



Mayor and City Council Regular Session

Tuesday, May 07, 2024 at 6:30 PM

City Hall, 875 Main Street, Stone Mountain, Georgia 30083

Minutes

Mayor and Council: Dr. Beverly Jones – Mayor | Ryan Smith - Mayor Pro Tem

Anita Bass | Mark Marianos | Gil Freeman | Shawnette Bryant | Teresa Crowe

Staff: Darnetta Tyus - City Manager | Shawn Edmondson - Assistant City Manager - City Clerk |

Danny Mai - Assistant City Clerk | Jeff Strickland - City Attorney

City of Stone Mountain, GA Facebook page: <https://www.facebook.com/CityofStoneMtn/>

Link to join Webinar: <https://us06web.zoom.us/j/85727715572>

Public Hearing Regarding Applicant Kenny Bittick requests for:

- A variance from Section 5-2.5(A)(8) to reduce the minimum heated floor area from 1,500 square feet to 728 square feet.

; AND,

- A variance from Section 5-2.7(A)(1) for relief from the requirement to develop a single-family dwelling with a two-car garage or carport parking spaces.

City Attorney Strickland went up and explained the rules of discussion regarding the public hearing.

Applicant Kenny Bittick requests a variance from Section 5-2.5(A)(8) to reduce the minimum heated floor area from 1,500 square feet to 728 square feet.

Pursuant to Article II of the City of Stone Mountain Zoning Ordinance, Staff has reviewed the request in accordance with the required review criteria and recommends **APPROVAL** of the variance from Section 5-2.5(A)(8) to reduce the minimum heated floor area from 1,500 square feet to 728 square feet with the following conditions (City Planner Edwards) :

1. The development shall be substantially in compliance with the site plan dated January 19, 2024.

2. The square footage of the home shall not be less than 728 square feet.
3. Short-term rentals shall be prohibited for both lots.
4. All parking shall be located in the side or rear yards.

City Planner Edwards spoke to council explaining city staff recommendations, etc. Mayor Jones asked the applicant to come up and answer any questions that may be open to the public.

City Planner Edwards noted that the applicant is not here.

IN FAVOR: None

IN Opposition: None

Applicant Kenny Bittick requests a variance from Section 5-2.7(A)(1) for relief from the requirement to develop a single-family dwelling with a two-car garage or carport parking spaces.

Pursuant to Article II of the City of Stone Mountain Zoning Ordinance, Staff has reviewed the request in accordance with the required review criteria and recommends **APPROVAL** of the variance request from Section 5.2-7(A)(1) to not develop a single-family dwelling with a two garage or carport parking spaces with the following condition (City Planner Edwards):

1. The development shall be substantially in compliance with the site plan dated January 19, 2024.
2. The square footage of the home shall not be less than 728 square feet.
3. Short-term rentals shall be prohibited for both lots.
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City Planner Edwards spoke to council explaining city staff recommendations, etc. Mayor Jones asked the applicant to come up and answer any questions that may be open to the public.

City Mayor Jones noted that the applicant is not here.

IN FAVOR: None

IN Opposition: MPT Smith asked why the Planning Commission made

Adjournment

Mayor Smith Adjourned the meeting at 06:43 PM ET [18:43]

Call to Order

Determination of Quorum

PRESENT

Council Member: Post 1 Anita Bass

Council Member: Post 2 Mark Marianos

Mayor Pro Tem: Post 3 Ryan Smith

Council Member: Post 4 Gil Freeman (Joined at 07:07 PM ET)

Council Member: Post 5 Shawnette Bryant (Joined at 07:12PM ET)

Council Member: Post 6 Teresa Crowe

Mayor Beverly Jones

Participants: Jeff Strickland, City Attorney; Darnetta Tyus, City Manager; Shawn Edmondson, Assistant City Manager & City Clerk; Danny Mai, Assistant City Clerk. Members of the general public also attended and observed the meeting.

1.

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PRESENT

Council Member: Post 1 Anita Bass

Council Member: Post 2 Mark Marianos

Mayor Pro Tem: Post 3 Ryan Smith

Council Member: Post 4 Gil Freeman (Joined at 07:07 PM ET)

Council Member: Post 5 Shawnette Bryant (Joined at 07:12PM ET)

Council Member: Post 6 Teresa Crowe

Mayor Beverly Jones

Invocation and Pledge

Mayor Jones led the pledge of allegiance at 06:46 PM ET [18:46]. Mayor Jones led the invocation at 06:46 PM ET [18:46].

Citizen Comments – Including comments from public/stakeholders (3 minutes per comment)

Comments from the Public

The public comments are reserved exclusively for comments from the public and not for immediate reply. The purpose of public comment is to allow the public to voice city related requests, concerns or opinions only during the public comment portion of the City Council meeting. I. The Mayor and City Council reserves the right to extend or limit the length of public comments based on: (1) the issue under discussion; (2) the number of items on the agenda; and (3) the extent to which the speaker remains constructive in their comments and questions. II. The public may not directly confront the public speaker but must direct all comments and questions to the Mayor and City Council. III. Public harassment of or confrontation with a public speaker will not be tolerated. Members of the public violating tenets two or three will be asked to sit down or leave the premises.

Mayor Jones introduced two candidates who are running for election. The two candidates are:

- **Randel Mangham, Senate District 55**
- **Another Candidate running for Dekalb County Judge**

Citizen Comment #1 (Beverly Patterson): Noted the importance of transparency of the city budget. Patterson stressed the importance of having the budget published and requested that CM Crowe continue to get it.

Citizen Comment #2 (Joan Monroe): Monroe mentioned the importance of following the law. Noted various consequences of not following the law.

Citizen Comment #3 (Theresa Thomas): Thomas noted the importance of transparency regarding the city budget. Thomas also requested the status of the cornerstones and green signs. Thomas also noted that city council should not limit the citizens comments.

Citizen Comment #4 (Clint Monroe): Monroe noted the importance of building a relationship with Stone Mountain Park. Monroe talked about the gathering of certain groups at Stone Mountain Park.

Citizen Comment #5 (Cheryl Dudley): Dudley discussed the meeting that occurred with Stone Mountain Park. Dudley spoke about the importance of allowing citizen to have their voice be heard. Dudley also noted the importance of having a unified front when planning the future of the city.

Citizen Comment #6 (Randal Mangham): Spoke about the challenges that public officials have and requested that the city council support Mangham's candidacy.

Citizen Comment #7 (Ginger Criswell): Criswell mentioned that she would like to see JBR paved and urged the importance of annexation of Memorial Drive. Criswell noted that having 3 minutes to speak to citizen comments is barely enough time and that limiting it to 2 minutes would not be a good idea.

Citizen Comment #8 (Jelani Linder): Linder spoke on the importance of better planning, progress and the following of the plan. Linder also noted that tiny homes need to be clustered, and not created as one-off homes. Lastly, Linder stressed the importance of the additional parking lots.

Review of the Journal (Assistant City Manager & City Clerk Edmondson)

2. Request Minutes from City Council Meeting 04/16/24 be approved.

Assistant City Manager & City Clerk requested the approval of the minutes. City Mayor questioned why the title "Mayor Pro Temp" was included as a title.

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 6 Crowe.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor

Pro Tem: Post 3 Smith, Council Member: Post 6 Crowe

Voting Nay: Council Member: Post 4 Freeman

Reading of Communications

Adoption of The Agenda of The Day

CM Crowe made a motion to remove item "Discussion on the consideration of limiting Citizen Comments from 3 minutes to 2 minutes. (CM Crowe)" from the agenda.

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 1 Bass.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

ITEM WAS REMOVED.

Motion to approve the agenda with the adjustments.

Motion made by Council Member: Post 1 Bass, Seconded by Council Member: Post 4 Freeman.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe Motion was passed with adjustments.

City Manager's Report

3. City Manager - Darnetta Tyus

City Manager Tyus Spoke on the following:

-City Manager Tyus noted that the paving projects have been delayed due to the heavy rain that was occurring these past few days. Noted that the third-party contractor will resume work at the end of the week.

-City Manager Tyus spoke favorably on the Enterprise Fleet Management Presentation.

-City Manager Tyus spoke on the City-Wide Clean-up and provided updates regarding it. City Manager Tyus informed Council that all parks are currently under renovations at the same time; thus, the City-Wide Clean-up cookout will be at the Baptist Lawn.

-City Manager Tyus spoke on the community survey and informed Council that the community has voted on the name of the Former Baptist Lawn, with the new temporary name being **Village Lawn** (70/177 Votes). City Manager Tyus is asking council to provide guidance on the naming of the, now named, Village Lawn. CM Bryant asked why information was not

sent forward to Council prior to the vote. CM Freeman asked where the city was going to have the cookout prior to using the Village Lawn. City Manager Tyus referred to the prior comment regarding why administration is using the Lawn, stating that all the other parks' bathrooms are currently under renovations. City Manager Tyus noted that the bathrooms on the Village Lawn will be repainted and cleaned out prior to usage. Multiple CMs noted the importance of bringing items forward to council prior to making any decisions.

-City Manager Tyus noted that the business community and Atlanta Gas Light are sponsoring the event.

-City Manager Tyus spoke on the LCI Grant and the identification of a contractor. Noted that the contractors will be at the next council session. City Manager Tyus also stated that this item is time sensitive, so that the city can inform the Atlanta Regional Commission of the contractor within their timeline.

-City Manager Tyus spoke on the signs of Zone 1, and how the city is 90% complete with Phase 1's development of the signs in Zone 1.

-City Manager Tyus spoke on the preparation of the outdoor gym and noted that the contractors are beginning their prep-work.

-City Manager Tyus stated that the financial report for the City has already been uploaded. City Manager Tyus noted that the Balance sheet for 2022 has already been released and is on the City's Website. City Manager Tyus noted that the 2023 Audit will not be completed prior to August.

-City Mayor Jones thanked the sponsors for the support and asked who initially paid for the T-shirts. City Manager Tyus noted that Atlanta Gas light is providing \$1000, with 20 local businesses providing \$100 each.

-CM Crowe asked if Pond has been engaged as the third-party contractor. City Manager Tyus noted that they understand that they are not engaged and am looking forward to presenting Infront of council.

CM Bryant asked about the status of ClearGov. City Manager Tyus noted that they are not picking up SPLOST items; further explaining that ClearGov has not be able to include SPLOST on their application.

-Mayor Jones asked if City Manager Tyus has been in communications with the Parks and Rec committee regarding the bathroom renovations at the parks. City Manager Tyus noted that City Administration is not on the committee and that the city is moving forward administratively as directed by Council.

Council Policy Discussion Topics

Unfinished Business

4. Applicant Kenny Bittick requests a variance from Section 5-2.5(A)(8) to reduce the minimum heated floor area from 1,500 square feet to 728 square feet.

Pursuant to Article II of the City of Stone Mountain Zoning Ordinance, Staff has reviewed the request in accordance with the required review criteria and recommends **APPROVAL** of the variance from Section 5-2.5(A)(8) to reduce the minimum heated floor area from 1,500 square feet to 728 square feet with the following conditions (City Planner Edwards) :

1. The development shall be substantially in compliance with the site plan dated January 19, 2024.
2. The square footage of the home shall not be less than 728 square feet.
3. Short-term rentals shall be prohibited for both lots.
4. All parking shall be located in the side or rear yards.

City Planner Edwards spoke and answered questions that Council had regarding the item. City Planner Edwards spoke on the conditions of the application that Applicant Bittick submitted.

The Vote is on the approval of the items as modified and recommended by City Planner Edwards. City Planner noted that #2 of the conditions were increased to 972 square feet.

Motion made by Mayor Pro Tem: Post 3 Smith.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 6 Crowe

Voting Nay: Council Member: Post 4 Freeman, Council Member: Post 5 Bryant

5. Applicant Kenny Bittick requests a variance from Section 5-2.7(A)(1) for relief from the requirement to develop a single-family dwelling with a two-car garage or carport parking spaces.

Pursuant to Article II of the City of Stone Mountain Zoning Ordinance, Staff has reviewed the request in accordance with the required review criteria and recommends **APPROVAL** of the

variance request from Section 5.2-7(A)(1) to not develop a single-family dwelling with a two garage or carport parking spaces with the following condition (City Planner Edwards):

1. The development shall be substantially in compliance with the site plan dated January 19, 2024.
2. The square footage of the home shall not be less than 728 square feet.
3. Short-term rentals shall be prohibited for both lots.
4. All parking shall be located in the side or rear yards.

City Planner Edwards spoke and answered questions that Council had regarding the item.

The Vote is on the approval of the items as modified and recommended by City Planner Edwards. City Planner noted that #2 of the conditions were increased to 972 square feet.

Motion made by Council Member: Post 2 Marianos, Seconded by Council Member: Post 1 Bass.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 6 Crowe

Voting Nay: Council Member: Post 4 Freeman, Council Member: Post 5 Bryant

6. Request the adoption of the Official Zoning Map of the City of Stone Mountain. Pursuant Appendix A-Zoning, Article I, Section 1-1 The official zoning map shall have marked upon it the following: "Official Zoning Map of the City of Stone Mountain." The official zoning map shall be signed by the City Clerk and shall include the date of its adoption (City Planner Edwards).

Motion to Table

Motion made by Council Member: Post 4 Freeman, Seconded by Council Member: Post 1 Bass.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

Voting Nay: Mayor Pro Tem: Post 3 Smith

7. The Downtown Development Authority requests the re-appointment of Thom Deloach as a member of the Downtown Development Authority. (Assistant City Manager & City Clerk Edmondson)

Assistant City Manager & City Clerk Edmondson spoke and answered questions that Council had.

CM Freeman made a motion to postpone the appointment, and table until Applicant Thom Deloach can be present to vote. NO SECOND.

Vote on approval of the reappointment of Tom Deloach

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 2 Marianos.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

Voting Nay: Council Member: Post 4 Freeman

8. The Downtown Development Authority requests the re-appointment of Michelle Dunbar as a member of the Downtown Development Authority. (Assistant City Manager & City Clerk Edmondson)

Applicant Dunbar answered questions that Council had.

Motion made by Council Member: Post 1 Bass, Seconded by Council Member: Post 2 Marianos.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

9. City Staff request the approval to purchase audio/video equipment to modernize the City Council/Court Room through Sharp Business Systems.

The funding lines for the upgrade are **(01-5035.52.1300 Court/Technical Services & 01-5030.52.1200 Administration/Professional Services).**

Options are listed below. (Assistant City Manager & City Clerk Edmondson)

OPTION (A): A partial upgrade for the Audio Systems of the City Council/Court Room for an amount of \$13,923.99

OPTION (B): A partial upgrade for the Video Systems of the City Council/Court Room for an amount of \$20,673.02

OPTION (C): A full upgrade and modernization of the entire City Council/Court Room for an amount of \$26,121.51

Assistant City Manager & City Clerk Edmondson answered questions that City Council had.

There was a motion to table item, until additional quotes were gathered.

Motion made by Council Member: Post 1 Bass, Seconded by Council Member: Post 4 Freeman.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

10. City Staff request the approval to enter into the agreement for the Enterprise Fleet Management Program to manage and monitor maintenance and inventory of the City of Stone Mountain's Vehicles.

The budgeted funding lines are **(01-5040.52.2220 Vehicle Repair & Maintenance)**

(Chief Westerfield & Assistant City Manager & City Clerk Edmondson)

Assistant City Manager & City Clerk Edmondson spoke and answered questions regarding the item. The representatives from Enterprise were also in attendance to answer questions.

City Attorney Strickland noted that the Cooperative Purchase Agreement complies with the 3 bids that are required by the city.

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 2 Marianos.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith

Voting Nay: Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe, Mayor Jones

11. City Administration is seeking the adoption of Resolution 2024-04. A resolution adopting the Traffic Calming Study on 4th Street. (City Manager Tyus)

City Manager Tyus answered questions that Council had.

Item was tabled until additional information could be provided.

Motion made by Council Member: Post 1 Bass, Seconded by Council Member: Post 2 Marianos.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

12. Vote on Executive Session Item #1 to Discuss Personnel, Legal, and/or Real Estate.

The Funding lines for this item are (**ARPA 12-5212.57.9000**)

MOTION TO APPROVE THE SALE

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 2 Marianos.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

New Business

13. Discussion on the inclusion of City Staff (Code Enforcement, Storm Water & Public Works) to attend and participate in City Council Meetings. (CM Crowe).

City Attorney Strickland spoke with Council and answered the questions that they had. City Attorney Strickland answered the legal questions pertaining to the city code. The City Attorney noted that, per city code, council could not instruct city employees. The City Attorney also noted that, council would need to amend the city code to allow this.

14. Discussion on Parks and Recreation Committee regarding city Charter, terms, etc... (CM Crowe)

City Attorney Strickland answered questions that City Council has. City Mayor Jones noted that Jones will consult with City Attorney Strickland regarding this item. The City Attorney noted that, per city code, council could not instruct city employees. The City Attorney also noted that, council would need discuss and amend the bylaws of the Parks and Recs Committee.

15. Discussion on the changing of the two-way stop to a four-way stop at East Mountain and Third. (CM Crowe)

City Manager Tyus answered any questions that City Council asked.

NO ACTION TAKEN UNTIL NEXT REGULAR SESSION.

16. Discussion on the city's participation with Bike Ride Across Georgia (BRAG). BRAG is requesting that the City of Stone Mountain act as a "Rest Stop" for 1000+ anticipated riders. (MPT Smith)

City Manager Tyus informed council that there will be a meeting with BRAG on Wednesday, May 8th, 2024.

Michelle Dunbar spoke to council and informed the council with additional details. Dunbar noted that Aztec Cycles will be hosting them in their parking lot.

NO ACTION TAKEN.

17. Discussion on the following items:

- Results and actionable items from the Community Table Talks with respect to the ***Baptist Lawn***
 - Actionable items moving forward with the development of the ***Baptist Lawn*** project
- (CM Marianos)

DISCUSSION TABLED.

18. Discussion on the consideration of limiting Citizen Comments from 3 minutes to 2 minutes. (CM Crowe)

This was stricken from the record and removed as an item.

New Ordinances and Resolutions

19. **2nd Reading:** The adoption of Ordinance 2024-04, "The Adoption Agreement for the City of Stone Mountain's Defined Benefit Retirement Plan through the Georgia Municipal Employees Benefit System. (Assistant City Manager & City Clerk Edmondson)

Discussion occurred between Staff and Council. Discussion was tabled until the 16th of May 2024, evening.

Motion made by Council Member: Post 4 Freeman, Seconded by Council Member: Post 5 Bryant.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

Voting Nay: Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith

Remarks of Privilege

Announcements by The Mayor

Executive Session to Discuss Personnel, Legal, and/or Real Estate (if needed)

20. Executive Session Item #1 to Discuss Personnel, Legal, and/or Real Estate.

Entered at 11:19 PM ET. Vote to enter below.

Motion made by Council Member: Post 4 Freeman, Seconded by Council Member: Post 5 Bryant.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

Adjournment

Adjournment of Executive Session

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 5 Bryant.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe