



## CITY OF STONECREST, GEORGIA

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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 Tammy Grimes – District 5*

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### CITY COUNCIL VIRTUAL MEETING AGENDA

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

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

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

**II. ROLL CALL:** Sonya Isom, Acting City Clerk

**III. INVOCATION**

**IV. PLEDGE OF ALLEGIANCE**

**V. APPROVAL OF THE AGENDA**

**VI. PRESENTATIONS**

- a. Council Member Jimmy Clanton, District 1 & Council Member Jazzmin Cobble – District 3. Certificate of Recognition by the University of Georgia, Carl Vinson Institute of Government and GMA Successful Completion of Training – Mayor *Pro-Tem*

**VII. PUBLIC COMMENTS**

(This meeting will be conducted virtually, the public comments received via email in advance of the meeting will be read into the minutes by the City Clerk)

*There is a three (3) minute time limit for each speaker during public comment.*

**VIII. PUBLIC HEARINGS**

*There is a three (3) minute time limit for each speaker during all public hearings.*

- a. **Notice** - Purchase of Stonecrest Industrial Way - Home Depot

**IX. CONSENT AGENDA**

- a. **Approval** - of the April 26, 2021, Council Meeting Minutes
- b. **Approval** - of the May 10, 2021, Special called Meeting Minutes
- c. **Approval** - of the May 10, 2021, Work Session Minutes
- d. **Approval** - of the May 22, 2021, Special Work Session Minutes
- e. **Approval** - of the May 24, 2021, Council Meeting Minutes
- f. **Approval** - of the May 28, 2021, Special called Meeting Minutes



## CITY OF STONECREST, GEORGIA

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- g. **Approval** - of the June 14, 2021, Special called Meeting Minutes
- h. **Approval** - of the June 17, 2021, Special called Meeting Minutes

### X. OLD BUSINESS:

- a. **Approval** – Of the Resolution to Authorize the City Manager to execute closing Documents for the purchase of Stonecrest Industrial way. - *Jonathan Bartlett*
- b. **Approval** – Of the Finance Committee Resolution - *Janice Allen Jackson*
- c. **Approval** – Of the SPLOST Committee Resolution - *Janice Allen Jackson*
- d. **Approval** – Of the Ordinance TMOD-21-001 - *Jim Summerbell*
- e. **Approval** – Of the Ordinance TMOD-21-002 - *Jim Summerbell*
- f. **Approval** – Of the Ordinance TMOD-21-003 - *Jim Summerbell*
- g. **Approval** – Of the Ordinance TMOD-21-004 - *Jim Summerbell*
- h. **Discussion** – Community Engagement in the Planning Process - *Jim Summerbell*
- i. **Discussion** - Board of Construction Appeals Appointments - *Mayor Pro Tem*

### XI. NEW BUSINESS:

- a. **Approval** – Of the Purchasing Card Policy Amendment - *Gia Scruggs*
- b. **Approval** – Of the Contract Amendment - Beam Computer Forensics - *Gia Scruggs*
- c. **Discussion** – Notice of Public Hearing for Millage Rate - *Gia Scruggs*
- d. **Approval** – Of the Invoice for Mayor’s Innovation Project - *Janice Allen Jackson*
- e. **Approval** – Of ARC 2018 Freight Cluster Resolution - *Jonathan Bartlett*
- f. **Approval** – Of the Resolution to Set Publish Qualifying Fees General Election – *Sonya Isom*
- g. **Approval** – Of the Resolution for DeKalb County to Conduct City of Stonecrest 2021 General Municipal Elections - *Sonya Isom*

### XII. EXECUTIVE SESSION:

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

### XIII. CITY MANAGER UPDATE

### XIV. CITY ATTORNEY UPDATE

### XV. MAYOR AND COUNCIL COMMENTS

### XVI. ADJOURNMENT



## CITY OF STONECREST, GEORGIA

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### 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 COUNCIL VIRTUAL MEETING AGENDA

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





**CITY COUNCIL AGENDA ITEM**

**SUBJECT: NOTICE: Public Hearing - Purchase of Stonecrest Industrial Way - Home Depot**

**ORDINANCE**                       **POLICY**                       **STATUS REPORT**

**DISCUSSION ONLY**       **RESOLUTION**       **OTHER**

**Date Submitted: 06/17/21      Work Session:                      Council Meeting: 06/28/21**

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**SUBMITTED BY: Jonathan Bartlett, Economic Development Director**

**PRESENTER:** Jonathan Bartlett, Alicia Thompson

**PURPOSE:** Consider a resolution to allow the Acting City Manager to execute closing documents and pay necessary closing costs relative to the acquisition of Stonecrest Industrial Way.

**OPTIONS:** Approve, Deny, Defer

**RECOMMENDED ACTION:** Approve

**ATTACHMENTS:** Public Notice

## **PUBLIC NOTICE**

On June 28, 2021, at 6 pm the Stonecrest City Council will hold a public hearing on a real estate transaction between the City of Stonecrest and TC Stonecrest Venture, LLC. The improved land for purchase is real property located in the City of Stonecrest, DeKalb County, Georgia otherwise known as Stonecrest Industrial Way.

Due to the coronavirus pandemic, the public hearings will be virtual and broadcasted live on the City's YouTube Channel on. Citizens may submit comments via e-mail to the City Clerk in advance of the hearings (CityClerk@stonecrestga.gov). The link to the City's YouTube Channel and additional information regarding the social distancing requirements for those commenting in-person at City Hall will be posted on the City's website.

You Tube Channel To Watch Live: <https://www.youtube.com/channel/UCp3rYzHzhZvd9Y7Ruf1O6kg>.

Public Comment Form:

<https://www.stonecrestga.gov/Assets/Files/Administration/Public-Comments-Form.pdf>





CITY COUNCIL VIRTUAL MEETING *MINUTES*

April 26, 2021 at 6:00 p.m.

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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 Tammy Grimes – District 5*

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CITY COUNCIL VIRTUAL MEETING - *MINUTES*

April 26, 2021 at 6:00 p.m.

*Citizen Access: Stonecrest YouTube Live Channel*

**I. CALL TO ORDER:** Mayor Pro Tem George Turner

**II. ROLL CALL:** Keidra Harris, Acting City Clerk: All Present

**III. INVOCATION**

**IV. PLEDGE OF ALLEGIANCE**

**V. APPROVAL OF AGENDA:**

1. **Update** – Old Business/c. Approval Planning and Zoning, move to New Business

**Motion 1** - Made by Council Member Rob Turner to approve the agenda for April 26, 2021, with the noted changes. Second by Council Member Jimmy Clanton.

**Motion passed unanimously.**

**VI. MINUTES:**

- a. **Approval** of the March 26, 2021 - Special Called Meeting Minutes

**Motion 2** - Made by Council Member Jazzmin Cobble to approve the Special Called Meeting Minutes for March 26, 2021. Second by Council Member Rob Turner.

**Motion Passed - 5-0 - Motion passed unanimously.**

- b. **Approval** of the April 12, 2021 - Work Session Meeting Minutes  
Information only.

- c. **Approval** of the April 12, 2021 – Special Called Meeting Minutes

**Motion 3** – Made by Council Member Jazzmin Cobble to approve April 12, 2021, Special Called Meeting Minutes. Second by Council Member Jimmy Clanton.

**Motion passed unanimously.**





## CITY COUNCIL VIRTUAL MEETING MINUTES

April 26, 2021 at 6:00 p.m.

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### VII. PRESENTATIONS:

- a. **Introduction** to the New City Clerk, Pat Wheeler and Area Manager, Deyanna Respress – Jim Nichols

### VIII. PUBLIC COMMENTS:

*(this meeting will be conducted virtually, the public comments received via email in advance of the meeting will be read into the minutes by the City Clerk)*

No public comments.

### IX. EXECUTIVE SESSION:

- a. **Motion 4** - Made by Council Member Jazzmin Cobble to go into Executive Session for litigation matters. Second by Council Member Tammy Grimes.

**Motion passed unanimously.**

- b. **Motion 5** – Made by Council Member Tammy Grimes to return to City Council meeting after coming out of Executive Session. Second by Council Member Rob Turner.

**Motion passed unanimously.**

### X. OLD BUSINESS:

- a. **Update**- Additional bullet points to be added to the existing agenda for April 26, 2021.

**Motion 6** – Made by Council Member Jazzmin Cobble to add an agenda item to authorize and direct the city attorney and staff to cooperate with the appropriate authorities in their investigation of the CARES Act Grant Relief Program. Second by Council Member Tammy Grimes.

**Motion passed unanimously.**

- b. **Discussion** Finance of the 2021 Budget Adjustments – Gia Scruggs  
Council Member Jimmy Clanton to make sure that the email was added to the minutes for the next meeting so that council can know and understand what was previously voted on.

**Motion 7** - Made by Council Member Jazzmin Cobble to accept the budget amendments presented to the council. Second by Council Member Rob Turner.

**Motion passed unanimously.**



## CITY COUNCIL VIRTUAL MEETING MINUTES

*April 26, 2021 at 6:00 p.m.*

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- c. **Update** Regarding selecting the Destination Marketing Organization (DMO) – Janice Allen Jackson: The time frame for the short-term agreement with Discover Dekalb is six months. While giving the Council 6 Months to explore options, Discover Dekalb is open to a long-term agreement with The City of Stonecrest.

**Motion 8** – Made by Council Member Jazzmin Cobble to take the recommendation of City Manager Jackson to engage with Discover Dekalb as a temporary solution for our city DMO. Second by Council Member Jimmy Clanton.

**Motion passed unanimously**

- d. **Approval Planning and Zoning:** RZ-21-002 and Special Land Use Petition SLUP-21002 (3174 Miller Road)

**Discussion** – Council Member Rob Turner is requesting to defer Zoning Petition for more understanding and clarity.

**Motion 9-** Made by Council Member Rob Turner to defer the Zoning Petition and Special Land Use Petition SLUP-21002 (3174 Miller Road) until the next City Council Meeting or Special Called Meeting. Second By Jazzmin Cobble.

**Motion passed unanimously.**

### **XI. NEW BUSINESS:**

- a. **Discussion** Mayor's absence disposition

In the Mayor's absence, the Mayor, Pro Tem, will step in and take full responsibilities and duties to facilitate and keep the city functioning. Therefore, per Attorney Denmark, Council could vote and accept and acknowledge the Mayor's Leave of Absence.

**Motion 10** – Made by Council Member Rob Turner that the duties and responsibilities of the Mayor are transferred to the Mayor Pro Tem on his indefinite leave of absence.

**Motion Failed** – Due to lack of Second of the motion.

**Motion 11** – Made by Council Member Jimmy Clanton to acknowledge and accept the Mayor's Leave of Absence. Second by Council Member Jazzmin Cobble.

**Motion passed unanimously.**



## CITY COUNCIL VIRTUAL MEETING MINUTES

*April 26, 2021 at 6:00 p.m.*

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- b. **Update** COVID relief management proposal for future funding – Janice Allen Jackson. Stonecrest's focus is the allocation and who will assist with distributing funds.

The current projection for Stonecrest funds is as high as 17.3 million and as low as 10 million. However, funds could come as soon as May 2022.

*The item on the agenda for information only.*

- c. **Discussion** Drafts of standing committees for consideration.

Packages for the Committees listed below will be posted online and on the website for citizens to view. If citizens are interested in participating on any of the committees, contact your Council Member and submit a short bio along with your interest.

- . SPLOST Oversight Committee
- . Finance Committee
- . Parks and Recreation Citizen Board

- d. **Update-** Procurement: Gia Scruggs

After the conclusion of the RFP and eleven vendors submitting bids, Procurement is requesting to enter into a contract with the second-lowest bidder. Unfortunately, the successful bidder was not able to provide the required verifiable experience. Therefore, the recommendation to move forward with BackBone Infrastructure, the second-lowest bidder, with a contract amount not to exceed \$75,605.

**Motion 12-** Made by Council Member Jazzmin Cobble to approve the recommended vendor for the MARTA Bus Pads as stated by our Finance Director.

**Motion passed unanimously.**

- e. **Recommendation-** Aquatic Center Re-Opening: Brandon Riley

**Motion 13** – Made by Council Member Jazzmin Cobble to accept the recommendation of our Parks and Rec Department to re-open the Browns Mill Aquatic Center. Second by Council Member Rob Turner.

**Motion passed unanimously.**



CITY COUNCIL VIRTUAL MEETING MINUTES

April 26, 2021 at 6:00 p.m.

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f. **Approvals Planning and Zoning**

*Zoning Petition RZ-20-002 (6892 Maddox Road)*

**Motion 14-** Made by Council Member Jazzmin Cobble to offer a motion to open a public hearing for Zoning Petition RZ-20-002 (6892 Maddox Road). Second by Council Member Jimmy Clanton.

**Motion passed unanimously.**

**Motion 15** – Made by Council Member Jimmy Clanton to offer a motion to close the public hearing on Zoning Petition RZ-20-002 (6892 Maddox Road) Second by Council Member Tammy Grimes.

**Motion passed unanimously.**

**Motion 16**– Made by Council Member Jazzmin Cobble to motion to accept the withdrawal of RZ-20-002 (6892 Maddox Road). Second by Council Member Rob Turner.

**Motion passed unanimously.**

*Planning and Zoning AX-21-001 (2935 Miller Road)*

**Motion 17** – Made by Council Member Rob Turner to open the public hearing for Planning and Zoning AX-21-001 (2935 Miller Road) Second by Council Member Jimmy Clanton.

**Motion passed unanimously.**

**Public Comments** – Applicant Dennis Carter feels that the City of Stonecrest is a more beneficial and better fit for his family-based film company-Nu Ground Studio.

**Motion 18-** Made by Council Member Rob Turner to close the public hearing for Planning and Zoning AX-21-001 (2935 Miller Road). Second by Council Member Tammy Grimes.

**Motion passed unanimously.**

**Motion 19** – Made by Council Member Rob Turner to approve the Annexation and Re-Zoning of AX-21-001 (2935 Miller Road). Second by Jimmy Clanton.

**Motion passed unanimously**



## CITY COUNCIL VIRTUAL MEETING MINUTES

*April 26, 2021 at 6:00 p.m.*

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### *Special Land Use Petition SLUP-21-003 (6674 Chupp Road)*

**Motion 20-** Made by Council Member Jimmy Clanton to open the public hearing for Special Land Use Petition SLUP-21-003 (6674 Chupp Road). Second by Council Member Rob Turner

**Motion passed unanimously**

**Public Comments** – Applicant Tami Boyd states she provides housing to women who were formerly incarcerated. Six (6) women will reside at a time and staff to help with day-to-day operations. In addition, women will have access to several resources and skills training for life advancement opportunities. Independent housing will be provided after six (6) months of living in the transitional home.

**Motion 21** – Made by Council Member Jimmy Clanton to close the public hearing for Special Land Use Petition SLUP-21-003 (6674 Chupp Road). Second by Council Member George Turner.

**Motion passed unanimously**

**Motion 22** – Made by Council Member Jimmy Clanton to approve the project with the .4 conditions mentioned for Special Land Use Petition SLUP-21-003 (6674 Chupp Road) Second by Council Member Rob Turner.

**Motion passed unanimously**

### *Special Land and Use Petition SLUP-21-004 (3301 Corcktree Trail)*

**Motion 23** – Made by Council Member to offer a motion to move into public Hearing for SLUP-21-004 (3301 Corcktree Trail). Second by Council Member Tammy grimes.

**Motion passed unanimously**

**Public Comments** – The applicant is an RN, and the partner is a teacher. This project is a personal care home for ages 55-over for non-disabled senior citizens. The applicant will be the primary caretaker, and the partner will be back up. Partner Jennifer spoke and reflected on how both are primary caretakers with over 30 years of experience.



## CITY COUNCIL VIRTUAL MEETING MINUTES

*April 26, 2021 at 6:00 p.m.*

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**Motion 24** – Made by Council Member Jazzmin Cobble to close the public hearing for SLUP-21-004. Second by Council Member Jimmy Clanton

**Motion passed unanimously**

**Motion 25** – Made by Mayor Pro Tem to motion to move the decision to approve/clarity on condition #5 for SLUP-21-004 to next council meeting or special called meeting. Second by Council Member Jazzmin Cobble

**Motion Passed - 4-1**

**Yea** – 4 - Council Member Rob Turner, Council Member Jazzmin Cobble, Council Member George Turner, and Council Member Tammy Grimes.

**Nay** – 1- Council Member Jimmy Clanton

- g. **Approval:** Contract for services for City Finance Director with single-source Procurement.

**Motion 26-** Made by Council Member Jazzmin Cobble to accept the contract for the City Finance Director as subject to the agreed-upon changes within the contract between Ms. Scrugg and Attorney Denmark. Second by Council Member Rob Turner

**Motion Passed – 5-0 – Motion passed unanimously**

## XII. ADJOURNMENT

**Motion 27-** Made by Council Member Jimmy Clanton to offer a motion to adjourn. Second by Council Member Rob Turner

**Motion Passed- 5-0 – Motion passed unanimously**



## CITY OF STONECREST, GEORGIA

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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 Tammy Grimes – District 5*

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### CITY COUNCIL SPECIAL CALLED VIRTUAL MEETING MINUTES

*May 10, 2021, at 5:30 p.m.*

*Citizen Access: Stonecrest YouTube Live Channel*

**I. CALL TO ORDER:** Mayor Pro Tem ~ George Turner

**II. ROLL CALL:** Keidra Harris, Acting City Clerk: All members present.

**III. COUNCIL AGENDA ITEMS:**

**1. Approval/acceptance of Engineering and Inspection bid.**

- a. **Motion 1** – Made by Council Member Jazzmin Cobble, to accept and approve the Engineering and Inspection bid with Construction Engineering Incorporated not to exceed \$59,750.00. Seconded by Council member Jimmy Clanton.

**Motion Passed** - 5-0

**Yea** – 5 - Council Member Jimmy Clanton, Jr., Council Member Rob Turner, Council Member Jazzmin Cobble, Council Member George Turner, and Council Member Tammy Grimes.

**2. Approval/acceptance of Paving bid.**

- a. **Motion 1** – Made by Council Member Jazzmin Cobble, to accept the recommended proposal with E. R. Snell for the paving bid not to exceed \$7,835,909.36. Seconded by Council member Rod Turner.

**Motion Passed** – 5 -0

**Yea** – 5 - Council Member Jimmy Clanton, Jr., Council Member Rob Turner, Council Member Jazzmin Cobble, Council Member George Turner, and Council Member Tammy Grimes.

**IV. ADJOURNMENT**

- b. **Motion** – To Adjourn made by Council Member Rob Turner, Seconded by Council Member Jazzmin Cobble

**Motion Passed** - 5-0

**Yea** – 5 - Council Member Jimmy Clanton, Jr., Council Member Rob Turner, Council Member

*Mayor Pro Tem ~ George Turner adjourned the meeting at 8:30 p.m.*



## CITY OF STONECREST, GEORGIA

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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 Tammy Grimes – District 5*

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### CITY COUNCIL VIRTUAL WORK SESSION MINUTES

May 10, 2021, at 6:00 p.m.

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

**I. CALL TO ORDER-** Mayor Pro Tem George Turner

**II. ROLL CALL:** Keidra Harris, Acting City Clerk

**III. AGENDA DISCUSSION ITEMS:**

- a) Procurement Card Audit Presentation. – Gia, city finance director introduced auditor, Mr. Sonaike, who completed the report. City council requested a transactional audit of all P-cards for users. The purpose of the audit was to review the procurement card use from the period of Jan 2017-Nov 2020. The audit provides clarity on the deficiencies found during the audit, and the city will provide a detailed corrective action plan to present to the council.

There were nine (9) different deficiencies/findings from the report.

- 1) Weak overall control environment
- 2) Un-authorized issuance of cards
- 3) Lack of supporting documentation and approval.
- 4) Lack of proper accounting and reporting
- 5) Alcohol purchases
- 6) Unauthorized gasoline purchases
- 7) Personal expenses
- 8) Lack of procurement card administration
- 9) Systemic breakdown in internal controls

The one most concerning was #3) lack of supporting documentation and approval (i.e., receipts, approvals from the city manager). If you do not have #3, you do not have #4. Number 5, alcohol purchases – is outlawed. Because #3 was missing, you could not determine the extent of number #5 alcohol purchases. Number 6, city has gasoline card for gasoline. Auditor expected the gasoline purchases to be on the gasoline cards.

Number 7, Personal expenses, are not allowed to be used. Needed all invoices but half of the invoices were missing. Procurement policy requires the city manager to reconcile





## CITY OF STONECREST, GEORGIA

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cards, reporting of expenses. Auditor did not find this. To sum it up, the main issue is #9, Systemic breakdown of internal controls based on policies and procedures of the manual.

There were eleven (11) recommendations from the report.

### General

- 1) A restriction on the use of procurement cards for certain purchases.
- 2) Required documents to accompany each transaction.
- 3) Additional language on the disciplinary action for violation
- 4) Clarification of the city's stance on loyalty points and programs
- 5) Monitoring and oversight
- 6) Noted four recommendations relating to the accounting and financial management of the procurement cards such as
- 7) Frequency of reconciliation to the general ledger
- 8) Approval of the payments for the cards
- 9) Segregation of duties
- 10) Appropriate staffing

Suggest an internal auditor and accountant other positions to help with this process. Minimum staffing level of 5.

Open records requests should go to the open records request email address. Ms. Harris and Ms. Wheeler will receive the requests.

- b) Review of the new charter provisions in light of SB21. – City Attorney. SB 21 was effective 4/1/21. Operating under amendments to the charter. Amendments changed the form of government. Changed from a strong mayor form of government to council manager form of government. Significant changes addressed in this meeting. Section 2.01 of the charter, which changes the council dynamic. Mayor is a member of the city council but is a non-voting member of the city council. Brings Stonecrest in line with other city governments. In most city governments, the mayor votes to break a tie. Section 2.02. Council now has term limitation requirements. Partial terms do not count. Section 2.03 of the charter addresses disqualifications for missing meetings. Accidents, emergencies are now reasons to miss council meetings. Attorney interprets the language to include the mayor and council members since the mayor is a member of the council. Must report absence to City Clerk. In Section 2.09 of the charter, the mayor is no longer the presiding officer at meetings of the city council but sets the agenda of city council members. Two members of council can add additional items to the agenda. Section 2.10 of the charter, three council members constitute a quorum. The mayor constitutes a quorum. Need to change this because you could have a quorum where action cannot be taken if the mayor presents a quorum. Section 2.11 gives the council power to establish and appoint members to commissions, boards of the city and gives a timeframe of 30 days to establish these committees. Mayor is ceremonial head of the city instead of the mayor appointing city officers, commissions, and boards.



## CITY OF STONECREST, GEORGIA

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Section 2.12 of the charter, states who are the officers of the city (city manager, acting city manager, attorney, clerk, tax collector, finance director, internal auditor, municipal court judge). Section 2.14 of the charter states members of commissions and boards are appointed by the city council, previously appointed by the mayor. Attorney suggest the council establishes an ordinance that provides procedures or a process as to how the council will appoint city officers and exercise its appointment powers. Section 3.01 provides the power and duties of the mayor. Powers previously held by the mayor are no longer under the mayor but are now under the city council. The mayor and city council serve in a part-time capacity. Section 3.02 of the charter creates new rules for the office of the city manager. City manager must be an employee of the city, not a contractor. Mayor must nominate a candidate for city manager. City council must appoint a city manager within 90 days unless the council says otherwise and extends the time. Cannot create positions to perform the city manager functions. Section 3.03 of the charter states the general assembly intends to establish a council manager form of government. City manager is the chief executive of the city. City manager responsible for hiring and firing city employees. City council deals with employees through the city manager. Mayor has no authority in relation to the day-to-day operations of the city government. City manager provides monthly financial updates to the city council. Mayor pro tempore asked about merging the old charter with the new charter changes in one document. Charter review committee referenced in the charter get one complete charter completed. A separate commission to look at the combining of the two documents, the home rule. Need to talk about Stonecrest boarder issues. Will talk about four committees. Include citizens, city employees, attorneys in development of these documents. Suggests the legal team or firm merge the documents since they involve laws. Mayor pro tempore suggested attorney bring this issue up at next work session on 5/24/21.

- c) Re-opening plan for Parks and Recreation Facilities – Mr. Riley presented plan for reopening of parks and facilities at Browns mill. Phased approach to reopening based on the covid numbers and recommendations from Board of Health, 50-75% approach, recommending CDC guidelines. Phase 1 -25% opening all passive parks and open space areas. Third approach opening of Browns mill aquatic center. During Memorial Day weekend. 300 or less by Labor Day. Suggest holding off on festivals for the year to get use to events and being in the park. Council asked director to consider the Stonecrest Fest and the Georgia Kangaroo. Director states everyone needs to agree and be on the same page, vendors, police, city, etc. If 300 or less, would consider. If 300 or more, would not consider or advise. No events of more than 300. Kangaroos is an approved project, looking for a space to play basketball. Lease agreement is in place now. Parks must be approved to be reopened to move forward with the lease. Lease agreements go through the city manager’s office. The attorney will review before presented to mayor and council for approval. Basketball group will not be using facilities this year. Still negotiating contract. City council
- d) Community Improvement Districts (CIDs) -



## CITY OF STONECREST, GEORGIA

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- e) Update on the Issuance of Special Events Permits – Ms. Jackson -People calling and wanting to have large special events. Mr. Summerbell gave report out. Trying to follow CDC guidelines regarding events. CDC and Governor is loosening their recommendations. Seek out guidance on what to do to proceed. Suggest following parks and recreation using a phased approach. Phase 1-50 people or less up to Memorial Day, phase 2- fourth of July- 50 or less, phase 3- Labor Day, 100 or less. Thinks its not practical to be the police, code enforcement would police events. Tucker and other jurisdictions are considering what to do as well.
- f) Urban Redevelopment Authority Appointments – Mayor protem to discuss three appointments of six members for urban redevelopment. Two members appointed one year, two members appointed two years and two members appointed three years. Not sure when terms expire for members. Council can choose the expiration of the period for the two members. Three-year appointment for six members. Can amend the resolution to provide clarity. Stagger every year. Two cover one year, two covers two-year appointment and two cover three years. Will vote at next council meeting. Suggest a chair. URA will appoint the chair. Mayor recommends a chair, the URA accepts or rejects the chair. URA can amend the by-laws, but council can modify them. Council will ask the URA to submit by-laws to the council for approval.
- g) Appointments to Zoning Board of Appeals. – can you find resolution establishing appointment of zoning board of appeals? City manager, Ms. Jackson states Mr. Denmark reviewed the info and will provide an update. Mayor pro tem states there was an effort to reappointment the board but there were no appointments. The council will need to amend the resolution to amend expiration dates and official dates if there are no expiration dates. The terms continue until they are replaced.
- h) Appointments to Planning Commission. – topic on the Dec 28<sup>th</sup> agenda. Need to know the original resolution establishing the commission, the expiration date of each one and who made the appointment. They have two-year terms, district specific. Expire Dec 28<sup>th</sup> and April. Mayor pro tem states if you can't find resolution or documents, council needs to amend the expiration dates.
- i) Continuation of discussion of committees: - committees have to be reconstituted in Dec of each year. asked people if they wanted to volunteer to participate on the committee. If so, contact council member. Asked for background bio to consider them for the committees. Get names and send them in for the four committees by next Mon. 5/17/21.
- j) Committees
  - a. SPLOST – oversight/advisory committee. Must be a citizen of Stonecrest. Advise city council on use and activities of these funds. Will take anyone who has an interest in this issue.
  - b. Parks and Recreation Board – city advisory board - needs to be district specific from those boards. One member from each district and two members at large and two council members.
  - c. Finance committee – Is not district specific. Need someone with great number and planning skills and willing to work.



## CITY OF STONECREST, GEORGIA

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- d. Community Improvement District (CID) – businesses taxed themselves to create a CID. East metro CID have personnel who will clean up the areas in Stonecrest. Proposing funds be directed for the city of Stonecrest. Reactivate this committee to get a CID for the city of Stonecrest and city council taking part in the east metro CID. East metro CID covers a huge part of the city of Stonecrest, northern portion, I20. Talk to staff about how to best approach the CID. Can develop own CID, join east metro CID, or have an overarching CID that includes east metro and Stonecrest. People will not be willing to pay taxes for the same services.
- k) Date(s) for Zoning Code Updates Discussion
- Saturday, May 22, 9:30 a.m., – 1:30p.m. - Tentative
- Mon. May 24, 4:00 – 6:00 and Tues. May 25, 6:00 – 8:00

### IV ADJOURN.

Mayor Pro Tem, George Turner - adjourned the meeting at 9:50 p.m.

#### *Americans with Disabilities Act*

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

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## CITY OF STONECREST, GEORGIA

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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 Tammy Grimes – District 5*

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### **SPECIAL CALLED VIRTUAL WORK SESSION MINUTES**

May 22, 2021, at 9:30 a.m.

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

**II. ROLL CALL:** Patricia Wheeler, Acting City Clerk

**III. AGENDA DISCUSSION ITEMS:**

- a) Review the proposed Zoning Ordinance.
- b) Discussion of topics of special concern:
  - a. Coordination with the Comprehensive Plan
  - b. Community Council/Meeting requirements
  - c. Current restrictions on the use of SLUPs
  - d. Mitigating Residential-Industrial land use conflicts
  - e. Supplemental use requirements for uses of concern, such as personal care homes, gas stations, distilleries, Vape Shops, etc.

**Discussion** – Planning and Zoning Director Jim Summerbell presented a power point to council regarding the concerns with the Zoning Ordinance and provided the do list below as a recommendation to the proposed Zoning Ordinances revision:

- Check with City Attorney on the possibility of extending the gas service station moratorium.
- Talk with Council member Grimes about SLUP 6
- Present recommended changes to the supplemental use regulations regarding gas service stations at next work session June 7 (items need to be ready 11 days before, in others words before the Memorial Day holiday)
- Present recommended changes to address the Personal Care Home Issue
- Remove the SLUP exemption in the overlays
- Present housekeeping items in the ZO with regard to city staff titles and comp plan and study references and cross references
- Have GIS prepare a map of the overlay districts and their relationship to the Council Districts
- Present recommended changes regarding other supplemental uses already discussed
- Prepare Rental Subdivision White Paper



## CITY OF STONECREST, GEORGIA

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- Look at the legality of regulating scooters, another white paper
- Implement regular community meetings (monthly) to inform the public and council of upcoming planning and zoning items
- Improve our use of the website, social media and press releases to be more proactive rather than reactive
- Hire more staff for Planning & Zoning and/or Communications to handle the additional workload of the community meetings
- Prepare an Existing Land Use Map (already underway) to help inform decisions about updating the Use Table
- Update the Use Table after engaging homeowners and business leaders (possibly hold focus groups and open houses)
- Include text in each of the district regulation as to allowed uses (this would override the use table, which primarily would be used as reference tool)
- Conduct small area studies in the industrial areas to address industrial-residential conflicts and again update the use table
- Align the ZO with the Comp Plan and vice versa if a comp plan change is needed after more public engagement
- Undertake a phased in approach to overall ZO adoption.

Jim Summerbell made a recommendation to bring back a tentative draft Ordinance update on June 7, 2021.

#### **IV. ADJOURN**

City Manager Janet Jackson Allen – adjourned the meeting at 11:53 a.m.

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## CITY OF STONECREST, GEORGIA

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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 Tammy Grimes – District 5*

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### CITY COUNCIL MEETING MINUTES

#### VIRTUAL MEETING

May 24, 2021 at 6:00 p.m.

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

**I. CALL TO ORDER:** George Turner, Mayor ProTem

**II. ROLL CALL:** Patricia Wheeler, Acting City Clerk

All Council Members present, Mayor Jason Lary on medical leave.

**III. INVOCATION:** Council Member Rob Turner

**IV. PLEDGE OF ALLEGIANCE**

**V. APPROVAL OF THE AGENDA**

**Motion 1** – made by Council Member Rob Turner to approve the agenda for the May 24, 2021, City Council Meeting. Seconded by Council Member Jazzmin Cobble.

**Motion passed unanimously.**

**VI. MINUTES:**

**a. Approval** of the January 11, 2021 - City Council Work Session Meeting Minutes

**Motion 2** – made by Council Member George Turner to defer the approval of the minutes from the January 11, 2021, City Council Work Session Meeting. Seconded by Council Member Jazzmin Cobble.

**Motion passed unanimously.**

**b. Approval** of the January 25, 2021 - City Council Meeting Minutes

**Motion 3** – made by Council Member Rob Turner to approve the minutes from the January 25, 2021, City Council Meeting. Seconded by Council Member Jazzmin Cobble.

**Motion passed unanimously.**





## CITY OF STONECREST, GEORGIA

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c. **Approval** of the January 28, 2021 – City Council Budget Retreat Minutes

**Motion 4** – made by Council Member Rob Turner to approve the minutes from the January 28, 2021 City Council Budget Retreat. Seconded by Council Member Tammy Grimes.

**Motion passed unanimously.**

d. **Approval** of the January 29, 2021 – Special Called Meeting Minutes

**Motion 5** – made by Council Member Jazzmin Cobble to approve the minutes from the January 29, 2021 Special Called Meeting. Seconded by Council Member Rob Turner.

**Motion passed unanimously.**

e. **Approval** of the February 5, 2021 – Special Called Meeting Minutes

**Motion 6** – made by Council Member George Turner to defer the minutes from the February 5, 2021, Special Called Meeting in terms of explaining the cancellation of the meeting. Seconded by Council Member Tammy Grimes.

**Motion passed unanimously.**

f. **Approval** of the February 8, 2021 – City Council Work Session Meeting Minutes

**Motion 7** – made by Council Member Jazzmin Cobble to approve the minutes from the February 8, 2021, City Council Work Session Meeting. Seconded by Council Member Rob Turner.

**Motion passed unanimously.**

g. **Approval** of the March 26, 2021 – City Council Meeting Minutes

**Motion 8** – made by Council Member Jazzmin Cobble to approve the minutes from the March 26, 2021, City Council Meeting. Seconded by Council Member Rob Turner.

**Motion passed unanimously.**

**VII. PRESENTATIONS: None**

Item will be put in Work Session to establish protocol for receiving presentations and to assure guidelines are being followed.





## CITY OF STONECREST, GEORGIA

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### VIII. PUBLIC COMMENTS

*(this meeting will be conducted virtually, the public comments received via email in advance of the meeting will be read into the minutes by the City Clerk)*

Greta Thomas – read into Public Comments

Rewanda Crosby - read into Public Comments

Taron Wallace - read into Public Comments

Matthew Hampton - read into Public Comments

### IX. PUBLIC HEARINGS: N/A

*(since this meeting will be conducted virtually, only those public hearing comments received via email in advance of the meeting will be read by the City Clerk)*

### X. OLD BUSINESS:

a. RZ 21 002 (3174 Miller Road)

Shanteria Vaughn requesting rezoning of childcare facility from R100 (Residential Medium Lot) to RSM (Residential Small Lot) in original petition. Currently requesting change of recommendation to rezone to O-I and placing additional condition on the property that future use is limited to a childcare facility. This change will require an additional rezoning hearing.

**Motion 9** – made by Council Member Rob Turner for referral of RZ-21-002/3174 Miller Road back to the Planning Commission for full cycle deferral. Seconded by Council Member Jazzmin Cobble.

**Motion passed unanimously.**

b. SLUP-21-002 (3174 Miller Road)

**Motion 10** – made by Council Member Rob Turner recommending SLUP-21-002 (3174 Miller Road) for an administrative withdrawal. Seconded by Council Member Jazzmin Cobble.

**Motion passed unanimously.**

c. SLUP-21-004 (3301 Corktree Trail)

Jennifer Mincy and Lallymay Rose-Burrell requesting SLUP to operate Personal Care Home for four residents within an R-100/Medium Lot Residential District.

**Motion 11** – made by Council Member George Turner to approve SLUP-21-004 (3301 Corktree Trail). Seconded by Council Member Jazzmin Cobble.

**Motion passed unanimously.**



## CITY OF STONECREST, GEORGIA

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- d. Modification for StandGuard Aquatics Inc Agreement  
Modification is for this year's contract for the StandGuard Aquatics Inc Agreement.

**Motion 12** – made by Council Member Jazzmin Cobble to approve the modification for the StandGuard Aquatics Inc Agreement. Seconded by Council Member Tammy Grimes.

**Motion passed unanimously.**

- e. DMO Contract with Discover DeKalb  
Recommendation for short time option agreement thru end of this year. Discover Dekalb would be responsible for the City's tourists marketing efforts and report monthly. Staff will present a long-term option before the end of the year. The final amount of funds to be transferred, that needs to be spent by DMO, would have to be validated by the Finance Director. Georgia Department of Community Affairs, serving as the DMO Police, regulates compliance relating to annual audits.

**Motion 13** – made by Council Member Jazzmin Cobble to approve the short-term contract with Discover Dekalb to serve as the City's DMO. Seconded by Council Member Rob Turner.

**Motion passed unanimously.**

### XI. NEW BUSINESS

- a. Procurement card audit acceptance and recommendations

Attorney Denmark was asked to review audit that was conducted on City's purchase card program and make reservations. The following recommendations were made to Mayor and City Council:

- Purchase Cards are restricted and issued to critical city staff only.
- Every person issued a Purchasing Card under the city's amended and restricted policy, should undergo training and submit a Signed Acknowledgement.
- Periodic Public Reporting, possibly monthly, to ensure accountability and fiscal transparency.
- City shall make a demand for Jacobs to reimburse the City for all improper purchases and charges unlawfully made by Jacobs.
- Prosecutorial Referral, recommending improper use of City's Purchasing Cards be referred to Dekalb County District Attorney for investigation and prosecution.

**Motion 14** – made by Council Member Tammy Grimes to accept recommendations from legal counsel on Purchasing Cards and amended P-Card policy. Seconded by Council Member Rob Turner.

**Motion passed unanimously.**



## CITY OF STONECREST, GEORGIA

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b. Reopening plans for Parks and Recreation acceptance.

Parks and Recreation seeking approval of reopening for City of Stonecrest Parks & Browns Mill Recreation Parks. The following phase plan is proposed:

- Phase 1/Memorial Day Weekend – allowing reopening with implementation of covid action plan from Youth and Adults lead programs. Recreation Center to open under strict limited capacity, including outdoor basketball facilities and usage of pavilions.
- Phase 2/July 4<sup>th</sup> Weekend – allowing Special Event Permits for 150 people or less outdoor events and 50 people or less for indoor events. This would include the reopening of the Browns Mill Aquatic Center, under the implementation of CDC guidelines, Board of Health and the National Board of Park Association Guidelines. Applications are being accepted now for future Parks and Rec Events.
- Phase 3/Labor Day Weekend – allowing outdoor special event activities for 300 people or less and indoor special event activities for 100 people or less, in addition to allowing open gym and indoor facility usage inside the Browns Mill Recreation Center for open gym.
- Recommending Phase 3 guidelines into the New Year.

**Motion 15** – made by Council Member Jazzmin Cobble to approve the Parks and Recreation reopening plan. Seconded by Council Member Jimmy Clanton.

**Motion passed unanimously.**

c. Update on issuance of special events permits and recommendations.

**Motion 16** – made by Council Member Jimmy Clanton to allow immediate special event permits for outdoor activities, to exclude Stonecrest Parks and Recreation property. Seconded by Council Member Jazzmin Cobble.

**Motion failed 3-2.**

**Yay** – Council Members Jimmy Clanton, George Turner

**Nay** – Council Members Rob Turner, Jazzmin Cobble, Tammy Grimes

**Motion 17** – made by Council Member Jazzmin Cobble to approve the plan submitted by the Planning and Zoning Department for the issuance of Special Event Permits. Seconded by Council Member Rob Turner.

**Motion passed 4-1.**

**Yay** – Council Members Rob Turner, Jazzmin Cobble, George Turner, Tammy Grimes

**Nay** – Council Member Jimmy Clanton



## CITY OF STONECREST, GEORGIA

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- d. Urban Redevelopment Agency appointments and expiration guidelines, and selection of a recommended chair.

The following URA members' terms ended on 12/31/20 and require reappointment:

1. Jason Lary – Chairman
2. Jimmy Clanton – Vice Chairman
3. George Turner – Secretary
4. Rob Turner – Member
5. Jazzmin Cobble – Member
6. Tammy Grimes – Member

The by-laws state Board Members should serve a term of one year for two members and two years for two members and three years for two members, not specifying which ones should serve those segments. Council inserting which two members should serve which segments.

First segment/1 year – District 1 and District 2 – expired Dec 31, 2020, and eligible for re-appointment

Second segment/2 years – District 3 and District 4 – expired

Third segment/3 years – District 5 and Mayor's At Large Appointment

Approval of recommended Chair will be made once there is a meeting of the Urban Redevelopment Agency.

**Motion 18** – made by Council Member George Turner to approve the recommended dates of expiration for the board members of the URA to be December 31, 2020, for District 1 and District 2, December 31, 2021 for District 3 and District 4 and December 31, 2022 for District 5 and Mayor at Large. Seconded by Council Member Jazzmin Cobble.

**Motion passed unanimously.**

In the Mayor's absence, Council Member George Turner is recommending Council Member Jazzmin Cobble to chair the URA, subject to approval from the URA at its regular meeting.

**Motion 19** – made by Council George Turner to re-appoint Jimmy Clanton Rob Turner to fill the expired terms for District 1 and District 2. Seconded by Council Member Jazzmin Cobble.

**Motion passed unanimously.**



## CITY OF STONECREST, GEORGIA

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- e. Appointment of Zoning Board members with resolution.

Current appointments expired December 31, 2018 and would have taken another term, which expired December 31, 2020. If not replaced, they would continue to serve until replaced. Asking for appointments/pre-appointments of positions, which are two-year appointments. New appointees are not to take seat until sworn in and has been trained. Swearing in by Judicial Officer of the City, with Mayor out on medical leave.

Zoning Board members include:

- a. Erica Williams/Chairman - D1
- b. Michael Armstrong/Vice Chairman - D4
- c. Sonja Hicks/Secretary - D3
- d. Louise Alexander - D5
- e. Dee Tynee - D2 – Being replaced for missed meetings

Council Member Rob Turner recommending Dwight Jones for District 2.

**Motion 20**– made by Council Member Jazzmin Cobble to approve the appointments stated for Zoning Board of Appeals for terms to begin January 1, 2021 and ending December 31, 2022. Seconded by Council Member Tammy Grimes.

Erica Williams/Chairman	D1
Michael Armstrong/Vice Chairman	D4
Sonja Hicks/Secretary	D3
Louise Alexander	D5
Dwight Jones	D2

**Motion passed unanimously.**

- f. Appointment of Planning Commission with resolution

Current commission expired December 31, 2018 and would have taken another term, which expired December 31, 2020. If not replaced, they would continue to serve until replaced. New appointees are not to take seat until sworn in by Judicial Officer of the City and receiving proper training.

Planning Commission members include:

- a. Eric Hubbard/Chairman D3
- b. J W Eady/ Vice Chairman D1
- c. Pearl Hollis D4
- d. Lisa Wright D5 – to be replaced by Cheryl Mathis

The following Planning Commissioner’s term ended on 04/16/2021:

- a. Joyce Walker D2



## CITY OF STONECREST, GEORGIA

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**Motion 21** – made by Council Member Jazzmin Cobble to approve the re-appointments stated for the Planning Commission for the terms to begin January 1, 2021, and ending December 31, 2022. Seconded by Council Member Rob Turner.

Eric Hubbard/Chairman	D3
J W Eady/ Vice Chairman	D1
Pearl Hollis	D4
Cheryl Moore-Mathis	D5
Joyce Walker	D2

**Motion passed unanimously.**

Note: Per Mayor Pro Tem, all committees expire on December 31<sup>st</sup> of each year and are subject to reconstitution by the Mayor's office under the old charter. The new charter has allowed a lot of that authority to the Council and Council wanted to start reconstituting some of the Committees that had been in place with the City in the past. Starting out with three.

g. Reconstitution of SPLOST Advisory Committee.

Council recommending the following Splost Advisory Committee Members:

Darrell Taylor  
Elijah Ajaey  
Stephanie Shine  
Pat Smith  
Averna Louie  
Donna Priest-Brown  
Jeff Martin  
Council Member Tammy Grimes  
Council Member Rob Turner

**Motion 22** – made by Council Member Jazzmin Cobble to reconstitute the Splost Committee with stated committee members stated. Seconded by Council Member Rob Turner.

**Motion passed unanimously.**



## CITY OF STONECREST, GEORGIA

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h. Reconstitution of Finance Committee.

**Council** recommending the following Finance Advisory Committee Members:

Jennifer Moore  
Angela Ash  
Lakesha Swanson  
Dave Marcus  
Council Member Jazzmin Cobble  
Council Member George Turner  
\*City Manager, City Finance Director, Internal Auditor

*Council Member Jazzmin Cobble to set 1st meeting.*

**Motion 23** – made by Council Member Jazzmin Cobble to reconstitute the Finance Committee with the stated Committee members. Seconded by Council Member Tammy Grimes.

**Motion passed unanimously.**

i. Board of Construction Appeals.

In ordinances, Board of Construction Appeals was adopted but not activated. Council would like to activate this Board. Per Attorney Denmark, City of Stonecrest does have an active, pending appeal with Metro Green Recycling for the denial of a permit. The appropriate body to hear that appeal is the Construction Board of Appeals, making the appointment of members critical.

If there are residents/community members that hold the technical skills and desire to serve on the board, please reach out to any Council member and make yourself and desire known. Membership requirements are stated in the Code of Ordinance, Sec. 7-87, Chapter 7, Article III, Division 2. The term is for three years, starting staggered with two members serving a two-year term and three members serving a three-year term. Recommended by City Attorney to advertise Board membership and what is required, on website.

**Motion 24** – made by Council Member Jazzmin Cobble to adopt the Construction Board of Appeals with members to be added. Seconded by Council Member Jimmy Clanton.

**Motion passed unanimously.**

**Motion 25** – made by Council Member Jimmy Clanton nominating at Large, Kerry Williams as a member of the Board of Construction Appeals. Seconded by Council Member George Turner.

**Motion passed unanimously.**





## CITY OF STONECREST, GEORGIA

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Note: Per request, Mrs. Wheeler, City Clerk will send contact information for committee members to City Council.

- j. Allowing for the Acting City Manager to serve beyond 90 days

Attorney Winston Denmark has prepared a resolution to extend the 90-day term, counting from April 1, 2021, extending an additional 120 days.

**Motion 26** – made by Council Member Jazzmin Cobble to approve the extension of the appointment of the acting City Manager to extend 120 days beyond the 90 days noted in the charter. Seconded by Council Member Tammy Grimes.

**Motion passed unanimously.**

- k. Professional Audit Services

After conducting a bid for audit services for a period of two weeks, Finance Director recommending moving forward with Mauldin & Jenkins for annual audit services with a price of \$30,000 for fiscal year ending 2020. That price also includes the amount for the single audit that was required for receiving federal funds.

**Motion 27** – made by Council Member Jazzmin Cobble to accept the recommendation for Professional Audit Services. Seconded by Council Member Rob Turner.

**Motion passed unanimously.**

- l. Invoices presented without contracts.

Purchasing policy states unless otherwise ratified or exempted by Mayor and Council, the Finance Dept should not proceed with invoices presented for payment.

**Motion 28** – made by Council Member Jazzmin Cobble to deny payment to vendors who did not present an authorized contract for services. Seconded by Council Member Rob Turner.

**Motion passed unanimously.**

- m. Approval of Final Plat for Lakeview at Stonecrest, phase 3

**Motion 29** – made by Council Member Jimmy Clanton to approve the final plat for Lakeview at Stonecrest, phase 3. Seconded by Council Member Tammy Grimes.

**Motion passed unanimously.**





## CITY OF STONECREST, GEORGIA

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n. Parks and Recreation Georgia Kangaroos updated agreement

Parks and Recreation Director seeking approval for professional basketball team, Georgia Kangaroos to accept a facility usage agreement to enter into the Browns Mill Recreation Center. This agreement includes the following:

- Practice days Tuesdays and Thursdays, 6pm – 9pm
- Terms – starting approximately first week of June and ending approximately the last week of October
- Rate of \$80/hour, up to \$240 per practice session

**Motion 30** – made by Council Member Jazzmin Cobble to approve the Parks and Recreation Georgia Kangaroos updated agreement. Seconded by Council Member Rob Turner.

**Motion passed unanimously.**

o. Execution of checks and financial instruments

Attorney Denmark requesting an amendment of the Banking Ordinance to provide for multiple signatures on items over \$5,000. This is to maintain the financial security of the City.

**Motion 31** – made by Council Member Jazzmin Cobble to approve the ordinance to amend the code of ordinances by adding Chapter 2-Administration, to the finance section to provide for the additional requirements for the execution of contracts and financial instruments with the modification to make sure that the check signing resolution is reconciled against this ordinance. Seconded by Council Member Tammy Grimes.

**Motion passed unanimously.**

**Motion 32** – made by Council Member Rob Turner to reconsider the vote pertaining to the special events permit. Seconded by Council Member George Turner.

**Motion passed 4-1.**

**Yay** – Council Members Jimmy Clanton, Rob Turner, Jazzmin Cobble, George Turner

**Nay** – Council Member Tammy Grimes.



## CITY OF STONECREST, GEORGIA

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**Motion 33** – made by Council Member Jimmy Clanton to immediately begin Special Event Permitting for outdoor gatherings, not to include Parks and Recreation. Seconded by Council Member Rob Turner.

**Motion passed 3-2.**

**Yay – Council Members Jimmy Clanton, Rob Turner, George Turner**

**Nay – Council Member Jazzmin Cobble, Council Member Tammy Grimes**

**Motion 34** – made by Council Member Jazzmin Cobble to reconsider the time frame of the Acting City Manager appointment. Seconded by Council Member Rob Turner.

**Motion passed unanimously.**

**Motion 35** – made by Council Member Jazzmin Cobble to extend the appointment of the Acting City Manager to serve beyond 90 days, to conclude December 31, 2021. Seconded by Council Member George Turner.

**Motion passed unanimously.**

### **XII. EXECUTIVE SESSION:**

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

### **XIII. CITY MANAGER COMMENTS**

No comments.

### **XIV. CITY ATTORNEY COMMENTS**

No comments.

### **XV. MAYOR AND COUNCIL COMMENTS**

District 1/Council Member Jimmy Clanton – God bless everyone.

District 2/Council Member Rob Turner – Thank you to Council Member Grimes for allowing him to participate in the appreciation dinner for firefighters. Thank you to all first responders for risking your lives.

District 3/Council Member Jazzmin Cobble – No comments.

District 4/Council Member George Turner – Will start looking at meeting in person for



## CITY OF STONECREST, GEORGIA

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city council meetings soon. Asking Attorney Denmark to communicate what can and cannot be done virtually.

District 5/Council Member Tammy Grimes - Congratulations to all graduates. Continue to pray for teachers and thank you parents for hanging in there.

### **XVI. ADJOURNMENT**

**Motion 36** – made by Council Member Jazzmin Cobble to adjourn the May 24, 2021, City Council Meeting. Seconded by Council Member Rob Turner.

**Motion passed unanimously.**

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## CITY OF STONECREST, GEORGIA

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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 Tammy Grimes – District 5*

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### **SPECIAL CALLED VIRTUAL MEETING MINUTES**

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

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

- 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

Motion 1 – made by Councilmember Jazzmin Cobble to approve the ordinance with the amendments to include that the city covers the cost of bonding for all authorized signee and elected officials. Seconded by Council member Rod Turner.

Motion passed unanimously
  - b) Appointment to the Construction Board of Appeals

Motion 2 – made by Councilmember Jazzmin Cobble to defer this agenda item to the next City Council meeting. Seconded by Council member Tammy Grimes

Motion passed unanimously
- IV. ADJOURN**

Motion 3 – To adjourn made by Council member Tammy Grime. Seconded by Council member Rob Turner

Motion passed unanimously.

Mayor Pro Tem, George Turner - adjourned the meeting at 6:40 p.m.



## CITY OF STONECREST, GEORGIA

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## CITY OF STONECREST, GEORGIA

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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*

*Mayor Pro Tem George Turner- District 4*

*Council Member Tammy Grimes – District 5*

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### SPECIAL CALLED VIRTUAL MEETING MINUTES

June 14, 2021 at 6:00 p.m.

Citizen Access: Stonecrest YouTube Live Channel

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

**II. ROLL CALL:** Sonya Isom, Deputy City Clerk

All Council Members present - Mayor Jason Lary on medical leave.

**III. AGENDA DISCUSSION ITEMS:**

a) Approval of the June 7, 2021 – City Council Special Called Meeting minutes

**Motion 1** – made by Council Member Jazzmin Cobble to approve the June 7, 2021 City Council Special Called Meeting minutes. Seconded by Council Member Rob Turner.

**Motion passed unanimously.**

b) Negotiate Single Source Panola Shoals Riverbank Stabilization

Finance Manager requesting approval to enter negotiation with Panola Shoals Riverbank Stabilization, with thoughts of bringing vendor recommendation to next Council Meeting. This item is currently included in the 2021 Parks and Recreation Budget.

**Motion 2** – made by Council Member Rob Turner to grant approval for the Finance Manager to enter into negotiation with the single source provider Panola Shoals Riverbank Stabilization. Seconded by Council Member Tammy Grimes.

**Motion passed unanimously.**

c) Home Depot Road Acquisition



## CITY OF STONECREST, GEORGIA

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**Motion 3** – made by Council Member Jazzmin Cobble to move into Executive Session for real estate matters. Seconded by Council Member Tammy Grimes.

**Motion passed unanimously.**

**Motion 4** – made by Council Member Rob Turner to end the Executive Session on real estate and return to scheduled Special Called Meeting. Seconded by Council Member Tammy Grimes.

**Motion passed unanimously.**

**Notes:** Acquisition is for Stonecrest Industrial Way, which is the road leading to the Home Depot Distribution Center. Home Depot is seeking approval from Council to authorize a Resolution for Mayor Pro Tem to execute the Purchase and Sales Agreement on tonight, as well as authorization for the City Manager to execute the closing documents at a later date. Next steps would be to move toward closing.

**Motion 5** – made by Council Member Jazzmin Cobble to approve authorization for Mayor Pro Tem to execute Purchase and Sales Agreement. Seconded by Council Member Tammy Grimes.

**Motion passed unanimously.**

d) Policy on Medical Leave Status

First Read by Attorney Denmark, drafting policy change of Leave Ordinance, amending Code – Chapter 2, Article 1, Section 2-6. Council Member Tammy Grimes stated that compensation and duration of leave is a concern. There was a request for adjustment for a Second Read. Any comments should be sent to Attorney Winston Denmark.

#### IV. ADJOURNMENT

**Motion 6**– made by Council Member Jazzmin Cobble to adjourn the City Council Special Called Meeting. Seconded by Council Member Rob Turner.

**Motion passed unanimously.**



## CITY OF STONECREST, GEORGIA

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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 Tammy Grimes – District 5*

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### SPECIAL CALLED VIRTUAL MEETING MINUTES

June 17, 2021, at 5:30 P.M.

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

- I. **CALL TO ORDER:** Mayor Pro Tem, George Turner
- II. **ROLL CALL:** Sonya Isom, Deputy City Clerk
- III. **AGENDA DISCUSSION ITEMS:**
  - a. Approval of Resolution Regarding Approved Check Signers

Notes: Resolution modifying check signing privileges of certain individuals within the city and adding the Finance Director to the list of authorized signers to sign checks on the city's behalf.

**Motion 1** – made by Council Member Jazzmin Cobble to approve the resolution regarding approved check signers. Seconded by Council Member Rob Turner.

**Motion passed unanimously.**

- b. Approval of Ordinance Sec 2-180 – Execution of Checks or Financial Instruments, 2<sup>nd</sup> Reading.

Notes: 2<sup>nd</sup> Reading of Ordinance Sec 2-180 by Attorney Winston Denmark. Request by Council Member Jimmy Clanton to add revision notifying individual in question of violation and disciplinary action, prior to vote. Jazzmin Cobble





## CITY OF STONECREST, GEORGIA

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**Motion 2** – made by Council Member Rob Turner to approve Ordinance Sec 2-180-Execution of Checks of Financial Instruments at the 2<sup>nd</sup> Reading. Seconded by Council Member Jazzmin Cobble.

**Motion passed unanimously.**

- c. Approval of Ordinance Sec 2-6 – Leave of Absence, 2<sup>nd</sup> Reading.

Notes: 2<sup>nd</sup> Reading by Attorney Winston Denmark. Recommending Council accept 2<sup>nd</sup> Reading and adopt Ordinance as written.

**Motion 3** – made by Council Member Jazzmin Cobble to accept the 2<sup>nd</sup> Read and approve Ordinance Sec 2-6-Leave of Absence. Seconded by Council Member Tammy Grimes.

**Motion passed unanimously.**

### IV. ADJOURN

**Motion 4** – Council Member Jazzmin Cobble to adjourn the June 17, 2021 Special Called Meeting. Seconded by Council Member Tammy Grimes.

**Motion passed unanimously.**





## CITY COUNCIL AGENDA ITEM

### SUBJECT: HOME DEPOT ROAD ACQUISITION

ORDINANCE                       POLICY                       STATUS REPORT  
 DISCUSSION ONLY               RESOLUTION               OTHER

**Date Submitted: 06/25/21      Work Session:                      Council Meeting: 06/28/21**

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**SUBMITTED BY: Jim Nichols, Deputy City Manager**

**PRESENTER: Jonathan Bartlett, Economic Development Director**

**PURPOSE:** Consider a resolution to allow the Acting City Manager to execute closing documents and pay necessary closing costs relative to the acquisition of Stonecrest Industrial Way.

**FACTS AND ISSUES:** Council unanimously approved a resolution on May 11, 2020, relative to the Trammell Crow Development in Lithonia Industrial Park. This resolution called for the City to acquire property to facilitate the development of Home Depot's new 615,000 square foot distribution center. Construction and due diligence have been completed, but Council is now asked to take action in order to finalize the acquisition of Stonecrest Industrial Way. Specifically, staff is seeking Council's authorization for the Acting City Manager to execute the necessary closing documents associated with the acquisition of Stonecrest Industrial Way and pay the closing costs for this purchase.

This item was deferred from the Special Called Council Meeting on June 14 so that a public hearing could be conducted. Upon completion of that public hearing, staff is seeking Council's approval of this resolution.

**OPTIONS:** Approve, Deny, Defer

**RECOMMENDED ACTION:** Approve

**ATTACHMENTS:** Resolution

**STATE OF GEORGIA  
CITY OF STONECREST**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION BY THE CITY OF STONECREST, GEORGIA TO AUTHORIZE THE CITY MANAGER TO EXECUTE ANY AND ALL CLOSING DOCUMENTS TO COMPLETE THE PURCHASE OF STONECREST INDUSTRIAL WAY WITH TC STONECREST VENTURE LLC; AND FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, the duly elected governing body of the City of Stonecrest, Georgia (the “City”) is the Mayor and Stonecrest City Council (“City Council”); and

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

**WHEREAS**, TC Stonecrest Venture LLC (the “Seller”) is the owner of certain unimproved real property located in the City and desires to build roadway improvements on the land (the “Property”) to standards for public roads prescribed by Dekalb County, Georgia; and

**WHEREAS**, the City wishes to purchase the Property and has determined that it is in the best interest of the City and its residents that the City own the Property, so as to encourage the development of the land and the adjacent real properties; and

**WHEREAS**, pursuant to O.C.G.A. § 32-3-3 the City is authorized to acquire the Property from the Seller, and the City and Seller desire to ensure the continuity of SPLOST funded projects within the City pursuant to O.C.G.A. § 48-8-111; and

**WHEREAS**, the City and the Seller have agreed upon a purchase price for the Property in the amount of Two Million Dollars and No/100 cents (\$2,000,000.00).

**WHEREAS**, following the execution of the Property’s purchase and sale agreement certain due diligence tasks must be performed prior to closing; and

**WHEREAS**, upon the completion of due diligence tasks the parties to the real estate transaction must finalize the sale of Property with a real estate closing;

**WHEREAS**, pursuant to the City's Purchasing Policy the City's staff may request a resolution from City Council to authorize the City Manager to execute any and all closing documents to complete the purchase of the property; and

**WHEREAS**, upon the purchase of the Property the City will own the developed land designated as Stonecrest Industrial Way.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF STONECREST, GEORGIA, as follows:**

**Section 1.** That the City Manager is hereby authorized to execute any and all closing documents to complete the purchase of the Property designated as Stonecrest Industrial Way.

**Section 2.** All resolutions or parts thereof of the City in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

**Section 3.** This Resolution shall take effect immediately upon its adoption.

[SIGNATURES CONTAINED ON THE FOLLOWING PAGE]

SO RESOLVED, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF STONECREST, GEORGIA:**

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**George Turner, Jr., Mayor Pro Tem**

**ATTEST:**

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**City Clerk**

**APPROVED BY:**

---

**City Attorney**





## CITY COUNCIL AGENDA ITEM

**SUBJECT: Resolution to Reconstitute Finance Committee**

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

**Date Submitted:** 06/23/21            **Work Session:**            **Council Meeting:** 06/28/21

---

**SUBMITTED BY: Jim Nichols, Deputy City Manager**

**PRESENTER:** Janice Allen Jackson, City Manager

**PURPOSE:** The purpose of this item is for the Council to take action on the reconstitution of the Finance Committee through approval of the attached resolution.

**FACTS AND ISSUES:** The Council wishes to re-establish the Finance Committee to provide general guidance and advice in the City's financial policies and their application. The Council appointed members to this Committee at their May 24 Council meeting, per the attached minutes. The attached resolution formalizes these appointments and activates this committee into service.

**OPTIONS:** Approve/Deny/Defer

**RECOMMENDED ACTION:** Approve

**ATTACHMENTS:** A - Meeting minutes 05/24/21  
B - Resolution



STATE OF GEORGIA  
COUNTY OF DEKALB  
CITY OF STONECREST

**RESOLUTION NO. 2021-\_\_\_\_\_**

A RESOLUTION TO ESTABLISH THE STANDING FINANCE COMMITTEE OF THE CITY OF STONECREST, GEORGIA.

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

**WHEREAS**, Senate Bill 208 provided a charter for the City of Stonecrest (the “City Charter”); and

**WHEREAS**, Senate Bill 21, passed in the Georgia General Assembly during the 2021 Session and subsequently signed into law on April 2, 2021; and

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

**WHEREAS**, the City Council finds that the public health, safety, and welfare of the citizens of Stonecrest, as well as the City’s financial interests and its stakeholders will best be served by appointing a Stonecrest Finance Oversight Committee, which will be comprised of public and private stakeholders in the City of Stonecrest, who will evaluate and submit to the City Council recommendations on financial and budgeting matters.

**NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST, GEORGIA**, as follows:

**SECTION I**

**ESTABLISHMENT AND AUTHORIZATION OF THE STONECREST FINANCE OVERSIGHT COMMITTEE**

There is hereby established the Stonecrest Finance Oversight Committee of the City of Stonecrest, Georgia (the “Stonecrest Finance Oversight Committee”). Two or more councilmembers may be a member of the Stonecrest Finance Oversight Committee. The City Manager or designee, the City Finance Director, and the Internal Auditor shall be ex-officio members of the Stonecrest Finance Oversight Committee.

## **SECTION II**

### **DUTIES**

The Stonecrest Finance Oversight Committee shall study and research City matters related to finances and budget, and shall make recommendations to the City Council regarding financial reports and budget performance on all funds, services, strategies, departments, and organizational units of the City on a regular basis. Additional tasks shall include review of the budget structure, review of the purchasing policy, creating a detailed budget calendar, and outlining rules for passing the budget.

Members must attend two-thirds of the Stonecrest Finance Oversight Committee meetings in a calendar year. Failure to do so warrants removal from the Stonecrest Finance Oversight Committee.

## **SECTION III**

### **MEMBERSHIP**

The City Council shall establish qualifications for members of the Stonecrest Finance Oversight Committee, except that each Stonecrest Finance Oversight Committee member must be either a resident of the City; or a member of the City Council. Each committee member shall be nominated and approved by the City Council. Should the Stonecrest Finance Oversight Committee member move out of the corporate limits of the City, he/she may remain active until the City Council appoint his/her replacement.

## **SECTION IV**

### **TERMS**

Each Stonecrest Finance Oversight Committee member shall serve until the succeeding end of the City's fiscal year. Consecutive terms are permissible. Members filling vacancies shall serve the remainder of the term to which they were appointed. A consecutive appointment is permissible. Members whose terms expire shall continue to serve until a replacement is appointed or a consecutive appointment is made. Any Committee member may be removed with or without cause by the City Council.

## **SECTION V**

### **COMPENSATION**

Stonecrest Finance Oversight Committee members will serve without compensation.

## **SECTION VI**

## QUORUM

A majority of the actual number of Stonecrest Finance Oversight Committee members shall establish a quorum at the initial meeting. The number of members to establish a quorum may thereafter be specified by that Committee's rules of procedure. Any action taken requires the affirmative votes of a majority of the quorum present.

## **SECTION VII**

### GOVERNANCE

The Stonecrest Finance Oversight Committee shall determine its time of meeting and adopt its rules of procedure, which shall be substantially similar to the rules of procedure of the City Council. The date and time of each meeting, as well as agenda items to be considered, shall be publicized in the same manner as meetings of the Mayor and City Council.

All meetings at which official action is taken shall be open to the public, and all records maintained by the Stonecrest Finance Oversight Committee shall be public records, unless expressly exempted by a provision of the Georgia Open Records Act. The Stonecrest Finance Oversight Committee shall keep minutes of its proceedings, showing the vote of each member upon each question, and shall maintain records of its examinations and other official actions, all of which shall be filed in the office of the City Clerk. Copies of the minutes shall be sent to the Mayor and each member of the City Council. The minutes of the proceedings shall be a public record. This section shall not be construed as prohibiting closed sessions when permitted by the Georgia Open Meetings and Open Records Acts.

Expenditures of the Stonecrest Finance Oversight Committee, if any, shall be within the amounts appropriated for the purposes intended by the Mayor and City Council during the annual budgeting process.

## **SECTION VIII**

### INITIAL MEMBERS

The initial members of the Stonecrest Finance Oversight Committee shall be as follows:

1. Member - Jennifer Moore
2. Member - Angela Ash
3. Member - Lakesha Swanson
4. Member - Dave Marcus

5. Member - NA
6. Councilmember - Jazzmin Cobble
7. Councilmember - George Turner
8. City Manager or Designee- ex-officio
9. City Finance Director- ex-officio
10. Internal Auditor- ex-officio

## **SECTION IX**

### ENFORCEMENT AND SEVERABILITY

(a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Resolution 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 Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. 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 Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution 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 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 Resolution and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.

**SECTION X**

**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 Tempore**

**ATTEST:**

\_\_\_\_\_  
**Sonya Isom, Deputy City Clerk**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**City Attorney**





## CITY COUNCIL AGENDA ITEM

**SUBJECT: Resolution to Reconstitute SPLOST Advisory Committee**

**ORDINANCE**                       **POLICY**                       **STATUS REPORT**

**DISCUSSION ONLY**  **RESOLUTION**  **OTHER**

**Date Submitted:** 06/23/21

**Work Session:**

**Council Meeting:** 06/28/21

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**SUBMITTED BY:** Jim Nichols, Deputy City Manager

**PRESENTER:** Janice Allen Jackson, City Manager

**PURPOSE:** The purpose of this item is for the Council to take action on the reconstitution of the SPLOST Advisory Committee through approval of the attached resolution

**FACTS AND ISSUES:** The Council wishes to re-establish the SPLOST Advisory Committee to provide general guidance and advice in the City's use and application of SPLOST funds. The Council appointed members to this Committee at their May 24 Council meeting, per the attached minutes. The attached resolution formalizes these appointments and activates this committee into service.

**OPTIONS:** Approve/Deny/Defer

**RECOMMENDED ACTION:** Approve

**ATTACHMENTS:** A - Meeting minutes 05/24/21  
B - Resolution

*AGENDA ITEM: X. Old Business: c. Approval – Of the SPLOST Committee Resolution*

STATE OF GEORGIA  
COUNTY OF DEKALB  
CITY OF STONECREST

**RESOLUTION NO. 2021-\_\_\_\_\_**

A RESOLUTION TO ESTABLISH THE STANDING SPLOST OVERSIGHT COMMITTEE OF THE CITY OF STONECREST, GEORGIA.

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

**WHEREAS**, Senate Bill 208 provided a charter for the City of Stonecrest (the “City Charter”); and

**WHEREAS**, Senate Bill 21, passed in the Georgia General Assembly during the 2021 Session and subsequently signed into law on April 2, 2021; and

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

**WHEREAS**, Section 7 of Senate Bill 21 amended Section 2.11 to read as follows: \*(c)(1) The city council shall have the power by ordinance or resolution to establish oversight, policy, and standing committees of the council; and

**WHEREAS**, the citizens of DeKalb County voted on November 7, 2017, to impose a Special Purpose Local Option Sales Tax (SPLOST) to be spent on capital improvements for the use and benefit of DeKalb County and qualified municipalities within DeKalb County; and

**WHEREAS**, the City Council of the City of Stonecrest has determined that it is in the best interest of the City and its citizens to establish an oversight committee known as the SPLOST Oversight Committee of the City of Stonecrest, Georgia, for the purpose of providing transparency and accountability to the citizens of the City of Stonecrest concerning the use of SPLOST funds.

**NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST, GEORGIA**, as follows:

**SECTION I**

**ESTABLISHMENT OF THE SPLOST OVERSIGHT COMMITTEE AND AUTHORIZATION**



The Mayor and City Council of the City of Stonecrest affirm that the Special Purpose Local Option Sales Tax is the City's opportunity to affect substantive improvements that connect our citizens and starts to form our City into one defined by the collective pursuit of a high quality of life for all residents. To further help accomplish this vision, there is hereby established the SPLOST Oversight Committee of the City of Stonecrest, Georgia (hereinafter referred to as the "SPLOST Committee").

## **SECTION II**

### **MISSION AND DUTIES**

The mission of the SPLOST Committee is to provide transparency and accountability to the citizens of the City of Stonecrest from the 2017 SPLOST. The purpose of the SPLOST Committee is to: provide as necessary and appropriate advice, reviews, reports, and recommendations to City Council on SPLOST projects. Members must attend two-thirds of the SPLOST Committee meetings in a calendar year. Failure to do so warrants removal from the SPLOST Committee.

## **SECTION III**

### **MEMBERSHIP**

Each committee person shall be nominated and approved by the City Council. The City Council shall establish all other qualifications for members of the SPLOST Committee except that each SPLOST Committee member must be either a resident of the City, or a member of the City Council. Should the SPLOST Oversight Committee member move out of the City, he/she may remain active until the City Council appoint his/her replacement.

## **SECTION IV**

### **TERMS**

Each SPLOST Committee member shall serve until the succeeding end of the City's fiscal year. Consecutive terms are permissible. Members filling vacancies shall serve the remainder of the term to which they were appointed. A consecutive appointment is permissible. Members whose terms expire shall continue to serve until a replacement is appointed or a consecutive appointment is made. Any member may be removed with or without cause by the City Council.

## **SECTION V**

## COMPENSATION

Stonecrest SPLOST Committee members will serve without compensation.

### **SECTION VI**

#### QUORUM

A majority of the actual number of SPLOST Committee members shall establish a quorum at the initial meeting. The number of members to establish a quorum may thereafter be specified by that Committee's rules of procedure. Any action taken requires a majority of affirmative votes of the quorum present.

### **SECTION VII**

#### GOVERNANCE

The SPLOST Committee shall determine its time of meeting and adopt its rules of procedure, which shall be substantially similar to the rules of procedure of the City Council. The date and time of each meeting as well as agenda items to be considered shall be publicized in the same manner as meetings of the Mayor and Council.

All meetings at which official action is taken shall be open to the public and all records maintained by the SPLOST Committee shall be public records unless expressly exempted by a provision of the Georgia Open Records Act. The SPLOST Committee shall keep minutes of its proceedings, showing the vote of each member upon each question, and shall maintain records of its examinations and other official actions, all of which shall be filed in the office of the City Clerk. Copies of the minutes shall be sent to the Mayor and each member of the City Council. The minutes of the proceedings shall be a public record. This section shall not be construed as prohibiting closed sessions when permitted by the Georgia Open Meetings and Open Records Acts.

Expenditures of the SPLOST Committee, if any, shall be within the amounts appropriated for the purposes intended by the Mayor and City Council during the annual budgeting process.

### **SECTION VIII**

#### INITIAL MEMBERS

The initial members of the SPLOST Committee shall be as follows:

1. Member - Darrell Taylor
2. Member - Elijah Ajaey
3. Member - Stephanie Shine
4. Member - Pat Smith
5. Member - Averno Louie
6. Member - Donna Priest-Brown
7. Member - Jeff Martin
8. Councilmember - Tammy Grimes
9. Councilmember - Rob Turner

## **SECTION IX**

### ENFORCEMENT AND SEVERABILITY

(a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Resolution 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 Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. 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 Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution 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 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 Resolution and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.

**SECTION X**

**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 Tempore**

**ATTEST:**

\_\_\_\_\_  
**Sonya Isom, Deputy City Clerk**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**City Attorney**





## CITY COUNCIL AGENDA ITEM

**SUBJECT: TMOD-21-001**

**ORDINANCE**                       **POLICY**                       **STATUS REPORT**

**DISCUSSION ONLY**                       **RESOLUTION**                       **OTHER**

**Date Submitted: 06/17/21      Work Session:                      Council Meeting: 06/28/21**

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**SUBMITTED BY:              Jim Summerbell, AICP – Planning and Zoning Director**

**PRESENTER:      Jim Summerbell**

**PURPOSE:** To update outdated references in the City Code of Ordinances related to Comprehensive Plan (Comp Plan) and outdated staff titles. The current City Code of Ordinances, which includes the Zoning Ordinance, is not in complete compliance with the recently adopted Stonecrest Comprehensive Plan 2038. As a result, the city may not be able to implement all land use and zoning policies identified in the Comp Plan.

**FACTS AND ISSUES** The Zoning Ordinance is a tool to regulate land use in the city and to implement the policies and recommendations of the Comprehensive Plan (Comp Plan). The Zoning Ordinance has not been amended concerning the policies of the current Comp Plan, the 2038 Stonecrest Comprehensive Plan, since its adoption in 2018. However, several character areas used in the Comp Plan referenced by name in the Zoning Ordinance have changed titles and significantly modified them. As a result, the land use map associated with these character areas has also been revised. Because of these changes, regulations related to allowed densities under revised character areas are invalid. This must be corrected to offer clear guidance regarding zoning districts related to these new character areas.

This problem with how the Comp Plan is referenced in the current code is also the direct result of how character areas are directly referenced in the Code of Ordinances, particularly the Zoning Ordinance. This is a highly unusual practice in most Zoning ordinances

throughout the State. In addition, most Comp Plans do not reference specific character areas by name, instead just the policies of the Comp Plan in general. As a result, if a Comp Plan is updated and Zoning Ordinance is not immediately revised to reflect those changes, portions of the ordinance may be invalid. To correct this, the staff recommends that all direct references to particular character areas in the code be removed. This will allow future updates to the character areas in the Comp Plan to be made without requiring updates to references to the character areas in the Zoning Ordinance in the future.

It should be noted that removing the character area references in no way minimizes the importance or role of the comp plan in influencing and guiding rezoning decisions. To help clarify this, the provisions of the Zoning Ordinance that describe the relationship between the Comp Plan and the Zoning Ordinance have been updated to what is considered customary and best practice in most Zoning Ordinances in the State.

The attached track changes also highlight the references in the Stonecrest Code of Ordinances to outdated staff titles such as “Director of Planning” and “Community Development Director.” Since 2019 the title for this position is “Director of Planning & Zoning.” The memorandum makes recommendations, by Section, as to where those terms occur, including a universal change to “Director of Planning,” which is used 224 times in the ordinance.

**OPTIONS:** Table, Deny, Approve, Approve with modifications

**RECOMMENDED ACTION:** Approve

**ATTACHMENTS:**

(1) Ordinance TMOD-21-001

(2) Staff report related to actions taken by the Planning Commission on June 22, 2021

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**TMOD-21-001 ATTACHMENT 1:**

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**DRAFT Ordinance TMOD-21-001**



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

**ORDINANCE NO. TMOD 21-001**

9 **AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF**  
10 **STONECREST, GEORGIA, BY AMENDING CHAPTER 27 (ZONING**  
11 **ORDINANCE) AS IT RELATES TO CERTAIN CHANGES THAT HAVE BEEN**  
12 **MADE TO THE CITY’S COMPREHENSIVE PLAN; TO PROVIDE**  
13 **SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF**  
14 **CONFLICTING ORDINANCES AND RESOLUTIONS; TO PROVIDE AN ADOPTION**  
15 **AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

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

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

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

22 **WHEREAS**, the Mayor and Council desire to amend Chapter 27 (Zoning Ordinance) of  
23 the City’s Code to provide updates of outdated code references and certain references to the City’s  
24 Comprehensive Plan; and

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

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

29  
30           **WHEREAS**, a public hearing pursuant to the provisions of the Zoning Procedures Act has  
31    been properly held prior to the adoption of this Ordinance; and

32           **WHEREAS**, the health, safety, morals and general welfare of the citizens of the City will  
33    be positively impacted by the adoption of this Ordinance.

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

36           **Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended  
37    by amending Chapter 27 (Zoning) to provide updates of outdated code references and certain  
38    references to the City’s Comprehensive Plan; and inserting the provisions set forth in Exhibit A  
39    attached hereto and made a part by reference.

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

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

45    (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent

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

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

60 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly  
61 repealed.

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

64 **Section 6.** It is the intention of the governing body, and it is hereby ordained that the  
65 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City  
66 of Stonecrest, Georgia.

**(SIGNATURES ON FOLLOWING PAGE)**

**ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF STONECREST, GEORGIA**

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\_\_\_\_\_  
**George Turner**, Mayor Pro Tempore

**ATTEST:**

\_\_\_\_\_  
**Patricia Wheeler**, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

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**EXHIBIT A**

**(SEE ATTACHMENT 2 for Track changes version sent to PC)**

**TMOD-21-001 ATTACHMENT 2:**

**Staff report related to actions taken by the  
Planning Commission on June 22, 2021**



**CITY COUNCIL STAFF REPORT**

**MEETING DATE: June 28, 2021**

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**Report on Planning Commission Action Regarding**

- Petition Number:** TMOD 21-001
- 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 Child and Personal Care Home definitions and use regulations.

**Planning Commission Recommendation:**

The Stonecrest Planning Commission met on June 22, 2021 at a Special Called Meeting to take action on four text amendments to the City Code of Ordinances, including TMOD-21-001. After presentation by staff, the Planning Commission took action to **recommend approval of TMOD-21-001** to the City Council as presented by staff.

The staff report presented to the Planning Commission is attached for reference.



## PLANNING COMMISSION STAFF REPORT

MEETING DATE: June 22, 2021

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### GENERAL INFORMATION

- Petition Number:** TMOD 21-001
- Applicant:** Stonecrest Planning and Zoning Department
- Project Location:** City-Wide
- Proposed amendment:** Text amendments to update outdated code references in the Zoning Ordinance and other city codes in City Code of Ordinances to the former City Comprehensive Plan, and to old city staff titles.

**FACTS AND ISSUES** The Zoning Ordinance is a tool to regulate land use in the city and to implement the policies and recommendations of the Comprehensive Plan (Comp Plan). The Zoning Ordinance has not been amended with respect to the policies of the current Comp Plan, the 2038 Stonecrest Comprehensive Plan, since its adoption in 2018. Several of the character areas used in the Comp Plan and referenced by name in the Zoning Ordinance have changed titles and significantly modified. The land use map associated with these character areas has also been revised. Because of these changes, regulations related to allowed densities under revised character areas are invalid. This must be corrected to offer clear guidance as what is allowed in zoning districts related to these new character areas.

This problem with how the Comp Plan is referenced in the current code is also the direct result of how character areas are directly referenced in the Code of Ordinances, particularly the Zoning Ordinance. This is a highly unusual practice in most Zoning Ordinance throughout the State. Most Comp Plans do not reference specific character areas by name, rather just the policies of the Comp Plan in general. If a Comp Plan is updated and Zoning Ordinance is not immediately revised to reflect those changes, portions of the ordinance may be invalid. To correct this, staff is recommending that all direct references to particular character areas in the code be removed. This will allow future updates to the character areas in the Comp Plan to be made without requiring updates to references to the character areas in the Zoning Ordinance in the future.





## PLANNING COMMISSION STAFF REPORT

It should be noted that the removal of the character area references in no way minimizes the importance or role of the comp plan in influencing and guiding rezoning decisions. To help clarify this, the provisions of the Zoning Ordinance that describe the relationship between the Comp Plan and the Zoning Ordinance have been updated to what is considered customary and best practice in most Zoning Ordinances in the State.

The attached track changes also highlight, the references in the Stonecrest Code of Ordinances to outdated staff titles such as “Director of Planning” and “Community Development Director.” Since 2019 the title for this position is “Director of Planning & Zoning.” The memorandum makes recommendations, by Section, as to where those terms occur, including a universal change to “Director of Planning” which is used 224 times in the ordinance.

**OPTIONS:** Table, Deny, Approve, Approve with modifications

**RECOMMENDED ACTION:** Recommend Approval to the City Council

**ATTACHMENTS:**

(1) Track Changes version of the City Code Ordinances as they relate to TMOD-21-001

## Track changes summary of Proposed Amendments to the Zoning Ordinance related to TMOD-21-001

### *Attachment 1 - Track changes version of the Zoning Ordinance concerning references to the Comprehensive Plan:*

- A. Replace Article 1, Division 2 Relationship to Comprehensive Plan.
- B. Delete Sec. 2.1.4. - Appropriate zoning districts for character area designations.
- C. Modify Sec 2.2.1., Table 2.2, Residential Zoning Districts Dimensional Requirements
- D. Modify Sec 2.11.1., Table 2.3, Summary of Density Ranges for Medium and High Density Residential Zoning Districts
- E. Modify Sec 2.11.2., Dimensional Requirements, Table 2.4, Medium and High Density Residential Zoning District Dimensional Requirements
- F. Modify Sec 2.12.5., Density and Location Criteria, Table 2.5, RSM Character Area and Bonus Residential Density Maximum
- G. Modify Sec 2.13.5., Density and Location Criteria, Table 2.7, MR-1 Character Area and Bonus Residential Density Maximum
- H. Modify Division 14, MR-2 District, Sec 2.14.1., Statement of Purpose and Intent
- I. Modify Sec 2.14.5., Density and Location Criteria, Table 2.8, MR-2 Character Area Base and Bonus Residential Density Maximum
- J. Modify Sec 2.15.5., Density and Location Criteria, Table 2.10, HR-1 Character Area Base and Bonus Residential Density Maximum
- K. Modify Sec 2.16.5., Density and Location Criteria, Table 2.12, HR-2 Character Area Base and Bonus Residential Density Maximum
- L. Modify Sec 2.17.5., Density and Location Criteria, Table 2.14, HR-3 Character Area Base and Bonus Residential Density Maximum
- M. Modify Sec 2.18.2., Mixed Use District Densities, Table 2.16, Summary of Mixed-Use Zoning District Densities
- N. Modify Sec 2.18.3., Mixed Use Dimensional Requirements, Table 2.17, Mixed-Use Zoning District Dimensional Requirements
- O. Delete Sec 2.19.3 Rezoning to MU-1 (Mixed-Use Low Density District)
- P. Modify Sec 2.19.6. - Density and location criteria (MU-1 District)
- Q. Modify Sec 2.20.1 – District requirements, standards and criteria (MU-2 District)
- R. Modify Sec 2.21.1. - District requirements, standards and criteria. (MU-3 District)
- S. Modify Sec 2.22.1., District Requirements, standards and criteria (MU-4 District)
- T. Modify Sec 2.23.1., District Requirements, standards and Criteria (MU-5 District)
- U. Modify Sec 5.2.1 – Minimum required yards and building setbacks, sub section B
- V. Modify Division 24 – Nonresidential Zoning Districts: Dimensional Requirements, Sec 2.24.1., Dimensional Requirements, Table 22 Nonresidential Zoning Districts Dimensional Requirements
- W. Modify Division 25 – NS District, Sec 2.25.1., Statement of Purpose and Intent
- X. Modify Division 26 – C-1 District, Sec 2.26.1., Statement of Purpose and Intent
- Y. Modify Division 27 – C-2 District, Sec 2.27.1., Statement of Purpose and Intent

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- Z. Modify Division 30 – OIT District, Sec 2.30.1., Statement of Purpose and Intent
  - AA. Modify Sec 4.1.3., Use Table
  - BB. Modify Article 5, Site Design and Building Form Standards, Division 1 – Block and Lot Requirements, Sec 5.1.1., Blocks
  - CC. Modify Article 5, Site Design and Building Form Standards, Division 2 – General Yard and Measurement Provisions, Sec 5.2.1., Minimum Required Yards and Building Setbacks
  - DD. Modify Article 5, Site Design and Building Form Standards, Division 7 – Building Form and Configuration Standards, Sec 5.7.7., Multifamily, Nonresidential, Live/Work and Mixed Use Buildings.
  - EE. Sec 9.13., Defined Terms., Activity Center
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**Attachment 2: Track changes version of the Zoning Ordinance concerning references to the Community Development Director or Director of Planning – see page 20.**

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- A. Replace Article 1, Division 2 Relationship to Comprehensive Plan.

#### DIVISION 2. - RELATIONSHIP TO COMPREHENSIVE PLAN

##### Sec. 1.2.1. - Relationship to comprehensive plan.

- a) Role of the comprehensive plan. The city comprehensive plan, consisting of its future development map and related policies, as may be amended from time to time, is hereby established as the official policy of the city concerning designated future land uses, and as a guide to decisions regarding the appropriate manner in which property may be zoned in the incorporated areas of the city. A copy of the city comprehensive plan, as may be amended from time to time, shall be maintained at the Planning & Zoning Department and be available for inspection by the public.
- b) Relationship between the comprehensive plan and zoning. The city comprehensive plan does not change the existing zoning districts in the city, and does not itself permit or prohibit any existing or future land uses. Instead, the comprehensive plan establishes broad planning policy for current and future land uses and will be consulted as a guideline for making decisions about applications to amend the official city zoning map and text of the zoning ordinance.
- c) Consistency with comprehensive plan character areas. Any applicant seeking to rezone property to a classification that is inconsistent with the adopted comprehensive plan must first obtain approval of an amendment to the comprehensive plan from the City Council, following the procedures in this Zoning Ordinance.
- d) Amendments to the comprehensive plan. The comprehensive plan shall be reviewed and updated or amended (as appropriate) according to a schedule approved by the City Council, and as required by the DCA in compliance with the Rules of DCA, Chapter 110-12-1, Minimum Standards and Procedures for Local Comprehensive Planning. However, exceptions may be granted by the City Council in between the regular review and update cycle in cases of demonstrated hardship, or in cases of large-scale developments that may provide special economic benefits to the community. Requests for amendment exceptions shall be subject to same approval process as any regular scheduled comprehensive plan update, being subject to approval by City Council after receiving recommendations from the Planning Commission and following all the required elements of public involvement process, including public hearings.

The comprehensive plan is hereby established as the official policy of the city concerning designated land uses and development types, under which the incorporated areas of the city are divided into the following categories referred to as character areas:

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- ~~A. Rural Residential.~~
- ~~B. Suburban.~~
- ~~C. Traditional Neighborhood.~~
- ~~D. Neighborhood Center.~~
- ~~E. Town Center.~~
- ~~F. Regional Center.~~
- ~~G. Industrial.~~
- ~~H. Light Industrial.~~
- ~~I. Institutional.~~
- ~~J. Office Park.~~
- ~~K. Commercial Redevelopment Corridor.~~
- ~~L. Scenic Corridor.~~
- ~~M. Highway Corridor.~~

~~The comprehensive plan shall refer to DeKalb County's comprehensive plan in effect on the effective date of the ordinance from which this section is derived (DeKalb County 2035 Comprehensive Plan), until such time as the city adopts its own comprehensive plan or otherwise amends or repeals this section.~~

~~(Ord. of 8-2-2017, § 1(1.2.1))~~

~~Sec. 1.2.2. Character areas (land use categories).~~

~~The boundaries of the various character areas (land use categories), as shown on the future development map and described within the policy narrative of the comprehensive plan, are made a part of this chapter. The official description of these character area boundaries shall be maintained by the director of planning. Where uncertainty regarding character area boundaries exists, the rules set forth in section 1.1.15 shall apply. All such maps and all notations, references and information shown thereon shall be as much a part of this chapter as if all the matter and information set forth by the maps were fully described herein. All other writings concerning the comprehensive plan, including technical documents and appendices adopted simultaneously with the comprehensive plan, are for guidance and information purposes only, and are not made a part of this chapter.~~

~~(Ord. of 8-2-2017, § 1(1.2.2))~~

~~Sec. 1.2.3. Relationship between character areas and zoning districts.~~

~~The character area categories established in the adopted comprehensive plan and shown on the future development map are to be implemented by approving rezonings to zoning districts listed within the following categories in Table 1.2, except the Scenic Corridor character area in which any zoning district may be approved. The zoning districts that are permitted within each character area shall be restricted as provided by Table 1.2.~~

~~(Ord. of 8-2-2017, § 1(1.2.3))~~

~~Sec. 1.2.4. Relationship between supplemental plans and zoning districts.~~

~~Section 5.7, Supplemental Plans of the comprehensive plan references all supplemental plans that focus on areas, situations, or issues of importance to City of Stonecrest. These plans include, but are not limited to,~~

redevelopment plans, neighborhood plans, city-wide plans, corridor plans, or plans for conservation management. Where the city council has adopted a supplemental plan's policies and development standards, these policies and development standards will serve as guidelines to support the existing future development plan (Section 4.3, Future Development Plan) and character area policies (Section 5.4.13.1, Land Use Character Area Policies and Strategies).

Table 1.2. Character Areas and Permitted Zoning Districts

	Rural Residential (max 4 du/a)	Suburban (max 8 du/a)	Traditional Neighborhood (max 12 du/a)	Neighborhood-Center (max 24 du/a)	Town Center (max 60 du/a)	Regional Center (max 120 du/a)	Office Park (max 30 du/a)	Institutional	Industrial	Light Institutional	Commercial Redevelopment Corridor (max 18 du/a)	Highway Corridor (max 30 du/a)
Zoning District	RE	RE	RE	R-CO	RSM	MR-1	HR-1	R-100	M	C-2	RSM	HR-1
	RLG	RLG	RLG	RSM	MR-1	MR-2	MU-1	R-85	M-2	CO	MR-1	MU-1
	R-100	R-100	R-100	MR-1	MR-2	HR-1	MU-2	R-75	CO	OI	MR-2	MU-2
	R-85	R-85	R-85	MR-2	HR-1	HR-2	MU-3	R-60	C-2	M	MU-1	MU-3
	R-75	R-75	R-75	MU-1	HR-2	HR-3	MU-4	RSM		M-2	MU-2	MU-4
	RNC	R-60	R-60	MU-2	MU-1	MU-1	NS	MR-1			MU-3	C-1
	MHP	RNC	RNC	MU-3	MU-2	MU-2	C-1	MR-2			NS	C-2
	NS	MHP	RSM	NS	MU-3	MU-3	C-2	MU-1			C-1	CO
		RSM	MR-1	C-1	MU-4	MU-4	OIF	MU-2			C-2	OI
		MU-1	MU-1	OI	MU-5	MU-5	OI	MU-3			OI	OIF
		NS	MU-2	OIF	OI	OI	OD	OI			OD	M
		C-1	NS		OIF	OIF		OIF			OIF	M-2
		OIF	C-1		C-1	C-1						
		OI	OIF		C-2	C-2						

<sup>2</sup> du/a = dwelling units per acre

**B. Delete Sec. 2.1.4. - Appropriate zoning districts for character area designations.**

~~Sec. 2.1.4.—Appropriate zoning districts for character area designations.~~

~~The zoning districts compatible with and acceptable within the character areas set forth in the comprehensive plan are established in section 1.2.3 and Table 1.2 of this chapter.~~

**C. Modify Sec 2.2.1., Table 2.2, Residential Zoning Districts Dimensional Requirements**

Residential Single-Family Zoning Districts								
KEY: Housing Types: SF: Single-Family, TF: Two-Family, TRF: Three-Family, MF: Multifamily <a href="#">Character Areas: RC: Regional Center, TC: Town Center, NC: Neighborhood Center, SUB: Suburban</a>								
Element	RE	RLG	R-100	R-85	R-75	R-60	MHP	RNC*

**D. Modify Sec 2.11.1.**

**Table 2.3, Summary of Density Ranges for Medium and High Density Residential Zoning Districts**

Zoning District Name	Density (units/acre)	Eligible Character Areas
Small Lot Residential Mix	RSM 4—8	<del>Suburban Traditional Neighborhood Center Town Center Institutional Commercial Redevelopment Corridor</del>
Medium Density Residential-1	MR-1 8—12	<del>Traditional Neighborhood Center Town Center Regional Center Institutional Commercial Redevelopment Corridor</del>
Medium Density Residential-2	MR-2 12—24	<del>Neighborhood Center Town Center Regional Center Institutional Commercial Redevelopment Corridor</del>
High Density Residential-1	HR-1 24—40	<del>Town Center Regional Center Office Park Highway Corridor</del>
High Density Residential-2	HR-2 40—60	<del>Town Center Regional Center Office Park Highway Corridor</del>

High Density Residential-3	HR-3	60—120	<a href="#">Regional Center</a>
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**E. Modify Sec 2.11.2., Dimensional Requirements**

**Table 2.4, Medium and High Density Residential Zoning District Dimensional Requirements**

<p><i>Medium and High Density Residential</i></p> <p>KEY: Housing Types: SFD: Single-Family Detached, SFA: Single-Family Attached, TTF: Two- or Three- Family, MF: Multifamily, MU: Mixed-Use, U-SF: Urban Single-Family <a href="#">Character Areas: RC: Regional Center, TC: Town Center, TN: Traditional Neighborhood, NC: Neighborhood Center, SUB: Suburban CA: Character Area as identified in the Comprehensive Plan</a></p>
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**F. Modify Sec 2.12.5., Density and Location Criteria**

- A. ~~Use of bonuses shall permit a development to exceed the maximum base density established for the district in which the development property is located, provided that, in no case, shall a development exceed the maximum density allowed by the character area in which the property is located. Table 2.5 describes the maximum allowed dwelling unit density after application of any bonuses. The maximum allowed dwelling unit density in the RSM District before application of any bonus is 4 dwelling units per acre, and after application of any bonuses is 8 dwelling units per acre.~~

**Table 2.5, ~~RS M Character Area and Bonus Residential Density Maximum~~**

Character Area	RSM Dwelling Units per Acre	
	Base Max	Bonus Max
Suburban	4	8
Traditional Neighborhood	4	8
Neighborhood Center	4	8
Commercial Redevelopment Corridor	4	8
Town Center	4	8

**G. Modify Sec 2.13.5., Density and Location Criteria**

- A. Use of bonuses shall permit a development to exceed the maximum base density established for the district in which the development property is located, provided that, in no case, shall a development exceed the maximum density allowed by the character area in which the property is located, according to the future development map adopted at the time of land disturbance permit application. Table 2.7 describes the maximum allowed dwelling unit density after application of any bonuses. The maximum allowed dwelling unit density in the MR-1 District before application of any bonus is 8 dwelling units per acre, and after application of any bonuses is 12 dwelling units per acre.

**Table 2.7, MR-1 Character Area Base and Bonus Residential Density Maximum**

Character Area	MR-1 Dwelling Units per Acre	
	Base Max	Bonus Max
Traditional Neighborhood	8	12
Neighborhood Center	8	12
Commercial Redevelopment Corridor	8	12
Town Center	8	12
Institutional	8	12
Regional Center	8	12

**H. Modify Division 14, MR-2 District, Sec 2.14.1., Statement of Purpose and Intent**

The purpose and intent of the City Council in establishing the MR-2 (Medium Density Residential-2) District is as follows:

- A. To encourage primarily residential, planned developments that allow accessory retail, office, institutional, and civic uses;
- B. To provide for residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;
- C. To provide for connectivity of streets and communities and reduce the dependence on automobile uses by increasing the ease of movement and opportunities for alternative modes of travel;
- D. To implement the future development map of the city's comprehensive plan;
- E. To provide districts that allow appropriate development transitions ~~within the edges and transitional areas of the Town Center and Regional Center~~ applicable character areas.

**I. Modify Sec 2.14.5., Density and Location Criteria**

- A. Use of bonuses shall permit a development to exceed the maximum base density established for the district in which the development property is located, provided that, in no case, shall a development exceed the maximum density allowed by the character area in which the property is located, according to the future development map adopted at the time of land disturbance permit application. Table 2.8 describes the maximum allowed dwelling unit density after application of any bonuses. The maximum



allowed dwelling unit density in the MR-2 District before application of any bonus is 12 dwelling units per acre, and after application of any bonuses is 24 dwelling units per acre.

**Table 2.8, MR-2 Character Area Base and Bonus Residential Density Maximum**

Character Area	MR-2 Dwelling Units per Acre	
	Base Max	Bonus Max
Commercial Redevelopment Corridor	12	18
Town Center	12	24
Neighborhood Center	12	24
Institutional	12	24

**J. Modify Sec 2.15.5., Density and Location Criteria**

- A. Use of bonuses shall permit a development to exceed the maximum base density established for the district in which the development property is located, provided that, in no case, shall a development exceed the maximum density allowed by the character area in which the property is located, according to the future development map adopted at the time of land disturbance permit application. Table 2.10 describes the maximum allowed dwelling unit density after application of any bonuses. The maximum allowed dwelling unit density in the HR-1 District before application of any bonus is 24 dwelling units per acre, and after application of any bonuses is 40 dwelling units per acre.

**Table 2.10, HR-1 Character Area Base and Bonus Residential Density Maximum**

Character Area	HR-1 Dwelling Units per Acre	
	Base Max	Bonus Max
Town Center	24	40
Regional Center	24	40
Office Park	24	30
Highway Corridor	24	30

**K. Modify Sec 2.16.5., Density and Location Criteria**

- A. Use of bonuses shall permit a development to exceed the maximum base density established for the district in which the development property is located, provided that, in no case, shall a development exceed the maximum density allowed by the character area in which the property is located, according to the future development map adopted at the time of land disturbance permit application. Table 2.12

describes the maximum allowed dwelling unit density after application of any bonuses. The maximum allowed dwelling unit density in the HR-2 District before application of any bonus is 40 dwelling units per acre, and after application of any bonuses is 60 dwelling units per acre.

**Table 2.12, HR-2 Character Area Base and Bonus Residential Density Maximum**

Character Area	HR-2 Dwelling Units per Acre	
	Base Max	Bonus Max
Town Center	40	60
Regional Center	40	60

**L. Modify Sec 2.17.5., Density and Location Criteria**

- A. Use of bonuses shall permit a development to exceed the maximum base density established for the district in which the development property is located, provided that, in no case, shall a development exceed the maximum density allowed by the character area in which the property is located, according to the future development map adopted at the time of land disturbance permit application. Table 2.14 describes the maximum allowed dwelling unit density after application of any bonuses. The maximum allowed dwelling unit density in the HR-2 District before application of any bonus is 60 dwelling units per acre, and after application of any bonuses is 120 dwelling units per acre.

**Table 2.14, HR-3 Character Area Base and Bonus Residential Density Maximum**

Character Area	HR-3 Dwelling Units per Acre	
	Base Max	Bonus Max
Regional Center	60	120

**M. Modify Sec 2.18.2., Mixed Use District Densities**

**Table 2.16, Summary of Mixed-Use Zoning District Densities**

Zoning District Name	Density (units/acre)	Eligible Character Areas
Mixed-Use Low Density	MU-1 4–8	Suburban Traditional Neighborhood Neighborhood Center Town Center Institutional Commercial Redevelopment Corridor
Mixed-Use Low-Medium Density	MU-2 8–12	Traditional Neighborhood Neighborhood Center

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			Town Center Regional Center Institutional Commercial Redevelopment Corridor
Mixed-Use Medium Density	MU-3	12—24	Neighborhood Center Town Center Regional Center Institutional Commercial Redevelopment Corridor
Mixed-Use High Density	MU-4	24—40	Town Center Regional Center Office Park
Mixed-Use Very High Density	MU-5	40—60	Town Center Regional Center: additional bonus up to 120

**N. Modify Sec 2.18.3., Mixed Use Dimensional Requirements**

**Table 2.17, Mixed-Use Zoning District Dimensional Requirements**

Mixed-Use Districts
KEY: Development Types: SFD: Single-Family Detached, SFA: Single-Family Attached, TTF: Two- or Three-Family, MF: Multifamily, U-SF: Urban Single-Family, MU: Mixed-Use, CM: Commercial, OF: Office Character Areas: SUB: Suburban, TN: Traditional Neighborhood, NC: Neighborhood Center, TC: Town Center, RC: Regional Center

**O. Delete Sec 2.19.3**

~~Sec. 2.19.3.—Rezoning to the MU-1 (Mixed-Use Low-Density) District.~~

~~Properties within the Suburban, Traditional Neighborhood, Neighborhood Center, Town Center, Regional Center, Office Park, Institutional, Commercial Redevelopment Corridor and Highway Corridor character areas of the City of Stonecrest Comprehensive Plan Future Development Map are eligible to be rezoned to the MU-1 District.~~

**P. Modify Sec. 2.19.6. - Density and location criteria**

**Sec. 2.19.6. - Density and location criteria (MU-1 District)**

- A. ~~Use of bonuses shall permit a development to exceed the maximum base density established for the district in which the development property is located, provided that, in no case, shall a development exceed the maximum density allowed by the character area in which the property is located, according to the future development map adopted at the time of land disturbance permit application. Table 2.18 describes the~~ maximum allowed dwelling unit density before application of any bonus is 4 dwelling units per acre, and after application of any bonuses is 8 dwelling units per acre.

Table 2.18. MU-1 Character Area and Bonus Residential Density Maximum

Character Area	MU-1 Dwelling Units per Acre	
	Base Max	Bonus Max
Suburban	4	8
All other character areas	4	8

**Q. Modify Sec 2.20.1 – District requirements, standards and criteria (MU-2 District)**

**Sec 2.20.1 – District requirements, standards and criteria (MU-2 District)**

All provisions found in the MU-1 (Mixed Use Low Density) District shall apply to the MU-2 (Mixed-Use Low-Medium Density) District, except that The maximum allowed dwelling unit density before application of any bonus is 6 dwelling units per acre, and after application of any bonuses is 12 dwelling units per acre. the reference to Table 2.19 for MU-1 density shall be to Table 2.20 for MU-2 density.

Table 2.20. MU-2 Character Area and Bonus Residential Density Maximum

Character Area	MU-2 Dwelling Units per Acre	
	Base Max	Bonus Max
Traditional Neighborhood	6	12
All other character areas	8	12

**R. Modify Sec. 2.21.1 - District requirements, standards and criteria (MU-3 District)**

**Sec. 2.21.1 - District requirements, standards and criteria (MU-3 District)**

All provisions found in the MU-2 (Mixed-Use Medium Density) District shall apply to the MU-3 (Mixed-Use Medium Density) District, except that:

- A. The maximum allowed dwelling unit density before application of any bonus is 12 dwelling units per acre, and after application of any bonuses is 24 dwelling units per acre. — The reference to Table 2.20 for MU-2 density shall be to Table 2.21 for MU-2 density.

Character Area	MU-3 Dwelling Units per Acre	
	Base Max	Bonus Max
Town Center	12	24
Regional Center	12	24

Neighborhood Center	12	24
All other character areas	12	24

**S. Modify Sec 2.22.1., District Requirements, Standards and Criteria (MU-4 District)**

**Sec 2.22.1., District Requirements, Standards and Criteria (MU-4 District)**

All provisions found in the MU-3 (Mixed-Use Medium Density) District shall also apply to the MU-4 (Mixed-Use High Density) District, except that:

- A. The reference to Table 2.21 for MU-3 density shall be to Table 2.22 for MU-4 density. The maximum allowed dwelling unit density before application of any bonus is 24 dwelling units per acre, and after application of any bonuses is 40 dwelling units per acre.

**Table 2.22, MU-4 Character Area and Bonus Residential Density Maximum**

Character Area	MU-4 Dwelling Units per Acre	
	Base Max	Bonus Max
Town Center	24	40
Regional Center	24	40
Office Park	24	30
Highway Corridor	24	30

**T. Modify Sec 2.23.1., District Requirements, Standards and Criteria (MU-5 District)**

**Sec 2.23.1., District Requirements, Standards and Criteria (MU-5 District)**

All provisions found in the MU-3 (Mixed-Use Medium Density) District shall also apply to the MU-5 (Mixed-Use Very High Density) District, except as identified below:

- A. The reference to Table 2.21 for MU-3 density shall be to Table 2.23 for MU-5 density. The maximum allowed dwelling unit density before application of any bonus is 40 dwelling units per acre, and after application of any bonuses is 120 dwelling units per acre.

**Table 2.23, MU-5 Character Area and Bonus Residential Density Maximum**

Character Area	MU-5 Dwelling Units per Acre	
	Base Max	Bonus Max
Town Center	40	60

Regional Center	40	120
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**U. Modify Sec. 5.2.1. - Minimum required yards and building setbacks, Subsection B.**

- B. *Spacing between buildings.* For single-family attached buildings and multifamily buildings:
1. Building shall be separated a distance as required by the International Codes Council (ICC).
  2. Except when located in a MU-1, MU-2, MU-3, MU-4 or MU-5 zoning district ~~and except when located in a Town or Regional Center character area~~, the minimum spacing between high-rise multifamily buildings on a single site shall be a distance equal to one-fourth of the height of the taller building.

**V. Modify Division 24 – Nonresidential Zoning Districts: Dimensional Requirements, Sec 2.24.1., Dimensional Requirements**

**Table 22., Nonresidential Zoning Districts Dimensional Requirements**

Nonresidential Districts								
KEY: Character Areas: <a href="#">RC: Regional Center</a> , <a href="#">TC: Town Center</a> , <a href="#">NC: Neighborhood Center</a> , <a href="#">SUB: Suburban</a>								
Element	OIT	OI	NS	C-1	C-2	OD	M	M2
<i>Overall Site Requirements (minimum, unless otherwise specified)</i>								
<i>Dimensional Requirements</i>								
Lot area (min. square feet)	7,500	20,000	20,000	20,000	30,000	30,000	30,000	2 acres for heavy ind. and uses req'g SLUP, 1 acre for all other uses
Single-Family Attached Lot Area (Avg. per dwelling unit sq. ft.)	4,000	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted
Lot width, street frontage (feet)	75	100	100	100	100	100	100	150

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Lot coverage (maximum percentage)	80	80	80	TC/RC: 90 All other: 80	TC/RC: 90 All other: 80	80	80	80
<i>Open Space Requirements</i>								
Sites with 5,000—39,999 sq. ft. gross floor area (minimum percent)	15	15	15	10	10	15	15	15
Sites with 40,000 sq. ft. gross floor area (minimum percent)	20	20	20	20	20	20	20	20
Transitional buffer (feet)	Article 5, division 4 of this chapter							
<i>Building Setback Requirements (minimum, unless otherwise specified)</i>								
<i>Urban Character Areas (Town Center, Regional Center)</i>								
Front thoroughfares and arterials (min./max. feet)	20/60	20/50 <sup>±</sup>	10/60	20/60	20/60	Not permitted	Not permitted	Not permitted
Front - all other streets (min./max. feet)	10/60	10/60 <sup>±</sup>	5/60	10/60	10/60	Not permitted	Not permitted	Not permitted
Side - interior lot (feet)	20	20 <sup>±</sup>	20	15	15	Not permitted	Not permitted	Not permitted
Side - corner lot on public streets (feet)	20	15 <sup>±</sup>	15	20	20	Not permitted	Not permitted	Not permitted
Rear (feet)	20	20 <sup>±</sup>	20	20	20	Not permitted	Not permitted	Not permitted
<i>All Other Character Areas</i>								
Front thoroughfares and arterials (feet)	40	60 *	30	60	60	75	60	60
Front - all other streets (feet)	30	50 *	20	50	50	75	60	60
Side - interior lot (feet)	20	20 *	20	20	20	20	20	20
Side - corner lot on public streets (feet)	40	50 *	15	50	50	50	60	60
Rear (feet)	30	30 *	20	30	30	30	30	30
<i>Unit Size (residential: heated living area)</i>								

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Floor area of attached dwelling unit of Multifamily (min. sq. ft.)	1,000	1,000	Not permitted	Not permitted	Not permitted	Not permitted	1,000	Not permitted
Floor area of live/work dwelling unit (residential portion only - min. sq. ft.)	650	650	650	650	Not permitted	Not permitted	650	Not permitted
Floor area per individual building (maximum sq. ft.) (non-res)	N/A	N/A	50,000	No maximum	No maximum	No maximum	No maximum	No maximum
<i>Height (maximum without a special land use permit (SLUP))**</i>								
Height (feet)	2 story/35 feet	5 story/70 feet	2 story/35 feet	2 story/35 feet	2 story/35 feet	2 story/35 feet	..	..
Transitional height plane (see article 5 of this chapter)	No	Yes	No	No	No	Yes	Yes	Yes

**W. Modify Division 25 – NS District, Sec 2.25.1., Statement of Purpose and Intent**

The purpose and intent of the City Council in establishing the NS (Neighborhood Shopping) District is as follows:

- A. To provide convenient neighborhood retail shopping and service areas within the city for all residents;
- B. To provide for the development of new Neighborhood Shopping Districts where so designated on the comprehensive plan ~~especially for commercial uses in Suburban Neighborhood character areas;~~
- C. To ensure that the size and scale of neighborhood shopping centers and individual uses within said centers are compatible with the scale of adjoining neighborhoods;
- D. To implement the future development map of the city's most current comprehensive plan.

**X. Modify Division 26 – C-1 District, Sec 2.26.1., Statement of Purpose and Intent**

The purpose and intent of the City Council in establishing the C-1 (Local Commercial) District is as follows:

- A. To provide convenient local retail shopping and service areas within the city for all residents;
- ~~B. To provide for auto-oriented needs outside of the Neighborhood Center, Town Center and Regional Center applicable character areas, but to focus on the pedestrian-oriented development within these districts;~~
- ~~C.~~ To provide for quality control in development through materials and building placement;
- ~~C.~~ To ensure that the uses authorized within the C-1 (Local Commercial) District are those uses which are designed to serve the convenience shopping and service needs of groups of neighborhoods;
- ~~D.~~ To implement the future development map of the city's comprehensive plan.

**Y. Modify Division 27 – C-2 District, Sec 2.27.1., Statement of Purpose and Intent**



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The purpose and intent of the City Council in establishing the C-2 (General Commercial) District is as follows:

- A. To provide convenient general business and commercial service areas within the city for all residents;
  - B. To provide for the development of new general commercial districts where so designated on the comprehensive plan;
  - C. To provide for auto-oriented needs outside of the ~~Neighborhood Center, Town Center and Regional Center~~applicable character areas, but to focus on the pedestrian oriented development which in these districts;
  - D. To provide for quality control in development through materials and building placement;
  - E. To ensure that the uses authorized within the C-2 (General Commercial) District are those uses which are designed to serve the general business and commercial service needs of the city;
  - F. To implement the future development map of the city's comprehensive plan.
- 

#### **Z. Modify Division 30 – OIT District, Sec 2.30.1., Statement of Purpose and Intent**

The purpose and intent of the City Council in establishing the OIT (Office-Institutional-Transitional) District is as follows:

- A. To provide areas within the city for the location of office and institutional uses which are necessary for the residents, business practitioners, and professional practitioners in existing buildings no longer viable for residential uses;
- B. To limit said buildings' height to be compatible to those potential redevelopment parcels and structures;
- C. To provide for the transition from residential to office and associated commercial uses which do not generate large volumes of traffic, noise or other harmful effects, and which are compatible with residential uses in locations so designated in the comprehensive plan along-in Commercial Redevelopment Corridor the applicable character areas ~~and along the edge of the Office Park and Institutional character areas.~~

AA. Modify Sec 4.1.3., Use Table

Use	KEY: P - Permitted use Pa - Permitted as an accessory use																			See Section						
	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	
<b>Retail</b>																										
Drive-through facilities <del>(other than restaurants) in Activity Center character areas</del>													P		P	P	P	P	P			SP	SP	SP	SP	✓
Drive-through facilities <del>(other than restaurants) in all other character</del>													P		P	P	P	P	P							✓
Restaurants with a drive-thru configuration <del>in Activity Center character area</del>													P	P		SP	SP		SP							✓
Restaurants with a drive thru configuration <del>(all other character areas)</del>													P	P		SP	SP		SP							✓
Fuel pumps <del>in character areas other than activity centers, unless otherwise allowed under Section 27-4.2.8</del>														SP	SP	SP	SP	SP	SP	SP	SP					✓
Fuel pumps <del>in activity centers</del>														SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	✓

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**BB. Modify Article 5, Site Design and Building Form Standards, Division 1 – Block and Lot Requirements, Sec 5.1.1., Blocks**

- A. *Intent.* The intent of this section is to have the lengths, widths and shapes of blocks in residential subdivisions designed with due regard to:
1. Provision of building sites suitable to the special needs of:
    - a. The building form contemplated;
    - b. The conservation of open space; and/or
    - c. Existing historic features.
  2. Zoning requirements for lot sizes and dimensions;
  3. Needs for convenient access by pedestrians and bicyclists to public transit, nearby schools, and commercial districts, vehicular circulation at safe speeds and adequate access for emergency vehicles;
  4. Limitations of, and opportunities for, topography to minimize land disturbance and erosion;
  5. Connectivity standards in section 5.3.2.
- B. *Block length.*
1. When blocks are subdivided by new streets or created as part of a new development, including mixed-use, the minimum length of resulting new blocks shall be 200 to 300 linear feet.
  2. The maximum block length for new subdivisions in the Suburban [Neighborhood](#) character area is 600 linear feet.
  - ~~3. The maximum block length for new subdivisions in the Activity Center character area is 500 linear feet.~~
- C. *Blocks and pedestrian access.* If a new development provides for a path with an easement through a block:
1. An easement for pedestrian use only shall be at least five feet wide.
  2. An easement for pedestrian and bicycle use shall be at least ten feet wide.

**CC. Modify Article 5, Site Design and Building Form Standards, Division 2 – General Yard and Measurement Provisions, Sec 5.2.1., Minimum Required Yards and Building Setbacks**

- A. *Projections into yards.*
1. Every part of a required yard shall be open to the sky and unobstructed except for the ordinary projections of sills, belt courses, cornices, eaves, awnings, chimneys, buttresses and other ornamental and architectural features, provided that these features do not project more than three feet into any required yard and do not encroach on other lots or rights-of-way.
  2. An open, unenclosed porch, balcony or hard-surfaced terrace, steps, stoops and similar fixtures of a building may project into a required front yard or rear yard for a distance not to exceed ten feet, and into a side yard to a point not closer than five feet from any lot line.
  3. Enclosed porches may encroach for a distance of up to eight feet into the front or rear yard, but shall be no closer than five feet from the side property line.
- B. *Spacing between buildings.* For single-family attached buildings and multifamily buildings:
1. Building shall be separated a distance as required by the International Codes Council (ICC).

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~~2. Except when located in a MU-1, MU-2, MU-3, MU-4 or MU-5 zoning district and except when located in a Town or Regional Center character area, the minimum spacing between high rise multifamily buildings on a single site shall be a distance equal to one fourth of the height of the taller building.~~

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**DD. Modify Article 5, Site Design and Building Form Standards, Division 7 – Building Form and Configuration Standards, Sec 5.7.7., Multifamily, Nonresidential, Live/Work and Mixed Use Buildings.**

- D. Parking configuration. Nonresidential and mixed-use buildings ~~located in Activity Center character areas, as identified in the comprehensive plan~~, shall:
1. Have no more than one double row of parking within the front yard where there is no intervening building between parking and the street; and
  2. Be allowed to locate parking along the side or rear or as on-street parking dedicated as right-of-way by the applicant for a land disturbance permit or building permit.
- 

**EE. Modify Sec 9.13., Defined Terms, Activity Center**

*Activity center* means a character area designed by the Comprehensive Plan ~~as a Regional Center, Town Center, or Neighborhood Center.~~

**Attachment 2 - Track changes version of the Zoning Ordinance concerning references to the Community Development Director or Director of Planning:**

**Modify Sec. 4.3.1.C. – Use Table**

**Table 4.1. Use Table**

KEY: P - Permitted use Pa - Permitted as an accessory use										SA - Special administrative permit from <del>Community Development Director</del> <u>Planning &amp; Zoning Director</u> SP - Special land use permit (SLUP)															
Use	RE	RLG	R-100	R-85	R-75	R-60	RS M	MR-1	MR-2	HR-1,2,3	MHP	RNC	OIT	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See section 4.2

**Modify Sec. 9.1.3. – Defined Terms**

Director of ~~planning~~ Planning & Zoning means the Director of the Department of Planning ~~and Sustainability and Zoning (also referred to as the Community Development Director)~~, or ~~his~~ their ~~City Manager~~ designee.

(Note that this will address the 224 instances of “Director of Planning” in the current code.)

**Modify Sec. 5 – Transition Period (Last section of Zoning Ordinance – seemingly out of order)**

During the transition period, any department, employee, or official referenced in the Comprehensive Plan which has not yet been established or appointed shall refer to the City Manager or his designee. During and after the transition period, any reference to the director or planning director shall also refer to the ~~Community Development Director~~ Planning & Zoning Director. During and after the transition period, any reference to the planning department shall refer to the ~~Community Development~~ Planning & Zoning department or the similar department created by the City Council during the transition period.





## CITY COUNCIL AGENDA ITEM

**SUBJECT: TMOD-21-002**

**ORDINANCE**                       **POLICY**                       **STATUS REPORT**

**DISCUSSION ONLY**               **RESOLUTION**               **OTHER**

**Date Submitted: 06/17/21      Work Session:                      Council Meeting: 06/28/21**

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**SUBMITTED BY:              Jim Summerbell, AICP – Planning and Zoning Director**

**PRESENTER:      Jim Summerbell**

**PURPOSE:** To update the provisions of the Zoning Ordinance related to Child and Personal Care Home definitions and regulations.

**FACTS AND ISSUES:** A text amendment approved by Mayor and City Council in 2018 modified the Child Care Home and Personal Care Home definitions and regulations in the City's Zoning Ordinance. Since that amendment, Council and staff have identified other necessary changes for these uses. These changes include:

- An updated definition of Child Care Home that includes 24-hour care
- Updated supplemental regulations that require the business owner to reside at the home where the childcare home or personal care home is being operated.
- Distance separation requirement for Child Care Homes.
- Updated Use Table to reflect 2018 language, supplemental regulations, and to require a SLUP in more zoning districts.

The definitions and regulations related to these state that permitted uses can often be confusing. Following is a table that helps summarize the capacity, hours of operation and permitted districts for these uses in an attempt to explain and clarify the differences.

## Differences between Personal Care and Child Care Facilities in the proposed changes

	Number of residents	Hours of Care	State Licensure Required	Permitted with a SLUP		Permitted by right	
				Residential*	Non-residential	Residential*	Non-residential
<b>Personal Care Facilities</b>							
<b>Personal Care Home</b>	7 or more	24-hour	✓	RSM, MR-1, MR-2, HR-1,2,3	NS, MU-1,2,3,4,5	--	OI, OIT, C-1, C-2
<b>Personal Care Home, Group</b>	6 or less	24-hour	✓	RE, RLG, R-100, R-85, R-75, R-60, RSM, MR-1, MR-2, HR-1,2,3, RNC	NS	--	OI, OIT, C-1, C-2
<b>Child Care Facilities</b>							
<b>Child Care Home</b>	5 or less	24-hour	✓	RE, RLG, R-100, R-85, R-75, R-60, RSM, RNC	NS, MU-1,2,3,4,5	--	OI, OIT, C-1, C-2,
<b>Child Care Facility</b>	6 or more	24-hour	✓	--	NS, MU-1,2,3,4,5	--	OI, OIT, C-1, C-2
<b>Child Day Care Center</b>	7 or more	Less than 24-hours	✓	--		--	OI, OIT NS, C-1, C-2, MU-1,2,3,4,5

\*Considered a home-based business



There has been public concern about the number and quality of Child Care Homes and Personal Care Homes in the City and their impact on the neighborhoods they are located in. These updated regulations allow the Planning Commission and City Council more opportunities to review Special Land Use Permits on a case-by-case basis for these uses. The updates also ensure that every part of the Zoning Ordinance referencing these uses is cohesive and are in line with state regulations regarding these state of Georgia permitted uses.

**OPTIONS:** Table, Deny, Approve, Approve with modifications

**RECOMMENDED ACTION:** Approve

**ATTACHMENTS:**

- (1) Ordinance TMOD-21-002
- (2) Staff report related to actions taken by the Planning Commission on June 22, 2021

**TMOD-21-002 ATTACHMENT 1:**

**DRAFT Ordinance TMOD-21-002**

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

**ORDINANCE NO. TMOD 21-002**

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

7 **WHEREAS**, the governing body of the City of Stonecrest, Georgia (“City”) is the Mayor  
8 and Council thereof; and

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

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

13 **WHEREAS**, the Mayor and Council desire to amend Article 4 (Use Regulations) and 9  
14 (Definitions) of Chapter 27 (Zoning Ordinance) of the City’s Code related to Child and Personal  
15 Care Home definitions and use regulations; and

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

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

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

24           **WHEREAS**, the health, safety, morals and general welfare of the citizens of the City will be  
25 positively impacted by the adoption of this Ordinance.

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

28           **Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended by  
29 amending the following sections of Chapter 27 (Zoning): Section 4.1.3 (Table of Uses), Section  
30 4.2.31 (Home Occupations and Private Education Uses), Article 9 (Definitions), and Section 4.2.41  
31 (Personal Care Homes and Child Caring Institutions), and inserting the provisions set forth in Exhibit  
32 A attached hereto and made a part by reference.

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

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

38 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent  
39 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is  
40 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is  
41 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent  
42 allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually  
43

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

45 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for  
46 any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid  
47 judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and

48 Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent  
49 allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining  
50 phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent  
51 allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance  
52 shall remain valid, constitutional, enforceable, and of full force and effect.

53 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly  
54 repealed.

55 **Section 5.** The Ordinance shall be codified in a manner consistent with the laws of the  
56 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.

**ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF STONECREST, GEORGIA**

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58  
59

\_\_\_\_\_  
**George Turner**, Mayor Pro Tempore

**ATTEST:**

\_\_\_\_\_  
**Patricia Wheeler**, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

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**EXHIBIT A**  
**(SEE ATTACHED)**

Excerpt from 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				
	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
Personal care home, <del>community</del> , 7 or more							P	P	P	P			P	P	P	P	P				P	P	P	P	✓
Personal care home, group, <del>upto</del> 6 or less	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P					P	P	P	P	✓
Child caring home, <del>up to</del> 5 or less	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P					P	P	P	P	✓
Child caring facility, 6 or more								P	P	P			P	P	P	P	P				P	P	P	P	✓
Child day care center							P	P				P	P	P	P	P					P	P	P	P	

106 **Sec. 4.2.31. - Home occupations and private educational uses.**

107  
108 The following provisions apply to home occupations:

109 A. A home occupation where no customer contact occurs shall be considered a Type I home  
110 occupation and may be conducted with administrative approval by the director of  
111 planning and zoning.

112 1. The owner/operator of the business must reside on the premise.

113 2. Up to two (2) full-time residents of the premises are allowed to conduct separate  
114 home occupations in the same dwelling. In reviewing such a request, the local  
115 government may consider the reason, potential residential impact, parking  
116 needs, hours of operation and other relevant factors.

117 B. All home occupations other than Type I home occupations shall be considered a Type II  
118 home occupation and shall require a special land use permit (SLUP). Additional  
119 conditions may be placed on the approval of a Type II home occupation in order to ensure  
120 the home occupation will not be a detriment to the character of the residential  
121 neighborhood.

122 1. Customer contact is allowed for Type II home occupations.

123 2. Up to two (2) full-time residents of the premises are allowed to conduct separate  
124 home occupations in the same dwelling. In reviewing such a request, the local  
125 government may consider the reason, potential residential impact, parking  
126 needs, hours of operation and other relevant factors.

127 C. All home occupations shall meet the following standards:

128 1. There shall be no exterior evidence of the home occupation.

129 2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical  
130 interference that would be detectable beyond the dwelling unit.

131 3. The use shall be conducted entirely within the dwelling unit, and only persons  
132 living in the dwelling unit shall be employed at the location of the home  
133 occupation.

134 4. No more than twenty-five (25) percent of the dwelling unit and/or five hundred  
135 (500)square feet, whichever is less, may be used for the operation of the home  
136 occupation.

137 5. No more than one (1) business vehicle per home occupation is allowed.

138 6. No home occupation shall be operated so as to create or cause a nuisance.

139 7. Home occupation shall not include the use of a dwelling unit for the purpose of  
140 operating any automobile repair establishment, or car wash.

141 8. Occupations that are mobile or dispatch-only may be allowed, provided that  
142 any business vehicle used for the home occupation complies with section 6.1.3,  
143 and is limited to one (1) business vehicle per occupation.

144 D. Private educational services shall comply with home occupation standards and no more  
145 than three (3) students shall be served at a time. Family members residing in the  
146 home are not counted towards the three (3) students allowed.



- E. Child Care Homes and Personal Care Homes are considered Home Occupations and must adhere to these provisions in addition to Section 4.2.41.

**Sec. 4.2.41. - Personal care homes and child caring institutions.**

A. *Personal care homes, general requirements.*

1. If owned by a corporation, partnership, Limited Liability Company or any entity other than a natural person, the administrator identified in the state license application must reside in the personal care home. If owned by an individual, the individual owner must reside in the group personal care home.
- ~~1.2.~~ Each personal care home must obtain a city license as well as all license(s) and/or permit(s) required by the State of Georgia before beginning ~~in order to~~ operate. Each personal care home licensed and/or permitted by the State of Georgia must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
- ~~2.3.~~ No personal care home may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
4. Personal care homes may apply for an FHA Accommodation Variance as provided for in section 7.5.9 of this chapter.
- ~~3.5.~~ No city permit for the operation of the personal care home shall be transferable.

B. *Personal care home, group (up to six (6) persons).*

1. Two (2) copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each group personal care home must provide at least four (4) parking spaces within a driveway, garage or carport and must comply with any applicable requirements in article 6.
3. The home must be at least 1800 sq. ft in size.
4. ~~3.~~ In order to prevent institutionalizing residential neighborhoods, no group personal care home located in the RE, R LG, R 100, R 85, R 75, R 50, R SM, or MR 1 a residential zoning district may be operated within one thousand (1,000) feet of any other group personal care home. The one-thousand-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two (2) tracts of land on which the group personal care homes are located.

C. *Personal care home, ~~community~~ (seven (7) or more persons).*

1. Two (2) copies of complete architectural plans for the subject community personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each community personal care home must provide at least one-half (0.50) parking spaces for each employee and resident and must comply with any applicable requirements in article 6.

D. *Child Care ~~home~~ Home, and Child Care ~~facility~~ Facility general requirements.*

1. If owned by a corporation, partnership, Limited Liability Company or any entity other than a natural person, the administrator identified in the state license application must reside in the child care home, facility. If owned by an individual, the individual owner must reside in the child care home, or child care facility.
2. No child ~~day~~ care home, or child care facility shall be located within ~~1,000~~ 1,500 feet of another child care home or child care facility. The one-thousand-five-hundred-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two (2) tracts of land on which the child care homes, or child care facilities are located.
3. Each child caring home, and child care facility must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each child caring institution must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
4. ~~Child care~~ Care homes and Child Care facilities are not permitted in Multi-family dwellings.
5. No child caring home, facility may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
- 4.6. Each child care home, facility shall meet the minimum state requirements for playground size, location, and fencing. ~~with 3 or more children over the age of 3 under the age of 15 must provide a fenced outdoor play area the equivalent of 50 sq. ft per child in the rear of the property.~~

E. *Child Care Homes, ~~group~~ (up to five (5) children).*

1. Each group child care home must provide at least four (4) parking spaces within a driveway, garage or carport, and must comply with any applicable requirements in article 6.

F. *Child Care Facility (six (6) or more children).*

1. Two (2) copies of the complete architectural plans of the subject community child caring institution, signed and sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each community child caring institution must provide at least one-half (0.50) parking spaces for each employee and resident and must comply with any applicable requirements in article 6.

## **Article 9: Definitions**

*Child Care Facility:* A building(s) in which housing, meals, and twenty-four-hour continuous watchful oversight of six (6) or more children under the age of eighteen (18) are provided and which facility is licensed or permitted as a child caring institution by the State of Georgia. The term "child caring institution" shall not include a "child day care center or child care facility."

*Child Care Home:* A building(s) in which housing, meals, and twenty-four-hour continuous watchful oversight for up to five (5) children under the age of eighteen (18) are provided. The term "child caring institution" shall not include a "child day care center or facility."

*Child Day Care Center:* An establishment operated by any person with or without compensation providing for the care, supervision, and protection of seven (7) or more children who are under the age of eighteen (18) years for less than twenty-four (24) hours per day, without transfer of legal custody. The term "child caring institution" shall not include a "child day care center or child care facility."

*Personal care home, group:* A personal care home that offers care to up to six (6) persons.

*Personal Care Home:* A building(s) in which housing, meals, personal assistance services, and twenty-four-hour continuous watchful oversight to seven (7) or more persons are provided and which facility is licensed or permitted as a personal care home by the State of Georgia. The term "personal care home" shall not include a "child care institution," "transitional housing," a "rehabilitation housing facility," a "rooming house," or a "boarding house." "Personal care home" includes a "community living arrangement," which is an establishment licensed by the State of Georgia and providing a residence for adults receiving care for mental health, development disabilities, and/or addictive diseases

**TMOD-21-002 ATTACHMENT 2:**

**Staff report related to actions taken by the  
Planning Commission on June 22, 2021**



## CITY COUNCIL STAFF REPORT

MEETING DATE: June 28, 2021

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### Report on Planning Commission Action Regarding

**Petition Number:** TMOD 21-002

**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 Child and Personal Care Home definitions and use regulations.

### Planning Commission Recommendation:

The Stonecrest Planning Commission met on June 22, 2021 at a Special Called Meeting to take action on four text amendments to the City Code of Ordinances, including TMOD-21-002. After presentation by staff, the Planning Commission took action to **recommend approval of TMOD-21-002** to the City Council as presented by staff with one modification. Planning Commission increased the recommended distance requirement between a child day care home, or child care facility, from the staff recommended 1,250 feet to 1,500 feet of another child care home or child care facility as stated in Sub-Section 4.2.41.D.2. The current distance requirement is 1,000 feet.

The staff report presented to the Planning Commission is attached for reference.



## PLANNING COMMISSION STAFF REPORT

**MEETING DATE: June 22, 2021**

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### GENERAL INFORMATION

- Petition Number:** TMOD 21-002
- 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 Child and Personal Care Home definitions and use regulations.

**FACTS AND ISSUES:** A text amendment approved by Mayor and City Council in 2018 modified the Child Care Home and Personal Care Home definitions and regulations in the City's Zoning Ordinance. Since that amendment, Council and staff have identified other necessary changes for these uses. These changes include:

- An updated definition of Child Care Home that includes 24-hour care
- Updated supplemental regulations that require the business owner to reside at the home where the child care home or personal care home is being operated.
- Distance separation requirement for Child Care Homes.
- Updated Use Table to reflect 2018 language, supplemental regulations, and to require a SLUP in more zoning districts.

The definitions and regulations related to these state permitted uses is can often be confusing. Following is a table that helps summarizes the capacity, hours of operation and permitted districts of these uses in an attempt to explain and clarify the differences.



**PLANNING COMMISSION STAFF REPORT**

**Differences between Personal Care and Child Care Facilities in the proposed changes**

	Number of residents	Hours of Care	State Licensure Required	Permitted with a SLUP		Permitted by right	
				Residential*	Non-residential	Residential*	Non-residential
<b>Personal Care Facilities</b>							
<b>Personal Care Home</b>	7 or more	24-hour	✓	RSM, MR-1, MR-2, HR-1,2,3	NS, MU-1,2,3,4,5	--	OI, OIT, C-1, C-2
<b>Personal Care Home, Group</b>	6 or less	24-hour	✓	RE, RLG, R-100, R-85, R-75, R-60, RSM, MR-1, MR-2, HR-1,2,3, RNC	NS	--	OI, OIT, C-1, C-2
<b>Child Care Facilities</b>							
<b>Child Care Home</b>	5 or less	24-hour	✓	RE, RLG, R-100, R-85, R-75, R-60, RSM, RNC	NS, MU-1,2,3,4,5	--	OI, OIT, C-1, C-2,
<b>Child Care Facility</b>	6 or more	24-hour	✓	--	NS, MU-1,2,3,4,5	--	OI, OIT, C-1, C-2
<b>Child Day Care Center</b>	7 or more	Less than 24-hours	✓	--	--	--	OI, OIT NS, C-1, C-2, MU-1,2,3,4,5

\*Considered a home-based business



## PLANNING COMMISSION STAFF REPORT

There has been public concern expressed about the number and quality of Child Care Homes and Personal Care Homes in the City and their impact on the neighborhoods they are located in. 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. The updates also ensure that every part of the Zoning Ordinance referencing these uses is cohesive and are in line with state regulations regarding these state permitted uses.

**OPTIONS:** Table, Deny, Approve, Approve with modifications

**RECOMMENDED ACTION:** Approve

**ATTACHMENTS:**

- (1) Track Changes version of the City Code Ordinances as they relate to TMOD-21-002 with summarizing tables, and a map showing known locations of existing personal care homes.



**Track Changes summary of Proposed Amendments to the Zoning Ordinance related to TMOD-21-002 and personal care home map**

<b>Article</b>	<b>Section</b>	<b>Change</b>
4	Table 4.1 Use Table	Removed 'community' from personal care home line item to reflect the use title in the text of the Zoning Ordinance
4	Table 4.1 Use Table	Required a SP in all residential districts for personal care homes and child care homes; removed allowance of personal care homes in mixed use districts
4	Table 4.1 Use Table	Removed allowance of child care homes in multi family districts to reflect supplemental regulations
4	4.2.31	Clarification of Director title, and owner of the business requirement for Home Occupation
4	4.2.41.A	Added requirement regarding the business owner residing at the personal care home
4	4.2.41.A	Edited wording of provision #2
4	4.2.41.A	Added provision that permits for personal care homes are nontransferable
4	4.2.41.B	Edited wording of provision #4
4	4.2.41.C	Removed 'community' from title of this section. It was removed in the previous text amendment, so that is now reflected
4	4.2.41.D	Added requirement regarding the business owner residing at the personal care home
4	4.2.41.D	Added 1,250 foot distance separation requirement for child care homes
4	4.2.41.D	Edited wording of provision #3
4	4.2.41.D	Edited wording of provision #6
4	4.2.41.D	Removed 'group' from title of this section. It was removed in the previous text amendment, so that is now reflected
9	9.1.3	Edited definition of Child Care Home to include 24-hour care provision

Excerpt from 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				
	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
Personal care home, <del>community</del> , 7 or more							SP	SP	<del>SP</del>	<del>SP</del>		P	<del>SP</del>	SP	P	P	<del>P</del>				<del>SP</del>	<del>SP</del>	<del>SP</del>	<del>SP</del>	✓
Personal care home, group, <del>up to 6 or less</del>	SP	SP	SP	SP	SP	SP	SP	SP	<del>SP</del>	<del>SP</del>	<del>P</del>	SP	P	<del>SP</del>	SP	P	P				<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	✓
Child caring home, <del>up to 5 or less</del>	SP	SP	SP	SP	SP	SP	SP	<del>SP</del>	<del>P</del>	<del>P</del>	<del>P</del>	SP	P	P	P	P	P				<del>SP</del>	<del>SP</del>	<del>SP</del>	<del>SP</del>	✓
Child caring facility, 6 or more								<del>SP</del>	<del>SP</del>	<del>SP</del>		P	<del>SP</del>	SP	P	P	<del>P</del>				<del>SP</del>	<del>SP</del>	<del>SP</del>	<del>SP</del>	✓
Child day care center							<del>SP</del>	<del>SP</del>				<del>SP</del>	<del>SP</del>	P	P	P					P	P	P	P	

**Sec. 4.2.31. - Home occupations and private educational uses.**

The following provisions apply to home occupations:

- A. A home occupation where no customer contact occurs shall be considered a Type I home occupation and may be conducted with administrative approval by the director of planning [and zoning](#).
  1. The owner/operator [of the business](#) must reside on the premise.
  2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- C. All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP). Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.
  1. Customer contact is allowed for Type II home occupations.
  2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- D. All home occupations shall meet the following standards:
  1. There shall be no exterior evidence of the home occupation.
  2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.
  3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.
  4. No more than twenty-five (25) percent of the dwelling unit and or five hundred (500) square feet, whichever is less, may be used for the operation of the home occupation.
  5. No more than one (1) business vehicle per home occupation is allowed.
  6. No home occupation shall be operated so as to create or cause a nuisance.
  7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.
  8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with section 6.1.3, and is limited to one (1) business vehicle per occupation.
- E. Private educational services shall comply with home occupation standards and no more than three (3) students shall be served at a time. Family members residing in the home are not counted towards the three (3) students allowed.

- F. Child Care Homes and Personal Care Homes are considered Home Occupations and must adhere to these provisions in addition to Section 4.2.41.

**Sec. 4.2.41. - Personal care homes and child caring institutions.**

A. *Personal care homes, general requirements.*

1. ~~If owned by a corporation, partnership, Limited Liability Company or any entity other than a natural person, the administrator identified in the state license application must reside in the personal care home. If owned by an individual, the individual owner must reside in the group personal care home.~~

~~1.2.~~ Each personal care home must obtain a city license as well as all license(s) and/or permit(s) required by the State of Georgia before beginning in order to operate. Each personal care home licensed and/or permitted by the State of Georgia must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.

~~2.3.~~ No personal care home may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.

4. Personal care homes may apply for an FHA Accommodation Variance as provided for in section 7.5.9 of this chapter.

~~3.5.~~ No city permit for the operation of the personal care home shall be transferable.

B. *Personal care home, group (up to six (6) persons).*

1. Two (2) copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.

2. Each group personal care home must provide at least four (4) parking spaces within a driveway, garage or carport and must comply with any applicable requirements in article 6.

3. The home must be at least 1800 sq. ft in size.

4. ~~3.~~—In order to prevent institutionalizing residential neighborhoods, no group personal care home located in ~~the RE, R-LG, R-100, R-85, R-75, R-50, R-SM, or MR-1~~ a residential zoning district may be operated within one thousand (1,000) feet of any other group personal care home. The one-thousand-foot distance requirement is measured by a straight line which is the shortest distance (i.e., “as the crow flies”) between the property lines of the two (2) tracts of land on which the group personal care homes are located.

C. *Personal care home, ~~community~~ (seven (7) or more persons).*

1. Two (2) copies of complete architectural plans for the subject community personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.

2. Each community personal care home must provide at least one-half (0.50) parking spaces for each employee and resident and must comply with any applicable requirements in article 6.

D. *Child Care ~~home~~Home, and Child Care ~~facility~~Facility general requirements.*

1. If owned by a corporation, partnership, Limited Liability Company or any entity other than a natural person, the administrator identified in the state license application must reside in the child care home, facility. If owned by an individual, the individual owner must reside in the child care home, or child care facility.
2. No child ~~day-care~~ care home, or child care facility shall be located within ~~1,000~~1,250 feet of another child care home or child care, facility. The one-thousand ~~two hundred and fifty-~~foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two (2) tracts of land on which the child care homes, or child care facilities are located.
3. Each child caring home, and child care facility must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each child caring institution must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
4. Child ~~care~~Care homes and Child Care facilities are not permitted in Multi-family dwellings.
5. No child caring home, facility may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
- 4.6. Each child care home, facility shall meet the minimum state requirements for playground size, location, and fencing. with 3 or more children over the age of 3 under the age off 15 must provide a fenced outdoor play area the equivalent of 50 sq. ft per child in the rear of the property.

E. *Child Care Homes, ~~group~~(up to five (5) children).*

1. Each group child care home must provide at least four (4) parking spaces within a driveway, garage or carport, and must comply with any applicable requirements in article 6.

F. *Child Care Facility (six (6) or more children).*

1. Two (2) copies of the complete architectural plans of the subject community child caring institution, signed and sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each community child caring institution must provide at least one-half (0.50) parking spaces for each employee and resident and must comply with any applicable requirements in article 6.

## **Article 9: Definitions**

*Child Care Facility:* A building(s) in which housing, meals, and twenty-four-hour continuous watchful oversight of six (6) or more children under the age of eighteen (18) are provided and which facility is licensed or permitted as a child caring institution by the State of Georgia. The term "child caring institution" shall not include a "child day care center or [child care](#) facility."

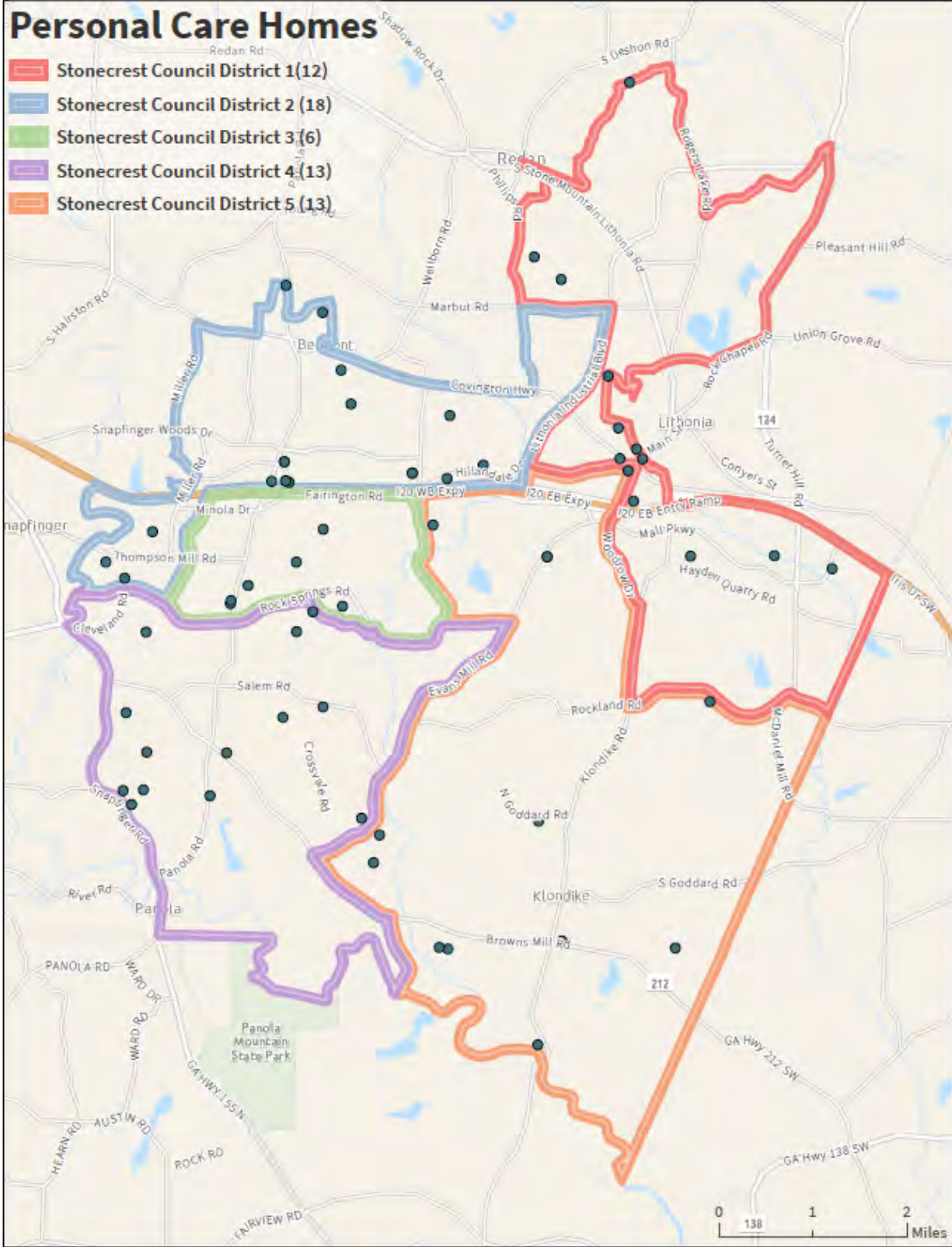
*Child Care Home:* A building(s) in which housing, meals, and twenty-four-hour continuous watchful oversight for up to five (5) children under the age of eighteen (18) are provided. The term "child caring institution" shall not include a "child day care center or facility."

*Child day care center:* An establishment operated by any person with or without compensation providing for the care, supervision, and protection of seven (7) or more children who are under the age of eighteen (18) years for less than twenty-four (24) hours per day, without transfer of legal custody. The term "child caring institution" shall not include a "child day care center or child care facility."

*Personal care home, group:* A personal care home that offers care to up to six (6) persons.

*Personal care home:* A building(s) in which housing, meals, personal assistance services, and twenty-four-hour continuous watchful oversight to seven (7) or more persons are provided and which facility is licensed or permitted as a personal care home by the State of Georgia. The term "personal care home" shall not include a "child care institution," "transitional housing," a "rehabilitation housing facility," a "rooming house," or a "boarding house." "Personal care home" includes a "community living arrangement," which is an establishment licensed by the State of Georgia and providing a residence for adults receiving care for mental health, development disabilities, and/or addictive diseases.











## CITY COUNCIL AGENDA ITEM

**SUBJECT: TMOD-21-003**

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

**Date Submitted: 06/17/21      Work Session:                      Council Meeting: 06/28/21**

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**SUBMITTED BY:              Jim Summerbell, AICP – Planning and Zoning Director**

**PRESENTER:      Jim Summerbell**

**PURPOSE:** To update the provisions of the Zoning Ordinance related to Gas Service Station regulations.

**FACTS AND ISSUES:** Amendments to the City’s supplemental use regulations regarding gas service stations have been openly debated and discussed since at least 2019 when the city updated the Stonecrest Overlay District. To address concerns that there has been a proliferation of such uses, staff recommends the following changes:

- Removing the exemption for a Special Land Use permit for Alcohol outlets accessory to convenience stores and gas pumps.
- Modifying the location criteria for facilities with fuel pumps, requiring that they be located at the corner of arterial roadways as designated on the City’s functional classification map in the comprehensive plan.
- Requiring that such facilities include at least a 5,000 sf of retail space.

There has been concern about the proliferation of gas service stations in the City, and their negative impacts on adjacent neighborhoods. These updated regulations allow the Planning Commission and City Council more opportunities to review Special Land Use

Permits on a case-by-case basis for these uses. The updates also tighten the location criteria for such uses by restricting where they can be placed.

**OPTIONS:** Table, Deny, Approve, Approve with modifications

**RECOMMENDED ACTION:** Approve

**ATTACHMENTS:**

(1) Ordinance TMOD-21-003

(2) Staff report related to actions taken by the Planning Commission on June 22, 2021

**TMOD-21-003 ATTACHMENT 1:**

**DRAFT Ordinance TMOD-21-003**

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

**ORDINANCE NO. TMOD 21-003**

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

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

11 WHEREAS, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of  
12 Georgia authorizes the City to adopt plans and exercise the power of zoning; and

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

15 WHEREAS, the Mayor and Council desire to amend Division 2 (Supplemental Use  
16 Regulations) within Article 4 (Use Regulations) of Chapter 27 (Zoning Ordinance) of the City’s  
17 Code; and

18 WHEREAS, from time-to-time amendments may be proposed for public necessity,  
19 general welfare, or sound zoning practice that justify such action; and

20           **WHEREAS**, national studies show that certain land uses—including alcohol outlets,  
21           automobile gas stations, check cashing establishments, and convenience stores—often  
22           negatively impact the health, safety, welfare, economic development, and social vitality of  
23           communities and neighborhoods; and

24           **WHEREAS**, local studies show that the concentration of certain land uses in DeKalb  
25           County and the City of Stonecrest—including alcohol outlets, gas service stations, and fast-food  
26           restaurants—are associated with increased crime and lower median household income; and

27           **WHEREAS**, the courts specifically recognize that a concentration of the same or similar  
28           business in close proximity increases the probability of business failure, which leads to  
29           abandoned property and diminished aesthetic and commercial appeal; and

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

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

34           **WHEREAS**, the health, safety, morals and general welfare of the citizens of the City will  
35           be positively impacted by the adoption of this Ordinance.

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

38           **Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended  
39           by amending Division 2 (Supplemental Use Regulations) within Article 4 (Use Regulations) of  
40           Chapter 27 (Zoning Ordinance) as it relates to alcohol outlets and fuel pumps, and inserting the  
41           provisions set forth in Exhibit A attached hereto and made a part by reference.

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

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

47 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent  
48 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is  
49 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is  
50 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent  
51 allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually  
52 dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

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

62           **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly  
63 repealed.

64            **Section 5.** The Ordinance shall be codified in a manner consistent with the laws of  
65 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.

**ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF STONECREST, GEORGIA**

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\_\_\_\_\_  
**George Turner**, Mayor Pro Tempore

**ATTEST:**

\_\_\_\_\_  
**Patricia Wheeler**, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

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**EXHIBIT A**  
**(SEE ATTACHED)**

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101 **Sec. 4.2.8. - Alcohol outlets, retail, package liquor store.**

- 102 A. Package stores, ~~unless part of a mixed used development,~~ shall not be located:
- 103 1. Within 1,000 feet of an existing package store or alcohol outlet;
- 104 2. Within 600 feet of any residence, church, school, school building or grounds,
- 105 educational facility, college campus, or sexually oriented business; or
- 106 3. Within 600 feet of a substance abuse treatment center owned, operated or approved by
- 107 the state or any county or municipal government.
- 108 B. Alcohol outlets shall not be located:
- 109 1. Within ~~300~~600 feet of any school building, school grounds, educational facility,
- 110 college campus, or sexually oriented business; or
- 111 2. Within 600 feet of a substance abuse treatment center owned, operated, or approved by
- 112 the state or any county or municipal government.
- 113 C. For the purpose of this section, distance shall be measured according to chapter 4.
- 114 D. For alcohol sales as an accessory use to retail, the area devoted to the sale and storage of
- 115 alcohol shall not exceed twenty (20%) percent of gross floor area.
- 116 E. The sale or distribution of individual cups and individual servings of ice at package stores is
- 117 prohibited.
- 118 F. Alcohol outlets accessory to convenience stores with gas pumps ~~do not~~ require a special
- 119 land use permit ~~if the convenience store and gas pumps meet the criteria of section 4.2.28D.~~
- 120
- 121

122 **Sec. 4.2.28. - Fuel pumps, accessory.**

- 123 A. Upon the minor redevelopment of existing structures or buildings, as defined in section 28-
- 124 8.1.16, that also requires a land disturbance permit or building permit, the director may
- 125 require additional improvements to landscaping, signage, parking lots, sidewalks, or
- 126 building facades. Any minor redevelopment of existing structures, buildings, and physical
- 127 appurtenances is permitted by right if such changes result in greater conformity with the
- 128 specifications of this section.
- 129 B. Gas station and convenience store design shall comply with the design standards and
- 130 transitional buffer requirements set forth in article 5 of this chapter.
- 131 C. The following standards apply to all gas pumps:
- 132 (1) ~~The primary building (i.e., convenience store or automobile service station) shall be~~
- 133 ~~exempt from primary building setbacks if located in activity centers. All associated light~~
- 134 ~~fixtures shall be directed away from surrounding residential neighborhoods.~~
- 135 (2) Canopies covering gasoline dispensers shall be set back not less than 15 feet from all
- 136 street rights-of-way.
- 137 (3) Canopy height shall not exceed the greater of 20 feet or the height of the principal
- 138 building.

- 139 (4) Canopies and their columns shall be complementary to the overall color scheme and  
140 building materials scheme of the building facade to which the canopy is necessary.
- 141 (5) Canopy lighting shall not extend beyond the area immediately beneath the canopy and  
142 all fixtures shall be recessed, including any fixture or lens. Lighting shall project inward  
143 and downward, shall not have any spillover to adjacent properties, and shall cut off no  
144 later than 30 minutes after closure of the facility.
- 145
- 146 (6) Automobile service stations with gas sales shall have a capacity to store one car per  
147 bay (car area in front of a pump), so as not to interfere with driveway ingress and egress  
148 traffic flow.
- 149 (7) A minimum of 30 feet is required between a property line and the nearest gasoline  
150 pump.
- 151 (8) Owner and operator are responsible for daily litter clean-up to ensure that property  
152 remains free of litter, trash, and debris.
- 153 (9) When a separate retail or restaurant use is located on the same property as fuel pumps,  
154 there shall be separate and distinct parking spaces for each use.
- 155 (10) The use of light emitting diodes, neon lights, and illuminated panels placed around the  
156 windows or on the outside of the building is not prohibited, but must not be visible  
157 from or face adjacent residential uses.

158 D. Location criteria. Fuel pumps associated with convenience stores, gas stations, and service  
159 stations ~~require a special land use permit in activity centers. In all other character areas a~~  
160 ~~special land use permit is required unless that facility can~~ must meet at least three of the  
161 following criteria:

- 162 1. Facility is located within ~~400-100~~ feet of an intersection of a major arterial street and  
163 a major or minor arterial street, or located within ~~1,000-500~~ feet of ~~an intersection within~~  
164 an interstate highway intersection with an arterial street as designated on the  
165 Functional Classification Map in the City Comprehensive Plan.
- 166 2. Facility is accessible via direct ~~and~~ or secondary access to two roads, either through a  
167 ~~secondary street or by interparcel or other shared access.~~
- 168 3. Facility ~~is a new building of~~ includes at least 5,000 square feet of retail space. ~~or~~  
169 ~~facility is part of a major redevelopment, as defined in section 27-8.1.16.~~
- 170 4. No more than two facilities may be located at any given intersection. Facility includes  
171 ~~at least two bathrooms capable of serving at least three persons at a time, open to the~~  
172 ~~public, and compliant with the Americans with Disabilities Act.~~
- 173 5. Except for facilities located at the same roadway intersection, facilities cannot be  
174 located closer than 1,500 feet apart.

175 E. Distance shall be measured from the right-of-way of the exit or entrance ramp, or street  
176 corner (middle of the radius), along the intersecting street right-of-way, to the nearest  
177 property line.

178 F. Facility includes ~~must include~~ at least two bathrooms, each capable of serving at least three  
179 persons at a time, open to the public, and compliant with the Americans with Disabilities

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FG. If a reverse frontage design is proposed, the primary building shall be located close to the street to define street edge. Pump islands shall not be located between the building and the street, but shall be placed behind or to the side of the primary building. The facade of the primary building located closest to the street shall include architectural features and shall have an active entrance either on the side or rear, with clear unobstructed pedestrian access from the public sidewalk. The street facade shall have at least 25 percent fenestration or faux fenestration.

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GH. Service areas, storage areas, and trash enclosures shall be oriented away from public view and screened from adjacent properties.

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HI. Facilities must provide a two-foot-high masonry wall with landscaping and/or an evergreen hedge to help screen the pumps from view from a public right-of-way.

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**TMOD-21-003 ATTACHMENT 2:**

**Staff report related to actions taken by the  
Planning Commission on June 22, 2021**



**CITY COUNCIL STAFF REPORT**

**MEETING DATE: June 28, 2021**

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**Report on Planning Commission Action Regarding**

**Petition Number:** TMOD 21-003

**Applicant:** Stonecrest Planning & Zoning Department

**Project Location:** City-Wide

**Proposed Amendment:** Text amendment to modify Chapter 27 of the Zoning Ordinance to address Gas Service Stations.

**Planning Commission Recommendation:**

The Stonecrest Planning Commission met on June 22, 2021 at a Special Called Meeting to take action on four text amendments to the City Code of Ordinances, including TMOD-21-003. After presentation by staff, the Planning Commission took action to **recommend approval of TMOD-21-003** to the City Council as presented by staff with one minor modification. Planning Commission inserted the word “each” in subsection 4.2.28. F. to read as follows:

- F. Facility must include at least two bathrooms, each capable of serving at least three persons at a time, open to the public, and compliant with the Americans with Disabilities Act.

The staff report presented to the Planning Commission is attached for reference.



**PLANNING COMMISSION STAFF REPORT**

**MEETING DATE: June 22, 2021**

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**GENERAL INFORMATION**

- Petition Number:** TMOD 21-003
- Applicant:** Stonecrest Planning & Zoning Department
- Project Location:** City-Wide
- Proposed Amendment:** Text amendment to modify Chapter 27 of the Zoning Ordinance to address Gas Service Stations.

**FACTS AND ISSUES:** Amendments to the City’s supplemental use regulations regarding gas service stations have been openly debated and discussed since at least 2019 when the city updated the Stonecrest Overlay District. Based on addressing concerns that there has been an over proliferation of such uses, staff has offered the following recommended changes:

- Removing the exemption for a Special Land Use permit for Alcohol outlets accessory to convenience stores and gas pumps.
- Modifying the location criteria for facilities with fuel pumps, requiring that they be located at the corner of arterial roadways as designated on the City’s functional classification map in the comprehensive plan.
- Requiring that such facilities include at least a 5,000 sf of retail space.

There has been concern about the proliferation of gas service stations in the City, and their negative impacts on adjacent neighborhoods. 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. The updates also ensure tighten up the location criteria for such uses restricting where they can be placed.

**OPTIONS:** Table, Deny, Approve, Approve with modifications



**PLANNING COMMISSION STAFF REPORT**

**RECOMMENDED ACTION:** Recommend Approval to the City Council

**ATTACHMENTS:**

- (1) Track Changes version of the City Code Ordinances as they relate to TMOD-21-003

## Track Changes summary of Proposed Amendments to the Zoning Ordinance related to TMOD-21-003

### Sec. 4.2.8. - Alcohol outlets, retail, package liquor store.

- A. Package stores, ~~unless part of a mixed used development,~~ shall not be located:
  - 1. Within 1,000 feet of an existing package store or alcohol outlet;
  - 2. Within 600 feet of any residence, church, school, school building or grounds, educational facility, college campus, or sexually oriented business; or
  - 3. Within 600 feet of a substance abuse treatment center owned, operated or approved by the state or any county or municipal government.
- B. Alcohol outlets shall not be located:
  - 1. Within ~~300-600~~ feet of any school building, school grounds, educational facility, college campus, or sexually oriented business; or
  - 2. Within 600 feet of a substance abuse treatment center owned, operated, or approved by the state or any county or municipal government.
- C. For the purpose of this section, distance shall be measured according to chapter 4.
- D. For alcohol sales as an accessory use to retail, the area devoted to the sale and storage of alcohol shall not exceed 20 percent of gross floor area.
- E. The sale or distribution of individual cups and individual servings of ice at package stores is prohibited.
- F. Alcohol outlets accessory to convenience stores with gas pumps ~~do not~~ require a special land use permit ~~if the convenience store and gas pumps meet the criteria of section 4.2.28D.~~

### Sec. 4.2.28. - Fuel pumps, accessory.

- A. Upon the minor redevelopment of existing structures or buildings, as defined in section 28-8.1.16, that also requires a land disturbance permit or building permit, the director may require additional improvements to landscaping, signage, parking lots, sidewalks, or building facades. Any minor redevelopment of existing structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with the specifications of this section.
- B. Gas station and convenience store design shall comply with the design standards and transitional buffer requirements set forth in article 5 of this chapter.
- C. The following standards apply to all gas pumps:
  - (1) ~~The primary building (i.e., convenience store or automobile service station) shall be exempt from primary building setbacks if located in activity centers. All associated light fixtures shall be directed away from surrounding residential neighborhoods~~
  - (2) Canopies covering gasoline dispensers shall be set back not less than 15 feet from all street rights-of-way.
  - (3) Canopy height shall not exceed the greater of 20 feet or the height of the principal building.
  - (4) Canopies and their columns shall be complementary to the overall color scheme and building materials scheme of the building facade to which the canopy is necessary.
  - (5) Canopy lighting shall not extend beyond the area immediately beneath the canopy and all fixtures shall be recessed, including any fixture or lens. Lighting shall project inward and downward, shall not have any spillover to adjacent properties, and shall cut off no later than 30 minutes after closure of the facility.



- (6) Automobile service stations with gas sales shall have a capacity to store one car per bay (car area in front of a pump), so as not to interfere with driveway ingress and egress traffic flow.
- (7) A minimum of 30 feet is required between a property line and the nearest gasoline pump.
- (8) Owner and operator are responsible for daily litter clean-up to ensure that property remains free of litter, trash, and debris.
- (9) When a separate retail or restaurant use is located on the same property as fuel pumps, there shall be separate and distinct parking spaces for each use.
- (10) The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or on the outside of the building is not prohibited, but must not be visible from or face adjacent residential uses.

D. Location criteria. Fuel pumps associated with convenience stores, gas stations, and service stations ~~require a special land use permit in activity centers. In all other character areas a special land use permit is required unless that facility can~~ must meet ~~at least three of the~~ following criteria:

1. Facility is located within ~~400-100~~ feet of an intersection of a major arterial street and a major or minor arterial street, or located within ~~1,000~~500 feet of ~~an intersection within an interstate highway intersection with an arterial street as designated on the Functional Classification Map in the City Comprehensive Plan.-~~
2. Facility is accessible via direct ~~and or~~ secondary access ~~to two roads, either through a secondary street or by interparcel or other shared access.~~
3. Facility ~~is a new building or~~ includes at least 5,000 square feet ~~of retail space, or facility is part of a major redevelopment, as defined in section 27-8.1.16.~~
4. ~~No more than two facilities may be located at any given intersection. Facility includes at least two bathrooms capable of serving at least three persons at a time, open to the public, and compliant with the Americans with Disabilities Act.~~
5. Except for facilities located at the same roadway intersection, facilities cannot be located closer than 1,500 feet apart.

E. Distance shall be measured from the right-of-way of the exit or entrance ramp, or street corner (middle of the radius), along the intersecting street right-of-way, to the nearest property line.

~~F. Facility includes~~ must include at least two bathrooms capable of serving at least three persons at a time, open to the public, and compliant with the Americans with Disabilities Act.

~~FG.~~ FG. If a reverse frontage design is proposed the primary building shall be located close to the street to define street edge. Pump islands shall not be located between the building and the street, but shall be placed behind or to the side of the primary building. The facade of the primary building located closest to the street shall include architectural features and shall have an active entrance either on the side or rear, with clear unobstructed pedestrian access from the public sidewalk. The street facade shall have at least 25 percent fenestration or faux fenestration.

~~GH.~~ GH. Service areas, storage areas, and trash enclosure shall be oriented away from public view and screened from adjacent properties.

~~HI.~~ HI. Facilities must provide a two-foot-high masonry wall with landscaping and/or an evergreen hedge to help screen the pumps from view from a public right-of-way.





## CITY COUNCIL AGENDA ITEM

**SUBJECT: TMOD-21-004**

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

**Date Submitted: 6/17/2021    Work Session:                      Council Meeting: 6/28/2021**

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**SUBMITTED BY:              Jim Summerbell, AICP – Planning and Zoning Director**

**PRESENTER:** Jim Summerbell

**PURPOSE:** To remove the exemption for the requirement of SLUPs within the City Overlay Districts

**FACTS AND ISSUES:** Subsection 3.1.1.D. of the Zoning Ordinance currently allows an exemption from requiring a SLUP for any parcels within Overlay Districts when the base zoning the particular use in question would normally require one. This exemption has allowed certain uses that typically would go through SLUP approval process, such as Senior Housing developments, be permitted. This exemption applies to all of the city's overlay districts, the Stonecrest Overlay, I-20 Overlay, and the Arabia Mountain Overlay.

Removing this exemption would allow the public, the planning commission and the city council greater oversight and control over uses allowed in the overlay districts, and more transparency in the planning process. The overlays occupy over a third of the land area of the city, so this amendment could have significant impact on controlling the future development of the city.

To help in zoning administration regarding the Overlays and the use of SLUPs, staff is also recommending the insertion of a new Overlay Use Table.

**OPTIONS:** Table, Deny, Approve, Approve with modifications

**RECOMMENDED ACTION:** Approve

**ATTACHMENTS:**

- (1) Ordinance TMOD-21-004
- (2) Staff report related to actions taken by the Planning Commission on June 22, 2021
- (3) Overlay District Maps by Council District for reference

**TMOD-21-004 ATTACHMENT 1:**

**DRAFT Ordinance TMOD-21-004**

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

**ORDINANCE NO. TMOD 21-004**

1 **AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF**  
2 **STONECREST, GEORGIA, BY AMENDING AND ADDING A NEW**  
3 **SECTION TO DIVISION 1 OF ARTICLE 3 (OVERLAY DISTRICT**  
4 **REGULATIONS) WITHIN CHAPTER 27 (ZONING ORDINANCE); TO**  
5 **PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL**  
6 **OF CONFLICTING ORDINANCES AND RESOLUTIONS; TO PROVIDE AN**  
7 **ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL**  
8 **PURPOSES.**

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

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

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

15 **WHEREAS**, the Mayor and Council desire to amend and add a new section to Division 1  
16 of Article 3 (Overlay District Regulations) of Chapter 27 (Zoning Ordinance) of the City’s Code;  
17 and

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

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

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

24           **WHEREAS**, the health, safety, morals and general welfare of the citizens of the City will  
25 be positively impacted by the adoption of this Ordinance.

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

28           **Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended  
29 by amending and adding a new section to Division 1 of Article 3 (Overlay District Regulations)  
30 of Chapter 27 (Zoning), and inserting the provisions set forth in Exhibit A attached hereto and  
31 made a part by reference.

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

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

37 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent  
38 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is  
39 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is  
40 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent  
41 allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually  
42

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

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

53 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly  
54 repealed.

55 **Section 5.** The Ordinance shall be codified in a manner consistent with the laws of  
56 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.

**(SIGNATURES ON FOLLOWING PAGE)**



**ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF STONECREST, GEORGIA**

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\_\_\_\_\_  
**George Turner**, Mayor Pro Tempore

**ATTEST:**

\_\_\_\_\_  
**Patricia Wheeler**, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

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**EXHIBIT A**  
**(SEE ATTACHED)**

98 **Sec. 3.1.1. - Overlay districts generally.**

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100 Overlay districts are supplemental to the zoning district classifications established in article  
101 2 of this chapter. This section shall supersede the applicability statements in each overlay  
102 district except as provided in subsection (F) of this section, and are applicable as follows:

- 103 A. All development and building permits for lots located, in whole or in part, within any  
104 overlay district shall meet all of the regulations of the underlying zoning district in  
105 which they are located as well as all of the regulations of the applicable overlay district.
- 106 B. For new development after the effective date of the ordinance from which this chapter  
107 is derived, when no complete application for a land disturbance or building permit has  
108 been filed with respect to a property located within an overlay district and the property  
109 has conditions of zoning that were approved prior to, and in conflict with the overlay  
110 district regulations contained in this article, the overlay district regulations shall  
111 prevail. If a condition of zoning does not conflict with the overlay district regulations,  
112 the condition of zoning shall remain applicable to the property.
- 113 C. For existing development, if overlay district regulations conflict with the conditions  
114 of zoning applicable to property within in an overlay district, the existing zoning  
115 conditions remain applicable to the property.
- 116 ~~D. If a use is permitted in the overlay district, but the underlying zoning requires a special~~  
117 ~~land use permit for the same use, the overlay shall govern, and no special land use~~  
118 ~~permit is required.~~
- 119 ED. If overlay district regulations conflict with other regulations contained in this chapter,  
120 the overlay district regulations shall prevail.
- 121 FE. The use of property may be permitted without rezoning if listed as allowed by the  
122 overlay. Uses allowed by the underlying zoning in article 4 of this chapter, shall also be  
123 permitted in the overlay district, unless they are listed as prohibited within the overlay  
124 district.
- 125 GF. Each application for a business license, land disturbance permit, building permit or  
126 sign permit, which involves the development, use, exterior alteration, exterior  
127 modification or addition of any structure, must demonstrate compliance with all  
128 overlay district regulations, subject to article 8 of this chapter, nonconforming uses,  
129 structures and buildings.
- 130 HG. The zoning district designations contained in article 3 of this chapter, titled Overlay  
131 District Regulations, were not revised to reflect the new zoning district designations  
132 utilized in the updated zoning ordinance. Any discontinued zoning district references  
133 contained in this article 3 of this chapter shall therefore be construed using the  
134 conversion chart contained in Table 1.1 of article 1 of the zoning ordinance, and  
135 applied as appropriate to the updated provision of the zoning ordinance.
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**Sec. 3.1.6. – Overlay Use table.**

Table 3.1 indicates the permitted uses within the overlay zoning districts. Even though a use is listed as an allowable use within a particular base zoning district, additional use restrictions may apply based on the applicable overlay zoning district requirements specified in this article.

A. The uses listed in Table 3.1 shall be permitted only within the zoning overlay districts identified, and no use shall be established and no structure associated with such use shall be erected, structurally altered or enlarged unless the use is permitted as:

1. A permitted use (P);
2. A special use (SP) subject to the special land use permit application procedures specified in article 7 of this chapter;
3. An administratively approved use (SA) subject to the special administrative permit procedures specified in article 7 of this chapter;
4. An accessory use (PA) as regulated by article 4 of this chapter. Table 3.1 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered principal uses for the zoning classification.
5. Uses lawfully established prior to the effective date of this zoning ordinance.

B. Any use not listed in Table 3.1, below, or interpreted to be allowed by the director of planning pursuant to section 4.1.2 is prohibited. Any applicant denied a permit to allow a use of property in a zoning district other than as provided in this section may file an appeal before the zoning board of appeals as provided in article 7 of this chapter.

C. If there is a conflict between Table 3.1 and the text of this chapter, the text shall prevail.

Table 3.1 Overlay Use

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		
<p>"Key: P - Permitted use                      Pa - Permitted as an accessory Use                      SA - Special administrative permit required                      SP - Special Land Use Permit (SLUP) required                      X - Prohibited Use</p> <p>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</p>											
<b>AGRICULTURAL</b>											
<b>Agriculture and Forestry</b>											
Commercial greenhouse or plant nursery	P	P	P	P							✓
Temporary or portable sawmill			P								✓
Urban, community garden, up to 5 ac.	P		P	P						P	✓
Urban, community garden, over 5 ac.	P	P	P	P						P	
<b>Animal Oriented Agriculture</b>											
Dairy			P								✓
Keeping of livestock			P								✓
Keeping of poultry/pigeons			P								✓
Livestock sales pavilion											✓
Riding academies or stables											✓
<b>RESIDENTIAL</b>											
<b>Dwellings</b>											
Dwelling, cottage home	P	P									✓
Dwelling, mobile home			P								✓
Dwelling, multi-family	P	P	P		X		P	P	P		
Dwelling, multi-family (supportive living)	P	P	P		X						✓
Dwelling, townhouse	P	P	P								✓
Dwelling, urban single-family	P	P	Pa								✓
High-rise apartment	SP	SP	P	SP							
Dwelling, single-family (attached)	P	P	P				P	P	P		
Dwelling, single-family (detached)	P	P	P		P						
Dwelling, three-family	P	P	P								
Dwelling, two-family	P	P	P								
Dwelling, single-family, accessory (guesthouse, in-law suite)			Pa								✓
Home occupation, no customer contact	P	P									✓
Home occupation, with customer contact	P	P									✓
Live/work unit	P	P	P	P							✓
Mobile home park											

Table 3.1 Overlay Use

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		
<p>"Key: P - Permitted use                      Pa - Permitted as an accessory Use                      SA - Special administrative permit required                      SP - Special Land Use Permit (SLUP) required                      X - Prohibited Use</p> <p>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</p>											
Accessory uses or structures	Pa	Pa	Pa	Pa							✓
<b>Housing and Lodging</b>											
Bed and Breakfast homes										P	
Bed and breakfast	P	P	SP	P	P						✓
Bed and breakfast, home stay		P	SP								✓
Boarding/Rooming house	P	P	P								
Convents or monasteries	P	P	SP								✓
Dormitory	Pa	Pa	Pa	Pa							
Extended stay hotel/motel	SP	SP	SP	SP			X	X	X	X	✓
Fraternity house or sorority house	P	P	P	SP							
Hotel/Motel	X	X	X	X	X		P	P	P		
Short Term Vacation Rental											
Nursing care facility or hospice	P	P	P	P							
Personal care facility, 7 or more	P	P	P	P	P						✓
Personal care home, up to 6	P	P	P	P	P						✓
Child caring home, up to 5	P	P	P	P							✓
Child caring facility, 6 or more	P	P	P	P							✓
Child day care center	P	P	P	P	P						
Senior housing	P	P	P	P							✓
Shelter for homeless persons, 7-20	SP	SP	SP	P						X	✓
Shelter for homeless persons for no more than six (6) persons	SP	SP	SP	SP						X	✓
Transitional housing facility, 7-20	SP	SP	SP	P						X	✓
<b>INSTITUTIONAL/PUBLIC</b>											
<b>Community Facilities</b>											
Cemetery, columbarium,mausoleum	P	P	P	P							✓
Club, order or lodge, fraternal, non-commercial	P	P	P	P			P	P	P		
Coliseum or stadium/not associated with church or school	P	P	P	P						X	✓
Dog Park										P	
Funeral home, mortuary	P	P	X	X	X		P	P	P	P	
Golf course or clubhouse, public or private	P	P	P	P							✓
Government facilities	P	P	P	P							

Table 3.1 Overlay Use

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		
<p>"Key: P - Permitted use                      Pa - Permitted as an accessory Use                      SA - Special administrative permit required                      SP - Special Land Use Permit (SLUP) required                      X - Prohibited Use</p> <p>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</p>											
Hospital or accessory ambulance service	P	P	P	P							
Library or museum	P	P	P	P							
Cultural Facilities	SP	SP	SP	SP	P		P	P	P		
Recreation Club	P	P	P								
Neighborhood or subdivision clubhouse or amenities	P	P	P	P							
Places of Worship	P	P	P	P	P		P	P	P		
Recreation, outdoor	P	P	P	P							
Swimming pools, commercial	P	P	P	P						X	✓
Tennis center, club and facilities							P	P	P		
Tennis courts, swimming pools, play or recreation areas, community	P	P	P	P			Pa	Pa	Pa		✓
Utility structure necessary for the transmission or distribution of services							P	P	P		
<b>Education</b>											
Colleges, universities, research and training facilities	P	P	P	P							
Private educational services, home occupation	P	P									✓
Private kindergarten, elementary, middle or high schools	P	P	P	P			P	P	P		✓
Vocational schools	P	P	P	P			P	P	P		✓
Specialized schools	P	P	P	P			P	P	P		✓
<b>COMMERCIAL</b>											
<b>Automobile, boat and trailer sales and service</b>											
Automobile or truck rental or leasing facilities	X	X	P	P						X	✓
Automobile brokerage	P	P	P	P						X	✓
Auto recovery, storage										X	✓
Auto mobile emission testing facility	X	X	X	X							
Automobile repair or maintenance, minor	P	X	X	P			P	P	P	X	✓
Automobile repair, major	X	X	X	X	X					X	✓
Automobile sales, used							X	X	X		
Automobile sales or truck sales	X	X	X	P	X					X	✓
Automobile service stations	SP	SP	X	SP						X	✓
Automobile service stations over 4,000 square feet			SP								
Automobile upholstery shop	P	P	P	P						X	
Automobile wash/wax service	X	X	X	X	X		X	X	X	X	✓

Table 3.1 Overlay Use

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		
<p><b>"Key: P - Permitted use</b>  <b>Pa - Permitted as an accessory Use</b>  <b>SA - Special administrative permit required</b>  <b>SP - Special Land Use Permit (SLUP) required</b>  <b>X - Prohibited Use</b></p> <p><b>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</b></p>											
Boat sales	P	P	P	P						X	✓
Retail automobile parts or tire store	P	P	P	P			P	P	P		✓
Service area, outdoor	Pa	Pa	Pa	Pa							✓
Trailer or RV salesroom and lot	P	P	P	P						X	✓
<b>Office</b>											
Accounting office	P	P	P	P			P	P	P		
Building or construction office	P	P	P	P			P	P	P		✓
Building, landscape, heavy construction contractor office (material, equipment, storage)	P	P	P	P							✓
Engineering or architecture office	P	P	P	P			P	P	P		
Finance office or banking	P	P	P	P			P	P	P		
General Business Office	P	P	P	P	P						
Insurance Office	P	P	P	P	P		P	P	P		
Legal Office	P	P	P	P	P		P	P	P		
Medical Office	P	P	P	P	P		P	P	P		
Real Estate Office	P	P	P	P	P		P	P	P		
<b>Recreation and Entertainment</b>											
Sexually Oriented Business	X		X	X		X	X	X	X	X	✓
Drive-in theater	P	P	P	P						X	✓
Fairground or amusement park		P		P						X	✓
Indoor recreation (bowling alleys, movie theatres and other activities conducted wholly indoor)	P	P	P	P			P	P	P		
Nightclub or late night establishment (maximum 10,000 square feet)	SP	X	X	X	X			X	X	X	✓
Outdoor recreation (miniature golf, batting cages, tennis, Go-cart and other outdoor activities)	P	P	P	P	X		X	X	X		✓
Special events facility	P	P	P	P							
Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building	P	P	P	P	P						
Outdoor concert hall										P	
Recreation, passive										P	
<b>Retail</b>											
Alcohol outlet- package store, primary	P	P		SP		X				X	✓
Alcohol outlet- beer and/or wine store, beer growler, primary	P	P	P	SP						X	✓
Alcohol outlet- beer and wine, accessory to retail less than 12,000 sf (see also 4.1.3 (F))	P	P	P	SP						X	✓



Table 3.1 Overlay Use

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
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<p>"Key: P - Permitted use                      Pa - Permitted as an accessory Use                      SA - Special administrative permit required                      SP - Special Land Use Permit (SLUP) required                      X - Prohibited Use</p> <p>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</p>											
Apparel or accessories store	P	P	P	P	P		P	P	P		
Art gallery	P	P	P	P	P		P	P	P		
Art supply store							P	P	P		
Book, greeting card, or stationery store	P	P	P	P	P		P	P	P		
Camera or photography	P	P	P	P	P		P	P	P		
Commercial greenhouse or plant nursery	P	P	P	P	P						✓
Computer or computer software store	P	P	P	P	P		P	P	P		
Convenience store (see alcohol outlet or fuel pumps accessory)	P	P	P	P			P	P	P	X	✓
Drive-through facilities (other than restaurants)			P							X	✓
Electrical supply store							P	P	P		
Farm or garden supply store	X	X					P	P	P		
Farmer's market, permanent	P	P	P	P	P						✓
Farmer's market, temporary/seasonal	P	P	P	P	P						✓
Florist	P	P	P	P	P		P	P	P		
Specialty food stores (e.g., coffee, ice cream) (see alcohol outlet)	P	P	P	P	P		P	P	P		
Fuel dealers, manufacturers or wholesalers	P	P	P	P	P					X	
Fuel pumps	X	X	X	X	X					X	✓
Furniture, home furnishings and equipment store							P	P	P		
General merchandise store							P	P	P		
Gift, novelty, or souvenir store	P	P	P	P	P		P	P	P		
Gold buying, precious metals	P	P	P	P	P						
Grocery stores (see alcohol outlet)	P	P	P	P	P						
Hardware store or other building materials store	P	P	P	P	P		P	P	P		
Hobby, toy or game store	P	P	P	P	P						
Jewelry store	P	P	P	P	P		P	P	P		
Music or music equipment store (retail)	P	P	P	P	P		P	P	P		
Liquor store (see alcohol outlet)	P	P	X	X	X		X	X	X		✓
News dealer or news store	P	P	P	P	P		P	P	P		
Office supplies and equipment store	P	P	P	P	P		P	P	P		
Paint, glass and wallpaper store							P	P	P		
Pawn shop, title loan	X	X	X	X	X	X	X	X	X	X	

Table 3.1 Overlay Use

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
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Pet supply store	P	P	P	P	P		P	P	P		
Pharmacy or drug store (see alcohol outlet)	P	P	P	P	P		P	P	P		
Radio, television or consumer electronics store	P	P	P	P	P		P	P	P		
Retail, 5,000 sf or less	P	P	P	P	P						
Retail, over 5,000 sf (see also shopping center)	P	P	P	P	P						
Retail warehouses/wholesales providing sales of merchandise with no outdoor storage	P	P	P	P	P						
Shopping center	P	P	P	P	P		P	P	P		
Specialty store	P	P	P	P	P		P	P	P		
Sporting goods or bicycle sale	P	P	P	P	P		P	P	P		
Thrift, secondhand, antique store	P	P	P	P	P						
Trade shops: electrical, plumbing, heating/cooling, roofing/siding, with no outside storage	P	P	P	P	P						
Variety store	P	P	P	P	P		P	P	P		
Videotape sales and rental store							P	P	P		
<b>Temporary Commercial Uses</b>											
Temporary outdoor sales, seasonal	P	P	X	P	X		X	X	X	✓	
Temporary produce stand	P	P	P	P						✓	
Temporary outdoor retail sales	P	P		P						✓	
Temporary outdoor events	P	P	P	P						✓	
Temporary trailer, as home sales office or construction trailer	P	P	P	P						✓	
<b>Restaurant/Food establishments</b>											
Brewpub/Beer Growler	P	P	P	P							
Catering establishments	P	P	P	P							
Restaurants (acc. to hotel/motel)	P	P	P	P							
Restaurants (non-drive-thru)	P	P	P	P			P	P	P		
Restaurants with a drive-thru configuration	SP	SP	SP	SP						✓	
<b>Transportation and Storage</b>											
Bus or rail stations or terminals for passengers	SP	SP	SP	SP						X	
Heliport	SP	SP	SP	SP			SP	SP	SP	✓	
Parking, commercial lot	X	X	X	P			Pa	Pa	Pa	X	
Parking, commercial garage	P	P	P	P			Pa	Pa	Pa	X	
Taxi, ambulance or limousine service, dispatching or storage.	P	P	P	P						X	

Table 3.1 Overlay Use

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
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Taxi, ambulance, limousine dispatch office only (no vehicle parking)	P	P	P	P			P	P	P		
Taxi stand	P	P	P	P			P	P	P		
<b>Services</b>											
Adult day care center - 7 or more	P	P	P	P	P					✓	
Adult day care facility - up to 6	P	P	P	P	P					✓	
Animal grooming											
Animal hospitals, veterinary clinic	P	P	P	P			P	P	P	✓	
Animal shelter/rescue center	P	P	P	P						✓	
Banks, credit unions or other similar financial institutions	P	P	P	P			P	P	P		
Barber shop/ beauty salon or similar establishments	P	P	P	P			P	P	P		
Business service establishment							P	P	P		
Check cashing establishment,primary	X	X	X	X		X				X	
Check cashing establishment,accessory	X	X	X	X		X				X	
Child day care center (Kindergarten) - 7 or more	P	P	P	P			P	P	P	✓	
Child day care facility - up to 6	P	P	P	P			P	P	P	✓	
Coin laundry	P	P	P	P							
Dog day care	P	P	P	P							
Dog grooming	P	P	P	P							
Dry cleaning agencies, pressing establishments , or laundry pick up stations	P	P	P	P			P	P	P		
Fitness center	P	P	P	P			P	P	P		
Kennel, breeding or boarding	X	X	X	X	X		X	X	X		
Kennel, commercial	X	X	X	X	X		X	X	X		
Kennel, noncommercial	X	X	X	X	X		X	X	X		
Landscape business	P	P	P	P							
Linens and diaper service, garment pressing, alterations and repair							P	P	P		
Mini-warehouse	P	P	P	P						X	
Outdoor storage, commercial	X	X	X	X	X		X	X	X	X	
Personal services establishment	P	P	P	P	P					X	
Photoengraving, typesetting, electrotyping	P	P	P	P							
Photographic studios	P	P	P	P			P	P	P		
Plumbing, HV/AC equipment establishments with no outdoor storage	P	P	P	P							

Table 3.1 Overlay Use

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Publishing or printing establishments	P	P	P	P							
Quick copy printing store	P	P	P	P			P	P	P		
<b>Services, Medical and Health</b>											
Ambulance service or emergency medical services, private	P	P	P	P			P	P	P	X	
Health services clinic	P	P	P	P	P		P	P	P		
Home healthcare service	P	P	P	P							
Kidney dialysis center	P	P	P	P							
Medical or dental laboratories	P	P	P	P			P	P	P		
<b>Services, Repair</b>											
Furniture upholstery or repair; home appliance repair or service	X	X	X	X							
Radio, television and similar home appliance repair service							P	P	P		
Personal service, repair (watch,shoes, jewelry)	P	P	P	P			P	P	P		
Service area, outdoor	Pa	Pa	Pa	Pa							✓
<b>INDUSTRIAL</b>											
Alcohol or alcoholic beverage manufacturing											
Alternative energy production	SP	SP	SP								
Automobile/truck manufacturing											
Brick, clay, tile, or concreteproducts terra cotta manufacturing											
Building materials or lumber supply establishment	P	P	P	P							
Cement, lime, gypsum, or plaster of Paris manufacturing											
Compressed gas fuel station	SP	SP	SP	P							
Chemical manufacture, organic or inorganic											
Contractor, general (See also Building or Construction Office)	P	P	P	P							✓
Contractor, heavy construction, outside storage	P	P	P	P						X	
Contractor, special trade	P	P	P	P							
Crematoriums	SP	SP	X	X	X					X	
Distillation of bones or glue manufacture											
Dry cleaning plant			P								
Dye works											
Explosive manufacture or storage											
Fabricated metal manufacture											

Table 3.1 Overlay Use

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Fat rendering or fertilizer manufacture											
Fuel dealers, manufactures or wholesalers			P								
General aviation airport			P								✓
Heavy equipment repair service or trade	P	P	P	P			X	X	X		
Ice manufacturing plant			P								
Incidental retail sales of goods produced or processed on the premises			Pa								
Incineration of garbage or refuse when conducted within an enclosed plant											
Industrial, heavy											
Industrial, light			P								
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal											
Leather manufacturing or processing											
Light malt beverage manufacturer(See also Brewpub)	Pa	Pa	P	Pa							
Light manufacturing			P								
Manufacturing, heavy											✓
Manufacturing operations not housed within a building											✓
Mines or mining operations, quarries, asphalt plants, gravel pits or soil pits											✓
Outdoor storage, industrial	X	X	X	X	X		X	X	X		✓
Paper or pulp manufacture											✓
Petroleum or inflammable liquids production, refining											✓
Radioactive materials: utilization, manufacture, processing or emission											✓
Railroad car classification yards or team truck yards			P								✓
Recovered materials facility wholly within a building			P								✓
Recovered materials processing wholly within a building			P								✓
Recycling collection	Pa	Pa	Pa	Pa							
Recycling plant			P								
Repair/manufacture of clocks, watches, toys, electrical appliances, electronic, light sheet			P								
Research, experimental or testing laboratories			P								
Rubber or plastics manufacture			P								
Salvage yard (Junkyard)	X	X	X	X	X		X	X	X	X	✓
Solid waste: general disposal, landfill, private industry disposal, handling facility, thermal treatment technology or hazardous/toxic materials including radioactive materials										X	✓

Table 3.1 Overlay Use

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
<p>"Key: P - Permitted use                      Pa - Permitted as an accessory Use                      SA - Special administrative permit required                      SP - Special Land Use Permit (SLUP) required                      X - Prohibited Use</p> <p>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</p>											
Smelting: copper, iron, zinc, or ore											
Storage yard, except vehicle											
Storage yard for damaged or confiscated vehicles		X					X	X	X		
Sugar refineries		X									
Tire retreading and recapping	X	X	X	X	X		X	X	X		
Towing or wreckage service			P								
Transportation equipment storage or maintenance (vehicle)										X	✓
Truck stop or terminal										X	
Vehicle storage yard										X	
Warehousing or Storage	P	P	P							X	
<b>COMMUNICATION – UTILITY</b>											
Amateur radio service or antenna											✓
Electric transformer station, gas regulator station or telephone exchange											
Radio or television broadcasting studio	P	P	P	P			P	P	P		
Radio or television broadcasting transmission facility	P	P	P	P							
Satellite television antennae	P	P	P	P							✓
<b>WIRELESS TELECOMMUNICATION (cell tower)</b>											
New support structure from 51 feet to 150 feet											✓
New support structure from 50 feet up to 199 feet	P	P	P	P							✓
COW's (non-emergency or event, no more than 120 days)	P	P	P	P							✓
COW's (declared emergency)	P	P	P	P							✓
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)											
Attached wireless telecommunication facility	P	P	P	P							✓
Small cell installations (new support structures or collocation) on private property or ROW	P	P	P	P							✓

**TMOD-21-004 ATTACHMENT 2:**

**Staff report related to actions taken by the  
Planning Commission on June 22, 2021**



## CITY COUNCIL STAFF REPORT

MEETING DATE: June 28, 2021

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### Report on Planning Commission Action Regarding

**Petition Number:** TMOD 21-004

**Applicant:** Stonecrest Planning & Zoning Department

**Project Location:** City-Wide

**Proposed Amendment:** Text amendment to delete Subsection 3.1.1.D of the Zoning Ordinance and to insert a new overlay use table

### Planning Commission Recommendation:

The Stonecrest Planning Commission met on June 22, 2021 at a Special Called Meeting to take action on four text amendments to the City Code of Ordinances, including TMOD-21-004. After presentation by staff, the Planning Commission took action to **recommend approval of TMOD-21-004** to the City Council as presented by staff with no modifications.

The staff report presented to the Planning Commission is attached for reference.





## PLANNING COMMISSION STAFF REPORT

MEETING DATE: June 22, 2021

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### GENERAL INFORMATION

**Petition Number:** TMOD 21-004

**Applicant:** Stonecrest Planning & Zoning Department

**Project Location:** City-Wide

**Proposed Amendment:** Text amendment to delete Subsection 3.1.1.D of the Zoning Ordinance and to insert a new overlay use table

**PURPOSE:** To remove the exemption for the requirement of SLUPs within the City Overlay Districts

**FACTS AND ISSUES:** Subsection 3.1.1.D. of the Zoning Ordinance currently allows an exemption from requiring a SLUP for any parcels within Overlay Districts when the base zoning the particular use in question would normally require one. This exemption has allowed certain uses that typically would go through SLUP approval process, such as Senior Housing developments, be permitted. This exemption applies to all of the city's overlay districts, the Stonecrest Overlay, I-20 Overlay, and the Arabia Mountain Overlay.

Removing this exemption would allow the public, the planning commission and the city council greater oversight and control over uses allowed in the overlay districts, and more transparency in the planning process. The overlays occupy over a third of the land area of the city, so this amendment could have significant impact on controlling the future development of the city.

To help in zoning administration regarding the Overlays and the use of SLUPs, staff is also recommending the insertion of a new Overlay Use Table.

**OPTIONS:** Table, Deny, Approve, Approve with modifications



## PLANNING COMMISSION STAFF REPORT

**RECOMMENDED ACTION:** Recommend approval to the City Council

**ATTACHMENTS:**

- (1) Track Changes version of the City Code Ordinances as they relate to TMOD-21-004
- (2) Overlay District Maps by Council District for reference.

## Track Changes summary of Proposed Amendments to the Zoning Ordinance related to TMOD-21-004

### Sec. 3.1.1. - Overlay districts generally.

Overlay districts are supplemental to the zoning district classifications established in article 2 of this chapter. This section shall supersede the applicability statements in each overlay district except as provided in subsection (F) of this section, and are applicable as follows:

- A. All development and building permits for lots located, in whole or in part, within any overlay district shall meet all of the regulations of the underlying zoning district in which they are located as well as all of the regulations of the applicable overlay district.
- B. For new development after the effective date of the ordinance from which this chapter is derived, when no complete application for a land disturbance or building permit has been filed with respect to a property located within an overlay district and the property has conditions of zoning that were approved prior to, and in conflict with the overlay district regulations contained in this article, the overlay district regulations shall prevail. If a condition of zoning does not conflict with the overlay district regulations, the condition of zoning shall remain applicable to the property.
- C. For existing development, if overlay district regulations conflict with the conditions of zoning applicable to property within in an overlay district, the existing zoning conditions remain applicable to the property.
- ~~D. If a use is permitted in the overlay district, but the underlying zoning requires a special land use permit for the same use, the overlay shall govern, and no special land use permit is required.~~
- ~~ED.~~ If overlay district regulations conflict with other regulations contained in this chapter, the overlay district regulations shall prevail.
- ~~FE.~~ The use of property may be permitted without rezoning if listed as allowed by the overlay. Uses allowed by the underlying zoning in article 4 of this chapter, shall also be permitted in the overlay district, unless they are listed as prohibited within the overlay district.
- ~~GF.~~ Each application for a business license, land disturbance permit, building permit or sign permit, which involves the development, use, exterior alteration, exterior modification or addition of any structure, must demonstrate compliance with all overlay district regulations, subject to article 8 of this chapter, nonconforming uses, structures and buildings.
- ~~HG.~~ The zoning district designations contained in article 3 of this chapter, titled Overlay District Regulations, were not revised to reflect the new zoning district designations utilized in the updated zoning ordinance. Any discontinued zoning district references contained in this article 3 of this chapter shall therefore be construed using the conversion chart contained in Table 1.1 of article 1 of the zoning ordinance, and applied as appropriate to the updated provision of the zoning ordinance.

### **Sec. 3.1.6. - Overlay Use table.**

Table 3.1 indicates the permitted uses within the overlay zoning districts. Even though a use is listed as an allowable use within a particular base zoning district, additional use restrictions may apply based on the applicable overlay zoning district requirements specified in this article.

A. The uses listed in Table 3.1 shall be permitted only within the zoning overlay districts identified, and no use shall be established and no structure associated with such use shall be erected, structurally altered or enlarged unless the use is permitted as:

1. A permitted use (P);
2. A special use (SP) subject to the special land use permit application procedures specified in article 7 of this chapter;
3. An administratively approved use (SA) subject to the special administrative permit procedures specified in article 7 of this chapter;
4. An accessory use (PA) as regulated by article 4 of this chapter. Table 3.1 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered principal uses for the zoning classification.
5. Uses lawfully established prior to the effective date of this zoning ordinance.

B. Any use not listed in Table 3.1, below, or interpreted to be allowed by the director of planning pursuant to section 4.1.2 is prohibited. Any applicant denied a permit to allow a use of property in a zoning district other than as provided in this section may file an appeal before the zoning board of appeals as provided in article 7 of this chapter.

C. If there is a conflict between Table 3.1 and the text of this chapter, the text shall prevail.

Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
<p>"Key: P - Permitted use                      Pa - Permitted as an accessory Use                      SA - Special administrative permit required                      SP - Special Land Use Permit (SLUP) required                      X - Prohibited Use</p> <p>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</p>											
<b>AGRICULTURAL</b>											
<b>Agriculture and Forestry</b>											
Commercial greenhouse or plant nursery	P	P	P	P							✓
Temporary or portable sawmill			P								✓
Urban, community garden, up to 5 ac.	P		P	P						P	✓
Urban, community garden, over 5 ac.	P	P	P	P						P	✓
<b>Animal Oriented Agriculture</b>											
Dairy			P								✓
Keeping of livestock			P								✓
Keeping of poultry/pigeons			P								✓
Livestock sales pavilion											✓
Riding academies or stables											✓
<b>RESIDENTIAL</b>											
<b>Dwellings</b>											
Dwelling, cottage home	P	P									✓
Dwelling, mobile home			P								✓
Dwelling, multi-family	P	P	P		X		P	P	P		✓
Dwelling, multi-family (supportive living)	P	P	P		X						✓
Dwelling, townhouse	P	P	P								✓
Dwelling, urban single-family	P	P	Pa								✓
High-rise apartment	SP	SP	P	SP							
Dwelling, single-family (attached)	P	P	P				P	P	P		
Dwelling, single-family (detached)	P	P	P		P						
Dwelling, three-family	P	P	P								
Dwelling, two-family	P	P	P								
Dwelling, single-family, accessory (guesthouse, in-law suite)			Pa								✓
Home occupation, no customer contact	P	P									✓
Home occupation, with customer contact	P	P									✓
Live/work unit	P	P	P	P							✓
Mobile home park											

Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
<p>"Key: P - Permitted use                      Pa - Permitted as an accessory Use                      SA - Special administrative permit required                      SP - Special Land Use Permit (SLUP) required                      X - Prohibited Use</p> <p>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</p>											
Accessory uses or structures	Pa	Pa	Pa	Pa							✓
<b>Housing and Lodging</b>											
Bed and Breakfast homes										P	
Bed and breakfast	P	P	SP	P	P						✓
Bed and breakfast, home stay		P	SP								✓
Boarding/Rooming house	P	P	P								
Convents or monasteries	P	P	SP								✓
Dormitory	Pa	Pa	Pa	Pa							
Extended stay hotel/motel	SP	SP	SP	SP			X	X	X	X	✓
Fraternity house or sorority house	P	P	P	SP							
Hotel/Motel	X	X	X	X	X		P	P	P		
Short Term Vacation Rental											
Nursing care facility or hospice	P	P	P	P							
Personal care facility, 7 or more	P	P	P	P	P						✓
Personal care home, up to 6	P	P	P	P	P						✓
Child caring home, up to 5	P	P	P	P							✓
Child caring facility, 6 or more	P	P	P	P							✓
Child day care center	P	P	P	P	P						
Senior housing	P	P	P	P							✓
Shelter for homeless persons, 7-20	SP	SP	SP	P						X	✓
Shelter for homeless persons for no more than six (6) persons	SP	SP	SP	SP						X	✓
Transitional housing facility, 7-20	SP	SP	SP	P						X	✓
<b>INSTITUTIONAL/PUBLIC</b>											
<b>Community Facilities</b>											
Cemetery, columbarium,mausoleum	P	P	P	P							✓
Club, order or lodge, fraternal, non-commercial	P	P	P	P			P	P	P		
Coliseum or stadium/not associated with church or school	P	P	P	P						X	✓
Dog Park										P	
Funeral home, mortuary	P	P	X	X	X		P	P	P	P	
Golf course or clubhouse, public or private	P	P	P	P							✓
Government facilities	P	P	P	P							

Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
<p>"Key: P - Permitted use                      Pa - Permitted as an accessory Use                      SA - Special administrative permit required                      SP - Special Land Use Permit (SLUP) required                      X - Prohibited Use</p> <p>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</p>											
Hospital or accessory ambulance service	P	P	P	P							
Library or museum	P	P	P	P							
Cultural Facilities	SP	SP	SP	SP	P		P	P	P		
Recreation Club	P	P	P								
Neighborhood or subdivision clubhouse or amenities	P	P	P	P							
Places of Worship	P	P	P	P	P		P	P	P		
Recreation, outdoor	P	P	P	P							
Swimming pools, commercial	P	P	P	P						X	
Tennis center, club and facilities							P	P	P		
Tennis courts, swimming pools, play or recreation areas, community	P	P	P	P			Pa	Pa	Pa		
Utility structure necessary for the transmission or distribution of services							P	P	P		
<b>Education</b>											
Colleges, universities, research and training facilities	P	P	P	P							
Private educational services, home occupation	P	P									
Private kindergarten, elementary, middle or high schools	P	P	P	P			P	P	P		
Vocational schools	P	P	P	P			P	P	P		
Specialized schools	P	P	P	P			P	P	P		
<b>COMMERCIAL</b>											
<b>Automobile, boat and trailer sales and service</b>											
Automobile or truck rental or leasing facilities	X	X	P	P						X	
Automobile brokerage	P	P	P	P						X	
Auto recovery, storage										X	
Auto mobile emission testing facility	X	X	X	X							
Automobile repair or maintenance, minor	P	X	X	P			P	P	P	X	
Automobile repair, major	X	X	X	X	X					X	
Automobile sales, used							X	X	X		
Automobile sales or truck sales	X	X	X	P	X					X	
Automobile service stations	SP	SP	X	SP						X	
Automobile service stations over 4,000 square feet			SP								
Automobile upholstery shop	P	P	P	P						X	
Automobile wash/wax service	X	X	X	X	X		X	X	X	X	

Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
<p>"Key: P - Permitted use                      Pa - Permitted as an accessory Use                      SA - Special administrative permit required                      SP - Special Land Use Permit (SLUP) required                      X - Prohibited Use</p> <p>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</p>											
Boat sales	P	P	P	P						X	✓
Retail automobile parts or tire store	P	P	P	P			P	P	P		✓
Service area, outdoor	Pa	Pa	Pa	Pa							✓
Trailer or RV salesroom and lot	P	P	P	P						X	✓
<b>Office</b>											
Accounting office	P	P	P	P			P	P	P		
Building or construction office	P	P	P	P			P	P	P		✓
Building, landscape, heavy construction contractor office (material, equipment, storage)	P	P	P	P							✓
Engineering or architecture office	P	P	P	P			P	P	P		
Finance office or banking	P	P	P	P			P	P	P		
General Business Office	P	P	P	P	P						
Insurance Office	P	P	P	P	P		P	P	P		
Legal Office	P	P	P	P	P		P	P	P		
Medical Office	P	P	P	P	P		P	P	P		
Real Estate Office	P	P	P	P	P		P	P	P		
<b>Recreation and Entertainment</b>											
Sexually Oriented Business	X		X	X		X	X	X	X	X	✓
Drive-in theater	P	P	P	P						X	✓
Fairground or amusement park		P		P						X	✓
Indoor recreation (bowling alleys, movie theatres and other activities conducted wholly indoor)	P	P	P	P			P	P	P		
Nightclub or late night establishment (maximum 10,000 square feet)	SP	X	X	X	X			X	X	X	✓
Outdoor recreation (miniature golf, batting cages, tennis, Go-cart and other outdoor activities)	P	P	P	P	X		X	X	X		✓
Special events facility	P	P	P	P							
Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building	P	P	P	P	P						
Outdoor concert hall										P	
Recreation, passive										P	
<b>Retail</b>											
Alcohol outlet- package store, primary	P	P		SP		X				X	✓
Alcohol outlet- beer and/or wine store, beer growler, primary	P	P	P	SP						X	✓
Alcohol outlet- beer and wine, accessory to retail less than 12,000 sf (see also 4.1.3 (F))	P	P	P	SP						X	✓



Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
<p>"Key: P - Permitted use                      Pa - Permitted as an accessory Use                      SA - Special administrative permit required                      SP - Special Land Use Permit (SLUP) required                      X - Prohibited Use</p> <p>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</p>											
Apparel or accessories store	P	P	P	P	P		P	P	P		
Art gallery	P	P	P	P	P		P	P	P		
Art supply store							P	P	P		
Book, greeting card, or stationery store	P	P	P	P	P		P	P	P		
Camera or photography	P	P	P	P	P		P	P	P		
Commercial greenhouse or plant nursery	P	P	P	P	P						✓
Computer or computer software store	P	P	P	P	P		P	P	P		
Convenience store (see alcohol outlet or fuel pumps accessory)	P	P	P	P			P	P	P	X	✓
Drive-through facilities (other than restaurants)			P							X	✓
Electrical supply store							P	P	P		
Farm or garden supply store	X	X					P	P	P		
Farmer's market, permanent	P	P	P	P	P						✓
Farmer's market, temporary/seasonal	P	P	P	P	P						✓
Florist	P	P	P	P	P		P	P	P		
Specialty food stores (e.g., coffee, ice cream) (see alcohol outlet)	P	P	P	P	P		P	P	P		
Fuel dealers, manufacturers or wholesalers	P	P	P	P	P					X	
Fuel pumps	X	X	X	X	X					X	✓
Furniture, home furnishings and equipment store							P	P	P		
General merchandise store							P	P	P		
Gift, novelty, or souvenir store	P	P	P	P	P		P	P	P		
Gold buying, precious metals	P	P	P	P	P						
Grocery stores (see alcohol outlet)	P	P	P	P	P						
Hardware store or other building materials store	P	P	P	P	P		P	P	P		
Hobby, toy or game store	P	P	P	P	P						
Jewelry store	P	P	P	P	P		P	P	P		
Music or music equipment store (retail)	P	P	P	P	P		P	P	P		
Liquor store (see alcohol outlet)	P	P	X	X	X		X	X	X		✓
News dealer or news store	P	P	P	P	P		P	P	P		
Office supplies and equipment store	P	P	P	P	P		P	P	P		
Paint, glass and wallpaper store							P	P	P		
Pawn shop, title loan	X	X	X	X	X	X	X	X	X	X	

Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
<p>"Key: P - Permitted use                      Pa - Permitted as an accessory Use                      SA - Special administrative permit required                      SP - Special Land Use Permit (SLUP) required                      X - Prohibited Use</p> <p>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</p>											
Pet supply store	P	P	P	P	P		P	P	P		
Pharmacy or drug store (see alcohol outlet)	P	P	P	P	P		P	P	P		
Radio, television or consumer electronics store	P	P	P	P	P		P	P	P		
Retail, 5,000 sf or less	P	P	P	P	P						
Retail, over 5,000 sf (see also shopping center)	P	P	P	P	P						
Retail warehouses/wholesales providing sales of merchandise with no outdoor storage	P	P	P	P	P						
Shopping center	P	P	P	P	P		P	P	P		
Specialty store	P	P	P	P	P		P	P	P		
Sporting goods or bicycle sale	P	P	P	P	P		P	P	P		
Thrift, secondhand, antique store	P	P	P	P	P						
Trade shops: electrical, plumbing, heating/cooling, roofing/siding, with no outside storage	P	P	P	P	P						
Variety store	P	P	P	P	P		P	P	P		
Videotape sales and rental store							P	P	P		
<b>Temporary Commercial Uses</b>											
Temporary outdoor sales, seasonal	P	P	X	P	X		X	X	X		✓
Temporary produce stand	P	P	P	P							✓
Temporary outdoor retail sales	P	P		P							✓
Temporary outdoor events	P	P	P	P							✓
Temporary trailer, as home salesoffice or construction trailer	P	P	P	P							✓
<b>Restaurant/Food establishments</b>											
Brewpub/Beer Growler	P	P	P	P							
Catering establishments	P	P	P	P							
Restaurants (acc. to hotel/motel)	P	P	P	P							
Restaurants (non-drive-thru)	P	P	P	P			P	P	P		
Restaurants with a drive-thru configuration	SP	SP	SP	SP							✓
<b>Transportation and Storage</b>											
Bus or rail stations or terminals for passengers	SP	SP	SP	SP						X	
Heliport	SP	SP	SP	SP			SP	SP	SP		✓
Parking, commercial lot	X	X	X	P			Pa	Pa	Pa	X	✓
Parking, commercial garage	P	P	P	P			Pa	Pa	Pa	X	
Taxi, ambulance or limousine service, dispatching or storage.	P	P	P	P						X	✓

Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
<p>"Key: P - Permitted use                      Pa - Permitted as an accessory Use                      SA - Special administrative permit required                      SP - Special Land Use Permit (SLUP) required                      X - Prohibited Use</p> <p>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</p>											
Taxi, ambulance, limousine dispatch office only (no vehicle parking)	P	P	P	P			P	P	P		
Taxi stand	P	P	P	P			P	P	P		
<b>Services</b>											
Adult day care center - 7 or more	P	P	P	P	P					✓	
Adult day care facility - up to 6	P	P	P	P	P					✓	
Animal grooming											
Animal hospitals, veterinary clinic	P	P	P	P			P	P	P	✓	
Animal shelter/rescue center	P	P	P	P						✓	
Banks, credit unions or other similar financial institutions	P	P	P	P			P	P	P		
Barber shop/ beauty salon or similar establishments	P	P	P	P			P	P	P		
Business service establishment							P	P	P		
Check cashing establishment,primary	X	X	X	X		X				X	
Check cashing establishment,accessory	X	X	X	X		X				X	
Child day care center (Kindergarten) - 7 or more	P	P	P	P			P	P	P	✓	
Child day care facility - up to 6	P	P	P	P			P	P	P	✓	
Coin laundry	P	P	P	P							
Dog day care	P	P	P	P							
Dog grooming	P	P	P	P							
Dry cleaning agencies, pressing establishments , or laundry pick up stations	P	P	P	P			P	P	P		
Fitness center	P	P	P	P			P	P	P		
Kennel, breeding or boarding	X	X	X	X	X		X	X	X		
Kennel, commercial	X	X	X	X	X		X	X	X		
Kennel, noncommercial	X	X	X	X	X		X	X	X		
Landscape business	P	P	P	P							
Linen and diaper service, garment pressing, alterations and repair							P	P	P		
Mini-warehouse	P	P	P	P						X	
Outdoor storage, commercial	X	X	X	X	X		X	X	X	X	
Personal services establishment	P	P	P	P	P					X	
Photoengraving, typesetting, electrotyping	P	P	P	P							
Photographic studios	P	P	P	P			P	P	P		
Plumbing, HV/AC equipment establishments with no outdoor storage	P	P	P	P							

Table 3.1 Overlay Use Table

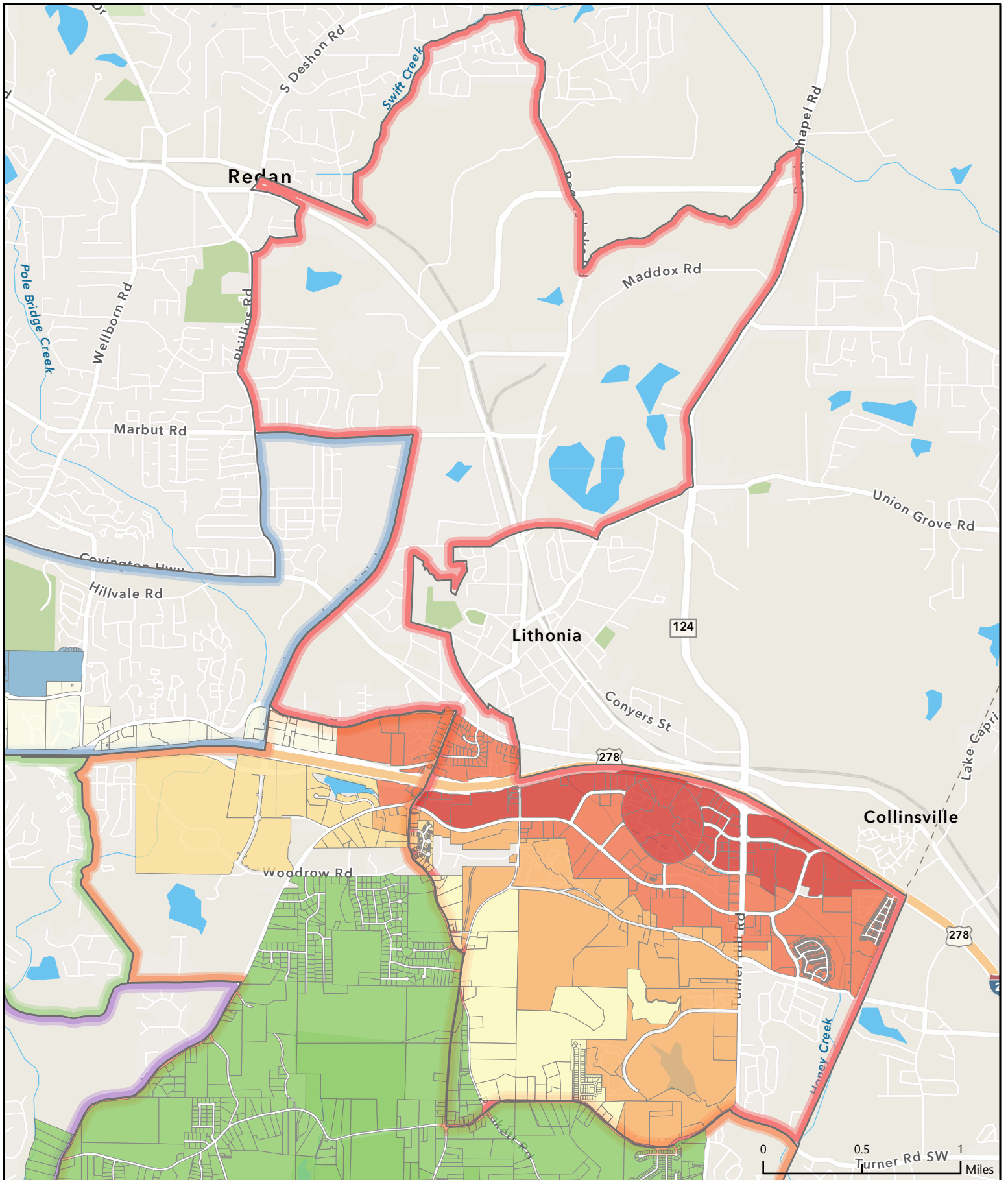
Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
<p>"Key: P - Permitted use                      Pa - Permitted as an accessory Use                      SA - Special administrative permit required                      SP - Special Land Use Permit (SLUP) required                      X - Prohibited Use</p> <p>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</p>											
Publishing or printing establishments	P	P	P	P							
Quick copy printing store	P	P	P	P			P	P	P		
<b>Services, Medical and Health</b>											
Ambulance service or emergency medical services, private	P	P	P	P			P	P	P	X	
Health services clinic	P	P	P	P	P		P	P	P		
Home healthcare service	P	P	P	P							
Kidney dialysis center	P	P	P	P							
Medical or dental laboratories	P	P	P	P			P	P	P		
<b>Services, Repair</b>											
Furniture upholstery or repair; home appliance repair or service	X	X	X	X							
Radio, television and similar home appliance repair service							P	P	P		
Personal service, repair (watch, shoes, jewelry)	P	P	P	P			P	P	P		
Service area, outdoor	Pa	Pa	Pa	Pa						✓	
<b>INDUSTRIAL</b>											
Alcohol or alcoholic beverage manufacturing											
Alternative energy production	SP	SP	SP								
Automobile/truck manufacturing											
Brick, clay, tile, or concrete products terra cotta manufacturing											
Building materials or lumber supply establishment	P	P	P	P							
Cement, lime, gypsum, or plaster of Paris manufacturing											
Compressed gas fuel station	SP	SP	SP	P							
Chemical manufacture, organic or inorganic											
Contractor, general (See also Building or Construction Office)	P	P	P	P						✓	
Contractor, heavy construction, outside storage	P	P	P	P						X	
Contractor, special trade	P	P	P	P							
Crematoriums	SP	SP	X	X	X					X	
Distillation of bones or glue manufacture											
Dry cleaning plant			P								
Dye works											
Explosive manufacture or storage											
Fabricated metal manufacture											

Table 3.1 Overlay Use Table










Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		
<p>"Key: P - Permitted use                      Pa - Permitted as an accessory Use                      SA - Special administrative permit required                      SP - Special Land Use Permit (SLUP) required                      X - Prohibited Use</p> <p>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</p>											
Fat rendering or fertilizer manufacture											
Fuel dealers, manufactures or wholesalers			P								
General aviation airport			P								✓
Heavy equipment repair service or trade	P	P	P	P			X	X	X		
Ice manufacturing plant			P								
Incidental retail sales of goods produced or processed on the premises			Pa								
Incineration of garbage or refuse when conducted within an enclosed plant											
Industrial, heavy											
Industrial, light			P								
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal											
Leather manufacturing or processing											
Light malt beverage manufacturer (See also Brewpub)	Pa	Pa	P	Pa							
Light manufacturing			P								
Manufacturing, heavy											✓
Manufacturing operations not housed within a building											✓
Mines or mining operations, quarries, asphalt plants, gravel pits or soil pits											✓
Outdoor storage, industrial	X	X	X	X	X		X	X	X		✓
Paper or pulp manufacture											✓
Petroleum or inflammable liquids production, refining											✓
Radioactive materials: utilization, manufacture, processing or emission											✓
Railroad car classification yards or team truck yards			P								✓
Recovered materials facility wholly within a building			P								✓
Recovered materials processing wholly within a building			P								✓
Recycling collection	Pa	Pa	Pa	Pa							
Recycling plant			P								
Repair/manufacture of clocks, watches, toys, electrical appliances, electronic, light sheet			P								
Research, experimental or testing laboratories			P								
Rubber or plastics manufacture			P								
Salvage yard (Junkyard)	X	X	X	X	X		X	X	X	X	✓
Solid waste: general disposal, landfill, private industry disposal, handling facility, thermal treatment technology or hazardous/toxic materials including radioactive materials										X	✓

Table 3.1 Overlay Use Table

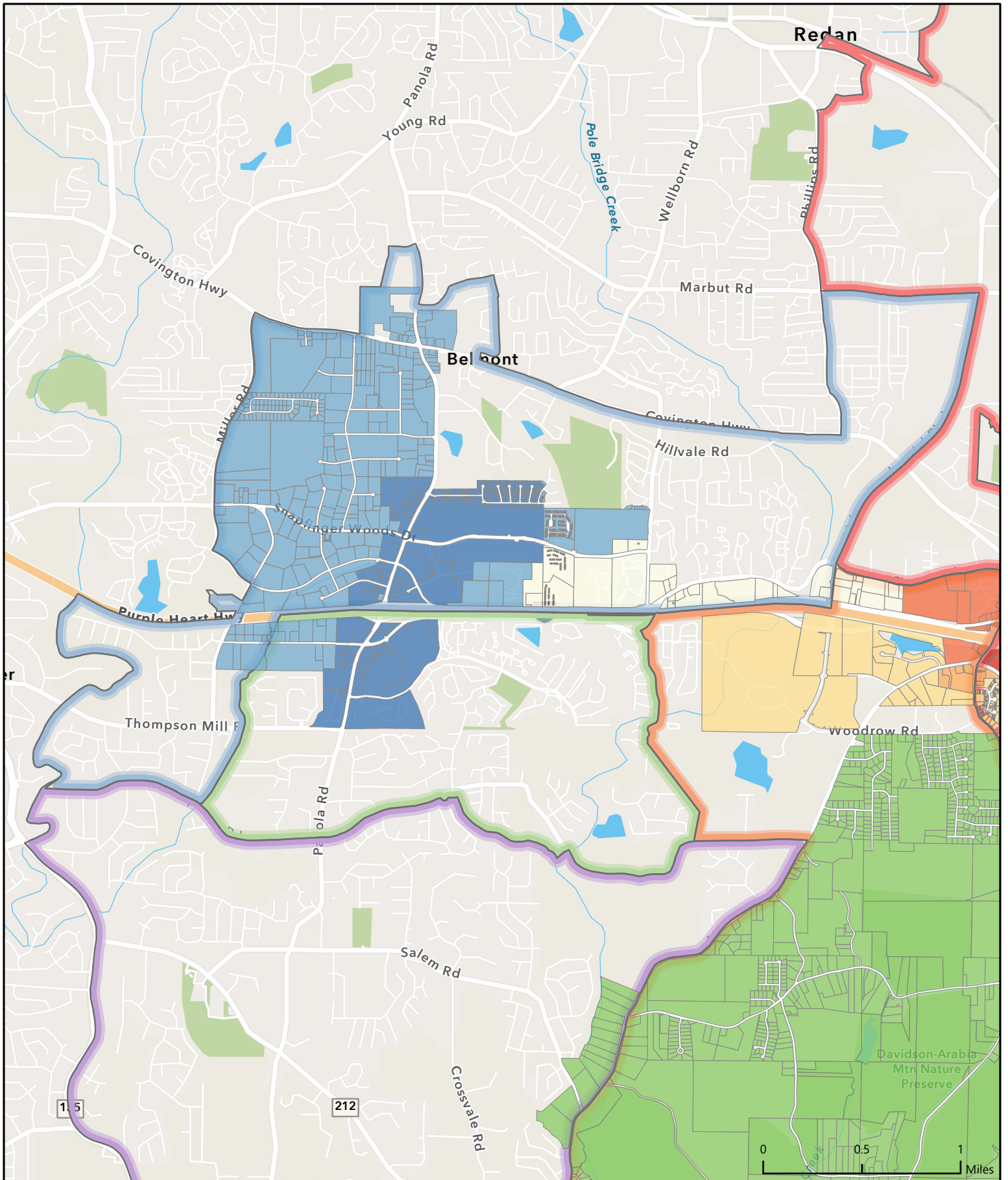
Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		
<p>"Key: P - Permitted use                      Pa - Permitted as an accessory Use                      SA - Special administrative permit required                      SP - Special Land Use Permit (SLUP) required                      X - Prohibited Use</p> <p>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</p>											
Smelting: copper, iron, zinc, or ore											
Storage yard, except vehicle											
Storage yard for damaged or confiscated vehicles		X					X	X	X		
Sugar refineries		X									
Tire retreading and recapping	X	X	X	X	X		X	X	X		
Towing or wreckage service			P								
Transportation equipment storage or maintenance (vehicle)										X	✓
Truck stop or terminal										X	
Vehicle storage yard										X	
Warehousing or Storage	P	P	P							X	
<b>COMMUNICATION – UTILITY</b>											
Amateur radio service or antenna											✓
Electric transformer station, gas regulator station or telephone exchange											
Radio or television broadcasting studio	P	P	P	P			P	P	P		
Radio or television broadcasting transmission facility	P	P	P	P							
Satellite television antennae	P	P	P	P							✓
<b>WIRELESS TELECOMMUNICATION (cell tower)</b>											
New support structure from 51 feet to 150 feet											✓
New support structure from 50 feet up to 199 feet	P	P	P	P							✓
COW's (non-emergency or event, no more than 120 days)	P	P	P	P							✓
COW's (declared emergency)	P	P	P	P							✓
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)											
Attached wireless telecommunication facility	P	P	P	P							✓
Small cell installations (new support structures or collocation) on private property or ROW	P	P	P	P							✓












### District 1 Zoning Overlays

- |                                                                                                                     |                                                                                                         |                                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
|  ARABIA MOUNTAIN OVERLAY DISTRICT |  STONECREST   TIER 1 |  STONECREST   TIER 4            |
|  I-20 OVERLAY DISTRICT TIER 1     |  STONECREST   TIER 2 |  STONECREST   TIER 5            |
|  I-20 OVERLAY DISTRICT TIER 2     |  STONECREST   TIER 3 |  STONECREST   TIER 6 - VIEWSHED |

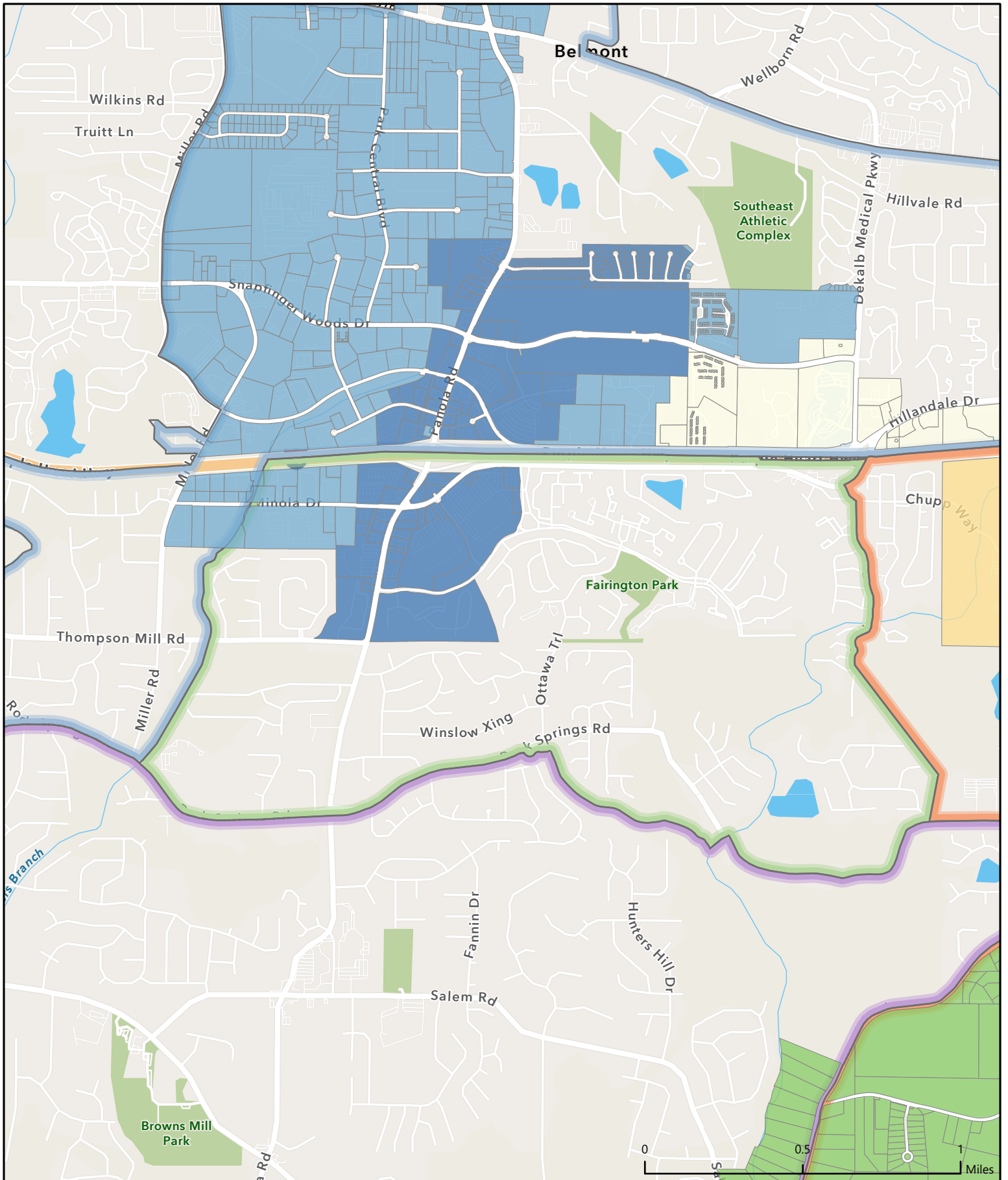




### District 2 Zoning Overlays

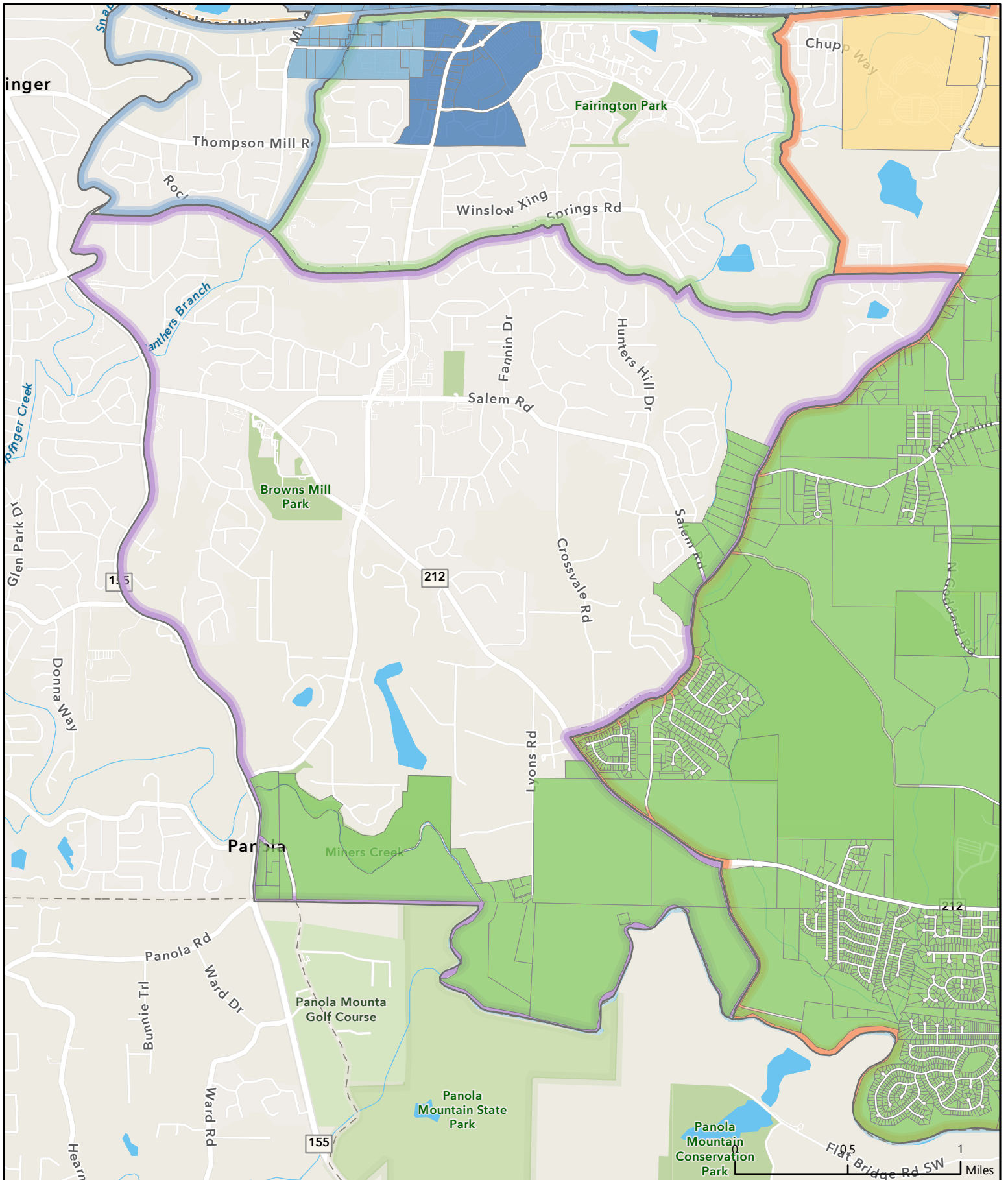
- |                                                                                                                    |                                                                                                         |                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
|  ARABIA MOUNTAIN OVERLAY DISTRICT |  STONECREST   TIER 1 |  STONECREST   TIER 4            |
|  I-20 OVERLAY DISTRICT TIER 1     |  STONECREST   TIER 2 |  STONECREST   TIER 5            |
|  I-20 OVERLAY DISTRICT TIER 2     |  STONECREST   TIER 3 |  STONECREST   TIER 6 - VIEWSHED |








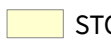





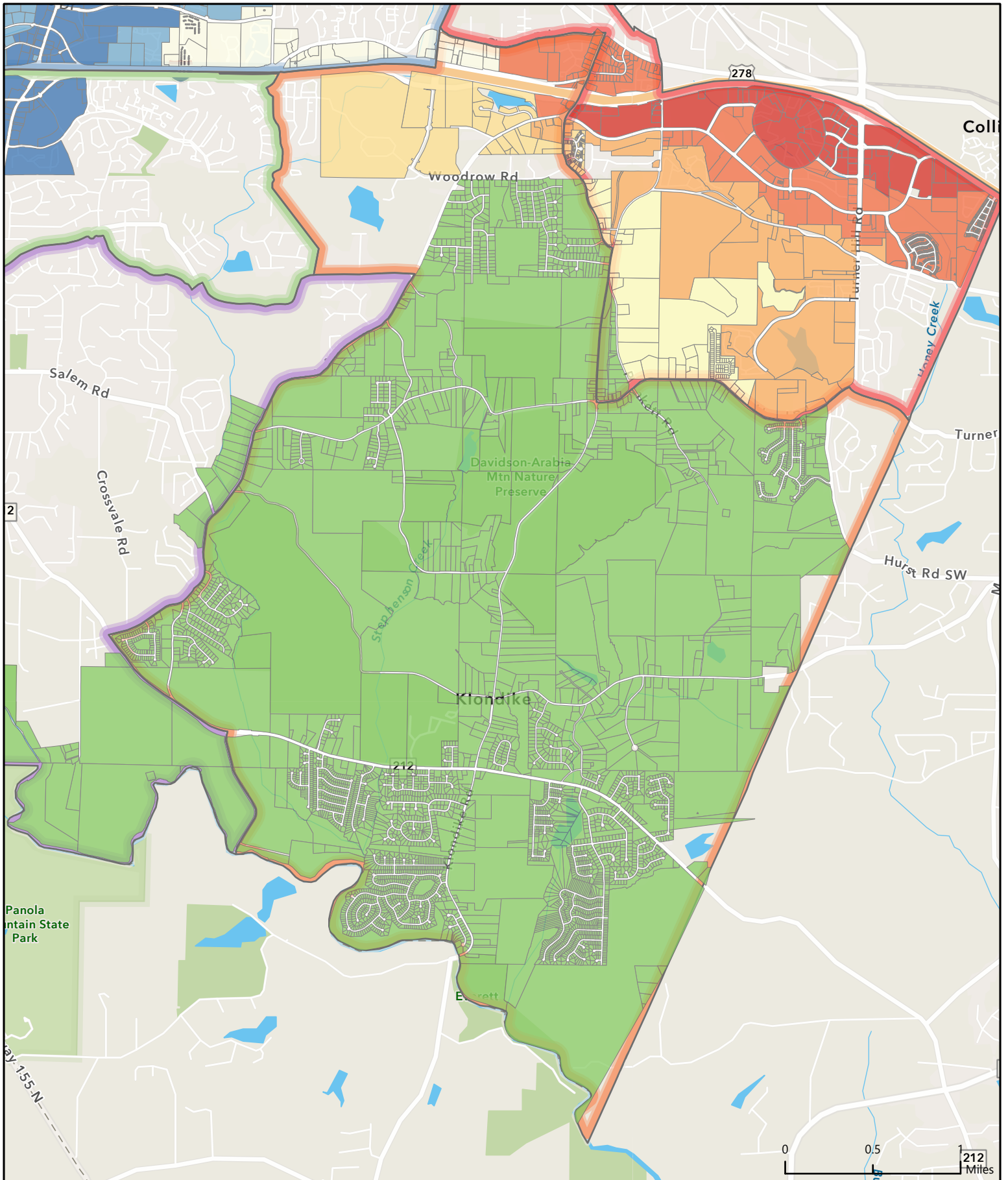
### District 3 Zoning Overlays

- |                                  |                     |                                |
|----------------------------------|---------------------|--------------------------------|
| ARABIA MOUNTAIN OVERLAY DISTRICT | STONECREST   TIER 1 | STONECREST   TIER 4            |
| I-20 OVERLAY DISTRICT TIER 1     | STONECREST   TIER 2 | STONECREST   TIER 5            |
| I-20 OVERLAY DISTRICT TIER 2     | STONECREST   TIER 3 | STONECREST   TIER 6 - VIEWSHED |












### District 4 Zoning Overlays

- |                                                                                                                     |                                                                                                         |                                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
|  ARABIA MOUNTAIN OVERLAY DISTRICT |  STONECREST   TIER 1 |  STONECREST   TIER 4            |
|  I-20 OVERLAY DISTRICT TIER 1     |  STONECREST   TIER 2 |  STONECREST   TIER 5            |
|  I-20 OVERLAY DISTRICT TIER 2     |  STONECREST   TIER 3 |  STONECREST   TIER 6 - VIEWSHED |



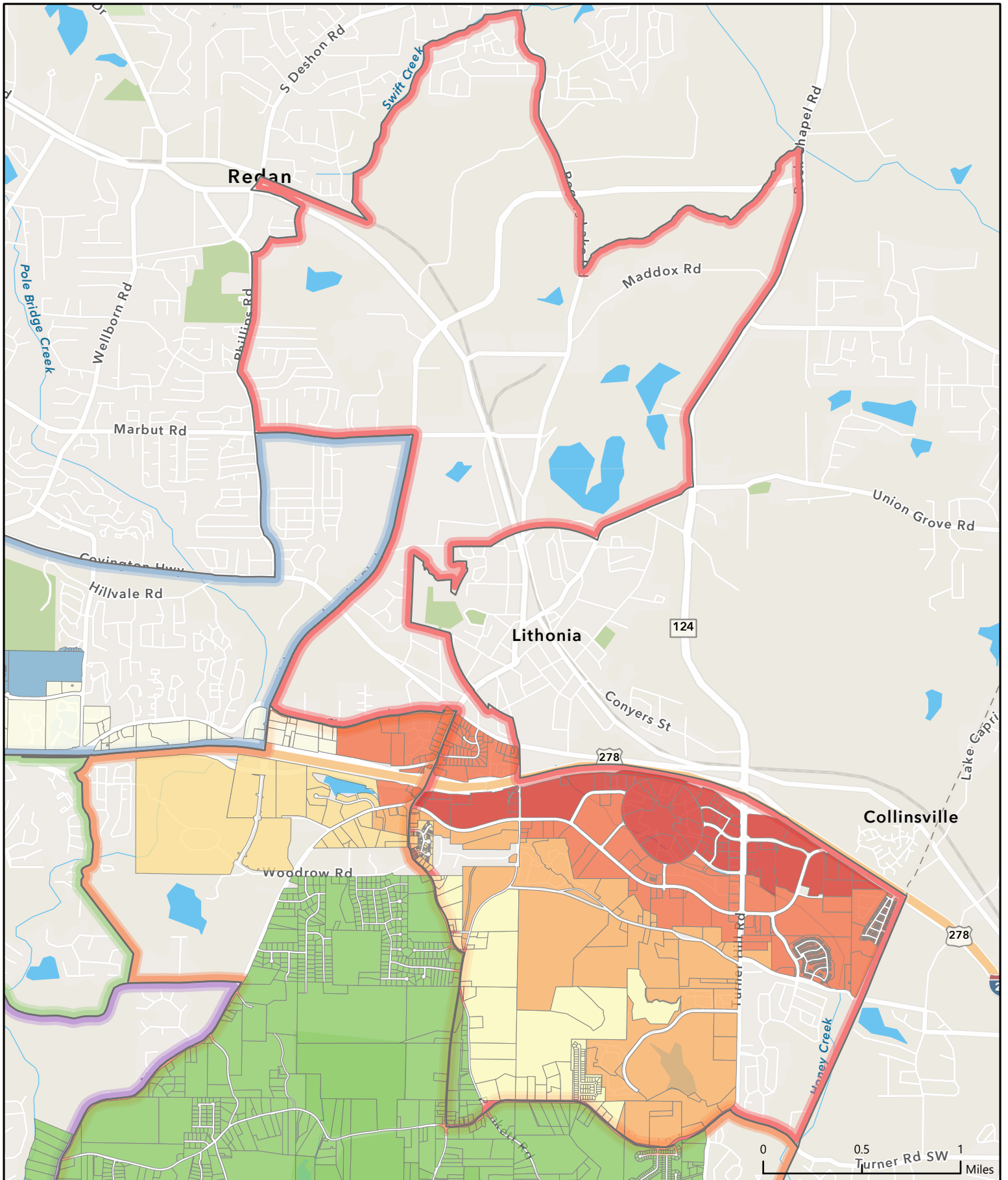
### District 5 Zoning Overlays

- |                                                                                                                     |                                                                                                         |                                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
|  ARABIA MOUNTAIN OVERLAY DISTRICT |  STONECREST   TIER 1 |  STONECREST   TIER 4            |
|  I-20 OVERLAY DISTRICT TIER 1     |  STONECREST   TIER 2 |  STONECREST   TIER 5            |
|  I-20 OVERLAY DISTRICT TIER 2     |  STONECREST   TIER 3 |  STONECREST   TIER 6 - VIEWSHED |










**TMOD-21-004 ATTACHMENT 3:**

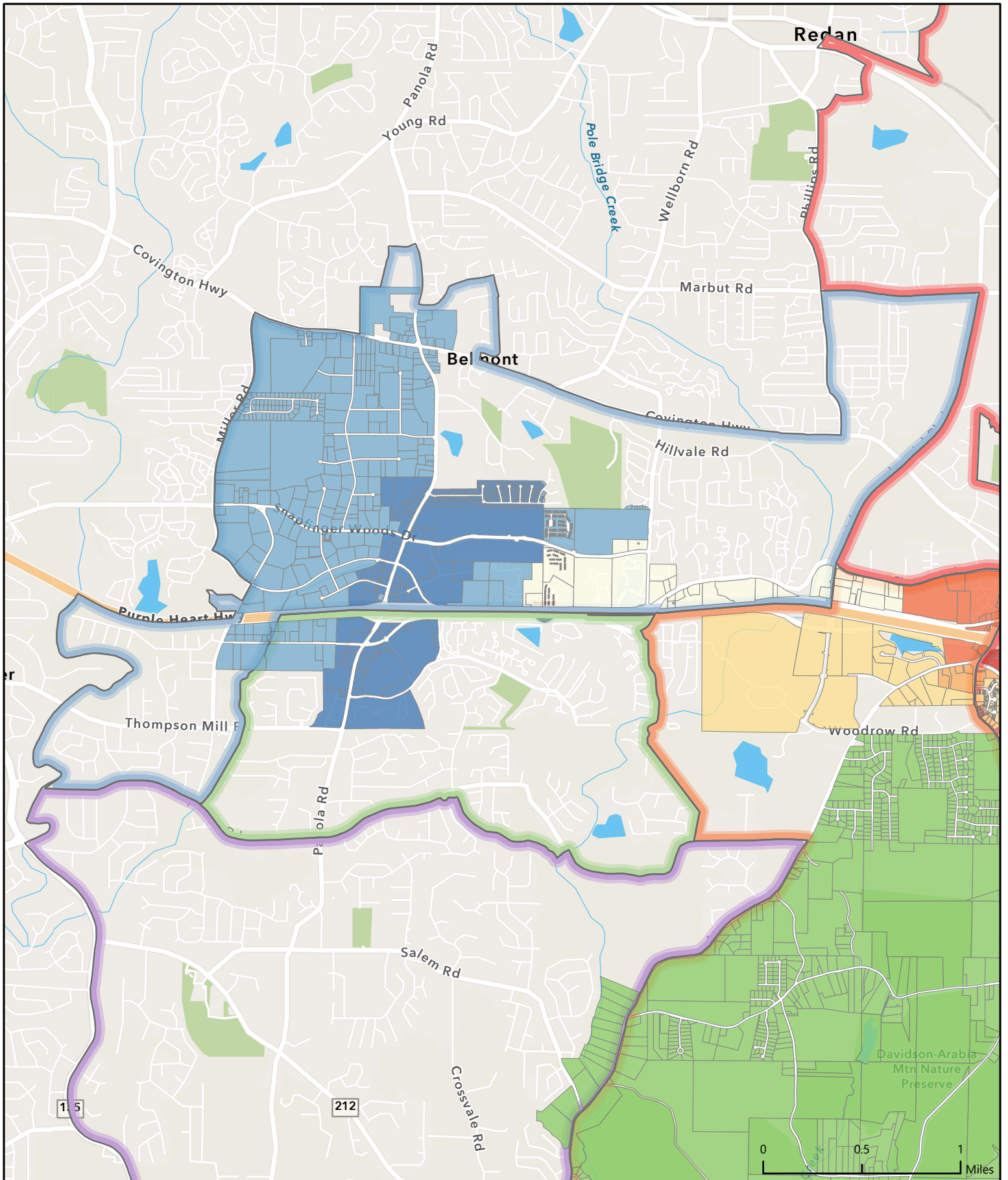
**Overlay District Maps by Council District for reference**














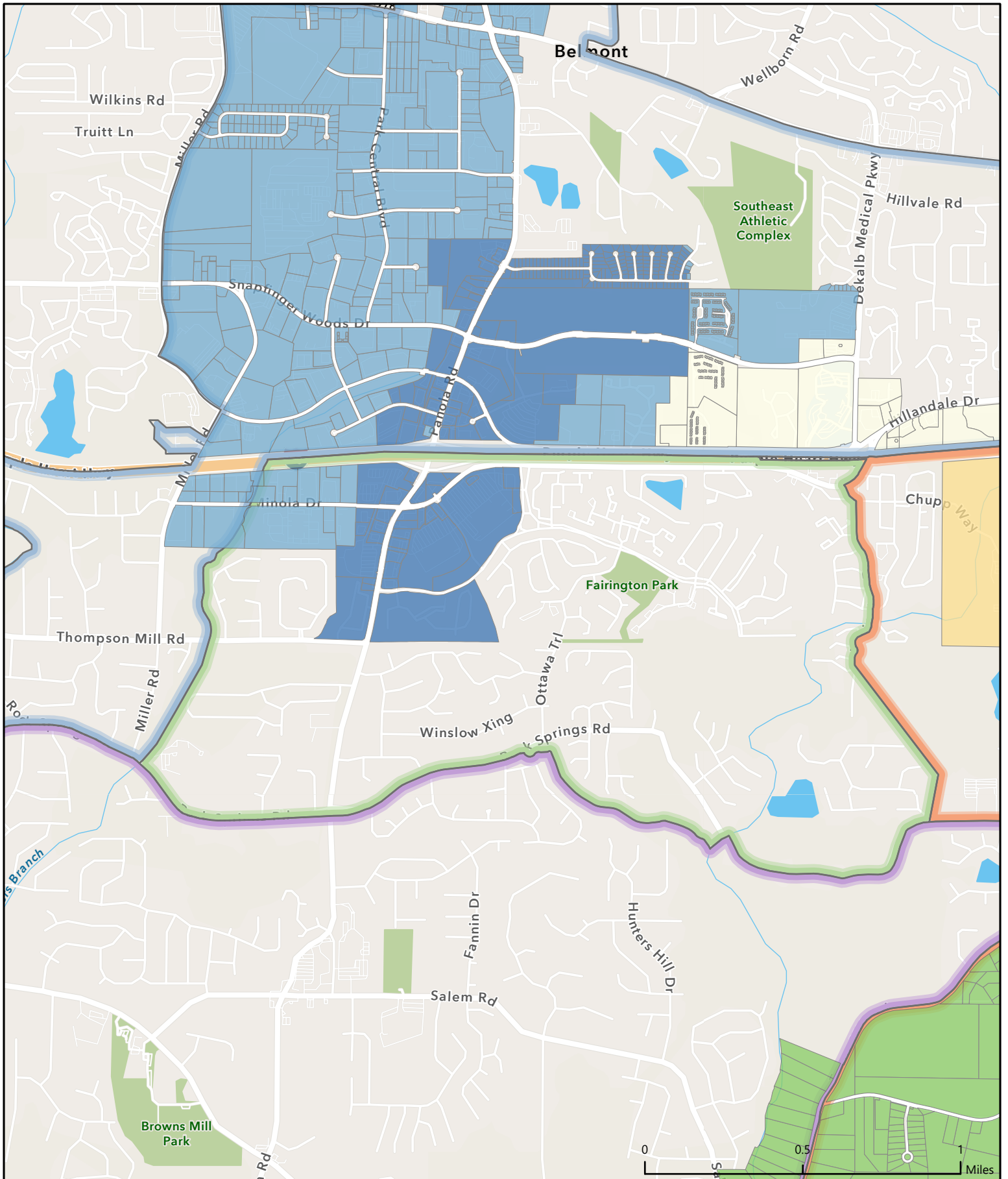
### District 1 Zoning Overlays

- |                                                                                                                     |                                                                                                         |                                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
|  ARABIA MOUNTAIN OVERLAY DISTRICT |  STONECREST   TIER 1 |  STONECREST   TIER 4            |
|  I-20 OVERLAY DISTRICT TIER 1     |  STONECREST   TIER 2 |  STONECREST   TIER 5            |
|  I-20 OVERLAY DISTRICT TIER 2     |  STONECREST   TIER 3 |  STONECREST   TIER 6 - VIEWSHED |












### District 2 Zoning Overlays

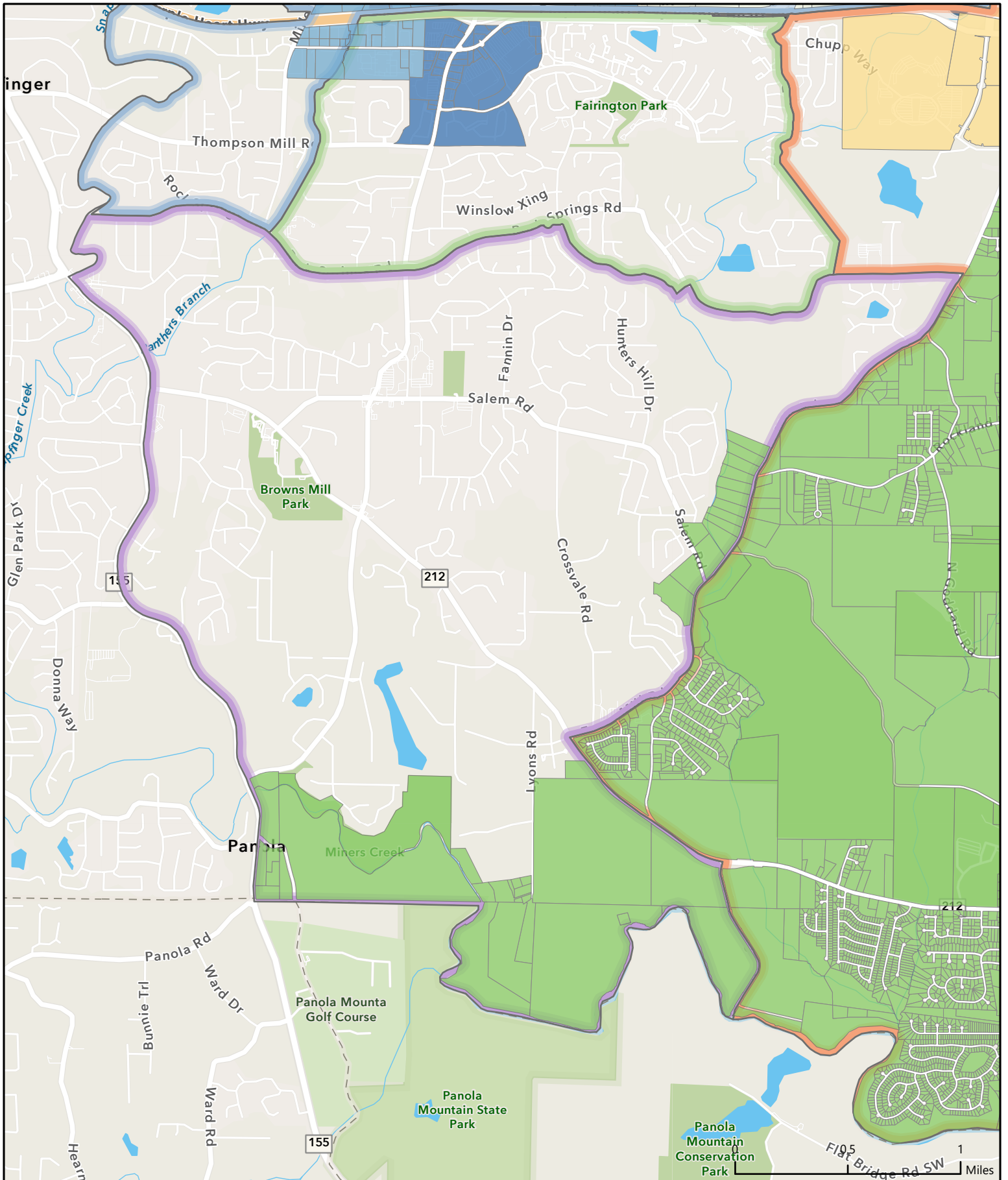
- |                                                                                                                    |                                                                                                         |                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
|  ARABIA MOUNTAIN OVERLAY DISTRICT |  STONECREST   TIER 1 |  STONECREST   TIER 4            |
|  I-20 OVERLAY DISTRICT TIER 1     |  STONECREST   TIER 2 |  STONECREST   TIER 5            |
|  I-20 OVERLAY DISTRICT TIER 2     |  STONECREST   TIER 3 |  STONECREST   TIER 6 - VIEWSHED |












### District 3 Zoning Overlays

- |                                                                                                                     |                                                                                                         |                                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
|  ARABIA MOUNTAIN OVERLAY DISTRICT |  STONECREST   TIER 1 |  STONECREST   TIER 4            |
|  I-20 OVERLAY DISTRICT TIER 1     |  STONECREST   TIER 2 |  STONECREST   TIER 5            |
|  I-20 OVERLAY DISTRICT TIER 2     |  STONECREST   TIER 3 |  STONECREST   TIER 6 - VIEWSHED |



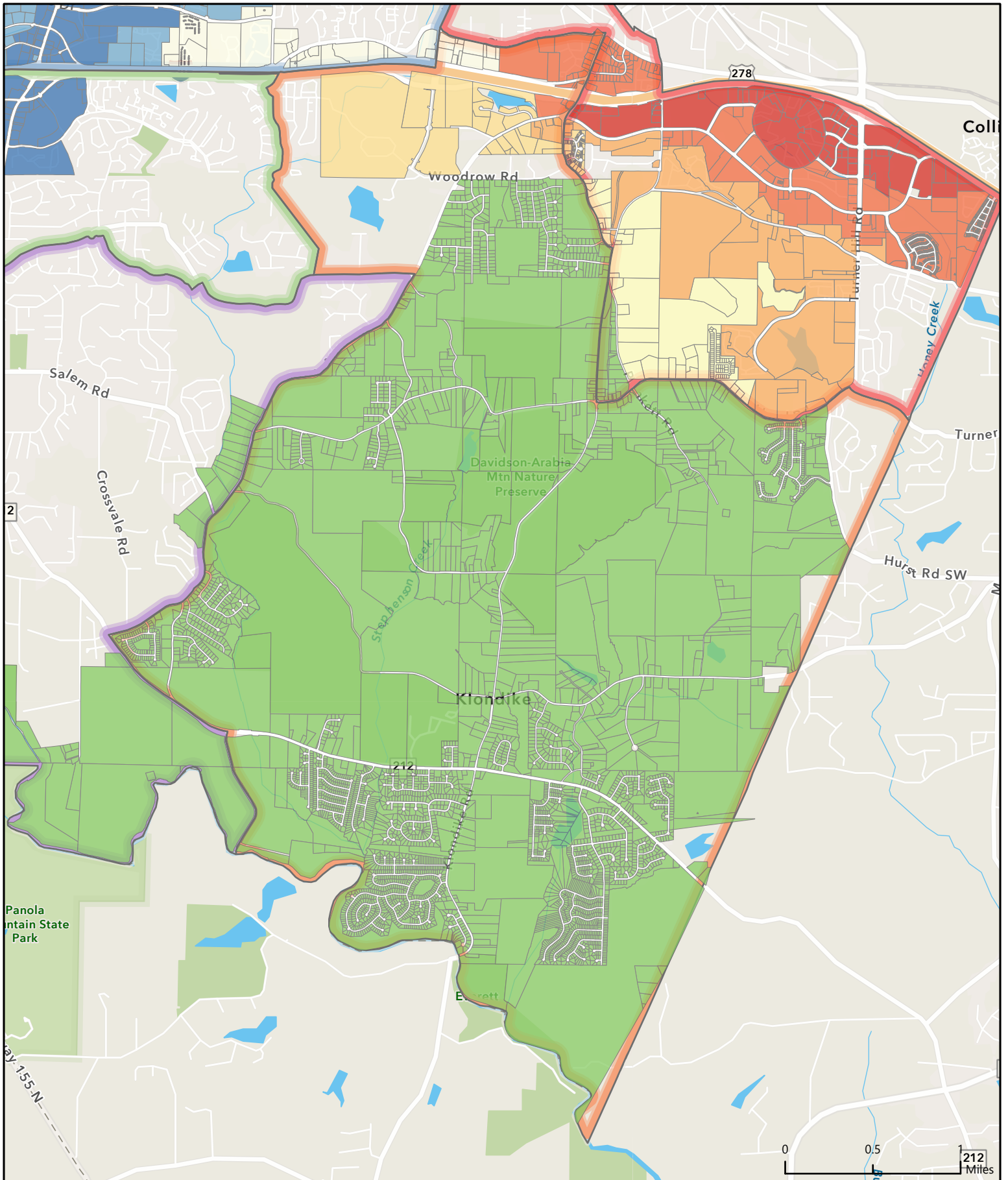


### District 4 Zoning Overlays










- |                                                                                                                     |                                                                                                         |                                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
|  ARABIA MOUNTAIN OVERLAY DISTRICT |  STONECREST   TIER 1 |  STONECREST   TIER 4            |
|  I-20 OVERLAY DISTRICT TIER 1     |  STONECREST   TIER 2 |  STONECREST   TIER 5            |
|  I-20 OVERLAY DISTRICT TIER 2     |  STONECREST   TIER 3 |  STONECREST   TIER 6 - VIEWSHED |

1 Miles





### District 5 Zoning Overlays

- |                                                                                                                     |                                                                                                         |                                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
|  ARABIA MOUNTAIN OVERLAY DISTRICT |  STONECREST   TIER 1 |  STONECREST   TIER 4            |
|  I-20 OVERLAY DISTRICT TIER 1     |  STONECREST   TIER 2 |  STONECREST   TIER 5            |
|  I-20 OVERLAY DISTRICT TIER 2     |  STONECREST   TIER 3 |  STONECREST   TIER 6 - VIEWSHED |





## CITY COUNCIL AGENDA ITEM

**SUBJECT: Community Engagement in the Planning Process**

ORDINANCE                       POLICY                       STATUS REPORT

DISCUSSION ONLY               RESOLUTION               OTHER

**Date Submitted: 06/17/21      Work Session:              Council Meeting: 06/28/21**

---

**SUBMITTED BY: Jim Summerbell, AICP – Planning and Zoning Director**

**PRESENTER:** Jim Summerbell

**PURPOSE:** To update the City Council on the efforts to actively engage the public in planning and zoning and related matters of community interest. Our overall intent is to provide a forum for open discussion and information sharing on planning-related topics of community concern, and to be as transparent as possible in how planning-related decisions are made.

**FACTS AND ISSUES:** In anticipation that COVID-19 restrictions on public assembly at City Hall will likely be lifted soon, staff is now working toward having our first in a series of monthly community town hall meetings on July 19 at City Hall. As described at the June 7 Special Called Meeting the purpose of these meetings is primarily informational with regard to the public, but they are also intended to serve as the precursor to the possible establishment of a Stonecrest Community Council. These initial meetings will not result in official recommendations to the Planning Commission or City Council on planning-related topics, but if later formally established as a Community Council, they would. The agenda for these meetings will be topics of discussion at the following City Council Work Sessions.

Staff is also working on drafting a text amendment to the City Code of Ordinances that, if approved by the City Council, would officially establish the Stonecrest Community Council. These text amendments are anticipated to be presented to Planning Commission and City Council for consideration in September if not sooner. The establishment of a Community Council would be a topic for discussion at these community town hall meetings, along with other planning and zoning-related news.

It is the intent that these monthly meetings will replace or at least supplement the current policy of requiring developers to conduct community meetings on proposed rezonings. Toward this end, the City will advertise the meetings and work with developers to help facilitate the process, unlike the current policy of leaving public notification and facilitation up to the developers themselves. There have been concerns expressed that adding these rezoning-related community meetings to the agenda will make for rather long meetings, but staff is recommending that we at least try this approach on a trial basis to see how it works.

Staff is actively working to build an up-to-date contact list of those interested parties that would be regularly notified of planning and zoning activities including the monthly meetings. The meetings will also be advertised on the city website, social media, and thru “On Common Ground.”

As staff is also working on text amendments related to the Zoning Ordinance Update, we are proposing to hold a Zoning Summit in the coming week to allow interested parties an opportunity to review and comment on proposed changes. This Summit may, like the Community meetings, end up being a routine series of meetings as future text amendments are being prepared for Planning Commission and City Council consideration.

**OPTIONS:** For discussion only.

**RECOMMENDED ACTION:** Seeking feedback

**ATTACHMENTS:** None





**CITY COUNCIL AGENDA ITEM - NEW BUSINESS: A**

**SUBJECT: Purchasing Card Policy Amendment**

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

**Date Submitted: 06/16/21              Work Session:              Council Meeting: 06/28/21**

**SUBMITTED BY: Gia Scruggs, Finance Director**

**PRESENTER: Gia Scruggs**

**PURPOSE:** The City of Stonecrest had an external auditor, Bambo Sonaïke, LLC, conduct an audit of purchasing card charges. Based on the recommendations of both Mr. Sonaïke and City Attorney Winston Denmark, the Finance Director is recommending changes to the City’s current Purchasing Card Policy. The list of recommendations was addressed by the Finance Director’s Corrective Action Plan and the proposed changes to the Policy will further address changes that were discussed at the June 14, 2021 work session. The Finance Director is seeking approval of the proposed changes to the Purchasing Policy.

**OPTIONS:** Approve, Deny, Defer

**RECOMMENDED ACTION:** Approval

**ATTACHMENTS:** A - Red lined copy of Purchasing Policy  
B - Chart of Changes



**Purchasing Policy Amendment Recommendations**

<b>Auditor Recommendations</b>	<b>Proposed Amendment Section</b>	<b>City Proposed Corrective Actions</b>	<b>Proposed Language</b>
A specific date when the monthly or quarterly review of the procurements cards should occur and when any unresolved violations should be reported to the governing authority. The policy in-place during the engagement period did not include a date when these activities should occur. <b>Comments:</b> The auditor notes that the City's updated policy dated February 7, 2021 includes specific dates when these activities should occur.	<b>Section J.</b>	The monthly and/or quarterly review and audit should happen within 10 days of the start of a new month or quarter by an Accounting Specialist. Report by Finance Director to City Manager.	The monthly and/or quarterly review, audit and reconciliation to the General Ledger should happen within 10 days of the start of a new month or quarter.
All transactions should be accompanied by the following items: a. A completed and approved purchase order or requisition form b. A copy of the transaction receipt or supporting documents that justifies the purpose of the purchase c. A completed and signed expense report, if applicable	<b>Section H.</b>	Add the following statement to <b>H. Accounting and Auditing</b> section of Purchasing Policy: By the last business day of the month a requisition form and/or supporting transaction receipts shall be scanned and emailed to the Accounting Specialist.	By the last day of the month, a requisition, all transaction receipts and supporting documentation must be emailed to the appropriate finance staff.
A language that makes it clear that disciplinary action for violation of the procurement card policy includes termination of employment and criminal prosecution to the fullest extent of the law should be included in the procurement card policy.	<b>Section B.</b>	<b>Purchasing Policy I. Violation</b>  <b>Edit section to include:</b> Disciplinary action for violation of the Purchasing card policy may include actions up to and including termination of employment and criminal prosecution to the fullest extent of the law.	"Utilizing the purchasing card or credit card for personal use or for any item or service not directly related to such official city business may result in disciplinary action including, but not limited to, felony criminal prosecution."
A prohibition on assigning cards to individuals responsible for administering the program. a. Auditor notes that the City's updated policy dated February 7, 2021 designates the Purchasing Agent as the program administrator and also list the Purchasing Agent as an authorized card holder.	<b>Section G. Administrator</b>	Cardholders shall submit a purchase requisition for the procurement of goods and or services in support of City Programs to the Purchasing Agent. The Purchase Requisition shall include a quotation from the proposed vendor, expected scope of services and schedule of delivery of services. An authorized administrator (Finance Director or City Manager) shall review/approve the purchase.	13. Shall not be assigned a purchasing card.
The City's stance on loyalty points should be documented and communicated in context with or in reference to the Conflict of Interest policy.	<b>Section F.1.g</b>	Amend Purchasing Policy to state Purchasing card holders shall not be eligible to participate in loyalty points programs.	g. Participation in loyalty points programs is prohibited with the purchasing card.
<b>Software purchases</b> a. The Information Technology Manager should prepare and maintain a listing of all monthly recurring software charges to include the specific user and purpose b. The listing should be updated for software additions and deletions as needed c. The listing along with any additions and deletions accompanied by a purchase order or requisition form should be approved by the City Manager d. The approved listing along with the purchase order or requisition form should be provided to the accounting department as documentation of recurring software purchases	<b>Section H.</b>  <b>Accounting and Auditing</b>	IT Manager shall provide a monthly software log for all recurring software subscriptions. This log shall contain a tab for deletions of software subscriptions. Software additions to the log shall be accompanied by a requisition form. The City Manager shall approve the monthly addition and deletion log.	If recurring software subscriptions are paid with a purchasing card, the information technology manager shall maintain and provide to the finance department, a listing of all monthly recurring charges.
Each procurement card should be reconciled on a monthly basis to the general ledger	<b>Section H.</b>	See proposed actions under the General section above items 2 and 3.	Reconciliation to the general ledger shall occur monthly.
All procurement cards should be kept in a locked safe in the City Hall at all times.	<b>Section J.</b>	Cardholder by way of receiving the Purchasing card and completing training shall also have the authority and responsibility associated with Pcard as prescribed in the Cardholder Agreement and will be responsible for all charges incurred.	The Cardholder shall be responsible for all charges associated with the purchasing card and will maintain possession with adequate safeguards in place to prevent unauthorized use.
Upon the termination of a cardholder's employment with the City, the cardholder's procurement card should be immediately canceled and no further transactions should be incurred on the card.	<b>Section G. Administrator</b>	Purchasing Agent shall immediately contact the issuing bank of the Purchasing card to cancel the Pcard upon an employee's termination or resignation.	10. Shall immediately cancel purchasing card upon employee's termination or resignation
Upon the City being notified of impending departure from the City, the respective cardholder card limit should be reduced to zero.	<b>Section G</b>	Purchasing Agent shall immediately contact the issuing bank of the Purchasing card to cancel the Purchasing card upon an employee's impending exit from the City.	11. Upon official notification of an impending departure from the City, the respective card holder's card limit shall be reduced to zero.
Establish a policy to deactivate procurement cards when employees are on leave.	<b>Section G</b>	Purchasing Agent to contact Purchasing card issuing bank to place a hold on employee Purchasing cards while employees are on leave. If such a feature is not available Purchasing card shall be surrendered while employees are on leave to be sealed and locked in the safe at City Hall until employee returns from leave. Purchasing policy to be amended to reflect deactivation of cards when employees are on leave or when not in use.	12. Shall place a card holder's card on an inactive status will employees are on leave.
Establish spending limit commensurate with needs – a. Cardholder spending limits should align with actual need on a single transaction and total monthly basis. b. Changes in spending limit should be requested in writing through a formalized procedure, and an annual review of the program should include an assessment of credit limit appropriateness. c. Allowing many cardholders to have the same spending limits and limits higher than necessary exposes the City to higher monetary risk.	<b>Section E</b>	a. Purchasing Agent shall review the business justification for Purchasing card to establish single transaction and monthly spending limits. Purchasing Agent shall submit a recommended spending threshold by card holder based on the business justification provide during the application process to the Finance Director for review. b. Changes in spending limits shall be submitted to the Purchasing Agent along with a rational for the change (increase or decrease) with a copy to the Finance Director and City Manager.	Changes in spending limits shall be submitted to the Purchasing Agent along with a rational for the change (increase or decrease) with a copy to the Finance Director and City Manager. The monthly transactional limit for the City Manager is \$25,000.
<b>Attorney Recommendations</b>		<b>City Proposed Corrective Actions</b>	
<b>Section C - 1. Restrict Card Holders -</b>  1. Revoke any purchasing cards issued to elected officials; 2. revoke purchasing cards issued to purchasing agent and other employees/officials; 3. Establish the following as the exclusive list of authorized purchasing card holders: City Manager, Chief Financial Officer, or designee; and accounting manager; 4. Make possession of purchasing card by an unauthorized employee grounds for discipline, up to and including termination; 5. Make issuing or facilitating issuance of purchasing card to unauthorized employee grounds for discipline, up to and including termination	<b>Section C</b> <b>Section I</b>	1. Amend Purchasing policy to include revocation of purchasing cards issued to elected officials 2. Amend Purchasing policy to revoke purchasing cards issued to purchasing agent and other employees/officials 3. Amend Purchasing policy to revise the exclusive list of authorized purchasing card holders: City Manager, Chief Financial Officer, or designee; and accounting manager; 4. Amend Purchasing policy to make possession of purchasing card by unauthorized employee grounds for disciplinary action, up to and including termination 5. Amend Purchasing Policy to make issuing or facilitating issuance of purchasing card to unauthorized employee ground for disciplinary action up to and including termination.	Section C: Updated List  Section I: Issuing or facilitating issuance of a purchasing card to an unauthorized person, possession of a purchasing card by an unauthorized person and any other violation stated wherein are subject to disciplinary action up to and including termination.

[Attachment A - Red lined copy of Purchasing Policy](#)



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## PURCHASING POLICY

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LAST REVISED: 02.07.21





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**DISCLAIMER OF LIABILITY FOR IMPROPER PURCHASING: THE CITY DISCLAIMS ANY AND ALL RESPONSIBILITY AND LIABILITY FOR ANY PURCHASE, EXPENDITURE, PROMISE OR AGREEMENT FOR EXPENDITURE ARISING FROM ANY PROCUREMENT MADE IN ITS NAME OR IN THE NAME OF ANY AGENCY, AUTHORITY, COMMISSION, OR OTHER GOVERNMENTAL BODY UNDER ITS AUTHORITY, BY AN UNAUTHORIZED PERSON OR ANY PERSON ACTING IN VIOLATION OF THIS PURCHASING POLICY OR OUTSIDE OF THE AUTHORIZATION OR DELEGATION AS PROVIDED BY THIS POLICY. THE EXPENSE OF ANY SUCH TRANSACTION SHALL BECOME THE PERSONAL LIABILITY OF THE INDIVIDUAL AT FAULT UNLESS OTHERWISE RATIFIED OR EXEMPTED BY MAYOR AND COUNCIL.**



## **SECTION I – GENERAL PROVISIONS**

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### **(1) PURPOSE AND OBJECTIVE**

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

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

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

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

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



## **(2) SCOPE OF POLICY**

---

This policy and the award of bid provisions herein are solely for the fiscal responsibility and benefit of the City of Stonecrest, and confer no rights, duties or entitlements to any vendor, bidder or proposer.

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

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

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

- A. Public works construction contracts to the extent governed by O.C.G.A. §36-91-1 *et seq.*;
- B. Services and construction whose procurement falls under a conflicting federal or Georgia statute;
- C. Works of art for public places, or other creative/artistic endeavors that require a particular and demonstrated skill or talent to include, but not limited to, artists, musicians, and writers;
- D. Antiques and other unique assets of historical value, including restoration of these items;
- E. Real Property, including but not limited to transactions governed by O.C.G.A. § 36-37-1 *et seq.*, real estate brokerage and appraising, abstract of titles for real property, title insurance for real property, and other related costs of disposition and/or acquisition of real property, except as provided in Section VII(F)(~~R~~) (Real Estate Acquisitions);
- F. Employee Benefits and health related services procured through a quotation and negotiating process conducted by an expert in the field, or to maintain continuity of employee-health records;



- G. Travel, entertainment, conferences, training, speakers, instructors, facilitators, and meeting expenses, or other expenditures covered by another City policy;
- H. Dues, memberships, and board member fees;
- I. Insurance procured through a negotiating process;
- J. Legal services, litigation, experts and materials, and related legal expenses;
- K. Items or services procured for resale or to generate a revenue;
- L. Advertisements including, but not limited to, bid/proposal solicitations and legal advertisements required by law or by City policy;
- M. Financial Instruments: Professional services and instruments/products related to the City's financial well-being, including but not limited to the following areas: marketing of bonds and other forms of debt or debt management, investments, banking, assets, and pension assets;
- N. Subscriptions and dues established during the budget process;
- O. Utilities;
- P. Seized Property included in a court order authorizing disposal;
- Q. Grant awards or agreements that require certain firms or individuals to perform the work;
- R. Contracts involving federal funding whose procurement falls under a conflicting federal or Georgia statute or regulation, except as provided in Section VIII.

### **(3) DEFINITIONS**

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

- A. **ADDENDUM** means a change, clarification or correction in the Solicitation Documents, prior to the award of a Contract.
- B. **AMENDMENT** means an agreed upon change order, addition to, deletion from, correction or modification of a Contract including a Contract Extension or a Contract Renewal.
- C. **BID / PROPOSAL BOND** means a form of bid security executed by the Bidder (or Proposer) as principal and by a Surety, to guarantee that the Bidder (or Proposer) will enter into a Contract within the time specified in the Invitation for Bid or Request for proposals, and will furnish the necessary bonds and insurance, and meet any other requirements of those documents.



- D. **BIDDER** means a person or entity submitting a bid or quote to the City for the supply of Goods or Services.
- E. **CAPITAL ASSET** is an item of personal property having a normal life expectancy of three years or more other than components.
- F. **CITY** means the City of Stonecrest and, as the context warrants, those persons or bodies authorized to act on its behalf, including, but not limited to, the City Council, committees, boards and staff.
- G. **CITY ETHICS POLICY** shall mean Article X, Ethics, of Chapter 2, Administration, of the Code of the City of Stonecrest, Georgia.
- H. **CITY FINANCE DIRECTOR/FINANCE DIRECTOR** means the City Accountant as described in the City Charter, his agent, or the department head of the City Finance Department, if such a department is in existence.
- I. **COMPETITIVE AWARD** means a procurement based upon the outcome of one of the competitive processes set forth in this Policy, where award is made based on the lowest quotation or Bid submitted by a responsible and responsive Bidder or to the most qualified or advantageous Proposer based on the qualitative and/or quantitative factors identified for the procurement. A Competitive Award can be made even if only a single bid or proposal has been received from a Bidder or Proposer who is determined to be responsible and responsive.
- J. **CONSTRUCTION** means the process of building, altering, improving or demolishing any public structure or building, or other public improvements of any kind to any public real property including the provision of materials therefor. The term "Construction" does not include the routine operation, repair and/or maintenance of existing structures, buildings or real property.
- K. **CONSTRUCTION SERVICES** means services rendered by an independent and licensed contractor having expertise in Construction.
- L. **CONTRACT** means all types of City agreements for the purchase or disposal of Goods, Real Estate or Capital Assets, and the procurement of Services, Professional Services or Construction Services regardless of what they may be called, including contracts for a fixed price, cost plus a fixed fee, incentive contracts, and contracts providing for the issuance of job or task orders, leases, letter contracts and purchase orders. Contracts also include Amendments, modifications and supplemental agreements with respect to any of the foregoing. Every Contract must be duly authorized and approved prior to execution.



- M. **CONTRACT EXTENSION** means an Amendment to a Contract that includes an increase in the term of a Contract, for which no options to renew the Contract beyond the current expiration date exist.
- N. **CONTRACT RENEWAL** means an exercise of an approved, existing option to increase the term of a Contract. Options to renew a Contract are often done in annual increments.
- O. **COOPERATIVE PURCHASE** means a group of public entity purchasers organized for the purpose of creating contracts or pricing agreements in order to take advantage of group or quantity buying discounts or special pricing from which members of the group can benefit.
- P. **EMPLOYEE** means an individual drawing a salary or wage from the City whether on a full-time or part-time basis. The term shall encompass all members of the City Council without regard to whether or not such individuals are compensated. For purposes of this Purchasing Policy the term “employee” shall include, any Vendor or any employee of such Vendor who has entered into a Contract with the City to provide administrative and department services contemplated in Section 2.12 of the Charter of the City.
- Q. **EMERGENCY PROCUREMENT** means any procurement of Goods, Capital Assets, Services or Professional Services in the context of an Emergency.
- R. **EMERGENCY** means a situation that occurs suddenly and unexpectedly and demands immediate action to prevent delays which may vitally affect the health, safety or welfare of the public or City Employees and affects the continuation of services to the citizens, and/or serious loss or injury to the City. Emergency shall also mean a condition, malfunction, or occurrence in which the immediate procurement of an item (i.e. Good, Services, or Professional Service) is essential to comply with regulatory requirements.
- S. **ENVIRONMENTALLY PREFERABLE GOODS AND SERVICES** means Goods and Services that have a lesser or reduced negative effect on human health and the environment when compared with competitive Goods and Services that serve the same purpose.
- T. **GEORGIA PROCUREMENT REGISTRY** means the state’s central bid registry established by the Department of Administrative Services, which provides a public listing of solicitations posted by state entities and local governments.
- U. **GIFTS or FAVORS** means anything of any service or value. Value shall as defined in any City of Stonecrest ethics policy.
- V. **GOODS or COMMODITIES** means supplies, apparatus, materials, equipment and other forms of tangible personal property used by a City department in the accomplishment of its responsibilities other than Capital Assets.
- W. **GOVERNING AUTHORITY** means the Mayor and City Council of the City of Stonecrest or its designee(s).



- X. **INFORMAL WRITTEN QUOTES (IWQ)** means all documents utilized for soliciting quotations for Goods, Services, or Professional Services, in which award is made based on the lowest responsive and responsible quotation and in which the type or cost of the procurement does not require a more formal Bid or proposal process.
- Y. **INVITATION FOR FORMAL BID (IFB)** means all documents utilized for soliciting bids, including those attached or incorporated by reference. These include a scope of work and all contractual terms and conditions applicable to the procurement. Bids are requested when requirements are clearly defined, price is the major determining factor for award, and a formal sealed submittal is required.
- Z. **LATE BID/PROPOSAL** means a Bid or proposal received after the time or date such bid or proposal was due, as stated in the Solicitation Documents.
- AA. **LIFE CYCLE COST ASSESSMENT** means the comprehensive accounting of the total cost of ownership, including initial costs, energy and operational costs, longevity and efficacy of service and disposal costs.
- BB. **MULTIPLE AWARD CONTRACT** means a Contract based upon one solicitation awarded to two or more Vendors to supply Goods or Services.
- CC. **NEGOTIATED AWARD** means a procurement made as the result of negotiations between the City and a Supplier, such as a Sole Source Procurement or Single Source Procurement or another instance, including competitive Invitation to Negotiate, where a Contract award based on direct negotiations with a Supplier of Goods or Services is appropriate.
- DD. **OFFICIAL** means any City elected or appointed person who holds office or any person appointed by the mayor and council of the City to serve on (1) the planning commission of the City, (2) any board or commission of the City having quasi-judicial authority; and, (3) any authority created by the City, either individually or jointly with other local governments pursuant to Georgia law.
- EE. **ORDINANCE** means related Administration Ordinance in Chapter 2 of the City's Municipal Code.
- FF. **PAYMENT TERMS** means the established due date for payments by the City to pay an invoice. Absent any agreement otherwise stated, the City's payment term will be Net 30.
- GG. **PERFORMANCE BOND** means a bond provided by a contractor/supplier in which a surety guarantees to the City that the Goods or Capital Assets are delivered or the Services or Construction Services are performed in accordance with the Contract documents. A letter of credit issued by a financial institution that meets the City's requirements may, at the reasonable discretion of the City, be substituted for the performance bond.





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



by reference. These include a scope of work and all contractual terms and conditions applicable to the procurement. This method is used when factors in addition to price are considered for award.

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



all of the associated forms and documents of each solicitation, or any other types of documents used by the City to procure Goods, Services, Capital Assets, Real Estate, Construction Services or Professional Services.

BBB. SPECIFICATION OR SCOPE OF WORK means any description of the physical or functional characteristics, or of the nature of Goods, Services, Capital Assets, Real Estate, Construction Services or Professional Services. Specifications or Scope of Work may include any function and other criteria that will be required to perform the work and a description of any requirement for inspection, testing, or delivery.

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

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

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

## **SECTION II – ETHICS IN PROCUREMENT**

Every person, business, or entity involved in the procurement process must adhere to a high standard of ethics. Each will be bound by the City Code of Ethics and this Section II. Whenever this Section II conflicts with the City Code of Ethics, the City Code of Ethics shall control.

### **A. Employee Conflict of Interest**

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

1. The Employee or Official or immediate family of such Employee or Official has a substantial interest pertaining to the procurement Contract, except that the purchase of Goods and Services from businesses which a member of the City Council or other City Employee has a substantial interest is authorized as per O.C.G.A. § 36-1-14, or the procurement Contract is awarded pursuant to O.C.G.A. § 45-10-22 and § 45-10-24, or the transaction is excepted from said restrictions by O.C.G.A. § 45-10-25, interpreting such statutes as if they were applicable to a municipality.



2. Any other person, business or organization with whom the Employee, Official or immediate family of such Employee or Official is negotiating or has an arrangement concerning prospective employment is involved in the procurement Contract.
3. An Employee, Official or any immediate family of such Employee or Official who holds a substantial interest in a disclosed blind trust shall not be deemed to have a conflict of interest with regard to matters pertaining to that substantial interest.
4. All Employees and Officials will be asked to sign a disclosure document indicating his or her compliance with the City Ethics Policy.
5. The terms “immediate family” and “substantial interest” shall have the meaning given to such terms in the City Code of Ethics.

**B. Gratuities, Rebates or Kickbacks**

1. *Gratuities and other benefits.* It shall be unethical for any Employee or Official to directly or indirectly solicit, demand, receive, accept, or agree to receive any gratuity, reward, offer of employment, services, or thing of value from any person, business, or entity in connection with any award, decision, approval, disapproval, recommendation or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a Contract or subcontract, or to any solicitation or proposal.

It shall further be unethical for any person, business, or entity to offer, give, or agree to give or offer to give any Employee or Official any gratuity, reward, offer of employment, services, or thing of value with the purpose of influencing any award, decision, approval, disapproval, recommendation or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a Contract or subcontract, or to any solicitation or proposal.

- i. A “thing of value” shall not include:
  - a. Any gift with a value less than \$100.00;
  - b. Food or beverage consumed at a single meal or event;
  - c. An award, plaque, certificate, memento, or similar item given in recognition of the recipient's civic, charitable, political, professional, or public service;
  - d. Promotional items generally distributed to the general public or to public officers;
  - e. Rebates normally or routinely offered to customers in the ordinary course of business of such person, business or entity for



the purchase of their Goods and Services are acceptable and are the property of the City; and

f. Educational events, materials, and meals as described in subparagraph (ii).

ii. *Educational Events.* Nothing in this section shall preclude an Employee or Official of the City from attending seminars, courses, lectures, briefings, or similar functions at any person, business, or entity's facility or at any other place if any such seminar, course, lecture, briefing, or similar function is for the purpose of furnishing the Official, Employee, or Agent with knowledge and information relative to the person, business, or entity's products or services and is one which the City Manager determines would be of benefit to the City. In connection with any such seminar, course, lecture, briefing, or similar function, nothing shall preclude the Employee or Official from receiving meals or educational materials and business related items of not more than nominal value from a person, business, or entity. However, no Employee or Official shall accept or receive free travel or lodging for less than the value thereof from a person, business, or entity.

2. *Kickbacks and Rebates.* It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a Contract to the prime contractor or higher tier subcontractor, or any person associated therewith, as an inducement for the award of a subcontract or order.

3. *Contract Clause.* The prohibition against gratuities, rebates and kickbacks prescribed in this Section shall be referenced in every Contract and Solicitation.

C. Prohibition Against Contingent Fees

It shall be unethical for any Person to be retained, or to retain a Person, to solicit or secure a Contract upon any agreement or understanding for a contingent fee, except for agreements with manufacturer representatives, or agents, including, but not limited to, commercial services sales agents engaged in the business of soliciting contracts on behalf of Vendors. A "contingent fee" as used in this subsection C, means any commission, percentage, brokerage, or other fee that is contingent upon the success that a Person has in securing a city Contract.

D. Use of Confidential Information

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

E. Unauthorized Purchases

No purchases of Goods and Services shall be made in the name of the City or one of its departments, except such as is required for official use by the City or one of its departments.



Purchases in the name of the City or a department for personal use by an individual or for other than official use are prohibited, and no City funds will be expended or advanced therefore.

F. Penalties and Sanctions

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

G. Vendor Contact During Open Solicitations

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



### **SECTION III – PURCHASING AGENT**

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The City Council appoints the City Manager, or such other Employee designated by the City Manager, to serve as the Purchasing Agent for the City, until such time an independent third party is appointed and contracted by the City Council to serve as the Purchasing Agent under the direction and control of the City Manager.

#### **A. Duties and Responsibilities**

The Purchasing Agent shall faithfully discharge the following duties and powers of said office:

1. Direct efforts to procure Goods, Capital Assets, Real Estate, Services, Construction Services and Professional Services in accordance with the requirements of this Purchasing Policy, the Code of the City of Stonecrest and Georgia law.
2. Arrange and negotiate the purchase or Contract for all equipment, supplies and contractual services for the City or any using agency; arrange and negotiate for the sale or otherwise dispose of all surplus equipment and supplies or real estate of the City or any using agency, in accordance with the requirements of this Purchasing Policy, the Code of the City of Stonecrest and Georgia law.
3. Manage and supervise purchasing staff.
4. Control and supervise all City storerooms and warehouses.
5. Maintain and adhere to all City purchasing procedures and the Purchasing Policy.
6. Recommend revisions to the Purchasing Policy and related procedures to provide for compliance with laws related to bidding, Contracting and Purchasing as set forth in the State of Georgia Code and Regulations, by examining the applicable laws and developing procedures for bidding, Contracting and procurement processes. Revisions to this Purchasing Policy shall be subject to the approval of City Council.
7. Plan and implement processes for the ongoing protection of the City's interests.
8. Establish guidelines, within the Purchasing Policy, governing the review and approval of specifications for procurement of Goods, Capital Assets and Services based on recyclability, energy and water conservation, life cycle cost, and other environmental considerations.



9. Maintain an inventory record of all materials, supplies, software, or equipment stored in city storerooms, warehouses, and elsewhere, including monthly reports to the Finance Director that include:
  - a) Titles of all formal solicitations and the method of source selections to be used.
  - b) Contracts authorized by the City Council, the method of source selection used and the total dollar amount.
  - c) Emergency Contracts awarded pursuant to Section 1.03 of the City's Charter.
  - d) Change orders or Contract modifications authorized by the City Council and the dollar amount and reason.
  - e) Amendments or change orders authorized by the Purchasing Agent and the dollar amount and reason.
  - f) Explanation of any changes, and the costs involved, in the scope of services made between the time a Contract is awarded and the time that the Contract is authorized by the City Council.
  - g) Documentation of the types, quantities, and dollar amounts of environmentally preferable Goods (including the percentage of post-consumer and total recovered material content) and Services purchased. The report shall also include dollar amounts of non-environmental or conventional Goods and Services, identify and discuss instances where this policy is waived or its requirements found impracticable, and highlight barriers to the procurement of environmentally preferable Goods and Services, if applicable.
10. Secure all necessary approvals of the City Manager or its designee, and the City Council prior to execution of a Contract or purchase agreement.
11. Determine the most advantageous method of procurement in accordance with the requirements of this Purchasing Policy, the Code of the City of Stonecrest and Georgia law.
12. Ensure that all Contracts are reviewed and approved by the City Attorney pursuant to Section 3.08 of the City Charter.
13. Ensure Council is notified as soon as reasonably possible of all upcoming and active competitive procurements.
14. Whenever possible, utilize City-generated and City Attorney-approved standard goods/services purchasing agreements.





15. Consult with the City Attorney if a contracting party breaches or is reasonably anticipated to breach its Contract with the City.
16. Where in the best interest of the City, require Bid/Proposal Bonds, insurance and other forms of protection for the City on the process of procuring Goods, Capital Assets, Services and Construction Services for the City.
17. Terminate solicitations for bids for any Goods, Capital Assets, Services, Construction Services and Professional Services when, in the opinion of the Purchasing Agent, it is in the City's best interest to do so.
18. Reject any and all bids, when in the opinion of the Purchasing Agent it is in the City's best interest to do so.
19. Advise the Finance Director and City Manager on the status of negotiations, as well as Contract provisions and their impacts on the City.
20. Make recommendations on Contract approval, rejection, Amendment, and cancellation.
21. Provide Contract administration and supervision of Contracts. Such tasks shall include, but not be limited to, monitoring Amendments, obtaining applicable insurance certificates and monitoring applicable progress.
22. Provide and update all forms to procure Goods, Services, and Professional Services, as needed.
23. Administer the use of city purchasing cards in compliance with the Purchasing Card Policy which is attached as Appendix B hereto and incorporated herein by reference. The use of all city issued purchasing cards shall be governed by the Purchasing Card Policy.

#### **SECTION IV – PROCUREMENT PROCESS**

The procurement process begins when the need to obtain goods or services is identified. All functions that pertain to the acquisition, including competitive procurement, contract negotiation and award, and all phases of contract administration are included in the procurement process.

A. **Purchase Requisition**

Requisitions are necessary to initiate the procurement process. A Requisition is essentially a request to purchase Goods, Capital Assets, Services, Construction Services or Professional Services. *See* Appendix C for sample Requisition form. It lets the Purchasing Agent know, in detail, what the Using Department/Division (“User”) needs and whether the purchase or expenditure is authorized. In general, Users must prepare Requisitions for all procurements within the scope of this policy that exceed \$2,499.99.



The following steps shall be completed to initiate the procurement process:

1. *Determine Need:* The User is responsible for determining the need for a good or service and providing appropriate documentation and justification therefor, including a purchase requisition.
2. *Determine Funding:* The User is responsible for ensuring budget availability. Specific budget account numbers must be on the purchase requisition.
3. *Determine Specifications:* The User is responsible for determining the quantity, quality, dimensions, duration and all other necessary specifications essential to the determination of what is to be procured. The specifications must, where applicable, conform to the approved City standards for identity and continuity.
4. *Prepare Requisition:* Requisitions shall be prepared far enough in advance that the Purchasing Agent can obtain competitive prices and the Vendor has enough time to make the delivery. A Requisition must contain the following information, where applicable to the goods or services sought:
  - a) User's information – name and contact information of the department/division and Employee preparing the purchase Requisition.
  - b) Date issued – the date the Requisition is prepared.
  - c) Need date – must state a definitive delivery date or date/duration of service (lead time of at least one week, must be allowed).
  - d) Complete description and specifications of goods or services.
  - e) Quantity.
  - f) Estimated cost.
  - g) Delivery destination.
  - h) Complete budget account number.
  - i) Previous purchase information, quotation, or contract (if known).
  - j) Known or suggested Vendor(s).
  - k) Authorized Approval – must include signature from department director and Finance Director.



5. *Routing the Requisition.* After preparing the Requisition, Users shall transmit the Requisition to the following stations:
  - a) Departmental Authorization- the department director shall certify that the Requisition is authorized.
  - b) Finance Department- the Finance Director shall certify, by signature, that the proper account was listed and the availability of budgetary funds.
  - c) Purchasing Office - the Purchasing Agent shall process the Requisition and obtain all necessary approvals.
6. *Acceptance of Procured Item or Service:* Within 24 hours, the User is responsible for advising the Purchasing Office in writing on a receiving report the receipt of the Goods procured and whether or not such Goods are found to be unsatisfactory. All returns of Goods or Capital Assets must be initiated by the User through the Purchasing Agent. Additionally, all Amendments or cancellation to any agreements must be made by the Purchasing Agent.

**B. Purchase Orders and Contracts**

1. The Purchasing Agent shall issue Purchase Orders for all approved Requisitions.
2. If a Contract is required or appropriate, all negotiations of agreements for Goods and Services shall be conducted by the Purchasing Agent. It is recognized that special situations may exist where there is a special need for the User to be involved in the negotiation process. This must be in conjunction with the Purchasing Agent at all times. The Purchasing Agent will make final recommendation for agreements.
3. The Purchasing Agent will review the Contract for form, completeness, insurance considerations, legal implications, and any other items dictated by each situation. The Contract will then be sent to the User and approved by the Department Director and returned to Purchasing.
4. All Contracts not arising out of the proprietary functions of the City shall conform with O.C.G.A § 36-60-13.
5. It is the responsibility of the Purchasing Agent to secure all necessary approvals prior to execution of a Contract or purchase agreement.
6. Once the Contract is officially executed, the original of the Contract will be filed in the City Clerk's office.
7. Once a Contract is awarded by the City, the Contract may be amended, without the necessity of rebidding such Contract, provided the original Contract amount and the



scope of the Contract is not substantially altered. The Purchasing Agent will review all change orders. Change orders will be processed to correct the account distribution, quantity, addition/deletion of line items, change in description and unit price. If a quoted price of the change order more than \$2,500.00, or 5% of the contract amount, shall require additional Requisition and approval from all necessary parties pursuant to the Purchasing Thresholds. The Purchasing Agent cannot use the change order process to circumvent the Purchasing Policy. Change orders cannot substantially change the scope of the Contract.

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**SECTION V – PURCHASING THRESHOLDS**

The following dollar amounts and approvals apply to all city departments.

**(1) PURCHASING THRESHOLDS MATRIX**

	<b>Procurement Method*</b>	<b>Required Approvals**</b>	<b>Amendments/Change Orders</b>
<b>≤ \$2,499.99</b>	No Requisition/Purchase Order necessary.	1. Department Director	Increases greater than 5% or \$2,500 (excluding any contingency) require additional Requisition and approval from all necessary parties
<b>\$2,500 - \$9,999.99</b>	Three verbal quotes - Requisition, Purchase Order, and/or Contract as appropriate	1. Department Director 2. Finance Department 3. Purchasing Agent 4. City Attorney (contracts)	
<b>\$10,000 - \$24,999.99</b>	Competitive Procurement: Informal Solicitation - Requisition, Purchase Order, and/or Contract as appropriate	1. Department Director 2. Finance Department 3. Purchasing Agent 4. City Manager 5. City Attorney (contracts)	
<b>\$25,000 &amp; &gt;</b>	Competitive Procurement: Formal Solicitation - Requisition, Purchase Order, and/or Contract as appropriate	1. Department Director 2. Finance Department 3. Purchasing Agent 4. City Manager 5. City Attorney (contracts) 6. City Council	



\* The Procurement Methods listed above are not applicable to Sole Source Procurement, Single Source Procurement, Emergency Procurement, Cooperative Purchasing, and Real Estate Acquisition. *See* Section VII (Noncompetitive Procurements). Notwithstanding this exclusion, the Required Approvals must still be obtained based on the applicable purchasing threshold unless otherwise provided in Section VII.

\*\* City Council approval always required if purchase not within annual budget.

## (2) PURCHASING THRESHOLDS EXPLAINED

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Though competitive procurement may not be required under the applicable purchasing threshold, the Purchasing Agent may require the purchase to be competitively procured if he or she deems it necessary to best serve the interests of the City.

- A. Small purchases may be made up to **\$2,499.99** without bids. Department Director may approve said small purchases if within annual budget. User shall attempt to obtain the Goods, Capital Assets, Services, Construction or Professional Services most advantageous to the City, price and other factors considered. A Purchase Order is not necessary unless the vendor requires such. In the event a Purchase Order is required, the User must provide a Requisition to the Purchasing Agent for processing. This must be approved by the Purchasing Agent and Finance Department. If a contract is involved, it may be executed by the City Manager or Mayor without need of review by the City Attorney.
- B. Purchases from **\$2,500 - \$9,999.99** will require a Requisition, Purchase Order, and a minimum of three verbal quotes. If after due diligence, the User cannot reasonably find a third quote, the Purchasing Agent can waive the quote requirement if presented with sufficient written justification from User. The Department Director, Purchasing Agent, and Finance Director must approve the purchase. The Purchasing Agent shall attempt to obtain the Goods, Capital Assets, Services, Construction or Professional Services most advantageous to the City, price and other factors considered. If a contract is involved, it must be reviewed and approved by the City Attorney and may be executed by the City Manager or Mayor.
- C. Purchases from **\$10,000 - \$24,999.99** will require a Requisition, Purchase Order, and a minimum of three informal quotes/bids/proposals. *See* Informal Solicitations, Section VI (1). If after due diligence, the User cannot reasonably find the required quotes/bids/proposals, the Purchasing Agent can waive the quote requirement if presented with sufficient written justification from User. The Department Director, Purchasing Agent, Finance Director, and City Manager must approve the purchase. If a contract is involved, it must be reviewed and approved by the City Attorney and may be executed by the City Manager or Mayor.
- D. Purchases from **\$25,000 and greater** will require a Requisition, Purchase Order, and formal solicitation. *See* Formal Solicitations, Section VI (2). The Department Director, Purchasing Agent, Finance Director, City Manager, and City Council must approve the purchase. If a contract is involved, it must be reviewed and approved by the City Attorney and executed by the Mayor.



- E. *State/Federal Grants or Funds*. Periodically, the City may be given private/public grants and donations from sources such as the State and Federal Government and private corporations. These types of solicitations are more restrictive and may dictate the procurement process and methodology that the City is to follow for an award. *See Projects* ~~See Projects~~ Using Federal Aid Highway Program (FAHP) Funding, Section VIII. Both federal and state procurement supersedes the purchasing requirements of the City when buying goods and services using federal or state grant monies. Departments should refer to the Federal Acquisition Regulations for guidance on specific federal procurement policies.

## **SECTION VI – COMPETITIVE PROCUREMENTS**

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### **(1) INFORMAL SOLICITATIONS**

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Requests for informal quotes, bids, and proposals are Informal Solicitations (“IS”) that are prepared and issued with the goal of obtaining competitive responses. Informal Solicitations shall be used for all Purchases from **\$10,000 - \$24,999.99**, unless otherwise provided by this policy. The steps to complete an IS are outlined below. Unless otherwise provided, the responsibility for these steps shall fall on the User:

- A. Prepare Requisition and Develop specifications, scope of work, etc. for all goods and services being requested. Upon finalization of the specifications, prepare any documents required by the IS and send to Purchasing Agent for approval.
- B. Use the Formal Solicitation Process if the Purchasing Agent deems it necessary to serve the best interests of the City.
- C. After specifications are approved by the Purchasing Agent, send a copy of the specifications to the identified Vendors.
- D. *Public Notice*. The Purchasing Agent shall, at a minimum, post a copy of the IS on the City’s website, and provide any additional public advertisement if required by law.
- E. Purchasing Agent and User shall evaluate the responses to the IS. On or after the due date indicated in the IS, the Purchasing Agent shall determine which quote, bid, or proposal best serves the City’s interests. Tie informal quotes/bids shall be handled in the same way as tie formal bids. A split or partial award may be given to the lowest cost provider of each item or reasonable grouping of items if:
  1. The IS requires multiple Goods or Services;



2. More than one Vendor provides a quote/bid/proposal that meets the specifications for the Goods or Services;
3. A price comparison can be made between the Goods or Services; AND
4. An acquisition, delivery, and other requirements can be reasonably administered.

F. Amend Requisition and include authorized approvals.

G. Purchasing Agent shall prepare and issue Purchase Order or Contract, where appropriate.

## **(2) FORMAL SOLICITATIONS**

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All purchases from **\$25,000 and greater** require a formal solicitation. The Purchasing Agent shall determine the method of formal solicitation is appropriate for the subject purchase. A Bid/ Proposal Bond or Performance Bond may be required for any solicitation.

### A. Invitation for Formal Bids

Invitation for Formal Bids (IFB) are prepared and issued with the goal of obtaining competitive responses in the procurement of Goods, Capital Assets, Services and Construction Services. The process to initiate and complete an IFB is outlined below:

1. User prepares Requisition and develops specifications, scope of work, etc. for all goods and services being requested.
2. Upon finalization and approval of the specifications, Purchasing Agent shall prepare any documents required for the IFB.
3. *Public Notice.* The Purchasing Agent shall advertise the IFB on the City's website, at City Hall, and provide additional public advertisement if required by law. Said public notice shall include such details and specifications as will enable the public to know the extent and character of the IFB, and shall be advertised a minimum of thirty (30) calendar days prior to the date set for bid opening, unless it can be demonstrated that an Emergency exists, pursuant to Section VII (D) Emergency Procurement. In such event, the requirement for public notice may be reduced by the Purchasing Agent.
4. *Correction/Withdrawal of Bids.* Correction or withdrawal of inadvertently erroneous bids is permitted in accordance to the terms indicated within the IFB; however, minor irregularities may be waived by the Purchasing Agent. No bid may be withdrawn for a period of ninety (90) days after the time scheduled for bid opening, or as otherwise stated in the IFB.



5. *Opening Sealed Bids.* Bids shall be opened in the presence of the Purchasing Agent or the designee of the Purchasing Agent and at least one other witness at the time and place designated in the Invitation for Bids. All relevant information, including each Bid amount and Bidder's name, will be recorded on a summary sheet. Late bids will be rejected and returned unopened. Interested persons shall have access to information regarding procurement transactions of the City in accordance with City policy and the Georgia Open Records Act, O.C.G.A. § 50-18-70 *et seq.*
6. *Evaluation of Bids.* Bids will be evaluated based on the qualification factors set forth in the IFB, which may include criteria to determine acceptability of Goods or Capital Assets (for example, inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose). Criteria for the acceptability of Goods or Capital Assets shall be used to determine whether particular Goods are responsive to the IFB, and not to determine the relative desirability between acceptable Goods or Capital Assets. The City reserves the right to waive any informalities or irregularities of bids, to request clarification of information submitted in any bid, to further negotiate with the Responsive and Responsible Bidder selected for Contract award, or to reject any or all bids for any reason whatsoever.
7. *Contracts.* The Bid may require a Contract. Once the proposed contract terms, exceptions, and/or modifications are reviewed and approved by the City Attorney, the Purchasing Agent may submit his or her recommendation and the proposed Contract to the City Council for approval and award.
8. *Award of Bids.* The Purchasing Agent shall submit his or her recommendation and proposed Contract to the City Council for approval and award. The Bid will be awarded, if an award is made, to the Responsible and Responsive Bidder offering the lowest price whose bid meets the requirements and criteria set forth in the IFB. The Contract shall be approved by City Council prior to execution and/or performance.
9. Upon the award of bid, User amends Requisition and Purchasing Agent shall prepare a Purchase Order or Contract, if appropriate.
10. *Split/Partial Awards.* Split or partial bid awards may be awarded with the same guidelines and restrictions as those provided for split or partial Informal Solicitations.
11. *Tie Bids.* In the event two or more identical bids are received, the following procedure will be used when the basis of award is low bid:
  - (i) A tie Bidder whose products are manufactured in Georgia would be recommended to the City Council for an award, over a Tie Bidder without products manufactured in Georgia. *See* Section IX (1).





- (ii) If the procedures in (i) above do not result in an award, then the tie Bidder who has environmentally preferable goods and services would be recommended to the City Council for an award. *See* Section IX (2).
- (iii) If the procedures in (i) and (ii) above do not result in an award, then to the extent permitted by law, a tie Bidder having an office within the limits of the City would be recommended to the City Council for an award over one without an office in the City. A Person within the state of Georgia would be recommended to the appropriate approving authority for an award over one without an office in Georgia.
- (iv) If the procedures in (i) through (iii) above do not result in an award, the tie Bidders will be contacted and advised of the tie and asked if they wish to reduce their bid in writing submitted in a sealed envelope to be opened at the time and place stated by the Purchasing Agent or the designee of the Purchasing Agent. If one or more of the tied Bidders agrees to participate, award will be made to the new low bid. If none of the tied Bidders agree to participate or if the new bids are tied, then City staff shall break the tie by following the procedures described below, as necessary.
- (v) If all of the procedures above do not result in an award, then, the Purchasing Agent or the designee of the Purchasing Agent in the presence of at least two witnesses will flip a coin one time. Award to the winner of the coin flip will be recommended to the City Council.

**B. Request for Proposals (RFP)**

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

1. User prepares Requisition and develops specifications, scope of work, etc. for all goods and services being requested.
2. Upon finalization and approval of the specifications, Purchasing Agent shall prepare any documents required for the RFP.
3. *Public Notice.* The Purchasing Agent shall advertise the RFP on the City's website, at City Hall, and provide additional public advertisement if required by law. Said public notice shall include such details and specifications as will enable the public to know the extent and character of the RFP, and shall be advertised a minimum of thirty (30) calendar days prior to the date set for opening proposals, unless it can be demonstrated that an Emergency exists, pursuant to Section VII (D). In such event, the requirement for public notice may be reduced by the Purchasing Agent.



4. *Correction or Withdrawal of Proposals.* Correction or withdrawal of proposals is permitted in accordance with instructions contained within the RFP. No proposal may be withdrawn for a period of ninety (90) days after the time scheduled for proposal opening, or as otherwise stated in the RFP.
5. *Opening Sealed Proposals.* Proposals shall be opened publicly by the Purchasing Agent, in the presence of one or more witnesses at the time and place designated in the RFP. A register of proposals is prepared that lists each Proposer's name. Late proposals will be rejected and returned unopened.
6. *Evaluation of Proposals.* The RFP will identify the criteria to be considered and evaluated as the basis of award. Proposals submitted by Responsible and Responsive Proposers are evaluated by Purchasing Agent or the designee of the Purchasing Agent based upon the criteria applicable to the RFP. All proposals (or the most acceptable proposals in the discretion of any committee evaluating proposals) will be ranked in order of their acceptability to the City, giving consideration to the criteria.
7. *Contract Award.* Once the proposed contract terms, exceptions, and/or modifications are reviewed and approved by the City Attorney, the Purchasing Agent may submit his or her recommendation and the proposed Contract to the City Council for approval and award. The Contract award will be awarded, if award is made, by the City Council to the Responsive and Responsible Proposer whose proposal is determined, in the City's exclusive discretion, to be the most advantageous to the City, taking into consideration price, qualifications, and other factors as indicated in the RFP. Unless otherwise provided by law, the City has no obligation to award the Contract to the Proposer who proposes the lowest price.
8. *Public Access to Proposal Documents.* Interested persons shall have access to information regarding procurement transactions of the City in accordance with City policy and the Georgia Open Records Act, O.C.G.A. § 50-18-70 *et seq.* All meetings of the City's Council are duly noticed public meetings and all documents submitted to the City as a part of or in connection with a Proposal may constitute public records under Georgia law regardless of any person's claim that proprietary or trade secret information is contained therein. Unless otherwise provided herein, by submission to the City, Proposers waive any claim to the proprietary nature of submitted information. The Proposer may designate in the smallest increments possible, that part of the qualifications which is deemed to be proprietary, which, subject to the City's reasonable determination, shall be redacted for purposes of the public agenda. Proposals and all related correspondence are governed by the Georgia Open Records Act and shall be provided to anyone properly requesting same, after contract award. The City cannot protect proprietary data submitted in vendor proposals unless provided for under the open records law and clearly marked as proprietary by the Proposer. In the event the Proposer deems certain



information to be exempt from the disclosure requirements, the Proposal must specify what content is considered exempt and cite the applicable provision of the law to support that assessment. In the event such information is requested under the open records law, the Proposer's assessment will be examined by the City Attorney who will make a determination. The decision to withhold or release the information will be at the City Attorney's sole discretion.

C. Request for Qualifications

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

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

D. Multi-step Solicitation

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

1. The City may request that priced proposals be submitted in two separate envelopes, with pricing information contained in one envelope and all other requested information contained in the other envelope. In such case, proposals will be evaluated in accordance with the requirements set forth in the RFP, initially without regard to price and without opening the envelope containing pricing information. Based on such evaluation, the City will establish a field of at least three (if possible and available) qualified or most qualified Proposers. The City may conduct interviews with Proposers to aid in the identification of qualified or most qualified Proposers. In the event the City conducts interviews with Proposers,



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

2. After establishing a field of qualified or most qualified Proposers, the City will open the pricing envelopes of only the qualified or most qualified Proposers, and evaluate such pricing information in the manner described in the RFP for purposes of recommending/making an award (e.g. most advantageous proposal, price and other factors considered or low price submitted by qualified Proposers). In the absence of specific instructions to the contrary in the RFP, pricing information will be evaluated together with all other information required by the RFP for purposes of selecting among the qualified field of Proposers the most advantageous proposal, price and other factors considered.

### **(3) SOLICITATIONS REQUIRING PUBLIC NOTICE IN GEORGIA PROCUREMENT REGISTRY (GPR)**

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The GPR is the state's central bid registry established by the Department of Administrative Services (DOAS) and managed by the agency's State Purchasing Division (SPD). The registry provides for the advertising of bid opportunities by state and local governments to ensure transparency and offer market competition.

- A. The City shall advertise all bid or proposal opportunities for **goods, services, or both** that are valued at **\$100,000.00 or more** in the GPR for a minimum of thirty (30) calendar days prior to the date set for opening bids/proposals. Each advertisement shall include such details and specifications as will enable the public to know the extent and character of the bid or proposal opportunity. *See* O.C.G.A. § 36-80-27.
- B. The City shall advertise all contract opportunities for **public works construction** that are valued at **\$100,000.00 or more** in the GPR for at least four continuous weeks prior to the opening of the sealed bids or proposals, unless otherwise provided by O.C.G.A. § 36-91-20.
- C. The Purchasing Agent may adopt procedures requiring additional bid or proposal opportunities to be advertised on the GPR.

### **SECTION VII – NON-COMPETITIVE PROCUREMENTS**

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The provisions of this policy section shall apply to the procurement of Goods, Capital Assets, Services, Construction Services or Professional Services, when the purchase does not exceed **\$9,999.99** or when the Purchasing Agent determines that competitive procurement is not practical, feasible, or possible. Notwithstanding any other provision, any Contract or subcontract entered into by the City with any Person for the construction, reconstruction, or maintenance of all or part of a public road in the City including, but not limited to, a Contract or subcontract for the purchase



of materials, for the hiring of labor, for professional services, or for other things or services incident to such work, shall be entered into in accordance with O.C.G.A. § 32-4-114.

A. Sole Source Procurement

The City may acquire Goods, Capital Assets, Services, Construction Services or Professional Services pursuant to a Sole Source Procurement. Sole Source Procurement is available when Goods, Services, or Professional Services are limited to one source, or when they must be obtained from a specific manufacturers' dealer and valid competition among dealers does not exist. No Sole Source Procurement shall be valid without the prior authorization of the Governing Authority. For each instance in which the use of Sole Source Procurement is proposed, the User must provide to the Governing Authority a written report that identifies the specific reasons justifying such use and shows the requirements stated herein are satisfied. The Governing Authority may authorize the use of Sole Source Procurement only if it determines that such use fully complies with the requirements stated herein.

B. Single Source Procurement

The City may acquire Services or Professional Services pursuant to a Single Source Procurement. A Single Source Procurement is a procurement made from one Person among others in a competitive market place which, for justifiable reasons, is found to be most advantageous for the purpose of fulfilling the given purchasing need. Single Source Procurement is available only if the following conditions exist:

1. The proposed use of Single Source Procurement concerns any of the following situations:
  - a. To obtain the Services or Professional Services of any Person for the purpose of serving in any appointed position identified in Article III of the City Charter; or
  - b. To obtain the Professional Services of any Person where such Person establishes to the User that:
    - i. Regarding the provision of such Professional Services, he has significantly more experience than other prospective providers or has unique knowledge and experience that no other prospective provider possesses;
    - ii. He has more historical knowledge of the particular issue/subject to be addressed by the procurement while other prospective providers have failed to demonstrate to the User that they have the same level of historical knowledge;
    - iii. In comparison to other prospective providers, he is particularly suited to provide the procurement as he and the City had a satisfactory business relationship in his earlier provision of such Professional Services to the City; or



- iv. He has the capacity and willingness to provide such Professional Services to the City in an emergency situation while other prospective providers have failed to demonstrate to the User that they have such capacity and willingness.
2. The Person desiring to provide the procurement has agreed, in writing, that he will not disclose to any third party any confidential information, trade secret or financial information of the City that he may obtain in the course of providing the procurement to the City.
3. The User has analyzed the current open, competitive market conditions regarding the provision of such Services or Professional Services and has determined that the price to be paid to the proposed provider is substantially similar to the current price in the open, competitive market for such Services or Professional Services.

No Single Source Procurement shall be valid without the prior authorization of the Governing Authority. For each instance in which the use of Single Source Procurement is proposed, the User must provide to the Governing Authority a written report that identifies the specific reasons justifying such use and shows the requirements stated herein are satisfied. The Governing Authority may authorize the use of Single Source Procurement only if it determines that such use fully complies with the requirements stated herein

#### C. Emergency Procurement

The City may acquire Goods, Capital Assets, Services, Construction Services or Professional Services by directly negotiating an award in the event of an Emergency. An Emergency exists when a situation occurs suddenly and unexpectedly and demands immediate action to prevent delays which may vitally affect the health, safety or welfare of the public or City Employees and affects the continuation of services to the citizens, and/or serious loss or injury to the City. Emergency also exists if a condition, malfunction, or occurrence in which the immediate procurement of an item (i.e. Good, Services, or Professional Service) is essential to comply with regulatory requirements.

The City Manager shall make the determination when an Emergency exists. Such emergency procurements shall be made with as much competition as is practicable under the circumstances.

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



As soon as practicable, a record of each Emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the Contract, a listing of the item procured under the Contract, and the identification number of the Contract file. Moreover, written determination of the basis for declaring the Emergency and for the selection of the particular Person for the provision of Goods, Capital Assets, Services, Construction Services or Professional Services shall be included in the Contract file. If the cost of the procurement is \$25,000 or more, City Council approval must be obtained at the next meeting following the emergency procurement.

D. Cooperative Purchasing

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

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

Prior to making any purchase, the Purchasing Agent or User shall obtain approval from all necessary parties pursuant to the applicable purchasing threshold.

E. Real Estate Acquisitions<sup>1</sup>

1. Compliance with Applicable Regulations

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

2. Confidentiality

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

3. Formal Approval

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<sup>1</sup> Reference Note- See O.C.G.A. § 36-37-1 et seq. for provisions governing the disposition of municipal property or acceptance of gifts, grants, or donations of property



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

4. Appraisals

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

5. Land Acquisition Procurement Process

- a. City staff will investigate and identify properties for purchase that generally meet an approved plan or strategy. Furthermore, land purchased with a specific funding source will only be used for such purposes anticipated and/or authorized. If the City determines that the land cannot be used for its intended purpose, the City may dispose of the property in a manner consistent with Georgia law and funds raised through the sale of the property will be used for future land purchases consistent with the purposes authorized.
- b. City staff may work with a Real Estate broker to gather information and make site visits related to properties under consideration for acquisition.
- c. City staff will regularly brief the City Council in Executive Session on properties the city is considering purchasing to receive direction on "terms and price" from the City Council.
- d. City staff will negotiate "Letters of Intent" with land owners on properties the City Council has provided staff with direction on "terms and price".
- e. City staff will conduct due diligence on the real estate to be purchased including at a minimum but not limited to:
  - i. Environmental testing (Phase I required, Phase II and specialized testing if warranted);
  - ii. Production of an ALTA survey of the property;
  - iii. Production of a MAI appraisal of the property;
  - iv. Complete title work on the property; and
  - v. Other reasonable due diligence activities as warranted.
- f. City staff will present the findings of the due diligence on the property to be purchased in executive session and may request a Resolution from the City Council authorizing the City Manager to execute any and all closing documents to complete the purchase of the property. (PUBLIC HEARING REQUIRED).





## **SECTION VIII – PROJECTS USING FEDERAL AID HIGHWAY PROGRAM (FAHP) FUNDING**

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

## **SECTION IX – PREFERABLE GOODS AND SERVICES**

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### **(1) PREFERENCE FOR PRODUCTS MANUFACTURED IN GEORGIA**

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

In determining whether such a preference is reasonable in any case where the value of a contract for or purchase of such supplies, materials, equipment, or agricultural products exceeds \$100,000.00, the City shall consider, among other factors, information submitted by the bidder which may include the bidder's estimate of the multiplier effect on gross state domestic product and the effect on public revenues of the state and the effect on public revenues of political subdivisions resulting from acceptance of a bid or offer to sell Georgia manufactured or produced goods as opposed to out-of-state manufactured or produced goods. Any such estimates shall be in writing. The City shall not divide a contract or purchase which exceeds \$100,000.00 for the sole purpose of avoiding these requirements.

### **(2) ENVIRONMENTALLY PREFERABLE GOODS AND SERVICES**

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- A. In determining which Goods, Capital Assets and Services to purchase, the City shall integrate environmental factors into the City's procurement decisions, when available and commercially practicable in the reasonable discretion of the User. Whenever possible or practicable, the City shall:
1. Purchase copy, computer, and fax paper with at least 30 percent post- consumer recycled content;
  2. Purchase non-emergency fleet vehicles that provide the best available net reduction in vehicle fleet emissions including, but not limited to, the purchase of alternative fueled and hybrid vehicles;



3. Consider purchasing lower emission emergency fleet vehicles with comparable specifications for performance, safety, and fuel availability during emergencies as conventionally-powered emergency fleet vehicles;
  4. Purchase at least Energy Star rated equipment and appliances for use in local government facilities when practicable based upon considerations of Life Cycle Costs;
  5. Purchase water-saving products, including WaterSense labeled, whenever practicable, including but not limited to, high performance fixtures such as toilets (1.28 gallons per flush or less), urinals (0.5 gallons per flush or less), low-flow faucets (1.5 gallons per minute or less), aerators, and upgraded high-efficiency irrigation systems;
  6. Replace disposable with re-usable, recyclable, or compostable Goods;
  7. Consider Life Cycle Cost Assessment; and
  8. Evaluate, as appropriate, the environmental performance of Vendors in providing Goods and Services.
- B. The analysis to determine environmentally preferable Goods and Services may include raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, disposal of products, or service delivery. Specifically, factors that should be considered by the User when determining that Goods have environmentally preferable attributes include, but are not limited to:
1. Minimization of virgin, unrecycled material used in Goods;
  2. Maximization of recycled materials used in Goods;
  3. Life cycle economics of Goods and Services;
  4. Reuse of existing Goods or materials in Goods;
  5. Recyclability, biodegradability and compostability of Goods;
  6. Minimization of packaging;
  7. Reduction of energy and fuel consumption;
  8. Reduction of water consumption;
  9. Toxicity reduction or elimination;
  10. Durability and maintenance requirements; and
  11. Ultimate disposal of the Goods.

## **SECTION X – PROTESTS, SUSPENSION, AND DEBARMENT**

### **A. Right to Protest.**



Any actual Bidder or Proposer who is aggrieved in connection with the formal solicitation or award of a Contract may protest to the City. Protestors shall seek resolution of their protests/complaints initially with the City Manager.

1. *Timeliness.*
  - a. Protests arising from factual or legal basis that the protestor knew or should have known prior to the submission of the bid/proposal must be submitted within three business days of the submission of the bid/proposal.
  - b. Protests arising from factual or legal basis that the protestor knew or should have known subsequent to the date the bid/proposal was submitted must be submitted within ten business days after the protestor knew or should have known of such basis, but in no event shall any protest be submitted more than ten business days after the award of the contract.
  - c. Untimely protests are invalid and shall be denied as such.
2. *Contents of Protest.* The protest shall, at a minimum, be in writing and include the following information:
  - a. Identity and contact information of protestor;
  - b. Appropriate identification of the subject solicitation or award;
  - c. Detailed statement of the legal and factual grounds of the protest;
  - d. Documentation supporting the protest and/or allegations;
  - e. Statement of the specific relief requested; and
  - f. Signed by an officer or person authorized to sign contracts on behalf of the protestor.
3. *Submission of Protests.* All protests shall be submitted to the City Manager via registered mail, overnight delivery, or hand delivery.
4. *Protest Resolution.* If a protest complies with subsections (1) through (3) above, the City Manager shall request a response from the Purchasing Agent. The Purchasing Agent's response will be returned to the City Manager within seven (7) business days from the submission of the protest. The City Manager is empowered to decide to uphold, dismiss or amend the decision of the Purchasing Agent.
5. *Decision on Protest.* The City Manager shall inform the protestor of the decision in writing within fifteen (15) business days of the submission of the protest or, if the City Manager requires more time to render a decision, the City Manager will advise the protestor within the initial ten (10) days of the additional amount of time required to render a decision.



6. *Appeals.* Any actual Bidder or Proposer who is aggrieved by the decision of the City Manager in connection with a protest shall file a notice of appeal with the City Manager and City Clerk within seven (7) days of receipt of the decision.
  - a. *Hearing.* The City Manager shall set a hearing date before City Council not more than thirty (30) days from the date of receipt of the notice. The City Clerk shall cause notice of the hearing date, time, and location to be served upon the parties by registered mail. At the hearing, all parties shall be provided a fair and impartial hearing and shall be allowed to offer argument as to whether the City Manager's decision should be affirmed or overturned. Said hearing will not be de novo, but shall be of an appellate nature.
  - b. *Decision.* Within seven (7) days of the hearing, the City Council shall issue a written decision on the appeal, which shall either affirm or reject the City Manager's decision. The City Clerk shall send a copy of the decision to the protestor(s) by registered mail.
  - c. *Finality.* A decision by the City Council under subsection 6(b) above shall be final and conclusive as to the City's appeal process. Any further action shall be through the court.
7. *Stay of Procurement.* In the event a protest complies with subsections (1) through (3) above, the Purchasing Agent shall not proceed with the further solicitation or award of the Contract until all administrative remedies have been exhausted, or the City Manager or City Attorney makes a determination that the award of the contract without delay is necessary to protect the interests of the City.

**B. Suspension and Debarment**

1. *Authority to Suspend or Debar.* After reasonable notice to the Person involved and reasonable opportunity for that Person to respond, the Purchasing Agent shall have the authority to initiate proceedings to suspend or debar a Person from doing business with the City. The City Manager shall have the authority to order suspension or debarment as provided herein.
2. *Causes for Suspension or Debarment.* The causes for suspension or debarment include:
  - a. Conviction for commission of a criminal offense as an incident to obtain or attempting to obtain a public or private contractor subcontract, or in performance of such contract or subcontract;
  - b. Conviction of state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property or any other



- offense indicating a lack of business integrity or business honesty which currently, seriously and directly affects responsibility as a city contractor;
- c. Conviction of state or federal antitrust statutes arising out of the solicitation and submission of bids or proposals;
  - d. Violation of contract provisions of a character which is regarded by the Purchasing Agent to be so serious as to justify suspension action, which includes but is not limited to the following:
    - i. Failure to perform in accordance with the specifications within a time limit provided in a city contract;
    - ii. A recent record of failure to perform or unsatisfactory performance in accordance with the terms of one or more contracts, provided, that failure to perform or unsatisfactory performance caused by acts beyond the control of the Person shall not be considered to be a basis for suspension; or
    - iii. Falsification of any documents.
  - e. Commission or solicitation of any act that would constitute a violation of the ethical standards set forth in this Purchasing Policy and the City's Code of Ethics.
  - f. Any other cause that is serious and compelling as to affect the Person's responsibility as a city vendor, including debarment or suspension by another government entity.
3. *Initiation of Suspension or Debarment Action.* When the Purchasing Agent receives information from any source concerning a cause for suspension or debarment, he or she will promptly investigate the matter. If the Purchasing Agent finds cause that suspension or debarment is warranted, the Purchasing Agent shall prepare a written determination detailing the grounds for and length of the proposed suspension or debarment. Written notice of a proposed suspension or debarment action shall be sent by registered mail to the Person subject to the action, and shall also be sent to the City Manager and City Attorney.
4. *Review of Proposed Suspension or Debarment.* Within fifteen (15) days of receiving said notice, the Person subject to the action shall submit any and all responsive records or documents in defense of the proposed suspension or debarment to the City Manager. Failure to submit a timely written response shall result in a waiver of review.
5. *Final Decision.* After consultation with the City Attorney, the City Manager shall issue a final decision, which shall adopt, amend, or reject the proposed suspension or debarment. When suspension or debarment is ordered, the length of the suspension or debarment, the reasons for such action and to what extent affiliates are affected shall be set forth in writing and sent by registered mail to the Person subject to the action.



6. *Effect of Suspension or Debarment.* A suspension or debarment decision shall take effect upon issuance and mailing of written notice of such decision to the Person subject to the action. After the suspension or debarment takes effect, the Person shall remain suspended or debarred until the period specified in the decision expires.
7. *Duration of Suspension/Debarment.* Suspensions shall be for a period not to exceed 120 days. Debarment shall be for a period not to exceed three years, unless cause is based on a felony conviction for an offense related or associated with fraudulent contracting or misappropriation of funds. In such event, the debarment shall be for a period not to exceed seven years.
8. *List of Suspended/Debarred Persons.* The Purchasing Agent shall create and maintain a list of all suspended and debarred Persons. All departments shall be routinely supplied with said list.

## **SECTION XI – PROPERTY DISPOSAL**

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### **A. Compliance with Applicable Regulations**

The disposal of municipal property shall conform to applicable federal, state (*e.g.* O.C.G.A § 36-37-6) and local laws and regulations and shall be subject to the provisions of the City Code of Ethics.

### **B. Excess, Surplus, and Obsolete Materials**

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

1. *Transfer or Re-use.* The most gainful method for handling an item no longer needed by a department is to transfer it to another department that has a use for the item.
2. *Trade-In.* In replacing obsolete equipment, it may be financially advantageous to trade-in the old equipment. The invitation for bids on the replacement item should call for bid prices with or without trade-in and provide that award may be made either way.
3. *Sale.* Excess, surplus and obsolete items not transferred or traded-in may be consolidated and offered for sale to the highest responsible bidder either by auction or by sealed bid method. Auctions can be traditional or contemporary including online auctions such as [www.Govdeals.com](http://www.Govdeals.com) or similar websites. The consolidated list will be



submitted to City Council for approval before an auction or sealed bid is organized. The property offered for sale will be on an “AS IS/WHERE IS” basis. Sealed bids will be opened at the time and place announced with the City, retaining the right to reject any and all. A tabulation of all bids received shall be available for public inspection following the opening of all bids. Said bids shall be retained and kept available for public inspection for a period not less than sixty (60) days from the date the bids were opened.

4. Public Notice of Sale: For the sale of personal property with an estimated value exceeding \$500.00, the City shall cause legal notice to be published in the official legal organ or newspaper of general circulation not less than fifteen (15) but no more than sixty (60) days preceding the day of the auction or the last day for the receipt of bids/proposals. The notice shall include a general description of the property to be sold.
  - a. The notice for sale by auction shall also contain the conditions of the proposed sale and shall state the date, time, and place of the proposed sale.
  - b. The notice for sale by sealed bids shall also contain an invitation for proposals and shall state the conditions of the proposed sale, the address at which bid blanks and other written materials connected with the proposed sale may be obtained, and the date, time, and place for the opening of bids.

C. Sale to Employees

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

D. Allocation of Proceeds

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



## **APPENDICES**

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### APPENDIX A: PROJECTS USING FAHP FUNDING

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In accordance with the requirements of the Brooks Act, (40 U.S.C. § 1101 *et seq.*), the following competitive negotiation procedures shall apply to City procurements for architectural, engineering, and related design services when Federal Aid Highway Program (FAHP) funds are involved in the project:

A. Solicitation.

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

B. Request for Proposal (RFP).

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

1. Provide a clear, accurate, and detailed description of the scope of work, technical requirements, and qualifications of consultants necessary for the services to be rendered. The scope of work should detail the purpose and description of the project, services to be performed, deliverables to be provided, estimated schedule for performance of the work, and applicable standards, specifications, and policies;
2. Identify the requirements for any discussions that may be conducted with three (3) or more of the most highly qualified consultants following submission and evaluation of proposals;
3. Identify evaluation factors including their relative weight of importance in accordance with Sections C and D;
4. Specify the contract type and method(s) of payment to be utilized;





5. Identify any special provisions or contract requirements associated with the solicited services;
6. Require that submission of any requested cost proposals or elements of cost be in a concealed format and separate from technical/qualifications proposals as these shall not be considered in the evaluation, ranking, and selection phase; and
7. Provide a schedule of key dates for the procurement process and establish a submittal deadline for responses to the RFP which provides sufficient time for interested consultants to receive notice, prepare, and submit a proposal, which except in unusual circumstances shall be not less than 14 days from the date of issuance of the RFP.

C. Evaluation Factors.

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

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

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

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

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



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

D. Evaluation, Ranking, and Selection.

1. Consultant proposals shall be evaluated by the City based on the criteria established and published within the public solicitation.
2. While the contract will be with the prime consultant, proposal evaluations shall consider the qualifications of the prime consultant and any sub-consultants identified within the proposal with respect to the scope of work and established criteria.
3. Following submission and evaluation of proposals, the City shall conduct interviews or other types of discussions to determine three of the most highly qualified consultants to clarify the technical approach, qualifications, and capabilities provided in response to the RFP. Discussions may be written, by telephone, video conference, or by oral presentation/interview. Discussions following proposal submission are not required provided proposals contain sufficient information for evaluation of technical approach and qualifications to perform the specific project, task, or service with respect to established criteria.
4. From the proposal evaluation and any subsequent discussions which have been conducted, the City shall rank, in order of preference, at least three consultants determined most highly qualified to perform the solicited services based on the established and published criteria.
5. Notification must be provided to responding consultants of the final ranking of the three most highly qualified consultants.
6. The City shall retain acceptable documentation of the solicitation, proposal, evaluation, and selection of the consultant in accordance with the provisions of 49 CFR 18.42.

E. Negotiation.

1. Independent estimate. Prior to receipt or review of the most highly qualified consultant's cost proposal, the City shall prepare a detailed independent estimate with an appropriate breakdown of the work or labor hours, types or classifications of labor required, other direct costs, and consultant's fixed fee for the defined scope of work. The independent estimate shall serve as the basis for negotiation and ensuring the consultant services are obtained at a fair and reasonable cost.
2. If concealed cost proposals were submitted in conjunction with technical/qualifications proposals, only the cost proposal of the consultant with which negotiations are initiated may be considered. Concealed cost proposals of



consultants with which negotiations are not initiated should be returned to the respective consultant due to the confidential nature of this data (as specified in 23 U.S.C. 112(b)(2)(E)).

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

F. Small Purchases.

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

1. The scope of work, project phases, and contract requirements shall not be broken down into smaller components merely to permit the use of small purchase procedures.
2. A minimum of three consultants are required to satisfy the adequate number of qualified sources reviewed.
3. Contract costs may be negotiated in accordance with State small purchase procedures; however, the allow ability of costs shall be determined in accordance with the Federal cost principles.
4. The full amount of any contract modification or amendment that would cause the total contract amount to exceed the established simplified acquisition threshold would be ineligible for Federal-aid funding. The FHWA may withdraw all Federal-aid from a contract if it is modified or amended above the applicable established simplified acquisition threshold.

G. Noncompetitive.

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

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



2. The City shall establish a process to determine when noncompetitive procedures will be used and shall submit justification to, and receive approval from, the FHWA before using this form of contracting.
3. Circumstances under which a contract may be awarded by noncompetitive procedures are limited to the following:
  - i. The service is available only from a single source;
  - ii. There is an emergency which will not permit the time necessary to conduct competitive negotiations; or
  - iii. After solicitation of a number of sources, competition is determined to be inadequate.
4. Contract costs may be negotiated in accordance with the City noncompetitive procedures; however, the allow ability of costs shall be determined in accordance with the Federal cost principles.

H. Additional Procurement Requirements.

1. Common Grant Rule.
  - i. The City must comply with procurement requirements established in State and local laws, regulations, policies, and procedures which are not addressed by or in conflict with applicable Federal laws and regulations (as specified in 49 CFR 18.36).
  - ii. When State and local procurement laws, regulations, policies, or procedures are in conflict with applicable Federal laws and regulations, the City must comply with Federal requirements to be eligible for Federal-aid reimbursement of the associated costs of the services incurred following FHWA authorization (as specified in 49 CFR 18.4).
2. Disadvantaged Business Enterprise (DBE) program.
  - i. The City shall give consideration to DBE consultants in the procurement of engineering and design related service contracts subject to 23 U.S.C. 112(b)(2) in accordance with 49 CFR part 26. When DBE program participation goals cannot be met through race-neutral measures, additional DBE participation on engineering and design related services contracts may be achieved in accordance with the City's FHWA approved DBE program through either:
    - a. Use of an evaluation criterion in the qualifications-based selection of consultants; or
    - b. Establishment of a contract participation goal.
  - ii. The use of quotas or exclusive set-asides for DBE consultants is prohibited (as specified in 49 CFR 26.43).

[Attachment A - Red lined copy of Purchasing Policy](#)



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



APPENDIX B:

PURCHASING CARD POLICY

**A. Authority**

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

**B. Purpose**

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

**C. Scope**

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

1. ~~Mayor~~
2. ~~City Councilmembers~~
3. City Manager
4. City Chief Financial Officer or Designee
5. Accounting Manager
5. Purchasing Agent

**D. Public Inspection**

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



**E. Transaction Limits**

Transaction limits are hereby established to insure compliance with state purchasing laws, maintain proper budgetary controls, and to minimize excessive use of any individual credit line. Individual monthly card limits cannot exceed those established by the municipal governing authority. The established single transaction limit for each card must be less than \$1,000.00. The established monthly card limit is based upon the city's budgetary constraints and is not to exceed \$5,000.00 per month. The monthly transaction limit for the City Manager is \$25,000. Any exceptions to the standardized limits must have express written approval by the municipal governing authority and must be added to this policy by amendment or addendum. Changes in spending limits shall be submitted to the Purchasing Agent along with the rationale for the change (increase or decrease) with a copy to the Finance Director and City Manager.

**F. Purchasing Restrictions**

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

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**G. Administrator**

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



1. Serve as a liaison between the city's cardholders and the issuers of such cards.
2. Maintain the cardholder agreement for all cardholders.
3. Provide instruction, training, and assistance to cardholders
4. Maintain account information and secure all cardholder information.
5. Keep cardholders up-to-date on new or changing information.
6. Upon receipt of information indicating fraudulent use or lost/stolen cards immediately report it to appropriate parties, including the issuer.
7. Ensure all card accounts are being utilized properly as set forth by state law and this policy.
8. Define the city's policy and procedures for proper documentation and storage of receipts, logs, and approvals required under this policy.
9. Identify any changes to named persons authorized to use a government purchasing card or government credit card.
10. Shall immediately cancel the purchasing card upon employee's termination or resignation.
11. Upon official notification of an impending departure from the City, the respective card holder's card limit shall be reduced to zero.
12. Shall place purchasing card holder's card on an inactive status will employees are on leave.
13. Shall not be assigned a purchasing card.
14. Any other duties assigned by the municipal governing authority.

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#### H. Accounting and Auditing

The Administrator, in an effort to ensure compliance with city policy and state law, will conduct monthly and/or quarterly reviews and audits of all government purchasing card or government credit card transactions. The review is designed to ensure compliance, identify non-compliance issues and misuse, and through corrective measures assist the city with improving compliance. By the last day of the month, a requisition form, all transaction receipts and supporting documentation must be emailed to the appropriate finance staff. The monthly and/or quarterly review shall happen within 10 days of the start of the new month or quarter. ~~and audit, and should happen within 10 days of the start of a new month or quarter.~~ Reconciliation to the General ledger shall occur monthly. The internal auditor shall review approval process for ~~compliance at interval described in the audit work plan.~~ If reoccurring software subscriptions are paid with a purchasing card, the Information Technology manager shall maintain and provide to the finance department a listing of all monthly reoccurring charges. After completing the monthly/quarterly audit, the Administrator shall notify cardholders of any violations or questions the Administrator has that occurred within that previous month/quarter. Depending on the severity of the violation, the Administrator may suspend or revoke the use of the government purchasing card or government credit card after notification to the cardholder and to the municipal governing authority, but only after consultation with the city attorney. Any unresolved





violations should be reported to the municipal governing authority and the city attorney in writing within 5 business days.

**I. Violations**

The use of a government purchasing card or government credit card may be suspended or revoked when the Administrator, after consultation with the city attorney, determines that the cardholder has violated the approved policies or state law regarding the use of the government purchasing card or government credit card. Issuing or facilitating issuance of a purchasing card to an unauthorized person, possession of a purchasing card by an unauthorized person, and any other violation stated wherein are subject to disciplinary action up to and including termination. The government purchasing card or government credit card shall be revoked whenever a cardholder is removed from office with the city and shall be suspended if such elected official has been suspended from office.

**J. Agreement**

Before being issued a government purchasing card or government credit card under this policy and state law, all authorized users of government purchasing cards or government credit cards shall sign and accept below indicating that such user will use such cards only in accordance with the policies of the city and with the requirements of state law. The Cardholder shall be responsible for all charges associated with the purchasing card and will maintain possession with adequate safeguards in place to prevent unauthorized use.

\_\_\_\_\_  
Name Printed

\_\_\_\_\_  
Signature

Date:



APPENDIX C:

SAMPLE REQUISITION FORM

**PURCHASE REQUISITION**

**Date issued** *(date requisition prepared)*  
**Need Date** *(date delivery is needed)*  
**Department** *(name of using department)*  
**Requisitioner** *(signature of requesting person)*  
**Department Head** *(signature of department head)*  
 Suggested vendors:  
 1. \_\_\_\_\_  
 2. \_\_\_\_\_  
 3. \_\_\_\_\_

**Req. No. ~~(No.)~~** *(department file number)*  
**To be purchased from:**  
*(This area to be filled in by Purchasing)*  
  
**To be delivered to:** *Give specific delivery instructions, including the name of the person designated to receive the item(s), department and street address.*

ITEM NUMBER	QUANTITY	UNIT	DESCRIPTION	ACCOUNT TO BE CHARGED	UNIT PRICE	AMOUNT

**Specifications:**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Competitive Prices:** *(To be filled in by Purchasing)*      **Approved:**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_





**CITY COUNCIL AGENDA ITEM**

**SUBJECT: Contract Amendment - Beam Computer Forensics, LLC.**

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

**Date Submitted: 06/16/21              Work Session:              Council Meeting: 06/28/21**

**SUBMITTED BY: Gia Scruggs – Finance Director**

**PRESENTER:** Gia Scruggs

**PURPOSE:** The purpose of this item is to obtain approval for a contract amendment with Beam Computer Forensics, LLC. The original emergency contract for computer forensics was approved by Council through correspondence with the Acting City Manager with an anticipated cost not to exceed \$20,674. Additional services related to the original scope of work were required that would increase the total contract amount to \$28,174. This amount is above the \$25,000 threshold and above the 10% or \$2,500 allowance for change orders and amendments, thus requiring Council approval. The Purchasing Agent is seeking approval to amend the contract amount to \$28,174.

**OPTIONS:** Approve, Deny, Defer

**RECOMMENDED ACTION:** Approval

**ATTACHMENTS:** None





## CITY COUNCIL AGENDA ITEM

### **SUBJECT: 2021 Millage Rate Discussion**

- ORDINANCE                                       POLICY                                       STATUS REPORT  
 DISCUSSION ONLY                                       RESOLUTION                                       OTHER

**Date Submitted: 06/21/21                                      Work Session:                                      Council Meeting: 06/28/21**

**SUBMITTED BY: Gia Scruggs, Finance**

**Director/PRESENTER: Gia Scruggs**

**PURPOSE:** The purpose of this item is to present the City's 2021 Millage Rate.

**FACTS AND ISSUES:** An increase in the property taxes is not necessary for the City to maintain the current level of service for Stonecrest and this is consistent with the FY21 budgeted amount. The proposed 2021 millage rate for the City of Stonecrest is the rollback calculation for 2021 which is 1.336. There will be a Special Called meeting on June 30, 2021, at 6pm via Zoom to conduct a public hearing and for the Council to vote on the proposed millage rate.

#### **Schedule of Events**

June 23, 2021 – Millage Rate Public hearing advertised in the Atlanta Journal Constitution, On Common Ground, and the City of Stonecrest website

June 30, 2021 - Public Hearing and adoption of 2021 Millage Rate  
July 1, 2021 - Deadline to set millage rate

July 3, 2021 - Deadline to submit documentation to DeKalb County

The millage rate for an individual homeowner will be lower than the current rate, however, the value of their home may have increased due to the revaluation.

*AGENDA ITEM: XI. New Business c. Discussion – Notice of public Hearing Millage Rate -*

**OPTIONS:** Discussion Only

**RECOMMENDED ACTION:** Discussion Only

**ATTACHMENTS:** 2021 Current Tax Digest and 5-year History of Levy

## NOTICE

The City Council of the City of Stonecrest does hereby announce that the millage rate will be set at a meeting to be held at the Special Called Council meeting on Wednesday June 30, 2021 at 6:00 p.m. via zoom and pursuant to the requirements of O.C.G.A. § 48-5-32 does hereby publish the following presentation of the current year's tax digest and levy, along with the history of the tax digest and levy for the past five years. All concerned citizens are invited to attend public hearings on this proposed millage rate. Due to the coronavirus pandemic, the public hearings will be virtual and broadcasted live on the City's YouTube Channel on June 30, 2021 at 6:00 p.m. Citizens may give public comments by submitting comments via e-mail to the City Clerk in advance of the hearings [CityClerk@stonecrestga.gov](mailto:CityClerk@stonecrestga.gov).

You Tube Channel To Watch Live: <https://www.youtube.com/channel/UCp3rYzHzhZvd9Y7Ruf1O6kg>.

Public Comment Form: <https://www.stonecrestga.gov/Assets/Files/Administration/Public-Comments-Form.pdf>

### CURRENT 2021 PROPERTY TAX DIGEST AND 5 YEAR HISTORY OF LEVY

		COUNTY WIDE	2016	2017	2018	2019	2020	2021
		C o u n t y w i d e	V A L U E	Real & Personal		1,438,342,322	1,622,214,982	1,788,582,332
Motor Vehicles						7,956,030	8,637,740	6,639,480
Mobile Homes								
Timber - 100%								
Heavy Duty Equipment						78,546	41,730	132,745
Gross Digest				1,438,342,322	1,622,214,982	1,796,616,908	1,979,684,286	2,182,755,151
Less Exemptions				150,243,284	266,671,701	247,054,516	568,476,742	655,005,077
<b>NET DIGEST VALUE</b>				1,288,099,038	1,355,543,281	1,549,562,392	1,411,207,544	1,527,750,074
R A T E	Gross Maintenance & Operation Millage			0.0000	0.0000	0.0000	1.4380	1.3360
	Less Rollback (Local Option Sales Tax)			0.0000	0.0000	0.0000	0.0000	0.0000
	<b>NET M&amp;O MILLAGE RATE</b>					1.4380	1.3360	
T A X	<b>TOTAL M&amp;O TAXES LEVIED</b>					\$2,029,316	\$2,041,074	
	Net Tax \$ Increase					\$2,029,316	\$11,758	
	Net Tax % Increase					100.00%	0.58%	







**CITY COUNCIL AGENDA ITEM**

**SUBJECT: Approval of Invoice for Mayor’s Innovation Project dated 06/14/21**

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

**Date Submitted:** 06/16/21      **Work Session:** NA      **Council Meeting:** 06/28/21

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**SUBMITTED BY:** Jim Nichols, Deputy City Manager

**PRESENTER:** Janice Allen Jackson, Acting City Manager

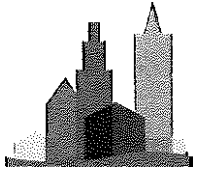
**PURPOSE:** The purpose of this item is for the Council to review and consider approval of an invoice for the Mayor’s Innovation Project.

**FACTS AND ISSUES:** The City of Stonecrest has received an invoice for \$2,500 from the University of Wisconsin for our continued membership in the Mayor’s Innovation Project. Staff is seeking Council’s guidance on the City’s continued participation in this program.

**OPTIONS:** Approve/Deny/Defer

**RECOMMENDED ACTION:**

**ATTACHMENTS:** Invoice



**mayors  
innovation  
project**

Invoice Date 6/14/2021

# Invoice

To:

City of Stonecrest, GA  
3120 Stonecrest Blvd

Stonecrest, GA 30038

<b>Expenditure</b>	<b>Subtotal</b>	<b>Total</b>
<b>Annual Membership Fee</b> Membership is for 12 months, not a calendar year.	\$2500	\$2500
Membership expires one year from receipt.	<b>Amount Due</b>	<b>\$2500</b>

**Make check payable and return to:**

University of Wisconsin (FEIN 39-600-6492)  
Attn: Michelle Bright  
7122 Social Science  
1180 Observatory Drive  
Madison, WI 53706-1020

If preferred, we also accept payment via credit card:  
<https://charge.wisc.edu/cows/Membership.aspx>

**If you have any questions, please contact  
Michelle Bright  
608.890.2543  
mbright@mayorsinnovation.org**



mayors  
innovation  
project

June 14, 2021

City of Stonecrest, GA  
3120 Stonecrest Blvd

Stonecrest, GA 30038

Dear Mayor Lary,

Thank you for your ongoing participation in, and commitment to, the Mayors Innovation Project. Support from Mayors like you is what allows us to continue to provide the high quality information and interaction you expect from our meetings. We are writing today because it is time to renew your annual membership.

Membership entitles you to free registration to our Summer and Winter Meetings (including for your staff), access to technical assistance from Mayors Innovation Project staff, access to the Mayors Innovation Project network, including policy experts, current and former mayors, and senior city staff, and much more. Most importantly, your membership dues are a concrete demonstration of your commitment to the Project. They help us show other funders that there is a strong demand for our services.

We understand that budgets vary from year to year, and we are committed to working with every city to find an equitable way to ensure that your continued participation is not limited by lack of funding. Please contact staff if you would like to discuss this.

We are pleased that you have been able to join us in the past, and we hope that you will be able to invest in the continued success of the Mayors Innovation Project by renewing your membership. Please contact our Co-Managing Directors, Ceri Jenkins and Katya Spear, if you have any questions.

Sincerely,

**Ceri Jenkins**  
Co-Managing Director  
[cerljenkins@mayorsinnovation.org](mailto:cerljenkins@mayorsinnovation.org)  
608-262-5176

Katya Spear  
Co-Managing Director  
[knspear@mayorsinnovation.org](mailto:knspear@mayorsinnovation.org)  
608-262-5831

Steering Committee  
**Mayor Stephen Benjamin**  
Columbia, SC

**Mayor Joseph Curtatone**  
Somerville, MA

**Mayor Reed Gusciora**  
Trenton, NJ

**Mayor Keith James**  
West Palm Beach, FL

**Mike Kasperzak**  
Former Mayor, Mountain View, CA

**Mayor Kim Norton**  
Rochester, MN

**Acting Mayor**  
**Austin Quinn-Davidson**  
Anchorage, AK

**Mayor Derek Slaughter**  
Williamsport, PA

**Mayor Kate Stewart**  
Takoma Park, MD

**Former Mayor Zach Vruwink**  
Wisconsin Rapids, WI

**Mayor Lovely Warren**  
Rochester, NY

**Mayor Miro Weinberger**  
Burlington, VT

**Former Mayor Chasity Wells**  
**Armstrong**  
Kankakee, IL

**Joel Rogers**  
Director, COWS





## CITY COUNCIL AGENDA ITEM

**SUBJECT: ARC 2018 Freight Cluster Resolution**

ORDINANCE                       POLICY                       STATUS REPORT

DISCUSSION ONLY             RESOLUTION             OTHER

**Date Submitted: 06/17/21      Work Session:                      Council Meeting: 06/28/21**

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**SUBMITTED BY: Jim Nichols, Deputy City Manager**

**PRESENTER:** Jonathan Bartlett

**PURPOSE:** Consider a resolution in support of the City’s application for an ARC Freight Cluster Study grant, and a commitment to provide the 20% local match if selected.

**FACTS AND ISSUES:** The Atlanta Regional Commission is expected to release an application for grants to develop Freight Cluster Plans throughout the region. Staff is requesting Council’s approval of a resolution that supports the study and commits the provision of the 20% match required for this program.

The matching funds from the City are estimated to be up to \$63,000 based on the projected study cost. Staff recommends that these funds be taken from the Economic Development budget. Specifically, the Economic Develop budget includes \$78,250 in the line items of Marketing, Training Travel, Dues & Fees and Education & Training. The needed matching funds could be taken from these line items without a detrimental impact to the department’s operations as there are currently no planned expenditures within these line items. To this end, the needed funds would be transferred from their current line items into the Professional Services line item to then be used as the City’s local match for the freight study.

The primary purpose of a Freight Cluster Plan is to assist local jurisdictions with the identification of first mile/last mile projects that improve safety and mobility in areas of regionally significant industrial activity. Such a plan can help local projects compete favorably for Federal and State funding. Staff recommends approval of the attached resolution.

**OPTIONS:** Approve/Deny/Defer

**RECOMMENDED ACTION:** Approve

**ATTACHMENTS:** Resolution

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

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION BY THE CITY COUNCIL OF STONECREST, GEORGIA AUTHORIZING THE MAYOR PRO TEM OR HIS DESIGNEE, TO APPLY FOR THE FREIGHT CLUSTER PLAN GRANT FROM THE ATLANTA REGIONAL COMMISSION AND TO PROVIDE FOR LOCAL MATCHING FUNDS; AND FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, the duly elected governing body of the City of Stonecrest, Georgia (the “City”) is the Mayor and Stonecrest City Council (“City Council”); and

**WHEREAS**, Section 1.03(b)(42) of the City Charter grants the City the power 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; and

**WHEREAS**, The Atlanta Regional Commission (“ARC”) serves the metro Atlanta region by working with local jurisdictions and various regional partners to: plan new transportation options, encourage the development of healthy, livable communities, wisely manage precious water resources, provide services for the region’s older adults and individuals with disabilities, develop a competitive workforce, provide data to inform leaders and decision-makers, cultivate leaders to meet the region’s challenges, coordinate with local first responders in preparing for a secure region and engage the public on key regional issues; and

**WHEREAS**, the ARC through Freight Cluster Study Solicitation is making \$250,000 grants available; and

**WHEREAS**, the City seeks a Freight Cluster Plan grant in order to create a plan that focuses on safe and efficient movement and guide future public and private capital improvement



resources to improve aesthetics, safety, freight mobility, and commercial vitality of the City of Stonecrest; and

**WHEREAS**, the Freight Cluster Plan grant requires applicants to provide 20% of local matching funds; and

**WHEREAS**, the City Council has determined a Freight Plan Study would promote the provision of governmental services and facilities, as well as economic development, within the City; and

**WHEREAS**, the City Council supports the City's effort to pursue and apply for the Freight Cluster Plan grant and agrees to provide matching funds.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF STONECREST, GEORGIA,**

**SECTION 1**

That the Mayor Pro Tem or his designee, is hereby authorized to apply for the Freight Cluster Plan grant from the Atlanta Regional Commission on behalf of the City of Stonecrest.

**SECTION 2**

That the City will commit to providing 20% in matching local funds pursuant to the requirement of the Freight Cluster Plan grant.

**SECTION 3**

That the City Council supports the City's effort to pursue and apply for the Freight Cluster Plan grant.

[SIGNATURES CONTAINED ON THE FOLLOWING PAGE]

SO RESOLVED, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF STONECREST, GEORGIA:

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George Turner, Jr., Mayor Pro Tem

ATTEST:

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City Clerk

APPROVED BY:

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City Attorney





## CITY COUNCIL AGENDA ITEM

**SUBJECT: Resolution to Set Qualifying Fees, Dates and Times for Candidates Qualifying for General Election**

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

**Date Submitted: 06/23/21**                      **Work Session:**                      **Council Meeting: 06/28/21**

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**SUBMITTED BY: James Nichols, Deputy City Manager**

**PRESENTER: Sonya Isom, Deputy City Clerk**

**PURPOSE:** The purpose of this item is to seek Council's approval of a resolution that establishes the fees and sets the location, dates and times for candidates qualifying to fill the offices of City Councilmembers for the upcoming November 2, 2021, general election.

**FACTS AND ISSUES:** Three Council seats will be up for election at the November 2<sup>nd</sup> general election. As such, the City is required to establish the fees and details associated with the declaration of candidates wishing to qualify for the election. These fees and details are established by resolution as attached.

**OPTIONS:** Approve, Deny, Defer

**RECOMMENDED ACTION:** Approval

**ATTACHMENTS:** Resolution

**A RESOLUTION BY THE CITY OF STONECREST, GEORGIA TO ESTABLISH FEES AND TO SET THE LOCATION, DATES AND TIMES FOR CANDIDATES QUALIFYING TO FILL THE OFFICES OF CITY COUNCILMEMBER FOR THE NOVEMBER 2, 2021, MUNICIPAL GENERAL ELECTION; AND FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, the duly elected governing body of the City of Stonecrest, Georgia (the “City”) is the Mayor and Stonecrest City Council (“City Council”); and

**WHEREAS**, Section 1.03(b)(42) of the City Charter grants the City the power 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; and

**WHEREAS**, Section 2.06 of the City Charter states that all elections conducted in the City shall be conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A and grants that the City Council shall, by ordinance or resolution, prescribe such rules and regulations as it deems appropriate for the establishment of qualifying fees, to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A; and

**WHEREAS**, the City of Stonecrest Municipal General Election for the offices of three (3) Councilmembers will be held on Tuesday, November 2, 2021 (“November Election”); and

**WHEREAS**, pursuant to the O.C.G.A. Section 21-2-131(a)(1)(A); the governing authority of any municipality, not later than February 1 of any year in which the November Election is to be held, shall fix and publish a qualifying fee for each municipal office to be filled in the upcoming election; and

**WHEREAS**, the City Clerk/Election Superintendent published a notice on January 29, 2021 via On Common Ground News setting qualifying fees for the November 2, 2021 Municipal General Election.

**WHEREAS**, pursuant to the O.C.G.A Section 21-2-131(a)(1)(A), such fee shall be 3 percent of the total gross salary of the office paid in the preceding calendar year including all supplements authorized by law; and

**WHEREAS**, the current annual salaries for these elected municipal offices are as follows; City Council Member - \$15,000.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF STONECREST, GEORGIA,**

**SECTION 1** The qualifying fees for each candidate for City Council shall be 3 percent of the total gross salary of the office paid in the preceding calendar year and are therefore set as follows:

Council Member - Four Hundred-Fifty Dollars and No/Cents - (\$450.00).

**SECTION 2** That candidates shall qualify to fill the aforementioned offices by filing a notice of candidacy and paying the required fee to, or by filing a pauper's affidavit and accompanying petition with, the City Clerk/Election Superintendent or designated agent at 3120 Stonecrest Blvd. Stonecrest, GA 30038 on Monday August 16, Tuesday August 17, Wednesday August 18, Thursday August 19 and Friday August 20, 2021, between the hours of 8:30 a.m. and 4:30 p.m. each day.

**SECTION 3** That the City Clerk/ Election Superintendent shall publish the qualifying fees via On Common Ground News not later than February 1, 2021.

**[SIGNATURES CONTAINED ON THE FOLLOWING PAGE]**

SO RESOLVED, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF STONECREST, GEORGIA:**

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**George Turner, Jr., Mayor Pro Tem**

**ATTEST:**

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**City Clerk**

**APPROVED BY:**

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**City Attorney**







## CITY COUNCIL AGENDA ITEM

**SUBJECT: Resolution for DeKalb County to Conduct City of Stonecrest 2021 General Election**

ORDINANCE                       POLICY                       STATUS REPORT  
 DISCUSSION ONLY               RESOLUTION               OTHER

**Date Submitted: 06/23/2021      Work Session:              Council Meeting:06/28/2021**

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**SUBMITTED BY: James Nichols, Deputy City Manager**

**PRESENTER: Sonya Isom, Deputy City Clerk**

**PURPOSE:** The purpose of this item is to seek Council's approval of a resolution that appoints DeKalb County to conduct the City's General Municipal Election for 2021.

**FACTS AND ISSUES:** A general election will be held in Stonecrest on November 2, 2021. As part of conducting this election, the City is appointing DeKalb County to conduct the election on the City's behalf as outlined in the attached resolution.

**OPTIONS:** Approve, Deny, Defer

**RECOMMENDED ACTION:** Approval

**ATTACHMENTS:** Resolution

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

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION BY THE CITY OF STONECREST, GEORGIA APPOINTING DEKALB COUNTY BOARD OF REGISTRATIONS AND ELECTIONS TO CONDUCT THE CITY OF STONECREST 2021 GENERAL MUNICIPAL ELECTION; AND FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, the City of Stonecrest, Georgia (the “City”) will hold a General Municipal Election on Tuesday, November 2, 2021 (“General Election”); and

**WHEREAS**, The City may have need to hold additional City Elections, including Calls for Special City Elections (“the Calls”) and Runoffs in addition to the General Election, collectively, for 2021; and

**WHEREAS**, the Stonecrest City Council is hereby in agreement that it would be in the best interest of its citizens, pursuant to O.C.G.A. Section 21-2-45 (c), to allow the DeKalb County Board of Registrations and Elections staff equipment and expertise to conduct the City of Stonecrest 2021 Elections; and

**WHEREAS**, Individual duties and responsibilities of both the City and county staff shall be set forth in more detail in an Intergovernmental Agreement between the City and the County.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF STONECREST, GEORGIA,**

**SECTION 1** The Stonecrest City Council does hereby appoint DeKalb County Board of Registrations and Elections to conduct the City of Stonecrest Elections for 2021.

**[SIGNATURES CONTAINED ON THE FOLLOWING PAGE]**

SO RESOLVED, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF STONECREST, GEORGIA:

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George Turner, Jr., Mayor Pro Tem

ATTEST:

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City Clerk

APPROVED BY:

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City Attorney