



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

December 17, 2018

7:00pm.

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 December 5, 2018
- VII. PUBLIC COMMENTS:**
- VIII. AGENDA ITEMS:**
 1. Resolution for Approval and Establishment of a Housing Authority for City of Stonecrest- City Attorney
 2. Resolution to Appoint A New Member to the Development Authority- Mayor Lary
 3. Resolution to Establish the Stonecrest Overlay District Steering Committee – Council Members Clanton & George Turner
 4. Ordinance Setting Work Session and City Council Meeting Dates and Times – Mayor Lary (First Read)

5. Resolution to Establish Stonecrest Film Committee- City Manager
6. An Ordinance for the Creation of the Stonecrest Youth Council- Council- Council Members Adoma & Rob Turner
7. An Ordinance for the Creation of the Stonecrest Youth Council Advisory Committee- Council Members Adoma & Rob Turner
8. An Ordinance for the Creation of the Historic and Cultural Landmarks Commission- Council Members Adoma & Rob Turner
9. Resolution for Stonecrest City Center Negotiation- Mayor Lary
10. SPLOST Program Management- Council Members Cobble, Adoma, Rob and George Turner

IX. CITY MANAGER COMMENTS:

X. CITY ATTORNEY COMMENTS:

XI. MAYOR AND COUNCIL COMMENTS:

XII. ADJOURNMENT:

XIII. 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

December 5, 2018

9:00am.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

- I. **CALL TO ORDER:** Mayor Jason Lary
- II. **ROLL CALL:** Mayor and Council were all 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 add to the Work Session Agenda the Legislative Agenda, Update on Comp Plan and Film Commission. Council Member George Turner provided the second. **The motion carried unanimously.**

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

- VI. **MINUTES:** Approval of Minutes of the City Council Meeting of November 7, 2018 and November 19, 2018

Council Member George Turner made a motion to adopt the November 1, 2018 minutes with Council Member Rob Turner providing the second. **The motion carried unanimously.**

Council Member Adoma made a motion to adopt the minutes of the November 19, 2018 minutes with Council Member George Turner providing the second. **The motion carried.**

VII. PRESENTATIONS: None

VIII. PUBLIC HEARING:

1. 2019 Fiscal Year Budget

Michael Harris, City Manager gave a detailed report of the 2019 Fiscal Budget. There was much discussion.

Council Member George Turner made a motion to open the Public Hearing for the Budget with 3 minutes per speaker for a total of 30 minutes. Council Member Adoma provided the second. **The motion carried unanimously.**

Speakers:

Faye Coffield
Dave Marcus
Dalay Smith
Cheryl Moore Mathis
Dave Marcus
Joel Thibodeau

Council Member Adoma made a motion to close the Public Hearing with Mayor Lary providing the second. **The motion carried unanimously.**

IX. PUBLIC COMMENTS:

Mere Cardenas spoke on the demolition of two buildings torn down on Klondike and the lost of potential tourism and tax credits

Mr. Martinas Figures spoke on behalf of the River Bend Overlook Community and made request for some of the changes they would like to see in their community.

Faye Coffield spoke on the buildings that were torn down, the Housing Authority item, the need for Code Enforcement Department to work extended hours and Parks and Recreation.

Cheryl Moore Mathis spoke on the demolition of historic building and said she would like to address it to Council Member Adoma for the record.

Mayor Lary said since Council Member Adoma name was called he was going to allow her to speak regarding the demolition of the buildings.

Council Member Adoma said documentation will show that every conversation she had with the owner was for historic preservation. He was provided information on the EPA, Brownfield Grants and a free grant writer and she had no idea it was going to be demolished until the day it was done. She has recommended to Council the Historic Preservation Ordinance. In defense of the Council and City of Stonecrest she was told they have received many citations from the insurance company and the property was unsafe. The land was not owned by the City of Stonecrest, nor Arabia Mountain. It was a private owner. We were for preservation of the buildings, but the owner decided on demolition.

X. AGENDA ITEMS:

2. TMOD 18-0006 (An Ordinance to Amend Chapter 27 Section 3.5.15)

Nicole Dozier, Community Development Director gave an overview of the TMOD18-0006.

Mayor Lary made a motion to approve the TMOD 18-0006 Ordinance to amend Chapter 27 Section 3.5.15. Council Member Rob Turner provided the second. **The motion carried unanimously.**

3. Resolution to Adopt the Fund Balance Policy

City Manager, Michael Harris gave an overview of the Fund Balance Policy.

Council Member Adoma made a motion to approve the Resolution for the Fund Balance Policy with Council Member Rob Turner providing the second. **The motion carried unanimously.**

4. Resolution to Ratify and Reaffirm the Appointment of Alcohol Hearing Review Officers and Appoint Alcohol Hearing Review Officers for 2019-2020

Mayor Lary appointed Trichelle Simmons of District 4 and Stephone Johnson of District 5 to the Alcohol Hearing Review Board.

Council Member Clanton made a motion to approve the Resolution and affirm the appointees by the Mayor to the Alcohol Hearing Review Board. Council Member George Turner provided the second. **The motion carried unanimously.**

5. Resolution to Appoint Members of the Planning Commission for 2019-2020

Mayor Lary reappointed the current 4 members back to the Planning Commission for 2019-2020.

Council Member Clanton made a motion to approve the Resolution and affirm the reappointments by Mayor Lary back to the Planning and Zoning Commission for 2019-2020. Council Member Rob Turner provided the second. **The motion carried unanimously.**

6. Resolution to Appoint Members of the Zoning Board of Appeals for 2019-2020
Mayor Lary reappointed the current members of the Zoning Board of Appeals for the 2019-2020 term.

Council Member George Turner made a motion to approve the Resolution and affirm the reappointments by Mayor Lary to the Zoning Board of Appeals for 2019-2020. Council Member Adoma provided the second. **The motion carried unanimously.**

7. 2019 Board of Zoning Appeals Meeting Schedule

Council Member Rob Turner made the motion to accept the 2019 Board of Zoning Appeals Meeting Schedule with Council Member George Turner providing the second. **The motion carried unanimously.**

8. Resolution for Appointment of Development Authority Members

Mayor Lary appointed Julius Lee and Vernon Jones to the Development Authority to replace two members who resigned.

Council Member George Turner said he would like to take the vote separate on the appointees.

Mayor Lary said he would like to appoint Vernon Jones to the Development Authority.

Mayor Lary made a motion to approve the Resolution and affirm the appointment of Vernon Jones with Council Member Clanton providing the second. **A vote was taken on the appointment with Council Members Cobble, George Turner and Adoma voting No. Mayor Lary and Council Members Clanton and Rob Turner voted Yes. The motion failed.**

Mayor Lay said he would like to appoint Julius Lee to the Development Authority.

Mayor Lary made a motion to approve the Resolution and affirm the appointment of Julius Lee with Council Member Clanton providing the second. **The motion carried unanimously.**

Mayor said he goes down the line to respect and trust council. He tells you he has done his research and you vote against a person he wants.

9. Resolution to Set and Publish the Qualifying fees for the 2019 General Election

Council Member Clanton made a motion to approve the Resolution to set and publish the qualifying fees for the 2019 General Election. Council Member Adoma provided the second. **The motion carried unanimously.**

XI. CITY MANAGER COMMENTS: None

XII. CITY ATTORNEY COMMENTS: None

XIII. MAYOR AND COUNCIL COMMENTS:

Council Member Cobble had no comments.

Council Member Rob Turner announced on December 8th from 9:00 a.m. to 11:00 a.m. they will have their regular monthly Breakfast Meeting. The meeting will be held at the House of Hope where they will be honoring On Common Grounds and Cross Roads newspapers.

Council Member Clanton said the Parks at Stonecrest will have a meeting on December 8th at 6:00 p.m. in the Stonecrest Library and December 15th, District 1 will have a meeting to discuss Stonecrest the Big Picture from 10:00 a.m. to 12:00 p.m. at the Stonecrest Library.

Council Member George Turner announced a longtime community activist Mr. Walldorf Bennett passed and will be funeralized on Friday at Israel Baptist Church.

Council Member Adoma announced on December 11th there will be a Small Business Association Workshop, on December 18th last townhall meeting at the Stonecrest Library and she will accept toys and clothing for children of Stonecrest. She said on Christmas Day she will feed the DeKalb Police at the Bruce Street Station.

Mayor Lary said he will have his last treatment this week and thanked everyone for their continued prayers.

XIV. EXECUTIVE SESSION:

Council Member George Turner made a motion to go into Executive Session for real estate and litigation matters. Council Member Adoma provided the second. **The motion carried at 11:40 a.m.**

XV. ADJOURNMENT:

Council Member George Turner made a motion reconvene into the Council Meeting with Council Member Clanton provided the second. **The motion carried unanimously.**

Council Member Clanton made a motion to adjourn the meeting with Council Member George Turner providing the second. **The motion carried unanimously.**

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



CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution for City Council to Authorize the Approval and Establishment of a Housing Authority of the City of Stonecrest

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

Work Session: 12/05/2018

Council Meeting: 12/17/2018

SUBMITTED BY: City Attorney

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

A RESOLUTION OF THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA AUTHORIZING THE APPROVAL AND ESTABLISHMENT OF A HOUSING AUTHORITY OF THE CITY OF STONECREST, GEORGIA; AND FOR OTHER PURPOSES.

WHEREAS, the Housing Authorities Law of the State of Georgia (§8-3-1 *et. seq.*)(the “Housing Authorities Law”) provides that in each city and in each county of the state there is created a public body corporate and politic to be known as the "housing authority" of the city or county; however, that housing authority may not transact any business or exercise its powers until or unless the governing body of the city or the county, as the case may be, by proper resolution declares that there is need for an authority to function in such city or county; and

WHEREAS, the members of the City Council have been presented with compelling information for the need for a housing authority; and

WHEREAS, the members of the City Council declare that there is need for a housing authority in the City of Stonecrest, Georgia as there is a shortage of safe or sanitary dwelling accommodations in the city available to persons of low income at rents they can afford; and

WHEREAS, the members of City Council find and declare that the purpose for which the housing authority is to be formed constitutes a public purpose and is needed for the general welfare; and

WHEREAS, the members of the City Council agree to notify the Mayor of the adoption of the resolution approving and establishing the housing authority; and

WHEREAS, once adopted by the members of the City Council, the resolution approving and establishing the housing authority conclusively establishes the existence of the housing authority; and

WHEREAS, the members of City Council instruct the housing authority at least once a year to file with the clerk of the City Council a report of its activities for the preceding year; and

WHEREAS, pursuant to the Housing Authorities Law, all housing projects of the housing authority shall be subject to the planning, zoning, sanitary, and building laws, ordinances, and regulations applicable to the locality in which the housing project is situated.

NOW, THEREFORE, BE IT RESOLVED, that the members of City Council declare that there is need for a housing authority in the City of Stonecrest, Georgia, as there is a shortage of safe or sanitary dwelling accommodations in the city available to persons of low income at rents they can afford; and

FURTHER RESOLVED, the members of City Council approve and establish the Housing Authority of the City of Stonecrest, Georgia; and

FURTHER RESOLVED, the members of the City Council find and declare that the purpose for which the housing authority is to be formed constitutes a public purpose and is needed for the general welfare; and

FURTHER RESOLVED, the members of the City Council hereby notify the Mayor of the approval and establishment of the Housing Authority of the City of Stonecrest, Georgia, request that the Mayor complete the formation of the housing authority by appointing the initial commissioners, including the initial chair, and take such other action as the Mayor deems appropriate pursuant to the Housing Authorities Law

SO RESOLVED this _____ day of December, 2018.

Clerk of City Council of Stonecrest, Georgia



CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution to Replace A Members of the Stonecrest Development Authority

- ORDINANCE POLICY STATUS REPORT
 DISCUSSION ONLY RESOLUTION OTHER

Council Meeting: 12/17/2018

SUBMITTED BY: Mayor Lary

PURPOSE: Mayor Lary will appoint a member for the Stonecrest Development Authority to replace a member who resigned.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

1 STATE OF GEORGIA
2 COUNTY OF DEKALB
3 CITY OF STONECREST

RESOLUTION 2018 - ____

4
5 **RESOLUTION TO APPOINT A NEW MEMBERS TO THE CITY OF**
6 **STONECREST DEVELOPMENT AUTHORITY**
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9 **WHEREAS**, the Mayor appointed, and the City Council confirmed, seven (7) members
10 to the Board of Directors of the City of Stonecrest Development Authority on March 19, 2018;
11 and

12 **WHEREAS**, Board Members Bill Allen and Leighton Hull were appointed to initial
13 terms of four (4) years; and

14 **WHEREAS**, Board Members Bill Allen and Leighton Hull resigned their positions as
15 Board Members on November 29, 2018; and

16 **WHEREAS**, the Mayor desires to appoint and the City Council desires to confirm new
17 members to the Development Authority Board to serve for the remainder of the unexpired terms
18 of Board Members Bill Allen and Leighton Hull.

19 **NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of
20 Stonecrest, Georgia that the following members are appointed to complete the unexpired terms
21 of Bill Allen and Leighton Hull ending March 19, 2022:
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25 **SO RESOLVED**, this _____ day of _____, 2018.

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CITY OF STONECREST, GEORGIA

Jason Lary, Sr., Mayor

Brenda B. James, Interim, City Clerk

(SEAL)



CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution To Establish the Stonecrest Area Overlay District Steering Committee of the City of Stonecrest

- | | | |
|--|--|--|
| <input type="checkbox"/> ORDINANCE | <input type="checkbox"/> POLICY | <input type="checkbox"/> STATUS REPORT |
| <input type="checkbox"/> DISCUSSION ONLY | <input checked="" type="checkbox"/> RESOLUTION | <input type="checkbox"/> OTHER |

Work Session: 12/05/2018

Council Meeting: 12/17/2018

SUBMITTED BY: City Attorney

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

**A RESOLUTION OF THE CITY OF STONECREST, GEORGIA,
TO ESTABLISH THE STONECREST AREA OVERLAY DISTRICT
STEERING COMMITTEE OF THE CITY OF STONECREST, GEORGIA**

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

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

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

WHEREAS, Section 3.01(a)(9) of the City Charter gives the Mayor the power to establish oversight and policy committees of the city council; and

WHEREAS, Section 2-137 of Chapter 2 of the Code of the City of Stonecrest, Georgia provides that the mayor may establish advisory committees; and

WHEREAS, in 2001 the DeKalb County Board of Commissioners created the Stonecrest Area Overlay District, also known as the Stonecrest Compatible Use Overlay District; and

WHEREAS, the 2013 Stonecrest Livable Communities Initiative Plan (the “Stonecrest LCI Plan”) is a planning study for the central part of the Stonecrest Area Overlay District which was approved by the DeKalb County Board of Commissioners as part of the County’s Comprehensive Plan; and

WHEREAS, in 2014 the DeKalb County Planning & Sustainability Department established the Stonecrest Area Overlay District Task Force (the “Overlay Task Force”); and

WHEREAS, the members of the Overlay Task Force were business and nonprofit stakeholders in the Stonecrest Area Overlay District; and

WHEREAS, the Overlay Task Force was created to recommend revisions to the text, map and Design Guidelines of the entire Stonecrest Area Overlay District, in order to implement the Stonecrest LCI Plan; and

WHEREAS, the Overlay Task Force met for approximately two (2) years, and during that period drafted recommendations to revise the text and map of the Stonecrest Area Overlay District; and

WHEREAS, the work and recommendations of the Overlay Task Force were postponed when the City of Stonecrest was created; and

WHEREAS, the Stonecrest City of Council has adopted a Zoning Code and official zoning maps, including text, map and Design Guidelines of the City's Stonecrest Overlay Area District; and

WHEREAS, the official map of the City's Stonecrest Area Overlay District includes most of the County Stonecrest Area Overlay District from prior to adoption of the City's Zoning Code; and

WHEREAS, the text of the City's Stonecrest Area Overlay District is, with certain exceptions, comparable to the text of the County Stonecrest Area Overlay District prior to adoption of the City's Zoning Code; and

WHEREAS, the Design Guidelines of the County Stonecrest Area Overlay District have been incorporated by reference as the Design Guidelines of the City's Stonecrest Area Overlay District; and

WHEREAS, members of the former Overlay Task Force have asked the City of Stonecrest to establish a steering committee which would resume and complete the work of the Overlay Task Force; and

WHEREAS, the City has received requests to revise the text and map of the City's Stonecrest Area Overlay District on a piecemeal basis; and

WHEREAS, the City Council finds that the public health, safety and welfare of the citizens of Stonecrest, as well as the interests of the City's Stonecrest Area Overlay District and its stakeholders, will best be served by appointing a Stonecrest Area Overlay District Steering Committee which will be comprised of public and private stakeholders in the City's Stonecrest Overlay District who will build on the work of the former Overlay Task Force and will use a

holistic, rather than a piecemeal, approach to drafting recommended revisions of the text, map and Design Guidelines of the City's Stonecrest Area Overlay District on an expedited basis;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Stonecrest, Georgia, as follows:

**SECTION I.
ESTABLISHMENT AND AUTHORIZATION OF THE
STONECREST AREA OVERLAY DISTRICT STEERING COMMITTEE**

1. There is hereby established the Stonecrest Area Overlay District Steering Committee of the City of Stonecrest, Georgia (the "Stonecrest Overlay Committee").
2. One or more councilmembers may be a member of the Stonecrest Overlay Committee.
3. The city manager or a designee shall oversee the meetings of the Stonecrest Overlay Committee and shall be an ex-officio, non-voting member of the Stonecrest Overlay Committee.

**SECTION II.
DUTIES**

1. The Stonecrest Overlay Committee shall study and research City matters of interest and import related to the City's Stonecrest Area Overlay District (the "Stonecrest Overlay"), and shall report recommendations to the City Council regarding revising the text, map, and Design Guidelines of the Stonecrest Overlay, no later than January 31, 2019. The Stonecrest Overlay Committee may thereafter, from time to time, offer additional written recommendations to the City Council regarding the Stonecrest Overlay.
2. Members must attend two-thirds of the Stonecrest Overlay Committee meetings in a calendar year. Failure to do so warrants removal from the Stonecrest Overlay Committee.

**SECTION III.
MEMBERSHIP**

1. Except as provided in subsection (2) of this Section III, the Mayor shall establish qualifications for members of the Stonecrest Overlay Committee. Each committeeperson shall be nominated by the Mayor and approved by the City Council.

2. Each Stonecrest Overlay Committee member must be either a resident of the City; a member of the City Council; or an owner or officer of a business or nonprofit corporation domiciled within Stonecrest in the Stonecrest Overlay. For purposes of this Resolution, the term “domiciled” means:

- A. Properties or businesses which are located in the Stonecrest Overlay; or
- B. Persons or corporations doing a substantial part of their business in the Stonecrest Overlay; or
- C. A representative of the Stonecrest Business Alliance Incorporated, or
- D. A representative of the Arabia Mountain Heritage Area Alliance, Inc.

3. Should the Stonecrest Overlay Committee member move out of the City or no longer be an owner or an officer of a business domiciled in the City, he/she may remain active until the Mayor and City Council appoint his/her replacement.

**SECTION IV.
TERMS**

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

**SECTION V.
COMPENSATION**

Stonecrest Overlay Committee members will serve without compensation.

**SECTION VI.
QUORUM**

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

**SECTION VII.
GOVERNANCE**

1. The Stonecrest Overlay Committee shall adopt its rules of procedure, which shall be substantially similar to the rules of procedure of the City Council, and determine its time of meeting. The date and time of each meeting as well as agenda items to be considered shall be publicized in the same manner as meetings of the Mayor and Council.
2. All meetings at which official action is taken shall be open to the public and all records maintained by the Stonecrest Overlay Committee shall be public records unless expressly exempted by a provision of the State's Open Records Act. The Stonecrest Overlay Committee shall keep minutes of its proceedings, showing the vote of each member upon each question, and records of its examinations and other official actions, all of which shall be filed in the office of the City Clerk. Copies of the minutes shall be sent to the Mayor and each member of the City Council. The minutes of the proceedings shall be a public record. This section shall not be construed as prohibiting closed sessions when permitted by the State Open Meetings and Open Records Acts.
3. Expenditures of the Stonecrest Overlay Committee, if any, shall be within the amounts appropriated for the purposes intended by the Mayor and City Council during the annual budgeting process.

**SECTION VII.
INITIAL MEMBERS**

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

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

RESOLUTION 2018-_____

1. Councilman Jimmy Clanton
2. Councilman Rob Turner
3. Bernard Knight
4. Edwina Clanton
5. Jetha Wagner
6. Jim Kelly
7. Mera Cardenas
8. Steve Hall
9. Robert Burroughs
10. Alan Carlisle
11. Sam Stewart
12. Michèle Battle
13. Christopher Byrd
14. Brad Hughes
15. Christopher Wheeler
16. Jack Phillips

This Resolution shall be effective immediately upon its adoption.

SO RESOLVED this the _____ day of _____, 2018

Approved:

Jason W. Lary, Sr., Mayor

Attest:

Brenda James, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: Ordinance to Establish City Council and Work Session Meeting Calendar for 2019

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

Work Session: 12/05/2018

Council Meeting: 12/17/2018

SUBMITTED BY: Mayor Lary

PURPOSE: The Mayor would like to have the meeting dates changed for both meetings to take place on the first and third Monday evenings.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

**AN ORDINANCE TO ESTABLISH A REGULAR CITY COUNCIL
MEETING SCHEDULE FOR THE CITY OF STONCREST, GEORGIA
FOR CALENDAR YEAR 2019**

WHEREAS: The Mayor and City Council of the City of Stonecrest are required under the City Charter to hold regular monthly meetings and shall hold at least one meeting a month; and

WHEREAS: The Mayor and City Council of the City of Stonecrest find that the formation of a new city requires prompt action to fulfill their duties to the citizens and businesses of the City; and

WHEREAS: The Mayor and City Council for the City of Stonecrest have determined that, beginning in the month of January, a regular city council meeting shall be held twice a month on the first (1st) and third (3rd) Monday of each month provided, however, the Mayor and Council may, by motion adopted at a regularly scheduled meeting, modify this schedule to accommodate holidays and unforeseen circumstances; and

WHEREAS: The Mayor and City Council of the City of Stonecrest may hold additional meetings, should the need arise; and

WHEREAS: All meetings of the City Council shall be public to the extent required by law and the City Clerk or Designee shall give proper notice to the public of special meetings as required by law.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Stonecrest that scheduled meetings of the City Council, during the calendar year of 2019, are to be held as follows:

The first (1st) Monday of each month:

Work Session, starting at 5:00 p.m.

Regular Meeting, starting at 7:00 p.m.

The third (3rd) Monday of each month:

Work Session, starting at 5:00 p.m.

Regular Meeting, starting at 7:00 p.m.

Provided, however, the Mayor and Council may, by motion adopted at a regularly scheduled meeting, modify this schedule to accommodate holidays and unforeseen circumstances.

This Ordinance shall be effective immediately upon its adoption.

SO RESOLVED AND EFFECTIVE this the _____ day of 201_.

Approved:

Jason Lary, Sr., Mayor

Attest:

Brenda James, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution to Establish the Stonecrest Film Committee

- | | | |
|--|--|--|
| <input type="checkbox"/> ORDINANCE | <input type="checkbox"/> POLICY | <input type="checkbox"/> STATUS REPORT |
| <input type="checkbox"/> DISCUSSION ONLY | <input checked="" type="checkbox"/> RESOLUTION | <input type="checkbox"/> OTHER |

Work Session: 12/05/2018

Council Meeting: 12/17/2018

SUBMITTED BY: City Manager

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

1 **A RESOLUTION OF THE CITY OF STONECREST, GEORGIA, TO ESTABLISH THE**
2 **FILM AND ENTERTAINMENT ADVISORY COMMITTEE OF THE CITY OF**
3 **STONECREST, GEORGIA**

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

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

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

12 **WHEREAS**, Section 2-137 of Chapter 2 of the Code of the City of Stonecrest, Georgia,
13 provides that the mayor may establish advisory committees; and

14 **WHEREAS**, the Mayor and City Council of the City of Stonecrest have determined that it is in
15 the best interest of the City and its citizens to establish an advisory committee
16 known as the Film and Entertainment Advisory Committee of the City of
17 Stonecrest, Georgia, for the purpose of studying film and entertainment industry
18 related matters as they relate to the City of Stonecrest.

19 **NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the City of Stonecrest,
20 Georgia, as follows:

21 **SECTION I.**

22 **ESTABLISHMENT OF THE FILM AND ENTERTAINMENT ADVISORY**
23 **COMMITTEE AND AUTHORIZATION**

- 24 1. There is hereby established the Film and Entertainment Advisory Committee of the
25 City of Stonecrest, Georgia (the “Film and Entertainment Committee”).
- 26 2. One or more councilmembers may be a member of the Film and Entertainment
27 Committee.
- 28 3. The city manager or a designee shall oversee the meetings of the Film and
29 Entertainment Committee and shall be an ex-officio, non-voting member of the Film
30 and Entertainment Committee.

31 **SECTION II.**
32 **DUTIES**

- 33 1. The Film and Entertainment Committee shall study and research matters of interest
34 and import related to the film and entertainment industry as such matters relate to the

35 City, and may, from time to time, offer written recommendations to the City Council
36 after the conclusion of such study and research.

37 2. Members must attend two-thirds of the Film and Entertainment Committee meetings
38 in a calendar year. Failure to do so warrants removal from the Film and
39 Entertainment Committee.

40 **SECTION III.**
41 **MEMBERSHIP**

42 1. Except as provided in subsection (2) of this Section III, the Mayor shall establish
43 qualifications for members of the Film and Entertainment Committee. Each
44 committeeperson shall be nominated by the Mayor and approved by the City Council.

45 2. Each member of the Film and Entertainment Committee must be either a resident of the
46 City, a member of the City Council or an owner or officer of a business domiciled in the
47 City. Should the committee member move out of the City or no longer be an owner or an
48 officer of a business domiciled in the City, he/she may remain active until the Mayor and
49 City Council appoint his/her replacement.

50 **SECTION IV.**
51 **TERMS**

52 1. Each Film and Entertainment Committee member shall serve until the succeeding end of
53 the City's fiscal year. Consecutive terms are permissible.

54 2. The Mayor and City Councilmembers who serve on this committee shall serve so long as
55 they remain elected to office.

56 3. Members filling vacancies shall serve the remainder of the term to which they were
57 appointed. A consecutive appointment is permissible. Members whose terms expire shall
58 continue to serve until a replacement is appointed or a consecutive appointment is made.

59 4. Any member may be removed with or without cause by the Mayor.

60 **SECTION V.**
61 **COMPENSATION**

62 Film and Entertainment Committee members may serve without compensation. Reasonable
63 expenses for travel may be reimbursed and Film and Entertainment Committee members may be
64 compensated pursuant to a policy to be established by the City Manager and approved by the
65 City Council.

66 **SECTION VI.**
67 **QUORUM**

68 A majority of the actual number of Film and Entertainment Committee members establishes
69 a quorum. Any action taken requires a majority of affirmative votes of the quorum present.

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**SECTION VII.
GOVERNANCE**

1. The Film and Entertainment Committee shall adopt its rules of procedure, which shall be substantially similar to the rules of procedure of the City Council, and determine its time of meetings. The date and time of each meeting as well as agenda items to be considered shall be publicized in the same manner as meetings of the Mayor and Council.
2. All meetings at which official action is taken shall be open to the public and all records maintained by the Film and Entertainment Committee shall be public records unless expressly exempted by a provision of the state’s Open Records Act. The Film and Entertainment Committee shall keep minutes of its proceedings, showing the vote of each member upon each question, and records of its examinations and other official actions, all of which shall be filed in the office of the City Clerk. Copies of the minutes shall be sent to the Mayor and each member of the City Council. The minutes of the meetings shall be a public record. This section shall not be construed as prohibiting closed sessions when permitted by the state open meetings and open records acts.
3. Expenditures of the Film and Entertainment Committee, if any, shall be within the amounts appropriated for the purpose intended by the Mayor and City Council during the annual budgeting process.

**SECTION VIII.
INITIAL MEMBERS**

The initial members of the Film and Entertainment Committee shall be as follows:

Councilman Rob Turner, Chairman;
City Manager, or his designee, *ex-officio and non-voting*;

This Resolution shall be effective immediately upon its adoption.

SO RESOLVED this the ____ day of _____, 20__.

Approved:

Jason Lary, Sr., Mayor



CITY COUNCIL AGENDA ITEM

SUBJECT: An Ordinance Creating the Stonecrest Youth Council

- | | | |
|---|-------------------------------------|--|
| <input checked="" type="checkbox"/> ORDINANCE | <input type="checkbox"/> POLICY | <input type="checkbox"/> STATUS REPORT |
| <input type="checkbox"/> DISCUSSION ONLY | <input type="checkbox"/> RESOLUTION | <input type="checkbox"/> OTHER |

Council Meeting 11/07/2018

Council Meeting: 12/17/2018

SUBMITTED BY: Council Members Adoma & Rob Turner

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Recommendation of Council

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, TO PROVIDE FOR
THE CREATION OF THE STONECREST YOUTH COUNCIL AND FOR OTHER
PURPOSES**

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

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

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

WHEREAS, the City Council desires to establish a Youth Council to provide an opportunity for the youth of the City of Stonecrest to build leadership skills, learn about civic responsibility, gain a better understanding of municipal government, prepare for a lifetime of public and community service and acquire a greater knowledge of and appreciation for the American political system.

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

Section 1: The Code of the City of Stonecrest, Georgia, is hereby amended by adding a **Division 3 of Article V – Advisory Committees of Chapter 2 – Administration** that reads as follows:

DIVISION 3. – STONECREST YOUTH COUNCIL.

Sec. 2-151. – Creation.

There is hereby created a board to be known as the Stonecrest Youth Council.

Sec.2-152. - Duties and responsibilities.

The Stonecrest Youth Council shall have the duty and responsibility to:

1. Evaluate and review problems facing youth in the city.
2. Facilitate neighborhood meetings with youth to discuss problems, needs, recommendations for community improvements.
3. Meet regularly with the mayor and city council to share ideas and discuss issues, concerns, and needed improvements.

- 46 4. Attend city council meetings and participate in vision and goal sessions.
- 47
- 48 5. Present recommended projects and programs to the city council and city manager.
- 49
- 50 6. Assist in planning youth/recreation activities.
- 51
- 52 7. Evaluate and advise the city council and/or city manager on issues forwarded to the
- 53 youth council for advice.
- 54

55 **Sec. 2-153. - Membership.**

- 56
- 57 1. The youth council shall be composed of [_____] members serving as an advisory
- 58 youth council to City of Stonecrest mayor and city council. The city manager or a
- 59 designee shall oversee the meetings of the youth council and is an ex-officio, non-
- 60 voting member.
- 61
- 62 2. Youth council members must be city residents who are actively enrolled in a public,
- 63 private, or home school, in grades ninth through twelve, between the ages of 14-19.
- 64
- 65 3. Youth council members shall be chosen from applicants who express an interest in
- 66 public service during the application process which shall be between [August 15] and
- 67 [September 15] each year.
- 68
- 69 4. Youth council members shall be selected by the Stonecrest Youth Council
- 70 Committee.
- 71
- 72 5. Selection of youth council members shall occur on or before [September 30] of each
- 73 year, and members will be sworn in at the following [October] meeting of the city
- 74 council.
- 75
- 76 6. Youth council members shall serve a term of one (1) year.
- 77
- 78 7. Irregular vacancies on the youth council shall be filled as they occur and regular
- 79 vacancies shall be filled by appointment in [September or October] of each year.
- 80
- 81 8. Notwithstanding any provision to the contrary, a member may be removed by a
- 82 majority vote of mayor and city council.
- 83

84 **Sec. 2-154. - Compensation.**

85
86 Youth council members shall serve without compensation. Reasonable expenses for
87 travel may be reimbursed and committee members may be compensated pursuant to a policy to
88 be established by the city manager and approved by the council.

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90 **Sec. 2-155. - Election of Officers.**

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The youth council shall elect a chairman to conduct meetings and a vice chairman to conduct meetings in the absence of the chairman. Elections shall be held at the first regular meeting after selection by the Stonecrest Youth Council Committee.

Sec. 2-156. - Quorum

A majority of the actual number of committee members establishes a quorum. Any action taken requires a majority of affirmative votes of the quorum present.

Sec. 2-157. – Procedure, meetings and records.

The youth council shall adopt its rules of procedures, which shall be substantially similar to the rules of procedures of the city council.

The youth council shall hold at least one regular meeting per quarter [per month?], with the option to meet more often as needed or desired. The date and time of each meeting as well as agenda items to be considered shall be publicized in the same manner as meetings of the mayor and council.

The youth council shall maintain a record of its activity which shall be a public record and shall be kept by the office of the city clerk. Copies of the minutes shall be sent to the mayor and each member of the city council.

All meetings shall be public.

Expenditures of the youth council, if any, shall be within the amounts appropriated for the purpose intended by the mayor and council during the annual budgeting process.

Sec.2-158. - Absences from meetings.

Youth council members must attend two-thirds of meetings in a calendar year. Failure to do so warrants removal from the committee unless such absence is excused by a majority vote of the board, with such excuse duty entered upon its minutes.

Secs. 2-____.—2-____. - Reserved.

Section 3:

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

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

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

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

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

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

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

Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

Attest:



CITY COUNCIL AGENDA ITEM

SUBJECT: An Ordinance Creating the Stonecrest Youth Council Advisory Committee

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

Council Meeting 11/07/2018

Council Meeting: 12/17/2018

SUBMITTED BY: Council Members Adoma & Rob Turner

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Recommendation of Council

1 **AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, TO PROVIDE FOR**
2 **THE CREATION OF THE STONECREST YOUTH COUNCIL ADVISORY**
3 **COMMITTEE AND FOR OTHER PURPOSES**

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

7
8 **WHEREAS**, Senate Bill 208 provided a charter for the City of Stonecrest (the “City Charter”);

9
10 **WHEREAS**, Section 1.03(b)(42) of the City Charter grants the City the power to exercise and
11 enjoy all other powers, functions and rights necessary or desirable to promote the
12 general welfare of the City and its inhabitants;

13
14 **WHEREAS**, the Mayor and City Council desire to establish the Stonecrest Youth Council to
15 provide an opportunity for the youth of the City of Stonecrest to build leadership
16 skills, learn about civic responsibility, gain a better understanding of municipal
17 government, prepare for a lifetime of public and community service and acquire a
18 greater knowledge of and appreciation for the American political system; and

19
20 **WHEREAS**, the Mayor and City Council desire to establish a Youth Council Advisory
21 Committee made up of adult volunteers to assist the City and its staff in creating a
22 program and curriculum for the aforementioned Stonecrest Youth Council and to
23 provide oversight and management of the program.

24
25 **THEREFORE**, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as
26 follows:

27
28 **Section 1:** **The Code of the City of Stonecrest, Georgia, is hereby amended by adding a**
29 **Division 2 of Article V - Advisory Committees of Chapter 2 – Administration that reads as**
30 **follows:**

31
32 **DIVISION 2. - STONECREST YOUTH COUNCIL COMMITTEE.**

33
34 **Sec. 2-145. – Creation.**

35
36 There is hereby created the City of Stonecrest Youth Council Advisory Committee which
37 shall be referred to as the Stonecrest Youth Council Advisory Committee.

38
39 **Sec. 2-146. - Duties and responsibilities.**

40 The Stonecrest Youth Council Advisory Committee shall have the following powers and duties:

- 41 1. Prepare and recommend for adoption each year by the city a curriculum and budget for
42 the Stonecrest Youth Council program.

- 43 2. Review, evaluate and select youth candidates for participation in the program.
44 3. Monitor and provide oversight of the Stonecrest Youth Council program throughout the
45 year.

46

47 **Sec. 2-147. - Membership.**

48

49 1. Composition. The Stonecrest Youth Council Advisory Committee shall be composed of a
50 maximum of [_____] members, one (1) of whom shall be the city manager or his designee
51 which is an ex-officio, non-voting member of the committee.

52

53 2. Each member shall be nominated by the mayor and approved by the city council.

54

55 3. Term of Office. All members shall serve until the succeeding end of the city's fiscal year.
56 Consecutive terms are permissible. Members whose terms expire shall continue to serve
57 until a replacement is appointment or a consecutive appointment is made.

58

59 4. Vacancies. An appointment to fill any vacancy shall be for the remainder of the
60 unexpired term of office. A consecutive appointment is permissible.

61

62 5. Removal. Notwithstanding any provision to the contrary, a member may be removed for
63 cause by a vote of a majority of the city council in accordance with state law.

64

65 6. Qualifications. In order to be qualified, all members shall either be a resident of the city
66 or an owner or officer of a business domiciled in the city. Additionally, each member
67 shall pass a background examination. Should a member move out of the city or no longer
68 be an owner or an officer of a business domiciled in the city, he/she may remain active
69 until the mayor and council appoint his/her replacement.

70

71 **Sec. 2-148. - Compensation.**

72

73 Committee members shall serve without compensation.

74

75 **Sec. 2-149. - Quorum.**

76

77 A majority of the actual number of Stonecrest Youth Council Advisory Committee members
78 establishes a quorum. Any action taken requires a majority of affirmative votes of the quorum
79 present.

80

81 **Sec. 2-150. - Governance.**

82

83 1. The Stonecrest Youth Council Committee shall adopt its rules of procedures, which shall
84 be substantially similar to the rules of procedures of the city council.

- 85 2. The Stonecrest Youth Council Committee shall set its own meeting schedule and
86 establish the meeting agendas.
87
- 88 3. The date and time of each meeting as well as agenda items to be considered shall be
89 publicized in the same manner as meetings of mayor and council.
90
- 91 4. All meetings at which official action is taken shall be open to the public and all records
92 maintained by the committee shall be public records, unless expressly excepted by a
93 provision of the Georgia Open Records Act, O.C.G.A. Section 50-18-70 et seq.
94
- 95 5. The committee shall keep minutes of its formal proceedings, showing the vote of each
96 member upon each question and records of its examinations and other official actions, all
97 of which shall be filed in the office of the city clerk. Copies of the minutes shall be sent
98 to the mayor and each member of the city council. The minutes of the meetings shall be
99 a public record.
100
- 101 6. The committee shall elect at its first meeting of the calendar year one of its members to
102 serve as chairperson and one to service as vice chairperson for terms of one (1) year. The
103 committee shall also elect a secretary to serve as the official record keeper of the
104 committee.
105
- 106 7. Members must attend two-thirds (2/3) of meetings in a calendar year. Failure to do so
107 warrants removal from the committee.
108
- 109 8. Expenditures of the committee, if any, shall be within the amounts appropriated for the
110 purpose intended by the mayor and council during the annual budgeting process.
111

112 **Secs. 2-___-2-___ - Reserved.**
113

114 **Section 3:**

- 115 1. It is hereby declared to be the intention of the Mayor and City Council that all sections,
116 paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their
117 enactment, believed by the Mayor and City Council to be fully valid, enforceable and
118 constitutional.
119
- 120 2. It is hereby declared to be the intention of the Mayor and City Council that, to the
121 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
122 phrase of this Ordinance is severable from every other section, paragraph, sentence,
123 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the
124 Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph,
125 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
126 section, paragraph, sentence, clause or phrase of this Ordinance.

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3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.
5. The within ordinance shall become effective upon its adoption.
6. The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

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

Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

Attest:

Brenda James, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: An Ordinance Creating the Historic and Cultural Landmarks Commission of the City of Stonecrest

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

Council Meeting 11/07/2018

Council Meeting: 12/17/2018

SUBMITTED BY: Council Members Adoma & Rob Turner

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Recommendation of Council

1 **AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, CREATING THE**
2 **HISTORIC AND CULTURAL LANDMARKS COMMISSION OF THE CITY OF**
3 **STONECREST, GEORGIA**

4 **WHEREAS**, Section 1.03(b)(3) of the City Charter provides that the City may regulate and
5 license the erection and construction of buildings and all other structures; and
6

7 **WHEREAS**, Section 1.03(b)(42) of the of the City Charter grants the City the power to
8 exercise and enjoy all other powers, functions and rights necessary or desirable to
9 promote the general welfare of the City and its inhabitants; and
10

11 **WHEREAS**, O.C.G.A. 44-10-20 *et seq.* is known as the Georgia Historic Preservation Act and
12 provides that municipalities electing to enact an ordinance to provide for the
13 protection, enhancement, perpetuation, or use of historic properties or historic
14 districts shall establish or designate a historic preservation commission; and
15

16 **WHEREAS**, the Mayor and City Council of the City of Stonecrest find it to be in the best
17 interest of the City and its citizens to provide for the protection, enhancement,
18 perpetuation, or use of historic properties or historic districts and desire to
19 establish a historic preservation commission to be known as the Historic and
20 Cultural Landmarks Commission of the City of Stonecrest, Georgia.
21

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

24 **Section 1:** **The Code of the City of Stonecrest, Georgia, is hereby amended by adding a**
25 **Chapter 13.5 – Historic Preservation, that reads as follows:**

26 **CHAPTER 13.5 – HISTORIC PRESERVATION**

27 **Sec. 13.5-1. - Purpose.**

28 In support and furtherance of its findings and determination that the historical, cultural
29 and aesthetic heritage of the City of Stonecrest is among its most valued and important assets and
30 that the preservation of this heritage is essential to the promotion of the health, prosperity and
31 general welfare of the people;

32 In order to stimulate revitalization of the business districts and historic neighborhoods
33 and to protect and enhance local historic and aesthetic attractions to tourists and thereby promote
34 and stimulate business;

35 In order to enhance the opportunities for federal or state tax benefits under relevant
36 provisions of federal or state law; and

37 In order to provide for the designation, protection, preservation and rehabilitation of
38 historic properties and historic districts and to participate in federal or state programs to do the
39 same;

40 The Stonecrest city council hereby declares it to be the purpose and intent of this chapter
41 to establish a uniform procedure for use in providing for the protection, enhancement,
42 perpetuation and use of places, districts, sites, buildings, structures, objects, landscape features
43 and works of art having special historical, cultural or aesthetic interest or value, in accordance
44 with the provisions of this chapter.

45 **Sec. 13.5-2. - Definitions.**

46 This article specifically adopts and incorporates the definitions contained in O.C.G.A.
47 Section 44-10-22 of terms used within this chapter as defined in that code section, including but
48 not limited to, the following:

49
50 *Building* means a structure created to shelter any form of human activity, such as a house,
51 barn, church, hotel, or similar structure. Building may refer to a historically related complex
52 such as a courthouse and jail or a house and a barn.

53
54 *Certificate of appropriateness* means a document approving a proposal to make a
55 material change in the appearance of a designated historic property or of a structure, site, or work
56 of art located within a designated historic district. The certificate of appropriateness must be
57 obtained from a commission before such material change may be undertaken.

58
59 *Commission* means the Historic and Cultural Landmarks Commission of the City of
60 Stonecrest, Georgia, created or established by O.C.G.A. Section 44-10-24, created within this
61 chapter.

62
63 *Designation* means a decision by the governing authority of the City of Stonecrest to
64 designate a property or district as a "historic property" or as a "historic district" and thereafter to
65 prohibit all material changes, except as provided herein, in appearance of such property or within
66 such district prior to the issuance of a certificate of appropriateness by the commission.

67
68 *Exterior architectural features* means the architectural style, general design, and general
69 arrangement of the exterior of a building or other structure, including, but not limited to, the kind
70 or texture of the building material; the type and style of all windows, doors, and signs; and other
71 appurtenant architectural fixtures, features, details, or elements relative to the foregoing.

72
73 *Exterior environmental features* means all those aspects of the landscape or the
74 development of a site which affect the historical character of the property.

75
76 *Governing authority* means the elected mayor and city council of the City of Stonecrest,
77 Georgia.

78
79 *Historic district* means a geographically definable area, urban or rural, which contains
80 structures, sites, works of art, or a combination thereof which:

- 81 (1) Have special character or special historical or aesthetic interest or value;
82 (2) Represent one or more periods or styles of architecture typical of one or more
83 eras in the history of the city, county, state, or region; and

- 84 (3) Cause such area, by reason of such factors, to constitute a visibly perceptible
85 section of the city.

86 *Historic property* means a structure, site or work of art, including the adjacent area
87 necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of
88 its value to the municipality, county, state, or region for one or more of the following reasons:

- 89 (1) It is an outstanding example of a structure representative of its era;
90 (2) It is one of the few remaining examples of a past architectural style;
91 (3) It is a place or structure associated with an event or person of historic or
92 cultural significance to the city, county, state, or region; or
93 (4) It is a site of natural or aesthetic interest that is continuing to contribute to the
94 cultural or historical development and heritage of the city, county, state, or
95 region.
96

97 *Material change in appearance* means a change that will affect the exterior architectural
98 features of a historic property or of any building, structure, site or work of art within a historic
99 district, and may include any one or more of the following but shall not include exterior paint or
100 paint color alterations:

- 101 (1) A reconstruction or alteration of the size, shape, or facade of a historic
102 property, including relocation of any doors or windows or removal or
103 alteration of any architectural features, details, or elements;
104 (2) Demolition of a historic property;
105 (3) Commencement of excavation;
106 (4) A change in the location of advertising visible from the public right-of-way
107 on any historic property; or
108 (5) The erection, alteration, restoration or removal of any building or other
109 structures within a designated historic district, including walls, fences, steps,
110 and pavements, or other appurtenant features, except exterior paint
111 alterations.
112

113 *Ordinance of designation* means an ordinance formally proposed by the commission for
114 consideration by the governing authority after the commission has studied a proposed historic
115 property or historic district and determined that they appear to meet the criteria for designation
116 established by this chapter.
117

118 *Person* includes any natural person, corporation or unincorporated association.
119

120 **Sec. 13.5-3. – Historic and Cultural Landmarks Commission – Creation and appointment.**
121

122 There is hereby created a commission whose title shall be the “Historic and Cultural
123 Landmarks Commission of the City of Stonecrest”.

124 The commission shall be part of the planning functions of the city.

125 The commission shall consist of six (6) members, each of whom shall serve a maximum
126 of two (2) consecutive three-year terms. All members shall be residents of the city and shall be

127 persons who have demonstrated special interest, experience or education in the preservation of
128 historic resources, history or architecture. At least a majority of the members shall be licensed
129 architects, landscape architects or interior designers or professionals in the fields of history,
130 architectural history, planning or archaeology.

131 Commission members shall be appointed by the mayor, subject to confirmation by the
132 city council. Should a member be unable to complete a term of office, the governing authority
133 shall fill the vacancy for the remainder of the unexpired term in the same manner as making
134 initial appointments. An individual appointed to serve the remainder of an unexpired term shall
135 be eligible to be reappointed for an additional consecutive three-year term.

136 In order to achieve staggered terms, initial appointments shall be determined by lottery as
137 follows: two (2) members for one (1) year; two (2) members for two (2) years; and three (3)
138 members for (3) years.

139 Members shall serve until their successors are appointed and qualified. Members of the
140 commission shall serve without compensation but may be reimbursed for reasonable expenses
141 incurred.

142 Any member may be removed for cause by vote of a majority of the councilmembers.

143 **Sec. 13.5-4. – Same – Powers and duties.**
144

145 The commission shall be authorized to:

- 146 (1) Prepare and maintain an inventory of all property within the City of Stonecrest
147 having the potential for designation as historic property;
- 148 (2) Recommend to the governing authority specific places, districts, sites,
149 buildings, structures or works of art to be designated by ordinance as historic
150 properties or historic districts which ordinance shall be in accordance with the
151 provisions of this chapter and O.C.G.A. Section 44-10-26;
- 152 (3) Review applications for certificates of appropriateness, and grant or deny
153 same in accordance with the provisions of this chapter and O.C.G.A. Section
154 44-10-28;
- 155 (4) Recommend to the governing authority that the designation of any place,
156 district, site, building, structure, object or work of art as a historic property or
157 as a historic district be revoked or removed;
- 158 (5) Restore or preserve any historic properties acquired by the City of Stonecrest,
159 with the approval of the governing authority;
- 160 (6) Recommend to the governing authority the acquisition by the City of
161 Stonecrest of conservation easements in accordance with the provisions of
162 state law;
- 163 (7) Conduct educational programs on historic properties located within the
164 boundary of the city and on general historic preservation topics;

- 165 (8) Make such investigations and studies of matters relating to historic
166 preservation as the governing authority or the commission itself may, from
167 time to time, deem necessary or appropriate;
- 168 (9) Seek out local, state, federal and private funds for historic preservation and
169 make recommendations to the governing authority concerning the most
170 appropriate uses of any funds acquired;
- 171 (10) Consult with historic preservation experts in the Division of Historic
172 Preservation of the Department of Natural Resources or its successor and the
173 Georgia Trust for Historic Preservation, Inc.;
- 174 (11) Submit to the Division of Historic Preservation of the Department of
175 Natural Resources or its successor a list of historic properties and historic
176 districts pursuant to this chapter and O.C.G.A. Section 44-10-26.

177
178 **Sec. 13.5-5. – Same – Meetings and quorum.**

179
180 A quorum shall consist of a majority of the members.

181 The commission shall meet at least monthly unless the chair determines that insufficient
182 business warrants holding a meeting, in which case the commission shall meet the following
183 month.

184 Commission members must attend two-thirds of meetings in a calendar year. Failure to do
185 so warrants removal from the body.

186 **Sec. 13.5-6. – Same – Governance.**

187
188 The commission shall adopt its rules of procedure, which shall be substantially similar to the
189 rules of procedure of the city council and which do not conflict with O.C.G.A. Title 44, Chapter
190 10, which shall only be effective after submittal to and if approved by the city council.

191 The commission shall provide for the time and place of its regular meetings and a method for
192 calling of special meetings.

193 The date and time of each meeting as well as agenda items to be considered shall be
194 publicized in the same manner as meetings of the mayor and council.

195 Annually, at its first meeting of the calendar year, the members shall elect one of its members
196 to serve as chairperson and one member to serve as vice chairperson. Additionally, the members
197 shall also appoint a secretary to serve as the official record keeper.

198 All meetings of the commission shall be open to the public, and all records maintained by the
199 commission shall be public records unless expressly exempted by a provision of the Georgia
200 Open Records Act, O.C.G.A. 50-18-70 et seq.

201 The commission shall keep minutes of its proceedings, showing the vote of each member
202 upon each question, and records of its examinations and other official actions, all of which shall
203 be filed in the office of the city clerk. Copies of the minutes shall be sent to the mayor and each

204 city councilmember. The minutes of the meetings shall be a public record. This section shall not
205 be construed as prohibiting closed sessions when permitted by the state open meetings and open
206 records acts.

207 **Sec. 13.5-7. - Conflict of Interest.**

208 No commission member shall participate in the discussion on or vote on any matter in
209 which he or she may have a conflict of interest as defined within the City Charter or Code or
210 Official Code of Georgia Annotated.

211 **Sec. 13.5-8. - Designations.**

212 Designation of places, districts, sites buildings, structures, or works of art or historic
213 properties or historic districts shall be by ordinance adopted by the governing authority, which
214 shall be subject to the following requirements:

- 215 (1) *Studies.* The governing authority, a historical society, neighborhood organization,
216 property owner(s) or resident(s), may request that the commission initiate studies of
217 individual properties or districts to determine whether they meet the criteria specified in
218 this section of designation as historic properties or historic districts. The commission
219 may also initiate such a study or studies on its own initiative based on a review of the
220 city's historic resources. Upon determining that such recommended properties or
221 districts meet the criteria for designation, the commission may submit an ordinance for
222 designation to the governing authority in accordance with the provisions of this section.
- 223 (2) *Reports.* The commission shall prepare a report prior to submitting an ordinance for
224 designation to the governing authority. The report shall contain, as a minimum:
- 225 a. A physical description of the property(ies) and/or district(s) proposed for
226 designation;
- 227 b. A statement of the historical, cultural, architectural and/or aesthetic significance of
228 the same;
- 229 c. A map showing district boundaries and classification (e.g. historic, non-historic,
230 intrusive and other significant categories) of individual properties therein, or
231 showing boundaries of individual historic properties; and
- 232 d. Representative photographs.

233 These reports shall be used to educate the community and to provide a permanent
234 record of the designation.

- 235 (3) *Criteria.* The commission shall consider, but not be limited to, the following criteria
236 when considering recommendations to the governing authority for designation of
237 historic properties or districts.

- 238 a. Historic properties whether they:
- 239 1. Are an outstanding example of a structure representative of its era;

- 240 2. Are one of the few remaining examples of a past architectural style;
- 241 3. Are a place or structure associated with an event or person of historic or
- 242 cultural significance to the city, county, state or region; or
- 243 4. Are a site of natural or aesthetic interest that is continuing to contribute to the
- 244 cultural or historical development and heritage of the city, county, state or
- 245 region.
- 246 b. Historic districts whether they:
- 247 1. Have special character or special historic or aesthetic interest or value;
- 248 2. Represent one or more periods or styles of architecture typical of one or more
- 249 eras in the history of the city, county, state or region; and
- 250 3. Cause such area, by reason of such factors, to constitute a visibly perceptible
- 251 section of the city.
- 252 (4) *Notice to state.* No less than thirty (30) days prior to making a recommendation on any
- 253 ordinance designating a property or district as historic and at least fifteen (15) days prior
- 254 to the public hearing for such designation, the commission must submit the report,
- 255 required in this Sec. 13.5-8(2) above, to the Historic Preservation Division of the
- 256 Department of Natural Resources or its successor for review and comment, as required
- 257 by O.C.G.A. Section 44-10-26(b).
- 258 (5) *Ordinance.* Any ordinance designating any property as historic property or any district
- 259 as a historic district shall:
- 260 a. Require that the designated property or district be shown on the official zoning map
- 261 of the city and be kept by the city as a public record to provide notice of such
- 262 designation in addition to other notice requirements specified by this section;
- 263 b. Describe each property to be designated; set forth the name or names of the owner
- 264 or owners of the property and require that a certificate of appropriateness be
- 265 obtained from the commission prior to any material change in appearance of the
- 266 designated property; and
- 267 c. Include a description of the boundaries of such district, list each property located
- 268 therein, set forth the name or names of the owner or owners of each such property
- 269 and require that a certificate of appropriateness be obtained from the commission
- 270 prior to any material change in appearance of any structure, site or work of art
- 271 located within the designated historic district.
- 272 (6) *Notice and hearing.* The commission and the governing authority shall hold a public
- 273 hearing on any proposed ordinance for the designation of any historic district or
- 274 property. Notice of the hearing shall be published in at least three (3) issues of the
- 275 principal newspaper of local circulation; and written notice of the hearing shall be
- 276 mailed to all owners and occupants of such properties. All such notices shall be
- 277 published or mailed not less than ten (10) nor more than twenty (20) days prior to the
- 278 date set for the public hearing. A notice mailed to the last known owner of the property
- 279 shown on the city tax digest and a notice mailed to the address of the property on which

280 residences or businesses are located to the attention of the occupant shall constitute
281 legal notification to the owner and occupant under this chapter.

282 This published notice shall state the time, date, place and purpose of the hearing. This
283 published notice shall also include the location or boundaries of the property or
284 properties, the existing zoning classification and historic designation, if any, and a
285 statement that the property could be proposed for historic designation during the
286 proposal process.

287 The commission shall give notification of the proposal by mail to all abutting property
288 owners as shown by DeKalb County tax records. Such notification shall be mailed not
289 less than ten (10) nor more than twenty (20) days prior to the date set for the public
290 hearing and shall include a description of the application and the date, time and place of
291 the public hearing.

292 The commission shall cause to be erected a sign or signs giving notification of the date,
293 time and place of a public hearing to consider the proposed historic designation. In the
294 case of a historic property, one (1) sign shall be placed on the property visible from a
295 public street. In the case of a historic district, signs shall be placed at each point where
296 the district boundary intersects a public street.

297 (7) *Recommendation to governing authority.* A recommendation to affirm, modify or
298 withdraw the proposed ordinance for designation shall be made by the commission
299 within fifteen (15) days following the public hearing and shall be in the form of a
300 resolution to the governing authority.

301 Following receipt of the commission's recommendation, the governing authority may
302 adopt the ordinance as proposed, may adopt the ordinance with any amendments it
303 deems necessary, or reject the ordinance.

304 (8) *Final notice.* Within thirty (30) days following a designation by the governing
305 authority, the owners and occupants of each designated historic property, and the
306 owners and occupants of each structure, site or work of art located within a designated
307 historic district, shall be given written notification of such designation by the governing
308 authority. The notice shall apprise owners and occupants of the necessity of obtaining a
309 certificate of appropriateness prior to undertaking any material change in appearance of
310 the historic property designated or within the historic district designated. A notice sent
311 via the United States mail to the last known owner of the property shown on the City
312 tax digest and a notice sent via United States Mail shall constitute legal notification to
313 the owner and occupant under this ordinance.

314 (9) *Notification of other agencies regarding designation.* The commission shall notify all
315 necessary agencies with the city of the ordinance for designation.

316 (10) *Moratorium on applications for alteration or demotion while ordinance for*
317 *designation is pending.* If an ordinance for designation is being considered, the
318 commission shall have the power to freeze the status of the involved property.

319

320 **Sec. 13.5-9. - Certification of appropriateness.**

321 After the designation by ordinance of a historic property or of a historic district, no material
322 change in the appearance of such historic property, or of a structure, site or work of art within
323 such historic district shall be made or be permitted to be made by the owner or occupant thereof
324 unless and until an application for a certificate of appropriateness has been submitted and
325 approved by the commission. A building permit shall not be issued without a certificate of
326 appropriateness.

327 (1) *Application for certificate of appropriateness.* Owners of historic property or of
328 property in a historic district, or their duly authorized agents, must make application for
329 a certificate of appropriateness on forms and according to procedures promulgated by
330 the commission for such purpose. The Georgia Department of Transportation and
331 contractors performing work funded by the Georgia Department of Transportation are
332 exempt from provisions of this chapter. Local governments are also exempt from
333 obtaining certificates of appropriateness but shall notify the commission at least forty-
334 five (45) days prior to beginning or undertaking any work that would otherwise require
335 a certificate of appropriateness, so as to allow the commission an opportunity to
336 comment. All applications for certificates of appropriateness shall be accompanied by
337 drawings, photographs, plans and documentation as required by the commission.
338 Notarized authorization of the property owner shall be required if the applicant is not
339 the owner of record.

340 (2) *Public hearings on applications for certificates of appropriateness, notices and*
341 *right to be heard.* The commission shall hold a public hearing at which each proposed
342 certificate of appropriateness is discussed. Notice of the hearing shall be published in
343 the principal newspaper of local circulation in the city and written notice of the
344 hearing shall be mailed by the commission to all owners and occupants of the subject
345 property. The written and published notice shall be provided in the same manner and
346 time frame as notices are provided before a Public Hearing for Rezoning.

347 The commission shall give the property owner and/or applicant an opportunity
348 to be heard at the certificate of appropriateness hearing.

349 (3) *Review of applications.* When reviewing applications for certificates of
350 appropriateness, the commission shall consider, in addition to any other pertinent
351 factors, historical and architectural value and significance; architectural style; general
352 design; arrangement; texture and materials of the architectural features involved and the
353 relationship thereof to the exterior architectural style; and pertinent features of other
354 properties in the immediate neighborhood. When considering applications for existing
355 buildings, the Secretary of the Interior's Standards for Historic Preservation Projects,
356 including the Standards for Rehabilitation, shall be used as a guideline.

357 (4) *Interior changes.* In its review of applications for certificates of appropriateness, the
358 commission shall not consider interior arrangements or uses having no effect on exterior
359 architectural features. The commission may delegate the responsibility for determining
360 the extent of interior change and its effect on the exterior appearance to the planning
361 director or his designee.

- 362 (5) *Demolition.* A decision may be made by the commission approving or denying a
363 certificate of appropriateness for the demolition of buildings, structures, sites or objects.
- 364 (6) *Ordinary maintenance and repair.* Ordinary maintenance or repair of any exterior
365 architectural feature in or on a historic property, that does not involve a material change
366 in design, material, or outer appearance thereof, is excluded from review and does not
367 require a certificate of appropriateness.
- 368 (7) *Approval.* The commission shall approve the application and issue a certificate of
369 appropriateness if it finds that the proposed material change(s) in appearance would not
370 have a substantial adverse effect on the aesthetic, historic or architectural significance
371 and value of the historic property or the historic district. The commission may approve
372 the application as proposed, approve it with modifications, or deny the application. The
373 commission shall approve, approve with modifications or deny an application for a
374 certificate of appropriateness within forty-five (45) days after the filing thereof by the
375 applicant unless an extension is requested by the applicant and granted by the
376 commission. Evidence of approval shall be by certificate of appropriateness issued by
377 the commission. Failure of the commission to act within said forty-five (45) days shall
378 constitute approval and a certificate of appropriateness shall be issued.
- 379 (8) *Final action.* The commission's decision, whether to accept or reject an application
380 shall be in writing. The written decision shall be signed by the chair or the vice-chair
381 and must clearly set forth the reasons for the decision, including whether the guidelines
382 have been met and specifically which factors, as set forth in section 13.5-8(3), were
383 considered in reaching the decision. In the event the commission rejects an application,
384 it shall state its reasons for doing so and shall transmit a record of such action and the
385 reasons therefor, in writing, to the applicant. Approval of an application shall also result
386 in the issuance of a certificate of appropriateness. Notice of the issuance or denial of a
387 certificate of appropriateness shall be sent to the applicant and all other persons who
388 have filed a written request for such notice with the commission. All work performed
389 pursuant to a certificate of appropriateness shall conform to the requirements of such
390 certificate and by other applicable laws. In the event work is performed which is not in
391 accordance with such certificate or laws, the city shall issue a cease and desist order and
392 all work shall cease. A certificate of appropriateness shall become void unless
393 construction is commenced within twelve (12) months of the date of the issuance.
394 Certificates of appropriateness shall be issued for a period of eighteen (18) months and
395 are not renewable.
- 396 (9) *Revised applications.* The commission may suggest alternative courses of action if it
397 denies the application submitted. The applicant may make modifications to the plans
398 and may resubmit the application at any time after making such modifications as
399 suggested by the commission.
- 400 (10) *Prohibition on issuance of development permits.* In cases where the application
401 covers a material change in the appearance of a structure, which would require the
402 issuance of a permit of any kind, the denial of the application for a certificate of
403 appropriateness shall be binding upon the city and no permit related to the rejection of
404 the application for a certificate of appropriateness shall be issued by the city.

405 (11) *Official record.* The commission shall keep a public record of all applications for
406 certificates of appropriateness and of all the commission's proceedings in connection
407 with applications. Such records shall be maintained by the planning director. In the
408 event of an appeal to the governing authority, the official record of the commission's
409 decision shall consist of the application, any accompanying drawings, renderings or
410 photographs, written comments from planning department staff, written comments of
411 any participant at the hearing before the commission and the commission's written
412 decision. Such records shall be available for review in the planning department within
413 ten (10) days of a final decision by the commission on the certificate of appropriateness.

414 (12) *Appeal to the governing authority.* Any person adversely affected by any decision
415 made by the commission relative to the issuance or denial of a certificate of
416 appropriateness (i.e. the applicant or any owner of adjoining property or owner of
417 property whose property line is within one thousand five hundred (1,500) feet of the
418 applicant's property according to the DeKalb County tax records) may appeal such
419 decision to the governing authority. The appeal shall be limited to a review of the record
420 of the proceedings before the commission. The standard of review shall be an abuse of
421 discretion. An abuse of discretion exists where the record presented to the governing
422 authority shows that the commission exceeded the limits of its authority or that the
423 commission's decision was not based on factors set forth in the section 13.5-9(3) or the
424 guidelines adopted by the commission pursuant to section 13.5-6 or that the
425 commission's decision was otherwise arbitrary and capricious. If the governing
426 authority finds no abuse of discretion, then it may affirm the decision of the
427 commission. If the governing authority finds that the commission abused its discretion
428 in reaching a decision, then it may reverse the commission's decision, or it may reverse
429 the commission's decision and remand the application to the commission with direction.
430 All appeals must comply with the procedures set forth below:

431 a. Any appeal must be filed in writing with the city clerk using an appeal form
432 provided by the planning director, within fifteen (15) days after the date of issuance
433 or denial of the certificate of appropriateness. The appellant shall also deliver
434 copies of the appeal to the planning department and the city attorney.

435 b. In the written appeal, the appellant must describe how the commission's decision
436 constitutes an abuse of discretion. Specifically, the appellant must, citing to the
437 commission's written decision, show at least one (1) of the following: that the
438 commission exceeded the limits of its authority, or that the commission's decision
439 was not based on factors set forth in the section 13.5-9(3) or on the guidelines
440 adopted by the commission pursuant to section 13.5-6, or that the commission's
441 decision was otherwise arbitrary and capricious.

442 c. In addition to the appeal form, the appellant may submit a written supplementary
443 explanation in support of the appeal. The supplementary explanation shall be
444 submitted with the appeal. The supplementary explanation may not exceed three (3)
445 pages and must be typewritten and double-spaced using a twelve-point font with a
446 one-inch margin on all four (4) sides. The governing authority will not consider
447 text in excess of the page limit set forth herein.

- 448 d. Any adversely affected person may also submit a written supplementary
449 explanation that must comply with all of the requirements set forth in section 13.5-
450 9(12)c, in support of, or in opposition to the appeal. All written supplementary
451 explanations authorized by this subsection must be filed within five (5) days after
452 the appeal is filed. Such written supplementary explanations must be filed with the
453 city clerk with copies to the planning director, and the city attorney.
- 454 e. The planning department shall submit appeals of the decisions of the historic
455 commission to the governing authority for consideration at any of the city council's
456 regularly scheduled meetings within forty-five (45) days of the issuance of the
457 decision from the commission.
- 458 f. The agenda item shall set forth the standard of review to be used by the governing
459 authority in deciding the appeal. The official record of the commission's decision
460 together with the appeal and all properly filed written supplemental explanations in
461 support and in opposition to the appeal, will be attached to the governing
462 authority's agenda item. The governing authority may not consider any written
463 document that is not attached as the official record to the governing authority's
464 agenda item for the appeal. The appellant and any person who has filed a statement
465 in opposition to, or in support of the appeal may attend the meeting and may be
466 called upon by any member of the governing authority to provide information or
467 answer questions. There shall be no other public participation in the appeal.
- 468 g. The governing authority shall render a decision on the appeal within thirty (30)
469 days of the first appearance of the appeal on the city council's agenda.
- 470 (13) *Appeals to Superior Court.* An appeal from a decision of the governing authority
471 shall be made by a petition for writ of certiorari to the Superior Court of DeKalb
472 County.
- 473 (14) *Court action.* The governing authority is authorized to institute any appropriate
474 action or proceeding in a court of competent jurisdiction to prevent any material change
475 in the appearance of a designated historic property or district, except those changes
476 made in compliance with the provisions of this chapter, or to prevent any illegal act or
477 conduct with respect to such historic property or district.

478 **Sec. 13.5-10. - Acquisitions.**

479 The commission may, where such action is authorized by the governing authority and is
480 reasonably necessary or appropriate for the preservation of a unique historic property, enter into
481 negotiations with the owner of properties or of properties within historic districts for the
482 acquisition by gift, purchase, exchange or otherwise of ownership of the property or any interest
483 therein. Final approval and ownership of these properties would be determined by the governing
484 authority.

485 **Sec. 13.5-11. - Failure to maintain historic property.**

486 Property owners of historic properties or properties within historic districts shall not allow
487 their buildings to deteriorate by failing to provide ordinary maintenance or repair. The

488 commission shall monitor the condition of historic properties and existing buildings, structures,
489 sites and works of art located in historic districts to determine if they are being allowed to
490 deteriorate by neglect.

491 If the commission determines a failure to provide ordinary maintenance and repair, the
492 commission will notify the owner of the property and set forth the steps which need to be taken
493 to remedy the situation. The owner of such property shall have thirty (30) days to initiate the
494 appropriate repairs.

495 In the event that efforts to correct the condition are not commenced within thirty (30) days,
496 the owner shall be considered in violation of this chapter and shall be subject to fines not to
497 exceed one thousand dollars (\$1,000.00) for each day of violation. Alternatively, at the direction
498 of the governing authority, the commission may perform such maintenance or repair as is
499 necessary to prevent deterioration by neglect. The owner of the property shall be liable for the
500 cost of such maintenance and repair performed by the commission.

501 **Sec. 13.5-12. - Exceptions.**

502 Where by reason of unusual circumstances, the strict application of any provision of this
503 chapter would result in exceptional practical difficulty or undue hardship upon any owner of any
504 specific property, the commission in passing upon applications shall have power to vary or
505 modify strict adherence to said provisions or to interpret the meaning of said provisions so as to
506 relieve such difficulty or hardship; provided, however, that such variance, modification, or
507 interpretation shall remain in harmony with the general purpose and intent of said provisions so
508 that the architectural or historical integrity or character of the property shall be conserved and
509 substantial justice done. In granting variations, the commission may impose such reasonable and
510 additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this
511 chapter. An undue hardship shall be a situation beyond the control of the applicant, which is a
512 problem unique to a specific property or in order to comply with this chapter, the person will
513 violate another ordinance of the city. The burden of demonstrating the existence of the hardship
514 by a preponderance of evidence shall be with the applicant.

515 **Sec. 13.5-13. - Application fees.**

516 Each application for a certificate of appropriateness shall be accompanied by a fee in an
517 amount established by the governing authority, a copy of which will remain on file in the
518 planning department, to partially defray the public expense in processing such application. The
519 fee shall not be required for an application filed by the city.

520 **Sec. 13.5-14. - Penalties.**

521 Any person who does anything prohibited by the chapter as it exists or as it may hereafter be
522 amended, or who fails to do anything required by this chapter as it now exists or as it may
523 hereafter be amended, upon conviction of a violation, shall be subject to punishment as provided
524 by law. Each day this violation exists shall be deemed a separate offense.

525 **Sec. 13.5-15. - Severability.**

526 Nothing in the chapter shall be construed as to exempt property owners from complying
527 with existing city building and zoning codes, nor prevent any property owner from making any
528 use of this property not prohibited by other statutes, ordinances or regulations.

529 **Sec. 13.5-16. - Severability.**

530 In the event that any section, subsection, sentence, clause, or phrase of this chapter shall be
531 declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the
532 other sections, sentences, clauses, or phrases of this chapter, which shall remain in full force and
533 effect, as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or
534 unconstitutional were not originally a part thereof.

535 **Sec. 13.5-17. - Repeal of conflicting ordinances.**

536 This chapter is the Historic Preservation Ordinance of the City of Stonecrest, and all other
537 conflicting ordinances or resolutions are hereby repealed.

538

539 **Section 2:**

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

544

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

552

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

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

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- 5. The within ordinance shall become effective upon its adoption.
- 6. The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

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

Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

Attest:

Brenda James, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution for Stonecrest City Center Negotiation

- | | | |
|--|--|--|
| <input type="checkbox"/> ORDINANCE | <input type="checkbox"/> POLICY | <input type="checkbox"/> STATUS REPORT |
| <input type="checkbox"/> DISCUSSION ONLY | <input checked="" type="checkbox"/> RESOLUTION | <input type="checkbox"/> OTHER |

Council Meeting: 12/17/2018

SUBMITTED BY: Mayor Lary

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

City of Stonecrest Resolution of the City Council

The following resolution was adopted by the District Council of the City of Stonecrest, a Georgia municipal corporation (the "Council") at the meeting of the Council held on December 17, 2018:

WHEREAS, the Council desires to lease with an option to purchase or purchase a facility within the city limits of Stonecrest to house the Departments of Public Safety and Parks and Recreation; and

WHEREAS, the property located at 8109 Mall Parkway, Stonecrest, Georgia (the "Property") is owned by Allen Family Investments, L.L.C. and is currently available for lease with an option to purchase; and

WHEREAS, the Council finds that the Property is a feasible and appropriate location to house the Departments of Public Safety and Parks and Recreation; and

WHEREAS, the Council finds it necessary to create a committee for the purposes of negotiating a lease with an option to purchase the Property that is in the best interest of the City; and

WHEREAS, the committee shall transmit its findings and negotiation efforts to the City Council for consideration;

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved by the Mayor and Council of the City of Stonecrest, Georgia, that:

1. The Property is a feasible and appropriate location to house the Departments of Public Safety and Parks and Recreation; and
2. A committee consisting of Mayor Lary, Councilwoman Cobble, Interim City Manager Harris, and the City Attorney is hereby formed for the purpose of entering into negotiations with Allen Family Investments, L.L.C. for the lease of the Property.
3. The committee shall negotiate a lease with an option to purchase the Property and a lease that is in the best interest of the City of Stonecrest; and
4. No agreements, assurances, or other promises shall be made by the committee, nor shall this resolution constitute a contract or otherwise be binding on the City. The Council may withdraw the committee's authorization to negotiate said lease at any time for any reason; and

5. Upon completion of the negotiations, the lease shall be presented to the Council for consideration.

SO RESOLVED, this 17th day of December, 2018.

CITY OF STONECREST, GEORGIA

By: _____
Jason Lary, Sr.
Mayor

Attest:

Brenda James, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: SPLOST Program Management

- ORDINANCE POLICY STATUS REPORT
 DISCUSSION ONLY RESOLUTION OTHER

Council Meeting: 12/17/2018

SUBMITTED BY: Council Members, Cobble, Adoma, Rob Turner & George Turner

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: