

**CITY OF PINE LAKE, GEORGIA
SPECIAL CALLED SESSION AGENDA
COUNCIL CHAMBERS
AUGUST 22, 2023 @ 6:30PM
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

Adoption of Agenda of the Day

Public Comment – Public comment pertaining to agenda items only will be received during this special session of Council.

New Business

1. Reenactment of Emergency Ordinance 2023-05(1) in the form of Emergency Ordinance 2023-05(2) – 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. Resolution R-15-2023 - A Resolution Acknowledging DeKalb County's Call for a Referendum on a 1% SPLOST (Special Purpose Local Options Sales and Use Tax); Providing for a Project List of City Projects to Be Covered by the SPLOST; and to Enter into an Intergovernmental Agreement with DeKalb County and its Qualified Cities

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

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Memo

DATE: August 18, 2023
TO: Mayor and City Council
FROM: ChaQuias Thornton
RE: Moratorium – Fishing (Second Reenactment of Emergency Ordinance 2023-05)

Regular Session – July 25, 2023

On 08/22/2023, and for the second time, Council will consider reenactment of Emergency Ordinance 2023-05 - in the form of Emergency Ordinance 2023-05(2).

Please review the attached Emergency Ordinance 2023-05(2) in preparation of potential reenactment.

HISTORY

On June 29, 2023, 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.

On 07/25/2023, Council considered reenactment of Emergency Ordinance 2023-05 and adopted the same, in order to continue to operate under provision(s) of the emergency ordinance.

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

Thank you,

CMThornton

EMERGENCY ORDINANCE NO. 2023-05(2)

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 reenacted such ordinance as ordinance 2023-05(1) July 25, 2023, and such ordinance will stand repealed pursuant to Section 2.24 of the City's Charter;

WHEREAS, 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



Memo

DATE: August 18, 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 for ballot submittal is September 8, 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.

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. Attached is a memorandum pertaining to Authorized Projects for SPLOST II Funding.

It is currently anticipated that DeKalb County and its qualified municipalities are planning to engage in a 6yr SPLOST using 2023 population calculations. DeKalb Commissioners, Municipal Mayors, City Attorneys and City Managers have met over numerous sessions to discuss proposed terms of SPLOST II. It is also anticipated that the cities attorneys will meet on Monday, August 21st and the DeKalb Commissioners will meet on Tuesday, August 22, 2023 to finalize and/or adopt resolution and intergovernmental agreement language – to include estimated collections and distribution percentages for tax proceeds.

At present, the City is expected to receive \$144,567/year for 6 years – total SPLOST proceeds of \$867,401. Confirmation of this estimated distribution and any additional terms is not expected to be decided upon until the Commission meeting scheduled for 08/22/2023.

I have included a timeline for SPLOST II and the SPLOST I resolution language along with this memorandum. It is expected that the SPLOST II resolution language will be similar to the attached.

Please feel free to contact me if you should have any questions regarding the information contained within or the documents attached herewith this correspondence.

CMThornton

SPLOST II

SPLOST II Timeline for November 7, 2023

Begin Meetings with City Attorneys to finalize Intergovernmental Agreements (IGAs)	July 20, 2023
First date IGA and SPLOST II Resolution place holder item will be added to the County's BOC Agenda	August 8, 2023
Last date to send notice of City/County meeting	August 8, 2023
Last day to hold City/County meeting	August 18, 2023
Last <i>regular</i> BOC meeting date to adopt SPLOST II IGA and Resolution	August 22, 2023
Last date to send Ballot to CES	September 8, 2023
Last Date to send the Resolution to the election superintendent for issuance of the Call	September 26, 2023
Last date to send Call to Champion Newspaper for publication prior to Call Deadline	September 27, 2023
Last date for the Issuance and Publication of Call for the Special Election	October 9, 2023 (Published on October 5, 2023)
Last date to send Notice of Election to Champion Newspaper for publication prior to the Election	October 4, 2023
Dates for publication of notice of the election	October 12, 2023 October 19, 2023 October 26, 2023 November 2, 2023
Election Date	November 7, 2023

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.¹ 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.² 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

¹ O.C.G.A. § 48-8-110(1).

² 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 paths³

- Storm-water and drainage as part of a road, street and bridge project or as general capital outlay project.⁴
- 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 projects⁵; or
- Any capital outlay project owned, operated, or administered by the State and located within the County.⁶

³ O.C.G.A. § 48-8-121(b)(1).

⁴ O.C.G.A. § 48-8-121(b)(2).

⁵ Proposed qualified repairs will be reviewed on a case-by-case basis for compliance with the law governing use of SPLOST funds.

⁶ O.C.G.A. § 48-8-111(a)(1)(A)-(M).

CITY OF PINE LAKE
STATE OF GEORGIA

A RESOLUTION AFFIRMING SUPPORT FOR THE CALL FOR A REFERENDUM ON A ONE PERCENT SPECIAL PURPOSE LOCAL OPTION SALES AND USE TAX IMPOSED IN THE SPECIAL DISTRICT COTERMINOUS WITH THE BOUNDARIES OF DEKALB COUNTY; EXPRESSING SUPPORT FOR THE CALL FOR A REFERENDUM FOR THE PURPOSE OF SUBMITTING THE PROPOSED TAXES TO THE VOTERS OF DEKALB COUNTY; PROVIDING FOR A LIST OF CITY PROJECTS TO BE COVERED BY THE SPLOST, IF APPROVED BY VOTERS; AND EXPRESSING INTENTION TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT TO BE EXECUTED BY DEKALB COUNTY AND ITS QUALIFIED MUNICIPALITIES AS TO DISTRIBUTION OF SPLOST PROCEEDS.

WHEREAS, Senate Bill 156 passed the General Assembly during the 2016/17 legislative session and was approved by Governor Deal; and

WHEREAS, such Bill amends the Official Code of Georgia Annotated to provide a Special Purpose Local Option Sales and Use Tax; and

WHEREAS, the amended legislation appears as Title 48, Chapter 8, Article 2A, Part 2 in O.C.G.A., Sec. 48-8-109.1 et seq.; and

WHEREAS, the City understands the governing authority of DeKalb County intends to issue a call for a referendum on implementation of the Special Purpose Local Option Sales and Use Tax on the November 2017 general election ballot;

NOW THEREFORE BE IT RESOLVED, that the Governing Authority of the City of Pine Lake expresses its support for a referendum to allow the voters of DeKalb County to consider the adoption of an Equalized Homestead Option Sales and Use Tax to be levied in conjunction with a Special Purpose Local Option Sales and Use Tax.

IT IS FURTHER RESOLVED, that the Governing Authority of the City of Pine Lake expresses its support for the submission of the upcoming referendum to be called by the Board of Commissioners of DeKalb County on the Special Purpose Local Option Sales and Use Tax.

IT IS FURTHER RESOLVED, that the City of Pine Lake supports a call by the Board of Commissioners for a 6-year term to the Special Purpose Local Option Sales and Use Tax.

IT IS FURTHER RESOLVED, that the list of projects shown on the attached Exhibit A is adopted and approved as Pine Lake City Projects to be funded with the proceeds of the SPLOST, if approved by the voters in the referendum.

IT IS FURTHER RESOLVED, that the DeKalb County Board of Commissioners is requested to place the following language on the ballot for the consideration by voters:

City of Pine Lake capital improvement projects to be funded from its share of the proceeds related to (a) the renovation/expansion/relocation of public safety facilities, purchase of a police vehicle and police dash cameras, (b) rebuilding of Oak Road from Forrest Street to Spring Street, along with road and street repair and improvements including paving, curb resetting and storm water outlet repair/installation on local surface streets on a priority basis according to need, and (c) renovation, and/or repairs of city hall, public works restroom facilities and gate repairs to public works building.

The exact placement within the ballot resolution is to be determined after all municipal projects are communicated to the County and will appear in the County Governing Authority's Resolution calling for the Referendum.

IT IS FURTHER RESOLVED, that the City Council expressly does **not** ask that a question be placed on the ballot by the Board of Commissioners to seek or authorize General Obligation Debt to be funded by anticipated proceeds from the SPLOST.

IT IS FURTHER RESOLVED, that the City of Pine Lake intends to enter into an intergovernmental agreement with DeKalb County and other qualified municipalities of DeKalb County regarding the use of proceeds of the SPLOST, if approved. The current draft of the proposed intergovernmental agreement is attached hereto as exhibit B. The form of the draft intergovernmental agreement may be amended by the parties to the Agreement up to the time of final approval by the County. The Mayor, in consultation with the City Attorney, is authorized to negotiate and execute the final agreement once reached, so long as the share of proceeds to be received by Pine Lake under the final agreement equals or exceeds the anticipated 0.108 percent allocated to Pine Lake in the draft agreement, and so long as other material terms of the final agreement do not place Pine Lake at a disadvantage over the language of the draft agreement, the Mayor is authorized to execute the final intergovernmental agreement as revised through efforts of combined counsel for the County and the various Cities, including Pine Lake's City Attorney.

IT IS FURTHER RESOLVED, that the Mayor is expressly authorized to execute on behalf of the City of Pine Lake, the Special Purpose Local Option Sales and Use Tax Certificate of Distribution under Equalized Homestead Option Sales Tax at such rate as provided in the final intergovernmental agreement governing such proceeds where signature on such intergovernmental agreement is authorized.

SO RESOLVED, this 18th day of September, 2017.

CITY OF PINE LAKE



 Melanie Mammet
 Mayor

ATTEST:

APPROVED AS TO FORM:

Missye Varner

Missye Varner
City Clerk

Acting

Laurel E. Henderson

Laurel E. Henderson
City Attorney

EXHIBIT A**Pine Lake City Projects to be Funded by SPLOST**

Six year tax--anticipated collection of \$653,189

Projects will be prioritized as funds are received with total expenditures per project not exceeding the following budgeted figures and non-transportation/non-public safety capital repair projects not to exceed 15% of total receipts.

\$300,000	Renovation/Expansion/Relocation of Public Safety and Courtroom Facilities
\$ 20,000	Police Dash Cameras
\$ 70,000	Renovation/Repairs of City Hall
\$ 5,000	Restroom for Public Works Building
\$150,000	Rebuild of Oak Road from Forrest Street to Spring Street
\$168,500	Road/street repair and improvements including paving, curb resetting and storm water outlet repair and installation for all local surface streets, on a priority basis
\$ 45,000	Police vehicle
\$ 7,000	Public works enhanced gate repairs

EXHIBIT B

Form of Intergovernmental Agreement