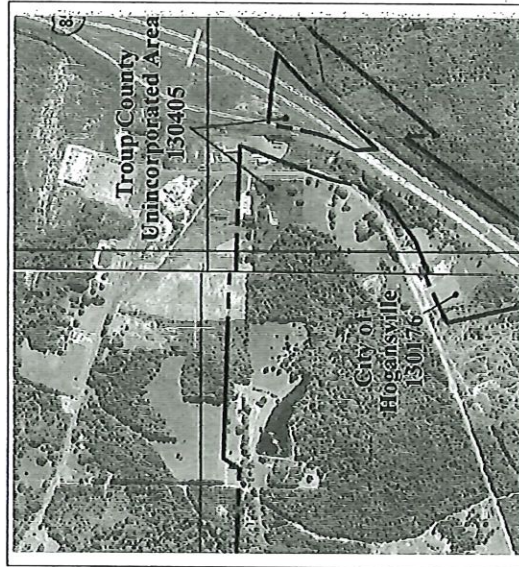
1.0	COVER SHEET
2.0	EXISTING CONDITIONS
3.0	SITE PLAN

OWNER/DEVELOPER:
JHJ 1731 E MAIN, LLC
475 SWANSON ROAD
STOCKBRIDGE, GA 30281
PHONE: (770) 682-5174

24 HOUR CONTACT:
LEIGH ANN GREEN
PHONE: (770) 318-9912
EMAIL: lgreen@developmentalservices.com

SURVEYOR:
FALCON DESIGN CONSULTANTS, LLC
235 CORPORATE CENTER DR.,
SUITE 200
STOCKBRIDGE, GA 30281
PHONE: (770) 389-8666

ENGINEER:
FALCON DESIGN CONSULTANTS, LLC
235 CORPORATE CENTER DR.,
SUITE 200
STOCKBRIDGE, GA 30281
PHONE: (770) 389-8666



FEMA FLOOD MAP
N.T.S.

FLOOD NOTE:
ALL SHOWN ON FLOOD INSURANCE RATE MAPS OF THE COUNTY, STATE OR FEDERAL GOVERNMENT.
THIS PROPERTY IS LOCATED IN A FLOOD HAZARD ZONE.

TURNIPSEED ENGINEERS
John N. Spill
Professional Engineer
No. 12345
City of Hogansville, Georgia 30281
Phone: (770) 123-4567
Fax: (770) 123-4568
www.turnipseed.com

Project No. 12345
City of Hogansville, Georgia
This plat is a preliminary plat and is subject to the approval of the City of Hogansville, Georgia. It is not to be used for any purpose other than the one for which it is prepared. It is not to be used for any purpose other than the one for which it is prepared. It is not to be used for any purpose other than the one for which it is prepared.

DEVELOPMENT DATA

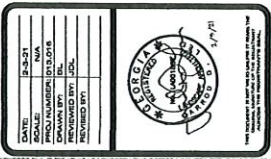
1. OWNER LOCAL OFFICE: JHJ 1731 E MAIN, LLC 475 SWANSON ROAD STOCKBRIDGE, GA 30281 PHONE: (770) 682-5174	4. E-DESIGNATION DATA: E-1 UNDESIGNED WITH A SPECIAL FLOOD HAZARD AREA AND A FLOOD INSURANCE RISK RATE OF 1.00% EFFECTIVE DATE: JULY 3, 2012. LOCATED IN THE UNNAMED TRIBUTARY OF YELLOWCROCK CREEK.
2. ENGINEER: FALCON DESIGN CONSULTANTS, LLC 235 CORPORATE CENTER DR., SUITE 200 STOCKBRIDGE, GA 30281 PHONE: (770) 389-8666	5. SITE REQUIREMENTS: PROJECT AREA LOCALITY: 154 LOTS TOTAL NUMBER OF LOTS: 154 LOTS GROSS DENSITY: 3.9 LOTS/AC MIN. LOT SIZE: 2,500 S.F. MIN. LOT FRONT: 100.0 S.F. MIN. LOT DEPTH: 1,000 S.F.
3. SOURCE OF DATA: LEIGH ANN GREEN, SURVEYOR FALCON DESIGN CONSULTANTS, LLC 235 CORPORATE CENTER DR., SUITE 200 STOCKBRIDGE, GA 30281 PHONE: (770) 389-8666	6. SURVEYING & BOUNDARY SURVEY PERFORMED BY: JAMES HANDEL, LLC DATED: MAY 12, 2014. (LAST REVISED MAY 29, 2014)
4. SITE LOCATION DATA: S.E. CORNER OF WILLIAMS ST. IN HOGANSVILLE, GEORGIA STATE WATERS WITHIN 600 FEET OF THE SITE.	7. BUILDING FOOTPRINT: MIN. FRONT YARD: 10' MIN. SIDE YARD: 5' MIN. CORNER YARD: 5' MIN. NEARBY YARD: 5' E. ZONING: R3



COVER SHEET
FOR
WILLIAMS STREET
TOWNHOMES
LOCATED IN:
LAND LOT 125, 11TH DISTRICT
CITY OF HOGANSVILLE, GEORGIA

DATE	REVISIONS

Know What You're Doing
WILLIAMS STREET TOWNHOMES
NO. 12345
CITY OF HOGANSVILLE, GEORGIA



SHEET NUMBER
1.0



FOR
EXISTING CONDITIONS

WILLIAMS STREET
TOWNHOMES
LOCATED IN:
LAND LOT 125, 11TH DISTRICT
CITY OF HOANSVILLE, GEORGIA

REVISIONS

DATE	DESCRIPTION

Keep Mark Below
UTILITY PROTECTION CENTER
CALL BEFORE YOU DIG
(800) 4 A SAFE DIRT

DATE	BY	APPROVED BY

DATE:

SCALE: 1" = 100'

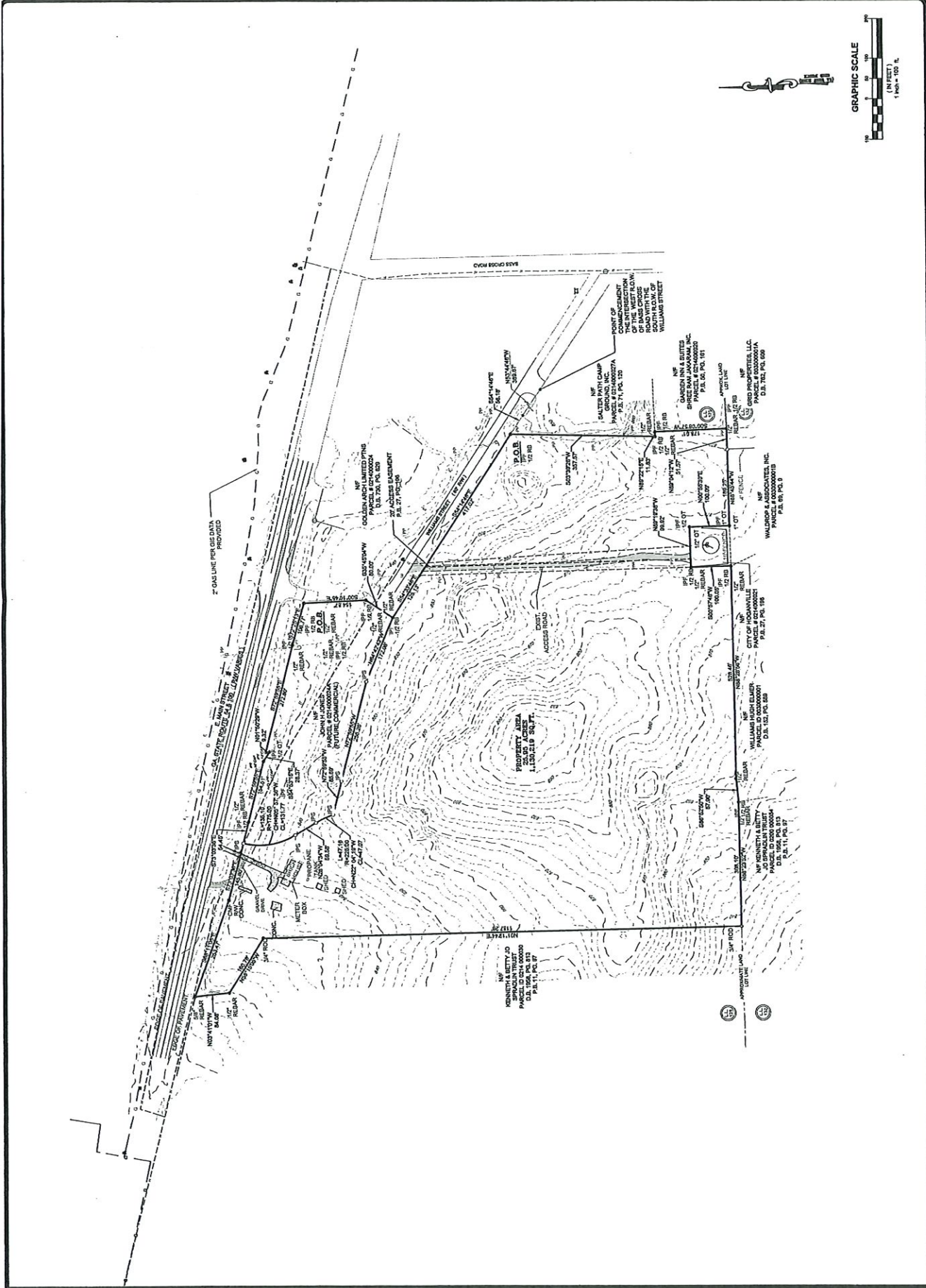
DATE:

SCALE: 1" = 100'

DATE:

SCALE: 1" = 100'

SHEET NUMBER
2.0



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CITY COUNCIL
Mayor Bill Stankiewicz
Reginald Jackson, Post 1
Marichal Price, Post 2
Mandy Neese, Post 3
Mark Ayers, Post 4
Toni Striblin, Post 5



Jonathan Lynn, City Manager
Lisa Kelly, Assistant City Manager
Alex Dixon, City Attorney

400 E Main St
Hogansville GA 30230-1196
706-637-8629 | cityofhogansville.org

COUNCIL ACTION FORM

MEETING DATE: March 1, 2021 **SUBMITTED BY:** Lynne Miller *LSM*

AGENDA TITLE: Preliminary Plat – John Hardy Jones

CLASSIFICATION (City Attorney must approve all ordinances, resolutions and contracts as to form)

- | | | | |
|--|-------------------------------------|---|---|
| <input type="checkbox"/> Ordinance (No. ____) | <input type="checkbox"/> Contract | <input type="checkbox"/> Information Only | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Resolution (No. ____) | <input type="checkbox"/> Ceremonial | <input checked="" type="checkbox"/> Discussion/Action | <input type="checkbox"/> Other |

BACKGROUND (Includes description, background, and justification)

Applicant and owner John Hardy Jones is seeking preliminary plat approval for a proposed 169-lot townhouse development along Williams Street and E. Main Street.

The City's 2021-2041 Comprehensive Plan calls the land in this vicinity the Interstate Character Area: "a mixed-use commercial area, which could include multifamily residential, light industrial and green space". The proposed multi-family use is therefore appropriate. The Hogansville Planning and Zoning Commission met with the applicant representative and applicant engineer on February 18, 2021. The P&Z Commission voted to recommend approval of the preliminary plat.

BUDGETING & FINANCIAL IMPACT (Includes project costs and funding sources)

N/A

STAFF RECOMMENDATION (Include possible options for consideration)

Approve this preliminary plat, as recommended by the Hogansville Planning and Zoning Commission.

CITY COUNCIL
Mayor Bill Stankiewicz
Reginald Jackson, Post 1
Marichal Price, Post 2
Mandy Neese, Post 3
Mark Ayers, Post 4
Toni Striblin, Post 5



Jonathan Lynn, City Manager
Lisa Kelly, Assistant City Manager
Alex Dixon, City Attorney

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COUNCIL ACTION FORM

MEETING DATE: March 1, 2021 **SUBMITTED BY:** Lynne Miller *LSM*

AGENDA TITLE: Appointments to Planning & Zoning Commission

CLASSIFICATION (City Attorney must approve all ordinances, resolutions and contracts as to form)

- | | | | |
|--|-------------------------------------|---|---|
| <input type="checkbox"/> Ordinance (No. ____) | <input type="checkbox"/> Contract | <input type="checkbox"/> Information Only | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Resolution (No. ____) | <input type="checkbox"/> Ceremonial | <input checked="" type="checkbox"/> Discussion/Action | <input type="checkbox"/> Other |

BACKGROUND (Includes description, background, and justification)

The City's Planning & Zoning Commission have 2-year renewable terms. Chair Ricky Thrash, Mary Margaret Ware, Carol Smith and Ellen Shellabarger have terms that up. A fifth member – Gayle Devereaux – recently resigned. In June 2020 the City advertised this opportunity via utility mailers. Two outside applicants stepped forward – Mark Brummett and Mary Ann Neureiter. On November 19, 2020 the Planning & Zoning Commission voted to recommend to City Council that the four existing members – Ricky Thrash, Mary Margaret Ware, Carol Smith and Ellen Shellabarger – be reappointed. Then on February 18, 2021 the P & Z Commission interviewed the two citizen applicants and are recommending that Mark Brummett be appointed to the P&Z Commission. Application forms are attached for the four incumbents and two applicants.

BUDGETING & FINANCIAL IMPACT (Includes project costs and funding sources)

N/A

STAFF RECOMMENDATION (Include possible options for consideration)

Reappoint Ricky Thrash, Mary Margaret Ware, Carol Smith and Ellen Shellabarger, and appoint Mark Brummett to the City of Hogansville Planning and Zoning Commission.

CITY COUNCIL
Mayor Bill Stankiewicz
Reginald Jackson, Post 1
Marichal Price, Post 2
Mandy Neese, Post 3
Mark Ayers, Post 4
Toni Striblin, Post 5



Jonathan Lynn, City Manager
Lisa Kelly, Assistant City Manager
Alex Dixon, City Attorney

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COUNCIL ACTION FORM

MEETING DATE: March 1, 2021 **SUBMITTED BY:** Lynne Miller *LSM*

AGENDA TITLE: Appointments to Historic Preservation Commission

CLASSIFICATION (City Attorney must approve all ordinances, resolutions and contracts as to form)

- | | | | |
|--|-------------------------------------|---|---|
| <input type="checkbox"/> Ordinance (No. ____) | <input type="checkbox"/> Contract | <input type="checkbox"/> Information Only | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Resolution (No. ____) | <input type="checkbox"/> Ceremonial | <input checked="" type="checkbox"/> Discussion/Action | <input type="checkbox"/> Other |

BACKGROUND (Includes description, background, and justification)

The City's Historic Preservation Commission (HPC) has 3-year renewable terms. On October 5, 2020 City Council approved an enlargement of the HPC from 5 members to 7. Solicitations for 2 more members were placed in the December 2020 utility billings. HPC Chair Sherry Metternick-Jones announced plans to move from Hogansville, so the need for more members increased from 2 members to 3. The HPC has received 4 citizen applications for the 3 vacancies: Cheryl Comfort, Jordan Brooke Canducci, Alan Jones and Chad Smith, and has interviewed all 4 applicants. On February 23, 2021 the HPC met and recommended that City Council appoint Cheryl Comfort, Jordan Brooke Canducci and Chad Smith to fill the 3 vacancies on the Hogansville Historic Preservation Commission. All four citizen applications are attached.

BUDGETING & FINANCIAL IMPACT (Includes project costs and funding sources)

N/A

STAFF RECOMMENDATION (Include possible options for consideration)

Appoint Cheryl Comfort, Jordan Brooke Canducci and Chad Smith to fill the 3 vacancies on the Hogansville Historic Preservation Commission, as recommended by that commission.