



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 Tammy Grimes – District 5

CITY COUNCIL VIRTUAL MEETING - AGENDA

Monday July 26, 2021, at 6:00 P.M.

Citizen Access: [Stonecrest YouTube Live Channel](#)

I. CALL TO ORDER: George Turner, Mayor Pro-Tem

II. ROLL CALL: Keidra Harris, Acting City Clerk

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. APPROVAL OF THE AGENDA

VI. PUBLIC COMMENTS

(This meeting will be conducted virtually, the public comments received via email in advance of the meeting will be read into the minutes by the City Clerk)

There is a three (3) minute time limit for each speaker during public comment.

VII. PUBLIC HEARINGS

There is a three (3) minute time limit for each speaker during all public hearings.

VIII. CONSENT AGENDA

- a. **Approval** – of the June 28, 2021, Council Meeting Minutes
- b. **Approval** – of the June 30, 2021, Special called Meeting Minutes

IX. OLD BUSINESS:

- a. **Approval** – of the Establishment of Parks & Recreation Department Advisory Committee - Brandon Riley
- b. **Approval** – of Planning and Zoning Ordinance - TMOD-21-001 – Jim Summerbell
- c. **Approval** – of Planning and Zoning Ordinance - TMOD-21-002 – Jim Summerbell
- d. **Approval** – of Planning and Zoning Ordinance - TMOD-21-003 – Jim Summerbell
- e. **Approval** – of Planning and Zoning Ordinance - TMOD-21-004 – Jim Summerbell
- f. **Approval** – of the Sole Source Panola Shoals Riverbank Stabilization – *Gia Scruggs*
- g. **Approval** – of the Internal Auditor Recommendation – *Gia Scruggs*
- h. **Approval** – of The Stonecrest Housing Authority Check – *Gia Scruggs*



CITY OF STONECREST, GEORGIA

X. NEW BUSINESS:

- a. **Approval** – of Re-Opening Plan for City of Stonecrest – *Janice Allen Jackson*
- b. **Approval** – of Final Plat for Lakeview Ph 2 – *Jim Summerbell*
- c. **Discussion** – of the Establishment of a CID Advisory Committee & Appoint Members – *Jonathan Bartlett*
- d. **Approval** – of the Appointment to the board of the East Metro Dekalb CID – *Jonathan Bartlett*
- e. **Approval** – of the August 9, 2021, Work Session rescheduling – *Mayor ProTem*

XI. CITY MANAGER UPDATE

XII. MAYOR AND COUNCIL COMMENTS

XIII. EXECUTIVE SESSION:

(When an executive session is required, one will be called for the following issues: 1) Personnel, 2) Litigation, 3) Real Estate)

XIV. ADJOURNMENT

Americans with Disabilities Act

The City of Stonecrest does not discriminate on the basis of disability in its programs, services, activities and employment practices.

If you need auxiliary aids and services for effective communication (such as a sign language interpreter, an assistive listening device or print material in digital format) or reasonable modification to programs, services or activities contact the ADA Coordinator, Sonya Isom, as soon as possible, preferably 2 days before the activity or event.



CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

*Council Member Jimmy Clanton, Jr. – District - Council Member Rob Turner - District 2 Council
Member Jazzmin Cobble – District 3 - Council Member George Turner - District 4*

Council Member Tammy Grimes – District 5

CITY COUNCIL VIRTUAL MEETING MINUTES

June 28, 2021, at 6:00 P.M.

Citizen Access: [Stonecrest YouTube Live Channel](#)

- I. CALL TO ORDER:** George Turner, Mayor Pro-Tem
- II. ROLL CALL:** Sonya Isom, Acting City Clerk – All members present/Mayor Jason Lary on medical leave.
- III. INVOCATION** – Council Member Rob Turner
- IV. PLEDGE OF ALLEGIANCE**
- V. APPROVAL OF THE AGENDA**

Motion 1 – made by Council Member Rob Turner to approve the City Council Meeting Agenda for June 28, 2021. Second by Council Member Jasmine Cobble.

Motion passed unanimously.

VI. PRESENTATIONS

- a. Mayor Pro Tem - Successful Completion of Training on how to govern as City officials

Certificate of Achievement by the University of Georgia, Carl Vinson Institute of Government and GMA awarded to both Council Member Jimmy Clanton, District 1 & Council Member Jazzmin Cobble, District 3.

VII. PUBLIC COMMENTS

(This meeting will be conducted virtually, the public comments received via email in advance of the meeting will be read into the minutes by the City Clerk)

There is a three (3) minute time limit for each speaker during public comment.

- 1. T. Jonathan Stidom
- 2. Faye Cofield

Motion 2 – made by Council Member Jazzmin Cobble to go into Executive Session for Real Estate matters. Second by Council Member Rob Turner.

Motion passed unanimously.



CITY OF STONECREST, GEORGIA

Motion 3 – made by Council Member Rob Turner to leave the Executive Session on real estate and resume the scheduled Council Meeting for July 22, 2021. Second by Council Member Jazzmin Cobble.

Meeting passed unanimously.

VIII. PUBLIC HEARINGS

There is a three (3) minute time limit for each speaker during all public hearings.

- a. **Notice** - Purchase of Stonecrest Industrial Way - Home Depot

Motion 1- was made by Council Member, Jazzmin Cobble to open Public Hearing and seconded by Council Member Rob Turner.

Motion passed 5-0

Motion 2 – was made by Council Member, Jazzmin Cobble to close Public Hearing and seconded by Council Member, Tammy Grimes.

Motion passed 5-0

Motion 3 – was made by Council Member, Jazzmin Cobble to allow acting City Manager to execute the closing documents and pay the necessary closing cost, relative to acquisition as discussed in per direction in the executive session. Seconded by Council Member, Rob Turner.

Motion passed 5-0

IX. CONSENT AGENDA

- a. **Approval** - of the April 26, 2021, Council Meeting Minutes
- b. **Approval** - of the May 10, 2021, Special called Meeting Minutes
- c. **Approval** - of the May 10, 2021, Work Session Minutes
- d. **Approval** - of the May 22, 2021, Special Work Session Minutes
- e. **Approval** - of the May 24, 2021, Council Meeting Minutes
- f. **Approval** - of the May 28, 2021, Special called Meeting Minutes
- g. **Approval** - of the June 14, 2021, Special called Meeting Minutes
- h. **Approval** - of the June 17, 2021, Special called Meeting Minutes

Move to approve by Council Member, Jazzmin Cobble

Motion 1 – Made by Council Member, Jazzmin Cobble to approve the consent agenda as read. Seconded by Council Member, Jimmy Clanton.

Motion passed 5-0.



CITY OF STONECREST, GEORGIA

a. **Approval** – Of the Finance Committee Resolution - *Janice Allen Jackson*

- **Motion 1** – Made by Council Member, Jazzmin Cobble to approve the resolution for the Finance Committee. Seconded by Council Member, Rob Turner.

Motion passed 5-0

b. **Approval** – Of the SPLOST Committee Resolution - *Janice Allen Jackson*

- **Motion 1** – Made by Council Member, Rob Turner to approve SPLOST Committee resolution. Seconded by Jazzmin Cobble.
- **Motion 1** - Amended – Made by Council Member, Rob Turner to approve the SPLOST Advisory Committee resolution with Council Member, Rob Turner as Chair. Seconded by Council Member, Jazzmin Cobble.

Motion passed 5-0

c. **Approval** – Of the Ordinance TMOD-21-001 - *Jim Summerbell*

d. **Approval** – Of the Ordinance TMOD-21-002 - *Jim Summerbell*

e. **Approval** – Of the Ordinance TMOD-21-003 - *Jim Summerbell*

f. **Approval** – Of the Ordinance TMOD-21-004 - *Jim Summerbell*

Council made decision to move item D to July 12th Work Session, Public Hearing will be held for items C-F on July 15th and Council will vote on items C-F at the July 26th Council Meeting.

g. **Discussion** – Community Engagement in the Planning Process - *Jim Summerbell*

- **Open discussion with Council regarding Community Engagement plan.**

h. **Discussion** - Board of Construction Appeals Appointments - *Mayor Pro Tem*

- **Motion 1** – Made by Council Member, Tammy Grimes to accept Leroy Lark as a Member of the Stonecrest Board of Construction Appeals. Seconded by Council Member, Jazzmin Cobble.
- **Motion passed 5-0.**

X. NEW BUSINESS:

a. **Approval** – Of the Purchasing Card Policy Amendment - *Gia Scruggs*

- **Motion 1** – Made by Council Member, Rob Turner to approve the purchasing card amendment as stated by Ms. Scruggs. Seconded by Council Member, Jazzmin Cobble.
- **Motion passed 5-0.**

b. **Approval** – Of the Contract Amendment - Beam Computer Forensics - *Gia Scruggs*

- **Motion 1** – Made by Council Member, Jazzmin Cobble to approve the contract amendment for Bean Computer Forensics. Seconded by Council Member, Rob Turner.



CITY OF STONECREST, GEORGIA

- **Motion passed 5-0.**
- c. **Discussion** – Notice of Public Hearing for Millage Rate - *Gia Scruggs*
 - Open discussion with Council regarding Millage Rate. Plan to meet Wednesday, July 30th at 6pm for Public Hearing to get Millage Rate for year and submitted to DeKalb County by 7/3.
- d. **Approval** – Of the Invoice for Mayor’s Innovation Project - *Janice Allen Jackson*
 - Item D under threshold. Council agreed to allow City Manager to make decision and make certain that membership is for the City of Stonecrest.
- e. **Approval** – Of ARC 2018 Freight Cluster Resolution - *Jonathan Bartlett*
 - **Motion 1** – Made by Council Member, Jazzmin Cobble to approve the matching funds from the City of the estimated \$63,000. Seconded by Council Member, Tammy Grimes.

Motion passed 5-0
- f. **Approval** – Of the Resolution to Set Publish Qualifying Fees General Election – *Sonya Isom*
 - **Motion 1** – Made by Council Member, Rob Turner for the approval of the resolution to set publish qualifying fees for general election 2021. Seconded by Council Member, Tammy Grimes.
 - **Motion passed 5-0**
- g. **Approval** – Of the Resolution for DeKalb County to Conduct City of Stonecrest 2021 General Municipal Elections - *Sonya Isom*
 - **Motion 1** – Made by Council Member, Jazzmin Cobble to approve the resolution for DeKalb County to conduct City of Stonecrest general municipal elections. Seconded by Council Member, Tammy Grimes.
 - **Motion passed 5-0.**

XI. EXECUTIVE SESSION:

(When an executive session is required, one will be called for the following issues:1) Personnel, 2) Litigation, 3) Real Estate)

XII. CITY MANAGER UPDATE

Business Licenses behind team working hard. Report we are close to where we need to be. Process Changes have been made. Staff being brought back into City Hall. Reopening plans underway.



CITY OF STONECREST, GEORGIA

XIII. CITY ATTORNEY UPDATE

a. No Updates

XIV. MAYOR AND COUNCIL COMMENTS

District 1 - No comment

District 2 - Kudos to City Manager and Staff

District 3 - Thank you to City Manager, City Attorney and staff for great job and efforts in keeping the City moving.

District 5 – Thank you Mayor Pro Tem and Council Member, Rob Turner for joining in attendance of grand opening at T&T Events. Thank you to the City Manager and Staff. Shout Out to parents on their 57th Anniversary.

XV. ADJOURNMENT

Motion to adjourn – Made by Council Member, Jazzmin Cobble. Seconded by Council Member, Jimmy Clanton.

Motion passed 5-0.

Americans with Disabilities Act

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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 Tammy Grimes – District 5

SPECIAL CALLED MEETING MINUTES

June 30, 2021, at 6:00 P.M.

Citizen Access: [Stonecrest YouTube Live Channel](#)

- I. **CALL TO ORDER:** George Turner, Mayor Pro-Tem – All members present/Mayor Jason Lary on medical leave.
- II. **ROLL CALL:** Sonya Isom, Deputy City Clerk
- III. **AGENDA DISCUSSION ITEMS**

- a. **ADOPTION – 2021 Millage Rate Adoption**

Gia Scruggs – The City of Stonecrest is wanting to adopt the rollback calculation for 2021 with a rate of 1.336. This means an increase in the property tax is not necessary to maintain the current service level and is consistent with what is budgeted for 2021.

Motion 1 – made by Council Member Jazzmin Cobble to open the public hearing for 2021 Millage Rate Adoption. Second by Council Member Rob Turner.

Motion passed unanimously.

No public comments received.

Motion 2 – made by Council Member Rob Turner to close the public hearing for 2021 Millage Rate Adoption. Second by Council Member Tammy Grimes.

Motion passed unanimously.

SPECIAL CALLED MEETING MINUTES

June 30, 2021, at 6:00 P.M.



CITY OF STONECREST, GEORGIA

Motion 3 – made by Council Member Jazzmin Cobble to adopt the proposed 2021 Millage Rate for the City of Stonecrest with rollback calculation for 2021 of 1.336. Second by Council Member Rob Turner.

Motion passed unanimously.

b. APPROVAL – to establish a separate bank account for the 2021 American Rescue Plan Act.

Gia Scruggs – In preparation for the distribution of the American Rescue Plan Act of 2021, and in order to receive the funds from the State of Georgia, the Finance Director is seeking approval to establish a separate bank account for deposit of these funds and also approval to establish a separate fund in the general ledger to properly account for the funds.

Motion 4 – made by Council Member Jazzmin Cobble to allow the City Finance Director to establish a separate bank account for the American Rescue Plan Act funds for 2021. Second by Council Member Rob Turner.

Motion passed unanimously.

c. EXECUTIVE SESSION

Motion 5 – made by Council Member Tammy Grimes to go into Executive Session for discussion of personnel matters. Second by Council Member Jimmy Clanton.

Motion passed unanimously.

Motion 6 – made by Council Member Rob Turner to come out of Executive Session on personnel matters and resume the Special Called Meeting. Second by Council Member Jazzmin Cobble.

Motion passed unanimously.



CITY OF STONECREST, GEORGIA

d. ADJOURNMENT

Motion 7 –made by Council Member Jazzmin Cobble to adjourn the June 30, 2021 Special Called Meeting. Second by Council Member Tammy Grimes.

Motion passed unanimously.



CITY COUNCIL AGENDA ITEM

**SUBJECT: Approval of the Establishment of Parks & Recreation
Department Advisory Committee**

() ORDINANCE () POLICY () STATUS REPORT
() DISCUSSION ONLY (X) RESOLUTION () OTHER

Date Submitted: 07/14/21 **Work Session:** 07/12/21 **Council Meeting:** 07/26/21

SUBMITTED BY: Brandon Riley, Parks and Recreation Director

PRESENTER: Brandon Riley

PURPOSE: The Parks and Recreation Department seeks approval from the Mayor Pro Tem and Council regarding establishing the Parks and Recreation Advisory Committee.

FACTS AND ISSUES: In response to Stonecrest's community values and desire to seek citizen input whenever possible, a Parks and Recreation Advisory Committee is under consideration. This Committee could serve in a variety of roles, as demonstrated by the attached resolution.

This document has been updated in keeping with the Council's discussion on July 12, 2021, and the charter requirements regarding composition of committees.

OPTIONS: Approval, denial, or table for further discussion

RECOMMENDED ACTION: Approval

ATTACHMENTS: Revised Parks and Recreation Advisory Committee Resolution

1 A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF THE PARKS AND
2 RECREATION ADVISORY COMMITTEE OF THE CITY OF STONECREST, GEORGIA
3 AND APPOINTING THE INITIAL MEMBERS; TO REPEAL CONFLICTING
4 RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE
5 DATE AND FOR OTHER LAWFUL PURPOSES.

6
7 **WHEREAS**, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to
8 adopt ordinances and resolutions relating to its property, affairs, and local government; and

9 **WHEREAS**, Mayor and Council for the City of Stonecrest is the governing authority of
10 the City; and

11 **WHEREAS**, Mayor and City Council are authorized by the City Charter, as amended by
12 Senate Bill 21, adopted April 1, 2021, to adopt ordinances and resolutions for the administration
13 of the City and to create and appoint members to Committees, commissions, and committees
14 concerning the affairs of the City; and

15 **WHEREAS**, the City Charter grants the City the power to exercise and enjoy all other
16 powers, functions and rights necessary or desirable to promote the general welfare of the City and
17 its inhabitants; and

18 **WHEREAS**, the city council shall have the power by ordinance or resolution to establish
19 oversight, policy, and standing committees of the council; and

20 **WHEREAS**, the governing authority of the City has determined that it is in the best interest
21 of the City and its citizens to establish an advisory committee known as the Parks and Recreation
22 Advisory Committee of the City of Stonecrest, Georgia; and

23 **WHEREAS**, it is the governing authority's desire that the Parks and Recreation Advisory
24 Committee provide a forum for discussing best practices and to advise the Parks and Recreation

Director regarding best practices with respect to strategies for sustainable development, environmental conservation, planning, and community longevity as it relates to the City's parks and recreational facilities.

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST, GEORGIA, as follows:

SECTION I

ESTABLISHMENT OF THE PARKS AND RECREATION ADVISORY

COMMITTEE AND AUTHORIZATION

In response to the City of Stonecrest's community values and changing needs of the City's population, Mayor and Council hereby create a Parks and Recreation Advisory Committee to advise and engage with the City's Parks and Recreation Department for such duration as Mayor and Council may desire (hereinafter referred to as the "Parks Advisory Committee"). Creating this Committee is an opportunity for the City to affect substantive improvements to the City's recreation facilities and to transform our City into one defined by the collective pursuit of a high quality of life for all residents.

SECTION II

MISSION AND DUTIES

The mission of the Parks and Recreation Advisory Committee is to include the citizens of the City of Stonecrest to address the immediate need of improving City Parks. The purpose of the Parks and Recreation Advisory Committee is to ensure:

1. To provide as necessary and appropriate advice, reviews, reports and recommendations to the public, City Manager, Mayor, Mayor Pro Tempore and

City Council on park and recreation facility conditions and areas of immediate concern;

2. That lists of projects are equitable, appropriately prioritized, and well distributed throughout the City;

3. That each district of the City is represented and has the opportunity to advocate for cleaner and improved facilities.

SECTION III

MEMBERSHIP

The Parks and Recreation Advisory Committee shall be composed of nine (9) members, two (2) of which shall be Councilmembers appointed by the City. The City Council shall establish qualifications for members of the Parks and Recreation Advisory Committee except that each Parks and Recreation Advisory Committee member must be either a resident of the City or an owner or officer of a business domiciled in the City. Each Committee person shall be nominated and approved by the City Council. Should the Committee member move out of the City or no longer be an owner or an officer of a business domiciled in the City, he/she may remain active until the City Council appoint his/her replacement. Members must attend two-thirds (2/3) of the Parks and Recreation Advisory Committee meetings in a calendar year. Failure to do so warrants removal from the Committee.

SECTION IV

TERMS

Each member shall serve for a term of one (1) year. Members filling vacancies shall serve the remainder of the term to which they were appointed. A consecutive appointment is permissible. Members whose terms expire shall continue to serve until a replacement is

appointed or a consecutive appointment is made. Any member may be removed with or without cause by the City Council.

SECTION V

COMPENSATION

Parks and Recreation Advisory Committee members will serve without compensation. Reasonable expenses for travel and Committee related expenses may be reimbursed pursuant to a policy to be established by the City Manager and approved by the City Council.

SECTION VI

QUORUM

A majority of the actual number of Parks and Recreation Advisory Committee members establishes a quorum. Any action taken requires a majority of affirmative votes of the quorum present.

SECTION VII

GOVERNANCE

The Parks and Recreation Advisory Committee may adopt bylaws for the governance of the Committee. The Parks and Recreation Advisory Committee shall set its own meeting schedule and establish the meeting agendas. Meetings shall be governed in accordance with the Open Meetings Act found within the Official Code of Georgia Annotated. The Parks and Recreation Advisory Committee shall meet at least four times annually, having one meeting in each quarter of a calendar year.

All meetings shall be open to the public and all records maintained by the Parks and Recreation Advisory Committee shall be public records unless expressly exempted by a provision of the Georgia Open Records Act. The Parks and Recreation Advisory Committee shall keep minutes of its proceedings, showing the vote of each member upon each question,

and shall maintain records of its examinations and other official actions all of which shall be filed in the office of the City Clerk. Copies of the minutes shall be sent to the Mayor and each member of the City Council. At each meeting, the public shall be granted time for public comment.

The Parks and Recreation Advisory Committee 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 of the calendar year. The chairman shall serve for one (1) year or until re-elected or a successor is elected. The vice chairman shall serve for one (1) year or until re-elected or a successor is elected. The Committee shall select one of its members to be the secretary.

SECTION VIII

INITIAL MEMBERS

The initial members of the Parks and Recreation Advisory Committee shall be as follows:

1. Lori Brown (District 1)
2. Linda Lee (District 2)
3. Karyl Clayton (District 3)
4. Vivian Pollard (District 4)
5. Charnessa Grace (District 5)
6. Virginia Hinton (At-large)
7. Arabia Mountain National Heritage Area (“AMNHA”) Executive Director (Ex-officio)
8. Councilman J. Clanton (District 1)
9. Councilman G. Turner (District 4)

SECTION IX

ENFORCEMENT AND SEVERABILITY

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

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

(c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution 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 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 Resolution and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION X

REPEAL OF CONFLICTING RESOLUTIONS

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

SECTION XI

EFFECTIVE DATE OF RESOLUTION

This Resolution shall become effective upon the date of approval and execution by the Mayor and Council of the City of Stonecrest, Georgia.

SO RESOLVED, this _____ day of _____, 2021.

CITY OF STONECREST, GEORGIA

George Turner, Mayor Pro Tempore

ATTEST:

Sonya Isom, Acting City Clerk

APPROVED AS TO FORM:

City Attorney



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD-21-001

(X) ORDINANCE () POLICY () STATUS REPORT

() DISCUSSION ONLY () RESOLUTION () OTHER

Date Submitted: 06/17/21 Work Session: 07/22/21 Council Meeting: 07/26/21

SUBMITTED BY: Jim Summerbell, AICP – Planning and Zoning Director

PRESENTER: Jim Summerbell

PURPOSE: To update outdated references in the City Code of Ordinances related to Comprehensive Plan (Comp Plan) and outdated staff titles. The current City Code of Ordinances, which includes the Zoning Ordinance, is not in complete compliance with the recently adopted Stonecrest Comprehensive Plan 2038. As a result, the city may not be able to implement all land use and zoning policies identified in the Comp Plan.

FACTS AND ISSUES The Zoning Ordinance is a tool to regulate land use in the city and to implement the policies and recommendations of the Comprehensive Plan (Comp Plan). The Zoning Ordinance has not been amended concerning the policies of the current Comp Plan, the 2038 Stonecrest Comprehensive Plan, since its adoption in 2018. Several character areas used in the Comp Plan and referenced by name in the Zoning Ordinance have changed titles and significantly modified. The land use map associated with these character areas has also been revised. Because of these changes, regulations related to allowed densities under revised character areas are invalid. This must be corrected to offer clear guidance regarding zoning districts related to these new character areas.

This problem with how the Comp Plan is referenced in the current code is also the direct result of how character areas are directly referenced in the Code of Ordinances, particularly the Zoning Ordinance. Most Comp Plans do not reference specific character areas by name, rather just the policies of the Comp Plan in general. This is a highly unusual practice in most Zoning ordinances throughout the State. If a Comp Plan is updated and Zoning Ordinance is not immediately revised to reflect those changes, portions of the ordinance may be invalid. To correct this, the staff recommends that all direct references to particular character areas in the code be removed. This will allow future updates to the character



CITY COUNCIL AGENDA ITEM

areas in the Comp Plan to be made without requiring updates to references to the character areas in the Zoning Ordinance in the future.

It should be noted that removing the character area references in no way minimizes the importance or role of the comp plan in influencing and guiding rezoning decisions. To help clarify this, the provisions of the Zoning Ordinance that describe the relationship between the Comp Plan and the Zoning Ordinance have been updated to what is considered customary and best practice in most Zoning Ordinances in the State.

The attached track changes also highlight the references in the Stonecrest Code of Ordinances to outdated staff titles such as “Director of Planning” and “Community Development Director.” Since 2019 the title for this position is “Director of Planning & Zoning.” The memorandum makes recommendations, by Section, as to where those terms occur, including a universal change to “Director of Planning,” which is used 224 times in the ordinance.

OPTIONS: Table, Deny, Approve, Approve with modifications

RECOMMENDED ACTION: Approve

ATTACHMENTS:

- (1) Ordinance TMOD-21-001
- (2) Staff report related to actions taken by the Planning Commission on June 22, 2021

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TMOD-21-001 ATTACHMENT 1:

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8

DRAFT Ordinance TMOD-21-001

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

ORDINANCE NO. TMOD 21-001

9 **AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF**
10 **STONECREST, GEORGIA, BY AMENDING CHAPTER 27 (ZONING**
11 **ORDINANCE) AS IT RELATES TO CERTAIN CHANGES THAT HAVE BEEN**
12 **MADE TO THE CITY’S COMPREHENSIVE PLAN; TO PROVIDE**
13 **SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF**
14 **CONFLICTING ORDINANCES AND RESOLUTIONS; TO PROVIDE AN ADOPTION**
15 **AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

16 **WHEREAS**, the governing body of the City of Stonecrest, Georgia (“City”) is the Mayor
17 and Council thereof; and

18 **WHEREAS**, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of
19 Georgia authorizes the City to adopt plans and exercise the power of zoning; and

20 **WHEREAS**, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to
21 adopt ordinances relating to its property, affairs, and local government; and

22 **WHEREAS**, the Mayor and Council desire to amend Chapter 27 (Zoning Ordinance) of
23 the City’s Code to provide updates of outdated code references and certain references to the City’s
24 Comprehensive Plan; and

25 **WHEREAS**, from time-to-time amendments may be proposed for public necessity,
26 general welfare, or sound zoning practice that justify such action; and

27 **WHEREAS**, the Director of Planning and Planning Commission recommend approval
28 based on the City Staff Report and said report is hereby incorporated by reference herein; and
29

30 **WHEREAS**, a public hearing pursuant to the provisions of the Zoning Procedures Act has
31 been properly held prior to the adoption of this Ordinance; and

32 **WHEREAS**, the health, safety, morals and general welfare of the citizens of the City will
33 be positively impacted by the adoption of this Ordinance.

34 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
35 **THE CITY OF STONECREST, GEORGIA**, and by the authority thereof:

36 **Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended
37 by amending Chapter 27 (Zoning) to provide updates of outdated code references and certain
38 references to the City's Comprehensive Plan; and inserting the provisions set forth in Exhibit A
39 attached hereto and made a part by reference.

40 **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby
41 incorporated by reference as if fully set out herein.

42 **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all
43 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
44 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

45 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent

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

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

60 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly
61 repealed.

62 **Section 5.** The Ordinance shall be codified in a manner consistent with the laws of
63 the State of Georgia and the City of Stonecrest.

64 **Section 6.** It is the intention of the governing body, and it is hereby ordained that the
65 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City
66 of Stonecrest, Georgia.

(SIGNATURES ON FOLLOWING PAGE)

ORDAINED this ____ day of _____, 2021.

CITY OF STONECREST, GEORGIA

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George Turner, Mayor Pro Tempore

ATTEST:

Patricia Wheeler, City Clerk

APPROVED AS TO FORM:

City Attorney

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EXHIBIT A

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(SEE ATTACHMENT 2 for Track changes version sent to PC)

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TMOD-21-001 ATTACHMENT 2:

**Staff report related to actions taken by the
Planning Commission on June 22, 2021**



CITY COUNCIL STAFF REPORT

MEETING DATE: June 28, 2021

Report on Planning Commission Action Regarding

Petition Number: TMOD 21-001

Applicant: Stonecrest Planning & Zoning Department

Project Location: City-Wide

Proposed Amendment: Text amendment to modify Articles 4 and 9 of the Zoning Ordinance to address Child and Personal Care Home definitions and use regulations.

Planning Commission Recommendation:

The Stonecrest Planning Commission met on June 22, 2021 at a Special Called Meeting to take action on four text amendments to the City Code of Ordinances, including TMOD-21-001. After presentation by staff, the Planning Commission took action to **recommend approval of TMOD-21-001** to the City Council as presented by staff.

The staff report presented to the Planning Commission is attached for reference.



PLANNING COMMISSION STAFF REPORT

MEETING DATE: June 22, 2021

GENERAL INFORMATION

Petition Number: TMOD 21-001

Applicant: Stonecrest Planning and Zoning Department

Project Location: City-Wide

Proposed amendment: Text amendments to update outdated code references in the Zoning Ordinance and other city codes in City Code of Ordinances to the former City Comprehensive Plan, and to old city staff titles.

FACTS AND ISSUES The Zoning Ordinance is a tool to regulate land use in the city and to implement the policies and recommendations of the Comprehensive Plan (Comp Plan). The Zoning Ordinance has not been amended with respect to the policies of the current Comp Plan, the 2038 Stonecrest Comprehensive Plan, since its adoption in 2018. Several of the character areas used in the Comp Plan and referenced by name in the Zoning Ordinance have changed titles and significantly modified. The land use map associated with these character areas has also been revised. Because of these changes, regulations related to allowed densities under revised character areas are invalid. This must be corrected to offer clear guidance as what is allowed in zoning districts related to these new character areas.

This problem with how the Comp Plan is referenced in the current code is also the direct result of how character areas are directly referenced in the Code of Ordinances, particularly the Zoning Ordinance. This is a highly unusual practice in most Zoning Ordinance throughout the State. Most Comp Plans do not reference specific character areas by name, rather just the policies of the Comp Plan in general. If a Comp Plan is updated and Zoning Ordinance is not immediately revised to reflect those changes, portions of the ordinance may be invalid. To correct this, staff is recommending that all direct references to particular character areas in the code be removed. This will allow future updates to the character areas in the Comp Plan to be made without requiring updates to references to the character areas in the Zoning Ordinance in the future.



PLANNING COMMISSION STAFF REPORT

It should be noted that the removal of the character area references in no way minimizes the importance or role of the comp plan in influencing and guiding rezoning decisions. To help clarify this, the provisions of the Zoning Ordinance that describe the relationship between the Comp Plan and the Zoning Ordinance have been updated to what is considered customary and best practice in most Zoning Ordinances in the State.

The attached track changes also highlight, the references in the Stonecrest Code of Ordinances to outdated staff titles such as “Director of Planning” and “Community Development Director.” Since 2019 the title for this position is “Director of Planning & Zoning.” The memorandum makes recommendations, by Section, as to where those terms occur, including a universal change to “Director of Planning” which is used 224 times in the ordinance.

OPTIONS: Table, Deny, Approve, Approve with modifications

RECOMMENDED ACTION: Recommend Approval to the City Council

ATTACHMENTS:

(1) Track Changes version of the City Code Ordinances as they relate to TMOD-21-001



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD-21-002

(X) ORDINANCE () POLICY () STATUS REPORT

() DISCUSSION ONLY () RESOLUTION () OTHER

Date Submitted: 06/17/21 Work Session: Council Meeting: 07/26/21

SUBMITTED BY: Jim Summerbell, AICP – Planning and Zoning Director

PRESENTER: Jim Summerbell

PURPOSE: To update the Zoning Ordinance provisions related to Child and Personal Care Home definitions and regulations.

FACTS AND ISSUES: A text amendment approved by Mayor and City Council in 2018 modified the Child Care Home and Personal Care Home definitions and regulations in the City's Zoning Ordinance. Since that amendment, Council and staff have identified other necessary changes for these uses. These changes include:

- An updated definition of Child Care Home that includes 24-hour care
- Updated supplemental regulations require the business owner to reside at the home where the childcare home or personal care home is being operated.
- Distance separation requirement for Child Care Homes.
- Updated Use Table to reflect 2018 language, supplemental regulations, and to require a SLUP in more zoning districts.

The definitions and regulations related to these state-permitted uses can often be confusing. Following is a table that helps summarize the capacity, hours of operation, and permitted districts of these uses to explain and clarify the differences.



CITY COUNCIL AGENDA ITEM

Differences between Personal Care and Child Care Facilities in the proposed changes

	Number of residents	Hours of Care	State Licensure Required	Permitted with a SLUP		Permitted by right	
				Residential*	Non-residential	Residential*	Non-residential
Personal Care Facilities							
Personal Care Home	7 or more	24-hour	✓	RSM, MR-1, MR-2, HR-1,2,3	NS, MU-1,2,3,4,5	--	OI, OIT, C-1, C-2
Personal Care Home, Group	6 or less	24-hour	✓	RE, RLG, R-100, R-85, R-75, R-60, RSM, MR-1, MR-2, HR-1,2,3, RNC	NS	--	OI, OIT, C-1, C-2
Child Care Facilities							
Child Care Home	5 or less	24-hour	✓	RE, RLG, R-100, R-85, R-75, R-60, RSM, RNC	NS, MU-1,2,3,4,5	--	OI, OIT, C-1, C-2,
Child Care Facility	6 or more	24-hour	✓	--	NS, MU-1,2,3,4,5	--	OI, OIT, C-1, C-2
Child Day Care Center	7 or more	Less than 24-hours	✓	--		--	OI, OIT NS, C-1, C-2, MU-1,2,3,4,5

*Considered a home-based business



CITY COUNCIL AGENDA ITEM

There has been public concern expressed about the number and quality of Child Care Homes and Personal Care Homes in the City and their impact on the neighborhoods where they are located. These updated regulations allow Planning Commission and City Council more opportunities to review Special Land Use Permits on a case-by-case basis for these uses. The updates also ensure that every part of the Zoning Ordinance referencing these uses is cohesive and aligns with state regulations regarding these state-permitted uses.

OPTIONS: Table, Deny, Approve, Approve with modifications

RECOMMENDED ACTION: Approve

ATTACHMENTS:

- (1) Ordinance TMOD-21-002
- (2) Staff report related to actions taken by the Planning Commission on June 22, 2021

TMOD-21-002 ATTACHMENT 1:

DRAFT Ordinance TMOD-21-002

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE NO. TMOD 21-002

1 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STONECREST,
2 GEORGIA, BY AMENDING ARTICLE 4 (USE REGULATIONS) AND 9
3 (DEFINITIONS), WITHIN CHAPTER 27 (ZONING ORDINANCE); TO PROVIDE
4 SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF
5 CONFLICTING ORDINANCES AND RESOLUTIONS; TO PROVIDE AN ADOPTION
6 AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

7 WHEREAS, the governing body of the City of Stonecrest, Georgia (“City”) is the Mayor
8 and Council thereof; and

9 WHEREAS, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of
10 Georgia authorizes the City to adopt plans and exercise the power of zoning; and

11 WHEREAS, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to
12 adopt ordinances relating to its property, affairs, and local government; and

13 WHEREAS, the Mayor and Council desire to amend Article 4 (Use Regulations) and 9
14 (Definitions) of Chapter 27 (Zoning Ordinance) of the City’s Code related to Child and Personal
15 Care Home definitions and use regulations; and

16 WHEREAS, from time-to-time amendments may be proposed for public necessity, general
17 welfare, or sound zoning practice that justify such action; and

18 WHEREAS, the Director of Planning and Planning Commission recommend approval based
19 on the City Staff Report and said report is hereby incorporated by reference herein; and

22 **WHEREAS**, a public hearing pursuant to the provisions of the Zoning Procedures Act has
23 been properly held prior to the adoption of this Ordinance; and

24 **WHEREAS**, the health, safety, morals and general welfare of the citizens of the City will be
25 positively impacted by the adoption of this Ordinance.

26 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE**
27 **CITY OF STONECREST, GEORGIA**, and by the authority thereof:

28 **Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended by
29 amending the following sections of Chapter 27 (Zoning): Section 4.1.3 (Table of Uses), Section
30 4.2.31 (Home Occupations and Private Education Uses), Article 9 (Definitions), and Section 4.2.41
31 (Personal Care Homes and Child Caring Institutions), and inserting the provisions set forth in Exhibit
32 A attached hereto and made a part by reference.

33 **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby
34 incorporated by reference as if fully set out herein.

35 **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all
36 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
37 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

38 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent
39 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is
40 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is
41 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent
42 allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually
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44 dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

45 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for
46 any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid
47 judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and

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.

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

Section 5. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

Section 6. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Stonecrest, Georgia.

ORDAINED this ____ day of _____, 2021.

CITY OF STONECREST, GEORGIA

George Turner, Mayor Pro Tempore

ATTEST:

Patricia Wheeler, City Clerk

APPROVED AS TO FORM:

City Attorney

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EXHIBIT A
(SEE ATTACHED)

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Excerpt from Table 4.1 Use Table

KEY: P - Permitted use Pa - Permitted as an accessory use												SA - Special administrative permit from Community Development Director SP - Special land use permit (SLUP)													
Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Personal care home, community , 7 or more							SP	SP	SP	SP			P	SP	P	P	P				SP	SP	SP	SP	✓
Personal care home, group, upto 6 or less	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	SP	P	SP	SP	P	P				P	P	P	P	✓
Child caring home, up to 5 or less	SP	SP	SP	SP	SP	SP	SP	SP	P	P	P	SP	P	P	P	P	P				SP	SP	SP	SP	✓
Child caring facility, 6 or more								SP	P	SP			P	SP	SP	P	P	P			SP	SP	SP	SP	✓
Child day care center							SP	SP					SP	SP	P	P	P				P	P	P	P	

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Sec. 4.2.31. - Home occupations and private educational uses.

The following provisions apply to home occupations:

- A. A home occupation where no customer contact occurs shall be considered a Type I home occupation and may be conducted with administrative approval by the director of planning and zoning.
 1. The owner/operator of the business must reside on the premise.
 2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- B. All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP). Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.
 1. Customer contact is allowed for Type II home occupations.
 2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- C. All home occupations shall meet the following standards:
 1. There shall be no exterior evidence of the home occupation.
 2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.
 3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.
 4. No more than twenty-five (25) percent of the dwelling unit and/or five hundred (500)square feet, whichever is less, may be used for the operation of the home occupation.
 5. No more than one (1) business vehicle per home occupation is allowed.
 6. No home occupation shall be operated so as to create or cause a nuisance.
 7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.
 8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with section 6.1.3, and is limited to one (1) business vehicle per occupation.
- D. Private educational services shall comply with home occupation standards and no more than three (3) students shall be served at a time. Family members residing in the home are not counted towards the three (3) students allowed.

- E. Child Care Homes and Personal Care Homes are considered Home Occupations and must adhere to these provisions in addition to Section 4.2.41.

Sec. 4.2.41. - Personal care homes and child caring institutions.

A. *Personal care homes, general requirements.*

1. The owner of a group personal care home cannot be a corporation, partnership, Limited Liability Company or any entity other than a natural person. The owner of the business must own and reside in the group personal care home.
- ~~1.2.~~ 2. Each personal care home must obtain a city license as well as all license(s) and/or permit(s) required by the State of Georgia before beginning ~~in order to~~ operate. Each personal care home licensed and/or permitted by the State of Georgia must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
- ~~2.3.~~ 3. No personal care home may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
4. Personal care homes may apply for an FHA Accommodation Variance as provided for in section 7.5.9 of this chapter.
- ~~3.5.~~ 5. No city permit for the operation of the personal care home shall be transferable.

B. *Personal care home, group (up to six (6) persons).*

1. Two (2) copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each group personal care home must provide at least four (4) parking spaces within a driveway, garage or carport and must comply with any applicable requirements in article 6.
3. The home must be at least 1800 sq. ft in size.
4. ~~3.~~ In order to prevent institutionalizing residential neighborhoods, no group personal care home located in ~~the RE, R-LG, R-100, R-85, R-75, R-50, R-SM, or MR-1~~ a residential zoning district may be operated within one thousand five hundred (1,500) feet of any other group personal care home. The one-thousand-five-hundred-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two (2) tracts of land on which the group personal care homes are located.

C. ~~Personal care home, community~~ (seven (7) or more persons).

1. Two (2) copies of complete architectural plans for the subject community personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each community personal care home must provide at least one-half (0.50) parking spaces for each employee and resident and must comply with any applicable requirements in article 6.

D. ~~Child Care home~~ Home, and Child Care facility Facility general requirements.

1. The owner of a child care home or child care facility cannot be a corporation, partnership, Limited Liability Company or any entity other than a natural person. The owner of the business must own and reside in the child care home, or child care facility.
2. No child ~~day~~ care home, or child care facility shall be located within 1,000-1,500 feet of another child care home or child care facility. The one-thousand-five-hundred-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two (2) tracts of land on which the child care homes, or child care facilities are located.
3. Each child caring home, and child care facility must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each child caring institution must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
4. ~~Child care~~ Care homes and Child Care facilities are not permitted in Multi-family dwellings.
5. No child caring home, facility may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
- 4-6. Each child care home, facility shall meet the minimum state requirements for playground size, location, and fencing. with 3 or more children over the age of 3 under the age of 15 must provide a fenced outdoor play area the equivalent of 50 sq. ft per child in the rear of the property.

E. ~~Child Care Homes, group~~ (up to five (5) children).

1. Each group child care home must provide at least four (4) parking spaces within a driveway, garage or carport, and must comply with any applicable requirements in article 6.

F. Child Care Facility (six (6) or more children).

1. Two (2) copies of the complete architectural plans of the subject community child caring institution, signed and sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each community child caring institution must provide at least one-half (0.50) parking spaces for each employee and resident and must comply with any applicable requirements in article 6.

Article 9: Definitions

Child Care Facility: A building(s) in which housing, meals, and twenty-four-hour continuous watchful oversight of six (6) or more children under the age of eighteen (18) are provided and which facility is licensed or permitted as a child caring institution by the State of Georgia. ~~The term "child caring institution" shall not include a "child day care center or child care facility."~~

Child Care Home: A building(s) in which housing, meals, and twenty-four-hour continuous watchful oversight for up to five (5) children under the age of eighteen (18) are provided. ~~The term "child caring institution" shall not include a "child day care center or facility."~~

Child Day Care Center: An establishment operated by any person with or without compensation providing for the care, supervision, and protection of seven (7) or more children who are under the age of eighteen (18) years for less than twenty-four (24) hours per day, without transfer of legal custody. ~~The term "child caring institution" shall not include a "child day care center or child care facility."~~

Personal Care Home, Group: A personal care home that offers care to up to six (6) persons.

Personal Care Home: A building(s) in which housing, meals, personal assistance services, and twenty-four-hour continuous watchful oversight to seven (7) or more persons are provided and which facility is licensed or permitted as a personal care home by the State of Georgia. The term "personal care home" shall not include a ~~"child care institution,"~~ "transitional housing," a "rehabilitation housing facility," a "rooming house," or a "boarding house." "Personal care home" includes a "community living arrangement," which is an establishment licensed by the State of Georgia and providing a residence for adults receiving care for mental health, development disabilities, and/or addictive diseases.

TMOD-21-002 ATTACHMENT 2:

**Staff report related to actions taken by the
Planning Commission on June 22, 2021**



CITY COUNCIL STAFF REPORT

MEETING DATE: July 26, 2021

Report on Planning Commission Action Regarding

Petition Number: TMOD 21-002

Applicant: Stonecrest Planning & Zoning Department

Project Location: City-Wide

Proposed Amendment: Text amendment to modify Articles 4 and 9 of the Zoning Ordinance to address Child and Personal Care Home definitions and use regulations.

Planning Commission Recommendation:

The Stonecrest Planning Commission met on June 22, 2021 at a Special Called Meeting to take action on four text amendments to the City Code of Ordinances, including TMOD-21-002. After presentation by staff, the Planning Commission took action to **recommend approval of TMOD-21-002** to the City Council as presented by staff with one modification. Planning Commission increased the recommended distance requirement between a child day care home, or child care facility, from the staff recommended 1,250 feet to 1,500 feet of another child care home or child care facility as stated in Sub-Section 4.2.41.D.2.

After presentation of the PC recommendation at the July 12 City Council Work Session, the distance requirements for child day care homes and facilities, as well as personal care homes were increased to 1,500 feet. Also, the ownership requirements for these types of facilities were changed to exclude corporations.

The staff report presented to the Planning Commission is attached for reference.



PLANNING COMMISSION STAFF REPORT

MEETING DATE: June 22, 2021

GENERAL INFORMATION

Petition Number: TMOD 21-002

Applicant: Stonecrest Planning & Zoning Department

Project Location: City-Wide

Proposed Amendment: Text amendment to modify Articles 4 and 9 of the Zoning Ordinance to address Child and Personal Care Home definitions and use regulations.

FACTS AND ISSUES: A text amendment approved by Mayor and City Council in 2018 modified the Child Care Home and Personal Care Home definitions and regulations in the City's Zoning Ordinance. Since that amendment, Council and staff have identified other necessary changes for these uses. These changes include:

- An updated definition of Child Care Home that includes 24-hour care
- Updated supplemental regulations that require the business owner to reside at the home where the child care home or personal care home is being operated.
- Distance separation requirement for Child Care Homes.
- Updated Use Table to reflect 2018 language, supplemental regulations, and to require a SLUP in more zoning districts.

The definitions and regulations related to these state permitted uses is can often be confusing. Following is a table that helps summarizes the capacity, hours of operation and permitted districts of these uses in an attempt to explain and clarify the differences.



PLANNING COMMISSION STAFF REPORT

Differences between Personal Care and Child Care Facilities in the proposed changes

	Number of residents	Hours of Care	State Licensure Required	Permitted with a SLUP		Permitted by right	
				Residential*	Non-residential	Residential*	Non-residential
Personal Care Facilities							
Personal Care Home	7 or more	24-hour	✓	RSM, MR-1, MR-2, HR-1,2,3	NS, MU-1,2,3,4,5	--	OI, OIT, C-1, C-2
Personal Care Home, Group	6 or less	24-hour	✓	RE, RLG, R-100, R-85, R-75, R-60, RSM, MR-1, MR-2, HR-1,2,3, RNC	NS	--	OI, OIT, C-1, C-2
Child Care Facilities							
Child Care Home	5 or less	24-hour	✓	RE, RLG, R-100, R-85, R-75, R-60, RSM, RNC	NS, MU-1,2,3,4,5	--	OI, OIT, C-1, C-2,
Child Care Facility	6 or more	24-hour	✓	--	NS, MU-1,2,3,4,5	--	OI, OIT, C-1, C-2
Child Day Care Center	7 or more	Less than 24-hours	✓	--		--	OI, OIT NS, C-1, C-2, MU-1,2,3,4,5

*Considered a home-based business



PLANNING COMMISSION STAFF REPORT

There has been public concern expressed about the number and quality of Child Care Homes and Personal Care Homes in the City and their impact on the neighborhoods they are located in. These updated regulations allow Planning Commission, and City Council more opportunities to review Special Land Use Permits on a case-by-case basis for these uses. The updates also ensure that every part of the Zoning Ordinance referencing these uses is cohesive and are in line with state regulations regarding these state permitted uses.

OPTIONS: Table, Deny, Approve, Approve with modifications

RECOMMENDED ACTION: Approve

ATTACHMENTS:

- (1) Track Changes version of the City Code Ordinances as they relate to TMOD-21-002 with summarizing tables, and a map showing known locations of existing personal care homes.

Track Changes summary of Proposed Amendments to the Zoning Ordinance related to TMOD-21-002 and personal care home map

Article	Section	Change
4	Table 4.1 Use Table	Removed 'community' from personal care home line item to reflect the use title in the text of the Zoning Ordinance
4	Table 4.1 Use Table	Required a SP in all residential districts for personal care homes and child care homes; removed allowance of personal care homes in mixed use districts
4	Table 4.1 Use Table	Removed allowance of child care homes in multi family districts to reflect supplemental regulations
4	4.2.31	Clarification of Director title, and owner of the business requirement for Home Occupation
4	4.2.41.A	Added requirement regarding the business owner residing at the personal care home
4	4.2.41.A	Edited wording of provision #2
4	4.2.41.A	Added provision that permits for personal care homes are nontransferable
4	4.2.41.B	Edited wording of provision #4
4	4.2.41.C	Removed 'community' from title of this section. It was removed in the previous text amendment, so that is now reflected
4	4.2.41.D	Added requirement regarding the business owner residing at the personal care home
4	4.2.41.D	Added 1,250 foot distance separation requirement for child care homes
4	4.2.41.D	Edited wording of provision #3
4	4.2.41.D	Edited wording of provision #6
4	4.2.41.D	Removed 'group' from title of this section. It was removed in the previous text amendment, so that is now reflected
9	9.1.3	Edited definition of Child Care Home to include 24-hour care provision

Excerpt from Table 4.1 Use Table

KEY: P - Permitted use Pa - Permitted as an accessory use SA - Special administrative permit from Community Development Director SP - Special land use permit (SLUP)																									
Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Personal care home, community , 7 or more							SP	SP	SP	SP			P	SP	SP	P	P	P			SP	SP	SP	SP	✓
Personal care home, group, up to 6 or less	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	SP	P	SP	SP	P	P				P	P	P	P	✓
Child caring home, up to 5 or less	SP	SP	SP	SP	SP	SP	SP	SP	P	P	P	SP	P	P	P	P	P				SP	SP	SP	SP	✓
Child caring facility, 6 or more								SP	SP	SP			P	SP	SP	P	P	P			SP	SP	SP	SP	✓
Child day care center							SP	SP					SP	SP	P	P	P				P	P	P	P	

Sec. 4.2.31. - Home occupations and private educational uses.

The following provisions apply to home occupations:

- A. A home occupation where no customer contact occurs shall be considered a Type I home occupation and may be conducted with administrative approval by the director of planning [and zoning](#).
 - 1. The owner/operator [of the business](#) must reside on the premise.
 - 2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- C. All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP). Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.
 - 1. Customer contact is allowed for Type II home occupations.
 - 2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- D. All home occupations shall meet the following standards:
 - 1. There shall be no exterior evidence of the home occupation.
 - 2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.
 - 3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.
 - 4. No more than twenty-five (25) percent of the dwelling unit and or five hundred (500) square feet, whichever is less, may be used for the operation of the home occupation.
 - 5. No more than one (1) business vehicle per home occupation is allowed.
 - 6. No home occupation shall be operated so as to create or cause a nuisance.
 - 7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.
 - 8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with section 6.1.3, and is limited to one (1) business vehicle per occupation.
- E. Private educational services shall comply with home occupation standards and no more than three (3) students shall be served at a time. Family members residing in the home are not counted towards the three (3) students allowed.

- F. Child Care Homes and Personal Care Homes are considered Home Occupations and must adhere to these provisions in addition to Section 4.2.41.

Sec. 4.2.41. - Personal care homes and child caring institutions.

A. *Personal care homes, general requirements.*

1. If owned by a corporation, partnership, Limited Liability Company or any entity other than a natural person, the administrator identified in the state license application must reside in the personal care home. If owned by an individual, the individual owner must reside in the group personal care home.

1.2. Each personal care home must obtain a city license as well as all license(s) and/or permit(s) required by the State of Georgia before beginning in order to operate. Each personal care home licensed and/or permitted by the State of Georgia must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.

2.3. No personal care home may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.

4. Personal care homes may apply for an FHA Accommodation Variance as provided for in section 7.5.9 of this chapter.

3.5. No city permit for the operation of the personal care home shall be transferable.

B. *Personal care home, group (up to six (6) persons).*

1. Two (2) copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.

2. Each group personal care home must provide at least four (4) parking spaces within a driveway, garage or carport and must comply with any applicable requirements in article 6.

3. The home must be at least 1800 sq. ft in size.

4. 3.—In order to prevent institutionalizing residential neighborhoods, no group personal care home located in the RE, R-LG, R-100, R-85, R-75, R-50, R-SM, or MR-1 a residential zoning district may be operated within one thousand (1,000) feet of any other group personal care home. The one-thousand-foot distance requirement is measured by a straight line which is the shortest distance (i.e., “as the crow flies”) between the property lines of the two (2) tracts of land on which the group personal care homes are located.

C. *Personal care home, ~~community~~ (seven (7) or more persons).*

1. Two (2) copies of complete architectural plans for the subject community personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.

2. Each community personal care home must provide at least one-half (0.50) parking spaces for each employee and resident and must comply with any applicable requirements in article 6.

D. *Child Care ~~home~~Home, and Child Care ~~facility~~Facility general requirements.*

1. If owned by a corporation, partnership, Limited Liability Company or any entity other than a natural person, the administrator identified in the state license application must reside in the child care home, facility. If owned by an individual, the individual owner must reside in the child care home, or child care facility.
2. No child ~~day~~-care home, or child care facility shall be located within ~~1,000~~1,250 feet of another child care home or child care, facility. The one-thousand two hundred and fifty-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two (2) tracts of land on which the child care homes, or child care facilities are located.
3. Each child caring home, and child care facility must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each child caring institution must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
4. Child ~~care~~-Care homes and Child Care facilities are not permitted in Multi-family dwellings.
5. No child caring home, facility may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
- 4.6. Each child care home, facility shall meet the minimum state requirements for playground size, location, and fencing. with 3 or more children over the age of 3 under the age of 15 must provide a fenced outdoor play area the equivalent of 50 sq. ft per child in the rear of the property.

E. *Child Care Homes, ~~group~~(up to five (5) children).*

1. Each group child care home must provide at least four (4) parking spaces within a driveway, garage or carport, and must comply with any applicable requirements in article 6.

F. *Child Care Facility (six (6) or more children).*

1. Two (2) copies of the complete architectural plans of the subject community child caring institution, signed and sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each community child caring institution must provide at least one-half (0.50) parking spaces for each employee and resident and must comply with any applicable requirements in article 6.

Article 9: Definitions

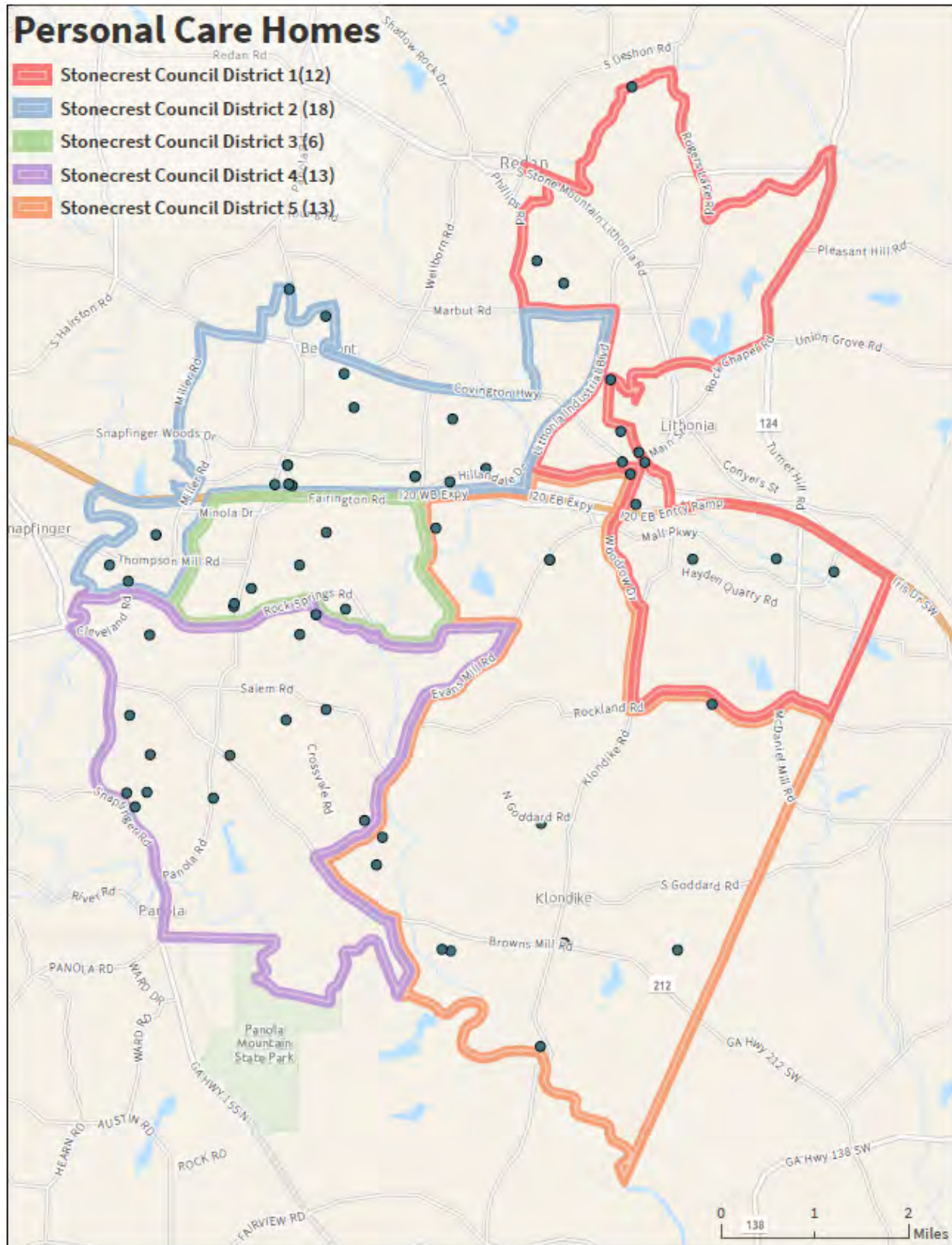
Child Care Facility: A building(s) in which housing, meals, and twenty-four-hour continuous watchful oversight of six (6) or more children under the age of eighteen (18) are provided and which facility is licensed or permitted as a child caring institution by the State of Georgia. The term "child caring institution" shall not include a "child day care center or [child care](#) facility."

Child Care Home: A building(s) in which housing, meals, and twenty-four-hour continuous watchful oversight for up to five (5) children under the age of eighteen (18) are provided. The term "child caring institution" shall not include a "child day care center or facility."

Child day care center: An establishment operated by any person with or without compensation providing for the care, supervision, and protection of seven (7) or more children who are under the age of eighteen (18) years for less than twenty-four (24) hours per day, without transfer of legal custody. The term "child caring institution" shall not include a "child day care center or child care facility."

Personal care home, group: A personal care home that offers care to up to six (6) persons.

Personal care home: A building(s) in which housing, meals, personal assistance services, and twenty-four-hour continuous watchful oversight to seven (7) or more persons are provided and which facility is licensed or permitted as a personal care home by the State of Georgia. The term "personal care home" shall not include a "child care institution," "transitional housing," a "rehabilitation housing facility," a "rooming house," or a "boarding house." "Personal care home" includes a "community living arrangement," which is an establishment licensed by the State of Georgia and providing a residence for adults receiving care for mental health, development disabilities, and/or addictive diseases.





CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD-21-003

(X) ORDINANCE () POLICY () STATUS REPORT

() DISCUSSION ONLY () RESOLUTION () OTHER

Date Submitted: 06/17/21 Work Session: Council Meeting: 07/26/21

SUBMITTED BY: Jim Summerbell, AICP – Planning and Zoning Director

PRESENTER: Jim Summerbell

PURPOSE: To update the provisions of the Zoning Ordinance related to Gas Service Station regulations.

FACTS AND ISSUES: Amendments to the City’s supplemental use regulations regarding gas service stations have been openly debated and discussed since 2019, when the City updated the Stonecrest Overlay District. Based on addressing concerns that there has been an over-proliferation of such uses, staff has offered the following recommended changes:

- Removing the exemption for a Special Land Use permit for Alcohol outlets accessory to convenience stores and gas pumps.
- Modifying the location criteria for facilities with fuel pumps, requiring that they be located at the corner of arterial roadways designated on the City’s functional classification map in the comprehensive plan.
- Requiring that such facilities include at least 5,000 SF of retail space.

There has been concern about the proliferation of gas service stations in the City and their negative impacts on adjacent neighborhoods. These updated regulations allow Planning Commission and City Council more opportunities to review Special Land Use Permits on a case by case basis for these uses. The updates also ensure tighten up the location criteria for such uses restricting where they can be placed.



CITY COUNCIL AGENDA ITEM

OPTIONS: Table, Deny, Approve, Approve with modifications

RECOMMENDED ACTION: Approve

ATTACHMENTS:

- (1) Ordinance TMOD-21-003
- (2) Staff report related to actions taken by the Planning Commission on June 22, 2021

TMOD-21-003 ATTACHMENT 1:

DRAFT Ordinance TMOD-21-003

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE NO. TMOD 21-003

1 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF
2 STONECREST, GEORGIA, BY AMENDING DIVISION 2
3 (SUPPLEMENTAL USE REGULATIONS) OF ARTICLE 4 (USE
4 REGULATIONS) WITHIN CHAPTER 27 (ZONING ORDINANCE); TO
5 PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL
6 OF CONFLICTING ORDINANCES AND RESOLUTIONS; TO PROVIDE AN
7 ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL
8 PURPOSES.

9 WHEREAS, the governing body of the City of Stonecrest, Georgia (“City”) is the Mayor
10 and Council thereof; and

11 WHEREAS, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of
12 Georgia authorizes the City to adopt plans and exercise the power of zoning; and

13 WHEREAS, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to
14 adopt ordinances relating to its property, affairs, and local government; and

15 WHEREAS, the Mayor and Council desire to amend Division 2 (Supplemental Use
16 Regulations) within Article 4 (Use Regulations) of Chapter 27 (Zoning Ordinance) of the City’s
17 Code; and

18 WHEREAS, from time-to-time amendments may be proposed for public necessity,
19 general welfare, or sound zoning practice that justify such action; and

20 **WHEREAS**, national studies show that certain land uses—including alcohol outlets,
21 automobile gas stations, check cashing establishments, and convenience stores—often
22 negatively impact the health, safety, welfare, economic development, and social vitality of
23 communities and neighborhoods; and

24 **WHEREAS**, local studies show that the concentration of certain land uses in DeKalb
25 County and the City of Stonecrest—including alcohol outlets, gas service stations, and fast-food
26 restaurants—are associated with increased crime and lower median household income; and

27 **WHEREAS**, the courts specifically recognize that a concentration of the same or similar
28 business in close proximity increases the probability of business failure, which leads to
29 abandoned property and diminished aesthetic and commercial appeal; and

30 **WHEREAS**, the Director of Planning and Planning Commission recommend approval
31 based on the City Staff Report and said report is hereby incorporated by reference herein; and

32 **WHEREAS**, a public hearing pursuant to the provisions of the Zoning Procedures Act has
33 been properly held prior to the adoption of this Ordinance; and

34 **WHEREAS**, the health, safety, morals and general welfare of the citizens of the City will
35 be positively impacted by the adoption of this Ordinance.

36 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
37 **THE CITY OF STONECREST, GEORGIA**, and by the authority thereof:

38 **Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended
39 by amending Division 2 (Supplemental Use Regulations) within Article 4 (Use Regulations) of
40 Chapter 27 (Zoning Ordinance) as it relates to alcohol outlets and fuel pumps, and inserting the
41 provisions set forth in Exhibit A attached hereto and made a part by reference.

42 **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby
43 incorporated by reference as if fully set out herein.

44 **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all
45 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
46 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

47 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent
48 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is
49 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is
50 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent
51 allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually
52 dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

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

62 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly
63 repealed.

Section 5. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

Section 6. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Stonecrest, Georgia.

ORDAINED this ____ day of _____, 2021.

CITY OF STONECREST, GEORGIA

George Turner, Mayor Pro Tempore

ATTEST:

Patricia Wheeler, City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A
(SEE ATTACHED)

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101 **Sec. 4.2.8. - Alcohol outlets, retail, package liquor store.**

- 102 A. Package stores, ~~unless part of a mixed-use development,~~ shall not be located:
- 103 1. Within 1,000 feet of an existing package store or alcohol outlet;
- 104 2. Within 600 feet of any residence, church, school, school building or grounds,
- 105 educational facility, college campus, or sexually oriented business; or
- 106 3. Within 600 feet of a substance abuse treatment center owned, operated or approved by
- 107 the state or any county or municipal government.
- 108 B. Alcohol outlets shall not be located:
- 109 1. Within ~~300-600~~ feet of any school building, school grounds, educational facility,
- 110 college campus, or sexually oriented business; or
- 111 2. Within 600 feet of a substance abuse treatment center owned, operated, or approved by
- 112 the state or any county or municipal government.
- 113 C. For the purpose of this section, distance shall be measured according to chapter 4.
- 114 D. For alcohol sales as an accessory use to retail, the area devoted to the sale and storage of
- 115 alcohol shall not exceed twenty (20%) percent of gross floor area.
- 116 E. The sale or distribution of individual cups and individual servings of ice at package stores is
- 117 prohibited.
- 118 F. Alcohol outlets accessory to convenience stores with gas pumps ~~do not~~ require a special
- 119 land use permit ~~if the convenience store and gas pumps meet the criteria of section 4.2.28D.~~
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122 **Sec. 4.2.28. - Fuel pumps, accessory.**

- 123 A. Upon the minor redevelopment of existing structures or buildings, as defined in section 28-
- 124 8.1.16, that also requires a land disturbance permit or building permit, the director may
- 125 require additional improvements to landscaping, signage, parking lots, sidewalks, or
- 126 building facades. Any minor redevelopment of existing structures, buildings, and physical
- 127 appurtenances is permitted by right if such changes result in greater conformity with the
- 128 specifications of this section.
- 129 B. Gas station and convenience store design shall comply with the design standards and
- 130 transitional buffer requirements set forth in article 5 of this chapter.
- 131 C. The following standards apply to all gas pumps:
- 132 (1) ~~The primary building (i.e., convenience store or automobile service station) shall be~~
- 133 ~~exempt from primary building setbacks if located in activity centers. All associated light~~
- 134 fixtures shall be directed away from surrounding residential neighborhoods.
- 135 (2) Canopies covering gasoline dispensers shall be set back not less than 15 feet from all
- 136 street rights-of-way.
- 137 (3) Canopy height shall not exceed the greater of 20 feet or the height of the principal
- 138 building.

- (4) Canopies and their columns shall be complementary to the overall color scheme and building materials scheme of the building facade to which the canopy is necessary.
- (5) Canopy lighting shall not extend beyond the area immediately beneath the canopy and all fixtures shall be recessed, including any fixture or lens. Lighting shall project inward and downward, shall not have any spillover to adjacent properties, and shall cut off no later than 30 minutes after closure of the facility.
- (6) Automobile service stations with gas sales shall have a capacity to store one car per bay (car area in front of a pump), so as not to interfere with driveway ingress and egress traffic flow.
- (7) A minimum of 30 feet is required between a property line and the nearest gasoline pump.
- (8) Owner and operator are responsible for daily litter clean-up to ensure that property remains free of litter, trash, and debris.
- (9) When a separate retail or restaurant use is located on the same property as fuel pumps, there shall be separate and distinct parking spaces for each use.
- (10) The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or on the outside of the building is not prohibited, but must not be visible from or face adjacent residential uses.

D. Location criteria. Fuel pumps associated with convenience stores, gas stations, and service stations ~~require a special land use permit in activity centers. In all other character areas a special land use permit is required unless that facility can~~ must meet at least three of the following criteria:

1. Facility is located within ~~400-100~~ feet of an intersection of a major arterial street and a major or minor arterial street, or located within ~~1,000-500~~ feet of ~~an intersection within an interstate highway~~ intersection with an arterial street as designated on the Functional Classification Map in the City Comprehensive Plan.
2. Facility is accessible via direct ~~and~~ or secondary access ~~to two roads, either through a secondary street or by interparcel or other shared access.~~
3. Facility ~~is a new building of~~ includes at least 5,000 square feet of retail space. ~~or facility is part of a major redevelopment, as defined in section 27-8.1.16.~~
4. No more than two facilities may be located at any given intersection. Facility includes at least two bathrooms capable of serving at least three persons at a time, open to the public, and compliant with the Americans with Disabilities Act.
5. Except for facilities located at the same roadway intersection, facilities cannot be located closer than 1,500 feet apart.

E. Distance shall be measured from the right-of-way of the exit or entrance ramp, or street corner (middle of the radius), along the intersecting street right-of-way, to the nearest property line.

F. Facility includes must include at least two bathrooms, each capable of serving at least three persons at a time, open to the public, and compliant with the Americans with Disabilities

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~~F~~G. If a reverse frontage design is proposed, the primary building shall be located close to the street to define street edge. Pump islands shall not be located between the building and the street, but shall be placed behind or to the side of the primary building. The facade of the primary building located closest to the street shall include architectural features and shall have an active entrance either on the side or rear, with clear unobstructed pedestrian access from the public sidewalk. The street facade shall have at least 25 percent fenestration or faux fenestration.

~~G~~H. Service areas, storage areas, and trash enclosures shall be oriented away from public view and screened from adjacent properties.

~~H~~I. Facilities must provide a two-foot-high masonry wall with landscaping and/or an evergreen hedge to help screen the pumps from view from a public right-of-way.

TMOD-21-003 ATTACHMENT 2:

**Staff report related to actions taken by the
Planning Commission on June 22, 2021**



CITY COUNCIL STAFF REPORT

MEETING DATE: July 26, 2021

Report on Planning Commission Action Regarding

Petition Number: TMOD 21-003

Applicant: Stonecrest Planning & Zoning Department

Project Location: City-Wide

Proposed Amendment: Text amendment to modify Chapter 27 of the Zoning Ordinance to address Gas Service Stations.

Planning Commission Recommendation:

The Stonecrest Planning Commission met on June 22, 2021 at a Special Called Meeting to take action on four text amendments to the City Code of Ordinances, including TMOD-21-003. After presentation by staff, the Planning Commission took action to **recommend approval of TMOD-21-003** to the City Council as presented by staff with one minor modification. Planning Commission inserted the word “each” in subsection 4.2.28. F. to read as follows:

- F. Facility must include at least two bathrooms, each capable of serving at least three persons at a time, open to the public, and compliant with the Americans with Disabilities Act.

The staff report presented to the Planning Commission is attached for reference.



PLANNING COMMISSION STAFF REPORT

MEETING DATE: June 22, 2021

GENERAL INFORMATION

Petition Number: TMOD 21-003

Applicant: Stonecrest Planning & Zoning Department

Project Location: City-Wide

Proposed Amendment: Text amendment to modify Chapter 27 of the Zoning Ordinance to address Gas Service Stations.

FACTS AND ISSUES: Amendments to the City's supplemental use regulations regarding gas service stations have been openly debated and discussed since at least 2019 when the city updated the Stonecrest Overlay District. Based on addressing concerns that there has been an over proliferation of such uses, staff has offered the following recommended changes:

- Removing the exemption for a Special Land Use permit for Alcohol outlets accessory to convenience stores and gas pumps.
- Modifying the location criteria for facilities with fuel pumps, requiring that they be located at the corner of arterial roadways as designated on the City's functional classification map in the comprehensive plan.
- Requiring that such facilities include at least a 5,000 sf of retail space.

There has been concern about the proliferation of gas service stations in the City, and their negative impacts on adjacent neighborhoods. These updated regulations allow Planning Commission, and City Council more opportunities to review Special Land Use Permits on a case by case basis for these uses. The updates also ensure tighten up the location criteria for such uses restricting where they can be placed.

OPTIONS: Table, Deny, Approve, Approve with modifications



PLANNING COMMISSION STAFF REPORT

RECOMMENDED ACTION: Recommend Approval to the City Council

ATTACHMENTS:

- (1) Track Changes version of the City Code Ordinances as they relate to TMOD-21-003

Track Changes summary of Proposed Amendments to the Zoning Ordinance related to TMOD-21-003

Sec. 4.2.8. - Alcohol outlets, retail, package liquor store.

- A. Package stores, ~~unless part of a mixed used development,~~ shall not be located:
 - 1. Within 1,000 feet of an existing package store or alcohol outlet;
 - 2. Within 600 feet of any residence, church, school, school building or grounds, educational facility, college campus, or sexually oriented business; or
 - 3. Within 600 feet of a substance abuse treatment center owned, operated or approved by the state or any county or municipal government.
- B. Alcohol outlets shall not be located:
 - 1. Within ~~300-600~~ feet of any school building, school grounds, educational facility, college campus, or sexually oriented business; or
 - 2. Within 600 feet of a substance abuse treatment center owned, operated, or approved by the state or any county or municipal government.
- C. For the purpose of this section, distance shall be measured according to chapter 4.
- D. For alcohol sales as an accessory use to retail, the area devoted to the sale and storage of alcohol shall not exceed 20 percent of gross floor area.
- E. The sale or distribution of individual cups and individual servings of ice at package stores is prohibited.
- F. Alcohol outlets accessory to convenience stores with gas pumps ~~do not~~ require a special land use permit ~~if the convenience store and gas pumps meet the criteria of section 4.2.28D.~~

Sec. 4.2.28. - Fuel pumps, accessory.

- A. Upon the minor redevelopment of existing structures or buildings, as defined in section 28-8.1.16, that also requires a land disturbance permit or building permit, the director may require additional improvements to landscaping, signage, parking lots, sidewalks, or building facades. Any minor redevelopment of existing structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with the specifications of this section.
- B. Gas station and convenience store design shall comply with the design standards and transitional buffer requirements set forth in article 5 of this chapter.
- C. The following standards apply to all gas pumps:
 - (1) ~~The primary building (i.e., convenience store or automobile service station) shall be exempt from primary building setbacks if located in activity centers. All associated light fixtures shall be directed away from surrounding residential neighborhoods~~
 - (2) Canopies covering gasoline dispensers shall be set back not less than 15 feet from all street rights-of-way.
 - (3) Canopy height shall not exceed the greater of 20 feet or the height of the principal building.
 - (4) Canopies and their columns shall be complementary to the overall color scheme and building materials scheme of the building facade to which the canopy is necessary.
 - (5) Canopy lighting shall not extend beyond the area immediately beneath the canopy and all fixtures shall be recessed, including any fixture or lens. Lighting shall project inward and downward, shall not have any spillover to adjacent properties, and shall cut off no later than 30 minutes after closure of the facility.

- (6) Automobile service stations with gas sales shall have a capacity to store one car per bay (car area in front of a pump), so as not to interfere with driveway ingress and egress traffic flow.
- (7) A minimum of 30 feet is required between a property line and the nearest gasoline pump.
- (8) Owner and operator are responsible for daily litter clean-up to ensure that property remains free of litter, trash, and debris.
- (9) When a separate retail or restaurant use is located on the same property as fuel pumps, there shall be separate and distinct parking spaces for each use.
- (10) The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or on the outside of the building is not prohibited, but must not be visible from or face adjacent residential uses.

D. Location criteria. Fuel pumps associated with convenience stores, gas stations, and service stations ~~require a special land use permit in activity centers. In all other character areas a special land use permit is required unless that facility can~~ must meet ~~at least three of the~~ following criteria:

1. Facility is located within ~~400-100~~ feet of an intersection of a major arterial street and a major or minor arterial street, or located within ~~1,000~~500 feet of ~~an intersection within an interstate highway intersection with an arterial street as designated on the Functional Classification Map in the City Comprehensive Plan.~~
2. Facility is accessible via direct ~~and or~~ secondary access ~~to two roads, either through a secondary street or by interparcel or other shared access.~~
3. Facility ~~is a new building or~~ includes at least 5,000 square feet of retail space. ~~or facility is part of a major redevelopment, as defined in section 27-8.1.16.~~
4. ~~No more than two facilities may be located at any given intersection. Facility includes at least two bathrooms capable of serving at least three persons at a time, open to the public, and compliant with the Americans with Disabilities Act.~~
5. Except for facilities located at the same roadway intersection, facilities cannot be located closer than 1,500 feet apart.

E. Distance shall be measured from the right-of-way of the exit or entrance ramp, or street corner (middle of the radius), along the intersecting street right-of-way, to the nearest property line.

~~F. Facility includes~~ must include at least two bathrooms capable of serving at least three persons at a time, open to the public, and compliant with the Americans with Disabilities Act.

~~FG.~~ FG. If a reverse frontage design is proposed the primary building shall be located close to the street to define street edge. Pump islands shall not be located between the building and the street, but shall be placed behind or to the side of the primary building. The facade of the primary building located closest to the street shall include architectural features and shall have an active entrance either on the side or rear, with clear unobstructed pedestrian access from the public sidewalk. The street facade shall have at least 25 percent fenestration or faux fenestration.

~~GH.~~ GH. Service areas, storage areas, and trash enclosure shall be oriented away from public view and screened from adjacent properties.

~~HI.~~ HI. Facilities must provide a two-foot-high masonry wall with landscaping and/or an evergreen hedge to help screen the pumps from view from a public right-of-way.



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD-21-004

☒ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**

☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☐ **OTHER**

Date Submitted: 6/17/2021 Work Session: Council Meeting: 7/26/2021

SUBMITTED BY: Jim Summerbell, AICP – Planning and Zoning Director

PRESENTER: Jim Summerbell

PURPOSE: To remove the exemption for the requirement of SLUPs within the City Overlay Districts

FACTS AND ISSUES: Subsection 3.1.1.D. of the Zoning Ordinance currently allows an exemption from requiring a SLUP for any parcels within Overlay Districts when the base zoning the particular use in question would typically require one. This exemption has allowed specific uses that typically go through the SLUP approval process, such as Senior Housing developments, to be permitted. This exemption applies to all of the city's overlay districts, the Stonecrest Overlay, I-20 Overlay, and the Arabia Mountain Overlay.

Removing this exemption would allow the public, the planning commission, and the city council greater oversight and control over uses allowed in the overlay districts and more transparency in the planning process. The overlays occupy over a third of the city's land area, so this amendment could have a significant impact on controlling the city's future development.

To help in zoning administration regarding the Overlays and the use of SLUPs, the staff is also recommending the insertion of a new Overlay Use Table.

OPTIONS: Table, Deny, Approve, Approve with modifications

RECOMMENDED ACTION: Approve



CITY COUNCIL AGENDA ITEM

ATTACHMENTS:

- (1) Ordinance TMOD-21-004
- (2) Staff report related to actions taken by the Planning Commission on June 22, 2021
- (3) Overlay District Maps by Council District for reference

TMOD-21-004 ATTACHMENT 1:

DRAFT Ordinance TMOD-21-004

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE NO. TMOD 21-004

1 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF
2 STONECREST, GEORGIA, BY AMENDING AND ADDING A NEW
3 SECTION TO DIVISION 1 OF ARTICLE 3 (OVERLAY DISTRICT
4 REGULATIONS) WITHIN CHAPTER 27 (ZONING ORDINANCE); TO
5 PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL
6 OF CONFLICTING ORDINANCES AND RESOLUTIONS; TO PROVIDE AN
7 ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL
8 PURPOSES.

9 WHEREAS, the governing body of the City of Stonecrest, Georgia (“City”) is the Mayor
10 and Council thereof; and

11 WHEREAS, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of
12 Georgia authorizes the City to adopt plans and exercise the power of zoning; and

13 WHEREAS, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to
14 adopt ordinances relating to its property, affairs, and local government; and

15 WHEREAS, the Mayor and Council desire to amend and add a new section to Division 1
16 of Article 3 (Overlay District Regulations) of Chapter 27 (Zoning Ordinance) of the City’s Code;
17 and

18 WHEREAS, from time-to-time amendments may be proposed for public necessity,
19 general welfare, or sound zoning practice that justify such action; and

20 **WHEREAS**, the Director of Planning and Planning Commission recommend approval
21 based on the City Staff Report and said report is hereby incorporated by reference herein; and

22 **WHEREAS**, a public hearing pursuant to the provisions of the Zoning Procedures Act has
23 been properly held prior to the adoption of this Ordinance; and

24 **WHEREAS**, the health, safety, morals and general welfare of the citizens of the City will
25 be positively impacted by the adoption of this Ordinance.

26 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
27 **THE CITY OF STONECREST, GEORGIA**, and by the authority thereof:

28 **Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended
29 by amending and adding a new section to Division 1 of Article 3 (Overlay District Regulations)
30 of Chapter 27 (Zoning), and inserting the provisions set forth in Exhibit A attached hereto and
31 made a part by reference.

32 **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby
33 incorporated by reference as if fully set out herein.

34 **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all
35 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
36 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

37 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent
38 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is
39 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is
40 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent
41 allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually
42

dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) 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 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.

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

Section 5. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

Section 6. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Stonecrest, Georgia.

(SIGNATURES ON FOLLOWING PAGE)

ORDAINED this ____ day of _____, 2021.

CITY OF STONECREST, GEORGIA

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George Turner, Mayor Pro Tempore

ATTEST:

Patricia Wheeler, City Clerk

APPROVED AS TO FORM:

City Attorney

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EXHIBIT A
(SEE ATTACHED)

98 **Sec. 3.1.1. - Overlay districts generally.**

99
100 Overlay districts are supplemental to the zoning district classifications established in article
101 2 of this chapter. This section shall supersede the applicability statements in each overlay
102 district except as provided in subsection (F) of this section, and are applicable as follows:

- 103 A. All development and building permits for lots located, in whole or in part, within any
104 overlay district shall meet all of the regulations of the underlying zoning district in
105 which they are located as well as all of the regulations of the applicable overlay district.
- 106 B. For new development after the effective date of the ordinance from which this chapter
107 is derived, when no complete application for a land disturbance or building permit has
108 been filed with respect to a property located within an overlay district and the property
109 has conditions of zoning that were approved prior to, and in conflict with the overlay
110 district regulations contained in this article, the overlay district regulations shall
111 prevail. If a condition of zoning does not conflict with the overlay district regulations,
112 the condition of zoning shall remain applicable to the property.
- 113 C. For existing development, if overlay district regulations conflict with the conditions
114 of zoning applicable to property within in an overlay district, the existing zoning
115 conditions remain applicable to the property.
- 116 ~~D. If a use is permitted in the overlay district, but the underlying zoning requires a special~~
117 ~~land use permit for the same use, the overlay shall govern, and no special land use~~
118 ~~permit is required.~~
- 119 ED. If overlay district regulations conflict with other regulations contained in this chapter,
120 the overlay district regulations shall prevail.
- 121 FE. The use of property may be permitted without rezoning if listed as allowed by the
122 overlay. Uses allowed by the underlying zoning in article 4 of this chapter, shall also be
123 permitted in the overlay district, unless they are listed as prohibited within the overlay
124 district.
- 125 GF. Each application for a business license, land disturbance permit, building permit or
126 sign permit, which involves the development, use, exterior alteration, exterior
127 modification or addition of any structure, must demonstrate compliance with all
128 overlay district regulations, subject to article 8 of this chapter, nonconforming uses,
129 structures and buildings.
- 130 HG. The zoning district designations contained in article 3 of this chapter, titled Overlay
131 District Regulations, were not revised to reflect the new zoning district designations
132 utilized in the updated zoning ordinance. Any discontinued zoning district references
133 contained in this article 3 of this chapter shall therefore be construed using the
134 conversion chart contained in Table 1.1 of article 1 of the zoning ordinance, and
135 applied as appropriate to the updated provision of the zoning ordinance.
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141 Sec. 3.1.6. – Overlay Use table.

142
143 Table 3.1 indicates the permitted uses within the overlay zoning districts. Even though
144 a use is listed as an allowable use within a particular base zoning district, additional use
145 restrictions may apply based on the applicable overlay zoning district requirements specified
146 in this article.

147
148 A. The uses listed in Table 3.1 shall be permitted only within the zoning overlay districts
149 identified, and no use shall be established and no structure associated with such use shall
150 be erected, structurally altered or enlarged unless the use is permitted as:

- 151
- 152 1. A permitted use (P);
 - 153 2. A special use (SP) subject to the special land use permit application
154 procedures specified in article 7 of this chapter;
 - 155 3. An administratively approved use (SA) subject to the special administrative
156 permit procedures specified in article 7 of this chapter;
 - 157 4. An accessory use (PA) as regulated by article 4 of this chapter. Table 3.1 does not list
158 all accessory uses but clarifies uses acceptable as accessory, though not typically
159 considered principal uses for the zoning classification.
 - 160 5. Uses lawfully established prior to the effective date of this zoning ordinance.

161
162 B. Any use not listed in Table 3.1, below, or interpreted to be allowed by the director
163 of planning pursuant to section 4.1.2 is prohibited. Any applicant denied a permit to
164 allow a use of property in a zoning district other than as provided in this section may
165 file an appeal before the zoning board of appeals as provided in article 7 of this chapter.

166
167 C. If there is a conflict between Table 3.1 and the text of this chapter, the text shall prevail.
168

Table 3.1 Overlay Use

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
AGRICULTURAL											
Agriculture and Forestry											
Commercial greenhouse or plant nursery	P	P	P	P							✓
Temporary or portable sawmill			P								✓
Urban, community garden, up to 5 ac.	P		P	P						P	✓
Urban, community garden, over 5 ac.	P	P	P	P						P	
Animal Oriented Agriculture											
Dairy			P								✓
Keeping of livestock			P								✓
Keeping of poultry/pigeons			P								✓
Livestock sales pavilion											✓
Riding academies or stables											✓
RESIDENTIAL											
Dwellings											
Dwelling, cottage home	P	P									✓
Dwelling, mobile home			P								✓
Dwelling, multi-family	P	P	P		X		P	P	P		
Dwelling, multi-family (supportive living)	P	P	P		X						✓
Dwelling, townhouse	P	P	P								✓
Dwelling, urban single-family	P	P	Pa								✓
High-rise apartment	SP	SP	P	SP							
Dwelling, single-family (attached)	P	P	P				P	P	P		
Dwelling, single-family (detached)	P	P	P		P						
Dwelling, three-family	P	P	P								
Dwelling, two-family	P	P	P								
Dwelling, single-family, accessory (guesthouse, in-law suite)			Pa								✓
Home occupation, no customer contact	P	P									✓
Home occupation, with customer contact	P	P									✓
Live/work unit	P	P	P	P							✓
Mobile home park											

Table 3.1 Overlay Use

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"											
Accessory uses or structures	Pa	Pa	Pa	Pa							✓
Housing and Lodging											
Bed and Breakfast homes										P	
Bed and breakfast	P	P	SP	P	P						✓
Bed and breakfast, home stay		P	SP								✓
Boarding/Rooming house	P	P	P								
Convents or monasteries	P	P	SP								✓
Dormitory	Pa	Pa	Pa	Pa							
Extended stay hotel/motel	SP	SP	SP	SP			X	X	X	X	✓
Fraternity house or sorority house	P	P	P	SP							
Hotel/Motel	X	X	X	X	X		P	P	P		
Short Term Vacation Rental											
Nursing care facility or hospice	P	P	P	P							
Personal care facility, 7 or more	P	P	P	P	P						✓
Personal care home, up to 6	P	P	P	P	P						✓
Child caring home, up to 5	P	P	P	P							✓
Child caring facility, 6 or more	P	P	P	P							✓
Child day care center	P	P	P	P	P						
Senior housing	P	P	P	P							✓
Shelter for homeless persons, 7-20	SP	SP	SP	P						X	✓
Shelter for homeless persons for no more than six (6) persons	SP	SP	SP	SP						X	✓
Transitional housing facility, 7-20	SP	SP	SP	P						X	✓
INSTITUTIONAL/PUBLIC											
Community Facilities											
Cemetery, columbarium,mausoleum	P	P	P	P							✓
Club, order or lodge, fraternal, non-commercial	P	P	P	P			P	P	P		
Coliseum or stadium/not associated with church or school	P	P	P	P						X	✓
Dog Park										P	
Funeral home, mortuary	P	P	X	X	X		P	P	P	P	
Golf course or clubhouse, public or private	P	P	P	P							✓
Government facilities	P	P	P	P							

Table 3.1 Overlay Use

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"											
Hospital or accessory ambulance service	P	P	P	P							
Library or museum	P	P	P	P							
Cultural Facilities	SP	SP	SP	SP	P		P	P	P		
Recreation Club	P	P	P								
Neighborhood or subdivision clubhouse or amenities	P	P	P	P							
Places of Worship	P	P	P	P	P		P	P	P		
Recreation, outdoor	P	P	P	P							
Swimming pools, commercial	P	P	P	P						X	✓
Tennis center, club and facilities							P	P	P		
Tennis courts, swimming pools, play or recreation areas, community	P	P	P	P			Pa	Pa	Pa		✓
Utility structure necessary for the transmission or distribution of services							P	P	P		
Education											
Colleges, universities, research and training facilities	P	P	P	P							
Private educational services, home occupation	P	P									✓
Private kindergarten, elementary, middle or high schools	P	P	P	P			P	P	P		✓
Vocational schools	P	P	P	P			P	P	P		✓
Specialized schools	P	P	P	P			P	P	P		✓
COMMERCIAL											
Automobile, boat and trailer sales and service											
Automobile or truck rental or leasing facilities	X	X	P	P						X	✓
Automobile brokerage	P	P	P	P						X	✓
Auto recovery, storage										X	✓
Auto mobile emission testing facility	X	X	X	X							
Automobile repair or maintenance, minor	P	X	X	P			P	P	P	X	✓
Automobile repair, major	X	X	X	X	X					X	✓
Automobile sales, used							X	X	X		
Automobile sales or truck sales	X	X	X	P	X					X	✓
Automobile service stations	SP	SP	X	SP						X	✓
Automobile service stations over 4,000 square feet			SP								
Automobile upholstery shop	P	P	P	P						X	
Automobile wash/wax service	X	X	X	X	X		X	X	X	X	✓

Table 3.1 Overlay Use

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"											
Boat sales	P	P	P	P						X	✓
Retail automobile parts or tire store	P	P	P	P			P	P	P		✓
Service area, outdoor	Pa	Pa	Pa	Pa							✓
Trailer or RV salesroom and lot	P	P	P	P						X	✓
Office											
Accounting office	P	P	P	P			P	P	P		
Building or construction office	P	P	P	P			P	P	P		✓
Building, landscape, heavy construction contractor office (material, equipment, storage)	P	P	P	P							✓
Engineering or architecture office	P	P	P	P			P	P	P		
Finance office or banking	P	P	P	P			P	P	P		
General Business Office	P	P	P	P	P						
Insurance Office	P	P	P	P	P		P	P	P		
Legal Office	P	P	P	P	P		P	P	P		
Medical Office	P	P	P	P	P		P	P	P		
Real Estate Office	P	P	P	P	P		P	P	P		
Recreation and Entertainment											
Sexually Oriented Business	X		X	X		X	X	X	X	X	✓
Drive-in theater	P	P	P	P						X	✓
Fairground or amusement park	P	P	P	P						X	✓
Indoor recreation (bowling alleys, movie theatres and other activities conducted wholly indoor)	P	P	P	P			P	P	P		
Nightclub or late night establishment (maximum 10,000 square feet)	SP	X	X	X	X			X	X	X	✓
Outdoor recreation (miniature golf, batting cages, tennis, Go-cart and other outdoor activities)	P	P	P	P	X		X	X	X		✓
Special events facility	P	P	P	P							
Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building	P	P	P	P	P						
Outdoor concert hall										P	
Recreation, passive										P	
Retail											
Alcohol outlet- package store, primary	P	P		SP		X				X	✓
Alcohol outlet- beer and/or wine store, beer growler, primary	P	P	P	SP						X	✓
Alcohol outlet- beer and wine, accessory to retail less than 12,000 sf (see also 4.1.3 (F))	P	P	P	SP						X	✓

Table 3.1 Overlay Use

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
Apparel or accessories store	P	P	P	P	P		P	P	P		
Art gallery	P	P	P	P	P		P	P	P		
Art supply store							P	P	P		
Book, greeting card, or stationery store	P	P	P	P	P		P	P	P		
Camera or photography	P	P	P	P	P		P	P	P		
Commercial greenhouse or plant nursery	P	P	P	P	P						✓
Computer or computer software store	P	P	P	P	P		P	P	P		
Convenience store (see alcohol outlet or fuel pumps accessory)	P	P	P	P			P	P	P	X	✓
Drive-through facilities (other than restaurants)			P							X	✓
Electrical supply store							P	P	P		
Farm or garden supply store	X	X					P	P	P		
Farmer's market, permanent	P	P	P	P	P						✓
Farmer's market, temporary/seasonal	P	P	P	P	P						✓
Florist	P	P	P	P	P		P	P	P		
Specialty food stores (e.g., coffee, ice cream) (see alcohol outlet)	P	P	P	P	P		P	P	P		
Fuel dealers, manufacturers or wholesalers	P	P	P	P	P					X	
Fuel pumps	X	X	X	X	X					X	✓
Furniture, home furnishings and equipment store							P	P	P		
General merchandise store							P	P	P		
Gift, novelty, or souvenir store	P	P	P	P	P		P	P	P		
Gold buying, precious metals	P	P	P	P	P						
Grocery stores (see alcohol outlet)	P	P	P	P	P						
Hardware store or other building materials store	P	P	P	P	P		P	P	P		
Hobby, toy or game store	P	P	P	P	P						
Jewelry store	P	P	P	P	P		P	P	P		
Music or music equipment store (retail)	P	P	P	P	P		P	P	P		
Liquor store (see alcohol outlet)	P	P	X	X	X		X	X	X		✓
News dealer or news store	P	P	P	P	P		P	P	P		
Office supplies and equipment store	P	P	P	P	P		P	P	P		
Paint, glass and wallpaper store							P	P	P		
Pawn shop, title loan	X	X	X	X	X	X	X	X	X	X	

Table 3.1 Overlay Use

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use											
* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
Pet supply store	P	P	P	P	P		P	P	P		
Pharmacy or drug store (see alcohol outlet)	P	P	P	P	P		P	P	P		
Radio, television or consumer electronics store	P	P	P	P	P		P	P	P		
Retail, 5,000 sf or less	P	P	P	P	P						
Retail, over 5,000 sf (see also shopping center)	P	P	P	P	P						
Retail warehouses/wholesales providing sales of merchandise with no outdoor storage	P	P	P	P	P						
Shopping center	P	P	P	P	P		P	P	P		
Specialty store	P	P	P	P	P		P	P	P		
Sporting goods or bicycle sale	P	P	P	P	P		P	P	P		
Thrift, secondhand, antique store	P	P	P	P	P						
Trade shops: electrical, plumbing, heating/cooling, roofing/siding, with no outside storage	P	P	P	P	P						
Variety store	P	P	P	P	P		P	P	P		
Videotape sales and rental store							P	P	P		
Temporary Commercial Uses											
Temporary outdoor sales, seasonal	P	P	X	P	X		X	X	X		✓
Temporary produce stand	P	P	P	P							✓
Temporary outdoor retail sales	P	P		P							✓
Temporary outdoor events	P	P	P	P							✓
Temporary trailer, as home sales office or construction trailer	P	P	P	P							✓
Restaurant/Food establishments											
Brewpub/Beer Growler	P	P	P	P							
Catering establishments	P	P	P	P							
Restaurants (acc. to hotel/motel)	P	P	P	P							
Restaurants (non-drive-thru)	P	P	P	P			P	P	P		
Restaurants with a drive-thru configuration	SP	SP	SP	SP							✓
Transportation and Storage											
Bus or rail stations or terminals for passengers	SP	SP	SP	SP						X	
Heliport	SP	SP	SP	SP			SP	SP	SP		✓
Parking, commercial lot	X	X	X	P			Pa	Pa	Pa	X	✓
Parking, commercial garage	P	P	P	P			Pa	Pa	Pa	X	
Taxi, ambulance or limousine service, dispatching or storage.	P	P	P	P						X	✓

Table 3.1 Overlay Use

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"											
Taxi, ambulance, limousine dispatch office only (no vehicle parking)	P	P	P	P			P	P	P		
Taxi stand	P	P	P	P			P	P	P		
Services											
Adult day care center - 7 or more	P	P	P	P	P						✓
Adult day care facility - up to 6	P	P	P	P	P						✓
Animal grooming											
Animal hospitals, veterinary clinic	P	P	P	P			P	P	P		✓
Animal shelter/rescue center	P	P	P	P							✓
Banks, credit unions or other similar financial institutions	P	P	P	P			P	P	P		
Barber shop/ beauty salon or similar establishments	P	P	P	P			P	P	P		
Business service establishment							P	P	P		
Check cashing establishment,primary	X	X	X	X		X				X	✓
Check cashing establishment,accessory	X	X	X	X		X				X	✓
Child day care center (Kindergarten) - 7 or more	P	P	P	P			P	P	P		✓
Child day care facility - up to 6	P	P	P	P			P	P	P		✓
Coin laundry	P	P	P	P							
Dog day care	P	P	P	P							
Dog grooming	P	P	P	P							
Dry cleaning agencies, pressing establishments , or laundry pick up stations	P	P	P	P			P	P	P		
Fitness center	P	P	P	P			P	P	P		
Kennel, breeding or boarding	X	X	X	X	X		X	X	X		
Kennel, commercial	X	X	X	X	X		X	X	X		
Kennel, noncommercial	X	X	X	X	X		X	X	X		
Landscape business	P	P	P	P							
Linen and diaper service, garment pressing, alterations and repair							P	P	P		
Mini-warehouse	P	P	P	P						X	✓
Outdoor storage, commercial	X	X	X	X	X		X	X	X	X	✓
Personal services establishment	P	P	P	P	P					X	
Photoengraving, typesetting, electrotyping	P	P	P	P							
Photographic studios	P	P	P	P			P	P	P		
Plumbing, HV/AC equipment establishments with no outdoor storage	P	P	P	P							

Table 3.1 Overlay Use

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use											
* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"											
Publishing or printing establishments	P	P	P	P							
Quick copy printing store	P	P	P	P			P	P	P		
Services, Medical and Health											
Ambulance service or emergency medical services, private	P	P	P	P			P	P	P	X	
Health services clinic	P	P	P	P	P		P	P	P		
Home healthcare service	P	P	P	P							
Kidney dialysis center	P	P	P	P							
Medical or dental laboratories	P	P	P	P			P	P	P		
Services, Repair											
Furniture upholstery or repair; home appliance repair or service	X	X	X	X							
Radio, television and similar home appliance repair service							P	P	P		
Personal service, repair (watch, shoes, jewelry)	P	P	P	P			P	P	P		
Service area, outdoor	Pa	Pa	Pa	Pa							✓
INDUSTRIAL											
Alcohol or alcoholic beverage manufacturing											
Alternative energy production	SP	SP	SP								
Automobile/truck manufacturing											
Brick, clay, tile, or concrete products terra cotta manufacturing											
Building materials or lumber supply establishment	P	P	P	P							
Cement, lime, gypsum, or plaster of Paris manufacturing											
Compressed gas fuel station	SP	SP	SP	P							
Chemical manufacture, organic or inorganic											
Contractor, general (See also Building or Construction Office)	P	P	P	P							✓
Contractor, heavy construction, outside storage	P	P	P	P						X	
Contractor, special trade	P	P	P	P							
Crematoriums	SP	SP	X	X	X					X	
Distillation of bones or glue manufacture											
Dry cleaning plant			P								
Dye works											
Explosive manufacture or storage											
Fabricated metal manufacture											

Table 3.1 Overlay Use

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
Fat rendering or fertilizer manufacture											
Fuel dealers, manufactures or wholesalers			P								
General aviation airport			P								✓
Heavy equipment repair service or trade	P	P	P	P			X	X	X		
Ice manufacturing plant			P								
Incidental retail sales of goods produced or processed on the premises			Pa								
Incineration of garbage or refuse when conducted within an enclosed plant											
Industrial, heavy											
Industrial, light			P								
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal											
Leather manufacturing or processing											
Light malt beverage manufacturer(See also Brewpub)	Pa	Pa	P	Pa							
Light manufacturing			P								
Manufacturing, heavy											✓
Manufacturing operations not housed within a building											✓
Mines or mining operations,quarries, asphalt plants, gravel pits or soil pits											✓
Outdoor storage, industrial	X	X	X	X	X		X	X	X		✓
Paper or pulp manufacture											✓
Petroleum or inflammable liquids production, refining											✓
Radioactive materials: utilization, manufacture, processing or emission											✓
Railroad car classification yards or team truck yards			P								✓
Recovered materials facility wholly within a building			P								✓
Recovered materials processing wholly within a building			P								✓
Recycling collection	Pa	Pa	Pa	Pa							
Recycling plant			P								
Repair/manufacture of clocks, watches, toys, electrical appliances, electronic, light sheet			P								
Research, experimental or testing laboratories			P								
Rubber or plastics manufacture			P								
Salvage yard (Junkyard)	X	X	X	X	X		X	X	X	X	✓
Solid waste: general disposal, landfill, private industry disposal, handling facility, thermal treatment technology or hazardous/toxic materials including radioactive materials										X	✓

Table 3.1 Overlay Use

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
Smelting: copper, iron, zinc, or ore											
Storage yard, except vehicle											
Storage yard for damaged or confiscated vehicles		X					X	X	X		
Sugar refineries		X									
Tire retreading and recapping	X	X	X	X	X		X	X	X		
Towing or wreckage service			P								
Transportation equipment storage or maintenance (vehicle)										X	✓
Truck stop or terminal										X	
Vehicle storage yard										X	
Warehousing or Storage	P	P	P							X	
COMMUNICATION – UTILITY											
Amateur radio service or antenna											✓
Electric transformer station, gas regulator station or telephone exchange											
Radio or television broadcasting studio	P	P	P	P			P	P	P		
Radio or television broadcasting transmission facility	P	P	P	P							
Satellite television antennae	P	P	P	P							✓
WIRELESS TELECOMMUNICATION (cell tower)											
New support structure from 51 feet to 150 feet											✓
New support structure from 50 feet up to 199 feet	P	P	P	P							✓
COW's (non-emergency or event, no more than 120 days)	P	P	P	P							✓
COW's (declared emergency)	P	P	P	P							✓
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)											
Attached wireless telecommunication facility	P	P	P	P							✓
Small cell installations (new support structures or collocation) on private property or ROW	P	P	P	P							✓

TMOD-21-004 ATTACHMENT 2:

**Staff report related to actions taken by the
Planning Commission on June 22, 2021**



CITY COUNCIL STAFF REPORT

MEETING DATE: July 26, 2021

Report on Planning Commission Action Regarding

Petition Number: TMOD 21-004

Applicant: Stonecrest Planning & Zoning Department

Project Location: City-Wide

Proposed Amendment: Text amendment to delete Subsection 3.1.1.D of the Zoning Ordinance and to insert a new overlay use table

Planning Commission Recommendation:

The Stonecrest Planning Commission met on June 22, 2021 at a Special Called Meeting to take action on four text amendments to the City Code of Ordinances, including TMOD-21-004. After presentation by staff, the Planning Commission took action to **recommend approval of TMOD-21-004** to the City Council as presented by staff with no modifications.

The staff report presented to the Planning Commission is attached for reference.



PLANNING COMMISSION STAFF REPORT

MEETING DATE: June 22, 2021

GENERAL INFORMATION

Petition Number: TMOD 21-004

Applicant: Stonecrest Planning & Zoning Department

Project Location: City-Wide

Proposed Amendment: Text amendment to delete Subsection 3.1.1.D of the Zoning Ordinance and to insert a new overlay use table

PURPOSE: To remove the exemption for the requirement of SLUPs within the City Overlay Districts

FACTS AND ISSUES: Subsection 3.1.1.D. of the Zoning Ordinance currently allows an exemption from requiring a SLUP for any parcels within Overlay Districts when the base zoning the particular use in question would normally require one. This exemption has allowed certain uses that typically would go through SLUP approval process, such as Senior Housing developments, be permitted. This exemption applies to all of the city's overlay districts, the Stonecrest Overlay, I-20 Overlay, and the Arabia Mountain Overlay.

Removing this exemption would allow the public, the planning commission and the city council greater oversight and control over uses allowed in the overlay districts, and more transparency in the planning process. The overlays occupy over a third of the land area of the city, so this amendment could have significant impact on controlling the future development of the city.

To help in zoning administration regarding the Overlays and the use of SLUPs, staff is also recommending the insertion of a new Overlay Use Table.

OPTIONS: Table, Deny, Approve, Approve with modifications



PLANNING COMMISSION STAFF REPORT

RECOMMENDED ACTION: Recommend approval to the City Council

ATTACHMENTS:

- (1) Track Changes version of the City Code Ordinances as they relate to TMOD-21-004
- (2) Overlay District Maps by Council District for reference.

Track Changes summary of Proposed Amendments to the Zoning Ordinance related to TMOD-21-004

Sec. 3.1.1. - Overlay districts generally.

Overlay districts are supplemental to the zoning district classifications established in article 2 of this chapter. This section shall supersede the applicability statements in each overlay district except as provided in subsection (F) of this section, and are applicable as follows:

- A. All development and building permits for lots located, in whole or in part, within any overlay district shall meet all of the regulations of the underlying zoning district in which they are located as well as all of the regulations of the applicable overlay district.
- B. For new development after the effective date of the ordinance from which this chapter is derived, when no complete application for a land disturbance or building permit has been filed with respect to a property located within an overlay district and the property has conditions of zoning that were approved prior to, and in conflict with the overlay district regulations contained in this article, the overlay district regulations shall prevail. If a condition of zoning does not conflict with the overlay district regulations, the condition of zoning shall remain applicable to the property.
- C. For existing development, if overlay district regulations conflict with the conditions of zoning applicable to property within in an overlay district, the existing zoning conditions remain applicable to the property.
- ~~D. If a use is permitted in the overlay district, but the underlying zoning requires a special land use permit for the same use, the overlay shall govern, and no special land use permit is required.~~
- ~~ED.~~ If overlay district regulations conflict with other regulations contained in this chapter, the overlay district regulations shall prevail.
- ~~FE.~~ The use of property may be permitted without rezoning if listed as allowed by the overlay. Uses allowed by the underlying zoning in article 4 of this chapter, shall also be permitted in the overlay district, unless they are listed as prohibited within the overlay district.
- ~~GE.~~ Each application for a business license, land disturbance permit, building permit or sign permit, which involves the development, use, exterior alteration, exterior modification or addition of any structure, must demonstrate compliance with all overlay district regulations, subject to article 8 of this chapter, nonconforming uses, structures and buildings.
- ~~HG.~~ The zoning district designations contained in article 3 of this chapter, titled Overlay District Regulations, were not revised to reflect the new zoning district designations utilized in the updated zoning ordinance. Any discontinued zoning district references contained in this article 3 of this chapter shall therefore be construed using the conversion chart contained in Table 1.1 of article 1 of the zoning ordinance, and applied as appropriate to the updated provision of the zoning ordinance.

Sec. 3.1.6. - Overlay Use table.

Table 3.1 indicates the permitted uses within the overlay zoning districts. Even though a use is listed as an allowable use within a particular base zoning district, additional use restrictions may apply based on the applicable overlay zoning district requirements specified in this article.

A. The uses listed in Table 3.1 shall be permitted only within the zoning overlay districts identified, and no use shall be established and no structure associated with such use shall be erected, structurally altered or enlarged unless the use is permitted as:

1. A permitted use (P);
2. A special use (SP) subject to the special land use permit application procedures specified in article 7 of this chapter;
3. An administratively approved use (SA) subject to the special administrative permit procedures specified in article 7 of this chapter;
4. An accessory use (PA) as regulated by article 4 of this chapter. Table 3.1 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered principal uses for the zoning classification.
5. Uses lawfully established prior to the effective date of this zoning ordinance.

B. Any use not listed in Table 3.1, below, or interpreted to be allowed by the director of planning pursuant to section 4.1.2 is prohibited. Any applicant denied a permit to allow a use of property in a zoning district other than as provided in this section may file an appeal before the zoning board of appeals as provided in article 7 of this chapter.

C. If there is a conflict between Table 3.1 and the text of this chapter, the text shall prevail.

Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2		
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"	T1	T2	T3	T4	T5*	T6*	T1	T2	T3				
							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development				
AGRICULTURAL													
Agriculture and Forestry													
Commercial greenhouse or plant nursery	P	P	P	P							✓		
Temporary or portable sawmill			P								✓		
Urban, community garden, up to 5 ac.	P		P	P						P	✓		
Urban, community garden, over 5 ac.	P	P	P	P						P			
Animal Oriented Agriculture													
Dairy			P								✓		
Keeping of livestock			P								✓		
Keeping of poultry/pigeons			P								✓		
Livestock sales pavilion											✓		
Riding academies or stables											✓		
RESIDENTIAL													
Dwellings													
Dwelling, cottage home	P	P									✓		
Dwelling, mobile home			P								✓		
Dwelling, multi-family	P	P	P		X		P	P	P				
Dwelling, multi-family (supportive living)	P	P	P		X						✓		
Dwelling, townhouse	P	P	P								✓		
Dwelling, urban single-family	P	P	Pa								✓		
High-rise apartment	SP	SP	P	SP									
Dwelling, single-family (attached)	P	P	P				P	P	P				
Dwelling, single-family (detached)	P	P	P		P								
Dwelling, three-family	P	P	P										
Dwelling, two-family	P	P	P										
Dwelling, single-family, accessory (guesthouse, in-law suite)			Pa								✓		
Home occupation, no customer contact	P	P									✓		
Home occupation, with customer contact	P	P									✓		
Live/work unit	P	P	P	P							✓		
Mobile home park													

Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"											
Accessory uses or structures	Pa	Pa	Pa	Pa							✓
Housing and Lodging											
Bed and Breakfast homes										P	
Bed and breakfast	P	P	SP	P	P						✓
Bed and breakfast, home stay		P	SP								✓
Boarding/Rooming house	P	P	P								
Convents or monasteries	P	P	SP								✓
Dormitory	Pa	Pa	Pa	Pa							
Extended stay hotel/motel	SP	SP	SP	SP			X	X	X	X	✓
Fraternity house or sorority house	P	P	P	SP							
Hotel/Motel	X	X	X	X	X		P	P	P		
Short Term Vacation Rental											
Nursing care facility or hospice	P	P	P	P							
Personal care facility, 7 or more	P	P	P	P	P						✓
Personal care home, up to 6	P	P	P	P	P						✓
Child caring home, up to 5	P	P	P	P							✓
Child caring facility, 6 or more	P	P	P	P							✓
Child day care center	P	P	P	P	P						
Senior housing	P	P	P	P							✓
Shelter for homeless persons, 7-20	SP	SP	SP	P						X	✓
Shelter for homeless persons for no more than six (6) persons	SP	SP	SP	SP						X	✓
Transitional housing facility, 7-20	SP	SP	SP	P						X	✓
INSTITUTIONAL/PUBLIC											
Community Facilities											
Cemetery, columbarium,mausoleum	P	P	P	P							✓
Club, order or lodge, fraternal, non-commercial	P	P	P	P			P	P	P		
Coliseum or stadium/not associated with church or school	P	P	P	P						X	✓
Dog Park										P	
Funeral home, mortuary	P	P	X	X	X		P	P	P	P	
Golf course or clubhouse, public or private	P	P	P	P							✓
Government facilities	P	P	P	P							

Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"											
Hospital or accessory ambulance service	P	P	P	P							
Library or museum	P	P	P	P							
Cultural Facilities	SP	SP	SP	SP	P		P	P	P		
Recreation Club	P	P	P								
Neighborhood or subdivision clubhouse or amenties	P	P	P	P							
Places of Worship	P	P	P	P	P		P	P	P		
Recreation, outdoor	P	P	P	P							
Swimming pools, commercial	P	P	P	P						X	
Tennis center, club and facilities							P	P	P		
Tennis courts, swimming pools, play or recreation areas, community	P	P	P	P			Pa	Pa	Pa		
Utility structure necessary for the transmission or distribution of services							P	P	P		
Education											
Colleges, universities, research and training facilities	P	P	P	P							
Private educational services, home occupation	P	P									
Private kindergarten, elementary, middle or high schools	P	P	P	P			P	P	P		
Vocational schools	P	P	P	P			P	P	P		
Specialized schools	P	P	P	P			P	P	P		
COMMERCIAL											
Automobile, boat and trailer sales and service											
Automobile or truck rental or leasing facilities	X	X	P	P						X	
Automobile brokerage	P	P	P	P						X	
Auto recovery, storage										X	
Auto mobile emission testing facility	X	X	X	X							
Automobile repair or maintenance, minor	P	X	X	P			P	P	P	X	
Automobile repair, major	X	X	X	X	X					X	
Automobile sales, used							X	X	X		
Automobile sales or truck sales	X	X	X	P	X					X	
Automobile service stations	SP	SP	X	SP						X	
Automobile service stations over 4,000 square feet			SP								
Automobile upholstery shop	P	P	P	P						X	
Automobile wash/wax service	X	X	X	X	X		X	X	X	X	

Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
Boat sales	P	P	P	P						X	✓
Retail automobile parts or tire store	P	P	P	P			P	P	P		✓
Service area, outdoor	Pa	Pa	Pa	Pa							✓
Trailer or RV salesroom and lot	P	P	P	P						X	✓
Office											
Accounting office	P	P	P	P			P	P	P		
Building or construction office	P	P	P	P			P	P	P		✓
Building, landscape, heavy construction contractor office (material, equipment, storage)	P	P	P	P							✓
Engineering or architecture office	P	P	P	P			P	P	P		
Finance office or banking	P	P	P	P			P	P	P		
General Business Office	P	P	P	P	P						
Insurance Office	P	P	P	P	P		P	P	P		
Legal Office	P	P	P	P	P		P	P	P		
Medical Office	P	P	P	P	P		P	P	P		
Real Estate Office	P	P	P	P	P		P	P	P		
Recreation and Entertainment											
Sexually Oriented Business	X		X	X		X	X	X	X	X	✓
Drive-in theater	P	P	P	P						X	✓
Fairground or amusement park		P		P						X	✓
Indoor recreation (bowling alleys, movie theatres and other activities conducted wholly indoors)	P	P	P	P			P	P	P		
Nightclub or late night establishment (maximum 10,000 square feet)	SP	X	X	X	X			X	X	X	✓
Outdoor recreation (miniature golf, batting cages, tennis, Go-cart and other outdoor activities)	P	P	P	P	X		X	X	X		✓
Special events facility	P	P	P	P							
Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building	P	P	P	P	P						
Outdoor concert hall										P	
Recreation, passive										P	
Retail											
Alcohol outlet- package store,primary	P	P		SP		X				X	✓
Alcohol outlet- beer and/or wine store, beer growler, primary	P	P	P	SP						X	✓
Alcohol outlet- beer and wine, accessory to retail less than 12,000 sf (see also 4.1.3 (F))	P	P	P	SP						X	✓

Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
Apparel or accessories store	P	P	P	P	P		P	P	P		
Art gallery	P	P	P	P	P		P	P	P		
Art supply store							P	P	P		
Book, greeting card, or stationerystore	P	P	P	P	P		P	P	P		
Camera or photography	P	P	P	P	P		P	P	P		
Commercial greenhouse or plantnursery	P	P	P	P	P						✓
Computer or computer softwarestore	P	P	P	P	P		P	P	P		
Convenience store (see alcohol outlet or fuel pumps accessory)	P	P	P	P			P	P	P	X	✓
Drive-through facilities (other than restaurants)			P							X	✓
Electrical supply store							P	P	P		
Farm or garden supply store	X	X					P	P	P		
Farmer's market, permanent	P	P	P	P	P						✓
Farmer's market, temporary/seasonal	P	P	P	P	P						✓
Florist	P	P	P	P	P		P	P	P		
Specialty food stores (e.g., coffee, ice cream) (see alcohol outlet)	P	P	P	P	P		P	P	P		
Fuel dealers, manufacturers orwholesalers	P	P	P	P	P					X	
Fuel pumps	X	X	X	X	X					X	✓
Furniture, home furnishings and equipment store							P	P	P		
General merchandise store							P	P	P		
Gift, novelty, or souvenir store	P	P	P	P	P		P	P	P		
Gold buying, precious metals	P	P	P	P	P						
Grocery stores (see alcohol outlet)	P	P	P	P	P						
Hardware store or other building materials store	P	P	P	P	P		P	P	P		
Hobby, toy or game store	P	P	P	P	P						
Jewelry store	P	P	P	P	P		P	P	P		
Music or music equipment store (retail)	P	P	P	P	P		P	P	P		
Liquor store (see alcohol outlet)	P	P	X	X	X		X	X	X		✓
News dealer or news store	P	P	P	P	P		P	P	P		
Office supplies and equipment store	P	P	P	P	P		P	P	P		
Paint, glass and wallpaper store							P	P	P		
Pawn shop, title loan	X	X	X	X	X	X	X	X	X	X	

Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
Pet supply store	P	P	P	P	P		P	P	P		
Pharmacy or drug store (see alcohol outlet)	P	P	P	P	P		P	P	P		
Radio, television or consumer electronics store	P	P	P	P	P		P	P	P		
Retail, 5,000 sf or less	P	P	P	P	P						
Retail, over 5,000 sf (see also shopping center)	P	P	P	P	P						
Retail warehouses/wholesales providing sales of merchandise with no outdoor storage	P	P	P	P	P						
Shopping center	P	P	P	P	P		P	P	P		
Specialty store	P	P	P	P	P		P	P	P		
Sporting goods or bicycle sale	P	P	P	P	P		P	P	P		
Thrift, secondhand, antique store	P	P	P	P	P						
Trade shops: electrical, plumbing, heating/cooling, roofing/siding, with no outside storage	P	P	P	P	P						
Variety store	P	P	P	P	P		P	P	P		
Videotape sales and rental store							P	P	P		
Temporary Commercial Uses											
Temporary outdoor sales, seasonal	P	P	X	P	X		X	X	X		✓
Temporary produce stand	P	P	P	P							✓
Temporary outdoor retail sales	P	P		P							✓
Temporary outdoor events	P	P	P	P							✓
Temporary trailer, as home salesoffice or construction trailer	P	P	P	P							✓
Restaurant/Food establishments											
Brewpub/Beer Growler	P	P	P	P							
Catering establishments	P	P	P	P							
Restaurants (acc. to hotel/motel)	P	P	P	P							
Restaurants (non-drive-thru)	P	P	P	P			P	P	P		
Restaurants with a drive-thru configuration	SP	SP	SP	SP							✓
Transportation and Storage											
Bus or rail stations or terminals for passengers	SP	SP	SP	SP						X	
Heliport	SP	SP	SP	SP			SP	SP	SP		✓
Parking, commercial lot	X	X	X	P			Pa	Pa	Pa	X	✓
Parking, commercial garage	P	P	P	P			Pa	Pa	Pa	X	
Taxi, ambulance or limousine service, dispatching or storage.	P	P	P	P						X	✓

Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"											
Taxi, ambulance, limousine dispatch office only (no vehicle parking)	P	P	P	P			P	P	P		
Taxi stand	P	P	P	P			P	P	P		
Services											
Adult day care center - 7 or more	P	P	P	P	P						✓
Adult day care facility - up to 6	P	P	P	P	P						✓
Animal grooming											
Animal hospitals, veterinary clinic	P	P	P	P			P	P	P		✓
Animal shelter/rescue center	P	P	P	P							✓
Banks, credit unions or other similar financial institutions	P	P	P	P			P	P	P		
Barber shop/ beauty salon or similar establishments	P	P	P	P			P	P	P		
Business service establishment							P	P	P		
Check cashing establishment,primary	X	X	X	X		X				X	✓
Check cashing establishment,accessory	X	X	X	X		X				X	✓
Child day care center (Kindergarten) - 7 or more	P	P	P	P			P	P	P		✓
Child day care facility - up to 6	P	P	P	P			P	P	P		✓
Coin laundry	P	P	P	P							
Dog day care	P	P	P	P							
Dog grooming	P	P	P	P							
Dry cleaning agencies, pressing establishments , or laundry pick up stations	P	P	P	P			P	P	P		
Fitness center	P	P	P	P			P	P	P		
Kennel, breeding or boarding	X	X	X	X	X		X	X	X		
Kennel, commercial	X	X	X	X	X		X	X	X		
Kennel, noncommercial	X	X	X	X	X		X	X	X		
Landscape business	P	P	P	P							
Linen and diaper service, garment pressing, alterations and repair							P	P	P		
Mini-warehouse	P	P	P	P						X	✓
Outdoor storage, commercial	X	X	X	X	X		X	X	X	X	✓
Personal services establishment	P	P	P	P	P					X	
Photoengraving, typesetting, electrotyping	P	P	P	P							
Photographic studios	P	P	P	P			P	P	P		
Plumbing, HV/AC equipment establishments with no outdoor storage	P	P	P	P							

Table 3.1 Overlay Use Table

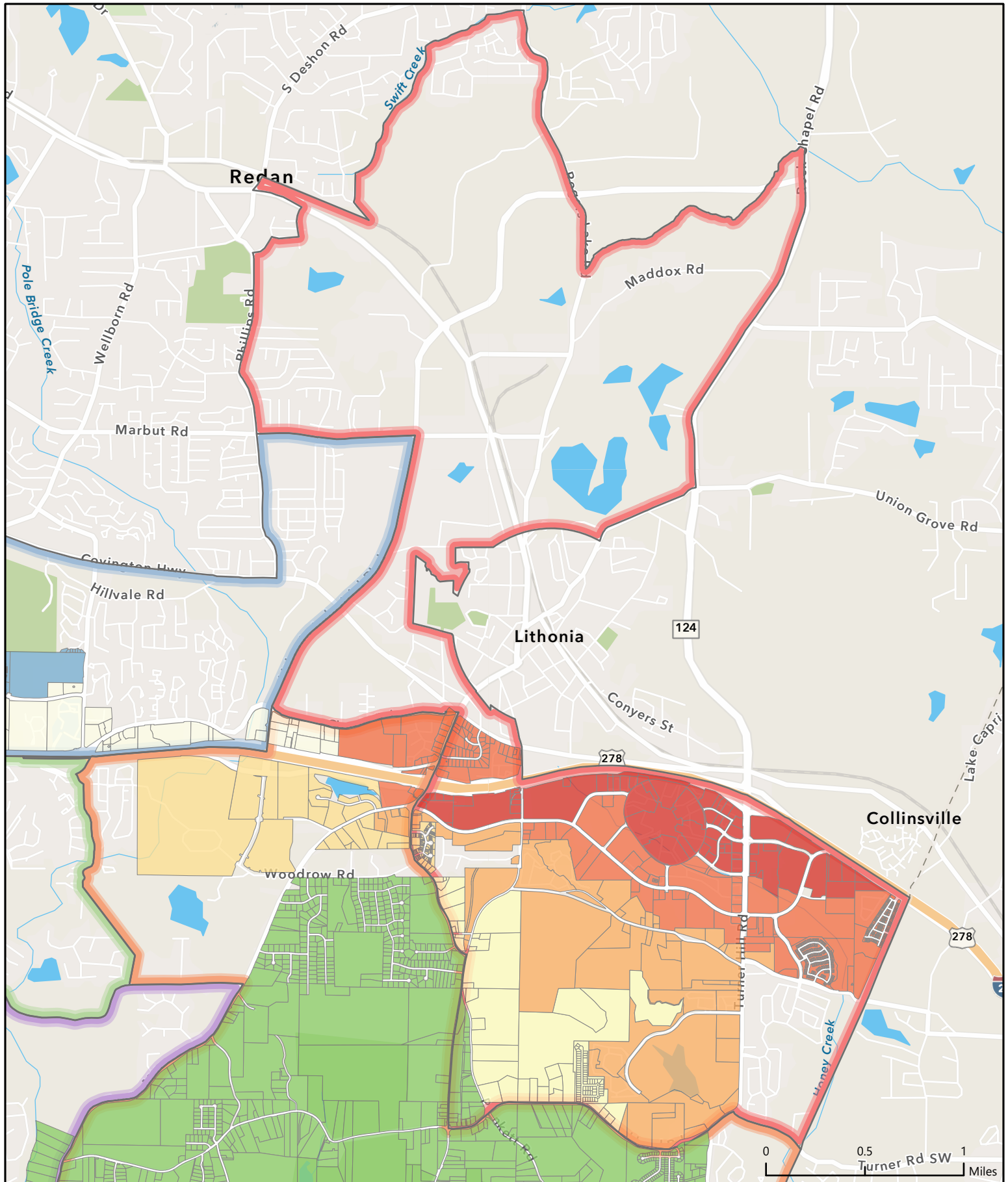
Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		
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Publishing or printing establishments	P	P	P	P							
Quick copy printing store	P	P	P	P			P	P	P		
Services, Medical and Health											
Ambulance service or emergency medical services, private	P	P	P	P			P	P	P	X	
Health services clinic	P	P	P	P	P		P	P	P		
Home healthcare service	P	P	P	P							
Kidney dialysis center	P	P	P	P							
Medical or dental laboratories	P	P	P	P			P	P	P		
Services, Repair											
Furniture upholstery or repair; home appliance repair or service	X	X	X	X							
Radio, television and similar home appliance repair service							P	P	P		
Personal service, repair (watch, shoes, jewelry)	P	P	P	P			P	P	P		
Service area, outdoor	Pa	Pa	Pa	Pa							✓
INDUSTRIAL											
Alcohol or alcoholic beverage manufacturing											
Alternative energy production	SP	SP	SP								
Automobile/truck manufacturing											
Brick, clay, tile, or concrete products terra cotta manufacturing											
Building materials or lumber supply establishment	P	P	P	P							
Cement, lime, gypsum, or plaster of Paris manufacturing											
Compressed gas fuel station	SP	SP	SP	P							
Chemical manufacture, organic or inorganic											
Contractor, general (See also Building or Construction Office)	P	P	P	P							✓
Contractor, heavy construction, outside storage	P	P	P	P						X	
Contractor, special trade	P	P	P	P							
Crematoriums	SP	SP	X	X	X					X	
Distillation of bones or glue manufacture											
Dry cleaning plant			P								
Dye works											
Explosive manufacture or storage											
Fabricated metal manufacture											

Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
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							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
Fat rendering or fertilizer manufacture											
Fuel dealers, manufactures or wholesalers			P								
General aviation airport			P								✓
Heavy equipment repair service or trade	P	P	P	P			X	X	X		
Ice manufacturing plant			P								
Incidental retail sales of goodsproduced or processed on the premises			Pa								
Incineration of garbage or refusewhen conducted within an enclosed plant											
Industrial, heavy											
Industrial, light			P								
Intermodal freight terminal, bus orrail freight or passenger terminal, or truck terminal											
Leather manufacturing orprocessing											
Light malt beverage manufacturer(See also Brewpub)	Pa	Pa	P	Pa							
Light manufacturing			P								
Manufacturing, heavy											✓
Manufacturing operations not housed within a building											✓
Mines or mining operations,quarries, asphalt plants, gravel pits or soil pits											✓
Outdoor storage, industrial	X	X	X	X	X		X	X	X		✓
Paper or pulp manufacture											✓
Petroleum or inflammable liquids production, refining											✓
Radioactive materials: utilization, manufacture, processing or emission											✓
Railroad car classification yards orteam truck yards			P								✓
Recovered materials facility whollywithin a building			P								✓
Recovered materials processing wholly within a building			P								✓
Recycling collection	Pa	Pa	Pa	Pa							
Recycling plant			P								
Repair/manufacture of clocks, watches, toys, electrical appliances, electronic, light sheet			P								
Research, experimental or testing laboratories			P								
Rubber or plastics manufacture			P								
Salvage yard (Junkyard)	X	X	X	X	X		X	X	X	X	✓
Solid waste: general disposal, landfill, private industry disposal, handling facility, thermal treatment technology or hazardous/toxic materials including radioactive materials										X	✓

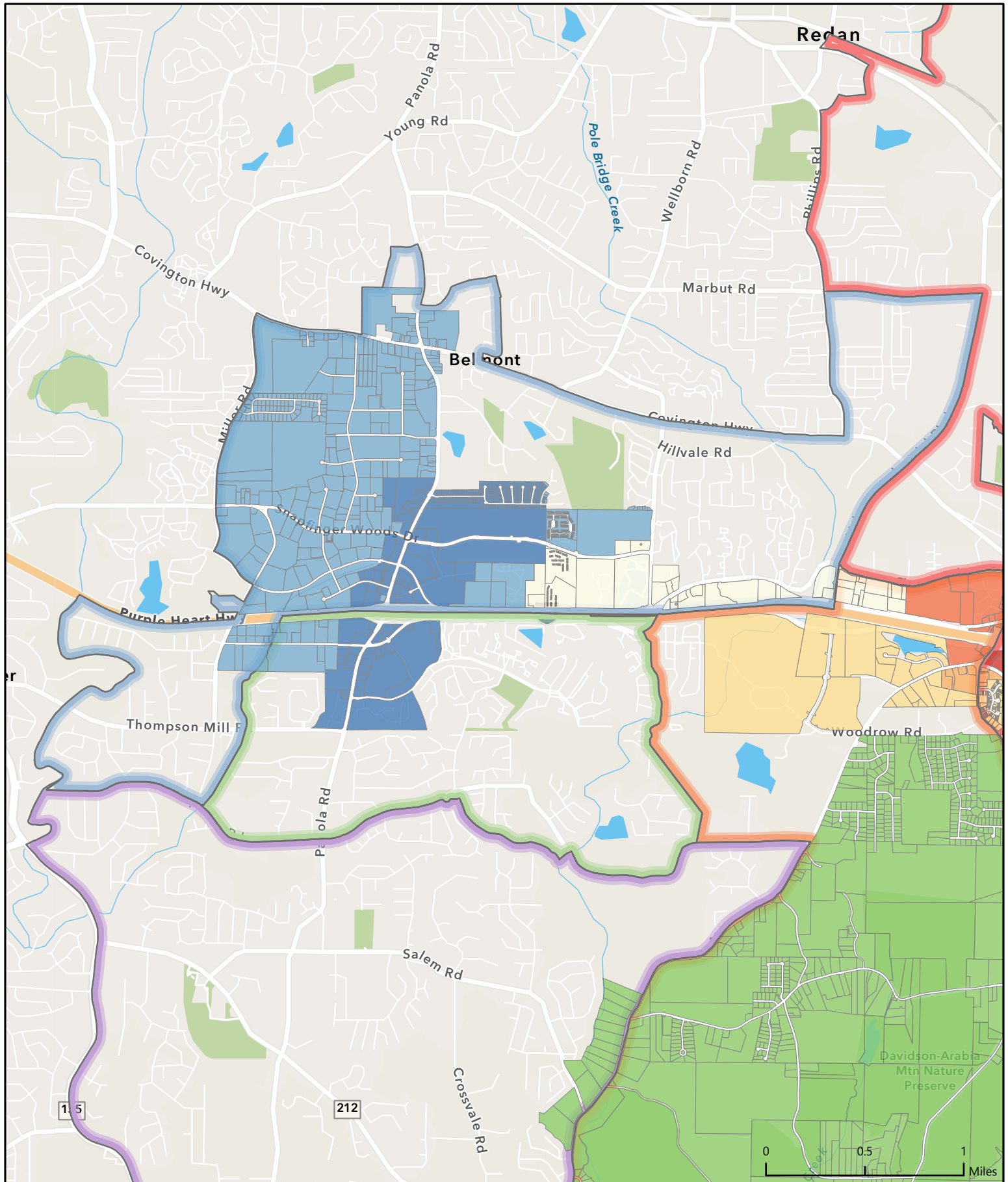
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							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
Smelting: copper, iron, zinc, or ore											
Storage yard, except vehicle											
Storage yard for damaged or confiscated vehicles		X					X	X	X		
Sugar refineries		X									
Tire retreading and recapping	X	X	X	X	X		X	X	X		
Towing or wreckage service			P								
Transportation equipment storage or maintenance (vehicle)										X	✓
Truck stop or terminal										X	
Vehicle storage yard										X	
Warehousing or Storage	P	P	P							X	
COMMUNICATION – UTILITY											
Amateur radio service or antenna											✓
Electric transformer station, gas regulator station or telephone exchange											
Radio or television broadcasting studio	P	P	P	P			P	P	P		
Radio or television broadcasting transmission facility	P	P	P	P							
Satellite television antennae	P	P	P	P							✓
WIRELESS TELECOMMUNICATION (cell tower)											
New support structure from 51 feet to 150 feet											✓
New support structure from 50 feet up to 199 feet	P	P	P	P							✓
COW's (non-emergency or event, no more than 120 days)	P	P	P	P							✓
COW's (declared emergency)	P	P	P	P							✓
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)											
Attached wireless telecommunication facility	P	P	P	P							✓
Small cell installations (new support structures or collocation) on private property or ROW	P	P	P	P							✓



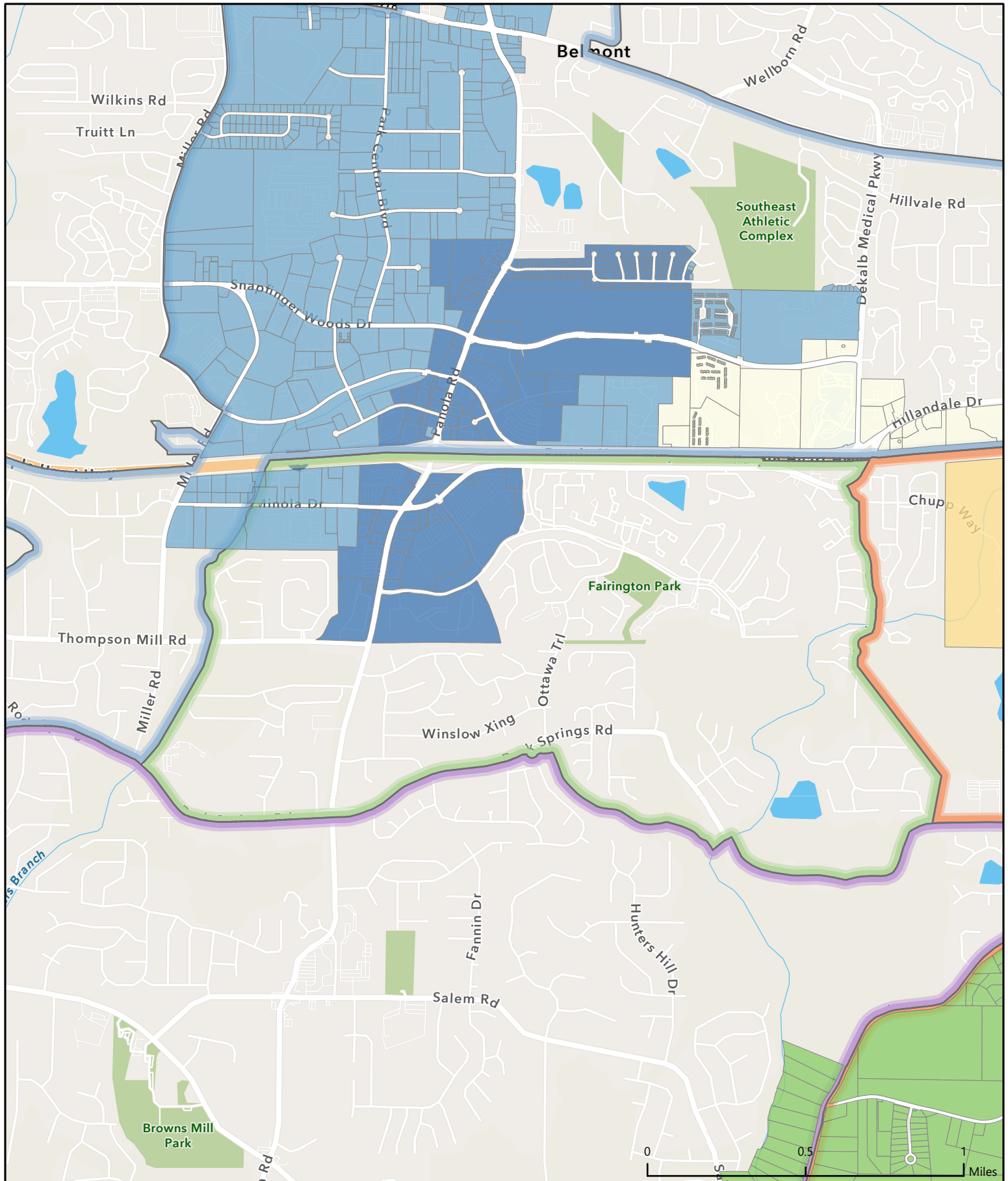
District 1 Zoning Overlays

ARABIA MOUNTAIN OVERLAY DISTRICT	STONECREST TIER 1	STONECREST TIER 4
I-20 OVERLAY DISTRICT TIER 1	STONECREST TIER 2	STONECREST TIER 5
I-20 OVERLAY DISTRICT TIER 2	STONECREST TIER 3	STONECREST TIER 6 - VIEWSHED



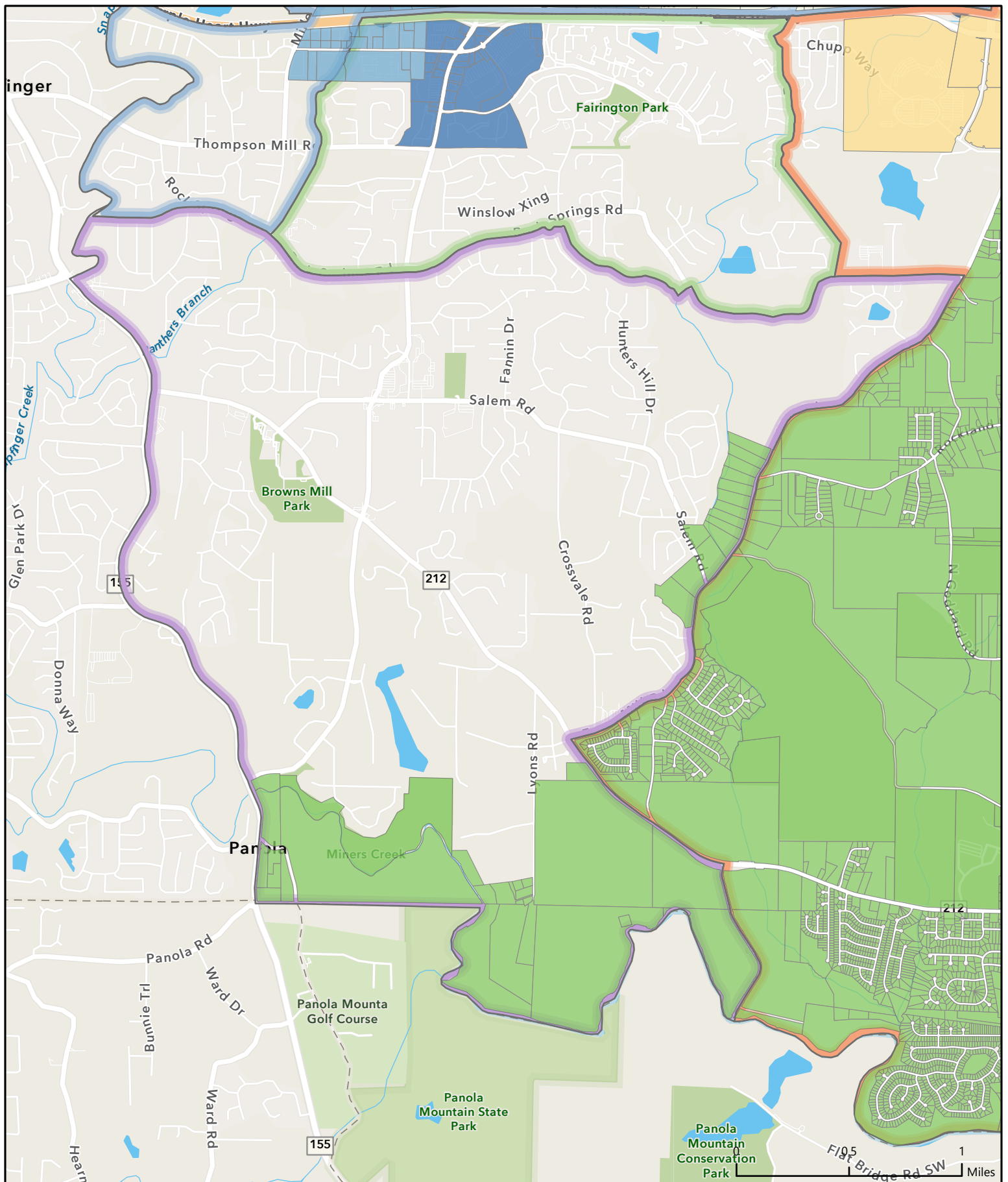
District 2 Zoning Overlays

 ARABIA MOUNTAIN OVERLAY DISTRICT	 STONECREST TIER 1	 STONECREST TIER 4
 I-20 OVERLAY DISTRICT TIER 1	 STONECREST TIER 2	 STONECREST TIER 5
 I-20 OVERLAY DISTRICT TIER 2	 STONECREST TIER 3	 STONECREST TIER 6 - VIEWSHED



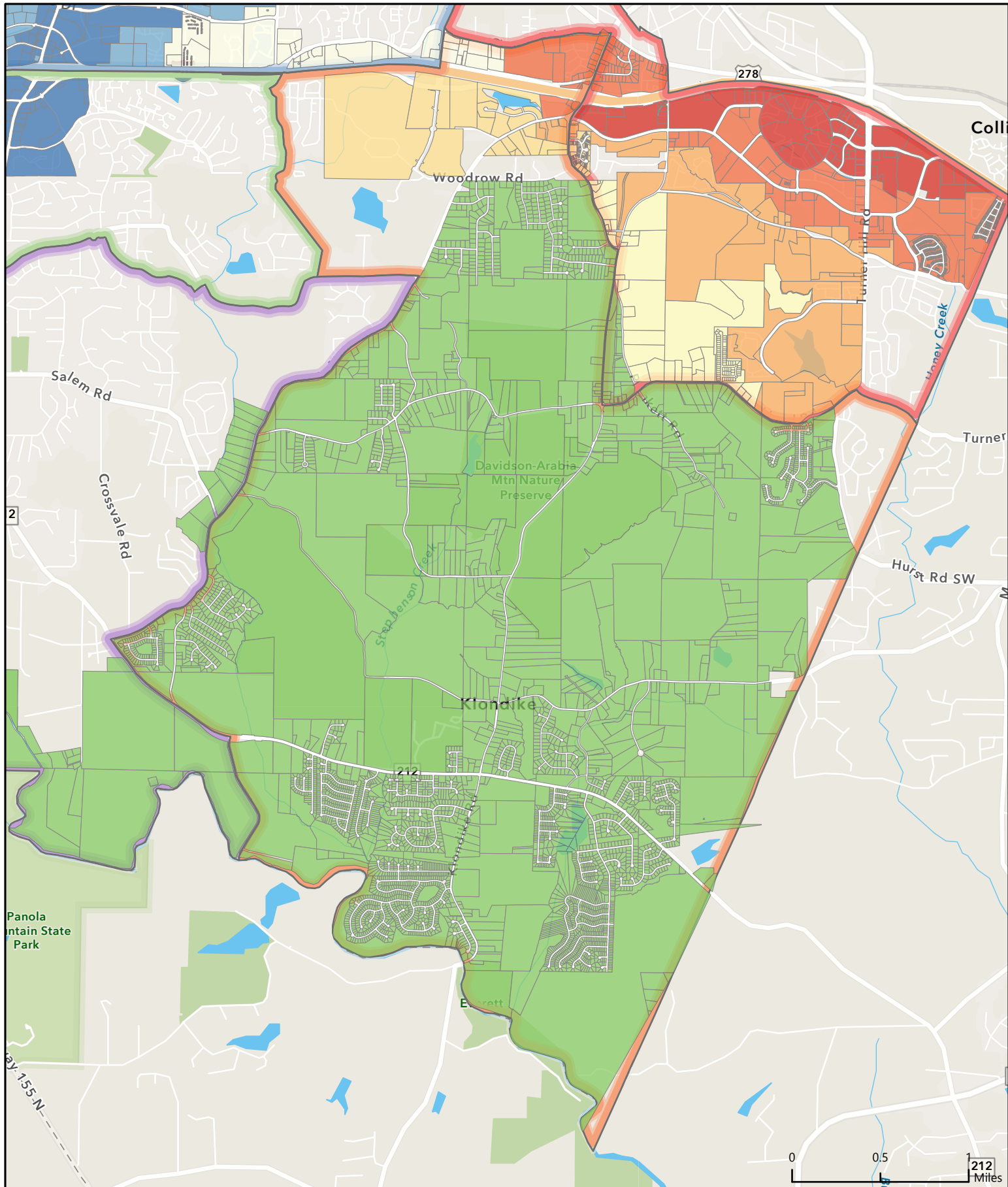
District 3 Zoning Overlays

 ARABIA MOUNTAIN OVERLAY DISTRICT	 STONECREST TIER 1	 STONECREST TIER 4
 I-20 OVERLAY DISTRICT TIER 1	 STONECREST TIER 2	 STONECREST TIER 5
 I-20 OVERLAY DISTRICT TIER 2	 STONECREST TIER 3	 STONECREST TIER 6 - VIEWSHED



District 4 Zoning Overlays

	ARABIA MOUNTAIN OVERLAY DISTRICT		STONECREST TIER 1		STONECREST TIER 4
	I-20 OVERLAY DISTRICT TIER 1		STONECREST TIER 2		STONECREST TIER 5
	I-20 OVERLAY DISTRICT TIER 2		STONECREST TIER 3		STONECREST TIER 6 - VIEWSHED

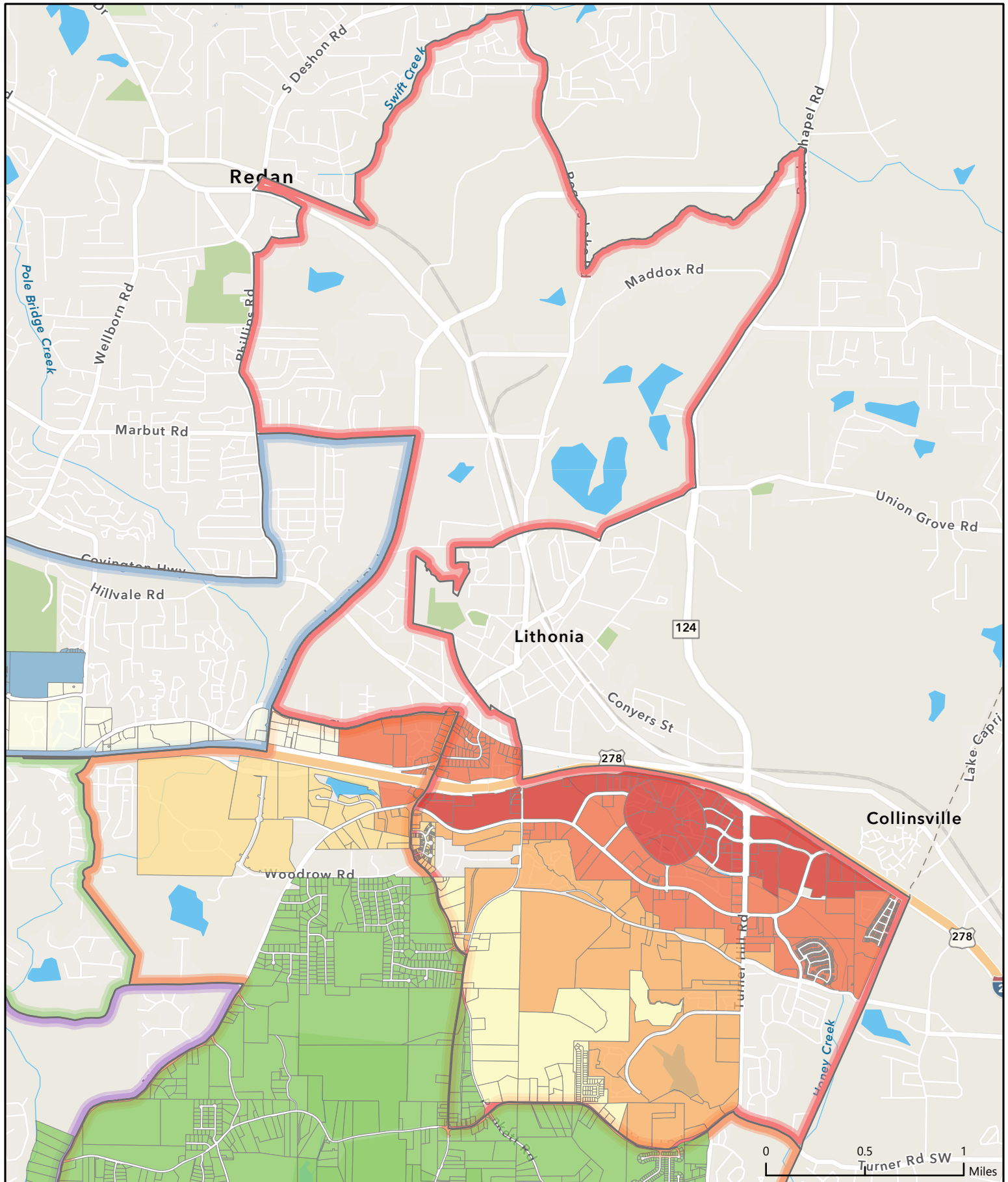


District 5 Zoning Overlays

- | | | |
|--|---|---|
| ARABIA MOUNTAIN OVERLAY DISTRICT | STONECREST TIER 1 | STONECREST TIER 4 |
| I-20 OVERLAY DISTRICT TIER 1 | STONECREST TIER 2 | STONECREST TIER 5 |
| I-20 OVERLAY DISTRICT TIER 2 | STONECREST TIER 3 | STONECREST TIER 6 - VIEWSHED |

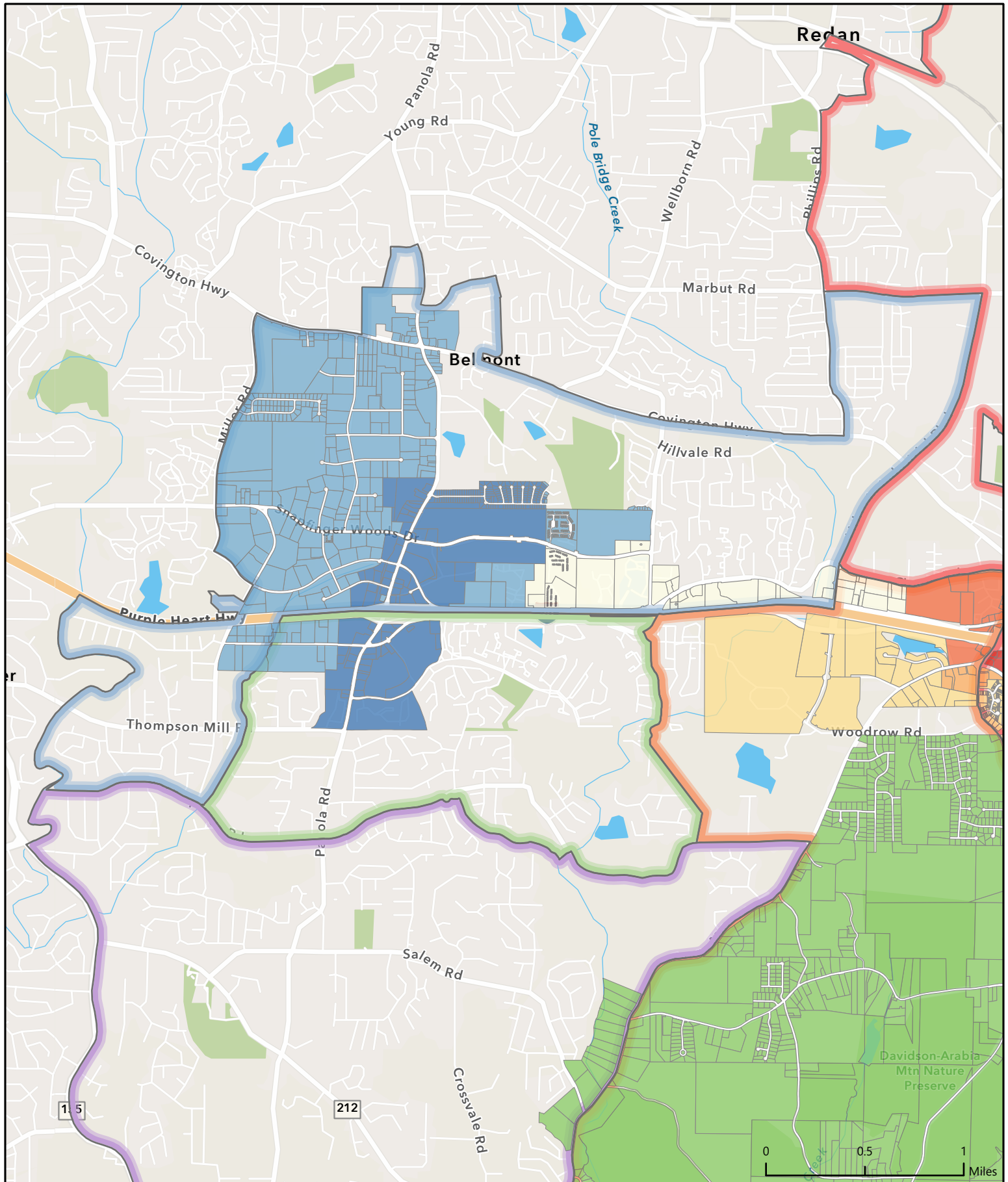
TMOD-21-004 ATTACHMENT 3:

Overlay District Maps by Council District for reference



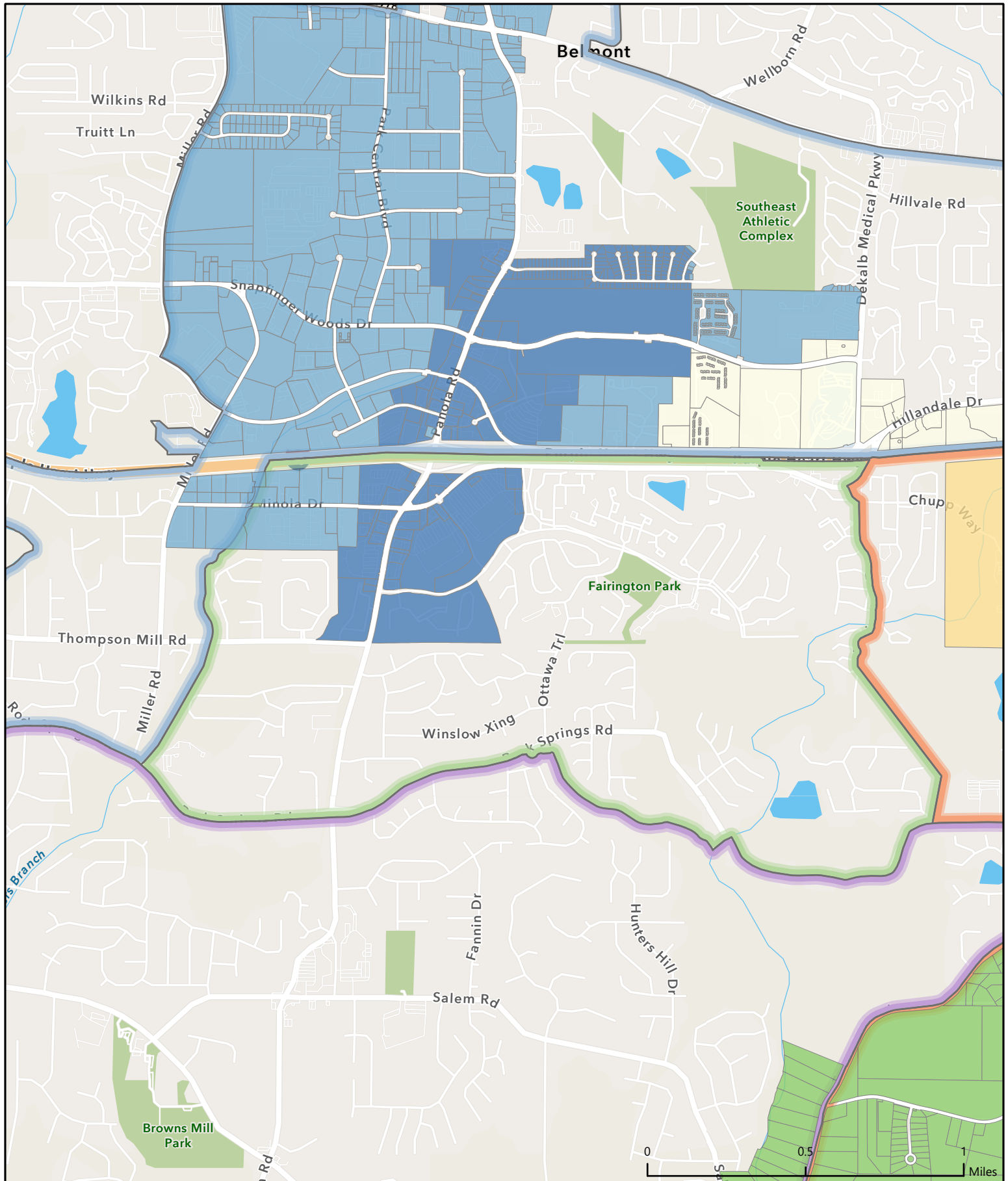
District 1 Zoning Overlays

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	I-20 OVERLAY DISTRICT TIER 2		STONECREST TIER 3		STONECREST TIER 6 - VIEWSHED



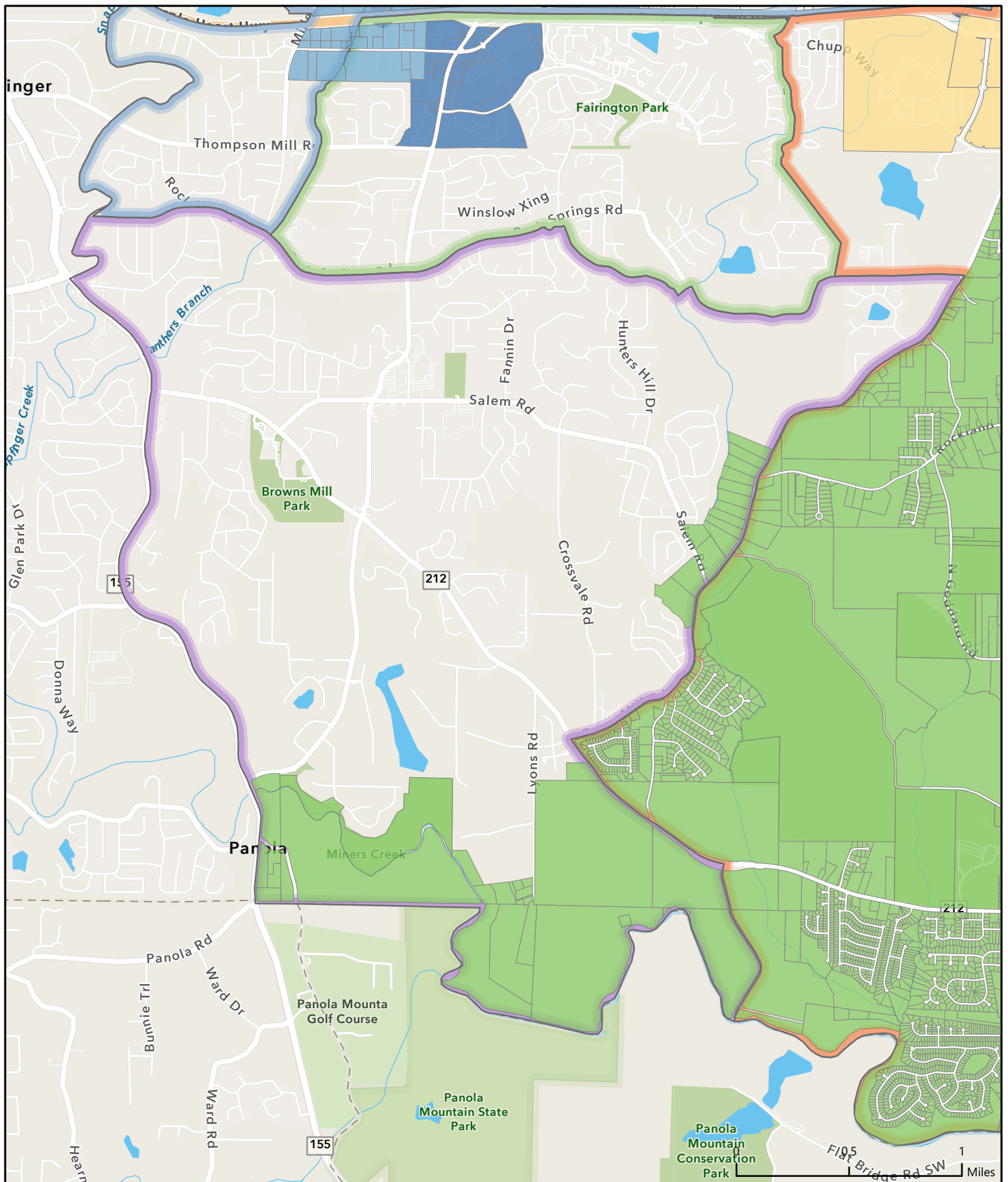
District 2 Zoning Overlays

	ARABIA MOUNTAIN OVERLAY DISTRICT		STONECREST TIER 1		STONECREST TIER 4
	I-20 OVERLAY DISTRICT TIER 1		STONECREST TIER 2		STONECREST TIER 5
	I-20 OVERLAY DISTRICT TIER 2		STONECREST TIER 3		STONECREST TIER 6 - VIEWSHED



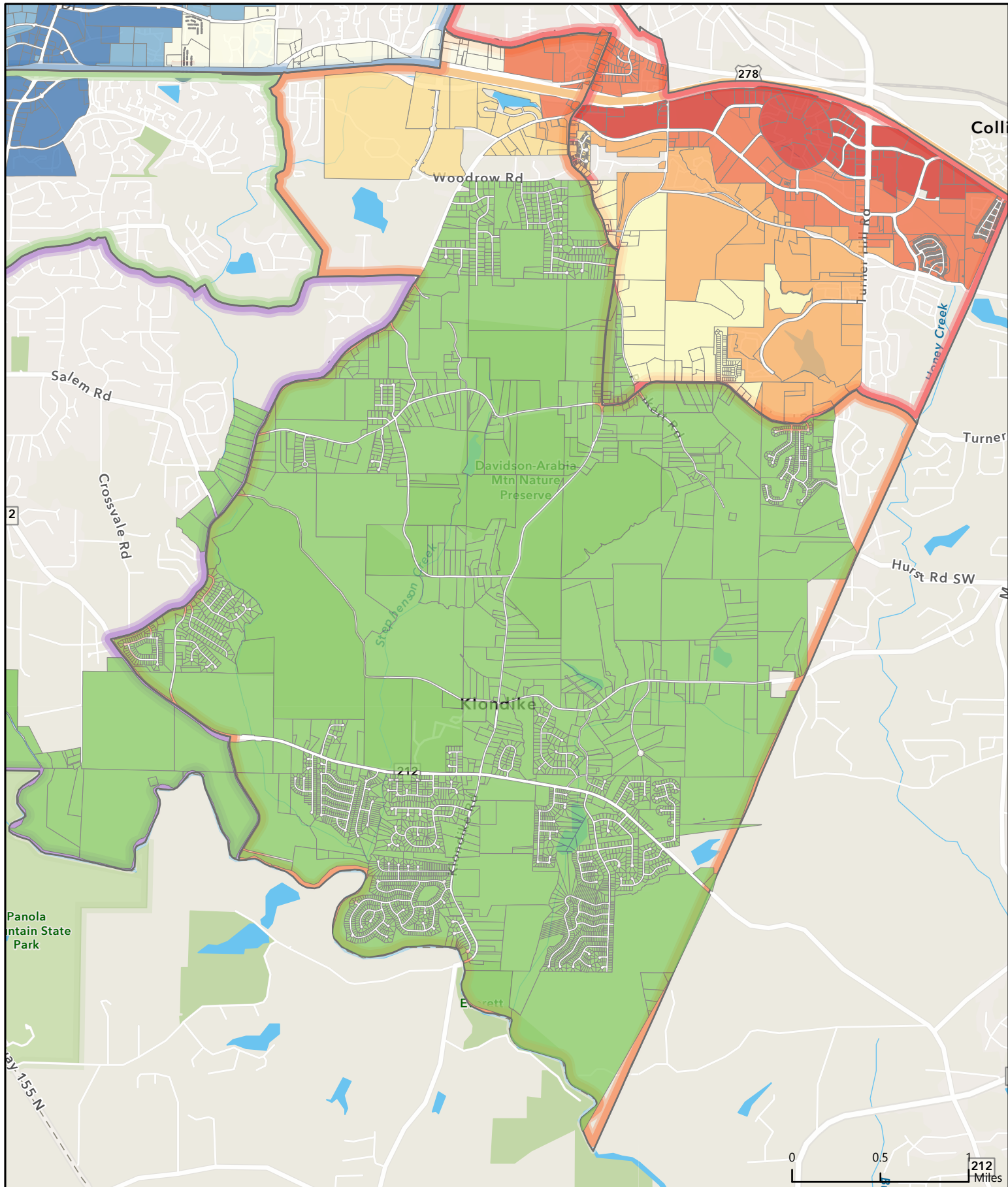
District 3 Zoning Overlays

 ARABIA MOUNTAIN OVERLAY DISTRICT	 STONECREST TIER 1	 STONECREST TIER 4
 I-20 OVERLAY DISTRICT TIER 1	 STONECREST TIER 2	 STONECREST TIER 5
 I-20 OVERLAY DISTRICT TIER 2	 STONECREST TIER 3	 STONECREST TIER 6 - VIEWSHED



District 4 Zoning Overlays

	ARABIA MOUNTAIN OVERLAY DISTRICT		STONECREST TIER 1		STONECREST TIER 4
	I-20 OVERLAY DISTRICT TIER 1		STONECREST TIER 2		STONECREST TIER 5
	I-20 OVERLAY DISTRICT TIER 2		STONECREST TIER 3		STONECREST TIER 6 - VIEWSHED



District 5 Zoning Overlays

- | | | |
|--|---|--|
| ARABIA MOUNTAIN OVERLAY DISTRICT | STONECREST TIER 1 | STONECREST TIER 4 |
| I-20 OVERLAY DISTRICT TIER 1 | STONECREST TIER 2 | STONECREST TIER 5 |
| I-20 OVERLAY DISTRICT TIER 2 | STONECREST TIER 6 - VIEWSHED | |



CITY COUNCIL AGENDA ITEM

SUBJECT: Sole Source Panola Shoals Riverbank Stabilization

CATEGORY: (check all that apply)

☒ **OLD BUSINESS** ☐ **NEW BUSINESS** ☐ **PUBLIC HEARING**
☐ **STATUS REPORT** ☐ **ORDINANCE** ☐ **POLICY** ☐ **RESOLUTION**
☒ **DECISION** ☐ **DISCUSSION ONLY**

Date Submitted: 07/19/21 **Work Session:** **Council Meeting:** 07/26/21

Date(s) Previously Heard: June 14, 2021

SUBMITTED BY: Gia Scruggs, Finance Director

PRESENTER: Gia Scruggs, Finance Director

PURPOSE: The South Riverbank is eroding to the extent that is causing immediate safety concerns to visitors of this section of the River. The Parks and Recreation Department has erected fences to deter/prevent people from trying to enter the river from that location. In accordance with City of Stonecrest Purchasing Policy Section VII – Non-Competitive Procurements, Corporate Environmental Risk Management (CERM) satisfies the requirement of a Single Source procurement.

FACTS AND ISSUES:

The Finance Director/Purchasing Agent is requested approval enter into a contract with a CERM that has history with this project and the expertise to perform the engineering and design work and assist with the scope of work that will be required to prepare a bid solicitation for the actual construction and project management of the stabilization project. The Finance Director contacted the vendor and requested a proposal for engineering and design work. The City's Engineer and Deputy Engineer also reviewed the proposal ensure this vendor included the technical details required to complete this project. This noncompetitive procurement allows the City to start the design and subsequent construction in a more expeditious manner. According to the proposed terms in the proposal, the vendor anticipates completion of the project by the second quarter of 2022. The timeline of the project will be adjusted as some tasks may be able to be completed concurrently. Corporate Environmental Risk Management (CERM) proposed a project cost of \$124,930. Funding for this project has been included in the FY21 SPLOST funding for Parks and Recreation.



CITY COUNCIL AGENDA ITEM

OPTIONS: Approve, Deny, Defer

RECOMMENDED ACTION: Approve

ATTACHMENTS: (1) Proposal for Engineering and Design Services
(2) Project Schedule



June 24, 2021

Ms. Gia Scruggs
Finance Director
City of Stonecrest
3120 Stonecrest Blvd., Ste 190
Stonecrest, GA 30038

RE: Proposal for Engineering and Design Services
South River Stream Bank Restoration at Panola Shoals Trailhead
City of Stone Crest, GA
CERM Proposal No. 0421-0479

Dear Ms. Scruggs:

Corporate Environmental Risk Management (CERM) is pleased to submit this proposal for the referenced project. Our understanding of the project requirements is based on several meetings with you, site visits, and our experience with similar projects. The following will present our understanding of the project, scope of work, and our proposed associated costs to perform the stated scope of work.

1 PROJECT BACKGROUND

The City of Stonecrest and the South River Watershed Alliance (SRWA) seek to improve the condition of the South River Stream Bank at the Panola Shoals Trailhead. The project site is located at the southeast corner of the intersection between Panola Road and Snapfinger Road in DeKalb County. At this location, the South River crosses under Snapfinger Road and runs approximately parallel to Panola Rd. Sections of the stream embankment have eroded over time and continues to erode with every major rainfall event. According to the latest FEMA flood map, this area is inundated during a 100-year storm. The City of Stonecrest, the South River Watershed Alliance and other interested stakeholders, are concerned that if appropriate corrective measures are not initiated, the erosion will be a threat to an adjacent walking trail and public parking lot.

In 2020, CERM prepared and submitted a concept plan which addressed the stability concerns and provides an aesthetically pleasing design. The Concept Plan, shown as Exhibit A, includes the following features:

- Retaining walls
- Seat walls
- Gabion walls
- Landscape plan
- ADA access to the beach area
- Access for kayak launch

Since the completion of the concept plan, additional streambank failures have occurred, which will also be addressed during the proposed design phase. CERM will adhere to the concept approved by the City of Stonecrest and the SRWA which provides a permanent solution as well as a sustainable design by considering eco-friendly, locally sourced design materials and construction methods in executing this project.

CORPORATE HEADQUARTERS

1990 Lakeside Parkway, Suite 300 • Tucker, GA 30084

Phone: 678-999-0173 • Fax: 678-999-0186

cerm.com



2 SCOPE OF WORK

This proposal is the next step in providing engineering services to restore the eroded portions of streambank to prevent future erosion along critical areas near the walking trail and parking lot, while minimizing any negative environmental impacts to the river due to construction.

The project will be divided in three (3) phases to allow for client review and input at critical milestones throughout the project: (1) Preliminary Investigations, (2) 60% Design Development and (3) 100% Construction Documents/Permitting/Bid-Award. They will be developed and executed as appropriate, based on decisions made and input from the City of Stonecrest, SRWA, local reviewing agencies, jurisdictional environmental permitting agencies, and key stakeholders, as the project progresses.

Work Tasks

2.1 Project Administration and Coordination

This task includes administration of the prime contracts with the City of Stonecrest and sub-consultants. Under this task, the Project Manager, Yasmin Moreno, PE will ensure a seamless project team effort. The project manager will prepare a project management plan, project information sheet, develop the project design schedule, coordinate, and attend client/stakeholder design meetings, facilitate the quality control review processes, maintain continuous communication with the City of Stonecrest, subconsultants and prepare progress reports and invoices.

Deliverables: Project Design Schedule, Summary of meetings, invoices, copies of correspondence. Consultant will maintain project records and make such records available to the client.

2.2 Preliminary Investigation

2.2.1 Surveying

An updated survey will be required to verify any changes in the topography since the last survey was completed on June 6, 2020. Additionally, an updated survey is needed for US Army Corps of Engineers (USACE) permitting to determine the highwater elevation and for the GA Environmental Protection Agency to determine the stream buffer characteristics. The updated survey would provide updated topography, new site improvements, normal water level in the creek, flood elevations, trees, etc.

Deliverables: Updated Certified Field Survey of Project Site.

2.2.2 Geotechnical Investigation

To evaluate the subsurface conditions for the support of the anticipated retaining walls design and general site conditions, we propose drilling a total of eight (8) soil test borings. The number and depth of the borings are presented in the table shown on the next page.

Proposed Boring Location	Number of Boring	Depth (ft, begs)
Redi Rock Retaining Wall	2	50
Redi Rock Retaining Wall	2	30
Stone Boulder Wall	1	20
Gabion Retaining Wall	1	10
Sand Deposit Area	2	10

begs = below existing ground surface

The total soil test boring drilling footage will be 210 feet. The borings will be drilled to termination or auger refusal whichever comes first.

The soil test borings will be advanced by mud rotary hollow stem auger flights into the ground. Standard Penetration Tests (SPT) will be performed up to 2½-foot centers to a depth of 10 feet followed by 5-foot centers thereafter. Soil samples will be recovered for visual classification. The results of the penetration tests, when properly evaluated, provide an indication of the relative consistency of the soil being sampled, the potential for difficult excavation and the soil's ability to support loads. The soil cuttings that do not go back in the auger holes after backfilling will remain on site. No rock coring is planned for this project.

Laboratory testing will consist of Atterberg limits tests, particle size analyses without hydrometer, and natural moisture content determinations. The results of the laboratory tests will be summarized in a table.

State law requires that we notify GA Underground Protection Center (GA UPC) prior to commencing drilling activities. However, only those utility members affiliated with GA UPC will locate lines up to the point of service. All private lines will not be marked by the member utility companies. Therefore, the boring locations will be scanned within a limited radius of the proposed boring by a private utility company subcontracted to CERM. The use of a private utility locator to mark these borings is not 100% guarantee that all buried utilities will be identified due to depths, sizes, subsurface soil conditions, and other reasons beyond the control of the private utility locator. CERM and its subcontractors will not be responsible for damaging buried private utilities that were not marked or brought to our attention because of the previously described limitations associated with marking unknown utilities.

All permits and rights of access will be secured and provided by others prior to CERM commencing field work. Some rutting of the ground surface is expected due to the nature of the work. Repairing ruts made by the field crew is outside the scope of this work. Attempts will be made by the drill crew to minimize rutting during their work. Clearing with a bulldozer or similar machinery to provide access to the drill rig may be required for the site.

Following the evaluation of the field and laboratory data, CERM will issue a report which will describe our understanding of the proposed construction, methods of exploration employed, site and subsurface conditions encountered, and conclusions and recommendations for anticipated retaining walls. The recommendations will also cover site preparation, earthwork, groundwater control, difficult excavation conditions, and foundation design.

Deliverables: Geotechnical Report

2.3 60% Design Development and Initial Permit Coordination

Under this task, CERM will prepare 60% construction documents detailing the improvements. The package will include a cover sheet, general notes, existing conditions/survey control plan, site plan, typical details, wall profile, cross-sections, grading plan, erosion control plans, stormwater pollution prevention plan, and landscape plan and landscape details. CERM intends to refer to the Georgia Department of Transportation Standard Specifications 2013 Edition and will prepare supplemental specifications, as required. CERM will determine the appropriate bid items, methods of measurement and payment for the construction contract.

2.3.1 Quantity Take-offs and Estimates of Probable Construction Costs

Under this task, CERM will prepare an opinion of probable construction cost. This task will include detailed quantity take-offs commensurate with the design stage and unit pricing obtained from the Georgia Department of Transportation Construction Database and local sources as appropriate. CERM will prepare and submit to the City of Stonecrest an opinion of probable estimated construction cost at each design milestone.

2.3.2 Initial Permitting and Jurisdictional Coordination

This task will include the coordination with City of Stonecrest, the Georgia Environmental Protection Division (EPD) and the U.S Army Corps of Engineers to confirm development and general permitting requirements and processes relating to construction work within a major stream. CERM will prepare all required permit application documents, submit the documents and construction drawings, and meet with the reviewers as required to provide clarification and/or additional information.

Any project that involves the disturbance of 1.0-acre or more falls under the requirements of the National Pollutant Discharge Elimination System (NPDES) program and requires that a Notice of Intent be submitted to the GA EPD to initiate the permit review process. The Notice of Intent will outline the plan for erosion and stormwater management on the site during and after construction.

60% Deliverables: 60% electronic plan documents in PDF format (11x17 std plan size), Outline Std GA DOT specification specifications, special provisions, supplemental specifications, and estimates of probable construction costs. Pre-Application Meeting Notes and Sign in Sheets, correspondence as well as Permit Applications/Checklists and Documentation.

2.4 100% Construction Drawings and Specifications and Final Permitting and Bid Assistance

Under this task, CERM will prepare 100% construction documents incorporating all the comments gathered during the design development and initial permitting phase. The final plans will include all direction and requirements issued by the EPA, ACOE, Dekalb County and the City of Stonecrest. The package will include a cover sheet, general notes, existing conditions/survey control plan, site plan, typical details, wall profile, cross-sections, grading plan, erosion control plan, stormwater pollution prevention plan and landscape plan and landscape details. CERM intends to refer to the Georgia Department of Transportation Standard Specifications 2013 Edition and will prepare supplemental specifications, as required. CERM will determine the appropriate bid items, methods of measurement and payment for the construction contract.

2.4.1 Final Permitting

This task will include submitting 100% documents, checklist and supporting documents to obtain final permit approvals from the City of Stonecrest, the Georgia Environmental Protection Division (EPD) and the U.S Army Corps of Engineers.

2.4.2 Bid Award Phase

Under this task, CERM will attend one (1) pre-bid meeting with potential contractors, respond to contractor requests for information, prepare addenda, and compare bids (received from contractors) on behalf of the City of Stonecrest.

100% Deliverables: 100% electronic plan documents in PDF format (11x17 std plan size), Outline Std GA DOT specification specifications, special provisions, supplemental specifications and estimates of probable construction costs. Permitting Meeting Notes and Sign in Sheets, correspondence as well as Permit Applications/Checklists and Documentation and all approved permits.

2.5 Landscape Architecture Design and Coordination

Under this task, CERM will coordinate with Gjertson Design, LLC, a specialty design firm, which will provide landscape architecture design plans at 60% and 100% milestones.

2.6 Construction Administration

Under this task, CERM will provide construction administration services including attending one(1) pre-construction meeting, preparing addenda, responding to, up to 8 requests for information, reviewing contractor submittals and four (4) site inspections.

PROJECT SCHEDULE

CERM project schedule is shown in Exhibit B: Schedule

FEE STRUCTURE

Our fee is summarized below:

1. Project Management	\$	6,500
2. Preliminary Investigations		
a. Surveying	\$	7,560
b. Geotechnical Investigation	\$	22,930
3. 60% Design Development/Initial Permit Coord.	\$	28,040
4. 100% CD's/Final Permits/Bid-Award	\$	30,340
5. Landscape Architecture	\$	16,840
6. Construction Administration	\$	12,720
PROJECT TOTAL		\$ 124,930

EXCLUSIONS

The following services are not included under this proposal.

1. Structural Design – It will be the responsibility of the contractor to design/build structural elements and provide shop drawings for review.
2. Any other services not included in the Scope of Work

CLOSURE

This proposal is valid for 60 days. Please contact our office if you have any questions or comments regarding this proposal. Thank you for this opportunity, and we look forward to working with your team on this important project for the City of Stonecrest and its stakeholders.

Best regards,
Corporate Environmental Risk Management



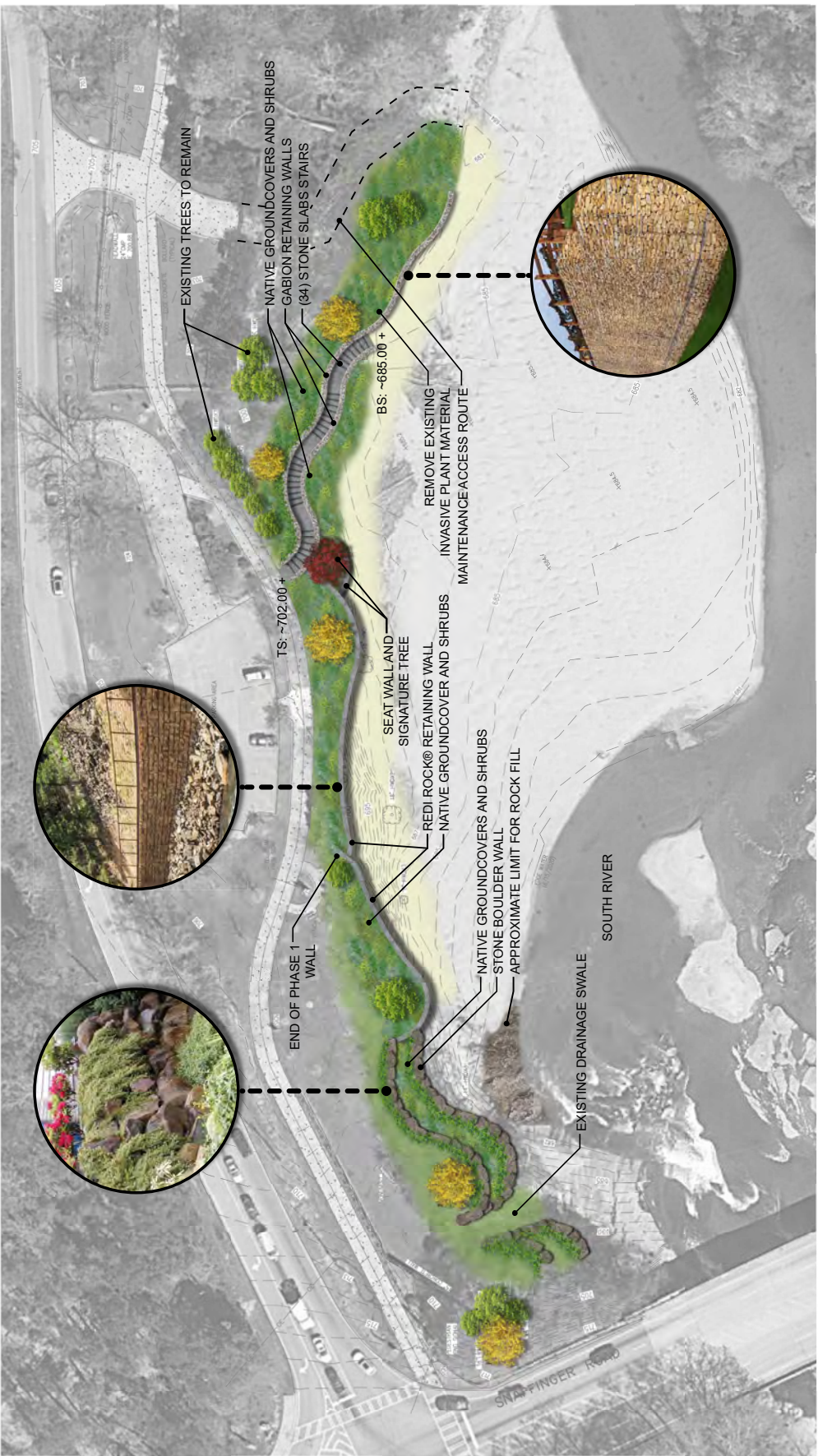
Yasmin Moreno, PE
Senior Project Manager

Kenneth A. Fluker

Kenneth A. Fluker, P.E
Principal Engineer

Digitally signed by Kenneth A. Fluker
DN: C=US, E=kfluker@cerm.com,
O="Corporate Environmental Risk
Management, LLC", CN=Kenneth A.
Fluker
Reason: I have reviewed this
document
Date: 2021.06.28 14:13:04-04'00'

Attachments: Exhibit A: Concept Plan
Exhibit B: Schedule



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 SCALE: 1"=30'

EXHIBIT A PANOLA SHOALS RIVERBANK STABILIZATION AND RESTORATION PROJECT: CONCEPTUAL RENDERING



South River Stream Bank Restoration at Panola Shoals Trailhead

ID	Task Mode	Task Name	Duration	Start	Finish	Qtr 3, 2021 Jul	Aug	Sep	Qtr 4, 2021 Oct	Nov	Dec	Qtr 1, 2022 Jan	Feb	Mar	Qtr 2, 2022 Apr	May	Jun	Qtr 3, 2022 Jul
1		Project Management and Administration	239 days	Mon 8/2/21	Thu 6/30/22													
2		NTP - Kick-off Meeting	0 days	Mon 8/2/21	Mon 8/2/21													
3		Project Management Plan	0 days	Mon 8/2/21	Mon 8/2/21													
4		Preliminary Investigations	20 days	Mon 8/2/21	Fri 8/27/21													
5		Survey	10 days	Mon 8/2/21	Fri 8/13/21													
6		Geotechnical	20 days	Mon 8/2/21	Fri 8/27/21													
7		60% Design and Permitting	68 days	Mon 8/16/21	Wed 11/17/21													
34		100% Design and Permitting	86 days	Thu 11/18/21	Thu 3/17/22													
47		Bid/Award	30 days	Thu 3/24/22	Thu 5/5/22													
54		Construction Administration	45 days	Thu 4/28/22	Thu 6/30/22													

Project: South River Stream Ban Date: Fri 7/16/21	Task		Project Summary		Manual Task		Start-only		Deadline		Progress
	Split		Inactive Task		Duration-only		Finish-only		External Tasks		Manual Progress
	Milestone		Inactive Milestone		Manual Summary Rollup		External Milestone		Manual Progress		Manual Progress
	Summary		Inactive Summary		Manual Summary		External Milestone		Manual Progress		Manual Progress



CITY COUNCIL AGENDA ITEM

SUBJECT: Internal Auditor Recommendation

CATEGORY: (check all that apply)

☒ **OLD BUSINESS** ☐ **NEW BUSINESS** ☐ **PUBLIC HEARING**
☐ **STATUS REPORT** ☐ **ORDINANCE** ☐ **POLICY** ☐ **RESOLUTION**
☒ **DECISION** ☐ **DISCUSSION ONLY**

Date Submitted: 07/19/21 **Work Session:** **Council Meeting:** 07/26/21

Date(s) Previously Heard: July 12, 2021 - Work Session

SUBMITTED BY: Gia Scruggs, Finance Director

PRESENTER: Gia Scruggs, Finance Director

PURPOSE: The City of Stonecrest requested proposals from qualified public accountants to perform the internal audit functions on May 7, 2021. On June 7, 2021, the city received four responses to the solicitation. The auditor shall be responsible for auditing financial records and expenditures of city funds and for reporting the results of such audits in writing to the City Council at least quarterly.

FACTS AND ISSUES: The Finance Department recommends Elliot Davis, PLLC, to perform internal auditing services for an initial annual cost of \$99,000. Services include the initial internal control review, risk assessment, strategic audit plan, and (4) four quarterly audits. This contract may need to be amended in the future to align with the recent pending transition of employee services and the City of Stonecrest internally hiring employees.

OPTIONS: Approve, Deny, Defy

RECOMMENDED ACTION: Approve

ATTACHMENTS: (1) Bid Summary Sheet
(2) Elliot Davis, PLLC Proposal

Offerors	Bambo Sonaïke	Elliott Davis	UHY Advisors	That Audit Guy
Internal Audit Services 2021-07 Evaluation Criteria				
Personnel <i>(25 points)</i>	18.5	23	24	20.5
Experience <i>(25 points)</i>	20.5	23.5	13.5	9
Understanding & Approach <i>(30 points)</i>	29	28	29	20
Cost <i>(20 Points)</i>	20	19	9	17
Total Points	88	93.5	75.5	66.5

REQUEST FOR PROPOSAL NO. 2021-07
INTERNAL AUDITOR SERVICES

SUBMISSION COVERSHEET

COMPLETE AND RETURN THIS PAGE ALONG WITH THE LIST OF ITEMS BELOW

REQUEST FOR PROPOSAL
No. 2021-07

INTERNAL AUDITOR SERVICES

Company Name	Elliott Davis, PLLC		
Contact Person	Robert J. Brietz		
Address	500 East Morehead Street, Ste. 700 Charlotte, NC 28202		
Email	jay.brietz@elliottdavis.com	Phone	704.808.5247

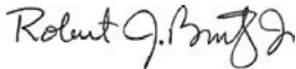
You must complete and submit copies of the following items:

1. **SUBMISSION COVERSHEET** (this completed document)
2. **PROVIDE ALL INFORMATION** for services proposed.
3. **REFERENCES and CLIENTS LIST** (completed reference and client list form)
4. **E-VERIFICATION DOCUMENTATION – Contractor Affidavit**
5. **COST PROPOSAL FORMS.** Complete the Cost Proposal form(s)

By submitting a response to the RFP, the supplier is acknowledging that the supplier:

1. Has read all the information and instructions,
2. Agrees to comply with all the terms and conditions and information and instructions contained in this RFP.

Signature of Person Authorized to Sign on Behalf of the Offeror:



Printed Name/Title:

Robert J. Brietz, Principal



Statement of Qualifications

**To Provide Outsourced Internal Audit Services to the
City of Stonecrest, Georgia**

June 7, 2021 by
Elliott Davis, PLLC

Robert J. Brietz, CPA, CIA
Digital Risk Services Practice Leader

jay.brietz@elliottdavis.com
704.808.5247

RFP NO. 2021-07

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Procurement Department
Stonecrest City Hall
3120 Stonecrest Blvd.
Stonecrest, Georgia 30038



To Whom it May Concern,

Elliott Davis, PLLC ("Elliott Davis") understands that the City of Stonecrest, Georgia ("the City") is seeking to gain a better understanding of the current market for outsourced Internal Audit services and pricing.

Who We Are

Founded in 1920, Elliott Davis is a team of nearly 800 trusted advisors based in thriving Greenville, South Carolina, with nine offices throughout the Southeast, including nearby Augusta, Georgia, ranking among the top forty accounting firms in the United States. We use our diverse experience to solve rapidly evolving and complex business issues. We provide comprehensive assurance, tax, and consulting solutions to diverse businesses, organizations, and individuals.

Elliott Davis has been a trusted business advisor in the southeastern U.S. since its founding, providing clients with accounting and advisory services as well as insight and business-improvement tools. We have worked with many governmental organizations, including cities and municipalities, and we understand the risks and associated internal controls and we are well positioned to serve as your outsourced internal auditing firm. As one of the largest firms based in the southeast, we are gratified to serve many high-caliber companies in both this region and across the U.S. This proposal highlights our understanding of your needs, our approach and methodology in delivering outsourced internal audit services, as well as information about Elliott Davis, our engagement team, and proposed fees designed specifically to your needs.

At Elliott Davis, we know that we must measure and improve our performance on an ongoing basis. That's why we conduct a client satisfaction survey on a routine basis to determine the degree to which we are successful in meeting and exceeding client's requirements through our services, relationships and processes. The Net Promoter Score methodology is a metric-based score based on a client's likelihood to recommend us to others, correlating to a client's level of loyalty. The accounting industry average NPS is 31 percent and for three consecutive years, Elliott Davis has outpaced the accounting industry and is considered "World Class" with a rating of 70 percent.

Our dedicated industry practices offer tailored tax, assurance and consulting solutions to distinct client sectors and their distinct needs. Our professionals, many of whom have backgrounds as CFOs and controllers, speak your language and can provide best practices and identify how trends in your industry may impact you. We work to make a positive impact on our clients, people, and communities, creating forward-thinking solutions along the way.

The City of Stonecrest's Needs

Upon engagement, Elliott Davis will provide the outsourced internal audit conducted in accordance with Government Auditing Standards issued by the Comptroller General of the United States and maintain quality control standards that meet requirements set by the American Institute of Certified Public Accountants (AICPA), the Securities and Exchange Commission (SEC), the Public Company Accounting Oversight Board (PCAOB), Government Accounting Standards Board (GASB), Internal Revenue Service (IRS), and other standards-setting organizations.

These internal audit services focus on the identification of risks, evaluating how management will respond to the identified risks, and for the risks that management elects to control, evaluating how effectively management is monitoring those controls.

Understanding the City

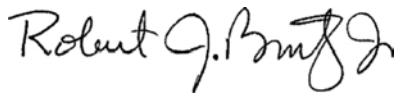
We understand the City was incorporated in 2017 and is located on the southern portion of DeKalb County and has a current population of approximately 55,000. We understand that in 2018, the City Charter required the appointment of an Internal Auditor. As a result, the City would like to engage a firm to perform an outsourced internal audit to help safeguard resources, mitigate risk, and implement appropriate internal controls.

Elliott Davis's Internal Audit Experience

Elliott Davis has provided co-sourced and outsourced internal audit for more than a decade to a broad range of institutions. We have helped organizations build their own internal audit departments, we have co-sourced the internal audit function for some organizations, and we have served as the internal audit function for some organizations. Our approach is flexible to meet your needs. From an internal audit perspective, we have worked with cities, banks, trust organizations, school districts, universities, other governmental organizations, manufacturing and distribution companies, as well as others.

Elliott Davis can provide the City with an invaluable promise that the City's needs will always be met with superior standards, client approval, and attention to detail. Our team will consist of professionals with deep expertise in delivering value for internal audit and consulting clients. The City of Stonecrest will be an important client to Elliott Davis. Committing our firm's top internal audit, cybersecurity, and risk management resources and expertise to serving your needs will be a top priority. We look forward to the opportunity to serve you.

Very truly yours,

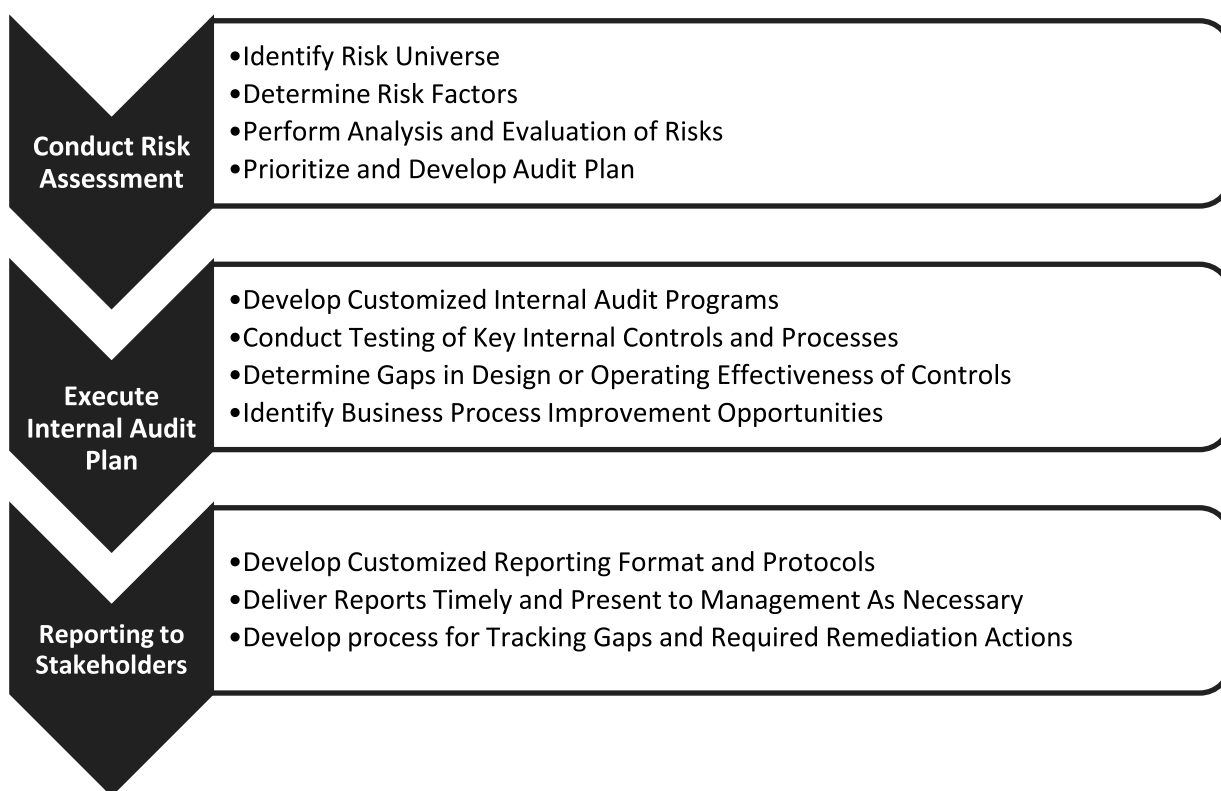


Robert J. Brietz, CPA, CIA
Digital Risk Services Practice Leader

Jay.Brietz@elliottdavis.com
Direct: 704.808.5247
Elliott Davis, PLLC
500 E Morehead St Unit 700,
Charlotte, NC 28202

Executive Summary

The City plans to engage a firm to provide outsourced internal audit services. These services are closely aligned and focus on the identification of risks, evaluating how management will respond to the identified risks, and for the risks that management elects to control, evaluating how effectively management is monitoring those controls. Below is a description of Elliott Davis's Internal Audit and Enterprise Risk Management consulting practices.



Risk Assessment and Internal Audit Plan Development

The first phase of developing the internal audit plan is to identify and understand all potential activities where the City may be exposed to risk. The risk assessment formalizes management's understanding and assessment of the City's significant activities and associated risks. A strong risk assessment analyzes the risks inherent in a given department and potential risks due to control deficiencies. It also provides a consistent quantitative measurement for each auditable area that can be charted and considered relative to all other areas to ensure resources are focused on the highest risk functions.

Critical to the success of the risk assessment process is the involvement of senior and department management to ensure the risk assessment process is meaningful to the City's current environment and focuses on the key issues. Since the risk assessment process is a dynamic function, it should be performed at least annually or more frequently as significant events or changes occur.

Executing the Internal Audit Plan

The internal audit plan will be risk-based and will have the planned schedule of audits for the next three years. The internal audit function will be responsible for planning and executing the internal audit plan each year. This includes coordinating with management to understand suitable timing for each engagement and to ensure the appropriate resources are available.

Management's participation in each phase of the audit process is critical to the overall success of a sound internal control environment. We will meet with senior management to help ensure our project plan and detailed audit programs are appropriately documented and directed. The discussions will focus on management's concerns, specific risks within the area and understanding of the audit process itself (logistics, communications, documentation, reporting, etc.).

We will make recommendations based on our analysis, including discussions with management. Ultimately, the City's management and the audit committee must make all decisions regarding scope and testing.

Reporting to Stakeholders

The final step in our internal audit process involves reporting to stakeholders. As our team performs the engagement procedures:

- We will discuss our findings and concerns verbally with management throughout the internal audit fieldwork and allow sufficient opportunity to review and discuss any written draft comments before a final report is issued.
- After reviewing a draft of the report with management, a final report will be issued including a scope overview, an executive summary of any significant issues and detailed comments, recommendations for corrective action, and management responses.
- We will establish appropriate follow-up activities to determine the disposition of any agreed-upon actions from report responses prepared by department management of the area audited.
- Summary audit results will be presented to the City at least quarterly (or at a frequency to be determined).

Engagement Execution

Our team will create a detailed timetable and related procedures to include responsible parties to have information available when the procedures are scheduled to be performed. When possible, we will send out our request list at least two weeks in advance of starting our fieldwork. Elliott Davis will update you weekly on status and possible issues. Near the end of the engagement, we will meet again to review the draft report and findings, if applicable, as well as to receive your comments on how we may improve the client service process. Other more informal meetings will take place as necessary to review progress, open items and other engagement issues.

Core Engagement Team

Core Engagement Team		
	Robert J. Brietz, CPA, CIA Shareholder Charlotte, NC Direct: 704.808.5247 Mobile: 704.996.4655	Jay will serve as the lead engagement Shareholder, ensuring that our internal audit engagements meet the requirements of the Institute of Internal Auditors. Jay joined Elliott Davis in 2010 and is a CPA and a CIA. Jay started his career in audit at KPMG in the early 1990s; however, he has spent the past 20 years delivering services related to internal controls. Jay spent time working with COSO and was a principal contributor to COSO's <i>Guidance on Monitoring Internal Controls Systems</i> (2009). Jay has led numerous internal audit outsourcing engagements across a wide variety of industry groups.
	Austin Miller, CPA, CISA Manager Charlotte, NC Direct: 980.201.3174 Mobile: 330.261.1995	Austin will serve as the lead internal audit manager. In this role, will be responsible for the delivery of our internal audit services. Austin is a CPA and a CISA and his internal audit experience from Grant Thornton and Elliott Davis encompasses all phases of the engagement including risk assessment, control design and implementation, and tests of operating effectiveness.
	Crystal Roberts, CISA Senior Consultant Nashville, TN Direct: 615.786.7923 Mobile: 828.779.5395	Crystal is a senior focused on delivering IT audit, internal audit, and risk management engagements. Crystal will serve as the lead internal audit senior. In this role, Crystal will serve as the day-to-day point person for executing our internal audit services. Crystal's internal audit experience encompasses all phases of the engagement including risk assessment, control design and implementation, and tests of operating effectiveness.
	Disa Patel Associate Consultant Nashville, TN Direct: 629.229.7522 Mobile: 931.588.6116	Disa is an associate consultant focused on delivering internal audit and risk management engagements. Disa will serve as one of the key internal audit associates. In this role, Disa will serve as a critical component for executing our internal audit services. Disa's experience includes Big 4 internal audit and encompasses all phases of the engagement including risk assessment, control design and implementation, and tests of operating effectiveness.

Subject Matter Experts

Core Engagement Team		
 Cindy C. Brams, CPA Education and Nonprofit Practice Leader Charleston, SC Direct: 843.577.7040 Mobile: 843.266.6902 cindy.brams@elliottdavis.com		Cindy will assist the core engagement team with government and municipality-specific business processes and internal controls. With over 30 years of experience, Cindy leads the firm's Government, Education, and Nonprofit practice, as well as the Charleston assurance practice. She has in-depth knowledge of internal controls and financial statement reporting for the government, not-for-profit, healthcare and professional services industries, as well as experience assisting with operational issues that may impact those industries. Cindy also works extensively serving charter school and employee benefit plan clients.
 Tom McNeish, CPA Government Practice Leader Raleigh, NC Direct: 919.783.7073 Mobile: 919.33.6180 tom.mcneish@elliottdavis.com		Tom will assist the core engagement team with government and municipality-specific business processes and internal controls. With over 25 years of experience, Tom is chair of the firm's Government practice. He has in-depth knowledge of internal controls and financial statement reporting for large and small local governments, including agencies with annual budgets in excess of \$1 billion. Prior to joining Elliott Davis in 1998, Tom provided audit and consulting services as a member of a Big Four accounting firm.
 Brian Kirk, CISSP Cybersecurity Practice Leader Greenville, SC Mobile: 864.399.2331 Direct: 864.242.2606 brian.kirk@elliottdavis.com		Brian will assist the core engagement team with more technical cyber security risks and controls. Brian has more than 25 years of experience in Information Technology with the last 10 years focused on cybersecurity. His diverse background includes roles as global network manager, infrastructure manager, enterprise architect, vice president of technology and chief information security officer. Prior to joining Elliott Davis Brian was the chief information security officer at a fortune 500 engineering, design and construction firm.
 Ryan Collier, MBA, CISA Senior Manager Charlotte, NC Direct: 704.808.5290 Mobile: 352.871.1876 ryan.collier@elliottdavis.com		Ryan will assist the team with IT internal audit activities. Ryan started his career at PwC. He has more than ten years of client-facing project management in various industries performing IT audit, information security, and consulting engagements. His core competencies include auditing IT general controls and business processes in support of financial statement audits, internal audit, Sarbanes-Oxley compliance, HIPAA compliance engagements, and SOC engagements.

Internal Audit Services

Our team will create a detailed timetable and related procedures to include responsible parties to have information available when the procedures are scheduled to be performed. When possible, we will send out our request list at least two weeks in advance of starting our fieldwork. Elliott Davis will update you weekly on status and possible issues. Near the end of the engagement, we will meet again to review the draft report and findings, if applicable, as well as to receive your comments on how we may improve the client service process. Other more informal meetings will take place as necessary to review progress, open items and other engagement issues.

Example Internal Audit Schedule

Although timelines for each audit may differ, we have outlined a standard internal audit timeline below for reference, along with the responsibilities of both Elliott Davis and the relevant City stakeholders. As noted in the below diagram, the majority of the responsibilities for the City's stakeholders will occur at the beginning of the audit, in the form of documentation gathering and interview participation. A key component of the Elliott Davis internal audit approach is the individual attention paid to each key stakeholder, from management to field-level employees. In order to obtain the best information, we conduct one-on-one interviews with a wide range of stakeholders to encourage full transparency from all team members. The final step before report issuance will always be the communication and validation of all findings discovered during the audit to ensure that our team has a complete understanding of the controls and processes prior to reporting.

				
	Discovery	Testing	Development	Reporting
	1 - 2 weeks	2 - 3 weeks	1 - 2 weeks	1 - 2 weeks
Elliott Davis	- Hold kick-off meeting - Provide initial documentation request list and interview list - Schedule interviews	- Conduct interviews - Review documentation - Request any additional time for interviews - Provide final documentation request list	- Analyze information gathered during Discovery and Testing phases - Develop a draft of assessment report and recommendations	- Present the draft report and recommendations - Incorporate feedback to clarify any findings
Stoncrest Stakeholders	- Gather and upload available materials from initial request list - Provide availability for key stakeholder interviews	- Participate in interviews - Gather additional materials as requested from final documentation request list	- Participate in additional interviews as needed - Provide clarification on initial findings and recommendations	- Review draft report and provide feedback <i>Post Reporting:</i> Address recommendations

Project Experience and References

Client References	
City of Salisbury Mr. S Wade Furches Finance Manager 704.638.5302 wfurc@salisburync.gov	The City of Salisbury, North Carolina is the oldest continually populated colonial town in western North Carolina and is the home to more than 35,00 residents. Elliott Davis has provided audit, advisory, and agreed upon procedures services to the City since 2016.
City of Folly Beach Mr. Lee E. Gessner IV Director of Finance 843.513.1840 lgessner@cityoffollybeach.com	The City of Folly Beach, South Carolina is one of the premier tourist destinations in South Carolina, providing over \$117 million in annual revenue and nearly \$30 million in tax revenue for the state. Elliott Davis has provided audit, advisory, and agreed upon procedures services to the City since 2019.
Union County Ms. Beverly L. Liles Finance Director 704.225.0664 bliles@unioncountync.gov	Union County, North Carolina is one of the largest counties in North Carolina, housing nearly 250,000 residents. Elliott Davis has provided audit and advisor services to the County since 2020.
Moore County Mr. Kris Klug Accounting & Grants Manager 910.947.7121 kklug@moorecountync.gov	Moore County, North Carolina is home to over 100,000 residents and attracts thousands to its historic golf resorts annually. Elliott Davis has provided audit, advisory, and agreed upon procedures services to the County since 2019.
Charleston County School District Ms. Jacquelyn Carlen Executive Director of Finance 843.743.2552 jacquelyn_carlen@charleston.k12.sc.us	The Charleston County School District is the largest school district in South Carolina. We currently perform risk assessment and outsourced internal audit services for the organization.
South Carolina Department of Health and Human Services Mr. Michael Targia Manager, Internal Audit 803.904.8079 michael.targia@scdhhs.gov	The South Carolina Department of Health and Human Services provides Medicaid services to more than one million South Carolinians. We currently perform outsourced internal audit services for the organization.
University of South Carolina Mr. Edward Walton Chief Financial Officer 803.777.7427 waltone@mailbox.sc.edu	The University of South Carolina serves as the state's flagship university. Founded in 1801, the Columbia campus currently enrolls over 34,000 students. Elliott Davis has provided audit services to the university since 2007. Currently we just wrapped up year 1 of a 5 year renewal. In addition, to our audit services, we have provided various consulting services, including assistance with the university's redevelopment of their budget model.

Proposed Fees

Our commitment is to provide the highest quality professional services in the most effective and efficient manner possible. Based on the anticipated scope of work and the services required for this engagement, the annual fees for the internal audit are as follows:

Description	Est. Hours	Blended Hourly Rate	Annual Cost
Year 1: Initial Review of Internal Control, Risk Assessment, Strategic Audit Plan, Audit Services	600	\$165	\$99,000
Year 2: Audit Services, including four quarterly audits	480	\$165	\$79,200
Year 3: Audit Services, including four quarterly audits	480	\$165	\$79,200
Year 4: Updated Risk Assessment and Audit Plan, Audit Services	600	\$165	\$99,000
Year 5: Audit Services, including four quarterly audits	480	\$165	\$79,200
Five-Year Grand Total			\$435,600
Additional hourly rate for Ad Hoc, secondary, or additional audit work	N/A	\$175	N/A

Fees include all travel time and additional expenses required to fulfill the engagement needs for the City. We are confident in our team's abilities to meet and exceed the City's needs remotely. However, in our fees, we are assuming two to three on-site touchpoints annually.

For any additional projects, we welcome the opportunity to further discuss your needs, including the required timing to establish the scope and fees of our services. We are receptive to mutually establishing certain projects at an agreed upon fee. We will provide a budget estimate for any additional services once the scope of a particular project is adequately defined. Our fees and hourly rates are very competitive with other regional accounting and consulting firms. However, we are willing to discuss any significant differences between your expectations and ours.

Non-discounted, standard hourly rates for each resource level are as follows:

Resource Level	Hourly Rate
Shareholder/Principal	\$375
Senior Manager	\$300
Manager	\$220
Senior Consultant	\$175
Consultant	\$150

APPENDIX A

Team Biographies

The Core Engagement Team



500 East Morehead Street
Suite 700
Charlotte, NC 28202

Direct: 704.808.5247
Office: 704.333.8881
Fax: 704.749.7947

jay.brietz@elliottdavis.com

Robert J. Brietz, CPA, CIA **Digital Risk Services Practice Leader**

Services: Assurance and Advisory | **Industries:** Financial Services, Government, Education, and Not-for-Profit, Technology, Manufacturing and Distribution, Healthcare, and Retail

Professional Overview

Jay has more than 25 years of finance and accounting experience with in-depth knowledge of all types of internal controls and process reviews, including outsourced internal audit, general IT controls, risk management, and SOC Reporting. Jay leads Elliott Davis' Internal Audit, SOC Reporting, and HITRUST Practices and has been delivering internal controls and risk management projects for organizations in multiple industries for the past 15 years.

Jay is a certified public accountant, certified internal auditor and CSF Practitioner. Prior to joining Elliott Davis in 2010, Jay was a senior manager for Grant Thornton in the Charlotte office for eight years. Jay's consulting experience includes outsourced internal audit, and assisting clients with compliance with Sarbanes-Oxley and ERM. Jay also worked six years for KPMG in their financial services practice.

Jay has written numerous articles on dealing with Sarbanes-Oxley, corporate governance and internal controls. He also was a principal contributor in COSO's *Guidance on Monitoring Internal Control Systems*.

Education, Credentials and Special Training

Certified Public Accountant
Certified Internal Auditor
Certified CSF Practitioner (HITRUST)
COSO Internal Control Certificate – April, 2016
M.S., Accounting, Appalachian State University
B.A., Economics and Speech Communication, University of North Carolina at Chapel Hill

Professional Affiliations

American Institute of Certified Public Accountants
North Carolina Association of Certified Public Accountants, Charlotte Chapter and former member of the Board of Directors
Institute of Internal Auditors, member and formerly served on the Board of Governors, Charlotte Chapter

Civic and Community Activities

Leadership Charlotte, Class XXV
Charlotte Trolley, Inc., Treasurer
Charlotte Sportsman's Club, Board member and Past-President
Boy Scouts of America – Committee Chair for Troop 3 and Pack 3 and former Cubmaster for Pack 3

The Core Engagement Team



Austin J. Miller, CPA, CISA Internal Audit Manager

Services: Internal Audit, SOC Reporting, Internal Controls Evaluation and Redesign, Project Management, Forensic Accounting, Risk Monitoring

Industries: Government, Education, and Not-for-Profit, Financial Institutions, Manufacturing, Transportation Services, Technology Services, Business Process Outsourcing

Professional Overview

Austin's professional résumé includes more than four years of client-facing service and industry experience specializing in the practice of planning, executing and managing information technology and business process controls assessments of design and execution; including SOC 1, SOC 2, internal audit, and SOX engagements.

Austin also has industry experience with ERP project management and restructuring, as well as in-depth implementation experience with cloud-based Corporate Performance Management (CPM) and Business Intelligence (BI) software.

Systems and Frameworks Experience

ERP/Applications: SAP (Financial, Materials Management, and Production Planning modules); Banner; Oracle Hyperion

OS/Databases: Unix/Linux, AS/400, and Windows Server; SQL, and Oracle

Frameworks: AICPA & Trust Services Principles, GAGAS, COBIT, COSO, HITRUST, and PCAOB AS-5

Education and Credentials

NC CPA, North Carolina Certified Public Accountant
Certified Information Systems Auditor (CISA), ISACA
Certified CSF Practitioner, HITRUST Academy
B.S.B.A, Accounting – Cum Laude, Miami University

Professional Affiliations and Committees

North Carolina Association of Certified Public Accountants (NCACPA)
American Institute of Certified Public Accountants (AICPA)
Charlotte Chamber of Commerce

500 East Morehead Street
Suite 700
Charlotte, NC 28202

Direct: 980.201.3174
Office: 704.333.8881
Mobile: 330.261.1995

austin.miller@elliotttdavis.com

The Core Engagement Team



341 Cool Springs Boulevard
Suite 340
Franklin, TN 37067

Direct: 615.786.7923
Main: 615.790.0542
Mobile: 828.779.5395
Fax: 615.786.9023

crystal.roberts@elliottdavis.com

Crystal Roberts, CISA

IT Audit Senior

Services: IT Audit Risk Advisory and Cybersecurity Services | **Industry:** Financial Institutions, Government, Education, and Not-for-Profit, Manufacturing and Distribution, Cybersecurity

Professional Overview

Crystal provides IT audit services to clients in a variety of industries, including financial institutions and manufacturing and distribution entities. She has performed audits of Information Technology General Controls (ITGCs) and business processes in support of financial statement audits, IT internal audit support for SOX compliance, Federal Financial Institutions Examination Council (FFIEC) engagements, and fieldwork supporting procedures of cybersecurity engagements, including vulnerability scans and social engineering testing.

Prior to joining Elliott Davis, Crystal graduated from the University of North Carolina at Greensboro with a B.S. in accounting. While pursuing her education, she held positions in manufacturing, serving in accounts payable with a focus on IT initiatives and the accuracy of financial data. She is a CPA exam candidate currently working towards completion of the requirements for her CPA license.

Education, Credentials and Special Training

B.S., Accounting, University of North Carolina at Greensboro

Systems and Frameworks Experience

Core Banking Applications: Fiserv Premier, Fiserv Spectrum, FIS Horizon, FIS BancPac, D+H LaserPro, Finastra Loan IQ, Finastra Sparak, Jack Henry SilverLake, Jack Henry Symitar, Jack Henry Episys

Accounting Applications: BankTel, Prologue, Oracle E-Business Suite

OS/Databases: IBM iSeries Operating System (formerly known as OS400/AS400), SQL, Oracle, Banner, Windows Active Directory

Frameworks: NIST Cybersecurity, COSO, GAGAS

Professional Affiliations

Information Systems Audit and Control Association (ISACA)

The Institute of Internal Auditors (IIA)

American Institute of Certified Public Accountants (AICPA)

Tennessee Society of Certified Public Accountants (TSCPA)

Tennessee Bankers Association (TBA)

Charlotte Chamber of Commerce

The Core Engagement Team



Disa D. Patel

Associate Consultant

Services: Internal Audit, SOC Reporting, Information Technology General Controls, Internal Controls, Evaluation and Redesign, Risk Monitoring

Industry: Government, Education, and Not-for-Profit, Financial Institutions, Manufacturing, Transportation Services, Technology Services, Business Process Outsourcing

Professional Overview

Disa's professional résumé includes almost two years of client-facing service specializing in the practice of executing and managing information technology, and business process controls assessments of design and execution; including SOC 1 and SOX engagements. Prior to joining Elliott Davis, Disa worked in Risk Assurance with PricewaterhouseCoopers.

Education, Credentials and Special Training

Masters of Business Administration – University of Tennessee, Chattanooga
B.S., Accounting – University of Tennessee, Chattanooga

Systems and Frameworks Experience

OS/Databases: Unix/Linux, Windows Server, Oracle

Frameworks: AICPA, COSO, GAGAS, and PCAOB AS-5

341 Cool Springs Boulevard
Suite 340
Franklin, TN 37067

Direct: 615.786.7965
Mobile: 931.588.6116

disa.patel@elliottdavis.com

The Subject Matter Experts



100 Calhoun Street
Suite 300
Charleston, SC 29401

Direct: 843.266.6902
Office: 843.577.7040
Fax: 843.937.6042

cindy.brams@elliottdavis.com

Cindy C. Brams, CPA

Shareholder, Government, Education, and Nonprofit Practice Leader

Services: Assurance | **Industries:** Government, Education, and Not-for-Profit, Healthcare, Professional Services, Employee Benefit Plans, Charter Schools

Professional Overview

With over 30 years of experience, Cindy leads the firm's Government and Nonprofit practice, as well as the Charleston assurance practice. She has in-depth knowledge of financial statement reporting for the government, not-for-profit, healthcare and professional services industries, as well as experience assisting with operational issues that may impact those industries. Cindy also works extensively serving charter school and employee benefit plan clients.

Education, Credentials and Special Training

Certified Public Accountant
B.A., Accounting, magna cum laude, University of Georgia

Professional Affiliations

American Institute of Certified Public Accountants
South Carolina Association of Certified Public Accountants
Healthcare Financial Management Association

Civic and Community Activities

Member, Executive Committee, Charleston Metro Chamber of Commerce
Member, Roper St. Francis Quality & Patient Safety Committee
Member, College of Charleston Accounting Program Advisory Group
Member, Women United Steering Committee
Past Treasurer, Board of Directors, Trident United Way
Past Chair, Board of Trustees, University Preparatory School

The Subject Matter Experts



5410 Trinity Road
Suite 320
Raleigh, NC 27607

Direct: 919.334.6180
Office: 919.783.7073
Fax: 919.600.6980

tom.mcneish@elliottdavis.com

Tom McNeish, CPA

Shareholder and Government Practice Leader

Services: Assurance | **Industries:** Government, Not-for-Profit

Professional Overview

As chair of the firm's Government practice, Tom focuses on providing audit and consulting services to public sector clients including counties, municipalities, special purpose districts and public colleges and universities. He has more than 25 years of experience with financial reporting under government accounting standards and compliance requirements related to Yellow Book and Uniform Guidance (OMB Circular A-133). Tom's clients include large and small local governments, including agencies with annual budgets in excess of \$1 billion. Prior to joining Elliott Davis in 1998, Tom provided audit and consulting services as a member of a Big Four accounting firm. He began his career as a commercial loan officer with a national bank. He is a frequent speaker at government industry conferences.

Education, Credentials and Special Training

Certified Public Accountant
Masters of Accountancy, University of South Carolina
B.S., Finance, University of South Carolina

Professional Affiliations

American Institute of Certified Public Accountants
North Carolina Association of Certified Public Accountants
South Carolina Association of Certified Public Accountants
Government Financial Officers Association

Civic and Community Activities

Board Member and Treasurer, Goodwill Industries
Board Member and Former President, Central (SC) Habitat for Humanity
Board Member and Treasurer, Congaree Land Trust
Graduate of the Diversity Leadership Initiative at Furman University
Former Board Member, Court Appointed Special Advocates
Alumnus, Leadership Columbia, Columbia Chamber of Commerce
Alumnus, Leadership Raleigh, Raleigh Chamber of Commerce

The Subject Matter Experts



200 East Broad Street
Suite 500
Greenville, SC 29601

Direct: 864.250.3936
Office: 864.242.3370

brian.kirk@elliottdavis.com

Brian Kirk, CISSP **Cybersecurity Practice Leader**

Services: Cybersecurity | **Industries:** Manufacturing and Distribution, Government, Education, and Not-for-Profit, Retail, Technology, Energy, Telecommunications, Engineering, Construction

Professional Overview

As the Cybersecurity Practice Leader, Brian helps clients assess and improve their security posture through security assessments, IT budget reviews and technology implementations. His diverse background and industry experience provides clients with a holistic view of their security program and visibility into the proper areas to invest in for improvement.

Brian has more than 25 years of experience in Information Technology with the last 10 years focused on cybersecurity. His diverse background includes roles as global network manager, infrastructure manager, enterprise architect, vice president of technology and chief information security officer. Prior to joining Elliott Davis Brian was the chief information security officer at a fortune 500 engineering, design and construction firm.

Education, Credentials and Special Training

B.S., Computer Information Systems, Clemson University

Professional Affiliations and Certifications

Certified Information Systems Security Professional (CISSP)

Member, Information Systems Security Association (ISSA)

FBI Infragard

OSIT Insider Threat Group

EVANTA Atlanta Advisory Board

The Subject Matter Experts



Ryan Collier, MBA, CISA **Senior Manager**

Services: Risk Advisory and Cybersecurity Services | **Industries:** Financial Institutions, Government, Education, and Not-for-Profit, Technology Services, Business Process Outsourcing, Healthcare, Financial Institutions

Professional Overview

Ryan's professional experience includes more than five years of client-facing service specializing in the practice of planning, executing and managing information technology and business process controls audits including SOC 1, SOC 2 and SOX engagements.

He has performed these services for Fortune 150 and 500 corporations including SOX 404 and non-accelerated filers as well as a diverse mix of small, medium and large cap private entities.

Prior to joining Elliott Davis, Ryan held positions at a Big Four accounting firm providing IT-audit and consulting services.

Education and Credentials

2013 COSO Internal Control-Integrated Framework Certified

CISA, Certified Information Systems Auditor

Certified CSF Practitioner

M.B.A., Accounting, Rochester Institute of Technology

B.S.B.A, Accounting, Rochester Institute of Technology

Systems and Frameworks Experience

ERP/Applications: SAP (Financial, Materials Management, and Production Planning modules); Banner; Oracle Hyperion, PeopleSoft (Financial module) and JD Edwards EnterpriseOne; Jack Henry SilverLake and FIS Horizon

OS/Databases: Unix/Linux, AS/400, and Windows Server; SQL, Oracle, and DB2

Frameworks: AICPA & Trust Services Principles, COBIT, COSO, and GAGAS

Professional Affiliations and Committees

Information Systems Audit and Control Association (ISACA)

American Institute of Certified Public Accountants (AICPA)

500 East Morehead Street
Suite 700
Charlotte, NC 28202

Direct: 980.201.3901
Office: 704.333.8881
Mobile: 585.217.7510
Fax: 704.749.7955

ryan.collier@elliottdavis.com

APPENDIX B

Supplemental Forms

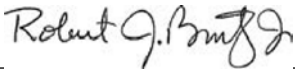
DRUG FREE WORKPLACE

I hereby certify that I am a principal and duly authorized representative of
Elliott Davis, PLLC, (“Contractor”), whose address is
500 East Morehead Street, Suite 700 Charlotte, NC 28202

_____, and I further certify that:

- (1) The provisions of Section 50-24-1 through 50-24-6 of the Official Code of Georgia Annotated, relating to the “Drug-Free Workplace Act” have been complied with in full; and
- (2) A drug-free workplace will be provided for Contractor’s employees during the performance of the Agreement; and
- (3) Each Subcontractor hired by Contractor shall be required to ensure that the subcontractor’s employees are provided a drug-free workplace. Contractor shall secure from that subcontractor the following written certification: “As part of the subcontracting agreement with Contractor, Elliott Davis, PLLC certifies to Contractor that a drug-free workplace will be provided for the Subcontractor’s employees during the performance of this Agreement pursuant to paragraph (7) of subsection (b) of the Official Code of Georgia Annotated, Section 50-24-3”; and
- (4) The undersigned will not engage in unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana during the performance of the Agreement.

CONTRACTOR: Elliott Davis, PLLC Robert, J. Brietz, CPA, CIA

Date: June 7, 2021 Signature: 

Title: Principal

REQUEST FOR PROPOSAL APPLICATION

This form must be completed by Responders of this RFP. Attach additional information, as needed, or as required. If you attach confidential material, clearly identify if the attachments are proprietary.

Applicant Name Elliott Davis, PLLC

Applicant Address _____

Applicant Phone 704.808.5247 Email Jay.Brietz@elliottdavis.com

The _____) is a Legal Entity:

- ☐ Individual(s) If multiple, identify
- ☐ Corporation
- ☒ LLC
- ☐ Joint Tenants
- ☐ Tenants in Common
- ☐ Partnership
- ☐ Other (Identify Other) _____

If not a Georgia corporation/partnership, state where organized: South Carolina

(Attach current corporation documentation.)

Management TEAM

Other Members _____

Other Members _____

CONFLICT OF INTEREST DISCLOSURE

The following information must be disclosed:

1. List the names of all persons having a financial interest in the consultant's business.

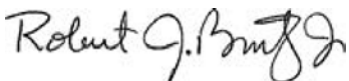
2. If any person identified pursuant to (1) above is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

3. If any person identified pursuant to (1) above is a nonprofit organization or a trust, list the names of any person serving as director of the nonprofit organization or as trustee or beneficiary or trustor of the trust.

4. List the address of any property owned by the Consultant or principals identified in (2) that is located in Stonecrest and/or DeKalb County.

(NOTE: Attach additional pages, as necessary.)

Person is defined as: Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust receiver, syndicate, this and any other group or combination acting as a unit.



Authorized Signature of Responder

June 7, 2021

Date

CERTIFICATE AND ACKNOWLEDGEMENT

Applicant certifies that it as individual or member of a corporation or partnership is not now and will not be at contract execution in violation of the following policies:

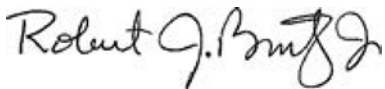
- ☐ YES ☒ NO Delinquent in the payment of taxes due to the City of Stonecrest.
- ☐ YES ☒ NO Building or health code violations on property owned that is not being actively abated;
- ☐ YES ☒ NO Been convicted of a felony crime that affects property or neighborhood stability or safety;
- ☐ YES ☒ NO Have any outstanding judgments or debts to the City;
- ☐ YES ☒ NO Have no past due loan(s) with the City;
- ☐ YES ☒ NO Been subject to a foreclosure within the previous ten (10) years;
- ☐ YES ☒ NO Been involved in litigation relating to a project either voluntary or involuntary within the past five (5) years; and
- ☐ YES ☒ NO Been adjudged bankrupt either voluntary or involuntary within the past ten (10) years.

I/We acknowledge understanding of the above policies and certify that none of the individuals or members of a corporation or partnership are in violation. I certify that this information is true and correct.

I/We further certifies that the information and exhibits comprising this RFP are true and correct. Unsigned/undated submissions will not be considered.

CERTIFICATION OF AUTHORIZED REPRESENTATIVE:

I Robert J. Brietz as Authorized Representative for Elliott Davis, PLLC, hereby certify that all information and materials submitted in response to this RFP are true and accurate to the best of my knowledge and belief. I understand that any attempt to falsify information in this application shall result in disqualification. Further, I hereby consent to requests that the City may make of third parties for information to substantiate information provided in this RFP, and I authorize third parties to release such information to the City.



Authorized Signature of Responder

June 7, 2021

Date

Robert J. Brietz

Print or type name

Authorized Signature of Responder

Date

Print or type name

2021-07

Proposal Number

NON-COLLUSION AFFIDAVIT

The undersigned bidder or agent, being duly sworn on oath, says that he/she has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to include anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He/She further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee gift, commission or thing of value on account of such sale.

OATH AND AFFIRMATION

I HEREBY AFFIRM UNDER THE PENALTIES FOR PERJURY THAT THE FACTS AND INFORMATION CONTAINED IN THE FOREGOING BID FOR PUBLIC WORKS ARE TRUE AND CORRECT.

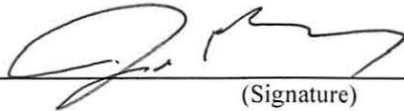
Dated this 7th day of June, 2021

Elliott Davis, PLLC

(Name of Organization)

Jimmy Buddenberg

(Title of Person Signing)



(Signature)

2021-07

(Bid Number)

ACKNOWLEDGEMENT

STATE OF South Carolina)

COUNTY OF Greenville)

Before me, a Notary Public, personally appeared the above named and swore that the statements contained in the foregoing document are true and correct.

Subscribed and sworn to me this 7th day of June, 2021.


Notary Public Signature

My Commission Expires: 05/24/2022



PROFESSIONAL SERVICES

AGREEMENT BETWEEN THE CITY OF STONECREST AND Elliott Davis, PLLC FOR REQUEST FOR PROPOSAL NO. 2021-07, INTERNAL AUDITING SERVICES

This Agreement (the “Agreement”) is made this 7 day of June, 2021, by and between Elliott Davis, PLLC (hereinafter referred to as “Company”), and the **City of Stonecrest, Georgia** (“City”).

WITNESSETH:

WHEREAS, Company is engaged in the business of providing the necessary materials and labor to complete the Work in the manner therein specified within the time specified, as therein set forth; and

WHEREAS, the City of Stonecrest seeking Proposals for Internal Audit Services; and

WHEREAS, Company is willing and able to render said services.

NOW, THEREFORE, in consideration of the mutual terms, conditions and covenants set forth herein, the parties hereto agree as follows:

1. SERVICES

Company agrees to render services (the “Services”) to the City to furnish all specified materials or approved equivalent, equipment, and labor to complete the required renderings and assessments as described in its entirety to the specifications as directed and the terms of this contract including all incidentals as directed by the City Manager or his representative or as set forth in Exhibit “A” specifically as detailed in the Scope of Services. Company agrees to perform the Services at the direction of the appropriate department head, or his designee, in the manner and to the extent required by the parties herein, as may be amended hereafter in writing by mutual agreement of the parties.

2. COMPENSATION

a. Fee. In consideration for Services, City shall pay to Company a fee not to exceed the cost described in the Proposal, incorporated herein as Appendix III.

b. Manner of Payment. The City agrees to pay said invoices within thirty (30) days of receiving same. As the City is a local government entity and thus exempt from sales taxation, notwithstanding the terms of the proposal, Company acknowledges that the City shall not be responsible for payment of any sales taxes on any invoices submitted for the services provided under this Agreement.

3. RELATIONSHIP OF PARTIES

a. Independent Contractors. Nothing contained herein shall be deemed to create any relationship other than that of independent contractor between City and Company. This Agreement shall not constitute, create, or otherwise imply an employment, joint venture, partnership, agency or similar arrangement between City and Company. It is expressly agreed that Company is acting as an independent contractor and not as an employee in providing the Services under this Agreement.

b. Employee Benefits. Company shall not be eligible for any benefit available to employees of the City including, but not limited to, workers’ compensation insurance, state disability insurance, unemployment insurance, group health and life insurance, vacation pay, sick pay, severance pay, bonus plans, pension plans, or savings plans.

c. Payroll Taxes. No income, social security, state disability or other federal or state payroll tax will be deducted from payments made to Company under this Agreement. Company shall be responsible for all FICA, federal and state withholding taxes and workers' compensation coverage for any individuals assigned to perform the Services for the City.

4. CONTRACT PERIOD

The contract period for this contract shall be upon execution of this contract. The agreement shall remain valid through the end of the calendar year. Unless otherwise, terminated pursuant to the provisions herein, this agreement shall automatically renew at the end of the initial term and terminate at the end of each succeeding calendar year for which it may be renewed, for a total term not to exceed 5 years, unless the City provides written notice of non-renewal to Contractor thirty (30) days prior to the expiration of the applicable renewal term.

5. TERMINATION FOR CAUSE AND FOR CONVENIENCE

Either party shall have the right to terminate this Agreement if the other party is in default of any obligation hereunder and such default is not cured within ten (10) days of receipt of a notice from the other party specifying such default. "Default" shall mean:

- a. If the City fails to make payments when due or fails to perform or observe any of its duties or obligations under the terms of this Agreement.
- b. If Company fails to perform or observe any of its duties or obligations under the terms of this Agreement.
- c. If either the City or Company shall have made any warranty or representation in connection with this Agreement which is found to have been false at the time such warranty or representation was made and is materially harmful to the other party.

This Agreement may also be terminated by the City for convenience by giving Company written notice sixty (60) days prior to the effective date of termination.

6. COMPENSATIVE IN EVENT OF TERMINATION

If this Agreement is terminated by the City for convenience, Company shall be exclusively limited to receiving only compensation for the pro-rata work performed and appropriately documented to and including the effective date identified in the written termination notice, but in no event shall Company receive less than a prorated amount of the service fees hereunder. Any amount over the amount otherwise due by the City for the services provided prior to the termination date shall be refunded by the Company within ten (10) days of the date of termination, with the exception of any costs incurred by the Company in removal of equipment and shutting down the project, which costs shall be borne by the City in the event of termination for convenience.

7. TERMINATION OF SERVICES AND RETURN OF PROPERTY

Upon the expiration or earlier termination of this Agreement, Company shall immediately terminate the Services hereunder and shall deliver promptly to the City all property relating to the Services that is owned by the City.

8. STANDARD OF PERFORMANCE AND COMPLIANCE WITH APPLICABLE LAWS

Company warrants and represents that it possesses the special skill and professional competence, expertise and experience to undertake the obligations imposed by this Agreement. Company agrees to perform in a diligent, efficient, competent and skillful manner commensurate with the highest standards of the profession, and to otherwise perform as is necessary to undertake the Services required by this Agreement, including the requirements set forth in the Certification of Sponsor Drug Free Workplace. Company warrants and represents that it will, at all times, observe and comply with all federal, state, local and municipal ordinances, rules, regulations, relating to the provision of the Services to be provided by Company hereunder or which in any manner affect this Agreement.

9. CONFLICT OF INTEREST

Company warrants and represents that:

- a. The Services to be performed hereunder will not create an actual or apparent conflict of interest with any other work it is currently performing; and
- b. Company is not presently subject to any agreement with a competitor or with any other party that will prevent Company from performing in full accord with this Agreement; and
- c. Company is not subject to any statute, regulation, ordinance or rule that will limit its ability to perform its obligations under this Agreement. The parties agree that Company shall be free to accept other work during the term hereof; provided, however, that such other work shall not interfere with the provision of Services hereunder.

10. PROPRIETARY INFORMATION

Company acknowledges that it may have access to and become acquainted with confidential and other information proprietary to the City including, but not limited to, information concerning the City, its operations, customers, citizens, business and financial condition, as well as information with respect to which the City has an obligation to maintain confidentiality (collectively referred to herein as "Proprietary Information"). Company agrees not to disclose, directly or indirectly, to anyone or to use or to allow others to use, for any purpose whatsoever, any Proprietary Information of any type, whether or not designated confidential or proprietary, acquired in the course of performing under this Agreement. The obligations of Company under this section shall survive the termination of this Agreement.

11. INSURANCE

Company agrees to defend, indemnify and hold harmless the City of Stonecrest, its officers, employees and agents, to the extent allowed by applicable law, from and against any and all third party claims, losses, liabilities or expenses (including, without limitation, attorneys' fees) which may arise, in whole or in part, out of a breach by the Indemnitor of its obligations under this Agreement.

12. ASSIGNMENT

Company shall not assign this Agreement without the prior express written consent of the City. Any attempted assignment by Company without the prior express written approval of the City shall at the City's sole option terminate this Agreement without any notice to Company of such termination.

13. NOTICES

All notices or other communications required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given when delivered personally in hand, or when mailed by certified or registered

mail, return receipt requested with proper postage prepaid, addressed to the appropriate party at the following address or such other address as may be given in writing to the parties:

If to the City:

With copies to:

Procurement Department
Stonecrest City Hall
3120 Stonecrest Blvd.
Stonecrest, Georgia 30038

City Attorney
Fincher Denmark, LLC
8024 Fair Oaks Court
Jonesboro, Georgia 30236

If to the Company:

Elliott Davis, PLLC
500 E. Morehead Street, Ste 700
Charlotte, NC 28202

14. GOVERNING LAW AND CONSENT TO JURISDICTION

This Agreement is made and entered into in the State of Georgia and this Agreement and the rights and obligations of the parties hereto shall be governed by and construed according to the laws of the State of Georgia without giving effect to the principles of conflicts of laws. The jurisdiction for resolution of any disputes arising from this Agreement shall be in the State Courts of DeKalb County, Georgia.

15. WAIVER OF BREACH

The waiver by either party of a breach or violation of any provision of this Agreement shall not operate or be construed to constitute a waiver of any subsequent breach or violation of the same or other provision thereof.

16. SEVERABILITY

If any provision of this Agreement is held to be unenforceable for any reason, the unenforceability thereof shall not affect the remainder of the Agreement, which shall remain in full force and effect, and enforceable in accordance with its terms.

17. ENTIRE AGREEMENT

This Agreement which includes the exhibits hereto contains the entire agreement and understanding of the parties with respect to the subject matter hereof, and supersedes and replaces any and all prior discussions, representations and understandings, whether oral or written. This Agreement incorporates the Company's Scope of Services". In case of conflict between any term of the Company's Proposal and this Agreement, the terms of this Agreement shall control unless otherwise stated herein.

19. GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT

Offeror's full compliance with all applicable federal and state security and immigration laws, including without limitation O.C.G.A. § 13-10-90, *et seq.* as amended and Georgia Department of Labor Rule 300- 10-1, *et seq.* is a condition for the contract bid and any contract award. Offeror is required to affirm compliance by completing and returning all three (3) Georgia Security and Immigration Compliance documents (Appendix I) with Offeror's Proposal.

Pursuant to O.C.G.A. § 13-10-91 no Offeror or subcontractor may propose a contract or enter into a contract with a public employer for the physical performance of services unless the Offeror or subcontractor is registered with and

participates in the federal work authorization program to verify information of all newly hired employees and provides certain required affidavits. Any Offeror, subcontractor, or sub-subcontractor of such Offeror or subcontractor, shall also be required to satisfy the requirements set forth herein.

IN WITNESS WHEREOF, the parties have executed this Agreement through their duly authorized representatives.

Company: Elliott Davis, PLLC

By: Robert J. Brietz

Title: Principal

Date: June 7, 2021

City of Stonecrest, Georgia

By: _____

Title: Mayor/Mayor Pro Tem

Date: _____

Approved as to form:

City Attorney

Attest:

City Clerk



GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT AFFIDAVIT

Contractor(s) Name: Elliott Davis, PLLC
Address: 500 East Morehead Street, Suite 700
Charlotte, NC 28202

By executing this affidavit, the undersigned person or entity verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm, or corporation which is contracting with the City of Stonecrest has registered with, is authorized to participate in, and is participating in the federal work authorization program commonly known as E-Verify,* in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91.

The undersigned person or entity further agrees that it will continue to use the federal work authorization program throughout the contract period, and it will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the undersigned with the information required by O.C.G.A. § 13-10-91(b).

The undersigned person or entity further agrees to maintain records of such compliance and provide a copy of each such verification to the City of Stonecrest within five (5) business days after any subcontractor(s) is/are retained to perform such service.

1273555
E Verify™ Company Identification Number

2014
Date of Authorization

Elliott Davis, LLC
BY: Authorized Officer or Agent
(Name of Person or Entity)

June 7, 2021
Date

SUBSCRIBED AND SWORN BEFORE
ME ON THIS THE

7th DAY OF June, 2021

Jennifer D. Bailey
Notary Public

[NOTARY SEAL]

My Commission Expires: 05/24/2026

* or any subsequent replacement operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603



CITY COUNCIL AGENDA ITEM

SUBJECT: Stonecrest Housing Authority Check Approval

CATEGORY: (check all that apply)

☒ **OLD BUSINESS** ☐ **NEW BUSINESS** ☐ **PUBLIC HEARING**
☐ **STATUS REPORT** ☐ **ORDINANCE** ☐ **POLICY** ☐ **RESOLUTION**
☒ **DECISION** ☐ **DISCUSSION ONLY**

Date Submitted: 07/19/21 **Work Session:** **Council Meeting:** 07/26/21

Date(s) Previously Heard: July 12, 2021 - Work Session

SUBMITTED BY: Gia Scruggs, Finance Director

PRESENTER: Gia Scruggs, Finance Director

PURPOSE: The City of Stonecrest activated the Housing Authority on March 25, 2019. At the recommendation of the City Attorney and City Manager, a review of all financial transactions made by and on behalf of the Stonecrest Housing Authority was performed by the Finance Department.

FACTS AND ISSUES: The Finance Department concluded that the Stonecrest Housing Authority Account had a balance of \$231,126.08, as of June 4, 2021. The Finance Director is seeking Council approval to write a check to the Stonecrest Housing Authority for the balance of the initial transaction fee of \$100,000 minus operating costs through June 30, 2021 in the amount of \$77,353.02. The remaining \$150,000 will remain in City of Stonecrest's Housing Authority account until a future date when a budget amendment is presented to council.

OPTIONS: Approve, Deny, Defy

RECOMMENDED ACTION: Approve

ATTACHMENTS:



CITY COUNCIL AGENDA ITEM

SUBJECT: Re-Opening Plan for City of Stonecrest

CATEGORY: (check all that apply)

☐ **ORDINANCE**

☐ **POLICY**

☐ **STATUS REPORT**

☐ **DISCUSSION ONLY**

☐ **RESOLUTION**

☒ **DECISION**

Date Submitted:
07/16/21

Work Session:
07/12/21

Council Meeting:
07/26/21

SUBMITTED BY: Marla Greene, Executive Assistant

PRESENTER: Janice Allen Jackson

PURPOSE: Discuss fully re-opening City Hall to employees and the public.

FACTS AND ISSUES: As you are aware, our staff returned to the workplace on a modified schedule during the week of June 28. We have conferred with department directors, reviewed what surrounding jurisdictions are doing/have done with relationship to re-opening their offices to the public, and studied current trends related to spread of the Coronavirus.

Given that we would need all personnel to return to the office daily to serve visitors, and the 30% increase in Coronavirus related hospitalizations in Georgia, I do not recommend that we fully re-open to the public at this time. However, if there are members of the public who we cannot serve via phone, email, or videoconference, we will allow them to come in by appointment only. We should delay any decision on full re-opening as we continue to monitor trends in our state and county.

We will implement precautions as necessary, to include masks and social distancing. We will also contract with a janitorial service to clean and disinfect daily.

OPTIONS:

RECOMMENDED ACTION: Allow visitors into City Hall by appointment only until further notice

ATTACHMENTS:

SURVEY OF CITIES REGARDING REOPENING AND IN PERSON MEETINGS

City	In Person Council Mtg	Public Allowed In Meetings	Virtual Meetings	City Hall Open	Comments
Avondale Estates	Yes, Began 6/9	Yes, No Restrictions	Yes, But No Remote Public Comments	Since Early May with Controls	
Brookhaven	Yes, Starting 8/19	Yes, Starting 8/19	Yes, In Person	Yes	exploring Alt Work Schedules
Chamblee	Yes, Began in April	Yes, 6-ft Distancing	No, In Person Only	Yes	facebook & youtube
Clarkston	Yes, Starting in August	Yes	Yes, Continuing With Zoom	Yes, Tues & Thurs Only From 10-2	
Decatur	Yes, Starting 7/19	Yes	Yes, Using Hybrid System	Yes, Sign In, Temperature Check & Mask Required	
Doraville	Yes, Started in June	Yes	Yes, Zoom	Yes, (May)	
Dunwoody	No	N/A	Yes, Meeting Via Zoom Public Can Participate	Yes, Beginning July 6, City Hall returned to its original opening hours 8:00 am - 5:00 pm M-F	Courts Returned to normal business hours M-F 8:00 - 5:00. Masks required for non-vaccinated citizens but not required for vaccinated citizens.
Lithonia	Yes	No	Yes, Thru Online Platform	Yes, But With Controlled Access	
Pine Lake	Starting 7/13	Yes, (Assuming masks & social distancing is required)	No. Doesn't Have The Capability. In Person Only	Yes	
Stone Mountain					
Tucker	Starting 7/12	Yes, 6-ft Social Distancing	In person or email (Comments Only)	Yes	
Forest Park	Yes	Yes, social distancing, temperature checks; no mask required, no limit on # of people allowed within the room	Live Streaming Via YouTube	Yes	
City of Atlanta	No	No	Virtual Meetings Only	No	Making decisions based off Emory because Covid #s are rising - Telecommuting
City of South Fulton	No	No	Virtual Meetings Only	Yes - July 7, 2021 8:30 am until 12:00 noon	
City of Stonecrest	No	N/A	Virtual Meetings via Zoom	No	Under Review



CITY COUNCIL AGENDA ITEM

SUBJECT: Final Plat of Lakeview at Stonecrest, Phase Two

☐ **ORDINANCE**

☐ **POLICY**

☐ **STATUS REPORT**

☐ **DISCUSSION ONLY**

☐ **RESOLUTION**

☒ **OTHER**

Date Submitted: 07/16/21

Work Session:

Council Meeting: 07/26/21

SUBMITTED BY: Jim Summerbell, AICP, Planning and Zoning Director

PURPOSE: The applicant (Rockhaven Homes, Brad Hughes representing) requests final plat approval for Lakeview at Stonecrest, Phase Two. The 40-unit single-family subdivision is located in Land Lot 173 or the 16th District, City of Stonecrest, DeKalb County, on the north side of Rockland Road, close to its intersection with Cragstone Road. The site is located in the Stonecrest Overlay, Tier 3, base zoning of OD (Office Distribution), and is being developed at MR-2 (Medium Density Residential) in conformance with Sec 3.5.16 of the Stonecrest Zoning Ordinance.

OPTIONS: Approve, Deny, or Refer

RECOMMENDED ACTION:

Staff recommends approval of the final plat application.

ATTACHMENTS:

#1 Final Plat for Lakeview at Stonecrest, Phase Two

THIS BLOCK RESERVED FOR SUPERIOR COURT CLERK

FINAL PLAT OF:
LAKEVIEW AT STONECREST
PHASE TWO

PREPARED FOR (OWNER/DEVELOPER):
STONECREST HOME BUILDERS, INC.
4062 PEACHTREE ROAD, NE, SUITE A #277 ATLANTA, GA 30319
PHONE: 678-446-5004
DEKALB COUNTY COMBINATION AP# 3015671
DEKALB COUNTY LDP AP# 3057540

SITE DATA

OWNER/DEVELOPER:	STONECREST HOME BUILDERS, INC. 4062 PEACHTREE ROAD, NE, SUITE A #277 ATLANTA, GEORGIA 30319 PHONE: 678-446-5004
ENGINEER/SURVEYOR:	SOUTHEASTERN ENGINEERING, INC. 2470 SANDY PLAINS ROAD MARIETTA, GA 30066 PHONE: 770.321.3936
BOUNDARY:	BOUNDARY SURVEY BY SEI, DATED AUG. 8, 2017 AND LAST REVISED AUG. 25, 2017
TOPOGRAPHY:	DEKALB GIS, SUPPLEMENTED WITH FIELD RUN SURVEY BY SEI, DATED AUG. 8, 2017
SITE/DISTURBED AREA:	12.17± AC./8.90 AC.
NUMBER OF LOTS:	40 TOTAL UNITS 40 SINGLE FAMILY DETACHED 0 ATTACHED UNITS
DENSITY:	40 LOTS / 12.17 ACRES = 3.26 UNITS PER ACRE
FLOOD INFO:	ACCORDING TO THE F.I.R.M. OF DEKALB COUNTY, PANEL NUMBER 13089C0186J, DATED MAY 16, 2013, THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.
EXISTING ZONING:	ZONING OD (OFFICE DISTRIBUTION) - STONECREST OVERLAY TIER III (DEVELOPED AS MR-2)

EXISTING ZONING
DEVELOPMENT
STANDARDS:

(F) SINGLE FAMILY ATTACHED OR DETACHED UNITS MAY
BE PERMITTED AND SHALL COMPLY WITH THE
FOLLOWING:
LOT WIDTH: MINIMUM 20' STREET FRONTAGE
MINIMUM LOT AREA: 3000 SF
FRONT SETBACK: 15 FEET
SIDE SETBACK: 5 FEET
INTERIOR SIDE SETBACK: 3 FEET, WITH A MINIMUM OF
TEN FEET SEPARATION BETWEEN STRUCTURES; 5'
INTERIOR SIDE SETBACKS SHOWN ON PLAN
REAR SETBACK: 10 FEET
PARKING: TWO SPACES SHALL BE PROVIDED PER HOME

DRAINAGE
The owner of record on behalf of himself (itself) and all successors in interest specifically releases the City of Stonecrest from any and all liability and responsibility for flooding or erosion from storm drains or from flooding from high water of natural creeks, river, or drainage features. A drainage easement is hereby established for the sole purpose of providing for the emergency protection of the free flow of surface waters along all watercourses as established by city regulations. The City may conduct emergency maintenance operations within this easement where emergency conditions exist. Emergency maintenance shall be the removal of trees and other debris, excavation, filling and the like, necessary to remedy a condition, which in the judgment of staff and Director, is potentially injurious to life, property, or the public road or utility. Such emergency maintenance conducted for the common good shall not be construed as constituting a continuing maintenance obligation on the part of the City of Stonecrest nor abrogation of the City of Stonecrest's right to seek reimbursement for expenses from the owner(s) of the property (ies) or the lands that generated the conditions.

CITY OF STONECREST PLAT APPROVAL

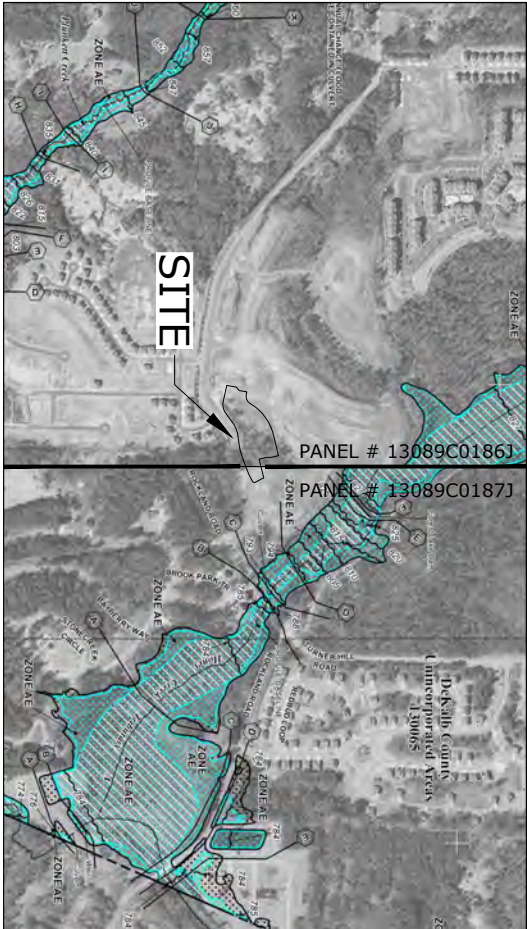
This plat has been submitted to and accepted by the Community Development Department for the City of Stonecrest, GA and has been approved as required by state law and city codes as meeting all conditions precedent to recording in the Superior Court of this circuit.

Director, Department of Community Development

Mayor, City of Stonecrest

Date

Date



A PORTION OF THIS SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOOD ZONE PER FEMA FLOOD PANELS # 13089C0186J, 13089C0187J, DATED 05-16-2013.

SURVEYOR'S ACKNOWLEDGEMENT

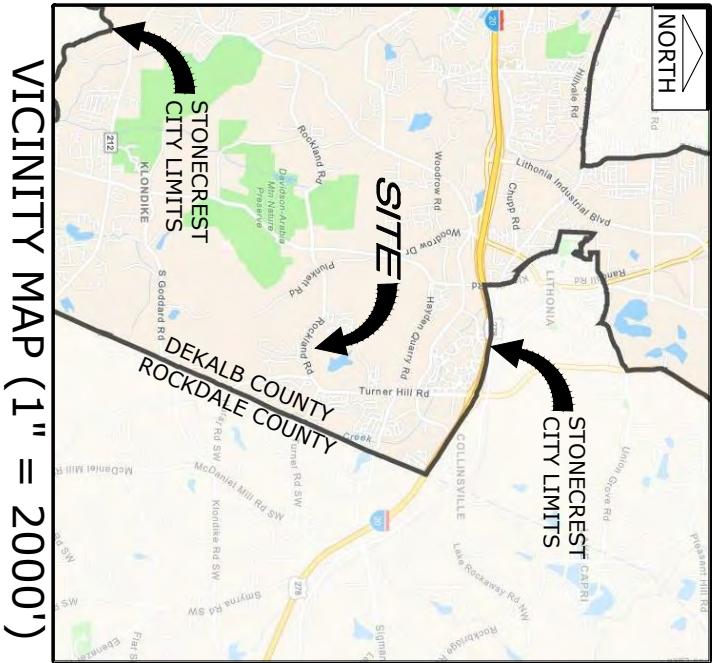
In my opinion, this plat, drawn by me or under my supervision, was prepared in accordance with the laws and regulations of the State of Georgia and has been prepared in conformity with the minimum standards and requirements of law.

Wayne Alan Powers

R.L.S. No. 2891

05-18-21

DATE



VICINITY MAP (1" = 2000')

PLAT APPROVAL
This plat has been submitted to and accepted by the Community Development Department for the City of Stonecrest, GA and has been approved as required by state law and city codes as meeting all conditions precedent to recording in the superior court of this circuit.

Director, Department of Community Development

Date

OWNER'S ACKNOWLEDGEMENT

I, _____, the owner of the land shown on this plat and whose name is subscribed hereto, acknowledges that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, do hereby convey all streets indicated as public streets and rights-of-way, and further dedicate to the use of the public forever all alleys, parks, watercourses, drains, easements and public places hereon shown for the purposes and considerations herein expressed. In consideration of the approval of this development plan and other valuable considerations, the owner further releases and holds harmless City of Stonecrest from any and all claims, damages or demands arising on account of the design, construction and maintenance of the property shown hereon; on account of the roads, fills, embankments, ditches, cross-drains, culverts, water mains, sewer lines, and bridges within the proposed rights-of-way and easements shown; and on account of backwater, the collection and discharge of surface water, or the changing of courses of streams. And further the owner warrants that he owns fee simple title to the property shown hereon and agrees that City of Stonecrest shall not be liable to him/her, his/her heirs, successors or assigns for any claims or damages resulting from the construction or maintenance of cross-drain extensions, drives, structures, streets, culverts, curbs or sidewalks, the changing of courses of streams and rivers, flooding from natural creeks and rivers, surface waters and any other matter whatsoever. I further warrant that I have the right to sell and convey the land according to this plat and do hereby bind myself and owners subsequent in title to defend by virtue of these present.

The owner of record of the land shown on this plat and whose name is subscribed thereto in person or through a duly authorized agent, hereby acknowledges that this plat was made from an actual survey, and dedicates to City of Stonecrest, as noted below, the complete ownership and use of all improvements constructed or to be constructed in accordance with this plat, and dedicates to the use of the public forever the following:

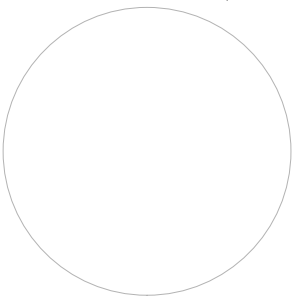
Public Street Right-of-Way 1.54 acres
Drainage Easement 0.32 acres
Public Access/Pedestrian Easements 0.00 acres
Public Water/Sewer Easements to Dekalb County 0.00 acres

In witness whereof, I have hereunto set my hand this _____ day of 2021.

(Owner): _____

Witness: _____

Notary Public: _____



GEORGIA SURVEYOR CERTIFICATION

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor. This plat has been approved by all applicable local jurisdictions that require prior approval for recording this type of plat or one or more of the applicable local jurisdictions do not require approval of this type of plat. For any applicable local jurisdiction that requires approval of this type of plat, the names of the individuals signing or approving this plat, the agency or office of that individual, and the date of approval are listed in the approval table shown hereon. For any applicable local jurisdiction that does not require approval of this type of plat, the name of such local jurisdiction and the number of the applicable ordinance or resolution providing that no such approval is required are listed in the approval table shown hereon. Such approvals, affirmations, or ordinance or resolution numbers should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Wayne Alan Powers

05-18-21

DATE

FINAL PLAT OF:

LAKEVIEW AT STONECREST
PHASE TWO

LOCATED IN:
LAND LOT 173
OF THE 16TH DISTRICT
CITY OF STONECREST,
DEKALB COUNTY, GEORGIA

PLAT INFORMATION

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 122,608 FEET AND AN ANGULAR ERROR OF 3.2 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 184,599 FEET. AN ELECTRONIC TOTAL STATION WAS USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT.
THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.

No	ISSUED	DATE

SEI
SOUTHEASTERN ENGINEERING, INC.
2470 Sandy Plains Road Marietta, Georgia 30066
tel: 770-321-3936 fax: 770-321-3935
www.seengineering.com
LSF NO. 000913



Project No.: 608-17-218
Surveyed By: SEI
Field Date: 05-10-2021
Drafted By: L. GOULD
Issue Date: 05-18-2021

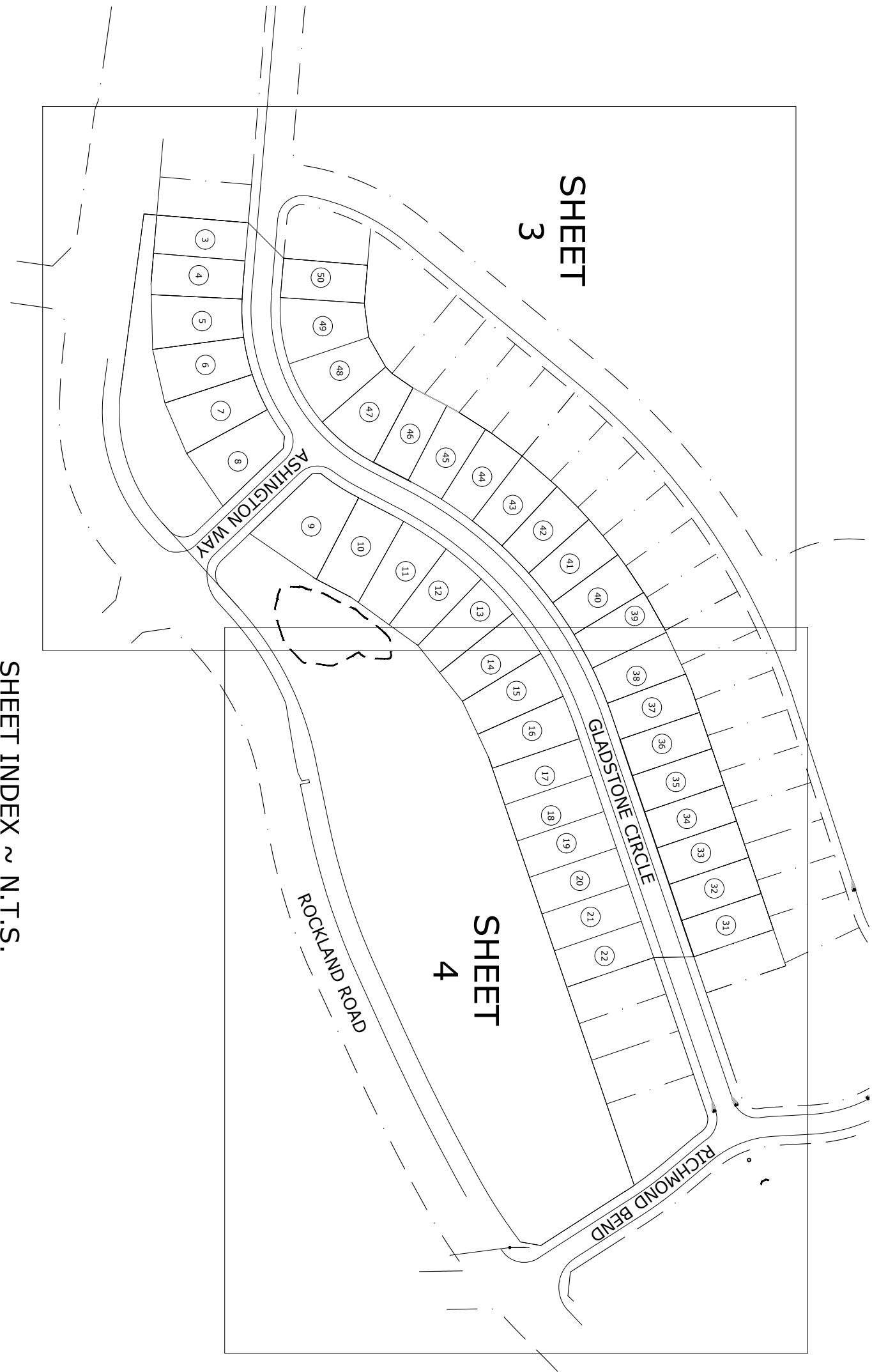
THIS BLOCK RESERVED FOR SUPERIOR COURT CLERK

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	S 84°35'35" E	15.94'
L2	N 02°09'19" W	11.22'

LOT AREA TABLE		
LOT #	AREA (IN ACRES)	AREA (IN S.F.)
3	0.14	6000
4	0.14	6245
5	0.17	7195
6	0.17	7241
7	0.17	7241
8	0.18	7964
9	0.23	10079
10	0.18	7741
11	0.16	7164
12	0.15	6506
13	0.15	6499
14	0.16	6797
15	0.15	6739
16	0.15	6508
17	0.14	6052
18	0.14	6015
19	0.14	6000
20	0.14	6071
21	0.14	6101
22	0.14	6030
31	0.13	5500
32	0.13	5500
33	0.13	5500
34	0.13	5500
35	0.13	5500
36	0.13	5500
37	0.13	5680
38	0.14	5933
39	0.13	5860
40	0.13	5807
41	0.13	5790
42	0.13	5795
43	0.13	5880
44	0.13	5828
45	0.14	5949
46	0.13	5555
47	0.17	7233
48	0.17	7391
49	0.17	7391
50	0.13	5577

LOT CURVE TABLE						
CURVE	LENGTH	RADIUS	CHORD	BEARING	TAN	DELTA
C1	393.61'	515.00'	384.10'	N49°18'45"E	206.98'	43°47'27"
C2	293.98'	250.00'	277.34'	S61°06'18"W	166.65'	67°22'34"
C3	16.81'	540.00'	16.81'	S70°18'57"W	8.41'	1°47'01"
C4	50.00'	540.00'	49.98'	N66°46'17"E	25.02'	5°18'19"
C5	50.00'	540.00'	49.98'	N61°27'59"E	25.02'	5°18'19"
C6	50.00'	540.00'	49.98'	S56°09'40"W	25.02'	5°18'19"
C7	50.00'	540.00'	49.98'	S50°51'22"W	25.02'	5°18'19"
C8	50.00'	540.00'	49.98'	S45°33'03"W	25.02'	5°18'19"
C9	50.00'	540.00'	49.98'	S40°14'45"W	25.02'	5°18'19"
C10	49.44'	540.00'	49.42'	S34°54'39"W	24.74'	5°14'45"
C11	45.91'	540.00'	45.89'	S29°51'09"W	22.97'	4°52'15"
C12	84.72'	225.00'	84.22'	S38°12'16"W	42.87'	21°34'30"
C13	88.14'	225.00'	87.58'	S60°12'52"W	44.64'	22°26'42"
C14	88.14'	225.00'	87.58'	S82°39'33"W	44.64'	22°26'42"
C15	3.58'	225.00'	3.58'	N85°39'45"W	1.79'	0°54'41"

LOT CURVE TABLE						
CURVE	LENGTH	RADIUS	CHORD	BEARING	TAN	DELTA
C16	9.70'	275.00'	9.70'	S86°13'00"E	4.85'	2°01'15"
C17	50.07'	275.00'	50.00'	N87°33'25"E	25.10'	10°25'55"
C18	50.07'	275.00'	50.00'	N77°07'30"E	25.10'	10°25'55"
C19	50.07'	275.00'	50.00'	N66°41'36"E	25.10'	10°25'55"
C20	41.44'	275.00'	41.40'	N57°09'36"E	20.76'	8°38'05"
C21	53.99'	275.00'	53.90'	N33°02'27"E	27.08'	11°14'52"
C22	15.30'	490.00'	15.30'	N28°18'42"E	7.65'	1°47'22"
C23	66.49'	490.00'	66.44'	N33°05'37"E	33.30'	7°46'28"
C24	60.24'	490.00'	60.20'	N40°30'10"E	30.16'	7°02'37"
C25	61.37'	490.00'	61.33'	N47°36'44"E	30.72'	7°10'32"
C26	63.64'	490.00'	63.60'	N54°55'15"E	31.86'	7°26'29"
C27	63.27'	490.00'	63.23'	N62°20'27"E	31.68'	7°23'54"
C28	44.20'	490.00'	44.18'	N68°37'26"E	22.11'	5°10'05"
C29	39.98'	25.00'	35.86'	N02°03'40"E	25.72'	91°38'09"
C30	38.56'	25.00'	34.85'	S87°56'20"E	24.30'	88°21'51"



SHEET INDEX ~ N.T.S.



S&E

SOUTHEASTERN ENGINEERING, INC.
 2470 Sandy Plains Road Marietta, Georgia 30066
 tel: 770-321-3936 fax: 770-321-3935
www.seengineering.com
 LSF NO. 000913

PLAT INFORMATION

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1.00 FOOT IN 122,608 FEET AND AN ANGULAR ERROR OF 3 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1.00 FOOT IN 104,500 FEET. A TOTAL STATION TOTAL STATION WAS USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT.

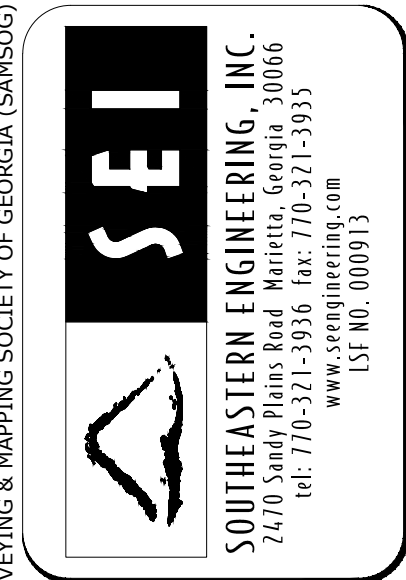
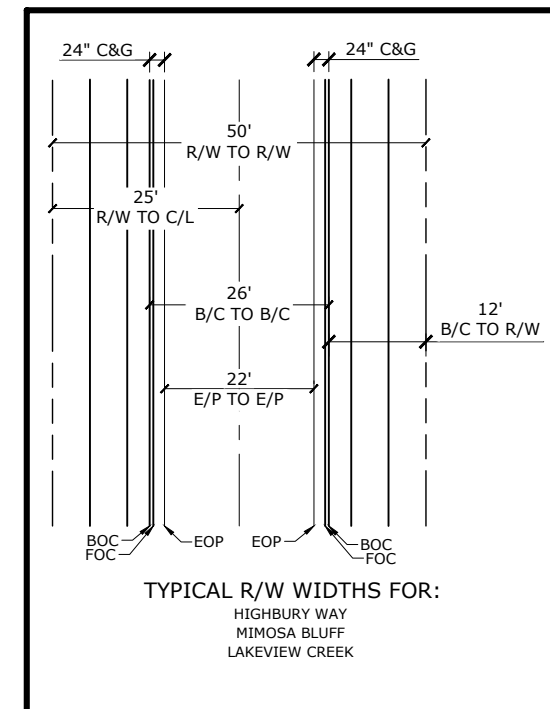
THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNMENTIONED PERSONS OR ENTITIES WITHOUT EXPRESS RECERTIFICATION BY THE SURVEYOR NAMED SAID PERSON, PERSONS OR ENTITY.

FINAL PLAT OF:

LAKEVIEW AT STONECREST
PHASE TWO

LOCATED IN:
LAND LOT 173
OF THE 16TH DISTRICT
CITY OF STONECREST,
DEKALB COUNTY, GEORGIA

Project No.:	608-17-218
Surveyed By:	SEI
Field Date:	05-10-2021
Drafted By:	L. GOULD
Issue Date:	05-18-2021

[illegible]

ALL MATTERS OF TITLE ARE EXCEPTED ©

PLAT INFORMATION

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 132,658 FEET AND AN ANGULAR ERROR OF .3. 122.658 PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THE TOTAL CLOSURE OF THIS PLAT IS 1.384,539 FEET. THE ELECTRONIC TOTAL STATION WAS USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT.

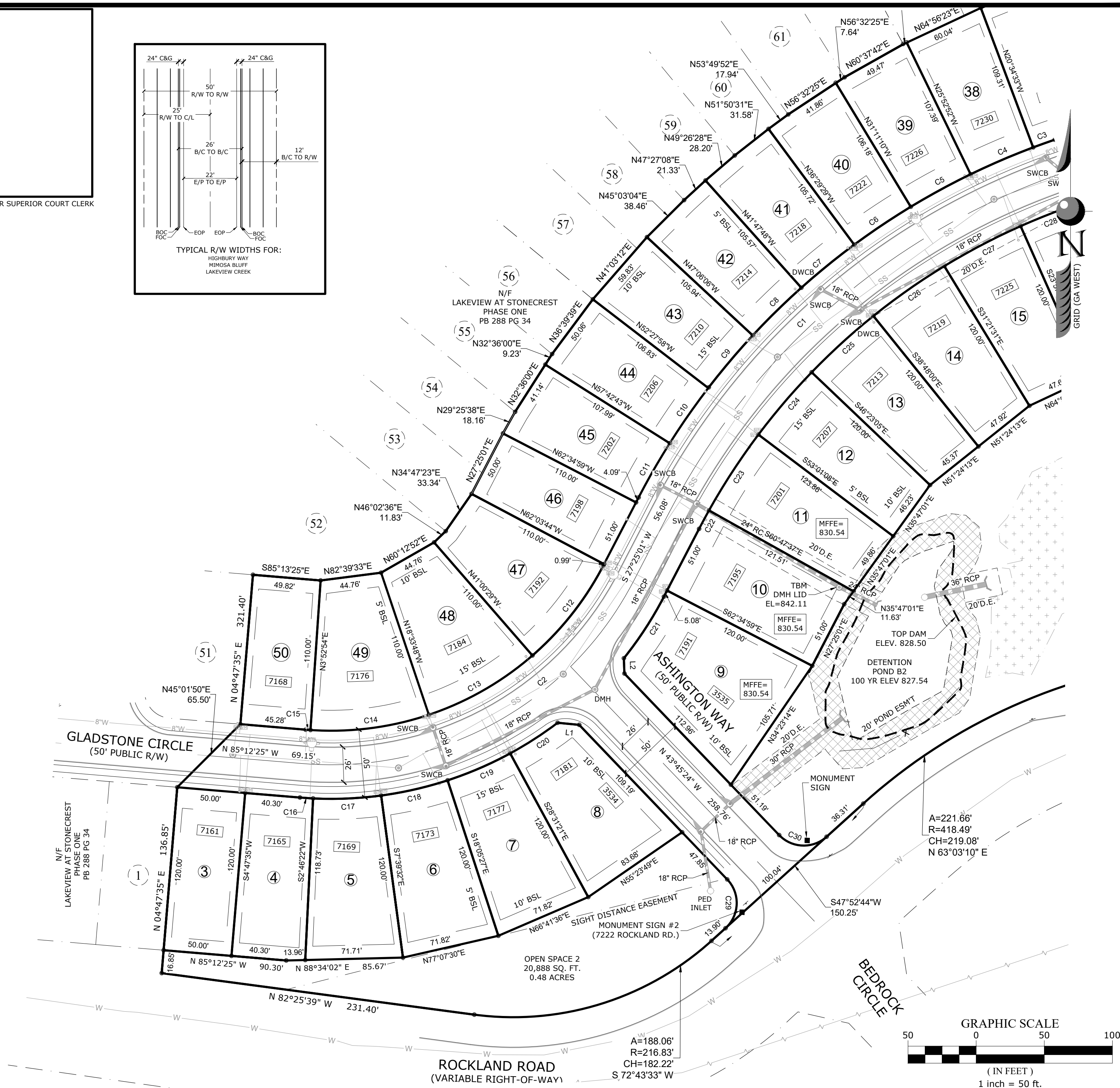
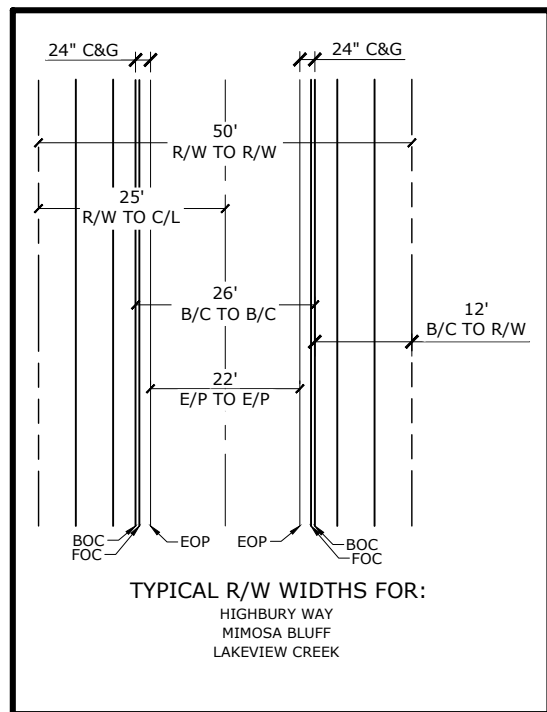
THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT EXPRESS RE-CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.

FINAL PLAT OF:	LAKEVIEW AT STONECREST PHASE TWO
LOCATED IN:	LAND LOT 173 OF THE 16TH DISTRICT CITY OF STONECREST, DEKALB COUNTY, GEORGIA



Project No.: 608-17-218
Surveyed By: SEI
Field Date: 05-10-2021
Drafted By: L. GOULD
Issue Date: 05-18-2021
3 OF 4

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[illegible]

PLAT INFORMATION

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 322,608 FEET AND AN ANGULAR ERROR OF 3 SECONDS PER SQUARE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE. CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 184,599 FEET. AN ELECTRONIC TOTAL STATION WAS USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT.

THIS PLAT DOES NOT CONSTITUTE A WARRANTY OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.

FINAL PLAT OF:

LAKEVIEW AT STONECREST
PHASE TWO

LOCATED IN:
LAND LOT 173
OF THE 16TH DISTRICT
CITY OF STONECREST,
DEKALB COUNTY, GEORGIA



Project No.:	608-17-218
Surveyed By:	SEI
Field Date:	05-10-2021
Drafted By:	L. GOULD
Issue Date:	05-18-2021



CITY COUNCIL AGENDA ITEM

SUBJECT: Establishment of a CID Advisory Committee

CATEGORY: (check all that apply)

() OLD BUSINESS ☒ NEW BUSINESS () PUBLIC HEARING
() STATUS REPORT () ORDINANCE () POLICY () RESOLUTION
() DECISION ☒ DISCUSSION ONLY

Date Submitted: 07/21/21 **Work Session:** **Council Meeting:** 07/26/21

Date(s) Previously Heard:

SUBMITTED BY: Jonathan Bartlett, Economic Development Director

PRESENTER: Jonathan Bartlett

PURPOSE: Discuss a resolution to establish a Community Improvement District (CID) Advisory Committee

FACTS AND ISSUES: The City has an opportunity to increase its engagement with the East Metro Dekalb CID, which is currently operating within the City and in unincorporated Dekalb County. In addition, there may be opportunities to support additional CIDs within the City, should such support benefit the community and the City's ability to deliver services.

A CID Advisory Committee could be asked to negotiate and finalize an Intergovernmental Agreement with East Metro Dekalb CID, to study opportunities for additional CID(s), and make recommendations to Council about the use of this Economic Development approach.

OPTIONS: Draft Resolution for discussion; nomination of Board members

RECOMMENDED ACTION:

ATTACHMENTS: Draft Resolution

A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF THE STONECREST COMMUNITY IMPROVEMENT DISTRICT (CID) ADVISORY COMMITTEE OF THE CITY OF STONECREST, GEORGIA AND APPOINTING THE INITIAL MEMBERS; TO REPEAL CONFLICTING RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to adopt ordinances and resolutions relating to its property, affairs, and local government; and

WHEREAS, Mayor and Council for the City of Stonecrest is the governing authority of the City; and

WHEREAS, Mayor and City Council are authorized by the City Charter, as amended by Senate Bill 21, adopted April 1, 2021, to adopt ordinances and resolutions for the administration of the City and to create and appoint members to Committees, commissions, and committees concerning the affairs of the City; and

WHEREAS, 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 shall have the power by ordinance or resolution to establish oversight, policy, and standing committees of the council; and

WHEREAS, the governing authority of the City has determined that it is in the best interest of the City and its citizens to establish an advisory committee known as the Stonecrest CID Advisory Committee of the City of Stonecrest, Georgia; and

WHEREAS, it is the governing authority's desire that the CID Advisory Committee provide a forum for discussing best practices and to advise the Mayor and City Council regarding best practices with respect to strategies for interaction with existing East Metro CID jurisdiction and the formation of the Stonecrest Lithonia Industrial Park Community Improvement District (SLIPCID).

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST, GEORGIA, as follows:

SECTION I

ESTABLISHMENT OF THE STONECREST CID ADVISORY COMMITTEE AND AUTHORIZATION

In response to the City of Stonecrest's community values and changing needs of the City's population, Mayor and Council hereby create a CID Advisory Committee to advise and engage with the industrial community for such duration as Mayor and Council may desire (hereinafter referred to as the "CID Committee"). Creating this Committee is an opportunity for the City to affect substantive improvements to the City's industrial community and to transform our City into one defined by the collective pursuit of a high quality of life for all residents.

SECTION II

MISSION AND DUTIES

- (a) The mission of the CID Advisory Committee is to include the citizens of the City of Stonecrest to address the need of improving and sustaining the City's Industrial Community. The purpose of the CID Advisory Committee is to ensure:
- (b) The CID Advisory Committee is a recommending body whose purpose is to meet on a regular basis to investigate, listen, and contribute ideas from City residents, business owners, conservation groups, and others with an interest in the industrial facilities within the City.
- (c) It is intended that the meetings of the CID Advisory Committee shall provide a forum for the discussion of the subjects that are pertinent for the time and result in ideas to maintain a well rounded and established industrial system within the City. The CID Advisory Committee members, individually and collectively, are expected to:
 - 1. Express the ideas, concerns, and interests of the residents and other entities with an interest in the City's industrial parks and facility system regularly to the City Council.

2. Enhance discussion by researching innovative ideas applicable to revitalization, community longevity and sustainable principals.
 3. Promote an atmosphere of respect and fairness.
 4. Strive to reach consensus within the Committee.
 5. To provide as necessary and appropriate advice, reviews, reports and recommendations to the City Council.
- (d) Further, this committee will assist City Council in identifying an appropriate member to serve on the East Metro CID board to:
1. Negotiate an intergovernmental agreement with the East Metro CID for City Council Consideration. Maintain and improve quality of life for the community through shared benefits with the East Metro CID.

SECTION III

MEMBERSHIP

The CID Advisory Committee shall be composed of seven (7) members, two (2) of which shall be Councilmembers appointed by the City Council. The City Council shall establish qualifications for members of the CID Advisory Committee except that each CID Advisory Committee member must be either a resident of the City or an owner or officer of a business domiciled in the City. Each Committee person shall be nominated and approved by the City Council. Should the Committee member move out of the City or no longer be an owner or an officer of a business domiciled in the City, he/she may remain active until the City Council appoint his/her replacement. Members must attend two-thirds (2/3) of the CID Advisory Committee meetings in a calendar year.

Failure to do so warrants removal from the Committee.

SECTION IV

TERMS

Each member shall serve for a term of one (1) year. Members filling vacancies shall serve the remainder of the term to which they were appointed. A consecutive appointment is permissible.

Members whose terms expire shall continue to serve until a replacement is appointed or a consecutive appointment is made. Any member may be removed with or without cause by the City Council.

SECTION V

COMPENSATION

CID Advisory Committee members will serve without compensation. Reasonable expenses for travel and Committee related expenses may be reimbursed pursuant to a policy to be established by the City Manager and approved by the City Council.

SECTION VI

QUORUM

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

SECTION VII

GOVERNANCE

The CID Advisory Committee may create bylaws for the governance of the Committee. The CID Advisory Committee shall set its own meeting schedule and establish the meeting agendas. Meetings shall be governed in accordance with the Open Meetings Act found within the Official Code of Georgia Annotated. The CID Advisory Committee shall meet at least four times annually, having one meeting in each quarter of a calendar year.

All meetings shall be open to the public and all records maintained by the CID Advisory Committee shall be public records unless expressly exempted by a provision of the Georgia Open Records Act. The CID Advisory Committee shall keep minutes of its proceedings, showing the vote of each member upon each question, and shall maintain records of its examinations and other official actions all of which shall be filed in the office of the City Clerk. Copies of the minutes shall be sent to the Mayor and each member of the City Council. At each meeting, the public shall be granted time for public comment.

The CID Advisory Committee 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 of the calendar year. The chairman shall serve for one (1) year or until re-elected or a successor is

elected. The vice chairman shall serve for one (1) year or until re-elected or a successor is elected. The Committee shall select one of its members to be the secretary.

SECTION VIII

INITIAL MEMBERS

The initial members of the CID Advisory Committee shall be as follows:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

SECTION IX

ENFORCEMENT AND SEVERABILITY

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

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

(c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution 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 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 Resolution and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION X

REPEAL OF CONFLICTING RESOLUTIONS

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

SECTION XI

EFFECTIVE DATE OF RESOLUTION

This Resolution shall become effective upon the date of approval and execution by the Mayor and Council of the City of Stonecrest, Georgia.

SO RESOLVED, this _____ day of _____, 2021.

CITY OF STONECREST, GEORGIA

George Turner, Mayor Pro Tempore

ATTEST:

Sonya Isom, Acting City Clerk

APPROVED AS TO FORM:

City Attorney



CITY COUNCIL AGENDA ITEM

SUBJECT: Appointment to the Board of the East Metro Dekalb CID

CATEGORY: (check all that apply)

☐ OLD BUSINESS ☒ NEW BUSINESS ☐ PUBLIC HEARING
☐ STATUS REPORT ☐ ORDINANCE ☐ POLICY ☐ RESOLUTION
☒ DECISION ☐ DISCUSSION ONLY

Date Submitted: 07/21/21 **Work Session:** **Council Meeting:** 07/26/21

Date(s) Previously Heard:

SUBMITTED BY: Jonathan Bartlett, Economic Development Director

PRESENTER: Jonathan Bartlett

PURPOSE: Nominate an individual to fill a vacant seat on the Board of the East Metro Dekalb CID

FACTS AND ISSUES: The East Metro Dekalb Community Improvement District (CID) includes within its boundary's portions of the City of Stonecrest. As such, the city is entitled to appoint a member to its Board. This appointee will serve at the pleasure of the City Council.

It is recommended that the City's appointee be a business and/or property owner that is part of the CID.

OPTIONS: Nominate and Select for Appointment

RECOMMENDED ACTION:

ATTACHMENTS: (1) Properties in Dekalb County Tax District S15 (East Metro CID/Stonecrest)

Properties in Dekalb County Tax District S15 (East Metro CID/Stonecrest)

Parcel ID	Owner	Street #	Address
15 065 01 028	T AND J INDUSTRIES DEVELOPMENT	4600	CLEVELAND RD
16 023 02 003	ATLANTA LIQUIDATION LLC	5075	MINOLA DR
16 024 01 014	GEORGIA ALABAMA COMMERCIAL INV	5033	SNAPPFINGER WOODS DR
16 025 01 002	GREENLAND SNAPPFINGER LLC	2534	MILLER RD
16 025 01 024	GREENLAND SNAPPFINGER LLC	2544	MILLER RD
16 039 03 041	MCBRIDE RESEARCH LABORATORIES INC	2272	PARK CENTRAL BLVD
16 039 04 056	LIDL US OPERATIONS LLC	6038	COVINGTON HWY
16 040 01 016	FS MCALLISTER HOLDINGS LLC	2568	PARK CENTRAL BLVD
16 040 02 041	SHAW STONECREST PROPERTIES LLC	5275	DIVIDEND DR
16 041 03 007	ANTHONYS DIRT PANOL LLC	2853	PANOLA RD
16 041 04 012	DECKO QUALITY SERVICES LLC	2671	PANOLA RD
16 042 06 051	PEACHLAND INVESTMENT GROUP LLC	2984	PANOLA RD
16 120 01 015	LEVY JONATHAN L	6480	CHUPP RD
16 137 15 017	HOWARD LEMUEL	2716	EVANS MILL RD
16 138 03 033	SMITH ROBERT PRIDE TERRENCE	6651	HILLANDALE DR
15 065 01 041	T & J INDUSTRIES DEVELOPMENT	4670	CLEVELAND RD
16 023 02 036	JERRY TILLEM RESIDUAL TRUST	3024	MILLER RD
16 024 02 001	DPIF2 GA 3 MILLER ROAD LLC	2800	MILLER RD
16 024 03 006	KHATRI RAKESH	2944	MILLER RD
16 039 03 043	HATCO LLC	2280	PARK CENTRAL BLVD
16 040 01 002	SHAW STONECREST PROPERTIES LLC	5373	PENN CIR
16 041 04 009	SNAPPFINGER BP LLC	5372	SNAPPFINGER WOODS DR
16 089 02 010	SUNSHINE Z LLC	6819	COVINGTON HWY
16 104 04 002	AIJ COVINGTON LLC	7101	COVINGTON HWY
16 137 05 035	PHILLIPS RENEE	7681	COVINGTON HWY
16 137 09 007	DISCOUNT AUTO PARTS INC	6747	OLD COVINGTON RD
16 039 03 033	PCB 2364 LLC	2320	PARK CENTRAL BLVD
16 039 03 045	HATCO LLC	2292	PARK CENTRAL BLVD
16 041 02 009	5395 SNAPPFINGER WOODS DRIVE LLC	5395	SNAPPFINGER WOODS DR
16 041 06 016	GAHC3 LITHONIA GA MOB LLC	5461	HILLANDALE DR
16 088 02 006	SELMAN FAMILY REVOCABLE TRUST	5991	HILLANDALE DR
16 104 04 021	WAUGH AND WONG LLC	2522	LITHONIA WEST DR
16 120 02 005	CL RP STONECREST LLC	6600	OLD HILLANDALE DR
16 024 01 004	SNAPPFINGER BP LLC	2811	MILLER RD
16 024 03 007	SNAPPFINGER PARK DRIVE LLC	5246	SNAPPFINGER PARK DR
16 025 01 014	THOMAS HUGHES DECATUR PROP	5020	SNAPPFINGER WOODS DR
16 026 01 003	FRANCIS MICHAEL	5907	COVINGTON HWY
16 039 03 032	PCB 2364 LLC	2300	PARK CENTRAL BLVD
16 039 03 042	HATCO LLC	2276	PARK CENTRAL BLVD
16 040 05 001	SNAPPFINGER BP LLC	2375	PANOLA RD
16 040 06 001	SHAW STONECREST PROPERTIES LLC	5277	TRUMAN DR
16 041 07 015	REVA PROPERTIES INC	5354	SNAPPFINGER PARK DR
16 042 03 005	G B E LLC	2911	PANOLA RD
16 104 04 015	WAUGH AND WONG LLC	2536	LITHONIA WEST DR
16 120 01 054	HERITAGE FAMILY DEVELOPMENT LP	6582	CHUPP RD
16 137 05 015	3R GREENWOOD INC	2800	EVANS MILL RD
16 137 15 009	HARBOUR CAPITAL LLC	2708	EVANS MILL RD
15 065 01 003	TRAN SANG	3270	SNAPPFINGER RD
16 039 03 009	PCB 2364 LLC	2310	PARK CENTRAL BLVD
16 040 01 018	SHAW STONECREST PROPERTIES LLC	5360	PENN CIR
16 041 01 008	KAISER FOUNDATION HEALTH PLAN	5440	HILLANDALE DR
16 041 04 001	MARSHALL JOSEPH D JR	2663	PANOLA RD
16 041 04 013	MARSHALL JOSEPH D JR	2661	PANOLA RD
16 088 02 001	SELMAN FAMILY REVOCABLE LIVING TRUST	5999	HILLANDALE DR
16 105 04 009	DUBLIN DOREN	6453	CHUPP RD
16 108 02 002	VERTICAL BRIDGE AM LLC	3610	EVANS MILL RD
16 120 01 052	HERITAGE FAMILY DEVELOPMENT LP	6535	CHUPP RD
16 137 05 004	PHILLIPS RENEE	7675	COVINGTON HWY
16 023 03 015	MAXIMUS REAL ESTATE GROUP LLC	5053	CHATOOGA DR
16 025 01 021	THOMAS HUGHES DECATUR PROPERTIES LLC	5022	SNAPPFINGER WOODS DR

Properties in Dekalb County Tax District S15 (East Metro CID/Stonecrest)

Parcel ID	Owner	Street #	Address
16 026 01 004	FRANCIS MICHAEL	5919	COVINGTON HWY
16 039 03 035	PCB 2364 LLC	2340	PARK CENTRAL BLVD
16 039 04 057	ICHORD PAUL S	6088	COVINGTON HWY
16 041 02 010	FIRST SOUTHERN BANK	2727	PANOLA RD
16 041 07 012	MCDONALD'S CORPORATION	2791	PANOLA RD
16 089 02 011	SUNSHINE Z LLC	6835	COVINGTON HWY
16 105 04 003	KIMBERLY OBRIEN 2009 REVO	6450	OLD HILLANDALE DR
16 137 09 002	DISCOUNT AUTO PARTS INC	7522	COVINGTON HWY
16 138 02 013	MCDONALDS CORPORATION	2826	EVANS MILL RD
16 039 03 034	PCB 2364 LLC	2330	PARK CENTRAL BLVD
16 039 04 055	WH CAPITAL LLC	2255	PANOLA RD
16 039 05 010	MARSHALLS OF MA INC	2295	PARK CENTRAL BLVD
16 040 01 022	PANOLA CROSSINGS LLC	2617	PANOLA RD
16 041 07 016	MCDONALDS CORPORATION	5387	PANOLA INDUSTRIAL BLVD
16 042 04 003	PANOLA SW LLC	5384	FAIRINGTON RD
16 042 04 004	GUIDED FINANCIAL LLC	5410	FAIRINGTON RD
16 042 06 052	STEWART RON L	2998	PANOLA RD
16 104 04 008	AIJ COVINGTON LLC	7077	COVINGTON HWY
16 120 02 015	STONE TERRACE II GA LLC	6610	OLD HILLANDALE DR
16 121 03 017	ROSWELL HOLDINGS LLC	7137	COVINGTON HWY
16 121 03 019	ROSWELL HOLDINGS LLC	7129	COVINGTON HWY
16 137 05 038	3R GREENWOOD INC	2802	EVANS MILL RD
16 138 03 019	LEW HUDSON FAMILY LIMITED	6641	HILLANDALE DR
16 025 01 004	GREENLAND SNAPFINGER LLC	5152	SNAPFINGER WOODS DR
16 025 01 016	THOMAS HUGHES DECATUR PROP	5024	SNAPFINGER WOODS DR
16 039 03 044	HATCO LLC	2282	PARK CENTRAL BLVD
16 039 04 058	KS ENTERPRISES LLC	6092	COVINGTON HWY
16 039 04 062	LIDL US OPERATIONS LLC	6032	COVINGTON HWY
16 040 01 001	ELWARD MICHAEL L AND LORI D REVOCABLE TR	2657	PANOLA RD
16 040 01 025	MIKEITZ REALTY SNAPFINGER GEORGIA	2460	PARK CENTRAL BLVD
16 040 01 040	PANOLA ICY DELIGHTS LLC	2621	PANOLA RD
16 040 04 007	PCB 2364 LLC	5352	MORSE DR
16 041 06 017	GBAM PROPERTIES LLC	5404	HILLANDALE PARK CT
16 041 07 017	OLADAMI LLC	5322	SNAPFINGER PARK DR
16 088 02 005	SELMAN FAMILY REVOCABLE LIVING TRUST	6029	HILLANDALE DR
16 089 02 001	SRI REAL ESTATE PROPERTIES LLC	6689	COVINGTON HWY
16 107 01 030	ALLEN FAMILY INVESTMENTS LLC	3235	EVANS MILL RD
16 120 02 012	CL RP STONECREST LLC	6659	CHUPP RD
16 137 05 034	SURYADEVARA NITYANANDA	7705	COVINGTON HWY
16 138 01 002	GLENCOR SERVICES INC	2979	KLONDIKE RD
16 151 03 017	HAVERTY FURNITURE COMPANIES	7990	MALL PKWY
16 151 03 019	CS STONECREST LLC	7848	STONECREST SQ
16 182 01 013	BJ LITHONIA LLC	3150	TURNER HILL RD
16 182 01 017	REDEEM PROPERTIES LLC	7566	HONEYCREEK CT
16 151 03 018	CS STONECREST LLC	7846	STONECREST SQ
16 170 01 026	ROHAN AND RUDR USA INC	7331	STONECREST CONCOURSE
16 171 01 020	SAQ ENTERPRISE INC	8065	MALL PKWY
16 183 01 010	MCDONALDS CORPORATION	2964	TURNER HILL RD
16 171 01 021	KAISER FOUNDATION HEALTH	8011	MALL PKWY
16 151 03 015	NDR ENTERPRISES AT STONECREST	7890	MALL RING RD
16 171 01 008	KU YUNG CHIEN	3207	TURNER HILL RD
16 138 03 034	SMITH ROBERT PRIDE TERRENCE	6653	HILLANDALE DR



CITY COUNCIL AGENDA ITEM

SUBJECT: Rescheduling of the August 9, 2021, Work Session

CATEGORY: (check all that apply)

☐ OLD BUSINESS ☒ NEW BUSINESS ☐ PUBLIC HEARING
☐ STATUS REPORT ☐ ORDINANCE ☐ POLICY ☐ RESOLUTION
☒ DECISION ☐ DISCUSSION ONLY

Date Submitted: 07/22/21 **Work Session:** n/a **Council Meeting:** 07/26/21

Date(s) Previously Heard: n/a

SUBMITTED BY: Janice Allen Jackson, Acting City Manager

PRESENTER: George Turner, Mayor Pro Tem

PURPOSE: To decide date for the next work session

FACTS AND ISSUES: Please see attached for current schedule for those Council members attending the Georgia Municipal Association Convention in Savannah. The current plans could affect our ability to have full participation for the work session scheduled for August 9. This is to discuss whether you want to keep this date or select another date.

Councilmember	Check-In	Check-Out
Jimmy Clanton	August 6	August 9
Robert Turner	August 5	August 7
Jazzmin Cobble	August 6	August 8
George Turner	August 6	August 10
Tammy Grimes	August 6	August 8

OPTIONS: 1) Meet on August 9 as planned
2) Meet later during that week

RECOMMENDED ACTION: None

ATTACHMENTS: Chart showing which Council members are attending and when they will be in Savannah.