

1 **AN ORDINANCE TO REVISE CHAPTER 2 (ADMINISTRATION) TO DECLARE THE**
2 **NEED FOR THE CREATION OF A DEVELOPMENT AUTHORITY TO FUNCTION IN**
3 **THE CITY OF STONECREST, GEORGIA PURSUANT TO THE PROVISIONS OF**
4 **THE CONSTITUTION OF THE STATE OF GEORGIA AND THE DEVELOPMENT**
5 **AUTHORITIES LAW, O.C.G.A. §36-62-1, ET SEQ.; AS IT MAY BE AMENDED FROM**
6 **TIME TO TIME; TO PROVIDE FOR ACTIVATION OF THE DEVELOPMENT**
7 **AUTHORITY AND APPOINTMENT OF A BOARD OF DIRECTORS; TO**
8 **AUTHORIZE SAID DEVELOPMENT AUTHORITY TO EXERCISE ALL POWERS**
9 **CONTAINED IN THE DEVELOPMENT AUTHORITIES LAW; TO PROVIDE FOR**
10 **NOTICE TO THE SECRETARY OF STATE OF THE STATE OF GEORGIA OF THE**
11 **ADOPTION OF THIS ORDINANCE; TO PROVIDE FOR AN EFFECTIVE DATE; TO**
12 **RESCIND CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

13 **WHEREAS**, pursuant to ARTICLE IX, SECTION VI, PARAGRAPH III of the Constitution of
14 the State of Georgia of 1983 and the Georgia Development Authorities Law,
15 O.C.G.A. §36-62-1, *et seq.*, there is created in and for each county and
16 municipality in the state a public body corporate and politic to be known as the
17 “development authority;” and
18

19 **WHEREAS**, it has been determined by the Mayor and Council of the City of Stonecrest,
20 Georgia (the “City”) that there is a need in the City to develop and promote trade,
21 commerce, industry and employment opportunities for the public good and the
22 general welfare while performing an essential governmental function in the
23 exercise of that power; and
24

25 **WHEREAS**, the Mayor and Council desire to create a climate favorable to the location of new
26 industry, trade and commerce and to encourage the development of existing
27 industry, trade and commerce within the City; and
28

29 **THEREFORE**, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as
30 follows:
31

32 **Section 1:** The Code of the City of Stonecrest, Georgia, is hereby amended by adding
33 **Division 2** to Article IV of Chapter 2 (“Administration”) to be titled “Development
34 **Authority” that reads as follows:
35**

36 **DIVISION 2. – DEVELOPMENT AUTHORITY**

37 **Sec. 2-117. Declaration of Need.**

38 The Mayor and Council of the City hereby declare that there is determined to be a recent
39 and future need for a Development Authority, as more fully described and defined in the Georgia
40 Development Authorities Law, O.C.G.A. §36-62-1, *et seq.*, as it may be amended from time to

41 time, for the purpose of developing and promoting trade, commerce, industry and employment
42 opportunities for the public good and the general welfare while performing an essential
43 governmental function in the City of Stonecrest.

44 **Sec. 2-118. Creation.**

45 There is hereby created in the City of Stonecrest, Georgia, a nonprofit public body
46 corporate and politic known as the "Stonecrest Development Authority." The Stonecrest
47 Development Authority may be activated by the Mayor and Council at any time by approval of
48 an activation Resolution which shall cause for the activation of the Stonecrest Development
49 Authority and appointment of the initial Board of Directors.

50 **Sec. 2-119. Board of Directors.**

51 (a) The Stonecrest Development Authority Board of Directors shall be composed of seven
52 (7) members, each of whom shall be a taxpayer residing in the City of Stonecrest and
53 none of whom is a member of the Mayor and City Council.

54 (b) The initial term of office of the Board of Directors shall be staggered to include four (4)
55 members to serve an initial term of two (2) years and three (3) members to serve an initial
56 term of four (4) years. Thereafter, any succeeding Director shall serve a term of four (4)
57 years as set forth in O.C.G.A. §36-62-4.

58 (c) Directors may be appointed by the Mayor and City Council for more than one (1)
59 consecutive term. If at the end of any term of office of any Director, a successor thereto
60 has not been appointed, the Director whose term of office has expired shall continue to
61 hold office until his or her successor is so appointed.

62 (d) The Board of Directors shall notify the City Council within sixty (60) days of the
63 resignation, removal, death, disqualification, or expiration of the terms of any Director of
64 the Authority.

65 **Sec. 2-120. By-Laws.**

66 Within sixty (60) days of the activation of the Stonecrest Development Authority by
67 Resolution, the Board of Directors shall organize itself, enact and comply with By-Laws which
68 shall be approved by the Mayor and City Council, carry out its duties and responsibilities and
69 exercise its powers and prerogatives in accordance with the terms and provisions of the
70 Development Authorities Law, as it now exists or may hereafter be amended. Any amendments
71 to the By-Laws shall also be first approved by Mayor and City Council.

72 **Secs. 2-121—2-136. - Reserved.**

73

74 **Section 2:** The Mayor and Council hereby authorize and direct the City Clerk to promptly
75 furnish to the Secretary of State of the State of Georgia a certified copy of this Ordinance, in
76 compliance with the provisions of O.C.G.A. §36-64-4(c).

77

78 **Section 3:**

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

83

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

89 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
90 section, paragraph, sentence, clause or phrase of this Ordinance.

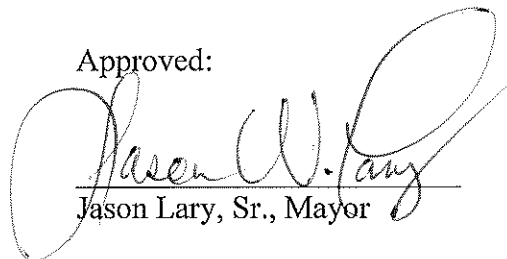
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92 3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
93 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
94 unenforceable by the valid judgment or decree of any court of competent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

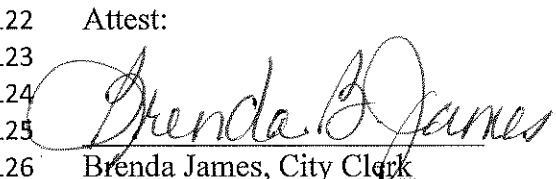
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102 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith
103 are hereby expressly repealed.

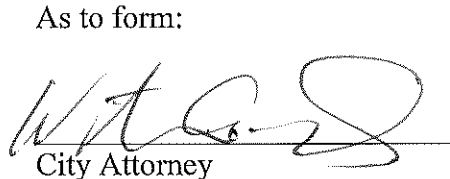
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105 5. The within ordinance shall become effective upon its adoption and by said adoption the
106 Stonecrest Development Authority shall be considered created.

107
108 6. The provisions of this Ordinance shall become and be made part of the Code of the City
109 of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to
110 accomplish such intention.

111
112 **SO ORDAINED AND EFFECTIVE** this the 20 day of Novi, 2017.
113

114
115 Approved:
116 
117 Jason Lary, Sr., Mayor

118
119 Attest:
120 
121 Brenda James, City Clerk

122 As to form:
123 
124 City Attorney



CITY OF STONECREST
CITY CLERK'S OFFICE
3120 Stonecrest Blvd.
Stonecrest, Georgia 30038

November 27, 2017

MAYOR

JASON LARY

COUNCIL MEMBERS

JIMMY CLANTON
DISTRICT 1

ROB TURNER
DISTRICT 2

JAZZMIN COBBLE
DISTRICT 3

GEORGE TURNER
DISTRICT 4

DIANE ADOMA
DISTRICT 5

Georgia Secretary of State
214 State Capitol
Atlanta, Georgia 30334

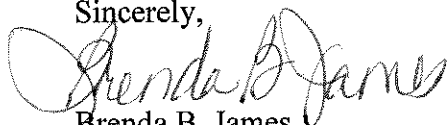
To Whom It May Concern:

I, Brenda B. James, Interim City Clerk for the City of Stonecrest, Georgia do hereby certify that I am the keeper of the seal, minutes and records of said city; that the attached is a true, correct copy of the following:

1. Ordinance 2017-11-01 an ordinance to revise Chapter 2 to declare the need for the Creation of a Development Authority in the City of Stonecrest.

IN WITNESS WHEREOF I have hereunto affixed my official signature and the corporate seal of the City of Stonecrest, GA on this 27th day of November 2017.

Sincerely,



Brenda B. James
Interim City Clerk

