



City of Holly Springs

Date: Monday, August 7, 2023

Location: 3235 Holly Springs Pkwy

City Council Work Session Agenda 7:00 p.m., Council Chambers

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

“Veterans of U.S. military services may proudly salute the flag while not in uniform based on a change in the governing law on 25 July 2007.”

III. INVOCATION

IV. PUBLIC COMMENTS

V. NEW BUSINESS

- A. Discuss CUP-04-2023, Gurdev, Inc. dba TNT Package Store requests a conditional use permit for a Liquor Store Establishment for property located off of Holly Springs Parkway, Holly Springs, GA, tax parcel 081A of tax plat 15N15A

Presented By: Robert H. Logan, City Manager

- B. Discuss MA-12-2023, Blue River Development Acquisitions, LLC requests rezoning of 3.52 +/- acres located off of Marble Quarry Road, Holly Springs, GA, tax parcel 050C of tax plat 15N14 from TND, Traditional Neighborhood Development, to R-20, Single Family Residential

Presented By: Robert H. Logan, City Manager

- C. Discuss final branding of the Community Branding Initiative from the University of Georgia’s Carl Vinson Institute of Government

Presented By: Erin Honea, Communications & External Affairs Director

- D. Discuss the 2023 Comprehensive Plan Update Information
Presented By: Robert H. Logan, City Manager
- E. Discuss the Live Scan System maintenance agreement between Holly Springs Municipal Court and i3-SSI, LLC dba Synergistic Software Integrated
Presented By: Robert H. Logan, City Manager
- F. Discuss park rental fees
Presented By: Robert H. Logan, City Manager
- G. Discuss naming the park in the Taylors Farm Subdivision
Presented By: Robert H. Logan, City Manager
- H. Discuss the Davenport Public Finance engagement letter for financial advisory services
Presented By: Robert H. Logan, City Manager
- I. Discuss a resolution authorizing the reimbursement of project expenses for Urban Redevelopment projects
Presented By: Robert H. Logan, City Manager
- J. Discuss the Cherokee County Cooperation Agreement Amendment to include the HOME Program
Presented By: Robert H. Logan, City Manager
- K. Discuss the East Coast Grading, Inc. change order for patching of Hickory Road and Palm Street
Presented By: Robert H. Logan, City Manager
- L. Discuss a resolution to amend the adopted Municipal Services Master Fee Schedule
Presented By: Robert H. Logan, City Manager
- M. Discuss a resolution to amend the stormwater service fee rates
Presented By: Robert H. Logan, City Manager
- N. Discuss a resolution to authorize the City Manager and/or Finance Director to manage a Certificate of Deposit (CD)
Presented By: Robert H. Logan, City Manager
- O. Discuss two quitclaim deeds between Terri Norton and the City of Holly Springs, Georgia
Presented By: Robert H. Logan, City Manager

VI. ADJOURNMENT

City Council Special Called Meeting
Agenda
Immediately Following the Work Session

I. CALL TO ORDER

II. NEW BUSINESS

- A. Approve/deny final branding of the Community Branding Initiative from the University of Georgia's Carl Vinson Institute of Government
- B. Approve/deny the Davenport Public Finance Engagement Letter for financial advisory services and to ratify the City Manager's signature
- C. Approve/deny a resolution authorizing the reimbursement of project expenses for Urban Redevelopment projects currently estimated to be \$8,080,000
- D. Approve/deny the Cherokee County Cooperation Agreement Amendment to include the HOME Program and to ratify the Mayor's signature
- E. Approve/deny the East Coast Grading, Inc. change order for patching of Hickory Road and Palm Street in an amount not to exceed \$4,500 and to ratify the City Manager's signature
- F. Approve/deny a resolution to amend the adopted Municipal Services Master Fee Schedule

III. ADJOURNMENT

EXECUTIVE SESSION

- Real Estate



COUNCIL AGENDA REPORT

FROM: Nancy Moon

SUBJECT: CUP-04-2023, Gurdev, Inc. dba TNT Package Store requests a conditional use permit for a Liquor Store Establishment for property located off of Holly Springs Parkway, Holly Springs, GA, tax parcel 081A of tax plat 15N15A

DATE: August 1, 2023

COUNCIL MEETING DATE: August 7, 2023

STAFF ANALYSIS

Applicant, Gurdev, Inc. dba TNT Package Store, has requested a Conditional Use Permit (CUP-04-2023) for a Liquor Store Establishment, for property located on Holly Springs Parkway, parcel 081A of tax plat 15N15A. The property is zoned GC, General Commercial. The applicant proposes to utilize an existing structure that was the site of the former Rite Aid Pharmacy. See the attached location map and site plan. The applicant currently operates a liquor store within the Kroger Shopping Center and is planning to move the business to the proposed location. This is a separate parcel from the original location thus requiring the CUP.

Per Chapter 6 of the Code of the City of Holly Springs:

Sec. 6-36. - Location of business—Districts where permitted.

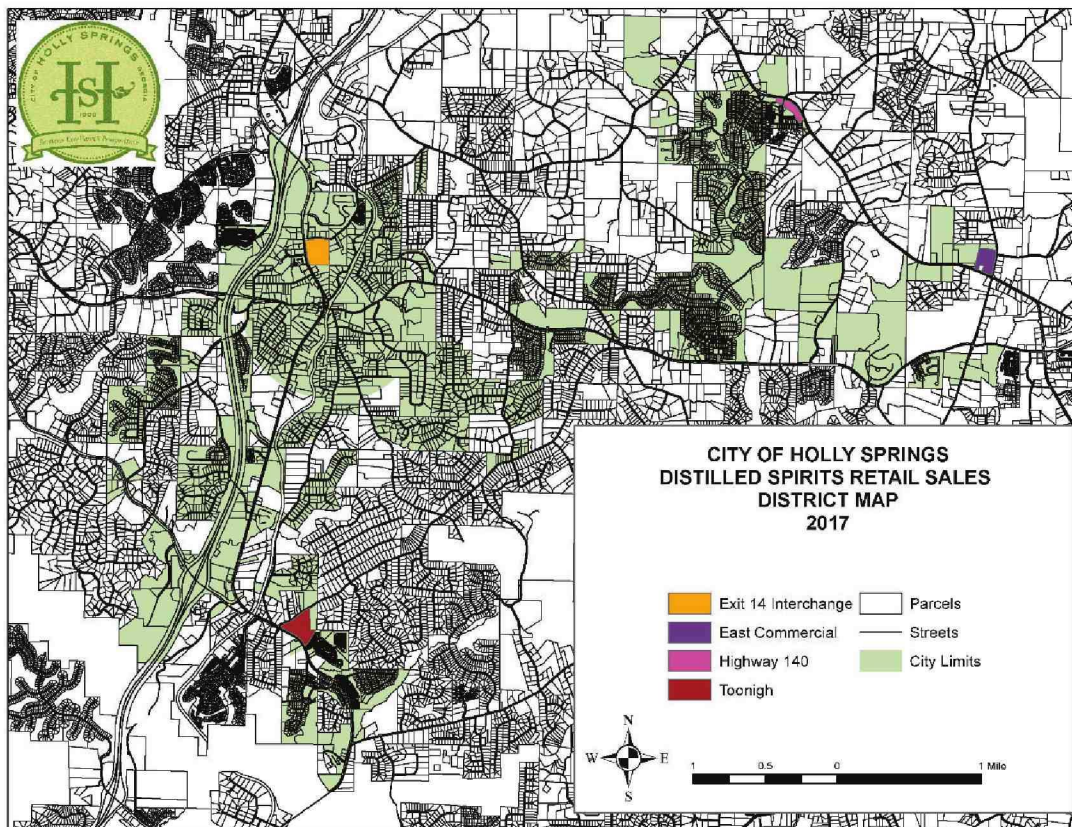
- (a) Package distilled spirits. No license to engage in retail sale of distilled spirits in package form shall be issued to any person for the operation of such business except within the areas known as distilled spirits retail sales district and have frontage along a major local street. However, a new license may be issued to a legally nonconforming location where a prior license was once valid, in the event that no intervening use occupied the specified location. An intervening use is defined as any use other than a "package store." Package stores shall not be non-conforming uses, as defined by the Holly Springs Zoning Ordinance. Should a package store cease operations, change ownership, lapse or fail to renew the occupation tax permit by the penalty deadline, receive a revocation of occupation tax permit or be closed under the provisions of this Code, completion of the application requirements of this Code shall be made anew and a new license shall be required to operate.

In addition to the other requirements of this chapter, state, and local codes, licenses for package stores shall only be issued under the following provisions:

- (1) Package store locations, known as "distilled spirits retail sales districts" are hereby created and illustrated on the map by the same name, attached hereto as Exhibit "A" and on file in the office of the administrator and chief of police.

- (2) Of the four districts illustrated on the map, only one package store shall be considered for license per district. Should a package store already exist in a district, a new license in the said district is ineligible.
 - (3) Together with the application, persons seeking a package store shall submit a letter from the property owner, stating that the use is acceptable and the lease will be granted or property conveyed, should the license be approved.
 - (4) Persons seeking to operate a package store must first demonstrate to the administrator and chief of police that the proposed establishment and owners meet the minimum requirements of this chapter as stated in [section 6-29](#). Upon demonstrating compliance with the provisions of this chapter, the proposed package store, if eligible, must apply for and receive a conditional use permit (CUP) from the city council, in accordance with the Holly Springs Zoning Ordinance. If the CUP is approved by city council, the persons seeking to operate a package store must then proceed through the alcohol licensing application process set forth in [section 6-29](#) et seq.
 - (5) Package store alcohol licenses and conditional use permits are non-transferable and shall not be considered non-conforming uses.
 - (6) The four districts illustrated on the map are aligned with planned commercial areas that the city council believes are appropriate areas for package stores to locate, however, this section and the districts illustrated are not intended to guarantee that a license will be issued or that the city manager is obligated to issue a license.
- (b) All licenses granted herein shall be further subject to O.C.G.A. 3-3-21, or as may be amended from time to time.

Exhibit A



A. Existing Land Use and Zoning Classification of Nearby Property

ADJACENT ZONING		ADJACENT DEVELOPMENT	
NORTH:	LI (County) GC (County)	NORTH:	Industrial and Commercial Businesses
SOUTH:	R-40 (County) GC	SOUTH:	Cemetery Shopping Center
EAST:	GC	EAST:	Shopping Center
WEST:	GC NC (County)	WEST:	Advance Auto Commercial/Office

B. Zoning Proposal Review Standards; Study Required for Amendment

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property?

This property is currently zoned GC and is located within a Distilled Spirits Retail Sales District. The use proposed is allowed by the issuance of a Conditional Use Permit in the GC zoning district. The proposed location will replace the liquor store currently in operation within this district.

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property?

Adjacent and nearby properties include a shopping center with commercial and office uses, bakery, retail auto parts store, single-family residences, the existing liquor store, and a number of other commercial and industrial properties. The change of location for the existing liquor store will not adversely affect adjacent or nearby properties.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned?

The property is zoned GC and this use is an allowed use subject to the conditional use permit approval. As currently zoned, all permitted uses within the GC zoning district would be allowed subject to the zoning stipulations already placed on the property. The proposed location is within an already approved Distilled Spirits Retail Sales District.

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, public safety, or schools?

This request will not result in a use that would cause an excessive or burdensome use of utilities, streets, or other public services. Since the use is currently in place on the adjacent property, additional impacts should be minimal. It will have no impact on the local school system.

5. Whether the zoning proposal is in conformity with the policy and intent of the adopted Future Development Map (FDM) and Future Land Use Map (FLUM)?

This property is planned for development within the Parkway Corridor character area. This character area follows Holly Springs Parkway and also encompasses land around interchanges of I-575. The Parkway Corridor is intended to provide primarily a commercial service function, i.e., retail sales, services, and offices, while maintaining quality development standards and sensitive transition to the Holly Springs Town Center. It also includes a high-density multi-family residential component.

Application: Existing and new commercial and high density multi-family residential

Primary Future Land Uses: office, retail, service, high density multi-family residential

Zoning Districts: HDMFR, PD-C, NC, GC, OI, GV

6. Whether the zoning proposal is in conformity with the policies, objectives, and vision set forth by the Community Agenda (Comprehensive Plan) and other adopted policy documents?

The conditional use permit request is in conformity with the policies and intent of the Comprehensive Plan. The request is consistent with the City's "Future Land Use Map" which projects commercial uses for the immediate area. Furthermore, the proposal is in compliance with the vision and objectives of the Community Agenda, primarily as follows:

- a) **Commercial Uses. Use the character areas and the Future Land Use Map (FLUM) to guide commercial growth and expansion for office/institutional, general commercial, and industrial opportunities (8.1, #1).**
- b) **Conditional Uses. Continue to regulate the designated conditional uses, to protect the health, safety, welfare, natural environment, and character of the City of Holly Springs. Revise and expand conditional uses in the future as determined by Mayor and Council (8.1, #13).**

7. Whether an impact is expected on the environment, including, but not limited to, drainage, soil erosion, and sedimentation, flooding, air quality, and water quality and quantity?

Development of the property will be limited to renovation of the interior of the building.

8. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?

This area has remained relatively stable with the existing business in place for a number of years. In addition, new businesses have been developing within this area.

C. Conditional Use Proposal Review Standards

Under Attachment B in the application, the City asks each CUP applicant to complete 16 questions related to the proposed use. The applicant has completed these questions and they are attached in the Conditional Use Permit application.

The Conditional Use Permit for a Liquor Store Establishment requires the following regulations:

5.4-29 Liquor Store. Liquor Store means any establishment that exclusively sells alcoholic beverages in unbroken packages at retail only to consumers and not for resale or for consumption on the premises. Shall not include grocers or convenience stores that incidentally retail alcoholic beverages in unbroken packages. The purpose of this Section is to establish reasonable and uniform regulations for the location, development, and operation of Liquor Stores within the City of Holly Springs and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit sufficient evidence to demonstrate compliance with Chapter 6 of the Code of the City of Holly Springs.

D. Summary

The proposed conditional use permit request for a Liquor Store Establishment is an allowed use within the GC, General Commercial zoning district, subject to compliance with the applicable regulations. Permitting the liquor store to move from the adjacent shopping center to the proposed site should have few impacts to the area.

E. Planning Commission Recommendation

The Planning Commission conducted a public hearing on July 13, 2023. An area resident was concerned of the prominent location and the association between alcohol and violent crimes. A letter was received prior to the meeting citing the issues of drunk driving, spousal abuse, and killing. Planning Commission voted to recommend **APPROVAL (5-0)** of the **Conditional Use Permit** for a **Liquor Store Establishment**.

F. Staff Recommendation

Based on the preceding analysis, Staff recommends **APPROVAL** of the **Conditional Use Permit** (CUP-04-2023) for a **Liquor Store Establishment** with the following stipulations:

1. Any improvements to the sight lighting shall be environmentally sensitive, with developer making every effort to ensure that lighting is as unobtrusive as possible, utilizing fully-shielded LED lamps in compliance with the International Dark Sky Association, or equivalent organization.
2. In addition to the zoning requirements of the GC zoning district, any improvements to the site shall follow the design guidelines as outlined in the Holly Springs Zoning Ordinance, Article 19, Design Guidelines for Model Zoning Districts, as well as, the design of the Holly Springs LCI Project 0008961, Pedestrian Improvements.
3. The proposed liquor store shall demonstrate compliance with Chapter 6 of the Code of the City of Holly Springs prior to issuance of the Alcohol License.

*** The recommendations made herein are the opinions of the City of Holly Springs Staff and do not constitute a final decision. The Holly Springs City Council makes the final decision on all rezoning applications at their regularly scheduled meeting. Any site plan submitted as a part of this application is not considered approved and must go through the normal civil site plan review by the City of Holly Springs Community Development Department to ensure compliance with City regulations.*



CUP-04-2023 Location Map

Legend

—+—+— Railroad

— Streams

— Streets

ZONING

AG- Agricultural

R-80- Estate Residential

R-40- Single Family Residential Estate

R-20- Single Family Residential

RD-20- Single Family and Duplex

RD-3- Single Family Residential

PUD- Planned Unit Development

TND- Traditional Neighborhood Development

PDR- Planned Development Residential

HDMFR- High Density Multi-Family Residential

GC- General Commercial

NC- Neighborhood Commercial

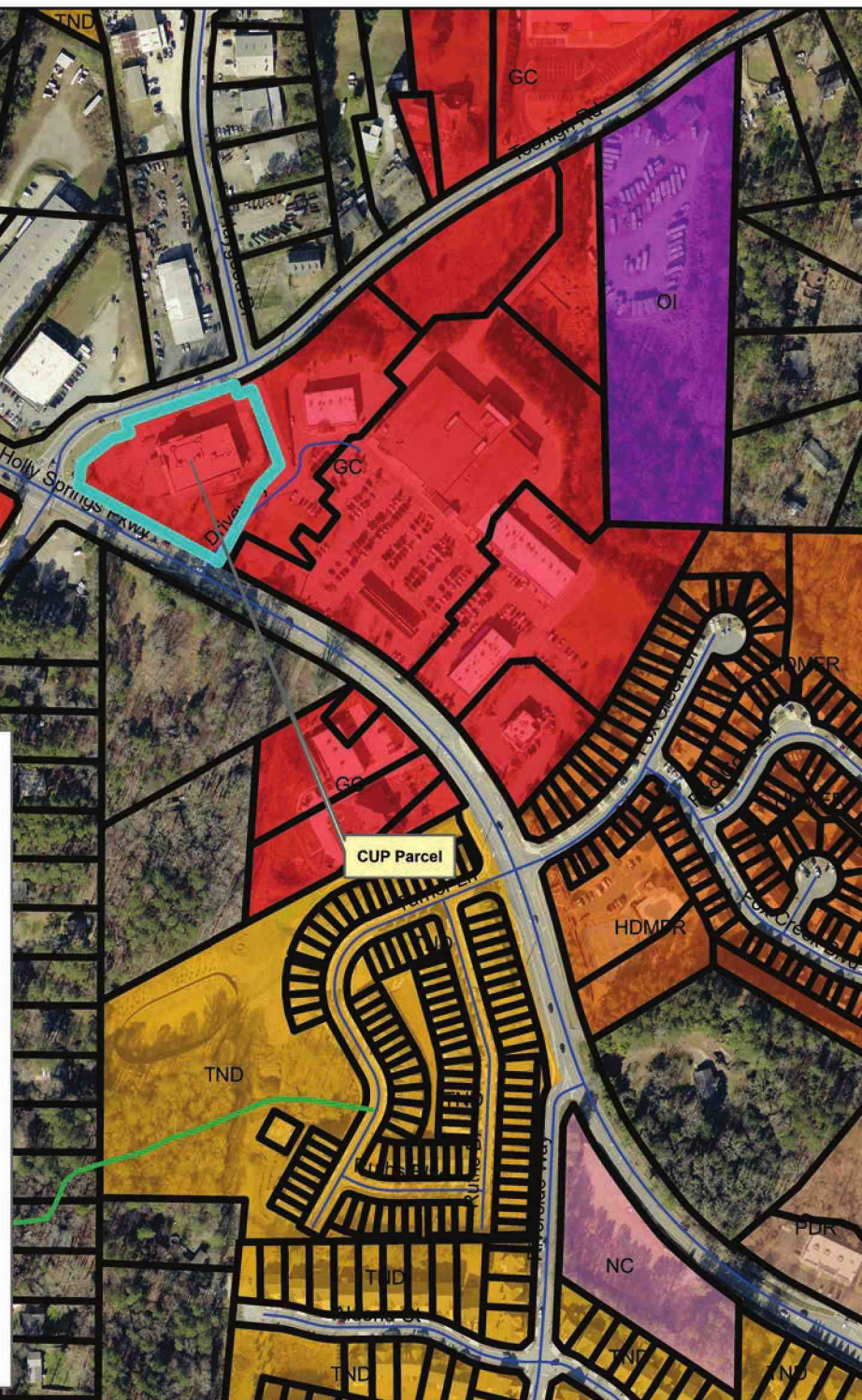
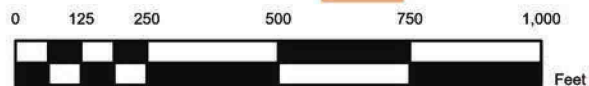
OI- Office Institutional

GV- Governmental

LI- Light Industrial

MXD- Mixed Use Overlay

Parcels June 2023



**MAP AMENDMENT (REZONING) AND CONDITIONAL USE PERMIT APPLICATION**

Adopted by Mayor and Council on February 23, 2006

For Application Procedures, See p. 8



APPLICATION MA-_____

APPLICATION CUP- 04-2023

HEARING DATE _____

DATE OF APPLICATION _____

APPLICANT Gurdev, Inc. d/b/a TNT Package StoreOWNER Ranvir, Inc.*

(If other than applicant)

ADDRESS 5329 Old Highway 5Holly Springs, GAADDRESS 5343 Old Highway 5, Suite BHolly Springs, GAZIP CODE 30188 PHONE (770) 591-5524ZIP CODE 30188 PHONE (404) 759-3314EMAIL maneet_1@hotmail.com

SIGNATURE _____

SIGNATURE _____

APPLICANT OR REPRESENTATIVE MUST ATTEND MEETING OR APPLICATION WILL NOT BE CONSIDEREDPRESENT ZONING DISTRICT(S) GCREQUESTED ZONING DISTRICT N/AREQUESTED CONDITIONAL USE(S) Retail liquor storePROPERTY LOCATION/ADDRESS 5329 Holly Springs Pkwy, Holly Springs, GA 30188MAP NUMBER 15N15A 081 APARCEL NUMBER(S) 15-0632-0018LAND LOT(S) 0632DISTRICT(S) 15 SECTION(S) _____ACREAGE 1.6653 SEWAGE DISPOSAL TYPE Public UTILITIES AVAILABLE Yes

DESCRIPTION OF PROPOSED DEVELOPMENT AND/OR CONDITIONAL USE REQUEST: _____

Retail liquor store with malt beverages, wine, and distilled spirits sales (converting from a former Walgreens retail store)**(COMPLETE ON ATTACHED PAPER IF NECESSARY)**

The following information must be provided with completed application:

- ☒ WARRANTY DEED
- ☒ TAX DOCUMENTATION
- ☒ SURVEY PLAT BY REGISTERED SURVEYOR
- ☒ 10 COPIES OF SITE DEVELOPMENT PLAN BY REGISTERED SURVEYOR INDIVIDUAL FOLDED TO 8.5"x11" (SEE p.7 FOR REQUIREMENTS)
- ☒ CAMPAIGN CONTRIBUTION DISCLOSURE STATEMENT (ATTACHMENT A)
- ☒ FOR CONDITIONAL USE REQUESTS, COMPLIANCE WITH SECTION 5.4
- ☒ FOR CONDITIONAL USE REQUESTS, COMPLETE ATTACHMENT B
- ☒ FILING FEE\$ 500.00 RECEIPT# _____ CHECK# 31097

(APPLICANT DO NOT WRITE BELOW THIS LINE)**PLANNING COMMISSION RECOMMENDATION:**

APPROVED _____ STIPULATIONS _____

DISAPPROVED _____ TABLED _____

CITY COUNCIL DECISION:

APPROVED _____ STIPULATIONS _____

DISAPPROVED _____ TABLED _____



MAP AMENDMENT (REZONING) AND CONDITIONAL USE PERMIT APPLICATION

Adopted by Mayor and Council on February 23, 2006

For Application Procedures See p. 8



APPLICATION MA- _____ APPLICATION CUP- _____

HEARING DATE _____ DATE OF APPLICATION _____

APPLICANT Gurdev, Inc db/a/ TNT Package Store OWNER Chingis, LLC
(If other than applicant) _____

ADDRESS 5329 Old Highway 5 ADDRESS 100 West 57th Street, Suite 7C
Holly Springs, GA New York, NY

ZIP CODE 30188 PHONE (770) 591-5524 ZIP CODE 10019 PHONE (404) 759-3314

EMAIL manect_1@a@hotmail.com

SIGNATURE _____ SIGNATURE Sirima Tang

APPLICANT OR REPRESENTATIVE MUST ATTEND MEETING OR APPLICATION WILL NOT BE CONSIDERED

PRESENT ZONING DISTRICT(S) GC REQUESTED ZONING DISTRICT _____

REQUESTED CONDITIONAL USE(S) Retail liquor store

PROPERTY LOCATION/ADDRESS 5329 Holly Springs Pkwy, Holly Springs, GA 30188

MAP NUMBER 15N15A 081 A PARCEL NUMBER(S) 15-0632-0018

LAND LOT(S) 0632 DISTRICT(S) 15 SECTION(S) Yes

ACREAGE 1.6653 SEWAGE DISPOSAL TYPE Public UTILITIES AVAILABLE _____

DESCRIPTION OF PROPOSED DEVELOPMENT AND/OR CONDITIONAL USE REQUEST: _____
Retail liquor store with malt beverage, wine, and distilled spirits sales (converting from a former Walgreens retail store)

(COMPLETE ON ATTACHED PAPER IF NECESSARY)

The following information must be provided with completed application:

- ☒ WARRANTY DEED
- ☒ TAX DOCUMENTATION
- ☒ SURVEY PLAT BY REGISTERED SURVEYOR
- ☒ 10 COPIES OF SITE DEVELOPMENT PLAN BY REGISTERED SURVEYOR
INDIVIDUAL FOLDED TO 8.5"x11" (SEE p 7 FOR REQUIREMENTS)
- ☒ CAMPAIGN CONTRIBUTION DISCLOSURE STATEMENT (ATTACHMENT A)
- ☒ FOR CONDITIONAL USE REQUESTS, COMPLIANCE WITH SECTION 5.4
- ☒ FOR CONDITIONAL USE REQUESTS, COMPLETE ATTACHMENT B
- ☒ FILING FEE \$ 500.00 RECEIPT# _____ CHECK# _____

(APPLICANT DO NOT WRITE BELOW THIS LINE)

PLANNING COMMISSION RECOMMENDATION:		CITY COUNCIL DECISION:	
APPROVED _____	STIPULATIONS _____	APPROVED _____	STIPULATIONS _____
DISAPPROVED _____	TABLED _____	DISAPPROVED _____	TABLED _____

Application Information

Please print or type answers, using additional paper or a separate sheet of paper, if necessary.

(1) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property? Yes. Gurdev, Inc. currently holds City of Holly Springs and State of Georgia alcoholic beverage licenses for its liquor store located at 5343 Old Highway 5 #305, Holly Springs, GA 30188, which is 725 feet from the subject property. Gurdev, Inc. wishes to move its existing store to the subject property.

(2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property? No. Gurdev, Inc. currently operates a retail liquor store 725 feet away from the subject property. The subject property is a former Walgreens store, accordingly, the use of the property will continue to be retail. The subject property is zoned GC. The purpose of the GC zoning is to utilize the City's major transportation arteries whereby motorists can be easily served by direct access to business and commercial uses.

(3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned? Yes. The subject property is zoned General Commercial. Applicant is not seeking to change the zoning of the subject property and intends to continue a retail use.

(4) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, public safety, or schools? No. Gurdev, Inc. currently operates a retail liquor store within 725 feet of the subject property. The subject property will continue to be used for retail sales.

(5) Whether the zoning proposal is in conformity with the policy and intent of the adopted Future Development Map (FDM) and Future Land Use Map (FLUM)? Yes

(6) Whether the zoning proposal is in conformity with the policies, objectives, and vision set forth by the Community Agenda (Comprehensive Plan) and other adopted policy documents? Yes. The request is for a retail liquor store, which is a retail use. The subject property is located in the General Commercial zoning district. This zoning district permits commercial, retail uses. The subject property is a former Walgreens store. As applicant intends to transfer its business from its existing location to the subject property, only one (1) liquor store will continue to be located in the subject distilled spirits retail sales district.

Complete the following section, if applicable.

Residential N/A

Minimum house size: _____ sq. ft.

Exterior façade: _____

Maximum number of units: _____

Anticipated start date: _____

Anticipated completion date: _____

Commercial

Number of buildings: 1

Maximum square footage: 13,793 sq. ft.

Number of stories: 1

Total number of employees: 4

Exterior façade: Brick

Anticipated start date: November 2023, subject to approval of alcoholic beverage license applications.

Anticipated completion date: N/A

**City of Holly Springs Conditional Use Permit Application of
Gurdev, Inc. d/b/a TNT Package Store
5329 Old Highway 5, Holly Springs, GA 30188
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Exhibit A - Attachment B

1. Please verify that the proposed use complies with all of the additional stipulations by use, if any, as set forth by Section 5.4, Article 5.
 - a. The proposed conditional use for the above referenced property is in adherence to all stipulations set forth by Section 5.4, Article 5. Please see attached Exhibit A1 for a copy of the City of Holly Springs alcohol license application previously filed with the City of Holly Springs in 2005 and subsequently approved. Other than the property related information, Applicant's new alcohol license application will not change
2. State the proposed business name, brand, flag, and/or franchise.
 - a. Gurdev, Inc. d/b/a TNT Package Store
3. Explain in detail what services the proposed conditional use business will provide.
 - a. Retail liquor store with package malt beverage, wine, and distilled spirits sales.
4. Has a business plan or model been completed for this proposed conditional use business?
 - a. Yes, as this is a transfer of location for an existing liquor store 725 feet away in the City of Holly Springs. Other than the address and larger size, the business model used at the existing liquor store will be adopted to the subject property.
5. Why was this specific location chosen for this proposed establishment?
 - a. Location was chosen for the benefit of the customer base as the subject property is walking distance from the Applicant's current location. Applicant intends to close its current liquor store. Additionally, the property located at 5329 Old Highway 5, Holly Springs, GA 30188 is currently under contract for purchase by a related business of Gurdev, Inc.
6. What is the projected date that the proposed conditional use business will open?
 - a. Estimated opening date of November 2023.
7. How many employees are expected to work at the proposed conditional use business?
 - a. Four (4) full time employees
8. What are the expected hours of operation for the proposed conditional use business?
 - a. Monday – Thursday: 9:30 AM – 10:00 PM;
 - b. Friday – Saturday: 9:30 AM – 11:00 PM; and
 - c. Sunday: 12:30 PM – 7:00 PM.

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Gurdev, Inc. d/b/a TNT Package Store
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9. What licensing requirements, if any, are mandated by the state for this business to operate? Do the proprietors of this business already possess these credentials?
 - a. Gurdev, Inc. must comply with the City of Holly Springs and state law/regulations pertaining to alcoholic beverages, including obtaining alcoholic beverage licenses.
 - b. Gurdev, Inc. currently holds City of Holly Springs and state alcoholic beverage licenses at its existing store, which is located at 5343 Old Highway 5, #305, Holly Springs, GA 30188.
10. Does the proposed conditional use business conform with the nearby uses already in existence?
 - a. Yes. The subject property is located in the General Commercial zoning district and is surrounded by existing commercial uses. Gurdev, Inc. currently operates a retail liquor store within 725 feet of the proposed new store. The existing liquor store will close contemporaneously with the opening of the new retail liquor store on the subject property.
11. Was a feasibility study conducted that provides evidence that the local market demands such a business use? Or is such a study available?
 - a. No; however, Gurdev, Inc. currently operates a successful retail liquor store within 725 feet of the proposed new store on the subject property.
12. Will the proposed conditional use business create a nuisance or disturbance to nearby or adjacent properties?
 - a. No
13. Is the proposed conditional use business a service that is similar or will overlap a nearby establishment already in existence?
 - a. Yes. Gurdev, Inc. currently operates a retail liquor store within 725 feet of the proposed new store. Upon approval of the Conditional Use Permit application, completion of an interior renovation, and issuance of the City of Holly Springs and state alcoholic beverage licenses for the new subject property, Gurdev, Inc. will close its current location.
14. Will the services provided by the proposed conditional use business complement and correspondent well with the intended character of the respective zoning district area?
 - a. Yes. Gurdev, Inc. currently operates a retail liquor store within 725 feet of the proposed new store.
15. Will the business have adequate facilities and parking to accommodate the proposed use?
 - a. Yes. The building is a former Walgreens retail store with 65 parking spaces.

**City of Holly Springs Conditional Use Permit Application of
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16. If in the Neighborhood Commercial District (NC), could nearby neighborhood residents and local pedestrians be expected to frequent this proposed business establishment without the use of an automobile?
- a. N/A

Respectfully, out of an abundance of caution, to preserve Applicant's right to appeal a decision of the City, Applicant asserts the following objections. Should the City Council deny this request for the conditional use permit, such action would violate Art. I, Sec. I, Par. I of the Constitution of Georgia and the Fifth and Fourteenth Amendments to the U. S. Constitution, on grounds that such action would constitute an abuse of the police power, in that the action would bear no substantial relation to the public health, safety, morality or general welfare; hence, it would constitute a deprivation of property without due process of law. Such action would constitute an arbitrary and capricious act by the City Council without any rational basis. The denial of the request would result in relatively little gain or benefit to the public, while inflicting serious injury or loss on the Applicant and, therefore, would be confiscatory and void.

Further a denial of this request for a conditional use permit would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Art. I, Sec. II, Par. III of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Any approval of this request for conditional use permit which is different from the conditions which the Applicant has incorporated into its Application, if any, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act and would, likewise, violate each of the provisions of the state and federal constitutions set forth hereinabove.

Also, the Zoning Ordinance of the City of Holly Springs, in its current form, including, without limitation, the procedure and standards of review of the Planning and Zoning Commission and the City Council, is unconstitutional and violates the Fifth and Fourteenth Amendments of the U.S. Constitution and the Due Process Clause of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States on the following grounds:

- a) To the extent that a time limitation is placed upon the Applicant at the hearing before the Planning and Zoning Commission or the City Council, such time limitation does not afford the Applicant with a fair opportunity to cross examine adversarial witnesses;
- b) To the extent that a time limitation is placed upon the Applicant at the hearing before the Planning and Zoning Commission or the City Council, such time limitation does not afford the Applicant with a fair opportunity to completely present all of its evidence in support of its Application; and

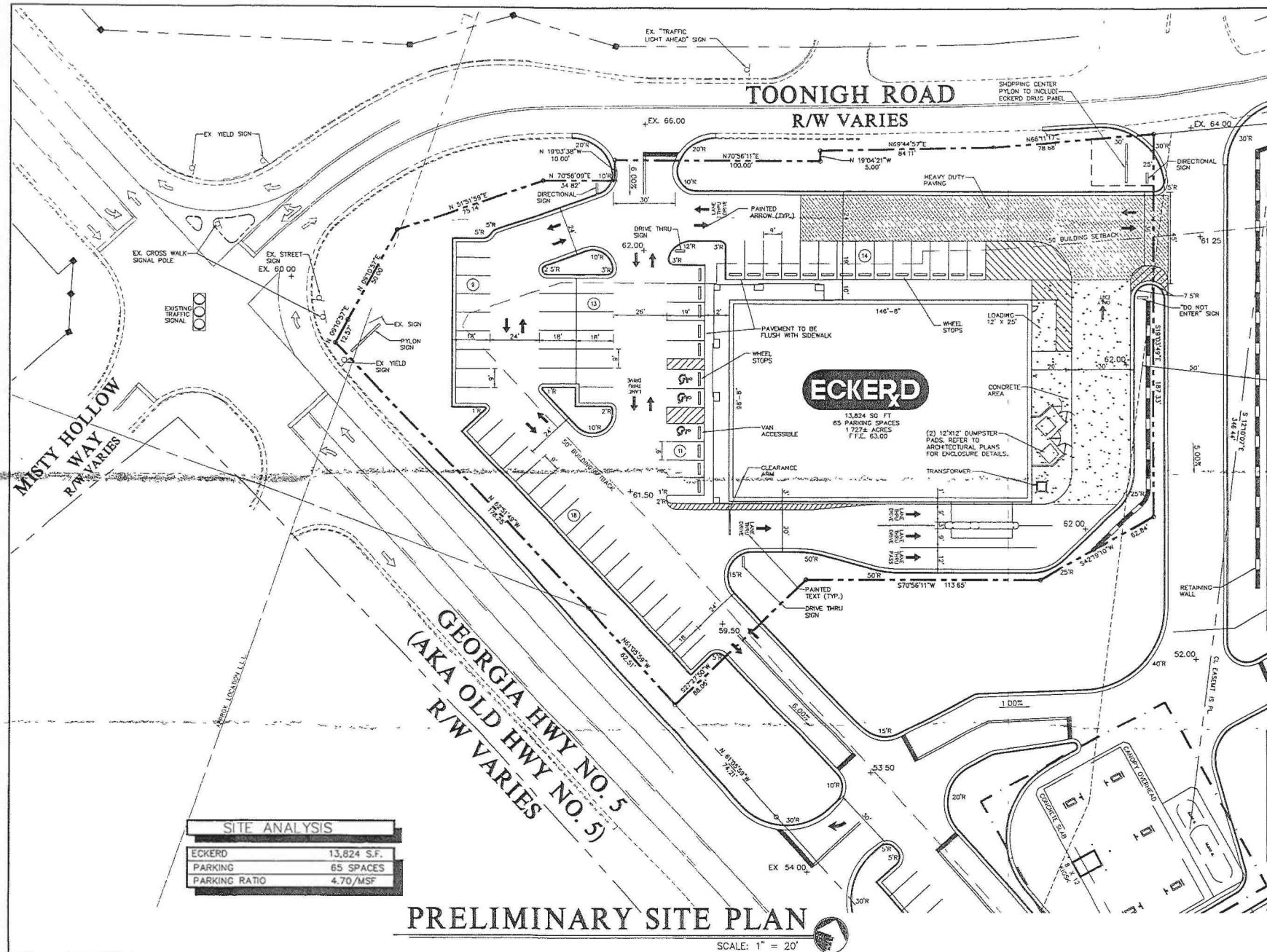
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- c) The Zoning Ordinance does not contain an appropriate standard of review for the Planning and Zoning Commission and City Council to consider requests for conditional use permits of this nature.

PROJECT:
PROPOSED
ECKERD
CANTON HIGHWAY &
TOONIGH ROAD
HOLLY SPRINGS
GEORGIA

**COMMERCIAL
SITE
DEVELOPMENT**
5115 OLD ELLIS POINTE
ROSWELL, GEORGIA
(770) 772-4093

2001287PS1.DWG 10.01.01

PRELIMINARY
SITE
PLAN PS 1



COUNCIL AGENDA REPORT

FROM: Nancy Moon

SUBJECT: **MA-12-2023**, Blue River Development Acquisitions, LLC requests rezoning of 3.52 +/- acres located off of Marble Quarry Road, Holly Springs, GA, tax parcel 050C of tax plat 15N14 from TND, Traditional Neighborhood Development, to R-20, Single Family Residential

DATE: August 1, 2023

COUNCIL MEETING DATE: August 7, 2023

STAFF ANALYSIS

Applicant, Blue River Development Acquisitions, LLC, has requested rezoning of 3.52+/- acres, tax parcel 050C of tax plat 15N14, from TND, Traditional Neighborhood Development to R-20, Single Family Residential. This property, located on Marble Quarry Road, was rezoned as part of the Charlotte's Ridge development in 2019 from R-20 to TND. Although rezoned to TND, this portion of the property was restricted to being developed under the R-20 zoning standards. The main part of Charlotte's Ridge was developed by a separate company and is located on the northeast side of Marble Quarry Road. The portion of the project located on the southeast side of Marble Quarry was originally restricted to a maximum of 5 units. A home already existing on the property was subdivided from the original and sold. The remaining 3.52+/- acres is being requested to rezone back to the R-20 zoning district for the development of three lots resulting in only four total lots instead of the five as originally planned. The applicant proposes to subdivide and construct a residential development consisting of three single-family residential homes on this property.

A. Planning Commission Recommendation:

The Planning Commission conducted a public hearing on July 13, 2023. There were no public comments. Planning Commission voted to recommend **APPROVAL** (5-0) with staff stipulations to **REZONE** the property to **R-20, Single Family Residential**.

B. Staff Recommendation

Staff recommends **APPROVAL** to rezone 3.52+/- acres, to **R-20, Single Family Residential**, with the following stipulations:

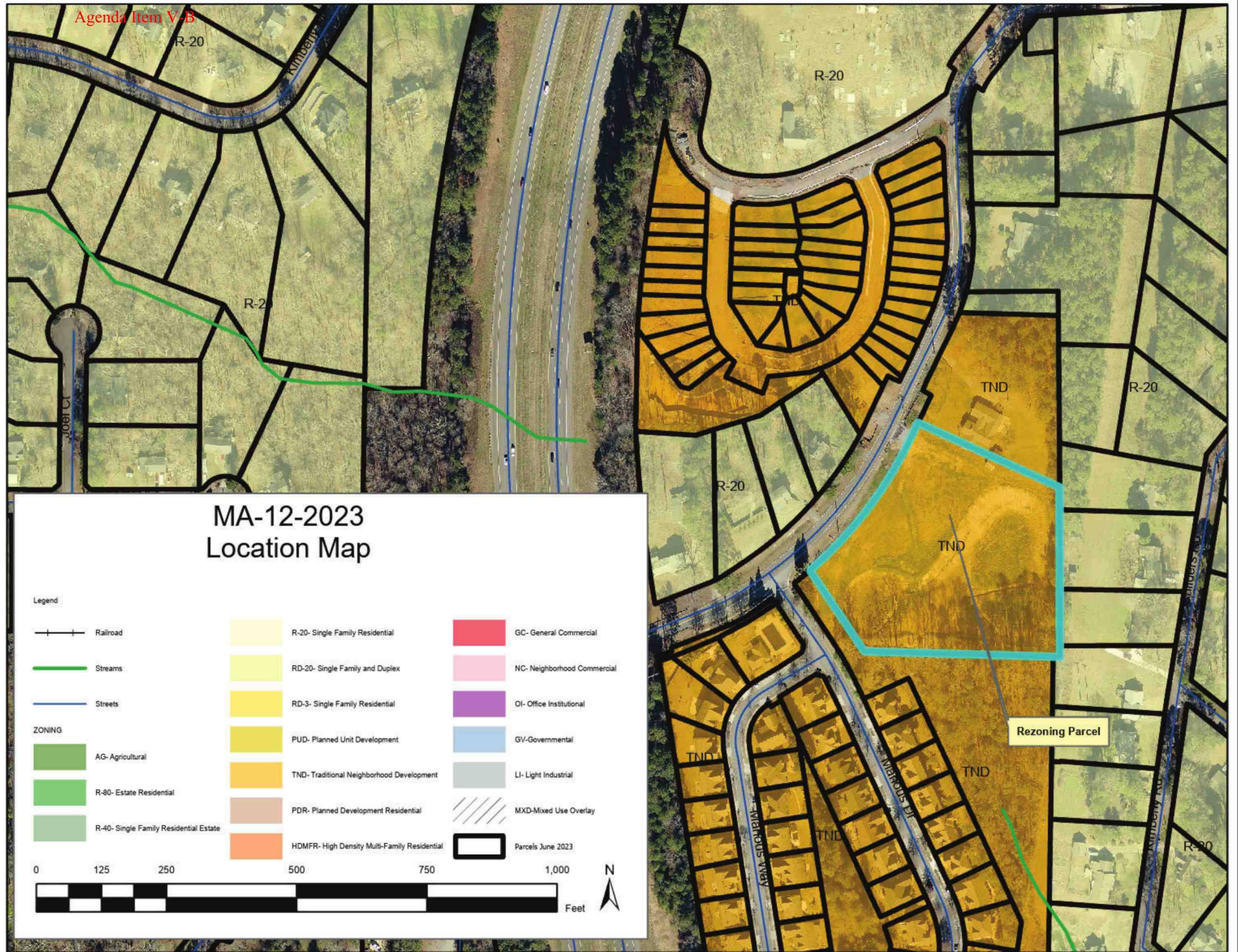
1. Development shall be limited to a maximum of three (3) single-family residential fee simple lots and shall be owner-occupied with no rental of the property being permitted.
2. The architectural style shall be of craftsman type and the exterior facade shall consist of brick, stone, stacked stone, cedar shake type and/or Hardi-plank and combinations thereof, one of which must be brick or stone, and follow the design guidelines as outlined in the

Holly Springs Zoning Ordinance, Article 19, Design Guidelines for Model Zoning Districts.

3. Gutters shall blend with the architectural style of the buildings, consistent with the master covenants as established by the master association.
4. All construction and employee vehicles and equipment shall be parked, and otherwise located, on the property during development of infrastructure and construction of residences and shall not be parked on or along Marble Quarry Road. There shall be no stacking of vehicles along any roadway waiting for entry onto the property.

*** The recommendations made herein are the opinions of the City of Holly Springs Staff and do not constitute a final decision. The Holly Springs City Council makes the final decision on all rezoning applications at their regularly scheduled meeting. Any site plan submitted as a part of this application is not considered approved and must go through the normal civil site plan review by the City of Holly Springs Community Development Department to ensure compliance with City regulations.*

Agenda Item V-B





MAP AMENDMENT (REZONING) AND CONDITIONAL USE PERMIT APPLICATION

Adopted by Mayor and Council on February 23, 2006

For Application Procedures, See p. 8

APPLICATION MA- 12-2023 APPLICATION CUP- _____

8/21/2023 - MCC

HEARING DATE 7/27/2023 - PC

DATE OF APPLICATION _____

APPLICANT Blue River Development
Acquisitions, LLC

OWNER same as applicant
(If other than applicant) _____

ADDRESS 3810 Windermere Pkwy, Suite 504
Cumming, GA

ADDRESS _____

ZIP CODE 30041 PHONE 678-488-0380

ZIP CODE _____ PHONE _____

EMAIL meshkaty@blueriverdevelopment.com

SIGNATURE [Signature]

SIGNATURE [Signature]

APPLICANT OR REPRESENTATIVE MUST ATTEND MEETING OR APPLICATION WILL NOT BE CONSIDERED

PRESENT ZONING DISTRICT(S) TND

REQUESTED ZONING DISTRICT R-20

REQUESTED CONDITIONAL USE(S) _____

PROPERTY LOCATION/ADDRESS 1631 Marble Quarry Road

MAP NUMBER _____

PARCEL NUMBER(S) TIN: 15N14 050 C
PIN: 15-0346-0015

LAND LOT(S) 0346

DISTRICT(S) 15 SECTION(S) 2nd

ACREAGE 3.52 SEWAGE DISPOSAL TYPE Gravity Sewer UTILITIES AVAILABLE Yes

DESCRIPTION OF PROPOSED DEVELOPMENT AND/OR CONDITIONAL USE REQUEST:

Rezoning of existing TND single family detached lots to
R-20 single family detached use.

(COMPLETE ON ATTACHED PAPER IF NECESSARY)

The following information must be provided with completed application:

- ☒ WARRANTY DEED
- ☒ TAX DOCUMENTATION
- ☒ SURVEY PLAT BY REGISTERED SURVEYOR
- ☒ 10 COPIES OF SITE DEVELOPMENT PLAN BY REGISTERED SURVEYOR
- ☒ INDIVIDUAL FOLDED TO 8.5"x11" (SEE p.7 FOR REQUIREMENTS)
- ☒ CAMPAIGN CONTRIBUTION DISCLOSURE STATEMENT (ATTACHMENT A)
- ☒ FOR CONDITIONAL USE REQUESTS, COMPLIANCE WITH SECTION 5.4
- ☒ FOR CONDITIONAL USE REQUESTS, COMPLETE ATTACHMENT B
- FILING FEES\$ _____ RECEIPT# _____ CHECK# _____

(APPLICANT DO NOT WRITE BELOW THIS LINE)

PLANNING COMMISSION RECOMMENDATION:

APPROVED _____ STIPULATIONS _____

DISAPPROVED _____ TABLED _____

CITY COUNCIL DECISION:

APPROVED _____ STIPULATIONS _____

DISAPPROVED _____ TABLED _____

Geocortex Essentials Parcel Report Cherokee County, GA

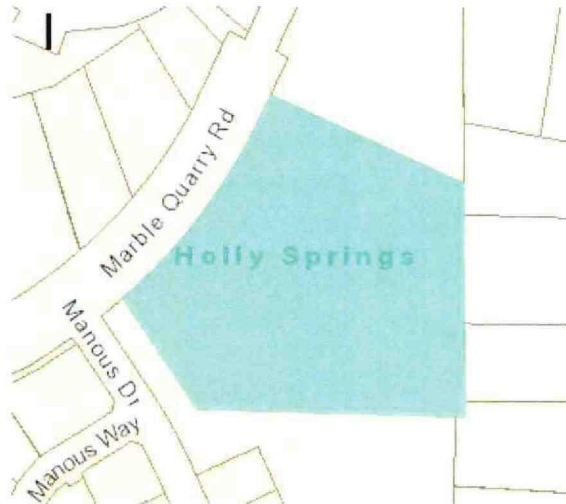
TIN: 15N14 050 C

Report generated 6/29/2023 12:59:33 PM



Vicinity Map

1: 18,888.49



Tax parcel highlighted in cyan

1: 3,060.56

Tax Parcel Information

Owner: BLUE RIVER DEV ACQUISITIONS LLC

Property Address: 1631 Marble Quarry Rd, Canton 30115

Subdivision: Douglas L. Bailey

TIN: 15N14 050 C

PIN: 15-0346-0015

Mailing Address: 3810 WINDMERE PW STE 504, CUMMING, GA 30041

Acreage: 3.52

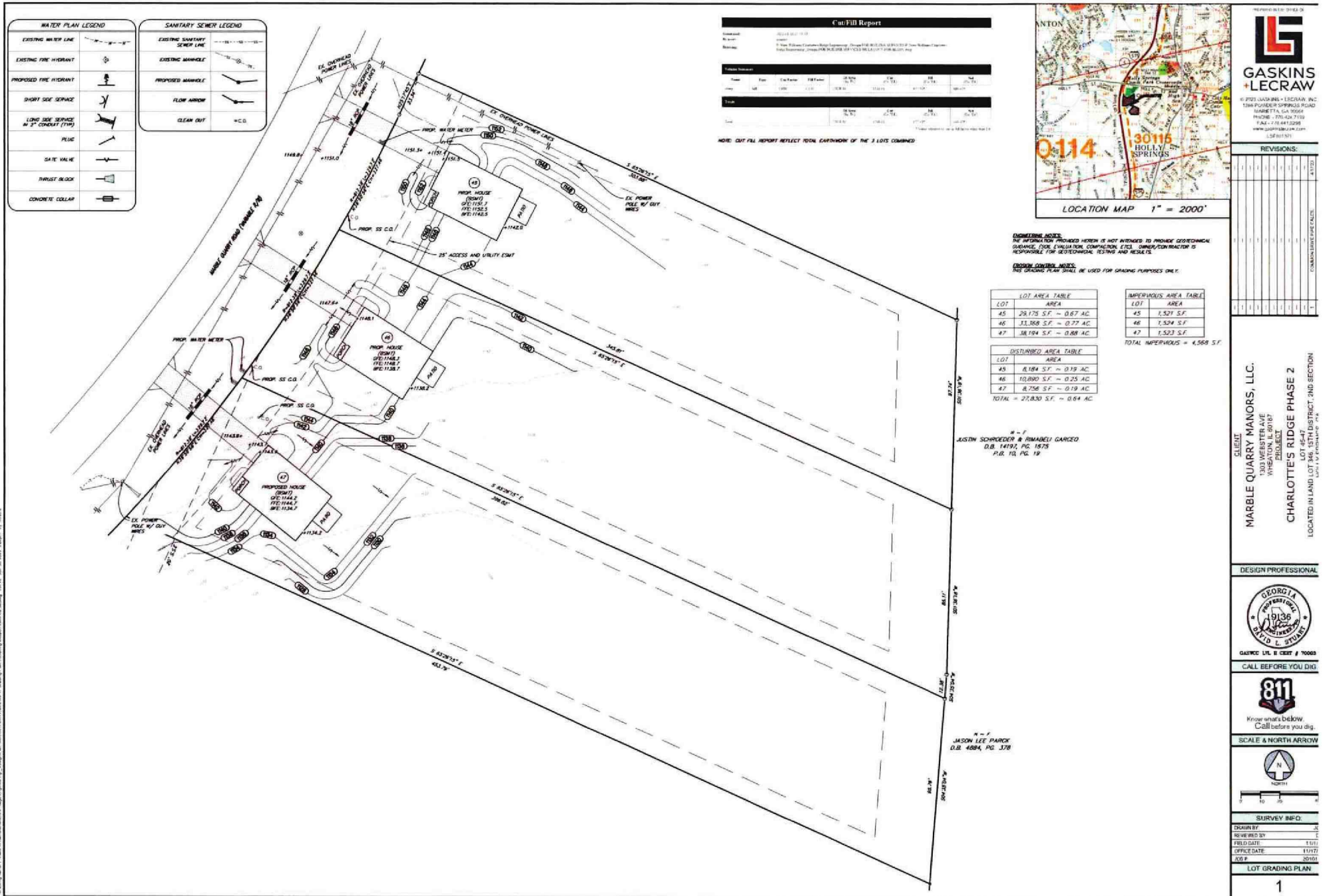
Lot #: 2A

PB/PG:

DB/PG:

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Agenda Item V-B





UNIVERSITY OF
GEORGIA
Carl Vinson
Institute of Government



Branding
HOLLY SPRINGS

Phase II, Design | August 7, 2023

STEERING COMMITTEE

Erin Honea

Shannon Andrews

Ollie Evans

Maggie Grayeski

Tray Herndon

Barbara Jacoby

Barbara Jacoby

Andrea Johnston

Scott Owen

Dee Phillips

Molly Mercer

Nichole Parks

BRAND POSITION

Life in Holly Springs means enjoying the best of both worlds. Once a tiny whistle stop, this part-metro, part-rural city is the ideal balance of both. Close to downtown Atlanta and even closer to a peaceful outdoor escape, you'll find a metro oasis with nearby bike trails and parks to explore. Offering wholesome family living with big backyards, close-knit neighbors, excellent schools, and nearby entertainment, it's no surprise that Holly Springs consistently ranks as one of Georgia's best places to raise a family.

Despite plenty to do, its friendly, small-town feeling remains. You'll feel right at home among the cheerful chatter of longtime friends and the enticing aroma of backyard barbeques. In Holly Springs, less is more and the authentic is cherished.

**“I FEEL SAFE AND
IT’S A GREAT
PLACE TO RAISE
MY CHILDREN.”**

– Public input participant



BRAND POSITION:
HOLLY SPRINGS IS *the place* FOR FAMILIES.

PRIMARY LOGO



SECONDARY LOGO



BLACK OLIVE

BRUNSWICK GREEN

KEPPEL

GAMBOGE

VERMILION

ABOUT THE DESIGN

- Colors are friendly and bright, and main two colors are green (holly) and turquoise blue (springs). A “pop” of bright red and yellow can be used as accent colors
- Logo design is a bit nostalgic, inspired by early 20th century hand-painted signage
- Several logos were created to offer versatility and marketing opportunities (merchandise, websites, printed materials, social media, and more)
- Graphic elements include spring water ripples and
- bold holly berries (shown right)



SPRING "RIPPLES"



Holly Springs
GEORGIA



LOGO FAMILY



VARIATIONS



TOWN CENTER LOGO 1



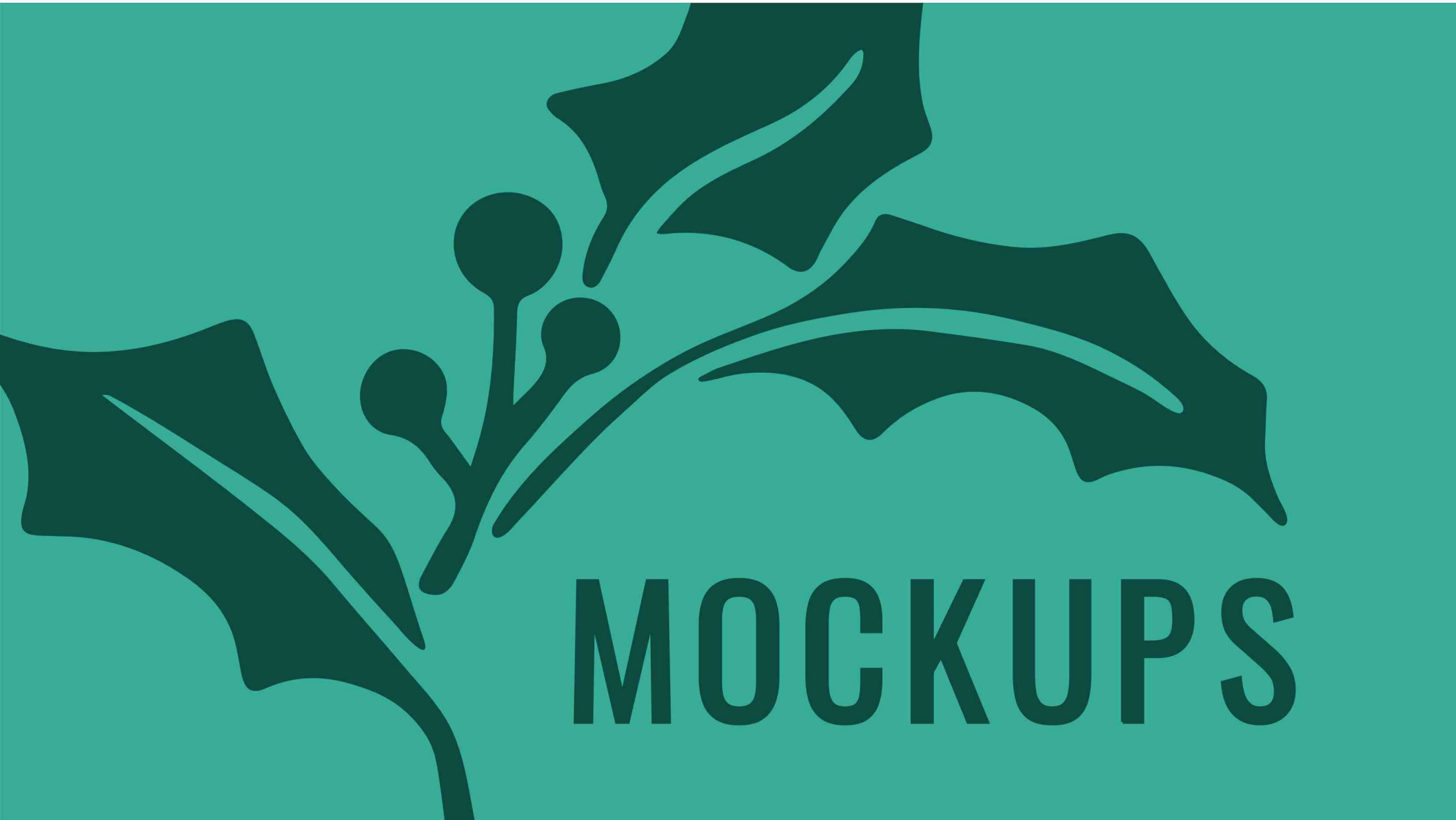
TOWN CENTER OPTION 2



OPTIONS 1 & 2

















Holly Springs GEORGIA

LIFE IS GOOD. ENJOY THE RIDE.









IT'S *like*
Family.

WWW.HOLLYSPRINGSGA.US

NEXT STEPS

- Holly Springs Brand Lookbook
– printing early October
- Brand Launch – November



THANK YOU



**UNIVERSITY OF
GEORGIA**

**Carl Vinson
Institute of Government**



City of Holly Springs Comprehensive Plan

2018-2038



Adopted October 15, 2018

Updated October XX, 2023

By the Mayor and City Council of
Holly Springs, Georgia

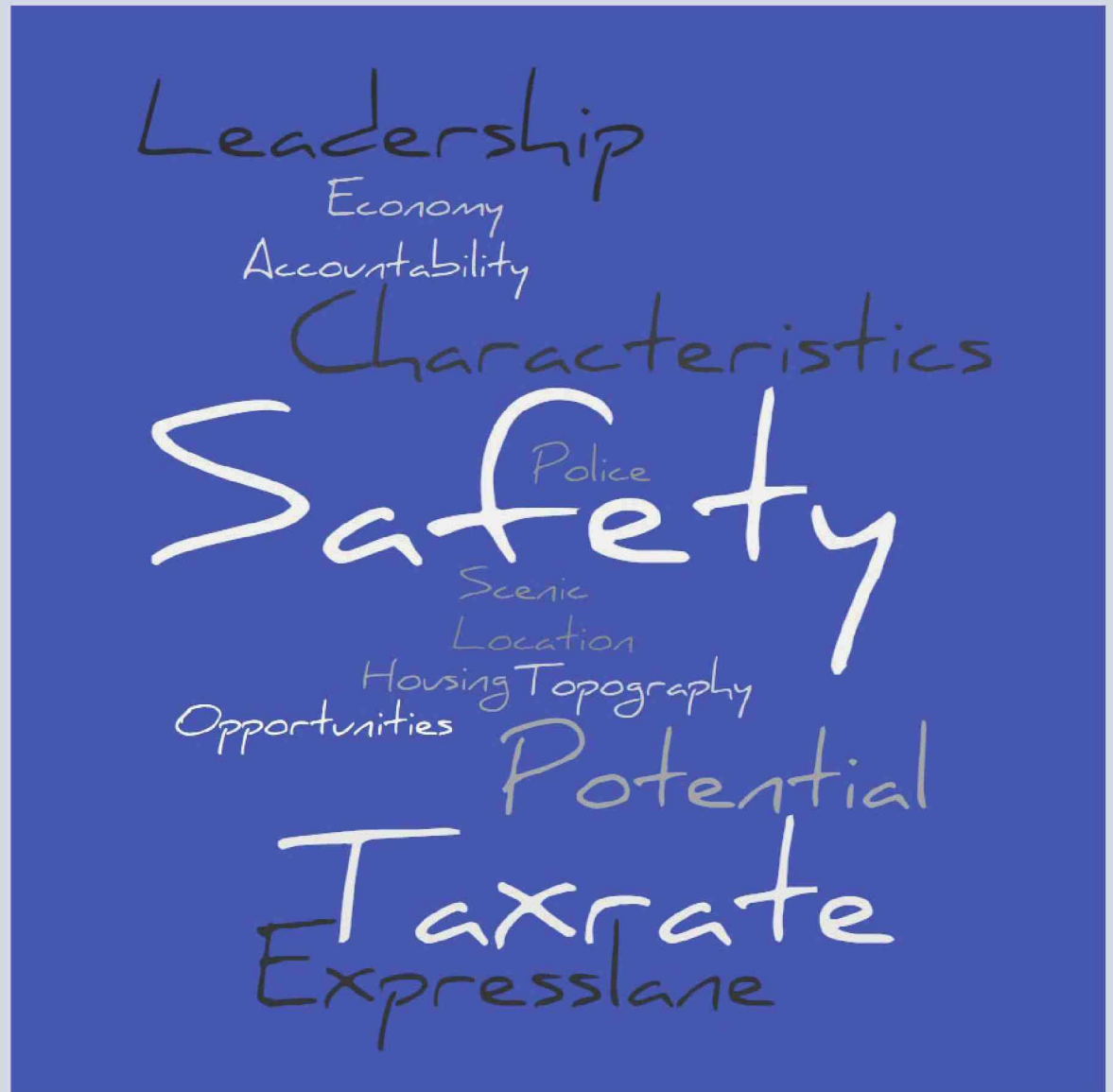
PUBLIC HEARING PURPOSE

- ❖ Brief the community on the contents
- ❖ Provide an opportunity for suggestions, additions, and revisions
- ❖ Notify the community when the plan will be submitted to the Atlanta Regional Commission for review

Background to the Plan

❖ Initial Kickoff Meeting- SWOT Analysis

❖ Strengths



Background to the Plan

❖ Initial Kickoff Meeting- SWOT Analysis

❖ Weaknesses

Traffic-Congestion
Unclean-Roads
Entertainment No-Growth
Professional-and-Office-Space
Roads-under-Multiple-Jurisdictions
Sit-down-Restaurants
Resident-Awareness-of-Responsible-Jurisdiction
Identity No-Large-Employers Entertainment
Sense-of-Place Improvements
Restaurant-Choices
Central-Focus Permitting Attraction
Change
Senior-Housing
Mississippi-Down

Background to the Plan

❖ Initial Kickoff Meeting- SWOT Analysis

❖ Opportunities

Professional-Office-Space
Family-Recruitment
Professional-Office-Space
Sense-of-Place Trail-System
Road-Improvements
Farmer's Trail-System
Trail-Connections
Housing-Options
Festivals Market Concerts
Wi-Fi Parks
Parks Trail-System
Growth-Opportunities
Town-Center Parades
Business-Recruitment
Town-Center Improved-Parks

Background to the Plan

❖ Initial Kickoff Meeting- SWOT Analysis

❖ Threats

Drugs

Not-Keeping-Up-With-Other-Cities

Sex-Trafficking County

Population-Growth

Development-Pressure

State-Legislation

State State Wokeness

Drugs State Traffic Wokeness Wokeness

Overpopulation

Adjacent-City-County-Decisions

Education-Work-Preparedness

Falling-into-a-Rut

Background to the Plan

❖ Committee Meetings

Staff, Planning Commission, and
Downtown Development Authority

❖ Planning Commission
Began Discussion
November 2022

❖ Official Public
Hearing/Kick-off March
2023

❖ SWOT Analysis March
2023-April 2023 (PC and
DDA)

❖ Planning Commission Met
1-2 times per month
January-July

Data Analysis

RESIDENTIAL DEVELOPMENTS APPROVED 2018-2023

❖ 12 APPROVED SUBDIVISIONS

- ❖ 5 COMPLETE
- ❖ 5 ACTIVE
- ❖ 1 PLAN REVIEW
- ❖ 1 ZONING APPROVAL
- ❖ 722 UNITS
 - ❖ 708 SINGLE-FAMILY DETACHED
 - ❖ 14 TOWNHOMES

❖ 1 APPROVED MULTI-FAMILY/TOWNHOME DEVELOPMENT

- ❖ 294 UNITS
 - ❖ 270 MULTI-FAMILY
 - ❖ 24 TOWNHOMES

❖ 1 SENIOR MIXED PRODUCT DEVELOPMENT

- ❖ 115 UNITS

Data Analysis

SFR/Townhome Permits



New Residential Development

Subdivision Name	Total Lots (Units)	Certificates of Occupancy Issued	Housing Units Remaining to be Constructed or Occupancy Issued
Cottages at Redbud Lane*	78	0	78
Edgewater	356	308	48
Enclave at Edgewater*	41	0	41
Old Pioneer***	111	0	111
OneStreet (Mixed Products)***	115	0	115
Palm Street (Idle Towne)**	63	0	63
Pebblewood	75	18	57
Province*	20	0	20
Sagebrooke	17	5	12
Town Walk* (Townhomes)	14	0	14
Worthing Development*** (Townhomes)	24	0	24
Total Shown	914	331	583

*Site Development **Plan Review ***Zoning Approval 80 open permits (503 units remaining)

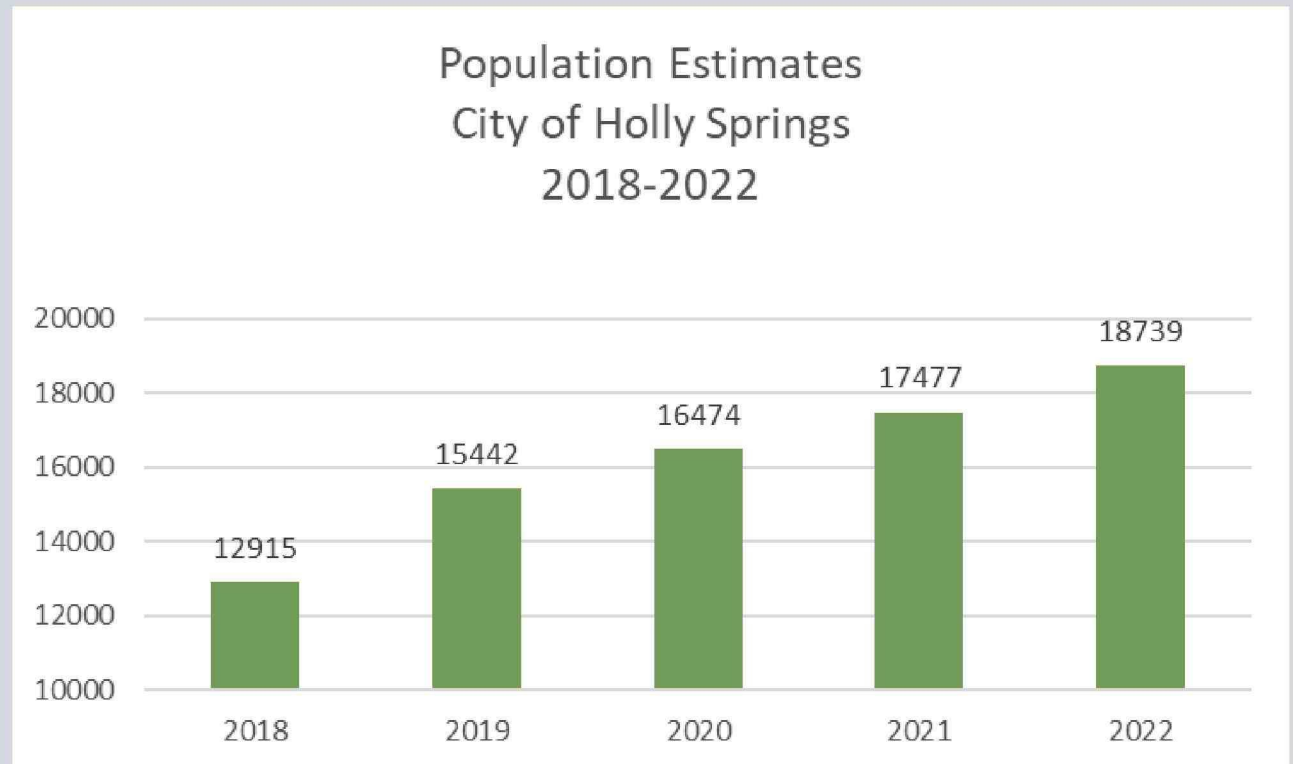
Apartments

Worthing Development***	270	0	270
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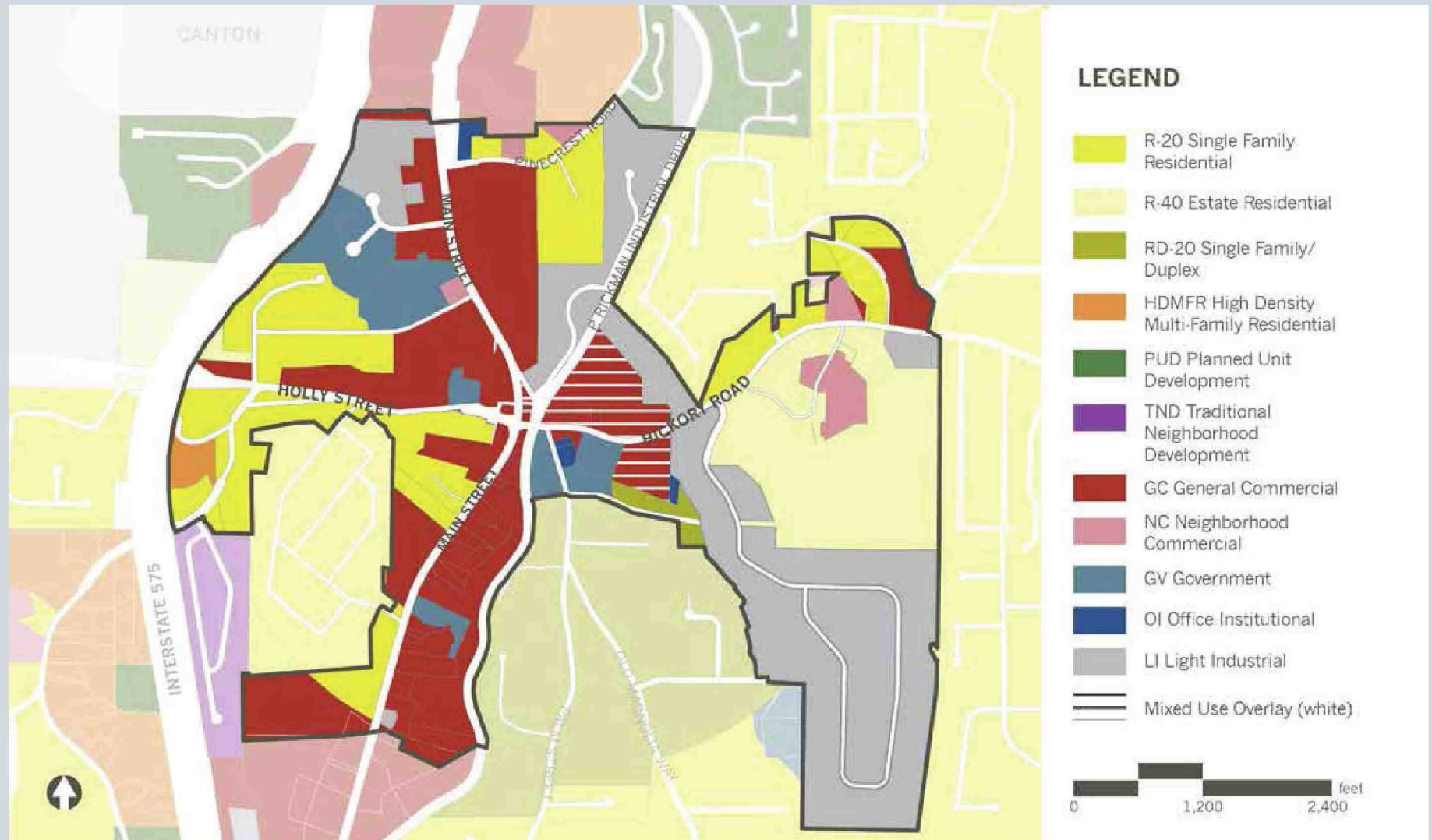
Town Center

Townhomes	35	0	35
City Homes	30	0	30
Flats	270	0	270

Data Analysis



Source: US Census



LCI Land Use Plan

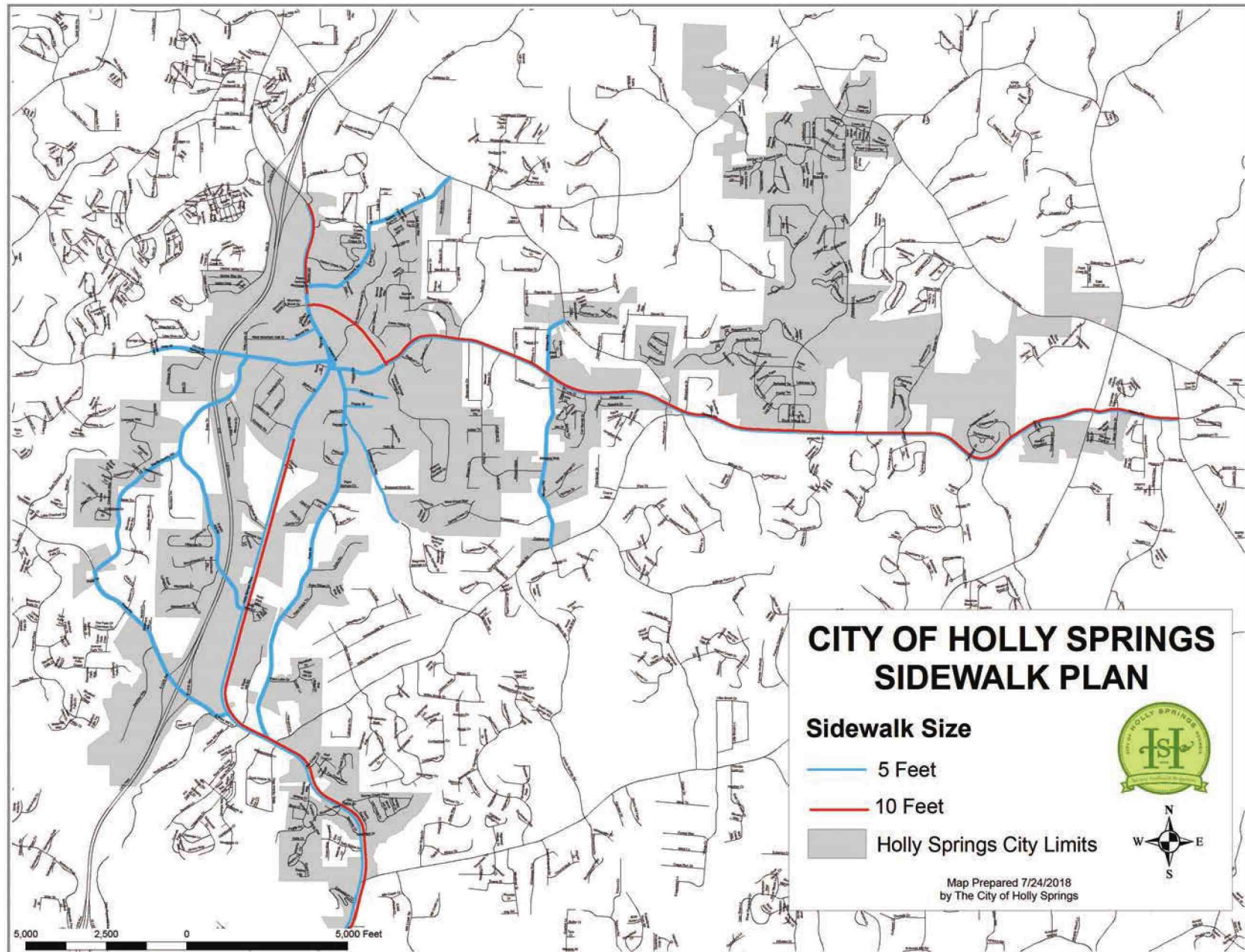
BUILDING KEY PLAN

COTTAGE HOMES	32 LOTS	18 PS
TOWNHOMES	24 UNITS	9 PS
DAY CARE	3000 SF	16 PS
ASSISTED LIVING/MEMORY CARE	96 BEDS	48 PS
SENIOR INDEPENDENT LIVING	180 UNITS	180 PS
MILLENNIAL RENTAL UNITS	216 UNITS	324 PS
LIVE/WORK TOWNHOMES	20 UNITS/24K SF	72 PS
LOFTS ABOVE FLEX SPACE	36 UNITS/14K SF	70 PS
BOUTIQUE RETAIL	20K SF	140 PS
CIVIC BUILDING	20K SF	100 PS

Scale: 1" = 80' 0"

2023





Sidewalk Plan



City of Holly Springs Comprehensive Plan

2018-2038



Adopted October 15, 2018

Updated October XX, 2023

By the Mayor and City Council of
Holly Springs, Georgia

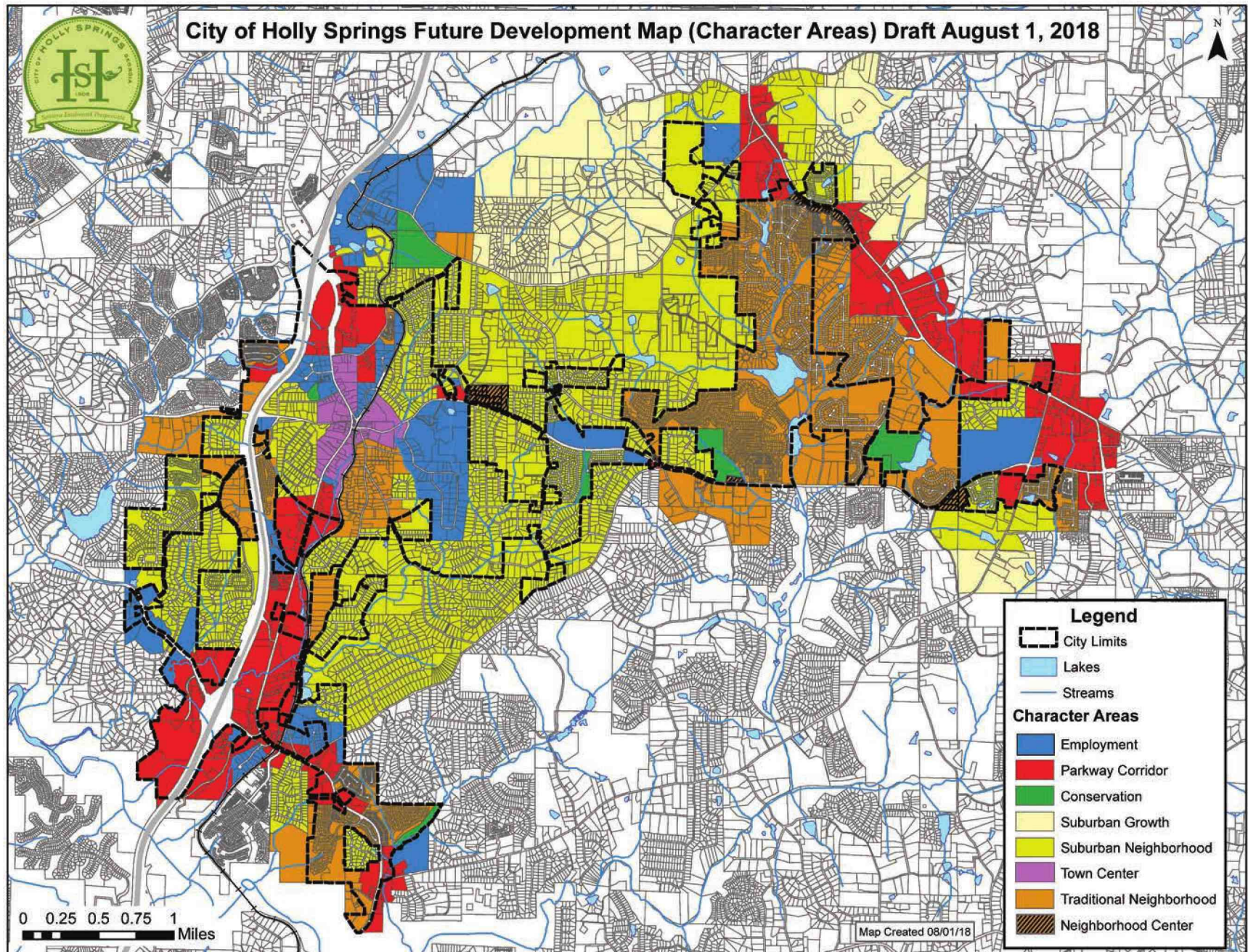
Vision

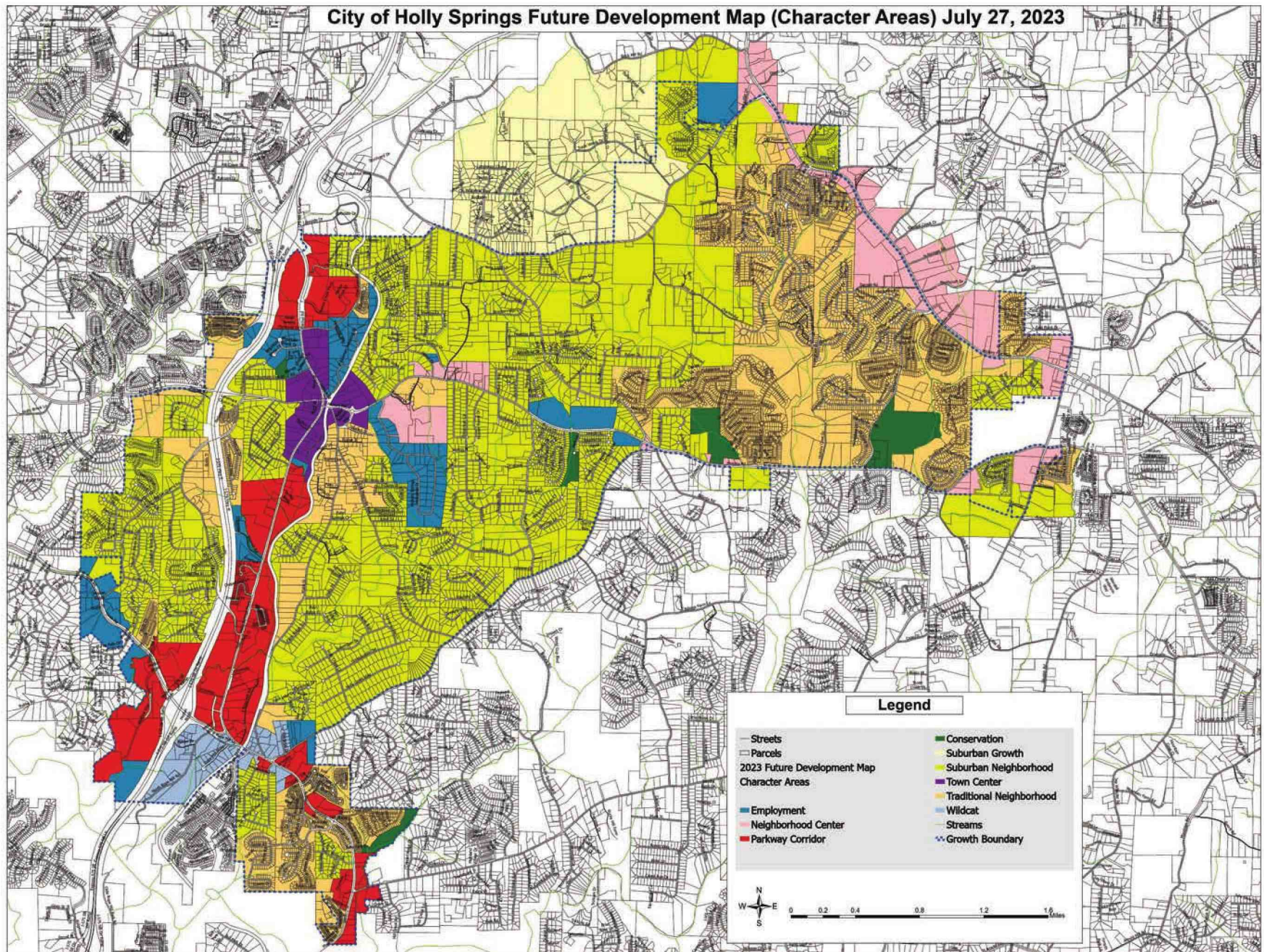
From today and through the year 2038, Holly Springs will be a City that aspires to the following:

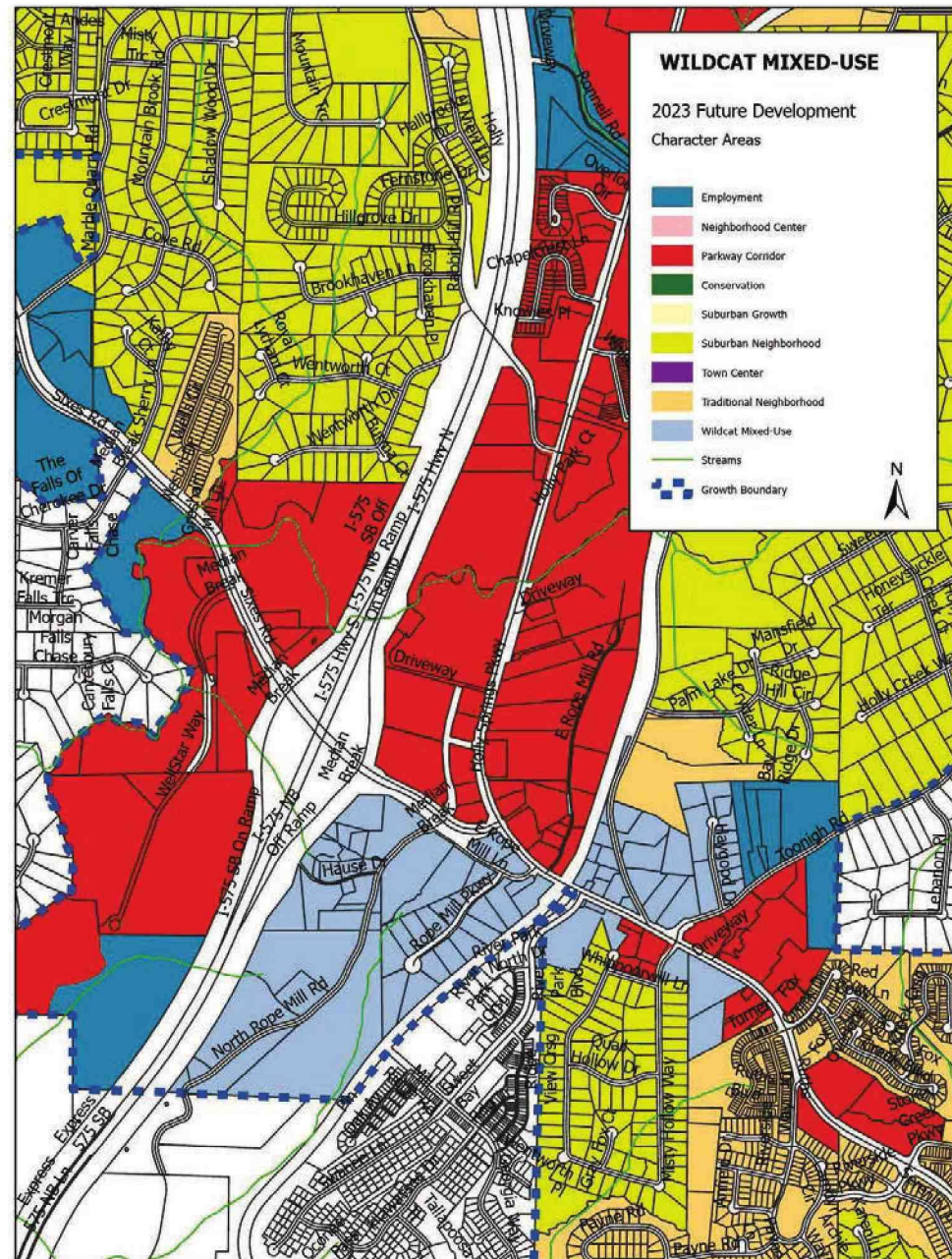
- ❖ A revitalized and expanded town center
- ❖ A robust economy with parkway corridors, employment areas, and office-professional parks and corridors
- ❖ A diversity of traditional and suburban neighborhoods
- ❖ A system of connected open spaces and a sustainable environment

Future Development Map and Character Areas

- ❖ Town Center
- ❖ Traditional Neighborhoods
(Density 5-8 units/acre)
- ❖ Neighborhood Center
(Density 5-8 units/acre)
- ❖ Suburban Neighborhoods
(Density 1-3 units/acre)
- ❖ Suburban Growth
(Density <1 unit/acre)
- ❖ Employment
- ❖ Parkway Corridor
- ❖ Conservation/Parks
- ❖ Wildcat Mixed-Use







Future Development Map and Character Areas

Wildcat Mixed-Use

5.8 Wildcat Mixed-Use

This character area corresponds to property located near the Sixes Road/I-575 Interchange. It is planned to be a major employment area, including professional and corporate offices, regional offices, and medical complexes. Mixed use and multi-family are secondary uses integrated into or complementary to employment centers. Greenspaces and civic spaces that connect workplaces together are integral, as well.

Application: Existing and new professional and medical office complexes with secondary mixed use and multi-family

Primary Future Land Uses: office, retail, service, high density multi-family residential, townhomes included with mixed use

Zoning Districts: GC, NC, OI, PD-C, PD-O, PD-I, GV, MXD-1

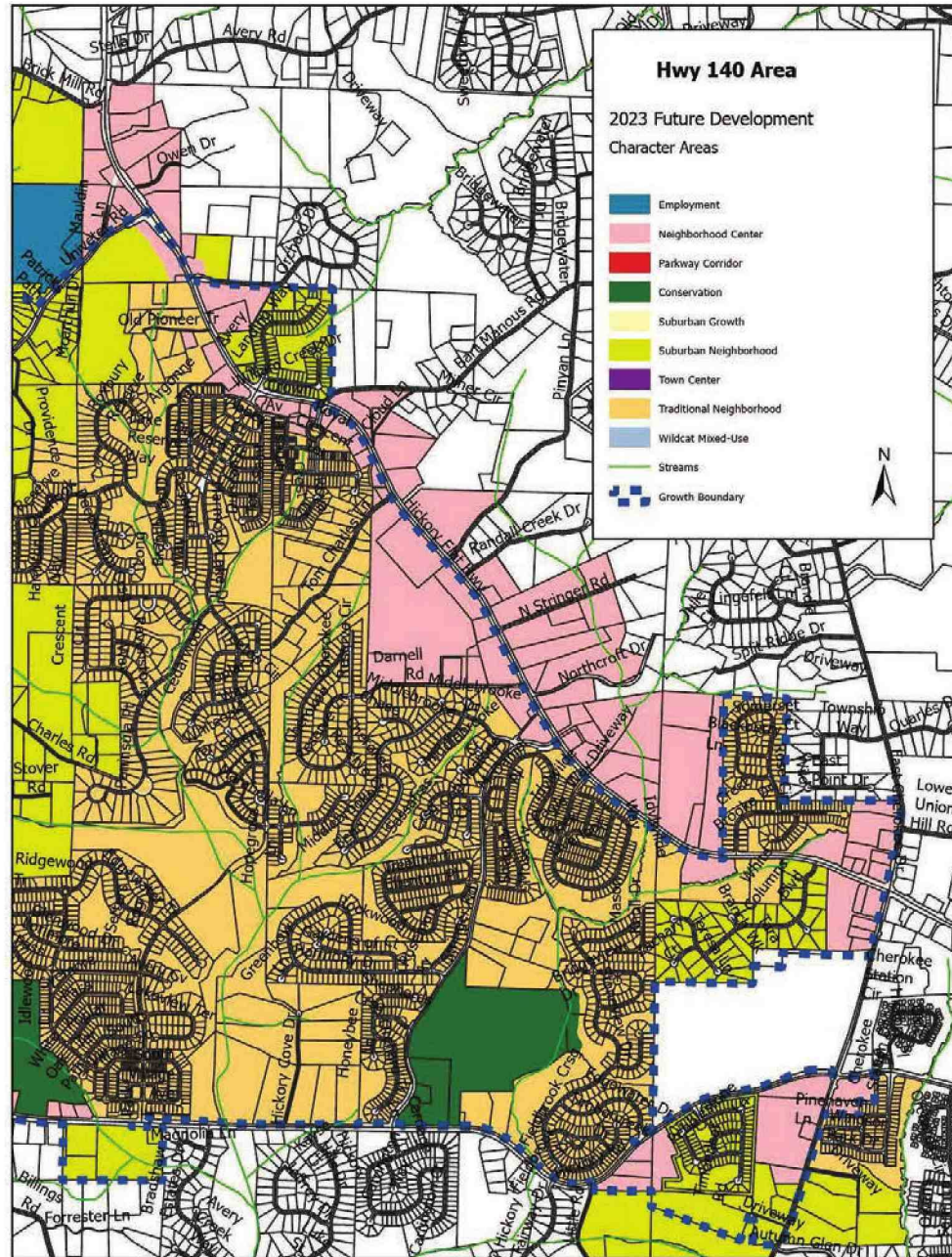
DESIGN PRINCIPLES

Density/Intensity: Moderate to High intensity of use

Greenspace: Formal landscaping with appropriate buffers between adjacent residential uses

Transportation: High vehicular pedestrian/cycle connectivity; access management to facilitate traffic flow (i.e., shared drives, inter-parcel access)

Infrastructure: Public water and sewer



Future Development Map and Character Areas

Neighborhood Center

(Hwy 140 Area)

5.3 Neighborhood Center

Intent and Characteristics: The areas shown as “Neighborhood Center” on the future development map are very similar to traditional neighborhoods. One noteworthy distinction between traditional neighborhoods and neighborhood center is that “neighborhood centers” are likely to have higher compositions of nonresidential (civic, office, neighborhood-serving retail) uses than “traditional neighborhoods.” Included within this character area is the area along Highway 140 at the eastern border of the city. This area may have reduced densities to more closely align with the recommendations for property located within unincorporated Cherokee County.

Application: Existing and new single-family residential neighborhoods with a mixed-use component.

Primary Future Land Uses: Neighborhood commercial, office, and government uses, and parks, recreation, greenways, and trails included as part of a traditional neighborhood.

Zoning Districts: PD-R, TND, NC, OI, GV, MXD-1, MXD-2

DESIGN PRINCIPLES

Density/Intensity: Moderate density single family residential uses up to 8 units/acre. Along the Hwy 140 corridor, the west side of Hwy 140 is capped at 6 units/acre and the east side of Hwy 140 is capped at 4 units per acre.

Greenspace: Formal landscaping, open space, neighborhood community parks

Transportation: Moderate to high vehicular and pedestrian/cycle connectivity with sidewalks, pedestrian paths, and curvilinear streets. Grid system of streets if topography allows.

Infrastructure: Public water and sewer

Policies by Functional Area

- ❖ Land Use
- ❖ Housing
- ❖ Economic Development
- ❖ Natural Resources
- ❖ Historic Resources
- ❖ Urban Design
- ❖ Community Facilities and Services
- ❖ Transportation
- ❖ Intergovernmental Coordination

ARC Quality Community Objectives

- ❖ Economic Prosperity
- ❖ Resource Management
- ❖ Efficient Land Use
- ❖ Local Preparedness
- ❖ Sense of Place
- ❖ Regional Cooperation
- ❖ Housing Options
- ❖ Transportation Options
- ❖ Educational Opportunities
- ❖ Community Health

Policies by Character Area

- ❖ Town Center
- ❖ Traditional Neighborhoods
- ❖ Suburban Neighborhoods
and Suburban Growth
- ❖ Parkway Corridor

Short-Term Work Program 2023-2028

❖ Economic and Downtown Development

- ❖ Pursue Development Opportunities for Town Center
- ❖ Public-Private Partnership for Town Center
- ❖ Construct 2+/- acre “Centerpiece ” Park-Town Center
- ❖ Implement Elements of Parking Study with Town Center Development to include Parking Deck
- ❖ Urban Redevelopment Plan Implementation – Phase 1 Town Center Development Infrastructure – Streetscapes, Sewers, Roads and Drainage Improvements
- ❖ Urban Redevelopment Plan Implementation -- Phase 2 Holly Springs Town Center Development
- ❖ Urban Redevelopment Plan Implementation – Phase 3 Town Center Development Infrastructure – Signage/wayfinding system, multi-use trail system
- ❖ Continue to Implement Livable Centers Initiative Project- (LCI plan updated 2018)
- ❖ Develop special events suited for the Town Center
- ❖ Develop a New Business Recruitment Program
- ❖ Encourage Office Uses and Actively Recruit Employers to Re-locate to the City of Holly Springs
- ❖ Coordinate and Partner with Local and Regional Technical Colleges and Institutions of Higher Learning
- ❖ Partner and Coordinate with the Development and Redevelopment Authorities of Cherokee County and Nearby Jurisdictions

Short-Term Work Program 2023-2028

❖ Historic Preservation

- ❖ National Register Nominations
- ❖ Initiate Citywide Local Landmark Program
- ❖ Continue to Utilize Architectural/Historical Consultant for Advisement of City Staff
- ❖ Implement Gateways Study Recommendations(various locations)
- ❖ Reconcile Design Guidance Documents and Regulations
- ❖ Complete the History of Previous Mayor and Add information to the Website
- ❖ Continue Development of City Historical Information Page for Website
- ❖ Evaluate Cagle House (Timothy B. Downing Park) for Historical Preservation/Information

Short-Term Work Program 2023-2028

❖Community Facilities/Services

- ❖Capital Programming
 - ❖City Hall/Amphitheater
 - ❖Structured Parking
 - ❖Town Center Park
 - ❖Public Works Facility
 - ❖Depot Parking
- ❖Continue CCSD Development Mitigation Program
- ❖Master Plan -Timothy B. Downing Park
- ❖Linear Park/Trail - Hickory Springs Parkway Project
- ❖Stormwater Program; NPDES
- ❖Purchase Storm Sewer Camera

Short-Term Work Program 2023-2028

❖ Transportation

- ❖ Local Road Improvement Program
- ❖ Local Maintenance and Improvement Grant
- ❖ Pedestrian Network Phase III: Holly Street from Holly Springs Parkway to City Limits (Design);
- ❖ Pedestrian Network Phase III: Holly Street from Holly Springs Parkway to City Limits (ROW/Construction);
- ❖ Pedestrian Network Phase IV: Palm Street (West Side) from Jetta Lane to Toonigh Creek
- ❖ Bikeways and Multi-use Trails
- ❖ Hickory Springs Parkway, Phase I (Preliminary Engineering)
- ❖ Hickory Springs Parkway (Right-of-Way Acquisition)
- ❖ Hickory Springs Parkway-- (Construction)
- ❖ Multi-use Trail-Hickory Springs Parkway
- ❖ Downtown Parking

Short-Term Work Program 2023-2028

❖ Transportation-Continued

- ❖ Traffic Calming Program
- ❖ Evaluate Existing Corrugated Metal Pipe Infrastructure Under City Roadways
- ❖ Seek Grant Funding to Finance Various Transportation Projects
- ❖ Holly Springs Parkway Widening Phase II (Construction)
- ❖ Holly Springs Parkway Widening Phase III (Design/ROW/Construction)
- ❖ Holly Springs Parkway Widening Phase IV from Childers Road to Hickory Road
- ❖ Holly Springs Parkway Widening Phase V from Sixes Road to East Cherokee Dr.
- ❖ Palm Street Realignment Project
- ❖ Fox Creek Traffic Signal and Sidewalks/Drainage Project
- ❖ Highway 5 Traffic Light Coordination Synchronization Project
- ❖ Hickory Road/Stringer Road Fill in the Gaps Sidewalk Project

Short-Term Work Program 2023-2028

❖ Planning and Development

- ❖ Utilize Private Building Inspections Services
- ❖ Hire Additional Planner
- ❖ Evaluate Zoning Ordinance Annually
- ❖ Revise Applicable Zoning Codes and Design Guidelines-Town Center Development
- ❖ Unified Development Code
- ❖ Development Regulations-Future Trends and Community Needs
- ❖ Coordinate with the GA Department of Community Affairs-Building Codes
- ❖ Purchase Current Code Books
- ❖ Update Census Data as Requested

Short-Term Work Program 2023-2028

❖ Public Safety

- ❖ Add 3-6+ police officers and equipment annually
- ❖ Add police cars with additional officers
- ❖ Evaluate annually pay levels of surrounding agencies to remain competitive and secure current staffing levels and recruit qualified candidates
- ❖ Evaluate annually types of incentives, i.e. compensation for employees with advanced/formal education, shift differential, advanced management certifications, lateral entry, and specialized positions.
- ❖ Create a Career Advancement Program with incentives
- ❖ Continue Police Foundation Partnership program to enhance equipment, training opportunities, and community services.
- ❖ Develop Traffic Unit
- ❖ Acquire Multi-Purpose Response Vehicle for accident reconstruction, crime scene, and command post

Short-Term Work Program 2023-2028

❖ Public Safety-Continued

- ❖ Maintain Certification for 3 Drone Pilots, Add 1 Drone and 2 Certified Drone Pilots
- ❖ Portable Metal Detector / X-ray Machine
- ❖ Scenario Training
- ❖ Purchase and installation of 13 FLOCK Safety Cameras
- ❖ Replace In-car cameras
- ❖ Replace MDT tablets with Panasonic Toughbooks
- ❖ Purchase equipment for defensive tactics and force on force training (including safety equipment)
- ❖ Red Dot Optic conversion for primary firearms
- ❖ Police Sub-station located at Hickory Road @ E. Cherokee Drive

Short-Term Work Program 2023-2028

❖ Technology

- ❖ Continue Maintenance of Digital Archival of City Records
- ❖ Evaluate Annually the Community Informational Needs to Enhance City Website
- ❖ Enhance City Website to develop an E-Government full service interactive site
- ❖ Implement Customer Service Software-Acta Solutions
- ❖ Implement Agenda Management Software
- ❖ Implement Electronic Signature Software
- ❖ Implement Open Records Request Management Software
- ❖ Upgrade Website Capabilities/Functions
- ❖ Improve Search Engine Optimization
- ❖ Implement Electronic Newsletter
- ❖ Continue Integration of Cloud-Based Data Storage

Short-Term Work Program 2023-2028

❖ Technology-Continued

- ❖ Implement Cloud GIS and Data Storage Program
- ❖ Provide Access to City GIS Data
- ❖ Continue to Share GIS Database with Cherokee County and the Cities of Woodstock and Canton
- ❖ Update GIS Data Collection through Technology and Devices
- ❖ Enhance Collection of GIS/Stormwater Field Data Utilizing Cloud Based Mapping Technologies (ESRI products, GPS mapping devices)



City of Holly Springs Comprehensive Plan

2018-2038



Adopted October 15, 2018

Updated October XX, 2023

By the Mayor and City Council of
Holly Springs, Georgia

Live Scan System Maintenance Agreement

Effective Date Wednesday, July 19, 2023

This License and Maintenance Agreement is made between

i3-SSI, LLC dba Synergistic Software Integrated
251 Villa Rosa Rd
Temple, Georgia 30179

And

Holly Springs Municipal Court
3235 Holly Springs Pkwy
Holly Springs, GA 30115

Holly Springs Municipal Court ("CLIENT") and i3-SSI, LLC dba Synergistic Software Integrated ("Synergistic") agree that CLIENT desires to subscribe to the licensed software solution from Synergistic and Synergistic desires to provide to CLIENT the services and equipment set forth in the schedules attached hereto ("Services"), for the charges shown therein.

in consideration of the promises made herein and intending to be legally bound, agree as follows:

1. Maintenance Services

The Contractor shall maintain and service the computer equipment and InterOp® software. The Contractor shall provide scheduled preventive maintenance during regular business with the schedule to be based on the specific needs of the Equipment as determined by the Contractor. In addition, the Contractor shall provide scheduled or unscheduled maintenance ("on-call service") as and when needed. Technical support via phone, scheduled, and unscheduled service maintenance shall include the following:

- a. Remote system troubleshooting
- b. Network connectivity troubleshooting
- c. Hardware conflict / resolution analysis
- d. Priority onsite technical support (if deemed necessary by Contractor)
- e. Parts replacement (if deemed necessary by Contractor)

2. Exclusions

- 2.1 Repairing damage resulting from, or furnishing parts required as a result of, causes other than ordinary wear and tear including, without limitation, neglect, misuse (including faulty repair or maintenance by unauthorized parties), accidents, failure of electrical power, air conditioning, humidity control, or acts of God (force majeure).
- 2.2 Any damage or repair condition existing prior to the execution date of this agreement, unless otherwise noted by Contractor.

3. Parts

The Contractor shall furnish the parts as necessary. If replacement parts needed are no longer available, Contractor, at its discretion, may replace the Equipment with parts that meet or exceed the functionality of replaced Equipment.

4. Fees and Charges

4.1 Fees for preventative and other maintenance of the Equipment, of this agreement shall be the per annum rate of \$3,500.00, renewing annually on the anniversary of installation and each year thereafter \$3,500.00 (1 InterOp Live Scan Systems)

4.2 Client may request a copy of this contract at any time.

4.3 Any and all repairs qualifying under Section 2 of this agreement will be charged at Contractor's published rates or current pricing available.

5. Payment of Charges

The Customer agrees to pay all maintenance charges billed by the Contractor within 30 days from date of invoice.

6. Term

This Agreement shall be effective from the date of its execution by the Contractor and the Customer and shall remain in force until terminated by the Customer on 60 days prior written notice to the Contractor.

7. Warranty

7.1 The Contractor warrants that under normal conditions of use and operation, the services and products furnished pursuant to this Agreement shall be free from defects in workmanship and that the parts furnished pursuant to this Agreement shall be free from defects in workmanship and material.

7.2 The Contractor further warrants that the parts furnished pursuant to this Agreement shall conform to the Equipment manufacturer's published specifications at the time of delivery to the Customer. The Contractor's obligation under this warranty is limited to the repair or replacement, at its option, of any part.

7.3 The foregoing warranty and conditions shall apply to any repaired or replaced product, part, or component supplied by the Contractor.

7.4 Contractor may assume and exhaust all existing manufacturer warranties attached to the Equipment at the execution of this agreement.

This warranty is exclusive and in lieu of all other warranties, express or implied, including any implied warranty of merchantability or fitness.

8. Access to Equipment

The Contractor's maintenance personnel shall have free access to the Equipment for the purpose of providing maintenance service.

9. Delays

The Contractor shall not be liable for any delay in performance directly or indirectly resulting from acts of the Customer, its agents, employees, or sub Contractors, or causes beyond the control of the Contractor including, but not limited to acts of God, acts of a public enemy, acts of the United States, or any political subdivisions, fire, flood,

epidemics, quarantine restrictions, strikes, civil commotion's, or revolution, freight embargoes, unusually severe weather conditions, and default of the Contractor's sub Contractors or suppliers.

10. Parties Bound

This Agreement shall be binding on and inure to the benefit of Contractor and Customer and their respective successors and assigns.

11. Notices

Any notices or reports required by this Agreement to be given by one party to the other party shall be made in writing to that party at the address shown below or any other address that may be designated in writing from time to time by that party.

Synergistic Software Integrated
P.O. Box 1277
Temple, GA 30179

12. Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of Georgia.

13. Attorney Fees

If any legal action is necessary to enforce the terms of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief to which that party may be entitled. This provision shall be construed as applicable to the entire Agreement.

ACCEPTANCE and AGREEMENT

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed below.

Synergistic Software Integrated:
i3-SSI, LLC dba Synergistic Software Integrated

By: _____

Name: _____

Title: _____

Date: _____

CLIENT:
Holly Springs Municipal Court

By: _____

Name: _____

Title: _____

Date: _____

Charge different rates for residents and non-residents



Davenport & Company LLC Member NYSE | FINRA | SIPC

Davenport Public Finance

Wilton Center
515 East Crossville Road, Suite 380
Roswell, Georgia 30075

One James Center
901 East Cary Street – 11th Floor
Richmond, Virginia 23219-4037

July 28, 2023

Mr. Robert H. Logan.
City Manager
City of Holly Springs
3237 Holly Springs Parkway
Holly Springs, GA 30115

Dear Robert:

The Municipal Securities Rulemaking Board requires under Rule G-23 that we have a written engagement letter with our clients promptly upon the inception of a financial advisory relationship. Your signature below will confirm that Davenport & Company LLC will be providing the City of Holly Springs, Georgia financial advisory services until the relationship is terminated, which you may do at any time.

The scope of services for any project under this agreement and compensation, if any, will be mutually acceptable and agreed upon in writing contemporaneously with the beginning of our providing such services.

If this appropriately describes our relationship please indicate by signing and returning one copy of this letter to my attention.

Sincerely,

Accepted By:



Douglas J. Gebhardt
First Vice President
Davenport & Company LLC



Robert H. Logan
City Manager
City of Holly Springs

CC: Courtney Rogers, Senior Vice President, Davenport & Company LLC
Ricardo Cornejo, First Vice President, Davenport & Company LLC
Christopher Holt, Associate Vice President, Davenport & Company LLC

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF HOLLY SPRINGS, GEORGIA AUTHORIZING THE
REIMBURSEMENT OF PROJECT EXPENSES FOR
URBAN REDEVELOPMENT PROJECTS**

WHEREAS, the City of Holly Springs, Georgia (the “City”) intends to finance in one or more phases all or a portion of the costs of the urban redevelopment projects (the “Projects”), identified in the 2022 Urban Redevelopment Plan Amendment of the City of Holly Springs; and

WHEREAS, all or a portion of the costs of the Projects will be financed with the proceeds of tax-exempt obligations (the “Debt”) to be issued by the City or an authority or another entity on its behalf; and

WHEREAS, prior to the issuance of the Debt, the City may pay for all or a portion of the costs of the Projects; and

WHEREAS, the City may reimburse itself with Debt proceeds for the costs of the Projects paid by it prior to the issuance of the Debt.

NOW, THEREFORE, be it resolved by the City Council of the City of Holly Springs, and it is hereby resolved by the same, as follows:

1. The City reasonably expects to reimburse itself with Debt proceeds for the costs of the Projects paid by it prior to the issuance of the Debt.
2. The maximum principal amount of Debt which the City presently expects to be issued relating to the Projects is currently estimated to be \$8,080,000.
3. This resolution is intention to be a declaration of official intent for purposes of Section 1.150-2 of the Income Tax Regulations.

Adopted this ____ day of _____, 2023.

CITY COUNCIL OF CITY OF HOLLY SPRINGS

(SEAL)

By: _____
Steven W. Miller, Mayor

ATTEST:

Karen Norred, City Clerk

CLERK'S CERTIFICATE

The undersigned Clerk to the Council of the City of Holly Springs (the "City Council") DOES HEREBY CERTIFY that the foregoing pages of typewritten matter constitute a true and correct copy of a resolution adopted on _____, 2023 by the City Council in a meeting duly called and assembled and at which a quorum was present and acting throughout, and that the original of the foregoing resolution appears of public record in the Minute Book of the City Council, which is in my custody and control.

GIVEN under my hand and the seal of the City, this ____ day of _____, 2023.

(SEAL)

Karen Norred, City Clerk



CHEROKEE COUNTY BOARD OF COMMISSIONERS

1130 Bluffs Parkway | Canton, GA 30114

Office 678-493-6000 | Fax 678-493-6035

www.cherokeega.com

Steven Miller, Mayor
Attention: Karen Norred, City Clerk
P. O. Box 990
Holly Springs, GA 30142

Dear Mayor Miller:

We received your response concerning the automatic renewal option for the Cooperation Agreement. Thank you for agreeing to continue as a participating municipality. A recent legal review of the County's Cooperation Agreement with the City of Holly Springs, revised in 2020, revealed a need to amend the language of the Cooperation Agreement. The County received its first allocation of HOME Investment Partnership [HOME] Program funds in 2022, and the agreement must include specific language related to the HOME Program prescribed by HUD. All other language, requirements and provisions of the original Cooperation Agreement shall remain unchanged and in full force.

Page 1, paragraph five, the first sentence of the paragraph shall be amended to include the HOME Program:

"The Participation in this Agreement covers participation in the Community Development Block Grant [CDBG] Program and HOME Invest Investment Partnership [HOME] Program, per HUD requirements."

Page 2, between paragraphs five and six, insert the following paragraph:

"The City understands that it may receive a formula allocation under the HOME Program only through Cherokee County. Thus, even if Cherokee County does not receive a HOME formula allocation, the City cannot form a HOME consortium with other local governments."

Please attach this amended section to the original cooperation agreement to maintain in your records. We respectfully request the City's acknowledgement of receipt of the aforementioned amendment with a signature and date and agreement by the City to replace the amended section of the COOPERATION AGREEMENT 2021-2023 (with automatic renewal option) with the language specified above by Friday, August 4th. A scanned acknowledgement may be emailed to lcalfee@cherokeega.com. Please return the original at your earliest convenience to:

Laura Calfee, CDBG Manager
Cherokee County CDBG Program Office
884 Univeter Road
Canton, GA 30115

Kindest Regards,

A handwritten signature in dark ink, appearing to read "Geoffrey E. Morton", is written over a light blue horizontal line.

Geoffrey E. Morton
County Manager

Attachment

**Cherokee County 2021-2023 Cooperation Agreement
Amendment to the Provision on Programs Covered**

Municipality: City of Holly Springs

Date: July 17, 2023

My signature confirms my understanding that this is an amendment to the Cooperation Agreement signed in April 2020 adding the following:

Page 1, paragraph five, the first sentence of the paragraph shall be amended to include the HOME Program:

"The Participation in this Agreement covers participation in the Community Development Block Grant [CDBG] Program and HOME Invest Investment Partnership [HOME] Program, per HUD requirements."

Page 2, between paragraphs five and six, insert the following paragraph:

"The City understands that it may receive a formula allocation under the HOME Program only through Cherokee County. Thus, even if Cherokee County does not receive a HOME formula allocation, the City cannot form a HOME consortium with other local governments."



Steven Miller, Mayor
City of Holly Springs

SPLOST V

EAST COAST GRADING INCALL OF YOUR GRADING, PAVING,
AND CONCRETE NEEDS.P.O. Box 579
Rutledge, GA 30663
O: 770-266-0505
F: 800-927-1791**PROPOSAL**

Date: 6/13/2023

Customer Name / Address:CITY OF HOLLY SPRINGS
3237 HOLLY SPRINGS PKWY
HOLLY SPRINGS, GA 30115**Job Name / Location:**CITY OF HOLLY SPRINGS
3237 HOLLY SPRINGS PKWY
HOLLY SPRINGS, GA 30115
HICKORY RD PATCHING
Palmer Street

Item #	Description	Quantity	Unit	Unit Price	Total
1	Traffic Control	1	LS	\$ 2,000.00	\$ 2,000.00
2	Mobilization	1	EA	\$ 2,500.00	\$ 2,500.00
		Total		\$	4,500.00

Barricade rental, sawing, striping & coring costs (if necessary) to be billed at East Coast Grading's cost. All in place work to be accurately measured & invoiced accordingly. If required and at the Developer's approval, extra equipment & materials as follows:

Crushed Stone Base.....	\$50.00/ton	Motorgrader.....	\$350.00/hour	Portland Cement.....	\$650.00/ton
Surge Stone.....	\$55.00/ton	Loader.....	\$300.00/hour	Asphalt.....	\$150.00/ton
# 4 Stone.....	\$55.00/ton	Tandem.....	\$125.00/hour		

Notes:

- ** Grade to be +/- 1/10" by others. Subgrade compaction to be 95% or more and staking by others. Elevation to be 1% or more for proper drainage.
- ** Proposal includes 1 mobilizations. Any additional mobilizations will be billed at a rate of \$2,500.00 each.
- ** If a base Prime Coat is required, add \$1.50 / Sq. Yd.
- ** Asphalt prices are not guaranteed. Asphalt pricing will be adjusted up or down at the time of installation according to the cost of material and hauling.
- ** Payment to be made Net 30 days from invoice date of all draws on materials installed. Net 30 days from paving invoice date.
- ** Price is valid for 5 days from date on proposal

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. This proposal may be withdrawn if not accepted within 30 days. Our workers are fully covered by Workmen's Compensation Insurance.

ACCEPTED:

The above prices, specifications, and conditions are satisfactory and are hereby accepted.

Customer: *Mitch Green / City of Holly Springs*Signature: *[Signature]*Date of Acceptance: *7-19-23***CONFIRMED:**

East Coast Grading, Inc.

Signature: *[Signature]*Date: *6/13/2023**Per phone conversation w/ Chancy Gray**Approved*
7/19/2023 *RHL*

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HOLLY SPRINGS, GEORGIA, TO AMEND THE ADOPTED MUNICIPAL SERVICES MASTER FEE SCHEDULE; TO PROVIDE FOR THE HEALTH, SAFETY, AND WELFARE OF THE GENERAL PUBLIC; TO ESTABLISH THE EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and City Council of the City of Holly Springs, Georgia, seek to provide for the health, safety, and welfare of the general public; and

WHEREAS, the Mayor and City Council of the City of Holly Springs, Georgia amend the fee schedule from time to time; and

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Mayor and City Council of the City of Holly Springs, Georgia, do hereby adopt the amended Municipal Services Master Fee Schedule as attached hereto as Exhibit “A”.

IT IS HEREBY FURTHER RESOLVED, by the Mayor and City Council of the City of Holly Springs, Georgia, that the amended Municipal Services Master Fee Schedule attached hereto as Exhibit “A,” shall be effective immediately.

This Resolution is adopted this 7th day of August 2023.

CITY OF HOLLY SPRINGS

Steven W. Miller, Mayor

Attest:

Karen Norred, City Clerk
(Seal)

Amend the following:

Exhibit “A”

Type of Permit	Fee
Wireless Facilities and Antennas (O.C.G.A. 36-66C-5)	
Annual Right of Way Occupancy Rate (O.C.G.A. 36-66C-5)	
Collocated existing or replacement pole	\$100
New Pole	\$200
Attachment Rate	\$40 each

Fingerprinting Fee	\$25

Document: O.C.G.A. § 36-66C-5

O.C.G.A. § 36-66C-5

Copy Citation

Current through the 2022 Regular Session of the General Assembly.

**Official Code of Georgia Annotated TITLE 36 Local Government Provisions Applicable to
Counties and Municipal Corporations (Chs. 60 — 77) CHAPTER 66C Streamlining Wireless
Facilities and Antennas (§§ 36-66C-1 — 36-66C-21)**

36-66C-5. Fees and rates preceding collocation; annual increases; rate changes after changes in federal law; removal; penalty.

(a) As a condition to the issuance of a permit to collocate a small wireless facility or to install, modify, or replace a pole or a decorative pole for collocation of a small wireless facility in a right of way, the applicant shall pay the following fees and rates:

(1) A fee for each application for the collocation of each small wireless facility on an existing pole assessed by the authority not to exceed \$100.00 per small wireless facility;

(2) A fee for each application for each replacement pole with an associated small wireless facility assessed by the authority not to exceed \$250.00;

(3) A fee for each application for each new pole with an associated small wireless facility assessed by the authority not to exceed \$1,000.00 per pole with an associated small wireless facility;

(4) An annual right of way occupancy rate assessed by the authority for nonexclusive occupancy of the right of way by the applicant not to exceed:

(A) One hundred dollars per year for each small wireless facility collocated on any existing or replacement pole, including an existing or replacement authority pole; or

(B) Two hundred dollars per year for each new pole, other than a replacement pole, with an associated small wireless facility;

(5) An annual attachment rate for collocations on authority poles not to exceed \$40.00 per year per small wireless facility, which shall be nondiscriminatory regardless of the services provided by the collocating wireless provider;

(6) A fee for make-ready work, as provided in subsection (n) of [Code Section 36-66C-7](#); and

Agenda Item V-L

(7) Generally applicable nondiscriminatory fees for any permit required under generally applicable law; provided, however, that an applicant shall not be required to obtain or pay any fees for a building permit, as the permit issued pursuant to this chapter serves as a building permit for the applicable poles and small wireless facilities.

(b) The monetary caps provided in paragraphs (1), (2), (3), (4), and (5) of subsection (a) of this Code section shall increase 2.5 percent annually beginning January 1, 2021.

(c) If, in a final adjudication not subject to further appeal or to review by the United States Supreme Court, a federal court reviewing Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, et al., Declaratory Ruling and Third Report and Order, WT Docket No. 17-79 and WC Docket No. 17-84, FCC 18-133 (released September 27, 2018), or a related FCC order, or a Georgia federal district court, the United States Court of Appeals for the Eleventh Circuit, or the United States Supreme Court interpreting 47 U.S.C. Section 253(c) as it existed on January 1, 2019, determines that fair and reasonable compensation includes not only cost based charges but also market based charges with respect to application fees or right of way occupancy rates for the installation of small wireless facilities or poles, or to authority pole attachment rates for small wireless facilities, then:

(1) Beginning on July 1 of the calendar year following the date that the final adjudication is no longer subject to further appeal or to review by the United States Supreme Court, the monetary caps provided in paragraphs (1), (2), (3), (4), and (5) of subsection (a) of this Code section for the fees or rates to which the determination applies, excluding any increases that have been made under subsection (b) of this Code section, shall double; and

(2) Beginning on July 1 of the second calendar year following the date that the final adjudication is no longer subject to further appeal or to review by the United States Supreme Court, the monetary caps in paragraphs (1), (2), (3), (4), and (5) of subsection (a) of this Code section for the fees or rates to which the determination applies shall terminate. In place of any monetary caps that terminate pursuant to this subsection, applicants shall pay fees or rates, as each may be applicable, that constitute the fair and reasonable compensation due to the authority under applicable law.

(d) An applicant shall not be subject to any fees or rates other than those expressly provided for by this Code section or as may be otherwise voluntarily negotiated between an applicant and the authority in accordance with [Code Section 36-66C-4](#).

(e) The applicant, or the person that owns or operates the small wireless facility collocated in the right of way, may remove its small wireless facilities at any time from the right of way upon not less than 30 days' prior written notice to the authority and may cease paying to the authority any applicable fees and rates for such use, as of the date of the actual removal of the small wireless facilities. In the event of such removal, the right of way shall be, to the extent practicable in the reasonable judgment of the authority, restored to its condition prior to the removal. If the applicant fails to return the right of way, to the extent practicable in the reasonable judgment of the authority, to its condition prior to the removal within 90 days of the removal, the authority may, at the sole discretion of the authority, restore the right of way to such condition and charge the applicant the authority's reasonable, documented cost of removal and restoration, plus a penalty not to exceed \$500.00. The authority may suspend the ability of

the applicant to receive any new permits from the authority until the applicant has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the authority shall not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

History

Code 1981, § 36-66C-5, enacted by Ga. L. 2019, p. 236, § 1/SB 66.

▼ Annotations

Notes

Editor’s notes.

For information as to the effective date of this Code section, see the effective date note at the beginning of this chapter.

Research References & Practice Aids

Hierarchy Notes:

- O.C.G.A. Title 36
- O.C.G.A. Title 36, Ch. 66C

Content Type:

Terms:

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HOLLY SPRINGS, GEORGIA, TO AMEND THE STORMWATER SERVICE FEE RATES

WHEREAS, the Georgia Constitution authorizes municipalities to provide stormwater systems and services; and

WHEREAS, the Georgia Supreme Court has held that municipalities may prescribe, revise and collect rates, fees, tolls, or charges for the services, facilities, or commodities furnished or made available by a stormwater utility; and

WHEREAS, the Mayor and City Council of the City of Holly Springs, Georgia, adopted an ordinance on July 20, 2009, establishing Article III – Stormwater Utility, Chapter 78 - Utilities; and

WHEREAS, the Georgia Supreme Court has recognized that the amount of impervious surface is the most important factor influencing the cost of stormwater management services; and

WHEREAS, stormwater service fees shall be a periodic service charge which shall be used only for the purpose of funding the City of Holly Springs stormwater utility's cost of providing stormwater management services and stormwater management systems and facilities; and

WHEREAS, stormwater service fees shall be based on the relative contribution of each customer to the demand for stormwater management services, shall be structured so as to be fair and reasonable and shall bear a substantial relationship to the cost of providing stormwater management services and stormwater management systems and facilities; and

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Mayor and City Council of the City of Holly Springs, Georgia, do hereby adopt the following:

- (1) The Equivalent Residential Unit (ERU) of 2,700 square feet of impervious surface is established for the calculation of stormwater service fees within the corporate limits of the City of Holly Springs.
- (2) The stormwater service charge per ERU shall be five dollars (\$5.00) per month.
- (3) All single family, duplex, and townhome residential lots shall be charged the rate applicable to one (1) ERU per month.
- (4) For all other developed properties, the stormwater service charge rate shall be based on the following calculation:
$$\text{Total Impervious Surface Area} \div 2,700 = \# \text{ of ERUs}$$
$$\# \text{ of ERUs} \times \$5.00 = \text{Monthly Fee}$$

- (5) This rate structure shall become effective immediately upon approval from the Mayor and City Council.

SO RESOLVED by the Mayor and City Council of the City of Holly Springs, Georgia, this 21st day of August, 2023.

This Resolution is adopted this 21st day of August 2023.

CITY OF HOLLY SPRINGS

Steven W. Miller, Mayor

Attest:

Karen Norred, City Clerk
(Seal)

A RESOLUTION OF THE CITY OF HOLLY SPRINGS MAYOR AND COUNCIL TO OPEN A CERTIFICATES OF DEPOSIT; TO AUTHORIZE THE CITY MANAGER AND/OR FINANCE DIRECTOR TO MANAGE SAID CERTIFICATES OF DEPOSIT (CD)

WHEREAS, it is the desire of the City Council of the City of Holly Springs to open one (1) Certificates of Deposit (CD) with South State Bank: and

WHEREAS, it is the desire of the City Council of the City of Holly Springs to authorize the City Manager and/or the Finance Director to manage said Certificate of Deposit (CD); and

WHEREAS, it is the desire of the City Council of the City of Holly Springs to open the following account:

Account Number	Current Balance	Term	Interest Rate	Maturity Date
	\$ 1,000,000.00	9 month	4.75%	

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Holly Springs that the City Manager and/or Finance Director is hereby authorized to open one (1) Certificate of Deposit (CD).

SO RESOLVED THIS 21st DAY OF AUGUST, 2023.

Steven W. Miller, Mayor

Attest:

Karen Norred, City Clerk
(Seal)

RETURN TO:
Dyer & Rusbridge, P.C.
291 E. Main Street
Canton, Georgia 30114

DEED PREPARATION ONLY

QUITCLAIM DEED

STATE OF GEORGIA
COUNTY OF CHEROKEE

THIS INDENTURE, made as of this _____ day of _____, 20____, between **TERRI NORTON**, as party or parties of the first part, hereinafter called Grantor, and **CITY OF HOLLY SPRINGS, GEORGIA**, as party or parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee all of his right, title, and interest in:

All that tract or parcel of land lying and being in Land Lot 265 of the 15th District, 2nd Section, Cherokee County, Georgia, containing .20 acres shown as Tract B on a plat of survey prepared for Terri Norton by Wikle Land Surveying P.C. dated April 7, 2022, and being more particularly described on Exhibit "A", attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right to title to said premises or appurtenances, or any rights thereof. Grantor herein warrants that she has not conveyed her interest in said property to any other party.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal, the day and year above written.

Signed, sealed and delivered
in the presence of:

Witness

TERRI NORTON

Notary Public

EXHIBIT "A"

All that tract or parcel of land lying and being in land lot 265, district 15, section 2 of Cherokee County Georgia and being more particularly described as follows: Beginning at a point marking the common corner of Land Lots 240, 241, 264 & 265;

thence South 00 DEGREES 05 MINUTES 55 SECONDS West a distance of 164.25 feet to a point;
thence South 83 DEGREES 39 MINUTES 25 SECONDS West a distance of 209.54 feet to a point in a ditch and the TRUE POINT OF BEGINNING

thence along said ditch the following courses;

South 57 DEGREES 36 MINUTES 40 SECONDS West a distance of 4.73 feet to a point;
thence South 38 DEGREES 56 MINUTES 55 SECONDS West a distance of 21.81 feet to a point;
thence South 56 DEGREES 48 MINUTES 55 SECONDS West a distance of 8.92 feet to a point;
thence South 42 DEGREES 50 MINUTES 50 SECONDS West a distance of 10.82 feet to a point ;
thence South 64 DEGREES 22 MINUTES 45 SECONDS West a distance of 10.03 feet to a point;
thence South 47 DEGREES 44 MINUTES 50 SECONDS West a distance of 20.05 feet to a point;
thence South 25 DEGREES 13 MINUTES 30 SECONDS West a distance of 10.63 feet to a point;
thence South 52 DEGREES 00 MINUTES 55 SECONDS West a distance of 16.18 feet to a point;
thence South 46 DEGREES 16 MINUTES 55 SECONDS West a distance of 32.62 feet to a point;
thence South 55 DEGREES 29 MINUTES 00 SECONDS West a distance of 22.92 feet to a point;
thence South 19 DEGREES 54 MINUTES 35 SECONDS West a distance of 26.55 feet to a point;
thence South 47 DEGREES 14 MINUTES 10 SECONDS West a distance of 7.39 feet to a point;
thence leaving said ditch North 12 DEGREES 22 MINUTES 05 SECONDS West a distance of 120.63 feet to a point;
thence North 83 DEGREES 39 MINUTES 25 SECONDS East a distance of 157.43 feet to a point; which is the point of beginning.

RETURN TO:
Dyer & Rusbridge, P.C.
291 E. Main Street
Canton, Georgia 30114

DEED PREPARATION ONLY

QUITCLAIM DEED

STATE OF GEORGIA
COUNTY OF CHEROKEE

THIS INDENTURE, made as of this ____ day of _____, 20 __, between **CITY OF HOLLY SPRINGS, GEORGIA**, as party or parties of the first part, hereinafter called Grantor, and **TERRI NORTON**, as party or parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee all of his right, title, and interest in:

All that tract or parcel of land lying and being in Land Lot 265 of the 15th District, 2nd Section, Cherokee County, Georgia, containing .20 acres shown as Tract C on a plat of survey prepared for Terri Norton by Wikle Land Surveying P.C. dated April 7, 2022, and being more particularly described on Exhibit "A", attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right to title to said premises or appurtenances, or any rights thereof. Grantor herein warrants that she has not conveyed her interest in said property to any other party.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal, the day and year above written.

Signed, sealed and delivered
in the presence of:

CITY OF HOLLY SPRINGS, GEORGIA

Witness

By: Steven W. Miller, Mayor

Notary Public

EXHIBIT "A"

All that tract or parcel of land lying and being in land lot 265, district 15, section 2 of Cherokee County Georgia and being more particularly described as follows: Beginning at a point marking the common corner of Land Lots 240, 241, 264 & 265;

thence South 00 DEGREES 05 MINUTES 55 SECONDS West a distance of 164.25 feet to a point;
thence South 83 DEGREES 39 MINUTES 25 SECONDS West a distance of 209.54 feet to a point in a ditch

thence following along the center of said ditch 378.70 to a point and the TRUE POINT OF BEGINNING

thence South 18 DEGREES 16 MINUTES 10 SECONDS West a distance of 135.52 feet to a point;
thence South 65 DEGREES 29 MINUTES 25 SECONDS West a distance of 110.13 feet to a point;
thence North 12 DEGREES 28 MINUTES 15 SECONDS West a distance of 20.99 feet to a point;
thence North 17 DEGREES 55 MINUTES 20 SECONDS East a distance of 19.97 feet to a point;
thence North 24 DEGREES 07 MINUTES 20 SECONDS East a distance of 35.18 feet to a point;
thence North 67 DEGREES 46 MINUTES 25 SECONDS East a distance of 33.97 feet to a point;
thence North 47 DEGREES 27 MINUTES 50 SECONDS East a distance of 43.25 feet to a point;
thence North 46 DEGREES 14 MINUTES 50 SECONDS East a distance of 87.75 feet to a point;
which is the point of beginning.