



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 Tammy Grimes – District 5

SPECIAL CALLED MEETING AGENDA

VIRTUAL MEETING

May 28, 2021 at 6:00 P.M.

Citizen Access: URL

- I. CALL TO ORDER:** Mayor Pro Tem, George Turner
- II. ROLL CALL:** Patricia Wheeler, Acting City Clerk
- III. AGENDA DISCUSSION ITEMS:**
 - a) Approval of Ordinance Sec 2-180 – Execution of Checks or Financial Instruments
 - b) Appointments to the Construction Board of Appeals
- IV. ADJOURN**

Americans with Disabilities Act

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CITY COUNCIL AGENDA ITEM

SUBJECT: Approval of Ordinance Sec 2-180 – Execution of Checks or Financial Instruments

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

Date Submitted: 5/24/2021 Work Session: Council Meeting: 05/28/2021

SUBMITTED BY: Winston Denmark, City Attorney

PRESENTER: Winston Denmark

PURPOSE: Amended ordinance. To add a subsection (b) which provides for the suspension and revocation of check signing authority upon evidence of misuse of funds.

OPTIONS:

RECOMMENDED ACTION:

ATTACHMENTS: Ordinance

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STONECREST, GEORGIA, BY ADDING CHAPTER 2 (ADMINISTRATION), ARTICLE VI (FINANCE), SECTION 2.180 (EXECUTION OF CHECKS OR FINANCIAL INSTRUMENTS); TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

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

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

WHEREAS, the Mayor and City Council are authorized by the City Charter, as amended by Senate Bill 21, adopted April 1, 2021, to adopt ordinances for the administration of the City, to create departments of the City and its bodies, and to provide for the financial administration of the City; and

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

WHEREAS, the City Council has determined that adding this section regarding financial security for checks and financial instruments will serve the health, safety, and welfare of the citizens of the City; and

WHEREAS, this Ordinance shall be adopted to amend part of the City code;

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

Section 1. The Code of Ordinances of the City of Stonecrest, Georgia, is hereby amended by adding Chapter 2 (Administration), Article VI (Finance), Section 2.180 (Execution of Checks or Financial Instruments) as set forth in Exhibit A attached hereto and made a part by reference.

Section 2. (a) 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. (b) 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

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

ORDINANCE NO. _____

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

Section 3. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

Section 4. The effective date of this Ordinance shall be the date of its adoption by Mayor and Council unless otherwise stated herein.

Section 5. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

Section 6. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

SO ORDAINED, this the ____ day of _____, 2021.

{SIGNATURE PAGE TO FOLLOW}

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

ORDINANCE NO. _____

CITY OF STONECREST, GEORGIA

George Turner, Mayor Pro Tempore

Approved as to Form:

Winston Denmark, City Attorney

Attest:

Patricia Wheeler, City Clerk

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

ORDINANCE NO. _____

**EXHIBIT A
(SEE ATTACHED)**

Sec 2.180. - Execution of Checks or Financial Instruments

(a) All orders, checks, instruments, and warrants for payment of money may be signed by the mayor, mayor pro tempore, city manager, or finance director, provided that the amount thereof does not exceed \$25,000, and provided further that such signature is otherwise authorized by law. However, to safeguard public funds and ensure the integrity of financial transactions, all orders, checks, instruments, and warrants for payment of money in the amount of \$25,000 or greater shall require the signature of two duly authorized signers.

(b) Within ninety (90) days of appointment, all employees and contractors of the city who are authorized signers pursuant to subsection (a) hereof shall obtain and at all times maintain a surety bond in an amount to be established by policy, naming the City of Stonecrest as the obligee.

(c) Notwithstanding the provisions of subsection (a) hereof, the city council may temporarily suspend or permanently revoke the check signing authority of any person upon evidence of misuse, theft, or misappropriation of city funds or upon evidence of unauthorized transactions or any activity that jeopardizes the safety and security of city funds. If the city council suspends or revokes a person's check signing authority, the city manager shall notify the city's banking institutions and take whatever steps necessary to ensure that the city council's decision is effectuated immediately.



CITY COUNCIL AGENDA ITEM

SUBJECT: Board of Construction Appeals

ORDINANCE POLICY STATUS REPORT
 DISCUSSION ONLY RESOLUTION OTHER

Date Submitted: 5/20/2021 Work Session: Council Meeting: 05/28/2021

SUBMITTED BY: Patricia Wheeler, Acting City Clerk

PRESENTER: George Turner, Mayor Pro Tem

PURPOSE:

OPTIONS:

RECOMMENDED ACTION:

ATTACHMENTS: Resolution

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

RESOLUTION NO. 2021-_____

1 A RESOLUTION TO CREATE AND AUTHORIZE A CONSTRUCTION BOARD OF
2 APPEALS FOR THE PURPOSE OF HEARING APPEALS OF DECISIONS AND
3 INTERPRETATIONS OF THE BUILDING OFFICIAL IN ACCORDANCE WITH SECTIONS
4 7-1 AND 7-87 OF CHAPTER 7, ARTICLE III, DIVISION 2 OF THE CITY’S CODE OF
5 ORDINANCES; PROVIDING THE APPOINTMENT OF SAID BOARD, DEFINING THE
6 DUTIES OF THE BOARD; TO REPEAL CONFLICTING RESOLUTIONS; TO PROVIDE FOR
7 SEVERABILITY AND FOR OTHER LAWFUL PURPOSES.

8
9 **WHEREAS**, the City of Stonecrest, Georgia, has a vested interest in the general safety and
10 welfare of its citizens, building occupants and the general public to ensure that safe and structurally
11 sound buildings exist and/or are constructed within its jurisdictional limits; and

12 **WHEREAS**, the Building Official, as defined by Section 7-1 of Chapter 7, Article II,
13 Division 2 of the City’s Code of Ordinances, is authorized to receive applications, review
14 construction documents and plans, issue permits for the erection, construction, alteration and
15 demolition of buildings and structures and installation of mechanical, plumbing, gas and electrical
16 systems, inspect the premises for which such permits have been issued and enforce compliance
17 with the provisions of Chapter 7, Article III and other applicable provisions of the City’s Code of
18 Ordinances; and

19 **WHEREAS**, the Building Official has the authority to render interpretations of the City’s
20 Construction and Building Code and the adopted state codes, including the State Minimum
21 Standard Codes, as defined by O.C.G.A. § 8-2-20(9); and

44 ESTABLISHMENT AND AUTHORIZATION OF THE CONSTRUCTION BOARD
45 OF APPEALS

46 There is hereby established the Construction Board of Appeals of the City of Stonecrest,
47 Georgia (the “Board”).

48 The five members of the Board shall serve at the pleasure of the Council of the City of
49 Stonecrest, Georgia, and shall be subject to removal at will, without cause. The Board shall meet
50 at least once a year and whenever an action is requested before the board, but no more often than
51 every 30 days. The Board shall hold hearings open to the public and shall produce an agenda to be
52 made available at least two business days prior to the meeting of the Board. The Board shall issue
53 decisions in writing within 30 days of the final hearing and shall include the basis for the decision.
54 The City of Stonecrest, Georgia, shall provide the Board with suitable office space, meeting
55 accommodations and clerical support, as the city shall deem appropriate and necessary.

56 **SECTION II**

57 DUTIES

58 The Board is hereby established to: (1) hear appeals of decisions and interpretations of the
59 Building Official, (2) hear appeals of the Building Official's decision related to the use of
60 alternative materials, designs, methods of construction, equipment and appliances; and (3) hear
61 appeals of the Building Official's decision related to unsafe conditions as regulated in Section 7-
62 63 of Chapter 7, Article III, Division 2 of the City’s Code of Ordinances.

63 **SECTION III**

64 MEMBERSHIP

65 Board qualifications for members shall be as outlined in the City of Stonecrest’s Code
66 of Ordinances Section 7-87 of Chapter 7, Article III, Division 2. All members of the Board shall

67 be residents of the City of Stonecrest and shall have experience in the building industry. The
68 members of the Board shall have applicable experience in drainage and structural issues in
69 residential-home-design or construction, heating ventilation and air conditioning, electrical
70 installations and plumbing. Members of the Board shall hold no other city office, appointed
71 position within the city or any other city compensated position. Any vacancy on the Board shall
72 be filled in accordance with the original appointing procedure for the vacant position. Any
73 newly appointed member shall serve for the remainder of the unexpired term.

74 **SECTION IV**

75 TERMS

76 As to the initial terms of the five Board members, they are as follows: two initial Board
77 members shall be designated to serve a term of two years, and three initial Board members shall
78 be designated to serve a term of four years. After expiration of any term thereafter, each Board
79 member shall serve a term of four years. Terms of each Board member shall expire on
80 December 31 of the Board member's term regardless whether a successor has been appointed
81 to the Board member's position. Successive terms are permissible, but in no event shall a
82 member be permitted to serve more than eight consecutive years. Any Board member may be
83 removed with or without cause by the City Council.

84 **SECTION V**

85 COMPENSATION

86 The Board members shall not be compensated, except that the City of Stonecrest,
87 Georgia, may reimburse the Board members for necessary expenses incurred in the
88 performances of their official duties.

89 **SECTION VI**

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QUORUM

Three members of the Board shall constitute a quorum at any meeting and a vote of three voting members shall be required to enable the Board to act.

SECTION VII

GOVERNANCE

The Board shall elect a chair, vice-chair and secretary. The persons so elected shall serve in these capacities for a term of one year. No person may serve in any of these capacities for more than three consecutive years. The vice-chair will preside at the meetings of the Board in the chair's absence. The Board shall determine its procedural rules and regulations, and otherwise take such action as is appropriate for the management of the affairs committed to its supervision. The Board's rules and regulations shall be consistent with Chapter 7 of the City's Code of Ordinances and necessary to carry out the provisions of this chapter.

All hearings of the Board shall be open to the public and the agenda shall be made available at least two business days prior to the meeting of the Board. Matters not placed on the agenda shall not be heard by the Board, except for appeals involving a structure or service system that, in the opinion of the director, is unsafe, unsanitary or uninhabitable.

SECTION VIII

INITIAL MEMBERS

The initial members of the Construction Board of Appeals shall be as follows:

1. Member
2. Member
3. Member
4. Member

113 5. Member

114 **SECTION IX**

115 ENFORCEMENT AND SEVERABILITY

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

119 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
120 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
121 Resolution is severable from every other section, paragraph, sentence, clause or phrase of this
122 Resolution. It is hereby further declared to be the intention of the Mayor and Council that, to
123 the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
124 Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase
125 of this Resolution.

126 (c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution
127 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
128 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
129 express intent of the Mayor and Council that such invalidity, unconstitutionality or
130 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
131 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
132 sections of the Resolution and that, to the greatest extent allowed by law, all remaining phrases,
133 clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional,
134 enforceable, and of full force and effect.

135 **SECTION X**

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REPEAL OF CONFLICTING RESOLUTIONS

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

SECTION XI

EFFECTIVE DATE OF RESOLUTION

This Resolution shall become effective upon the date of approval and execution by the Mayor and Council of the City of Stonecrest, Georgia.

SO RESOLVED, this _____ day of _____, 2021.

CITY OF STONECREST, GEORGIA

George Turner, Mayor Pro Tem

ATTEST:

Patricia Wheeler, Acting City Clerk

APPROVED AS TO FORM:

City Attorney