

AGENDA

WORK SESSION

TUESDAY, MARCH 25TH
WORK SESSION
@ 6:00 PM

W
E
S
T
P
O
I
N
T

MEETING CALLED TO ORDER

AGENDA REVIEWED IN ITS ENTIRETY BEFORE DISCUSSION

PUBLIC COMMENT ON ANY ISSUE (5 MINUTE LIMIT)

PRESENTERS (IF ANY)

- Carrie Brkrich, Troup Trained Program
- Gary Jones & Bill Murphy, Columbus Chamber of Commerce
- Kirby Glaze and Billy Parrish Downtown Development Opportunities

NEW BUSINESS

- Board & Committee Appointments
- Ante Litem Notice
- Solid Waste RFP's
- Library Services Contracts
- Sewer System Improvements
- River Park Expansion (Doug Hattaway Trust for Public Land)
- Ordinance Amendments:
 - Sewer System (2nd Work Session Public Hearing Required)
 - Disposition of Property (2nd Work Session Public Hearing Required)
 - Central Business District Housing (2nd Work Session Public Hearing Required)
 - Church Location Request for 818 3rd Avenue (2nd Work Session Public Hearing Required)
 - Bed and Breakfast allowed in Commercial Zone (2nd Work Session Public Hearing Required)
 - Telecommunications Amendment (2nd Work Session Public Hearing Required)
- Valley Haven School Proclamation (Council Meeting)
- Police Chief Jeff Cato Proclamation (Council Meeting)
- Police Department Plaques (Council Meeting)

CONSIDER AGENDA ITEMS FOR WORK SESSION # 2

MAYOR & COUNCIL COMMENTS

ADJOURNED

Next Meeting: Work Session: Thursday, April 10th @ 8:15 AM



Volunteers Needed to Serve on City Boards, Authorities or Commission March 25, 2014

Overview

Boards Authorities and Commissions are an established feature of municipal government which offers citizens an extraordinary opportunity to participate in a city's governmental affairs. Their activities have helped to shape or influence public policy in many areas. The City of West Point has boards, authorities and commissions that endeavor to reflect the varied interests of West Point citizenry. Several of the City's boards and commissions are required and established by state law, while others result from provisions of the City Charter or from local ordinances. They address such subjects as planning, zoning, development and parks and recreation. Although many boards, authorities and commissions are advisory, their influence and value can be significant. They make recommendations on a wide range of topics that come before the City Council. Several boards and commissions are quasi-judicial, which means the Council has delegated some portion of its legislative authority to a citizen board.

How to Apply

Applications are available on the city web site and at city hall. The application contains a list of the various boards and details the application process.

3 Members— Board of Adjustment (3 year appointment) 1- **Incumbent Donald Cleveland**, 2- Vacant (1 year term), 3- Vacant (2 year term) Application Deadline April 18, 2014

3 Members— Hawkes Library Board (4 year appointment) **Incumbents Drexel Meadors, Frances (Pal) Reeves, Monica Barber** Applications due by April 18, 2014

1 Member— Municipal Planning Board (4 year appointment) **Incumbent Ralph Davidson** Applications due by April 18, 2014

CONTRACT FOR LIBRARY SERVICES

THIS AGREEMENT (hereinafter referred to as "Agreement") made and entered this _____ day of _____, 2014, by and between the **CITY OF WEST POINT, GEORGIA**, a municipal corporation of Troup and Harris Counties, Georgia (hereafter referred to as "West Point"), and **CHAMBERS COUNTY LIBRARY BOARD** (hereinafter referred to as "Library").

WHEREAS, pursuant to its Charter, ordinances and the laws of the State of Georgia, West Point has the authority to provide for its citizens library services, all for the general welfare of the government of the City and its inhabitants;

WHEREAS, Library is organized and equipped to provide such services to area residents, and its willing to provide such services to the citizens of West Point;

WHEREAS, the parties desire to set forth in writing the scope of services and responsibilities of both West Point and Library relating to the provision of library services as set forth herein:

NOW, THEREFORE, for and in consideration of the mutual promises and benefits accruing to each of the parties as a result of ongoing cooperation for the efficient delivery of library services to local area citizens, the parties hereby agree as follows:

1.

Library shall makes its facilities, functions and services available to residents of West Point upon the same terms and conditions as the same are made available to the residents of Chambers County, Alabama.

2.

For the services rendered by Library, West Point shall pay to Library the sum of \$1,250.00 per month for the period from April, 2014, through and including March, 2015, which sum shall be due and payable by the 15th of each month of the term of this Agreement.

3.

The term of this Agreement shall begin April 1, 2014, and shall continue for one (1) year through March 31, 2015.

4.

Neither this Agreement nor any duty hereunder may be assigned by either party without the prior written consent of the other party.

5.

This Agreement contains the entire agreement of the parties and shall not be altered or amended except in writing duly executed by the parties.

IN WITNESS WHEREOF, West Point and Library, acting by and through their duly authorized officers, have caused their respective names and seals to be hereunto affixed, in duplicate counterparts, each of which shall be considered an original, on the day and year first above-written.

CITY OF WEST POINT, GEORGIA (SEAL)

BY: _____
Mayor

ATTEST: _____
Clerk

CHAMBERS COUNTY LIBRARY BOARD (SEAL)

BY: _____

ATTEST: _____

CONTRACT FOR LIBRARY SERVICES

THIS AGREEMENT (hereinafter referred to as "Agreement") made and entered this _____ day of _____, 2014, by and between the **CITY OF WEST POINT, GEORGIA**, a municipal corporation of Troup and Harris Counties, Georgia (hereafter referred to as "West Point"), and **WEST POINT LIBRARY ASSOCIATION**, a non-profit corporation organized and existing under the laws of the State of Georgia (hereinafter referred to as "Library").

WHEREAS, pursuant to its Charter, ordinances and the laws of the State of Georgia, West Point has the authority to provide for its citizens library services, all for the general welfare of the government of the City and its inhabitants;

WHEREAS, Library is organized and equipped to provide such services to area residents, and its willing to continue to provide such services to the citizens of West Point;

WHEREAS, the parties desire to set forth in writing the scope of services and responsibilities of both West Point and Library relating to the provision of library services as set forth herein:

NOW, THEREFORE, for and in consideration of the mutual promises and benefits accruing to each of the parties as a result of ongoing cooperation for the efficient delivery of library services to local area citizens, the parties hereby agree as follows:

1.

Library shall continue throughout the term of this Agreement to make its facilities, functions and services available at no cost to residents of West Point.

2.

For the services rendered by Library, West Point shall pay to Library the sum of \$2,083.33 per month for the period from April, 2014, through and including March, 2015, which sum shall be due and payable by the 15th of each month of the term of this Agreement. Moreover, for the term of this Agreement, West Point shall continue to provide lawn care, pest control and cleaning services, as well as supply all utilities with the exception of telecommunications to the Hawkes Library facilities.

3.

The term of this Agreement shall begin April 1, 2014, and shall continue for one (1) year through March 31, 2015.

4.

Neither this Agreement nor any duty hereunder may be assigned by either party without the prior written consent of the other party.

5.

This Agreement contains the entire agreement of the parties and shall not be altered or amended except in writing duly executed by the parties.

IN WITNESS WHEREOF, West Point and Library, acting by and through their duly authorized officers, have caused their respective names and seals to be hereunto affixed, in duplicate counterparts, each of which shall be considered an original, on the day and year first above-written.

CITY OF WEST POINT, GEORGIA (SEAL)

BY: _____
Mayor

ATTEST: _____
Clerk

WEST POINT LIBRARY ASSOCIATION
(SEAL)

BY: _____

ATTEST: _____



G. BEN TURNIPSEED ENGINEERS
Environmental - Civil - Hydraulic

2255 CUMBERLAND PARKWAY, BUILDING 400, ATLANTA GA 30339 · 770-333-0700

February 7, 2014

Mayor and Council
 City of West Point
 P. O. Box 487
 West Point, Georgia 31833-0487

Attention: Mr. Ed Moon, City Manager

Re: City of West Point
 Sewerage System Improvements
 Dymos of Georgia
 Project No. 131880

We have checked the bids received February 4, 2014, on subject project. A tabulation of the bids received is as follows:

Division One – Sewer Line and Appurtenances

Contractor	Total Amount Bid	A-1	A-2	A-3	A-4	A-5	A-6
1. Crawford Grading & Pipeline, Inc. Luthersville, GA	\$381,434.90	\$33,666.98	\$7.12	\$17.36	\$17.86	\$31.02	\$14457.60
2. Don Hall Construction, Inc. Hampton, GA	\$424,619.00	\$16,894.00	\$9.00	\$15.00	\$17.00	\$30.00	\$50,000
3. Strack, Inc. Fairburn, GA	\$433,112.54	\$30,952.57	\$10.54	\$21.57	\$19.79	\$33.57	\$51,389.60
4. Alexander Contracting Co., Inc. Fortson, GA	\$472,295.97	\$27,488.64	\$6.27	\$14.83	\$16.82	\$28.78	\$52,640
5. RDJE, Inc. Newnan, GA	\$482,972.00	\$25,442.00	\$7.00	\$20.00	\$18.00	\$35.00	\$10,400

ATLANTA

AUGUSTA

ST. SIMONS ISLAND

Division One – Sewer Line and Appurtenances

Contractor	Total Amount Bid	A-1	A-2	A-3	A-4	A-5	A-6
6. Alexander Cont. Co., Inc. Fortson, GA	\$503,032.25	\$29,967.00	\$7.50	\$18.00	\$20.00	\$35.00	\$35,000
7. Site Engineering, Inc. Atlanta, GA	\$560,509.00	\$40,096.00	\$12.00	\$26.00	\$26.00	\$38.00	\$44,000
8. Mike Blackburn Cont., Inc. Sunset, SC	\$642,738.25	\$18,178.00	\$12.00	\$16.00	\$26.50	\$30.00	\$50,000
9. Landmark Grading Co., Inc. Ft. Mitchell, AL	\$642,738.25	\$18,178.00	\$12.00	\$16.00	\$26.50	\$30.00	\$50,000

As indicated, the low, responsive bidder for Division One is Crawford Grading and Pipeline, Inc. of Luthersville, Georgia with a bid of \$381,434.90. Since the Division One low bidder appears to have adequate experience, technical ability and financial capability to complete the project, we recommend Division One contract award be made to Crawford Grading and Pipeline, Inc. in the amount of \$381,434.90.

Division Two – Pump Station

Contractor	Total Amount Bid	D-1	Total Amount Bid with D-1
1. Mike Blackburn Cont., Inc. Sunset, SC	\$432,500.50	(\$78,000.00)	\$354,500.50
2. P.F. Moon and Company, Inc. West Point, GA	\$521,000.00	(\$55,413.00)	\$465,587.00
3. Landmark Grading Co., Inc. Ft. Mitchell, AL	\$585,045.00	(\$150,000.00)	\$584,895.00
4. Alexander Contracting. Co., Inc. Fortson, GA	\$732,892.85	(\$473,865.00)	\$259,027.85

As indicated, the low, responsive bidder for Division Two is Mike Blackburn Contractors, Inc., Inc. of Sunset, South Carolina with a bid of \$432,500.50. In the bid process all bidders were required to submit an additional bid for a possible contract change for deleting the bar screen structure. With Deduction D-1, the low bidder is Alexander Contracting Co., Inc. of Fortson, Georgia.

Since the Division Two low bidder appears to have adequate experience, technical ability and financial capability to complete the project, we recommend Division Two contract award be made to Alexander Contracting Co., Inc. in the amount of \$259,027.85 with D-1.

We have enclosed a certified copy of the bid tabulation for the bids received. We are also enclosing a project cost summary which shows the estimated amount of matching funds the City will need to provide. We are enclosing a sample resolution for your consideration in awarding the contract. If awarded we will prepare the contracts for execution by both the Contractors and the City.

If you have any questions concerning our recommendations, please call us.

Yours truly,
G. BEN TURNIPSEED ENGINEERS, INC.



G. Ben Turnipseed, P.E.

GBT:kb

Enclosures

cc: Allen-Smith Consulting, Inc. (w/enclosure)

Chapter 13

SEWERAGE*

Proposed Amendment April 2014

Art. I. In General, §§ 13-1-13-30

Art. H. Use of Public and Private Sewer Systems, §§ 13-31-13-40

ARTICLE I. IN GENERAL Sec. 13-1. Dwelling Unit Defined.

For the purposes of this chapter, the phrase "dwelling unit" means each and every separate building or separate living unit within a building used for residential purposes served by a separate meter; provided, however, that in the event more than one (1) dwelling unit is served by a single water meter each such dwelling unit shall be subject to the charge levied in section 13-3.

(Code 1967, § 25-40)

Sec. 13-2. Enforcement.

The charge levied in section 13-3 shall be enforced in the same manner as other taxes levied by the city council.

(Code 1967, § 2541)

Charter reference—Assessment for sanitary purposes, § 50.

Sec. 13.3. Sewerage Charge.

The sewerage charge will be based on a base charge plus a set percentage of water usage established yearly by the city council.

(Code 1967, § 2542)

Sec. 13.4 Purpose and Policy

This ordinance sets forth uniform requirements for users of the sewage works for the City of West Point and enables the city to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States code 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403 et seq.). The objectives of this ordinance are:

13.4.1. To prevent the introduction of pollutants into the Sewage Works that will interfere with its operation, and to prevent the introduction into the POTW of any pollutant or hazardous substance which causes personal injury or property damage or, other than in compliance with all local requirements or permits, which causes such Sewage Works to violate any effluent limitation or condition in any permit issued to the Sewage Works;

13.4.2. To prevent the introduction of pollutants into the Sewage Works that will pass through the Sewage Works inadequately treated into receiving waters or otherwise be incompatible with the Sewage Works;

13.4.3. To protect human health, safety and the environment, including protection of Sewage Works personnel who may be affected by wastewater in the course of their employment and the general public;

13.4.4. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Sewage Works; and

13.4.5. To enable The City of West Point to comply with its National Pollution Discharge Elimination System Permit conditions, disposal requirements, and any other applicable Federal or State laws.

This ordinance shall apply to all users of the sewage works of The City of West Point. The ordinance authorizes the issuance of wastewater discharge permits, provides for monitoring, compliance, and enforcement activities, establishes administrative review procedures, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Sec 13-5-13-30. Reserved.

***Cross References—** Ch. 5; buildings and building regulations, Ch. 7.5 environment, Ch 9; flood plain regulations, Ch. 15 soil erosion and sedimentation control, Ch. 16; subdivisions, Ch. 18 subdivisions, Ch. 21 utilities, Appendix A zoning ordinance.

State Law References—Power of city or county to provide storm water, sewerage collection and disposal systems, GA. Const. art. 9, sec. 2, par. 3; dumping certain wastes in storm or sanitary sewers prohibited, O.C.G.A. § 12-8-2; Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq.; adoption of ordinances, rules and regulations relating to payment for street improvements and construction of water, gas and sewer connections and payment of costs of connections, O.C.G.A. § 36-39-7; city's authority to acquire, -construct, extend, operate, maintain and collect fees for water and sewerage systems, O.C.G.A. § 36-34-5; Resource Recovery Development Authorities Law, O.C.G.A. § 36-63-1 et seq.; grants of state funds to municipal corporations for public purposes, O.C.G.A. § 36-40.20 et seq.; executions for collection of assessments for laying sewers, O.C.G.A. § 48.5-358.

Sec 13.6 Administration

The City Manager shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Director may be delegated to other city personnel.

ARTICLE H. USE OF PUBLIC AND PRIVATE SEWER SYSTEMS

Sec. 13-31. Definitions.

Unless the context specifically indicates otherwise, the meanings of terms used in this article shall be as follows:

Backflow Preventer means a device that prevents a flow of liquid opposite to the usual or desired direction of flow.

Building sewer means the extension from the building drain to the public sewer or other place of disposal.

Clean Out means a pipe fitting containing a removable plug that provides access for inspection or cleaning of the pipe run.

Commercial User or Contributor means a premises or person *who* discharges industrial wastes which are similar to domestic wastes in nature, and do not exceed those parameters which define normal sewage except as to volume, in which case it shall be defined as an industrial user.

Garbage means solid wastes from the domestic and commercial preparation, cooking and dispensing of food or from the handling, storage and sale of produce.

Industrial User or Contributor means an industry which discharges waste waters having the characteristics of industrial wastes, as distinct from commercial wastes or domestic wastes, and having a BOD of two hundred (200) mg/L or greater and or a total suspended solids of two hundred (200) mg/L or greater, or having a total discharge volume in excess of twenty-four thousand (24,000) gallons per month regardless of whether the waste concentration is less than above or not.

POTW (Public Owned Treatment Works) means a sewage treatment plant that is owned, and usually operated, by a government agency. In the U.S., POTWs are typically owned by local government agencies, and are usually designed to treat domestic sewage and not industrial wastewater.

Properly Shredded Garbage means the waste from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.

Public Sewer means a sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

Residential Domestic User or Contributor means a premises or person who discharges waste waters to the city sewers, which closely match normal sewage as to its strength, and its volume does not exceed twenty-four thousand (24,000) gallons per month, and further, for billing purposes, is defined as a dwelling place or places of residence. If the volume discharge exceeds twenty-four thousand (24,000) gallons per month, it shall be defined as an industrial user.

Scavenger Wastes means putrid or offensive matter, or the contents of all privies, septic tanks and cesspools sludge from sanitary wastewater that is discharged into cesspools, septic tanks or privies.

Sewage means refuse liquids or waste matter usually carried off by sewers

Sewer means a pipe or conduit for carrying sewage.

Sewer Surcharge means a charge for sewer service and treatment service for wastes having characteristics different from sanitary wastes and for which additional charges must be assessed in order for the waste to make compensation for additional expenses incurred.

Sewer Tap means the point at which a home or business's sewer line joins the municipal sewer system.

Sewage Works means a facility consisting of a system of sewers for carrying off liquid and solid sewage.

Slug means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four-hour concentration proposed during normal operation.

Standard Methods means the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage," published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

Storm Drain, sometimes termed *Storm Sewer*, means a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

Street means and includes streets, avenues, drives, boulevards, roads, alleys, lanes and viaducts, and all other public highways in the sanitary area.

Suspended Solids means solids that either float on the surface of or are in suspension in water, sewage or other liquids which are removable by laboratory filtering.

Total solids means the sum of suspended solids, settled solids and dissolved solids, both volatile and nonvolatile.

Watercourse means a channel in which flow of water occurs, either continuously or intermittently.

All other words shall be construed as having the meaning defined in "Glossary, Water and Sewage Control Engineering," published by the Water Pollution Control Federation, Wash-

ington, D.C., or by their general usage if undefined.
(Code 1967, § 25-44)

Sec. 13.32. Use of Public Sewers Required.

(a) All premises shall be provided, by the owner thereof, with at least one (1) toilet. All toilets shall be kept clean and in a sanitary working condition.

(b) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable wastes; provided, however, that deposit of animal excrement in the course of a farming, livestock, or agricultural operation shall not be a violation of this section. No person shall dispose of human waste except in an approved toilet.

(c) It shall be unlawful to discharge to any natural outlet within City of West Point, or in any area under the jurisdiction of the City of West Point, any wastewater or other polluted waters, including septic tank effluent or cesspool overflow to any open drain or well-penetrating, water-bearing formation, except where suitable treatment has been provided in accordance with provisions of this ordinance and/or NPDES permits granted by GA EPD.

(d) Except as otherwise provided in this ordinance, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

(e) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within city of West Point jurisdiction and abutting on any street, alley, or right-of-way, in which there is now located or may in the future be located a public sanitary sewer of the City of West Point, is hereby required at the owner(s) expense to install suitable toilet facilities, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within thirty (90) days after date of official notice to do so, provided that said public sewer is within 200 feet of the septic tank or other on-site sewer holding facility presently serving the house, building or property, or within such other distance as identified or regulated by the County Health Department.

(f) The owners described in Section (e) are hereby required to connect all sinks, dishwashing machines, lavatories, basins, shower baths, bathtubs, laundry tubs, washing machines, and similar plumbing fixtures or appliances to the public sewer, within ninety (90) days after date of official notice to do so, provided, that said public sewer is within 200 feet of the septic tank or other on-site sewer holding facility presently serving the house, building or property, or within such other distance as identified or regulated by the City of West Point.

Sec. 13-32-2 Sewer Connections (Taps)

(a) All sewer taps purchased and installed since 2009 are maintained by the city at the cleanout located at the customer's property line. All sewer taps connected to the West Point sanitary sewer system prior to 2009 are owned by the customer. The point of customer ownership for these pre 2009 taps begin at the sanitary sewer main and terminate on the customers' property. Any/All maintenance required for the pre 2009 taps are the sole responsibility of the customer.

(b) All new sanitary sewer taps require both, a cleanout and backflow preventer which will be located at the customer's property line, or the point of connection determined by the city where certain conflicts prohibit the placement of the cleanout and backflow prevention device to be located at the property line. All new taps will be installed by the city or city's contractor which will consist of all piping and associated material to install the sewer tap from the customers' property line or other point determined by the city, to the city's sanitary sewer main. All sanitary sewer taps installed by the city will be owned and maintained by the city until such time the sewer tap is disconnected by the city. All piping and materials connected to the city's sewer tap at the property line or point determined by the city will be owned and maintained by the owner/user of said sewer tap. All sanitary sewer taps must be paid in full, before sanitary sewer taps will be installed.

Sec. 13-33. Private Sewage Disposal; Permit Required; Compliance with State Requirements.

(a) Where a public sanitary sewer is not available under provisions of section 13-32(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(b) Before commencement of construction of a private sewage disposal system other than a septic tank, privy, privy vault, or cesspool for a single-family dwelling, the owner shall first obtain a written permit signed by the City Building Official. The application for such permit shall be made on a form furnished by the city which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the city. A permit and inspection fee shall be paid to the city at the time the application for permit is filed in an amount to be determined from time to time by city council and listed in the schedule of fees and charges maintained in the City Clerk's office.

(c) A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the city. The city's authorized representative shall be allowed to inspect the work at any/all stages of construction and, in any event, the applicant for the permit shall notify the city when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within two (2) working days of the receipt of notice by the city.

(d) The type, capacity, location and layout of a private sewage system shall comply with all recommendations of the State Department of Natural Resources or other local or state agencies having jurisdiction. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the city.

(f) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 13-32(d), a direct connection should be made to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, cleaned of sludge, and filled with clean bank-run gravel or dirt within sixty (30) days of notification to do so by the city or other county or state agency having jurisdiction over such matters.

(g) No statement contained in this section shall be construed to nullify any additional requirements that may be imposed by the appropriate state or county regulatory agencies having jurisdiction over such matters.
(Code 1967, § 25-46)

Sec. 13-34. Building Sewers, Connections Requirements.

(a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

(b) There shall be two (2) classes of building sewer permits:

- (1) Residential and commercial service, and
- (2) For service to establishments producing industrial wastes.

In either case the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the city. A permit and inspection fee for a building sewer shall be paid to the city when the application is filed. Such fee shall be in an amount determined by the city council from time to time and listed in the schedule of fees and charges maintained in the City Clerk's office.

(c) All costs and expenses incident to the installation and connection of the building sewer to the property line shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(d) A separate and independent building sewer shall be provided for every building. Where one (1) building stands to the rear of another on a single lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the city may grant permission for the building sewer from the

front building to be extended to the rear building and the whole considered as one building sewer, upon a showing by the applicant that it is not feasible that the two (2) buildings so connected will ultimately be on separate building lots.

(e) Old building sewers may be used in connection with new buildings only when they are found on examination and test by the city to meet all of the requirements of this article.

(f) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(g) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement or first floor. No building sewer shall be made parallel to or within three 3 feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from live loads (automobiles, etc.) which may be superimposed. The building sewer shall be made at uniform grade and in straight alignment insofar as possible. The building sewer shall be constructed to such point as directed by the city.

(h) No person shall maintain or make a connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(i) Before any underground portions thereof are covered, the applicant of the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection thereof shall be made to the public sewer by an authorized representative of the city and only after inspection.

(l) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(k) The Director shall keep a permanent and accurate record of the location depth, and direction of all new sewer connections, including such land marks as may be necessary to make an adequate description.

(Code 1967, § 2547)

Sec.13.35. Use of Public Sewers; Prohibited Discharges; Requirements.

(a) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, or subsurface drainage into the sanitary sewer.

(b) No person shall discharge or cause to be discharged any of the following waters or wastes to any public sewers.

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals to create a public nuisance, or to create any hazard in the receiving waters in the sewage treatment plant.
- (3) Any waters or wastes having a pH less than 6.0 or greater than 9.0 or containing heavy concentrations of salts or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (4) Solids or viscous substances in quantities or of such size capable of causing obstruction in the flow of sewage or other interference to the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing's, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(c) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely, in the opinion of the Director, that such wastes can harm either the sewers, sewage treatment process, or equipment having adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Director will give consideration to such factors as the quantities of subject wastes in relation to flows, and velocities in the sewers, materials on construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit or sixty-five (65) degrees Celsius.
- (2) Any water or waste containing *fats*, wax, grease or oils whether emulsified or not in excess of one hundred (100) mg or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit or zero (0) to sixty-five (65) degrees Celsius.
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-quarters horsepower or greater shall be subject to the review and approval of the city.
- (4) Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not.
- (5) The following table lists concentration ranges that are acceptable to the City of West Points sewer system and does not cause harm to the POTW;

Ammonia.....	15 mg/l
Total Phosphorus.....	10 mg/l
Tin.....	0.05 mg/l
Chromium (III).....	1.0 mg/l
Lead.....	0.05 mg/l
Zinc.....	0.30 mg/l
Copper.....	0.5 mg/l
Nickel.....	1.0 mg/l
Cyanide.....	0.1 mg/l
Cadmium.....	0.17 mg/l

Upon providing notice to affected persons, the city may impose concentration ranges and maximum concentrations in addition to, or in place of, those set forth above. The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the sewage works for the above mentioned conventional pollutants or any other pollutant discharged by a user, where, in the opinion of the Director, such action appears necessary in order for the POTW to achieve or maintain compliance with applicable state or federal standards, or in order for the Director to promote the purposes and policies of this ordinance. Fines can be imposed for repeat violators and those who do not abide by rules set forth within this ordinance.

- (6) Any waters or wastes containing phenols or other taste or odor-producing substances in such concentrations. Exceeding limits which may be established by the city as necessary after treatment of the composite sewage to meet requirements of the state, federal or other public agencies of jurisdiction of such discharge to the receiving waters.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state and federal regulations.
- (8) Any waters or wastes having a pH outside of the range of 6.0 to 9.0.
- (9) Materials which exert or cause:
 - a. Unusual concentration of inert suspended solids such as, but not limited to, fuller's earth, lime slurries and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.
 - b. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.
 - c. The admission into the public sewers of any water or waters having (1) a five-day biochemical oxygen demand greater than two hundred (200) milligrams per liter, (2) containing more than two hundred (200) milligrams per liter of

suspended solids, (3) having an average daily flow greater than 5.0 percent of the average daily sewage flow to the plant shall be subject to the review and approval of the Director. Where necessary, in the opinion of the city, the owner shall provide at his expense such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to two hundred (200) milligrams per liter and the suspended solids to two hundred (200) milligrams per liter, (2) reduce objectionable characteristics or constituents to within the maximum limits provided, or (3) control the quantities and rates of discharge of such water or wastes. Plans and specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Director and no construction of such facilities shall be commenced until said approval is obtained in writing.

- d. Unusual volume of flow or concentrations of wastes constituting slugs.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of state or federal agencies having jurisdiction over discharge to the receiving waters.

(d) If any waters or wastes are discharged or are proposed to be discharged to the public sewers which waters contain the substances or possess the characteristics enumerated in subsection (c) above, which in the judgment of the Director may have a harmful effect upon the sewage works, processes, equipment, or receiving water, or which otherwise create a hazard to life or constitutes a public nuisance, the city may:

- (1) Reject wastes.
- (2) Require pretreatment to an acceptable condition with discharge to the public sewers.
- (3) Require control over the quantities and rates of discharge.
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges, under the provision of subsection (i) below.

If the city permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the city and subject to the requirements of all applicable codes, ordinances and laws.

(e) Grease, oil, and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease in excess amounts or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the city and shall be located so as to be readily and easily accessible for cleaning and inspection. All interceptors shall be supplied and properly maintained continuously in satisfactory and effective operation by the owner at his expense.

(f) Where preliminary treatment for flow-equalizing facilities is provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the

owner at his expense.

(g) It shall be required by the city that the owner of any property serviced by a building sewer carrying industrial wastes install a suitable control manhole. When deemed necessary, the Director may require additional meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the waste. Such manhole shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(h) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this division shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater." published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at such control manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of life, limb and property.

(i) No statement contained in this section shall be construed as preventing any agreement or arrangement between the city and any industrial concern whereby industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern.

(Code 1967, § 25-48)

Sec. 13.36. Scavenger Wastes

(a) The city will not allow for discharge of scavenger wastes into the City of West Point Sewage System. "Scavenger wastes" shall mean putrid or offensive matter, or the contents of all privies, septic tanks and cesspools. All other materials and substances, chemicals or chemical compounds and/or industrial wastes will not be permitted to be discharged into the City of West Point Sewage System.

Sec. 13-37. Powers, Authority of Inspectors; Right to Enter Premises.

(a) The Director and other duly authorized employees of the city shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. The city shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(b) While performing the necessary work on private properties referred to in subsection (a) above, the Director or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees. The city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging, sampling operations, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 13-

35(g).

(c) The Director and other duly authorized employees of the city shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on such easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Code 1967, § 25-50)

Sec. 13-38. Protection of Sewage Works from Damage.

No unauthorized person shall maliciously, wilfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision may be subject to immediate arrest under charge of Tampering with Utilities OCGA 16-7-25.

Sec. 13-39. Penalties.

(a) Any person found to be violating any provision of this division, except section 13-38, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) above shall be guilty of a misdemeanor and, on conviction thereof, shall be punished in accordance with the provisions of section 1-14. Each day in which such violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this article shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violations. (Code 1967, § 25-52)

Sec. 13-40. Grievances and Arbitration.

(a) Upon formal request by the sewer user, the city council may hear any required arbitration of differences or grievances between the sewer user and the city on matters concerning interpretation and execution of the provisions of this article.

(b) If deemed appropriate by the city council, an independent hearing board may be appointed for arbitration purposes. Such board shall consist of at least three (3) persons, one (1) of which shall be a lawyer and the other two (2) shall have technical knowledge of the provisions of this article. The cost of arbitration shall be equally divided between the city and the sewer user.

(Code 1967, § 25-53)

LEWIS, TAYLOR & TODD, P.C.

ATTORNEYS AT LAW

SUITE 3

205 NORTH LEWIS STREET

POST OFFICE DRAWER 1027

LAGRANGE, GEORGIA 30241

JOHN M. TAYLOR
JEFFREY M. TODD
BRYAN G. FORSYTH

JAMES R. LEWIS
(1928-1996)
GEORGE E. SIMS, JR.
(1917-1967)
FAX (706) 882-4905
TELEPHONE (706) 882-2501

March 4, 2014

VIA EMAIL

Mr. Ed Moon, City Manager
CITY OF WEST POINT
P.O. Box 487
West Point, Georgia 31833-0487
emoon@cityofwestpointga.com

**RE: Disposition of Property
Small Parcels**

Dear Ed:

We recently discussed West Point's potential sale of property on 6th Street to Anita Jones, the owner of those parcels adjoining the City lot. You also forwarded a previous West Point resolution which was used in 2007 under somewhat similar circumstances.

As you are well aware, state law generally requires city property be sold by public bid, subject to a number of exceptions. One of those exceptions, referenced in your 2007 resolution, is O.C.G.A. § 36-37-6(g). This subsection allows for the sale of narrow strips of land "so shaped or so small as to be incapable of being used independently as zoned" to adjoining property owners without public bid.

Importantly, however, subsection (g) requires that such conveyance be pursuant to "such terms and conditions as set out by ordinance."

While West Point is certainly not the first city I have represented which has taken advantage of this exception without having an authorizing ordinance, the current circumstances may provide the perfect opportunity to consider adopting such a simple ordinance.

Reviewing a few examples from other local governments, I have prepared the attached ordinance language for your review and consideration. The proposed language simply (a) describes the circumstances under which the sale is allowed, per state law; (b) clarifies that the City negotiates acceptable terms, which are formally authorized by the Mayor and Council; and (c) allows for conveyances to be by quitclaim deed, with appropriate easement reservations, and that costs be borne by the purchaser.

LEWIS, TAYLOR & TODD, P.C.
ATTORNEYS AT LAW

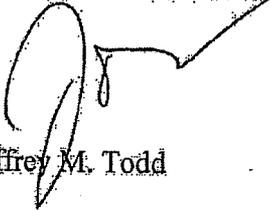
Mr. Ed Moon, City Manager
CITY OF WEST POINT
March 4, 2014
Page 2 of 2

I look forward to hearing from you after your review.

With best regards, I am

Very truly yours,

LEWIS, TAYLOR & TODD, P.C.



Jeffrey M. Todd

JT/atb
Enclosure

Sec. ____ . Sale of parcels of property too small to be used independently.

(a) The mayor and council is hereby authorized to sell and convey parcels of property owned by the city which are narrow strips of land, so shaped or so small as to be incapable of being used independently as zoned or under applicable subdivision or other development ordinances or as streets, whether this property is owned in fee by the city or has been obtained by grant of easement. The property may be sold to abutting property owners where such sales and conveyances facilitate the enjoyment of the highest and best use of the abutting owner's property. Such sales shall not require the use of the process of an auction or solicitation of sealed bids. However, for any such sale each abutting property owner shall be notified of the availability of the property and shall have an opportunity to present a proposal of purchase for said property to the city.

(b) Upon receipt of any such proposals from any abutting property owners, the city shall be authorized to negotiate with such property owners, and the city council shall by resolution authorize the sale of any such property and establish the terms of such sale.

(c) All conveyances shall be by quitclaim deed, with any appropriate easement reservations for future or current city utilities. The cost of deed preparation, surveying and plat preparation, if any, and all other fees shall all be borne by the purchaser.



March 19, 2014

Agenda Item: *Residences as Permitted Uses in the Central Business District (CBD) – Amend Section 11.1(p) in the Zoning Ordinance*

Purpose: The amendment to Section 11.1(p) in the Zoning Ordinance is needed to allow greater flexibility in the range of residential choices in the Central Business District zoning district.

Background: At the February Planning Board meeting, staff introduced the idea of adding some flexibility regarding residential uses in the Central Business District. In Section 11.1(p), the Zoning Ordinance currently states under *Uses Permitted* in the CBD zoning district that "**Residences - apartments and condominiums above commercial storefront**" are allowed. Staff believes that in some cases, quality residential development (such as possible dorms for Point University) can still be achieved with a design other than solely "above the commercial storefront."

After taking into account comments from the February Planning Board meeting, staff presented revised language to the Planning Board at the March meeting. The Planning Board approved the following language at the March meeting (with a unanimous vote) in its entirety to replace the current language in Section 11.1(p) – "*Residences - apartments and condominiums above commercial storefront. All other residential uses shall be approved by Council. Council shall be provided information on density, parking, and overall impact from the applicant.*"

AN ORDINANCE TO AMEND SECTION 11.1(p) OF THE ZONING ORDINANCE (APPENDIX A) OF THE CITY OF WEST POINT, GEORGIA.

WHEREAS, the Mayor & Council of the City of West Point has discussed the amendment of Section 11.1(p) of the City of West Point Zoning Ordinance (Appendix A) of the City of West Point, Georgia and referred the issue to the Planning Board for consideration and recommendation;

WHEREAS, the Planning Board has discussed the desirability and need of an amendment to Section 11.1(p) – Residences as Permitted Uses in the Central Business District (CBD) zoning district; and

WHEREAS, in accordance with the requirements of the Zoning Ordinance of the City of West Point, the Planning Board of the City of West Point has forwarded its recommendation to the Mayor & Council with regard to such text amendments; and

WHEREAS, pursuant to said requirements of the Zoning Ordinance of the City of West Point, the Mayor & Council has conducted a properly advertised public hearing on the text amendment not less than 15 nor more than 45 days from the date of publication of notice, which public hearing was held on the 10th day of April, 2014; and

WHEREAS, after the above referenced public hearing, the Mayor & Council has determined that it would be in the best interest of the residents, property owners and citizens of the City of West Point, Georgia to adopt an amended Section 11.1(p) – Residences as Permitted Uses in the Central Business District (CBD) zoning district;

NOW, THEREFORE, BE IT ORDAINED by the Mayor & Council of the City of West Point, Georgia, and it is hereby ordained by authority of same that Section 11.1(p) – Residences as Permitted Uses in the Central Business District (CBD) zoning district of the Zoning Ordinance (Appendix A) of the City of West Point, Georgia be amended as follows:

SECTION I. Section 11.1(p) – Residences as Permitted Uses in the Central Business District (CBD) zoning district as shown on Exhibit "A" attached hereto and by reference made a part hereof is hereby adopted.

SECTION II. All Ordinances or parts of Ordinances in conflict or inconsistent with this Ordinance hereby are repealed.

SECTION III. This ordinance shall be effective upon adoption.

Ordained this 14th day of April, 2014 by the Mayor and Council of the City of West Point, Georgia.

ATTEST:

City Clerk

This is a true and correct
copy of an ordinance
passed on 04-14-2014

A. Drew Ferguson IV, Mayor

Joseph R. Downs III, Councilmember

Gerald Ledbetter, Councilmember

Gloria Ramsey Marshall, Councilmember

Sandria Thornton, Councilmember

Steve Framell, Councilmember

Benjamin Wilcox, Councilmember



EXHIBIT A

Section 11.1(p). Residences as Permitted Uses in the Central Business District (CBD) zoning district (Zoning Ordinance – Appendix A)

Section 11. CBD - Central Business District – (C-2 downtown).

General Purpose and Description.

The intent of the CBD district (C-2 downtown) is to recognize and protect the historic and current vital core of the city; to foster its continued existence as a commercial center for business, government and service enterprises for the whole community; to encourage development of this district as a shopping, dining and activity center for residents, tourists and the surrounding region; and to reinforce its small town architecture, character, and feel, and its pedestrian atmosphere, scale and movement by grouping specialized uses which benefit from close proximity to each other and by fostering full utilization of existing structures and infrastructure.

1. Uses permitted: A building or premises shall be used only for the following purposes:

- (a) Antiques Shops
- (b) Bakery
- (c) Banks/Financial Institutions
- (d) Beauty/Barber Shops
- (e) Churches – Council approval
- (f) Department Stores – clothing, shoes, apparel and accessory, etc.
- (g) Drug Stores
- (h) Florists
- (i) Furniture Stores
- (j) Jewelry Stores
- (k) Laundry/Dry Cleaning Service
- (l) Movie Theaters
- (m) Personal Services/Miscellaneous
- (n) Professional Offices – accounting, insurance, lawyer, medical, real estate, etc.
- (o) Restaurants, delicatessens, cafes, grilles, coffee shops and other eating establishments

- (p) Residences – apartments and condominiums above commercial storefront. All other residential uses shall be approved by Council. Council shall be provided information on density, parking, and overall impact from the applicant.
- (q) Vehicles for hire – taxi and limousine
- (r) Other commercial uses that, in the opinion of the Planning Director, are similar in nature to those listed above (unspecified use).

2. Area and dimensional regulations. The area and dimensional regulations set forth in Section 16 shall be followed.

3. Accessory buildings, structures and uses. Accessory buildings, structures and uses are permitted in the CBD (C-2 downtown) with the conditions set forth in Section 20.

4. Parking. All new development or existing businesses within the CBD are exempt from the parking requirements outlined in Section 18.

5. Street Presence and Storefront Development. All new development in the CBD shall utilize the storefront pattern or provide a building façade and sidewalk along the street right-of-way.



March 18, 2014

Agenda Item: 818 3rd Avenue - Church

Request: Bruce Gunn with Restoration Ministries has met with staff and is requesting permission from the Council to establish a Church at 818 3rd Avenue.

Approval Required: The subject property is located in the *Central Business District (CBD)* zoning district. According to the Zoning Ordinance, Churches are a permitted use with Council approval. Please see the attached letters of request (and supporting details) from the applicant. The attached letters address two issues in particular that often accompany similar types of cases; hours of operation and parking.

Restoration Ministries
203 Woodfield Circle
LaGrange GA 30240
Pastor Bruce Gunn
706.594.2703

Dear Council Members

My name is Bruce Gunn and I am sending this request asking you to consider allowing me to lease space at 818 3rd Avenue West Point Georgia to birth a church/teaching ministry. I hope with this opportunity you will see my strong involvement in the community, public and other church activities. I am passionate about the future of our youth, seniors, and the community as a whole. I look forward to working with you in the future.

Thank you for your consideration.

Sincerely,

Bruce Gunn

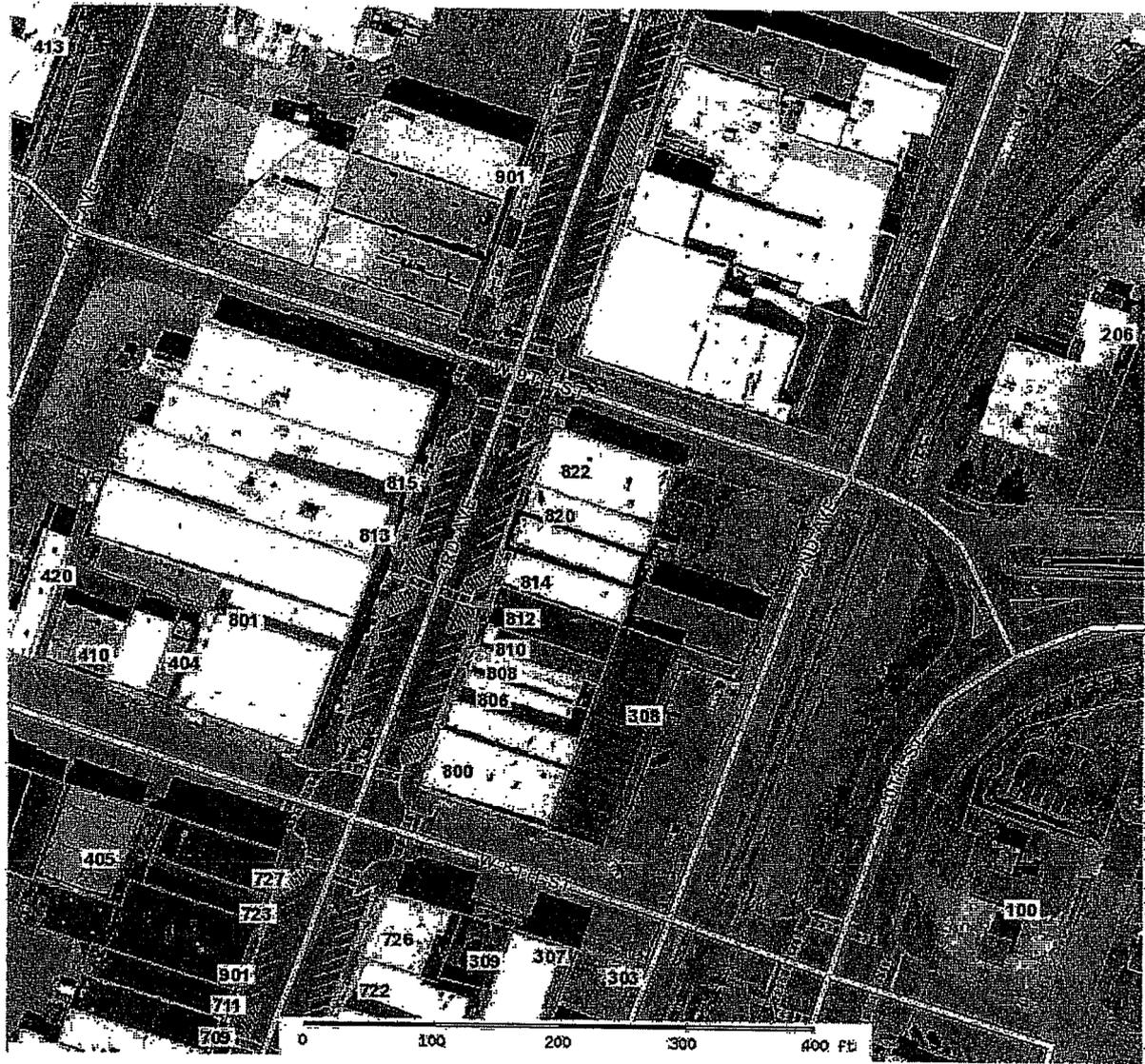
Restoration Ministries
203 Woodfield Circle
LaGrange GA 30240
Pastor Bruce Gunn
706.594.2703

Dear Council Members

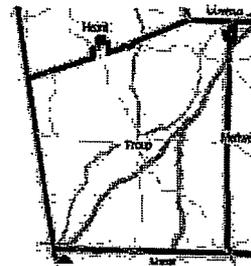
The name of the ministry is Restoration Ministries House of Worship. The church hours are Sunday from 10:00 am until 1:00 pm and Wednesday evening at 7:00 pm. I don't anticipate any parking issues, being that most merchants are closed during ministry hours. The goal of Restoration is to serve the community with compassion, integrity, and respect. Initially, we will begin by teaching the uncompromised word of God. Secondly, by assisting the seniors and youth in needs defined by the community and each individual circumstance. The sole vision is to revive, restore and refresh physically, mentally and spiritually to empower and encourage independence by the word of God.

Sincerely,

Bruce Gunn



Troup County Assessor	
Parcel: 0943W008004 Acres: 0.06	
Name:	THIRD AVENUE PROPERTIES LLC
Site:	818 8RD AVE
State:	\$20,000 on 03-2010 Reason=FM Qua=C
Mail:	1791 O G SKINNER DR WEST POINT, GA 31833
Land Value:	\$6,320.00
Building Value:	\$22,120.00
Misc Value:	\$0.00
Total Value:	\$28,440.00



The Troup County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER TROUP COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS --THIS IS NOT A SURVEY--
Date printed: 03/19/14:08:18:43



March 19, 2014

Agenda Item: *Commercial/Office Uses in the General Commercial (CGN) zoning district – Amend Section 12.1(a) in the Zoning Ordinance.*

Purpose: The amendment to Section 12.1(a) in the Zoning Ordinance is needed to allow for *Bed and Breakfast establishments* in the General Commercial (CGN) zoning district.

Background: At the March Planning Board meeting, staff proposed amending this section to allow for *Bed and Breakfast establishments* in the General Commercial District (CGN) zoning district. Staff explained that there has been recent interest in the subject of *Bed and Breakfast establishments* within certain commercial areas of the City. Staff indicated that these establishments are appropriate for areas zoned General Commercial (CGN) and that there are homes in the City within this zoning classification that would have potential as a *Bed and Breakfast establishment*. Staff added that in comparison to other uses allowed in this zoning classification, a *Bed and Breakfast establishment* is much less intense.

AN ORDINANCE TO AMEND SECTION 12.1(a) OF THE ZONING ORDINANCE (APPENDIX A) OF THE CITY OF WEST POINT, GEORGIA.

WHEREAS, the Mayor & Council of the City of West Point has discussed the amendment of Section 12.1(a) of the City of West Point Zoning Ordinance (Appendix A) of the City of West Point, Georgia and referred the issue to the Planning Board for consideration and recommendation;

WHEREAS, the Planning Board has discussed the desirability and need of an amendment to Section 12.1(a) – Commercial/Office Uses in the General Commercial (CGN) zoning district; and

WHEREAS, in accordance with the requirements of the Zoning Ordinance of the City of West Point, the Planning Board of the City of West Point has forwarded its recommendation to the Mayor & Council with regard to such text amendments; and

WHEREAS, pursuant to said requirements of the Zoning Ordinance of the City of West Point, the Mayor & Council has conducted a properly advertised public hearing on the text amendment not less than 15 nor more than 45 days from the date of publication of notice, which public hearing was held on the 10th day of April, 2014; and

WHEREAS, after the above referenced public hearing, the Mayor & Council has determined that it would be in the best interest of the residents, property owners and citizens of the City of West Point, Georgia to adopt an amended Section 12.1(a) – Commercial/Office Uses in the General Commercial (CGN) zoning district;

NOW, THEREFORE, BE IT ORDAINED by the Mayor & Council of the City of West Point, Georgia, and it is hereby ordained by authority of same that Section 12.1(a) – Commercial/Office Uses in the General Commercial (CGN) zoning district of the Zoning Ordinance (Appendix A) of the City of West Point, Georgia be amended as follows:

SECTION I. Section 12.1(a) – Commercial/Office Uses in the General Commercial (CGN) zoning district as shown on Exhibit "A" attached hereto and by reference made a part hereof is hereby adopted.

SECTION II. All Ordinances or parts of Ordinances in conflict or inconsistent with this Ordinance hereby are repealed.

SECTION III. This ordinance shall be effective upon adoption.

Ordained this 14th day of April, 2014 by the Mayor and Council of the City of West Point, Georgia.

ATTEST:

City Clerk

This is a true and correct
copy of an ordinance
passed on 04-14-2014.

A. Drew Ferguson IV, Mayor

Joseph R. Downs III, Councilmember

Gerald Ledbetter, Councilmember

Gloria Ramsey Marshall, Councilmember

Sandra Thornton, Councilmember

Steve Tramell, Councilmember

Benjamin Wilcox, Councilmember



EXHIBIT A

Section 12.1(a). Commercial/Office Uses in the General Commercial (CGN) zoning district (Zoning Ordinance – Appendix A)

Section 12. CGN – General Commercial District (C-1 & C-2).

General Purpose and Description.

The intent of the CGN - General Commercial District is to encourage the productive and efficient use of land resources, to promote economic development and tourism, to enhance property values and the city's tax base, to ensure high quality site and architectural design in commercial development, and to assist in implementing the goals, objectives and policy statements of the comprehensive plan.

1. Uses permitted: A building or premises shall be used only for the following purposes with the exception of property zoned C-1 or C-2 prior to March 12, 2007 which has the ability to abide by the CGN or MXD-1 requirements.

(a) Commercial/Office Uses

- (1) Antique Shops
- (2) Amusement Centers
- (3) Appliance Stores
- (4) Automobile Sales, new cars (used cars – accessory use to new car sales only)
- (5) Bakery
- (6) Banks/Financial Institutions
- (7) Beauty/Barber Shops
- (8) ~~Bed and Breakfast establishments~~
- (9) Billiard Parlors
- (10) Bookstore
- (11) Car Wash – (accessory use to convenience store only)
- (12) Child Day Care Center
- (13) Convenience Stores – fuel pumps allowed
- (14) Death Care Services – without crematories
- (15) Department Stores – Clothing, shoes, apparel and accessory, etc.
- (16) Drug Stores

- (17) Electronic Stores
- (18) Florists
- (19) Furniture Stores
- (20) Grocery Stores
- (21) Health, Athletic and Physical Fitness Centers
- (22) Jewelry Stores
- (23) Hotels
- (24) Laundry/Dry Cleaning Service
- (25) Movie Theaters
- (26) Personal Services/Miscellaneous
- (27) Professional Offices – accounting, insurance, medical, real estate, etc.
- (28) Recreation Facilities - indoor
- (29) Recreation Facilities – outdoor (requires Council approval)
- (30) Restaurants, delicatessens, cafes, grilles, coffee shops and other eating eating establishments
- (31) Shopping Centers
- (32) Vehicles for hire – taxi and limousine
- (33) Veterinarian Clinic – small animal (no outside runs or pens)
- (34) Other commercial uses that, in the opinion of the Planning Director, are similar in nature to those listed above (unspecified use).

(b) Other uses – (shall be approved by Council)

- (1) Arts and Cultural Facilities
- (2) Convention, Meeting and Banquet Facilities
- (3) Elementary and Secondary Schools
- (4) Public Facilities – post office, government offices, police and fire precincts, health dept.
- (5) Golf courses - public or private
- (6) Churches

2. Location of CGN Districts. New CGN Districts are most appropriately located adjacent to existing CGN districts between other commercial districts and uses and other lower impact districts. CGN districts should be located at intersections of streets, along major arterial roads and well served by major through transportation routes.

3. Area and dimensional requirements. The area and dimensional regulations set forth in Section 16 shall be followed.

4. Accessory buildings, structures and uses. Accessory buildings, structures and uses are permitted in the CGN district with the conditions set forth in Section 20.

5. Parking. All parking, loading and circulation areas shall be paved, curbed, guttered and striped. Parking requirements are outlined in Section 18.



March 19, 2014

Agenda Item: *Standards for Telecommunications Facilities* = Establish a new Section 20A in the Zoning Ordinance

Purpose: The creation of a new Section 20A in the Zoning Ordinance is needed to establish *Telecommunications Facilities* guidelines for the City of West Point. The Mayor and Council approved this adoption at the March 10, 2014 regular meeting. However, the required public hearing was not held at the March 6, 2014 Work Session. Since that time, staff ran another ad for a public hearing to be held at the April 10, 2014 Work Session.

Background: The Planning Board and staff discussed this topic at the January 7, 2014 meeting of the Planning Board. Staff explained the telecommunications-related elements and answered questions. The Planning Board approved the amendment with a unanimous vote at their February 3, 2014 meeting.

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF WEST POINT, GEORGIA TO AMEND THE CODE OF THE CITY; TO AMEND THE ZONING ORDINANCE SO AS TO REGULATE THE PLACEMENT OF TELECOMMUNICATIONS TOWERS AND ANTENNAE WITHIN THE JURISDICTIONAL LIMITS OF THE CITY; TO ESTABLISH PROCEDURES AND CRITERIA FOR OBTAINING A PERMIT TO BUILD A TELECOMMUNICATIONS TOWER OR AFFIX ANTENNA; TO PROVIDE DEFINITIONS AND EXCLUSIONS; TO DEFINE THOSE ZONING CLASSIFICATIONS IN WHICH PARTICULAR TELECOMMUNICATIONS FACILITIES SHALL BE ALLOWED; TO ESTABLISH PREFERRED LOCATION SITES; TO PROVIDE REQUIREMENTS AND APPLICATION PROCEDURES; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF WEST POINT, AS FOLLOWS:

SECTION 1:

That the Code of Ordinances of the City of West Point be amended by inserting within the zoning ordinance a new Section 20A. to read as follows:

“Section 20A. Standards for Telecommunications Facilities.

1. *Purpose.* The Telecommunications Act of 1996 affirmed the City of West Point's authority concerning the placement, construction, and modification of Towers, Antennas, and the facilities whereon such Towers or Antennas are located. This section is designed and intended to balance the interests of the residents of the City of West Point, Georgia, telecommunications providers, and telecommunications customers in the siting of Telecommunications Facilities within the City of West Point, Georgia, so as to protect the health, safety, and integrity of residential neighborhoods, and to foster, through appropriate zoning and land use controls, a competitive environment for telecommunications carriers that does not unreasonably discriminate among providers of functionally equivalent personal wireless services. This section shall not prohibit, or have the effect

of prohibiting, the provision of personal wireless services. This section is intended to promote the City of West Point, Georgia, as a proactive City in the availability of personal telecommunications service. To that end, this section shall:

- (a) Provide the appropriate location and development of Telecommunications Facilities within the City of West Point, Georgia;
- (b) Protect the City of West Point, Georgia's built and natural environment by promoting compatible design standards for Towers;
- (c) Minimize adverse visual impacts of Towers through careful design, siting, and landscape screening;
- (d) Avoid potential damage to adjacent properties from Tower or Antenna Failure through engineering and careful siting of Towers and Antennas;
- (e) Maximize use of any new and existing Towers through co-location so as to minimize the need to construct new Towers and minimize the total number of Towers throughout the City of West Point, Georgia;
- (f) Maximize and encourage use of alternate Tower structures as a primary option rather than construction of additional single-use Towers; and
- (g) Encourage and promote the location of new telecommunications activities in areas which are not zoned for residential use.

2. *Definitions.* As used in this section pertaining only to Standards for Telecommunications Facilities, the following terms shall have the meanings ascribed below:

Accessory Facility or Structure. An accessory facility or structure serving or being used in conjunction with Telecommunications Facilities, and located on the same property or lot as the Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.

Applicant. Any Wireless service provider submitting an Application for a Telecommunications Facility.

Application. All necessary and appropriate documentation that an Applicant submits in order to receive a permit for a Telecommunications Facility.

Antenna. A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.

Board of Adjustment. The appointed Board of Adjustment of the City of West Point, Georgia, authorized to hear and decide tower permit applications and any other duties as determined by the Ordinance.

Camouflage or Stealth. Disguising a Tower or Telecommunications Facility so as to make it less visually obtrusive and not recognizable to the average person as a Telecommunications Facility.

City. Means West Point, Georgia.

Co-location. The use of an existing Tower or structure to support Antenna for the provision of wireless services.

Coverage Zone. The area in which a wireless device can receive service.

FAA. The Federal Aviation Administration, or its duly designated and authorized successor agency.

FCC. The Federal Communications Commission, or its duly designated and authorized successor agency.

Governing Authority. The Mayor and City Council of West Point, Georgia.

Guy Tower. A tower supported, in whole or in part, by guy wires and ground anchors.

Height. When referring to a Tower or structure, the distance measured from the pre-existing grade level to the highest point on the Tower or structure, even if said highest point is an Antenna or lightning protection device.

Lattice Tower. A guyed or self-supporting open frame structure that has three or four sides used to support telecommunications equipment.

Monopole Tower. A structure consisting of a single spire or pole, constructed without guy wires or ground anchors, used to support telecommunications equipment.

Nonconforming Structure. See definition of Nonconforming Use.

Nonconforming Use. Any facility/structure or land lawfully occupied by a use at the time of passage of this section or amendment thereto which does not conform after the passage of this section or an amendment thereto with the use regulations of the district in which it is situated.

Nonresidential Zoning District. CBD, CGN, CHV, I-1, or I-2 zoning districts.

Ordinance. The City of West Point Zoning Ordinance.

Person. Any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.

Repairs and Maintenance. The replacement or repair of any components of a Telecommunications Facility where the replacement is materially identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.

Residential Zoning District. R-1A, R-1, R-2, RPUD-1, and MXD-1 zoning districts.

Section. Section 20A of the City of West Point Zoning Ordinance entitled *Standards for Telecommunications Facilities*.

Separation. The minimum horizontal distance between two Towers.

Setback. The minimum horizontal distance between the lot or property line and the nearest front, side, or rear line of the facility/structure (as the case may be), or any covered projection.

Staff. The staff of the Department of Community Development of West Point, Georgia.

State. The State of Georgia.

Telecommunications. The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

Telecommunications Facility. A Tower, Antenna, or any and all buildings, structures, or other supporting equipment used in connection with a Tower or Antenna.

Tower. Any structure designed primarily to support an Antenna for receiving and/or transmitting a wireless signal.

Variance. A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section.

3. *General requirements for a Tower:*

- (a) The height limitations set forth in this Ordinance applicable to buildings and structures shall not apply to Towers which shall be governed by this section.
- (b) If a Tower is to be erected in an I-1 or I-2 zoning district and meets the requirements found in this section, Staff can process the building permit application.

If a Tower is to be erected in a zoning district other than I-1 and I-2, a tower permit must be obtained from the Board of Adjustment. In addition to standards required in this section, the following standards shall be considered by the Board of Adjustment prior to the approval of a permit for a tower:

- (1) Height of the proposed Tower.
- (2) Proximity of the Tower to residential structures and residential zoning districts, historical districts, parks, and designated nature preserve areas.
- (3) Nature of the uses on adjacent and nearby properties.
- (4) Surrounding topography.
- (5) Surrounding tree coverage and foliage.

- (6) Design of the Tower structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - (7) Availability of suitable existing Towers and other structures for co-location as defined in this section.
- (c) All new Towers or Antennas shall obtain a building permit prior to the construction or placement of such structures or facilities. A building permit shall not be approved for such Towers without prior approval of a tower permit if so required by this ordinance.
- (d) The application for a Tower shall include, but not be limited to, the following information:
- (1) A survey site plan drawn to scale by a professional licensed by the State of Georgia showing all property lines with dimensions, location of existing buildings and other structures, topography, location of setback lines or other dimensional requirements, proposed Tower location, Tower height, location of accessory structures to the Tower, proposed landscaping, neighboring uses, north arrow, and property street number;
 - (2) The coverage zone of the proposed Tower;
 - (3) A report, documented by the submission of a certification by a qualified engineer licensed by the State of Georgia, showing evidence of an engineering nature which demonstrates that no existing Tower or structure can accommodate the proposed Antenna(s). Said report shall include, but not be limited to, the following information:
 - i. No existing Towers or structures are located within the geographic area required to meet applicant's engineering requirements;
 - ii. Existing Towers or structures are not of sufficient height to meet applicant's engineering requirements;

- iii. Existing Towers or structures do not have sufficient structural strength to support applicant's proposed Antenna and related equipment;
 - iv. The applicant's proposed Antenna would cause electromagnetic interference with the Antenna on the existing Towers or structures, or the Antenna on the existing Towers or structures would cause interference with the applicant's proposed Antenna;
 - v. The fees, costs, or contractual provisions required by the owner in order to share an existing Tower or structure or to adapt an existing Tower or structure for sharing are unreasonable (costs exceeding new Tower development are considered to be unreasonable); or
 - vi. The applicant demonstrates that there are other limiting factors that render existing Towers and structures unsuitable; and
- (4) A report by a professional licensed by the State of Georgia explaining the process by which the subject site was chosen.
- (e) Shared usage of Towers and Antennas is encouraged, and Towers shall be designed to accommodate at least one (1) other entity to co-locate on such Towers.
 - (f) Accessory Facilities or Structures shall be limited to the restrictions described in the definition of Accessory Facilities or Structures found in the Definitions of the section.
 - (g) All Towers shall be equipped with an anti-climbing device to prevent unauthorized access and such Towers and related Accessory Facilities or Structures shall be enclosed by security fencing not less than six (6) feet in height.
 - (h) At the time of application for a building permit, the plans for the construction of a Tower shall be certified by an independent registered structural engineer licensed by the

State of Georgia as meeting all current safety and design standards of all applicable codes.

- (i) Towers are encouraged to locate in nonresidential areas where possible. Towers shall not be permitted within a single-family residential zoning district unless the applicant can show that the denial of a permit in such a location will cause a significantly harmful and permanent degradation of service which cannot be overcome by any other means including planned or potential locations which would provide the same or similar coverage or capacity.
- (j) Towers shall not be permitted in the CBD zoning district or any designated Historic District.
- (k) Lattice and Guy Towers shall be permitted only within the I-1 and I-2 districts.
- (l) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, Federal Communications Commission, or other applicable federal or state agency, be painted a neutral color or painted to match the existing structure so as to reduce visual obtrusiveness.
- (m) Towers shall not be artificially lighted unless required by the Federal Aviation Administration, Federal Communications Commission or other state or federal agency of competent jurisdiction. If lighting is required, the staff may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- (n) Towers shall not exceed a height required for a safe approach to any nearby airport as set forth by the Federal Aviation Administration.
- (o) If upon inspection or upon receipt of an engineer's report, the Building Official determines that an Antenna or Tower has not been utilized by any communications service provider for any communications-related purpose for a continuous period of twelve (12) consecutive months, such Antenna or Tower shall be considered abandoned and the owner shall remove the same within ninety (90) days of receipt of written notice from the city. If the Antenna or Tower is not removed within said ninety (90) days, the city

may proceed with removal of such Antenna or Tower and place a lien upon the property for the costs of such removal.

- (p) No advertising or signage is permitted on the Tower other than warning or equipment information.

4. *Action on Application; Appeals.*

- (a) The Board of Adjustment shall approve or deny an application for a tower permit within one hundred fifty (150) days of submission of a complete application. Any decision denying a request to place, construct or modify a telecommunications facility shall be in writing and supported by evidence contained within a written record.
- (b) Any applicant aggrieved by the decision of the Board of Adjustment under this ordinance may seek judicial review by filing for a writ of certiorari in the Superior Court of Troup County within thirty (30) days of the decision.

5. *General Requirements for a Co-location.* The applicant must submit two sets of accurate drawings including a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation including, but not limited to, the method of construction and attachment to the building or structure. Plans for Antenna construction shall be certified by an independent, registered structural engineer in the State of Georgia as meeting all current safety and design standards of all applicable federal, state, and city codes. The City shall approve or deny an application for a building permit for co-location within sixty (60) days of the filing of a complete application.

6. *Tower Setbacks, Height, and Separation.*

- (a) *Setbacks.* Towers erected in any zoning district shall be set back a distance equal to the full vertical height of the Tower from all adjoining property lines of a nonresidential zoning district and a distance of twice ($\times 2$) the height of the Tower from all property lines which adjoin a residential zoning district or any residential structure. For purposes of determining whether the installation of a Tower complies with setback requirements, the dimensions of the entire lot shall control, even though the

Tower may be located on leased parcels within such lots.

- (b) *Height.* Towers shall be limited to a height of two hundred (200) feet in an I-1 or I-2 zoning district, one hundred fifty (150) feet in a CGN or CHV zoning district, and one hundred twenty (120) feet in a R-1A, R-1, R-2, RPUD-1, and MXD-1 zoning district.
- (c) *Separation.* Towers shall be separated a distance equal to one-quarter ($\frac{1}{4}$) of a mile. (Excludes such Towers erected in the I-1 or I-2 zoning districts).

7. *Landscaping requirements.* Where adequate existing vegetation is not present, as determined by the city, Towers located in all zoning districts other than I-1 and I-2 shall have the base of the Tower and any Accessory Facilities or Structures to the Tower screened on all sides with a landscaped area having a minimum width of fifteen (15) feet. Said area shall be included in the setback and shall be planted with trees of an evergreen species capable of achieving a minimum height of twenty (20) feet at maturity so as to provide a visual barrier. Required plantings shall be a minimum of five (5) feet in height at the time of planting and placed outside of any required security fencing and shall be regularly maintained by the property owner(s) to ensure that the above objectives and standards are met.

8. *Nonconforming structures.* Any Telecommunications Facility existing on the date of the adoption of this section shall be considered a nonconforming structure and shall be required to follow the standards set forth in Section 23 of the of West Point Zoning Ordinance.

9. *Exemptions.* The following actions shall not require an application for a tower permit from the Board of Adjustment:

- (a) A single Tower seventy-five (75) feet in height or less owned and operated by a federally licensed amateur radio station operator shall be exempt from these requirements. However, the owner or operator of such Antenna shall be required to comply with all applicable city, state, and federal building codes.
- (b) Antennas attached to existing nonresidential structures are exempt from these requirements

except that such Antennas shall meet or exceed Federal Aviation Administration and Federal Communications Commission standards and shall be limited to ten (10) feet in height above an existing structure in the CBD zoning district or any designated Historic District and twenty (20) feet in height above an existing structure in all other zoning districts. Such nonresidential structures shall include buildings, light poles, water towers, church steeples, and other similar structures. Such Antennas shall not be attached to freestanding sign structures. Prior to placement, a building permit shall be obtained. Placement of Antennas or other communications equipment on any nonconforming use shall provide no vested right for continued use of the site should the nonconforming use cease.

- (c) Attachment of additional Antennas or transmission equipment to existing permitted Towers shall be exempt from these tower permit requirements so long as the height of said Tower is not increased; such equipment meets or exceeds Federal Aviation Administration and Federal Communications Commission standards; and a building permit is obtained prior to such attachment.
- (d) A Monopole Tower up to ninety (90) feet in height placed on nonresidential zoned sites shall be exempt from these requirements except that such Towers shall be set back a distance equal to the full vertical height of the Tower from all adjoining property lines of a nonresidential zoning district and a distance of twice ($\times 2$) the height of the Tower from all property lines which adjoin a residential zoning district or any residential structure. Such Towers shall be no closer than one-quarter ($\frac{1}{4}$) mile to any other Tower unless within the I-1 or I-2 zoning district and must obtain a building permit prior to construction.
- (e) Alternative Tower structures such as manmade trees, clock towers, bell steeples, flagpoles, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of Antennas or Towers shall be exempt from these

requirements. Such Towers shall obtain a building permit prior to construction.

- (f) Towers constructed on the governing authority's properties, facilities, or structures shall be exempt from these requirements. Telecommunications Facilities placed upon the governing authority's property shall be governed by a lease agreement between the governing authority and the provider.
- (g) Accessory Facilities or Structures.
- (h) Repairs and Maintenance.

10. *Variances.* Variances from this section may be applied for and granted in the same procedural manner as required by Section 26 of the City of West Point Zoning Ordinance."

SECTION 2:

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3:

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

SECTION 4:

This ordinance shall become effective immediately upon its adoption by the City Council.

READ AND ADOPTED _____

ATTEST:

A. Drew Ferguson, IV, Mayor

City Clerk

Joseph R. Downs, III, Councilmember

Gerald W. Ledbetter, Councilmember

Gloria R. Marshall, Councilmember

Sandra Thornton, Councilmember

Steve Tramell, Councilmember

Benjamin F. Wilcox, Councilmember