

MEMORANDUM

To: Mayor & City Council

From: John Olson, AICP

Date: November 18, 2019

Subject: Adoption of a memorandum of understanding between the City of Dunwoody and the Atlanta Regional Commission to provide services for the 5-year update of the Comprehensive Plan.

ITEM DESCRIPTION

To adopt a memorandum of understanding between the City of Dunwoody and the Atlanta Regional Commission to provide services for the 5-year update of the Comprehensive Plan.

BACKGROUND

The Atlanta Regional Commissions was created by the State in order to assist local governments on a regional basis to develop, promote, and assist in comprehensive planning in the state. Upon request from a local government, the Atlanta Regional Commission ("ARC") is required to prepare a basic Comprehensive Plan update to local governments. At no additional cost to the City of Dunwoody, ARC has agreed to perform the following services to complete a 5-year update to the City of Dunwoody's Comprehensive Plan:

1. A project manager for the project;
2. Revisions to the existing Community Vision or Goal statements from the most recent Comprehensive Plan;
3. An analysis of the Needs and Opportunities facing the community, using ARC resources and local data. The list will be developed by involving community stakeholders;
4. A Five-Year Community Work Program;
5. A Capital Improvement Element (only if the community already has an approved CIE);
6. An Updated Land Use Element with either character areas or standard categories Coordination with the adopted HUD Consolidated Plan, Local Comprehensive Transportation Plans, and ARC's Regional Transportation Plan/Transportation Improvement Program;
7. Presentations/support/attendance at the two (2) required public hearings;
8. A maximum of three (3) public meetings, at no cost, at a location provided by the local government;
9. A maximum of three (3) sounding board meetings, at no cost, at a location provided by the local government;
10. Language for official public hearing notices, if requested;
11. Advertisement and other public involvement materials, if requested;
12. Assurance that the local government meets its DCA deadline if the request is made to ARC in writing at least 12 months before the deadline;
13. Any plan revisions required by DCA; and

14. The final plan and other documents from the process posted to the ARC website

RECOMMENDATION

Staff recommends approval of the memorandum of understanding between the City of Dunwoody and the Atlanta Regional Commission related to services for the 5-year Comprehensive Plan update.

Attachments

- Memorandum of understanding to complete the 5-year update
- ARC Basic Comprehensive Plan Services

**DEVELOPMENT OF LOCAL COMPREHENSIVE PLAN
AGREEMENT**

THIS AGREEMENT is made and entered into as of this _____ day of _____, 2019 by and between the Atlanta Regional Commission (ARC) of Atlanta, GA, and the City of Dunwoody, a political subdivision of the State of Georgia

WITNESSETH:

WHEREAS, the Regional Commissions were created by the State in order to assist local governments on a regional basis and to develop, promote, and assist in establishing coordinate and comprehensive planning in the state; and

WHEREAS, as the Regional Commission for the 10-county Atlanta Region, ARC has been mandated to undertake certain regional responsibilities under the Georgia Planning Act of 1989 (as amended), and does agree to perform prescribed services to local governments; and

WHEREAS, the City of Dunwoody is required to update its Local Comprehensive Plan according to the schedule set by the Georgia Department of Community Affairs; and

WHEREAS, the City of Dunwoody has requested assistance from ARC to update its Local Comprehensive Plan under the requirements set by the Minimum Requirements for Local Comprehensive Planning under the Georgia Planning Act (as amended); and

WHEREAS, ARC and the City of Dunwoody believe it is mutually beneficial of both parties that the City of Dunwoody, as part of the ARC, has a Local Comprehensive Plan; and

WHEREAS, ARC agrees to provide assistance for development of the City's update of its Local Comprehensive Plan:

NOW, THEREFORE, in consideration of the premises and of the mutual covenants herein contained, and for other good and valuable consideration, the parties hereto agree as follows and in the attached Attachment A: Scope of Work:

1. Duties of the ARC.

- a. Provide a project manager for the project.
- b. Revise the existing Community Vision or Goal statements from the most recent Comprehensive Plan.
- c. Complete an analysis of the Needs and Opportunities facing the community.
- d. Complete a Five-Year Community Work Program.
- e. Complete an updated Land Use Element.
- f. Coordinate with the HUD Consolidated Plan, Local Comprehensive Transportation Plans, and ARC's RTP.
- g. Host two public meetings.
- h. Prepare and present a final plan presentation.

- i. Prepare materials for public feedback.
- j. Conduct a maximum of four (4) steering committee meetings.
- k. Provide language for official public hearing notices, if requested.
- l. Provide advertisement and other public involvement materials, if requested
- m. Complete any plan revisions requested by DCA.
- n. Prepare the final plan document and other requested supporting materials to document community feedback.
- o. Attend project management team meetings.

2. Duties of the City of Dunwoody.

- a. Complete a Report of Accomplishments showing the status of items in the existing Community Work Program.
- b. Provide locations for Steering Committee and public meetings that have heat/air conditioning, water, and electricity.
- c. Provide any food or beverages for Steering Committee and public meetings.
- d. Post and conduct public hearings as required by the City's existing procedures.
- e. Provide a City staff contact to coordinate with ARC staff.
- f. Provide a list of Steering Committee members, which must include a City elected official and an economic development representative.
- g. Provide a schedule for Steering Committee meetings, with ARC input.
- h. Promote public awareness and invitations to Steering Committee and public meetings.
- i. Provide timely notice to ARC of local government meetings that ARC staff should attend.
- j. Participate as a team member on the Project Management Team.
- k. Provide submittal deadlines to ARC for Boards and Committees at the beginning of the process.

3. Time of Performance, Amendments, Modifications

This agreement shall become effective upon execution by both parties and remain in effect until the completion of the project or termination by of the parties as provided below.

Either party may terminate this Agreement upon sixty (60) days' written notice to the other parties, provided that the party requesting termination has provided notice and sufficient opportunity for remedy.

Either party may request changes to this agreement at any time by written notice to the other party's signatory of this agreement. Such changes as are mutually agreed upon by and between the parties shall be incorporated in written amendments to this agreement and executed in the same manner as this Agreement. This Agreement may only be modified by an instrument in writing executed by the City of Dunwoody and ARC. Notwithstanding the foregoing, the City of Dunwoody and ARC acknowledge that this Agreement may be revised or refined from time to time during its term. The parties agree

to cooperate with each other by executing such documents as may be necessary to evidence such mutually agreeable modifications and refinements.

4. Rights in Documents, Materials, and Data Produced

For the purposes of this agreement, 'data' includes, but is not limited to, writings, sound recordings, photographs, films, videotapes, or other graphic representations and works of a similar nature. The City of Dunwoody and ARC shall have the right to use same without restriction or limitation and without compensation to the other parties of the agreement.

IN WITNESS WHEREOF, the parties have hereto executed this Agreement as of the date first above written.

Atlanta Regional Commission (ARC)

Attested, Assistant Secretary

Douglas R. Hooker, Executive Director

Witness:

The City of Dunwoody

Municipal Clerk

Denis Shortal, Mayor

Approved as to Form:

Recommended:

City Attorney

Approved:

ARC Comprehensive Plan Services

Pursuant to the 2012 update to the Georgia DCA Minimum Standards and Procedures for Local Comprehensive Planning, a Regional Commission is required to prepare a Basic Comprehensive Plan for a local government, upon request, during the community's regular planning due date cycle. At no additional cost to the local government, ARC will produce/provide the following for local governments:

- A Project Manager for the project
- Revisions to the existing Community Vision or Goal statements from the most recent Comprehensive Plan
- An analysis of the Needs and Opportunities facing the community, using ARC resources and local data. The list will be developed by involving community stakeholders.
- A Five-Year Community Work Program
- A Capital Improvement Element (only if the community already has an approved CIE)
- An Updated Land Use Element with either character areas or standard categories
- Coordination with the adopted HUD Consolidated Plan, Local Comprehensive Transportation Plans, and ARC's Regional Transportation Plan/Transportation Improvement Program
- Presentations/support/attendance at the two (2) required public hearings
- A maximum of three (3) public meetings, at no cost, at a location provided by the local government
- A maximum of three (3) steering committee meetings, at no cost, at a location provided by the local government
- Language for official public hearing notices, if requested
- Advertisement and other public involvement materials, if requested
- Assurance that the local government meets its DCA deadline if the request is made to ARC in writing at least 12 months before the deadline
- Any plan revisions required by DCA
- The final plan and other documents from the process posted to the ARC website

In order to ensure that a plan meets the needs of the local government and DCA's requirements, the local government requesting this service will be responsible to produce/provide the following:

- A Report of Accomplishments showing the status of items in the existing Community Work Program
- Locations for public meetings that have heat/AC, water, and electricity
- Posting of notices of public hearings as required by the community's existing procedures
- A contact at the local government to coordinate with ARC staff
- A list of stakeholders for the steering committee
- Public awareness/posting of flyers and invitations to the stakeholder meetings
- Timely notice to ARC of local government meetings