



Where Community Connects

STOCKBRIDGE

CITY COUNCIL

Mayor

Anthony Ford

Mayor Pro Tem Alphonso Thomas

Councilman Elton Alexander

Councilwoman Yolanda Barber

Councilman John Blount

Councilwoman LaKeisha Gantt

CITY MANAGER

Frederick Gardiner

CITY CLERK

Vanessa Holiday

CITY TREASURER

John Wiggins

CITY ATTORNEY

Quinton G. Washington

Jeremy T. Berry

**Council Meeting
Agenda
June 13, 2022 6:00 PM**



STOCKBRIDGE CITY HALL

4640 NORTH HENRY BLVD.

STOCKBRIDGE, GA 30281

Website: www.cityofstockbridge.com

Phone: 770-389-7900

Fax: 770-389-7912



AGENDA COUNCIL MEETING CITY OF STOCKBRIDGE

MONDAY, JUNE 13, 2022 6:00 PM

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

ADOPTION OF THE AGENDA

ADOPTION OF THE MINUTES

- 1 Draft Retreat Minutes March 8, 2022
- 2 Draft Retreat Minutes March 9, 2022
- 3 Draft Retreat Minutes March 10, 2022
- 4 Draft Minutes April 11, 2022
- 5 Draft Minutes SCM April 25, 2022
- 6 Draft Work Session Minutes April 26, 2022

PUBLIC COMMENTS - All persons wishing to speak for public comment must sign in with the City Clerk prior to the beginning of the meeting. You must sign your name, address, and phone number. You will be able to address the Mayor and Council for three (3) minutes. Speakers must respect all members of the elected body, officials, and staff. Defamation, unruliness and/or swearing will not be tolerated while meetings are in session.

CEREMONIAL

- 7 Proclamation - Juneteenth Celebration

PUBLIC HEARING

- 8 **COMPREHENSIVE PLAN AMENDMENT CASE #CP-2022-01 --** The City of Stockbridge Mayor and City Council will hear a Comprehensive Plan Amendment Request by Remi Rose Development, LLC, the Applicant, represented by Battle Law, P.C., the Agent, to change the future land use designation of certain property from 'Low-Density Vertical Mixed-Use' to 'High-Density Residential' to allow for a mixed-use development. The property contains two parcels, as are listed below, with 68.87 +/- total acres within the Stockbridge City Limits. The City of Stockbridge Planning Commission recommends approval.
- #012-01003000 –** The smaller parcel. Contains 3.131 +/- acres and comprises the property at 1036 Highway 138 West, across from Spivey Road. Located in Land Lot 55 of District 12.
- **Parcel #012-01002000 –** The larger parcel. Contains 65.743 +/- acres. Situated adjacent to the western side of the smaller parcel, with frontage on Highway 138 West, across from Tributary Parkway. Located in Land Lot 42 of District 12.
- 9 **REZONING CASE #RZ-2022-01 --** The City of Stockbridge Planning Commission and the City of Stockbridge Mayor and City Council will hear a Rezoning Request by Remi Rose Development, LLC, the Applicant, represented by Battle Law, P.C., the Agent, to rezone certain property from the C-1 (Neighborhood Commercial), C-2 (General Commercial), and PMU (Parkway Mixed-Use Overlay) districts to the PUD (Planned Unit Development) and PMU (Parkway Mixed-Use Overlay) districts to allow for a mixed-use development. The property contains two parcels, as are listed below, with 68.87 +/- total acres within the Stockbridge City Limits.
- **Parcel #012-01003000 –** The smaller parcel. Currently zoned 'C-1' and 'PMU'. Contains 3.131 +/- acres and comprises the property at 1036 Highway 138 West, across from Spivey Road. Located in Land Lot 55 of District 12.
 - **Parcel #012-01002000 –** The larger parcel. Currently zoned 'C-2' and 'PMU'. Contains 65.743 +/- acres. Situated adjacent to the western side of the smaller parcel, with frontage on Highway 138 West, across from Tributary Parkway. Located in Land Lot 42 of District 12.

OLD BUSINESS

- 10 Cultural Arts Center Funding Recommendation

NEW BUSINESS

- 11 Council consideration to approve updated or revised policies in sections of the employee manual. - Presented by: Renee Wheeler
- 12 Council Consideration to fill a vacancy and appoint a member to the Youth Council Advisory Committee to fill an unexpired term. - Presented by: Quinton Washington
- 13 Council Consideration to approve a Youth Council Partnership with CaJo's Fam Fest and Radio One to host a Gospel Concert on October 15, 2022, utilizing the Stockbridge Amphitheater - Presented by: Ericka Harvey, Canton Jones
- 14 Council consideration to amend Stockbridge Code of Ordinances, Chapter 9.16, Pawnshops and Secondhand Dealers. - Presented by: Frank Trammer
- 15 Council Consideration to Amend Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.010- Disorderly Conduct - Presented by: Frank Trammer
- 16 Council Consideration to Amend Stockbridge Code of Ordinances Chapter 11.04.100- General Offenses Weapons Discharge Prohibited - Presented by: Frank Trammer
- 17 Council Consideration to amend Stockbridge Code of Ordinances - Chapter 11.04 General Offenses - Section 11.04.140- General Offenses - Defecating or urinating on public property or in certain areas. - Presented by: Frank Trammer
- 18 Council consideration to add a new ordinance under Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.150 Monetary solicitation. - Presented by: Frank Trammer
- 19 Council consideration to add a new ordinance under Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.160 False representation to police or any city department. - Presented by: Frank Trammer
- 20 Council Consideration to Amend Stockbridge Code of Ordinances , Chapter 11.04, Section 11.06, Section 11.06.010- Administration of state offenses in municipal courts to add clarifying language and to remove duplicate phrasing. - Presented by: Frank Trammer
- 21 Council consideration to add a new ordinance under the Stockbridge Code of Ordinances, Chapter 11.20, Section 11.20.030 Loitering for illegal sexual purposes. - Presented by: Frank Trammer
- 22 Council Consideration to add new ordinance under Stockbridge Code of Ordinances, Chapter 11.24, section 11.24.030 Urban Camping - Presented by: Frank Trammer

- 23 Council Consideration to Amend the Stockbridge Code of Ordinances, Chapter 11.26, Section 11.26.040- Noise Nuisances- Specific prohibitions. - Presented by: Frank Trammer

MAYOR'S COMMENTS (Mayor Anthony Ford)

ANNOUNCEMENTS OF UPCOMING MEETINGS & EVENTS - UPCOMING MEETINGS & ANNOUNCEMENTS: Council meetings will be held in the City Council Chamber noting some Board/Committee meetings will continue to take place via Zoom. Meeting dates and times are subject to change. Please visit the city's website www.cityofstockbridge.com for the meeting invitation link, Facebook page or contact City Hall offices at 770-389-7900 for updates. □

Downtown Development Authority Meeting, 6:00 p.m. Via Zoom - 3rd Tuesday of each month Via Zoom (Jun 21) □ Youth Council Advisory Committee Meeting, 6:30 p.m. - 3rd Tuesday of each month Levi Meeting Room - City Hall (Jun 21) □ Planning Commission Meeting, 4th Thursday at 6:30 p.m. Via Zoom – (Jun 23) □ City Council Work Session Meeting, *special meeting date on Wednesday – City Council Chamber (Jun 29) □ Main Street Advisory Board Meeting, 2nd Friday of each month 9:00 a.m. Via Zoom (Jul 8) □ City Council Meeting, Second Monday of each month – City Council Chamber (July 11) □ Youth Council Meeting, 5:30 p.m. - 2nd Wednesday of each month Levi Meeting Room - City Hall (Jul 13)

UPCOMING CITY EVENTS/INITIATIVES • A Continuous Salute to Veterans: Please forward pictures of Veterans including name, branch, rank, and years of service as Mayor Pro Tem Thomas presents a special tribute to our local veterans. Pictures should be submitted to: Rosalynd Rawls at rrawls@cityofstockbridge-ga.gov Thank you for your service! • Please join Councilwoman Barber for FREE Zumba on every Saturday morning at Clark Community Park at 8:00 a.m. Come out for fitness in the park! • Join us for Tasty Tuesday Food Truck Takeover at Clark Park Tuesday, June 14th, June 28th, July 12th, July 26th, August 2nd, August 9, August 16, August 23rd and August 20th, each day from 5:30 – 8:30 p.m. Come out and enjoy great food and family fun! • Here is your opportunity to Meet the Mayor, and voice your questions and/or concerns Wednesday, June 29, 2022 from 10 a.m. to noon (In-Person). Call Rosalynd Rawls to schedule an appointment. 770-389-7900 ext. 248. • Join Mayor Pro Tem Thomas for a Sip 'n See Tour of the City's Amphitheater, Wednesday, June 21st from 4pm – 7pm. Here is an opportunity for the community to see seating layout, get information on upcoming events, enjoy live music and refreshments.

EXECUTIVE SESSION (Exemptions to the Georgia Open Meetings Acts)

ADJOURNMENT



COUNCIL RETREAT

March 8, 2022

1:00 p.m.

Summary Minutes

Mayor & City Council

Mayor Anthony S. Ford
Mayor Pro Tem Alphonso Thomas
Councilman Elton Alexander
Councilwoman Yolanda Barber
Councilman John Blount
Councilwoman LaKeisha Gantt

Administration

Frederick Gardiner, City Manager
Vanessa Holiday, City Clerk
John Wiggins, City Treasurer
Quinton Washington, City Attorney
Jeremy Berry, City Attorney

Staff in Attendance: Decius Aaron, Public Works Director and Alan Peterson, Economic Development Director

Mission: To provide visionary leadership and superior municipal services that enhance the quality of life for citizens while creating a welcoming business atmosphere focused on sustainability and expansion of tourism and cultural events.

DAY ONE AGENDA

Facilitated by Frederick Gardiner – City Manager

The meeting was called to order by Mayor Ford

Invocation by Mayor Ford

Pledge of Allegiance by all in attendance

City Clerk, Vanessa Holiday proceeded with the roll call with all members were present except Councilwoman Gantt who joined the meeting at 2:15 p.m. and Councilman Alexander who joined the meeting at 2:30 p.m.

Motion to amend the Agenda to add the Georgia Radio Alliance/Pepsi Pouring Rights Agreement made by Councilman Blount; second by Mayor Pro Tem Thomas. The motion passed 3-0.

Motion to amend the Agenda to add Proposed Annexation Presentation by Senator Emanuel Jones made by Councilwoman Barber/Blount; Mayor Pro Tem Thomas questioned if the proposed annexation includes Piedmont Henry Hospital, asked if the governor supports the legislation, and asked if the legislation has the full backing of the Henry County Delegation.

Councilman Blount noted there is no feasibility study for the proposed annexation and there is no idea of what the cost to the city will be and how the additional services will affect the city's budget and expects the budget to double with unknown expenditures.

Mr. Gardiner noted the saving grace is for the unincorporated areas to come in, there must be a ballot referendum in November 2022, and there is time to put together some analysis.

Mayor Ford noted there will be town halls and discussions prior to the vote.

Councilman Blount noted that when the Council votes, the process will move quickly, and councilmembers have not answer for the public and that is a concern.

The motion passed 3-0.

Motion to approve the Agenda made by Councilwoman Barber; second by Councilman Blount. The motion passed 3-0.

Mayor Ford welcomed everyone in attendance and introduced officials and staff. City Manager, Frederick Gardiner gave a Retreat Overview noting his 30-day observation shows there are operational issues city; noted there would be a discussion around Economic Development and Project updates; and information from this retreat will be taken back to the Team meeting with the goal being to have a 3-month assessment and quarterly meetings to make sure everyone is on the same accord.

Georgia Radio Alliance/Pepsi Pouring Rights Agreement – Stockbridge Amphitheater
Attorneys Quinton Washington and Jeremy Berry presented a Pouring Rights request for Georgia Radio Alliance (GRA) and Pepsi for the Stockbridge Amphitheater noting Pepsi's pouring rights deals have been 5-year; however, this would be a 3-year deal, which can be extended. Attorney Washington noted GRA has contracted with Pepsi for more than 36 years and has multiple contracts with Pepsi throughout the state and has negotiated a contract for the 3500 capacity Stockbridge Amphitheater of \$15,000 - \$30,000 max annually.

Attorney Washington noted the Pepsi Concert Series has the Pepsi Strong Team which is associated with Shaquille O'Neal and his daughter where Pepsi pays for the acts and splits the proceeds with 60% of the proceeds going to the Henry County Fallen Officer's Fund and GRA and the City of Stockbridge each receiving 20%.

Mayor Pro Tem Thomas questioned why the City of Stockbridge was not at the table and included in the negotiations; and noted the City has depended on another entity to provide information to the city about the Amphitheater, and the information has not been provided to the City Council timely, and there needs to be guardrails put in place. Councilman Blount agreed, noting the TOAST system is the only thing the city has in place.

Attorney Washington noted the city's contract with GRA allows GRA to act on the city's behalf, noting if the city does not continue with GRA when their contract ends in December 2022, the Pepsi Pouring Rights would remain in place.

Councilwoman Barber noted the city has a 1yr agreement with GRA and asked if there could also be a 1yr agreement with Pepsi and noted the city was already at the table with Pepsi and negotiating 60% for Pepsi and 40% for the city instead of receiving a split with GRA of 20%; and referenced the city's contract with GRA is a 85/15 split with GRA receiving 15% of food and beverage and asked why the proposed percentage with GRA is more at 20% and not equal to the 15%.

Attorney Berry noted Pepsi has negotiated a 3-yr. deal with GRA, and noted per Mayor Ford, Coke is not a good fit.

Attorney Washington noted a decision needs to be made today regarding the pouring rights because each day that it is not, there is a missed opportunity to sign a big artist.

Attorney Washington referenced the pre-existing relationship between Pepsi and GRA and to cut them out would cause the deal to sour.

Councilwoman Barber asked for validation of the percentage increase to GRA from 15% to 20%, noting she does not favor a 3-yr contract, nor does she agree with the GRA 20% split.

Attorney Berry noted the deal does not happen without GRA.

Councilman Blount motioned to accept the 3-yr contract with Pepsi for Pouring Rights; second by Councilwoman Gantt;

Mayor Pro Tem Thomas noted the Amphitheater is a learning curve for the city, and relying on the city's administration and legal team, and that the city is in a legally binding contract with GRA; noted the city, which consists of the governing body, need to learn from this experience, and how the city handles what he believes to be a \$30 million

Amphitheater going forward; and noted it is critical that information come to the full Council, and not just the Mayor, City Manager or City Attorney.

Councilwoman Barber noted the GRA contract needs to expire with no funding after December 31, 2022; and the 15% should be consistent.

Councilman Blount noted there will be no legitimacy with GRA after December 31, 2022.

Mr. Gardiner noted, for a point of clarification, when the contract ends, all payments to GRA would be null and void with two additional years with the Amphitheater management firm, whoever that may be; noting, the goal is to put it out for bid and hire and expert in the area and being certain to shore up the weaknesses.

The motion passed 3-0-1 (Barber Abstained citing a lack of having all the pertinent information) (Councilman Alexander was not present for the discussion or vote).

Senate Bill 612 – Annexation of unincorporated Henry County Land into the City
Senator Emanuel Jones referenced the previous defeat of cityhood de-annexation of parcels from Stockbridge for the proposed city of Eagles Landing and noted he went back to his colleagues to try to find a remedy of fixing the boundaries of Stockbridge, and as the primary sponsor of the Bill, he was able to gain bi-partisan support of Senate Bill 612 from Senator Brian Strickland of the 17th District who also represents a small portion of Stockbridge; noted the Bill had its first reading this morning; noted the purpose of the Bill is to clean up the City of Stockbridge boundaries, and presented the proposed map and referenced the blue shaded areas as those parcels to be annexed into the city; noted the 2020 estimated populations was around 28,000 and the increased population would go to 51,000 and also create Council Districts; thanked the City Council for their support; and believes this Bill will have a positive outcome for the city and the southside.

Councilman Alexander thanked Senator Jones for his leadership with the cityhood battle and proposing annexation legislation to close the gaps that are within and surround the city; noted the issues of public safety concerns will be addressed with a more defined area; noted this is a bold idea by Senator Jones to bring the city into the 21st century and take the city to the next level, finally galvanizing the area; noted the progress of Stockbridge with its major, the Amphitheater and Police Department is positive progress; noted citizens will embrace the good efforts, and noted Stockbridge will be better positioned to capitalize on new development.

Mayor Ford noted there will be equal district representation with the proposed Council Districts and looks forward to the referendum passing in November 2022.

Senator Jones asked for support of Senate Bill SB612.

Mayor Pro Tem Thomas asked about the percentage of commercial parcels in the proposed annexation.

Senator Jones noted he was unsure of the percentage of commercial parcels and noted that because there were parcels of 500+ residents, the annexation must be placed on the ballot as a referendum.

Councilwoman Gantt thanked Senator Jones for making the city whole, noting the annexation will be great for constituents and Henry County, and thanked Senator Jones for his leadership.

Senator Jones noted the Bill has bi-partisan support, and because of that, he is confident the governor will sign the Bill; noting the leaders of the city will need to explain, market, and sell the benefits of annexation.

Mayor Pro Tem Thomas asked about the timeline of the process.

Senator Jones noted the Bill has had its First Read and has been signed off and gone through the SLOGO Committee and will go to the full Senate for a vote in the next 2-3 days, and then over to the House with the same process; noted he spoke with the House Chair, Representative Demetrius Douglas, and believes because the Bill has bi-partisan support the governor will sign the Bill within the next 2-3 weeks, and he would provide the copies of the map to present at town halls.

Motion to convene Executive Session for Personnel, Litigation and Real Estate made by Councilwoman Alexander; second by Councilman Alexander. The motion passed 5-0.

Motion to End Executive Session made by Councilwoman Gantt; second by Councilwoman Barber. The motion passed 5-0.

Motion to Reconvene the meeting made by Councilwoman Gantt; second by Councilwoman Barber. The motion passed 5-0.

Falcon Engineering and Design LLC – Adam Price, Skip Layton, and John Palmer

Mr. Skip Layton provided updates of the following projects:

- 2021 LMIG Paving – Awaiting legal opinion from the City Attorney related to cost increase requested by the contractor, East Coast Grading.
- 2022 LMIG Paving – Awaiting the city's Procurement Department having fully executed contracts followed by Falcon Design scheduling a pre-construction conference.

- 2023 LMIG Paving – Awaiting the proposed list of roadways from the city for this project to begin the evaluation and recommendations.
- Downtown Alleyway/Burke Street – Site is currently permitted but revisions are being made to include repaving/restriping the area of existing asphalt, adding lighting to match main street. Plan revisions are anticipated to be completed on February 28, 2022 and submitted to the city.
- Stormwater Construction of the Magnolias at Eagles Landing project has been completed.
- Stormwater Engineering/Construction of 103 Turning Point has been completed.
- Stormwater Engineering 2021 Improvements have been completed.
- Noted there are no current on-call stormwater projects at this time.
- Smith-Barnes Sanitary Sewer Basin Rehabilitation Phase II Sewer Project – the city has submitted notification that the contract has been executed and a pre-construction conference is being scheduled.
- East Atlanta Road/Lee Street Roadway Improvements – construction underway, but the projected is being delayed due to acquisition of easements.
- Lee Street Amphitheater Parking and Pedestrian Improvements – design has been submitted to the city for review.
- Neighborhood Stormwater Concepts – Engineering has completed the concept and the cost estimate has been provided to the city. Note: current market should require updated pricing. Waiting on direction from the city to move forward,
- GIS Stormwater Database Updates – this is an on-call service requested by the city and there are no current projects.
- Sanitation and Stormwater Billing FY2022 – this is an on-call service requested by the city and there are no current projects.
- Gateway and Wayfinding Signage – Engineering completed this task in August 2021. Awaiting new task request and direction from city staff to assist with Phase II implementation.
- Sidewalk Projects – Survey has been completed and submitted to the city for review.

Falcon Design referenced the trees in the right-of-way along the Amphitheater Road, noting the installation and placement of the trees was not under their purview and sees the trees in this area to be problematic and will cause buckling under the pavement.

After discussion, Mr. Aaron noted the city's Public Works staff would be responsible for removing the trees.

Public Works Update – Decius Aaron, Public Works Director

Mr. Aaron noted the city's infrastructure is a critical investment, noting aging, deteriorating and obsolete infrastructure within the city and gave a timeline and expected life for pipeline and valves, mechanical equipment, wells and springs, storage tanks, meters, lift stations and concrete areas; noted there are currently 42 active projects; noted the 2023 LMIG street lists with 4.66 miles to be resurfaced; noted the

State Department of Transportation LMIG funding for Henry County and the four cities to be \$5,131,044 and the city of Stockbridge receiving \$331,465.47; noted the city will

collaborate with the County on two T-SPLOST projects: Rock Quarry Rd.- Road Widening and Rock Quarry Rd. – New Road; noted the city's TSPLOST projects for Road & Pedestrian Sidewalks and Improvements, Curb & Gutter and New Trails.

Motion to adjourn: Thomas/Barber Passed 5-0.

Respectfully submitted by:

Vanessa Holiday, City Clerk MMC

Anthony S. Ford, Mayor

COUNCIL RETREAT
March 9, 2022
9:00 a.m.
Summary Minutes

Mayor & City Council

Mayor Anthony S. Ford
Mayor Pro Tem Alphonso Thomas
Councilman Elton Alexander
Councilwoman Yolanda Barber
Councilman John Blount
Councilwoman LaKeisha Gantt

Administration

Frederick Gardiner, City Manager
Vanessa Holiday, City Clerk
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Quinton Washington, City Attorney
Jeremy Berry, City Attorney

Mission: To provide visionary leadership and superior municipal services that enhance the quality of life for citizens while creating a welcoming business atmosphere focused on sustainability and expansion of tourism and cultural events

DAY TWO AGENDA

Facilitated by Frederick Gardiner – City Manager

The meeting was called to order by Mayor Ford

Invocation by Mayor Pro Tem Thomas

Pledge of Allegiance by all in attendance

City Clerk, Vanessa Holiday proceeded with the roll call with all members were present except Councilwoman Gantt who joined the meeting at 11:09 a.m.

Motion to approve the Agenda made by Councilman Alexander; second by Mayor Pro Tem Thomas. The motion passed 4-0.

Mr. Gardiner noted the Strategic Plan is a forecast and plan for the next 3-5 year, noting the city will get there with a S.W.O.T. (Strengths, Weaknesses, Opportunities, and Threats) Analysis; noted we will build from that along with other additional tools noting the goals and objectives to be accomplished; noted the information from today's meeting will be shared with the team; and introduced the InnerComm team, Bill Stark, Tim Feinbert and Joy Marshall.

Mr. Stark noted the Council is the subject matter expert and asked everyone to introduce themselves, with their background as people first, and officials second, noting success begins with good strong relationships, and collaboration is getting to the goals that have been set by the city.

Councilman Alexander noted the City Council prioritized projects for the city.

Councilman Blount noted that in addition to the Vision/Mission statement, the city needs commitment and responsibility to the citizens and not be emotional; stating you don't have to be friends to be friendly.

Mr. Stark noted everyone needs to be committed to the vision, and staff will receive the information today and determine if the goals/timelines can be achieved.

Mayor Pro Tem Thomas noted staff is not carrying out the goals that have been set by the Council and believes there is a breakdown; noting it is hard to be self-critical, and that everyone is not understanding their role.

Councilwoman Barber agreed.

Councilman Alexander noted citizens elected the members of Council to lead; noted the Council endeavors to hire the best staff to carry out the directives; and noted the role of staff is to carry out the vision and stay out of the political mix.

Councilman Blount agreed noting the City Council is the Legislative branch of the city and has the duty of hiring professionals, and not micro-manage staff.

Councilman Alexander noted there are issues that pre-date the current City Manager.

Mr. Stark asked what is it that you expect? What do you believe to be fair? And asked that everyone in attendance be brutally honest.

Mayor Pro Tem Thomas noted there is a difference between micro-managing and oversight and noted the use of the phrase micro-managing is corporate lingo.

Councilman Blount noted if staff is asked to complete a task in 3-hours, that's the directive, noting if you tell the staff member how to complete the task, that's micro-managing, the directive is to complete the task.

Councilman Alexander stated it's a fine line, noting collectively,

Mr. Stark noted the key is to set goals and determine how to get there and referenced the city's acronym PEACE.

Councilman Barber noted as the newest member of Council, she had no input in the city's Vision/Mission statement, and is okay with it; and noted she would like to see accountability and respect, and be able to voice her opinion on matters; noted she will not conform to the dysfunction; and makes every effort to reject what has happened in the past.

Councilman Blount noted there is perception and there is reality, and we need to get to the truth.

Mr. Feinbert asked everyone to be open to what you are saying.

Ms. Marshall told the story of the Pataki Gods and how sometimes it is intentional to cause confusion.

Mr. Stark referenced the SWOT analysis completed in 2021 noting the Strengths, Weaknesses, Opportunities and Threats.

Mayor Ford noted the Aquatic Center was one of the items included and has been placed on hold by the County.

Mr. Stark noted how the Strategic Plan benefits citizens because it provides clarity of direction, sets expectations of what's to come, provides a way to be heard (via input), and acts to hold staff and elected officials accountable.

Mr. Stark noted how the Strategic Plan benefits elected officials because it translates citizen input into high-level priorities, provides long-term direction, helps shape policy, budget, and resource allocation, keeps citizens informed, it is a process to alter plans as dynamics change and sets stakeholders requirements for execution.

Mr. Stark noted how the Strategic Plan benefits staff because it provides clear direction, provides accountability, sets expectations, allows team to coalesce around a plan, and helps build morale and teamwork.

Mr. Stark noted the success components for a Strategic Plan would be setting priorities, compromise, commitment, measurement, and communication.

Councilwoman Barber noted she understands three votes of the Council is approval, however, she believes it is equally important that each member be heard.

Councilman Alexander agrees that each member should be acknowledged and heard, however he has learned that it is best to pick your battles.

Mr. Feinbert noted that even if you disagree with the decision, as a Council, you should support the city and buy in to the decision.

Councilman Blount referenced GMA Elected Officials Training noting what you should and should not say as elected officials.

Councilwoman Barber noted when you don't agree, you should not attack your colleagues; noted she is not here for the politics and wants to be transparent and share information with the public.

Councilman Blount noted a disagreement is not an attack; and stated he acts based on GMA training and is certain you should not do/say certain things out front because that affects everyone.

Councilwoman Barber noted councilmembers know the information is true and factual, however, they refuse to accept the information.

Mayor Pro Tem Thomas noted that often-times we lose sight of the decision-making process, noting that when decisions have to be made, you may disagree with the decision, but you should be able to support the decision; noted as a team, you support the decision and that is where councilmembers fall short when the decision is not supported.

Mr. Feinbert noted there is an obligation to the citizens.

Councilman Alexander referenced Supreme Court decisions where there are two opinions offered, noting dissent is the greatest form of patriotism.

Mr. Stark noted members should be allowed to talk, but also listen.

Mayor Ford noted he will sometimes voice his opinion, noting his main focus is presiding over the meeting; and noted he has been accused of allowing members to talk too long, and while he is not perfect and makes mistakes, he is mindful of the meeting being publicly archived.

Councilman Blount noted he calls for a Point of Order when items go off-topic.

Councilwoman Barber noted she sees the Point of Order as a deflection, specifically when she is advocating for truth, honesty, and transparency; noted she follows up and holds staff and Council accountable; noting she is not a politician.

Councilman Blount noted by virtue of the position, each member of the Council is a politician; and noted there is lack of respect for the process.

Mayor Ford noted communication needs to improve, and information should be distributed to the full Council.

Mr. Stark noted sometimes less is more.

Councilman Alexander noted there have been so many years of noting advancing.

Councilman Blount referenced the number of staff changes in the City Manager position in recent years, causing instability.

Mayor Pro Tem Thomas noted in many cases, it's one and done and the city has to start over, noting it has gotten better on maintaining the progress.

Councilman Blount noted continuity is important, however, the directives to staff should continue at the staff level, not the elected officials.

Mr. Stark noted it is important to hold the City Manager accountable.

Councilman Alexander noted the Council set the priorities and approved a Comprehensive Plan for the city, engaged the public for their input, and now there needs to be a timetable in place for the deliverables; noting the average tenure for a City Manager in municipal government today is 4-5 years, and prior to 2010, it was upwards of 30 years.

Councilwoman Gantt noted her tenure began with the city in turmoil and no staff at city hall to run the operations effectively, and a team needed to be assembled, and that took some time.

Mayor Pro Tem Thomas agreed, noting citizens were unaware of the turmoil and knowing what was happening in the background.

Mr. Stark noted the city can't change the Plan every two years because of an election, noting the Plan must survive.

Mr. Gardiner noted consistency is key, and you can't be successful if your organization is operating based on fear; noted city staff is afraid to make decisions; referenced the revitalization of Downtown Decatur Square and how the city had to adjust to the reality of their city and make changes on how they operated, and today it is thriving; and referenced the proposed annexation plan where the Council will need to collectively sell the idea of annexation, positively.

Mayor Pro Tem Thomas noted it is important to support the decisions of the vote made by Council.

Councilman Blount noted members of the Council should respect the procedures and respect each other.

Mayor Ford noted he appreciates good open and honest dialogue and respects this process where Council has opened up to real conversations to respect each other's opinions and come together; noted he sees a good positive outlook regarding the proposed annexation and asks the Council to refrain from the negative in public, keeping it behind closed doors and work together as a team and promote unity.

Councilwoman Gantt noted less is more, however, proper planning is going to be essential.

Councilman Alexander agreed there needs to be an agreed upon plan which is key to moving forward collectively.

Mr. Stark noted what the Strategic Focus Area would consist of: More budget, more attention, more internal resources/time, more partnerships, and more public involvement; and further noted that strategic priorities are not short-term projects or last-minute ideas or even capital projects per se.

Following an exercise in groups, the elected body determined the top strategic focus for the city shall be Quality of Life, Economic Development, Sustainability and Cultural/Diversity and placed emphasis on the city's logo "Where Community Connects."

Mayor Pro Tem Thomas noted there must be a priority placed on sidewalks, curb, and gutters.

Mr. Gardiner noted the plans may be updated to include broadband and enhanced technology.

Mayor Pro Tem Thomas noted the Cultural Arts Center has been bonded in the amount of \$14 million dollars and the project has been approved for \$18 million dollars, and the Council needs to approve and finalize the \$4 million dollars of funding, seeking out partnerships and collaborations and likewise doing the same for the community center noting planning is key.

Mr. Gardiner agreed that launching partnerships will also enhance workforce development; promote the city using billboards for marketing and advertising; and launching a city-wide campaign to promote the city, hosting a State of the City annually, newsletters, town halls sponsored by the city and having a universal carbon footprint and a citywide beautification program in lieu of a council initiative; building trust with staff and staff trusting officials.

Councilwoman Barber noted it is important that staff hire individuals who meet the requirements of the job.

Mayor Pro Tem Thomas noted the Council's role in setting the criteria for the creation of positions as prescribed by the Charter and approved with the adoption of the budget.

Councilman Blount noted the City Manager presents the budget to the Mayor & Council and there needs to be one person who reports to the Council.

Mayor Pro Tem Thomas noted each councilmember needs to lend their voice to the budget and need to provide input, noting several items brought to the Council's attention highlighting waste and misuse; noted the governing body is to provide oversight, and approve the budget.

Mr. Gardiner noted his observation thus far is that city hall administration is not working in a high-performing environment, referenced concerns between staff and officials; noted he does not work well in a micro-managed environment; and would provide the Council with a 90-day analysis; noted he had been made aware of a job description changed by the Council, noting while someone may not meet the criteria of a job, they may be able to do the job.

Mayor Pro Tem Thomas thanked Mr. Gardiner for his insight and noted the former City Manager was at the table when the job descriptions in question were changed and was part of the discussion for those changes as he was aware of prior hiring deficiencies, and that Council's expectation is to hire staff based on the criteria in the job description as approved and that it would be irresponsible to hire otherwise.

Councilwoman Barber noted Council should not use staff as a pawn and that she will not conform to the dysfunction.

Councilman Blount noted directives given by the Council have been overlooked and the Council has previously hired unqualified professionals.

Ms. Holiday noted that in her position as City Clerk, it is problematic that there are members of staff who do not know and/or understand the role of the City Clerk as official custodian of records, and that it is a continuous issue to receive information, documents, and records from staff.

Councilwoman Barber noted that she speaks on matters in her area of expertise noting she wants to fully speak the truth; wants the best for the city; wants to be effective in her role as a part of the governing body and public servant and that the city delivers to the community with accolades or acknowledgements.

Mr. Stark noted the suggested focus areas: Manage own public safety needs, strengthen relationships, grow the economy, improve quality of life (infrastructure, other), and brand, culture, and image.

Mr. Stark noted the way that you get to the point of making wise choices and decisions is to have open discussions and allow others to be heard, be clear on the facts and need, invite healthy conflict, compromise, and choose great over good.

Mr. Stark noted the next steps would be to set timelines for launch and completion, set milestones for Strategic goals, assign sponsor/owner, and utilize staff resources and council updates; will follow up with Mr. Gardiner to schedule information to bring back to staff.

Motion to adjourn: Alexander/Barber

Respectfully submitted by:

Vanessa Holiday, City Clerk MMC

Anthony S. Ford, Mayor

COUNCIL RETREAT
March 10, 2022
9:00 a.m.
Agenda

Mayor & City Council

Mayor Anthony S. Ford
Mayor Pro Tem Alphonso Thomas
Councilman Elton Alexander
Councilwoman Yolanda Barber
Councilman John Blount
Councilwoman LaKeisha Gantt

Administration

Frederick Gardiner, City Manager
Vanessa Holiday, City Clerk
John Wiggins, City Treasurer
Quinton Washington, City Attorney
Jeremy Berry, City Attorney

Mission: To provide visionary leadership and superior municipal services that enhance the quality of life for citizens while creating a welcoming business atmosphere focused on sustainability and expansion of tourism and cultural events.

DAY THREE AGENDA

Facilitated by Frederick Gardiner – City Manager

The meeting was called to order by Mayor Ford

Invocation by Councilman Alexander

Pledge of Allegiance by all in attendance

City Clerk, Vanessa Holiday proceeded with the roll call with all members were present except Councilman Blount and Councilwoman Gantt.

Mr. Gardiner introduced Ms. Heidi Small, an Executive Coach who has provided team building services to major corporations, school boards, municipal governments and facilitated retreats.

Team Building - Heidi Small, Facilitator L.E.A.P. Consultancy

Ms. Small reviewed the ground rules for the day's team-building exercises, noting the expectations from the team, individuals, and facilitator; noted the team needs to understand the mission, goals, show respect and understanding, keeping in mind these are all working relationships; noted the best leaders know their strengths and weaknesses and understand the impact the governing body has on others, and knowing what really matters.

Ms. Small referenced a book by Patrick Lencioni, the Five Dysfunctions of a Team and recommended the Mayor, Council and Executive Team read the book.

Ms. Small noted that it is okay to disagree because if two people always agree, one of them is not necessary.

Ms. Small reviewed the assessments taken by the Mayor & Councilmembers, individually and as a group.

Mayor Pro Tem Thomas noted that the exercises will encourage him to promote more teambuilding and the “no” for him is to fail to keep him informed on requests with accurate information.

Mayor Ford noted that he can be stubborn and is working on being more open to changes, and the “no” for him is providing statements that are not accurate or factual.

Councilman Alexander noted he was able to see how he overextends himself and needs to pull back on some things, and the “no” for him is not being straight forward and getting to the point without a lot of detail.

Councilwoman Barber noted she prefers to lead with encouragement and coaching, and the “no” for her is not to allow her to speak her mind.

Mayor Pro Tem Thomas noted today’s activities were great teambuilding exercises and hope what was accomplished today is not lost and that the governing body applies what was learned today, daily; referenced a story of overcoming the fear of swimming, specifically for African Americans and women; noted life’s lessons apply to municipal government and seeking knowledge and information is very beneficial and thanked Mr. Gardiner for bringing Ms. Small in today offering her expertise.

Mayor Ford noted it was good training, and a first-time concept for him; noted he has a better understanding of his teammates and hopes this information will be helpful for staff as well; thank Mr. Gardiner for bringing Ms. Small in as the facilitator; noted it is unfortunate the other teammates were not here today to participate; appreciates the knowledge and understanding of everyone learning more about themselves and positive interactions with each other.

Councilwoman Barber noted she is an introvert, despite what others may think; noted she is bold and courageous and moves in silence not needing the attention; noted she has good intentions for the city and has learned a lot here today with her assessment being spot on, will continue to work on building trust, and will use what she has learned today in her personal and public life.

Councilman Alexander noted the information today was very helpful to help him to understand what makes each of his fellow councilmembers tick; noted he has a better grasp on his weakness; noted he appreciates that the group is very detail-oriented, which protects him, while he is aiming for so much.

Mr. Gardiner note the goal is to revisit this process periodically, noting it is important for staff to join in on the assessment and know the triggers for better communication; noted he wants to continue to work on being an effective team and collaborate and communicate better as a group; noted he wants to change the environment and culture to give you what you need to make decisions and build trust, and become more effective. That is the goal.

Ms. Small thanked the Council for their attention and participation and hoping it was learned that you need to meet people where they are, respect each other and listen effectively.

Motion to adjourn: Thomas/Alexander Passed 3-0.

Respectfully submitted by:

Vanessa Holiday, City Clerk MMC

Anthony S. Ford, Mayor



CITY COUNCIL MEETING SUMMARY MINUTES

MONDAY, APRIL 11, 2022 6:00 P.M.

Mayor & City Council

Mayor Anthony S. Ford
Mayor Pro Tem Alphonso Thomas
Councilman Elton Alexander
Councilwoman Yolanda Barber
Councilman John Blount
Councilwoman LaKeisha Gantt

Administration

Frederick Gardiner, City Manager
Vanessa Holiday, City Clerk
John Wiggins, City Treasurer
Quinton Washington, City Attorney
Jeremy T. Berry, City Attorney

Mission: To provide visionary leadership and superior municipal services that enhance the quality of life for citizens while creating a welcoming business atmosphere focused on sustainability and expansion of tourism and cultural events.

The meeting was called to order by Mayor Ford.

Invocation by Mayor Ford.

Pledge of Allegiance was recited by all in attendance.

City Clerk, Vanessa Holiday was asked to proceed with a verbal roll call. All members were present except Councilman Gantt

Councilman Alexander motioned to amend the agenda -To adopt a Resolution to resume in-person meetings contingent upon the science: Second by Councilwoman Barber. The motion passed 4-0.

Councilman Alexander motioned to adopt the agenda: Second by Councilwoman Barber. The motion passed 4-0.

Councilman Alexander motioned for the Adoption of the minutes as presented: Second by Councilwoman Barber. The motion passed 4-0.

1 Draft Minutes February 14, 2022

2 Draft Minutes February 22, 2022

PUBLIC COMMENTS - All public comments must be submitted to the Clerk no later than one hour prior to the meeting. The Public Comment Form can be found on the City's webpage on the City Clerk's page at: <https://stockbridge.seamlessdocs.com/f/20pkdz4mo7xb> and the form must include your name, phone, and email contact information. Comments are limited to (3) three minutes and will be read by the Clerk during the meeting, respecting all members of the elected body, officials, and staff. Comments including defamation, unruliness and/or swearing will not be accepted.

Bruce Smith, Sr. submitted a comment where he referenced the city's recent concert and events without masks and questioned why City Council meetings were being virtual and not in person with public access.

Mayor Ford noted the Agenda had been amended to address in-person meetings.

Sunny Randazzo submitted a comment asking the Council to address noise mitigation at the Amphitheater, noted the effects of the noise to residents in the area; and questioned why City Council meetings were being virtual and not in person with public access.

Mr. Gardiner noted city engineers and architects have been tasked to address the matter.

Councilwoman Gantt joined the meeting.

CEREMONIAL

3. Proclamation – Child Abuse Awareness Month

Mayor Ford presented a proclamation for National Child Abuse Awareness Month.

Robin Jones of Paint Henry Blue thanked the City of Stockbridge for its commitment and continued support to the children of Henry County.

4. Proclamation – Medical Laboratory Professionals Week

Mayor Ford presented a proclamation for Medical Laboratory Professionals Week.

Dr. Paul Brown thanked the City of Stockbridge for recognizing the Lab Professionals and accepted on behalf of the Lab Group at Piedmont Henry Hospital.

PRESENTATION

5. Henry County Chamber of Commerce & Visitors Bureau Annual Hotel/Motel Tax Report for the City of Stockbridge FY2021.

Presented by Laura Luker, Director of Tourism and Joseph Henning, Henry County Chamber President

Ms. Luker presented the Annual CVB Report for FY2021, noting the CVB is a Destination Marketing Organization (DMO) that is charged with marketing Henry County as a destination for tourists to eat, play, meet and stay; reviewed the Mission; noted the role of the CVB is to promote tourism, conventions and trade shows and that it is all about advertising and publicity; noted the CVB is charged with looking at what the city has and how best to market what the city has to offer; noted the CVB is a private non-profit (by law, a 501 (c) (6) entity and is supported by hotel/motel tax as a Division of the Chamber with its own Board of Directors and Financials, and is geographic and industry specific unlike the Chamber which is membership based and is currently promoting the cities of Stockbridge, Hampton and Locust Grove along with Henry County; noted the CVB promotes everything that brings tourists to the area such as restaurants, attractions, accommodations, caterers, special event venues, special events and film sites focusing on leisure travelers, youth sports teams, business travelers, brides/weddings, family reunions, corporate meetings, day trippers, and production companies, and does not promote to residents; noted the City of Stockbridge collects 8% of the Hotel/Motel Tax for stays per night, and noted in July 2021, Airbnb and Vacation Rentals were added for the collection of the 8% tax; noted of the 8% collected, 37.5% is unrestricted funds, 43.75% is restricted and must be used toward tourism and 18.75% is restricted and must be

used toward tourism and product development; noted the 2021 Stockbridge Hotel/Motel Tax Collection was \$481,868 with 37.5% or \$180,700 Non-Restricted, 43.75% or \$210,818 Restricted toward the CVB for Tourism; and 18.75% or \$90,350 Restricted toward Tourism and Product Development for a total of \$271,050 to the City; noted the City of Stockbridge accounted for 25% of the CVB operating budget in 2021 and has 5 hotels and (1) bed & breakfast; referenced the CVB annual budget and expenses; reviewed CVB advertising for the city of Stockbridge in 2021: • Free city spread (content & images provided by city) • Use of city colors to color code listings within grids • Distributed at hotels from Stockbridge to Florida line • Distributed in the after-hours area at four Georgia Welcome Centers in brochure racks custom made by BarnBeautiful • Distributed 39,000 guides in 2021 • Increased production and expanded distribution programs for 2022; noted the Visit Henry Guide has the Stockbridge Lakes Bed & Breakfast picture on the front cover; noted BarnBeautiful has brochure boxes in Welcome Centers across the state; referenced the billboard advertising for the city with • 3 permanent locations • 2 additional boards as part of Explore Georgia marketing grant and is expanding to (7) seven billboards • Four designs rotated; noted Print & Digital Ads: Ads in Atlanta Style Weddings, Georgia Travel Guide, Southbound Magazine, Georgia State Parks Guide, Georgia State Parks website, TripAdvisor, Georgia Sourcebook, AtlantaMagazine.com among others; referenced print ads and stated visitors are taking time to read the ads; referenced the video advertising featuring the Martin Luther King, Sr. Heritage Trail and history with 467,830 Stockbridge specific video ads server via YouTube, Connected TV and Over-the-top TV, more than 382,161 completed views and over 2,000 clicks to the City of Stockbridge page or itinerary; noted the Digital Display Ads have the Henry History that has 809,796 impressions, over 3200 clicks and noted all ads and links were Stockbridge specific content featuring what is unique to Stockbridge and features Floyd Chapel Baptist Church; referenced the website • 114,843 sessions • 178,272 pageviews • 98,480 users • City of Stockbridge landing page & itinerary received 14,125 pageviews • A Day Well-Spent in Stockbridge, GA itinerary was the second most visited page • 2:17 minute time on pg.; referenced the Earned Media and 3.58 million total Impressions, \$36,759 Total Est. Value; noted stories mentioned on Good Day Atlanta which led to an \$800 purchase and is an example of how media can drive spending; noted the Partner Programming which is beneficial for partners to get to know each other and build great relationships and includes: • Hospitality Mixers • Conversations Continued • Quarterly Partner Promotions • Monthly Customer Service Awards • Tourism Marketing Grant; referenced the free Training Programs where over 120 people have gone through the program; referenced the Diversity, Equity & Inclusion training *Hospitality for All* program with speakers who are experts in the area, with a quiz at the end of the program to make certain the information is retained; referenced the Social Media stats: • 132,741 Impressions • 90,312 Reach • 7,832 Engagement Followers • 8,077 – Facebook • 2,509 – Instagram • 1,279 – Twitter; noted New Initiatives: • Custom coloring sheets designed by Henry County artist • Given out with branded crayons • Coloring sheets include fact about location depicted • Different activities on the back • Launched with coloring contest; received 83 entries • Available to download from CVB website • 13,500 sheets distributed at State Visitors Information Centers, during race weekend at Atlanta Motor Speedway and at local hotels and restaurants, noting one of the coloring sheets is Floyd Chapel Baptist Church; referenced the Bushy Tail Art Trail where artists show off their talents throughout Henry County with 18 locations and growing, and looking to expand to 30 locations.

Mr. Henning expanded on the Diversity, Equity and Inclusion program noting partners have been flattering with the commentary stating they learned something they did not know, and that the program is very practical and ties together with cultural customer service where it goes hand-in-hand; and noted the Henry County Diversity, Equity and Inclusion program is further along than most and is free for partners to participate.

Councilwoman Gantt thanked Ms. Luker and Mr. Henning for the presentation, noting she did not fully understand the role of the CVB before, and does now, noting the Board does an excellent job of promoting businesses.

Councilman Alexander thanked Ms. Luker and Mr. Henning for the presentation, noting the partnership and asked about the promotion of McDonough, considering they are not contributing to the program and seems to be heavily promoted.

Ms. Luker noted McDonough has their own internal CVB Program and promotes the city of McDonough.

Mr. Henning noted the CVB promotes unincorporated Henry County/McDonough, but not within the city limits of McDonough.

Councilman Alexander asked for the make up of the Chamber and CVB as it relates to minorities.

Mr. Henning noted of the (7) seven members, four are women, two African American and a LGBT members

Ms. Luker noted the CVB is part of the (7) members and two are women with one African American.

Councilman Alexander referenced the city's Supplier Diversity Policy.

Ms. Luker noted the CVB is required to report to the DCA (Department of Community Affairs) annually.

Councilman Alexander asked if the business is required to be a member of the Chamber to receive advertising from the CVB.

Ms. Luker confirmed the does business is not required to be a member of the Chamber.

Councilman Alexander noted he would like to see more advertising featuring the city's Amphitheater.

Ms. Luker noted at the time of print, the information was not available from the city, and is however included in brochures under activities and events.

Councilman Alexander noted the Amphitheater was part of the LCI approved by the city and is a \$23 million-dollar state-of-the-art facility that needs to be promoted and led to Stockbridge being chosen to construct the STEM school and is key to getting the word out.

Ms. Luker noted she is currently working with the Stockbridge Events Team to package and advertise the upcoming concerts, events, and other promotions.

Councilman Alexander noted the CVB is welcome and invited to set up a table at city event to promote the city.

Mayor Pro Tem Thomas thank Ms. Luker and Mr. Henning for the presentation and noted the city is converting one of its buildings to a Welcome Center and asked Ms. Luker to share her thoughts on what she thought would be the impact.

Ms. Luker noted each city is different, noting some municipalities operate remotely.

Councilman Blount thanked Ms. Luker and Mr. Henning for the presented and noted what he has noticed is the advertising of the city by the CVB has evolved and changed, noting the city has certain uniqueness and components and those are being addressed.

Mr. Henning noted the CVB, and Chamber are working together on promoting the cities and the County.

Councilman Blount asked about the CVB members attending the city's ribbon cutting events.

Mr. Henning requested the Clerk to include the CVB and Chamber in on the distribution of the information, noting the would be happy to attend.

The City Clerk noted the City's ribbon cuttings are coordinated by the Community Development Department and Business Services, and she would notify them accordingly.

Councilman Alexander noted, he certainly sees a difference and an improvement in the promotion of the city.

PUBLIC HEARING

6. VARIANCE CASE #VR-2022-01 for 727 Bethpage Drive—Nitesh Patel, the applicant and owner of a residential lot at 727 Bethpage Drive (Parcel ID #051F01220000), requests a variance to reduce the property's rear yard setback from the required 75 feet (for a golf course-abutting lot) to 50 feet to allow for the construction of a new single-family detached home. The property is located in Land Lot 17 of District 6 within the Stockbridge City Limits. It comprises Lot 14 of Block W within Unit XI of the Eagle's Land Subdivision.

Presented by Brecca Johnson, Community Development Director, Linda Logan, Senior Planner and Ryan Anderson, Chief Planner

Ms. Logan noted the property was zoned PD (Planned Development) as of the date of the application and before the newly approve UDC; the approved plat for the Eagle's Landing Subdivision requires a 75-foot rear yard setback for lots which abuts a golf course; noted the applicant has requested to reduce the rear yard setback from 75 feet

(required for golf course-abutting lots) to 50 feet and submitted a letter on March 16, 2022 agreeing to the rear yard setback to 65 feet to build a new home; noted there has been similar activities with other lots who is received approvals for rear setbacks reductions.

Councilman Alexander noted staff is allowed to approve a 10% Administrative Waiver.

Ms. Logan noted the Administrative Waiver was for the difficult topography for other cases and cannot be used.

Mr. Gardiner noted some planning departments allow for an Administrative Variance and will depend on the staff member approving or denying the request.

Ms. Johnson noted the original request of 75 ft. did not allow for the Administrative Variance and was not until after advertising, the applicant decided to go with 65ft and the Administrative Wavier was not an option because they did not meet any topographical issues.

Councilman Blount noted he agrees and inquired if the applicant is asking for 65ft. and if looked at, is there anything to disturb the land such as water run-off.

Mr. Anderson noted the applicant was threatened with an outright denial by staff for a 25ft reduction, the applicant negotiated with staff and agreed to 65 ft.

Councilwoman Gantt noted she recommends going with the staff recommendation.

Ms. Johnson noted the Planning Commission met on March 24, 2022 and approved the reduction from 75 ft. to 50 ft.; the planning staff recommended 50ft with the approval of the variance request and the staff recommended 65ft.

Public Hearing Opened

No Speakers in Favor No Speakers Opposed

Public Hearing Closed

Councilwoman Gantt motioned to approve as recommended by the Planning and Zoning Staff with conditions: Second by Councilman Alexander. The motion passed 5-0.

APPROVAL WITH CONDITIONS of a variance to reduce the rear yard setback to 65 feet, provided that the following four Zoning Conditions are met:

- a. The property shall be developed only in accordance with a revised site plan, which is similar to the submitted one (which was prepared by Sibley-Miller Surveying & Planning, Inc. on 10/29/21 as Job No. L2021147, and which was received on February 7, 2022), which shows that the rear yard setback will be no greater than 65 feet. Said site plan may be conceptual only and it must meet or exceed the requirements of the current Zoning Code and these conditions prior to the approval of a Land Disturbance Permit. If these recommended Zoning Conditions cause the approved site plan to be substantially different, the

applicant shall be required to complete the concept review procedure prior to applying for a land disturbance permit. Unless it is otherwise noted herein, compliance with all conditions shall in in place prior to the issuance of the first Certificate of Occupancy.

- b. The rear yard setback shall be no less than 65 feet, which shall be measured from the rear yard property line to the nearest point of the proposed home (the principal structure).
- c. The property shall be developed in accordance with all other specifications of the Eagles Landing Property Owners Association (ELPOA).
- d. The property shall be developed in accordance with all other specifications of the approved plat for the Eagle's Landing Subdivision, Unit XI.

NEW BUSINESS

7. Council Consideration to fill a vacancy and appoint a member of the Downtown Development Authority Board

Presented by Alan Peterson, Economic Development Director

Mr. Peterson noted he serves as the Staff Liaison on the Downtown Development Authority Board has received more applications than expected and are still reviewing with an update to follow at the April 26, 2022 Work Session Meeting.

No Action

8. Council Consideration to approve the East Atlanta Road/Lee Street Roadway Improvements Project Change Order No.1 with Summit Construction Development for the modification of the traffic signals and the use of the alternate bid pricing for street print crosswalks in the amount of \$292,181.85. The funding source is from SPLOST.

Presented by Decius Aaron, Public Works Director and Skip Layton, Falcon Design

Mr. Aaron noted the city has requested to have two (2) traffic signal modifications located at on East Atlanta and North Henry Blvd. and North Lee Street and North Henry Blvd. by painting the arms black and to include street print for crosswalks.

Mr. Layton noted this item was included in the presentation during the city's Retreat in March.

Councilman Alexander motioned to approve the East Atlanta Road/Lee Street Roadway Improvements Project Change Order No.1 with Summit Construction Development for the modification of the traffic signals and the use of the alternate bid pricing for street print crosswalks in the amount of \$292,181.85. The funding source is from SPLOST: Second by Councilwoman Gantt. The motion passed 5-0.

9. Council consideration to grant the Chief of Police the authority to implement and/or amend police department policies and procedures with review by legal counsel as appropriate, excluding policies and procedures with a financial impact greater than \$5,000.

Presented by Frank Trammer, Police Chief

Chief Trammer noted staff is looking for approval of policies and procedures authorizing himself to implement policies necessary for the Police Department; noted staff has committed to the Georgia Association of Chief of Police to be apart of a State Certification Program which is independent and comes to evaluate policies and procedures to insure they met the criteria of current polices and procedures and recommends operating guidelines; and noted there are 139 state standards and only 132 out of 1214 are currently stated certified; noted stated policies and procedures are written in accordance with the stated approved standards and the liability to the city, department and officers are reduced and provides up to a 20% discount on the insurance premium through GIRMA.

Councilwoman Gantt inquired if the Council is expected to vote on policies and procedures that have not been presented to or read by Council.

Chief Trammer noted with most jurisdictions the authority is given to the Chief of Police to implement the policies and procedures.

Mr. Gardiner agreed with Chief Trammer's remarks and noted the goal is to become nationally certified.

Mayor Pro Tem Thomas noted he has a problem with the process, but not the certification process and would have liked to have had the presentation be viewed by the Mayor & Council prior to the meeting; noted he has a concern with a lack of oversight by the Council with given the Chief of Police the authority to create policies and procedures without checks and balances such as stop an frisk, choke holds, etc. and does not see the Police Department any different from other departments of the city.

Chief Trammer noted the City Manager could have oversight if he wishes to be involved and noted local jurisdictions surrounding policing gives authority to the Chief of Police to oversee policies and procedures.

Mr. Gardiner noted the polices in Public Works on how to treat water is not approved by Council and any changes made are done through administration for state mandated and state review purposes; and noted the police department operates paramilitary and if any policies are violated, they will face jailtime.

Attorney Berry added the City of Atlanta's Council did not approve their police dept. policies; if Council approved the policy and something went wrong, Council and the city are legally binding and noted it would be better to not approve to protect the city and Council.

Councilman Alexander noted creating a citizens review board and making sure it is in partnership with citizens.

Mayor Ford noted the police department is a sub-set to Council and the Chief of Police would need to update Council on the policies and procedures.

Councilman Blount noted Council does not need to know when the police dept will change the policies and procedures and noted Council should not micromanage any department.

Mayor Pro Tem Thomas noted there is a difference between oversight and micromanaging, noting the City Council is charged with the governance of the entire city.

Councilwoman Barber referenced the statement made earlier by Chief Trammer noting a 20% discount with GIRMA and requested a cost comparison with the current insurance versus GIRMA.

Mr. Gardiner noted the police department will carry liability insurance and it would be cheaper under GIRMA who is with GMA (Georgia Municipal Association) and noted bringing on a professional risk manager as the police department grows; and noted the ISO rating would drop and effect homeowners and businesses that carries liability insurance.

Councilwoman Barber inquired if the vehicle usage would be included in policy.

Chief Trammer noted the vehicle usage policy was approved separately but will be included in the overall policy.

Councilwoman Barber inquired on the difference between the citizens advisory board and the citizen review board.

Chief Trammer noted the review board has the authority to make recommendations for disciplinary actions; advisory board is more of an oversight board and gives opportunities to weight in and be involved with things impacting public safety and polices.

Councilwoman Gantt noted she research and read the US Dept. of Justice Office of Community Oriented Policing which stated Police Chiefs can implement and write the policies and requested copies of the policy goes out to Council.

Chief Trammer noted nothing will be of mystery and Council will be able to read policies once written.

Councilwoman Barber motioned to amend the Agenda to consider a Resolution regarding the Citizens Advisory Board and Citizens Review Board: Second by Councilman Alexander. The motion passed 5-0.

Councilwoman Gantt noted there needs to be a definite answer for having a review board and noted she does not think the review board application should be put out at the current moment.

Councilman Alexander noted the boards can be determined when and if to move forward with a solicitation.

Mr. Gardiner noted if the applications are solicited, citizens may assume a decision would be made quickly.

Councilman Blount noted the importance of having parameters and qualifications set in place before the application process starts.

Mr. Gardiner requested Council to allow staff to look at what has been the best practices and present information at the May Work Session meeting.

Attorney Washington referred to the City Clerk for the process of creating the Resolution and or Ordinance for the Advisory Boards.

Ms. Holiday noted the action of the Council resolving to move forward with the Boards would be done by Resolution and the Ordinance to create the Board would follow with By-laws, etc. and the process would take longer than 30 days.

Councilman Alexander suggested moving forward with the creation of the Citizens Advisory Board.

Councilwoman Gantt noted she is not in favor with implementing a review board now but could move forward with the Advisory Board.

Councilwoman Barber motioned to approve to granting the Chief of Police the authority to implement and/or amend police department policies and procedures with review by legal counsel as appropriate, excluding policies and procedures with a financial impact greater than \$5,000: Second by Councilman Alexander. The motion passed 5-0.

Councilwoman Barber motioned to task staff with researching and preparing an application for stakeholders to apply for the Citizens Review Board and Citizens Advisory Board with a draft of the criteria to be presented to the Council at the May 2022 Work Session meeting: Second by Councilman Alexander. The motion passed 5-0.

Councilwoman Barber motioned to amend the Agenda to consider a Resolution for City Insurance: Second by Mayor Pro Tem Thomas. The motion passed 5-0.

Councilwoman Barber motioned to task staff with seeking a proposal from Georgia Municipal Association for GIRMA noting the 20% savings on liability insurance to be presented to the Council at the April 26, 2022, Work Session meeting: Second by Mayor Pro Tem Thomas. The motion passed 3-2 (Blount/Gantt Opposed).

10. Council Consideration to approve the Wrecker Services Policy for the City of Stockbridge.

Presented by Frank Trammer, Police Chief

Chief Trammer noted staff is looking for the approval of a wrecker service which has been vetted by legal and to the adoption of a wrecker service for use for the city and police department; noted the policy will govern how wrecker services are enter into contracts with the selected service, describes the criteria by which the wrecker service operator should govern themselves, maintain safe and roadworthy vehicles, specify the minimum required equipment for the wrecker services and ensure that prices charged to the public are fair; noted the use of the wrecker services would include removal of immediate traffic hazards, unattended or illegally parked vehicles, responding to emergency situations and transporting vehicles to and from the police impound.

Chief Trammer noted the policy would not apply to services initiated by the city or representative; the city expects vehicle owners/operators in non-emergency situations to use a private wrecker service; the city's representative may advise the vehicle owner/operator or property owner of their option and responsibility to call a wrecker service of their choice; noted the towing service fees mimics Henry County Police Department with a few changes to prices; noted the County is charging a total max cap of \$500 for additional extraordinary service and the city will cap at \$300 for additional extraordinary service; total max charge of a non-city vehicle would be \$600 and \$360 for a city vehicle with the County charging \$800 for a non-city and \$360 for city vehicles; noted there were negotiations with the wrecker company in not charging an expense for a city vehicle for the first tow. \$35.00 for the second tow if need and \$55.00 for the third tow; the current agreement with the county is \$35.00 per city vehicle; noted there would be no charge for the first 24 hours of storing a vehicle, \$25.00 for a standard vehicle and based on the Gross Vehicle Weight Rating (GVWR) which depends on the size of the vehicle will determine the prices; noted the county did a Request for Quote (RFQ) in 2021 for wrecker services and Swanson Wrecker services won the contract for the northern part of the city and are agreeable to the terms listed.

Mayor Ford noted a few years ago an Ordinance was passed for parking on the streets and noted the policy brought forth does not addressing illegally parked vehicles on the street.

Chief Trammer noted the policy does include the removal of unattended vehicles or illegally parked vehicles from the public right-of- way.

Councilwoman Barber inquired if the city is piggybacking off a state contract with negotiations and noted the city would need to go through its own procurement if negotiations are on the table.

Attorney Berry noted the city could set prices on what they would charge the public and can not set the prices of the towing company.

Councilwoman Barber noted the county contract expires in September 2022 and inquired what would happen to the city under the contract.

Attorney Berry noted he believes there is one more extension and the city would have to re-bid as an option.

Mr. Gardiner noted a scope of services could be put out around June and will still stay in contact with the county to see if they renew the contract.

Mr. Gardiner requested to have the contract in place to give staff time to solicit and have a vendor chosen by August.

Councilman Alexander motioned to approve the Wrecker Services Policy for the City of Stockbridge: Second by Councilwoman Gantt. The motion passed 4-0-1 (Barber Abstained noting the Henry County contract expires September 2022).

11. Council Consideration to Award Annual Contract for wrecker services to Supreme Trio LLC (dba Swanson Towing and Recovery) piggybacking off of Henry County's Contract # HC_21-98.

Presented by Frank Trammer, Police Chief

Chief Trammer noted staff is seeking to piggyback off the county contract that was awarded September 2021 and not renewed by the county, there would be an alternate solution.

Councilwoman Barber motioned to approve as an interim contract with staff preparing and advertising to bid the services with an alternate vendor noting the Henry County contract expires September 2022: Second by Councilwoman Gantt. The motion passed 5-0.

12. Council Consideration to approve the Public Works Department request to renew the annual contract (RFP 2020-0026) with Site Engineering, Inc. for on-call water & sewer emergency & operational repair/maintenance and construction services in the amount of \$255,000.00 as approved in the FY2022 stormwater budget.

Presented by Decius Aaron, Public Works Director

Mr. Aaron noted the annual on-call water & sewer emergency & operational repair/maintenance was solicited for bid November 2020 and closed February 2021 and was awarded to Site Engineering, Inc. in April 2021, which makes this the first renewal of the contract and staff is asking for renewal of the contract; noted there have been numerous calls from citizens informing of storm drains not properly draining but had no call on Turning Point where Site Engineering just completed a project for the city and proposed two new projects on Path wood lane and Creekview Overlook.

Councilman Blount inquired on the expiration date of the contract.

Mr. Aaron noted this this the first renewal with five renewals and has come before council before but was tabled and expires if not renewed April 12, 2022.

Councilman Blount asked the City Clerk why the item was previously tabled.

Ms. Holiday noted from the Minutes approved, Mayor Pro Tem Thomas motioned to deny the renewal and re-bid; seconded by Councilwoman Barber, noting the second was withdrawn following a discussion where Councilman Blount noted the request renew and increase the contract was too close to the contract renewal date, and the City Manager offered a recommendation to Table the item to allow him some time to go back and review and advise the Council.

Councilman Blount inquired on the number of days the city is supposed to give for nonrenewal.

Mr. Gardiner noted a minimum of 30-45 days.

Mayor Pro Tem Thomas asked the City Clerk for the outcome of the motion.

Ms. Holiday noted the item was Tabled.

Mayor Pro Tem Thomas asked if the contract is not approved then what would be the next steps.

Mr. Gardiner noted if there was an emergency, staff would have to call around and pay whatever price is being charged, noting it was on him that the item was not brought back timely to the Council to decide; and apologized to the Council for not bringing the information back sooner for consideration,

Councilwoman Barber thanked Mr. Gardiner for taking responsibility and noted once the suggestion was made to table by Mr. Gardiner, that is the reason why she withdrew her second to the motion Mayor Pro Tem Thomas made; noted she will not approve any contracts or renewals at the last minute and requested staff to not bring items without all the information and to have staff look at the overall operations of the city; and asked that staff bring contracts up for renewal to the Council more timely to allow for the opportunity to re-bid if that is the desire of the Council – at least 90 days before the expiration date.

Mr. Aaron noted when a contract is about to expire, procurement sends a form without to the department that does not include the expiration date and the form asks questions on the services performed and if they would like to renew the contract.

Councilwoman Barber inquired on the contract award amount.

Mr. Wiggins, City Treasure noted it was awarded for \$159,390.

Councilman Blount motioned to approve the renewal of the contract in the amount of \$159,390.00: Second by Councilwoman Gantt. The motion failed 2-1-2 (Alexander Opposed, Barber and Thomas Abstained). Councilwoman Barber noted she abstained because she was expecting more information from staff prior to the contract expiring).

Councilman Alexander motioned to reconsider: Second by Councilman Blount. The motion passed 3-1-1 (Thomas Opposed, Barber Abstained).

Councilman Alexander motioned to approve a one-year contract renewal for Site Engineering On-Call services in the amount of \$159,390.00: Second by Councilman Blount. The motion passed 3-0-2 (Barber/Thomas Abstained).

Councilwoman Barber noted she abstained because she was expecting staff to provide more information to the Council prior to the contract expiring on tomorrow and it did not.

13. Council Consideration to approve a Resolution to resume in-person Council meetings effective April 26, 2022 contingent upon the science and CDC guidelines. Presented by Quinton Washington, City Attorney

Attorney Washington noted a Resolution was drafted to re-open city offices noting the County never passed a Resolution for re-opening; and noted a new Resolution would repeal the August 2021 Resolution the city piggybacked off from the County.

Attorney Washington also noted COVID rates have decreased, and the city would remove the State of Emergency and empower the city manager to have a transition plan, work with the State and federal agencies to be able to coordinate public health responses needed.

Councilman Alexander motioned to approve a Resolution to resume in-person Council meetings effective April 26, 2022 contingent upon the science and CDC guidelines: Second by Councilman Blount. The motion passed 4-0-1 (Thomas abstained).

COMMENTS FROM THE MAYOR

Mayor Ford noted the Council passed a Resolution to resume in-person meetings; noted we are still in a pandemic with COVID hospitalization numbers down, an masks optional; noted free PCR COVID testing is available Monday, Wednesday and Friday from 9am – 3pm at Red Hawk Field in McDonough, and the Department of Public Health is administering the Moderna and Pfizer vaccinations and free COVID testing from 9am – 11:30am and 1pm – 2:30pm to walk-in's or call 470-661-0005 for an appointment on Henry Parkway in McDonough,

UPCOMING MEETINGS & ANNOUNCEMENTS: Meetings will be held via Zoom unless otherwise noted. Meeting dates and times are subject to change. Please visit the city's website www.cityofstockbridge.com for the meeting invitation link, Facebook page or contact City Hall offices at 770-389-7900 for updates.

- Youth Council Meeting, 5:30 p.m. - 2nd Wednesday of each month Levi Meeting Room - City Hall (April 13)
- Main Street Advisory Board Meeting, 2nd Friday of each month 9:00 a.m. Via Zoom **REVISED APRIL MEETING DATE** (April 15) CANCELED
- Downtown Development Authority Meeting, 6:00 p.m. Via Zoom - 3rd Tuesday of each month Via Zoom (Apr 19)
- Youth Council Advisory Committee Meeting, 6:30 p.m. - 3rd Tuesday of each month Patrick Henry Meeting Room - City Hall (April 19)
- City Council Work Session Meeting, Last Tuesday of each month – Via Zoom (Apr 26)
- Planning Commission Meeting, 4th Thursday at 6:30 p.m. Via Zoom – (Apr 28)
- City Council Meeting, Second Monday of each month – Via Zoom (May 9)

UPCOMING CITY EVENTS/INITIATIVES

- *A Continuous Salute to Veterans:* Please forward pictures of Veterans including name, branch, rank, and years of service as Mayor Pro Tem Thomas presents a special tribute to our local veterans. Pictures should be submitted to: zpearson@cityofstockbridge-ga.gov Thank you for your service!
- Join Stockbridge Councilwoman Yolanda Barber for some Easter family fun on Saturday, April 16th at Stockbridge First United Methodist Church from 4pm to 6pm and Sunday, April 17th at Mt. Olive Baptist Church immediately following Easter services from 10:30 am – 12:30 pm. All free! Free ice cream! Free face painting! DON'T MISS IT!
- Job Fair, Thursday, April 21, 2022 – 10:00 a.m. – 1:00 p.m. in the Amphitheater parking lot. City-wide job fair with Goodwill and Omega Fraternity and Delta Sorority and will include an Ex-Offenders Job Fair. There will be on-site resume assistance and immediate hirings.

- Here is your opportunity to *Meet the Mayor*, and voice your questions and/or concerns Monday, April 25, 2022, from 10 a.m. to noon. Call Zenovia Pearson to schedule an appointment. 770-389-7900 ext. 248.

Councilman Alexander motioned to adjourn: Second by Mayor Pro Tem Thomas. The motion passed 5-0.

Respectfully submitted by:

Vanessa Holiday, City Clerk MMC

Anthony S. Ford, Mayor



SPECIAL CALLED MEETING SUMMARY MINUTES

MONDAY, APRIL 25, 2022 6:00 P.M.

Mayor & City Council

Mayor Anthony S. Ford
Mayor Pro Tem Alphonso Thomas
Councilman Elton Alexander
Councilwoman Yolanda Barber
Councilman John Blount
Councilwoman LaKeisha Gantt

Administration

Frederick Gardiner, City Manager
Vanessa Holiday, City Clerk
John Wiggins, City Treasurer
Quinton Washington, City Attorney
Jeremy T. Berry, City Attorney

Mission: To provide visionary leadership and superior municipal services that enhance the quality of life for citizens while creating a welcoming business atmosphere focused on sustainability and expansion of tourism and cultural events.

The meeting was called to order by Mayor Ford.

Invocation by Mayor Ford.

Pledge of Allegiance was recited all in unison.

City Clerk, Vanessa Holiday was asked to proceed with a verbal roll call. All members were present except Councilman Alexander and Councilman Blount.

Councilwoman Gantt motioned to adopt the Agenda; second by Mayor Pro Tem Thomas. The motion passed 3-0.

Councilwoman Gantt motioned to convene Executive Session for Personnel; second by Mayor Pro Tem Thomas. The motion passed 3-0

Councilwoman Gantt motioned to adjourn Executive Session; second by Mayor Pro Tem Thomas. The motion passed 3-0

Mayor Pro Tem Thomas motioned to reconvene the meeting; second by Councilwoman Gantt. The motion passed 3-0.

Mayor Pro Tem Thomas motioned to adjourn; second by Councilwoman Barber. The motion passed 3-0.

Respectfully submitted by:

Vanessa Holiday, City Clerk MMC

Anthony S. Ford, Mayor



**COUNCIL MEETING
SUMMARY MINUTES**

MONDAY, APRIL 26, 2022 6:00 P.M.

Mayor & City Council

Mayor Anthony S. Ford
Mayor Pro Tem Alphonso Thomas
Councilman Elton Alexander
Councilwoman Yolanda Barber
Councilman John Blount
Councilwoman LaKeisha Gantt

Administration

Frederick Gardiner, City Manager
Vanessa Holiday, City Clerk
John Wiggins, City Treasurer
Quinton Washington, City Attorney
Jeremy T. Berry, City Attorney

Mission: To provide visionary leadership and superior municipal services that enhance the quality of life for citizens while creating a welcoming business atmosphere focused on sustainability and expansion of tourism and cultural events.

The meeting was called to order by Mayor Ford.

Invocation by Pastor Lavell Sanders, Stockbridge First United Methodist Church

Pledge of Allegiance was recited by all in attendance

City Clerk, Vanessa Holiday was asked to proceed with a verbal roll call. All members were present except Councilwoman Gantt.

Mayor Pro Tem Thomas motioned to amend the Agenda - To remove Item #3 Henry County Board of Education Presentation, Add Item #10 City Resolution approving Second Intergovernmental Development Agreement with the DDA; Add Item #11 Second Intergovernmental Development Agreement; Add Item #12 City Resolution Regarding Restatement of DDA Activation and Clarification of DDA's Name: Second by Councilman Alexander. The motion passed 4-0.

Councilman Blount motioned to adopt the Agenda: Second by Mayor Pro Tem Thomas. The motion passed 4-0.

REVIEW OF THE MINUTES – No Action

- 1 Draft Minutes March 14, 2022
- 2 Draft Minutes March 29, 2022

PUBLIC COMMENTS - All public comments must be submitted to the Clerk no later than one hour prior to the meeting. The Public Comment Form can be found on the City's webpage on the City Clerk's page at:

<https://stockbridge.seamlessdocs.com/f/20pkdz4mo7xb> and the form must include your name, phone, and email contact information. Comments are limited to (3) three minutes and will be read by the Clerk during the meeting, respecting all members of the elected body, officials, and staff. Comments including defamation, unruliness and/or swearing will not be accepted. None

PRESENTATION

3. Henry County Board of Education 5-year Strategic Plan
Item Removed from the Agenda

OLD BUSINESS

4. Council Consideration to fill a vacancy and appoint a member to the Downtown Development Authority Board.

Presented by: Alan Peterson, Economic Development Director, DDA Liaison

Alan Peterson, Economic Development Director noted the board would like to nominate Frangela Merritt to fill the unexpired term through 12/9/2023.

Councilman Alexander motioned to appoint Frangela Merritt to fill the unexpired term through 12/9/2023: Second by Councilwoman Barber. The motion passed 4-0.

Councilwoman Gantt joined the meeting.

NEW BUSINESS

5. Council Consideration to approve a list of roadways for use of speed detection devices.

Presented by: Police Chief Frank Trammer and Sergeant Jonathan McIlvaine

Chief Trammer noted there are a couple legal processes that must be in place such as the approval of speed violations within the city limits and once approved by council, it will need to be approved by the state; noted there is a three (3) part process: obtaining a speed detection permit, approve a list of roads within the city limits and submit an application to the state to receive the permits to be able to force speed violations.

Sergeant Jonathan McIlvaine noted to use speed detection devices to enforce traffic laws, the city needs to qualify for a permit issued by the state and have several rules to abide by; noted there are certain signage requirements that will be regulated and with Henry County Police Dept already having a permit, there would be no cost to the city; noted there are a list of roadways divided into two different sections, On-System roads which are state roadways such as Highway 138 and State Route 42 and has been verified by the GA Dept. of Transportation and Off-System roadways such as Rock Quarry Rd. which will not be verified by the GA Dept. of Transportation; noted with the statistics done over the past couple of years and obtained from the GA Dept. of Transportation, there has been 662 crashed between 2018-2021 and has increased over the years.

Councilman Alexander inquired on the increase in crashes from 2020 to 2021.

Sergeant Jonathan McIlvaine noted the statistics are statewide along with the pandemic in 2020.

Councilman Alexander inquired about school zones speed detection cameras being affected.

Sergeant Jonathan McIlvaine noted the permit must be issued by the stated first.

Councilman Blount noted he has spotted school zone cameras and noted it is not safe to make left turns on multiple lane streets; also noted he would like raw data towards speeding.

Sergeant Jonathan McIlvaine noted he would provide council with a list of determining facts dealing with left turns, speeding, etc.

Councilman Blount inquired on the distance it takes before getting clocked with a speed change.

Sergeant Jonathan McIlvaine noted about 500 feet which gives drivers time to see the speed signs and adjust.

Sergeant Jonathan McIlvaine noted the goal for speed detection is to decrease the number of crashes and accidents and there is a specific state law that states over 35% of the general fund comes from traffic citations; and noted at the end of 2021, there were over 644 traffic crashes within the city limits.

Mayor Ford inquired on the increase in traffic accidents and what could cause them. Chief Trammer noted the key contributing factors includes texting while driving, speeding, and following to close.

Mayor Pro Tem Thomas noted he noticed some of the roads are not included.

Sergeant Jonathan McIlvaine noted to include a road that is not on the speed permit the road must be at least one-quarter (0.25 miles) of a mile long and seeing that the city limits are fragmented, the roads would be included if qualified.

Mayor Pro Tem Thomas inquired if the city would be divided into zones.

Chief Trammer noted staff recently finished creating sectors that officers will be assigned to who will be responsible for enforcing laws.

Councilman Alexander motioned to approve a list of roadways for use of speed detection devices: Second by Councilwoman Barber. The motion passed 5-0.

6. Council Consideration to fill vacancies and appoint members to the Stockbridge Ethics Committee.

Presented by: Quinton Washington, City Attorney

Attorney Washington there are vacancies on the Ethics Committee and two applicants to be considered by the Council for appointment.

Councilwoman Barber motioned to appoint Deron Johnson and Angela Meyers Jenkins through 12/31/2025: Second by Councilman Alexander. The motion passed 5-0.

Mayor Ford noted his selection of the Chair would be forthcoming.

7. Council consideration to review and approve the design concept for the Cultural Arts Center.

Presented by: Frederick Gardiner, City Manager – Brecca Carter, Community Development Director – Heather Hubble, TSW and Carl Trevathan, Project Manager, Keck & Wood

Mr. Gardiner noted the consultants from TSW will present four different designs with different price points for the Cultural Arts Center.

Ms. Hubble noted the design team has completed the schematic designs and once they are completed the designs can move forward with updates on pricing, feedback from city and staff and review the overall designs; noted the total costing was completed with AE Construction for a total of the schematic design at \$32.5 million and not the \$18 million that was approved; noted additional things were added such as classrooms, streetscape, and a better designed park and in increase in inflation.

Councilman Blount noted Council approved an \$18 million dollar budget and should stick to the specifics and cost associated.

Ms. Hubble noted council discussed cost in the past with a specific range; noted cost can be cut with there being four different design options.

Mayor Pro Tem Thomas expressed during the last meeting, Council saw what they could get for the budgeted amount of \$18 million dollars and noted he asked about the scheduling for the design and wondered why TSW did not come back to Council to inform them where things were going with the cost, and asked why no one from TSW reached out to the city before now to discuss the changes.

Ms. Hubble noted once the schematic design and pricing was completed, TSW reached out to the city's administration noting there was a lot of decision making that needed to happen.

Mayor Pro Tem Thomas reiterated the Council's agreement and approval of an \$18 million dollar budget for the project.

Ms. Hubble noted there have been pressures placed on the project to add things and some of the evaluation engineering could be pulled out and completed as a separate project due to adding a park and updating the streetscape.

Councilman Alexander noted when there are design elements requested by the Council, the consultant never says no, however, that will increase the price of the project, and referenced the cost of home buying, the more amenities, the higher the cost.

Councilwoman Barber noted her support of the Cultural Arts Center but is disappointed with the new cost and does not support the overage; and noted that is why a Project Manager was put in place to be responsible for making sure the project stays within budget; noting the Council approved an \$18 million dollar budget for construction, with the plan to also have a Construction Manager At Risk in place and will not vote on anything higher that was approved by the Council.

Ms. Hubble noted the schematic design was completed in 2022 for \$32.5 million which represents a first-class facility; however, there are three other value options noting option #1 has an estimated cost of \$24 million, option #2 has an estimated cost of \$19.2 million and option #3 has an estimated cost \$25.3 million; noted to cut down cost with option #1, they looked at cutting space from the building, parking, theater, esthetics, reduces the seating inside the theater and what space could be used as shelving. Ms. Hubble noted option #2 Has the same components of option #1 but also reduces the building size by cutting the entire second floor.

Mayor Pro Tem Thomas asked what the goal for tonight's presentation?

Mr. Gardiner noted the goal was to have Council see the different options and meet with TSW, the Community Development Director, the Project Manager, and members of Council two at a time to see the options in better detail and get a consensus on how to move forward.

Mayor Ford noted the intent was to allow Ms. Hubble to give the presentation and to have Council ask questions about the presentation afterwards.

Councilwoman Gantt expressed her concerns as needing a meeting in a 3-2 setting, with the top concern being the budget in which the city bonded \$14 million with an outstanding \$4 million; noted to make sure to we get everything we envisioned, and the project is not something just thrown together.

Ms. Hubble continued with the presentation and noted option #3 was to maintain key programs council desired and remove items from the site; noted the park would remain but would be reduced by 5%, the theater would be included and reduced by 6ft., some storage space would be removed and there would still be a 405-seat theater with a ballroom, office space on the second floor and shelf space in classrooms that could be built out for additional space; noted the previous iterations are focused on what to do right now and the original schematic floor plan included classrooms and everything built out. Ms. Hubble noted she proposes to go back and look at the shell of the building with just the theater space built out and could a Phase 1 option; noted additional phases could be added such as a park phase, streetscape phase and a sculpture phase.

Mayor Pro Tem Thomas noted he sees the impact of the Amphitheater and if the Cultural Arts Center is done right, that will impact the overall goal and would bring more

development into the downtown area; and noted he knows it will be challenging, and everyone must continue to push forward to the best of everyone's ability.

Councilman Alexander noted he concurs with Mayor Pro Tem Thomas and noted the numbers will not get better due to the rise in interest rates.

Councilwoman Gantt noted the market will burst and come down, but until then, the interest rates will rise, and housing cost will go up with property values going down and wants council to be smart and strategic.

There was a consensus of the Council to follow up with 3/3 meetings with officials, staff, TSW and Project Manager to review design and cost and bring back to the Council for approval.

8. Council Consideration to Amend Title 9 – Licensing and Regulation, Chapter 9.110 Standards for Certain Businesses, Section 90.110.030 Spacing to reduce the distance requirement from 1 mile to 1/2 mile.

Presented by: Brecca Carter, Community Development Director

Ms. Carter noted this is a request to reduce the distance requirement of certain businesses i.e., hair salons and barbershops from 1 mile to 1/2 mile to allow new businesses to come into the city.

Councilwoman Gantt inquired on the mileage distance the county has.

Ms. Carter noted she was unsure the county's distance requirements.

Councilwoman Gantt noted she is not in favor of the proposed change to the distance requirements.

Councilman Alexander noted he concurs with Councilwoman Gantt and noted if changed they would have to go back and retroactively allow the businesses that were denied under the guidelines, noting the city has standards that have been set.

Councilman Blount inquired the reasoning for bringing this item before Council.

Ms. Carter noted there have been requests from businesses who are currently included on the list who are affected by the distance requirements, noting staff is also working with the attorneys to discuss legal ramifications as relayed by the Unified Development Code legal consultant.

Councilwoman Gantt inquired if there was a way to amend the language to allow a new business with the same type of business be permitted and not be subjected to the distance requirements.

Councilman Alexander stated he would be agreeable with that action.

Ms. Carter response was yes, the language can be amended.

Councilwoman Barber inquired about the guidelines for applicants who are not eligible due to the restriction and what asked what process is in place to allow for an exception.

Ms. Carter noted by changing or amending the code the option would be for the applicant to appeal.

Councilwoman Barber asked what the appeal process looks like.

Ms. Carter noted once denied, the applicant can make a request for an appeal 10 days after the denial and have 30 days to get the case on the Agenda for the Council to decide.

Councilman Alexander motioned to Deny amending Title 9 – Licensing and Regulation, Chapter 9.110 Standards for Certain Businesses, Section 90.110.030 Spacing to reduce the distance requirement from 1 mile to 1/2 mile and bring back with specific language to allow a new business with the same type of business be permitted and not be subjected to the distance requirements: Second by Councilwoman Gantt. The motion passed 4-1 (Councilwoman Barber Opposed and referenced the legal opinion of the UDC Legal Advisor relating to this matter).

COUNCIL DISCUSSION

9. Update of GMA GIRMA Insurance

Presented by: Frederick Gardiner, City Manager

Mr. Gardiner noted he has been in discussions with GMA staff regarding the application process and will bring the information back to the Council at the next meeting.

MOTION TO RECONSIDER

Mayor Pro Tem Thomas motioned to Reconsider Item #8; second by Councilwoman Barber. The motion passed 5-0.

Mayor Ford called for the vote: Motion to Deny Alexander/Gantt Passed 3-1-1 (Thomas Abstained, Barber opposed and referenced the legal opinion of the UDC Legal Advisor relating to this matter).

10. Council Consideration to approve City Resolution approving Second Intergovernmental Development Agreement between the City of Stockbridge and the Downtown Development Authority of the City of Stockbridge.

Presented by: Quinton Washington, City Attorney

Attorney Washington noted a follow-up was requested by Council regarding the fire station property, noting a property advance, boundary survey and a legal description need to happen as well as executing a quit claim deed providing the legal description to the DDA (Downtown Development Authority); the DDA (Downtown Development Authority) will then execute a quit claim deed with the correct legal description to the new owner and a Resolution for a proper name change of the DDA (Downtown Development Authority) needs to happen.

Councilman Alexander motioned to approve City Resolution approving Second Intergovernmental Development Agreement between the City of Stockbridge and the

Downtown Development Authority of the City of Stockbridge: Second by Councilman Blount. The motion passed 5-0.

11. Council Consideration to approve the Second Intergovernmental Development Agreement between the City of Stockbridge and the Downtown Development Authority of the City of Stockbridge.

Presented by: Quinton Washington, City Attorney

Attorney Washington noted the second IGA (Intergovernmental Development Agreement) will take care of the transfer from the DDA (Downtown Development Authority) to the applicant.

Councilman Blount motioned to approve the Second Intergovernmental Development Agreement between the City of Stockbridge and the Downtown Development Authority of the City of Stockbridge: Second by Councilwoman Gantt. The motion passed 5-0.

12. Council Consideration to approve City Resolution regarding the restatement of the DDA Activation and Clarification of the DDA's name.

Presented by: Quinton Washington, City Attorney

Attorney Washington noted this action is to clarify the actual name of the DDA (Downtown Development Authority); staff has been in contact with the DDA's (Downtown Development Authority) Attorney and the Chairman of the DDA (Downtown Development Authority) has agreed to the name change.

Mayor Ford inquired of the new name. Councilman Alexander noted the new name of the DDA (Downtown Development Authority) is the Downtown Development Authority of the City of Stockbridge.

Councilman Alexander noted originally the DDA (Downtown Development Authority) was established in 1983 and it was the official name; in 2013 a new name was adopted and is good opportunity to differentiate the current DDA (Downtown Development Authority) from the transition from the property.

Councilman Alexander noted with this action, the DDA (Downtown Development Authority) name is returning to its official name as established in 1983 and is a great opportunity to differentiate from what occurred in 2013 with a new and fresh start with the name the Downtown Development Authority of the City of Stockbridge.

Councilman Alexander motioned to approve City Resolution regarding the restatement of the DDA Activation and Clarification of the DDA (Downtown Development Authority) name: Second by Councilwoman Gantt. The motion passed 5-0.

COMMENTS FROM THE MAYOR

Mayor Ford noted we are still in a pandemic with the numbers going down and

vaccinations numbers going up; noted the Department of Health is administering the Pfizer and Moderna vaccinations five days a week, Monday – Friday from 9am – 11:30 am and from 1pm to 2:30 pm, noting you can call 470-664-0005 to make an appointment; noted testing was available at Red Hawk Field on Henry Pkwy. on Monday, Wednesday, and Friday from 9am – 3pm, along with other locations in and around Stockbridge where you can receive COVID tests and vaccinations; wished the ladies on the City Council, staff and citizens of Stockbridge a Happy Mother's Day pointing out the love and respect due to mothers every day of the year; noted for all the football fans that the NFL Draft is coming up and hopes it goes well for the Atlanta Falcons, and hopes they draft well and have a great upcoming season.

UPCOMING MEETINGS & ANNOUNCEMENTS: Council Meetings will be held in the City Council Chamber and some Board/Committee meetings will continue to take place via Zoom unless otherwise noted. Meeting dates and times are subject to change. Please visit the city's website www.cityofstockbridge.com for the meeting invitation link, Facebook page or contact City Hall offices at 770-389-7900 for updates.

- City Council Meeting, Second Monday of each month – Via Zoom (May 9)
- Youth Council Meeting, 5:30 p.m. - 2nd Wednesday of each month Levi Meeting Room - City Hall (May 11)
- Main Street Advisory Board Meeting, 2nd Friday of each month 9:00 a.m. Via Zoom (May 13)
- Downtown Development Authority Meeting, 6:00 p.m. Via Zoom - 3rd Tuesday of each month Via Zoom (May 17)
- Youth Council Advisory Committee Meeting, 6:30 p.m. - 3rd Tuesday of each month Levi Meeting Room - City Hall (May 17)
- Planning Commission Meeting, 4th Thursday at 6:30 p.m. Via Zoom – (May 26)
- City Council Work Session Meeting, Last Tuesday of each month – Via Zoom (May 31)

UPCOMING CITY EVENTS/INITIATIVES

- *A Continuous Salute to Veterans:* Please forward pictures of Veterans including name, branch, rank, and years of service as Mayor Pro Tem Thomas presents a special tribute to our local veterans. Pictures should be submitted to: zpearson@cityofstockbridge-ga.gov Thank you for your service!
- Please join Councilman John Blount for the Virtual National Day of Prayer Thursday, May 5, 2022, at 6:30 p.m. Watch it on Facebook Live at @StockbridgeCityHall
- Tasty Tuesday Food Truck Takeover begins Tuesday, May 3, 2022, from 5:30 p.m. – 8:30 p.m. at Clark Park and will return on Tuesday, May 17th, Tuesday, June 7th and Tuesday, June 14th each day from 5:30 – 8:30 p.m. Come out and enjoy great food and family fun!
- Come out and enjoy the Funk Festival concert, Saturday, May 7, 2022, at the Stockbridge Amphitheater featuring Morris Day & The Time, Shelia E., and Midnight Star. Doors open at 7 p.m., the concert begins at 8 p.m. Tickets and other venue information can be found online at Stockbridgeamp.com

- Here is your opportunity to *Meet the Mayor*, and voice your questions and/or concerns Monday, May 23, 2022, from 10 a.m. to noon (In-Person). Call Zenovia Pearson to schedule an appointment. 770-389-7900 ext. 248.

EXECUTIVE SESSION

Mayor Pro Tem Thomas motioned to convene Executive Session for Real Estate, Personnel and Litigation: Second by Councilwoman Barber. The motion passed 5-0.

Mayor Pro Tem Thomas motioned to adjourn Executive Session: Second by Councilwoman Barber. The motion passed 3-0 (Blount/Gantt were not present for the vote).

Mayor Pro Tem Thomas motioned to reconvene the meeting: Second by Councilman Alexander. The motion passed 3-0 (Blount/Gantt were not present for the vote).

Mayor Pro Tem Thomas motioned to adjourn: Second by Councilwoman Barber. The motion passed 3-0 (Blount/Gantt were not present for the vote).

Respectfully submitted by:

Vanessa Holiday, City Clerk MMC

Anthony S. Ford, Mayor



City of Stockbridge

AGENDA ITEM

MEETING DATE

JUNE 13, 2022

FUNDING SOURCE

- ☐ RESOLUTION
- ☐ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☒ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
- ☐ BUDGET AMENDMENT
- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

- ☐ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST IV
- ☐ TSPLOST
- ☐ CDBG
- ☐ GRANT FUNDING
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM: N/A

ACCOUNT TRANSFER TO: N/A

PRESENTER: Brecca R. Carter, Director & Ryan Anderson, Chief Planner

DEPARTMENT: Community Development

ITEM/PROJECT/EVENT:

Comprehensive Plan Amendment (CP-2022-01) for the proposed Crescent Communities Mixed-Use Development from 'Low-Density Vertical Mixed-Use' to 'High-Density Residential' to allow for a mixed-use development project with apartments, townhomes, and commercial/retail uses. The applicant has also submitted a rezoning application (Case #RZ-2022-01), which is running concurrently with this Comprehensive Plan Amendment application.

BACKGROUND INFORMATION:

Development of a mixed-use development with 360 apartments, 102 fee simple townhomes, and 48,000 square feet of retail space within two commercial buildings. Located on Highway 138 West, west of I-75 and Mount Zion Parkway, in Land Lots 55 and 42 of District 12. Would contain 68.874 +/- acres within two parcels. A comprehensive plan amendment is needed to change the designation of the property to allow for this type of development and density. The Planning Commission recommended Approval of the requested Comprehensive Plan Amendment.

SIGNATURES:

CITY ATTORNEY _____

CITY TREASURER N/A _____

CITY MANAGER _____

FINANCIAL IMPACT: N/A

AMOUNT: N/A

ATTACHMENTS: Yes



***COMPREHENSIVE PLAN AMENDMENT FOR THE PROPOSED CRESCENT
COMMUNITIES MIXED-USE DEVELOPMENT--FROM 'LOW-DENSITY
VERTICAL MIXED-USE' TO 'HIGH-DENSITY RESIDENTIAL'***

CASE FACTS

Applicant:	Remi Rose Development, LLC
Agent:	Battle Law, P.C.
Location:	Located on Highway 138 West, west of I-75 and Mount Zion Parkway, in Land Lots 55 and 42 of District 12.
Parcel ID:	<u>Includes two parcels:</u> • <u>Parcel #012-01003000</u> – The smaller parcel. Currently zoned 'C-1'. Contains 3.131 +/- acres and comprises the property at 1036 Highway 138 West, across from Spivey Road. Located in Land Lot 55 of District 12. Owned by Melissa Russell. • <u>Parcel #012-01002000</u> – The larger parcel. Currently zoned 'C-2'. Contains 65.743 +/- acres. Situated adjacent to the western side of the smaller parcel, with frontage on Highway 138 West, across from Tributary Parkway. Located in Land Lot 42 of District 12. Owned by West Henry Land Corporation, et al.
Lot Size/Acres:	68.874 +/- total acres within two parcels.
Request:	Change the property's future land use designation from 'Low-Density Vertical Mixed-Use' to 'High-Density Residential' to allow for a mixed-use development project with apartments, townhomes, and commercial/retail uses. The applicant has also submitted a rezoning application (RZ-2022-01), which is running concurrently with this Comprehensive Plan Amendment application.
Proposed Use/ Project Description:	The applicant proposes to build a mixed-use development containing approximately 48,000 square feet of commercial/retail space within 2 buildings, 360 apartment units within 8 buildings, and 102 townhomes within 22 buildings. The main entrance to the development would occur through a new driveway off Lake Spivey Parkway, across from Spivey Road, where a traffic signal is present. A secondary access would occur across from Tributary Parkway, but it would be limited to right-in and right-out turning movements due to the presence of a median in the center of

	Lake Spivey Parkway. Sidewalks and deceleration lanes would be provided along Lake Spivey Parkway.
Existing Land Uses:	Mostly vacant, except for a very small cemetery off Highway 138 West. The site is mostly wooded, except for Reeves Creek and its associated floodplain.
Zoning:	The applicant has simultaneously requested to rezone the subject property from the 'C-1' (Neighborhood Commercial), 'C-2' (General Commercial), and 'PMU' (Parkway Mixed-Use Overlay) districts to the 'PUD' (Planned Unit Development) and PMU districts. The rezoning application is running concurrently with the Comprehensive Plan Amendment application.
Road Access:	Via Highway 138 West.
Application Received:	April 4, 2022.
Community Meetings Held by Applicant:	March 16, 2022 and May 4, 2022.
Public Notices:	On May 6, 2022, signs were posted on the property and the applicant mailed notices to 29 adjacent property owners. Public Notices in the Henry Herald were scheduled to appear on May 4 and June 18, 2022.
Planning Commission Meeting:	May 26, 2022, via Zoom. The Planning Commission unanimously recommended the approval of the requested Comprehensive Plan Amendment.
Council Meeting:	June 13, 2022, in the Council Chamber.

Development Regulations Relevant to Request:

- City of Stockbridge Unified Development Code, adopted on March 14, 2022.
 - All other City Code sections regarding site development standards and requirements.
-

COMPREHENSIVE PLAN AND FUTURE LAND USE MAP

The City of Stockbridge adopted the [City of Stockbridge Comprehensive Plan 2018-2038](#) as a guide for the future development of the City, and its Land Use Element provides a vision for the development or redevelopment of land in the City over the 20-year period. Further, the Future Land Use Map provides a “future land use designation” for every parcel of land

within the City. The subject property has a future land use designation of “Low-Density Vertical Mixed-Use.” The Comprehensive Plan provides the description below for this designation.

[Low-Density Vertical Mixed-Use]

This designation is intended for commercial/retail areas along various corridors and intersections located throughout the City. These areas mainly serve the residents of the surrounding residential neighborhoods. Future development and redevelopment should maintain the community-oriented feel of these areas, with a focus on creating small mixed-use areas combining locally owned retail, low intensity office uses, and apartment/condo/loft uses in two story buildings in a pedestrian friendly environment, allowing nearby residents to safely walk to and within them.

From this description, the proposed development would not be compatible with the future land use designation of the property since it would feature very different types of uses, including multiple-building apartment and townhome projects, as well as community-oriented commercial/retail uses. Therefore, a Comprehensive Plan Amendment is required to change the land use designation of the property to ‘High-Density Residential’, which is described below. The allowable residential densities of this designation range from 6 to 16 units per acre, while the proposed development’s densities are anticipated to include a gross density of 6.9 units per acre (accounting for the presence of Reeves Creek and its adjacent floodplain areas) and a net density of 8.3 units per acre.

[High-Density Residential Designation]

This designation is intended primarily for residential and uses which include multi-story condominiums and planned town developments. Small commercial or service businesses may be permitted within these developments for the convenience of their residents and visitors only. High Density Residential is an appropriate transition between mixed-use and industrial projects, and low or medium density residential areas.

ANALYSIS OF REQUEST

A. Consistency with the Comprehensive Plan. The requested Comprehensive Plan Amendment of the subject property from its current future land use designation of ‘Low-Density Vertical Mixed-Use’ to ‘High-Density Residential’ is necessary because the current land use designation does not allow the types of development which the applicant is proposing, with large multifamily uses and commercial uses in separate buildings. Further, the proposed densities would not be allowed under the existing land use designation.

B. Relation to the Zoning of the Property. The applicant has requested the rezoning of the subject property (via RZ-2022-01) from C-1 and C-2 to PUD in order to allow for the proposed mixed-use development project. These zoning districts are not permitted within under the property’s existing land use designation. But there is no need to change the property’s land use designation unless the property is rezoned in contemplation of a land development proposal. Therefore, any approval of the requested Comprehensive Plan

Amendment via CP-2022-01 must be contingent upon the simultaneous approval of the requested rezoning of the property via RZ-2022-01.

C. Suitability of the Site's Location. Although there are no other properties in the vicinity which have the requested High-Density Residential land use designation, the subject property is nevertheless suitable for this designation due to the following:

1. Its large size, whereby the High-Density Residential designation would not represent a small, "spot" designation relative to the surrounding area.
2. Its location along a State highway, making it suitable for high-density development.
3. Its proximity to a large C-3 (Heavy Commercial) zoning district on its eastern side, where major commercial uses could be developed.
4. Its proximity to a low-density use (single-family detached residential) on only one of its sides.

D. Maintaining the Current Land Use Designation. Due to the location of the subject property along a State highway, as well as its large size, it is unlikely that the types of land uses that are intended for areas having the Low-Density Vertical Mixed-Use designation would actually be developed on this property. Such uses would include locally-owned retail uses, low-intensity offices, and apartment/condo/loft uses in two-story buildings in a pedestrian-friendly environment.

RECOMMENDATIONS

This Staff Report has demonstrated that the requested Comprehensive Plan Amendment, via CP-2022-01, would be necessary and desirable for the subject property in conjunction with the requested rezoning of the property, via RZ-2022-01, to allow for the proposed mixed-use development. The Planning and Zoning Staff therefore recommends the **APPROVAL** of the requested change in the subject property's future land use designation from 'Low-Density Vertical Mixed-Use' to 'High-Density Residential'.

City of Stockbridge Planning and Zoning Staff
RECOMMENDATION:
APPROVAL

City of Stockbridge Planning Commission
RECOMMENDATION:
APPROVAL

City of Stockbridge Mayor and Council:

ACTION:

Presentation
For CP-2022-01:
Comprehensive Plan
Amendment for the
Proposed Crescent
Communities Mixed-Use
Development

Presented To:

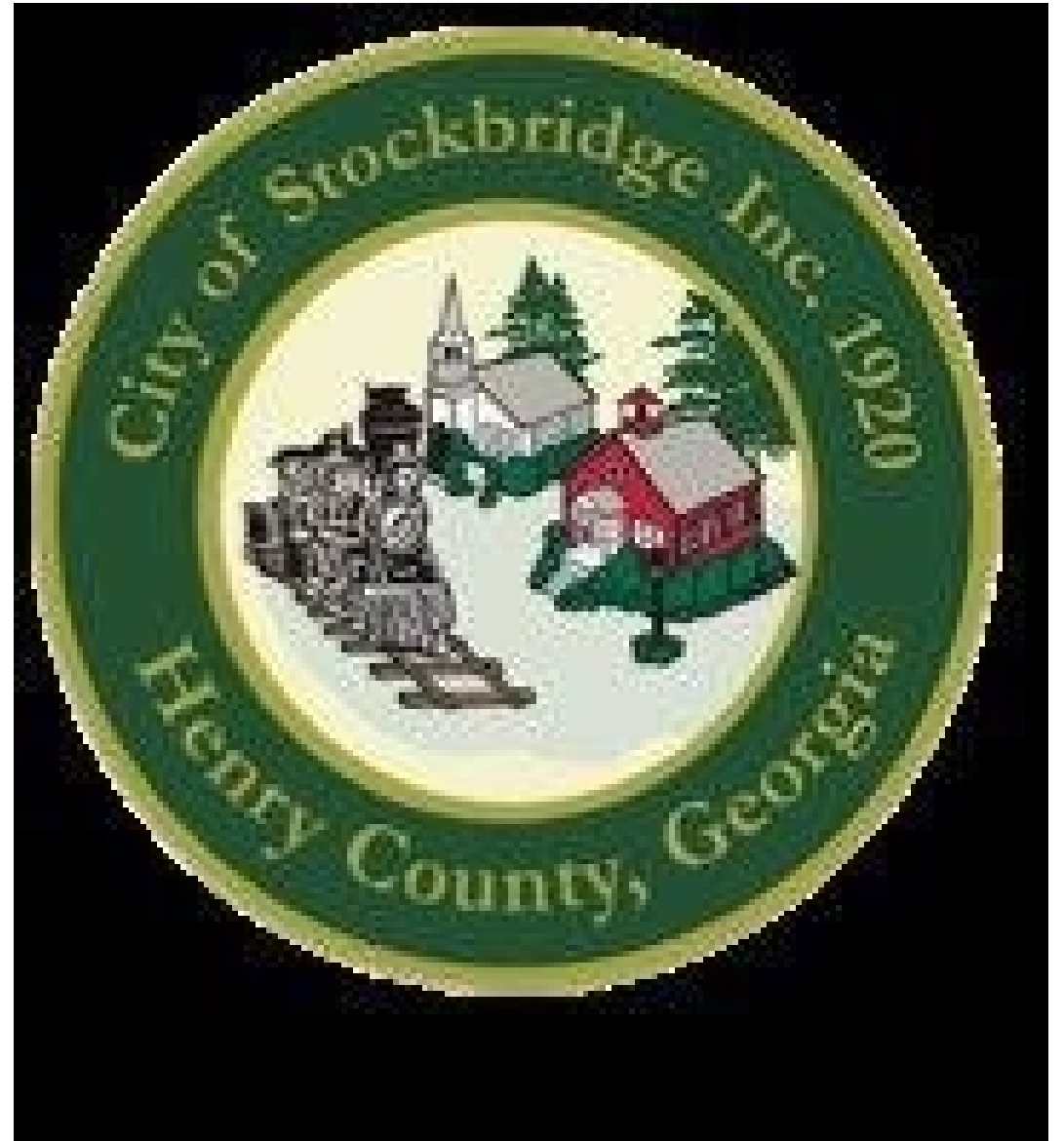
Planning Commission – May 26, 2022

(Recommended Approval)

City Council – June 13, 2022

By:

City of Stockbridge Community
Development Department,
Planning and Zoning Division



AERIAL PHOTO OF SUBJECT PROPERTY



CASE FACTS



PARTIES TO THE APPLICATION – Remi Rose Development, LLC, Applicant; Battle Law, P.C., Agent.

PROPERTY LOCATION – Located on Highway 138 West (Lake Spivey Parkway), across from Spivey Road.

PROPERTY IDENTITY -- Contains 68.874 +/- acres in two parcels: #012-01003000 (the smaller parcel) with 3.131 +/- acres and #012-01002000 (the larger parcel) with 65.743 +/- acres.

PROPERTY ZONING – The smaller parcel is zoned ‘C-1’ and the larger parcel is zoned ‘C-2’.

PROPERTY CHARACTERISTICS – Mostly vacant and wooded. Includes Reeves Creek, floodplains, and a cemetery.

COMPREHENSIVE DEVELOPMENT PLAN – Future Land Use Map shows ‘Low-Density Vertical Mixed-Use’ designation.

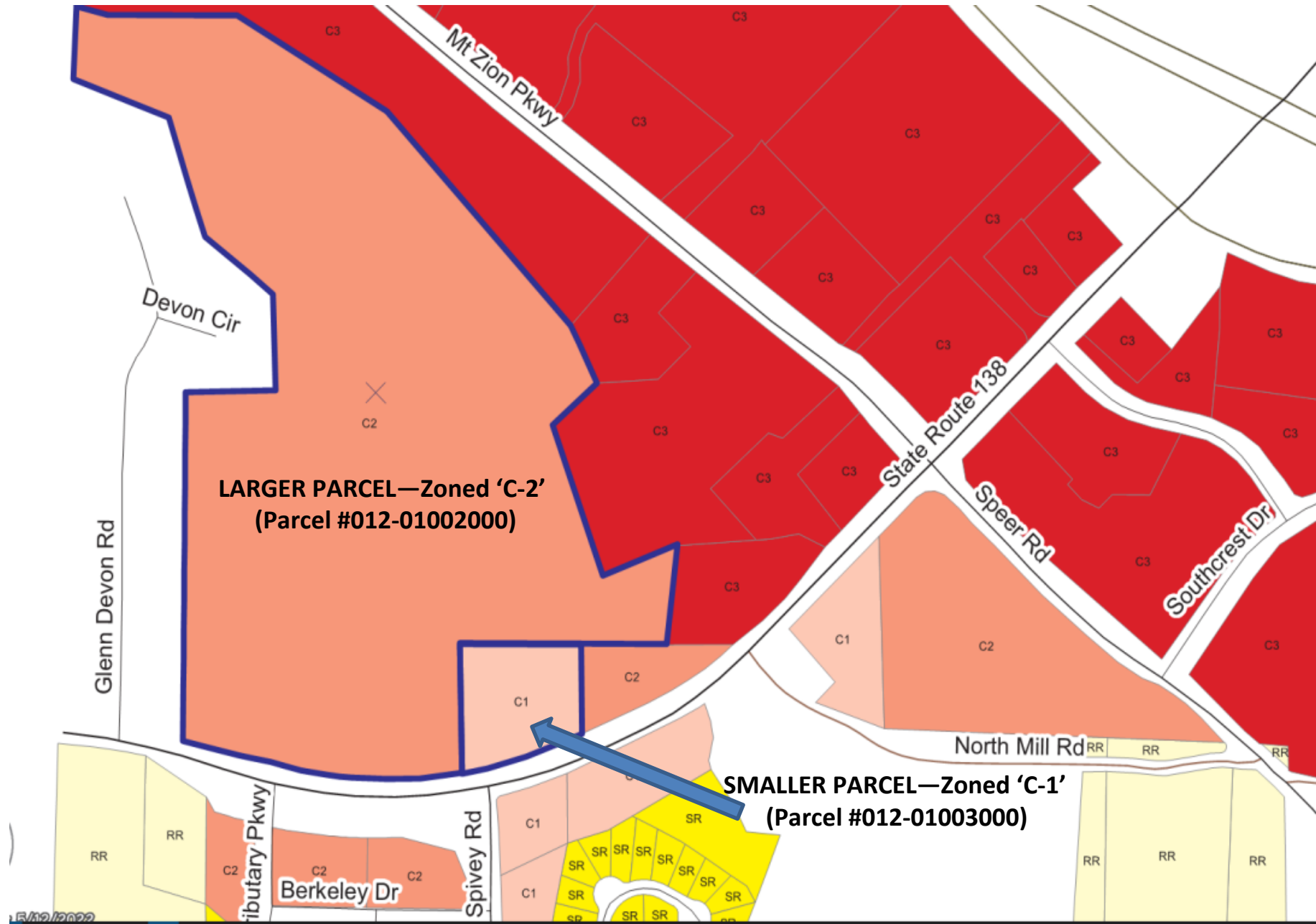
SURROUNDING LAND USE DESIGNATIONS – ‘Medium-Density Vertical Mixed-Use’ and ‘Low-Density Residential’.

APPLICANT’S REQUEST – Change the property’s land use designation to ‘High-Density Residential’.

SIGN POSTING – Occurred on May 6, 2022.



AERIAL PHOTO OF VICINITY ZONING

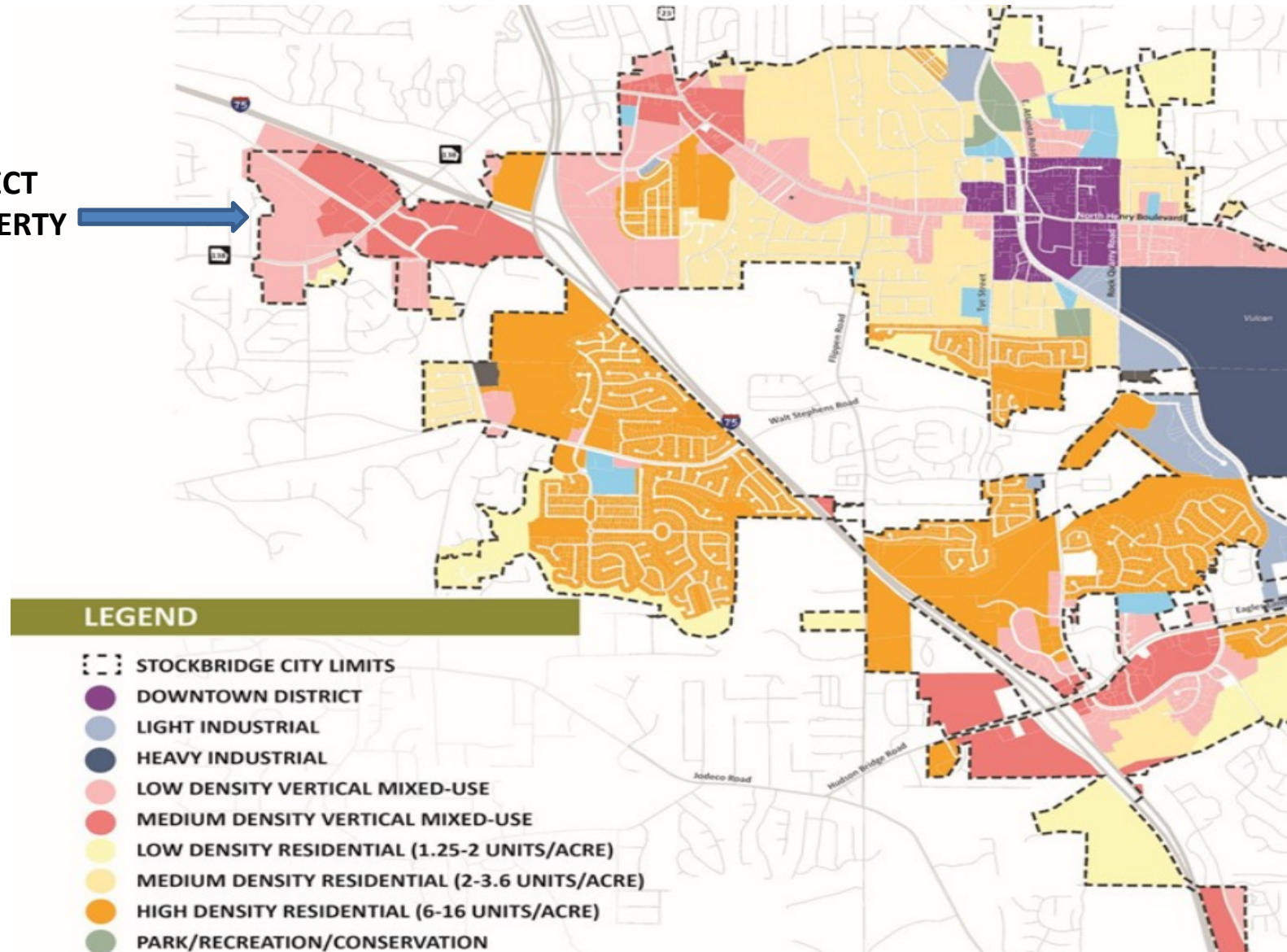


FUTURE LAND USE MAP

SUBJECT
PROPERTY



Source: Stockbridge
Comprehensive Plan,
2018-2038





PROPOSED DEVELOPMENT



PROJECT COMPONENTS – Includes 360 apartments, 102 fee simple townhomes, & 48,000 SF commercial.

SITE AND BUILDING ACCESS – Main entrance at traffic light at Spivey Road; second access across from Tributary Parkway; internal connection between entrances.

SITE DESIGN – Includes two commercial buildings at main entrance; apartments on west side; townhomes on east side; two pools; multi-use trail surrounding site; open space to the north; preserve creek areas.

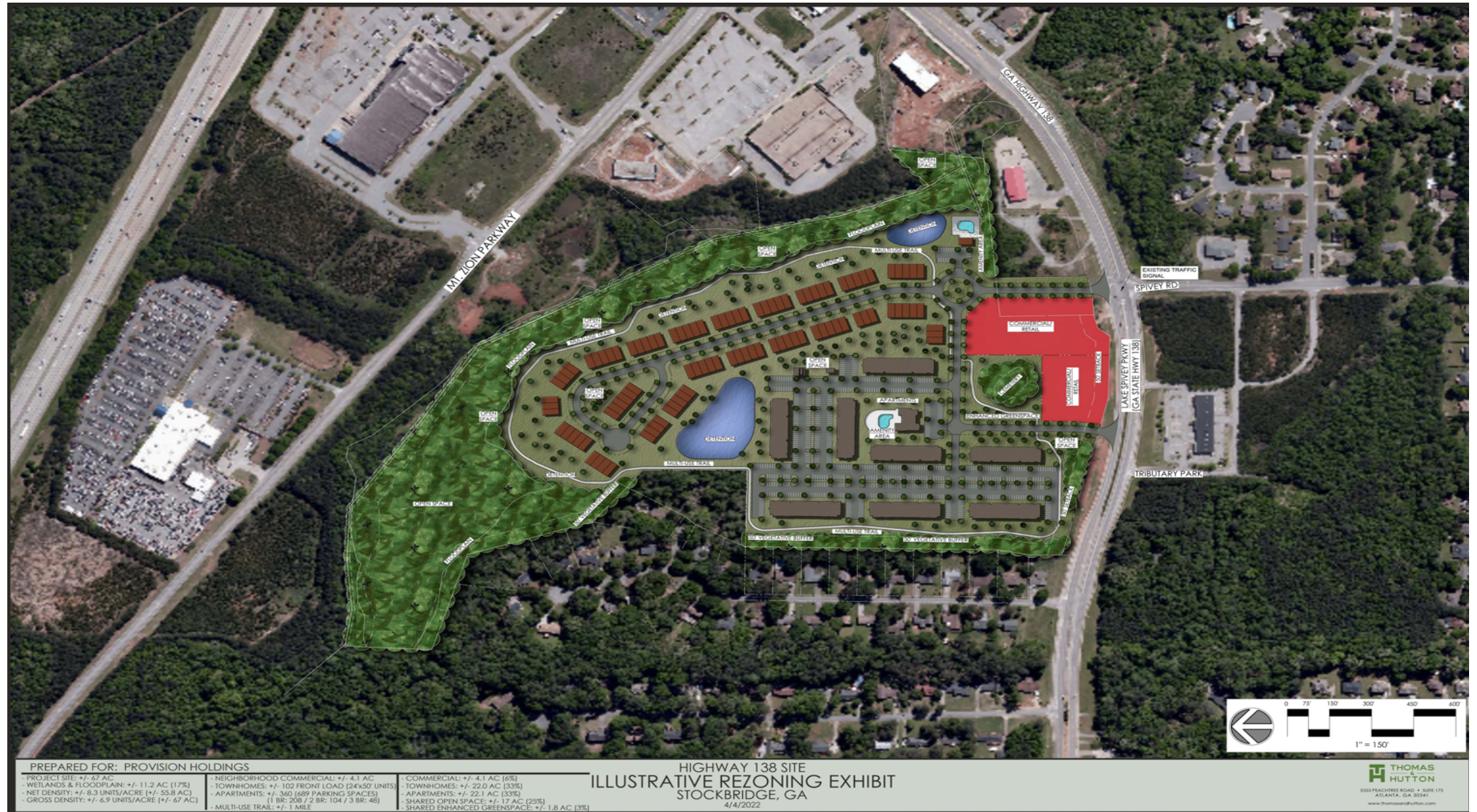
ARCHITECTURAL DESIGN – Residential buildings would have three stories and two-car garages.

TRAFFIC IMPACTS – Trip generation study projects 7,390 total trips; 205 AM exiting & 203 PM entering. Needs a full traffic impact study. Required on Lake Spivey Parkway: sidewalks and deceleration lanes. Must coordinate with Georgia DOT.

ENVIRONMENTAL IMPACTS – Protection of Reeves Creek and floodplain areas. Creation of a 50-foot-wide vegetative buffer on western side of site, adjacent to Glen Devon Subdivision.

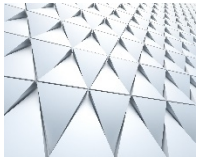


ILLUSTRATIVE REZONING EXHIBIT

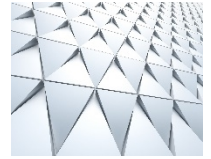


IMAGERY REZONING EXHIBIT





ANALYSIS OF REQUEST -- Page 1

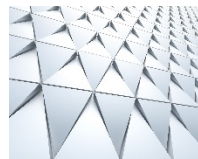
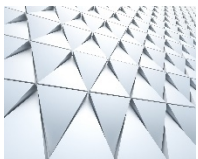


A. Consistency with the Comprehensive Plan -- The requested land use designation change is necessary due to the following:

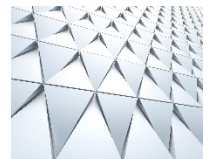
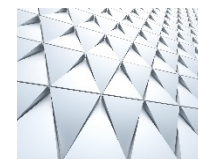
- 1)** The current land use designation does not allow the types of development which the applicant is proposing (large multifamily uses and commercial uses in separate buildings); and
- 2)** The proposed densities would not be allowed under the existing land use designation.

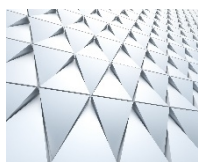
B. Relation to the Zoning of the Property:

- 1)** The larger parcel's existing zoning of 'C-2' and the proposed zoning of 'PUD' are not allowed under the property's existing land use designation of 'Low-Density Vertical Mixed-Use'.
- 2)** There is no need to change the property's land use designation unless the property is rezoned for a development proposal.
- 3)** Any approval of the requested Comprehensive Plan Amendment via CP-2022-01 must be contingent upon the simultaneous approval of the requested rezoning of the property via RZ-2022-01.

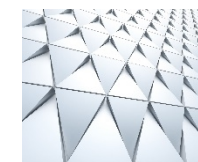


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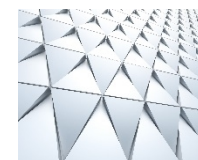
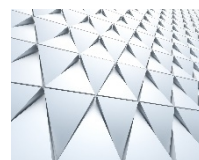
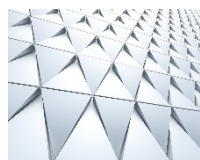
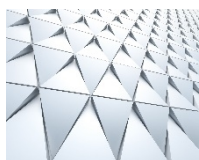
ANALYSIS OF REQUEST -- Page 2



C. Suitability of the Site's Location – No other properties in the vicinity have the requested High-Density Residential land use designation, but the subject property is nevertheless suitable for this designation due to the following:

- 1)** Its large size, whereby the High-Density Residential designation would not represent a small, “spot” designation relative to the surrounding area;
- 2)** Its location along a State highway, making it suitable for high-density development;
- 3)** Its proximity to a large C-3 (Heavy Commercial) zoning district on its eastern side, where major commercial uses could be developed; and
- 4)** Its proximity to a low-density use (single-family detached residential) on only one of its sides.

D. Maintaining the Current Land Use Designation -- Due to the location of the subject property along a State highway, as well as its large size, it is unlikely that the types of land uses that are intended for areas having the Low-Density Vertical Mixed-Use designation would actually be developed on this property. Such uses would include locally-owned retail uses, low-intensity offices, and apartment/condo/loft uses in two-story buildings in a pedestrian-friendly environment.



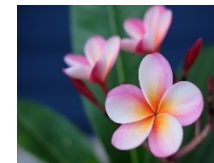
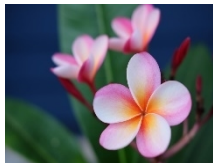


RECOMMENDATION -- APPROVAL



The requested Comprehensive Plan Amendment, via CP-2022-01, would be necessary and desirable for the subject property in conjunction with the requested rezoning of the property, via RZ-2022-01, to allow for the proposed mixed-use development.

The Planning and Zoning Staff therefore recommends the APPROVAL of the requested change in the subject property's future land use designation from 'Low-Density Vertical Mixed-Use' to 'High-Density Residential'.



Rezoning Application

City of Stockbridge, Georgia



THANK YOU FOR YOUR INTEREST IN THE CITY OF STOCKBRIDGE, GEORGIA. THIS PACKET INCLUDES THE NECESSARY DOCUMENTS THAT ARE NEEDED FOR REZONING APPLICATIONS TO BE HEARD BY THE CITY OF STOCKBRIDGE PLANNING COMMISSION.

PLEASE NOTE: ALL FEES ARE NON-REFUNDABLE. THERE ARE NO EXCEPTIONS.

ALL APPLICANTS ARE REQUIRED TO SCHEDULE AND ATTEND A PRE-APPLICATION MEETING WITH THE CITY OF STOCKBRIDGE PLANNING AND ZONING DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT. PLEASE CALL THE OFFICE AT (770) 389-7900 TO SCHEDULE AN APPOINTMENT.

NO PRE-APPLICATION MEETING WILL BE CONDUCTED WITHOUT AN APPOINTMENT.

SHOULD YOU NEED FURTHER ASSISTANCE, PLEASE FEEL FREE TO CONTACT THE PLANNING AND ZONING DIVISION OFFICE BETWEEN 8:00 AM AND 5:00 PM, MONDAY THROUGH FRIDAY, AT (770) 389-7900.

MEETING LOCATIONS—ALL PLANNING COMMISSION MEETINGS WILL BE HELD VIRTUALLY (BY ZOOM) UNTIL FURTHER NOTICE.

[Form revised on 1/19/22.]

City of Stockbridge Planning and Zoning Division
Community Development Department

REZONING APPLICATION CHECKLIST

PLEASE COMPLETE THIS FORM WHEN ACCEPTING ALL REZONING APPLICATIONS.

ATTACH THE CHECKLIST TO THE APPLICATION AND SIGN.

ALL DOCUMENTS ARE REQUIRED IN ORDER TO ACCEPT APPLICATION.

REQUIRED ITEMS	COPIES	PROCEDURE	CHECK/INITIAL
Pre-Application Review Form (Meeting Notes)	1	Must be obtained from a current planner, prior to submitting your application. (by appointment only)	/
Application Form	1	1. Signed and notarized by owner. Original signature 2. In lieu of owner's signature, applicant has signed and notarized a copy of a "Contract", "Power of Attorney" or "Lease."	/
Applicant Disclosure Form	1	Required for all property owners, applicants, and agents filed with an application, and must be notarized .	/
Letter of Ownership	01	Letter stating that the owner is aware of the rezoning request and owns the property in question.	/
Letter of Intent	1	Must clearly state the proposed use and development intent.	/
Site Plans (24 x 36) and (11 x 17)	1 10	Must show minimum details: Buildings, setbacks, buffers, road frontage, correct scale, north arrow, present zoning classification, topographic information to show elevation and drainage, location and extent of required buffers, and the proposed lot layout.	/
Survey Plat (8 ½ x 11) Or (11 x 17)	1	Subject Property, prepared and sealed <i>within the last five years</i> by a professional engineer, landscape architect, or land surveyor who is registered in the State of Georgia. Said survey plat shall: 1) indicate the complete boundaries of the subject property and all buildings and structures existing therein; 2) Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and 3) include a notation as to the total acreage or square footage of the subject property.	/
Water and sewer availability letter	1	This letter must accompany the application at the time of submittal. It should state that water and sewer are available to serve the property, or such services can be extended to the site. Please obtain the letter from the appropriate office which serves the property, such as Henry County Water Authority, City of Stockbridge Public Works Department, or a Clayton County office.	/
Form from the Health Department	1	This letter must accompany the application at the time of submittal <i>(Only needed if property is not on sewer)</i> .	/

City of Stockbridge Planning and Zoning Division
Rezoning Application

Name of Applicant Remi Rose Development, LLC Phone: 678-983-4657 Date: January 13, 2022

Address Applicant: 11 Lumpkin Street, Suite 200 Fax _____ Cell # 678-983-4657

City: Lawrenceville State: Georgia Zip: 30046 E-mail: roros@provisionholdings.com

Name of Agent Battle Law, P.C. Phone: 404-601-7616 Date: January 13, 2022

Address Agent: 3562 Habersham at Northlake Building J, Suite 100 Fax _____ Cell # 404-601-7616

City: Tucker State: Georgia Zip: 30084 E-mail: mlb@battlelawpc.com

THE APPLICANT NAMED ABOVE AFFIRMS THAT HE OR SHE IS THE OWNER, OR AGENT OF THE OWNER, OF THE PROPERTY DESCRIBED BELOW, AND IS REQUESTING A REZONING OF THE PROPERTY.

Rezoning being requested from C1 and C2 to PUD for the purpose
of a residential development

The property will be POSTED with a City of Stockbridge rezoning sign. The sign must remain on the subject property for no less than fifteen days prior to either Planning Commission or City Council meeting(s). The applicant or property owner shall not remove or alter the sign for any reason. MB Acknowledgement

Address of Property: 1036 Highway 138 West

Nearest intersection to the property: Highway 138 and Spivey Road
(Street Address)

Size of Tract: _____ acre(s), Land Lot Number(s): 42, 55, District(s): 12

Property Tax Parcel Number(s): 012-01002000, 012-01003000 (Required)

Witness' Signature

Signature of Applicant

Printed Name of Witness

Remi Rose Development, LLC
Printed Name of Applicant

Notary

Signature of Agent

NOTARY STAMP:



(For Office Use Only)

Total Amount Paid \$ _____ Cash _____ Check # _____ Received by: _____ (FEES ARE NON-REFUNDABLE)

Application checked by: _____ Date: _____ Map Number(s): _____

Pre-application meeting: _____ Date: _____

Planning Commission Decision: _____

City Council Decision: _____

Community Development Director's Signature: _____ Date: _____

LOW DENSITY VERTICAL MIXED USE

This designation is intended for commercial/retail areas along various corridors and intersections located throughout the City. These areas mainly serve the residents of the surrounding residential neighborhoods. Future development and redevelopment should maintain the community-oriented feel of these areas, with a focus on creating small mixed-use areas combining locally owned retail, low intensity office uses, and apartment/condo/loft uses in two story buildings in a pedestrian friendly environment, allowing nearby residents to safely walk to and within them.



Compatible Zoning Districts

MUND, Mixed-Use Neighborhood Development

O-I, Office Institutional

C-1, Neighborhood Commercial

MEDIUM DENSITY VERTICAL MIXED USE

This designation is intended for commercial areas located around major intersections, including Lake Spivey Parkway @ Mount Zion Boulevard/Speer Road; Lake Spivey Parkway @ North Henry Boulevard, the north side of Eagles Landing Parkway @ Village Center Parkway; and Hudson Bridge Road @ I-75. Future development and redevelopment should focus on making these areas more pedestrian oriented. This is characterized by mixed-use developments incorporating mostly commercial uses with some smaller office tenants, and medium density residential uses. This area would allow for two to three story buildings, combining street-level commercial/retail/office uses with second and third stories accommodating office or lofts/apartments/condominiums.



Compatible Zoning Districts

MUND, Mixed-Use Neighborhood Development

O-I, Office Institutional

C-1, Neighborhood Commercial

C-2, General Commercial

LOW DENSITY RESIDENTIAL (1.25—2 UNITS/ACRE)

This designation is intended for typical, large lot residential subdivision developments.



Compatible Zoning Districts

R-A, Residential-Agricultural

R-1, Single Family Residential

R-2, Single Family Residential

MEDIUM DENSITY RESIDENTIAL (2-3.6 UNITS/ACRE)

This designation is intended for residential developments which include single-family, detached homes on lots ranging from 10,000 – 30,000 square feet, including parcels zoned for single-family attached and detached homes, as well as duplex residential developments and mobile home/manufactured home developments.



Compatible Zoning Districts

R-2, Single Family Residential

R-3, Single Family Residential

TND Traditional Neighborhood

CD, Conventional Development

RD, Residential Duplex

RM-1, Multifamily Residential—
Apartments

RM-2 Multiple Family Residence—
Townhomes

RMH, Mobile or Manufactured Home

HIGH DENSITY RESIDENTIAL (6-16 UNITS/ACRE)

This designation is intended primarily for residential land uses which include multi-story condominiums and planned town developments. Small commercial or service businesses may be permitted within these developments for the convenience of their residents and visitors only. High Density Residential is an appropriate transition between mixed-use and industrial projects, and low or medium density residential areas.



Compatible Zoning Districts

RM-3, Multiple Family Residence—
Condominiums

PTD, Planned Town Development

CRS, Conservation Residential

PARK / RECREATION / CONSERVATION

This designation includes public parks, recreation areas, and open spaces, as well as areas to be preserved for greenway or land conservation.



Compatible Zoning Districts



Battle Law

05/02/2022

VIA: Email

RE: Crescent Communities Proposed Rezoning at Highway 138

ATT: Linda Logan (llogan@cityofstockbridge-ga.gov)

Ms. Logan:

This letter is meant to memorialize Crescent Communities' intention to subdivide and recombine property located off Highway 138 for the purpose of including that property with its proposed development off Highway 138.

The property in question is a portion of property owned by Melissa Russell, bearing the parcel number 012-01003000 (the "Subject Property"). The Subject Property is currently 3.131 acres. Crescent Communities owns, or is under contract to purchase, property immediately adjacent to the Subject Property which bears the parcel number 012-01002000 (the "West Henry Land Corp. Property"), and which is currently the subject of a pending zoning application.

To satisfy the City of Stockbridge's Universal Development Code, Crescent Communities plans to subdivide the Subject Property according to the plan shown in Exhibit A. Exhibit A shows that the Subject Property will first be subdivided to split +/- 1.26 acres from the Subject Property on the portion of the Project Site Boundary that runs North to South on the Subject Property in Exhibit A. That portion of the Subject Property will then be combined with the West Henry Land Corp. Property.

Additionally, Crescent Communities recognizes it will not be possible to combine the Subject Property with the West Henry Land Corp. Property until both properties bear the same zoning designation, but rezoning the Subject Property before subdividing it will leave a non-conforming PUD parcel. Therefore, Crescent Communities recognizes that the subdivision of the Subject Property and the subsequent recombination with the West Henry Land Corp. Property must take place before the rezoning.

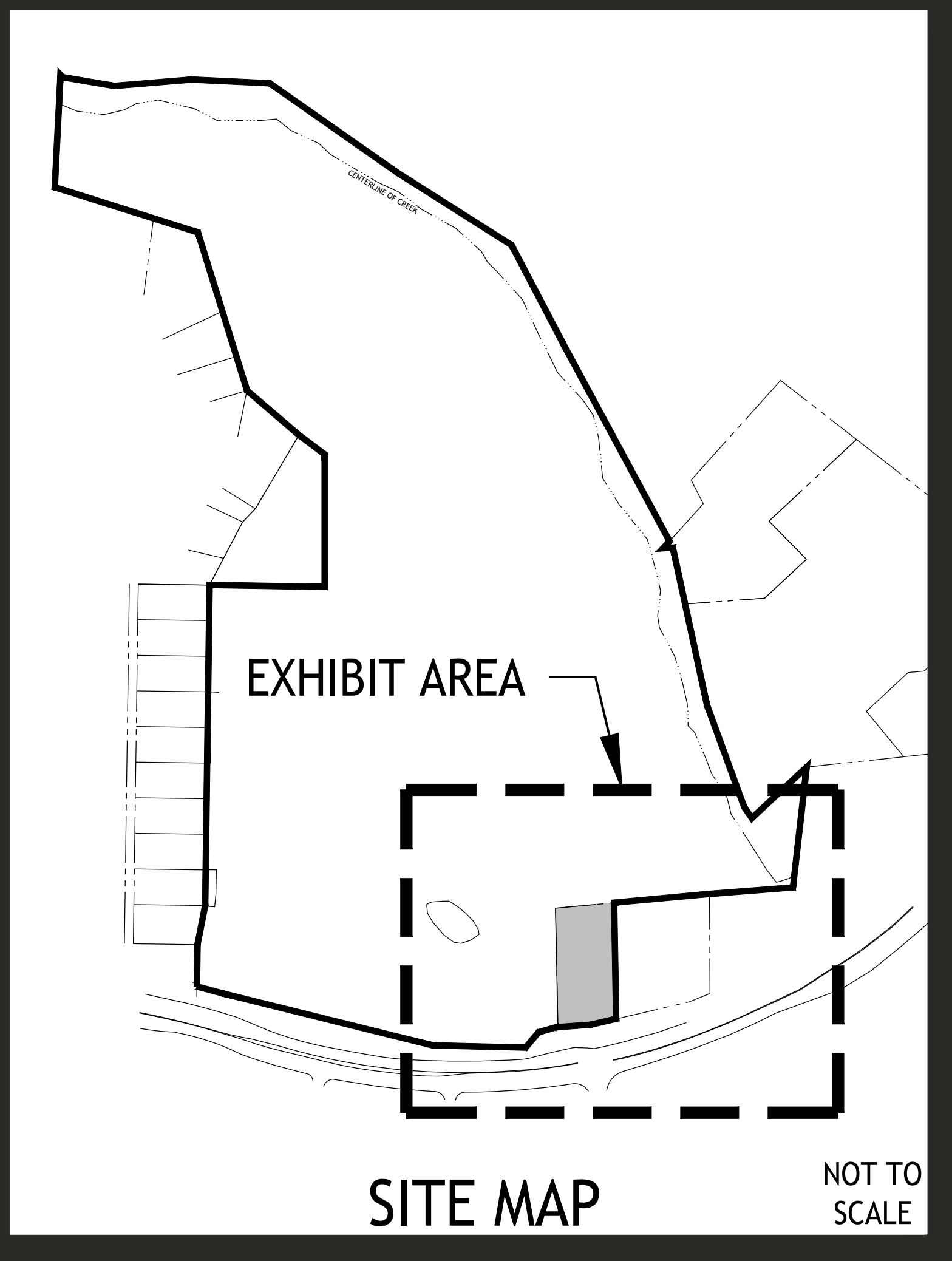
Crescent Communities welcomes any comments from Staff.

Prepared By:

Joshua Mahoney

For Battle Law, P.C.

Exhibit A



N/F
WEST HENRY LAND CORP ET AL
DB 2472/PG 176
DB 1494/PG 312
ID:012-01002000

AREA
2,863,746 SQ FT
65.743 ACRES

N/F
MANISH INC.
DB 14351/PG 317
ID:012-01005000

FLOODPLAIN

FLOODPLAIN
ZONE "AE"
(DOTTED AREA)

N/F
138 FAMILY
INVESTMENT, LLC
DB 14205/PG 131
ID:012-01004000

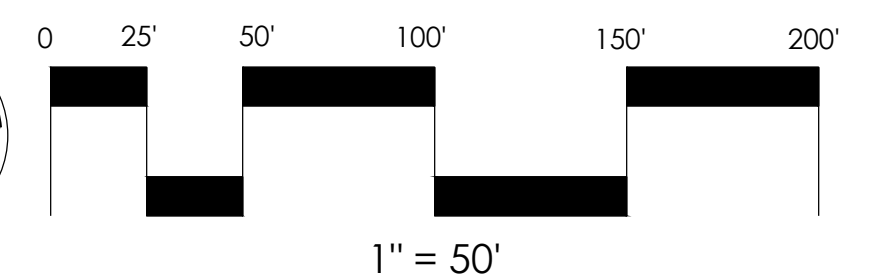
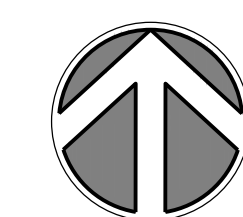
N/F
MELISSA RUSSEL
DB 15315/PG 142
ID:012-01003000

PROJECT SITE
BOUNDARY

ORIGINAL MELISSA
RUSSEL PARCEL
(3.131 AC) BOUNDARY

50' FRONT SETBACK

+/- 1.26 ACRES TO BE SUBDIVIDED
FROM MELISSA RUSSEL PARCEL
~THEN~
COMBINED WITH THE
WEST HENRY LAND CORP ET AL
PARCEL FOR A TOTAL PROJECT
SITE OF +/- 67 ACRES

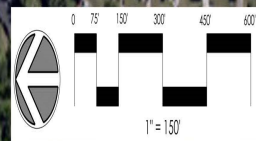


PREPARED FOR: PROVISION HOLDINGS

HIGHWAY 138 SITE
SUBDIVISION/RECOMBINATION EXHIBIT
STOCKBRIDGE, GA
4/4/2022

THOMAS
&
HUTTON

5553 PEACHTREE ROAD • SUITE 175
ATLANTA, GA 30341
www.thomasandhutton.com



PREPARED FOR: PROVISION HOLDINGS

- PROJECT SITE: +/- 67 AC
- WETLANDS & FLOODPLAIN: +/- 11.2 AC (17%)
- NET DENSITY: +/- 8.3 UNITS/ACRE (+/- 55.8 AC)
- GROSS DENSITY: +/- 6.9 UNITS/ACRE (+/- 67 AC)

- NEIGHBORHOOD COMMERCIAL: +/- 4.1 AC
- TOWNHOMES: +/- 102 FRONT LOAD (24'x50' UNITS)
- APARTMENTS: +/- 360 (689 PARKING SPACES)
(1 BR: 208 / 2 BR: 104 / 3 BR: 48)
- MULTI-USE TRAIL: +/- 1 MILE

- COMMERCIAL: +/- 4.1 AC (6%)
- TOWNHOMES: +/- 22.0 AC (33%)
- APARTMENTS: +/- 22.1 AC (33%)
- SHARED OPEN SPACE: +/- 17 AC (25%)
- SHARED ENHANCED GREENSPACE: +/- 1.8 AC (3%)

HIGHWAY 138 SITE ILLUSTRATIVE REZONING EXHIBIT STOCKBRIDGE, GA

4/4/2022



Z:\29535\29535_0000\Engineering\Drawings\Exhibits\Rezoning Exhibit.dwg - Mar 22, 2023

PREPARED FOR: PROVISION HOLDINGS

- PROJECT SITE: +/- 67 AC
- WETLANDS & FLOODPLAIN: +/- 11.2 AC (17%)
- NET DENSITY: +/- 8.3 UNITS/ACRE (+/- 55.8 AC)
- GROSS DENSITY: +/- 6.9 UNITS/ACRE (+/- 67 AC)

- NEIGHBORHOOD COMMERCIAL: +/- 4.1 AC (6%)
- TOWNHOMES: +/- 102 FRONT LOAD (24X50' UNITS)
- APARTMENTS: +/- 360 (689 PARKING SPACES)
(1 BR: 208 / 2 BR: 104 / 3 BR: 48)
- MULTI-USE TRAIL: +/- 1 MILE

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- SHARED OPEN SPACE: +/- 17 AC (25%)
- SHARED ENHANCED GREENSPACE: +/- 1.8 AC (3%)

HIGHWAY 138 SITE
IMAGERY REZONING EXHIBIT
STOCKBRIDGE, GA

4/4/2022



5555 PEACHTREE ROAD • SUITE 175
ATLANTA, GA 30341
www.thomasonhutton.com

This map illustrates a general plan of the development which is for discussion purposes only. It is not to be used for any other purpose and is subject to change and/or deletion of any portion thereof without notice. The information contained in this map is based on data provided to the preparer of this map and is not to be used for any other purpose. The preparer of this map is not responsible for the accuracy or completeness of the information provided to the preparer of this map. Values were provided by outside sources and have not been verified.

[To be completed by City Staff,
prior to and during the meeting]

PRE-APPLICATION FORM

DATE March 25, 2022

APPLICANT: Remi Rose Development, LLC _____

TYPE OF APPLICATION: Rezoning and Comprehensive Plan Amendment

PROPERTY ADDRESS: 1036 Highway 138 West and an adjacent large parcel to the west

DISTRICT: 12 LAND LOT(S): 42 PARCEL I.D.(S): 012-01002000 and 012-01003000

CURRENT ZONING: C-1, C-2, & PMU PROPOSED ZONING: PUD and PMU

FUTURE LAND USE MAP DESIGNATION: Low-Density Vertical Mixed-Use

REQUEST/ITEMS DISCUSSED:

1. SITE PLAN – A revised site plan is forthcoming. It will contain a chart with a breakdown of acreage by land uses. City staff requested that the site plan be shifted slightly to include the intersection of Highway 138 with Mount Zion Parkway. The applicant questioned the required minimum lot width.
2. LETTER OF INTENT -- Is needed. The applicant will include an impact analysis of the Steinberg Criteria.
3. TRIP GENERATION REPORT – Has already been prepared and will be submitted with the final application.
4. EXTERIOR CONSTRUCTION MATERIALS – Will consist of brick, stone, and hardiplank.
5. CONCEPTUAL ELEVATIONS DRAWINGS – Requested by City Staff.

[Continued]

6. APPLICATION FILING FEES – The total amount will be determined by the number of acres for each type of land use, including a base fee and a per-acre fee for each land use (accounting for the total site acres).

7. MAILED NOTICES – The applicant is required to mail notices of the proposed rezoning to adjacent property owners.

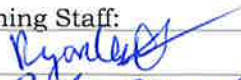
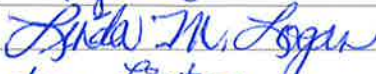
ZONING OF ADJACENT PROPERTIES:

NORTH: C-3 & PMU SOUTH: C-1, C-2, & PMU EAST: C-3 & PMU WEST: Clayton County

PREVIOUS REZONING REQUESTS ON THE PROPERTY AND IN THE AREA,
INCLUDING SURROUNDING SUBDIVISIONS: The proposed development site is part of a
an approved annexation and rezoning (on May 13, 1996) of a large tract with approximately
178.06 acres by Sid M. Kresses, Larry E. Wilensky, West Henry Land Corporation, Et Al, of
which approximately 116.92 acres were zoned 'C-3' and approximately 60.64 acres were zoned
'C-2', within Land Lots 42 and 55 of District 12 Henry County.

[Continued]

MEETING ATTENDANTS:

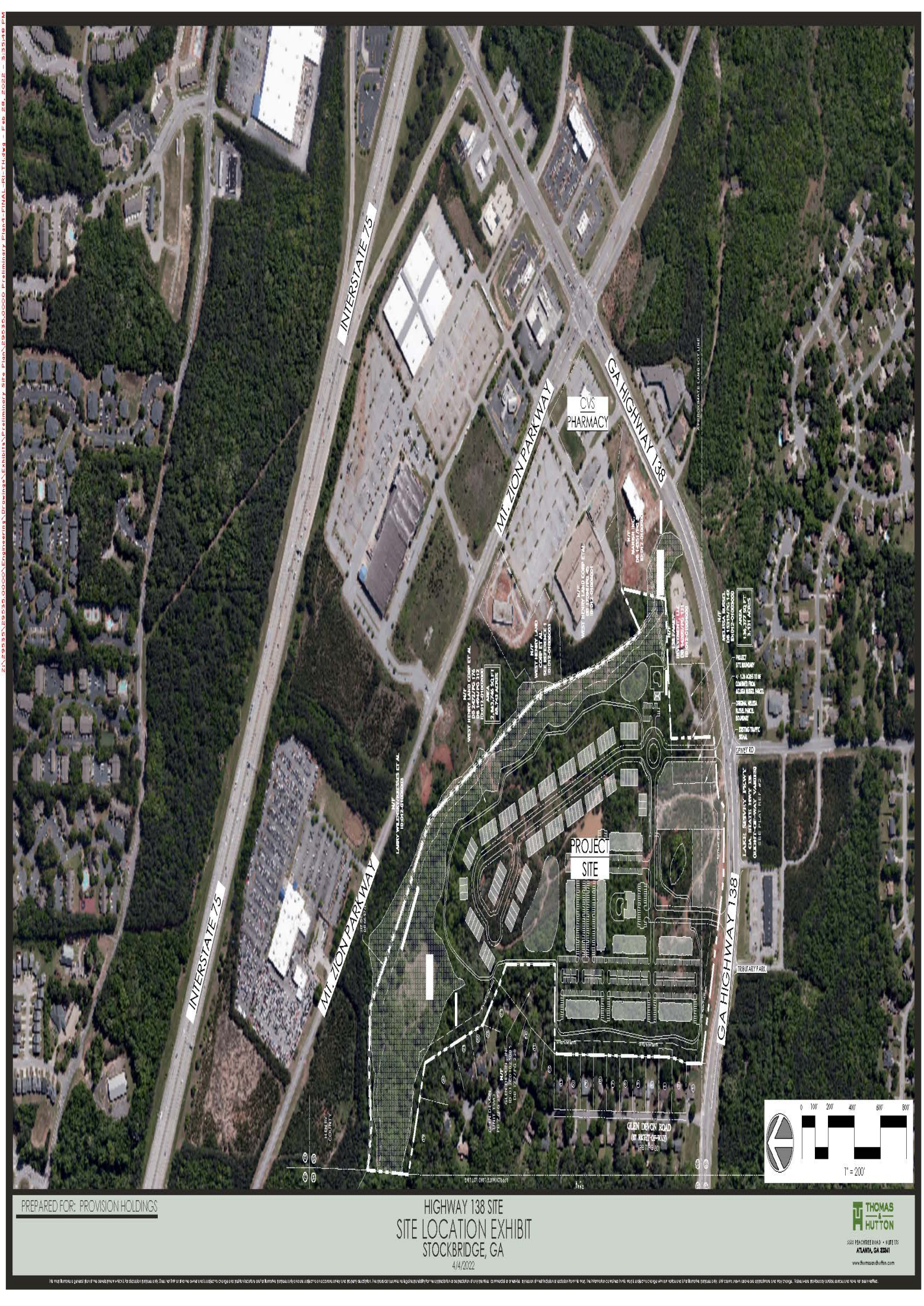
City of Stockbridge Planning and Zoning Staff:		(Name and Signature)
Ryan Anderson, Chief Planner		(Name and Signature)
Linda Logan, Senior Planner		(Name and Signature)
Gordon Linton, Planner I		(Name and Signature)

PLEASE NOTE:

No application will be accepted unless all necessary documentation is complete and a pre-application meeting has been held (No exceptions).

[The pre-application/pre-submittal meeting was conducted by Linda Logan on March 25, 2022. This form was subsequently completed by Ms. Logan.]

The property will be POSTED with a City of Stockbridge rezoning sign. The sign must remain on the subject ~~property~~ for no less than fifteen days Prior to either Planning Commission or City Council meeting(s). The applicant or property owner shall not remove or alter the sign for any reason.



PREPARED FOR: PROVISION HOLDINGS

HIGHWAY 138 SITE
SITE LOCATION EXHIBIT
STOCKBRIDGE, GA
4/14/2022

THOMAS
HUTTON
1011 PEACHTREE ROAD • SUITE 101
ATLANTA, GA 30341
www.thomashutton.com

21-23-033-01-0000-Engineering-Drawings-Exhibits-Preliminary-Plan-1-FINAL-RI-TI-4-16-2022 - Feb 28, 2022 - 3:35:16 PM



Battle Law

STATEMENT OF INTENT

and

Other Material Required by
City of Stockbridge Zoning Ordinance
For
A Rezoning From C-1 and C-2 to PUD and
a Future Land Use Change from
Low Density Vertical Mixed Use to High-Density Residential

of

**Remi Rose Development, LLC.
c/o Battle Law, P.C.**

for

+/-65.743 Acres of Land
Being 1036 Highway 138 West
Stockbridge, Georgia and
Parcel Nos. 012-01002000 and 012-01003000

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 300384
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com



Battle Law

I. LETTER OF INTENT

Remi Rose Development, LLC. (the “Applicant”) is seeking to develop on +/- 65.743 acres of land being Tax Parcel Nos. 012-01002000 and 012-01003000 having frontage on Georgia State Highway 138 (the “Subject Property”) with a mixture of multi-family apartments, and fee simple townhomes. The development will include other parcels that will be used for neighborhood commercial. The Applicant is seeking a rezoning of the Subject Property from C-1 and C-2 to PUD and a Future Land Use Change from Low-Density Vertical Mixed Use to High-Density Residential.

This document serves as a statement of intent, analysis of the criteria under the Steinberg Act, and contains notice of constitutional allegations as a reservation of the Applicant’s rights.

II. STEINBERG CRITERIA

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. The zoning proposal will allow fee simple townhomes, apartments, and commercial uses. Nearby uses include single-family detached homes, a Kohl’s Department Store, a CVS drug store, and a package store. The proposed homes would serve the dual purpose of supporting the existing and new commercial businesses while also providing a diversity of housing types in the area. By introducing both fee simple townhomes and apartments, the zoning proposal would attract young professionals who seek smaller, more sustainable, housing solutions. Therefore, the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;



Battle Law

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property. Commercial uses already exist in this area. This zoning proposal creates an opportunity to introduce different commercial uses that complement what already exists, while also considering uses that are needed and desired by the existing community members. The townhomes and apartments proposed would not be unsuitable in this area either. They would serve as an appropriate transitional buffer between the single-family homes to the West and the commercial center to the East.

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

The property does currently have a reasonable economic use as currently zoned, but commercial applicants are not interested in this site. The Subject Property is zoned C1 and C2 and has been vacant for quite some time. The Subject Property contains a creek and the accompanying stream buffer. The stream and its buffer make the Subject Property less desirable for a fully commercial applicant to develop this property. Commercial developers bring a much higher level of impervious surface due to the large parking lots and buildings needed to house their businesses. A residential development, on the other hand, is much more able to break up impervious surfaces with yards, trees, and open space. These additions provide much more protection to the sensitive environmental assets on the Subject Property than a fully commercial development would. The zoning proposal provides that protection while still providing the benefit of new commercial businesses in the area by placing the commercial uses close to the road, far away from the stream and the accompanying buffer, and placing the residential development behind the commercial uses to shield the stream from the commercial uses stormwater runoff. Therefore, while the Subject Property has a reasonable economic use, it is by no means the best use of the Subject Property.



Battle Law

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

The zoning proposal will not result in a use which will cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The Subject Property fronts on a major Highway which is more than capable of taking on any additional trips that might be caused by this proposed community.

5. *Whether the zoning proposal is in conformity with the policy and intent of the land use plan; and*

The zoning proposal, by itself, is not in conformity with the policy and intent of the land use plan. However, paired with the future land use change, the entire request is in conformity with the policy and intent of the land use plan.

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

The Applicant is not aware of any other existing or changing conditions affecting the use and development of the property which might give supporting grounds for either approval or disapproval of the zoning proposal.

III. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that the application for a rezoning from C-1 and C-2 to PUD and the accompanying future land use change be approved. The Applicant welcomes any questions and feedback from the planning staff.

IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS



Battle Law

The portions of the City of Stockbridge Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the City of Stockbridge Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the City of Stockbridge City Council to amend the land use and/or rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the land use amendment and/or rezoning in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.



Battle Law

A refusal to allow the land use amendment and/or rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of Fulton County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

Michele L. Battle, Esq.
Attorney for the Applicant



City of Stockbridge

AGENDA ITEM

MEETING DATE

JUNE 13, 2022

FUNDING SOURCE

- ☐ RESOLUTION
- ☐ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☒ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
- ☐ BUDGET AMENDMENT
- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

- ☐ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST IV
- ☐ TSPLOST
- ☐ CDBG
- ☐ GRANT FUNDING
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM: N/A

ACCOUNT TRANSFER TO: N/A

PRESENTER: Brecca R. Carter, Director & Ryan Anderson, Chief Planner

DEPARTMENT: Community Development

ITEM/PROJECT/EVENT:

Rezoning (Case #RZ-2022-01) for the proposed Crescent Communities Mixed-Use Development from the 'C-1' (Neighborhood Commercial), 'C-2' (General Commercial), and 'PMU' (Parkway Mixed-Use Overlay) districts to the 'PUD' (Planned Unit Development) and PMU districts to allow for a mixed-use development project with apartments, townhomes, and small commercial uses. The applicant has also submitted a Comprehensive Plan Amendment application (Case #CP-2022-01), which is running concurrently with the rezoning.

BACKGROUND INFORMATION:

The applicant proposes to build a mixed-use development containing approximately 48,000 square feet of commercial/retail space within 2 buildings, 360 apartment units within 8 buildings, and 102 townhomes within 22 buildings. The main entrance would be located at a traffic signal on Highway 138 West, across from Spivey Road. To accomplish this, a portion of the smaller C-1 parcel needs to be combined with the larger C-2 parcel. Two amenity areas and a surrounding multi-use trail would be provided. The Planning Commission recommended Approval of the request with five conditions.

SIGNATURES:

CITY ATTORNEY _____

CITY TREASURER N/A _____

CITY MANAGER _____

FINANCIAL IMPACT: N/A

AMOUNT: N/A

ATTACHMENTS: Yes



REZONING FOR THE PROPOSED CRESCENT COMMUNITIES MIXED-USE DEVELOPMENT--FROM 'C-1' (NEIGHBORHOOD COMMERCIAL) AND 'C-2' (GENERAL COMMERCIAL) TO 'PUD' (PLANNED UNIT DEVELOPMENT)

CASE FACTS

Applicant:	Remi Rose Development, LLC
Agent:	Battle Law, P.C.
Location:	Located on Highway 138 West, west of I-75 and Mount Zion Parkway, in Land Lots 55 and 42 of District 12.
Parcel ID:	<u>Includes two parcels:</u> • <u>Parcel #012-01003000</u> – The smaller parcel. Currently zoned 'C-1' and 'PMU'. Contains 3.131 +/- acres and comprises the property at 1036 Highway 138 West, across from Spivey Road. Located in Land Lot 55 of District 12. Owned by Melissa Russell. • <u>Parcel #012-01002000</u> – The larger parcel. Currently zoned 'C-2' and 'PMU'. Contains 65.743 +/- acres. Situated adjacent to the western side of the smaller parcel, with frontage on Highway 138 West, across from Tributary Parkway. Located in Land Lot 42 of District 12. Owned by West Henry Land Corporation, et al.
Lot Size/Acres:	68.874 +/- total acres within two parcels.
Request:	Rezone property from the 'C-1' (Neighborhood Commercial) and 'C-2' (General Commercial) districts to the 'PUD' district to allow for a mixed-use development project with apartments, townhomes, and small commercial uses. The applicant has also submitted a Comprehensive Plan Amendment application (CP-2022-01), which is running concurrently with the rezoning application.
Proposed Use/ Project Description	The applicant proposes to build a mixed-use development containing approximately 48,000 square feet of commercial/retail space within 2 buildings, 360 apartment units within 8 buildings, and 102 townhomes within 22 buildings. The main entrance to the development would occur through a new driveway off Lake Spivey Parkway, across from Spivey Road, where a traffic signal is present. A secondary access would occur across from Tributary Parkway, but it would be limited to right-in and right-out turning movements due to the presence of a median in the

	center of Lake Spivey Parkway. Sidewalks and deceleration lanes would be provided along Lake Spivey Parkway.
Existing Land Uses:	Mostly vacant, except for a very small cemetery off Highway 138 West. The site is mostly wooded, except for Reeves Creek and its associated floodplain.
Future Land Use Designation:	'Low-Density Vertical Mixed-Use'. This designation does not allow the proposed development. It needs to be changed to 'High-Density Residential'. The applicant has simultaneously applied for a Comprehensive Plan Amendment via CP-2022-01 for this purpose.
Road Access:	Via Highway 138 West.
Application Received:	April 4, 2022.
Community Meetings Held by Applicant:	March 16, 2022 and May 4, 2022.
Public Notices:	On May 6, 2022, signs were posted on the property and the applicant mailed notices to 29 adjacent property owners. Public Notices in the Henry Herald were scheduled to appear on May 4 and June 18, 2022.
Planning Commission Meeting:	May 26, 2022, via Zoom. The Planning Commission unanimously recommended the approval of the requested rezoning with five conditions.
Council Meeting:	June 13, 2022, in the Council Chamber.

Development Regulations Relevant to Request:

- City of Stockbridge Unified Development Code, adopted on March 14, 2022.
 - All other City Code sections regarding site development standards and requirements.
-

ANALYSIS OF REQUEST (Sec. 12.02.09.C.2):

CRITERION #1: Consistency with the Comprehensive Plan.

The proposed rezoning of the subject property from C-1, C-2, and PMU to PUD and PMU would not be consistent with the specifications of the Comprehensive Plan since the proposed development would be of a much higher density than is envisioned within the property's current land use designation of Low-Density Vertical Mixed-Use. The more

appropriate land use designation is High-Density Residential, which allows some commercial uses in addition to residential uses. Its allowable density is 6 to 16 units per acre, and the proposed development would comply with this range by having a gross density of about 6.9 units per acre and a net density of 8.3 units per acre within the buildable areas (to account for the presence of Reeves Creek, the floodplain areas, and other open space).

The merits of CP-2022-01, which is to be considered simultaneously during the Planning Commission and City Council meetings, comprises a separate staff report.

CRITERION #2: The relation that the proposed rezoning amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of the City of Stockbridge Zoning Code.

Section 1.4 provides the Purpose and Intent of the Stockbridge Unified Development Code, and it identified several objectives to accomplish. Among them are the following, which the proposed project is envisioned to accomplish:

- Promote the health, safety, aesthetics, convenience, order, prosperity, and general welfare of the present and future residents of the City of Stockbridge;
- Secure safety from fire, flood, and other dangers;
- Provide adequate light and air;
- Facilitate the adequate provision of transportation, water, sewage collection, schools, parks, and other public requirements;
- Encourage the most appropriate and best use of land, buildings, and other structures throughout the City;
- Preserve natural resources.

CRITERION #3: Potential positive effects of the rezoning amendment on the character of the proposed zoning district, a particular piece of property, neighborhood, a particular area, or community.

The proposed mixed-use development project is anticipated to have a positive effect on the subject property and the surrounding area. Having a mixture of land uses makes the best use of a large site which contains sensitive environmental areas.

The commercial component would be well-suited to its planned location on Highway 138 West between the extensions of Spivey Road and Tributary Road. This would make use of the existing traffic signal and would be compatible with other commercial uses in the vicinity.

The proposed townhome and multifamily uses would represent a good transition between the existing commercial uses to the east and the existing single-family detached homes to the west, along Glen Devon Road.

CRITERION #4: The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.

The presence of an existing traffic signal on Highway 138 West across from Spivey Road offers the developer the opportunity to provide a convenient access to the development site by constructing the main project driveway there. This would allow for entry and exit turning movements in both directions. The proposed secondary access across from Tributary Parkway would not have a traffic signal, and the presence of a median within the center of Highway 138 West would prohibit left-turning exit movements from the site.

The subject property is physically challenged due to the presence of Reeves Creek and its surrounding floodplain areas. The land also slopes downward from west to east toward Reeves Creek, allowing drainage. The developer plans to protect these areas by leaving them in their natural state. The remainder of the development site is relatively level and suitable for the proposed mixed-use development. A 50-foot-wide vegetative buffer would be provided along the western side of the site. The applicant's landscape architect has explained that due to the large parking lots which the proposed apartments would require, the apartments need to be located on the western side of the site in order to allow for maximum drainage on the eastern side of the site.

CRITERION #5: The impact upon adjacent property owners should the request be granted.

The proposed mixed residential development with townhomes and apartments would represent an acceptable land use transition between the existing single-family detached housing to the west, within the Glen Devon Subdivision, to the existing retail uses along Highway 138 West and Mount Zion Parkway. Since the proposed apartments would represent a much higher density than the homes within the Glen Devon Subdivision, a vegetative buffer with a width of 50 feet would be provided along the western boundary of the site. A fence or wall with a height of at least eight (8) feet would be desirable. In addition, Section 4.6.5 of the UDC states that for each 50 linear feet of buffer, one canopy tree, two understory trees, and ten screening shrubs with a mature height of at least four feet would be required.

CRITERION #6: The potential impact of the rezoning on City infrastructure including water and sewage system.

The applicant has obtained a letter from the Clayton County Water Authority, dated October 4, 2021. It states that a twelve (12)-inch water main is present along the north side of Highway 138 West, adjacent to the subject property. In addition, an eighteen (18)-inch sanitary sewer main is present along the east side of Reeves Creek, although this might need to be extended to serve the proposed development. This may require easements and it would be at the owner's or developer's expense.

CRITERION #7: The impact of the proposed amendment on adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes.

The applicant's submitted trip generation memorandum states that the proposed development would generate an estimated 7,390 total trips per day. A breakdown of those trips by peak hours was presented in Table 4 above. But a full traffic impact study has not been done, which would make projections on the actual road and traffic impacts that the development would have on the surrounding street network. Such a study should be completed. It should include consultations with officials from Georgia DOT and Henry County DOT to determine whether any road improvements or traffic signalization adjustments need to be made along Highway 138 West.

Regarding access to the site, Section 4.5.1 of the UDC states that any improvements along major highways are subject to Georgia DOT approval. Further, Section 16.4(J) states that any developments which have an entrance onto a state highway must provide deceleration lanes, and that these must meet Georgia DOT's design requirements.

Internally, the streets would be 28 feet wide, from the back of the curb on one side of the street to the back of the curb on the other side of the street. This would meet the requirements of the Unified Development Code (UDC), and it would meet the specifications of the Stockbridge Fire Marshal.

Pedestrians would be able to use the one-mile multi-use trail surrounding the site, and sidewalks would be provided along all of the internal streets. Sidewalks must be at least ten (10) feet wide along Highway 138 West. The Streetscape Design Standards of the UDC also specify that along a major highway, a building frontage zone, a pedestrian travel zone, and a fixtures/planting zone must all be provided. Internally, sidewalks must be at least eight (8) feet wide on commercial streets and at least five (5) feet wide on residential streets.

Regarding parking, the Illustrative Rezoning Exhibit indicates that the proposed development would have provide approximately 689 parking spaces for the 360 total apartment units. Additional parking would be provided for the two commercial buildings, and guest parking would be provided adjacent to the two proposed clubhouses on the property. The townhome properties would be large enough to accommodate four parked vehicles per unit, including two vehicles within the two-car garages and two vehicles parked on the driveway.

CRITERION #8: The merits of the requested change in zoning relative to any other guidelines and policies for development, which the Planning Commission and City Council may use in furthering the objective of the comprehensive plan.

The proposed development would meet purposes of the Parkway Mixed-Use Overlay District. In particular, it would feature a balanced mixed of retail and residential uses, where residents could both live and shop. The retail uses would provide jobs and bring needed services to residents of the project and within the surrounding area. The proposed development would also help to improve public health by encouraging physical activity via walking along the proposed one-mile multi-use trail around the subject property.

CRITERION #9: The ability of the subject land to be developed as it is presently zoned.

The applicant has requested that a portion of a smaller parcel, as well as a larger parcel, be rezoned. The smaller parcel is zoned 'C-1', which allows for the development of many types of neighborhood commercial uses. Although these uses would be allowed, they are less likely to be developed than larger commercial uses due to this parcel's location on a State highway, and the lack of pedestrian access for customers who are seeking neighborhood retail products and services. The development of such larger commercial uses would be more realistic, and the proposed rezoning of a portion of this parcel to PUD would allow for such action.

The larger parcel is currently zoned 'C-2', which allows for general commercial uses. They could be developed on the site under the C-2 zoning, but it is likely that this would only occur along Highway 138 West due to the large size of this parcel and the substantial site limitations that are due to the presence of Reeves Creek and its associated floodplain areas.

The rezoning of the subject property to PUD would allow for flexibility in design and the greater usage of the total site area than would the existing commercial zoning or the MFR (Multiple Family Residential) district.

RECOMMENDATIONS

The Planning and Zoning Staff recommends **APPROVAL WITH CONDITIONS** for the proposed rezoning of the subject property from C-1, C-2, and PMU to PUD. The recommended **ZONING CONDITIONS** are listed below.

1. The project will be developed in conformance with the City of Stockbridge Unified Development Code and all other City Code sections regarding site development standards and requirements.
2. **Regarding the Property's Future Land Use Designation --** The approval of Case #CP-2022-01 to change the property's future land use designation from Low-Density Vertical to High-Density Residential shall occur simultaneously with the approval of Case #RZ-2022-01 for the rezoning of the property.
3. **Regarding the Parcels Comprising the Development Site --** If the applicant wishes to include only a portion of the smaller parcel (Parcel #012-01003000) with the larger parcel (Parcel #012-01002000) to form the project development site, then the rezoning shall not be finalized until that portion of the smaller parcel is subdivided from the remainder of the smaller parcel and combined with the larger parcel simultaneously; and this shall not be finalized until a new plat is officially recorded by the Henry County Super Court (Real Estate Records Division).
4. **Regarding Environmental Matters --** The applicant shall comply with the following:
 - a. Take appropriate steps for the environmental protection of Reeves Creek, the

floodplain areas, and other sensitive site areas.

- b. Submit an acceptable landscape plan to the Community Development Department.
- c. Preserve and maintain the existing cemetery and provide adequate access to it.

5. **Regarding the Issuance of Land Disturbance and Building Permits** – No land disturbance or building permit shall be issued for the subject property until the applicant has had the new recombination plat officially recorded and has submitted a copy of the recorded plat to the Community Development Department.

City of Stockbridge Planning and Zoning Staff
RECOMMENDATION:
APPROVAL WITH CONDITIONS

City of Stockbridge Planning Commission
RECOMMENDATION:
APPROVAL WITH CONDITIONS

City of Stockbridge Mayor and Council:
ACTION:

Presentation For RZ-2022-01:

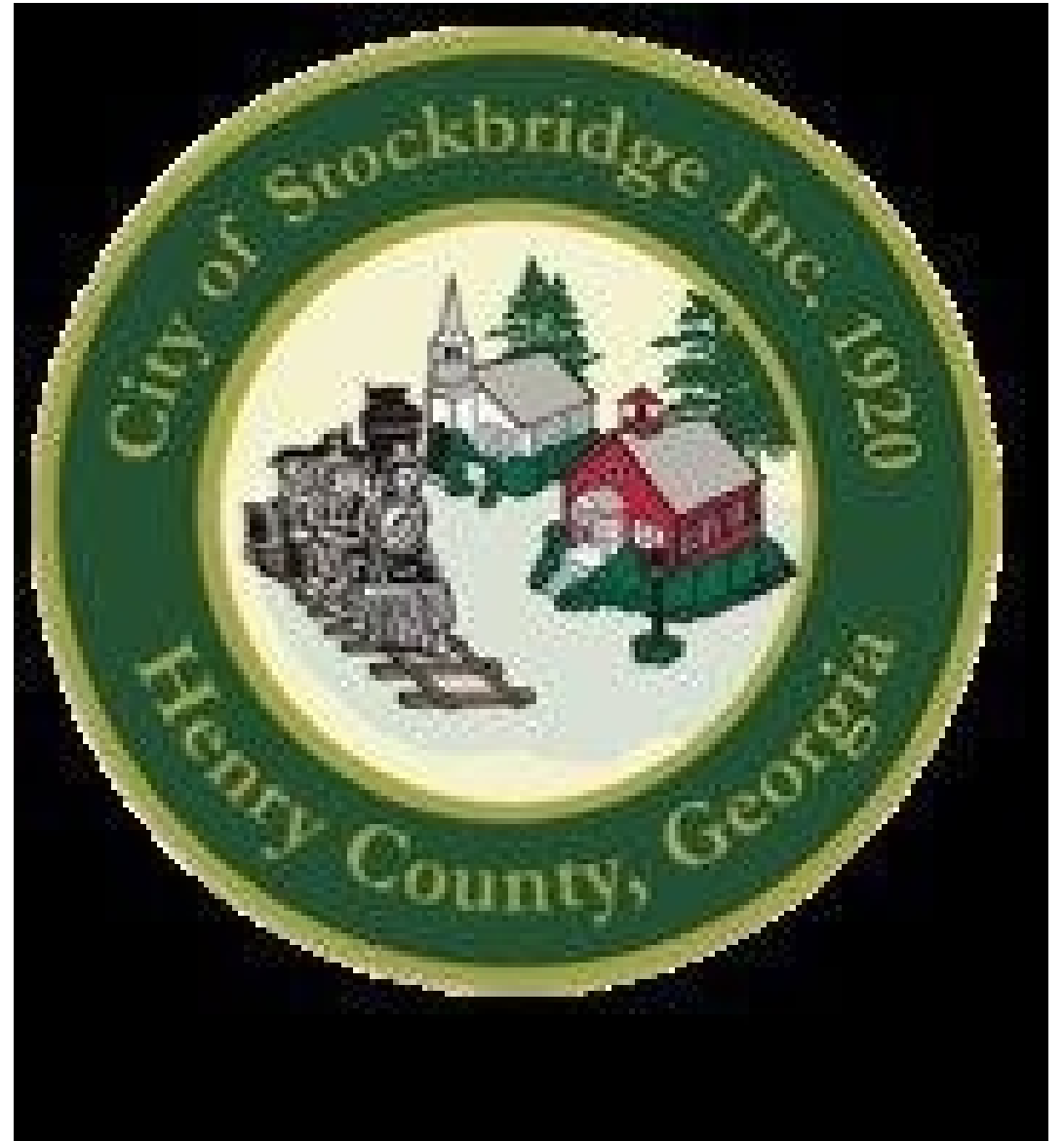
Rezoning for the
Proposed Crescent
Communities Mixed-Use
Development

Presented To:

Planning Commission – May 26, 2022
(Recommended Approval With Conditions)
City Council – June 13, 2022

By:

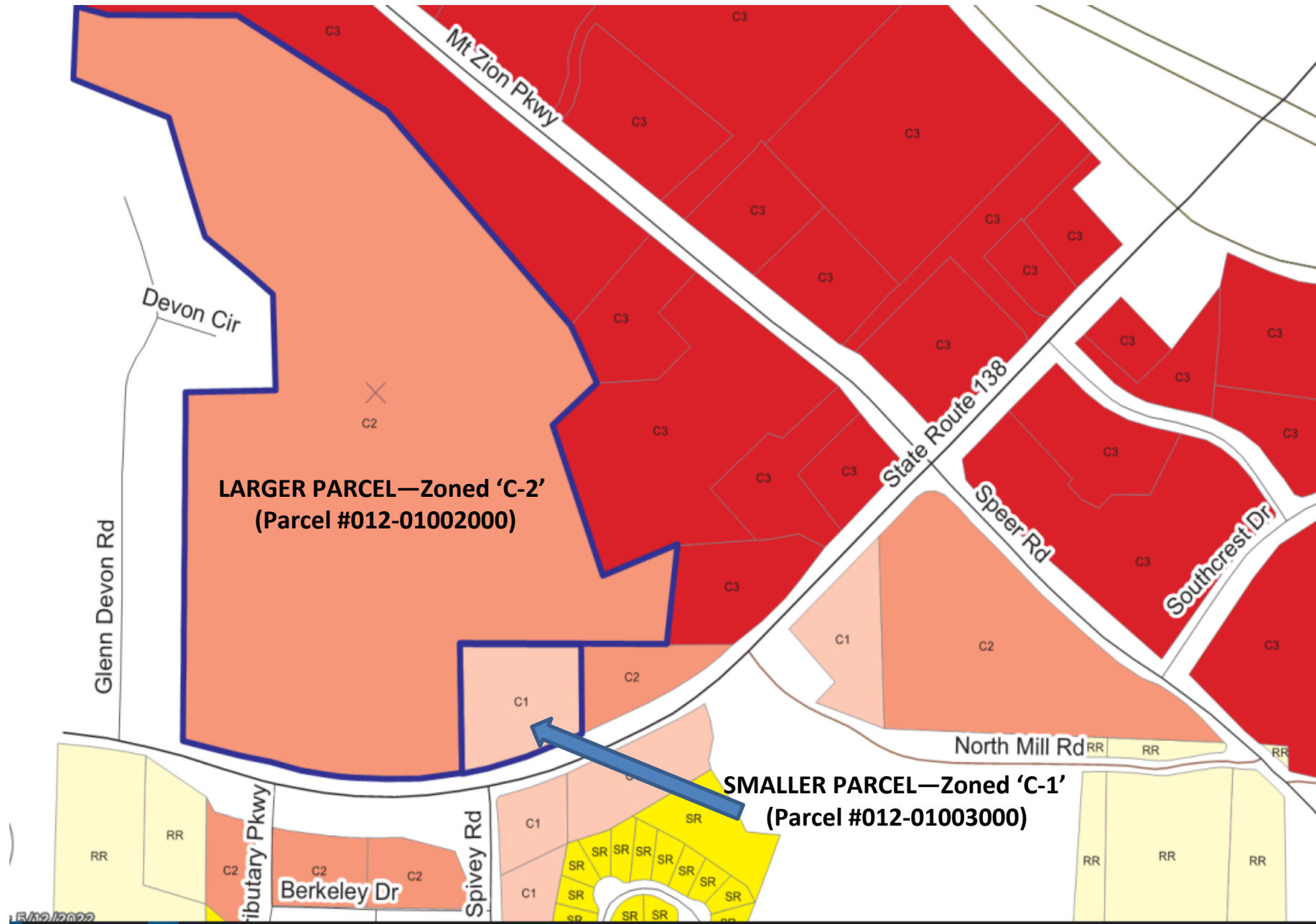
City of Stockbridge Community
Development Department,
Planning and Zoning Division



AERIAL PHOTO OF SUBJECT PROPERTY



AERIAL PHOTO OF VICINITY ZONING



CASE FACTS



PARTIES TO THE APPLICATION – Remi Rose Development, LLC, Applicant; Battle Law, P.C., Agent.

PROPERTY LOCATION – Located on Highway 138 West (Lake Spivey Parkway), across from Spivey Road.

PROPERTY IDENTITY -- Contains 68.874 +/- acres in two parcels: #012-01003000 (the smaller parcel) with 3.131 +/- acres and #012-01002000 (the larger parcel) with 65.743 +/- acres.

PROPERTY CHARACTERISTICS – Mostly vacant and wooded. Includes Reeves Creek, floodplains, and a cemetery.

PROPERTY ZONING – Smaller Parcel: C-1. Larger Parcel: C-2. Both parcels: PMU (Parkway Mixed-Use Overlay) district.

SURROUNDING LAND USES – Include Glen Devon Subdivision; Highway 138 Package Store; CVS Pharmacy; Kohl's.

APPLICANT'S REQUEST – Rezone property from C-1 and C-2 to PUD (Planned Unit Development).

SIGN POSTING – Occurred on May 6, 2022.

COMPREHENSIVE DEVELOPMENT PLAN – Future Land Use Map shows 'Low-Density Vertical Mixed-Use' designation.

ZONING HISTORY – Was rezoned in 1996 as part of 178-acre tract from 'RA' to 'C-2' and 'C-3' (Heavy Commercial).

ZONING DISTRICT INTENTS – C-1: neighborhood commercial uses. C-2: community commercial uses. PUD: mixed-use developments with flexible designs on environmentally-challenged properties.

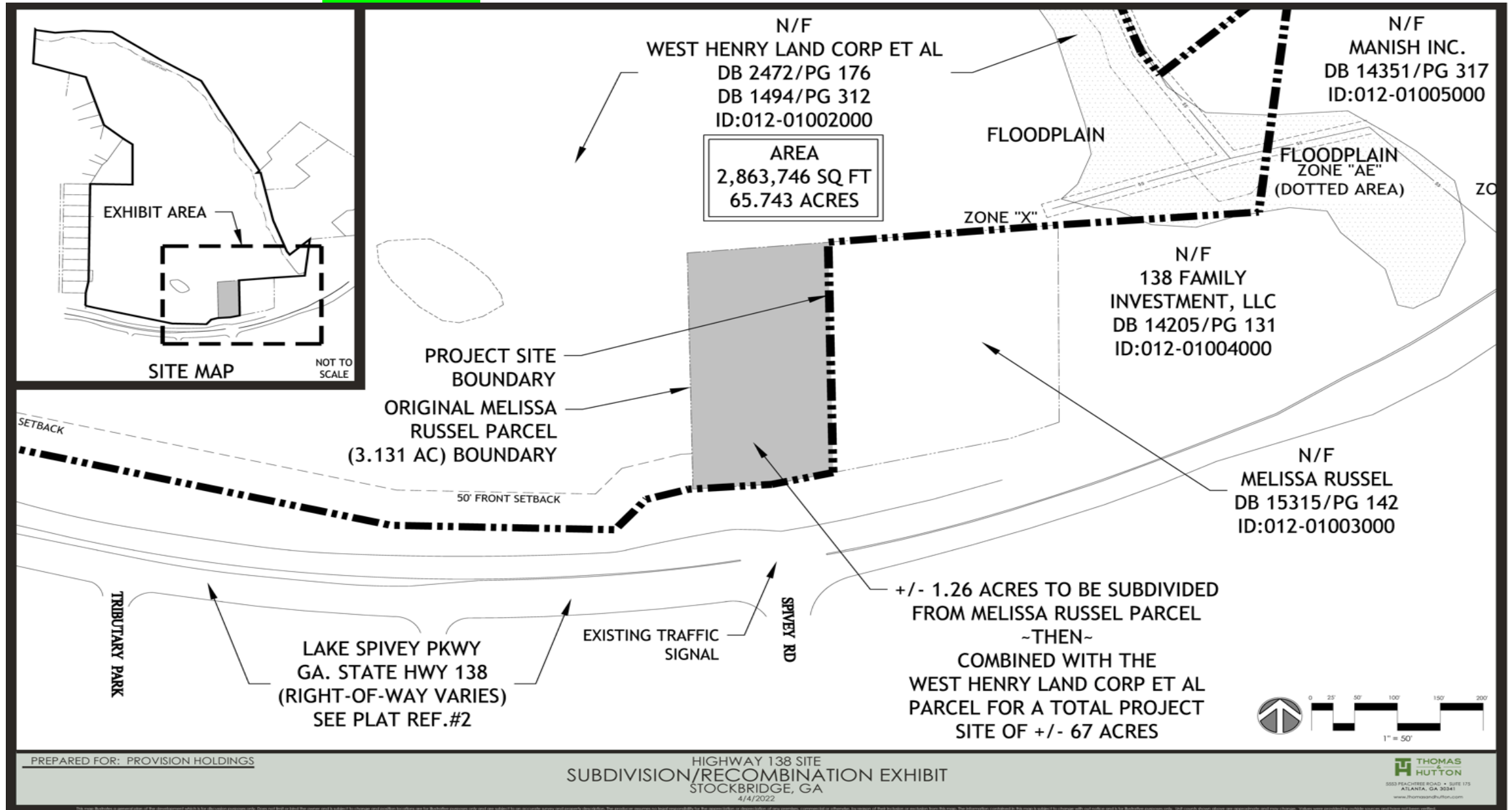


PARCEL CONSIDERATIONS



1. **Two Parcels --** Rezoning application includes the smaller parcel (zoned 'C-1' and the larger parcel (zoned 'C-2').
 2. **Overlay District --** Both parcels are zoned 'PMU' (Planned Mixed-Use Overlay District); this would not change.
 3. **Half of Smaller Parcel --** Applicant only wants to include about half of the smaller parcel in the development site.
 4. **Required Actions --** Applicant must subdivide the smaller parcel into a western tract and an eastern tract, then combine the western tract with the larger parcel.
 5. **Use of Smaller Parcel --** Western tract of smaller parcel would be used to create the main project entrance at the traffic light across from Spivey Road.
 6. **Eastern Tract --** Would remain zoned 'C-1' and would not be part of the development.
 7. **Western Tract --** Must be combined with the larger parcel to form the total development site.
 8. **Separate Application --** To accomplish all of this, applicant must submit a separate application to subdivide and combine. The UDC would allow an administrative approval, with no public hearing.
 9. **Contingent Rezoning --** Rezoning of the development site would not be finalized until the subdivision and recombination actions were finalized.
 10. **Contingent Subdivision and Recombination Actions --** Would not occur if the rezoning is not approved.
- 
- 

SUBDIVISION/RECOMBINATION



PROPOSED DEVELOPMENT

PROJECT COMPONENTS – Includes 360 apartments, 102 fee simple townhomes, & 48,000 SF commercial.

SITE AND BUILDING ACCESS – Main entrance at traffic light at Spivey Road; second access across from Tributary Parkway; internal connection between entrances.

SITE DESIGN – Includes two commercial buildings at main entrance; apartments on west side; townhomes on east side; two pools; multi-use trail surrounding site; open space to the north; preserve creek areas.

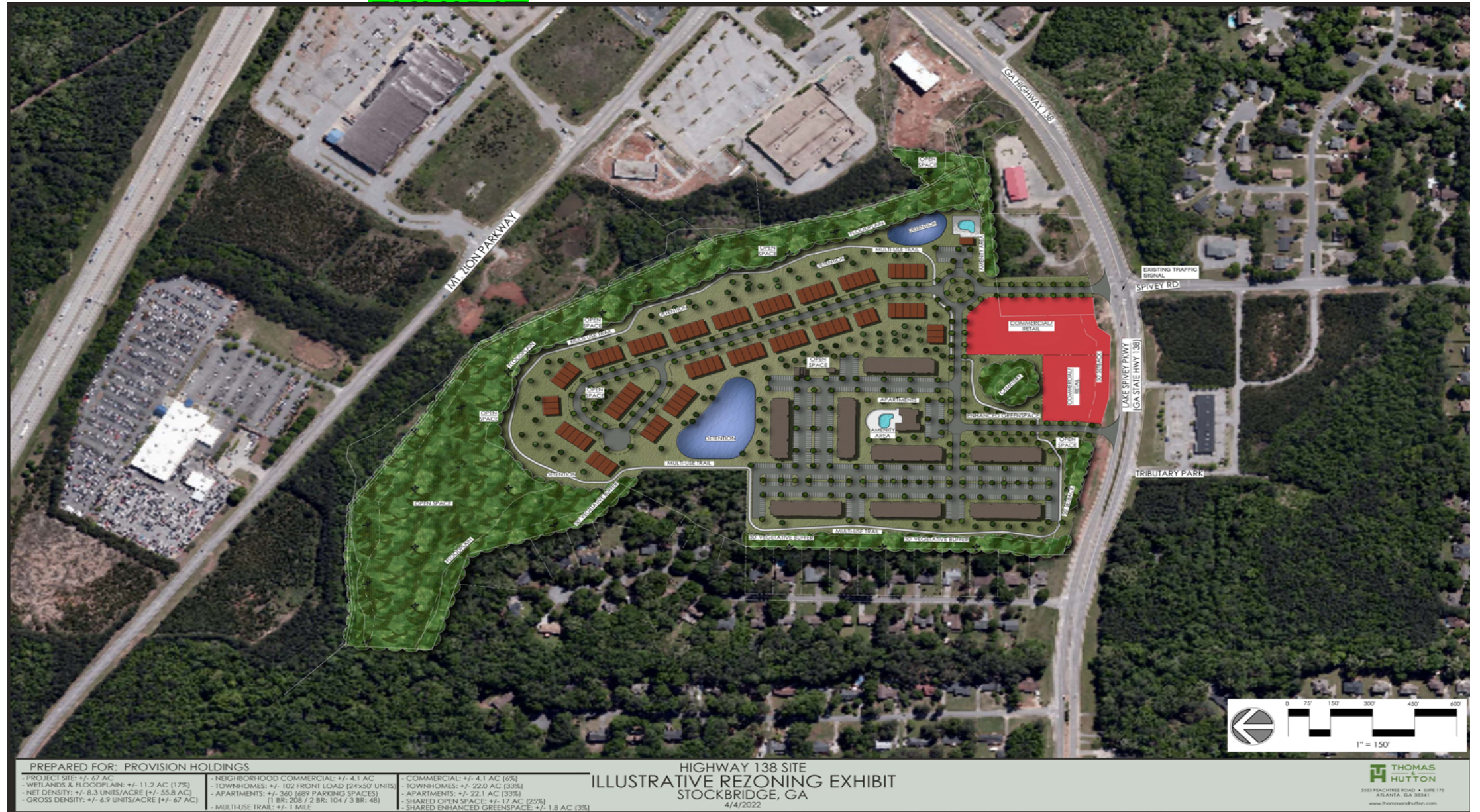
ARCHITECTURAL DESIGN – Residential buildings would have three stories and two-car garages.

TRAFFIC IMPACTS – Trip generation study projects 7,390 total trips; 205 AM exiting & 203 PM entering. Needs a full traffic impact study. Required on Lake Spivey Parkway: sidewalks and deceleration lanes. Must coordinate with Georgia DOT.

ENVIRONMENTAL IMPACTS – Protection of Reeves Creek and floodplain areas. Creation of a 50-foot-wide vegetative buffer on western side of site, adjacent to Glen Devon Subdivision.



ILLUSTRATIVE REZONING



IMAGERY REZONING EXHIBIT

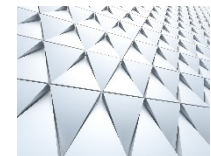


ANALYSIS OF REQUEST



NINE (9) REQUIRED CRITERIA WERE ANALYZED:

1. Consistency with the Comprehensive Plan -- Not consistent. Property's land use designation must be changed. Applicant has applied for this change via CP-2022-01.
2. Ability to Carry out the Purpose of the Zoning Code – Would encourage appropriate development.
3. Potential Positive Effects on the Area – Good transition of land uses between commercial and SF homes.
4. Physical Suitability of the Site – Site is large. Has convenient access to via traffic signal at Spivey Road. Reeves Creek and floodplain areas would be left in their natural states.
5. Impacts on Adjacent Property Owners – Western site border would have a 50-foot-wide vegetative buffer adjacent to single-family residential properties in the Glen Devon Subdivision.
6. Impacts on Water and Sewer Infrastructure – Available 12-inch water main and a sewer main.
7. Impacts on Traffic and Transportation – Applicant's trip generation study projects 7,390 total trips. Applicant must coordinate with Georgia DOT regarding trips on Lake Spivey Parkway.
8. Merits of the Request in Relation to Other Considerations – Would meet the PMU district objectives: provide jobs, enable live/work on site, bring needed services, and encourage physical activity.
9. Ability of the Site to be Developed as it is Currently Zoned – Unlikely for the larger parcel to be developed totally with commercial uses due to its large size.

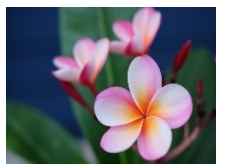




RECOMMENDATION – APPROVAL WITH CONDITIONS



1. **Regarding Conformance with the UDC and City Code –** The project will be developed in conformance with the City of Stockbridge Unified Development Code (UDC) and all other City Code sections regarding site development standards and requirements.
2. **Regarding the Property's Future Land Use Designation –** The approval of Case #CP-2022-01 to change the property's future land use designation from 'Low-Density Vertical Mixed-Use' to 'High-Density Residential' shall occur simultaneously with the approval of Case #RZ-2022-01 for the rezoning of the property.
3. **Regarding the Parcels Comprising the Development Site –** If the applicant wishes to include only a portion of the smaller parcel with the larger parcel, then the rezoning shall not be finalized until that portion of the smaller parcel is subdivided from the remainder of the smaller parcel and combined with the larger parcel simultaneously; and this shall not be finalized until a new plat is officially recorded by the Henry County Superior Court (Real Estate Records Division).
4. **Regarding Environmental Matters –** The applicant shall comply with the following:
 - a. Protect Reeves Creek, the floodplain areas, and other sensitive site areas.
 - b. Submit an acceptable landscape plan.
 - c. Protect, maintain, and allow access to the existing small cemetery.
5. **Regarding the Issuance of Land Disturbance and Building Permits --** No permits shall be issued until the new plat is officially recorded and a copy is provided to the City.





Overview



Legend

- Parcels
- Roads

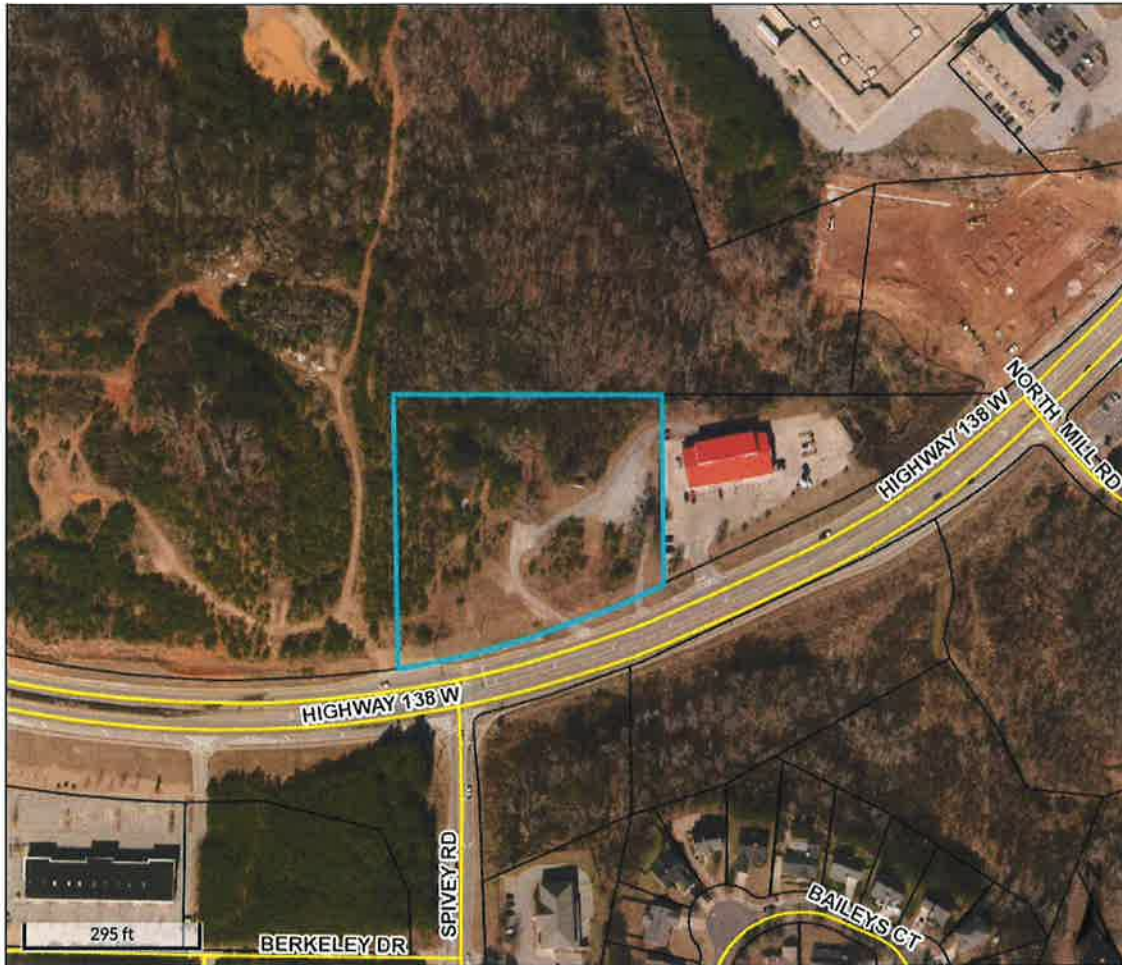
Parcel ID	012-01002000	Class	C	Owner	WEST HENRY LAND					Land	\$2,532,100
Property		Acreage	63.994	Address	CORP & ETAL					Value:	
Address					1801 PEACHTREE STREET					Building	
District	City/Stockbridge				NE					Value:	\$0
					SUITE 340					Misc	
					ATLANTA GA 30309					Value:	\$0
										Total	
										Value:	\$2,532,100

Parcel lines depicted on the maps do not reflect a true and exact representation of property boundaries and should not be relied upon for said purpose. Property boundary lines are depicted on recorded plats available at the Henry County Courthouse or can be determined by employing the services of a licensed surveyor.

Date created: 4/19/2022

Last Data Uploaded: 4/19/2022 2:33:41 AM

Developed by  **Schneider**
GEOSPATIAL



Overview



Legend

- Parcels
- Roads

Parcel ID	012-01003000	Class	C	Owner	RUSSELL	Land	\$319,500			
Property	1036 HIGHWAY	Acreage	3.55	Address	MELISSA	Value:		Last 2 Sales		
Address	138 W				PO BOX 2828	Building	\$0	Date	Price	Reason Qual
District	City/Stockbridge				SUWANEE GA	Value:		6/22/2017	\$350,000	OTHER Q
					30024	Misc	\$200	2/1/1986	\$0	PART U
						Total	\$319,700			INT
						Value:				

Parcel lines depicted on the maps do not reflect a true and exact representation of property boundaries and should not be relied upon for said purpose. Property boundary lines are depicted on recorded plats available at the Henry County Courthouse or can be determined by employing the services of a licensed surveyor.

Date created: 4/19/2022
Last Data Uploaded: 4/19/2022 2:33:41 AM

Developed by  **Schneider**
GEOSPATIAL

Rezoning Application

City of Stockbridge, Georgia



THANK YOU FOR YOUR INTEREST IN THE CITY OF STOCKBRIDGE, GEORGIA. THIS PACKET INCLUDES THE NECESSARY DOCUMENTS THAT ARE NEEDED FOR REZONING APPLICATIONS TO BE HEARD BY THE CITY OF STOCKBRIDGE PLANNING COMMISSION.

PLEASE NOTE: ALL FEES ARE NON-REFUNDABLE. THERE ARE NO EXCEPTIONS.

ALL APPLICANTS ARE REQUIRED TO SCHEDULE AND ATTEND A PRE-APPLICATION MEETING WITH THE CITY OF STOCKBRIDGE PLANNING AND ZONING DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT. PLEASE CALL THE OFFICE AT (770) 389-7900 TO SCHEDULE AN APPOINTMENT.

NO PRE-APPLICATION MEETING WILL BE CONDUCTED WITHOUT AN APPOINTMENT.

SHOULD YOU NEED FURTHER ASSISTANCE, PLEASE FEEL FREE TO CONTACT THE PLANNING AND ZONING DIVISION OFFICE BETWEEN 8:00 AM AND 5:00 PM, MONDAY THROUGH FRIDAY, AT (770) 389-7900.

MEETING LOCATIONS—ALL PLANNING COMMISSION MEETINGS WILL BE HELD VIRTUALLY (BY ZOOM) UNTIL FURTHER NOTICE.

[Form revised on 1/19/22.]

City of Stockbridge Planning and Zoning Division
Community Development Department

REZONING APPLICATION CHECKLIST

PLEASE COMPLETE THIS FORM WHEN ACCEPTING ALL REZONING APPLICATIONS.

ATTACH THE CHECKLIST TO THE APPLICATION AND SIGN.

ALL DOCUMENTS ARE REQUIRED IN ORDER TO ACCEPT APPLICATION.

REQUIRED ITEMS	COPIES	PROCEDURE	CHECK/INITIAL
Pre-Application Review Form (Meeting Notes)	1	Must be obtained from a current planner, prior to submitting your application. (by appointment only)	/
Application Form	1	1. Signed and notarized by owner. Original signature 2. In lieu of owner's signature, applicant has signed and notarized a copy of a "Contract", "Power of Attorney" or "Lease."	/
Applicant Disclosure Form	1	Required for all property owners, applicants, and agents filed with an application, and must be notarized .	/
Letter of Ownership	01	Letter stating that the owner is aware of the rezoning request and owns the property in question.	/
Letter of Intent	1	Must clearly state the proposed use and development intent.	/
Site Plans (24 x 36) and (11 x 17)	1 10	Must show minimum details: Buildings, setbacks, buffers, road frontage, correct scale, north arrow, present zoning classification, topographic information to show elevation and drainage, location and extent of required buffers, and the proposed lot layout.	/
Survey Plat (8 ½ x 11) Or (11 x 17)	1	Subject Property, prepared and sealed <i>within the last five years</i> by a professional engineer, landscape architect, or land surveyor who is registered in the State of Georgia. Said survey plat shall: 1) indicate the complete boundaries of the subject property and all buildings and structures existing therein; 2) Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and 3) include a notation as to the total acreage or square footage of the subject property.	/
Water and sewer availability letter	1	This letter must accompany the application at the time of submittal. It should state that water and sewer are available to serve the property, or such services can be extended to the site. Please obtain the letter from the appropriate office which serves the property, such as Henry County Water Authority, City of Stockbridge Public Works Department, or a Clayton County office.	/
Form from the Health Department	1	This letter must accompany the application at the time of submittal <i>(Only needed if property is not on sewer)</i> .	/

City of Stockbridge Planning and Zoning Division
Rezoning Application

Name of Applicant Remi Rose Development, LLC Phone: 678-983-4657 Date: January 13, 2022

Address Applicant: 11 Lumpkin Street, Suite 200 Fax _____ Cell # 678-983-4657

City: Lawrenceville State: Georgia Zip: 30046 E-mail: roros@provisionholdings.com

Name of Agent Battle Law, P.C. Phone: 404-601-7616 Date: January 13, 2022

Address Agent: 3562 Habersham at Northlake Building J, Suite 100 Fax _____ Cell # 404-601-7616

City: Tucker State: Georgia Zip: 30084 E-mail: mlb@battlelawpc.com

THE APPLICANT NAMED ABOVE AFFIRMS THAT HE OR SHE IS THE OWNER, OR AGENT OF THE OWNER, OF THE PROPERTY DESCRIBED BELOW, AND IS REQUESTING A REZONING OF THE PROPERTY.

Rezoning being requested from C1 and C2 to PUD for the purpose
of a residential development

The property will be POSTED with a City of Stockbridge rezoning sign. The sign must remain on the subject property for no less than fifteen days prior to either Planning Commission or City Council meeting(s). The applicant or property owner shall not remove or alter the sign for any reason. MB Acknowledgement

Address of Property: 1036 Highway 138 West

Nearest intersection to the property: Highway 138 and Spivey Road
(Street Address)

Size of Tract: _____ acre(s), Land Lot Number(s): 42, 55, District(s): 12

Property Tax Parcel Number(s): 012-01002000, 012-01003000 (Required)

Witness' Signature

Signature of Applicant

Printed Name of Witness

Remi Rose Development, LLC
Printed Name of Applicant

Notary

Signature of Agent

NOTARY STAMP:



(For Office Use Only)

Total Amount Paid \$ _____ Cash _____ Check # _____ Received by: _____ (FEES ARE NON-REFUNDABLE)

Application checked by: _____ Date: _____ Map Number(s): _____

Pre-application meeting: _____ Date: _____

Planning Commission Decision: _____

City Council Decision: _____

Community Development Director's Signature: _____ Date: _____



Battle Law

05/02/2022

VIA: Email

RE: Crescent Communities Proposed Rezoning at Highway 138

ATT: Linda Logan (llogan@cityofstockbridge-ga.gov)

Ms. Logan:

This letter is meant to memorialize Crescent Communities' intention to subdivide and recombine property located off Highway 138 for the purpose of including that property with its proposed development off Highway 138.

The property in question is a portion of property owned by Melissa Russell, bearing the parcel number 012-01003000 (the "Subject Property"). The Subject Property is currently 3.131 acres. Crescent Communities owns, or is under contract to purchase, property immediately adjacent to the Subject Property which bears the parcel number 012-01002000 (the "West Henry Land Corp. Property"), and which is currently the subject of a pending zoning application.

To satisfy the City of Stockbridge's Universal Development Code, Crescent Communities plans to subdivide the Subject Property according to the plan shown in Exhibit A. Exhibit A shows that the Subject Property will first be subdivided to split +/- 1.26 acres from the Subject Property on the portion of the Project Site Boundary that runs North to South on the Subject Property in Exhibit A. That portion of the Subject Property will then be combined with the West Henry Land Corp. Property.

Additionally, Crescent Communities recognizes it will not be possible to combine the Subject Property with the West Henry Land Corp. Property until both properties bear the same zoning designation, but rezoning the Subject Property before subdividing it will leave a non-conforming PUD parcel. Therefore, Crescent Communities recognizes that the subdivision of the Subject Property and the subsequent recombination with the West Henry Land Corp. Property must take place before the rezoning.

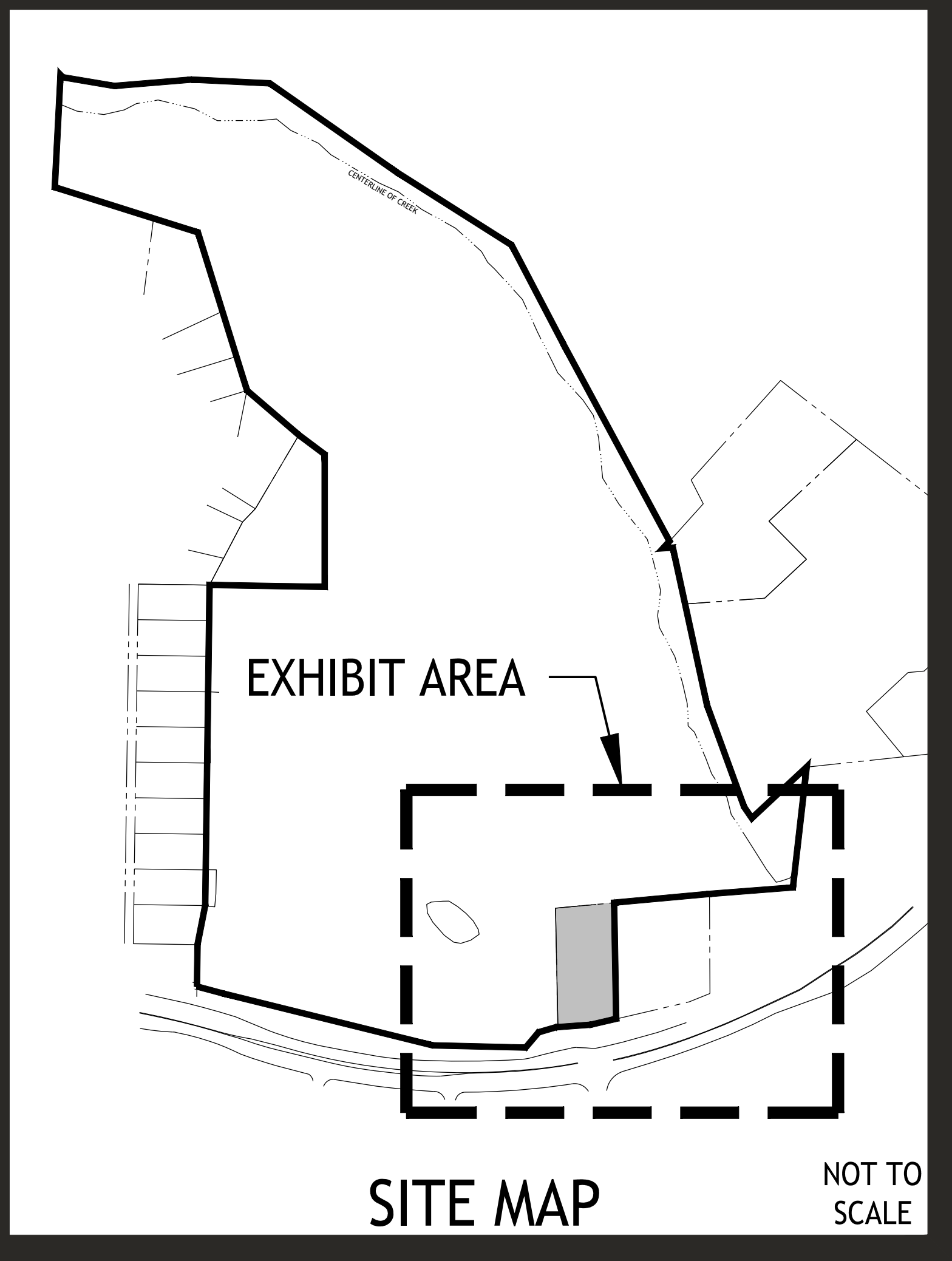
Crescent Communities welcomes any comments from Staff.

Prepared By:

Joshua Mahoney

For Battle Law, P.C.

Exhibit A



N/F
WEST HENRY LAND CORP ET AL
DB 2472/PG 176
DB 1494/PG 312
ID:012-01002000

AREA
2,863,746 SQ FT
65.743 ACRES

N/F
MANISH INC.
DB 14351/PG 317
ID:012-01005000

FLOODPLAIN

FLOODPLAIN
ZONE "AE"
(DOTTED AREA)

N/F
138 FAMILY
INVESTMENT, LLC
DB 14205/PG 131
ID:012-01004000

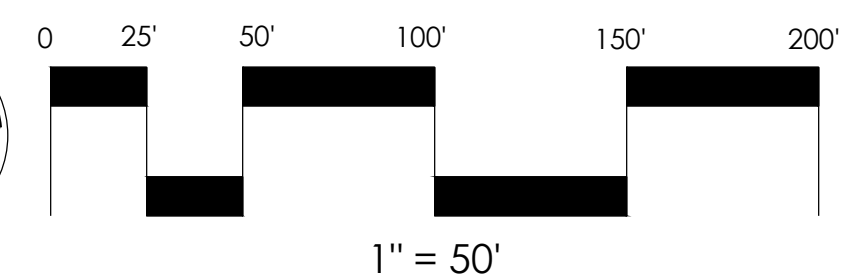
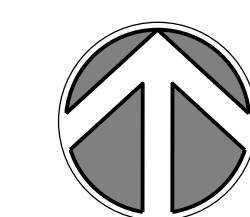
N/F
MELISSA RUSSEL
DB 15315/PG 142
ID:012-01003000

PROJECT SITE
BOUNDARY

ORIGINAL MELISSA
RUSSEL PARCEL
(3.131 AC) BOUNDARY

50' FRONT SETBACK

+/- 1.26 ACRES TO BE SUBDIVIDED
FROM MELISSA RUSSEL PARCEL
~THEN~
COMBINED WITH THE
WEST HENRY LAND CORP ET AL
PARCEL FOR A TOTAL PROJECT
SITE OF +/- 67 ACRES



PREPARED FOR: PROVISION HOLDINGS

HIGHWAY 138 SITE
SUBDIVISION/RECOMBINATION EXHIBIT
STOCKBRIDGE, GA
4/4/2022

**THOMAS
&
HUTTON**

5553 PEACHTREE ROAD • SUITE 175
ATLANTA, GA 30341
www.thomasandhutton.com

This map illustrates a general plan of the development which is for discussion purposes only. Does not limit or bind the owner and is subject to change and position locations are for illustrative purposes only and are subject to an accurate survey and property description. The producer assumes no legal responsibility for the appreciation or depreciation of any premises, commercial or otherwise, by reason of their inclusion or exclusion from this map. The information contained in this map is subject to change with out notice and is for illustrative purposes only. Unit counts shown above are approximate and may change. Values were provided by outside sources and have not been verified.



Applicant Campaign Disclosure Form

(Must be completed by the applicant, the property owner, and the agent. Use as many forms as needed.)

Has the applicant* made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the City of Stockbridge Planning Commission or the Stockbridge City Council, who will consider the application?

Yes _____ No ☒

If Yes, the applicant and the attorney representing the applicant must file the following information with the Henry County Board of Commissioners within ten (10) days after this application is first filed:

Name of Planning Commissioner or City Council Member	Dollar amount of Campaign Contribution	Description of Gift \$250 or greater given to Planning Commissioner or City Council Member

We certify that the foregoing information is true and correct, this 1st day of March, 2022

Michele Battle

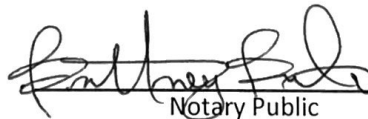
Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 1st day of March, 2022.


Notary Public



* Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning.



Applicant Campaign Disclosure Form

(Must be completed by the applicant, the property owner, and the agent. Use as many forms as needed.)

Has the applicant* made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the City of Stockbridge Planning Commission or the Stockbridge City Council, who will consider the application?

Yes _____ No _____

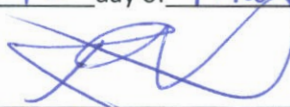
If Yes, the applicant and the attorney representing the applicant must file the following information with the Henry County Board of Commissioners within ten (10) days after this application is first filed:

Name of Planning Commissioner or City Council Member	Dollar amount of Campaign Contribution	Description of Gift \$250 or greater given to Planning Commissioner or City Council Member

We certify that the foregoing information is true and correct, this 10 day of March, 2022

Remi Rose Development, LLC

Applicant's Name - Printed


Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 10 day of March, 2022




Notary Public

* Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning.



Applicant Campaign Disclosure Form

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Has the applicant* made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the City of Stockbridge Planning Commission or the Stockbridge City Council, who will consider the application?

Yes _____ No X

If Yes, the applicant and the attorney representing the applicant must file the following information with the Henry County Board of Commissioners within ten (10) days after this application is first filed:

Name of Planning Commissioner or City Council Member	Dollar amount of Campaign Contribution	Description of Gift \$250 or greater given to Planning Commissioner or City Council Member

We certify that the foregoing information is true and correct, this 11 day of March, 2022

West Henry Land Corp & Etal

Applicant's Name - Printed

X Jay L. Wilensky
Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 11 day of March, 2022.

J. Zimmer
Notary Public

* Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning.



Applicant Campaign Disclosure Form

(Must be completed by the applicant, the property owner, and the agent. Use as many forms as needed.)

Has the applicant* made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the City of Stockbridge Planning Commission or the Stockbridge City Council, who will consider the application?

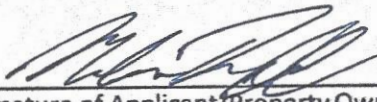
Yes _____ No X

If Yes, the applicant and the attorney representing the applicant must file the following information with the Henry County Board of Commissioners within ten (10) days after this application is first filed:

Name of Planning Commissioner or City Council Member	Dollar amount of Campaign Contribution	Description of Gift \$250 or greater given to Planning Commissioner or City Council Member

We certify that the foregoing information is true and correct, this _____ day of _____,

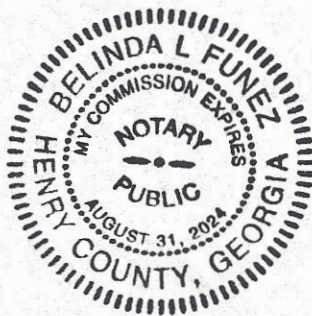
Melissa Russell
Applicant's Name - Printed

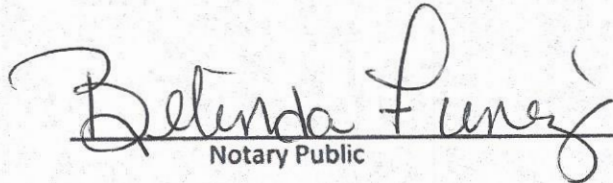

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 10th day of March, 2022.




Notary Public

* Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning.

First Name	Last Name	Email	Registration	Approval Status
ryan	oros	roros@pro	#####	approved
Kyle	Brock	kbrock@cr	#####	approved
Larry	Wilensky	lewco@bel	#####	approved
Susan	Snair	ssnair11@l	#####	approved
Yolanda	Barber	ybarber@c	#####	approved
Mamie	Kresses	mkresses@	#####	approved

First Name	Last Name	Email	Registration	Approval Status
Susan	Snair	ssnair11@l	#####	approved
Jay	Kresses	kressesj@	#####	approved
Shirley	Boyce	sboyce765l	#####	approved
Larry Wilensky		lewco@bel	#####	approved
ryan	oros	ryanoros@	#####	approved
Taylor	Harris	taylortharris	#####	approved

LOW DENSITY VERTICAL MIXED USE

This designation is intended for commercial/retail areas along various corridors and intersections located throughout the City. These areas mainly serve the residents of the surrounding residential neighborhoods. Future development and redevelopment should maintain the community-oriented feel of these areas, with a focus on creating small mixed-use areas combining locally owned retail, low intensity office uses, and apartment/condo/loft uses in two story buildings in a pedestrian friendly environment, allowing nearby residents to safely walk to and within them.



Compatible Zoning Districts

MUND, Mixed-Use Neighborhood Development

O-I, Office Institutional

C-1, Neighborhood Commercial

MEDIUM DENSITY VERTICAL MIXED USE

This designation is intended for commercial areas located around major intersections, including Lake Spivey Parkway @ Mount Zion Boulevard/Speer Road; Lake Spivey Parkway @ North Henry Boulevard; the north side of Eagles Landing Parkway @ Village Center Parkway; and Hudson Bridge Road @ I-75. Future development and redevelopment should focus on making these areas more pedestrian oriented. This is characterized by mixed-use developments incorporating mostly commercial uses with some smaller office tenants, and medium density residential uses. This area would allow for two to three story buildings, combining street-level commercial/retail/office uses with second and third stories accommodating office or lofts/apartments/condominiums.



Compatible Zoning Districts

MUND, Mixed-Use Neighborhood Development

O-I, Office Institutional

C-1, Neighborhood Commercial

C-2, General Commercial

LOW DENSITY RESIDENTIAL (1.25—2 UNITS/ACRE)

This designation is intended for typical, large lot residential subdivision developments.



Compatible Zoning Districts

R-A, Residential-Agricultural

R-1, Single Family Residential

R-2, Single Family Residential

MEDIUM DENSITY RESIDENTIAL (2-3.6 UNITS/ACRE)

This designation is intended for residential developments which include single-family, detached homes on lots ranging from 10,000 – 30,000 square feet, including parcels zoned for single-family attached and detached homes, as well as duplex residential developments and mobile home/manufactured home developments.



Compatible Zoning Districts

R-2, Single Family Residential

R-3, Single Family Residential

TND Traditional Neighborhood

CD, Conventional Development

RD, Residential Duplex

RM-1, Multifamily Residential—
Apartments

RM-2 Multiple Family Residence—
Townhomes

RMH, Mobile or Manufactured Home

HIGH DENSITY RESIDENTIAL (6-16 UNITS/ACRE)

This designation is intended primarily for residential land uses which include multi-story condominiums and planned town developments. Small commercial or service businesses may be permitted within these developments for the convenience of their residents and visitors only. High Density Residential is an appropriate transition between mixed-use and industrial projects, and low or medium density residential areas.



Compatible Zoning Districts

RM-3, Multiple Family Residence—
Condominiums

PTD, Planned Town Development

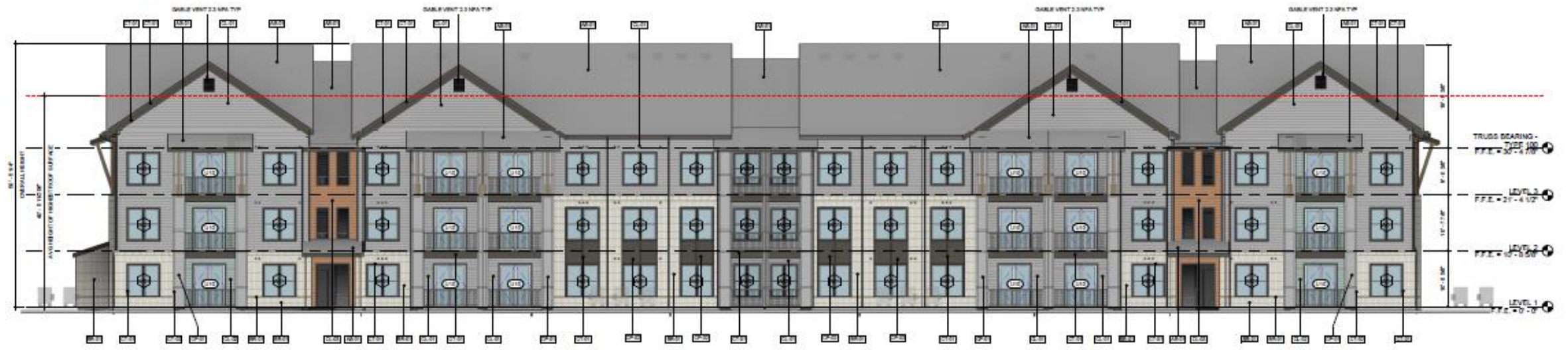
CRS, Conservation Residential

PARK / RECREATION / CONSERVATION

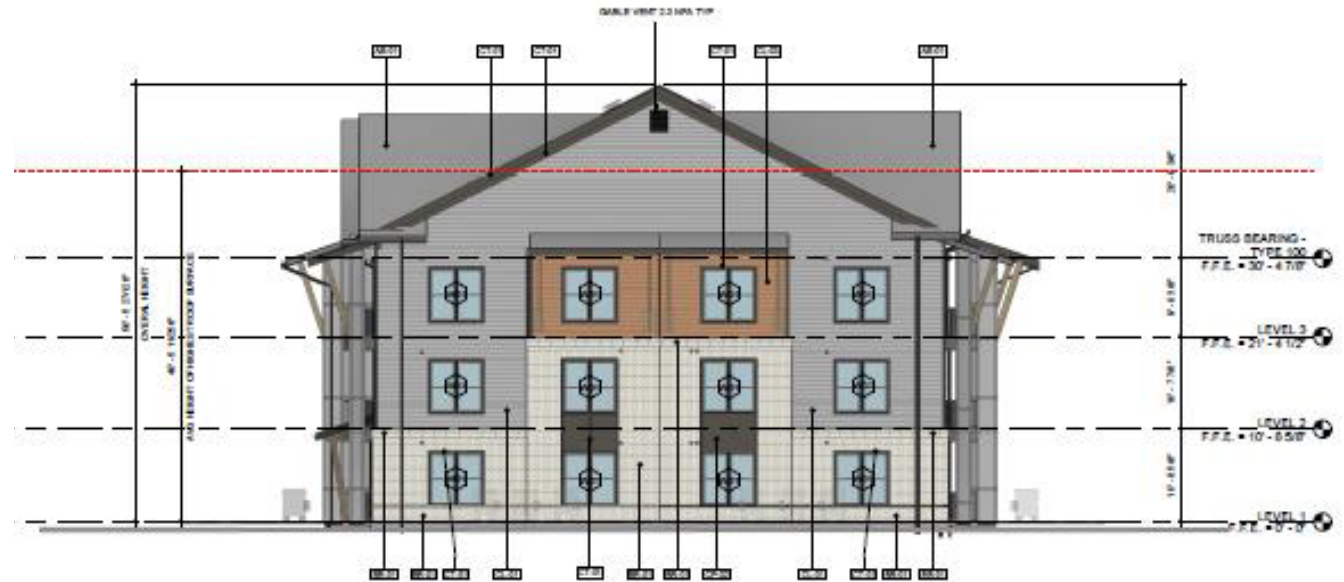
This designation includes public parks, recreation areas, and open spaces, as well as areas to be preserved for greenway or land conservation.



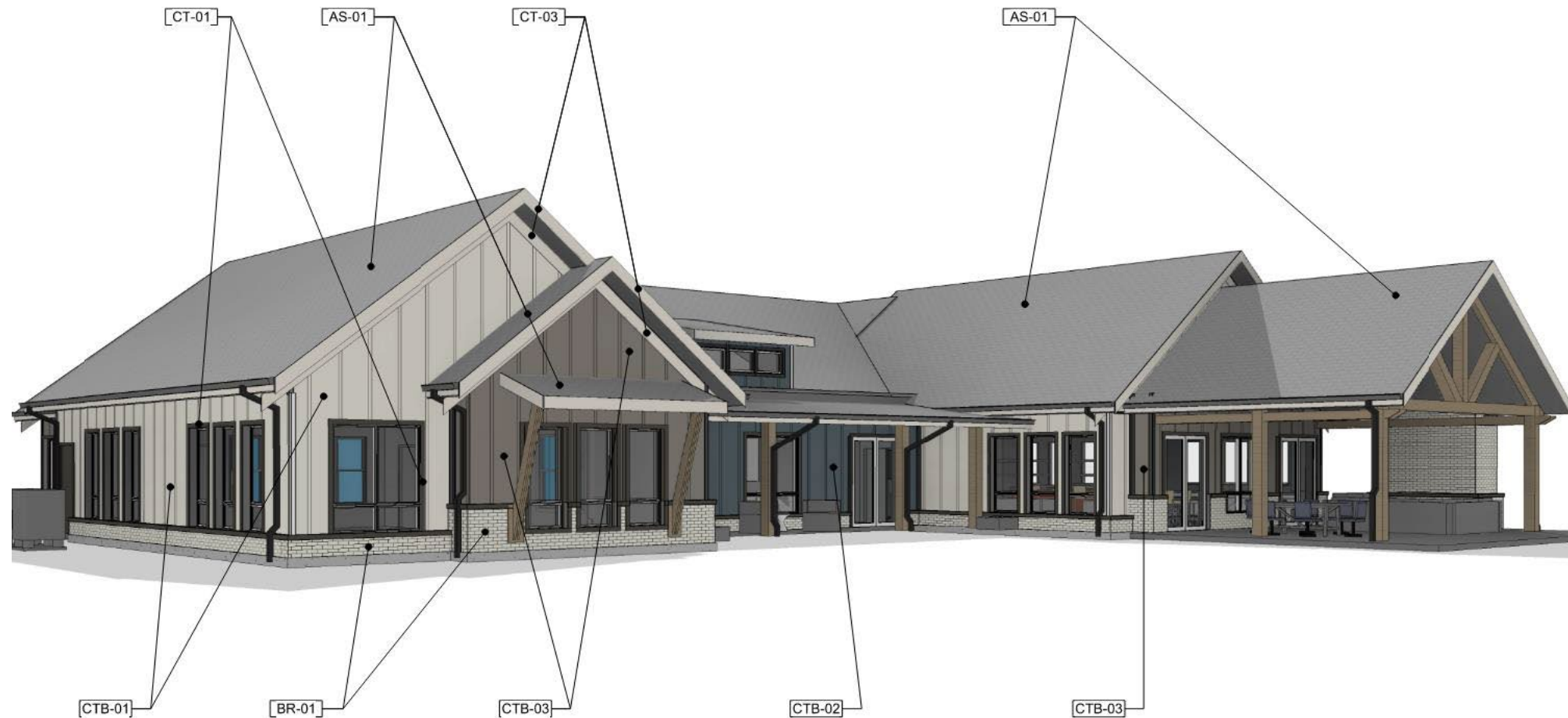
Compatible Zoning Districts



2 BUILDING TYPE 100 - FRONT ELEVATION
1/8" = 1'-0"



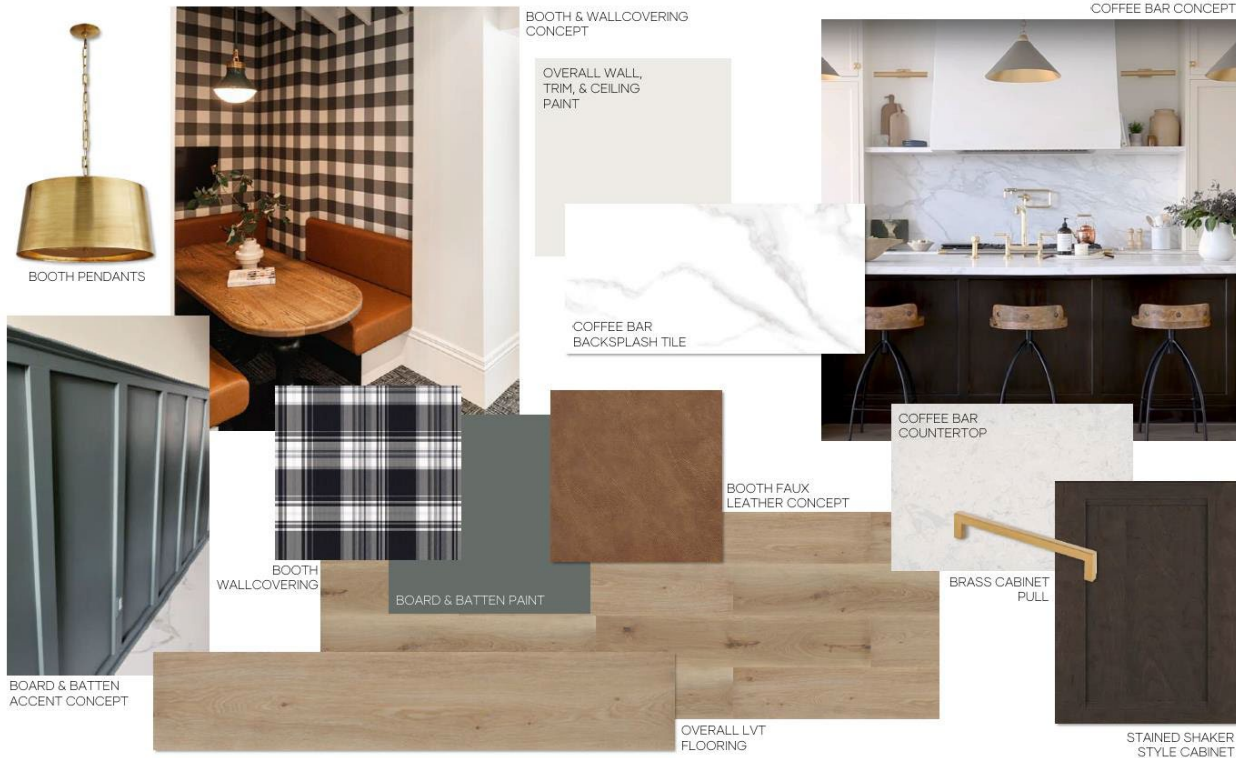
1 BUILDING TYPE 100 - RIGHT ELEVATION
1/8" = 1'-0"



EXTERIOR FINISH LEGEND

NO.	MATERIAL DESCRIPTION
BR-01	BRICK VENEER: WHITE RUSTIC BRICK / PAINTED BRICK : WHITE FLOUR SW7102
CL-01	HARDIE: 6" CEMENTITIOUS LAP SIDING: ARGOS SW7065
CL-02	HARDIE: 6" CEMENTITIOUS LAP SIDING: SLATE TILE SW7624
CL-03	ASHPHALT SHINGLES
CL-03	6" CEMENTITIOUS LAP SIDING: WOODTONE RUSTICSERIES: ASPEN RIDGE
CP-01	HARDIE: CEMENTITIOUS PANEL: ARGOS SW7065
CT-01	HARDIE: CEMENTITIOUS TRIM: URBANE BRONZE SW7048
CT-03	HARDIE: CEMENTITIOUS TRIM: WHITE FLOUR SW7102
CTB-01	HARDIE: CEMENTITIOUS BOARD & BATTEN : WHITE FLOUR SW7102
CTB-02	HARDIE: CEMENTITIOUS BOARD & BATTEN: SLATE TILE SW7624
CTB-03	HARDIE: CEMENTITIOUS BOARD & BATTEN: DOVETAIL SW7018







NOVEL Upper Westside
Atlanta, GA



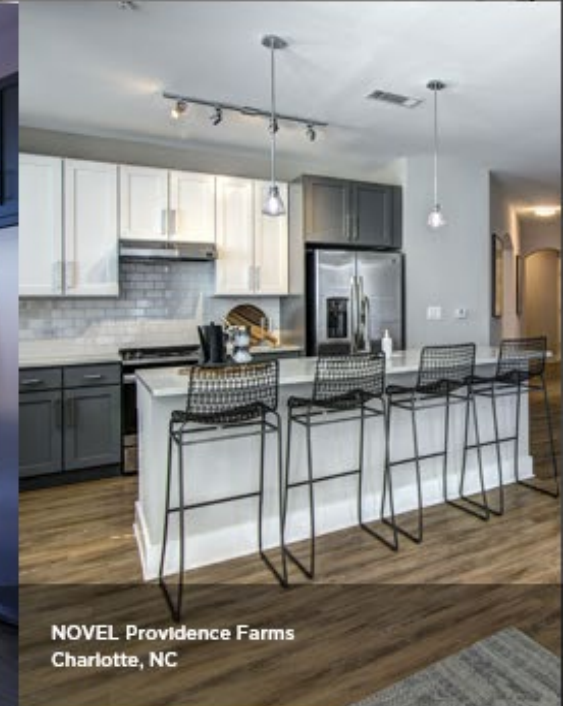
NOVEL Riverwalk
Tampa, FL



NOVEL Montford Park
Charlotte, NC



NOVEL Atherton
Charlotte, NC



NOVEL Providence Farms
Charlotte, NC







PREPARED FOR: PROVISION HOLDINGS

- PROJECT SITE: +/- 67 AC
- WETLANDS & FLOODPLAIN: +/- 11.2 AC (17%)
- NET DENSITY: +/- 8.3 UNITS/ACRE (+/- 55.8 AC)
- GROSS DENSITY: +/- 6.9 UNITS/ACRE (+/- 67 AC)

- NEIGHBORHOOD COMMERCIAL: +/- 4.1 AC (6%)
- TOWNHOMES: +/- 102 FRONT LOAD (24X50) UNITS
- APARTMENTS: +/- 360 (689 PARKING SPACES)
(1 BR: 208 / 2 BR: 104 / 3 BR: 48)
- MULTI-USE TRAIL: +/- 1 MILE

- COMMERCIAL: +/- 4.1 AC (6%)
- TOWNHOMES: +/- 22.0 AC (33%)
- APARTMENTS: +/- 22.1 AC (33%)
- SHARED OPEN SPACE: +/- 17 AC (25%)
- SHARED ENHANCED GREENSPACE: +/- 1.8 AC (3%)

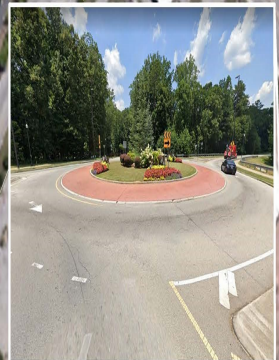
HIGHWAY 138 SITE
ILLUSTRATIVE REZONING EXHIBIT
STOCKBRIDGE, GA

4/4/2022



5555 PEACHTREE ROAD • SUITE 175
ATLANTA, GA 30341
www.thomashutton.com

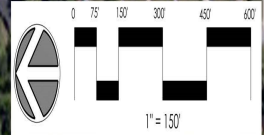
This map illustrates a general plan of the development which is for discussion purposes only. It is not to be used for any other purpose and is subject to change and/or deletion of any portion thereof without notice. The information contained in this map is based on data provided by the client and is not to be used for any other purpose. The information contained in this map is based on data provided by the client and is not to be used for any other purpose. The information contained in this map is based on data provided by the client and is not to be used for any other purpose.



PREPARED FOR: PROVISION HOLDINGS

- | | | |
|---|--|---|
| - PROJECT SITE: +/- 67 AC | - NEIGHBORHOOD COMMERCIAL: +/- 4.1 AC (6%) | - COMMERCIAL: +/- 4.1 AC (6%) |
| - WETLANDS & FLOODPLAIN: +/- 11.2 AC (17%) | - TOWNHOMES: +/- 102 FRONT LOAD (24X50' UNITS) | - TOWNHOMES: +/- 22.0 AC (33%) |
| - NET DENSITY: +/- 8.3 UNITS/ACRE (+/- 55.8 AC) | - APARTMENTS: +/- 360 (689 PARKING SPACES) | - APARTMENTS: +/- 22.1 AC (33%) |
| - GROSS DENSITY: +/- 6.9 UNITS/ACRE (+/- 67 AC) | (1 BR: 208 / 2 BR: 104 / 3 BR: 48) | - SHARED OPEN SPACE: +/- 17 AC (25%) |
| | - MULTI-USE TRAIL: +/- 1 MILE | - SHARED ENHANCED GREENSPACE: +/- 1.8 AC (3%) |

HIGHWAY 138 SITE
IMAGERY REZONING EXHIBIT
STOCKBRIDGE, GA
4/4/2022



THOMAS & HUTTON
5555 PEACHTREE ROAD • SUITE 175
ATLANTA, GA 30341
www.thomashutton.com

This map illustrates a general plan of the development which is for discussion purposes only. It is not to be used for any other purpose and is subject to change and/or deletion of any portion thereof without notice. The information contained in this map is based on data provided to the preparer of this map and is not to be used for any other purpose. The preparer of this map is not responsible for the accuracy or completeness of the information contained in this map. Values were provided by outside sources and have not been verified.



CITY OF STOCKBRIDGE | OWNER'S AUTHORIZATION

4640 North Henry Boulevard
Stockbridge, GA 30281
Phone: (770) 389-7900
Fax: (770) 389-7912

The undersigned below, or as attached, is the owner of the property that is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a rezoning of the property.

Name:

West Henry Land Corp & Etal

Property Address: Parcel Number 012-01002000

Telephone: (404) 351-8803

Email: lewco@bellsouth.net

I swear that I am the owner of the property that is the subject matter of the attached application, as it is shown in the records of Henry County, Georgia.

Signature:

Larry E Wilensky
West Henry Land Corp & Etal

Date: 3-11-22

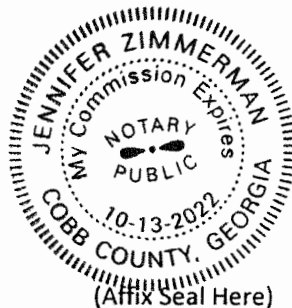
Personally appeared before me,

Larry E Wilensky

Who swears the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

[Signature]
Notary Public

3-11-22
Date



Print



CITY OF STOCKBRIDGE | OWNER'S AUTHORIZATION

4640 North Henry Boulevard
Stockbridge, GA 30281
Phone: (770) 389-7900
Fax: (770) 389-7912

The undersigned below, or as attached, is the owner of the property that is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a rezoning of the property.

Name:

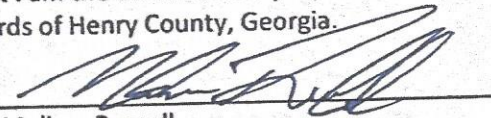
Melissa Russell

Property Address: Parcel Number 012-01003000

Telephone: (770) 891-8953

Email: lissarussell9@hotmail.com

I swear that I am the owner of the property that is the subject matter of the attached application, as it is shown in the records of Henry County, Georgia.

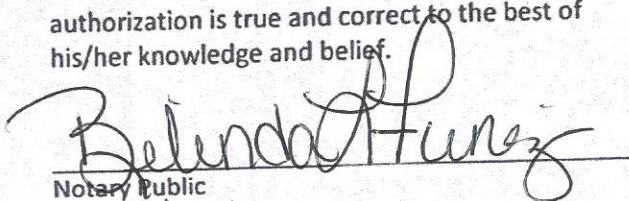
Signature: 

Melissa Russell

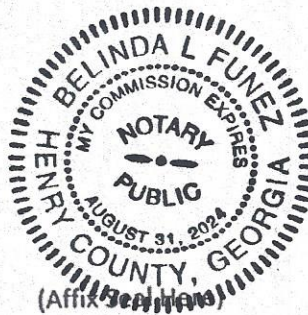
Date: 3/10/22

Personally appeared before me,

Who swears the information contained in this authorization is true and correct to the best of his/her knowledge and belief.


Notary Public

3/10/2022
Date



Print

[To be completed by City Staff,
prior to and during the meeting]

PRE-APPLICATION FORM

DATE March 25, 2022

APPLICANT: Remi Rose Development, LLC _____

TYPE OF APPLICATION: Rezoning and Comprehensive Plan Amendment

PROPERTY ADDRESS: 1036 Highway 138 West and an adjacent large parcel to the west

DISTRICT: 12 LAND LOT(S): 42 PARCEL I.D.(S): 012-01002000 and 012-01003000

CURRENT ZONING: C-1, C-2, & PMU PROPOSED ZONING: PUD and PMU

FUTURE LAND USE MAP DESIGNATION: Low-Density Vertical Mixed-Use

REQUEST/ITEMS DISCUSSED:

1. SITE PLAN – A revised site plan is forthcoming. It will contain a chart with a breakdown of acreage by land uses. City staff requested that the site plan be shifted slightly to include the intersection of Highway 138 with Mount Zion Parkway. The applicant questioned the required minimum lot width.
2. LETTER OF INTENT -- Is needed. The applicant will include an impact analysis of the Steinberg Criteria.
3. TRIP GENERATION REPORT – Has already been prepared and will be submitted with the final application.
4. EXTERIOR CONSTRUCTION MATERIALS – Will consist of brick, stone, and hardiplank.
5. CONCEPTUAL ELEVATIONS DRAWINGS – Requested by City Staff.

[Continued]

6. APPLICATION FILING FEES – The total amount will be determined by the number of acres for each type of land use, including a base fee and a per-acre fee for each land use (accounting for the total site acres).

7. MAILED NOTICES – The applicant is required to mail notices of the proposed rezoning to adjacent property owners.

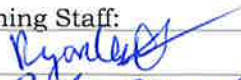
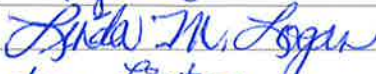
ZONING OF ADJACENT PROPERTIES:

NORTH: C-3 & PMU SOUTH: C-1, C-2, & PMU EAST: C-3 & PMU WEST: Clayton County

PREVIOUS REZONING REQUESTS ON THE PROPERTY AND IN THE AREA,
INCLUDING SURROUNDING SUBDIVISIONS: The proposed development site is part of a
an approved annexation and rezoning (on May 13, 1996) of a large tract with approximately
178.06 acres by Sid M. Kresses, Larry E. Wilensky, West Henry Land Corporation, Et Al, of
which approximately 116.92 acres were zoned 'C-3' and approximately 60.64 acres were zoned
'C-2', within Land Lots 42 and 55 of District 12 Henry County.

[Continued]

MEETING ATTENDANTS:

City of Stockbridge Planning and Zoning Staff:		(Name and Signature)
Ryan Anderson, Chief Planner		(Name and Signature)
Linda Logan, Senior Planner		(Name and Signature)
Gordon Linton, Planner I		(Name and Signature)

PLEASE NOTE:

No application will be accepted unless all necessary documentation is complete and a pre-application meeting has been held (No exceptions).

[The pre-application/pre-submittal meeting was conducted by Linda Logan on March 25, 2022. This form was subsequently completed by Ms. Logan.]

The property will be POSTED with a City of Stockbridge rezoning sign. The sign must remain on the subject property for no less than fifteen days Prior to either Planning Commission or City Council meeting(s). The applicant or property owner shall not remove or alter the sign for any reason.



District Office
33 N. Zack Hinton Parkway
McDonough, GA 30253
770.957.6601



Henry County
Board of Education

Holly Cobb
Board Chair
District 3

Annette Edwards
Board Vice-Chair
District 5

Dr. Pam Nutt
District 1

Makenzie McDaniel
District 2

Sophe Pope
District 4

Mary Elizabeth Davis, PhD
Superintendent

We share a **VISION** to ensure a high-quality, world-class education for every student.

Our **MISSION** is to empower all students with exceptional opportunities and access that lead to success in a global society.

www.henry.k12.ga.us

To: Brittney Butler

Date: 3/15/2022

Re: Remi Rose Development LLC

Property Address and Nearest Intersection: HWY 138 & Spivey Rd

Projected Number of Dwelling Units: 462

Estimated Period of Construction: 30 Months

The below information is provided in response to your request.

Schools Serving Proposed Development	Current Number of Trailers	Projected Number of School Children for Development	Projected Number of Additional Classrooms to Serve Proposed Development	Projected Capital Improvement Costs
Red Oak Elem	0	462 Units	158 students ÷ 25 per class	If Modular \$25,000 per Classroom
Dutchtown MS	6	x .34 Children per unit		If Permanent \$300,000 per Classroom
Dutchtown HS	2	158 students	7 Classrooms	

Respectfully,

Jim Jones
Planning and Growth Coordinator
Operations
Jim.Jones@henry.k12.ga.us



Battle Law

STATEMENT OF INTENT

and

Other Material Required by
City of Stockbridge Zoning Ordinance
For
A Rezoning From C-1 and C-2 to PUD and
a Future Land Use Change from
Low Density Vertical Mixed Use to High-Density Residential

of

**Remi Rose Development, LLC.
c/o Battle Law, P.C.**

for

+/-65.743 Acres of Land
Being 1036 Highway 138 West
Stockbridge, Georgia and
Parcel Nos. 012-01002000 and 012-01003000

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 300384
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com



Battle Law

I. LETTER OF INTENT

Remi Rose Development, LLC. (the “Applicant”) is seeking to develop on +/- 65.743 acres of land being Tax Parcel Nos. 012-01002000 and 012-01003000 having frontage on Georgia State Highway 138 (the “Subject Property”) with a mixture of multi-family apartments, and fee simple townhomes. The development will include other parcels that will be used for neighborhood commercial. The Applicant is seeking a rezoning of the Subject Property from C-1 and C-2 to PUD and a Future Land Use Change from Low-Density Vertical Mixed Use to High-Density Residential.

This document serves as a statement of intent, analysis of the criteria under the Steinberg Act, and contains notice of constitutional allegations as a reservation of the Applicant’s rights.

II. STEINBERG CRITERIA

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. The zoning proposal will allow fee simple townhomes, apartments, and commercial uses. Nearby uses include single-family detached homes, a Kohl’s Department Store, a CVS drug store, and a package store. The proposed homes would serve the dual purpose of supporting the existing and new commercial businesses while also providing a diversity of housing types in the area. By introducing both fee simple townhomes and apartments, the zoning proposal would attract young professionals who seek smaller, more sustainable, housing solutions. Therefore, the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;



Battle Law

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property. Commercial uses already exist in this area. This zoning proposal creates an opportunity to introduce different commercial uses that complement what already exists, while also considering uses that are needed and desired by the existing community members. The townhomes and apartments proposed would not be unsuitable in this area either. They would serve as an appropriate transitional buffer between the single-family homes to the West and the commercial center to the East.

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

The property does currently have a reasonable economic use as currently zoned, but commercial applicants are not interested in this site. The Subject Property is zoned C1 and C2 and has been vacant for quite some time. The Subject Property contains a creek and the accompanying stream buffer. The stream and its buffer make the Subject Property less desirable for a fully commercial applicant to develop this property. Commercial developers bring a much higher level of impervious surface due to the large parking lots and buildings needed to house their businesses. A residential development, on the other hand, is much more able to break up impervious surfaces with yards, trees, and open space. These additions provide much more protection to the sensitive environmental assets on the Subject Property than a fully commercial development would. The zoning proposal provides that protection while still providing the benefit of new commercial businesses in the area by placing the commercial uses close to the road, far away from the stream and the accompanying buffer, and placing the residential development behind the commercial uses to shield the stream from the commercial uses stormwater runoff. Therefore, while the Subject Property has a reasonable economic use, it is by no means the best use of the Subject Property.



Battle Law

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

The zoning proposal will not result in a use which will cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The Subject Property fronts on a major Highway which is more than capable of taking on any additional trips that might be caused by this proposed community.

5. *Whether the zoning proposal is in conformity with the policy and intent of the land use plan; and*

The zoning proposal, by itself, is not in conformity with the policy and intent of the land use plan. However, paired with the future land use change, the entire request is in conformity with the policy and intent of the land use plan.

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

The Applicant is not aware of any other existing or changing conditions affecting the use and development of the property which might give supporting grounds for either approval or disapproval of the zoning proposal.

III. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that the application for a rezoning from C-1 and C-2 to PUD and the accompanying future land use change be approved. The Applicant welcomes any questions and feedback from the planning staff.

IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS



Battle Law

The portions of the City of Stockbridge Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the City of Stockbridge Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the City of Stockbridge City Council to amend the land use and/or rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the land use amendment and/or rezoning in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.



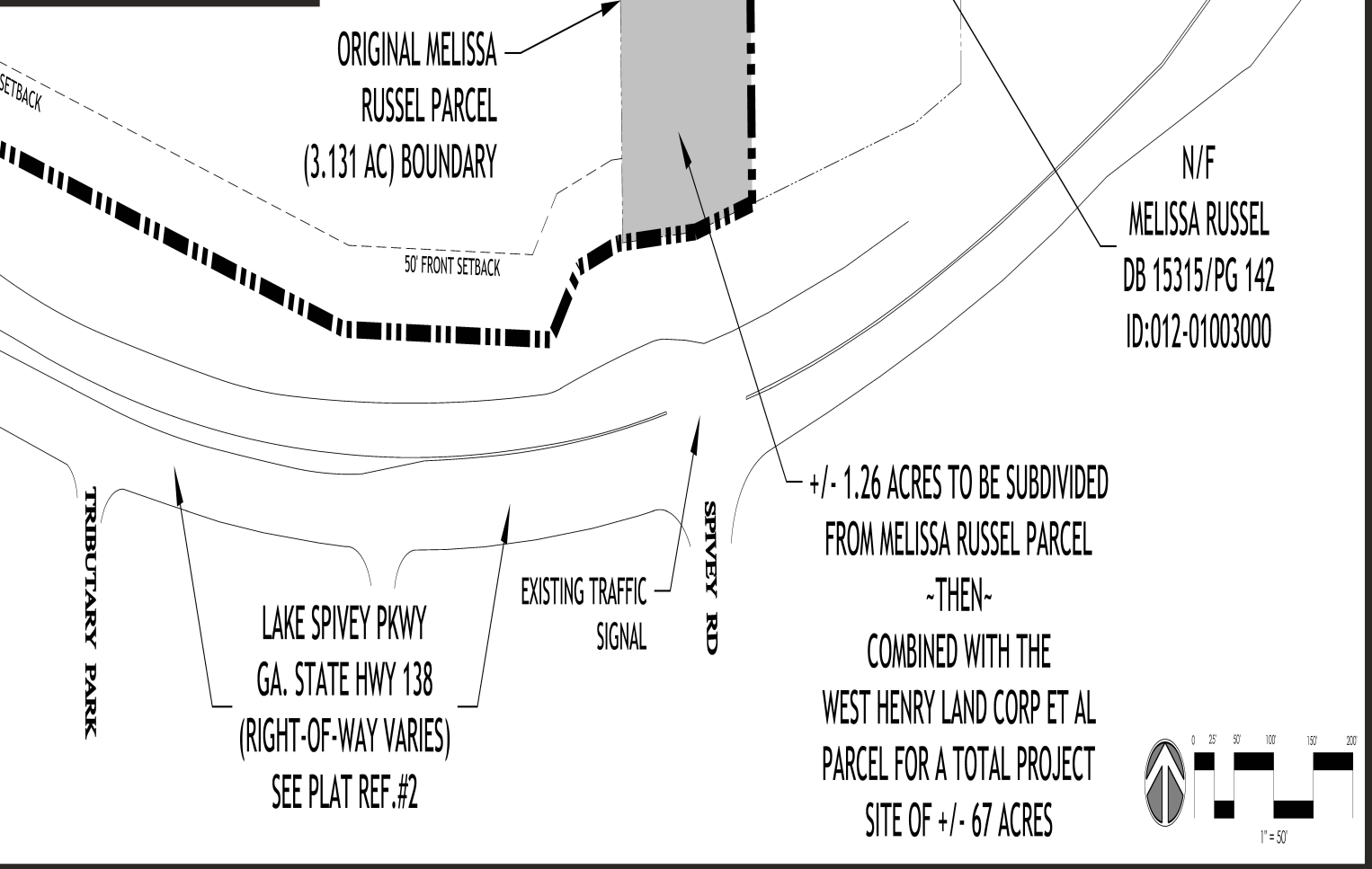
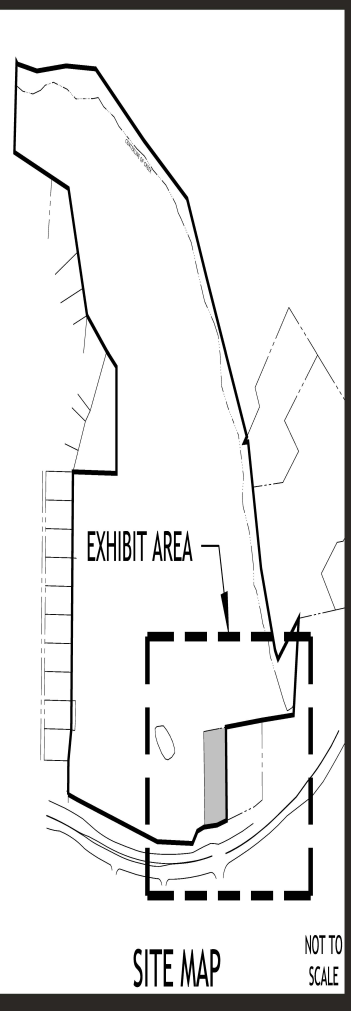
Battle Law

A refusal to allow the land use amendment and/or rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of Fulton County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

Michele L. Battle, Esq.
Attorney for the Applicant

2:825535N:29555.0000N Engineering Drawing Exhibit N Preliminary Site Plan 25535.0000 Preliminary Plat 4 FINAL-RI-TH.dwg - Feb 28, 2022 - 3:35:48 PM





5553 PEACHTREE ROAD, SUITE 175
ATLANTA, GA 30341 | 470.893.1700
WWW.THOMASANDHUTTON.COM

MEMORANDUM

TO: Ryan Oros, Managing Partner, Provision Holdings, LLC

FROM: Danielle Easterling, P.E.

DATE: March 15, 2022

RE: Trip Generation – Highway 138 Site
Thomas & Hutton Engineering Co. J-28501

This memo shows the traffic generated for the proposed mixed-use development on Georgia Highway 138 in Stockbridge, Georgia. The site is proposed to have 102 townhomes, 360 apartment dwelling units, and 48,000 square feet of commercial building space.

Trips generated by the proposed development are estimated using the standard rates and equations from the Institute of Transportation Engineers, Trip Generation, 11th Edition, 2021.

Land Use: 215 – Single-Family Attached Housing “includes any single-family housing unit that shares a wall with an adjoining dwelling unit, whether the walls are for living space, a vehicle garage, or storage space.” Also includes “townhomes/rowhouses (defined as a single structure with three or more distinct dwelling units, joined side-by-side in a row and each with an outside entrance).” The 102 townhomes fall into this category.

Land Use: 220 – Multifamily Housing (Low-Rise) “includes apartments, townhomes, and condominiums located within the same building with at least three other dwelling units and that have two or three floors (levels).” The 360 apartments are within 3-floor buildings; therefore, the apartment trips are generated using this category.

Land Use: 821 – Shopping Plaza (40-150k) “is an integrated group of commercial establishments that is planned, developed, owned, and managed as a unit...Its major tenant is often a supermarket but many sites are anchored by home improvement, discount, or other stores. A shopping plaza typically contains more than retail merchandising facilities. Office space, a movie theater, restaurants, a post office, banks, a health club, and recreational facilities are common tenants.” The commercial property is envisioned to have a supermarket and falls into this category.

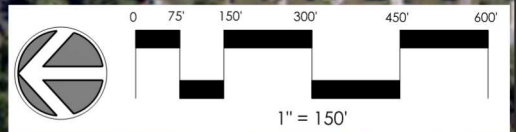
Since the development is mixed-use, the NCHRP 684 Internal Trip Capture Estimation Tool is utilized to remove the projected internal trip from the generated trips. ITE states “a key characteristic of a mixed-use development is that trips between the various land uses can be made on site and these internal trips do not utilize the major street system.”

Some trips produced by the development are considered pass-by trips. Pass-by trips are defined by ITE as intermediate stops “on the way from an origin to a primary trip destination without a route diversion. Pass-by trips are attracted from traffic passing the site on the adjacent street or roadway that offers direct access to the generator. Pass-by trips are not diverted from another roadway not adjacent to the site.”

Table 1 shows the trip generation for the development. The trip generation calculations are attached.

Table 1. Trip Generation

Land Use Code	Land Use	Daily Trips	AM Peak Hour		PM Peak Hour	
			Enter	Exit	Enter	Exit
215	Single-Family Attached Housing 102 dwelling units	734	15	34	33	25
220	Multifamily Housing (Low-Rise) 360 dwelling units	2,426	35	109	116	68
821	Shopping Plaza (40-150k) 48,000 square feet	4,536	105	64	209	227
Total Unadjusted Trips		7,696	155	207	358	320
Internal Capture Trips		-164	-2	-2	-80	-80
Pass-By Trips		-142	0	0	-75	-67
Total Primary Trips		7,390	153	205	203	173



PREPARED FOR: PROVISION HOLDINGS

- | | |
|---|---|
| - PROJECT SITE: +/- 70.0 AC | - NEIGHBORHOOD COMMERCIAL: +/- 4.1 AC |
| - WETLANDS & FLOODPLAIN: +/- 14.5 AC (21%) | - TOWNHOMES: +/- 102 FRONT LOAD (26'x50' UNITS) |
| - NET DENSITY: +/- 8.3 UNITS/ACRE (+/- 55.5 AC) | - APARTMENTS: +/- 360 (717 PARKING SPACES) |
| - ENHANCED GREENSPACE: +/- 1.75 AC (2.5%) | - MULTI-USE TRAIL: +/- 1 MILE |
| - OPEN SPACE: +/- 19.5 AC (28%) | |

HIGHWAY 138 SITE
CONCEPTUAL LAND USE EXHIBIT - FINAL
STOCKBRIDGE, GA
2/15/2022

HIGHWAY 138 SITE -TRIP GENERATION CALCULATIONS

J-29535.0000

ITE LAND USE CODE	ITE LAND USE DESCRIPTION	"X"	SIZE	ADT		AM PEAK HOUR		PM PEAK HOUR	
215	Single-Family Attached Housing	Dwelling Units	102 Units	T = 7.20(X) T = 7.20(102)		T = 0.48(X) T = 0.48(102)		T = 0.57(X) T = 0.57(102)	
				T = 734		T = 49		T = 58	
				Enter 50% 367	Exit 50% 367	Enter 31% 15	Exit 69% 34	Enter 57% 33	Exit 43% 25
220	Multi Family Housing (Low-Rise)	Dwelling Units	360 Units	T = 6.74(X) T = 6.74(360)		T = 0.40(X) T = 0.40(360)		T = 0.51(X) T = 0.51(360)	
				T = 2426		T = 144		T = 184	
				Enter 50% 1213	Exit 50% 1213	Enter 24% 35	Exit 76% 109	Enter 63% 116	Exit 37% 68
821	Shopping Plaza (40-150k) Supermarket - Yes	ksf	48 ksf	T = 94.49(X) T = 94.49(48)		T = 3.53(X) T = 3.53(48)		T = 9.08(X) T = 9.08(48)	
				T = 4536		T = 169		T = 436	
				Enter 50% 2268	Exit 50% 2268	Enter 62% 105	Exit 38% 64	Enter 48% 209	Exit 52% 227
Total Unadjusted Trip Generation Volumes				3848	3848	155	207	358	320
Internal Trips									
Retail				22	60	1	1	21	59
Residential				60	22	1	1	59	21
Total Internal Trips				82	82	2	2	80	80
Pass-By Trips									
821	Shopping Plaza	AM = 0, PM = 40%		75	67	0	0	75	67
Primary Trips				3691	3699	153	205	203	173

NCHRP 684 Internal Trip Capture Estimation Tool					
Project Name:	Highway 138 Site			Organization:	Thomas & Hutton
Project Location:	Stockbridge, GA			Performed By:	DPE
Scenario Description:	AM Street Peak Hour			Date:	3/10/2022
Analysis Year:	2022			Checked By:	MB
Analysis Period:	AM Street Peak Hour			Date:	

Table 1-A: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)						
Land Use	Development Data (For Information Only)			Estimated Vehicle-Trips ³		
	ITE LUCs ¹	Quantity	Units	Total	Entering	Exiting
Office				0		
Retail	821	48	ksf	169	105	64
Restaurant				0		
Cinema/Entertainment				0		
Residential	215,220	102,360	dwelling units	193	50	143
Hotel				0		
All Other Land Uses ²				0		
				362	155	207

Table 2-A: Mode Split and Vehicle Occupancy Estimates						
Land Use	Entering Trips			Exiting Trips		
	Veh. Occ. ⁴	% Transit	% Non-Motorized	Veh. Occ. ⁴	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses ²						

Table 3-A: Average Land Use Interchange Distances (Feet Walking Distance)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-A: Internal Person-Trip Origin-Destination Matrix*						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	0		0	0	1	0
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	1	0	0		0
Hotel	0	0	0	0	0	

Table 5-A: Computations Summary			
	Total	Entering	Exiting
All Person-Trips	362	155	207
Internal Capture Percentage	1%	1%	1%
External Vehicle-Trips ⁵	358	153	205
External Transit-Trips ⁶	0	0	0
External Non-Motorized Trips ⁶	0	0	0

Table 6-A: Internal Trip Capture Percentages by Land Use		
Land Use	Entering Trips	Exiting Trips
Office	N/A	N/A
Retail	1%	2%
Restaurant	N/A	N/A
Cinema/Entertainment	N/A	N/A
Residential	2%	1%
Hotel	N/A	N/A

¹Land Use Codes (LUCs) from *Trip Generation Manual*, published by the Institute of Transportation Engineers.

²Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

³Enter trips assuming no transit or non-motorized trips (as assumed in ITE *Trip Generation Manual*).

⁴Enter vehicle occupancy assumed in Table 1-A vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be made to Tables 5-A, 9-A (O and D). Enter transit, non-motorized percentages that will result with proposed mixed-use project complete.

⁵Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-A.

⁶Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

Project Name:	Highway 138 Site
Analysis Period:	AM Street Peak Hour

Table 7-A: Conversion of Vehicle-Trip Ends to Person-Trip Ends						
Land Use	Table 7-A (D): Entering Trips			Table 7-A (O): Exiting Trips		
	Veh. Occ.	Vehicle-Trips	Person-Trips*	Veh. Occ.	Vehicle-Trips	Person-Trips*
Office	1.00	0	0	1.00	0	0
Retail	1.00	105	105	1.00	64	64
Restaurant	1.00	0	0	1.00	0	0
Cinema/Entertainment	1.00	0	0	1.00	0	0
Residential	1.00	50	50	1.00	143	143
Hotel	1.00	0	0	1.00	0	0

Table 8-A (O): Internal Person-Trip Origin-Destination Matrix (Computed at Origin)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	19		8	0	9	0
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	3	1	29	0		0
Hotel	0	0	0	0	0	

Table 8-A (D): Internal Person-Trip Origin-Destination Matrix (Computed at Destination)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		34	0	0	0	0
Retail	0		0	0	1	0
Restaurant	0	8		0	3	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	18	0	0		0
Hotel	0	4	0	0	0	

Table 9-A (D): Internal and External Trips Summary (Entering Trips)						
Destination Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles ¹	Transit ²	Non-Motorized ²
Office	0	0	0	0	0	0
Retail	1	104	105	104	0	0
Restaurant	0	0	0	0	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	1	49	50	49	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses ³	0	0	0	0	0	0

Table 9-A (O): Internal and External Trips Summary (Exiting Trips)						
Origin Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles ¹	Transit ²	Non-Motorized ²
Office	0	0	0	0	0	0
Retail	1	63	64	63	0	0
Restaurant	0	0	0	0	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	1	142	143	142	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses ³	0	0	0	0	0	0

¹ Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-A
² Person-Trips
³ Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator
*Indicates computation that has been rounded to the nearest whole number.

NCHRP 684 Internal Trip Capture Estimation Tool					
Project Name:	Highway 138 Site	Organization:	Thomas & Hutton		
Project Location:	Stockbridge, GA	Performed By:	DPE		
Scenario Description:	AM Street Peak Hour	Date:	3/10/2022		
Analysis Year:	2022	Checked By:	MB		
Analysis Period:	PM Street Peak Hour	Date:			

Table 1-P: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)						
Land Use	Development Data (For Information Only)			Estimated Vehicle-Trips ³		
	ITE LUCs ¹	Quantity	Units	Total	Entering	Exiting
Office				0		
Retail	821	48	ksf	436	209	227
Restaurant				0		
Cinema/Entertainment				0		
Residential	215,220	102,360	dwelling units	242	149	93
Hotel				0		
All Other Land Uses ²				0		
				678	358	320

Table 2-P: Mode Split and Vehicle Occupancy Estimates						
Land Use	Entering Trips			Exiting Trips		
	Veh. Occ. ⁴	% Transit	% Non-Motorized	Veh. Occ. ⁴	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses ²						

Table 3-P: Average Land Use Interchange Distances (Feet Walking Distance)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-P: Internal Person-Trip Origin-Destination Matrix*						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	0		0	0	59	0
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	21	0	0		0
Hotel	0	0	0	0	0	

Table 5-P: Computations Summary			
	Total	Entering	Exiting
All Person-Trips	678	358	320
Internal Capture Percentage	24%	22%	25%
External Vehicle-Trips ⁵	518	278	240
External Transit-Trips ⁶	0	0	0
External Non-Motorized Trips ⁶	0	0	0

Table 6-P: Internal Trip Capture Percentages by Land Use		
Land Use	Entering Trips	Exiting Trips
Office	N/A	N/A
Retail	10%	26%
Restaurant	N/A	N/A
Cinema/Entertainment	N/A	N/A
Residential	40%	23%
Hotel	N/A	N/A

¹ Land Use Codes (LUCs) from <i>Trip Generation Manual</i> , published by the Institute of Transportation Engineers.
² Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.
³ Enter trips assuming no transit or non-motorized trips (as assumed in <i>ITE Trip Generation Manual</i>).
⁴ Enter vehicle occupancy assumed in Table 1-P vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be
⁵ Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P.
⁶ Person-Trips
*Indicates computation that has been rounded to the nearest whole number.
Estimation Tool Developed by the Texas A&M Transportation Institute - Version 2013.1

Project Name:	Highway 138 Site
Analysis Period:	

Table 7-P: Conversion of Vehicle-Trip Ends to Person-Trip Ends						
Land Use	Table 7-P (D): Entering Trips			Table 7-P (O): Exiting Trips		
	Veh. Occ.	Vehicle-Trips	Person-Trips*	Veh. Occ.	Vehicle-Trips	Person-Trips*
Office	1.00	0	0	1.00	0	0
Retail	1.00	209	209	1.00	227	227
Restaurant	1.00	0	0	1.00	0	0
Cinema/Entertainment	1.00	0	0	1.00	0	0
Residential	1.00	149	149	1.00	93	93
Hotel	1.00	0	0	1.00	0	0

Table 8-P (O): Internal Person-Trip Origin-Destination Matrix (Computed at Origin)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	5		66	9	59	11
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	4	39	20	0		3
Hotel	0	0	0	0	0	

Table 8-P (D): Internal Person-Trip Origin-Destination Matrix (Computed at Destination)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		17	0	0	6	0
Retail	0		0	0	69	0
Restaurant	0	105		0	24	0
Cinema/Entertainment	0	8	0		6	0
Residential	0	21	0	0		0
Hotel	0	4	0	0	0	

Table 9-P (D): Internal and External Trips Summary (Entering Trips)						
Destination Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles ¹	Transit ²	Non-Motorized ²
Office	0	0	0	0	0	0
Retail	21	188	209	188	0	0
Restaurant	0	0	0	0	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	59	90	149	90	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses ³	0	0	0	0	0	0

Table 9-P (O): Internal and External Trips Summary (Exiting Trips)						
Origin Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles ¹	Transit ²	Non-Motorized ²
Office	0	0	0	0	0	0
Retail	59	168	227	168	0	0
Restaurant	0	0	0	0	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	21	72	93	72	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses ³	0	0	0	0	0	0

¹Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P

²Person-Trips

³Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator

*Indicates computation that has been rounded to the nearest whole number.

Table 7.1a Adjusted Internal Trip Capture Rates for Trip Origins within a Multi-Use Development

Land Use Pairs		Weekday	
		AM Peak Hour	PM Peak Hour
From OFFICE	To Office	0.0%	0.0%
	To Retail	28.0%	20.0%
	To Restaurant	63.0%	4.0%
	To Cinema/Entertainment	0.0%	0.0%
	To Residential	1.0%	2.0%
	To Hotel	0.0%	0.0%
From RETAIL	To Office	29.0%	2.0%
	To Retail	0.0%	0.0%
	To Restaurant	13.0%	29.0%
	To Cinema/Entertainment	0.0%	4.0%
	To Residential	14.0%	26.0%
	To Hotel	0.0%	5.0%
From RESTAURANT	To Office	31.0%	3.0%
	To Retail	14.0%	41.0%
	To Restaurant	0.0%	0.0%
	To Cinema/Entertainment	0.0%	8.0%
	To Residential	4.0%	18.0%
	To Hotel	3.0%	7.0%
From CINEMA/ENTERTAINMENT	To Office	0.0%	2.0%
	To Retail	0.0%	21.0%
	To Restaurant	0.0%	31.0%
	To Cinema/Entertainment	0.0%	0.0%
	To Residential	0.0%	8.0%
	To Hotel	0.0%	2.0%
From RESIDENTIAL	To Office	2.0%	4.0%
	To Retail	1.0%	42.0%
	To Restaurant	20.0%	21.0%
	To Cinema/Entertainment	0.0%	0.0%
	To Residential	0.0%	0.0%
	To Hotel	0.0%	3.0%
From HOTEL	To Office	75.0%	0.0%
	To Retail	14.0%	16.0%
	To Restaurant	9.0%	68.0%
	To Cinema/Entertainment	0.0%	0.0%
	To Residential	0.0%	2.0%
	To Hotel	0.0%	0.0%

Table 7.2a Adjusted Internal Trip Capture Rates for Trip Destinations within a Multi-Use Development

Land Use Pairs		Weekday	
		AM Peak Hour	PM Peak Hour
To OFFICE	From Office	0.0%	0.0%
	From Retail	4.0%	31.0%
	From Restaurant	14.0%	30.0%
	From Cinema/Entertainment	0.0%	6.0%
	From Residential	3.0%	57.0%
	From Hotel	3.0%	0.0%
To RETAIL	From Office	32.0%	8.0%
	From Retail	0.0%	0.0%
	From Restaurant	8.0%	50.0%
	From Cinema/Entertainment	0.0%	4.0%
	From Residential	17.0%	10.0%
	From Hotel	4.0%	2.0%
To RESTAURANT	From Office	23.0%	2.0%
	From Retail	50.0%	29.0%
	From Restaurant	0.0%	0.0%
	From Cinema/Entertainment	0.0%	3.0%
	From Residential	20.0%	14.0%
	From Hotel	6.0%	5.0%
To CINEMA/ENTERTAINMENT	From Office	0.0%	1.0%
	From Retail	0.0%	26.0%
	From Restaurant	0.0%	32.0%
	From Cinema/Entertainment	0.0%	0.0%
	From Residential	0.0%	0.0%
	From Hotel	0.0%	0.0%
To RESIDENTIAL	From Office	0.0%	4.0%
	From Retail	2.0%	46.0%
	From Restaurant	5.0%	16.0%
	From Cinema/Entertainment	0.0%	4.0%
	From Residential	0.0%	0.0%
	From Hotel	0.0%	0.0%
To HOTEL	From Office	0.0%	0.0%
	From Retail	0.0%	17.0%
	From Restaurant	4.0%	71.0%
	From Cinema/Entertainment	0.0%	1.0%
	From Residential	0.0%	12.0%
	From Hotel	0.0%	0.0%



Providing Quality Water and Quality Services to Our Community

October 4, 2021

Adam Kirk
Thomas & Hutton
5553 Peachtree Road
Suite 175
Atlanta, GA 30341

Re: Highway 138
Parcel 012-01002000
Henry County, Georgia

Mr. Kirk,

Clayton County Water Authority owns and maintains a 12-inch water main running along the north side of Highway 138 at the above referenced property. The Authority has a treatment capacity of 42 MGD and is currently producing an average of 23.84 MGD.

The Authority also owns and maintains an 18-inch sanitary sewer main running along the east side of Reeves Creek east of the referenced property. Sanitary sewer may need to be extended, may require easements and be at the owner's expense. Wastewater generated from your development would receive treatment at the WB Casey WRF. This facility has a design capacity of 24.0 MGD and is presently treating 11.85 MGD. The Authority does not guarantee capacity of plant or infrastructure; capacity is allocated only when purchased.

The data contained in this letter is for informational purposes only indicating location and size. A survey, by the above referenced property owner, may be necessary to determine connection to the Authority's system.

Potable water and sanitary sewer service to this property is subject to the existing and future policies of the Clayton County Water Authority, State EPD and Federal EPA.

Sincerely,

A handwritten signature in blue ink that reads "Keith Watkins".

Keith Watkins
Engineering Supervisor



City of Stockbridge

AGENDA ITEM

MEETING DATE

June 13, 2022

FUNDING SOURCE

- ☒ RESOLUTION
- ☐ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☐ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
- ☐ BUDGET AMENDMENT
- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

- ☒ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST IV
- ☐ TSPLOST
- ☐ CDBG
- ☐ GRANT FUNDING
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: City Manager Fredrick Gardiner

DEPARTMENT: City Manager

ITEM/PROJECT/EVENT:

Cultural Arts Center Funding Recommendation

BACKGROUND INFORMATION:

Cultural Arts Center Funding Recommendation

Funding Source: TBD

SIGNATURES:

CITY MANAGER _____

CITY TREASURER _____

CITY ATTORNEY _____

☒ FINANCIAL IMPACT ☐ N/A

AMOUNT:

ATTACHMENTS:



City of Stockbridge

AGENDA ITEM

MEETING DATE

May 31, 2022

FUNDING SOURCE

- ☒ RESOLUTION
- ☐ ORDINANCE
- SERVICE AGREEMENT RENEWAL
- ☐ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
- ☐ BUDGET AMENDMENT
- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

- ☐ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST IV
- ☐ TSPLOST
- ☐ CDBG
- ☐ GRANT FUNDING
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM: N/A

ACCOUNT TRANSFER TO: N/A

PRESENTER: Renee Wheeler

DEPARTMENT: Human Resources

ITEM/PROJECT/EVENT: Revisions/Updates to policies in the Employee Manual

Various sections are requiring updates to policies in the employee manual.

Sections 410.00 (Introduction Period); Section 440.00 (Anti-bullying & Workplace Violence); Section 490.002- (Infectious Disease Control Policy); Section 610.00 (Meal Breaks/Periods); Section 620.100 (Alternative Work Schedule Policy).

BACKGROUND INFORMATION:

There are various policies that require updates based on new legislation, expanded policies and new policies .

SIGNATURES:

CITY MANAGER _____

CITY TREASURER _____

☐ ☐
FINANCIAL IMPACT none

ATTACHMENTS:

☒

ITEM/PROJECT/EVENT:

BACKGROUND INFORMATION:

ITEM/PROJECT/EVENT:

BACKGROUND INFORMATION:

May 31, 2022

The following items are for council consideration and will be updated/revised in the employee manual upon Council approval:

Section 410.000- Introduction Period

All new employees hired by the City will serve an introduction period for the first ninety (90) days of employment. **All sworn police personnel hired by the City will serve a probationary period of twelve (12) months.** This introduction/probation period is intended, primarily, to allow the city and employee to determine whether the employee can adequately perform in the assigned job position and whether the position is a good fit for the employee. This policy also applies to an employee who has been promoted to a higher-level position or transferred to a different position, regardless of pay grade level. At the end of the introduction/probation period, an employee's performance will be reviewed, and a decision made regarding his or her continued employment or whether any extended introduction/probation period is needed. If additional time is needed to evaluate an employee in a position, a Department Head may request an extension of the employee's introduction period, which may be allowed upon approval by the City Manager.

Section 440.00 – Workplace Violence

Section will be expanded to include Anti-Bullying & Workplace Violence Policy

Policy Statement

- 1.1. The City of Stockbridge is committed to maintaining a workplace that is free of violence. Every employee should clearly understand what workplace violence means and your role in preventing it. Leadership recognizes the potential for violence in the workplace and will make every reasonable effort to identify all potential sources of such risk, for the purpose of eliminating or minimizing threats to the work environment by enforcing its workplace violence policy.
- 1.2. The City of Stockbridge will not tolerate any type of violence; to include bullying, harassment and/or stalking within the workplace during work related activities or those activities that start on city property and are perpetuated away from city grounds.

2.0 Applicability and Scope

2.1. This policy applies to all COS employees, contractors, and visitors who encounter and/or witness the threat of violence, including bullying, harassment, and/or stalking.

Section 490.002 – Infection Disease Control Policy

The City of Stockbridge will take proactive steps to protect the workplace in the event of an infectious disease outbreak. It is the goal of the city during any such time period to strive to operate effectively and ensure that all essential services are continuously provided and that employees are safe within the workplace. The City is committed to providing authoritative information about the nature and spread of infectious disease, including symptoms and signs to watch for, as well as required steps to be taken in the event of an illness or outbreak.

Section 610.000 – Meal/Break Periods

This section will add Georgia HB 1090 (codified at O.C.G.A. § 34-1-6), requiring employers to provide reasonable break time to working mothers who desire to express breast milk at their worksite during working hours. Prior to this legislation, Georgia maintained a permissive lactation break law which encouraged employers to provide lactation breaks but did not require it.

Section 620.100 – Alternative Work Schedule Policy

The City of Stockbridge supports alternative work schedules and allows Departments to implement these arrangements, where appropriate, for eligible employees.

The alternative work schedule policy establishes the conditions and requirements for full-time and part-time employees to perform alternative work schedules consistent with the requirements of their position and the needs of the city. The alternative work schedule may be implemented when they benefit the City of Stockbridge in one or more of the following ways:

- City of Stockbridge Citizens – To provide Citizens with an even higher level of service with no delays at the beginning for the business day and continue this level of service until the close of business.
- City of Stockbridge Employer – To improve recruitment and retention of high-quality employees, to decrease employee vacancy rates and to provide a no-cost enhancement to the City's work environment.
- City of Stockbridge Employees – To improve job satisfaction, employee morale, effectiveness and productivity; promotes employee health, wellness and reduces absenteeism by helping employees face the demands of juggling work, family and life related issues. Reduce employee's time of commute, cost of fuel and vehicle maintenance.
- Sustainability – To position the city as a leader for solutions to reduce traffic congestion and improve air quality and will maximize the utilization of City facilities and resources.

Policy

The City of Stockbridge Alternative Work Schedule Policy is administered by Human Resources under the guidance of the City Manager, or designee. The city manager will have the final

authority in the applicability of the alternative work schedule policy for each situation and shall have the right to terminate the program or any employee's alternative work schedule at any time.

This policy applies only to employees in good standing who are occupying positions suitable for this schedule. The use of alternative work schedule does not change the terms and conditions of employment. An alternative work schedule is not a right conferred upon an employee.

Alternative Work Schedules shall not result in automatic overtime or compensatory time. The schedule may be rescinded at the discretion of the supervisor or department head at any time with reasonable notice to the individual employee, except in cases of emergency.

Definitions

There are various alternative work schedule options available to employees. These options include:

1. Flextime, which is a block of time at the start and end of traditional eight-hour shifts during which employees may report and complete their required shift hours of work. May be used for an employee's part-time, intermittent, and emergencies. May not be used to provide reasonable accommodation pursuant to the Americans with Disabilities Act and its Amendments without advance review and approval of an employee's request for accommodation by Human Resources.

Transitional Flexible Work Arrangements – When an employee is transitioning into retirement or leaving their job at the city, and it is beneficial to maintain continuity of operations.

2. Compressed Workweeks allow employees to work a standard number of hours over less than a five-day period in one work or a 10-day period in two weeks. A common compressed workweek schedule is 10 hours a day for four days a week. A nine hour/eight-hour day shift with five workdays on week one and four days on week two with a designated day off every other week. This schedule is only allowed for exempt employees because of the overtime pay inherent in the schedule. This schedule will only be allowed during the summer months.
3. Telecommuting is allowable when employees are able to perform work from a remote location (usually a home office) rather than commuting into the workplace. It is generally allowed in a part-time or periodic basis for a maximum of two days each week.

Security

Consistent with the organization's expectation of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary city and customer information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment. The employee will establish an appropriate work environment within his or her home for work purposes. City of Stockbridge will not be responsible for costs

associated with the setup of the employee's home office, such as remodeling, furniture, or lighting, nor for repairs or modifications to the home office space.

Safety

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. The City of Stockbridge will provide a checklist for the employee and must be turned in to human resources. Injuries sustained by the employee in a home office location and in conjunction with his or her regular duties are covered by worker's compensation policy. Telecommuters are responsible for notifying the employer of such injuries as soon as predictable. The employee is liable for any injuries sustained by visitors to his or her home worksite.

Telecommuting is not designed to be a replacement for appropriate childcare. Although an individual employee's schedule may be modified to accommodate childcare needs, the focus of the arrangement must remain on job performance and meeting business demands.

Employees must submit the request and all required documentation/attachments and follow the approval protocol established by the department.



4640 North Henry Blvd. Stockbridge, GA 30281

APPLICATION FOR BOARD, COMMITTEE OR COMMISSION APPOINTMENT

Citizens provide a great insight and knowledge to City government. An avenue that the City of Stockbridge uses to get this insight is through the various Boards and Commissions of the City of Stockbridge. The members of the Boards and Commissions make decisions and help recommend and review policies for the City of Stockbridge and its Mayor and Council. This questionnaire will assist the Mayor and Council in the review process and in determining applicant eligibility requirements and qualifications for Board or Commission membership.

Questions to consider before applying for membership on a Board or Commission:

- Do I fully understand what this Board, Committee or Commission expects from me?
- Am I committed to the goals and mission of this Board, Committee or Commission?
- Can I afford the demands on my time, resources and energy?
- Will I attend meetings regularly, making them a priority for the duration of my appointment?
- Am I willing to perform a reasonable amount of work outside of regularly scheduled Board, Committee or Commission meetings and prepare for each meeting?
- Can I work effectively with the other members of the Board, Committee or Commission?
- Am I willing to participate in necessary Board, Committee or Commission training, education and development activities that will improve my effectiveness in my position?
- Am I willing to complete a Criminal Background Check upon selection?

APPLICANT INFORMATION

Applicant Name: Michael Stephen Fields

Occupation: Retail Supervisor Employer: Loews Hotels & Co.

Home Address: 2512 Walter Way City: Stockbridge Zip: 30281-7977

Home Phone: (770) 703-5663 Home E-Mail: michaelstephenfields@gmail.com

Work Phone: (404) 745-5764 Work E-Mail: mfields@loewshotels.com

Cell Phone: (678) 2091877 Preferred E-Mail: ☒ Home ☐ Work

Name and address of the business entity you own/operate, located within the city limits of Stockbridge (if applicable)

NONE

BOARD, COMMITTEE OR COMMISSION APPLICATION

- a) Which Board(s) or Commission(s) do you wish to be appointed to? Board of Ethics
If applying for the Main Street Advisory Board, which position?
(see positions noted below) _____
- b) How long have you been a resident or business owner/operator in the City of Stockbridge? 14 Years 5 Months
- c) Are you current with all your financial obligations to the City of Stockbridge? ☒ Yes ☐ No
- d) Are you willing and available to attend training sessions on-site and/or off-site if provided by the City? ☒ Yes ☐ No
- e) Available Boards and Commissions and their terms and meeting schedules are listed at the end of this application.
Are you able to meet the attendance requirements of the position for which you are applying? ☒ Yes ☐ No
- f) Do you know of any circumstances that would result in you having to abstain from voting on any action before the Board or Commission? ☐ Yes ☒ No If yes, please explain:

- g) Do you or your employer, or your spouse, child, relative or their employers, do business with the City of Stockbridge
☐ Yes ☒ No If yes, please explain:

- h) Do you have any employment or contractual relationship with the City of Stockbridge that would create a continuing or frequently recurring conflict regarding your participation on a Board or Commission? ☐ Yes ☒ No
If yes, please explain:

BOARD, COMMITTEE OR COMMISSION APPLICATION

- i) Please briefly explain your reasons for wishing to serve on the Board or Commission you select:

I believe in transparency, honesty and integrity of all mankind. I have always been an individual who loves to uplift one another and making sure that everyone is treated fairly. I love to volunteer in my spare time, along with finding interest with what's happening in and around my community. One Voice One Goal, is my motto!

- j) Are you willing to be considered for appointment to any of the other Boards or Commissions of the City if a position is not available on the Board or Commission of your first choice? ☒ Yes ☐ No If yes, please list the Boards or Commissions for which you would like to be considered (in order of interest):

Youth Council Advisory Committee

- k) **Please attach a Resume of Qualifications for the Board position for which you are applying.**

APPLICANT STATEMENT

I understand that I am applying for appointment to a Board, Committee or Commission office of the City of Stockbridge that the appointing authority may require an interview prior to consideration for appointment; that I will be required to take an oath of office to uphold the City's charter and ordinances; that I may be removed from office for any reason permitted by law or City charter; and that my application will remain on file for consideration for a period of six (6) months, after which time, I will need to file a new application. I always agree to comply with all requirements of the office for which I am applying and to which I may be appointed. All statements and information provided in this application are true to the best of my knowledge. I understand a Criminal Background Check will be completed if I am considered to go before the Mayor & Council prior to being appointed.

eSigned via SeamlessDocs.com

Key: 6dec542094a8ee6076d7e08274c64277

Signature

Michael S. Fields

Printed Name

05/26/2022

Date

Please return signed application to:

City Clerk
City of Stockbridge
4640 North Henry Blvd.
Stockbridge, Georgia 30281

Fax: 770.389.7912
Email: cityclerk@cityofstockbridge-ga.gov

BOARD, COMMITTEE AND COMMISSION INFORMATION

Council on Aging (COA) The Henry County Council on Aging is a 501(c)(3) non-profit organization made up of nineteen (19) volunteers who serve as directors. Directors are selected by each County Commissioner and City Council members of the four cities. The COA's primary objective is to support programs that serve Henry County senior citizens. Supported programs include Meal-on-Wheels, Nutrition Supplements, In-Home Services, Senior Centers, and Volunteer Activities. The council members serve as advocates on behalf of the senior citizens of Henry County. The COA's primary fundraising event is the Miles-for-Meals Campaign which is held annually on the first Saturday in May. To be eligible to serve as a representative for the City of Stockbridge, an applicant must reside within the city limits of Stockbridge. Term is one (1) year and member is eligible for re-appointment.

Downtown Development Authority (DDA) The DDA is comprised of seven (7) members who are:

(1) a taxpayer residing in the municipal corporation for which the authority is created; or

(2) an owner or operator of a business located within the downtown development area and a taxpayer residing in the county in which is located the City of Stockbridge; (one such director may be a member of the governing body of the City of Stockbridge and not less than four shall be or represent a party who has an economic interest in the redevelopment and revitalization of the downtown development area defined herein).

(3) one director who resides outside the county; in which the City of Stockbridge is located, provided, that director owns a business within the downtown development area and is a resident of the State of Georgia; or own and operate a business within the city. Four of the members must have a specific economic interest in the downtown area. The members are appointed by the Mayor and Council and each serve 4-year terms and are eligible for re-appointment.

Public Facilities Authority (PFA) Three members shall be persons residing in the City of Stockbridge; Four members shall be persons residing in Henry County who possess specific experience, knowledge, or professional expertise in the field of banking, finance, real estate development, community development, or another area of expertise related to economic development. To be eligible for appointment as a member of the authority, a person shall be at least 21 years of age and a resident of Henry County for at least two years prior to the date of his or her appointment and shall not have been a convicted felon. The mayor or any member of the city council may be appointed to serve as one of the seven members of the authority.

Development Authority (DA) A seven-member authority consisting of taxpayers residing in the City of Stockbridge.

Planning Commission formerly known as the Zoning Advisory Board (ZAB) The Planning Commission is an advisory body to the City Council, which is responsible for directing the short and long-range growth and development of the City through maintenance and implementation of the City's General Land Use and Development Plans. The Commission is composed of (6) six members who shall be residents of the City, serve with compensation and shall be appointed upon the basis of the majority of the City Council. Commissioners shall serve a four-year term with a maximum of two full consecutive terms. Commissioner shall not hold any other public office or position with the City of Stockbridge.

City of Stockbridge

Board of Ethics – The Board of Ethics consists of three (3) residents of the city to be appointed as follows: the mayor shall appoint one (1) resident; and the council members, exclusive of the mayor and by an affirmative vote of the majority of its members, shall appoint two (2) residents. The mayor shall nominate a fifth member, said appointment to be confirmed by the city council. No person shall serve on the board of ethics if the person has or has had within the preceding one (1) year period, any interest in any contract or contracting opportunity with the city or has been employed by the city. No person shall serve on the board of ethics who has been convicted of a felony involving moral turpitude in this state or in any other state, unless such person's civil rights have been restored and at least ten (10) years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude. No person shall serve on the board of ethics who is less than twenty one (21) years of age, who holds a public elective office, who is physically or mentally unable to discharge the duties of a member of the board of ethics, or who is not qualified to be a registered voter in the City of Stockbridge.

Historic Preservation Commission – In the support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the City of Stockbridge is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people. To stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historic and aesthetic attractions to tourists and thereby promote and stimulate business. To enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law. To provide for the designation, protection, preservation and rehabilitation of historic properties and districts and to participate in federal or state programs to do the same.

The Commission shall consist of five (5) members appointed by the Mayor and ratified by the City Council. All members shall be residents of Stockbridge and shall be persons who have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources. To the extent available in the City, at least three (3) members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology or related professions. Members shall serve three-year terms. Members may not serve more than two (2) consecutive terms. In order to achieve staggered terms, initial appointments shall be: one (1) member for one (1) year; two (2) members for two (2) years; and two (2) members for three (3) years. Members shall not receive a salary, although they may be reimbursed for expenses.

Main Street Advisory Board — The Stockbridge Main Street Program is a community-driven initiative that focuses on conscientious revitalization of the Historic Downtown area. Based on the *Main Street Four-Point Approach™* which explores the four areas of Downtown **Design, Economic Restructuring, Promotion and Organization**, the underlying premise of the Main Street concept is to encourage economic development, within the context of historic preservation, in ways that are appropriate for today's marketplace. Main Street programs across the nation advocate a return to community self-reliance, local empowerment, and the rebuilding of traditional commercial districts based on their unique assets—distinctive architecture, a pedestrian-friendly environment, personal service, local ownership, and a sense of community. The Main Street Advisory Board is comprised of 13 members and will meet once per month (or as necessary). Each Board Member must agree to serve on at least one committee.

Main Street Advisory Board Offices ¹ President Vice-President Secretary

¹ An Ex-Officio Board Member serves on the Board because of another office or position that he/she currently holds. The term is Latin, meaning literally "from the office", and the sense intended is "by right of office." Ex Officio members are afforded the same rights as regular Board members, including debate, making formal motions, and voting.

² There is no need for a separate position of Treasurer – City Finance Team will handle financial needs.

City of Stockbridge

Position	Status	Term	Term Notes
City Council Member	Ex officio¹ Board Member	Term of Service	Can be reappointed based on the calendar year, and approval by the City Council
Representative from the Downtown Development Authority (DDA)	Ex Officio Board Member	Term of Service	Can be reappointed by the organization, then approved by the City Council.
3 - Stockbridge Residents [added to further ensure a truly representative cross-section of the existing Stockbridge community.]	Regular Board Member	2 years	Can be reappointed by the City Council
2 - Stockbridge Business or Property Owners / Operators (Within the Main Street District)	Regular Board Member	3 years	Can be reappointed by the City Council
2- Stockbridge Business or Property Owners / Operators (Outside of the Main Street District)	Regular Board Member	2 years	Can be reappointed by the City Council
Architect, Contractor, Interior Designer, <u>or</u> Landscape Architect (Henry County-based)	Regular Board Member	2 years	Can be reappointed by the City Council
Representative from a Stockbridge-based Arts Organization	Regular Board Member	2 years	Can be reappointed by the organization, then approved by the City Council.
Representative from a Stockbridge-based financial institution	Regular Board Member	2 years	Can be reappointed by the financial institution, then approved by the City Council.
Representative from the Stockbridge Association of Businesses (SAB) or other City-recognized Stockbridge Business organization.	Regular Board Member	2 years	Can be reappointed by the SAB (or other organization), then approved by the City Council.

PROCEDURES FOR BOARD, COMMITTEE OR COMMISSION APPOINTMENT

- 1) Approximately four weeks before the end of a Board or Commission term, the City Manager will notify the Mayor and Council and the members of the Board or Committee affected of the positions and citizens whose terms will be expiring.
- 2) The City Manager will cause this information to be posted via the City's bulletin board, printed newsletter or other means to inform the residents in the city. This notice will also include qualifications (if any) to serve. The Mayor and Council will set the timeframe for the acceptance of applicants.
- 3) Applications shall be sent to the City Clerk. The Mayor and Council may interview candidates at its discretion. The Mayor and Council retain all responsibilities and rights to select candidates, nominate and confirm appointments as required by City Ordinance.
- 4) After any appointment, the new Board or Commission member, as well as the other members of that Board or Commission will receive notice of the appointment.



4640 North Henry Blvd. Stockbridge, GA 30281

APPLICATION FOR BOARD, COMMITTEE OR COMMISSION APPOINTMENT

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Questions to consider before applying for membership on a Board or Commission:

- Do I fully understand what this Board, Committee or Commission expects from me?
- Am I committed to the goals and mission of this Board, Committee or Commission?
- Can I afford the demands on my time, resources and energy?
- Will I attend meetings regularly, making them a priority for the duration of my appointment?
- Am I willing to perform a reasonable amount of work outside of regularly scheduled Board, Committee or Commission meetings and prepare for each meeting?
- Can I work effectively with the other members of the Board, Committee or Commission?
- Am I willing to participate in necessary Board, Committee or Commission training, education and development activities that will improve my effectiveness in my position?
- Am I willing to complete a Criminal Background Check upon selection?

APPLICANT INFORMATION

Applicant Name: Tonya "Toni" Williams

Occupation: Senior Advisor Employer: Department of Transportation

Home Address: 1041 Fable Lane City: Hampton Zip: 30228

Home Phone: () Home E-Mail:

Work Phone: () Work E-Mail:

Cell Phone: (202) 330 6009 Preferred E-Mail: ☒ Home ☐ Work

Name and address of the business entity you own/operate, located within the city limits of Stockbridge (if applicable)

BOARD, COMMITTEE OR COMMISSION APPLICATION

- a) Which Board(s) or Commission(s) do you wish to be appointed to? Youth Council
If applying for the Main Street Advisory Board, which position?
(see positions noted below) _____
- b) How long have you been a resident or business owner/operator in the City of Stockbridge? 2 Years 6 Months
- c) Are you current with all your financial obligations to the City of Stockbridge? ☐ Yes ☒ No
- d) Are you willing and available to attend training sessions on-site and/or off-site if provided by the City? ☒ Yes ☐ No
- e) Available Boards and Commissions and their terms and meeting schedules are listed at the end of this application.
Are you able to meet the attendance requirements of the position for which you are applying? ☒ Yes ☐ No
- f) Do you know of any circumstances that would result in you having to abstain from voting on any action before the Board or Commission? ☐ Yes ☒ No If yes, please explain:

- g) Do you or your employer, or your spouse, child, relative or their employers, do business with the City of Stockbridge
☐ Yes ☒ No If yes, please explain:

- h) Do you have any employment or contractual relationship with the City of Stockbridge that would create a continuing or frequently recurring conflict regarding your participation on a Board or Commission? ☐ Yes ☐ No
If yes, please explain:

BOARD, COMMITTEE OR COMMISSION APPLICATION

- i) Please briefly explain your reasons for wishing to serve on the Board or Commission you select:

I am fairly new to Henry County and was looking for valuable ways to serve and impact my community. I am the Founder of She. Her. Me. I am Mentoring LLC where we mentor young girls through the cycles of Womanhood. I am eager to pour and learn from our future leaders.

- j) Are you willing to be considered for appointment to any of the other Boards or Commissions of the City if a position is not available on the Board or Commission of your first choice? ☐ Yes ☒ No If yes, please list the Boards or Commissions for which you would like to be considered (in order of interest):

- k) **Please attach a Resume of Qualifications for the Board position for which you are applying.**

APPLICANT STATEMENT

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 eSigned via SeamlessDocs.com
Key: 6dec542094a8ee6076d7e08274c64277

Signature

Tonya Williams

Printed Name

01/20/2022

Date

Please return signed application to:

City Clerk
City of Stockbridge
4640 North Henry Blvd.
Stockbridge, Georgia 30281

Fax: 770.389.7912
Email: cityclerk@cityofstockbridge-ga.gov

BOARD, COMMITTEE AND COMMISSION INFORMATION

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Downtown Development Authority (DDA) The DDA is comprised of seven (7) members who are:

(1) a taxpayer residing in the municipal corporation for which the authority is created; or

(2) an owner or operator of a business located within the downtown development area and a taxpayer residing in the county in which is located the City of Stockbridge; (one such director may be a member of the governing body of the City of Stockbridge and not less than four shall be or represent a party who has an economic interest in the redevelopment and revitalization of the downtown development area defined herein).

(3) one director who resides outside the county; in which the City of Stockbridge is located, provided, that director owns a business within the downtown development area and is a resident of the State of Georgia; or own and operate a business within the city. Four of the members must have a specific economic interest in the downtown area. The members are appointed by the Mayor and Council and each serve 4-year terms and are eligible for re-appointment.

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City of Stockbridge

Board of Ethics – The Board of Ethics consists of three (3) residents of the city to be appointed as follows: the mayor shall appoint one (1) resident; and the council members, exclusive of the mayor and by an affirmative vote of the majority of its members, shall appoint two (2) residents. The mayor shall nominate a fifth member, said appointment to be confirmed by the city council. No person shall serve on the board of ethics if the person has or has had within the preceding one (1) year period, any interest in any contract or contracting opportunity with the city or has been employed by the city. No person shall serve on the board of ethics who has been convicted of a felony involving moral turpitude in this state or in any other state, unless such person's civil rights have been restored and at least ten (10) years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude. No person shall serve on the board of ethics who is less than twenty one (21) years of age, who holds a public elective office, who is physically or mentally unable to discharge the duties of a member of the board of ethics, or who is not qualified to be a registered voter in the City of Stockbridge.

Historic Preservation Commission – In the support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the City of Stockbridge is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people. To stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historic and aesthetic attractions to tourists and thereby promote and stimulate business. To enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law. To provide for the designation, protection, preservation and rehabilitation of historic properties and districts and to participate in federal or state programs to do the same.

The Commission shall consist of five (5) members appointed by the Mayor and ratified by the City Council. All members shall be residents of Stockbridge and shall be persons who have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources. To the extent available in the City, at least three (3) members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology or related professions. Members shall serve three-year terms. Members may not serve more than two (2) consecutive terms. In order to achieve staggered terms, initial appointments shall be: one (1) member for one (1) year; two (2) members for two (2) years; and two (2) members for three (3) years. Members shall not receive a salary, although they may be reimbursed for expenses.

Main Street Advisory Board — The Stockbridge Main Street Program is a community-driven initiative that focuses on conscientious revitalization of the Historic Downtown area. Based on the *Main Street Four-Point Approach™* which explores the four areas of Downtown **Design, Economic Restructuring, Promotion and Organization**, the underlying premise of the Main Street concept is to encourage economic development, within the context of historic preservation, in ways that are appropriate for today's marketplace. Main Street programs across the nation advocate a return to community self-reliance, local empowerment, and the rebuilding of traditional commercial districts based on their unique assets—distinctive architecture, a pedestrian-friendly environment, personal service, local ownership, and a sense of community. The Main Street Advisory Board is comprised of 13 members and will meet once per month (or as necessary). Each Board Member must agree to serve on at least one committee.

Main Street Advisory Board Offices ¹ President Vice-President Secretary

¹ An Ex-Officio Board Member serves on the Board because of another office or position that he/she currently holds. The term is Latin, meaning literally "from the office", and the sense intended is "by right of office." Ex Officio members are afforded the same rights as regular Board members, including debate, making formal motions, and voting.

² There is no need for a separate position of Treasurer – City Finance Team will handle financial needs.

City of Stockbridge

Position	Status	Term	Term Notes
City Council Member	Ex officio¹ Board Member	Term of Service	Can be reappointed based on the calendar year, and approval by the City Council
Representative from the Downtown Development Authority (DDA)	Ex Officio Board Member	Term of Service	Can be reappointed by the organization, then approved by the City Council.
3 - Stockbridge Residents [added to further ensure a truly representative cross-section of the existing Stockbridge community.]	Regular Board Member	2 years	Can be reappointed by the City Council
2 - Stockbridge Business or Property Owners / Operators (Within the Main Street District)	Regular Board Member	3 years	Can be reappointed by the City Council
2- Stockbridge Business or Property Owners / Operators (Outside of the Main Street District)	Regular Board Member	2 years	Can be reappointed by the City Council
Architect, Contractor, Interior Designer, <u>or</u> Landscape Architect (Henry County-based)	Regular Board Member	2 years	Can be reappointed by the City Council
Representative from a Stockbridge-based Arts Organization	Regular Board Member	2 years	Can be reappointed by the organization, then approved by the City Council.
Representative from a Stockbridge-based financial institution	Regular Board Member	2 years	Can be reappointed by the financial institution, then approved by the City Council.
Representative from the Stockbridge Association of Businesses (SAB) or other City-recognized Stockbridge Business organization.	Regular Board Member	2 years	Can be reappointed by the SAB (or other organization), then approved by the City Council.

PROCEDURES FOR BOARD, COMMITTEE OR COMMISSION APPOINTMENT

- 1) Approximately four weeks before the end of a Board or Commission term, the City Manager will notify the Mayor and Council and the members of the Board or Committee affected of the positions and citizens whose terms will be expiring.
- 2) The City Manager will cause this information to be posted via the City's bulletin board, printed newsletter or other means to inform the residents in the city. This notice will also include qualifications (if any) to serve. The Mayor and Council will set the timeframe for the acceptance of applicants.
- 3) Applications shall be sent to the City Clerk. The Mayor and Council may interview candidates at its discretion. The Mayor and Council retain all responsibilities and rights to select candidates, nominate and confirm appointments as required by City Ordinance.
- 4) After any appointment, the new Board or Commission member, as well as the other members of that Board or Commission will receive notice of the appointment.



City of Stockbridge

AGENDA ITEM

MEETING DATE

June 13, 2022

FUNDING SOURCE

- ☐ RESOLUTION
- ☐ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☐ PUBLIC HEARING
- ☒ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
- ☐ BUDGET AMENDMENT
- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

- ☒ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST IV
- ☐ TSPLOST
- ☐ CDBG
- ☐ GRANT FUNDING
- ☐ COUNCIL INITIATIVE
- ☒ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Ericka Harvey, Youth Council Chairwoman and Pastor Canton Jones

DEPARTMENT: Youth Council

ITEM/PROJECT/EVENT:

CaJo Fam Fest October 15, 2022 From 1pm-8pm at the Stockbridge Amphitheater and parking lot

BACKGROUND INFORMATION:

The Youth Council would like to partner with Pastor Canton Jones and Radio One to host the 3rd Annual CaJo Fam Fest on October 15, 2022 at the Stockbridge Amphitheater. The Fam Fest will include gospel performances, vendors, rides, games and food trucks which could help boost the moral of the youth and community. The Youth Council is asking the City to match \$10,000 if the Youth Council is able to obtain \$10,000 in sponsorships totaling \$20,000 of the \$60,000 budget.

SIGNATURES:

CITY MANAGER  6/6/22

CITY TREASURER _____

CITY ATTORNEY _____

☒ FINANCIAL IMPACT ☐ N/A

AMOUNT: \$20,000

Funding Source: TBD

ATTACHMENTS: 

LIVE PERFORMANCE AGREEMENT

The following shall constitute an agreement ("Agreement") dated the 15th day of October, 2022 between Canton Jones ("Promoter") and The City of Stockbridge ("partner") with respect to the partnership with The Stockbridge Youth Council a community festival by the live performance by CaJo FamFest under the following terms:

1. **ENGAGEMENT**: Canton Jones with CaJo FamFest agrees to bringing a community festival to the City of Stockbridge to engage youth through family fun and inspirational music:

a. Place of Engagement: The Stockbridge Amphitheater

b. Address: 4640 North Henry Blvd. Stockbridge GA 30281

c. Contact: Ericka Harvey Project Manager (470) 877-6791
and Canton Jones Promoter +1 (404) 889-3113

d. Date(s): October 15, 2022

e. Times: 10:00am – 8:00pm

f. Number of Sets: 15 - 20

g. Duration of Sets: 5 – 15 minutes

h. Rehearsal/Sound Check times: 8:00am – 10:00am

5. **TICKET PRICE**: Promoter agrees that the tickets for the engagement will be scaled in the following prices:

a. up to 100 Promotional Tickets at \$0.00.

b. up to 100 VIP Tickets at \$50.00.

c. up to 2000 General Tickets at \$20.00.

6. **ENTIRE AGREEMENT**: This Agreement and the attached Performance and Technical Riders, which are incorporated into and made a part of this Agreement, constitute the entire agreement between the parties and supersedes all prior and contemporaneous agreements, understanding, negotiations and discussions, whether

oral or written. This Agreement shall not be binding until it, has been signed by both parties.

7. **APPLICABLE LAW:** This Agreement has been entered into in the State of Georgia and the validity, interpretation and legal effect of this Agreement shall be governed by the laws of the State of Georgia applicable to contracts entered into and performed entirely within the State of Georgia. With respect to the determination of any claim, dispute or disagreement, which may arise out of the interpretation, performance, or breach of this agreement , such claim shall be filed in Henry County, Georgia.

8. **AUTHORITY:** The persons signing this Agreement on behalf of the respective parties warrant that each have the authority to bind their respective principals. Likewise, the principal parties warrant that each has the authority to enter into this Agreement and provide the services represented and agreed upon in this Agreement.

The effective date of this Agreement shall be the date first set forth above.

Agreed and Accepted:

Promoter: _____

Artist: _____

By: _____

By: _____

Printed Name and Title

Printed Name and Title

Federal Tax ID # or SSN

Federal Tax ID # or SSN

Initials: _____

Initials: _____

Initials: _____

Initials: _____

PERFORMANCE RIDER

1. **BILLING**: Canton Jones shall receive fifty seven percent (57%) billing in any and all staging, artist fees, advertising and publicity when appearing as the sole act. When headlining, Artist shall have the right of approval of any and all other acts in the show, their set times and set lengths. The Stockbridge Youth Council shall receive forty three percent (43%) billing in any and all venue, hospitality and policing

i. Promoter must have all tickets printed by a bonded printer.

ii. All tickets must be consecutively numbered.

iii. Each set of tickets for a given price, and, if more than one performance is contemplated, each set of tickets for each performance must be printed on a ticket stock of contrasting order.

iv. A bonded printer's manifest showing number, color and price of all tickets printed for the performance must be available for inspection by Artist's representative on the day of performance.

v. All Gross Receipts shall be computed on the actual full admission price provided on each ticket and in the absence of a prior written agreement by Artist, no tickets shall be offered or sold at a discount or a premium.

vi. A representative of the Artist shall have the right to be present in the box office prior to and during the performance and intermission periods and such representative shall be given full access to all box office sales and shall otherwise be permitted to reasonably satisfy himself as to the Gross Receipts (and Expenses if required) at each performance hereunder.

2. **ARTIST'S PROPERTY**: Promoter shall be responsible for any theft or damage to the equipment of Artist that may occur during the time that the equipment is located on Promoter's premises.

3. **SECURITY**: The Stockbridge Youth Council is responsible for the conduct of its audience and shall provide adequate security for the supervision of the audience attending the performance. Such security shall be provided to protect the

Initials: _____

Initials: _____

Artist from any audience member or other persons while Artist is entering the stage or while the Artist is on stage.

4. **COMPLIMENTARY TICKETS**: Promoter agrees to make the total number of complimentary tickets available as set forth in the Agreement available to Artist or Artist's Representative, the unused portion of which may be placed on sale the day of performance with the permission of Artist or Artist's Representative.

5. **BACKSTAGE ACCESS**: Promoter shall provide a total number of backstage passes for Promoter, Artist or Artist's Representative on Artist's arrival at the venue as is set forth in the Agreement.

6. **MERCHANDISING**: Artist shall have the option to sell merchandise at the performance and shall retain the proceeds of such sales.

a. Artist has the sole right to merchandise any and all products pertaining to Artist excluding normal hall and vending fees as set forth in the Agreement. Promoter will not, nor will Promoter allow, any other party to sell or distribute merchandise bearing the name, likeness, or logo of Artist before, during, or after the performance date.

b. Promoter shall provide one (1) person to sell Artist's products.

c. Promoter will provide the following equipment for merchandising:

i. One (1) cash box with fifty dollars (\$50.00) starting change.

ii. Six-foot (6') table for merchandise.

iii. Two (2) chairs for persons selling merchandise.

d. Merchandise shall be displayed in a prominent area of the foyer or lounge leading from the facility entrance to the performance area, if such area is available, otherwise prominently inside the venue.

e. The person who is to vend Artist's products shall be available from the time of Artist's load-in to receive the merchandise and set up the merchandise area with Promoter's designated sellers. Artist or Artist's representative will conduct inventory of the merchandise prior to start of sale.

Initials: _____

Initials: _____

f. After the close of the show (all audience will have left the facility) the vendor will close the merchandising booth and return all unsold product and receipts from sale to Artist or Artist's representative for final accounting.

g. Promoter is responsible for all product and monies from sales as signed for by the Promoter's vendor. The fifty dollars (\$50.00) starting change is to be deducted from total receipts.

7. **GROUND TRANSPORTATION**: Unless otherwise indicated, Canton Jones, at its expense, shall provide ground transportation to and from the place of engagement, airport, and hotel. Artist requires a large van, mini van or station wagon. Promoter shall provide directions to concert site from the airport, or if mode of travel is arranged other than by automobile then Promoter shall send directions (and time tables) from airport, train station, etc., to hotel, then from hotel to concert site. Promoter will provide transportation.

8. **FOOD**: Food and beverages shall be provided to Artist and Artist's representative and additional persons as set forth on Schedule "A" attached to this Performance Rider and incorporated by reference.

9. **LODGING**: Canton Jones is required to provide lodging for non local acts, then it shall be the number of rooms set forth in the Agreement and be at a hotel of a four (4) star quality or better in the vicinity of the venue and away from the highway noise, with one bed per person traveling with Artist.

10. **OUTDOOR VENUE**: The amphitheater provides a covering over the stage area that will protect Artist and the equipment from the element .

11. **STAGE**: The stage must be accessible to performers other than through the audience. Stage and curtains must be in clean and good condition. Whenever possible, the stage should be no further than fifteen feet (15') from the audience.

12. **PROMOTION**: Canton Jones shall be responsible for all matters pertaining to the promotion of the scheduled engagement. Promoter agrees to promote the scheduled performances(s) on television, radio, newspaper and other print media and will use its best efforts to obtain calendar listings, feature articles, interviews of the Artist, reviews of he performance and Artist's records in local major and alternative newspapers, radio and television programs. Jones shall only used pre-approved photographs provided by Artist. However, Promoter shall have the right to use the photographs provided by Artist in any manner for promotional purposes only.

Initials: _____

Initials: _____

13. **FORCE MAJEURE**: This Agreement is subject to the unavailability of Artist because of sickness, accidents, riots, strikes, acts of nature, absence of power or other essential services, failure of technical facilities, failure or delay of transportation not within the Artist's control, any similar or dissimilar cause beyond Artist's control. In the event of any riot or other manifestation or civil unrest that in Artist's good faith belief might result in personal injury to or damage to property of Artist or any of Artist's employees or representatives, Artist may claim a valid reason under this paragraph for not performing. In the event that the Artist is unable to fulfill the terms of this Agreement due to an occurrence under this paragraph, Artist shall not be held in breach of this Agreement. Artist shall use Artist's best efforts to reschedule the performance at a later date. Artist shall return any deposits or payments made to Artist towards Artist's fee paid pursuant to this Agreement. Artist shall not be liable to Promoter in any other capacity or for any other damages as a result of a cancellation under this paragraph.

14. **CANCELLATION**:

a. **Promoter**: In the event Promoter cancels the performance for any reason within five (5) weeks of the scheduled performance then Promoter will pay Artist, as liquidated damages, one-half (1/2) of the Artist's Fee agreed to be paid for such performance set forth in this Agreement. In the event Promoter cancels the performance for any reason within two (2) weeks of the scheduled performance set forth in the Agreement, then Promoter will pay Artist, as liquidated damages, the full amount of Artist's Fee agreed to be paid for such performance.

15. **INSURANCE**: Both Canton Jones and The SYC agrees to obtain any and all necessary personal injury and property damage liability insurance with respect to the activities of Artist on the premises of CaJo FamFest or at the place of engagement set forth in the Agreement or other premises at which the Artist is requested to perform. Jones agrees to indemnify and hold Artist harmless from any and all claims, liabilities, damages and expenses for injury damages, or death to any person, persons or property, including attorney's fees, demands, suits, or costs of whatever nature, arising from any action, activity, or omission of Promoter or third parties, except for claims arising from Artist's willful misconduct or gross negligence. At least fourteen (14) days prior to the date of performance, Jones shall provide to Artist a copy of the Promoter's policy of insurance indicating coverage in the sum of at least \$1,000,000 dollars for personal injury and property damage, naming the Artist as additional insured for the date of the performance.

16. **WARRANTIES**: Cajo FamFest warrants that it has all licenses, permits, authorizations and certificates required from each governmental authority, board,

Initials: _____

Initials: _____

agency, guild or association properly having jurisdiction over any element of the engagement. Any taxes imposed by any governmental authority with respect to the use or occupancy of the venue or the sale of tickets shall be paid by Promoter. Promoter warrants it owns or has a lease for the venue that will be the location of the scheduled performance. If the Artist is a member of AF of M, AFTRA or other union and Artist notifies Promoter in writing of this affiliation, then Promoter agrees to comply with all union requirements as is required by law or any contractual affiliation with the designated union.

Initials: _____

Initials: _____

Schedule "A"
Expense Breakdown

Canton Jones "CAJO FamFest"

Sound and Lighting \$14,200
Artist and Salaries \$7,000
Engineers \$6,000
Marketing \$5,000
Hospitality \$3,000
Show Editors \$2,500
Insurance \$2,000
Infirmary \$1,000

City of Stockbridge "Stockbridge Youth Council"

Carnival Rides \$5,000
Signage \$3,000
Insurance \$2,000
Cleaning Staff \$ 2,000
Security and Policing \$2,000
Video/Photographer \$2,000
Awards and Honors \$1,000
Tables, Chairs and Linen Rental \$1,000

TECHNICAL RIDER

1. **LOAD-IN** The venue shall be made available for load-in and set up eight hours prior to the scheduled performance time. Promoter shall provide two (2) loading personnel to assist Artist's loading in of equipment to the venue. Drum risers shall be in place at the time of load-in.

2. **SOUND CHECK**: Artist requires a two (2) hour technical setup and sound check period. Promoter shall have all sound technicians available at the beginning of the sound check period. Promoter shall not allow the audience to enter the place of performance until such time as sound check and technical set up have been completed. Artist shall complete the setup and sound check three (3) hours prior to the time of performance, provided that Promoter makes the place of performance available for the set up at least five (5) hours prior to the time of performance.

3. **SOUND SYSTEM**: Promoter agrees to provide a complete sound system with minimum specifications as are set forth on Schedule "B" attached to this Technical Rider and incorporated by reference. Promoter may provide a list of equipment for approval by Promoter within fourteen (14) days of the scheduled performance. Promoter shall have all required sound equipment set up and in working order prior to the sound check.

4. **PERSONNEL**: Promoter shall provide all the personnel needed to operate the equipment including but not limited to a sound engineer, monitor engineer, lighting engineer, electrician, stage manager, door personnel, security, ticket takers, merchandise seller.

5. **POWER**: Promoter agrees to provide at least 100 amps single phase and 120 volts of power within ten (10) feet of stage for all stage equipment.

6. **STAGE**: Please refer to Diagram "A" Attached to this Technical Rider. Promoter shall provide a sturdy safe and acceptable stage for the live scheduled performance and solidly constructed and able to bear heavy loads. The stage surface must be flat and free from obstructions with no gaps, grooves, crevices rises, valleys soft spots, etc. Artist will not work on an unsuitable stage and reserves the right to postpone the live performance until such deficiency is repaired or corrected. There must be at least one set of access stairs and must be safe and be well lit. Promoter agrees to provide the appropriate number of drum risers to accommodate Artist's drums at a height no less than twelve inches (12") above the stage floor.



3RD ANNUAL CAJO FAM FEST 2022



Pastor Canton Jones with Radio One

Would like to bring CAJO FamFest to the City of
Stockbridge



Hosted by the City of Stockbridge's Youth Council
To bring the community together for one night of
praise, fun and creating new memories

Who?????

Canton Jones-award-winning, Grammy-nominated contemporary gospel singer, rapper, vocal arranger, and producer

RadioOne- largest distributor of urban content in the country. For more than 40 years, Urban One has been the leading voice speaking to Black America. First, as the largest local urban radio network. Then, as the largest syndicator of urban programming.

Stockbridge Youth Council- a group of 9th -12th grade leaders, elected by the community to educate, engage and encourage the community and be the voice of the youth in the City of Stockbridge

What???

The Cajo Famfest is a community festival that has been hosted in other cities is South-Metro Atlanta. This event was created as a prelude to Praise in the Park, one of the largest annual outdoor concerts celebrating Gospel music in the nation.

When & Where

When: Saturday, October 15, 2022

Where: Stockbridge Amphitheater

Time: 1:00PM-8:00 PM



LIVE MUSIC • GAMES • RIDES • FOOD TRUCKS

Why

It's not even summertime yet and our youth have been hit with some traumatic incidents this year. From the pandemic, to the ELHS tragedy, now the Texas mass shooting, we need to boost the morale of our students this upcoming school year by putting on the biggest inspirational family festival this city has ever seen.

How, you ask?

City Funds

Grants

Sponsorships

Partnerships

Volunteers

WHAT IS THE COST TO THE CITY??

The Youth Council is asking the City to fund \$20,000 of the \$60,000 budget

Sponsors are being acquired to help offset the cost with the option of different sponsor packages starting at \$300.00-\$2,500.00



PROJECTED COST FOR THE CITY

Carnival Rides \$5,000

Signage \$3,000

Insurance \$2,000

Cleaning Staff \$ 2,000

Security and Policing \$2,000

Video/Photographer \$2,000

Awards and Honors \$1,000

Tables, Chairs and Linen Rental \$1,000

PROJECTED COST FOR CANTON JONES

Sound and Lighting \$14,200

Artist and Salaries \$7,000

Engineers \$6,000

Marketing \$5,000

Hospitality \$3,000

Show Editors \$2,500

Insurance \$2,000

Infirmary \$1,000

IN CONCLUSION

Having a family event at the City of Stockbridge's new Amphitheater will not only bring diversity but will be a moment to connect with the community and show that the City of Stockbridge is truly "Where Community Connects"

Q&A





City of Stockbridge

AGENDA ITEM

MEETING DATE

May 31, 2022

FUNDING SOURCE

- ☐ RESOLUTION
- ☒ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☐ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
- ☐ BUDGET AMENDMENT
- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

- ☐ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST
- ☐ TSPLOST
- ☐ GRANT
- ☐ HOTEL/MOTEL TOURISM
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Chief Frank Trammer

DEPARTMENT: Police Department

ITEM/PROJECT/EVENT: Amendment of Stockbridge Code of Ordinances– Chapter 9.16 Pawnshops

Council consideration to amend Stockbridge Code of Ordinances, Chapter 9.16, Pawnshops and Secondhand Dealers.

BACKGROUND INFORMATION:

The Stockbridge Police Department is requesting to amend Stockbridge Code of Ordinances, Chapter 9.16, to add definitions, clarifying language and additional requirements.

APPROVALS: CITY MANAGER

CITY TREASURER

CITY ATTORNEY

POLICE CHIEF

☐ FINANCIAL IMPACT ☒ N/A

AMOUNT

ATTACHMENTS:

Chapter 9.16 PAWNSHOPS AND SECONDHAND DEALERS¹

¹Editor's note(s)—Ord. No. 12-282, § 1, adopted Aug. 13, 2012, repealed former Ch. 9.16, §§ 9.16.010—9.16.210, in its entirety and enacted new provisions as herein set out. Former Ch. 9.16 pertained to pawnshops and derived from Ord. No. 97-5, 1997; Ord. No. 01-04, § 1, 2001; Ord. No. 01-34, § 1, 2001.

9.16.010 Short title.

This chapter shall be known as the Stockbridge Pawnbroker and Secondhand Dealer Ordinance.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.020 Findings and intent.

This chapter is adopted to address the interest of public safety, health, and welfare of the community, to aid and assist in the recovery of stolen property, and to aid and assist local law enforcement in fulfilling their public safety functions.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.030 Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section or shall have the same meaning as set forth in the Official Code of Georgia Annotated, Section 44-12-130, should those definitions differ.

"Automated reporting system" means the computer based system that is specified by the chief of police or his designee that is designed to record and transmit data and information electronically.

"Employee" means any person who works in a pawnshop, whether on a part-time or full-time basis, regardless of whether remuneration is received or not.

"Month" means that period of time from one date in a calendar month to the corresponding date in the following calendar month, but if there is no such corresponding date, then the last day of such following month.

"Pawn or pledge" means a bailment of personal property as security for any debt or engagement, redeemable upon certain terms and with the implied power of sale on default.

"Pawn customer" means an individual who pledges, pawns, exchanges, or sells property to a pawnbroker

"Pawnbroker" means any person engaged in whole or in part in the business of lending money on the security of pledged goods, or in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as a part of or in conjunction with the business activities described in this paragraph.

"Pawnshop" means any business wherein a substantial part thereof is to take or receive, by way of pledge, pawn or exchange, any goods, wares, merchandise or any kind of personal property as security for the repayment of money lent thereon.

"Pawn transaction" means any loan on the security of pledged goods or any purchase of pledged goods on the condition that the pledge goods may be redeemed or repurchased by the pledger or seller for a fixed price within a fixed period of time.

"Person" means an individual, partnership, corporation, joint venture, trust, association, or any other legal entity however organized.

"Pledged goods" means tangible personal property, including, without limitation, all types of motor vehicles or any motor vehicle certificate of title, which property is purchased by, deposited with, or otherwise actually delivered into the possession of a pawnbroker in connection with a pawn transaction. However, for purposes of this Code section, possession of any motor vehicle certificate of title which has come into the possession of a

pawnbroker through a pawn transaction made in accordance with law shall be conclusively deemed to be possession of the motor vehicle, and the pawnbroker shall retain physical possession of the motor vehicle certificate of title for the entire length of the pawn transaction but shall not be required in any way to retain physical possession of the motor vehicle at any time. "Pledged goods" shall not include choses in action, securities, or printed evidences of indebtedness.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.040 Enforcement.

The municipal/county police department shall see that the provisions of this chapter are observed and enforced.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.050 Employees.

No person shall be an employee of a pawnshop in any capacity until such person has been fingerprinted by the municipal/county police department and has been issued an annual permit authorizing such person to be employed by a pawnshop. It shall be the duty of the pawnbroker to assure that there is compliance with the provisions of this section. **It shall be the duty of the licensee to assure the provisions of this section are strictly followed.**

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.060 General policies and purposes.

- A. Pawnbrokers may operate only after the issuance of a license for such operation by the City of Stockbridge and only in the manner permitted by such license. Pawn transactions may only occur through a licensee who complies with the rules and regulations of this chapter and with the licensing, regulatory and revenue requirements of the State of Georgia.
- B. All licenses are a mere grant or privilege subject to all terms and conditions imposed by this chapter and state law and subject to being revoked by the City of Stockbridge.
- C. Each licensee of the city shall display the license issued under this chapter prominently at all times at the outlet for which the license is issued. A separate license must be issued for each outlet of sale and a separate application must be made for each outlet.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.070 Qualifications for issuance of license.

Any person who desires to obtain a license for the operation of a pawnshop must meet the minimum qualifications set forth in this section. If the applicant is a partnership, each partner must meet the qualifications of any individual license and must make sworn statements of these qualifications as part of the application process. If the applicant is a corporation, the majority stockholder and each principal officer of the corporation must meet the qualifications as part of the applications process.

- A. No owner, employee, pawnbroker or any person connected with a pawnshop for which a license or permit is sought shall have been convicted of a crime involving "moral turpitude" or shall have been

convicted of any crime involving felony theft, burglary, robbery or a violation of the "Family Violence Act."

- B. No license shall be granted to an applicant who is under the age of eighteen (18) years of age;
- C. All persons filing an application for a pawnshop license will be required to complete a waiver in order for the applicant's criminal history to be obtained.
- D. No license shall be granted where the applicant has had any pawnshop license issued by any county, municipality or other governmental subdivision suspended or revoked.
- E. No license shall be granted for a location that is not in compliance with any federal, state or local regulation including, but not limited to, a state certificate of occupancy, a City of Stockbridge certificate of occupancy.
- F. No license shall be issued where the applicant has supplied false information in a license application or where any required fee has not been paid by such applicant, including any fees or assessments owed to other departments of the City of Stockbridge.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.080 Annual permit.

Before operating a pawnshop or becoming an employee of a pawnshop, any person must first file an application with the municipal/county police department for a permit to operate or be employed in the pawnshop, pursuant to the following:

- A. The application shall be made on an annual basis;
- B. No permit shall be issued until a fee in an amount established by action of the city council, a copy of which is on file in the office of the city clerk, is paid to the city;
- C. The application shall state the physical address of the pawnshop;
- D. The application shall contain the full name, street address, mailing address, phone number, facsimile number, e-mail address, Social Security number and date of birth of any employee, owner, or pawnbroker.
- E. The chief of police or any other office of the city/county designated by the city council shall investigate each applicant for such license and shall report to the city council whether such applicant is a person of good character and has not been convicted of a criminal offense as indicated in this chapter.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.090 Application.

- A. All applications required in Sec. 9.16.080, Annual permit, shall be in writing and on forms provided by the municipal/county police department.
- B. All applications shall be completed by the applicant and sworn to and signed by the applicant in the presence of a notary public or other office authorized to administer oaths.
- C. All applicants shall furnish all data, information and records requested of them, and failure to furnish such data, information and records within thirty (30) days from the date of such request shall automatically serve as grounds to deny the application. An applicant, by filing an application, agrees to produce for questioning any person(s) who are considered relevant to the ascertainment of facts relative to such license, as may be

requested by the city council, the municipal/county police department, or other official designated by the city council. Failure to produce such persons within thirty (30) days after being requested to do so may result in denial of the application.

- D. No pawnshop shall be operated at the same location or in the same premises with the sale, dealing in, exchange, or handling of other than new goods, ware or merchandise. No license for the sale, dealing in, exchange or handling of other than new goods, wares, or merchandise shall be issued for a location licensed as a pawnshop.
- E. Each applicant shall certify on the application that they have read this chapter and, if the license is granted, each licensee shall maintain a copy of this chapter on the premises.
- F. Once an application, accompanying documents, and the required investigative and license fees are filed with the municipal/county police department, the police department shall conduct a criminal investigation of the applicant and prepare a written criminal investigation report detailing all information relating to fingerprinting, criminal history, arrest data, and other matters pertinent to law enforcement. Upon completion of the criminal investigation report, the municipal/county police department shall assemble the tendered application forms and accompanying documents relating to investigation and processing of the application and deliver such documents to the city administrator/city clerk. If the criminal investigation report shows that the applicant meets the requirements set by this chapter and all other requirements of this chapter are satisfied then the city administrator/city clerk shall schedule the application for hearing at the next regularly scheduled public hearing calendar before the city council and shall so inform the applicant of this fact before such meeting. If the criminal investigation report shows that the applicant fails to meet the requirements set by this chapter, or if the applicant fails to meet all other requirements outlined by this chapter, then the city administrator/city clerk shall inform the applicant, in writing, that the application has been denied, and shall set forth in reasonable detail the reasons for the denial and shall notify the applicant of his right to appeal. Such appeal shall be before the city council in accordance with Section 9.16.190, Appeal procedure, of this chapter. If an applicant desires to appeal a denial, the applicant must file a written request for an appeal with the city administrator/city clerk within ten (10) business days of the date of the written notice informing the applicant of the denial of this license.
- G. Any application that the city administrator/city clerk determines to satisfy all the requirements outlined in this chapter, including character requirements as contained in the criminal investigation report of the municipal/county police department, shall be scheduled for review at the net regularly scheduled public meeting of the city council. At that meeting, the applicant and any person opposed to such application has the right to present to the city council any information that the city council determines is relevant to the licensing decision. In making its determination on whether to approve or deny the application, the city council shall look to the qualifications set forth in this chapter and consider the public interest and welfare of the citizens of the city. The city council shall have the discretion to grant or deny the application based on the information presented. A decision by the city council shall be made within thirty (30) days from the date of the public hearing, unless the decision is postponed for purposes of obtaining additional information deemed necessary for consideration of the application. Notice of the decision by the city council shall be mailed to the applicant. If the application is denied, such written notification shall set forth in reasonable detail the reasons for the denial and shall notify the applicant of his right to appeal. Such appeal shall be taken solely in accord with Section 9.16.190, Appeal procedure, of this chapter.
- H. In all instances in which an application is denied, the applicant may not reapply for the same type of license for at least one year from the date of denial.
- I. Upon the issuance of a license, the licenses must have and continuously maintain in the city a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter may be served. This person must be an individual and must be a resident of the city. The license shall submit the name of such agent, along with the written consent of such agent, to the city administrator/city clerk. The identity of the agent may also be submitted contemporaneous to filing the license application.

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- J. Upon approval by the city council of the application for a license, the city administrator/city clerk shall issue a license in accordance with the approved application. If the applicant is an individual, the license shall be issued in the name of the individual. If the applicant is a corporation, the license shall be issued in the name of the corporation and in the name of the majority stockholder or a principal officer of the corporation. If the applicant is a partnership, the license shall be issued in the name of the partnership and in the name of one of the partners. All licenses issued shall be granted for the full calendar year or for the number of months remaining in the calendar year. Any applicant granted a license before July 1 shall pay the full license fee without proration. License fees for licenses granted on or after July 1 shall be one-half the annual license fee. License fees are not refundable once the license is granted by the city.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.100 Commencement and forfeiture.

- A. All holders of licenses under this chapter must, within six months after the issuance of the license, open for business the establishment referred to in the license, unless such period is extended by the city administrator/city clerk. Failure to open the licensed establishment as referred to in this subsection within the six-month period shall serve as an automatic forfeiture and cancellation of the license, and no refund of license fees shall be made to the license holder.
- B. Any holders of a license under this chapter who shall begin the operation of the business as authorized in the license, but who shall for a period of three consecutive months thereafter cease to operate the business as authorized in the license, shall automatically forfeit his license, which license shall, by virtue of such failure to operate, be canceled without the necessity for any further action by the city administrator/city clerk or the city council.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.110 Renewals and transfers.

- A. Any license holder subject to this chapter shall, apply for renewal of any existing license and shall pay the annual license fee no later than February 15th of each calendar year in which it does business.
- B. No license granted for a pawnshop shall be transferable except on application to the municipal/county police department in the same form and manner, and subject to the same requirements with respect to the transferee as are applicable in an original application. Any such license may be transferred only to another applicant doing the same business at the same place as the license holder to whom the license was originally issued. When permission for transfer has been granted, the original licensee or transferee shall cause the license to be delivered to the city administrator/city clerk, who shall record such transfer, and the transferee shall pay a fee therefore as a condition precedent to engaging in operations under the license. The fee for such transfer shall be established from time-to-time by the city council.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.120 Disposal of articles.

Any pawnbroker or employee of a pawnshop who makes a loan on pledged goods, or buys pledged goods on the condition that the seller may repurchase said goods, shall hold said goods for at least thirty (30) days before disposing of them by sale, transfer, shipment or otherwise. Non-pledged goods bought under this section shall be held for at least seven (7) calendar days before disposing of them by sale, transfer, shipment or otherwise.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.130 Minors.

It shall be unlawful for any pawnbroker or employee of a pawnshop to receive goods in pawn, trade, purchase or sale from a person under eighteen (18) years of age.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.140 Hours of operation.

All holders of licenses under this division shall operate only during the hours of 8:00 a.m. and 9:00 p.m., Monday through Saturday.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.150 Lost or stolen items.

- A. It shall be the duty of every person operating or employed by a pawnbroker's license or permit, to report to the chief of police or his duly authorized agent any article or goods sold or pawned to him if he shall have a reason to believe that the article or goods was stolen or lost when presented by seller or customer.
- B. With respect to any items which would normally have a serial number or other means of identification, if any pawnbroker or employee of a pawnshop becomes aware that such items have had the identification removed, defaced or destroyed, such fact shall be immediately reported to the chief of police or his duly authorized agents.
- C. If it is determined that an item bought, sold, traded or pawned by a seller or customer to the pawnbroker or his employee is the subject of any reported theft, then the surrender of said item to the chief of police or his duly authorized agent shall be done upon demand.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.160 Suspension and revocation of license.

Immediate suspension, revocation, or forfeiture of an issued license by the city council shall occur only after notice and opportunity for a hearing before the city council consistent with the procedures set forth in Section 9.16.190, Appeal procedure, and only upon the following occurrences:

- A. Any license issued under this chapter for the operation of a pawnshop shall be immediately revoked in the case of bankruptcy, receivership or levy of legal process upon the licensed outlet or property therein.
- B. Except as provided in Section 9.16.110, Renewals and transfers, any change in the ownership of an entity owning a licensed outlet shall be grounds for the city council to revoke any license issued under this chapter.
- C. A license shall be immediately suspended or revoked by the city council upon learning that a licensee furnished fraudulent or untruthful information in the application for a license, or omits information required in the application for a license, or fails to pay all fees, taxes, or other charges imposed under the provisions of this chapter.
- D. The city council shall immediately suspend or revoke the license of any licensee who does not meet the qualifications set forth in this chapter at any time such information becomes known to the city council.

9.16.170 ~~Record of transactions.~~ Records and Documentation; Identification; Digital Images, Submission of Reports, Fingerprints and Photographs; Reporting.

- A. Every pawnbroker shall maintain a permanent electronic record of its pawn transactions in which an accurate description of all property pledged, traded or sold to the pawnshop can be transmitted to the municipal/county police department via an electronic automated reporting system. Each of these transactions shall contain an accurate description of all property pledged, traded or sold to the pawnshop and shall be made at the time of each transaction. **This description shall include, to the extent possible, the name of the maker of the article, any identifying mark and/or number and a statement of the kind of material of which it is made. In these records there shall be entered also the full name, address, telephone number, race, sex, height, weight, driver's license or ID number, and date of birth of the person by whom the article was deposited or sold, and the time when it was done. In addition to the aforesaid, provided that the following information is shall be included:**
1. The date and time of the purchase, pawn, or sale of the property.
 2. The full name, street address, and telephone number of the customer making the pledge, trade, or sale.
 3. ~~A description of the customer in terms of sex, race, date of birth, height and weight, as well as the driver's license number of the customer or some other identification card which contains a photograph of the customer.~~
A description of the person selling or pawning, including their name, address, date of birth, race, sex, weight and height, and the distinctive number from each pawn customer's drivers license or other government-issued identification containing a photo of the customer.
 4. ~~A description of the pledge or purchased property by serial, model, or other number, if available, and by any identifying marks (e.g., brand name, color, style, etc.).~~
A full description of property pledged, traded, pawned, exchanged, or sold, including kind, manufacturer, model, serial number, style, material, color, design; kind and number of stones in jewelry, caliber and finish of firearms, and any other identifying names, marks and numbers.
 5. The number of the receipt or pawn transaction issued for the property pawned or bought.
 6. The price paid or the amount loaned.
 7. The maturity date of the transaction, if a pawn.
 8. A photograph of the customer and the item pawned or bought which will be taken with the electronic automated reporting system at the time of the transaction.
 9. The signature of the customer.
 10. The fingerprint of the right hand index finger of the customer, unless such finger is missing, in which even the print of the next finger in existence on the right hand of the person pawning the articles shall be obtained with the notation as to the exact finger printed.
 11. **A well-focused, properly exposed color photograph or photographs with a digital camera or web camera, of the items being pledged, traded, or sold, including serial numbers or identifying marks.**
 12. **A well-focused, properly exposed digital photograph or scanned image of any bill of sale, receipt or other document tending to show the seller's ownership of the items purchased by the dealer, if any such documents exist.**

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- B. Every pawnshop shall enter each transaction as it occurs into the electronic reporting system or may elect to upload electronically via the internet a batch file of all transactions for each business day to the administrator of the electronic automated reporting system immediately at the conclusion of each business day. The administrator of the electronic automated reporting system will electronically transmit all transactions to the municipal/county police department.
- C. Every pawnshop shall enter each transaction as it occurs into the electronic automated reporting system via the internet to the administrator of the electronic automated reporting system. The administrator of the electronic automated reporting system will electronically transmit all transactions to the police department.
- D. In the event that the electronic automated reporting system becomes temporarily or permanently disabled, pawnshops and pawnbrokers will be notified as soon as possible. In this event, the pawnbrokers will be required to make records of transactions in paper form. Such paper forms must include all information as enumerated in paragraph A. of this Code section. Pawnbrokers shall maintain a three-day supply of these paper forms.
- In the event the electronic automated reporting system becomes temporarily or permanently disabled, pawnshops and pawnbrokers will be notified as soon as possible by the police department. Pawnshops that incur electronic system failures or other events that would cause partial or complete loss of electronic reporting should notify the police department forthwith with the reason of the failure. In this event, the pawnbrokers will be required to make records of transactions in paper forms prescribed by the police department. Such paper forms must include all information as enumerated in Section (b) above. Pawnbrokers shall be responsible for maintaining an adequate inventory of these forms. A digital camera will be used to collect the required pictures and transferred to a USB for submittal. On a daily basis, all transactions not reported in electronic automated reporting system, will be delivered to the police department by the pawnshop before noon on the following business day for every day until the event has been corrected.
- E. Any duly authorized law enforcement officer may, during the ordinary hours of business or any other reasonable time, inspect any pawnbroker's electronic records at the pawnbroker's place of business to ensure compliance with this section.
- F. The pawnbroker shall assign a pawnshop transaction number documenting each transaction, and ensure each item received is tagged with the pawnshop transaction number. Transaction numbers must be consecutive with no skipped numbers.
- G. The tag bearing the pawnshop transaction number must remain attached to the item until the property is disposed of by sale, trade, or other lawful means. This paragraph does not apply to the purchase of property from licensed wholesale or distributor businesses for the purpose of retail sales; however the pawnbroker shall be required to maintain all purchasing records for property exempted from this paragraph
- H. The pawnbroker shall require all persons pledging, trading, pawning, exchanging, or selling property to show proper identification prior to conducting a pawnshop transaction. Proper identification is defined as a government-issued photo identification card such as a driver's license, military identification card, passport, or other similar document approved by the Chief of Police.
- I. The pawnbroker shall photograph with a digital camera or web camera, the pawn customer along with a pawnbroker's ticket showing a transaction number. The pawnbroker shall also photograph the pawned merchandise, including any serial numbers or identifying marks. The pawnbroker shall obtain a fingerprint of the pawn customer's right index finger provided it has not been amputated; if so, a print of the next adjoining finger shall be acceptable. Digital images shall be labeled and stored in such a manner that they are safe from corruption, readily identifiable, and readily available for review
- J. The pawnbroker shall store the above records, digital images, and fingerprints for a period of four years and make them available to law enforcement personnel upon request.

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- K. Insufficient reports, photographs, and fingerprints shall be rejected, and any pawnbroker making them shall be deemed guilty of an offences.
 - L. The municipal / county police department has the authority to place property that is the subject of police investigation on "police hold." In that event, the municipal / county police department shall notify the pawnbroker of the need for a police hold and identify all property subject to the police hold. The pawnbroker shall physically check to ensure the subject property is in the pawnshop and has not been redeemed, sold, transferred, melted down, or otherwise disposed of. When the pawnbroker has confirmed to the police department that the property is in the shop, it shall be the responsibility of the pawnbroker to maintain the subject property until such time as the property is released from police hold status or the property is confiscated as evidence.
 - M. The chief of police or his designee shall select and designate the required automated reporting system.
- (Ord. No. 12-282, § 1, 8-13-2012)

9.16.180 Violations.

- A. It shall be unlawful for any pawnbroker or employee of a pawnshop to violate any of the provisions of this chapter, whether or not such person or employee is the holder of a current valid permit issued according to the terms of this chapter. Further, any person failing to comply with any provision of this chapter or other rules, ordinances and regulations as may be passed by the city council for conduct of the business of a pawnbroker, shall upon conviction, have the license to conduct business revoked.
 - B. It shall be unlawful for any pawnbroker or employee of a pawnshop to:
 - 1. Make any false statement in an application for any permit provided for in this chapter.
 - 2. Make any false entry in any record book, ledger or form required by the terms of this chapter.
 - 3. Violate any criminal law of this state while acting in the course of business as a pawnbroker or employee of a pawnbroker.
 - C. Persons who violate this chapter shall be guilty of a misdemeanor.
- (Ord. No. 12-282, § 1, 8-13-2012)

9.16.190 Appeal procedure.

- A. Upon receipt of a timely appeal of an administrative denial, or upon alleged violation of those items in Section 9.16.160, Suspension and revocation of license, the city administrator/city clerk shall schedule a hearing before the city council and provide written notice to the adverse party of the time, place and date of the scheduled hearing. The city administrator/city clerk shall also state in the written notice the basis for the denial or potential suspension or revocation. After notice of hearing, matters scheduled for hearing may only be continued by agreement of the city attorney and the adverse party and/or counsel for the adverse party.
- B. The city council shall have the duty of conducting hearings concerning the denial, revocation, or suspension of a license. The standard of proof on all issues in the hearing shall be a preponderance of the evidence and a determination will be made on the basis of the evidence presented at the hearing.
- C. At the hearing, after presentation of the case against the adverse party, the adverse party will have an opportunity to present his case, to rebut the allegations made against him, and present whatever defenses he has. The adverse party shall have the right to be represented by an attorney, at the expense of the adverse party, and to present evidence and cross-examine opposing witnesses. An opportunity for rebuttal shall be provided.

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- D. At the conclusion of the hearing, the findings and conclusions of the city council shall be forwarded to the city administrator/city clerk, and it shall be the duty of the city administrator/city clerk to provide written notification via certified mail to the adverse party of the decision of the city council.
 - E. The decision of the city council shall be final unless appealed to the Superior Court of Henry County within thirty (30) days of receipt of the city administrator/city clerk's written notification to the adverse party of the city council's decision.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.200 License limitation.

- A. The city shall issue a maximum of three (3) licenses for pawnbrokers. No additional licenses shall be issued unless the population of the City of Stockbridge reaches twenty thousand (20,000) residents, at which time one (1) additional license may be permitted for each five thousand (5,000) residents of the city over the twenty thousand (20,000) initial threshold. No application for a license to do business as a pawnbroker shall be considered or approved or a license issued where the total number of pawnbroker licenses issued and in effect at the time of such application numbers at least one for each five thousand (5,000) residents according to the latest officially and finally published annual population estimates by the U.S. Census Bureau. In making this computation, fractions of each five thousand (5,000) residents shall not be considered. For purposes of this section, non-conforming pawnbrokers and pawn shops shall be included for purposes of calculating the number of outstanding licenses.
- B. Whenever it shall be recognized by the city treasurer that the release of population projections by the U.S. Census Bureau results in the availability of one (1) or more additional licenses, and it is determined by the city treasurer that one (1) or more additional licenses are available, the city shall publish a notice, one (1) time, advising the public of such, and that applications will be received for a period of forty-five (45) days subsequent to the publication.
- C. If, during this period, applications are received which exceed the number of newly available licenses, there shall be held a lottery, administered by the city treasurer, to determine the order in which applications shall be processed. Thereafter, the applications shall be processed in the order reflected in the results of the lottery. Once the proceeding of applications has resulted in the issuance of licenses up to the limit contained in this chapter, the remaining applications shall be returned to the applicants, unprocessed.
- D. If no applications are received during the forty-five-day period after publication, applications shall thereafter be processed in the order in which they may thereafter be received.

(Ord. No. 12-282, § 1, 8-13-2012; Ord. No. OR 13-305, § 1, 4-8-2013)



City of Stockbridge

AGENDA ITEM

MEETING DATE

May 31, 2022

FUNDING SOURCE

- ☐ RESOLUTION
- ☒ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☐ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
- ☐ BUDGET AMENDMENT
- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

- ☐ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST
- ☐ TSPLOST
- ☐ GRANT
- ☐ HOTEL/MOTEL TOURISM
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Chief Frank Trammer

DEPARTMENT: Police Department

ITEM/PROJECT/EVENT: Amendment of Stockbridge Code of Ordinances– Chapter 11.04 General Offenses

Council consideration to amend Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.010– Disorderly conduct.

BACKGROUND INFORMATION:

The Stockbridge Police Department is requesting to amend Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.010– Disorderly conduct to add additional offenses, and to remove duplicate and objectionable provisions.

APPROVALS: CITY MANAGER

CITY TREASURER

CITY ATTORNEY

POLICE CHIEF

☐ FINANCIAL IMPACT ☒ N/A

AMOUNT

ATTACHMENTS:

11.04.010 Disorderly conduct.

It is unlawful and disorderly conduct for any person to:

- A. Act in a violent or tumultuous manner toward another, whereby any person is placed in danger of or in fear of his safety, life, limb or health;
- B. Act in a violent or tumultuous manner toward another, whereby public property or property of another person is placed in danger of being destroyed or damaged;
- C. Endanger or interfere with the lawful pursuits of another by acts of violence or threats of bodily harm;
- D. Cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another or public property;
- E. Assemble or congregate with another or others and cause, provoke or engage in any fight or brawl;
- F. Carry any item with the intention either to threaten, intimidate, or provoke the apprehension of violence, or with the disregard for the rights and safety of others. Nothing in this subsection shall be interpreted to prohibit the carrying of a firearm or weapon as described in O.C.G.A. 16-11-173.
- G. Collect in bodies or in crowds and engage in unlawful activities;
- H. Assemble or congregate with another or others and engage or attempt to engage in unlawful gaming;
- I. Frequent any public place and obtain money from another by an illegal and fraudulent scheme, trick, artifice or device or attempt to do so;
- J. Assemble with another or others and engages in any fraudulent scheme, device or trick to obtain or attempts to obtain any valuable thing in any place or from any person;
- K. Frequent any place or vehicle where gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated;
- L. Direct "fighting words" towards another, that is, words which by their very nature tend to incite an immediate breach of the peace;
- M. Assemble or congregate with another or others and do bodily harm to another or damage property of another or public property;
- N. Congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuse to clear such public way when ordered to do so by a peace officer or other person having authority;
- O. Damage, befoul or disturb public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition;
- P. Appear in an intoxicated condition in any public place or within the curtilage of any private residence not his own other than by invitation of the owner or lawful occupant, which condition is made manifest by boisterousness, indecent condition or act, vulgar, profane, loud or unbecoming language, unconsciousness, disorientation or the inability to care for his or her own needs or recognize obvious dangers;
- Q. By and in any manner, creates loud noises which disrupt, disturb, or otherwise interfere with the peace and tranquility of the public;
- R. Attempt to hinder, delay, obstruct or prevent any law enforcement officer from performing his or her duty; which includes the giving of a false name, address, or date of birth to a law enforcement officer in the lawful discharge of his or her official duties with the intent of misleading the officer as

to his or her identity or date of birth;

S. Keep, rent or let any house, hall or room, within the corporate limits of the city, for the congregating of disorderly, noisy or riotous persons, or where disorderly, riotous or noisy persons assemble to the disturbance of the neighborhood or some part thereof.

T. Appear in a public place or in view of the public wearing outer clothing garments such as pants, shorts, or a skirt more than three (3) inches below the hips (crest of the ilium) the effect of which exposes the skin, undergarments, or underwear. For the purpose of this subsection, the term "underwear" shall include any article of clothing garments worn under the outer garments and next to the skin. At the discretion of the officer or person designated to enforce city ordinances, any person violating this subsection may be warned to pull up their outer garments, and if they comply, said warning shall be the only penalty for violation of this subsection.

A. ~~Act in a violent or tumultuous manner toward another, whereby a reasonable person would be placed in fear of safety for life or limb;~~

B. ~~Place the property of another in serious danger of being destroyed or damaged;~~

C. ~~Use fighting words directed toward another, who becomes outraged and thus creates a turmoil;~~

D. ~~Violently interfere with another's pursuit of a lawful occupation; or~~

E. ~~Congregate with others to halt the flow of vehicular or pedestrian traffic and refuse to clear the way when ordered by lawful authority to do so.~~

(Amended during 1991 codification: Code 1971, Sec. 13-2)

(Ord. No. 11-260, § 1, 9-12-11)



City of Stockbridge

AGENDA ITEM

MEETING DATE

May 31, 2022

FUNDING SOURCE

- ☐ RESOLUTION
- ☒ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☐ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
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- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

- ☐ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST
- ☐ TSPLOST
- ☐ GRANT
- ☐ HOTEL/MOTEL TOURISM
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Chief Frank Trammer

DEPARTMENT: Police Department

ITEM/PROJECT/EVENT: Amendment of Stockbridge Code of Ordinances– Chapter 11.04 General Offenses

Council consideration to amend Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.100– Weapons-Discharge prohibited.

BACKGROUND INFORMATION:

The Stockbridge Police Department is requesting to amend Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.100– Weapons-Discharge prohibited to add additional language.

APPROVALS: CITY MANAGER 

CITY TREASURER _____

CITY ATTORNEY _____

POLICE CHIEF 

☐ FINANCIAL IMPACT ☒ N/A

AMOUNT

ATTACHMENTS: 

11.04.100 Weapons—Discharge prohibited—Exception.

It is unlawful for any person to shoot any gun, pistol or firearm of any kind, or any air gun, or pellet gun, paintball gun, or any other weapon designed to fire any projectile at a high rate of speed, including slingshots, within the city, except for peace officers in the discharge of their duties, and the military at a funeral in honor of the dead, those with permits for Turkey Shoots, licensed firing ranges, in defense of person or property, and theatrical productions using blanks.

(Amended during 1991 codification: Code 1971, Sec. 13-2)

, or pellet gun,



City of Stockbridge

AGENDA ITEM

MEETING DATE

May 31, 2022

FUNDING SOURCE

- ☐ RESOLUTION
- ☒ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☐ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
- ☐ BUDGET AMENDMENT
- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

- ☐ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST
- ☐ TSPLOST
- ☐ GRANT
- ☐ HOTEL/MOTEL TOURISM
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Chief Frank Trammer

DEPARTMENT: Police Department

ITEM/PROJECT/EVENT: Amendment of Stockbridge Code of Ordinances– Chapter 11.04 General Offenses

Council consideration to add a new ordinance under Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.140 Defecating or urinating on public property or in certain areas.

BACKGROUND INFORMATION:

The Stockbridge Police Department is requesting to add a new ordinance under Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.140 Defecating or urinating on public property or in certain areas.

APPROVALS: CITY MANAGER

CITY TREASURER

CITY ATTORNEY

POLICE CHIEF

☐ FINANCIAL IMPACT ☒ N/A

AMOUNT

ATTACHMENTS:

11.04.140 Defecating or urinating on public property or in certain areas.

It shall be unlawful for any person to defecate or urinate on or adjacent to any street or sidewalk, or in the halls, elevators, stairways, or any other area designated for public passage within any public or commercial buildings, or on any property open to public view.



City of Stockbridge

AGENDA ITEM

MEETING DATE

May 31, 2022

FUNDING SOURCE

- ☐ RESOLUTION
- ☒ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☐ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
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- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Chief Frank Trammer

DEPARTMENT: Police Department

ITEM/PROJECT/EVENT: Amendment of Stockbridge Code of Ordinances– Chapter 11.04 General Offenses

Council consideration to add a new ordinance under Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.150 Monetary solicitation.

BACKGROUND INFORMATION:

The Stockbridge Police Department is requesting to add a new ordinance under Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.150 Monetary solicitation.

APPROVALS: CITY MANAGER

CITY TREASURER

CITY ATTORNEY

POLICE CHIEF

☐ FINANCIAL IMPACT ☒ N/A

AMOUNT

ATTACHMENTS:

11.04.150- Monetary solicitation

1. "Monetary solicitation" defined:
 - a. "Monetary solicitation" or to "monetarily solicit" is an act or action performed by an individual that meets the following three criteria:
 - i. Is an in-person request of another individual, either orally or by gesture; and
 - ii. The request is for an immediate distribution of money or anything of monetary value; and
 - iii. The request occurs on public property, including, without limitation, city streets, sidewalks, transit stations or platforms, and parks.
 - b. "Monetary solicitation" and "monetarily solicit" shall not include:
 - i. Requests for signatures on a petition or other document; or
 - ii. Distribution of written material that requests individuals to send contributions by mail or make donations in some other manner at a later time; or
 - iii. Distribution of pre-addressed envelopes along with a verbal plea to contribute money, provided that no request for an immediate contribution is made; or
 - iv. Sale of literature or other merchandise or food where payment occurs at a separate time and location, including through mail order; or
 - v. Public vending lawfully permitted in accordance with city ordinance or state law.
 2. Monetary solicitation in certain areas.
 - a. It shall be unlawful for any person to monetarily solicit in any of the following places:
 - i. Within 15 feet of the entrance to or exit from any public toilet facility, which includes any temporary use site (port-a-toilet);
 - ii. Within 15 feet of an automated teller machine (ATM), provided that when an ATM is located within an ATM facility, such distance shall be measured from the entrance or exit of the ATM facility;
 - iii. Within 15 feet of any parking lot pay box, on-street parking pay station or kiosk;
 - iv. Within 15 feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;
 - v. In any public transportation vehicle; in or on any bus, rail, subway or Streetcar platform or station or taxi stand, including without limitation entryways, exits, queuing areas and pay stations connected therewith; within 15 feet of any bus, rail, subway or Streetcar platform or outdoor station or taxi stand; and within 15 feet of the entrance or exit of a station located in an enclosed building;
 - vi. Within 15 feet of the entrance or exit of a building, whether publicly or privately owned, including without limitation any residence, business, event venue or athletic facility. Nothing in this subsection (6) shall prohibit monetary solicitation within 15 feet of any other portion of a building other than its exit(s) and entrance(s);
 - vii. Within 15 feet of or within a line for entry to any building, whether the building is publicly or privately owned, including without limitation any residence, business, event venue or athletic facility;
 - viii. In a parking lot or garage owned or operated by the City of Stockbridge, including entryways or exits and pay stations connected therewith;
 3. Aggressive monetary solicitation.
 - a. It shall be unlawful for any person to monetarily solicit in any of the following manners:
 - i. Blocking the path or passage of the person solicited;
 - ii. Not allowing the person solicited to leave the presence of the solicitor, by following immediately behind or walking alongside the person solicited;
 - iii. Using profane or abusive language, either during the solicitation or following refusal;
-

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- iv. Continuing to monetarily solicit a person after that person has refused the solicitation verbally or by gesture;
 - v. Continuing to monetarily solicit a person located in or on a motor vehicle after that person has refused the solicitation verbally or by gesture;
 - vi. Making any statement, gesture, or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat that is intended to compel or force the person solicited to accede to the demands of the solicitor; and/or
 - vii. Touching the person solicited.

4. Penalties.

- a. Upon conviction under the section above, the violator may be sentenced to one or more of the following: the performance of up to 30 days community service; a monetary fine not to exceed \$1,000.00; and/or imprisonment not to exceed 180 days.
- b. Upon the first conviction under the section above, the violator may be sentenced to one or more of the following: the performance of up to 30 days community service; a monetary fine not to exceed \$1,000.00; and/or imprisonment not to exceed 180 days.
- c. Upon the second conviction under the section above, the violator may be sentenced to one or more of the following: the performance of up to 30 days community service; a monetary fine not to exceed \$1,000.00; and/or imprisonment not to exceed 180 days, provided that the sentence must include a minimum of 30 days imprisonment.
- d. Upon the third and future convictions under section 106-85(c) above, the violator may be sentenced to one or more of the following: the performance of up to 30 days community service; a monetary fine not to exceed \$1,000.00; and/or imprisonment not to exceed 180 days, provided that the sentence must include a minimum of 90 days imprisonment.



City of Stockbridge

AGENDA ITEM

MEETING DATE

May 31, 2022

FUNDING SOURCE

- ☐ RESOLUTION
- ☒ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☐ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
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- ☐ HOTEL/MOTEL TOURISM
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Chief Frank Trammer

DEPARTMENT: Police Department

ITEM/PROJECT/EVENT: Amendment of Stockbridge Code of Ordinances– Chapter 11.04 General Offenses

Council consideration to add a new ordinance under Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.160 False representation to police or any city department.

BACKGROUND INFORMATION:

The Stockbridge Police Department is requesting to add a new ordinance under Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.160 False representation to police or any city department.

APPROVALS: CITY MANAGER

CITY TREASURER

CITY ATTORNEY

POLICE CHIEF

☐ FINANCIAL IMPACT ☒ N/A

AMOUNT

ATTACHMENTS:

11-04-160- False representation to police or any city department

It shall be unlawful for any person, knowingly and willfully and with intent thereby to mislead, either in such person's own behalf or in behalf of others, as principal or as agent, to make or file orally or in writing any false representations of fact to any police officer of the city or to any department of the city government.



City of Stockbridge

AGENDA ITEM

MEETING DATE

May 31, 2022

FUNDING SOURCE

- ☐ RESOLUTION
- ☒ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☐ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
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- ☐ CHANGE ORDER
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- ☐ TSPLOST
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- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Chief Frank Trammer

DEPARTMENT: Police Department

ITEM/PROJECT/EVENT: Amendment of Stockbridge Code of Ordinances– Chapter 11.06

Council consideration to amend Stockbridge Code of Ordinances, Chapter 11.06, Section 11.06.010– Administration of state offenses in municipal courts.

BACKGROUND INFORMATION:

The Stockbridge Police Department is requesting to amend Stockbridge Code of Ordinances, Chapter 11.04, Section 11.06, Section 11.06.010– Administration of state offenses in municipal courts to add clarifying language and to remove duplicate phrasing.

APPROVALS: CITY MANAGER

CITY TREASURER

CITY ATTORNEY

POLICE CHIEF

☐ FINANCIAL IMPACT ☒ N/A

AMOUNT

ATTACHMENTS:

11.06.010 Administration of state offenses in municipal courts.

The city elects to exercise jurisdiction over any and all of those state offenses for which a grant of jurisdiction has been provided by general state law now or in the future, unless such grant of jurisdiction is waived for certain offenses by the adoption of one or more separate ordinances by the mayor and council. The court clerk shall keep the mayor and council informed of any new grants of jurisdiction by the Georgia General Assembly by notifying the city manager. In the exercise of that jurisdiction, officers writing tickets returnable to the municipal court, shall delineate the nature of the offense charged by name and Georgia Code number on the citation and summons. All persons convicted of state violations prosecuted under this section shall be punished as provided for by the applicable state law.

Offenses to be cited and brought before the municipal court for final adjudication include:

- A. Possession of one ounce or less of marijuana, pursuant to O.C.G.A. §§ 16-13-30 and 16-13-2.
- B. Operating a motor vehicle without effective insurance, pursuant to O.C.G.A. § 40-6-10.
- C. Misdemeanor theft by shoplifting pursuant to O.C.G.A. § 16-8-14.
- D. Furnishing alcoholic beverages to and possession and purchase of alcoholic beverages by persons under 21 years of age, pursuant to O.C.G.A. §§ 3-3-23 and 3-3-23.1.
- E. Criminal trespass, pursuant to O.C.G.A. § 16-7-21.
- F. Transactions in drug-related objects pursuant to O.C.G.A. § 16-13-32.

(Ord. 98-23 § 1, 1998; Ord. 94-2 § 1, 1994)

(Ord. No. 14-345, § 8, 5-12-2014)



City of Stockbridge

AGENDA ITEM

MEETING DATE

May 31, 2022

FUNDING SOURCE

- ☐ RESOLUTION
- ☒ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☐ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
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- ☐ PARTNER/SPONSOR
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ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Chief Frank Trammer

DEPARTMENT: Police Department

ITEM/PROJECT/EVENT: Amendment of Stockbridge Code of Ordinances– Chapter 11.20 Loitering

Council consideration to add a new ordinance under Stockbridge Code of Ordinances, Chapter 11.20, Section 11.20.030 Loitering for illegal sexual purposes.

BACKGROUND INFORMATION:

The Stockbridge Police Department is requesting to add a new ordinance under Stockbridge Code of Ordinances, Chapter 11.20, Loitering to create an offenses for loitering for illegal sexual purposes.

APPROVALS: CITY MANAGER

CITY TREASURER

CITY ATTORNEY

POLICE CHIEF

☐ FINANCIAL IMPACT ☒ N/A

AMOUNT

ATTACHMENTS:

11.20.030- Loitering for illegal sexual purposes

1. It shall be unlawful for any person to loiter, while a pedestrian or in a motor vehicle, in or near any thoroughfare or place open to the public, parking lots of hotels and motels, in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting, or procuring another to commit an act of prostitution, sodomy, masturbation for hire or pandering. Among the circumstances which may be considered in determining whether this purpose is manifested are: that person is a known prostitute, pimp, sodomist, masturbator for hire or panderer and repeatedly beckons to, stops or attempts to stop, or engages passersby in conversation, or repeatedly stops, or attempts to stop motor vehicle operators by hailing, or waving of arms or any bodily gesture for the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution, sodomy, masturbation for hire or pandering. No arrest shall be made for a violation of this subsection unless the arresting officer first affords that person the opportunity to explain his conduct.

For the purpose of this subsection, a "known prostitute, pimp, sodomist, panderer or masturbator for hire" is a person who, previous to the date of arrest for violation of this section, had been convicted of a violation of a sexual related law of any city or law of any state defining and punishing acts of soliciting, committing or offering or agreeing to commit prostitution, sodomy, masturbation for hire or pandering.

For the purpose of this subsection, "any person" shall also include panderers or solicitors of sexual acts, commonly referred to as "johns" or "trick,," who loiter in a manner and under circumstances manifesting the purpose of participating in, procuring, purchasing or soliciting any sexual act for hire made illegal by state law. Among the circumstances which may be considered in determining whether this purpose is manifested are: that person, while a pedestrian or in a motor vehicle, repeatedly beckons to, attempts to stop, engages or attempts to engage in conversation with any person by hailing, waving arms or any bodily gesture for the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution, sodomy, masturbation for hire or pandering.

State Law reference— Authority of city to adopt ordinances proscribing loitering and related acts for purposes of procuring others to engage in sexual acts for hire, O.C.G.A., § 16-6-24.



City of Stockbridge

AGENDA ITEM

MEETING DATE

May 31, 2022

FUNDING SOURCE

- ☐ RESOLUTION
- ☒ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☐ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
- ☐ BUDGET AMENDMENT
- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
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- ☐ FUND BALANCE
- ☐ SPLOST
- ☐ TSPLOST
- ☐ GRANT
- ☐ HOTEL/MOTEL TOURISM
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- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Chief Frank Trammer

DEPARTMENT: Police Department

ITEM/PROJECT/EVENT: Amendment of Stockbridge Code of Ordinances– Chapter 11.24 Vagrancy

Council consideration to add a new ordinance under Stockbridge Code of Ordinances, Chapter 11.24, Section 11.24.030 Urban Camping.

BACKGROUND INFORMATION:

The Stockbridge Police Department is requesting to add a new ordinance under Stockbridge Code of Ordinances, Chapter 11.24, Vagrancy to create an offenses for urban camping.

APPROVALS: CITY MANAGER

CITY TREASURER

CITY ATTORNEY

POLICE CHIEF

☐ FINANCIAL IMPACT ☒ N/A

AMOUNT

ATTACHMENTS:

11.24.030- Urban Camping

1. Definitions

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

"Bridge" means a structure, including the approaches thereto, erected in order to afford passage over any obstruction in any public road, railroad, or other right-of-way; or to afford passage under or over existing public roads, railroads, or other rights-of-way. As used in this section the definition of "Bridge" shall include a controlled access highway overpass as defined herein.

"Camp" or "camping" means the use of a street, sidewalk, other right-of-way, and/or any area underneath a bridge, within the City of Stockbridge for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making a fire, or carrying on cooking activities, or using a tent or other structure for habitation. These activities constitute camping if, in light of all the circumstances, it reasonably appears that in conducting one or more of these activities, the participant is in fact using the area as a living accommodation, regardless of the intent of the participant or the nature of any other activities in which s/he may also be engaging. For purposes of this section 106-12(a), the terms "camp" and "camping" do not include activity that occurs solely within city-owned parks.

"City" means the City of Stockbridge.

"Controlled access highway overpass" means a crossing of two controlled access highways or of a controlled access highway and other public road, pedestrian path, railroad or public right-of-way at different levels where clearance to traffic on the lower level is obtained by elevating the higher level.

"Interference (or "interfere") with ingress and egress" means standing, sitting, lying down, using personal property, or performing any other activity on public property and/or in a park, where such activity: a) materially interferes with the ingress into and egress from buildings, driveways, streets, alleys, or any other real property that has a limited number of entrances/exits, regardless of whether the property is owned by the city, a private owner or another public entity; b) reasonably appears, in light of all of the circumstances, to have the purpose of blocking ingress and egress; and c) occurs without the express written permission of the owner of the property at issue. Where written permission has been granted, the individuals interfering with ingress and egress must have possession of the permission at the time of the activity in question.

"Park" or "parks" means any city-owned park.

"Public property" means any street, sidewalk, and/or other right-of-way, within the City of Stockbridge.

"Storing (or "store") personal property" means leaving one's personal effects unattended on public property, in any area underneath a bridge, and/or in a park, such as but not limited to clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks, or backpacks. This term does not include parking a bicycle or other mode of transportation.

2. Specific prohibitions

It shall be unlawful for any person to camp, store personal property or interfere with ingress and egress.

No person may be arrested for violating this code section until s/he has received an oral or written warning from the Stockbridge Police Department to cease the prohibited conduct. If the violator fails to comply with the warning issued, s/he may be arrested for violation of this section.

Where personal property is stored in violation of this subsection, the Stockbridge Police Department may deem the property to be abandoned and may confiscate it. No warning is required prior to the confiscation. The department shall retain the property in a manner consistent with the handling of other confiscated property.

The prohibitions set forth in this subsection shall not apply during a permitted outdoor event on property where the outdoor event is located, as set forth in a city-issued outdoor event permit, unless the permit explicitly prohibits the activity.

The prohibitions set forth in this section shall not apply to city, state, or county officials or employees acting in their official capacity, performing the activities as part of their official city duties.

The prohibitions set forth in this section shall not apply to city, state, or county contractors or subcontractors where said activities are associated and performed in conjunction with the scope of work set forth in the city contract.



City of Stockbridge

AGENDA ITEM

MEETING DATE

May 31, 2022

FUNDING SOURCE

- ☐ RESOLUTION
- ☒ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☐ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
- ☐ BUDGET AMENDMENT
- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

- ☐ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST
- ☐ TSPLOST
- ☐ GRANT
- ☐ HOTEL/MOTEL TOURISM
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Chief Frank Trammer

DEPARTMENT: Police Department

ITEM/PROJECT/EVENT: Amendment of Stockbridge Code of Ordinances– Chapter 11.26 Noise Nuisances

Council consideration to amend Stockbridge Code of Ordinances, Chapter 11.26, Section 11.26.040– Noise Nuisances-Specific prohibitions.

BACKGROUND INFORMATION:

The Stockbridge Police Department is requesting to amend Stockbridge Code of Ordinances, Chapter 11.26, Section 11.26.040– Specific prohibitions to add additional offenses and to remove duplicate provisions.

APPROVALS: CITY MANAGER

Chris A. Ford
MAYOR

☐ FINANCIAL IMPACT ☒ N/A

CITY TREASURER _____

AMOUNT

CITY ATTORNEY _____

POLICE CHIEF *Frank Trammer*

ATTACHMENTS: ☒

Chapter 11.26 NOISE NUISANCES

11.26.010 Name, policy and purpose.

- A. Name. This chapter shall be informally known as the Stockbridge Noise Ordinance.
- B. Policy and Purpose. The provisions contained in this chapter are enacted for the purpose of preventing noise disturbances or unreasonable noise. Above certain levels, unreasonable noise or noise disturbance is detrimental to the health and welfare of the citizenry and the individual's right to peaceful and quiet enjoyment. Therefore, it is hereby declared to be the policy of the city to prohibit noise disturbances or unreasonable noise from all sources, subject to its police power in order to secure and promote the public health, comfort, convenience, safety, welfare, and prosperity of the citizens of Stockbridge. Nothing in this chapter is intended to deter individuals from lawfully exercising the individual right to freedom of speech or any other freedom guaranteed under the Constitutions of the United States of America or of the State of Georgia.

(Ord. 02-38 § 1, 2002)

(Ord. No. 21-489 , § 1(Exh. A), 8-31-2021)

11.26.020 Definitions.

Unless the context indicates otherwise, the meaning of the terms used in this chapter is as set forth in this section.

"Ambient sound level" means the total sound pressure level in the area of interest excluding the noise source of interest (see, also, "background sound level," this section).

"A-weighted sound level (or) A-band level (dBA)" means the sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated "dBA."

"Background sound level" means the total sound pressure level in the area of interest excluding the noise source of interest (see also, "ambient sound level," this section).

"Band pressure level" means, for a specified band, the sound pressure level for the sound contained within the restricted band. The reference pressure shall be specified.

"City" means the City of Stockbridge, Georgia.

"Cycle" means the complete sequence of values of a periodic quantity which occurs during a period.

"Commercial area" means a group of commercial facilities and the abutting public right-of-way and public spaces.

"Commercial facility" means any premises, property or facility involving traffic in goods or furnishing of services for sale or profit, including but not limited to:

1. Banking and other financial institutions;
2. Dining establishments;
3. Establishments for providing retail or wholesale services;

-
4. Establishments for recreation and entertainment;
 5. Office buildings;
 6. Transportation; and
 7. Warehouses.

"Construction" means any site, preparation, assembly, erection, substantial repair, alteration or similar action but excluding demolition, for or of public or private right-of-way, structures, utilities or similar property.

"C-weighting" means the electronic filtering in sound level meters that models a flat response (output equals input) over the range of maximum human hearing frequency sensitivity.

"Daytime" means that period of time covering the hours of seven (7:00) a.m. (0700) to eleven (11:00) p.m. (2300).

"dBA" means an A-weighted unit of sound level.

"dBC" means a C-weighted unit of sound level.

"Decibel" (db) means a unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).

"Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

"Emergency work" means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.

"Equivalent sound level (Leq)" means the non-varying sound level that would contain the equivalent amount of energy as a varying sound level. Note that Leq can be weighted or unweighted and can be integrated over durations ranging from less than a second to many hours. The notation should indicate weighting used and duration, e.g., eighty-five (85) dBC Leq (six min.) is a C-weighted eighty-five (85) decibel equivalent sound level, integrated over a six-minute period.

"Frequency" means a function periodic in time, the reciprocal of the primitive period. The unit is the cycle per unit time and shall be specified.

"Impulsive sound" means any sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay, e.g., explosions, blasting and discharge of firearms.

"Industrial facility" means any activity and its related premises, property, facilities, or equipment involving the fabrication, manufacture, or production of durable or nondurable goods.

"Land use categories" means, for the purpose of this article the land use categories shown on Table 1 as "residential," "commercial" and "industrial" shall have their ordinary and customary meaning provided further that the residential classifications shall include the following classifications from the city zoning ordinance: RA, R-1, R-2, R-3, RD, RM, RMH, and PD (for all residential uses). The commercial classifications shall include the following classifications from the city zoning ordinance: C-1, C-2, C-3, M-1, M-2, and OI (for all commercial uses). The industrial classifications shall include the following classifications from the city zoning ordinance: M1 and M2 (for all industrial uses).

"Maximum sound level (Lmax)" means the maximum root mean square sound level measured or not to be exceeded by time varying sounds.

"Microbar" means a unit of pressure commonly used in acoustics, and which is equal to one dyne per square centimeter.

"Motor vehicles" means all self-propelled vehicles as defined in the Georgia Motor Vehicle Code, specifically including but not limited to mini-bikes, recreational vehicles, trail bikes and go-carts.

"Muffler" means a sound-dissipative device or system for lessening the sound of the exhaust of an internal combustion engine.

"Nighttime" means that period of time cover[ing] the hours from eleven (11:00) p.m. (2300) to seven (7:00) a.m. (0700).

"Noise" means any sound of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property throughout the city or in any portions thereof, but excludes all aspects of the employer employee relationship concerning health and safety hazard within the confines of a place of employment.

"Noise disturbance" means any sound that:

1. Endangers the safety or health of any person;
2. Disturbs a reasonable person of normal sensitivities; or
3. Endangers personal or real property.

"Peak sound level (Lpk)" means the absolute positive or negative value (not the root mean square value) of the sound energy in a discrete event typically of very short duration.

"Period" means, with reference to a periodic quantity, the smallest increment of time for which the function repeats itself.

"Periodic quantity" means an oscillating quantity, the values of which recur for equal increments of time.

"Person" means any individual, corporation, company, association, society, firm partnership, joint stock company, the municipality any political subdivision, agency or instrumentality of the municipality.

"Public right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, or alley that is leased, owned, or controlled by a governmental entity.

"Public space" means any real property or structures thereon that is owned, leased, or controlled by a governmental entity.

"Pure tone" means a sound dominated by energy in single frequency.

"Real property boundary" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one (1) person from that owned by another, but not including intra-building real property divisions.

"Receiving land use category" means that parcel of real property onto which noise travels or is received from any source on another parcel or real property.

"Residential area" means a group of residential properties and the abutting public rights-of-way and public spaces.

"Residential property" means property used for human habitation, including but not limited to:

1. Private property used for human habitation;
2. Commercial living accommodations and commercial property used for human habitation;
3. Recreational and entertainment property used for human habitation; and
4. Community service property used for human habitation.

"Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristics of such sound, including, but not limited to duration, intensity and frequency.

"Sound analyzer" means a device for measuring the bandpressure level or pressure spectrum level of a sound as a function of frequency.

"Sound level meter" (SLM) means an instrument, including a microphone, an amplifier, an output meter, and frequency weighing networks, for the measurement of noise and sound levels in a specified manner.

"Sound pressure level" means, in decibels of a sound, twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated.

"Spectrum" means a function of time, a description of its resolution into components, each of a different frequency.

"Time period" means the hours denoted herein as eleven (11:00) p.m. to seven (7:00) a.m., shall be deemed to refer to nighttime hours commencing at eleven (11:00) p.m. of one day and ending at seven (7:00) a.m. of the following day.

"Tonal sound" means a sound dominated by energy in a narrow band of frequencies.

In addition, all definitions contained in applicable publications of the American National Standards Institute (ANSI) (si.1-175 Acoustical Terminology) or its successor body, are incorporated by reference.

(Ord. 02-38 § 2, 2002)

(Ord. No. 21-489 , § 1(Exh. A), 8-31-2021)

11.26.030 Sound measurement procedures and maximum permissible sound levels.

A. Sound Measurement Procedures.

1. Insofar as practicable, sound will be measured while the source under investigation is operating at normal, routine conditions and, as necessary, at other conditions, including but not limited to, design, maximum, and fluctuating rates. All noise measurements shall be made at or within the property line of the impacted site, unless otherwise directed in this chapter. When instrumentation cannot be placed at or within the property line, the measurement shall be made as close thereto as is reasonable. However, noise measurements shall not be made at a distance of less than twenty-five (25) feet from the edge of a noise source.
2. All tests shall be conducted in accordance with the following procedures:
 - a. The city shall, to the extent practicable, identify all sources contributing sound to the point of measurement.
 - b. Measurements shall be taken at or within the property line of the affected person(s), including the city.
 - c. The SLM must be calibrated using a calibrator recommended by the SLM manufacturer before and after each series of readings and at least once each hour.
 - d. The SLM must be recertified and the calibrator must be recalibrated at least once each year by the manufacturer or by a person that has been approved by the NCA. A copy of written

documentation of such recertification and recalibration, in a form approved by the NCA, shall be kept with the equipment to which it refers.

- e. No outdoor measurements shall be taken:
 - (1) During periods when wind speeds (including gusts) exceed fifteen (15) mph;
 - (2) Without a windscreen, recommended by the SLM manufacturer, properly attached to the SLM;
 - (3) Under any condition that allows the SLM to become wet; or
 - (4) When the ambient temperature is out of the range of the tolerance of the SLM.
- 3. The report for each measurement session shall include:
 - a. The date, day of the week, and times at which measurements are taken;
 - b. The times of calibration;
 - c. The weather conditions;
 - d. The identification of all monitoring equipment by manufacturer, model number, and serial number;
 - e. The normal operating cycle of the sources in question with a description of the sources;
 - f. The ambient sound level, in dBA, with the sources in question operating;
 - g. The background sound level, in dBA, without the sources in question operating; and
 - h. A sketch of the measurement site, including measurement locations and relevant distances, containing sufficient information for another investigator to repeat the measurements under similar conditions.
- 4. Prior to taking noise measurements, a city official or his designee shall explore the vicinity of the source in question to identify any other sound sources that could affect measurements, to establish the approximate location and character of the principal sound source, and to select suitable locations from which to measure the sound from the source in question.
- 5. When measuring continuous sound, or sound that is sustained for more than one (1) second at a time, the SLM shall be set for A-weighting, slow meter response speed, and the range (if the SLM is designed to read levels over different ranges of SPLs) shall be set to that range in which the meter reads closest to the maximum end of the scale. When the measured sound level is variable or fluctuating over a range greater than $\pm$ three (3) dBA, using the slow meter response speed, the fast meter response speed shall be used. In either case, both the minimum and maximum readings shall be recorded to indicate the range of monitored values.
- 6. The SLM shall be placed at a minimum height of three (3) feet above the ground or from any reflective surface. When handheld, the microphone shall be held at arm's length and pointed at the source at the angle recommended by the SLM manufacturer.
- 7. If extraneous sound sources, such as aircraft flyovers or barking dogs, that are unrelated to the measurements increase the monitored sound levels, the measurements should be postponed until these extraneous sounds have become of such a level as not to increase the monitored sound levels of interest.
- 8. The monitoring session should last for a period of time sufficient to ensure that the sound levels measured are typical of the source in question, but in no event shall the duration of testing be less than five (5) minutes.

9. The background sound levels shall be subtracted from the measured sound levels of the source of interest by using Table 1 to determine the sound levels from the source of interest alone. If the ambient sound level is less than three (3) dBA higher than the background sound level, the source level cannot be derived and a violation of the article cannot be substantiated.

Table 1: Correction for background levels

(In dBA)	
Difference between ambient and background sound levels	Correction factor to be subtracted from ambient level for source level
3	3
4, 5	2
6—9	1
10 or more	0

B. Maximum Permissible Sound Levels.

1. It shall be unlawful, except as expressly permitted herein, to make, cause or allow the making of any noise or sound which violates the provisions of this chapter.
2. No person shall operate or cause to be operated any source of sound from any location in such a manner as to create a sound level which exceeds the limits set forth in Table 2 for the receiving land use category (zoning classification) as measured at any point along the real property boundary separating the real property from which the sound emanates from the receiving land use category.
3. Sound level measurement shall be made with a sound level meter using the A-weighting scale in accordance with the standards promulgated by the American National Standards Institute (ANSI) for a Type 2 or better sound level instrument and with the measurement period being the minimum of thirty (30) minutes continuous duration.
4. Impulsive sounds as defined in this chapter shall be permitted provided such impulsive sounds do not create a sound level which exceeds the limits set forth in Table 2 for the receiving land use category as measured at the real property boundary when measured at or beyond the property boundary of the land use category from which the sound emanates.
5. If the sound source in question is a pure tone then the sound level limitations set forth here in Table 2 shall be reduced by five (5) db.

**MAXIMUM PERMISSIBLE SOUND
LEVELS Leq dB (A)**

Averaged over six (6) minutes

TABLE 2

Receiving Property	Daytime (7:01 a.m.—11:00 p.m.)	Nighttime (11:01 p.m.—7:00 a.m.)
Zoning Classification Residential55 (RA, R-1, R-2, R-3, RD, RM, RMH, PD, PTD)		50
Commercial (C-1, C-2, and C-3)	70	65
Industrial (O-I, M-1, and M-2)	75	70

At no time shall noise levels be produced that exceed sixty-five (65) dB(C) Leq (one (1) second) at a residential receiving property line.

(Ord. 02-38 § 3, 2002)

(Ord. No. 21-489 , § 1(Exh. A), 8-31-2021)

11.26.040 Specific prohibitions.

- A. It shall be unlawful for any person to make, continue to make or cause to be made, within the city, any loud, unnecessary or unusual sound or noise which either unreasonably annoys, disturbs, injures, or unreasonably endangers the comfort, repose, health, peace, or safety of others, and which is audible to a person of reasonably normal hearing ability more than fifty (50) feet from the point of origin of such sound or noise. The general prohibition in this subsection includes the use of consumer fireworks that create loud and unreasonable noise, except during the following dates and times: after the time of 10:00 a.m. and up to and including the time of 11:59 p.m. on January 1, the last Saturday and Sunday in May, July 3, July 4, the first Monday in September, and December 31 of each year; and beginning at the time of 12:00 midnight and up to and including the ending time of 1:00 a.m. on January 1 of each year.

Specific Prohibitions.

- B. In addition to the general prohibitions set out above, the following specific acts, **without limitation**, are declared to be **loud, disturbing, or unnecessary sounds or noises** in violation of this chapter:
1. ~~Horns, Signaling Devices. The sounding of any horn or signaling device on any motor vehicle or any street or public place in the city continuously and/or incessantly for a period in excess of sixty (60) seconds, except as a danger warning.~~
 2. ~~Radios, Televisions, Loudspeakers, Musical Instruments, and Similar Amplified Devices. The operating and playing of any horn, player piano, radio, phonograph, computer, MP3, compact disc, computer disk, or audio tape player, musical instrument, loudspeaker, or similar device or attachment which produces or reproduces sound on the public right-of-way in such a manner as to be plainly audible to any person other than the operator of the device, except by permit issued by the city pursuant to Section 11.26.050(B). Provided, however, that sound amplification to a level of sixty five (65) decibels at a hundred (100) feet from the source of the sound without a permit shall be allowed for a limited period of time not to exceed two (2) hours.~~
 3. ~~Animals. The owning, possessing or harboring of any animal which frequently, or for continued duration howls, barks, meows, squawks or makes other sounds which annoy or disturb an ordinary reasonable person of normal sensitivities across a residential or commercial boundary line or within a noise-sensitive area. For the purpose of this chapter, "barking dog" shall mean a dog that barks, bays, cries, howls, or makes any other noise continuously and/or incessantly for a period of fifteen (15) minutes, or barks intermittently for one-half (½) hour or more to the disturbance of any person at any time of the day or night, regardless of whether the dog is physically situated in or upon private property; provided, however, that a dog shall not be deemed a "barking dog" if, at the time the dog is barking making any other noise, a person is trespassing or threatening to trespass upon property in or upon which the dog is situated.~~
1. Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or other place in the city, except as a danger warning. The creation of any unreasonably loud or harsh sound by means of any such signaling device and the sounding of any such device for any unnecessary and unreasonable period of time.
 2. Radios, phonographs, stereos, tape players, compact disc players, other handheld music players, or similar devices. The using, operating, or permitting to be played, used, or operated of any machine or device for the producing or reproducing of sound within the city in such manner as to unreasonably disturb the peace,

quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is reasonably necessary for convenient hearing for the person who is in the room, vehicle, or chamber in which such machine or device is operated and who is a voluntary listener thereto. The operation of any such set, instrument, phonograph, machine, or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible to a person with reasonably normal hearing at a distance of fifty (50) feet from the room, building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.

3. Loudspeakers, amplifiers for advertising or attention. The using, operating, or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device within the city for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or otherwise attracting the attention of the public for any purpose to any building or structure.
4. Yelling, shouting, etc. Yelling, shouting, hooting, or whistling on the public streets, between the hours of 10:00 p.m. and 7:00 a.m. or at any time or place so as to unreasonably annoy or disturb the quiet, comfort, or repose of persons in any office, dwelling, hotel, or other type of residence, courtroom, or city council chambers.
5. Animals, birds. The keeping of any animal or bird within the city which, by causing frequent or long continued sound or noise, shall unreasonably disturb the comfort or repose of any persons.
6. Exhausts. The discharge within the city into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or motorboat except through a muffler or other [device] which effectively prevents unreasonably loud or explosive noises therefrom.
7. Defect in vehicle or load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create unreasonably loud and unnecessary grating, grinding, rattling or other noise.
8. Loading, unloading, opening boxes. The creation of any unreasonably loud and excessive noise within the city in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers, between the hours of 10:00 p.m. and 7:00 a.m.
9. Construction or repair of buildings. The erection (including excavating), demolition, alteration, or repair of any building within the city located on a lot zoned for residential use or used for residential use between the following hours: a. Eastern Standard Time: Monday through Saturday 6:00 p.m. to 7:00 a.m. Sunday 7:00 p.m. to 10:00 a.m. b. Eastern daylight Savings Time: Monday through Saturday 8:30 p.m. to 7:00 a.m. Sunday 7:00 p.m. to 10:00 a.m.
10. Schools, courts, churches, hospitals. The creation of any excessive and unreasonable noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which reasonably interferes with the working of such institution, or which disturbs or unduly annoys patients in the hospital; provided that conspicuous signs are displayed in such streets indicating that school, hospital, church, or court is nearby and the hours of operation. Noise caused by school events in conjunction with sports activities, public performances and related activities shall not be deemed excessive and unreasonable noise during the event.
11. Hawkers, peddlers, vendors. The shouting and crying of peddlers, hawkers, or vendors within the city which unreasonably disturbs the peace and quiet of the neighborhood.
12. Noises to attract attention. The use of any drum or other instrument or device within the city for the purpose of attracting attention to any performance, show or sale by creation of the noise.
13. Pile drivers, hammers, similar equipment. The operation within the city between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by unreasonably loud sounds or noises.
14. Blowers. The operation within the city of any noise-creating blower, vacuum, or power fan between the

hours of 10:00 p.m. and 7:00 a.m., the operation of which causes unreasonable sounds or noises.

15. Sound trucks. The use within the city of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other commercial purposes or when used at such an unreasonably loud volume so as to unreasonably disturb persons in their residences, offices, schools, hospitals, churches, or courts; or for noncommercial purposes when used between the hours of 10:00 p.m. and 7:00 a.m.

16. Alarms and Emergency Warning Systems.

- a. Except in a case of an emergency, the intentional sounding of any alarm between the hours of nine (9:00) p.m. and eight (8:00) a.m.
- b. The testing of any alarm for a period in excess of sixty (60) seconds at any time.
- c. The testing of a complete emergency warning system, including the signaling device and the personnel response to the signaling device, more than once in each calendar month, and the sounding of said emergency warning system for a period in excess of fifteen (15) minutes.

C. Temporary Permit Procedures and Requirements.

1. Sound Amplification Devices.

- a. General. Except as otherwise provided for in this chapter, no person shall use or operate, or cause to be used or operated, any sound amplification device in any location within the city where the sounds therefrom may be heard in any public place or public street without first having obtained a permit from the city. For purposes of this chapter, "sound amplification device" shall mean means the speaker or mechanism from which amplified sound emanates.
- b. Separate Permits. A separate permit and fee shall not be required for each sound amplification device but shall be required for each day during which a sound amplification device is used; provided, however, where authorized by this chapter, a single permit may be issued which will extend for the two-hour period between 12:01 a.m. and two (2:00) a.m. of the subsequent day. This restriction shall not apply where the permit is requested to use or operate a sound amplification device in a park or in connection with an activity for which the city council has approved a street closure.
- c. Frequency of Permit Issuance. No permit may be issued for the use or operation of a sound amplification device if a sound amplification permit had been obtained for the same tract of land or address within the previous thirty (30) days; provided, however, this restriction shall not apply to parks or in connection with an activity for which the city council has approved a street closure.
- d. Application Procedure. Each person desiring to use or operate a sound amplification device shall make an application in writing to the city clerk on form(s) provided by the city, requesting a permit for such use or operation. The form of such application shall be prescribed by the city clerk and shall include the name, address and telephone number of the applicant; the address or location upon which the applicant proposes to use or operate a sound amplification device; the hours during which the applicant proposes to use or operate such device; and a statement by which the applicant accepts and assumes responsibility for ensuring compliance with all terms and conditions of any permit issued to the applicant.
- e. Permit Based on Certain Conditions. The city clerk shall, upon receipt of such application and after payment of the required application fee, issue the applicant a sound amplification permit in accordance with the conditions established in this chapter:
 - (1) No permit shall be issued for the use or operation of a sound amplification device at any location within one hundred (100) feet of any property having a residential zoning designation; provided, this restriction shall not apply to public parks or a street closure approved by the city council;

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- (2) No permit shall be issued for the use or operation of a sound amplification device located for within three hundred (300) feet of a school, church or hospital; provided, however, this prohibition shall not apply if approval in writing is obtained by the applicant from the affected school, church or hospital, and included with the application;
 - (3) A permit for the use of a sound amplification device on a vehicle traveling the public streets or rights-of-way will be granted conditioned upon the use of such device between the hours of ten (10:00) a.m. and seven (7:00) p.m. only on Monday through Saturday, and between the hours of twelve (12:00) noon and six (6:00) p.m. on Sunday. Notwithstanding any other provision of this chapter, written permission of a church, school or hospital shall not be required as a condition for the issuance of a permit for the amplification of sound from a moving vehicle;
 - (4) If the sound amplification device is to be used or operated within a park, any permit shall be conditioned upon the use or operation of such device between the hours of ten (10:00) a.m. and eleven (11:00) p.m., except as provided hereinafter:
 - (A) If approval for use of the park beyond the established curfew has been obtained from the city, and the sound amplification device is to be used or operated on a permanently constructed bandstand, or within or about a building utilized for dances, performances, parties or similar activities, any permit shall be conditioned upon the use or operation of such device between the hours of ten (10:00) a.m. and two (2:00) a.m.;
 - (B) If approval for use of the park beyond the established curfew has been obtained from the city, and the amplified sound device is more than six hundred (600) feet from any property having a residential zoning designation, any permit shall be conditioned upon the use or operation of the sound amplification device between the hours of ten (10:00) a.m. and two (2:00) a.m.;
 - (C) In addition to the preceding time restrictions, no amplification device shall be used or operated within a park to produce a sound in excess of eighty-five (85) dB between ten (10:00) a.m. and eleven (11:00) p.m.; and eighty (80) dB between eleven (11:00) p.m. and two (2:00) a.m., as measured one hundred (100) feet in front of the device or at the boundary of such park in front of the device, whichever distance is lesser.
 - (5) If the tract of land or location upon which the applicant proposes to use or operate the sound amplification device is beyond one hundred (100) feet but within six hundred (600) feet of any property having a residential zoning designation, any permit will be conditioned upon such use or operation between the hours of ten (10:00) a.m. and eight (8:00) a.m. on Sunday through Thursday, and between the hours of ten (10:00) a.m. and eleven (11:00) p.m. on Friday and Saturday.
 - (6) If the tract of land or location upon which the applicant proposes to use or operate the sound amplification device is beyond six hundred (600) feet of any property having a residential zoning designation, any permit will be conditioned upon such use or operation between the hours of ten (10:00) a.m. and two (2:00) a.m.
- f. Copy for Permittee. A copy of any original permit shall be provided to the applicant.
 - g. Exemptions.
 - (1) The permit requirement contained in this section shall not apply to a person using a device for the amplification of sound at a permanent business location or at a stadium or ballpark,

or at a church where such device is used for the amplification of clarions. Such persons shall be governed by the provisions of this section generally.

- (2) The permit requirement shall also not apply to officers and employees of the city, the county, the state, the United States of America or any official governmental entity when such amplification of sound is being used by such officer or employee while engaged in his official duty.
- h. Fee. Applicants for permits shall pay a fee of twenty-five dollars (\$25.00) to cover expenses resulting from the processing of the application for a temporary permit.
- i. No temporary permit shall be approved unless the applicant presents adequate proof that:
 - (1) Noise levels occurring during the period of the temporary permit will not constitute a danger to public health; and
 - (2) Compliance with the chapter would impose an unreasonable hardship on the applicant without equal or greater benefits to the public.
- j. In making the determination of granting a temporary permit, the city shall consider the following factors:
 - (1) The character and degree of injury to, or interference with, the health and welfare or the reasonable use of property that is caused or threatened to be caused;
 - (2) The social and economic value of the activity for which the temporary variance is sought; and
 - (3) The ability of the applicant to apply the best practical noise control measures.
- k. The temporary permit may be revoked by the city if the terms of the temporary permit are violated.
- l. A temporary permit may be revoked by the city if there is:
 - (1) Violation of one (1) or more conditions of the temporary permit;
 - (2) Material misrepresentation of fact in the temporary permit application; or
 - (3) Material change in any of the circumstances relied on by the city in granting the temporary permit.

(Ord. 02-38 § 4, 2002)

(Ord. No. 21-489 , § 1(Exh. A), 8-31-2021)

11.26.050 Exemptions.

The following are exempt from the sound level limits of Table 2, set forth at the end of Section 11.26.030:

- 1. Domestic power tools, chain saws, lawn mowers, blowers, agricultural equipment and other domestic power-operated equipment when operated with a properly functioning muffler meeting manufacturer's standards, between the hours of seven (7:00) a.m. and eleven (11:00) p.m. on weekdays, and between the hours of eight (8:00) a.m. and nine (9:00) p.m. on Sundays.
- 2. Noises resulting from any authorized emergency vehicles when responding to an emergency.

3. Noises made by persons having obtained a parade, concert or construction permit from the city, except to the extent provided for elsewhere in Chapter 11.26, the permit conditions, or provisions of the city code regulating parades, concerts, or construction.
4. Any noise resulting from activities of a temporary duration, for which a special permit has been granted pursuant to this chapter, and which conforms to the conditions and limits stated thereon.
5. Aircraft-related noises associated with aircraft while in flight and while under the jurisdiction of the Federal Aviation Administration or the Department of Defense.
6. Railroad-related noises associated with trains while operating and while under the jurisdiction of applicable federal or state entities.
7. This will not apply to the operations of existing mining operations within the city.

(Ord. 02-38 § 5, 2002)

(Ord. No. 21-489 , § 1(Exh. A), 8-31-2021)

11.26.060 Motor vehicles.

- A. **Maximum Sound Levels.** No person shall operate a motor vehicle or motorcycle at any time on a public or private road in such a manner as to exceed the sound level limits for the category of motor vehicle shown in Table 3, which appears at the end of this section. The sound level shall be measured at a distance of at least fifty (50) feet from the centerline of the path of the vehicle being monitored and at a height of at least four (4) feet above the immediately surrounding surface. This section shall apply to the total noise from a vehicle.
- B. **Adequate Mufflers or Sound-Dissipative Devices.**
 1. No person shall operate or cause to be operated any motor vehicle or motorcycle on a public or private road which is not equipped with a muffler in proper working order and in constant operation.
 2. No person shall remove or render inoperative or cause to be removed or rendered inoperative any muffler or sound-dissipative device on a motor vehicle or motorcycle other than for purposes of maintenance, repair or replacement.
 3. The provisions of the subsections of this section apply to moving motor vehicles. Those motor vehicles operating in a stationary position or condition are governed by the provisions of Section 11.26.030 and the levels specified in Table 2.

APPLICABLE NOISE LIMITS

TABLE 3

No person shall operate a motor vehicle or combination of vehicles of a type subject to registration by the motor vehicle laws of the State of Georgia at any time or under any conditions of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limits for the category of motor vehicle within the speed limits specified below:

Sound Level in Decibels		
A-scale (dBA)		
Motor Vehicle Category	35 mph or less	More than 35 mph
Motor vehicles with a weight rating of 86,000 pounds or more		90
Any motorcycle or other than motor-driven cycle	82	86

(Supp. No. 50, 10-21)

Created: 2021-10-27 09:30:39 [EST]

All other motor vehicles and any
combination of vehicles towed by
such vehicle

72

76

(Ord. 02-38 § 6, 2002; Ord. No. 21-489 , § 1(Exh. A), 8-31-2021)

11.26.070 Special temporary permits.

- A. Any person desiring temporary relief from any provisions of this chapter may apply for a special permit to cause or create a noise at sound levels which would otherwise be in violation of this chapter. Applications for a special permit shall be made in writing to the city manager or his designee on forms provided for that purpose. The city manager or his designee shall conduct an investigation and make a recommendation to the mayor and city council concerning such permit. In this connection, the city manager or his designee may require the applicant for the special permit to submit reports and documents showing noise levels customarily generated by such activity, proposed means for regulating or controlling such sounds, and other such information and data as may be deemed appropriate by the building official. The fee of twenty-five dollars (\$25.00) shall accompany the application.
- B. The special permit provided in this chapter may be granted to the applicant by the mayor and city council for a period of up to fifteen (15) days following a review of the report and information complied by the building official and upon a showing of any of the following:
 - 1. Additional time is necessary for the applicant to alter or modify the sound-producing activity in order to comply with the provisions of this chapter;
 - 2. The activity operation or noise source shall be of a temporary duration, and repetitive and continuous, and cannot be done in a manner that would comply with the provisions of this chapter; or
 - 3. No reasonable economic or technological alternative, as determined by the mayor and city council in its sole discretion, is currently available to the applicant.
- C. Any permit granted pursuant to this section shall contain thereon all conditions upon which said permit shall have been granted, including but not limited to the effective date of the permit, the time of day when the noise-producing activities may be conducted by the applicant, the location in which said activities may be conducted, the duration of the permit, any sound, level limits imposed by the permit, and any equipment limitations that may be imposed.
- D. Any special permit granted hereunder may be extended upon new application made for additional fifteen (15) day intervals by the mayor and city council provided good cause is shown.

(Ord. 02-38 § 7, 2002)

(Ord. No. 21-489 , § 1(Exh. A), 8-31-2021)

11.26.080 Enforcement responsibility.

- A. Upon receipt of a complaint brought by a citizen or property owner or upon their own motion following independent investigation of possible infractions of this chapter, the mayor, or his or her authorized designees, and all city law enforcement personnel, including members of the Henry County Police Department, shall be authorized to enforce the provisions of this chapter.

(Supp. No. 50, 10-21)

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- B. The expenses of sound level testing performance by the city in checking the sound levels produced by a particular land use or activity may, at the discretion of the city, be assessed against the producer of such sound or against the complaining party if the complaint is found to be wholly frivolous and without merit.

(Ord. 02-38 § 8, 2002)

(Ord. No. 21-489 , § 1(Exh. A), 8-31-2021)

11.26.090 Penalties.

- A. Any person violating the terms of this chapter shall be punished in municipal court as provided for in Section 1.04.080.
- B. Each day any violation of this chapter shall continue shall constitute a new and separate offense.
- C. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any provisions of this chapter shall be deemed a public nuisance and may be abated by the city or its designee as provided by law or ordinance, either summarily by a restraining order or by a court of competent jurisdiction.

(Ord. 02-38 § 9, 2002)

(Ord. No. 14-345, § 26, 5-12-2014; Ord. No. 21-489 , § 1(Exh. A), 8-31-2021)

11.26.100 Inconsistent provisions.

Insofar as the provisions of this chapter are inconsistent with any other title of the city code, or any other rule or regulation of the city, then the provisions of this noise control ordinance shall be controlling.

(Ord. 02-38 § 10, 2002)

(Ord. No. 21-489 , § 1(Exh. A), 8-31-2021)

**SERVICE AGREEMENT
BY AND BETWEEN
DIVERSIFIED CONSTRUCTION OF GEORGIA, INC.
AND
THE CITY OF STOCKBRIDGE, GEORGIA**

This Agreement ("Agreement") is made and entered into this 28th day of January, 2022, by and between Diversified Construction of Georgia, Inc. (hereinafter, "CONTRACTOR"), and the City of Stockbridge, Georgia (hereinafter, "City") (CONTRACTOR and City sometimes referred to herein as "Parties").

W I T N E S S E T H:

WHEREAS, City desires to engage the services of CONTRACTOR to perform for City services regarding renovation of 114 Martin Luther King Senior Heritage Trail, as stated in City RFP No. 2021-0011 (the "Project"); and

NOW, THEREFORE, in consideration of the promises and mutual agreements herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby agree as follows:

1. **Termination.** This Agreement shall expire upon the successful completion of the Project to the City's satisfaction and in accordance with the scope of services stated below. The provisions of Section 2(c) below shall specifically survive the termination or expiration of this Agreement. The City may terminate this Agreement at any time for any reason with thirty (30) days advance written notice.

2. **Services.**

(a) Subject to the terms and conditions set forth in this Agreement, City hereby retains CONTRACTOR to provide the services set forth on Exhibit A entitled "Scope of Work" and related sales proposals all attached hereto and incorporated herein by reference. The RFP No. 2021-0011 and all terms therein shall be incorporated completely herein by reference. The City shall pay the Contractor the cost of these services which shall be \$368,113.40

Contractor shall provide regular updates to the City or City Council when requested with reasonable notice.

(b) The standard of care applicable to CONTRACTOR's services will be the degree of skill and diligence normally employed by professional contractors performing the same or similar services at the time said services are performed. CONTRACTOR will re-perform any services not meeting this standard without additional compensation. CONTRACTOR warrants that any services it conducts will be adequate and sufficient to accomplish the purposes for which they are performed, and no review or approval thereof by the City shall be deemed to diminish this warranty in any way.

(c) CONTRACTOR shall indemnify and hold harmless the City and its agents and employees (i) from and against all claims, damages, losses and expenses, including but not limited to attorney's fees, arising out of or resulting from the performance of the Project, provided that any such claim, damage, loss, expense or attorney's fees is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property including the loss of use resulting therefrom, and is caused in whole or in part by any negligent act or omission of the CONTRACTOR, any Subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not the negligent act is caused in part by a party indemnified hereunder and (ii) from the inadequacy of the Services performed by CONTRACTOR or anyone for whom CONTRACTOR is responsible. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this Clause. In any and all claims against the City or any of its agents or employees, by any employee of the CONTRACTOR, any Subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation set forth in this paragraph shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the CONTRACTOR or any Subcontractor under workers' or workman's compensation acts, disability benefit acts or other employee benefit acts.

3. **Compensation.** CONTRACTOR shall receive compensation from the City as set forth in the attached Exhibit B. The total cost for this work shall be \$368,113.40 (three hundred sixty-eight thousand, one hundred and thirteen dollars and forty cents).

4. **Miscellaneous.**

(a) This Agreement shall be governed by and construed in accordance with the laws of the State of Georgia.

(b) CONTRACTOR may not assign this Agreement, in whole or in part, without the prior written consent of City. City may assign this Agreement, in whole or in part, without the prior consent of CONTRACTOR; however, City shall provide CONTRACTOR with prior written notice of any such assignment.

(c) This Agreement shall be binding on and inure to the benefit of the parties hereto and their respective successors and permitted assigns.

(d) The headings contained herein are for the convenience of the parties only and shall not be interpreted to limit or affect in any way the meaning of the language contained in this Agreement.

(e) This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute the same Agreement. Any signature page of any such counterpart, or any electronic facsimile thereof, may be attached or appended to any other counterpart to complete a fully executed counterpart of this Agreement, and any telecopy or other facsimile transmission of any signature shall be deemed an original and shall bind such party.

(f) If any provision of this Agreement shall be held void, voidable, invalid or inoperative, no other provision of this Agreement shall be affected as a result thereof, and accordingly, the remaining provisions of this Agreement shall remain in full force and effect as though such void, voidable, invalid or inoperative provision had not been contained herein. If any of the provisions of this Agreement shall be declared unenforceable as to certain parties, then the performance of said provision shall be excused by the parties hereto and the remaining provisions of this Agreement shall remain in full force and effect.

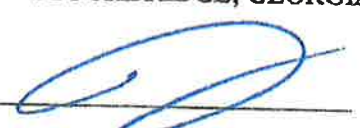
(g) This Agreement, including all exhibits hereto (which are incorporated herein by this reference), contains the entire agreement and understanding concerning the subject matter hereof between the parties hereto. No waiver, termination or discharge of this Agreement, or any of the terms or provisions hereof, shall be binding upon either party hereto unless confirmed in writing. This Agreement may not be modified or amended, except by a writing executed by both parties hereto. No waiver by either party hereto of any term or provision of this Agreement or of any default hereunder shall affect such party's rights thereafter to enforce such term or provision or to exercise any right or remedy in the event of any other default, whether or not similar.

(h) CONTRACTOR shall at all times maintain sufficient liability insurance and payment and performance bonds to cover their services under this Agreement.

IN WITNESS WHEREOF, the Parties intending to be legally bound hereby, have executed this Agreement as of the date first above written.

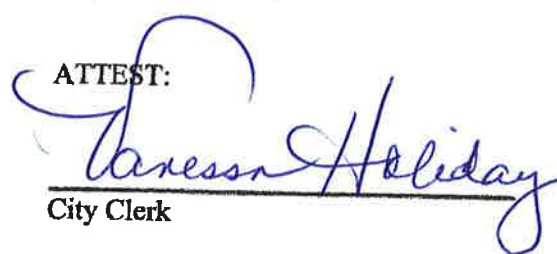
By: 
MAYOR

CITY OF STOCKBRIDGE, GEORGIA

By: 

DIVERSIFIED CONSTRUCTION OF
GEORGIA, INC.

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney