



City of Hogansville City Council Meeting Agenda

Monday, April 5, 2021 – 7:00 pm

Meeting will be held at Hogansville City Hall

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

Regular Meeting – 7:00 pm

Call to Order - Mayor Stankiewicz
Invocation & Pledge

Agenda

1. Approval of Agenda: Regular Meeting, April 5, 2021

Executive Session

1. Litigation Exemption

New Business

1. 1st Reading – Ordinance – Trees
2. Intent Resolution – Bond Attorney & Davenport and Company
3. 4th Amendment to Intergovernmental Agreement with Meriwether County Water and Sewerage Authority
4. Financial Policies
5. Agreement for SDS Mediation Services
6. Declaration of Surplus Items
7. Askew Park Fence Approval
8. Board Appointments – Hogansville Tourism and Marketing Committee
9. Board Appointments – Troup County Agency on Aging
10. Authorization for Smith-Welch to File Certain Legal Documents

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

- April 6, 2021 | 10:00 am – Public Hearing for Second Voting Location at Hogansville City Hall
- April 6, 2021 | 7:00 pm – Public Hearing for Second Voting Location at St. Paul AME Church
- April 15, 2021 | 5:30pm – Meeting of the Hogansville Planning and Zoning Commission (via Zoom)
- April 19, 2021 | 7:00 pm – Regular Meeting of the Mayor and Council at Hogansville City Hall

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HOGANSVILLE TO AMEND THE CODE OF THE CITY; TO AMEND THE CODE OF THE CITY IN ORDER TO ESTABLISH STANDARDS FOR THE PRESERVATION AND REPLACEMENT OF TREES DURING LAND DEVELOPMENT; 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 THE Code of the City shall be amended by adding Chapter 84, Article 1 to the Code of the City, to be incorporated into the Code of the City to read as follows:

“CHAPTER 84 – TREE PRESERVATION AND REPLACEMENT STANDARDS.

Article 1. IN GENERAL.

The Mayor and City Council of the City of Hogansville hereby finds that the protection and preservation of trees, the planting of new trees and other landscape material as part of the land development process is a public purpose and provides for the public health and general welfare. This Ordinance is intended to further the City's policy that all development sites where trees are most commonly removed will achieve upon project completion, a uniform standard related to preserved tree coverage, planted tree coverage and buffers. Preserving and maintaining adequate trees upon developed land within the City will increase the fiscal and psychological value of property, reduce the urban heat island effect and contribute to the community's aesthetic quality. These benefits are crucial to the long-term health and welfare of citizens, workers, and visitors to the City of Hogansville.

Section 84-1. - Purpose.

The purpose of this Ordinance is to firmly establish the value of trees to the community and to promote the health, safety, and general welfare of the public by recognizing the standards within this article. Tree canopy preservation and tree replacement will be promoted as an integral part of the land development and construction process in the City. Specific benefits to our citizens attributed to trees include:

1. Trees facilitate a harmonious community and help to conserve natural resources as well as provide wildlife habitats.
2. Trees provide a more attractive place to live and enhance the aesthetic character of the community.
3. Trees mitigate harmful vehicle emissions by reducing carbon dioxide levels.

4. Trees are recognized for their importance in the production of oxygen, shading and cooling, noise and wind reduction, prevention of soil erosion, dust filtration and fostering improved air quality.
5. Trees contribute to the economic value of real property.
6. Trees help reduce the glare of motor vehicle lights, and enhance the appearance of open automobile parking areas and lands used for commercial, public/institutional, office, industrial, and residential purposes.
7. Trees can enhance the natural functions of streams and related buffers.

Section 84-2. - Definitions.

All words in these standards have their customary dictionary definition except as specifically defined herein. The words "shall" and "must" are mandatory, and the words "may" and "should" are permissive.

Basal Area: A forestry industry standard used to describe the cross-sectional area of a tree expressed in square inches, of a tree measured at four and one-half (4.5) feet above the ground or diameter at breast height (DBH).

Berm: A mound of soil, either natural or man-made, used to screen one site or property from the view of another.

Boundary Tree: Boundary tree means a tree fifteen (15) inches DBH or larger located on any part of a property adjacent to a permitting property with any portion of the root plate extending into the permitting property (see root plate). Boundary trees must be in good health as determined from the vantage point of the property to be developed (pre-construction digital photographs required). This provision shall not authorize the trespass on private property abutting the site.

The applicant shall notify the adjoining property owner of a boundary tree in writing that the root plate of a boundary tree is to be disturbed and if the tree should thereafter be damaged or die due to construction impacts, it will be handled as a civil matter between the applicant and the boundary tree owner. The applicant must provide a copy of any letter and the certificates of mailing prior to permit issuance.

Buffer: A naturally existing area, a landscaped area or a combination of both designated for screening or around the perimeter of a parcel provided to soften the view of two (2) adjacent lots or parcels from one another.

Buildable Area: Portion of a parcel excluding the required yards, easements, planting areas, environmental (streams, wetlands) and areas within the future right-of-way.

Caliper (or Cal): American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six (6) inches above the ground for up to and including four (4) inch caliper size, and twelve (12) inches above the ground for larger sizes.

City Arborist: The City's designee responsible for administering the provisions of this chapter.

Critical Root Zone (CRZ): The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance for survival. For the purpose of this Ordinance, the CRZ of any given tree on the applicant's property shall be

represented by a concentric circle with a radius in feet equal to one and one-half (1.5) times the DBH in inches. No inches will be given if these minimum criteria are not met (see Section 84-15).

Deciduous Tree: A tree which sheds leaves annually.

Density Factor: A unit of measure used to prescribe the calculated tree coverage on a site. The site density factor for areas within the corporate limits of the City is one hundred (100) inches per acre. Please note: One hundred (100) year floodplain, wetlands and fifty (50) foot and twenty-five (25) foot stream buffers shall be excluded from the acreage calculation but will remain protected and undisturbed on-site during construction (see Section 85-15).

Diameter at Breast Height (DBH): Means the standard measure of a tree size for those trees existing on a site that have a caliper of at least two (2) inches at a height of four and one-half (4.5) feet above the ground. If a tree has two (2) or more trunks below four and one-half (4.5) feet above the ground, refer to Section 84-15.

Genus Cap: A term used to describe a limit determined by this Ordinance in which the quantity of a particular genus cannot exceed thirty (30) percent of the total number of replacement trees on a site. This limit is put in place to prevent the creation of a monoculture.

House Location Plan (HLP): Site plan required by builder's representative for records/documentation at the time an individual home permit is applied for/purchased.

Individual Preserved Tree: Any single tree to be preserved for credit that is not a part of a tree protection area and that is protected with tree protection fencing at its Critical Root Zone (CRZ).

Land Disturbance Permit (LDP): A permit necessary to begin land-disturbing activity.

Landscape Plan: A scaled plan that clearly delineates buildings, vehicular use areas, and displays and describes all proposed planting as required per zoning conditions and/or the Tree Ordinance.

Lot: A measured parcel of land having fixed boundaries and designated on a plot or survey.

Monoculture: A plant culture (i.e. vegetation) that results from growing only one (1) type of plant which creates the opposite condition of biodiversity and can sometimes be responsible for the spread of plant diseases.

Opaque Buffer: A landscaped area planted in such a manner as to be impenetrable to view, or so obscuring to view that features, buildings, structures and uses become visually indistinguishable.

Open Space: Unoccupied portion of a lot or building site that is open to the sky and may contain, outdoor structures, or recreational facilities as it relates to Chapter 84.

Overstory Tree: Means those trees that compose the top layer or canopy of vegetation and will generally reach a mature height of greater than forty (40) feet.

Parking Lot Trees: Trees required pursuant to Section 84-10 herein.

Pervious Area: Area of a parcel or lot left over after impervious areas are subtracted.

Replacement Planting: The planting of trees on a site that before development had more trees, and after development shall have fewer trees per acre. (Please note: All properties applying for an LDP must meet the minimum one hundred (100) inches per acre whether or not a site had trees prior to development.)

Replacement Tree: A new tree planted on a site outside of a tree protection area that is used to meet the required one hundred (100) inches per acre.

Residential Lot: A lot shown on a subdivision plat as recorded in the records of Troup County.

Root Barrier: For the purpose of this Ordinance, a mechanical guide (typically hard plastic) that redirects roots down and away from sidewalk driveway or other built structures.

Root Plate: The area of the root zone comprised of pedestal roots, the zone of rapid taper and roots under compression, the directional radius of which based upon the tree trunk diameter at four and one-half (4.5) feet above the ground. The root plate will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one-half (0.5) times the number of inches of the trunk diameter. (Failure of the tree could result if roots in this area are damaged or destroyed. Example: The root plate radius of a twenty (20) inch diameter tree is ten (10) feet.)

Screening: Solid fencing, walls, berms, or dense vegetation used to conceal a lot or part thereof from view.

Sidewalk Landscape Zone: The portion of a sidewalk area, adjacent to the street curb and reserved for the placement of trees, groundcover, and street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, traffic control boxes, tree grates, newspaper boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Note: The following may cross in a perpendicular manner but shall not be located within the Sidewalk Landscape Zone: Storm drain lines, sanitary sewer lines, water lines, electrical lines and any other utilities not specifically mentioned (see Appendix B).

1. If existing underground utilities are present, the Director may allow alternative proposals on a case by case basis.
2. In the event that existing overhead power lines prohibit the planting of required overstory trees, an appropriate understory tree species may be selected and approved for required inches according to accepted horticultural standards and as approved by the impacted utility (see Appendix A).

Specimen Tree: Any tree as defined by Section 84-17.

Tree: Any living, self-supporting woody or fibrous plant which normally obtains a diameter breast height (DBH) of at least three (3) inches and typically has one (1) main stem or trunk and many branches and shall be on the approved City street tree list (see Appendix A).

Tree Preservation Trust Fund: Fund established to purchase, install, and maintain trees throughout the City's public areas, including parks, green spaces, right-of-way, and government building sites (see Section 84-18).

Tree Save Area: Means a protected area designated for the purpose of meeting the one hundred (100) inches per acre requirements, saving natural trees and/or preserving natural buffers.

Tree Protection Fencing: A barrier installed at and around the perimeter of a tree protection area to prevent intrusion of construction-related activities in which fencing is a minimum of four (4) feet in height and is at the CRZ.

Understory Tree: A tree that, under normal forest conditions, may grow to maturity beneath overstory trees and will generally reach a mature height of at least ten (10) feet but less than forty (40) feet (see Appendix A).

Section 84-3. - Applicability.

The regulations included in this Ordinance shall apply to all properties located within the City unless otherwise noted in this chapter.

1. *Single-Family Residential Outside of LDP.*

- The removal of five (5) or fewer trees, other than specimen trees, is allowed with a permit (no fee associated with this permit) on any residential lot within a single calendar year.
- Trees under three (3) inch caliper that were not planted to meet the minimum one hundred (100) inches per acre can be removed without a permit.
- Exemptions will be allowed to the five (5) tree per year limit by City staff if the property owner must remove trees in order to build a newly permitted structure, or to build an addition to or to make improvements to an existing structure, or to improve the health of other trees in the landscape.
- With regard to private property owners and/or residential lots not incidental to development, a tree removal permit is required for specimen tree removal. A permit will be granted if the specimen tree is clearly dead, dying, diseased with no chance for recovery or presenting imminent danger to life, limb or property. If City staff cannot adequately assess the condition of the tree, then the property owner shall be required to provide a letter stating such from a certified arborist. (See Section 84-16)
- Dead standing trees that are a danger to human life or property must be removed by the property owner after receiving notice from the City code enforcement division. Dead tree determinations to be made by a third-party certified arborist. Any tree(s) located on private property with potential impact on other private property shall be deemed a civil matter and shall not involve the opinions or services of the City Arborist.

2. *Non Single-Family Residential Outside of LDP.*

- Any new construction, renovation, or alteration of a building that results in an expansion or alteration of the total square footage of the building footprint shall invoke the requirements contained in Section 84-10. The Tree Ordinance shall be enforced by the City, designated agent, and/or the municipal court of the City.
- If specimen tree removal is requested, refer to the standards set forth in Section 84-17.
- Trees under three (3) inch caliper that were not required by ordinance or conditions of zoning can be removed without a permit.
- Trees three (3) inch caliper and greater that do not meet the specimen tree criteria require a tree removal permit. City staff shall determine whether portions of the Tree Ordinance apply on a case by case basis.

- Dead standing trees that are a danger to human life or property must be removed by the property owner after receiving notice from the City Code enforcement division. Dead tree determinations to be made by a third-party certified arborist. Any tree(s) located on private property with potential impact on other private property shall be deemed a civil matter and shall not involve the opinions or services of the City Arborist.

Sections 84-4 thru 84-9, Reserved.

ARTICLE II. – REQUIREMENTS.

Section 84-10. - General Plan Requirements.

An appropriately-scaled tree protection plan and/or tree replacement plan shall be submitted and approved as part of the pre-development site plans as required by the provisions of this Ordinance. No plans shall be accepted by City staff unless tree protection and/or tree replacement plans are included in the initial submittal. All commercial parcels and residential lots under development shall comply with street tree and parking lot tree requirements. Street tree requirements are subject to the zoning categories identified within the City of Hogansville Zoning Ordinance (see Chapter 102).

1. The Sidewalk Landscape Zone for any areas with trees between the sidewalk and back of curb shall be designed so that required street trees are planted in a suitable soil volume. Planting environment shall provide an average soil depth greater than or equal to three (3) feet. Each street tree shall have a minimum area suitable for root growth of two hundred (200) square feet provided.
2. In addition to or in conjunction with the tree protection areas, each single-family residential lot seven thousand five hundred (7,500) square feet or greater shall contain a minimum of one (1) two-inch caliper overstory tree. Root barrier, along with lateral pipe locations, shall be shown on HLP (see Section 84-2).
3. In addition to or in conjunction with the tree protection areas, each single-family residential lot less than seven thousand five hundred (7,500) square feet shall contain a minimum of one (1) two (2) inch caliper tree (overstory or understory). Root barrier, along with lateral pipe locations, shall be shown on HLP (see Section 84-2).
 - *Exception to #2 and #3:* In the cases where planting area is not available on single-family residential lots, a number of two (2) inch caliper overstory trees equal to the total number of single-family residential lots in the development shall be planted in other areas of the development. These trees shall be in addition to or in conjunction with the tree protection areas.
4. Requests for a reduction of landscape zone from seven (7) feet shall only be considered under the following circumstance:
 - Developer shall submit a design and implementation protocol incorporating a series of subsurface structural cells for approval by City staff (see Appendix D).

5. Parking lot trees shall be provided in landscape islands in parking areas proposing ten (10) or more spaces. Parking areas with fewer than ten (10) spaces and multi-level parking decks are exempt.
6. A sufficient number of three (3) inch caliper (minimum) trees must be planted in interior portions of parking lots so that no parking space is more than fifty (50) feet from a parking lot tree. Show a fifty (50) foot radius dashed circle for each parking lot tree on tree replacement plan to verify graphically. Up to twenty (20) percent of parking lot trees may be planted along the perimeter of the parking lot. Landscaped islands shall terminate each row of parking and all landscaped islands planted with trees shall provide a minimum of two hundred (200) square feet per tree. Light poles are not permitted in parking lot islands, peninsulas and medians unless they are a minimum of twenty (20) feet from any planted tree (see Appendix C).
7. The tree replacement plan shall be designed so that all parking lot trees are planted in a suitable soil volume. Planting environment shall provide an average soil depth greater than or equal to three (3) feet. Each parking lot tree shall have a minimum area suitable for root growth of two hundred (200) square feet, provided, however if this minimum square footage is not provided, subsurface soil cells shall be incorporated into the tree replacement plan. All applicable details to show an industry standard subsurface soil cell design shall be attached as part of the tree replacement plan (see Appendix D).

Sections 84-11 thru 84-14, Reserved.

ARTICLE III. - TREE REPLACEMENT AND PROTECTION.

Section 84.15. - Tree Density Requirements.

The applicant shall provide a development plan demonstrating both responsible canopy preservation (excluding any fifty (50) foot and twenty-five (25) foot stream buffers) and tree replacement inches on sites submitted for development. Any trees saved (with undisturbed CRZs) or replaced in the seventy-five (75) foot impervious zone will receive appropriate inches. Please note: All properties applying for an LDP must meet the minimum one hundred (100) inches per acre whether or not a site had trees prior to development.

All trees designated for replacement shall be on an inch-for-inch basis. The density of one hundred (100) inches per acre may be achieved as follows:

1. Counting existing trees (inches measured at DBH) to be preserved with no impact to CRZ.
2. Planting new trees (minimum two (2) inch caliper) for lots that do not have the required one hundred (100) inches per acre.

Formula:

Acreage x 100 inches = required inches per acre

Example: 3.2 acres x 100 inches = 320 inches required

The minimum required inches per acre shall be calculated and established pursuant to the formula as shown above and calculations shall be in a prominent location on the tree preservation and replacement plan. All applicable sites brought in for land development must maintain a minimum of one hundred (100) inches per acre. Street trees and/or parking lot trees planted after the minimum required inches per acre for the site has been satisfied can be counted toward specimen tree recompense.

3. For planted evergreen trees, the following conversions shall apply:

Evergreen Tree Inches:	Evergreen Tree Sold by Height:
2 inches	6 feet minimum
3 inches	8 feet minimum
4 inches	12 feet minimum
5 inches	16 feet minimum
6 inches	18 feet minimum

4. For multi-trunk trees (see formula in Appendix B).

5. Tree form shrubs shall not be given credit.

Section 84.16. - Preservation of Existing Trees.

An emphasis of this Ordinance is the preservation of as many existing trees as possible. Thus, inch for inch credit will be given for preserving existing trees. No credit will be allowed for shrubs or for trees with impact to their CRZ. Please note: Administrative variances for encroachment into CRZ shall not be considered.

1. All trees to be counted toward meeting the required one hundred (100) inches per acre must be inventoried. Existing tree inventory information (caliper at DBH and genus) must be shown on the tree protection plan and must be provided by an ISA certified arborist, forester, surveyor or landscape architect along with a statement that the provider conducted the inventory in the field. If the plan is unclear or does not match current GIS information, a tree survey shall be required. Please note Specimen trees must have a surveyed location.
2. Tree protection fencing is required to be placed at the CRZ for all trees to be saved and locations shall be clearly delineated on the tree protection plan. All tree protection fencing shall be installed prior to and maintained throughout the land disturbing and construction process, and should not be removed until final landscaping is installed, inspected and final approval granted by the City.
3. Plot-sample surveys may be used to determine tree densities for large forested areas with a minimum size of five (5) acres or greater that is to be preserved. For the purpose of this Ordinance, a plot sample is defined as an area measuring fifty (50) feet by fifty (50) feet, for a minimum size of two thousand five hundred (2,500) square feet. Sampling areas must be located within the limits of a tree protection area. The sample must be taken in a portion of the site that is representative of its cover-type. The tree protection plan must

delineate all ground cover-types and provide a general description of the types of trees present within the tree protection area (i.e., hardwoods, pine/hardwood mix, etc.). Other sampling and/or inventory methods must be approved by the City's designated representative.

4. No credit inches will be given for trees preserved in mandatory stream buffers as required by Chapter XVII, Stream Buffer Protection. The area (measured in acres) of the undisturbed stream buffers shall be excluded from the total site acreage when calculating required inches per acre. Any trees saved (with undisturbed CRZs) or replaced in the seventy-five (75) foot impervious setback zone will receive appropriate inches.
5. To aid preservation efforts, land owners shall have the option of moving existing trees to prevent their damage or destruction by development activities. To receive credit for transplanted trees, the following standards must be adhered to:
 - a. Trees must be less than ten (10) inches caliper measured six (6) inches above grade.
 - b. Trees must remain within the planting areas of the parcel.
 - c. Trees shall not be moved to or from stream buffers or wetlands.
6. Tree protection areas for subdivisions should be located in common areas, or in buffers required to be undisturbed by zoning or other regulations, or within building setbacks. If tree protection areas must be located on individual lots, the lots must be of sufficient size to reasonably expect the trees to be preserved at the completion of the building process. Please note: Staff shall have sole discretion over whether the lot is of sufficient size.
7. With regard to subdivision developments, the City shall require that improvements be located so as to result in minimal disturbance to the natural topography of the lots and the protection of a maximum number of mature trees on the lot. Damage to mature trees located within setback and required yard areas be minimized as much as possible under the particular circumstances, as determined by City staff.
8. Every lot in a subdivision shall have trees, either preserved or planted for which an LDP is obtained after the adoption of this Ordinance. These trees can be counted as part of the required one hundred (100) inches per acre for the development. All planted trees must be a minimum of two (2) inch caliper and must be shown on the required house location plan (HLP). This requirement shall apply to the developer or homebuilder, whoever is the responsible party at the issuance of the certificate of occupancy for the individual lot.

Section 84.17. - Preservation, Replacement and Removal of Specimen Trees.

A specimen tree is any tree which qualifies for special consideration for preservation due to its size, type and condition. The following criteria are used by the City to identify specimen trees. Both the size and condition criteria must be met for a tree to qualify.

1. *Minimum Size Criteria.*
 - a. Twenty-four (24) inch caliper at DBH—Oak, Beech, Ash, Blackgum, Sycamore, Hickory, Maple (does not include Silver Maple), Pecan, Walnut, Magnolia (does not include Bigleaf Magnolia), Persimmon, Sourwood, Cedar, Cypress or Redwood.

- b. Thirty (30) inch caliper at DBH—Tulip Poplar, Sweet Gum, River Birch, Silver Maple or Pine.
 - c. Ten (10) inch caliper at DBH—American Holly, Dogwood, Redbud or other genus as determined by the City Arborist such as Bigleaf Magnolia.
2. *Condition Criteria.*
- a. Life expectancy greater than fifteen (15) years.
 - b. Relatively sound and solid trunk with no extensive decay or significant structural deficiencies.
 - c. No more than two (2) major and several minor dead limbs (excluding pine for minor limbs).
 - d. A radial trunk dieback of no more than twenty (20) percent or a canopy dieback of no more than thirty (30) percent.
3. Small trees can be classified as specimen if of a rare or unusual species, of exceptional quality, or socio-historical significance. Small trees may also qualify as specimen if used in a landscape as a focal point of the design. In order to claim this credit, the applicant must submit a letter from a certified arborist stating that the tree(s) meet these qualifications.
4. An arborist report for each specimen tree that is shown to be impacted by a proposed development requiring an LDP must be submitted to the City to determine whether that tree meets the condition criteria for specimen status. The report must be prepared and signed by a certified arborist or a registered forester. The report must contain the following information:
- a. Site plan showing an accurate surveyed location of the tree.
 - b. Identification/verification of the tree's size, genus and species.
 - c. Description of the surrounding site conditions.
 - d. Detailed description of the tree's condition.
 - e. Digital photographs to illustrate any defects which would disqualify the tree from specimen status.
5. The final determination of specimen tree status will be made by City staff after reviewing the report.
- a. If a specimen tree is to be removed, a plan or written documentation indicating the reason for removal must be submitted to the City.
 - b. The removal of any specimen tree impacted by a proposed development must be mitigated by replacing the removed specimen tree with minimum four (4) inch caliper trees of comparable species on an inch-for-inch replacement basis.

Example: Twenty-four (24) inch Oak would require replanting six (6) four (4) inch caliper trees $[24 / 4 = 6]$. These recompense trees are in addition to the minimum one hundred (100) inches per acre for a particular site.

- c. Any person who removes a specimen tree in violation of this Ordinance shall be assessed a fine in accordance with Section 9.401. In regard to specimen trees removed after being designated for preservation on an approved plan, the removed tree must also be replaced on an inch-for-inch basis with tree species with potential for comparable size and quality, regardless of the one hundred (100) inches per acre requirement. If a tree is removed without approval and there is no evidence of its condition, size alone will be the determining factor for replacement. In regard to specimen trees removed on a residential lot that is not currently being developed, the fine shall be paid as referenced, however there shall be no requirement for replacement of the specimen tree.
6. In order to encourage the preservation of specimen trees and the incorporation of these trees into the design of new development projects, the following incentive is offered:

Preserved specimen trees will receive one and one-half (1.5) x inches DBH (thirty (30) inch Oak x one and one-half (1.5) = forty-five (45) inches).

 - Under no circumstance will this incentive allow the requirements of the Tree Preservation Ordinance to be reduced administratively.

Section 84.18. - Tree Protection Standards.

Allowing enough space for a tree's root system is a critical factor in tree protection throughout the development process. Disturbance within this critical root zone (CRZ) can directly affect a tree's chances for survival. In order to protect trees, the following standards shall apply:

1. The CRZ for each tree or group of trees shall be represented on the plan by a circle the size of the CRZ (see Section 84-2, Definition of Critical Root Zone).
2. Site layout should be designed to accommodate tree protection areas.
3. Construction activities shall be arranged to prevent encroachment into tree protection areas. Encroachment of up to twenty (20) percent into the CRZ area of individual preserved trees shall be allowed. Encroachment beyond twenty (20) percent into the CRZ area of individual preserved trees shall be prohibited. Specimen trees with encroachment into CRZ will not receive bonus credit as provided by Section 9.302(6). Encroachment into the root plate shall be prohibited. Area of encroachment shall be shown on tree protection plans.
4. No disturbance whatsoever shall occur within tree protection areas without prior written approval by the City. Disturbance permitted with approval from the City shall be limited to general maintenance (i.e., removal of dead trees and/or cleaning of underbrush by hand). Use of machinery shall not be allowed within the tree protection area.
5. Active protective tree fencing shall be installed along the outer edge of and completely surrounding the CRZs of all specimen trees or stands of trees designated for preservation prior to land disturbance.
6. Tree protection fencing shall be minimum four (4) feet high and made of orange laminated plastic netting with wooden posts and rail fencing or other equivalent material as approved by the City.

7. All protection zones should include signage in English and Spanish that identifies the areas as tree protection and preservation zones and include the name and phone number of the developer or designated agent.
8. All tree save fencing must be installed prior to any clearing, grubbing, or grading and must be maintained in functioning condition throughout all phases of development and construction.
9. Once tree protection areas are established and approved, any changes are subject to review and approval by the City.
10. Developer shall notify any adjacent property owner a minimum of fourteen (14) days prior to construction dates (copy of notification to be provided to City for permit file) if visual assessment identifies boundary tree root plates are potentially within the proposed limits of disturbance (see Section 84-2, Definitions). Any and all subsequent tree matters shall be a civil matter between the property owner and the developer.

Section 84.19. - Tree Replacement Standards.

1. The replacement of trees shall occur within the required yards, buffers, open space, parking lots, and landscape areas, as specified in the Zoning Ordinance and Tree Preservation and Replacement Ordinance. The following standards for replacement will be used to evaluate proposed tree planting plans:
 - a. Existing tree coverage, size, and type.
 - b. Number of trees to be removed from the lot or parcel.
 - c. Area to be covered with structures, parking, and driveways.
 - d. Grading plan and drainage requirements.
 - e. Character of the site and its environs.
2. Replacement trees shall be ecologically compatible with the intended growing site, contribute to the diversity of the urban forest, and add to the overall aesthetic quality of the City.
3. The spacing of replacement trees must be compatible with spatial site limitations with responsible consideration towards species sizes when mature. Typical spacing for overstory/street trees is thirty (30) feet on center, with no overstory tree being planted less than twenty-five (25) feet on center from any other tree. Spacing of understory trees and/or trees in parking lots shall be subject to approval of the City and within accepted horticultural standards.
4. In the event that existing overhead power lines prohibit the planting of required overstory trees, an appropriate understory tree species may be selected and approved for required inches according to accepted horticultural standards and as approved by the impacted utility (see Appendix A).
5. Trees selected for planting may be a species from the recommended tree species lists shown in the appendices. Use of a species not shown on these lists is subject to approval of the City, according to accepted horticultural standards (see Appendix A).

6. Replacement trees shall be a minimum two (2) inch caliper measured six (6) inches above grade, and be protected by a twelve (12) month guaranteed maintenance surety (one hundred ten (110) percent of installed amount) beginning at the date of planting.
7. Planting of replacement trees within utility, storm drainage, or sanitary sewer easements is not acceptable and no credit will be allowed toward the required inches per acre. City staff shall determine whether or not the applicant will be required to install root barriers to prevent future conflicts for trees planted directly adjacent to proposed easements or utility locations.
8. Trees and plants selected for planting must meet the minimum requirements as provided in the "American Standard for Nursery Stock" (ANSI Standards latest edition).
9. Tree planting may be delayed up to six (6) months in the case of unfavorable climate conditions (drought, flood, extreme heat or cold). Property owners must provide the City with a performance bond or cash escrow that identifies a target date for when the required numbers, sizes, and species of trees will be planted to meet the requirements of this Ordinance.
10. Each development site (parcel) should contain trees of sufficient number, size, and type to achieve the minimum required one hundred (100) inches per acre, which is determined according to the size of the parcel and is intended to be consistent across uses and underlying zoning categories. Total replacement units should be gathered by using as diverse a palette of species of trees as possible. However, a minimum of sixty (60) percent of the total replacement units required for any parcel must be achieved in the form of overstory trees. When fewer than ten (10) trees are shown to be planted on a project, one (1) species may be specified. When ten (10) to fifty (50) trees are shown, a minimum of three (3) species of trees are required. When more than fifty (50) trees are shown, a minimum of five (5) species of trees are required.
11. When ten (10) or more trees are to be planted, no single genus shall represent more than thirty (30) percent of the required inches per acre.
12. Buffer planting standards are as follows:

An opaque buffer is a designated area along a property line that is required to be planted for the purpose of screening. Buffers may be required as a condition of zoning or in areas where incompatible land uses exist (i.e., commercial adjacent to residential).

The opaque buffer shall consist of evergreen plant materials that must form an eighty (80) percent visual barrier within two (2) years and a one hundred (100) percent visual barrier within five (5) years. Trees must be minimum six (6) feet height at installation, and shrubs must be minimum twenty-four (24) inch height at installation.

- a. *Existing buffer to remain undisturbed.* Sparsely vegetated or previously disturbed portions of this undisturbed, existing buffer must be replanted to comply with the definition above.
- b. *Buffer width twenty (20) feet or less.* This buffer shall consist of a minimum of one (1) row of evergreen trees and one (1) row of evergreen shrubs (see Appendix B).
- c. *Buffer width twenty-one (21) to thirty-five (35) feet.* This buffer shall consist of a minimum of two (2) rows of evergreen trees and one (1) row of evergreen shrubs (see Appendix B).

- d. *Buffer width greater than thirty-five (35) feet:* This buffer design shall be subject to approval by the City.

Evergreen trees planted within buffer areas may be counted for inch credit toward the minimum.

Section 84.18. - Acts of Nature.

In the case of an act of nature, be it drought, flood, tornado, lightening, hurricane, wind, insects, snow, ice, rain, or hail, that destroys a tree after the twelve (12) month performance bond or cash escrow has expired, the owner(s) of an affected parcel are excused from replacing those trees as required by the procedure established by this Ordinance.

Section 84.18. - Tree Removal.

Tree removal should be considered a secondary option for meeting the requirements of this Ordinance, and should be pursued only if all avenues to preservation have been exhausted.

1. The tree is located in the buildable area or street right-of-way of a parcel or lot on which improvement is to be made and the tree unreasonably restricts the permitted use of the property.
2. The tree is diseased, injured beyond restoration, in danger of falling, or interferes with utility services.

Section 84.18. - Tree Species.

A diversity of tree species facilitates the long-term health of the urban forest. Lists of tree species deemed acceptable by the City for use in meeting the requirements of this Ordinance are found in Appendix A.

ARTICLE IV. - IMPLEMENTATION, ENFORCEMENT AND PENALTIES

Section 84.18. - Public Trees.

No person shall remove, destroy, break, cut, or deface any tree or shrub growing in any public right-of-way, easement or City park under any circumstances. No person shall directly or indirectly place stone or cement or similar substances about any tree growing in the public right-of-way which impedes the entrance of water and air to the roots of the tree. No person shall attach or place any rope, wire, sign poster, handbill or any other thing on any tree or shrub growing in any public right-of-way or City park. In the case of erection, demolition, or repair of any structure, the developer/owner shall implement best management practices per accepted industry standards around all nearby trees in a public right-of-way to prevent harm or injury.

Section 84.18. - Tree Preservation Trust Fund.

This Ordinance hereby establishes the Hogansville Tree Preservation Trust Fund. The fund will be used exclusively to purchase, install, and maintain trees throughout the City's public

areas, including parks, green spaces, right-of-way, and government building sites and, upon resolution of the City Council, to improve the City's parks and/or green spaces as specified by the Council in such resolution.

1. Occasionally a project site does not have the capacity or will not bear the required one hundred (100) inch per acre of trees. If a property owner or developer cannot meet the minimum site density requirement for tree replacement and/or specimen tree recompense, a mitigation fee for each tree required by this Ordinance but not planted will be paid to the tree preservation fund or, upon resolution of the Council, the owner or developer may be allowed to make improvements to the City's parks and/or green spaces as specified by the Council in such resolution. A schedule of mitigation fees is presented below:

Replacement	Mitigation Fee
Nonrecompense	\$150.00 per inch
Recompense	\$175.00 per inch

2. A fine for each protected tree or specimen tree removed without a permit issued by the City will be paid to the tree preservation fund. Fine amounts will be based on the fee schedule shown above.

Any person or entity violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be punished for each offense by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not to exceed six (6) months, as authorized and in accordance with Section 1-7 and other applicable portions of the City Code. Each day such violation continues shall be deemed to be a separate offense. At the discretion of the appropriate court, a violator of this code may be given a reasonable length of time to rectify or correct the violation.

- DBH measurement shall be rounded to the nearest whole number.
- Money collected from mitigation fees and fines under this Ordinance shall be deposited into the tree preservation trust fund.

Section 84.18. - Easements.

The City is hereby authorized to enter into agreements with the owners of private property located within the City for the purpose of acquiring easements to plant trees. Private property owners shall acquire ownership of trees after planting provided agreement to maintain the trees is reached and the City is absolved of any liability attributable to the planting or presence of the trees. No agreement may be longer than two (2) years and all shall limit the City's interest to an area sufficient to allow planting of trees.

Section 84.18. - Inspection.

1. Every development within the City shall be required to undergo landscape inspection by the City's designated agent prior to the issuance of a certificate of occupancy. The inspection will determine whether the tree preservation or replacement plan has been implemented as required

by this Ordinance. At the time of inspection, the City shall collect an inspection fee. This fee will be determined by the Mayor and City Council and used to cover the cost of labor and materials for performing tree and/or landscape inspections.

2. Once completed, a written report will be prepared outlining the findings of the inspection and transmitted to the property owner or developer. If the inspection shows that tree planting has been implemented according to plan, and all other departments have signed off on final inspections, a certificate of occupancy will be issued. If the inspection reveals deficiencies between the approved tree protection and replacement plan and the condition of the development site, the property owner or developer will be notified of the nature and extent of the problems uncovered during inspection. Upon issuance of the report, all deficiencies must be corrected before a certificate of occupancy can be issued.

Section 84.18. - Violation and Penalty.

It shall be unlawful for any person, firm, organization, or society to violate the provisions of this Ordinance. The removal or destruction of each tree shall constitute a separate offense. Violation of this Ordinance shall constitute grounds for revoking or suspending any permit granted for the construction, demolition, or renovation of a structure on the lot or parcel. Upon revocation or suspension of permit, no new permit for construction, demolition, or renovation of any structure on the site shall be issued for not less than one (1) month, and a civil penalty of five hundred dollars (\$500.00) shall be levied for violating the requirements of this Ordinance.

Section 84.18. - Appeals.

In the event an applicant disputes the decision of the City regarding tree removal and/or replanting, applicant may file a written appeal with the Mayor and City Council. The written appeal should detail the reasons why the decision of the City staff should be vacated. Upon receiving the written appeal, the Mayor and City Council shall hear arguments and decide whether to uphold the administrative decision, modify the administrative decision, or negate the administrative decision. The decision of the Mayor and City Council shall be final. A written copy of the findings and decision of the Mayor and City Council shall be transmitted to the applicant and City.

Section 84.18. - Validity.

Should any section of this provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance in whole or any part thereof other than the part so declared invalid.

Section 84.18. - Repeal of Conflicting Provision.

The provisions of any part of resolutions in conflict herewith are repealed.

APPENDIX A. - TREE SPECIES LIST

This tree species list is intended to support site planning and design activities for tree preservation and replacement, tree maintenance planning and decision making in general. Requests for exceptions to this list, accompanied by sound reasoning, may be considered by the City Arborist.

City of Hogansville Recommended Tree Species List								
Species Common Name	Canopy Size	Large Landscape Areas	Road Frontage (Street)	Road Frontage (Yard)	Parking Lot Trees (Islands >200 sq ft)	Parking Lot Trees (Islands 100 to 200 sq ft)	Buffers	Riparian/Drainage Areas
Bald Cypress	Medium	X			X			X
Basswood, American (Linden)	Large	X						X
Beech, American	Large	X						X
Birch, River	Medium	X		X			X	X
Blackgum (Tupelo)	Medium	X		X				X
Boxelder	Medium	X						X
Catalpa, Southern	Medium	X						X
Cedar, Deodar	Medium	X		X			X	
Cedar, Lebanon	Medium	X		X				
Chastetree (Vitex)	Small		X	X	X	X		

Cherry, Japanese Flowering	Small			X			X	X
Cherry, Kwanzan	Small			X			X	
Cherry, Yoshino	Small			X			X	
Cherry laurel, Carolina	Medium			X		X	X	X
Chinquapin, Allegheny	Medium	X						
Cleyera	Small						X	
Cottonwood, Eastern	Larger	X						
Crabapple, Japanese Flowering	Small		X	X			X	
Crapemyrtle	Small	X	X	X	X	X	X	
Cryptomeria	Small	X					X	
Cypress, Arizona (Carolina Sapphire)	Medium	X		X			X	
Cypress, Leyland	Small	X						
Dogwood, Flowering	Small	X		X			X	
Elm, American (Princeton)	Large	X		X				
Elm, Chinese (Athena, Bosque, etc.)	Medium	X	X	X	X	X		
Elm, Winged	Large	X		X				

Fringetree	Small	X	X	X			X	
Ginkgo (male)	Large	X	X	X	X			
Golden Rain Tree	Small		X	X	X	X		
Hackberry	Large	X		X				X
Hawthorne, Washington	Small		X	X		X		
Hickory (spp.)	Large	X						
Holly, American	Very Small			X	X		X	
Holly, Chinese	Very Small			X			X	
Holly, English	Very Small			X			X	
Holly, Longstalk	Very Small			X			X	
Holly, Lusterleaf	Very Small			X			X	
Holly, Penny	Very Small			X			X	
Holly, Savannah	Very Small			X				
Holly, Yaupon	Very Small			X			X	
Honeylocust	Medium	X		X				
Hophornbeam, American	Medium	X		X				X
Hornbeam, European	Medium		X	X			X	
Juniper, Hetzi	Small						X	

Juniper, Pfitzer	Small						X	
Katsuratree	Medium	X		X	X	X		
Locust, Black	Medium	X						X
Magnolia, Southern	Large	X					X	
Magnolia, Southern "Little Gem"	Medium	X		X			X	
Magnolia, Sweetbay	Medium	X		X			X	X
Maple, Amur	Medium	X	X	X			X	
Maple, Autum Blaze	Large	X		X			X	X
Maple, Hedge	Small	X					X	
Maple, Red	Medium	X	X	X			X	X
Maple, Southern Sugar	Medium	X	X	X	X	X	X	X
Maple, Sugar	Large	X	X	X				X
Maple, Trident	Small	X	X	X	X	X	X	
Myrtle, Wax	Very Small						X	
Oak, Black	Large	X	X	X	X			
Oak, Chestnut	Large	X	X	X	X			
Oak, Darlington	Large	X	X	X	X			
Oak, Georgia	Large	X	X	X	X	X		

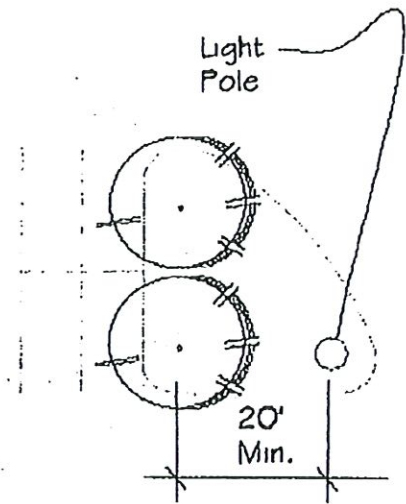
Oak, Japanese Evergreen	Large	X	X	X	X			
Oak, Laurel	Large	X	X	X	X			
Oak, Northern Red	Large	X	X	X	X			
Oak, Nuttal	Large	X	X	X	X	X		
Oak, Overcup	Large	X	X	X	X	X		
Oak, Post	Large	X	X	X	X			
Oak, Sawtooth	Large	X	X	X	X			
Oak, Scarlet	Large	X	X	X	X	X		
Oak, Shumard	Large	X	X	X	X			
Oak, Southern Red	Large	X	X	X				
Oak, White	Large	X	X	X	X			
Oak, Willow	Large	X	X	X	X			
Pagodatree, Japanese	Large	X		X				
Pecan	Large	X		X				
Pine, Loblolly	Large						X	
Pine, Virginia	Medium						X	
Pistache, Chinse	Medium		X	X	X	X		
Planetree, London	Medium	X	X	X				
Poplar	Large	X						X

Redbud (spp.)	Small	X	X	X	X		X	
Redcedar, Eastern	Medium	X		X			X	
Redwood, Dawn	Medium	X		X			X	
Serviceberry	Small	X	X	X			X	X
Smoketree	Very Small			X				
Sourwood	Medium	X		X				
Sycamore	Large	X			X			
Yellowwood, American	Medium	X		X				
Zelkova, Japanese	Large	X			X	X		

APPENDIX B. - PARKING LOT TREES

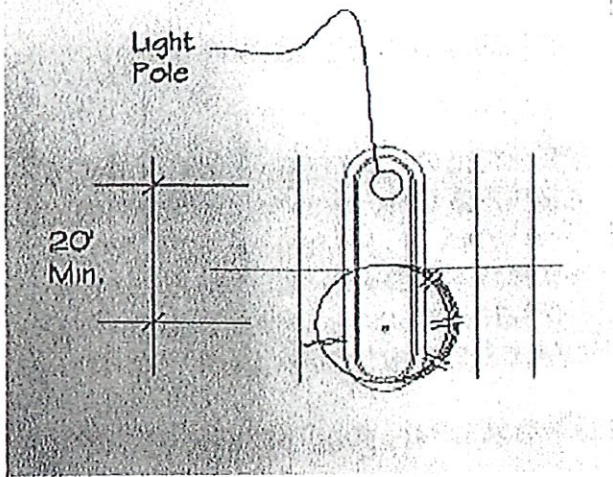
Listed are the preferred and prohibited tree species for parking lots. Graphics are shown representing parking island light pole locations.

Recommended Parking Lot Island Trees	
Common Name	Latin Name
Gingko (male cultivars only)	<i>Gingko biloba</i>
Golden Honey Locust	<i>Gleditsia triacanthos var. inermis</i>
Golden Rain Tree	<i>Koelreuteria paniculata</i>
Crapemyrtle	<i>Lagerstroemia species</i>
American Hophornbeam	<i>Ostrya virginiana</i>
Chinese Pistache	<i>Pistacia chinensis</i>
Sawtooth Oak	<i>Quercus acutissima</i>
Georgia Oak	<i>Quercus georgiana</i>
Scarlet Oak	<i>Quercus coccinea</i>
Overcup Oak	<i>Quercus lyrata</i>
Lacebark Elm, Chinese Elm	<i>Ulmus parvifolia</i>
Trident Maple	<i>Acer buergeranum</i>
Shumard Oak	<i>Quercus shumardi</i>
Japanese Zelkova	<i>Zelkova serrata</i>



Trees Unsuitable for Parking Lot Islands	
Common Name	Latin Name
Red Maple	<i>Acer rubrum</i>
Norway Maple	<i>Acer platanoides</i>
Silver Maple	<i>Acer saccharinum</i>
River Birch	<i>Betula nigra</i>
Hackberries	<i>Celtis species</i>
Beeches	<i>Fagus species</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
London Planetree	<i>Platanus x acerifolia</i>
American Sycamore	<i>Platanus occidentalis</i>
Pin Oak	<i>Quercus palustris</i>

Live Oak	<i>Quercus virginiana</i>
Weeping Willow	<i>Qalix babylonica</i>



APPENDIX C. - MULTI-TRUNK INCHES CALCULATION

Multi-trunk tree formula for inches

Example—Triple-trunk Maple:

Add each trunk at DBH (5" + 6.5" + 10") = 21.5"

Convert ____ to ____

$5 \times 5 \times .785$	= 19.63
$6.5 \times 6.5 \times .785$	= 33.17
$10 \times 10 \times .785$	= 78.5
	= 131.3 square inches

Convert square inches back to diameter

$$131.3 / 3.14 = 41.82$$

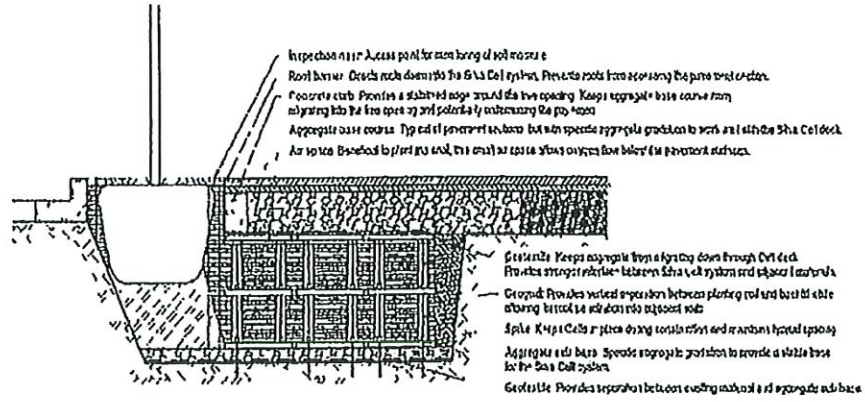
Find the square root of the diameter

$$41.82 \text{ square root} = 6.46 \text{ radius}$$

$$6.46 \times 2 = 12.9" \text{ diameter}$$

12.9" = resulting inches to be used in calculation for credit for the triple trunk maple

APPENDIX D. - SUBSURFACE STRUCTURAL CELLS—SILVA CELL OR OTHER



- Notes:**
1. Installation is a completed or in progress work area.
 2. Do not use concrete.
 3. Do not use aggregate.
- Contractor: Conditions for any other materials must be established by a qualified Engineer and appropriate specifications.

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: April 5, 2021 **SUBMITTED BY:** Jonathan Lynn

AGENDA TITLE: Approve an Intent Resolution to permit Gray, Pannell, and Woodward, LLP and Davenport & Company to Represent the City in Pending Bond Issuance Matters

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 checked="" 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 of Hogansville is in the process of putting together a financing package for restructuring our municipal debt to include future water system expansions, 1993 Utility Bonds, and 2011 MEAG financing. This intent resolution authorizes the law firm of Gray, Pannell, and Woodward LLP and Davenport & Company to act on behalf of the city during these financial transactions.

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

There is no direct financial impact from the Intent Resolution although there will be payments made to the listed parties above through bond proceeds.

STAFF RECOMMENDATION (Include possible options for consideration)

Staff recommends that City authorize the Intent Resolution to permit the law firm of Gray, Pannell, and Woodward LLP and Davenport & Company to move forward with the City's debt restructuring and represent the City in all such associated matters..

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF HOGANSVILLE (THE "CITY"), TO EXPRESS ITS INTENT TO ISSUE CERTAIN REFUNDING AND IMPROVEMENT REVENUE BONDS (THE "BONDS") TO REFINANCE CERTAIN OUTSTANDING DEBT OF THE CITY AND TO PROVIDE FUNDS TO MAKE CERTAIN CAPTIAL IMPROVEMENTS TO THE COMBINED UTILITY SYSTEM OF THE CITY; TO AUTHORIZE THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT RELATING TO SALE OF THE BONDS; TO DESIGNATE CERTAIN FIRMS TO WORK AND ASSIST THE CITY WITH THE ISSUANCE OF THE BONDS; TO DECLARE ITS OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Hogansville (the "City") is a municipal corporation of the State of Georgia and a governmental body as defined in the Revenue Bond Law of Georgia, codified in Official Code of Georgia Annotated ("O.C.G.A.") § 36-82-60 through § 36-82-85 (the "**Revenue Bond Law**"), and the City owns a water and sewerage system, a gas distribution system, and an electric distribution system (collectively, the "**System**") which provide water and sewerage service, gas service, and electric service to citizens and users within and without the territorial limits of the City, which systems are operated by the City as a combined system; and

WHEREAS, the City, by a bond ordinance adopted by the Mayor and Council of the City on July 15, 1993 (the "**1993 Ordinance**"), issued its CITY OF HOGANSVILLE COMBINED PUBLIC UTILITY SYSTEM REFUNDING REVENUE BONDS, SERIES 1993, on July 29, 1993, in the original aggregate principal amount of \$8,525,000 (the "**Series 1993 Bonds**"), the proceeds of which were used to (i) construct extensions, additions, and improvements to and purchase equipment for the water and sewerage portion of the System, (ii) the refunding and defeasance of the City's COMBINED PUBLIC UTILITY SYSTEM REVENUE BONDS, SERIES 1990; (iii) the repayment of certain loans made to the City by the Georgia Environmental Facilities Authority (now the Georgia Environmental Finance Authority); (iv) the payment of premium for the purchase of a municipal bond insurance policy; (v) the funding, in part, of a debt service reserve; and (vi) pay the costs of issuance of the Series 1993 Bonds; and

WHEREAS, the City entered into an installment sale agreement dated January 31, 2011 with the Municipal Electric Authority of Georgia ("**MEAG**"), whereby MEAG took title to a portion of the City's electric distribution system in return for 26 semiannual installment payments to the City through April 1, 2023, and the City agreed in accordance with a lease agreement, dated as of January 1, 2011, to make semiannual installment payments through December 31, 2040, to purchase back such portion of the City's electric distribution system in accordance with a note dated January 1, 2011, in the principal amount of \$5,980,000 (the "**Note**"); and

WHEREAS, upon a recommendation of Davenport & Company LLC, financial advisor for the City (the "**Financial Advisor**"), the City has determined that it is in the best interests of the City to issue its refunding revenue bonds (the "**Bonds**") to refund and defease the outstanding Series 1993 Bonds and to refinance the Note for the purpose of reducing the debt service otherwise

due and for the purpose of restructuring the debt of the City relating to the System (together, the “**Refunding**”); and

WHEREAS, the City has determined that it is now necessary to make certain upgrades, additions, and improvements to the System, specifically water system improvements that provide for water line replacement and construction, addition of both an elevated and ground storage tank, meter replacements, booster pump station, and additions to the SCADA control system, to keep up with certain growth in the customer base of the City and its System (collectively, the “**Project**”), and anticipates it will be necessary to borrow funds through the proposed issuance of the Bonds or it may obtain funds by applying to the United States Department of Agriculture, Rural Development (“**USDA**”), for a loan and grant money to finance the Project; and

WHEREAS, prior to finalizing the issuance of the Bond or the terms of the loan and grant with USDA to finance the Project, it may be necessary for the City to expend City funds from its own accounts towards the Project, and the City wishes to be reimbursed from the proceeds of the Bonds or from a financing from USDA for the Project; and

WHEREAS, it is necessary that certain firms be designated to assist the City with regard to the issuance of the Bonds for the Refunding and to structure a future financing obligation to finance the Project, and further necessary to authorize and direct the proper officers of the City to take certain actions relating to issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Hogansville and it is hereby so resolved by authority of the same, as follows:

1. The City intends to issue the Bonds in the estimated aggregate principal amount of \$15,000,000 for the purpose of providing funds for the Refunding and to provide funds to finance the Project, as described in this Resolution. The Bonds shall be authorized by the City in accordance with the provisions of a bond resolution to be prepared for adoption by the City (the “**Bond Resolution**”), the form of which is to be approved by the City Attorney.

2. The Mayor and Council of the City hereby designate the following firms to prepare documentation in order to proceed with the Refunding as soon as possible:

(a) Gray Pannell & Woodward LLP, as Bond Counsel and Disclosure Counsel, is authorized and directed to prepare the form of the Bond Resolution, the Preliminary Official Statement and Official Statement necessary for the marketing and sale of the Bonds, the necessary documents relating to the validation of the Bonds, and such resolutions and other documents as may be required for the City to approve the specific terms and conditions of the Bonds and to prepare necessary closing documents.

(b) Davenport & Company LLC is authorized and directed to act as Financial Advisor to the City for the Bonds and to structure for the City the best financing alternative available to finance the construction of the Project.

3. In order for the Financial Advisor to market the Bonds, the Mayor, City Clerk, City Manager, and other proper officials of the City will assist in the preparation of a Preliminary Official Statement with respect to the Bonds. The Mayor is authorized to “deem final” the Preliminary Official Statement within the meaning of Securities Exchange Act Rule 15c2-12 and

the Mayor is further authorized to execute and deliver the Official Statement in final form. The distribution of the Preliminary Official Statement and the Official Statement are hereby authorized and approved.

4. The City reasonably expects to reimburse planned expenditures for the Project with proceeds of a tax-exempt financing. The City hereby expresses its declaration of official intent, pursuant to Treasury Regulations § 1.150-2(d), to reimburse original expenditures on the Project in the maximum principal amount of \$5,400,000 with proceeds from a tax-exempt financing (to the extent permitted by § 1.150-2 of the Treasury Regulations). The City will pay original expenditures on the Project from a construction or other account maintained by the City. The City shall make its reimbursement allocations not later than 18 months after the later of (i) the date the original expenditure is paid or (ii) the date the Project is placed in service or abandoned, but in no event more than three years after the original expenditure is paid.

5. The Mayor, City Clerk, City Manager, City Attorney, and all other proper officers and agents of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions and intent of this resolution, and such officers are further authorized to take any and all further actions and execute and deliver any and all other documents and certificates as may be necessary and desirable in connection with the issuance of the Bonds, and the documentation of and compliance with the provisions of all applicable laws in connection with the issuance and delivery of the Bonds.

6. Except as specifically provided herein, any and all ordinances or resolutions or parts of ordinances or resolutions in conflict with this Resolution shall be and the same hereby are repealed, and this Resolution shall be in full force and effect from and after its adoption.

APPROVED AND ADOPTED, this April 5, 2021.

CITY OF HOGANSVILLE, GEORGIA

By: _____
Mayor

Attest: _____
City Clerk

CITY CLERK'S CERTIFICATE

I, the undersigned City Clerk of the City of Hogansville, (Georgia (the "City"), keeper of the records and seal thereof, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Mayor and Council of the City in public meeting properly and lawfully assembled on April 5, 2021, the original of which resolution has been entered in the official records of the City under my supervision and is in my official possession, custody, and control.

I further certify that the meeting was held in conformity with the requirements of Title 50, Chapter 14 of the Official Code of Georgia Annotated.

(S E A L)

City 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: April 5, 2021 **SUBMITTED BY:** Jonathan Lynn

AGENDA TITLE: 4th Amendment to Intergovernmental Agreement with Meriwether County Water and Sewerage Authority

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

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Ordinance (No. ____) | <input checked="" 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 of Hogansville currently provides services to the Meriwether County Water and Sewerage Authority for service provided to those industries located in the Meriwether Industrial Park. This 4th Amendment to the original Intergovernmental Agreement from August 15, 2011 establishes a set formula for surcharges that the City is to collect from MCWASA for any accepted waste that is beyond allowable limits of our Sewer Ordinance. There have been ongoing conversations for the remediation of existing violations and those discussions will continue. However, the approval of this amendment provides a framework for moving forward with acceptance of wastewater and formula for any future violations that may occur.

As the attached document shows, the Meriwether County Water and Sewerage Authority has already approved this agreement and find the language and calculations acceptable.

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

There is no budget impact to the City of Hogansville for this agreement.

STAFF RECOMMENDATION (Include possible options for consideration)

Staff recommends that the 4th Amendment to the IGA with the Meriwether County Water and Sewerage Authority be approved.

FOURTH AMENDMENT TO INTERGOVERNMENTAL AGREEMENT
REGARDING CONSTRUCTION OF WASTEWATER
TREATMENT AND DISPOSAL PLANT DATED AUGUST 15, 2011

THIS AMENDMENT is made and entered into and executed in duplicate originals this the _____ day of February 2021, by and between the **MERIWETHER COUNTY WATER AND SEWERAGE AUTHORITY**, a political subdivision of the State of Georgia (hereinafter "MCWSA") and the **CITY OF HOGANSVILLE**, a municipal corporation of Troup County, Georgia (hereinafter "Hogansville");

WITNESSETH:

WHEREAS, MCWSA and Hogansville entered into an Intergovernmental Agreement Regarding Construction of Wastewater Treatment and Disposal Plant dated August 15, 2011 (hereafter "Agreement"), said Agreement having been amended by the parties on three occasions;

WHEREAS, the parties desire to enter this Fourth Amendment in order to provide for a High Strength Wastewater Surcharge;

NOW, THEREFORE, the governing bodies of MCWSA and Hogansville, for themselves, their successors and assigns, do mutually agree to the following amendment:

1.

Article 3 is hereby amended by modification of Section 3.2 and the insertion of a new Section 3.6, to read as follows:

3.2 In exchange for said payment from MCWSA to Hogansville, Hogansville shall convey to MCWSA and MCWSA shall receive a one-sixth ownership interest in the Project. The one-sixth ownership interest shall be understood to mean one-sixth of the permitted flow to the plant or one-sixth of the permitted mass loading of any regulated pollutant, whichever is met first.

3.6 High strength wastewater surcharge.

- (a) Establishment of surcharge. The discharge of "high strength" wastewater into the city sewerage system from the MCWSA collection system shall be assessed a monetary surcharge in addition to the normally required sewer use charges in an amount to be calculated below. "High strength" wastewater is defined as wastewater which contains any of the following six primary pollutants above the lower levels set forth on a monthly average concentration basis

(as established below) and shall not exceed the maximum level on a daily average concentration basis:

- (1) Five-day 20°C (20 degrees Centigrade) biochemical oxygen demand (BOD₅) above 350 milligrams per liter (mg/l), not to exceed a maximum of 600 mg/l.
- (2) Chemical oxygen demand (COD) above 700 milligrams per liter (mg/l), not to exceed a maximum of 1,200 mg/l.
- (3) Total ammonium nitrogen NH₃-N above 30 mg/l, not to exceed a maximum of 60 mg/l.
- (4) Total TKN above 40 mg/l, not to exceed a maximum of 80 mg/l.
- (5) Total phosphorus above 20 mg/l, not to exceed a maximum of 30 mg/l.
- (6) Floatable oil and grease above 100 mg/l, not to exceed a maximum of 150 mg/l.

The above parameters shall be determined by the utilization of sampling and testing procedures as provided in (g) below.

- (b) Surcharge. All parties agree that higher concentrations of pollutants increase O&M costs of the project and concede that the amount of such increase is difficult to quantify. The parties therefore agree to the imposition of a surcharge for exceedance of the limits in 3.6.(a) in lieu of the assessment of the actual O&M cost increases resulting from the exceedance. When the concentration of the surcharge parameters exceeds the lower level values shown above, a surcharge shall be assessed MCWSA in the amount obtained using the following formula:

$$\text{Surcharge } \$/\text{month} = \text{Unit Rate} \times Q \times (P/C)$$

Where:

"Unit Rate" is the cost per thousand gallons calculated per section 3.3.

"Q" is equal to the user's monthly flow in thousands of gallons.

"P" is the excess monthly average concentration in mg/l of the parameter (BOD₅, etc.) being evaluated, i.e. the actual concentration less the allowable lower level concentration listed in paragraph 3.6.(a). The maximum level concentration shall not be exceeded. (For example if BOD₅ is 450 mg/l, then P would be 100 mg/l).

"C" is the lower level concentration of a parameter according to section 3.6.(a). (For example this value is 350 mg/l for BOD₅)

- (c) Exceedance of more than one parameter. Exceedance of one or more parameters (1) – (4) in 3.6.(a) shall be considered a single exceedance. The parameter that is exceeded by the highest percentage will be used to calculate the Surcharge amount. Exceedance of parameters (5) or (6) will be considered separate exceedances, whether or not any of the parameters (1) - (4) in 3.6.(a) have been exceeded, and shall be assessed surcharges independent of other surcharges.
- (d) Example of calculation of Surcharge:

By way of example only, the following is an example of the surcharge calculation:

Monthly average BOD₅ concentration = 450 mg/l

Monthly flow is 3 million gallons

“Q” is therefore = 3,000 units (thousand gallons)

“P” is therefore = 450 mg/l – 350 mg/l = 100 mg/l

“C” under 3.6.(a) = 350 mg/L for BOD

“Unit Rate” for this example = \$2.53 per thousand gallons (this number will change each year based on 3.6.(e) below)

The surcharge is = Unit Rate × Q × (P/C)

$$= \$2.53 \times 3,000 \times (100/350) = \$2,169$$

The surcharge shall be paid in addition to the normal sewer use charge.

(e) To prevent the double payment of operation and maintenance costs by MCWSA, when calculating the amounts owed by MCWSA to Hogansville pursuant to Paragraph 3.3 of the Agreement, the surcharge reflected above shall be deducted from the operations and maintenance costs paid by MCWSA to Hogansville for treatment and disposal services. The remainder of Paragraph 3.3 shall remain the same, with exception of the calculation example, which shall now be as follows:

Surcharge Paid in Previous Year	=	\$12,000
Total Operation & Maintenance Costs in Previous Year	=	\$353,340
Total O&M - \$25,000 (contingency)	=	\$328,340

Total Volume of Wastewater Treated by Hogansville
in Previous Year (All Customers) = 135 million gallons

Total O&M Costs in Previous Year – Total-Surcharges Paid	=	O&M less credit
\$353,340 - \$12,000	=	\$341,340

Unit Rate to be charged for next year's treatment
= $\$341,340 / (135 * 1,000) = \2.53 per thousand gallons

These values are for the purposes of illustration only and do not reflect any current actual O&M costs, lab test results, or additional treatment costs.

(f) Quantitative measurements of surchargeable parameters. The measurements of the surchargeable parameters shall be conducted as follows:

- (1) Monitoring to determine surcharge shall be conducted as follows: MCWSA shall purchase and install a refrigerated, composite sampler (reasonably acceptable to Hogansville) at the MCWSA wet well. The sampler shall allow for programable sample times throughout the month, with Hogansville determining the sampling schedule at a minimum of two times per month. Samples shall be retrieved by Hogansville and split with MCWSA.
- (2) Above the required two tests per month, the city may sample the MCWSA wet well as often as desired at the city's expense. The city will split the sample with the user at the user's request.

(g) Sampling and testing procedures.

- (1) The wastewater samples must be collected using flow proportional composite collection techniques.
- (2) All measurements, tests and analyses shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater."

- (3) The costs incurred for sampling and testing shall be the responsibility of the party performing the sampling and testing.
- (h) Billing procedure. Hogansville shall bill MCWSA for all charges due in a separate invoice on a monthly basis detailing the amounts owed and an explanation of how the amounts were calculated. Hogansville shall provide any backup documentation reasonably requested by MCWSA on how the amounts were calculated. Payment is due by MCWSA within Forty-Five (45) days of receipt of the invoice. Failure to make payment when due shall result in a late penalty of 1.5% of the balance due each month

2.

Article 5 is hereby amended by the insertion of new Section 5.4, to read as follows:

“5.4 Notification of New Sewer Connections. MCWSA shall provide notification of the connection of a new sewer user 60 days prior to connecting the user. Notification shall include a copy of the user’s application and a copy of the user’s pre-treatment permit, if applicable.

3.

Article 9 is hereby amended by the insertion of new Section 9.2 and 9.3, to read as follows:

“9.2 Current Status of Leachate Treatment and Disposal. Currently MCWSA does not provide and Hogansville does not accept any untreated Leachate for treatment and disposal. If circumstances change such that untreated Leachate will be provided and accepted for treatment and disposal, MCWSA and Hogansville will work together in good faith to determine the parameters upon which Leachate shall be accepted for treatment and disposal and the Agreement shall be amended accordingly. However, MCWSA shall not use untreated Leachate for any purpose and Hogansville will not accept any untreated Leachate for treatment and/or disposal without a prior, written agreement between the parties as to the parameters for such authorized use.

“9.3 Anticipated Leachate Treatment and Disposal. Both parties to this Agreement acknowledge that the owners and operators of the existing Turkey Run Solid Waste Landfill have contracted with MCWSA in a manner that obligates MCWSA to provide waste water treatment and disposal capacity for the Landfill. Said contract requires the owners and operators of the Landfill to install an industrial pretreatment program to meet current wastewater discharge limits. Once the program has been installed and fully approved, the Landfill will be allowed to discharge treated effluent without triggering section 9.2 above, provided that the Landfill’s discharge meets all applicable discharge limits under state and local laws. MCWSA agrees herein that it will ensure that it and/or

the Landfill implements a monitoring program to assure compliance with discharge limits and the results of said monitoring will be made available upon request to Hogansville. Any violations discovered during the monitoring program will be addressed per sewer ordinance requirements and per the surcharges in this Agreement.

4.

Except as modified herein, the Intergovernmental Agreement Regarding Construction of Wastewater Treatment and Disposal Plant dated August 15, 2011, as amended, shall remain in full force and effect.

Except as modified herein, the Hogansville and MCWSA Sewer Use Ordinances, as amended, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have authorized this amendment to be executed and attested by their undersigned officers, from and after the day and year first above written.

MERIWETHER COUNTY WATER AND SEWERAGE AUTHORITY



BY: James C. Stephens
Chair

ATTEST: Mary Spahn

CITY OF HOGANSVILLE, GEORGIA (SEAL)

BY: _____
Mayor

ATTEST: _____
City Clerk

CITY COUNCIL
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COUNCIL ACTION FORM

MEETING DATE: April 5, 2021 **SUBMITTED BY:** Jonathan Lynn

AGENDA TITLE: Adopt City of Hogansville revised Financial Policies

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 of Hogansville is in the process of putting together a financing package for restructuring our municipal debt to include future water system expansions, 1993 Utility Bonds, and 2011 MEAG financing. One of the areas that is needed by the City of Hogansville to ensure that we are receiving as favorable a bond rating as possible, and subsequent interest rate, is to have updated financial policies in place.

Davenport & Company has assisted the City in providing those needed financial policies required for the restructuring process. The updated financial policies include: Fund Balance; Investment; Budget; Enterprise Fund – Debt Service; and Enterprise Fund – Reserve Management.

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

There is no financial impact on the City's current budget.

STAFF RECOMMENDATION (Include possible options for consideration)

Staff recommends that the City adopt the updated financial policies.

City of Hogansville, Georgia



Financial Policies

Adopted ____, 2021

Basis for Sound Financial Management Policies

The primary objective of sound financial management policies is for the City Council to create a framework within which financial decisions can be made. These policies are a statement of the guidelines and goals that influence and guide the financial management practices of the City of Hogansville. Financial management policies that are adopted, adhered to, and regularly reviewed are recognized as the cornerstone of sound financial management. Sound financial management policies:

- Contribute significantly to the City's ability to insulate itself from fiscal crisis and economic disruption.
- Enhance short-term and long-term financial credit ability by helping to achieve the highest credit and bond ratings possible.
- Promote long-term financial stability by establishing clear and consistent guidelines.
- Direct attention to the total financial picture of the City rather than single-issue areas.
- Promote the view of linking long-term financial planning with day-to-day operations.
- Provide the City Council and citizens a framework for measuring the fiscal impact of government services against established fiscal parameters and guidelines.
- Provide a foundation for evaluating financial analysis and condition.

Financial Management Policies

The City intends to adhere to these policies. If there is any anticipated or unplanned variance from these policies, staff will advise City Council and establish a plan for recovery within three years.

Fund Balance Policy

The purpose of this policy is to establish guidelines regarding the use of fund balance and the maintenance of adequate financial reserves that will help protect the fiscal health and stability of the City of Hogansville. The policy sets forth the levels of Fund Balance deemed appropriate for City operations along with the protocol for maintenance of those established levels and its use if needed. It will assist all concerned parties in understanding the City's approach to Fund Balance maintenance.

The Fund Balance Policy serves as a benchmark, or frame of reference, against which both current and future decisions related to City funding and use of Fund Balance should be compared.

The City Council of the City of Hogansville desires to maintain a prudent level of financial resources to guard its citizens against disruption of services in the event the City experiences unexpected short-term revenue shortfalls or unanticipated one-time expenditures. The initial goal is to maintain an Unassigned Fund Balance that will be no less than a minimum 16% of current budgeted operating expenditures measured at the end of the City's Fiscal Year with a longer goal of maintaining a balance of 25%. Operating expenditures are deemed to be non-capital expenditures from the General Fund.

In the event the Unassigned Fund Balance exceeds 25% of annual operating expenditures, the amount exceeding this percentage may be available for appropriation at the discretion of the City Council for one-time expenditures that are non-recurring in nature such as capital expenditures. Additionally, the excess can be used for the establishment of, or increase in, restriction or commitments of fund balance.

If at the end of the fiscal year, it is anticipated that the projected or estimated amount of the Unassigned Fund Balance will be less than the minimum requirement, then the City Manager shall prepare and submit to the Board, in conjunction with the proposed budget, a plan for the expenditure reductions and/or revenue increases necessary to restore the minimum requirements within a three-year period.

Debt Policy

The Debt Management Policy has been created to provide strategic oversight and parameters for City of Hogansville elected officials and staff when issuing and managing debt. The intent is provide structure for decisions regarding the timing and purposes for which debt may be issued, the City's ability to repay financial obligations, and existing legal, economic, financial, and debt market conditions. This framework allows the City to make informed financial and borrowing decisions. This policy should be utilized as tools to ensure that adequate financial resources are available to support the City of Hogansville's long-term capital needs.

Conditions for Issuing Debt:

Debt financing for capital improvements and equipment generally will be used when at least one of the following conditions exist:

- When one-time, non-continuous projects (those not requiring annual appropriations) are desired;
- When the City determines that future users will receive a benefit from the capital improvement that the debt financed;
- When the project is necessary to provide basic services to City residents;
- When total debt, including debt issued by overlapping governments (e.g., the county), does not constitute an unreasonable burden to City taxpayers.

Limitations on Debt

Georgia law limits the amount of general obligation debt that the City may issue to 10% of the assessed value of all taxable property located within the boundaries of the City (Georgia Constitution, Article 9, Section 5, Paragraph 1). However, the City takes a more conservative approach and limits the issuance of all tax supported debt, which includes any General Obligation, Intergovernmental Agreement, SPLOST and Long Term Lease Obligations, to no more than 3.00% of Total Taxable Full Value of the City.

Additionally, total tax supported debt service including General Obligation, Intergovernmental Agreement and Long Term Lease obligations, but excluding SPLOST debt, will not exceed 15% of the Operating Expenditures and Debt Service of the General Fund.

Intergovernmental debt that is supported by the full faith and credit of the City but is self-supported by enterprise fund revenues (or other similar types of revenues), may be excluded from the debt as a percent of full value and debt service as a percent of expenditure ratios.

The City shall comply with all of its undertakings in accordance with Securities and Exchange Commission Rule 15c2-12 and will follow the Government Finance Officers' Association and Securities and Exchange Commission requirements for continuing disclosure.

Investment Policy

It is the policy of the City of Hogansville to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the City and conforming to all state and local statutes governing the investment of public funds. Cash may, at the discretion of the City Manager, be invested separately by fund or be commingled into a common investment portfolio and earning from such portfolio distributed at least quarterly. The City Manager has been authorized to manage the investments described herein.

The primary objectives, in priority order, of the City's investment activities shall be as follows:

- 1) Safety: Safety of principal is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
- 2) Liquidity: The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements, which might be reasonably anticipated.
- 3) Return on investment: The City's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City's investment risk constraints and the cash flow characteristics of the portfolio.

Investments (other than bond proceeds) shall be made in instruments permitted by the State of Georgia for local governments (O.C.G.A. 36-83-4). Such instruments include:

- Obligations issued by the U.S. government,
- Obligations fully insured or guaranteed by the U.S. government or by a government agency of the United States,
- Obligations of any corporation of the U.S. government,
- Prime bankers' acceptances,
- Repurchase agreements,
- Obligations of other political subdivisions of the state, and
- The Georgia local government investment pool (i.e., Georgia Fund I)

Eligible investments must have (or be collateralized by other eligible investments that have) a long term rating equal to or greater than Aa3 from Moody's Investors Service, AA- from Fitch Ratings, or AA- from Standard & Poor's Rating Services.

The City shall prepare an investment report at least quarterly, including a management summary that provides an analysis of the status of the current investment portfolio.

Budget Policy

The budget is the City's annual financial operating plan. The annual budget includes the operating departments of the general fund, special revenue funds, capital project funds, enterprise funds and other approved funds that may be established as needed. The budget encompasses a fiscal year that begins July 1 and ends June 30.

A proposed budget shall be prepared annually by the City Manager with participation of all City Departments consistent with provisions of the City Charter and state budget laws.

The budget shall be adopted by the approval of a budget resolution that specifies the anticipated revenues by appropriate categories, the proposed expenditure totals for each department, each non-departmental expense, and for each fund covered by the budget. The budget must be balanced for all budgeted funds. Total anticipated revenues plus that portion of beginning fund balance in excess of the required fund balance reserve, must be equal to or greater than the total estimated expenditures for the general fund. Total estimated revenues must equal total estimated expenditures/expenses for all other funds. Any use of fund balance must be for one time expenditures and not for on-going expenditures.

The current year's budget may be adjusted to reflect changes in local economy, changes in priorities or service needs, receipt of unbudgeted revenues and for unanticipated expenditures. Budget revisions that alter the total expenditures of any department must be approved by the Mayor and City Council.

[Remainder of Page Intentionally Left Blank]

Enterprise Fund Policies – Debt Service Coverage

When the City utilizes enterprise fund debt financing, it will ensure that the existing debt is in compliance with all covenants as defined in the Bond Resolution(s). The City will strive to maintain a debt service coverage ratio above the legal covenants as outlined below:

1. The City has established or will establish and it will at all times keep in effect a schedule of rates, fees, tolls and charges for services, facilities and commodities furnished by the System and, as often as it shall be necessary, it will revise adjust such schedule of rates, fees, tolls and charges to the extent necessary to produce funds sufficient to operate maintain and repair the System on a sound business like basis and produce Net Revenues not including transfers equal to at least 130% of the System annual debt service with a goal of 150%. Note this is purposely slightly higher than the legal bond covenant.
2. “Net Revenues” means the Gross Revenues of the System less the Operating Expenses of the System not including depreciation or interest on bonds.
3. “Gross Revenues” means all income and revenues derived from the ownership and operation of the System, including investment income (with the exception of interest earned on any construction fund established with the proceeds of Bonds), and excluding any Debt Service Offset and any local, state or federal grants and capital improvement contract payments or other monies received for capital improvements to the System.

Enterprise Fund Policies – Reserve Management

The City will maintain adequate reserves to be used in emergency situations such as in disasters or when revenue expectations are not met.

1. The City shall maintain a Fund Balance of Available Reserves (generally defined as Cash and Cash Equivalents in the Annual Report) equal to at least 90 days of operating expenditures (excluding depreciation) with a goal of 180 days.
2. Available Reserves include any unrestricted funds plus any restricted funds lawfully available to be used for operations (i.e. not bond proceeds).
3. If the Fund Balance of Available Reserves exceeds 180 days, the Fund Balance amount above the 180 days may be used to pay for one-time pay-go capital projects

CITY COUNCIL
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Lisa Kelly, Assistant City Manager
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COUNCIL ACTION FORM

MEETING DATE: April 5, 2021 **SUBMITTED BY:** Jonathan Lynn

AGENDA TITLE: Agreement for Service Delivery Strategy Mediation Services

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

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Ordinance (No. ____) | <input checked="" 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 of Hogansville, along with the Cities of West Point and Lagrange, and Troup County, and have agreed to enter into a mediation process for the state mandated Service Delivery Strategy. While we have an extension through the Georgia Department of Community Affairs through the end of June 2021, we are beginning the mediation process as far ahead of that time as possible in hopes of reaching an acceptable agreement.

State law states that mediation costs are to be shared by all parties based upon population and it is assumed that the split will be the same as our current LOST (Local Option Sales Tax) split with LaGrange and Troup County each have a 45% share with West Point and Hogansville each having a 5% share of the costs.

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

The actual costs for mediation are unknown at this time but the City will be responsible for 5% of those funds.

STAFF RECOMMENDATION (Include possible options for consideration)

Staff recommends that the City authorize the agreement for SDS mediation services.

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COUNCIL ACTION FORM

MEETING DATE: April 5, 2021 **SUBMITTED BY:** Jonathan Lynn

AGENDA TITLE: Declaration of Surplus Items

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)

In preparation for an auction of surplus items, the City of Hogansville is declaring several items as surplus for sale in a public auction.

The list of items is included as an attachment to this Action Form.

The auction is tentatively scheduled to take place on Saturday, May 15th at 10 a.m. in front of the Public Works building.

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

The city will receive revenue for the sale of these surplus items.

STAFF RECOMMENDATION (Include possible options for consideration)

Staff recommends that the City declare the attached list of items as surplus for the purposes of including in the public auction.

Public Works
VEHICLE/EQUIPMENT SURPLUS

2x UTILITY TRAILERS 6X12

OLD FLATBED TRAILER

OLD YELLOW FLATBED TRAILER

2005 HONDA RANCHER 350 ATV

1994 GMC 1500 VIN#7130

2010 CHEVROLET 2500 HD VIN#6430

2004 FORD F-150 VIN#9009

2006 FORD F-150 VIN#6949

2007 FORD 500 VIN#0745

1995 FORD F-350 VIN#2419

2000 FORD E-350 VIN#5966

1999 FORD E-350 VIN#1151

2004 FORD F-150 VIN#6080

2010 FORD RANGER VIN#4628

2005 CHEVROLET 1500 VIN#1832

2003 FORD F-250 VIN#8449

1992 HUMVEE VIN#71546

1997 FORD RANGER VIN#2347

2004 CHEVROLET EXPRESS 1500 VIN#6673

2010 FORD RANGER VIN#8086

SET OF 4 WHEELS AND TIRES FOR 2003 FORD CROWN VIC

5 FOOT WOODS BRAND ROTARY CUTTER

5 FOOT BUSH HOG BRAND ROTARY CUTTER

HYDRAULIC CHASSIS MOUNT LIFT

2X WACKER PACKER DIRT TAMP

9 TRASH RECEPTACLES???

COATS 4050A TIRE CHANGER NEVER USED

SNAPPER NXT RIDING MOWER AND SAFE WITH NO COMBINATION AND UNKNOWN CONTENTS

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COUNCIL ACTION FORM

MEETING DATE: April 5, 2021 **SUBMITTED BY:** Jonathan Lynn

AGENDA TITLE: Approval of Eagle River Forge to construct fence at Askew Park

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)

Eagle River Forge, who has designed the portion of fence along the sidewalk at Askew Park as well as the matching steel on the Royal Theater, has provided the City the price quote for the completion of the fence along this area. The implementation of the fence will prevent the possibility of stepping off the elevated sidewalk portion in Askew Park.

The design for this fence would be steel and the lifespan is estimated to be a minimum of 50 years due to the size and weight of each span of fencing to be forged.

This project is listed as a Priority Project of the Mayor and City Council

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

The cost for this fence is \$32,000 and is able to be funded through SPLOST allocation.

STAFF RECOMMENDATION (Include possible options for consideration)

Staff recommends that the City authorize Eagle River Forge to finish the fencing along the sidewalk at Askew Park to be consistent with existing design/materials for both the Royal Theater façade and already fenced sidewalk portion.

estimate 239

Eagle River Forge

Billing address:
125 Ridge road, Tyrone GA. 30290
Physical address:
307 Highway 29 south, Hogansville,
GA, 30230



Date 3/23/2021 To Town of Hogansville

Railing shall be constructed of 1-1/2" x 1-1/2" x 3/16 steel tubing for the vertical posts and the horizontal framing.

Interior designs are made of 1" x 1/2" solid steel bar.

All joints are welded and ground to a smooth finish.

Painting consists of Powder Coat process.

Railing will be constructed in 10' long sections and welded together on site.

Final quote and design will be dependent on code approval.

Installation quote and method will be determined after site inspection.

Subtotal	\$32,000.00
Sales Tax	
Shipping & Handling	
Total Due By [Date]	

Thank you for your business!

Tel: Office 706-813-5118

Tel: Cell 770-680-0177

Email: mitch@eagleriverforge.com

Web: eagleriverforge.com

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: April 5, 2021 **SUBMITTED BY:** Jonathan Lynn

AGENDA TITLE: Tourism Board Appointment

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 of Hogansville created a Tourism and Marketing Committee in 2020. Of those initial appointments, one member has resigned due to moving out of the City of Hogansville (Ms. Sherri Metternick-Jones) and one member has a term expiring in June of 2021. At their regular meeting on March 16, 2021, it was recommended that the City of Hogansville consider Mr. Caleb Stanley to 1) fill the unexpired term of Ms. Metternick-Jones through June 30, 2021 **and** 2) be reappointed for the following term to serve through June 30, 2024. Mr. Stanley was one of three candidates that was considered with the other two being Ms. Melissa Turner and Mr. Pablo Serrano.

The other member, Ms. Jess Henderson, expressed interest in continuing her service to the committee and the committee has recommended that Ms. Henderson continue her service on the board through June 30, 2024 as well. Her current term expires on June 30, 2021.

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

There is no budget impact to the City of Hogansville as this committee was created to function through allocation of a portion of the city's Hotel/Motel Tax Revenue.

STAFF RECOMMENDATION (Include possible options for consideration)

Staff recommends that the City reappoint Ms. Jess Henderson to a term expiring on June 30, 2024 and appoint Mr. Caleb Stanley to fill the unexpired term of Ms. Metternick-Jones and to then be reappointed through June 30, 2024.

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: April 5, 2021 **SUBMITTED BY:** Lynne Miller 

AGENDA TITLE: Appointment to Troup County Agency on Aging

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 Troup County Agency on Aging needs a Hogansville representative to replace Jean Crocker. This opening was advertised in the February 2021 Hogansville utility mailers, with an application deadline of March 30, 2021. The City received two applications for the one position from: Carole Dickerson and Mary Ann Neureiter.

This is a direct City Council appointment. The Agency on Aging has 3-year, renewable terms.

Application forms from the two applicants are attached.

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

N/A

STAFF RECOMMENDATION (Include possible options for consideration)

Appoint Carole Dickerson or Mary Ann Neureiter to the Troup County Agency on Aging.



CITY OF HOGANSVILLE

400 East Main Street, Hogansville GA 30230

Application for Board or Commission Appointment

Troup Council on Aging

Citizens provide great insight and knowledge to City government. An avenue that the City of Hogansville uses to get this insight is through the City's various boards and commissions. The members of the boards and commissions make decisions and help recommend and review policies for the City of Hogansville and its Mayor and Council. This questionnaire will assist the Mayor and Council in the review process and in determining applicant eligibility requirements and qualifications for board or commission membership.

Questions to consider before applying for membership on a board or commission:

- Do I fully understand what this board or commission expects from me?
- Am I committed to the goals and mission of this board or commission?
- Can I afford the demands on my time, resources and energy?
- Will I attend meetings regularly, making them a priority for the duration of my appointment?
- Am I willing to perform a reasonable amount of work outside of regularly scheduled board or commission meetings and prepare for each meeting?
- Can I work effectively with the other members of the board or commission?
- Am I willing to participate in necessary board or commission training, education and development activities that will improve my effectiveness in my position?

APPLICANT INFORMATION

Applicant Name: Carole Dickerson

Occupation: Retired Employer: N/A

Home Address: 106 Brazell City: Hogansville zip: _____

Home Phone: (706) 668-7909 Home E-Mail: carole.dickerson@gmail.com

Work Phone: () N/A Work E-Mail: N/A

Cell Phone: (706) 668-7909 Preferred E-Mail: Home Work

Name and address of the business entity you own, located within the city limits of Hogansville (if applicable) N/A

Council (COA)
Area on Aging

a) Which board or commission do you wish to be appointed to?

b) How long have you been a resident of the City of Hogansville?

8 Years 10 Months

c) Are you current with all of your financial obligations to the City? Yes No

d) Are you willing and available to attend training sessions on-site and/or off-site if provided by the City? Yes No

e) Available boards and commissions and their terms and meeting schedules are listed at the end of this application. Are you able to meet the attendance requirements of the position for which you are applying? Yes No

f) Do you know of any circumstances that would result in you having to abstain from voting on any action before the board or commission? Yes No If yes, please explain:

g) Do you or your employer, or your spouse, child, relative or their employers, do business with the City of Hogansville? Yes No If yes, please explain:

h) Do you have any employment or contractual relationship with the City of Hogansville that would create a continuing or frequently recurring conflict with regard to your participation on a board or commission? Yes No If yes, please explain:

i) Why do you feel qualified for the board or commission you selected? (Attach resume if you like):

I've lived 87 years so have friends & relatives who know the aging problems.

APPLICANT STATEMENT

I understand that I am applying for appointment to a board or commission office of the City of Hogansville that the appointing authority may require an interview prior to consideration for appointment; that I will be required to take an oath of office to uphold the City's charter and ordinances; that I may be removed from office for any reason permitted by law or City charter; and that my application will remain on file for consideration for a period of six (6) months, after which time, I will need to file a new application. I agree to comply at all times with all requirements of the office for which I am applying and to which I may be appointed. All statements and information provided in this application are true to the best of my knowledge.

Carole Dickerson Carole Dickerson 3/29/21
Signature Printed Name Date

Please return signed application to:

City Clerk
City of Hogansville
400 East Main Street
Hogansville, GA 30230



CITY OF HOGANSVILLE

400 East Main Street, Hogansville GA 30230

Application for Board or Commission Appointment

Troup Council on Aging

Citizens provide great insight and knowledge to City government. An avenue that the City of Hogansville uses to get this insight is through the City's various boards and commissions. The members of the boards and commissions make decisions and help recommend and review policies for the City of Hogansville and its Mayor and Council. This questionnaire will assist the Mayor and Council in the review process and in determining applicant eligibility requirements and qualifications for board or commission membership.

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- Can I afford the demands on my time, resources and energy?
- Will I attend meetings regularly, making them a priority for the duration of my appointment?
- Am I willing to perform a reasonable amount of work outside of regularly scheduled board or commission meetings and prepare for each meeting?
- Can I work effectively with the other members of the board or commission?
- Am I willing to participate in necessary board or commission training, education and development activities that will improve my effectiveness in my position?

APPLICANT INFORMATION

Applicant Name: Mary Ann Neureiter_

Occupation: Executive Director

Employer: Cambridge House Enrichment Center

Home Address: 207 Brazell Street

City: Hogansville Zip: 30230

Home Phone: () _____

Home E-Mail: maryneureiter@gmail.com

Work Phone: (678) 423-8700

Work E-Mail: adc.cambridge@gmail.com

Cell Phone: (678) 633-9319

Preferred E-Mail: Home Work

Name and address of the business entity you own, located within the city limits of Hogansville (if applicable) _____

- a) Which board(s) or commission(s) do you wish to be appointed to? Hogansville Planning & Zoning Commission_
- b) How long have you been a resident of the City of Hogansville? 1 Years 2_ Months
- c) Are you current with all of your financial obligations to the City? Yes No
- d) Are you willing and available to attend training sessions on-site and/or off-site if provided by the City? Yes No
- e) Available boards and commissions and their terms and meeting schedules are listed at the end of this application. Are you able to meet the attendance requirements of the position for which you are applying? Yes No
- f) Do you know of any circumstances that would result in you having to abstain from voting on any action before the board or commission? Yes No If yes, please explain:

- g) Do you or your employer, or your spouse, child, relative or their employers, do business with the City of Hogansville? Yes No If yes, please explain:

- h) Do you have any employment or contractual relationship with the City of Hogansville that would create a continuing or frequently recurring conflict with regard to your participation on a board or commission? Yes No If yes, please explain:

i) Please briefly explain your reasons for wishing to serve on the board or commission you selected:

I am interested in the progress and success of the town I live in – I want to be part of the growth and success of My home town. I want to see Hogansville become an active sustainable community that will attract Entrepreneur businesses and families wishing to raise their children in a quiet family-oriented community. I would Also like to see Hogansville become a great place for retirees desiring to move away from the stresses of city living.

j) Are you willing to be considered for appointment to any of the other boards or commissions of the City if a position is not available on the board or commission of your first choice? Yes No If yes, please list the boards or commissions for which you would like to be considered (in order of interest):

Historic Preservation Commission, Hogansville Development Authority, Troup County Recreation Board

APPLICANT STATEMENT

I understand that I am applying for appointment to a board or commission office of the City of Hogansville that the appointing authority may require an interview prior to consideration for appointment; that I will be required to take an oath of office to uphold the City's charter and ordinances; that I may be removed from office for any reason permitted by law or City charter; and that my application will remain on file for consideration for a period of six (6) months, after which time, I will need to file a new application. I agree to comply at all times with all requirements of the office for which I am applying and to which I may be appointed. All statements and information provided in this application are true to the best of my knowledge.

Mary Ann Neureiter MARY ANN Neureiter Ter 12/6/18
Signature Printed Name Date

Please return signed application to:

City Clerk
City of Hogansville
400 East Main Street
Hogansville, GA 30230