



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

July 8, 2019

7:00 p.m.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

- I. CALL TO ORDER:** Mayor Jason Lary
- II. ROLL CALL:** Megan Reid, City Clerk
- III. INVOCATION**
- IV. PLEDGE OF ALLEGIANCE**
- V. AWARDS AND HONORS**
- VI. APPROVAL OF THE COUNCIL AGENDA**

- VII. MINUTES:**
 1. Approval of the June 10, 2019 City Council Meeting Minutes
- VIII. PRESENTATIONS:**
- IX. PUBLIC COMMENTS**

X. APPOINTMENTS:

XI. PUBLIC HEARINGS:

XII. OLD BUSINESS:

1. Comprehensive Plan 2038- Resolution

XIII. NEW BUSINESS:

1. Hotel Motel Tax Ordinance 1st Reading
2. Zoning Ordinance Services- The Collaborative Firm

XIV. EXECUTIVE SESSION:

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

XV. CITY MANAGER COMMENTS

XVI. CITY ATTORNEY COMMENTS

XVII. MAYOR AND COUNCIL COMMENTS

XVIII. ADJOURNMENT



CITY COUNCIL AGENDA ITEM

SUBJECT: Council Meeting Minutes from June 10, 2019

- ORDINANCE POLICY STATUS REPORT
 DISCUSSION ONLY RESOLUTION OTHER

Council Meeting: 7/08/2019

SUBMITTED BY: MEGAN REID

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: APPROVAL BY MAYOR AND COUNCIL



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

June 10, 2019

7:00 p.m.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

- I. CALL TO ORDER:** Mayor Jason Lary
- II. ROLL CALL:** Council Member Rob Turner was absent.
- III. INVOCATION:** Invocation was led by Mayor Lary. A moment of silence was held in memory of Elyse Purefoy of Arabia Mountain High School.
- IV. PLEDGE OF ALLEGIANCE:**
- V. Awards and Honors**
- VI. APPROVAL OF THE COUNCIL AGENDA:**

Motion 1- was made by Council Member George Turner to approve the agenda with the changes as follows:

- Add 2. *East Metro CID Appointment XII. New Business*

A second was provided by Council member Diane Adoma.

Motion passed unanimously.

- VII. MINUTES:**

Motion 2- was made by Council Member George Turner to approve the Council meeting Minutes from May 28, 2019 and Council Member Jimmy Clanton provided the second.

Motion passed unanimously

VIII. PRESENTATIONS:

- a. DeKalb Mass Transit – Grady Smith, VHB and Michael Hightower, The Collaborative
Grady Smith explained what the DeKalb County Transit Master Plans and where they are in the process.
This plan will be finalized by late June or early July. There was much discussion amongst Council.
- b. Plez Joyner, Deputy City Manager DeKalb County Board of Commissioners Committee of the Whole will be meeting at Stonecrest City Hall on June 18 at 5:30pm

IX. PUBLIC COMMENTS:

- Renee Cail – Complaint about 3610 Evans Mill Rd- Cell Tower
- Geraldine Champion- Wants to know if the City of Stonecrest or Jacobs does background checks on employees.
- Amanda Mann- Complaint about 7301 S. Goddard Rd. operating as an event center
- Gregory Pierce- Would like to know what the City’s plan is about the closed businesses and would like the crime statistics to be published and available to public
- Chianti Brown- Spoke in opposition to the approval of SLUP-19-002- 5714 Southcrest Lane Stonecrest Ga 30038
- Gentle Culpepper- Doesn’t want anymore gas stations or cellphone towers. Would like to know what the overlay plans are
- Dawn Pettygar- Spoke in opposition to the approval of SLUP-19-002- 5714 Southcrest Lane Stonecrest Ga 30038
- Ralph Cooper- Absent
- Neil Allen- Spoke in opposition to the approval of SLUP-19-002- 5714 Southcrest Lane Stonecrest Ga 30038
- Lisa Evans- Spoke in opposition to the approval of SLUP-19-002- 5714 Southcrest Lane Stonecrest Ga 30038
- Denies Powell- Spoke in opposition to the approval of SLUP-19-002- 5714 Southcrest Lane Stonecrest Ga 30038
- Angela Catley- Spoke in opposition to the approval of SLUP-19-002- 5714 Southcrest Lane Stonecrest Ga 30038
- Eugent Powell- Absent
- Lyndal Benjamin- Spoke in opposition to the approval of SLUP-19-002- 5714 Southcrest Lane Stonecrest Ga 30038

- Grover Benjamin- Spoke in opposition to the approval of SLUP-19-002- 5714 Southcrest Lane Stonecrest Ga 30038
- Minister Stone- Spoke in opposition to the approval of SLUP-19-002- 5714 Southcrest Lane Stonecrest Ga 30038
- Marcia Stone- Spoke in opposition to the approval of SLUP-19-002- 5714 Southcrest Lane Stonecrest Ga 30038
- John Carter- Spoke in opposition to the approval of SLUP-19-002- 5714 Southcrest Lane Stonecrest Ga 30038
- Gina Mangham- Commented about the DeKalb transit Master Plan
- Mary Edmond- Would like to know the policy and procedures

X. APPOINTMENTS: ** Moved From Agenda Item X11. New Business 2. **

a. East Metro CID Steering Committee

Appointment of Council Member Jazzmin Cobble to the East Metro CID Steering Committee.

Motion 3 – was made by Mayor Jason Lary to appoint Council Member Jazzmin Cobble to the East Metro CID Steering Committee and a second was provided by Council Member Diane Adoma

XI. OLD BUSINESS:

a. **City Hall Buildout**

After much discussion, the Mayor asked the Council for a vote.

Motion 4- was made by Mayor Jason Lary to authorize staff to negotiate a lease with Robert Scott, Real Estate Agent and a second was provided by Council Member Jimmy Clanton.

Motion passed unanimously.

b. **Second Reading- Updating Telecommunications Regulations TMOD – 19-0004**

Motion 5- was made by Mayor Lary to approve the 2nd Reading of TMOD- 19-0004 and a second was provided by Council Member Jimmy Clanton.

Council member George Turner confirmed with the City Attorney that this could be amended in the future if needed.

Council Member Adoma had many concerns in getting the ordinance right the first time and asked to have her opinion put on record and she handed her opinion to the City Clerk. The City Attorney said that the written opinion could be incorporated in the minutes if the Chair/Mayor agreed. The Mayor

asked that they not be read but put in the minutes as written by Council Member Adoma. The opinion is below and is a true and exact copy of the original.

*Get it right 1st time

Remedies available to the city to protect the city's interest in the event of failure to comply with terms and conditions of the franchise; Facility

* If a facility is erected and investigation determines in the future that it did not meet the standards based on the applicant's research and information provided on the application is proven to be untrue....

Provisions to ensure that the franchise will obtain all necessary licenses and permits from, and comply with, all laws, regulations, rules and policies of any governmental body having jurisdiction over the franchisee, including the Federal Communications Commission;

* Provisions to ensure that the telecommunications provider of the facility will protect the property of the city and the delivery of public services from damage or interruption of operations resulting from the construction, operation, maintenance, repair or removal of improvements related to the franchise;

* Provisions designed to minimize the extent to which the public use of the streets of the city are disrupted in connection with the construction of improvements relating to the tower; and

* Such other provisions as the city determines are necessary or appropriate in furtherance of the public interest.

Motion passed. 4-1 with Council member Adoma opposing.

3. Second Reading- Use Table Updates to Modify Personal and Childcare Homes TMOD – 19-0002(B)

Motion 6- was made by Council Member George Turner to approve the 2nd Reading of TMOD – 19-0002(B) and was seconded by Council member Jazzmin Cobble.

Motion passed unanimously.

XII. NEW BUSINESS:

1. Establishment of Stonecrest District 4 Advisory Committee and Authorization

Council Member George Turner announced his creation of a new committee for District 4.

XIII. PUBLIC HEARINGS:

XIV. EXECUTIVE SESSION:

Motion 7- was made by Council Member Jimmy Clanton to go into Executive Session for Personnel and a second was provided by Council Member George Turner.

Motion passed unanimously.

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

Motion 8- was made by Council Member George Turner to go back into the Council Meeting Regular Session and a second was provided by Council Member Rob Turner.

Motion passed unanimously.

Motion 9- was made by Council Member George Turner to Amend the agenda and add Contract Notification under New Business.

Motion passed unanimously.

“XII. New Business- 2. Contract Notification”

Motion 10- was made by Mayor Lary to notify per the Contract for Economic Development and was seconded by Council Member Jimmy Clanton.

Motion passed unanimously.

XV. CITY MANAGER COMMENTS:

No comments

XVI. CITY ATTORNEY COMMENTS:

No comments

XVII. MAYOR AND COUNCIL COMMENTS:

Council Member Diane Adoma- Commended her granddaughters for coming to the meeting tonight. Also noted that she voted no on the Personal Care Home SLUP-19-002

Council Member George Turner- Hosting a Water Trail Canoe trip on June 29 and please see him to sign up.

Council Member Jimmy Clanton- Thanked everyone for coming.

XVIII. ADJOURNMENT:

Motion 11- was made by Council Member Jazzmin Cobble to adjourn the Council meeting at 10:23pm and a second was provided by Council Member Jimmy Clanton.

Motion passed unanimously.

Read and adopted in the regular meeting of the City Council held on this _____ day of _____, 2019.

Mayor Jason Lary

ATTEST:

Megan P. Reid, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: Comprehensive Plan Public Hearing and Resolution

- ORDINANCE POLICY STATUS REPORT
 DISCUSSION ONLY RESOLUTION OTHER

Council Meeting: 7/08/2019

SUBMITTED BY: Mary Darby

PURPOSE:

HISTORY:

~~**FACTS AND ISSUES:**~~

The City of Stonecrest submitted the Comprehensive Plan to Department of Community Affairs and received approval on June 5, 2019.

OPTIONS: Comprehensive Plan Link

<https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:c56f7fe5-ac82-4115-842a-b6875583d0a9>

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

RESOLUTION NUMBER 2019 - _____

**A RESOLUTION TO ADOPT THE CITY OF STONECREST COMPREHENSIVE PLAN 2038,
AND TO DECLARE AN EFFECTIVE DATE**

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

WHEREAS, the City Charter provided for a two-year transition period for the purpose of providing a time period during which an orderly transition of various governmental functions from DeKalb County to the City would occur;

WHEREAS, pursuant to Section 6.03 (e) of the City Charter, the City relied on DeKalb County's Comprehensive Plan during the transition period;

WHEREAS, on August 7, 2017 per Ordinance Number 2017-08-04, the City adopted DeKalb County's Comprehensive Plan 2035, the 2035 Comprehensive Plan Future Land Use Concepts Map, the 2035 Comprehensive Plan Future Land Use Map, the 2035 Comprehensive Plan Update Appendix with Land Use Parcel Maps, and the 2016 Comprehensive Land Use Maps as the Comprehensive Plan for the City of Stonecrest, Georgia;

WHEREAS, in 2018, the City retained the professional planning services of The Collaborative Firm to establish standards and procedures for the city to address immediate needs and opportunities for the city while moving the city toward the realization of its long-term goals for the future. The Firm ensured that the city Comprehensive Plan went beyond the minimum required plan elements, which are: community goals, needs and opportunities, community work program and broadband services element to make the overall plan a good fit for the City for the next twenty years;

WHEREAS, the Collaborative Firm ensured that the draft Stonecrest Comprehensive Plan 2038 went beyond the Rules of Georgia Department of Community Affairs (DCA) "Minimum Standards and Procedures for Local Comprehensive Planning (Chapter 110-12-1), as called for by the Georgia Planning Act of 1989 and was approved by DCA and the Atlanta Regional Commission (ARC) on February 14, 2019 for meeting the minimum standards and procedures;

WHEREAS, the City of Stonecrest Chief requested a second review by DCA and ARC due to minor revisions made to the draft Stonecrest Comprehensive Plan 2038, prior to adoption;

WHEREAS, the Revised Stonecrest Comprehensive Plan 2038 received a letter of conformance from DCA and ARC on June 5, 2019, which met the June 30, 2019 DCA deadline to conform to the Minimum Standards and Procedures for Local Comprehensive Planning;

WHEREAS, attaining DCA Qualified Local Government status is contingent on local adoption of the Revised Stonecrest Comprehensive Plan 2038, in which once adopted will allow the City to impose development impact fees, make the City eligible to participate in certain DCA Programs, like the Community Development Block Grant (CDBG) Loan Guarantee (Section 0108), Local Development Fund, and allow the City to participate in programs administered by other State Departments, like the Georgia Department of Natural Resources;

WHEREAS, the approved Revised Stonecrest Comprehensive Plan 2038 may move forward for adoption by the City (Refer to Exhibit A: Revised 2019 Comprehensive Plan for the City of Stonecrest) as the City's very first Comprehensive Plan; and

WHEREAS, according to the City Charter (Senate Bill 208) and the mandates of DCA, the City of Stonecrest Comprehensive Plan 2038 shall be updated at a minimum of every five (5) years.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA HEREBY:

1. Adopt the City of Stonecrest Comprehensive Plan 2038 as prepared by The Collaborative Firm and approved by DCA and ARC to serve as the City's direction for long-range planning for the future of the City.
2. This Resolution shall become effective upon adoption.



CITY COUNCIL AGENDA ITEM

SUBJECT: Comprehensive Plan Public Hearing and Resolution

- | | | |
|--|-------------------------------------|---|
| <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 |

Council Meeting: 7/08/2019

SUBMITTED BY: Mary Darby

PURPOSE:

HISTORY:

FACTS AND ISSUES:

The City of Stonecrest submitted a request to the Senate to increase the Hotel/Motel Tax from 5% to 8%. The House Bill was approved and now requires an ordinance to go into effect.

This is a Sample Ordinance from Department of Community Affairs and a final copy will be ready for 7/8/2019.

OPTIONS:

ORDINANCE 2019-

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

AN ORDINANCE TO IMPLEMENT TITLE 48, CHAPTER 13, ARTICLE 3, SECTION 51(b) OF THE OFFICIAL CODE OF GEORGIA ANNOTATED, - EXCISE TAX ON ROOMS, LODGINGS, AND ACCOMMODATIONS, AND TO PROVIDE FOR THE COLLECTION BY OPERATOR; TO PROVIDE FOR ADMINISTRATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing body of the City of Stonecrest a political subdivision of the State of Georgia, is authorized under Title 48, Chapter 13, Article 3, Section 51 of the Official Code of Georgia Annotated levy certain excise taxes; and

WHEREA the City of Stonecrest a political subdivision of the State of Georgia is designated as a "special district" pursuant to Title 48, Chapter 13, Article 50.1 of the Official Code of Georgia Annotated for the purpose of implementing an excise tax on rooms, lodging and accommodations; and

WHEREAS Act XXX (HB 563) of the 20XX Regular Session of the Georgia General Assembly authorizes imposition of an excise tax of up to XX% by _____ County/the City of _____ pursuant to O.C.G.A. § 48-13-51(b); and

WHEREAS, the governing body of _____ County/the City of _____ a political subdivision of the State of Georgia, is required under Title 48, Chapter 13, Article 3, Section 51 of the Official Code of Georgia Annotated to make available a designated portion of funds so collected for the purpose of promoting, attracting, stimulating, and developing conventions and tourism by a destination marketing organization in _____ County/the City of _____ and

WHEREAS _____ County/the City of _____ a political subdivision of the State of Georgia is authorized under Title 48, Chapter 13, Article 3, Section 51 of the Official Code of Georgia Annotated to make available a designated portion of funds so collected for the purpose of tourism product development in _____ County/the City of _____ with any balance of the funds so designated for the purpose of promoting, attracting, stimulating, and developing conventions and tourism by a destination marketing organization in _____ County/the City of _____

WHEREAS, the options of local citizens having been heard at public meetings call for such purposes;

NOW, THEREFORE, the governing body of _____ County/the City of _____ a political Subdivision of the State of Georgia, resolves to adopt an Excise Tax Ordinance pursuant to said authority; and therefore, the governing body of _____ County/the City of _____ a political subdivision of the State of Georgia does publish, state and promulgate the following ordinance:

Section I: Ordinance Name

- (a) Hotel-Motel Excise Tax Ordinance of _____ County/the City of _____ - or
- (b) _____ County/The City of _____ Georgia Lodging Tax Ordinance; or
- (c) Other name chosen by governing body

Section II: Intent, Purpose, and Authorization to Levy Excise Tax

- (a) The intent of this ordinance is to levy an excise tax on rooms, lodgings, and accommodations to provide additional funding for the promotion of tourism, conventions, and trade shows in _____ County/the City of _____ Georgia.
- (b) The purpose of this ordinance is to enact an excise tax upon the furnishing for value to the public of any room or rooms, lodgings or accommodations furnished by any person or legal entity licensed by or required to pay business or occupational taxes to _____ County/the City of _____ for operating within the special district a hotel, motel, inn, lodge, tourist camp, tourist cabin, rental cabin or any other place in which rooms, lodgings, or accommodations are regularly furnished for value.
- (c) This excise tax shall be imposed under the authorization of Act XXX (HB/SB XXX of the 20XX Regular Session of the Georgia General Assembly), pursuant to O.C.G.A. § 48-13-51(b).

Section III: Definitions

The following terms, for the purposes of this ordinance, shall be defined as follows:

- (a) *City/ County* . The territorial limits of _____ County/the City of _____ Georgia under the governing authority of the City Council and Mayor/County Commission/Sole Commissioner/Other.
- (b) *City/County Clerk*. The duly appointed city/county clerk, or his/her designee.
- (c) *City/County Manager*. The duly appointed city/county manager, or his/her designee.

- (d) **Destination Marketing Organization.** A private sector nonprofit organization or other private entity which is exempt from federal income tax under Section 501(c)(6) of the Internal Revenue Code of 1986 that is supported by the tax under this article, government budget allocations, private membership, or any combination thereof and the primary responsibilities of which are to encourage travelers to visit their destinations, encourage meetings and expositions in the area, and provide visitor assistance and support as needed (O.C.G.A. § 48-13-50.2(1))
- (e) **Due Date.** The twentieth (20th) day after the close of monthly period for which tax is to be computed. (O.C.G.A. § 48-13-53.2(a))
- (f) **Estimated Tax Liability.** The lodging provider's prospective tax liability based upon the average monthly tax remittance in the prior fiscal year, as adjusted for change in tax rate or substantial change in circumstances due to damage to the hotel. (O.C.G.A. § 48-13-53.2(b))
- (g) **Finance Director.** The duly appointed administrator of finances for _____ County/the City of _____, Georgia.
- (h) **Folio.** The primary documentation produced by a hotel or other Facility that demonstrates interaction between the operator and the occupant, and which, at a minimum, reflects the name and address given by the occupant, the date(s) of occupancy, the amount of rent charged for each date together with the amounts of applicable excise tax(es), and the method(s) of payment.
- (i) **Guest Room.** Accommodations occupied, or intended, arranged, or designated for transient occupancy of not more than thirty (30) continuous days (O.C.G.A. § 48-13-51(h)(4)), by one (1) or more occupants for the purpose of living quarters or residential use.
- (j) **Hotel.** Includes any hotel, motel, inn, lodge, tourist camp, tourist cabin, campground, or any other place in which rooms, lodgings, or accommodations are regularly furnished for value and shall apply to the furnishing for value of any room, lodging, or accommodation. (O.C.G.A. § 48-13-51(a)(1)(B)(i))¹

¹ Note, there exists a widely used definition - "'Hotel' means any structure, or any portion of a structure, including any lodging house, rooming house, dormitory, turkish bath, bachelor hotel, studio hotel, public club, or private club, containing six or more guest rooms and which is occupied, or is intended or designed for occupation, by six or more guests, whether rent is paid in money, goods, labor, or otherwise. It does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention, or other building in which human beings are housed and detained under legal restraint." - which partially conflicts with an interpretation of the term as defined in the Official Code of Georgia Annotated and certain opinions from the Office of the Attorney General. While this definition may be found in other local ordinances in Georgia, DCA strongly discourages local governments from using this definition as a basis for new or revised ordinances and recommends against its usage.

(k) *Innkeeper/Lodging Provider/Operator.* Any person who is subject to taxation under this article for the furnishing for value to the public any rooms, lodgings, or accommodations. (O.C.G.A. § 48-13-50.2(2))

(l) *Monthly Period.* Any calendar month of any year.

(m) *Occupancy.* The use or possession, or the right to use or possession, of any room or apartment in a hotel or motel, or the right to use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room or apartment.

(n) *Occupant.* Any person (or persons utilizing as a single unit) who, for a consideration, uses, possesses, or has the right to use or possess, any room or hotel or motel under any lease, concession, permit, right of access, license, agreement or otherwise.

(o) *Permanent Resident.* Any occupant who as of a given date shall have occupied, or has or shall have the right of occupancy, of any guest room in a hotel for more than 30 (thirty) consecutive days.

(p) *Person.* An individual, firm partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, nonprofit corporation or cooperative nonprofit membership, estate, trust, business trust receiver, trustee, syndicate, business entity, or any other group or combination acting as a unit, to include the plural as well as the singular number, excepting, however, the United States of America, the State of Georgia, and any political subdivision of either thereof upon which the governing authority of _____ County/the City of _____ is without power to impose the tax herein provided.

(q) *Private Sector Non-Profit Organization.* A chamber of commerce, a convention and visitors bureau, a regional travel association, or any other private group organized for similar purposes which is exempt from federal income tax under Section 501(c)(6) of the Internal Revenue Code of 1986; provided, however, that a county or municipality which has prior to April 1, 1990, contracted for a required expenditure under this Code section with a private group which is exempt from federal income tax under provisions of Section 501(c) of the Internal

Revenue Code other than Section 501(c)(6) may continue to contract for required expenditures with such a private group. (O.C.G.A. § 48-13-50.2(3))

- (r) **Promoting Tourism, Conventions, and Trade Shows.** Planning, conducting, or participating in programs of information and publicity designed to attract or advertise tourism, conventions, or trade shows (O.C.G.A. § 48-13-50.2(4))
- (s) **Rent.** The consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also the amount for which credit is allowed by the lodging provider to the occupant, without any deduction therefrom whatsoever.
- (t) **State Authority.** An authority created by state law which serves a state-wide function, including, but not limited to, the Georgia Agricultural Exposition Authority, Georgia Aviation Authority, Georgia Building Authority, Georgia Development Authority, Georgia Environmental Finance Authority, Jekyll Island Authority, Lake Allatoona Preservation Authority, Georgia Medical Center Authority, Georgia Ports Authority, Georgia Regional Transportation Authority, State Road and Tollway Authority, Sports Hall of Fame Authority, Georgia Technology Authority, and Georgia World Congress Center Authority, but shall not mean an authority created for support of a local government or a local purpose or function and shall not include authorities such as area planning and development commissions and any organizational entities they may create, regional commissions and any organizational entities they may create, or local water and sewer authorities. (O.C.G.A. § 48-13-50.2(5))
- (u) **Tax.** The excise tax of **XX%** on occupants imposed by this ordinance, as provided for by O.C.G.A. § 48-13-51(b).
- (v) **Tax Administrator.** The individual appointed by the governing body of _____ County/the City of _____, or the individual of any office of the _____ County/ City of _____ government which may in the future be designated as the administrative entity to collect, administer, and complete required annual reporting of the tax.
- (w) **Tourism Product Development.** the expenditure of funds for the creation or expansion of physical attractions which are available and open to the public and which improve destination appeal to visitors, support visitors' experience, and are used by visitors. Such expenditures may include capital costs and operating expenses. Tourism product development may include: (A) Lodging for the public for no longer than 30 consecutive days to the same customer; (B) Overnight or short-term sites for recreational vehicles, trailers, campers, or tents; (C) Meeting, convention, exhibit, and public assembly facilities; (D) Sports stadiums, arenas, and complexes; (E) Golf courses

associated with a resort development that are open to the general public on a contract or fee basis; (F) Racing facilities, including dragstrips, motorcycle racetracks, and auto or stock car racetracks or speedways; (G) Amusement centers, amusement parks, theme parks, or amusement piers; (H) Hunting preserves, trapping preserves, or fishing preserves or lakes; (I) Visitor information and welcome centers; (J) Wayfinding signage; (K) Permanent, nonmigrating carnivals or fairs; (L) Airplanes, helicopters, buses, vans, or boats for excursions or sightseeing; (M) Boat rentals, boat party fishing services, rowboat or canoe rentals, horse shows, natural wonder attractions, picnic grounds, river-rafting services, scenic railroads for amusement, aerial tramways, rodeos, water slides, or wave pools; (N) Museums, planetariums, art galleries, botanical gardens, aquariums, or zoological gardens; (O) Parks, trails, and other recreational facilities; or (P) Performing arts facilities. (O.C.G.A. § 48-13-50.2(6))

Section IV: Tax Rate

- (a) There is hereby set and levied on the occupant of a guest room of any hotel/motel/cabin/residence/lodge located within the special district a tax in the amount of **X percent (X %)** of the gross rent for such occupancy.

Section V: Effective Date

- (a) This Ordinance shall take effect on the **the ___ day of _____ 20XX.**²

Section VI: Exemptions

- (a) In accordance with O.C.G.A. § 48-13-51(h), the tax imposed by this ordinance shall not apply to (1) Charges made for any rooms, lodgings, or accommodations provided to any persons who certify that they are staying in such room, lodging, or accommodation as a result of the destruction of their home or residence by fire or other casualty; (2) The use of meeting rooms and other such facilities or any rooms, lodgings, or accommodations provided without charge; (3) Any rooms, lodgings, or accommodations furnished for a period of one or more days for use by Georgia state or local governmental officials or employees when traveling on official business. Notwithstanding the availability of any other means of identifying the person as a state or local government official or employee, whenever a person pays for any rooms, lodgings, or accommodations with a state or local government credit or debit card, such rooms, lodgings, or accommodations shall be deemed to have been furnished for use by a Georgia state or local government official or employee traveling on official business for purposes of the exemption provided by this paragraph. For purpose of the

² Tax is "effective no sooner than the first day of the second month" following adoption of ordinance (O.C.G.A. § 48-13-51(g)).

exemption provided under this paragraph, a local government official or employee shall include officials or employees of counties, municipalities, consolidated governments, or county or independent school districts; or (4) Charges made for continuous use of any rooms, lodgings, or accommodations after the first 30 days of continuous occupancy. (O.C.G.A. § 48-13-51(h))

Section VII: Use of Revenue

- (a) Pursuant to O.C.G.A. § 48-13-51(b)(5)(A), an amount equal to not less than 50 percent of the total amount of taxes collected that exceed the amount of taxes that would be collected at the rate of 5 percent shall be expended for promoting tourism, conventions, and trade shows by the destination marketing organization, as defined in Section III of this ordinance, designated by the governing body of _____ County/the City of _____, and
- (b) Pursuant to O.C.G.A. § 48-13-51(b)(5)(B), the remaining amount of taxes collected that exceed the amount of taxes that would be collected at the rate of 5 percent which are not otherwise expended under Section VII, Paragraph (a) of this ordinance shall be expended for tourism product development, as defined in Section III of this ordinance; and
- (c) Pursuant to O.C.G.A. § 48-13-51(a)(3), the amount of taxes that would be collected at the rate of 5 percent, as referenced in Section VII, Paragraphs (a) and (b) of this ordinance, an amount equal to the amount by which the total taxes collected under this Code section exceed the taxes which would be collected at a rate of 3 percent for the purpose of: (A) promoting tourism, conventions, and trade shows; (B) supporting a facility owned or operated by a state authority for convention and trade show purposes or any other similar or related purposes; (C) supporting a facility owned or operated by a local government or local authority for convention and trade show purposes or any other similar or related purposes, if a written agreement to provide such support was in effect on January 1, 1987, and if such facility is substantially completed and in operation prior to July 1, 1987; (D) supporting a facility owned or operated by a local government or local authority for convention and trade show purposes or any other similar or related purposes if construction of such facility is funded or was funded prior to July 1, 1990, in whole or in part by a grant of state funds or is funded on or after July 1, 1990, in whole or substantially by an appropriation of state funds; (E) supporting a facility owned by a local government or local authority for convention and trade show purposes and any other similar or related purposes if construction of such facility is substantially funded or was substantially funded on or after February 28, 1985, by a special county 1 percent sales and use tax authorized by Article 3 of Chapter 8 of this title, as amended and if such facility was substantially completed and in operation prior to December 31, 1993; or (F) for some combination of such purposes. Amounts so expended shall be expended only through a contract or contracts with the state, a department of state government, a state authority, a

convention and visitors bureau authority created by local Act of the General Assembly for a municipality, or a private sector nonprofit organization, or through a contract or contracts with some combination of such entities, except that amounts expended for purposes (C) and (D) may be so expended in any otherwise lawful manner.

SO ORDAINED by the Governing Body of _____ County/the City of _____ this the ____ day of _____, 20XX.

Mayor/Chairperson

Council/Commission Member

Council/Commission Member

(ADDITIONAL SIGNATURES AS NECESSARY)

Attest

City/County Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: Zoning Ordinance 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 |

Council Meeting: 7/08/2019

SUBMITTED BY: Mayor Lary

PURPOSE:

HISTORY:

FACTS AND ISSUES:

This is an agreement that conforms to our Comprehensive Plan 2038.

OPTIONS:

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT made this ____ day of _____ 2019 between the City of Stonecrest, hereinafter referred to as "City" and The Collaborative Firm, LLC, a planning, zoning and economic development firm of Fulton County, Georgia hereinafter referred to as "Contractor."

WITNESSETH:

That on the terms and conditions hereafter set forth, the City does hereby employ the Contractor for the City of Stonecrest Zoning Ordinance Update.

1.

The City desires to update the current Zoning Ordinance and Contractor desires to provide professional planning services regarding the update of the Zoning Ordinance in order to best support the Future Land Use portion of the City of Stonecrest's Comprehensive Plan.

2.

The Contractor in coordination and consultation with the City agrees to manage and perform services for the update of the current Zoning Ordinance during the term of this agreement as described below.

1. Project Orientation

- a. The Contractor shall meet with the Governing Body and City Staff for an orientation meeting in order to provide understanding of project goals, schedule, issues, policies, and other challenges.
- b. The Contractor shall be responsible for reviewing and understanding the City's past studies, policies, and all other relevant applicable local, state and federal laws.

2. Public Participation

- a. The Contractor will engage the public throughout the Zoning Ordinance process.
- b. The Contractor will develop a Public Involvement Plan for the Zoning Ordinance Update.
- c. The Contractor will identify and facilitate a Stakeholder Committee with the support of the City's Staff.
- d. The Contractor will provide up-to-date materials for the City's Staff to maintain on the City website devoted solely to the Zoning Ordinance Update.

3. Zoning Code Evaluation

- a. The Contractor shall complete a thorough analysis and evaluation of the City's current Zoning Code and map.

4. Discussion - Draft Zoning Code

The Contractor will draft a Zoning Code which will shall be easy to read, follow and understand, updateable, clear and easy to follow with graphic expressions; The Draft Zoning Code will be developed and visually created in Microsoft© Word.

5. Discussion - Draft Citywide Zoning Map

a. The Contractor will develop and draft a map for review by City Staff, Mayor and Council, as well as the General Public.

6. Public Hearing on Zoning Code and Citywide Map

a. The Contractor will conduct a Public Hearing to present and discuss the Draft Zoning Code and Citywide Map to stakeholders.

7. Attend Public Hearings, Revise Zoning Code and Citywide Map

a. The Contractor will attend Public Hearings, Revise Zoning Code and Citywide Map based on stakeholder input.

8. Zoning Code Implementation

a. The Contractor will develop strategy and conduct training as necessary for City Staff, Mayor and Council.

b. The Contractor will deliver one (1) final copy of the adopted City Zoning Code and map in the following formats: 1) hard copy, 2) modifiable electronic version, and 3) a web-friendly version.

3.

Time Schedule

This agreement shall commence on _____ until _____.

4.

Fee

For such services listed in Item 3, the City agrees to pay the Contractor \$110,000.00. The budget for these services will be split between the 2019 – 2020 budget year and the 2020 - 2021 budget year. The budget amount for 2019-2020 will be \$55,000.00 and the budget amount for 2020-2021 will be \$55,000.00. The Contractor shall invoice the City monthly for services for work completed.

5.

Miscellaneous

Section 1. It is mutually agreed by The Contractor that every service to be performed hereunder shall be subject to all conditions not prohibited by law which are printed herein and that these conditions are printed herein and that these conditions are hereby agreed to by the Contractor.

Section 2. The City and Contractor reserve the right to terminate this Agreement by issuing thirty (30) days written notice to the other party.

Section 3. Employees, aides, staff, helpers, or any person who receives any form of consideration for services or who performs any services towards the execution of this Agreement are deemed to be the sole responsibility of the Contractor for the purposes of all Workers' Compensation and insurance claims. The City reserves the right to superintend the performance of this Agreement only to the extent that the desired results are obtained. No recommendation or requirement in this Agreement and list of specifications should be deemed to obligate the City under the Workers' Compensation Act to Contractor's employees, aides, staff, helpers or any person who receives any form of consideration for services or who performs any services towards the execution of this Agreement on behalf of Contractors.

Section 4. This Agreement and the exhibits attached hereto constitute the entire Agreement and understanding among the parties hereto and supersede and revoke any prior agreement or understanding relating to the subject matter of this Agreement. No change, amendment, termination, or attempted waiver of any of the provisions hereof shall be binding upon the other parties unless reduced to writing and signed by all parties hereto.

Section 5. Nothing contained in the Agreement shall create a contractual relationship with or a cause of action in favor of a third party against the City.

Section 6. Contractor agrees to hold harmless the City, its officers, boards, and employees, from and against any liability for damages and for any liability or claims resulting from property damage or bodily injuries (including accidental death) which arise out of Contractor's operation and provision of services.

Section 7. This Agreement may not be assigned by either party hereto. This Agreement and the rights of the parties hereunder shall be binding upon and inure to the benefit of the parties hereto and their respective successors and, if applicable, assigns.

Section 8. Any notices or communications required or permitted hereunder shall be sufficiently given if sent by Registered or Certified Mail, Return Receipt Requested, postage pre-paid, addressed as follows:

AS TO CONTRACTOR:

The Collaborative Firm, LLC
1514 East Cleveland Avenue, Suite 82

East Point, GA 30344
Attn: Michael Hightower

AS TO CLIENT:

City of Stonecrest
3120 Stonecrest Blvd.
Stonecrest, GA 30281
Attn: Julian Jackson

or such address as shall be furnished by such notice to the other parties.

Section 10. The captions used in this Agreement are inserted for convenience only and shall not constitute a part hereof.

Section 11. This Agreement shall be governed and construed in accordance with the laws of the State of Georgia.

Section 12. If applicable, title to any supplies, materials, equipment, or other personal property shall remain in the Contractor until fully paid for by the City.

IN WITNESS WHEREOF, the parties hereto have each executed and delivered this agreement as of the day and year first above written.

CITY OF STONECREST

THE COLLABORATIVE FIRM, LLC
