

**STATE OF GEORGIA**

**COUNTY OF GWINNETT**

**Ordinance 2012-07-58**

**AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT**  
**FOR THE PROVISION OF ZONING REVIEW AND PERMITTING SERVICES**

**Between**

**GWINNETT COUNTY, GEORGIA and**

**THE CITY OF PEACHTREE CORNERS, GEORGIA**

This Amendment to the Intergovernmental Agreement between Gwinnett County, Georgia and the City of Peachtree Corners, Georgia for the provision of zoning review and permitting services is entered into this 24th day of July, 2012.

**WITNESSETH:**

WHEREAS, the City of Peachtree Corners began operation as a city on July 1, 2012; and

WHEREAS, the Charter for the City of Peachtree Corners provides that the City shall undergo a transition period through December 31, 2013 during which the City shall prepare to perform certain governmental functions and services; and

WHEREAS, on June 26, 2012 and July 1, 2012, the County and the City respectively approved an Intergovernmental Agreement whereby Gwinnett County will provide zoning review and permitting services within the City of Peachtree Corners, and the County will retain all fees associated with such zoning review and permitting services; and

WHEREAS, on July 2, 2012, the City of Peachtree Corners requested that Gwinnett County continue to provide all licensing and permitting services for Peachtree Corners until the City creates infrastructure to physically implement such licensing and permitting services; and

WHEREAS, the City and County desire to enter into an Amendment to the Intergovernmental Agreement for the Provision of Zoning Review and Permitting Services whereby the County agrees to provide certain licensing and permitting services for the City of Peachtree Corners during the transition period described in the City's Charter; and

WHEREAS, the Gwinnett County Board of Commissioners and the City Council of the City of Peachtree Corners have taken action at public meetings to approve the terms of this Amendment;

NOW THEREFORE, in consideration of the following mutual obligations, the City and County agree as follows:

1. All provisions of the Intergovernmental Agreement for the provision of zoning review and permitting services between Gwinnett County, Georgia and City of Peachtree Corners, Georgia entered into on July 1, 2012 shall continue in full force and effect and are incorporated by reference in this Amendment.
2. Gwinnett County shall continue to issue occupation tax certificates, business licenses, alcoholic beverage licenses, adult entertainment establishment licenses, massage establishment licenses, taxi permits, precious metal permits, pawn shop

permits, solicitation permits, security alarm permits, alcohol server permits, fortune telling permits, locksmith permits, pool room permits, escort/dating service permits, criminal background permits, gun permits, and any and all other licenses and permits which the City of Peachtree Corners is authorized to issue within the territorial limits of the City of Peachtree Corners from the date of execution of this Amendment through the end of the transition period stated in the City's Charter, December 31, 2013, with the exception that the City of Peachtree Corners shall commence issuance of occupation tax certificates and business license taxes (not including regulatory fees), and collecting the taxes and fees related thereto, on January 1, 2013. Such permits to be issued by Gwinnett County shall include, but not be limited to, permits presently issued by the Gwinnett County Police Department as well as permits issued by other County Departments. The Gwinnett County Licensing and Revenue Board of Appeals as established pursuant to Section 6-18 of the Code of Ordinances of Gwinnett County shall continue to hear appeal requests related to the denial, suspension or revocation of alcoholic beverage licenses, massage establishment licenses, pawn shop business permits and occupation tax certificates, precious metals dealer business permits and occupation tax certificates, vehicle for hire business permits and occupation tax certificates, all employee work permits, with the exception of a sexually oriented business employee licenses, and all matters related to the appeal of occupation taxes so long as such appeal requests result from actions taken by Gwinnett County on behalf of the City of Peachtree Corners.

3. In consideration for the County's provision of the licensing, permitting, and certification services set forth in this Amendment, the County shall retain any and all fees and taxes associated with the issuance of such licenses, permits, and certificates.
  
4. Such fees and taxes shall include, but shall not be limited to, occupation taxes, business license taxes and fees, alcoholic beverage excise taxes on mixed drinks, and alcoholic beverage wholesale excise taxes on distilled spirits, beer, and wine. The City of Peachtree Corners hereby assigns its authority to levy and collect the fees and taxes which are the subject of this Amendment to Gwinnett County through December 31, 2012 as it concerns occupation tax certificates and business licenses taxes and December 31, 2013 for everything else. The City may, in its sole discretion, choose to undertake the issuance of all the licenses, taxes and permits which are the subject of this Amendment on July 1, 2013 by giving the County at least 60 days' notice of its intent to do so. The City acknowledges the County's request that hotel/motel taxes generated by lodging establishments within the City and rental car taxes collected from establishments within the City be paid to the County in order to satisfy outstanding bonded indebtedness for which such hotel/motel taxes and rental car taxes have been pledged. The County has provided details regarding bonded indebtedness for the Civic Center, Arena, and Stadium, and hotel/motel taxes and rental car taxes have been pledged to retire such indebtedness at a time prior to the

incorporation of the City. The parties agree that the City will not impair the County's ability to use such taxes to satisfy such bonded indebtedness. The parties further agree to amend this Intergovernmental Agreement by inserting language which preserves such taxes collected from facilities within the City for use in satisfying the previously incurred indebtedness on the Civic Center, Arena, and Stadium. Representatives from the County shall meet with representatives from the City in order to discuss the need to use such taxes to satisfy such bonded indebtedness. The amendment contemplated by this paragraph shall be approved by the City and County no later than December 31, 2012.

5. All licenses, permits, and certificates issued pursuant this Amendment shall be issued pursuant to the lawfully adopted ordinances of the City of Peachtree Corners. The County shall issue such permits, licenses, and certificates on existing County forms and documents in order to eliminate the costs associated with printing new forms bearing information pertaining to the City of Peachtree Corners. In the event, however, that a form or document associated with the issuance of such licenses, permits, or certificates references a hearing or public meeting associated with such issuance, the City shall furnish the County with the address for such hearing or meeting, and the City shall be responsible for reimbursing the County for all costs associated with printing documents necessary to conduct such hearing or meeting. The City shall reimburse Gwinnett County for such costs within thirty days following the County's delivery

to the City of an itemized accounting for such costs. An example of a document that will generate such printing costs is the zoning notification sign which must be posted on property subject to a rezoning request in order to notify the public of the date, time, and location for a public hearing associated with the rezoning request.

6. The City acknowledges that the County will bill for 2013 alcoholic beverage license renewals in early October 2012. The parties agree that it is impractical for the City to assume licensing and permitting for alcoholic beverages or the issuance of occupation tax certificates during calendar years 2012 and 2013. Accordingly, the County's authority as the sole issuer of the licenses, permits, and certificates enumerated in this Amendment shall continue through the entirety of calendar year 2013, with the exception of occupation tax certificates, which the City shall have the sole authority to issue as of January 1, 2013.
7. Notwithstanding the City's adoption of various moratoria on June 30, 2012 and July 1, 2012, the City hereby agrees to lift the provisions of such moratoria to the extent necessary to authorize Gwinnett County to issue alcoholic beverage permits within the City of Peachtree Corners beginning immediately upon execution of this Amendment.
8. All City ordinances which form the basis of any licensing, permitting or

certification issued pursuant to this Amendment shall remain identical to the ordinances of Gwinnett County during the entire term of this Amendment, with the exception of the Adult Entertainment/Sexually Oriented Business licensing Ordinance.

9. The County shall charge fees for the services referenced in this Amendment which are consistent with the fees which were in place for such County services during 2012.
10. To the extent allowed by law, the City agrees to save, hold harmless, and defend the County from and against all claims and liability for loss, damage, injury, or death arising out of the County's provision of the services referenced herein. The City shall maintain liability insurance in the amount of \$5,000,000 per occurrence to cover the City's obligations, naming the County as an additional insured. Such insurance shall be on forms substantially similar to those set forth in paragraph 5.1 of the original Agreement between the parties.
11. The parties' liaisons designated pursuant to paragraph 1.4 of the original Intergovernmental Agreement shall also serve in such capacity with regard to the services set forth in this Amendment. The City agrees that the members of its City Council shall not contact County staff directly in their official capacity.

**IN WITNESS WHEREOF, the City and County have executed this Amendment through their duly authorized officers on the day and year first above**

written.

**BOARD OF COMMISSIONERS  
GWINNETT COUNTY, GEORGIA**

BY: \_\_\_\_\_  
**CHARLOTTE J. NASH**, Chairman

**ATTEST:**

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**Diane Kemp, County Clerk**

(SEAL)

**APPROVED AS TO FORM:**

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**VAN STEPHENS**  
Acting County Attorney

(REMAINING SIGNATURES ON FOLLOWING PAGE)

**CITY OF PEACHTREE CORNERS,  
GEORGIA**

BY: \_\_\_\_\_  
**MIKE MASON**, Mayor

**ATTEST:**

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**JOAN JONES**, Acting City Clerk

(SEAL)

**APPROVED AS TO FORM:**

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**BILL RILEY**  
Acting City Attorney