



## Mayor and City Council Regular Session

Tuesday, July 01, 2025 at 6:30 PM

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

### Agenda

Mayor and Council: Dr. Beverly Jones – Mayor | Post 3: Mayor Pro Tem Ryan Smith  
Post 1: Council Member Anita Bass | Post 2: Council Member Mark Marianos  
Post 4: Council Member Gil Freeman | Post 5: Council Member Shawnette Bryant  
Post 6: Council Member Teresa Crowe

Staff: Shawn Edmondson - City Manager | Maggie Dimov - Assistant City Manager/Economic Development Director/DDA | Shavala Ames - City Clerk | Angela Couch - City Attorney

City of Stone Mountain, GA Facebook page: <https://www.facebook.com/CityofStoneMtn/>  
Link to join Webinar: <https://us06web.zoom.us/j/82303400686>

- I. Determination of Quorum
- II. Invocation and Pledge
- III. 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.*

*The City appreciates your input and wants to hear from you. If you have a complaint or concerns about a particular person associated with the City, please contact the City Manager's office. Your public comments during a Council meeting may not be directed at or to any particular City representative, including but not limited to the Mayor, City Council members, or a member of City staff. If your presentation includes such comments, the City reserves the right to stop your presentation. During your public comment, if you use obscenities or vulgar or abusive language, yell, or point fingers, the City reserves the right to stop your presentation. During your public comment, if you physically approach any City representative or your presentation rises to the level of disorderly conduct, your public comment will be stopped.*

#### IV. Review of the Journal (City Clerk)

1. Consideration of an action on a request to approve June 17, 2025 Special Called Meeting Minutes

**V. Reading of Communications**

**VI. Adoption of The Agenda of The Day**

**VII. City Manager's Report**

1. City Manager - Shawn Edmondson

**VIII. Council Policy Discussion Topics**

**IX. Unfinished Business**

**X. New Business**

1. Consideration of an action on a request to approve a long-term facility use agreement with the Pharaohs
2. Consideration of an action on a request to obtain from Truist Bank any and all checks from City of Stone Mountain and DDA accounts that cleared with only one signature, list of any and all City of Stone Mountain and DDA accounts (open or closed) in existence for the last eighteen (18) months, statements for each of these City of Stone Mountain and DDA accounts (open or closed) for the past eighteen (18) months, list of any and all security risks and other concerns identified by the Truist Bank Security team in the past eighteen (18) months, any and all correspondence that you have with any and all persons from Truist Bank relating to the above requests, requested by Council Member Gil Freeman

**XI. New Ordinances and Resolutions**

1. Resolution 2025-18 - Adoption of the Millage Rate
2. Ordinance 2025-04 - Stone Mountain Parks and Recreation Committee (SECOND READ)
3. Ordinance 2025-05 - Procedures for Removal (SECOND READ)

**XII. Remarks of Privilege**

**XIII. Announcements by The Mayor**

**XIV. Executive Session to Discuss Personnel, Legal, Cyber Security and/or Real Estate (if needed)**

**XV. Adjournment**

**File Attachments for Item:**

1. Consideration of an action on a request to approve the June 17, 2025 Special Called Meeting Minutes



## Mayor and City Council Work Session

Tuesday, June 17, 2025 at 6:30 PM

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

### Minutes

Mayor and Council: Dr. Beverly Jones – Mayor | Post 3: Mayor Pro Tem Ryan Smith  
Post 1: Council Member Anita Bass | Post 2: Council Member Mark Marianos  
Post 4: Council Member Gil Freeman | Post 5: Council Member Shawnette Bryant  
Post 6: Council Member Teresa Crowe

Staff: Shawn Edmondson - City Manager | Shavala Ames - City Clerk | Maggie Dimov - Assistant City Manager/Economic Development Director/DDA | Angela Couch - City Attorney

Public Hearing was called to order at 6:30 p.m.

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, Council Member: Post 5 Shawnette Bryant, Council Member: Post 6 Teresa Crowe, Mayor Beverly Jones

#### I. Public Hearing

##### 1. Millage Rate Hearing #3

City Manager, Shawn Edmondson, gave an overview and provided more information on the Millage Rate including the rollback rate.

#### II. Adjournment

##### **ACTION: MOTION TO ADJOURN PUBLIC HEARING AT 6:38 P.M.**

Motion made by Post 2: Mayor Pro Tem Ryan Smith, seconded by Post 2: Council Member Mark Marianos

**Voting Yea:** Post 1: Council Member Anita Bass, Post 2: Mark Marianos, Post 3: Mayor Pro Tem Ryan Smith, Post 4: Council Member Gil Freeman, Post 5: Council Member Shawnette Bryant, Post 6: Teresa Crowe

##### **MOTION PASSED (UNANIMOUSLY)**

#### III. Call to Order

Mayor Jones called Work Session to order at 6:39 P.M.

#### IV. Determination of Quorum

PRESENT: Post 1: Council Member Anita Bass, Post 2: Mark Marianos, Post 3: Mayor Pro Tem Ryan Smith, Post 4: Council Member Gil Freeman, Post 6: Council Member Teresa Crowe

Post 5: Council Member Shawnette Bryant present via Zoom

V. **Invocation and Pledge**

Mayor Jones led the invocation, followed by the Pledge of Allegiance.

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

**Citizen Comment 1: B. Patterson** – came to Council in October about Parks and Recreation requesting itemize of the work done and what went into it; understand McCurdy Park lights – no excuse for restrooms not being ADA accessible and asked to do a walk through but was not allowed: 800k is a lot of money for work not done; Assistant City Manager Maggie Dimov went a few weeks ago; holding all accountable,

**Citizen Comment 2: Carl Wright** – tree down in front of house; thanked Mayor and Council as citizen should be able to point out or reject any request for DDA records – should be done via open records request, DDA does,

**Citizen Comment 3: Cheryl Dudley** – allowed to state opinions, Georgia Constitution and Georgia Sunshine Laws – do not have to be a citizen to state comments or submit an open records request and the processes; requested open records and received nothing; not accusing the city – stated penalties for destroying or preventing records; need to find the 800k.

**Citizen Comment 4: Jelani Linder** – referenced article from Clarkston who had to increase millage rate; doing rollbacks for short term gain could affect city; roads at Rockborough being approved – miscommunication on how those plans are being implemented – a clear plan should be given to the residents.

**Citizen Comment 5: Antonia Amadi-Emina** – does not understand rollback; please look into taxes – residents need to work hard to keep their home; requesting a flat tax rate.

**Citizen Comment 6: Kay Nunez** – do better reaching out to community as Mayor and Council; Council held a round table for senior citizens – some seniors are not internet savvy; find other ways to reach out to residents – setting up tables at events, or City Ambassadors.

VII. **Review of the Journal (City Clerk)**

1. Consideration of an action on a request to approve the May 12, 2025 Special Called Meeting Minutes

**ACTION: MOTION TO APPROVE MAY 12, 2025 SPECIAL CALLED MEETING MINUTES**

Motion made by Post 1: Council Member Anita Bass, seconded by Post 2: Council Member Mark Marianos

**Voting Yea:** Post 1: Council Member Anita Bass, Post 2: Council Member Mark Marianos, Post 3: Mayor Pro Tem Ryan Smith, Post 6: Council Member Teresa Crowe

**Voting Nay:** Post 4: Council Member Gil Freeman, Post 5: Council Member Shawnette Bryant

**MOTION PASSED**

2. Consideration of an action on a request to approve the May 20, 2025 Meeting Minutes

**ACTION: MOTION TO APPROVE MAY 20, 2025 MEETING MINUTES**

Motion made by Post 3: Mayor Pro Tem Ryan Smith, seconded by Post 2: Council Member Mark Marianos

**Voting Yea:** Post 1: Council Member Anita Bass, Post 2: Council Member Mark Marianos, Post 3: Mayor Pro Tem Ryan Smith, Post 6: Council Member Teresa Crowe



**Voting Nay:** Post 4: Council Member Gil Freeman, Post 5: Council Member Shawnette Bryant

**MOTION PASSED**

3. Consideration of an action on a request to approve the May 30, 2025 Special Called Meeting Minutes

**ACTION: MOTION TO APPROVE MAY 30, 2025 SPECIAL CALLED MEETING MINUTES**

Motion made by Post 1: Council Member Anita Bass, seconded by Post 2: Council Member Mark Marianos

**Voting Yea:** Post 1: Council Member Anita Bass, Post 2: Council Member Mark Marianos, Post 3: Mayor Pro Tem Ryan Smith, Post 6: Council Member Teresa Crowe

**Voting Nay:** Post 4: Council Member Gil Freeman, Post 5: Council Member Shawnette Bryant

**MOTION PASSED**

4. Consideration of an action on a request to approve June 3, 2025 Meeting Minutes

**ACTION: MOTION TO APPROVE JUNE 3, 2025 MEETING MINUTES**

Motion made by Post 2: Council Member Mark Marianos, seconded by Post 1: Council Member Anita Bass

**Voting Yea:** Post 1: Council Member Anita Bass, Post 2: Council Member Mark Marianos, Post 3: Mayor Pro Tem Ryan Smith, Post 6: Council Member Teresa Crowe

**Voting Nay:** Post 4: Council Member Gil Freeman, Post 5: Council Member Shawnette Bryant

**MOTION PASSED**

**VIII. Reading of Communications**

City Attorney Angela Couch presented a Reading of Communications from DDA Attorney Kyle Williams.

**IX. Adoption of The Agenda of The Day**

**ACTION: MOTION TO ADOPT AGENDA OF THE DAY AND REMOVE NEW BUSINESS ITEM #2, NEW BUSINESS #6, REMOVE ORDINANCE 2025-04, AND REMOVE EXECUTIVE SESSION PERSONNEL**

Motion made by Post 3: Mayor Pro Tem Ryan Smith, seconded by Post 2: Council Member Mark Marianos

**Voting Yea:** Post 1: Council Member Anita Bass, Post 2: Council Member Mark Marianos, Post 3: Mayor Pro Tem Ryan Smith, Post 4: Council Member Gil Freeman, Post 5: Council Member Shawnette Bryant, Post 6: Council Member Teresa Crowe

**MOTION PASSED (UNANIMOUSLY)**

**X. Committee Discussion Items**

1. Stone Mountain Community Garden

Columbus Brown presented a detailed review of the Stone Mountain Community Garden report that was provided in the agenda packet.

2. Planning Commission – No updates

3. Economic Development/Downtown Development Authority  
Assistant City Manager Maggie Dimov provided a review of the DDA report. Mayor Pro Tem requested clarification on why the DDA still does not have access to its bank accounts. Council Member Freeman inquired about the DDA's level of independence. Assistant City Manager Dimov addressed each of the questions.

4. Historic Preservation Commission – No updates

5. Parks and Recreation Committee

Beverly Patterson noted that the committee entered Executive Session during the last meeting and, as such, is unable to discuss those matters publicly. She also addressed the topic of park signage, noting that the committee is awaiting follow-up from the City Manager. Additionally, Ms. Patterson provided an update on restroom facilities and ADA compliance, highlighting ongoing concerns in that area. The committee also discussed accountability safety issues related to the playgrounds, outdoor gym equipment, and restrooms.

## **XI. Staff Reports**

1. Public Safety- Police Chief- James Westerfield Jr

Chief James Westerfield presented a detailed review of the Public Safety report provided in the agenda packet.

## **XII. City Manager's Report**

1. City Manager - Shawn Edmondson

City Manager Edmondson introduced Mike Vasquez, Stormwater Administrator, and Tamaya Huff, Planning Manager. He also provided updates on upcoming city events and discussed recent film productions and the revenue they've generated for the city. The City Manager highlighted the ongoing Table Talks initiative and announced that the city has advanced to the next step in the grant selection process led by Senator Ossoff. He also inquired about which restroom facilities are not ADA-compliant, emphasizing the city's commitment to making necessary improvements.

Mayor Pro Tem Smith requested an update on the ongoing investigation. City Manager Edmondson provided a brief response, noting that the investigation is still in progress. Council Member Crowe inquired about the status of utilizing the church parking lot and asked for consensus to proceed. City Manager Edmondson provided an overview, stating that, based on the consensus offered, an agreement will be drafted in coordination with the City Attorney.

Mayor Jones brought up the idea of hosting a Caribbean Festival. City Manager Edmondson clarified that the event has been rebranded as the Stone Mountain Fest. Mayor Jones also expressed concerns regarding the CSX Bridge on James B. Rivers Drive. The City Manager confirmed there is no matching grant requirement at this time and committed to reaching out for additional information and providing a report back to the Council. Council Member Freeman requested an update on site plans for The Lawn. Assistant City Manager Dimov responded that no formal site plan has been submitted, but noted that community input can still be provided during upcoming Table Talks sessions.

## **XIII. Council Policy Discussion Topics**

## **XIV. Unfinished Business**

## **XV. New Business**

1. Consideration of action on a request for the City Manager to ensure that all council members are equally and promptly informed about all matters, request by Council Member Gil Freeman

Council Member Freeman expressed a desire for the request to be formally drafted and codified. Other members of the City Council also shared their comments and perspectives on the matter.

**ACTION: MOTION TO APPROVE REQUEST FOR THE CITY MANAGER TO ENSURE THAT ALL COUNCIL MEMBERS ARE EQUALLY AND PROMPTLY INFORMED ABOUT ALL MATTERS**

Motion made by Post 4: Council Member Gil Freeman, seconded by Post 5: Council Member Shawnette Bryant

**Voting Yea:** Post 4: Council Member Gil Freeman, Post 5: Council Member Shawnette Bryant

**Voting Nay:** Post 1: Council Member Anita Bass, Post 2: Council Member Mark Marianos, Post 3: Mayor Pro Tem Ryan Smith, Post 6: Teresa Crowe

**MOTION FAILED**

2. Consideration of an action on a request to approve a City of Stone Mountain Community Ambassador Program, requested by Council Member Anita Bass

Council Member Anita Bass gave an overview on the vision of the Community Ambassador Program. City Council Members provided their feedback regarding the project.

**ACTION: MOVE TO APPROVE REQUEST FOR CITY OF STONE MOUNTAIN STONE MOUNTAIN COMMUNITY AMBASSADOR PROGRAM**

Motion made by Post 1: Council Member Anita Bass, seconded by Post 6: Council Member Teresa Crowe

**Voting Yea:** Post 1: Council Member Anita Bass, Post 2: Council Member Mark Marianos, Post 3: Mayor Pro Tem Ryan Smith, Post 6: Council Member Teresa Crowe

**Voting Nay:** Post 4: Council Member Gil Freeman, Post 5: Council Member Shawnette Bryant

**MOTION PASSED**

3. Consideration of an action on a request to approve the purchase of tree lights, requested by Assistant City Manager/Economic Development Director Maggie Dimov

Assistant City Manager Maggie Dimov presented the quotes as provided in the agenda packet. Discussion was held by various council members regarding the specifics of tree lights to be purchased.

**ACTION: MOVE TO APPROVE REQUEST OF THE PURCHASE OF TREE LIGHTS WITH CITY WIDE SOLUTIONS**

Motion made by Post 2: Council Member Mark Marianos, seconded by Post 1: Council Member Anita Bass

**Voting Yea:** Post 1: Council Member Anita Bass, Post 2: Council Member Mark Marianos, Post 3: Mayor Pro Tem Ryan Smith, Post 6: Council Member Teresa Crowe

**Voting Nay:** Post 4: Council Member Gil Freeman, Post 5: Council Member Shawnette Bryant

**MOTION PASSED**

4. Consideration of an action on a request to approve the caboose upgrades, requested by Assistant City Manager/Economic Development Director Maggie Dimov

Assistant City Manager Dimov presented the quotes as outlined in the agenda packet. Council Member Marianos expressed a preference for utilizing a local business for the project. Mayor Pro Tem Smith recommended preserving the original caboose, if possible. Council Member Freeman noted that oversight of the caboose falls under the purview of the Downtown Development Authority (DDA).



Council Member Bryant expressed interest in prioritizing the completion of other ongoing projects.  
Council Member Crowe voiced opposition to the proposal of placing City staff in the caboose.

**ACTION: MOTION TO APPROVE THE REQUEST OF CABOOSE UPGRADES WITH HANDY MAN SERVICES**

Motion made by Post 2: Council Member Mark Marianos, seconded by Post 1: Council Member Anita Bass

**Voting Yea:** Post 1: Council Member Anita Bass, Post 2: Council Member Mark Marianos, Post 3: Mayor Pro Tem Ryan Smith, Post 6: Council Member Teresa Crowe

**Voting Nay:** Post 4: Council Member Gil Freeman, Post 5: Council Member Shawnette Bryant

**MOTION PASSED**

**XVI. New Ordinances and Resolutions**

**1. Ordinance 2025-05 - Procedures for Removal (FIRST READ)**

City Attorney Couch reviewed the ordinance as presented in the agenda packet, offering clarity on the two versions provided. Members of the governing body provided their feedback. No action taken. First read only.

**XVII. Remarks of Privilege**

Council Member Bass reiterated the concept of the City Ambassador Program. The program is voluntary to provide information and not door knocking.

Council Member Marianos stated the City Ambassador Program should be nonpartisan, 100% approval from city staff. Elected Officials should not interject.

Mayor Pro Tem Smith stated the reason for initially voting against the #3 Kaboom project. It is not the best decision for a park that we already have two parks for that age group.

Council Member Freeman mentioned that adult gym never gets used; volunteers can reach out to Assistant City Manager for the Kaboom project. The 2025-05 ordinance violates the will of the voters – why take the choice away from voters. It is improper.

Council Member Bryant – no comments.

Council Member Crowe mentioned time ran out when voting for the third Kaboom project – no time left to state why the vote was a no. Voted yes for first two Kaboom project. Voted no for the third Kaboom not because of voting against children, it was because of the enormous amount of staff time.

**XVIII. Announcements by The Mayor**

Mayor Jones mentioned many people was there at the the Kaboom projects day and night - was a community affair. We should be generous receivers – let's continue to open up the park and entertainment.

**XIX. Executive Session to Discuss Personnel, Legal, Cyber Security and/or Real Estate (if needed)**

**XX. Adjournment**

**ACTION: MOTION TO ADJOURN CITY COUNCIL WORK SESSION AT 9:31 P.M.**

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

**Voting Yea:** Post 1: Council Member Anita Bass, Post 2: Council Member Mark Marianos, Post 3 Mayor Pro Tem Ryan Smith, Post 4: Council Member Gil Freeman, Post 5: Council Member Shawnette Bryant, Post 6: Council Member Teresa Crowe

**MOTION PASSED (UNANIMOUSLY)**

\_\_\_\_\_  
Beverly Jones, Mayor

\_\_\_\_\_  
Shavala Ames, City Clerk

**File Attachments for Item:**

1. Consideration of an action on a request to approve a long term facility use agreement with the Pharaohs



## City of Stone Mountain Facility/Park Use Agreement

This agreement, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between the City of Stone Mountain, Georgia (hereinafter called "City") and \_\_\_\_\_ (hereinafter called "Lessee"):

In consideration of the mutual agreements contained herein, City and Lessee agree as follows:

The term of this agreement will begin (**enter beginning date**) and continue through (**enter end date**).

The facility/park will be used on the following days and times: (list exclusions, if applicable)

From JUNE TO December 2025  
Days: Tuesdays Wednesdays Times: Tuesdays - Thursdays 6:00pm to 8:00pm  
THursdays some Saturdays Saturdays 7AM to 6pm

A new agreement must be signed annually. This agreement may be terminated by either party provided written notice is given thirty (30) days in advance.

City agrees to authorize Lessee the use of the facility/park as listed below for (**state reason**).

The agreement includes the use of the following support and structures:

_____ Dugouts	_____ Lights	_____ Press-boxes	_____ Concession Stands
_____ Restrooms	_____ Bleachers	_____ Batting Cages	_____ Storage Buildings

(Please check facility or park being used)

\_\_\_\_\_ Rock Gym (excluding the northeast corner office)

\_\_\_\_\_ McCurdy Park

\_\_\_\_\_ VFW Park

☒ Medlock Park

\_\_\_\_\_ Leila Mason Park

Lessee shall not sublease or allow any organization to use any part of the facilities covered by this agreement without prior approval from the city. Lessee agrees the facility/park will be used in a safe manner and in compliance with all applicable federal and state law, city ordinances, rules and regulations. Non-compliance shall result in immediate termination of this contract and forfeiture of all deposits and monies owed to the City by the terminated party. Additionally, non-compliance may result in additional fines in accordance with city codes, ordinances and policies.

Lessee shall not cause or permit damage or injury to the facility/park. Lessee shall make no alteration, addition, or improvements to the facility/park without City's prior written consent and any such alterations; additions or improvements shall become and remain City property.



No keys will be duplicated. Failure to abide by this rule will result in immediate termination of this contract and will cause the group to be ineligible for facility use for a period not less than 12 months from the infraction.

Failure of City to insist upon a strict performance of any term or condition of this agreement shall not be deemed a waiver of any right or remedy the City may have, and shall not be deemed a waiver of any subsequent breach of such term or condition. City may enter the facility/park at any time during the period of this agreement for such inspection or supervision as deemed necessary by the City Manager or City Manager's designee.

Facility Lessees shall communicate with the City Manager or City Manager's designee pertaining to scheduling, accountability for care of the facility/park, compliance with the terms of this agreement, and all other concerns relative to the use of facility/park. Lessee will not be allowed to operate or conduct regular activities after 10:00 p.m. unless approved by the City Manager or City Manager's designee.

City will require the Lessee to carry a one million dollar (\$1,000,000.00) comprehensive general liability insurance policy. The Lessee must sign the agreement and present a declarations page and endorsement page of the insurance policy listing City of Stone Mountain as an additional named insured prior to the Mayor and Council's review and approval.

Lessee agrees to pay \$\_\_\_\_\_ for the term of this agreement payable (**upon execution or include a payment schedule**).

Lessee will be responsible for policing litter each day. The City may fine or suspend play of any Lessee failing to do so. The Lessee is responsible for leaving the premises and parking lot(s) free of debris, utilities turned off, and buildings and fields secured at end of use. Any broken or inoperable equipment shall be reported to City Hall promptly.

The Lessee will be responsible for arranging security through the City of Stone Mountain Police Department which is required for the term of this agreement. The Lessee shall provide (**list how many officers required and on the days required**). The hourly rate will be \$30.00 per man hour.

Lessee will be responsible for taking all precautions to prevent dust, noise such as PA system, etc., traffic, parking problems, which would be nuisance to residents around the facility/park. Lessee shall provide the City, names, addresses, and telephone numbers of all corporate officers, to be presented at the time of signing the facility agreement. Lessee shall advise City Hall of any change in ownership of Lessee thirty days in advance of the change in ownership.

By accepting this agreement, the Lessee agrees that any and all uses of the facility/park hereunder shall be on a non-discriminatory basis, and any discrimination against any person on any basis shall result in the immediate termination of this agreement and forfeiture of any fees paid by the Lessee to the City. If Lessee defaults on any obligation under this agreement or violates any term hereof, the City Manager or City Manager's designee may terminate this agreement.

It is expressly agreed and understood that Lessee releases the City, its agents and employees from and all damage or injury to persons or property arising out of the performance of this agreement and that the Lessee shall indemnify the City against all damages, liabilities, expenses, and losses incurred by the City as a result of Lessee's performance of this agreement. Likewise, the City agrees to indemnify and hold Lessee harmless against damages, liabilities and losses incurred by Lessee as a result of the City's negligent performance of this agreement.

For the purposes of this agreement, any notices required to be sent to the parties hereof shall be mailed to the following:

Lessee: Roy Marshall  
2020 corner circle  
Lithonia GA 30058

City: City of Stone Mountain  
 875 Main Street  
 Stone Mountain, Georgia 30083

It is agreed between the City and the Lessee that this agreement shall be executed in an original and one copy. Lessee shall have the right to assign the interest it holds in this agreement only with the prior written approval of the City.

The parties agree that the laws of the State of Georgia shall govern this agreement.

The facility/park shall not be used for any purpose except for those herein designated, without the written consent of the City.

City of Stone Mountain

Attest

\_\_\_\_\_  
 Dr. Beverly Jones, Mayor

\_\_\_\_\_  
 Shavala Ames, City Clerk

Lessee:

By:

Roy Marshall  
 Signature

5-29-25  
 Date

ROY Marshall  
 Print Name

owner of The Team  
 Title

404 755-5478  
 Phone Number



**File Attachments for Item:**

1. Resolution 2025-18 - Adoption of the Millage Rate



**STATE OF GEORGIA  
COUNTY OF DEKALB**

**RESOLUTION 2025-18**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF STONE MOUNTAIN, GEORGIA, OFFICIALLY SETTING THE FYE 2025-2026 PROPERTY TAX MILLAGE RATE AT 15.827 MILLS; AND PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER

**WHEREAS**, the City of Stone Mountain is required by O.C.G.A. § 48-5-32.1 to adopt a millage rate after satisfying the advertising and public hearing requirements; and

**WHEREAS**, the City of Stone Mountain has met the advertisement and public hearing requirements set forth in O.C.G.A. § 48- 5-32.1; and

**WHEREAS**, the property tax bills can only be issued after the millage rate has been set;

**NOW THEREFORE BE IT RESOLVED** THAT THE CITY COUNCIL OF THE CITY OF STONE MOUNTAIN AS FOLLOWS:

**Section 1. Adoption of Millage Rate.** The Mayor and Council hereby adopt the FY 2025-2026 Millage Rate in the amount of 15.827 mills ad valorem taxes.

**Section 2. Filing Copies of the Final Agreement.** The City Manager is authorized and directed to file a copy of said resolution in the Office of the City Clerk where it shall be certified and made available for public inspection.

**Section 3. Severability.** If any section, part, or provision of this resolution is held invalid, unenforceable, such invalidity or unenforceability shall not affect any other portion of this resolution, and all parts, sections, whereas clauses, and other provisions of this resolution shall be severable.

**Section 4. Effective date.** This resolution shall become effective immediately upon its adoption. Resolved this 1st day of July 2025. The 2018 Tax Digest and 5 Year History of Levy is attached hereto and incorporated herein by reference as Appendix A.

**CITY OF STONE MOUNTAIN, GEORGIA**

\_\_\_\_\_  
Dr. Beverly Jones, Mayor

**ATTEST:** \_\_\_\_\_  
Shavala Ames, City Clerk

[Affix City Seal]

## NOTICE

The City of Stone Mountain does hereby announce that the millage rate will be set at a meeting to be held at the  
**875 Main Street Stone Mountain Ga 30083 on July 1, 2025 at 6.30 pm** and pursuant to the requirements of O.C.G.A. § 48-5-32 does hereby publish the  
 following presentation of the current year's tax digest and levy, along with the history of the tax digest and levy for the past five years.

Item # 1.

### CURRENT 2025 PROPERTY TAX DIGEST AND 5 YEAR HISTORY OF LEVY

C I T Y  A r e a	CITY WIDE		2020	2021	2022	2023	2024	2025
	V A L U E	Real & Personal	125,902,113	143,162,123	175,792,863	225,211,962	244,917,925	248,466,043
		Motor Vehicles	893,700	757,750	668,340	601,850	600,510	434,230
		Mobile Homes	704	633	633	570	570	570
		Timber - 100%	0	0	0	0	0	0
		Heavy Duty Equipment	0	0	0	0	0	0
		Gross Digest	126,796,517	143,920,506	176,461,836	225,814,382	245,519,005	248,900,843
		Less Exemptions	3,419,836	3,962,174	4,510,024	5,488,988	5,530,459	5,800,200
		<b>NET DIGEST VALUE</b>	<b>123,376,681</b>	<b>139,958,332</b>	<b>171,951,812</b>	<b>220,325,394</b>	<b>239,988,546</b>	<b>243,100,643</b>
	R A T E	Gross Maintenance & Operation Millage	20.0000	17.8180	16.5000	16.0000	16.0000	15.8270
		Less Rollback (Local Option Sales Tax)	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
		<b>NET M&amp;O MILLAGE RATE</b>	<b>20.0000</b>	<b>17.8180</b>	<b>16.5000</b>	<b>16.0000</b>	<b>16.0000</b>	<b>15.8270</b>
	TAX	<b>TOTAL M&amp;O TAXES LEVIED</b>	<b>\$2,467,534</b>	<b>\$2,493,778</b>	<b>\$2,837,205</b>	<b>\$3,525,206</b>	<b>\$3,839,817</b>	<b>\$3,847,554</b>
		Net Tax \$ Increase	\$111,471	\$26,244	\$343,427	\$688,001	\$314,610	\$7,737
		Net Tax % Increase	4.73%	1.06%	13.77%	24.25%	8.92%	0.20%

**File Attachments for Item:**

2. Ordinance 2025-04 - Stone Mountain Parks and Recreation Committee (SECOND READ)

STATE OF GEORGIA  
COUNTY OF DEKALB

ORDINANCE NO. 2025-\_\_

**AN ORDINANCE TO CREATE THE CITY OF STONE MOUNTAIN  
PARKS AND RECREATION COMMITTEE**

**WHEREAS**, pursuant to its Charter and other laws of the State of Georgia, the City of Stone Mountain, Georgia (the “City”), has the power to adopt reasonable ordinances, resolutions and regulations for the protection and preservation of the public health, safety and welfare of its citizens; and

**WHEREAS**, the City Council desires to create a committee of resident volunteers who are committed to receiving direction from the City Council and providing recommendations back to the City Council regarding the use, operation, management, recreational programming, and capital improvement of the City’s park, recreation and greenspace facilities.

**NOW THEREFORE**, it is hereby ordained by the governing authority of the City of Stone Mountain as follows:

**SECTION 1.** The Code of the City of Stone Mountain, Georgia, is hereby amended to include the provisions as set out in Exhibit A, attached hereto and incorporated herein by this reference, related to the formation of the City’s Parks and Recreation Committee.

**SECTION 2.** All ordinances, parts of ordinances, or regulations in conflict herewith are hereby repealed.

**SECTION 3.** Any prior City parks and recreation committee, whether formally created or not, and any appointments thereto, are hereby abolished and terminated.

**SECTION 4.** This Ordinance shall become effective in accordance with City Charter Sec. 2.34.

**SECTION 5.** This Ordinance was proposed by Council Member \_\_\_\_\_ with a motion to adopt. Thereafter, the motion was seconded by Council Member \_\_\_\_\_. \_\_\_\_\_ Council Members voted in favor of the motion and \_\_\_\_\_ Council Members voted against the motion.

**SO ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2025.

Approved as to form:

\_\_\_\_\_  
Dr. Beverly Jones, Mayor

\_\_\_\_\_  
Angela Couch, City Attorney

Attest: \_\_\_\_\_  
Shavala Ames, City Clerk

[City Seal]



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**CITY CHARTER SEC. 2.21 REQUIREMENTS**

- Date of First Reading: \_\_\_\_\_
- Date of Second Reading: \_\_\_\_\_
- Date Adopted: \_\_\_\_\_

**City Charter, Section 2.21. (Ordinance form; procedures),** provides as follows:

- (a) Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "It is hereby ordained by the governing authority of the City of Stone Mountain..." and every ordinance shall so begin. Prior to the submission of any ordinance for consideration by the mayor and city council, the same shall be submitted to the city attorney and be approved by him or her as to form and to ensure such ordinance is not covered by, or in conflict with, any law of general application or other city ordinance.
- (b) An ordinance may be introduced by any member of the city council and be read at a regular meeting, work session, or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided for in Section 2.23 of this charter. Upon introduction of any ordinance, the city clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the city clerk and at such other public places as the city council may designate.
- (c) The reading of the preamble to an ordinance shall be sufficient to meet the requirements of a "read" or "reading." By an affirmative vote of a majority of the city council, a reading of the ordinance in its entirety shall be required.

**CITY CHARTER SEC. 2.34 REQUIREMENTS**

- Date ordinance presented to Mayor: \_\_\_\_\_ (within three days after its adoption)
- Date ordinance returned to City Clerk: \_\_\_\_\_ (within four days of receipt from Clerk)

**City Charter, Section 2.34. (Submission of ordinances to the mayor; veto power)** provides as follows:

- (a) Every ordinance adopted by the city council shall be presented by the city clerk to the mayor within three days after its adoption.
- (b) The mayor shall within four days of receipt of an ordinance return it to the city clerk with or without his or her approval or with his or her disapproval. If the ordinance has been approved by the mayor, it shall become law upon its return to the city clerk; if the ordinance is neither approved nor disapproved, it shall become law on the fifteenth day after its adoption; if the ordinance is disapproved, the mayor shall submit to the city council through the city clerk a written statement of the reasons for the veto. The city clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.
- (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city council at its next meeting when a quorum shall be present, and should the city council then or at its next general meeting adopt the ordinance by an affirmative vote of a majority of the quorum then present, it shall become law.
- (d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of any ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the city council over the mayor's veto as provided in this section. The reduced part or parts shall be presented to the city council as though disapproved and shall not become law unless overridden by the council as provided in subsection (c) of this section.

- Date this ordinance becomes law: \_\_\_\_\_

## **EXHIBIT A**

[The following text of The Code of the City of Stone Mountain, Georgia, is to be amended by removing the ~~strike through~~ language and adding the **bold** language.]

### **PART II – CODE OF ORDINANCES**

#### **CHAPTER 2 – ADMINISTRATION**

#### **ARTICLE \_\_\_\_ . PARKS AND RECREATION COMMITTEE**

#### **Sec. 2-\_\_\_\_. Purpose.**

The City of Stone Mountain, Georgia (referred to in this article as the “City”) owns and manages multiple park, recreational and greenspace facilities throughout the City. This article is created by the City Council of Stone Mountain (hereinafter in this article referred to as the “City Council”) to provide an organizational structure for a committee of appointed volunteers who are committed to receiving direction from the City Council and providing recommendations to the City Council regarding the public use, recreational programming, and capital improvement of the City’s park, recreation and greenspace facilities.

#### **Sec. 2-\_\_\_\_. Creation, appointment and compensation.**

A standing committee is hereby created called the “City of Stone Mountain Parks and Recreation Committee” (hereinafter in this article referred to as the “Committee”).

- (1) *Membership, qualifications and terms of office.* The Committee shall consist of at least three (3) members but no more than five (5) members, each of whom shall be appointed by the City Council as provided below. To be eligible for appointment to the Committee, individuals must be residents of the City for at least one (1) year prior to taking office. Appointees shall serve a maximum of three (3) consecutive two-year terms, except as otherwise provided herein. A period of two (2) years shall elapse before any member serving the maximum three (3) consecutive terms shall be eligible to serve again on the Committee.
- (2) *Nomination, appointment and vacancies.*
  - a. Nominations for appointment to the Committee may be made by the Mayor and City Council members in their discretion. The Mayor or any member of the City Council may move for the appointment of a qualified individual to fill an open position on the Committee. Upon majority vote of the City Council, such nominated individual shall be appointed to fill the open position to serve in accordance herewith.
  - b. If requested by the City Council, when appointing Committee members, the City Clerk shall take action as may reasonably be required to inform City residents that an opening exists on the Committee, including the publication of a notice on the City’s website and in the City’s legal organ for a period no less than three (3) days

or more than ten (10) days. The City Clerk shall accept applications from interested individuals. The City Council shall review the applications and may appoint one or more individuals to fill open positions on the Committee membership.

- c. If an appointed member is unable to complete a term of office, then an appointment to fill the unexpired term shall be made in the same manner as making an initial appointment. A member appointed to serve the remainder of an unexpired term shall be eligible for reappointment for a maximum of two (2) consecutive two-year terms.
  - d. The term of the initial appointments to the Committee shall expire on January 31, 2026.
- (3) Members shall serve without compensation but may be reimbursed for reasonable expenses as approved, in advance, by the City Council.
- (4) Members shall serve at the will of the City Council and may be removed from the Committee at any time with or without cause.

**Sec. 2-\_\_\_\_. Duties of the Committee.**

The Committee shall:

- (1) Upon receipt of any specific direction from the City Council, provide recommendations and/or deliverables back to the City Council within a reasonable timeframe.
- (2) Periodically, but at a minimum, annually, review the City's Parks and Recreation Facility Rules and, if appropriate, propose amendments to the City Council for its consideration.
- (3) Propose recommended recreational programming opportunities to the City Council for its consideration.
- (4) Propose recommended capital improvements to the City's park, recreation and/or greenspace facilities to the City Council for its consideration.
- (5) Report to the City Council at least quarterly throughout the calendar year, in person at an open City Council meeting or by written submission to the City Council, regarding the activities of and business conducted by the Committee over the previous quarter and what is anticipated for the next quarter following the date of such report.



**Sec. 2-\_\_\_\_. Assistance by the City.**

The City administration shall provide technical and clerical assistance as the Committee may require and shall maintain permanent and complete records of the activities of the Committee.

**Sec. 2-\_\_\_\_. Bylaws, officers and quorum.**

- (a) The Committee shall adopt rules and procedures, such as bylaws for the transaction of its business. The Committee shall have the prerogative to adopt reasonable rules and bylaws consistent with this article and without the necessity of a further vote of the City Council. The Committee shall provide for the time and place of regular meetings and a method for the calling of special meetings. The Committee shall meet in January and at least quarterly throughout the calendar year. Meetings shall be conducted in accordance with the Georgia Open Meetings Act, O.C.G.A. § 50-14-1 et seq., as amended.
- (b) A quorum shall consist of a majority of the members.
- (c) The Committee shall elect a chair and such other officers as it deems appropriate from among its members. Officers shall serve one-year terms and shall be eligible for reelection. The Committee shall elect its officers at its January meeting.

**File Attachments for Item:**

3. Ordinance 2025-05 - Procedures for Removal (SECOND READ)

CITY OF STONE MOUNTAIN  
COUNTY OF DEKALB  
STATE OF GEORGIA

**THE COUNCIL OF THE CITY OF STONE MOUNTAIN HEREBY ORDAINS**

**AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF STONE MOUNTAIN; TO CREATE SECTION 2-32; TO PROVIDE FOR PROCEDURES FOR REMOVAL OF AN ELECTED OFFICER OF THE CITY; TO PROVIDE FOR A HEARING, APPOINTMENT OF A HEARING PANEL, RULES OF EVIDENCE, HEARING PROCEDURES; TO REQUIRE WRITTEN DECISION; TO PROVIDE FOR AN APPEAL; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

1. **Chapter 2 Article II. – MAYOR AND CITY COUNCIL** of the Code of Ordinances of the City of Stone Mountain shall be amended by creating new section 2-135, to be entitled Procedures for Removal of Officer, and to provide as follows:

**2-135. Procedures for Removal of Officer:** The following procedures shall be followed for the removal of an officer as specified in Section 5.16 of the Charter:

- (a) **Impartial Hearing Panel**
  - (1) The Panel shall be made up of three (3) members.
  - (2) One member shall be the Chief Judge of the City's Municipal Court. If for some reason the Chief Judge is unable to serve, the Chief Judge shall appoint an individual who meets the qualifications as set forth in this Section. The Chief Judge or his/her appointee shall be paid the same rate as the current rate for the Chief Judge for Municipal Court appearances.
  - (3) The remaining two members shall be appointed by a majority vote of Council.
  - (4) In addition to the Chief Judge or his/her appointee, at least one member shall be a competent attorney at law in good standing with the Georgia Bar with at least seven (7) years' experience in the practice of law. Said member shall be paid the same hourly rate as that received by the City Attorney. This attorney shall not have represented the Mayor nor any individual Council Member in his/her personal business at any time.
  - (5) In addition to the Chief Judge or his/her appointee, at least one member shall be a resident of the City of Stone Mountain, Georgia who has

continuously resided in the City at least three (3) years. For purposes of this section, “residing” means either owning or renting real property in the City, where such property is the primary place of abode of said person; said person currently lives at such property on a regular, continuous basis; and said person has no present intention of leaving said abode. Said member shall be paid the same rate as the current rate for a DeKalb County Grand Juror.

- (6) The person who is subject of the removal proceedings shall not serve on the panel.
- (7) Neither the Mayor nor a current member of City Council may be a member of the panel.
- (8) No member of the panel may be related by blood or marriage to the Mayor, any current member of City Council, nor the Chief Judge.
- (9) Except for the Chief Judge, no member of the panel may be a current employee, contractor, or appointee of the City, the Mayor, or the City Council.
- (10) Each member shall be impartial and shall have no conflict of interest with respect to the person subject of the removal proceedings.
- (11) Each member shall be at 21 years of age.
- (12+) Upon nomination to serve as a member of the panel, the nominee member must agree to serve and shall swear or affirm that s/he meets the applicable qualifications as set forth herein.

(b) Commencement of Proceedings

- (1) In order for removal proceedings to begin, there must be a majority vote of Council calling for the commencement of removal proceedings, identifying the person who is subject to removal, and stating at least one reason why such removal is being sought. Such reason(s) for the removal must be one or more of the causes provided in Title 45 of the Georgia Code or such other applicable laws. Such person subject of the removal proceedings shall be provided written notice specifying the reason(s) removal is being sought, and the City Clerk shall provide same within five (5) days of the commencement vote. The reason(s) why such removal is being sought is/are the only ground(s) upon which such person may be removed upon majority vote of the impartial hearing panel after the public hearing as set forth herein.
- (2) Recognizing that the City Attorney has a conflict of interest in seeking removal of an elected or appointed official, City Council shall retain outside counsel to represent the City in the removal proceedings. Within

ten (10) days of the commencement vote, the City Attorney shall submit in writing to the City Clerk the names of at least two possible candidates who have agreed that s/he would serve in the position of outside counsel representation in the removal proceedings. Said attorney shall be paid the same hourly rate as that received by the City Attorney. This attorney shall not have represented the Mayor nor any individual Council Member in his/her personal business at any time.

- (3) Within ten (10) days of the commencement vote, the Chief Judge shall affirm that s/he will serve on the impartial hearing panel or shall name his/her appointee.
- (4) Within ten (10) days of the commencement vote, the Mayor and each Council Member who desires to nominate a remaining member of the hearing panel shall submit in writing one name to the City Clerk. Therefore, there can be no more than seven (7) nominations for the two remaining panel members. This provision applies regardless of whether the Mayor or Council Member is subject of the removal proceedings.
- (5) The City Clerk shall place the names of the proposed outside counsel as the first agenda item to be voted on at the next regularly-scheduled meeting of City Council. The City Clerk shall place the names of the nominated panel members as the second agenda item to be voted on at the next regularly-scheduled meeting of City Council. The City Clerk shall provide each panel nominee's written agreement to serve and oath of qualifications in the agenda packet. Neither of these votes may be tabled or postponed to a future meeting.
- (6) In the event a majority of Council cannot agree on a proposed outside counsel to represent the City in the removal proceedings, the Chief Judge shall appoint said outside counsel.

(c) Hearing Procedures

- (1) The Chief Judge or his/her appointee shall serve as presiding officer of the hearing. The Chief Judge or his/her appointee may issue subpoenas as may be requested by either the City or the person subject of the removal proceedings. Each side shall request no more than three (3) subpoenas.
- (2) The hearing shall be open to the public. Notice of the hearing shall be the same as that required for a regularly-schedule City Council meeting.
- (3) A majority of the hearing panel shall set the date, time, and location of the hearing. Said hearing shall take place inside the City limits of the City of Stone Mountain.



- (4) The person subject of the removal proceedings may hire private counsel but is not required to be represented by counsel at the hearing.
- (5) At least three (3) business days prior to the hearing, the City and the person subject of the removal proceedings shall provide to the Chief Judge or his/her appointee, as well as to the opposing party, a list of any witnesses the party intends to call at the hearing. The parties are not required to call any identified witness on such list, but any additional, unlisted witnesses will not be heard at the hearing, unless in the discretion of the Chief Judge or his/her appointee mitigating factors exist as to why each additional witness was not timely identified prior to the hearing. Where practicable, a copy of each exhibit to be identified or tendered at the hearing shall be furnished to the Chief Judge or his/her appointee, as well as to the opposing party at least 3 days before the hearing unless otherwise directed by the hearing officer. The Chief Judge be responsible for transmitting the witness lists and exhibits to the other hearing panel members.
- (6) The burden of proving the ground(s) specified in the notice shall be on the City. The burden of proof shall be by the preponderance of the evidence \_\_\_\_\_  
[or clear and convincing evidence].
- (7) Each party shall have the right to give a brief opening statement, and then the parties shall be allowed to present their side of the matter, including submission of any documentary evidence and examination of any witnesses.
- (8) The Chief Judge or his/her appointee may apply the rules of evidence as applied in civil nonjury matters but shall, when necessary to ascertain facts not reasonably susceptible of proof under such rules, allow evidence not otherwise admissible thereunder if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs or if it consists of documents relied upon by the City in the normal course of its business.
- (9) The Chief Judge or his/her appointee shall give effect to statutory presumptions and the rules of privilege recognized by law.
- (10) Whenever any oral testimony sought to be admitted is excluded by the Chief Judge or his/her appointee, the proponent of the testimony may make an offer of proof by means of a brief statement on the record describing the excluded testimony. Whenever any documentary or physical evidence or written testimony sought to be admitted is excluded, it shall remain a part of the record as an offer of proof.
- (11) The parties shall be allowed full and thorough cross examination of any witnesses.

- (12) As each witness is called, s/he will answer direct questions and then be subject to cross-examination from the other party. During the evidentiary presentation, the hearing panel members shall have the right to ask questions of the party currently presenting evidence, ask questions of the witnesses, and request clarification of certain points.
  - (13) After the City has presented any evidence in rebuttal or waived the right to do so, each party shall have the right to give a brief closing argument as directed by the Chief Judge or his/her appointee.
  - (14) The City shall provide for the transcription of the proceedings by a certified court reporter and shall bear costs of same.
  - (d) Within 15 days after the completion of the hearing, the hearing panel shall make a written decision with findings and conclusions. The decision shall carry with a majority vote of the hearing panel members. The Chief Judge or his/her appointee shall deliver a copy of said written decision to the person subject of removal and to the counsel representing the City. Said counsel for the City shall then distribute said written decision to the Mayor and each Council Member.
  - (e) Any appeal shall be as set forth in section 5.16 (b) of the City Charter and shall be pursued under the Superior and State Court Appellate Practice Act, § 5-3-1 et seq.
2. **Repealer.** All ordinances or parts of ordinances that conflict with this ordinance are hereby repealed.
  3. **Severability.** If any paragraphs, subparagraphs, sentence, clause, phrase, or any portion of this Ordinance shall be declared invalid or unconstitutional by any Court of competent jurisdiction, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council to provide separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.
  4. This Ordinance shall become effective as provided by the Charter.

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Dr. Beverly Jones, Mayor

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Shavala Ames, City Clerk

CITY OF STONE MOUNTAIN  
COUNTY OF DEKALB  
STATE OF GEORGIA

**THE COUNCIL OF THE CITY OF STONE MOUNTAIN HEREBY ORDAINS**

**AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF STONE MOUNTAIN; TO CREATE SECTION 2-32; TO PROVIDE FOR PROCEDURES FOR REMOVAL OF AN ELECTED OFFICER OF THE CITY; TO PROVIDE FOR A HEARING, APPOINTMENT OF A HEARING PANEL, RULES OF EVIDENCE, HEARING PROCEDURES; TO REQUIRE WRITTEN DECISION; TO PROVIDE FOR AN APPEAL; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

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- (a) **Impartial Hearing Panel**
  - (1) The Panel shall be made up of three (3) members.
  - (2) One member shall be the Chief Judge of the City's Municipal Court. If for some reason the Chief Judge is unable to serve, the Chief Judge shall appoint an individual who meets the qualifications as set forth in this Section. The Chief Judge or his/her appointee shall be paid the same rate as the current rate for the Chief Judge for Municipal Court appearances.
  - (3) The remaining two members shall be appointed by a majority vote of Council.
  - (4) In addition to the Chief Judge or his/her appointee, at least one member shall be a competent attorney at law in good standing with the Georgia Bar with at least seven (7) years' experience in the practice of law. Said member shall be paid the same hourly rate as that received by the City Attorney. This attorney shall not have represented the Mayor nor any individual Council Member in his/her personal business at any time. This attorney shall not be a current resident of the City of Stone Mountain. For purposes of this section, a resident of the City of Stone Mountain means either owning or renting real property in the City, where such property is

the primary place of abode of said person; said person currently lives at such property on a regular, continuous basis; and said person has no present intention of leaving said abode.

- (5) In addition to the Chief Judge or his/her appointee, the third member shall be a resident of DeKalb County, Georgia but not of the City of Stone Mountain. For purposes of this section, a resident of DeKalb County, Georgia means either owning or renting real property in DeKalb County, where such property is the primary place of abode of said person; said person currently lives at such property on a regular, continuous basis; and said person has no present intention of leaving said abode. A resident of the City of Stone Mountain means either owning or renting real property in the City, where such property is the primary place of abode of said person; said person currently lives at such property on a regular, continuous basis; and said person has no present intention of leaving said abode. Said member shall be paid the same rate as the current rate for a DeKalb County Grand Juror.
  - (6) The person who is subject of the removal proceedings shall not serve on the panel.
  - (7) Neither the Mayor nor a current member of City Council may be a member of the panel.
  - (8) No member of the panel may be related by blood or marriage to the Mayor, any current member of City Council, nor the Chief Judge.
  - (9) Except for the Chief Judge, no member of the panel may be a current employee, contractor, or appointee of the City, the Mayor, or the City Council.
  - (10) Each member shall be impartial and shall have no conflict of interest with respect to the person subject of the removal proceedings.
  - (11) Each member shall be at least 21 years of age.
  - (12) Upon nomination to serve as a member of the panel, the nominee member must agree to serve and shall swear or affirm that s/he meets the applicable qualifications as set forth herein.
- (b) Commencement of Proceedings
- (1) In order for removal proceedings to begin, there must be a majority vote of Council calling for the commencement of removal proceedings, identifying the person who is subject to removal, and stating at least one reason why such removal is being sought. Such reason(s) for the removal must be one or more of the causes provided in Title 45 of the Georgia



Code or such other applicable laws. Such person subject of the removal proceedings shall be provided written notice specifying the reason(s) removal is being sought, and the City Clerk shall provide same within five (5) days of the commencement vote. The reason(s) why such removal is being sought is/are the only ground(s) upon which such person may be removed upon majority vote of the impartial hearing panel after the public hearing as set forth herein.

- (2) Recognizing that the City Attorney has a conflict of interest in seeking removal of an elected or appointed official, City Council shall retain outside counsel to represent the City in the removal proceedings. Within ten (10) days of the commencement vote, the City Attorney shall submit in writing to the City Clerk the names of at least two possible candidates who have agreed that s/he would serve in the position of outside counsel representation in the removal proceedings. Said attorney shall be paid the same hourly rate as that received by the City Attorney. This attorney shall not have represented the Mayor nor any individual Council Member in his/her personal business at any time.
- (3) Within ten (10) days of the commencement vote, the Chief Judge shall affirm that s/he will serve on the impartial hearing panel or shall name his/her appointee.
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(c) Hearing Procedures

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- (4) The person subject of the removal proceedings may hire private counsel but is not required to be represented by counsel at the hearing.
- (5) At least three (3) business days prior to the hearing, the City and the person subject of the removal proceedings shall provide to the Chief Judge or his/her appointee, as well as to the opposing party, a list of any witnesses the party intends to call at the hearing. The parties are not required to call any identified witness on such list, but any additional, unlisted witnesses will not be heard at the hearing, unless in the discretion of the Chief Judge or his/her appointee mitigating factors exist as to why each additional witness was not timely identified prior to the hearing. Where practicable, a copy of each exhibit to be identified or tendered at the hearing shall be furnished to the Chief Judge or his/her appointee, as well as to the opposing party at least 3 days before the hearing unless otherwise directed by the hearing officer. The Chief Judge be responsible for transmitting the witness lists and exhibits to the other hearing panel members.
- (6) The burden of proving the ground(s) specified in the notice shall be on the City. The burden of proof shall be by the preponderance of the evidence [or clear and convincing evidence].
- (7) Each party shall have the right to give a brief opening statement, and then the parties shall be allowed to present their side of the matter, including submission of any documentary evidence and examination of any witnesses.
- (8) The Chief Judge or his/her appointee may apply the rules of evidence as applied in civil nonjury matters but shall, when necessary to ascertain facts not reasonably susceptible of proof under such rules, allow evidence not otherwise admissible thereunder if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs or if it consists of documents relied upon by the City in the normal course of its business.



- (9) The Chief Judge or his/her appointee shall give effect to statutory presumptions and the rules of privilege recognized by law.
  - (10) Whenever any oral testimony sought to be admitted is excluded by the Chief Judge or his/her appointee, the proponent of the testimony may make an offer of proof by means of a brief statement on the record describing the excluded testimony. Whenever any documentary or physical evidence or written testimony sought to be admitted is excluded, it shall remain a part of the record as an offer of proof.
  - (11) The parties shall be allowed full and thorough cross examination of any witnesses.
  - (12) As each witness is called, s/he will answer direct questions and then be subject to cross-examination from the other party. During the evidentiary presentation, the hearing panel members shall have the right to ask questions of the party currently presenting evidence, ask questions of the witnesses, and request clarification of certain points.
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  - (d) Within 15 days after the completion of the hearing, the hearing panel shall make a written decision with findings and conclusions. The decision shall carry with a majority vote of the hearing panel members. The Chief Judge or his/her appointee shall deliver a copy of said written decision to the person subject of removal and to the counsel representing the City. Said counsel for the City shall then distribute said written decision to the Mayor and each Council Member.
  - (e) Any appeal shall be as set forth in section 5.16 (b) of the City Charter and shall be pursued under the Superior and State Court Appellate Practice Act, § 5-3-1 *et seq.*
2. **Repealer.** All ordinances or parts of ordinances that conflict with this ordinance are hereby repealed.
3. **Severability.** If any paragraphs, subparagraphs, sentence, clause, phrase, or any portion of this Ordinance shall be declared invalid or unconstitutional by any Court of competent jurisdiction, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council to provide separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

Ordinance 202\_\_ - \_\_ - \_\_\_\_

4. This Ordinance shall become effective as provided by the Charter.

\_\_\_\_\_  
Dr. Beverly Jones, Mayor

\_\_\_\_\_  
Shavala Ames, City Clerk

DRAFT