



## CITY OF STONECREST, GEORGIA

---

*Honorable Mayor Jason Lary, Sr.*

*Council Member Jimmy Clanton, Jr. – District 1*

*Council Member Rob Turner- District 2*

*Council Member Jazzmin Cobble – District 3*

*Council Member George Turner- District 4*

*Council Member Diane Adoma – District 5*

---

### CITY COUNCIL MEETING AGENDA

August 20, 2018

7:00 p.m.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

- I. **CALL TO ORDER:** Mayor Jason Lary
- II. **ROLL CALL:** Brenda James, Interim City Clerk
- III. **INVOCATION:**
- IV. **PLEDGE OF ALLEGIANCE:**
- V. **ADOPTION OF THE CITY COUNCIL AGENDA:**
- VI. **MINUTES:** Approval of Minutes of the City Council Meeting of August 1, 2018
- VII. **PRESENTATIONS:**
- VIII. **PUBLIC HEARINGS:**
  1. RZ-18-003 6554 Chupp Rd/ 7427 Covington Hwy
- IX. **PUBLIC COMMENTS:**
- X. **AGENDA ITEMS:**
  2. Ordinance of the City of Stonecrest Adopting additional Taxation Regulations in Chapter 24
  3. Ordinance Authorizing the Sale of Alcoholic Beverages on-Premises Consumption on Sundays from 11:00 a.m. until 12:30 p.m. at Certain Licensed Establishments
  4. Resolution for Federally Subsidized Flood Insurance as Authorized by the National Flood Insurance Act of 1968



**XI. CITY MANAGER COMMENTS:**

**XII. CITY ATTORNEY COMMENTS:**

**XIII. MAYOR AND COUNCIL COMMENTS:**

**XIV. ADJOURNMENT:**

**XV. EXECUTIVE SESSION:**

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



# CITY OF STONECREST, GEORGIA

---

*Honorable Mayor Jason Lary, Sr.*

*Council Member Jimmy Clanton, Jr. – District 1*

*Council Member Rob Turner- District 2*

*Council Member Jazzmin Cobble – District 3*

*Council Member George Turner- District 4*

*Council Member Diane Adoma – District 5*

---

## CITY COUNCIL MEETING MINUTES

August 1, 2018

9:00am.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

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

**II. ROLL CALL:** All members were present

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

**IV. PLEDGE OF ALLEGIANCE:**

**V. ADOPTION OF THE CITY COUNCIL AGENDA:**

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

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

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

**VII. PRESENTATIONS:**

**VIII. PUBLIC COMMENTS:**

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

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

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

**IX. AGENDA ITEMS:**

1. Intergovernmental Agreement with DeKalb County for Election Services

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

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

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

3. Intergovernmental Agreement with DeKalb County for Police Services

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

4. Intergovernmental Agreement with DeKalb County for Fire Rescue Services

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

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

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

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

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

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

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

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

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

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

This was discussion only.

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

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

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

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

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

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

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

**X. CITY MANAGER COMMENTS:**

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

**XI. CITY ATTORNEY COMMENTS:**

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

**XII. MAYOR AND COUNCIL COMMENTS:**

Council Member Adoma announced a Smart Innovative City Seminar Breakfast at 9:30 on August 2, 2018 at the Hilton Hotel, and gave an update from Commissioner Mereda Davis Johnson on the expansion work at Lithonia Industrial Boulevard and the expected date of completion is February or March 2019.

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

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

Council Member Rob Turner announced the monthly Community Breakfast will be August 11<sup>th</sup> at 9:00am at the Greater Travelers Rest House of Hope and come meet and hear the newly elected officials of South DeKalb and the constitutional officers who will be running in the General Election.

Council Member Cobble had no comments.



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

**XIII. ADJOURNMENT:**

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

**XIV. EXECUTIVE SESSION:**

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



CITY COUNCIL AGENDA ITEM

SUBJECT: RZ-18-003 6554 Chupp Rd/7247 Covington Hwy

- ORDINANCE                       POLICY                                       STATUS REPORT  
 DISCUSSION ONLY               RESOLUTION                               OTHER

Date Submitted: 08/14/18      Work Session:                      Council Meeting: 08/20/18

---

SUBMITTED BY: Nicole C.E. Dozier, Community Development Department Director

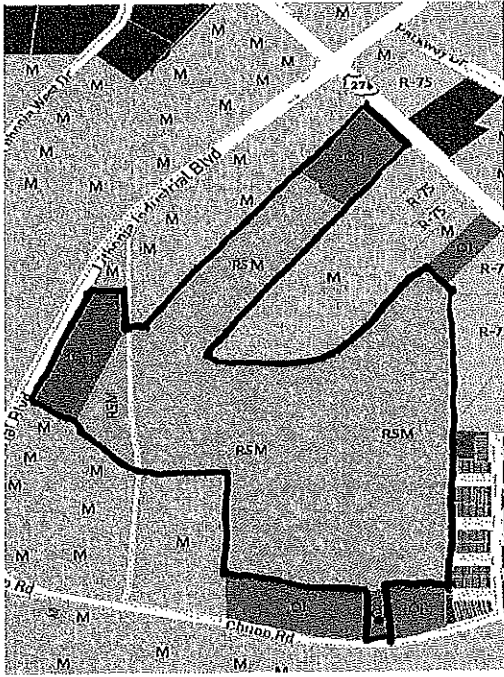
PURPOSE: The applicant, LDG Development is requesting to change four (4) of the original conditions of rezoning CZ-04019 for the site, to develop the residential portion of this development.

The conditions are as follows:

- (1) All common area shall be maintained by homeowner's association
- (2) All dwellings shall have a minimum of 1400 sq. ft. of heated space
- (3) All dwellings shall have at least a one (1) car garage.
- (4) The development shall contain a minimum of at least 20,000 sq. ft. of commercial development.  
No liquor stores, pawn shops check cashing, billiard halls or nail salons permitted.

HISTORY: This item was heard in Dekalb County in April 2004 CZ-04019.

RECOMMENDED ACTION: Planning Commission recommended deferral of the petition at the August 7, 2018 meeting. Staff recommended approval with conditions with a modification to condition # 2 to read as follows: *"The development site shall contain a minimum of at least 20,000 sq. ft. of future commercial development. No liquor stores, pawn shops check cashing, billiard halls or nail salons permitted."*  
Reason: Staff is unsure if the allocated C-1 zoned property is enough to accommodate the minimum commercial square footage as conditioned.



**OPTIONS:** Defer back to the Planning Commission, Approve; Deny; or make Alternative conditions

**ATTACHMENTS:**

- #1 Planning Commission Staff Report w/ revised site plan proposed by applicant
- #2 Planning Commission PowerPoint Presentation

**RZ-18-003**

**Attachment #1**

**08/07/2018**

**Planning Commission Staff Report with  
Revised Site Plan Proposed by Applicant**



## PLANNING COMMISSION STAFF REPORT

MEETING DATE: August 7<sup>th</sup>, 2018

---

### GENERAL INFORMATION

**Petition Number:** RZ-18-003

**Applicant:** LDG Development c/o Battle Law

**Owner:** Lalithia LLC

**Project Location:** 6554 Chupp Road / 7247 Covington Hwy

**District:** District 1

**Acreage:** 58.6 acres

**Existing Zoning:** C-1 (Local Commercial), O-I (Office- Institutional) and RSM (Residential Medium Lot) District Conditional CZ-04019

**Proposed Zoning:** C-1 (Local Commercial), O-I (Office-Institutional) and RSM (Residential Medium Lot) District Conditional CZ-04019

**Proposed Development/Request:** Applicant is requesting to change four in conditions of CZ-04019 to construct 240 townhome units with commercial components.

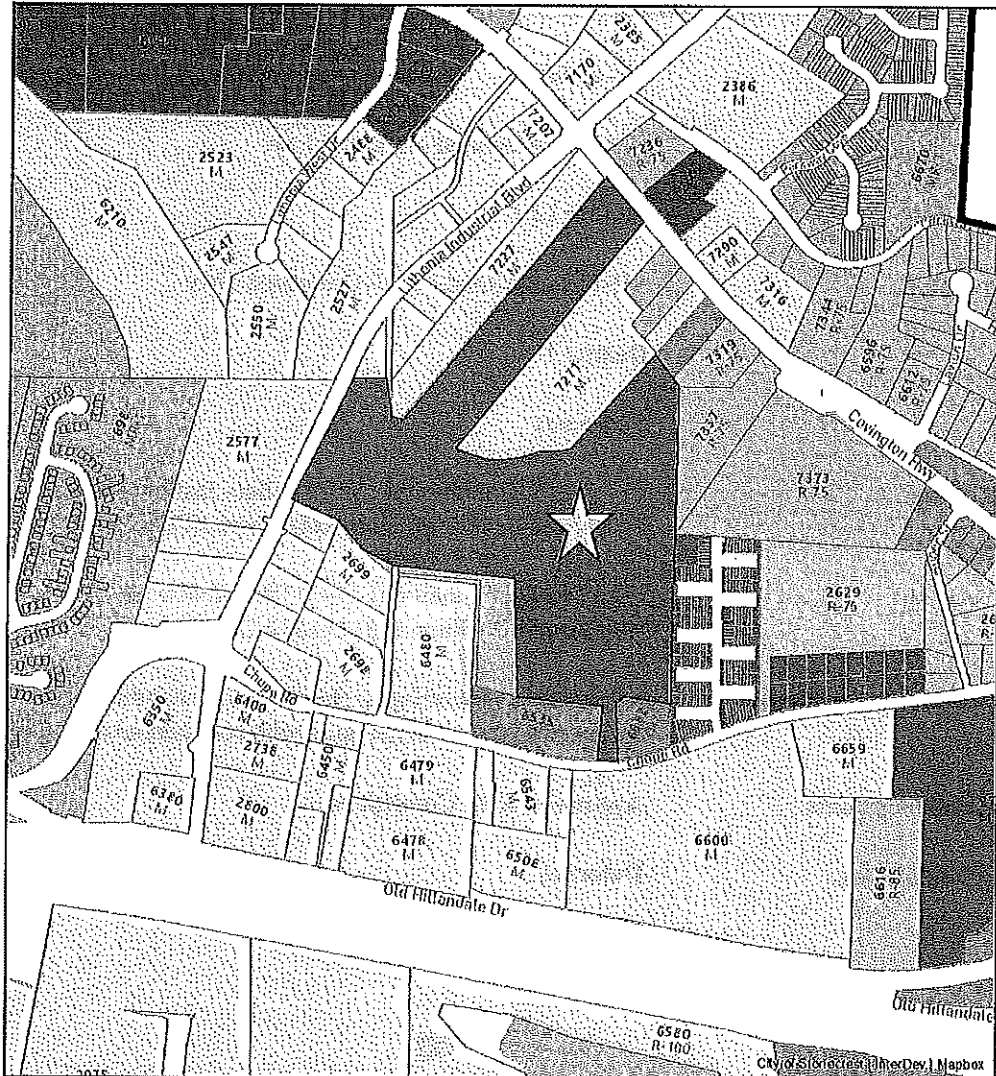
**Staff Recommendations:** Approved with Conditions

**Planning Commission:** Deferral



## PLANNING COMMISSION STAFF REPORT

### Zoning Map



#### ZONING CASE: **RZ-18-003**

ADDRESS: 6554 Chupp Road / 7247 Covington Hwy

CURRENT ZONING: C-1 / RSM / O-I

FUTURE LAND USE: Ind / Sub / HC



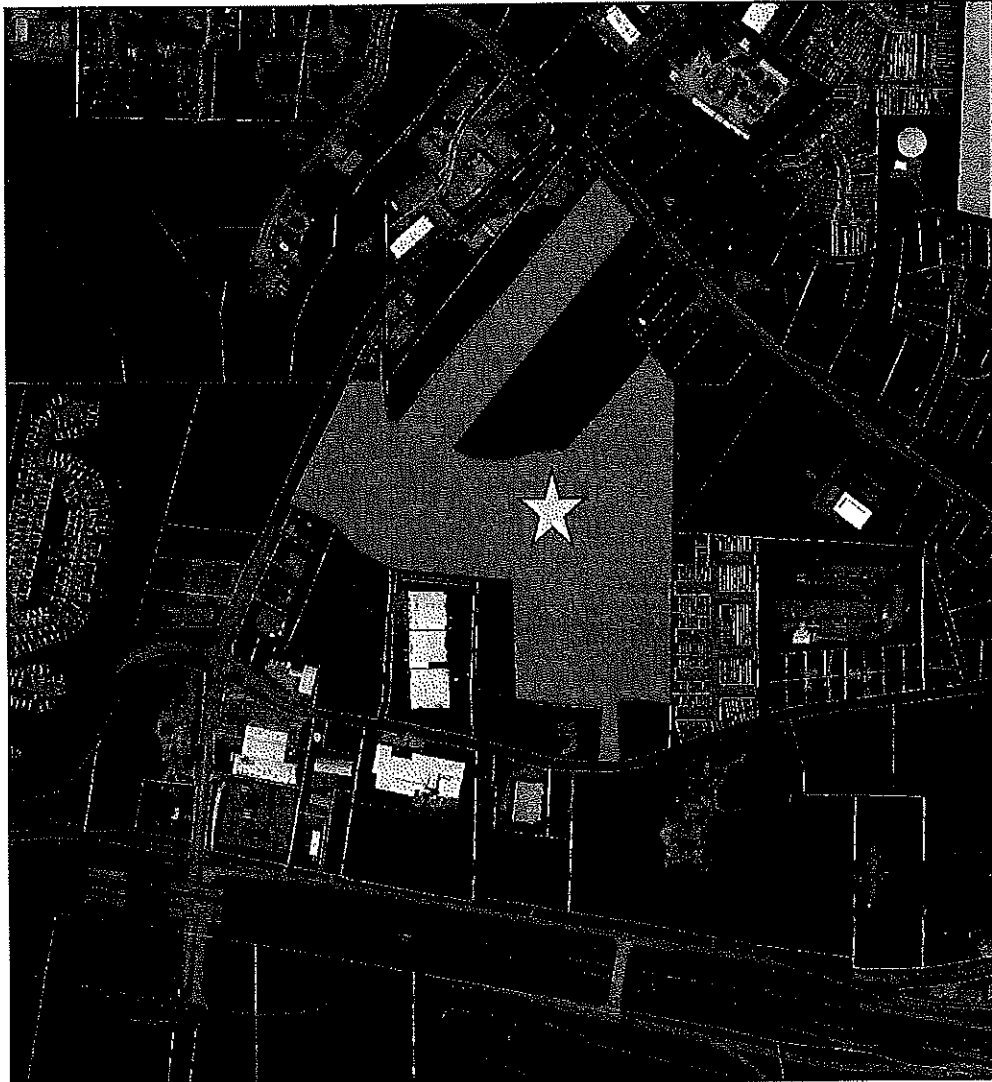
Subject Site

0 0.1 0.2 mi



PLANNING COMMISSION STAFF REPORT

Aerial Map



ZONING CASE: **RZ-18-003**

ADDRESS: 6554 Chupp Road / 7247 Covington Hwy

CURRENT ZONING: C-1 / RSM / O-I

FUTURE LAND USE: Ind / Sub / HC



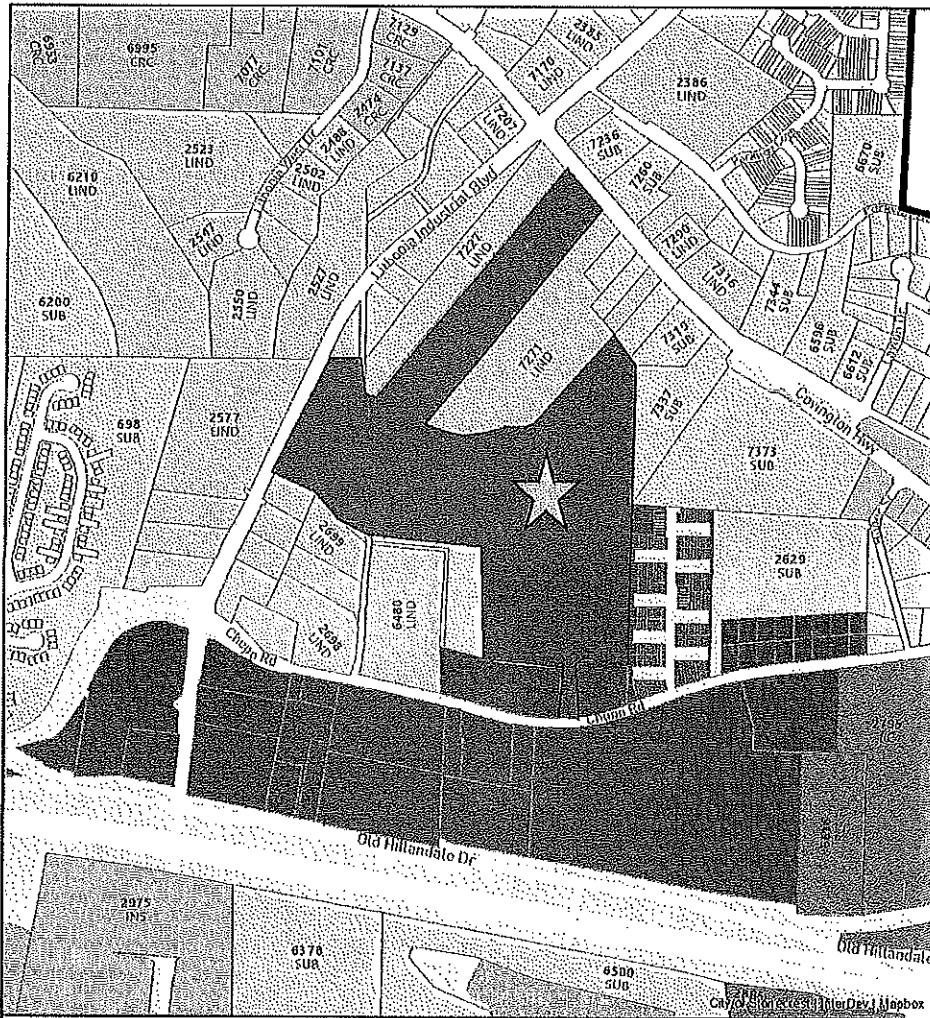
Subject Site

0 0.1 0.2 mi



PLANNING COMMISSION STAFF REPORT

Future Land Use Map

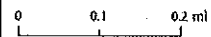


**ZONING CASE: RZ-18-003**

ADDRESS: 6554 Chupp Road / 7247 Covington Hwy

CURRENT ZONING: C-1 / RSM / O-1

FUTURE LAND USE: Ind / Sub / HC



Subject Site





## PLANNING COMMISSION STAFF REPORT

### PROJECT OVERVIEW

The applicant is requesting a change in zoning condition of zoning case CZ-04019, to allow the construction of the residential portion of a mixed-use development. The applicant has requested the following conditions to be eliminated;

- (1) All common area shall be maintained by a mandatory homeowner's associations.
- (2) All residential dwellings units shall have a minimum of 1400 square feet of heated space.
- (3) All dwelling units shall have an attached garage for at least one (1) car.

The applicant has requested for the following conditions to be modified:

- (4) The Development undeveloped portions the Subject Property zoned C-1 may be developed for shall contain a minimum of at least twenty thousand square feet of commercial space. No liquor stores, pawn shops, check cashing, billiard halls or nail salons maintain shall be allowed on the Subject Property.

The applicant intends to construct two hundred and forty townhome rental units at a density of 4.57 units per acre. The applicant is requesting to modify four of the eighteen zoning conditions. There is a total of six (6) individual properties that have a total acreage of 58.6 acres. The square footage of the proposed townhome units will between 1,050 and 1200 square feet. The proposed site plan indicates a gated townhome development with two proposed points of access located on Chupp Road and Covington Hwy. The Future Development Map shows the subject property character areas to be Light Industrial, Suburban, and Highway Corridor. The subject property is located on the Stonecrest Tier 4 Overlay District as well.

Currently, the subject properties are heavily wooded and undeveloped with two frontages abutting on Covington Highway and Chupp Road. Previously the properties were approved to be rezoned to RSM (Residential Small Lot) District by DeKalb County in 2004 to be a mix-use development. The original intent was to create a low to a medium residential component of ownership housing with office and institutional zoning with commercial zoning for neighborhood shopping services as well as additional community services such as daycare. The entire development would be connected by sidewalks and recreational areas to provide easy access to commercial shopping and office-institutional uses.

The surrounding area is characterized by a mixture of industrially zoned properties and residential properties with few properties being zoned office-institutional and commercial. To the north across Covington Hwy are two residential properties with one being zoned (C-1) Local Commercial (CZ-15-20074) and the other property zoned R-75 (Residential Medium Lot). Abutting the subject property to the north-east are properties that are zoned R-75, M – Light Industrial (CZ-04019) and Office-Institutional (CZ-99055). Also, abutting the subject property to the east are properties zoned R-75 (SLUP-09-1446) and (MR-2) Medium Density Residential Zoning Districts (Evans Mills Townhomes). The properties to the south are zoned O-I (CZ-04019). The property to the southwest is zoned M-Light Industrial and the property further to the northwest across Lithonia Industrial Blvd is zoned Light Industrial as well.

A neighborhood meeting is scheduled to be held July 26, 2018, with the community to create a dialogue between the applicant and residences.

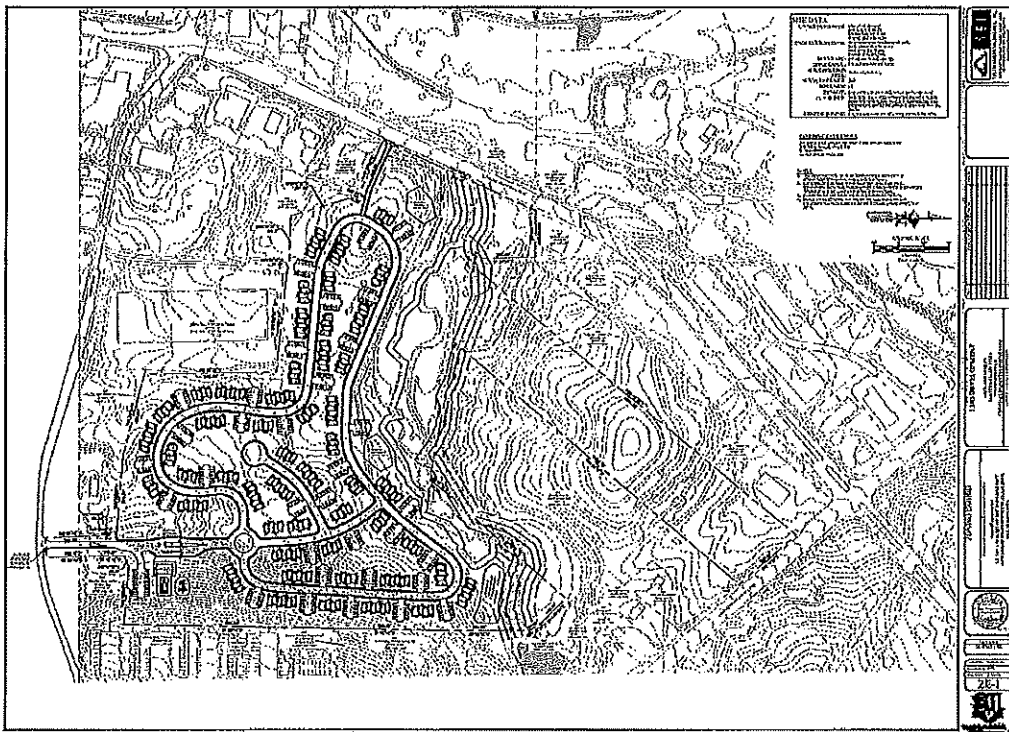


## PLANNING COMMISSION STAFF REPORT

### Proposed Elevations Design



### Proposed Revised Site Plan





## PLANNING COMMISSION STAFF REPORT

### STANDARDS OF REVIEW

- **Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.**

The zoning proposal is in conformity with the policies and intent of the comprehensive plan. As the proposed change in zoning conditions still in harmony with the policies and intent of the comprehensive plan.

- **Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.**

The zoning proposal will permit a use that is suitable in view of the use and development of the adjacent and nearby properties. There are established townhomes located near the subject property. Located to the East are the Evans Mill Townhomes, which originally developed as fee simple lots, however, some units have to turn into rental properties now.

- **Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.**

The subject property has a reasonable economic use as currently zoned. The subject property was approved for residential mixed-use development.

- **Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.**

The zoning proposal will not adversely affect the existing use or usability of the adjacent or nearby properties as the nearby properties have similar zonings which would not negatively affect them.

- **Whether there are other existing or changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal.**

There are no existing changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal.

- **Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.**

This use will not adversely affect any historic buildings, sites, districts, or archaeological resources. Currently, there are no historic building, sites, district or archaeological resources on the subject property.

- **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**



## PLANNING COMMISSION STAFF REPORT

The zoning proposal will not result in the excessive or burdensome use of transportation facilities and utilities. The trip generation submitted by the applicant shows the proposed development would generate over 100 trips during peak hours. Traffic impact analysis has been requested by Staff. The development is expected to generate 124 students, 53 at Stoneview ES, 23 at Lithonia MS and 23 at Lithonia HS and 25 at other DeKalb County Schools. Stoneview ES enrollment is already over the facility capacity and this development would require additional portable classrooms to be installed. Lithonia HS may also be impacted and require new portable classrooms.

- **Whether the zoning proposal adversely impacts the environment or surrounding natural resources.**

This use will not adversely impact the environment or surrounding natural resources in the city of Stonecrest. There are a stream and floodplain located on the subject property, however, the development will not encroach into the buffer or floodplain.



PLANNING COMMISSION STAFF REPORT

ANALYSIS

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use
Nearby: North	C-2 / General Commercial (CZ-15-20074)	Commercial
Adjacent: South	O-I / Office-Institutional (CZ-04019)	Office
Adjacent: North-East	R-75 / Residential Medium Lot District (SLUP-09-1446)	Residential (Church)
Nearby: North-East	O-I / Office-Institutional (CZ-99055)	Office
Adjacent: East	MR-2 (Medium Density Residential) District	Townhomes (Evans Mills Townhomes)
Adjacent: West	M (Light Industrial) District	Industrial

The surrounding area is characterized as a mixture of residential zoning tracts and industrial tracts with a few commercial zoned tracts. Located to the North across Covington Hwy are a commercially zoned tract and a single-family home. Located to the South are two parcels that are zoned Office-Institutional. Adjacent to the East is the Evans Mills Townhomes which are zoned MR-2. Located to the West across Lithonia Industrial is Light Industrial zoned parcels.

The existing zoning of Residential Small Lot District (RSM) is to provide for the creation of residential neighborhoods that allow a mix of single-family attached and detached housing options. The minimum units per acres for RSM is 4 units/acre while the max density would be 8 units/acre. The applicant proposed density is 4.57 units per acre which is in harmony with the underlying zoning. The minimum lot area for urban single-family homes is 1,350 square feet while the single family (townhome) is 1,000 square feet. The proposed 1000 square feet of heat floor space is similar to the surrounding residential developments; however, staff desires a more upscale development with larger heated floor space (1400) with a garage which was originally approved.

The City of Stonecrest Future Development Map as shown on pages 73 and 77 of DeKalb County Comprehensive Plan identifies the subject property as being within Character Area Industrial and Suburban. The subject property is in the Stonecrest Tier 4 Overlay District. Overlay zoning districts are which additional regulatory standards are superimposed on existing zoning. Overlay districts provide a method of placing special restrictions in addition to those required by basic zoning ordinances. The intent of this tier IV is to encourage mixed-use development in a well-planned community and encourage principally office, residential and commercial uses to serve the convenience needs of the local community. The applicant intends to develop the residential portion of the property and have the commercial property develop later, which would still meet the intent of the Overlay District.



## PLANNING COMMISSION STAFF REPORT

The intent of the Industrial Character Area is to identify areas that are appropriate for more intense industrial and industrial related uses. These areas consist of land used in higher intensity manufacturing, assembly, processing activities where noise, vibration, and air pollution or other nuisance characteristics are not contained on-site. Policies for this character area are provided appropriate infrastructure support for industrial development in designated industrial areas while protecting the surrounding area from the negative impacts of noise and light pollutants. Even though the future character area does not support residential development, staff believe the future character should have change once the original development was approved.

The Suburban Character Area is to recognize those areas of the city that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. Policies for this character area is to protect stable neighborhoods from incompatible development that could alter established single-family residential development patterns and density. The proposed development would not alter the established residential development but would be in harmony as intended by the comprehensive plan.

The applicant has requested for four (4) of the eighteen conditions to be changed. Staff agree some of the conditions can be removed while others can be modified, therefore the Department of Community Development recommends **APPROVAL of RZ-18-003 with Conditions.**

### RECOMMENDATION

Staff recommend the **Approval of RZ-18-003** with the following conditions:

1. Remove zoning condition #1.
2. Modify conditions #17 as follows: A minimum of 20,000 sqft of Commercial shall be developed on the C-1 zoned property at a future date. No liquor stores, pawn shops, check cashing, billiard halls or nail salons allowed.
3. Modify condition #8 as follows: Development shall comply with the City of Stonecrest Tree ordinance.
4. Keep conditions # 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, & 16 of CZ-04019.
5. Trip generation exceeds 100 trips per peak hour. Submit a complete traffic impact study.
6. Provide a sight distance profile for the entrances on Chupp Road.
7. Provide additional right-of-way along the frontage of Chupp Road to provide a minimum of thirty feet (30') from the centerline.

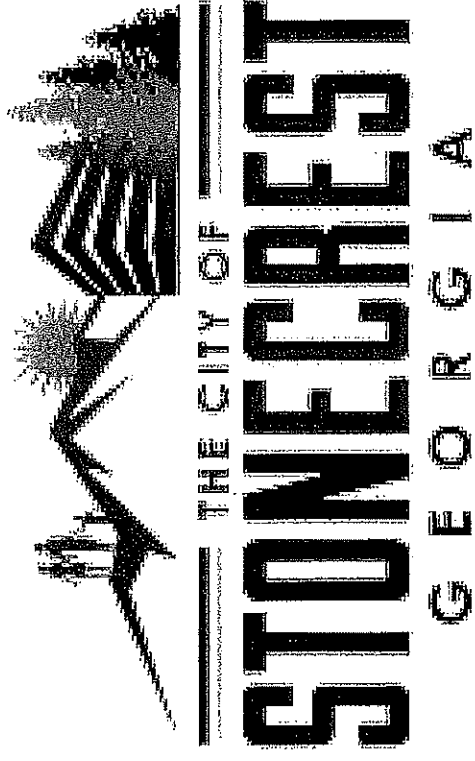
### PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended deferral of RZ-18-003

**RZ-18-003**

**Attachment #2**

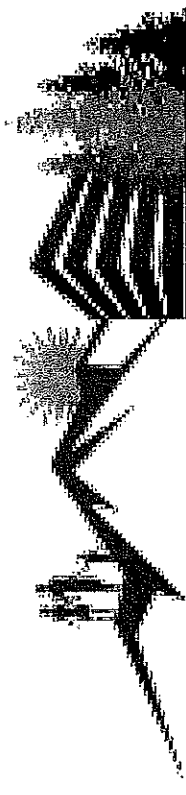
**Planning Commission PowerPoint  
Presentation**



**August 7<sup>th</sup> 2018**

**Planning Commission  
Public Hearing**





THE CITY OF

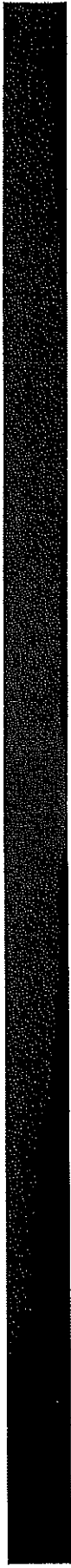
**STONECREST**

G E O R G I A

**RZ-18-004 / SLUP-18-004**

**6169 Hillvale Road**

**Withdraw Applications**



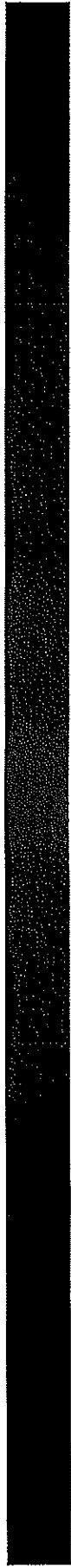


THE CITY OF  
**STONECREST**  
G E O R G I A

**AX 18-0001**

**6024 Covington Highway**

**Deferment**





THE CITY OF

**STONECREST**

GEORGIA

**RZ-18-003**

**6554 Chupp Road / 7247 Covington**

**Hwy, Stonecrest GA 30038**



## **Petition Information**

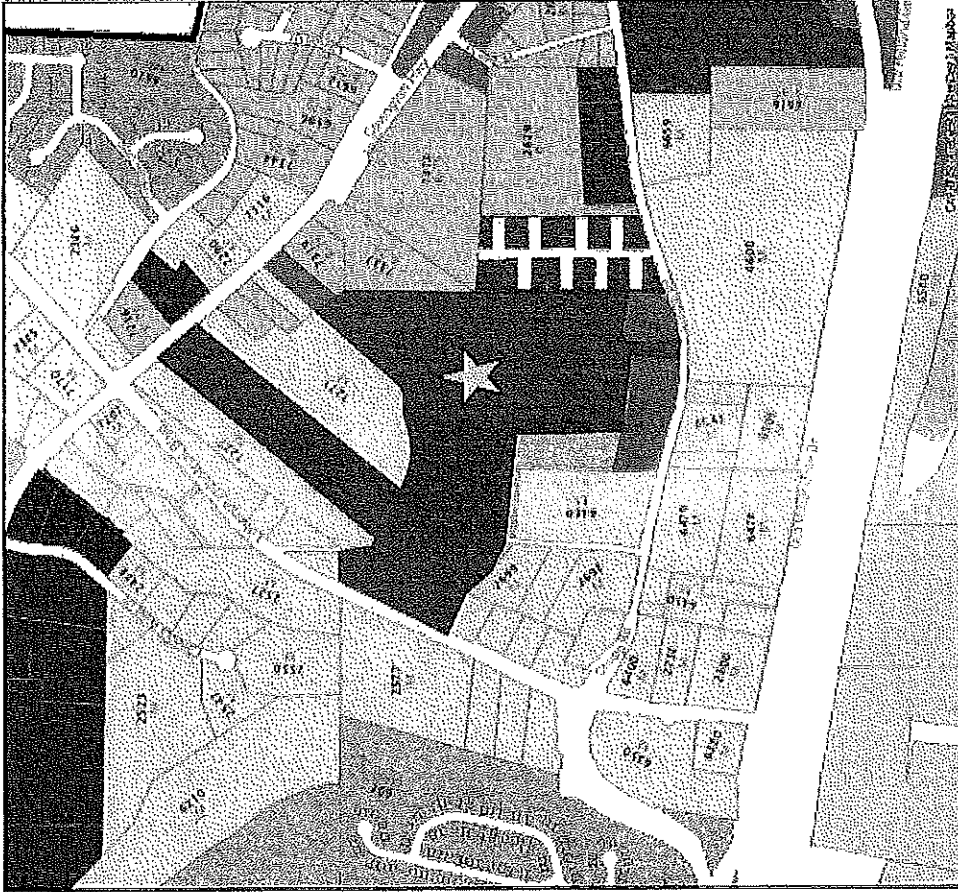
- **APPLICANT:** LDG Development c/o Battle Law
- **LOCATION:** 6554 Chupp Road / 7247 Covington Hwy
- **ACREAGE:** 58.6 acres
- **REQUEST:** The applicant is requesting to change four (4) of eighteen (18) conditions to construct 240 townhomes units with commercial components.



# General Information

- Current zoning: C-1 (Local Commercial), O-I (Office- Institutional) and RSM (Residential Medium Lot) District Conditional CZ-04019
- Future Land Use Character Area: Suburban and Industrial.
- Policies for this area emphasize:
  - Provided appropriate infrastructure support for industrial development in designated industrial areas while protecting the surrounding area from the negative impacts of noise and light pollutants.
  - The proposed development would not alter the established residential development but would be in harmony as intended by the comprehensive plan.
- Surrounding uses: Residential, Commercial, and Industrial.
- Surrounding zoning: MR-2 (Medium Density Residential) District, R-75 (Residential Medium Lot), C-1, O-I (Office- Institutional) and Industrial.

# Zoning Map

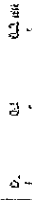


**ZONING CASE: RZ-18-003**

ADDRESS: 6554 Chupp Road / 7247 Covington Hwy

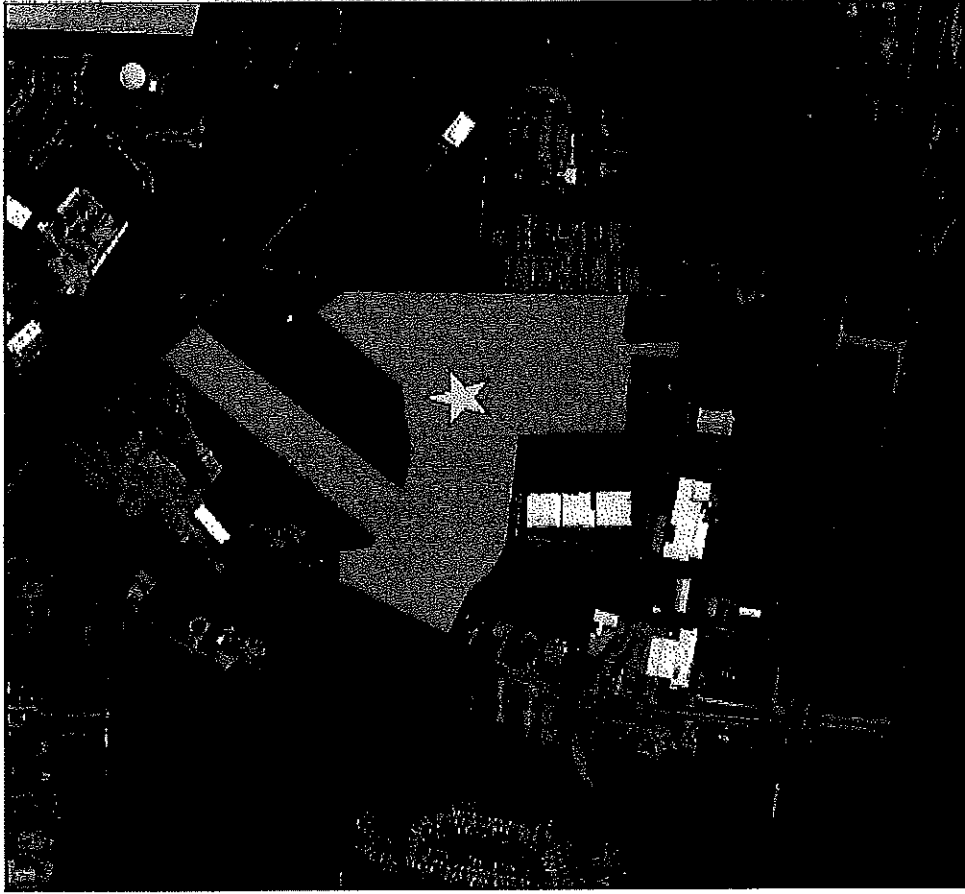
CURRENT ZONING: C-1 / BSM / C-1

FUTURE LAND USE: Ind / Sub / HC



Subject Site

# Aerial Map



**ZONING CASE: RZ-18-003**

**ADDRESS: 6554 Chipp Road / 7247 Covington Hwy**

**CURRENT ZONING: C-1 / RSM / O-1**

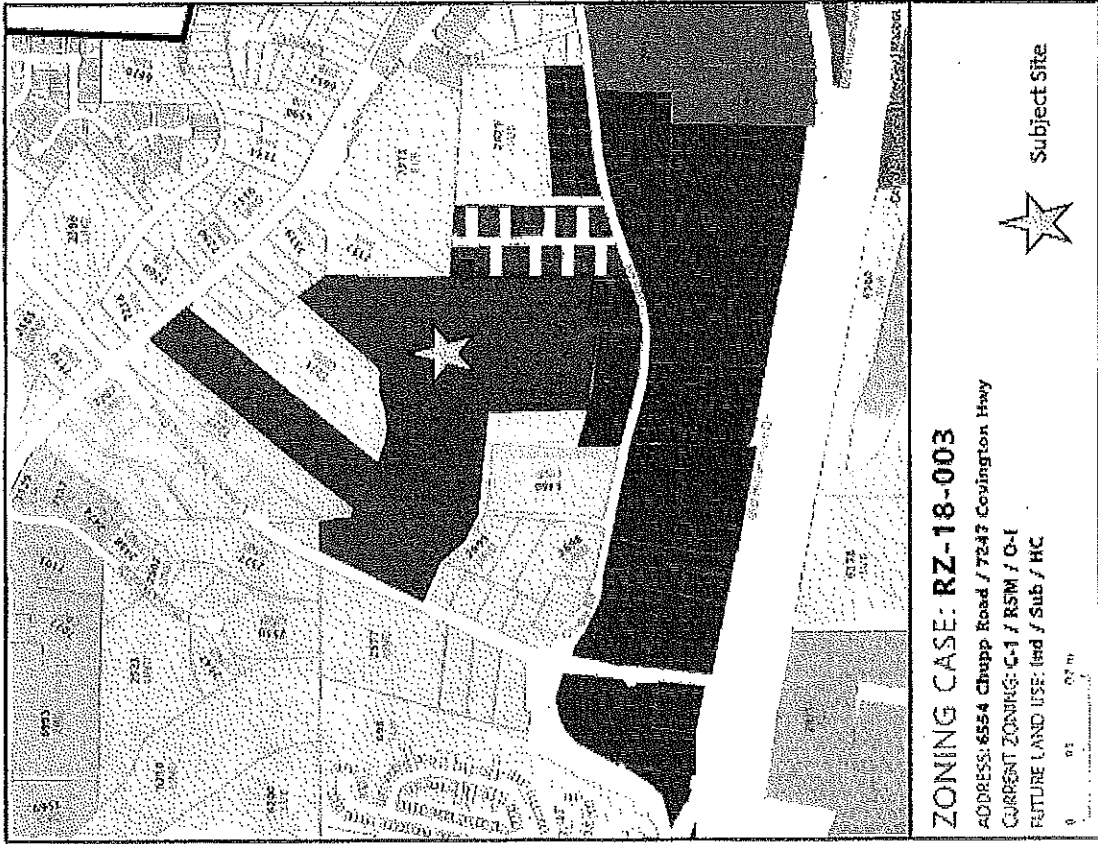
**FUTURE LAND USE: Ind / Sub / HC**

0 40 80 m



Subject Site

# Future Land Use Map



**ZONING CASE: RZ-18-003**

ADDRESS: 6554 Chapp Road / 7247 Covington Hwy

CURRENT ZONING: C-1 / RSM / O-1

FUTURE LAND USE: Ind / Sub / HC

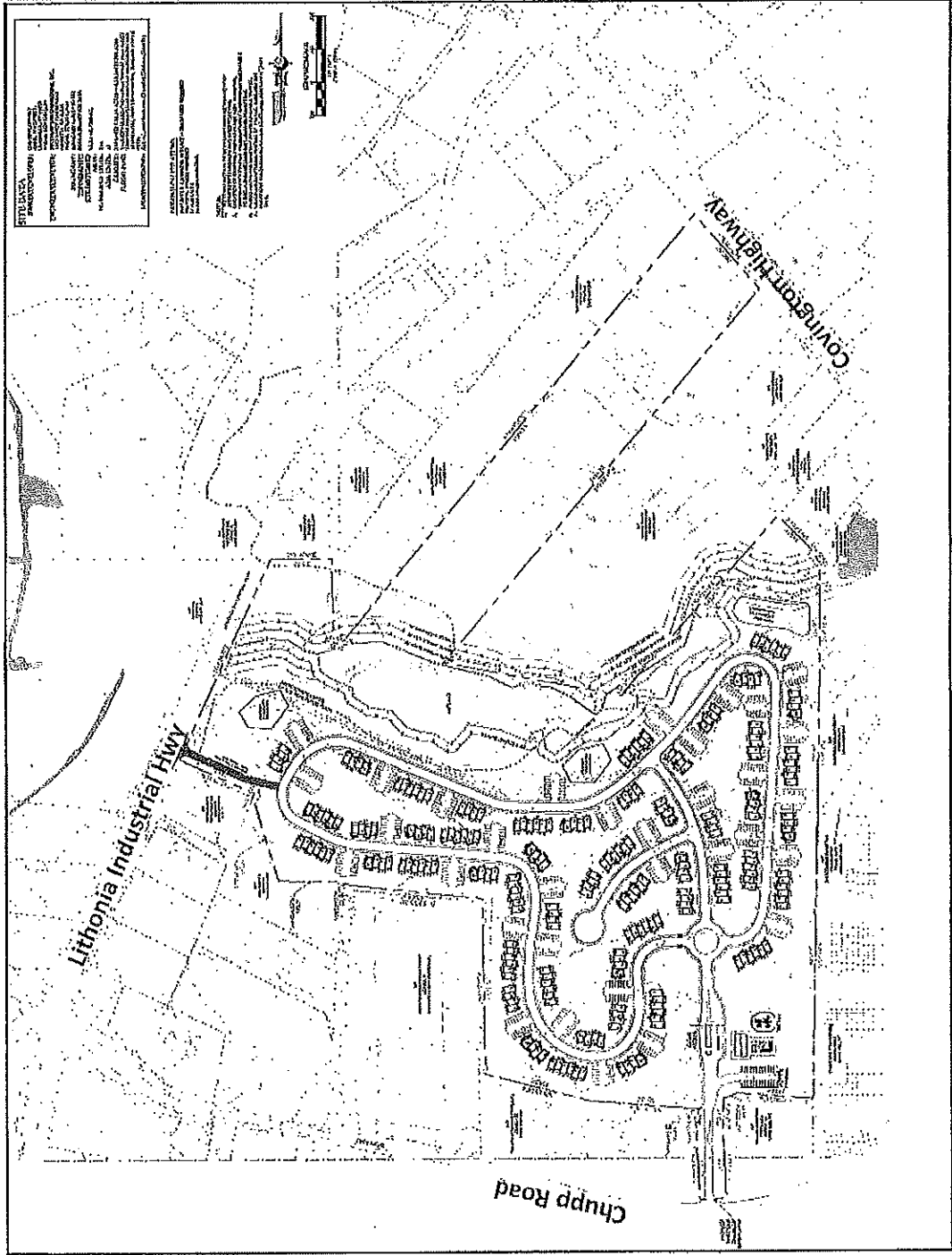
0 50 100 0 0.1 0.2 mi



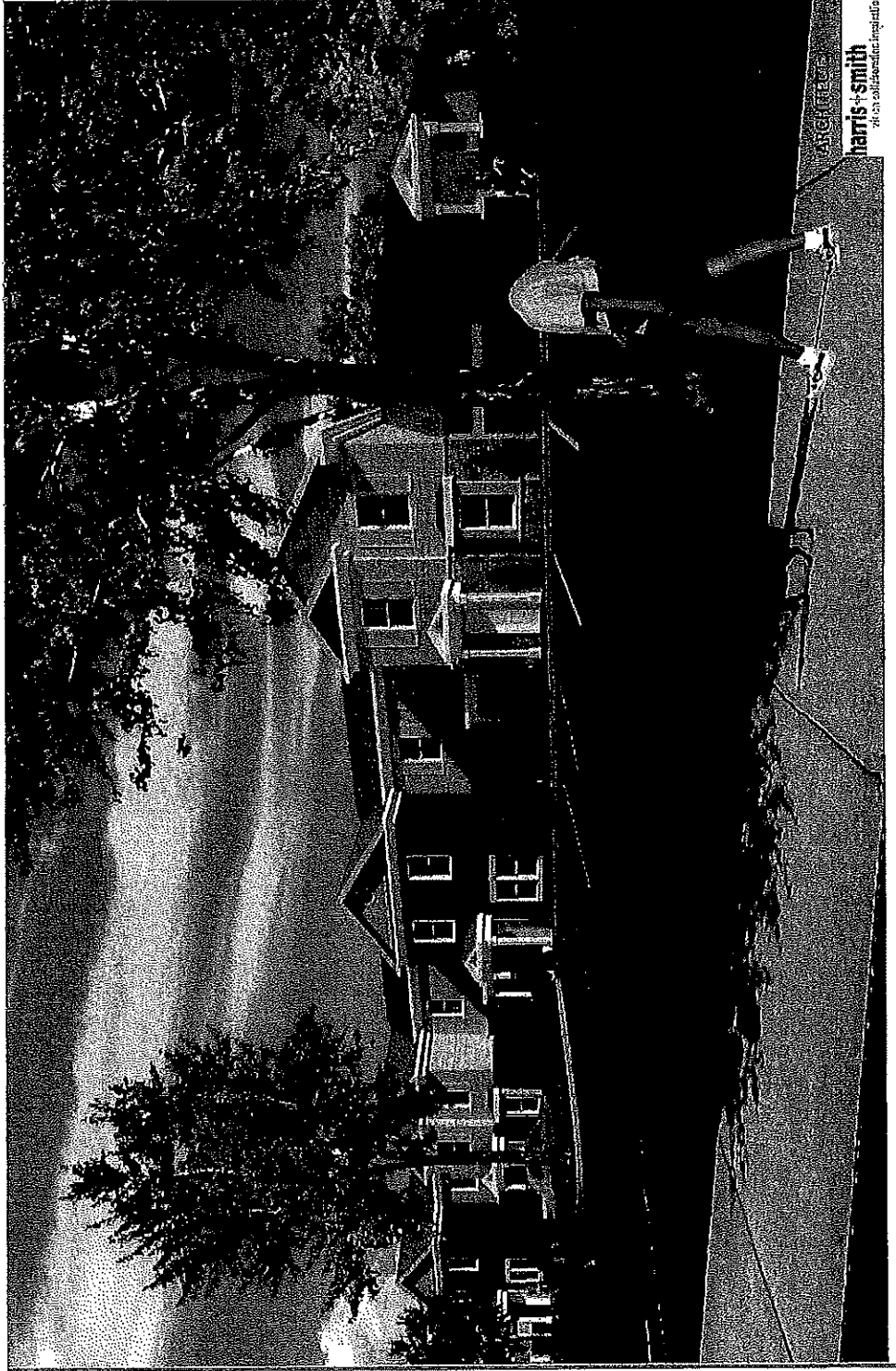
Subject Site



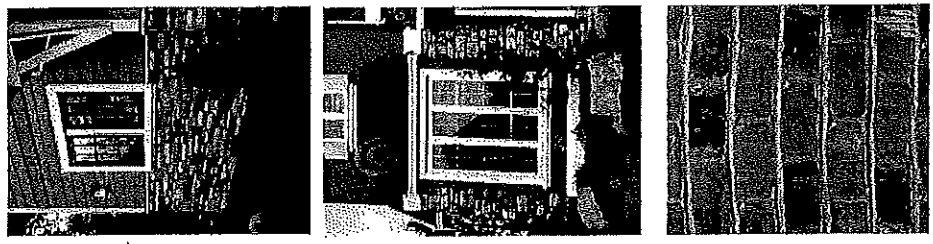
# Revised Site Plan



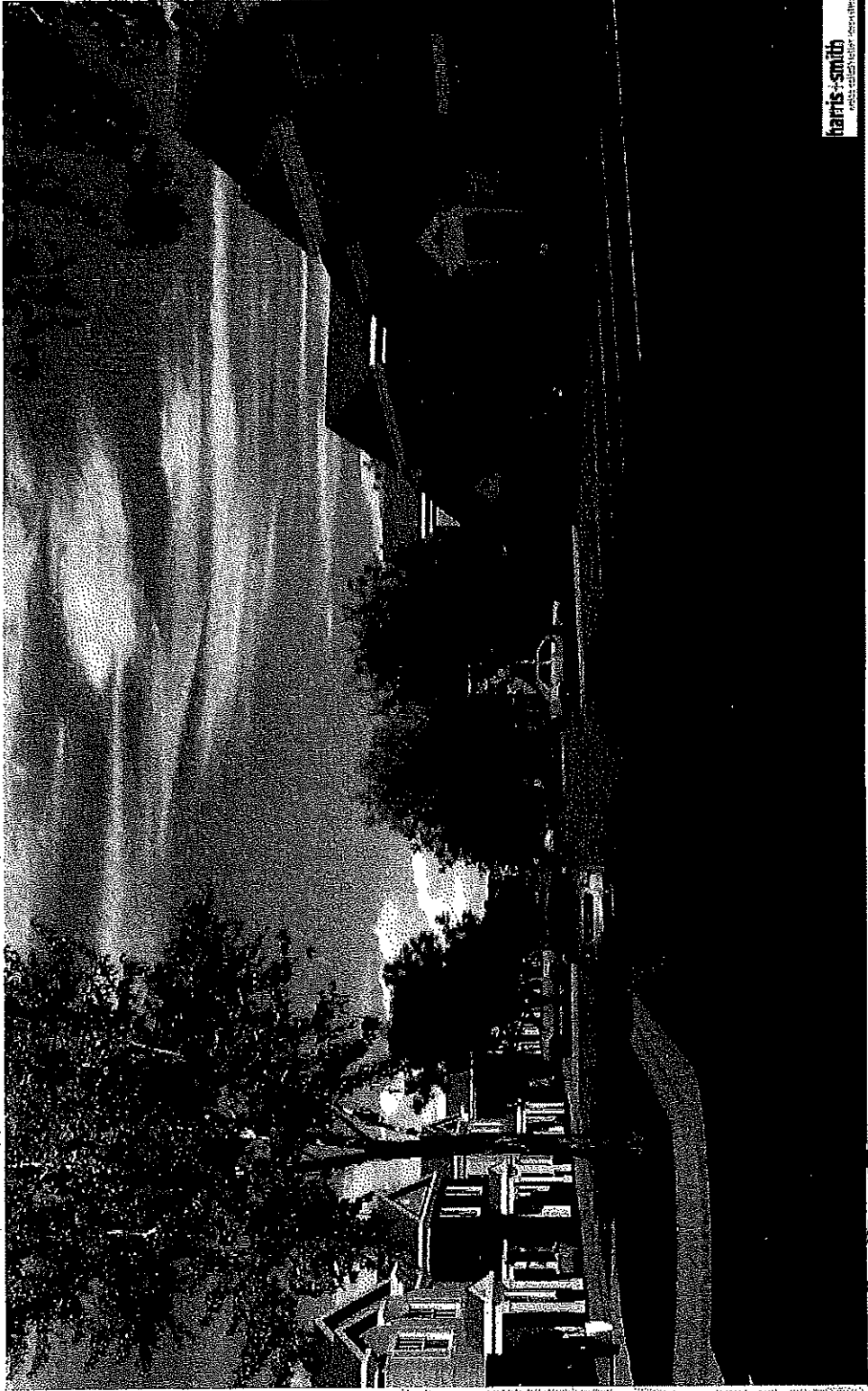
# Proposed Elevation and Façade



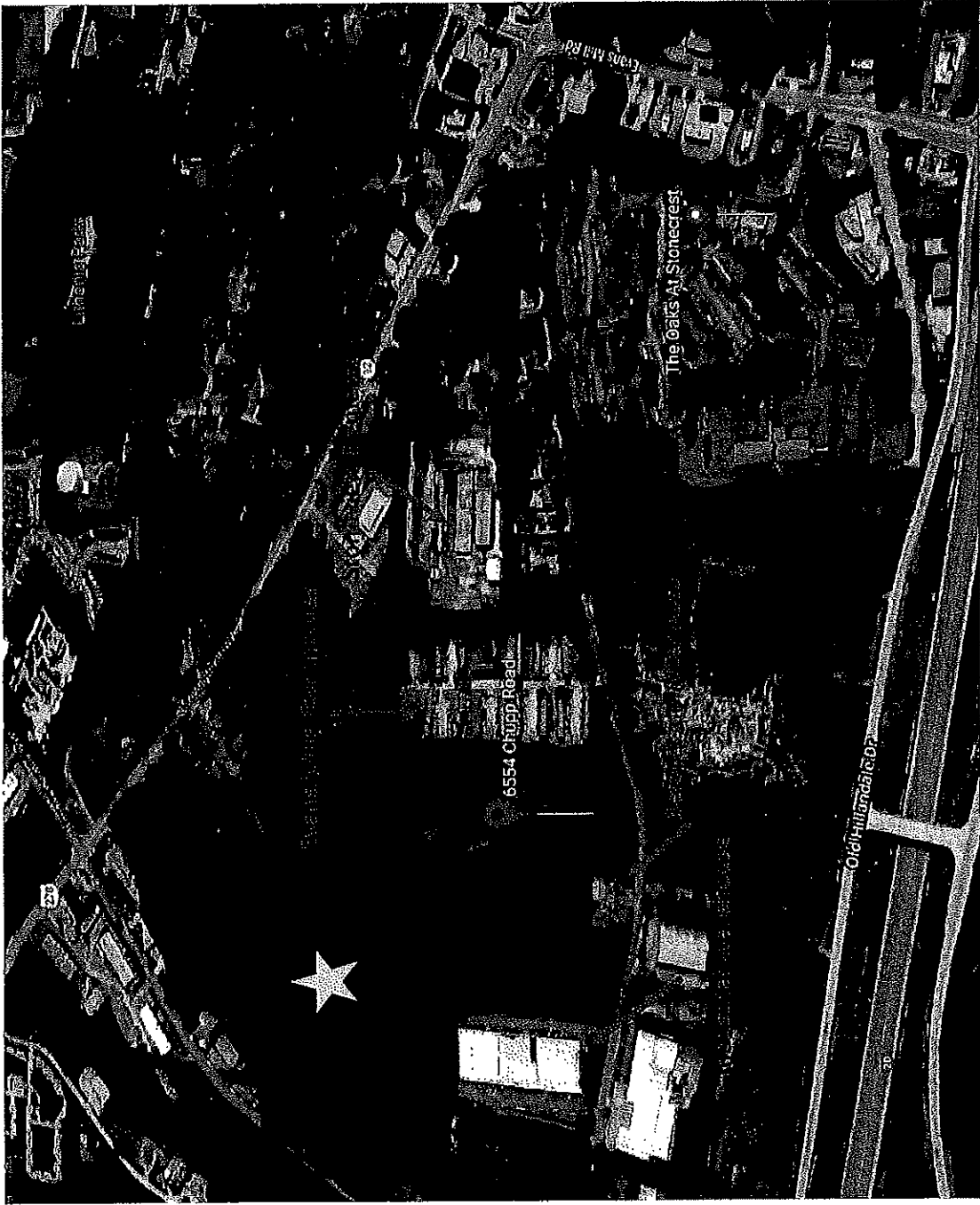
ARCHITECTS  
**harris + smith**  
76 CH. COLLEGE AVE. ANGLISTON



# Proposed Elevation and Façade continued

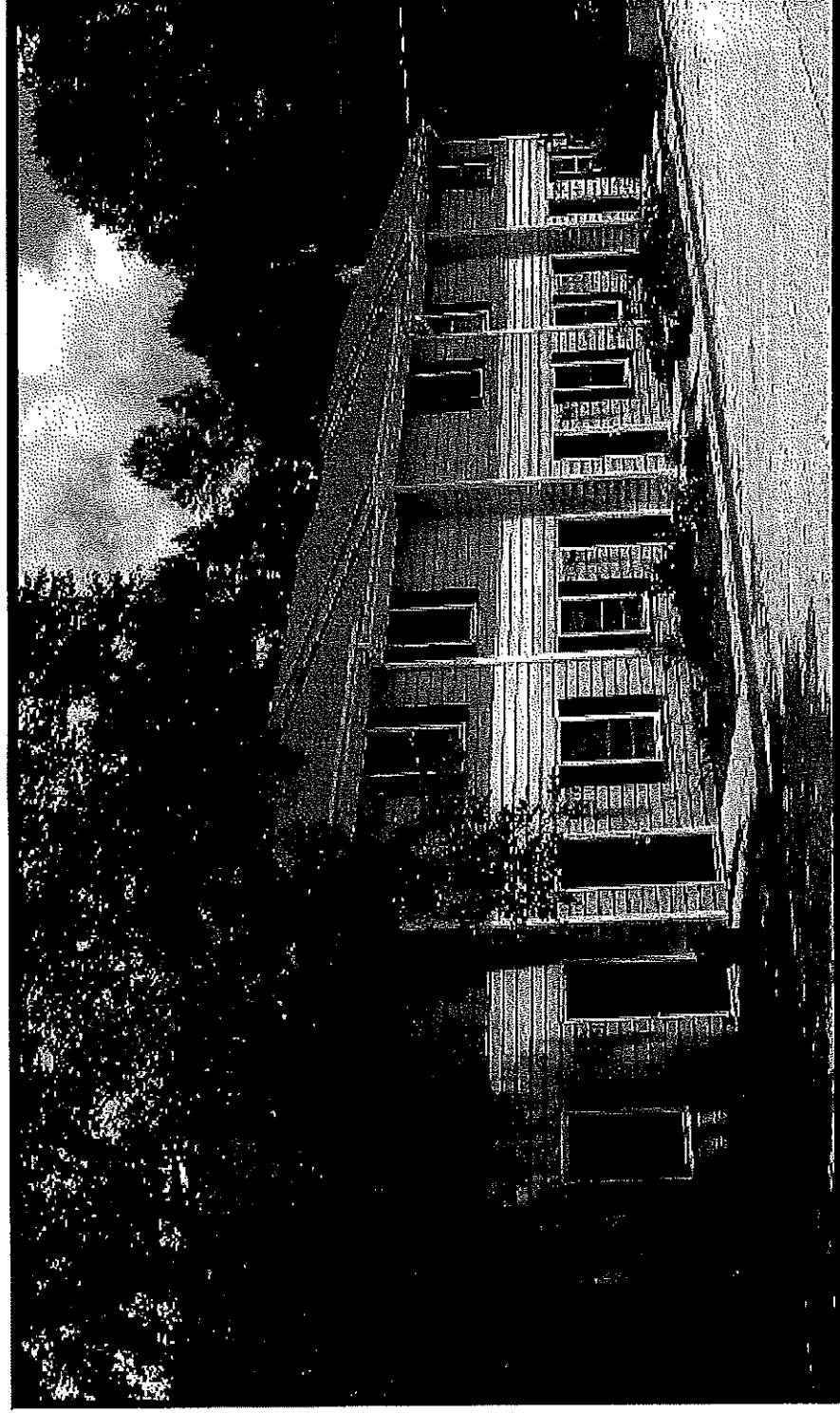


# Aerial Map

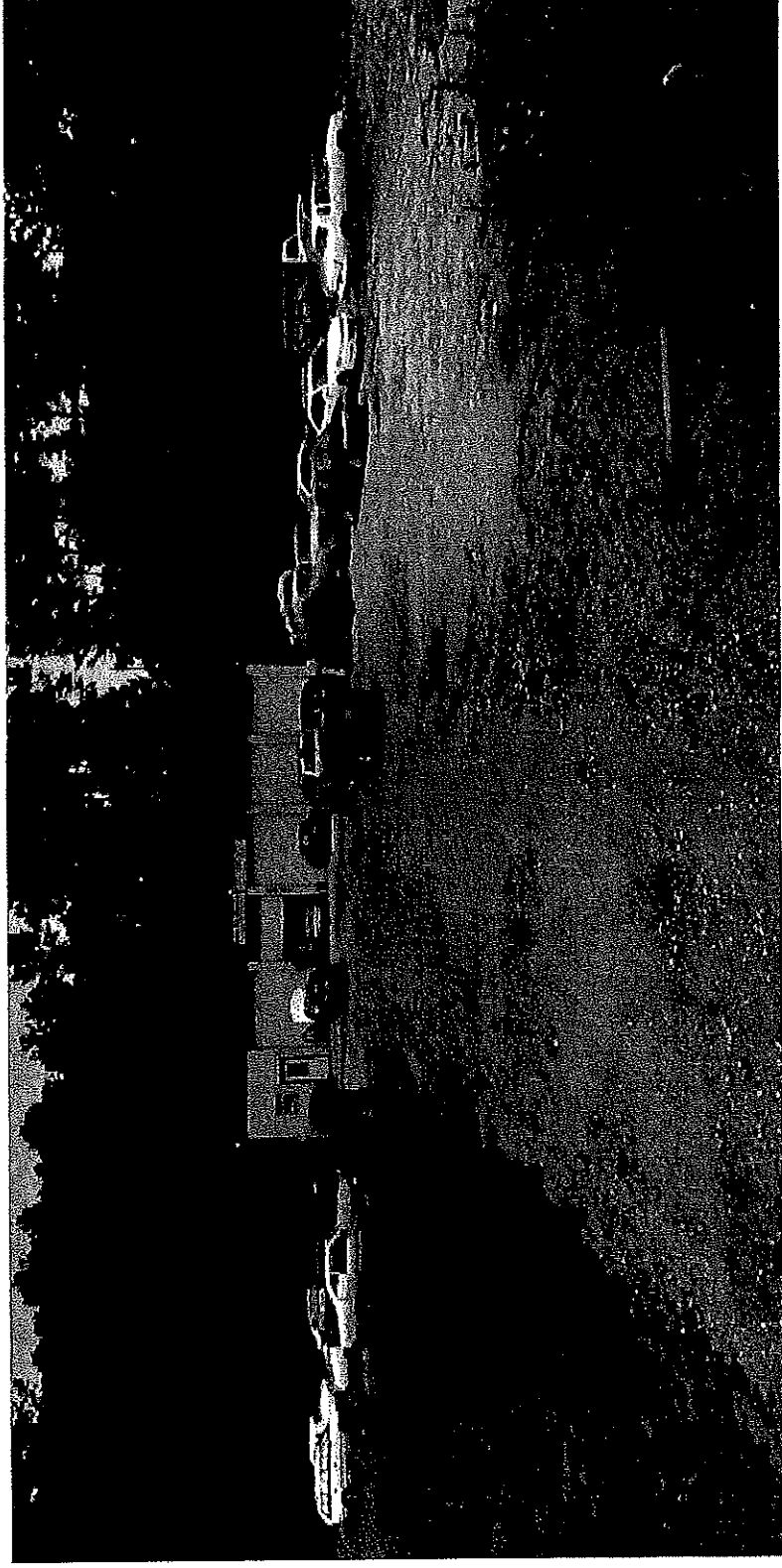


# **(Evans Mill Townhomes) Property Located to the East of the subject**

**property**



**(Before & After Auto) Property located  
to the South of the subject property.**



**(Industrial Warehouse) Property located  
to the Southwest of the subject property**



## Staff Analysis

Staff finds this petition:

- Consistent in use and scale with adjacent and nearby properties.
- The proposed development would not alter the established residential development but would be in harmony as intended by the comprehensive plan.
- The minimum units per acres for RSM is 4 units/acre while the max density would be 8 units/acre. The applicant proposed density is 4.57 units per acre which is harmony with the underlying zoning. The minimum lot area for urban single-family homes is 1,350 square feet while the single family (townhome) is 1,000 square feet. The proposed 1000 square feet of heat floor space is similar to the surrounding residential developments however staff desires a more upscale development with larger heated floor space (1400) with a garage which was originally approved.



# Staff Recommendation

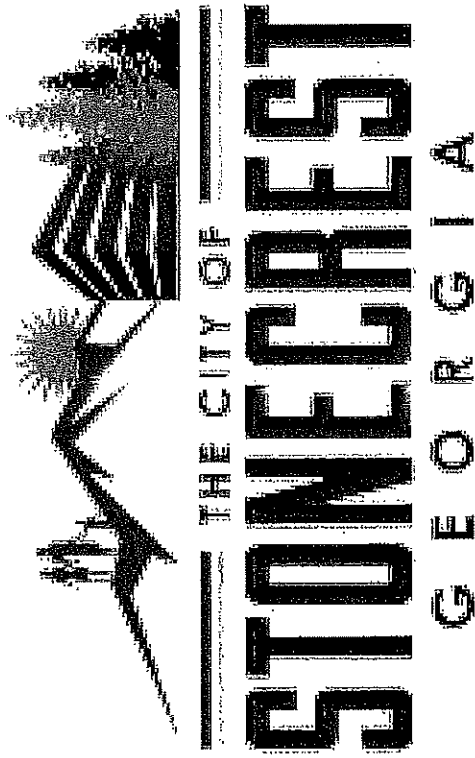
Based upon the findings and conclusions herein, Staff recommends

## APPROVAL of this request:

1. Remove zoning condition #1
2. Modify conditions #17 as follows: A minimum of 20,000 sqft of Commercial shall be developed on the C-1 zoned property at a future date. No liquor stores, pawn shops, check cashing, billiard halls or nail salons allowed.
3. Modify condition #8 as follows: Development shall comply with the City of Stonecrest Tree ordinance.
4. Keep conditions # 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, & 16 of CZ-04019.
5. Trip generation exceeds 100 trips per peak hour. Submit a complete traffic impact study.
6. Provide a sight distance profile for the entrances on Covington Highway and on Chupp road.
7. Provide additional right-of-way along the frontage of Covington Highway to provide a minimum of twelve feet (12') from the back of curb.
8. Provide additional right-of-way along the frontage of Chupp Road to provide a minimum of thirty feet (30') from the centerline.

# Planning Commission Recommendation

On August 7<sup>th</sup> Planning Commission recommended  
deferring RZ-18-003



**July 10<sup>th</sup>, 2018**

**Planning Commission  
Public Hearing**



**CITY COUNCIL AGENDA ITEM**

**SUBJECT: Ordinance of the City of Stonecrest Adopting Additional Taxation Regulations in Chapter 24**

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

**Date Submitted: 07/27/2018**

**Council Meeting: 08/20/2018**

---

**SUBMITTED BY: City Attorney/ Leonid Felgin**

**PURPOSE: This item is to adopt additional taxation regulations in Chapter 24.**

**HISTORY: First Reading was on August 1, 2018**

**FACTS AND ISSUES:**

**OPTIONS:**

**RECOMMENDED ACTION: Adoption of the Ordinance**

1                   **ORDINANCE OF THE CITY OF STONECREST, GEORGIA, ADOPTING**  
2                   **ADDITIONAL TAXATION REGULATIONS IN CHAPTER 24 OF THE CITY CODE.**

3   **WHEREAS**, the City of Stonecrest, Georgia Mayor and City Council are authorized by the  
4   City Charter to adopt business regulations and levy certain business and property taxes as  
5   authorized by the laws of the State of Georgia; and

6  
7   **WHEREAS**, the City has previously adopted Article I of Chapter 24 to regulate insurance  
8   company licensing fees and gross direct premium taxes; and

9  
10   **WHEREAS**, the City Council is vested with the responsibility to regulate taxation in the City  
11   and to adopt appropriate regulations for ad valorem taxation, hotel/motel taxation, taxation of  
12   depository institutions, short-term rental taxation, and excise taxation on motor vehicle rentals.

13  
14                   **THEREFORE**, the Mayor and City Council of the City of Stonecrest, Georgia, hereby  
15   ordain as follows:

16  
17   **Section 1:**     **The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt**  
18   **Article II (“Ad Valorem Taxes”) of Chapter 24 (“Taxation”) to read as follows:**

19  
20                   **ARTICLE II. AD VALOREM TAXES.**

21                   **Sec. 24-11. Annually Set.**

22                   The ad valorem tax rate for each year shall be established annually by the City  
23                   Council.

24                   **Sec. 24-12. Maximum Rate.**

25                   Except as otherwise allowed by law, for all years, the millage rate imposed for  
26                   ad valorem taxes on real property shall not exceed 3.35, unless a higher millage  
27                   rate is adopted by Home Rule or recommended by resolution of the City Council  
28                   and subsequently approved by a majority of the qualified electors of the City  
29                   voting on the issue, provided that the amount of millage associated with general  
30                   obligation bonds shall not count as part of the 3.35 limit since such millage is  
31                   already subject to approval by the electors of the city in a separate referendum.

32                   **Sec. 24-13. Fines for Delinquent Returns.**

33                   Any person failing to properly return his real property, for tax purposes, on or  
34                   before March 1 of each year shall be assessed a penalty of ten percent of the  
35                   amount of taxes due the city. Said penalty shall be in addition to the amount of

36 ad valorem taxes due the city and also in addition any costs and interest  
37 permitted by law.

38 **Sec. 24-14. Due Date.**

39 (a) The ad valorem taxes due the City for the first installment shall become  
40 due and payable on July 1 and shall be delinquent after September 30,  
41 taxes for the second installment are due October 1 and shall be  
42 delinquent after November 15 of each tax year.

43 (b) Any installment of ad valorem taxes due to the City that is not paid on or  
44 before the delinquency date shall be in default, and shall bear interest  
45 and penalties, now or hereafter, as provided by law for taxes which are  
46 delinquent or in default, and executions shall be issued therefore, at such  
47 time the city has met the legal requirements of all state and local laws.

48 (c) In addition, interest shall accrue on such unpaid taxes at the rate of one  
49 percent per month beginning on January 2 following the November when  
50 such taxes were due and continuing thereafter until paid in full. All  
51 interest shall be computed at the rate of one percent per month or for any  
52 fraction thereof.

53 **Sec. 24-15. Collection of Delinquent Taxes.**

54 (a) The duty to collect by levy and sale, or otherwise, for delinquent taxes is  
55 hereby imposed upon the City Tax Collector or designee as issuing  
56 officer, and the county sheriff as execution officer. All levies of  
57 execution for delinquent taxes shall be in the name of the City. This duty  
58 may be contracted, by the City Council, to a third party.

59 (b) It shall be the duty of the City Tax Collector or designee, to comply with  
60 all provisions of state law for issuing, sale and transfer of tax executions  
61 and laws governing judicial sales and to:

62 (1) Keep a file of all newspapers in which an official advertisement  
63 appears;

64 (2) Keep an execution docket in which shall be entered a full  
65 description of all executions;

- 66 (3) Maintain a book of all sales;  
67 (4) Maintain an index to the sales and executions.  
68 (c) The City Tax Collector or his designee shall sign all levies, notices,  
69 advertisements, and the like in his name for the City.  
70 (d) Execution issued in the name of the City for delinquent ad valorem taxes  
71 shall be directed and delivered to the sheriff, who shall enter the  
72 execution upon the docket to be kept in his office and he shall proceed to  
73 enforce the collection of the execution in the manner prescribed by law.  
74 (e) The City Tax Collector or his designee will issue all fieri facias (fi. fas.)  
75 for delinquent taxes and the sheriff shall execute such fi. fas. under the  
76 same procedures provided by law governing execution of such process  
77 from the Superior Court, or by the use of any other available legal  
78 process and remedies.

79 **Sec. 24-16. Assessment of Property for Ad Valorem Taxes.**

- 80 (a) The County Board of Tax Assessors is hereby designated to have the  
81 responsibility for assessment and valuation of property within the city  
82 limits. The City Council shall adopt the assessments and valuations made  
83 by the County Board of Tax Assessors for all property located within the  
84 city limits, as may be established from year to year by the County Board  
85 of Tax Assessors.  
86 (b) The City Council authorizes the County Tax Commissioner to make such  
87 adjustments in the collection of individual items of tax, and to make such  
88 refunds as may be proper and necessary, by adding to or deducting from  
89 the distribution due the City at the next period of accounting, along with  
90 stated explanation of the correction.

91

92 **Section 2: The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt**  
93 **Article III ("Mobile Homes") of Chapter 24 ("Taxation") to read as follows:**

94

95

**ARTICLE III. MOBILE HOMES.**

96

**Sec. 24-30. Decal Required.**

- 97 (a) All persons owning a mobile home based in the City on January 1 of  
98 each year shall obtain from the Tax Collector a decal before May 1, as  
99 provided in O.C.G.A. §48-5-492. This requirement pertains to all mobile  
100 homes, including those exempt from taxation by homestead exemption,  
101 or other provisions of state law.
- 102 (b) Such decals shall be affixed to the mobile homes in such a manner as to  
103 cause them to be easily visible for inspection.
- 104 (c) Owners of mobile homes locating in the City after January 1 of any year  
105 shall be required to report their mobile homes to the office of the Tax  
106 Collector within ten business days.
- 107 (d) The Tax Collector shall issue a decal only after a valid development  
108 permit has been issued by the Public Works Department to ensure that all  
109 applicable zoning and other development standards have been met.

110 **Sec. 24-31. Reports by Mobile Home Park Owners.**

- 111 (a) Every owner and operator of a mobile home park is required to give the  
112 Tax Collector or designee an inventory report of all mobile homes based  
113 in the park as of October 1 of each year. Such reports shall consist of the  
114 manufacturers identification number, title number (if any), manufacturer,  
115 year of manufacture, model, serial number, the location including lot  
116 number and park name or situs address, and the mobile home owner's  
117 name and mailing address for each mobile home in the park. Such report  
118 shall be submitted to the Tax Collector no later than October 15 of each  
119 year. The Tax Collector or designee shall make the mobile home  
120 inventory report available on November 1.
- 121 (b) Every owner, manager and operator of a mobile home park is required to  
122 report any mobile home removal from the park prior to said home being  
123 removed, if known to the park manager, operator or owner.
- 124 (c) Every owner, manager and operator of a mobile home park shall furnish  
125 to the Tax Collector an updated lot map of each park, and any changes  
126 shall be reported before January 1 of each year.



127 (d) Every owner, manager and operator of a mobile home park shall notify  
128 the City of any change in ownership or of name of any mobile home park  
129 within 30 days of such change.

130 **Sec. 24-32. Mobile Homes without Decals may not Remain on Property.**

131 It shall be unlawful for any person owning or controlling land in the City to  
132 authorize any mobile home to remain upon its premises for more than 48 hours  
133 without the display of a decal issued by the issuing authority of the City.

134  
135 **Section 3: The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt**  
136 **Article IV (“Depository Financial Institutions Business License Tax”) of Chapter 24**  
137 **(“Taxation”) to read as follows:**

138  
139 **ARTICLE IV. DEPOSITORY FINANCIAL INSTITUTIONS BUSINESS**  
140 **LICENSE TAX.**

141 **Sec. 24-50. Definitions.**

142 The following words, terms and phrases, when used in this Article, shall have the  
143 meanings ascribed to them in this section, except when the context clearly  
144 indicates a different meaning:

145 *Bank* means any financial institution chartered under the laws of any state or  
146 under the laws of the United States which is authorized to receive deposits in this  
147 state and which has a corporate structure authorizing the issuance of capital stock.

148 *Depository Financial Institution* means a bank or a savings and loan association.

149 *Gross Receipts* means gross receipts as defined in O.C.G.A. §48-6-93.

150 *Savings and Loan Association* means any financial institution, other than a credit  
151 union, chartered under the laws of any state or under the laws of the United States  
152 which is authorized to receive deposits in this state and which has a mutual  
153 corporate form.

154 **Sec. 24-51. Levy Applicability.**

155 An annual business license tax is hereby levied upon all depository financial  
156 institutions located within the City at a rate of one-quarter of one percent of the  
157 gross receipts of such depository financial institutions. Gross receipts shall mean  
158 gross receipts as defined in O.C.G.A. §48-6-93. Depository financial institutions

159 shall mean state and national banks, state building and loan associations, and  
160 federal savings and loan associations.

161 **Sec. 24-52. Minimum Tax.**

162 The minimum annual amount of business license tax due from any depository  
163 financial institution shall be \$1,000.00.

164 **Sec. 24-53. Filing of Return; Payment.**

165 Pursuant to O.C.G.A. §49-6-93(a), each depository financial institution subject  
166 to the tax levied by this Article shall file a return of its gross receipts with the  
167 Finance Department not later than March 1 of the year following the year in  
168 which such gross receipts are measured. The return shall be in the manner and in  
169 the form prescribed by the Commissioner of the State Department of Revenue  
170 based on the allocation method set forth in O.C.G.A. §48-6-93. The tax imposed  
171 by this Article shall be paid at the time of filing the return.

172 **Sec. 24-54. Penalty and Interest for Failure to Pay Tax; Executions.**

173 (a) Any portion of the tax levied by this article not paid before it becomes  
174 delinquent shall be assessed a late penalty and shall bear interest from  
175 the date the tax is due until the tax is paid.

176 (b) For purposes of this section, any period of less than one month shall be  
177 considered to be one month. The Finance Department shall issue  
178 executions against such taxpayer owing taxes, penalties or interest as  
179 provided in this section when the same become delinquent. The  
180 execution shall be recorded on the general execution docket in the office  
181 of the clerk of Superior Court of the County.

182 **Sec. 24-55. Administration.**

183 (a) *Authority of finance department.* The finance Department shall  
184 administer and enforce the provisions of this Article for the levy and  
185 collection of the tax imposed by this Article.

186 (b) *Rules and regulations.* The Finance Director shall have the power and  
187 authority to make and publish reasonable rules and regulations not  
188 inconsistent with this Article or other laws of the City and the State or

189 the State constitution or the United States Constitution for the  
190 administration and enforcement of the provisions of this Article and the  
191 collection of the taxes hereunder.

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

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

214 **Section 4: The Mayor and City Council of the City of Stonecrest, Georgia, hereby re-**  
215 **adopts provisions of the previously adopted Excise Tax on Short-Term Rentals of Rooms,**  
216 **Lodging and Accommodations as Article V, Chapter 24 ("Taxation") to read as follows:**

217 **ARTICLE V. EXCISE TAX ON SHORT-TERM RENTALS OF ROOMS,**  
218 **LODGING AND ACCOMODATIONS.**  
219

220           **Sec. 24-80. Definitions.**

221           The following words, terms and phrases shall, for the purpose of this Article, and  
222           except where the context clearly indicates a different meaning, be defined as  
223           follows:

224           (1)    *Person*: An individual, firm, partnership, joint venture, association, social  
225                   club, fraternal organization, joint stock company, corporation, nonprofit  
226                   corporation or cooperative nonprofit membership, estate, trust, business  
227                   trust, receiver, trustee, syndicate, or any other group or combination acting  
228                   as a unit, the plural as well as the singular number, excepting the United  
229                   States of America, the State of Georgia, an any political subdivision of  
230                   either thereof upon which the City is without power to impose the tax  
231                   herein provided.

232           (2)    *Operator*: Any person operating a hotel or motel in the City, including,  
233                   but not limited to, the owner or proprietor of the premises, lessee,  
234                   sublessee, lender in possession, licensee or any other person otherwise  
235                   operating a hotel or motel.

236           (3)    *Occupant*: Any person who, for a consideration, uses, possesses, or has  
237                   the right to use or possess any room in a hotel under any lease, concession,  
238                   permit, right of access, license to use or other agreement, or otherwise.

239           (4)    *Occupancy*: The use or possession, or the right to the use or possession of  
240                   any room or apartment in a hotel or the right to use or possession of the  
241                   furnishings or to the services and accommodations accompanying the use  
242                   and possession of the room.

243           (5)    *Hotel or motel*: Any structure or any portion of a structure, including any  
244                   lodging house, rooming house, dormitory, Turkish bath, bachelor hotel,  
245                   studio hotel, motel, motor hotel, auto court, inn, public club, or private  
246                   club, containing guest rooms and which is occupied, or is intended or  
247                   designed for occupancy, by guests, whether rent is paid in money, goods,  
248                   labor, or otherwise. It does not include any jail, hospital, asylum,

249                   sanitarium, orphanage, prison, detention, or other building in which  
250                   human beings are housed and detained under legal restraint.

251           (6)   *Guest room.* A room occupied, or intended, arranged, or designed for  
252           occupancy, by one or more occupants for the purpose of living quarters or  
253           residential use.

254           (7)   *Rent:* The consideration received for occupancy valued in money,  
255           whether received in money or otherwise, including all receipts, cash,  
256           credits and property or services of any kind or nature, and also the amount  
257           for which credit is allowed by the operator to the occupant, without any  
258           deduction therefrom whatsoever.

259           (8)   *Permanent resident:* Any occupant as of a given date who has or shall  
260           have occupied, or has or shall have the right of occupancy, of any guest  
261           room in a hotel or motel for at least 30 consecutive days next preceding  
262           the given date; provided that state and local government officials and  
263           employees traveling on official governmental business shall not be  
264           considered permanent residents pursuant to O.C.G.A. §48-13-51(g)(3).

265           (9)   *Return:* Any return filed or required to be filed as provided in this Article.

266           (10) *Tax:* The tax imposed by this Article.

267           (11) *Monthly period:* The calendar months of any year.

268           (12) *Due date:* From the 20<sup>th</sup> day after the close of the monthly period for  
269           which tax is to be computed.

270

271           **Sec. 24-81. Tax Levied.**

272           There is hereby levied and imposed an excise tax on any person or legal entity  
273           licensed by or required to pay a business or occupation tax to the City of  
274           Stonecrest for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin,  
275           campground, or any other place in which rooms, lodgings, or accommodations are  
276           regularly furnished for value at a tax at the rate of five percent (5%) of the lodging  
277           charges actually collected from the hotel or motel guest and who receives a room,  
278           lodging or accommodation that is subject to the tax. The effective date of the

279 hotel motel tax shall be the first day of the second month from the day this  
280 ordinance is passed. The effective date for collection of this tax shall be the date  
281 this ordinance is passed by the City's Mayor and Council, otherwise stated as  
282 August 7, 2017.

283

284 **Sec. 24-82. Amount of Tax; Use of Revenue Derived from Tax.**

285 The tax will be a total of five percent (5%) and is authorized pursuant to O.C.G.A.  
286 §48-13-51(a)(3), with the first three percent (3%) for use in the City's General  
287 Revenue Fund, and the remaining two percent (2%) shall be expended for  
288 purposes of promoting and marketing tourism conventions and trade shows  
289 through a contract with one or more Destination Marketing Organizations  
290 ("DMO"s) as defined by O.C.G.A. §48-13-50.2(1).

291

292 **Sec. 24-83. Collection of Tax by Operator.**

293 Every such guest subject to the tax levied under this Ordinance shall pay the tax  
294 to the person or entity providing the room, lodging or accommodation. The tax  
295 shall be a debt of the person obtaining the room, lodging or accommodation to the  
296 person or entity providing such room, lodging or accommodation until it is paid  
297 and shall be recoverable at law by the person or entity providing such room,  
298 lodging or accommodation in the same manner as authorized for other debts. The  
299 person or entity collecting the tax shall remit the tax to the City of Stonecrest,  
300 and the tax remitted shall be a credit against the tax imposed by this Ordinance on  
301 the person or entity providing the room, lodging or accommodation.

302

303 **Sec. 24-84. Exemptions.**

304 The tax hereby levied and imposed shall not apply to charges made for any  
305 rooms, lodgings, or accommodations provided to any persons who certify that  
306 they are staying in such room, lodging or accommodation as a result of the  
307 destruction of their home or residence by fire or other casualty. The tax shall  
308 apply to the fees or charges for any rooms, lodgings or accommodations during

309 the first 30 days of continuous occupancy and shall not apply to charges imposed  
310 for any continued occupancy thereafter. The tax shall not apply to charges made  
311 for the use of meeting rooms or other such facilities or to any rooms, lodgings or  
312 accommodations provided without charge. The tax shall not apply to charges for  
313 any rooms, lodgings or accommodations furnished for a period of one (1) or more  
314 (2) days for use by Georgia State or local government officials or employees  
315 while travelling on official business.

316

317 **Sec. 24-85. Registration of operator; Form and contents; Execution;**  
318 **Certificate of Authority.**

319 Every person engaging or about to engage in business as an operator of a hotel or  
320 motel in this City shall immediately register with the City Manager of the City, on  
321 a form provided by the City. Persons engaged in that business must so register no  
322 later than thirty (30) days after the date this Article becomes effective and the tax  
323 is imposed, but the privilege of registration after the imposition of the tax shall  
324 not relieve any person from the obligation of payment or collection of tax on and  
325 after the date of imposition thereof, regardless of registration.

326

327 **Sec. 24-86. Determination; Due date; Returns and payments; Collection fee.**

328 (a) All amounts of the hotel/motel tax shall be due and payable to the City  
329 Finance Director monthly on or before the twentieth day of every month  
330 succeeding each respective monthly period.

331 (b) On or before the twentieth day of the month following each monthly  
332 period, a return for the preceding monthly period shall be filed with the  
333 City manager showing the gross rent, rent from permanent residents,  
334 taxable rent, amount of tax collected or otherwise due for the related  
335 period, and any other information as may be required by the City  
336 Manager.

337 (c) Operators collecting a tax shall be allowed a percentage of the tax due and  
338 accounted for and shall be reimbursed in the form of a deduction in

339 submitting, reporting, and payment of the tax due, only if the amount is  
340 not delinquent at the time of payment. The rate of deduction shall be three  
341 (3) percent of the amount due.

342

343 **Sec. 24-87. Deficiency determinations; Interest; Notice.**

344 (a) If the City Finance Director is not satisfied with the return or returns of the  
345 tax or the amount of the tax required to be paid to the City by any person,  
346 he may compute and determine the amount required to be paid upon the  
347 basis of any information within his possession or that may come into his  
348 possession and shall report such discrimination to the Mayor and City  
349 Council for confirmation. One or more deficiency determinations may be  
350 made of the amount due for one or more monthly periods.

351 (b) The amount of the determination shall bear interest at the rate of one  
352 percent (1%) per month, or fraction thereof from the due date of taxes.

353 (c) The City Manager or designated representative shall give to the operator  
354 written notice of the determination. The notice may be served personally  
355 or by mail; if by mail the service shall be addressed to the operator at the  
356 address as it appears in the records of the City Manager. Service by mail  
357 is complete when delivered by certified mail with a signed receipt.

358 (d) Except in the case of failure to make a return, every notice of a deficiency  
359 determination shall be mailed within three years after the twentieth day of  
360 the calendar month following the monthly period for which the amount is  
361 proposed to be determined, or within three years after the return is filed,  
362 whichever period should last expire.

363

364 **Sec. 24-88. Determination if no return made; Interest.**

365 (a) If any person fails to make a return, the City Finance Director shall make  
366 an estimate of the amount of the gross receipts of the person, or as the case  
367 may be, of the amount of the total rentals in the City which are subject to  
368 the tax. The estimate shall be made for the period or periods in respect to



369 which the person fails to make the return and shall be based upon any  
370 information which is or may come into the possession of the City's  
371 Finance Director. Such determination shall be reported to and confirmed  
372 by the Mayor and City Council. Written notice of the determination shall  
373 be given in a manner prescribed in Section 24-87.

374 (b) The amount of the determination shall bear interest at the rate of one  
375 percent (1%) per month, or fraction thereof, from the twentieth day of the  
376 month following the monthly period, for which the amount or any portion  
377 thereof should have been returned, until the date of payment.

378 (c) In addition to the interest provided for by subsection (b) of this section,  
379 delinquent penalties shall be added to all unpaid balances at the rates  
380 prescribed by O.C.G.A. §48-13-58.

381

382 **Sec. 24-89. Administration of Article; Authority of City Manager; Records.**

383 (a) The City Manager shall administer and enforce the provisions of this  
384 Article for the collection of the tax imposed by this Article.

385 (b) Every operator renting guest rooms in this City to a person shall keep any  
386 records, receipts, invoices, and other pertinent papers in any form as the  
387 City Manager may require.

388 (c) The City Manager or any person authorized in writing by the City  
389 Manager may examine books, papers, records, financial reports,  
390 equipment and other facilities of any operator renting guest rooms to a  
391 person and any operator liable for the tax, in order to verify the accuracy  
392 of any return made, or if no return is made by the operator, to ascertain  
393 and determine the amount required to be paid.

394 (d) In administration of the provisions of this Article, the City Manager may  
395 require the filing of reports by any person or class of persons having in  
396 that person's possession or custody, information relating to rentals of  
397 guest rooms which are subject to the tax. The reports shall be filed with  
398 the City Manager and shall set forth the rental charge for each occupancy,

399 the date or dates of occupancy, and any other information as the City may  
400 require.

401

402 **Sec. 24-90. Violations.**

403 (a) Any person responsible for reporting, return or payment of the taxes levied  
404 pursuant to this Article shall be punished as provided in O.C.G.A. §§48-  
405 13-58.1 through 48-13-63. In the event any such person is in violation of  
406 any of the provisions of this Article that are not otherwise covered by state  
407 law then, upon conviction, such person shall be deemed guilty of an  
408 offense and shall be punished in municipal court to the extent of that  
409 court's authority.

410 (b) Such person shall be guilty of a separate offense for each and every day  
411 during any portion of which any violation of any provision of this Article  
412 is committed, continued, or permitted by that person, and shall be  
413 punished accordingly. Any operator or any other person who fails to  
414 register as required herein, or to furnish any return required to be made, or  
415 who fails or refuses to furnish a supplemental return or other data required  
416 by the City, or who renders a false or fraudulent return shall be deemed  
417 guilty of an offense and upon conviction thereof shall be punished as  
418 aforesaid.

419

420 **Sec. 24-91. Collection of tax; Purchaser liable.**

421 (a) At any time within three years after any tax or any amount of tax required  
422 to be collected becomes due and payable, and at any time within three  
423 years after the delinquency of any tax or any amount of tax required to be  
424 collected under this Article, the City may bring an action in a court of  
425 competent jurisdiction to collect the amount delinquent, together with the  
426 interest, court fees, filing fees, attorneys' fees and other legal fees incident  
427 thereto.

428 (b) If any operator liable for any amount under this Article sells out his  
429 business or quits the business, his successors or assigns shall withhold a  
430 sufficient amount of the purchase price to cover the amount required until  
431 the former owner produces a receipt from the City Clerk showing that the  
432 indebtedness has been paid or a certificate stating that no amount is due.

433 (c) If the purchaser of a business fails to withhold from the purchase price as  
434 required, he shall be personally liable for the payment of the amount  
435 required to be withheld by him to the extent of the purchase price.

436 (d) Whenever the amount of any tax or interest has been paid more than once,  
437 or has been erroneously or illegally collected or received by the City under  
438 this Article, it may be refunded by the City. If the operator or person  
439 determines that he has overpaid or paid more than once, which fact has not  
440 been determined by the City, he will have 30 days from the date that  
441 overpayment was made to provide to the City in writing, via U.S. Certified  
442 Mail or overnight delivery, the specific ground upon which the claim is  
443 founded. The claim shall be audited. If the claim is approved by the  
444 City, the excess amount paid may be credited on any amounts then due  
445 and payable from the person by whom it was paid, or his administrators or  
446 executors. Should the operator receive a bill for hotel/motel taxes after  
447 already remitting such taxes to the City, the operator must provide proof in  
448 writing to the City of the previous payment. Such documentation should  
449 be provided via U.S. Certified Mail or overnight delivery. The City will  
450 audit the claim of previous payment, and if the City finds the operator has  
451 made the previously payment, the City shall adjust its records accordingly  
452 and issue a statement of payment to the operator.

453

454 **Section 5: The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt**  
455 **Article VI ("Excise Tax on Rental Motor Vehicles") of Chapter 24 ("Taxation") to read as**  
456 **follows:**

457

458

**ARTICLE VI. EXCISE TAX ON RENTAL MOTOR VEHICLES**

459

**Sec. 24-100. Definitions.**

460 The following words, terms and phrases, when used in this Article, shall have  
461 the meanings ascribed to them in this section, except where the context clearly  
462 indicates a different meaning:

463 *Director of Finance* means the head or director of city Finance Department or  
464 designee.

465 *Month or monthly period* means the calendar months of any year.

466 *Rental charge* means the total value received by a rental motor vehicle concern  
467 for the rental or lease for 31 or fewer consecutive days of a rental motor vehicle,  
468 including the total cash and nonmonetary consideration for the rental or lease  
469 including, but not limited to, charges based on time or mileage and charges for  
470 insurance coverage or collision damage waiver but excluding all charges for  
471 motor fuel taxes or sales taxes.

472 *Rental motor vehicle* means a motor vehicle designed to carry ten or fewer  
473 passengers and used primarily for the transportation of persons that is rented or  
474 leased without a driver regardless of whether such vehicle is licensed in the  
475 state.

476 *Rental motor vehicle concern* means a person or legal entity that owns or leases  
477 five or more rental motor vehicles and which regularly rents or leases such  
478 vehicles to the public for value in the City.

479 *Tax, excise tax or taxes* means the tax imposed by this Article.

480 **Sec. 24-101. Authority; Effective Date; Rules and Regulations; Record.**

481 (a) *Authority.* The Finance Department shall administer and enforce this  
482 Article for the levy and collection of the tax as authorized by, and in  
483 accordance with, O.C.G.A. §48-13-90 et seq., and as may hereinafter be  
484 amended.

485 (b) *Effective date.* The tax levied by this Article shall be effective on January  
486 1, 2019, and shall continue until December 31, 2038, as provided by law,  
487 or unless earlier terminated by the Georgia General Assembly or the City  
488 Council.

489 (c) *Rules and regulations.* The Director of Finance shall have the power and  
490 authority to make and publish reasonable administrative rules and  
491 regulations not inconsistent with this Article or other ordinances of the  
492 City or laws of the State or the Constitution of the State or the United  
493 States for the administration and enforcement of this Article and the  
494 collection of the tax under this Article.

495 (d) *Records required.* Every rental motor vehicle concern subject to this  
496 Article shall keep records, receipts, invoices and other pertinent papers  
497 reflecting the number of rental motor vehicles rented or leased and the  
498 gross rental charges received by each rental motor vehicle concern for  
499 each month, in such form as the Director of Finance may require.

500 (1) The customer picks up the rental motor vehicle outside the State  
501 and returns it within the State;

502 (2) The customer picks up the rental motor vehicle in the State and  
503 returns it outside the State.

504 **Sec. 24-102. Amount of Tax Allowed to be Retained for Expenses.**

505 Each rental motor vehicle concern collecting the tax imposed by this Article  
506 shall be allowed to retain three (3) percent of the tax due and collected and may  
507 retain that amount in the form of a deduction for expenses incurred in  
508 submitting, reporting and paying the amount of taxes due, but only if the  
509 amounts due are not delinquent at the time of payment.

510 **Sec. 24-103. Monthly Statement Required Showing Rental Charges and**  
511 **Taxes**

512 (a) On or before the 20th day of each month following the month of January  
513 2019, the rental motor vehicle concern liable for the tax provided for  
514 herein shall transmit to the Director of Finance a statement showing the  
515 rental charges and taxes collected by authority of this Article for the  
516 immediately preceding calendar month. Along with said statement, the  
517 rental motor vehicle concern shall submit to the Director of Finance the  
518 taxes due pursuant to this Article for that particular month.

519 (b) Failure to remit taxes by the due date shall subject the rental motor  
520 vehicle concern to a penalty of five (5) percent of the taxes then due and  
521 in addition to such penalty, interest on the unpaid taxes then due  
522 computed at the rate of one (1) percent per month. Interest shall not be  
523 assessed on interest or penalties.

524 **Sec. 24-104. Records.**

525 In order to aid in the administration and enforcement of the provisions of this  
526 Article and to collect all the tax imposed, all rental motor vehicle concerns are  
527 hereby required to keep a record of the number of rental motor vehicles rented  
528 or leased and all rental charges for rental motor vehicles and taxes collected  
529 which are related thereto. Said records shall be open for inspection and copying  
530 by any duly authorized agent of the City during regular business hours.

531 **Sec. 24-105. Deficiency Determinations.**

532 (a) If the Director of Finance is not satisfied with the statement of the excise  
533 tax provided for in section 24-103(a). or the amount of the tax paid to the  
534 City by any rental motor vehicle concern, the Director of Finance may  
535 compute and determine the amount required to be paid upon the basis of  
536 any information that is or may come into possession of the Director of  
537 Finance. One or more deficiency determinations may be made of the  
538 amount due for one or more monthly periods.

539 (b) The amount of the deficiency determination made by the Director of  
540 Finance shall bear interest at the rate of one (1) percent per month or  
541 fraction thereof from the due date of the taxes found to be due but not  
542 paid.

543 (c) The Director of Finance shall give to the rental motor vehicle concern a  
544 written notice of any such deficiency determination. The notice may be  
545 served personally or by mail and if by mail the service shall be addressed  
546 to the operator or the owner of the rental motor vehicle concern at the  
547 address as the same appears in the business license or other records of  
548 the Director of Finance as provided to him by each rental motor vehicle

549 concern. Service by mail is complete when delivered by certified mail  
550 with a receipt signed by an addressee or agent of the addressee.

551 (d) Except in cases of failure to make a return, every notice of deficiency  
552 determination shall be mailed within three (3) years after the 20th day of  
553 the calendar month following the monthly period in which the amount  
554 proposed to be determined or within three (3) years after the return is  
555 filed, whichever period shall expire last.

556 **Sec. 24-106. Failure to File a Statement.**

557 (a) If any rental motor vehicle concern fails to file a statement as required  
558 by section 24-103(a), the Director of Finance shall make an estimate of  
559 the excise tax due. The estimate shall be made for the period or periods  
560 in respect to which the rental motor vehicle concern has failed to file a  
561 statement and shall be based upon such information that is or may come  
562 into the possession of the Director of Finance. Written notice shall be  
563 given in the manner as prescribed in section 24-105(c).

564 (b) The amount of the delinquency determination shall bear interest at the  
565 rate of one (1) percent per month or fraction thereof from the 20th day of  
566 the month following the monthly period for which the amount of any  
567 portion thereof should have been paid until the date of payment.

568 **Sec. 24-107. Audit Authority.**

569 Duly authorized employees of the City upon exhibition of identification and  
570 during regular business hours may examine and copy the books, papers, records,  
571 financial reports, equipment and other facilities if necessary of any rental motor  
572 vehicle concern in order to verify the accuracy of any statement filed pursuant  
573 to section 24-103(a), or if no statement is filed by the rental motor vehicle  
574 concern, to ascertain or determine the amount of tax required to be paid.

575 **Sec. 24-108. Withholding Tax on Sale of Business.**

576 (a) If any rental motor vehicle concern liable for any amount under this  
577 Article transfers or sells its business or quits the business, its successors  
578 or assigns shall withhold sufficient amounts from the purchase price to

579 cover any amounts required to be paid pursuant to this Article until the  
580 former owner or operator of the rental motor vehicle concern produces a  
581 receipt from the Director of Finance or designee showing that the  
582 indebtedness has been paid or a certificate stating that no amount is due.

583 (b) If the purchaser of a business or rental motor vehicle concern fails to  
584 withhold from the purchase price all amounts due as required herein such  
585 purchaser will be personally liable for the payment of the amount of the  
586 outstanding tax required to be withheld to the extent of such purchase  
587 price.

588 **Sec. 24-109. Penalty for Violation.**

589 (a) In addition to the interest charges and delinquent penalties specified in  
590 this Article, any person who fails or refuses to comply with the  
591 provisions of this Chapter, upon citation by the Finance Department and  
592 conviction of the violation in a court of competent jurisdiction, will be  
593 subject to a fine and/or imprisonment in accordance with this Code.  
594 Where any violation or offense continues from day to day, each day's  
595 continuance thereof will constitute a separate offense.

596 (b) For a third and each subsequent violation of this chapter, the court shall  
597 impose a fine of not less than \$250.00 in addition to any other penalty or  
598 punishment imposed by the court.

599  
600 **Section 6: The provisions of this Ordinance shall become effective immediately upon its**  
601 **adoption. All ordinance or resolutions in conflict herewith are hereby repealed.**

602  
603 **SO ORDAINED** this the \_\_\_\_ day of \_\_\_\_\_, 2018.  
604

605  
606  
607  
608  
609  
610  
611  
612  
613

Approved:

\_\_\_\_\_  
Jason Lary, Sr., Mayor

As to form:



STATE OF GEORGIA  
COUNTY OF DEKALB  
CITY OF STONECREST

ORDINANCE 2018-\_\_\_\_\_

614

615

616 \_\_\_\_\_  
Thompson Kurrie, Jr., City Attorney

617 Attest:

618

619

620

621 \_\_\_\_\_  
Brenda James, City Clerk





**CITY COUNCIL AGENDA ITEM**

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

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

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

---

**SUBMITTED BY: Plez Joyner**

**PURPOSE:**

**HISTORY:**

**FACTS AND ISSUES:**

**OPTIONS:**

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

95  
96 **Sec. 4.5.15. Sunday Sales.**

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

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

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

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

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

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

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

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

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

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

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

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



151

152

**Sec. 4.5.21. Sunday Sales.**

153

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

154

155

156

157

158

159

160

161

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

162

163

164

165

166

167

168

169

170

171

172

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

173

174

175

176

177

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

178

179

180

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

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

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

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

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

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

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

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

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

208

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

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

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

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

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

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

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

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

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

249  
250    **Section 9:**

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

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

265  
266           3. In the event that any phrase, clause, sentence, paragraph or section of this  
267           Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional  
268           or otherwise unenforceable by the valid judgment or decree of any court of  
269           competent jurisdiction, it is the express intent of the Mayor and City Council that  
270           such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent  
271           allowed by law, not render invalid, unconstitutional or otherwise unenforceable  
272           any of the remaining phrases, clauses, sentences, paragraphs or sections of the  
273           Ordinance and that, to the greatest extent allowed by law, all remaining phrases,  
274           clauses, sentences, paragraphs and sections of the Ordinance shall remain valid,  
275           constitutional, enforceable, and of full force and effect.

276  
277           4. All ordinances or resolutions and parts of ordinances or resolutions in conflict  
278           herewith are hereby expressly repealed.

279  
280           5. The within ordinance shall become effective upon its adoption.

281  
282           6. The provisions of sections 5, 6 and 7 of this Ordinance, if effective following the  
283           herein described Referendum, shall become and be made part of The Code of the

STATE OF GEORGIA  
DEKALB COUNTY  
CITY OF STONECREST

ORDINANCE NO. \_\_\_\_\_

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

286  
287 **SO ORDAINED AND EFFECTIVE** this the \_\_\_\_ day of \_\_\_\_\_,  
288 2018.

289

290

291

292

Approved:

293

294

295

296

\_\_\_\_\_  
Jason Lary, Sr., Mayor

297

298

As to form:

299

300

301

302

\_\_\_\_\_  
Thompson Kurrie, Jr., City Attorney

303 Attest:

304

305

306

307

\_\_\_\_\_  
Brenda James, City Clerk





**CITY COUNCIL AGENDA ITEM**

**SUBJECT: Resolution for Federally Subsidized Flood Insurance as Authorized by the National Flood Insurance Act of 1968**

- ORDINANCE                       POLICY                                       STATUS REPORT  
 DISCUSSION ONLY               RESOLUTION                               OTHER

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

---

**SUBMITTED BY: Plez Joyner**

**PURPOSE:**

**HISTORY:**

**FACTS AND ISSUES:**

**OPTIONS:**

**RECOMMENDED ACTION: This item is for a discussion on Federally Subsidized Flood Insurance as Authorized by the National Flood Insurance Act of 1968.**





**RESOLUTION OF INTENT**

1  
2 **WHEREAS**, certain areas of the City of Stonecrest, Georgia, are subject to periodic flooding, or  
3 flood-related erosion, causing serious damages to properties within these areas; and  
4

5 **WHEREAS**, relief is available in the form of Federally subsidized flood insurance as authorized by  
6 the National Flood Insurance Act of 1968; and  
7

8 **WHEREAS**, it is the intent of the City Council of the City of Stonecrest to require the recognition  
9 and evaluation of flood, or flood-related erosion hazards in all official actions relating to the land  
10 use in areas having these hazards; and  
11

12 **WHEREAS**, this body has the legal authority to adopt land use and control measures to reduce  
13 future flood losses pursuant to the Charter of the City of Stonecrest.  
14

15 **NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the City of  
16 Stonecrest hereby:  
17

- 18 1. Assures the Federal Insurance Administration that it will enact as necessary, and  
19 maintain in force in those areas having flood, or flood-related erosion hazards, adequate  
20 land use and control measures with effective enforcement provisions consistent with the  
21 Criteria set forth in Part 60 of the National Flood Insurance Program Regulations  
22 (CFR44); and  
23
- 24 2. Vests the City Manager, or his designee, with the responsibility, authority and means to:
  - 25 (a) Assist the Administrator, at his request, in his delineation of the  
26 limits of the area having special flood, or flood-related erosion hazards.
  - 27 (b) Provide such information as the Administrator may request  
28 concerning present uses and occupancy of the flood plain, or flood-related erosion  
29 areas.
  - 30 (c) Cooperate with Federal, State, and local agencies and private firms which  
31 undertake to study, survey, map, and identify flood plain, or flood-related erosion  
32 areas, and cooperate with neighboring communities with respect to management of  
33 adjoining flood plain, and/or flood-related erosion areas in order to prevent  
34 aggravation of existing hazards.
  - 35 (d) Upon occurrence, notify the Administrator in writing whenever the  
36 boundaries of the Community have been modified by annexation or the community  
37 has otherwise assumed or no longer has authority to adopt and enforce floodplain  
38 management regulations for a particular area. In order that all Flood hazard  
39 Boundary Maps and Flood Insurance Rate Maps accurately represent the  
40 Community's boundaries, include within such notification a copy of a map of the  
41 community suitable for reproduction, clearly delineating the new corporate limits or  
42 new area for which the community has assumed or relinquished flood plain  
43 management regulatory authority.  
44



- 45           3. Appoints the City manager, or his designee, to maintain for public inspection and to  
46           furnish upon request for the determination of applicable flood insurance risk premium  
47           rates within all areas having special flood hazards identified on a Flood Hazard  
48           Boundary Map or Flood Insurance Rate Map, any certificates of flood-proofing, and  
49           information on the elevation (in relation to mean sea level) of the level of the lowest  
50           flood (including basement) of all new or substantially improved structures, and include  
51           whether or not such structures include a basement, and if the structure has been  
52           floodproofed; and  
53  
54           4. Agrees to take such other official action as may be reasonably necessary to carry out the  
55           objectives of the program.  
56

57 This Resolution shall be effective immediately upon its adoption.

58 **SO RESOLVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

59 Approved:

60  
61  
62  
63  
64  
65  
66

\_\_\_\_\_  
Jason Lary, Sr., Mayor

67 Attest:

68  
69  
70

\_\_\_\_\_  
Brenda James, City Clerk

