



City of Tucker, GA
CITY COUNCIL

Frank Auman, Mayor

Honey Van De Kreke

District 1, Post 1

Bill Rosenfeld

District 1, Post 2

Matt Robbins

District 2, Post 1

Noelle Monferdini

District 2, Post 2

Michelle Penkava

District 3, Post 1

Anne Lerner

District 3, Post 2

August 1, 2016

**CITY COUNCIL AGENDA
SPECIAL CALLED MEETING**

7:00 PM

**Discover DeKalb
1957 Lakeside Parkway, Suite 510
Tucker GA 30084**

A) CALL TO ORDER

B) ROLL CALL

C) PLEDGE OF ALLEGIANCE

D) PUBLIC COMMENTS

E) MAYOR'S OPENING REMARKS

F) MINUTES

1. Special Called Council Meeting Minutes – July 8, 2016
2. Special Called Council Meeting Minutes – July 11, 2016 6:30 am
3. Council Meeting Minutes – July 11, 2016 6:30 pm

G) APPROVAL OF MEETING AGENDA

H) OLD BUSINESS - NONE

I) NEW BUSINESS

1. **R2016-08-18**
John McHenry
2. **R2016-08-19**
Tami Hanlin

A Resolution to appoint members of the Community Council for the City of Tucker, Georgia.

A Resolution to approve holiday schedule for the City of Tucker, Georgia.

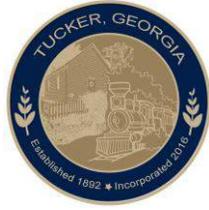
3. **O2016-08-23**
Tami Hanlin **First Read** and Consideration of an Ordinance to adopt the Fiscal Year 2016 Budget.
4. **O2016-08-24**
Tami Hanlin **First Read** and Consideration of an Ordinance to establish a Fiscal Year.
5. **O2016-08-25**
Tami Hanlin **First Read** and Consideration of an Ordinance to adopt the Purchasing Policy.
6. **Action Item**
Brian Anderson Presentation of applications for annexation

J) **EXECUTIVE SESSION** (If required)

K) **MAYOR AND COUNCIL COMMENTS**

L) **ADJOURNMENT**

**Special Called Council
Meeting Minutes
July 8, 2016**



**CITY OF TUCKER
SPECIAL CALLED COUNCIL MEETING MINUTES
July 8, 2016 at 12:00PM**

The Mayor and Council of the City of Tucker held a Special Called Council Meeting at Discover DeKalb, 1957 Lakeside Parkway, Suite 510, Tucker, GA, 30084. The following were in attendance:

Mayor	Frank Auman
Council Member	Honey Van De Kreke – District 1, Post 1
Council Member	Bill Rosenfeld – District 1, Post 2
Council Member	Matt Robbins – District 2, Post 1
Council Member	Noelle Monferdini – District 2, Post 2
Council Member	Michelle Penkava – District 3, Post 1
Council Member	Anne Lerner – District 3, Post 2
Interim City Manager	Tami Hanlin
City Clerk	Jennifer Davis
City Attorney	Brian Anderson
Community Development Director	John McHenry

CALL TO ORDER: Mayor Frank Auman called the meeting to order at 12:00 pm

PLEDGE OF ALLEGIANCE: Mayor Frank Auman led the Pledge of Allegiance.

PUBLIC COMMENT: There were no public comments.

MAYOR’S OPENING REMARKS:

Mayor Frank Auman discussed the state of the country. He discussed DeKalb County’s challenge in finding qualified police officers. Mayor Auman held a moment of silence in remembrance of their friends and colleagues around the country who have suffered.

MINUTES:

MOTION TO APPROVE THE SPECIAL CALLED MEETING MINUTES FROM THE JUNE 29, 2016 COUNCIL MEETING.

By: Council Member Robbins

Seconded by: Council Member Monferdini

Vote: (7-0) (Robbins, Monferdini, Auman, Van De Kreke, Rosenfeld, Penkava, Lerner)

CONSIDERATION OF THE MEETING AGENDA:

MOTION TO APPROVE THE COUNCIL MEETING AGENDA.

By: Council Member Robbins

Seconded by: Council Member Van De Kreke

Vote: (7-0) (Robbins, Van De Kreke, Auman, Rosenfeld, Monferdini, Penkava, Lerner)

OLD BUSINESS:

R2016-07-13

A Resolution to accept the findings of negative secondary effects of Sexually Oriented Businesses

MOTION TO APPROVE R2016-07-13

By: Council Member Penkava

Seconded by: Council Member Lerner

Vote: (7-0) (Penkava, Lerner, Auman, Van De Kreke, Rosenfeld, Robbins, Monferdini)

O2016-06-07

Second Read and Consideration of an Ordinance to adopt Zoning Ordinance and Zoning Map and associated Overlay Districts (**Public Hearing**)

John McHenry presented his findings and he stated that Planning Commission has recommended approval. Mayor Frank Auman opened the public hearing to anyone wanting to speak in favor or opposition. There was no public comment. Public comment closed. The ordinance will be adopted at the next meeting.

O2016-06-08

Second Read and Consideration of an Ordinance to adopt the Comprehensive Plan and the Future Land Use Map (**Public Hearing**)

John McHenry presented his findings and he stated that Planning Commission has recommended approval. Mayor Frank Auman opened the public hearing to anyone wanting to speak in favor or opposition. There was no public comment. Public comment closed. The ordinance will be adopted at the next meeting.

O2016-06-09

Second Read and Consideration of an Ordinance to adopt the Sign Ordinance (**Public Hearing**)

John McHenry presented his findings and he stated that Planning Commission has recommended approval. Mayor Frank Auman opened the public hearing to anyone wanting to speak in favor or opposition. There was no public comment. Public comment closed. The ordinance will be adopted at the next meeting.

O2016-06-10

Second Read and Consideration of an Ordinance to establish a line of credit.

MOTION TO ADOPT O2016-06-10.

By: Council Member Penkava

Seconded by: Council Member Van De Kreke

Vote: (7-0) (Penkava, Van De Kreke, Auman, Rosenfeld, Robbins, Monferdini, Lerner)

O2016-06-11

Second Read and Consideration of an Ordinance to establish a moratorium on applications and permits (**Public Hearing**)

John McHenry presented his findings and he stated that Planning Commission has recommended approval conditioned 60 to 90 days. John McHenry stated that the moratorium is effective on July 11, 2016. Mayor Frank Auman opened the public hearing to anyone wanting to speak in favor or opposition. Charlton Allen spoke in favor of the moratorium but Council should consider implementing a plan for emergency permits for structures requiring emergency repairs during the moratorium. There was no public comment for opposition. Public comment closed. The ordinance will be adopted at the next meeting.

NEW BUSINESS:

2016-07-12

First read and Consideration of an Ordinance to adopt the Building and Building Regulation Ordinance.

2016-07-13

First read and Consideration of an Ordinance to adopt the Land Development & Model Soil Erosion Sediment Pollution Control Ordinance.

2016-07-14

First read and Consideration of an Ordinance to adopt the Nuisances Ordinance.

MAYOR AND COUNCIL COMMENTS:

Council Member Honey Van De Kreke expressed her appreciation to the public for coming out and thanked them for their patience during this process. She stated that a group of them attended the GMA conference and returned with a great deal of knowledge which will help guide them better in their public duties.

Council Member Matt Robbins stated that they will hit their 100 days as a full board this weekend which marks a very special day for them. He thanked the public for their attendance and their interest in the city and look forward to their 1,000 days' celebration.

Council Member Michelle Penkava thanked Mike Williams and the Planning Commission group for a job well done. She thanked all the applicants who applied for their desire to serve the city.

Council Member Bill Rosenfeld thanked everyone for a job well done and extended a special thanks to staff for their hard work and support.

Council Member Noelle Monferdini also thanked staff for their hard work and support. She thanked the public for coming out and challenged them to stay engaged and continue to attend the meetings.

Council Member Anne Lerner expressed her excitement for the number of applicants who applied for the Planning Commission and the knowledge they had. She thanked staff for all they do. She cautioned the public to be respectful of staff and to be positive and encouraging which is the Tucker way.

Mayor Frank Auman stated that as mentioned by all the Council members he is excited about the Planning Commission and all the qualified applicants they had. He stated that the other applicants will have more opportunities to serve on other boards as they get on the way. He expressed his gratitude for staff and the knowledge they bring to help guide them through the process.

ADJOURNMENT: The City Council Meeting adjourned at approximately 12:38 pm.

Approved,

Attest:

Frank Auman, Mayor

Jennifer Davis, City Clerk

(Seal)

Special Called Council

Meeting Minutes

July 11, 2016 6:30 AM



**CITY OF TUCKER
SPECIAL CALLED COUNCIL MEETING MINUTES
July 11, 2016 at 6:30AM**

The Mayor and Council of the City of Tucker held a Council Meeting at Discover DeKalb, 1957 Lakeside Parkway, Suite 510, Tucker, GA, 30084. The following were in attendance:

Mayor	Frank Auman
Council Member	Honey Van De Kreke – District 1, Post 1
Council Member	Bill Rosenfeld – District 1, Post 2
Council Member	Matt Robbins – District 2, Post 1
Council Member	Noelle Monferdini – District 2, Post 2
Council Member	Michelle Penkava – District 3, Post 1
Council Member	Anne Lerner – District 3, Post 2
Interim City Manager	Tami Hanlin
City Clerk	Jennifer Davis
City Attorney	Brian Anderson
Community Development Director	John McHenry

CALL TO ORDER: Mayor Frank Auman called the meeting to order at 6:30 am

PLEDGE OF ALLEGIANCE: Mayor Frank Auman led the Pledge of Allegiance.

PUBLIC COMMENT: Frank Nix thanked those attending and stated that he appreciates all the efforts of Mayor and Council.

MAYOR’S OPENING REMARKS:

Mayor Frank Auman provided background regarding adoption of ordinances for the City of Tucker.

MINUTES: None

CONSIDERATION OF THE MEETING AGENDA:

MOTION TO APPROVE THE COUNCIL MEETING AGENDA.

By: Council Member Robbins

Seconded by: Council Member Monferdini

Vote: (7-0) (Robbins, Monferdini, Auman, Van De Kreke, Rosenfeld, Penkava, Lerner)

OLD BUSINESS:

001-2016-01

One Read and Adoption of the Zoning Ordinance and Zoning Map & associated Overlay Districts

MOTION TO ADOPT O 01-2016-01.

By: Council Member Penkava

Seconded by: Council Member Rosenfeld

MOTION TO AMEND O 01-2016-01 AS FOLLOWS:

ARTICLE 7 ADMINISTRATION

27-7.1 DIVISION 1. GOVERNING BODIES AND AUTHORITY

7.2.1. Purpose and intent; compliance with law.

B. The mayor and city council, planning commission, zoning board of appeals, and community councils shall comply with all applicable provisions of state law, now and as they may be amended hereafter, including, but not limited to, state law concerning open records, open meetings and records retention.

7.2.2. Governing bodies.

B. Community council.

- 1. There is hereby established a volunteer community council. The community council shall consist of seven (7) members, two (2) from each of the cities three districts whom shall be a resident of the district represented, and one (1) at large whom shall be a resident of the city.**
- 2. Members of each community council shall serve at the pleasure of the mayor and city council making the appointment or until their successor is appointed and qualified, unless such term ends sooner in a manner set forth herein. Community council members may be reappointed to successive terms without limitation. Any vacancy in the membership of the community council shall be filled in the same manner as the initial appointment. If a community council member moves outside the district for which the community council is established, that action shall constitute an immediate resignation from the council, effective immediately.**
- 3. The Community Council is created to review applications for rezonings, land use plan amendments, special land use permits and text amendments, and to report their recommendations to the planning commission. A community council may consider such ordinances and applications in relation to the applicable standards and criteria contained in this chapter, the adopted comprehensive plan and any of the community's quality of life issues.**

27-7.3 DIVISION 3. ZONING AND COMPREHENSIVE PLAN AMENDMENTS AND PROCEDURES

7.3.6. Community council review of proposed amendments.

A. Following the monthly closing date for the introduction or filing of an application to amend the Official Zoning Map, to amend the text of this chapter, to amend the comprehensive plan land use maps, for a special land use permit, or for a major modification to zoning conditions, a copy of all such applications shall be made available by the community development director

to the appropriate community council for consideration. This requirement does not apply to the initial adoption by the City of the Official Zoning Map, the text of this chapter, and the comprehensive plan land use maps.

- B. Applicants are required to attend community council meetings to present their applications. The presentation shall take place prior to the formulation of any final written recommendations by the community development director. At the discretion of community development department staff, the applicant may be required to make a formal presentation to explain the application, but at a minimum the applicant shall be available to answer questions about the application. Community councils shall consider such applications in relation to the applicable standards and criteria contained in this chapter, the adopted comprehensive plan, and any of the community's quality of life issues.**
- C. The recommendation of the community council shall be presented at the subsequent planning commission meeting where the application is considered. The failure of any community council to timely comply with the provisions of this subsection shall not constitute grounds for deferral or denial of any proposed amendment by the mayor and city council.**

MOTION TO AMEND THE PRESENTED VERSION TO THE PREVIOUSLY PRESENTED VERSION REGARDING COMMUNITY COUNCIL INCLUDING MODIFICATIONS IN PRESENTED AMENDMENTS BY COUNCIL MEMBER MONFERDINI.

By: Council Member Monferdini

Seconded by: Council Member Van De Kreke

**Vote: (4-3) (Monferdini, Van De Kreke, Rosenfeld, Robbins)
(Auman, Penkava, Lerner opposed)**

Staff recommended amending the presented Zoning Ordinance Article 4.2.6 (B) from 1,000 feet from any church to 500 feet from any church.

MOTION TO ADOPT STAFF RECOMMENDATION TO AMEND THE PRESENTED ZONING ORDINANCE ARTICLE 4.2.6 (B) FROM 1,000 FEET FROM ANY CHURCH TO 500 FEET FROM ANY CHURCH.

By: Council Member Penkava

Seconded by: Council Member Robbins

Vote: (7-0) (Penkava, Robbins, Auman, Van De Kreke, Rosenfeld, Monferdini, Lerner)

MOTION TO ADOPT 001-2016-01 AS AMENDED

By: Council Member Penkava

Seconded by: Council Member Rosenfeld

Vote: (7-0) (Penkava, Rosenfeld, Auman, Van De Kreke, Robbins, Monferdini, Lerner)

O2016-06-07

Second Read and Adoption of the Zoning Ordinance and Zoning Map & associated Overlay Districts

MOTION TO ADOPT O2016-06-07 WITH SAME AMENDMENTS AS O01-2016-01

By: Mayor Auman

Seconded by: Council Member Rosenfeld

Vote: (7-0) (Auman, Rosenfeld, Van De Kreke, Robbins, Monferdini, Penkava, Lerner)

O01-2016-02

One Read and Adoption of the Comprehensive Plan and the Future Land Use Map

MOTION TO ADOPT O01-2016-02

By: Mayor Auman

Seconded by: Council Member Rosenfeld

Vote: (7-0) (Auman, Rosenfeld, Van De Kreke, Robbins, Monferdini, Penkava, Lerner)

O2016-06-08

Second Read and Adoption of the Comprehensive Plan and the Future Land Use Map

MOTION TO ADOPT O2016-06-08

By: Mayor Auman

Seconded by: Council Member Rosenfeld

Vote: (7-0) (Auman, Rosenfeld, Van De Kreke, Robbins, Monferdini, Penkava, Lerner)

O01-2016-03

One Read and Adoption of the Sign Ordinance

MOTION TO ADOPT O01-2016-03

By: Mayor Auman

Seconded by: Council Member Robbins

Vote: (7-0) (Auman, Robbins, Van De Kreke, Rosenfeld, Monferdini, Penkava, Lerner)

O2016-06-09

Second Read and Adoption of the Sign Ordinance

MOTION TO ADOPT O2016-06-09

By: Council Member Penkava

Seconded by: Council Member Robbins

Vote: (7-0) (Penkava, Robbins, Auman, Van De Kreke, Rosenfeld, Monferdini, Lerner)

O01-2016-04

One Read and Adoption of an Ordinance to establish a moratorium on applications and permits

MOTION TO ADOPT O01-2016-04

By: Council Member Rosenfeld

Seconded by: Council Member Van De Kreke

Vote: (7-0) (Rosenfeld, Van De Kreke, Auman, Robbins, Monferdini, Penkava, Lerner)

O2016-06-11

Second Read and Adoption of an Ordinance to establish a moratorium on applications and permits

MOTION TO ADOPT O2016-06-11

By: Council Member Monferdini

Seconded by: Council Member Penkava

Vote: (7-0) (Monferdini, Penkava, Auman, Van De Kreke, Rosenfeld, Robbins, Lerner)

R2016-07-14

A Resolution to establish a moratorium on applications and permits

MOTION TO APPROVE R2016-07-14

By: Council Member Rosenfeld

Seconded by: Council Member Robbins

Vote: (7-0) (Rosenfeld, Robbins, Auman, Van De Kreke, Monferdini, Penkava, Lerner)

O01-2016-05

One Read and Adoption of the Buildings and Building Regulations Ordinance

MOTION TO ADOPT O01-2016-05

By: Council Member Penkava

Seconded by: Council Member Rosenfeld

Vote: (7-0) (Penkava, Rosenfeld, Auman, Van De Kreke, Robbins, Monferdini, Lerner)

O2016-07-12

Second Read and Adoption of the Buildings and Building Regulations Ordinance

MOTION TO ADOPT O2016-07-12

By: Council Member Penkava

Seconded by: Council Member Rosenfeld

Vote: (7-0) (Penkava, Rosenfeld, Auman, Van De Kreke, Robbins, Monferdini, Lerner)

O01-2016-06

One Read and Adoption of the Land Development Ordinance

MOTION TO ADOPT O01-2016-06

By: Council Member Robbins

Seconded by: Council Member Penkava

Vote: (7-0) (Robbins, Penkava, Auman, Van De Kreke, Rosenfeld, Monferdini, Lerner)

O2016-07-13

Second Read and Adoption of the Land Development Ordinance

MOTION TO ADOPT O2016-07-13

By: Council Member Rosenfeld

Seconded by: Council Member Robbins

Vote: (7-0) (Rosenfeld, Robbins, Auman, Van De Kreke, Monferdini, Penkava, Lerner)

O01-2016-07

One Read and Adoption of the Model Soil Erosion, Sedimentation and Pollution Control Ordinance

MOTION TO ADOPT O01-2016-07

By: Council Member Rosenfeld

Seconded by: Council Member Robbins

Vote: (7-0) (Rosenfeld, Robbins, Auman, Van De Kreke, Monferdini, Penkava, Lerner)

O2016-07-15

Second Read and Adoption of the Model Soil Erosion, Sedimentation and Pollution Control Ordinance

MOTION TO ADOPT O2016-07-15

By: Council Member Penkava

Seconded by: Council Member Rosenfeld

Vote: (7-0) (Penkava, Rosenfeld, Auman, Van De Kreke, Robbins, Monferdini, Lerner)

O01-2016-08

One Read and Adoption of the Nuisances Ordinance

MOTION TO ADOPT O 01-2016-08

By: Council Member Penkava

Seconded by: Council Member Robbins

Vote: (7-0) (Penkava, Robbins, Auman, Van De Kreke, Rosenfeld, Monferdini, Lerner)

O2016-07-14

Second Read and Adoption of the Nuisances Ordinance

MOTION TO ADOPT O2016-07-14

By: Council Member Penkava

Seconded by: Council Member Robbins

Vote: (7-0) (Penkava, Robbins, Auman, Van De Kreke, Rosenfeld, Monferdini, Lerner)

NEW BUSINESS:

R2016-07-15

A Resolution to approve IGA with DeKalb County for E-HOST/SPLOST

MOTION TO APPROVE R2016-07-15 WITH TWO AMENDMENTS

By: Mayor Auman

Seconded by: Council Member Rosenfeld

Vote: (7-0) (Auman, Rosenfeld, Van De Kreke, Robbins, Monferdini, Penkava, Lerner)

EXECUTIVE SESSION: None

MAYOR AND COUNCIL COMMENTS:

Council Member Matt Robbins thanked guests and staff for attending the meeting.

ADJOURNMENT: The City Council Meeting adjourned at approximately 8:16 am.

Approved,

Attest:

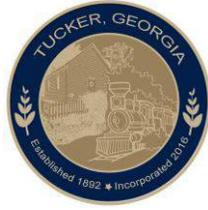
Frank Auman, Mayor

Jennifer Davis, City Clerk

(Seal)

Council Meeting Minutes

July 11, 2016 6:30 PM



**CITY OF TUCKER
COUNCIL MEETING MINUTES
July 11, 2016 at 6:30PM**

The Mayor and Council of the City of Tucker held a Council Meeting at Tucker Recreation Center, 4898 Lavista Road, Tucker, GA, 30084. The following were in attendance:

Mayor	Frank Auman
Council Member	Honey Van De Kreke – District 1, Post 1
Council Member	Bill Rosenfeld – District 1, Post 2
Council Member	Matt Robbins – District 2, Post 1
Council Member	Noelle Monferdini – District 2, Post 2
Council Member	Michelle Penkava – District 3, Post 1
Council Member	Anne Lerner – District 3, Post 2
Interim City Manager	Tami Hanlin
City Clerk	Jennifer Davis
City Attorney	Brian Anderson
Community Development Director	John McHenry

CALL TO ORDER: Mayor Frank Auman called the meeting to order at 6:30 pm.

PLEDGE OF ALLEGIANCE: Council Member Bill Rosenfeld led the Pledge of Allegiance.

PUBLIC COMMENT:

Sharon Cryor spoke about Code Enforcement issues in her neighborhood and around Tucker. Renie Hallford, President of Rotary Club of Tucker, spoke about Rotary Club involvement in the community of Tucker. Mr. Hallford welcomed everyone to attend the meetings held on the first Thursday of every month at the First Christian Church in Tucker.

MAYOR'S OPENING REMARKS:

Mayor Frank Auman provided background regarding adoption of ordinances for the City of Tucker.

MINUTES: None

CONSIDERATION OF THE MEETING AGENDA:

MOTION TO APPROVE THE COUNCIL MEETING AGENDA.

By: Council Member Van De Kreke

Seconded by: Council Member Rosenfeld

Vote: (7-0) (Van De Kreke, Rosenfeld, Auman, Robbins, Monferdini, Penkava, Lerner)

OLD BUSINESS:

O2016-07-16

Public Hearing & First Read of an Ordinance to adopt Zoning Ordinance and Zoning Map & associated Overlay Districts

Mayor Frank Auman opened the public hearing to anyone wanting to speak in favor or opposition. An audience member asked a question regarding taking in both sides of Mountain Industrial Blvd. John McHenry, Community Development Director, answered yes and gave a brief explanation. There was no public comment for opposition. Public comment closed.

O2016-07-17

Public Hearing & First Read of an Ordinance to adopt the Comprehensive Plan and the Future Land Use Map

Mayor Frank Auman opened the public hearing to anyone wanting to speak in favor or opposition. Charlton Allen spoke in favor of adopting the Comprehensive Plan and the Future Land Use Map. He stated state law requires a Comprehensive Plan to be in place when adopting the Zoning Ordinance. There was no public comment for opposition. Public comment closed.

O2016-07-18

Public Hearing & First Read of an Ordinance to adopt the Sign Ordinance

Mayor Frank Auman opened the public hearing to anyone wanting to speak in favor or opposition. Charlton Allen spoke in favor of adopting the Sign Ordinance. An audience member asked a question regarding adopting the existing DeKalb County Sign Ordinance and what happens if we do not pass this ordinance. John McHenry, Community Development Director, stated there would be no regulation on signs except in overlay districts. There was no public comment for opposition. Public comment closed.

O2016-07-19

First Read and Consideration of an Ordinance to adopt the Buildings and Building Regulations Ordinance

O2016-07-20

First Read and Consideration of an Ordinance to adopt the Land Development Ordinance

O2016-07-21

First Read and Consideration of the Model Soil Erosion, Sedimentation and Pollution Control Ordinance

O2016-07-22

First Read and Consideration of an Ordinance to adopt the Nuisances Ordinance

R2016-07-16

A Resolution to approve IGA with DeKalb County for collecting revenue associated with businesses located within city limits of Tucker

MOTION TO APPROVE R2016-07-16

By: Council Member Penkava

Seconded by: Council Member Robbins

Vote: (7-0) (Penkava, Robbins, Auman, Van De Kreke, Rosenfeld, Monferdini, Lerner)

NEW BUSINESS:

R2016-07-17

A Resolution to adopt Development Services Fee Schedule

MOTION TO APPROVE

By: Council Member Penkava

Seconded by: Council Member Rosenfeld

Vote: (7-0) (Penkava, Rosenfeld, Auman, Van De Kreke, Robbins, Monferdini, Lerner)

EXECUTIVE SESSION: None

MAYOR AND COUNCIL COMMENTS:

Council Member Michelle Penkava thanked everyone for being here and thanked GIS staff for the maps presented at the meeting tonight.

Council Member Matt Robbins thanked everyone for being here and told the audience to take a look at the maps presented.

Council Member Honey Van De Kreke thanked everyone for showing up and thanked Rotary Club of Tucker for changing their name.

Council Member Bill Rosenfeld thanked staff and everyone for coming tonight.

Council Member Noelle Monferdini thanked everyone for coming. She encouraged the audience to stay involved and reach out to Council if you have any questions.

Council Member Anne Lerner thanked everyone for attending and staying involved.

Mayor Frank Auman mentioned we begin the process of adopting a Comprehensive Plan for City of Tucker. He urged the audience to stay engaged with the City of Tucker and there will be an Open House at City Hall in the coming weeks.

ADJOURNMENT: The City Council Meeting adjourned at approximately 7:24 pm.

Approved,

Attest:

Frank Auman, Mayor

Jennifer Davis, City Clerk

(Seal)

R2016-08-18

A RESOLUTION TO APPOINT MEMBERS OF THE COMMUNITY COUNCIL
FOR THE CITY OF TUCKER, GEORGIA

WHEREAS, the City of Tucker is authorized by the City Charter to create Boards, Commissions and Authorities; and

WHEREAS, the Mayor and Council desire to create a Community Council with seven commissioners to assist with planning and zoning within the City of Tucker; and

WHEREAS, the Mayor of the City of Tucker is authorized to appoint members of the Community Council, subject to approval by the Council of the City of Tucker.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Tucker while at a special called meeting on August 1, 2016, the following citizens are hereby appointed as members of the Community Council with terms to expire December 31, 2016 effective upon the Resolution's adoption:

District 1 Post 1 Community Council Member _____
District 1 Post 2 Community Council Member _____
District 2 Post 1 Community Council Member _____
District 2 Post 2 Community Council Member _____
District 3 Post 1 Community Council Member _____
District 3 Post 2 Community Council Member _____
At Large Community Council Member _____

SO RESOLVED, this the 1st day of August, 2016.

Approved: _____
Frank Auman, Mayor

Attest: _____
Jennifer Davis, City Clerk

(SEAL)

R2016-08-19

A RESOLUTION
TO ADOPT THE CITY OF TUCKER OFFICIAL HOLIDAY SCHEDULE

WHEREAS, the City of Tucker is authorized by the City Charter to adopt rules to govern the governance of its business; and

WHEREAS, the Mayor and Council desire to create a holiday schedule for its employees and designate the days for which City Hall will be closed for business; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Tucker while at a special called meeting on August 1, 2016, the attached holiday schedule is approved and City Hall will be closed to the operations of business on the scheduled holidays. In the event such a holiday falls on a weekend, the City Manager shall designate an appropriate weekday for observance of the Holiday. The attached holiday schedule shall be effective upon its adoption;

SO RESOLVED, this the 1st day of August, 2016.

Approved: _____
Frank Auman, Mayor

Attest: _____
Jennifer Davis, City Clerk (SEAL)



MEMO

To: Mayor and City Council

Cc: City Attorney

From: Tami Hanlin, Acting City Manager

Date: July 29, 2016

Re: Proposed Holiday Schedule

Attached please find the recommendation for the City of Tucker Holiday Schedule. After reviewing the practices of surrounding municipalities, we are recommending a total of 11 City Holidays. City Hall will be closed on the days listed, if the Holiday falls on a Saturday, the Holiday will be celebrated on Friday and if it falls on Sunday it will be celebrated on Monday. In order to accommodate all traditions, we have included 1 floating Holiday which will be taken by individual staff members throughout the year upon approval of their supervisor.

HOLIDAY SCHEDULES OF SURROUNDING ORGANIZATIONS-2016

	State of Georgia	DeKalb County	Brookhaven	Chamblee	Dunwoody	Recommended for Tucker
New Year's Day	X	X	X	X	X	X
Martin Luther King	X	X	X	X	X	X
Presidents Day		X	X	X	X	X
State Holiday (April 25)	X					
Good Friday					X	
Memorial Day	X	X	X	X	X	X
Independence Day	X	X	X	X	X	X
Labor Day	X	X	X	X	X	X
Columbus Day	X					
Veterans Day	X	X	X	X	X	X
Thanksgiving Day	X	X	X	X	X	X
Day after Thanksgiving	X	X	X	X	X	X
Christmas Eve	X		X		X	X
Christmas Day	X	X	X	X	X	X
Washington's Birthday (moved from 2/15 to 12/27)	X					
Floating Holidays			1 day		1 day	1 day
Total #	13	10	12	10	12	12

02016-08-23

AN ORDINANCE TO ADOPT A BUDGET FOR THE CALENDAR YEAR 2016

WHEREAS, the City of Tucker is required by Section 5.03 of the City Charter to adopt an operating and capital budget; and

WHEREAS, the City of Tucker held a hearing with proper notice on the budget on August 8, 2016

WHEREAS, the City Charter requires an accompany budget message; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Tucker while at a regular called meeting on August 8, 2016 that the attached 2016 operating and capital budget is approved for the calendar year 2016 and becomes effective upon its adoption;

SO ORDAINED, this the 8th day of August, 2016.

Approved: _____
Frank Auman, Mayor

Attest: _____
Jennifer Davis, City Clerk (SEAL)



MEMO

To: Mayor and City Council

Cc: City Attorney

From: Tami Hanlin, Acting City Manager

Date: July 29, 2016

Subject: FY2016 Budget

Mayor and City Council,

I am pleased to submit for your consideration the proposed budget for the City of Tucker for calendar year 2016. The proposed budget balances anticipated revenues for the City's first year with expected startup expenses for planning and zoning and code enforcement services, and for administrative functions and facility expenses. It assumes a zero property tax millage rate, and allocates a significant amount for reserves to support short-term cash flow and begin to provide for needed future expenses.

Because this is the first year of the City's operations, there is no history on which to base revenue and expenditure estimates. Because of this lack of information, we have taken a very conservative approach, estimating expected revenues on the low range of likely collections. Once we complete a full annual cycle we will be able to forecast revenues with much more certainty. Expenditures are more predictable and controllable, and items not included in the City's lump sum services contracts are the only expenditures that must be estimated. These we have estimated generally on the high side, to be conservative.

Further, the recommended budget does not contain funding for City Council priorities other than starting up the services described above. Any special projects or initiatives desired by the Mayor and Council to begin prior to the year's end may be funded from the Reserve Contingency through a budget amendment.

GENERAL FUND

Overall, the proposed General Fund budget for 2016 anticipates \$2,305,600 in revenue, \$1,612,858 in expenses, and a budgeted reserve of \$692,742.

Based on negotiations with DeKalb County and the start of services July 1, revenues for 2016 are estimated to be collected for the final six months of the year. The major revenue for this time

period is business and occupation taxes, estimated at \$1,547,000. Other major revenues expected in the second half of the year include franchise fees from utilities that have facilities in the public streets (estimated at \$400,000), and alcoholic beverage licenses (estimated at \$200,000). As mentioned above, there is no property tax collection proposed.

Expenditures are primarily for services contracts with CH2M and InterDev and for staffing contracts for the city attorney and city manager. These items total \$1,101,282. Other notable items in the expense budget include the reserve contingency of \$692,742, professional services for comprehensive planning, Mayor and City Council expense, and computer equipment and software.

HOTEL MOTEL FUND

Revenues and expenses related to Hotel/motel taxes are tracked in a separate fund due to state restrictions on use of the tax proceeds. As with the General Fund revenues, we are recommending a conservative estimate for hotel/motel revenue. Expenses are allocated between Discover DeKalb (40 percent of revenue) and the City's General Fund (60 percent of revenue).

CONCLUSION

The new City of Tucker's financial position appears to be strong. The local economy is growing, and the City is an attractive place to invest, both as a resident and as a business owner. By careful stewardship the Mayor and City Council can lay a strong financial foundation that will enable the City to offer high-quality operations and services to its residents and businesses.

It is a pleasure to serve the City and I look forward to working with the Mayor, Council, staff and community to lay a solid base on which to build the great new City of Tucker.

FY2016 GENERAL FUND BUDGET SUMMARY

Submitted July 29, 2016

FY2016 Budget

Taxes	2,037,000.00
Licenses & Permits	226,600.00
Intergovernmental	0.00
Fines & Forfeitures	0.00
Interest Earned	0.00
Other Sources of Revenue	42,000.00

Total General Fund Revenues	2,305,600.00
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City Council	136,297.00
City Manager	137,200.00
City Clerk	0.00
Finance/Administration	0.00
Legal	150,000.00
General Operations	1,133,861.00
Facilities and Buildings	55,500.00
Designated Reserve	692,742.00

Total General Fund Expenditures	2,305,600.00
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FY2016 HOTEL/MOTEL FUND BUDGET SUMMARY

Taxes	70,000.00
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Total Hotel/Motel Fund Revenues	70,000.00
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Discover Dekalb	28,000.00
Transfer to General Fund	42,000.00

Total Hotel/Motel Fund Expenditures	70,000.00
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100 - General Fund Revenue Detail

General Property Tax

100-310-31100-31100 Ad Valorem Tax-Current Year	-
100-310-31100-31110 Public Utility Tax	-
100-310-31100-31200 Ad Valorem Tax-Prior Year	-
100-310-31100-31310 Motor Vehicle Tax	-
100-310-31100-31315 Title Ad Valorem Tax	50,000.00
100-310-31100-31320 Mobile Home Tax	-
100-310-31100-31325 Heavy Equipment Tax	-
100-310-31100-31340 Intangible Tax Revenue	-
100-310-31100-31350 Railroad Equipment Tax	-
100-310-31100-31360 Real Estate Transfer Tax	-
100-310-31100-31370 Franchise Fees	400,000.00
Subtotal	450,000.00

Selective Sales and Use Tax

100-310-31400-34200 Alcoholic Beverage Excise Tax	25,000.00
100-310-31400-34300 Local Option Mixed Drink	15,000.00
100-310-31400-34900 Other Selective Tax	-
Subtotal	40,000.00

Business Taxes

100-310-31600-31610 Business & Occupation Taxes	1,547,000.00
100-310-31600-31620 Insurance Premium Tax	-
100-310-31600-31630 Financial Institutions Taxes	-
Subtotal	1,547,000.00

Penalties & Interest on Delinquent Tax

100-310-31900-39100 Pen & Int on Delinq Tax	-
Subtotal	-

Business License

100-320-32100-32110 Alcoholic Beverages	200,000.00
100-320-32100-32120 General Business License	-
100-320-32100-32190 Other Licenses/Permits	600.00
100-320-32100-32210 Insurance License	-
Subtotal	200,600.00

Licenses & Permits

100-320-32200-32200 Building Permits	25,000.00
100-320-32200-32202 Development Permits	1,000.00
Subtotal	26,000.00

Regulatory Fees

100-320-32300-32300 Regulatory Fees	-
100-320-32300-32310 Inspection Fees	-
Subtotal	-

100-350-35100-35100 Municipal Court	-
Subtotal	-

Interest Revenues

100-360-36100-36100 Interest Revenues	-
Subtotal	-

Contribution/Donations

100-370-37100-37100 General City	-
Subtotal	-

Other Charges for Svcs

100-340-39000-34930 Bad Check Fees	-
Subtotal	-

Other Financing Sources

100-390-39100-39120 Transfer from Hotel/Motel	42,000.00
Subtotal	42,000.00

Total Department Revenues	2,305,600.00
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100 - General Fund Expenditures Detail**City Council**

100-010-51100-51110 Regular Salaries	86,667.00
100-010-51100-51200 FICA/Medicare	6,630.00
100-010-51100-52370 Education & Training	20,000.00
100-010-51100-53160 Mayor expense	5,000.00
100-010-51100-53165 Council expense	18,000.00
Subtotals	136,297.00

City Manager

100-010-51300-52121 Contractual Svcs CH2M	137,200.00
Subtotals	137,200.00

Legal Services Department

100-010-51530-52122 Attorney Fees/City Attorney	115,000.00
100-010-51530-52130 Attorney Fees/Other	35,000.00

Subtotals	150,000.00
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Facilities & Buildings Dept

100-010-51565-51300 Technical Services	5,000.00
100-010-51565-52200 Repairs & Maintenance	11,000.00
100-010-51565-52301 Real Estate Rents/Leases	31,500.00
100-010-51565-53123 Electricity	3,000.00
100-010-51565-53103 Office Supplies	2,500.00
100-010-51565-54230 Furniture And Fixtures	2,500.00

Subtotals	55,500.00
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General Operations

100-010-51590-52101 Official/Admin Start Up	20,000.00
100-010-51590-52103 Technical Services	-
100-010-51590-52111 Official/Admin Svcs	-
100-010-51590-52120 Professional Services	100,000.00
100-010-51590-52121 Contractual Services CH2M	663,030.00
100-010-51590-52122 Contractual Services InterDev	186,052.00
100-010-51590-52128 Commissions	
100-010-51590-52310 General Liability Insurance	12,779.00
100-010-51590-52330 Advertising	1,500.00
100-010-51300-52370 Education & Training - Boards	5,000.00
100-010-51590-53100 Operating Supplies	22,000.00
100-010-51590-53101 Postage	500.00
100-010-51590-53103 Office Supplies	5,000.00
100-010-51590-53104 Service Fees	-
100-010-51590-53175 City Events	10,000.00
100-010-51590-54230 Furniture & Fixtures	5,000.00
100-010-51590-54231 Signs	8,000.00
100-010-51590-54240 Computer/Software	90,000.00
100-010-51590-54250 Other Equipment	5,000.00

Subtotals	1,133,861.00
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Designated Reserve

100-010-59000-57902 Reserve Contingency	692,742.00
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Subtotals	692,742.00
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Total Department Expenditures	2,305,600.00
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275 - Hotel/Motel Tax Fund Revenue Detail

275-310-31400-31410 Hotel/Motel	70,000.00
Subtotals	70,000.00

275 - Hotel/Motel Tax Fund Expenditures Detail

275-075-75000-75400 Discover Dekalb	28,000.00
275-075-75000-61100 Transfer to General Fund	42,000.00
Subtotals	70,000.00

02016-08-24

STATE OF GEORGIA
CITY OF TUCKER

Ordinance 2016-08-24

AN ORDINANCE TO SET A FISCAL YEAR

WHEREAS, the City of Tucker is required by Section 5.01 of the City Charter to set the fiscal year by ordinance; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Tucker while at a regular called meeting on August 8, 2016 that the initial fiscal year of the City shall be the calendar year. Accordingly, the fiscal year for the year 2016 shall end on December 31, 2016.

Approved: _____
Frank Auman, Mayor

Attest: _____
Jennifer Davis, City Clerk (SEAL)

02016-08-25

STATE OF GEORGIA
CITY OF TUCKER

Ordinance 2016-08-25

AN ORDINANCE TO ADOPT A PURCHASING POLICY

WHEREAS, the City of Tucker is required by Section 5.06 of the City Charter to prescribe procedures for a system of centralized purchasing for the City; and

WHEREAS, the Mayor and City Council desire to adopt a centralized purchasing for the City; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Tucker while at a regular called meeting on August 8, 2016 that the attached centralized purchasing policy is approved and effective upon its adoption;

SO ORDAINED, this the 8th day of August, 2016.

Approved: _____
Frank Auman, Mayor

Attest: _____
Jennifer Davis, City Clerk (SEAL)

City of Tucker, GA

Financial Management Policies
Purchasing Policy

DRAFT

Approved on: _____ by Mayor and Council

PURCHASING POLICY

I. Purpose

The purpose of this policy is to state the City's position regarding the responsibility and authority for the acquisition and contracting for Goods, Services, Professional Services, Real Estate, Construction Services and Capital Assets. This document will clarify purchasing functions and outline purchasing policies, as well as describe departmental relationships, responsibilities and participation in the procurement cycle. This policy will provide control functions, assure proper record keeping and confirm purchases in writing to allow the City to meet the following goals:

- A. Maintain at all times and under all conditions a continuous supply of Goods and Services necessary for the operation of the City;
- B. Encourage and promote fair and equal opportunity for all persons doing, or seeking to do, business with the City;
- C. Safeguard the quality and integrity of the City's procurement process;
- D. Ensure compliance with laws and regulations pertaining to the procurement of Goods, Services, Professional Services, Real Estate, Construction Services and Capital Assets;
- E. Manage procurement and inventories of purchased Goods to meet the use requirements of City departments at the most advantageous cost to the City;
- F. Administer procurement contracts and contract amendments; and
- G. Properly dispose of all material and equipment declared to be surplus or obsolete.

The philosophy behind this policy is one of separating the need for Goods and Services from the function of negotiation and executing the necessary contractual purchase agreement.

The Purchasing Policy outlined herein shall be used in conjunction with the Procurement Card Procedure Manual.

II. Scope

The scope of this purchasing policy covers the procurement of most Goods and Services for non-construction purposes. The policy covers all contractual and purchase agreements between the City and another Person. The procurement function includes the initial agreement/purchase, changes and/or re-negotiations. This policy establishes the specific responsibility and authority of the procurement of materials and services.

The provisions of this policy do not apply to procurements for the following:

- A. Public works construction contracts to the extent governed by O.C.G.A. §36-91-1 et seq.
- B. Services and construction whose procurement falls under a conflicting federal or Georgia statute;
- C. Land, artistic work, or other good whose inherent nature is unique and cannot be competitively compared to other goods within its class, except as provided in section VIII. Real Estate Acquisition;
- D. Employee Benefits and health related services procured through a quotation and negotiating process conducted by an expert in the field, or to maintain continuity of employee-health records;
- E. Travel, entertainment, conferences, training, speakers, instructors, facilitators, and meeting expenses, or other expenditures covered by another City policy;
- F. Insurance procured through a negotiating process;
- G. Items or services procured for resale or to generate a revenue;
- H. Advertising;
- I. Subscriptions and dues established during the budget process;
- J. Utilities; and
- K. Seized Property included in a court order authorizing disposal.

III. Ethics in Procurement

(Tucker City Charter, Section 2.1.3, Prohibitions)

“(a) No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

- (1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is in conflict with or which is within the scope of the proper discharge of official duties or which would tend to impair the independence of his or her judgment or action in the performance of official duties;*
 - (2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of official duties or would tend to impair the independence of his or her judgment or action in the performance of official duties;*
 - (3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others, except as required by law;*
 - (4) Accept any valuable gift, whether in the form of service, loan, object, or promise, from any person, firm, or corporation which to his or her knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which he or she is engaged. As used in this paragraph, the term "valuable" means an amount determined by the city council; provided, however, that the amount shall not exceed \$150.00; or*
 - (5) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which he or she or any member of his or her immediate family has a financial interest.*
- (b) Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. As used in this subsection, the term "private financial interest" includes the interest of a spouse, child, or significant other or domestic partner. The mayor or any councilmember who has a private interest in any matter pending before the city council shall disclose in writing such private interest, such disclosure shall be entered on the records of the city council, and he or she shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.*
- (c) No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit, except in accordance with policies promulgated by the city council or the governing body of such agency or entity*
- (d) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render such contract or sale voidable at the option of the city council.*
- (e) Except as authorized by law, no member of the city council shall hold any other elective city office or be employed by any city or county government during the term for which elected.”*

IV. Responsibility

A. Purchasing Agent

The City Council appoints the City Manager, or such other Employee appointed by the City Manager, to serve as the Purchasing Agent for the City, or the City Council may contract with an independent third party to serve as the Purchasing Agent under the direction and control of the City Manager (City Charter, Section 3.04).

Where in the best interest of the City, the Purchasing Agent may require Bid/Proposal Bonds, insurance and other forms of protection for the City on the process of procuring Goods, Capital Assets, Services and Construction Services for the City.

B. City Council

The City Council shall approve final Contracts and Amendments valued more than \$25,000 and execute and bind the City to such agreements. Contracts valued at less than \$25,000 may be approved, executed and delivered by the City Manager or designee of the City Manager with a copy of said contract to be delivered to the City Council by the City Clerk via email. No contract shall be approved unless the funds have been appropriated in the budget of the City or otherwise by the City Council.

V. Competitive Procurements

Verbal Quotes: Requisitions for items under \$10,000 require at least three (3) verbal quotes. The vendor name and quote must be written on the requisition, which is used to generate the purchase order.

Written Quotes: Purchasing will receive at least three (3) written quotes on items requisitioned that are valued over \$10,000 to \$50,000. These requests will always be made in writing. The request for quotes can be made in writing; the Purchasing Agent will determine this.

Formal Sealed Bids: The Purchasing Office will request sealed bids on items or projects requisitioned that meet the following criteria:

- The items or projects are valued over \$50,000.
- Clear and adequate specifications are available.
- Two or more responsible offerors are willing to participate in the process.

These requests are always made in writing. The vendor list is made up of companies from the bid list and recommendations from the department. The Bid List is a current file of requests from companies for this purpose. Sealed bids will be publicly advertised for a minimum of two (2) consecutive weeks in the City's legal organ.

Public Works Projects over \$100,000 are required by Georgia State Law to have Payment Bonds and Performance Bonds for 100% of the contract amount. When these bids are requested the standard City documents with this information will be used. The City will also require that a 5% Bid Bond be submitted with the bid. These projects will be advertised in the legal organ for the City.

A split or partial quotation may be awarded, if a request is for multiple Goods or Services, more than

one Vendor provides a quotation that meets the specifications for the items, and a price comparison can be made between the items quoted.

Invitation for Bids

Invitation for Bids (IFB) are prepared and issued to prospective Bidders, with the goal of obtaining competitive responses for in the procurement of Goods, Capital Assets, Services and Construction Services.

Public notice (such as publication in a newspaper of general circulation or posting on the Purchasing Agent's Internet Web page) of the IFB must be given a minimum of fourteen (14) calendar days prior to the date set for bid opening, unless it can be demonstrated that an Emergency requirement for Goods Capital Assets, Services or Construction Services exists, in which instance, the requirement for public notice may be reduced by the Purchasing Agent.

Bids shall be opened publicly in the presence of the Purchasing Agent or the designee of the Purchasing Agent and at one other witness at the time and place designated in the Invitation for Bids. All relevant information, including each Bid amount and Bidder's name, will be recorded on a summary sheet.

Split or partial bid awards may be awarded with the same guidelines and restrictions as those provided for split or partial quotation awards.

Correction or withdrawal of inadvertently erroneous bids is permitted in accordance to the terms indicated within the IFB; however, minor irregularities may be waived by the City. No bid may be withdrawn for a period of ninety (90) days after the time scheduled for bid opening, or as otherwise stated in the IFB.

Late bids will be rejected and returned unopened.

Bids will be evaluated based on the qualification factors set forth in the IFB, which may include criteria to determine acceptability of Goods or Capital Assets (for example, inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose). Criteria for the acceptability of Goods or Capital Assets shall be used to determine whether particular Goods are responsive to the IFB, and not to determine the relative desirability between acceptable Goods or Capital Assets. The City reserves the right to waive any informalities or irregularities of bids, to request clarification of information submitted in any bid, to further negotiate with the Responsive and Responsible Bidder selected for Contract award, or to reject any or all bids for any reason whatsoever.

If no Responsive and Responsible Bids are received or all bids are rejected, the City may procure such Goods and Services by direct negotiation as indicated below in Non-Competitive Procurement of Goods and Services.

The Bid will be awarded, if an award is made, to the Responsible and Responsive Bidder offering the lowest price whose bid meets the requirements and criteria set forth in the Invitation for Bid. The Bid may require a Contract.

Request for Proposals (RFP)

When the Purchasing Agent determines the use of an Invitation for Bids is not practical or not advantageous because of existing market conditions or the type of items required, the City may procure Goods, Capital Assets, Services, or Construction Services through receipt of competitive sealed proposals. Competitive sealed proposals are solicited through the use of an RFP, with the goal of obtaining competitive responses.

Public notice of the RFP shall be given in the same manner as the procurement described in section VII, sub-section A of this policy.

Proposals shall be opened publicly by the Purchasing Agent, in the presence of one or more witnesses at the time and place designated in the RFP. A register of proposals is prepared that lists each Proposer's name. Interested persons shall have access to information regarding procurement transactions of the City in accordance with City policy and the Georgia Open Records Act, O.C.G.A. §50-18-70 et seq.

Correction or withdrawal of proposals is permitted in accordance with instructions contained within the RFP. No proposal may be withdrawn for a period of ninety (90) days after the time scheduled for proposal opening, or as otherwise stated in the RFP.

Late proposals will be rejected and returned unopened.

The RFP will identify the criteria to be considered and evaluated as the basis of award.

Proposals submitted by Responsible and Responsive Proposers are evaluated by Purchasing Agent or the designee of the Purchasing Agent based upon the criteria applicable to the RFP. All proposals (or the most acceptable proposals in the discretion of any committee evaluating proposals) will be ranked in order of their acceptability to the City, giving consideration to the criteria. The City has no obligation to award the Contract to the Proposer who proposes the lowest price.

The City reserves the right to waive any informalities or irregularities of proposals, to request clarification of information submitted in any proposal, to further negotiate with a Responsive and Responsible Proposer who has been selected for Contract award, or to reject any or all proposals for any reason whatsoever.

The Contract award will be awarded, if award is made, by the City to the Responsive and Responsible Proposer whose proposal is determined, in the City's exclusive discretion, to be the most advantageous to the City, taking into consideration price, qualifications, and other factors as indicated in the RFP. The RFP will contain the basis on which the award is to be made.

If no Responsive and Responsible proposals are received or all proposals are rejected, the City may procure such Goods, Capital Assets, Services, and Construction Services by direct negotiation as indicated below in Non-Competitive Procurement of Goods and Services.

Request for Qualifications

Requests for Qualifications (RFQ) may be used when it is determined to be in the City's best interest to evaluate the experience and qualifications of a Service, Construction Service or Professional Service provider, without regard to price or prior to considering price.

The procedure for soliciting, opening and evaluating statements of qualifications shall be the same as described herein for competitive sealed proposals. Such service providers whose qualifications meet the criteria established in the RFQ, at the sole discretion of the City, may be considered for Contract award by participation in the completion price negotiation. The City shall attempt to negotiate a fee with the highest ranked firm. If no agreement is reached, the City shall begin negotiations with the next highest ranked firm. Negotiations will proceed in this manner until an agreement is reached. Alternatively, the City may, by Direct Negotiation, finalize terms with service providers who are selected for award based on qualifications. The City reserves the right to reject any or all responses for any reason. Clarification of information may be requested by the City.

Online Reverse Auction

The City reserves the right to utilize this procurement method when advantageous. The process will be specified in the Solicitation Documents.

Performance Guarantee

A Bid/ Proposal Bond or Performance Bond may be required for any solicitation.

Approval of Awards and Recommendations

Prior to the consummation of the purchase by the City of Goods, Services, or Professional Services, such purchase shall be approved by a person having approval authority over such purchase.

Forms

The Purchasing Agent shall provide and update all forms to procure Goods, Services, and Professional Services, as needed.

VI. Non-Competitive Procurements

The provisions of this policy section shall apply to the procurement of Goods, Capital Assets, Services, Construction Services or Professional Services, when competitive procurement is not practical, feasible, possible or desirable. Notwithstanding any other provision, any Contract or subcontract entered into by the City with any Person for the construction, reconstruction, or maintenance of all or part of a public road in the City, including but not limited to a Contract or subcontract for the purchase of materials, for the hiring of labor, for professional services, or for other things or services incident to such work, shall be entered into in accordance with O.C.G.A. § 32-4-114.

Sole Source Procurement

The City may acquire Goods, Capital Assets, Services, Construction Services or Professional

Services pursuant to a Sole Source Procurement. Sole Source Procurement is available when Goods, Services, or Professional Services are limited to one source, or when they must be obtained from a specific manufacturers' dealer and valid competition among dealers does not exist. The User must provide the justification for the Sole Source Procurement to the Purchasing Agent after approved by the City Manager or Council.

Single Source Procurement

The City may acquire Goods, Capital Assets, Services, Construction and Professional Services pursuant to a Single Source Procurement. A Single Source Procurement is a procurement made from one Person among others in a competitive market place which, for justifiable reasons, is found to be most advantageous for the purpose of fulfilling the given purchasing need. The User must provide the justification for the Single Source Procurement to the Purchasing Agent after approved by the City Manager or City Council. The Purchasing Agent may elect to purchase particular brand name Goods or Services when the Goods or Services comprise a major brand system, program or service previously selected by the City and due to operational effectiveness, future enhancements or additions, or maintenance or storage of spare parts precludes the mixing of brands, manufacture, etc.

Direct Negotiation

Following the completion of a Competitive Award solicitation process above that fails to produce a responsible or responsive Bidder or Proposer, fails to produce a qualified respondent, or for which all submissions were rejected for any reason, the City may procure the Goods, Capital Assets, Services, Construction Services or Professional Services that were the subject of such failed solicitation by Direct Negotiation with any provider of such Goods or Services when issuing a revised solicitation is not recommended by the City Manager with concurrence from legal counsel.

Direct Negotiation will be completed by the Purchasing Agent, assisted as needed by the User and legal counsel.

Emergency Procurement

The City may acquire Goods, Capital Assets, Services, Construction Services or Professional Services by directly negotiating an award in the event of an Emergency.

The City Manager shall make the determination when an Emergency exists. Such emergency procurements shall be made with as much competition as is practicable under the circumstances.

A written basis for declaring the Emergency and for the selection of the particular Person for the provision of Goods, Capital Assets, Services, Construction Services or Professional Services shall be included in the Contract file. As soon as practicable, a record of each emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the Contract, a listing of the item procured under the Contract, and the identification number of the contract file.

If an Emergency situation should arise after office hours which requires immediate action on the part of the agency involved for the protection of the best interest of the City or if a like situation arises on a weekend or holiday and when it is not possible or convenient to reach the City Manager or Purchasing Agent, any purchase necessary shall be made by the official in charge of such agency, and such purchase reported to the Purchasing Agent within 24 hours.

Costs under the Competitive Threshold

The Purchasing Agent with the consent of the City Manager, where applicable, may acquire Goods, Capital Assets, Construction Services and Professional Services appropriated by the City Council in the City budget or otherwise by Direct Negotiation or by some other non-competitive method, when the dollar value of the purchase does not exceed \$[25,000] and a properly executed and authorized Requisition is received. Under this non-competitive method, the Purchasing Agent shall attempt to obtain the Goods, Capital Assets, Services, Construction or Professional Services most advantageous to the City, price and other factors considered.

The User may acquire by Requisition Goods, Services, Construction Services and Professional Services appropriated by the City Council in the City budget or otherwise by Direct Negotiation or by some other non-competitive method, when the dollar value of the purchase does not exceed \$25,000. Under this non-competitive method, the User shall attempt to obtain the Goods, Capital Assets, Services, Construction or Professional Services most advantageous to the City, price and other factors considered.

Direct Negotiation and Other Public Entities and Co-ops

The City may acquire Goods, Capital Assets and Services by Direct Negotiation or other method involving limited or no competition from a Supplier having a requirements Contract/Annual Agreement with any public entity (e.g., federal, state, county, city, authority, school board, Buying Cooperative, etc.) for Goods, Capital Assets or Services described in such contract and at prices or discounts no less favorable than any set forth in such Contracts. Use of State/Co-Op Contracts: The Purchasing Agent may, independent of the requirements of bid process of this article, procure supplies, services or construction items through the Contract established through competitive means by the purchasing division of the State of Georgia, national Co-Ops (i.e.-U.S. Communities), and collaborative purchasing agreements with other local governments when deemed to be in the best interest of the City.

- A. Once a Contract is awarded by the City, the Contract may be amended, without the necessity of rebidding such Contract, provided the original Contract amount and the scope of the Contract is not substantially altered. The Purchasing Agent will review all change orders. Change orders will be processed to correct the account distribution, quantity, addition/deletion of line items, change in description and unit price. If a quoted price of the change order is less than \$25,000, the requisition will be processed pursuant to the requirements of Section V(A)(12) of this Purchasing Policy. Any requisitions with a change order of \$25,000 or more require City Council approval. The Purchasing Agent cannot use the change order process to circumvent the Purchasing Policy. Change orders cannot substantially change the scope of the Contract.

Credit Cards

Credit Cards shall only be issued upon approval of both of the department head and the City Manager. The Credit limit for each card shall be established by the Director of Finance. All individuals assigned a Credit Card on behalf of the City shall be personally responsible for its use and any fraudulent use. The City Manager shall maintain a Procurement Card Procedure Manual. This manual shall be on file with the City Clerk and made available for all users.

VII. Definitions

When used in this policy, the following words, terms and phrases, and their derivations, shall be the meaning ascribed to them in this section, except where the context clearly indicates a different meaning,

- A. **ADDENDUM** means a change, clarification or correction in the Solicitation Documents, prior to the award of a Contract.
- B. **AMENDMENT** means an agreed upon change order, addition to, deletion from, correction or modification of a Contract including a Contract Extension or a Contract Renewal.
- C. **APPEAL** means a specific written objection by an interested Person to a Request for Qualifications, a Request for an IWQ, an Invitation for Bid, an Invitation to Negotiate, a Request for proposal, or an award or proposed award of a Contract, with the intention of receiving a remedial result.
- D. **BID / PROPOSAL BOND** means a form of bid security executed by the Bidder (or Proposer) as principal and by a Surety, to guarantee that the Bidder (or Proposer) will enter into a Contract within the time specified in the Invitation for Bid or Request for proposals, and will furnish the necessary bonds and insurance, and meet any other requirements of those documents.
- E. **BIDDER** means a person or entity submitting a bid or quote to the City for the supply of Goods or Services.
- F. **BUYING COOPERATIVE OR ALLIANCE** means a group of public entity purchasers organized for the purpose of creating contracts or pricing agreements in order to take advantage of group or quantity buying discounts or special pricing from which members of the group can benefit.
- G. **CAPITAL ASSET** is an item of personal property having a normal life expectancy of three years or more other than components.
- H. **CITY** means the City of Tucker and, as the context warrants, those persons or bodies authorized to act on its behalf, including but not limited to the City Council, committees, boards and staff.
- I. **CITY ETHICS POLICY** shall mean Article XI., Code of Ethics, of Chapter 2, Administration, of the Code of the City of Tucker, as amended.
- J. **CITY FINANCE DIRECTOR/FINANCE DIRECTOR** means the City Accountant as described in the City Charter, his agent, or the department head of the City Finance Department, if such a department is in existence.
- K. **COMPETITIVE AWARD** means a procurement based upon the outcome of one of the competitive processes set forth in this Policy, where award is made based on the lowest quotation or Bid submitted by a responsible and responsive Bidder or to the most qualified or advantageous Proposer based on the qualitative and/or quantitative factors identified for the procurement. A Competitive Award can be made even if only a single bid or proposal has been received from a Bidder or Proposer who is determined to be responsible and responsive.

- L. CONSTRUCTION means the process of building, altering, improving or demolishing any public structure or building, or other public improvements of any kind to any public real property

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including the provision of materials therefor. The term “Construction” does not include the routine operation, repair and/or maintenance of existing structures, buildings or real property.

- M. **CONSTRUCTION SERVICES** means services rendered by an independent and licensed contractor having expertise in Construction.
- N. **CONTRACT** means all types of City agreements for the purchase or disposal of Goods, Real Estate or Capital Assets, and the procurement of Services, Professional Services or Construction Services regardless of what they may be called, including contracts for a fixed price, cost plus a fixed fee, incentive contracts, and contracts providing for the issuance of job or task orders, leases, letter contracts and purchase orders. Contracts also include Amendments, modifications and supplemental agreements with respect to any of the foregoing. Every Contract must be duly authorized and approved prior to execution.
- O. **CONTRACT EXTENSION** means an Amendment to a Contract that includes an increase in the term of a Contract, for which no options to renew the Contract beyond the current expiration date exist.
- P. **CONTRACT RENEWAL** means an exercise of an approved, existing option to increase the term of a Contract. Options to renew a Contract are often done in annual increments.
- Q. **EMPLOYEE** means an individual drawing a salary or wage from the City whether on a full-time or part-time basis. The term shall encompass all members of the City Council without regard to whether or not such individuals are compensated. For purposes of this Purchasing Policy the term “employee” shall include, any Vendor or any employee of such Vendor who has entered into a Contract with the City to provide administrative and department services contemplated in Section 2.12 of the Charter of the City.
- R. **EMERGENCY PROCUREMENT** means any procurement of Goods, Capital Assets, Services or Professional Services in the context of an Emergency.
- S. **EMERGENCY** means a situation that occurs suddenly and unexpectedly and demands immediate action to prevent delays which may vitally affect the health, safety or welfare of the public or City Employees and affects the continuation of services to the citizens, and/or serious loss or injury to the City. Emergency shall also mean a condition, malfunction, or occurrence in which the immediate procurement of an item (i.e. Good, Services, or Professional Service) is essential to comply with regulatory requirements.
- T. **ENVIRONMENTALLY PREFERABLE GOODS AND SERVICES** means Goods and Services that have a lesser or reduced negative effect on human health and the environment when compared with competitive Goods and Services that serve the same purpose.
- U. **GIFTS or FAVORS** means anything of any service of value. Value shall be defined in the same manner as defined as the lesser of \$100 or an amount specified in any City’s ethics policy.
- V. **GOODS or COMMODITIES** means supplies, apparatus, materials, equipment and other forms of tangible personal property used by a City department in the accomplishment of its responsibilities other than Capital Assets.
- W. **GOVERNING AUTHORITY** means the City entity responsible for the Contract.

- X. **INFORMAL WRITTEN QUOTES (IWQ)** means all documents utilized for soliciting quotations for Goods, Services, or Professional Services, in which award is made based on the lowest responsive and responsible quotation and in which the type or cost of the procurement does not require a more formal Bid or proposal process.
- Y. **INVITATION FOR BID (IFB)** means all documents utilized for soliciting bids, including those attached or incorporated by reference. These include a scope of work and all contractual terms and conditions applicable to the procurement. Bids are requested when requirements are clearly defined, price is the major determining factor for award, and a formal sealed submittal is required.
- Z. **INVITATION TO NEGOTIATE (ITN)** means documents used for soliciting competitive proposals in which negotiation of price and other factors is to commence after receipt of proposals and prior to recommendation of award. This process may be used when the scope of work is complex or difficult to define, if strict comparison of Services or Goods required may be difficult because components are likely to vary among Proposers or in any situation when it is in the City's best interest to negotiate prior to recommendation of award to obtain the Services or Goods that best meet the City's needs, price and other factors being considered.
- AA. **LATE BID/PROPOSAL** means a Bid or proposal received after the time or date such bid or proposal was due, as stated in the Solicitation Documents.
- BB. **LIFE CYCLE COST ASSESSMENT** means the comprehensive accounting of the total cost of ownership, including initial costs, energy and operational costs, longevity and efficacy of service and disposal costs.
- CC. **MULTIPLE AWARD SCHEDULE CONTRACT** means a Contract based upon one solicitation awarded to two or more Vendors to supply Goods or Services.
- DD. **NEGOTIATED AWARD** means a procurement made as the result of negotiations between the City and a Supplier, such as a Sole Source Procurement or Single Source Procurement or another instance, including competitive Invitation to Negotiate, where a Contract award based on direct negotiations with a Supplier of Goods or Services is appropriate.
- EE. **OFFICIAL** means any City elected or appointed person who holds office or any person appointed by the mayor and council of the City to serve on (1) the planning commission of the City, (2) any board or commission of the City having quasi-judicial authority; and, (3) any authority created by the City, either individually or jointly with other local governments pursuant to Georgia law.
- FF. **ONLINE REVERSE AUCTION** means a purchasing method wherein Bidders enter prices for items electronically, and their prices are displayed for other bidders to see with all Bidders given the opportunity to continually bid a lower price until the time period of the bid expires.
- GG. **ORDINANCE** means related Administration Ordinance in Chapter 2, Article 7 of the City's Municipal Code.
- HH. **PAYMENT TERMS** means the established due date for payments by the City to pay an invoice. Absent any agreement otherwise stated, the City's payment term will be Net 30.

- II. **PERFORMANCE BOND** means a bond provided by a contractor/supplier in which a surety guarantees to the City that the Goods or Capital Assets are delivered or the Services or Construction Services are performed in accordance with the Contract documents. A letter of credit issued by a financial institution that meets the City's requirements may, at the discretion of the City, be substituted for the performance bond.
- JJ. **PERSON** means any business, entity, company, firm, individual, union, committee, club or other organization or group of individuals.
- KK. **PRACTICABLE** means satisfactory and within reason when considering price, performance, availability, compatibility with specified operation, and public safety.
- LL. **PRE-QUALIFICATION** means the part of a competitive procurement process in which the City determines, based on standards developed for a specified product or service, which interested Vendors meet those standards and are eligible for further consideration in the purchasing process.
- MM. **PROFESSIONAL SERVICES** means services rendered by an independent contracting individual or firm having expertise in a particular industry or subject matter due to specialized education, training, licensure or skill, and consisting primarily of advice reports, conclusions, recommendations or other outputs resulting from the time and effort of the service provider, as opposed to the acquisition of specific commodities, or of services not requiring any specialized education, licensing, training or skill (e.g. janitorial services). Professional Services include but are not limited to evaluations, consultations, management systems, management consulting, compiling statistical data, support of planning and operating activities, appraisal services, and research and development studies or reports.
- NN. **PROPOSER** means a Person submitting a proposal or qualifications to the City for the supply of Goods, Capital Assets, Real Estate, Construction Services, Services, or Professional Services.
- OO. **PURCHASE ORDER** means a document approved and issued by the Purchasing Agent or designee and accepted by the Vendor to obtain Goods, Capital Assets, and Services.
- PP. **PURCHASING** is the process of securing real estate, capital assets, materials, services, repairs, leases and rentals necessary for the operation and support of the City. The renewal, renegotiations and changes to Contracts, leases and agreements are functions of purchasing.
- QQ. **PURCHASING AGENT** means the principal purchasing official of the City who is authorized and appointed to purchase a range of Goods, Capital Assets, Real Estate, Services, Construction Services, or Professional Services on a routine basis.
- RR. **REAL ESTATE** means land and any improvements and appurtenances thereto.
- SS. **REAL ESTATE ACQUISITION** means the acquisition of a fee interest, estate for years or usufruct in Real Estate by purchase or lease.
- TT. **REQUEST FOR PROPOSALS (RFP)** means all documents utilized for soliciting proposals for Goods, Capital Assets or Services, including those attached or incorporated by reference. These include a scope of work and all contractual terms and conditions applicable to the procurement. This method is used when factors in addition to price are considered for award.

- UU. REQUEST FOR QUALIFICATIONS (RFQ) means all documents utilized for soliciting qualifications for Goods, Services, Capital Assets, Construction Services or Professional Services.
- VV. REQUISITION means an internal document, provided by a department to the Purchasing Agent that contains the fund source, approvals, descriptions, quantities and other information about the Goods, Capital Assets, Real Estate, Services, Construction Services or Professional Services in order to proceed with the procurement. The Requisition becomes valid when properly completed and approved.
- WW. RESPONSIBLE BIDDER OR PROPOSER means a Person, who, in the exclusive judgment of the City, (a) has the capability in all respects to fully perform the Contract requirements; and (b) the integrity, experience, qualification, and reliability which assures good faith performance.
- XX. RESPONSIVE BIDDER OR PROPOSER means a Person, who, in the exclusive judgment of the City, has submitted a bid or proposal that conforms in all material respects to the Solicitation Documents.
- YY. SERVICES mean any performance of effort or labor, for which the City has contracted other than Professional Services or Construction Services. Services include, but are not limited to, janitorial, landscaping, and street striping.
- ZZ. SHORTLISTING means the part of a competitive procurement process in which the City determines, based on criteria developed for a specified Good, Service, or Professional Service which of the interested Vendors are the best qualified to be eligible for further consideration in the purchasing process.
- AAA.SINGLE-SOURCE PROCUREMENT means identifying and using, without first completing a competitive process, one source for Goods, Capital Assets, Real Estate, Services, Professional Services or Construction Services among others in a competitive marketplace, which, for justifiable reasons, is found to be most advantageous for the purpose of fulfilling a given Purchasing need of the City.
- BBB. SOLE-SOURCE PROCUREMENT means identifying and using, without first completing a competitive process, one source for Goods, Capital Assets, Real Estate, Services, Professional Services or Construction Services when that source is the only one available that can fulfill a given Purchasing need of the City.
- CCC. SOLICITATION DOCUMENTS means an Invitation for Bids, Request for proposals, Request for Qualifications, Request for Quotations, or an Invitation to Negotiate including all of the associated forms and documents of each solicitation, or any other types of documents used by the City to procure Goods, Services, Capital Assets, Real Estate, Construction Services or Professional Services.
- DDD.SPECIFICATION OR SCOPE OF WORK means any description of the physical or functional characteristics, or of the nature of Goods, Services, Capital Assets, Real Estate, Construction Services or Professional Services. Specifications or Scope of Work may include any function and other criteria that will be required to perform the work and a description of any requirement for inspection, testing, or delivery.

EEE. SUPPLIER, MERCHANT OR VENDOR means a Person currently supplying or in the business of supplying Goods, Services, Capital Assets, Real Estate, Construction Services or Professional Services.

FFF. SURETY means an organization who, for a consideration, promises in writing to make good the debt or default of another organization. The Surety must be satisfactory to the City and licensed to do business in Georgia.

GGG. THE USING DEPARTMENT/DIVISION (User) is defined as the department which has the authority and responsibility for determining the need for an item or service, its related specifications, and need date. The User is responsible for funding the need and advising Purchasing of the approved funding and the specific budget account number. The User is responsible for authorizing the purchases of all materials, services, repairs, leases and rentals in which the negotiated price exceeds the approved funding.

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