



CITY OF STONECREST, GEORGIA

CITY COUNCIL WORK SESSION – AGENDA

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

II. ROLL CALL: Sonya Isom, City Clerk

III. AGENDA DISCUSSION ITEMS

- 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*

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

V. 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 COUNCIL AGENDA ITEM

SUBJECT: TMOD 24-001 Truck Parking Regulations

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: Monday, August 12, 2024

Current Council Meeting: Click or tap to enter a date.

SUBMITTED BY: Shawanna Qawiy, Planning & Zoning Director

PRESENTER: Shawanna Qawiy, Planning & Zoning Director

PURPOSE: A text modification to include truck and/or trailer parking regulations.

FACTS: The City of Stonecrest is seeking approval to modify Section 6.1.3 Parking Regulations Off Street Parking Spaces to add parking regulations for commercial trucks and/or trailers.

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

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

ATTACHMENTS:

- (1) Attachment 1 - Zoning Code Update
- (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.

TMOD-24-001

STONECREST ZONING CODE UPDATE

REVISIONS and NEW ORDINANCES

Track changes version of proposed changes.

Sec. 6.1.3. - Parking regulations, off-street parking spaces.

Off-street parking spaces shall be provided in accordance with the following requirements:

- A. Each application for a development permit or building permit, other than for a detached single-family residence, shall be accompanied by a parking plan showing all required off-street parking spaces, driveways, and the internal circulation system for each such parking lot.
- B. All parking lots and spaces shall conform to the following requirements:
 - 1. All vehicles shall be parked on a paved surface that is connected to and has continuous paved access to a public or private street, except as otherwise allowed in this section.
 - 2. Each parking space, except those located on a single-family residential lot, shall comply with the minimum dimensions established in Table 6.1. Each parking lot shall have adequate space for each car to park and exit every parking space and space for internal circulation within said parking lot.
 - 3. Each parking lot, except those parking spaces located on property used for single-family residential purposes, shall comply with section 5.4.4, site and parking area landscaping.
 - 4. All parking lots and parking spaces, except those located on property used for single-family residential purposes, shall conform to the geometric design standards of the Institute of Traffic Engineers.
 - 5. Parking and loading shall not be permitted within the front yard in any MR, HR, O-I, or O-I-T zoning district, except for required handicapped parking. Notwithstanding the previous sentence, parking and loading shall be permitted within the front yard where provision of adequate parking spaces within the rear is impractical and upon issuance of a variance pursuant to article 7 of this chapter.
 - 6. Parking shall not be permitted within the front yard of any property used for single-family residential purposes, except within a driveway, or in a roofed carport or enclosed garage. Within any single-family residential district, not more than 35 percent of the total area between the street right-of-way line and the front of the principal building shall be paved.

7. No parking space, driveway or parking lot shall be used for the sale, repair, dismantling, servicing, or long-term storage of any vehicle or equipment, unless located within a zoning district which otherwise permits such use.
8. The parking of business vehicles on private property located within residential zoning districts is prohibited. This section shall not prohibit:
 - (1) Typical passenger vehicles, with or without logos, including automobiles, pickup trucks, passenger vans, and dually trucks;
 - (2) Vehicles engaged in active farming, construction activities or contractor services on the private property, or the temporary parking (12 hours or less) of vehicles for the purpose of loading/unloading within residential zoning districts; nor
 - (3) The parking of vehicles on property located in residential zoning districts, where such property is used for an authorized nonresidential use such as a church.

Vehicles used in law enforcement are exempt from the restrictions of this subsection.

9. All parking lots shall conform to the requirements of section 6.1.7.

Table 6.1. Minimum Parking Space Dimensions

Minimum Parking Space Dimensions			
Parking Angle	Minimum Stall Width	Minimum Stall Depth	Minimum Parking Aisle Width
Regular-sized vehicles			
90 degrees	9'	18'	24'
75 degrees	9'	19'	21'
60 degrees	9'	17'	14'
45 degrees	9'	15'	11'
Compact vehicles			
90 degrees	8.5'	15'	22'
75 degrees	8.5'	16'	20'

60 degrees	8.5'	15'	14'
45 degrees	8.5'	14'	10'

10. Notwithstanding any other provisions of chapter 27 or chapter 14, parking areas and/or parking on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage, without services provided, shall be permitted as a principal use on parcels zoned M or M-2, provided that:
 - a. The parking area shall be screened from view of the public street with an opaque corrugated metal fence or wall minimum of ten feet in height. Chain link and wooden fences along street frontage are prohibited.
 - b. The parking area shall be at least 25 feet from the street right-of-way.
 - c. A ten-foot-wide evergreen landscape buffer shall be planted around the perimeter of the fence along the public street with at least two rows of trees. All trees shall be at least six feet in height and/or two inches caliber, and shall be regularly maintained and watered as necessary. Dead or dying trees shall be promptly replaced. All surfaces between trees shall be mulched.
 - d. The soil erosion, sedimentation and pollution requirements of chapter 14, article V of the Code of the City of Stonecrest, Georgia are met;
 - e. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality; and
 - f. The parking lot has a minimum of one acre.
 - g. All parking areas and/or parking on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage without services provided which are permitted as a principal use on parcels zoned M or M-2 shall be upgraded to the standards of this Sec. 6.1.3.B.10. no later than at the time of business license renewal in 2022.
11. Unpaved parking areas within the M and M-2 zones permitted under subsection B.10. of this section shall comply with the following specifications:
 - a. The parking area shall be at least 150 feet from the boundaries of a residentially zoned parcel;
 - b. The parking area subgrade must meet a minimum compaction of 95 percent as certified by a registered professional engineer;
 - c. The parking area surface shall be composed of at least eight inches of compacted Graded Aggregate Base;

- d. The Graded Aggregate Base shall be stabilized and treated to control dust through approved means, which may include but is not limited to, the effective design and operation of the facility, the periodic application of dust suppressant materials such as calcium chloride, magnesium chloride, or lignin sulfonate, reduced operating speeds on unpaved surfaces, or the periodic replenishment of gravel surfaces;
- e. Parking areas shall be inspected by the City of Stonecrest or a third-party inspector approved by the City of Stonecrest every year to ensure continued compliance with the above specifications. Proof of inspection and compliance with the *Stonecrest Code of Ordinances* is required at the time of annual business license renewal, and this inspection report must be approved by the Building Department prior to issuance or renewal of a business license. Additional maintenance such as grading, Graded Aggregate Base, or surface treatment may be required;

RECOMMENDED TEXT CHANGES:

12. Commercial trucks and/or trailers: A commercial truck (including medium and heavy-duty trucks, semi-trucks, tractor trailer flatbed trucks, tow trucks, box trucks, and delivery trucks) and/or trailer or semitrailer shall not be parked or stored in any O-I (OFFICE INSTITUTIONAL), OD (OFFICE DISTRIBUTION), C-1 (LOCAL COMMERCIAL), C-2 (GENERAL COMMERCIAL), MU-1 (MIXED USE LOW DENSITY), MU-2 (MIXED USE LOW DENSITY), MU-3 (MIXED USED MEDIUM DENSITY), MU-4 (MIXED USE HIGH DENSITY) and NS (NEIGHBORHOOD SHOPPING) districts. Commercial trucks are prohibited from parking in all residentially zoned property. The following are exceptions.

- a) The vehicle is engaged in loading or unloading activity where the driver is present and in charge thereof; or
- b) The vehicle is owned or is being used by a business located on the property; or
- c) A business on the property is conducting operations and the vehicle is being used in connection with such activity. Where a commercial vehicle is parked in an O-I, C-1, C-2, or MU district, it shall park only in areas designated and posted as loading zones and/or loading docks.
- d) Using loading zones and unloading docks by commercial vehicle operators for sleeping or parking overnight is strictly prohibited.
- e) If any vehicle found upon a parking lot, driveway or entrance drive, in violation of this Section regulating the parking and/or storage of commercial trailers, the owner or person in possession of any real property or the vehicle operator, or both may be punished as provided in this code section.

- f) Commercial parking is permitted in an approved truck parking lot in the M (Light Industrial and M-2 (Heavy Industrial) districts.



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD 24-002 Business Hours of Operation

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: Monday, August 12, 2024

Current Council Meeting: Click or tap to enter a date.

SUBMITTED BY: Shawanna Qawiy, Planning & Zoning Director

PRESENTER: Shawanna Qawiy, Planning & Zoning Director

PURPOSE: A text modification to amend the hours of operation for businesses in the City of Stonecrest.

FACTS: The City of Stonecrest is seeking approval to modify Section 16-23 Hours of Operation Based on Uses to specify hours of operation for businesses operating in the City of Stonecrest.

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

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

ATTACHMENTS:

- (1) Attachment 1 - Code of Ordinance Update
- (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.

TMOD-24-002

STONECREST CODE OF ORDINANCE UPDATE

Amendments to Chapter 16

Miscellaneous, Provisions and Offenses

ARTICLE III. – OFFENSES AGAINST PUBLIC PEACE, ORDER AND SAFETY

DIVISION I. - GENERALLY

Section 16-23 – Hours of Operation Based on Uses

- a) Pawnbrokers may not keep open their places of business except between 7:00 a.m. and 9:00 p.m., Monday through Saturday. (Section 15.5.9)
- b) Precious Metal Dealers may not keep open their places of business except between 7:00 a.m. and 9:00 p.m. (Section 15.6.9)
- c) Peddlers, Door to Door Sales and Similar Occupations
 - a. (a)Soliciting or canvassing on the public streets, areas, or parks of the city shall be conducted only between the hours of 9:00 a.m. and 7:00 p.m.
 - b. (b)Soliciting or canvassing or calling from house to house within the incorporated areas of the city shall be conducted only between the hours of 9:00 a.m. and 6:00 p.m. (Section 15.7.6)
- d) **Massage therapists shall conduct business only between the hours of 7:00 a.m. and 9:00 p.m.**
- e) No sexually oriented business shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day after July 1, 2017. (Section 15.12.12)
- f) Distilled Spirits:
 - a) Distilled spirits shall be sold and delivered to the customer for consumption on the premises during the following hours:
 - (i)Monday through Friday hours are from 9:00 a.m. until 3:55 a.m. of the following day.
 - (ii)Saturday hours are from 9:00 a.m. until 2:55 a.m. on Sunday.
 - (iii)Sunday hours are from 11:00 a.m. until 12:00 a.m. midnight on Monday as permitted permitted by section 4.5.15.
 - (b)Sales and deliveries during all other hours are prohibited. All licensed establishments must close their premises to the public and clear their premises of patrons by 3:30 a.m. and shall not reopen their premises to the public until 9:00 a.m. or thereafter. (Section 4.5.12)

- g) Sunday Sales: Licensed establishments deriving a minimum of 60 percent of their total annual gross food and beverage sales from the sale of prepared meals or food, or licensed establishments deriving at least 60 percent of their total annual income from the rental of rooms for overnight lodging, are authorized to apply for a Sunday sales permit to sell and serve alcoholic beverages, malt beverages and wine by the drink from 11:00 a.m. on Sunday until 12:00 a.m. midnight of the following Monday. (Section 4.5.15)
- h) Restaurants. All restaurants or drive-ins within the limits of the city are required to close the same before 12:00 midnight and same is not to be reopened until 6:00 a.m. the following day. However, public service facilities may remain open up to twenty-four (24) hours a day with a prior permit of the mayor and council.
- Service facilities include but are not limited to government buildings and/or hospitals as interpreted by the Planning and Zoning Director or his/her designee.
- i) Outdoor amusement and recreation parks and facilities. All outdoor amusement and recreation parks and facilities are required to cease all operations by 11:00 p.m. Monday through Sunday, and such parks and facilities shall not open before 12:00 noon on Sundays. If go-cart activities are permitted by the city at any such parks or facilities, such activities shall cease by 9:00 p.m. Monday through Saturday, and shall only be allowed from 12:00 noon until 6:00 p.m. on Sundays.
- j) Convenience Store. All convenience stores within the city limits are required to close the same before 12:00 midnight and same is not to be reopened until 6:00 a.m. the following day.
- k) Quarry work shall not begin before 7:00 a.m. and shall end on or before 5:30 p.m. No work shall be permitted on Sundays. Blasting and the explosion of dynamite and explosives shall be limited between the hours of 11:00 a.m. and 1:00 p.m.
- l) Billard and Pool Halls; Bowling Alleys. No person operating a bowling alley or pool, or billiard hall covered by the provisions of this article shall permit any table to be played upon after 12:00 midnight Sunday night and 2:00 a.m. Monday through Saturday. Such playing shall be prohibited until 6:00 a.m. each day. If operated in conjunction with any other business, the proprietor/operator shall keep dark and not allow public access to that part of the business in which the pool or billiard tables are located after such closing hours.



CITY COUNCIL AGENDA ITEM

SUBJECT: Blighted Property Tax Ordinance

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: Monday, August 12, 2024

Current Council Meeting: Click or tap to enter a date.

SUBMITTED BY: Terry Fye, District 2 Councilmember

PRESENTER: Terry Fye, District 2 Councilmember

PURPOSE: To discuss new ordinance options for maintaining code compliance in Stonecrest.

FACTS: Stonecrest does not currently have the power to declare the establishment of a blighted district or to place a lien on a property.

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

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

ATTACHMENTS:

- (1) Attachment 1 - Blighted Property Tax Ordinance
- (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.

TITLE 24 – TAXATION

ARTICLE II.- REAL PROPERTY TAXES

{ADD Division I for current AD VALOREM TAXES}

{Current Secs. 24-11 through 24-16}

{Reserve Sec. 24-17---24-21}

DIVISION II.- BLIGHTED PROPERTY

Sec. 24-22. - Short title.

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

Sec. 24-23. - 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. 24-24. - 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. 24-25. - 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 seven (7.0) 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. 24-26. - 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 writ of certiorari within thirty (30) days of issuance of the court's written determination.

Sec. 24-27. - 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. 24-28. - 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. 24-29. - 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

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: Monday, August 12, 2024

Current Council Meeting: Click or tap to enter a date.

SUBMITTED BY: Terry Fye, District 2 Councilmember

PRESENTER: Terry Fye, District 2 Councilmember

PURPOSE: To discuss the public nuisance ordinance.

FACTS: Click or tap here to enter text.

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

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

ATTACHMENTS:

- (1) Attachment 1 - Draft Public Nuisance Ordinance
- (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.

CHAPTER 18 – NUISANCES

Article XI .-UNFIT BUILDINGS AND STRUCTURES

Sec. 18-107.- 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. 18-108.- 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. 18-109.- 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. 18-110.- 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. 18-111.- 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 residences 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; 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. 18-112.- 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: Resolution for 2024 Street Resurfacing

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: Monday, August 12, 2024

Current Council Meeting: Click or tap to enter a date.

SUBMITTED BY: Hari Karikaran, PE, City Engineer

PRESENTER: George Turner, Mayor Pro Tem

PURPOSE: To read the Preamble of the Resolution for the 2024 Street Resurfacing into the records.

FACTS: Click or tap here to enter text.

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

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

ATTACHMENTS:

- (1) Attachment 1 - Resolution
- (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.



CITY COUNCIL AGENDA ITEM

SUBJECT: Botanical Garden Project Update

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: Monday, August 12, 2024

Current Council Meeting: Click or tap to enter a date.

SUBMITTED BY: Denmark Ashby, LLC

PRESENTER: Denmark Ashby, LLC and Hari Karikaran, PE, City Engineer

PURPOSE: To make a decision to acquire by voluntary acquisition or eminent domain certain parcels in connection with the City of Stonecrest Botanical Garden.

FACTS: The City proposes a resolution to Acquire by Voluntary Acquisition or Eminent Domain on the following parcels for public purpose.

1. 2930 Fairington Parkway, Stonecrest, Ga 30038 – Parcel ID No. 16 074 03 006 .
2. 2954 Fairington Parkway, Stonecrest, Ga 30038 – Parcel ID No. 16 074 03 012 .
3. 2959 Fairington Parkway, Stonecrest, Ga 30038 – Parcel ID No. 16 074 03 009 .
4. 2964 Fairington Parkway, Stonecrest, Ga 30038 – Parcel ID No. 16 074 03 004 .
5. 2984 Fairington Parkway, Stonecrest, Ga 30038 – Parcel ID No. 16 075 01 105 .
6. 3000 Fairington Parkway, Stonecrest, Ga 30038 – Parcel ID No. 16 075 01 001 .

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

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



CITY COUNCIL AGENDA ITEM

ATTACHMENTS:

- (1) Attachment 1 – Resolution – 2930 Fairington
- (2) Attachment 2 – Resolution – 2954 Fairington
- (3) Attachment 3 – Resolution – 2959 Fairington
- (4) Attachment 4 – Resolution – 2964 Fairington
- (5) Attachment 5 – Resolution – 2984 Fairington
- (6) Attachment 6 – Resolution – 3000 Fairington

State of Georgia
County of DeKalb

A RESOLUTION TO AUTHORIZE THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED AT 2930 FAIRINGTON PARKWAY BY WAY OF NEGOTIATED PURCHASE OR WHERE NECESSARY, BY WAY OF EMINENT DOMAIN FOR PUBLIC PURPOSES; TO AUTHORIZE THE APPROVAL OF ANY NECESSARY DOCUMENTS AS TO FORM AND SUBSTANCE; TO MAKE ANY NECESSARY MODIFICATIONS THEREOF TO PROTECT THE INTERESTS OF THE CITY OF STONECREST; AND TO AUTHORIZE ALL OTHER LAWFUL PURPOSES RELATED TO ACQUIRING FEE SIMPLE INTEREST OF SAID PROPERTY.

WHEREAS, the City of Stonecrest (“the City”) is a municipal corporation organized and existing under the laws of the State of Georgia; and

WHEREAS, the City is authorized under Article 1, Section 3, Paragraph 1 of the Georgia Constitution to exercise the power of eminent domain to take private property for public use upon payment of just compensation to the owner of said private property; and

WHEREAS, Section 22-1-1 of the Official Code of Georgia Annotated establishes that “public use” includes “[t]he possession, occupation, or use of the land by the general public or by state or local governmental entities” and

WHEREAS, the City has an existing Botanical Gardens Project (“the Project”) which is being designed and developed for the recreational use, benefit and enjoyment of its citizens as well as the public at large; and

WHEREAS, the site of the Project is located at the southern terminus of Fairington Parkway (“Project Site”); and

WHEREAS, the real property located at 2930 Fairington Parkway, Stonecrest, Georgia, DeKalb County Parcel Identification No. 16 074 03 006, is physically situated near, adjacent and/or otherwise in close proximity to the Project Site (“Subject Property”); and

WHEREAS, the duly elected governing authority of the City is the Mayor and City Council and deem it in the best interest of the citizens of Stonecrest to acquire, for public use, the Subject Property as part of the design and development of the Project; and

WHEREAS, Title 22 of the Official Code of Georgia Annotated establishes the requirements and procedures by which a municipality shall exercise the power of eminent domain; and

WHEREAS, the governing authority of the City has abided by and will continue to abide by the requirements and procedures set forth in Title 22 of Official Code of Georgia Annotated and has determined that such exercise of eminent domain is necessary and proper.

THEREFORE, IT IS HEREBY RESOLVED the Mayor and City Council of the City of Stonecrest, declares as follows:

1. There is a public necessity and use for the City of Stonecrest to acquire the rights, wholly and in fee simple interest of the property located at 2930 Fairington Parkway, Stonecrest, Georgia 30038, DeKalb County Tax Parcel Identification No. 16 074 03 006.
2. The City of Stonecrest is authorized to acquire by voluntary acquisition and if necessary, exercise its power of eminent domain, to acquire the fee simple interest of the property located at 2930 Fairington Parkway, Stonecrest, Georgia 30038, DeKalb County Tax Parcel Identification No. 16 074 03 006.
3. The Mayor is authorized to execute all necessary documents and perform all necessary acts necessary or prudent to effectuate the intent of this Resolution.
4. The City Attorney is authorized to take all necessary and legal acts necessary or prudent to effectuate the intent of this Resolution.

IT IS SO RESOLVED this ____ day of August, 2024.

Jazzmin S. Cobble, Mayor
City of Stonecrest

Sonya Isom, City Clerk
City of Stonecrest

State of Georgia
County of DeKalb

A RESOLUTION TO AUTHORIZE THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED AT 2954 FAIRINGTON PARKWAY BY WAY OF NEGOTIATED PURCHASE OR WHERE NECESSARY, BY WAY OF EMINENT DOMAIN FOR PUBLIC PURPOSES; TO AUTHORIZE THE APPROVAL OF ANY NECESSARY DOCUMENTS AS TO FORM AND SUBSTANCE; TO MAKE ANY NECESSARY MODIFICATIONS THEREOF TO PROTECT THE INTERESTS OF THE CITY OF STONECREST; AND TO AUTHORIZE ALL OTHER LAWFUL PURPOSES RELATED TO ACQUIRING FEE SIMPLE INTEREST OF SAID PROPERTY.

WHEREAS, the City of Stonecrest (“the City”) is a municipal corporation organized and existing under the laws of the State of Georgia; and

WHEREAS, the City is authorized under Article 1, Section 3, Paragraph 1 of the Georgia Constitution to exercise the power of eminent domain to take private property for public use upon payment of just compensation to the owner of said private property; and

WHEREAS, Section 22-1-1 of the Official Code of Georgia Annotated establishes that “public use” includes “[t]he possession, occupation, or use of the land by the general public or by state or local governmental entities” and

WHEREAS, the City has an existing Botanical Gardens Project (“the Project”) which is being designed and developed for the recreational use, benefit and enjoyment of its citizens as well as the public at large; and

WHEREAS, the site of the Project is located at the southern terminus of Fairington Parkway (“Project Site”); and

WHEREAS, the real property located at 2954 Fairington Parkway, Stonecrest, Georgia, DeKalb County Parcel Identification No. 16 074 03 012, is physically situated near, adjacent and/or otherwise in close proximity to the Project Site (“Subject Property”); and

WHEREAS, the duly elected governing authority of the City is the Mayor and City Council and deem it in the best interest of the citizens of Stonecrest to acquire, for public use, the Subject Property as part of the design and development of the Project; and

WHEREAS, Title 22 of the Official Code of Georgia Annotated establishes the requirements and procedures by which a municipality shall exercise the power of eminent domain; and

WHEREAS, the governing authority of the City has abided by and will continue to abide by the requirements and procedures set forth in Title 22 of Official Code of Georgia Annotated and has determined that such exercise of eminent domain is necessary and proper.

THEREFORE, IT IS HEREBY RESOLVED the Mayor and City Council of the City of Stonecrest, declares as follows:

1. There is a public necessity and use for the City of Stonecrest to acquire the rights, wholly and in fee simple interest of the property located at 2954 Fairington Parkway, Stonecrest, Georgia 30038, DeKalb County Tax Parcel Identification No. 16 074 03 012.
2. The City of Stonecrest is authorized to acquire by voluntary acquisition and if necessary, exercise its power of eminent domain, to acquire the fee simple interest of the property located at 2954 Fairington Parkway, Stonecrest, Georgia 30038, DeKalb County Tax Parcel Identification No. 16 074 03 012.
3. The Mayor is authorized to execute all necessary documents and perform all necessary acts necessary or prudent to effectuate the intent of this Resolution.
4. The City Attorney is authorized to take all necessary and legal acts necessary or prudent to effectuate the intent of this Resolution.

IT IS SO RESOLVED this ____ day of August, 2024.

Jazzmin S. Cobble, Mayor
City of Stonecrest

Sonya Isom, City Clerk
City of Stonecrest

State of Georgia
County of DeKalb

A RESOLUTION TO AUTHORIZE THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED AT 2959 FAIRINGTON PARKWAY BY WAY OF NEGOTIATED PURCHASE OR WHERE NECESSARY, BY WAY OF EMINENT DOMAIN FOR PUBLIC PURPOSES; TO AUTHORIZE THE APPROVAL OF ANY NECESSARY DOCUMENTS AS TO FORM AND SUBSTANCE; TO MAKE ANY NECESSARY MODIFICATIONS THEREOF TO PROTECT THE INTERESTS OF THE CITY OF STONECREST; AND TO AUTHORIZE ALL OTHER LAWFUL PURPOSES RELATED TO ACQUIRING FEE SIMPLE INTEREST OF SAID PROPERTY.

WHEREAS, the City of Stonecrest (“the City”) is a municipal corporation organized and existing under the laws of the State of Georgia; and

WHEREAS, the City is authorized under Article 1, Section 3, Paragraph 1 of the Georgia Constitution to exercise the power of eminent domain to take private property for public use upon payment of just compensation to the owner of said private property; and

WHEREAS, Section 22-1-1 of the Official Code of Georgia Annotated establishes that “public use” includes “[t]he possession, occupation, or use of the land by the general public or by state or local governmental entities” and

WHEREAS, the City has an existing Botanical Gardens Project (“the Project”) which is being designed and developed for the recreational use, benefit and enjoyment of its citizens as well as the public at large; and

WHEREAS, the site of the Project is located at the southern terminus of Fairington Parkway (“Project Site”); and

WHEREAS, the real property located at 2959 Fairington Parkway, Stonecrest, Georgia, DeKalb County Parcel Identification No. 16 074 03 009, is physically situated near, adjacent and/or otherwise in close proximity to the Project Site (“Subject Property”); and

WHEREAS, the duly elected governing authority of the City is the Mayor and City Council and deem it in the best interest of the citizens of Stonecrest to acquire, for public use, the Subject Property as part of the design and development of the Project; and

WHEREAS, Title 22 of the Official Code of Georgia Annotated establishes the requirements and procedures by which a municipality shall exercise the power of eminent domain; and

WHEREAS, the governing authority of the City has abided by and will continue to abide by the requirements and procedures set forth in Title 22 of Official Code of Georgia Annotated and has determined that such exercise of eminent domain is necessary and proper.

THEREFORE, IT IS HEREBY RESOLVED the Mayor and City Council of the City of Stonecrest, declares as follows:

1. There is a public necessity and use for the City of Stonecrest to acquire the rights, wholly and in fee simple interest of the property located at 2959 Fairington Parkway, Stonecrest, Georgia 30038, DeKalb County Tax Parcel Identification No. 16 074 03 009.
2. The City of Stonecrest is authorized to acquire by voluntary acquisition and if necessary, exercise its power of eminent domain, to acquire the fee simple interest of the property located at 2959 Fairington Parkway, Stonecrest, Georgia 30038, DeKalb County Tax Parcel Identification No. 16 074 03 009.
3. The Mayor is authorized to execute all necessary documents and perform all necessary acts necessary or prudent to effectuate the intent of this Resolution.
4. The City Attorney is authorized to take all necessary and legal acts necessary or prudent to effectuate the intent of this Resolution.

IT IS SO RESOLVED this ____ day of August, 2024.

Jazzmin Cobble, Mayor
City of Stonecrest

Sonya Isom, City Clerk
City of Stonecrest

State of Georgia
County of DeKalb

A RESOLUTION TO AUTHORIZE THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED AT 2964 FAIRINGTON PARKWAY BY WAY OF NEGOTIATED PURCHASE OR WHERE NECESSARY, BY WAY OF EMINENT DOMAIN FOR PUBLIC PURPOSES; TO AUTHORIZE THE APPROVAL OF ANY NECESSARY DOCUMENTS AS TO FORM AND SUBSTANCE; TO MAKE ANY NECESSARY MODIFICATIONS THEREOF TO PROTECT THE INTERESTS OF THE CITY OF STONECREST; AND TO AUTHORIZE ALL OTHER LAWFUL PURPOSES RELATED TO ACQUIRING FEE SIMPLE INTEREST OF SAID PROPERTY.

WHEREAS, the City of Stonecrest (“the City”) is a municipal corporation organized and existing under the laws of the State of Georgia; and

WHEREAS, the City is authorized under Article 1, Section 3, Paragraph 1 of the Georgia Constitution to exercise the power of eminent domain to take private property for public use upon payment of just compensation to the owner of said private property; and

WHEREAS, Section 22-1-1 of the Official Code of Georgia Annotated establishes that “public use” includes “[t]he possession, occupation, or use of the land by the general public or by state or local governmental entities” and

WHEREAS, the City has an existing Botanical Gardens Project (“the Project”) which is being designed and developed for the recreational use, benefit and enjoyment of its citizens as well as the public at large; and

WHEREAS, the site of the Project is located at the southern terminus of Fairington Parkway (“Project Site”); and

WHEREAS, the real property located at 2964 Fairington Parkway, Stonecrest, Georgia, DeKalb County Parcel Identification No. 16 074 03 004, is physically situated near, adjacent and/or otherwise in close proximity to the Project Site (“Subject Property”); and

WHEREAS, the duly elected governing authority of the City is the Mayor and City Council and deem it in the best interest of the citizens of Stonecrest to acquire, for public use, the Subject Property as part of the design and development of the Project; and

WHEREAS, Title 22 of the Official Code of Georgia Annotated establishes the requirements and procedures by which a municipality shall exercise the power of eminent domain; and

WHEREAS, the governing authority of the City has abided by and will continue to abide by the requirements and procedures set forth in Title 22 of Official Code of Georgia Annotated and has determined that such exercise of eminent domain is necessary and proper.

THEREFORE, IT IS HEREBY RESOLVED the Mayor and City Council of the City of Stonecrest, declares as follows:

1. There is a public necessity and use for the City of Stonecrest to acquire the rights, wholly and in fee simple interest of the property located at 2964 Fairington Parkway, Stonecrest, Georgia 30038, DeKalb County Tax Parcel Identification No. 16 074 03 004.
2. The City of Stonecrest is authorized to acquire by voluntary acquisition and if necessary, exercise its power of eminent domain, to acquire the fee simple interest of the property located at 2964 Fairington Parkway, Stonecrest, Georgia 30038, DeKalb County Tax Parcel Identification No. 16 074 03 004.
3. The Mayor is authorized to execute all necessary documents and perform all necessary acts necessary or prudent to effectuate the intent of this Resolution.
4. The City Attorney is authorized to take all necessary and legal acts necessary or prudent to effectuate the intent of this Resolution.

IT IS SO RESOLVED this ____ day of August, 2024.

Jazzmin Cobble, Mayor
City of Stonecrest

Sonya Isom, City Clerk
City of Stonecrest

State of Georgia
County of DeKalb

A RESOLUTION TO AUTHORIZE THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED AT 2984 FAIRINGTON PARKWAY BY WAY OF NEGOTIATED PURCHASE OR WHERE NECESSARY, BY WAY OF EMINENT DOMAIN FOR PUBLIC PURPOSES; TO AUTHORIZE THE APPROVAL OF ANY NECESSARY DOCUMENTS AS TO FORM AND SUBSTANCE; TO MAKE ANY NECESSARY MODIFICATIONS THEREOF TO PROTECT THE INTERESTS OF THE CITY OF STONECREST; AND TO AUTHORIZE ALL OTHER LAWFUL PURPOSES RELATED TO ACQUIRING FEE SIMPLE INTEREST OF SAID PROPERTY.

WHEREAS, the City of Stonecrest (“the City”) is a municipal corporation organized and existing under the laws of the State of Georgia; and

WHEREAS, the City is authorized under Article 1, Section 3, Paragraph 1 of the Georgia Constitution to exercise the power of eminent domain to take private property for public use upon payment of just compensation to the owner of said private property; and

WHEREAS, Section 22-1-1 of the Official Code of Georgia Annotated establishes that “public use” includes “[t]he possession, occupation, or use of the land by the general public or by state or local governmental entities” and

WHEREAS, the City has an existing Botanical Gardens Project (“the Project”) which is being designed and developed for the recreational use, benefit and enjoyment of its citizens as well as the public at large; and

WHEREAS, the site of the Project is located at the southern terminus of Fairington Parkway (“Project Site”); and

WHEREAS, the real property located at 2984 Fairington Parkway, Stonecrest, Georgia, Dekalb County Parcel Identification No. 16 075 01 105, is physically situated near, adjacent and/or otherwise in close proximity to the Project Site (“Subject Property”); and

WHEREAS, the duly elected governing authority of the City is the Mayor and City Council and deem it in the best interest of the citizens of Stonecrest to acquire, for public use, the Subject Property as part of the design and development of the Project; and

WHEREAS, Title 22 of the Official Code of Georgia Annotated establishes the requirements and procedures by which a municipality shall exercise the power of eminent domain; and

WHEREAS, the governing authority of the City has abided by and will continue to abide by the requirements and procedures set forth in Title 22 of Official Code of Georgia Annotated and has determined that such exercise of eminent domain is necessary and proper.

THEREFORE, IT IS HEREBY RESOLVED the Mayor and City Council of the City of Stonecrest, declares as follows:

1. There is a public necessity and use for the City of Stonecrest to acquire the rights, wholly and in fee simple interest of the property located at 2984 Fairington Parkway, Stonecrest, Georgia 30038, Dekalb County Tax Parcel Identification No. 16 075 01 105.
2. The City of Stonecrest is authorized to acquire by voluntary acquisition and if necessary, exercise its power of eminent domain, to acquire the fee simple interest of the property located at 2984 Fairington Parkway, Stonecrest, Georgia 30038, Dekalb County Tax Parcel Identification No. 16 075 01 105.
3. The Mayor is authorized to execute all necessary documents and perform all necessary acts necessary or prudent to effectuate the intent of this Resolution.
4. The City Attorney is authorized to take all necessary and legal acts necessary or prudent to effectuate the intent of this Resolution.

IT IS SO RESOLVED this ____ day of August, 2024.

Jazzmin Cobble, Mayor
City of Stonecrest

Sonya Isom, City Clerk
City of Stonecrest

State of Georgia
County of DeKalb

A RESOLUTION TO AUTHORIZE THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED AT 3000 FAIRINGTON PARKWAY BY WAY OF NEGOTIATED PURCHASE OR WHERE NECESSARY, BY WAY OF EMINENT DOMAIN FOR PUBLIC PURPOSES; TO AUTHORIZE THE APPROVAL OF ANY NECESSARY DOCUMENTS AS TO FORM AND SUBSTANCE; TO MAKE ANY NECESSARY MODIFICATIONS THEREOF TO PROTECT THE INTERESTS OF THE CITY OF STONECREST; AND TO AUTHORIZE ALL OTHER LAWFUL PURPOSES RELATED TO ACQUIRING FEE SIMPLE INTEREST OF SAID PROPERTY.

WHEREAS, the City of Stonecrest (“the City”) is a municipal corporation organized and existing under the laws of the State of Georgia; and

WHEREAS, the City is authorized under Article 1, Section 3, Paragraph 1 of the Georgia Constitution to exercise the power of eminent domain to take private property for public use upon payment of just compensation to the owner of said private property; and

WHEREAS, Section 22-1-1 of the Official Code of Georgia Annotated establishes that “public use” includes “[t]he possession, occupation, or use of the land by the general public or by state or local governmental entities” and

WHEREAS, the City has an existing Botanical Gardens Project (“the Project”) which is being designed and developed for the recreational use, benefit and enjoyment of its citizens as well as the public at large; and

WHEREAS, the site of the Project is located at the southern terminus of Fairington Parkway (“Project Site”); and

WHEREAS, the real property located at 3000 Fairington Parkway, Stonecrest, Georgia, Dekalb County Parcel Identification No. 16 075 01 00, is physically situated contiguous, adjacent and/or otherwise in close proximity to the Project Site (“Subject Property”); and

WHEREAS, the duly elected governing authority of the City is the Mayor and City Council and deem it in the best interest of the citizens of Stonecrest to acquire, for public use, the Subject Property as part of the design and development of the Project; and

WHEREAS, Title 22 of the Official Code of Georgia Annotated establishes the requirements and procedures by which a municipality shall exercise the power of eminent domain; and

WHEREAS, the governing authority of the City has abided by and will continue to abide by the requirements and procedures set forth in Title 22 of Official Code of Georgia Annotated and has determined that such exercise of eminent domain is necessary and proper.

THEREFORE, IT IS HEREBY RESOLVED the Mayor and City Council of the City of Stonecrest, declares as follows:

1. There is a public necessity and use for the City of Stonecrest to acquire the rights, wholly and in fee simple interest of the property located at 3000 Fairington Parkway, Stonecrest, Georgia 30038, Dekalb County Tax Parcel Identification No. 16 075 01 00.
2. The City of Stonecrest is authorized to acquire by voluntary acquisition and if necessary, exercise its power of eminent domain, to acquire the fee simple interest of the property located at 3000 Fairington Parkway, Stonecrest, Georgia 30038, Dekalb County Tax Parcel Identification No. 16 075 01 00.
3. The Mayor is authorized to execute all necessary documents and perform all necessary acts necessary or prudent to effectuate the intent of this Resolution.
4. The City Attorney is authorized to take all necessary and legal acts necessary or prudent to effectuate the intent of this Resolution.

IT IS SO RESOLVED this ____ day of August, 2024.

Jazzmin Cobble, Mayor
City of Stonecrest

Sonya Isom, City Clerk
City of Stonecrest