



CITY OF STONECREST, GEORGIA

CITY COUNCIL HYBRID MEETING – AGENDA

3120 Stonecrest Blvd., Stonecrest, GA 30038

Monday, May 23, 2022 at 7:00 PM

Mayor - Vacant

Council Member Tara Graves - District 1 Council Member Rob Turner - District 2

District 3 - Vacant Mayor Pro Tem George Turner - District 4

Council Member Tammy Grimes - District 5

Citizen Access: [Stonecrest YouTube Live Channel](#)

I. CALL TO ORDER: George Turner, Mayor Pro-Tem

II. ROLL CALL: Sonya Isom, City Clerk

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. APPROVAL OF THE AGENDA

VI. REVIEW AND APPROVAL OF MINUTES

a. Approval - of the April 25, 2022 Meeting Minutes

VII. PUBLIC COMMENTS

Citizens are welcome to make public comments in person. Citizens may also submit public comments via email to cityclerk@stonecrestga.gov by 2 pm on the day of the meeting to be read aloud by the City Clerk.

There is a two (2) minute time limit for each speaker submitting or reading a public comment.

VIII. PUBLIC HEARINGS

Citizens wishing to participate can comment in person during the Public Hearing portion of the meeting or submit your comments including your full name, address, position on the agenda of the item you are commenting on (for or against) via email to cityclerk@stonecrestga.gov by 2 pm the day of the Hearing. A zoom link for the meeting will be sent to you.

When it is your turn to speak, please state your name, address and relationship to the case. As an alternative, you can submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

There is a ten (10) minute time limit for each item per side during all public hearings. There is a two (2) minute time limit for each speaker. Only the applicant may reserve time for rebuttal. Supporting speakers may not request rebuttal or speak a second time unless called upon by the applicant during the reserved time.

[a.](#) TMOD 22-008 - Adult Day Center - *Keedra Jackson*

[b.](#) TMOD 22-005 - Towing & Wreckage Services - *Keedra Jackson*

[c.](#) RZ-22-001 - Hunter's Ridge Rezoning - *Keedra Jackson*

IX. CONSENT AGENDA

X. ANNOUNCEMENTS

XI. APPOINTMENTS

[a.](#) Appointment to Planning Commission - *Mayor Pro Tem George Turner*

XII. REPORTS & PRESENTATIONS

[a.](#) Proclamation for Malik Melson - *Councilwoman Tammy Grimes*

[b.](#) Proclamation for Salem Middle School Lions - *Councilwoman Tammy Grimes*

[c.](#) Proclamation for Willie Hinton - *Mayor Pro Tem George Turner*

[d.](#) Former Board Appreciation - *Mayor Pro Tem George Turner*

XIII. OLD BUSINESS

[a.](#) **For Decision** - Financial Management Policy Revision - 2nd Read - *Gia Scruggs*

[b.](#) **For Decision** - Final Cooperation Agreement with the East Metro DeKalb CID - *Jonathan Bartlett*

XIV. NEW BUSINESS

[a.](#) **For Decision** - TMOD 22-008 - Adult Day Center - *Keedra Jackson*

[b.](#) **For Decision** - TMOD 22-005 - Towing & Wreckage Services - *Keedra Jackson*

[c.](#) **For Decision** - RZ-22-001 - Hunter's Ridge Rezoning - *Keedra Jackson*

[d.](#) **Update** - Announcement of Municipal Court Fee Schedule - *Mallory Minor*

[e.](#) **For Decision** - Establishment of Charter Commission - *Mayor Pro Tem George Turner*

f. Update - Metro Green Update - Attorney Winston Denmark

XV. CITY MANAGER UPDATE

- a. COVID Update
- b. City Hall Reopening
- c. Survey

XVI. MAYOR AND COUNCIL COMMENTS

XVII. EXECUTIVE SESSION

(When an executive session is required, one will be called for the following issues: 1) Personnel, 2) Litigation, 3) Real Estate)

XVIII. ADJOURNMENT

Americans with Disabilities Act

The City of Stonecrest does not discriminate on the basis of disability in its programs, services, activities and employment practices.

If you need auxiliary aids and services for effective communication (such as a sign language interpreter, an assistive listening device or print material in digital format) or reasonable modification to programs, services or activities contact the ADA Coordinator, Sonya Isom, as soon as possible, preferably 2 days before the activity or event.



CITY OF STONECREST, GEORGIA

CITY COUNCIL HYBRID MEETING – MINUTES

3120 Stonecrest Blvd., Stonecrest, GA 30038

Monday, April 25, 2022 at 7:00 PM

Mayor - Vacant

Council Member Tara Graves - District 1 Council Member Rob Turner - District 2

District 3 - Vacant Mayor Pro Tem George Turner - District 4

Council Member Tammy Grimes - District 5

Citizen Access: [Stonecrest YouTube Live Channel](#)

I. CALL TO ORDER: George Turner, Mayor Pro-Tem

The Council Meeting began at 7:06 pm.

II. ROLL CALL: Sonya Isom, City Clerk

All members were present.

City Manager Janice Allen Jackson explained that City meetings are now hybrid. There are three options to view or participate, which are to be present in City Hall Chambers, to watch on YouTube, or to have presenters available on Zoom.

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. APPROVAL OF THE AGENDA

Mayor Pro Tem George Turner wanted to add an appointment for the Economic Development Committee. Mr. Joe Coleman will be added to the list to be voted on when Council votes on the entire membership list for the committee.

Motion - Made by Councilmember Rob Turner to approve the agenda for Monday, April 25, 2022, with the stated addition. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

VI. REVIEW AND APPROVAL OF MINUTES

- a. Approval – of the March 28, 2022 Meeting Minutes

Motion - Made by Councilmember Tammy Grimes to approve the March 28, 2022 Meeting Minutes as presented. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

VII. PUBLIC COMMENTS

Citizens are welcomed to make public comments in person. Citizens may also submit public comments via email to cityclerk@stonecrestga.gov by 2 pm on the day of the meeting to be read by the City Clerk.

There is a two (2) minute time limit for each speaker submitting or reading a public comment.

One (1) Public Comment was read by City Clerk Sonya Isom.

Edwina Clanton

City Manager clarified that Public Comments can be submitted either through email to the City Clerk or spoken directly in person. No Public Comments will be made via Zoom.

VIII. PUBLIC HEARINGS

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- a. AX-21-002 (1724 Rogers Lake) - Keedra Jackson

Interim Planning & Zoning Director Keedra Jackson provided an overview. However, before her presentation, she informed Council that the applicant formally made a request this morning to withdraw their application.

Motion 1 - Made by Councilmember Rob Turner to open Public Hearing for AX-21-002. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

Comments in favor: The Applicant's attorney, Jody Campbell, stated that his Applicant formally wishes to withdraw their application without prejudice due to public concerns of the environmental impact.

Comments in opposition: Four (4) comments were stated in opposition.

Pyper Bunch (read by City Clerk)

Jennifer Wilson (read by City Clerk)

Renee Cail (read by City Clerk)

Carl Blair (in-person)

Motion 2 - Made by Councilmember Tara Graves to close Public Hearing for AX-21-002. Seconded by Councilmember Rob Turner.

Motion passed unanimously.

Motion 3 - Made by Councilmember Rob Turner to accept the withdrawal for AX-21-002. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

Keedra Jackson commented that there is no expiration date for the applicant to bring back the item.

IX. CONSENT AGENDA

X. ANNOUNCEMENTS

XI. APPOINTMENTS

- a. Appointment to Parks and Recreation Advisory Committee - *Mayor Pro Tem George Turner*

Mayor Pro Tem George Turner recommended appointing Kennard Turner and Ieisha Fuller to the Parks & Recreation Advisory Committee.

Motion - Made by Councilmember Rob Turner to approve the appointment of Kennard Turner to the Parks & Recreation Advisory. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

Motion - Made by Councilmember Tammy Grimes to accept Ieisha Fuller as a member of the Parks & Recreation Advisory Committee. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

It was agreed to delay additional appointments to the Economic Development item.

- b. Appointment of Councilmember Grimes to the Financial Oversight Committee - *Mayor Pro Tem George Turner*

Mayor Pro Tem George Turner stated the City Charter requires that two councilmembers be present on each committee. Because of the resignation of District 3, there was only one councilmember present.

Motion - Made by Mayor Pro Tem George Turner to appoint Councilmember Tammy Grimes to the Financial Oversight Committee. Seconded by Councilmember Rob Turner.

Motion passed unanimously.

XII. REPORTS & PRESENTATIONS

XIII. OLD BUSINESS

- a. **For Decision** - Ongoing Municipal Government Services Amendment #4 - *Gia Scruggs*

Finance Director Gia Scruggs provided a brief overview. This amendment was the first extension of the Jacobs contract from January 2022 to March 2022. Councilmember Rob Turner inquired if there were any new positions. Ms. Scruggs clarified that the positions were approved in the budget process.

Motion - Made by Councilmember Rob Turner to approve the Ongoing Municipal Government Services Contract Amendment #4. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

- b. **For Decision** - Ongoing Municipal Services Contract Amendment #5 - *Gia Scruggs*

Finance Director Gia Scruggs provided a brief overview. This amendment was the first extension of the Jacobs contract from April 2022 to June 2022. City Manager Janice Allen Jackson clarified that the dollar amount listed is the maximum dollar value. The actual amount the City pays out could be lower.

Motion - Made by Councilmember Tara Graves to approve the Ongoing Municipal service Contract. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

XIV. NEW BUSINESS

- a. **For Decision** - AX-21-002 (1724 Rogers Lake) - *Keedra Jackson*

Motion to accept withdrawal from applicant was approved in the public hearing.

- b. **For Decision** - Resolution Appointing Prosecuting Attorney - *Mallory Minor*

Court Clerk Mallory Minor provided a brief overview and read the resolution preamble. Councilmember Rob Turner inquired if these are additional responsibilities to the City's relationship with Fincher Denmark or if the responsibilities are new. Ms. Minor clarified that these are new responsibilities that come out of the billable contract. Mayor Pro Tem

George Turner requested that some minor changes be made to the resolution before it is signed.

Motion - Made by Councilmember Tammy Grimes to accept the resolution to appoint Fincher Denmark as the Prosecuting Attorney for the City of Stonecrest. Seconded by Councilmember Rob Turner.

Motion passed unanimously.

c. For Decision - Creation of Economic Development Plan Steering Committee - *Jonathan Bartlett*

Economic Development Director Jonathan Bartlett read the mission and duties of the Economic Development Plan Steering Committee. The committee will meet on an as needed basis. Following is the list of appointees:

- Joe Coleman, CS Truck and Trailer
- Andrew Wells
- Thad Mayfield
- Dave Marcus
- Dorian DeBarr, Decide DeKalb Development Authority
- Christopher Seabrook, Executive Director of the Stonecrest Chamber of Commerce
- Jetha Wagner, Stonecrest Business Alliance
- Minal Patel, MP Hospitality
- Sid Barron, Asbury Automotive, Nalley Toyota
- Shelbia Jackson, Executive Director of the DeKalb Film and Entertainment Commission

Attorney Alicia Thompson confirmed that the intent of the committee was to be a steering committee. Attorney Denmark clarified that all meetings are in person. Mayor Pro Tem George Turner said members should serve for one year, January through December. They will be decommissioned at the end of the year or until the purpose of the committee is completed, whichever comes first. On January 1, 2023, the City can reconstitute, if needed.

Motion - Made by Councilmember Tammy Grimes to approve the Economic Development Steering Committee with the members cited. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

d. For Decision - Financial Management Policy Revisions - 1st Read - *Gia Scruggs*

Finance Director Gia Scruggs provided an overview. City Clerk Sonya Isom read the preamble.

This is the first read. No action needed.

e. For Decision - Travel Policy Ordinance - 2nd Read - *Gia Scruggs*

Finance Director Gia Scruggs provided an overview. This is the second read of the Travel Policy, and the Finance Director is seeking approval of the amended ordinance. City Clerk Sonya Isom read the preamble.

Motion - Made by Councilmember Tammy Grimes to accept the Ordinance of the Amendment of the Travel Policy and Procedures of the City of Stonecrest. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

f. For Decision - General Staffing Agreement Amendment - *Gia Scruggs*

Finance Director Gia Scruggs provided an overview including a recommendation to approve an amount not to exceed \$140,000 for temporary positions. Having the flexibility to utilize these services is vital to the continuation of the transition. The funding from this will be from the General Fund – Salary Savings per department affected.

Motion - Made by Councilmember Tara Graves to approve the General Staffing Agreement Amendment. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

g. For Decision - Contingency Agreement Amendment - *Gia Scruggs*

Finance Director Gia Scruggs provided an overview including a recommendation to approve an amount not to exceed \$35,000 for direct hires for various non-director level positions for the City of Stonecrest. The funding from this will be from General Fund – Regular Salary Savings from the department with the vacancies.

Motion - Made by Councilmember Rob Turner to approve the Contingency Agreement Amendment. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

h. For Decision - Establishment of Charter Commission - *Mayor Pro Tem George Turner*

Mayor Pro Tem George Turner provided an overview of the Charter Commission. Mayor Pro Tem stated that by December there would be representation for District 3, a new Mayor, and General Assembly representatives to fulfill the requirements for the commission. This item was for discussion only.

i. For Decision - Georgia Cities Week Resolution - *Janice Allen Jackson*

City Manager Janice Allen Jackson gave an overview. Each day, a different department will be featured on the Cities website via video. There will be a kid's corner with activities. City Clerk Sonya Isom read the preamble of the resolution.

Motion - Made by Councilmember Rob Turner to pass the Resolution for Georgia Cities Week for Stonecrest, Georgia. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

XV. CITY MANAGER UPDATE

1. COVID in DeKalb County - reviewed statistics through April. City Hall is open, however, please continue to make appointments as staff are on staggered schedules. The appointment is to ensure that the staff member needed will be available and in the office. Reception is open as well.
2. The American Rescue Plan Act: There are \$9.7 million dollars available. The City is putting out a survey for citizens to send in their recommendations on what they believe are the priorities of the City.
3. There is a proposed Open House Event on Saturday, June 4th from 11 am to 2 pm. The staff will be available to show new office spaces and be open for dialogue in a more personal way.

Mayor Pro Tem welcomed new staff member DeAllous Smith, Director of Communications and Information Technology.

XVI. MAYOR AND COUNCIL COMMENTS

Attorney Winston Denmark: Happy to see everyone again. Attorney Denmark stated the Georgia Open Meetings Act does not allow for virtual convenience. Attorney Denmark also commented on entire neighborhoods being bought out and used solely for rental properties.

Councilmember Tara Graves (District 1): Mentioned Autism Awareness Month. Councilmember Graves is partnering with the Atlanta Regional Director on their services, on April 26, 2022 at 5 pm.

Councilmember Rob Turner (District 2): Happy to be here.

Councilmember Tammy Grimes (District 5): Salem Middle School Baseball team are the champions for DeKalb County. The school is three for three in sports. It is Georgia Milestones week. Councilwoman Grimes also mentioned her principal, Terence Howard, who is moving from Salem Middle School. She also extended gratitude to the staff for their efforts in COVID protection and their ability to reach constituents on various platforms.

Mayor Pro Tem George Turner (District 4): District 4 is having a house demolished after it's extended vacancy from a fire. COVID is not over, but communities are getting back to some normalcy. Still practice precautions and be careful.

XVII. EXECUTIVE SESSION

(When an executive session is required, one will be called for the following issues: 1) Personnel, 2) Litigation, 3) Real Estate)

XVIII. ADJOURNMENT

Motion - Made by Councilmember Tammy Grimes to adjourn. Seconded by Mayor Pro Tem George Turner.

Motion passed unanimously.

The Council Meeting adjourned at 8:50 pm.

Americans with Disabilities Act

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CITY COUNCIL AGENDA ITEM

SUBJECT: Adult Day Center

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE: Click or tap here to enter text.
-

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: Click or tap here to enter text.
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, May 23, 2022

SUBMITTED BY: Keedra T. Jackson, Acting Director of Planning & Zoning

PRESENTER: Keedra T. Jackson

PURPOSE: Concerns have been expressed about the quantity of Adult Day Care Centers in residential zoning districts. The Council has asked staff to update the Adult Day Care provisions, similar to those for personal care home provisions last year. Staff's impression is that Adult Day Care Centers should be taken out of the home occupation world and treated in a similar manner to Child Day Care.

FACTS: At the January 21, 2022, City Council Meeting. Council directed staff to analyze the Adult Day Center ordinance to offer suggested revisions to be in alignment with the Personal Care Home provisions adopted by Council in 2021. Staff has identified some recommended changes to the Zoning Ordinance to address this issue. These changes include: Change the term from Adult Day Care Center and Adult Day Care Facility to Adult Day Center to reflect the rules and regulations of the State of Georgia; an updated definition of Adult Day Center; addition of distance separation requirement for Adult Day Center; update the zoning code to mirror the state's definition of "three or more persons"; update 4.1 Use Table to remove Adult Day Center from residential districts.

OPTIONS: Approve, Deny, Defer Click or tap here to enter text.



CITY COUNCIL AGENDA ITEM

RECOMMENDED ACTION: Recommend Approval

ATTACHMENTS:

- (1) Attachment 1 - Cover Page
- (2) Attachment 2 - Staff Report
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



PLANNING & ZONING STAFF REPORT

MEETING DATE: May 23, 2022

GENERAL INFORMATION

Petition Number:	TMOD 22-008
Applicant:	Stonecrest Planning & Zoning Department
Project Location:	City-Wide
Proposed Amendment:	Text amendment to modify Articles 4 and 9 of the Zoning Ordinance to address Adult Day Center definitions and use regulations.
Planning Commission:	Recommended Approval on May 3, 2022

FACTS AND ISSUES

At the January 21, 2022, City Council Meeting. Council directed staff to analyze the Adult Day Center ordinance to offer suggested revisions to be in aligned with the Personal Care Home provisions adopted by Council in 2021. Staff has identified some recommended changes to the Zoning Ordinance to address this issue. These changes include:

- Change the term from Adult Day Care Center and Adult Day Care Facility to Adult Day Center to reflect the rules and regulations of the State of Georgia
- An updated definition of Adult Day Center
- Add distance separation requirement for Adult Day Center
- Update the zoning code to mirror the state’s definition of “three or more persons”
- Update 4.1 Use Table to remove adult day center from residential districts

PROPOSAL

There has been expressed concerns about the quantity of Adult Day Centers in residential zoning districts. The Council has asked staff to update the Adult Day Center provisions, similar to how the personal care home provisions were amended last year. Staff’s impression is that Adult Day Care Centers should be taken out of the home occupation world and treat them more like Child Day Cares. Based on this information, Staff recommend the following changes:

1. *The Rules and Regulations of the State of Georgia only identify “Adult Day Center” (GA R&R 111-8-1-.04 (1) (e) “Adult Day Center”) in the “Rules and Regulations for Adult Day Centers”. The title and type of facility is also reflected in the Georgia Code Title 49 (Social Services), Chapter 6 (Services for the Aging), Article 7 (Licensure of Adult Day Centers). I The*



PLANNING & ZONING STAFF REPORT

title of the land use has been changed to “Adult Day Center” to reflect the state statutes and rules and regulations. Our document identifies two – Adult Day Care Center and Adult Day Care Facility.

- 2. The rules and regulations of the state identify the Adult Day Center as “a facility serving aging adults that provides adult day care or adult day health services, as defined in paragraphs (d) and (f) of these definitions, for compensation to three or more persons. Adult day centers may operate in more than one location if classified and approved by the Department as a mobile adult day center. This term shall not include a respite care services program.” The difference here is that state legislation identifies three or more persons, our legislation states four or more. Stonecrest is recommended the legislation to be updated to mirror the state definition.*
- 3. As a result of the definition of the state above, I cannot find any reference to “Adult Day Facility” or “Adult Day Care Facility” in state statutes. If this is true, I am not sure if we can differentiate between “up to six” (Adult Day Care Facility) and “seven or more” (Adult Day Center). Jim and/or city attorney should make the final decision on this. My recommendation would be to stick with what the state permits (Adult Day Center which allows 4 or more) and drop the “Adult Day Care Facility”.*

Georgia defines adult day services as a program for providing a safe group environment with coordinated health and social services aimed at stabilizing or improving self-care as well as preventing, postponing, or reducing the need for institutional placement. The purpose of adult day services is to provide support for elderly individuals who do not fully function independently but who do not need 24-hour nursing care. Participants may have physical, social, and/or mental impairments, need assistance with ADLs less than that requiring placement in an institution, or have recently returned home from a hospital or institutional stay.



PLANNING & ZONING STAFF REPORT

USE TABLE 4.1

Use	KEY: P - Permitted use Pa - Permitted as an accessory use																SA - Special administrative permit from Community Development Director SP - Special land use permit (SLUP)										
	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4.5	See Section 4.2		
Services																											
Adult day care center—7 or more											P	P	P	P	P	P	P	P	P					P	P	P	X
Adult day care facility—Up to 6-4	S	S	S	S	S	S	S	S	S	S	S				P	P	P	P					P	P	P	P	X

~~Sec. 4.2.4. Adult daycare center (seven or more clients).~~

Each adult daycare center shall be subject to the following requirements:

- ~~A. All outdoor recreation areas shall be enclosed by a fence or wall not less than four feet in height~~
- ~~B. Each adult daycare center shall provide off-street parking spaces as required by the applicable zoning district and an adequate turnaround on the site.~~

(Ord. of 8-2-2017, § 1(4.2.4))

Sec. 4.2.5. Adult Day Center (six four or more clients).

Each Adult Daycare facility Center shall be subject to the following requirements:

- A. All outdoor recreation areas shall be enclosed by a fence or wall not less than four feet in height.
- B. Each Adult Daycare facility Center shall provide off-street parking spaces as required by the applicable zoning district.
- C. No Adult Daycare facility Center shall be located within 1,000 feet of another adult daycare facility.



PLANNING & ZONING STAFF REPORT

- D. No ~~Adult Daycare facility Center~~ may be established and operated until a permit to do so has been obtained in accordance with the procedures set forth below.
1. Permit application. Persons seeking to operate an adult day ~~care facility- Center~~ in the city must file a **Adult Day Center Permit** application with the planning department. Each application shall also be accompanied by the applicant's affidavit certifying the maximum number of adults that will be served simultaneously and that the proposed adult daycare facility will meet and be operated in compliance with all applicable state laws and regulations and with all ordinances and regulations of the city. The planning department may require clarification or additional information from the applicant that is deemed necessary by the city to determine whether the proposed service will meet applicable laws, ordinances and regulations.
 2. Notwithstanding the above provisions, if a proposed adult daycare facility is subject to the requirement that the applicant obtain a certificate of registration from the state department of human resources, and even though the application may have been approved under the provisions of this section, a permit for the operation of such facility shall not be issued until proof has been submitted by the applicant that the certificate of registration has first been obtained from the state.
 3. The rules and regulations of the state identify the Adult Day Center as "a facility serving aging adults that provides adult day care or adult day health services, as defined in paragraphs (d) and (f) of these definitions, for compensation to three or more persons. Adult day centers may operate in more than one location if classified and approved by the Planning Department as a mobile adult day center. This term shall not include a respite care services program."
 4. Shall meet requirements to obtain a City of Stonecrest business license.

Article 9 Definitions

~~**Adult daycare center** means an establishment operated by any person with or without compensation for providing for the care, supervision, and oversight only during day time hours of seven or more adults who are elderly, physically ill or infirm, physically handicapped, or mentally handicapped. The term "adult daycare center" may also include recreational and social activities for said persons.~~

"Adult day center" or "center" means a facility serving aging adults that provides adult day care or adult day health services, as defined in paragraphs (d) and (f) of these definitions, for compensation to three or more persons. Adult day centers may operate in more than one location if classified and approved by the Department as a mobile adult day center. This term shall not include a respite care services program.

(Ord. of 8-2-2017, § 1(4.2.5))



PLANNING & ZONING STAFF REPORT

RECOMMENDED ACTION

The city is recommend amending the permitted uses from residential districts and keep them in commercial zoned districts. This use is commercial in nature and will be more suitable for a commercial zoning. These updated regulations allow Planning Commission, and City Council more opportunities to review Special Land Use Permits on a case-by-case basis for these uses and allow staff to make the necessary changes to reflect the definitions and regulations as defined by the State of Georgia. The updates also ensure that every part of the Zoning Ordinance referencing these uses are cohesive.

Staff recommends **APPROVAL** of the text amendment as drafted by staff.

**STATE OF GEROGIA
DEKALB COUNTY
CITY OF STONECREST**

ORDINANCE NO. ____ - _____

1 **AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STONECREST,**
2 **GEORGIA, BY AMENDING DIVISION 1 (OVERVIEW OF USE CATEGORIES AND**
3 **USE TABLE), DIVISION 2 (SUPPLEMENTAL USE REGULATIONS) AND DIVISION 5**
4 **(STONECREST AREA OVERLAY DISTRICT) OF ARTICLE 3 (OVERLAY DISTRICT),**
5 **ARTICLE 4 (USE REGULATIONS), ARTICLE 6 (PARKING) AND ARTICLE 9**
6 **(DEFINITIONS) WITHIN CHAPTER 27 (ZONING ORDINANCE); AND BY**
7 **AMENDING DIVISION 3 (ENFORCEMENT, MEASUREMENT OF SOUND,**
8 **ADMINISTRATION, VIOLATIONS AND PENALTIES) OF ARTICLE 8**
9 **(CLEANINDOOR AIR) WITHIN CHAPTER 18 (NUISANCES); TO PROVIDE**
10 **SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF**
11 **CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE**
12 **DATE; AND TO PROVIDE FOR OTHER LAWFUL PUPOSES.**

13
14 **WHEREAS,** the governing body of the City of Stonecrest (“City”) is the Mayor and
15
16 City Council thereof; and

17
18 **WHEREAS,** Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of
19
20 Georgia authorizes the City to adopt plans and exercise the power of zoning; and

21
22 **WHEREAS,** the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to
23
24 adopt ordinances relating to its property, affairs, and local government; and

25
26 **WHEREAS,** the Mayor and City Council desire to amend Division 1 (Overview of Use

27
28 Categories and Use Table), Division 2 (Supplemental Use Regulations) and Division 5 (Stonecrest
29 Area Overlay District) of Article 3 (Overlay District), Article 4 (Use Regulations), Article 6
30 (Parking) and Article 9 (Definitions) within Chapter 27 (Zoning Ordinance); and
31
32

33 **WHEREAS**, the Mayor and City Council desire to amend Division 3 (Enforcement,
34 Measurement of Sound, Administration, Violations and Penalties) of Article 8 (Clean Indoor Air)
35 within Chapter 18 (Nuisances); and
36
37

38 **WHEREAS**, from time-to-time amendments may be proposed for public necessity,
39 general welfare, or sound zoning practice that justify such action; and
40
41

42 **WHEREAS**, the Director of Planning and Planning Commission recommend approval
43 based on the City Staff Report and said report is hereby incorporated by reference herein; and
44
45

46 **WHEREAS**, a public hearing pursuant to the provisions of the Zoning Procedures Act has
47 been properly held prior to the adoption of this Ordinance; and
48
49

50 **WHEREAS**, the health, safety, and welfare of the citizens of the City will be positively
51 impacted by the adoption of this Ordinance.
52
53

54 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL**
55 **OF THE CITY OF STONECREST, GEORGIA**, and by the authority thereof:
56
57

58 **Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended
59 by amending Division 1 (Overview of Use Categories and Use Table), Division 2 (Supplemental
60 Use Regulations) and Division 5 (Stonecrest Area Overlay District) of Article 3 (Overlay District),
61 Article 4 (Use Regulations), Article 6 (Parking) and Article 9 (Definitions) within Chapter 27
62 (Zoning Ordinance) by adopting the provisions set forth in Exhibit A attached hereto and made a
63 part by reference.
64
65

66 **Section 2.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended
67 by amending Division 3 (Enforcement, Measurement of Sound, Administration, Violations and
68 Penalties) of Article 8 (Clean Indoor Air) within Chapter 18 (Nuisances) by adopting the
69 provisions set forth in Exhibit B attached hereto and made a part by reference.

70 **Section 3.** That text added to current law appears in **red, bold and underlined**. Text
71 removed from current law appears as **red, bold and strikethrough**.

72 **Section 4.** The preamble of this Ordinance shall be considered to be and is hereby
73 incorporated by reference as if fully set out herein.

74 **Section 5.** (a) It is hereby declared to be the intention of the Mayor and Council that all
75 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their
76 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

77 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent
78 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is
79 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is
80 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent
81 allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually
82 dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

83 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for
84 any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the
85 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the
86 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
87 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
88 of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to
89 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and

96
97 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
98
99 effect.

100 **Section 6.** The City Clerk, with the concurrence of the City Attorney, is authorized to
101
102 correct any scrivener’s errors found in this Ordinance, including its exhibits, as enacted.

103 **Section 7.** All ordinances and parts of ordinances in conflict herewith are hereby expressly
104
105 repealed.

106 **Section 8.** The Ordinance shall be codified in a manner consistent with the laws of the
107
108 State of Georgia and the City of Stonecrest.

109 **Section 9.** It is the intention of the governing body, and it is hereby ordained that the
110
111 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of
112
113 Stonecrest, Georgia.
114
115

ORDAINED this _____ day of _____, 2022.

[SIGNATURES TO FOLLOW]

116

CITY OF STONECREST, GEORGIA

George Turner, Mayor Pro Tem

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

- 117
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**EXHIBIT A
(SEE ATTACHED)**

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132 CHAPTER 27: ZONING ORDINANCE

133

134 ARTICLE 3 – OVERLAY DISTRICT

135

136 DIVISION 5. STONECREST AREA OVERLAY DISTRICT

137

138 **Sec. 3.5.15.2. Cluster village mixed-use zone (Tier V).**

139 *Permitted principal uses and structures.* All properties in Tier V shall be governed by all of the underlying zoning
140 district regulations and the requirements of this section. In addition, all properties in Tier V may be used for
141 the following principal uses of land and structures:

- 142 1. Adult day ~~center care facility~~.
- 143 2. Bed and breakfast.
- 144 3. Child day care facility.
- 145 4. Assembly hall.
- 146 5. Cultural facility.
- 147 6. Detached single-family dwelling.
- 148 7. Office uses.
- 149 8. Personal care facility.
- 150 9. Place of worship.
- 151 10. Retail, excluding drive-through facilities, automobile service stations, commercial amusements,
152 convenience store, liquor stores, package store, and recreation, indoor.
- 153 11. Office/medical.
- 154 12. Personal services establishment.

155

156 (Ord. of 8-2-2017, § 1(3.5.15.2); Ord. No. 2019-11-001, § 1, 11-25-2019)

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167 CHAPTER 27: ZONING ORDINANCE
 168 ARTICLE 4 – USE REGULATIONS
 169 DIVISION 1. OVERVIEW OF USE CATEGORIES AND USE TABLE
 170 **Sec. 4.1.3. Use table.**

171 **Table 4.1. Use Table**

Use	KEY: P - Permitted use Pa - Permitted as an accessory use									SA - Special administrative permit from Community Development Director SP - Special land use permit (SLUP)													See Section 4.2					
	R E	R L G	R - 1 0 0	R - 8 5	R - 7 5	R - 6 0	R S M	M R- 1	M R- 2	H R- 1, 2, 3	M H P	R N C	O I	O I T	N S	C - 1	C - 2	O D	M	M - 2	M U- 1	M U- 2		M U- 3	M U- 4, 5			
Services																												
Adult day care center — 73 or more								P	P	P	P			P	P	P	P	P	P					P	P	P	✓	
Adult day care facility — Up to 6	S P	S P	S P	S P	S P	S P	SP	S P	S P	SP				S P											P	P	P	✓

172 (Ord. of 8-2-2017, § 1(4.1.3); Ord. No. 2018-09-01, § 00, 9-17-2018; Ord. No. 2019-06-01, § (Exh. A), 6-10-2019)

173 CHAPTER 27: ZONING ORDINANCE
174 ARTICLE 4 – USE REGULATIONS
175 DIVISION 2. SUPPLEMENTAL USE REGULATIONS

176 ~~Sec. 4.2.4. Adult daycare center (seven or more clients).~~

177 ~~Each adult daycare center shall be subject to the following requirements:~~

178 ~~A. All outdoor recreation areas shall be enclosed by a fence or wall not less than four feet in height.~~

179 ~~B. Each adult daycare center shall provide off street parking spaces as required by the applicable zoning~~
180 ~~district and an adequate turnaround on the site.~~

181 ~~(Ord. of 8-2-2017, § 1(4.2.4))~~

183 **Sec. 4.2.5. Adult Day Center daycare facility (three or more up to six clients).**

184 Each Adult Day Center ~~adult daycare facility~~ shall be subject to the following requirements:

185 A. All outdoor recreation areas shall be enclosed by a fence or wall not less than four feet in height.

186 B. Each Adult Day Center ~~adult daycare facility~~ shall provide off-street parking spaces as required by the
187 applicable zoning district.

188 C. No Adult Day Center ~~adult daycare facility~~ shall be located within 1,000 feet of another adult dayca
189 ~~center facility.~~

190 D. No Adult Day Center ~~adult daycare facility~~ may be established and operated until a permit to do so has
191 been obtained in accordance with the procedures set forth below.

192 1. Permit application. Persons seeking to operate an Adult Day Center ~~adult daycare facility~~ in
193 the city must file a permit application with the planning department. Each application shall
194 also be accompanied by the applicant's affidavit certifying the maximum number of adults
195 that will be served simultaneously and that the proposed Adult Day Center ~~adult daycare~~
196 ~~facility~~ will meet and be operated in compliance with all applicable state laws and
197 regulations and with all ordinances and regulations of the city. The planning department
198 may require clarification or additional information from the applicant that is deemed
199 necessary by the city to determine whether the proposed service will meet applicable laws,
200 ordinances and regulations.

201 2. Notwithstanding the above provisions, if a proposed Adult Day Center ~~adult daycare facility~~
202 is subject to the requirement that the applicant obtain a certificate of registration from the
203 state department of human resources, and even though the application may have been
204 approved under the provisions of this section, a permit for the operation of such facility
205 shall not be issued until proof has been submitted by the applicant that the certificate of
206 registration has first been obtained from the state.

207 (Ord. of 8-2-2017, § 1(4.2.5))

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211 CHAPTER 27: ZONING ORDINANCE

212 ARTICLE 6 – PARKING

213 **Sec. 6.1.4. Off-street parking ratios.**

214 Table 6.2. Off-street Parking Ratios

Minimum and Maximum Parking Spaces		
Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
<i>Residential</i>		
Adult daycare facility	Two spaces.	Four spaces.
<i>Commercial</i>		
Adult daycare facility-Center	Two spaces.	Four spaces.

215
216 (Ord. of 8-2-2017, § 1(6.1.4))

217 CHAPTER 27: ZONING ORDINANCE

218 **ARTICLE 9 – DEFINITIONS**

219 **Sec. 9.1.3. Defined terms.**

220 ~~Adult daycare center means an establishment operated by any person with or without compensation for~~
221 ~~providing for the care, supervision, and oversight only during day-time hours of seven or more adults who are~~
222 ~~elderly, physically ill or infirm, physically handicapped, or mentally handicapped. The term "adult daycare~~
223 ~~center" may also include recreational and social activities for said persons.~~

224 ~~Adult daycare facility means an establishment operated by any person with or without compensation for~~
225 ~~providing for the care, supervision, and oversight only during day-time hours of six or fewer adults who are~~
226 ~~elderly, physically ill or infirm, physically handicapped, or mentally handicapped. The term "adult daycare~~
227 ~~facility" may also include recreational, cultural and social activities for said persons.~~

228
229 Adult day care means the provision of a comprehensive plan of services that meets the needs of aging
230 adults, under a social model. This term shall not include programs which provide day habilitation and
231 treatment services exclusively for individuals with developmental disabilities.

232 Adult day center means a facility serving aging adults that provides adult day care or adult day health
233 services for compensation, to three or more persons. This term shall not include a respite care
234 services program.

235 Adult day health services means the provision of a comprehensive plan of services that meets the
236 needs of aging adults under a medical model. This term shall not include programs which provide day
237 habilitation and treatment services exclusively for individuals with developmental disabilities.

238 Aging adults means persons 60 years of age or older or mature adults below the age of 60 whose
239 needs and interests are substantially similar to persons 60 years of age or older who have physical or
240 mental limitations that restrict their abilities to perform the normal activities of daily living and
241 impede independent living.

242 Medical model means a comprehensive program that provides aging adults with the basic social,
243 rehabilitative, health, and personal care services needed to sustain essential activities of daily living
244 and to restore or maintain optimal capacity for self-care. Such program of care shall be based on
245 individual plans of care and shall be provided for less than 24 hours per day.

246 Social model means a program that addresses primarily the basic social and recreational activities
247 needed to be provided to aging adults, but also provides, as required, limited personal care
248 assistance, supervision, or assistance essential for sustaining the activities of daily living. Such
249 programs of care shall be based on individual plans of care and shall be provided for less than 24
250 hours per day.

251

EXHIBIT B
(SEE ATTACHED)

252

253

254 **CHAPTER 18: NUISANCES**

255 **ARTICLE 8 – CLEAN INDOOR AIR**

256 **DIVISION 3. ENFORCEMENT, MEASUREMENT OF SOUND, ADMINISTRATION**
257 **VIOLATIONS AND PENALTIES**

258 **Sec. 18-73. Definitions.**

259 *Place of employment* means an enclosed area under the control of a public or private employer that
260 employees utilize during the course of employment, including, but not limited to, work areas, employee lounges,
261 restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, and hallways. A private residence
262 is not a place of employment unless it is used as a licensed childcare, ~~adult daycare~~, or health care facility. The
263 term "place of employment" shall not include vehicles used in the course of employment.

264 *Public place* means an enclosed area to which the public is invited or in which the public is permitted,
265 including, but not limited to, banks, bars, educational facilities, health care facilities, laundromats, public
266 transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail
267 service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private
268 residence is not a public place unless it is used as a licensed childcare, ~~adult daycare~~ or health care facility.

269 (Ord. No. 2018-06-04, § 18-73, 6-4-2018)

270 **Sec. 18-77. Exemptions.**

271 (a) The smoking prohibition shall not apply in the following areas:

- 272 (1) Private residences, including private residences which may serve as an office workplace, except if used
273 as a childcare, ~~adult daycare~~ or a health care facility.

274

275 (Ord. No. 2018-06-04, § 18-77, 6-4-2018)



CITY COUNCIL AGENDA ITEM

SUBJECT: Towing & Wreckage

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE: Click or tap here to enter text.
-

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: Click or tap here to enter text.
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, May 23, 2022

SUBMITTED BY: Keedra T. Jackson, Acting Director of Planning & Zoning

PRESENTER: Keedra T. Jackson

PURPOSE: To revert amendment to the previously adopted language in the Stonecrest Zoning Ordinance, Chapter 27, Article 4, revisions to supplemental use provisions for Towing and Wreckage Services.

FACTS: The City Council directed staff to improve the screening requirements for Towing and Wreckage Services sites to improve community aesthetics. The idea is to screen them similar to how the Code currently requires the screening of gravel parking lots. In presenting the amended text amendment to City Council on March 25th, it was discovered that specific language could lead to the change of the initial intended use. The text amendment was deferred back to Planning Commission for clarity.

OPTIONS: Approve, Deny, Defer Click or tap here to enter text.

RECOMMENDED ACTION: Recommend Approval

ATTACHMENTS:

(1) Attachment 1 - Cover Page



CITY COUNCIL AGENDA ITEM

- (2) Attachment 2 - Staff Report
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



PLANNING & ZONING STAFF REPORT

MEETING DATE: May 23, 2022

GENERAL INFORMATION

- Petition Number:** TMOD-22-005
- Applicant:** Stonecrest Planning and Zoning Department
- Project Location:** City-Wide
- Proposed amendment:** To revert amendment to the adopted language in the Stonecrest Zoning Ordinance, Chapter 27, Article 4, revisions to supplemental use provisions for Towing and Wreckage Services.

Facts and Issues:

- The City Council directed staff to improve the screening requirements for Towing and Wreckage Services sites to improve community aesthetics.
- The idea is to screen them similar to how the code currently requires the screening of gravel parking lots.
- In presenting the amended text amendment to City Council on March 25th, it was discovered that specific language could lead to the change of the initial intended use.
- The text amendment was deferred back to Planning Commission for clarity.

Staff Recommendation: Approval of TMOD-22-005

Previous Actions:

- (1) The Planning Commission heard this item previous on December 7, 2021 as part of TMOD-21-016, and the Planning Commission recommended **Deferral**.
- (2) The City Council heard this item, again as part of TMOD-21-016, on January 24, 2022, and took action to defer the item back to the Planning Commission.



PLANNING & ZONING STAFF REPORT

- (3) Planning Commission recommended approval on March 1, 2022
- (4) The City Council recommended this item to return to Planning Commission again to ensure vote on March 25th.
- (5) Planning Commission recommended approval to revert to the language adopted by DeKalb County in 2017.

ATTACHMENTS:

- 1. Revisions to the Zoning Ordinance related to Towing and Wreckage Services

Staff Recommendation: Staff is recommend reverting the changes made to the adopted language.

**STATE OF GEROGIA
DEKALB COUNTY
CITY OF STONECREST**

ORDINANCE NO. ____ - _____

1 **AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STONECREST,**
2
3 **GEORGIA, BY AMENDING DIVISION 2 (SUPPLEMENTAL USE REGULATIONS) OF**
4
5 **ARTICLE 4 (USE REGULATIONS) WITHIN CHAPTER 27 (ZONING ORDINANCE);**
6
7 **TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR**
8
9 **REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND**
10
11 **EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PUPOSES.**

12
13 **WHEREAS,** the governing body of the City of Stonecrest (“City”) is the Mayor and
14
15 City Council thereof; and

16
17 **WHEREAS,** Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of
18
19 Georgia authorizes the City to adopt plans and exercise the power of zoning; and

20
21 **WHEREAS,** the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to
22
23 adopt ordinances relating to its property, affairs, and local government; and

24
25 **WHEREAS,** the Mayor and City Council desire to amend Division 2 (Supplemental Use
26
27 Regulations) of Article 4 (Use Regulations) within Chapter 27 (Zoning Ordinance); and

28
29 **WHEREAS,** from time-to-time amendments may be proposed for public necessity,
30
31 general welfare, or sound zoning practice that justify such action; and

32
33 **WHEREAS,** the Director of Planning and Planning Commission recommend approval
34
35 based on the City Staff Report and said report is hereby incorporated by reference herein; and

36
37 **WHEREAS**, a public hearing pursuant to the provisions of the Zoning Procedures Act has
38
39 been properly held prior to the adoption of this Ordinance; and

40
41 **WHEREAS**, the health, safety, and welfare of the citizens of the City will be positively
42
43 impacted by the adoption of this Ordinance.

44
45 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL**
46
47 **OF THE CITY OF STONECREST, GEORGIA**, and by the authority thereof:

48
49 **Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended
50 by amending Division 2 (Supplemental Use Regulations) of Article 4 (Use Regulations) within
51 Chapter 27 (Zoning Ordinance) by adopting the provisions set forth in Exhibit A attached hereto
52 and made a part by reference.

53 **Section 2.** That text added to current law appears in **red, bold and underlined**. Text
54 removed from current law appears as **red, bold and strikethrough**.

55 **Section 3.** The preamble of this Ordinance shall be considered to be and is hereby
56 incorporated by reference as if fully set out herein.

57 **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all
58 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their
59 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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62 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is
63 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent
64 allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually
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 70 dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.
 71 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for
 72 any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the
 73 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the
 74 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
 75 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
 76 of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to
 77 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
 78 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
 79 effect.
 80
 81
 82

83
 84 **Section 5.** The City Clerk, with the concurrence of the City Attorney, is authorized to
 85 correct any scrivener’s errors found in this Ordinance, including its exhibits, as enacted.

86 **Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby
 87 expressly repealed.
 88

89
 90 **Section 7.** The Ordinance shall be codified in a manner consistent with the laws of the
 91 State of Georgia and the City of Stonecrest.
 92

93
 94 **Section 8.** It is the intention of the governing body, and it is hereby ordained that the
 95 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of
 96 Stonecrest, Georgia.
 97
 98

ORDAINED this _____ day of _____, 2022.

[SIGNATURES TO FOLLOW]

99

CITY OF STONECREST, GEORGIA

George Turner, Mayor Pro Tem

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A
(SEE ATTACHED)

101

102 CHAPTER 27: ZONING ORDINANCE
103 ARTICLE 4 – USE REGULATIONS
104 DIVISION 2. SUPPLEMENTAL USE REGULATIONS

105 **Sec. 4.2.64 Towing Wreckage Service**

- 106
- 107 **A. Vehicles shall not be stored at tow service properties or automobile recovery and**
- 108 **storage facilities for a period longer than fourteen (14) days. This provision does not**
- 109 **apply to vehicle storage yards, used motor vehicle dealerships, used motor vehicle**
- 110 **parts dealerships, or automobile salvage yards. Records showing the arrival of each**
- 111 **vehicle at a tow service property or an automobile recovery and storage facility must**
- 112 **be kept by the owner/operator of a business.**
- 113 **B. All wrecked or inoperable vehicles shall be drained of all liquids, including but not**
- 114 **limited to gasoline, diesel, transmission fluid, brake fluid, and engine oil, within forty-**
- 115 **eight (48) hours of delivery to tow service properties or automobile recovery and**
- 116 **storage facilities.**
- 117 **C. Any area of the site used for the short-term storage of motor vehicles shall be**
- 118 **screened from view of the public street with an opaque corrugated metal fence or**
- 119 **wall adequate in heights to screen the motor vehicles from view from the public**
- 120 **rights-of-way. This would be a minimum of ten feet in height if trucks are being stored**
- 121 **on site, and only six feet in height if only cars are be stored on site. Chain link and**
- 122 **wooden fences along street frontage are prohibited.**
- 123 **D. The parking area shall be at least 25 feet from the street right-of-way.**
- 124 **E. A ten-foot-wide evergreen landscape buffer shall be planted around the perimeter of**
- 125 **the fence along the public street with at least two rows of trees. All trees shall be a least**
- 126 **six feet in height and/or two inches caliber, and shall be regularly maintained and**
- 127 **watered as necessary. Dead or dying trees shall be promptly replaced. All surfaces**
- 128 **between trees shall be mulched**
- 129 **F. The soil erosion, sedimentation and pollution requirements of chapter 14, article V of**
- 130 **the Code of the City of Stonecrest, Georgia are met.**
- 131 **G. Minimum standards of the Georgia Stormwater Management Manual are met in terms**
- 132 **of stormwater runoff and water quality.**
- 133
- 134
- 135



CITY COUNCIL AGENDA ITEM

SUBJECT: RZ-22-001

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE: Click or tap here to enter text.
-

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: Click or tap here to enter text.
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, May 23, 2022

SUBMITTED BY: Keedra T. Jackson, Acting Director of Planning & Zoning

PRESENTER: Keedra T. Jackson

PURPOSE: Requesting to rezone properties from RSM (Small Lot Residential Mix) to R-100 (Residential Medium Lot)

FACTS: At the time of incorporation, the City adopted the DeKalb County zoning map which showed a number of properties within the Arabia Mountain Conservation Overlay as RSM, Residential Small Lot that were previously developed as R-100 (Residential Medium Lot) or had been zoned to a larger lot residential zoning category. It is believed that this was the result of a 2015 adoption of a new Zoning Map by the County which the City assumed upon incorporation. Many feel that this rezoning to RSM was a mistake and would like to advert the potential for small lot infill development. City-initiated rezoning of selected parcels zoned RSM to R-100 in the Arabia Mtn Conservation Overlay covering approximately 837 acres. The subject properties range from a minimum of 3 acres to over 10 acres in area.

OPTIONS: Approve, Deny, Defer Click or tap here to enter text.

RECOMMENDED ACTION: Approval



CITY COUNCIL AGENDA ITEM

ATTACHMENTS:

- (1) Attachment 1 - Cover Page
- (2) Attachment 2 - Staff Report
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



PLANNING & ZONING STAFF REPORT

MEETING DATE: May 23, 2022

GENERAL INFORMATION

Petition Number: RZ-22-001

Applicant: Stonecrest Planning & Zoning Department

Project Location: 3793, 3801, 3817, 3837, 3859, 3879, 3897, 3917, 3935, 3959, 3079, 3990, 3999, 4029 Evans Mill Road; 5912 Salem Rd, 3848, 3922, 3940, 3960 Evans Mill Rd; 6206, 6190, 6174, 6160, 6144, 6130, 6110, 6090, 6070, 6020, 5989, 6023, 6051, 6067, 6085, 6105, 6125, 6145, 6185, 6205 Rock Springs Rd.

Proposal: Requesting to Requesting to rezone properties from RSM (Small Lot Residential Mix) to R-100 (Residential Medium Lot)

Planning Commission recommended Denial on May 3, 2022

FACTS AND ISSUES

At the time of incorporation, the City adopted the DeKalb County zoning map which showed a number of properties within the Arabia Mountain Conservation Overlay as RSM, Residential Small Lot that were previously developed as R-100 (Residential Medium Lot) or had been zoned to a larger lot residential zoning category. It is believed that this was the result of a 2015 adoption of a new Zoning Map by the County which the City assumed upon incorporation. Many feel that this rezoning to RSM was a mistake and would like to advert the potential for small lot infill development. City initiated rezoning of selected parcels zoned RSM to R-100 in the Arabia Mtn Conservation Overlay covering approximately 837 acres. The subject properties range from a minimum of 3 acres to over 10 acres in area.

Element	R-100	RSM
Lot area (square foot)	15,000 sf.	5,000/2,000 cottage
Lot width	100 ft.	60 ft.
Front setback	20 ft.	20 ft.
Side setback	10 ft.	10 ft for interior
Rear setback	40 ft	20 ft.

PLANNING & ZONING STAFF REPORT

The subject properties are located on along Evans Mill and Rock Springs Rd and one vacant parcel on Salem Rd. The rezoning of the subject properties are in alignment with the comprehensive plan and does not require an amendment.

PROPOSAL

Staff is recommending a rezone from the RSM (Residential Small Lot) to R-100 (Residential Medium Lot).

Evans Mill Road



18 parcels, 105 acres

Ref #	Parcel Address (* denotes where owner address = parcel address)	Parcel ID	Owner Name	Acreage	LU
1	3793 Evans Mill Rd *	16 077 010 040	Gwen A. Mitchell	6.79	SUB
2	3801 Evans Mill Rd *	16 077 010 041	Kenneth N. Cox	12.03	SUB
3	3817 Evans Mill Rd	16 077 010 042	Horizon Global Enterprises	5.59	SUB
4	3837 Evans Mill Rd *	16 077 010 043	Major and Ada Sadler Revocable Trust	5.88	SUB
5	3859 Evans Mill Rd. *	16 077 010 044	Sarah J V Frett	5.18	SUB
6	3879 Evans Mill Rd *	16 077 010 045	Austin Mae Francis Dixon	4.93	SUB
7	3897 Evans Mill Rd *	16 077 010 046	Ravenel L Edward	4.71	SUB
8	3917 Evans Mill Rd *	16 077 010 039	Waterton Godfrey	4.60	SUB
9	3935 Evans Mill Rd *	16 077 010 047	Hinton Willie L	5.08	SUB
10	3959 Evans Mill Rd *	16 077 010 048	Charles T. Carter	4.16	SUB
11	3979 Evans Mill Rd	16 077 010 049	Larry G Hunt	4.25	SUB
12	3990 Evans Mill Rd	16 078 01 003	DeKalb County	8.42	
13	3999 Evans Mill Rd *	16 078 02 003	Joseph A. Vernot	4.18	SUB
13	4029 Evans Mill Rd	16 078 02 002	Charles R. Alexander	6.69	SUB
14	5912 Salem Rd.	16 078 02 001	Sam E Thomas	5.00	SUB
15	3848 Evans Mill Rd *	16 077 02 001	Ware Palmer	4.16	RR
16	3922 Evans Mill Rd *	16 077 03 004	Leslie E. Gadsden	5.36	RR
17	3940 Evans Mill Rd	16 077 03 005	Frederick Jackson	3.66	RR
18	3960 Evans Mill Rd *	16 077 03 006	Charlie J Thompson	4.73	RR ²

PLANNING & ZONING STAFF REPORT

Rock Spring Road



19 parcels, 97acres, all appear to be owner occupied

Ref #	Parcel Address	Parcel ID	Owner Name	Acreage	LU
23	6206 Rock Springs Rd	16 076 01 008	Thelma Crowder	4.1	SUB
24	6190 Rock Springs Rd	16 076 01 007	Willie Mae Johnson	4.2	SUB
25	6174 Rock Springs Rd	16 076 01 006	Ellis Appling	4.0	SUB
26	6160 Rock Springs Rd	16 076 01 005	Patricia Esther Jones	4.0	SUB
27	6144 Rock Springs Rd	16 076 01 004	Edward Bailey Jr.	4.0	SUB
28	6130 Rock Springs Rd	16 076 01 003	Gamaliel W. Hilson	4.0	SUB
29	6110 Rock Springs Rd	16 076 01 011	Christine L. Hilson	3.9	SUB
30	6090 Rock Springs Rd	16 076 01 010	Keri L. Hilson	3.9	SUB
31	6070 Rock Springs Rd	16 076 01 009	Michael Allen Roberts	3.7	SUB
32	6020 Rock Springs Rd	16 076 01 002	Michael A. Roberts	5.1	SUB
33	5989 Rock Springs Rd	16 076 02 003	Raymond Hill	6.7	SUB
34	6023 Rock Springs Rd	16 076 02 004	Cornelius Flowers	8.0	SUB
35	6051 Rock Springs Rd	16 076 02 005	Walter W. Williams	11.3	SUB
36	6067 Rock Springs Rd	16 076 02 006	Perry Iris Buchanan	6.3	SUB
37	6085 Rock Springs Rd	16 076 02 007	Kathy H Register	3.7	SUB
38	6105 Rock Springs Rd	16 076 02 008	George Turner Jr.	3.6	SUB
39	6125 Rock Springs Rd	16 076 02 009	James Rutledge	3.5	SUB
40	6145 Rock Springs Rd	16 076 02 010	Ellis Wilson	5.1	SUB
41	6185 Rock Springs Rd	16 076 02 011	Andrew Daugett	4.8	SUB
42	6205 Rock Springs Rd	16 076 02 012	Larry Parker	3.0	SUB

12

The city is recommending to amend the permitted uses from residential districts and keep them in commercial zoned districts. This use is commercial in nature and will be more suitable for a commercial zoning. These updated regulations allow Planning Commission, and City Council more opportunities to review Special Land Use Permits on a case-by-case basis for these uses and allow staff to make the necessary changes to reflect the definitions and regulations as defined by the State of Georgia. The updates also ensure that every part of the Zoning Ordinance referencing these uses is cohesive.

RECOMMENDED ACTION

Staff recommends Approval of the proposed rezoning.

**STATE OF GEROGIA
DEKALB COUNTY
CITY OF STONECREST**

ORDINANCE NO. ____-_____

1 **AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STONECREST,**
2 **GEORGIA, BY AMENDING THE OFFICIAL ZONING MAP OF CITY OF**
3 **STONECREST, GEORGIA, ARABIA MOUNTAIN CONSERVATION OVERLAY**
4 **DISTRICT WITHIN CHAPTER 27 (ZONING ORDINANCE); TO PROVIDE**
5 **SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF**
6 **CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE**
7 **DATE; AND TO PROVIDE FOR OTHER LAWFUL PUPOSES.**

8
9 **WHEREAS,** the governing body of the City of Stonecrest (“City”) is the Mayor and
10
11 City Council thereof; and
12

13 **WHEREAS,** Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of
14
15 Georgia authorizes the City to adopt plans and exercise the power of zoning; and
16

17 **WHEREAS,** the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to
18
19 adopt ordinances relating to its property, affairs, and local government; and
20

21 **WHEREAS,** the governing authority of the City has considered one or more of the criteria
22
23 of a rezoning request, provided in Section Sec. 7.3.1. Division 3. - Zoning And Comprehensive
24 Plan Amendments and Procedures of Article VII (“Administration”) in Chapter 27 (“Zoning”) of
25 the Code of Ordinances, City of Stonecrest, Georgia; and
26

25 **WHEREAS,** the Mayor and City Council desire to amend Official Zoning Map,
26

27 City of Stonecrest, Georgia, Arabia Mountain Conservation Overlay District within Chapter 27
28 (Zoning Ordinance); and

29 **WHEREAS**, the governing authority of the City desires to rezone the following parcels of
30 real property found in Exhibit A and attached hereto; and

31 **WHEREAS**, from time-to-time amendments may be proposed for public necessity,
32
33 general welfare, or sound zoning practice that justify such action; and
34

35 **WHEREAS**, the City at its incorporation adopted the DeKalb County zoning map which
36
37 depicted the subject properties located along Evans Mill, Rock Springs and Salem Road, within
38
39 the Arabia Mountain Conservation Overlay as a Residential Small Lot (“RSM”) that were
40
41 previously developed as a Residential Medium Lot (“R-100”);
42

43 **WHEREAS**, the City desires to change the subject properties from RSM to R-100 to
44
45 correct a zoning mis-categorization of the subject properties and advert the potential for small lot
46
47 infill development in the area;

48
49 **WHEREAS**, the Director of Planning and Planning Commission recommend approval
50
51 based on the City Staff Report and said report is hereby incorporated by reference herein; and
52

53 **WHEREAS**, a public hearing pursuant to the provisions of the Zoning Procedures Act has
54
55 been properly held prior to the adoption of this Ordinance; and
56

57 **WHEREAS**, the health, safety, and welfare of the citizens of the City will be positively
58
59 impacted by the adoption of this Ordinance.
60

61 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL**
62
63 **OF THE CITY OF STONECREST, GEORGIA**, and by the authority thereof:
64
65

66 **Section 1.** The parcels of real property found in Exhibit “A” are hereby rezoned to the
67 zoning designation of Residential Medium Lot (“R-100”) as said designation is described in
68 Chapter 27 (“Zoning”) of the Code of Ordinances, City of Stonecrest, Georgia.

69 **Section 2.** The rezoning of said parcels is indicated on the map which is attached hereto
70 as Exhibit “B” and is incorporated herein by reference. The rezoning indicated in Section 1 herein
71 and in Exhibit A attached hereto is to be noted on the official City of Stonecrest Zoning Map
72 approved by the City’s Mayor and Council as soon as reasonably possible following adoption of
73 this Ordinance, along with an editorial note on the official City of Stonecrest Zoning Map
74 specifying the parcels affected by this Ordinance and the date of adoption of this Ordinance.

75 **Section 3.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended
76 by replacing the portion of the Official Zoning Map, City of Stonecrest, Georgia, Arabia Mountain
77 Conservation Overlay District within Chapter 27 (Zoning Ordinance) as depicted in Exhibit A
78 attached hereto and made part by reference, and adopting the provisions set forth in Exhibit B
79 attached hereto and made a part by reference.

80 **Section 4.** That the rezoning of the subject properties is in alignment with the
81 comprehensive plan and it does not require an amendment.

82 **Section 5.** That the permitted uses are hereby amended from residential districts to
83 commercial zoned districts.

84 **Section 6.** The preamble of this Ordinance shall be considered to be and is hereby
85 incorporated by reference as if fully set out herein.

86 **Section 7.** (a) It is hereby declared to be the intention of the Mayor and Council that all
87 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their
88 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

89 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent
 90
 91 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is
 92
 93 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is
 94
 95 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent
 96
 97 allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually
 98
 99 dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

100 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for
 101
 102 any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the
 103
 104 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the
 105
 106 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
 107
 108 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
 109
 110 of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to
 111
 112 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
 113
 114 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
 115
 116 effect.

117 **Section 8.** The City Clerk, with the concurrence of the City Attorney, is authorized to
 118
 119 correct any scrivener’s errors found in this Ordinance, including its exhibits, as enacted.

120 **Section 9.** All ordinances and parts of ordinances in conflict herewith are hereby
 121
 122 expressly repealed.

123 **Section 10.** The Ordinance shall be codified in a manner consistent with the laws of the
 124
 125 State of Georgia and the City of Stonecrest.

126 **Section 11.** It is the intention of the governing body, and it is hereby ordained that the
 127
 128 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of

127 Stonecrest, Georgia.

ORDAINED this _____ day of _____, 2022.

[SIGNATURES TO FOLLOW]

128

CITY OF STONECREST, GEORGIA

George Turner, Mayor Pro Tem

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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**EXHIBIT A
(SEE ATTACHED)**

Evans Mill Road



18 parcels, 105 acres

Ref #	Parcel Address (* denotes where owner address = parcel address)	Parcel ID	Owner Name	Acreage	LU
1	3793 Evans Mill Rd *	16 077 010 040	Gwen A. Mitchell	6.79	SUB
2	3801 Evans Mill Rd *	16 077 010 041	Kenneth N. Cox	12.03	SUB
3	3817 Evans Mill Rd	16 077 010 042	Horizon Global Enterprises	5.59	SUB
4	3837 Evans Mill Rd *	16 077 010 043	Major and Ada Sadler Revocable Trust	5.88	SUB
5	3859 Evans Mill Rd. *	16 077 010 044	Sarah J V Frett	5.18	SUB
6	3879 Evans Mill Rd *	16 077 010 045	Austin Mae Francis Dixon	4.93	SUB
7	3897 Evans Mill Rd *	16 077 010 046	Ravenel L Edward	4.71	SUB
8	3917 Evans Mill Rd *	16 077 010 039	Waterton Godfrey	4.60	SUB
9	3935 Evans Mill Rd *	16 077 010 047	Hinton Willie L	5.08	SUB
10	3959 Evans Mill Rd *	16 077 010 048	Charles T. Carter	4.16	SUB
11	3979 Evans Mill Rd	16 077 010 049	Larry G Hunt	4.25	SUB
12	3990 Evans Mill Rd	16 078 01 003	DeKalb County	8.42	
13	3999 Evans Mill Rd *	16 078 02 003	Joseph A. Vernot	4.18	SUB
13	4029 Evans Mill Rd	16 078 02 002	Charles R. Alexander	6.69	SUB
14	5912 Salem Rd.	16 078 02 001	Sam E Thomas	5.00	SUB
15	3848 Evans Mill Rd *	16 077 02 001	Ware Palmer	4.16	RR
16	3922 Evans Mill Rd *	16 077 03 004	Leslie E. Gadsden	5.36	RR
17	3940 Evans Mill Rd	16 077 03 005	Frederick Jackson	3.66	RR
18	3960 Evans Mill Rd *	16 077 03 006	Charlie J Thompson	4.73	RR ²

Rock Spring Road



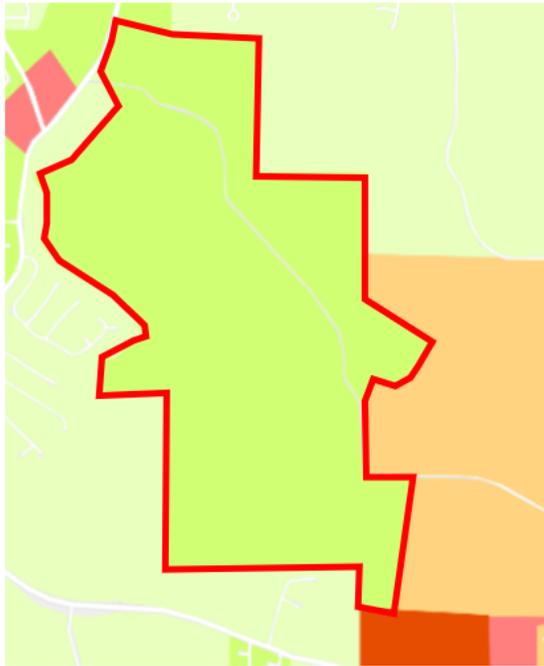
19 parcels, 97acres, all appear to be owner occupied

Ref #	Parcel Address	Parcel ID	Owner Name	Acreage	LU
23	6206 Rock Springs Rd	16 076 01 008	Thelma Crowder	4.1	SUB
24	6190 Rock Springs Rd	16 076 01 007	Willie Mae Johnson	4.2	SUB
25	6174 Rock Springs Rd	16 076 01 006	Ellis Appling	4.0	SUB
26	6160 Rock Springs Rd	16 076 01 005	Patricia Esther Jones	4.0	SUB
27	6144 Rock Springs Rd	16 076 01 004	Edward Bailey Jr.	4.0	SUB
28	6130 Rock Springs Rd	16 076 01 003	Gamaliel W. Hilson	4.0	SUB
29	6110 Rock Springs Rd	16 076 01 011	Christine L. Hilson	3.9	SUB
30	6090 Rock Springs Rd	16 076 01 010	Keri L. Hilson	3.9	SUB
31	6070 Rock Springs Rd	16 076 01 009	Michael Allen Roberts	3.7	SUB
32	6020 Rock Springs Rd	16 076 01 002	Michael A. Roberts	5.1	SUB
33	5989 Rock Springs Rd	16 076 02 003	Raymond Hill	6.7	SUB
34	6023 Rock Springs Rd	16 076 02 004	Cornelius Flowers	8.0	SUB
35	6051 Rock Springs Rd	16 076 02 005	Walter W. Williams	11.3	SUB
36	6067 Rock Springs Rd	16 076 02 006	Perry Iris Buchanan	6.3	SUB
37	6085 Rock Springs Rd	16 076 02 007	Kathy H Register	3.7	SUB
38	6105 Rock Springs Rd	16 076 02 008	George Turner Jr.	3.6	SUB
39	6125 Rock Springs Rd	16 076 02 009	James Rutledge	3.5	SUB
40	6145 Rock Springs Rd	16 076 02 010	Ellis Wilson	5.1	SUB
41	6185 Rock Springs Rd	16 076 02 011	Andrew Daugett	4.8	SUB
42	6205 Rock Springs Rd	16 076 02 012	Larry Parker	3.0	SUB

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Ref #	Parcel Address	Parcel ID	Owner Name	Acreage	LU
19	4008 Evans Mill Rd	16 078 01 002	DeKalb County	138.2	COS
20	5969 S. Goddard Rd	16 078 04 002	DeKalb County	399.73	COS

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**EXHIBIT B
(SEE ATTACHED)**

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188 CHAPTER 27: ZONING ORDINANCE

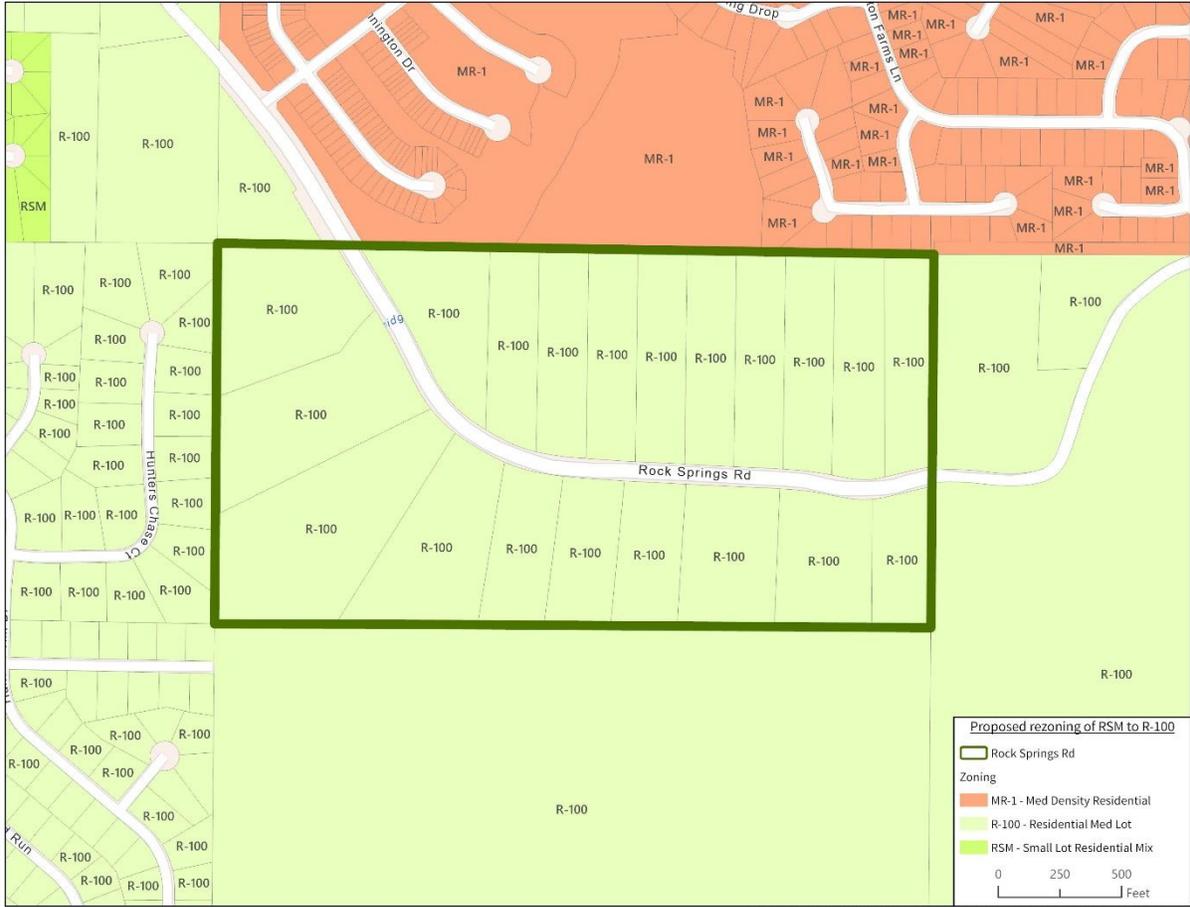
189 Official Zoning Map, City of Stonecrest, Georgia, Arabia Mountain Conservation Overlay
190 District

191

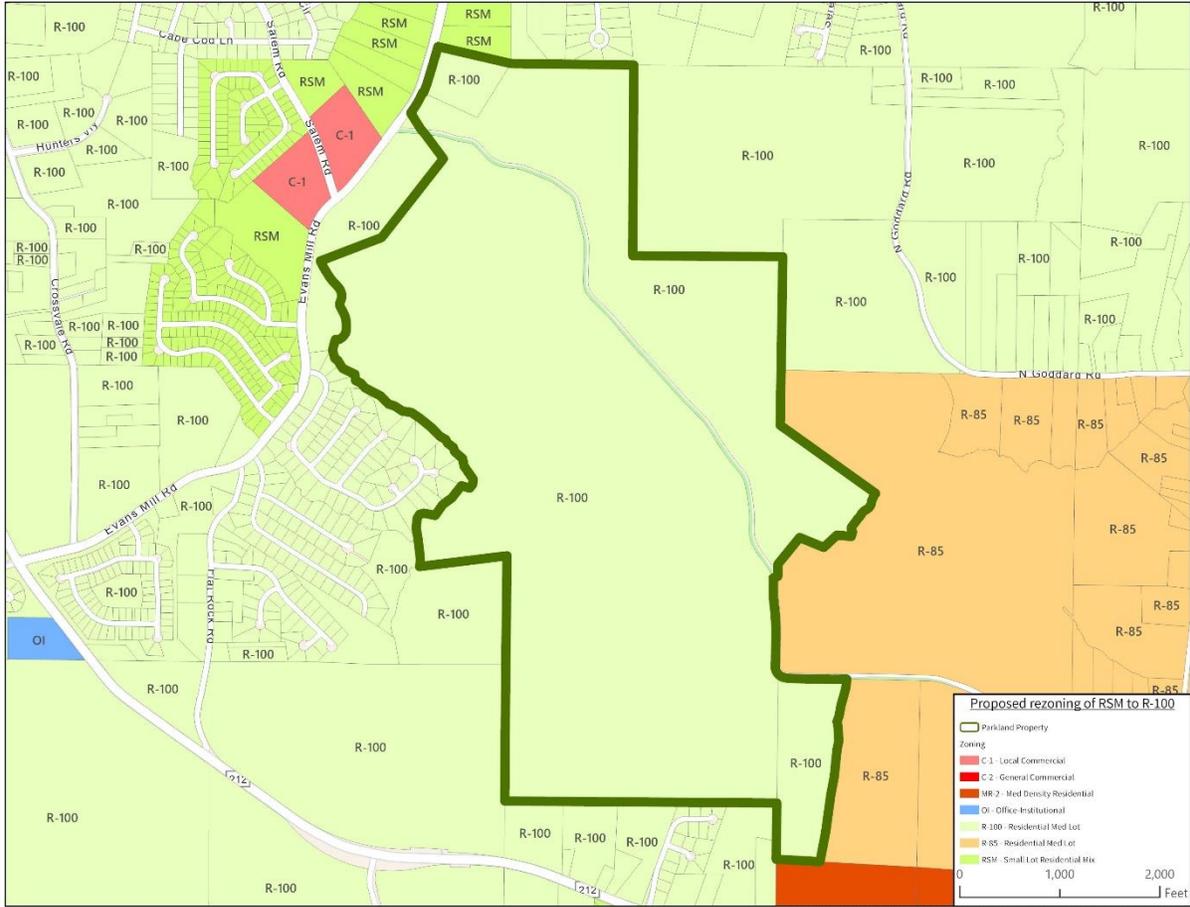
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CITY COUNCIL AGENDA ITEM

SUBJECT: Appointment to Planning Commission

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE: **Appointments**
-

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: **Appointment**
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, May 23, 2022

SUBMITTED BY: Mayor Pro Tem George Turner

PRESENTER: Mayor Pro Tem George Turner

PURPOSE: An appointment will be voted upon by Council for the Planning Commission.

FACTS:

OPTIONS: Choose an item. Click or tap here to enter text.

RECOMMENDED ACTION: Click or tap here to enter text.

ATTACHMENTS:

- (1) Attachment 1 - Click or tap here to enter text.
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



CITY COUNCIL AGENDA ITEM

SUBJECT: Proclamation for Malik Melson

AGENDA SECTION: *(check all that apply)*

PRESENTATION **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.

CATEGORY: *(check all that apply)*

ORDINANCE **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Click or tap here to enter text.

ACTION REQUESTED: **DECISION** **DISCUSSION,** **REVIEW,** or **UPDATE ONLY**

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, May 23, 2022

SUBMITTED BY: Councilwoman Tammy Grimes

PRESENTER: Councilwoman Tammy Grimes

PURPOSE: To award Mr. Malik Melson with a “Serving from the Heart” award and proclamation for his outstanding service.

FACTS:

OPTIONS: Choose an item. Click or tap here to enter text.

RECOMMENDED ACTION: Click or tap here to enter text.

ATTACHMENTS:

- (1) Attachment 1 - Click or tap here to enter text.
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



CITY COUNCIL AGENDA ITEM

SUBJECT: Proclamation for Salem Middle School Lions

AGENDA SECTION: *(check all that apply)*

PRESENTATION **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.

CATEGORY: *(check all that apply)*

ORDINANCE **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Click or tap here to enter text.

ACTION REQUESTED: **DECISION** **DISCUSSION,** **REVIEW,** or **UPDATE ONLY**

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, May 23, 2022

SUBMITTED BY: Councilwoman Tammy Grimes

PRESENTER: Councilwoman Tammy Grimes

PURPOSE: To award Salem Middle School’s baseball team with a proclamation for their outstanding sportsmanship.

FACTS:

OPTIONS: Choose an item. Click or tap here to enter text.

RECOMMENDED ACTION: Click or tap here to enter text.

ATTACHMENTS:

- (1) Attachment 1 - Click or tap here to enter text.
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



CITY COUNCIL AGENDA ITEM

SUBJECT: Proclamation for Willie Hinton

AGENDA SECTION: *(check all that apply)*

- PRESENTATION** **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.
-

CATEGORY: *(check all that apply)*

- ORDINANCE** **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Click or tap here to enter text.
-

ACTION REQUESTED: **DECISION** **DISCUSSION,** **REVIEW,** or **UPDATE ONLY**

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, May 23, 2022

SUBMITTED BY: Mayor Pro Tem George Turner

PRESENTER: Mayor Pro Tem George Turner

PURPOSE: To award Mr. Willie Hinton, post-mortem, with a proclamation for his dedication to service and the City of Stonecrest.

FACTS:

OPTIONS: Choose an item. Click or tap here to enter text.

RECOMMENDED ACTION: Click or tap here to enter text.

ATTACHMENTS:

- (1) Attachment 1 - Click or tap here to enter text.
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



CITY COUNCIL AGENDA ITEM

SUBJECT: Former Board Appreciation

AGENDA SECTION: *(check all that apply)*

PRESENTATION **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.

CATEGORY: *(check all that apply)*

ORDINANCE **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Click or tap here to enter text.

ACTION REQUESTED: **DECISION** **DISCUSSION,** **REVIEW,** or **UPDATE ONLY**

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, May 23, 2022

SUBMITTED BY: Mayor Pro Tem George Turner

PRESENTER: Mayor Pro Tem George Turner

PURPOSE: Certificate of Appreciation presented to former board members.

FACTS:

OPTIONS: Choose an item. Click or tap here to enter text.

RECOMMENDED ACTION: Click or tap here to enter text.

ATTACHMENTS:

- (1) Attachment 1 - Click or tap here to enter text.
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



CITY COUNCIL AGENDA ITEM

SUBJECT: Financial Management Policy Amendment 2nd Reading

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE: Click or tap here to enter text.
-

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: Click or tap here to enter text.
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): 04/25/22 & Click or tap to enter a date.

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, May 23, 2022

SUBMITTED BY: Gia Scruggs, Finance Director

PRESENTER: Gia Scruggs

PURPOSE: The Financial Oversight Committee and City staff reviewed the Financial Management Policy for potential policy revisions.

FACTS: The Finance Director is presenting proposed changes to the Financial Management Policy for the 2nd reading with the City Council.

OPTIONS: Other - Click or tap here to enter text.

RECOMMENDED ACTION: Other - Please State 2nd Read

ATTACHMENTS:

- (1) Attachment 1 - Draft Financial Management Policy Revisions
- (2) Attachment 2 - Financial Management Policy Revision Chart
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE NO. _____

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST, GEORGIA TO AMEND THE CITY OF STONECREST, GEORGIA, FINANCIAL MANAGEMENT POLICY; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the governing authority of the City of Stonecrest (“City”) is the Mayor and Council thereof; and

WHEREAS, Pursuant to the City’s Charter the City Council is authorized to pass the operating and capital budgets of the city; and

WHEREAS, it shall be the responsibility of the City Manager to administer such budgets and to keep the mayor, mayor pro tempore, and City Council fully informed as to the City’s progress against such budgets.; and

WHEREAS, the City’s Financial Management Policy seeks to provide guidelines for oversight and management of the City’s budget, revenue, expenditures, internal controls and fixed assets; and

WHEREAS, the City desires to amend provisions of the City’s Financial Management Policy in various areas. The amendment will also add and update language.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST, GEORGIA, and by the authority thereof:

Section 1. The City of Stonecrest Financial Management Policy is hereby amended by adopting the provisions set forth in Exhibit A attached hereto and made a part by reference.

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and 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 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.

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE NO. _____

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

56
57 **Section 4.** Penalties as provided in Section 1-11 of the Code of Ordinances, City of Stonecrest,
58 Georgia shall be and are hereby made applicable to this Ordinance and shall remain
59 in full force and effect.

60
61 **Section 5.** All ordinances and parts of ordinances in conflict herewith are, to the extent of such
62 conflict, hereby repealed.

63
64 **Section 6.** The effective date of this Ordinance shall be the date of adoption unless otherwise
65 stated herein.

ORDAINED this _____ day of _____, 2022.

[SIGNATURES ON THE FOLLOWING PAGE]

**STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST**

ORDINANCE NO. _____

CITY OF STONECREST, GEORGIA

George Turner, Mayor Pro Tem

ATTEST:

City Clerk

APPROVED AS TO FORM BY:

City Attorney

**STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST**

Item XIII. a.

ORDINANCE NO. _____

EXHIBIT A

Stonecrest
Financial
Management
Policy

(ADOPTED January 2019)

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SECTION I. GENERAL BUDGET POLICIES

The budget process provides the primary mechanism by which key decisions are made regarding the levels and types of services to be provided within estimated resources. The budget policy guides this process. The budget policy also directs the City's financial health and stability.

Georgia law (e.g., O.C.G.A. 36-81-2 et seq.) provides the budget requirements for Georgia local governments. The information below provides an outline of the City's application of those laws. The City's goal will be to adopt operating budgets where current revenues equal anticipated expenditures. All departments supported by the resources of this City must function within the limits of the financial resources identified or available specifically to them. A balance must be struck between revenues and expenditures, so that the public can realize the benefits of a strong and stable government. It is important to understand that this policy is applied to budget entities over periods of time which extend beyond current appropriations. By law, budgets cannot exceed available resources, defined as revenues generated in the current period added to balances carried forward from prior years. Temporary shortages, or operating deficits, can and do occur, but they are not tolerated as extended trends.

A. SCOPE

This policy applies to all budgeted funds, which are the responsibility, and under the management of the City of Stonecrest and its Department of Finance.

B. FINANCING CURRENT COSTS

Current costs shall be financed with current revenues, including the use of authorized fund balances. The City shall avoid balancing current expenditures through the obligation of future year's resources. The City shall strive to avoid short-term borrowing to meet cash flow requirements. However, the City may enter into short-term borrowing should a critical need arise.

C. BUDGET OBJECTIVE BY TYPE OF FUND

The following budget objectives are established for the different funds the City uses:

1. General Fund – The annual budget for the General Fund shall provide for general government operations of the City and maintain working capital necessary for the City's financial health and stability.
2. Special Revenue Fund(s) – The City adopts annual budgets for each special revenue fund that demonstrates that any legally restricted revenue sources are used consistent with the applicable laws and/or regulations (i.e. Hotel/Motel Fund, Drug Enforcement Agency Fund, and Operating Grants Fund).
3. Capital Project Fund(s) – The City adopts project budgets for each of its capital project funds. These adopted appropriations do not lapse at the end of a fiscal year; rather they remain in effect until project completion or re-appropriation by City Council.

4. Debt Service Fund(s) – The City adopts annual budgets for its debt service funds (if applicable). Any remaining fund balances from prior years plus current years projected revenues shall be sufficient to meet all annual debt service requirements.

5. Enterprise Fund(s) - Although generally accepted accounting principles (GAAP) or Georgia statutes do not require the City to adopt budgets for enterprise funds, the City will adopt budgets for enterprise funds in order to monitor revenues and control expenses. The City will use a business approach if and when budgeting enterprise funds. Enterprise funds shall be self-supporting whenever possible and subsidized losses will be minimized when break-even is not possible. See revenue policies in Section IV

Additionally, the City classifies funds as either operating funds or non-operating funds. Operating funds are those funds that include appropriations for the payment of salary/benefits and whose maintenance & operating appropriations are necessary to continue the daily operations of the City. The General Fund will always be an operating fund. Non-operating funds are those funds that do not include appropriations for the payment of salary/benefits and whose maintenance & operating appropriations are not critical to the daily operations of the City. Examples of non-operating funds are the SPLOST Fund, and Grant Operating Fund.

OPERATING BUDGET

The operating budget shall be prepared on an annual basis and include those funds detailed in Section I that are subject to annual appropriation (all funds excluding the Capital Project Funds).

Prior year budget appropriations and prior year actual data will be provided as reference data, with the current year appropriation. At a minimum, the City shall adopt annual balanced budgets for the general fund, each special revenue fund, and each debt service fund (if applicable) in accordance with O.C.G.A. 36-81-3.

The annual proposed budget should be submitted to the governing authority while being held by the Department of Finance for public review/inspection in accordance with O.C.G.A. 36-81-3.

Public meetings will be conducted after proper advertisement prior to the City Council adopting and approving the annual budget document. (O.C.G.A. 36-81-5 and 36-81-6).

A. DEPARTMENTAL APPROPRIATIONS

The budget shall be developed based upon “line-item” expenditures within each department. This type of budget focuses on categories of expenditures such as personal services, contractual services, supplies, equipment, etc. within each department. At a minimum, each department’s appropriation in each fund shall be detailed within the budget document. (O.C.G.A. 36-81-3 and 36-81-5).

B. BUDGET PREPARATION CATEGORIES

Each department shall submit budget requests separately for:

- Current services - A current services budget is defined as that level of funding which is necessary to provide the same level of service for the upcoming year that is currently being provided. The current services budget will include replacement capital equipment.
- Expanded services - An expanded services budget includes funding requests associated with new services, additional personnel or new capital projects/equipment.

C. BALANCED BUDGET

The budget shall be balanced for each budgeted fund. Total anticipated revenues plus that portion of fund balance in excess of authorized reserves (see operating budget policy G below) that is designated as a budget-funding source shall equal total estimated expenditures for each fund.

D. BASIS OF BUDGETING

Neither GAAP nor Georgia statutes address a required budgetary basis of budgeting, the City adopts budgets in conformity with GAAP for all budgeted funds. All governmental funds use the modified accrual basis of accounting and proprietary fund budgets (when applicable) use the accrual basis of accounting.

E. LEVEL OF BUDGET ADOPTION AND CONTROL

All budgets shall be adopted at the legal level of budgetary control, which is the department level within each individual fund. See policy J below for amending the budget.

F. BUDGET STABILIZATION RESOURCES

The City shall establish a fund balance reserve in all operating funds (defined in Section I of this policy) for working capital. The purpose of working capital is to cover the cost of expenditures caused by unforeseen emergencies, cover shortfalls caused by revenue declines, and to eliminate any short-term borrowing for cash flow purposes. This reserve shall accumulate and then be maintained at all times an amount which represents no less than twenty five percent (25%) of operating and debt expenditures.

G. OPPORTUNITY FUND

The City shall establish a fund balance reserve in the general operating fund (defined in Section I of this policy) for future unknown projects. This reserve shall accumulate and then be maintained at all times an amount which represents no less than ten percent (10%) of operating expenditures. This policy shall not apply if the City or its component units have debt service payments.

H. UTILIZATION OF PRIOR YEAR'S FUND BALANCE IN BUDGET

If necessary, the City may use fund balance in excess of the reserve for working capital (see budget policy F above) as a funding source for that fund's budget. The amount of unreserved fund balance shall be estimated conservatively, taking into consideration future year needs. The minimum requirement for the reserve for working capital, equal to twenty five percent (25%) of operating and debt expenditures, must first be met before utilizing the excess fund balance as a funding source for the budget.

I. APPROPRIATION LAPSES AT YEAR END

All operating budget appropriations (including encumbered appropriations) shall lapse at the end of a fiscal year. Purchases encumbered in the current year, but not received until the following year, must be charged against a department's subsequent year appropriation.

J. BUDGET CONTROL REPORTS

The City shall maintain a system of budgetary control reports to assure adherence to the budget. The City will prepare and distribute to departments, timely monthly financial reports comparing actual revenues, and outstanding encumbrances and expenditures with budgeted amounts.

K. AUTHORIZATION OF BUDGET ADJUSTMENTS AND AMENDMENTS

The budget is a dynamic rather than static plan, which requires adjustments and formal budget amendments as circumstances change. The City Council must approve all increases in total departmental appropriations, and increases in the personal services budgets (i.e., moving salary or employee benefit budget to other line items).

Department heads must submit budget amendment requests transferring appropriations from one line item to another, other than those prohibited above, and obtain approval by the Director of Finance and the City Manager. Adjustments from appropriations that have been obligated, committed, or reserved for a designated purpose shall not be transferred until a formal de-obligation occurs.

At the mid-point of each year, any necessary budgetary appropriations, including budgets for any projects authorized but not funded during the year, shall be appropriated through a supplementary budget ordinance. This mid-point adjustment is limited to requesting additional resources. Such supplemental appropriations shall be balanced with additional revenues for each fund. A justification for each requested change must be prepared (O.C.G.A. 38-81-3).

L. CONTINGENCY LINE-ITEM

The City shall establish an appropriated contingency of two percent (2%) of the total annual expenditure appropriation in all operating funds (defined in Section I of this policy) in order to accommodate unexpected operational changes, legislative impacts, or other economic events affecting the City's operations which could not have been reasonably anticipated at the time the budget was prepared.

Non-operating funds (defined in Section I of this policy) shall not require a contingency reserve appropriation.

This contingency reserve appropriation will be a separate line item within the budget. This amount shall be subject to annual appropriation. The approval of the City Manager is required before this appropriation can be expended. If approved, the Finance Department will transfer the appropriation from the contingency line item to the applicable line item(s) with the applicable department's budget.

M. MAINTENANCE AND REPLACEMENT OF CAPITAL EQUIPMENT

The City Council will give budget priority to requests that provide for adequate maintenance of capital equipment and facilities and for their orderly replacement.

N. CONTRIBUTIONS

Unless authorized by the City Manager, outside contributions to programs operated by City departments shall be subject to the City's accounting and budgetary policies. The City welcomes both unrestricted and restricted contributions compatible with the City's programs and objectives. Any material contribution shall be appropriated by the City Manager prior to expenditure. Material contributions shall be defined as one-time contributions exceeding one percent of the department's annual maintenance and operating expenditure appropriation or \$10,000, whichever is less.

O. ADMINISTRATIVE SERVICE FEE/COST ALLOCATION

Whenever possible, the City may assess an administrative service fee from the General Fund to any other fund, based upon documentation and/or an outside independent study. This assessment will be based upon a percentage of the operating revenues, or services provided to the fund and shall be used to reimburse the General Fund for the administrative and support services provided to the assessed fund.

CASH FLOW BUDGET

For analysis and internal management purposes, the City shall prepare an annual cash flow budget in conjunction with the Operating Budget. The purpose of this document will be to provide the necessary guidelines to insure that cash will be available to pay budget costs on a timely basis.

A. BUDGET ALLOTMENTS

Budget allocations (i.e., budget allotments) are used in the operating budget, when needed to manage cash flows. The annual appropriation may be divided into segments in order to insure that the projected revenue streams will be adequate to fund the appropriated expenditures. The cash flow budget will provide details as to the periods in which the revenues will be collected, and thereby providing for available resources to pay obligations.

CAPITAL BUDGET

The Capital Projects Funds are used to accumulate resources available and expenditures approved for items that have an estimated life of five or more years including vehicles and large equipment. In providing additional detail on the criteria of operating vs. capital, projects that are appropriated may be continuations of previously completed projects. Projects resulting in improvements to enterprise or special revenue funds are paid directly from those funds.

The majority of the city's capital projects are financed on a pay-as-you-go basis. The financing mechanism for pay-as-you-go capital is an inter-governmental fund transfer originating from the general fund. Appropriations for the transfers are made primarily from undesignated fund balance. Additional revenue sources include State Department of Transportation funds for qualified street and highway improvements, grants, and interest earnings. As a matter of practice, the city does not customarily enter into contracts creating improvement districts for citizens whereby a re-payment is required for capital work to be completed. These types of projects customarily are qualified as the responsibility of the appropriate party.

Newly identified capital projects are accumulated throughout the year and are added to the "unfunded" project list. Each of these unfunded projects is prioritized on an on-going basis to allow for direct funding when available. The annual budget process appropriates project specific items as funding is available. When funded capital projects are completed, the remaining balance is transferred to an unallocated capital project account. Routinely, Council discussions apply unfunded budgetary appropriations to projects with the highest priority.

SECTION II. REVENUE

This section provides direction in the administration of the revenues the City receives.

The City levies, collects and records certain taxes, license and permit fees, intergovernmental revenues, charges for service, investment income, fines and forfeitures, and other miscellaneous revenues and financing sources.

A. DIVERSIFICATION AND STABILITY

All revenues have particular characteristics in terms of stability, growth, sensitivity to inflation or business cycle effects, and impact on the tax and ratepayers. A diversity of revenue sources can improve a City's ability to handle fluctuations in revenues and potentially help to better distribute the cost of providing services. The City shall strive to maintain a diversified and stable revenue structure to shelter it from short-term fluctuations in any primary revenue source. When possible, the revenue mix shall combine elastic and inelastic revenue sources to minimize the effect of economic downturns.

B. CONSERVATIVE REVENUE ESTIMATES

As part of the annual budget process, an objective analytical process will estimate revenues realistically and prudently. The City will estimate revenues of a volatile nature conservatively.

C. USER BASED FEES AND CHARGES (Exchange Revenue)

The level of user fee cost recovery should consider the community-wide versus special service nature of the program or activity. The use of general-purpose revenues is appropriate for community-wide services, while user fees are appropriate for services that are of special benefit to easily identified individuals or groups. The City will strive to keep the revenue system simple for the taxpayer or service recipient and to decrease the occurrence of avoidance to pay. The City's revenue system will strive to maintain equity in its structure. That is, the City will seek to minimize or eliminate all forms for subsidization between entities, funds, services, utilities, and customers. However, it is recognized that public policy decisions may lead to subsidies in certain circumstances (e.g., senior citizen partial tax abatement). Fees will be reviewed and updated on an ongoing basis to ensure that they keep pace with changes in the cost-of-living as well as changes in methods or levels of service delivery. The Finance Department will forward any proposed changes to the City Council for approval. For services associated with a user fee or charge, a fee shall offset the costs of that service, where possible. Costs of services include direct and indirect costs such as operating and maintenance costs, administrative costs, and charges for the use of capital (e.g., depreciation and/or debt service).

D. ALTERNATIVE REVENUE SOURCES

The City shall seek alternative funding sources whenever possible to reduce the required revenue from non-exchange transactions (e.g., fines). Such alternative sources include private and public grants, federal or state assistance, and public and private contributions.

E. REVENUE COLLECTION

The City will follow a thorough policy of collecting revenues, consistent with state and federal laws. This policy includes charging of penalties and interest, revoking City licenses, and providing for the transferring and assignment of tax executions.

F. RATES AND CHARGES

The City Council shall approve annually, a fee schedule which includes all revenue rates, charges, and processes in association with receipted funds that are deposited by the City, in accordance with the Code of Ordinances.

CASH AND INVESTMENT MANAGEMENT

The objective of the cash and investment management policy is to maximize interest earnings within an environment that strongly emphasizes legal compliance and safety while providing cash flow liquidity to meet the City's financial obligations.

A. SCOPE

This investment policy applies to all cash and investments, both short and long-term, which are the responsibility, and under the management of the City of Stonecrest Department of Finance.

B. POOLED CASH/INVESTMENT MANAGEMENT

Except for cash in certain restricted and specialized funds, the City will consolidate cash balances from all funds to maximize investment earnings (if applicable). Investment income will be allocated to the various funds based upon their respective participation and in accordance with generally accepted accounting principles.

C. GENERAL OBJECTIVES

The primary objectives of investment activities shall be as follows:

1. Safety

Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

i. Credit Risk

The City will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:

- Limiting investments to the safest types of securities (primarily obligations of the U.S. government or obligations explicitly guaranteed by the U.S. government)
- Requiring a credit rating of "A3" or better from Moody's rating agency and "A-" from Standard & Poor's.
- Pre-qualifying the financial institutions, brokers/dealers, intermediaries, and advisers with which the City will do business
- Diversifying the investment portfolio so that potential losses on individual securities will be minimized.

ii. Custodial Risk

Custodial risk, that is the risk associated with uninsured deposits, uninsured securities, or securities not registered in the City's name shall be minimized by,

- Collateralization in alignment with State of Georgia legislation equal to 110% of the deposit held in the City's name (see section F, Safekeeping and Custody, subsection 2, Collateralization);
- Securities shall be held in the City's name.

iii. Interest Rate Risk

The City will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, by:

- Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity
- Investing operating funds primarily in shorter-term securities, money market mutual funds, or similar investment pools.

iv. Concentration Risk

The risk associated with a high concentration of government funds which are not diversified shall be reduced by:

- Limiting investments to any one issuer to less than 5% of the investment portfolio.
- Investments explicitly guaranteed by the U.S. government and investments in mutual funds, external investment pools, and other pooled investments are excluded from this requirement.

v. Foreign Currency Risk

The City will negate all foreign currency risk through investment only in instruments where exchange rates do not apply.

2. Liquidity

The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist of securities with active secondary or resale markets (dynamic liquidity). A portion of the portfolio also may be placed in instruments offering same-day liquidity for short-term funds.

3. Yield

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall not be sold prior to maturity with the following exceptions:

- A security with declining credit may be sold early to minimize loss of principal or to reduce any eminent risk as identified under Section 1, "Safety" of this policy
- A security swap which improves the quality, yield, or target duration in the portfolio
- Liquidity needs of the portfolio require that the security be sold.

D. STANDARDS OF CARE

1. Prudence

The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio. Investment officer(s) acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility of an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

2. Ethics and Conflicts of Interest

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City.

3. Delegation of Authority

Authority to manage the investment program is granted to the Director of Finance, referred to as the investment officer in this policy. Responsibility for the operation of the investment program is hereby delegated to the investment officer, who shall act in accordance with the established written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, and collateral/depository agreements. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the investment officer. The investment officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

E. SAFEKEEPING AND CUSTODY

1. Authorized Financial Dealers and Institutions

A list will be maintained of financial institutions authorized to provide investment services. In addition, a list also will be maintained of approved security broker/dealers selected by creditworthiness (e.g., a

minimum capital requirement of \$10,000,000 and at least five years of operation). These may include “primary” dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule). All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following as appropriate:

- Audited financial statements
- Proof of National Association of Securities Dealers (NASD) certification
- Proof of state registration
- Completed broker/dealer questionnaire
- Certification of having read and understood and agreeing to comply with the City’s investment policy.

An annual review of the financial condition and registration of qualified financial institutions and broker/dealers will be conducted by the investment officer.

From time to time, the investment officer may choose to invest in instruments offered by minority and community financial institutions. In such situations, all criteria identified under above shall apply. All terms and relationships will be fully disclosed prior to purchase and will be reported to the appropriate entity on a consistent basis and should be consistent with state and local law. These types of investment purchases should be approved by the City Council in advance of their purchase.

2. Internal Controls

The City Manager is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met.

The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits requires estimates and judgments by management.

Accordingly, the investment officer shall establish a process for an annual independent review by an external auditor to assure compliance with regulatory policies and procedures including Generally Accepted Governmental Auditing Standards.

3. Delivery vs. Payment

All trades where applicable will be executed by delivery vs. payment (DVP) to ensure that securities are deposited in an eligible financial institution prior to the release of funds. Securities will be held by a third-party custodian in the City’s name, as evidenced by safekeeping receipts.

F. SAFEKEEPING AND CUSTODY

1. Investment Types

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

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

In accordance with O.C.G.A. 36-82-7, investments made with unexpended bond proceeds shall be limited to:

- Bonds or obligations of the governmental entities and/or political subdivisions of the state,
- Bonds or obligations of the U.S. government which are fully guaranteed,
- Obligations of agencies of the U.S. government, bonds or other obligations of public housing agencies or municipal corporations in the United States,
- Certificates of deposit of national or state banks insured by the Federal Deposit Insurance Corporation;
- Certificates of deposit of Federal Saving and Loan Associations; and
- The Georgia local government investment pool (Georgia Fund I)

2. Collateralization

City shall require pledges of collateral from the depository institution covering at least 110% of the cash/investment. This requirement is in accordance with O.C.G.A. 36-83-5; 45-8-12; 50-17-59; and 45-8-13. Deposit-type securities (i.e., certificates of deposit) shall be collateralized at 110% of the face value. Other investments shall be collateralized by the actual security held in safekeeping by the primary agent.

3. Repurchase Agreements/Derivatives

Repurchase agreements shall be consistent with GFOA Recommended Practices on Repurchase Agreements. Investments in derivatives of the above instruments shall require authorization by the City Council and be consistent with GFOA Recommended Practices on the "Use of Derivatives by State and Local Governments".

G. USING GEORGIA FUND I

The City will utilize the State of Georgia local government investment pool (i.e., Georgia Fund I) anytime this investment tool is deemed to be in the best interest of the City. Criteria used to determine the use of this investment pool will be the same as any other investment purchase.

H. INVESTMENT PARAMETERS

1. Diversification

The investments shall be diversified by:

- Limiting investments to avoid over concentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities)
- Limiting investment in securities that have higher credit risks
- Investing in securities with varying maturities, and
- Continuously investing a portion of the portfolio in readily available funds such as a the Georgia Local Government Investment Pool, money market funds or overnight repurchase agreements to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.

2. Maximum Maturities

To the extent possible, the City shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than five (5) years from the date of purchase. The City shall adopt weighted average maturity limitations ranging from 90 days to 5 years, consistent with the investment objectives.

Reserve funds and other funds with longer-term investment horizons may be invested in securities exceeding five (5) years if the maturities of such investments are made to coincide as nearly as practicable with the expected use of funds. The intent to invest in securities with longer maturities shall be disclosed in writing to the City Council.

I. REPORTING

1. Methods

The investment officer shall prepare an investment report monthly which shall be included in the Department of Finance Financial Update Report. Information provided will include a management summary that provides an analysis of the status of the current investment portfolio and transactions made over the last month. This management summary will be prepared in a manner which will allow the City to ascertain whether investment activities during the reporting period have conformed to the investment policy. The report will be transmitted to the City Council via a consent item placed on a City Council Meeting Agenda. At a minimum, the report will include the following:

- Listing of individual securities held at the end of the reporting period with maturity dates
- Realized and unrealized gains or losses resulting from appreciation or depreciation by listing the cost and market value of securities over one-year duration that are not intended to be held until maturity
- Average weighted yield to maturity of portfolio on investments as compared to applicable benchmarks
- Percentage of the total portfolio which each type of investment represents.

City of Stonecrest Financial Management Policy

2. Performance Standards

The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. A series of appropriate benchmarks shall be established against which the portfolio performance shall be compared on a regular basis.

3. Marking to Market

The market value of the portfolio shall be calculated at least monthly and a statement of the market value of the portfolio shall be issued at least monthly.

Governmental Accounting Standards Board References:

Statement No. 3, Deposits with Financial Institutions, Investments, and Reverse

Repurchase Agreements

Statement No. 28, Accounting and Financial Reporting for Securities Lending

Transactions

Statement No. 31, Accounting and Financial Reporting for Certain Investments and for External Investment Pools

Statement No. 40, Deposit and Investment Risk Disclosures

GRANT MANAGEMENT

This policy provides direction in the application, acceptance and administration of funds awarded through grants to the City from other local governments, the state or federal government, nonprofit agencies, philanthropic organizations and the private sector.

A. GRANT APPLICATIONS

The City Manager and/or his/her designee is/are responsible for the submission of all grant applications on behalf of the City of Stonecrest. Departments who wish to submit grant applications must work in conjunction with the City Manager and/or his/her designee. Once a grant opportunity has been identified, the City Manager and/or his/her designee must notify the Department of Finance of the application, the financial reporting requirements, and any required matching funds or other City resources needed to meet the grant requirements. Prior to the acceptance of the grant, the Finance Department, in cooperation with the submitting/receiving department shall complete an analysis of financial requirements to ensure the City can meet the grant program's financial requirements and the City can fulfill the applicable obligations required by the grant. All grant revenues and expenditures, including matching requirements, must be appropriated, either in the current budget or included for appropriation in the subsequent budget. The City Manager shall approve grant applications and

submissions that allow both the submission of the grant application and the acceptance of the grant award. Prior to grant submission the City Council must authorize the City Manager or designee to apply for and submit grant for acceptance.

B. GRANT ADMINISTRATION

The City Manager and/or his/her designee is/are responsible for fulfilling the financial reporting and accountability requirements of each grant the City accepts. The City Manager and/or his/her designee and receiving departments are responsible for adhering to the grant program requirements and tracking all applicable expenditures for reporting purposes. The Department of Finance is responsible for accounting for grant transactions according to the Accounting, Auditing, and Financial Reporting Policy and in compliance with Generally Accepted Accounting Principles (GAAP). The City Manager and/or his/her designee is/are responsible for maintaining the following records for each grant award.

- a. Copy of Grant Application
- b. Resolutions authorizing application and acceptance
- c. Notification of Grant Award
- d. Financial reporting and accounting requirements
- e. Schedule of funding needs

C. AUDITING

The Finance Department shall comply with all local, state, and federal requirements with respect to the auditing of information as they pertain to the acceptance of grant funds. This includes the Single Audit Act with any future revisions or additional that may be applicable to City grant projects.

SECTION III. EXPENDITURE

This section provides guidance on authorized expenditures for all departments under the authority of the Mayor and City Council. This section shall cover those costs incurred for normal business operations. Operating guidelines and procedures for procuring goods and services shall be issued under separate cover(s) as they do not constitute nor necessitate the City Council approval.

A. APPROPRIATION

In conjunction with the annual budget process, the City Council shall authorize departments appropriations consistent with the annual adopted operating and capital budgets. Departments shall not incur expenditures unless an appropriation is available.

B. EXPENDITURE APPROVAL

All expenditures relating to City operations shall be processed consistent with procurement/purchasing guidelines. Once the Finance Department receives the proper documentation from the incurring departments, the execution of payment shall occur. The Finance Department shall only process transactions for payment based upon the proper approval for the dollar amount of the expenditure, including adequate documentation, received either electronically or in writing.

C. SETTLEMENT OF DISPUTE

The Department of Finance shall review expenditure documents for compliance and appropriateness with all City policies and procedures. Expenditure documents that are not in compliance with these policies and procedures shall be returned to the originating department with Finance Department recommendations for changes (e.g., travel issues, cellular phone use). In the event the department does not agree with the Finance Department's recommendations, the City Manager shall make the final decision.

D. ELECTED OFFICIALS ALLOCATION

During the annual budget process, an appropriation will be allocated to each elected official to be used at his/her discretion for the benefit of the City (e.g., travel costs incurred at the annual GMA conference). The amount appropriated will be dependent upon the approval during the budget process.

DEBT ISSUANCE AND MANAGEMENT

The goal of the City's debt policy is to maintain a sound fiscal position; thereby only utilizing long term debt to provide resources to finance needed capital improvements, buildings and equipment while accumulating adequate resources to repay the debt. In addition, it is the City's goal to maintain and improve its credit rating through strong financial administration. The City acknowledges that failure to meet the demands of growth may inhibit its continued economic viability, but also realizes that excess outstanding debt may have detrimental effects on the ability of the City to meet its continuing operational needs.

Issuing debt commits the City's revenues several years into the future, and may limit its flexibility to respond to changing service priorities, revenue inflows, or cost structures. Adherence to this debt policy helps ensure that the City issues and manages its debt prudently in order to maintain a sound financial position and protect its credit rating.

Credit ratings are the rating agencies' assessment of the City's ability and willingness to repay debt on a timely basis. Credit ratings are an important indicator in the credit markets and can influence interest rates a borrower must pay. Each of the rating agencies believes that debt management is a positive factor in evaluating issuers and assigning credit ratings. Therefore, implementing debt management practices will be viewed positively by the rating agencies and could influence the City's credit rating and ultimately lower borrowing costs.

A. CONDITIONS FOR ISSUING LONG-TERM DEBT

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

1. When one-time, non-continuous projects (those not requiring annual appropriations) are desired;
2. When the City determines that future users will receive a benefit from the capital improvement that the debt financed;
3. When the project is necessary to provide basic services to the City residents;
4. When total debt, including debt issued by overlapping governments (e.g., the county), does not constitute an unreasonable burden to the taxpayers; and
5. Exhaustion of the use of all other possible revenue sources provides no alternative funding for capital projects.

The City will limit its short-term borrowing to cover cash flow shortages through the issuance of tax anticipation notes.

B. SOUND FINANCING OF DEBT

When the City utilizes debt financing, the following will occur to ensure that the debt is soundly financed:

1. Analysis of the financial impact, both short-term and long-term, of issuing the debt;
2. Conservatively projecting the revenue sources that the City will use to repay the debt;
3. Insuring that the term of any long-term debt the City incurs shall not exceed the expected useful life of the asset the debt financed;

4. Maintaining a debt service coverage ratio (i.e., for revenue secured debt) that ensures that the revenues pledged for the repayment of the outstanding debt will be adequate to make the required debt service payments.

C. DEBT RETIREMENT

Generally, borrowings by the City should be of a duration that does not exceed the economic life of the capital improvement, building, or equipment that it finances and where feasible, should be shorter than the projected economic life. To the extent possible, the City should design the repayment of debt so as to recapture rapidly its credit capacity for future use.

D. DISCLOSURE

The City shall follow a policy of full disclosure in financial reporting and with the preparation of a bond prospectus.

E. LEGAL COMPLIANCE

When issuing debt, the City shall comply with all legal and regulatory commission requirements, including the continuing disclosure requirements. This compliance includes adherence to local, state and federal legislation and bond covenants.

More specifically, the Director of Finance is responsible for maintaining a system of record keeping and reporting to meet the arbitrage rebate compliance requirements of the federal tax code. This effort includes tracking investment earnings on bond proceeds, calculating rebate payments in compliance with tax law, and remitting any rebatable earnings to the federal government in a timely manner in order to preserve the tax exempt status of the City's outstanding debt issues. Additionally, general financial reporting and certification requirements embodied in bond covenants are monitored to ensure that all covenants are complied with.

The City will comply with Amended SEC Rule 15c2-12 (the "Rule") by providing secondary market disclosure for all long-term debt obligations, which are subject to the Rule. As required, the City will submit annual financial information to all nationally recognized municipal securities repositories.

F. CREDIT RATINGS

The City Manager and Director of Finance are responsible for maintaining relationships with the rating agencies that assign ratings to the City's various debt obligations. This effort includes providing periodic updates on the City's general financial condition along with coordinating meetings and presentations in conjunction with a new debt issuance.

G. DEBT SERVICE COVERAGE RATIO

To assure the City follows sound financing of debt, the City may not exceed a twenty-five percent (25%) debt service coverage ratio of operating funds of the City and its component units for each fiscal year.

H. OTHER POLICIES

All bond issue requests shall be coordinated by the Department of Finance. Requests for new bonds must be identified during the Capital Improvement Program (CIP) process. Opportunities for refunding outstanding bonds shall be communicated by the Department of Finance.

Annual budget appropriations shall include debt service payments (interest and principal) and reserve requirements for all debt currently outstanding.

Long-term borrowing shall be incorporated into the City's capital improvement plan (see above).

SECTION IV. INTERNAL CONTROLS

The City shall maintain a system of financial monitoring, control, and reporting for all operations and funds in order to provide an effective means of ensuring that financial integrity is not compromised. In addition, such practices shall provide City officials with the necessary resources in order to make sound financial decisions.

A. SCOPE

This policy applies to all accounting records that are the responsibility and under the management of the City's Department of Finance.

B. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (GAAP)

The City will establish and maintain a high standard of accounting practices. Accounting standards will conform to generally accepted accounting principles of the United States as promulgated by the Governmental Accounting Standards Board (GASB). The City also will follow the Financial Accounting Standards Board's pronouncements, as applicable.

C. FUND STRUCTURE

The City will maintain the minimum number of funds consistent with legal compliance and sound financial administration. The City will adhere to the mandatory fund structure included in the Georgia

Department of Community Affairs' (DCA) chart of accounts (see below). Funds shall be classified in conformity with GAAP. Further, all funds shall be reported within the annual financial statements.

D. CHART OF ACCOUNTS

The Georgia General Assembly passed the Local Government Uniform Chart of Accounts and Reporting act in 1997 (House Bill 491). This law requires the DCA to prepare and issue a standardized chart of accounts for Georgia governments. It shall be the policy of the City to implement and utilize the account classifications as the chart of accounts prescribes.

CASH MANAGEMENT POLICY

A. Procedures for Cash Collection Points

The following list of procedures is required for the operation of cash collection points:

- All cash received must be recorded through a computerized accounting system with computer generated official City receipts or official City temporary cash receipts. When a cash collection point with a computerized accounting system uses temporary cash receipts, those temporary receipts must be converted over to computerized receipts as soon as possible. If the conversion cannot be accomplished within 48 hours, the cash should be deposited into the department's primary operating account and tracked in detail until it is recorded on the computerized accounting system. The customer must be presented an official City receipt form with a duplicate record being retained by the receiving department. All numbered receipts must be accounted for, including the original of voided receipts.
- The cash collection point must maintain a clear separation of duties. An individual should not have responsibility for more than one of the cash handling components: collecting, depositing, disbursement, and reconciling.
- The funds received must be reconciled to the computerized accounting system cash report or to the total of the temporary receipts at the end of the day or at the end of each shift. Cash must be reconciled separately from checks, credit cards, and money orders by comparing actual cash received to the cash total from the cash report or to the sum of the cash sales from the manual receipts.
- All cash must be protected immediately by using a cash drawer, safe or other secure place until they are deposited. A secure area for processing and safeguarding funds received is to be provided and restricted to authorized personnel.
- Checks must be made payable to City of Stonecrest, and must be endorsed promptly with a restrictive endorsement stamp payable to City of Stonecrest. The endorsement stamps must be ordered through the Finance Department.
- Checks or credit card transactions will not be cashed or written for more than the amount of purchase.
- Collections must be deposited to the City Depository within 24 hours.

- All cash must be deposited intact, and not intermingled or substituted with other cash.
- Refunds or expenditures must be paid through the appropriate City bank account on a signature City generated check.
- Each Department will use only depository issued deposit slips for reconciliation of the supporting documentation to the deposit and to the monthly statements of account.
- .

B. Preparation of Deposits

- Checks must be made payable to City of Stonecrest.
-
- Attach a copy of the Transmittal Batch showing transaction totals for credit card receipts.
- Only Depository issued deposit slips including the appropriate account number(s)) are to be used.
- Someone not involved with collecting the cash, opening the mail or reconciling the deposit must verify the deposit.
- The deposit shall be scanned as a mobile deposit by finance staff to the Depository/Financial Institution.
- In the event the mobile deposit is prohibited or the check/money order will not feed through the mobile deposit scanner, the a deposit will be made at the nearest branch location.
- Balance Receipts to the accounting system and the monthly bank account statements and resolve any discrepancies.
- All receipts that have not been deposited will be stored in a locked safe until deposit transport to the depository can be arranged.

E. PRE-NUMBERED RECEIPTS

The City's financial system generates receipts for payments.

F. EXCEPTIONS

The City Manager must approve any exception to these procedures. For example, in cases where there is not enough staff available to maintain complete separation of duties, an alternate process to safeguard City funds must be established and approved by the City Manager.

G. RECORD RETENTION

All cash receipts and related documents must be maintained in accordance with Record Retention schedules. Accounting reports, deposit slips, credit card receipts, copies of manual cash receipts, etc. should be kept for seven years.

AUDITING

Georgia Law on Local Government Audits, O.C.G.A. Section 36-81-7, requires an independent annual audit for the City. The annual independent audit shall be conducted in accordance with generally accepted auditing standards (GAAS) and generally accepted governmental auditing standards (GAGAS). In addition, the City shall comply with the requirements of the General Accounting Office (GAO) and the Office of Management and Budget (OMB) when audits are conducted relating to federal funding, consistent with the 1996 (and any future) amendments to the Single Audit Act.

A. SCOPE

This policy applies to all funds that are the responsibility and under the management of the City of Stonecrest and its Department of Finance.

B. AUDITOR QUALIFICATIONS

A properly licensed Georgia independent public accounting firm shall conduct the audit

C. CHOOSING THE AUDIT FIRM

When necessary, the City will issue a request for proposal to choose an audit firm for a period of five years. The City will request two proposals from qualified public accounting firms. One proposal shall contain the firm's costs and a second will contain the firm's qualifications. The cost proposals shall only be opened after three qualified firms are determined. When awarding the contract for the independent audit, not less than 70% of the decision will be based upon technical qualifications rather than cost.

D. AUDITING AGREEMENT

The agreement between the independent auditor and the City shall be in form of a written contract or an engagement letter. The contract or engagement letter shall include the request for proposal as an appendix to the written document and all issues addressed in the request for proposal shall be required as part of the contract or engagement letter.

E. INTERNAL AUDIT

The City shall work towards developing and maintaining a strong internal audit function, whereby applying financial practices and policies to transactions. The City shall develop accounting practices and procedures, which will be documented for use in internal control evaluation.

F. REPORTING

The City shall report in conformity with O.C.G.A Section 36-81-7 a copy of the City's annual audit to the Georgia Department of Audits and Accounts within 180 days of year- end, as required.

G. MALFEASANCE AND EMBEZZLEMENT

Any employee will be prosecuted to the extent of the law in any instance where the employee is proven to have committed an illegal act such as theft.

FINANCIAL REPORTING

The Department of Finance shall develop and maintain an ongoing system of financial reporting to meet the information needs of the government, authorities, and regulatory agencies. In addition, the City Manager, Mayor, Council, Department Heads and the public shall have access to reports to allow them to monitor, regulate, and to use as a basis for future financial decisions. To ensure transparency, the City's financial reports, including annual and monthly reports shall be made available to the public via the City's website.

A. COMPREHENSIVE ANNUAL FINANCIAL REPORT

In conjunction with the annual independent audit, the City shall work towards preparing and publishing a Comprehensive Annual Financial Report (CAFR). The City shall prepare the CAFR in conformity with GAAP and the Government Finance Officers Association's (GFOA) program requirements. Annually, the City will submit its CAFR to the GFOA to determine its eligibility to receive the GFOA's "Certificate of Achievement for Excellence in Financial Reporting." The City shall make this report available to the elected officials, bond rating agencies, creditors and citizens. All financial statements and schedules contained within the CAFR shall be audited, with the purpose to effectively communicate the complete financial affairs of the City to all interested readers

B. ANNUAL BUDGET DOCUMENT

The City shall prepare and publish an annual budget document in accordance with the policies contained within this document. This budget shall measure the annual funding and forecast the financial position of the City for the two subsequent fiscal years.

C. FINANCIAL REPORTING TO THE CITY COUNCIL

On a monthly basis, the Finance Department shall prepare and present a summarized "Statement of Revenues and Expenditures" to the City Council for all of the City's operating funds. This report shall detail prior year comparisons to provide data for analysis.

D. FINANCIAL REPORTING TO THE ADMINISTRATION

In addition to the external reporting detailed above, the Finance Department shall coordinate the reporting needs of each department in order to design and implement those reports which the departments need to make sound business decisions. At a minimum, departments will receive reports detailing monthly department financial activity including expenses, any personnel costs in excess of the approved budget, and recommended budget line-item reallocations.

E. EXTERNAL FINANCIAL REPORTING

INTERNAL AUDIT

Government managers are responsible for designing and implementing effective internal controls to ensure that assets are safeguarded; records are reliable; reports on operations are sufficient and fairly presented; fraud, waste, and abuse are deterred; and programs, functions, and activities are conducted economically, efficiently, and effectively. Audits help provide reasonable assurance that local governments are operating in accordance with laws, rules, regulations, and policies; responding to citizen needs; and functioning economically, efficiently, and effectively.

By independently reviewing and reporting on programs, functions, activities, and organizations, auditors provide the public, elected officials, and government managers with a fair, objective, and reliable assessment of local government performance.

A. SCOPE

This policy applies to all departments, offices, boards, commissions, agencies, or other activities under the authority of the City Manager, Mayor and City Council. It applies to all internal operations of those entities or activities, as well as contracts, agreements, and all other transactions between the City and external entities (e.g., other federal, state, or local government entities and private sector entities).

B. AUDIT SCHEDULE

Scheduling of audits will be a continuous and dynamic process and provide adequate coverage of the City's programs and operations. Managers are encouraged to work with the Finance Director or Independent Auditor Contractor by suggesting areas or programs for audit or requesting other assistance (e.g., reviewing proposed contract terms and conditions, analyzing alternative approaches, conducting investigative work). Potential audits or other requests will be prioritized based on potential risks, City management requests for coverage in specific areas, public interest in a particular area, and achieving an acceptable mix of audit coverage for all of the City's operations.

C. ACCESS TO EMPLOYEES, RECORDS, AND PROPERTY

All officers and employees of the City shall furnish the Finance Director or Independent Auditor Contractor with unrestricted access to employees, information, and records (including automated data) within their custody regarding powers, duties, activities, organization, property, financial transactions, contracts, and methods of business needed to conduct an audit or otherwise perform audit duties. In addition, they shall provide access for the Finance Director or Independent Auditor Contractor to inspect all property, equipment, and facilities within their custody. In addition, all contracts, subcontracts, or other agreements between the City and any outside entity (public or private) shall provide for auditor

access to all revenue, expense, and other financial records; performance-related records; and property, equipment, or other purchases paid for in whole or in part with governmental funds and facilities.

D. REPORTING

A final draft audit report will be forwarded to the audited department, office, board, commission, agency, or other activity and the City Manager for review and comment regarding factual content before it is released. The audited entity must respond in writing and specify agreement with audit findings and recommendations or reasons for disagreement with findings and/or recommendations, plans for implementing solutions to issues identified, and a time table to complete such activities. The response must be forwarded to the Internal Auditor within 30 calendar days or as otherwise specified by the Finance Director or Independent Auditor Contractor. The final report will include the audited entity's response. If no response is received, the final report will note that fact. Final audit reports, along with a report summary, will be transmitted to the Mayor and City Council and will be made available to the public upon request.

EQUITY POLICY

A. FINANCIAL RESPONSIBILITY

The City will live within its means. All departments supported by the resources of this City must function within the limits of the financial resources identified or available specifically to them. A balance must be maintained between revenues and expenditures, so that the public can realize the benefits of a strong and stable government. It is important to understand that this policy is applied to budget entities over periods of time which extend beyond current appropriations. By law, budgets cannot exceed available resources, defined as revenues generated in the current period added to balances carried forward from prior years. Temporary shortages, or operating deficits, can and do occur, but they are not tolerated as extended trends. The City will not develop a legacy of shortages or a legacy of mixing one-time resources and expect the continued delivery of services, the very reason for which it exists.

B. BUDGET STABILIZATION RESOURCES

The City shall establish a fund balance assignment in the General Fund for working capital purposes. The purposes of working capital is to eliminate cash flow issues, cover the cost of expenditures caused by unforeseen emergencies, cover shortfalls caused by revenue declines, and to eliminate any short-term borrowing for cash flow purposes. This assignment shall accumulate and then be maintained at an amount, which represents the equivalent of approximately twenty five percent (25%) of operating and debt expenditures, including transfers to other funds (i.e. approximately 25% of budgeted General Fund expenditures).

SECTION V. FIXED ASSETS POLICY

A. Fixed Asset Criteria

A fixed asset is defined as a financial resource meeting all of the following criteria:

1. It is tangible in nature.
2. It has a useful life of greater than two years.
3. It is not a repair part or supply item.
4. It has a value equal to, or greater than, the capitalization threshold of \$5,000.

Keeping an accurate record of the City's fixed assets is important for a myriad of reasons. Some of the most important reasons that the City needs to keep a good record of fixed assets are: for financial statement information, for insurable values, for control and accountability, for maintenance scheduling and cost analysis, for estimating and accounting for depreciation, for preparation of capital and operating budgets, and for debt management.

B. General Policy

1. The Finance Department is responsible for the proper recording, acquisition, transfer, and disposal of all assets city wide. *City property may not be acquired, transferred, or disposed of without first providing proper documentation.* A fixed asset information form must accompany each step. Each Department Head is ultimately responsible for reporting all changes in a timely manner to the Finance Department.

2. Recording of Fixed Assets

Unless otherwise approved by the Finance Officer, all recordable fixed assets must be recorded within 30 calendar days after receipt and acceptance of the asset.

A fixed asset form must be attached to the purchase order before submitting request for payment.

Assets will be capitalized at acquisition cost, including expenses incurred in preparing the asset for use.

Donated assets shall be recorded at fair market value as determined by the Department Head. Fair market value may be defined as, but is not limited to, an average of documented prices for equivalent items from three separate vendors.

The City will recognize acquisition costs based on individual unit prices. Assets should not be grouped. For example, in acquiring equipment, if three pieces of identical equipment items were acquired simultaneously at \$5,000 each, this would not be an asset of \$15,000 consisting of 3 pieces of equipment. Instead, it would be 3 separate acquisitions of \$5,000. Each item would be recorded as a separate controllable item.

For equipment purchases, title is considered to pass at the date the equipment is received. Similarly, for donated assets, title is considered to pass when the asset is available for the agency's use and when the agency assumes responsibility for maintaining the asset.

Constructed assets are transferred from the construction in progress account to the related building, improvements other than buildings, or equipment accounts when they become operational.

Constructed buildings, for example, are assumed to be operational when an authorization to occupy the building is issued, regardless of whether or not final payments have been made on all the construction contracts.

3. Acquisition of Fixed Assets

There are various methods by which assets can be acquired. The asset acquisition method determines the basis for valuing the asset. Fixed assets may be acquired in the following ways:

- New purchases
- Donations
- Transfers from other City departments
- City surplus
- Internal/external construction
- Lease purchases
- Trade-in
- Forfeiture or condemnation

4. Lease Purchases

Assets may be lease-purchased through installment purchases (an agreement in which title passes to the City) or through lease financing arrangements (an agreement in which title may or may not pass).

Departments considering a lease purchase must consult with the City Manager.

5. Transfer of Fixed Assets

A transfer between departments will be treated as a transfer rather than sale. That is, the asset is recorded under the new Department with original acquired date and funding amount.

A fixed asset form must be sent to the Finance Department for all transfers.

6. Sale of Fixed Assets

Sale of fixed assets by a department must be to the highest, responsible bidder and must be conducted by sealed bid or by auction. The sale must be publicized in accordance with state laws.

7. Physical Inventory

An annual physical inventory of all fixed assets will be performed by the Finance Department in conjunction with each department. The inventory will be conducted with the least amount of interruption possible to the department's daily operation. A full report of the results of the inventory will be sent, within 30 days of completion, to all departments for verification and acceptance.



Financial Management Amendment Recommendations

<u>Staff/Financial Oversight Committee Recommendations</u>	<u>Proposed Amendment Section</u>	<u>Proposed Language</u>
Make Grammatical corrections to ensure consistency throughout the document	Throughout	Correct throughout document to "City of Stonecrest"
Remove section regarding professional services, travel and meal expenditure policies	p.18-29	Remove all language regarding the purchasing policy, travel policy, emergency purchases. These policies wither have been reviewed and recommendations presented and approved by Council or they are in process of being presented and reviewed.
Remove section B. Cash received in person	p.31	Remove all language referencing cash receipts. The City does not accept cash as a form of payment.
Remove "A double Calculator tape of checks should be included with the checks bundled together."	p.32	
Add reference to onsite mobile scanning device	p.32	The City of Stonecrest utilizes onsite mobile scanner for depositing checks.
Add language regarding prohibited mobile deposits and rejected checks	p.32	Add "In the event a mobile deposit is prohibited or the check/money order will not feed through the mobile deposit scanner, the deposit will be made at the nearest branch location."
Add language regarding balancing of receipts	p.32	Add "Balance receipts to the accounting system and the monthly bank account statements and resolve any discrepancies.
Add language regarding safeguarding of receipts	p.32	Add "All receipts that have not been deposited will be stored in a locked safe until deposit or transport to the depository can be arranged."
Update prenumbered receipts	p.32	Delete "Official City temporary pre-numbered receipt books are issued by the Finance Department." Add "The City's financial system generates receipts for payment.
Remove language that language that gives two five year renewal options.	p.33	Remove portion of sentence that states "with two five renewal options".
Add transparency language to Financial reporting section	p.34	Add " To ensure transparency, the City's financial reports, including annual and monthly reports shall be made available to the public via the City's website.
Move "External Financial Reporting to CAFR section above	p.35	The City shall report in conformity with O.C.G.A Section 36-81-7. A copy of the City's annual audit (i.e., the CAFR) shall be submitted to the Georgia Department of Audits and Accounts within 180 days of year- end, as required.
Removal of Fixed Assets section	p.38	Disposal of Fixed Assets is addressed in the purchasing policy



CITY COUNCIL AGENDA ITEM

SUBJECT: CID Advisory Committee Recommendations

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE: Click or tap here to enter text.
-

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: Click or tap here to enter text.
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): 12/20/21 & Click or tap to enter a date.

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, May 23, 2022

SUBMITTED BY: Jonathan Bartlett, Economic Development Director

PRESENTER: Jonathan Bartlett

PURPOSE: Recommendations from the CID Committee relative to the East Metro CID Cooperation Agreement.

FACTS: The CID Advisory Committee recently took action on two items related to the City's Cooperation Agreement with East Metro DeKalb CID. An adjustment to the agreement was proposed by the CID that would shorten the period of time required for the CID to provide the City with notice of its meetings, from 14 days to 7 days. The Committee unanimously agreed to this adjustment. In addition, the Committee voted to request that Council direct Staff to send copies of this agreement to CID members within the City of Stonecrest via U.S. mail, using their address of record with the County Tax Commissioner.

OPTIONS: Approve, Approve with Modifications, Table, Deny, or Defer

RECOMMENDED ACTION: Approve



CITY COUNCIL AGENDA ITEM

ATTACHMENTS:

- (1) Attachment 1 - Cooperation Agreement between East Metro Dekalb and City

COOPERATION AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____ 2021, by and between the **CITY OF STONECREST, GEORGIA**, a political subdivision of the State of Georgia (“City”), and the **EAST METRO DEKALB COMMUNITY IMPROVEMENT DISTRICT (“CID”)**.

WHEREAS, the DeKalb County Community Improvement Act of 2008, Ga. L. 2008, P. 3817, as amended by Ga. L. 2016, P. 3956 (“Act”), provided for the creation of the CID; and

WHEREAS, the CID is intended to create a means to provide, supplement, and enhance various planning and improvements within the boundary of the CID; and

WHEREAS, a majority of the owners of real property within the CID which would be subject to taxes, fees and assessments levied by the CID consented in writing to the creation of the CID; and

WHEREAS, the owners of the real property within the CID which constitutes at least seventy-five percent (75%) of all real property within said CID, and which would be subject to taxes, fees, and assessments levied by the CID according to the most recently approved County ad valorem tax digest, consented in writing to the creation of the CID; and

WHEREAS, the DeKalb Tax Commissioner certified said consents in accordance with the Charter; and

WHEREAS, the DeKalb County Board of Commissioners (“BOC”) created the CID by Resolution approved May 13, 2014, and expanded the CID by Resolution approved April 28, 2015; and

WHEREAS, Section 1322 of the Act requires that “services and facilities provided pursuant hereto will be provided for in a cooperation agreement executed jointly by the board and by the governing authority of DeKalb County if any of the district is in the unincorporated area of the county, *and by any municipalities within which the district is partially located*” (emphasis supplied); and

WHEREAS, subsequent to the CID’s creation, the City of Stonecrest has been incorporated, a portion of which includes real property within the CID boundaries; and

WHEREAS, the City and the CID desire to enter into a cooperation agreement to effectuate the organization and operation of the CID in accordance with the Act;

NOW, THEREFORE, in consideration of the mutual covenants and benefits flowing to the parties, the City and the CID agree as follows:

- 1.

This Agreement shall in no way limit the authority of the City to provide services or facilities within the CID. The City shall retain full and complete authority over the provision of governmental services and over any of its facilities located within the CID.

2.

Both parties acknowledge that the CID is authorized to exercise the following powers:

- Levy taxes, fees, and assessments within the district only on real property used non-residentially, specifically excluding all property exempt from ad valorem taxation under the Constitution or laws of the State of Georgia; all property used for residential, agricultural, or forestry purposes; and all tangible personal property and intangible property;
- Equitably apportion taxes so levied among the properties subject to such taxes, fees, and assessments according to the need for governmental services and facilities created by the degree of density of development of each such property;
- Use levied taxes only for the purpose of providing governmental services and facilities which are specially required by the degree of density of development within the district and not for the purpose of providing those governmental services and facilities provided to the county or municipality as a whole;
- Collect taxes so levied by DeKalb County in the same manner as taxes, fees, and assessments are levied by DeKalb County.

CID is authorized to exercise all other powers not mentioned above granted under the Act as may be reasonably necessary to provide, supplement, and enhance various aspects of the CID.

3.

The CID shall not have any power or authority to contract in the name of, encumber, or create debt for or on behalf of the City.

4.

At the beginning of each calendar year, the City shall advise the CID of the City's plan for improvements and services within the CID, and the CID shall advise the City of the CID's plan to enhance and supplement the services provided within the City. Any plans proposed by the CID shall be compatible with adopted City policies and planning for the CID's area. Each of the parties hereto shall endeavor to act in such manner so as to coordinate actions for the maximum improvement of the CID and each shall endeavor not to duplicate services and actions so as to obtain efficiency of effort.

5.

(a) The CID shall be responsible for providing written notice of its regular meetings and minutes thereof to an individual designated by the City. Such individual shall be the City Manager, whose address is City of Stonecrest, 3120 Stonecrest Boulevard, Stonecrest, GA 30038, unless the City notifies the CID of a replacement. Such notice of its regular meetings shall be sent at least seven (7) calendar days prior to the meetings.

(b) The CID shall be responsible for providing public written notice of its regular meetings and caucuses of electors by publishing notices thereof at least seven (7) calendar days prior to the meetings in a conspicuous place available to the public at the regular place of the CID meeting as well as on the CID's website, and by making copies of the meeting agenda upon request and agenda packet available to the public upon request after the board meeting has concluded.

6.

The CID shall levy and tax the millage as provided by law each calendar year and shall notify the DeKalb County Tax Commissioner of the amount of the levy, in writing, so that the levy may be included on the regular County ad valorem tax bills.

7.

The City shall not be required to send out any special bills. Any tax, fee or assessment levied by the CID shall be collected by the DeKalb County Tax Commissioner (“Tax Commissioner”) in the same manner as other property taxes levied and collected by the City.

8.

The Tax Commissioner shall retain a fee equal to one percent (1%) of the proceeds of taxes, fees and assessments levied by the CID, or \$25,000 per calendar year, whichever is less in accordance with the Act to cover the costs of collection. The remaining proceeds shall be transmitted by the Tax Commissioner on behalf of the City to the CID within the thirty (30) days after collection so as to be expended by the CID for the purposes stated herein.

9.

This Agreement shall expire fifty (50) years from the date last signed below or upon the dissolution of the CID. This Agreement shall not be modified except by formal written action of all parties.

10.

Either party may terminate the agreement with thirty (30) days notice to the other party.

WHEREFORE, the parties have made and executed this Cooperation Agreement the day and year first above written.

EAST METRO DEKALB
COMMUNITY IMPROVEMENT DISTRICT

CITY OF STONECREST, GEORGIA

By: _____
Chairman, CID

By: _____
George Turner, Mayor Pro Tem

Attest: _____
Secretary, CID

(OFFICIAL SEAL)

ATTEST:

City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:



Attorney for CID

City Attorney



CITY COUNCIL AGENDA ITEM

SUBJECT: Announcement of Municipal Court Fee Schedule

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE: PUBLIC NOTICE
-

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: Click or tap here to enter text.
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, May 23, 2022

SUBMITTED BY: Mallory Minor, Municipal Court Clerk

PRESENTER: Mallory Minor

PURPOSE: Announcement of the Municipal Court Fee Schedule.

FACTS: The Municipal Court of Stonecrest announces the setting of reasonable fees and charges for services provided by the Municipal Court. As a matter of policy, pursuant to Sec. 2-178, which provides for the administrative process for altering or setting fees charged by the City, the City Manager or her designee must complete administrative steps prior to setting or changing fees charged by the City. This electronic communication, public announcement, and posting thereafter, serve as the first step.

OPTIONS: Update Only Click or tap here to enter text.

RECOMMENDED ACTION: N/A

ATTACHMENTS:

- (1) Attachment 1 - Announcement of Municipal Court Fee Schedule
- (2) Attachment 2 - Municipal Court Fee Schedule Justification



CITY COUNCIL AGENDA ITEM

- (3) Attachment 3 - Article IV, Section 2-178 – Administrative process for altering or setting fees charged by the city
- (4) Attachment 4 - Article I, Section 9-6 – Court fees
- (5) Attachment 5 - O.C.G.A. 15-21A-6(c)



PUBLIC ANNOUNCEMENT

MUNICIPAL COURT FEE SCHEDULE (Effective FY2022)

Prepared May 1, 2022

Municipal Court of Stonecrest

Fee Schedule

MUNICIPAL COURT FEE SCHEDULE		
	Current Fee	Proposed Fee
Citation/Disposition Fee (Certified Copy)	\$2.50 per page (\$0.50 additional page)	\$2.50 per page (\$0.50 additional page)
Citation/Disposition Fee (Non-Certified Copy)	\$1.00 per page	\$1.00 per page
Citation/Disposition Fee (Electronic Copy)	Free	Free
Court Fee (includes \$10.00 Technology Fee, \$15.00 Court Administrative Fee & \$20.00 Courtware Solutions Inc. Fee)	\$45.00	\$45.00
Indigent Defense Application Fee	\$50.00	\$50.00
Mailing Fee	Additional Fee Based on Page Count	Additional Fee Based on Page Count
Photocopies (letter or legal size)	\$0.10 per page	\$0.10 per page
Photocopies (other document production)	Actual cost of production	Actual cost of production



Municipal Court of Stonecrest

PUBLIC ANNOUNCEMENT

TO: MAYOR & CITY COUNCIL
CITY OF STONECREST CITIZENS AND STAKEHOLDERS

FROM: MALLORY MINOR, MPS
MUNICIPAL COURT CLERK

SUBJECT: THE MUNICIPAL COURT FEE SCHEDULE JUSTIFICATION

DATE: 5/23/2022

CC: MUNICIPAL COURT INTERNAL FILE

It is the court's mission to provide efficient, fair resolution of all matters coming before it, and to ensure that all court users are afforded ready access to the court. The court will continue to emphasize public awareness and education, and further develop its procedures, so that the court may continue to provide excellent customer service.

Production of the official court record is an essential business process contributing to court users' access to and fairness in Georgia courts, and each court has the responsibility to effectively manage that process. Through the proposed fee schedule, the Municipal Court and City Council identifies best practices and fees, through policy to assist the Municipal Court in executing this responsibility to the citizens of the state.

In justification, the Municipal Court of the City of Stonecrest intends to establish Municipal Court Fee Schedule for the purpose of providing for reasonable fees and charges for services provided by the Municipal Court Department, use of City property, and purchase of certain goods provided by the City to recoup the cost of conducting municipal court business on the public's behalf without unduly relying on taxes, thus defraying the cost of operation.

- (a) The city manager or his designee shall:
- (1) Post any proposed change to the city fee schedule at city hall and on the city's website at least 45 days before the change is to take effect, including a calculation of the effective date of such change.
 - (2) Notify the mayor and city council by paper or electronic communication and by announcement at the next regular meeting of the city council of the proposed change.
 - (3) All communications or postings of proposed changes to the city fee schedule shall include a justification for the needed change, which may include an analysis of the costs associated with the application, permit or license, costs of enforcement and investigation incurred by the application, permit or license, and such other facts or circumstances deemed relevant to the need for the change to the fee schedule.
- (b) Persons impacted by the proposed change shall have 30 days from the posted communication to make objections known to the city manager, in writing or by electronic communication, who shall then forward such objections to the city attorney and the mayor and city council. If oral objections are communicated, the objector shall be informed of the opportunity to provide feedback in writing.

(Ord. No. 09-05, § 2-178, 9-18-2017)

Sec. 9-6. - Court fees.

Item XIV. d.

- (a) The Municipal Court judge may recommend to the City Council for its approval a schedule of fees to defray the cost of operation.
- (b) The Council may set fines for violations of City ordinances.

(Ord. No. 2017-11-02, § 9-6, 11-20-2017)

Document: O.C.G.A. § 15-21A-6

O.C.G.A. § 15-21A-6

Copy Citation

Current through the 2021 Regular and Special Sessions of the General Assembly.

Official Code of Georgia Annotated TITLE 15 Courts (Chs. 1 – 25) CHAPTER 21A Judicial Accounting (§§ 15-21A-1 – 15-21A-8)

15-21A-6. Additional filing fees; application fee for indigent defense services; remittance of funds.

(a) In addition to all other legal costs, there shall be charged to the filing party and collected by the clerk an additional filing fee of \$15.00 in each civil action or case filed in the superior, state, recorder's, mayor's, and magistrate courts except that municipalities, counties, and political subdivisions shall be exempt from such fee. Without limiting the generality of the foregoing, such fee shall apply to all adoptions, certiorari, trade name registrations, applications for change of name, and all other proceedings of a civil nature. Any matter which is docketed upon the official dockets of the enumerated courts and to which a number is assigned shall be subject to such fee, whether such matter is contested or not.

(b)

(1) As used in this subsection, the term "civil action" means:

(A) With regard to decedents' estates, the following proceedings: petition for letters of administration; petition to probate a will in solemn form; petition for an order declaring no administration necessary; petition to probate a will in solemn form and for letters of administration with will annexed; and petition for year's support;

(B) With regard to a minor guardianship matter as set forth in paragraph (1) of subsection (f) of Code Section 15-9-60, the proceeding by which the jurisdiction of the probate court is first invoked;

(C) With regard to an adult guardianship matter as set forth in paragraph (1) of subsection (g) of Code Section 15-9-60, the proceeding by which the jurisdiction of the probate court is first invoked; and

(D) An application for writ of habeas corpus.

(2) In addition to all other legal costs, there shall be charged to the filing party and collected by the

clerk an additional fee of \$15.00 in each civil action filed in the probate court. For the purposes of the imposition of the civil filing fee required by this subsection, the probate court shall collect the civil filing

fee on each proceeding listed in subparagraph (A) of paragraph (1) of this subsection involving a decedent but once only in a guardianship matter involving the same ward or an application for writ of habeas corpus involving the same applicant.

(c) Any person who applies for or receives legal defense services under Chapter 12 of Title 17 shall pay the entity providing such services a single fee of \$50.00 for the application for, receipt of, or application for and receipt of such services. The application fee shall not be imposed if the payment of the fee is waived by the court. The court shall waive the fee if it finds that the applicant is unable to pay the fee or that measurable hardship will result if the fee is charged. If the application fee required by this subsection has not been paid prior to the time the defendant is sentenced, the court shall impose such fee as a condition of probation.

(d) Each clerk of court, each indigent defense program, or any other officer or agent of any court receiving any funds subject to this Code section shall collect the fees provided for in subsection (c) of this Code section and, if the governing authority has a procedure to verify the applicant’s income as set forth in Code Section 17-12-80, shall pay such moneys over to the entity providing legal defense services under Chapter 12 of Title 17 by the last day of the month after the month of collection, and such funds shall not be subject to payment to the authority. If the governing authority does not have such verification procedure, the moneys shall be paid over to the authority by the last day of the month after the month of collection, to be deposited by the authority into the general fund of the state treasury.

(e) A public entity other than an entity providing legal defense services under Chapter 12 of Title 17 may charge, in addition to any other fee or surcharge authorized by law, a \$50.00 application fee unless such fee is waived by the court for inability to pay or measurable hardship. If the application fee required by this subsection has not been paid prior to the time the defendant is sentenced, the court shall impose such fee as a condition of probation. Any such fee shall be retained by the entity providing such services or used as otherwise provided by law and shall not be subject to payment to the authority or deposit into the state treasury.

(f) For the purposes of this Code section, a county or municipality that provides indigent defense services or that contracts with a circuit public defender office for the provision of indigent defense services in courts other than the superior and juvenile court shall be deemed to be the entity providing the legal defense services and shall be entitled to impose and collect the application fee authorized by subsection (e) of this Code section.

History

▼ Annotations

Research References & Practice Aids

Law reviews.

For article on 2006 amendment of this Code section, see 23 Ga. St. U.L. Rev. 61 (2006).

RESEARCH REFERENCES

Am. Jur. 2d. —

21A Am. Jur. 2d, Criminal Law, § 848.

C.J.S. —

24 C.J.S., Criminal Law, §§ 2151, 2152.

Hierarchy Notes:

O.C.G.A. Title 15

O.C.G.A. Title 15, Ch. 21A

Official Code of Georgia Annotated

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Content Type:

Terms:

Narrow By: -None-

Date and Time: May 18, 2022 09:03:23 a.m. EDT



CITY COUNCIL AGENDA ITEM

SUBJECT: Establishment of Charter Commission

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE: [Click or tap here to enter text.](#)
-

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: [Click or tap here to enter text.](#)
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): 04/11/22 & 04/25/22

Current Work Session: [Click or tap to enter a date.](#)

Current Council Meeting: Monday, May 23, 2022

SUBMITTED BY: Janice Allen Jackson, City Manager

PRESENTER: George Turner, Mayor Pro Tem

PURPOSE: Establish Charter Commission

FACTS: Section 6.05. Charter Commission. No later than five years after the inception of the City of Stonecrest, the mayor and the city council shall call for a Charter Commission to review the city's experience and recommend to the General Assembly any changes to the Created: 2021-09-13 12:05:13 [EST] (Supp. No. 1) Page 41 of 47 Charter. Members of the Charter Commission shall be appointed as follows: one by the Mayor, one by each member of the City Council, and one member appointed by a vote of the members of the Georgia House of Representatives and one member voted by the members of the Georgia Senate whose districts lie wholly or partially within the corporate boundaries of the City of Stonecrest. All members of the Charter Commission shall reside in the City of Stonecrest except those representing the Georgia House of Representatives and the Georgia Senate. Neither the city council nor the Mayor shall appoint themselves to serve as members of the Commission. The City Attorney may serve as ex-officio member of the Commission with approval by the City Council. The Commission shall complete the recommendations within the time frame required by the City Council. (S.B. 21, § 23, 4-1-2021)



CITY COUNCIL AGENDA ITEM

OPTIONS: Approve, Deny, Defer Click or tap here to enter text.

RECOMMENDED ACTION: Approve

ATTACHMENTS:

- (1) Attachment 1 - Updated City Charter 2021
- (2) Attachment 2 - Resolution
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

ARTICLE I. CREATION, INCORPORATION, POWERS

Section 1.01. Incorporation.

This Act shall constitute the Charter of the City of Stonecrest, Georgia. The City of Stonecrest, Georgia, in the County of DeKalb, and the inhabitants thereof, are constituted and declared a body politic and corporate under the same name and style of the "City of Stonecrest" and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions whatsoever, and may have and use a common seal.

Section 1.02. Corporate boundaries.

The boundaries of the City of Stonecrest shall be those set forth and described in Appendix A of this Charter, and such Appendix A is incorporated into and made a part of this Charter. The city clerk shall maintain a current map and written legal description of the corporate boundaries of the city, and such map and description shall incorporate any changes which may hereafter be made in such corporate boundaries.

Section 1.03. Powers and construction.

- (a) This city shall have all powers possible for a city to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this Act. This city shall have all the powers of self-government not otherwise prohibited by this Act or by general law.
- (b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city. These powers shall include, but not be limited to, the following:
 - (1) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl, and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted hereunder;
 - (2) Appropriations and expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this Charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city;
 - (3) Building regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate all housing and building trades to the extent permitted by general law;
 - (4) Business regulation and taxation. To levy and to provide for the collection of regulatory fees, franchise fees, and taxes on privileges, occupations, trades, and professions as authorized by Title 48 of the O.C.G.A., or other such applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees, franchise fees, and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees;
 - (5) (A) Condemnation. To condemn property inside the corporate limits of the city for present or future use and for any public purpose deemed necessary by the city council utilizing procedures enumerated in Title 22 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

- (B) The municipality shall have the right to condemn and cause to be remediated or removed any building, structure, or existing condition within its corporate limits that is dangerous to life, limb, or property, by reasons of decay, dilapidation, or unsanitary condition. Nothing in this subparagraph shall be construed to relieve the municipality of any duty to give owners or interested persons reasonable notice and opportunity to remedy the situation. Nothing in this subparagraph shall be construed as relieving the municipality of liability to any interested person for damages to person or property taken or destroyed in furtherance of this subparagraph. This subparagraph shall not be construed as authorizing the doing of any act or thing contrary to the Constitution of this state and the policy of the general laws of this state. The municipality shall have authority to adopt reasonable ordinances and resolutions for the purpose of carrying out this subparagraph;
- (6) **Contracts.** To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations;
- (7) **Emergencies.** To establish procedures for determining and proclaiming that an emergency situation exists within or without the city, and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city;
- (8) **Environmental protection.** To protect and preserve the natural resources, environment, and vital areas of the city, the region, and the state through the enactment of ordinances that preserve and improve air quality, restore and maintain water resources, the control of erosion and sedimentation, manage storm water and establish a storm-water utility, manage solid and hazardous waste, and provide other necessary or beneficial actions for the protection of the environment. These ordinances shall include, without limitation, ordinances that protect, maintain, and enhance the public health, safety, environment, and general welfare and minimize public and private losses due to flood conditions in flood hazard areas, as well as protect the beneficial uses of flood plain areas for water quality protection, stream bank and stream corridor protection, wetlands preservation, and ecological and environmental protection. Such ordinances may require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; may restrict or prohibit uses which are dangerous to health, safety, and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion; may control filling, grading, dredging, and other development which may increase flood damage or erosion; may prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; may limit the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; and may protect the storm-water management, water quality, stream bank protection, stream corridor protection, wetland preservation, and ecological functions of natural flood plain areas;
- (9) **Ethics.** To adopt ethics ordinances and regulations governing such things including, but not limited to, the conduct of municipal elected officials, appointed officials, contractors, vendors, and employees; establishing procedures for ethics complaints; and setting forth penalties for violations of such rules and procedures;
- (10) **Fire regulations.** To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and fire detection; and to prescribe penalties and punishment for violations thereof;
- (11) **Garbage fees.** To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business therein benefiting from such services; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges, taxes, or fees;

- (12) General health, safety, and welfare. To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the enforcement of such standards;
- (13) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;
- (14) Health and sanitation. To prescribe standards of health and sanitation and to provide for the enforcement of such standards;
- (15) Homestead Exemption. To establish and maintain procedures for offering homestead exemptions to residents of the city and maintaining current homestead exemptions of residents of the city as authorized by this Charter and Act of the General Assembly;
- (16) Jail sentences. To provide that persons given jail sentences in the city's court may work out such sentences in any public works or on the streets, roads, drains, and other public property in the city; to provide for commitment of such persons to any jail; to provide for the use of pretrial diversion and any alternative sentencing allowed by law; or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;
- (17) Motor vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys, and walkways of the city;
- (18) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, offices not specified in this Charter, commissions, authorities, and agencies of the city, and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;
- (19) Municipal debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this Charter or the laws of the State of Georgia;
- (20) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;
- (21) Municipal property protection. To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;
- (22) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities including, but not limited to, a system of waterworks, sewers and drains, sewage disposal, storm-water management, gasworks, electricity generating plants, cable television, internet and other telecommunications, transportation facilities, public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties; and to provide for the withdrawal of service for refusal or failure to pay the same;
- (23) Nuisance. To define a nuisance and provide for its abatement whether on public or private property;
- (24) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this Charter and the laws of the State of Georgia;
- (25) Planning and zoning. To provide comprehensive city planning for city land use, signage and outside advertising, and development by zoning; and to provide subdivision regulations and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community, provided that the city council shall not have the power to require special land use permits, special exceptions, or special administrative permits for the industrial use of properties within an industrial use zoning district;

-
- (26) Police and fire protection. To exercise the power of arrest through duly appointed police officers, and to establish, operate, or contract for a police and a fire-fighting agency;
 - (27) Public hazards; removal. To provide for the destruction and removal of any building or other structure that is or may become dangerous or detrimental to the public;
 - (28) Public improvements. To provide for the acquisition, construction, building, operation, maintenance, or abolition of public ways, parks and playgrounds, recreational facilities, cemeteries, public buildings, libraries, public housing, parking facilities, and charitable, cultural, educational, recreational, conservation, sport, detentional, penal, and medical institutions, agencies, and facilities; to provide any other public improvements inside the corporate limits of the city and to regulate the use of public improvements; and for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted;
 - (29) Public peace. To provide for the prevention and punishment of loitering, disorderly conduct, drunkenness, riots, and public disturbances;
 - (30) Public transportation. To organize and operate such public transportation systems as are deemed beneficial;
 - (31) Public utilities and services. To grant franchises or make contracts for, or impose taxes on, public utilities, cable companies, and public service companies; and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission;
 - (32) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights of way of streets and roads or within view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of such ordinances;
 - (33) Employee benefits. To provide and maintain a retirement plan, insurance, and such other employee benefits for appointed officers and employees of the city as are determined by the city council;
 - (34) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; to grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
 - (35) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials and to provide for the sale of such items;
 - (36) Special assessments. To levy and provide for the collection of special assessments to cover the costs for any public improvements, subject to referendum;
 - (37) Taxes; ad valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation; provided, however, that:
 - (A) The millage rate imposed for ad valorem taxes on real property shall not exceed 3.35 plus the amount of any roll back or reduction by DeKalb County of its millage rate imposed for ad valorem taxes on real property within corporate limits of the city for services assumed by the city from DeKalb County unless either (i) the millage rate is increased above such amount by a higher limit is recommended by resolution of the city council without voter approval through the exercise of home rule powers, or (ii) approved by a majority of the qualified electors of the City of Stonecrest
-

voting on the issue, provided that the amount of millage associated with general obligation bonds or the creation of special tax districts pursuant to Article IX, Section II, Paragraph VI of the Constitution of the State of Georgia shall not count as part of the 3.35 limit since such millage is already subject to approval by the electors of the city in a separate referendum; and

- (B) For all years, the fair market value of all property subject to taxation shall be determined according to the tax digest of DeKalb County, as provided in Code Section 48-5-352 of the O.C.G.A.;
- (38) Taxes: other. To levy and collect such other taxes and fees as may be allowed now or in the future by law;
- (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; to inspect such vehicles and mandate standards of safety and cleanliness; and to regulate the parking of such vehicles;
- (40) Tourism, conventions, and trade shows. To provide for the structure, operation, or management of the Stonecrest Convention and Visitors Bureau created pursuant to Section 1.05 of this Charter and to authorize the City of Stonecrest to contract with private sector nonprofit organizations or other governmental agencies to promote tourism, conventions, and trade shows;
- (41) Urban redevelopment. To organize and operate an urban redevelopment program; and
- (42) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; to exercise all implied powers necessary or desirable to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and any listing of particular powers in this Charter shall not be held to be exclusive of others or restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

(Ord. No. 2018-11-04 , § 1, 11-07-2018)

Section 1.04. Exercise of powers.

All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees shall be carried into execution as provided by this Act. If this Charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

Section 1.05. Tourism, conventions, and trade shows.

The Stonecrest Convention and Visitors Bureau is hereby created.

Section 1.06. Stonecrest/Lithonia Industrial Park Community Improvement District.

- (a) The purpose of this section is to provide for the creation of a community improvement district within the City of Stonecrest subject to the conditions prescribed in Article IX, Section VII, Paragraph III of the Constitution of the State of Georgia. Such district shall be created for the provision of such of the following governmental services and facilities as may be provided for in the resolution activating such district, or as may be adopted by resolutions of the majority of the electors and the majority of the equity electors as defined in this section:

-
- (1) Street and road construction and maintenance, including curbs, sidewalks, street lights, and devices to control the flow of traffic on streets and roads;
 - (2) Parks and recreational areas and facilities;
 - (3) Stormwater and sewage collection and disposal systems;
 - (4) Development, storage, treatment, purification, and distribution of water;
 - (5) Public transportation;
 - (6) Terminal and dock facilities and parking facilities; and
 - (7) Such other services and facilities as may be provided for by general law.
- (b) Definitions. As used in this section, the term:
- (1) "Agricultural" means the growing of crops for sale or the raising of animals for sale or use, including the growing of field crops and fruit or nut trees, the raising of livestock or poultry, and the operation of dairies, horse boarding facilities, and riding stables.
 - (2) "Board" means the governing body created for the governance of the community improvement district authorized by this section.
 - (3) "Caucus of electors" means the meeting of electors as provided in this section at which the elected board members of the district are elected or at which the governmental services and facilities to be provided by the district are determined. A quorum at such caucus shall consist of no less than 25 percent of electors and no less than 25 percent of equity electors present in person or proxy, and a majority of those present and voting shall be necessary to take any action. Notice of such meeting shall be given to such electors and equity electors by publishing notice thereof in the legal organ of the City of Stonecrest at least once each week for four weeks prior to such meeting.
 - (4) "Cost of the project" or "cost" of any project means and includes:
 - (A) All costs of acquisition by purchase or otherwise, construction, assembly, installation, modification, renovation, or rehabilitation incurred in connection with any project or any part of any project;
 - (B) All costs of real property, fixtures, or personal property used in or in connection with or necessary for any project or for any facilities related thereto, including, but not limited to, the cost of all land, estates for years, easements, rights, improvements, water rights, connections for utility services, fees, franchises, permits, approvals, licenses, and certificates; the cost of securing any such franchises, permits, approvals, licenses, or certificates; the cost of preparation of any application therefor; and the cost of all fixtures, machinery, equipment including all transportation equipment and rolling stock, furniture, and other property used in or in connection with or necessary for any project;
 - (C) All financing charges and loan fees and all interest on bonds, notes, or other obligations of a district which accrue or are paid prior to and during the period of construction of a project and during such additional period as the board may reasonably determine to be necessary to place such project in operation;
 - (D) All costs of engineering, surveying, architectural, and legal services and all expenses incurred by engineers, surveyors, architects, and attorneys in connection with any project;
 - (E) All expenses for inspection of any project;
 - (F) All fees of fiscal agents, paying agents, and trustees for bondholders under any trust agreement, indenture of trust, or similar instrument or agreement all expenses incurred by any such fiscal agents, paying agents, and trustees; and all other costs and expenses incurred relative to the issuances of any bonds, notes, or other obligations for any project;
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- (G) All expenses of or incidental to determining the feasibility or practicability of any project;
- (H) All costs of plans and specifications for any project;
- (I) All costs of title insurance and examinations of title with respect to any project;
- (J) Repayment of any loans made for the advance payment of any part of the foregoing costs, including interest thereon and any other expenses of such loans;
- (K) Administrative expenses of the board and such other expenses as may be necessary for or incidental to any project or the financing thereof or the placing of any project in operation; and
- (L) The establishment of a fund or funds for the creation of a debt service reserve, a renewal and replacement reserve, or such other funds or reserves as the board may approve with respect to the financing and operation of any project and as may be authorized by any bond resolution, trust agreement, indenture of trust, or similar instrument or agreement pursuant to the provisions of which the issuance of any bonds, notes, or other obligations of the district may be authorized.

Any cost, obligation, or expense incurred for any of the foregoing purposes shall be a part of the cost of the project and may be paid or reimbursed as such out of the proceeds of bonds, notes, or other obligations issued by the district.

- (5) "District" means the geographical area designated as such by the resolution of the city council consenting to the creation of the community improvement district or as thereafter modified by any subsequent resolution of the city council within which the district is or is to be located, or a body corporate and politic being a community improvement district created and activated pursuant hereto, as the context requires or permits.
- (6) "Electors" means the owners of real property used nonresidentially within the district which is subject to taxes, fees, and assessments levied by the board, as they appear on the most recent ad valorem real property tax return records of DeKalb County, or one officer or director of a corporate elector, one trustee of a trust which is an elector, one partner of a partnership elector, or one designated representative of an elector whose designation is made in writing. An owner of property that is subject to taxes, fees, or assessments levied by the board shall have one vote for an election based on numerical majority. An owner of multiple parcels has one vote, not one vote per parcel, for an election based on numerical majority. Multiple owners of one parcel have one vote for an election based on numerical majority which must be cast by one of their number who is designated in writing.
- (7) "Equitably apportioned among the properties subject to such taxes, fees, and assessments according to the need for governmental services and facilities created by the degree of density of development of each such property", with reference to taxes, fees, and assessments levied by the board, means that the burden of the taxes, fees, and assessments shall be apportioned among the properties subject thereto based upon the values established in the most recent ad valorem tax reassessment of such properties certified by the chairperson of the DeKalb County Board of Tax Assessors, or with respect to fees and assessments may be apportioned among the properties subject thereto in direct or approximate proportion to the receipt of services or benefits derived from the improvements or other activities for which the taxes, fees, or assessments are to be expended, or with respect to fees and assessments may be apportioned in any other manner or combination of manners deemed equitable by the board, including, but not limited to, the recognition of differential benefits which may reasonably be expected to accrue to new land development in contrast to lands and improvements already in existence at the time of creation of the community improvement district.
- (8) "Equity electors" means electors who cast votes equal to each \$1,000.00 in value of all owned real property within the district which is then subject to taxes, fees, and assessments levied by the board. The value of real property shall be the assessed value. In the event the owner shall have multiple

- owners or be a corporation, trust, partnership, limited liability company, or any other entity, one person shall be designated as elector and such designation shall be made in writing.
- (9) "Forestry" means the planting and growing of trees for sale in a program which includes reforestation of harvested trees, regular underbrush and undesirable growth clearing, fertilizing, pruning, thinning, cruising, and marking which indicate an active tree-farming operation. It does not include the casual growing of trees on land otherwise idle or held for investment, even though some harvesting of trees may occur thereon.
- (10) "Project" means the acquisition, construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other improvements, including operation of facilities or other improvements, located or to be located within or otherwise providing service to the district and the acquisition, installation, modification, renovation, rehabilitation, or furnishing of fixtures, machinery, equipment, furniture, or other property of any nature whatsoever used on, in, or in connection with any such land, interest in land, building, structure, facility, or other improvement; the creation, provision, enhancement, or supplementing of public services such as fire, police, and other services, provided that same do not conflict with or duplicate existing public services; and all for the essential public purposes set forth in subsection (a) of this section.
- (11) "Property owner" or "owner of real property" means any entity or person shown as a taxpayer for one or more parcels of real estate on the most recent ad valorem tax records of DeKalb County within the district. Ownership as shown by the most recent ad valorem real property tax records of DeKalb County shall be prima-facie proof of ownership. Multiple owners of one parcel shall constitute one property owner and shall designate in writing one of their number to represent the whole.
- (12) "Property used nonresidentially" means property or any portion thereof used for neighborhood shopping, planned shopping center, general commercial, transient lodging facilities, tourist services, office or institutional, office services, light industry, heavy industry, central business district, parking, or other commercial or business use or vacant land zoned or approved for any of the aforementioned uses which do not include residential.
- (13) "Residential" means a specific work or improvement undertaken primarily to provide single-family or multifamily dwelling accommodations for persons and families and such community facilities as may be incidental or appurtenant thereto.
- (14) "Taxpayer" means an entity or person paying ad valorem taxes on real property whether on one or more parcels of property within the district. Multiple owners of one parcel shall constitute one taxpayer and shall designate in writing one of their number to represent the whole.
- (c) Creation. Pursuant to Article IX, Section VII of the Constitution of the State of Georgia, there is created an administrative body being one community improvement district to be located wholly within the City of Stonecrest, to be known as the Stonecrest/Lithonia Industrial Park Community Improvement District, provided that the creation of the community improvement district shall be conditioned upon:
- (1) The adoption of a resolution consenting to the creation of the community improvement district by the City of Stonecrest city council; and
 - (2) The written consent to the creation of the community improvement district by:
 - (A) A majority of the owners of real property within the district which will be subject to taxes, fees, and assessments levied by the administrative body of the community improvement district; and
 - (B) The owners of real property within the district which constitutes at least 75 percent by value of all real property within the district which will be subject to taxes, fees, and assessments levied by the administrative body of the community improvement district. For this purpose, value shall be determined by the most recent approved DeKalb County ad valorem tax digest.

The written consent provided for in this paragraph shall be submitted to the tax commissioner of DeKalb County, who shall certify whether subparagraphs (A) and (B) of this paragraph have been satisfied with respect to each such proposed district.

Neither the community improvement district nor the administrative body created pursuant to this section shall transact any business or exercise any powers under this section until the foregoing conditions are met. A copy of such resolutions shall be filed with the Secretary of State, who shall maintain a record of the district activated under this section, and filed with the Department of Community Affairs.

- (d) Administration, appointment, and election of the members of the administrative body.
- (1) The district created pursuant to this section shall be administered by a board composed of seven board members to be appointed and elected as provided in this section. Two board members shall be appointed by the city council. Two board members shall be elected by the vote of electors, and three members shall be elected by the vote of equity electors. The members representing the electors and equity electors shall be elected to serve in post positions 1 through 5, respectively. Each elected board member shall receive a majority of the votes cast for the post for which he or she is a candidate. Votes for Posts 1 and 2 shall be cast by electors and votes for Posts 3, 4, and 5 shall be cast by equity electors. The initial term of office for the members representing Posts 1 and 4 shall be one year. The initial term of office for the members representing Posts 2 and 5 shall be two years, and the initial term of office of the members representing Post 3 shall be three years. Thereafter, all terms of office for the elected board members shall be for three years. The appointed board members shall serve at the pleasure of the city council.
 - (2) The initial board members to be elected as provided in subsection (a) of this section shall be elected in a caucus of electors which shall be held within 90 days after the adoption of the resolutions and obtaining the written consents herein provided at such time and place within the district as the city council shall designate after notice thereof shall have been given to said electors by publishing same in the legal organ of the City of Stonecrest. Thereafter, there shall be conducted biennially, not later than 60 days following the last day for filing ad valorem real property tax returns in DeKalb County, a caucus of electors at such time and place within the district as the board shall designate in such notice for the purpose of electing board members to those board member positions whose terms expire or are vacant. If a vacancy occurs in an elected position on the board the board shall, within 60 days thereof, call a special election to fill the same to be held within 60 days of the call unless such vacancy occurs within 180 days of the next regularly scheduled election, in which case a special election may, but need not, be called.
 - (3) Board members shall be subject to recall as any other elected public official by the electors defined by this section.
 - (4) Board members shall receive no compensation for their services, but shall be reimbursed for reasonable expenses actually incurred in the performance of their duties. They shall elect one of their number as chairperson and another of their number as vice chairperson. They shall also elect a secretary and a treasurer, or a secretary-treasurer, either of whom may, but need not, be a member of the board or an elector.
 - (5) Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," shall not apply to the election of district board members. The district board may adopt such bylaws not inconsistent herewith to provide for any matter concerning such elections.
- (e) Taxes, fees, and assessments.
- (1) The board may levy taxes, fees, and assessments within the district only on real property used nonresidentially, specifically excluding all property exempt from ad valorem taxation under the Constitution or laws of the State of Georgia; all property used for residential, agricultural, or forestry purposes; and all tangible personal property and intangible property. Any tax, fee, or assessment so levied shall not exceed 0.5 percent of the aggregate assessed value of all such real property. The taxes,

fees, and assessments levied by the board shall be equitably apportioned among the properties subject to such taxes, fees, and assessments according to the need for governmental services and facilities created by the degree of density of development of each such property. The proceeds of taxes, fees, and assessments levied by the board shall be used only for the purpose of providing governmental services and facilities which are specially required by the degree of density of development within the district and not for the purpose of providing those governmental services and facilities provided to the county or municipality as a whole. Any tax, fee, or assessment so levied shall be collected by DeKalb County in the same manner as taxes, fees, and assessments are levied by DeKalb County. Delinquent taxes shall bear the same interest and penalties as DeKalb County taxes and may be enforced and collected in the same manner. The proceeds of taxes, fees, and assessments so levied, less a fee to cover the costs of collection of 1 percent of such proceeds, but not more than \$25,000.00 at any one calendar year, shall be transmitted by DeKalb County to the board and shall be expended by the board only for the purposes authorized by this section.

- (2) The board shall levy the taxes, fees, and assessments in subsection (a) of this section subsequent to the report of the assessed taxable values for the current calendar year and notify in writing DeKalb County so it may include the levy on its regular ad valorem tax bills. All taxes, fees, and assessments levied by the board and collected by DeKalb County shall be segregated, and neither the City of Stonecrest nor the DeKalb County Tax Commissioner shall expend such funds for any purpose not authorized by the board except as authorized in subsection (a) of this section.
 - (3) If, but for this provision, a parcel of real property is removed from the district or otherwise would become not subject to taxation, it shall continue to bear its tax millage then extant upon such event for bonded indebtedness of the district then outstanding until said bonded indebtedness then outstanding is paid or refunded.
 - (4) Each property owner paying taxes, fees, or assessments levied by the board for any public facility as set forth in subsection (a) of this section may, upon application to the city council, receive a credit equal to the present value of all such taxes, fees, and assessments toward any impact fee as may be levied by the City of Stonecrest against such property for system improvements which are in the same category as said public facility in accordance with Chapter 71 of Title 36 of the O.C.G.A., the "Georgia Development Impact Fee Act." Application for such development impact fee credit may be granted by legislative action of the city council in its discretion.
- (f) Boundaries of the district.
- (1) The boundaries of the district shall be as designated as such by the city council as set forth in the resolution required in subsection (c) of this section, or as may thereafter be added as provided in this section.
 - (2) The boundaries of the district may be increased after the initial creation of the district pursuant to the following:
 - (A) Written consent of a majority of the owners of real property within the area sought to be annexed into the district and which will be subject to taxes, fees, and assessments levied by the board of the district;
 - (B) Written consent of owners of real property within the area sought to be annexed into the district which constitutes at least 75 percent by value of the property which will be subject to taxes, fees, and assessments levied by the board. For this purpose, value shall be determined by the most recent approved county ad valorem tax digest;
 - (C) The adoption of a resolution consenting to the annexation into the district by the board of the district; and
 - (D) The adoption of a resolution consenting to the annexation into the district by the city council.

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- (g) Debt. Except as otherwise provided in this section, each district may incur debt without regard to the requirements of Article IX, Section V of the Constitution of Georgia, or any other provision of law, prohibiting or restricting the borrowing of money or the creation of debt by political subdivisions of the State of Georgia, which debt shall be backed by the full faith and credit and taxing power of the district but shall not be an obligation of the State of Georgia, DeKalb County, the City of Stonecrest, or any other unit of government of the State of Georgia other than the district.
- (h) Cooperation with the City of Stonecrest. The services and facilities provided pursuant to this section shall be provided for in a cooperation agreement executed jointly by the board and by the City of Stonecrest. The provisions of this section shall in no way limit the authority of the City of Stonecrest to provide services or facilities within the district; and the City of Stonecrest shall retain full and complete authority and control over any of its facilities located within its respective areas of any district. Such control shall include, but not be limited to, the modification of, access to, and degree and type of services provided through or by facilities of the county. Nothing contained in this section shall be construed to limit or preempt the application of any governmental laws, ordinances, resolutions, or regulations to the district or the services or facilities provided therein.
- (i) Powers.
- (1) The district and its board created pursuant hereto shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this section, including, without limiting the generality of the foregoing, the power:
- (A) To bring and defend actions;
 - (B) To adopt and amend a corporate seal;
 - (C) To make and execute contracts, agreements, and other instruments necessary or convenient to exercise the powers of the board or to further the public purposes for which the district is created, including, but not limited to, contracts for construction of projects, leases of projects, contracts for sale of projects, agreements for loans to finance projects contracts with respect to the use of projects, and agreements with other jurisdictions of community improvement districts regarding multi-jurisdictional projects or services or for other cooperative endeavors to further the public purposes of the district;
 - (D) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and personal property of every kind and character, or any interest therein, in furtherance of the public purposes of the district;
 - (E) To finance by loan, grant, lease, or otherwise; to construct, erect, assemble, purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend, improve, install, sell, equip, expand, add to, operate, or manage projects; and to pay the cost of any project from the proceeds of the district or any other funds of the district, or from any contributions or loans by persons, corporations, partnerships, whether limited or general, or other entities, all of which the board is authorized to receive, accept, and use;
 - (F) To borrow money to further or carry out its public purposes and to execute bonds, notes, other obligations, leases, trust indentures, trust agreements, agreements for the sale of its bonds, notes or other obligations, loan agreements, security agreements, assignments, and such other agreements or instruments as may be necessary or desirable, in the judgment of the board, to evidence and to provide security for such borrowing;
 - (G) To issue bonds, notes, or other obligations of the district and use the proceeds for the purpose of paying all or any part of the cost of any project and otherwise to further or carry out the public purposes of the district and to pay all costs of the board incidental to, or necessary and appropriate to, furthering or carrying out such purposes;
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- (H) To make application directly or indirectly to any federal or county government or agency or to any other source, whether public or private, for loans, grants, guarantees, or other financial assistance in furtherance of the district's public purposes and to accept and use the same upon such terms and conditions as are prescribed by such federal, state, or county government or agency or other source;
- (I) To enter into agreements with the federal government or any agency thereof to use the facilities or services of the federal government or any agency thereof in order to further or carry out the public purposes of the district;
- (J) To contract for any period, not exceeding 50 years, with the State of Georgia, any institution or instrumentality of the State of Georgia, or any municipal corporation, county, or political subdivision of this state for the use by the district of any facilities or services of the state or any such institution or instrumentality of this state or any municipal corporation, county, or political subdivision of this state, or for the use by any institution or instrumentality of this state, any municipal corporation, county, or political subdivision of this state of any facilities or services of the district, provided that such contracts shall deal with such activities and transactions as the district and any such political subdivision with which the district contracts are authorized by law to undertake;
- (K) To receive and use the proceeds of any tax levied by the county to pay the costs of any project or for any other purpose for which the board may use its own funds pursuant hereto;
- (L) To receive and administer gifts, grants, and devises of money and property of any kind and to administer trusts;
- (M) To use any real property, personal property, or fixtures or any interest therein or to rent or lease such property to or from others or make contracts with respect to the use thereof or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or grant options for any such property in any manner as it deems to be the best advantage of the district and the public purposes thereof;
- (N) To appoint, select, and employ engineers, surveyors, architects, urban or city planners, fiscal agents, attorneys, and others and to fix their compensation and pay their expenses;
- (O) To encourage and promote the improvement and development of the district and to make, contracts for, or otherwise cause to be made long-range plans or proposals for the district in cooperation with DeKalb County and the City of Stonecrest;
- (P) To adopt bylaws governing the conduct of business by the board, the election and duties of officers of the board, and other matters which the board determines to deal with in its bylaws;
- (Q) To exercise any power granted by the laws of this state to public or private corporations which is not in conflict with the public purposes of the district;
- (R) To invest its funds, whether derived from the issuance of bonds or otherwise, in such manner as it may deem prudent and appropriate, without further restriction;
- (S) To create, provide, enhance, or supplement public services such as fire, police, and other such services as may be deemed necessary, provided that said public services do not conflict with or duplicate existing DeKalb County or municipal services; and
- (T) To do all things necessary or convenient to carry out the powers conferred by this section.
- (2) The powers enumerated in each subparagraph of paragraph (1) of this subsection are cumulative of and in addition to those powers enumerated in this subsection and elsewhere in this section; and no such power limits or restricts any other power of the board.

- (3) The powers enumerated in each subparagraph of paragraph (1) of this subsection are conferred for an essential governmental function for a public purpose, and the revenues and debt of any district shall not be subject to taxation.
- (j) Bonds—Generally.
- (1) Notes or other obligations issued by a district other than general obligation bonds shall be paid solely from the property pledged to pay such notes or other obligations. General obligation bonds issued by any district shall constitute a general obligation of the district to the repayment of which the full faith and credit and taxing power of the district shall be pledged.
 - (2) All bonds, notes, and other obligations of any district shall be authorized by resolution of the board, adopted by a majority vote of the board members at a regular or special meeting.
 - (3) Bonds, notes, or other obligations shall bear such date or dates, shall mature at such time or times not more than 40 years from their respective dates, shall bear interest at such rate or rates which may be fixed or may fluctuate or otherwise change from time to time, shall be subject to redemption on such terms, and shall contain such other terms, provisions, covenants, assignments, and conditions as the resolution authorizing the issuance of such bonds, notes, or other obligations may permit or provide. The terms, provisions, covenants, assignments, and conditions contained in or provided or permitted by any resolution of the board authorizing the issuance of such bonds, notes, or other obligations shall bind the board members of the district then in office and their successors.
 - (4) The board shall have power from time to time and whenever it deems it expedient to refund any bonds by the issuance of new bonds, whether or not the bonds to be refunded have matured, and may issue bonds partly to refund bonds then outstanding and partly for any other purpose permitted by this section. The refunding bonds may be exchanged for the bonds to be refunded, with such cash adjustments as may be agreed upon, or may be sold and the proceeds applied to the purchase or redemption of the bonds to be refunded.
 - (5) There shall be no limitation upon the interest rates or any maximum interest rate or rates on any bonds, notes, or other obligations of any district, and the usury laws of this state shall not apply to bonds, notes, or other obligations of any district.
 - (6) Bonds issued by a district may be in such form, either coupon or fully registered, or both coupon and fully registered, and may be subject to such exchangeability and transferability provisions as the bond resolution authorizing the issuance of such bonds or any indenture or trust agreement may provide.
 - (7) All bonds issued by a district pursuant to this section shall be issued and validated under and in accordance with Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Georgia Revenue Bond Law." The signature of the clerk of the Superior Court of DeKalb County may be made on the certificate of validation of such bonds by facsimile or by manual execution, stating the date on which such bonds were validated; and such entry shall be original evidence of the judgment of validation and shall be received as original evidence in any court in this state.
 - (8) In lieu of specifying the actual rate or rates of interest, the principal amount, and the maturities of such bonds, the notice to the district attorney or the Attorney General; the notice to the public of the time, place, and date of the validation hearing; and the petition and complaint for validation may state that the bonds when issued will bear interest at a rate not exceeding a maximum per annum rate of interest which may be fixed or may fluctuate or otherwise change from time to time so specified and that the principal amount will not exceed a specified amount and the final maturity date will not be later a date specified in such notices and petition and complaint or may state that, in the event the bonds are to bear different rates of interest for different maturity dates, none of such rates will exceed the maximum rate which may be fixed or may fluctuate or otherwise change from time to time so specified; provided, however, that nothing in this subsection shall be construed as prohibiting or restricting the right of a board to sell such bonds at a discount, even if in doing so the effective interest

- cost resulting would exceed the maximum per annum interest rate specified in such notices and in the petition and complaint.
- (9) The terms "cost of the project" and "cost of any project" shall have the meaning prescribed in this section whenever those terms are referred to in bond resolutions of a board; in bonds, notes, or other obligations of the district; or in notices or proceedings to validate such bonds, notes, or other obligations of a district.
- (k) Authorized contents of agreements and instruments; use of proceeds of sale bonds, notes, and other obligations; subsequent issues of obligations.
- (1) Subject to the limitations and procedures provided by this section and by subsection (j) of this section, the agreements or instruments executed by a board may contain such provisions not inconsistent with law as shall be determined by the board.
- (2) The proceeds derived from the sale of all bonds, notes, and other obligations issued by a district shall be held and used for the ultimate purpose of paying, directly or indirectly as permitted by this section, all or part of the cost of any project, or for the purpose of refunding any bonds, notes, or other obligations issued in accordance with this section.
- (3) Issuance by a board of one or more series of bonds, notes, or other obligations for one or more purposes shall not preclude it from issuing other bonds, notes, or other obligations in connection with the same project or with any other projects; but the proceeding wherein any subsequent bonds, notes, or other obligations are issued shall recognize and protect any prior loan agreement, security agreement, or other agreement or instrument made for any prior issue of bonds, notes, or other obligations, unless in the resolution authorizing such prior issue the right is expressly reserved to the board to issue subsequent bonds, notes, or other obligations on a parity with such prior issue.
- (4) In the event that the district shall be terminated in accordance with this section, the board shall serve until December 31 of the year in which termination shall be approved for the purpose of concluding any ongoing matters and projects, but, if such cannot be concluded by December 31, then the city council shall assume the duties of the administrative board and shall be expressly authorized to exercise the authority of the administrative board. In the alternative, the city council may, by resolution, assume all rights and obligations of the district, either bonds or otherwise, and the district shall cease to exist upon the adoption of such resolution.
- (l) Construction; applicability of Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Uniform Securities Act of 2008"; notice, proceeding, publication, referendum. This section shall be liberally construed to effect the purposes hereof. The offer, sale, or issuance of bonds, notes, or other obligations by a district shall not be subject to regulation under Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Uniform Securities Act of 2008." No notice, proceeding, or publication except those required in this section shall be necessary to the performance of any action authorized hereby, nor shall any such action be subject to referendum.
- (m) Dissolution.
- (1) Any district activated under the provisions of this section may be dissolved. The conditions for such dissolution shall be:
- (A) The adoption of a resolution approving of the dissolution of the community improvement district by the city council; and
- (B) The written consent to the dissolution of the community improvement district by:
- (i) Two-thirds of the owners of real property within the district which are subject to taxes, fees, and assessments levied by the board of the district; and
- (ii) The owners of real property constituting at least 75 percent by value of all real property within the district which are subject to taxes, fees, and assessments levied by the board.

For this purpose, value shall be determined by the most recent approved county ad valorem tax digest.

The written consent provided for in this subparagraph shall be submitted to the DeKalb County Tax Commissioner, who shall certify whether divisions (i) and (ii) of this subparagraph have been satisfied with respect to each proposed district dissolution.

- (2) In the event that successful action is taken pursuant to this subsection to dissolve the district, the dissolution shall become effective at such time as all debt obligations of the district have been satisfied. Following a successful dissolution action and until the dissolution becomes effective, no new projects may be undertaken, obligations or debts incurred, or property acquired.
- (3) Upon a successful dissolution action, all noncash assets of the district other than public facilities or land or easements to be used for such public facilities, as described in subsection (a) of this section, shall be reduced to cash and, along with all other cash on hand, shall be applied to the repayment of any debt obligation of the district. Any cash remaining after all outstanding obligations are satisfied shall be refunded to DeKalb County.
- (4) When a dissolution becomes effective, the City of Stonecrest shall take title to all property previously in the ownership of the district and all taxes, fees, and assessments of the district shall cease to be levied and collected.

ARTICLE II. GOVERNMENT STRUCTURE, ELECTIONS, AND LEGISLATIVE BRANCH

Section 2.01. City council creation; number; election.

- (a) The legislative authority of the government of the City of Stonecrest, except as otherwise specifically provided in this Charter, shall be vested in a city council, and the city council shall be the governing authority of the city.
- (b) (1) The city council of Stonecrest, Georgia, shall consist of the mayor and five voting city councilmembers.
 - (2) There shall be five council districts, designated Council Districts 1 through 5, as described in Appendix B of this Act, which is attached to and made a part of this Charter.
 - (3) One councilmember shall be elected from each of the five council districts and shall hold Council District Posts 1, 2, 3, 4, and 5, respectively. Each person desiring to offer as a candidate for councilmember for such posts shall designate the council post for which he or she is offering. Councilmembers for such posts shall be elected by a majority vote of the qualified electors of the respective council districts voting at the elections of the city. In the event that no candidate for a council post obtains a majority vote of the qualified electors of the council district voting in the election, a run-off election shall be held. The candidates receiving the two highest numbers of votes in the election for such council post shall be included in the run-off election. The person receiving the highest number of votes of the qualified electors of the council district voting at such run-off election shall be elected. Each candidate for election to the city council shall reside in the district he or she seeks to represent.
- (c) With the exception of the initial terms set forth in subsection (d) of this section, councilmembers shall be elected to terms of four years and until their successors are elected and qualified on a staggered basis in alternate election cycles.
- (d) In order to assure staggered elections of the councilmembers, in the first election of the city council, the terms for the candidates elected for Council District Posts 1, 3, and 5 shall expire upon the administration of the oath of office to their successors elected in the regular elections held in November, 2017. The terms for the candidates elected for Council District Posts 2 and 4 shall expire upon the administration of the oath of office to their successors elected in the regular elections held in November, 2019. Thereafter, a successor to

each councilmember shall be elected at the November election immediately preceding the end of such councilmember's term of office and the term of each councilmember shall expire upon the administration of the oath of office to his or her successor.

- (e) With the exception of the initial term of office, the mayor of the City of Stonecrest, with the powers and duties specified herein, shall be elected to a term of four years and until his or her successor is elected and qualified. The mayor shall be elected by a majority vote of the qualified electors of the city at large voting at the elections of the city. In the event that no candidate for mayor obtains a majority vote of the qualified electors of the city at large voting at the elections of the city, then a run-off election shall be held. The candidates receiving the two highest numbers of votes in the election shall be included in the run-off election and the candidate receiving the highest number of votes in the runoff of the qualified electors of the city at large voting at such runoff shall be elected. The term of the first elected mayor shall expire upon the administration of the oath of office to his or her successor elected in the regular election held in November 2019, as provided in subsection (b) of Section 2.02 of this Charter. Thereafter, the successor to each mayor shall be elected at the November election immediately preceding the end of such mayor's term of office and the term of each mayor shall expire upon the administration of the oath of office to his or her successor.

(S.B. 21, § 1, 4-1-2021)

Section 2.02. Mayor and councilmembers; terms and qualifications for office.

- (a) For all elections subsequent to the first election, the mayor and councilmembers shall serve for terms of four years and until their terms shall expire upon the administration of the oath of office to their successors. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of the City of Stonecrest for a continuous period of at least 12 months immediately prior to the date of the election for mayor or councilmember, shall continue to reside therein during that person's period of service, and shall continue to be registered and qualified to vote in municipal elections of the City of Stonecrest. In addition to the above requirements, no person shall be eligible to serve as a councilmember representing a council district unless that person has been a resident of the district such person seeks to represent for a continuous period of at least six months immediately prior to the date of the election for councilmember and continues to reside in such district during that person's period of service.
- (b) An election shall be held in conjunction with the 2016 November general election to elect the first mayor and city council. At such election, the first mayor and council shall be elected to serve for the initial terms of office specified in subsections (d) and (e) of Section 2.01 of this Charter. Thereafter, the time for holding regular municipal elections shall be on the Tuesday next following the first Monday in November of each odd-numbered year beginning in 2021.
- (c) No person shall serve more than two consecutive full terms as mayor or as a councilmember. For purposes of this subsection, a person serving a partial term shall not constitute a full term. A person who has served two consecutive full terms as mayor or as a councilmember shall be eligible for the office of mayor or councilmember following the intervening of a full four-year term.

(S.B. 21, § 2, 4-1-2021)

Section 2.03. Vacancy; filling of vacancies; suspensions.

- (a) Elected officials of the city shall not hold other elected or public offices. The elected offices of the city's government shall become vacant upon the member's death, resignation, removal, or forfeiture of office. The following shall result in an elected city official forfeiting his or her office:
- (1) Violating the provisions of this Charter;
 - (2) Being convicted of, or pleading guilty or "no contest" to, a felony or a crime of moral turpitude; or

- (3) Failing to attend one-third of the regular meetings of the council in a three-month period, which shall be defined as a quarter of the city's fiscal year, without being excused by a vote of the majority of councilmembers prior to, or after, the absence; provided, however, that absences due to the following shall automatically be excused:
- (A) A personal accident, emergency, illness, or injury;
 - (B) An accident, emergency, illness, or injury of an immediate family member; or
 - (C) Obligations arising from the elected official's outside full-time employment.

A councilmember unable to attend a meeting due to one or more of the circumstances provided in subparagraphs (A), (B), or (C) of this paragraph shall provide written, electronic, or telephonic notice to the city clerk before the beginning of the meeting, and the city clerk shall notify the remaining councilmembers of the councilmember's excused absence.

- (b) The office of mayor shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this Act or the general laws of the State of Georgia. A vacancy in the office of mayor shall be filled for the remainder of the unexpired term by a special election if such vacancy occurs 12 months or more prior to the expiration of the term of that office. If such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those members remaining shall appoint a successor for the remainder of the term. This provision shall also apply to a temporary vacancy created by the suspension from office of the mayor.
- (c) The office of a councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this Act or the general laws of the State of Georgia. A vacancy in the office of a councilmember shall be filled for the remainder of the unexpired term by a special election if such vacancy occurs 12 months or more prior to the expiration of the term of that office. If such vacancy occurs within 12 months of the expiration of the term of that office, the mayor shall appoint a successor for the remainder of the term subject to the approval of the city council or those members remaining. This provision shall also apply to a temporary vacancy created by the suspension from office of a councilmember.

(S.B. 21, § 3, 4-1-2021)

Section 2.04. Nonpartisan elections.

Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party designation.

Section 2.05. Election votes.

The candidates for mayor and city council who receive a majority vote of the qualified electors of the city pursuant to Section 2.01 of this Charter at the elections of the city shall be elected to a term of office.

Section 2.06. Applicability of general laws; qualifying; other provisions.

All elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended or otherwise provided by law. Except as otherwise provided by this Act, the city council shall, by ordinance or resolution, prescribe such rules and regulations as it deems appropriate including, but not limited to, the establishment of qualifying fees, to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended or otherwise provided by law.

Section 2.07. Compensation and expenses.

The annual salary of the mayor shall be \$20,000.00 and the annual salary for each councilmember shall be \$15,000.00. Such salaries shall be paid from municipal funds in monthly installments. The mayor shall be provided an annual expense allowance of \$5,000.00, and each councilmember shall be provided an annual expense allowance of \$3,000.00 for the reimbursement of reasonable expenses actually and necessarily incurred by the mayor and councilmembers in carrying out their duties as elected officials of the city. The mayor and each councilmember shall serve in a part-time capacity.

(S.B. 21, § 4, 4-1-2021)

Section 2.08. Inquiries and investigations.

The city council may make inquiries and investigations into the affairs of the city and conduct of any department, office, or agency thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the city council shall be punished as may be provided by ordinance.

Section 2.09. Meetings, oath of office, and mayor pro tempore.

- (a) The city council shall meet on the first working day in January immediately following each regular municipal election. The meeting shall be called to order by the presiding officer, and the oath of office shall be administered to the newly elected mayor and councilmembers collectively by a judicial officer authorized to administer oaths. The oath shall, to the extent that it comports with federal and state law, be as follows:

'I do solemnly swear or affirm that I will faithfully execute the office of [councilmember or mayor, as the case may be] of the City of Stonecrest, and will to the best of my ability support and defend the Constitution of the United States, the Constitution of Georgia, and the Charter, ordinances, and regulations of the City of Stonecrest. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident of my district and the City of Stonecrest for the time required by the Constitution and laws of this state and by the municipal charter. I will perform the duties of my office in the best interests of the City of Stonecrest to the best of my ability without fear, favor, affection, reward, or expectation thereof.'

- (b) Following the induction of the mayor and councilmembers, the city council, by a majority vote of the councilmembers, shall elect a councilmember to be the mayor pro tempore, who shall serve for a term of two years and until a successor is elected and qualified. The number of successive terms an individual may hold the position of mayor pro tempore shall be two. The mayor pro tempore shall preside over all meetings of the city council and set the agenda for each meeting after receiving input from the councilmembers, city manager, the mayor, and the public; provided, however, that additional items shall be added to the agenda upon the written request of any two councilmembers prior to the agenda being published. This shall not preclude items from being added to the agenda during a meeting with the appropriate affirmative vote of a majority of the city councilmembers. The agenda shall be considered to be set when it is published in accordance with the Open Meetings Act.
- (c) The mayor pro tempore shall assume the duties and powers of the mayor during the mayor's temporary disability, suspension, or absence. If the mayor pro tempore is absent because of sickness or disqualification, any one of the remaining councilmembers, chosen by a majority of the councilmembers present, shall be clothed with all the rights and privileges of the mayor as described herein and shall perform the mayor's duties in the same manner as the mayor pro tempore.

- (d) The city council shall, at least once a month, hold regular meetings at such times and places as prescribed by ordinance. The city council may recess any regular meeting and continue such meeting on any day or hour it may fix and may transact any business at such continued meeting as may be transacted at any regular meeting.
- (e) Special meetings of the city council may be held on the call of either the presiding mayor pro tempore and two councilmembers or three councilmembers. Notice of such special meetings shall be delivered to the mayor pro tempore, all councilmembers, the mayor, and the city manager personally, by registered mail, or by electronic means at least 24 hours in advance of the meeting. Such notice of any special meeting may be waived by the mayor pro tempore, mayor, a councilmember, or the city manager in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice. The notice of such special meeting shall state what business is to be transacted at the special meeting. Only the business stated in the notice may be transacted at the special meeting.

(S.B. 21, § 5, 4-1-2021)

Section 2.10. Quorum; voting.

- (a) Three councilmembers shall constitute a quorum and shall be authorized to transact business for the city council. The mayor shall only be counted toward the making of a quorum. Voting on the adoption of ordinances shall be taken by voice vote and the yeas and nays shall be recorded in the minutes, but on the request of any member there shall be a roll-call vote. In order for any ordinance, resolution, motion, or other action of the city council to be adopted, the measure shall receive at least three affirmative votes and shall receive the affirmative votes of a majority of those voting. No councilmember shall abstain from voting on any matter properly brought before the city council for official action except when such councilmember has a reason which is disclosed in writing prior to or at the meeting and made a part of the minutes. Each councilmember when present at a meeting shall have one vote on all matters brought before the council. The mayor shall only vote in the event of a tie vote of the councilmembers. Any councilmember or the mayor who has a financial interest in any matter pending before the city council shall disclose such interest and such disclosure shall be entered on the records of the city council, and the mayor or such councilmember shall disqualify himself or herself from participating in any discussion, decision, or vote relating thereto.
- (b) The following types of actions require an ordinance in order to have the force of law:
- (1) Adopt or amend an administrative code or establish, alter, or abolish a department, office not specified in this Charter, or agency;
 - (2) Provide for fine or other penalty;
 - (3) Levy taxes;
 - (4) Grant, renew, or extend a franchise;
 - (5) Regulate a rate for a public utility;
 - (6) Authorize the borrowing of money;
 - (7) Convey, lease, or encumber city land;
 - (8) Regulate land use and development; and
 - (9) Amend or repeal an ordinance already adopted.
- (c) The city council shall establish by ordinance procedures for convening emergency meetings. In an emergency, an ordinance may be passed without notice or hearings if the city council passes the ordinance by three-fourths' vote; provided, however, that the city council cannot in an emergency meeting:
- (1) Levy taxes;

- (2) Grant, renew, or extend a franchise;
- (3) Regulate a rate for a public utility; or
- (4) Borrow money.

(S.B. 21, § 6, 4-1-2021)

Section 2.11. General power and authority of the city council.

- (a) Except as otherwise provided by law or by this Charter, the city council shall be vested with all the powers of government of the City of Stonecrest as provided by Article I of this Charter.
- (b) In addition to all other powers conferred upon it by law, the city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, policies, rules, and regulations, not inconsistent with this Charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Stonecrest and may enforce such ordinances by imposing penalties for violation thereof.
- (c) (1) The city council shall have the power, by ordinance or resolution, to establish oversight, policy, and standing committees of the council. No less than two councilmembers shall be appointed to each committee established pursuant to this paragraph. The city council shall appoint members to an oversight or policy committee within 30 days of the council establishing such committee, or such committee shall stand in abeyance until such members are appointed.
 - (2) The city council may designate an official legal organ for the city.
 - (3) Except for actions brought pursuant to Article IV of this Charter, the city council shall have the sole authority to initiate any legal action or lawsuit, whether at law or equity, on behalf of the City of Stonecrest, and any such legal action may only be filed in a court of appropriate jurisdiction upon approval of such by at least four members of the city council. To the extent permitted by general law, nothing herein shall require such approvals to be made in open or public meetings of the city council.

(S.B. 21, § 7, 4-1-2021)

Section 2.12. Administrative and service departments.

- (a) Except for the office of city manager and the elected positions provided for in this Charter, the city council, by ordinance, may establish, abolish, merge, or consolidate offices not specified in this Charter, positions of employment, departments, and agencies of the city as it shall deem necessary for the proper administration of the affairs and government of the city. The city council shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies hereinafter created or established; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city.
- (b) The operations and responsibilities of each department now or hereafter established in the city shall be distributed among such divisions or bureaus as may be provided by ordinance of the city council. Each department shall consist of such officers, employees, and positions as may be provided by this Charter or by ordinance.
- (c) The appointed officers of the city shall be the:
 - (1) city manager or acting city manager;

- (2) city attorney;
- (3) city clerk;
- (4) tax collector;
- (5) finance director;
- (6) internal auditor; and
- (7) municipal court judge.

(S.B. 21, § 8, 4-1-2021)

Section 2.13. Prohibitions.

- (a) Elected and appointed officers of the city are trustees and servants of the residents of the city and shall act in a fiduciary capacity for the benefit of such residents.
- (b) No elected official, appointed officer, or employee of the city or any agency or political entity to which this Charter applies shall knowingly:
 - (1) Engage in any business or transaction, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of that person's official duties or which would tend to impair the independence of the official's judgment or action in the performance of those official duties;
 - (2) Engage in or accept private employment, or render services for private interests when such employment or service is incompatible with the proper discharge of that person's official duties or would tend to impair the independence of the official's judgment or action in the performance of those official duties;
 - (3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property, government, or affairs of the governmental body by which the official is engaged without proper legal authorization or use such information to advance the financial or other private interest of the official or others;
 - (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to the official's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which the official is engaged. As used in this paragraph, the term "valuable" means an amount determined by the city council; provided, however, that the amount shall not exceed \$100;
 - (5) Represent other private interests in any action or proceeding against this city or any portion of its government;
 - (6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which he or she or any member of his or her immediate family has a private financial interest; or
 - (7) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which the official has a financial interest.
- (c) Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. As used in this subsection, the term "private financial interest" includes the interest of a spouse, child, or significant other or domestic partner. The mayor or any councilmember who has a private interest in any matter pending before the city council shall disclose in writing such private interest, such disclosure shall be entered on the records of the city council, and he or she shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed

officer, or employee of any agency or political entity to which this Charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

- (d) No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit or profit but shall use such property only in their capacity as an officer or employee of the city.
- (e) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the city council.
- (f) Except where authorized by law, neither the mayor nor any councilmember shall hold any other elective or appointive office in the city or otherwise be employed by the city during the term for which that official was elected. No former mayor and no former councilmember shall hold any appointive office in the city until one year after the expiration of the term for which that official was elected.
- (g) (1) No appointive officer of the city shall continue in such employment upon qualifying as a candidate for nomination or election to any public office. No employee of the city shall continue in such employment upon qualifying for election to any public office in this city or any other public office which is inconsistent, incompatible, or in conflict with the duties of the city employee. Such determination shall be made by the mayor and council either immediately upon election or at any time such conflict may arise.
 - (2) Any city officer or employee who knowingly conceals such financial interest or knowingly violates any of the requirements of this section shall be guilty of malfeasance in office or position and shall be deemed to have forfeited that person's office or position.
 - (3) Any officer or employee of the city who shall forfeit an office or position as described in paragraph (2) of this subsection shall be ineligible for appointment or election to or employment in a position in the city government for a period of three years thereafter.

(Ord. No. 2018-11-03 , § 1, 11-07-2018; S.B. 21, § 9, 4-1-2021)

Section 2.14. Boards, commissions, and authorities.

- (a) All members of boards, commissions, and authorities of the city shall be residents of the city and appointed by the city council by majority vote for such terms of office and such manner of appointment as provided by ordinance, except where other appointing authority, term of office, or manner of appointment is prescribed by this Charter or by applicable state law.
- (b) No member of any board, commission, or authority of the city shall hold any elective office in the city or DeKalb County. However, the mayor and up to two members of the city council, including the mayor pro tempore, may be appointed by the city council to serve as ex officio members of such boards, commissions, or authorities without a vote for a term expiring December 31 following the date of appointment.
- (c) Any vacancy in office of any member of a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed for original appointment, except as otherwise provided by this Charter or any applicable law of the State of Georgia.
- (d) No member of any board, commission, or authority shall assume office until he or she shall have executed and filed with the designated officer of the city an oath obligating himself or herself to faithfully and impartially perform the duties of his or her office, such oath to be prescribed by ordinance of the city council and administered by the mayor or a judicial officer authorized to administer oaths.
- (e) Any member of a board, commission, or authority may be removed from office for cause by a vote of a majority of the councilmembers in accordance with state laws.
- (f) Members of boards, commissions, and authorities may receive such compensation and expenses in the performance of their official duties as prescribed by ordinance.

- (g) Except as otherwise provided by this Charter or by applicable state law, each board, commission, or authority of the city government shall elect one of its members as chairperson and one member as vice chairperson for terms of one year and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and regulations not inconsistent with this Charter, ordinances of the city, or applicable state law as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be filed with the designated officer of the city.

(S.B. 21, § 10, 4-1-2021)

Section 2.15. Ordinance form; procedures.

- (a) Every proposed ordinance and resolution shall be introduced in writing and the city council shall have the authority to approve, disapprove, or amend the same. A resolution may be passed at the time it is offered, but an ordinance shall not be adopted until the title of such ordinance shall have been read at two city council meetings, provided that the beginning of such meetings shall be neither less than 24 hours nor more than 60 days apart. This requirement of two readings shall not apply to emergency ordinances, to ordinances passed during the first 90 days from the date on which the city begins operation, to ordinances adopted at the first business meeting of the city council in a calendar year, or to ordinances adopted at the first meeting of the initial city council as elected under subsection (b) of Section 2.02 of this Charter.
- (b) The catchlines of sections of this Charter or any ordinance printed in boldface type, italics, or otherwise, are intended as mere catchwords to indicate the contents of the section, and:
- (1) Shall not be deemed or taken to be titles of such sections or as any part of the section; and
 - (2) Shall not be so deemed when any of such sections, including the catchlines, are amended or reenacted unless expressly provided to the contrary.

Furthermore, the chapter, article, and section headings contained in this Act shall not be deemed to govern, limit, or modify or in any manner affect the scope, meaning, or intent of the provisions of any chapter, article, or section hereof.

- (c) The city council may, by ordinance or resolution, adopt rules and bylaws to govern the conduct of its business and those in attendance of its meetings, including procedures and penalties for compelling the attendance of absent councilmembers. Such rules may include punishment for contemptuous behavior conducted in the presence of the city council.

Section 2.16. Submission of ordinances to the city clerk.

- (a) Every ordinance, resolution, and other action adopted by the city council shall be presented to the city clerk within 15 days of its adoption or approval. The city clerk shall record upon the ordinance the date of its delivery from the city council.
- (b) An ordinance or resolution that has been passed by the city council shall become effective on the date the ordinance is passed by the city council or on such other date as may be specified in the ordinance.

ARTICLE III. EXECUTIVE BRANCH

Section 3.01. Powers and duties of the mayor.

- (a) The mayor shall:

- (1) Serve as the ceremonial head of the city and as its official representative to federal, state, and local governmental bodies and officials;
 - (2) Sign as a matter of form, but with no discretion in the matter, all orders, checks, and warrants for payment of money within a level of authorization as established by the city council;
 - (3) Execute as a matter of form, but with no discretion in the matter, all contracts, deeds, and other obligations of the city according to the purchasing guidelines and policies within a level of authorization as established by the city council, provided that the city council may delegate contract signing authority to the city manager to the extent allowed by law;
 - (4) Make appointments as provided by this Charter, subject to confirmation by the city council;
 - (5) Serve in a part-time capacity and be compensated accordingly as provided by this Charter;
 - (6) Vote only in the event of a tie of the city council; and
 - (7) Perform any other duties and exercise any other powers required by state or federal law or authorized by a duly adopted ordinance that is not in conflict with this Charter.
- (b) The mayor shall have all of the powers specifically granted to the mayor elsewhere in this Charter regardless of whether such powers are enumerated in this section of this Charter.

(S.B. 21, § 11, 4-1-2021)

Section 3.02. City manager; appointment and qualification.

- (a) The city manager shall be appointed as provided in subsection (b) of this section, without regard to political beliefs and solely on the basis of his or her education and experience in the accepted competencies and practices of local government management. The city manager need not be a resident of the City of Stonecrest. The city manager shall be a direct employee of the city.
- (b) (1)(A)The mayor shall nominate, within 60 days of the occurrence of a vacancy in the office of city manager, subject to confirmation by the city council, an individual to be the city manager.
 - (B) In the event that the mayor needs more than 60 days from the occurrence of a vacancy in the office of city manager to nominate a permanent city manager, the mayor may name, within such 60 day period, an individual to serve as the acting city manager.
- (2) In the event that the city council does not confirm the mayor's initial nomination, the mayor shall nominate a second individual to be city manager, who shall also be subject to confirmation by the city council.
- (3) In the event that the city council does not confirm the mayor's second nomination, the mayor pro tempore shall nominate an individual to be city manager who shall also be subject to confirmation by the city council. The mayor pro tempore may offer as many nominations as are needed until the required approval is achieved.
- (c) Unless otherwise authorized by a majority of the city council, vacancies in the office of city manager must be filled within 90 days of the occurrence of the vacancy.
- (d) Except for the acting city manager as authorized by this Charter, no other position of the city shall be created to assume, execute, or fulfill the duties of the city manager.

(S.B. 21, § 12, 4-1-2021)

Section 3.03. City manager; chief administrative officer; role delineation.

- (a) The city manager shall be the chief administrative officer of the government of the city. The city manager shall devote all of his or her working full-time and attention to the affairs of the city and shall be responsible to the mayor and city council for the proper and efficient administration of the affairs of the city over which such officer has jurisdiction.
- (b) Based upon the firm belief that the proper, efficient, and effective administration and operation of the city's council-manager form of government will be fostered by a clear definition of the roles and responsibilities of the city council, mayor pro tempore, mayor, and city manager, this section states the following principles, which are intended to be fully consistent with this article:
- (1) The full and complete legislative and policymaking authority of the city resides in the part-time city council, mayor pro tempore, and mayor; and the full-time city manager shall take no action which impinges upon or interferes with the city council's or the mayor's policymaking role. Other than providing information relevant and germane to the city council's legislative deliberations, the city manager shall strive to remain a neutral party in such legislative deliberations. To ensure the actuality and appearance of neutrality, neither the city manager nor any department heads shall participate in any political activity on behalf of the mayor, any councilmember, or any candidate for such offices, nor shall the city manager or any department head make any political contribution to the mayor, any councilmember, or any candidate for such offices. The mayor, mayor pro tempore, and councilmembers shall not solicit or accept any campaign contributions from any city employee;
 - (2) The city manager is the full-time chief executive officer of the city, and, as such, all department heads, except those who are appointed by and report to the city council, shall report to the city manager. The mayor, mayor pro tempore, and councilmembers shall observe the management authority of the city manager;
 - (3) Except as otherwise provided in this Charter, the mayor, mayor pro tempore, and councilmembers shall not in any manner dictate the appointment or removal of any city administrative officers or employees whom the city manager or any of his or her subordinates are empowered to appoint;
 - (4) Except for the purpose of conducting an investigation or inquiry authorized by the city council pursuant to Section 3.12 of this Charter, the mayor, mayor pro tempore, and councilmembers shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the mayor nor any councilmembers shall give orders to any such officers or employees, either publicly or privately;
 - (5) The mayor, mayor pro tempore, and city council shall not give directives to any city officers or employees, other than the city manager or officers appointed by the city council, regarding any matters including, but not limited to, constituent complaints and complaints regarding the services, operation, or administration of any department or function of city government. Although the mayor, mayor pro tempore, and city council shall not be prohibited from communicating with city officers or employees with constituent complaints or concerns, the city manager must be copied on all such communications;
 - (6) The mayor, mayor pro tempore, and councilmembers, unless acting pursuant to a duly authorized investigation or inquiry, shall not discuss in open session the performance of or complaints against any city officer or employee during a city council meeting. This provision is not intended to prevent the mayor, mayor pro tempore, or city council from discussing, in general terms, the performance of or any issue relating to any department or function of city government;
 - (7) It shall be prohibited for the mayor, mayor pro tempore, or any councilmember to sit in on personnel and management meetings between the city manager and city employees unless such participation is consented to by the city manager and approved by the city council;

- (8) The mayor shall have no management authority or responsibility with respect to the operations and administration of city government; and
- (9) The mayor, mayor pro tempore, and councilmembers, as elected officials, shall possess fundamental oversight duties and responsibilities with respect to all operations and administration of city government, and the city manager shall be responsible and duty bound to facilitate the mayor and city council's oversight function. Once the city council has passed the operating and capital budgets of the city, it shall be the responsibility of the city manager to administer such budgets and to keep the mayor, mayor pro tempore, and city council fully informed as to the city's progress against such budgets. The city manager shall provide monthly financial updates on the budgets with year to date information, and such updates shall contain all material information necessary for the mayor and city council to evaluate the financial performance and condition of the city. However, once the city council has appropriated funds in the budget and encumbered such funds through subsequent legislative action, the city manager shall have the authority to administer such budget, including contract administration and account payables, as part of the management function.

(S.B. 21, § 13, 4-1-2021)

Section 3.04. City manager; powers and duties enumerated.

The city manager shall have the power, and it shall be his or her duty to:

- (1) See that all laws and ordinances are enforced;
- (2) Appoint and employ all necessary employees of the city, provided that the power of this appointment shall not include officers and employees who by this Charter are appointed or elected by the mayor and the city council or departments not under the jurisdiction of the city manager;
- (3) Remove employees appointed and employed under paragraph (2) of this section, without the consent of the city council but must give notice to the city council prior to but not later than the next regular scheduled council meeting;
- (4) Exercise supervision and control of all departments and all divisions created in this Charter or that may hereafter be created by the city council except as otherwise provided in this Charter;
- (5) Attend all meetings of the city council, without a right to vote, but with a right to take part in the discussions as seen fit by the chairperson; provided, however, that regardless of the decision of the meeting chairperson, the city manager may take part in any discussion and report on any matter requested and approved by the city council at such meeting. The city manager shall be entitled to notice of all special meetings;
- (6) Recommend to the city council, after prior review and comment by the mayor, for adoption such measures as the city manager may deem necessary or expedient;
- (7) See that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed and upon knowledge of any violation thereof to call the same to the attention of the city attorney, whose duty it shall be forthwith to take such steps as are necessary to protect and enforce the same;
- (8) Make and execute all lawful contracts on behalf of the city as to matters within the city manager's level of authorization as established by the city council to the extent that such contracts are funded in the city's budget, except such as may be otherwise provided by law; provided, however, that no contract purchase or obligation requiring a budget amendment shall be valid and binding until after approval of the city council;
- (9) Sign all orders, checks, and warrants for payment of money within the city manager's level of authorization as established by the city council to the extent that such contracts are funded in the city's

budget, except such as may be otherwise provided by law; provided, however, that no such order, check, or warrant requiring a budget amendment shall be valid and binding until after approval of the city council;

- (10) Act as budget officer to prepare and submit to the city council, after review and comment by the mayor, no less than 60 days prior to the beginning of each fiscal year, a budget of proposed expenditures for the ensuing year, showing in as much detail as practicable the amounts allotted to each department of the city government and the reasons for such estimated expenditures;
- (11) Keep the city council at all times fully advised as to the financial condition and needs of the city;
- (12) Make a full written report to the city council on the fifteenth of each month showing the operations and expenditures of each department of the city government for the preceding month, and a synopsis of such reports shall be published by the city clerk;
- (13) Fix all salaries and compensation of city employees in accordance with the city budget and the city pay and classification plan;
- (14) Perform such other duties as may be prescribed by this Charter or required by ordinance or resolution of the city council; and
- (15) With the approval of the city council, transfer appropriations within a department, fund, service, strategy, or organizational unit.

(S.B. 21, § 14, 4-1-2021)

Section 3.05. City council interference with administration.

Except for the purpose of inquiries and investigations under Section 2.08 of this Charter or as provided in Sections 3.01 and 3.03 of this Charter, neither the mayor, mayor pro tempore, nor any councilmembers shall interfere with the performance of services by or give orders to any such officer or employee, either publicly or privately.

(S.B. 21, § 15, 4-1-2021)

Section 3.06. City manager; removal.

- (a) The city manager may be removed from office in accordance with the following procedures:
 - (1) The city council by resolution by affirmative vote of a majority of all its members may remove the city manager from office after a suspension of the city manager from duty for a period not to exceed 45 days. A copy of such resolution of the city council shall be delivered promptly to the city manager;
 - (2) Within five days after a copy of such resolution is delivered to the city manager, he or she may file with the city council a written request for a public hearing and a reconsideration of the removal. This hearing shall be held at a city council meeting especially set for such purpose not earlier than 15 days nor later than 30 days after the request is filed. The city manager may file with the city council a written reply to the removal not later than five days before the hearing; and
 - (3) If the city manager either (i) does not request a public hearing and a reconsideration of the removal five days from the date when a copy of such proclamation or resolution was delivered to the city manager; or, (ii) if after the conclusion of the public hearing requested by the city manager for reconsideration of the removal, the city council does not pass a resolution either reversing the action or rescinding its resolution of removal, the city manager's removal shall be effective as of such date without further action by the city council.

- (b) Unless the resolution of removal of the city manager is rescinded by majority of the members of the city council at the public hearing held at the request of the city manager pursuant to this section, the city manager shall continue to receive his or her salary until the effective date of his or her removal.
- (c) If the city manager is suspended in accordance with subsection (a) of this section or becomes disabled and is unable to carry out the duties of the office or if the city manager dies, the acting city manager shall perform the duties of the city manager until the city manager's disability is removed or until the city manager is replaced. Removal of the city manager because of disability shall be carried out in accordance with the provisions of subsection (a) of this section.
- (d) The mayor shall be authorized to propose a resolution to the city council seeking the removal of the city manager, but if the city council rejects such resolution, the mayor shall not propose another such resolution for a period of 180 days.

(S.B. 21, § 16, 4-1-2021)

Section 3.07. Acting city manager.

- (a) The mayor with the approval of the city council may appoint, within 30 days of the temporary absence, any person to exercise all powers, duties, and functions of the city manager during the city manager's suspension under subsection (a) of Section 3.06 of this Charter, temporary absence from the city, or during the city manager's disability. The acting city manager shall be a direct employee of the city.
- (b) In the event of a vacancy in the office of city manager, the mayor may designate, within 60 days of the vacancy and with the approval of the city council, a person as acting city manager, who shall exercise all powers, duties, and functions of the city manager until a city manager is appointed. The office of the city manager shall not go unfilled for longer than 90 days unless a resolution is passed by the city council to extend the time to fill the position.

(S.B. 21, § 17, 4-1-2021)

Section 3.08. City attorney.

- (a) The city council shall appoint the city attorney together with such assistant city attorneys or special city attorneys as may be deemed appropriate. The mayor, mayor pro tempore, or any councilmember may nominate such attorneys for appointment by the city council. The city council shall provide for the payment of such attorneys for services rendered to the city. The rates or salary paid to any city attorney or assistant city attorney shall be approved in advance by the city council. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the city council as directed; shall advise the city council, mayor, other officers, and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of his or her position as city attorney. The city attorney shall review all contracts of the city but shall not have the power to bind the city unless authorized by resolution of the city council.
- (b) In a conflict between the mayor and the city council, the city attorney shall engage separate outside firms to represent the interest of the city council and the mayor, respectively. Notwithstanding any law or ordinance to the contrary, the city attorney shall not represent the interests of the city council or the mayor against the other. Unless the litigation allegations specify individual wrongdoing by an individual member of the city council or the mayor, the outside firm shall be able to represent the entity rather than the individual, and separate attorneys for the individuals of the city council shall not be necessary.

(S.B. 21, § 18, 4-1-2021)

Section 3.09. City clerk.

The city council shall appoint the city clerk, and the mayor, mayor pro tempore, or any councilmember may nominate individuals for appointment by the city council. The city clerk shall keep a journal of the proceedings of the city council, to maintain in a safe place all records and documents pertaining to the affairs of the city, and to perform such duties as may be required by law or ordinance or as the city council or city manager may direct. The city clerk shall be a direct employee of the city.

(S.B. 21, § 18, 4-1-2021)

Section 3.10. Tax collector.

The city council may appoint a tax collector, and the mayor, mayor pro tempore, or any councilmember may nominate individuals for appointment by the city council. The tax collector, if appointed, shall collect all taxes, licenses, fees, and other moneys belonging to the city, subject to the provisions of this Charter and the ordinances of the city; and the tax collector shall diligently comply with and enforce all general laws of Georgia relating to the collection, sale, or foreclosure of taxes by municipalities.

(S.B. 21, § 18, 4-1-2021)

Section 3.11. City finance director.

The city council may appoint a finance director to perform duties of accounting and finance management. The mayor, mayor pro tempore, or any councilmember may nominate individuals for appointment by the city council. The finance director shall be a direct employee of the city.

(Ord. No. 2018-11-02 , § 1, 11-07-2018; S.B. 21, § 18, 4-1-2021)

Section 3.12. City internal auditor.

The city council shall appoint an internal auditor to audit the financial records and expenditures of city funds and to report the results of such audits in writing to the city council at times and intervals set by the city council, but no less than quarterly. Such audit reports shall, at a minimum, identify all city expenditures and other financial matters that the internal auditor either determines are not in compliance with or cannot conclusively be determined to be in compliance with:

- (1) The provisions of this Charter;
- (2) The applicable city budget; and
- (3) Applicable ordinances, resolutions, policies, or other actions duly adopted or approved under the provisions of this Charter.

The internal auditor shall be a direct employee of the city.

(S.B. 21, § 18, 4-1-2021)

Section 3.13. Consolidation of functions.

The city manager, with the approval of the city council, may consolidate any two or more of the positions of city clerk, city tax collector, and city accountant, or any other positions or may assign the functions of any one or more of such positions to the holder or holders of any other positions. The city manager may also, with the approval of the city council, perform all or any part of the functions of any of the positions or offices in lieu of the appointment of other persons to perform the same.

Section 3.14. Position classification and pay plans; employment at will.

The city manager shall be responsible for the preparation of a position classification and a pay plan which shall be submitted to the city council for approval. Said plan may apply to all employees of the City of Stonecrest and any of its agencies and offices. When a pay plan has been adopted by the city council, neither the city council nor the city manager shall increase or decrease the salaries of individual employees except in conformity with such pay plan or pursuant to an amendment of such pay plan duly adopted by the city council. Except as otherwise provided in this Charter, all employees of the city shall be subject to removal or discharge, with or without cause, at any time.

ARTICLE IV. MUNICIPAL COURT

Section 4.01. Creation.

There is established a court to be known as the Municipal Court of the City of Stonecrest which shall have jurisdiction and authority to try offenses against the laws and ordinances of such city and to punish for a violation of the same. Such court shall have the power to enforce its judgments by the imposition of such penalties as may be provided by law, including ordinances of the city; to punish witnesses for nonattendance and to punish also any person who may counsel or advise, aid, encourage, or persuade another whose testimony is desired or material in any proceeding before such court to go or move beyond the reach of the process of the court; to try all offenses within the territorial limits of the city constituting traffic cases which, under the laws of Georgia, are placed within the jurisdiction of municipal courts to the extent of, and in accordance with, the provisions of such laws and all laws subsequently enacted amendatory thereof. Such court shall be presided over by the judge of such court. In the absence or disqualification of the judge, the judge pro tempore shall preside and shall exercise the same powers and duties as the judge when so acting.

Section 4.02. Judges.

- (a) No person shall be qualified or eligible to serve as judge unless he or she shall have attained the age of 28 years and shall have been a member of the State Bar of Georgia for a minimum of three years. The judges, including a judge to be designated the chief judge, shall be nominated by the mayor subject to approval by the city council. The compensation and number of the judges shall be fixed by the city council.
- (b) The judge, or judge pro tempore, shall serve for a term of four years but may be removed as provided by general law.
- (c) Before entering on the duties of his or her office, the chief judge and each other judge shall take an oath before an officer duly authorized to administer oaths in this state declaring that he or she will truly, honestly, and faithfully discharge the duties of his or her office to the best of his or her ability without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council.

- (d) Each judge, including the chief judge, shall serve for a term of four years but may be removed from the position by a two-thirds' vote of the entire membership of the city council or shall be removed upon action taken by the state Judicial Qualifications Commission for:
- (1) Willful misconduct in office;
 - (2) Willful and persistent failure to perform duties;
 - (3) Habitual intemperance;
 - (4) Conduct prejudicial to the administration of justice which brings the judicial office into disrepute; or
 - (5) Disability seriously interfering with the performance of duties, which is or is likely to become of a permanent character.

(Ord. No. 2018-11-01 , § 1, 11-07-2018; S.B. 21, § 19, 4-1-2021)

Section 4.03. Convening.

The municipal court shall be convened at such times as designated by ordinance or at such times as deemed necessary by the chief judge, or any other judge in the absence of the chief judge due to his or her illness or disability, to keep current the dockets thereof.

(Ord. No. 2018-11-01 , § 1, 11-07-2018)

Section 4.04. Jurisdiction; powers.

- (a) The municipal court shall try and punish for crimes against the City of Stonecrest and for violation of its ordinances. The municipal court may fix punishment for offenses within its jurisdiction to the fullest extent allowed by state law.
- (b) The municipal court shall have authority to recommend to the city council for approval a schedule of fees to defray the cost of operation.
- (c) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before such court and shall have discretionary authority to accept cash or personal or real property as security for appearances of persons charged with violations. Whenever any person shall give bail for his or her appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited to the judge presiding at such time and an execution issued thereon by serving the defendant and his or her sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the City of Stonecrest, or the property so deposited shall have a lien against it for the value forfeited.
- (d) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears, by probable cause, that a state law has been violated.
- (e) The municipal court shall have the authority to administer oaths and to perform all other acts necessary or proper to the conduct of said court.
- (f) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summons, subpoena, and warrants which may be served as executed by any officer as authorized by this Charter or by state law.

- (g) The municipal court is specifically vested with all of the judicial jurisdiction and judicial powers throughout the entire area of the City of Stonecrest granted by state laws generally to municipal courts, and particularly by such laws as authorize the abatement of nuisances.

Section 4.05. Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of DeKalb County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari, as supplemented by the city council by ordinance.

Section 4.06. Rules for court.

With the approval of the city council, the chief judges shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court.

(Ord. No. 2018-11-01 , § 1, 11-07-2018)

ARTICLE V. FINANCE AND FISCAL

Section 5.01. Fiscal year.

The city council shall set the fiscal year by ordinance. Such fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department or institution, agency, and activity of the city government, unless otherwise provided by state or federal law.

Section 5.02. Preparation of budgets.

The city council shall provide, by ordinance, the procedures and requirements for the preparation and execution of an annual operating budget and a capital budget, including requirements as to the scope, content, and form of such budgets and programs.

Section 5.03. Submission of operating budget to city council.

- (a) On or before a date fixed by the city council, but no later than the first day of the eleventh month of the fiscal year currently ending, the city manager shall, after input, review, and comment by the mayor, submit to the city council a proposed operating budget and capital budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor and city manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as they may deem pertinent. The operating budget, capital budget, the budget message, and all supporting documents shall be filed in the office of the city manager and shall be open to public inspection.
- (b) Beginning in the third year of the city's operation, the city manager is required to present to the city council a budget which is balanced in projected spending and revenues.
- (c) Prior to passage of the budget, in accordance with O.C.G.A § 36-81-5(f), the city council shall hold a special public hearing at least one week prior to the meeting at which adoption of the budget will be considered. The budget will be presented, and public comment on the budget will be solicited. The date, time, and place

of the special public hearing shall be announced no less than 15 days prior to the scheduled date for such hearing.

- (d) All unencumbered balances of appropriations in the current operating budget at the end of the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds from which such appropriations were made. When a supplemental appropriation is certified by the city manager to exist, these appropriations may be spent during the current fiscal year following passage of a supplemental appropriation ordinance.

(S.B. 21, § 20, 4-1-2021)

Section 5.04. Action by city council on budget.

- (a) The city council may amend the operating budget or capital budget or other budgets for funds, services, strategies and/or organizational units proposed by the city manager in accordance with subsection (a) of Section 5.03 of this Charter, except that the budget, as finally amended and adopted, shall provide for all expenditures required by law or by other provisions of this Charter and for all debt service requirements for the ensuing fiscal year; and the total appropriations from any fund shall not exceed the estimated fund balances, reserves, and revenues constituting the fund availability of such fund.
- (b) The city council shall adopt a budget by the end of the fiscal year currently ending. In accordance with O.C.G.A. § 1-3-1(d)(3), if the end of the fiscal year currently ending falls on a Saturday or Sunday, the city council shall have through the following Monday to adopt a budget. If the city council fails to adopt the budget by the prescribed deadline, the operating budget and capital budget proposed by the mayor and city manager shall be adopted without further action by the city council.

(S.B. 21, § 21, 4-1-2021)

Section 5.05. Procurement and property management.

No contract with the city shall be binding on the city unless it is in writing. The city council may adopt procedures for the authorization of certain contracts without city council approval. Absent the foregoing, no contract with the city shall be binding on the city unless:

- (1) It is drawn or submitted and reviewed by the city attorney and, as a matter of course, is signed by the city attorney to indicate such drafting or review; and
- (2) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings.

(S.B. 21, § 22, 4-1-2021)

Section 5.06. Purchasing.

The city council shall by ordinance prescribe procedures for a system of centralized purchasing for the city.

Section 5.07. Audits.

- (a) There shall be an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the city council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal government may be accepted as satisfying the requirements of this Charter. Copies of all audit reports shall be available at printing cost to the public.
- (b) As a minimum, all audits and budgets of the city shall satisfy the requirements of Chapter 81 of Title 36 of the O.C.G.A. relating to local government audits and budgets.

Section 5.08. Homestead exemption; freeze.

- (a) As used in this section, the term:
 - (1) "Ad valorem taxes for municipal purposes" means all municipal ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited to, ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.
 - (2) "Base year" means the taxable year immediately preceding the taxable year in which the exemption under this section is first granted to the most recent owner of such homestead.
 - (3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended, with the additional qualification that it shall include not more than five contiguous acres of homestead property.
- (b) Each resident of the City of Stonecrest is granted an exemption on that person's homestead from City of Stonecrest ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of that homestead exceeds the base year assessed value of that homestead. This exemption shall not apply to taxes assessed on improvements to the homestead or additional land that is added to the homestead after January 1 of the base year. If any real property is added to or removed from the homestead, the base year assessed value shall be adjusted to reflect such addition or removal, and the exemption shall be recalculated accordingly. The value of that property in excess of such exempted amount shall remain subject to taxation.
- (c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Stonecrest, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of Stonecrest, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Stonecrest, or the designee thereof, shall provide application forms for this purpose.
- (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year, and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Stonecrest, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.
- (e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in

addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

- (f) The exemption granted by subsection (b) of this section shall apply only to taxable years 2017 through 2019. Unless renewed or extended by subsequent Act of the General Assembly, the exemption granted by subsection (b) of this section shall not apply to taxable year 2020 or any subsequent taxable year.

Section 5.09. Homestead exemption; senior citizens; disabled.

- (a) As used in this section, the term:
- (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.
 - (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.
 - (3) "Income" means Georgia taxable net income determined pursuant to Chapter 7 of Title 48 of the O.C.G.A., as amended, for state income tax purposes, except income shall not include income received as retirement, survivor, or disability benefits under the federal Social Security Act or under any other public or private retirement, disability, or pension system, except such income which is in excess of the maximum amount authorized to be paid to an individual and such individual's spouse under the federal Social Security Act. Income from such sources in excess of such maximum amount shall be included as income for the purposes of this Act.
 - (4) "Senior citizen" means a person who is 65 years of age or over on or before January 1 of the year in which application for the exemption under subsection (b) of this section is made.
- (b) Each resident of the City of Stonecrest who is disabled or is a senior citizen is granted an exemption on that person's homestead from City of Stonecrest ad valorem taxes for municipal purposes in the amount of \$14,000.00 of the assessed value of that homestead. The exemption granted by this subsection shall only be granted if that person's income, together with the income of the spouse who also occupies and resides at such homestead, does not exceed \$15,000.00 for the immediately preceding year. The value of that property in excess of such exempted amount shall remain subject to taxation.
- (c) (1) In order to qualify for the exemption provided for in subsection (b) of this section due to being disabled, the person claiming such exemption shall be required to obtain a certificate from not more than three physicians licensed to practice medicine under Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that, in the opinion of such physician or physicians, such person is mentally or physically incapacitated to the extent that such person is unable to be gainfully employed and that such incapacity is likely to be permanent. Such certificate or certificates shall constitute part of and be submitted with the application provided for in paragraph (2) of this subsection.
- (2) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Stonecrest, or the designee thereof, giving the person's age, income, and such additional information relative to receiving such exemption as will enable the governing authority of the City of Stonecrest, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Stonecrest, or the designee thereof, shall provide application forms for this purpose.
- (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption

under subsection (b) of this section to notify the governing authority of the City of Stonecrest, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

- (e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.
- (f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2017.

Section 5.10. Homestead exemption; general.

- (a) As used in this section, the term:
 - (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.
 - (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.
- (b) Each resident of the City of Stonecrest is granted an exemption on that person's homestead from City of Stonecrest ad valorem taxes for municipal purposes in the amount of \$10,000.00 of the assessed value of that homestead. The value of that property in excess of such exempted amount shall remain subject to taxation.
- (c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Stonecrest, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of Stonecrest, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Stonecrest, or the designee thereof, shall provide application forms for this purpose.
- (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Stonecrest, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.
- (e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.
- (f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2017.

Section 5.11. Homestead exemption; surviving spouses.

- (a) As used in this section, the term:

- (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited to, ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.
 - (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.
 - (3) "Unremarried surviving spouse" of a member of the armed forces means the unmarried widow or widower of a member of the armed forces who is receiving spousal benefits from the United States Department of Veterans Affairs.
- (b) Any person who is a resident of the City of Stonecrest and who is an unremarried surviving spouse of a member of the armed forces of the United States, which member has been killed in or has died as a result of any war or armed conflict in which the armed forces of the United States engaged, whether under United States command or otherwise, shall be granted a homestead exemption from all City of Stonecrest ad valorem taxation for municipal purposes in the amount of the greater of \$32,500.00 or the maximum amount which may be granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as amended. As of January 1, 2013, the maximum amount which may be granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as amended, is \$50,000.00. The exemption shall be on the homestead which the unremarried surviving spouse owns and actually occupies as a residence and homestead. In the event such surviving spouse remarries, such person shall cease to be qualified to continue the exemption under this Act effective December 31 of the taxable year in which such person remarries. The value of all property in excess of such exemption granted to such unremarried surviving spouse shall remain subject to taxation.
- (c) In order to qualify for the exemption provided for in this Act, the unremarried surviving spouse shall furnish to the governing authority of the City of Stonecrest, or the designee thereof, documents from the Secretary of Defense evidencing that such unremarried surviving spouse receives spousal benefits as a result of the death of such person's spouse who as a member of the armed forces of the United States was killed or died as a result of a war or armed conflict while on active duty or while performing authorized travel to or from active duty during such war or armed conflict in which the armed forces of the United States engaged, whether under United States command or otherwise, pursuant to the Survivor Benefit Plan under Subchapter II of Chapter 73 of Title 10 of the United States Code or pursuant to any preceding or subsequent federal law which provides survivor benefits for spouses of members of the armed forces who were killed or who died as a result of any war or armed conflict.
- (d) An unremarried surviving spouse filing for the exemption under this section shall be required to file with the governing authority of the City of Stonecrest, or the designee thereof, information relative to marital status and other such information which the governing authority of the City of Stonecrest, or the designee thereof, deems necessary to determine eligibility for the exemption. Each unremarried surviving spouse shall file for the exemption only once with the governing authority of the City of Stonecrest or the designee thereof. Once filed, the exemption shall automatically be renewed from year to year, except that the governing authority of the City of Stonecrest or the designee thereof may require annually that the holder of an exemption substantiate his or her continuing eligibility for the exemption. It shall be the duty of any person granted the homestead exemption under this section to notify the governing authority of the City of Stonecrest or the designee thereof in the event that person for any reason becomes ineligible for such exemption.
- (e) The exemption granted by this section shall be in lieu of and not in addition to any other exemption from ad valorem taxation for municipal purposes which is equal to or lower in amount than such exemption granted by this section. If the amount of any other exemption from ad valorem taxation for municipal purposes applicable to any resident qualifying under this section is greater than or is increased to an amount greater than the amount of the applicable exemption granted by this section, such other exemption shall apply and shall be in lieu of and not in addition to the exemption granted by this section.
- (f) The exemptions granted by this section shall apply to all tax years beginning on or after January 1, 2017.

Section 5.12. Homestead exemption; one mill equivalent.

- (a) As used in this section, the term:
- (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.
 - (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.
- (b) Each resident of the City of Stonecrest is granted an exemption on that person's homestead from City of Stonecrest ad valorem taxes for municipal purposes in an amount that provides the dollar equivalent of a one mill reduction of the millage rate applicable to the homestead property with respect to ad valorem taxes for municipal purposes for the taxable year. The value of that property in excess of such exempted amount shall remain subject to taxation.
- (c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Stonecrest or the designee thereof giving such information relative to receiving such exemption as will enable the governing authority of the City of Stonecrest or the designee thereof to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Stonecrest or the designee thereof shall provide application forms for this purpose.
- (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Stonecrest or the designee thereof in the event that person for any reason becomes ineligible for that exemption.
- (e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.
- (f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2017.

ARTICLE VI. GENERAL PROVISIONS

Section 6.01. DeKalb County special services tax district.

For the taxable years beginning on or after January 1, 2017, the adjusted ad valorem tax millage rate and amount for service charges or fees for and DeKalb County special services tax district within the boundaries of the City Stonecrest shall be 0 percent. This section is enacted pursuant to the authority granted to the General Assembly under Section 1 of that local constitutional amendment providing that certain municipalities in DeKalb County shall constitute special services tax districts, Resolution Act. No. 168; House Resolution No. 715-1916; Ga. L. 1978, p. 2468, to control the subject matter of such local constitutional amendment. Municipal services provided by DeKalb

County for the City of Stonecrest will be established through intergovernmental agreements or established as otherwise authorized by statute.

Section 6.02. Referendum and initial election.

- (a) The election superintendent of DeKalb County shall call a special election for the purpose of submitting this Act to the qualified voters of the proposed City of Stonecrest for approval or rejection. The superintendent shall set May 24, 2016, as the date of such election. The superintendent shall issue the call for such election at least 30 days prior to the date thereof. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of DeKalb County. The ballot shall have written or printed thereon the words:

"() YES Shall the Act incorporating the City of Stonecrest in DeKalb County according to the Charter contained in the Act and the homestead exemptions described in the Act be approved?"

() NO

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, it shall become of full force and effect as provided in this Charter, otherwise it shall be void and of no force and effect. The initial expense of such election shall be borne by DeKalb County. Within two years after the elections if the incorporation is approved, the City of Stonecrest shall reimburse DeKalb County for the actual cost of printing and personnel services for such election and for the initial election of the mayor and councilmembers pursuant to Section 2.02 of this Charter. It shall be the duty of the superintendent to hold and conduct such election. It shall be his or her further duty to certify the result thereof to the Secretary of State.

- (b) For the purposes of the referendum election provided for in subsection (a) of this section and for the purposes of the special election of the City of Stonecrest to be held in conjunction with and on the date of the 2016 November general election, the qualified electors of the City of Stonecrest shall be those qualified electors of DeKalb County residing within the corporate limits of the City of Stonecrest as described by Appendix A of this Charter. At subsequent municipal elections, the qualified electors of the City of Stonecrest shall be determined pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code."
- (c) Only for the purposes of holding and conducting the referendum election provided for by subsection (a) of this section and holding and conducting the special election of the City of Stonecrest to be held on the date of the 2016 November general election, the election superintendent of DeKalb County is vested with the powers and duties of the election superintendent of the City of Stonecrest and the powers and duties of the governing authority of the City of Stonecrest.

Section 6.03. Effective dates and transition.

- (a) The initial mayor and councilmembers shall take the oath of office the next business day after certification of the election of such officers, and by action of any four members of the governing authority may meet and take actions binding on the city.
- (b) A period of time will be needed for an orderly transition of various government functions from DeKalb County to the City of Stonecrest. Accordingly there shall be a two-year transition period as allowed by law beginning at 12:01 A.M. on January 1, 2017.
- (c) During such transition period, DeKalb County shall continue to provide within the territorial limits of the city all government services and functions which DeKalb County provided in 2016 and at the same actual direct cost and level of service, except to the extent otherwise provided in this section; provided, however, that

upon at least 30 days' prior written notice to the governing authority of DeKalb County by the governing authority of the City of Stonecrest, responsibility for any such service or function shall be transferred to the City of Stonecrest. The governing authority of the City of Stonecrest shall determine the date of commencement of collection of taxes, fees, assessments, fines and forfeitures, and other moneys within the territorial limits of the city and the date upon which the City of Stonecrest is considered removed from the special services tax district.

- (d) During the transition period, the governing authority of the City of Stonecrest may generally exercise any power granted by this Charter or general law, except to the extent that a power is specifically and integrally related to the provision of a governmental service, function, or responsibility not yet provided or carried out by the city.
- (e) During the transition period, all ordinances of DeKalb County shall remain applicable within the territorial limits of the city unless otherwise amended, repealed, or replaced by the City of Stonecrest. Any transfer of jurisdiction to the City of Stonecrest during or at the end of the transition period shall not in and of itself abate any judicial proceeding pending in DeKalb County or the pending prosecution of any violation of any ordinance of DeKalb County.
- (f) During the transition period, the governing authority of the City of Stonecrest may at any time, without the necessity of any agreement by DeKalb County, commence to exercise its planning and zoning powers; provided, however, that the city shall give the county notice of the date on which the city will assume the exercise of such powers. Upon the governing authority of the City of Stonecrest commencing to exercise its planning and zoning powers, the Municipal Court of the City of Stonecrest shall immediately have jurisdiction to enforce the planning and zoning ordinances of the city. The provisions of this subsection shall control over any conflicting provisions of any other subsection of this section.
- (g) Effective upon the termination of the transition period, subsections (b) through (f) of this section shall cease to apply except for the last sentence of subsection (e) which shall remain effective. Effective upon the termination of the transition period, the City of Stonecrest shall be a full functioning municipal corporation and subject to all general laws of this state.

Section 6.04. Directory nature of dates.

It is the intention of the General Assembly that this Act be construed as directory rather than mandatory with respect to any date prescribed in this Act. If it is necessary to delay any action called for in this Act for providential cause or any other reason, it is the intention of the General Assembly that the action be delayed rather than abandoned. Any delay in performing any action under this Act, whether for cause or otherwise, shall not operate to frustrate the overall intent of this Act. Without limiting the generality of the foregoing, it is specifically provided that if it is not possible to hold the referendum election provided for in Section 6.02 of this Act on the date specified in that section, then such referendum shall be held as soon thereafter as is reasonably practicable but not later than 45 days after there is no further cause for delay. If the referendum election provided for in Section 6.02 of this Act is conducted after May 24, 2016, but before November 8, 2016, the special election for the initial members of the governing authority shall be conducted on the date specified in Section 2.02 of this Act. If the referendum election provided for under Section 6.02 of this Act is conducted after November 3, 2016, then the special election for the initial members of the governing authority shall be held as soon thereafter as is reasonably practicable, and the commencement of the initial terms of office shall be delayed accordingly. If the first election provided for in Section 2.02 of this Act occurs after the date of the 2016 November general election, the city council shall be authorized to delay the dates otherwise specified in Section 6.03 of this Act.

Section 6.05. Charter commission.

No later than five years after the inception of the City of Stonecrest, the mayor and the city council shall call for a Charter commission to review the city's experience and recommend to the General Assembly any changes to the

Charter. Members of the charter commission shall be appointed as follows: one by the mayor, one by each member of the city council, and one member appointed by a vote of the members of the Georgia House of Representatives and one member voted by the members of the Georgia Senate whose districts lie wholly or partially within the corporate boundaries of the City of Stonecrest. All members of the charter commission shall reside in the City of Stonecrest except those representing the Georgia House of Representative and the Georgia Senate. Neither the city council not the mayor shall appoint themselves to serve as members of the commission. The city attorney may serve as ex officio member of the commission with approval by the city council. The commission shall complete the recommendations within the time frame required by the city council.

(S.B. 21, § 23, 4-1-2021)

Section 6.06. Severability.

In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of 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 hereof. The General Assembly hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

Section 6.07. Effective date.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

Section 6.08. Repealer.

All laws and parts of laws in conflict with this Act are repealed.

APPENDIX A LEGAL DESCRIPTION

CORPORATE LIMITS
CITY OF STONECREST, DEKALB COUNTY, GEORGIA

Plan: Stonecrest-2015

Plan Type: Local

Administrator: S043

User: Gina

District STONECREST

DeKalb County

VTD: 089BJ BROWN'S MILL ELEMENTARY

023416:

2004 2005 2006 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 3000 3001 3002 3003
3004 3005 4015 4016 4019 4020

VTD: 089CF MURPHEY CANDLER

VTD: 089FA FAIRINGTON ELEM

VTD: 089FG FLAT ROCK ELEM

VTD: 089LD LITHONIA (LIT)

023303:

4020 4021 4022

VTD: 089LH LITHONIA HIGH SCHOOL

023309:

3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013 3014 3033 3034
3035 3036

VTD: 089MC MARBUT ELEM

023309:

2005 2006 4007

VTD: 089MF MCWILLIAMS

VTD: 089MI MILLER GROVE MIDDLE SCHOOL

023214:

2000 2001 2002 2003 2008 2009 2010 2011 2012 2013 2014 2022 2023 2024

023416:

1000 1001 1014 1015

VTD: 089MV MILLER GROVE ROAD

VTD: 089MZ MILLER GROVE HIGH

VTD: 089PC PRINCETON ELEM

023306:

3005 3006 3007 3013 3014

VTD: 089PI PANOLA WAY ELEM

023212:

2002

VTD: 089PR PANOLA ROAD

VTD: 089RH REDAN-TROTTI

023306:

3008 3012 3016

023313:

1003 1004 1005 1006 1007 1008 1009 1010

VTD: 089RL ROCK CHAPEL ROAD

023303:

1011 1012 1016 1017 1018 1019 1020 1021 1022 1025 1026 1027 1032 4012

023306:
 3015 3020

023315:
 1010 1011 1020

VTD: 089SL STONEVIEW ELEM

023303:
 3027 3028 3029 4000 4001 4002 4003 4004 4005 4006 4029 4030 4031 4032 4034 4035 4036

023310:
 3000 3001 3002 3003 3004 3005 3006 3007 3008

023418:
 1000 1001 1002 1023

023428:
 2000 2001

VTD: 089SM SALEM MIDDLE

VTD: 089SS SNAPPINGER ROAD

023414:
 1027

023416:
 2003 2007 2008 2019 4004 4005 4006 4009 4010 4011 4012 4013 4014 4017 4018

VTD: 089WD WOODROW ROAD

As used in this appendix, the term "VTD" (voting tabulation district) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations which are underneath a VTD heading shall mean and describe individual blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia.

APPENDIX B COUNCIL DISTRICTS

CITY OF STONECREST, DEKALB COUNTY, GEORGIA

Plan: Stonecrest-dist-2015
 Plan Type: Local
 Administrator: S043
 User: Gina
 District 001
 DeKalb County

VTD: 089LD LITHONIA (LIT)
 023303:

4020 4021 4022

VTD: 089PC PRINCETON ELEM

023306:

3005 3006 3007 3013 3014

VTD: 089RH REDAN-TROTTI

023306:

3008 3012 3016

023313:

1003 1004 1005 1006 1007 1008 1009 1010

VTD: 089RL ROCK CHAPEL ROAD

023303:

1011 1012 1016 1017 1018 1019 1020 1021 1022 1025 1026 1027 1032 4012

023306:

3015 3020

023315:

1010 1011 1020

VTD: 089SL STONEVIEW ELEM

023303:

3027 3028 3029 4000 4001 4002 4003 4004 4005 4006 4029 4030 4031 4032 4034 4035 4036

023310:

3000 3001 3003 3004 3005 3008

023418:

1000 1001 1002 1023

VTD: 089WD WOODROW ROAD

023418:

1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019
1020 1021 1022 1024 1025 1026 1027 1028 1029 1030 1031 1033 1034 1035 1036 1037 1038
1039 1048 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059 1060 1061 1062 1063
1064 1065 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075 1076 1077 1078 1079

District 002

DeKalb County

VTD: 089LH LITHONIA HIGH SCHOOL

023309:

3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013 3014 3033 3034
3035 3036

VTD: 089MC MARBUT ELEM

023309:

2005 2006 4007

VTD: 089MF MCWILLIAMS

023416:

1004 1008 1009 1010 1011 1012 1013 1016 1017 4000 4001 4002 4003 4007 4008

VTD: 089MI MILLER GROVE MIDDLE SCHOOL

023214:

2000 2001 2002 2003 2008 2009 2010 2011 2012 2013 2014 2022 2023 2024

023416:

1000 1001 1014 1015

VTD: 089MZ MILLER GROVE HIGH

023310:

2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 4000 4001 4002 4003 4004 4005
4006 4007 4008 4009 4010 4011 4012 4013

VTD: 089PI PANOLA WAY ELEM

023212:

2002

VTD: 089PR PANOLA ROAD

023310:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016
1017

VTD: 089SL STONEVIEW ELEM

023310:

3007

VTD: 089SS SNAPFINGER ROAD

023416:

4004 4005 4006

District 003

DeKalb County

VTD: 089FA FAIRINGTON ELEM

VTD: 089MF MCWILLIAMS

023416:

1002 1003 1005 1006 1007 2000 2001 2002

VTD: 089MV MILLER GROVE ROAD

023427:

2001 2002 2003 2004 2005

VTD: 089PR PANOLA ROAD

023428:

1000 3000 4000

VTD: 089WD WOODROW ROAD

023428:

1001 1002 1003 1004 1005 1006 1007 1008 2016 2017

District 004

DeKalb County

VTD: 089BJ BROWN'S MILL ELEMENTARY

023416:

2004 2005 2006 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 3000 3001 3002 3003
3004 3005 4015 4016 4019 4020

VTD: 089MV MILLER GROVE ROAD

023427:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1015 1016 1017

VTD: 089SM SALEM MIDDLE

VTD: 089SS SNAPPINGER ROAD

023414:

1027

023416:

2003 2007 2008 2019 4009 4010 4011 4012 4013 4014 4017 4018

District 005

DeKalb County

VTD: 089CF MURPHEY CANDLER

VTD: 089FG FLAT ROCK ELEM

VTD: 089MZ MILLER GROVE HIGH

023428:

2002

VTD: 089SL STONEVIEW ELEM

023310:

3002 3006

023428:

2000 2001

VTD: 089WD WOODROW ROAD

023418:

1032 1040 1041 1042 1043 1044 1045 1046

023428:

2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2018

As used in this appendix, the term "VTD" (voting tabulation district) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. Any part of the city which is not included in District 1, 2, 3, 4, or 5 as described in this appendix shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia. Any part of the city which is described in this appendix as being in District 1, 2, 3, 4, or 5 shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within the post that is contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia. Except as otherwise provided in the description of any district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2010 for the State of Georgia.

APPENDIX C CERTIFICATE AS TO MINIMUM STANDARDS FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

I, Ronald B. Ramsey, Sr., Senator from the 43rd District, and the author of this bill introduced at the 2015 session of the General Assembly of Georgia, which grants an original municipal Charter to the City of Stonecrest, do hereby certify that this bill is in compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. in that the area embraced within the original incorporation in this bill is in all respects in compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. This certificate is executed to conform to the requirements of Code Section 36-31-5 of the O.C.G.A.

So certified this _____ day of _____, 2015. Honorable Ronald B. Ramsey, Sr.
Senator, District 43
Georgia State Senate

1 STATE OF GEORGIA
2 COUNTY OF DEKALB
3 CITY OF STONECREST
4

5 RESOLUTION NO. _____

6 A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
7 STONECREST, GEORGIA AUTHORIZING THE CREATION OF THE CITY OF
8 STONECREST CHARTER COMMISSION AS AUTHORIZED BY THE GENERAL
9 ASSEMBLY OF THE STATE OF GEORGIA; AND FOR OTHER LAWFUL PURPOSES.

10 WHEREAS, the City of Stonecrest (“City”) was created by Senate Bill 208, passed in the
11 Georgia General Assembly during the 2016 Session and subsequently confirmed by referendum;
12 and

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

15 WHEREAS, the City Charter was amended by SB 21 on April 1, 2021 and,

16 WHEREAS, Section 6.05 of the City Charter requires the mayor and the city council no
17 later than five years after the inception of the City to call for a City of Stonecrest Charter
18 Commission (“Charter Commission”) to review the city's experience and recommend to the
19 General Assembly any changes to the City’s Charter; and

20 WHEREAS, the Charter Commission shall complete recommendations to the General
21 Assembly within a time frame required by the city council.

22 NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of
23 Stonecrest, Georgia, as follows: There is hereby established a City of Stonecrest Charter
24 Commission.

25 ESTABLISHMENT AND AUTHORIZATION OF A
26 CITY OF STONECREST CHARTER COMMISSION

- 27 1. There is hereby established a City of Stonecrest Charter Commission (the “Charter
28 Commission”).

29

30

31

DUTIES

- 32 1. The City of Stonecrest Charter Commission shall review the City's experience and
- 33 recommend to the Georgia General Assembly any changes to the City Charter. The Charter
- 34 Commission shall complete recommendations within a time frame required by the city
- 35 council.

36

MEMBERSHIP

- 37 1. Members of the Charter Commission shall be appointed as follows:
 - 38 a. one by the mayor;
 - 39 b. one by each member of the city council;
 - 40 c. one member appointed by a vote of the members of the Georgia House of
 - 41 Representatives; and
 - 42 d. one member voted by the members of the Georgia Senate whose districts lie wholly
 - 43 or partially within the corporate boundaries of the City of Stonecrest.
- 44
- 45 2. Neither the city council nor the mayor shall appoint themselves to serve as members of
- 46 the commission.
- 47
- 48 3. The city attorney may serve as ex officio member of the Charter Commission with
- 49 approval by the city council.
- 50
- 51 4. All members of the Charter Commission shall reside in the City of Stonecrest except
- 52 those representing the Georgia House of Representative and the Georgia Senate.
- 53
- 54 5. Members must attend two-thirds of the Charter Commission meetings in a calendar
- 55 year. Failure to do so warrants removal from the Charter Commission.

56

TERMS

- 57 1. Each Charter Commission member shall serve until the Recommendations of the City of
- 58 Stonecrest Charter Report is complete.
- 59 2. Members filling vacancies shall serve the remainder of the term to which they were
- 60 appointed.
- 61 3. Any member may be removed with or without cause by the City Council.

62

COMPENSATION

- 63 1. Charter Commission members will serve without compensation.

64

QUORUM

- 65 1. A majority of the actual number of Charter Commission members shall establish a quorum
- 66 at the initial meeting. The number of members to establish a quorum may thereafter be

67 specified by that Commission's rules of procedure. Any action taken requires a majority of
68 affirmative votes of the quorum present.

69 **GOVERNANCE**

70 1. The Charter Commission shall adopt its rules of procedure, which shall be substantially
71 similar to the rules of procedure of the City Council and determine its time of meeting. The
72 date and time of each meeting as well as agenda items to be considered shall be publicized
73 in the same manner as meetings of the Mayor and Council.

74
75 2. All meetings at which official action is taken shall be open to the public and all records
76 maintained by the Charter Commission shall be public records unless expressly exempted
77 by a provision of the State's Open Records Act. The Charter Commission shall keep
78 minutes of its proceedings, showing the vote of each member upon each question, and
79 records of its examinations and other official actions, all of which shall be filed in the office
80 of the City Clerk. Copies of the minutes shall be sent to the Mayor and each member of the
81 City Council. The minutes of the proceedings shall be a public record. This section shall
82 not be construed as prohibiting closed sessions when permitted by the State Open Meetings
83 and Open Records Acts.

84
85 3. Expenditures of the Charter Commission, if any, shall be within the amounts appropriated
86 for the purposes intended by the Mayor and City Council during the annual budgeting
87 process.

88 **INITIAL MEMBERS**

89 The initial members of the Charter Commission shall be as follows:

- 90 1.
- 91 2.
- 92 3.
- 93 4.
- 94 5.
- 95 6.
- 96 7.
- 97 8.

98 Ex-officio – City Attorney

99 This Resolution shall be effective immediately upon its approval.

100 **SO RESOLVED this the _____ day of _____ 2022.**

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CITY OF STONECREST, GEORGIA

George Turner, Jr., Mayor Pro Tem

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney



CITY COUNCIL AGENDA ITEM

SUBJECT: Metro Green Update

AGENDA SECTION: *(check all that apply)*

PRESENTATION **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.

CATEGORY: *(check all that apply)*

ORDINANCE **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Click or tap here to enter text.

ACTION REQUESTED: **DECISION** **DISCUSSION**, **REVIEW**, or **UPDATE ONLY**

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, May 23, 2022

SUBMITTED BY: Alicia Thompson

PRESENTER: Winston Denmark

PURPOSE: The purpose of this item is to provide an update on the most recent ruling on the Metro Green Recycling matter based on what has been addressed in the media.

FACTS: This agenda item is to provide an update on the most recent ruling on the Metro Green Recycling matter based on what has been addressed in the media.

OPTIONS: Discussion only Click or tap here to enter text.

RECOMMENDED ACTION: N/A

ATTACHMENTS:

- (1) Attachment 1 - Click or tap here to enter text.
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.



CITY COUNCIL AGENDA ITEM

(5) Attachment 5 - Click or tap here to enter text.