



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Agenda Item

File ID: 2017-1476

Substitute

3/13/2018

Public Hearing: YES  NO

Department: Planning and Sustainability

**SUBJECT:**

Commission District(s): All Commission Districts.

Information Contact: Marian Eisenberg

Phone Number: 404-371-4922

**PURPOSE:**

To amend Chapter 27 and local law regarding the Planning Commission's procedures and composition.

**NEED/IMPACT:**

These Code amendments will modify what is considered a quorum at Planning Commission meetings, change the meeting date when the Planning Commission is to select their chairpersons, and provide for the selection of a second vice chairperson by the Planning Commission.

Adoption of these amendments will require two consecutive adoptions at regularly scheduled Board of Commissioners meetings.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Adopt the amendments as the first adoption and defer to the next regularly scheduled meeting of the Board of Commissioners' meeting for the second adoption. Instruct the Planning & Sustainability Director to continue advertising the amendments in the County's legal organ in compliance with the applicable state law requirements.

**A HOME RULE ORDINANCE**

**A HOME RULE ORDINANCE BY THE BOARD OF COMMISSIONERS OF DEKALB COUNTY UNDER THE HOME RULE PROVISIONS FOR COUNTIES OF THE CONSTITUTION OF THE STATE OF GEORGIA, TO AMEND AN ACT OF THE GENERAL ASSEMBLY OF 1956, APPROVED MARCH 9, 1956, FOUND IN GEORGIA LAWS 1956, PAGE 3332, *ET SEQ.*, AS AMENDED, AUTHORIZING THE CREATION OF A DEKALB COUNTY PLANNING COMMISSION AND ESTABLISHING ITS POWERS AND DUTIES.**

**BE IT ORDAINED** by the Board of Commissioners of DeKalb County, Georgia, and it is ordained by the authority of same, pursuant to the Home Rule Provisions for Counties of the Constitution of the State of Georgia, that the Act, known as 1956 Ga. Laws p. 3332, *et seq.*, as amended, pertaining to the DeKalb County Zoning Planning Commission, which grants the county Planning Commission certain powers within the unincorporated portion of the county, be and the same is hereby further amended as follows:

**PART I.**

*By amending Section 2 of 1956 Ga. Laws, p. 3332, et seq., as amended (codified as Section 1117 in Appendix B of the Code of DeKalb County), by deleting subsections 1117(g) and (h) in their entirety and substituting in lieu thereof the following:*

\* \* \*

**Sec. 1117. - The DeKalb County Planning Commission.**

\* \* \*

(g) *Quorum, voting, and actions by board.* A quorum of the planning commission shall consist of at least five (5) members of the commission, except that a lesser amount shall be sufficient to recess or adjourn any meeting; but no official action shall be taken except upon the affirmative vote of a majority of the members present and voting. A roll call vote shall be taken upon the request of any member. If there is not a quorum present, all items shall be rescheduled and re-advertised for the next regular meeting. The planning commission shall meet at scheduled times approved annually by the board of commissioners and at such other times as the chairman of the planning commission may determine.

(h) *Annual organizational meeting.* At its first regular meeting of each March, the planning commission shall, by majority vote of its membership, elect one (1) of its members to serve as chairperson to preside over the commission's meetings one (1) member to serve as

vice chairperson and one (1) member to serve as second vice chairperson. The persons so elected shall serve in these capacities for terms of one (1) year or until a replacement is elected. Vacancies may be filled for the unexpired terms only by majority vote of the planning commission membership. The chairperson, vice chairperson, and second vice chairperson may take part in all deliberations and vote on all issues. The chairperson and the vice-chairperson may each be elected to successive terms without limitation.

**PART II.**

All laws or parts of laws in conflict with this Ordinance are hereby repealed.

**PART III.**

Should any part, portion or paragraph of this Ordinance be declared unconstitutional or void by a court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance not so declared to be invalid, but the same shall remain of full force and effect as if separately adopted.

**PART IV.**

This Ordinance shall be presented to the Board of Commissioners of DeKalb County, Georgia for adoption at two regular consecutive meetings of the Board, held not less than seven (7) nor more than sixty (60) days apart after notice containing a synopsis of the proposed amendment shall have been published in the official organ of DeKalb County once a week for three (3) weeks within a period of sixty (60) days immediately preceding its final adoption, such notice stating that a copy of the proposed amendment or repeal is on file in the office of the Clerk of the Superior Court of DeKalb County for the purposes of examination and inspection by the public.

**PART V.**

This Ordinance shall be first presented to the Board of Commissioners of DeKalb County, Georgia on the 13<sup>th</sup> day of March 2018, and again on the 27<sup>th</sup> day of March 2018, at the regular time and place of the meeting of the DeKalb County Board of Commissioners.

**PART VI.**

A synopsis of this Ordinance shall be published in the official organ of DeKalb County once a week for three weeks, preferably on the 8<sup>th</sup> day of March, 2018, the 15<sup>th</sup> day of March, 2018, and on the 22<sup>nd</sup> day of March, 2018, and a copy of this Ordinance shall be filed with the Clerk of the Superior Court of DeKalb County for the purpose of examination and inspection of the public, along with sufficient copies of the same for distribution to those members of the public who desire the same.

**PART VII.**

The provisions of this Ordinance are effective upon the filing with the Georgia Secretary of State, a copy of this Ordinance, together with a copy of the required notice of publication and an affidavit of a duly authorized representative of the newspaper in which said notice was published to the effect that said notice has been published.

**ADOPTED** by the Board of Commissioners of DeKalb County, Georgia, on \_\_\_\_\_, 2018, and again on \_\_\_\_\_, 2018.

\_\_\_\_\_  
**JEFF RADER**  
Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia

**APPROVED** by the Chief Executive Officer of DeKalb County, Georgia, this \_\_\_\_ day  
of \_\_\_\_\_, 2018.

\_\_\_\_\_  
**MICHAEL THURMOND**  
Chief Executive Officer  
DeKalb County, Georgia

ATTEST:

\_\_\_\_\_  
**BARBARA SANDERS-NORWOOD, CCC**  
Clerk to the Board of Commissioners  
And Chief Executive Officer  
DeKalb County, Georgia

**APPROVED AS TO FORM:**

**APPROVED AS TO SUBSTANCE**

\_\_\_\_\_  
**VIVIANE H. ERNSTES**  
Interim County Attorney  
DeKalb County, Georgia

\_\_\_\_\_  
**ZACHARY WILLIAMS**  
Chief Operating Officer  
DeKalb County Georgia

**STATE OF GEORGIA  
COUNTY OF DEKALB**

I, Barbara Sanders-Norwood, the duly authorized Ex-Officio Clerk of the Board of Commissioners of DeKalb County and the Chief Executive Officer of DeKalb County, Georgia, do hereby certify that the attached instrument is a true and correct copy of the Ordinance adopted by said Board of Commissioners at two regular, consecutive meetings held on \_\_\_\_\_, 200\_\_, and \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
BARBARA SANDERS-NORWOOD, Ex-Officio  
Clerk of the Board of Commissioners and  
the Chief Executive Officer of  
DeKalb County, Georgia

Sworn to and subscribed  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public

**AN ORDINANCE**

**AN ORDINANCE TO AMEND  
THE CODE OF DEKALB COUNTY, AS REVISED 1988,  
CHAPTER 27 (ZONING), RELATING TO THE PROCEDURES OF THE PLANNING  
COMMISSION; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Governing Authority of DeKalb County is tasked with the protection of the County's public health, safety, and general welfare; and

**WHEREAS**, the Planning Commission is tasked with reviewing various zoning and land use-related applications prior to consideration by the Board of Commissioners; and

**WHEREAS**, the Planning Commission intends to amend its bylaws in order to improve its internal processes; and

**WHEREAS**, amendments to Chapter 27 are necessary to accommodate the Planning Commission's anticipated amendments to its bylaws; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of DeKalb County, Georgia, and it is hereby ordained by the authority of the same, that Chapter 27 (Zoning) of the Code of DeKalb County, be and the same is hereby amended as follows:

**PART I. ENACTMENT**

*By deleting Sections 27-7.1.2.D.7 and 27-7.1.2.D.8 of Chapter 27 in their entirety and replacing them to read as follows:*

**Sec. 7.1.2 Governing bodies.**

\* \* \*

*D. DeKalb County Planning Commission.*

\* \* \*

7. *Quorum, voting, and actions by board.* A quorum of the planning commission shall consist of at least five (5) members of the commission, except that a lesser amount shall be sufficient to recess or adjourn any meeting; but no official action shall be taken except upon the affirmative vote of a majority of the members present and

voting. A roll call vote shall be taken upon the request of any member. If there is not a quorum present, all items shall be rescheduled and re-advertised for the next regular meeting.

8. *Annual organizational meeting.* At its first regular meeting of each March , the planning commission shall, by majority vote of its membership elect one (1) of its members to serve as chairperson to preside over the commission's meetings, one (1) member to serve as vice chairperson, and one member to serve as second vice chairperson. The persons so elected shall serve in these capacities for terms of one (1) year or until a replacement is elected. Vacancies may be filled for the unexpired terms only by majority vote of the planning commission membership. The chairperson, vice chairperson, and second vice chairperson may take part in all deliberations and vote on all issues. The chairperson, the vice-chairperson, and the second vice chairperson may each be elected to successive terms without limitation.

#### **PART II. EFFECTIVE DATE**

This ordinance shall become effective upon adoption by the Board of Commissioners and approval by the Chief Executive Officer.

#### **PART III. SEVERABILITY**

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole nor any part thereof other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

**ADOPTED** by the DeKalb County Board of Commissioners, this \_\_\_\_ day of \_\_\_\_\_, 2018.

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JEFF RADER  
Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia



March 5, 2018

**APPROVED** by the Chief Executive Officer of DeKalb County, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
MICHAEL THURMOND  
Chief Executive Officer  
DeKalb County, Georgia

ATTEST:

\_\_\_\_\_  
BARBARA SANDERS-NORWOOD, CCC  
Clerk to the Board of Commissioners  
And Chief Executive Officer  
DeKalb County, Georgia

**APPROVED AS TO FORM:**

**APPROVED AS TO SUBSTANCE**

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VIVIANE H. ERNSTES  
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