

**CITY OF PINE LAKE, GEORGIA  
REGULAR SESSION AGENDA  
COUNCIL CHAMBERS  
JULY 25, 2023 @ 7:00PM  
459 PINE DRIVE, PINE LAKE, GA 30072**

**NOTE: All attendees are reminded to silence cellular phones and other devices that may cause interruption of the session proceedings.**

**Call to Order  
Announcements/Communication**

**Adoption of Agenda of the Day**

**Adoption of the Minutes**

- Regular Meeting – July 11, 2023

**Public Comments – 3 minutes each please**

**Old Business**

**New Business**

1. Reenactment of Emergency Ordinance 2023-05 in the form of Emergency Ordinance 2023-05(1) – Fishing Moratorium
  - a. Updates from City Departments and Committees Regarding Lake Area Health and Maintenance and the Moratorium that began on 07/15/2023.
2. Special Purpose Local Options Sales Tax (SPLOST) II – Project List Considerations
3. GMA Lease Option – for purchase of Leaf Machine and Police Vehicle – Amount Financed \$123,185 – 4 year term – Total Lease Payments \$137,348

**REPORTS AND OTHER BUSINESS**

**Public Comments – 3 minutes each please**

**Staff Reports**

Administration and Public Works  
Public Safety

**Reports/Comments**

Mayor  
City Council

**Information for “The Pine Lake News” eblast.**

**Adjournment**

**MAYOR  
MELANIE HAMMET**

**COUNCIL MEMBERS**

Jean Bordeaux, Mayor pro tem  
Tracey Brantley  
Nivea Castro  
Brandy Hall  
Augusta Woods

**ADMINISTRATIVE STAFF**

ChaQuias Miller-Thornton  
City Manager  
Sarai Y’Hudah-Green  
Chief of Police  
Missye Varner  
Administrative Coordinator  
Susan Moore  
City Attorney

**CITY OF PINE LAKE**  
425 ALLGOOD ROAD  
P.O. BOX 1325  
PINE LAKE, GA 30072

404-999-4901

[www.pinelakgega.net](http://www.pinelakgega.net)

**CITY OF PINE LAKE  
COUNCIL MEETING MINUTES  
JULY 11, 2023, at 7:00 PM  
Council Chambers  
459 Pine Drive, Pine Lake, GA**

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**NOTE: All attendees are reminded to silence cellular phones and other devices that may cause interruption of the session proceedings.**

**Call to Order:** Mayor Melanie Hammet called the Regular Session to order at 7:00pm.

Present: Mayor Melanie Hammet, Council Members Tracey Brantley, Nivea Castro, Brandy Hall, and Augusta Woods. Also present were City Manager ChaQuias Miller-Thornton, City Attorney Susan Moore, Administrative Coordinator Missye Varner, Assistant City Clerk Ned Dagenhard, and Chief of Police Sarai Y'Hudah-Green. Mayor Pro Tem Jean Bordeaux was not in attendance.

**Announcements/Communication**

Mayor Hammet announced:

- She will host a Mayor's Town Hall to answer questions and engage in discussion with Pine Lake citizens. The Town Halls will take place at the Beach House, each Wednesday in July (7/12; 7/19; 7/26) at 7pm.
- DeKalb County will host the Rockbridge Road Meeting on Monday, July 17<sup>th</sup> at 6:30pm in the Club House to update the community about progress and timelines regarding the four-year reconstruction of Rockbridge Road.
- Stewards of Environmental Education and Design (SEED - Pine Lake's environmental panel) will host the Community Input Session that will be a discussion to create expanded volunteer opportunities to address reported concerns related to fishing and wildlife, water quality, and safe "green space" recreation in Pine Lake. The meeting is on Thursday, July 18<sup>th</sup>, 2023 on the Beach House at 6:00 pm.

**Adoption of Agenda of the Day**

Mayor Hammet amended the agenda to include:

1. The addition of— under New Business— Permission for City Manager to Accept an In-Kind Donation of (2) Police Vehicles
2. To place Staff Reports before the second public comments section.

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COUNCIL MEETING MINUTES  
JULY 11, 2023, at 7:00 PM  
Council Chambers  
459 Pine Drive, Pine Lake, GA**

Council Member Brantley motioned to adopt the amended agenda; Council Member Castro seconded, and the motion passed unanimously.

**Adoption of the Minutes**

- Special Called Meeting – June 30, 2023

The motion was passed with a 3-1 vote. Council Members Brantley, Castro and Woods voted in favor. Council Member Hall abstained.

- Regular Meeting – June 27, 2023

Council Member Woods motioned to adopt the minutes for Regular Meeting of June 27, 2023; seconded by Council Member Brantley. The motion passed with a 3-1 vote. Council Member Hall abstained.

- Special Called Meeting – June 29, 2023

Council Member Brantley motioned to adopt the minutes for Special Called Meeting of June 29, 2023; seconded by Council Member Castro. The motion passed with a 3-0-1 vote. Council Members Brantley, Castro and Woods voted in favor. Council Member Hall abstained.

**Public Comments – 3 minutes each please**

Copies of the Public Comments are on file in City Hall for reviewing. Please email [missyevartner@pinelakega.net](mailto:missyevartner@pinelakega.net) to request copy or call 404-999-4931 to schedule an appointment to review the copy on file.

**New Business**

1. Ordinance 2023-02 - Fee Schedule Amendment - Plan Review Fees amended by Council action on 5/30/2023 -2<sup>nd</sup> Read

Mayor Hammet provided the Second Read of Ordinance 2023-02 - Fee Schedule Amendment - Plan Review Fees amended by Council action on 5/30/2023. Council Member Hall motioned to adopt Ordinance 2023-02; Council Member Castro seconded, and the motion passed unanimously.

2. Council Confirmation - Mayoral Appointment of Melody Paris to Stewards of Environmental Education and Design (SEED)

Council Member Hall moved to approve Mayor Melanie Hammet's appointment of Melody Paris to SEED; Council Member Woods seconded, and the motion passed unanimously.

**CITY OF PINE LAKE**  
**COUNCIL MEETING MINUTES**  
**JULY 11, 2023, at 7:00 PM**  
**Council Chambers**  
**459 Pine Drive, Pine Lake, GA**

3. Update on Lake Health and Management

City Manager Miller-Thornton presented the Mayor, Council, and Attendees a detailed summary of the issues surrounding an uptick in E. Coli count for the lake, as well as what was initially suspected as a potential causal issue regarding sewer maintenance in the eastern wetlands. City Manager Miller-Thornton outlined intergovernmental efforts and accomplishments with DeKalb County. Several other actions will be taken regarding Lake Health and Management i.e., future placement of new and an increased number of trash receptacles, placement of signage and creation of brochures relevant to the fishing moratorium, allowance of increased hours for beach maintenance and monitoring, and scheduling of community meetings by SEED to gather community input.

4. City Facilities and Public Spaces Access Assessment

City Manager Miller-Thornton shared the efforts of two Council Members who walked public spaces throughout Pine Lake in search of potential accessibility issues. From this effort, a report and subsequent project list was produced for the City Manager, who deemed the projects listed as within the approximate functional and financial scope of the city. Pine Lake's building official will be engaged to draw up a scope of work for each project; proposals and quotes will be gathered from various contractors. These quotes will be presented to City Council for approval at a future date.

5. Special Purpose Local Option Sales Tax II (SPLOST 11)- Work Session and Agreement Considerations

City Manager Miller-Thornton led a preliminary discussion on the SPLOST II, county collected tax disbursement, noting that SPLOST is for capital improvements. City Manager Miller-Thornton added a suggestion that plans relate back to Lake and Recreational areas. The City Manager requested Council to choose to discuss the SPLOST II project list and to determine referendum language. The meeting date will be determined.

6. Permission for City Manager to Accept In-Kind Donation of Police Vehicles from Sandy Springs

Chief Y'Hudah-Green is collaborating with the City of Sandy Springs regarding the in-kind donation of (2) police vehicles from Sandy Springs Police Department to the City's Police Department. Council Member Hall motioned for permission to be granted to the City Manager to accept the in-kind donation of said vehicles, pending conclusion of an analysis of the vehicles' condition and maintenance history; Council Member Castro seconded, and the motion passed unanimously.

**REPORTS AND OTHER BUSINESS**

**Public Comments – 3 minutes each please**

**CITY OF PINE LAKE  
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Copies of the Public Comments are on file in City Hall for reviewing. Please email [missyevarner@pinelakega.net](mailto:missyevarner@pinelakega.net) to request a copy or call 404-999-4931 to schedule an appointment to review the copy on file.

**Staff Reports**

ChaQuais Miller- Thornton  
Administration and Public Works

Please refer to [the link](#) to access the City Managers report dated June 27, 2023. The City Manager reports are on file at City Hall for reviewing. Please email [missyevarner@pinelakega.net](mailto:missyevarner@pinelakega.net) to request a copy or call 404-999-4931 to schedule an appointment to review the copy on file.

Chief Sarai Y'Hudah-Green  
Public Safety

Please refer to [the link](#) to access the Police/Public Safety report dated June 27, 2023. The Police/Public Safety reports are on file at City Hall for reviewing. Please email [missyevarner@pinelakega.net](mailto:missyevarner@pinelakega.net) to request a copy or call 404-999-4931 to schedule an appointment to review the copy on file.

**Reports/Comments**

Mayor Hammet

Mayor Hammet thanked the community for engaging with each other regarding issues at the lake and stated that the city is working with limited recourses. The Mayor also thanked City Manager Miller-Thornton and Chief of Police Green for participating in the past meetings on the Rockbridge Road project and encouraged the community to attend the DeKalb County hosted Rockbridge Road Project Update meeting on July 17<sup>th</sup> at the Club House at 6:30pm.

City Council

Council Member Hall thanked everyone for attending the meeting, and for their public comments. Council Member Hall also stated that the source of communications for the city is not Facebook, and that the city has an official website and the city news blast is emailed out to registered residents every two weeks. Mrs. Hall also communicated that if residents are not registered, they may sign up through City Hall by calling 404-999-4931 to receive the bi-weekly news blasts. In conclusion, Council Member Hall stated that the minutes are posted to the website, once they are approved at the meetings.

**Information for the “The Pine Lake News” eblast.**

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**Upcoming events:**

**Mayor's Town Halls:** Join Mayor Melanie Hammet each Wednesday in July (7/12; 7/19; 7/26) for a conversation about what's happening in Pine Lake. Beach House; 7pm.

**Rockbridge Road Meeting:** DeKalb County is holding a meeting this coming Monday evening, July 17th, to update the community about progress and timelines regarding the four-year reconstruction of Rockbridge Road. Clubhouse; 6:30 pm.

**SEED Community Input Session:** Pine Lake's environmental panel (Stewards of Environmental Education and Design) are hosting a discussion to create expanded volunteer opportunities to address reported concerns related to fishing and wildlife, water quality, and safe "green space" recreation in Pine Lake. Thursday, July 18th, 2023. Beach House; 6:00 pm.

**Moratorium on fishing:** beginning this Saturday, July 15th, there is a moratorium on fishing in the lake. The city will review renewal of the moratorium at the Council meeting on July 25th. During this time the City will focus on lake clean-up, fishing policy, signage, and other improvements to the lake and park experience.

**Other news:**

**New Seed Member:** Please welcome Melody Paris as the newly- appointed fifth member of the SEED panel. SEED members also include Jennifer Bridges, chair; Tim McLeod, Kate Nevins, and Wendy Keith-Ott.

**CALL FOR VOLUNTEERS:** Beach Monitor volunteer needed this weekend to fill Saturday and Sunday shifts from 3pm to close. Split shirts from 3pm-6pm and 6pm to 9pm are also available. If you are available to serve, please contact City Manager Thornton at [chaquiasmthornton@pinelakega.net](mailto:chaquiasmthornton@pinelakega.net).

**Eastern Wetlands:** On July 8th DeKalb County replaced lids to multiple sewerage system junction boxes in the City's eastern wetlands. The replacement of lids should help to reduce both the smell of sewer and the population of mosquitoes in the area. DeKalb Public Health has set up mosquito trapping stations in the area as well.

**Millage Rate:** On 06/27/2023 the City Council lowered the ad valorem tax millage rate from the 2022 rate of 18.422 to the current rate of 16.481.

**Ongoing:**

**Pine Lake City Council Meetings** are held the second and last Tuesday of each month at 7:00 PM in the Council Chamber / Courthouse at the corner of Forest and Pine.

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**Food Assistance** is made available to Pine Lake Neighbors through PLAIN's Neighbor to Neighbor (N2N) program. If you or someone you know is food insecure or needs other assistance, please call 404 491-0774 and leave a message. A volunteer will call back to discuss needs and help available. All contacts are kept confidential.

Correction To:

**Pine Lake News Brief  
Pursuant to July 11th, 2023, 2023 Council Meeting**

Please note that the date of the SEED Community Input Session is a **Tuesday** rather than **Thursday** as originally reported. Sorry for the confusion.

**SEED Community Input Session:** Pine Lake's environmental panel (Stewards of Environmental Education and Design) are hosting a discussion to create expanded volunteer opportunities to address reported concerns related to fishing and wildlife, water quality, and safe "green space" recreation in Pine Lake. **Tuesday**, July 18th, 2023. Beach House; 6:00 pm.

**Links to remember:**

[Pine Lake Website](#)

[City Manager's Report](#)

[Chief of Police Report](#)

[Council Meeting Agendas and Minutes](#)

**Adjournment**

Council Member Castro motioned for adjournment at 8:30pm; seconded by Council Member Brantley, and the motion passed unanimously.

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Missye Varner, Administrative Coordinator



# Memo

**DATE:** July 20, 2023  
**TO:** Mayor and City Council  
**FROM:** ChaQuias Thornton  
**RE:** Moratorium – Fishing (Reenactment of Emergency Ordinance 2023-05)

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## Regular Session – July 25, 2023

On 07/25/2023, Council will consider reenactment of Emergency Ordinance 2023-05. The ordinance was adopted on 06/29/2023 and is set to be automatically repealed on 07/29/2023. Pursuant to Section 2.24 of the City’s Charter “...Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency [continues to exist].”

Please review the attached Emergency Ordinance 2023-05(1) in preparation of potential reenactment.

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## HISTORY

Draft form of Emergency Ordinance 2023-05 was approved by City Council. The ordinance provided for a temporary prohibition of fishing at Pine Lake to allow Council an opportunity to consider facts and community suggestions on regulations to balance protection and uses of the lake and adjacent areas including the dam, wetlands, the beach and green space.

Section 2.24- Emergencies of the City’s Charter, provides the following:

*“To meet a public emergency affecting life, health, property or public peace, the city council may convene on call of the mayor or three councilmembers and promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists, and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency [continues to exist]. An emergency ordinance [shall] also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.”*



Therefore, 30 days after adoption of an emergency ordinance, the ordinance is automatically repealed. In order to continue to operate under any provision(s) of the emergency ordinance, Council will need to convene to extend the provisions for an additional 30 days.

Please contact me if you should have any questions, comments or concerns regarding.

Thank you,

CMThornton

## **EMERGENCY ORDINANCE NO. 2023-05(1)**

**AN EMERGENCY ORDINANCE TEMPORARILY PROHIBITING FISHING IN PINE LAKE TO PRESERVE LIFE, HEALTH, PROPERTY AND THE PUBLIC PEACE WHILE THE CITY COUNCIL CONSIDERS FACTS AND COMMUNITY SUGGESTIONS ON REGULATIONS TO BALANCE PROTECTION AND USES OF THE LAKE AND ADJACENT AREAS INCLUDING THE DAM, THE WETLANDS, THE BEACH AND GREEN SPACE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE OF THIS RESOLUTION, AND FOR OTHER PURPOSES.**

**WHEREAS**, The City of Pine Lake ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with providing public services to residents located within the corporate limits of the City and to provide for preservation and protection of City property; and,

**WHEREAS**, the lake and adjacent areas including the wetlands, the dam, the beach, the swimming area, the playground and green space are important and valuable assets of the City central to the City's identity, activities, economics and culture; and

**WHEREAS**, the City values responsible environmental stewardship and community engagement with the lake and its environs and the wildlife in the lake and environs; and

**WHEREAS**, balancing uses of the lake that may be incompatible and responding to changes to the lake and its environs including, but not limited to, water quality, dam structure, erosion and plant overgrowth, the burgeoning goose population, wetlands infrastructure, human interactions with wildlife and injuries from increased littering of fishing lines and hooks; and

**WHEREAS**, the City Council has charged Stewards of Environment Education and Design ("SEED") with gathering facts, public input and best practices to recommend to the City Council steps that are actionable, affordable and understandable to manage the lake and its environs; and

**WHEREAS**, the City Council enacted ordinance 2023-05 June 29, 2023 due to a public emergency and such ordinance will stand repealed pursuant to Section 2.24 of the City's Charter but the City Council is awaiting and expects recommendations from SEED within the next 30 days;

**THEREFORE, THE COUNCIL OF THE CITY OF PINE LAKE HEREBY ORDAINS AS FOLLOWS:**

### **SECTION 1.**

There is declared a public emergency in use of the lake affecting life, health, property and public peace due to concerns about water quality, dam structure, erosion and plant overgrowth, the burgeoning goose population, wetlands infrastructure, human interactions with wildlife and injuries from increased littering of fishing lines and hooks.

### **SECTION 2.**

The City Council of the City of Pine Lake continues to temporarily prohibit fishing in the lake effective from July 25, 2023 to August 24, 2023 while the city council considers facts and community suggestions on ordinances and regulations to protect the lake, the wetlands and adjacent areas, to protect those who use the lake, the wetlands and adjacent areas, and to protect wildlife at the lake, the wetlands and the adjacent areas.

**SECTION 3.**

Pursuant to Section 2.24 of the Charter of the City of Pine Lake, this emergency ordinance shall automatically stand repealed thirty (30) days following the date upon which it was adopted.

**SECTION 4.**

To the extent any portion of this ordinance is declared to be invalid, unenforceable, or non-binding, that shall not affect the remaining portions of this Resolution.

**SECTION 5.**

All City ordinances and rules inconsistent with this ordinance are hereby repealed for the term of this emergency ordinance.

**SECTION 6.**

This ordinance shall become effective immediately upon its adoption by the Mayor and City Council of the City of Pine Lake.

**SO ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Melanie Hammet, Mayor

**ATTEST:**

\_\_\_\_\_  
ChaQuias M. Thornton, City Manager and  
Acting City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Susan Moore, City Attorney



President  
Randall Walker  
Mayor, Perry

First Vice President  
Fred Perriman  
Mayor, Madison

Second Vice President  
Bianca Motley Broom  
Mayor, College Park

Third Vice President  
Andrea Gibby  
Mayor, Young Harris

Immediate Past President  
Julie Smith  
Mayor, Tifton

CEO & Executive Director  
Larry H. Hanson

July 21, 2023

Ms. ChaQuias Miller Thornton  
City Manager  
PO Box 1325  
Pine Lake, Georgia 30072

RE: Direct Installment Program

Dear Ms. Miller Thornton:

Please find enclosed the proposed lease supplement between your city and the Georgia Municipal Association. GMA will file all necessary forms including the state UCC-1 and federal 8038. **Please keep in mind the payment schedule (Schedule B) may change slightly depending on the closing date.**

Please return the documents and invoice to GMA by August 19, 2023 to guarantee the 4.5% interest rate. You may wish to send the documents by overnight courier to assure prompt delivery.

**PLEASE PAY CAREFUL ATTENTION TO SIGNATURES AND SEALS. OUR LENDERS WILL NOT PROCESS INCOMPLETE PAPERWORK. IF YOU ARE UNSURE ABOUT A DATE FIELD, LEAVE IT BLANK.**

If you have any questions, please contact me at (678) 686-6274.

Sincerely,

A handwritten signature in black ink that reads 'Philip Potter'.

Philip Potter  
Financial Services Manager

/PP  
Enclosures

**DOCUMENT NOTES**

**LEASE SUPPLEMENT**

**NOTE: ON ALL PROPERTIES REQUIRING TITLE, A COPY OF THE MV - 1 APPLICATION LISTING GMA AS LIENHOLDER MUST ACCOMPANY LEASE DOCUMENTS.**

*Exhibit E - Lease Supplement:* Please complete requested information. Please also sign on the Lessee position, which is marked with the City's name. The City Clerk should attest this document.

*Exhibit E - Schedule A:* Please insert appropriate information as requested (i.e., add serial number, amount, or model number).

*Exhibit E- Schedule B:* No action is required for this schedule.

*Exhibit E- Schedule C:* Please date, sign, and have the City Clerk attest this document.

*Exhibit E- Schedule D:* IRS Form 8038: Please add the city's Tax I.D. number and sign at the bottom. GMA will complete this document at closing.

*Exhibit E- Schedule F: Resolution/Ordinance for Supplemental Lease:* Please add necessary information, date, and sign this document. The Resolution/Ordinance must be adopted at a regular council meeting at which the Mayor may designate the appropriate city officials to enter into subsequent leases for the appropriate amount. The City Clerk should sign and seal at the bottom of the page.

Please return the enclosed document and all attachments (i.e., clips, etc.) to:

Georgia Municipal Association  
Attention: Financial Services Program Manager  
P.O. Box 105377  
Atlanta, Georgia 30348

**DRAFT**

IF YOU HAVE ANY QUESTIONS OR SHOULD NEED ANY ASSISTANCE, PLEASE DO NOT HESITATE TO CALL THE FINANCIAL SERVICES PROGRAM MANAGER AT (888) 488-4462. LEASE DOCUMENTS MUST BE EXECUTED COMPLETELY AND CORRECTLY BEFORE ANY CHECKS WILL BE ISSUED BY THE SERVICING BANK.

Note: GMA's Lienholder Code is 10288896

**EXHIBIT "E"**  
**LEASE SUPPLEMENT**

THIS LEASE SUPPLEMENT (this "Lease Supplement") by and between GEORGIA MUNICIPAL ASSOCIATION, INC., a Georgia non-profit corporation ("Lessor") and the municipal corporation of the State of Georgia signing below ("Lessee"), is made and entered into the date of its execution by the Lessor.

RECITALS:

Lessor and Lessee have entered into a Master Lease (the "Master Lease") dated February 1, 2013, which provides for Lessor to lease to Lessee certain property (the "Property") to be specified in Lease Supplements to be executed and delivered by Lessor and Lessee from time to time; and

Lessor and Lessee are entering into this Lease Supplement pursuant to the Master Lease to specify the terms for the lease of certain Property.

LESSOR AND LESSEE HEREBY AGREE AS FOLLOWS

**DRAFT**

1. Definitions. Unless a different meaning or intent is required by this Lease Supplement, the capitalized terms used in this Lease Supplement shall have the meanings set forth in the Master Lease.
2. Property. The Property described on the Property Schedule incorporated as Schedule A to this Lease Supplement is specified as the Property that initially is the subject hereof.
3. Lease Payments. The Rental Schedule, incorporated as Schedule B to this Lease Supplement describes the initial amounts and payment dates of the Rentals for the Lease, and the Purchase Price for the Property. The Termination Payment may become due and payable upon the circumstances described in Section 4.2 of the Master Lease.
4. Term of Lease. The Starting Term of the Lease of the Property shall begin on the date hereof (the "Starting Date") and end on December 31 of the same year. The Lease will be renewed for successive calendar year Renewal Terms (the "Renewal Terms"), and an Ending Term (the "Ending Term") commencing January 1 of the last calendar year appearing on the Rental Schedule, and ending on the date of the final payment shown on the Rental Schedule (the "Ending Date"), unless Lessee gives a Nonrenewal Notice or there occurs an Event of Nonappropriation, as provided in the Master Lease. The "Lease Term" is the period from the Starting Date to the Ending Date, subject to the earlier expiration or termination of the Lease as provided in the Master Lease.
5. Agreements, Representations and Warranties. Lessee represents, warrants and agrees as follows:
  - (a) Lessee's representations, warranties and agreements contained in the Master Lease are true, accurate, complete and effective as of the date hereof;
  - (b) *(this clause (b) applies only if this Lease is designated as a Bank-Qualified Lease below)* in order to enable Lessor to offer the interest rate contained in this Lease, Lessee represents and warrants that it has not issued, nor does it (taken together with the entities with which it must be aggregate pursuant to Section 265(b)(3)(E) of the Code) reasonably expect to issue (taking into account the Leases) more than \$10 million of tax-exempt obligations (other than private activity bonds) for the calendar year during which the Lease becomes effective; as provided in Code Section 265(b)(3)(B)(II), Lessee specifically designates the Lease as a "qualified tax-exempt obligation" as provided by Code Section 265(b)(3);
  - (c) Lessee will take no action that will directly or indirectly affects the deductibility of that portion of Lessor's interest expense allocable to this Lease;
  - (d) Lessee has made an available appropriation of and included in its current operating budget all Rentals for the Starting Term and the Termination Payment applicable to this Lease;
  - (e) Unless Property funds are escrowed, Lessee has received, tested, and finally accepted the Property;

- (f) The portion of the Rentals representing principal, when taken together with the principal portion outstanding under any other contract entered into by Lessee pursuant to the authority of O.C.G.A. § 36-60-13, together with the amount of debt outstanding incurred by Lessee pursuant to Article IX, Section V, Paragraph I of the Constitution of Georgia of 1983, as amended, does not exceed 10% of the assessed value of all taxable property within the jurisdictional limits of Lessee;
  - (g) The Property that is the subject hereof has not been the subject of a referendum that failed to receive the approval of the voters of Lessee within the calendar year in which this Lease is entered into for any of the four immediately preceding calendar years;
  - (h) If the Property subject to this Lease is real property: and unless the Property has been approved in the most recent referendum calling for the levy of a special county 1% sales and use tax pursuant to O.C.G.A. Tit. 48, Chapt. 8, Art. 3, Pt. 1, neither of the following has occurred:
    - (i) the average annual payments on the aggregate of all outstanding contracts entered into by Lessee for real property pursuant to the authority of O.C.G.A. § 36-60-13, including this Lease, do not exceed 7.5% of the governmental fund revenues of Lessee for the last calendar year preceding the date of delivery of this Lease (provided, however, that there may be added to such governmental fund revenues any special county 1% sales and use tax proceeds collected pursuant to O.C.G.A. § 48-8-111 legally available to pay amounts on this Lease or such other contracts); and
    - (ii) the outstanding principal balance on the aggregate of all outstanding contracts entered into by Lessee for real property pursuant to the authority of O.C.G.A. § 36-60-13, including this Lease does not exceed \$25,000,000.00
  - (i) If the property subject to this Lease is real property, Lessee held a public hearing with respect to this Lease prior to the delivery of this Lease, notice of which hearing was published at least once in each of the two weeks preceding the week of the hearing in a newspaper of general circulation in the jurisdiction of Lessee.
  - (j) No Event of Default or Event of Nonappropriation has occurred with respect to any Lease entered into under the Master Lease.
6. Non-Arbitrage Certificate. The Property that is subject to the Lease has not been and is not expected to be sold or otherwise disposed of in whole or in part prior to the Ending Date. Monies appropriated for the payment of amounts under the Lease will be paid from Lessee's general fund and will not be pledged for the Lease or be otherwise separately identified or accounted for (unless the Lease is to be paid from sales tax receipts). Lessee has not been notified of any listing of it by the Internal Revenue Service as an issuer that may not certify its obligations. No proceeds or "gross proceeds" of the Lease are expected to be invested prior to an allocation for governmental use, unless an Escrow Agreement has been entered into in connection with this Lease. The proceeds of the Lease will not be used in a manner and no other action will be taken or omitted that would cause the Lease to be an "arbitrage bond" under Section 148 or a "private activity bond" under Section 141 of the Internal Revenue Code of 1986, as amended and the regulations promulgated under that Section.
7. Quitclaim. At the outset of this Lease, the Lessee does hereby assign, transfer, convey and quitclaim to Georgia Municipal Association, Inc. ("Lessor") such ownership interests as it may possess, if any, in and to the "Property," as is necessary to permit the Property to be leased by Lessor to Lessee pursuant to the terms of this Lease Supplement and the Master Lease in accordance with their terms. Pursuant to Section 2.2 of the Master Lease, Lessor further transfers title to Lessee to the extent provided therein, and Lessee accepts such transfer in accordance with such Section 2.2. This quitclaim is given in consideration of the advance by or on behalf of the Lessor of the purchase price of the Property and the undertaking of the Lessor represented by this Lease Supplement.
8. Active Municipality. The Lessee certifies that it does, and expects to continue (a) providing at least three of the following services, either directly or by contract: law enforcement; fire protection (which may be furnished by a volunteer fire force) and fire safety; road and street construction or maintenance; solid waste management; water supply or distribution or both; waste-water treatment; storm-water collection and disposal; electric or gas utility services; enforcement of building, housing, plumbing, and electrical codes and other similar codes; planning and zoning; recreational facilities; (b) holding at least six regular, monthly or bimonthly, officially recorded public meetings each year; and (c) qualifying for and holds a regular municipal election as provided by law.

**DRAFT**

9. Effect of Lease Supplement. This Lease Supplement is intended as a separate Lease of the items of Property described in this Lease Supplement pursuant to the Master Lease. The terms, conditions and provisions of the Master Lease are hereby incorporated in this Lease Supplement to the same extent as if fully set forth in this Lease Supplement in this place, except to the extent expressly amended or modified by this Lease Supplement. The owner of Lessor's interest in this Lease shall have all rights, powers and remedies of Lessor with respect to this Lease under the Master Lease. This Lease Supplement may be executed in multiple counterparts, each of which shall constitute an original. This Lease Supplement shall be effective only upon the due completion and execution of the Schedules listed below and the delivery thereof to the Servicer.

10. Bank-Qualified or Non-Bank-Qualified.

The Lease under this Lease Supplement is a Non-Bank-Qualified Lease;

OR: (Check 1 box)

The Lease under this Lease Supplement is a Bank-Qualified Lease and Lessee has designated the Lease under the Lease Supplement as a "qualified tax-exempt obligation" under Section 265(b)(3) of the Code. The Lessee and its subordinate entities, and the entities that issue obligations on behalf of Lessee have not issued other tax-exempt obligations (other than private activity bonds, except Qualified 501(c)(3) Bonds) in the current calendar year, and Lessee does not expect that it and such other entities will issue such tax-exempt obligations such that all of such obligations, taken together with the Lease Amount under the Lease Supplement, would exceed \$10,000,000 in such calendar year. The only tax-exempt obligations issued or expected to be issued in the current calendar year by such parties are as follows (type title, date and amount):

	TITLE	DATE	AMOUNT
(1)	_____	_____	_____
(2)	_____	_____	_____

**DRAFT**



11. Payments Direction. Lessee authorizes and directs the Servicer under this Lease Supplement to pay the vendors of the Property as indicated below:

<u>NAME AND ADDRESS OF VENDOR</u>	<u>INVOICE #</u> (attach invoices)	<u>AMOUNT</u>
City of Pine Lake PO Box 1325 Pine Lake, GA 30072 Attn: City Manager (404) 999-4932	Enclosed	\$123,185.00

(Should Lessee have previously paid vendor, or require another means of payment to the Vendor, it should attach a request for an alternate payment method with a full explanation and, if applicable, proof of payment to the vendor.)

12. Assignee and Servicer. Lessor has assigned its rights and interests in the Lease to Magnolia Bank, which shall serve as Servicer for the Lease, and Lessee shall make payments to such Servicer.

13. Schedules. Lessee hereby delivers to Lessor and its assigns the completed, executed and effective Schedules C, D, and F, described below.

This Lease Supplement is dated: \_\_\_\_\_.

**IN WITNESS WHEREOF,** Lessor and Lessee have caused this Lease Supplement to be duly executed.

**LESSEE:**  
(SEAL)

**Signed By:** \_\_\_\_\_  
City Manager or Mayor  
**Print Name:** \_\_\_\_\_  
**Attested By:** \_\_\_\_\_  
City Clerk  
**Print Name:** \_\_\_\_\_  
**Date:** \_\_\_\_\_



**LESSOR:**  
(SEAL)

**GEORGIA MUNICIPAL ASSOCIATION, INC.**

**Signed By:** \_\_\_\_\_  
**Executive Director**

**Attested By:** \_\_\_\_\_  
**Financial Services Program Manager**

**Date of Execution:** \_\_\_\_\_

**Schedules Hereto:**

- A. Property Schedule**
- B. Rental Schedule**
- C. Appropriation Certificate Form**
- D. Form 8038G or 8038GC**
- E. Form UCC-1 (If included)**
- F. Ordinance/Resolution for Lease Supplement**
- G. Assignment and Transfer of Lease Supplement  
(Schedule G will be completed by GMA)**

**DRAFT**

**SCHEDULE A**  
**PROPERTY SCHEDULE**

**DRAFT**

<u>DESCRIPTION OF PROPERTY</u>	<u>IDENTIFICATION OR VIN NUMBER</u>	<u>AMOUNT FINANCED</u>
Vacuum Truck & Ford Interceptor		\$123,185.00

SAMPLE  
**Payment Amortization Report**

DRAFT

Customer: City of Pine Lake

Interest Rate:

**4.5000% (Annual)**

<u>Per</u>	<u>Date</u>	<u>Payment</u>	<u>Principal</u>	<u>Interest</u>	<u>Principal Balance</u>	<u>Accrued Interest</u>	<u>Accrued Int Bal</u>	<u>Net Balance</u>
0	7/23	0.00	0.00	0.00	123,185.00	0.00	0.00	123,185.00
12	7/24	34,337.04	28,793.71	5,543.32	94,391.29	5,543.32	0.00	94,391.29
24	7/25	34,337.04	30,089.43	4,247.61	64,301.86	4,247.61	0.00	64,301.86
36	7/26	34,337.04	31,443.45	2,893.58	32,858.41	2,893.58	0.00	32,858.41
48	7/27	34,337.04	32,858.41	1,478.63	0.00	1,478.63	0.00	0.00
<b>Totals:</b>		137,348.15	123,185.00	14,163.15		14,163.15		

**SCHEDULE C**

**APPROPRIATION CERTIFICATE**

Re: Master Lease dated February, 1, 2013 and Lease Supplement (the "Lease Supplement") dated \_\_\_\_\_, between Lessee and Georgia Municipal Association, Inc.

The undersigned officers of the (the "Lessee") hereby certify that all Rentals and the Termination Payment under the referenced Lease Supplement, for the current fiscal year are within such Lessee's operating budget or budgets for such year and an appropriation of funds for such year has been made for such purpose and is available therefore.

Dated: \_\_\_\_\_

*Signed by:* \_\_\_\_\_



*Print Name:* \_\_\_\_\_

*Title:* \_\_\_\_\_

*Attested By:* \_\_\_\_\_

*Print Name:* \_\_\_\_\_

*Title:* \_\_\_\_\_

(SEAL)

**INSTRUCTIONS:**

1. To be given at the time of signing a Lease Supplement and within 30 days of the adoption of each annual budget.
2. Complete a separate certificate for each Lease Supplement in effect.

**SCHEDULE F**

**ORDINANCE/RESOLUTION FOR SUPPLEMENTAL LEASES**

A RESOLUTION OR ORDINANCE TO AUTHORIZE AND  
DIRECT AN OFFICER OF THE CITY  
TO EXECUTE ONE OR MORE LEASE SUPPLEMENTS FOR A LEASE  
OR LEASES UNDER THE GMA DIRECT LEASING PROGRAM; TO DESIGNATE  
SUCH LEASES AS QUALIFIED TAX-EXEMPT OBLIGATIONS;  
TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City has entered into a Master Lease (the "Master Lease") dated as of February, 1, 2013, with Georgia Municipal Association, Inc. for the leasing from time to time of certain equipment, machinery or other personal property pursuant to Supplemental Leases;

NOW THEREFORE, BE IT RESOLVED OR ORDAINED AS FOLLOWS BY THE GOVERNING BODY OF THE CITY:

1. The \_\_\_\_\_ of the City is hereby authorized and directed to execute and deliver a Lease Supplement pursuant to the Master Lease to put into effect one or more leases for Vacuum Truck & Ford Interceptor (the "Leased Property"); said officer of the City is authorized and directed in the name and on behalf of the City to execute and deliver (i) one or more Lease Supplements for items of the Leased Property in substantially the form attached to the Master Lease, with such changes and additions as may be approved by said officer, and (ii) such other documents as may be deemed by such officer to be necessary or desirable to effect the purposes hereof or of the Master Lease, and such execution shall constitute conclusive evidence that the executed document has been authorized and approved hereby; the aforesaid officer is further authorized to do all things necessary or appropriate to effectuate the purposes hereof.

2.  An appropriation in the City's current operating budget has previously been made, which shall be sufficient to pay the "Rentals" and the "Termination Payment" during the "Starting Term" under such Lease Supplements; or

*(check box if applicable)*

An appropriation from unappropriated and unreserved funds in the City's current operating budget is hereby made for the "Rentals" and the "Termination Payment" during the "Starting Term" under such Lease Supplements, and the budget of the City is hereby amended to reflect such appropriation to the extent necessary.

3. The lease or leases contemplated by the said Lease Supplements are hereby designated "Qualified Tax-Exempt Obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, and said officer shall be authorized to confirm such designation by execution of appropriate documents in connection therewith.

4. This authorization shall be effective immediately.

CLERK'S CERTIFICATE

The undersigned hereby certifies that he or she is the Clerk of the \_\_\_\_\_, Georgia (the "City"), and that the foregoing is a true copy of the  Resolution or,  Ordinance [Check One] adopted by the governing body of the City at a meeting duly held on the \_\_\_\_\_, 20\_\_\_\_, at which a quorum was present and acting throughout, and that the same has not been rescinded or modified and is now in full force and effect. Given under the seal of the City, this \_\_\_\_\_, 20\_\_\_\_.

(SEAL)

\_\_\_\_\_  
City Clerk

**DRAFT**



ENVIRONMENTAL PRODUCTS  
GROUP

# Proposal Summary

Prepared for:

City of Pine Lake



**LCT450 Leaf Vacuum Trailer**



**City of Pine Lake**  
**June 23<sup>rd</sup>, 2023**

## **XtremeVac Leaf Vacuum Truck**

**Environmental Products Group** would like to thank you for the opportunity to present the **XtremeVac Leaf Vacuum Truck**.

**Environmental Products Group** is the sole provider of **XtremeVac by ODB Debris Collection Systems** in the state of Georgia, as well as many other industry leading product lines including: Elgin Street Sweeper Equipment, Vactor Sewer Cleaners, Envirosight Pipeline Inspection Cameras, Petersen Knuckleboom Loaders, PB Asphalt Pothole Patchers, Madvac Sweepers and Vacuums, Duratech Tree Chippers, and a host of parts, tools and accessories for all your needs.

**Environmental Products Group** prides itself on our local parts, service, and training capabilities. With multiple full-service locations throughout Georgia, Florida and Tennessee; including state of the art repair centers, extensive parts inventory, factory-trained technicians, mobile parts and service, rentals, turnkey maintenance packages, leasing options, and much more... we are ready to service your every need.

Thank you for your consideration.

### **MEMPHIS**

2995 Sandbrook St.  
Memphis, TN 38116  
**P:** 901.630.5658  
**F:** 901.630.5659

### **DEERFIELD BEACH**

1907 SW 43<sup>rd</sup> Terrace  
Suites G & H  
Deerfield Bch, FL 33442  
**P:** 954.518.9923  
**F:** 954.518.9926

### **ATLANTA**

4410 Wendell Dr SW  
Atlanta, GA 30336  
**P:** 404.693.9700  
**F:** 404.693.9690

### **CORPORATE**

2525 Clarcona Rd.  
Apopka, FL 32703  
**P:** 407.798.0004  
**F:** 407.798.0013

[www.MyEPG.com](http://www.MyEPG.com)



## Product Description

- Tow-Behind Debris Collector – Trailer Mounted

## Features

- Engine - Kubota 4-cylinder 87HP gasoline engine
- Air Cleaner – Dry element with pre-cleaner
- Radiator - Pressurized, heavy duty. Trash style with 6-blade fan.
- Radiator Screen - Boxed perforated steel screen is bottom hinged to allow for cleaning without powering down the engine. Face of screen is corrugated for maximum surface area and air flow.
- Engine Controls – Engine monitoring and controls are housed in a compact, powerful display system. There is a full display which shows engine temperature, RPM, oil pressure, battery volts, fuel level and engine hours. Full throttle control and fault code displays are also included.
- Engine is covered by a custom sheet metal enclosure constructed of 16-gauge steel. The enclosure has front and rear access doors, which are louvered for proper air circulation. Two doors are provided on top of the enclosure for convenient access to the radiator cap and oil fill cap.
- PTO - Heavy duty 13" automotive style PTO with a 2.25" shaft.
- Drive Type - 3-groove power band.
- Trailer Bed - One piece construction, 1/4" formed steel plate. 48" wide x 66" long
- Axles –Torflex axle rated at 6,000 pounds with EZ lube hubs and electric brakes.
- Tires – ST225-75R15 radial tires mounted on steel rims.
- Pintle Hook – Heavy duty pintle eye that is height adjustable without the use of tools
- Tow Tongue – 89" long tongue constructed of 4" square steel tubing
- Parking Jack – Heavy duty top wind jack with steel wheel.
- Trailer Lighting – LED stop and turn signals with turn signal indicators. LED strobe is mounted in the rear.
- Impeller - 28" diameter with 6 gusseted blades constructed of 3/8" thick abrasive resistant T-1 steel with a Brinell hardness exceeding 400. Each blade is gusseted on the back side and welded to a 1/4" thick backing plate. Impeller blades are flat with serrated tips for increased wear. Impeller is secured to the shaft via a taper locking bushing.
- Impeller Bearings - Two 2" diameter double roller 4 bolt flange type bearings.
- Impeller Shaft - 2" diameter precision machined steel.
- Blower Housing - Outer housing is constructed of 3/16" thick welded steel, front and back plates are 10-gauge steel. A safety kill switch shuts down the engine when the hose is disconnected.
- Liners – Made of 1/4" steel.

- Suction Inlet – located on Curb side and incorporates quick access via removable rods
- Intake Hose – 16” diameter x 120” long. Heavy duty flexible rubber hose.
- Hose Boom – Hydraulically controlled with an electric operated hydraulic pump. Boom pivots in a greaseable tube for effortless movement. Hydraulic cylinder is 1.5” diameter, with a minimum stroke length of 12”
- Boom Controls – 100% waterproof marine-style switch located on the intake hose nozzle.
- Intake Nozzle – 16” diameter nozzle with handle constructed of 12-gauge steel
- Exhaust Duct – Constructed of 12-gauge steel and centered directly over the tongue for a balanced unit.
- Fuel Tank - 44-gallon capacity constructed of ¼” thick polyethylene.
- G.V.W. – 4,500 lbs.
- Paint – All metal parts are thoroughly cleaned, primed, painted and dried separately. Each part is primed with a rust inhibitor primer and is painted with two coats of automotive quality paint. The parts are then assembled on the unit so that bolts, nuts, cables, and grease fittings are not painted. Standard Color is White.
- Delivery and Training Included

**SALE PRICE = \$64,500.00**

### **Optional Enhancements**

- John Deere 4045TFC03 4-cylinder 74HP diesel engine – \$12,891.00
- Fluid drive coupler in lieu of standard clutch – \$6,720.00
- Hydraulic Parking Jack with caster wheel – \$2,385.00

Please don't hesitate to call with questions, or if you need any additional information. Thank you for your interest and the opportunity to earn your business.

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**Signature**

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**Date**



1080 2nd Street  
 PO Box 746  
 Unadilla, GA 31091  
 P: (478) 627-3221 F: (478) 627-9550  
[www.brannenmotorcompany.com](http://www.brannenmotorcompany.com)



SOLD TO: CITY OF PINE LAKE

INVOICE / QUOTE #

DATE: 6-16-2023

PINLK161623

QTY.	DESC.	YEAR	MAKE/ MODEL	NEW OR USED	VIN	PRICE PER UNIT	SALES: GOV/FLEET
1	BLACK	2023	FORD INTERCEPTOR SUV 3.3 V6 AWD	NEW	WILL PROVIDE UPON APPROVAL  EQUIP QUOTES	\$44,400.00  \$11,900.00	KELLEY/REED

**DEPARTMENT:  
PINE LAKE GA**

PHONE CONTACT-  
 VEHICLE(S)- 1- 2023 FORD INTERCEPTOR ADMIN  
 EMAIL-

**EQUIPMENT**

- WHELEN 295-SLS A6 CONTROLS
- HAVIS SHIELD CONSOLE
- HAVIS COMPUTER STAND WITH DUAL CUP HOLDERS, 3 WAY PLUG, ADJUSTABLE ARM REST, AND RELOCATE BRACKET.
- BROTHERS PRINTER MOUNT
- BROTHERS PRINTER
- 2 WHELEN MICRONS IN GRILL
- WHELEN 100 WATT SPEAKER AND SPEAKER BRACKET BEHIND GRILL
- WHELEN INNER EDGE IN WINDSHIELD
- WHELEN DOMINATOR 8 IN REAR GLASS
- WHELEN ION-B ON SIDES X2
- WHELEN VERTEX CORNER STROBES
- WHELEN STROBE BOX FOR HEADLIGHTS
- WHELEN INSTALL KIT
- AGENCY GRAPHICS PACKAGE
- LABOR  
\$11,900.00S

PRICE OF CAR  
 FREIGHT AND  
 HANDLING  
 OPTIONAL EQUIP.  
 ACCESS.

LICENSE AND  
 TITLE

PLEASE FEEL FREE  
 TO CALL OR  
 EMAIL WITH ANY

**PRICE DOES  
 NOT INCLUDE  
 DELIVERY**

NO ADDED FEES  
 GPC APPLIED  
 PER UNIT  
 \$56,300.00

NO TAX (GOV)

\$56,300.00

TOTAL

JAKE KELLEY  
 GOV/ FLEET  
 BRANNEN MOTORS  
 229-322-9702



# Memo

**DATE:** July 21, 2023  
**TO:** Mayor and City Council  
**FROM:** ChaQuias Thornton  
**RE:** Special Purpose Local Options Sales Tax (SPLOST) II

Special Purpose Local Options Sales Tax (SPLOST) is an optional one percent county sales tax used to fund capital outlay projects proposed by the county and participating qualified municipal governments.

Tentative deadline for DeKalb cities to pass resolution regarding project referendum for the 2023 Special Purpose Local Option Sales Tax (SPLOST) to the County and to have executed Intergovernmental Agreement between the County and the cities submitted by September 8, 2023. The attorneys of DeKalb and its municipalities met to discuss population/calculation formula for the cities and other terms of the agreement on July 20<sup>th</sup>, 2023.

The referendum is scheduled for the November 2023 general election ballot and the Georgia legislature has passed a bill that has removed the percentage and specific nature of project restrictions that were attached to the 2017 SPLOST. Council should begin considering the nature of projects that it would like to include in its referendum. In general, county, and municipal governments may not use SPLOST proceeds for operating expenses or maintenance of a SPLOST project or any other county or municipal facility or service.

As confirmed by City Attorney Susan Moore, the most common categories for consideration are in 48-8-111(a)(1)(A) (roads, streets and bridges plus storm water, etc. under 48-8-121(b)(1) and (2)), 48-8-111(a)(1)(E) (cultural, recreational and/or historical facility), and 48-8-111(a)(1)(D) (general capital outlay catch all).

Please see page two (2) for information regarding the City's current 2022 report of the 2017 SPLOST.

CITY OF PINE LAKE					
SCHEDULE OF SPECIAL PURPOSE LOCAL OPTION					
SALES TAX EXPENDITURES					
FOR THE YEAR ENDED DECEMBER 31, 2022					
PROJECT	ORIGINAL	EXPENDITURES			ESTIMATED
	COST ESTIMATE	BEGINNING OF YEAR	CURRENT YEAR	TO DATE	PERCENT COMPLETE
Renovation/expansion public safety and courts	300,000	-	4,480	4,480	1.5%
Police dash cameras	20,000	-	-	-	0.0%
Renovation/repairs of City Hall	70,000	48,036	-	48,036	68.6%
Restroom for public works bldg.	5,000	-	-	-	0.0%
Rebuild of Oak Road from Forest Street to Spring Street	150,000	-	-	-	0.0%
Road/street repair & improvements	168,500	27,101	6,041	33,142	19.7%
Police vehicle	45,000	-	38,458	38,458	85.5%
Public works enhanced gate repairs	7,000	-	-	-	0.0%
	765,500	75,137	48,979	124,116	

Please note that SPLOST projects were projected at \$765,500 with the most recent estimation of collections being \$750,000 (an estimated project shortfall of \$15,500). Additionally, the Oak Drive project has received bid in excess of the \$318,500 assigned from 2017 SPLOST proceeds. An additional \$81,500 is what is estimated to be needed to complete the Oak Drive project.

Please contact me if you should have any questions, comments, or concerns regarding.

Thank you,  
CMThornton



DeKalb County  
GEORGIA

# MEMORANDUM

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May 10, 2023  
via email

To: Michael L. Thurmond, Chief Executive Officer  
Members, Board of Commissioners

From: Zachary Williams, Chief Operating Officer  
Viviane H. Ernstes, County Attorney

**Subject: House Bill 431 – Bill Amending SPLOST Law  
(Our File No. 02-0125)**

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We write to provide you information about this important project and the new state law. Please note that we refer to the limited project SPLOST passed in 2017 by the voters as “SPLOST I” and the new unlimited project SPLOST that will be considered by the voters in 2023 as “SPLOST II”.

As you know, House Bill 431 (“H.B. 431”) was adopted by the General Assembly with a unanimous vote amending the State SPLOST I law to allow DeKalb County to use SPLOST II proceeds for all allowable categories of capital outlay projects.<sup>1</sup> This memorandum explains the changes that H.B. 431 makes to DeKalb County’s SPLOST.

Also, we have taken the liberty of providing you with a simple list of the kinds of capital outlay projects that can now be funded with SPLOST II dollars as a result of the adoption of H.B. 431.<sup>2</sup>

## I. SPLOST Provisions That Changed After Passage of H.B. 431

Under general State law, most counties levying a SPLOST can use the tax to fund a broad variety of capital outlay projects.<sup>3</sup> In 2017, the law was amended to limit the allowable categories of projects for counties that had a HOST but want to choose to levy both a SPLOST and an EHOST. Such counties were only permitted to use their SPLOST funds on four specific categories of projects: (1) transportation purposes, (2) public safety facilities and related capital equipment,

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<sup>1</sup> See Attachment A, House Bill 431 for your convenience.

<sup>2</sup> See Attachment B, list of allowable capital outlay projects.

<sup>3</sup> O.C.G.A. §§ 48-8-111(a)(1)(A)-(N), 48-8-121 are the state laws that list over a dozen specific categories of projects eligible for SPLOST II funding.

(3) debt service, and (4) the repair of capital outlay projects in an amount not to exceed fifteen percent (15%) of the total SPLOST proceeds. As far as we know, this limitation applied only to DeKalb County because we had a HOST and after 2017 the County levied SPLOST I and EHOST.

H.B. 431 removes this limitation and permits DeKalb County to have SPLOST II and fund all the various projects that other counties can fund with their SPLOST.

## II. SPLOST Provisions That Will Remain the Same After Passage of H.B. 431

There are other provisions in State law unique to DeKalb County's SPLOST that will not be altered by H.B. 431. Specifically, the provisions relating to how SPLOST II proceeds will be distributed amongst the County and Municipalities will not change. O.C.G.A. § 48-8-109.5(e), is the state law governing the distribution of SPLOST proceeds, both I and II, in DeKalb County. It states the following:

e) Notwithstanding any provision of law to the contrary except subsection (f) of this Code section, in any county levying a tax under this part, a tax levied pursuant to the provisions of Part 1 of Article 3 of this chapter in a special district in such county *shall be strictly divided* between the unincorporated portions of the county whose geographical boundary is conterminous with that of the special district and the municipalities wholly or partially located within the special district *on a per capita basis, based on the most recent decennial census, unless altered by an intergovernmental agreement between the county and all municipalities* wholly located within the special district. Notwithstanding any provision of law to the contrary, the department *shall disburse directly to the county and each municipality its share of the proceeds of the tax levied pursuant to Part 1 of Article 3 of this chapter.* (Emphasis added).

Under this statute, DeKalb's SPLOST I and II proceeds must be disbursed either on a per capita basis, based on the most recent decennial census or according to the terms of an intergovernmental agreement between the County and every Municipality wholly located in DeKalb County. Additionally, this statute requires the State Department of Revenue to disburse SPLOST I and II proceeds to the County and Municipalities individually, unlike every other SPLOST in Georgia which disburses SPLOST proceeds only to the County.<sup>4</sup> Again, neither of these two requirements will change with SPLOST II because of H.B. 431.

## III. The EHOST Law Will Not Change

H.B. 431 did not change any provision of the EHOST law. Several commissioners have asked legal questions related to EHOST and those will be answered by separate memorandum.

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<sup>4</sup> Under every other SPLOST in Georgia, SPLOST proceeds are disbursed to the County by the Department of Revenue, then the County disburses the remaining proceeds to the Municipalities. O.C.G.A. § 48-8-115(b).

**Memorandum to the CEO and BOC**

May 10, 2023

Page 3 of 3

Attachments

cc: La'Keitha D. Carlos, Chief of Staff, CEO  
Kwasi K. Obeng, Chief of Staff, BOC  
T.J. Sigler, Budget Director  
Dianne McNabb, Finance Director  
Laura K. Johnson, Deputy County Attorney  
Terry G. Phillips, Deputy County Attorney  
Matthew C. Welch, Deputy County Attorney  
Nicole Aigner, Complex Transaction Division Chief  
Suzanne Success Osborne, Senior Assistant County Attorney  
Shaheem Williams, Esq.



House Bill 431 (AS PASSED HOUSE AND SENATE)

By: Representatives Drenner of the 85<sup>th</sup>, Carter of the 93<sup>rd</sup>, Holcomb of the 81<sup>st</sup>, Moore of the 91<sup>st</sup>, Taylor of the 92<sup>nd</sup>, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 1 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia  
2 Annotated, relating to county special purpose local option sales tax, so as to remove  
3 provisions relating to the purpose of such tax in counties that also levy and collect an  
4 equalized homestead option sales tax; to provide for related matters; to repeal conflicting  
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 1 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated,  
9 relating to county special purpose local option sales tax, is amended by revising  
10 paragraph (1) of subsection (a) of Code Section 48-8-111, relating to procedure for  
11 imposition of tax, resolution or ordinance, notice to county election superintendent, and  
12 election, as follows:

13 "(1) The purpose or purposes for which the proceeds of the tax are to be used and may  
14 be expended, which purpose or purposes may consist of capital outlay projects located  
15 within or outside, or both within and outside, any incorporated areas in the county in the

16 special district or outside the county, as authorized by subparagraph (B) of this paragraph  
17 for regional facilities, and which may include any of the following purposes:

18 (A) A capital outlay project consisting of road, street, and bridge purposes, which  
19 purposes may include sidewalks and bicycle paths;

20 (B) A capital outlay project or projects in the special district and consisting of a  
21 courthouse; administrative buildings; a civic center; a local or regional jail, correctional  
22 institution, or other detention facility; a library; a coliseum; local or regional solid waste  
23 handling facilities as defined under paragraph (27.1) or (35) of Code Section 12-8-22,  
24 as amended, excluding any solid waste thermal treatment technology facility, including,  
25 but not limited to, any facility for purposes of incineration or waste to energy direct  
26 conversion; local or regional recovered materials processing facilities as defined under  
27 paragraph (26) of Code Section 12-8-22, as amended; or any combination of such  
28 projects;

29 (C) A capital outlay project or projects which will be operated by a joint authority or  
30 authorities of the county and one or more qualified municipalities within the special  
31 district;

32 (D) A capital outlay project or projects, to be owned or operated or both either by the  
33 county, one or more qualified municipalities within the special district, one or more  
34 local authorities within the special district, or any combination thereof;

35 (E) A capital outlay project consisting of a cultural facility, a recreational facility, or  
36 a historic facility or a facility for some combination of such purposes;

37 (F) A water capital outlay project, a sewer capital outlay project, a water and sewer  
38 capital outlay project, or a combination of such projects, to be owned or operated or  
39 both by a county water and sewer district and one or more qualified municipalities in  
40 the county;

41 (G) The retirement of previously incurred general obligation debt of the county, one  
42 or more qualified municipalities within the special district, or any combination thereof;

43 (H) A capital outlay project or projects within the special district and consisting of  
 44 public safety facilities, airport facilities, or related capital equipment used in the  
 45 operation of public safety or airport facilities, or any combination of such purposes;

46 (I) A capital outlay project or projects within the special district, consisting of capital  
 47 equipment for use in voting in official elections or referendums;

48 (J) A capital outlay project or projects within the special district consisting of any  
 49 transportation facility designed for the transportation of people or goods, including but  
 50 not limited to railroads, port and harbor facilities, mass transportation facilities, or any  
 51 combination thereof;

52 (K) A capital outlay project or projects within the special district and consisting of a  
 53 hospital or hospital facilities that are owned by a county, a qualified municipality, or  
 54 a hospital authority within the special district and operated by such county,  
 55 municipality, or hospital authority or by an organization which is tax exempt under  
 56 Section 501(c)(3) of the Internal Revenue Code, which operates the hospital through  
 57 a contract or lease with such county, municipality, or hospital authority;

58 (L) The repair of capital outlay projects, including, but not limited to, roads, streets,  
 59 and bridges, located, in part or in whole, within the special district that have been  
 60 damaged or destroyed by a natural disaster;

61 (M) A capital outlay project or projects that are owned, operated, or administered by  
 62 the state and located, in part or in whole, within the special district; or

63 (N) Any combination of two or more of the foregoing;

64 ~~provided, however, that a tax authorized under this part which is submitted to the voters~~  
 65 ~~for approval in connection with an equalized homestead option sales tax pursuant to Part~~  
 66 ~~2 of Article 2A of this chapter shall be used for transportation purposes which shall~~  
 67 ~~include roads, bridges, public transit, rails, airports, buses, seaports, and including~~  
 68 ~~without limitation road, street, and bridge purposes pursuant to paragraph (1) of~~  
 69 ~~subsection (b) of Code Section 48-8-121, for public safety facilities and related capital~~

70 ~~equipment used in the operation thereof, for debt service purposes for which a~~  
71 ~~municipality used proceeds from the homestead option sales and use tax, and for the~~  
72 ~~repair of capital outlay projects; provided, however, that the amount of proceeds used for~~  
73 ~~the repair of capital outlay projects shall not exceed 15 percent of the total proceeds~~  
74 ~~which are collected under this part for a capital outlay project or projects authorized~~  
75 ~~under this paragraph;"~~

76

**SECTION 2.**

77 All laws and parts of laws in conflict with this Act are repealed.

## Authorized Projects for SPLOST II Funding

### General Capital Outlay Project Provision and Specifically Named Projects

- SPLOST II proceeds may be used by the County and qualified municipalities wholly located in DeKalb County (“Cities”) to fund “capital outlay projects” which are defined as follows:

A capital outlay project means any major, permanent, or long-lived improvement or betterment, such as land or structures.<sup>1</sup> Such projects are properly chargeable to a capital asset account as opposed to a current expenditure or ordinary maintenance expense. The term includes, but is not limited to, roads, streets, bridges, police cars, fire trucks, ambulances, garbage trucks, and other major equipment. ***SPLOST proceeds are NOT permissible for use on normal day-to-day maintenance and operation expenses of the County, the Cities or any SPLOST II project.***

- Although the law specifically lists certain kinds of projects for SPLOST II funding as detailed below, the County and the Cities are not limited to those listed items.
- ***There is a broad “general” project category that authorizes the County and the Cities to fund any capital outlay project with SPLOST II proceeds if the project is located 1-in the unincorporated area of the County and owned or operated by the County or 2- in a City and owned or operated by the City.<sup>2</sup> This provision gives the County and the Cities broad discretion over the type of capital outlay projects chosen by each for SPLOST II funding.***
- In addition to the general provision, below is a list of projects specifically designated for SPLOST II funding under State law:
- Road, street, and bridge purposes, including sidewalks and bicycle paths which include:

Acquisition of rights of way for roads, streets, bridges, sidewalks, and bicycle paths;

Construction of roads, streets, bridges, sidewalks, and bicycle paths;

Renovation and improvement of roads, streets, bridges, sidewalks, and bicycle paths, including resurfacing;

Relocation of utilities for roads, streets, bridges, sidewalks, and bicycle paths;

Improvement of surface-water drainage from roads, streets, bridges, sidewalks, and bicycle paths; and

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<sup>1</sup> O.C.G.A. § 48-8-110(1).

<sup>2</sup> O.C.G.A. § 48-8-111(a)(1)(D).

Patching, leveling, milling, widening, shoulder preparation, culvert repair, and other repairs necessary for the preservation of roads, streets, bridges, sidewalks, and bicycle paths<sup>3</sup>

- Storm-water and drainage as part of a road, street and bridge project or as general capital outlay project.<sup>4</sup>
- Any capital outlay project jointly operated by a County authority and one or more cities;
- A cultural facility, recreational facility, or historic facility;
- A water or sewer capital outlay project, owned and/or operated by a county water and sewer district and one or more cities;
- A courthouse; administrative building; civic center; local or regional jail, correctional institution, or other detention facility; a library; a coliseum; local or regional solid waste handling facility; and a local or regional recovered materials processing facility;
- The retirement of a previously incurred general obligation debt;
- Public safety facilities, airport facilities, and/or related capital equipment;
- Voting equipment used in official elections or referendums;
- Any transportation facility designed for the transportation of people or goods, including railroads, port and harbor facilities, and/or mass transportation facilities;
- A hospital or hospital facility, owned and/or operated by the county, or jointly owned or operated by the County and a City, hospital authority or not-for-profit organization;
- The repair of existing capital outlay projects; or
- Any capital outlay project owned, operated, or administered by the State and located within the County.<sup>5</sup>

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<sup>3</sup> O.C.G.A. § 48-8-121(b)(1).

<sup>4</sup> O.C.G.A. § 48-8-121(b)(2).

<sup>5</sup> O.C.G.A. § 48-8-111(a)(1)(A)-(M).