



4800 Ashford Dunwoody Road  
 Dunwoody, Georgia 30338  
 dunwoodyga.gov | 678.382.6700

## MEMORANDUM

**To:** Mayor and City Council  
**From:** Chris Pike, Finance Director  
**Date:** December 10, 2018  
**Subject:** 2019 Legislative Priorities

### ITEM DESCRIPTION

Approval of the Dunwoody 2019 legislative priorities for presentation to the Dunwoody legislative delegation.

### BACKGROUND

As the City does each year, staff has compiled the following draft list of legislative priorities for 2019.

#### 1. Certain Public Works Priorities

Cell phone companies are continuing strong (and expensive) efforts to reduce the City's ability to zone and otherwise regulate access to our rights-of-way, traffic poles, and other means to increase their capacity. The state has given considerably time both during the 2018 session and since to determine what, if any, legislation is needed in regards to regulating and charging for public rights-of-way. As recently as November 9<sup>th</sup>, an ad hoc committee of state senators made four recommendations that include instructions for **1) Cities, counties and wireless providers to negotiate a process for siting small cells on public ROW and public poles, 2) EMCs, GPC and MEAG to implement policies which do not unreasonably limit small cell deployment on electric poles, 3) conduct further study to consider alternatives to the DOT linear mile fee, especially as it relates to the fee imposed by municipalities with no retail, end-use customers in the municipal limits, including alternatives to the franchise fee, and 4) DOT to review the linear mile fee structure to ensure that it adequately represents the value of the ROW around the state.** Working with GMA and ACCG on this statewide issue, staff recommends a close watch on any bills that address this topic to ensure our best interests are heard.

In addition, the City expects to see legislation again this year in regards to Public Works' ability to utilize the Tax Commissioner to bill for certain annual fees (stormwater, county sanitation,

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 Eric Linton, ICMA-CM City Manager  
 Sharon Lowery, CMC City Clerk

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 Tom Lambert City Council Post 3

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street lights and traffic calming). This would create an unnecessary burden on both the city and our citizens, as well as increase the costs to both groups.

## 2. Certain Public Safety Priorities

Currently, citizens are only allowed to direct traffic during emergencies and at school crossings. Under specific conditions and with the proper training/approval, additional situations are justified and beneficial to both the police department and our citizens. The police chief supports legislation that would increase situations where citizens can direct traffic.

Currently, Georgia is one of only five states without hate crimes legislation. Two bills were introduced last year. The Georgia Association of Chiefs of Police supported HB 660 last year. The police chief would support a similar bill in 2019 in hopes of it passing.

## 3. Certain Finance & Administration Priorities

In the past, the state has taken up legislation that deals with the reporting and maintenance of elected officials disclosers. Centralizing the rules and reporting would improve consistency throughout the state and relieve the burden of maintaining it at over 600 local governments. The City supports legislation that would allow and require elected officials to file all necessary reports at the state level.

In the past, the state has taken up legislation regarding DeKalb being allowed to tax Dunwoody citizens for its police district pension obligations. This would create a tax on Dunwoody (and Brookhaven) citizens without any service provided in return. The proposed legislation would create the tax based solely on property values; without any regard to the service level of the police district provided to our citizens prior to incorporation (as opposed to calls responded to, hours patrolling the Dunwoody area, etc). Furthermore, the prior legislation ignored fees Dunwoody already paid DeKalb for a period of time after incorporation (December 1, 2008 to March 31, 2009). This would also create an incredibly dangerous precedent where one jurisdiction would be allowed to charge another jurisdiction; taxing citizens and other taxpayers of the later for services never received nor requested. Dunwoody would oppose any such legislation.

In the past, some legislators have discussed legislation involving a development authority's ability to provide tax incentives for valid economic development projects. While not listed in the resolution, Dunwoody should watch for and oppose any legislation that would hurt economic development efforts, including limits on tax incentives the Dunwoody Development Authority currently has.



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#### 4. Certain Community Development Priorities

During 2018, a House ad hoc committee was created and heard feedback from various stakeholders regarding issues related to short-term vacation rentals and similar short-term housing situations. The committee heard from the hotel industry including the Georgia Lodging Association, Savannah including the Downtown Neighborhood Association. Comments were made regarding a desire for a level playing field related to taxes and regulations, desire to have consistent rules to prevent cities from being too lax or too aggressive in regulating, and need to have clear, easy and affordable processes and ordinances for all to comply with. With the Super Bowl coming in February, the state will likely witness the best and worst of this growing industry. There will most likely be a strong push to address the topic. The City would oppose any legislation that prohibits our ability to regulate short-term vacation housing. Any such legislation would hinder our abilities to protect our citizens and our communities.

#### 6. Monitoring Items

As a City, we have faced numerous attempts at legislation that would have negative consequences to the citizens of Dunwoody. Some we foresaw. Others were unannounced. Examples include discussions to change the HOST calculation to provide less to the cities in DeKalb requiring Dunwoody to pay for DeKalb government employees' retirement, timber construction material legislation that discounted concerns for public safety, and alter the billing requirements for the tax and special assessment statements issued by the tax commissioner for the City. Staff anticipates the 2019 session to contain similar bills requiring our attention and recommends a conscious effort to evaluate and continue to oppose legislation that would limit our effectiveness as an organization and/or negatively impact the citizens of Dunwoody.

#### **ALTERNATIVES**

Council may choose to add or remove items from the list of priorities. Each of the items noted above have been discussed with our legislative advocates.

#### **RECOMMENDED ACTION**

Staff recommends the Council adopt the legislative priorities.

**A RESOLUTION ESTABLISHING THE 2019 STATE LEGISLATIVE PRIORITIES OF THE CITY OF DUNWOODY FOR CONSIDERATION BY THE GEORGIA STATE LEGISLATURE DURING THE 2019 REGULAR SESSION**

**WHEREAS,** the 2019 Georgia General Assembly Legislative Session begins on January 14, 2019 to consider important legislative matters of the state; and

**WHEREAS,** the City of Dunwoody is concerned with legislative matters at the state level which have an impact on the governmental operations of the City of Dunwoody; and

**WHEREAS,** it is appropriate for the City of Dunwoody to adopt legislative priorities to present to its representatives in the General Assembly; and

**WHEREAS,** the City of Dunwoody has identified a number of important legislative items that may be considered by the state legislature in the upcoming year; and

**WHEREAS,** the City of Dunwoody opposes any legislation that reduce the City’s ability to zone and otherwise regulate access to our rights-of-way, traffic poles, and other property, specifically in regards to regulations pertaining to small cell technology; and

**WHEREAS,** the City of Dunwoody supports certain public safety initiatives including legislation that defines hate crimes and legislation that increases situations allowing citizens to direct traffic in order to improve our service to the community and protect our citizens; and

**WHEREAS,** the City of Dunwoody opposes any legislation that reduce the City’s ability to zone and otherwise regulate hotels and other short-term housing transactions; and

**WHEREAS,** the City of Dunwoody opposes any legislation that would add additional financial burden on its citizens by requiring the DeKalb County Tax Commissioner to issue a separate bill for, or otherwise segregate, any taxes and fees currently allowed to be included with its annual property tax assessments; and

**WHEREAS,** the City of Dunwoody opposes any legislation that would attempt to specifically tax citizens within any DeKalb city formed on or after December 1, 2008 or otherwise collect revenues in order to recoup an unfunded pension liability that either actually existed or was actuarially determined to exist at the time such city incorporated when such liability is attributed to services no longer provided by DeKalb County due to the incorporation; and

**WHEREAS,** the City of Dunwoody opposes any legislation or regulations that create an undue burden on cities and specifically city clerks for certain municipal officials disclosure reporting; and

**WHEREAS,** adoption of legislative priorities will empower City officials, staff, and representatives to advocate on the City’s behalf, before and to members of the state legislature on such values and goals which are most feasible, urgent and/or of the highest importance.

**NOW THEREFORE BE IT RESOLVED AND EFFECTIVE** by the Mayor and Council of the City of Dunwoody while in regular session on December 10<sup>th</sup> at 6:00 pm, that the legislative priorities of the 2019 Georgia General Assembly are hereby adopted.

Approved:

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Denis L. Shortal, Mayor

Attest:

\_\_\_\_\_  
Sharon Lowery, City Clerk

(SEAL)