



CITY OF STONECREST, GEORGIA

CITY COUNCIL MEETING – AGENDA

3120 Stonecrest Blvd., Stonecrest, GA 30038

Monday, September 23, 2024 at 6:00 PM

Mayor Jazzmin Cobble

Council Member Tara Graves - District 1 Council Member Terry Fye - District 2

Council Member Alecia Washington - District 3 Mayor Pro Tem George Turner - District 4

Council Member Tammy Grimes - District 5

Citizen Access: [Stonecrest YouTube Live Channel](#)

- I. CALL TO ORDER:** George Turner, Mayor Pro-Tem
- II. ROLL CALL:** Sonya Isom, City Clerk
- III. INVOCATION**
- IV. PLEDGE OF ALLEGIANCE:** Alecia Washington, District 3 Councilmember
- V. APPROVAL OF THE AGENDA**
- VI. REVIEW AND APPROVAL OF MINUTES**
 - a.** Approval of Meeting Minutes - City Council Meeting, July 22, 2024
 - b.** Approval of Meeting Minutes - Work Session, August 12, 2024
 - c.** Approval of Meeting Minutes - City Council Meeting, August 26, 2024

VII. PUBLIC COMMENTS

Citizens wishing to make a public comment may do so in person. Citizens may also submit public comments via email to cityclerk@stonecrestga.gov by 2 pm on the day of the meeting to be read by the City Clerk.

All members of the public wishing to address the City Council shall submit their name and the topic of their comments to the city clerk prior to the start of any meeting held by the City Council. There is a three (3) minute time limit for each speaker submitting or reading a public comment. Individuals will be held to established time limits.

VIII. PUBLIC HEARINGS

Citizens wishing to participate and comment during the public hearing portion of the meeting may comment in person. You may also submit your request including your full name, address, position on the agenda item you are commenting on (for or against) via email to cityclerk@stonecrestga.gov by 2 pm the day of the Public Hearing to be read into the record at the meeting. A zoom link for the meeting will be sent to you.

When it is your turn to speak, please state your name, address and relationship to the case..

There is a ten (10) minute time limit for each item per side during all public hearings. Only the applicant may reserve time for rebuttal.

- a. Public Hearing** - Ordinance for Blight Property, 2nd Read - *Terry Fye, District 2 Councilman*
- b. For Decision** - Ordinance for Blight Property, 2nd Read - *Terry Fye, District 2 Councilman*
- c. Public Hearing** - Ordinance for Public Nuisance, 2nd Read - *Terry Fye, District 2 Councilman*
- d. For Decision** - Ordinance for Public Nuisance, 2nd Read - *Terry Fye, District 2 Councilman*

IX. CONSENT AGENDA

X. APPOINTMENTS & ANNOUNCEMENTS

XI. REPORTS & PRESENTATIONS

XII. OLD BUSINESS

XIII. NEW BUSINESS

a. For Decision - Grounds Maintenance Purchase Machinery Purchase Request - *Kelly Ledbetter, Director of Parks & Recreation*

b. For Decision - Construction Administration Agreement - *Hari Karikaran, City Engineer*

XIV. CITY ATTORNEY COMMENTS

XV. CITY MANAGER UPDATE

XVI. MAYOR AND COUNCIL COMMENTS

XVII. EXECUTIVE SESSION

(When an executive session is required, one will be called for the following issues: 1) Personnel, 2) Litigation, 3) Real Estate, 4) Cyber Security

XVIII. ADJOURNMENT

Americans with Disabilities Act

The City of Stonecrest does not discriminate on the basis of disability in its programs, services, activities and employment practices.

If you need auxiliary aids and services for effective communication (such as a sign language interpreter, an assistive listening device or print material in digital format) or reasonable modification to programs, services or activities contact the ADA Coordinator, Sonya Isom, as soon as possible, preferably 2 days before the activity or event.



CITY OF STONECREST, GEORGIA

CITY COUNCIL MEETING – MINUTES

3120 Stonecrest Blvd., Stonecrest, GA 30038

Monday, July 22, 2024 at 6:00 PM

Mayor Jazzmin Cobble

Council Member Tara Graves - District 1 Council Member Terry Fye - District 2

Council Member Alecia Washington - District 3 Mayor Pro Tem George Turner - District 4

Council Member Tammy Grimes - District 5

Citizen Access: [Stonecrest YouTube Live Channel](#)

I. CALL TO ORDER: George Turner, Mayor Pro-Tem

The meeting began at 6:10pm.

II. ROLL CALL: Sonya Isom, City Clerk

All members were present with Mayor Cobble present via zoom.

III. INVOCATION: Bhante Wajjrabuddhi, Abbot – Georgia Buddhist Vihara

IV. PLEDGE OF ALLEGIANCE: Alecia Washington, District 3 Councilmember

V. APPROVAL OF THE AGENDA

Motion – made by Councilmember Tammy Grimes to approve the agenda as printed. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

VI. REVIEW AND APPROVAL OF MINUTES

a. Approval of Meeting Minutes - City Council Work Session, June 12, 2024

Motion – made by Councilmember Tara Graves to approve the meeting minutes from the June 12, 2024, City Council Work Session. Seconded by Councilmember Alecia Washington.

Motion passed unanimously.

- b. Approval of Meeting Minutes - Special Called Meeting, June 13, 2024, 11:00am

Motion – made by Councilmember Terry Fye to approve the meeting minutes from the June 13, 2024, Special Called Meeting, 11:00am. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

- c. Approval of Meeting Minutes - Special Called Meeting, June 13, 2024, 6:00pm

Motion – made by Councilmember Tammy Grimes to approve the meeting minutes from the June 13, 2024, Special Called Meeting, 6:00pm. Seconded by Councilmember Alecia Washington.

Motion passed unanimously.

- d. Approval of Meeting Minutes - City Council Meeting, June 26, 2024

Motion – made by Councilmember Terry Fye to approve the meeting minutes from the June 26, 2024, City Council Meeting. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

VII. PUBLIC COMMENTS

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All members of the public wishing to address the City Council shall submit their name and the topic of their comments to the city clerk prior to the start of any meeting held by the City Council. There is a three (3) minute time limit for each speaker submitting or reading a public comment. Individuals will be held to established time limits.

Donna Priest-Brown

Would like to know what is next in regard to the Economic Development Plan Steering Committee sharing updates for projects, etc. She is also asking that the city not issue a license of certificate of occupancy for Metro Green.

Malaika Wells

Congratulations to Parks and Rec on the repairing of Salem Park.

Faye Coffield

Asked what has happened to 1.2 million of ARPA funds given to the Board of Education. She is also asking the council to drive on 212 and compare it to Stonecrest. She attended a luncheon with Senator Ossoff who stated money was given out. Has Stonecrest been given any? Where is the Federal Grant money coming from?

Jim Kelley

Member of the Lithonia Industrial Counsel and the Stonecrest Business Alliance and came to speak on the lack of public input in the Pedestrian Bicycle/Walkway plan.

Jerome Edmonson

President of EDM Communications and Technology, stating he looks forward to working with the City of Stonecrest and continuing the legacy of Mr. Bill Allen.

Leighton Hull

Spoke on the loss of Mr. Bill Allen.

Matthew Hampton

Spoke on the loss of Mr. Bill Allen, and his vision and goals.

Renee Cail

Spoke against Metro Green.

VIII. PUBLIC HEARINGS

Citizens wishing to participate and comment during the public hearing portion of the meeting may comment in person. You may also submit your request including your full name, address, position on the agenda item you are commenting on (for or against) via email to cityclerk@stonecrestga.gov by 2 pm the day of the Public Hearing to be read into the record at the meeting. A zoom link for the meeting will be sent to you.

When it is your turn to speak, please state your name, address and relationship to the case. There is a ten (10) minute time limit for each item per side during all public hearings. Only the applicant may reserve time for rebuttal.

a. Public Hearing - RZ 23-011 5137 Browns Mill Road - Shawanna Qawiy, Planning & Zoning Director

It was stated that the three public hearing items are in reference to one potential development and there will be three actions on this item.

Presentation by Planning & Zoning Director Shawanna Qawiy referencing all three rezoning items. For agenda item a, Director Qawiy stated the applicant Kemp White & Associates, Inc. with Advanced Business Solution is seeking a rezoning and map amendment for parcels from R-100 (Residential Medium Lot) to C-1 (Local Commercial) for a commercial business development. Agenda items c and e are rezoning requests as well as a request for a land use amendment from suburban neighborhood to neighborhood center. There was a review of facts and background, zoning map, future land/character area, aerial maps, proposed site plan, conceptual diagram, and submitted renderings. Staff recommended approval for both properties with the conditions as outlined. The Planning Commission also recommended approval with an additional condition to create an advisory board. Public hearings can be held individually.

Motion – made by Councilmember Tammy Grimes to open public hearing for RZ 23-011 5137 Browns Mill Road. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

In favor

Kemp White & Associates Inc.
Thurman Howard, Design Firm

Malaika Wells
Vivian Pollard

In opposition

Donna Priest-Brown
Maxine Young
Juvan Young
Faye Coffield

Motion – made by Councilmember Terry Fye to close public hearing for RZ 23-011 5137 Browns Mill Road. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

- b. For Decision** - Ordinance for RZ 23-011 5137 Browns Mill Road - *Shawanna Qawiy, Planning & Zoning Director*

Motion – made by Mayor Pro Tem George Turner to deny RZ 23-011 5137 Browns Mill Road. Seconded by Councilmember Tara Graves.

Motion passed 4-1 with Councilmember Alecia Washington voting nay.

- c. Public Hearing** - RZ 23-012 3893 Panola Road (Map Amendment) - *Shawanna Qawiy, Planning & Zoning Director*

Comments by the applicant in regard to the road expansion, stating they are building according to the official GDOT plans and that the city will be handling road infrastructure and repairs. It was stated this is a small to medium-scale development, only eight acres, and has support from businesses around the area.

It was also stated they have currently have pre-approval and will be fully funded.

Motion – made by Councilmember Terry Fye to open public hearing for RZ 23-012 3893 Panola Road (Map Amendment). Seconded by Councilmember Tara Graves.

Motion passed unanimously.

In favor

Darius Moore
Ashley Scott

In opposition

Gregory Baranco
Faye Coffield

*Additional emails in opposition were received and not read due to time limits from Nakia Fowler and Christopher Harrison. One impartial email was received from Bola Tolase.

Motion – made by Councilmember Terry Fye to close public hearing for RZ 23-012 3893 Panola Road (Map Amendment). Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

- d. For Decision** - Ordinance for RZ 23-012 3893 Panola Road (Map Amendment) - *Shawanna Qawiy, Planning & Zoning Director*

Motion – made by Mayor Pro Tem George Turner to deny RZ 23-012 3893 Panola Road (Map Amendment). Seconded by Councilmember Tara Graves.

Motion passed unanimously.

e. Public Hearing - RZ 23-014 3893 Panola Road (Land Use) - *Shawanna Qawiy, Planning & Zoning Director*

The applicant, Mr. Shareef, responded to questions raised by citizens. He stated he did not say GDOT was responsible, but that they are building according to GDOT.

Motion – made by Councilmember Tara Graves to open public hearing for RZ 23-014 3893 Panola Road (Land Use). Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

In favor

None

opposition

Donna Priest-Brown

Faye Coffield

It was stated that South DeKalb Mall, North DeKalb Mall and Greenbriar Mall were studied. This is not a mall but a neighborhood upscale destination place. The applicant shared a petition from citizens in the community that are in favor of this item.

Motion – made by Councilmember Tammy Grimes to close public hearing for RZ 23-014 3893 Panola Road (Land Use). Seconded by Councilmember Terry Fye.

Motion passed unanimously.

f. For Decision - Ordinance for RZ 23-014 3893 Panola Road (Land Use) - *Shawanna Qawiy, Planning & Zoning Director*

There was a review of the zoning map. There is at least 23,000-25,000 square feet for restaurants, and at least 500 parking spaces. The May CPIM had over 20-30 people, and they have had several meetings with the community via zoom. Mr. Shareef shared detail on the Freedom Georgia Initiative. The financial support letter of intent was dated June 24, 2024, and there is a current letter that can be submitted.

In regard to accepting a reversion condition, it was stated that is no problem and has already been agreed upon. There will be two exits; one off Panola and one off of Browns Mill. Councilwoman Grimes stated she is concerned and cautious. The applicant stated the development is compatible with other corners. The site plan was reviewed, mentioning sidewalks and everything mentioned. This project was well planned and thought out.

Motion – made by Mayor Pro Tem George Turner to deny RZ 23-014 3893 Panola Road (Land Use). Seconded by Councilmember Tara Graves.

There was unreadiness by Councilman Fye in regard to details on the site plan and for the petitioner to speak. There was also an explanation and details of the Conceptual Diagram given by the applicant.

There was unreadiness from Councilwoman Grimes, recognizing Mr. Baranco.

Motion failed 2-3 with Councilmembers Terry Fye, Alecia Washington and Tammy Grimes voting nay.

There was clarity from Attorney Denmark as to the specifics of the motion and the votes.

Motion – made by Councilmember Terry Fye to approve RZ 23-014 Panola Road (Land Use). Motion was withdrawn.

Motion – made by Councilmember Tammy Grimes to reconsider the motion to deny RZ 23-014 3893 Panola Road. Seconded by Mayor Pro Tem George Turner.

Motion passed unanimously.

Motion – made by Mayor Pro Tem George Turner to deny RZ 23-014 3893 Panola Road. Seconded by Councilmember Tammy Grimes.

Motion passed 3-2 with Councilmembers Terry Fye and Alecia Washington voting nay.

IX. CONSENT AGENDA

X. APPOINTMENTS & ANNOUNCEMENTS

XI. REPORTS & PRESENTATIONS

XII. OLD BUSINESS

XIII. NEW BUSINESS

- a. **For Decision** - Adoption of Bicycle Pedestrian and Trail Plan - *Hari Karikaran, City Engineer*

Presentation by City Engineer Hari Karikaran stating the consultant that was hired to complete the bicycle pedestrian plan, completed the study in November 2023. Staff is asking the council to adopt the plan, which has gone through extensive public hearings, July 15, 2023, July 25, 2023, October 11, 2023, as well as a SPLOST Committee presentation. Staff would like to start working on funding, and applying for grants, etc.

City Engineer Karikaran had meetings with the Arabia Mountain Alliance, going through each project. Staff has collected traffic data for trails, received public input and used data for propensity analysis. There is short term, midterm and long term recommendations. All in the public right of way. The final report has everyone’s input,

Motion – made by Councilmember Terry Fye to approve the Adoption of Bicycle Pedestrian and Trail Plan. Seconded by Councilmember Alecia Washington.

Motion passed 3-1 with Councilmember Tara Graves being away from mic and Councilmember Tammy Grimes voting Nay.

b. For Decision - Southeast Athletic Complex Restroom Construction - *Hari Karikaran, City Engineer*

Presentation by City Engineer Hari Karikaran stating the city awarded a state approved contract to Gordian for construction design of the restrooms and concession stand at the Southeast Athletic Complex on November 27, 2023. Gordian has since completed the design, and staff is asking for approval of \$509,887 for the build out. There will be 4 urinals, 4 toilets and 2 wash stations on the male side and 4 wash stations and 8 toilets in the female restroom. The concession stand will contain storage for park staff.

Motion – made by Councilmember Terry Fye to approve the Southeast Athletic Complex Restroom Construction in the amount of \$509,887. Seconded by Councilmember Tammy Grimes.

Motion passed 4-0 with Councilmember Tara Graves being away from mic.

c. For Decision - Dynamic Security Ratification - *Gia Scruggs, City Manager*

Presentation by City Manager Scruggs stating the ratification is for Dynamic Security, the security company currently in place. The city would like to change the contract end date to August 31, 2024.

The preamble of the resolution was read by the City Clerk.

Motion – made by Mayor Pro Tem George Turner to approve the Dynamic Security Ratification to August 31, 2024. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

d. For Decision - Law Enforcement Services Agreement - *Gia Scruggs, City Manager*

Presentation by City Manager Gia Scruggs mentioning the City of Stonecrest would like to enter into an IGA with the City of Lithonia to provide law enforcement services. The City of Stonecrest has several facilities and multiple city events throughout the year and would like to have armed security who can enforce the laws of the State of Georgia and the City of Stonecrest. In preparation, conversations with the City of Lithonia Administrator and Police Chief have been discussed to employ them their city to provide security for the city buildings, properties and events through an agreement. The agreement is based on an agreed compensation of \$55.00 per hour. The funding for this service will come from the General Operation Security line item. The officers will be post-certified officers from the City of Lithonia. The City of Stonecrest will give a two-week advance scheduling for the City of Lithonia to allow proper handling of all administrative work associated with providing security. The City of Stonecrest will only employ DeKalb County Enforcement Services depending on the size of the city event. The Stonecrest Police Chief should read Public Safety Director. Correction with legal will happen before signatures are applied and executed. The effective date will be the execution date of the IGA. There may be some overlap in security services. September 1, 2024, will be the satisfied date.

The City Manager and Public Safety Director will be provided with scheduling and is not in chain of command. The Public Safety Director will speak to the Police Chief of Lithonia to inform them of possible situations and incidents and will also manage the IGA to ensure services, scheduling and coverage. Mayor Cobble added that the IGA for Law

Enforcement Services includes the city’s 8 parks, 1 aquatic center and 2 city facilities, which is currently done by a security team and not law enforcement. This will not replace DeKalb County as they will continue to provide services as public safety arms for the City of Stonecrest. The law enforcement officers are sworn and have the ability to execute all laws including citations and/or arrests within the City of Stonecrest.

Motion – made by Councilmember Tammy Grimes to approve the Law Enforcement Services Agreement. Seconded by Councilmember Alecia Washington.
Motion passed unanimously.

XIV. CITY ATTORNEY COMMENTS

No Comments.

XV. CITY MANAGER UPDATE

Thanks to the public and council for attending events and supporting the Parks Department as we navigate through Parks month.

XVI. MAYOR AND COUNCIL COMMENTS

Mayor Jazzmin Cobble – Stonecrest had a great Education Fest. Thanks to everyone who came out to that event and Everett Park. Stay engaged as there are lots of events going on in the city. Thanks to the staff.

District 1 - The hazardous waste event was a success. Thanks to Mayor Cobble, City Clerk Isom, and Council. This Thursday she will be hosting a certification training. Join her in volunteering with the DeKalb County schools.

District 2 – Thanks to the legal team, Denmark Ashby.

District 3- Everyone be safe as the children are going back to school. Enjoy the rest of your month.

District 4 – Thank you to Salem Middle School, Browns Mill, Salem Park, and everyone. Everyone be safe.

District 5 – Referencing the event at Everett Park, shout out to the staff and Donnie’s Tree Service. If you haven’t gone, please go. The Garden Party was amazing. Go by Browns Mill this Saturday from 1-4pm for the Salem Middle School Block Party. There will be book bags, supplies, etc. New Birth is giving out supplies for teachers this weekend. Please get registered to vote and go vote.

XVII. EXECUTIVE SESSION

(When an executive session is required, one will be called for the following issues: 1) Personnel, 2) Litigation, 3) Real Estate, 4) Cyber Security

Motion – made by Councilmember Terry Fye to enter Executive Session for personnel, litigation, real estate and cyber security. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

Motion – made by Councilmember Terry Fye to exit Executive Session and return to regular scheduled City Council Meeting. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

Motion – made by Councilmember Terry Fye to approve the minutes from the Executive Session. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

XVIII. ADJOURNMENT

Motion – made by Councilmember Terry Fye to adjourn the meeting. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

The meeting adjourned at 10:20pm.

Americans with Disabilities Act

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CITY OF STONECREST, GEORGIA

CITY COUNCIL WORK SESSION – MINUTES

3120 Stonecrest Blvd., Stonecrest, GA 30038

Monday, August 12, 2024 at 6:00 PM

Mayor Jazzmin Cobble

Council Member Tara Graves - District 1 Council Member Terry Fye - District 2

Council Member Alecia Washington - District 3 Mayor Pro Tem George Turner - District 4

Council Member Tammy Grimes - District 5

Citizen Access: [Stonecrest YouTube Live Channel](#)

I. CALL TO ORDER: George Turner, Mayor Pro-Tem

The meeting began at 6:09pm.

II. ROLL CALL: Sonya Isom, City Clerk

All members were present.

III. AGENDA DISCUSSION ITEMS

There was a request for the following changes to the agenda:

1. Remove item e. from the agenda.
2. Add item g. Health and Wellness Grant Approval.
3. Add item h. Transportation Grant Approval.

Motion – made by Councilmember Tammy Grimes to enter Executive Session for real estate and litigation. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

Motion – made by Councilmember Terry Fye to exit Executive Session and return to the regular scheduled meeting. Seconded by Councilmember Alecia Washington.

Motion passed unanimously.

Motion – made by Councilmember Terry Fye to approve the minutes from Executive Session. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

- a. **For Discussion** - TMOD 24-001 Truck Parking Regulations - *Shawanna Qawiy, Planning & Zoning Director*
- b. **For Discussion** - TMOD 24-002 Business Hours of Operation - *Shawanna Qawiy, Planning & Zoning Director*
- c. **For Discussion** - Blighted Property Tax Ordinance - *Terry Fye, District 2 Councilman*
- d. **For Discussion** - Public Nuisance Ordinance - *Terry Fye, District 2 Councilman*
- e. **For Decision** - Resolution for 2024 Street Resurfacing - *George Turner, Mayor Pro Tem*
- f. **For Decision** - Botanical Garden Project Update - *Denmark Ashby, LLC and Hari Karikaran, PE, City Engineer*

Motion – made by Councilmember Terry Fye to adopt the resolution for 2930 Fairington Parkway, Stonecrest Ga 30038 - Parcel ID 16 074 03 006. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

Motion – made by Councilmember Terry Fye to adopt the resolution for 2954 Fairington Parkway, Stonecrest Ga 30038 - Parcel ID 16 074 03 012. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

Motion – made by Councilmember Terry Fye to adopt the resolution for 2959 Fairington Parkway, Stonecrest Ga 30038 - Parcel ID 16 074 03 009. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

Motion – made by Councilmember Terry Fye to adopt the resolution for 2964 Fairington Parkway, Stonecrest Ga 30038 - Parcel ID 16 074 03 004. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

Motion – made by Councilmember Terry Fye to adopt the resolution for 2984 Fairington Parkway, Stonecrest Ga 30038 - Parcel ID 16 075 01 105. Seconded by Councilmember Alecia Washington.

Motion passed unanimously.

Motion – made by Councilmember Terry Fye to adopt the resolution for 3000 Fairington Parkway, Stonecrest Ga 30038 - Parcel ID 16 075 01 001. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

- g. **For Decision** – Health and Wellness Grant Approval – *Gia Scruggs, City Manager*

Motion – made by Councilmember Tammy Grimes to approve the application for the Health and Wellness Grant. Seconded by Councilmember Terry Fye.

Motion passed unanimously.

h. For Decision – Transportation Grant Approval – *Gia Scruggs, City Manager*

Motion – made by Councilmember Terry Fye to approve the application for the Transportation Grant. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

IV. EXECUTIVE SESSION

(When an executive session is required, one will be called for the following issues: 1) Personnel, 2) Litigation, 3) Real Estate, 4) Cyber Security

Motion – made by Councilmember Terry Fye to enter Executive Session for personnel, litigation, real estate and cyber security. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

Motion – made by Councilmember Tammy Grimes to exit Executive Session and return to the regular scheduled meeting. Seconded by Councilmember Terry Fye.

Motion passed unanimously.

Motion – made by Councilmember Terry Fye to approve the minutes from Executive Session. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

V. ADJOURNMENT

The meeting adjourned at 9:41pm.

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CITY OF STONECREST, GEORGIA

CITY COUNCIL MEETING –MINUTES

3120 Stonecrest Blvd., Stonecrest, GA 30038

Monday, August 26, 2024 at 6:00 PM

Mayor Jazzmin Cobble

Council Member Tara Graves - District 1 Council Member Terry Fye - District 2

Council Member Alecia Washington - District 3 Mayor Pro Tem George Turner - District 4

Council Member Tammy Grimes - District 5

Citizen Access: [Stonecrest YouTube Live Channel](#)

I. CALL TO ORDER: George Turner, Mayor Pro-Tem

The meeting was called to order at 6:12pm.

II. ROLL CALL: Sonya Isom, City Clerk

All members were present.

III. INVOCATION: Pastor Gregory Sherman, Shekinah Glory Tabernacle.

IV. PLEDGE OF ALLEGIANCE: Alecia Washington, District 3 Councilmember

V. APPROVAL OF THE AGENDA

Motion – made by Councilmember Tammy Grimes to approve the agenda for the August 26, 2024 City Council Meeting. Seconded by Councilmember Alecia Washington.

Motion passed unanimously.

VI. REVIEW AND APPROVAL OF MINUTES

a. Approval of Meeting Minutes - City Council Meeting, July 22, 2024

Motion – made by Councilmember Terry Fye to defer approval of the Meeting Minutes from the July 22, 2024, City Council Meeting. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

VII. PUBLIC COMMENTS

Citizens wishing to make a public comment may do so in person. Citizens may also submit public comments via email to cityclerk@stonecrestga.gov by 2 pm on the day of the meeting to be read by the City Clerk.

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Faye Coffield

Stated concerns regarding a tree ordinance that was previously brought to the council. She also has concerns about the productivity of developers along with concerns of zen-dens being built in public schools.

Sabrena Farmer

A representative of the Wellington Manor Subdivision with concerns regarding resurfacing of parking spaces and the rezoning of 5961 Chupp Way to residential.

Phil Loyal

Stated concerns regarding the neighborhood lake house noise that's becoming a nuisance.

VIII. PUBLIC HEARINGS

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When it is your turn to speak, please state your name, address and relationship to the case. There is a ten (10) minute time limit for each item per side during all public hearings. Only the applicant may reserve time for rebuttal.

a. Public Hearing - SLUP 24-006 2929 Turner Hill Road - *Shawanna Qawiy, Planning & Zoning Director*

Opening by Director Qawiy stating that the presentation will cover both public hearing items as they are both for one applicant, Dean Hodge. The applicant is seeking a Special Land Use Permit to install a solar PV roof-mounted system with panels at Stonecrest Mall. There was a review of the facts and background for each item, future land use, current zoning, the overlay district map, site plan and aerial map. Staff recommends approval of conditions stated in the packet. The Planning Commission also recommended approval with staff conditions.

Motion – made by Councilmember Tara Graves to open public hearing for SLUP 24-006 2929 Turner Hill Road. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

Comments by Go Solar Power stating they have also been hired by Stonecrest Mall and their parent company is Service Extras. There was a project overview and it was stated installation will take 2-3 weeks. There was also a review of usage vs. production, stating there are some space limitations.

In favor

Faye Coffield

Opposition

None

Motion – made by Councilmember Tara Graves to close public hearing for SLUP 24-006 2929 Turner Hill Road. Seconded by Councilmember Terry Fye.

Motion passed unanimously.

b. For Decision - Ordinance for SLUP 24-006 2929 Turner Hill Road - *Shawanna Qawiy, Planning & Zoning Director*

An explanation of the solar panel’s functionality was given by Director Qawiy, stating they are non-penetrative and do not require batteries. It was stated the standard operational hours would begin between 7:30am – 8:00am and end between 5:00pm – 5:30pm. The preamble was read by the City Clerk.

Motion – made by Councilmember Tara Graves to approve the ordinance for SLUP 24-006 2929 Turner Hill Road with the listed conditions. Seconded by Councilmember Terry Fye.

Motion passed unanimously.

c. Public Hearing - SLUP 24-007 8060 Mall Parkway - *Shawanna Qawiy, Planning & Zoning Director*

It was stated this item is in conjunction with the previous item, and stated the difference between the two applications is the address. This is to represent the movie theater at the shared location.

Motion – made by Councilmember Terry Fye to open public hearing for SLUP 24-007 8060 Mall Parkway. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

In favor

None

In Opposition

None

Motion – made by Councilmember Terry Fye to close public hearing for SLUP 24-007 8060 Mall Parkway. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

d. For Decision - Ordinance for SLUP 24-007 8060 Mall Parkway - *Shawanna Qawiy, Planning & Zoning Director*

The preamble was read by the City Clerk.

Motion – made by Councilmember Tara Graves to approve the ordinance for SLUP 24-007 8060 Mall Parkway with the listed conditions. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

IX. CONSENT AGENDA

X. APPOINTMENTS & ANNOUNCEMENTS

XI. REPORTS & PRESENTATIONS

Presentation by Naturalist Coordinator, Sheldon Fleming, accompanied by members of the City of Stonecrest Award-Winning Garden Club. Awards of the Garden Club included: 1st place in Horticulture, 1st, 2nd and 3rd place for the Presidential Award and 3rd place in Petite.

XII. OLD BUSINESS

XIII. NEW BUSINESS

a. For Decision - 2024 Budget Adjustment - *Gia Scruggs, City Manager*

Presentation by City Manager Scruggs, stating some adjustments were needed in order to meet obligations through the end of the year. There was a review of the requested adjustments. It was noted this is for a supplemental budget amendment and not a request of additional funds. It was confirmed the Revenue Division handles refunds.

Councilwoman Grimes stated she is petitioning for two code enforcement officers per district. It was confirmed the ask is to utilize funds to fund another officer, not create another position. The position is currently listed in the comp study.

Motion – made by Councilmember Terry Fye to approve the 2024 Budget Amendment ordinance. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

Motion – made by Councilmember Tammy Grimes to approve the budget amendment as read in the ordinance. Seconded by Councilmember Terry Fye.

Motion passed unanimously.

XIV. CITY ATTORNEY COMMENTS

No comments.

XV. CITY MANAGER UPDATE

Thanked Council for allowing staff to have a full day of employment development. She is looking to fill the Public Safety Director and Deputy City Manager positions by October 1st.

XVI. MAYOR AND COUNCIL COMMENTS

District 1/Councilmember Tara Graves – Inviting everyone to the Town Hall on Saturday, at the Stonecrest Library. She would like to give a shoutout to Cheryl Moore-Mathis on a successful event this past weekend. Everyone stay safe.

District 2/Councilmember Terry Fye – Excited to work with District 2.

District 3/Councilmember Alecia Washington – Praying everyone has a safe Labor Day.

District 4/Mayor Pro Tem George Turner – Flat Rock Archive in District 4 is non-profit, and sponsored a fabulous event this weekend.

District 5/Councilmember Tammy Grimes – Wishing everyone a Happy World Equality Day. Early voting begins October 15th. Happy Birthday to her daughter Taylor.

Mayor Jazzmin Cobble – Lock in September 14th at 4pm for the 5th Annual Screen on the Green with guest artist Brownstone. This event will be held at the Southeast Athletic Complex, is a free event, will include an entrepreneur expo and there will be a movie at sunset.

XVII. EXECUTIVE SESSION

(When an executive session is required, one will be called for the following issues: 1) Personnel, 2) Litigation, 3) Real Estate, 4) Cyber Security

Motion – made by Councilmember Terry Fye to enter Executive Session for personnel, litigation, real estate and cyber security. Seconded by Councilmember Alecia Washington.
Motion passed unanimously.

Motion – made by Councilmember Terry Fye to exit Executive Session and return to the scheduled meeting. Seconded by Councilmember Tammy Grimes.
Motion passed unanimously.

Motion – made by Councilmember Terry Fye to approve the minutes from Executive Session. Seconded by Councilmember Tammy Grimes.
Motion passed unanimously.

XVIII. ADJOURNMENT

Motion – made by Councilmember Terry Fye to adjourn the City Council meeting. Seconded by Councilmember Tara Graves.
Motion passed unanimously.

The meeting adjourned at 8:48pm.

Americans with Disabilities Act

The City of Stonecrest does not discriminate on the basis of disability in its programs, services, activities and employment practices. If you need auxiliary aids and services for effective communication (such as a sign language interpreter, an assistive listening device or print material in digital format) or reasonable modification to programs, services or activities contact the ADA Coordinator, Sonya Isom, as soon as possible, preferably 2 days before the activity or event.



CITY COUNCIL AGENDA ITEM

SUBJECT: Blight Property Ordinance, 2nd Read

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE: Click or tap here to enter text.
-

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: Click or tap here to enter text.
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, September 23, 2024

SUBMITTED BY: Terry Fye, District 2 Councilmember

PRESENTER: Terry Fye, District 2 Councilmember

PURPOSE: Decision on the Blight Property Ordinance.

FACTS: Click or tap here to enter text.

OPTIONS: Other - Click or tap here to enter text.

RECOMMENDED ACTION: Choose an item. Click or tap here to enter text.

ATTACHMENTS:

- (1) Attachment 1 - Powerpoint
- (2) Attachment 2 - Ordinance
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



BLIGHT TAX ORDINANCE

August 12, 2024

By: Denmark Ashby, LLC



PURPOSE

The existence of real property which is maintained in a blighted condition increases the burden of the state and local government by increasing the need for government services, including but not limited to social services, public safety services, and code enforcement services. Rehabilitation of blighted property decreases this need for such government services.

Ordinances establishes a community redevelopment tax incentive program is hereby established as authorized by Article IX, Section II, Paragraph VII(d) of the 1983 Constitution of the State of Georgia.

BLIGHTED PROPERTY DEFINED



Property shall not be deemed blighted solely because of aesthetic conditions.



AUTHORITY TO INCREASE AD VALOREM TAX

- Increased ad valorem tax by applying a factor of seven (7.0) to the millage rate applied to the property.
- Real property on which there is situated a dwelling house which is being occupied as the primary residence of one (1) or more persons shall not be subject to official identification as maintained in a blighted condition and shall not be subject to increased taxation.
- Property shall be eligible for the decrease of the tax rate once property is resolved.
- Revenues arising from the increased rate will be used only for community redevelopment purposes.

IDENTIFICATION OF BLIGHTED PROPERTY

- An inspection.
- A written inspection report.
- Determination, in writing, that a property is maintained in a blighted condition.
- Written notice of his determination.
- Property owner may request a hearing.
- At the hearing, the public officer shall have the burden of demonstrating by a preponderance of the evidence that the subject property is maintained in a blighted condition.
- The judge of municipal court shall make a determination either affirming or reversing the determination of the public officer.



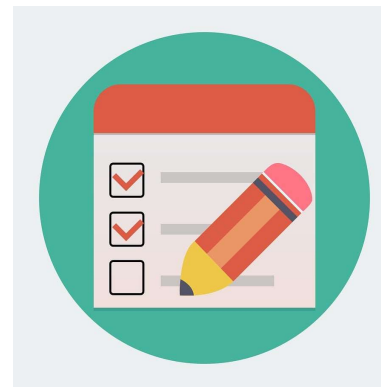
REMEDATION OR REDEVELOPMENT

- Party may petition the public officer to lift the designation with proof of compliance.
- Compliance occurs only upon the completion of work required by the court order and the city.
 - Property must be thoroughly inspected by a building inspector.



PLANS FOR REMEDIAL ACTION

- All plans for remedial action or redevelopment shall be in writing:
 - Consistent with the City's comprehensive plan and all laws;
 - Shall set forth in reasonable detail the requirements for repair, closure, demolition, or restoration of existing structures;
 - On parcels of five (5) acres or greater, the plan shall address the relationship to local objectives respecting land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements;
 - Shall contain verifiable funding sources;
 - Shall contain a timetable for completion of required work; and
 - Any outstanding ad valorem taxes (state, school, county, and city, including the increased tax) and governmental liens due and payable on the property must be satisfied in full.





DECREASE OF TAX RATE

- Property in blighted condition shall be eligible for a decrease in the rate of city ad valorem taxation by applying a factor of 0.5.
- For every \$25,000 spent by a property owner they receive one year of the decreased tax reduction at a maximum of four years.

NOTICE TO TAX COMMISSIONER

- The public officer shall cooperate with the tax commissioner to assure accurate tax billing.



**STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST**

ORDINANCE NO.

1 **AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF THE CITY OF**
2 **STONECREST TO AMEND CHAPTER 7 - BUILDINGS AND CONSTRUCTION OF THE**
3 **CITY OF STONECREST CODE OF ORDINANCES TO ADOPT ARTICLE VI. -**
4 **BLIGHTED PROPERTY; TO PROVIDE FOR SEVERABILITY; TO REPEAL**
5 **CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE**
6 **AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

7 **WHEREAS**, the City of Stonecrest, Georgia (the “City”) is a municipal corporation
8 created under the laws of the State of Georgia; and

9 **WHEREAS**, the duly elected governing authority of the City is the Mayor and Council
10 (“City Council”) thereof; and

11 **WHEREAS**, the City Council shall have the authority to adopt and provide for the
12 execution of such ordinances, resolutions, policies, rules, and regulations, which it shall deem
13 necessary, expedient, or helpful for the peace, good order, protection of life and property, health,
14 welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City
15 of Stonecrest and may enforce such ordinances by imposing penalties for violation thereof; and

16 **WHEREAS**, the City Council recognizes that the existence of real property which is
17 maintained in a blighted condition in the City increases the burden of the state and local
18 government by increasing the need for government services; and

19 **WHEREAS**, in recognition of the need for enhanced governmental services and in order to
20 encourage private property owners to maintain their real property and the buildings, structures and

ORDINANCE NO.

21 improvement thereon in good condition and repair, and as an incentive to encourage community
22 redevelopment, a community redevelopment tax incentive program must be established as
23 authorized by Article IX, Section II, Paragraph VII(d) of the 1983 Constitution of the State of
24 Georgia.

25 **NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR**
26 **AND COUNCIL OF THE CITY OF STONECREST, GEORGIA and by the authority**
27 **thereof:**

28 **Section 1.** The Code of Ordinances, City of Stonecrest, Georgia is hereby amended by revising
29 **Chapter 7 - BUILDINGS AND CONSTRUCTION and by adopting ARTICLE VI. -**
30 **BLIGHTED PROPERTY** as set forth in the provisions attached hereto as Exhibit A and made a
31 part by reference.

32 **Section 2.** That the amended ordinance be read and codified as follows with added text in **red**
33 **font, bold and underlined.**

34 **Section 3.** The preamble of this Ordinance shall be considered to be and is hereby incorporated
35 by reference as if fully set out herein.

36 **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all
37 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their
38 enactment, believed by the Mayor and Council to be fully valid, enforceable, and constitutional.

39 (b) It is hereby declared to be the intention of the Mayor and Council that, to
40 the greatest extent allowed by law, each and every section, paragraph, sentence, clause, or
41 phrase of this Ordinance is severable from every other section, paragraph, sentence, clause,
42 or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor
43 and Council that, to the greatest extent allowed by law, no section, paragraph, sentence,

ORDINANCE NO.

44 clause, or phrase of this Ordinance is mutually dependent upon any other section,
45 paragraph, sentence, clause, or phrase of this Ordinance.

46 (c) In the event that any phrase, clause, sentence, paragraph or section of this
47 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
48 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
49 express intent of the Mayor and Council that such invalidity, unconstitutionality or
50 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
51 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
52 sections of this Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
53 clauses, sentences, paragraphs and sections of this Ordinance shall remain valid, constitutional,
54 enforceable, and of full force and effect.

55 **Section 5.** The City Clerk, with the concurrence of the City Attorney, is authorized to
56 correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

57 **Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby expressly
58 repealed to the extent of the conflict only.

59 **Section 7.** The effective date of this Ordinance shall be the date of its adoption by the
60 Mayor and Council unless otherwise stated herein.

61 **Section 8.** The Ordinance shall be codified in a manner consistent with the laws of the
62 State of Georgia and the City of Stonecrest.

63 **Section 9.** It is the intention of the governing body, and it is hereby ordained that the
64 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of
65 Stonecrest, Georgia and the sections of this Ordinance may be renumbered to accomplish such
66 intention.

SO ORDAINED this ____ day of _____, 2024.

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT AChapter 7 - BUILDINGS AND CONSTRUCTIONARTICLE VI. - BLIGHTED PROPERTYSec. 7-250. - Short title.

This article shall be known as the "Stonecrest Blighted Property Ordinance."

Sec. 7-251. - Purpose.

The existence of real property which is maintained in a blighted condition increases the burden of the state and local government by increasing the need for government services, including but not limited to social services, public safety services, and code enforcement services. Rehabilitation of blighted property decreases this need for such government services.

In recognition of the need for enhanced governmental services and in order to encourage private property owners to maintain their real property and the buildings, structures and improvement thereon in good condition and repair, and as an incentive to encourage community redevelopment, a community redevelopment tax incentive program is hereby established as authorized by Article IX, Section II, Paragraph VII(d) of the 1983 Constitution of the State of Georgia.

Sec. 7-252. - Definitions.

Blighted property, blighted, or blight means any property which:

- (1) Presents one (1) or more of the following conditions:
 - (a) Uninhabitable, unsafe, or abandoned structure;
 - (b) Inadequate provisions for ventilation, light, air, or sanitation;
 - (c) An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe respecting which the governor has declared a state of emergency under the state law or has certified the need for disaster assistance under federal law; provided, however, this division shall not apply to property unless the relevant public agency has given notice in writing to the property owner regarding specific harm caused by the property and the owner has failed to take reasonable measures to remedy the harm;
 - (d) A site identified by the Federal Environmental Protection Agency as a superfund site pursuant to 42 U.S.C. Section 9601, et seq., or having environmental contamination to an extent that requires remedial actions;
 - (e) Repeated illegal and criminal activity on the property of which the property owner knew or should have known; or
 - (f) The maintenance of the property is below state, county, or municipal codes for at least three (3) months after written notice of the code violation to its owner;

- (g) Is conducive to ill health, transmission of disease, infant mortality, or crime in the immediate proximity of the property;
- (h) Property that is subject to frequent property maintenance or environmental code citations;
- (i) Vacant property last occupied by a commercial or industrial use where no visible commercial or industrial activity has occurred in more than three (3) months; or
- (j) Vacant property that is abandoned.

Property shall not be deemed blighted solely because of aesthetic conditions.

Building inspector means a certified inspector possessing the requisite qualifications to determine minimal code compliance.

Community redevelopment means any activity, project, or service necessary or incidental to achieving the redevelopment or revitalization of a redevelopment area or portion thereof designated for redevelopment through an urban redevelopment plan or through local ordinances relating to the repair, closing, and demolition of buildings and structures unfit for human habitation.

Governing authority means the Mayor and Council of the City of Stonecrest, a Georgia municipal corporation.

Millage or millage rate means the levy, in mills, which is established by the governing authority for purposes of financing, in whole or in part, the levying jurisdiction's general fund expenses for the fiscal year.

Person means such individual(s), partnership, corporations, business entities and associations which return real property for ad valorem taxation or who are chargeable by law for the taxes on the property.

Public officer means the City Manager or such officer or employee of the City as designated by the City Manager to perform the duties and responsibilities hereafter set forth in this article.

Sec. 7-253. - Ad valorem tax increase on blighted property.

- (a) There is hereby levied on all real property within the City which has been officially identified as maintained in a blighted condition an increased ad valorem tax by applying a factor of ten (10.0) to the millage rate applied to the property, so that such property shall be taxed at a higher millage rate generally applied in the municipality, or otherwise provided by general law; provided, however, real property on which there is situated a dwelling house which is being occupied as the primary residence of one (1) or more persons shall not be subject to official identification as maintained in a blighted condition and shall not be subject to increased taxation.

- (b) Such increased ad valorem tax shall be applied and reflected in the first tax bill rendered following official designation of a real property as blighted; provided however, if a property owner resolves the blighted condition of such owner's property to the city's satisfaction (in accordance with the provisions of Section 24-27) at least sixty (60) days prior to the preparation of the first tax bill following such official designation of such real property as blighted, the property shall be eligible for the decrease of the tax rate as provided in Section 24-28 in the first tax bill rendered following official designation of such real property as blighted.
- (c) Revenues arising from the increased rate of ad valorem taxation shall, upon receipt, be segregated by the City Manager and used only for community redevelopment purposes, as identified in an approved urban redevelopment program, including defraying the cost of the City's program to close, repair, or demolish unfit building and structures.

Sec. 7-254. - Identification of blighted property.

- (a) In order for a parcel of real property to be officially designated as maintained in a blighted condition and subject to increased taxation, the following steps must be completed:
- (1) An inspection must be performed on the parcel of property. In order for an inspection to be performed,
- (a) A request may be made by the public officer or by at least five (5) residents (each living in a different household from the others) of the City for inspection of a parcel of property, said inspection to be based on the criteria as delineated in ordinance, or
- (b) The public officer may cause a survey of existing housing conditions to be performed, or may refer to any such survey conducted or finalized within the previous five (5) years, to locate or identify any parcels which may be in a blighted condition and for which a full inspection should be conducted to determine if that parcel of property meets the criteria set out in this article for designation as being maintained in a blighted condition.
- (2) A written inspection report of the findings for any parcel of property inspected pursuant to subsection (1) above shall be prepared and submitted to the public officer. Where feasible, photographs of the conditions found to exist on the property on the date of inspection shall be made and supplement the inspection report. Where compliance with minimum construction, housing, occupancy, fire and life safety codes in effect within the city are in question, the inspection shall be conducted by a certified inspector possessing the requisite qualifications to determine minimal code compliance.
- (3) Following completion of the inspection report, the public officer shall make a determination, in writing, that a property is maintained in a blighted condition, as defined by this article, and is subject to increased taxation.
- (4) The public officer shall cause a written notice of his determination that the real property at issue is being maintained in a blighted condition to be served upon the person(s) shown on the most recent tax digest of DeKalb County as responsible for payment of ad valorem taxes assessed thereon; provided, however, where through the existence of reasonable diligence it becomes known to the public officer that real

property has been sold or conveyed since publication of the most recent tax digest, written notice shall be given to the person(s) known or reasonably believed to then own the property or be chargeable with the payment of ad valorem taxes thereon, at the best address available. Service in the manner set forth at O.C.G.A. § 41-2-12 and a notice posted on the property shall constitute sufficient notice to the property's owner or person chargeable with the payment of ad valorem taxes for purpose of this section, except that posting of the notice on the property will not be required.

- (b) The written notice given to the person(s) chargeable with the payment of ad valorem taxes shall notify such person of the public officer's determination the real property is being maintained in a blighted condition and shall advise such person of the hours and location at which the person may inspect and copy the public officer's determination and any supporting documentation. Persons notified that real property of which the person(s) is chargeable with the payment of ad valorem taxes shall have thirty (30) days from the receipt of notice in which to request a hearing before the City's municipal court. Written request for hearing shall be filed with the public officer and shall be date stamped upon receipt. Upon receipt of a request for hearing, the public officer shall notify the municipal court and the building inspector or person who performed the inspection and prepared the inspection report.
- (c) Within thirty (30) days of the receipt of a request for hearing, the municipal court clerk shall set a date, time and location for the hearing and shall give at least ten (10) business days' notice to the person(s) requesting the hearing, the public officer and the building inspector or person who performed the inspection and prepared the inspection report. Notice of scheduled hearings shall be published as a legal advertisement in the designated legal organ of the city, at least five (5) days prior to the hearing. Hearings may be continued by the municipal court judge upon request of any party, for good cause.
- (d) At the hearing, the public officer shall have the burden of demonstrating by a preponderance of the evidence that the subject property is maintained in a blighted condition, as defined by this article. The municipal court judge shall cause a record of the evidence submitted at the hearing to be maintained. Upon hearing from the public officer and/or their witnesses and the person(s) requesting the hearing and/or their witnesses, the judge of municipal court shall make a determination either affirming or reversing the determination of the public officer. The determination shall be in writing and copies thereof shall be served on the parties by certified mail or statutory overnight delivery. The determination by the court shall be deemed final. A copy of such determination shall also be served upon the tax commissioner of DeKalb County, as applicable, who shall include the increased tax on the next regular tax bill rendered on behalf of the city.
- (e) Persons aggrieved by the determination of the court affirming the determination of the public officer may petition the Superior Court of DeKalb County, as applicable, for a petition for review within thirty (30) days of issuance of the court's written determination.

Sec. 7-255. - Remediation or redevelopment.

- (a) A property owner or person(s) who is chargeable with the payment of ad valorem taxes on real property which has been officially designated pursuant to this article as property maintained in a blighted condition may petition the public officer to lift the designation, upon proof of compliance with the following:
- (1) Completion of work required under a plan of remedial action or redevelopment approved by the City's planning and development director which addresses the conditions of blight found to exist on or within the property, including compliance with all applicable minimum codes; or
 - (2) Completion of work required under a court order entered in a proceeding brought pursuant to Stonecrest's public nuisance ordinance.
- (b) Before action on a petition to lift the designation, the public officer shall cause the property to be thoroughly inspected by a building inspector who, by written inspection report, shall certify that all requisite work has been performed to applicable code in a workmanlike manner, in accordance with the specifications of the plan of remedial action or redevelopment, or applicable court order. Upon finding required work to be satisfactorily performed, the public officer shall issue a written determination that the real property is no longer maintained in a blighted condition. Copies of this determination shall be served upon the person(s) chargeable with the payment of ad valorem taxes, and upon the tax commissioner of DeKalb County, as applicable.
- (c) All plans for remedial action or redevelopment shall be in writing, signed by the person(s) chargeable with the payment of ad valorem taxes on the real property and the director of the city's planning and development department, and contain the following:
- (1) The plan shall be consistent with the City's comprehensive plan and all laws and ordinances governing the subject property, and shall conform to any urban redevelopment plan adopted for the area within which the property lies;
 - (2) The plan shall set forth in reasonable detail the requirements for repair, closure, demolition, or restoration of existing structures, in accordance with minimal statewide codes; where structures are demolished, the plan shall include provisions for debris removal, stabilization and landscaping of the property;
 - (3) On parcels of five (5) acres or greater, the plan shall address the relationship to local objectives respecting land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements;
 - (4) The plan shall contain verifiable funding sources which will be used to complete its requirements and show the feasibility thereof;
 - (5) The plan shall contain a timetable for completion of required work; and
 - (6) Any outstanding ad valorem taxes (state, school, county, and city, including the increased tax pursuant to this article) and governmental liens due and payable on the property must be satisfied in full.

Sec. 7-256. - Decrease of tax rate.

- (a) Real property which has had its designation as maintained in a blighted condition removed by the public officer, as provided in Section 24-26, Identification of Blighted Property, of this article, shall be eligible for a decrease in the rate of city ad valorem

taxation by applying a factor of 0.5 to the city millage rate applied to the property, so that such property shall be taxed at a lower millage rate than the millage rate generally applied in the municipality or otherwise provided by general law; such decreased rate of taxation shall be applied beginning with the next tax bill rendered following removal of official designation of a real property as blighted. The decreased rate of taxation may be given in successive years, depending on the amount of cost expended by the person(s) chargeable with payment of ad valorem taxes on the property to satisfy its remediation or redevelopment, with every twenty-five thousand dollars (\$25,000.00) or portion thereof equaling one (1) year of tax reduction; provided, however, that no property shall be entitled to reduction in City ad valorem taxes for more than four (4) successive years.

- (b) In order to claim entitlement for a decreased rate of taxation, the person(s) chargeable with payment of ad valorem taxes on the property shall submit a notarized affidavit to the public officer, supported by receipts or other evidence of payment, of the amount expended.

Sec. 7-257. - Notice to tax commissioner.

It shall be the duty of the public officer to notify the tax commissioner of DeKalb County, as applicable, in writing as to designation or removal of designation of a specific property as maintained in a blighted condition. Such notice shall identify the specific property by street address and tax map, block and parcel number, as assigned by the tax commissioner of DeKalb County, as applicable. The public officer shall cooperate with the tax commissioner to assure accurate tax billing of those properties subject to increased or reduced ad valorem taxation under this article.



CITY COUNCIL AGENDA ITEM

SUBJECT: Public Nuisance Ordinance, 2nd Read

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE: Click or tap here to enter text.
-

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: Click or tap here to enter text.
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, September 23, 2024

SUBMITTED BY: Terry Fye, District 2 Councilmember

PRESENTER: Terry Fye, District 2 Councilmember

PURPOSE: Decision on the Public Nuisance Ordinance.

FACTS: Click or tap here to enter text.

OPTIONS: Other - Click or tap here to enter text.

RECOMMENDED ACTION: Choose an item. Click or tap here to enter text.

ATTACHMENTS:

- (1) Attachment 1 - Powerpoint
- (2) Attachment 2 - Ordinance
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



NUISANCE ABATEMENT ORDINANCE

August 12, 2024

By: Denmark Ashby, LLC



DUTY

It is the duty of the owner of every dwelling, building, structure, or private property within the jurisdiction to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the city or such laws and ordinances which regulate and prohibit activities on private property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure, or to use private property in violation of such codes, laws or ordinances.

DECLARATION OF PUBLIC NUISANCE





COMPLAINT IN REM IN MUNICIPAL COURT

A complaint must be filed with the public officer by a public authority or by at least five residences resulting in the public officer investigating a location.

- Defects therein increasing the hazards of fire, accidents, or other calamities;
- Lack of adequate ventilation, light, or sanitary facilities;
- Dilapidation;
- Disrepair by failure to conform to applicable codes and ordinances;
- Structural defects which render the structure unsafe for human habitation or occupancy;
- Uncleanliness; and/or
- The presence of graffiti which is visible from adjoining public or private property.

If the investigation identifies cause the public officer shall file a complaint in rem in the municipal court of the city against the lot, tract, or parcel of real property.



- A hearing will be held before the municipal court.



ORDER

1. Repair, Alteration, or Improvement; or
2. Demolish.

COMPLIANCE



If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer shall cause such dwelling, building, or structure to be repaired, altered, or improved, or to be vacated and closed, or demolished within 270 days.



COST

All costs will become a lien against the real property.



COLLECTION

It shall be the duty of the county tax commissioner to collect the amount of the lien in conjunction with the collection of ad valorem taxes on the property.





Unpaid Lien

- The lien amount shall bear interest and penalties.
- City may waive and release any such lien with written contract of timetable of repair.

**STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST**

ORDINANCE NO.

1 **AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF THE CITY OF**
2 **STONECREST AMENDING CHAPTER 7 - BUILDINGS AND CONSTRUCTION,**
3 **ARTICLE V. - UNSAFE BUILDINGS OF THE CITY OF STONECREST CODE OF**
4 **ORDINANCES BY CHANGING THE ARTICLE TITLE TO UNFIT BUILDINGS AND**
5 **STRUCTURES, REMOVING THE EXISTING TEXT OF THE ARTICLE AND ADDING**
6 **NEW TEXT; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING**
7 **ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE**
8 **DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

9 **WHEREAS**, the City of Stonecrest, Georgia (the “City”) is a municipal corporation
10 created under the laws of the State of Georgia; and

11 **WHEREAS**, the duly elected governing authority of the City is the Mayor and Council
12 (“City Council”) thereof; and

13 **WHEREAS**, the City Council shall have the authority to adopt and provide for the
14 execution of such ordinances, resolutions, policies, rules, and regulations, which it shall deem
15 necessary, expedient, or helpful for the peace, good order, protection of life and property, health,
16 welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City
17 of Stonecrest and may enforce such ordinances by imposing penalties for violation thereof; and

18 **WHEREAS**, the governing authority of the City finds and declares that within the City limits
19 there is the existence or occupancy of dwellings or other buildings or structures which are unfit for
20 human habitation or for commercial, industrial, or business occupancy or use and not in

21 compliance with applicable state minimum standard codes as adopted by ordinance or operation
22 of law or any optional building, fire, life safety, or other codes relative to the safe use of real
23 property and real property improvements adopted by ordinance in the City or general nuisance law
24 and which constitute a hazard to the health, safety, and welfare of the people of the City and the
25 State, and that public necessity exists for the repair, closing, or demolition of such dwellings,
26 buildings, or structures; and

27 **WHEREAS**, it is the intention of the governing authority to adopt an ordinance to comply
28 with and does comply with O.C.G.A. § 41-2-9(b) as a finding that conditions as set out in O.C.G.A.
29 § 41-2-7 exist within the City (“Public Nuisance Ordinance”); and

30 **WHEREAS**, ARTICLE V. - UNSAFE BUILDINGS of CHAPTER 7 - BUILDINGS AND
31 CONSTRUCTION is the City’s existing Public Nuisance Ordinance; and

32 **WHEREAS**, the City Council desires to adopt new provisions in place of ARTICLE V. -
33 UNSAFE BUILDINGS of CHAPTER 7 - BUILDINGS AND CONSTRUCTION to be
34 established as the City’s new Public Nuisance Ordinance.

35 **NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR**
36 **AND COUNCIL OF THE CITY OF STONECREST, GEORGIA and by the authority**
37 **thereof:**

38 **Section 1.** The Code of Ordinances, City of Stonecrest, Georgia is hereby amended in
39 **Chapter 7 - BUILDINGS AND CONSTRUCTION ARTICLE V. - UNSAFE BUILDINGS**
40 changing the article title to unfit buildings and structures and removing the existing text and
41 replacing with new text as set forth in the provisions attached hereto as Exhibit A and made a part
42 by reference.

43 **Section 2.** That the amended ordinance be read and codified as follows with added text in **red**
44 **font, bold and underlined** and deleted text in **red and strikethrough** font.

45 **Section 3.** The preamble of this Ordinance shall be considered to be and is hereby incorporated
46 by reference as if fully set out herein.

47 **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all
48 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their
49 enactment, believed by the Mayor and Council to be fully valid, enforceable, and constitutional.

50 (b) It is hereby declared to be the intention of the Mayor and Council that, to
51 the greatest extent allowed by law, each and every section, paragraph, sentence, clause, or
52 phrase of this Ordinance is severable from every other section, paragraph, sentence, clause,
53 or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor
54 and Council that, to the greatest extent allowed by law, no section, paragraph, sentence,
55 clause, or phrase of this Ordinance is mutually dependent upon any other section,
56 paragraph, sentence, clause, or phrase of this Ordinance.

57 (c) In the event that any phrase, clause, sentence, paragraph or section of this
58 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
59 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
60 express intent of the Mayor and Council that such invalidity, unconstitutionality or
61 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
62 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
63 sections of this Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
64 clauses, sentences, paragraphs and sections of this Ordinance shall remain valid, constitutional,
65 enforceable, and of full force and effect.

66 **Section 5.** The City Clerk, with the concurrence of the City Attorney, is authorized to
67 correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

68 **Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby expressly
69 repealed to the extent of the conflict only.

70 **Section 7.** The effective date of this Ordinance shall be the date of its adoption by the
71 Mayor and Council unless otherwise stated herein.

72 **Section 8.** The Ordinance shall be codified in a manner consistent with the laws of the
73 State of Georgia and the City of Stonecrest.

74 **Section 9.** It is the intention of the governing body, and it is hereby ordained that the
75 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of
76 Stonecrest, Georgia and the sections of this Ordinance may be renumbered to accomplish such
77 intention.

SO ORDAINED this _____ day of _____, 2024.

[SIGNATURES ON FOLLOWING PAGE]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

ARTICLE V. UNSAFE BUILDINGS

Sec. 7-231. Finding of existence of nuisances.

- (a) — The governing authority of the City finds and declares that within the city limits there is the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation or for commercial, industrial, or business occupancy or use and not in compliance with applicable state minimum standard codes as adopted by ordinance or operation of law or any optional building, fire, life safety, or other codes relative to the safe use of real property and real property improvements adopted by ordinance in the City or general nuisance law and which constitute a hazard to the health, safety, and welfare of the people of the City and the State, and that public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures.
- (b) — It is further found and declared that in the City where there is in existence a condition or use of real estate which renders adjacent real estate unsafe or inimical to safe human habitation, such use is dangerous and injurious to the health, safety, and welfare of the people of the city, and a public necessity exists for the repair of such condition or the cessation of such use which renders the adjacent real estate unsafe or inimical to safe human habitation. The governing authority of the City finds that there exist in the City dwellings, buildings, or structures which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and which are not in compliance with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light, or sanitary facilities; or other conditions exist, rendering such dwellings, buildings, or structures unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of the City; or vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed, and private property exists, constituting an endangerment to the public health or safety as a result of unsanitary or unsafe conditions to those persons residing or working in the vicinity of the property.
- (c) — It is the intention of the governing authority that this article shall comply with and does comply with O.C.G.A. § 41-2-9(b) as a finding that conditions as set out in O.C.G.A. § 41-2-7 exist within the City.

(Ord. No. 2017-03-03, § 7-231, 3-19-2018)

Sec. 7-232. Continued use of other laws and ordinances.

It is the intent of the Mayor and City Council that nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the City to enforce any provisions of any local enabling act, charter, or ordinance or regulation nor to prevent or punish violations thereof; and the powers conferred by this article shall be in addition to and supplemental to the powers conferred by any other law or ordinance, legislation, or regulation.

(Ord. No. 2017-03-03, § 7-232, 3-19-2018)

Sec. 7-233. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicable codes means:

- (1) — Any optional housing or abatement standard provided in O.C.G.A. § 8-2-1 et seq. as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property;

- (2) Any fire or life safety code as provided for in O.C.G.A. § 25-2-1 et seq; and
- (3) Any minimum standard codes provided in O.C.G.A. § 8-2-1 et seq., provided that such building or minimum standard codes for real property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.

Closing means causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.

Drug crime means an act which is a violation of O.C.G.A. § 16-13-20 et seq., known as the Georgia Controlled Substances Act.

Dwelling, building, or structure means any building or structure or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. The term "dwelling, building, or structure" shall not mean or include any farm, any building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.

Governing authority means the Mayor and Council of the City of Stonecrest, Georgia.

Municipality means any incorporated city within the State of Georgia.

Owner means the holder of the title in fee simple and every mortgagee of record.

Parties in interest means:

- (1) Persons in possession of said property and premises;
- (2) Persons having of record in the County in which the dwelling, building, or structure is located any vested right, title, or interest in or lien upon such dwelling, building, or structure or the lot, tract, or parcel of real property upon which the public health hazard or general nuisance exists based upon a 50-year title examination conducted in accordance with the title standards of the State Bar of Georgia;
- (3) Persons having paid an occupational tax to the Governing Authority for a location or office at the subject building or structure; or
- (4) Persons having filed a property tax return with the Governing Authority as to the subject property, building, or structure.

Public authority means any member of a Governing Authority, any housing authority office, or any office who is in charge of any department or branch of the government of the municipality, county, or state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in the county or municipality.

Public officer means the officer or officers who are authorized by O.C.G.A. § 5-41-2-7, 41-2-8 and 41-2-9 through 41-2-17 and by this article adopted under O.C.G.A. § 5-41-2-7, 41-2-8, and 41-2-9 through 41-2-17 to exercise the powers prescribed by this article or any agent of such officer or officers.

Repair means altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes in the jurisdiction where the property is located and the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.

Resident means any person residing in the jurisdiction where the property is located on or after the date on which the alleged nuisance arose.

{Ord. No. 2017-03-03, § 7-233, 3-19-2018}

Sec. 7-234. Duties of owners; appointment of public officer; procedures for having premises declared unsafe or unhealthful.

- (a) ~~It is the duty of the owner of every dwelling, building, structure, or property within the City to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the City, or such ordinances which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure or property in violation of such codes or ordinances.~~
- (b) ~~The City Manager shall appoint or designate the City Code Enforcement Officer, City Fire Marshal (if applicable), City Fire Chief (if applicable), City Police Chief, Building Inspector, and their designees as public officers to exercise the powers prescribed by this article.~~
- (c) ~~Whenever a request is filed with the Public Officer by a Public Authority or by at least five residents of the City charging that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the Public Officer shall make an investigation or inspection of the specific dwelling, building, structure, or property. If the Officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the Public Officer may issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the owner and parties in interest in such dwelling, building, or structure. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the owner and the parties in interest; state with particularity the factual basis for the action; and contain a statement of the action sought by the Public Officer to abate the alleged nuisance. The summons shall notify the owner and parties in interest that a hearing will be held before the Stonecrest Municipal Court, at a date and time certain. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in court. The owner and parties in interest shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.~~
- (d) ~~If, after such notice and hearing, the Court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the Court shall state in writing findings of fact in support of such determination and shall issue and cause to be served upon the owner and any parties in interest that have answered the complaint or appeared at the hearing, an order:~~
- (1) ~~If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation and, if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes; or~~
- (2) ~~If the repair, alteration, or improvement of the said dwelling, building, or structure, in order to bring it into full compliance with applicable codes relevant to the cited violations, cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.~~

~~For the purposes of this article, the court shall make its determination of reasonable cost in relation to the present value of the dwelling, building or structure without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a state appraiser classification as provided in O.C.G.A. title 41, chapter 39A, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction.~~

~~(e) If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the Public Officer may cause such dwelling, building, or structure, to be repaired, altered, improved, vacated and closed, or demolished. The Public Officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:~~

~~"This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful."~~

~~(f) If the Public Officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any monies received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The Public Officer and the City are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.~~

~~(g) The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the tax commissioner, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.~~

~~(h) Process for administering, collecting or waiving lien.~~

~~(1) The lien provided for in subsection (g) of this section shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure or demolition in the office of the clerk of Superior Court in DeKalb County and shall relate back to the date of the filing of the lis pendens notice required under O.C.G.A. § 41-2-12(g). The Clerk of Superior Court shall record and index such certified copy of the order in the deed records of DeKalb County and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid. After filing a certified copy of the order with the Clerk of Superior Court, the public officer shall forward a copy of the order and a final statement of costs to the county tax commissioner. It shall be the duty of the county tax commissioner to collect the amount of the lien in conjunction with the collection of ad valorem taxes on the property and to collect the amount of the lien as if it were a real property ad valorem tax, using all methods available for collecting real property ad valorem tax, including specifically O.C.G.A. § 48-4-1—48-4-81; provided, however, that the limitation of O.C.G.A. § 48-4-78 which requires 12 months of delinquency before commencing a tax foreclosure, shall not apply. The tax commissioner shall remit the amount collected to the governing authority of the City. Thirty days after imposition of the lien, the unpaid lien amount shall bear interest and penalties in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes.~~

~~(2) The tax commissioner shall collect and retain an amount equal to the cost of administering a lien authorized by O.C.G.A. § 41-2-7 et seq. unless such costs are waived by resolution of the County. Any~~

~~such amount collected and retained for administration shall be deposited in the general fund of the County to pay the cost of administering the lien.~~

- ~~(3) The City may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the municipality agreeing to a timetable for rehabilitation of the real property of the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.~~
- ~~(i) Where the abatement action does not commence in the Superior Court, review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to the Superior Court under O.C.G.A. § 5-3-29.~~
- ~~(j) The Public Officers designated herein may issue citations for violations of state minimum standard codes, optional building, fire, life safety, and other codes adopted by ordinance, and conditions creating a public health hazard or general nuisance, and may seek to enforce such citation in the Municipal Court prior to issuing a complaint in rem as provided in this article.~~
- ~~(k) Nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.~~
- ~~(Ord. No. 2017-03-03, § 7-234, 3-19-2018)~~

~~Sec. 7-235. Determination by public officers that dwellings, buildings or structures are vacant and sample conditions of nuisances.~~

- ~~(a) The Public Officer may determine, under existing ordinances, that a dwelling, building, or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use if he finds that conditions exist in such building, dwelling, or structure which are dangerous or injurious to the health, safety, or morals of the occupants of such dwelling, building, or structure; of the occupants of neighborhood dwelling, buildings, or structures; or of other residents of the City. Such conditions include the following (without limiting the generality of the foregoing):~~
- ~~(1) Defects therein increasing the hazards of fire, accidents or other calamities;~~
 - ~~(2) Lack of adequate ventilation, light, or sanitary facilities;~~
 - ~~(3) Dilapidation;~~
 - ~~(4) Disrepair;~~
 - ~~(5) Structural defects;~~
 - ~~(6) Uncleanliness; and~~
 - ~~(7) Other additional standards, which may from time to time be adopted and referenced herein by ordinance amendment.~~
- ~~(b) The Public Officer may determine, under existing ordinances, that a dwelling, building or structure is vacant, dilapidated, and being used in connection with the commission of drug crimes based upon personal observation or report of a law enforcement agency and evidence of drug crimes being committed.~~
- ~~(Ord. No. 2017-03-03, § 7-235, 3-19-2018)~~

~~Sec. 7-236. Powers of public officers.~~

~~The Public Officers designated in this article shall have the following powers:~~

- ~~(1) To investigate the dwelling conditions in the City in order to determine which dwellings, buildings, or structures therein are unfit for human habitation or are unfit for current commercial, industrial, or~~

~~business use or are vacant, dilapidated, and being used in connection with the commission of drug crimes;~~

- ~~(2) To administer oaths and affirmations, to examine witnesses, and to receive evidence;~~
- ~~(3) To enter upon premises for the purpose of making examinations; provided; however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;~~
- ~~(4) To appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purposes of this article; and~~
- ~~(5) To delegate any of his functions and powers under the ordinance to such officers and agents as he may designate.~~

~~{Ord. No. 2017-03-03, § 7-236, 3-19-2018}~~

~~Sec. 7-237. Service of complaints and other filings.~~

- ~~(a) Complaints issued by a Public Officer pursuant to this article shall be served in the following manner:
 - ~~(1) At least 14 days prior to the date of the hearing, the Public Officer shall mail copies of the complaint by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are reasonably ascertainable.~~
 - ~~(2) Copies of the complaint shall also be mailed by first class mail to the property address to the attention of the occupants of the property, if any, and shall be posted on the property within three business days of filing the complaint and at least 14 days prior to the date of the hearing.~~
 - ~~(3) For interested parties whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in DeKalb County once a week for two consecutive weeks prior to the hearing.~~~~
- ~~(b) Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided above on any interested party who answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.~~

~~{Ord. No. 2017-03-03, § 7-237, 3-19-2018}~~

Chapter 7 - BUILDINGS AND CONSTRUCTION

Article V. -UNFIT BUILDINGS AND STRUCTURES

Sec. 7-231. - Definitions.

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section.

Applicable codes means any optional housing or abatement standard provided in O.C.G.A. Title 8, Chapter 2 as adopted by ordinance or operation of law, or other property-maintenance standards as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property; any fire [or life] safety code as provided for in O.C.G.A. Title 25, Chapter 2; and the minimum standard codes provided in O.C.G.A. Title 8, Chapter 2, after October 1, 1991, provided that such building or minimum standard codes for real-property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed, unless otherwise provided by law.

Closing means causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.

Drug crime means an act which is a violation of O.C.G.A. Title 16, Chapter 13, Article 2, known as the "Georgia Controlled Substances Act".

Dwellings, buildings, or structures means any building or structure or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. As used in this article, the term "dwellings, buildings, or structures" shall not mean or include any farm, any building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.

Graffiti shall have that meaning ascribed to it in O.C.G.A. Title 17, Chapter 15A-2.

Governing authority means the Mayor and Council of the City of Stonecrest, Georgia.

Interested party means:

1. The "owner";
2. Persons in possession of said property and premises;
3. Those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the title standards of the State Bar of Georgia;
4. Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9; and
5. Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the municipality or records maintained in the county courthouse or by the clerk of court; provided, however,

interested party shall not include the holder of the benefit or burden of any easement or right-of-way whose interest is properly recorded which interest shall remain unaffected.

Municipality or City means the City of Stonecrest, Georgia.

Owner means the holder of the title in fee simple and every mortgagee of record.

Public authority means any member of the governing authority, any director of a public housing authority, or any officer who is in charge of any department or branch of government (municipal, county, or state) relating to health, fire, life safety, building regulations, or to other activities concerning dwellings, buildings, or structures, or use of private property within the city.

Public officer means the City Manager or his/her designee.

Repair means altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes in the jurisdiction where the property is located and the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.

Resident means any person residing in the jurisdiction where the property is located on or after the date on which the alleged nuisance arose.

Sec. 7-232. - Duty of owners of real property and structures thereon.

It is the duty of the owner of every dwelling, building, structure, or private property within the jurisdiction to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the city or such laws and ordinances which regulate and prohibit activities on private property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure, or to use private property in violation of such codes, laws or ordinances.

Sec. 7-233. - Declaration of public nuisance.

Every dwelling, building, or structure within the City which (i) is constructed or maintained in violation of applicable codes in force within the City; (ii) is unfit for human habitation or commercial, industrial, or business use or occupancy due to inadequate provisions for ventilation, light, air, sanitation, or open spaces; (iii) poses an imminent harm to life or other property due to fire, flood, hurricane, tornado, earthquake, storm or other natural catastrophe; (iv) is vacant and used in the commission of drug crimes; (v) is occupied and used repeatedly for the commission of illegal activities, including facilitating organized crime or criminal enterprises, after written notice to the owner of such activities conducted therein; (vi) is abandoned; or (vii) otherwise constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, is hereby declared a public nuisance. Every private property within the City on which is being regularly conducted any activity or land use in violation of applicable laws and ordinances, including the zoning ordinance of this city, is hereby declared to be a public nuisance. Property which may be deemed esthetically substandard or deteriorating shall not meet the definition of a public

nuisance unless the overall condition or use of the property results in impaired health, safety, transmission of disease, infant mortality, or crime.

Sec. 7-234. - Powers of public officers or his/her designees.

A. In carrying out their duties pursuant to this article, the public officers or their designee(s) to whom their authority is assigned shall, in addition to those powers otherwise conferred upon or delegated to them by the Charter and other ordinances of the City, be empowered to:

1. Investigate and inspect the condition of dwellings, buildings, structures, and private property within the city to determine those structures and property uses in violation of this article. Entries onto private property shall be made in a manner so as to cause the least possible inconvenience; provided, however, the public officer shall not enter into any occupied dwelling or structure without first having obtained the consent of the owner or a person in possession. In those cases where consent to entry is denied after reasonable request, the public officer may apply to the municipal court for an administrative search warrant upon showing probable cause that a violation exists.
2. Retain experts including certified real estate appraisers, qualified building contractors, and qualified building inspectors, engineers, surveys, accountants, and attorneys.
3. Appoint and fix the duties of such officers and employees of the city as they deem necessary to carry out the purposes of this chapter; and
4. Delegate any of their functions and powers under this article to such officers, employees, and agents as they may designate.

B. In addition to the procedures set forth in this article, the public officers or their designee(s) may issue citations for violations of state minimum standard codes, optional building, fire, life safety and other codes adopted by ordinance, and conditions declared to constitute a public health or safety hazard or general nuisance, and to seek enforcement of such citations before the municipal court prior to issuing a complaint in rem as provided in this chapter. Nothing in this chapter shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement by other summary proceedings.

Sec. 7-235. - Complaint in rem in municipal court; procedure; lien; appeal.

A. Whenever a request is filed with a public officer by a public authority or by at least five (5) residents (each living in a different household from the others) of the municipality charging that any dwelling, building, structure or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or

unsafe conditions, the public officer may make an investigation or inspection of the specific dwelling, building, structure, or property and make a written report of his or her findings. Such officer shall be guided in his or her investigation by documenting conditions, which include but are not limited to:

1. Defects therein increasing the hazards of fire, accidents, or other calamities;
2. Lack of adequate ventilation, light, or sanitary facilities;
3. Dilapidation;
4. Disrepair by failure to conform to applicable codes and ordinances;
5. Structural defects which render the structure unsafe for human habitation or occupancy;
6. Uncleanliness (in an unsanitary state); and/or
7. The presence of graffiti which is visible from adjoining public or private property.

B. If the public officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall file a complaint in rem in the municipal court of the city against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the interested parties in such dwelling, building, or structure, as well as a lis pendens to be filed in the Superior Court of DeKalb County. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the interested parties; state with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance. The summons shall notify the interested parties that a hearing will be held before the municipal court at a date and time certain and at a place within the county or municipality where the property is located. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in the proper court. The interested parties shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.

C. If, after such notice and hearing, the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall state, in writing, findings of fact in support of such determination and shall issue and cause to be served upon the interested parties that have answered the complaint or appeared at the hearing an order:

1. If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling,

building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the city violation; and if applicable, to secure by closing the structure so that it cannot be used in connection with the commission of drug crimes; or

2. If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.

For purposes of this section, the court shall make its determination of reasonable cost in relation to the present value of the dwelling, building, or structure without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered; and, provided further, that if the unsatisfactory condition is limited solely to the presence of graffiti, the dwelling, building, or structure shall not be ordered demolished or closed, but its owner may be ordered to repair the same by cleaning or removal of the graffiti. Income and financial status of the owner shall not be a factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in O.C.G.A. Title 43, Chapter 39A, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction.

- D. If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer shall cause such dwelling, building, or structure to be repaired, altered, or improved, or to be vacated and closed, or demolished within 270 days of the expiration of time specified in the order for abatement by the owner. Any time during which such action is prohibited by a court order issued pursuant to subsection C of this section or any equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 days in which such abatement action shall commence. The public officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

"This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful."

- E. If the public officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept

-
- showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The public officer and governing authority are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.
- F. The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the tax commissioner, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.
- G. The lien provided for in subsection F shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure, or demolition in the office of the clerk of superior court in DeKalb County and shall relate back to the date of the filing of the lis pendens notice required under subsection B. The clerk of superior court shall record and index such certified copy of the order in the deed records of the county and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid. After filing a certified copy of the order with the clerk of superior court, the public officer shall, within 90 days of the completion of repairs, demolition or closure, forward a copy of the order and a final statement of costs to the county tax commissioner.
- H. It shall be the duty of the county tax commissioner to collect the amount of the lien in conjunction with the collection of ad valorem taxes on the property and to collect the amount of the lien as if it were a real property ad valorem tax, using all methods available for collecting real property ad valorem taxes, including specifically O.C.G.A. § 48-4-5; provided, however, that the limitation of O.C.G.A. § 48-4-78 which requires 12 months of delinquency before commencing a tax foreclosure shall not apply; provided, further, that redemption of property from the lien may be made in accordance with the provisions of O.C.G.A. § 48-4-80 and 48-4-81. The tax commissioner may initiate enforcement of liens imposed under this section at any time following receipt of the final determination of costs from the public officer. The unpaid lien amount shall bear interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes.
- I. The tax commissioner shall remit the amount collected to the governing authority of the municipality whose ordinance is being enforced. The tax commissioner may retain an amount equal to the cost of administering collection of the lien. Any such amount collected and retained for administration shall be deposited in the general fund of the county to pay the cost of administering the lien.
- J. The governing authority may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the municipality agreeing to a timetable for rehabilitation of the real property or the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.
-

K. Review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to the superior court under O.C.G.A. § 5-3-29.

Sec. 7-236. - Service of complaints or orders upon owners and parties in interest.

A. Summons and copies of the complaint shall be served in the following manner:

- 1. In all cases, a copy of the complaint and summons shall be conspicuously posted on the subject dwelling, building, structure, or property within three business days of filing of the complaint and at least 14 days prior to the date of the hearing;**
- 2. At least 14 days prior to the date of the hearing, the public officer shall mail copies of the complaint and summons by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are readily ascertainable. Copies of the complaint and summons shall also be mailed by first-class mail to the property address to the attention of the occupants, if any;**
- 3. For interested parties whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such county once a week for two consecutive weeks prior to the hearing; and**
- 4. A notice of lis pendens shall be filed in the office of the clerk of superior court in which the dwelling, building, structure, or property is located at the time of filing the complaint in municipal court.**

B. The public officer shall cause an affidavit of service to be filed of record in the municipal court prior to the hearing showing compliance with the service requirements of this section. Such affidavit shall constitute a prima facie showing of minimum procedural due process and shall constitute sufficient proof that service was perfected.

C. Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this section on every interested party who answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.



CITY COUNCIL AGENDA ITEM

SUBJECT: Grounds Maintenance Purchase Machinery Purchase Request

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
- NEW BUSINESS OTHER, PLEASE STATE: [Click or tap here to enter text.](#)

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
- OTHER, PLEASE STATE: **Purchase Approval**

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): [Click or tap to enter a date.](#) & [Click or tap to enter a date.](#)

Current Work Session: [Click or tap to enter a date.](#)

Current Council Meeting: Monday, September 23, 2024

SUBMITTED BY: Kelly Ledbetter, Director of Parks & Recreation

PRESENTER: Kelly Ledbetter, Director of Parks & Recreation

PURPOSE: Approval to purchase a John Deere Cab Utility Tractor (with accessories) through AG-Pro, in the amount of \$58,266 to better manage maintenance and preparation for multiple athletic fields in the Department’s inventory. The attachments include a front loader, aerator and a fixed pallet fork. Ag-Pro is listed as a qualified vendor on the State of Georgia contract list. The City will procure the John Deere equipment competitively through a cooperative purchasing agreement with the State. The funding string to cover the purchase will come from budget line: 100-6210-5421000 (Machinery).

FACTS: Maintenance crews currently lack a piece of equipment that can adequately perform these duties.

OPTIONS: Approve, Deny, Defer [Click or tap here to enter text.](#)

RECOMMENDED ACTION: Approve [Click or tap here to enter text.](#)

ATTACHMENTS:

- (1) Attachment 1 - Purchase Requisition



CITY COUNCIL AGENDA ITEM

- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



REQUISITION FORM

PURCHASE REQUISITION

Date issued: September 11, 2024
Need Date: September 13, 2024
Department: Parks & Recreation
Requisitioner: Reginald Powell
Department Head: Kelly Ledbetter

Req. No.: 24-65
To be purchased from: John Deere
To be delivered to: Browns Mill Rec Center

Suggested vendors:

1. John Deere
- 2.

| ITEM NUMBER | QUANTITY | UNIT | DESCRIPTION | ACCOUNT TO BE CHARGED | UNIT PRICE | AMOUNT |
|-------------|----------|------|----------------------------------|-----------------------|------------|-------------|
| | 1 | | 5060E cab utility tractor | 54210 | | \$46,435.32 |
| | 1 | | 520M loader | 54210 | | \$7,978.48 |
| | 1 | | Frontier RT3062 – 62 in. | 54210 | | \$2,469.02 |
| | 1 | | Frontier AP12G fixed pallet fork | 54210 | | \$1,383.34 |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | TOTAL | | | \$58,266.16 |

Specifications: Request to purchase equipments for use in the parks.

Competitive Prices: *(To be filled in by Purchasing)*

Approved:

 Parks & Recreation, Director

 Finance Officer

 Purchasing Agent

 City Manager

100-6210-542100

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):
 Ag-Pro
 1377 Dogwood Drive SW
 CONYERS, GA 30012
 US

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:
 Ag-Pro
 1377 Dogwood Drive Sw
 Conyers, GA 30012
 770-760-0010
 WConyersGM@agproco.com

Quote Summary

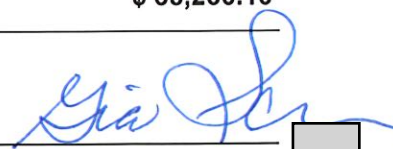
Prepared For:
 Gia Scruggs
 CITY OF STONECREST
 Gia Scruggs
 5101 BROWNS MILL RD
 LITHONIA, GA 30038
 Business: 770-224-0200
 GSCRUGGS@STONECRESTGA.GOV

Delivering Dealer:
Ag-Pro
 Malone Johnathan
 1377 Dogwood Drive Sw
 Conyers, GA 30012
 Phone: 770-760-0010
 jmalone@agproco.com

Quote ID: 31047616
Created On: 28 May 2024
Last Modified On: 28 May 2024
Expiration Date: 30 June 2024

| Equipment Summary | Selling Price | Qty | Extended |
|---|----------------------|------------|-----------------|
| JOHN DEERE 5060E Cab Utility Tractor - 1PY5060EHRR900572 Contract: Sourcewell Ag 082923-DAC (PG BA CG 76) Price Effective Date: | \$ 46,435.32 X | 1 = | \$ 46,435.32 |
| JOHN DEERE 520M Loader - 1P0520MXVPD104545 Contract: Sourcewell Ag 082923-DAC (PG BA CG 76) Price Effective Date: | \$ 7,978.48 X | 1 = | \$ 7,978.48 |
| Frontier RT3062 - 62 in. Standard Duty Rotary Tiller - 1XFRT30XJN0232961 Contract: Sourcewell Ag 082923-DAC (PG BA CG 76) Price Effective Date: | \$ 2,469.02 X | 1 = | \$ 2,469.02 |
| Frontier AP12G Fixed Pallet Fork for Current Loaders with Global Carrier - 1XFAP12GTP0034284 Contract: Sourcewell Ag 082923-DAC (PG BA CG 76) Price Effective Date: | \$ 1,383.34 X | 1 = | \$ 1,383.34 |

Equipment Total **\$ 58,266.16**



Salesperson : X _____

Accepted By : X _____

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Ag-Pro
1377 Dogwood Drive SW
CONYERS, GA 30012
US

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Ag-Pro
1377 Dogwood Drive Sw
Conyers, GA 30012
770-760-0010
WConyersGM@agproco.com

* Includes Fees and Non-contract items

Quote Summary

| | |
|----------------------------|---------------------|
| Equipment Total | \$ 58,266.16 |
| Trade In | |
| SubTotal | \$ 58,266.16 |
| Est. Service Agreement Tax | \$ 0.00 |
| Total | \$ 58,266.16 |
| Down Payment | (0.00) |
| Rental Applied | (0.00) |
| Balance Due | \$ 58,266.16 |

Salesperson : X _____

Accepted By : X _____

Selling Equipment

Quote Id: 31047616 Customer Name: CITY OF STONECREST

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):
 Ag-Pro
 1377 Dogwood Drive SW
 CONYERS, GA 30012
 US

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:
 Ag-Pro
 1377 Dogwood Drive Sw
 Conyers, GA 30012
 770-760-0010
 WConyersGM@agproco.com

JOHN DEERE 5060E Cab Utility Tractor - 1PY5060EHRR900572

Hours: 1

Stock Number: 18018804

Contract: Sourcewell Ag 082923-DAC (PG BA CG 76)

Selling Price *

Price Effective Date:

\$ 46,435.32

* Price per item - includes Fees and Non-contract items

| Code | Description | Qty | List Price | Discount% | Discount Amount | Contract Price | Extended Contract Price |
|------------------------------------|------------------------------|-----|---------------------|-----------|--------------------|---------------------|-------------------------|
| 06C1LV | JOHN DEERE 5060E CAB TRACTOR | 1 | \$ 38,795.00 | 14.00 | \$ 5,431.30 | \$ 33,363.70 | \$ 33,363.70 |
| Standard Options - Per Unit | | | | | | | |
| 183N | JDLINK MODEM | 1 | \$ 0.00 | 14.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |
| 0202 | UNITED STATES - COUNTRY CODE | 1 | \$ 0.00 | 14.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |
| 0409 | 5E ENGLISH OM | 1 | \$ 0.00 | 14.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |
| 0500 | LESS PACKAGE | 1 | \$ 0.00 | 14.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |
| 1381 | 5E 12/12 PR TRANS | 1 | \$ 3,354.00 | 14.00 | \$ 469.56 | \$ 2,884.44 | \$ 2,884.44 |
| 1725 | LOADER PREP PACKAGE | 1 | \$ 1,767.00 | 14.00 | \$ 247.38 | \$ 1,519.62 | \$ 1,519.62 |
| 2050 | 5E STANDARD CAB | 1 | \$ 0.00 | 14.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |
| 3310 | 5E SNGL MEC STAC REAR SCV | 1 | \$ 0.00 | 14.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |
| 3420 | 5E DUAL MID VALVE | 1 | \$ 1,456.00 | 14.00 | \$ 203.84 | \$ 1,252.16 | \$ 1,252.16 |
| 5185 | 16.9-28 6PR R1 BIAS | 1 | \$ 342.00 | 14.00 | \$ 47.88 | \$ 294.12 | \$ 294.12 |
| 6040 | 5E MFWD | 1 | \$ 6,632.00 | 14.00 | \$ 928.48 | \$ 5,703.52 | \$ 5,703.52 |
| 6111 | 11.2-24 10PR R1 | 1 | \$ 1,416.00 | 14.00 | \$ 198.24 | \$ 1,217.76 | \$ 1,217.76 |
| Standard Options Total | | | \$ 14,967.00 | | \$ 2,095.38 | \$ 12,871.62 | \$ 12,871.62 |
| Value Added Services Total | | | \$ 0.00 | | | \$ 0.00 | \$ 0.00 |
| Other Charges | | | | | | | |
| Freight | | 1 | \$ 200.00 | | | \$ 200.00 | \$ 200.00 |
| | | | \$ 200.00 | | | \$ 200.00 | \$ 200.00 |
| Suggested Price | | | | | | | \$ 46,435.32 |
| Total Selling Price | | | \$ 53,962.00 | | \$ 7,526.68 | \$ 46,435.32 | \$ 46,435.32 |

Selling Equipment

Quote Id: 31047616 Customer Name: CITY OF STONECREST

ALL PURCHASE ORDERS MUST BE MADE OUT
TO (VENDOR):
Ag-Pro
1377 Dogwood Drive SW
CONYERS, GA 30012
US

ALL PURCHASE ORDERS MUST BE SENT
TO DELIVERING DEALER:
Ag-Pro
1377 Dogwood Drive Sw
Conyers, GA 30012
770-760-0010
WConyersGM@agproco.com

JOHN DEERE 520M Loader - 1P0520MXVPD104545

Equipment Notes:

Hours: 0

Stock Number: 19013952

Selling Price *

Contract: Sourcewell Ag 082923-DAC (PG BA CG 76)

\$ 7,978.48

Price Effective Date:

* Price per item - includes Fees and Non-contract items

| Code | Description | Qty | List Price | Discount% | Discount Amount | Contract Price | Extended Contract Price |
|------------------------------------|---------------------------------|-----|---------------------|-----------|--------------------|--------------------|-------------------------|
| 14B0P | JOHN DEERE 520M STD FARM LOADER | 1 | \$ 9,785.00 | 24.00 | \$ 2,348.40 | \$ 7,436.60 | \$ 7,436.60 |
| Standard Options - Per Unit | | | | | | | |
| 0202 | USA | 1 | \$ 0.00 | 24.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |
| 0409 | OPERATORS MANUAL ENGLISH | 1 | \$ 0.00 | 24.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |
| 0500 | LESS PACKAGE | 1 | \$ 0.00 | 24.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |
| 1509 | MTG FRAME 5E FT4 4CYLS | 1 | \$ 184.00 | 24.00 | \$ 44.16 | \$ 139.84 | \$ 139.84 |
| 2511 | 520M NSL 3 FUNCTION | 1 | \$ 400.00 | 24.00 | \$ 96.00 | \$ 304.00 | \$ 304.00 |
| 4528 | 3FN HOSES & PARTS | 1 | \$ 214.00 | 24.00 | \$ 51.36 | \$ 162.64 | \$ 162.64 |
| 5513 | HOOD GUARD | 1 | \$ 62.00 | 24.00 | \$ 14.88 | \$ 47.12 | \$ 47.12 |
| 6995 | LESS BALLAST BOX | 1 | \$ 0.00 | 24.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |
| 7510 | JOHN DEERE 500 STYLE CARRIER | 1 | \$ -147.00 | 24.00 | \$ -35.28 | \$ -111.72 | \$ -111.72 |
| 8425 | GENERAL PURPOSE BUCKET | 1 | \$ 0.00 | 24.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |
| Standard Options Total | | | \$ 713.00 | | \$ 171.12 | \$ 541.88 | \$ 541.88 |
| Total Selling Price | | | \$ 10,498.00 | | \$ 2,519.52 | \$ 7,978.48 | \$ 7,978.48 |

Frontier RT3062 - 62 in. Standard Duty Rotary Tiller - 1XFRT30XJN0232961

Equipment Notes:

Hours: 1

Stock Number: 13013674

Selling Price *

Contract: Sourcewell Ag 082923-DAC (PG BA CG 76)

\$ 2,469.02

Price Effective Date:

* Price per item - includes Fees and Non-contract items

Selling Equipment

Quote Id: 31047616 Customer Name: CITY OF STONECREST

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):
 Ag-Pro
 1377 Dogwood Drive SW
 CONYERS, GA 30012
 US

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:
 Ag-Pro
 1377 Dogwood Drive Sw
 Conyers, GA 30012
 770-760-0010
 WConyersGM@agproco.com

| Code | Description | Qty | List Price | Discount% | Discount Amount | Contract Price | Extended Contract Price |
|------------------------------------|--------------------------------------|-----|--------------------|-----------|------------------|--------------------|-------------------------|
| 16E1XF | Frontier RT3062-62 FOR ROTARY TILLER | 1 | \$ 3,011.00 | 18.00 | \$ 541.98 | \$ 2,469.02 | \$ 2,469.02 |
| Standard Options - Per Unit | | | | | | | |
| 0202 | US DESTINATION | 1 | \$ 0.00 | 18.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |
| 0409 | RT30 ENGLISH OM/DECAL KIT | 1 | \$ 0.00 | 18.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |
| Standard Options Total | | | \$ 0.00 | | \$ 0.00 | \$ 0.00 | \$ 0.00 |
| Total Selling Price | | | \$ 3,011.00 | | \$ 541.98 | \$ 2,469.02 | \$ 2,469.02 |

Frontier AP12G Fixed Pallet Fork for Current Loaders with Global Carrier -

Equipment Notes:
 Hours: 1
Stock Number: 13013483 **Selling Price ***
Contract: Sourcewell Ag 082923-DAC (PG BA CG 76) **\$ 1,383.34**
Price Effective Date:

* Price per item - includes Fees and Non-contract items

| Code | Description | Qty | List Price | Discount% | Discount Amount | Contract Price | Extended Contract Price |
|------------------------------------|------------------------------------|-----|--------------------|-----------|------------------|--------------------|-------------------------|
| 2154XF | Frontier AP12G FIXEDPALETFRK GBLDR | 1 | \$ 1,619.00 | 18.00 | \$ 291.42 | \$ 1,327.58 | \$ 1,327.58 |
| Standard Options - Per Unit | | | | | | | |
| 1010 | AP12G 48IN FIXED PALLET TINE | 1 | \$ 68.00 | 18.00 | \$ 12.24 | \$ 55.76 | \$ 55.76 |
| Standard Options Total | | | \$ 68.00 | | \$ 12.24 | \$ 55.76 | \$ 55.76 |
| Total Selling Price | | | \$ 1,687.00 | | \$ 303.66 | \$ 1,383.34 | \$ 1,383.34 |



CITY COUNCIL AGENDA ITEM

SUBJECT: Construction Administration Agreement

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE: Click or tap here to enter text.
-

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: Click or tap here to enter text.
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, September 23, 2024

SUBMITTED BY: Gia Scruggs, City Manager

PRESENTER: Hari Karikaran, City Engineer

PURPOSE: To Award a Contract to CERM for providing Construction Administrative Services for Panola Shoals Project

FACTS: Council awarded a Contract to PE Structures and Associates, LLC for the Construction of South River Riverbank Restoration and Stabilization at Panola Shoals on April 8, 2024. Contractor has completed initial wall design and ready to start construction. The council awarded an engineering design contract to Corporate Environmental Risk Management (CERM) in 2021. Additional Services of Construction Administration are required to proceed with the construction of Panola Shoals project. CERM has provide a proposal to provide additional services for the amount not to exceed \$107,540.00.

OPTIONS: Approve, Deny, Defer Click or tap here to enter text.

RECOMMENDED ACTION: Approval, City Manager recommends approval of the Contract to award CERM to provide Construction Administration Services for the amount not to exceed 107,540.00. Funding comes from 1SPLRF4 Park Improvement Account (2022 SPLOST Allocation).



CITY COUNCIL AGENDA ITEM

ATTACHMENTS:

- (1) Attachment 1 - Proposal for Engineering Record and Construction Engineering Inspection
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



**FIRST AMENDMENT TO
PROFESSIONAL SERVICES AGREEMENT
ENGINEERING AND DESIGN SERVICES WITH
CORPORATE ENVIRONMENTAL RISK MANAGEMENT**

This first amendment to Professional Services Agreement Engineering and Design Services with Corporate Environmental Risk Management (“Amendment”) is made this _____ day of September 2024, by and between the **CITY OF STONECREST, GEORGIA** (the “City”) and **Corporate Environmental Risk Management** (“Contractor”).

W I T N E S S E T H

WHEREAS, the City and the Contractor are parties to Professional Services Agreement Engineering and Design Services dated August 12, 2024 (the “Contract”).

WHEREAS, the City and the Contractor desire to amend the Contract as set forth below;

NOW, THEREFORE, for and in consideration of the mutual terms, conditions, and covenants, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

Section 1. EXHIBIT A The following terms of the existing Contract is amended as follows:

EXHIBIT A is amended as set forth in the provisions attached hereto as Exhibit A and made a part by reference.

Section 2. Modification of Contract. Except as expressly amended herein or as necessary to carry out the terms of this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

Section 3. Entirety. This Amendment and any exhibits attached hereto are hereby incorporated into the Agreement and together herewith they contain the entire Agreement between the parties as to the matters contained therein. Any oral representations or modifications concerning this Agreement shall be of no force and effect.

Section 4. Counterparts. This Amendment may be executed in multiple counterparts, each of which shall constitute the original, but all of which taken together shall constitute one and the same Amendment. PDF signatures shall constitute original signatures.

Section 5. Effective Date. That the Amendment will become effective 15 days after the

Execution Date.

IN WITNESS WHEREOF, said parties have hereunto set their seals and caused this Agreement to be executed and delivered by their duly authorized representatives the day and year written below.

Executed on behalf of:

CITY OF STONECREST, GEORGIA,

BY: _____

TITLE: Mayor

ATTEST (sign here): _____
Name (print): _____
DATE: _____

APPROVED AS TO FORM: _____
City Attorney

Executed on behalf of:

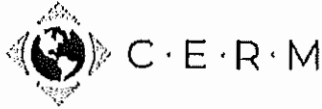
CORPORATE ENVIRONMENTAL RISK MANAGEMENT

BY (sign here):
Name (print):
Title:

[Corporate Seal]

ATTEST (sign here): _____
Name (print): _____
Title: _____
DATE: _____

EXHIBIT A
(ATTACHED)



June 24, 2021

Ms. Gia Scruggs
Finance Director
City of Stonecrest
3120 Stonecrest Blvd., Ste 190
Stonecrest, GA 30038

RE: Proposal for Engineering and Design Services
South River Stream Bank Restoration at Panola Shoals Trailhead
City of Stone Crest, GA
CERM Proposal No. 0421-0479

Dear Ms. Scruggs:

Corporate Environmental Risk Management (CERM) is pleased to submit this proposal for the referenced project. Our understanding of the project requirements is based on several meetings with you, site visits, and our experience with similar projects. The following will present our understanding of the project, scope of work, and our proposed associated costs to perform the stated scope of work.

1 PROJECT BACKGROUND

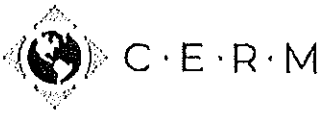
The City of Stonecrest and the South River Watershed Alliance (SRWA) seek to improve the condition of the South River Stream Bank at the Panola Shoals Trailhead. The project site is located at the southeast corner of the intersection between Panola Road and Snapfinger Road in DeKalb County. At this location, the South River crosses under Snapfinger Road and runs approximately parallel to Panola Rd. Sections of the stream embankment have eroded over time and continues to erode with every major rainfall event. According to the latest FEMA flood map, this area is inundated during a 100-year storm. The City of Stonecrest, the South River Watershed Alliance and other interested stakeholders, are concerned that if appropriate corrective measures are not initiated, the erosion will be a threat to an adjacent walking trail and public parking lot.

In 2020, CERM prepared and submitted a concept plan which addressed the stability concerns and provides an aesthetically pleasing design. The Concept Plan, shown as Exhibit A, includes the following features:

- Retaining walls
- Seat walls
- Gabion walls
- Landscape plan
- ADA access to the beach area
- Access for kayak launch

Since the completion of the concept plan, additional streambank failures have occurred, which will also be addressed during the proposed design phase. CERM will adhere to the concept approved by the City of Stonecrest and the SRWA which provides a permanent solution as well as a sustainable design by considering eco-friendly, locally sourced design materials and construction methods in executing this project.

CORPORATE HEADQUARTERS
1990 Lakeside Parkway, Suite 300 • Tucker, GA 30084
Phone: 678-999-0173 • Fax: 678-999-0186
cerm.com



Contract No. 21-06210-Co018-00
 South River Streambank Restoration
 City of Stonecrest, GA
 CBRM Proposal No. 0421-0479

2 SCOPE OF WORK

This proposal is the next step in providing engineering services to restore the eroded portions of streambank to prevent future erosion along critical areas near the walking trail and parking lot, while minimizing any negative environmental impacts to the river due to construction.

The project will be divided in three (3) phases to allow for client review and input at critical milestones throughout the project: (1) Preliminary Investigations, (2) 60% Design Development and (3) 100% Construction Documents/Permitting/Bid-Award. They will be developed and executed as appropriate, based on decisions made and input from the City of Stonecrest, SRWA, local reviewing agencies, jurisdictional environmental permitting agencies, and key stakeholders, as the project progresses.

Work Tasks

2.1 Project Administration and Coordination

This task includes administration of the prime contracts with the City of Stonecrest and sub-consultants. Under this task, the Project Manager, Yasmin Moreno, PE will ensure a seamless project team effort. The project manager will prepare a project management plan, project information sheet, develop the project design schedule, coordinate, and attend client/stakeholder design meetings, facilitate the quality control review processes, maintain continuous communication with the City of Stonecrest, subconsultants and prepare progress reports and invoices.

Deliverables: Project Design Schedule, Summary of meetings, invoices, copies of correspondence. Consultant will maintain project records and make such records available to the client.

2.2 Preliminary Investigation

2.2.1 Surveying

An updated survey will be required to verify any changes in the topography since the last survey was completed on June 6, 2020. Additionally, an updated survey is needed for US Army Corps of Engineers (USACE) permitting to determine the highwater elevation and for the GA Environmental Protection Agency to determine the stream buffer characteristics. The updated survey would provide updated topography, new site improvements, normal water level in the creek, flood elevations, trees, etc.

Deliverables: Updated Certified Field Survey of Project Site.

2.2.2 Geotechnical Investigation

To evaluate the subsurface conditions for the support of the anticipated retaining walls design and general site conditions, we propose drilling a total of eight (8) soil test borings. The number and depth of the borings are presented in the table shown on the next page.



C · E · R · M

Contract No. 21-06210-Co018-00
 South River Streambank Restoration
 City of Stonecrest, GA
 CERM Proposal No. 0421-0479

| Proposed Boring Location | Number of Boring | Depth (ft, begs) |
|--------------------------|------------------|------------------|
| Redi Rock Retaining Wall | 2 | 50 |
| Redi Rock Retaining Wall | 2 | 30 |
| Stone Boulder Wall | 1 | 20 |
| Gabion Retaining Wall | 1 | 10 |
| Sand Deposit Area | 2 | 10 |

begs = below existing ground surface

The total soil test boring drilling footage will be 210 feet. The borings will be drilled to termination or auger refusal whichever comes first.

The soil test borings will be advanced by mud rotary hollow stem auger flights into the ground. Standard Penetration Tests (SPT) will be performed up to 2½-foot centers to a depth of 10 feet followed by 5-foot centers thereafter. Soil samples will be recovered for visual classification. The results of the penetration tests, when properly evaluated, provide an indication of the relative consistency of the soil being sampled, the potential for difficult excavation and the soil's ability to support loads. The soil cuttings that do not go back in the auger holes after backfilling will remain on site. No rock coring is planned for this project.

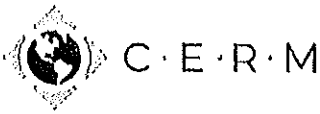
Laboratory testing will consist of Atterberg limits tests, particle size analyses without hydrometer, and natural moisture content determinations. The results of the laboratory tests will be summarized in a table.

State law requires that we notify GA Underground Protection Center (GA UPC) prior to commencing drilling activities. However, only those utility members affiliated with GA UPC will locate lines up to the point of service. All private lines will not be marked by the member utility companies. Therefore, the boring locations will be scanned within a limited radius of the proposed boring by a private utility company subcontracted to CERM. The use of a private utility locator to mark these borings is not 100% guarantee that all buried utilities will be identified due to depths, sizes, subsurface soil conditions, and other reasons beyond the control of the private utility locator. CERM and its subcontractors will not be responsible for damaging buried private utilities that were not marked or brought to our attention because of the previously described limitations associated with marking unknown utilities.

All permits and rights of access will be secured and provided by others prior to CERM commencing field work. Some rutting of the ground surface is expected due to the nature of the work. Repairing ruts made by the field crew is outside the scope of this work. Attempts will be made by the drill crew to minimize rutting during their work. Clearing with a bulldozer or similar machinery to provide access to the drill rig may be required for the site.

Following the evaluation of the field and laboratory data, CERM will issue a report which will describe our understanding of the proposed construction, methods of exploration employed, site and subsurface conditions encountered, and conclusions and recommendations for anticipated retaining walls. The recommendations will also cover site preparation, earthwork, groundwater control, difficult excavation conditions, and foundation design.

Deliverables: Geotechnical Report



2.3 60% Design Development and Initial Permit Coordination

Under this task, CERM will prepare 60% construction documents detailing the improvements. The package will include a cover sheet, general notes, existing conditions/survey control plan, site plan, typical details, wall profile, cross-sections, grading plan, erosion control plans, stormwater pollution prevention plan, and landscape plan and landscape details. CERM intends to refer to the Georgia Department of Transportation Standard Specifications 2013 Edition and will prepare supplemental specifications, as required. CERM will determine the appropriate bid items, methods of measurement and payment for the construction contract.

2.3.1 Quantity Take-offs and Estimates of Probable Construction Costs

Under this task, CERM will prepare an opinion of probable construction cost. This task will include detailed quantity take-offs commensurate with the design stage and unit pricing obtained from the Georgia Department of Transportation Construction Database and local sources as appropriate. CERM will prepare and submit to the City of Stonecrest an opinion of probable estimated construction cost at each design milestone.

2.3.2 Initial Permitting and Jurisdictional Coordination

This task will include the coordination with City of Stonecrest, the Georgia Environmental Protection Division (EPD) and the U.S Army Corps of Engineers to confirm development and general permitting requirements and processes relating to construction work within a major stream. CERM will prepare all required permit application documents, submit the documents and construction drawings, and meet with the reviewers as required to provide clarification and/or additional information.

Any project that involves the disturbance of 1.0-acre or more falls under the requirements of the National Pollutant Discharge Elimination System (NPDES) program and requires that a Notice of Intent be submitted to the GA EPD to initiate the permit review process. The Notice of Intent will outline the plan for erosion and stormwater management on the site during and after construction.

60% Deliverables: 60% electronic plan documents in PDF format (11x17 std plan size), Outline Std GA DOT specification specifications, special provisions, supplemental specifications, and estimates of probable construction costs. Pre-Application Meeting Notes and Sign in Sheets, correspondence as well as Permit Applications/Checklists and Documentation.

2.4 100% Construction Drawings and Specifications and Final Permitting and Bid Assistance

Under this task, CERM will prepare 100% construction documents incorporating all the comments gathered during the design development and initial permitting phase. The final plans will include all direction and requirements issued by the EPA, ACOE, Dekalb County and the City of Stonecrest. The package will include a cover sheet, general notes, existing conditions/survey control plan, site plan, typical details, wall profile, cross-sections, grading plan, erosion control plan, stormwater pollution prevention plan and landscape plan and landscape details. CERM intends to refer to the Georgia Department of Transportation Standard Specifications 2013 Edition and will prepare supplemental specifications, as required. CERM will determine the appropriate bid items, methods of measurement and payment for the construction contract.



C · E · R · M

Contract No. 21-06210-Co018-00
 South River Streambank Restoration
 City of Stonecrest, GA
 CERM Proposal No. 0421-0479

2.4.1 Final Permitting

This task will include submitting 100% documents, checklist and supporting documents to obtain final permit approvals from the City of Stonecrest, the Georgia Environmental Protection Division (EPD) and the U.S Army Corps of Engineers.

2.4.2 Bid Award Phase

Under this task, CERM will attend one (1) pre-bid meeting with potential contractors, respond to contractor requests for information, prepare addenda, and compare bids (received from contractors) on behalf of the City of Stonecrest.

100% Deliverables: 100% electronic plan documents in PDF format (11x17 std plan size), Outline Std GA DOT specification specifications, special provisions, supplemental specifications and estimates of probable construction costs, Permitting Meeting Notes and Sign in Sheets, correspondence as well as Permit Applications/Checklists and Documentation and all approved permits.

2.5 Landscape Architecture Design and Coordination

Under this task, CERM will coordinate with Gjertson Design, LLC, a specialty design firm, which will provide landscape architecture design plans at 60% and 100% milestones.

2.6 Construction Administration

Under this task, CERM will provide construction administration services including attending one(1) pre-construction meeting, preparing addenda, responding to, up to 8 requests for information, reviewing contractor submittals and four (4) site inspections.

PROJECT SCHEDULE

CERM project schedule is shown in Exhibit B: Schedule

FEE STRUCTURE

Our fee is summarized below:

| | | |
|---|-----------|----------------|
| 1. Project Management | \$ | 6,500 |
| 2. Preliminary Investigations | | |
| a. Surveying | \$ | 7,560 |
| b. Geotechnical Investigation | \$ | 22,930 |
| 3. 60% Design Development/Initial Permit Coord. | \$ | 28,040 |
| 4. 100% CD's/Final Permits/Bid-Award | \$ | 30,340 |
| 5. Landscape Architecture | \$ | 16,840 |
| 6. Construction Administration | \$ | 12,720 |
| PROJECT TOTAL | \$ | 124,930 |



Contract No. 21-06210-Co018-00
South River Streambank Restoration
City of Stonecrest, GA
CERM Proposal No. 0421-0479

EXCLUSIONS

The following services are not included under this proposal.

1. Structural Design – It will be the responsibility of the contractor to design/build structural elements and provide shop drawings for review.
2. Any other services not included in the Scope of Work

CLOSURE

This proposal is valid for 60 days. Please contact our office if you have any questions or comments regarding this proposal. Thank you for this opportunity, and we look forward to working with your team on this important project for the City of Stonecrest and its stakeholders.

Best regards,
Corporate Environmental Risk Management

Yasmin Moreno, PE
Senior Project Manager

Kenneth A. Fluker

Kenneth A. Fluker, P.E
Principal Engineer

Digitally signed by Kenneth A. Fluker
DN: cn=US, e=Kfluker@cerm.com,
o=Corporate Environmental Risk
Management, LLC, cn=Kenneth A.
Fluker
Reason: I have reviewed this
document
Date: 2021.06.28 14:13:04 -0400

Attachments: Exhibit A: Concept Plan
Exhibit B: Schedule

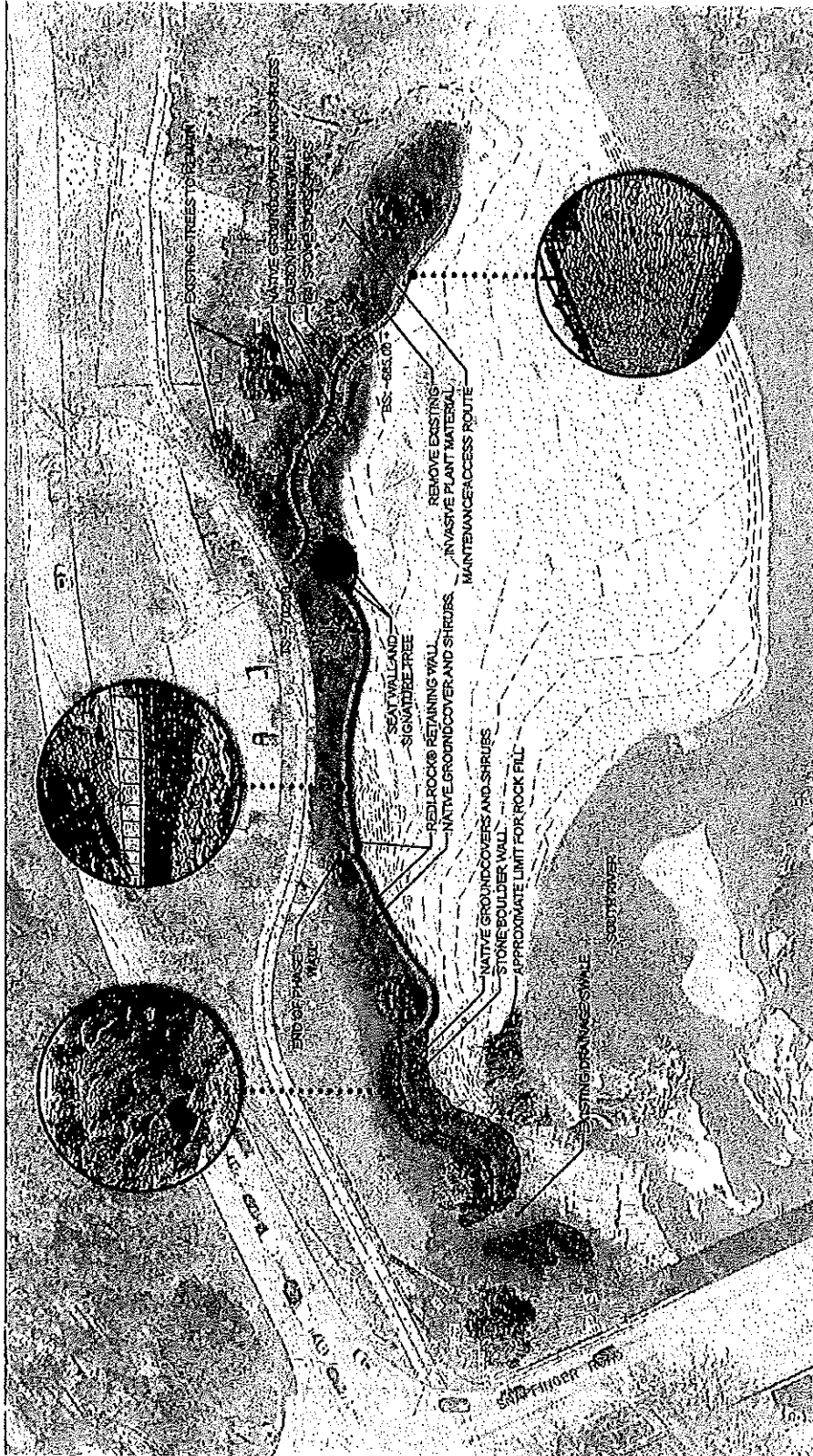


EXHIBIT A

**PANOLA SHOALS RIVERBANK STABILIZATION AND RESTORATION PROJECT:
CONCEPTUAL RENDERING**



C-E-R-M



N

SCALE: 1"=30'



August 2, 2024

Ms. Gia Scruggs, MBA, CPM
City Manager
City of Stonecrest
3120 Stonecrest Blvd.,
Stonecrest, GA 30038
T: 770-224-0200
M: 470-542-0017
gscruggs@stonecrestga.gov

RE: Proposal for Engineering of Record and Construction Engineering Inspection
South River Stream Bank Restoration at Panola Shoals Trailhead
City of Stonecrest, GA
CERM Proposal No. 0724-01060

Dear Ms. Scruggs:

Corporate Environmental Risk Management (CERM) is pleased to submit this proposal for the referenced project. Our understanding of the project requirements is based on several meetings with you, site visits, and our experience with similar projects. The following will present our understanding of the project, scope of work, and our proposed associated costs to perform the stated scope of work.

1 PROJECT BACKGROUND

The City of Stonecrest has selected and awarded the construction of the above-referenced project to P.E Structures and Associates. This award is the final step in stabilizing the eroded streambank and strengthening critical areas near the walking trail and parking lot at the Panola Shoals Trailhead.

2 SCOPE OF WORK

CERM will serve as Engineer of Record for the project which requires CERM to provide engineering support and periodic construction engineering inspection services during the duration of the construction. A construction schedule has not been provided to CERM, however for the purposes of this proposal a 24 month construction schedule has been assumed.

CERM will provide engineering and inspection services during the construction of the Streambank Stabilization Project at Panola Shoals Trailhead. Scope will include attending construction meetings with contractor, preparing addenda, responding to RFI's, reviewing contractor submittals and conducting site inspections for conformance with the plans and specs. The following tasks are anticipated.

CORPORATE HEADQUARTERS

1990 Lakeside Parkway, Suite 300 · Tucker, GA 30084
Phone: 678-999-0173 · Fax: 678-999-0186
cerm.com



Work Tasks

2.1 Project Management

This task includes administration of this contract with the Client and coordination with project's sub-consultants. Under this task, the Project Manager will establish a seamless project team effort. The Project Manager will prepare a Project Management Plan, quality control plan, and communication plan, and a document control plan for maintaining approvals and communication with the Client, Contractor and Stakeholders.

2.2 Construction Coordination Meetings

We anticipate one (1) pre-construction meeting and bi-weekly construction meetings and (1) close-out meeting. All meetings are anticipated to be one hour in-person or virtual.

2.3 Submittals and Shop drawings

CERM will review shop drawings and submittals to ensure they align with the project's design intent, adhere to the permit requirements, and meet the project specifications. For this effort, we have assumed 40 hours for the civil site components and 20 hours for landscape components.

2.4 Requests for information (RFI's),

CERM will respond to 50 RFI's, design clarifications and requests to develop additional details during the construction. For this effort, we have assumed an average of 2-hours per RFI for the civil components. We have assumed 10 landscape RFI's

2.5 Record Documents

CERM will review As-built Drawings (provided by the Contractor) for concurrence with the contract documents and RFI's, addenda and design clarifications. CERM will attend and document the substantial completion inspection.

2.6 Construction Site Visits

We assume twelve (12) Construction Site Visits at 2-hours each for the civil components and eight (8) site visits for the landscaping components.

PROJECT SCHEDULE

We have assumed a construction schedule of 24 months.

FEE STRUCTURE

The fee for the scope outlined above is detailed in Exhibit A. Our services will be provided on a unit rate basis in accordance with the attached Exhibit A. Our efforts are a function of the contractor's actual schedule. Therefore, the cost of our services will depend on the actual number of requests for information (RFI's), site visits, and meetings required in order to perform the required work.

EXCLUSIONS

The following services are not included under this proposal.

1. Design – It will be the responsibility of the contractor to design/build structural elements and provide shop drawings for review.
2. As-Built Survey
3. Any other services not included in the Scope of Work

CLOSURE

This proposal is valid for 60 days. Please contact our office if you have any questions or comments regarding this proposal. Thank you for this opportunity, and we look forward to working with your team on this important project for the City of Stonecrest and its stakeholders.

Best regards,
Corporate Environmental Risk Management



Yasmin Moreno, PE
Senior Project Manager



Terrell S. Gibbs, PhD., PE*
Chief Operating Officer

Attachments: Exhibit A: Detailed Fee Breakdown

**EXHIBIT A - CONSULTANT'S COMPENSATION PROPOSAL
TABLE C-5
BREAKDOWN OF NOT-TO-EXCEED REIMBURSABLE FEES**

CONSTRUCTION ADMINISTRATION SERVICES FOR PANOLA SHOALS

| Position: | SENIOR PROJECT MANAGER | | REGISTERED CIVIL ENGINEER | | LANDSCAPE ARCHITECT | | SR. CONSTRUCTION INSPECTOR | | GEOTECHNICAL ENGINEER | | CADD SPECIALIST | | PROJECT ACCOUNTANT | | TOTAL | | |
|--|------------------------|------------|---------------------------|------------|---------------------|-----------------|----------------------------|----------------|-----------------------|------------|-----------------|-----------------|--------------------|----------------|-------------|------------------|------------------|
| | labor hours | Cost | labor hours | Cost | labor hours | Cost | labor hours | Cost | labor hours | Cost | labor hours | Cost | labor hours | Cost | labor hours | Cost | Avg. Hourly Rate |
| Rate (\$/Hour): | \$230 | | \$200 | | \$200 | | \$155 | | \$185 | | \$122 | | \$131 | | | | |
| CERM | | | | | | | | | | | | | | | | | |
| Construction Administration Services | | | | | | | | | | | | | | | | | |
| Project Management | 48 | \$11,040 | 12 | \$2,400 | | \$0 | | \$0 | | \$0 | | \$0 | 24 | \$3,144 | 84 | \$16,584 | \$197.43 |
| Client and Contractor Meetings (50 meetings) (@1hr/each) | 50 | \$11,500 | 50 | \$10,000 | 50 | \$10,000 | | \$0 | | \$0 | | \$0 | | \$0 | 150 | \$31,500 | \$210.00 |
| Submittals and Shop Drawings | | \$0 | 40 | \$8,000 | 20 | \$4,000 | | \$0 | | \$0 | | \$0 | | \$0 | 60 | \$12,000 | \$200.00 |
| Request for Information (RFI's) (50 @ 2 hrs/each) | | \$0 | 100 | \$20,000 | 10 | \$2,000 | | \$0 | | \$0 | 100 | \$12,200 | | \$0 | 210 | \$34,200 | \$162.86 |
| Record Documents | 2 | \$460 | 8 | \$1,600 | 4 | \$800 | | \$0 | | \$0 | 8 | \$976 | | \$0 | 22 | \$3,836 | \$174.36 |
| Construction Site Visits (20) (@ 2hrs/each) | | \$0 | | \$0 | 16 | \$3,200 | 24 | \$3,720 | | \$0 | | \$0 | | \$0 | 40 | \$6,920 | \$173.00 |
| Sub-Total CA Services | 100 | \$0 | 210 | \$0 | 100 | \$20,000 | 24 | \$3,720 | 0 | \$0 | 108 | \$13,176 | 24 | \$3,144 | 566 | \$105,040 | \$185.58 |
| Mileage and Reproduction: | | | | | | | | | | | | | | | | | \$2,500 |
| TOTAL NTE FEE: | | | | | | | | | | | | | | | | | \$107,540 |