



CITY OF STONECREST, GEORGIA

CITY COUNCIL MEETING – AGENDA

3120 Stonecrest Blvd., Stonecrest, GA 30038

Monday, January 27, 2025 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, December 16, 2024
 - b.** Approval of Meeting Minutes - Special Called Meeting, December 23, 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** - Intent to Opt Out of HB 581 - *Michael McCoy, Deputy City Manager & Ed Wall, Financial Advisor*
- b. Public Hearing** - ZMOD 24-004 2193 Panola Road - *Shawanna Qawiy, Division Director Community Development*
- c. For Decision** - Ordinance for ZMOD 24-004 2193 Panola Road - *Shawanna Qawiy, Division Director Community Development*

IX. CONSENT AGENDA

X. APPOINTMENTS & ANNOUNCEMENTS

- a.** Appointment of City's Finance Director - *Mayor Jazzmin Cobble*

XI. REPORTS & PRESENTATIONS

- a.** Stonecrest Charter Commission, Joel Thibodeaux
- b.** Splinter Group, Sheldon Fleming of Parks and Recreation

XII. OLD BUSINESS

- a. For Decision** - Ordinance for FY25 Personnel Changes, 2nd Read - *Gia Scruggs, City Manager*
- b. For Decision** - Resolution for Adoption of Workplace Wellness Policy - *Leona Durden, Human Resources Director*
- c. For Decision** - Resolution to Adopt Uniform Municipal Court Rules of Procedure - *Chief Judge Curtis W. Miller & Mallory Minor, Court Administrator*

XIII. NEW BUSINESS

- a. For Decision** - Amendment of 2025 City Council Meeting Dates - *Mayor Jazzmin Cobble*
- b. For Decision** - Resolution Appointing DeKalb County to Conduct the City of Stonecrest General Election - *Sonya Isom, City Clerk*
- c. For Decision** - Resolution to Set Qualifying Dates and Fees for the November 4, 2025 General Election - *Sonya Isom, City Clerk*

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, December 16, 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 6:48pm.

II. ROLL CALL: Sonya Isom, City Clerk

All members were present with Mayor Jazzmin Cobble and Councilmember Terry Fye present via zoom and Councilmember Tara Graves absent.

III. INVOCATION: Senior Pastor Bob Lindsay, First Baptist Church of Lithonia

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

V. APPROVAL OF THE AGENDA

Motion – made by Councilmember Terry Fye to adopt the agenda as stated. Second by Councilmember Tammy Grimes.

Motion passed 4-0 with Councilmember Tara Graves being absent.

VI. REVIEW AND APPROVAL OF MINUTES

a. Approval of Meeting Minutes - Special Called Meeting, November 7, 2024

Motion – made by Councilmember Tammy Grimes to approve the minutes from the November 7, 2024, Special Called Meeting. Second by Councilmember Alecia Washington.

Motion passed 4-0 with Councilmember Tara Graves being absent.

b. Approval of Meeting Minutes - Work Session, November 12, 2024

Motion – made by Councilmember Alecia Washington to approve the minutes from the November 12, 2024, Work Session. Second by Mayor Pro Tem George Turner.

Motion passed 4-0 with Councilmember Tara Graves being absent.

- c. Approval of Meeting Minutes - City Council Meeting, November 25, 2024

Motion – made by Councilmember Alecia Washington to approve the minutes from the November 25, 2024, City Council Meeting. Second by Councilmember Tammy Grimes

Motion passed 4-0 with Councilmember Tara Graves being absent.

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.

In Person

Faye Coffield – concerns about city funding and Metro Green.

Freasia Young – opposing the business license for Metro Green, mentioning concerns about the environmental impact in a residential community.

Renee Cail – comments on Metro Green and would like the status of the Stonecrest Industrial Council and how it will benefit the residents of Stonecrest.

Jeremy Scott – opposed to Metro Green, would like to provide wrap around services for those in need, the increase in homelessness and expressed desire for a moratorium on food marts and smoke shops.

Brenda Whitaker – opposed to Metro Green and concerned about the health of seniors and others.

Gail Andrews / Sent via email – deny Metro Green business license and concerns on the health impacts on the community,

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 24-004 2680 Panola Road - *Shawanna Qawiy, Planning & Zoning Director*

Presentation by Director Qawiy via zoom stating this is a rezoning request and the applicants are Jesse Clark NVR/Ryan Homes for Pastor J. Williams, Jr. of Salem Bible Church Inc. The request is to rezone the parcel from C-1 (Local Commercial) to MR-2 (Medium Density Residential) for the development of a mixed residential community. There was review of the Zoning Map, Future Land Use Map, Aerial Map, Submitted Site Plan for the proposed northside of the development, Panola Park: Project in Context, Panola Park: Actions Overview, Proposed Building Elevations, Developing Suburb - Unified Growth Policy Map- ARC, Development of Regional Impact (DRI). Staff recommended approval with conditions as listed in the packet.

Motion – made by Councilmember Terry Fye to open the public hearing for RZ 24-004 2680 Panola Road. Second by Councilmember Tammy Grimes.

Motion passed 4-0 with Councilmember Tara Graves being absent.

Motion – made by Councilmember Terry Fye to extend the time for public hearing by six minutes on each side. Seconded by Councilmember Tammy Grimes.

Motion passed 4-0 with Councilmember Tara Graves being absent.

Motion – made by Councilmember Terry Fye to close the public hearing for RZ 24-004 2680 Panola Road. Second by Councilmember Tammy Grimes

Motion passed 4-0 with Councilmember Tara Graves being absent.

b. For Decision - Ordinance for RZ 24-004 2680 Panola Road - *Shawanna Qawiy, Planning & Zoning Director*

The preamble was read by the City Clerk.

Motion – made by Mayor Pro Tem George Turner to approve the ordinance for RZ 24-004 2680 Panola Road with the conditions stated by the Planning Commission and the additional condition of the HOA. Second by Councilmember Terry Fye.

Motion passed 4-0 with Councilmember Tara Graves being absent.

IX. CONSENT AGENDA

X. APPOINTMENTS & ANNOUNCEMENTS

a. Appointment of Committee Chairs for TIPS and Finance - *George Turner, Mayor Pro Tem*

Mayor Pro Tem George Turner recommended the appointment of Councilmember Terry Fye as the Chair of the TIPS committee, stating this will be voted on at the first TIPS meeting of 2025. Mayor Pro Tem George Turner also recommended Councilmember Tammy Grimes as Chair of the Finance Committee. This will be voted on at the first Finance Committee meeting of 2025.

- b. Appointment of Certificate Review Hearing Officer - *George Turner, Mayor Pro Tem*

This item was led by Mayor Cobble, stating this appointment is to ensure that the city has an officer to handle appeals for the city's business licenses. The mayor recommended Mark Anthony Scott to serve as Certificate Review Hearing Officer for the City of Stonecrest, for business license appeals.

Motion – made by Mayor Pro Tem George Turner to approve the appointment of Mark Anthony Scott as the Certificate Review Hearing Officer. Second by Councilmember Terry Fye.

Motion passed 4-0 with Councilmember Tara Graves being absent.

XI. REPORTS & PRESENTATIONS

XII. OLD BUSINESS

Motion – made by Mayor Pro Tem George Turner to approve a five-minute recess. Second by Councilmember Terry Fye.

Motion passed 4-0 with Councilmember Tara Graves being absent.

Motion – made by Councilmember Tammy Grimes to return to the regular scheduled session after a five-minute recess. Second by Councilmember Alecia Washington.

Motion passed 4-0 with Councilmember Tara Graves being absent.

- a. **For Decision** - Resolution for the Adoption of the FY 2025 Budget - *Gia Scruggs, City Manager*

City Manager Scruggs recommended a deferral of this item due to the timeliness of receiving information that may have a fiscal and personnel impact.

Motion – made by Councilmember Tammy Grimes to approve the deferral of the Resolution for the Adoption of the FY 2025 Budget to a date to be named soon. Second by Councilmember Alecia Washington.

Motion – made by Councilmember Tammy Grimes to approve the deferral of the Resolution for the Adoption of the FY 2025 Budget to a Special Called Meeting to be held on December 23, 2024 @ 6pm. Second by Councilmember Terry Fye.

Motion passed 4-0 with Councilmember Tara Graves being absent.

- b. **For Decision** - Resolution for the Adoption of Boards and Commissions Appointments - *George Turner, Mayor Pro Tem*

Presentation by Mayor Pro Tem Turner stating the council voted to appoint members of the committees to the Planning Commission, Zoning Board of Appeals, Construction Board of Appeals and the Urban Redevelopment Agency at the last meeting.

The City Clerk read the preamble for the listed Boards and Commissions.

Motion – made by Councilmember Tammy Grimes to approve all four resolutions with the stated changes. Second by Councilmember Alecia Washington.

Motion passed 4-0 with Councilmember Tara Graves being absent.

- c. **For Decision** - Ordinance for City Manager's Signing Authority - *George Turner, Mayor Pro Tem*

Presentation by Mayor Pro Tem George Turner stating that this item was discussed by the Finance Committee and there was a consensus that the threshold of \$50,000 would be the signing limit for the City Manager effective January 1, 2025. Mayor Cobble suggested that contracts with amounts of \$100,000 or more should come before the council to be voted on.

Motion – made by Councilmember Tammy Grimes to approve the Ordinance for the City Manager’s Signing Authority for \$49,999.99. Second by Councilmember Alecia Washington.

Amended Motion – made by Councilmember Tammy Grimes to approve the Ordinance for the City Manager’s Signing Authority for \$50,000.00. Second by Councilmember Alecia Washington.

Motion passed 4-0 with Councilmember Tara Graves being absent.

XIII. NEW BUSINESS

- a. **For Decision** - Extension to the Charter Commission Completion Date - *George Turner, Mayor Pro Tem*

Presentation by Mayor Pro Tem stating that during the establishment of the Charter Commission a completion date was set for November 2024. Mayor Pro Tem suggested November 2025 as the new completion date.

Motion – made by Mayor Pro Tem George Turner to approve the Extension to the Charter Commission Completion Date for November 2025. Second by Councilmember Tammy Grimes.

Motion passed 4-0 with Councilmember Tara Graves being absent.

- b. **For Decision** - Official Letter to the General Assembly Delegation of Stonecrest - *George Turner, Mayor Pro Tem*

Presentation by Mayor Pro Tem George Turner stating he has been talking to members of the General Assembly in regard to the two appointees for the City of Stonecrest. Mayor Pro Tem is suggesting sending an official letter to the General Assembly to appoint a representative.

- c. **For Decision** - Browns Mill Park and Fairington Park - Parking Lots Resurfacing - *Hari Karikaran, City Engineer*

Presentation by City Engineer Karikaran stating that the funding for this project will come from ARPA Funding. The contract was awarded to Blount Construction Company for street resurfacing in July 2024 and the council made an amendment in September 2024 to add more streets. Blount Construction has completed all the streets, in addition to Panola Road resurfacing. The contract also included parking lot resurfacing at Wellington Manor. Staff is recommending using the same contract to pave the parking lots at Fairington Park and Browns Mill Park. The total funding amount is \$580,381.51 from ARPA Funding.

Legal commented that the initial contract was rewarded for street resurfacing and the scope of contract that the Fairington Park Project is a different project. They are unsure if the contract will cover Fairington Park. Suggests adding this project to the existing contract instead of amending the current contract.

d. For Decision - Fairington Park - Installation of Perimeter Fencing - Hari Karikaran, City Engineer

Presentation by City Engineer Karikaran stating that this project will be funded through ARPA Funding. He is looking to put fencing around Fairington Park. The fence will be steel, with 2 automatic gates and 2 small sliding gates, as well as fencing for the sidewalk. Staff is proposing to remove the fencing that is currently being used. This is a piggyback contract from Rockdale on-call contract.

Motion – made by Councilmember Alecia Washington to approve the Fairington Park – Installation of Perimeter Fencing. Second by Councilmember Tammy Grimes.
Motion passed 4-0 with Councilmember Tara Graves being absent.

XIV. CITY ATTORNEY COMMENTS

No comments

XV. CITY MANAGER UPDATE

Would like to wish everyone a safe holiday season. Thank you to the City of Stonecrest Staff.

XVI. MAYOR AND COUNCIL COMMENTS

District 1 – Absent

District 2 – Would like to thank Ms. Hudson and Mr. Gregory for hosting a meet and greet to talk to residents and interact. Everyone be careful and stay sanitized.

District 3 – Would like to thank everyone who came out to the district townhall. Be safe and have a Merry Christmas.

District 4 – Light Up Stonecrest was an amazing event that we are looking to make a tradition for the City of Stonecrest. Kudos to the planners and more to come. Stay vigilant and have a safe and Merry Christmas.

District 5 – Shout out to New Birth for the quality Toy Giveaway. District 5 will be supporting 2 groups: “For the Love of Giving”, with Ms. Catherine and “Where Purpose Meets Destiny”, with Wanda Wallace. Final Exams are upcoming, students please get rest.

Mayor Cobble – No 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

Motion – made by Councilmember Tammy Grimes to enter Executive Session for personnel, litigation, real estate and cyber security. Second by Councilmember Alecia Washington.

Motion passed 4-0 with Councilmember Tara Graves being absent.

Motion – made by Councilmember Tammy Grimes to exit Executive Session and return to the scheduled meeting. Second by Councilmember Alecia Washington.

Motion passed 4-0 with Councilmember Tara Graves being absent.

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

Motion passed 4-0 with Councilmember Tara Graves being absent.

XVIII. ADJOURNMENT

Motion – made by Councilmember Tammy Grimes to adjourn the City Council Meeting. Second by Councilmember Alecia Washington.

Motion passed 4-0 with Councilmember Tara Graves being absent.

The meeting adjourned at 10:52pm.

Americans with Disabilities Act

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CITY OF STONECREST, GEORGIA

CITY COUNCIL SPECIAL CALLED MEETING – MINUTES

3120 Stonecrest Blvd., Stonecrest, GA 30038

Monday, December 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

The meeting began at 6:07pm.

II. ROLL CALL: Sonya Isom, City Clerk

All members were present.

III. AGENDA ITEMS

Request to start with item c. and move items a. and b. to the end of the agenda.

Motion – made by Councilmember Terry Fye to approve the meeting agenda with the stated adjustments. Second by Councilmember Tara Graves.

Motion passed unanimously.

a. For Decision - Resolution for the Adoption of the FY 2025 Budget - Gia Scruggs, City Manager

The City Clerk read the preamble.

Motion – made by Councilmember Tammy Grimes to approve the Resolution for the Adoption of the FY 2025 Budget with the stated multiple changes. Second by Mayor Pro Tem George Turner.

Motion passed 3-2 with Councilmembers Tara Graves and Alecia Washington voting Nay.

b. For Decision - Personnel Ordinance - Gia Scruggs, City Manager

The City Clerk read the preamble as the 1st read.

- c. **For Decision** - Browns Mill Rec Center Office/Lobby/Rooms Floor Replacement - *Kelly Ledbetter, Director of Parks and Recreation*

Motion – made by Councilmember Tammy Grimes to approve the Browns Mill Rec Center Office/Lobby/Rooms Floor Replacement. Second by Councilmember Alecia Washington.

Motion passed unanimously.

- d. **For Decision** - Miller Road at Thompson Mill Roundabout Vendor Approval - *Hari Karikaran, City Engineer*

Motion – made by Councilmember Tammy Grimes to approve the Miller Road at Thompson Mill Roundabout Vendor Approval. Second by Councilmember Alecia Washington.

Motion passed 4-1 with Councilmember Terry Fye voting Nay.

- e. **For Decision** - Klondike Road at Goddard Road - Intersection Improvements Vendor Approval - *Hari Karikaran, City Engineer*

Motion – made by Councilmember Tammy Grimes to approve the Klondike Road at Goddard Road – Intersection Improvements Vendor Approval. Second by Councilmember Alecia Washington.

Motion passed unanimously.

- f. **For Decision** - Hayden Quarry Rd Extension - Concept Design Vendor Approval - *Hari Karikaran, City Engineer*

Motion – made by Councilmember Tara Graves to approve Hayden Quarry at Sigman Intersection Concept Design. Second by Councilmember Alecia Washington.

Motion passed unanimously.

- g. **For Decision** - Turner Hill Road at Hayden Quarry Road - Intersection Improvement Vendor Approval - *Hari Karikaran, City Engineer*

Motion – made by Mayor Pro Tem George Turner to approve the Turner Hill Road at Hayden Quarry Road Intersection Improvement Vendor Approval. Second by Councilmember Tara Graves.

Motion passed 4-1 with Councilmember Terry Fye voting Nay.

- h. **For Discussion/Decision** - ARPA Spending Plan Update - *Gia Scruggs, City Manager*

The City Clerk read the preamble for the FY 2024 Amended SPLOST Ordinance with ARPA.

The City Attorney read the preamble for ARPA Funds Spending for Panola Shoals.

Motion – made by Councilmember Tammy Grimes to approve the Resolution for the ARPA Spending Plan Update for Panola Shoals from SPLOST to ARPA. Second by Councilmember Terry Fye.

Motion passed unanimously.

i. For Decision - Financial Advisor Contract Agreement - Gia Scruggs, City Manager

Motion – made by Councilmember Tammy Grimes to approve the Financial Advisor Contract Agreement. Second by Councilmember Terry Fye.

Motion passed unanimously.

j. For Decision - Appointment of ZBA Members - George Turner, Mayor Pro Tem

Motion – made by Councilmember Terry Fye to approve the appointment of Jeremy Scott to the Zoning Board of Appeals for District 2. Second by Councilmember Tammy Grimes.

Motion passed unanimously.

Motion – made by Mayor Pro Tem George Turner to approve the appointment of Ieshia Fuller to the Zoning Board of Appeals for District 4. Second by Councilmember Tammy Grimes.

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 Mayor Pro Tem to enter into Executive Session for personnel, litigation, real-estate and cyber security. Second by Councilmember Tammy Grimes.

Motion passed unanimously.

Motion – made by Councilmember Terry Fye to exit Executive Session and return to the special called meeting. Second by Councilmember Tammy Grimes.

Motion passed unanimously.

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

Motion passed unanimously.

V. ADJOURNMENT

The meeting adjourned at 10:23pm.

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CITY COUNCIL AGENDA ITEM

SUBJECT: Intent to Opt Out of HB 581 – 2nd Public Hearing

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: Required Public Hearing for HB581**

ACTION REQUESTED: **DECISION** **DISCUSSION**, **REVIEW**, or **UPDATE ONLY**

Previously Heard Date(s): 01/13/25 & *Click or tap to enter a date.*

Current Work Session:

Current Council Meeting: Monday, January 27, 2025

SUBMITTED BY: Michael McCoy, Deputy City Manager

PRESENTER: Michael McCoy, Deputy City Manager and Ed Wall, Financial Advisor

PURPOSE: Satisfy Public Hearing Requirement to Opt of HB581. The hearing is being held to gather input on whether the City of Stonecrest should exercise its option to opt out of HB581.

FACTS: HB581 is legislation that mandates standardized homestead exemption policies across local governments. It aims to provide uniform property tax relief for homeowners but includes an option for cities to opt out and maintain control over their own tax policies. djf

OPTIONS: Discussion only *Click or tap here to enter text.*

RECOMMENDED ACTION: Review Only *Click or tap here to enter text.*

ATTACHMENTS:

- (1) Attachment 1 - Cover Letter
- (2) Attachment 2 - HB 581 Opt Out Schedule Draft
- (3) Attachment 3 - Opting Out vs Not Outing
- (4) Attachment 4 - Financial Advisor Opinion



CITY COUNCIL AGENDA ITEM

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

Subject: Cover Letter for HB581 Intent to Opt-Out Homestead Exemption Agenda Item

Dear Mayor and City Council,

This email serves as a cover letter for the HB581 opt-out agenda item that you will consider at the **January 13, 2025, Council Meeting**. I want to provide a simple overview to ensure everyone is prepared for the discussion and decision.

What is HB581?

HB581, also called the **Save Our Homes Act**, limits how much property taxes can increase each year for **homesteaded properties** (homes where the owner lives as their primary residence). The increase is capped at a small percentage based on inflation, using the Consumer Price Index (CPI).

For **non-homesteaded properties** (such as rental properties or businesses), these limits do not apply, meaning their taxes could increase more significantly over time.

Why Consider Opting Out?

If the City does not opt out, property taxes for homesteaded properties will grow more slowly, but this could limit the City's ability to generate revenue for essential services. Opting out allows the City to align revenue with rising costs and avoid shifting the tax burden to non-homesteaded property owners.

Examples Using Stonecrest's Tax Rate (1.257%)

If the City Does Not Opt Out (HB581 Applies):

- **Home Value:** \$100,000
- **Market Growth:** 10% increase (value becomes \$110,000)
- **CPI Cap:** 3% increase (assessed value for tax purposes becomes \$103,000)
- **Tax Rate:** 1.257%
- **Property Tax:** Increases from \$1,257 to \$1,294.71

If the City Opt's Out (HB581 Does Not Apply):

- **Home Value:** \$100,000
- **Market Growth:** 10% increase (value becomes \$110,000)
- **Assessed Value:** Matches market value at \$110,000

- **Tax Rate:** 1.257%
- **Property Tax:** Increases from \$1,257 to \$1,382.70

In this example, opting out allows the City to collect **\$87.99 more per homeowner**, which adds up across all properties and helps the City maintain services without shifting the tax burden unfairly.

What Happens at the January 13 Meeting?

At the meeting, the Council will decide whether to take formal action on the **intent to opt out of HB581**. If you choose to move forward, here's the process:

1. **Public Hearing Notifications:**
 - The City must publish notices for three public hearings in a local newspaper and on the City website at least one week before each hearing.
2. **Public Hearings Schedule:**
 - **First Hearing:** January 27, 2025, at 6:00 PM
 - **Second Hearing:** February 10, 2025, at 6:00 PM
 - **Third Hearing:** February 24, 2025, at 6:00 PM
3. **Final Vote:**
 - After the third public hearing on **February 24, 2025**, the Council will take final action to adopt the resolution to opt out.

Things to Consider

- HB581 may appeal to homeowners as it limits how much their property taxes can increase.
- However, opting out ensures the City can collect enough revenue to meet its financial obligations and maintain services without overburdening non-homesteaded property owners.

Attached is the **comprehensive opt-out timeline schedule** for your review.

We will be available to support your discussion and answer questions during the January 13 meeting. Please feel free to reach out beforehand if you need additional information.

Best regards,

Michael McCoy
Deputy City Manager

Intent to Opt-Out of Homestead Exemption -HB581
Schedule
City of Stonecrest
Draft 2
January 6, 2025

Date	Action
January 13, 2025	Council Meeting: M&C takes formal action on the intent to opt out of HB581.
January 15, 2025	Publish notification for the first public hearing in a newspaper of general circulation and on the City website, including meeting time (6:00 PM).
January 27, 2025	First Public Hearing: Held during the regular Council meeting at 6:00 PM .
January 29, 2025	Publish notification for the second public hearing in a newspaper of general circulation and on the City website, including meeting time (6:00 PM).
February 10, 2025	Second Public Hearing: Held during the regular Council meeting at 6:00 PM .
February 12, 2025	Publish notification for the third public hearing in a newspaper of general circulation and on the City website, including meeting time (6:00 PM).
February 24, 2025	Third Public Hearing and Final Action: Held during the regular Council meeting at 6:00 PM . M&C will vote on the resolution to adopt the opt-out.
March 1, 2025	Submit opt-out resolution to the Secretary of State's Office.

Notes:

1. **Meeting Times:** All public hearings will be held at **6:00 PM**, ensuring compliance with the requirement for one meeting to be held on a weekday between 6:00 PM and 7:00 PM.
2. **Notifications:**
 - Each public hearing notification will be published **at least one week prior** to the hearing date.
 - Notifications must include the meeting date, time, and location.
 - Notifications must be prominently displayed (minimum size: 30 square inches), not placed in the legal notices section, and posted on the City website.
3. **Final Action:** The final resolution vote will occur immediately following the third public hearing on **February 24, 2025**, eliminating the need for a special called meeting.

Opt-Out vs. Not Opt-Out: Property Tax Impact Example

Scenario	Initial Home Value	Taxable Value (40%)	Tax Rate (1.257%)	Property Tax
Initial Tax	\$100,000	\$40,000	1.257%	\$502.80
Not Opting Out (CPI Cap)	\$100,000	\$41,200 (3% Growth)	1.257%	\$517.88
Opting Out (Market Growth)	\$100,000	\$44,000 (10% Growth)	1.257%	\$553.08

Key Takeaways:

- **Not Opting Out (CPI Cap):** Property taxes increase by **\$15.08** under the CPI cap (3% growth).
- **Opting Out (Market Growth):** Property taxes increase by **\$50.28** based on market growth (10% growth).
- **Difference:** Opting out allows the City to collect **\$35.20 more per homeowner**, helping fund City services and operations.

PIPER | SANDLER

SUBJECT: HB 581 – FLOATING HOMESTEAD EXEMPTION AND FLOST

Background

During the final week of the 2024 legislative session, four separate bills were consolidated: House Bill 581 (HB 581). This comprehensive legislation introduces significant changes to property taxes and local sales tax options aimed at reducing the reliance on property taxes by shifting some of the tax burden to sales taxes. Specifically, HB 581:

1. Establishes a floating homestead exemption for property taxes tied to inflation.
2. Creates a new Floating Local Option Sales Tax (FLOST), a 1% sales tax that functions similarly to a LOST (Local Option Sales Tax) but replaces property tax revenue with sales tax revenue.
3. Simplifies the process for calculating and adopting property tax millage rates and rollback millage rates.

HB 581 required approval through a statewide Constitutional Amendment, which was on the ballot in November 2024. The amendment passed with 63% of the vote (3,087,240 votes in favor and 1,818,724 votes against).

The legislation allows local governments to opt out of the new homestead exemption between January 1, 2025, and March 1, 2025. If a government takes no action, it is automatically included in the exemption. After March 1, decisions to opt in or out are permanent—local governments that do not opt out will retain the exemption indefinitely, while those that opt out will be permanently excluded.

How Does the New Homestead Exemption Work?

The new floating homestead exemption ties the assessed value of a property to the annual Consumer Price Index (CPI) rate, limiting the increase in taxable value to the rate of inflation. Here's an example:

A house valued at \$250,000 in Georgia is assessed at 40% of its market value for property tax purposes. This means the assessed value of the house is \$100,000 ($\$250,000 \times 40\%$). Under HB 581, the base year for the homestead exemption is set as the assessed value in 2024.

If, in 2025, the tax assessor determines the house's fair market value has increased by 10%, the new market value would be \$275,000 ($\$250,000 + \$25,000$). At 40%, the assessed value would rise to \$110,000 ($\$275,000 \times 40\%$).

However, under HB 581, the increase in assessed value is limited to the annual inflation rate. Assuming inflation in 2025 is 3%, the allowable increase would be \$7,500 ($\$250,000 \times 3\%$), resulting in a new market value of \$257,500. At 40%, this gives a new assessed value of \$103,000 ($\$257,500 \times 40\%$).

The \$7,000 difference between the \$110,000 assessed value and the inflation-adjusted \$103,000 would be added to the homestead exemption. This means the homeowner would be exempt from property taxes on the \$7,000, resulting in a savings and further reducing their tax liability due to the City.

This formula is applied annually, increasing the homestead exemption amount year over year. When a property is sold, the homestead exemption resets, and the new owner begins the process again based on the updated assessed value.

While this exemption benefits homeowners, it reduces the growth of the tax digest from residential properties, shifting the tax burden to other property classes, such as commercial, industrial, and multi-family properties.

How Does the FLOST Work?

Each of Georgia’s 159 counties is eligible to implement a new 1% sales tax, known as the Floating Local Option Sales Tax (FLOST), to offset property taxes. However, this option is contingent on the county and all its municipalities choosing not to opt out of the new floating homestead exemption. The FLOST is exclusively available to cities and counties and does not apply to schools.

Unlike other sales taxes that require the full 1% rate, the FLOST can be levied in increments as small as 0.05%. The revenue generated from the tax is shared between the county and its cities based on population distribution.

FLOST does not generate new revenue; rather, it replaces property tax revenue in the same way as the Local Option Sales Tax (LOST). FLOST functions as an alternative to property taxes, shifting the revenue source from property owners to a broader base through sales taxes.

FLOST differs from LOST in several key ways. While LOST operates on a 10-year cycle with renegotiations between the county and its cities, FLOST is limited to a 5-year term. To renew FLOST after the initial term, the following process is required:

1. A new local act must be approved by the county’s legislative delegation, passed by the General Assembly, and signed by the Governor.
2. A new intergovernmental agreement (IGA) must be executed between the county and all its cities.
3. The renewal must be approved by voters in a referendum.

If the FLOST renewal fails, the City will lose a critical source of revenue. Since FLOST is designed to replace property taxes, the City will need to increase its millage rate to make up for the loss, placing the burden back on property owners.

Current Homestead Exemptions in the City

The City Charter currently provides the following homestead exemptions:

1. **General Homestead Exemption:** An exemption of \$10,000 of the assessed value of the homestead from City of Stonecrest ad valorem taxes for municipal purposes.
2. **Senior Citizens and Disabled Residents Exemption:** An exemption of \$14,000 of the assessed value of the homestead for residents who are senior citizens or disabled.
3. **Unremarried Surviving Spouse of Armed Forces Member Exemption:** An exemption for the unremarried surviving spouse of a member of the armed forces killed in action, equal to the greater of \$32,500 or the maximum amount allowed under federal law.
4. **One Mill Equivalent Exemption:** An exemption providing the dollar equivalent of a one-mill reduction in the millage rate for the taxable year.

Should the City Opt Out?

Stonecrest’s 2023 Tax Gross tax digest was \$3.2 billion. The residential component was \$1.85 billion. That represents 58%. That is very high. The homestead property is \$1.1 million. 60% of residences in Stonecrest have a homestead exemption.

If the DeKalb Tax Assessor revalued homestead property this year at 10%, the homestead property (40% value) would go up by \$110 million or \$1.210 billion. If inflation is 3%, the \$1.1 billion would be allowed to go up by \$33 million. That would be \$1.133 billion. Subtracting the two would be a new homestead exemption of \$77 million. Stonecrest already gives a homestead exemption of 1 mill. The millage rate is 1.257 mills. So the 0.257 mills times the new homestead exemption of \$77 million would be lost revenue of approx \$20,000.

This number would increase each year if the tax assessor raises property higher than inflation and if you ever raise your millage rate for other city services.

Opting out would disqualify the City and DeKalb County from implementing a FLOST. But any City opting out will disqualify the FLOST.

Conclusion

The City provides very generous Homestead Exemptions already. The property tax break for homeowners of the equivalent of 1 mill is something I have never seen and is very generous.

HB 581 floating homestead exemption, once opted in, does not allow a local government to ever opt out. Georgia’s Constitution provides for Home Rule so that local governments, where city, county or schools, can control their own destiny and make decisions that are right for them. By staying opted in, the City of Stonecrest is giving up that local control. For this reason and other reasons stated, opting out, is my recommendation.



CITY COUNCIL AGENDA ITEM

SUBJECT: Ordinance for ZMOD 24-004 2193 Panola Road

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, January 27, 2025

SUBMITTED BY: Shawanna Qawiy, Division Director Community Development

PRESENTER: Shawanna Qawiy, Division Director Community Development

PURPOSE: The applicant is requesting to modify a prohibited use zoning condition to allow for additional services.

FACTS: The applicant is requesting to modify prohibited zoning condition *(1). (d). Barber Shop/Beauty Salon and/or similar personal service establishments* from case # RZ 19 005 to allow for additional services including eyebrow threading, massage and facial services.

OPTIONS: Approve, Approve with Modifications, Table, Deny, or Defer Approve with modifications.

RECOMMENDED ACTION: Approve with Modifications Approve with modifications.

ATTACHMENTS:

- (1) Attachment 1 - Staff Analysis Report
- (2) Attachment 2 - Application
- (3) Attachment 3 - Meeting Minutes
- (4) Attachment 4 - Ordinance



CITY COUNCIL AGENDA ITEM

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



ZONING MODIFICATION

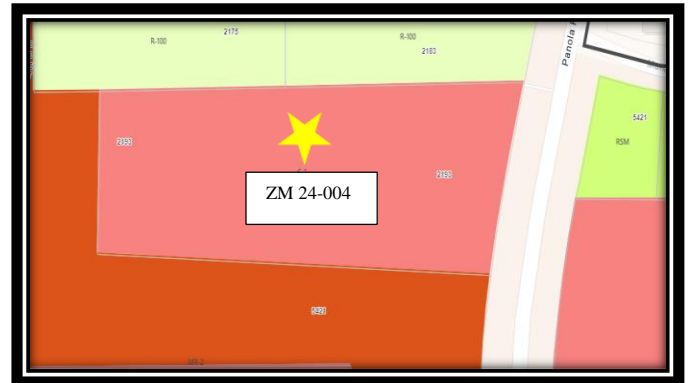
Prepared By:	Felleshia Blair, Planner/ Deputy Director Ellis Still
Petition Number:	ZM24-000004
Applicant:	Jose Ayala DBA Las Colinas lascolinaslithonia@gmail.com
Property Owner's Address:	Panola Plaza Inc 6600 Stonehedge Way Stone Mountain, GA 30087
Project Location:	2193 Panola Road Stonecrest, GA 30058 Parcel ID 16 039 04 020
District:	2 – Councilperson Terry Fye
Acreage:	+/- 2.49 acres
Existing Zoning:	C-1 - Local Commercial District
Proposed Zoning:	(same)
Overlay:	n/a
Future Land Use:	SUB - Suburban
Proposed Development/Request:	The applicant is requesting amendment to rezoning case <i>File # RZ-19-005</i> to modify zoning condition (1). (d). <i>Barber Shop/Beauty Salon and/or similar personal service establishments</i> . The condition restricts specific uses in the plaza.
CPIM:	December 12, 2024
Planning Commission:	January 7, 2025
Mayor & City Council:	January 27, 2025
Sign Posted/ Legal Ad(s) submitted:	November 26, 2024
Staff Recommendations:	Approval with Conditions

PROJECT OVERVIEW

Location

The subject property is located at 2193 Panola Road, Stonecrest, GA 30058. The property means of ingress and egress access is granted through an easement of the neighboring townhome development. The site has a newly constructed multi-tenant commercial building permitted for retail and a restaurant space. The development is currently pending buildout of additional unknown tenant spaces.

The property abuts a public right-of-way to the east of the site. The abutting property along the north property line is R-100 (Residential Medium Lot) District with MR-2 (Medium Density Residential) District abutting the property to its west property line and south property line.



Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use
Adjacent: North	R-100 (Residential Med Lot) District	Residential (Detached Single Family Home)
Adjacent: West	MR-2 (Medium Density) Residential District	Townhomes
Adjacent: East	RSM (Small Lot Residential) & C-1 (Local Commercial)	Residential (Detached Single-Family Homes) Commercial (Retail)
Adjacent: South	C-1 (Local Commercial District)	Advance Auto Parts/ LA Fitness

Background

The subject property was formerly zoned R-100 Residential Medium Lot District. It was rezoned to C-1 Local Commercial under case #RZ-19-005. Prior to its rezoning the site contained a single-family home. Conditions (see page 3) were placed on the property while rezoning the subject site from R-100 (Residential Medium Lot) District to C – 1 (Local Commercial) District.



ase # RZ-19-005.

1. The use of the Subject Property for any of the following shall be strictly prohibited:
 - a. Convenience Store
 - b. Child day care center and/or kindergarten
 - c. Blood collection center
 - ➔ d. Barber shop / Beauty Salon or similar establishments
 - e. Check to cash establishment to include automobile title loan and pay day loan establishment
Gold-Buying establishment
 - g. Heavy truck and equipment and materials storage
 - h. Indoor/Outdoor open flea market
 - i. Restaurant with drive-through
 - j. Automobiles, boats, and trailers new and used sales
 - k. Automobile repair major and minor
 - l. Funeral home and/or crematory
 - m. Fraternity or sorority house
 - n. Boarding or rooming house
 - o. Self-storage or mini warehouses
 - p. Liquor and/or package stores
 - q. Pawn shops
 - r. Pool hall and/or sports bar
 - s. Adult Entertainment or bookstores, etc.
 - t. Nightclub
 - u. Skating rink; and
 - v. indoor and/or outdoor recreation
 - w. Gas stations

2. The site shall be developed in general conformance with the site plan received by the City on May 7th, 2019.

3. Exterior elevations shall be similar to the elevations received by the City on May 7th, 2019. Final elevations shall be subject to review and approval of the Community Development Director.

4. Owner/Developer shall install a five foot (5') wide sidewalk along the entire frontage of Panola Road.

5. Owner/Developer shall dedicate additional right-of-way along the entire frontage of Panola Road to provide a minimum of fifty feet (50') from the road centerline, twelve feet (12') from the back of curb, or two feet (2') from the future back of the sidewalk, whichever is greater.

6. Owner/Developer shall obtain all permits required by the City of Stonecrest in accordance with the development of the subject property.



Caption: An example Suburban Neighborhood Land Use in Stonecrest, GA

Suburban Neighborhood (SN): The Suburban Neighborhood area recognizes those areas of the city that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. These areas include those already developed and those under development pressures. Suburban Neighborhood areas are characterized by low-pedestrian orientation, limited transit access, scattered civic buildings, and curvilinear street patterns. The desired density for areas of this type is from 4 to 8 dwelling units per acre.

Use Descriptions: SF detached; Townhomes; Assisted Living facilities; Neighborhood Retail; Schools; Libraries; Parks and Related; Health Care, Civic

Maximum Density, Units/Acre: 4 to 8 du/ac

Permitted Districts: OI, OIT, NS, RSM, R100, R85, R75, R60, RNC

Public Participation

Property owners within 1,000 feet of the subject property were mailed notices of the proposed rezoning in November. The Community Planning Information Meeting (CPIM) was held on December 12, 2024, at 6:00 pm at city hall. There was a concern expressed during the CPIM by a resident regarding the number of personal care establishments currently in the area. The applicant stated the requested business would operate as a Brazilian Wax business.

RZ 24-004

ADDRESS: **2193 PANOLA ROAD**

CURRENT ZONING: **C -1 (LOCAL COMMERCIAL) DISTRICT**

FUTURE LAND USE: **SUBURBAN (SUB)**

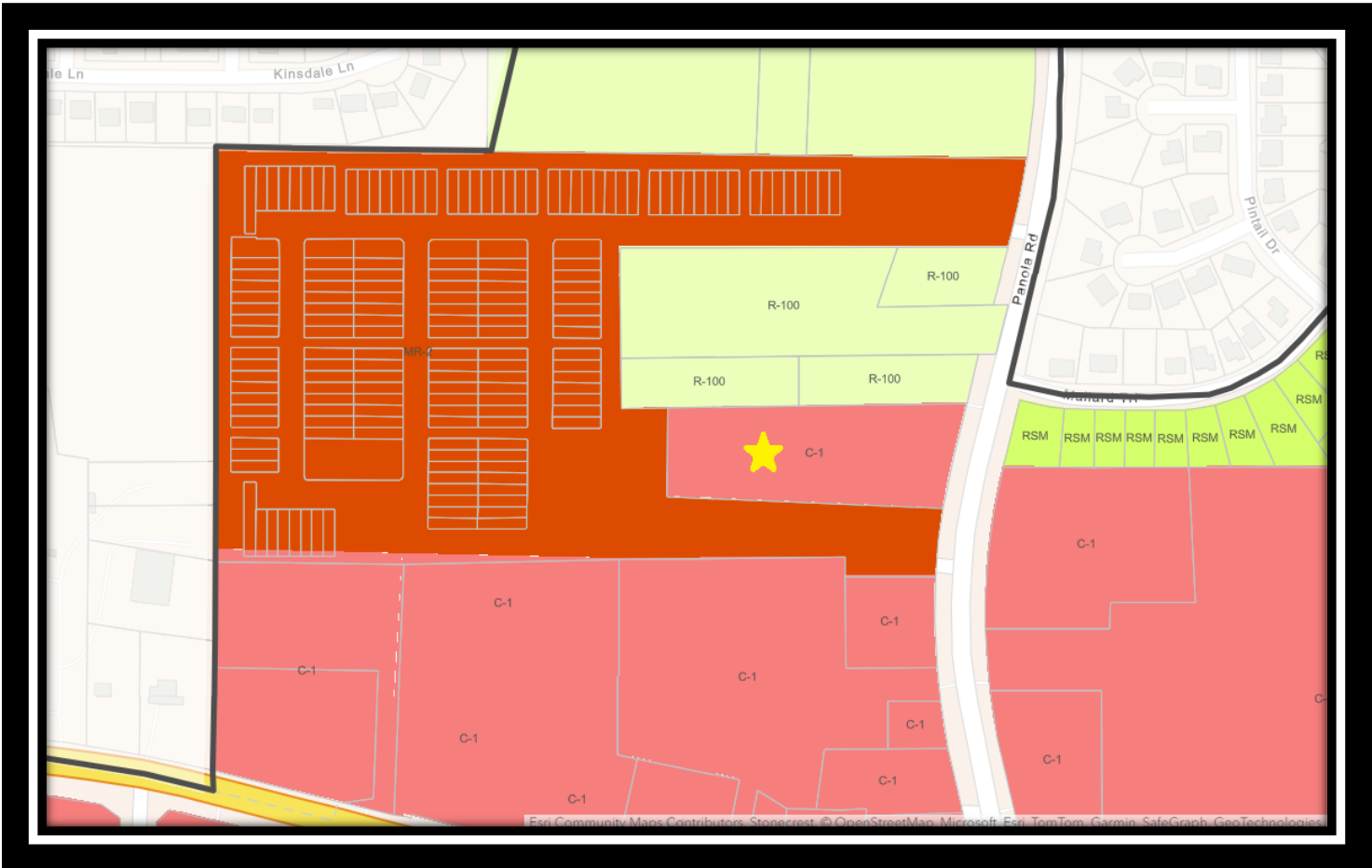
Aerial Map



Subject Property



Zoning Map

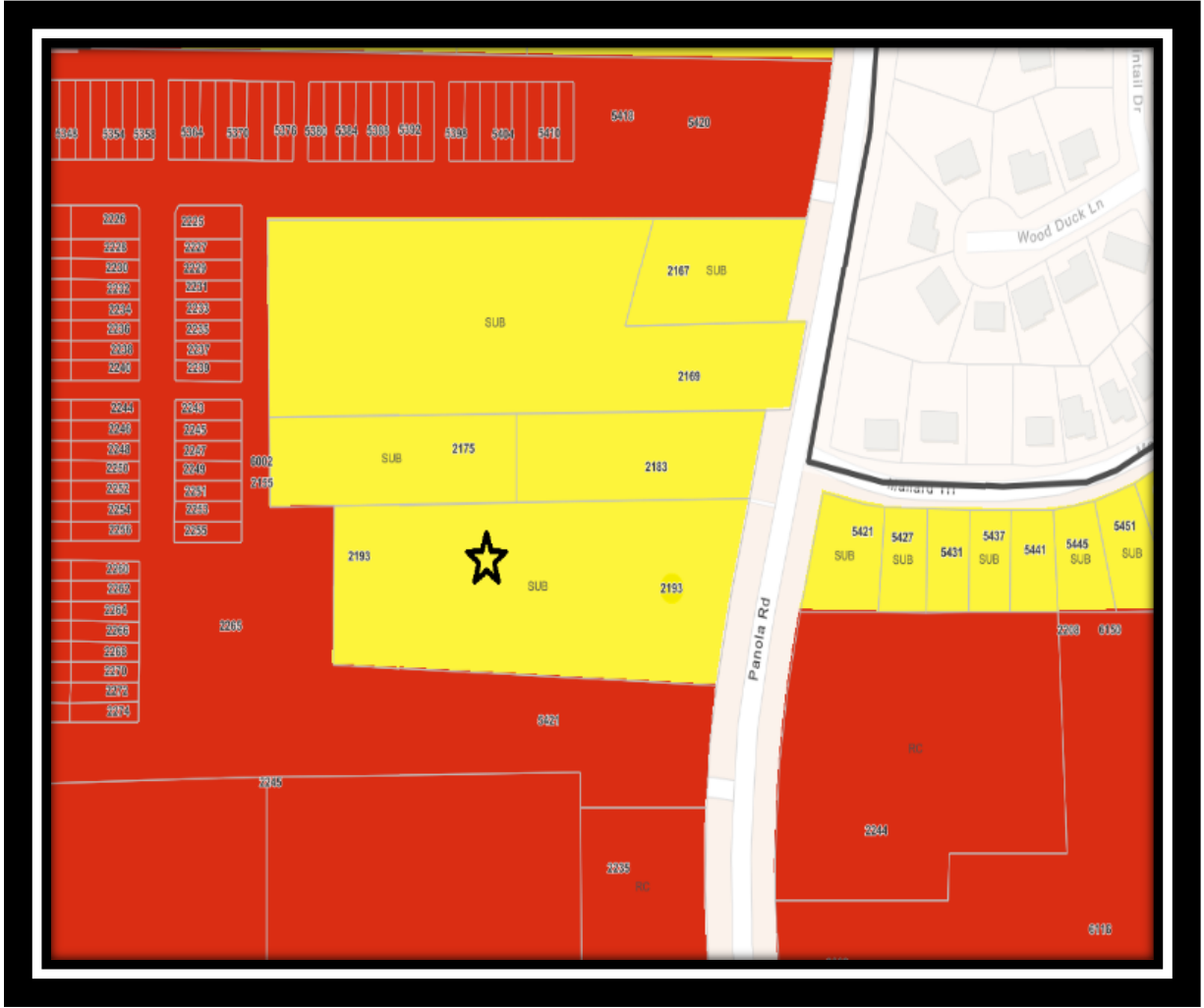


Legend

- RSM - Small Lot Residential Mix
 C-1 - Local Commercial

- R-100 - Residential Med Lot
 MR-2 - Med Density Residential

Future Land Use Map



Legend

- Regional Center
- Suburban

STANDARDS OF REZONING REVIEW

Section 7.3.5 of the Stonecrest Zoning Ordinance list eight factors to be considered in a technical review of a zoning case completed by the Community Development Department and Planning Commission. Each element is listed with staff analysis.

- **Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.**

The subject property is located within the Suburban character area of the Stonecrest Comprehensive Plan. The intent of the Suburban Character Area is to recognize those areas of the city that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility.

The subject property is a commercial development that is one of several connected parcels with the Suburban character designation surrounded by the Regional Commercial character designation. The removal of the proposed conditional uses do not align with the character designation in the Stonecrest Comprehensive Plan and is listed as a prohibited use on the list of conditions.

- **Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.**

The proposed change in zoning condition will permit a use that would be suitable in the view and development of the nearby and adjacent properties. The proposed use should not increase the level of concern from the community about over saturation of certain uses. According to the applicant the requested use should not create any additional noise that could adversely affect the abutting neighborhood(s).

Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The property is currently zoned C-1 Local Commercial and does have a reasonable economic use as currently zoned. Although there are some restrictions on the uses allowed on the subject property, the proposed use would add a personal service that is not available in the immediate vicinity. The requested modification and/or amendment would allow the development to thrive without potentially adversely affecting the nearby community.

- **Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.**

The subject property abuts a residential community. There were some concerns surrounding the uses that would be permitted in the plaza during the rezoning process which led to the list of prohibited uses/restrictions. However, the proposed use would not adversely affect the neighborhood if strict hours of operation are established and enforced. The proposed zoning modification would allow an additional service to the area and would not go against the protections that the current conditions were set up to address.

- **Whether there are other existing or changing conditions affecting the use and development of the property, which gives supporting grounds for either approval or disapproval of the zoning proposal.**

The current zoning conditions/modifications were established to address concerns about over saturation of uses and noise. The proposed use would be one of none, if any in the surrounding area. The proposed use would not create any additional noise that would adversely affect the neighboring community if hours of operation are established and strictly enforced. This gives supporting grounds for approval of the zoning condition modification.

- **Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.**

At the time of this request, there are no historic buildings, sites, districts, or archaeological resources acknowledged on the subject property.

- **Whether the zoning proposal will result in a use that will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

The proposed use will not result in a use that will or may cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The property is designed and built for small neighborhood retail uses.

- **Whether the zoning proposal adversely impacts the environment or surrounding natural resources.**

The zoning proposal will not adversely impact the environment or surrounding natural resources.

STAFF RECOMMENDATION Amended January 7, 2025

Staff recommends APPROVAL of amending condition 1 (d) for RZ-19-005. To keep the current text as written on the strictly prohibited list of conditions to allow for a Brazilian Wax establishment that includes facials, massages and eyebrow threading services ONLY.

PLANNING COMMISSION RECOMMENDATION – January 7, 2025

Approved with staff conditions.



Attachment(s): ZM 24-004 Application and Supporting Documents

RZ Application

All applications and plans must be submitted through the [Citizenserve Online Portal](#)



Amendment Application

PROPERTY	
Site Address(es): 2193 Panola Road Stonecrest ga. 30058	Parcel #: 16 039 04 020 Zip: 30058
Project Name (If applicable):	
Current Zoning: C-1	Proposed Zoning:
Current Use:	Proposed Use:

OWNER INFORMATION	
Name:	Jose Ayala
Address:	6600 Stonehedge Way Stone Mountain Ga 30087
Email:	PANOLAPLAZA@GMAIL.COM
Phone:	404-536-1036

APPLICANT	
Name:	Jose Ayala
Address:	6600 Stonehedge Way Stone Mountain Ga 30087
Email:	PANOLAPLAZA@GMAIL.COM
Phone:	404-536-1036

AFFIDAVIT

To the best of my knowledge, this application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Stonecrest Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Stonecrest Zoning Ordinance) will result in the rejection of this application. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included.

Applicant's Name:	Jose Ayala
Applicant's Signature:	<i>Jose Ayala</i>
Date:	10/28/24

NOTARY

Sworn to and subscribed before me this	28	Day of	October	20	24
Notary Public:	<i>Jody Walker</i>				
Signature:	<i>Jody Walker</i>				
Date:	10/28/24				

JODY WALKER
 NOTARY PUBLIC
 Gwinnett County
 State of Georgia
 My Comm. Expires June 23, 2026

Amendment Application

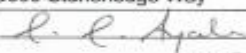

All applications and plans must be submitted through the [Citizenserve Online Portal](#)



Applicant(s) Notarized Certification

The petitioner acknowledged that this amendment application form is correct and complete. By completing this form, all applicant of the subject property certifies authorization of the filing of the application for amendment(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Applicant

Name:	Jose Ayala		
Address:	6600 Stonehedge Way	City, State: Stone Mountain GA	Zip: 30087
Signature:		Date:	10/28/24
Sworn to and subscribed before me this <u>28</u> day of <u>October</u> 20 <u>24</u>			
Notary Public:	<div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>JODY WALKER NOTARY PUBLIC Gwinnett County State of Georgia My Comm. Expires June 23, 2026</p> </div>		
			

Applicant (if applicable)

Name:			
Address:		City, State:	Zip:
Signature:		Date:	
Sworn to and subscribed before me this _____ day of _____, 20____			
Notary Public:			

Applicant (if applicable)

Name:			
Address:		City, State:	Zip:
Signature:		Date:	
Sworn to and subscribed before me this _____ day of _____, 20____			
Notary Public:			

Updated September 2023



RZ Application

All applications and plans must be submitted through the [Citizenserve Online Portal](#)



Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this amendment application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for amendment(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Property Owner

Name:	Jose Ayala		
Address:	6600 Stonehedge Way	City, State: Stone Mountain Ga	Zip: 30087
Signature:	<i>J. Ayala</i>	Date:	10/28/24
Sworn to and subscribed before me this <u>28</u> day of <u>October</u> , 20 <u>24</u>			
Notary Public:	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p>JODY WALKER NOTARY PUBLIC Gwinnett County State of Georgia My Comm. Expires June 23, 2026</p> </div>		

Additional Property Owner (if applicable)

Name:			
Address:		City, State:	Zip:
Signature:		Date:	
Sworn to and subscribed before me this _____ day of _____, 20____			
Notary Public:			

Additional Property Owner (if applicable)

Name:			
Address:		City, State:	Zip:
Signature:		Date:	

Legal Description

All that tract or parcel of land lying and being in Land Lot 39 of the 16th Land District of DeKalb County Georgia. Said tract is shown as 2.691 acres on a plat prepared for Ayala Partners, LLC, prepared by Four Corners Surveying, dated 9/12/18 and bearing the seal of Ronald T. Godwin, Georgia Registered Land Surveyor No. 2696.

Beginning at an "x" on the curb on the westerly variable right of way of Panola Road and running thence South 89 degrees 39 minutes 33 seconds West a distance of 548.11 feet to a ½" rebar, thence North 01 degrees 05 minutes 08 seconds East a distance of 203.61 feet to a ½" rebar, thence North 89 degrees 02 minutes 33 seconds East a distance of 590.74 feet to a ½" rebar on the westerly variable right of way of Panola Road, running thence along said right of way, South 14 degrees 04 minutes 25 seconds West a distance of 107.54 feet to a point, thence 107.82 feet along the arc of a 1,319.02 foot radius curve to the left, said curve being subtended by a chord of South 10 degrees 50 minutes 05 seconds West a distance of 107.79 feet to an "x" on the curb and the Point of Beginning.



TO: City Of Stonecrest
3120 Stonecrest Blv.
Stonecrest, GA 30038

SUBJECT: Letter Of Intent, 2193 Panola Road Zone Modification

To Whom It May Concern,

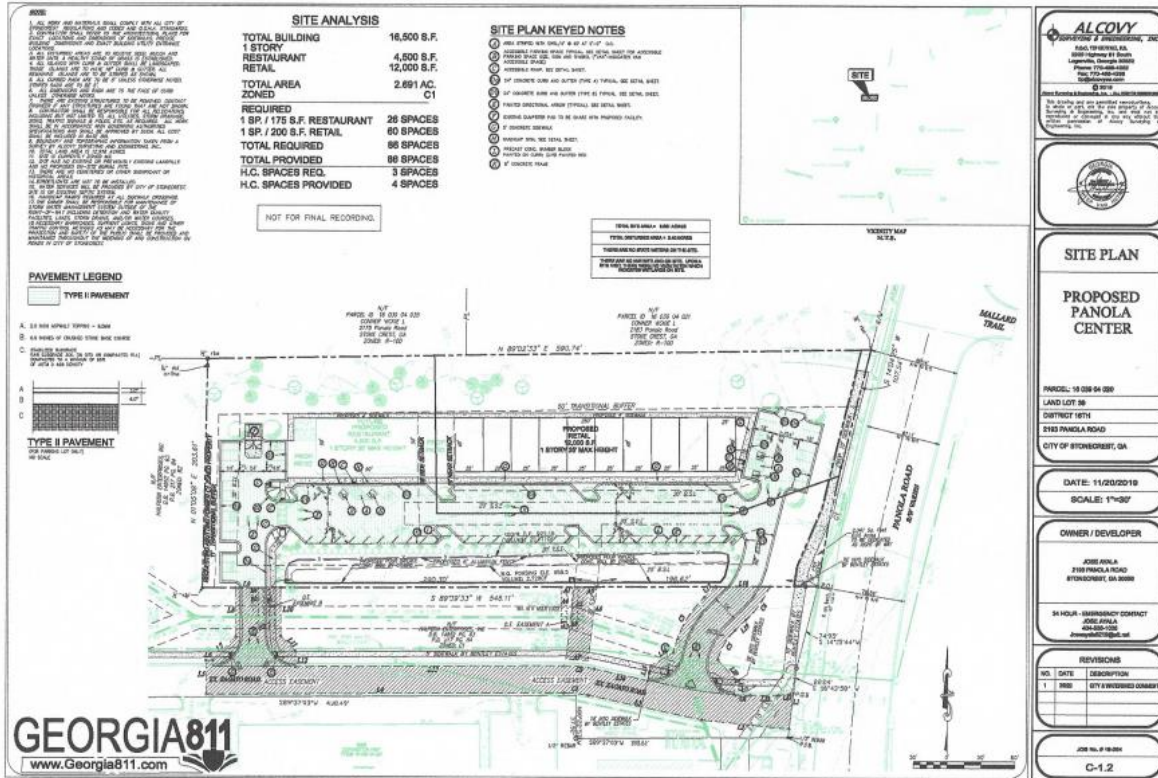
A Zone Modification of 2.691 acres is requested for the subject project, for the purpose of having a Barber shop / Beauty Salon or Similar establishments.

The Property in the city of Stonecrest is currently zoned C-1. We have a tent that has a signed Lease, The name of the Business is Brazilian Waxing and Cosmetics services and have submitted there plans to the city of Stonecrest for approval. Also have other potential tenants that are highly interested with similar services to provide to the community of Stonecrest.

For questions or further information please contact me 404-536-1036.

Sincerely,

Jose Ayala
Owner



Environmental Site Analysis

Analyze the impact of the proposed rezoning and provide a written point-by-point response to Points 1 through 3:

1. Conformance to the Comprehensive Plan:

- a. Describe the proposed project and the existing environmental conditions on the site. Existing condition consist of an existing residential and a pole barn at the front of the property and the remainder of the site is wooded in the back.
- b. Describe adjacent properties. Include a site plan that depicts the proposed project. Existing properties to the north are two existing houses with the remainder areas being wooded. The property to the south and west is a proposed townhouse development.
- c. Describe how the project conforms to the Comprehensive Land Use Plan. The project is proposing a commercial development which consist of a restaurant and several retail spaces, therefore it will conform with the future land use of neighborhood center in this area.
- d. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan.
Included. Please see Future Land Use Map
- e. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.
The proposed project will align nicely with the City of Stonecrest Comprehensive Plan.

2. Environmental Impacts of The Proposed Project

For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s).

- a. Wetlands
 - U. S. Fish and Wildlife Service, National Wetlands Inventory (<http://wetlands.fws.gov/downloads.htm>)
 - Georgia Geologic Survey (404-656-3214)
 - Field observation and subsequent wetlands delineation/survey if applicable
N/A
- b. Floodplain
 - Federal Emergency Management Agency (<http://www.fema.org>)
 - Field observation and verification
N/A
- c. Streams/stream buffers
 - Field observation and verification
N/A
- d. Slopes exceeding 25 percent over a 10-foot rise in elevation
 - United States Geologic Survey Topographic Quadrangle Map
 - Field observation and verification
N/A
- e. Vegetation
 - United States Department of Agriculture, Nature Resource Conservation Service
 - Field observation
All existing trees shown. Please see conceptual plan
- f. Wildlife Species (including fish)
 - United States Fish and Wildlife Service

Trip Generation Report For Proposed Panola Center								
Land Use (ITE Code)	Intensity	Daily	AM Peak			PM Peak		
		Total	In	Out	Total	In	Out	Total
Quality Restaurant (931)	4,800 Gross Square Feet	432	22	5	27	27	17	44
Specialty Retail Center (814)	18,000 Gross Square Feet	807	98	106	204	55	43	98
	Total	1239	120	111	231	82	60	142

Attachment(s): Ordinance(s)

- CODE OF ORDINANCES
Chapter 27 - ZONING ORDINANCE
ARTICLE 2. - DISTRICT REGULATIONS
DIVISION 26. C-1 (LOCAL COMMERCIAL) DISTRICT

DIVISION 26. C-1 (LOCAL COMMERCIAL) DISTRICT

Sec. 2.26.1. Statement of purpose and intent.

The purpose and intent of the City Council in establishing the C-1 (Local Commercial) District is as follows:

- A. To provide convenient local retail shopping and service areas within the city for all residents;
- B. To provide for quality control in development through materials and building placement;
- C. To ensure that the uses authorized within the C-1 (Local Commercial) District are those uses which are designed to serve the convenience shopping and service needs of groups of neighborhoods;
- D. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.26.1); Ord. No. 2021-06-03, § 1(Exh. A, § X), 8-23-2021)

Sec. 2.26.2. Permitted and special land uses.

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted, but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply and must be complied with.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
 - 1. Agricultural Activities.
 - a. Urban Community Garden, up to 5 acres; see section 4.2.
 - 2. Residential.
 - a. Bed and breakfast establishment; see section 4.2.
 - b. Child care facility, 6 or more.
 - c. Child care home, 5 or less; see section 4.2.
 - d. Child day care center.
 - e. Hotel/motel.
 - f. Live/work unit; see section 4.2.
 - g. Nursing care facility or hospice.
 - h. Personal care home, 6 or less; see section 4.2.
 - i. Personal care home, 7 or more; see section 4.2.
 - j. Shelter for homeless persons, 7—20; see section 4.2.
 - k. Transitional housing facilities, 7—20 persons; see section 4.2.
 - 3. Institutional/Public.
 - a. Club, order or lodge, fraternal, non-commercial.

- b. Coliseum or stadium/not associated with church or school; see section 4.2.
 - c. Colleges, universities, research and training facilities.
 - d. Funeral home, mortuary.
 - e. Government facilities.
 - f. Library or museum.
 - g. Places of worship; see section 4.2.
 - h. School, private kindergarten, elementary, middle or high schools; see section 4.2.
 - i. School, public kindergarten, elementary, middle or high schools.
 - j. School, specialty; see section 4.2.
 - k. School, vocational; see section 4.2.
 - l. Swimming pools, commercial; see section 4.2.
 - m. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
4. Commercial.
- a. Adult daycare center, 7 or more; see section 4.2.
 - b. Adult daycare facility, up to 6; see section 4.2.
 - c. Ambulance service or emergency medical services, private.
 - d. Animal hospital, veterinary clinic; see section 4.2.
 - e. Art gallery.
 - f. Automobile brokerage; see section 4.2.
 - g. Automobile or truck rental or leasing facilities; see section 4.2.
 - h. Automobile or truck sales; see section 4.2.
 - i. Automobile wash/wax service; see section 4.2.
 - j. Automobile repair, minor; see section 4.2.
 - k. Banks, credit unions or other similar financial institutions.
 - l. Barber shop/beauty salon or similar establishments.
 - m. Brewpub/beer growler.
 - n. Building or construction office; see section 4.2.
 - o. Catering establishments.
 - p. Check cashing establishment, accessory; see section 4.2.
 - q. Child day care facility, up to 6; see section 4.2.
 - r. Child day care center (kindergarten), 7 or more.
 - s. Clinic, health services.
 - t. Coin laundry.
 - u. Commercial greenhouse or plant nursery; see section 4.2.

- v. Dog day care; see section 4.2.
 - w. Dog grooming; see section 4.2.
 - x. Drive-through facilities; see section 4.2.
 - y. Dry cleaning agencies, pressing establishments or laundry pick-up stations.
 - z. Farmer's market, permanent; see section 4.2.
 - aa. Fitness center.
 - bb. Kennel, commercial.
 - cc. Kidney dialysis center.
 - dd. Medical or dental laboratories.
 - ee. Landscape business.
 - ff. [Mini-warehouse](#); see section 4.2.
 - gg. Office, medical.
 - hh. Office, professional.
 - ii. Parking, commercial lot; see section 4.2.
 - jj. Parking, commercial garage.
 - kk. Personal services establishment.
 - ll. Recreation, indoor.
 - mm. Recreational vehicle, boat and trailer sales and service.
 - nn. Restaurants (accessory to hotel/motel).
 - oo. Restaurants ([non drive-thru](#)).
 - pp. Retail, 5,000 sf or less ([with the exception of small box discount stores](#)).
 - qq. Retail, over 5,000 sf ([with the exception of small box discount stores, see also shopping center](#)).
 - rr. Retail warehouses/wholesales providing sales of merchandise with no outdoor storage.
 - ss. Shopping center.
 - tt. Special events facility.
 - uu. Taxi stand.
 - vv. Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building.
 - ww. Trade shops.
5. Communications—Utility.
- a. Essential services.
 - b. Satellite television antenna; see section 4.2.
6. Wireless Telecommunications.
- a. Attached wireless telecommunication facility; see section 4.2.

-
- b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
- 1. Agricultural.
 - a. Urban, community garden, over 5 acres.
 - 2. Institutional/Public.
 - a. School, vocational; see section 4.2.
 - 3. Commercial.
 - a. Farmer's market, temporary/seasonal; see section 4.2.
 - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
 - c. Temporary outdoor retail sales; see section 4.2.
 - d. Temporary outdoor sales; seasonal; see section 4.2.
 - e. Temporary outdoor sales or events, seasonal; see section 4.2.
 - f. Temporary produce stand; see section 4.2.
 - g. Temporary trailer, as home sales office or construction trailer; see section 4.2.
 - 4. Wireless Telecommunications.
 - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
 - b. New support structure from 50 feet up to 199 feet; see section 4.2.
 - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
- 1. Residential.
 - a. Hotel/motel, extended stay; see section 4.2.
 - b. Shelter for homeless persons for no more than 6 persons; see section 4.2.
 - 2. Institutional/Public.
 - a. Cultural facilities.
 - 3. Commercial.
 - a. Alcohol outlet—beer and/or wine store, beer growler, primary; see section 4.2.
 - b. Alcohol outlet—beer and wine, accessory to retail less than 12,000 sf; see section 4.2.
 - c. Alcohol outlet—package store, primary; see section 4.2.
 - d. Automobile service stations; see section 4.2.
 - e. Bus or rail stations or terminals for passengers.
 - f. Crematoriums; see section 4.2.
 - g. Fuel pumps; see section 4.2.
 - h. Heliport; see section 4.2.

- i. Liquor store (see alcohol outlet); see section 4.2.
- j. Nightclub or late night establishment; see section 4.2.
- k. Restaurants with a drive-thru configuration; see section 4.2.

D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:

1. Residential.
 - a. Accessory uses or structures.
 - b. Dormitory.
2. Commercial.
 - a. Fuel pumps, accessory to large scale retail within 1,000 feet of interstate highway interchange measured from ROW to property line; see section 4.2.
 - b. Kennel, breeding.
3. Industrial.
 - a. Recycling collection.

(Ord. of 8-2-2017, § 1(2.26.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

Sec. 2.26.3. Dimensional requirements.

Dimensional requirements for the C-1 (Local Commercial) District shall be as provided in Table 2.24, Nonresidential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.26.3))

Sec. 2.26.4. Site and building design standards.

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.26.4))

Attachment(s): Community Planning Information Meeting (CPIM) Summary Minutes



CITY OF STONECREST, GEORGIA

Community Planning Information Meeting (CPIM)

Summary Minutes

December 12, 2024, at 6:00 P.M.

Planning-zoning@stonecrestga.gov

***IN-PERSON MEETING**

[Stonecrest's YouTube Broadcast Link](#)

Citizens wishing to actively 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, and position on the agenda item you are commenting on (for or against) via email to Planning-zoning@stonecrestga.gov by 2 p.m. the day before the meeting to be read into the record at the meeting.

- I. CALL TO ORDER AND INTRODUCTIONS:** Director of Planning and Zoning Shawanna Qawiy, Deputy Director Ellis Still, Planner Felleshia Blair, Zoning Administrative Technician Abeykoon Abeykoon, and Cobi Brown, Planning Administrative Technician were in attendance.

The meeting was called to order at 6:01 p.m.

- II. REVIEW OF THE PURPOSE AND INTENT OF THE COMMUNITY PLANNING INFORMATION MEETING AND RULES OF CONDUCT – Cobi Brown**

- III. Item(s) of Discussion:**

PETITION: ZM24-004
PETITIONER: Jose Ayala of Panola Plaza
LOCATION: 2193 Panola Road
PETITIONER'S REQUEST: The request is to amend the approved conditions placed on the site to allow a barber shop, beauty salon, or similar establishment in the Panola Plaza.

Jose Ayala the applicant spoke. He stated that he has lived in Lithonia and has owned his own business since 1991. He stated that the beauty industry is expected to grow economically and can benefit the city. There has been a lease signed for space in his establishment, but due to the conditions, the business owner's application was denied by the city.

Jeremy Scott a resident of the city spoke. He questioned the specific use of the business and also stated that due to the number of similar businesses in the area, this request should require a special land use permit.

Jose Ayala answered that it would be a Brazilian wax business and also stated that there are none in the area.

Director Qawiy asked the applicant did he know why the conditions were placed on the property.

Jose Ayala response was that he did not know.

There were no additional questions.

- IV. ADJOURNMENT** The meeting was adjourned at 6:11 p.m.





CITY OF STONECREST, GEORGIA

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.

<i>APPROVED:</i>	 <small>DIRECTOR</small>	<i>12-18-2024</i>
<i>CHAIRPERSON</i>		<i>Date</i>
<i>ATTEST:</i>		<i>12-18-2024</i>
<i>SECRETARY</i>		<i>Date</i>



PLANNING COMMISSION MEETING
 Stonecrest City Hall* - 6:00 p.m.
 *In-Person Meeting
 January 7, 2025

MEETING MINUTES

As set forth in the Americans with Disabilities Act of 1990, the City of Stonecrest will assist citizens with special needs given notice (7 working days) to participate in any open meetings of the City of Stonecrest. Please contact the City Clerk's Office via telephone (770-224-0200).

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

Citizens wishing to make a comment during the public hearing portion of the meeting can do so by attending the hearing in-person or submitting their comment(s) to Planning and Zoning Staff via email Planning-Zoning@stonecrestga.gov on the day of hearing, no later than 2:00 PM, to be read into the record at the hearing.

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

I. CALL TO ORDER

Chairperson Eric Hubbard (District 3) called the meeting to order at 6:00 p.m.

II. ROLL CALL

Chairperson Eric Hubbard (District 3) called the roll, Vice Chairperson Erica Williams (District 1), Commissioner Joyce Walker (District 2), Commissioner Pearl Hollis (District 4), and Commissioner Lemuel Hawkins (District 5) were all present.

Community Development Division Director Shawanna Qawiy, Deputy Director Ellis Still, Senior Planner Ramona Eversley, Planner Fellisha Blair, Zoning Administrative Technician Abeykoon Abeykoon, and Planning Administrative Technician Cobi Brown were in attendance.

III. APPROVAL OF THE AGENDA

Chairperson Hubbard asked for a motion to **APPROVE** the agenda for January 7, 2025. The motion was made by Vice Chairperson Williams and was seconded by Commissioner Walker. It was **APPROVED 5-0-0**.

IV. APPROVAL OF MEETING MINUTES: *Planning Commission meeting minutes dated December 3, 2024.*

Chairperson Hubbard asked for a motion to **APPROVE** the meeting minutes for December 3, 2024. The motion was made by Vice Chairperson Williams and seconded by Commissioner Walker. It was **APPROVED 5-0-0**

V. ANNOUNCEMENT(S)

N/A

VI. OLD BUSINESS

N/A

VII. NEW BUSINESS:

Deputy Director Still provided an overview of the proposed zoning modification request with staff's recommendation.

1. PUBLIC HEARING CASE #: ZM24-004

APPLICANT: Jose Ayala of Panola Plaza

LOCATION: 2193 Panola Road

The request is to amend the list conditioned prohibited use placed on the site to allow a barber shop, beauty salon, or similar establishment in the Panola Plaza.

2. DECISION CASE #: ZM24-004

APPLICANT: Jose Ayala of Panola Plaza

LOCATION: 2193 Panola Road

The request is to amend the list conditioned prohibited use placed on the site to allow a barber shop, beauty salon, or similar establishment in the Panola Plaza.

The public hearing was opened.

Jose Ayala and Ariana Ayala spoke. Ms. Ayala stated that her father Mr. Ayala has been a business owner in the area for 34 years. The industry is expected to grow by 8% by 2030. She also stated that there isn't a Brazilian wax business in the area. The tenant has already signed a lease.

There were not speakers in attendance to speak in favor or opposition of the petition.

The public hearing was closed.

Commissioner Hawkins made the motion to recommend **APPROVAL WITH CONDITIONS.**

The motion was seconded by Commissioner Walker. The zoning modification request was **APPROVED WITH CONDITIONS unanimously 5-0-0.**

VIII. ADJOURNMENT

The meeting was adjourned at 6:23 pm.

Respectfully submitted by Cobi Brown

APPROVED:

CHAIRPERSON Date:

ATTEST:

SECRETARY Date:

STATE OF GEORGIA

CITY OF STONECREST

ORDINANCE NO. ____ - _____

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA TO AMEND CERTAIN CONDITIONS ON PROPERTY LOCATED AT 2193 PANOLA ROAD (PARCEL ID 16 039 04 020) TO ALLOW ADDITIONAL PERSONAL SERVICES AS A USE ON THE PROPERTY; TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the governing body of the City of Stonecrest (“City”) is the Mayor and City Council thereof; and

WHEREAS, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of Georgia authorizes the City to adopt plans and exercise the power of zoning; and

WHEREAS, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government; and

WHEREAS, the Mayor and City Council desire to amend certain conditions on property located at 2193 Panola Road (Parcel ID 16 039 04 020) to allow additional personal services as a use on the property; and

WHEREAS, Sec. 7.3.10.(Modifications and changes to approved conditions of zoning.), DIVISION 3.(Zoning and Comprehensive Plan Amendments and Procedures), Article 7.(Administration) of Chapter 27(Zoning Ordinance) states any major changes to conditions attached to an approved zoning amendment shall require an application and public hearings before

the planning commission and the city council, as required in section 7.2.4 of this Article for amendments to the official zoning map without limiting the meaning of the phrase, the following shall be deemed to constitute major changes: any change to conditions, except minor changes, as defined in subsection A. of this section, imposed by the city council when approving any change to the official zoning map, commonly referred to as a rezoning or a zoning amendment.; and

WHEREAS, from time-to-time modifications to conditions may be proposed for public necessity, general welfare, or sound zoning practice that justify such action; and

WHEREAS, the Planning and Zoning Department recommends approval of the modifications of conditions for 2193 Panola Road; and

WHEREAS, the matter was heard in the City’s Community Planning Information Meeting pursuant to the provisions of the City’s Zoning Procedures Law; and

WHEREAS, a public hearing and recommendation pursuant to the provisions of the City’s Zoning Procedures Law has been provided by the Planning Commission; and

WHEREAS, a public hearing pursuant to the provisions of Georgia’s Zoning Procedures Law has been properly held by the City Council prior to the adoption of this Ordinance; and

WHEREAS, the health, safety, and welfare of the citizens of the city will be positively impacted by the adoption of this Ordinance.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA, and by the authority thereof:

Section 1. That certain conditions on property located at 2193 Panola Road (Parcel ID 16 039 04 020) to allow additional personal services as a use on the property as described on the staff report attached as Exhibit A.

Section 2. That the conditions shall be amended as follows:

1. The use of the Subject Property for any of the following shall be strictly prohibited:
 - a. Convenience Store
 - b. Child day care center and/or kindergarten
 - c. Blood collection center
 - d. Barber shop / Beauty Salon or similar establishments. **Exception, one Wax establishment that includes facials, massages and eyebrow threading services shall be allowed.**
 - e. Check to cash establishment to include automobile title loan and pay day loan establishment Gold-Buying establishment
 - g. Heavy truck and equipment and materials storage
 - h. Indoor/Outdoor open flea market
 - i. Restaurant with drive-through
 - j. Automobiles, boats, and trailers new and used sales
 - k. Automobile repair major and minor
 - l. Funeral home and/or crematory
 - m. Fraternity or sorority house
 - n. Boarding or rooming house
 - o. Self-storage or mini warehouses
 - p. Liquor and/or package stores
 - q. Pawn shops
 - r. Pool hall and/or sports bar
 - s. Adult Entertainment or bookstores, etc.
 - t. Nightclub

- u. Skating rink; and
- v. indoor and/or outdoor recreation
- w. Gas stations

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

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

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

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

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

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 7. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

Section 8. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Stonecrest, Georgia.

ORDAINED this _____ day of _____, 2025.

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A



CITY COUNCIL AGENDA ITEM

SUBJECT: FY25 Personnel 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 here to enter text.](#) & [Click or tap to enter a date.](#)

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

Current Council Meeting: Monday, January 27, 2025

SUBMITTED BY: Gia Scruggs, City Manager

PRESENTER: Gia Scruggs, City Manager

PURPOSE: The Mayor and Council’s approval is required to authorize the changes in personnel. This ordinance reflects that changes in the FY25 personnel proposals that includes the creation (Court Administrator, Arborist, Code Enforcement Officer I/II/III, plan reviewer) reclassification (Director of planning and zoning to Director of Planning, Deputy Director of planning and zoning to Director of Planning, zoning administrative technician to zoning analyst, and planning administrative tech to administrative assistant) and department position transfer (Community Engagement Coordinator) from Communications to the City Manager’s Office.

FACTS: [Click or tap here to enter text.](#)

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

RECOMMENDED ACTION: Approve

ATTACHMENTS:



CITY COUNCIL AGENDA ITEM

- (1) Attachment 1 - Personnel 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.](#)

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE _____ - _____

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST TO AMEND THE CITY OF STONECREST PAY AND CLASSIFICATION PLAN, SO AS TO PROVIDE FOR CERTAIN POSITION CREATIONS AND RECLASSIFICATIONS; AND OTHER PERSONNEL ACTIONS IN LINE WITH THE FY2025 BUDGET; AND FOR OTHER PURPOSES.

WHEREAS: Sound governmental operations require a budget in order to plan the financing of services for the residents of the City of Stonecrest (“City”); and

WHEREAS: Title 36, Chapter 81, Article 3 of the Official Code of Georgia Annotated requires the City to adopt a balanced budget for the City's fiscal year, which runs from January 1, 2025 to December 31, 2025; and

WHEREAS: in line with the Fiscal Year 2025 the City proposes certain position creations; and

WHEREAS: The Mayor and City Council of the City of Stonecrest (“City Council”) have reviewed the proposed position creations and reclassifications and other personnel actions and wish to approve each one as an update to the city’s pay and classification plan.

THE CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA, HEREBY ORDAINS as follows: that the FY2025 Personnel amendments will be as set forth in Exhibit A attached.

SECTION 1 - EFFECTIVE DATE OF ACTIONS: That the effective date for actions contained within this ordinance shall be the beginning date of the pay period following adoption or otherwise noted by Council and approval by the Mayor, unless otherwise indicated.

SECTION 2: That the Director of Human Resources is authorized to make any necessary administrative personnel adjustments.

SECTION 3: That the proposed actions in this paper may not result in a salary adjustment to any position.

SECTION 4: That all ordinances and parts of ordinance in conflict herewith are hereby waived.

SECTION 5: That this Resolution shall be and remain in **full** force and effect after its date of adoption.

ORDAINED this ____ day of _____ 2025.

Jazzmin Cobble, Mayor

Attest:

City Clerk

Approved As to Form:

City Attorney

EXHIBIT A

<i>POSITION CREATIONS</i>					
					Item XII. a.
<u>DEPT</u>	<u>POSITION</u>	<u>PAY GRADE</u>	<u>SALARY RANGE</u>	<u>ACCOUNT STRING</u>	<u>FTE</u>
Municipal Court	Court Administrator	18	\$81,179.12 - 121,768.68	100.2650	1.0
Planning and Zoning	Arborist	13	\$59,593.60 - \$89,390.40	100.7410	1.0
Code Enforcement	Code Enforcement Officer I, II, III	12	\$52,662.72 - \$89,390.40	100.7420	1.0
	*City will hire ONLY one of the Code Enforcement positions above.				
Public Safety	Public Safety Director	24	\$117,634.88 - \$176,452.32	100.3100	1.0
TOTAL FTE					4.0
<i>DEFUNDED POSITIONS</i>					
City Manager	Assistant to the City Manager	15	\$67,437.04 - \$101,155.56	100.1510	1.0
City Manager	Receptionist	3	\$32,115.60- \$48,173.40	100.1510	1.0
					2.0
<i>POSITION RECLASSIFICATIONS</i>					
<u>DEPT</u>	<u>POSITION</u>	<u>PAY GRADE</u>	<u>SALARY RANGE</u>	<u>ACCOUNT STRING</u>	
FROM					
Building	Permit Specialist	8	\$43,748.32 -	100.7220	1.0

			\$65,622.48		
TO					Item XII. a.
Building	Plan Reviewer	14	\$63,394.32 - \$95,091.48	100.7220	1.0
FROM					
Planning and Zoning	Director of Planning and Zoning	23	\$110,582.56 - \$165,873.84	100.7410	1.0
TO					
Planning and Zoning	Director of Zoning	20	\$91,863.20- \$137,794.8	100.7410	1.0
TOTAL FTE					1.0
FROM					
Planning and Zoning	Deputy Director of Planning and Zoning	20	\$91,863.20 - \$137,794.8	100.7410	1.0
TO					
Planning and Zoning	Director of Planning	20	\$91,863.20 - \$137,794.8	100.7410	1.0
TOTAL FTE					1.0
FROM					
Planning and Zoning	Zoning Administration Technician	6	\$38,660.16 - \$57,990.24	100.7410	1.0
TO					
Planning and Zoning	Zoning Analyst	14	\$63,394.32 – \$95,091.48	100.7410	1.0
TOTAL FTE					1.0
FROM					
Planning and Zoning	Planning Administrative Technician	6	\$38,660.16 - \$57,990.24	100.7410	1.0

TO					
Planning and Zoning	Administrative Assistant	6	\$38,660.16 - \$57,990.24	100.7410	Item XII. a. 1.0
TOTAL FTE					1.0
DEPT TO DEPT TRANSFER					
<u>DEPT</u>	<u>POSITION</u>	<u>PAY GRADE</u>	<u>SALARY RANGE</u>	<u>ACCOUNT STRING</u>	
FROM					
Communications	Community Engagement Coordinator	13	\$59,593.60 - 89,390.40	100.1570	1.0
TO					
City Manager	Community Engagement Coordinator	13	\$59,593.60 - 89,390.40	100.1320	1.0
TOTAL FTE					1.0



CITY COUNCIL AGENDA ITEM

SUBJECT: Workplace Wellness Policy

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): 01/13/25 & Click or tap to enter a date.

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

Current Council Meeting: Monday, January 27, 2025

SUBMITTED BY: Leona Durden, Human Resources

PRESENTER: Leona Durden, Human Resources

PURPOSE: For Approval - Workplace Wellness Policy

FACTS: Click or tap here to enter text.

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 - Updated Workplace Wellness Policy
- (2) Attachment 2 - Health and Wellness Center – Rules and Regulations
- (3) Attachment 3 - Resolution
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

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

RESOLUTION NO. _____

**A RESOLUTION BY THE CITY COUNCIL OF STONECREST, GEORGIA TO ADOPT
THE WORKPLACE WELLNESS POLICY; AND FOR OTHER LAWFUL PURPOSES.**

WHEREAS, the duly elected governing body of the City of Stonecrest, Georgia (the “City”) is the Mayor and Stonecrest City Council (“City Council”); and

WHEREAS, Section 1.03(b)(42) of the City Charter grants the City the power to exercise and enjoy all other powers, functions rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; and

WHEREAS, the City of Stonecrest has a growing concern for their employees’ health and wellbeing; and

WHEREAS, the City of Stonecrest recognizes the benefits, to both employees and employers, of programs that promote and support workplace health promotion and wellness; and

WHEREAS, The City of Stonecrest’s workplace wellbeing program is designed to provide employees with the tools and resources they need to make positive lifestyle changes that result in better physical and emotional health and wellbeing.

WHEREAS, the City seeks approval of a Workplace Wellness Policy for the betterment of its employees.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF STONECREST, GEORGIA, The City Council of Stonecrest, Georgia shall adopt the Workplace Wellness Policy as set forth in Exhibit A attached hereto and made a part by reference.

BE IT FURTHER RESOLVED: All resolutions and parts of resolutions in conflict with this resolution are hereby waived to the extent of the conflict.

BE IT FURTHER RESOLVED: The City Manager or her designee, in consultation with the City Attorney, is directed to prepare all appropriate documents.

SO RESOLVED, this _____ day of _____, 2025.

[SIGNATURES ON FOLLOWING PAGE]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

WORKPLACE WELLNESS POLICY

With the rising onset of physical and mental health problems in Georgia, the City of Stonecrest has a growing concern for their employees' health and wellbeing. Therefore, we are dedicated to helping employees reach optimal health and improve their quality of life.

The City of Stonecrest recognizes the benefits, to both employees and employers, of programs that promote and support workplace health promotion and wellness. The City of Stonecrest's workplace wellbeing program is designed to provide employees with the tools and resources they need to make positive lifestyle changes that result in better physical and emotional health and wellbeing. The program's goals are to:

- Reduce health risks by encouraging preventive care, healthy lifestyle choices, and management of chronic conditions. This can lead to decreased healthcare costs for both the employer and employee.
- Create physical fitness programs that promote physical activity through fitness challenges and on-site exercise facility, leading to improved physical health and reduced risk of chronic illness.
- Address mental health programs that can offer mental health awareness training, stress management workshops, and access to mental health resources, promoting emotional well-being and reducing stress and anxiety.

As part of the City of Stonecrest's commitment to wellness, a Health Promotion Champion has been appointed and a Benefits and Wellness Committee formed that will:

- Assess the well-being needs of employees through surveys, data analysis, and meetings.
- Propose and implement programs and initiatives that address identified needs. This could include workshops on stress management, healthy eating, physical activity, financial literacy, or mental health awareness.
- Actively engage employees in well-being programs and initiatives through communication, incentives, and recognition.

This policy will include up to thirty (30) minutes of the employees scheduled workday to engage in physical activity in support of this philosophy.

ACCOUNTABILITY

1. Supervisors will encourage and support employees in using their wellness break in order to decrease employee stress and help prevent overuse patterns from extended sitting computer use.
2. Employees are responsible for initiating and utilizing the wellness break in order to promote a healthier lifestyle.

PROCEDURES

1. A maximum of 30 minutes (paid break) in a given workday will be used to engage in a wellness activity, at the discretion of the supervisor.
2. Employees are required to work with supervisors/managers to ensure the wellness break does not impair the City's mission. Employees may not be granted a wellness break daily due to obligations and workload.
3. Wellness breaks can be taken in the form of:
 - Two (2) 15-minute paid breaks
 - One (1) 30-minute paid break

WORKPLACE WELLNESS POLICY

Item XII. b.

4. Supervisors will encourage and allow staff to combine the designated wellness break with lunch breaks, not to exceed sixty (60) minutes combined break.
5. These wellness breaks would replace any previous breaks taken in the morning and afternoon.
6. Employees are strongly encouraged to engage in heart healthy activities such as walking, jogging, exercise, dancing, meditation, etc.
7. Employees are not permitted to end work early and exercise without returning to their worksite. However, an employee may be excused to exercise at the end of their workday if they report back to work before their departure for that day.
8. Employees must report to work in the morning prior to taking their 30-minute wellness break. Employees cannot report to work 30 minutes late to accommodate the exercise before their scheduled arrival time.
9. Employees must sign a waiver before utilizing the Health and Wellness Center, and follow all rules and regulations.

HEALTH AND WELLNESS CENTER RULES AND REGULATIONS

To ensure the best experience for everyone, we kindly ask that you adhere to the following rules and regulations:

General Conduct:

1. **Respect for All:** Treat all with respect. Harassment, intimidation, or any form of disrespectful behavior will not be tolerated.
2. **Attire:** Always wear appropriate center attire. Closed-toe athletic shoes, shirts, and athletic bottoms are required.
3. **Safety First:** Follow all safety instructions and use equipment only as intended. Report on any unsafe conditions to Facilities immediately.
4. **Cleanliness:** Wipe down equipment after each use with the provided cleaning materials. Keep the facility clean by disposing of trash and returning equipment to its proper place.
5. **Personal Belongings:** Store personal items in designated areas. The center is not responsible for lost or stolen items.

Health and Safety:

1. **Wellness Policy:** Do not use the center if you are feeling unwell or have any symptoms of contagious illnesses.
2. **Hydration:** Stay hydrated by bringing your own water bottle. Use the water stations to refill.

Equipment Use:

1. **Sharing is Caring:** Limit your time on popular equipment to thirty (30) minutes, especially during peak hours, to allow others to use them as well.
2. **Proper Use:** Do not misuse equipment. If you are unsure about how to use something, please do not use it.
3. **Weights:** Return all weights, dumbbells, and other equipment to their designated spots after use.
4. **No Hogging:** Avoid monopolizing machines or equipment. Allow others to “work in” between sets whenever possible.

Facilities:

1. **Noise Level:** Use headphones for personal music. Avoid loud conversations or noises that might disturb others.

Enforcement: Failure to adhere to these rules and regulations may result in a warning, temporary suspension, or termination of use, depending on the severity of the violation. Leadership reserves the right to modify these rules as needed to ensure a safe and positive environment for all employees.

Voluntary Participation: Employee understands and confirms that participation in the Health and Wellness Center is 100% voluntary. The employee warrants that they are in overall good health and that no bodily or mental condition would create an unreasonable risk of harm to himself or herself in participating in any activities that require physical or mental exertion.

The Assumption of Risk: Employee understands and acknowledges that there may be potential risks involved related to participation in the Health and Wellness Center. Employees assume all risks, known and unknown, in any way connected with the employees' participation. Employee accepts full responsibility for any liability, injury, loss, damage or death in any way connected with participation in the Health and Wellness Center. Employees acknowledge that participation is at the employees' sole risk. Employees release the City of Stonecrest from any and all liability or claims which may arise from participation, to include Workers Compensation.

This is to acknowledge that I have received a copy of the Health and Wellness Center, Rules and Regulations. I understand and agree it is my responsibility to read and abide by the aforementioned.

Employee Name (Print): _____

Employee Signature: _____

Date: _____

Witness Name (Print): _____

Witness Signature: _____

Date: _____



CITY COUNCIL AGENDA ITEM

SUBJECT: Municipal Court of Stonecrest Adoption of Uniform Municipal Court Rules of Procedure Pursuant to Sec. 9-35. - Rules

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE: PUBLIC NOTICE
-

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): 12/16/24 & Click or tap here to enter text.

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

Current Council Meeting: Monday, January 27, 2025

SUBMITTED BY: Mallory Minor, Court Administrator

PRESENTER: Chief Judge Curtis W. Miller and Court Administrator Mallory Minor

PURPOSE: Municipal Court of Stonecrest Adoption of Uniform Municipal Court Rules of Procedure Pursuant to Sec. 9-35. - Rules

FACTS: In accordance with Sec. 9-35. – Rules. The Municipal Court judge shall adopt specific rules of procedure. No rules shall be inconsistent with the laws of the State or the Constitution of the United States. Such rules shall be made available on the City website or by other means determined by the Council. The Municipal Court of Stonecrest has adopted the Uniform Rules of the Municipal Courts of Georgia which are promulgated pursuant to the inherent powers of the Supere Court of Georgia in order to provide for the speedy, efficient and inexpensive resolution of disputes and prosecutions

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

RECOMMENDED ACTION: Click or tap here to enter text.



CITY COUNCIL AGENDA ITEM

ATTACHMENTS:

- (1) Attachment 1 - Uniform Rules Municipal Courts of the State of Georgia
- (2) Attachment 2 - Resolution
- (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.

UNIFORM RULES

MUNICIPAL COURTS OF THE STATE OF GEORGIA



COUNCIL OF MUNICIPAL COURT JUDGES

2018

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**UNIFORM RULES OF
THE MUNICIPAL COURTS OF GEORGIA**

RULE 1. PREAMBLE

- 1.1 Repeal of Local Rules**
- 1.2 Authority to Enact Rules Which Deviate From the Uniform Rules**
- 1.3 Matters of Statewide Concern**
- 1.4 Deviation**
- 1.5 Amendments**
- 1.6 Publication of Rules and Amendments**

These rules are promulgated pursuant to the inherent powers of the Supreme Court of Georgia in order to provide for the speedy, efficient and inexpensive resolution of disputes and prosecutions. It is not the intention, nor shall it be the effect, of these rules to conflict with the Constitution or substantive law, either per se or in individual actions, and these rules shall be so construed and in case of conflict shall yield to substantive law. It is not the intent of these rules, nor shall these rules be construed, to require any municipal, recorder or any other court deemed a municipal court, to become or remain a court of record or to employ the services of any personnel, including solicitors or prosecuting attorneys, unless otherwise provided by general law, charter or ordinance.

1.1 Repeal of Local Rules.

All local rules of the municipal courts shall expire effective February 3, 2010. If any municipal court by action of a majority of its judges (or failing this, by action of its chief judge) proposes to prevent any local rule from expiring pursuant to Rule 1.1, then a proposal to prevent the local rule from expiring must be presented to the Court for approval 30 days prior to the expiration date as stated in Rule 1.1. Only those rules reapproved by the Supreme Court of Georgia on or after February 3, 2010, shall remain in effect after that date. Rules timely resubmitted shall remain in effect until action by the Supreme Court of Georgia.

1.2 Authority to Enact Rules Which Deviate From the Uniform Rules.

(a) The term "local rules" will no longer be used in the context of the Uniform Municipal Court Rules.

(b) Each municipal court by action of a majority of its judges (or failing this, by action of its chief judge) from time to time, may propose to make and amend rules which deviate from the Uniform Municipal Court Rules, provided such proposals are not inconsistent with general laws, these Uniform Municipal Court Rules, or any directive of the Supreme Court of Georgia. Any such proposals shall be filed with the clerk of the Supreme Court of Georgia; proposals so submitted shall take effect thirty (30) days after approval by the Supreme Court of Georgia. It is the intendment of these rules that rules which deviate from the Uniform Municipal Court Rules be restricted in scope.

(c) The municipal court, by action of a majority of its judges (or failing this, by action of its chief judge) may continue to promulgate rules which relate only to internal procedure and do not affect the rights of any party substantially or materially, either to unreasonably delay or deny such rights, and provided that those rules shall not conflict with these uniform rules. These rules, which will be designated 'internal operating procedures,' do not require the approval of the Supreme Court. 'Internal operating procedures,' as used in these Uniform Municipal Court Rules, are defined as rules which relate to case management, administration, and operation of the court or govern programs which relate to filing costs in civil actions, costs in criminal matters, case management, administration, and operation of the court.

(d) Notwithstanding these uniform rules, the municipal court, by action of a majority of its judges (or failing this, by action of its chief judge) may promulgate experimental rules applicable to pilot projects, upon approval of the Supreme Court, adequately advertised to the local bar, with copies to the State Bar of Georgia, not to exceed a period of one year, subject to extension for one additional year upon approval of the Supreme Court. At the end of the second year, any such pilot projects will be allowed to sunset unless approved by the Supreme Court to remain in effect for a longer period of time.

(e) Rules which are approved as deviations from the Uniform Municipal Court Rules and internal operating procedures of courts shall be published by the court in which the rules are effective. Copies must be made available through the clerk of the municipal court for the city where the rules are effective, and shall be posted on the adopting municipal court's website, if such exists. Any amendments to deviations from the Uniform Municipal Court Rules or to internal operating procedures must be published and made available through each municipal court clerk's office within fifteen (15) days of the effective date of the amendment or change. Summaries of amendments or deviations shall be published once per week for two consecutive weeks in the newspaper in which legal announcements are customarily made by the municipality in which the municipal court is located, and shall be provided to the State Bar of Georgia and all local bar associations serving the municipality.

(f) Internal operating procedures effective in any court must be filed with the Supreme Court even though Supreme Court approval is not needed for these rules.

1.3 Matters of Statewide Concern.

The following rules, to be known as Uniform Municipal Court Rules, are to be given statewide application.

1.4 Deviation.

These rules are not subject to local deviation except as provided herein. A specific rule may be superseded in a specific action or case or by an order of the court entered in such case explaining the necessity for deviation and served upon the attorneys or pro se parties in the case.

1.5 Amendments.

The Council of Municipal Court Judges shall have a permanent committee to recommend to the Supreme Court such changes and additions to these rules as may from time to time appear necessary or desirable. The State Bar of Georgia and the Uniform Rules Committee Chairpersons of the Council of each class of court shall receive notice of the proposed changes and additions and be given the opportunity to comment.

1.6 Publication of Rules and Amendments.

These rules and any amendments to these rules shall be published in the advance sheets to the *Georgia Reports*. Unless otherwise provided, the effective date of any amendment to these rules is the date of publication in the advance sheets to the *Georgia Reports*.

RULE 2. DEFINITIONS

- 2.1 Attorney**
- 2.2 Judge**
- 2.3 Clerk**
- 2.4 Assigned Judge**
- 2.5 Gender Neutral Pronouns**

2.1 Attorney.

The word “attorney” as used in these rules refers to any person admitted to the State Bar of Georgia and any person who has been properly admitted to the court pro hac vice. Pro se litigants are governed by the same rules as attorneys.

2.2 Judge.

The word "judge" as used in these rules refers to any person serving or acting as a judge of a municipal court in the State of Georgia. The term “chief judge” shall be that judge designated as such by the municipality according to its charter and ordinances, or failing that, the sole judge designated or elected as municipal court judge by the municipality, and in the case of municipal courts with more than one municipal court judge, by majority vote of the municipal court judges, for such term as may be provided by charter, ordinance, or internal operating procedures adopted in accordance with these uniform rules.

2.3 Clerk.

Unless the context of these rules requires otherwise, the word "clerk" as used in these rules refers to the person designated according to the charter and ordinances of the municipality, as the primary person most directly responsible for the administration of a municipal court other than a judge of the municipal court. If provided by the charter or ordinances of the municipality, the chief judge may designate deputy clerks who shall have the same authority as the clerk.

2.4 Assigned Judge.

The term “assigned judge” as used in these rules refers to the judge to whom an action is assigned in accordance with these rules; or, if the context permits, in municipal courts having approved local rules permitting a general calendaring system, to the trial judge responsible for the matter at any particular time.

2.5 Gender Neutral Pronouns.

The pronoun “he” shall include “she” and vice versa, unless the context clearly indicates otherwise; the pronoun “her” shall include “him” and vice versa, unless the context clearly indicates otherwise.

RULE 3. HOURS OF COURT OPERATION

The hours of court operation shall be set by the chief judge of each court and shall be recorded with the clerk of the municipal court. Such information shall include the following:

- (1) Normal hours and location of court.

- (2) Emergency after-hours availability of judges and the names of such judges; provided, however, that personal telephone numbers and address information need not be included in the public records of the clerk.
- (3) Holidays during which the court will be closed and a plan for the availability of judges on such days.
- (4) Days on which the court holds hearings and the times and locations of such hearings.

RULE 4. ASSIGNMENT OF CASES

4.1 Case Assignment

4.2 Recusal

4.1 Case Assignment.

Unless provided by approved internal procedures or pursuant to assignment by the chief judge, cases shall not be assigned to a particular judge. Provided, however, that once any judge has first heard sworn testimony or made any ruling in a case other than the granting of an arrest or search warrant, the setting of bail and the initial finding of probable cause, or the granting of a continuance, that case shall thereafter be considered only by that judge, except upon the approval of that judge. In municipal courts served by more than one judge, the clerk of court shall schedule the presiding of those judges over the various court calendars according to a plan approved by a majority of those judges. This rule shall not apply to probation revocation hearings.

4.2 Recusal.

4.2.1 Motions.

All motions to recuse or disqualify a judge presiding in a particular case or proceeding shall be timely filed in writing and all evidence thereon shall be presented by accompanying affidavit(s) which shall fully assert the facts upon which the motion is founded. Filing and presentation to the judge shall be not later than five (5) days after the affiant first learned of the alleged grounds for disqualification, and not later than ten (10) days prior to the hearing or trial which is the subject of recusal or disqualification, unless good cause be shown for failure to meet such time requirements. In no event shall the motion be allowed to delay the trial or proceeding.

4.2.2 Affidavit.

The affidavit shall clearly state the facts and reasons for the belief that bias or prejudice exists, being definite and specific as to time, place, persons and circumstances of extra-judicial conduct or statements, which demonstrate either bias in favor of any adverse party, or prejudice toward the moving party in particular, or a systematic pattern of prejudicial conduct toward persons similarly situated to the moving party, which would influence the judge and impede or prevent impartiality in that action. Allegations consisting of bare conclusions and opinions shall not be legally sufficient to support the motion or warrant further proceedings.

4.2.3 Duty of the trial judge.

When a judge is presented with a motion to recuse, or disqualify, accompanied by an affidavit, the judge shall temporarily cease to act upon the merits of the matter and shall immediately determine the timeliness of the motion and the legal sufficiency of the affidavit, and make a determination, assuming any of the facts alleged in the affidavit to be true, whether recusal would be warranted. If it is found that the motion is timely, the affidavit sufficient and that recusal would be authorized if some or all of the facts set forth in the affidavit are true, another judge shall be assigned to hear the motion to recuse. The allegations of the motion shall stand denied automatically. The trial judge shall not otherwise oppose the motion.

4.2.4 Procedure upon a motion for disqualification.

The motion shall be assigned for hearing to another judge, who shall be selected in the following manner:

- (a) If within a single-judge municipality, the most senior in service District Representative judge serving on the Executive Committee of the Council of Municipal Court Judges shall select the judge;
- (b) If within a two-judge municipality, the other judge, unless disqualified, shall hear the motion;
- (c) If within a multi-judge municipality, composed of three (3) or more judges, selection shall be made by use of the municipality's existing random, impartial case assignment method. If the municipality does not have random, impartial case assignment rules, then assignment shall be made as follows:
 - (1) The chief judge of the municipality shall select a judge within the municipality to hear the motion, unless the chief judge is the one against whom the motion is filed; or.
 - (2) In the event the chief judge is the one against whom the motion is filed, the assignment shall be made by the judge of the municipality who is most senior in terms of service other than the chief judge and who is not also a judge against whom the motion is filed; or.
 - (3) When the motion pertains to all active judges in the municipality, the most senior in service District Representative judge serving on the Executive Committee of the Council of Municipal Court Judges shall select a judge outside the municipality to hear the motion.
- (d) If the most senior in service District Representative judge serving on the Executive Committee of the Council of Municipal Court Judges is the one against whom the motion is filed, the District Representative judge within the district next senior in time of service shall serve in this selection process instead.

If the motion is sustained, the selection of another judge to hear the case shall follow the same procedure as outlined above.

- (e) If all judges within a municipality are disqualified, including all District Representative judges, the matter shall be referred by the disqualified most senior in service District Representative judge to the most senior in service District Representative judge of an adjacent district for the appointment of a judge who is not a member of the district to preside over the motion or case.

4.2.5 Selection of judge.

In the instance of any hearing on a motion to recuse or disqualify a judge, the challenged judge shall neither select nor participate in the selection of the judge to hear the motion; if recused or disqualified, the recused or disqualified judge shall not select nor participate in the selection of the judge assigned to hear further proceedings in the involved action.

4.2.6 Findings and ruling.

The judge assigned may consider the motion solely upon the affidavits, but may, in the exercise of discretion, convene an evidentiary hearing. After consideration of the evidence, the judge assigned shall rule on the merits of the motion and shall make written findings and conclusions. If the motion is sustained, the selection of another judge to hear the case shall follow the same procedure as established in Rule 4.2.4 above. Any determination of disqualification shall not be competent evidence in any other case or proceedings.

4.2.7 Voluntary recusal.

If a judge, either on the motion of one of the parties or the judge's own motion, voluntarily disqualifies, another judge, selected by the procedure set forth in Rule 4.2.4 above, shall be assigned to hear the matter involved. A voluntary recusal shall not be construed as either an admission or denial to any allegations which have been set out in the motion.

RULE 5. DOCKETS

- 5.1 Docket Categories**
- 5.2 Time of Docketing**

5.1 Docket Categories.

Each municipal court shall keep a docket for criminal cases, arrests and search warrants, and a separate docket for all other actions.

5.2 Time of Docketing.

Actions shall be entered by the clerk, deputy clerk, or judge in the proper docket immediately or within a reasonable period after being received in the clerk's office.

RULE 6. WITHDRAWAL OF PAPERS FROM THE MUNICIPAL COURT

No original papers may be withdrawn from the municipal court. However, copies of any documents may be obtained by any party or the attorney for any party upon payment of copy costs to the clerk. All court records are public and are to be available for inspection in accordance with and as limited by the Georgia Open Records Act, as amended.

RULE 7. DUTIES OF ATTORNEYS AND ALL PARTIES

- 7.1 Notification of Representation**
- 7.2 Withdrawal of Counsel**
- 7.3 Duty to Utilize Assigned Judge; Notification of Previous Presentation to Another Judge**
- 7.4 Prohibition on Ex Parte Communications**
- 7.5 Duty to Attend and Remain**

7.1 Notification of Representation.

No attorney shall appear in his or her representative capacity before a municipal court until he or she has entered an appearance by filing a signed entry of appearance form or by filing a signed pleading in a pending action. An entry of appearance shall state (1) the style and case number; (2) the identity of the party for whom the appearance is made; and (3) the name and current office address, telephone number and bar number of the attorney.

7.2 Withdrawal of Counsel.

(a) An attorney appearing of record in any action pending in any municipal court, who wishes to withdraw as counsel for any party therein, shall submit a written request to an appropriate judge of the court for an order of

court permitting such withdrawal. Such request shall state that the attorney has given due written notice to the affected client respecting such intention to withdraw ten (10) days (or such lesser time as the court may permit in any specific instance) prior to submitting the request to the court or that such withdrawal is with the client's consent. Such request will be granted unless in the judge's discretion to do so would delay the trial of the action or otherwise interrupt the orderly operation of the court or be manifestly unfair to the client. The attorney requesting an order permitting withdrawal shall give notice to the solicitor or prosecuting attorney, if any and shall file with the clerk in each such action and serve upon the client, personally or at that client's last known address, a notice which shall contain at least the following information:

- (1) That the attorney wishes to withdraw;
- (2) That the court retains jurisdiction of the action;
- (3) That the client has the burden of keeping the court informed respecting where notices, pleadings or other papers may be served;
- (4) That the client has the obligation to prepare for trial or hire other counsel to prepare for trial when the trial date has been set;
- (5) That if the client fails or refuses to meet these burdens, the client may suffer adverse consequences, including, in criminal cases, bond forfeiture and arrest;
- (6) The dates of any scheduled proceedings, including trial, and that holding of such proceedings will not be affected by the withdrawal of counsel;
- (7) That service of notices may be made upon the client at the client's last known address; and
- (8) That unless the withdrawal is with the client's consent, the client has right to object within ten (10) days of the date of the notice.

(b) The attorney seeking to withdraw shall prepare a written notification certificate stating that the above notification requirements have been met, the manner by which such notification was given to the client, and the client's last known address and telephone number. The notification certificate shall be filed with the court and a copy mailed to the client and all other parties. The client shall have ten (10) days prior to entry of an order permitting withdrawal or such lesser time as the court may permit within which to file objections to the withdrawal. After the entry of an order permitting withdrawal, the client shall be notified by the withdrawing attorney of the effective date of the withdrawal; thereafter all notices or other papers may be served on the party directly by mail at the last known address of the party until new counsel enters an appearance.

7.3 Duty to Utilize Assigned Judge; Notification of Previous Presentation to Another Judge.

Attorneys shall not present to any judge any matter or issue in any case which has been assigned to or a ruling made by another judge, except under the most compelling circumstances. In that event, any attorney doing so shall first advise the judge to whom the matter is presented that the action is assigned to or a ruling has been made by another judge. Counsel shall also inform the assigned or previous ruling judge as soon as possible that the matter was presented to another judge. Attorneys shall not present to a judge any matter which has been previously presented to another judge without first advising the former of the fact and result of such previous presentation.

7.4 Prohibition on Ex Parte Communications.

Except as authorized by law or by rule, judges shall not initiate, permit or consider ex parte communications by interested parties or their attorneys concerning a pending or impending proceeding. Where circumstances require ex parte communications for scheduling, administrative purposes or emergencies that do not deal with substantive matters or the merits of the case are authorized, provided:

1. The judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication; and
2. The judge takes reasonable steps to promptly notify all parties of the substance of the ex parte communication and allows an opportunity to respond.

7.5 Duty to Attend and Remain.

Attorneys and parties having matters on calendars, unless excused by the judge, are required to be in court at the call of the matter and to remain until otherwise directed by the court. The failure of any attorney or party in this respect shall subject that attorney or party to the contempt powers of the court.

RULE 8. RESOLUTION OF CONFLICTS - STATE AND FEDERAL COURTS

(a) An attorney shall not be deemed to have a conflict unless:

- (1) The attorney is lead counsel in two or more of the actions affected; and,
- (2) The attorney certifies that the matters cannot be adequately handled, and the client's interest adequately protected, by other counsel for the party in the action or by other attorneys in lead counsel's firm; certifies compliance with this rule and has nevertheless been unable to resolve the conflicts; and certifies in the notice a proposed resolution by list of such cases in the order of priority specified by this rule.

(b) When an attorney is scheduled for a day certain by trial calendar, special setting or court order to appear in two or more courts (trial or appellate; municipal, state or federal), the attorney shall give prompt written notice as specified in paragraph (a) above of the conflict to opposing counsel, to the clerk of each court and to the judge before whom each action is set for hearing (or, to an appropriate judge if there has been no designation of a presiding judge). The written notice shall contain the attorney's proposed resolution of the appearance conflicts in accordance with the priorities established by this rule and shall set forth the order of cases to be tried with a listing of the date and data required by paragraphs (b) (1)-(4) as to each case arranged in the order in which the cases should prevail under this rule. In the absence of objection from opposing counsel or the courts affected, the proposed order of conflict resolution shall stand as offered. Should a judge wish to change the order of cases to be tried, such notice shall be given promptly after agreement is reached between the affected judges. Attorneys confronted by such conflicts are expected to give written notice such that it will be received at least seven (7) days prior to the date of conflict. Absent agreement, conflicts shall be promptly resolved by the judge or the clerk of each affected court in accordance with the following order of priorities:

- (1) Criminal (felony) actions shall prevail over civil actions;
- (2) Jury trials shall prevail over non-jury matters, including trials and administrative proceedings;
- (3) Appellate arguments shall prevail over trials, hearings and conferences;

(4) Within each of the above categories only, the action which was first filed shall take precedence.

(c) Conflict resolution shall not require the continuance of the other matter or matters not having priority. In the event any matter listed in the letter notice is disposed of prior to the scheduled time set for any other matter listed or subsequent to the scheduled time set but prior to the end of the calendar, the attorney shall immediately notify all affected parties, including the court affected, of the disposal and shall, absent good cause shown to the court, proceed with the remaining case or cases in which the conflict was resolved by the disposal in the order of priorities as set forth heretofore.

RULE 9. LEAVES OF ABSENCE

- 9.1 Leaves for Thirty (30) Calendar Days or Less.**
- 9.2 Leaves for More Than Thirty (30) Calendar Days.**
- 9.3 Excusal from Court Appearances.**

9.1 Leaves for Thirty (30) Calendar Days or Less.

An attorney of record shall be entitled to a leave of absence for thirty (30) days or less from court appearance in pending matters which are neither on a published calendar for court appearance, nor noticed for a hearing during the requested time, by submitting to the clerk of the court at least thirty (30) calendar days prior to the effective date for the proposed leave, a written notice containing:

- (a) A list of the actions to be protected, including the action numbers, and date and time of any previously calendared appearance;
- (b) The reason for leave of absence; and
- (c) The duration of the requested leave of absence.

A copy of the notice shall be sent, contemporaneously, to the judge before whom an action is pending and all opposing counsel. Unless opposing counsel files a written objection within ten (10) days with the clerk of the court, with a copy to the court and all counsel of record, or the court responds denying the leave of absence, such leave will stand granted without entry of an order. If objection is filed, the court, upon request of any counsel, will conduct a conference with all counsel to determine whether the court will, by order, grant the requested leave of absence.

The clerk of the court shall retain leave of absence notices in a chronological file for two (2) calendar years; thereafter, the notices may be discarded.

Leaves of absence for particular cases shall be docketed with the particular case affected by that leave of absence.

9.2 Leaves for More Than Thirty (30) Calendar Days. (Or those either on a published calendar, noticed for a hearing, or not meeting the time requirements of Rule 9.1 above)

Application for a leave of absence for more than thirty (30) calendar days, or those either on a published calendar, noticed for a hearing, or not submitted within the time limits contained in 9.1 above, must be in writing, filed with the clerk of the court, and served upon opposing counsel at least ten (10) days prior to submission to the appropriate judge of the court in which the action is pending. This time period may be waived if opposing counsel consents in writing to the application. This procedure permits opposing counsel to object or to consent to the grant of the application, but the application is addressed to the discretion of the court. Such application for leave of absence shall contain:

- (a) A list of the actions to be protected, including the action number;
- (b) The reason for leave of absence; and
- (c) The duration of the requested leave of absence.

9.3 Excusal from court appearances.

A 9.1 or 9.2 leave when granted shall relieve any attorney from all trials, hearings, depositions and other legal appearances in that matter.

This rule shall not extend any deadline set by law or the court.

RULE 10. TERMS OF COURT

Where statutes or case law of general application in this state require action within a term of court, in the municipal court this shall signify within one hundred eighty (180) days; where action is required by the next term of court, this shall signify after one hundred eighty (180) days, and on or before three hundred sixty-five (365) days, unless by charter, ordinance or internal operating procedure term of court is otherwise defined.

RULE 11. USE OF ELECTRONIC DEVICES IN COURTROOMS AND RECORDING OF JUDICIAL PROCEEDINGS

[11.1 Overview](#)

[11.2 Definitions](#)

[11.3 Witnesses, parties, and spectators, including representatives of the news media](#)

[11.4 Attorneys, employees of attorneys such as paralegals and investigators, and self-represented parties \(pro se litigants\)](#)

[11.5 Celebratory or ceremonial proceedings, or when the court is not in session](#)

[11.6 Other persons or organizations desiring to record](#)

[11.7 Denial or limitation of recording](#)

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[11.9 Pooling of recording devices](#)

11.10 Prohibitions

11.11 Recording not official court record

11.12 Disciplinary authorities

11.13 Enforcement

Request To Use a Recording Device Pursuant To Rule 11. On Recording of Judicial Proceedings.

11.1 Overview

Open courtrooms are an indispensable element of an effective and respected judicial system. It is the policy of Georgia's courts to promote access to and understanding of court proceedings not only by the participants in them but also by the general public and by news media who will report on the proceedings to the public. This must be done, however, while protecting the legal rights of the participants in the proceedings and ensuring appropriate security and decorum.

Except as otherwise required by law, this rule governs the use of devices to record sounds or images in a courtroom and comports with the standards provided in OCGA § 15-1-10.1 regarding the use of devices to record judicial proceedings.

This rule similarly governs the use of electronic devices, including mobile phones and computers, in a courtroom for purposes other than recording sounds and image use is generally allowed by lawyers, by employees of lawyers, and by self-represented parties, but to ensure decorum and avoid distraction, such use is generally prohibited by jurors, witnesses, parties, and spectators, including representatives of the news media. Such persons may, however, use their devices by stepping outside the courtroom, and nothing in this rule prevents a judge from permitting parties and spectators to use their devices for non-recording purposes as the judge may allow in his or her discretion.

A court must use reasonable means to advise courtroom visitors of the provisions of this rule and must make the form in Exhibit A available in its clerk's office and on the court's website.

11.2 Definitions. The following definitions apply in this rule:

- (1) "Recording device" means a device capable of electronically or mechanically storing, accessing, or transmitting sounds or images. The term encompasses, among other things, a computer of any size, including a tablet, a notebook, and a laptop; a smart phone, a cell phone or other wireless phone; a camera and other audio or video recording devices; a personal digital assistant (PDA); and any similar devices.
- (2) "Recording" means electronically or mechanically storing, accessing, or transmitting sounds or images. "Record" means to electronically or mechanically store, access, or transmit sounds or images, including by photographing, making an audio or video recording, or broadcasting. Nothing in this rule prohibits making written notes and sketches pertaining to any judicial proceedings.
- (3) "Courtroom" means the room in which a judge will conduct a court proceeding and the areas immediately outside the courtroom entrances or any areas providing visibility into the courtroom.

11.3 Witnesses, parties, and spectators, including representatives of the news media.

The following restrictions apply to use of recording devices by jurors, including grand jurors and prospective jurors, by witnesses, by parties, and by spectators, including representatives of the news media.

- (1) **Witnesses:** Witnesses shall turn the power off to any recording device while present in a courtroom, and may use a device while testifying only with permission of the judge. Witnesses shall not record proceedings.
- (2) **Parties and spectators:** Parties and spectators may use recording devices to record proceedings only as specifically authorized by the court pursuant to this rule. All parties and spectators shall turn the power off to any recording device while present in a courtroom, unless the judge allows orally or in writing the use of recording devices in the courtroom for purposes other than recording sounds and images, which the judge may freely do when he or she believes such use would not be disruptive or distracting and is not otherwise contrary to the administration of justice. When such use is allowed, recording devices must be silenced and may not be used to make or receive telephone calls or for other audible functions without express permission from the judge.

11.4 Attorneys, employees of attorneys such as paralegals and investigators, and self-represented parties (pro se litigants).

(1) Use of recording devices to record: Unless otherwise ordered by the court, attorneys representing parties in a proceeding and self-represented parties may make audio recordings of the proceeding in a non-disruptive manner after announcing to the court and all parties that they are doing so. Recordings made pursuant to this paragraph may be used only in litigating the case or as otherwise allowed by the court or provided by law. Attorneys and self-represented parties may also seek authorization to record proceedings pursuant to paragraph (E) of this rule.

(2) Use of recording devices for non-recording purposes: Attorneys and their employees such as paralegals and investigators may use recording devices in a courtroom for purposes other than recording sounds and images, including word processing, storing or retrieving information, accessing the internet, and sending or receiving messages or information. Self-represented parties may do the same but only in direct relation to their proceedings. Recording devices must be silenced and may not be used to make or receive telephone calls or for other audible functions without express permission from the judge.

(3) Limitation: Any allowed use of a recording device under paragraph (D) is subject to the authority of the judge to terminate activity that is disruptive or distracting or is otherwise contrary to the administration of justice.

11.5 Celebratory or ceremonial proceedings, or when the court is not in session.

Notwithstanding other provisions of this rule, a person may request orally or in writing, and a judge or judge's designee may approve orally or in writing, use of a recording device in a courtroom to record a celebratory or ceremonial proceeding or use of a recording device in a courtroom when the court is not in session.

11.6 Other persons or organizations desiring to record.

Any other persons or organizations, including representatives of the news media, desiring to record a court proceeding shall make application to the judge on the form in Exhibit A following this rule.

(1) Submission of a request: The person or organization must submit the request to the judge or to an officer of the court designated to receive requests under this rule. The request should address any logistical issues that are expected to arise.

(2) Time limit for submitting a request: The person or organization must submit the request sufficiently in advance of the proceeding – at least 24 hours where practicable under the circumstances – to allow the judge to consider it in a timely manner.

(3) Notice and hearing: The court will notify the parties of its receipt of a request for recording. Parties shall then notify their witnesses. The prosecutor of a criminal case shall notify alleged victims. The judge will promptly hold a hearing if the judge intends to deny the request or a portion of the request, or if a party, witness, or alleged victim objects to a request. The hearing under this paragraph shall be part of the official record of the proceeding.

(4) Time for a party, witness, or alleged victim to object to a request: A properly notified party, witness, or alleged victim waives an objection to a request for recording of a proceeding if the party, witness, or alleged victim does not object to the request in writing or on the record before or at the start of the proceeding.

11.7 Denial or limitation of recording.

A properly submitted request for recording should generally be approved, but a judge may deny or limit the request as provided in this paragraph. A judge's decision on a request, or on an objection to a request, is reviewable as provided by law.

- (1) Denial of recording: A judge may deny a request for recording only after making specific findings on the record that there is a substantial likelihood of harm arising from one or more of the following factors, that the harm outweighs the benefit of recording to the public, and that the judge has considered more narrow restrictions on recording than a complete denial of the request:
- (a) The nature of the particular proceeding at issue;
 - (b) The consent or objection of the parties, witnesses, or alleged victims whose testimony will be presented in the proceedings;
 - (c) Whether the proposed recording will promote increased public access to the courts and openness of judicial proceedings;
 - (d) The impact upon the integrity and dignity of the court;
 - (e) The impact upon the administration of the court;
 - (f) The impact upon due process and the truth finding function of the judicial proceeding;
 - (g) Whether the proposed recording would contribute to the enhancement of or detract from the ends of justice;
 - (h) Any special circumstances of the parties, witnesses, alleged victims, or other participants such as the need to protect children or factors involving the safety of participants in the judicial proceeding; and
 - (i) Any other factors affecting the administration of justice or which the court may determine to be important under the circumstances of the case.
- (2) Limitation of recording: Upon his or her own motion or upon the request of a party, witness, or alleged victim, a judge may allow recording as requested or may, only after making specific findings on the record based on the factors in the preceding paragraph, impose the least restrictive possible limitations such as an order that no recording may be made of a particular criminal defendant, civil party, witness, alleged victim, law enforcement officer, or other person, or that such person's identity must be effectively obscured in any image or video recording, or that only an audio recording may be made of such person.

11.8 Manner of recording.

The judge should preserve the dignity of the proceeding by designating the placement of equipment and personnel for recording the proceeding. All persons and affiliated individuals engaged in recording must avoid conduct or appearance that may disrupt or detract from the dignity of the proceeding. No person shall use any recording device in a manner that disrupts a proceeding.

11.9 Pooling of recording devices

The judge may require pooling of recording devices if appropriate. The persons or organizations authorized to record have the responsibility to implement proper pooling procedures that meet the approval of the judge.

11.10 Prohibitions.

The following uses of recording devices are prohibited:

- (1) No use of recording devices while the judge is outside the courtroom: Except as provided in paragraph (E) of this rule, a person may use a recording device in a courtroom only when the judge is in the courtroom, and use of a recording device must terminate when the judge leaves the courtroom.

(2) No recording of privileged or confidential communications: In order to preserve the attorney-client privilege and client confidentiality as set forth in the Georgia Rules of Professional Conduct and statutory or decisional law, no person shall make a recording of any communication subject to the attorney-client privilege or client confidentiality.

(3) No recording of bench conferences: No person other than the court reporter may record a bench conference, unless prior express permission is granted by the judge.

11.11 Recording not official court record.

No recording of a judicial proceeding made pursuant to this rule may be used to modify or supplement the official court record of that proceeding without express permission of the judge pursuant to OCGA § 5-6-41(f).

11.12 Disciplinary authorities.

This rule does not apply to disciplinary authorities acting in the course of their official duties.

11.13 Enforcement

Persons who violate this rule may be removed or excluded from the courtroom. A willful violation of this rule may be punishable as contempt of court.

IN THE MUNICIPAL/RECORDERS COURT
CITY OF _____
STATE OF GEORGIA

(_____)

CASE NO. _____

**REQUEST TO USE A RECORDING DEVICE PURSUANT TO RULE 11. ON
RECORDING OF JUDICIAL PROCEEDINGS.**

Pursuant to Rule 11 of the Uniform Rules for Municipal Court regarding Use of Electronic Devices in Courtrooms and Recording of Judicial Proceedings, the undersigned hereby requests permission to use a recording device in Courtroom_ in order to record images and/or sound during (all)_(the following portions)_____ of the proceedings in the above captioned case/calendar.

Consistent with the provisions of the rule, the undersigned desires to use the following described recording device(s):_____. The proceedings that the undersigned desires to record commence on (_____). Subject to direction from the court regarding possible pooled coverage, the undersigned wishes to use this device in the courtroom on (_____). The personnel who will be responsible for the use of this recording device are: (_____).

The undersigned hereby certifies that the device to be used and the locations and operation of such device will be in conformity with Rule 11 and any guidelines issued by the court.

The undersigned understands and acknowledges that a violation of Rule 11 and any guidelines issued by the court may be grounds for removal or exclusion from the courtroom and a willful violation may subject the undersigned to penalties for contempt of court.

This _____ day of _____, 20__.

(Individual Signature)

(Representing/Firm)

(Position)

APPROVED: _____

Judge, Municipal/Recorder Court

Municipal/Recorders Court of _____

RULE 12. COMPLETION OF ANNUAL CASELOAD REPORTS

In order to compile accurate data on the operation of the municipal courts, each chief judge shall ensure the accurate completion and timely submission of the Annual Caseload Reports sent to them by the Administrative Office of the Courts.

RULE 13. NOTICE OF SELECTION OF MUNICIPAL COURT JUDGES AND CLERKS OF COURT

Whenever a judge or clerk of a municipal court shall take the oath required for office in OCGA§ 15-10-3, the clerk of court shall forward to the Administrative Office of the Courts the name and title of the person taking the oath; the name of the person being succeeded, if applicable; the term of the office, if applicable; the date assuming duties; and the address and telephone number the official wishes to use for business correspondence.

RULE 14. INTERPRETERS AND THE NOTIFICATION FORM

(A) In all civil and criminal cases, the party or party’s attorney shall inform the court in the form of a notice of the need for a qualified interpreter, if known, within a reasonable time — at least 5 days where practicable — before any hearing, trial, or other court proceeding. Such notice shall be filed and shall comply with any other service requirements established by the court. The notice shall (1) designate the participants in the proceeding who will need the services of an interpreter, (2) estimate the length of the proceeding for which the interpreter is required, (3) state whether the interpreter will be needed for all proceedings in the case, and (4) indicate the language(s), including sign language for the Deaf/Hard of Hearing, for which the interpreter is required.

(B) Upon receipt of such notice, the court shall make a diligent effort to locate and appoint a licensed interpreter, at the court’s expense, in accordance with the Supreme Court of Georgia’s Rule on Use of Interpreters for Non-English Speaking and Hearing Impaired Persons. If the court determines that the nature of the case (e.g., an emergency) warrants the use of a non-licensed interpreter, then the court shall follow the procedures as outlined in the Supreme Court of Georgia’s Commission on Interpreters’ Instructions for Use of a Non-Licensed Interpreter. Despite its use of a non-licensed interpreter, the court shall make a diligent effort to ensure that a licensed interpreter is appointed for all subsequently scheduled proceedings, if one is available.

(C) If a party or party’s attorney fails to timely notify the court of a need for a court interpreter, the court may assess costs against that party for any delay caused by the need to obtain a court interpreter unless that party establishes good cause for the delay. When timely notice is not provided or on other occasions when it may be necessary to utilize an interpreter not licensed by the Supreme Court of Georgia’s Commission on Interpreters (COI), the Registry for Interpreters of the Deaf (RID), or other industry-recognized credentialing entity, such as a telephonic language service or a less qualified interpreter, the court should weigh the need for immediacy in conducting a hearing against the potential compromise of due process, or the potential of substantive injustice, if interpreting is inadequate. Unless immediacy is a primary concern, some delay might be more appropriate than the use of an interpreter not licensed by the COI, RID, or other recognized credentialing entity.

(D) Notwithstanding any failure of a party or party’s attorney to notify the court of a need for a court interpreter, the court shall appoint a court interpreter whenever it becomes apparent from the court’s own observations or from disclosures by any other person that a participant in a proceeding is unable to hear, speak, or otherwise communicate in the English language to the extent reasonably necessary to meaningfully participate in the proceeding.

(E) If the time or date of a proceeding is changed or canceled by the parties, and interpreter services have been arranged by the court, the party that requested the interpreter must notify the court 24 hours in advance of the change or cancellation. Timely notice of any changes is essential in order to cancel or reschedule an interpreter, thus precluding unnecessary travel by the interpreter and a fee payment by the court. If a party fails to timely notify the court of a change or cancellation, the court may assess any reasonable interpreter expenses it may have incurred upon that party unless the party can show good cause for its failure to provide a timely notification.

THE MUNICIPAL/ RECORDERS COURT OF _____
STATE OF GEORGIA

CITY OF _____,

Vs.

Defendant.

§
§
§
§
§
§

Case No: _____

Citation No (s): _____

NOTICE OF NEED FOR INTERPRETER
PURSUANT TO UNIFORM MUNICIPAL COURT RULE 14

Pursuant to Uniform Municipal Court Rule 14, Defendant presents this Notice of Need for Interpreter in the above-styled case. Defendant provides the following information about the need for a qualified interpreter in this case:

1. The following participants will need interpretation services in this case: [_____, _____];
2. The interpreter is expected to be needed for [_____];
3. The interpreter will/will not be needed for all proceedings in the case; and
4. Interpretation services are requested in the following language/s: [_____].

Notice submitted this _____ day of _____, 20_____.

Attorney for Defendant/ Pro Se
State Bar Number: _____

THE MUNICIPAL/ RECORDERS COURT OF _____
STATE OF GEORGIA

CITY OF _____,

Vs.

Defendant.

§
§
§
§
§
§

Case No: _____

Citation No (s): _____

CERTIFICATE OF SERVICE

This to certify that I have this day served The City of _____ in the foregoing matter with a copy of the Notice of Need for Interpreter dated _____ by: _____

_____.

This ____ day of _____, 20____.

Attorney for Defendant/ Pro Se
State Bar Number: _____

RULE 15. TELEPHONE AND VIDEO CONFERENCING**15.1 Telephone Conferencing****15.2 Video Conferencing****15.1 Telephone Conferencing.**

The trial court on its own motion or upon the request of any party may in its discretion conduct pre-trial or post-trial proceedings by telephone conference with attorneys for all affected parties, to the extent that such conferences do not impair or deny the rights of criminal defendants pursuant to the United States and Georgia constitutions. The trial judge may specify:

- (a) The time and the person who will initiate the conference;
- (b) The party who is to incur the initial expense of the conference call, or the apportionment of such costs among the parties, while retaining the discretion to make an adjustment of such costs upon final resolution of the case by taxing same as part of the costs; and
- (c) Any other matter or requirement necessary to accomplish or facilitate the telephone conference.

15.2 Video-Conferencing.

- (a) The following matters may be conducted by video conference:
 1. Determination of indigence and appointment of counsel;
 2. Hearings on appearance and appeal bonds;
 3. Initial appearance hearings and waiver of extradition hearings; Rule 15.2(e)(4) below notwithstanding, public access to these hearings may provided by a video-conferencing system meeting the requirements of Rule 15.2(e)(2) and (3);
 4. Probable cause hearings;
 5. Applications for and issuance of arrest warrants;
 6. Applications for and issuance of search warrants;
 7. Arraignment or waiver of arraignment;
 8. Pretrial diversion and post-sentencing compliance hearings;
 9. Entry of pleas in criminal cases;
 10. Impositions of sentences upon pleas of guilty or nolo contendere;
 11. Probation revocation hearings in which the probationer admits the violation, and in all misdemeanor cases;
 12. Post-sentencing proceedings in criminal cases;
 13. Acceptance of special pleas of insanity (incompetency to stand trial);
 14. Situations involving inmates with highly sensitive medical problems or who pose a high security risk;
 15. Testimony of youthful witnesses;
 16. Appearances of interpreters.

Notwithstanding any other provisions of this rule, a judge may order a defendant's personal appearance in court for any hearing.

(b) Confidential Attorney-Client Communication. Provision shall be made to preserve the confidentiality of attorney-client communications and privilege in accordance with Georgia law. In all criminal proceedings, the defendant and defense counsel shall be provided with a private means of communications when in different locations.

(c) Witnesses. In any pending matter, a witness may testify via video conference. Any party desiring to call a witness by video conference shall file a notice of intention to present testimony by video conference at least thirty (30) days prior to the date scheduled for such testimony. Any other party may file an objection to the testimony of a witness by video conference within ten (10) days of the filing of the notice of intention. In civil matters, the discretion to allow testimony via video conference shall rest with the trial judge. In any criminal matter, a timely objection shall be sustained; however, such objection shall act as a motion for continuance and a waiver of any speedy trial demand.

(d) Recording of Hearings. A record of any proceedings conducted by video conference shall be made in the same manner as all such similar proceedings not conducted by video conference. However, upon the consent of all parties, that portion of the proceedings conducted by video conference may be recorded by an audio-visual recording system and such recording shall be part of the record of the case and transmitted to courts of appeal as if part of a transcript.

(e) Technical Standards. Any video-conferencing system utilized under this rule must conform to the following minimum requirements:

1. All participants must be able to see, hear, and communicate with each other simultaneously;
2. All participants must be able to see, hear, and otherwise observe any physical evidence or exhibits presented during the proceeding, either by video, facsimile, or other method;
3. Video quality must be adequate to allow participants to observe each other's demeanor and nonverbal communications; and
4. The location from which the trial judge is presiding shall be accessible to the public to the same extent as such proceeding would if not conducted by video conference. The court shall accommodate any request by interested parties to observe the entire proceeding.

RULE 16. ADMINISTRATION OF OATHS

A clerk of the municipal court may administer the oath and sign the jurat for affidavits, including those in support of arrest warrants and search warrants. This rule shall not be interpreted as otherwise affecting the responsibilities of a judge in hearing applications for arrest and search warrants.

RULE 17. HEARINGS ON ISSUANCE OF SEARCH WARRANTS

Whenever the hearing on the issuance of a search or arrest warrant is not recorded, the judge shall make a written notation or memorandum of any oral testimony which is not included in the affidavit, upon which the judge relies in issuing such warrant.

RULE 18. BAIL IN CRIMINAL CASES

18.1 Misdemeanor Cases

18.2 Felony Cases

- 18.3 Categories of Bail**
- 18.4 Amendment of Bail**
- 18.5 Bail on Bind Over or Jury Demand**

18.1 Misdemeanor Cases.

Bail in misdemeanor cases shall be set as provided in OCGA§17-6-1 and 17-6-2, and as provided by applicable municipal charter or ordinance.

18.2 Felony Cases.

Bail in felony cases shall not be set by the municipal court in those cases which by law the bail may be set only by a superior court judge, unless a specific order has been executed for setting felony bonds by the superior court in the county of the municipality. All defendants in custody on the authority of the municipal court must be presented to the municipal court for initial appearance within the time requirements of OCGA§17-4-26 and 17-4-62 for further consideration of bail.

18.3 Categories of Bail.

The court may set bail which may be secured by:

- (1) Cash-by a deposit with the municipal court clerk, municipal treasurer's office, municipal law enforcement or by internal operating procedure of an amount equal to the required cash bail; or
- (2) Property-by real estate located within the State of Georgia with unencumbered equity, not exempted, owned by the accused or surety, valued at double the amount of bail set in the bond; or
- (3) Recognizance-in the discretion of the court;
- (4) Professional-by a professional bail bondsman authorized by the sheriff and in compliance with the rules and regulations for execution of a surety bail bond.

Bail may be conditioned upon such other specified and reasonable conditions as the court may consider just and proper. The court may restrict the type of security permitted for the bond although local the governing body shall determine what sureties are acceptable when a surety bond is permitted.

18.4 Amendment of Bail.

The municipal court has the authority to amend any bail previously authorized by the municipal court under the provisions of OCGA § 17-6-18.

18.5 Bail on Bind over or Jury Demand.

Whenever a municipal court has set bail on cases that are bound over to another court for any reason, the bond shall be transferred to that agency or court.

RULE 19. DISMISSAL AND RETURN OF WARRANTS

- 19.1 Dismissal of Warrant**
- 19.2 Assessment of Costs**

19.1 Dismissal of Warrant.

Any dismissal of a warrant of the municipal court prior to a hearing, trial or transfer to other courts shall be made exclusively by the municipal court.

19.2 Assessment of Costs.

When, in a criminal action, costs are assessed by the court upon the dismissal of a warrant the amount of costs assessed shall be as set according to the municipal charter, ordinances, or local rule.

RULE 20. INITIAL APPEARANCE/ COMMITMENT HEARINGS

- 20.1 Initial Appearance Hearing**
- 20.2 Commitment Hearing**
- 20.3 Private Citizen Warrant Application Hearings**

20.1 Initial Appearance Hearing.

As soon as is reasonably practicable following any arrest but no later than forty-eight (48) hours if the arrest was without a warrant, or seventy-two (72) hours following an arrest with a warrant, unless the accused has made bond in the meantime, the arresting officer or other law enforcement officer having custody of the accused shall present the accused in person before a municipal judge or other judicial officer for first appearance.

At the first appearance, the municipal judge or judicial officer shall:

- (a) Inform the accused of the charges;
- (b) Inform the accused that he has a right to remain silent, that any statement made may be used against him, and that he has the right to the presence and advice of an attorney, either retained or appointed;
- (c) Determine whether or not the accused desires and is in need of an appointed attorney and, if appropriate, advise the accused of the necessity for filing a written application;
- (d) Inform the accused of his or her right to a later pre-indictment commitment hearing, unless the first appearance covers the commitment hearing issues, and inform the accused that giving a bond shall be a waiver of the right to a commitment hearing;
- (e) In the case of warrantless arrest, make a fair and reliable determination of the probable cause for the arrest unless a warrant has been issued before the first appearance;
- (f) Inform the accused of the right to grand jury indictment in felony cases and the right to trial by jury, and when the next grand jury will convene;

(g) Inform the accused that if he or she desires to waive these rights and plead guilty, then the accused shall so notify the judge or the law officer having custody, who shall in turn notify the judge.

(h) Set the amount of bail if the offense is not one bailable only by a superior court judge, or so inform the accused if it is.

20.2 Commitment Hearing.

(a) A municipal court judge, in his or her discretion, may hold a commitment hearing even though the defendant has posted a bail bond.

(b) At the commitment hearing by the court of inquiry, the judicial officer shall perform the following duties:

(1) The judicial officer shall explain the probable cause purpose of the hearing;

(2) The judicial officer shall repeat to the accused the rights explained at the first appearance as listed in Rule 20.1 above;

(3) The judicial officer shall determine whether the accused intends to plead guilty, nolo contendere or not guilty, or waives the commitment hearing;

(4) If the accused intends to plead guilty or waives the hearing, the court shall immediately bind the entire case over to the court having jurisdiction of the most serious offense charged;

(5) If the accused pleads not guilty the court shall immediately proceed to conduct the commitment evidentiary hearing unless, for good cause shown, the hearing is continued to a later scheduled date;

(6) The judicial officer shall cause an accurate record to be made of the testimony and proceeding by any reliable method.

(7) The judicial officer shall bind the entire case over to the court having jurisdiction of the most serious offense for which probable cause has been shown by sufficient evidence and dismiss any charge for which probable cause has not been shown.

(8) On each case which is bound over, a memorandum of the commitment hearing shall be entered on the warrant by the judicial officer. The warrant, bail bond, and all other papers pertaining to the case shall be forwarded to the clerk of the appropriate court having jurisdiction over the offense for delivery to the district attorney. Each bail bond shall contain the full name, telephone number, residence, business and mailing address(es) of the accused and any surety.

(9) A copy of the record of any testimony and the proceedings of the first appearance and the commitment hearing shall be provided to the proper prosecuting officer and to the accused upon payment of the reasonable cost for preparation of the record.

(10) A judicial officer, conducting a commitment hearing, is without jurisdiction to make final disposition of the case or cases at the hearing by imposing any fine or punishment, except where the only charge arising out of the transaction at issue is the violation of a municipal ordinance.

(c) At the commitment hearing, the following procedures shall be utilized:

(1) The rules of evidence shall apply except that hearsay may be allowed;

(2) The prosecuting entity shall have the burden of proving probable cause; and may be represented by a law enforcement officer, a district attorney, a solicitor, or otherwise as is customary in that court;

(3) The accused may be represented by an attorney or may appear pro se; and,

(4) The accused shall be permitted to introduce evidence.

20.3 Private Citizen Warrant Application Hearings.

- (a) Upon the filing of an application for an arrest warrant by a person other than a peace officer or law enforcement officer, and if the court determines that a hearing is appropriate pursuant to OCGA §17-4-40, the court shall give notice of the date, time and location of the hearing to the applicant and to the person whose arrest is sought by personal service or by first class mail to the person's last known address or by any other means which are reasonably calculated to notify the person of the date, time and location of the hearing.
- (b) At the warrant application hearing the court shall:
- (1) Explain the probable cause purpose of the hearing;
 - (2) Inform the accused of the charges;
 - (3) Inform the accused of the right to hire and have the advice of an attorney, of the right to remain silent, and that any statement made may be used against him or her.
- (c) The warrant application hearing shall be conducted in accordance with OCGA § 17-4-40 (b)(4) and (5) and Rule 20.2 (c) of these rules.
- (d) A copy of the record of any testimony and the proceedings of the warrant application hearing, if available, shall be provided to the proper prosecuting officer and to the accused upon payment of the reasonable cost for preparation of the record.
- (e) The judge conducting a warrant application hearing is without jurisdiction to make final disposition of the case or cases at the hearing by imposing any fine or punishment.

RULE 21. APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANTS

The municipal court shall have a procedure and forms consistent with state law in order to determine indigence and to appoint counsel to defendants who apply and qualify for appointed counsel. The applications shall be available through the clerk of the municipal court.

The rules of municipal courts shall embrace and include OCGA § 17-12-1 et seq. The Georgia Public Defender Standards, as amended, are incorporated by reference to the extent that they are applicable to municipal courts.

RULE 22. ARRAIGNMENT

22.1 Calendar

22.2 Call for Arraignment

22.1 Calendar.

The judge or the judge's designee shall set the time of arraignment unless arraignment is waived either by the defendant or by operation of law. Notice of the date, time and place of arraignment shall be delivered to the clerk of the court and sent to attorneys of record, defendants and bondsmen.

22.2 Call for Arraignment.

At or before arraignment, the court shall inquire whether the accused is represented by an attorney and, if not, advise the accused of the right to indigent defense counsel and the procedures by which an attorney's assistance may be obtained.

At arraignment, the accused, upon a plea of not guilty, may exercise his or her right to have the case bound over to the appropriate state or superior court for a trial by jury. If the accused desires a trial in municipal court before a judge without a jury, the accused shall so signify by executing a written waiver of the right to trial by jury at arraignment. Thereafter, the prosecution may, within ten (10) days, exercise its right to a trial by jury by filing a notice of binding the case over to the appropriate state or superior court. Failure of the prosecution to demand that the case be bound over for jury trial shall be deemed a waiver of the prosecution's right to trial by jury. Thereafter, a revocation of either the accused's or the prosecution's waiver of the right to trial by jury shall be effective only upon written application to the court, which shall approve such revocation unless the court makes specific findings that the revocation will substantially delay or impede the cause of justice.

Upon the call of the case for arraignment the accused, or the attorney for the accused, shall answer whether the accused pleads guilty or not guilty or desires to enter a plea of nolo contendere to the offense or offenses charged; a plea of not guilty shall constitute a joining of the issue.

RULE 23. MOTIONS, DEMURRERS, SPECIAL PLEAS, ETC.

23.1 Time for Filing

23.2 Time for Hearing

23.3 Notice of Prosecution's Intent to Present Evidence of Similar Transactions

23.4 Notice of Intention of Defense to Raise Issue of Insanity, Mental Illness or Mental Competency

23.1 Time for Filing.

All motions, demurrers, and special pleas shall be made and filed at or before the time set by law, unless time therefore is extended by the judge in writing prior to trial. Notices of the prosecution's intention to present evidence of similar transactions or occurrences and notices of the intention of the defense to raise the issue of insanity or mental illness or mental competency shall be given and filed at least ten (10) days before trial unless the time is shortened or lengthened by the judge. Such filing shall be in accordance with Rules 23.2 – 23.4.

23.2 Time for Hearing.

All such motions, demurrers, special pleas and notices shall be heard and considered at such time, date, and place as set by the judge. Generally, such will be heard at or after the time of arraignment and prior to the time at which such case is scheduled for trial.

23.3 Notice of Prosecution's Intent to Present Evidence of Similar Transactions.

(a) The prosecution may, upon notice filed in accordance with Rule 23.1, request of the court in which the charging instrument is pending, leave to present during the trial evidence of similar transactions or occurrences.

- (b) The notice shall be in writing, served upon the defendant's counsel, and shall state the transaction, date, county, and the name(s) of the victim(s) for each similar transaction or occurrence sought to be introduced. Copies of accusations or indictments, if any, and guilty pleas or verdicts, if any, shall be attached to the notice. The judge shall hold a hearing at such time as may be appropriate, and may receive evidence on any issue of fact necessary to determine the request. The burden of proving that the evidence of similar transactions or occurrences should be admitted shall be upon the prosecution. The prosecutor may present during the trial evidence of only those similar transactions or occurrences specifically approved by the judge.
- (c) Evidence of similar transactions or occurrences not approved shall be inadmissible. In every case, the prosecuting attorney and defense attorney shall instruct their witnesses not to refer to similar crimes, transactions or occurrences, or otherwise place the defendant's character in issue, unless specifically authorized by the judge.
- (d) If upon the trial of the case the defense places the defendant's character in issue, evidence of similar transactions or occurrences, as shall be admissible according to the rules of evidence, shall be admissible, the above provisions notwithstanding.
- (e) Nothing in this rule is intended to prohibit the prosecution from introducing evidence of similar transactions or occurrences which are lesser included alleged offenses of the charge being tried, or are immediately related in time and place to the charge being tried, as part of a single, continuous transaction. Nothing in this rule is intended to alter the rules of evidence relating to impeachment of witnesses.
- (f) This rule shall not apply to sentencing hearings.

23.4 Notice of Intention of Defense to Raise Issue of Insanity, Mental Illness or Mental Competency.

Uniform Superior Court Rules 28.3, 31.4 and 31.5, as amended from time to time, and as applicable to municipal courts, are hereby adopted verbatim.

RULE 24. CRIMINAL TRIAL CALENDAR

24.1 Calendar Preparation

24.2 Removal from Calendar

24.1 Calendar Preparation.

All cases shall be set for trial within a reasonable time after arraignment. The clerk, judge or the judge's designee shall prepare a trial calendar, shall if applicable deliver a copy thereof to the clerk of court, and shall give notice in person or by mail to each counsel of record, the bondsman (if any) and the defendant at the last address indicated in court records, not less than seven (7) days before the trial date. The calendar shall list the dates that cases are set for trial, the cases to be tried at that session of court, the case numbers, the names of the defendants and the names of the defense counsel.

24.2 Removal from Calendar.

No case shall be postponed or removed from the calendar except by the judge.

RULE 25. PLEADING BY DEFENDANT

- 25.1 Alternatives**
- 25.2 Aid of Counsel - Time for Deliberation**
- 25.3 Propriety of Plea Discussions and Plea Agreements**
- 25.4 Relationship Between Defense Counsel and Client**
- 25.5 Responsibilities of the Trial Judge**
- 25.6 Consideration of Plea in Final Disposition**
- 25.7 Determining Voluntariness of Plea**
- 25.8 Defendant to Be Informed**
- 25.9 Determining Accuracy of Plea**
- 25.10 Stating Intention to Reject the Plea Agreement**
- 25.11 Plea Withdrawal**

25.1 Alternatives.

- (a) A defendant may plead guilty, not guilty, or in the discretion of the judge, nolo contendere. A plea of guilty or nolo contendere should be received only from the defendant personally in open court, except when the defendant is a corporation, in which case the plea may be entered by a duly authorized attorney at law or a corporate officer. In misdemeanor, traffic and municipal ordinance cases, upon the request of a defendant who has made, in writing, a knowing, intelligent and voluntary waiver of his right to be present, and the court may accept a plea of guilty or nolo contendere in absentia.
- (b) A defendant may plead nolo contendere only with the consent of the judge. Such a plea should be accepted by the judge only after due consideration of the views of the parties and the interest of the public in the effective administration of justice. A plea of nolo contendere shall be handled under these rules in a manner consistent with a plea of guilty.

25.2 Aid of Counsel - Time for Deliberation.

- (a) A defendant shall not be called upon to plead before having a reasonable opportunity to retain counsel, or if defendant is eligible for appointment of counsel, until counsel has been appointed or right to counsel waived. A defendant with counsel shall not be required to enter a plea if counsel makes a reasonable request for additional time to represent the defendant's interest, or if the defendant has not had a reasonable time to consult with counsel.
- (b) A defendant without counsel should not be called upon to plead to any offense without having had a reasonable time to consider this decision. When a defendant without counsel tenders a plea of guilty or nolo contendere to an offense, the court shall not accept the plea unless it is reaffirmed by the defendant after a reasonable time for deliberation, following the admonitions from the court required in Rule 25.8.

25.3 Propriety of Plea Discussions and Plea Agreements.

(a) In cases in which it appears that the interests of the public in the effective administration of criminal justice (as stated in Rule 25.6) would thereby be served, the prosecuting attorney may engage in plea discussions for the purpose of reaching a plea agreement. The prosecuting attorney should engage in plea discussions or reach a plea agreement with the defendant only through defense counsel, except when the defendant is not eligible for or does not desire appointment of counsel and has not retained counsel.

(b) The prosecuting attorney, in reaching a plea agreement, may agree to one or more of the following, as dictated by the circumstances of the individual case:

- (1) To make or not to oppose favorable recommendations as to the sentence which should be imposed if the defendant enters a plea of guilty or nolo contendere;
- (2) To seek or not to oppose dismissal of the offense charged if the defendant enters a plea of guilty or nolo contendere to another offense reasonably related to defendant's conduct; or,
- (3) To seek or not to oppose dismissal of other charges or potential charges against the defendant if the defendant enters a plea of guilty or nolo contendere.

25.4 Relationship Between Defense Counsel and Client.

(a) Defense counsel shall conclude a plea agreement only with the consent of the defendant, and shall ensure that the decision to enter or not enter a plea of guilty or nolo contendere is ultimately made by the defendant.

(b) To aid the defendant in reaching a decision, defense counsel, after appropriate investigation, should advise the defendant of the alternatives available and of considerations deemed important by him in reaching a decision.

25.5 Responsibilities of the Trial Judge.

(a) The trial judge shall not participate in plea discussions.

(b) If a tentative plea agreement has been reached, upon request of the parties, the trial judge may permit the parties to disclose the tentative agreement and the reasons there for in advance of the time for the tendering of the plea. The judge may then indicate to the prosecuting attorney and defense counsel whether the judge will likely concur in the proposed disposition if the information developed in the plea hearing or presented in any pre-sentence report is consistent with the representations made by the parties. If the trial judge concurs but the final disposition differs from that contemplated by the plea agreement, then the judge shall state for the record what information in any pre-sentence report or hearing contributed to the decision not to sentence in accordance with the plea agreement.

(c) When a plea of guilty or nolo contendere is tendered or received as a result of a plea agreement, the trial judge shall give the agreement due consideration, but notwithstanding its existence, must reach an independent decision on whether to grant charge or sentence leniency under the principles set forth in Rule 25.6 of these rules.

25.6 Consideration of Plea in Final Disposition.

(a) It is proper for the judge to grant charge and sentence leniency to defendants who enter pleas of guilty or nolo contendere when the interests of the public in the effective administration of criminal justice are thereby served. Among the considerations which are appropriate in determining this question are:

- (1) That the defendant by entering a plea has aided in ensuring the prompt and certain application of correctional measures;
 - (2) That the defendant has acknowledged guilt and shown a willingness to assume responsibility for conduct;
 - (3) That the leniency will make possible alternative correctional measures which are better adapted to achieving rehabilitative, protective, deterrent or other purposes of correctional treatment, or will prevent undue harm to the defendant from the form of conviction;
 - (4) That the defendant has made public trial unnecessary when there are good reasons for not having the case dealt with in a public trial;
 - (5) That the defendant has given or offered cooperation when such cooperation has resulted or may result in the successful prosecution of other offenders engaged in equally serious or more serious criminal conduct;
 - (6) That the defendant by entering a plea has aided in avoiding delay (including delay due to crowded dockets) in the disposition of other cases and thereby has increased the probability of prompt and certain application of correctional measures to other offenders.
- (b) The judge should not impose upon a defendant any sentence in excess of that which would be justified by any of the rehabilitative, protective, deterrent or other purposes of the criminal law merely because the defendant has chosen to require the prosecution to prove the defendant's guilt at trial rather than to enter a plea of guilty or nolo contendere.

25.7 Determining Voluntariness of Plea.

The judge shall not accept a plea of guilty or nolo contendere without first determining, on the record, that the plea is voluntary. By inquiry of the prosecuting attorney and defense counsel, the judge should determine whether the tendered plea is the result of prior plea discussions and a plea agreement, and, if it is, what agreement has been reached. If the prosecuting attorney has agreed to seek charge or sentence leniency which must be approved by the judge, the judge must advise the defendant personally that the recommendations of the prosecuting attorney are not binding on the judge. The judge shall then address the defendant personally and determine whether any other promises or any force or threats were used to obtain the plea.

25.8 Defendant to Be Informed.

The judge shall not accept a plea of guilty or nolo contendere from a defendant without first:

- (a) Determining on the record that the defendant understands the nature of the charge(s);
- (b) Informing the defendant on the record that by entering a plea of guilty or nolo contendere one waives:
 - (1) The right to trial by jury;
 - (2) The presumption of innocence;
 - (3) The right to confront witnesses against oneself;
 - (4) The right to subpoena witnesses;
 - (5) The right to testify and to offer other evidence;
 - (6) The right to assistance of counsel during trial;
 - (7) The right not to incriminate oneself; and that by pleading not guilty or remaining silent and not entering a plea, one obtains a jury trial; and
- (c) Informing the defendant on the record:

- (1) Of the terms of any negotiated plea;
- (2) That a plea of guilty may have an impact on his or her immigration status if the defendant is not a citizen of the United States;
- (3) Of the maximum possible sentence on the charge, including that possible from consecutive sentences and enhanced sentences where provided by law; and/or
- (4) Of the mandatory minimum sentence, if any, on the charge. This information may be developed by questions from the judge, the district attorney or the defense attorney, or a combination of any of these.

25.9 Determining Accuracy of Plea.

Notwithstanding the acceptance of a plea of guilty or nolo contendere, judgment shall not be entered upon such plea without such inquiry on the record as may satisfy the judge that there is a factual basis for the plea.

25.10 Stating Intention to Reject the Plea Agreement.

If the trial court intends to reject the plea agreement, the trial court shall, on the record, inform the defendant personally that (1) the trial court is not bound by any plea agreement; (2) the trial court intends to reject the plea agreement presently before it; (3) the disposition of the present case may be less favorable to the defendant than that contemplated by the plea agreement; and (4) that the defendant may then withdraw his or her guilty plea as a matter of right. If the plea is not then withdrawn, sentence may be pronounced.

25.11 Plea Withdrawal.

- (a) After sentence is pronounced, the judge shall allow the defendant to withdraw his plea of guilty or nolo contendere whenever the defendant, upon a timely motion for withdrawal, proves that withdrawal is necessary to correct a manifest injustice.
- (b) In the absence of a showing that withdrawal is necessary to correct a manifest injustice, a defendant may not withdraw a plea of guilty or nolo contendere as a matter of right once sentence has been pronounced by the judge.

RULE 26. RECORD OF PROCEEDINGS

A verbatim mechanical recording or a contemporaneous paper record, or both, of the proceedings at which a defendant enters a plea of guilty or nolo contendere shall be made and preserved for a minimum of two years. The record shall include:

- (a) The inquiry into the voluntariness of the plea (as required in Rule 25.7);
- (b) The advice to the defendant (as required in Rule 25.8);
- (c) The inquiry into the accuracy of the plea (as required in Rule 25.9); and, if applicable,
- (d) The notice to the defendant that the trial court intends to reject the plea agreement and the defendant's right to withdraw the guilty plea before sentence is pronounced.

RULE 27. PRESERVATION OF EVIDENCE

27.1 Maintenance of Criminal Evidence

27.2 Maintenance of Civil Evidence

27.1 Maintenance of Criminal Evidence.

Prior to and during the trial or hearing:

The clerk of the municipal court in possession of documents, electronic documents, audio and video recordings of whatever form, exhibits, and other material objects or any other case file, shall maintain a log or inventory of all such items with the case number, party names, description of the item, the name and official position of the custodian, and the location of the storage of the items. Dangerous or contraband items shall be placed in the custody of the clerk of the municipal court or his/her designee and be maintained in the courthouse or other such location as allowed by law and be available during court proceedings and accessible to the court reporter. Unless retained in the original case file, all such items admitted as evidence shall be identified or tagged by the clerk or court reporter with the case number and the exhibit number and be recorded in the evidence log or inventory. The clerk shall update the log or inventory to show the current custodian and the location of the evidence. Dangerous or contraband items shall be transferred to the chief of police, sheriff or other appropriate law enforcement agency along with a copy of the log or inventory. The chief of police or sheriff or other law enforcement agency shall acknowledge the transfer with a signed receipt, and the receipt shall be retained with the log or inventory created and maintained by the clerk of the municipal court. The clerk and the chief of police or sheriff or other law enforcement agency shall each maintain a log or inventory of such items of evidence. In all cases, the clerk shall be granted the right of access to such items of evidence necessary to complete the transcript of the case. In any case in which no court reporter was retained, the Clerk of the municipal court shall keep and store the evidence or ensure that it is maintained in an appropriate location.

Evidence in the possession of the clerk of the municipal court or court reporter, during court proceedings, shall be maintained in accordance with the provisions of OCGA§ 17-5-55 and other applicable law. The designated custodian shall be responsible for the recording of the evidence log or inventory, the name of the counsel or party, the date, and the purpose for the release of any such items of evidence. Subsequent to admission of any item into evidence by the Court, no substitution for the item admitted into evidence shall be made except by leave of the Court. Any counsel or party seeking to make a substitution for admitted evidence after the close of evidence shall file a motion for an order authorizing such substitution. Upon granting of an order for substitution, the order shall be entered into the log or inventory.

The log or inventory of any evidence separated from the original case file shall be maintained in the original case file.

Upon the expiration of the time for the filing of an appeal during which no appeal has been filed by any party, the clerk of the municipal court, court reporter, chief of police, sheriff or other law enforcement agency may, and shall upon written request, return any item of admitted evidence to the counsel or party who tendered the same; provided, however, that no item which is contraband or illegal to possess in the state of Georgia shall be returned to any counsel or

party, and all such items shall, upon the expiration of the time for the filing of an appeal during which no appeal has been filed by any party, be delivered over to the chief of police or sheriff of the county for appropriate disposition. Upon the expiration of the time for the filing of an appeal during which no appeal has been filed by any party, the clerk of the municipal court, court reporter, chief of police or sheriff or other law enforcement agency may notify in writing the counsel or party who tendered any item(s) admitted in evidence in the possession of such clerk, court reporter, chief of police or sheriff or other law enforcement agency, to retrieve such item(s) within thirty (30) days of the written notice, and, upon the failure of the counsel or party to retrieve same within such thirty (30) days, the clerk, court reporter, chief of police or sheriff or law enforcement agency may dispose of the item(s).

27.2 Maintenance of Civil Evidence.

(a) Prior to and during the trial or hearing:

The Clerk of the municipal court in possession of documents, electronic documents, audio and video recordings of whatever form, exhibits, and other materials objects or any other case file, maintain a log or inventory of all such items with the case number, party names, description of the item, the name and official position of the custodian, and the location of the storage of the items. Dangerous or contraband items shall be placed in the custody of the Clerk of the municipal court or designee and be maintained in the courthouse or other such location as allowed by law and be available during court proceedings and accessible to the Court Reporter. Unless retained in the original case file, all such items admitted as evidence shall be identified or tagged by the Clerk or Court Reporter with the case number and the exhibit number and be recorded in the evidence log or inventory. The Clerk of the municipal court shall update the log or inventory to show the current custodian and the location of the evidence.

(b) Once the trial is concluded:

Dangerous or contraband items shall be transferred to the chief of police or sheriff or other appropriate law enforcement agency along with a copy of the log or inventory. The sheriff or other law enforcement agency shall acknowledge the transfer with a signed receipt, and the receipt shall be retained with the log or inventory created and maintained by the clerk of the municipal court. The clerk of the municipal court and the chief of police, sheriff or other law enforcement agency shall each maintain a log or inventory of such items of evidence. In all cases, the clerk shall be granted the right of access to such items of evidence necessary to complete the transcript of the case. In any case in which no court reporter was retained, the clerk of the municipal court shall keep and store the evidence or ensure that it is maintained in an appropriate location.

Evidence in the possession of the clerk of the municipal court or court reporter shall be maintained in accordance with the law. The designated custodian shall be responsible for the recording of the evidence log or inventory, the name of the counsel or party, the date, and the purpose for the release of any such items of evidence. Subsequent to admission of any item into evidence by the Court, no substitution for the item admitted into evidence shall be made except by leave of the Court. Any counsel or party seeking to make a substitution for admitted evidence after the close of evidence shall file a motion for an order authorizing such substitution. Upon granting of an order for substitution, the order shall be entered into the log or inventory.

The log or inventory of any evidence separated from the original case file shall be maintained in the original case file. Upon the expiration of the time for the filing of an appeal during which no motion for new trial or appeal has been filed by any party, the clerk of the municipal court, court reporter, chief of police, sheriff or other law enforcement agency may, and shall upon written request, return any item of admitted evidence to the counsel or party who tendered the same; provided, however, that no item which is contraband or illegal to possess in the state of Georgia shall be returned to any counsel or party, and all such items shall, upon the expiration of the time for the filing of an appeal during which no motion for new trial or appeal has been filed by any party, be delivered over to the chief of police or sheriff of the county for appropriate disposition. Upon the expiration of the time for the filing of an appeal during which no motion for new trial or appeal has been filed by any party, the clerk of the municipal court, court reporter, sheriff of other law enforcement agency may notify in writing the counsel or party who tendered any item(s) admitted in evidence in the possession of such clerk, court reporter, chief of police, sheriff or law enforcement agency, to retrieve such item(s) within thirty (30) days of the written notice, and, upon the failure of the counsel or party to retrieve same within such thirty (30) days, the clerk, court reporter, chief of police, sheriff or law enforcement agency may dispose of the item(s).

RULE 28 COURTROOM ATTIRE
Rule 28 Head Coverings

Rule 28 Head Coverings

(a) Head coverings.

Head coverings are prohibited in the courtroom except in cases where the covering is worn for medical or religious reasons. To the extent security requires a search of a person wearing a permitted head covering; the individual has the option of having the inspection performed by a same-sex officer in private. The individual is allowed to replace their own head covering after the inspection is complete.

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

RESOLUTION NO. _____

**A RESOLUTION BY THE CITY COUNCIL OF STONECREST, GEORGIA ADOPTING
THE UNIFORM RULES OF THE MUNICIPAL COURTS OF GEORGIA; AND FOR
OTHER LAWFUL PURPOSES.**

WHEREAS, the duly elected governing body of the City of Stonecrest, Georgia (the “City”) is the Mayor and Stonecrest City Council (“City Council”); and

WHEREAS, Section 1.03(b)(42) of the City Charter grants the City the power to exercise and enjoy all other powers, functions rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; and

WHEREAS, pursuant to Section 4.06. of the City Charter with the approval of the City Council, the judges shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; and

WHEREAS, the Municipal Court of Stonecrest, Georgia, is committed to ensuring fairness, consistency, and efficiency in the administration of justice; and

WHEREAS, the Supreme Court of Georgia has promulgated rules inherent to its powers and to promote uniformity in procedures and practices across the state’s municipal courts; and

WHEREAS, the adoption of the Uniform Rules of the Municipal Courts of Georgia will provide for the speedy, efficient and inexpensive resolution of disputes and prosecutions; and

WHEREAS, the Municipal Court of Stonecrest, Georgia, has reviewed the Uniform Rules of the Municipal Courts of Georgia and finds them to be in the best interest of the administration of justice within the municipality; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF STONECREST, GEORGIA, The City Council of Stonecrest, Georgia shall adopt the Uniform Rules of The Municipal Courts of Georgia as set forth in Exhibit A attached hereto and made a part by reference.

BE IT FURTHER RESOLVED: All resolutions and parts of resolutions in conflict with this resolution are hereby waived to the extent of the conflict.

BE IT FURTHER RESOLVED: The City Manager or her designee, in consultation with the City Attorney, is directed to prepare all appropriate documents.

SO RESOLVED, this _____ day of _____, 2025.

[SIGNATURES ON FOLLOWING PAGE]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney



CITY COUNCIL AGENDA ITEM

SUBJECT: Amendment of 2025 City Council Meeting Dates

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: **Amendment**

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): &

Current Work Session:

Current Council Meeting: Monday, January 27, 2025

SUBMITTED BY: Mayor Jazzmin Cobble

PRESENTER: Mayor Jazzmin Cobble

PURPOSE: To discuss the need to amend dates on the adopted calendar for council meetings where there are conflicts in 2025.

FACTS: There is a need to amend the following approved City Council meeting dates due to conflict:
Memorial Day – proposing to change May 26, 2025 to May 28, 2025
GMA Annual Convention – proposing to change June 23, 2025 to June 26, 2025
End of Year – proposing to change both December 8th and December 22, 2025 to December 18, 2025

OPTIONS: Discussion only [Click or tap here to enter text.](#)

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

ATTACHMENTS:

- (1) Attachment 1 - FY25 City Council Meeting Calendar
- (2) Attachment 2 - [Click or tap here to enter text.](#)



CITY COUNCIL AGENDA ITEM

- (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 OF STONECREST, GEORGIA

3120 Stonecrest Blvd. Stonecrest, GA 30038

770.224.0200 * www.stonecrestga.gov

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

2025 CITY COUNCIL MEETING SCHEDULE

Unless otherwise noted all meetings are held at City Hall, on Monday's at 6:00 p.m.

MEETING DATE	MEETING TYPE
JAN 13	WORK SESSION
JAN 27	COUNCIL MEETING
FEB 10	WORK SESSION
FEB 24	COUNCIL MEETING
MAR 10	WORK SESSION
MAR 24	COUNCIL MEETING
APR 14	WORK SESSION
APR 28	COUNCIL MEETING
MAY 12	WORK SESSION
TBD	COUNCIL MEETING
JUNE 9	WORK SESSION
JUNE 23	COUNCIL MEETING
JULY 14	WORK SESSION

JULY 28	COUNCIL MEETING
AUG 11	WORK SESSION
AUG 25	COUNCIL MEETING
SEPT 8	WORK SESSION
SEPT 22	COUNCIL MEETING
OCT 13	WORK SESSION
OCT 27	COUNCIL MEETING
NOV 10	WORK SESSION
NOV 24	COUNCIL MEETING
DEC 8	WORK SESSION
DEC 22	COUNCIL MEETING



CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution Appointing DeKalb County Board of Registrations and Elections to Conduct the City of Stonecrest General Election

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

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

Current Council Meeting: Monday, January 27, 2025

SUBMITTED BY: Sonya Isom, City Clerk

PRESENTER: Sonya Isom, City Clerk

PURPOSE: The purpose of this item is to seek Council’s approval of a resolution appointing Dekalb County to conduct the City’s Municipal Election for 2025.

FACTS: To appoint Dekalb County Board of Registrations and Elections to conduct the City of Stonecrest General Election scheduled to be held on November 4, 2025. As part of conducting this election, the City is appointing Dekalb County to conduct the election on the City’s behalf as outlined in the attached resolution.

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

RECOMMENDED ACTION: Click or tap here to enter text.

ATTACHMENTS:

(1) Attachment 1 - Resolution

1 STATE OF GEORGIA
2 COUNTY OF DEKALB
3 CITY OF STONECREST

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5 RESOLUTION NO.
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7 A RESOLUTION BY THE CITY OF STONECREST, GEORGIA APPOINTING DEKALB
8 COUNTY BOARD OF REGISTRATIONS AND ELECTIONS TO CONDUCT THE CITY OF
9 STONECREST 2025 NOVEMBER GENERAL MUNICIPAL ELECTION HELD ON
10 NOVEMBER 4, 2025 AND IF NECESSARY, TO CONDUCT A CITY OF STONECREST
11 NOVEMBER SPECIAL RUNOFF ELECTION TO BE HELD ON DECEMBER 2, 2025;
12 AND FOR OTHER LAWFUL PURPOSES.

13 WHEREAS, the City of Stonecrest, Georgia (the "City") in accordance with O.C.G.A. §
14 21-2-9 will hold a General Municipal Election on Tuesday, November 4, 2025 ("Municipal
15 Election"); and

16 WHEREAS, the City in accordance with O.C.G.A. § 21-2-501 may have need to hold
17 additional City elections, including a runoff election on December 2, 2025 in addition to the
18 Municipal Election, collectively ("Elections"); and

19 WHEREAS, the Stonecrest City Council is hereby in agreement that it would be in
20 the best interest of its citizens, pursuant to O.C.G.A. Section 21-2-45 (c), to allow the DeKalb
21 County Board of Registrations and Elections staff equipment and expertise to conduct the City
22 of Stonecrest Elections; and

23 WHEREAS, the City and DeKalb County executed an Intergovernmental Agreement
24 for the provision of Election Services between Dekalb County and the City of
25 Stonecrest ("IGA"); and

26 WHEREAS, the City wishes to execute an agreement in conjunction with the IGA to
27 allow the DeKalb County Board of Registrations and Elections to conduct the Elections; and

28 WHEREAS, individual duties and responsibilities of both the City and DeKalb County
29 staff shall be set forth in more detail in the IGA; and

30 WHEREAS, the City agrees to pay all costs associated with such Elections in a manner
31 provided in the IGA.

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NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF STONECREST, GEORGIA,

_That in accordance with O.C.G.A. §21-2-45(c) the City is authorized to enter into an agreement appointing DeKalb County Board of Registrations and Elections to Conduct the City of Stonecrest November 4, 2025 General Municipal Election and if necessary to conduct a City of Stonecrest General Municipal Runoff Election to be held on December 2, 2025.

BE IT FURTHER RESOLVED, that the City Attorney is hereby directed to prepare an agreement with DeKalb County Board of Registrations and Elections for execution by the City Clerk in a substantially similar form to the agreement set forth in **Exhibit A** attached hereto.

BE IT FURTHER RESOLVED, that the City shall pay DeKalb County all costs incurred in conducting the General Municipal Election specifically enumerated in the Intergovernmental Agreement for the provision of Election services between Dekalb County and the City of Stonecrest attached hereto as **Exhibit B**.

BE IT FINALLY RESOLVED, that the agreement with DeKalb County Board of Registrations and Elections shall not become binding on the City and the City shall incur no liability upon same until such agreement has been executed by the Municipal Clerk and delivered to the contracting party.

SO RESOLVED this _____ day of _____, 2025

[SIGNATURES ON FOLLOWING PAGE]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

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ATTEST:

City Clerk

City Attorney

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EXHIBIT A

Agreement to Appoint DeKalb County Board of Registrations and Elections to Conduct the City of Stonecrest 2025 November Municipal Elections

As per the Intergovernmental Agreement for the provision of Election Services between Dekalb County and the City of Stonecrest previously approved to conduct the City of Stonecrest Elections, THE CITY OF STONECREST hereby requests that DeKalb County Board of Registrations and Elections conduct its Municipal Election on November 4, 2025 and if necessary to conduct a City of Stonecrest Runoff Election to be held on December 2, 2025 The last day to register to vote in this election is _____.

This ____ day of _____ 2025.

_____(SEAL)
Municipal Clerk

The DeKalb County Board of Registrations and Elections agrees to conduct the CITY OF STONECREST November Municipal Election on November 4, 2025.

This ____ day of _____ 2025

_____(SEAL)
Election Supervisor
DeKalb County Board of Registrations and Elections

EXHIBIT B

**INTERGOVERNMENTAL AGREEMENT
FOR THE PROVISION OF ELECTION SERVICES
BETWEEN
DEKALB COUNTY, GEORGIA and
THE CITY OF STONECREST, GEORGIA**

THIS INTERGOVERNMENTAL AGREEMENT is entered into this 2nd day of October, 2018, between DeKalb County, Georgia ("County"), a political subdivision of the State of Georgia, and the City of Stonecrest, Georgia ("City"), a municipal corporation lying wholly or partially within the County.

WHEREAS, DeKalb County, Georgia is a constitutionally created political subdivision of the State of Georgia; and

WHEREAS, the City of Stonecrest is a municipality created by the 2016 Georgia General Assembly pursuant to Senate Bill 208 (hereinafter referred to as "SB 208"); and

WHEREAS, the County and the City desire to maintain a mutually beneficial, efficient and cooperative relationship that will promote the interests of the citizens of both jurisdictions; and

WHEREAS, both parties are interested in serving the needs of the citizens of the City by the County providing for the services of conducting all elections required and permitted by law; and

WHEREAS, the City desires to contract with the County to conduct all municipal elections for the citizens of the City pursuant to the applicable laws of the State of Georgia; and

WHEREAS, the City and the County are authorized by Art. IX, Sec. III, Par. I of the Constitution of the State of Georgia to enter into such an agreement for the conduct of the City elections; and

WHEREAS, O.C.G.A. § 21-2-45(c) authorizes the governing authority of any municipality to contract with the county within which that municipality wholly or partially lies to conduct any or all elections; and

WHEREAS, pursuant to O.C.G.A. § 21-2-45(c), a city may by ordinance authorize a county to conduct such election(s), and the City has adopted such an ordinance; and

WHEREAS, the DeKalb County Board of Registrations and Elections ("BRE") has jurisdiction over the conduct of primaries and elections and the registration of electors in the County; and

WHEREAS, the BRE, among other things, is responsible for the selection and appointment of the elections supervisor and the selection, appointment, and training of poll workers in elections;

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

**ARTICLE 1
CONDUCT OF ELECTIONS**

1.1 This Agreement will govern the conduct of any and all elections (hereinafter referred to as "City Election") which the City requests the County to conduct, including any and all runoffs which may be necessary. It is the intent of the parties that City Elections be conducted in compliance with all applicable federal, state and local legal requirements.

1.2 For each City Election, City, at its sole option, shall submit to County a request in the form attached hereto as Exhibit A. Requests must be made in conformance with O.C.G.A § 21-2-540, now and as it may be amended hereafter, to the address specified in the Notice Section below. If a timely request is not made, the County shall have no obligation to conduct the City Election which was the subject of the request.

1.3 In the event any Special City Election becomes necessary, the City and the County shall confer and determine a mutually convenient date as allowed by law to conduct any such election.

**ARTICLE 2
TERM OF AGREEMENT**

This Agreement shall commence on the date that it is executed by or on behalf of the governing authority of DeKalb County, Georgia, will renew on an annual basis, and will terminate on December 31, 2067, unless otherwise terminated as set forth herein.

**ARTICLE 3
DUTIES AND RESPONSIBILITIES**

Pursuant to this Agreement, each party shall provide the following enumerated services:

3.1 Upon receipt of request to perform a City Election, the BRE and/or the County Election Supervisor, or their designee(s) shall be responsible for:

- a) Designating early and advance voting sites and hours;
- b) Placing the City's candidate(s) on the electronic and printed ballots for City Elections after qualifying;
- c) Placing the City's referendum question(s) on the ballot for a City Election after timely written notice from the City is received by the County (which such notice shall include all necessary details and information);
- d) Hiring, training, supervising and paying poll officers and absentee ballot clerks;
- e) Preparing and submitting to the City Clerk, as required by state law O.C.G.A. § 21-2-224(e), now and as it may be amended hereafter, a list of electors.

- f) Performing duties of election superintendent/supervisor, and absentee ballot clerk for City Elections;
- g) Performing logic and accuracy testing as required by Sections 183-1-12-.02 and .07 of the Official Compilation of Rules and Regulations of the State of Georgia, now and as they may be hereafter amended;
- h) Providing staff, equipment and supplies for conducting City Elections at City polling places on City Election days and for conducting recounts as may be required;
- i) Certifying City Election returns as required by state law O.C.G.A. § 21-2-493, now and as it may be amended hereafter, and submitting certified City Election returns to the Georgia Secretary of State and City Clerk or as otherwise directed;
- j) Upon a change in City precincts or voter districts, notifying City residents of any change in voting districts and/or municipal precincts; and
- k) Preparing and submitting timely requests, as necessary, for Preclearance of voting precinct changes to the Department of Justice, Civil Rights Division under Section V of the Voting Rights Act of 1965.

3.2 The City shall be responsible for:

- a) Adopting Election Resolutions pursuant to O.C.G.A. § 21-2-45(c), now and as it may be amended hereafter, and Calls for Special City Elections (“the Calls”) as required by O.C.G.A. § 21-2-540, now and as it may be amended hereafter;
- b) Submitting Preclearance requests, as necessary, to the Department of Justice, Civil Rights Division under Section V of the Voting Rights Act of 1965, including, but not limited to the submission of a request to allow for district changes or Calls for Special City Elections;
- c) Preparing qualifying materials for potential candidates and performing qualifying of candidates, including any write-ins, for City Elections as required by state law, specifically O.C.G.A. § 21-2-130 *et seq.*, now and as it may be amended hereafter;
- d) Placing advertisements in the City’s legal organ regarding Calls, as required by state law O.C.G.A. § 21-2-540, now and as it may be amended hereafter;
- e) Fixing and publishing the qualifying fee as required by state law under O.C.G.A. § 21-2-131, now and as it may be amended hereafter;

- f) Collecting and retaining the qualifying fee as required by state law O.C.G.A. § 21-2-131, now and as it may be amended hereafter;
- g) Performing filing officer duties as required by the Government Transparency and Campaign Finance Commission for any and all state reports filed by the candidates or committees in conjunction with City Elections to ensure compliance with Title 21, Chapter 5 of the Official Code of Georgia;
- h) Verifying, in a timely manner, accuracy of voter list(s) for City residents;
- i) Providing the County with a detailed map showing the City's Municipal Boundaries and Voting District Boundaries;
- j) For all aspects related to the issuance of bonds by the City, except for City referendum election duties specifically requested of the County as provided herein;
- k) Notifying the County immediately of the need for a Special City Election including election races and/or ballot referendum questions;
- l) Providing the County with an electronic copy of referendums that must be placed on a ballot;
- m) Providing the County, via electronic mail or facsimile, affidavits and listing of candidates immediately after close of qualifying;
- n) Reviewing ballot proofs and notifying County of corrections or approval within twenty-four (24) hours of receiving proofs for candidate listings; and
- o) Otherwise cooperating with the County in the performance of this Agreement and providing the County such documentation and information as it may reasonably request to facilitate the performance of its duties under this Agreement.

**ARTICLE 4
COMPENSATION AND CONSIDERATION**

Pursuant to this Agreement and O.C.G.A. § 21-2-2-45(c) now and as it may be amended hereafter, the City shall pay to the County all costs incurred in performing the functions agreed upon herein. City agrees to pay County the actual costs incurred by County in conducting City Elections as stated on the County's invoice. City shall remit said funds to County within thirty (30) days of receipt of invoice.

ARTICLE 5 LEGAL RESPONSIBILITIES

5.1 The City shall be solely responsible for any liability resulting from any claims or litigation arising from or pertaining to any City Election, except claims or litigation regarding the acts of agents or employees of the County, the County Board of Registrations and Elections, and/or the County Election Supervisor in connection with any City Election held pursuant to this Agreement. The City agrees to reimburse the County for all costs, including, but not limited to, court costs and attorney fees for the County Attorney or outside counsel, incurred by the County as a result of any such claim or litigation, except claims or litigation regarding the acts of agents or employees of the County, the County Board of Registrations and Elections, and/or the County Election Supervisor in connection with any City Election held pursuant to this Agreement. The City shall make payment of such reimbursements to the County within thirty (30) days of receipt of any invoice for reimbursement from the County.

5.2 In the event that a City Election is contested, the City shall be solely responsible for any liability resulting from any claims or litigation arising from or pertaining to any contested City Election, except claims or litigation regarding the acts of agents or employees of the County, the County Board of Registrations and Elections, and/or the County Election Supervisor in connection with any City Election held pursuant to this Agreement. The City agrees to reimburse the County for all costs incurred in responding to the election challenge, including, but not limited to, attorney's fees for the County Attorney or outside counsel and all expenses associated with the election challenge and any appeals thereafter, except claims or litigation regarding the acts of agents or employees of the County, the County Board of Registrations and Elections, and/or the County Election Supervisor in connection with any City Election held pursuant to this Agreement. The City shall make payment of such reimbursements to the County within thirty (30) days of receipt of any invoice for reimbursement from the County. If a second election is required, such election will constitute a City Election under this Agreement and shall be conducted in accordance with the terms of this Agreement.

5.3 It is the intent of the parties to be covered under the auspices of any applicable immunity granted by law.

5.4 Should it be necessary to comply with legal requirements that any of the County's personnel shall be sworn in as a temporary officer or employee of the City, such formality shall be observed without limitation.

ARTICLE 6 EMPLOYMENT STATUS

6.1 All County personnel assigned under this Agreement are and will continue to be employees of the County for all purposes, including, but not limited to: duties and responsibilities, employee benefits, grievance, payroll, pension, promotion, annual or sick leave, standards of performance, training, workers compensation and disciplinary functions.

6.2 All County personnel assigned under this Agreement are and will continue to be part of the DeKalb County Voter Registrations and Elections and under the supervision of the Elections Supervisor.

6.3 All City personnel assigned under this Agreement are and will continue to be employees of the City.

**ARTICLE 7
RECORDKEEPING AND REPORTING**

7.1 The County Voter Registrations and Elections Department is the central repository for all departmental records and makes available public records as defined and required by the Georgia Open Records Act, O.C.G.A. § 50-18-70, *et seq.*, O.C.G.A. § 21-2-51 and O.C.G.A. § 21-2-72, now and as they may be amended hereafter. During the term of this Agreement, the County will continue to comply with the applicable provisions of the Georgia Open Records Act and the Georgia Election Code.

7.2 Except as limited by any provision of state or federal law, the City may request, review and access data and County records at a mutually agreed upon time to ensure compliance with this Agreement.

**ARTICLE 8
TERMINATION AND REMEDIES**

Either party may unilaterally terminate this Agreement, in whole or in part, for any reason whatsoever by notice in writing to the other party delivered at least one hundred twenty (120) days prior to the effective date of the termination.

**ARTICLE 9
NOTICES**

All required notices shall be given by certified first class U.S. Mail, return receipt requested. The parties agree to give each other non-binding duplicate facsimile notice. Future changes in address shall be effective upon written notice being given by the City to the County Elections Supervisor or by the County to the City Manager via certified first class U.S. mail, return receipt requested. Notices shall be addressed to the parties at the following addresses:

If to the County: Director, DeKalb County Registrations and Elections
 4380 Memorial Drive, Ste. 300
 Decatur, Georgia 30032
 (404) 298-4038 (facsimile)

With a copy to: County Attorney
 1300 Commerce Drive, 5th Floor
 Decatur, Georgia 30030
 (404) 371-3024 (facsimile)

If to the City: City Manager
City of Stonecrest
3120 Stonecrest Blvd.
Stonecrest, Georgia 30038
(470) 299-4214 (facsimile)

With a copy to: City Attorney
City of Stonecrest
3120 Stonecrest Blvd.
Stonecrest, Georgia 30038
(470) 299-4214 (facsimile)

With a copy to: Thompson Kurrie, Jr.
City Attorney
City of Stonecrest
3475 Lenox Road, NE, Ste. 400
Atlanta, Georgia 30326
(770) 689-9729 (facsimile)

**ARTICLE 10
NON-ASSIGNABILITY**

Neither party shall assign any of the obligations or benefits of this Agreement.

**ARTICLE 11
ENTIRE AGREEMENT**

The parties acknowledge, one to the other, that the terms of this Agreement constitute the entire understanding and Agreement of the parties regarding the subject matter of the Agreement. This Agreement constitutes the entire understanding and agreement between the Parties concerning the subject matter of this Agreement, and supersedes all prior oral or written agreements or understandings. No representation oral or written not incorporated in this Agreement shall be binding upon the City or the County. All parties must sign any subsequent changes in the Agreement.

**ARTICLE 12
SEVERABILITY, VENUE AND ENFORCEABILITY**

If a court of competent jurisdiction renders any provision of this Agreement (or portion of a provision) to be invalid or otherwise unenforceable, that provision or portion of the provision will be severed and the remainder of this Agreement will continue in full force and effect as if the invalid provision or portion of the provision were not part of this Agreement. No action taken pursuant to this Agreement should be deemed to constitute a waiver of compliance with any representation, warranty, covenant or agreement contained in this Agreement and will not operate or be construed as a waiver of any subsequent breach, whether of a similar or dissimilar nature. This Agreement is governed by the laws of the state of Georgia without regard to conflicts of law principles thereof. Should any party institute suit concerning this Agreement, venue shall be in

the Superior Court of DeKalb County, Georgia. Should any provision of this Agreement require judicial interpretation, it is agreed that the court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party by reason of the rule of construction that a document is to be construed more strictly against the party who itself or through its agent prepared the same, it being agreed that the agents of all parties have participated in the preparation hereof.

**ARTICLE 13
BINDING EFFECT**

This Agreement shall inure to the benefit of, and be binding upon, the respective parties' successors.

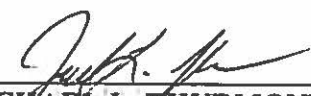
**ARTICLE 14
COUNTERPARTS**

This Agreement may be executed in several counterparts, each of which shall be an original, and all of which shall constitute but one and the same instrument.

[SIGNATURE PAGES ON FOLLOWING PAGE]

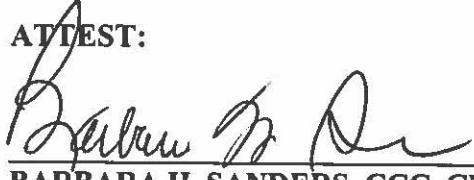
IN WITNESS WHEREOF, the City and County have executed this Agreement through their duly authorized officers on the day and year first above written.

DEKALB COUNTY, GEORGIA

 ^{by Dir}


MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia (SEAL)

ATTEST:



BARBARA H. SANDERS, CCC, CMC
Clerk of the Chief Executive Officer
and Board of Commissioners of
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:



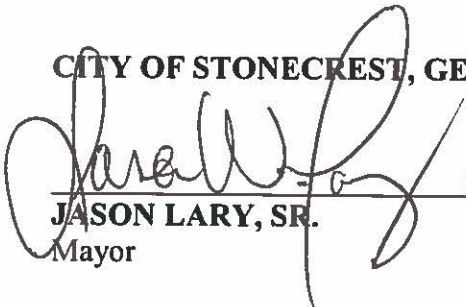
ERICA HAMILTON
Director / Supervisor
DeKalb County Board of
Registrations and Elections

APPROVED AS TO FORM:




MARIAN C. ADEIMY
Assistant County Attorney

CITY OF STONECREST, GEORGIA



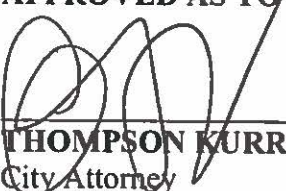
JASON LARY, SR.
Mayor (SEAL)

ATTEST:



BRENDA JAMES
Municipal Clerk

APPROVED AS TO SUBSTANCE:



THOMPSON KURRIE, JR.
City Attorney *WSP by City macheski - please*

EXHIBIT A

As per the Agreement executed on October 15, 2018, THE CITY OF STONECREST hereby requests that DeKalb County conduct its _____ Election on _____. The last day to register to vote in this election is _____. The absentee poll will be located at 4380 Memorial Drive, Decatur, Georgia, 30032.

This _____ day of _____, 20__.

(SEAL)
Municipal Clerk

The DeKalb County Board of Registrations and Elections agrees to conduct the CITY OF STONECREST _____ Election on _____.

This _____ day of _____, 20__.

(SEAL)
Elections Supervisor
DeKalb County Board of
Registrations and Elections



CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution to Set Qualifying Dates & Fees for the November 4, 2025 General Election

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

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

Current Council Meeting: Monday, January 27, 2025

SUBMITTED BY: Sonya Isom, City Clerk

PRESENTER: Sonya Isom, City Clerk

PURPOSE: The purpose of this item is to seek Council’s approval of a Resolution establishing the qualifying dates and fees for candidates qualifying for the November 4, 2025 General Election.

FACTS:

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

RECOMMENDED ACTION: Click or tap here to enter text.

ATTACHMENTS:

(1) Attachment 1 - Resolution

1 STATE OF GEORGIA
2 COUNTY OF DEKALB
3 CITY OF STONECREST

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RESOLUTION NO. _____

7 A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
8 STONECREST, GEORGIA TO REGULATE AND PROVIDE FOR THE CALLING OF
9 THE GENERAL MUNICIPAL ELECTION AND TO CALL THE GENERAL
10 MUNICIPAL ELECTION FOR THE CITY OF STONECREST TO BE HELD ON
11 TUESDAY, NOVEMBER 4, 2025 TO ELECT DISTRICT 1 COUNCILMEMBER,
12 DISTRICT 3 COUNCILMEMBER AND DISTRICT 5 COUNCILMEMBER; TO
13 CONDUCT A RUN-OFF ELECTION, IF NECESSARY, TO BE HELD ON TUESDAY,
14 DECEMBER 2, 2025; TO FIX AND PUBLISH QUALIFYING FEES; TO SET THE
15 LOCATION, DATES AND TIME FOR CANDIDATES QUALIFYING TO FILL
16 MUNICIPAL OFFICES; TO ESTABLISH QUALIFYING AS A PAUPER; AND FOR
17 OTHER LAWFUL PURPOSES.
18

19 WHEREAS, the duly elected governing body of the City of Stonecrest, Georgia (the
20 “City”) is the Mayor and Stonecrest City Council (“City Council”); and

21 WHEREAS, Section 2.06 of the City Charter states that all elections conducted in the
22 City shall be conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A and grants that
23 the City Council shall, by ordinance or resolution, prescribe such rules and regulations as it
24 deems appropriate for the establishment of qualifying fees, to fulfill any options and duties under
25 Chapter 2 of Title 21 of the O.C.G.A; and

26 WHEREAS, the City in accordance with O.C.G.A. § 21-2-9 will hold a General
27 Municipal Election on Tuesday, November 4, 2025 (“Municipal Election”); and

28 WHEREAS, the City in accordance with O.C.G.A. § 21-2-501 may have need to hold
29 additional City elections, including a runoff election on December 2, 2025 in addition to the
30 Municipal Election, collectively (“Elections”); and

31 WHEREAS, pursuant to the O.C.G.A. § 21-2-131(a)(1)(A); the governing authority of
32 any municipality, no later than February 1 of any year in which the Municipal Election to be

33 held, shall fix and publish a qualifying fee for each municipal office to be filled in the upcoming
34 election; and

35 **WHEREAS**, pursuant to the O.C.G.A §21-2-131(a)(1)(A), such fee shall be (3) three
36 percent of the total gross salary of the office paid in the preceding calendar year including all
37 supplements authorized by law; and

38 **WHEREAS**, the current annual salaries for these elected municipal offices are as
39 follows:

40 City Councilmember - \$15,000;

41 **WHEREAS**, pursuant to the O.C.G.A § 21-2-132 (g) and (h), a pauper's affidavit and
42 accompanying qualifying petition may be filed in lieu of paying a qualifying fee.

43 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY**
44 **OF STONECREST, GEORGIA,**

45 **BE IT FURTHER RESOLVED**, that a General Municipal Election shall be held on
46 Tuesday, November 4, 2025 for the election of DISTRICT 1 COUNCILMEMBER, DISTRICT
47 3 COUNCILMEMBER AND DISTRICT 5 COUNCILMEMBER.

48 **BE IT FURTHER RESOLVED**, that if necessary a runoff election shall be on
49 December 2, 2025.

50 **BE IT FURTHER RESOLVED**, that the Municipal Clerk shall "call" said Election by
51 publishing notice of the election in a newspaper of general circulation at least 30 days before the
52 Municipal Election is held.

53 **BE IT FURTHER RESOLVED**, that the Municipal Clerk shall fix and publish the
54 qualifying fees, location, dates, and times no later than February 1 of the year in which the
55 Municipal Election is to be held.

56 **BE IT FURTHER RESOLVED**, that candidates shall qualify to fill the aforementioned
57 offices by filing a notice of candidacy and paying the required fee to the Municipal Clerk, or by
58 filing a pauper's affidavit and accompanying petition with, the Municipal Clerk or designated
59 agent at 3120 Stonecrest Blvd. Stonecrest, GA 30038 no earlier than 8:30 A.M. on the third
60 Monday in August immediately preceding the nonpartisan election and shall end no later than
61 4:30 P.M. on the following Friday in accordance with 21-2-132(c)(3)(A).

62 **BE IT FURTHER RESOLVED**, that the qualifying period shall a minimum of three
63 and no more than five consecutive days.

64 **BE IT FURTHER RESOLVED**, the qualifying fees for each candidate for DISTRICT 1
65 COUNCILMEMBER, DISTRICT 3 COUNCILMEMBER AND DISTRICT 5
66 COUNCILMEMBER shall be (3) three percent of the total gross salary of the office paid in the
67 preceding calendar year and are therefore set as follows:

- 68 **District 1 Councilmember - Four-Hundred and Fifty Dollars and No/Cents - (\$450.00);**
- 69 **District 3 Councilmember – Four-Hundred and Fifty Dollars and No/Cents - (\$450.00); and**
- 70 **District 5 Councilmember – Four-Hundred and Fifty Dollars and No/Cents - (\$450.00).**

71 **BE IT FINALLY RESOLVED**, that all resolutions or parts of resolutions in conflict
72 herewith are hereby repealed.

73
74 **SO RESOLVED**, this _____ day of _____, 2025.

75
76 **[SIGNATURES ON THE FOLLOWING PAGE]**
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CITY OF STONECREST, GEORGIA:

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney