



CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1

Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Diane Adoma – District 5

CITY COUNCIL MEETING AGENDA

January 28, 2019

7:00p.m.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

- I. CALL TO ORDER:** Mayor Jason Lary
- II. ROLL CALL:** Leah Rodriguez, Acting City Clerk
- III. INVOCATION:**
- IV. PLEDGE OF ALLEGIANCE:**
- V. ADOPTION OF THE CITY COUNCIL AGENDA:**
- VI. MINUTES:** Approval of Minutes of the City Council Meeting of January 14, 2019.
- VII. PRESENTATION:**
- VIII. PUBLIC COMMENTS:**
- IX. AGENDA ITEMS:**
 - 1. Amendment to the Purchasing Policy –Mayor
 - 2. Quicket Agreement – Mayor
 - 3. Road Analysis Execution – Mayor
 - 4. Citizens Pothole Oversight Committee – Mayor
 - 5. Pothole tracker – Mayor

6. An Ordinance to Amend Chapter 2 Article III Adding New Departments – Second Read
7. SPLOST Program Management – Council Members George Turner & Rob Turner
8. An Ordinance for the Creation of the Stonecrest Youth Council
9. An Ordinance for the Creation of the Stonecrest Youth Council Advisory Committee
10. An Ordinance for the Creation of the Historic and Cultural Landmarks Commission

X. CONSENT AGENDA ITEMS:

11. Resolution to Appoint Members of the Arabia Mountain Overlay Steering Committee
12. Resolution to Appoint Members to the Stonecrest Education Committee
13. Resolution to Appoint Members to the Stonecrest Finance Committee
14. Resolution to Appoint Members of the Steering Committee to negotiate the IGA with the East Metro DeKalb CID
15. Resolution to Appoint Members of the SPLOST Citizen Oversight Advisory Committee
16. Resolution to Appoint Members of the Stonecrest Film Committee

XI. PUBLIC HEARINGS:

17. TMOD 18-0007 Modifications to Short Term Vacation Rentals
18. TMOD 18-0008 Arabia Mountain Overlay District Map

XII. CITY MANAGER COMMENTS:

XIII. CITY ATTORNEY COMMENTS:

XIV. MAYOR AND COUNCIL COMMENTS:

XV. ADJOURNMENT:

XVI. EXECUTIVE SESSION:

WHEN AN EXECUTIVE SESSION IS REQUIRED, ONE WILL BE CALLED FOR THE FOLLOWING ISSUES: 1) PERSONNEL, 2) LITIGATION, 3) REAL ESTATE



CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1

Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Diane Adoma – District 5

CITY COUNCIL MEETING MINUTES

January 14, 2019

7:00p.m.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

I. CALL TO ORDER: Mayor Jason Lary

II. ROLL CALL: All members were present

III. INVOCATION: Council Member Rob Turner

IV. PLEDGE OF ALLEGIANCE:

V. ADOPTION OF THE CITY COUNCIL AGENDA:

Council Member George Turner made a motion to adopt the agenda with Council Member Rob Turner providing the second. **The motion carried unanimously.**

VI. MINUTES: Approval of Minutes of the City Council Meeting of January 2, 2019.

Council Member Rob Turner made a motion to adopt the agenda with Council Member Clanton providing the second. **The motion carried unanimously.**

VII. PRESENTATION:

Mr. Kerry Williams a member of the SPLOST Management Oversight Advisory Committee made a presentation from the committee. There was much discussion afterwards.

VIII. PUBLIC COMMENTS:

Michelle Emanuel spoke on the condition of the road and a creek at the Lions Gate subdivision. She also said Council must be on the same page.

Mayor Lary introduced Mr. Dave Marcus the chairperson of the SPLOST Management Oversight Advisory Committee.

Mr. Marcus said everyone in the city wants to see the roads paved. He also said he agrees with the presentation by Mr. Kerry Williams.

IX. AGENDA ITEMS:

1. Draft City of Stonecrest 2038 Comprehensive Plan

Mary Darby of the Collaborative Firm gave an overview of the plan and said it needs to go to the ARC and DCA for review and approval.

Mayor Lary made a motion to send the draft City of Stonecrest 2038 Comprehensive Plan to the ARC and DCA for review and approval. Council Member Adoma provided the second. **The motion carried unanimously.**

2. Contract for the Internal Auditor

Attorney Winston Denmark said in the purchasing policy VIII B Single Source Procurement speaks on a justifiable reason. He said that section does not provide any guidance. He said contracts need to be within the purchasing policy and we need to be careful with single source contracts. He said he is recommending a 6-month contract with the Internal Auditor and that the policy should be amended.

Mr. Thibodaux said the charter requires the city have an Internal Auditor and he is a city employee.

Council Member Cobble said this is not just for the City Auditor's contract, but all contracts need to be within the purchasing policy.

Council Member Adoma said federal and state laws supersede the local charter. She said the city is not registered with SAM. She further asked the City Attorney to do some research and said the city needs to be in compliance.

Mayor Lary asked Mr. Thibodaux if he had anything to say regarding the 6-month contract. He said he was okay with the contract and the reasoning by the City Attorney.

Council Member Clanton made a motion to extend a 6-month contract with Affirmed Policy Consulting, LLC for Internal Auditor with Council Member Rob Turner providing the second. **The motion carried unanimously.**

3. Resolution setting 2019 Holidays

Council Member Adoma made a motion to approve the Resolution setting the 2019 holidays with Council Member George Turner providing the second. **The motion carried unanimously.**

4. Resolution for Service Delivery Strategy Agreement

Mayor Lary made a motion to approve the Resolution for the Service Delivery Strategy Agreement with Council Member Clanton providing the second. **The motion carried unanimously.**

Council Member Adoma made a motion to move items 5-10 to the next Work Session with Council Member Clanton providing the second. The motion carried unanimously.

5. Resolution to Appoint Members of the Arabia Mountain Overlay Steering Committee

6. Resolution to Appoint Members to the Stonecrest Education Committee

7. Resolution to Appoint Members to the Stonecrest Finance Committee

8. Resolution to Appoint Members of the Steering Committee to negotiate the IGA with the East Metro DeKalb CID

9. Resolution to Appoint Members of the SPLOST Citizen Oversight Advisory Committee

10. Resolution to Appoint Members of the Stonecrest Film Committee

X. CITY MANAGER COMMENTS:

City Manager Michael Harris introduced Sean DePalma, the new Director of Parks and Recreation.

XI. CITY ATTORNEY COMMENTS: No Comments

XII. MAYOR AND COUNCIL COMMENTS:

Council Member Cobble had no comments.

Council Member Rob Turner announced he toured New Ground a film company that opened January 10, 2019.

Council Member Clanton had no comments

Council Member George Turner had no comments

Council Member Adoma said she is an Organic Farmer with the USDA. She said she did a letter of interest to the EPA to clean up Cole Creek at South River. Council Member Adoma announced on January 22, 2019 she will host a pothole rally. She further said she has just got accepted to be a Film Content Delegate at the International Film Conference in Zanzibar in March 2019.

XIII. ADJOURNMENT:

Council Member Cobble made a motion to adjourn with Council Member Rob Turner providing the second. **The motion carried unanimously at 9:00 p.m.**

XIV. EXECUTIVE SESSION:

WHEN AN EXECUTIVE SESSION IS REQUIRED, ONE WILL BE CALLED FOR THE FOLLOWING ISSUES: 1) PERSONNEL, 2) LITIGATION, 3) REAL ESTATE



CITY COUNCIL AGENDA ITEM

SUBJECT: Amendment to the Purchasing Policy

☐ ORDINANCE	☐ POLICY	☐ STATUS REPORT
☐ DISCUSSION ONLY	☐ RESOLUTION	☒ OTHER

Work Session: 01/28/2019

Council Meeting: 01/28/2019

SUBMITTED BY: Mayor and City Attorney

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Recommendation of Council



**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, AMENDING AND
RESTATING AND READOPTING THE FINANCIAL MANAGEMENT POLICIES
PURCHASING POLICY OF THE CITY OF STONECREST, GEORGIA**

WHEREAS, the Section 5.06 of the Charter of the City of Stonecrest provides that the City Council shall by ordinance prescribe procedures for a system of centralized purchasing for the City; and

WHEREAS, on September 18, 2017, the Mayor and City Council approved the Financial Management Policies Purchasing Policy for the City of Stonecrest, Georgia; and

WHEREAS, the Mayor and City Council desire to amend and restate the Financial Management Policies Purchasing Policy for the City of Stonecrest, Georgia, to require the approval of the City Council on all final Contracts and Amendments valued **more than \$25,000.00** and to permit Contracts valued at less than \$25,000 to be approved, executed and delivered by the City Manager or his or her designee; and

WHEREAS, the Mayor and City Council desire to amend and restate and readopt the Financial Management Policies Purchasing Policy of the City of Stonecrest, Georgia, as provided herein.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

Section 1: The Mayor and City Council of the City of Stonecrest, Georgia, hereby amend and restate the Financial Management Policies Purchasing Policy of the City of Stonecrest, Georgia, as contained in Exhibit "A" attached hereto and incorporated herein by this reference.

Section 2: The Mayor and City Council of the City of Stonecrest, Georgia, hereby readopt the Financial Management Policies Purchasing Policy of the City of Stonecrest, Georgia, as contained in Exhibit "A" attached hereto and incorporated herein by this reference.

Section 3:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph,

sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

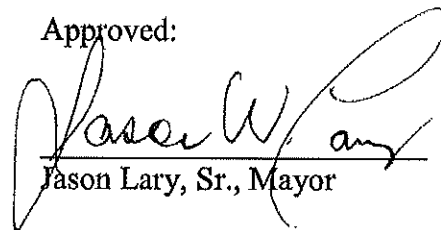
3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

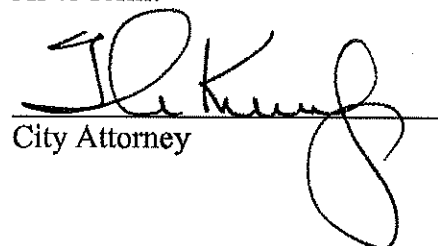
5. The within ordinance shall become effective upon its adoption.

SO ORDAINED AND EFFECTIVE this the 16th day of April, 2018.

Approved:


Jason Lary, Sr., Mayor

As to form:


City Attorney

Attest:


Brenda James, City Clerk

Exhibit "A"

Financial Management Policies

Purchasing Policy

Purchasing Policy

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Purchasing Policy

PURCHASING POLICY

I. Purpose

The purpose of this policy is to state the City's position regarding the responsibility and authority for the acquisition and contracting for Goods, Services, Professional Services, Real Estate, and Capital Assets. This document will clarify purchasing functions and outline purchasing policies, as well as describe departmental relationships, responsibilities and participation in the procurement cycle. This policy will provide control functions, assure proper record keeping and confirm purchases in writing to allow the City to meet the following goals:

- A. Maintain at all times and under all conditions a continuous supply of Goods and Services necessary for the operation of the City;
- B. Encourage and promote fair and equal opportunity for all persons doing, or seeking to do, business with the City;
- C. Safeguard the quality and integrity of the City's procurement process;
- D. Ensure compliance with laws and regulations pertaining to the procurement of Goods, Services, Professional Services, Real Estate, Construction Services and Capital Assets;
- E. Manage procurement and inventories of purchased Goods to meet the use requirements of City departments at the most advantageous cost to the City;
- F. Administer procurement contracts and contract amendments; and
- G. Properly dispose of all material and equipment declared to be surplus or obsolete.

In addition, this policy is to set a standard of environmentally preferable procurement and demonstrate the City's commitment to environmental, economic, and social stewardship. The City has a unique opportunity to further expand its leadership in the area of environmentally preferable purchasing, and through its actions, elicit changes in the marketplace. By further incorporating environmental considerations into public purchasing, the City will positively impact human health and the environment, remove unnecessary hazards from its operations, reduce costs and liabilities, and improve the environmental quality of the region. This policy will guide the City's efforts in procuring environmentally preferable Goods and Services.

The philosophy behind this policy is one of separating the need for Goods and Services from the function of negotiation and executing the necessary contractual purchase agreement.

The Purchasing Policy outlined herein shall be used in conjunction with the Purchasing Card Policy.

Purchasing Policy

II. Scope

The scope of this purchasing policy covers the procurement of most Goods and Services for non-construction purposes without regard to the past method by which the material or service has been or is customarily procured. The policy covers all contractual and purchase agreements between the City and another Person. The procurement function includes the initial agreement/purchase, changes and/or re-negotiations. This policy establishes the specific responsibility and authority of the procurement of materials and services.

As part of the audit process, the internal controls and accounting processes outsourced to municipal services Vendors will be evaluated and a measure of assurance given as a requirement of completion of the City's annual audit. The staff of outsourced municipal services Vendors assigned to work at City offices and perform purchasing activities on behalf of the City is not exempt from the City's adopted Purchasing Policy. Furthermore, unless due to the lack of competitive options, the City will not typically procure Goods and Services from outsourced municipal services Vendors not expressly stated in their contract to provide municipal services or which do not have a direct impact on the Vendor's ability to provide those contracted services.

The provisions of this policy do not apply to procurements for the following:

- A. Public works construction contracts to the extent governed by O.C.G.A. §36-91-1 et seq.;
- B. Services and construction whose procurement falls under a conflicting federal or Georgia statute;
- C. Land, artistic work, or other goods whose inherent nature is unique and cannot be competitively compared to other goods within its class, except as provided in Section VIII. Real Estate Acquisition;
- D. Employee Benefits and health related services procured through a quotation and negotiating process conducted by an expert in the field, or to maintain continuity of employee-health records;
- E. Travel, entertainment, conferences, training, speakers, instructors, facilitators, and meeting expenses, or other expenditures covered by another City policy;
- F. Insurance procured through a negotiating process;
- G. Items or services procured for resale or to generate a revenue;
- H. Advertising;
- I. Subscriptions and dues established during the budget process;
- J. Utilities;
- K. Seized Property included in a court order authorizing disposal; and
- L. Contracts involving federal funding whose procurement falls under a conflicting federal or Georgia statute or regulation, except as provided in Section XI.

Purchasing Policy

III. Definitions

When used in this policy, the following words, terms and phrases, and their derivations, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. ADDENDUM means a change, clarification or correction in the Solicitation Documents, prior to the award of a Contract.
- B. AMENDMENT means an agreed upon change order, addition to, deletion from, correction or modification of a Contract including a Contract Extension or a Contract Renewal.
- C. APPEAL means a specific written objection by an interested Person to a Request for Qualifications, a Request for an IWQ, an Invitation for Bid, an Invitation to Negotiate, a Request for proposal, or an award or proposed award of a Contract, with the intention of receiving a remedial result.
- D. BID / PROPOSAL BOND means a form of bid security executed by the Bidder (or Proposer) as principal and by a Surety, to guarantee that the Bidder (or Proposer) will enter into a Contract within the time specified in the Invitation for Bid or Request for proposals, and will furnish the necessary bonds and insurance, and meet any other requirements of those documents.
- E. BIDDER means a person or entity submitting a bid or quote to the City for the supply of Goods or Services.
- F. BUYING COOPERATIVE OR ALLIANCE means a group of public entity purchasers organized for the purpose of creating contracts or pricing agreements in order to take advantage of group or quantity buying discounts or special pricing from which members of the group can benefit.
- G. CAPITAL ASSET is an item of personal property having a normal life expectancy of three years or more other than components.
- H. CITY means the City of Stonecrest and, as the context warrants, those persons or bodies authorized to act on its behalf, including but not limited to the City Council, committees, boards and staff.
- I. CITY ETHICS POLICY shall mean Article X, Ethics, of Chapter 2, Administration, of the Code of the City of Stonecrest, Georgia.
- J. CITY FINANCE DIRECTOR/FINANCE DIRECTOR means the City Accountant as described in the City Charter, his agent, or the department head of the City Finance Department, if such a department is in existence.
- K. COMPETITIVE AWARD means a procurement based upon the outcome of one of the competitive processes set forth in this Policy, where award is made based on the lowest quotation or Bid submitted by a responsible and responsive Bider or to the most qualified or advantageous Proposer based on the qualitative and/or quantitative factors identified for the procurement. A Competitive Award can be made even if only a single bid or proposal has been received from a Bidder or Proposer who is determined to be responsible and responsive.

Purchasing Policy

- L. CONSTRUCTION means the process of building, altering, improving or demolishing any public structure or building, or other public improvements of any kind to any public real property including the provision of materials therefor. The term "Construction" does not include the routine operation, repair and/or maintenance of existing structures, buildings or real property.
- M. CONSTRUCTION SERVICES means services rendered by an independent and licensed contractor having expertise in Construction.
- N. CONTRACT means all types of City agreements for the purchase or disposal of Goods, Real Estate or Capital Assets, and the procurement of Services, Professional Services or Construction Services regardless of what they may be called, including contracts for a fixed price, cost plus a fixed fee, incentive contracts, and contracts providing for the issuance of job or task orders, leases, letter contracts and purchase orders. Contracts also include Amendments, modifications and supplemental agreements with respect to any of the foregoing. Every Contract must be duly authorized and approved prior to execution.
- O. CONTRACT EXTENSION means an Amendment to a Contract that includes an increase in the term of a Contract, for which no options to renew the Contract beyond the current expiration date exist.
- P. CONTRACT RENEWAL means an exercise of an approved, existing option to increase the term of a Contract. Options to renew a Contract are often done in annual increments.
- Q. EMPLOYEE means an individual drawing a salary or wage from the City whether on a full-time or part-time basis. The term shall encompass all members of the City Council without regard to whether or not such individuals are compensated. For purposes of this Purchasing Policy the term "employee" shall include, any Vendor or any employee of such Vendor who has entered into a Contract with the City to provide administrative and department services contemplated in Section 2.12 of the Charter of the City.
- R. EMERGENCY PROCUREMENT means any procurement of Goods, Capital Assets, Services or Professional Services in the context of an Emergency.
- S. EMERGENCY means a situation that occurs suddenly and unexpectedly and demands immediate action to prevent delays which may vitally affect the health, safety or welfare of the public or City Employees and affects the continuation of services to the citizens, and/or serious loss or injury to the City. Emergency shall also mean a condition, malfunction, or occurrence in which the immediate procurement of an item (i.e. Good, Services, or Professional Service) is essential to comply with regulatory requirements.
- T. ENVIRONMENTALLY PREFERABLE GOODS AND SERVICES means Goods and Services that have a lesser or reduced negative effect on human health and the environment when compared with competitive Goods and Services that serve the same purpose.
- U. GIFTS or FAVORS means anything of any service or value. Value shall as defined in any City of Stonecrest ethics policy.
- V. GOODS or COMMODITIES means supplies, apparatus, materials, equipment and other forms of tangible personal property used by a City department in the accomplishment of its responsibilities other than Capital Assets.

Purchasing Policy

- W. GOVERNING AUTHORITY means the Mayor and City Council of the City of Stonecrest or its designee(s).
- X. INFORMAL WRITTEN QUOTES (IWQ) means all documents utilized for soliciting quotations for Goods, Services, or Professional Services, in which award is made based on the lowest responsive and responsible quotation and in which the type or cost of the procurement does not require a more formal Bid or proposal process.
- Y. INVITATION FOR BID (IFB) means all documents utilized for soliciting bids, including those attached or incorporated by reference. These include a scope of work and all contractual terms and conditions applicable to the procurement. Bids are requested when requirements are clearly defined, price is the major determining factor for award, and a formal sealed submittal is required.
- Z. INVITATION TO NEGOTIATE (ITN) means documents used for soliciting competitive proposals in which negotiation of price and other factors is to commence after receipt of proposals and prior to recommendation of award. This process may be used when the scope of work is complex or difficult to define, if strict comparison of Services or Goods required may be difficult because components are likely to vary among Proposers or in any situation when it is in the City's best interest to negotiate prior to recommendation of award to obtain the Services or Goods that best meet the City's needs, price and other factors being considered.
- AA. LATE BID/PROPOSAL means a Bid or proposal received after the time or date such bid or proposal was due, as stated in the Solicitation Documents.
- BB. LIFE CYCLE COST ASSESSMENT means the comprehensive accounting of the total cost of ownership, including initial costs, energy and operational costs, longevity and efficacy of service and disposal costs.
- CC. MULTIPLE AWARD SCHEDULE CONTRACT means a Contract based upon one solicitation awarded to two or more Vendors to supply Goods or Services.
- DD. NEGOTIATED AWARD means a procurement made as the result of negotiations between the City and a Supplier, such as a Sole Source Procurement or Single Source Procurement or another instance, including competitive Invitation to Negotiate, where a Contract award based on direct negotiations with a Supplier of Goods or Services is appropriate.
- EE. OFFICIAL means any City elected or appointed person who holds office or any person appointed by the mayor and council of the City to serve on (1) the planning commission of the City, (2) any board or commission of the City having quasi-judicial authority; and, (3) any authority created by the City, either individually or jointly with other local governments pursuant to Georgia law.
- FF. ONLINE REVERSE AUCTION means a purchasing method wherein Bidders enter prices for items electronically, and their prices are displayed for other bidders to see with all Bidders given the opportunity to continually bid a lower price until the time period of the bid expires.
- GG. ORDINANCE means related Administration Ordinance in Chapter 2 of the City's Municipal Code.
- HH. PAYMENT TERMS means the established due date for payments by the City to pay an invoice. Absent any agreement otherwise stated, the City's payment term will be Net 30.

Purchasing Policy

- II. PERFORMANCE BOND means a bond provided by a contractor/supplier in which a surety guarantees to the City that the Goods or Capital Assets are delivered or the Services or Construction Services are performed in accordance with the Contract documents. A letter of credit issued by a financial institution that meets the City's requirements may, at the reasonable discretion of the City, be substituted for the performance bond.
- JJ. PERSON means any business, entity, company, firm, individual, union, committee, club or other organization or group of individuals.
- KK. PRACTICABLE means satisfactory and within reason when considering price, performance, availability, compatibility with specified operation, and public safety.
- LL. PRE-QUALIFICATION means the part of a competitive procurement process in which the City determines, based on standards developed for a specified product or service, which interested Vendors meet those standards and are eligible for further consideration in the purchasing process.
- MM. PROFESSIONAL SERVICES means services rendered by an independent contracting individual or firm having expertise in a particular industry or subject matter due to specialized education, training, licensure or skill, and consisting primarily of advice reports, conclusions, recommendations or other outputs resulting from the time and effort of the service provider, as opposed to the acquisition of specific commodities, or of services not requiring any specialized education, licensing, training or skill (e.g. janitorial services). Professional Services include but are not limited to evaluations, consultations, management systems, management consulting, compiling statistical data, support of planning and operating activities, appraisal services, and research and development studies or reports.
- NN. PROPOSER means a Person submitting a proposal or qualifications to the City for the supply of Goods, Capital Assets, Real Estate, Construction Services, Services, or Professional Services.
- OO. PURCHASE ORDER means a document approved and issued by the Purchasing Agent or designee and accepted by the Vendor to obtain Goods, Capital Assets, and Services.
- PP. PURCHASING is the process of securing real estate, capital assets, materials, services, repairs, leases and rentals necessary for the operation and support of the City. The renewal, renegotiations and changes to Contracts, leases and agreements are functions of purchasing.
- QQ. PURCHASING AGENT means the principal purchasing official of the City who is authorized and appointed to purchase a range of Goods, Capital Assets, Real Estate, Services, Construction Services, or Professional Services on a routine basis.
- RR. REAL ESTATE means land and any improvements and appurtenances thereto.
- SS. REAL ESTATE ACQUISITION means the acquisition of a fee interest, estate for years or usufruct in Real Estate by purchase or lease.
- TT. REQUEST FOR PROPOSALS (RFP) means all documents utilized for soliciting proposals for Goods, Capital Assets or Services, including those attached or incorporated by reference. These include a scope of work and all contractual terms and conditions applicable to the procurement. This method is used when factors in addition to price are considered for award.

Purchasing Policy

- UU. REQUEST FOR QUALIFICATIONS (RFQ) means all documents utilized for soliciting qualifications for Goods, Services, Capital Assets, Construction Services or Professional Services.
- VV. REQUISITION means an internal document, provided by a department to the Purchasing Agent that contains the fund source, approvals, descriptions, quantities and other information about the Goods, Capital Assets, Real Estate, Services, Construction Services or Professional Services in order to proceed with the procurement. The Requisition becomes valid when properly completed and approved.
- WW. RESPONSIBLE BIDDER OR PROPOSER means a Person, who, in the exclusive judgment of the City, (a) has the capability in all respects to fully perform the Contract requirements; and (b) the integrity, experience, qualification, and reliability which assures good faith performance.
- XX. RESPONSIVE BIDDER OR PROPOSER means a Person, who, in the exclusive judgment of the City, has submitted a bid or proposal that conforms in all material respects to the Solicitation Documents.
- YY. SERVICES mean any performance of effort or labor, for which the City has contracted other than Professional Services or Construction Services. Services include, but are not limited to, janitorial, landscaping, and street striping.
- ZZ. SHORTLISTING means the part of a competitive procurement process in which the City determines, based on criteria developed for a specified Good, Service, or Professional Service which of the interested Vendors are the best qualified to be eligible for further consideration in the purchasing process.
- AAA. SINGLE-SOURCE PROCUREMENT means identifying and using, without first completing a competitive process, one source for Goods, Capital Assets, Real Estate, Services, Professional Services or Construction Services among others in a competitive marketplace, which, for justifiable reasons, is found to be most advantageous for the purpose of fulfilling a given Purchasing need of the City.
- BBB. SOLE-SOURCE PROCUREMENT means identifying and using, without first completing a competitive process, one source for Goods, Capital Assets, Real Estate, Services, Professional Services or Construction Services when that source is the only one available that can fulfill a given Purchasing need of the City.
- CCC. SOLICITATION DOCUMENTS means an Invitation for Bids, Request for proposals, Request for Qualifications, Request for Quotations, or an Invitation to Negotiate including all of the associated forms and documents of each solicitation, or any other types of documents used by the City to procure Goods, Services, Capital Assets, Real Estate, Construction Services or Professional Services.
- DDD. SPECIFICATION OR SCOPE OF WORK means any description of the physical or functional characteristics, or of the nature of Goods, Services, Capital Assets, Real Estate, Construction Services or Professional Services. Specifications or Scope of Work may include any function and other criteria that will be required to perform the work and a description of any requirement for inspection, testing, or delivery.

Purchasing Policy

EEE. SUPPLIER, MERCHANT OR VENDOR means a Person currently supplying or in the business of supplying Goods, Services, Capital Assets, Real Estate, Construction Services or Professional Services.

FFF. SURETY means an organization who, for a consideration, promises in writing to make good the debt or default of another organization. The Surety must be satisfactory to the City and licensed to do business in Georgia.

GGG. THE USING DEPARTMENT/DIVISION (User) is defined as the department which has the authority and responsibility for determining the need for an item or service, its related specifications, and need date. The User is responsible for funding the need and advising Purchasing of the approved funding and the specific budget account number. The User is responsible for authorizing the purchases of all materials, services, repairs, leases and rentals in which the negotiated price exceeds the approved funding.

IV. Ethics in Procurement

Each person involved in the procurement process must adhere to a high standard of ethics. Each will be bound by the City Code of Ethics and this Article IV. Whenever this Article IV conflicts with the City Code of Ethics, the City Code of Ethics shall control.

A. Employee Conflict of Interest

It shall be unethical for any City Employee or Official to transact any business or participate directly or indirectly in a procurement Contract when the Employee or Official knows that:

1. The Employee or Official or immediate family of such Employee or Official has a substantial interest pertaining to the procurement Contract, except that the purchase of Goods and Services from businesses which a member of the City Council or other City Employee has a substantial interest is authorized as per O.C.G.A. § 36-1-14, or the procurement Contract is awarded pursuant to O.C.G.A. § 45-10-22 and § 45-10-24, or the transaction is excepted from said restrictions by O.C.G.A. § 45-10-25, interpreting such statutes as if they were applicable to a municipality.
2. Any other person, business or organization with whom the Employee, Official or immediate family of such Employee or Official is negotiating or has an arrangement concerning prospective employment is involved in the procurement Contract.
3. An Employee, Official or any immediate family of such Employee or Official who holds a substantial interest in a disclosed blind trust shall not be deemed to have a conflict of interest with regard to matters pertaining to that substantial interest.
4. All Employees and Officials will be asked to sign a disclosure document indicating his or her compliance with the City Ethics Policy.
5. The terms “immediate family” and “substantial interest” shall have the meaning given to such terms in the City Code of Ethics.

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B. Gratuities, Rebates or Kickbacks

1. **Gratuities.** It shall be unethical for any person to offer, give, or agree to give any Employee or Official or for any Employee or Official to solicit, demand, accept, or agree to accept from another person, a gratuity, rebate, loan an offer of employment or other services or property of value in connection with any decision, approval, disapproval, recommendation or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a Contract or subcontract, or to any solicitation or proposal therefore in any manner inconsistent with the State of Georgia's Department of Administrative Services Gratuity Policy. Rebates normally or routinely offered to customers in the ordinary course of business of such Vendor for the purchase of their Goods and Services are acceptable and are the property of the City.

Nothing in this section shall preclude an Employee or Official of the City from attending seminars, courses, lectures, briefings, or similar functions at any Vendor's facility or at any other place if any such seminar, course, lecture, briefing, or similar function is for the purpose of furnishing the Official, Employee, or Agent with knowledge and information relative to the Vendor's products or services and is one which the City Manager determines would be of benefit to the City.

In connection with any such seminar, course, lecture, briefing, or similar function, nothing shall preclude the Employee or Official from receiving meals or educational materials and business related items of not more than nominal value from a Vendor.

Nothing contained in this section shall permit the Employee or Official to accept travel or lodging for less than the value thereof from any Vendor.

2. **Kickbacks and Rebates.** It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a Contract to the prime contractor or higher tier subcontractor, or any person associated therewith, as an inducement for the award of a subcontract or order.
3. **Contract Clause.** The prohibition against gratuities, rebates and kickbacks prescribed in this Section shall be conspicuously set forth in every Contract and Solicitation Documents therefore.
4. **Courtesies.** Employees may accept for themselves and members of their families common courtesies usually associated with customary business practices so long as a strict standard is enforced with respect to gifts, services, discounts, entertainment or consideration of any kind from suppliers of merchandise, services, supplies, etc. to the City. An example of a common courtesy is free pens or notepads with the Vendor's name on them.
5. **Cash.** It is never permissible for an Employee or Official to accept a gift in cash, cash equivalents, stocks or other forms of marketable securities of any amount.

C. Prohibition Against Contingent Fees

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It shall be unethical for a person to be retained, or to retain a person, to solicit or secure a Contract upon any agreement or understanding for a commission, percentage, brokerage or contingent fee, except for agreements with manufacturer representatives, or agents, including but not limited to commercial services sales agents engaged in the business of soliciting contracts on behalf of Vendors.

D. Use of Confidential Information

It shall be unethical for any Employee or Official knowingly to disclose or use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

E. Unauthorized Purchases

No purchases of Goods and Services shall be made in the name of the City or one of its departments, except such as is required for official use by the City or one of its departments. Purchases in the name of the City or a department for personal use by an individual or for other than official use are prohibited, and no City funds will be expended or advanced therefore.

F. Penalties and Sanctions

1. Legal or disciplinary action by City Council. The City Council may take appropriate legal and/or disciplinary actions pursuant to the City Code of Ethics against any Employee, Official or other Person in violation of these ethical standards.
2. Legal or disciplinary action by City Manager. The City Manager is authorized to take any appropriate legal and/or disciplinary actions, including dismissal, of any Employee violating this Ethics Policy.
3. Administrative penalties for Employees. The City Manager may impose any one or more of the following penalties or sanctions on an Employee for violations of the ethical standards in this Section as appropriate to the situation, subject to the Personnel Manual or other appropriate appeals procedures:
 - a) Oral or written warnings or reprimands.
 - b) Suspensions with or without pay for specified periods of time.
 - c) Termination of employment.
4. Administrative penalties for outside contractors/Vendors. The City may impose any one or more of the following penalties or sanctions on a Vendor or other Person or organization for violations of these ethical standards:
 - a) Written warnings or reprimands.
 - b) Termination of Contracts.
 - c) Debarment or suspension.

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G. Disclaimer of Responsibility for Improper Purchasing

The City may disclaim responsibility and liability for any purchase, expenditure, or agreement for expenditure arising from any procurement made in its name, or in the name of any governmental body under its authority, by an unauthorized person or any person acting outside this Policy or the authorization or delegation as provided in this Policy. The expense of any such disclaimed transaction will become the personal liability of the individual who acted improperly.

H. Vendor Contact During Open Solicitations

Persons seeking an award of a City contract may not initiate or continue any verbal or written communications regarding a solicitation with any Official, Employee or other City representative other than the Purchasing Agent named in the solicitation between the date of the issuance of the solicitation and the date of the final contract award. The City Manager or designee will review violations. If determined that such communication has compromised the competitive process, the offer submitted by the individual, firm or business may be disqualified from consideration for award.

V. **Responsibility**

A. Purchasing Agent

The City Council appoints the City Manager, or such other Employee appointed by the City Manager, to serve as the Purchasing Agent for the City, or the City Council may contract with an independent third party to serve as the Purchasing Agent under the direction and control of the City Manager (City Code Chapter ___, Article ___, Section ___).

DUTIES: The Purchasing Agent shall have the following duties and powers:

1. Arrange and negotiate the purchase or Contract for all equipment, supplies and contractual services for the City or any using agency; arrange and negotiate for the sale or otherwise dispose of all surplus equipment and supplies or real estate of the City or any using agency, subject to the approval of the City Manager and/or the City Council.
2. Maintain a perpetual or periodic inventory record of all materials, supplies, software, or equipment stored in city storerooms, warehouses, and elsewhere, including monthly reports to the Finance Director that include:
 - a) Titles of all formal solicitations and the method of source selections to be used.
 - b) Contracts authorized by the City Council, the method of source selection used and the total dollar amount.
 - c) Emergency Contracts awarded pursuant to Section 1.03 of the City's Charter.
 - d) Change orders or Contract modifications authorized by the City Council and the dollar amount and reason.

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- e) Amendments or change orders authorized by the Purchasing Agent and the dollar amount and reason.
 - f) Explanation of any changes, and the costs involved, in the scope of services made between the time a Contract is awarded and the time that the Contract is authorized by the City Council.
 - g) Documentation of the types, quantities, and dollar amounts of environmentally preferable Goods (including the percentage of post-consumer and total recovered material content) and Services purchased. The report shall also include dollar amounts of non-environmental or conventional Goods and Services, identify and discuss instances where this policy is waived or its requirements found impracticable, and highlight barriers to the procurement of environmentally preferable Goods and Services, if applicable.
- 3. Manage and supervise purchasing staff.
 - 4. Control and supervise all City storerooms and warehouses.
 - 5. Maintain and adhere to all City purchasing procedures and purchasing procedures manual which will be updated by City Manager periodically.
 - 6. Establish guidelines, within the purchasing procedures manual, governing the review and approval of specifications for procurement of Goods, Capital Assets and Services based on recyclability, energy and water conservation, life cycle cost, and other environmental considerations.
 - 7. Direct efforts to procure Goods, Capital Assets, Real Estate, Services, Construction Services and Professional Services in accordance with the requirements of this Purchasing Policy, the Code of the City of Stonecrest and Georgia law.
 - 8. Where in the best interest of the City, require Bid/Proposal Bonds, insurance and other forms of protection for the City on the process of procuring Goods, Capital Assets, Services and Construction Services for the City.
 - 9. Terminate solicitations for bids for any Goods, Capital Assets, Services, Construction Services and Professional Services when, in the opinion of the Purchasing Agent, it is in the City's best interest to do so.
 - 10. Reject any and all bids, when in the opinion of the Purchasing Agent it is in the City's best interest to do so.
 - 11. Consult with the City Attorney if a contracting party breaches or is reasonably anticipated to breach its Contract with the City.
 - 12. The City Council shall approve final Contracts and Amendments valued more than \$25,000.00 and execute and bind the City to such agreements. Contracts valued at less than \$25,000.00 may be approved, executed and delivered by the City Manager or designee of the City Manager with a copy of said contract to be delivered to the City Council by the City Clerk via email. No

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Contract shall be approved pursuant to this Subsection 12, unless the funds therefor have been appropriated in the budget of the City or otherwise by the City Council.

13. Advise the Finance Director and City Manager on the status of negotiations, as well as Contract provisions and their impacts on the City.
14. Make recommendations on Contract approval, rejection, Amendment, and cancellation.
15. Provide Contract administration and supervision of Contracts. Such tasks shall include, but not be limited to, monitoring Amendments, obtaining applicable insurance certificates and monitoring applicable progress.
16. Plan and implement processes for the ongoing protection of the City's interests.
17. Recommend and implement policies and procedures to provide for compliance with laws related to bidding, Contracting and Purchasing as set forth in the State of Georgia Code and Regulations, by examining the applicable laws and developing procedures for bidding, Contracting and procurement processes.
18. Ensure all Contracts are reviewed and approved by the City Attorney as required by Section 3.08 of the City Charter.
19. Whenever possible, utilize City-generated and City Attorney-approved standard goods/services purchasing agreements.
20. Ensure Council is notified as soon as reasonably possible of all upcoming and active competitive procurements.
21. Ensure all procurements over \$25,000.00 have Council approval.

B. Using Department/Division (User)

1. Determine Need: The User is responsible for determining the need for a material or service and providing appropriate documentation and justification therefor, including a purchase requisition.
2. Determine Funding: The User is responsible for providing proper funding. Specific budget account numbers must be on the purchase requisition.
3. Determine Specifications: The User is responsible for determining the quantity, quality, dimensions, duration and all other necessary specifications essential to the determination of what is to be procured. The specifications must, where applicable, conform to the approved City standards for identity and continuity.
4. Purchase Requisition: It is imperative that the User transmits its need to the Purchasing Agent. The Purchasing Agent can only purchase supplies and services on the basis of an approved and completed Requisition. A properly approved Requisition contains, as a minimum, the following information:

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- a) Complete description and specifications.
 - b) Quantity.
 - c) Need date (lead time of at least one week, must be allowed).
 - d) Estimated cost.
 - e) Freight.
 - f) Complete budget account number.
 - g) Previous purchase information or quotation (if known).
 - h) Known or suggested Vendor(s).
 - i) Authorized approval of department head and division head.
 - j) Authorized approval from the Budget/Finance Department.
5. Acceptance of Procured Item or Service: Within 24 hours, the User is responsible for advising the Purchasing Office in writing on a receiving report the receipt of the Goods procured and whether or not such Goods are found to be unsatisfactory.

VI. Environmentally Preferable Goods and Services

In determining which Goods, Capital Assets and Services to purchase, the City shall integrate environmental factors into the City's procurement decisions, when available and commercially practicable in the reasonable discretion of the User. At a minimum, the City shall strive to whenever possible and practicable:

1. Purchase copy, computer, and fax paper with at least 30 percent post- consumer recycled content;
2. Purchase non-emergency fleet vehicles that provide the best available net reduction in vehicle fleet emissions, including but not limited to the purchase of alternative fueled and hybrid vehicles;
3. Consider purchasing lower emission emergency fleet vehicles with comparable specifications for performance, safety, and fuel availability during emergencies as conventionally-powered emergency fleet vehicles;
4. Purchase at least Energy Star rated equipment and appliances for use in local government facilities when practicable based upon considerations of Life Cycle Costs;
5. Purchase water-saving products, including WaterSense labeled, whenever practicable, including but not limited to, high performance fixtures such as toilets (1.28 gallons per flush

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or less), urinals (0.5 gallons per flush or less), low-flow faucets (1.5 gallons per minute or less), aerators, and upgraded high-efficiency irrigation systems;

6. Replace disposable with re-usable, recyclable, or compostable Goods;
7. Consider Life Cycle Cost Assessment; and
8. Evaluate, as appropriate, the environmental performance of Vendors in providing Goods and Services.

This analysis to determine environmentally preferable Goods Services may include raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, disposal of products, or service delivery.

Specifically, factors that should be considered by the User when determining that Goods have environmentally preferable attributes include, but are not limited to:

1. Minimization of virgin, unrecycled material used in Goods;
2. Maximization of recycled materials used in Goods;
3. Life cycle economics of Goods and Services;
4. Reuse of existing Goods or materials in Goods;
5. Recyclability, biodegradability and compostability of Goods;
6. Minimization of packaging;
7. Reduction of energy and fuel consumption;
8. Reduction of water consumption;
9. Toxicity reduction or elimination;
10. Durability and maintenance requirements; and
11. Ultimate disposal of the Goods.

VII. Preference for Products Manufactured in Georgia

When contracting for or purchasing supplies, materials, equipment, or agricultural products, excluding beverages for immediate consumption, the City shall give preference, as far as may be reasonable, economical, and practicable, to such supplies, materials, equipment, and agricultural products as may be manufactured or produced in the State of Georgia. Such preference shall not sacrifice quality.

In determining whether such a preference is reasonable in any case where the value of a contract for or purchase of such supplies, materials, equipment, or agricultural products exceeds \$100,000.00, the City shall consider, among other factors, information submitted by the bidder which may include the bidder's estimate of the multiplier effect on gross state domestic product and the effect on public revenues of the

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state and the effect on public revenues of political subdivisions resulting from acceptance of a bid or offer to sell Georgia manufactured or produced goods as opposed to out-of-state manufactured or produced goods. Any such estimates shall be in writing. The City shall not divide a contract or purchase which exceeds \$100,000.00 for the sole purpose of avoiding these requirements.

VII. Competitive Procurements

A. Request for Informal Written Quotes (IWQ)

Requests for Informal Written Quotes (IWQ) are prepared and issued with the goal of obtaining competitive responses.

Public notice is posted on the Purchasing Agent's Internet Web Page for all Requests for an IWQ in which the value is expected to exceed \$50,000.00. Additional public notice may be provided for solicitations that, in the sole discretion of the City, are of the size, type, or dollar value that make additional public notice appropriate.

Quotations are opened by the Purchasing Agent at the location indicated and on or after the due date indicated in the Request for an IWQ. A split or partial quotation may be awarded, if a Request for an IWQ is for multiple Goods or Services, more than one Vendor provides a quotation that meets the specifications for the items, and a price comparison can be made between the items quoted. The award may be split between more than one Vendor by awarding to the lowest cost provider of each item or reasonable grouping of items if acquisition, delivery, and other requirements can be reasonably administered. A Split or Partial Quotation Award shall not be used under the following conditions:

- a) When the solicitation is for an integrated system and the split of the award between components or parts of that system would jeopardize performance; or
- b) If the item is part of a system and the performance of that system would be jeopardized if another brand was substituted.

Tie quotations are handled in the same way as tie bids.

B. Invitation for Bids

Invitation for Bids (IFB) are prepared and issued to prospective Bidders, with the goal of obtaining competitive responses in the procurement of Goods, Capital Assets, Services and Construction Services.

Public notice (such as publication in a newspaper of general circulation or posting on the Purchasing Agent's Internet Web page) of the IFB must be given a minimum of fourteen (14) calendar days prior to the date set for bid opening, unless it can be demonstrated that an Emergency requirement for Goods Capital Assets, Services or Construction Services exists, in which instance, the requirement for public notice may be reduced by the Purchasing Agent.

Bids shall be opened publicly in the presence of the Purchasing Agent or the designee of the Purchasing Agent and at least one other witness at the time and place designated in the Invitation for Bids. All relevant information, including each Bid amount and Bidder's name, will be recorded on a summary sheet.

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Split or partial bid awards may be awarded with the same guidelines and restrictions as those provided for split or partial quotation awards.

Tie Bids: In the event two or more identical bids are received, the following procedure will be used when the basis of award is low bid:

- a) To the extent permitted by law, a tie Bidder from a Person having an office within the limits of the City would be recommended to the appropriate approving authority for an award over one without an office in the City. A Person within the state of Georgia would be recommended to the appropriate approving authority for an award over one without an office in Georgia.
- b) If the procedures in (a) above does not result in an award, then, the tie Bidders will be contacted and advised of the tie and asked if they wish to reduce their bid in writing submitted in a sealed envelope to be opened at the time and place stated by the Purchasing Agent or the designee of the Purchasing Agent. If one or more of the tied Bidders agrees to participate, award will be made to the new low bid. If none of the tied Bidders agree to participate or if the new bids are tied, then City staff shall break the tie by following the procedures described below, as necessary.
- c) If the procedures in (a) and (b) above do not result in an award, then, to the extent permitted by law, a tie Bidder for Goods or Capital Assets deemed in the City's sole discretion to provide the most environmentally preferable Goods would be recommended to the appropriate approving authority for an award over one deemed environmentally inferior.
- d) If the procedures above do not result in an award, then, the Purchasing Agent or the designee of the Purchasing Agent in the presence of at least two witnesses will flip a coin one time. Award to the winner of the coin flip will be recommended to the appropriate approving authority.

Correction or withdrawal of inadvertently erroneous bids is permitted in accordance to the terms indicated within the IFB; however, minor irregularities may be waived by the City. No bid may be withdrawn for a period of ninety (90) days after the time scheduled for bid opening, or as otherwise stated in the IFB.

Late bids will be rejected and returned unopened.

Bids will be evaluated based on the qualification factors set forth in the IFB, which may include criteria to determine acceptability of Goods or Capital Assets (for example, inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose). Criteria for the acceptability of Goods or Capital Assets shall be used to determine whether particular Goods are responsive to the IFB, and not to determine the relative desirability between acceptable Goods or Capital Assets. The City reserves the right to waive any informalities or irregularities of bids, to request clarification of information submitted in any bid, to further negotiate with the Responsive and Responsible Bidder selected for Contract award, or to reject any or all bids for any reason whatsoever.

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Except as otherwise provided by law, if no Responsive and Responsible Bids are received or all bids are rejected, the City may procure such Goods and Services by direct negotiation as indicated below in Non-Competitive Procurement of Goods and Services.

The Bid will be awarded, if an award is made, to the Responsible and Responsive Bidder offering the lowest price whose bid meets the requirements and criteria set forth in the Invitation for Bid. The Bid may require a Contract.

C. Request for Proposals (RFP)

When the Purchasing Agent determines the use of an Invitation for Bids is not practical or not advantageous because of existing market conditions or the type of items required, the City may procure Goods, Capital Assets, Services, or Construction Services through receipt of competitive sealed proposals. Competitive sealed proposals are solicited through the use of an RFP, with the goal of obtaining competitive responses.

Public notice of the RFP shall be given in the same manner as the procurement described in section VII, sub-section A of this policy.

Proposals shall be opened publicly by the Purchasing Agent, in the presence of one or more witnesses at the time and place designated in the RFP. A register of proposals is prepared that lists each Proposer's name. Interested persons shall have access to information regarding procurement transactions of the City in accordance with City policy and the Georgia Open Records Act, O.C.G.A. §50-18-70 et seq.

All meetings of the City's Council are duly noticed public meetings and all documents submitted to the City as a part of or in connection with a Proposal may constitute public records under Georgia law regardless of any person's claim that proprietary or trade secret information is contained therein. Unless otherwise provided herein, by submission to the City, Proposers waive any claim to the proprietary nature of submitted information. The Proposer may designate in the smallest increments possible, that part of the qualifications which is deemed to be proprietary, which, subject to the City's reasonable determination, shall be redacted for purposes of the public agenda. Proposals and all related correspondence are governed by the Georgia Open Records Act and shall be provided to anyone properly requesting same, after contract award. The City cannot protect proprietary data submitted in vendor proposals unless provided for under the open records law and clearly marked as proprietary by the Proposer. In the event the Proposer deems certain information to be exempt from the disclosure requirements, the Proposal must specify what content is considered exempt and cite the applicable provision of the law to support that assessment. In the event such information is requested under the open records law, the Proposer's assessment will be examined by the City Attorney who will make a determination. The decision to withhold or release the information will be at the City Attorney's sole discretion.

Correction or withdrawal of proposals is permitted in accordance with instructions contained within the RFP. No proposal may be withdrawn for a period of ninety (90) days after the time scheduled for proposal opening, or as otherwise stated in the RFP.

Late proposals will be rejected and returned unopened.

The RFP will identify the criteria to be considered and evaluated as the basis of award.

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Proposals submitted by Responsible and Responsive Proposers are evaluated by Purchasing Agent or the designee of the Purchasing Agent based upon the criteria applicable to the RFP. All proposals (or the most acceptable proposals in the discretion of any committee evaluating proposals) will be ranked in order of their acceptability to the City, giving consideration to the criteria. Unless otherwise provided by law, the City has no obligation to award the Contract to the Proposer who proposes the lowest price.

The City reserves the right to waive any informalities or irregularities of proposals, to request clarification of information submitted in any proposal, to further negotiate with a Responsive and Responsible Proposer who has been selected for Contract award, or to reject any or all proposals for any reason whatsoever.

The Contract award will be awarded, if award is made, by the City to the Responsive and Responsible Proposer whose proposal is determined, in the City's exclusive discretion, to be the most advantageous to the City, taking into consideration price, qualifications, and other factors as indicated in the RFP. The RFP will contain the basis on which the award is to be made.

If no Responsive and Responsible proposals are received or all proposals are rejected, the City may procure such Goods, Capital Assets, Services, and Construction Services by Direct Negotiation as indicated below in Non-Competitive Procurement of Goods and Services, except as otherwise provided by law.

D. Request for Qualifications

Requests for Qualifications (RFQ) may be used when it is determined to be in the City's best interest to evaluate the experience and qualifications of a Service, Construction Service or Professional Service provider, without regard to price or prior to considering price.

The procedure for soliciting, opening and evaluating statements of qualifications shall be the same as described herein for competitive sealed proposals. Such service providers whose qualifications meet the criteria established in the RFQ, at the sole discretion of the City, may be considered for Contract award by participation in the completion price negotiation. The City shall attempt to negotiate a fee with the highest ranked firm. If no agreement is reached, the City shall begin negotiations with the next highest ranked firm. Negotiations will proceed in this manner until an agreement is reached. Alternatively, the Purchasing Agent or designee may, by Direct Negotiation, finalize terms with service providers who are selected for award based on qualifications. The City reserves the right to reject any or all responses for any reason. Clarification of information may be requested by the City.

E. Invitation to Negotiate

An Invitation to Negotiate (ITN) may be used when the City determines it is in its best interest to commence negotiation of price and other factors prior to recommendation of award, and it is approved by the City Manager. An ITN may be used for Goods, Capital Assets, Services, Construction Services or Professional Services when the scope of work is complex or difficult to define, if strict comparison of Goods, Capital Assets, Services, Construction Services or Professional Services required may be difficult because components are likely to vary among Proposers, or in any situation in which it is in the City's best interest to negotiate prior to recommendation of award to obtain the product that best meets the City's needs, price and other factors being considered.

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The procedure for soliciting and opening initial responses to an ITN shall be the same as described herein for competitive, sealed proposals.

The ITN will identify the criteria to be considered during the evaluation of proposals.

All Responsive and Responsible proposals submitted are evaluated based upon the criteria applicable to the ITN. Clarification of information submitted in the proposal may be requested. The City reserves the right to waive any informalities or irregularities of proposals, to request additional information from any Proposer, or to reject any or all responses for any reason whatsoever.

The City may, at its sole discretion, shortlist firms that are deemed to best meet the City's requirements, taking into consideration all criteria listed in the ITN, including price. The City may, at its sole discretion, ask for formal presentations from all of the Responsive and Responsible Proposers, or only from those firms that are Short-listed, if Short-listing is determined to be in the best interest of the City. Negotiations will be conducted and may take place in person or via telephonic with all of the Proposers or, if Short-listing occurs, with all of the Short-listed Proposers. Proposers that participate in the negotiations may be given an opportunity to submit their best and final offers.

The Contract Award will be awarded, if an award is made, by the City to the Responsive and Responsible Proposer whose proposal is determined to be the most advantageous to the City, taking into consideration price and other factors as indicated in the ITN. The City has no obligation to award the Contract to the Proposer that submits the lowest price; though justification should be documented.

F. Multi-step Solicitation

The City may initiate one of the multi-step solicitation processes described below when: (a) in the City's discretion, it is impractical to prepare an adequate or complete description of the Goods, Capital Assets, Services or Construction Services desired (due to insufficient data, uncertain requirements, unfamiliar market options, etc.), (b) the City desires to identify a field of qualified Bidders, Proposers, Goods or Services, out of a broader field of Bidders, Proposers, Goods or Services, or (c) the City believes a multi-step process would best serve its purposes.

1. Consecutive Multi-Step Process:

- a) The City may request unpriced proposals or statements of qualifications to be evaluated based on the criteria in the RFP or the RFQ for purposes of identifying one or more desirable or acceptable Goods, Capital Assets, Services, or Construction Services or for purposes of identifying a field of at least three (if possible and available) qualified or most qualified Bidders or Proposers. The City may request demonstrations, samples, or may conduct interviews with Proposers to aid in the identification of desirable or acceptable Goods, Services, or Professional Services or in the identification of qualified or most qualified Bidders or Proposers. In the event the City requests demonstrations or samples, the City is not required to seek or permit demonstrations or samples of Goods or Services deemed by the City to be less desirable or acceptable than other Goods or Services for which proposals or statements of qualifications were received. In the event the City conducts interviews with Proposers,

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the City is not required to interview any Proposer deemed by the City to be unqualified or less qualified than other Proposers.

- b) After identifying a field of most qualified Bidders or Proposers with the capability of providing the desirable or acceptable Goods, Services, or Professional Services, the City may either follow a Competitive Award solicitation process among the field of Vendors identified as having the capability to meet the City's requirements for the procurement or by direct negotiation as indicated below in Non-Competitive Procurement of Goods and Services.

2. Simultaneous Multi-Step Process:

- a) The City may request that priced proposals be submitted in two separate envelopes, with pricing information contained in one envelope and all other requested information contained in the other envelope. In such case, proposals will be evaluated in accordance with the requirements set forth in the RFP, initially without regard to price and without opening the envelope containing pricing information. Based on such evaluation, the City will establish a field of at least three (if possible and available) qualified or most qualified Proposers. The City may conduct interviews with Proposers to aid in the identification of qualified or most qualified Proposers. In the event the City conducts interviews with Proposers, the City is not required to interview any Proposers deemed by the City to be unqualified or less qualified than other Proposers.
- b) After establishing a field of qualified or most qualified Proposers, the City will open the pricing envelopes of only the qualified or most qualified Proposers, and evaluate such pricing information in the manner described in the RFP for purposes of recommending/making an award (e.g. most advantageous proposal, price and other factors considered or low price submitted by qualified Proposers). In the absence of specific instructions to the contrary in the RFP, pricing information will be evaluated together with all other information required by the RFP for purposes of selecting among the qualified field of Proposers the most advantageous proposal, price and other factors considered.

3. Multi-Step Process to Award Continuing Purchasing Contracts

- a) When it is in the best interest of the City to have pre-qualified, Continuing Purchasing Contracts because of the need to Provide quick-response, repetitive Services or a range of Services or Professional Services within a specific field of expertise, the City may use either a Consecutive or a Simultaneous Multi-Step Procurement Process to identify one or more Continuing Contractors. The purpose is to identify one or more Pre-Qualified and Approved Contractors that demonstrate the ability to perform a particular type of Service during a specified Contract period.
- b) Contract award - The multi-step solicitation shall specify the general types of Services required, the selection process to be used, and the selection criteria for award of the Pre-Qualified and Approved Contract(s).

Purchasing Policy

- c) Award of a specific scope of work to a Pre-Qualified and Approved Contractor - During the term of the Continuing Contract(s), specific scopes of work may be developed and awarded to Pre-Qualified and Approved Contractor(s), by Amendment to such Continuing Contract(s), which shall be subject to approval by City Manager or City Council as a new contract, provided that the specific scope of work is consistent with the general types of Services upon which award of the Continuing Contract(s) was made.
- d) When there is more than one Pre-Qualified and Approved Contractor available to perform the specific scope of work defined, the process for award of the work is set forth below:
 - i. Work may be rotated during the Contract period between the Pre-Qualified and Approved Contractor(s) that were selected to perform the general type of Services required in the reasonable discretion of the director of the User department; or,
 - ii. Award may be made to the Pre-Qualified and Approved Contractor that is deemed, based on its original proposal, to be most advantageous to the City for the specific scope of work required, price and other factors being considered and without regard to rotation among selected contractors; or,
 - iii. Quotations, Bids or proposals may be requested from the Pre-Qualified and Approved Contractor(s) that were selected to perform the general type of Services or Professional Services required. The City may select the Contractor whose quotation, bid, or proposal is deemed to be most advantageous to the City to perform the specific scope of work required.

G. Online Reverse Auction

The City reserves the right to utilize this procurement method when advantageous. The process will be specified in the Solicitation Documents.

H. Performance Guarantee

A Bid/ Proposal Bond or Performance Bond may be required for any solicitation.

I. Approval of Awards and Recommendations

Prior to the consummation of the purchase by the City of Goods, Services, or Professional Services, such purchase shall be approved by a person having approval authority over such purchase.

J. Forms

The Purchasing Agent shall provide and update all forms to procure Goods, Services, and Professional Services, as needed.

VIII. Non-Competitive Procurements

Purchasing Policy

The provisions of this policy section shall apply to the procurement of Goods, Capital Assets, Services, Construction Services or Professional Services, when competitive procurement is not practical, feasible, possible or desirable. Notwithstanding any other provision, any Contract or subcontract entered into by the City with any Person for the construction, reconstruction, or maintenance of all or part of a public road in the City, including but not limited to a Contract or subcontract for the purchase of materials, for the hiring of labor, for professional services, or for other things or services incident to such work, shall be entered into in accordance with O.C.G.A. § 32-4-114.

A. Sole Source Procurement

The City may acquire Goods, Capital Assets, Services, Construction Services or Professional Services pursuant to a Sole Source Procurement. Sole Source Procurement is available when Goods, Services, or Professional Services are limited to one source, or when they must be obtained from a specific manufacturers' dealer and valid competition among dealers does not exist. The User must provide the justification for the Sole Source Procurement to the Purchasing Agent after approved by the City Manager or Council.

B. Single Source Procurement

The City may acquire Goods, Capital Assets, Services, Construction and Professional Services pursuant to a Single Source Procurement. A Single Source Procurement is a procurement made from one Person among others in a competitive market place which, for justifiable reasons, is found to be most advantageous for the purpose of fulfilling the given purchasing need. The User must provide the justification for the Single Source Procurement to the Purchasing Agent after approval by the City Manager or City Council. The Purchasing Agent may elect to purchase particular brand name Goods or Services when the Goods or Services comprise a major brand system, program or service previously selected by the City and due to operational effectiveness, future enhancements or additions, or maintenance or storage of spare parts precludes the mixing of brands, manufacture, etc.

C. Direct Negotiation

Following the completion of a Competitive Award solicitation process above that fails to produce a responsible or responsive Bidder or Proposer, fails to produce a qualified respondent, or for which all submissions were rejected for any reason, the City may procure the Goods, Capital Assets, Services, Construction Services or Professional Services that were the subject of such failed solicitation by Direct Negotiation with any provider of such Goods or Services when issuing a revised solicitation is not recommended by the City Manager with concurrence from legal counsel.

Direct Negotiation will be completed by the Purchasing Agent, assisted as needed by the User and legal counsel.

D. Emergency Procurement

The City may acquire Goods, Capital Assets, Services, Construction Services or Professional Services by directly negotiating an award in the event of an Emergency. The City Manager shall make the determination when an Emergency exists. Such emergency procurements shall be made with as much competition as is practicable under the circumstances.

Purchasing Policy

A written basis for declaring the Emergency and for the selection of the particular Person for the provision of Goods, Capital Assets, Services, Construction Services or Professional Services shall be included in the Contract file. As soon as practicable, a record of each Emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the Contract, a listing of the item procured under the Contract, and the identification number of the Contract file.

If an Emergency situation should arise after office hours which requires immediate action on the part of the agency involved for the protection of the best interest of the City or if a like situation arises on a weekend or holiday and when it is not possible or convenient to reach the City Manager or Purchasing Agent, any purchase necessary shall be made by the official in charge of such department or agency, and such purchase reported to the Purchasing Agent within 24 hours.

E. Costs Under the Competitive Threshold

The Purchasing Agent with the consent of the City Manager, where applicable, may acquire Goods, Capital Assets, Construction Services and Professional Services appropriated by the City Council in the City budget or otherwise by Direct Negotiation or by some other non-competitive method, when the dollar value of the purchase does not exceed \$25,000.00 and a properly executed and authorized Requisition is received. Under this non-competitive method, the Purchasing Agent shall attempt to obtain the Goods, Capital Assets, Services, Construction or Professional Services most advantageous to the City, price and other factors considered. For Goods and Services under the competitive threshold but over \$5,000.00, the Purchasing Agent or User shall obtain, where possible, at least three quotes using the IWQ method as outlined in Section VII (A).

The User may acquire by Requisition Goods, Services, Construction Services and Professional Services appropriated by the City Council in the City budget or otherwise by Direct Negotiation or by some other non-competitive method, when the dollar value of the purchase does not exceed \$5,000.00. Under this non-competitive method, the User shall attempt to obtain the Goods, Capital Assets, Services, Construction or Professional Services most advantageous to the City, price and other factors considered.

F. Direct Negotiation and Other Public Entities and Co-ops

The City may acquire Goods, Capital Assets and Services by Direct Negotiation or other method involving limited or no competition from a Supplier having a requirements Contract/Annual Agreement with any public entity (e.g., federal, state, county, city, authority, school board, Buying Cooperative, etc.) for Goods, Capital Assets or Services described in such contract and at prices or discounts no less favorable than any set forth in such Contracts.

Use of State/Co-Op Contracts: The Purchasing Agent may, independent of the requirements of bid process of this article, procure supplies, services or construction items through the Contract established through competitive means by the purchasing division of the State of Georgia, national Co-Ops (i.e.-U.S. Communities), and collaborative purchasing agreements with other local governments when deemed to be in the best interest of the City.

G. Real Estate Acquisition

1. Compliance with Applicable Regulations

Purchasing Policy

All real estate acquisition activities shall conform to applicable federal, state (*e.g.* O.C.G.A § 36-80-18 and O.C.G.A § 36-60-13) and local laws and regulations and shall be subject to the provisions of the City Code of Ethics.

2. Confidentiality

The City Council and City staff shall maintain the confidentiality of potential and on-going real estate acquisitions and related information subject to the provisions of the Open Meetings and Open Records Acts.

3. Formal Approval

All real estate transactions shall be formally approved by the City Council in a public meeting prior to the City entering a sales contract. This shall not prohibit or interfere with the City Council's ability to discuss same and negotiate terms in Executive Session subject to the requirements of the Open Meeting and Open Records Acts.

4. Appraisals

For any piece of real estate, for which a sales contract has been signed, the City will conduct at least one appraisal by an independent third-party who holds the Member of the Appraisal Institute (MAI) membership designation.

5. Land Acquisition Procurement Process

- a. City staff will investigate and identify properties for purchase that generally meet an approved plan or strategy. Furthermore, land purchased with a specific funding source will only be used for such purposes anticipated and/or authorized. If the City determines that the land cannot be used for its intended purpose, the City may dispose of the property in a manner consistent with Georgia law and funds raised through the sale of the property will be used for future land purchases consistent with the purposes authorized.
- b. City staff will work with a Real Estate broker to gather information and make site visits related to properties under consideration for acquisition.
- c. City staff will regularly brief the City Council in Executive Session on properties the city is considering purchasing to receive direction on "terms and price" from the City Council.
- d. City staff will negotiate for "Letters of Intent" with land owners on properties the City Council has provided staff with direction on "terms and price".
- e. City staff will present the "Letter of Intent" at a public meeting, and at that time request a Resolution from the City Council authorizing the City Manager to execute a sales contract to purchase the real estate or to execute an agreement to lease the real estate using the Letter of Intent as the guidelines for a contract. (PUBLIC HEARING REQUIRED in the case of the purchase of real estate)
- f. City staff will make the "Letter of Intent" public on the city website and through a press release within 48 hours of the city receiving a fully executed copy of the "Letter of Intent."

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- g. City staff will publish the executed sales contract or lease on the city website.
- h. City staff will conduct due diligence on the real estate to be purchased including at a minimum but not limited to:
 - i. Environmental testing (Phase I required, Phase II and specialized testing if warranted);
 - ii. Production of an ALTA survey of the property;
 - iii. Production of a MAI appraisal of the property;
 - iv. Complete title work on the property; and
 - v. Other reasonable due diligence activities as warranted.
- i. City staff will present the findings of the due diligence on the property to be purchased at a public meeting and request a Resolution from the City Council authorizing the City Manager to execute any and all closing documents to complete the purchase of the property. (PUBLIC HEARING REQUIRED)

IX. General Procedures and Approval Authorizations

- A. Periodically, the City may be given private/public grants and donations from sources such as the State and Federal Government and private corporations. These types of solicitations are more restrictive and may dictate the procurement process and methodology that the City is to follow for an award. Both federal and state procurement supersedes the purchasing requirements of the City when buying goods and services using federal or state grant monies. Departments should refer to the Federal Acquisition Regulations for guidance on specific federal procurement policies.
- B. All negotiations of agreements for Goods and Services shall be conducted by the Purchasing Agent. It is recognized that special situations may exist where there is a special need for the User to be involved in the negotiation process. This must be in conjunction with the Purchasing Agent at all times. The Purchasing Agent will make final recommendation for agreements.
- C. It is the responsibility of the Purchasing Agent to secure all necessary approvals of the City Manager or its designee, and the City Council prior to execution of a Contract or purchase agreement.
- D. Procurement by leasing, long-term financing, advance payments or deposits or any other special non-routine method must be approved in advance by the City Council.
- E. In the case of Contracts (other than routine purchase orders), leases or service agreements (either new or renewals), the approval process is necessary. All such documents will be forwarded to the Purchasing Agent. The Purchasing Agent will acquire the necessary approvals prior to execution of any agreement, Contract or lease through the City Attorney's office. When said Contracts, leases or service agreements are up for renewal or expiration the Purchasing Agent will notify the User for approval to either maintain the Contract or bid a new Contract. The Purchasing Agent will be responsible for maintaining a file of all current Contracts, leases or service agreements.

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- F. The Purchasing Agent will review the Contract for form, completeness, insurance considerations, legal implications, and any other items dictated by each situation. The Contract will then be sent to the User and approved by the Department Director and returned to Purchasing. The Purchasing Agent will be responsible for having the Contract signed by the City Manager or their designee after it is signed by the Vendor.
- G. Once the Contract is officially executed, the original of the Contract will be filed in the City Clerk's office.
- H. Once a Contract is awarded by the City, the Contract may be amended, without the necessity of rebidding such Contract, provided the original Contract amount and the scope of the Contract is not substantially altered. The Purchasing Agent will review all change orders. Change orders will be processed to correct the account distribution, quantity, addition/deletion of line items, change in description and unit price. If a quoted price of the change order is less than \$5,000.00, and 5% of the contract amount, the requisition will be processed pursuant to the requirements of Section V(A)(12) of this Purchasing Policy. Any requisitions with a change order of \$5,000.00, or 5% of the contract amount, or more shall require City Council approval. The Purchasing Agent cannot use the change order process to circumvent the Purchasing Policy. Change orders cannot substantially change the scope of the Contract.
- I. The Purchasing Agent and the User share the responsibility to ensure the quality, delivery and payment of required Goods and Services.
- J. Final adjudication of any dispute between the Vendor and User shall be made by the Purchasing Agent with appropriate input from the User.
- K. In most cases, contact with Vendors regarding the Contract will be by the Purchasing Agent and in conjunction with the User as necessary. All Vendors must coordinate with the Purchasing Agent before visiting any other City department regarding the Contract. All visits regarding the Contract must be made with the knowledge of the Purchasing Agent and the Purchasing Agent has the option of accompanying the visitor. It is recognized that this restriction on visitation will not necessarily apply to those Vendors with ongoing relationships such as computer and copy machine service technicians.
- L. All returns of Goods or Capital Assets must be initiated by the User through the Purchasing Agent. Additionally, all Amendments or cancellation to any agreements must be made by the Purchasing Agent.
- M. It shall be the responsibility of the User to ensure that purchased Goods and Capital Assets are received, inspected and verified as to condition. Since the department head signed the purchase requisition, that person cannot be the receiver of the Goods and must appoint an individual within the department to be the receiver of the Goods and Services.
- N. Protests
 - a) Right to protest. Any Person who is aggrieved in connection with the solicitation or award of a Contract may protest to the City. Protestors shall seek resolution of their complaints initially with the City Manager. All protests must be submitted in writing to the City Manager within three (3) business days of award of the contract. The

Purchasing Policy

complaint shall specify the alleged act or omission by the City that provides the basis for the complaint.

- b) Upon the filing of a written complaint, the City Manager, within three (3) business days, shall request a response from the Purchasing Agent. The Purchasing Agent's response will be returned to the City Manager within seven (7) calendar days. Failure by the Purchasing Agent to file a response may be considered as evidence by the City Manager of admission of wrong doing on the part of the Purchasing Agent. If requested by either party, the City Manager, or designee shall have a hearing on the complaint within fourteen (14) calendar days of filing the complaint to decide the merits of the claim. The City Manager is empowered to decide to uphold, dismiss or amend the decision of the Purchasing Agent. The City Council shall approve or reject the City Manager's decision. If the party bringing the complaint disagrees with the conclusions of the City Manager and City Council, the decision may be appealed by filing a writ of certiorari to the Superior Court of DeKalb County within thirty (30) days of the decision of the City Council.
 - c) Protests concerning invitations. A protest with respect to an IFB, ITN, RFQ, or RFP shall be submitted in writing prior to the opening of bids or the closing date of proposals. If not done by that time, the complaint or protest is invalid.
 - d) Stay of procurement during protests. In the event of a timely protest under subsection (b) of this Section, the Purchasing Agent shall not proceed further with the solicitation or award of the Contract until all administrative remedies have been exhausted or until the City Manager or City Attorney makes a determination that the award of the Contract without delay is necessary to protect the interests of City.
- O. Credit Cards shall only be issued upon approval of both of the department head and the City Manager. The Credit limit for each card shall be established by the Director of Finance. All individuals assigned a Credit Card on behalf of the City shall be personally responsible for its use and any fraudulent use. The City Manager shall maintain a Procurement Card Procedure Manual. This manual shall be on file with the City Clerk and made available for all users.

X. Property Disposal

A. Excess, Surplus, and Obsolete Materials

It shall be the duty of the User to report all excess, surplus or obsolete materials to the Purchasing Agent. At this point, the Purchasing Agent will examine alternatives as to the most advantageous disposition of the items. Items could be refurbished or reconditioned, transferred, traded in on new equipment or sold by auction or sealed bid, or destroyed. For property over \$5,000 in aggregate or \$1,000 individually, the City Council shall approve the request to have the property declared surplus. For other property, the Purchasing Agent shall present a list to the City Manager for approval.

1. Transfer or Re-use: The most gainful method for handling an item no longer needed by a department is to transfer it to another department that has a use for the item.

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2. Trade-In: In replacing obsolete equipment, it may be financially advantageous to trade-in the old equipment. The invitation for bids on the replacement item should call for bid prices with or without trade-in and provide that award may be made either way.
3. Sale: Excess, surplus and obsolete items not transferred or traded-in may be consolidated and offered for sale by auction or by sealed bid method. Auctions can be traditional or contemporary including online auctions such as www.Govdeals.com or similar websites. The consolidated list will be submitted to City Council for approval before an auction or sealed bid is organized. The property offered for sale will be on an "AS IS/WHERE IS" basis. The sale will be given public notice. Sealed bids will be opened at the time and place announced with the City, retaining the right to reject any and all.

B. Sale to Employees

To avoid any appearance of impropriety in the disposition program, it will be the City's policy to prohibit the direct sale of surplus property to any City Employee, Official or Agent. This policy does not prohibit any City Employee, Official or Agent from extending an offer at a public auction or in the form of a sealed bid.

C. Allocation of Proceeds

Proceeds from the sale of excess or surplus property will go into the City's Fund that held the asset.

XI. **Projects Using Federal Aid Highway Program (FAHP) Funding**

Except as provided in Sections F and G below, the City shall use the competitive negotiation method for the procurement of engineering and design related services when FAHP funds are involved in the contract (as specified in 23 U.S.C. 112(b)(2)(A) and 23 CFR 172.5(a)(1)). The solicitation, evaluation, ranking, selection, and negotiation shall comply with the qualifications-based selection procurement procedures for architectural and engineering services codified under 40 U.S.C. 1101–1104, commonly referred to as the Brooks Act.

In accordance with the requirements of the Brooks Act, the following procedures shall apply to the competitive negotiation procurement method:

A. Solicitation.

The solicitation process shall be by public announcement, public advertisement, or any other public forum or method that assures qualified in-State and out-of-State consultants are given a fair opportunity to be considered for award of the contract. Procurement procedures may involve a single step process with issuance of a request for proposal (RFP) to all interested consultants or a multiphase process with issuance of a request for statements or letters of interest or qualifications (RFQ) whereby responding consultants are ranked based on qualifications and request for proposals are then provided to three or more of the most highly qualified consultants. Minimum qualifications of consultants to perform services under general work categories or areas of expertise may also be assessed through a prequalification process whereby statements of qualifications are submitted on an annual basis. Regardless of any process utilized for

Purchasing Policy

prequalification of consultants or for an initial assessment of a consultant's qualifications under an RFQ, a RFP specific to the project, task, or service is required for evaluation of a consultant's specific technical approach and qualifications.

B. Request for Proposal (RFP).

The RFP shall provide all information and requirements necessary for interested consultants to provide a response to the RFP and compete for the solicited services. The RFP shall:

- a) Provide a clear, accurate, and detailed description of the scope of work, technical requirements, and qualifications of consultants necessary for the services to be rendered. The scope of work should detail the purpose and description of the project, services to be performed, deliverables to be provided, estimated schedule for performance of the work, and applicable standards, specifications, and policies;
- b) Identify the requirements for any discussions that may be conducted with three (3) or more of the most highly qualified consultants following submission and evaluation of proposals;
- c) Identify evaluation factors including their relative weight of importance in accordance with Sections C and D;
- d) Specify the contract type and method(s) of payment to be utilized;
- e) Identify any special provisions or contract requirements associated with the solicited services;
- f) Require that submission of any requested cost proposals or elements of cost be in a concealed format and separate from technical/qualifications proposals as these shall not be considered in the evaluation, ranking, and selection phase; and
- g) Provide a schedule of key dates for the procurement process and establish a submittal deadline for responses to the RFP which provides sufficient time for interested consultants to receive notice, prepare, and submit a proposal, which except in unusual circumstances shall be not less than 14 days from the date of issuance of the RFP.

C. Evaluation Factors.

Criteria used for evaluation, ranking, and selection of consultants to perform engineering and design related services must assess the demonstrated competence and qualifications for the type of professional services solicited. These qualifications-based factors may include, but are not limited to, technical approach (e.g., project understanding, innovative concepts or alternatives, quality control procedures), work experience, specialized expertise, professional licensure, staff capabilities, workload capacity, and past performance.

Purchasing Policy

Price shall not be used as a factor in the evaluation, ranking, and selection phase. All price or cost related items which include, but are not limited to, cost proposals, direct salaries/wage rates, indirect cost rates, and other direct costs are prohibited from being used as evaluation criteria.

In-State or local preference shall not be used as a factor in the evaluation, ranking, and selection phase. State licensing laws are not preempted by this provision and professional licensure within a jurisdiction may be established as a requirement which attests to the minimum qualifications and competence of a consultant to perform the solicited services.

The following non-qualifications based evaluation criteria are permitted under the specified conditions and provided the combined total of these criteria do not exceed a nominal value of ten percent of the total evaluation criteria to maintain the integrity of a qualifications-based selection:

(a) A local presence may be used as a nominal evaluation factor where appropriate. This criterion shall not be based on political or jurisdictional boundaries and may be applied on a project-by-project basis for contracts where a need has been established for a consultant to provide a local presence, a local presence will add value to the quality and efficiency of the project, and application of this criteria leaves an appropriate number of qualified consultants, given the nature and size of the project. If a consultant outside of the locality area indicates as part of a proposal that it will satisfy the criteria in some manner, such as establishing a local project office, that commitment shall be considered to have satisfied the local presence criteria.

(b) The participation of qualified and certified Disadvantaged Business Enterprise (DBE) sub-consultants may be used as a nominal evaluation criterion where appropriate in accordance with 49 CFR Part 26.

D. Evaluation, Ranking, and Selection.

a) Consultant proposals shall be evaluated by the City based on the criteria established and published within the public solicitation.

b) While the contract will be with the prime consultant, proposal evaluations shall consider the qualifications of the prime consultant and any sub-consultants identified within the proposal with respect to the scope of work and established criteria.

c) Following submission and evaluation of proposals, the City shall conduct interviews or other types of discussions determined three of the most highly qualified consultants to clarify the technical approach, qualifications, and capabilities provided in response to the RFP. Discussions may be written, by telephone, video conference, or by oral presentation/interview. Discussions following proposal submission are not required provided proposals contain sufficient information for evaluation of technical approach and qualifications to perform the specific project, task, or service with respect to established criteria.

Purchasing Policy

d) From the proposal evaluation and any subsequent discussions which have been conducted, the City shall rank, in order of preference, at least three consultants determined most highly qualified to perform the solicited services based on the established and published criteria.

e) Notification must be provided to responding consultants of the final ranking of the three most highly qualified consultants.

f) The City shall retain acceptable documentation of the solicitation, proposal, evaluation, and selection of the consultant accordance with the provisions of 49 CFR 18.42.

E. Negotiation.

a) Independent estimate. Prior to receipt or review of the most highly qualified consultant's cost proposal, the City shall prepare a detailed independent estimate with an appropriate breakdown of the work or labor hours, types or classifications of labor required, other direct costs, and consultant's fixed fee for the defined scope of work. The independent estimate shall serve as the basis for negotiation and ensuring the consultant services are obtained at a fair and reasonable cost.

b) If concealed cost proposals were submitted in conjunction with technical/qualifications proposals, only the cost proposal of the consultant with which negotiations are initiated may be considered. Concealed cost proposals of consultants with which negotiations are not initiated should be returned to the respective consultant due to the confidential nature of this data (as specified in 23 U.S.C. 112(b)(2)(E)).

d) The City shall retain documentation of negotiation activities and resources used in the analysis of costs to establish elements of the contract in accordance with the provisions of 49 CFR 18.42.

F. Small Purchases.

The small purchase method involves procurement of engineering and design related services where an adequate number of qualified sources are reviewed and the total contract costs do not exceed an established simplified acquisition threshold. The City may use the State's small purchase procedures which reflect applicable State laws and regulations for the procurement of engineering and design related services provided the total contract costs do not exceed the Federal simplified acquisition threshold (as specified in 48 CFR 2.101). When a lower threshold for use of small purchase procedures is established in State law, regulation, or policy, the lower threshold shall apply to the use of FAHP funds as allowed by Federal law. The following additional requirements shall apply to the small purchase procurement method:

a) The scope of work, project phases, and contract requirements shall not be broken down into smaller components merely to permit the use of small purchase procedures.

b) A minimum of three consultants are required to satisfy the adequate number of qualified sources reviewed.

Purchasing Policy

c) Contract costs may be negotiated in accordance with State small purchase procedures; however, the allow ability of costs shall be determined in accordance with the Federal cost principles.

d) The full amount of any contract modification or amendment that would cause the total contract amount to exceed the established simplified acquisition threshold would be ineligible for Federal-aid funding. The FHWA may withdraw all Federal-aid from a contract if it is modified or amended above the applicable established simplified acquisition threshold.

G. Noncompetitive.

The noncompetitive method involves procurement of engineering and design related services when it is not feasible to award the contract using competitive negotiation or small purchase procurement methods. The following requirements shall apply to the noncompetitive procurement method:

a) The City may use their own noncompetitive procedures which reflect applicable State and local laws and regulations and conform to applicable Federal requirements.

b) The City shall establish a process to determine when noncompetitive procedures will be used and shall submit justification to, and receive approval from, the FHWA before using this form of contracting.

c) Circumstances under which a contract may be awarded by noncompetitive procedures are limited to the following:

(1) The service is available only from a single source;

(2) There is an emergency which will not permit the time necessary to conduct competitive negotiations; or

(3) After solicitation of a number of sources, competition is determined to be inadequate.

d) Contract costs may be negotiated in accordance with the City noncompetitive procedures; however, the allow ability of costs shall be determined in accordance with the Federal cost principles.

H. Additional Procurement Requirements.

(1) Common Grant Rule.

(I.) The City must comply with procurement requirements established in State and local laws, regulations, policies, and procedures which are not addressed by or in conflict with applicable Federal laws and regulations (as specified in 49 CFR 18.36).

(II.) When State and local procurement laws, regulations, policies, or procedures are in conflict with applicable Federal laws and regulations, the City must comply with Federal requirements to

Purchasing Policy

be eligible for Federal-aid reimbursement of the associated costs of the services incurred following FHWA authorization (as specified in 49 CFR 18.4).

(2) Disadvantaged Business Enterprise (DBE) program.

(I.) The City shall give consideration to DBE consultants in the procurement of engineering and design related service contracts subject to 23 U.S.C. 112(b)(2) in accordance with 49 CFR part 26. When DBE program participation goals cannot be met through race-neutral measures, additional DBE participation on engineering and design related services contracts may be achieved in accordance with the City's FHWA approved DBE program through either:

(A) Use of an evaluation criterion in the qualifications-based selection of consultants; or

(B) Establishment of a contract participation goal.

(II.) The use of quotas or exclusive set-asides for DBE consultants is prohibited (as specified in 49 CFR 26.43).

(3) Suspension and Debarment.

The City must verify suspension and debarment actions and eligibility status of consultants and sub-consultants prior to entering into an agreement or contract in accordance with 49 CFR 18.35 and 2 CFR part 180.

XII. Purchasing Card Policy

The Purchasing Agent shall administer the use of city purchasing cards in compliance with the Purchasing Card Policy which is attached as Exhibit “___” hereto and incorporated herein by reference. The use of all city issued purchasing cards shall be governed by the Purchasing Card Policy.

Purchasing Policy

EXHIBIT “____”

PURCHASING CARD POLICY

[attached]

Purchasing Policy

Purchasing Card Policy

A. Authority

The Georgia General Assembly established guidelines and penalties into the Official Code of Georgia Annotated ("O.C.G.A.") which provides that no municipal corporation shall issue government purchasing cards or government credit cards to elected officials on or after January 1, 2016, until the governing authority of the municipal corporation, by public vote, has authorized the issuance and has promulgated specific policies regarding the use of such government purchasing cards or government credit cards for elected officials of such municipal corporation.

B. Purpose

The purpose of this policy is to set requirements and standards for the City of Stonecrest, Georgia Purchasing Card Program. The policy is not intended to replace current State of Georgia statutes but is intended to comply with such state laws and establish more efficient guidelines for elected officials using such purchasing cards. At no time should a city issued purchasing card or credit card be used for personal purchases regardless of the circumstances. Utilizing the purchasing card or credit card for personal use or for any item or service not directly related to such official's public duty may result in disciplinary action including, but not limited to, felony criminal prosecution. All purchases utilizing a government purchasing card or government credit card must be in accordance with these guidelines and with state law.

C. Scope

This purchasing card policy, as required by state law under O.C.G.A. § 36-80-24(c), applies to the use of government purchasing cards or government credit cards used by elected officials authorized to be issued such government purchasing cards or government credit cards. The below list of officials have been authorized by the governing authority of the City to use such government purchasing cards or government credit cards and must abide by all of the applicable state laws and this purchasing card policy.

1. Mayor
2. City Councilmembers
3. City Manager
4. City Chief Financial Officer

D. Public Inspection

In accordance with O.C.G.A. § 36-80-24(c) any documents related to purchases using government purchasing cards or government credit cards incurred by elected officials shall be available for public inspection.

E. Transaction Limits

Purchasing Policy

Transaction limits are hereby established to insure compliance with state purchasing laws, maintain proper budgetary controls, and to minimize excessive use of any individual credit line. Individual monthly card limits cannot exceed those established by the municipal governing authority. The established single transaction limit for each card must be less than \$1,000.00. The established monthly card limit is based upon the city's budgetary constraints and is not to exceed \$5,000.00 per month. Any exceptions to the standardized limits must have express written approval by the municipal governing authority and must be added to this policy by amendment or addendum.

F. Purchasing Restrictions

1. Elected Officials may not use a government purchasing card or government credit card for the following:
 - a. Any purchases of items for personal use.
 - b. Cash refunds or advances.
 - c. Any transaction amount greater than the transaction limits set for by this policy.
 - d. Items specifically restricted by this policy, unless a special exemption is granted by the municipal governing authority.
 - e. Alcohol or liquor of any kind. Such purchases should not be made with the purchasing card and may not be reimbursed by the city.
 - f. Purchases or transactions made with the intent to circumvent the city purchasing policy, transactional limits, or state law.
2. Elected Officials may use government purchasing cards or government credit cards to purchase goods and/or services not prohibited by this policy or state law. Such purchases include, but are not limited to:
 - a. Purchases of items for official city use which fall within the transactional restrictions of this policy.
 - b. Purchase of lodging, fuel, food, non-alcoholic beverages, or education and training materials while on city business.
 - c. Emergency purchases necessary to protect city property.

G. Administrator

The city designates the City Manager as the program administrator of government purchasing cards or government credit cards. Such administrator shall:

1. Serve as a liaison between the city's cardholders and the issuers of such cards.
2. Maintain the cardholder agreement for all cardholders.
3. Provide instruction, training, and assistance to cardholders
4. Maintain account information and secure all cardholder information.
5. Keep cardholders up-to-date on new or changing information
6. Upon receipt of information indicating fraudulent use or lost/stolen cards immediately report it to appropriate parties, including the issuer.

Purchasing Policy

7. Ensure all card accounts are being utilized properly as set forth by state law and this policy.
8. Define the city's policy and procedures for proper documentation and storage of receipts, logs, and approvals required under this policy.
9. Identify any changes to named persons authorized to use a government purchasing card or government credit card.
10. Any other duties assigned by the municipal governing authority.

H. Accounting and Auditing

The Administrator, in an effort to ensure compliance with city policy and state law, will conduct monthly and/or quarterly reviews and audits of all government purchasing card or government credit card transactions. The review is designed to ensure compliance, identify non-compliance issues and misuse, and through corrective measures assist the city with improving compliance. The monthly and/or quarterly review and audit should happen within ____ days of the start of a new month or quarter. After completing the monthly/quarterly audit the Administrator shall notify cardholders of any violations or questions the Administrator has that occurred within that previous month/quarter. Depending on the severity of the violation, the Administrator may suspend or revoke the use of the government purchasing card or government credit card after notification to the cardholder and to the municipal governing authority, but only after consultation with the city attorney. Any unresolved violations should be reported to the municipal governing authority and the city attorney in writing within ____ business days.

I. Violations

The use of a government purchasing card or government credit card may be suspended or revoked when the Administrator, after consultation with the city attorney, determines that the cardholder has violated the approved policies or state law regarding the use of the government purchasing card or government credit card. The government purchasing card or government credit card shall be revoked whenever a cardholder is removed from office with the city and shall be suspended if such elected official has been suspended from office.

J. Agreement

Before being issued a government purchasing card or government credit card under this policy and state law, all authorized users of government purchasing cards or government credit cards shall sign and accept below indicating that such user will use such cards only in accordance with the policies of the city and with the requirements of state law.

Name Printed

Signature

Date:



CITY COUNCIL AGENDA ITEM

SUBJECT: Quicket Agreement

☐ ORDINANCE	☐ POLICY	☐ STATUS REPORT
☐ DISCUSSION ONLY	☐ RESOLUTION	☒ OTHER

Work Session: 01/28/2019

Council Meeting: 01/28/2019

SUBMITTED BY: Mayor

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Recommendation of Council



CITY COUNCIL AGENDA ITEM

SUBJECT: Road Analysis Execution

☐ ORDINANCE ☐ POLICY ☐ STATUS REPORT
☐ DISCUSSION ONLY ☐ RESOLUTION ☒ OTHER

Work Session: 01/28/2019

Council Meeting: 01/28/2019

SUBMITTED BY: Mayor

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Recommendation of Council

Digital Laser Pavement Analysis

Pavement Condition Index (PCI)

- Based on scores from 0 to 100
- Pavement distresses measured:
 - Patching Distortion
 - Rippling Bleeding
 - Raveling Alligator Cracking
 - Bleeding Block Cracking
 - Potholes Longitudinal Cracking
 - Rutting

Digital laser analysis provides a rigorous assessment of the entire road system providing road repair and road maintenance feedback that cannot be obtained via visual inspection and/or random road core analysis

Digital Laser Analysis Provides Condition of City's Roads

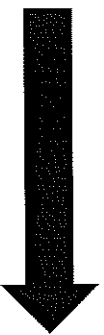
PCI Range	Condition Category
86 - 100	Good
71 - 85	Satisfactory
56 - 70	Fair
41 - 55	Poor
26 - 40	Very Poor
11 - 25	Serious
	Failed

PCI Range	Level of Service Category
71 - 100	Adequate
56 - 70	Degraded
	Unsatisfactory

Long range goal to have an overall PCI score of at least 70

Used by City of Tucker

PCI Range	Condition Category
86 - 100	Good
71 - 85	Satisfactory
56 - 70	Fair
41 - 55	Poor
26 - 40	Very Poor
11 - 25	Serious
	Failed



**Tucker's
Overall
Score is
49.1**

PCI Range	Level of Service Category
71 - 100	Adequate
56 - 70	Degraded
	Unsatisfactory

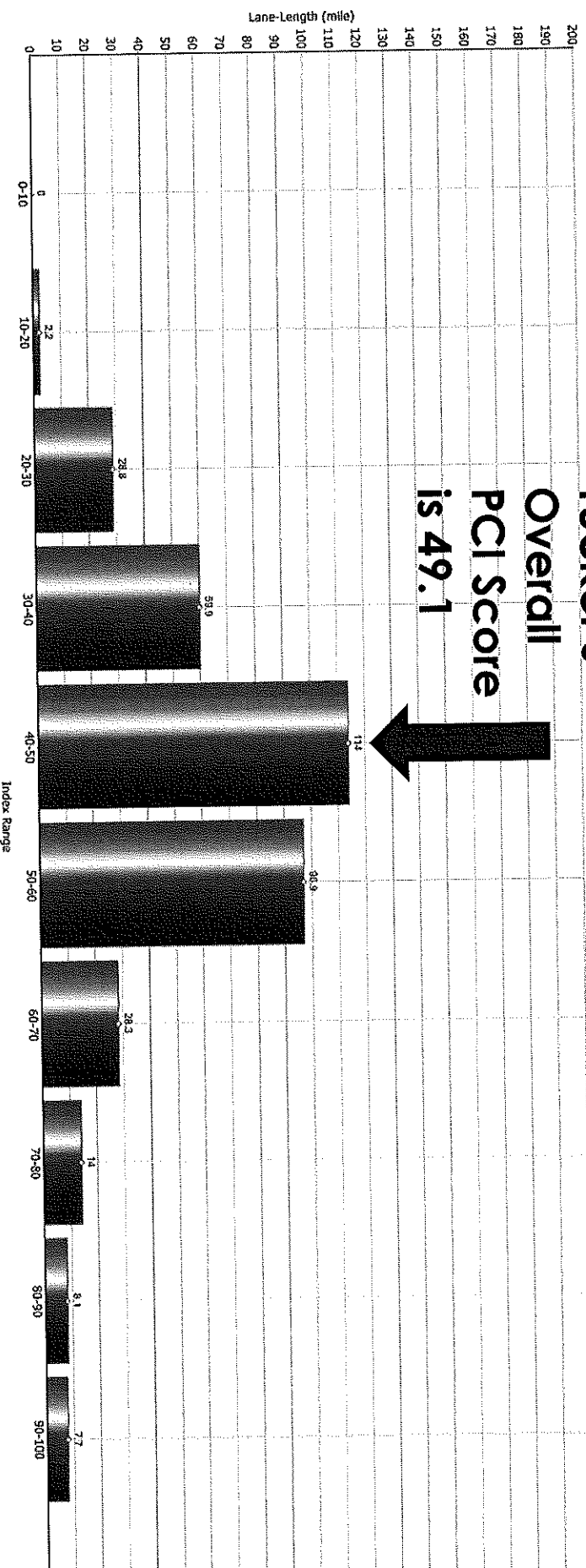
**The digital laser analysis provides
an accurate assessment
of the overall condition of Tucker's roads**

Accuracy of Tucker Roads Data

Tucker's

Network Present Status Distribution - 2018
Super Sections Only

**Overall
PCI Score
is 49.1**

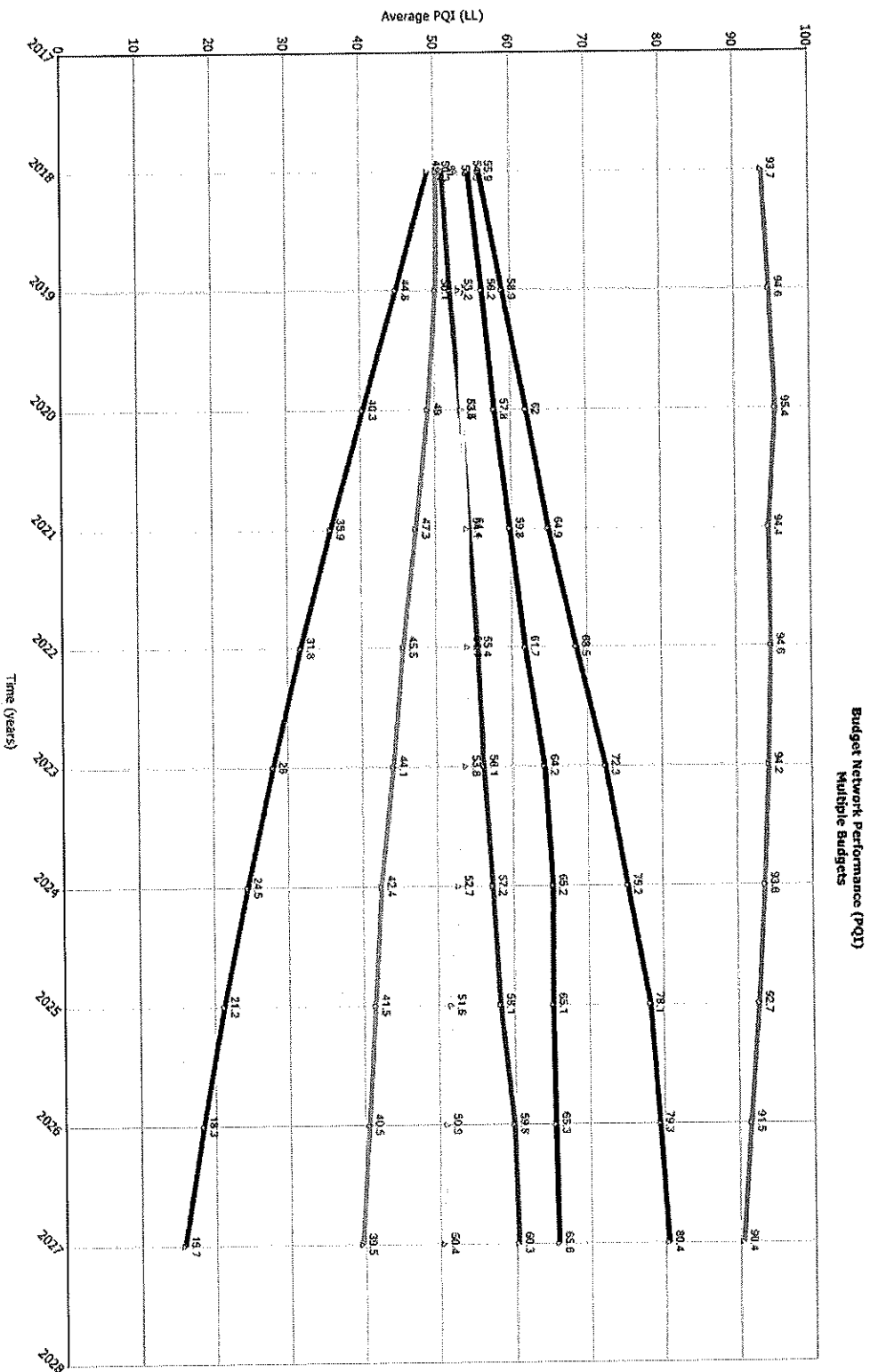


PCI Range	0-10	10-20	20-30	30-40	40-50	50-60	60-70	70-80	80-90	90-100	Total
Sections	0	2	20	36	58	46	16	11	4	7	200
LL (mile)	0	2.2	28.8	59.9	114	96.9	28.3	14	8.1	7.7	358.9
LL %	0	0.6	8	16.6	31.7	26.9	7.9	3.9	2.3	2.1	100
Area (yd^2)	0	15172.6	200752	416486.7	799001.8	672333.7	209690.3	97502	62001.6	54811.8	2532752.5
Area %	0	0.6	7.9	16.4	31.5	26.7	8.3	3.8	2.4	2.2	100

PCI(49.1) PCI(54.1) PCI(49.1) PCI(49.1)

Digital laser analysis provides an accurate assessment of the condition of the roads along with an estimated cost for repair

Budget Options for the Tucker Road Network

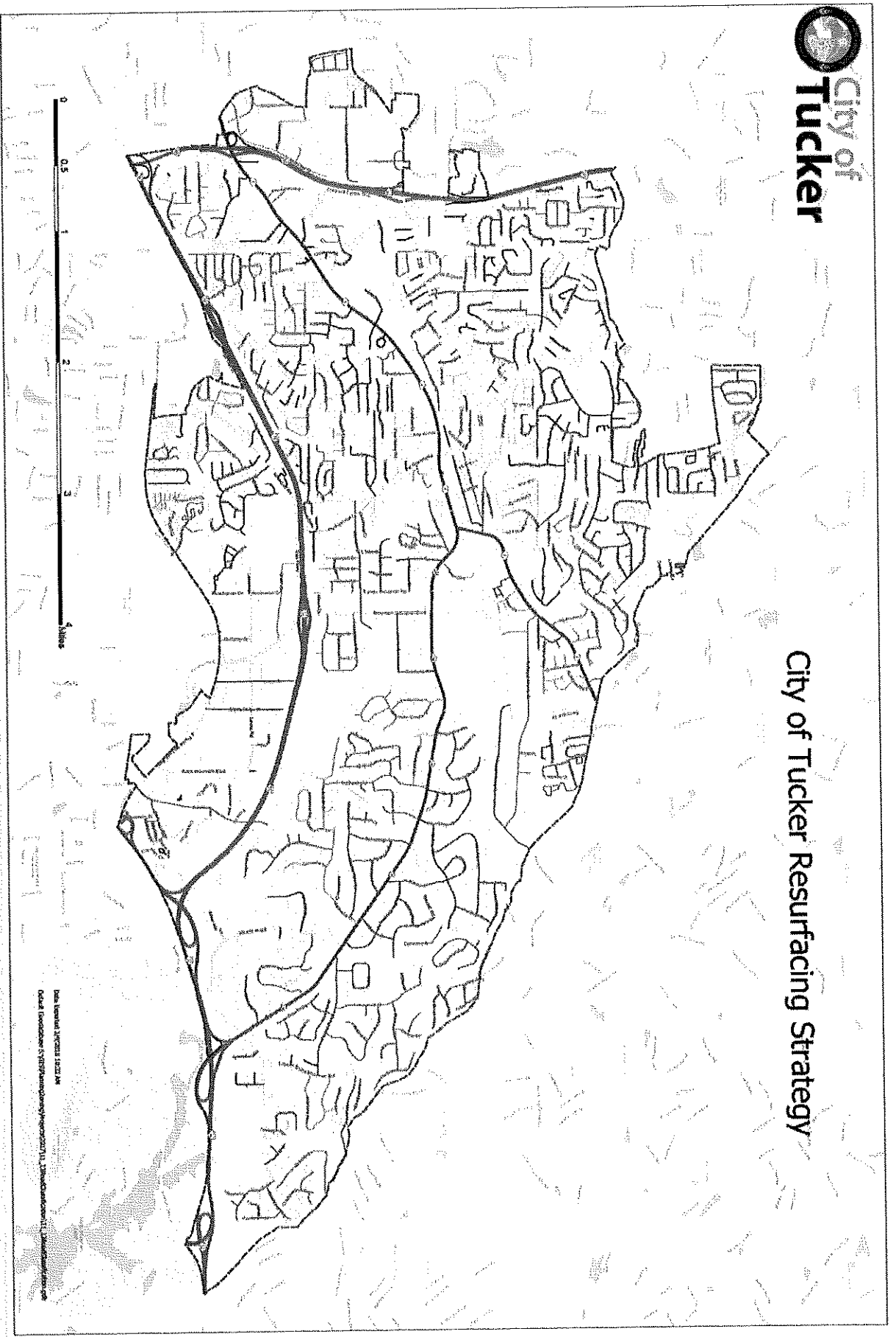


\$12.2 million FY 2018, \$2.8 million FY 2019-2027
 \$3.0 million Annually
 \$4.0 million Annually
 \$5.0 million Annually
 Achieve PCI = 60 in 10 years
 Do Nothing
 Unlimited Budget

Digital laser analysis provides Tucker with budget options for how quickly they want to improve the overall condition of the city's roads



City of Tucker Resurfacing Strategy



Map created by: [illegible]
Data provided by: [illegible]

Digital laser analysis enables color coding to determine annual spend and sequencing of road paving for entire SPLOST Program with data from digital analysis

Summary

Digital Laser analysis provides:

- (1) superior accuracy of ratings**
- (2) budget options for road maintenance plan**
- (3) visual representation of repair activity**
- (4) Short amount of analysis time
(Stonecrest completed w/in 2 weeks)**

**Other Cities that have used Digital Laser Analysis for their roads
(DeKalb County cities using analysis to begin paving roads with SPLOST)**

1. Brookhaven

2. Dunwoody

3. Johns Creek

4. Peachtree Corners

5. Tucker



CITY COUNCIL AGENDA ITEM

SUBJECT: Citizens Pothole Oversight Committee

☐ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☒ **OTHER**

Work Session: 01/28/2019

Council Meeting: 01/28/2019

SUBMITTED BY: Mayor

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Recommendation of Council



CITY COUNCIL AGENDA ITEM

SUBJECT: Pothole Tracker

☐ ORDINANCE	☐ POLICY	☐ STATUS REPORT
☐ DISCUSSION ONLY	☐ RESOLUTION	☒ OTHER

Work Session: 01/28/2019

Council Meeting: 01/28/2019

SUBMITTED BY: Mayor

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Recommendation of Council



Mayor Jason Lary

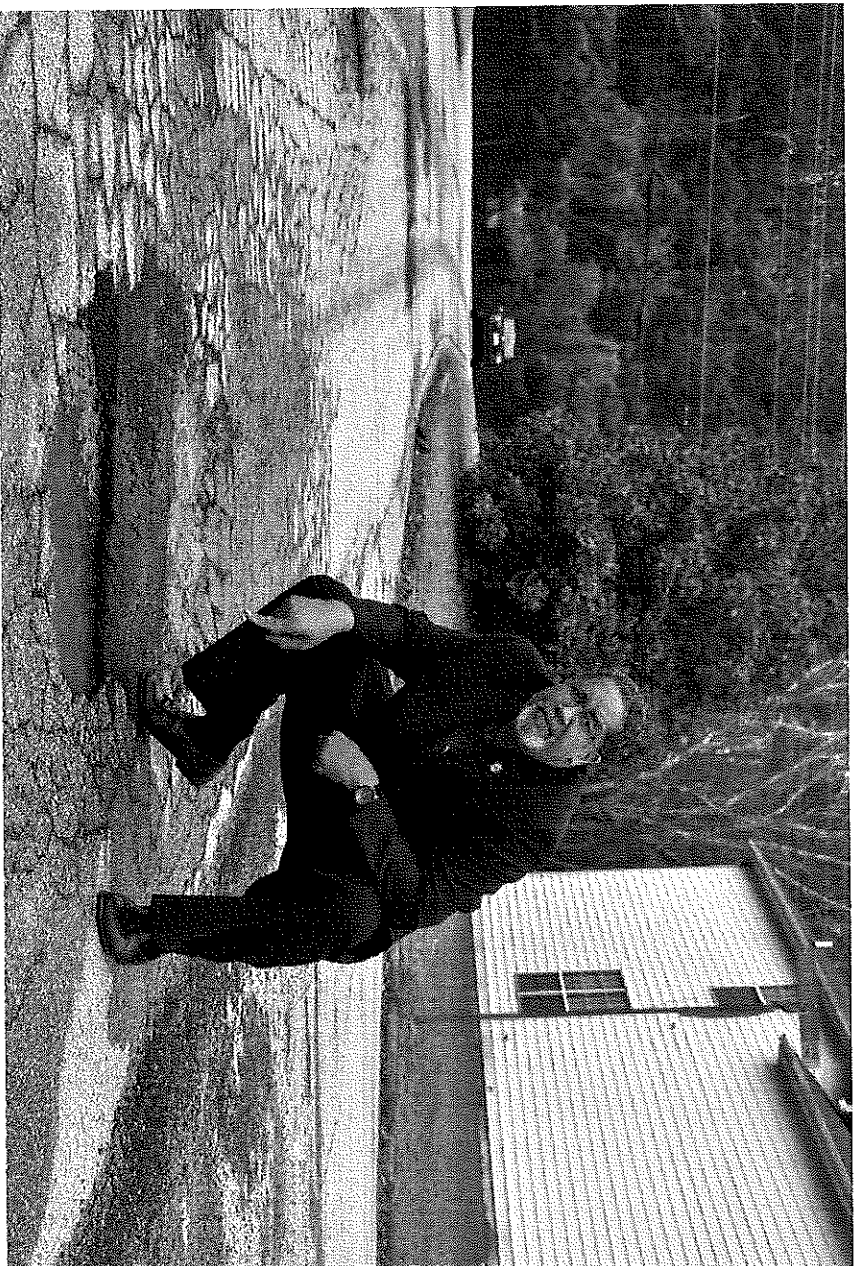
**Straight Talk
Town Hall
Volume 3**

**Stonecrest City Hall
January 22, 2019**

**Community, commerce, and culture
working together as a world class city**



A Pothole Palooza





Where do potholes come from?



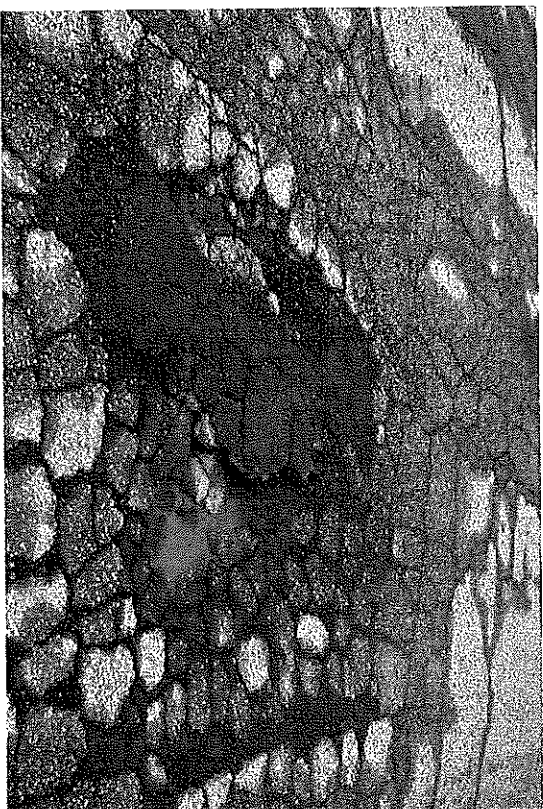


Where do potholes come from?

- High volume of traffic
- Cracks in the roadway
- Water... lots of rain
- Low, freezing temperatures



Why are there so many potholes?!





Why are there so many potholes?!

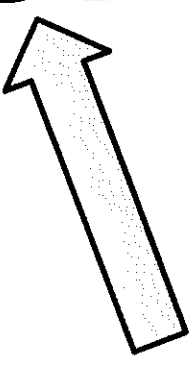
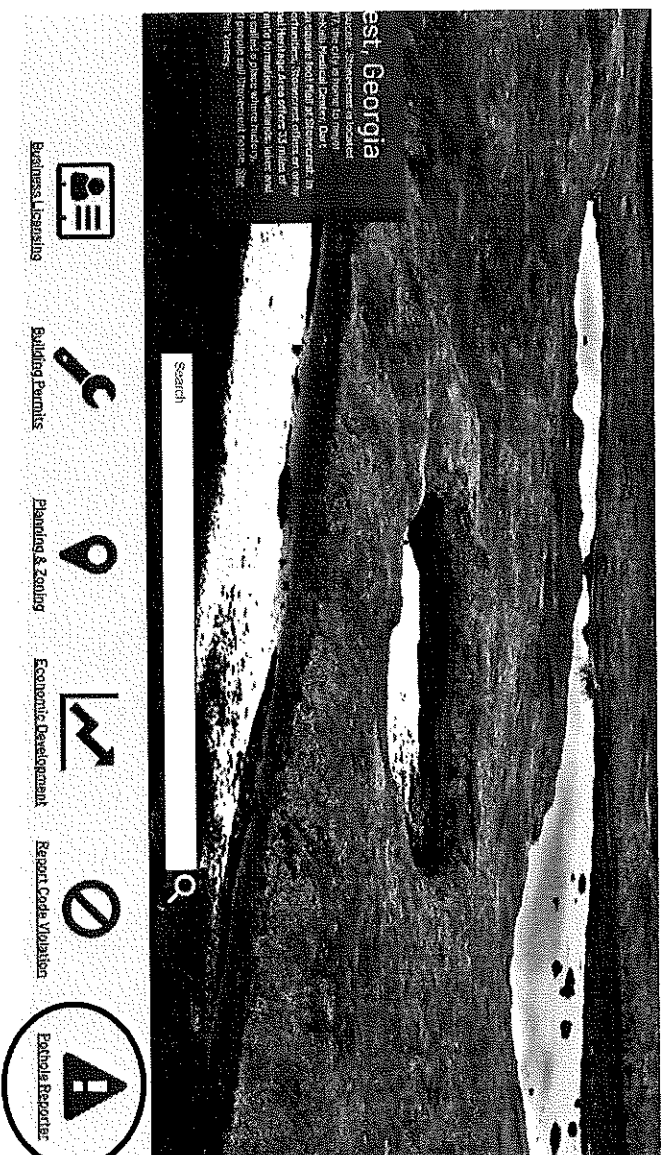
- **Poorly maintained roads
(the reason for SPLOST)**
- **Lots of rain in 2018
(we had more rain than Seattle & Portland)**
- **Cooler winter temperatures restricts the
ability to patch potholes**



The Solution:
Our City of Innovation



Innovative Tools & Technology



Go to
stonecrestga.gov
on your phone...

Stonecrest Pothole Reporter

Pothole Reporter

Report potholes to the City of Stonecrest

Your Name

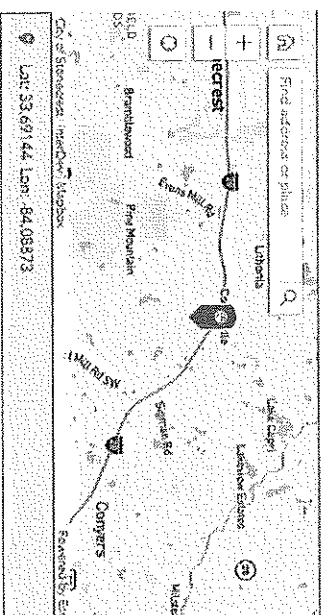
Email Address

Submission Date

Street Name*

Pothole Location*

Drag the map to point the blue arrow to the pothole location



Pothole Photo

Press here to choose image file. (<10MB)



Submit

Report Potholes from Your Phone



CITY COUNCIL AGENDA ITEM

**SUBJECT: Ordinance to Amend Chapter 2, Article III of the City of Stonecrest, Georgia
Code of Ordinances for the Purpose of Adding New Departments**

☒ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☐ **OTHER**

Work Session: 01/14/2019

Council Meeting: 01/28/2019

SUBMITTED BY: Mayor

PURPOSE:

HISTORY: This item came to Work Session 01/14/2019 changes have been made and this is the first read.

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: First Read

**AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE III OF THE CITY OF
STONECREST, GEORGIA CODE OF ORDINANCES FOR THE PURPOSE OF
ADDING NEW DEPARTMENTS**

WHEREAS, Section 2.55 of the City of Stonecrest, Georgia Code of Ordinances authorizes the establishment of municipal departments; and

WHEREAS, the Mayor and City Council of the City of Stonecrest desire the addition of two more municipal departments; and

WHEREAS, the Mayor and City Council of the City of Stonecrest have determined that the Code of Ordinances should be amended to make the necessary change.

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Stonecrest, Georgia that the City's Code of Ordinances, Chapter 2 – Administration is amended as follows:

“Sec. 2-55. - Authorization.

The following departments are established by the council:

- (1) Administration;
- (2) Business Development;
- (3) Communications;
- (4) Community and Cultural Affairs;
- (5) Community Development;
- (6) Economic Development;
- (7) Finance;
- (8) Information Technology;
- (9) Municipal Court;
- (10) Public Safety;
- (11) Public Works;
- (12) Parks and Recreation;

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-__ - __

One or more departments may be combined to form one or more multifunctional departments.”

SO ORDAINED AND EFFECTIVE this the ____ day of _____, 201__.

Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

Attest:

Brenda James, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: Professional Services for SPLOST Program Management

☐ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☒ **OTHER**

Council Meeting: 01/28/2019

SUBMITTED BY: Council Members George Turner & Rob Turner

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:



CITY COUNCIL AGENDA ITEM

SUBJECT: An Ordinance to Provide for the Creation of the Stonecrest Youth Council and For Other Purposes

☒ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☐ **OTHER**

Council Meeting 01/28/2019

SUBMITTED BY:

PURPOSE: This item was deferred to this council meeting

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Recommendation of Council

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, TO PROVIDE FOR
THE CREATION OF THE STONECREST YOUTH COUNCIL ADVISORY
COMMITTEE AND FOR OTHER PURPOSES**

WHEREAS, the City of Stonecrest was created by Senate Bill 208, passed in the Georgia General Assembly during the 2016 Session and subsequently confirmed by referendum;

WHEREAS, Senate Bill 208 provided a charter for the City of Stonecrest (the "City Charter");

WHEREAS, Section 1.03(b)(42) of the City Charter grants the City the power to exercise and enjoy all other powers, functions and rights necessary or desirable to promote the general welfare of the City and its inhabitants;

WHEREAS, the Mayor and City Council desire to establish the Stonecrest Youth Council to provide an opportunity for the youth of the City of Stonecrest to build leadership skills, learn about civic responsibility, gain a better understanding of municipal government, prepare for a lifetime of public and community service and acquire a greater knowledge of and appreciation for the American political system; and

WHEREAS, the Mayor and City Council desire to establish a Youth Council Advisory Committee made up of adult volunteers to assist the City and its staff in creating a program and curriculum for the aforementioned Stonecrest Youth Council and to provide oversight and management of the program.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

Section 1: The Code of the City of Stonecrest, Georgia, is hereby amended by adding a **Division 2 of Article V - Advisory Committees of Chapter 2 – Administration** that reads as follows:

DIVISION 2. - STONECREST YOUTH COUNCIL COMMITTEE.

Sec. 2-145. – Creation.

There is hereby created the City of Stonecrest Youth Council Advisory Committee which shall be referred to as the Stonecrest Youth Council Advisory Committee.

Sec. 2-146. - Duties and responsibilities.

The Stonecrest Youth Council Advisory Committee shall have the following powers and duties:

1. Prepare and recommend for adoption each year by the city a curriculum and budget for the Stonecrest Youth Council program.

- 43 2. Review, evaluate and select youth candidates for participation in the program.
44 3. Monitor and provide oversight of the Stonecrest Youth Council program throughout the
45 year.

46
47 **Sec. 2-147. - Membership.**
48

- 49 1. Composition. The Stonecrest Youth Council Advisory Committee shall be composed of a
50 maximum of [_____] members, one (1) of whom shall be the city manager or his designee
51 which is an ex-officio, non-voting member of the committee.
52
53 2. Each member shall be nominated by the mayor and approved by the city council.
54
55 3. Term of Office. All members shall serve until the succeeding end of the city's fiscal year.
56 Consecutive terms are permissible. Members whose terms expire shall continue to serve
57 until a replacement is appointment or a consecutive appointment is made.
58
59 4. Vacancies. An appointment to fill any vacancy shall be for the remainder of the
60 unexpired term of office. A consecutive appointment is permissible.
61
62 5. Removal. Notwithstanding any provision to the contrary, a member may be removed for
63 cause by a vote of a majority of the city council in accordance with state law.
64
65 6. Qualifications. In order to be qualified, all members shall either be a resident of the city
66 or an owner or officer of a business domiciled in the city. Additionally, each member
67 shall pass a background examination. Should a member move out of the city or no longer
68 be an owner or an officer of a business domiciled in the city, he/she may remain active
69 until the mayor and council appoint his/her replacement.
70

71 **Sec. 2-148. - Compensation.**
72

73 Committee members shall serve without compensation.
74

75 **Sec. 2-149. - Quorum.**
76

77 A majority of the actual number of Stonecrest Youth Council Advisory Committee members
78 establishes a quorum. Any action taken requires a majority of affirmative votes of the quorum
79 present.
80

81 **Sec. 2-150. - Governance.**

- 82 1. The Stonecrest Youth Council Committee shall adopt its rules of procedures, which shall
83 be substantially similar to the rules of procedures of the city council.
84

2. The Stonecrest Youth Council Committee shall set its own meeting schedule and establish the meeting agendas.
3. The date and time of each meeting as well as agenda items to be considered shall be publicized in the same manner as meetings of mayor and council.
4. All meetings at which official action is taken shall be open to the public and all records maintained by the committee shall be public records, unless expressly excepted by a provision of the Georgia Open Records Act, O.C.G.A. Section 50-18-70 et seq.
5. The committee shall keep minutes of its formal proceedings, showing the vote of each member upon each question and records of its examinations and other official actions, all of which shall be filed in the office of the city clerk. Copies of the minutes shall be sent to the mayor and each member of the city council. The minutes of the meetings shall be a public record.
6. The committee shall elect at its first meeting of the calendar year one of its members to serve as chairperson and one to service as vice chairperson for terms of one (1) year. The committee shall also elect a secretary to serve as the official record keeper of the committee.
7. Members must attend two-thirds (2/3) of meetings in a calendar year. Failure to do so warrants removal from the committee.
8. Expenditures of the committee, if any, shall be within the amounts appropriated for the purpose intended by the mayor and council during the annual budgeting process.

Secs. 2-____-2-____. - Reserved.

Section 3:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

ORDINANCE 2018-_____

SO ORDAINED AND EFFECTIVE this the ____ day of _____, 2018.

Jason Lary, Sr., Mayor

City Attorney

Brenda James, City Clerk



CITY COUNCIL AGENDA ITEM

**SUBJECT: An Ordinance to Provide for the Creation of the Stonecrest Youth Council
Advisory Committee and For Other Purposes**

☒ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☐ **OTHER**

Council Meeting 01/28/2019

SUBMITTED BY:

PURPOSE: This item was deferred to this council meeting

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Recommendation of Council

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, TO PROVIDE FOR
THE CREATION OF THE STONECREST YOUTH COUNCIL AND FOR OTHER
PURPOSES**

WHEREAS, the City of Stonecrest was created by Senate Bill 208, passed in the Georgia General Assembly during the 2016 Session and subsequently confirmed by referendum;

WHEREAS, Senate Bill 208 provided a charter for the City of Stonecrest (the "City Charter");

WHEREAS, Section 1.03(b)(42) of the City Charter grants the City the power to exercise and enjoy all other powers, functions and rights necessary or desirable to promote the general welfare of the City and its inhabitants; and

WHEREAS, the City Council desires to establish a Youth Council to provide an opportunity for the youth of the City of Stonecrest to build leadership skills, learn about civic responsibility, gain a better understanding of municipal government, prepare for a lifetime of public and community service and acquire a greater knowledge of and appreciation for the American political system.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

Section 1: The Code of the City of Stonecrest, Georgia, is hereby amended by adding a Division 3 of Article V – Advisory Committees of Chapter 2 – Administration that reads as follows:

DIVISION 3. – STONECREST YOUTH COUNCIL.

Sec. 2-151. – Creation.

There is hereby created a board to be known as the Stonecrest Youth Council.

Sec.2-152. - Duties and responsibilities.

The Stonecrest Youth Council shall have the duty and responsibility to:

1. Evaluate and review problems facing youth in the city.
2. Facilitate neighborhood meetings with youth to discuss problems, needs, recommendations for community improvements.
3. Meet regularly with the mayor and city council to share ideas and discuss issues, concerns, and needed improvements.

The youth council shall elect a chairman to conduct meetings and a vice chairman to conduct meetings in the absence of the chairman. Elections shall be held at the first regular meeting after selection by the Stonecrest Youth Council Committee.

Sec. 2-156. - Quorum

A majority of the actual number of committee members establishes a quorum. Any action taken requires a majority of affirmative votes of the quorum present.

Sec. 2-157. – Procedure, meetings and records.

The youth council shall adopt its rules of procedures, which shall be substantially similar to the rules of procedures of the city council.

The youth council shall hold at least one regular meeting per quarter [per month?], with the option to meet more often as needed or desired. The date and time of each meeting as well as agenda items to be considered shall be publicized in the same manner as meetings of the mayor and council.

The youth council shall maintain a record of its activity which shall be a public record and shall be kept by the office of the city clerk. Copies of the minutes shall be sent to the mayor and each member of the city council.

All meetings shall be public.

Expenditures of the youth council, if any, shall be within the amounts appropriated for the purpose intended by the mayor and council during the annual budgeting process.

Sec.2-158. - Absences from meetings.

Youth council members must attend two-thirds of meetings in a calendar year. Failure to do so warrants removal from the committee unless such absence is excused by a majority vote of the board, with such excuse duly entered upon its minutes.

Secs. 2-____.—2-____. - Reserved.

Section 3:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.

- 134
135 2. It is hereby declared to be the intention of the Mayor and City Council that, to the
136 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
137 phrase of this Ordinance is severable from every other section, paragraph, sentence,
138 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the
139 Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph,
140 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
141 section, paragraph, sentence, clause or phrase of this Ordinance.
- 142
143 3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
144 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
145 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
146 the express intent of the Mayor and City Council that such invalidity, unconstitutionality,
147 or unenforceability shall, to the greatest extent allowed by law, not render invalid,
148 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
149 sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed
150 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the
151 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
152
- 153 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith
154 are hereby expressly repealed.
- 155
156 5. The within ordinance shall become effective upon its adoption.
- 157
158 6. The provisions of this Ordinance shall become and be made part of The Code of the City
159 of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to
160 accomplish such intention.

161 **SO ORDAINED AND EFFECTIVE** this the ____ day of _____, 2018.

162 Approved:

163
164
165 _____
166 Jason Lary, Sr., Mayor

167
168 As to form:

169
170
171 _____
172 City Attorney

173 Attest:

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

176

177

178 Brenda James, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: An Ordinance Creating the Historic and Cultural Landmarks Commission

☒ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☐ **OTHER**

Council Meeting 01/28/2019

SUBMITTED BY:

HISTORY: This item was deferred to this council meeting

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Recommendation of Council

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, CREATING THE
HISTORIC AND CULTURAL LANDMARKS COMMISSION OF THE CITY OF
STONECREST, GEORGIA**

WHEREAS, Section 1.03(b)(3) of the City Charter provides that the City may regulate and license the erection and construction of buildings and all other structures; and

WHEREAS, Section 1.03(b)(42) of the of the City Charter grants the City the power to exercise and enjoy all other powers, functions and rights necessary or desirable to promote the general welfare of the City and its inhabitants; and

WHEREAS, O.C.G.A. 44-10-20 *et seq.* is known as the Georgia Historic Preservation Act and provides that municipalities electing to enact an ordinance to provide for the protection, enhancement, perpetuation, or use of historic properties or historic districts shall establish or designate a historic preservation commission; and

WHEREAS, the Mayor and City Council of the City of Stonecrest find it to be in the best interest of the City and its citizens to provide for the protection, enhancement, perpetuation, or use of historic properties or historic districts and desire to establish a historic preservation commission to be known as the Historic and Cultural Landmarks Commission of the City of Stonecrest, Georgia.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

Section 1: The Code of the City of Stonecrest, Georgia, is hereby amended by adding a Chapter 13.5 – Historic Preservation, that reads as follows:

CHAPTER 13.5 – HISTORIC PRESERVATION

Sec. 13.5-1. - Purpose.

In support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the City of Stonecrest is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people;

In order to stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historic and aesthetic attractions to tourists and thereby promote and stimulate business;

In order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and

In order to provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same;

The Stonecrest city council hereby declares it to be the purpose and intent of this chapter to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, landscape features and works or art having special historical, cultural or aesthetic interest or value, in accordance with the provisions of this chapter.

Sec. 13.5-2. - Definitions.

This article specifically adopts and incorporates the definitions contained in O.C.G.A. Section 44-10-22 of terms used within this chapter as defined in that code section, including but not limited to, the following:

Building means a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and a barn.

Certificate of appropriateness means a document approving a proposal to make a material change in the appearance of a designated historic property or of a structure, site, or work of art located within a designated historic district. The certificate of appropriateness must be obtained from a commission before such material change may be undertaken.

Commission means the Historic and Cultural Landmarks Commission of the City of Stonecrest, Georgia, created or established by O.C.G.A. Section 44-10-24, created within this chapter.

Designation means a decision by the governing authority of the City of Stonecrest to designate a property or district as a "historic property" or as a "historic district" and thereafter to prohibit all material changes, except as provided herein, in appearance of such property or within such district prior to the issuance of a certificate of appropriateness by the commission.

Exterior architectural features means the architectural style, general design, and general arrangement of the exterior of a building or other structure, including, but not limited to, the kind or texture of the building material; the type and style of all windows, doors, and signs; and other appurtenant architectural fixtures, features, details, or elements relative to the foregoing.

Exterior environmental features means all those aspects of the landscape or the development of a site which affect the historical character of the property.

Governing authority means the elected mayor and city council of the City of Stonecrest, Georgia.

Historic district means a geographically definable area, urban or rural, which contains structures, sites, works of art, or a combination thereof which:

- (1) Have special character or special historical or aesthetic interest or value;
- (2) Represent one or more periods or styles of architecture typical of one or more eras in the history of the city, county, state, or region; and

- (3) Cause such area, by reason of such factors, to constitute a visibly perceptible section of the city.

Historic property means a structure, site or work of art, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of its value to the municipality, county, state, or region for one or more of the following reasons:

- (1) It is an outstanding example of a structure representative of its era;
- (2) It is one of the few remaining examples of a past architectural style;
- (3) It is a place or structure associated with an event or person of historic or cultural significance to the city, county, state, or region; or
- (4) It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the city, county, state, or region.

Material change in appearance means a change that will affect the exterior architectural features of a historic property or of any building, structure, site or work of art within a historic district, and may include any one or more of the following but shall not include exterior paint or paint color alterations:

- (1) A reconstruction or alteration of the size, shape, or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details, or elements;
- (2) Demolition of a historic property;
- (3) Commencement of excavation;
- (4) A change in the location of advertising visible from the public right-of-way on any historic property; or
- (5) The erection, alteration, restoration or removal of any building or other structures within a designated historic district, including walls, fences, steps, and pavements, or other appurtenant features, except exterior paint alterations.

Ordinance of designation means an ordinance formally proposed by the commission for consideration by the governing authority after the commission has studied a proposed historic property or historic district and determined that they appear to meet the criteria for designation established by this chapter.

Person includes any natural person, corporation or unincorporated association.

Sec. 13.5-3. – Historic and Cultural Landmarks Commission – Creation and appointment.

There is hereby created a commission whose title shall be the “Historic and Cultural Landmarks Commission of the City of Stonecrest”.

The commission shall be part of the planning functions of the city.

The commission shall consist of six (6) members, each of whom shall serve a maximum of two (2) consecutive three-year terms. All members shall be residents of the city and shall be

persons who have demonstrated special interest, experience or education in the preservation of historic resources, history or architecture. At least a majority of the members shall be licensed architects, landscape architects or interior designers or professionals in the fields of history, architectural history, planning or archaeology.

Commission members shall be appointed by the mayor, subject to confirmation by the city council. Should a member be unable to complete a term of office, the governing authority shall fill the vacancy for the remainder of the unexpired term in the same manner as making initial appointments. An individual appointed to serve the remainder of an unexpired term shall be eligible to be reappointed for an additional consecutive three-year term.

In order to achieve staggered terms, initial appointments shall be determined by lottery as follows: two (2) members for one (1) year; two (2) members for two (2) years; and three (3) members for (3) years.

Members shall serve until their successors are appointed and qualified. Members of the commission shall serve without compensation but may be reimbursed for reasonable expenses incurred.

Any member may be removed for cause by vote of a majority of the councilmembers.

Sec. 13.5-4. – Same – Powers and duties.

The commission shall be authorized to:

- (1) Prepare and maintain an inventory of all property within the City of Stonecrest having the potential for designation as historic property;
- (2) Recommend to the governing authority specific places, districts, sites, buildings, structures or works of art to be designated by ordinance as historic properties or historic districts which ordinance shall be in accordance with the provisions of this chapter and O.C.G.A. Section 44-10-26;
- (3) Review applications for certificates of appropriateness, and grant or deny same in accordance with the provisions of this chapter and O.C.G.A. Section 44-10-28;
- (4) Recommend to the governing authority that the designation of any place, district, site, building, structure, object or work of art as a historic property or as a historic district be revoked or removed;
- (5) Restore or preserve any historic properties acquired by the City of Stonecrest, with the approval of the governing authority;
- (6) Recommend to the governing authority the acquisition by the City of Stonecrest of conservation easements in accordance with the provisions of state law;
- (7) Conduct educational programs on historic properties located within the boundary of the city and on general historic preservation topics;

- (8) Make such investigations and studies of matters relating to historic preservation as the governing authority or the commission itself may, from time to time, deem necessary or appropriate;
- (9) Seek out local, state, federal and private funds for historic preservation and make recommendations to the governing authority concerning the most appropriate uses of any funds acquired;
- (10) Consult with historic preservation experts in the Division of Historic Preservation of the Department of Natural Resources or its successor and the Georgia Trust for Historic Preservation, Inc.;
- (11) Submit to the Division of Historic Preservation of the Department of Natural Resources or its successor a list of historic properties and historic districts pursuant to this chapter and O.C.G.A. Section 44-10-26.

Sec. 13.5-5. – Same – Meetings and quorum.

A quorum shall consist of a majority of the members.

The commission shall meet at least monthly unless the chair determines that insufficient business warrants holding a meeting, in which case the commission shall meet the following month.

Commission members must attend two-thirds of meetings in a calendar year. Failure to do so warrants removal from the body.

Sec. 13.5-6. – Same – Governance.

The commission shall adopt its rules of procedure, which shall be substantially similar to the rules of procedure of the city council and which do not conflict with O.C.G.A. Title 44, Chapter 10, which shall only be effective after submittal to and if approved by the city council.

The commission shall provide for the time and place of its regular meetings and a method for calling of special meetings.

The date and time of each meeting as well as agenda items to be considered shall be publicized in the same manner as meetings of the mayor and council.

Annually, at its first meeting of the calendar year, the members shall elect one of its members to serve as chairperson and one member to serve as vice chairperson. Additionally, the members shall also appoint a secretary to serve as the official record keeper.

All meetings of the commission shall be open to the public, and all records maintained by the commission shall be public records unless expressly exempted by a provision of the Georgia Open Records Act, O.C.G.A. 50-18-70 et seq.

The commission shall keep minutes of its proceedings, showing the vote of each member upon each question, and records of its examinations and other official actions, all of which shall be filed in the office of the city clerk. Copies of the minutes shall be sent to the mayor and each

city councilmember. The minutes of the meetings shall be a public record. This section shall not be construed as prohibiting closed sessions when permitted by the state open meetings and open records acts.

Sec. 13.5-7. - Conflict of Interest.

No commission member shall participate in the discussion on or vote on any matter in which he or she may have a conflict of interest as defined within the City Charter or Code or Official Code of Georgia Annotated.

Sec. 13.5-8. - Designations.

Designation of places, districts, sites buildings, structures, or works of art or historic properties or historic districts shall be by ordinance adopted by the governing authority, which shall be subject to the following requirements:

(1) *Studies.* The governing authority, a historical society, neighborhood organization, property owner(s) or resident(s), may request that the commission initiate studies of individual properties or districts to determine whether they meet the criteria specified in this section of designation as historic properties or historic districts. The commission may also initiate such a study or studies on its own initiative based on a review of the city's historic resources. Upon determining that such recommended properties or districts meet the criteria for designation, the commission may submit an ordinance for designation to the governing authority in accordance with the provisions of this section.

(2) *Reports.* The commission shall prepare a report prior to submitting an ordinance for designation to the governing authority. The report shall contain, as a minimum:

- a. A physical description of the property(ies) and/or district(s) proposed for designation;
- b. A statement of the historical, cultural, architectural and/or aesthetic significance of the same;
- c. A map showing district boundaries and classification (e.g. historic, non-historic, intrusive and other significant categories) of individual properties therein, or showing boundaries of individual historic properties; and
- d. Representative photographs.

These reports shall be used to educate the community and to provide a permanent record of the designation.

(3) *Criteria.* The commission shall consider, but not be limited to, the following criteria when considering recommendations to the governing authority for designation of historic properties or districts.

a. Historic properties whether they:

1. Are an outstanding example of a structure representative of its era;

2. Are one of the few remaining examples of a past architectural style;
 3. Are a place or structure associated with an event or person of historic or cultural significance to the city, county, state or region; or
 4. Are a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the city, county, state or region.
- b. Historic districts whether they:
1. Have special character or special historic or aesthetic interest or value;
 2. Represent one or more periods or styles of architecture typical of one or more eras in the history of the city, county, state or region; and
 3. Cause such area, by reason of such factors, to constitute a visibly perceptible section of the city.
- (4) *Notice to state.* No less than thirty (30) days prior to making a recommendation on any ordinance designating a property or district as historic and at least fifteen (15) days prior to the public hearing for such designation, the commission must submit the report, required in this Sec. 13.5-8(2) above, to the Historic Preservation Division of the Department of Natural Resources or its successor for review and comment, as required by O.C.G.A. Section 44-10-26(b).
- (5) *Ordinance.* Any ordinance designating any property as historic property or any district as a historic district shall:
- a. Require that the designated property or district be shown on the official zoning map of the city and be kept by the city as a public record to provide notice of such designation in addition to other notice requirements specified by this section;
 - b. Describe each property to be designated, set forth the name or names of the owner or owners of the property and require that a certificate of appropriateness be obtained from the commission prior to any material change in appearance of the designated property; and
 - c. Include a description of the boundaries of such district, list each property located therein, set forth the name or names of the owner or owners of each such property and require that a certificate of appropriateness be obtained from the commission prior to any material change in appearance of any structure, site or work of art located within the designated historic district.
- (6) *Notice and hearing.* The commission and the governing authority shall hold a public hearing on any proposed ordinance for the designation of any historic district or property. Notice of the hearing shall be published in at least three (3) issues of the principal newspaper of local circulation; and written notice of the hearing shall be mailed to all owners and occupants of such properties. All such notices shall be published or mailed not less than ten (10) nor more than twenty (20) days prior to the date set for the public hearing. A notice mailed to the last known owner of the property shown on the city tax digest and a notice mailed to the address of the property on which

residences or businesses are located to the attention of the occupant shall constitute legal notification to the owner and occupant under this chapter.

This published notice shall state the time, date, place and purpose of the hearing. This published notice shall also include the location or boundaries of the property or properties, the existing zoning classification and historic designation, if any, and a statement that the property could be proposed for historic designation during the proposal process.

The commission shall give notification of the proposal by mail to all abutting property owners as shown by DeKalb County tax records. Such notification shall be mailed not less than ten (10) nor more than twenty (20) days prior to the date set for the public hearing and shall include a description of the application and the date, time and place of the public hearing.

The commission shall cause to be erected a sign or signs giving notification of the date, time and place of a public hearing to consider the proposed historic designation. In the case of a historic property, one (1) sign shall be placed on the property visible from a public street. In the case of a historic district, signs shall be placed at each point where the district boundary intersects a public street.

- (7) *Recommendation to governing authority.* A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the commission within fifteen (15) days following the public hearing and shall be in the form of a resolution to the governing authority.

Following receipt of the commission's recommendation, the governing authority may adopt the ordinance as proposed, may adopt the ordinance with any amendments it deems necessary, or reject the ordinance.

- (8) *Final notice.* Within thirty (30) days following a designation by the governing authority, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site or work of art located within a designated historic district, shall be given written notification of such designation by the governing authority. The notice shall apprise owners and occupants of the necessity of obtaining a certificate of appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. A notice sent via the United States mail to the last known owner of the property shown on the City tax digest and a notice sent via United States Mail shall constitute legal notification to the owner and occupant under this ordinance.

- (9) *Notification of other agencies regarding designation.* The commission shall notify all necessary agencies with the city of the ordinance for designation.

- (10) *Moratorium on applications for alteration or demotion while ordinance for designation is pending.* If an ordinance for designation is being considered, the commission shall have the power to freeze the status of the involved property.

320 **Sec. 13.5-9. - Certification of appropriateness.**

321 After the designation by ordinance of a historic property or of a historic district, no material
322 change in the appearance of such historic property, or of a structure, site or work of art within
323 such historic district shall be made or be permitted to be made by the owner or occupant thereof
324 unless and until an application for a certificate of appropriateness has been submitted and
325 approved by the commission. A building permit shall not be issued without a certificate of
326 appropriateness.

327 (1) *Application for certificate of appropriateness.* Owners of historic property or of
328 property in a historic district, or their duly authorized agents, must make application for
329 a certificate of appropriateness on forms and according to procedures promulgated by
330 the commission for such purpose. The Georgia Department of Transportation and
331 contractors performing work funded by the Georgia Department of Transportation are
332 exempt from provisions of this chapter. Local governments are also exempt from
333 obtaining certificates of appropriateness but shall notify the commission at least forty-
334 five (45) days prior to beginning or undertaking any work that would otherwise require
335 a certificate of appropriateness, so as to allow the commission an opportunity to
336 comment. All applications for certificates of appropriateness shall be accompanied by
337 drawings, photographs, plans and documentation as required by the commission.
338 Notarized authorization of the property owner shall be required if the applicant is not
339 the owner of record.

340 (2) *Public hearings on applications for certificates of appropriateness, notices and*
341 *right to be heard.* The commission shall hold a public hearing at which each proposed
342 certificate of appropriateness is discussed. Notice of the hearing shall be published in
343 the principal newspaper of local circulation in the city and written notice of the
344 hearing shall be mailed by the commission to all owners and occupants of the subject
345 property. The written and published notice shall be provided in the same manner and
346 time frame as notices are provided before a Public Hearing for Rezoning.

347 The commission shall give the property owner and/or applicant an opportunity
348 to be heard at the certificate of appropriateness hearing.

349 (3) *Review of applications.* When reviewing applications for certificates of
350 appropriateness, the commission shall consider, in addition to any other pertinent
351 factors, historical and architectural value and significance; architectural style; general
352 design; arrangement; texture and materials of the architectural features involved and the
353 relationship thereof to the exterior architectural style; and pertinent features of other
354 properties in the immediate neighborhood. When considering applications for existing
355 buildings, the Secretary of the Interior's Standards for Historic Preservation Projects,
356 including the Standards for Rehabilitation, shall be used as a guideline.

357 (4) *Interior changes.* In its review of applications for certificates of appropriateness, the
358 commission shall not consider interior arrangements or uses having no effect on exterior
359 architectural features. The commission may delegate the responsibility for determining
360 the extent of interior change and its effect on the exterior appearance to the planning
361 director or his designee.

- (5) *Demolition.* A decision may be made by the commission approving or denying a certificate of appropriateness for the demolition of buildings, structures, sites or objects.
- (6) *Ordinary maintenance and repair.* Ordinary maintenance or repair of any exterior architectural feature in or on a historic property, that does not involve a material change in design, material, or outer appearance thereof, is excluded from review and does not require a certificate of appropriateness.
- (7) *Approval.* The commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change(s) in appearance would not have a substantial adverse effect on the aesthetic, historic or architectural significance and value of the historic property or the historic district. The commission may approve the application as proposed, approve it with modifications, or deny the application. The commission shall approve, approve with modifications or deny an application for a certificate of appropriateness within forty-five (45) days after the filing thereof by the applicant unless an extension is requested by the applicant and granted by the commission. Evidence of approval shall be by certificate of appropriateness issued by the commission. Failure of the commission to act within said forty-five (45) days shall constitute approval and a certificate of appropriateness shall be issued.
- (8) *Final action.* The commission's decision, whether to accept or reject an application shall be in writing. The written decision shall be signed by the chair or the vice-chair and must clearly set forth the reasons for the decision, including whether the guidelines have been met and specifically which factors, as set forth in section 13.5-8(3), were considered in reaching the decision. In the event the commission rejects an application, it shall state its reasons for doing so and shall transmit a record of such action and the reasons therefor, in writing, to the applicant. Approval of an application shall also result in the issuance of a certificate of appropriateness. Notice of the issuance or denial of a certificate of appropriateness shall be sent to the applicant and all other persons who have filed a written request for such notice with the commission. All work performed pursuant to a certificate of appropriateness shall conform to the requirements of such certificate and by other applicable laws. In the event work is performed which is not in accordance with such certificate or laws, the city shall issue a cease and desist order and all work shall cease. A certificate of appropriateness shall become void unless construction is commenced within twelve (12) months of the date of the issuance. Certificates of appropriateness shall be issued for a period of eighteen (18) months and are not renewable.
- (9) *Revised applications.* The commission may suggest alternative courses of action if it denies the application submitted. The applicant may make modifications to the plans and may resubmit the application at any time after making such modifications as suggested by the commission.
- (10) *Prohibition on issuance of development permits.* In cases where the application covers a material change in the appearance of a structure, which would require the issuance of a permit of any kind, the denial of the application for a certificate of appropriateness shall be binding upon the city and no permit related to the rejection of the application for a certificate of appropriateness shall be issued by the city.

(11) *Official record.* The commission shall keep a public record of all applications for certificates of appropriateness and of all the commission's proceedings in connection with applications. Such records shall be maintained by the planning director. In the event of an appeal to the governing authority, the official record of the commission's decision shall consist of the application, any accompanying drawings, renderings or photographs, written comments from planning department staff, written comments of any participant at the hearing before the commission and the commission's written decision. Such records shall be available for review in the planning department within ten (10) days of a final decision by the commission on the certificate of appropriateness.

(12) *Appeal to the governing authority.* Any person adversely affected by any decision made by the commission relative to the issuance or denial of a certificate of appropriateness (i.e. the applicant or any owner of adjoining property or owner of property whose property line is within one thousand five hundred (1,500) feet of the applicant's property according to the DeKalb County tax records) may appeal such decision to the governing authority. The appeal shall be limited to a review of the record of the proceedings before the commission. The standard of review shall be an abuse of discretion. An abuse of discretion exists where the record presented to the governing authority shows that the commission exceeded the limits of its authority or that the commission's decision was not based on factors set forth in the section 13.5-9(3) or the guidelines adopted by the commission pursuant to section 13.5-6 or that the commission's decision was otherwise arbitrary and capricious. If the governing authority finds no abuse of discretion, then it may affirm the decision of the commission. If the governing authority finds that the commission abused its discretion in reaching a decision, then it may reverse the commission's decision, or it may reverse the commission's decision and remand the application to the commission with direction. All appeals must comply with the procedures set forth below:

- a. Any appeal must be filed in writing with the city clerk using an appeal form provided by the planning director, within fifteen (15) days after the date of issuance or denial of the certificate of appropriateness. The appellant shall also deliver copies of the appeal to the planning department and the city attorney.
- b. In the written appeal, the appellant must describe how the commission's decision constitutes an abuse of discretion. Specifically, the appellant must, citing to the commission's written decision, show at least one (1) of the following: that the commission exceeded the limits of its authority, or that the commission's decision was not based on factors set forth in the section 13.5-9(3) or on the guidelines adopted by the commission pursuant to section 13.5-6, or that the commission's decision was otherwise arbitrary and capricious.
- c. In addition to the appeal form, the appellant may submit a written supplementary explanation in support of the appeal. The supplementary explanation shall be submitted with the appeal. The supplementary explanation may not exceed three (3) pages and must be typewritten and double-spaced using a twelve-point font with a one-inch margin on all four (4) sides. The governing authority will not consider text in excess of the page limit set forth herein.

d. Any adversely affected person may also submit a written supplementary explanation that must comply with all of the requirements set forth in section 13.5-9(12)c, in support of, or in opposition to the appeal. All written supplementary explanations authorized by this subsection must be filed within five (5) days after the appeal is filed. Such written supplementary explanations must be filed with the city clerk with copies to the planning director, and the city attorney.

e. The planning department shall submit appeals of the decisions of the historic commission to the governing authority for consideration at any of the city council's regularly scheduled meetings within forty-five (45) days of the issuance of the decision from the commission.

f. The agenda item shall set forth the standard of review to be used by the governing authority in deciding the appeal. The official record of the commission's decision together with the appeal and all properly filed written supplemental explanations in support and in opposition to the appeal, will be attached to the governing authority's agenda item. The governing authority may not consider any written document that is not attached as the official record to the governing authority's agenda item for the appeal. The appellant and any person who has filed a statement in opposition to, or in support of the appeal may attend the meeting and may be called upon by any member of the governing authority to provide information or answer questions. There shall be no other public participation in the appeal.

g. The governing authority shall render a decision on the appeal within thirty (30) days of the first appearance of the appeal on the city council's agenda.

(13) *Appeals to Superior Court.* An appeal from a decision of the governing authority shall be made by a petition for writ of certiorari to the Superior Court of DeKalb County.

(14) *Court action.* The governing authority is authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in the appearance of a designated historic property or district, except those changes made in compliance with the provisions of this chapter, or to prevent any illegal act or conduct with respect to such historic property or district.

Sec. 13.5-10. - Acquisitions.

The commission may, where such action is authorized by the governing authority and is reasonably necessary or appropriate for the preservation of a unique historic property, enter into negotiations with the owner of properties or of properties within historic districts for the acquisition by gift, purchase, exchange or otherwise of ownership of the property or any interest therein. Final approval and ownership of these properties would be determined by the governing authority.

Sec. 13.5-11. - Failure to maintain historic property.

Property owners of historic properties or properties within historic districts shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The

commission shall monitor the condition of historic properties and existing buildings, structures, sites and works of art located in historic districts to determine if they are being allowed to deteriorate by neglect.

If the commission determines a failure to provide ordinary maintenance and repair, the commission will notify the owner of the property and set forth the steps which need to be taken to remedy the situation. The owner of such property shall have thirty (30) days to initiate the appropriate repairs.

In the event that efforts to correct the condition are not commenced within thirty (30) days, the owner shall be considered in violation of this chapter and shall be subject to fines not to exceed one thousand dollars (\$1,000.00) for each day of violation. Alternatively, at the direction of the governing authority, the commission may perform such maintenance or repair as is necessary to prevent deterioration by neglect. The owner of the property shall be liable for the cost of such maintenance and repair performed by the commission.

Sec. 13.5-12. - Exceptions.

Where by reason of unusual circumstances, the strict application of any provision of this chapter would result in exceptional practical difficulty or undue hardship upon any owner of any specific property, the commission in passing upon applications shall have power to vary or modify strict adherence to said provisions or to interpret the meaning of said provisions so as to relieve such difficulty or hardship; provided, however, that such variance, modification, or interpretation shall remain in harmony with the general purpose and intent of said provisions so that the architectural or historical integrity or character of the property shall be conserved and substantial justice done. In granting variations, the commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this chapter. An undue hardship shall be a situation beyond the control of the applicant, which is a problem unique to a specific property or in order to comply with this chapter, the person will violate another ordinance of the city. The burden of demonstrating the existence of the hardship by a preponderance of evidence shall be with the applicant.

Sec. 13.5-13. - Application fees.

Each application for a certificate of appropriateness shall be accompanied by a fee in an amount established by the governing authority, a copy of which will remain on file in the planning department, to partially defray the public expense in processing such application. The fee shall not be required for an application filed by the city.

Sec. 13.5-14. - Penalties.

Any person who does anything prohibited by the chapter as it exists or as it may hereafter be amended, or who fails to do anything required by this chapter as it now exists or as it may hereafter be amended, upon conviction of a violation, shall be subject to punishment as provided by law. Each day this violation exists shall be deemed a separate offense.

Sec. 13.5-15. - Severability.

Nothing in the chapter shall be construed as to exempt property owners from complying with existing city building and zoning codes, nor prevent any property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.

Sec. 13.5-16. - Severability.

In the event that any section, subsection, sentence, clause, or phrase of this chapter shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, sentences, clauses, or phrases of this chapter, which shall remain in full force and effect, as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

Sec. 13.5-17. - Repeal of conflicting ordinances.

This chapter is the Historic Preservation Ordinance of the City of Stonecrest, and all other conflicting ordinances or resolutions are hereby repealed.

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

- 565
566 5. The within ordinance shall become effective upon its adoption.
567
568 6. The provisions of this Ordinance shall become and be made part of The Code of the City
569 of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to
570 accomplish such intention.

571 **SO ORDAINED AND EFFECTIVE** this the ____ day of _____, 2018.

572 Approved:
573
574

575 _____
576 Jason Lary, Sr., Mayor
577

578 As to form:
579

580 _____
581 City Attorney
582

583 Attest:
584

585 _____
586 Brenda James, City Clerk
587
588



CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution to Appoint Members of the Arabia Mountain Overlay Steering Committee

☐ ORDINANCE	☐ POLICY	☐ STATUS REPORT
☐ DISCUSSION ONLY	☒ RESOLUTION	☒ OTHER

Work Session: 01/28/2019

Council Meeting: 02/11/2019

SUBMITTED BY: Mayor

PURPOSE: The members of the Arabia Mountain Overlay Steering Committee were appointed in February 2018 and this is for the year of 2019.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

Arabia Mountain Overlay Steering Committee

Appointed February 19, 2018

Mayor Pro Tem George Turner- District 4 Co- Chair

Ms. Mera Cardenas, Executive Director Arabia Mountain Co- Chair

Council Member Diane Adoma, District 5

Council Member Jimmy Clanton, District 1

Mr. Michael Harris, City Manager

Ms. Nicole Dozier, Community Development Director

Mr. Kelly Jordan, Arabia Mountain Heritage Area Alliance, Inc

Mr. Eric Hubbard, District Outreach Director, Rep. Hank Johnson

Ms. Jetha Wagner, Vice President Avila Development LLC

One Representative from each of the following:

Stonecrest Business Alliance Incorporated

Parks of Stonecrest Community Civic Association

Klondike Area Civic Association

Such other civic associations and businesses as may be designated by Council Member Clanton or Adoma with the concurrence of the Mayor.



CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution to Appoint Members of the Stonecrest Education Committee

☐ ORDINANCE ☐ POLICY ☐ STATUS REPORT
☐ DISCUSSION ONLY ☒ RESOLUTION ☐ OTHER

Work Session: 01/28/2019

Council Meeting: 02/11/2019

SUBMITTED BY: Mayor

PURPOSE: The members of the Stonecrest Education Committee were appointed in February 2018 and this is for the year of 2019.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

Education Committee
Appointed February 19, 2018

Dr. Barbara Lee

Vickie Turner



CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution to Appoint Members of the Stonecrest Finance Committee

☐ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☒ **RESOLUTION** ☐ **OTHER**

Work Session: 01/28/2019

Council Meeting: 02/11/2019

SUBMITTED BY: Mayor

PURPOSE: The members of the Stonecrest Finance Committee were appointed in February 2018 and this is for the year of 2019.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

Finance Committee
Appointed February 19, 2018

Council Member Jazzmin Cobble



CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution to Appoint Members of the Steering Committee to Negotiate the IGA with East Metro DeKalb CID

☐ ORDINANCE	☐ POLICY	☐ STATUS REPORT
☐ DISCUSSION ONLY	☒ RESOLUTION	☐ OTHER

Work Session: 01/28/2019

Council Meeting: 02/11/2019

SUBMITTED BY: Mayor

PURPOSE: The members of the Steering Committee to negotiate the IGA with East Metro DeKalb CID were appointed in February 2018 and this is for the year of 2019.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

Steering Committee to negotiate IGA with East Metro DeKalb CID

Appointed February 19, 2018

Council Member Clanton, Chair

Attorney Bernard Knight, Vice-Chair

Stacy Thibodeaux

Edwina Clanton

Matt Hampton

Sabrina Wright



CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution to Appoint Members of the SPLOST Citizens Oversight Advisory Committee

☐ ORDINANCE	☐ POLICY	☐ STATUS REPORT
☐ DISCUSSION ONLY	☒ RESOLUTION	☐ OTHER

Work Session: 01/28/2019

Council Meeting: 02/11/2019

SUBMITTED BY: Mayor

PURPOSE: The members of the SPLOST Citizens Oversight Advisory Committee appointed in October 2018 and this is for the year of 2019.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

SPLOST CITIZENS OVERSIGHT ADVISORY COMMITTEE

Appointed October 15, 2018

- | | | |
|-----|------------------|-----------------------|
| 1. | Eric Carrington | District 2 |
| 2. | Erika Dixon | District |
| 3. | Phyllis Douglas | District |
| 4. | Michelle Emanuel | District 4 |
| 5. | Lemuel Hawkins | District 5 |
| 6. | Shawn Jones | District 3 |
| 7. | Dave Marcus | District 5 |
| 8. | Darrel Taylor | District 1 |
| 9. | Swain Watters | District |
| 10. | Kerry Williams | District |
| 11. | Suzanne Frisk | District 5 |
| 12. | Plez Joyner | City Manager Designee |



CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution to Appoint Members of the Stonecrest Film Committee

☐ ORDINANCE	☐ POLICY	☐ STATUS REPORT
☐ DISCUSSION ONLY	☒ RESOLUTION	☐ OTHER

Work Session: 01/28/2019

Council Meeting: 02/11/2019

SUBMITTED BY: Mayor

PURPOSE: The members of the SPLOST Citizens Oversight Advisory Committee appointed in December 2018 and this is for the year of 2019.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

Film Commission

December 17, 2018

Council Member Rob Turner

City Manager or designee

Patreece DeChabert

Verda Watson

Todd Brown

Stacy Thibodeaux

Kenneth Reeves



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD 18-0007 (A) & (B) Chapter 27 and Chapter 7 Modifications

() ORDINANCE () POLICY () STATUS REPORT
() DISCUSSION ONLY () RESOLUTION (X) OTHER

Date Submitted: 01/17/19 **Work Session:** **Council Meeting:** 1/28/19

SUBMITTED BY: Nicole C.E. Dozier, Community Development Department Director

PURPOSE: (A) This is a clean-up modification to "Short Term Vacation Rental" Section 4.2.58 providing clarity on the Sq. Ft. per occupant requirement.

(B) This is a clean-up modification to the Building Code Section 7 remove of language not applicable to Stonecrest. **Note: This item will have to be forwarded to DCA for approval prior to city adoption**

RECOMMENDED ACTION: Planning Commission recommended deferral of item (A) and approval of item (B) at the January 3, 2019 meeting. Item (A) was recommended for deferral due to concerns over the Public's ability to review document because it was posted to the website late.

OPTIONS: Defer back to the Planning Commission, Approve; Deny; or make Alternative conditions

ATTACHMENTS:

#1 Planning Commission Staff Report

Attachment #1

1/3/2019

Planning Commission Staff Report

TMOD 18-0007 (A) & (B)

Chapter 27 and Chapter 7 Modifications



PLANNING COMMISSION STAFF REPORT

MEETING DATE: January 3, 2019

GENERAL INFORMATION

Petition Number: TMOD 18-0007

Applicant: Stonecrest Community Development Department

Project Location: City-Wide

Discussion: This is a modification of Article 27 Short Term Vacation Rental Ordinance and minor modification to Chapter 7 Building Code.

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, AMENDING
CHAPTER 27, ARTICLE IV TO CLARIFY EXISTING REGULATIONS ON SQUARE
FOOTAGE OF SLEEPING AREAS.**

WHEREAS, the City of Stonecrest is authorized to exercise the power of zoning Ga. Const. Art. IX, Section II, ¶ IV, Ga. Const. Art. IX, Section II, ¶¶ I and III, Official Code of Georgia Annotated (O.C.G.A.) § 36-66-1 et seq., the City's Charter, the City's general police powers, and by other powers and authority provided by federal, state and local laws applicable hereto; and

WHEREAS, the City of Stonecrest continues to exercise its zoning powers to provide comprehensive city planning and ensure a safe, healthy, and aesthetically pleasing community; and

WHEREAS, as the City of Stonecrest experiences growth and gains knowledge through the exercise of these powers, it is necessary to and, amend, and/or remove certain requirements in the Zoning Ordinance; and

WHEREAS, the City of Stonecrest recognizes necessity of implementing regulations which protect the health, safety and welfare of its citizens as well as tourists in the city who choose alternative accommodations, such as Short Term Vacation Rentals.

WHEREAS, the Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*, provides statutory requirements which must be met by a local government to enact zoning ordinances and make zoning decisions, including, requiring publication of notice and public hearing prior to the enactment of zoning ordinances;

WHEREAS, the City of Stonecrest has advertised and held public hearings on _____ and _____ on the adoption of the amendment to Chapter 27, Article IV:

WHEREAS, this Ordinance seeks to clarify the existing regulations on Short Term Vacation Rentals to ensure a safe, healthy, and aesthetically pleasing community for the citizens and visitors of the City of Stonecrest, Georgia.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

Section 1: Section 4.2.58 of The Code of the City of Stonecrest, Georgia, is hereby amended to read as follows:

A. No individual renting the property shall stay for longer than 30 consecutive days.

B. The STVR shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinance.

C. In every dwelling of two (2) or more rooms, every room occupied for sleeping purposes by one (1) occupant shall contain not less than 70 square feet of floor area, and every room occupied for sleeping purposes by two (2) occupants shall contain at least one

hundred twenty (120) square feet of floor area. Maximum occupancy limits for any overnight guests must not exceed two guests for every bedroom located in the STVR.

D. Every Bedroom shall have a window facing directly and opening to the outdoors.

E. Every bedroom shall have access to not less than one water closet and lavatory without passing through another bedroom. Every bedroom in an STVR shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.

F. There shall also be provided at least one (1) off-street parking space for each bedroom used as a part of the STVR.

G. No signs or advertising are permitted to identify or advertise the existence of the STVR, beyond those otherwise allowed for the residential property.

H. All STVR units shall be furnished with a telephone that is connected to a landline or similar type connection, including a voice over internet protocol, in order that 911 dispatch may be able to readily identify the address and/or location from where the call is made when dialed.

I. A diagram depicting two eviction routes shall be posted on or immediately adjacent to every required egress door.

J. No individual renting a STVR shall use the STVR for a special event, party, or temporary outdoor event. No owner or operator of a STVR shall permit a STVR to be used for a special event, party, or temporary event.

K. It shall be unlawful to establish, operate, or cause to be operated a STVR in the city within 500 feet of another STVR, bed and breakfast, boarding house, Home stay bed and breakfast residence, hotel/motel, hotel/motel extended stay, personal care home, or child caring institution. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two uses.

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

5. The within ordinance shall become effective upon its adoption.

6. [The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.]

SO ORDAINED AND EFFECTIVE this the ____ day of _____, 2019.

Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

Attest:

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2019-_____

112 _____
113 Brenda James, City Clerk

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, AMENDING
CHAPTER 7, TO CLARIFY REGULATIONS CONCERNING BUILDINGS AND
CONSTRUCTION**

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter to regulate and to license the erection and construction of buildings and all other structures and to adopt all required and permissive international codes as adopted by the State of Georgia; and

WHEREAS, the Mayor and City Council are charged with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the Mayor and City Council deem it necessary to adopt building and construction regulations, as well as the International Property Maintenance Code, in order to ensure the safety of buildings in the City.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

Section 1: Section 7-24(b)(2)(f) of The Code of the City of Stonecrest, Georgia, is hereby amended to read as follows:

f. All residential driveways, stops, patios, and walkways shall bear on properly compacted soil, foundation ledges or be doweled at slab. Maximum residential driveways slopes shall not exceed 20 percent grade. At the entrance of a garage, the garage floor shall be elevated two inches above the driveway or a drainage system approved by the director shall be installed at the entrance to the garage. Residential garages and carports shall contain not less than 19 feet six inches of actual automobile parking depth. ~~Upon completion of construction of any driveway or garage, the engineer of record shall provide written certification to the director that such driveway and/or garage complies with the requirements of this Code, including the requirements of this section~~

Section 2: Section 7-143 of The Code of the City of Stonecrest, Georgia, is hereby amended to read as follows:

(a) *Required.* No building or structure or portion thereof shall be occupied or a change made in the type of occupancy or the nature of the use of an existing building or part thereof until after an appropriate certificate as required by this section has been issued.

(b) *Certificate of occupancy.*

(1) *Issuance.* A certificate of occupancy shall not be issued by the Building Official until the building, structure and intended use complies with all applicable requirements of the zoning ordinance, all construction is complete and all required final building, plumbing, mechanical, gas, electric, fire, health, vegetation protection and site drainage inspections have been performed and approved.

(2) *Scope.* The certificate of occupancy certifies that all final inspections have been completed and the structure has been erected, to the best of the inspector's knowledge,

in compliance with applicable Code requirements at the time of the issuance of the certificate. However, issuance of a certificate of occupancy shall not excuse the builder, contractor, tenant, or property owner from liability for any violation of the Code or any other applicable laws. Occupancy shall be limited to the area or portion of a building or structure defined by the building permit for which the certificate of occupancy is issued.

(c) *Temporary certificate of occupancy.*

(1) *Scope.* A temporary certificate of occupancy may be issued for non-residential buildings or portions thereof, before the completion of the entire work covered by the permit, for a specified period of time when it has been determined by the Building Official or designee that no outstanding Code violations or deficiencies exist and the building may be safely occupied for the use and time requested. A request for a temporary certificate of occupancy shall be made on such form as prescribed by the Building Official.

(2) *Issuance.* A temporary certificate of occupancy shall be issued for stated purposes only when construction has not been fully completed and all final inspections have not been performed for a set time period as determined by the Building Official.

(3) *Revocation.* A temporary certificate of occupancy may be revoked, in writing, at the option of the Building Official for any and/or all of the following reasons:

- a. Violation of any building, plumbing, mechanical, electrical, fire safety or site development codes or regulations.
- b. Failure to complete any stage of construction and/or site improvements required by the Building Official in a timely manner.
- c. Unauthorized occupancy or use of any part or portion of the building or structure other than the area or portion for which a temporary certificate of occupancy has been granted.
- d. Incorrect information supplied by the permit holder.
- e. Any other conditions that may affect the health, safety and welfare of persons or property.

(d) *Certificate of completion.* A certificate of completion shall be issued upon satisfactory completion of a building, structure, and/or plumbing, mechanical, gas or electrical system, when a certificate of occupancy is not required. The certificate of completion does not grant authority to occupy a building or structure or change the type of occupancy or nature of use prior to the issuance of a certificate of occupancy.

~~(e) *Certificate of change of tenant.*~~

~~(1) *Scope.* A certificate of change of tenant shall be required whenever there is a change of tenant occupancy in any non-residential building, structure or use and no construction, alterations, improvements or repairs to the building, structure, plumbing, mechanical, gas, or electrical systems have been or are to be made. The new tenant or building owner shall be required to submit current as-built floor and fixture plans for review and complete a repair/improvement declaration. Upon approval and payment of a change of tenant fee and~~

79 ~~satisfactory inspection to determine compliance with the submitted and approved floor and~~
80 ~~fixture plan, repair/improvement declaration, and applicable sections of this Chapter, a~~
81 ~~certificate of change of tenant shall be issued.~~

82 ~~— (2) *Permits required.* If the change of tenant involves any construction, alterations,~~
83 ~~improvements or repairs to the building, plumbing, mechanical, gas or electrical systems, all~~
84 ~~necessary permits required by this chapter shall be obtained by licensed qualified contractors~~
85 ~~and all necessary inspections shall be performed by the building official before a change of~~
86 ~~tenant, or if required, a new certificate of occupancy is issued.~~

87 (e) *Contents of certificates.* Certificates shall contain the following:

88 (1) The building permit number (or in the case of a certificate of completion, the
89 appropriate trade permit number).

90 (2) The address of the structure.

91 (3) The name and address of the owner.

92 (4) A description of that portion of the structure for which the certificate is issued.

93 (5) A statement that the described portion of the structure has been inspected for
94 compliance with the requirements of this Chapter.

95 (6) The name of the Building Official.

96 (7) The edition of the code under which the permit was issued.

97 (8) If non-residential, the use and occupancy, in accordance with the provisions of chapter
98 3 of the International Building Code.

99 (9) If non-residential, the type of construction as defined in chapter 6 of the International
100 Building Code.

101 (10) If non-residential, the design occupant load.

102 (11) If an automatic sprinkler is provided, whether the sprinkler system is required.

103 (12) Any special stipulations and conditions of the building permit.

104 (f) *Revocation of certificates.* The building official or designee may revoke certificates of
105 occupancy, certificates of completion, and certificates of change of tenant issued under
106 provisions of this Chapter, where it is shown that there have been either one or more of the
107 following:

108 (1) Changes or alterations in construction, type of permitted use or occupancy
109 without written approval by the Building Official or designee.

110 (2) Changes or violations of the conditions of the certificate without written approval
111 by the Building Official or designee.

112 (3) Alterations, additions, or improvements to the building, structure, or systems
113 without permits and inspections required by this Chapter.

114 (4) Violation of any zoning, building, plumbing, mechanical, electrical, fire safety or
115 site development codes or regulations.

(5) Any condition that may affect the building, structure or service system which, in the opinion of the director, renders the building, structure or service system unsafe, dangerous or uninhabitable.

(6) After a certificate has been revoked, a valid certificate shall not be issued until all violations, changes, alterations, additions or improvements meet all requirements of this Chapter as determined by the Building Official.

(g) *Posting Floor Loads.*

(1) *Occupancy.* An existing or new building shall not be occupied for any purpose which will cause the floors thereof to be loaded beyond their safe capacity. The Building Official may permit occupancy of a building for mercantile, commercial or industrial purposes, by a specific business, when he is satisfied that such capacity will not thereby be exceeded.

(2) *Storage and Factory-industrial occupancies.* It shall be the responsibility of the owner, agent, proprietor or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by a stamped and signed affidavit from the architect or engineer stating the safe, allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the building department.

(3) *Signs required.* In every building or part of a building used for storage, industrial, or hazardous purposes, the safe floor loads, as reviewed by the Building Official on the plan, shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the owner of the building.

Section 3: Section 7-170 of The Code of the City of Stonecrest, Georgia, is hereby amended to read as follows:

Sec. 7-170. - Construction or work; approval and accessibility.

(a) *Generally.* Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Chapter or of other applicable provisions of the Code. Inspections presuming to give authority to violate or cancel the provisions of this Chapter or of other provisions of the Code shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed

for inspection purposes. Neither the Building Official nor the city shall be liable for any expense entailed in the removal or replacement of any material required to allow inspection.

(b) *Preliminary inspection.* Before issuing a permit, the Building Official is authorized to examine, or cause to be examined, buildings, structures, systems and sites for which an application has been filed.

(c) *Required inspections.* The Building Official, upon notification, shall make the inspections set forth as follows:

(1) *Building.*

a. *Foundation and slab inspection.* To be made after trenches are excavated, forms are erected, and reinforcement is installed but before concrete is put in place. The appropriate silt and erosion control measures must be in place and functional.

b. *Damproofing inspection.* To be made prior to backfill of crawl space or basement foundation walls.

c. *Pre-cladding/sheathing inspection.* To be made after the roof, wall bracing, are installed and prior to placement of exterior cladding. Rough inspections on trades need not be complete for pre-cladding inspection.

~~d. *Roof felt and sheathing inspection.* To be performed after felt is installed and prior to covering exterior wall sheathing with felt paper, house wrap or siding as follows: For existing homes having the roof replaced, the inspection shall consist of: Valley flashing consisting of either~~

~~—— 1. Metal flashing at least 24 inches wide having no less than 12 inches on either side of the valley;~~

~~—— 2. Self-sealing flashing shall be installed at least 36 inches wide having no less than 18 inches on either side of the valley; or~~

~~—— 3. Roll roofing shall be installed at least 36 inches wide having no less than 18 inches on either side of the valley~~

d. *Frame (rough) inspection.* To be made after wiring, piping, chimneys, duct and vents to be concealed are in place and all fire blocking is in place this inspection occurs before any insulation or wall coverings are installed.

e. *Final inspection.* To be made after the building or structure is completed in compliance with this Code prior to issuance of the certificate of occupancy.

(2) *Electrical.*

a. *Underground and slab inspection.* To be made after trenches or ditches are excavated, forms are erected, conduit or cable are installed, and before any backfill or concrete is put in place.

b. *Rough-in inspection.* To be made after the roof, framing, fire blocking, bracing, and wiring are in place and prior to the installation of insulation and wall and ceiling membranes.

c. *Temporary Power Inspection.* Temporary approval for connection to the utility can be granted prior to completion. The temporary connection is only valid for a period not to exceed 90 days.

d. *Final inspection.* To be made after the building or structure is complete, all required electrical outlets, switches and fixtures are in place and properly connected or protected, and the building or structure is ready for occupancy.

(3) *Plumbing.*

a. *Underground and slab inspection.* To be made after trenches or ditches are excavated, forms are erected, piping installed and before any backfill or concrete is put in place. The appropriate silt and erosion control measures must be in place and functional.

b. *Rough-in inspection.* To be made after the roof, framing, fire blocking and bracing are in place and all water, soil, waste and vent piping is complete and prior to the installation of wall and ceiling membranes.

c. *Final inspection.* To be made after the building is complete, and all plumbing fixtures and appliances are in place and properly connected, and the structure is ready for occupancy.

d. *Testing.* Plumbing work and systems shall be tested as required in section 312 of the International Plumbing Code. Tests shall be made by the permit holder and observed by the Building Official.

(4) *Mechanical.*

a. *Underground and slab inspection.* To be made after trenches or ditches are excavated, forms are erected, underground duct and fuel piping is installed and before any backfill and concrete is put in place.

b. *Rough-in inspection.* To be made after the roof, framing, fire blocking and bracing are in place and all duct and fuel piping to be concealed are complete and prior to the installation of wall and ceiling membranes.

c. No mechanical equipment or ductwork is allowed to be installed in any building that is not adequately sealed from the weather. Any ductwork or equipment contaminated by stormwater must be replaced to prevent a potential mold issue or health hazard, as recommended by the DCA Mold Task Force.

d. *Final inspection.* To be made after the building is complete, the mechanical system and appliances are in place and properly connected and the structure is ready for occupancy.

(5) *Gas.*

a. *Rough-in inspection.* To be made after all piping authorized by the permit has been installed and before any such piping has been covered and concealed or any fixtures or appliances have been connected.

- 230 b. *Final piping inspection.* To be made after all piping authorized by the permit has
231 been installed, after all portions which are to be covered or concealed by wall and
232 ceiling membranes, plastering, stone or brickwork have been so concealed, and
233 before any fixtures or gas appliances have been connected. Log lighters shall be
234 permitted separately and inspected.
- 235 c. *Testing.* This inspection shall include a gas pressure test.
- 236 d. *Final inspection.* To be made on all new gas work authorized by the permit and
237 such portions of existing systems as may be affected by the new work or any
238 changes, to ensure compliance with the requirements of this chapter and to assure
239 that the installation and construction of the gas system is in accordance with
240 reviewed plans.
- 241 (6) *Energy.*
- 242 a. *Insulation inspection.* To be made after all rough inspections are complete and
243 approved and before exterior wall insulation is concealed by wall board to check
244 installation of the exterior insulation envelope and to inspect that all holes and
245 cracks through the structure envelope have been sealed in an appropriate manner as
246 to restrict air passage.
- 247 b. *Final inspection.* To be made after the building is completed and ready for
248 occupancy. To verify installation and R-value of ceiling and floor insulation. To
249 verify correct SEER ratings on appliances. Verification of compliance with all state
250 amendments for the energy code in regards to sealing and compliance certificates
251 where applicable and properly posted.
- 252 (d) *Residential floodplain inspections.* For construction permitted in areas prone to flooding as
253 established by table R301.2(1) of the International Residential Building Code, upon
254 placement of the lowest floor, including basement, and prior to further vertical construction,
255 the building official shall require submission of a certification of the elevation of the lowest
256 floor, including basement, prepared by a registered professional engineer or land surveyor,
257 as required in section R327 of the International Residential Building Code.
- 258 (e) *Fire-resistant penetrations.* Protection of joints and penetrations in fire-resistance-rated
259 assemblies shall not be concealed from view until inspected and approved.
- 260 (f) *Other inspections.* In addition to any other inspections, the Building Official is authorized to
261 make or require other inspections of any construction work to ascertain compliance with the
262 provisions of this Chapter and other applicable provisions of the code that are enforced by
263 the city.
- 264 (g) *Residential fire-resistance-rated construction inspections.* Where fire-resistance-rated
265 construction is required between dwelling units or due to the location on the property, the
266 Building Official shall require an inspection of such construction after all lathing and/or
267 wallboard is in place, but before any plaster is applied, or before wallboard joints and
268 fasteners are taped and finished.

- (h) *Inspection agencies.* The Building Official is authorized to request and accept reports of approved inspection agencies, provided such agencies satisfy the requirements of this Chapter.
- (i) *Pre-qualified alternate registered engineer inspections.*
- (1) When it is evident that the city cannot provide an inspection service of construction covered by this Chapter within two business days of receiving a valid written request for an inspection, then, in lieu of an inspection by inspections personnel employed by the city, any person, firm, or corporation engaged in a construction project which requires an inspection, shall have the option of retaining, at their own expense, a pre-qualified alternate registered professional engineer who holds a certificate of registration issued under chapter 15 of title 43 of the Official Code of Georgia Annotated, and who is not an employee or otherwise affiliated with or financially interested in such person, firm, or corporation, to provide the required inspection. Pre-qualified alternate registered professional engineers shall conduct inspections in accordance with all applicable provisions of this Code and state law, including, but not limited to, O.C.G.A. § 8-2-26, as amended.
- (2) The city shall provide for the pre-qualification of alternate registered engineers who may perform inspections pursuant to this section. A pre-qualified alternate registered engineer inspector who personally makes the inspection, shall hold, in addition to the certificate registration required under chapter 15 International Code Council/ICC of title 43 of the Official Code of Georgia Annotated, a certification that matches his area of expertise. Pre-qualified alternate registered engineers may provide inspections in their scope of expertise providing they hold the aforementioned certifications that match their expertise. In lieu of personally holding an International Code Council certification, a registered engineer may employ technicians who hold the required appropriate International Code Council certifications to actually make the inspections. These employees shall also be pre-qualified by the city. Inspection reports submitted to the city shall contain both the certified technician's signature and the signature and seal of the pre-qualified alternate registered engineer and their dates of certification.
- (3) Pre-qualified alternate registered engineer inspections and reports shall be accepted only from persons or firms who have been pre-qualified by the Building Official. The requirements, procedures, application forms and report forms shall be as required by the Building Official.
- (j) *Inspections requests.* It shall be the duty of the holder of the permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide safe access to and a safe means for inspection of such work for any inspections that are required by this Chapter.
- (k) *Approval required.* Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building

Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this Code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

(l) *Re-inspection fee.* Re-inspection fees shall be required in accordance with the fee schedule as adopted by the city council when work performed is required to be re-inspected due to the following reasons:

- (1) The re-inspection is not approved due to a failure to correct a previously noted code violation on a prior inspection;
- (2) The job is not ready for inspection when an inspection is requested and performed;
- (3) The building or structure is not accessible and inspection cannot be performed;
- (4) Work to be inspected has been covered or concealed and proper inspection cannot be performed; or
- (5) Prior issuance of a stop work order requires re-inspection.

(m) *Right-of-entry.* Inspections required under the provisions of this Chapter shall be made by the Building Official or designee. Upon presentation of proper credentials, the Building Official or designee may enter the premises between 8:00 a.m. and 7:00 p.m. to perform any duty imposed by this Chapter, provided that the building official or designee has consent to enter the premises or has obtained and presents an inspection warrant as described in this Chapter.

(n) *Manufacturers and Fabricators.* When deemed necessary by the Building Official, he shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the construction codes.

(o) *Inspections prior to issuance of certificate of occupancy or completion.* The Building Official shall inspect, or cause to be inspected, at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to issuance of the certificate of occupancy or completion.

(p) *Posting of permit.* Work requiring a permit shall not commence until the permit holder or his agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located in such position as to permit the Building Official or representative to conveniently make required entries thereon. This permit card shall be maintained in such position by the permit holder until the certificate of occupancy or completion is issued by the Building Official.

Section 4:

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2019-_____

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.
5. The within ordinance shall become effective upon its adoption.
6. [The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.]

SO ORDAINED AND EFFECTIVE this the ____ day of _____, 2019.

Approved:

Jason Lary, Sr., Mayor

As to form:

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2019-_____

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390 Attest:

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394 _____
Brenda James, City Clerk

City Attorney



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD 18-0008 Arabia Mountain Overlay District and Map (1st Read)

☐ ORDINANCE ☐ POLICY ☐ STATUS REPORT
☐ DISCUSSION ONLY ☐ RESOLUTION ☒ OTHER

Date Submitted: 01/17/19 **Work Session:** **Council Meeting:** 1/28/19

SUBMITTED BY: Nicole C.E. Dozier, Community Development Department Director
Mera Cardenas, Arabia Mountain Overlay Committee Vice-Chair

PURPOSE: This is the introduction of the Arabia Mountain Overlay District regulations and Map for review, discussion and approval.

RECOMMENDED ACTION: Planning Commission recommended approval of this item at the January 3, 2019 meeting.

OPTIONS: Defer back to the Planning Commission, Approve; Deny; or make Alternative conditions

ATTACHMENTS:

- #1 Planning Commission Staff Report
- #2 Planning Commission PowerPoint Presentation



PLANNING COMMISSION STAFF REPORT

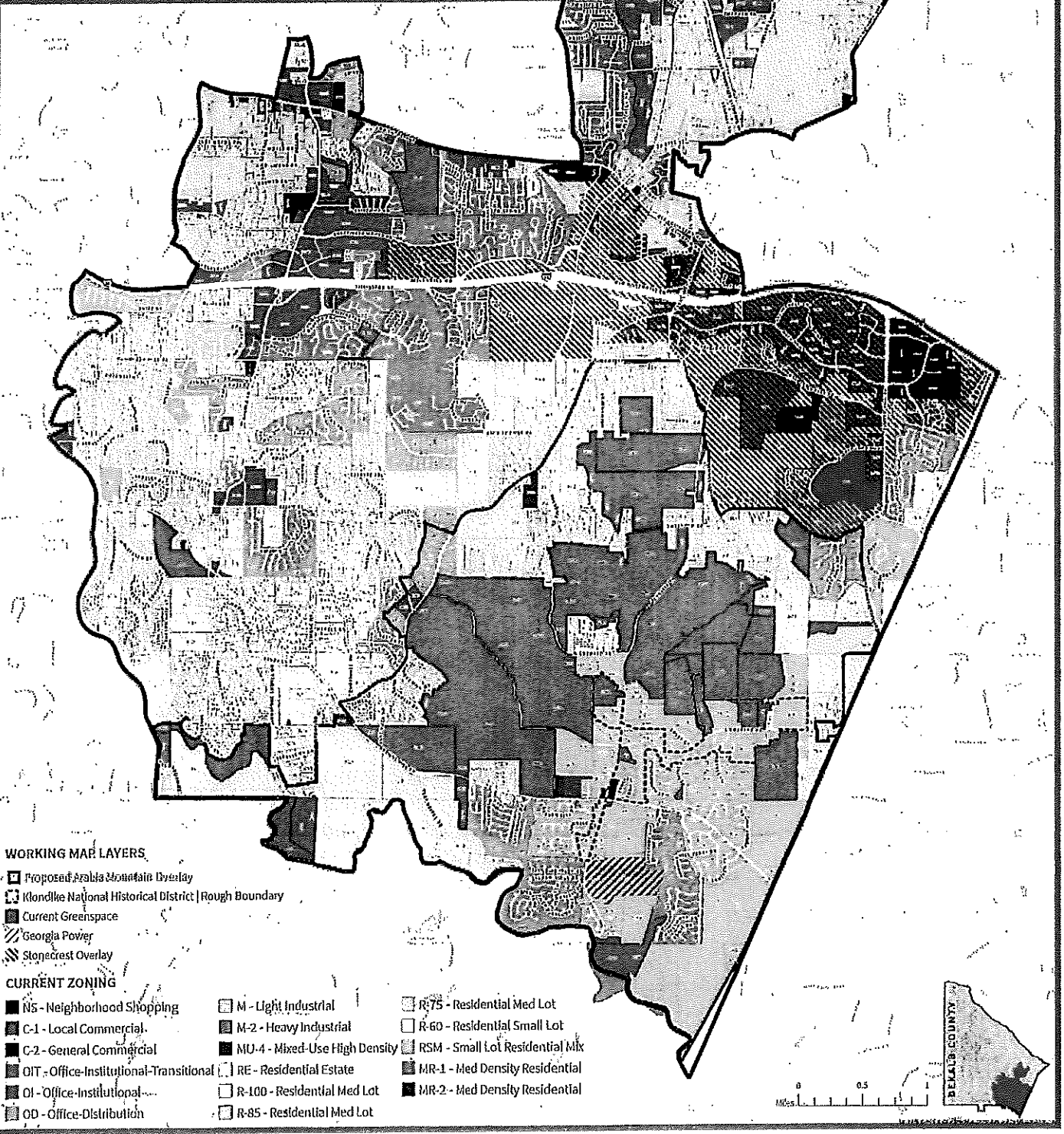
MEETING DATE: January 3, 2019

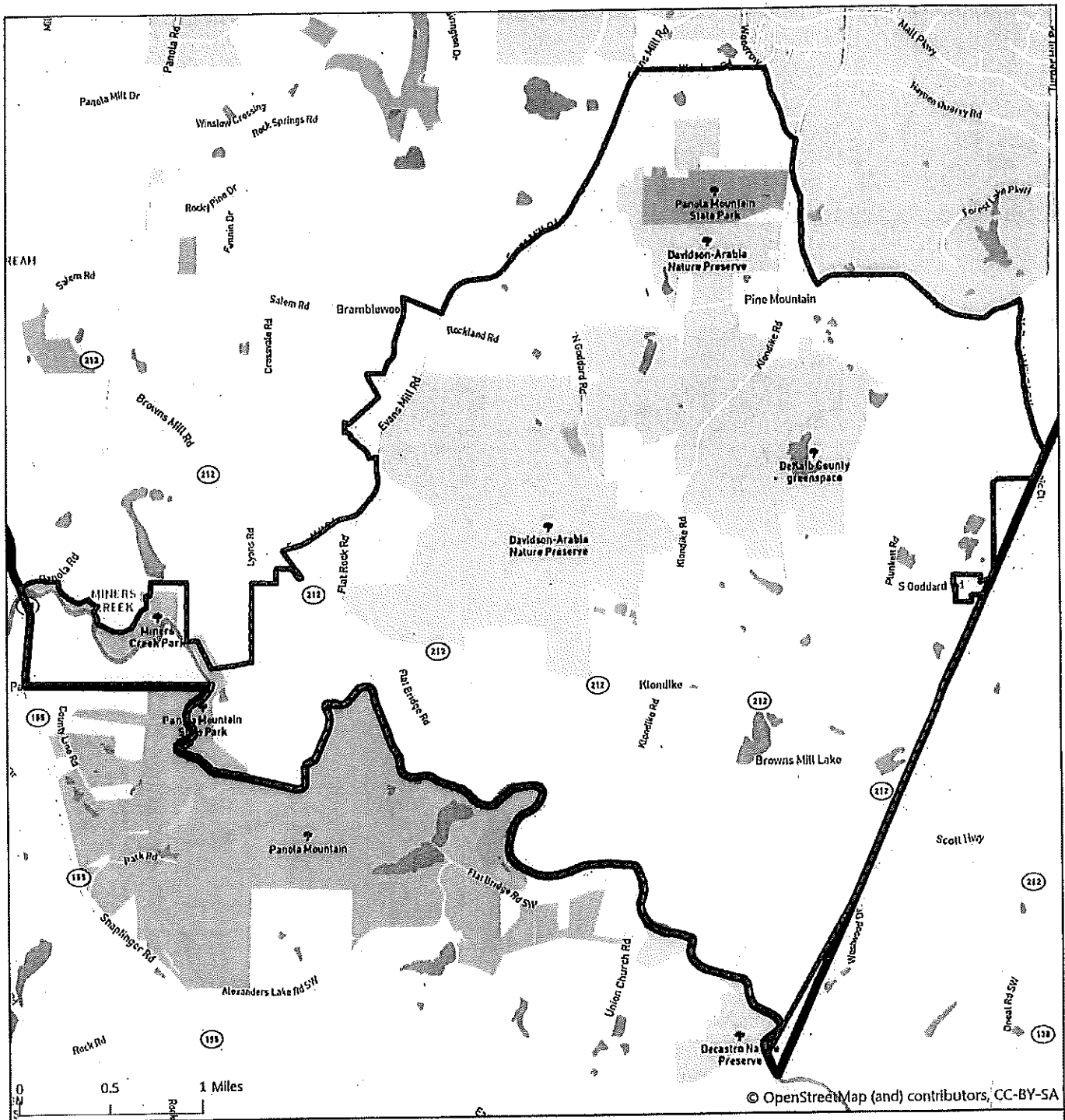
GENERAL INFORMATION

Petition Number:	TMOD 18-0008
Applicant:	Arabia Mountain Overlay Committee
Project Location:	District 5
Discussion:	Review and discussion on the Proposed Arabia Mountain Overlay district and map.

PROPOSED ARABIA MOUNTAIN OVERLAY

STONECREST, GEORGIA

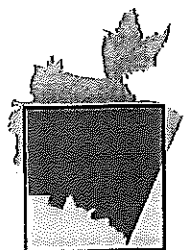




PROPOSED ARABIA MOUNTAIN OVERLAY

□ Proposed Arabia Mountain Overlay

Existing Overlays



27-3.4 – DIVISION 4- ARABIA MOUNTAIN CONSERVATION OVERLAY DISTRICT

Sec. 3.4.1. - Title.

The provisions contained within this division are the regulations of the Arabia Mountain Conservation Overlay District.

Sec. 3.4.2. - Purpose and intent.

The purpose and intent of the city council in establishing the Arabia Mountain Conservation Overlay District (AMCOD) is as follows:

- A. To provide for the protection of natural resources and of scenic views of areas within the boundaries of the AMCOD, so as to protect and enhance the public welfare associated with these natural resources and the aesthetic qualities within this area, consistent with the policies of the Stonecrest Comprehensive Plan;
- B. To provide reasonable and creative planning and development within the AMCOD while preserving the natural land form and features, trees and tree canopy, and the views to and from Arabia Mountain as indicated on the adopted map;
- C. To assure that all activities and authorized uses of land allowed within the AMCOD, whether allowed uses or permitted uses, are activities or uses which are designed so as not to detract from or damage the protected natural resources and scenic beauty of this district;
- D. To encourage and promote the dedication of conservation easements to appropriate public and not-for-profit entities established and authorized to hold easements in perpetuity pursuant to the Georgia Uniform Conservation Easement Act (O.C.G.A. 44-10 and 12-6A) for the purposes of protecting historical and arch logical areas, the habitat of endangered or threatened animal and plant species (as defined in the federal Endangered Species Act U.S.C. 1531 and the Endangered Wildlife Act of 1973), providing passive recreational and educational opportunities, preserving the cultural history of the area, protecting open space within the city, and protecting scenic views to and from Arabia Mountain; and
- E. To provide consistent development standards that will adhere to common design characteristics that include but are not limited to: deep setbacks from the main road; strategic buffer zones; home “clustering”; shorter streets within a development and shared open spaces connected by trails, walkways and paths.

Sec. 3.4.3. - District boundaries.

The boundaries of the AMCOD shall be depicted on the official zoning maps entitled "Official Zoning Map, City of Stonecrest, Georgia, Arabia Mountain Conservation Overlay District" (the "AMCOD overlay maps"). The Official Zoning Map, City of Stonecrest, Georgia, Arabia Mountain Conservation Overlay District, to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter.

The AMCOD overlay maps shall be adopted contemporaneously with this chapter in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city council. A printed copy of the compact disk's contents depicting the AMCOD overlay maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council, as shown in Exhibit 27-A. The boundaries may be expanded by a zoning map amendment adopted pursuant to this chapter which amendment shall be incorporated herein and made a part of this chapter 27.

Sec. 3.4.4. - Applicability of regulations.

This division establishes standards and procedures that apply to development of any lot or portion thereof which is in whole or in part contained within the boundaries of the AMCOD. The procedures, standards, and criteria shall apply only to that portion of the subject property within the boundaries of the district.

Sec. 3.4.4.1 - Sealed Site Plan

Must be submitted in accordance with Sec. 2.10.4 with the exception with B (all shall be single family detached dwellings.) I'm not sure if something got changed in the editing but this doesn't seem to make sense

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Sec. 3.4.5. - Principal uses and principal structures.

A. The principal uses of land and structures which are allowed in the AMCOD are as is provided by the applicable underlying zoning district, except for those listed in B below, subject to the limitations and standards contained within this district. Additional permitted uses are as follows:

1. Recreation, pPassive and Nature preserve
2. Dog Parks
3. Bed and Breakfast homes
4. Outdoor Concert halls Amphitheater
5. Urban Community Gardens

B. Prohibited uses. The following principal uses of land and structures shall be prohibited within the AMCOD:

1. Sexually-oriented businesses
2. Drive-in Theatre
3. Fairground or Amusement Park
4. Swimming pools as part of a commercial Recreation, Outdoor use or Recreation club; but not including swimming pools incidental to Open space, clubhouse or pool amenity-commercial
5. Coliseum or stadium, except for outdoor Concert Halls
6. Nightclub or late night establishment
7. Outdoor storage, mini-warehouses, and storage buildings and indoor storage facilities
8. Pawn shops
9. Mortuary or Crematorium

10. Alcohol Outlets
11. Salvage yards and junk yards
12. Motel or Extended Stay Motel
13. Shelter for homeless persons
14. Transitional housing facility
15. Fuel Dealers, Fuel Pumps and Accessory Fuel Pumps
16. Automobile and truck rental and leasing, Automobile brokerage, Automobile mall, Automobile recovery and storage, Automobile rental and leasing, Automobile repair and maintenance, major, Automobile repair and maintenance, minor, Automobile sales, Automobile service station, Automobile upholstery shop, Automobile wash/wax service, Recreational vehicle/boat sales and service, Freight service, Transportation equipment and storage or maintenance (vehicle), and Vehicle storage yard
- ~~16. All automobile, boat and trailer sales and service, new or used including leasing, brokerage, storage, maintenance, repair, wash/wax and service stations.~~
17. Parking-Commercial parking garage/structure; Commercial parking lotslots or commercial garages
18. Convenience store
19. Drive-through facilities
20. Personal service establishments
21. Check cashing facilities establishments
22. Heavy equipment storage
23. Truck stops
24. Warehouses
25. Solid waste disposal, Private industry solid waste disposal facility
26. Bus station or terminal
- ~~26-27. Ambulance service facility, Private ambulance service, Dispatch office~~
- ~~27. Taxi ambulance or limousine services, dispatch or storage~~

Sec. 3.4.6. - Accessory uses and accessory structures.

The accessory uses of land and structures which are allowed in the AMCOD are as is provided by the applicable underlying zoning district, subject to the limitations and standards contained within this division.

Sec. 3.4.7. - Lot coverage.

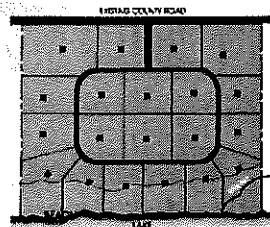
Except as provided in Sec. 3.4.9, Lot coverage within the AMCOD shall not exceed twenty-five (25) percent of net lot area, except within tiny home communities.

Sec. 3.4.8. - Clearing and grading of lots.

No lot shall be cleared and graded to an extent exceeding thirty-five (35) percent of the net lot area. Said limitation is intended to permit twenty-five (25) percent lot coverage as allowed in section 3.4.7 above, and to permit appropriate slopes from the remaining natural land contours to the finished site grades.

Sec. 3.4.9- Development Standards

There shall be no impervious surfaces within the seventy-five (75) foot stream buffer. All dwelling units shall be provided convenient access to all green space throughout the development via pedestrian paths or trails.



Traditional Development
Grid system with little regard for natural and special features.



Cluster Development
(HAA Open Space Development or Conservation Design)
Trees, wetlands, scenic views, and natural features are retained. All homes have lake views. Single-loaded roads provide more privacy and better views. Trails make a pedestrian and recreation friendly development.

A. Conservation Communities (residential /subdivisions)

Maximum density: Eight (8) dwelling units to the acre of total land area excluding undevelopable areas listed below:

1. Streams and stream buffers
2. Wetlands
3. Rock outcroppings
4. Slopes steeper than 1:2 slope
5. Sites of archaeological significance
6. Floodplains
7. Areas intended to be dedicated for right of way

Minimum lot width: Seventy (70) feet as measured from the front building setback line; except for a lot on a cul-de-sac, which shall have a measurement of thirty-five (35) feet

Minimum lot area: Seven thousand five hundred (7,500) square feet, except that each lot on the periphery of the development is at least ten thousand (10,000) square feet.

Minimum side yard setback: 10 ft.

Maximum single-family dwelling lot coverage: 50%

Greenspace: Thirty (30) percent of the total land area must be designated greenspace. Sixty (65) percent of the greenspace should be in a contiguous tract.

Green space may consist of:

1. Natural undisturbed areas
2. Passive recreational areas
3. Trails and Green ways
4. Bikeways and paths
5. Mature wooded areas

Greenspaces shall be preserve and maintained by one of the following:

- a. Establishment of a mandatory home owner's association (HOA) to own and maintain the common green space.

- b. Dedication of legally described and platted "greenspace" to a land trust.

Minimum building setback adjacent to public or private street(s):

- From thoroughfares, arterials and collectors: 30 ft.
- Local streets: 20 ft.

~~B. Tiny Home Communities. At this time, the committee does not wish to include tiny homes in the overlay. However, it does not wish to restrict them either, should the city decide to act on them.~~

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- B. Road Specifications all roads shall be built in accordance with Chapter 14, See, —. In the event of a conflict, the provisions of this section shall control. The design of the streets as must be designed as noted below with the approval of the City Engineer:
- a. Minimal amount of cul-de-sac streets by providing more than one entrance to the to the development and interconnect streets as much as possible.
 - b. Cul-de-sac streets must minimize the amount of impervious surface by limiting the internal radius to thirty (35) feet and the width of the paved lane to sixteen (16) feet. Use grass and vegetation for the inner circle of turn-arounds, rather than paving the whole area. Declare the HOA responsible for the maintenance of the grassy area in the neighborhood bylaws.
 - c. Omit curbs where possible.
 - d. As an alternative to curbs and gutters, allow run off from roofs and pavements to pass immediately through grass swales or infiltration basins. Use plant materials that will absorb rainwater and act as a natural filter to oil and pollution.
 - e. Provide marked, paved paths for non-vehicular traffic with in the development and connecting neighboring residential and commercial areas.

- C. Buffer Requirements. An exterior boundary buffer is required (per community/subdivision). The land area designated to the exterior buffer may be used as part of the required greenspace. The buffer area shall not be included as part of any platted residential lot within the community/subdivision.

Lots less than 10,000 sq. ft.	25 ft.
Lots between 10,000-15,000 sq. ft.	30 ft.
Lots greater than 15,000 sq. ft.	50 ft.

- D. Trails. Trails may be constructed with in the buffer. The maximum width is eight (8) feet and must be located within the first twenty-five (25) percent of the buffer furthest from the exterior boundary line.

Sec. 3.4.9.1 – Non- residential zoning district dimensional requirements.

~~**The committee does recommend requiring all commercial development obtain a SLUP so that the community could be involved in the process. At this time, only a handful of properties within the proposed boundary are zoned commercial so the committee felt it was not an undue burden.~~

All non-residential districts shall be developed in accordance with the regulations for the Sec. 27-2-25 Neighborhood Shopping (NS) District.

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Sec. 3.4.9.1.a Design Standards (Newly considered and inserted design standards, approved at the 12/11/2018 meeting) The committee did request a sign provision similar to the Stonecrest Overlay offering some standardization and protection. Please let me know if you want me to pull text.

Buildings. New commercial buildings and renovations shall conform to the guidelines noted below.

1. **Pedestrian Amenities** – All buildings shall be configured to allow safe, convenient, direct and continuous access for pedestrians to all primary building entrances. Principle building entry shall open directly on to the public right-of-way.
2. **“Build-to” line (i.e. “Building façade line”)** – The building shall be setback five (5) feet from the buildable areas as indicated with in their approved site plan. Awnings and canopies are not counted in building façade line determination. Permanent structures other than buildings, such as ATMs and similar elements, shall not be located closer to the street than the building façade lines.
3. **Building height.** All new buildings shall be no more than two (2) stories, maximum height thirty (35) feet.
4. **Façade articulation.** – Street-facing building façades shall be horizontally divided by floors using architectural means such as string courses, recesses, reveals or the like. They shall also be vertically divided utilizing Major and Minor Articulations to create visual interest and avoid monotony.
 - a. Major Articulations shall occur at least every sixty (60) feet of horizontal façade length and may be accomplished through: a change of façade materials extending from grade through the cornice; change in storefront systems; physical off-sets; and/or similar means intended to convey the impression of separate buildings.
 - b. Minor Articulations shall occur approximately every thirty (30) feet of horizontal façade length and may be accomplished by: the use of pilasters; the use of off-sets; or similar means intended to create the appearance of structural bays.
5. **Entrances.** All first story uses adjacent to a sidewalk shall have a primary pedestrian entrance, which faces, is visible from, and is directly accessible from said sidewalk. All first story businesses with more than sixty (60) feet of frontage along sidewalks shall provide one (1) pedestrian entrance for every sixty (60) linear feet of frontage or fraction thereof.
6. **Parking:** Parking areas should be located to the side or rear of the building. When parking areas are located in front of the building, a buffer of 10 feet of shrubbery or landscape trees is required. All vegetation should be native to the region.

Cross Access: In order reduce traffic conflicts, cross access drives with adjacent properties must be considered. This may include the interconnection of parking areas or a shared drive between properties.

7. Storefront canopies at least five (5) feet in depth extending over the sidewalk are recommended at all retail frontage for relief from inclement weather and for shade. These should be roofed with glass, metal, or fabric wholly supported by brackets or cables attached to the building façade. Columns to support canopies are not permitted in the public right of way (hereafter called "R.O.W."). Awnings and canopies shall not include signage on them, except when such signage is located within an apron that is less than twelve inches in height and is subject to all other applicable sign requirements of this document.

8. Building Finish Materials. Each street-facing building facade shall have an exterior finish skin primarily of Lithonia tidal grey granite. Material that may be combined with the granite is limited to: wood, exterior brick, cementitious stucco, rustic or cut stone, architectural cast concrete, and glass panels. No more than two additional materials may be used. Concrete masonry units or artificial materials having the appearance of wood, and/or stone are not permitted as a finish material.

Decorative embellishments shall be permanent in nature and shall be of the following materials: copper, brass, bronze, cast concrete, formed exterior plaster, porcelain tile, terracotta, formed metals, glass, wood. No artificial materials having the appearance of wood, and/or stone should be used.

Primary building façade materials shall be combined only horizontally, with the heavier appearing one(s) below the lighter appearing (ones). This shall not apply to embellishments, storefronts systems, or windows frames.

Awnings. Awnings shall be of canvas and similar fabrics, fixed metal, or similar materials. Internally lit awnings and canopies that emit light through the awning or canopy material are prohibited.

8. Lighting. Building facades facing a public R.O.W. shall be illuminated for safety and aesthetics. Lighting shall be designed to avoid producing glare in the public R.O.W. Lighting should be downcast with a zero-degree tilt. Fixtures should not exceed 15 feet in height. Light spillage onto adjacent residential properties shall be minimized by cutoff luminaires.

9. Utility service lines – Must be provided via underground conduit or pipes. Overhead utility service is not permissible in the Overlay. New construction on existing sites within Overlay must include replacement of all above-ground utility service lines with underground service or otherwise fully concealed utility service to buildings and sites.

10. Building Numbering. Building numbering shall be located above or beside primary entrances of building. Numbering shall be clearly visible from sidewalks. All numbering shall be 6 inches in height.

11. Dumpsters, Loading Areas and Mechanical Electrical and Plumbing Features shall be screened so as not to be visible from any public plaza, outdoor dining area, public R.O.W., or residential area. All dumpsters shall be located behind buildings and shall be enclosed by opaque fences or walls made of stone, brick, wood, or stucco; and these enclosures shall have opaque gates made of wood or metal. Chain-link gates are not permitted.

Rooftop Mechanical features shall be set at least ten (10) feet from the edges of roofs and screened vertically from view through use of parapet walls or similar features. Additionally, all such features greater than five (5) feet in height shall be set at least twenty (20) feet behind front building façades.

Sec. 3.4.9.2 - Height limitation.

- A. Except as provided in section 5.2.5, and in subsection B., no building or structure within the Arabia Mountain Natural Resource Protection Overlay District shall exceed a height of thirty-five (35) feet, all other requirements of this chapter notwithstanding.
- B. If the placement of a telecommunications tower or antenna within this overlay district in excess of thirty-five (35) feet in height is mandated by federal law, said tower or antenna, in addition to meeting all other standards and criteria applicable thereto, shall meet the following design requirements:
1. No portion of any such tower or antenna shall extend a distance of more than ten (10) feet above the top of the tree canopy existing on the lot upon which the tower or antenna is placed. If no tree canopy exists on said lot, then no portion of such tower or antenna shall extend a distance of more than ten (10) feet above the top of the tree canopy closest to such tower or antenna.
 2. All portions of a tower or antenna that extend above the top of the existing mature tree canopy pursuant to subsection B.1., shall consist of an alternative tower structure that is designed and colored in a way that blends said tower or antenna with the closest tree canopy to a degree that renders said tower or antenna indistinguishable from said tree canopy at a distance of two hundred (200) feet measured horizontally from said tower or antenna.

Sec. 3.4.10. - Tree removal and replacement.

No trees other than dead, dangerous or diseased trees shall be removed from any lot except within areas of permissible grading as provided in section 3.4.8 above. Removal of trees should be certified by an arborist and/or by city permit.

Sec. 3.4.11. - Protection of steep slopes.

No lot or portion of a lot having a grade in excess of fifteen (15) percent shall be altered.

Sec. 3.4.12. - Driveways.

The director of planning is authorized to approve shared driveways for two (2) or more dwellings within the Arabia Mountain Natural Resource Protection Overlay District in order to minimize lot coverage and tree removal within the district.

Sec. 3.4.13. - Recording of conservation easements.

The director of planning shall record, after approval by the city attorney and the city council, conservation easements within the Arabia Mountain Natural Resource Protection Overlay District which are made in favor of City of Stonecrest, Georgia.

Sec. 3.4.14. - Notation of all conservation easements on official zoning maps.

The director of planning shall cause to be noted on the official zoning maps any conservation easements granted within the district to any public or private entity authorized to hold such easements.

Sec. 3.4.15. - Lighting.

No light standard shall be installed that extends above the height of the tree canopy. No lighting element of any kind shall be placed upon any structure so as to extend above the height of the tree canopy. No light spillage of any kind is permitted above said tree canopy except as may be otherwise required by any applicable requirement of federal, state or local law.

Sec. 3.4.16. - Density bonus.

The director of planning is authorized to approve an increase of up to twenty-five (25) percent in housing density within the district for any parcel of land, not used or proposed to be a tiny home community, having a single-family residential zoning classification. In making application to the director of planning the applicant shall present a site plan in which required lot coverage limitations are met. The site plan shall further demonstrate that the tree canopy will be preserved and protected. In approving any such plan, the director of planning is authorized to approve gravel or other permeable surface for driveways and parking areas where it is demonstrated that such permeable surface will aid in minimizing damage to the root system of trees and will prevent the impaction of soil under the canopies of trees. It is the intent of these regulations that houses be clustered rather than spread out to protect and preserve the tree canopy which is essential to the maintenance of the character of the district.

Sec. 3.4.17. - Approval of plats where density bonus permitted.

The director of planning is authorized to record plats in which a density bonus has been approved pursuant to section 3.4.16 above. The approval of any such plat shall be noted on the official zoning map by the director of planning.

Sec. 3.4.18. - ~~AMCOD Advisory Committee~~Reserved

Definitions approved by the committee 12/11/2018:

Passive Park or Recreation, Passive - The following uses may be allowed within the primary conservation space: passive recreational amenities, paths, green-ways, minimal parking spaces (pervious surfaces encouraged), and picnic and restroom facilities. The following

activities may be allowed in primary conservation space: removing invasive or non-native exotics; removing hazardous trees that threaten public safety; constructing paths for passive recreation activities such as, but not limited to, community hiking, running, dog walking, bird watching, biking and similar outdoor activities. (This definition was taken from Gwinnett County codes)

Dog Park—a dedicated fenced-in area where dogs run off-leash in the presence and control of their owners or handlers. The city of Stonecrest may design an ordinance that further defines and apply standards to the development of dog parks.

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Bed & Breakfast—Accessory use of a single-family detached dwelling by the homeowner who resides in the dwelling, to provide sleeping accommodations to customers. Breakfast may also be provided to the customers at no extra cost. For the purpose of this definition, the term "customer" means a person who pays for the sleeping accommodations for fewer than thirty (30) consecutive days.

Amphitheater—no model text was found. Committee recommends any definition that limits artificial sound amplification and the number of seats, i.e. a "natural" amphitheater.

The Mayor and City Council may create an AMCOD advisory committee pursuant to Chapter 2. The AMCOD advisory committee may meet with applicants for variances, rezoning and special land use permit applications prior to the submission of the application to the Planning Commission or Board of Zoning Appeals. The AMCOD advisory committee shall act in an advisory capacity only and may present its recommendations on each application in writing to the Planning Commission or Board of Zoning Appeals, applying the standards or criteria contained in Article 7. The failure of the AMCOD to make a recommendation on an application shall not invalidate any zoning decision or decision on a variance and shall not be a condition precedent to final action on the application. Additional provisions requested by the committee (UPDATE).

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Demolition: The committee amended their recommendation (12/11) to request that, prior to the issuance of any demolition permit, a sign is posted at the property and a notice is posted in the legal organ 11 days prior.

Grandfather Clause: The committee agrees the provisions in Article 8 / Nonconformities is adequate to protect current properties.

Review Process: The committee recommends a review process similar to DeKalb's. And advisory / recommending body made of 5 members (one from each district), appointed by the mayor and confirmed by council. This would include SLUPS, Rezoning application, and redevelopment plans.

From DeKalb:

Community council review of proposed applications. Special land use permit applications shall be reviewed by the community council, according to the procedures in section 7.3.6. Prior to presentation to the community council, each application for a

special land use permit shall be made available to the appropriate community council in accordance with the provisions of section 7.3.6 for consideration.

Signs: Can you confirm the note that billboards are prohibited ~~entirely~~ in the city? If not, we do want a provision that would restrict billboards from the overlay.

DRAFT

Attachment #2

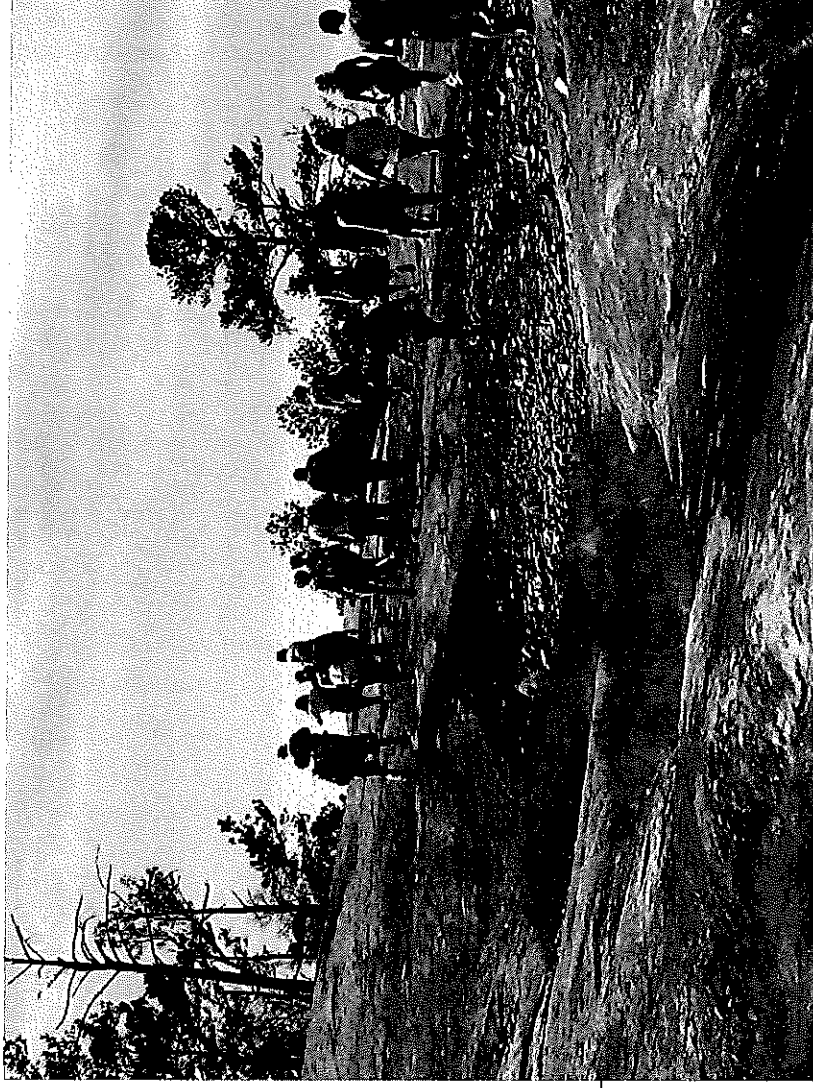
1/3/2019

Planning Commission PowerPoint Presentation

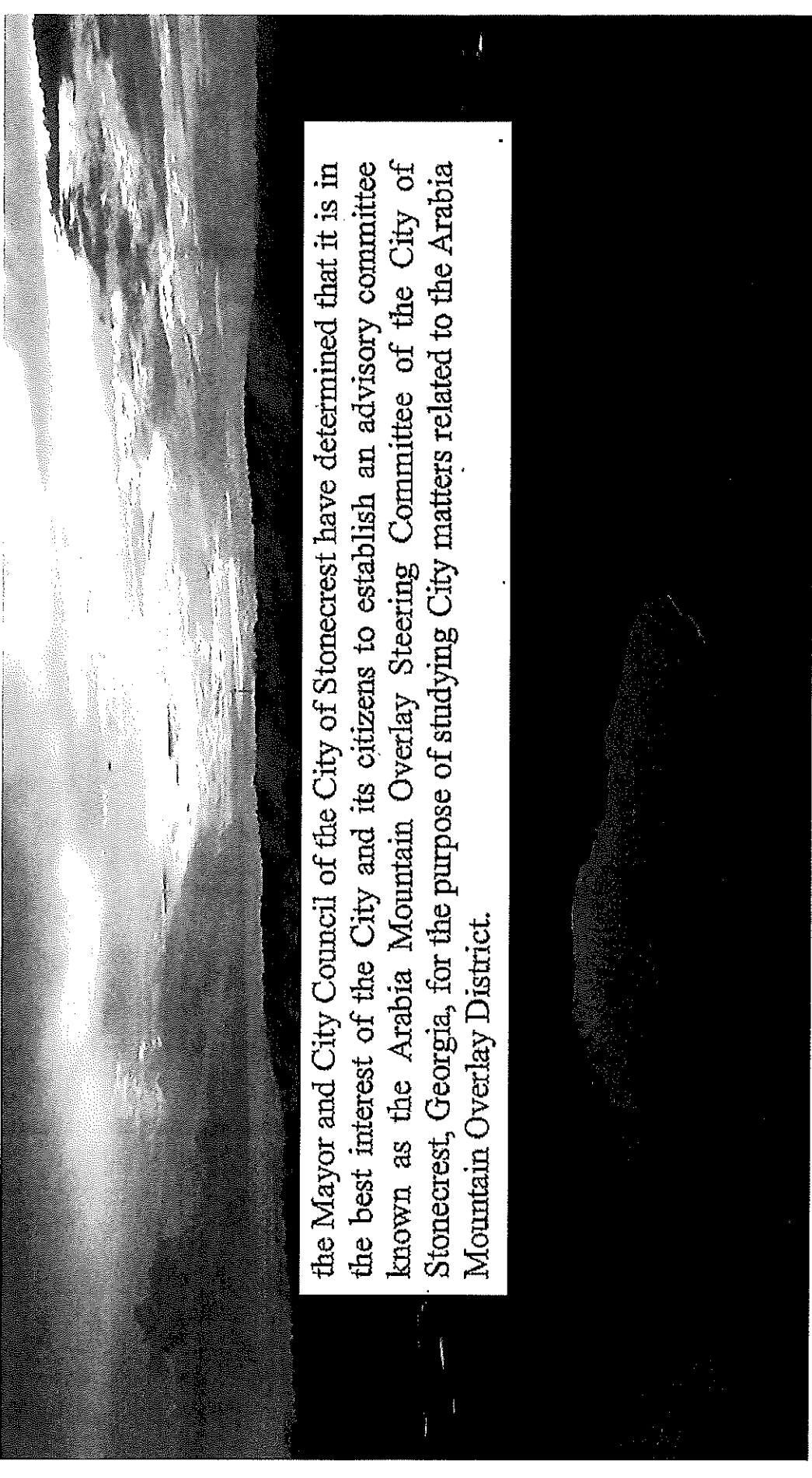
TMOD-18-0008

**Arabia Mountain Overlay District and Map
(1st Read)**

AMCOD



ALPINE MOUNTAIN CONSERVATION OVERLAY DISTRICT



the Mayor and City Council of the City of Stonecrest have determined that it is in the best interest of the City and its citizens to establish an advisory committee known as the Arabia Mountain Overlay Steering Committee of the City of Stonecrest, Georgia, for the purpose of studying City matters related to the Arabia Mountain Overlay District.

AMCOD Committee

Co-Chair: Councilman George Turner,
District 4

Cheryl Mathis

Lori Brown

Councilman Jimmy Clanton, District 1

Kelly Jordan

Councilwoman Diane Adoma, District 5

Tammy Smith

Co-Chair: Mera Cardenas

Dave Marcus

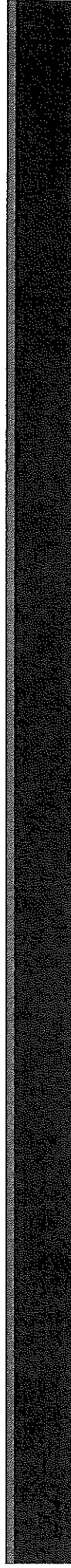
Eric Hubbard

Michael Harris

Jetha Wagner

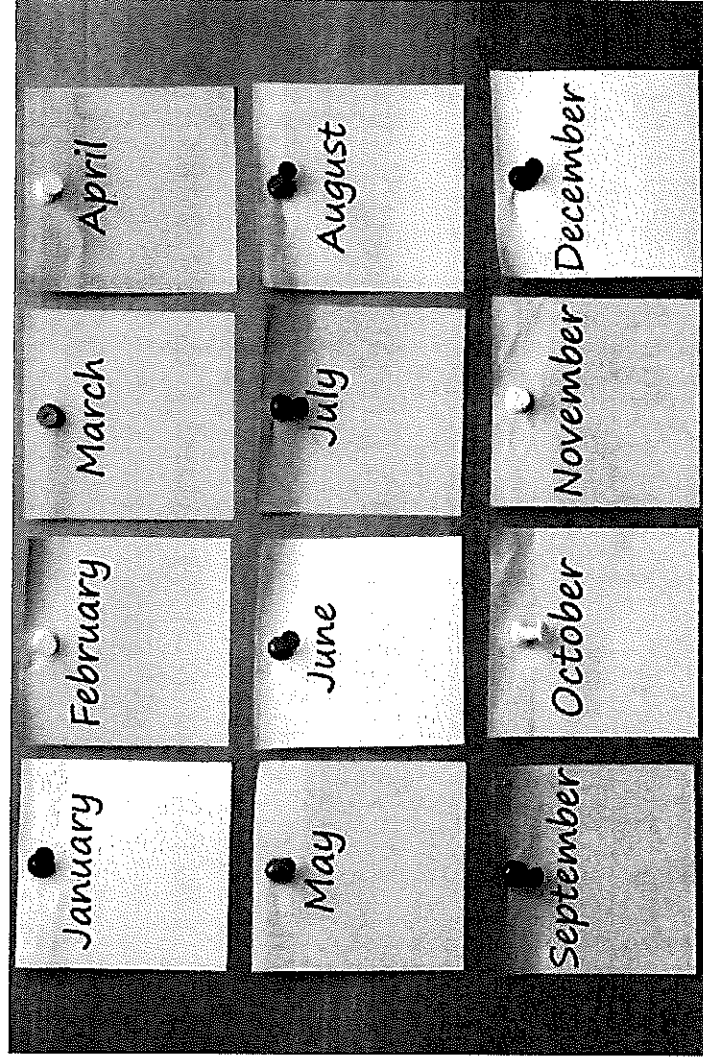
Nicole Dozier

Bernie Knight

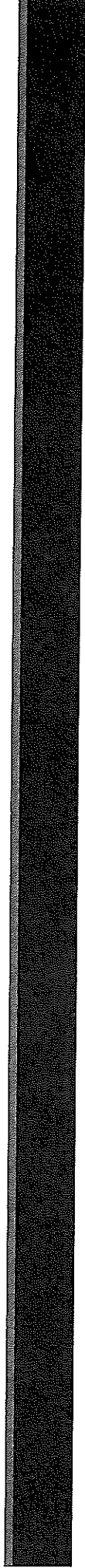


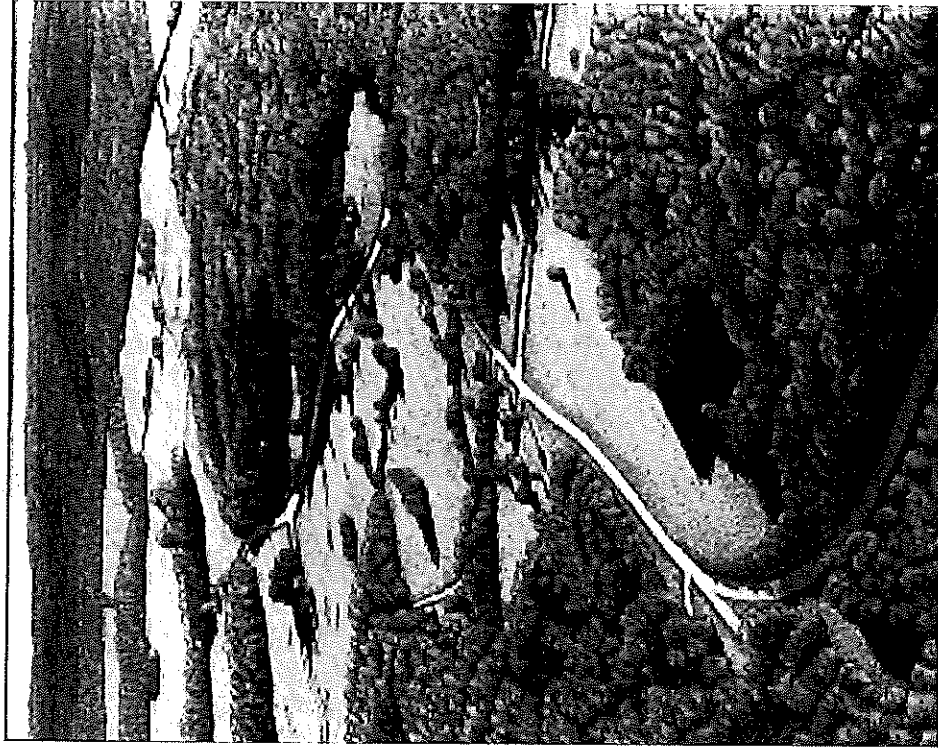
AMCOD Committee – 15 Meetings

Feb 28	July 25
Mar 21	Aug 8
Apr 25	Aug 22
May 9	Sept 11
May 23	Sept 29
Jun 6	Oct 03
Jun 27	Dec 11
July 11	

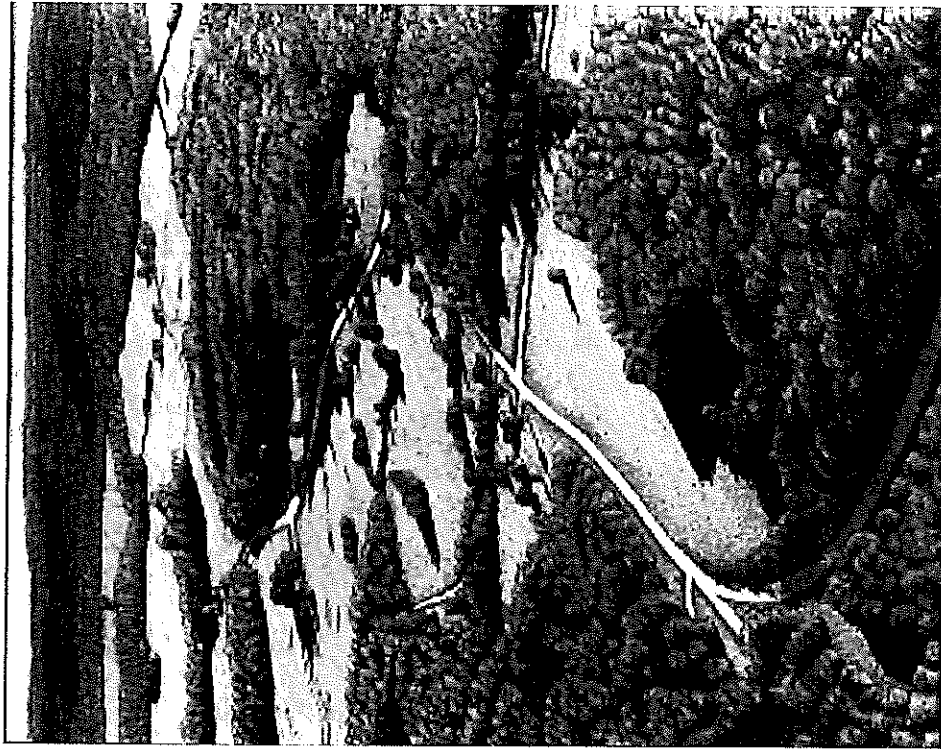
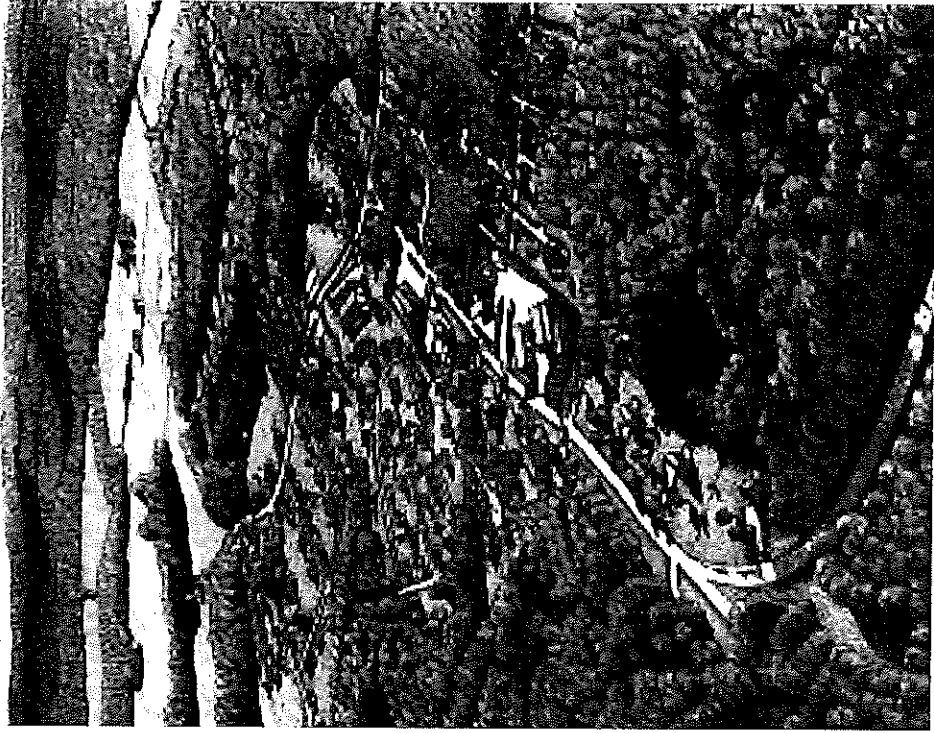


Greenspace – One of the city's greatest assets



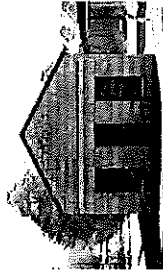
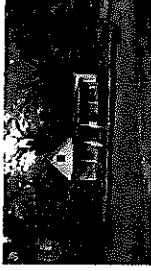


Source: Rural by Design





Source: Rural Joy Design



Recommendations for the Interpretation of the Arabia Mountain Natural Resource Protection Overlay District

Presented to the DeKalb County Planning and Sustainability Commission and the Arabia Mountain Heritage Area Alliance by the HIST Black Preservation Planning Class of the Heritage Preservation Graduate Program at Georgia State University—Spring, 2016

Stonecrest Overlay: Tier V

...seeks to preserve the rural and scenic beauty of Arabia Mountain while providing flexibility to allow for creativity in site design and development... minimize the environmental and visual impacts of new development on natural resources and historically and culturally significant sites and structures while encouraging residential and neighborhood commercial development in a well planned community.

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Downloaded from <http://ajph.org/> on May 12, 2015

/// Confidentiality Required

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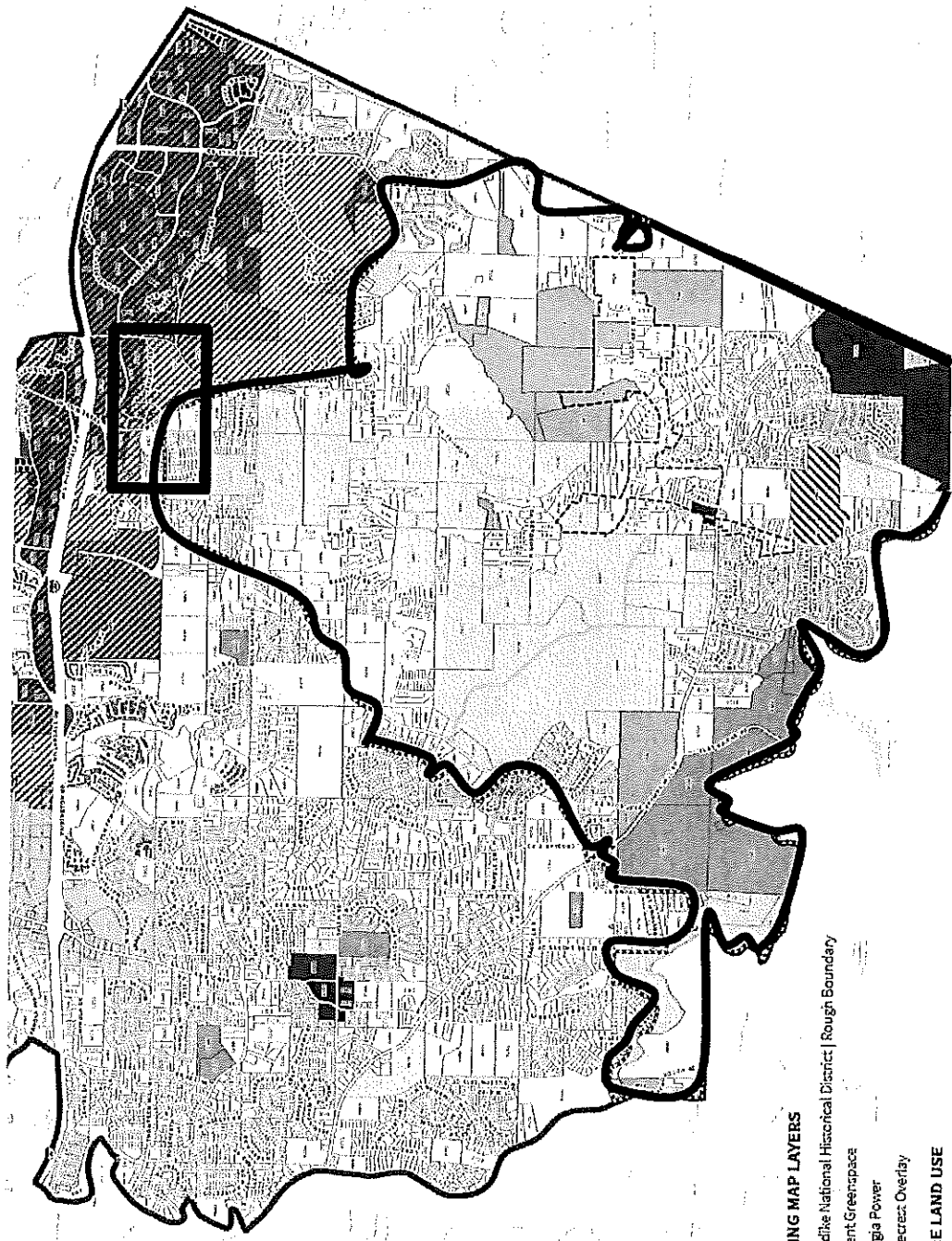
Dr. David C. Reardon

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Figure 1



UNDERLYING MAP LAYERS

- undeline National Historical District | Rough Boundary
- rent Greenspace
- Virginia Power
- recreation Overlay

RE LAND USE

Purpose

To provide for the protection of natural resources and of scenic views of areas within the boundaries of the AVICOD, so as to protect and enhance the public welfare associated with these natural resources and the aesthetic qualities within this area, consistent with the policies of the Stonecrest Comprehensive Plan;



Purpose

To provide reasonable and creative planning and development within the AMCOD while preserving the natural land form and features, trees and tree canopy, and the views to and from Arabia Mountain as indicated on the adopted map.



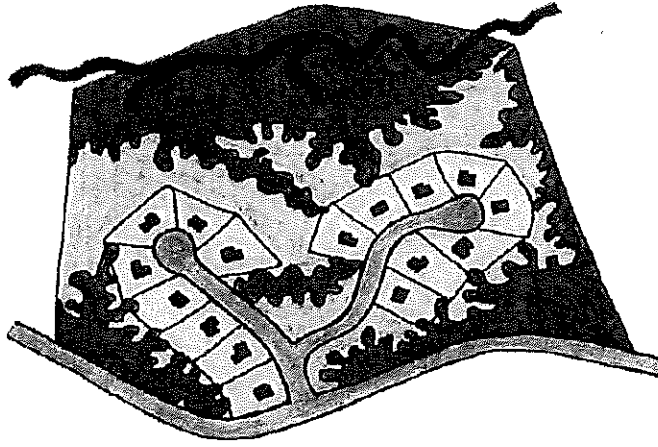
Purpose

To assure that all activities and authorized uses of land allowed within the AWCOD, whether allowed uses or permitted uses, are activities or uses which are designed so as not to detract from or damage the protected natural resources and scenic beauty of this district.

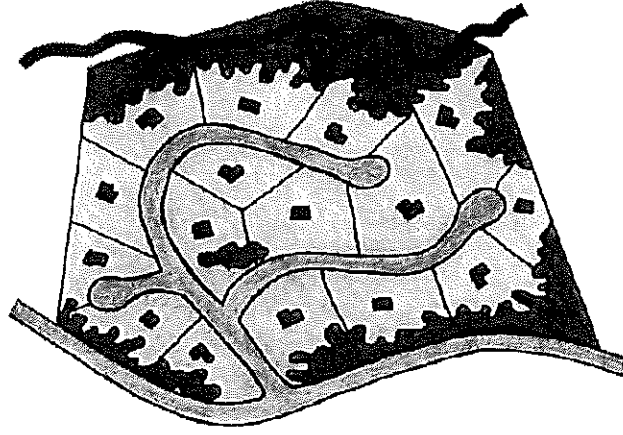


Purpose

To provide consistent development standards that will adhere to common design characteristics that include but are not limited to: deep setbacks from the main road; strategic buffer zones; home "clustering" around streets with development and shared open spaces connected by trails, walkways and paths.



Conservation / Cluster Residential Development



Conventional Residential Development

AMCOD

Achieve goals through:

- ✓ Creative use of topography
- ✓ Limited lot coverage & heights
- ✓ Protect tree cover & land forms
- ✓ Encourage clustering, buffers, and density bonuses
- ✓ Review process



Comments?

By email to: Ndozier@stonecrestga.gov

Informational meetings:

- District 1: Saturday, December 15
- District 5: Tuesday, December 18
- District 4: Thursday, December 27

Public meetings:

- Thursday, January 03 – Planning Commission, 6pm
- Monday, January 21 (TBD) – City Council, 7pm

