CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1 *Council Member Rob Turner- District 2*

Council Member Jazzmin Cobble – District 3 *Council Member George Turner- District 4*

Council Member Diane Adoma – District 5

CITY COUNCIL MEETING AGENDA

August 20, 2018
7:00 p.m.
3120 Stonecrest Blvd. Suite 190
Stonecrest, Georgia

I. **CALL TO ORDER:** Mayor Jason Lary

II. **ROLL CALL:** Brenda James, Interim City Clerk

III. **INVOCATION:**

IV. **PLEDGE OF ALLEGIANCE:**

V. **ADOPTION OF THE CITY COUNCIL AGENDA:**

VI. **MINUTES:** Approval of Minutes of the City Council Meeting of August 1, 2018

VII. **PRESENTATIONS:**

VIII. **PUBLIC HEARINGS:**

1. RZ-18-003 6554 Chupp Rd/ 7427 Covington Hwy

IX. **PUBLIC COMMENTS:**

X. **AGENDA ITEMS:**

2. Ordinance of the City of Stonecrest Adopting additional Taxation Regulations in Chapter 24
3. Ordinance Authorizing the Sale of Alcoholic Beverages on-Premises Consumption on Sundays from 11:00 a.m. until 12:30 p.m. at Certain Licensed Establishments
4. Resolution for Federally Subsidized Flood Insurance as Authorized by the National Flood Insurance Act of 1968

XI. **CITY MANAGER COMMENTS:**

XII. **CITY ATTORNEY COMMENTS:**

XIII. **MAYOR AND COUNCIL COMMENTS:**

XIV. **ADJOURNMENT:**

XV. **EXECUTIVE SESSION:**

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

CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1 *Council Member Rob Turner- District 2*

Council Member Jazzmin Cobble – District 3 *Council Member George Turner- District 4*

Council Member Diane Adoma – District 5

CITY COUNCIL MEETING MINUTES

August 1, 2018
9:00am.
3120 Stonecrest Blvd. Suite 190
Stonecrest, Georgia

I. **CALL TO ORDER:** Mayor Jason Lary

II. **ROLL CALL:** All members were present

III. **INVOCATION:** Council Member Rob Turner

IV. **PLEDGE OF ALLEGIANCE:**

V. **ADOPTION OF THE CITY COUNCIL AGENDA:**

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

VI. **MINUTES:** Approval of Minutes of the City Council Meeting of July 16, 2018

Council Member Adoma said she wanted the minutes to reflect that the Auditor from Mauldin and Jenkins discussed a list of recommendations. Council Member Rob Turner made a motion to approve the minutes with the change requested by Council Member Adoma with Council Member Adoma providing the second. **The motion carried unanimously for the minutes and changes.**

VII. **PRESENTATIONS:**

VIII. **PUBLIC COMMENTS:**

Faye Coffield spoke on the stoppage of the work on the road for the Lithonia Industrial Boulevard expansion and the fact that she is against any salary increases.

Dave Marcus spoke on the city was being sued by a Billboard Company, the Overlay Rezoning and lawsuits on the website.

Bernard Knight spoke on the Zoning Code, people not knowing about zoning meetings and he agreed lawsuits should be on website.

IX. AGENDA ITEMS:

1. Intergovernmental Agreement with DeKalb County for Election Services

   Attorney Laura Cosgray and City Manager Michael Harris gave an overview of the agreement and said some minor changes need to be made. This item was for discussion only.

2. Intergovernmental Agreement with DeKalb County of 911 Dispatch of Police, Fire, Emergency Medical, Animal Services and Enforcement Calls

   Attorney Laura Cosgray gave an overview of the agreement. This item was for discussion only.

3. Intergovernmental Agreement with DeKalb County for Police Services

   Attorney Laura Cosgray and City Manager Michael Harris gave and overview of this agreement. This was discussion only.

4. Intergovernmental Agreement with DeKalb County for Fire Rescue Services

   Attorney Laura Cosgray gave an overview of the agreement. This was for discussion only.

5. Ordinance of the City of Stonecrest Adopting Additional Taxation Regulations in Chapter 24

   Attorney Tom Kurrie gave an overview regarding the Ordinance adopting additional Taxation Regulations. This was the first read of the ordinance.

6. Contract for Quicket Solutions/Incident Management and Business Continuity Plan.

   Mayor Lary gave an overview and said he would like to send this item out for an RFQ. Mayor Lary made a motion to send out a Request for Qualifications for the City of Innovation and the City Manager be the designated Purchasing Agent. Council Member Adoma provided the second. Council Member Clanton asked for clarity of the motion. Mayor Lary restated the motion. "I move that we submit a

Request for Qualifications from qualified vendors for Incident Management and Business Continuity Services in accordance with the provisions of the City's Purchasing Policy." Council Member Adoma seconded the motion. **The motion carried unanimously,**

7. Resolution Adopting the Policy that copies of all Expense Reimbursement Reports submitted by the Mayor and Council Members are on the website

   Council Member Adoma made a motion to approve the Resolution adopting the policy that copies of all expense reimbursement reports submitted by the Mayor and Council are published on the city website. Council Member George Turner provided the second. **The motion carried unanimously.**

8. Ordinance to Amend the Charter for Amending the Titles of Person Serving as any Municipal Court Judge

   City Attorney Tom Kurrie gave an overview of the Ordinance to Amend the Charter for Amending the Titles of Person serving as any Municipal Court Judge.

   This was discussion only.

9. An Ordinance to Amend Section 2.07 for Amending the Salary Provision for the Mayor and Amending the Expense Reimbursement Provisions for the Mayor and Council

   City Attorney Tom Kurrie gave an overview of amending section 2.07 of the Charter to amend the salary of the Mayor and amend the expense reimbursement provisions for the Mayor and Council. The Internal Auditor, Joel Thibodaux also spoke on this matter. There was much discussion only.

10. An Ordinance to Amend the Charter for the Submission of the Proposed Operating budget and Capital budget for the ensuing Fiscal Year

    Council Member Cobble made a motion to pull the Ordinance to amend the Chapter for the Submission of the proposed Operating and Capital Budget for the ensuing Fiscal Year from the agenda. Council Member George Turner provided the second. **The motion carried unanimously.**

11. A Resolution Authorizing the City Clerk to Publish Three Notices of Proposed Amendments to the Charter

There was much discussion on this matter and finally Council Member George Turner made a motion to defer this matter to the next regular City Council Meeting with Council Member Adoma providing the second.

Mayor Lary made a substitute motion to defer the resolution to a Special Called Meeting. The motion died for the lack of a second. **A vote was taken on the original motion and it carried unanimously.**

X. CITY MANAGER COMMENTS:

City Manager, Michael Harris said the city has launch their online services for Planning and Zoning applications and he and the Assistant City Manager will be meeting with the Director of Public Works in DeKalb County.

XI. CITY ATTORNEY COMMENTS:

Attorney Kurrie announced Assistant City Attorney Emily M. Preston gave birth to a baby boy named Preston. He also said they will be presenting Charter timeline dates and he sees no issue with posting law suits on the website.

XII. MAYOR AND COUNCIL COMMENTS:

Council Member Adoma announced a Smart Innovative City Seminar Breakfast at 9:30 on August 2, 2018 at the Hilton Hotel, and gave an update from Commissioner Mereda Davis Johnson on the expansion work at Lithonia Industrial Boulevard and the expected date of completion is February or March 2019.

Council Member George Turner announced a District 4 townhall meeting on August 2, 2018 at 6:30pm at Big Miller Grove.

Council Member Clanton announced the monthly Community Leadership Meeting is the second Saturday at Fairview Baptist Church on Lithonia Road in the Educational Center at 10:00am. He spoke on the information for Quicket Solutions and reminded everyone the information is confidential.

Council Member Rob Turner announced the monthly Community Breakfast will be August 11^{th} at 9:00am at the Greater Travelers Rest House of Hope and come meet and hear the newly elected officials of South DeKalb and the constitutional officers who will be running in the General Election.

Council Member Cobble had no comments.

Mayor Lary spoke on the everyday marketing battle to bring transportation to Stonecrest. He spoke on future police services in Stonecrest and the face of serving the public has changes.

XIII. ADJOURNMENT:

Council Member Cobble made a motion to adjourn the meeting at 12:10 with Council Member Adoma providing the second. **The motion carried unanimously.**

XIV. EXECUTIVE SESSION:

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

THE CITY OF STONECREST GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: RZ-18-003 6554 Chupp Rd/7247 Covington Hwy

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

Date Submitted: 08/14/18 **Work Session:** **Council Meeting: 08/20/18**

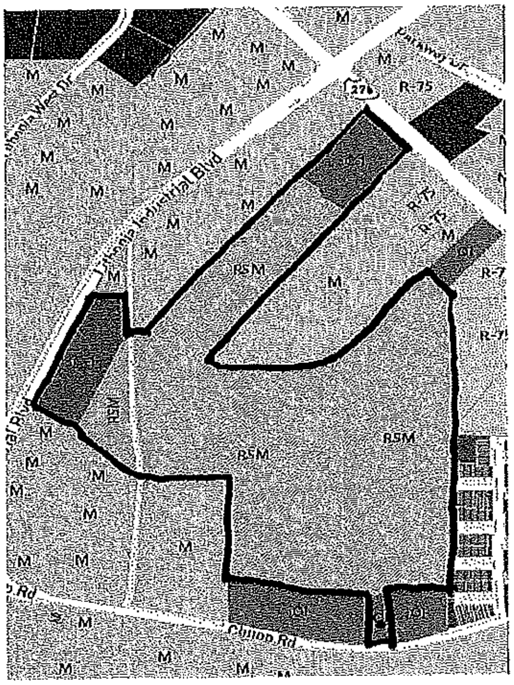
SUBMITTED BY: Nicole C.E. Dozier, Community Development Department Director

PURPOSE: The applicant, LDG Development is requesting to change four (4) of the original conditions of rezoning CZ-04019 for the site, to develop the residential portion of this development.

The conditions are as follows:
(1) All common area shall be maintained by homeowner's association
(2) All dwellings shall have a minimum of 1400 sq. ft. of heated space
(3) All dwellings shall have at least a one (1) car garage.
(4) The development shall contain a minimum of at least 20,000 sq. ft. of commercial development. No liquor stores, pawn shops check cashing, billiard halls or nail salons permitted.

HISTORY: This item was heard in Dekalb County in April 2004 CZ-04019.

RECOMMENDED ACTION: Planning Commission recommended deferral of the petition at the August 7, 2018 meeting. Staff recommended approval with conditions with a modification to condition # 2 to read as follows: *"The development site shall contain a minimum of at least 20,000 sq. ft. of future commercial development. No liquor stores, pawn shops check cashing, billiard halls or nail salons permitted."* Reason: Staff is unsure if the allocated C-1 zoned property is enough to accommodate the minimum commercial square footage as conditioned.



OPTIONS: Defer back to the Planning Commission, Approve; Deny; or make Alternative conditions

ATTACHMENTS:

#1 Planning Commission Staff Report w/revised site plan proposed by applicant

#2 Planning Commission PowerPoint Presentation

RZ-18-003

Attachment #1

08/07/2018
Planning Commission Staff Report with Revised Site Plan Proposed by Applicant

THE CITY OF STONECREST GEORGIA

PLANNING COMMISION STAFF REPORT

MEETING DATE: August 7th, 2018

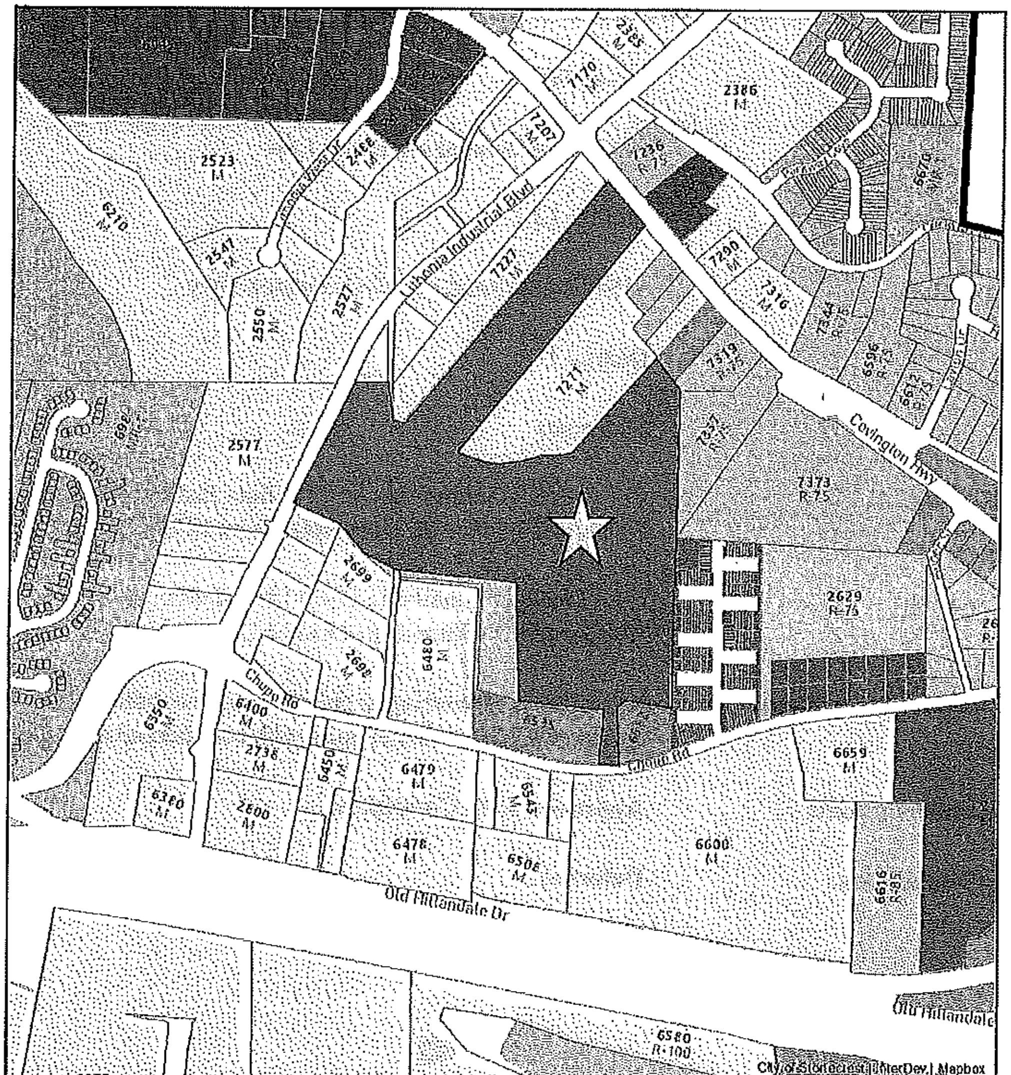
GENERAL INFORMATION

Petition Number:	RZ-18-003
Applicant:	LDG Development c/o Battle Law
Owner:	Lalithia LLC
Project Location:	6554 Chupp Road / 7247 Covington Hwy
District:	District 1
Acreage:	58.6 acres
Existing Zoning:	C-1 (Local Commercial), O-I (Office- Institutional) and RSM (Residential Medium Lot) District Conditional CZ-04019
Proposed Zoning:	C-1 (Local Commercial), O-I (Office-Institutional) and RSM (Residential Medium Lot) District Conditional CZ-04019
Proposed Development/Request:	Applicant is requesting to change four in conditions of CZ-04019 to. construct 240 townhome units with commercial components.
Staff Recommendations:	**Approved with Conditions**
Planning Commission:	**Deferral**

THE CITY OF
STONECREST
GEORGIA

PLANNING COMMISION STAFF REPORT

Zoning Map



ZONING CASE: **RZ-18-003**

ADDRESS: **6554 Chupp Road / 7247 Covington Hwy**

CURRENT ZONING: **C-1 / RSM / O-I**

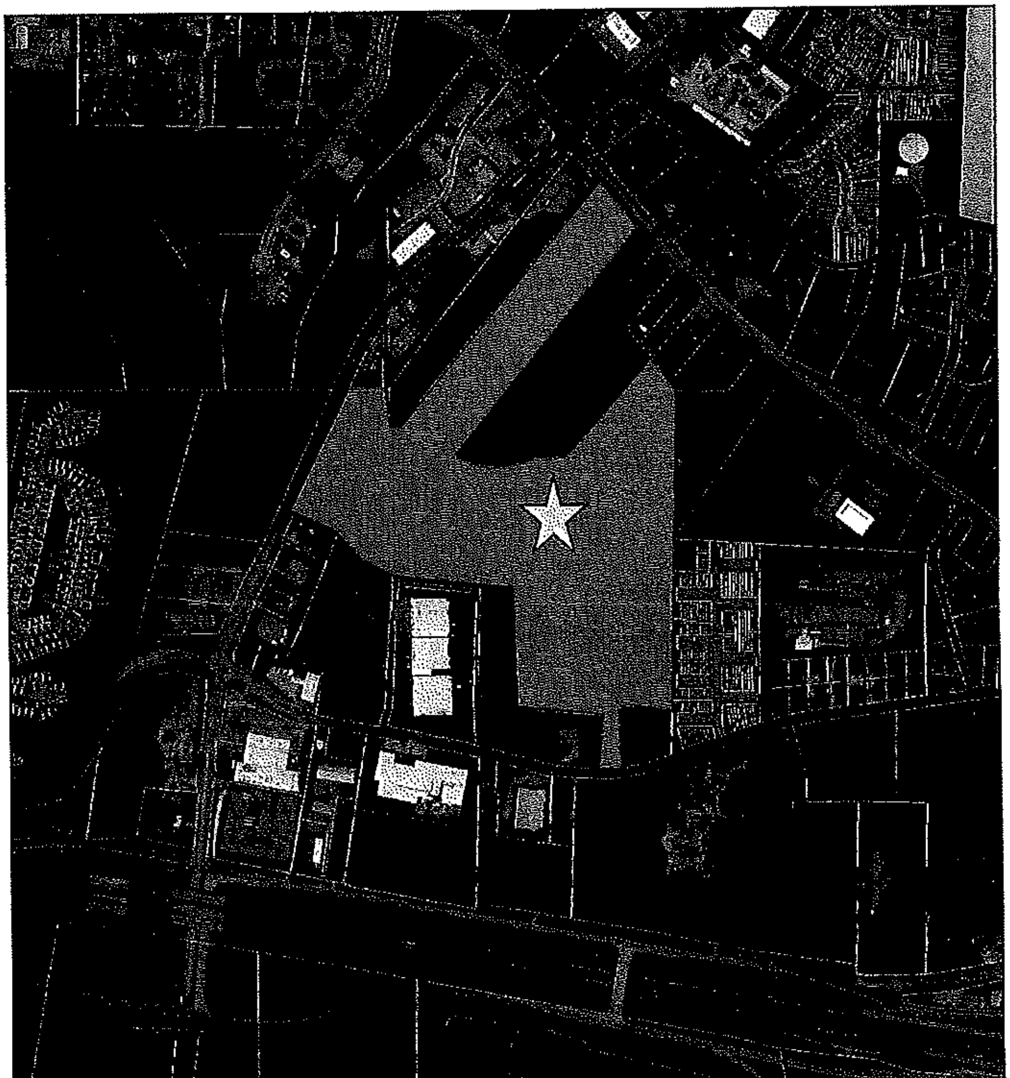
FUTURE LAND USE: **Ind / Sub / HC**

☆ Subject Site

0 0.1 0.2 mi

PLANNING COMMISION STAFF REPORT

Aerial Map



ZONING CASE: **RZ-18-003**

ADDRESS: **6554 Chupp Road / 7247 Covington Hwy**

CURRENT ZONING: **C-1 / RSM / O-I**

FUTURE LAND USE: **Ind / Sub / HC**

0 0.1 0.2 mi

☆ Subject Site

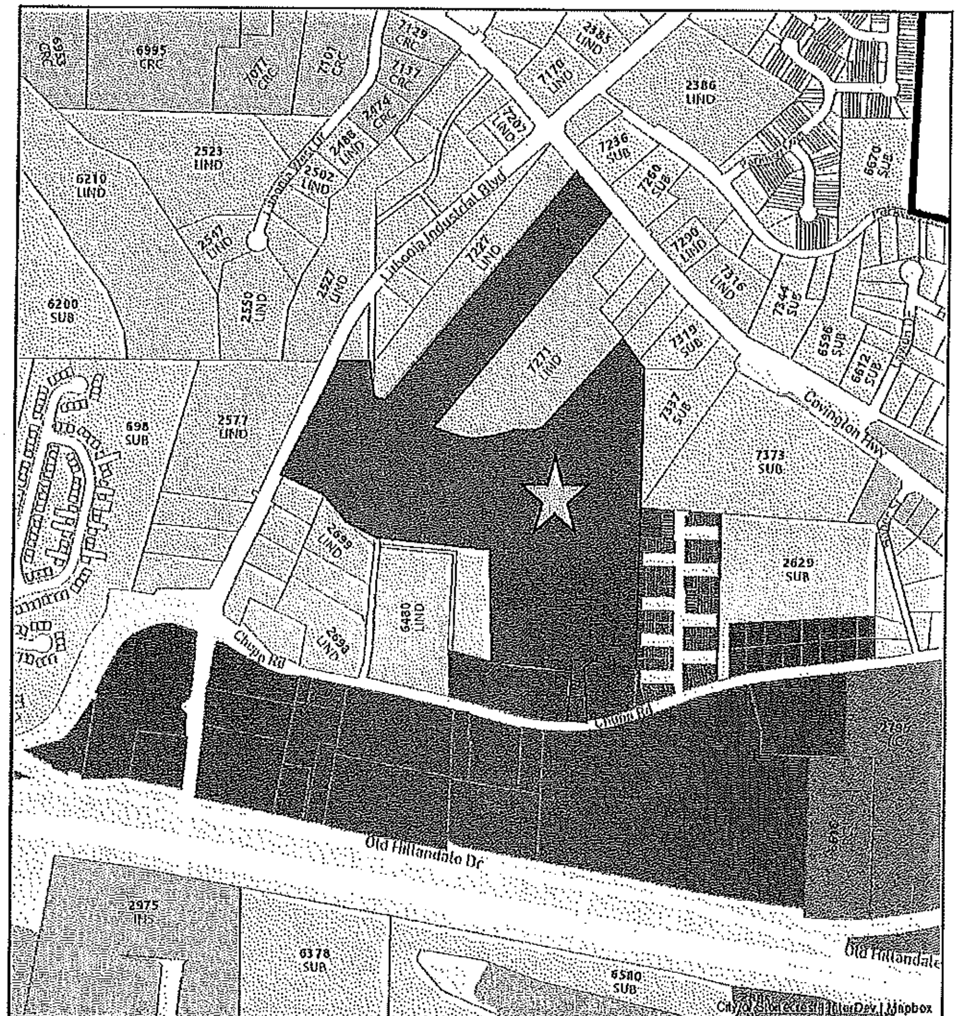
THE CITY OF

STONECREST

GEORGIA

PLANNING COMMISION STAFF REPORT

Future Land Use Map



ZONING CASE: **RZ-18-003**

ADDRESS: **6554 Chupp Road / 7247 Covington Hwy**

CURRENT ZONING: **C-1 / RSM / O-I**

FUTURE LAND USE: **Ind / Sub / HC**

0 0.1 0.2 mi

Subject Site

THE CITY OF
STONECREST
GEORGIA

PLANNING COMMISION STAFF REPORT

PROJECT OVERVIEW

The applicant is requesting a change in zoning condition of zoning case CZ-04019, to allow the construction of the residential portion of a mixed-use development. The applicant has requested the following conditions to be eliminated;

(1) All common area shall be maintained by a mandatory homeowner's associations.
(2) All residential dwellings units shall have a minimum of 1400 square feet of heated space.
(3) All dwelling units shall have an attached garage for at least one (1) car.

The applicant has requested for the following conditions to be modified:

(4) The Development undeveloped portions the Subject Property zoned C-1 may be developed for shall contain a minimum of at least twenty thousand square feet of commercial space. No liquor stores, pawn shops, check cashing, billiard halls or nail salons maintain shall be allowed on the Subject Property.

The applicant intends to construct two hundred and forty townhome rental units at a density of 4.57 units per acre. The applicant is requesting to modify four of the eighteen zoning conditions. There is a total of six (6) individual properties that have a total acreage of 58.6 acres. The square footage of the proposed townhome units will between 1,050 and 1200 square feet. The proposed site plan indicates a gated townhome development with two proposed points of access located on Chupp Road and Covington Hwy. The Future Development Map shows the subject property character areas to be Light Industrial, Suburban, and Highway Corridor. The subject property is located on the Stonecrest Tier 4 Overlay District as well.

Currently, the subject properties are heavily wooded and undeveloped with two frontages abutting on Covington Highway and Chupp Road. Previously the properties were approved to be rezoned to RSM (Residential Small Lot) District by DeKalb County in 2004 to be a mix-use development. The original intent was to create a low to a medium residential component of ownership housing with office and institutional zoning with commercial zoning for neighborhood shopping services as well as additional community services such as daycare. The entire development would be connected by sidewalks and recreational areas to provide easy access to commercial shopping and office-institutional uses.

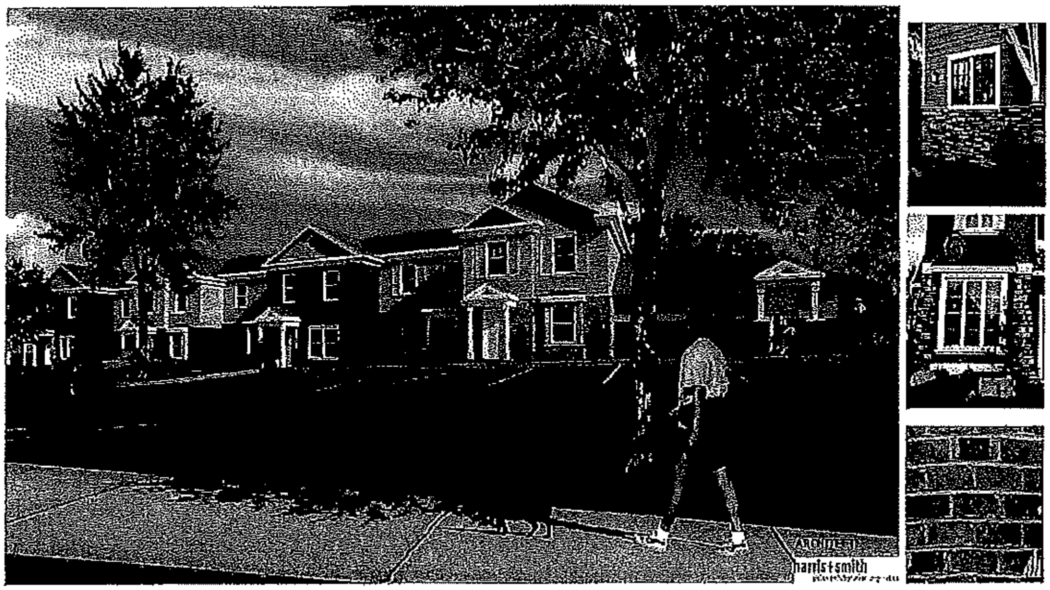
The surrounding area is characterized by a mixture of industrially zoned properties and residential properties with few properties being zoned office-institutional and commercial. To the north across Covington Hwy.are two residential properties with one being zoned (C-1) Local Commercial (CZ-15-20074) and the other property zoned R-75 (Residential Medium Lot). Abutting the subject property to the north-east are properties that are zoned R-75, M – Light Industrial (CZ-04019) and Office-Institutional (CZ-99055). Also, abutting the subject property to the east are properties zoned R-75 (SLUP-09-1446) and (MR-2) Medium Density Residential Zoning Districts (Evans Mills Townhomes). The properties to the south are zoned O-I (CZ-04019). The property to the southwest is zoned M-Light Industrial and the property further to the northwest across Lithonia Industrial Blvd is zoned Light Industrial as well.

A neighborhood meeting is scheduled to be held July 26, 2018, with the community to create a dialogue between the applicant and residences.

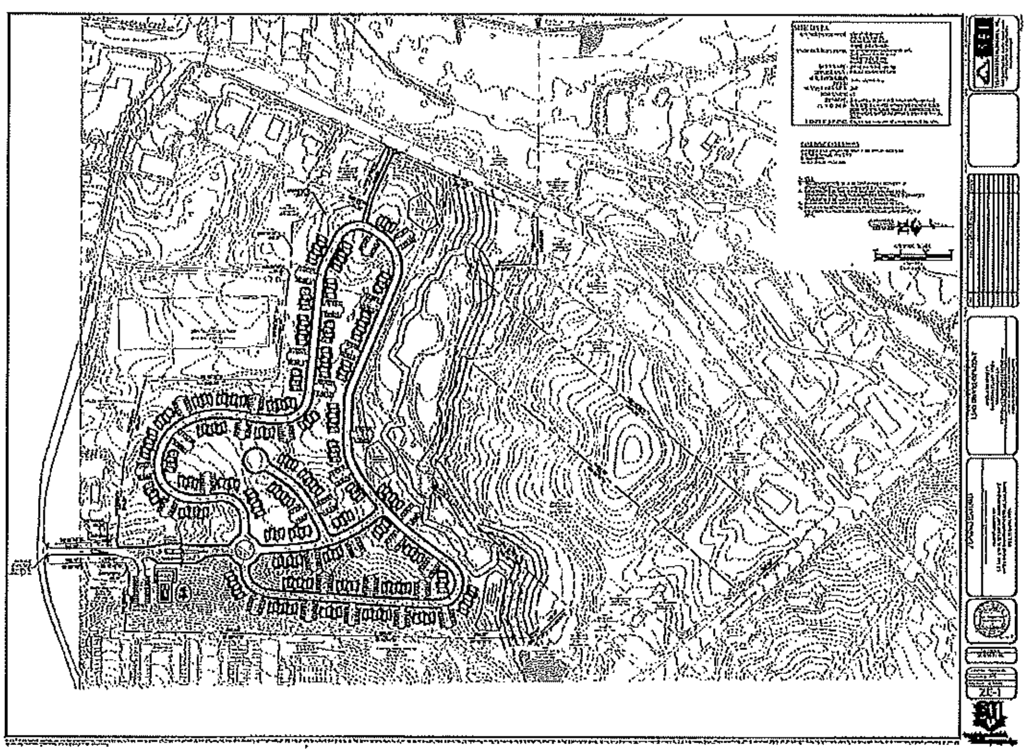
THE CITY OF STONECREST GEORGIA

PLANNING COMMISION STAFF REPORT

Proposed Elevations Design



Proposed Revised Site Plan



THE CITY OF STONECREST GEORGIA

PLANNING COMMISION STAFF REPORT

STANDARDS OF REVIEW

- **Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.**

  The zoning proposal is in conformity with the policies and intent of the comprehensive plan. As the proposed change in zoning conditions still in harmony with the policies and intent of the comprehensive plan.

- **Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.**

  The zoning proposal will permit a use the is suitable in view of the use and development of the adjacent and nearby properties. There are established townhome located near the subject property. Located to the East are the Evans Mill Townhomes, which originally developed as fee simple lots, however, some units have to turn into rental properties now.

- **Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.**

  The subject property has a reasonable economic use as currently zoned. The subject property was approved for residential mixed-use development.

- **Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.**

  The zoning proposal will not adversely affect the existing use or usability of the adjacent or nearby properties as the nearby properties have similar zonings which would not negatively affect them.

- **Whether there are other existing or changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal.**

  There are no existing changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal.

- **Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.**

  This use will not adversely affect any historic buildings, sites, districts, or archaeological resources. Currently, there are no historic building, sites, district or archaeological resources on the subject property.

- **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

The zoning proposal will not result in the excessive or burdensome use of transportation facilities and utilities. The trip generation submits the applicant show the proposed development would generate over 100 trips during peak hours. Traffic impact analysis has been requested by Staff. The development is excepted to generate 124 students, 53 at Stoneview ES, 23 at Lithonia MS and 23 at Lithonia HS and 25 at other DeKalb County Schools. Stoneview ES enrollment is already over the facility capacity and this development would require additional portable classrooms to be installed. Lithonia HS may also be impacted and require new portable classrooms.

- **Whether the zoning proposal adversely impacts the environment or surrounding natural resources.**

This use will not adversely impact the environment or surrounding natural resources in the city of Stonecrest. There are a stream and floodplain located on the subject property, however, the development will not encroach into the buffer or floodplain.

THE CITY OF STONECREST GEORGIA

PLANNING COMMISION STAFF REPORT

ANALYSIS

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use
Nearby: North	C-2 / General Commercial (CZ-15-20074)	Commercial
Adjacent: South	O-I / Office-Institutional (CZ-04019)	Office
Adjacent: North-East	R-75 / Residential Medium Lot District (SLUP-09-1446)	Residential (Church)
Nearby: North-East	O-I / Office-Institutional (CZ-99055)	Office
Adjacent: East	MR-2 (Medium Density Residential) District	Townhomes (Evans Mills Townhomes)
Adjacent: West	M (Light Industrial) District	Industrial

The surrounding area is characterized as a mixture of residential zoning tracts and industrial tracts with a few commercial zoned tracts. Located to the North across Covington Hwy are a commercially zoned tract and a single-family home. Located to the South are two parcels that are zoned Office-Institutional. Adjacent to the East is the Evans Mills Townhomes which are zoned MR-2. Located to the West across Lithonia Industrial is Light Industrial zoned parcels.

The existing zoning of Residential Small Lot District (RSM) is to provide for the creation of residential neighborhoods that allow a mix of single-family attached and detached housing options. The minimum units per acres for RSM is 4 units/acre while the max density would be 8 units/acre. The applicant proposed density is 4.57 units per acre which is in harmony with the underlying zoning. The minimum lot area for urban single-family homes is 1,350 square feet while the single family (townhome) is 1,000 square feet. The proposed 1000 square feet of heat floor space is similar to the surrounding residential developments; however, staff desires a more upscale development with larger heated floor space (1400) with a garage which was originally approved.

The City of Stonecrest Future Development Map as shown on pages 73 and 77 of DeKalb County Comprehensive Plan identifies the subject property as being within Character Area Industrial and Suburban. The subject property is in the Stonecrest Tier 4 Overlay District. Overlay zoning districts are which additional regulatory standards are superimposed on existing zoning. Overlay districts provide a method of placing special restrictions in addition to those required by basic zoning ordinances. The intent of this tier IV is to encourage mixed-use development in a well-planned community and encourage principally office, residential and commercial uses to serve the convenience needs of the local community. The applicant intends to develop the residential portion of the property and have the commercial property develop later, which would still meet the intent o the Overlay District.

PLANNING COMMISION STAFF REPORT

The intent of the Industrial Character Area is to identify areas that are appropriate for more intense industrial and industrial related uses. These areas consist of land used in higher intensity manufacturing, assembly, processing activities where noise, vibration, and air pollution or other nuisance characteristics are not contained on-site. Policies for this character area are provided appropriate infrastructure support for industrial development in designated industrial areas while protecting the surrounding area from the negative impacts of noise and light pollutants. Even thought the future character area does not support residential development, staff believe the future character should have change once the original development was approved.

The Suburban Character Area is to recognize those areas of the city that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. Policies for this character area is to protect stable neighborhoods from incompatible development that could alter established single-family residential development patterns and density. The proposed development would not alter the established residential development but would be in harmony as intended by the comprehensive plan.

The applicant has requested for four (4) of the eighteen conditions to be changed. Staff agree some of the conditions can be removed while others can be modified, therefore the Department of Community Development recommends **APPROVAL of RZ-18-003 with Conditions.**

RECOMMENDATION

Staff recommend the **Approval of RZ-18-003** with the following conditions:

1. Remove zoning condition #1.
2. Modify conditions #17 as follows: A minimum of 20,000 sqft of Commercial shall be developed on the C-1 zoned property at a future date. No liquor stores, pawns shops, check cashing, billiard halls or nail salons allowed.
3. Modify condition #8 as follows: Development shall comply with the City of Stonecrest Tree ordinance.
4. Keep conditions # 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, & 16 of CZ-04019.
5. Trip generation exceeds 100 trips per peak hour. Submit a complete traffic impact study.
6. Provide a sight distance profile for the entrances on Chupp Road.
7. Provide additional right-of-way along the frontage of Chupp Road to provide a minimum of thirty feet (30') from the centerline.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended deferral of RZ-18-003

RZ-18-003

Attachment #2

Planning Commission PowerPoint Presentation

THE CITY OF
STONECREST
GEORGIA

August 7th 2018

Planning Commission
Public Hearing

THE CITY OF
STONECREST
GEORGIA

RZ-18-004 / SLUP-18-004
6169 Hillvale Road
Withdraw Applications

THE CITY OF
STONECREST
GEORGIA

AX 18-0001
6024 Covington Highway
Deferment

THE CITY OF
STONECREST
GEORGIA

RZ-18-003

6554 Chupp Road / 7247 Covington Hwy, Stonecrest GA 30038

Petition Information

- APPLICANT: LDG Development c/o Battle Law
- LOCATION: 6554 Chupp Road / 7247 Covington Hwy
- ACREAGE: 58.6 acres
- REQUEST: The applicant is requesting to change four (4) of eighteen (18) conditions to construct 240 townhomes units with commercial components.

General Information

- Current zoning: C-1 (Local Commercial), O-I (Office- Institutional) and RSM (Residential Medium Lot) District Conditional CZ-04019

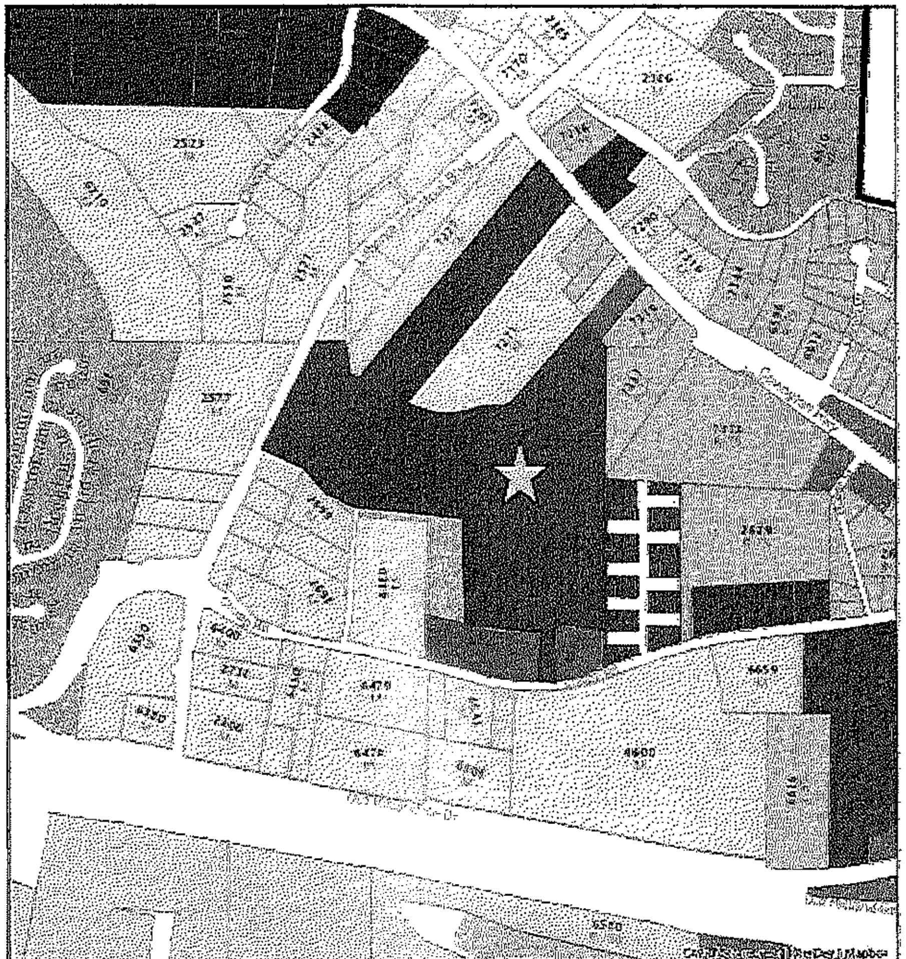
- Future Land Use Character Area: Suburban and Industrial.

- Policies for this area emphasize:
  - Provided appropriate infrastructure support for industrial development in designated industrial areas while protecting the surrounding area from the negative impacts of noise and light pollutants.
  - The proposed development would not alter the established residential development but would be in harmony as intended by the comprehensive plan.

- Surrounding uses: Residential, Commercial, and Industrial.

- Surrounding zoning: MR-2 (Medium Density Residential) District, R-75 (Residential Medium Lot), C-1, O-I (Office- Institutional) and Industrial.

Zoning Map



ZONING CASE: **RZ-18-003**

ADDRESS: **6554 Chupp Road / 7247 Covington Hwy**

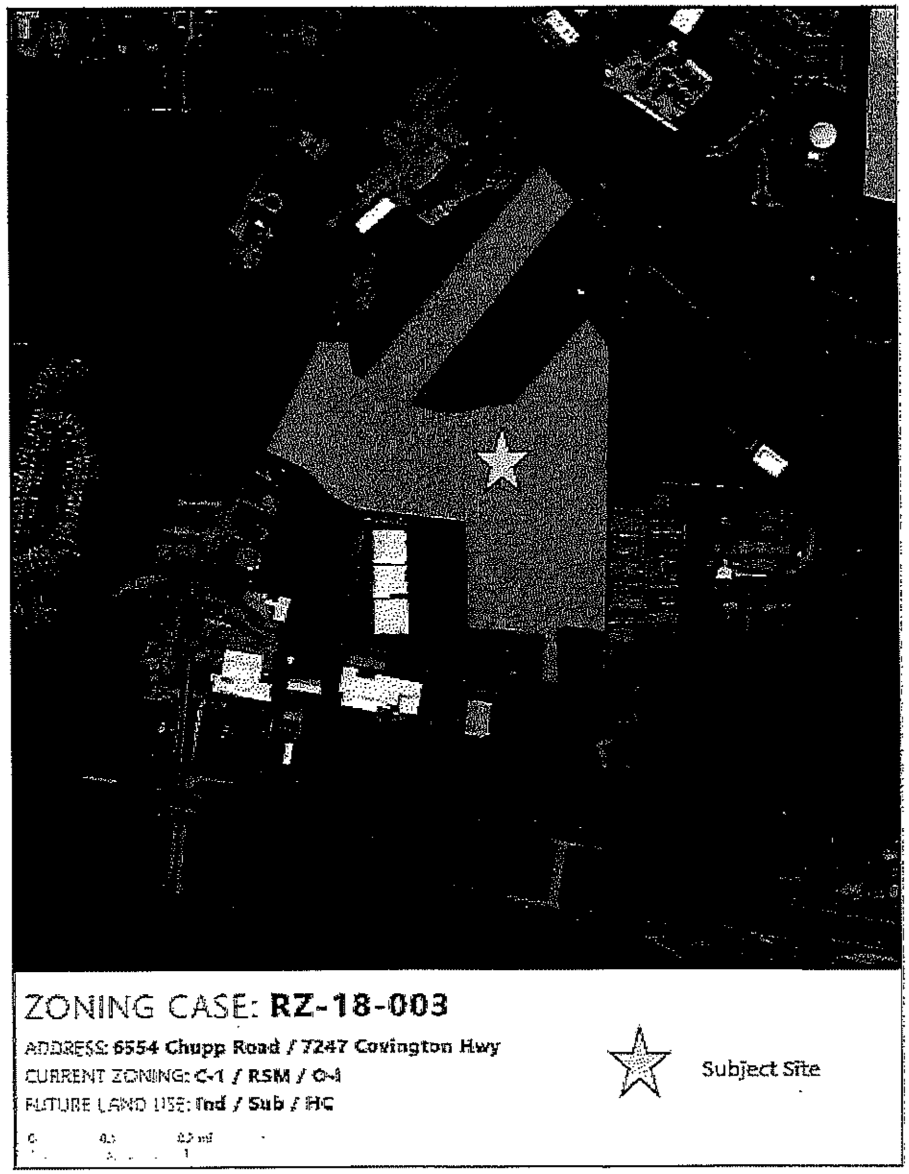
CURRENT ZONING: **C-1 / RSM / O-I**

FUTURE LAND USE: **Ind / Sub / HC**

0 0.1 0.2 mi

Subject Site

Aerial Map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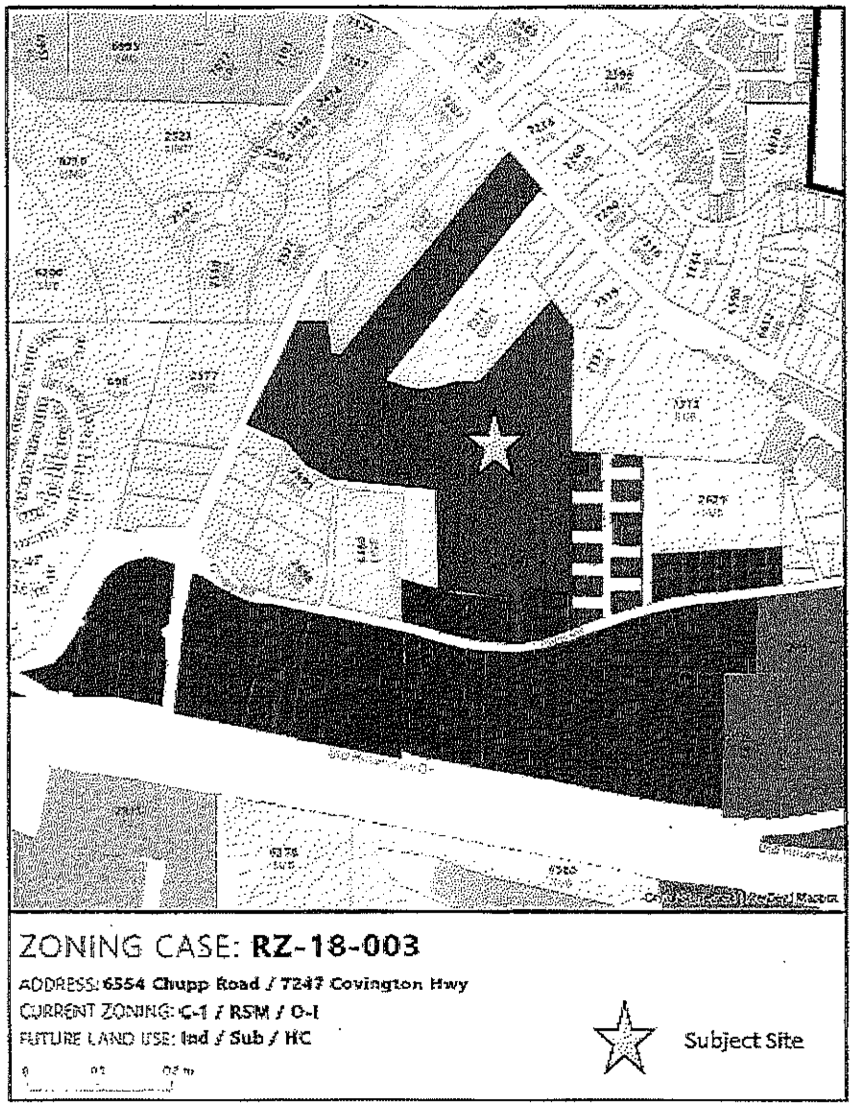
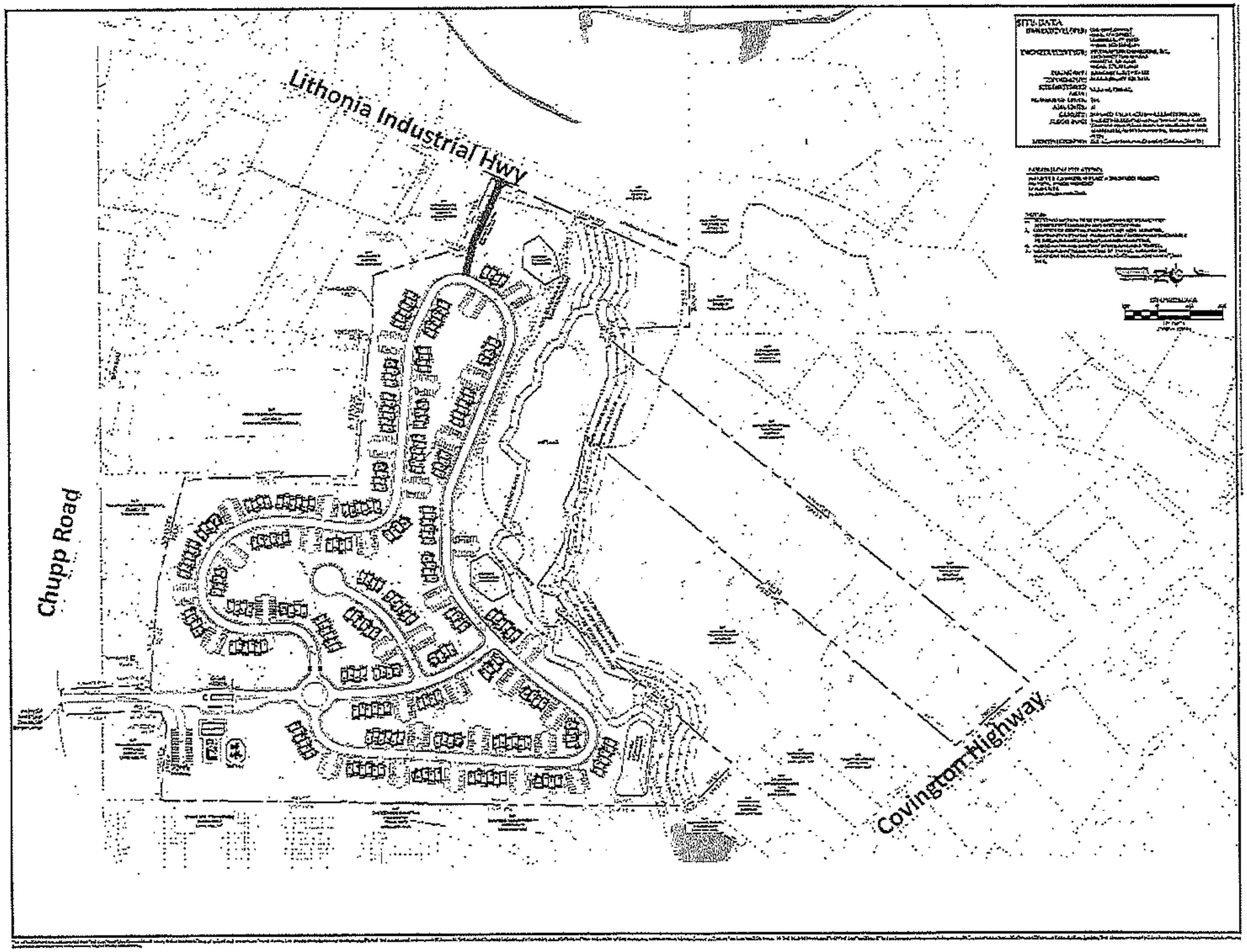
FUTURE LAND USE: Ind / Sub / HC
Subject Site

Future Land Use Map

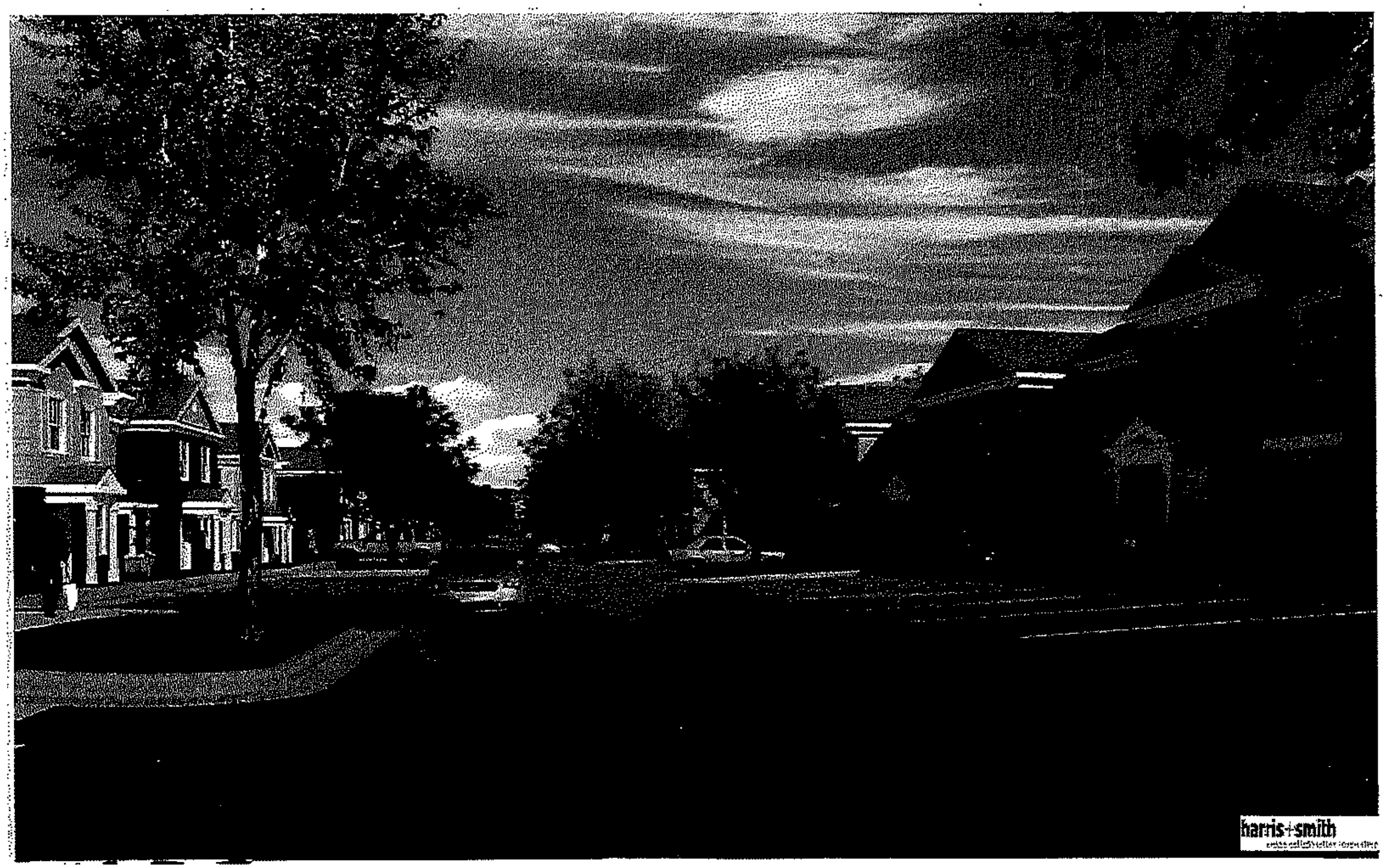


Revised Site Plan



Proposed Elevation and Façade

Proposed Elevation and Façade continued

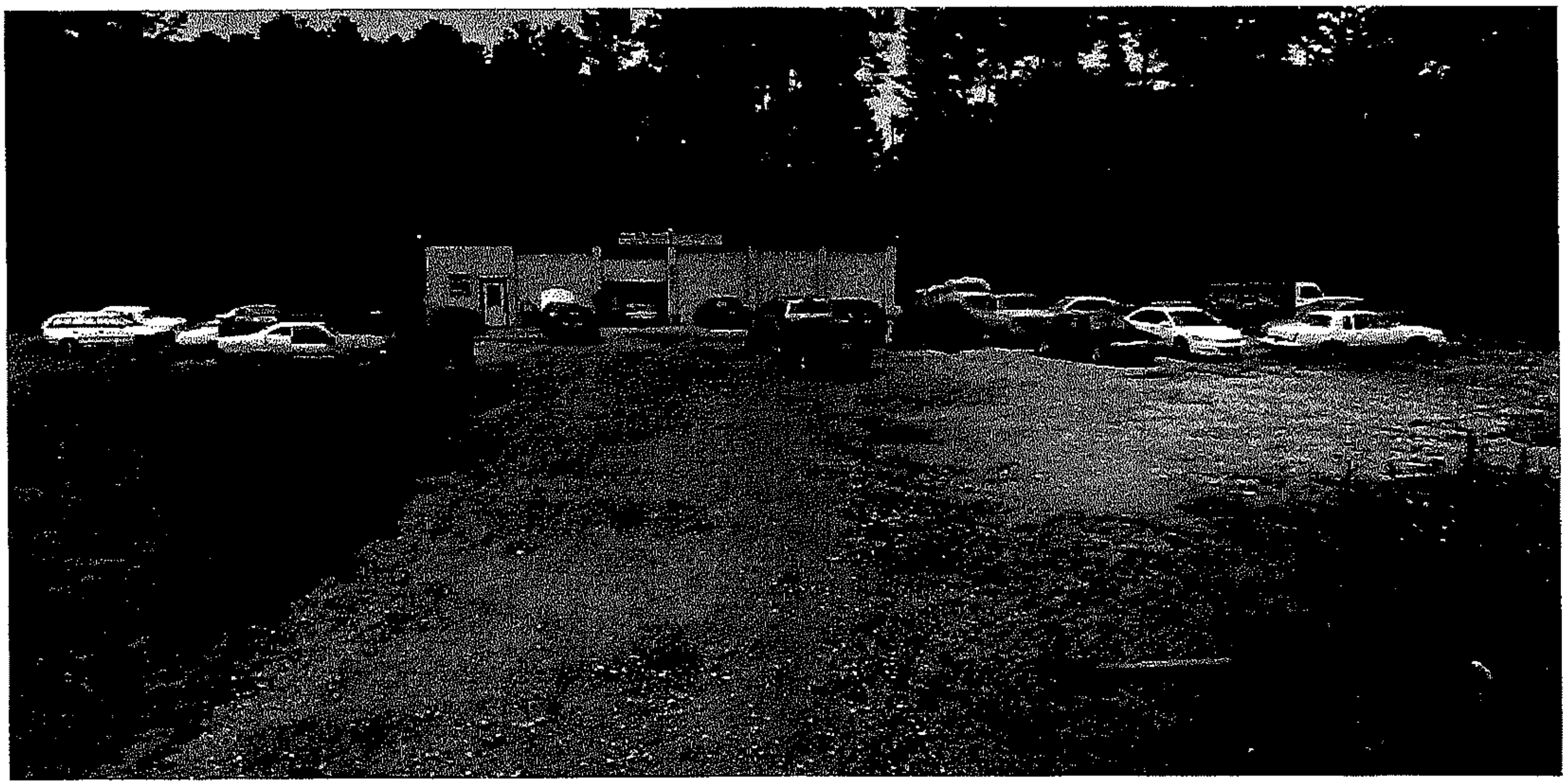


Aerial Map

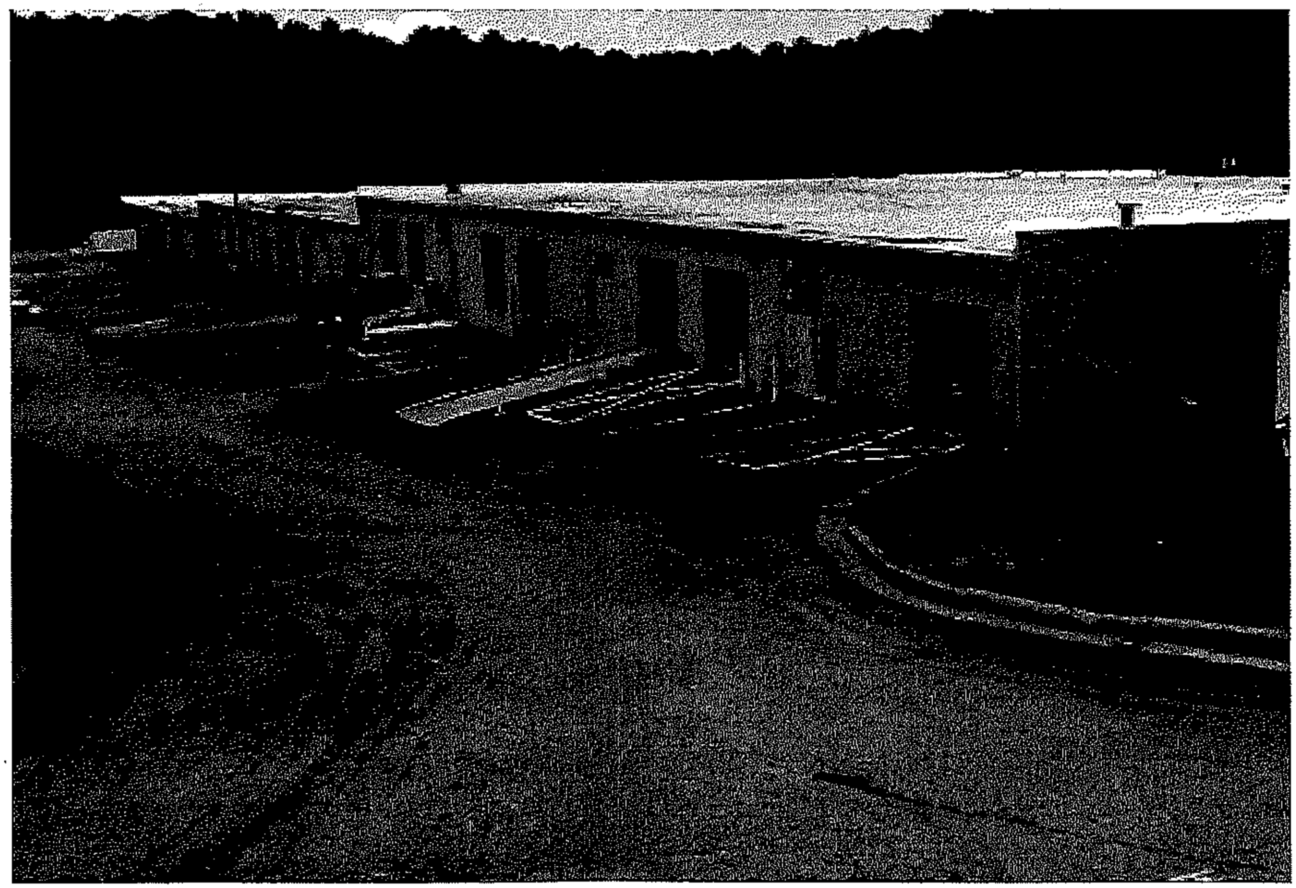

6554 Chupp Road
The Oaks At Stonecrest
Old Hillandale Dr
Evans Mill Rd

(Evans Mill Townhomes) Property Located to the East of the subject property

(Before & After Auto) Property located to the South of the subject property.



(Industrial Warehouse) Property located to the Southwest of the subject property



Staff Analysis

Staff finds this petition:

- Consistent in use and scale with adjacent and nearby properties.

- The proposed development would not alter the established residential development but would be in harmony as intended by the comprehensive plan.

- The minimum units per acres for RSM is 4 units/acre while the max density would be 8 units/acre. The applicant proposed density is 4.57 units per acre which is harmony with the underlying zoning. The minimum lot area for urban single-family homes is 1,350 square feet while the single family (townhome) is 1,000 square feet. The proposed 1000 square feet of heat floor space is similar to the surrounding residential developments however staff desires a more upscale development with larger heated floor space (1400) with a garage which was originally approved.

Staff Recommendation

Based upon the findings and conclusions herein, Staff recommends **APPROVAL** of this request:

1. Remove zoning condition #1
2. Modify conditions #17 as follows: A minimum of 20,000 sqft of Commercial shall be developed on the C-1 zoned property at a future date. No liquor stores, pawns shops, check cashing, billiard halls or nail salons allowed.
3. Modify condition #8 as follows: Development shall comply with the City of Stonecrest Tree ordinance.
4. Keep conditions # 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, & 16 of CZ-04019.
5. Trip generation exceeds 100 trips per peak hour. Submit a complete traffic impact study.
6. Provide a sight distance profile for the entrances on Covington Highway and on Chupp road.
7. Provide additional right-of-way along the frontage of Covington Highway to provide a minimum of twelve feet (12') from the back of curb.
8. Provide additional right-of-way along the frontage of Chupp Road to provide a minimum of thirty feet (30') from the centerline.

Planning Commission Recommendation

On August 7th Planning Commission recommended deferring RZ-18-003

THE CITY OF

STONECREST

GEORGIA

July 10th, 2018

Planning Commission

Public Hearing

THE CITY OF
STONECREST
GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: Ordinance of the City of Stonecrest Adopting Additional Taxation Regulations in Chapter 24

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

Date Submitted: 07/27/2018 Council Meeting: 08/20/2018

SUBMITTED BY: City Attorney/ Leonid Felgin

PURPOSE: This item is to adopt additional taxation regulations in Chapter 24.

HISTORY: First Reading was on August 1, 2018

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Adoption of the Ordinance

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-________

ORDINANCE OF THE CITY OF STONECREST, GEORGIA, ADOPTING ADDITIONAL TAXATION REGULATIONS IN CHAPTER 24 OF THE CITY CODE.

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter to adopt business regulations and levy certain business and property taxes as authorized by the laws of the State of Georgia; and

WHEREAS, the City has previously adopted Article I of Chapter 24 to regulate insurance company licensing fees and gross direct premium taxes; and

WHEREAS, the City Council is vested with the responsibility to regulate taxation in the City and to adopt appropriate regulations for ad valorem taxation, hotel/motel taxation, taxation of depository institutions, short-term rental taxation, and excise taxation on motor vehicle rentals.

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

Section 1: The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt Article II ("Ad Valorem Taxes") of Chapter 24 ("Taxation") to read as follows:

ARTICLE II. AD VALOREM TAXES.

Sec. 24-11. Annually Se[illegible]

The ad valorem tax rate for each year shall be established annually by the City Council.

Sec. 24-12. Maximum Rate.

Except as otherwise allowed by law, for all years, the millage rate imposed for ad valorem taxes on real property shall not exceed 3.35, unless a higher millage rate is adopted by Home Rule or recommended by resolution of the City Council and subsequently approved by a majority of the qualified electors of the City voting on the issue, provided that the amount of millage associated with general obligation bonds shall not count as part of the 3.35 limit since such millage is already subject to approval by the electors of the city in a separate referendum.

Sec. 24-13. Fines for Delinquent Returns.

Any person failing to properly return his real property, for tax purposes, on or before March 1 of each year shall be assessed a penalty of ten percent of the amount of taxes due the city. Said penalty shall be in addition to the amount of ad valorem taxes due the city and also in addition any costs and interest permitted by law.

Sec. 24-14. Due Date.

(a) The ad valorem taxes due the City for the first installment shall become due and payable on July 1 and shall be delinquent after September 30, taxes for the second installment are due October 1 and shall be delinquent after November 15 of each tax year.

(b) Any installment of ad valorem taxes due to the City that is not paid on or before the delinquency date shall be in default, and shall bear interest and penalties, now or hereafter, as provided by law for taxes which are delinquent or in default, and executions shall be issued therefore, at such time the city has met the legal requirements of all state and local laws.

(c) In addition, interest shall accrue on such unpaid taxes at the rate of one percent per month beginning on January 2 following the November when such taxes were due and continuing thereafter until paid in full. All interest shall be computed at the rate of one percent per month or for any fraction thereof.

Sec. 24-15. Collection of Delinquent Taxes.

(a) The duty to collect by levy and sale, or otherwise, for delinquent taxes is hereby imposed upon the City Tax Collector or designee as issuing officer, and the county sheriff as execution officer. All levies of execution for delinquent taxes shall be in the name of the City. This duty may be contracted, by the City Council, to a third party.

(b) It shall be the duty of the City Tax Collector or designee, to comply with all provisions of state law for issuing, sale and transfer of tax executions and laws governing judicial sales and to:

(1) Keep a file of all newspapers in which an official advertisement appears;

(2) Keep an execution docket in which shall be entered a full description of all executions;

(3) Maintain a book of all sales;

(4) Maintain an index to the sales and executions.

(c) The City Tax Collector or his designee shall sign all levies, notices, advertisements, and the like in his name for the City.

(d) Execution issued in the name of the City for delinquent ad valorem taxes shall be directed and delivered to the sheriff, who shall enter the execution upon the docket to be kept in his office and he shall proceed to enforce the collection of the execution in the manner prescribed by law.

(e) The City Tax Collector or his designee will issue all fieri facias (fi. fas.) for delinquent taxes and the sheriff shall execute such fi. fas. under the same procedures provided by law governing execution of such process from the Superior Court, or by the use of any other available legal process and remedies.

Sec. 24-16. Assessment of Property for Ad Valorem Taxes.

(a) The County Board of Tax Assessors is hereby designated to have the responsibility for assessment and valuation of property within the city limits. The City Council shall adopt the assessments and valuations made by the County Board of Tax Assessors for all property located within the city limits, as may be established from year to year by the County Board of Tax Assessors.

(b) The City Council authorizes the County Tax Commissioner to make such adjustments in the collection of individual items of tax, and to make such refunds as may be proper and necessary, by adding to or deducting from the distribution due the City at the next period of accounting, along with stated explanation of the correction.

Section 2: The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt Article III ("Mobile Homes") of Chapter 24 ("Taxation") to read as follows:

ARTICLE III. MOBILE HOMES.

Sec. 24-30. Decal Required.

(a) All persons owning a mobile home based in the City on January 1 of each year shall obtain from the Tax Collector a decal before May 1, as provided in O.C.G.A. §48-5-492. This requirement pertains to all mobile homes, including those exempt from taxation by homestead exemption, or other provisions of state law.

(b) Such decals shall be affixed to the mobile homes in such a manner as to cause them to be easily visible for inspection.

(c) Owners of mobile homes locating in the City after January 1 of any year shall be required to report their mobile homes to the office of the Tax Collector within ten business days.

(d) The Tax Collector shall issue a decal only after a valid development permit has been issued by the Public Works Department to ensure that all applicable zoning and other development standards have been met.

Sec. 24-31. Reports by Mobile Home Park Owners.

(a) Every owner and operator of a mobile home park is required to give the Tax Collector or designee an inventory report of all mobile homes based in the park as of October 1 of each year. Such reports shall consist of the manufacturers identification number, title number (if any), manufacturer, year of manufacture, model, serial number, the location including lot number and park name or situs address, and the mobile home owner's name and mailing address for each mobile home in the park. Such report shall be submitted to the Tax Collector no later than October 15 of each year. The Tax Collector or designee shall make the mobile home inventory report available on November 1.

(b) Every owner, manager and operator of a mobile home park is required to report any mobile home removal from the park prior to said home being removed, if known to the park manager, operator or owner.

(c) Every owner, manager and operator of a mobile home park shall furnish to the Tax Collector an updated lot map of each park, and any changes shall be reported before January 1 of each year.

(d) Every owner, manager and operator of a mobile home park shall notify the City of any change in ownership or of name of any mobile home park within 30 days of such change.

Sec. 24-32. Mobile Homes without Decals may not Remain on Property.

It shall be unlawful for any person owning or controlling land in the City to authorize any mobile home to remain upon its premises for more than 48 hours without the display of a decal issued by the issuing authority of the City.

Section 3: The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt Article IV ("Depository Financial Institutions Business License Tax") of Chapter 24 ("Taxation") to read as follows:

ARTICLE IV. DEPOSITORY FINANCIAL INSTITUTIONS BUSINESS LICENSE TAX.

Sec. 24-50. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

Bank means any financial institution chartered under the laws of any state or under the laws of the United States which is authorized to receive deposits in this state and which has a corporate structure authorizing the issuance of capital stock.

Depository Financial Institution means a bank or a savings and loan association.

Gross Receipts means gross receipts as defined in O.C.G.A. §48-6-93.

Savings and Loan Association means any financial institution, other than a credit union, chartered under the laws of any state or under the laws of the United States which is authorized to receive deposits in this state and which has a mutual corporate form.

Sec. 24-51. Levy Applicability.

An annual business license tax is hereby levied upon all depository financial institutions located within the City at a rate of one-quarter of one percent of the gross receipts of such depository financial institutions. Gross receipts shall mean gross receipts as defined in O.C.G.A. §48-6-93. Depository financial institutions shall mean state and national banks, state building and loan associations, and federal savings and loan associations.

Sec. 24-52. Minimum Tax.

The minimum annual amount of business license tax due from any depository financial institution shall be $1,000.00.

Sec. 24-53. Filing of Return; Payment.

Pursuant to O.C.G.A. §49-6-93(a), each depository financial institution subject to the tax levied by this Article shall file a return of its gross receipts with the Finance Department not later than March 1 of the year following the year in which such gross receipts are measured. The return shall be in the manner and in the form prescribed by the Commissioner of the State Department of Revenue based on the allocation method set forth in O.C.G.A. §48-6-93. The tax imposed by this Article shall be paid at the time of filing the return.

Sec. 24-54. Penalty and Interest for Failure to Pay Tax; Executions.

(a) Any portion of the tax levied by this article not paid before it becomes delinquent shall be assessed a late penalty and shall bear interest from the date the tax is due until the tax is paid.

(b) For purposes of this section, any period of less than one month shall be considered to be one month. The Finance Department shall issue executions against such taxpayer owing taxes, penalties or interest as provided in this section when the same become delinquent. The execution shall be recorded on the general execution docket in the office of the clerk of Superior Court of the County.

Sec. 24-55. Administration.

(a) *Authority of finance department.* The finance Department shall administer and enforce the provisions of this Article for the levy and collection of the tax imposed by this Article.

(b) *Rules and regulations.* The Finance Director shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with this Article or other laws of the City and the State or the State constitution or the United States Constitution for the administration and enforcement of the provisions of this Article and the collection of the taxes hereunder.

(c) *Examination of records; audits.* The Finance Director or any person authorized in writing by the Director may examine the books, papers, records, financial reports, equipment and other facilities of any licensee liable for the tax, in order to verify the accuracy of any return made, or if no return is made by the licensee, to ascertain and determine the amount required to be paid.

(d) *Disclosure of business of operators, etc.; limitations on rule.* The Finance Director or designee shall not make known in any manner the business affairs, operations or information obtained by an audit of books, papers, records, financial reports, equipment and other facilities of any licensee or any other person visited or examined in the discharge of official duty, or the amount of source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person not having such administrative duty under this Article, except in the case of judicial proceedings or other proceedings necessary to collect the tax hereby levied and assessed. Successors, receivers, trustees, executors, administrators, and assignees if directly interested, may be given information as to the items included in the measure and amount of unpaid tax, interest and penalties, or amounts of tax, interest and penalties required to be collected.

Section 4: The Mayor and City Council of the City of Stonecrest, Georgia, hereby re-adopts provisions of the previously adopted Excise Tax on Short-Term Rentals of Rooms, Lodging and Accommodations as Article V, Chapter 24 ("Taxation") to read as follows:

ARTICLE V. EXCISE TAX ON SHORT-TERM RENTALS OF ROOMS, LODGING AND ACCOMODATIONS.

Sec. 24-80. Definitions.

The following words, terms and phrases shall, for the purpose of this Article, and except where the context clearly indicates a different meaning, be defined as follows:

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

(2) *Operator*: Any person operating a hotel or motel in the City, including, but not limited to, the owner or proprietor of the premises, lessee, sublessee, lender in possession, licensee or any other person otherwise operating a hotel or motel.

(3) *Occupant*: Any person who, for a consideration, uses, possesses, or has the right to use or possess any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

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

(5) *Hotel or motel*: Any structure or any portion of a structure, including any lodging house, rooming house, dormitory, Turkish bath, bachelor hotel, studio hotel, motel, motor hotel, auto court, inn, public club, or private club, containing guest rooms and which is occupied, or is intended or designed for occupancy, by guests, whether rent is paid in money, goods, labor, or otherwise. It does not include any jail, hospital, asylum,

sanitarium, orphanage, prison, detention, or other building in which human beings are housed and detained under legal restraint.

(6) *Guest room.* A room occupied, or intended, arranged, or designed for occupancy, by one or more occupants for the purpose of living quarters or residential use.

(7) *Rent*: The consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature, and also the amount for which credit is allowed by the operator to the occupant, without any deduction therefrom whatsoever.

(8) *Permanent resident*: Any occupant as of a given date who has or shall have occupied, or has or shall have the right of occupancy, of any guest room in a hotel or motel for at least 30 consecutive days next preceding the given date; provided that state and local government officials and employees traveling on official governmental business shall not be considered permanent residents pursuant to O.C.G.A. §48-13-51(g)(5).

(9) *Return*: Any return filed or required to be filed as provided in this Article.

(10) *Tax*: The tax imposed by this Article.

(11) *Monthly period*: The calendar months of any year.

(12) *Due date*: From the 20th day after the close of the monthly period for which tax is to be computed.

Sec. 24-81. Tax Levied.

There is hereby levied and imposed an excise tax on any person or legal entity licensed by or required to pay a business or occupation tax to the City of Stonecrest for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin, campground, or any other place in which rooms, lodgings, or accommodations are regularly furnished for value at a tax at the rat of five percent (5%) of the lodging charges actually collected from the hotel or motel guest and who receives a room, lodging or accommodation that is subject to the tax. The effective date of the hotel motel tax shall be the first day of the second month from the day this ordinance is passed. The effective date for collection of this tax shall be the date this ordinance is passed by the City's Mayor and Council, otherwise stated as August 7, 2017.

Sec. 24-82. Amount of Tax; Use of Revenue Derived from Tax.

The tax will be a total of five percent (5%) and is authorized pursuant to O.C.G.A. §48-13-51(a)(3), with the first three percent (3%) for use in the City's General Revenue Fund, and the remaining two percent (2%) shall be expended for purposes of promoting and marketing tourism conventions and trade shows through a contract with one or more Destination Marketing Organizations ("DMO"s) as defined by O.C.G.A. §48-13-50.2(1).

Sec. 24-83. Collection of Tax by Operator.

Every such guest subject to the tax levied under this Ordinance shall pay the tax to the person or entity providing the room, lodging or accommodation. The tax shall be a debt of the person obtaining the room, lodging or accommodation to the person or entity providing such room, lodging or accommodation until it is paid and shall be recoverable at law by the person or entity providing such room, lodging or accommodation in the same manner as authorized for other debts. The person or entity collecting the tax shall remit the tax to the City of STonecrest, and the tax remitted shall be a credit against the tax imposed by this Ordinance on the person or entity providing the room, lodging or accommodation.

Sec. 24-84. Exemptions.

The tax hereby levied and imposed shall not apply to charges made for any rooms, lodgings, or accommodations provided to any persons who certify that they are staying in such room, lodging or accommodation as a result of the destruction of their home or residence by fire or other casualty. The tax shall apply to the fees or charges for any rooms, lodgings or accommodations during the first 30 days of continuous occupancy and shall not apply to charges imposed for any continued occupancy thereafter. The tax shall not apply to charges made for the use of meeting rooms or other such facilities or to any rooms, lodgings or accommodations provided without charge. The tax shall not apply to charges for any rooms, lodgings or accommodations furnished for a period of one (1) or more (2) days for use by Georgia State or local government officials or employees while travelling on official business.

Sec. 24-85. Registration of operator; Form and contents; Execution; Certificate of Authority.

Every person engaging or about to engage in business as an operator of a hotel or motel in this City shall immediately register with the City Manager of the City, on a form provided by the City. Persons engaged in that business must so register no later than thirty (30) days after the date this Article becomes effective and the tax is imposed, but the privilege of registration after the imposition of the tax shall not relieve any person from the obligation of payment or collection of tax on and after the date of imposition thereof, regardless of registration.

Sec. 24-86. Determination; Due date; Returns and payments; Collection fee.

(a) All amounts of the hotel/motel tax shall be due and payable to the City Finance Director monthly on or before the twentieth day of every month succeeding each respective monthly period.

(b) On or before the twentieth day of the month following each monthly period, a return for the preceding monthly period shall be filed with the City manager showing the gross rent, rent from permanent residents, taxable rent, amount of tax collected or otherwise due for the related period, and any other information as may be required by the City Manager.

(c) Operators collecting a tax shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and payment of the tax due, only if the amount is not delinquent at the time of payment. The rate of deduction shall be three (3) percent of the amount due.

Sec. 24-87. Deficiency determinations; Interest; Notice.

(a) If the City Finance Director is not satisfied with the return or returns of the tax or the amount of the tax required to be paid to the City by any person, he may compute and determine the amount required to be paid upon the basis of any information within his possession or that may come into his possession and shall report such discrimination to the Mayor and City Council for confirmation. One or more deficiency determinations may be made of the amount due for one or more monthly periods.

(b) The amount of the determination shall bear interest at the rate of one percent (1%) per month, or fraction thereof from the due date of taxes.

(c) The City Manager or designated representative shall give to the operator written notice of the determination. The notice may be served personally or by mail; if by mail the service shall be addressed to the operator at the address as it appears in the records of the City Manager. Service by mail is complete when delivered by certified mail with a signed receipt.

(d) Except in the case of failure to make a return, every notice of a deficiency determination shall be mailed within three years after the twentieth day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three years after the return is filed, whichever period should last expire.

Sec. 24-88. Determination if no return made; Interest.

(a) If any person fails to make a return, the City Finance Director shall make an estimate of the amount of the gross receipts of the person, or as the case may be, of the amount of the total rentals in the City which are subject to the tax. The estimate shall be made for the period or periods in respect to which the person fails to make the return and shall be based upon any information which is or may come into the possession of the City's Finance Director. Such determination shall be reported to and confirmed by the Mayor and City Council. Written notice of the determination shall be given in a manner prescribed in Section 24-87.

(b) The amount of the determination shall bear interest at the rate of one percent (1%) per month, or fraction thereof, from the twentieth day of the month following the monthly period, for which the amount or any portion thereof should have been returned, until the date of payment.

(c) In addition to the interest provided for by subsection (b) of this section, delinquent penalties shall be added to all unpaid balances at the rates prescribed by O.C.G.A. §48-13-58.

Sec. 24-89. Administration of Article; Authority of City Manager; Records.

(a) The City Manager shall administer and enforce the provisions of this Article for the collection of the tax imposed by this Article.

(b) Every operator renting guest rooms in this City to a person shall keep any records, receipts, invoices, and other pertinent papers in any form as the City Manager may require.

(c) The City Manager or any person authorized in writing by the City Manager may examine books, papers, records, financial reports, equipment and other facilities of any operator renting guest rooms to a person and any operator liable for the tax, in order to verify the accuracy of any return made, or if no return is made by the operator, to ascertain and determine the amount required to be paid.

(d) In administration of the provisions of this Article, the City Manager may require the filing of reports by any person or class of persons having in that person's possession or custody, information relating to rentals of guest rooms which are subject to the tax. The reports shall be filed with the City Manager and shall set forth the rental charge for each occupancy, the date or dates of occupancy, and any other information as the City may require.

Sec. 24-90. Violations.

(a) Any person responsible for reporting, return or payment of the taxes levied pursuant to this Article shall be punished as provided in O.C.G.A. §§48-13-58.1 through 48-13-63. In the event any such person is in violation of any of the provisions of this Article that are not otherwise covered by state law then, upon conviction, such person shall be deemed guilty of an offense and shall be punished in municipal court to the extent of that court's authority.

(b) Such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Article is committed, continued, or permitted by that person, and shall be punished accordingly. Any operator or any other person who fails to register as required herein, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the City, or who renders a false or fraudulent return shall be deemed guilty of an offense and upon conviction thereof shall be punished as aforesaid.

Sec. 24-91. Collection of tax; Purchaser liable.

(a) At any time within three years after any tax or any amount of tax required to be collected becomes due and payable, and at any time within three years after the delinquency of any tax or any amount of tax required to be collected under this Article, the City may bring an action in a court of competent jurisdiction to collect the amount delinquent, together with the interest, court fees, filing fees, attorneys' fees and other legal fees incident thereto.

(b) If any operator liable for any amount under this Article sells out his business or quits the business, his successors or assigns shall withhold a sufficient amount of the purchase price to cover the amount required until the former owner produces a receipt from the City Clerk showing that the indebtedness has been paid or a certificate stating that no amount is due.

(c) If the purchaser of a business fails to withhold from the purchase price as required, he shall be personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price.

(d) Whenever the amount of any tax or interest has been paid more than once, or has been erroneously or illegally collected or received by the City under this Article, it may be refunded by the City. If the operator or person determines that he has overpaid or paid more than once, which fact has not been determined by the City, he will have 30 days from the date that overpayment was made to provide to the City in writing, via U.S. Certified Mail or overnight delivery, the specific ground upon which the claim is founded. The claim shall be audited. If the claim is approved by the City, the excess amount paid may be credited on any amounts then due and payable from the person by whom it was paid, or his administrators or executors. Should the operator receive a bill for hotel/motel taxes after already remitting such taxes to the City, the operator must provide proof in writing to the City of the previous payment. Such documentation should be provided via U.S. Certified Mail or overnight delivery. The City will audit the claim of previous payment, and if the City finds the operator has made the previously payment, the City shall adjust its records accordingly and issue a statement of payment to the operator.

Section 5: The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt Article VI ("Excise Tax on Rental Motor Vehicles") of Chapter 24 ("Taxation") to read as follows:

ARTICLE VI. EXCISE TAX ON RENTAL MOTOR VEHICLES

Sec. 24-100. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Director of Finance means the head or director of city Finance Department or designee.

Month or *monthly period* means the calendar months of any year.

Rental charge means the total value received by a rental motor vehicle concern for the rental or lease for 31 or fewer consecutive days of a rental motor vehicle, including the total cash and nonmonetary consideration for the rental or lease including, but not limited to, charges based on time or mileage and charges for insurance coverage or collision damage waiver but excluding all charges for motor fuel taxes or sales taxes.

Rental motor vehicle means a motor vehicle designed to carry ten or fewer passengers and used primarily for the transportation of persons that is rented or leased without a driver regardless of whether such vehicle is licensed in the state.

Rental motor vehicle concern means a person or legal entity that owns or leases five or more rental motor vehicles and which regularly rents or leases such vehicles to the public for value in the City.

Tax, excise tax or *taxes* means the tax imposed by this Article.

Sec. 24-101. Authority; Effective Date; Rules and Regulations; Record.

(a) *Authority.* The Finance Department shall administer and enforce this Article for the levy and collection of the tax as authorized by, and in accordance with, O.C.G.A. §48-13-90 et seq., and as may hereinafter be amended.

(b) *Effective date.* The tax levied by this Article shall be effective on January 1, 2019, and shall continue until December 31, 2038, as provided by law, or unless earlier terminated by the Georgia General Assembly or the City Council.

(c) *Rules and regulations.* The Director of Finance shall have the power and authority to make and publish reasonable administrative rules and regulations not inconsistent with this Article or other ordinances of the City or laws of the State or the Constitution of the State or the United States for the administration and enforcement of this Article and the collection of the tax under this Article.

(d) *Records required.* Every rental motor vehicle concern subject to this Article shall keep records, receipts, invoices and other pertinent papers reflecting the number of rental motor vehicles rented or leased and the gross rental charges received by each rental motor vehicle concern for each month, in such form as the Director of Finance may require.

(1) The customer picks up the rental motor vehicle outside the State and returns it within the State;

(2) The customer picks up the rental motor vehicle in the State and returns it outside the State.

Sec. 24-102. Amount of Tax Allowed to be Retained for Expense.

Each rental motor vehicle concern collecting the tax imposed by this Article shall be allowed to retain three (3) percent of the tax due and collected and may retain that amount in the form of a deduction for expenses incurred in submitting, reporting and paying the amount of taxes due, but only if the amounts due are not delinquent at the time of payment.

Sec. 24-103. Monthly Statement Required Showing Rental Charges and Taxes

(a) On or before the 20th day of each month following the month of January 2019, the rental motor vehicle concern liable for the tax provided for herein shall transmit to the Director of Finance a statement showing the rental charges and taxes collected by authority of this Article for the immediately preceding calendar month. Along with said statement, the rental motor vehicle concern shall submit to the Director of Finance the taxes due pursuant to this Article for that particular month.

(b) Failure to remit taxes by the due date shall subject the rental motor vehicle concern to a penalty of five (5) percent of the taxes then due and in addition to such penalty, interest on the unpaid taxes then due computed at the rate of one (1) percent per month. Interest shall not be assessed on interest or penalties.

Sec. 24-104. Records.

In order to aid in the administration and enforcement of the provisions of this Article and to collect all the tax imposed, all rental motor vehicle concerns are hereby required to keep a record of the number of rental motor vehicles rented or leased and all rental charges for rental motor vehicles and taxes collected which are related thereto. Said records shall be open for inspection and copying by any duly authorized agent of the City during regular business hours.

Sec. 24-105. Deficiency Determinations.

(a) If the Director of Finance is not satisfied with the statement of the excise tax provided for in section 24-103(a), or the amount of the tax paid to the City by any rental motor vehicle concern, the Director of Finance may compute and determine the amount required to be paid upon the basis of any information that is or may come into possession of the Director of Finance. One or more deficiency determinations may be made of the amount due for one or more monthly periods.

(b) The amount of the deficiency determination made by the Director of Finance shall bear interest at the rate of one (1) percent per month or fraction thereof from the due date of the taxes found to be due but not paid.

(c) The Director of Finance shall give to the rental motor vehicle concern a written notice of any such deficiency determination. The notice may be served personally or by mail and if by mail the service shall be addressed to the operator or the owner of the rental motor vehicle concern at the address as the same appears in the business license or other records of the Director of Finance as provided to him by each rental motor vehicle concern. Service by mail is complete when delivered by certified mail with a receipt signed by an addressee or agent of the addressee.

(d) Except in cases of failure to make a return, every notice of deficiency determination shall be mailed within three (3) years after the 20th day of the calendar month following the monthly period in which the amount proposed to be determined or within three (3) years after the return is filed, whichever period shall expire last.

Sec. 24-106. Failure to File a Statement.

(a) If any rental motor vehicle concern fails to file a statement as required by section 24-103(a), the Director of Finance shall make an estimate of the excise tax due. The estimate shall be made for the period or periods in respect to which the rental motor vehicle concern has failed to file a statement and shall be based upon such information that is or may come into the possession of the Director of Finance. Written notice shall be given in the manner as prescribed in section 24-105(c).

(b) The amount of the delinquency determination shall bear interest at the rate of one (1) percent per month or fraction thereof from the 20th day of the month following the monthly period for which the amount of any portion thereof should have been paid until the date of payment.

Sec. 24-107. Audit Authority.

Duly authorized employees of the City upon exhibition of identification and during regular business hours may examine and copy the books, papers, records, financial reports, equipment and other facilities if necessary of any rental motor vehicle concern in order to verify the accuracy of any statement filed pursuant to section 24-103(a), or if no statement is filed by the rental motor vehicle concern, to ascertain or determine the amount of tax required to be paid.

Sec. 24-108. Withholding Tax on Sale of Business.

(a) If any rental motor vehicle concern liable for any amount under this Article transfers or sells its business or quits the business, its successors or assigns shall withhold sufficient amounts from the purchase price to cover any amounts required to be paid pursuant to this Article until the former owner or operator of the rental motor vehicle concern produces a receipt from the Director of Finance or designee showing that the indebtedness has been paid or a certificate stating that no amount is due.

(b) If the purchaser of a business or rental motor vehicle concern fails to withhold from the purchase price all amounts due as required herein such purchaser will be personally liable for the payment of the amount of the outstanding tax required to be withheld to the extent of such purchase price.

Sec. 24-109. Penalty for Violation.

(a) In addition to the interest charges and delinquent penalties specified in this Article, any person who fails or refuses to comply with the provisions of this Chapter, upon citation by the Finance Department and conviction of the violation in a court of competent jurisdiction, will be subject to a fine and/or imprisonment in accordance with this Code. Where any violation or offense continues from day to day, each day continuance thereof will constitute a separate offense.

(b) For a third and each subsequent violation of this chapter, the court shall impose a fine of not less than $250.00 in addition to any other penalty or punishment imposed by the court.

Section 6: The provisions of this Ordinance shall become effective immediately upon its adoption. All ordinance or resolutions in conflict herewith are hereby repealed.

SO ORDAINED this the ____ day of _______, 2018.

Approved:

____
Jason Lary, Sr., Mayor

As to form:

____
Thompson Kurrie, Jr., City Attorney
Attest:

____
Brenda James, City Clerk

THE CITY OF
STONECREST
GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: Ordinance Authorizing the Sale of Alcoholic Beverages on Premises Consumption on Sundays from 11:00 a. m. until 12:30 p.m.

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

Date Submitted: 08/17/2018 Work Session: 08/20/2018 Council Meeting: 08/20/2018

SUBMITTED BY: Plez Joyner

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: This item is for a discussion on a Policy for the Authorization of the sale of Alcoholic Beverages for on-Premises Consumption on Sundays from 11:00 a.m. until 12:30 p.m. at Certain Licensed Establishments, subject to Referendum Approval to Regulate and Provide for the Calling of a Special Election and to Call a Special Election Thereon: and for Other Purposes.

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _______

AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION ON SUNDAYS FROM 11:00 A.M. UNTIL 12:30 P.M. AT CERTAIN LICENSED ESTABLISHMENTS, SUBJECT TO REFERENDUM APPROVA; TO REGULATE AND PROVIDE FOR THE CALLING OF A SPECIAL ELECTION AND TO CALL A SPECIAL ELECTION THEREON; AND FOR OTHER PURPOSES.

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter to provide for the general health, safety and welfare of the citizens of the City; and

WHEREAS the City of Stonecrest has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages for the public health, safety and welfare; and

WHEREAS, currently no alcohol sales for consumption on the premises may take place on Sunday prior to 12:30 p.m.; and

WHEREAS, during its 2018 session, the Georgia General Assembly passed and the governor subsequently approved Senate Bill (SB) 17 which relates to alcoholic beverages so as to provide that governing authorities of counties and municipalities may authorize sale of alcoholic beverages for consumption on the premises during certain times on Sundays subject to the passage of a referendum; and

WHEREAS, specifically, SB 17 allows the City of Stonecrest to authorize the sale of alcoholic beverages for consumption on the premises, including the sale of wine and/or malt beverages and the sale of distilled spirits, on Sundays between the hours of 11:00 a.m. and 12:00 a.m. Midnight in any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served; and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging; and

WHEREAS, it is the desires of the City of Stonecrest City Council to amend the City of Stonecrest Code of Ordinances to authorize such extended Sunday alcohol sales subject to and effective only upon the passage of a referendum authorizing such.

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

Section 1: That there shall be called and there is hereby called a special election to be held in all precincts in the City, on the 6th of November, 2018, for submitting to the voters of the City of Stonecrest the question of authorizing Sunday sales of alcoholic beverages for on-premises consumption in certain licensed establishments between the hours of 11:00 a.m. and 12:30 p.m.

Section 2: That the Municipal Clerk/Election Superintendent shall "call" said Referendum by publishing notice of the referendum in a newspaper of appropriate general circulation no less than ten nor more than 60 days after the date of approval of this Ordinance.

Section 3: That the ballot submitting the question of Sunday Sales of alcoholic beverages for on-premises consumption between the hours of 11:00 a.m. and 12:30 p.m. shall have printed the word "YES" and the word "NO" in order that each voter may vote in either the affirmative or negative as to the question propounded, and shall have written or printed thereon the following:

( )	YES	Shall the governing authority of the City of Stonecrest be authorized to permit and regulate Sunday sales of distilled spirits or alcoholic
( )	NO	beverages for beverage purposes by the drink from 11:00 A.M. to 12:30 P.M.?"

Section 4: The polls in each of the precincts within the City shall be opened at 7:00 a.m. and closed 7:00 p.m. on the day fixed for the election, and the election shall be held at the regular and established places for holding elections in the City. The election shall be held in accordance and in conformity with the Constitution and laws of the United States and the State of Georgia.

Section 5: That effective upon the passage of the referendum, Chapter 4 (Alcoholic Beverages), Article V (Operational Rules for Retailers), Division 2 (Establishments Licensed for On-Premises Consumption of Distilled Spirits), shall be amended by revising Sections 4.5.12 (Hours of Sale and Operation) and 4.5.15 (Sunday Sales) to read as follows:

Sec. 4.5.12. Hours of Sale and Operation.

(a) Distilled spirits shall be sold and delivered to the customer for consumption on the premises during the following hours:

(i) Monday through Friday hours are from 9:00 a.m. until 3:55 a.m. of the following day.

(ii) Saturday hours are from 9:00 a.m. until 2:55 a.m. on Sunday.

(iii) Sunday hours are from ~~12:30 p.m.~~11:00 a.m. until ~~2:55~~12:00 a.m. Midnight on Monday as permitted by section 4.5.15.

(b) Sales and deliveries during all other hours are prohibited. All licensed establishments must close their premises to the public and clear their premises of patrons by 3:30 a.m. and shall not reopen their premises to the public until 9:00 a.m. or thereafter.

Sec. 4.5.15. Sunday Sales.

(a) Licensed establishments deriving a minimum of sixty (60) percent of their total annual gross food and beverage sales from the sale of prepared meals or food, or licensed establishments deriving at least sixty (60) percent of their total annual income from the rental of rooms for overnight lodging, are authorized to apply for a Sunday sales permit to sell and serve alcoholic beverages, malt beverages and wine by the drink from ~~12:30 p.m.~~11:00 a.m. on Sunday until ~~2:55~~12:00 a.m. Midnight of the following Monday.

(b) Applicants fora Sunday sales permit shall complete a form and affidavit furnished by the City Manager or his designee. The City Manager or his designee may, at anytime, require that the licensee obtain an audit prepared by a certified public accountant, at the licensee's expense, to ensure compliance. If an audit reveals that incorrect, incomplete or misleading information was submitted on and/or with the Sunday sales form and/or affidavit, then, the permit shall be automatically revoked by the City Manager or his designee. No later than March 31st of the license year, licensee shall submit a report on monthly sales by category for the prior calendar year.

(c) All annual permit renewals shall be filed with the City Manager or his designee not later than November 30 of the year preceding the license year for which the permit is to be issued. All renewals are subject to audit prior to being renewed to ensure compliance with this chapter.

(d) Sunday sales permits may be granted for the full calendar year or for the number of months remaining in the calendar year. The permit fee shall be prorated based on the number of months remaining in the calendar year; partial months shall be counted as a full month. Fees are not refundable and permits shall not be transferable. (e) Establishments which qualify for a Sunday sales license are authorized to apply for a temporary Sunday sales permit if they desire to open for special events or holidays. The temporary permit shall be valid for one (1) calendar month and partial months shall be counted as a full month. Licensees must apply thirty (30) days in advance of the issuance date.

Section 6: That effective upon the passage of the referendum, Chapter 4 (Alcoholic Beverages), Article V (Operational Rules for Retailers), Division 3 (Establishments Licensed for On-Premises Consumption of Beer and Wine), shall be amended by revising Sections 4.5.18 (Hours of Sale and Operation) and 4.5.21 (Sunday Sales) to read as follows:

Sec. 4.5.18. Hours of Sale and Operation.

Beer and/or wine shall be sold and delivered to the customer for consumption on the premises only during the following hours:

(a) Monday through Friday hours are from 9:00 a.m. until 3:55 a.m. of the following day.

(b) Saturday hours are from 9:00 a.m. until 2:55 a.m. on Sunday.

(c) Sunday hours are from ~~12:30 p.m.~~11:00 a.m. until ~~2:55~~12:00 a.m. Midnight on Monday as permitted by section 4.5.21.

Sales and deliveries during all other hours are prohibited. All licensed establishments must close their premises to the public and clear their premises of patrons by 3:30 a.m. and shall not reopen their premises to the public until 9:00 a.m. or thereafter.

Sec. 4.5.21. Sunday Sales.

(a) Licensed establishments deriving a minimum of sixty (60) percent of their total annual gross food and beverage sales from prepared meals or food, or licensed establishments deriving at least sixty (60) percent of their total annual gross income from the rental of rooms for overnight lodging, are authorized to apply for a Sunday sales permit to sell and serve alcoholic beverages by the drink from ~~12:30 p.m.~~11:00 a.m. on Sunday until ~~2:55~~12:00 a.m. Midnight of the following Monday.

(b) Applicants for a Sunday sales permit shall complete a form and affidavit furnished by the City Manager or his designee. The City Manager or his designee may, at anytime, require that the licensee obtain an audit prepared by a certified public accountant, at the licensee's expense, to ensure compliance. If an audit reveals that incorrect, incomplete or misleading information was submitted on and/or with the Sunday sales form and/or affidavit, then, the permit shall be automatically revoked by the City Manager or his designee. No later than March 31 st of the license year, licensee shall submit a report on monthly sales by category for the prior calendar year.

(c) All annual permit renewals shall be filed with the City Manager or his designee not later than November 30 of the year preceding the license year for which the permit is to be issued. All renewals are subject to audit prior to being renewed to ensure compliance with this chapter.

(d) Sunday sales permits may be granted for the full calendar year or for the number of months remaining in the calendar year. The permit fee shall be prorated based on the number of months remaining in the calendar year; partial months shall be counted as a full month. Fees are not refundable and permits shall not be transferable.

(e) Establishments which qualify for a Sunday sales license are authorized to apply for a temporary Sunday sales permit if they desire to open for special events or holidays. The temporary permit Page 36 shall be valid for one (1) calendar month and partial months shall be counted as a full month. Licensees must apply thirty (30) days in advance of the issuance date.

Section 7: That effective upon the passage of the referendum, Chapter 4 (Alcoholic Beverages), Article V (Operational Rules for Retailers), Division 4 (Private Clubs), shall be amended by revising Sections 4.5.24 (Hours of Sale and Operation) and 4.5.26 (Sunday Sales) to read as follows:

Sec. 4.5.24. Hours of Sale and Operation.

Alcoholic beverages shall be sold and delivered to patrons for consumption on the premises only during the following hours:

(a) Monday through Friday hours are from 9:00 a.m. until 3:55 a.m. of the following day.

(b) Saturday hours are from 9:00 a.m. until 2:55 a.m. on Sunday.

(c) Sunday hours are from ~~12:30~~11:00 ~~p~~a.m. until ~~2:55~~12:00 a.m. Midnight on Monday as permitted by section 4.5.26.

Sales and deliveries during all other hours are prohibited. All licensed establishments must close their premises and clear their premises of patrons within one (l) hour after the time set by this chapter for discontinuance of the sale of alcoholic beverages on the premises and shall not reopen their premises to the public until 9:00 a.m. or thereafter.

Sec. 4.5.26. Sunday Sales.

(a) Licensed establishments deriving a minimum of sixty (60) percent of their total annual gross food and beverage sales from prepared meals or food, or licensed establishments deriving at least sixty

(60) percent of their total annual income from the rental of rooms for overnight lodging, are authorized to apply for a Sunday sales permit to sell and serve alcoholic beverages, malt beverages and wine by the drink from ~~12:30 p.m.~~11:00 a.m. on Sunday until ~~2:55~~12:00 a.m. Midnight of the following Monday. No later than March 31 of the license year, licensee shall submit a report on monthly sales by category for the prior calendar year.

(b) Applicants for a Sunday sales permit shall complete a form and affidavit furnished by the City Manager or his designee. An audit may be required at any time to ensure compliance. If an audit reveals that incorrect, incomplete or misleading information was submitted on and/or with the Sunday sales form and/or affidavit, then, the permit shall be automatically revoked by the City Manager or his designee.

(c) All annual permit renewals shall be filed with the City Manager or his designee not later than November 30 of the year preceding the license year for which the permit is to be issued. All renewals are subject to audit prior to being renewed to ensure compliance with this chapter.

(d) Sunday sales permits may be granted for the full calendar year or for the number of months remaining in the calendar year. The permit fee shall be prorated based on the number of months remaining in the calendar year; partial months shall be counted as a full month. Fees are not refundable and permits shall not be transferable.

(e) Establishments which qualify for a Sunday sales license are authorized to apply for a temporary Sunday sales permit if they desire to open for special events or holidays. The temporary permit shall be valid for one (l) calendar month and partial months shall be counted as a full month. Licensees must apply thirty (30) days in advance of the issuance date.

Section 8: Sections 5, 6 and 7 of this ordinance shall have no legal force or effect and the City of Stonecrest Code of Ordinances shall not be amended as described therein, should the referendum described in this ordinance not receive more than one-half of the votes cast on the question for approval of such Sunday sales.

Section 9:

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

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

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

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

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

6. The provisions of sections 5, 6 and 7 of this Ordinance, if effective following the herein described Referendum, shall become and be made part of The Code of the

City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

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

Approved:

____
Jason Lary, Sr., Mayor

As to form:

____
Thompson Kurrie, Jr., City Attorney

Attest:

____
Brenda James, City Clerk

THE CITY OF
STONECREST
GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution for Federally Subsidized Flood Insurance as Authorized by the National Flood Insurance Act of 1968

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

Date Submitted: 08/17/2018 Work Session: 08/20/2018 Council Meeting: 08/20/2018

SUBMITTED BY: Plez Joyner

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: This item is for a discussion on Federally Subsidized Flood Insurance as Authorized by the National Flood Insurance Act of 1968.

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

RESOLUTION 2018-__________

RESOLUTION OF INTENT

WHEREAS, certain areas of the City of Stonecrest, Georgia, are subject to periodic flooding, or flood-related erosion, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, it is the intent of the City Council of the City of Stonecrest to require the recognition and evaluation of flood, or flood-related erosion hazards in all official actions relating to the land use in areas having these hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to the Charter of the City of Stonecrest.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Stonecrect hereby:

1. Assures the Federal Insurance Administration that it will enact as necessary, and maintain in force in those areas having flood, or flood-related erosion hazards, adequate land use and control measures with effective enforcement provisions consistent with the Criteria set forth in Part 60 of the National Flood Insurance Program Regulations (CFR44); and

2. Vests the City Manager, or his designee, with the responsibility, authority and means to:

   (a) Assist the Administrator, at his request, in his delineation of the limits of the area having special flood, or flood-related erosion hazards.

   (b) Provide such information as the Administrator may request concerning present uses and occupancy of the flood plain, or flood-related erosion areas.

   (c) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify flood plain, or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining flood plain, and/or flood-related erosion areas in order to prevent aggravation of existing hazards.

   (d) Upon occurrence, notify the Administrator in writing whenever the boundaries of the Community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood hazard Boundary Maps and Flood Insurance Rate Maps accurately represent the Community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished flood plain management regulatory authority.

3. Appoints the City manager, or his designee, to maintain for public inspection and to furnish upon request for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map or Flood Insurance Rate Map, any certificates of flood-proofing, and information on the elevation (in relation to mean sea level) of the level of the lowest flood (including basement) of all new or substantially improved structures, and include whether or not such structures include a basement, and if the structure has been floodproofed; and

4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

This Resolution shall be effective immediately upon its adoption.

SO RESOLVED this the ______ day of ________________, 2018.

Approved:

____
Jason Lary, Sr., Mayor

Attest:

____
Brenda James, City Clerk