



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

January 2, 2019

9:00 a.m.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

- I. CALL TO ORDER:** Mayor Jason Lary
- II. ROLL CALL:** Brenda James, Interim City Clerk
- III. INVOCATION:**
- IV. PLEDGE OF ALLEGIANCE:**
- V. ADOPTION OF THE CITY COUNCIL AGENDA:**
- VI. MINUTES:** Approval of Minutes of the City Council Special Called Meeting of December 12, 2018 and Regular Council Meeting of December 17, 2018.
- VII. PUBLIC COMMENTS:**
- VIII. AGENDA ITEMS:**
 1. Appointment of the City Attorneys for the City of Stonecrest
 2. Ordinance Setting Work Session and City Council Meeting dates and times-
Second Read
 3. An Ordinance for the Creation of the Stonecrest Youth Council- Second Read
 4. An Ordinance for the Creation of the Stonecrest Youth Council Advisory- Second
Read

5. An Ordinance for the Creation of the Historic and Cultural Landmarks Commission- Second Read
6. An Ordinance to Amend the Charter for the Purpose of Amending the Expense Limitations for Mayor and Council- First Read
7. An Ordinance to Amend Chapter 2 Article II Adding New Departments – First Read
8. LD Square Professional Services
9. Amendment to Jacobs Contract

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

SPECIAL CALLED MEETING MINUTES

Wednesday

December 12, 2018

10:00 a.m.

Stonecrest City Hall

3120 Stonecrest Blvd.

Stonecrest, Georgia

- I. **CALL TO ORDER:** Mayor Jason Lary
- II. **ROLL CALL:** Council Member Cobble was absent; all other members were present.
- III. **AGENDA ITEMS:**
 1. Resolution to Adopt the 2019 Fiscal Year Budget

City Manager Michael Harris gave an overview of the changes to the budget. He said some of the changes included Parks and Recreation, increase in Council Allowance, Public Works, Economic Development Plan and some funds placed in contingency.

There was much discussion between the Mayor and Council. There was discussion on SPLOST funding for parks and maintenance, council's involvement in the process for parks and recreation and increase in Mayor and Council expense allowance.

Council Member Adoma said for the record she still had outstanding questions regarding insurance premiums, car allowance reporting, parks and recreation related to the Intergovernmental Agreement, real cost, deferred maintenance, contingency and she needed more details on business licenses, permitting and zoning sub-categories.

Mayor Lary made a motion to approve the resolution to adopt the 2019 Fiscal Year budget with Council Member Clanton providing the second. **The motion carried**

with Mayor Lary, Council Members George Turner, Rob Turner and Clanton voting yes. Council Member Adoma voted no.

IV. ADJOURNMENT:

Council Member Clanton made a motion to adjourn the Special Called Meeting with Mayor Lary providing the second. **The motion carried unanimously at 10:30 a.m.**

Mayor Jason Lary

Brenda James, Interim City Clerk



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 17, 2018

7:00pm.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

- I. **CALL TO ORDER:** Mayor Jason Lary
- II. **ROLL CALL:** All Members present.
- III. **INVOCATION:** Council Member Rob Turner
- IV. **PLEDGE OF ALLEGIANCE:**
- V. **ADOPTION OF THE CITY COUNCIL AGENDA:**

Mayor Lary said he would like to remove item #2 Resolution to Appoint a new member to the Development Authority from the agenda. Council Member George Turner said he would like to remove item # 10 SPLOST Program Management from the agenda.

Council Member George Turner made a motion to adopt the agenda removing item #2 and #10 from the agenda with Council Member Rob Turner providing the second. **The motion carried unanimously.**

- VI. **MINUTES:** Approval of Minutes of the City Council Meeting of December 5, 2018

Council Member Adoma made a motion to approve the minutes of December 5, 2018 with Council Member George Turner providing the second. **The motion carried unanimously.**

- VII. **PUBLIC COMMENTS:**

Dave Marcus spoke on the Resolution to Establish a Housing Authority and that the City of Stonecrest does not need any more low-income housing.

Michelle Emanuel spoke on the closing of Big Lots and SPLOST and urged Mayor and Council to come to some resolution.

Bernard Knight spoke in opposition to the Historic Commission Ordinance.

Mera Cardenas spoke in favor of the Historic Commission Ordinance.

Faye Cofield spoke on the removal of trees and why do we need more low-income housing.

VIII. AGENDA ITEMS:

1. Resolution for Approval and Establishment of a Housing Authority for City of Stonecrest

Attorney Emily M. Preston gave an overview of the resolution to establish a Housing Authority for the City of Stonecrest. She further explained this does not mean low income housing and the intent is not for Section 8 Housing. She said this is to activate the Housing Authority under State Law to create bonds and revenue for the city.

After much discussion, Mayor Lary made a motion to defer the Resolution to Establish a Housing Authority with Council Member Adoma providing the second. **The motion carried unanimously.**

2. Resolution to Appoint A New Member to the Development Authority- Mayor Lary- **Pulled from the agenda.**
3. Resolution to Establish the Stonecrest Overlay District Steering Committee

Council Member Clanton gave an overview of the Stonecrest Overlay District Steering Committee. He said the committee will end on January 31, 2019.

Council Member Adoma said she has concerns with a husband and wife being on the same committee and she is against nepotism.

Council Member George Turner said his only concern was the full disclosure regarding the husband and wife, but there must be a policy established.

Council Member Cobble said Council Member Clanton said the terms are until January 31, 2019, however the resolution says something else.

Attorney Denmark said you can remove the terms from the resolution and then they will end January 31, 2019.

After the discussion, Council Member Clanton made a motion to approve the resolution to establish the Stonecrest Overlay District Steering Committee and remove the terms, so they will end on January 31, 2019 with Council Member Rob Turner providing the second. **The motion carried with Mayor Lary, Council Members Clanton, Rob Turner, Cobble and George Turner voting yes. Council Member Adoma voted no.**

4. Ordinance Setting Work Session and City Council Meeting Dates and Times

First Read Only.

5. Resolution to Establish Stonecrest Film Committee

City Manager Michael Harris gave an overview of this committee.

Council Member Rob Turner read the following names for the committee:

Patreece DeChabert
Verda Watson
Todd. Brown
Stacey Thibodaux
Kenneth Reeves

Council Member Rob Turner made a motion to approve the Resolution to Establish the Stonecrest Film Committee with Council Member Clanton providing the second. **The motion carried unanimously.**

6. An Ordinance for the Creation of the Stonecrest Youth Council- Council

Council Member Adoma gave an overview of the Youth Council.

After much discussion, Council Member Adoma made a motion to defer the item with Council Member George Turner providing the second. **The motion carried unanimously.**

7. An Ordinance for the Creation of the Stonecrest Youth Council Advisory Committee

Council Member Adoma made a motion to defer the Youth Council Advisory Committee until January 2, 2019 with Council Member Rob Turner providing the second. She also said she wanted the previous one deferred until January 2, 2019. **The motion carried with Council Member George Turner voting no, and all others voting yes.**

8. An Ordinance for the Creation of the Historic and Cultural Landmarks Commission

First Read Only

9. Resolution for Stonecrest City Center Negotiation

Mayor Lary gave an overview of the Resolution for Stonecrest City Center Negotiation and said the committee would be Council Member Cobble, City Manager Michael Harris, City Attorney Winston Denmark and himself Mayor Lary.

Council Member Clanton made a motion to approve the Resolution for Stonecrest City Center Negotiation with Council Member Rob Turner providing the second. **The motion carried unanimously.**

10. SPLOST Program Management- **Pulled from the agenda.**

IX. CITY MANAGER COMMENTS:

City Manager, Michael Harris said steps have been taken regarding the Historic locations in the City of Stonecrest in the way of a GIS Layer.

X. CITY ATTORNEY COMMENTS:

No Comments

XI. MAYOR AND COUNCIL COMMENTS:

Council Member Cobble wished everyone Happy Holidays.

Council Member Rob Turner wished everyone a wonderful Merry Christmas and safe holidays.

Council Member Clanton wished everyone Happy Holidays.

Council Member George Turner wished everyone a Merry Christmas and be safe.

Council Member Adoma said her Consulting Firm just got HUD Zone Certification and she will be working with small business owners to get their certification. She also said her TV program "Touring Stonecrest District 5" will launch in January. She said Chick fil-A had just send over some documents for \$600,000 in sponsorship. She said she got email from Travel Channel and Disney and they are interested in our mountain.

Mayor Lary announced he will have an event on Thursday, December 20th from 5:00pm to 8:00pm where he will celebrate life and the future of Stonecrest. Mayor Lary announced the retirement of City Attorney Tom Kurrie. He said we now have the firm of Fincher Denmark and some Attorneys from Coleman Talley. He said Tom Kurrie spent hundreds of legal hours to help get the City of Stonecrest off the ground.

XII. ADJOURNMENT:

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

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 COUNCIL AGENDA ITEM

SUBJECT: Appointment of the City Attorney

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

City Council Meeting: 01022019

SUBMITTED BY: Mayor Lary

HISTORY: Mayor Lary would like to appoint Fincher and Denmark as the new City Attorneys

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:



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: 01/02/2019

SUBMITTED BY: Mayor Lary

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

HISTORY: First Read was December 17, 2018

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 second (2nd) and fourth (4th) 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 second (2nd) Monday of each month:

Work Session, starting at 6:00 p.m.

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

The fourth (4th) Monday of each month:

Work Session, starting at 6:00 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: An Ordinance Creating the Stonecrest Youth Council

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

Council Meeting 11/07/2018

Council Meeting: 01/02/2019

SUBMITTED BY: Council Members Adoma & Rob Turner

HISTORY: This item was deferred at the December 17, 2018 Meeting.

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.
89

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:

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

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178 _____
Brenda James, City Clerk



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: 01/02/2019

SUBMITTED BY: Council Members Adoma & Rob Turner

HISTORY: This item was deferred at the December 17, 2018 Meeting.

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”);

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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.**

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73 Committee members shall serve without compensation.

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

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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.
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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

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

Council Meeting 11/07/2018

Council Meeting: 01/02/2019

SUBMITTED BY: Council Members Adoma & Rob Turner

HISTORY: First Read December 17, 2018

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 or 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.

562

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: An Ordinance to Amend the Charter for the Purpose of Amending the Expense Limitation for Mayor and City Council in Section 2.07 Article II

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

Work Session: 12/17/2018

Council Meeting: 01/02/2019

SUBMITTED BY: City Attorney

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: First Read

1 **AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF STONECREST,**
2 **GEORGIA, FOR THE PURPOSE OF AMENDING THE EXPENSE LIMITATION FOR**
3 **MAYOR AND CITY COUNCIL IN SECTION 2.07 OF ARTICLE II OF THE CITY**
4 **CHARTER**

5 **WHEREAS**, Section 2.07 of Article II of the Charter of the City of Stonecrest, Georgia (the “City
6 Charter”) provides an expense allowance of \$5,000.00 for the Mayor and \$3,000.00
7 for each councilmembers for expenses reasonably actually and necessarily incurred
8 by the mayor and councilmembers in carrying out there duties as elected officials
9 in the City of Stonecrest; and

10
11 **WHEREAS**, the Mayor and City Council of the City of Stonecrest desire to amend the expense
12 allowance as permitted under O.C.G.A. § 36-35-4(c) for those expenses actually
13 and necessarily incurred in carrying out their official duties; and

14
15 **WHEREAS**, the Mayor and City Council desire to enact ordinances regarding the reimbursement
16 of those expenses actually and necessarily incurred; and

17
18 **WHEREAS**, the Mayor and City Council of the City of Stonecrest have determined that the City
19 Charter should be amended by Home Rule to make the necessary change; and

20
21 **WHEREAS**, Article IX, Section II, Paragraph II of the Constitution of the State of Georgia,
22 which is titled Home Rule for Municipalities, allows the General Assembly of the
23 State of Georgia to provide by law for the self-government of municipalities, which
24 the General Assembly has done with the Municipal Home Rule Act of 1965,
25 provided in O.C.G.A. 36-35-1 *et seq.*;

26
27 **WHEREAS**, O.C.G.A. 36-35-3(b)(1) allows municipal charters to be amended by ordinances
28 duly adopted at two (2) regular consecutive meetings of the municipal governing
29 authority, not less than seven (7) nor more than sixty (60) days apart; and

30
31 **WHEREAS**, O.C.G.A. 36-35-3(b)(1) requires a notice containing a synopsis of the proposed
32 amendment to be published in a newspaper of general circulation in the municipal
33 corporation once a week for three (3) weeks within a period of sixty (60) days
34 immediately preceding its final adoption; and

35
36 **WHEREAS**, O.C.G.A. 36-35-3(b)(1) further requires that the notice shall state that a copy of the
37 proposed amendment is on file in the office of the clerk of the municipal governing
38 authority and in the office of the clerk of the superior court of the county of the
39 legal situs of the municipal corporation for the purpose of examination and
40 inspection by the public; and

42 **WHEREAS**, pursuant to O.C.G.A. 36-35-3(b)(1), the required notice has been published in a
43 newspaper of general circulation in the municipal corporation once a week for three
44 (3) weeks prior to its final adoption, and a copy of the proposed amendment has
45 been placed on file in the Office of the Clerk of the City of Stonecrest and in the
46 Office of the Clerk of Superior Court of DeKalb County, Georgia, as required by
47 Georgia law; and

48
49 **WHEREAS**, the required notice will have been published within the statutory period of sixty
50 (60) days immediately preceding the final adoption of this Ordinance amending the
51 City Charter; and

52
53 **WHEREAS**, the title of this Ordinance shall have been read and this Ordinance duly adopted at
54 two consecutive City Council meetings not less than seven (7) nor more than sixty
55 (60) days apart as required by Georgia law.

56
57 **THEREFORE**, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as
58 follows:

59
60 **Section 1:** That the Charter of the City of Stonecrest, Georgia, is hereby amended as follows:
61 Section 2.07 of Article II of the City Charter is amended as follows:

62
63 The annual salary of the mayor shall be \$20,000.00 and the annual salary for each councilmember shall be
64 \$15,000.00. Such salaries shall be paid from municipal funds in monthly installments. The mayor shall be
65 provided an annual expense allowance of ~~\$7,000.00~~ ~~5,000.00~~ and each councilmember shall be provided
66 an annual expense allowance of ~~\$5,000.00~~ ~~3,000.00~~ for the reimbursement of reasonable expenses actually
67 and necessarily incurred by the mayor and councilmembers in carrying out their duties as elected officials
68 of the city.

69
70 **Section 2:**

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

75
76 2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest
77 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
78 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of
79 this Ordinance. It is hereby further declared to be the intention of the Mayor and City
80 Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause
81 or phrase of this Ordinance is mutually dependent upon any other section, paragraph,
82 sentence, clause or phrase of this Ordinance.

83

- 84 3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall,
85 for any reason whatsoever, be declared invalid, unconstitutional or otherwise
86 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
87 the express intent of the Mayor and City Council that such invalidity, unconstitutionality,
88 or unenforceability shall, to the greatest extent allowed by law, not render invalid,
89 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
90 sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed
91 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance
92 shall remain valid, constitutional, enforceable, and of full force and effect.
93
- 94 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are
95 hereby expressly repealed.
96
- 97 5. The within ordinance shall become effective upon its adoption.
98
- 99 6. The provisions of this Ordinance shall become and be made part of the City Charter and
100 shall be codified in accordance with state law.

101 **SO ORDAINED AND EFFECTIVE** this the _____ day of _____, 201__.

102 Approved:
103

104 _____
105
106 Jason Lary, Sr., Mayor
107

108 As to form:
109

110 _____
111
112
113 City Attorney

114 Attest:
115

116 _____
117
118 Brenda James, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: An Ordinance to Amend Chapter 2 Article II Adding New Departments

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

Work Session: 12/17/2018

Council Meeting: 01/02/2019

SUBMITTED BY: City Attorney

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: First Read

1 **AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE III OF THE CITY OF**
2 **STONECREST, GEORGIA CODE OF ORDINANCES FOR THE PURPOSE OF**
3 **ADDING NEW DEPARTMENTS**

4 **WHEREAS**, Section 2.55 of the City of Stonecrest, Georgia Code of Ordinances authorizes the
5 establishment of municipal departments; and

6
7 **WHEREAS**, the Mayor and City Council of the City of Stonecrest desire the addition of two
8 more municipal departments; and

9
10 **WHEREAS**, the Mayor and City Council of the City of Stonecrest have determined that the Code
11 of Ordinances should be amended to make the necessary change.

12
13
14 **NOW THEREFORE BE IT ORDAINED** by the Mayor and City Council of the City of
15 Stonecrest, Georgia that the City’s Code of Ordinances, Chapter 2 – Administration is amended
16 as follows:

17
18 “Sec. 2-55. - Authorization.

19 The following departments are established by the council:

- 20 (1) Administration;
21 (2) Community Development;
22 (3) Finance;
23 (4) Public Works;
24 (5) Parks and Recreation;
25 (6) Information Technology;
26 (7) Community and Cultural Affairs; and
27 (8) Business Development.

28 One or more departments may be combined to form one or more multifunctional
29 departments.”

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SO ORDAINED AND EFFECTIVE this the ____ day of _____, 201__.

Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

Attest:

Brenda James, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: Contract with LD Square Professional Services

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

Work Session: 12/17/2018

Council Meeting: 01/02/2019

SUBMITTED BY: City Manager

PURPOSE: This contract is with LE Square Inc. for a period of twelve months ending on December 31, 2019. This is a consultant for the Development Authority

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

CONTRACT FOR PROFESSIONAL SERVICES

This **CONTRACT** made and entered into this 1st day of January, 2019 (the "Effective Date") by and between City of Stonecrest and LD Squared Inc., (the "Consultant"), a Georgia company with its principal place of business at 3300 Pinetree Drive Smyrna, GA 30080, for a period of twelve months concluding on December 31, 2019.

NOW THEREFORE, for and in consideration of the mutual promises and obligations contained herein and under the conditions hereinafter set forth, the parties do hereby agree as follows:

1. **Term.** During the term of this Agreement, on the terms and conditions hereafter set forth, City of Stonecrest retains Consultant to provide certain Professional Services (as defined below) and Consultant agrees to provide such Professional Services.
2. **Scope of Duties.** The general scope of Consultant's obligations here under shall be to serve in a professional services consulting capacity to the City of Stonecrest and the Consultant's services (the "Services") shall be rendered in accordance with the highest professional standards and shall include public policy consulting primarily on issues related to potential strategies for economic development and redevelopment as allowed under the Georgia Constitution. The Services shall include the following:
 - a) Provide strategic public policy recommendations relative to the various powers and authorities available to the City of Stonecrest under the Georgia Constitution as they relate to economic development and redevelopment.
 - b) Schedule meetings periodically to provide orientation to both the City Staff, Elected Officials, and the Development Authority as to the various powers and authorities available for economic development and redevelopment.
 - c) Establish the foundations of a functional Development Authority, which would include the development and approval of bylaws, the election of officers, official training certification of authority members, and additional orientation to type of projects that Georgia development authorities can do and have done, especially in the Metro Atlanta area.
 - d) Develop an action plan with City Staff to achieve strategic public policy objectives once they are determined by the Stonecrest Development Authority as it relates economic development and redevelopment.
 - e) Meet periodically with City Staff as needed to execute the Scope of Duties of this contract.
 - f) Assist the City of Stonecrest with associated administrative and strategic issues relative to said public policy objectives.
3. **Compensation.**
 - a) For services rendered, Consultant shall receive the sum of three thousand five hundred (\$3,500) per month for the services described herein.
 - b) The Consultant will also submit expenses previously approved by the City of Stonecrest, as part of the monthly invoices.

- c) Consultant shall invoice the City of Stonecrest on the first day of the month for the coming month's services, and the City of Stonecrest shall pay any invoice within 30 days of the invoice's date.
4. **Term and Termination.** This agreement will take effect on January 1, 2019, and continue for a period of 12 months. For any or no reason, upon 30 days' written notice, either party may terminate this Agreement.
5. **Confidential Information.** Each party acknowledges that it will have access to, be making use of, acquiring and adding to confidential business information of special and unique value including, but not limited to, trade secrets of the other party including financial projections and budgets, historical and projected sales, client and prospective information, capital spending budgets, and plans, the names and backgrounds of key personnel, personnel training techniques and materials and other information that the parties have provided each other in connection with provision of Services (collectively, the "Confidential Information"). The parties agree that neither party will, during or after the term of this Agreement, copy, disclose, distribute or make use of any Confidential Information for its own benefit or for the benefit of a business or entity other than the other party to this Agreement without the prior written consent of such party and shall maintain the confidentiality of the Confidential Information. At the request of the disclosing party, the receiving party shall return to the disclosing party all memoranda, notes, copies, drawings, abstracts, records or other documents, and all copies thereof, concerning any Confidential Information. The provisions of the confidential treatment of the Confidential Information shall not apply to any such information which (a) is or becomes publicly known through no wrongful act of the receiving party (b) is rightly received by the receiving party from a third party; (c) is approved for such use or disclosure by the disclosing party in writing, or (d) is required to be disclosed pursuant to applicable law, order or subpoena, provided that before any disclosure is made pursuant to such law, order or subpoena, the receiving party shall give the disclosing party prompt notice of such requirement unless such notice is prohibited by applicable law, order or subpoena.
6. **Independent Contractor.** Consultant agrees that it will act as an independent contractor pursuant to this Agreement and that nothing herein shall create an agency relationship between Company and Consultant. All negotiations and/or proposals shall be approved in advance by Company where possible, but will in all cases be submitted for the approval of Company. The engagement of subcontractors or other third parties by Consultant shall be subject to the approval of City of Stonecrest. All subcontracts or other third parties engaged by Consultant with the City of Stonecrest approval shall agree in writing to be bound by the restrictions and negative covenants in this agreement applicable to Consultant. Consultant's employees shall not be entitled to employee benefits normally associated with employment of individuals by City of Stonecrest. Consultant shall be liable for all federal, state and local taxes assessed against or owed by Consultant related to the compensation hereunder and Consultant hereby indemnifies City of Stonecrest and their affiliates and their employees, officers, directors and agents against and holds them harmless from all claims and liability for such taxes.
7. **No Conflicts.** Consultant certifies that no outstanding agreement or obligation of Consultant is in conflict with any of the provisions of this Agreement, or would preclude Consultant from complying with the terms and conditions hereof.
8. **Compliance with Law.** Consultant shall comply with all federal, state, local, and foreign

laws, regulation, rules, ordinances and orders of any kind that are applicable to Consultant's performance hereunder.

9. **Efforts.** During the term of this Agreement, Consultant shall devote such time as necessary and use Consultant's best efforts to advance the business and welfare of City of Stonecrest, and to discharge any other duties assigned to Consultant hereafter. Consultant shall not take any action against the best interest of City of Stonecrest or of any subsidiary or affiliate of the City of Stonecrest. Consultant shall perform faithfully and competently such duties as may be assigned to Consultant hereunder, in accordance with the highest professional standards.
10. **Survivability.** The provisions of paragraphs 5, 6, 7, 8 and 13 hereof shall survive the expiration or termination of this Agreement, except as expressly stated therein.
11. **Indemnification and Hold Harmless.** Consultant hereby indemnifies and agrees to hold harmless the City of Stonecrest from and against any and all claims, demands, and actions, and any liabilities, damages, or expenses resulting from, including court costs and attorney fees, arising out of or relating to the services performed by Consultant under the terms of this Agreement or the breach by the Consultant of any of its provisions. The City of Stonecrest agrees to give Consultant prompt notice of any such claim, demand, or action and shall, at Consultant's expense, cooperate fully with Consultant in the defense and settlement thereof.
12. **Severability.** The provisions of this Agreement shall be deemed severable and the invalidity or enforceability of any provisions shall not affect the validity and enforceability of the other provisions hereof. If any provision of this Agreement is unenforceable for any reason whatsoever, such provision shall be appropriately limited and given effect to the extent that it may be enforceable.
13. **No Waiver.** A party's failure to exercise any right under this agreement shall not constitute a waiver of any other terms or conditions of this Agreement with respect to any other or subsequent breach, nor a waiver by such party of its right at any time thereafter to require exact and strict compliance with the terms of this Agreement.
14. **No assignment.** Consultant's services hereunder are personal in nature and may not be assigned without the written consent of Company.
15. **Miscellaneous.** This Agreement shall be governed by, and construed in accordance with, the laws of the State of Georgia, without regard to conflict of laws that would otherwise require the application of the law of a different jurisdiction. Any and all claims, disputes, or controversies arising out of or related to this Agreement shall be brought only in a state or federal court of competent jurisdiction located in the state of Georgia and the parties hereby consent to the personal jurisdiction of that court. This Agreement constitutes the entire agreement between Consultant and Company with respect to the subject matter herein and shall be binding upon and inure to the benefit of the parties and their respective heirs, executors, administrators, successors and assigns. Neither this Agreement nor any amendment to this Agreement shall be valid unless in writing signed and duly authorized by an executive officer of Company and by Consultant.
16. **Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one in the same

instrument.

IN WITNESS WHEREOF, the parties hereto, acting through their duly authorized agents, have caused this **CONTRACT** to be signed, sealed and delivered.

<p>CITY OF STONECREST: Jason Lary Mayor</p> <hr/>	<p>CONSULTANT: Doug Stoner President, LD Squared Inc.,</p> <hr/>
--	---

[CITY SEAL]

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney



CITY COUNCIL AGENDA ITEM

SUBJECT: Amendment to the Jacobs Contract

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

Work Session: 12/17/2018

Council Meeting: 01/02/2019

SUBMITTED BY: City Manager

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

**AMENDMENT NO. 2 TO THE
PROFESSIONAL SERVICES AGREEMENT
FOR MUNICIPAL GOVERNMENT SERVICES**

This Amendment No. 2 (“Amendment”) is made and entered into this __ day of _____, 2018, by and between the **CITY OF STONECREST, GEORGIA**, a municipal corporation of the State of Georgia (the “City”), and **CH2M HILL ENGINEERS, INC.**, a Delaware corporation authorized to do business in Georgia with its principal office located at 9191 S. Jamaica Street, Englewood, CO 80112 (“Contractor”); heretofore referred to jointly as the “Parties.”

WHEREAS, the Parties entered into a Professional Services Agreement for Municipal Government Services, that commenced on June 15, 2017 (the “Agreement”); and

WHEREAS, Section 22.12 of the Agreement requires that any amendment to the Agreement, including any exhibits, must be in writing approved by both Parties; and

WHEREAS, the Parties desire to amend the Agreement as set forth below.

NOW THEREFORE, in consideration of the foregoing recitals, the sums hereinafter set forth and for other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, it is hereby agreed as follows:

1. A new section 2.14, Opinions of Cost, Financial Considerations, and Schedules, is added to the Agreement:

2.14 Opinions of Cost, Financial Considerations, and Schedules In providing opinions of cost, financial analyses, economic feasibility projections, and schedules for the projects, Consultant has no control over cost or price of labor and materials; unknown or latent conditions of existing equipment or structures that may affect operation or maintenance costs; competitive bidding procedures and market conditions; time or quality of performance by operating personnel or third parties; and other economic and operations factors that may materially affect the ultimate project cost or schedule. Therefore, Consultant makes no warranty that City’s actual project costs or schedule will not vary from the original estimated budget and Consultant warrants only that it will exercise the reasonable skills, care and diligence in the preparation of its professional opinion of those costs and management of the City budget for the projects.

2. Section 8.3 Compensation Amount Annual Increase, is hereby deleted in its entirety and replaced with the following:

Compensation Amount Annual Increase. For contract years beginning January 1, 2018 and every January thereafter, the Total Annual Fees as set forth in Exhibit B shall be negotiated annually, by September 1 of each year. City and Contractor shall use good faith negotiations resulting in mutual agreement as to the preferred methodology to be used to determine changes in the Compensation Amount annually. In the event the City and Contractor fail to agree, the Compensation Amount shall be an amount as determined by

the following formula:

[CPI Adjustment x (25% x Compensation Amount which is the current year compensation to be adjusted)] + [ECI Adjustment x (75% x Compensation Amount which is the current year compensation to be adjusted)].

CPI Adjustment = Consumer Price Index for all items, in Atlanta, GA, all urban consumers, not seasonally adjusted as published by U.S. Department of Labor, Bureau of Labor Statistics in the CPI Detailed Report (the "CPI") for the month of June of the contract year presently operating in divided by the CPI for the month June of the immediately preceding year Series ID: CUUR0000SA0

ECI Adjustment = Compensation for Civilians Workers, Not Seasonably Adjusted (Employment Cost Index) as published by U.S. Department of Labor, Bureau of Labor Statistics in the Detailed Report (the "ECI") for the second quarter of the contract year presently operating in divided by the ECI for the second quarter of the immediately preceding year Series ID: CIU101000000000A.

Subject to the foregoing paragraph regarding annual adjustments, in no event shall the total upward adjustment of the Compensation Amount pursuant to this Article exceed the sum of five percent (5%) nor fall below zero percent (0%) in any given annual period.

3. Exhibit A, ADMINISTRATIVE SERVICES, Section B. Financial Management is hereby amended to add the following:

14. Provide a Procurement Officer to handle all city procurement needs.

4. Exhibit A, ADMINISTRATIVE SERVICES, Section J is hereby deleted in its entirety and replaced with the following:

J. City Manager

1. Contractor shall provide a City Manager until terminated by either Party. City shall provide Contractor with at least thirty (30) days' notice prior to termination of the Interim City Manager.

2. The City Manager shall perform the following services:

- Act as the chief administrative officer of the government to the City
- See that laws and ordinances are enforced
- Propose a budget for city operations
- Exercise supervision and control of all departments created by the City Council
- Attend meetings of the City Council, without a right to vote, and take part in the discussions as seen fit by the chairperson.

5. Section M to Exhibit A- Services, is deleted and replaced with the following:

M. Parks and Recreation.

1. Provide administrative oversight for the creation of a Parks and Recreation Capital Improvement Plan (CIP). Review and assess all city park facilities; research existing County programs and prepare recommendations for future City run recreation programs.
2. Operate the City's Browns Mill Aquatic and Recreation Center during normal business hours as established by the City.
3. Provide the appropriate contractors, and staffing. Operations to include the coordination of City subcontractors providing programming and services at both the Aquatic Center and the Recreation Center, providing the appropriate staffing levels at both locations
4. Coordinate the ongoing maintenance at all City Park facilities noted below:
 - Browns Mill Aquatic Center
 - Browns Mill Recreation Center
 - Browns Mill Athletic Fields
 - Southeast Athletic Complex (includes Clubhouse and Concession buildings)
 - Davidson-Arabia Mountain Nature Preserve
 - Everett Park
 - Fairington Park
 - Gregory Moseley Park
 - Milner's Creek Park
 - Salem Park
 - Chestnut Lakes Park
5. Coordinate with the City's Subcontractors, hired by the City to perform janitorial, landscaping, operations and maintenance and other services as directed by the City.
6. Coordinate with City subcontractors for the operations of the Browns Mill Aquatic Center.
7. Coordinate with City Subcontractors for the transportation of participants to and from the after-school program at the City's recreation center.
8. Assist the City in preparation of solicitations for competitive procurement process and selection of vendors to perform services on behalf of the City at the Browns Mill

facility.

6. A new Section O, Capital Project Management is added to Exhibit A – Services, as set forth below:

O. Capital Project Management

The Contractor shall provide the following services related to the City's annual capital projects approved by the City Council:

1. Assist city in the development of a program delivery plan, identifying key tasks and timelines for delivering desired capital projects each year for the duration of the term.
2. Coordination with federal, state, municipal and other local agencies regarding project funding and preparation of documentation and applications for City approval to obtain outside funding of projects.
3. Assist with public information efforts to gather public input and keep citizens informed regarding the status of capital projects. Any information provided by contractor to the public shall be approved by the City prior to distribution.
4. Coordination of city subcontractors and other city consultants' activities for project development, project design, public information, construction inspection, and other disciplines necessary to deliver the projects.
5. Following the city's procurement process and purchasing policy, contractor will prepare scopes of work and issue RFP's/RFQ's to solicit qualified consultants, prepare bid packages for solicitation of bids, review of submitted bids and make recommendations to the city for contracts for services to be awarded by the city.
6. Performance of field observations of construction in progress; coordinating specialized testing and inspection services; and reviewing invoices and providing recommendations to the city for payment.
7. Work with the city representative to bring a project plan and related budgets to the city council for consideration and approval. Upon approval, contractor shall manage project expenditures including entering, reviewing, and approving invoices for purchase orders and purchases as well as preparing information related to year end close out and audit

7. A new Section P, Public Works Management is added to Exhibit A – Services, as set forth below:

The Contractor shall provide administration and field oversight for the establishment of a Right of Way maintenance program. Included in these services shall be:

1. Assist city in the development of a program delivery plan, identifying key tasks and timelines for delivering desired capital projects each year for the duration of the term.
2. Coordination of city subcontractors and other city consultants' activities for project development, project design, public information, construction inspection, and other disciplines necessary to deliver the projects.
3. Following the city's procurement process and purchasing policy, contractor will prepare scopes of work and issue RFP's/RFQ's to solicit qualified consultants, prepare bid packages for solicitation of bids, review of submitted bids and make recommendations to the city for contracts for services to be awarded by the city.
4. Performance of field observations of construction in progress; coordinating specialized testing and inspection services; and reviewing invoices and providing recommendations to the city for payment.
5. Work with the city to bring a project plan and related budgets to the city council for consideration and approval. Upon approval, contractor shall manage project expenditures including entering, reviewing, and approving invoices for purchase orders and purchases as well as preparing information related to year end close out and audit.

8. Exhibit B- Compensation is deleted in its entirety and replace with the following:

Subject to annual adjustment formula per Section 8.3 (all fees in 2019 dollars)

Renewal Term 2 Base Compensation & Amendment 1 Additional Scope (January 1, 2019 - December 31, 2019)	\$3,795,776
Additional Scope Amendment 2 (January 1, 2019 - December 31, 2019)	\$1,127,321
Capital Project Management	2.0 Multiplier on Labor

[Remainder of page intentionally left blank]

This Amendment No. 2 together with the Agreement constitute the entire agreement between the Parties and supersede all prior oral and written understandings with respect to the subject matter set forth herein. Unless specifically stated all other terms and conditions of the Agreement shall remain in full force and effect. Neither this Amendment nor the Agreement may be modified except in writing signed by an authorized representative of the Parties.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 2 to be duly executed by their duly authorized officers as of the day and year set forth next to each signature.

CH2M HILL ENGINEERS, INC.

By: Jonathan Mantay
Title:

DATE

CITY OF STONECREST

By: Jason Lary, Sr.
Mayor

DATE

Approved as to form and legal
sufficiency subject to execution
by Coleman Talley LLP, City Attorney:

By: Thompson Kurrie, Jr.
Title: Partner

DATE