CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1 ***Council Member Rob Turner- District 2***

Council Member Jazzmin Cobble – District 3 ***Council Member George Turner- District 4***

Council Member Diane Adoma – District 5

WORK SESSION AGENDA

November 29 , 2017
6:00 P.M.
Stonecrest City Hall
3120 Stonecrest Blvd. Suite 190
Stonecrest, Georgia

I. **CALL TO ORDER:** Mayor Jason Lary

II. **ROLL CALL:** Brenda James, Interim City Clerk

III. **AGENDA ITEMS:**

1. An Ordinance Adopting Article IV, Depository Financial Institutions Business License Tax of Chapter 24, Taxation
2. An Ordinance Granting Franchise Fees to Georgia Power by the City of Stonecrest
3. Update on Technology Partnership
4. Discussion on the 2018 Budget

IV. **MAYOR AND COUNCIL COMMENTS:**

V. **EXECUTIVE SESSION:**

VI. **ADJOURNMENT:**

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

CITY COUNCIL AGENDA ITEM

SUBJECT: ORDINANCE ADOPTING ARTICLE IV, DEPOSITORY FINANCIAL INSTITUTIONS BUSINESS LICENSE TAX OF CHAPTER 24, TAXATION OF THE CODE OF ORDINANCES OF THE CITY OF STONECREST

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

Date Submitted: 11/27/2017 Work Session: 11/29/2017 Council Meeting: 12/04/2017

SUBMITTED BY: Attorney Laura Cosgray

PURPOSE: This ordinance is to adopt Article IV, Depository Financial Institutions, Business License Tax of Chapter 24, Taxation.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: First Read December 4, 2017

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2017-__________

AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, ADOPTING ARTICLE IV, DEPOSITORY FINANCIAL INSTITUTIONS BUSINESS LICENSE TAX OF CHAPTER 24, TAXATION, OF THE CODE OF ORDINANCES OF THE CITY OF STONECREST, GEORGIA

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by Section 1.03(b)(4) of the City Charter to adopt business regulations and levy certain business taxes as authorized by the laws of the State of Georgia; and

WHEREAS, O.C.G.A. § 48-6-93 authorizes municipalities within the state to levy and collect a business license tax from depository financial institutions having an office within their jurisdiction;

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

Section 1: The Code of the City of Stonecrest, Georgia, is hereby amended by adding Article IV, Depository Financial Institutions Business License Tax of Chapter 24, Taxation, that reads as follows:

CHAPTER 24. TAXATION

ARTICLE IV. – DEPOSITORY FINANCIAL INSTITUTIONS BUSINESS LICENSE TAX

Sec. 24-61. – Levy; applicability.

An annual business license tax is hereby levied upon all depository financial institutions located within the city at a rate of one-quarter of one percent of the gross receipts of such depository financial institutions. Gross receipts shall mean gross receipts as defined in O.C.G.A. § 48-6-93. Depository financial institutions shall mean state and national banks, state building and loan associations, and federal savings and loan associations.

Sec. 24-62. – Minimum tax.

The minimum annual amount of business license tax due from any depository financial institution shall be one thousand dollars ($1,000.00).

Sec. 24-63. – Filing of return; payment.

Each depository financial institution subject to the tax levied by this article shall file a return of its gross receipts with the finance department not later than March 1 of the year following the year in which such gross receipts are measured. The return shall be in the manner and in the form prescribed by the commissioner of the state department of revenue based on the allocation method set forth in O.C.G.A. § 48-6-93. The tax imposed by this article shall be paid at the time of filing the return.

Sec. 24-64. – Penalty and interest for failure to pay tax; executions.

(a) In accordance with Sec. 2-176, any portion of the tax levied by this article not paid before it comes delinquent shall be assessed a late penalty and shall bear interest from the date the tax is due until the tax is paid.

(b) For purposes of this section, any period of less than one month shall be considered to be one month. The finance department shall issue executions against such taxpayer owing taxes, penalties or interest as provided in this section when the same become delinquent. The execution shall be recorded on the general execution docket in the office of the clerk of superior court of the county.

Sec. 24-65. – Administration.

(a) *Authority of finance department.* The finance department shall administer and enforce the provisions of this article for the levy and collection of the tax imposed by this article.

(b) *Rules and regulations.* The finance director shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with this article or other laws of the city and the state or the state constitution or the United States Constitution for the administration and enforcement of the provisions of this article and the collection of the taxes hereunder.

(c) *Examination of records; audits.* The finance director or any person authorized in writing by the director may examine the books, papers, records, financial reports, equipment and other facilities of any licensee liable for the tax, in order to verify the accuracy of any return made, or if no return is made by the licensee, to ascertain and determine the amount required to be paid.

(d) *Disclosure of business of operators, etc.; limitations on rule.* The finance director or their designee shall not make known in any manner the business affairs, operations or information obtained by an audit of books, papers, records, financial reports, equipment and other facilities of any licensee or any other person visited or examined in the discharge of official duty, or the amount of source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person not having such administrative duty under this article, except in the case of judicial proceedings or other proceedings necessary to collect the tax hereby levied and assessed. Successors, receivers, trustees, executors, administrators, and assignees if directly interested, may be given information as to the items included in the measure and amount of unpaid tax, interest and penalties, or amounts of tax, interest and penalties required to be collected.

Section 2:

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

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

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

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

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

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

SO ORDAINED AND EFFECTIVE this the ____ day of _______, 2017.

Approved:

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STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2017-__________

Jason Lary, Sr., Mayor

As to form:

____
City Attorney

Attest:

____
Brenda James, City Clerk

THE CITY OF STONECREST GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: ORDINANCE GRANTING FRANCHISE FEES TO GEORGIA POWER BY THE CITY OF STONECREST, GEORGIA

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

Date Submitted: 11/27/2017 Work Session: 11/29/2017 Council Meeting: 12/04/2017

SUBMITTED BY: Attorney Destiny Washington

PURPOSE: This ordinance is granting franchise to Georgia Power Company by the City of Stonecrest, Georgia.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: First Read December 4, 2017

ORDINANCE GRANTING FRANCHISE

To

GEORGIA POWER COMPANY

By

CITY OF STONECREST

On

________________________________, 2017

The within franchise accepted on

____________________________, 2017.

GEORGIA POWER COMPANY

By:________________________________
President

ORDINANCE GRANTING PERMISSION AND CONSENT to Georgia Power Company, a Georgia corporation, and its successors, lessees, and assigns (hereinafter referred to collectively as the "Company") to occupy the streets and public places of the City of Stonecrest, Georgia, a municipality and political subdivision of the State of Georgia (hereinafter referred to as the "City"), in constructing, maintaining, operating, and extending poles, lines, cables, equipment, and other apparatus for transmitting and distributing electricity and for other purposes.

SECTION I. Be it ordained by the governing authority of the City that the authority, right, permission, and consent are hereby granted to the Company, for a period of thirty-five (35) years from the date of the Company's acceptance hereof, to occupy and use the streets, alleys, and public places of the City within the present and future corporate limits of the City as from time to time the Company may deem proper or necessary for the overhead or underground construction, maintenance, operation, and extension of poles, towers, lines, wires, cables, conduits, insulators, transformers, appliances, equipment, connections, and other apparatus (hereinafter referred to collectively as the "Company's Facilities") for the business and purpose of transmitting, conveying, conducting, using, supplying, and distributing electricity for light, heat, power, and other purposes for which electric current may be or become useful or practicable for public or private use, and to re-enter upon such streets, alleys, and public places from time to time as the Company may deem proper or necessary to perform these functions, and to cut and trim trees and shrubbery when and where necessary, in the judgment of the Company, to insure safe and efficient service.

SECTION II. Be it further ordained that the rights, permission, and consents herein contained are granted for the following considerations and upon the following terms and conditions:

1. The Company shall pay into the treasury of the City (a) on or before the first day of March in each year following the granting of this franchise, a sum of money equal to four percent (4%) of the gross sales of electric energy to customers served under residential and commercial rate schedules (as prescribed by the Georgia Public Service Commission) within the corporate limits of the City during the preceding calendar year and four percent (4%) of the gross sales of electric energy to customers served under industrial rate schedules (as so prescribed) within the corporate limits of the City during the period beginning on the first day of the month following the granting of this franchise and ending on December 31 thereafter and (b) on or before the first day of March of each year thereafter during the term of this franchise, a sum of money equal to four percent (4%) of the gross sales of electric energy to customers served under residential, commercial, and industrial rate schedules (as so prescribed) within the corporate limits of the City during the preceding calendar year, on condition that in the event the City shall grant to any other entity the right to use and occupy the City's streets for like purposes, such use and occupancy shall be upon the same terms and conditions as those herein contained, including the payment provisions hereof.

2. The amount, if any, of any tax, fee, charge, or imposition of any kind required, demanded, or exacted by the City on any account, other than ad valorem taxes on property, shall operate to reduce to that extent the amount due from the percentage of gross sales provided for in paragraph 1 of this Section II.

3. The Company shall fully protect, indemnify, and save harmless the City from all damages to persons or property caused by the construction, maintenance, operation, or extension of the Company's Facilities, or conditions of streets, alleys, or public places resulting therefrom, for which the City would otherwise be liable.

4. The Company shall, in constructing, maintaining, operating, and extending the Company's Facilities, submit and be subject to all reasonable exercises of the police power by the City. Nothing contained herein, however, shall require the Company to surrender or limit its property rights created hereby without due process of law, including adequate compensation, for any other purpose at the instance of the City or for any purpose at the instance of any other entity, private or governmental.

5. For purposes of paragraph 6 of this Section II, the term "Distribution Facilities" means poles, lines, wires, cables, conductors, insulators, transformers, appliances, equipment, connections, and other apparatus installed by or on behalf of the Company (whether before or after the adoption of this ordinance) in the streets, alleys, or public places of the City for the purpose of distributing electricity within the present and future corporate limits of the City. Distribution Facilities do not include any of the following: (i) electric transmission lines with a design operating voltage of 46 kilovolts or greater (hereinafter referred to as "Transmission Lines"); (ii) poles, towers, frames, or other supporting structures for Transmission Lines (hereinafter referred to as "Transmission Structures"); (iii) Transmission Lines and related wires, cables, conductors, insulators, or other apparatus attached to Transmission Structures; (iv) lines, wires, cables, or conductors installed in concrete-encased ductwork; or (v) network underground facilities.

6. In the event that the City or any other entity acting on behalf of the City requests or demands that the Company relocate any Distribution Facilities from their then-current locations within the streets, alleys, and public places of the City in connection with a public project or improvement, then the Company shall relocate, at its expense, the Distribution Facilities affected by such project or improvement. The Company's obligations under this paragraph 6 shall apply without regard to whether the Company has acquired, or claims to have acquired, an easement or other property right with respect to such Distribution Facilities and shall not affect the amounts paid or to be paid to the City under the provisions of paragraph 1 of this Section II. Notwithstanding the foregoing provisions of this paragraph 6, the Company shall not be obligated to relocate, at its expense, any of the following: (i) Distribution Facilities that are located on private property at the time relocation is requested or demanded; (ii) Distribution Facilities that are relocated in connection with sidewalk improvements (unless such sidewalk improvements are related to or associated with road widenings, the creation of new turn lanes, or the addition of acceleration/deceleration lanes); (iii) streetscape projects or other projects undertaken primarily for aesthetic purposes; or (iv) Distribution Facilities that are converted from an overhead configuration or installation to an underground configuration or installation.

7. The City and the Company recognize that both parties benefit from economic development within the City. Accordingly, when it is necessary to relocate any of the Company's Facilities (whether Distribution Facilities, Transmission Lines, Transmission Structures, or other facilities) within the City, the City and the Company shall work cooperatively to minimize costs, delays, and inconvenience to both parties while ensuring compliance with applicable laws and regulations. In addition, the City and the Company shall communicate in a timely fashion to coordinate projects included in the City's five-year capital improvement plan, the City's short-term work program, or the City's annual budget in an effort to minimize relocation of the Company's Facilities. Such communication may include, but is not limited to, (i) both parties' participation in the Georgia Utilities Coordinating Council, Inc. (or any successor organization) or a local utilities coordinating council (or any successor organization) and (ii) both parties' use of the National Joint Utility Notification System (or any successor to such system mutually acceptable to both parties).

8. With regard to each streetscape project undertaken by or on behalf of the City, the City shall pay the Company in advance for the Company's estimated cost to relocate any of the Company's Facilities (whether Distribution Facilities, Transmission Lines, Transmission Structures, or other facilities) in

connection with such project. For each streetscape project, the Company shall estimate in good faith the amount of incremental base revenue, if any, that the Company will realize as a result of new customer load or expansion of existing customer load attributable to such project; and such estimate shall be based on tariffs in effect at the time that construction of such project begins and shall not include fuel recovery charges, non-electric service billings, or taxes. If such estimate indicates that the Company will realize incremental base revenue, the Company shall do one of the following, whichever results in greater cost savings to the City: (i) reduce the City's advance payment to the Company for relocation costs by ten percent (10%); or (ii) where the City has developed a bona fide marketing plan within twelve (12) months after construction of such project begins, either refund the amount of the Company's incremental base revenue during such twelve-month period to the City or credit such amount against any future payment due from the City to the Company. The City and the Company acknowledge and agree that the amount of any refund or credit calculated pursuant to clause (ii) of the foregoing sentence of this paragraph 8 shall not exceed the amount of the City's advance payment to the Company for relocation costs associated with such project.

SECTION III. Be it further ordained that nothing contained in this ordinance shall limit or restrict the right of customers within the corporate limits of the City to select an electric supplier as may hereafter be provided by law.

SECTION IV. Be it further ordained that from time to time after the approval of this ordinance, the Company and the City may enter into such additional agreements as the Company and the City deem reasonable and appropriate; provided, however, that such agreements shall not be inconsistent with the terms and conditions of the franchise granted in this ordinance, shall not extend beyond the term of the franchise, and shall be enforceable separate and apart from the franchise.

SECTION V. Be it further ordained that the Company shall, within ninety (90) days from the approval of this ordinance, file the Company's written acceptance of the franchise granted in this ordinance with the Clerk of the City, so as to form a contract between the Company and the City.

SECTION VI. Be it further ordained that upon such acceptance all laws and ordinances, and all agreements between the Company and the City with respect to the Company's use of the City's streets, alleys, and public places, in actual conflict herewith be and the same shall thereupon stand repealed and terminated, respectively.

Adopted by the City Council of the City of Stonecrest, Georgia, at a meeting held on

_________________________, 2017.

Approved:_________________________, 2017.

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Mayor

I, ______________________________, Clerk of the City of Stonecrest, Georgia, hereby certify that I was present at the meeting of the City Council of the City of Stonecrest, Georgia, held on _________________________, 2017, which meeting was duly and legally called and held, and at which a quorum was present, and that an ordinance, a true and correct copy of which I hereby certify the foregoing to be, was duly passed and adopted by the City Council of the City of Stonecrest, Georgia, at said meeting.

IN WITNESS WHEREOF, I hereunto set my hand and the corporate seal of the City of Stonecrest, County of Dekalb, State of Georgia, this _______ day of _______________________, 2017.

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Clerk

THE CITY OF STONECREST GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: UPDATE ON TECHNOLOGY PARTNERSHIP

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

Date Submitted: 11/27/2017 Work Session: 11/29/2017 Council Meeting: 12/04/2017

SUBMITTED BY: Council Member Diane Adoma

PURPOSE: Council Member Adoma would like to give an update on technology partnership.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Discussion Only

THE CITY OF
STONECREST
GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: DISSCUSSION ON THE 2018 BUDGET

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

Date Submitted: 11/27/2017 Work Session: 11/29/2017 Council Meeting: 12/04/2017

SUBMITTED BY: City Manager Michael Harris

PURPOSE: The City Manager will present a draft for discussion for the 2018 budget.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Discussion Only