



CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1

Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Diane Adoma – District 5

CITY COUNCIL MEETING AGENDA

September 5, 2018

9:00am.

3120 Stonecrest Blvd. Suite 190
Stonecrest, Georgia

- I. CALL TO ORDER:** Mayor Jason Lary
- II. ROLL CALL:** Brenda James, Interim City Clerk
- III. INVOCATION:**
- IV. PLEDGE OF ALLEGIANCE:**
- V. ADOPTION OF THE CITY COUNCIL AGENDA:**
- VI. MINUTES:** Approval of Minutes of the City Council Meeting of August 1, 2018, Special Called Meeting of August 15, 2018 and City Council Minutes of August 20, 2018
- VII. PRESENTATIONS:**
- VIII. PUBLIC COMMENTS:**
- IX. AGENDA ITEMS:**
 1. Ordinance Authorizing the Sale of Alcoholic Beverages on-Premises Consumption on Sundays from 11:00 a.m. until 12:30 p.m. at Certain Licensed Establishments
 2. Preliminary Review of Ethics Complaint
- X. CITY MANAGER COMMENTS:**
- XI. CITY ATTORNEY COMMENTS:**

XII. MAYOR AND COUNCIL COMMENTS:

XIII. ADJOURNMENT:

XIV. EXECUTIVE SESSION:

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

CITY OF STONECREST, GEORGIA

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Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Diane Adoma – District 5

CITY COUNCIL MEETING MINUTES

August 1, 2018

9:00am.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

I. CALL TO ORDER: Mayor Jason Lary

II. ROLL CALL: All members were present

III. INVOCATION: Council Member Rob Turner

IV. PLEDGE OF ALLEGIANCE:

V. ADOPTION OF THE CITY COUNCIL AGENDA:

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

VI. MINUTES: Approval of Minutes of the City Council Meeting of July 16, 2018

Council Member Adoma said she wanted the minutes to reflect that the Auditor from Mauldin and Jenkins discussed a list of recommendations. Council Member Rob Turner made a motion to approve the minutes with the change requested by Council Member Adoma with Council Member Adoma providing the second. **The motion carried unanimously for the minutes and changes.**

VII. PRESENTATIONS:

VIII. PUBLIC COMMENTS:

Faye Coffield spoke on the stoppage of the work on the road for the Lithonia Industrial Boulevard expansion and the fact that she is against any salary increases.

Dave Marcus spoke on the city was being sued by a Billboard Company, the Overlay Rezoning and lawsuits on the website.

Bernard Knight spoke on the Zoning Code, people not knowing about zoning meetings and he agreed lawsuits should be on website.

IX. AGENDA ITEMS:

1. Intergovernmental Agreement with DeKalb County for Election Services

Attorney Laura Cosgray and City Manager Michael Harris gave an overview of the agreement and said some minor changes need to be made. This item was for discussion only.

2. Intergovernmental Agreement with DeKalb County of 911 Dispatch of Police, Fire, Emergency Medical, Animal Services and Enforcement Calls

Attorney Laura Cosgray gave an overview of the agreement. This item was for discussion only.

3. Intergovernmental Agreement with DeKalb County for Police Services

Attorney Laura Cosgray and City Manager Michael Harris gave an overview of this agreement. This was discussion only.

4. Intergovernmental Agreement with DeKalb County for Fire Rescue Services

Attorney Laura Cosgray gave an overview of the agreement. This was for discussion only.

5. Ordinance of the City of Stonecrest Adopting Additional Taxation Regulations in Chapter 24

Attorney Tom Kurrie gave an overview regarding the Ordinance adopting additional Taxation Regulations. This was the first read of the ordinance.

6. Contract for Quicket Solutions/Incident Management and Business Continuity Plan.

Mayor Lary gave an overview and said he would like to send this item out for an RFQ. Mayor Lary made a motion to send out a Request for Qualifications for the City of Innovation and the City Manager be the designated Purchasing Agent. Council Member Adoma provided the second. Council Member Clanton asked for clarity of the motion. Mayor Lary restated the motion. "I move that we submit a

Request for Qualifications from qualified vendors for Incident Management and Business Continuity Services in accordance with the provisions of the City's Purchasing Policy." Council Member Adoma seconded the motion. **The motion carried unanimously,**

7. Resolution Adopting the Policy that copies of all Expense Reimbursement Reports submitted by the Mayor and Council Members are on the website

Council Member Adoma made a motion to approve the Resolution adopting the policy that copies of all expense reimbursement reports submitted by the Mayor and Council are published on the city website. Council Member George Turner provided the second. **The motion carried unanimously.**

8. Ordinance to Amend the Charter for Amending the Titles of Person Serving as any Municipal Court Judge

City Attorney Tom Kurrie gave an overview of the Ordinance to Amend the Charter for Amending the Titles of Person serving as any Municipal Court Judge.

This was discussion only.

9. An Ordinance to Amend Section 2.07 for Amending the Salary Provision for the Mayor and Amending the Expense Reimbursement Provisions for the Mayor and Council

City Attorney Tom Kurrie gave an overview of amending section 2.07 of the Charter to amend the salary of the Mayor and amend the expense reimbursement provisions for the Mayor and Council. The Internal Auditor, Joel Thibodaux also spoke on this matter. There was much discussion only.

10. An Ordinance to Amend the Charter for the Submission of the Proposed Operating budget and Capital budget for the ensuing Fiscal Year

Council Member Cobble made a motion to pull the Ordinance to amend the Chapter for the Submission of the proposed Operating and Capital Budget for the ensuing Fiscal Year from the agenda. Council Member George Turner provided the second. **The motion carried unanimously.**

11. A Resolution Authorizing the City Clerk to Publish Three Notices of Proposed Amendments to the Charter

There was much discussion on this matter and finally Council Member George Turner made a motion to defer this matter to the next regular City Council Meeting with Council Member Adoma providing the second.

Mayor Lary made a substitute motion to defer the resolution to a Special Called Meeting. The motion died for the lack of a second. **A vote was taken on the original motion and it carried unanimously.**

X. CITY MANAGER COMMENTS:

City Manager, Michael Harris said the city has launch their online services for Planning and Zoning applications and he and the Assistant City Manager will be meeting with the Director of Public Works in DeKalb County.

XI. CITY ATTORNEY COMMENTS:

Attorney Kurrie announced Assistant City Attorney Emily M. Preston gave birth to a baby boy named Preston. He also said they will be presenting Charter timeline dates and he sees no issue with posting law suits on the website.

XII. MAYOR AND COUNCIL COMMENTS:

Council Member Adoma announced a Smart Innovative City Seminar Breakfast at 9:30 on August 2, 2018 at the Hilton Hotel. Council Member Adoma read a statement from Commissioner Mereda Davis Johnson on the expansion work at Lithonia Industrial Boulevard. It said “the original plans for the water lines have been changed as of May 22nd. DeKalb County Transportation is sending DeKalb County Watershed Management a summary of the various changes today so that they can better review the contractor’s change order request. Once the change order is approved, the contractor will be able to move forward with construction again. The expected date of completion is between February of March 2919.”

Council Member George Turner announced a District 4 townhall meeting on August 2, 2018 at 6:30pm at Big Miller Grove.

Council Member Clanton announced the monthly Community Leadership Meeting is the second Saturday at Fairview Baptist Church on Lithonia Road in the Educational Center at 10:00am. He spoke on the information for Quicket Solutions and reminded everyone the information is confidential.

Council Member Rob Turner announced the monthly Community Breakfast will be August 11th at 9:00am at the Greater Travelers Rest House of Hope and come meet and

hear the newly elected officials of South DeKalb and the constitutional officers who will be running in the General Election.

Council Member Cobble had no comments.

Mayor Lary spoke on the everyday marketing battle to bring transportation to Stonecrest. He spoke on future police services in Stonecrest and the face of serving the public has changes.

XIII. ADJOURNMENT:

Council Member Cobble made a motion to adjourn the meeting at 12:10 with Council Member Adoma providing the second. **The motion carried unanimously.**

XIV. EXECUTIVE SESSION:

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

CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

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Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Diane Adoma – District 5

SPECIAL CALLED MEETING MINUTES

Wednesday

August 15, 2018

6:00p.m.

Stonecrest City Hall

3120 Stonecrest Blvd.

Stonecrest, Georgia

I. CALL TO ORDER: Mayor Jason Lary

II. ROLL CALL: Brenda James, Interim City Clerk

III. AGENDA ITEMS:

1. An Ordinance to Amend the Charter, Article IV to Amend the Titles of persons serving as any Municipal Court Judge

City Attorney Kurrie gave an overview of the amendment to the charter regarding the titles of persons serving as any Municipal Court Judge. He explained the votes tonight are to authorize the clerk to advertise the items, not vote on the ordinance.

Council Member Clanton made a motion to authorize the Clerk to advertise the notice for a change to amend the titles for the Municipal Court Judges in the charter by home rule. Council Member George Turner provided the second. Council Member Adoma requested a roll call vote on all items on the Special Called Agenda. A roll call vote was taken with Council Members Clanton, George Turner, Adoma, Rob Turner, Cobble and Mayor Lary voting yes. **The motion carried unanimously.**

2. An Ordinance to Amend the Charter Section 1.03 (b) (37) (A) to Amend the Millage Rate Cap

Attorney Kurrie gave an overview of the ordinance amending the Millage Rate Cap. He said if the city took over the Police from DeKalb County the citizens would get

a reduction in their DeKalb taxes because the county would not charge anymore, but the City of Stonecrest can elect to raise the cap by what the county was charging or lower. He said to do that you would need to raise the cap. He said it can result in an overall reduction in your taxes.

Council Member Adoma said for the record “Why are we changing the language or the cap? Are we trying to become a full-service city? Will we no longer be a limited or 3 service city? If we remove the cap, what services are we seeking to add? The first Stonecrest study was unable to sustain other services however the later study which removed public safety was sustainable. Therefore, when we remove this cap, I believe we need a more comprehensive conversation and a study analysis to confirm this decision. We may be opening a piggy bank for any type of project good or bad. Also, the original cap for Brookhaven and Dunwoody is still set at the limit in their original charter of 2.74 which is much less than Stonecrest and they have been a city for years. Also, Tucker have not changed their cap which I believe is 1.5. We are changing the cap without first studying the impact or pros of this vote. So, we are in a territory that requires some research. The study needs to determine what type of city we are trying to be, and can we sustain it financially? Without this information, I am uncomfortable with pursuing this path without sound research and analysis. No other city has ventured down this path.”

Mayor Lary said there has already been 2 studies and the first study failed because of the size of the city with 82,000 residents’ versus services that were delivered and second one was the size of the city and the services we have today. He said most of the people want to see police or Public Safety and it is on deck for the City of Stonecrest.

Attorney Kurrie disagreed with Council Member Adoma regarding her statement for Brookhaven and Tucker and an article in the AJC by Tia Mitchell.

Council Member Adoma said for the record in response to Attorney Kurrie until she knows where the real numbers come from she is disputing it, but regardless what the millage rates are her biggest concern is the council has not had any comprehensive, collective, collaborative discussion on what other services they intend to offer and they are moving the cap without knowing what path or direction we are going in.

Council Member Clanton said going forward the council should make sure citizens have the right to speak at every council meeting. He said they do need to look at every item on the list and employ the public input. He said there will not be any vote on the list tonight, a vote tonight to advertise gives time for the citizens to have a chance to speak on each item.

Council Member George Turner said this is not the first time the Council has heard about this item. He furthered said it does not change the millage rate but gives the city the authority to change it if needed and you will have plenty time to discuss it within 60 days.

Council Member Rob Turner agreed the vote tonight to advertise gives the citizens a chance to speak on the items.

After much discussion, Council Member Clanton made a motion to authorize the Clerk to advertise the notice for a change by home rule to amend the Millage Rate Cap in the charter. Council Member George Turner provided the second. A roll call vote was taken with Council Members Cobble, George Turner, Clanton, Rob Turner and Mayor Lary voting yes. Council Member Adoma voted no.

3. An Ordinance to Amend the Charter Section 2.07 – Amending the Salary of the Mayor and Expense Allowance for Mayor and Council Members

Attorney Kurrie gave an overview of the ordinance to amend the Charter Section 2.07 to amend the salary of the Mayor and expense allowance for Mayor and Council Members. He said the changes would take place January 2020 after the 2019 election. Mayor Lary asked that these two items be separated, and the City Attorney said it is one ordinance, but it can be discussed separately.

Joel Thibodeau the Internal Auditor for the City of Stonecrest said moving forward the expense account should be treated as compensation and the current one is reimbursement. They are recommending immediately the remaining funds be paid out along with the salary. Charter expense be paid with compensation with no receipts required and taxes paid on the funds. 2019 Travel and Training expense will be budgeted separate from the expense allowance. The expense allowance will be capped by the charter and the travel and training will be capped by the budget. They are recommending \$8000.00 to the Mayor and \$5000.00 to each council member for the expense accounts in the charter change. This will not take effect until January 2020 and the \$5000.00 and \$3000.00 allowances will remain in effect.

Council Member Clanton said once again, this issue will be brought before the public and no decision will be made tonight, it is only to advertise.

Council Member George Turner said the expense portion (travel and training) can be resolved without a charter change. He said we have gone around and round with this and it has gone to the General Assembly and failed, and he just wants to move on.

Mayor Lary said yes this was sent to the General Assembly and he has been told on many occasions, that the people in the State House can do whatever they want to. He said 6 out of 6 passed and then the Senate failed it.

Council Member Clanton made a motion to authorize the Clerk to advertise the notice for the change to amend the Charter Section 2.07 by home rule amending the salary of the Mayor and Expense Allowance for Mayor and Council Members with Mayor Lary providing the second for discussion.

Mayor Lary made a substitute motion to authorize the Clerk to move forward with the expense portion of the ordinance only. Council Member Clanton seconded the motion.

Council Member George Turner question if the ordinance could be separated and the City Attorney Kurrie said he would have to modify the ordinance.

A roll call vote was taken on the substitute motion and Council Members George Turner, Clanton and Mayor Lary voted yes. Council Members Rob Turner, Cobble and Adoma voted no. **The motion failed with a 3 to 3 vote.**

A roll call vote was taken on the original motion with Council Members Clanton and Mayor Lary voting yes. Council Members George Turner, Rob Turner, Adoma and Cobble voted no. **The motion failed with a 4 to 2 vote.**

4. An Ordinance to Amend the Charter Section 2.13 (e) to Eliminate the Restriction on Employment for Mayor and City Council Members

Attorney Kurrie gave an overview of the ordinance to amend the Charter section 2.13 (e) eliminate the Restriction on Employment for Mayor and City Council Members. City Clerk Brenda James stated they received a question regarding the Mayor and Council being able to work in the City of Stonecrest. The City Attorney said that does restrict them from working in Stonecrest and he would put that in writing in the ordinance.

Council Member Clanton made a motion to authorize the City Clerk to advertise the notice for a change in the charter for Section 2.13 to eliminate the restriction on employment for the Mayor and City Council and add the restriction of working for the City of Stonecrest. Council Member George Turner provided the second.

A roll call vote was taken with Council Members Cobble, Rob Turner, George Turner, Clanton, Adoma and Mayor Lary all voting yes. **The motion carried unanimously,**

5. An Ordinance to Amend the Charter Section 3.11 of Article III, to change the name of the City Accountant to the City Finance Director

Attorney Kurrie said this ordinance is to change the name of the City Accountant to the City Finance Director, define duties and change to a position appointed by the City Council.

Council Member Adoma inquired about the selection process. The City Attorney gave various ways to fill the appointment. Council Member Adoma asked would it be bias to look at Stonecrest applicants. Attorney Kurrie said you should not write that in the charter and Council Member Adoma said she would like to look at Stonecrest residents for the position.

Council Member George Turner made a motion to authorize the Clerk to advertise the notice for a change of City Accountant to the Finance Director in the City Charter by home rule to change the. Council Member Adoma seconded the motion.

A roll call vote was taken with Council Members Adoma, George Turner, Clanton, Rob Turner, Cobble and Mayor Lary voting yes. **The motion carried unanimously.**

6. Resolution Authorizing the City Clerk to publish notices and file copies with the Office of the Clerk of the Superior Court

All motions made for previous items are for this resolution and it will be changed to only apply to those that were approved.

IV. EXECUTIVE SESSION: None

V. ADJOURNMENT:

Council Member Clanton made a motion to adjourn the meeting at 7:25pm with Council Member Rob Turner providing the second. The motion carried unanimously.

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

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Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1

Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Diane Adoma – District 5

CITY COUNCIL MEETING MINUTES

August 20, 2018

7:00 p.m.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

- I. **CALL TO ORDER:** Mayor Pro Tempore, George Turner
- II. **ROLL CALL:** Mayor Pro Tempore and City Council members were present
- III. **INVOCATION:** Council Member Rob Turner
- IV. **PLEDGE OF ALLEGIANCE:**
- V. **ADOPTION OF THE CITY COUNCIL AGENDA:**

Councilman Clanton motioned to adopt the agenda. Councilman Rob Turner provided the second. **The motion carried unanimously.**

- VI. **MINUTES:**

Councilwoman Adoma motioned to defer the August 1, 2018 minutes. Councilman Rob Turner provided the second. **The motion carried unanimously.**

Councilwoman Adoma requested that the minutes of August 1, 2018 reflect that the auditor from Mauldin and Jenkins had findings that they suggested the city would implement as soon as possible.

City Manager, Michael Harris stated that it was his understanding that Mauldin and Jenkins provided a list of recommendations as opposed to findings.

Councilman George Turner suggested checking the recording to confirm whether it was findings or recommendations that were suggested by the auditing firm.

Councilwoman Adoma also requested revising the minutes to include the information referencing Commissioner Mereda Johnson's update on the Lithonia Industrial project.

VII. PRESENTATION(S): N/A

VIII. PUBLIC HEARING(S):

RZ-18-003 6554 CHUPP RD/7427 Covington Highway

The following citizens were in support of rezoning:

Trudy Morgan
Dave Marcus

The following citizens were in opposition of rezoning:

Bernard Knight
Glenda Jordan

The rezoning of 6554 Chupp Road/7427 Covington Highway was deferred until the next planning committee meeting to be held on Tuesday, October 9th, 2018. The client and the planning committee requested deferral.

Councilman Clanton motioned to close the public hearing. Councilman Rob Turner provided the second. **The motion carried unanimously.**

IX. PUBLIC COMMENTS:

Faye Coffield
Dave Marcus
Byron Wilson

X. AGENDA ITEMS:

2. **Second** Read--Ordinance of the City of Stonecrest Adopting additional Taxation Regulations in Chapter 24.

Councilman Clanton motioned to adopt. Councilman Rob Turner provided the second. **The motion carried unanimously.**

3. **First** Read--Ordinance Authorizing the Sale of Alcoholic Beverages on-Premises Consumption on Sundays from 11:00 a.m. until 12:30 p.m. at Certain Licensed Establishments

4. Resolution for Federally Subsidized Flood Insurance as Authorized by the National Flood Insurance Act of 1968

Councilwoman Cobble motioned to approve. Councilman Rob Turner provided the second. **The motion carried unanimously.**

XI. CITY MANAGER COMMENT—No comments

XII. CITY ATTORNEY COMMENT—No comments

XIII. MAYOR AND COUNCIL COMMENTS

Councilwoman Adoma announced a Town Hall Meeting for Thursday, August 21 at 6:00 p.m. at the Stonecrest Library.

Councilman George Turner announced that Crossroads Newspaper will no longer offer the printed version, however, the newspaper will be available on line.

XIV. ADJOURNMENT

Councilman Rob Turner motioned to adjourn. Councilwoman Cobble provided the second. The motion carried unanimously. The meeting adjourned at 8:38 p.m.

XV. EXECUTIVE SESSION—Executive Session was not required

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

Mayor Jason Lary

Brenda B. James, Interim City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: Ordinance Authorizing the Sale of Alcoholic Beverages on Premises Consumption on Sundays from 11:00 a. m. until 12:30 p.m.

- ORDINANCE** **POLICY** **STATUS REPORT**
 DISCUSSION ONLY **RESOLUTION** **OTHER**

Date Submitted: 08/17/2018 Work Session: 08/20/2018 Council Meeting: 09/05/2018

SUBMITTED BY: Plez Joyner

PURPOSE: This item is for a discussion on a Policy for the Authorization of the sale of Alcoholic Beverages for on-Premises Consumption on Sundays from 11:00 a.m. until 12:30 p.m. at Certain Licensed Establishments, subject to Referendum Approval to Regulate and Provide for the Calling of a Special Election and to Call a Special Election Thereon: and for Other Purposes.

HISTORY: First read was August 20, 2018

FACTS AND ISSUES: Estimated cost for election is \$15,000.00

OPTIONS:

RECOMMENDED ACTION: Recommendation of Mayor and Council

1 AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA
2 AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR ON-
3 PREMISES CONSUMPTION ON SUNDAYS FROM 11:00 A.M. UNTIL 12:30
4 P.M. AT CERTAIN LICENSED ESTABLISHMENTS, SUBJECT TO
5 REFERENDUM APPROVA; TO REGULATE AND PROVIDE FOR THE
6 CALLING OF A SPECIAL ELECTION AND TO CALL A SPECIAL ELECTION
7 THEREON; AND FOR OTHER PURPOSES.

8
9 **WHEREAS,** the City of Stonecrest, Georgia Mayor and City Council are authorized by
10 the City Charter to provide for the general health, safety and welfare of the
11 citizens of the City; and

12
13 **WHEREAS** the City of Stonecrest has an interest in regulating, through the lawful
14 exercise of its police powers, the sale of alcoholic beverages for the public
15 health, safety and welfare; and

16
17 **WHEREAS,** currently no alcohol sales for consumption on the premises may take place
18 on Sunday prior to 12:30 p.m.; and

19
20 **WHEREAS,** during its 2018 session, the Georgia General Assembly passed and the
21 governor subsequently approved Senate Bill (SB) 17 which relates to
22 alcoholic beverages so as to provide that governing authorities of counties
23 and municipalities may authorize sale of alcoholic beverages for
24 consumption on the premises during certain times on Sundays subject to
25 the passage of a referendum; and

26
27 **WHEREAS,** specifically, SB 17 allows the City of Stonecrest to authorize the sale of
28 alcoholic beverages for consumption on the premises, including the sale of
29 wine and/or malt beverages and the sale of distilled spirits, on Sundays
30 between the hours of 11:00 a.m. and 12:00 a.m. Midnight in any licensed
31 establishment which derives at least 50 percent of its total annual gross
32 sales from the sale of prepared meals or food in all of the combined retail
33 outlets of the individual establishment where food is served; and in any
34 licensed establishment which derives at least 50 percent of its total annual
35 gross income from the rental of rooms for overnight lodging; and

36
37 **WHEREAS,** it is the desires of the City of Stonecrest City Council to amend the City of
38 Stonecrest Code of Ordinances to authorize such extended Sunday alcohol
39 sales subject to and effective only upon the passage of a referendum
40 authorizing such.

41
42 **THEREFORE,** the Mayor and City Council of the City of Stonecrest, Georgia hereby
43 ordain as follows:
44

45 **Section 1:** That there shall be called and there is hereby called a special election to be
46 held in all precincts in the City, on the 6th of November, 2018, for submitting to the
47 voters of the City of Stonecrest the question of authorizing Sunday sales of alcoholic
48 beverages for on-premises consumption in certain licensed establishments between the
49 hours of 11:00 a.m. and 12:30 p.m.

50
51 **Section 2:** That the Municipal Clerk/Election Superintendent shall “call” said
52 Referendum by publishing notice of the referendum in a newspaper of appropriate
53 general circulation no less than ten nor more than 60 days after the date of approval of
54 this Ordinance.

55
56 **Section 3:** That the ballot submitting the question of Sunday Sales of alcoholic
57 beverages for on-premises consumption between the hours of 11:00 a.m. and 12:30 p.m.
58 shall have printed the word “YES” and the word “NO” in order that each voter may vote
59 in either the affirmative or negative as to the question propounded, and shall have written
60 or printed thereon the following:

- 61
62 () YES Shall the governing authority of the City of
63 Stonecrest be authorized to permit and regulate
64 Sunday sales of distilled spirits or alcoholic
65 () NO beverages for beverage purposes by the drink from
66 11:00 A.M. to 12:30 P.M.?”
67

68 **Section 4:** The polls in each of the precincts within the City shall be opened at 7:00
69 a.m. and closed 7:00 p.m. on the day fixed for the election, and the election shall be held
70 at the regular and established places for holding elections in the City. The election shall
71 be held in accordance and in conformity with the Constitution and laws of the United
72 States and the State of Georgia.

73
74 **Section 5:** That effective upon the passage of the referendum, Chapter 4
75 (Alcoholic Beverages), Article V (Operational Rules for Retailers), Division 2
76 (Establishments Licensed for On-Premises Consumption of Distilled Spirits), shall
77 be amended by revising Sections 4.5.12 (Hours of Sale and Operation) and 4.5.15
78 (Sunday Sales) to read as follows:

79
80 **Sec. 4.5.12. Hours of Sale and Operation.**

- 81
82 (a) Distilled spirits shall be sold and delivered to the customer for
83 consumption on the premises during the following hours:
84 (i) Monday through Friday hours are from 9:00 a.m. until 3:55
85 a.m. of the following day.
86 (ii) Saturday hours are from 9:00 a.m. until 2:55 a.m. on
87 Sunday.

88 (iii) Sunday hours are from ~~12:30 p.m.~~11:00 a.m. until
89 ~~2:55~~12:00 a.m. Midnight on Monday as permitted by
90 section 4.5.15.

91 (b) Sales and deliveries during all other hours are prohibited. All
92 licensed establishments must close their premises to the public and
93 clear their premises of patrons by 3:30 a.m. and shall not reopen
94 their premises to the public until 9:00 a.m. or thereafter.

95

96 **Sec. 4.5.15. Sunday Sales.**

97 (a) Licensed establishments deriving a minimum of sixty (60) percent
98 of their total annual gross food and beverage sales from the sale of
99 prepared meals or food, or licensed establishments deriving at least
100 sixty (60) percent of their total annual income from the rental of
101 rooms for overnight lodging, are authorized to apply for a Sunday
102 sales permit to sell and serve alcoholic beverages, malt beverages
103 and wine by the drink from ~~12:30 p.m.~~11:00 a.m. on Sunday until
104 ~~2:55~~12:00 a.m. Midnight of the following Monday.

105 (b) Applicants for a Sunday sales permit shall complete a form and
106 affidavit furnished by the City Manager or his designee. The City
107 Manager or his designee may, at anytime, require that the licensee
108 obtain an audit prepared by a certified public accountant, at the
109 licensee's expense, to ensure compliance. If an audit reveals that
110 incorrect, incomplete or misleading information was submitted on
111 and/or with the Sunday sales form and/or affidavit, then, the permit
112 shall be automatically revoked by the City Manager or his
113 designee. No later than March 31st of the license year, licensee
114 shall submit a report on monthly sales by category for the prior
115 calendar year.

116 (c) All annual permit renewals shall be filed with the City Manager or
117 his designee not later than November 30 of the year preceding the

118 license year for which the permit is to be issued. All renewals are
119 subject to audit prior to being renewed to ensure compliance with
120 this chapter.

121 (d) Sunday sales permits may be granted for the full calendar year or
122 for the number of months remaining in the calendar year. The
123 permit fee shall be prorated based on the number of months
124 remaining in the calendar year; partial months shall be counted as a
125 full month. Fees are not refundable and permits shall not be
126 transferable. (e) Establishments which qualify for a Sunday sales
127 license are authorized to apply for a temporary Sunday sales permit
128 if they desire to open for special events or holidays. The temporary
129 permit shall be valid for one (1) calendar month and partial months
130 shall be counted as a full month. Licensees must apply thirty (30)
131 days in advance of the issuance date.

132
133 **Section 6:** That effective upon the passage of the referendum, Chapter 4
134 (Alcoholic Beverages), Article V (Operational Rules for Retailers), Division 3
135 (Establishments Licensed for On-Premises Consumption of Beer and Wine), shall be
136 amended by revising Sections 4.5.18 (Hours of Sale and Operation) and 4.5.21
137 (Sunday Sales) to read as follows:

138
139 **Sec. 4.5.18. Hours of Sale and Operation.**

140 Beer and/or wine shall be sold and delivered to the customer for
141 consumption on the premises only during the following hours:

142 (a) Monday through Friday hours are from 9:00 a.m. until 3:55 a.m. of
143 the following day.

144 (b) Saturday hours are from 9:00 a.m. until 2:55 a.m. on Sunday.

145 (c) Sunday hours are from ~~12:30 p.m.~~ 11:00 a.m. until ~~2:55~~ 12:00 a.m.
146 Midnight on Monday as permitted by section 4.5.21.

147 Sales and deliveries during all other hours are prohibited. All licensed
148 establishments must close their premises to the public and clear their
149 premises of patrons by 3:30 a.m. and shall not reopen their premises to the
150 public until 9:00 a.m. or thereafter.

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Sec. 4.5.21. Sunday Sales.

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(a) Licensed establishments deriving a minimum of sixty (60) percent of their total annual gross food and beverage sales from prepared meals or food, or licensed establishments deriving at least sixty (60) percent of their total annual gross income from the rental of rooms for overnight lodging, are authorized to apply for a Sunday sales permit to sell and serve alcoholic beverages by the drink from ~~12:30 p.m.~~ 11:00 a.m. on Sunday until ~~2:55~~ 12:00 a.m. Midnight of the following Monday.

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(b) Applicants for a Sunday sales permit shall complete a form and affidavit furnished by the City Manager or his designee. The City Manager or his designee may, at anytime, require that the licensee obtain an audit prepared by a certified public accountant, at the licensee's expense, to ensure compliance. If an audit reveals that incorrect, incomplete or misleading information was submitted on and/or with the Sunday sales form and/or affidavit, then, the permit shall be automatically revoked by the City Manager or his designee. No later than March 31 st of the license year, licensee shall submit a report on monthly sales by category for the prior calendar year.

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(c) All annual permit renewals shall be filed with the City Manager or his designee not later than November 30 of the year preceding the license year for which the permit is to be issued. All renewals are subject to audit prior to being renewed to ensure compliance with this chapter.

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(d) Sunday sales permits may be granted for the full calendar year or for the number of months remaining in the calendar year. The permit fee shall be prorated based on the number of months remaining in the calendar year; partial months shall be counted as a

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181 full month. Fees are not refundable and permits shall not be
182 transferable.

183 (e) Establishments which qualify for a Sunday sales license are
184 authorized to apply for a temporary Sunday sales permit if they
185 desire to open for special events or holidays. The temporary permit
186 Page 36 shall be valid for one (1) calendar month and partial
187 months shall be counted as a full month. Licensees must apply
188 thirty (30) days in advance of the issuance date.

189
190 **Section 7:** That effective upon the passage of the referendum, Chapter 4
191 (Alcoholic Beverages), Article V (Operational Rules for Retailers), Division 4
192 (Private Clubs), shall be amended by revising Sections 4.5.24 (Hours of Sale and
193 Operation) and 4.5.26 (Sunday Sales) to read as follows:

194
195 **Sec. 4.5.24. Hours of Sale and Operation.**

196 Alcoholic beverages shall be sold and delivered to patrons for
197 consumption on the premises only during the following hours:

198 (a) Monday through Friday hours are from 9:00 a.m. until 3:55 a.m. of
199 the following day.

200 (b) Saturday hours are from 9:00 a.m. until 2:55 a.m. on Sunday.

201 (c) Sunday hours are from ~~12:30~~11:00 p.a.m. until ~~2:55~~12:00 a.m.
202 Midnight on Monday as permitted by section 4.5.26.

203 Sales and deliveries during all other hours are prohibited. All licensed
204 establishments must close their premises and clear their premises of
205 patrons within one (1) hour after the time set by this chapter for
206 discontinuance of the sale of alcoholic beverages on the premises and shall
207 not reopen their premises to the public until 9:00 a.m. or thereafter.

208
209 **Sec. 4.5.26. Sunday Sales.**

210 (a) Licensed establishments deriving a minimum of sixty (60) percent
211 of their total annual gross food and beverage sales from prepared
212 meals or food, or licensed establishments deriving at least sixty

213 (60) percent of their total annual income from the rental of rooms
214 for overnight lodging, are authorized to apply for a Sunday sales
215 permit to sell and serve alcoholic beverages, malt beverages and
216 wine by the drink from ~~12:30 p.m.~~11:00 a.m. on Sunday until
217 ~~2:55~~12:00 a.m. Midnight of the following Monday. No later than
218 March 31 of the license year, licensee shall submit a report on
219 monthly sales by category for the prior calendar year.

220 (b) Applicants for a Sunday sales permit shall complete a form and
221 affidavit furnished by the City Manager or his designee. An audit
222 may be required at any time to ensure compliance. If an audit
223 reveals that incorrect, incomplete or misleading information was
224 submitted on and/or with the Sunday sales form and/or affidavit,
225 then, the permit shall be automatically revoked by the City
226 Manager or his designee.

227 (c) All annual permit renewals shall be filed with the City Manager or
228 his designee not later than November 30 of the year preceding the
229 license year for which the permit is to be issued. All renewals are
230 subject to audit prior to being renewed to ensure compliance with
231 this chapter.

232 (d) Sunday sales permits may be granted for the full calendar year or
233 for the number of months remaining in the calendar year. The
234 permit fee shall be prorated based on the number of months
235 remaining in the calendar year; partial months shall be counted as a
236 full month. Fees are not refundable and permits shall not be
237 transferable.

238 (e) Establishments which qualify for a Sunday sales license are
239 authorized to apply for a temporary Sunday sales permit if they
240 desire to open for special events or holidays. The temporary permit
241 shall be valid for one (1) calendar month and partial months shall

242 be counted as a full month. Licensees must apply thirty (30) days
243 in advance of the issuance date.

244
245 **Section 8:** Sections 5, 6 and 7 of this ordinance shall have no legal force or effect and
246 the City of Stonecrest Code of Ordinances shall not be amended as described therein,
247 should the referendum described in this ordinance not receive more than one-half of the
248 votes cast on the question for approval of such Sunday sales.

249
250 **Section 9:**

251
252 1. It is hereby declared to be the intention of the Mayor and City Council that all
253 sections, paragraphs, sentences, clauses and phrases of this Ordinance are and
254 were, upon their enactment, believed by the Mayor and City Council to be fully
255 valid, enforceable and constitutional.

256
257 2. It is hereby declared to be the intention of the Mayor and City Council that, to the
258 greatest extent allowed by law, each and every section, paragraph, sentence,
259 clause or phrase of this Ordinance is severable from every other section,
260 paragraph, sentence, clause or phrase of this Ordinance. It is hereby further
261 declared to be the intention of the Mayor and City Council that, to the greatest
262 extent allowed by law, no section, paragraph, sentence, clause or phrase of this
263 Ordinance is mutually dependent upon any other section, paragraph, sentence,
264 clause or phrase of this Ordinance.

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

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

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

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282 6. The provisions of sections 5, 6 and 7 of this Ordinance, if effective following the
283 herein described Referendum, shall become and be made part of The Code of the

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

284 City of Stonecrest, Georgia, and the sections of this Ordinance may be
285 renumbered to accomplish such intention.

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287 **SO ORDAINED AND EFFECTIVE** this the ____ day of _____,
288 2018.

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Approved:

Jason Lary, Sr., Mayor

As to form:

Thompson Kurrie, Jr., City Attorney

Attest:

Brenda James, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: Preliminary Review of Ethic Complaint

- ORDINANCE POLICY STATUS REPORT
 DISCUSSION ONLY RESOLUTION OTHER

Date Submitted: 08/31/2018

Council Meeting: 09/05/2018

SUBMITTED BY: Attorney Winston Denmark

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Recommendation of Mayor and Council