



Mayor and City Council Work Session

Tuesday, October 15, 2024 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 - Interim 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: [\[LINK\]](#)

- I. Call to Order**
- II. Determination of Quorum**
- III. Invocation and Pledge**
- IV. 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.

V. **Review of the Journal (Assistant City Clerk Mai)**

1. Request Minutes from City Council Meeting [10.01.2024] be approved (Assistant City Clerk Mai) (Pages 4-8)

VI. **Reading of Communications**

VII. **Adoption of The Agenda of The Day**

VIII. **Committee Discussion Items**

1. Stone Mountain Community Garden (Pages 9-12)
2. Planning Commission (Page 13)
3. Economic Development/Downtown Development Authority (Pages 14-15)
4. Historic Preservation Commission (Page 16)
5. Parks and Recreation Committee

IX. **Staff Reports**

1. Public Safety- Police Chief- James Westerfield Jr (Pages 17-19)
2. Administration- Assistant City Clerk - Danny Mai (Pages 20-22)

X. **City Manager's Report**

1. Interim City Manager - Shawn Edmondson

XI. **Council Policy Discussion Topics**

XII. **Unfinished Business**

1. Discussion regarding the process in applying and receiving a bond for SPLOST II. (Interim City Manager Edmondson)
2. Discussion regarding the "Small Cities IGA" (Inter-Governmental Agreement) between the City of Stone Mountain and DeKalb County (Interim City Manager Edmondson & City Attorney Strickland)
3. Discussion on DDA (CM Freeman)

XIII. **New Business**

1. **1ST READING:** Discussion and review of Staff Recommendations for Variance at 844 Sheppard Way (Parcel ID: 18 073 01 135) to allow for the construction of a wooden fence within the stream buffers, with the condition that the fence be at least 50% open to allow for water flow. (City Planner Edwards) (Pages 23-30)
2. **1ST READING:** Discussion and review of Staff Recommendations for Variance Denial at 844 Sheppard Way (Parcel ID: 18 073 01 135) to deny the request for a fence in the front yard to

exceed 4 feet in height, as recommended by staff and the Planning Commission. (City Planner Edwards) (Pages 30-37)

- 3. 1ST READING:** Discussion and review of Staff Recommendations for Variance Denial at 6204 East Ponce de Leon Ave (Parcel ID: 18 125 03 014) to deny the request for a curb cut exceeding 24 feet in width, as recommended by staff and the Planning Commission. (City Planner Edwards) (Pages 38-46)
- 4.** Discussion and approval of Open Containers for the "Day of the Dead" celebration and all other major festivals and parades. (CM Marianos)

XIV. New Ordinances and Resolutions

- 1. 1ST READING:** Ordinance 2024-08 to amend Chapter 5, Article 6, Division 12 – Community Redevelopment Tax Incentive Program of the City of Stone Mountain Code of Ordinances. (City Planner Edwards) (Pages 47-55)

XV. Remarks of Privilege

XVI. Announcements by The Mayor

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

XVIII. Adjournment



Mayor and City Council Regular Session

Tuesday, October 01, 2024 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 - Interim 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/829260137511>]

Call to Order

Mayor called to Order at 06:34

Determination of Quorum

PRESENT

Council Member: Post 1 Anita Bass (Online)

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

Invocation and Pledge

Mayor led the Pledge of Allegiance at 06:36 PM ET. Mayor led the invocation at 06:36 PM ET

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

Comments from the Public

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Citizen Comment #1 (A. Williams): Williams emphasized the necessity of repairing the speed sign at the intersection of Mountain View and Stone Trace to enhance traffic safety.

Citizen Comment #2 (Cheryl Dudley): Dudley discussed the critical importance of voting and outlined various strategies to ensure that individuals do not lose their right to vote.

Citizen Comment #3 (Joan Monroe): Monroe highlighted the need for crime reports to be made available online. Monroe expressed dissatisfaction with the current state of Mainstreet and its visibility.

Citizen Comment #4 (Shante Lewis): Lewis addressed the challenges the community has faced following the hurricane, particularly the lack of trash pickup and mail services. Lewis underscored the urgency of addressing these ongoing issues.

Citizen Comment #5 (Kay Nunez): Nunez expressed gratitude to the Council for the progress made in the city, noting the enhanced safety measures that have been implemented.

Citizen Comment #6 (Ms. Thomas): Thomas voiced concerns regarding the proposed bond, cautioning against potential hazards associated with bonding the funds. Thomas urged the Council to carefully consider the potential liabilities involved.

Citizen Comment #7 (Clint Monroe): Monroe stressed the significance of having robust incident response plans and the necessity for the city to maintain a backup generator. Monroe inquired about the type of gas source being used and reiterated the importance of voter registration and participation.

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

- 1. Request Minutes from City Council Meeting [09.17.2024] be approved (Pages 4-10)

MOTION TO APPROVE

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 6 Crowe

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

MINUTES APPROVED

Reading of Communications

Adoption of The Agenda of The Day

MOTION TO APPROVE THE AGENDA FOR TODAY'S MEETING

Proposed Changes:

Items to be Tabled:

Item to be Added:

Motioned 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 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

City Manager's Report

- 2. Interim City Manager - Shawn Edmondson (Pages 11-26)
Report can be found in Agenda Package & on the City Website.

Council Policy Discussion Topics

Unfinished Business

3. Discussion on the soft quotes (quotes may vary upon inspection) received from Forensic Accounting Firms: IAG Forensics & Valuation, Forensic Brothers Investigative Services investigators, Moore Colson. (Interim City Manager Edmondson). (Pages 27-70)

Interim City Manager Edmondson provided an overview of the quotes included in the agenda package and clarified the accompanying information.

No action was taken.

4. Discussion on DDA (CM Gil Freeman)

The item has been postponed to the next session.

New Business

5. Discussion and approval of an agreement between Pond & Company and the City of Stone Mountain for additional services related to the schematic design of the Baptist Lawn property and adjacent Georgia Military College property, aimed at developing a public greenspace for special events. The scope includes two tasks: Task 1 – Existing Conditions Assessment (including survey) for \$19,950.00 and Task 2 – Concept Design for \$35,550.00, totaling \$55,500.00. (Interim City Manager Edmondson) (Pages 71-74)

There are no action items.

6. Discussion and Approval of Procedures for City Contracts; in order to, review and approve the proper procedures for managing and signing City Contracts. (MPT Ryan Smith & CM Teresa Crowe)

There are no action items.

7. Discussion and approval to pursue a Bond Council to guide the process in applying and receiving a bond for SPLOST II. (Interim City Manager Edmondson)

There are no action items.

New Ordinances and Resolutions

8. Discussion and Approval of Resolution 2024-06, A resolution to allocation the remaining ARPA Funds (Interim City Manager Edmondson)

Interim City Manager requested that this item be struck from the agenda and removed.

Remarks of Privilege

Announcements by The Mayor

Executive Session to Discuss Personnel, Legal, Cyber Security and/or Real Estate

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

Adjournment

OCTOBER 9, 2024

STONE MOUNTAIN COMMUNITY GARDEN AT VFW PARK

COMMITTEE REPORT



Members:

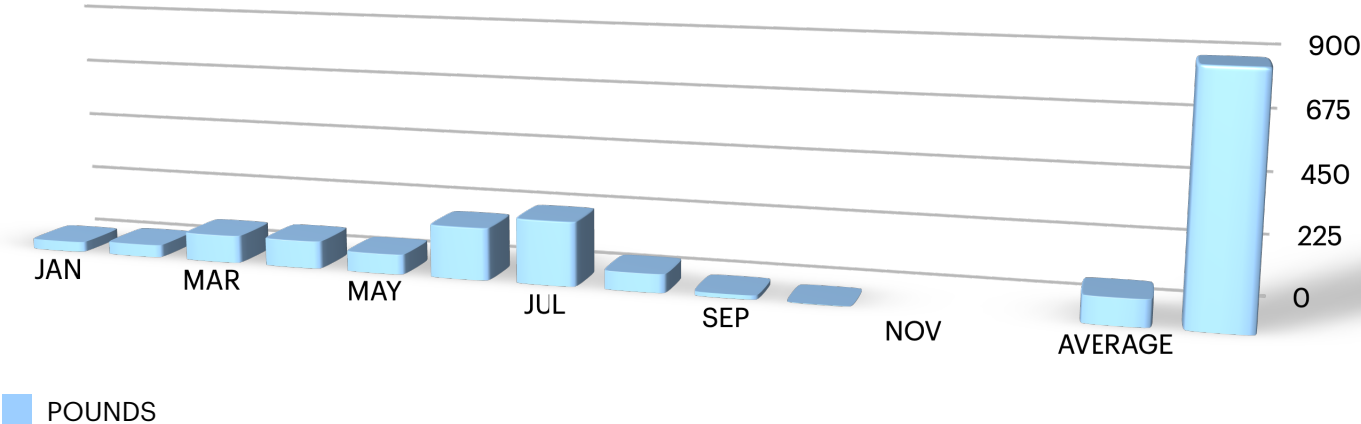
COLUMBUS BROWN, CHAIR
CHAKIRA JOHNSON, VICE CHAIR
JULIANA PIERRE, SECRETARY
LAURETTE JACKSON, MEMBER
TOM ZIMMERMAN, MEMBER

OVERVIEW

The Stone Mountain Community Garden at VFW Park (SMCG) was established in March 2011 as a partnership between the City of Stone Mountain and the Dekalb County/ University of Georgia Extension Service (Extension Service). Since that time, the SMCG has provided over seven tons of fresh produce to the Stone Mountain Ecumenical Food Pantry (Food Pantry) for distribution to local families with food insufficiencies. The SMCG is an all volunteer effort that has provided essential food for over 3,934 families to date.

Thus far in 2024, the SMCG has contributed over 890 pounds of fresh vegetables, fruits and herbs to the Food Pantry, averaging 98 pounds per month (see below).

SMCG 2024 Monthly Harvests for Food Pantry



The SMCG provides over 50 spaces for individuals in the community to grow their own vegetables, fruits and flowers throughout the year. There is also, an apiary, butterfly/ pollinator garden, four composting systems, herb garden, children’s garden, grape arbor and two vertical gardens. No pesticides are used at the SMCG. Ten Master Gardeners presently support this effort through the Extension Service. Volunteers (excluding Master Gardeners) have provided more than 400 service hours thus far in 2024.

RECENT EVENTS AT SMCG

September 7, 2024 Mini Talk on Essential Oils by Ms. Debra Zelner (Photo on Cover)

September 19, 2024 Quarterly SMCG Committee Meeting (ZOOM)— Committee Officers Reelected for two more years

UPCOMING EVENTS AT SMCG

October 12, 2024 Third Annual Faith and Blue (Local Church Groups and Law Enforcement) Workday

October 19, 2024 Plant Eat and Repeat Talk on Preparing for Fall in Gardens - Hosted by Atlanta Botanical Gardens and Food Well Alliance. Additionally Healthy Garden, Healthy You - Talk and Cooking Demonstration on Healthy Eating - Hosted by the American Cancer Society Cancer Action Network. Atlanta Botanical Gardens will prepare a documentary of this event.

November 9, 2024 Workday and Mini Talk (Topic TBD)

December 19, 2024 Quarterly SMCG Committee Meeting (ZOOM)

RECENT ACCOMPLISHMENTS

1. Partnered with Atlanta Botanical Gardens to Install Drip Irrigation System for Vertical Gardens
2. Acquired Materials for Repair and Replacement of Raised Beds

MEDIA EVENTS

Caston's Blog Dekalb County Extension 2024

<https://site.extension.uga.edu/dekalb/2024/07/master-gardener-site-spotlight-stone-mountain-community-garden/>

Food Well Alliance April 2024 Instagram

<https://www.instagram.com/reel/C5USbu7uiS0/?igsh=MWJ4d3M1cnV5MHQ1cw==>

Stone Mountain Community Garden - Facebook

<https://www.facebook.com/StnMtnCommunityGarden/>

AIB TV 2024 Documentary on SMCG

<https://www.youtube.com/watch?v=DeVQI5Q-l34&t=1s>

11 Alive TV 2024 Documentary on SMCG

<https://www.11alive.com/video/news/local/gardeners-grow-for-the-hungry-in-stone-mountain/85-2bd50dc4-d5f6-42b0-8af8-14bc12bed901>

FOX 5 ATL 2024 Documentary on SMCG

<https://www.fox5atlanta.com/video/1435657>

Food Well Alliance Just Picked! Blog

<https://www.foodwellalliance.org/blog/columbus-brown-stone-mountain-community-garden>

Georgia Grown 2022 Article, Page 32

<https://editions.mydigitalpublication.com/publication/?i=759283>

Georgia Bulletin Article 2021 Re: SMCG

<https://georgiabulletin.org/news/2021/04/corpus-christi-parishioners-join-community-effort-to-garden-with-love/>

Dekalb County Extension How to Build a Raised Bed

<https://www.facebook.com/UGAExtensionDeKalbCounty/videos/build-a-raised-bed/1117166168664185/>

Georgia Bulletin Article 2016 re SMCG

<https://georgiabulletin.org/news/2016/12/community-garden-grows-tons-good/>

Georgia Bulletin Article 2013 re SMCG

[parishes-find-vitality-in-caring-for-creation](#)



**City of Stone Mountain Planning Commission
Mayor & Council Update 10/15/24**

Item # 2.

September 16, 2024 meeting items:

1. 844 Sheppard Way (Parcel ID: 18 073 01 135)
Request – Stream buffer variance from Section 28-545 to allow for a fence within the 50-foot undisturbed, natural buffer and the 75-foot impervious surface buffer. **Recommended Approval w/ conditions.**
2. 844 Sheppard Way (Parcel ID: 18 073 01 135)
Request – Variance from Section 6-11 to allow a fence in the front yard to exceed 4-feet in height. **Recommended denial.**
3. 6204 East Ponce de Leon Ave (Parcel ID: 18 125 03 014)
Request – Variance from Section 7-1.3(C)(1) to allow for a curb cut with a width greater than 24 feet. **Recommended denial.**

There are no submittals for the October 21st, 2024 meeting at this time.

The next meeting is scheduled for November 18th, 2024.

Activity Report

From: Downtown Development Authority (DDA) of City of Stone Mountain

Date: 10/07/2024

Re: Monthly Report for September 2024

DDA REGULAR MEETING / September 12, 2024

The agenda for that meeting included the following discussions and approvals:

- **Approval of the Agenda:** Thom DeLoach made a motion to approve the agenda to include one additional item - the approval of a landscaping proposal #7790: *Alley Way Landscape Enhancement*, for \$6,995.82.

- The meeting minutes from August 12 and August 26, 2024, were approved.

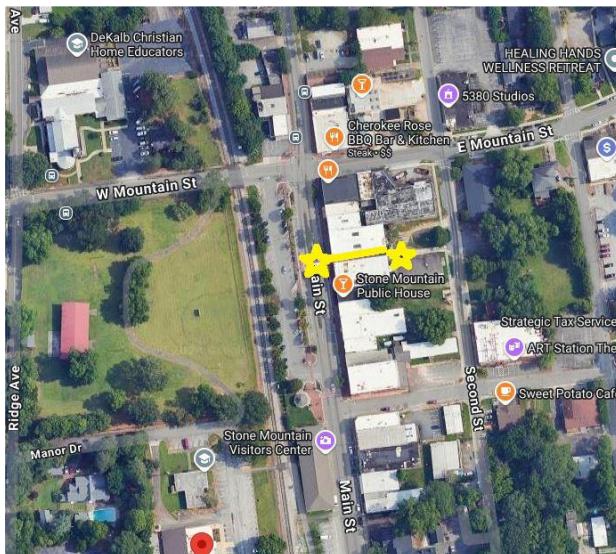
- **Reports:** the DDA's monthly report to the DCA was submitted.

- **RFQ #2, 2024 / Mural Project: 901 Main Street:** The DDA unanimously approved the proposed RFQ. (Michelle Dunbar did not participate in the discussion regarding the RFQ and the mural proposed location; she also recused herself from voting on this item). The deadline for artists to submit their proposals was October 8th, 2024.

- **Façade Grants:** The Sweet Potato Café applied for a Façade Grant. After reviewing the application and the supporting documents, the DDA unanimously approved the request. The project includes 27' x 12' patio deck that will be added to the left side of the building, and the replacement of seven windows.

- **2024 Landscaping Projects:** the DDA approved Proposal #7705, #7707 and #7790, for flower installation at the planters, and beautification of the small alley.

Small Alley Project Location and Design:



SUPPORT A THRIVING BUSINESS ENVIRONMENT

- **Social Media Presence:** the DDA announced that their September's regular meeting will be rescheduled from 09/23 to 09/12/2024. The DDA also promoted an RFQ for the mural project on their social media page.
- **ULI Atlanta / mTAP application:** ULI Atlanta is a District Council of the Urban Land Institute (ULI) that assists cities and authorities through Technical Assistance Panels (TAPs) and the Leadership mTAP program.

In August 2024 the DDA approved to engage the ULI Atlanta in a project, and on 09/20/2024 submitted their application.

The DDA is hoping to have the ULI's assistance on multiple fronts: Creation of a property acquisition strategy including identifying potential funding sources; guidance for investor/developer attraction and incentive structuring; and identification of potential highest and best uses for key catalyst parcels within Stone Mountain's downtown. The DDA is hoping to build a strategy to be able to partner with developers and investors to revitalize these building so that we can bring new businesses to our city.



**City of Stone Mountain
Historic Preservation Commission
Mayor & Council Update 10/15/24**

Item # 4.

September 18, 2024 meeting items:

1. 5155 Central Drive – Joyce & Dave Thomas
Request to replace the walkway and both sets of stairs attached to the walkway. **APPROVED**
2. 5238 West Mountain – Rachel Alexander
Request to repair the existing sunroom including replacing siding, framing, doors, windows, and adding a heating/cooling system. **APPROVED**

October 16th, 2024 meeting items:

1. 5379 East Mountain – Steve Franklin
Request to add an accessory structure for storage to the site.
2. 900 3rd Street – Delia Longoria
Request to remove 2 trees from the property.

The next meeting is scheduled for November 20th, 2024.

CITY OF STONE MOUNTAIN
POLICE ACTIVITY STATISTICS

Item # 1.

SEPTEMBER 1-2024 - SEPTEMBER 30-2024

ACTIVITY	DAY A-SHIFT	DAY B-SHIFT	MORNING C-SHIFT	MORNING D-SHIFT	TOTALS
Calls	48	31	19	39	137
Arrests	14	0	5	5	20
Citations	11	10	41	17	158
Warning Citations	8	7	2	8	25
DUI	0	0	0	0	0
VGCSA	0	0	0	1	1
Parking Citations	6	0	0	0	19
TOTALS	87	48	67	70	360
Incident Reports	141			Doomestic 13	Accident 9

**CITY OF STONE MOUNTAIN
2024 CRIME STATISTICS**

Item # 1.

2024	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTALS
HOMICIDE	0	0	0	0	0	0	0	0	0				0
RAPE	0	0	0	0	0	0	1	0	0				1
ATTEMPTED RAPE	0	0	0	0	0	0	0	0	0				0
ROBBERY	0	0	0	0	0	0	0	0	1				1
AGGRAVATED ASSAULT	2	4	1	1	2	0	1	4	2				17
SIMPLE ASSAULT/BATTERY	3	7	7	4	5	13	5	4	4				52
BURGLARY- FORCED ENTRY	1	2	0	0	0	1	4	0	3				11
BURGLARY-NO FORCE	1	0	0	0	1	1	0	1	0				4
LARCENY	2	8	7	9	8	4	5	3	6				52
FRAUD	6	2	3	5	1	1	5	5	0				28
MOTOR VEHICLE THEFT	7	5	3	3	3	1	7	1	3				33
TOTALS	22	28	21	22	20	21	28	18	19	0	0	0	199
*Statistics include NIBRS Group A Crimes (formerly known as FBI Part 1 Crimes), and Simple Assaults and Frauds, which are NIBRS Group B Crimes.													

**CITY OF STONE MOUNTAIN
2024 CRIME STATISTICS**

Item # 1.

2024	VIOLENT CRIME	PROPERTY CRIME	Statistic	Stone Mountain					
JAN	2	15	Violent Crime per 1,000 Residents	3.87					
FEB	4	17	Property Crime per 1,000 Residents	25.64					
MAR	1	13	Total Crime per 1,000 Residents	29.51					
APR	1	17							
MAY	2	13	Total Cases Assigned to CID YTD*	227					
JUN	0	8	CID Active YTD	103					
JUL	2	21	CID Inactive YTD	8					
AUG	4	10	CID Cleared YTD	25					
SEP	3	12	CID Exceptionally Cleared YTD	12					
OCT			CID Suspended YTD	68					
NOV			CID Unfounded YTD	11					
DEC			CID Clearance Rate (Cleared/Total Cases)	17%					
TOTALS	19	126							
MO. AVERAGE	2.11	14.00							
ANNUALIZED	25.33	168.00							
CRIME RATE PER 1,000 POP	3.87	25.64							
				2024 YTD	2023	2022	2021	2020	2019
			Simple Assault	52	92	107	123	101	112
			Simple Assault per 1,000 Residents	7.76	13.73	15.96	19.44	15.96	17.70
*Cases Assigned to CID include NIBRS Group A and Group B Crimes									

ADMINISTRATIVE TASKS	
Business License (New & Renewals)	4
Open Records Request	77
Approx Time per Request	1.50 Days
New Hire - Part Time	2
Total	83

CODE ENFORCEMENT	
5-267(A) Exterior premises in clean, safe sanitary conditions. All premises shall be clean and maintain at all times.	1
SEC:5-267(D) Exterior Property Req.-All premises and exterior property, including develop and undeveloped lot shall maintained free from weed, underbushed or plant overgrowth in excess of twelve (12) inches.	9
Dekalb Co. SEC 22-28 Storing of waste container.	3
SEC. 12-36 BUSINESS LICENSE REQ. PERSON ENGAGED IN BUSINESS WITHOUT A LICENSE	1
SEC. 23-21(14) PROHIBITED SIGNS:INTERNALLY ILLUMINATED LIGHTS; PROHIBITED.SEC. 12-46 (B) COLLECTION OF DELINQUENT OCCUPATION TAXES; IMPOSED FINES	1
SEC. 5-267 (J) Junk, Etc. It shall be unlawful for owner, operator or occupant of a dwelling , building or structure to use the premises of such property for open storage or of any household appliances, glass, building materials, building trash or similar-	2
SEC. 5-168 (E) Posting Of Permits Req. SEC 8-11 Enviromental -Vegation Protection.-Property inspecting revealed 6 trees were removed in a historic distric without permits.	1
SEC. 5-267 (H-5),(J) Exterior Property Req. Remove all abandon item from the side of the dwelling , trashed mail box in right of way. - Trailer in rifght of way or in rear lot line.	1
SEC. 5-267 (J) Junk, Etc. It shall be unlawful for owner, operator or occupant of a dwelling , building or structure to use the premises of such property for open storage or of any household appliances, glass, building materials, building trash or similar items	3

SEC. 5-267(A) EXTERIOR PREMISES SHALL BE MAINTAINED IN A CLEAN SANITARY CONDITION. SEC. 5-270 INTERIOR DOORS-DAMAGED. SEC 5-272 RUBBISH AND GARBAGE AROUND DUMPSTER. SEC.5-294 BREEZEWAY LIGHTS DEEM. SEC. 5-348 ELECTRICAL APPLIANCES HAZARD- TEMP 90 DEGREES A/C NOT WORKING CORRECTLY	1
Sec. 5-40- FAILURE TO MAINTAIN A HISTORIC PROPERTY- SEC. 25-78 LEAVING OBJECTS ON STREET OR SIDEWALK 5-267(D)- HIGH WEEDS AND GRASS/ SEC. 5-269 (M) BROKEN WINDOWS/ 5-3189 C) PLUMBING FLOOR SURFACE- 5-267(A)TRASH IN YARD/ 5-267 (D) RODENT INFESTATION/ 5-40 - FAILURE TO MAINTAIN A HISTORIC PROPERTY.	1
SEC: 5-267 (A), 5-269 (A,B-1,2,3), F, 5-269 H, M. Repair siding and garage door on structure, cut and maintain weeds in front of property	1
SEC: 5-272 (A) Rubbish & Garbage Req. SEC. 5-267 (J) Junk, Etc. It shall be unlawful for owner, operator or occupant of a dwelling , building or structure to use the premises of such property for open storage or of any household appliances, glass, building materials, building trash or similar items.	1
SEC:5-267(D) Exterior Property Req.-All premises and exterior property, including develop and undeveloped lot shall maintained free from weed, underbushes or plant overgrowth in excess of twelve (12) inches.	9
Totals:	35

PERMITTING	
Administration	11
Building Permit (Commercial)	1
Building Permit (Residential)	2
C/O or C/C New or Renovated Commercial Tenant	1
C/O or C/C Renovated Single Family Detached, Condo	4
Demolition - Single family residential house	2
Re-Inspection	1
Residential Plan Review	1
Residential Roof	1
Trade Permits	5
Zoning Certifications	13
Tree Removal Permits	3

Sign Permits	1
Totals:	46



City of Stone Mountain
875 Main Street
Stone Mountain, GA 30083

STAFF ANALYSIS AND REPORT

OWNER/APPLICANT: Jairo de Jesus Silva Torres

LOCATION: 844 Sheppard Way
(Parcel ID: 18 073 01 135)

CURRENT ZONING/USE: R-2: Traditional Residential

PROPOSED ZONING/USE: R-2: Traditional Residential

REQUEST: Variance from Section 28-545 to allow for an encroachment into the 50-foot undisturbed, natural stream buffer and the 75-foot impervious surface stream buffer to construct a 6-foot wooden fence.

ZONING/ADJACENT LAND USE:

North	R-2: Traditional Residential – Single-Family
South	R-2: Traditional Residential – Single-Family
West	R-1: Single-family Residential – Townhomes
East	R-2: Traditional Residential – Single-Family

MEETING INFORMATION:

Planning & Zoning Commission:	09/16/2024 – 6:30 P.M.
Mayor & City Council 1 st Read:	10/15/2024 – 6:30 P.M.
Mayor & City Council Public Hearing:	11/06/2024 – 6:30 P.M.

RECOMMENDATION:

Staff recommends approval with conditions.

BACKGROUND:

October 15, 2024

To: City of Stone Mountain Planning Commission

From: Richard Edwards, AICP

Subject: The applicant is requesting a variance from Section 28-545 to allow for an encroachment into the 50-foot undisturbed, natural and 75-foot impervious surface stream buffers to construct a 6-foot wooden fence.

Background:

The existing single-family home was constructed in 1982, which was prior to the City of Stone Mountain Stream Buffer Protection Ordinance being adopted in April of 2005. The applicant purchased the property in June of 2024 and wishes to install a wooden panel fence to allow their dogs to have space outside.

There is an ephemeral stream that cuts through most of the southern portion of the property that restricts development on over 80% of the lot. The 50-foot impervious surface buffer comes all the way up to the end of the steps on the side of the house and the 75-foot impervious surface buffer comes up to the front door of the house. The red line below depicts the approximate location of the 75-foot impervious buffer line and the blue/green line shows the approximate location of the 50-foot undisturbed, natural stream buffer line. Staff measured from the top of the stream bank.



Analysis: Pursuant to Article III of the City of Stone Mountain Stream Buffer Protection Ordinance, Staff has reviewed the variance requests in accordance with the required review criteria.

A. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography.

The home was constructed before the stream buffer regulations were adopted by the city. Approximately 50% of the existing structure is located within the 75-foot impervious

surface stream buffer and all the existing driveway is located within the 50-foot undisturbed, natural stream buffer. However, this variance request does not directly relate to the size, shape, nor topography of the lot.

B. The application of the zoning ordinance to the particular piece of property would create an unnecessary hardship.

The strict application of the zoning ordinance could be considered an unnecessary hardship. The property owner would not be allowed to fence in any portion of side yard and most of the front and rear yards.

C. Such conditions are peculiar to the particular property involved.

These conditions are peculiar to this particular property, as there are very few existing developed properties where the stream buffer encompasses over 80% of the developable land.

D. Such conditions are not the result of any actions of the property owner.

This is a direct result of the property owner’s desire to have a fence with their home that was placed in a stream buffer. However, this lot was developed prior to the adoption of the Stream Buffer Protection Ordinance and a fence would be considered minimal development with the proposed staff conditions.

E. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.

It is not anticipated that the proposed fence would cause detriment to the public good. However, this request does not fall within the intent of the Stream Buffer Protection Ordinance.

Recommendation:

Pursuant to Article III of the City of Stone Mountain Stream Buffer Ordinance, Staff has reviewed the request in accordance with the required review criteria and recommends **APPROVAL** of the variance from Section 28-545 to construct a wooden fence within the 50-foot undisturbed, natural stream buffer and the 75-foot impervious surface stream buffer with the following condition:

1. The fence shall be at least 50% open to allow for water flow.

The Planning Commission recommended **APPROVAL with staff conditions** at their September 16, 2024 regularly scheduled meeting.







Item # 1.

APPLICATION FOR VARIANCE

City of Stone Mountain
875 Main Street
Stone Mountain, GA 30083

Date Received: _____

PERMIT#: _____
(Office Use Only)

APPLICANT INFORMATION

Applicant Name: Jairo de Jesus Silva Torres

Address: 689 Garden Walk Dr

Phone: 4044213374 Cell: 4044760119 Fax: _____

Email Address: almagiron7@gmail.com

OWNER INFORMATION (If different from Applicant)

Owner Name: T.I.S. FLOORING, INC.

Address: 689 Garden Walk Dr

Phone: 4044213374 Cell: 4044760119 Fax: _____

Email Address: jairo_.silva@hotmail.com

PROPERTY INFORMATION

Address: 844 Sheppard Way

Parcel ID#: 1807301135 Land Lot: _____ District: _____

Office use only:
CASE # _____

Applicant signature: 

Date: 08/05/2024



VARIANCE REQUEST CONSIDERATIONS

Applicant: Jairo De Jesus silva Torres

Analyze the impact of the variance request with the following questions:

1. There are extraordinary and exceptional conditions pertaining to the particular property in questions because of size, shape, and/or topography. there is a river bank crossing the middle of the land and the house is located at the left back side of the land. we dont have any back yard, we are proposing this front side fence to be able to have some private yard space
2. The application of the zoning ordinance would create an unnecessary hardship. no. since we are trying to respect the right of way at the street line pulling back the front side fence 3 more feet were it is now, for a total of 10 feet from street line to the the fence
3. Such conditions are peculiar to the particular piece of property involved. no. since there is more properties in this area similar to the fence we are proposing
4. Such conditions are not the result of any actions of the property owner. no
5. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance? no. we are trying to respect the right of way at the street line and the river bank that is crossing our land

Letter of intent

to keep our 6 ft. fence on the right front side yard. Our house on the land is located on the bottom left side of the land which gives us only the front right side yard to have as a private yard. There is also a river bank running through the middle of the land and cuts our land in half. We would like to keep our 6ft fence even if we have to push it back 10 ft. from the street line and out of the right of way. Please see attachment for further explanation Thank you.



City of Stone Mountain
875 Main Street
Stone Mountain, GA 30083

STAFF ANALYSIS AND REPORT

OWNER/APPLICANT: Jairo de Jesus Silva Torres

LOCATION: 844 Sheppard Way
(Parcel ID: 18 073 01 135)

CURRENT ZONING/USE: R-2: Traditional Residential

PROPOSED ZONING/USE: R-2: Traditional Residential

REQUEST: Variance from Section 6-11 to allow a fence in the front yard to exceed 4-feet in height.

ZONING/ADJACENT LAND USE:

North	R-2: Traditional Residential – Single-Family
South	R-2: Traditional Residential – Single-Family
West	R-1: Single-family Residential – Townhomes
East	R-2: Traditional Residential – Single-Family

MEETING INFORMATION:

Planning & Zoning Commission:	09/16/2024 – 6:30 P.M.
Mayor & City Council 1 st Read:	10/15/2024 – 6:30 P.M.
Mayor & City Council Public Hearing:	11/06/2024 – 6:30 P.M.

RECOMMENDATION:
Staff recommends denial of this request.

BACKGROUND:

October 15 2024

To: City of Stone Mountain Planning Commission

From: Richard Edwards, AICP

Subject: The applicant is requesting a variance from Section 6-11 to allow a fence in the front yard to exceed 4-feet in height.

Background:

The applicant purchased the property in June of 2024 and wants to install a 6-foot wooden panel fence. Section 6-11 of the zoning ordinance only allows fences in the front yard to be a maximum of 4-feet in height. This section of the zoning ordinance was amended to include this regulation in July of 2023.

The existing single-family home was constructed in 1982 and a stream buffer takes up all the side and front yard on the southern portion of the lot (left side of the house). The applicant is stating that the stream takes up a large portion of the side and rear yard and they wish to have a 6-foot fence in front yard to make up for the usable space lost to the stream buffer.

Analysis: Pursuant to Article II of the City of Stone Mountain Zoning Ordinance, Staff has reviewed the variance requests in accordance with the required review criteria.

- A. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography.**
This request is not directly related to the size, shape, or topography of this particular property.
- B. The application of the zoning ordinance to the particular piece of property would create an unnecessary hardship.**
The strict application of the zoning ordinance would not create an unnecessary hardship, as a 4-foot fence would be allowed with an approved stream buffer variance. The neighboring property at 850 Sheppard Way has a chain link fence in the front yard that is only 4-feet in height. The property at 850 Betty Lane does have a 6-foot wooden fence along Sheppard Way that appears to have been constructed prior to the 2023 code amendments.
- C. Such conditions are peculiar to the particular property involved.**
These conditions are not peculiar to this particular property, as all properties within the city would only be allowed to construct a 4-foot fence in the front yard.

D. Such conditions are not the result of any actions of the property owner.

This is a direct result of the property owner's desire to have a 6-foot fence in their front yard.

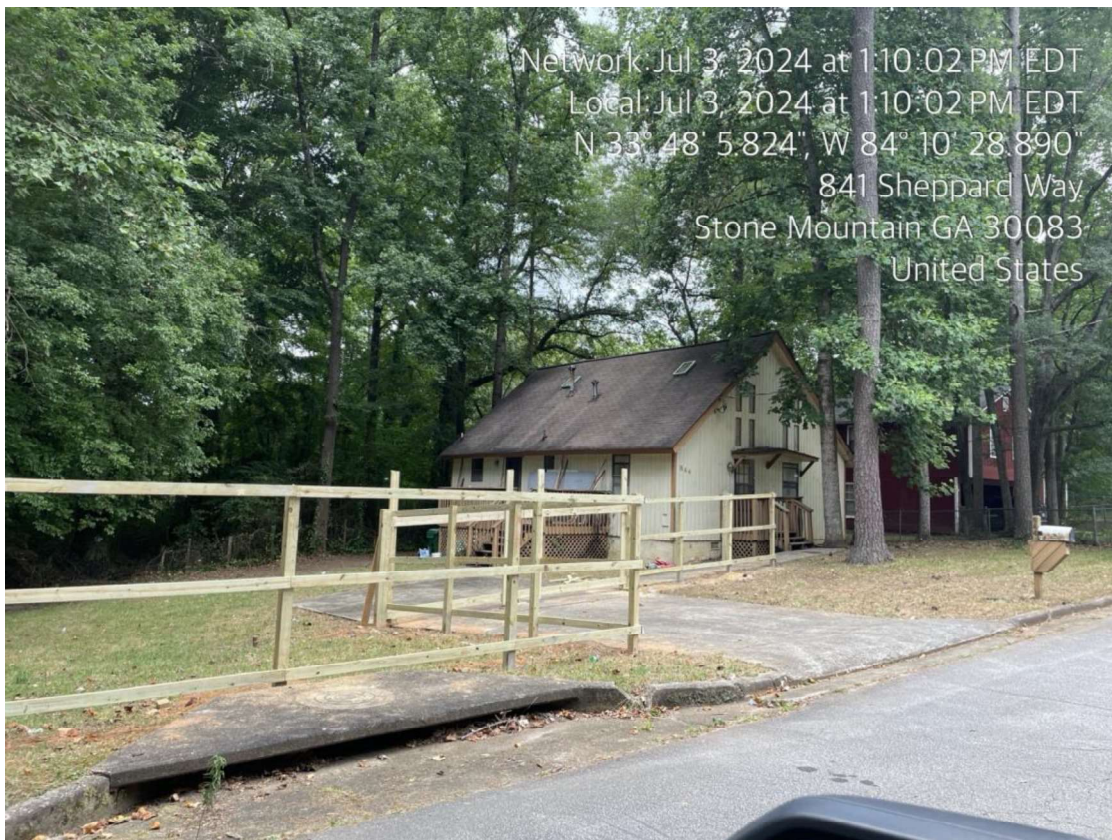
E. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.

It is not anticipated that the proposed fence would cause detriment to the public good. This request does not meet the intent of the zoning ordinance.

Recommendation:

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 **DENIAL** of the variance from Section 6-11 to allow a fence in the front yard to exceed 4-feet in height.

The Planning Commission recommended **DENIAL** of this request at their September 16, 2024 regularly scheduled meeting.







APPLICATION FOR VARIANCE

City of Stone Mountain
875 Main Street
Stone Mountain, GA 30083

Date Received: _____

PERMIT#: _____
(Office Use Only)

APPLICANT INFORMATION

Applicant Name: Jairo de Jesus Silva Torres

Address: 689 Garden Walk Dr

Phone: 4044213374 Cell: 4044760119 Fax: _____

Email Address: almagiron7@gmail.com

OWNER INFORMATION (If different from Applicant)

Owner Name: T.I.S. FLOORING, INC.

Address: 689 Garden Walk Dr

Phone: 4044213374 Cell: 4044760119 Fax: _____

Email Address: jairo_.silva@hotmail.com

PROPERTY INFORMATION

Address: 844 Sheppard Way

Parcel ID#: 1807301135 Land Lot: _____ District: _____

Office use only:
CASE # _____

Applicant signature: 

Date: 08/05/2024



VARIANCE REQUEST CONSIDERATIONS

Applicant: Jairo De Jesus silva Torres

Analyze the impact of the variance request with the following questions:

1. There are extraordinary and exceptional conditions pertaining to the particular property in questions because of size, shape, and/or topography. there is a river bank crossing the middle of the land and the house is located at the left back side of the land. we dont have any back yard, we are proposing this front side fence to be able to have some private yard space
2. The application of the zoning ordinance would create an unnecessary hardship. no. since we are trying to respect the right of way at the street line pulling back the front side fence 3 more feet were it is now, for a total of 10 feet from street line to the the fence
3. Such conditions are peculiar to the particular piece of property involved. no. since there is more properties in this area similar to the fence we are proposing
4. Such conditions are not the result of any actions of the property owner. no
5. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance? no. we are trying to respect the right of way at the street line and the river bank that is crossing our land



City of Stone Mountain
875 Main Street
Stone Mountain, GA 30083

STAFF ANALYSIS AND REPORT

OWNER/APPLICANT: Born Thang

LOCATION: 6204 East Ponce de Leon Avenue
(Parcel ID: 18 125 03 014)

CURRENT ZONING/USE: R-2: Traditional Residential

PROPOSED ZONING/USE: R-2: Traditional Residential

REQUEST: Variance from Section 7-1.3(C)(1) to allow for a curb cut with a width greater than 24 feet.

ZONING/ADJACENT LAND USE:

North	GS: Green Space – Stone Mountain Cemetery
South	GC: General Commercial – Gas Station
West	R-2: Traditional Residential – Single-Family
East	GS: Green Space – Stone Mountain Cemetery

MEETING INFORMATION:

Planning & Zoning Commission:	09/16/2024 – 6:30 P.M.
Mayor & City Council 1 st Read:	10/15/2024 – 6:30 P.M.
Mayor & City Council Public Hearing:	11/06/2024 – 6:30 P.M.

RECOMMENDATION:
Staff recommends denial of this request.

BACKGROUND:

October 15, 2024

To: City of Stone Mountain Planning Commission

From: Richard Edwards, AICP

Subject: The applicant is requesting a variance from Section 7-1.3(C)(1) to allow for a curb cut with a width greater than 24 feet.

Background:

The applicant is requesting to extend the width of the existing curb cut from 20 feet to 36 feet. This curb cut is approximately 27 feet from the Cemetery Circle curb cut and approximately 142 feet from the Five Points intersection.

Section 7-1.3(C)(1) allows for a 24 foot wide, two way curb cut or two 12 foot wide, one way curb cuts. The property owner could repair the existing curb cut and expand it by four feet.

GDOT Traffic Analysis and Data Application (TADA) has an estimated future annual average daily traffic (AADT) of 18,300 daily trips along East Ponce de Leon Avenue, which was estimated from a previous traffic count by Tuggle Drive.

Analysis: Pursuant to Article II of the City of Stone Mountain Zoning Ordinance, Staff has reviewed the variance requests in accordance with the required review criteria.

- A. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography.**
This request is not directly related to the size, shape, or topography of this particular property.
- B. The application of the zoning ordinance to the particular piece of property would create an unnecessary hardship.**
The strict application of the zoning ordinance would not create an unnecessary hardship. The property owner would still be allowed to expand the curb cut by an additional four feet to help with the ingress and egress traffic from the church.
- C. Such conditions are peculiar to the particular property involved.**
These conditions are not peculiar to this particular property, as all properties within the city would only be allowed a maximum 24 foot wide curb cut.
- D. Such conditions are not the result of any actions of the property owner.**
This is a direct result of the property owner’s desire to have a 36 foot wide curb cut.

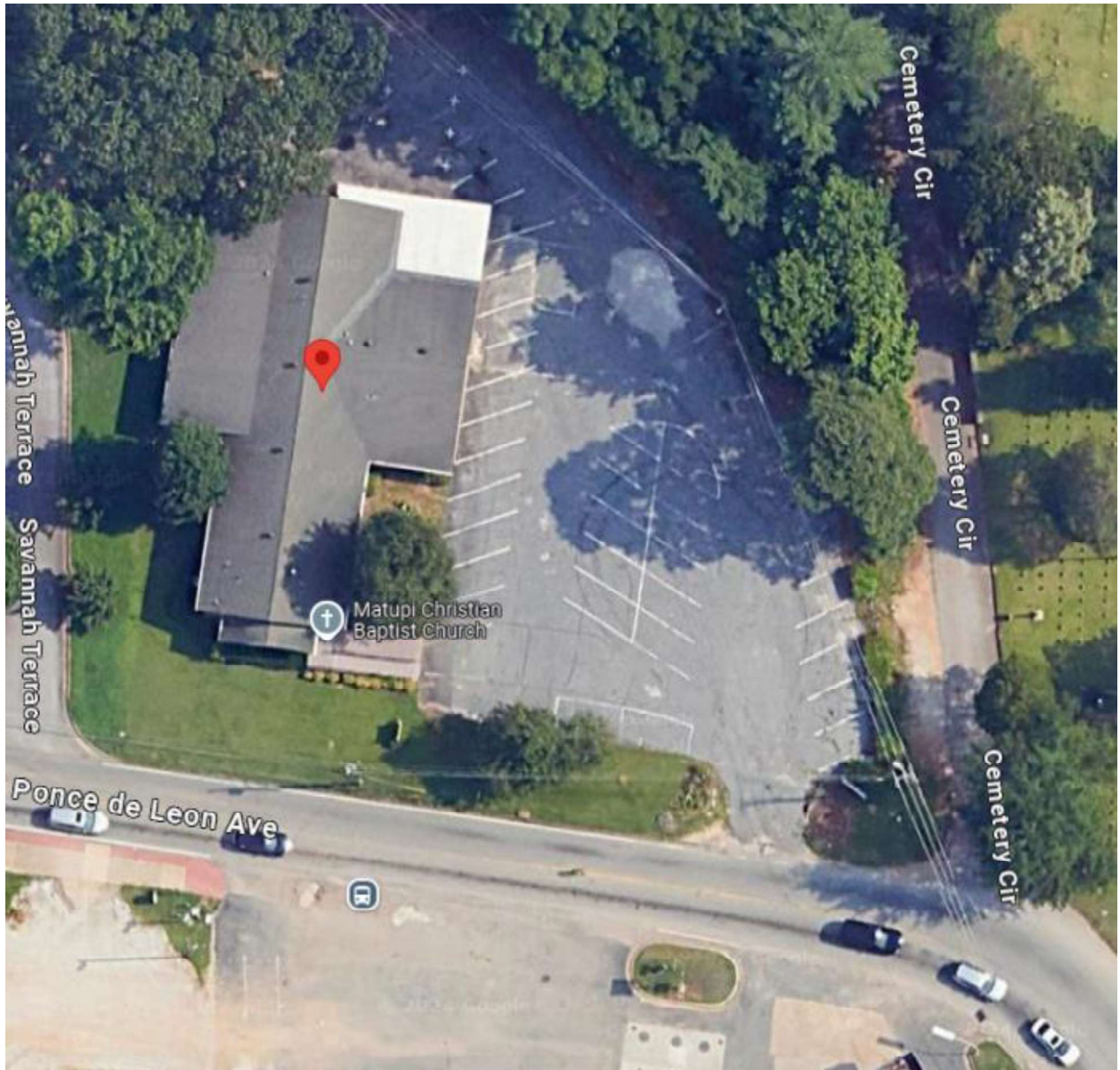
E. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.

It is not anticipated that the proposed fence would cause detriment to the public good. This request does not meet the intent of the zoning ordinance.

Recommendation:

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 **DENIAL** of the variance from Section 7-1.3(C)(1) to allow for a curb cut with a width greater than 24 feet.

The Planning Commission recommended **DENIAL** of this request at their September 16, 2024 regularly scheduled meeting.





APPLICATION FOR VARIANCE

City of Stone Mountain
875 Main Street
Stone Mountain, GA 30083

Date Received: _____

PERMIT#: _____
(Office Use Only)

APPLICANT INFORMATION

Applicant Name: Born Thang

Address: 659 Rollingwood Dr Stone Mountain, GA 30087

Phone: 678-830-7283 Cell: 678-830-7283 Fax: _____

Email Address: newbornlianthang707@gmail.com

OWNER INFORMATION (If different from Applicant)

Owner Name: Aye Win

Address: 4526 Lincoln Way SW, Lilburn, GA 30047

Phone: _____ Cell: 770 718803 Fax: _____

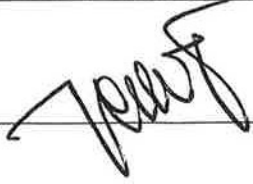
Email Address: _____

PROPERTY INFORMATION

Address: 6204 E Ponce De Leon Ave, Stone Mountain GA 30083

Parcel ID#: _____ Land Lot: _____ District: _____

Office use only:
CASE # _____

Applicant signature: 

Date: _____

SECTION II

OWNER/PETITIONER

NOTICE: Part 1 and/or Part 2 below must be signed and notarized when the petition is submitted. Please complete Section IV as follows:

- a) If you are the sole owner of the property and not the petitioner complete Part 1.
- b) If you are the petitioner and not the sole owner of the property complete Part 2.
- c) If you are the sole owner and petitioner complete Part 1.
- d) If there are multiple owners each must complete a separate Part 1 and include it in the application.

Part 1. Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.

Aye Win
 TYPE OR PRINT OWNER'S NAME
4526 Lincoln Way, SW
 ADDRESS
Lilburn, GA 30047
 CITY & STATE ZIP CODE
Aye Win
 OWNER'S SIGNATURE

 EMAIL ADDRESS

Sworn to and subscribed before me this the

6 Day of August 2021
[Signature]
 NOTARY PUBLIC

770 921 7537
 PHONE NUMBER



PART 2. Petitioner states under oath that: (1) he/she is the executor or Attorney-in-fact under a Power-of-Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); or (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

Born Lian Thang
 TYPE OR PRINT PETITIONER'S NAME
659 Rollingwood Dr
 ADDRESS
Stone Mountain, GA 30087
 CITY & STATE ZIP CODE
[Signature]
 PETITIONER'S SIGNATURE
newbornlianhang707@gmail.com
 EMAIL ADDRESS

Sworn to and subscribed before me this the

6 Day of August 2021
[Signature]
 NOTARY PUBLIC

770 921 7537
 PHONE NUMBER



SECTION V

ATTORNEY / AGENT

Check One: Attorney Agent

 TYPE OR PRINT ATTORNEY / AGENT NAME

 SIGNATURE OF ATTORNEY / AGENT

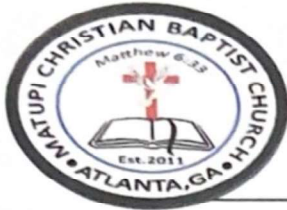
 ADDRESS

 CITY & STATE ZIP CODE

 EMAIL ADDRESS

 PHONE NUMBER

 PETITIONER'S SIGNATURE



MATUPI CHRISTIAN BAPTIST CHURCH

6204 E Ponce De Leon Ave, Stone Mountain, GA, 30083

newbornlianthang707@gmail.com, Cell-678 830 7283

Rev. Born L. Thang
Church Pastor
Cell-678 830 7283

Mr. Aye Win
President
Cell-770 771 8803

Mr. Van Thang
Vice. President
Cell-404 547 5390

Mr. Pai Sing
Secretary
Cell-404 618 7679

Mr. Palsuk C. Thang
Ass. Secretary
Cell-770 298 7031

Mr. Tun T. Palsuk
Treasurer
Cell-470 685 1122

Pa Sang Maw
Joint. Treasurer
Cell - 404 207 5261

May 27, 2024

Dear ~~Mr.~~ Officer,

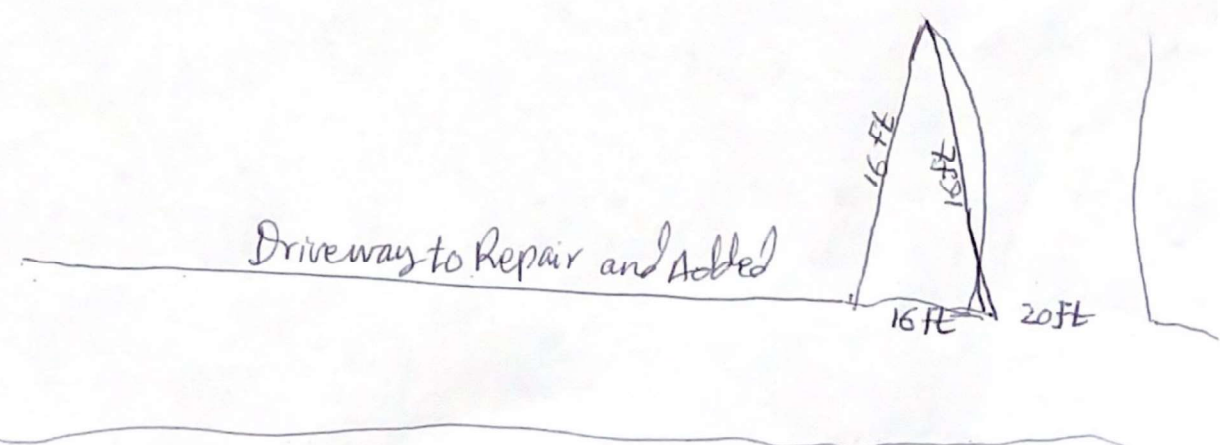
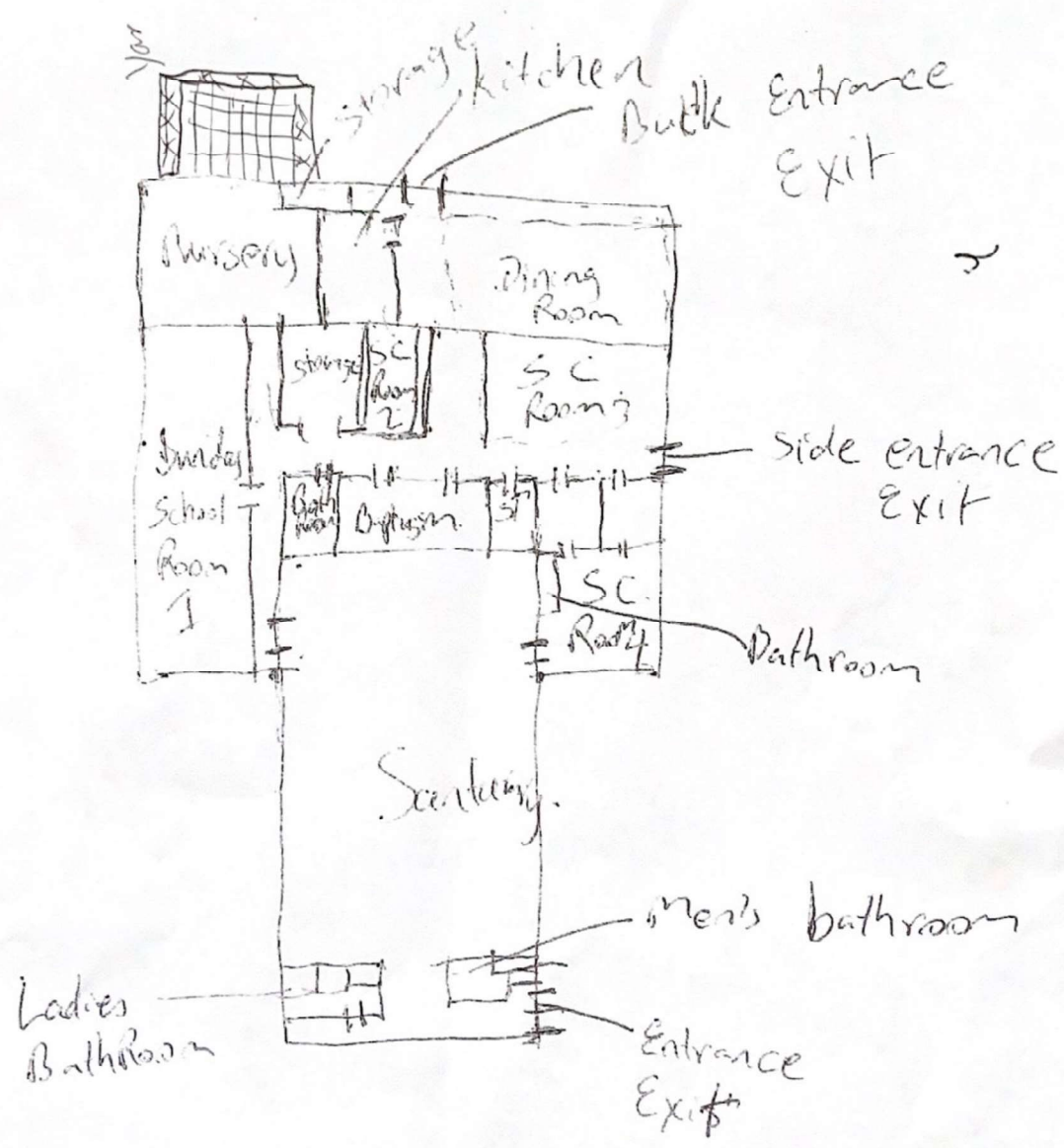
I am Aye Win, the owner of the church. I have decided to repair the damaged road at the entrance of the church's road. The road's entrance is 20 feet, and we want to add 16 feet because the entrance to the road is damaged. We want to repair it to make it better.

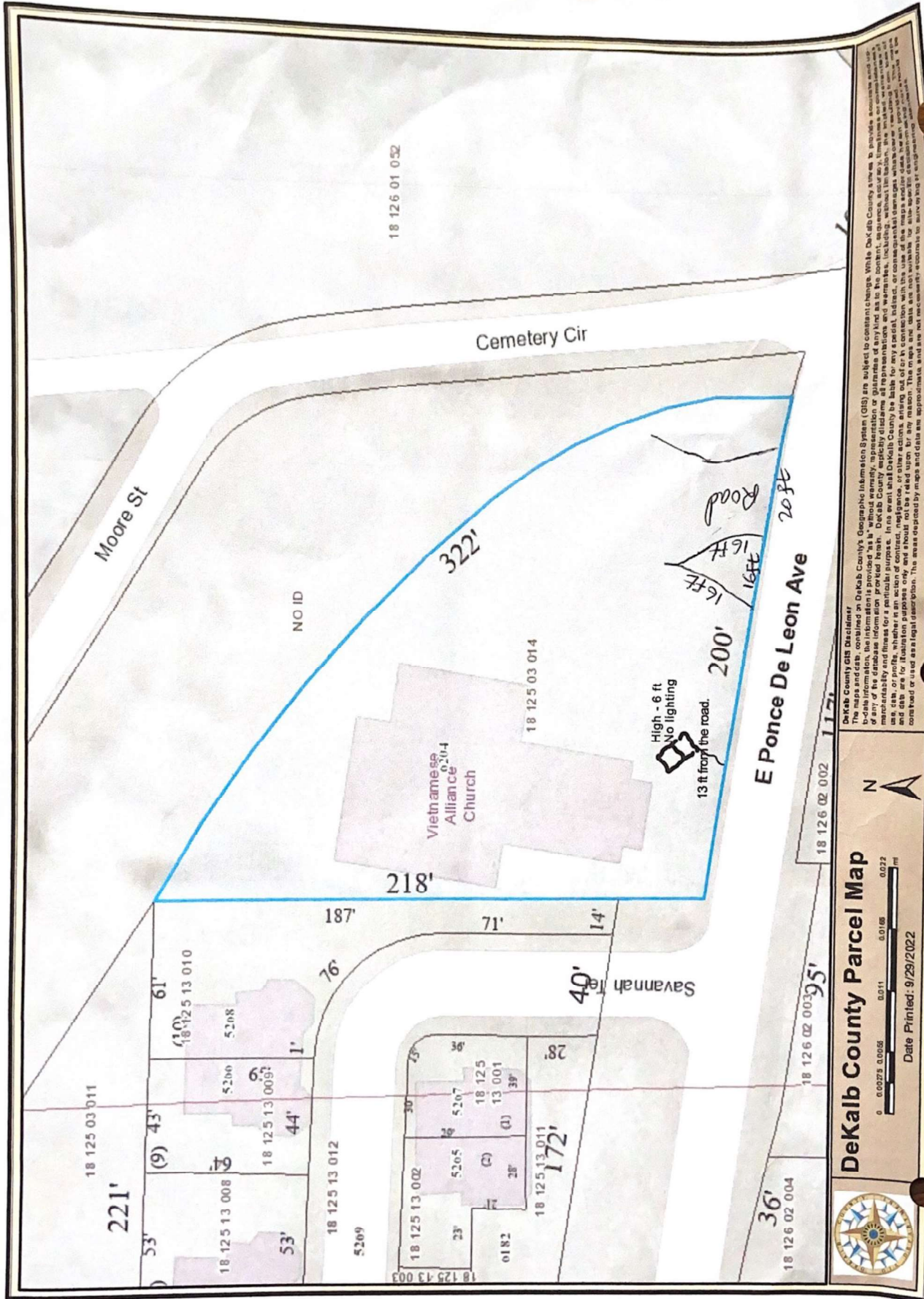
We have agreed to fix and add it; I respectfully request permission from the above Dekalb County.

If you have any questions, please call me at the church. My cell Phone number is 678 830 7283.

Sincerely,

Aye Win (Owner)
Chairman, MCBC
770 771 8803
678 830 7283







City of Stone Mountain
875 Main Street
Stone Mountain, GA 30083

STAFF ANALYSIS AND REPORT

To: City of Stone Mountain Mayor & City Council

From: Richard Edwards, AICP

Subject: Proposed Text Amendments to Chapter 5, Article 6, Division 12 – Community Redevelopment Tax Incentive Program.

Date: October 15, 2024

Purpose:

The purpose of this staff report and analysis is to present the proposed text amendments to Chapter 5, Article 6, Division 12 – Community Redevelopment Tax Incentive Program to provide further guidance on how to best manage blighted properties within the City of Stone Mountain.

Background:

The Community Development Tax Incentive Program was adopted by the Stone Mountain City Council in November of 2021 to provide regulations on how to manage blighted properties. Staff has reviewed several different Community Development Tax Incentive Programs from around the state to provide these updates to this ordinance.

Attachments:

1. Ordinance to amend the Code of Ordinances
2. Redlines of Article III and V of Appendix A – Zoning

STATE OF GEORGIA
COUNTY OF DEKALB

ORDINANCE NO. 2024-X

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONE MOUNTAIN, GEORGIA TO AMEND CHAPTER 5, ARTICLE VI, DIVISION 12 – COMMUNITY REDEVELOPMENT TAX INCENTIVE PROGRAM IF THE CITY’S CODE OF ORDINANCES

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, section 36-35-3 of the Official Code of Georgia Annotated (O.C.G.A.) provides cities the power to adopt clearly reasonable ordinances, resolutions or regulations relating to the cities’ property and affairs; and

WHEREAS, the existence of blighted property increase the burden of the state and local government by increasing the need for government services; and

WHEREAS, the City desires to amend the community redevelopment tax incentive program to rehabilitate blighted property as authorized by O.C.G.A. § 41-2-12, et seq., and Article IX, Section II, of the 1983 Constitution of the State of Georgia to aid in the decrease of government services; and

WHEREAS, the amendments contained herein would benefit the health, safety, morals, and welfare of the citizens of the City of Stone Mountain, Georgia.

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

SECTION 1. The Code of Ordinances of the City of Stone Mountain, Georgia, is hereby amended to include the revisions as set out in Exhibit A, attached hereto and incorporated herein by this reference.

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

SECTION 3. This Ordinance shall become effective upon its adoption.

SECTION 4. 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 _____, 2024.

Attest:

City Clerk

Beverly Jones, Mayor

Approved as to form: _____
City Attorney

PART II - CODE OF ORDINANCES
Chapter 5 - BUILDING AND PROPERTY REGULATIONS
ARTICLE VI. - PROPERTY MAINTENANCE
DIVISION 12. COMMUNITY REDEVELOPMENT TAX INCENTIVE PROGRAM

DIVISION 12. COMMUNITY REDEVELOPMENT TAX INCENTIVE PROGRAM

Sec. 5-431. Purpose.

- (a) The existence of real property that is maintained in a blighted condition increases the costs to city budgets by increasing the need for government services, including but not limited to social services, public safety services and code enforcement services. Rehabilitation of blighted property decreases this need for such government services.
- (b) In furtherance of its objective to eradicate conditions of slum and blight within the city, this mayor and council in exercise of the powers granted to municipal corporations in O.C.G.A. tit. 36, ch. 61, Urban Redevelopment, has designated and continues to designate those areas of the city where conditions of slum and blight are found or are likely to spread.
- (c) In recognition of the need for enhanced governmental services and in order to encourage private property owners to maintain their real property and the buildings, structures and improvement thereon in good condition and repair, and as an incentive to encourage community redevelopment, a community redevelopment tax incentive program is hereby established as authorized by Article IX, Section II, Paragraph VII(d) of the 1983 Constitution of the State of Georgia.

(Ord. No. 2021-09, § 1(Exh. A), 11-4-21)

Sec. 5-432. Definitions

As used in this article, the following terms shall have the meanings indicated:

Blighted property, blighted, or blight means any urbanized or developed property that:

Presents ~~one (1) two~~ or more of the following conditions:

Uninhabitable, unsafe, or abandoned structures including but not limited to boarded-up structures; or
Inadequate provisions for ventilation, light, air, or sanitation; or

An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe that the governor has declared a state of emergency under the state law or has certified the need for disaster assistance under federal law; provided, however, this designation shall not apply to property unless the relevant public agency has given notice in writing to the property owner regarding specific harm caused by the property and the owner has failed to take reasonable measures to remedy the harm; or

A site identified by the Federal Environmental Protection Agency as a superfund site pursuant to 42 U.S.C. Section 9601, et seq. or environmental contamination to the extent that requires remedial investigation or a feasibility study; or

Repeated illegal activity on the individual property of which the property owner knew or should have known; or

The maintenance of the property is below state, county, or municipal codes for at least three (3) months one year after written notice of the code violation to its owner; and

Is conducive to ill health, transmission of disease, infant mortality or crime in the immediate proximity of the property.

Property that is subject to frequent property maintenance or environmental code citations.

Vacant property last occupied by a commercial or industrial use where no visible commercial or industrial activity has occurred in more than three (3) months.

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

Property shall not be deemed blighted for the purpose of any increase of ad valorem taxation under this division if the property is a dwelling house which is being used as a primary residence of one (1) or more persons.

Boarded-up structure means a structure that has its doors, windows, or other openings covered with boards or secured in another way.

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

Building official means a person authorized to enforce provisions of the technical construction codes.

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

Governing authority means the mayor and council of the City of Stone Mountain, a Georgia Municipal Corporation.

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

Person means an individual, corporation, partnership, business or nonprofit entity, association, joint-stock company, business trust, joint venture, commercial entity, public corporation, unincorporated association, estate, trust, trustee in bankruptcy, receiver, fiduciary,, or other legal representative or commercial entity.

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

Structure means anything constructed or erected which has, or the use of which requires, permanent or temporary location on or in the ground, or which is attached to something having a permanent location on the ground, including, but not limited to, the following: buildings, gazebos, signs, billboards, tennis courts, radio and television antennae and satellite dishes (including supporting towers), swimming pools, light fixtures, walls, fences and steps.

(Ord. No. 2021-09, § 1(Exh. A), 11-4-21)

Sec. 5-433. Levy of increase ad valorem tax on blighted real property.

- (a) There is hereby levied on all real property within the city that has been officially identified as maintained in a blighted condition an increased ad valorem tax by applying a factor of ~~ten (10)~~~~six (6)~~ to the millage rate applied to the property, so that such property shall be taxed at a higher millage rate generally applied in the municipality, or as may otherwise be provided by general law; provided, however, real property on which there is situated a dwelling house which is being occupied as the primary residence of one (1) or more persons shall not be subject to official identification as maintained in a blighted condition and shall not be subject to increased taxation.-

- (b) Such increased ad valorem tax shall be applied and reflected in the next tax bill rendered following official designation of a real property as blighted; provided, however, if a property owner resolves the blighted condition of such owner's property to the city's satisfaction (in accordance with the provisions of section) at least sixty (60) days prior to the preparation of the first tax bill following such official designation of such real property as blighted, the property shall be eligible for the decrease of the tax rate as provided in section 5-346 in the first tax bill rendered following official designation of such real property as blighted.
- (c) Revenues generated from the increased ad valorem tax imposed on properties designated as maintained in a blighted condition shall, upon receipt, be segregated by the city manager as designated within the General Fund's department 030 line item for the abatement of nuisances and used only for community redevelopment purposes, including but not limited to defraying the cost of the city's program to close, repair, or demolish unfit buildings and structures, land acquisition and clearing, and costs associated with the eradication of duly-identified slum and blight.

(Ord. No. 2021-09, § 1(Exh. A), 11-4-21)

Sec. 5-434. Official identification of property maintained in blighted condition.

- (a) In order for a parcel of real property to be officially designated as maintained in a blighted condition and subject to increased taxation, the following steps must be completed:
- (1) An inspection must be performed on the parcel of property. In order for an inspection to be performed:
 - a. A request may be made by the public officer or by at least ~~five (5)~~seven (7) residents of the city (each living in a different household from the others) for inspection of a parcel of property, said inspection to be based on the criteria as delineated by further resolution or ordinance of the city council; or
 - b. The public officer may cause a survey of existing conditions to be performed, or may refer to any such survey conducted or finalized within the previous five (5) years, to locate or identify any parcels that may be in a blighted condition and for which a full inspection should be conducted to determine if that parcel of property meets the criteria set out in this article for designation as being maintained in a blighted condition.
 - (2) A written inspection report of the findings for any parcel of property inspected pursuant to subsection (1) above shall be prepared and submitted to the public officer. Where feasible, photographs of the conditions found to exist on the property on the date of inspections shall be made and will supplement the inspection report. Where compliance with minimum construction, housing, occupancy, fire and life safety codes in effect within the city are in question, the inspection shall be conducted by a certified inspector possessing the requisite qualifications to determine minimal code compliance.
 - (3) Following completion of the inspection report, the public official will review the report and supporting documents for findings and recommendations by the building official in determining that the property identified meets the definition of blighted area as defined under this article. The public officer shall make a determination, in writing, that a property is maintained in a blighted condition, as defined by this article, and is subject to increased taxation.
 - (4) The public officer shall cause a written notice of his/her determination that the real property at issue is being maintained in a blighted condition to be served upon the person(s) shown on the most recent tax digest of DeKalb County as responsible for payment of ad valorem taxes assessed thereon and parties in interest; provided, however, where through the existence of reasonable diligence it becomes known to the public officer that real property has been sold or conveyed since publication of the most recent tax digest, written notice shall be given to the person(s) known or reasonably believed to then own the

property or be chargeable with the payment of ad valorem taxes thereon, at the best address available. Service in the manner set forth at O.C.G.A. § 41-2-12 shall constitute sufficient notice to the subject property owner or person chargeable with the payment of ad valorem taxes for purpose of this section, except that posting of the notice on the property will not be required.

- (b) The written notice given to the person(s) chargeable with the payment of ad valorem taxes and parties in interest shall notify such person and parties in interest of the public officer's determination that the real property is being maintained in a blighted condition and shall advise such person and parties in interest of the hours and location at which the person may inspect and copy the public officer's determination and any supporting documentation. Persons and parties in interest notified that the real property of which the person(s) is chargeable with the payment of ad valorem taxes shall have thirty (30) days from the receipt of notice in which to request hearing before the city's municipal court. Written request for hearing shall be filed with the public officer. Upon receipt of a request for hearing, the public officer shall notify the city manager (if the duties of public officer as defined under this article have been delegated by the city manager to some other officer or employee of the city), the municipal court clerk and the city clerk.
- (c) Within thirty (30) days of the receipt of a request for hearing, the municipal court clerk shall set a date, time and location for the hearing and shall give at least ten (10) business days' notice to the person(s) and/or parties in interest requesting the hearing and the public officer. Hearings may be continued one (1) time upon request of any party, for good cause.
- (d) At the hearing, the public officer shall have the burden of demonstrating by a preponderance of the evidence that the subject property is maintained in a blighted condition, as defined by this article. Upon hearing from the public officer and/or their witnesses and the person(s) or parties in interest requesting the hearing and/or their witnesses, the municipal court judge shall make a determination either affirming or reversing the determination of the public officer. The determination shall be in writing and copies thereof shall be served on the parties by certified mail or statutory overnight delivery. The determination by the municipal court judge shall be deemed final. If the municipal court judge affirms the determination of the public officer, a copy of such determination shall be served upon the city clerk. The city clerk will thereafter coordinate with the Tax Commissioner of DeKalb County regarding the imposition of the increased ad valorem tax against the subject property beginning on the next regular tax bill rendered on behalf of the city.
- (e) Persons aggrieved by the determination of the municipal court affirming the determination of the public officer may appeal the decision by petitioning the Superior Court of DeKalb County for a writ of certiorari, within thirty (30) days of issuance of the municipal court's written determination.

(Ord. No. 2021-09, § 1(Exh. A), 11-4-21)

Sec. 5-435. Remediation or redevelopment to remove designation of blighted condition.

- (a) A property owner or person(s) who is chargeable with the payment of ad valorem taxes on real property that has been officially designated pursuant to this article as property maintained in a blighted condition may petition the public officer to lift the designation, upon proof of compliance with the following:
 - (1) Completion of work required under a plan of remedial action or redevelopment approved by the city's building official and public officer that addresses the conditions of blight found to exist on or within the property, including compliance with all applicable minimum codes; or
 - (2) Completion of work required under a court order entered in a proceeding brought pursuant to Chapter 5, Article VI. Property Maintenance, Division 9. Nuisance Abatement Procedures of the Code of Stone Mountain, Georgia; and

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

(Ord. No. 2021-09, § 1(Exh. A), 11-4-21)

Sec. 5-436. Decreased rate of taxation to be applied after successful remedial action or redevelopment of blighted property.

- (a) Real property which has had its designation as maintained in a blighted condition removed by the public officer, shall be eligible for a decrease in the rate of city ad valorem taxation by applying a factor of 0.5 to the city millage rate applied to the property, so that such property shall be taxed at a lower millage rate than the millage rate generally applied in the municipality or otherwise provided by general law; such decreased rate of taxation shall be applied beginning with the next tax bill rendered following removal of official designation of a real property as blighted. The decreased rate of taxation may be given in successive years, depending on the amount of cost expended by the person(s) chargeable with payment of ad valorem taxes on the property to satisfy its remediation or redevelopment, with every twenty-five thousand dollars (\$25,000.00) or portion thereof equaling one (1) year of tax reduction; provided, however, that no property shall be entitled to reduction in city ad valorem taxes for more than three (3) successive years.

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

(Ord. No. 2021-09, § 1(Exh. A), 11-4-21)

Sec. 5-437. Duty of city clerk to provide notice to county tax commissioner.

- (a) It shall be the duty of the public officer to notify the DeKalb County Tax Commissioner in writing as to designation or removal of designation of a specific property as maintained in a blighted condition. Such notice shall identify the specific property by street, address and tax map, land lot and tax parcel number, as assigned by the DeKalb County Tax Assessor's Office. The public officer shall cooperate with the Tax Commissioner to assure accurate tax billing of those properties subject to increase or reduced ad valorem taxation under this article.

(Ord. No. 2021-09, § 1(Exh. A), 11-4-21)

Secs. 5-438—5-440. Reserved.