REGULAR CITY COUNCIL MEETING AGENDA  
Tuesday, January 8, 2019 @ 6:30 pm  
City Hall, 875 Main Street, Stone Mountain, Georgia 30083  

CALL TO ORDER  

DETERMINATION OF A QUORUM  

INVOCATION AND PLEDGE  

CITIZEN COMMENTS – NON-AGENDA ITEMS ONLY  

READING AND APPROVAL OF THE JOURNAL  
- Minutes of Regular City Council Meeting 12/3/18  
- Minutes of Special Called Meeting 12/18/2018  
- Minutes of Council Work Session 12/18/18  

READING OF COMMUNICATIONS  

ADOPTION OF THE AGENDA OF THE DAY – Request for unanimous consent to add the following:  
New Business –  
  C. To Consider Text Amendment Application for 6804 James B Rivers Memorial Drive, Stone Mountain, GA 30083; Parcel #18 126 07 012.  
  D. Clark Patterson & Lee Traffic Calming Proposal - Intersection of Ridge Avenue and Cloud Street.  
  E. Employee Contract Between City of Stone Mountain and ChaQuias Miller Thornton.  

New Ordinances and Resolutions – D. Resolution 2019-01 to Set Qualification Fees for Elected Officials for the 2019 Calendar Year.  

UNFINISHED BUSINESS  
A. Visitor’s Center Agreement Renewal – City of Stone Mountain and Stone Mountain Memorial Services  
B. Ordinance 2018-09 – Amendment to Chapter 4 Animals  

NEW BUSINESS  
A. Rezoning Application from Current Zoning R-2 Traditional Residential to Proposed Zoning MR-1 Single Family Attached Townhomes; 6803 JBR Memorial Drive, Parcel #18 126 06 002 – Applicant Christopher Hunt  
B. Letter of Engagement – Audit Services – James L. Whitaker, P. C. – For Year Ended December 31, 2018  

NEW ORDINANCES AND RESOLUTIONS  
A. Ordinance 2018-12 - Amendment to Chapter 24 Solid Waste  
B. Resolution 2018-33 - Resolution in Support of DDA Application for Revolving Loan Fund – East Mountain Development Group  
C. Resolution 2018-34 - To Renew the Service Delivery Strategy for DeKalb County, Georgia and for Other Purposes.  

COMMITTEE DISCUSSION ITEMS  
A. Planning and Zoning  
B. Economic Development/Downtown Development Authority  
C. Historic Preservation Commission  

REMARKS OF PERSONAL PRIVILEGE  

ANNOUNCEMENTS BY THE MAYOR  

ADJOURNMENT  

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.
MEMORANDUM

To: Mayor and City Council
From: Mike Cooper, Planning & Zoning Committee member
Date: November 20, 2018
Re: Planning & Zoning Committee report

The Stone Mountain Planning & Zoning Committee met Monday evening, November 19, at City Hall. The meeting began at 6:37 p.m. after it was determined there was a quorum. Members present were Pam DeLoach, Jelani Linder and Mike Cooper. Mr. Linder presided. There were three items on the agenda.

SUMMARY

1. Rezoning. 6803 James B. Rivers Memorial Dr., parcel 18 126 06 002. Applicant seeks rezoning from R-2 to MR-1.

The committee voted 3-0-0 to recommend DEFERRAL so that the applicant can revise the application to meet the requirements of the city’s stream buffer ordinance.

2. Text amendment to OPI district regulations to permit after-school programs, which would allow applicant to operate "after school child care: school age through 6th grade" at 6804 JBR Memorial Dr., parcel 18 126 07 012.

The committee recommended DENIAL in a 3-0-0 vote.


In a 3-0-0 vote, the committee:

- recommended APPROVAL of the variance for lot size
- recommended APPROVAL of the variance for lot width
- recommended DENIAL of the variance for building height

DISCUSSION

Here is additional information on each item:

1. Rezoning. 6803 James B. Rivers Memorial Dr., parcel 18 126 06 002. Applicant seeks rezoning from R-2 to MR-1.

The committee recommended DEFERRAL of this application because it does not meet the requirements of the "City of Stone Mountain Stream Buffer Protection Ordinance," Article III of the city code.
Location: The property is on the south side of JBR Memorial. The property has 150 feet of frontage on JBR. Rear border is 150 feet. West border is 405 feet, east border is 372 feet. The property has 58,950 square feet, 1.35 acres.

Adjacent Zoning: Property to the west is MR-1. Properties to the east and north are zoned R-2.

Comprehensive Plan: The proposal is consistent with the 2016 Update of the city’s Comprehensive Plan, which designates the parcel Townhome/Duplex Residential.

The applicant did not provide a written narrative or site plan explaining his proposal. All that was provided was a blurry “grading and drainage plan” dated August 19, 2005 and based on a 2005 survey.

The survey appears to show a stream on the property. Existence of a stream is confirmed by DeKalb County GIS data. The application and the “grading and drainage plan” do not meet the requirements of the “City of Stone Mountain Stream Buffer Protection Ordinance,” Article III of the city code.

1. The proposal does not provide the 75-foot buffer required under Article III.

The 13-year-old “grading and drainage plan” indicates that a building will be at the edge of a 25-foot stream buffer. However, the city code requires a 75-foot stream buffer.

"Sec. 28-545. - Land development requirements.

(a) Buffer and setback requirements. All land development activity subject to this chapter shall meet the following requirements:

(1) An undisturbed natural vegetative buffer shall be maintained for fifty (50) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.

(2) An additional setback shall be maintained for twenty-five (25) feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback."

A variance could be requested, but the applicant would be required to put mitigation measures in place. A variance request would also require a hardship that is not self-imposed.

2. The application does not provide the required information for development with a stream buffer.

"Sec. 28-547. - Additional information requirements for development on buffer zone properties.

Any permit applications for property requiring buffers and setbacks hereunder must include the following:

(1) A site plan showing:

a. The location of all streams on the property;

b. Limits of required stream buffers and setbacks on the property;

c. Buffer zone topography with contour lines at no greater than five-foot contour intervals;

d. Delineation of forested and open areas in the buffer zone; and
The "grading and drainage plan" that has been submitted does not clearly identify the stream, it does not delineate forested and open areas in the buffer zone, and it provides no details of the proposed impervious cover within the setback.

3. Buffer requirements apply to this property.

"Sec. 28-544. - Applicability.

This chapter shall apply to all land development activity on property containing a stream protection area as defined in section 28-543 of this chapter."

2. Text amendment to OPI district regulations to permit after-school programs at 6804 JBR Memorial Dr., parcel 18 126 07 012

The committee recommended DENIAL of this application. Panel members expressed concern about allowing before- or after-school programs at any location in the OPI district.

Family day care homes and group day care homes are "permitted by condition (special uses)" in the R-1, R-2 and MR-1 districts. The applicant's representative stated that no one would live in the house at 6804 JBR Memorial Dr. Therefore, the proposed use would be considered a group day care home under the city code:

"Group Day Care Home is operated by a person, corporation, or institution, to provide child care for children less than 18 years of age for less than 24 hours per day. Group Day Care Homes are licensed for 7-18 children."

The applicant stated that she would host 25 children, which exceeds the existing limit for this use elsewhere in the city.

As to the specific property proposed for this activity:

Location: The property is on the north side of JBR Memorial. According to county GIS map, the property has 116 feet of frontage on JBR. Rear border is 120 feet. West border is 163 feet, east border is 200 feet. Property has 34,000 square feet.

The property was rezoned to OPI in 2013.

Adjacent Zoning: Property to the west and east is R-2. Property to the rear is R-75 (county). Property to the south (across JBR) is R-2, seeking rezoning to MR-1.

Comprehensive Plan: The current zoning is INCONSISTENT with the 2016 Update of the city's Comprehensive Plan, which designates the parcel as Residential. To be consistent with the comprehensive plan, the property should be rezoned, instead of changing the OPI zoning code. Such a change would also allow the proposed use, without the need for a text amendment.

Some pages in the application state that it requests permission to permit "before/after school child care 5-12 years old" at this address. The application states "after school child care: school age through 6th grade."

If the City Council desires to adopt a text amendment to the permitted uses in OPI, I have written the following language, which is nothing more than that which is required in other zoning districts in the city:
Day cares would be "permitted by condition (special uses)" in the OPI district, with these restrictions:

Create new sections under 5.8.3(A):

"9. FAMILY day care center, provided
a. It is an owner-occupied establishment;
b. Must receive approval by:
i. Obtaining signatures from neighboring lots; and
ii. Receive approval through a public hearing.
c. No more than six individuals are kept.

10. GROUP day care facilities including private kindergartens and playschools, provided:
a. The lot abuts upon a major or collector street or a state highway.
b. A circular drive for off-street loading and unloading of children is provided.
c. At least 35 square feet of indoor play area for each child at maximum enrollment is provided.
d. At least 100 square feet of outdoor play area for each child at maximum enrollment is provided.
e. The outdoor play area is enclosed by a fence at least four feet in height but not over eight feet in height.
f. If a special use permit is approved, comply with all state day care requirements and health regulations."


The property is on the west side of Beaver Run. According to county GIS data, the property has 47 feet of frontage on Beaver Run. The west property line is 47.5 feet, north and south property lines are 90 feet, a total of 4,253 square feet, according to county data. That’s not the same as the 4,597 feet on on the administration notes.

Adjacent Zoning: Adjacent properties are all R-4.

Comprehensive Plan: The proposal is consistent with the 2016 Update of the city's Comprehensive Plan, which designates the parcel Residential.

The applicant requests three variances.

The committee recommended approval of these TWO variances:
- Variance from lot size requirement of 5,000 square feet. The property contains 4,597 square feet, according to the city's administrative notes.
- Variance from lot width requirement of 50 feet. The property is 47.5 feet wide.

The committee recommended denial of this variance request:

- Variance from building height limit of 30 feet. The application seeks a building height of 32 feet, 7 inches.

Committee members expressed concern about a variance on building height for a structure that is far taller than adjacent buildings. There was concern that the building would be out of proportion for the Shermantown residential district.

During our meeting, the applicant indicated that he could revise his plan so that the proposed home would not exceed 30 feet in height.

Respectfully submitted,

MC
Good afternoon all,

As you are aware, an applicant has submitted request for traffic calming devises to be placed at the intersection of Cloud and Ridge. Attached, please find proposal of the cost of a traffic study to be completed relative to the request. Scope of services is specified in the request.

Currently there is money within the Public Works Department budget that can be allocated for the City's engineer of record to conduct the study. However, because the proposed cost is $7,700, the Administration is seeking Council the majority consent of the proposal.

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<thead>
<tr>
<th>Task</th>
<th>Cost</th>
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<tbody>
<tr>
<td>Task 1: Data Collection</td>
<td>$2695 Lump Sum</td>
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<tr>
<td>Task 2: Crash Analyses</td>
<td>$825 Lump Sum</td>
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<tr>
<td>Task 3: Capacity Analyses</td>
<td>$3355 Lump Sum</td>
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<tr>
<td>Task 4: Documentation</td>
<td>$825 Lump Sum</td>
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Please review the attached documents and offer your thoughts.

ChaQuias Miller Thornton
City Manager
City of Stone Mountain, Georgia
875 Main Street
Stone Mountain, Georgia 30083
Phone: 770-498-8984
Fax: 770-498-8609
c thornton@stonemounta incity.org

"The single biggest problem in communication is the illusion that it has taken place."
George Bernard Shaw
November 28, 2018

Mr. Jim Tavener, Public Works Director
City of Stone Mountain
875 Main Street
Stone Mountain, GA 30083

VIA EMAIL.

RE: City of Stone Mountain
Proposal for Transportation Engineering Services
Intersection Operational & Safety Traffic Study - Ridge Avenue at Cloud Street

Dear Mr. Tavener:

Clark Patterson Lee (CPL) is pleased to provide this proposal to provide a temporary Development Coordinator, as follows:

Scope of Work

General

This work includes conducting an intersection operational and safety study for the intersection of Ridge Avenue and Cloud Street in Stone Mountain, Georgia. The intersection currently operates with 2-way stop control on Cloud Street.

Task 1: Data Collection

This work includes the collection of existing conditions and traffic volume data needed to conduct the intersection improvement study. Turning movement counts (TMCs) will be conducted at the intersection of Ridge Avenue & Cloud Street. Automatic Traffic Recorders (ATRs) will be placed on Ridge Avenue north of Cloud Street and on Cloud Street east of Ridge Avenue.

Turning Movement Count’s (TMCs) will be conducted for a 12-hour period from 7:00AM to 7:00PM on a weekday while schools are in session.

The ATRs will record volume, truck and speed profile data for a 24-hour period.

We will also conduct a field inventory of existing traffic conditions to include travel lanes, speed limits, sight distance, traffic control, etc.
Task 2: Crash Analyses

Crash analysis will be conducted for the past five years of available data. The data will be obtained from the Georgia Electronic Accident Reporting System (GEARS) web portal. A collision-condition diagram will be prepared.

Task 3: Capacity Analyses

The intersection will be evaluated to determine the optimal operating condition using the Manual on Traffic Control Devices (MUTCD) and Georgia Department of Transportation (GDOT) guidelines.

Capacity analysis will be used to evaluate the existing and alternate operational traffic conditions. The intersection currently operates with 2-way stop control on Cloud Street. At a minimum the intersection will also be evaluated for 4-way stop control.

The Synchro Program (version 10) from TrafficWare will be used to facilitate capacity analysis. The analysis will determine the optimal operational control needed to achieve acceptable level-of-service (LOS).

Task 4: Documentation

This task includes the preparation of a report to document the collection of existing conditions data, the crash and alternatives analyses, and the conclusions and recommendations. A draft report will be submitted. Revisions will be made to reflect the City of Stone Mountain’s review comments.

Fee Proposal

The work as described in Attachment A will be provided for the following lump sum fees.

Task 1: Data Collection ................................................................. $2695 Lump Sum

Task 2: Crash Analyses ............................................................... $825 Lump Sum

Task 3: Capacity Analyses ......................................................... $3355 Lump Sum

Task 4: Documentation ............................................................. $825 Lump Sum

Direct expenses will be billed at cost plus 10%. Direct expenses include, but are not limited to, reproduction cost, courier service, mileage, telephone/fax cost, etc.

TERMS AND CONDITIONS:
This agreement shall be administered in accordance with the Terms and Conditions listed in Appendix "A" and the hourly rates listed in Appendix "B" attached hereto.

This document together with the exhibits and/or appendices identified herein constitutes the entire understanding between Stone Mountain and CPL with respect to the work to be performed by CPL for the benefit of Stone Mountain and may only be modified in writing signed by both parties. Please sign and return the enclosed copy of this letter if this document satisfactorily sets forth the understanding of the arrangement between Stone Mountain and CPL. Receipt of the signed agreement will serve as our notice to proceed. This Contract will be open for acceptance for sixty days from the date of this letter.

We look forward to working with you on this project.

Sincerely,

CPL ARCHITECTURE | ENGINEERING | PLANNING

[Signature]
Rich Edinger, P.E.
Vice President

cc: file

Accepted this ____________ day of ____________, 2018

By: ______________________ Title: __________________
APPENDIX "A"
TERMS AND CONDITIONS

1. Clark Patterson Lee (hereinafter called "CPL") shall perform the services defined in this Letter Agreement and Client agrees to pay CPL for said services as set forth below.

2. All documents including Drawings and Specifications prepared by CPL are instruments of service in respect to the Project. They are not intended or represented to be suitable for reuse by Client or others on extensions of the Project or on any other project. Any reuse without written verification or adaptation by CPL, for the specific purpose intended will be at Client's sole risk and without liability or legal exposure to CPL; and Client shall indemnify and hold harmless CPL from all claims, damages, losses, and expenses including attorneys' fees arising out of or resulting therefrom. Any such verification or adaptation will entitle CPL to further compensation at rates to be agreed upon by Client and CPL.

3. Client agrees to additionally compensate CPL for services resulting from significant changes in general scope of Project, for revising previously accepted reports, studies, design documents, or Contract Documents, or for delays caused by others rather than CPL.

4. Construction cost estimates prepared by CPL represents CPL's best judgment as professionals familiar with the construction industry. It is recognized, however, that CPL has no control over cost of labor, materials, or equipment, or contractors' methods of determining bid prices, or over competitive bidding or market conditions. CPL cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from cost estimates prepared by CPL.

5. If requested by Client or if required by the scope of services of the Agreement, CPL shall visit the site at intervals appropriate to the stage of construction to become generally familiar with the progress and quality of the work and to determine in general if the work is proceeding in accordance with the Contract Documents. However, CPL shall not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the work, CPL shall not have control or charge of and shall not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs, or on or omissions of the contractor, subcontractors, or any other persons performing any of the work, or for the failure of any of them to carry out the work in accordance with the Contract Documents.

6. Surveying will be provided as stated in the Agreement. Surveying provided on an hourly basis will be charged with a 4-hour minimum at the hourly rates in effect at the time the service is performed. Replacement of survey markers resulting from contractor disturbance or vandalism will be accomplished on an hourly basis.

7. The cost of permits, fees, toll telephone calls, courier service, reproduction of reports, Drawings, and Specifications, transportation in connection with the Project, and other out of pocket expenses will be reimbursed to CPL by Client at cost plus 15%.

8. CPL shall submit monthly statements for services rendered and for reimbursable expenses incurred. Statements will be based upon CPL's time of billing. Payment is due upon receipt of CPL's Statement. If Client fails to make any payment due to CPL, for services and expenses within 30 days after the date of CPL's statement, therefore, the amounts due CPL shall include a charge at the rate of 1.5% per month (18% per annum), or portion thereof, from said 30th day, and, in addition, CPL may, after giving 7 days' written notice to Client, suspend services under this Agreement until CPL has been paid in full all amounts due CPL are collected through an attorney or collection agency. Client shall pay all fees and costs of collection.

9. This Agreement may be terminated by either party upon written notice should the other party fail substantially to perform in accordance with its terms through no fault of the party initiating termination, or in the event Project is cancelled. In the event of termination, CPL shall be paid the compensation plus Reimbursable Expenses due for services performed to termination date.

10. This Agreement shall be governed by the laws of the State of Georgia. Liability shall be limited to amount of the fees paid for professional services.

11. The services to be performed by CPL under this Agreement are intended solely for the benefit of the Client. Nothing contained herein shall confer any rights upon or create any duties on the part of CPL toward any persons not a party to this Agreement including, but not limited to, any contractor, subcontractor, supplier, or the agents, officers, employees, insurers, or sureties of any of them.

12. Client and CPL each binds himself and his partners, successors, executors, administrators, and assigns to the other party to this Agreement and to the partners, successors, executors, administrators, and assigns of such other party, in respect to all covenants of this Agreement. Neither Client nor CPL shall assign, sublet, or transfer his interest in this Agreement without the written consent of the other; however, CPL may employ others to assist in the carrying out of duties under this Agreement.
APPENDIX “B”
CPL HOURLY RATES

PRINCIPAL ENGINEER  $180 - $225/HR
PROJECT MANAGER  $135 - $165/HR
SR. STAFF ENGINEER / SR. ARCHITECT / SR. PLANNER  $110 - $125/HR
STAFF ENGINEER / ARCHITECT / PLANNER  $90 - $105/HR
JR. ENGINEER / JR. ARCHITECT / JR. PLANNER  $75 - $85/HR
DESIGNER / DRAFTPERSON  $60 - $70/HR
JR. DESIGNER / JR. DRAFTPERSON / JR. PLANNER  $50 - $55/HR
SECRETARIAL  $38/HR
AUTO MILEAGE  IRS RATE + 15%
MISCELLANEOUS  COST PLUS 15%

Last revised May 23, 2018
RESOLUTION 2019-01

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF STONE MOUNTAIN, GEORGIA, TO SET THE QUALIFICATION FEES FOR ELECTED OFFICES FOR THE 2019 CALENDAR YEAR

WHEREAS, O.C.G.A. §21-2-131 (a)(1)(A) requires the local governing authority to set the qualification fees for elected offices by February 1 of each year;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Stone Mountain, Georgia, this ____ day of __________________, 2019, that the qualification fee for elected officials for the 2019 calendar year be set at three percent (3%) of the total gross salary paid in the preceding calendar year.

__________________________________________  __________________________________________
Patricia Wheeler, Mayor                  Alicia Daniels, Assistant City Clerk
AGREEMENT

THIS AGREEMENT for the operation of a Visitor’s Center in the City of Stone Mountain (hereinafter referred to as “Agreement”) is made and entered into this 27th day of December, 2018 by and between the City of Stone Mountain (hereinafter referred to as the “City”), whose address for purposes of this Agreement is 875 Main Street, Stone Mountain, Georgia 30083, and the STONE MOUNTAIN MEMORIAL ASSOCIATION (hereinafter referred to as “SMMA”), a body corporate and politic and instrumentality and public corporation of the State of Georgia, whose address for purposes of this Agreement is 2027 Old Hugh Howell Road, Stone Mountain, Georgia 30083.

WITNESSETH:

WHEREAS, Stone Mountain Park is a large tourist attraction immediately adjacent to the City; and

WHEREAS, the City operates a Visitor’s Center which provides information to visitors in the Stone Mountain area, including potential visitors to Stone Mountain Park; and

WHEREAS, a significant portion of the persons coming to the Visitor’s Center are requesting information about Stone Mountain Park; and

WHEREAS, SMMA desires to encourage the City to keep the Visitor’s Center open and to support the City financially in this effort because of its beneficial effect on the Park.

NOW THEREFORE, for and in consideration of the mutual promises and covenants herein contained, the City and the Stone Mountain Memorial Association agree as follows:

1. During the twelve month period beginning January 1, 2019 and ending December 31, 2019, the SMMA will pay to the City the sum of Nine Thousand Dollars ($9,000), to be paid in four (4) installments of two thousand two hundred and fifty dollars ($2,250.00) per quarter on or before the first day of each calendar quarter, to be used by the City to assist in defraying expenses of the Visitor’s Center.

2. For and in consideration of the payment of $2,250.00 per quarter, the City covenants and agrees to operate the Visitor’s Center as follows: Tuesday – Saturday, 10:00 a.m. to 4:00 p.m.; Sunday, 1:00 p.m. to 4:00 p.m.

3. The City agrees to provide to SMMA a copy of the City’s annual audit on an annual basis.
IN WITNESS WHEREOF, the Parties have caused to be set their hands and seals by persons authorized to do so, the date and date first above set out.

CITY OF STONE MOUNTAIN, GEORGIA

PATRICIA WHEELER
Mayor

ATTEST:

Rhonda Blackmon Alicia Daniels
Asst. City Clerk

STONE MOUNTAIN MEMORIAL ASSOCIATION

WILLIAM V. STEPHENS
Chief Executive Officer

ATTEST:

Edna Zimmerman
Edna Zimmerman
Secretary
ORDINANCE 2018-09

AN ORDINANCE BY THE GOVERNING AUTHORITY FOR THE CITY OF STONE MOUNTAIN, GEORGIA TO AMEND CHAPTER 4 ANIMALS OF THE STONE MOUNTAIN CODE OF ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE, TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

PART I

The Council of the City of Stone Mountain hereby ordains that CHAPTER 4 ANIMALS of The Code of the City of Stone Mountain, Georgia be amended as follows:

1. To deleted Chapter 4 Animals in its entirety;
2. To replace Chapter 4 Animals as follows:

Sec. 4-1. - Definitions.

For the purposes of this chapter, certain terms and words are hereby defined. Where words or terms are not herein defined but, are defined in other applicable sections of this Code or state law, now and as they may be amended hereafter, those words shall have the meaning as defined therein. As used in this chapter, unless the context otherwise indicates, the following words and terms shall have the meaning ascribed to them:

Abandonment means the intentional or complete forsaking of any animal by its owner, without making reasonable arrangements for the adequate care and custody of the animal to be assumed by another person or the failure to return and resume responsibility of an animal at the designated time as arranged with the care giver. Abandonment also means the act of placing an animal on public property or within a public building, unattended or uncared for, or on or within the private property of another without the express permission of the owner, custodian or tenant of the private property. An animal shall also be considered abandoned when it has been unattended and without adequate and proper food and water for a period in excess of thirty-six (36) hours, regardless of where such animal may be found or kept.

Adequate care means exhibiting attention to the needs of an animal, including but not limited to, the provision of food, water, shelter, sanitary, safe and healthy conditions, and adequate and timely veterinary medical attention necessary to maintain good health for the specific age, size, species, and breed of animal or to prevent suffering.

Adequate food means sufficient quantity of non-contaminated and nutritionally healthy sustenance that is appropriate to the species, breed, size, age and health of the animal, or at the direction of a licensed veterinarian; which is sufficient to prevent starvation, malnutrition, or risk to the animal's health. Garbage, spoiled, rancid, or contaminated food is not adequate food.

Adequate shelter means a protective covering for a domestic animal that provides adequate space and protection to maintain the animal in a state of good health, and that prevents
pain, suffering, or significant risk to the animal's health. Adequate shelter shall consist of a completely enclosed structure with four (4) sides, a constructed floor, and a roof with a door opening. It should also be clean, dry and compatible with current weather conditions, in addition to age, size, species and condition of the animal. The structure should be of sufficient size to allow the animal to stand, turn around, lie down and go in and out of the structure comfortably. To be adequate, some type of bedding that is quick drying, such as hay or pine straw, must be provided to maintain comfortable temperatures within the structure during times when the ambient, outside temperature is below thirty-two (32) degrees Fahrenheit. In addition, the structure shall include a heavy plastic or rubber flap to cover the door and/or window openings during the months of December through March or when the ambient, outside temperature is below thirty-two (32) degrees Fahrenheit. From April through November, the structure shall either be shaded or moved out of direct sunlight. If the shelter is made of wood, it shall be raised at least two (2) inches off the ground to prevent seepage or rotting. Examples of inadequate shelter include, but are not limited to, lean-tos, metal or plastic drums, boxes, abandoned vehicles, porches, decks, or material that does not provide sufficient protection from the elements.

Adequate water means clean, fresh, potable water sufficient to prevent dehydration and properly sustain health presented in a clean dish, free from contamination. Examples of inadequate water include, but are not limited to, snow, ice and rancid/contaminated water.

Animal means every living vertebrate except a human being.

Animal at large means any animal moving without physical restraint and not on its owner's property.

Animal enforcement officer means any person authorized by the governing authority or by law to enforce the provisions of this chapter.

Animal service center means the facility designated by the governing authority for the detention of animals in DeKalb County.

Apiary shall mean a place where bees and beehives are kept, especially a place where bees are raised for their honey.

Beekeeper shall mean a person who owns or has charge of one or more colonies of bees.

Classified animal means any animal that has been classified as either a dangerous or vicious animal pursuant to this chapter or comparably classified by the State of Georgia, or by any court, hearing officer, or authorized government agency of any other state, county or municipality.

Classified animal pen means a padlocked pen, as that term is defined in this chapter, made entirely of industrial gauge fencing with a door or gate equipped with a working lock. The classified animal pen must contain adequate shelter, as that term is defined in this chapter, but must also contain a minimum one hundred (100) square foot area outside the adequate shelter.

Colony or hive shall mean an aggregate of bees consisting principally of workers, but having, when perfect, one queen. It additionally refers to combs, honey and the receptacle inhabited by the bees.
Community cat means an unowned, free-roaming cat that has been marked by surgical ear-tip pursuant to the community cat program.

Community cat program means a comprehensive process whereby unowned free-roaming cats are captured humanely, transported to a veterinarian for evaluation, spay/neuter surgery, rabies vaccination and marking by surgical ear-tip, and returned to the area or location where the cat was captured.

Cruelty means causing death or unjustifiable pain or suffering to any animal by an act, omission, or neglect. Cruelty also includes transporting an unrestrained animal in an open-air vehicle or in the trunk of any vehicle or leaving an animal unattended in a closed vehicle without proper ventilation or temperature control where the outside air temperature is seventy (70) degrees Fahrenheit or above. Cruelty also means allowing or causing any animal to train for or engage in an animal fight operated for sport, entertainment or gaming purposes. Routine medical procedures by a licensed veterinarian shall not be regarded as cruelty.

Dangerous animal means any animal that, according to the records of an appropriate authority:

(1) Causes a substantial puncture of a person's skin by teeth without causing serious injury, provided, however, that a nip, scratch, or abrasion shall not be sufficient to classify an animal as dangerous;

(2) Aggressively attacks in a manner that causes a person to reasonably believe that the animal poses an imminent threat of serious injury to such person or another person although no such injury occurs; provided, however, that the acts of barking, growling, or showing of teeth by an animal shall not be sufficient to classify an animal as dangerous; or

(3) While off the owner's property, kills a pet animal; provided that no animal shall be classified as dangerous when the death of such pet animal is caused by a dog that is working or training as a hunting dog, herding dog, or predator control dog.

Dog Control Officer, as authorized and defined by O.C.G.A. §4-8-22 is any officer of the City tasked with enforcing the animal ordinances of the City. This shall include any officer of DeKalb County tasked with enforcing animal ordinances.

Electronic animal confinement system shall mean a commercially produced, functioning and professionally installed electronic fence which utilizes an invisible electrically generated perimeter, in which the animal within the perimeter wears an electronic collar that produces an electric shock when the animal approaches or exceeds the perimeter.

Euthanasia means the legal act of putting an animal to death using humane methods, recommended by the American Veterinary Medical Association Panel on Euthanasia and approved by the Georgia Department of Agriculture, as defined by Georgia law in the Georgia Animal Protection Act, as may hereinafter be amended.

Fence means any structure of wire, wood, stone or other material, which is of sufficient height and strength to act as a barrier against passage of the animal it is intended to enclose. A fence must be sufficient to prevent the animal from being able to jump, dig, or escape from confinement.
Garbage means all refuse matter/effluent, either animal or vegetable by-product from a restaurant, kitchen, or meat/poultry processing establishment; spoiled/rancid food and refuse accumulation of animal, fruit, or vegetable matter, liquid or otherwise, that is normally discarded.

Guard dog means a dog trained to attack persons or other animals independently or upon oral command; or a dog that, while not so trained, is reasonably expected to perform as a guardian of its owner and/or the property upon which the dog is located.

Hazardous animal means an animal that may be harmful to humans or other animals by virtue of its ability to produce poison or, due to its size and feeding habits, could prey on humans as a food source. Hazardous animals include, but are not limited to, pit vipers (genus Crotalidae), coral snakes (genus Micrurus), poisonous spiders, frogs, large reptiles, Nile monitors, caiman, alligators, crocodiles, and large constricting snakes greater than ten (10) feet in length.

Hive – see Colony

Identification means any tag, tattoo, microchip, or other type of marking that can be used to locate an animal’s owner.

Kennel means any location where boarding, caring for and keeping of more than a total of three dogs or cats or other small animals or combination thereof is carried on, including, but not limited to the raising, breeding, caring for or boarding of dogs, cats or other small animals for commercial purposes.

Kennel, noncommercial means any location where the owning, boarding, caring for and keeping of more than three (3) but not more than ten (10) dogs or cats or other small animals or combination thereof is carried on, not for commercial purposes, but as a hobby such as the raising of show and hunting dogs.

Law enforcement agency means any division of the Stone Mountain Police Department or other governmental agency with law enforcement powers operating within the City limits of Stone Mountain.

Neglect means endangering an animal’s health by failing to provide or arrange to provide the animal with food or drink if the animal is dependent upon a person for the provision of food or drink, or the act of restraining an animal in a manner that endangers the animal’s life or health. Other acts considered to be neglect include, but are not limited to:

(1) Failing to provide adequate care or seek veterinary care for an injury or illness that seriously endangers the life or health of an animal; or

(2) Leaving an animal outside and exposed to excessive heat or cold without providing the animal with adequate shelter or protection from the heat or cold or exposing an animal to unsanitary conditions.

Official Certificate of Veterinarian Inspection Health Certificate ("OCVI Health Certificate") means a legible certificate issued by an accredited veterinarian either on an official form of the State of Georgia or an equivalent official form of the United States Department of Agriculture.

Open-air vehicle means the cargo area of any pickup truck that is not covered by a permanent attached utility cover or any convertible vehicle with its top down.
Owner means any natural person or any legal entity, including but not limited to a corporation, partnership, firm, or trust, owning, possessing, harboring, keeping, or having custody or control of an animal. In the case of an animal owned by a minor, the term "owner" includes the parents or person in loco parentis with custody of the minor. A cat may be deemed "unowned" if the cat is found on the property of a natural person or legal entity disclaiming ownership of the cat and no traceable form of identification is displayed on the cat.

Pen means a pad locked, fenced area within a perimeter fenced area that has secure sides that are buried two (2) feet into the ground or sunken in concrete and a secure top.

Pest is an animal, insect, or arachnid that is invasive or troublesome to plants or animals, human or human concerns, livestock, or human structures.

Police chief means the police chief of the Stone Mountain Police Department or designee(s).

Primary means first or highest in rank; principal.

Proper enclosure means any structure or device used to restrict an animal to a limited amount of space such as a fenced area, electronic animal confinement system, building, house, pen, or other device or structure out of which an animal cannot climb, dig, jump, or otherwise escape.

Qualified adoption facilitator, rescue group and animal shelter means an organization offering animals for adoption so long as the organization is licensed as a shelter by the State of Georgia; or if not incorporated in Georgia, is a non-profit organization under section 501(c)(3) of the Internal Revenue Code; and has the express mission/business function of facilitating the sterilization and adoption of homeless and unwanted animals. A copy of the state license or the Internal Revenue Service letter of non-profit designation shall be provided to a City officer upon request.

Records of an appropriate authority means records of any state, county, or municipal law enforcement agency; records of any county or municipal animal control agency; records of any county board of health; or records of any federal or state court.

Secondary means of second rank; not primary.

Serious injury means any physical injury that creates a substantial risk of death; results in death, broken or dislocated bones, lacerations requiring multiple sutures, or disfiguring avulsions; requires plastic surgery or admission to a hospital; or results in protracted impairment of health, including transmission of an infection or contagious disease, or impairment of the function of any bodily organ.

Severe injury means a physical injury that results in broken bones, significant puncture wounds, disfiguring lacerations requiring multiple sutures or cosmetic surgery or significant medical procedures or a physical injury that results in death.

Spay/neuter certificate means documentation that certifies that the animal listed therein has been sterilized as of the date of surgery.

Sterilized animal means an animal that has been surgically or chemically altered by a licensed veterinarian in order to render the animal incapable of reproduction.
Stray animal means any animal at large, whether lost by its owner or otherwise, that may be in or on the common areas of apartments, condominiums, trailer parks or other multi-residential premises, any single-family residential property, or any other property or public area without being controlled by a leash, that does not have an identification tag or microchip, and otherwise has no identifiable owner. A community cat shall not be classified as a stray animal, but a cat which has not become a part of the community cat program is a stray animal.

Targeted Grazing is the application of a specific kind of livestock at a determined season, duration, and intensity to accomplish defined vegetation or landscape goals.

Tethered means an animal attached to a stationary object by a chain, cable or similar device commonly used for the size and type of animal involved. An animal is not considered tethered when the animal is attached to a stationary object, as long as the owner or custodian is physically within reach of the animal. Any tethering device used to tether an animal must be at least ten (10) feet in length.

Unsanitary conditions means an animal living space, shelter, or exercise area contaminated by health hazards, irritants, pollutants, items, or conditions that endanger or pose a risk to an animal's health.

Veterinary medical attention means care or supervision by a properly licensed practitioner of veterinary medicine as defined by Georgia law, sufficient to maintain an animal in a state of good health and prevent pain and suffering by an animal.

Vicious animal means one (1) that inflicts serious injury on a person, or one (1) that causes serious injury to a person resulting from reasonable attempts to escape the animal's attack.

Sec. 4-2. - General responsibilities of owners.

(a) It shall be the duty of every owner of an animal to take all necessary steps and precautions to protect other people, property, and other animals from injury or damage resulting from such animal's behavior, including, but not limited to, chasing, biting, or otherwise jeopardizing the safety or welfare of the public, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.

(b) If the owner of an animal is a minor, the parent or guardian of such minor shall be responsible to ensure full compliance with the requirements of this chapter.

Sec. 4-3. - Keeping animal under restraint while on owner's property.

(a) It shall be the duty of every owner of an animal to ensure that the animal is kept under restraint, and that precautions are taken to prevent the animal from leaving, while unattended, the real property limits of its owner.

(b) It shall be the duty of every owner of an animal to ensure that the animal is securely and humanely enclosed within a proper enclosure as a means of primary restraint. Such enclosure must be securely locked at any time the animal is left unattended. When outside the proper enclosure but on the owner's property, it shall be the duty of every owner of an animal to ensure that the animal is humanely secured by a leash or lead and
under the control of a responsible and competent person; or off leash but under the direct control of a responsible and competent person who is physically present with the animal, provided that such animal is obedient to that person’s command.

(c) Any dog that is housed outside of its owner's house shall be housed in a proper enclosure that complies with the provisions of this Code. The owner shall also ensure that the proper enclosure contains at least one hundred (100) square feet of open space.

(d) Tethering of any animal is prohibited, except as provided in this section.

(e) As a secondary means of restraint to a proper enclosure, a dog may be attached to a running cable line or trolley system providing that:

1. A running cable line or trolley system is set inside a proper enclosure;
2. Only one (1) dog may be attached to each running cable line or trolley system;
3. No dog may be attached to a running cable line or trolley system for more than twelve (12) hours in a twenty-four-hour period;
4. No dog may be attached to a running cable line or trolley system between the hours of 10:00 p.m. and 6:00 a.m.;
5. Tethers and cables attaching the animal to the running cable line or trolley system must be made of a substance which cannot be chewed by the animal and shall not weigh more than five (5) percent of the body weight of the animal tethered;
6. A running cable line or trolley system must have a swivel installed at each end and be attached to a stationary object that cannot be moved by the animal;
7. The running cable line or trolley system must be at least ten (10) feet in length and mounted at least four (4) feet and no more than seven (7) feet above ground level;
8. The length of the tether from the running cable line or trolley system to the animal’s collar should allow access to the maximum available exercise area and allow the animal free access to food, water, and shelter;
9. Be attached to a properly fitted harness or collar not used for the display of a current rabies tag and other identification; and with enough room between the collar and the dog’s throat through which two (2) fingers may fit. Choke collars and pinch collars are prohibited for the purpose of tethering an animal to a running cable line or trolley system; and
10. Be tethered at sufficient distance from any other objects to prohibit the tangling of the cable, from extending over an object or an edge that could result in injury of strangulation of the animal and be of sufficient distance from any fence so as to prohibit the animal access to the fence.

(f) If an electronic animal confinement system is used to confine an animal, it shall:

1. Provide a properly fitted and working signal device that will be worn by the animal to be enclosed.
2. Contain permanent and prominently displayed signs at twenty-five (25) feet intervals around the entire perimeter of the electronic animal confinement system.
The signs shall be no smaller than six (6) inches square, and shall read:
"Caution—Electronic Animal Confinement System" or similar verbiage.

Sec. 4-4. - Duty to restrain while off owner's property.
It shall be the duty of any person to keep an animal under restraint and control at all times while the animal is off the real property limits of the owner. Such areas shall not include city parks that are specifically designated as off leash areas.

Sec. 4-5. - Animals at large.
It shall be unlawful for the owner of an animal to allow it to run at large unattended on or about the streets, rights-of-way, and highways of Stone Mountain; in any city park, except in city parks that are specifically designated as off leash areas; unattended on or about the common property of any apartment complex or condominium community; or on the property of another person without permission of the owner of that property.

Sec. 4-6. - Abandonment.
It shall be unlawful for anyone to knowingly abandon, or to aid in the abandonment of, any domesticated animal on any property located in the City of Stone Mountain.

Sec. 4-7. - Neglect.
It shall be unlawful for any owner to neglect an animal.

Sec. 4-8. - Cruelty to animals.

(a) It shall be unlawful for any person to commit an act of cruelty towards any animal, except that a person may:

(1) Defend his person or property, or the person or property of another, from injury or damage being caused by an animal; or

(2) Kill any animal causing injury or damage to any livestock, poultry or pet animal.

(b) The method used for killing the animal shall be as humane as possible under the circumstances. A person who humanely kills an animal under the circumstances indicated in subsection (a) of this section shall incur no penalty for such death.

(c) This section shall not be construed to limit in any way the authority or duty of any law enforcement officer, dog or rabies control officer, humane society, or veterinarian.

Sec. 4-9. - Required permanent identification.
It shall be the duty of every animal owner who has been convicted, in a court of competent jurisdiction, of abandonment, cruelty or neglect of an animal, or who owns a classified animal, to
have the animal permanently identified by insertion of a microchip by a licensed veterinarian. Said chip must be registered with the manufacturer's chip registry.

**Sec. 4-10. - Dangerous and vicious animals.**

(a) If a dog control officer learns of the existence of a dangerous animal or vicious animal, that officer shall then cause a summons to be issued within seventy-two (72) hours requiring the owner of the animal to appear before a judge of the Stone Mountain Municipal Court or DeKalb County Magistrate Court, as specified below, at a date and time certain no earlier than fifteen (15) days after service, to conduct a hearing as to the appropriate classification of the animal. The summons so issued shall be served on the owner personally. The officer shall also immediately cause the impoundment the animal believed to be dangerous or vicious.

(b) The court shall determine after a hearing if the animal is to be classified as a dangerous animal or vicious animal. In making its findings in this regard, the court shall enter a written order notifying the animal's owner, the dog control officer, and the police chief of its decision.

(c) The appeal of any order of the court concerning the classification of an animal as vicious or dangerous shall be by petition for writ of certiorari to the superior court of DeKalb County.

(d) If the court classifies the animal as dangerous or vicious, and no appeal is filed, the owner shall be required to obtain from the police chief an annual certificate of registration in compliance with the requirements of this chapter. No vicious or dangerous animal shall be released to its owners until such certificate is issued by the police chief.

(e) If the owner fails to obtain the certificate of registration within thirty (30) days of the issuance of the order classifying the animal as dangerous or vicious, the animal will be euthanized no earlier than thirty-five (35) days after the issuance of the order so classifying the animal. The animal shall not be euthanized if the owner appeals the court's classification order by petition for writ of certiorari to the superior court of DeKalb County within thirty (30) days after the order of classification. During the pendency of the appeal and any further appeals, the animal shall not be euthanized, provided that in the event the classification order is upheld at the conclusion of all appeals, the animal shall be euthanized no earlier than thirty-five (35) days after the final order upholding the classification if the owner does not obtain the required certificate of registration within thirty (30) days after the date of the final order of court upholding the classification order. During the pendency of any such appeal by the owner, the animal shall not be released to its owner until the appeal is concluded and the certificate of registration is issued to the owner, if applicable. In such event, the animal will be housed at a licensed veterinarian's office or a licensed kennel and the cost of such detention shall be borne by the owner of the animal. In the event the county appeals the court's order, the animal shall not be released to its owner until the appeal is concluded and the certificate of registration is issued to the owner, if applicable.
Sec. 4-11. - Exemptions from classification as a dangerous or vicious animal.

An animal shall not be classified as a dangerous animal or vicious animal:

(1) When the animal bites, attacks or menaces anyone who assaults the animal's owner;
(2) When the animal bites, attacks or menaces anyone who willfully trespasses, or commits another tort, upon the property of the owner;
(3) When the animal bites, attacks or menaces anyone who is currently, or has in the past, tormented or abused the animal;
(4) Where the animal is acting in defense of an attack from a person or other animal upon the owner or other person;
(5) Where the animal is protecting or defending its young or another animal;
(6) Where the animal is being used by a law enforcement or military officer to carry out official duties; or
(7) When the animal bites, attacks or menaces anyone who is committing or attempting to commit an offense in violation of Georgia codes listed in O.C.G.A. Title 16, Chapters 5 and 6.

Sec. 4-12. - Certificate of registration.

(a) The owner of a classified dangerous or vicious animal must be eighteen (18) years old or older; annually obtain a certificate of registration for the animal from DeKalb County Animal Services (DCAS); and, pay any applicable fee for that registration. At the time of renewal, DCAS shall verify that the owner is continuing to comply with all applicable provisions of this chapter. The requirements of this section apply to any classified animal living in the City of Stone Mountain.

(b) Certificates of registration are nontransferable and no more than one (1) certificate of registration shall be issued per domicile. The certificate of registration shall be issued to the owner upon receipt of all of the following:

(1) Written evidence that the animal is permanently identified by insertion of a microchip by a licensed veterinarian. Said chip must be registered with the chip parent company and the police chief within thirty (30) days of an order classifying the animal as dangerous or vicious or within such later time as specified by a court of competent jurisdiction or within thirty (30) days of the conclusion of any appeal of a court's order that upholds the classification of an animal as dangerous or vicious;

(2) A copy of a current policy of insurance in the minimum amount of fifty thousand dollars ($50,000.00) issued by an insurer authorized to transact business in the State of Georgia, insuring the owner of a dangerous animal, and seventy-five thousand dollars ($75,000.00) insuring the owner of a vicious animal, against liability for any personal injuries or property damage inflicted by the dangerous animal or vicious animal; or a copy of a current surety bond in the foregoing respective amounts issued by a surety company authorized to transact business in the State of Georgia, payable for property damage or personal injury caused by the dangerous or vicious animal;
(3) Written or photographic proof that the animal will be confined in a classified animal pen; and

(4) Written evidence that the animal has been sterilized by a licensed veterinarian.

(c) The owner of a classified animal shall notify the police chief within twenty-four (24) hours if the animal dies. If the animal dies, the body must be available for microchip scanning to provide positive identification of the dangerous animal or vicious animal. A vicious animal shall not be transferred, sold or donated to any other person unless it is relinquished to a governmental facility or a veterinarian to be euthanized. If a dangerous animal is sold or given to another person, the current owner listed on the most current certificate of registration must provide the police chief with the name, address, and telephone number of the new owner within thirty (30) days of the sale or transfer of such animal. New owners of dangerous animals are subject to all requirements of this Code upon transfer of such animal and such new owner must register the animal in his or her name within thirty (30) days of the sale or transfer of the animal to such new owner.

(d) The owner of a classified animal must notify the police chief in writing within fifteen (15) days after changing his/her address. Such written notice shall provide the owner's new address and telephone number. The owner shall promptly obtain a new certificate of registration reflecting the new address if such address is located within the county.

(e) The owner of a classified animal shall notify the police chief in writing within seventy-two (72) hours after moving a classified animal into the county. Such written notice shall provide the address and telephone number of the owner and the owner shall obtain a certificate of registration for the animal within seventy-two (72) hours after moving into the county.

(f) No certificate of registration shall be issued to any person who has been convicted of two (2) or more violations of this chapter. No person shall be the owner of more than one (1) vicious animal. No certificate of registration for a vicious animal shall be issued to any person who has been convicted of:

1. A serious violent felony as defined in O.C.G.A. § 17-10-6.1;

2. The felony of dog fighting as provided for in O.C.G.A. § 16-12-37 or the felony of aggravated cruelty to animals as provided for in O.C.G.A. § 16-12-4; or

3. A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in O.C.G.A. §§ 16-13-31 and 16-13-31.1 from the time of conviction until two (2) years after completion of his or her sentence. The restrictions imposed by this subsection also apply to any person residing with such convicted person.

Sec. 4-13. - Confine of dangerous or vicious animals.

(a) Classified animals shall be confined in a classified animal pen.

(b) The owner of a classified animal must post signs on all means of ingress and egress to the premises where the animal resides. Such signs shall read in letters at least three-quarters (¾) of an inch high: "Dangerous/Vicious Animal on Property." Such signs shall be no smaller than eight and five-tenths (8.5) by eleven (11) inches.
(c) Whenever outside its classified animal pen, but on the owner's property, a classified animal shall be attended by the owner, muzzled by any means sufficient to prevent the biting of persons or animals, and restrained by a secure collar and leash of sufficient strength to prevent escape. Such leash shall not exceed three (3) feet in length.

(d) No classified animal shall be permitted off the property of its owner unless accompanied by the owner, muzzled by any means sufficient to prevent the biting of persons or animals, and restrained by a secure collar and leash of sufficient strength to prevent escape. Such leash shall not exceed three (3) feet in length. In the alternative, the classified animal when off the owner's property may be contained in a closed and locked cage or crate.

(e) The owner of a classified animal shall make the animal and the area of confinement available for periodic, unannounced inspections by a dog control officer to ensure compliance with the confinement requirements of this chapter, provided that the owner consents to such entry and inspection. If consent is not obtained, the dog control officer shall obtain an inspection warrant prior to any inspection in accordance with the requirements of state law.

Sec. 4-14. - Transportation of animals in open air vehicles.

If transporting an animal in an open-air vehicle, the owner is responsible for securing the animal so as to prevent the animal from escaping out of the vehicle, getting tangled, or extending over the edge of the vehicle such that injury or strangulation of the animal could result while the vehicle is in motion. For classified animals the requirements of this section are in addition to the requirements outlined in section 4-13.

Sec. 4-15. - Hazardous animals.

No person shall own, keep, harbor, house, or permit to be kept, harbored or housed, a hazardous animal within the City of Stone Mountain, unless granted prior written approval from the police chief. Written approval may be granted upon presentation of photographic proof that the animal will be kept adequately restrained or confined as is common for the species, and proof that the animal is covered in the liability insurance of the owner. Issuance of written approval incurs no liability on the part of the City or any of its officials and employees.

Sec. 4-16. - Guard dogs.

It shall be the duty of the owner of a guard dog to display in a prominent place on their premises, and at each entrance or exit to the area where such dog is confined, a sign which reads, in letters at least three-quarters (3/4) of an inch high, "Guard Dog." and lists the name and contact number of the owner of the dog in same size type. Such signs shall be no smaller than eight and five-tenths (8.5) by eleven (11) inches.

Sec. 4-17. - Rabies tag; rabies vaccination and animal registration.
(a) The requirements of this section only apply to owners of dogs, cats or ferrets, provided the dog, cat or ferret is three (3) months old or older.

(b) The process for verification of rabies vaccinations and registration of dogs, cats or ferrets set forth in this section shall be set by the governing authority of DeKalb County, Georgia.

(c) It shall be the duty of any owner of any dog, cat, or ferret to obtain a current rabies vaccination from a licensed veterinarian periodically as ordered by the veterinarian.

(d) After vaccination, it shall be the duty of any owner of any dog, cat or ferret to register each inoculated animal with the DeKalb County in a manner and fee schedule set by the governing authority of DeKalb County.

(e) It shall be the duty of any owner of a dog, cat, or ferret to provide a collar or harness for such animal. The collar or harness, together with the rabies inoculation tag, shall be worn by the animal at all times.

Sec. 4.18. - Reclamation of animals from DeKalb County Animal Services

An owner reclaiming an impounded animal shall be do so by process and procedures set forth in the policy of DeKalb County Animal Services (DCAS).

Sec. 4.19. - Enforcement generally.

(a) Upon information learned by, or complaint lodged with, a dog control officer that an animal owner is in violation of this chapter, the dog control officer shall cause a summons to be issued requiring the owner of the animal to appear before a judge of the Stone Mountain Municipal Court, at a date and time certain, to stand trial for the violation. If a violation has not been personally witnessed by the dog control officer or other law enforcement officer, a subpoena shall be issued to the person making the complaint, along with any witness(es), to appear on the date and time set for trial, to testify on behalf of the county.

(b) A dog control officer may respond to anonymous complaints of violations of this chapter. If the owner or custodian of an animal is unknown or not present, and such animal is upon the public streets, alleys, sidewalks, school grounds or other public places or premises, or is upon another person's property without permission or absent proper restraint, or is a classified animal as to which the registration, confinement or insurance requirements have not been met, the police shall immediately impound the animal in a facility designated for the detention of animals. Thereafter, if the animal is not claimed, the animal may be disposed of in a humane fashion in accordance with the provisions of O.C.G.A. § 4-11-5.1 et seq.

(c) Any stray cat without any traceable form of identification that is impounded or brought to the animal service center and deemed eligible may be transferred immediately to the community cat program. The City, its officials, and those administering the community cat program shall be free of liability arising from this program.

(d) Any community cat or unowned, free-roaming cat that is not healthy in the opinion of qualified animal service center employees or designees shall be impounded. No healthy community cat shall be impounded unless it:
(1) Damages the personal or private property of a person or legal entity that seeks its impoundment, or

(2) Creates unsanitary conditions, offensive or objectionable odors.

If a healthy community cat is impounded pursuant to this subsection (e), upon impoundment, it shall be transferred to a qualified adoption facilitator or disposed of by the county or its designee.

(e) An animal may be euthanized when it is determined that:

(1) At the scene of an accident an animal is injured beyond medical help, and no traceable form of identification is displayed on the animal;

(2) An animal presented to the animal service center without traceable form of identification is injured beyond medical help, or exhibits obvious signs of infectious disease or parasite infestation that would impose a health risk to animals housed in the animal service center; or

(3) A veterinarian has determined from all the circumstances that it would be inhumane not to euthanize a particular animal.

(f) The judge of any superior court of competent jurisdiction within the state may order the euthanasia of an animal if the court finds, after notice and opportunity for hearing, that the animal has seriously injured a human or presents a danger to humans not suitable for control under this chapter and:

(1) The owner or custodian of the animal has been convicted of a violation of any state criminal law and the crime was related to such animal; or

(2) Any local governmental authority has filed with the court a civil action requesting the euthanasia of the animal.

(g) A judge of the municipal or the superior court shall order the euthanasia of any animal if the court finds, after notice and the opportunity for hearing, that the animal has caused a serious injury to a human on more than one (1) occasion in the previous three years.

Sec. 4.20. - Right of entry.

A police officer or citizen may use any reasonable force necessary to remove any animal locked in a closed vehicle, domicile, building, or other enclosure if the animal exhibits distress, including but not limited to, excessive panting or drooling, seizures, state of unconsciousness, or hyperactivity. If property is damaged during such removal, neither the citizen, police officer, the police department, nor the City shall be liable for any damage caused.

Sec. 4.21. - Notice to owner of impounded animal.

(a) Upon impounding an animal with identification, the impounding officer shall make a prompt and reasonable effort to locate the animal's owner.

(b) When an impounded animal is released to the animal service center, the procedures for release or disposition of the animal shall be done in compliance with policies of the DeKalb
Sec. 4-22. - Ownership.

(a) It shall be unlawful for any person to abandon, sell, trade, swap or give away animals within the real property limits of buildings or surrounding grounds belonging to the City of Stone Mountain.

(b) It shall be unlawful for any person to give away or sell any animal on any public roadway in the City of Stone Mountain.

Sec. 4-23. - Sterilization.

(a) It shall be the duty of the owner of a dog or cat declared to be a classified animal by a court of competent jurisdiction to have the animal sterilized. Such sterilization must be performed by a licensed veterinarian within thirty (30) days of a final order of a court of competent jurisdiction finding that the dog or cat is a classified animal.

(b) Unowned, free-roaming cats may be vaccinated, sterilized and ear tipped as part of the community cat program. Cats brought into the community cat program are exempt from registration, licensing, and stray animal provisions of this chapter, shall not be deemed abandoned when returned to the location where captured, and as necessary and appropriate, may be exempt from other provisions of this Code applicable to owned animals.

Sec. 4-24. - Limitation on ownership.

(a) Any person who has been convicted of cruelty, neglect or abandonment of an animal as provided in this Code or state law, and has relinquished ownership of said animal, shall not be allowed to own a pet in their household in the City for five (5) years measured from the date of conviction.

(b) Any person who has been convicted of failure to keep an animal under restraint while on owner’s property as provided in this Code, or has been ordered by a court to meet additional confinement requirements and has not complied with the court’s order, shall not be allowed to own a pet in their household in the City for five (5) years measured from the date of conviction or court order.

Sec. 4-25. - Violations and enhanced penalties.

(a) Any person who does anything prohibited or fails to do anything required by this chapter, upon citation by an officer authorized to enforce this chapter and conviction of the violation in a court of competent jurisdiction may be subject to fine and/or imprisonment in accordance with Section 1-11 of this Code. Where any offense or violation continues from day to day, each day’s continuance thereof shall be deemed a separate offense.

(b) A classified animal shall be immediately impounded by any City police officer, code enforcement officer, or DeKalb County animal enforcement officer if such animal or its
owner has violated any of the requirements of this chapter. Any animal, whether classified or not, may be impounded if such officer believes the animal poses a threat to the public.

(c) The owner of a classified animal shall notify the police chief as soon as the owner discovers that the animal is on the loose, unconfined, or has attacked a human or another animal, and failure to so notify the police chief shall be a violation of this chapter by the owner of the animal.

(d) It shall be a violation of this chapter for any person to possess within the City a classified animal without a certificate of registration issued in accordance with the provisions of this chapter.

Sec. 4-26. - OCVI health certificate required.

(a) The owner of any cat or dog, sterilized or unsterilized, that is sold, or exchanged for valuable consideration is required to give the new owner a current, valid OCVI health certificate at the time of exchange or sale. The OCVI health certificate must be available for review by potential new owners at the time any dog or cat is offered for sale or exchange, for valuable consideration. A current OCVI health certificate must be presented to any animal control officer upon request for review.

(b) Qualified adoption facilitators, rescue groups, and animal shelters are exempt from the requirements of this section.

(c) Each animal found to be without an OCVI health certificate shall be considered a separate violation of this section by the owner of the animal. Animals shall not be subject to impoundment for violations of this section.

Sec. 4-27. - Classifications of animals in previous ordinances or jurisdictions.

Any animal classified dangerous or vicious prior to the adoption of this chapter, or classified by any other jurisdiction in the State of Georgia as a dangerous animal, shall be so classified as a vicious animal under this chapter.

Sec. 4-28. - Limitation of liability and classification.

Any irregularity in classification proceedings shall not be a defense to any prosecution under this chapter so long as the owner of the animal received actual notice of the classification and did not pursue correction of the irregularity. Under no circumstances shall the City or any of its elected officials, employees, or officers be held liable for any damages to any person who suffers an injury inflicted by an animal as a result of a failure to enforce the provisions of this chapter.

Sec. 4-29. - Location of kennels, structures or property used as boarding or breeding kennels.
(a) All structures or property used as boarding or breeding kennels shall be located and activities conducted at least one hundred (100) feet from the property line of any property zoned or used for residential purposes.

(b) All noncommercial kennels shall be located on a site of not less than one (1) acre. All structures or property used as a noncommercial kennel shall be located at least one hundred (100) feet from the property line of any property zoned or used for residential purposes.

Sec. 4.30. – Prohibited Animals

(a) The keeping of hogs or pigs in the city is prohibited.

(b) It shall be unlawful to purchase, sell, own, possess, harbor or breed skunks, foxes, prairie dogs, raccoons, coyotes, wolves, hybrid wolves, any hybrid animal that is part wild animal, exotic cats or any other wildlife unless licensed by the respective federal or state department of agriculture to possess such animal.

Sec. 4.31. - Keeping of livestock.

Any person who keeps horses, mules, cattle, or other livestock within the corporate limits of the city shall carry the following restrictions:

(1) Livestock shall be permitted on parcels, or adjoining assemblage of parcels, totaling at least two acres in size. Livestock are not permitted in parcels zoned as, or adjacent to parcels zoned as, “Village Center Mixed-use.”

(2) All livestock shall be maintained at least one hundred (100) feet from the property line of any other property zoned or used for residential purposes.

(3) There shall be a minimum of 5,000 square feet of fenced lot area not covered by the principal building or structure for each livestock animal.

(4) All pastures must be kept in a sanitary condition.

(5) Live slaughter shall be prohibited.

Sec. 4.32. - Keeping of fowl and small domesticated animals—General regulations.

Small domesticated animals, such as rabbits and guinea pigs and fowl, such as chickens, ducks, geese, guineas, turkeys and the like may be kept within the City subject to the following regulations:

(1) All such animals shall be provided with adequate and sanitary housing. Such houses, hutchs, pens, stables, sheds, stalls and enclosures wherein domesticated animals, poultry or other fowl are kept shall have a solid floor as may be approved by a code compliance officer. All such houses, hutchs, pens, stables, sheds, stalls and enclosures, wherever located, shall have a minimum floor space of four square feet per animal or bird over one month old.
(2) All houses, hutches, pens, stables, sheds, stalls or enclosures where such livestock, poultry or other fowl are kept shall not be nearer to any houses wherein human beings reside, other than the residence of the person who is the owner of such animals, than a distance equal to the width of the lot upon which the animals are kept, or a minimum distance of 75 feet should the lot be 75 feet or more in width.

(3) Every person owning or keeping chickens or any other domestic fowl in the city is hereby required to keep such fowl and chickens under fence and not allow such chickens or fowl to run on any property other than his own.

(4) No such animals shall be kept in parcels zoned as "Village Center Mixed-use," except as a permitted use.

(5) Keeping of male chickens, or roosters, is prohibited.

(6) Live slaughter shall be prohibited.

Sec. 4-33. - Same—Sanitary requirements.

It shall be unlawful for any person owning or having control of the use of any house, hutch, pen, stable, stall or enclosure or other place where domesticated animals, poultry or fowl are kept to allow the same to become filthy or unsanitary. Every person who owns or keeps such domesticated animals, poultry or fowl shall maintain in connection therewith a bin, pit or container in which the manure from such animals, poultry or fowl shall be placed pending removal. Such bin, pit or container shall be provided with covers or other devices, sufficient to prevent the ingress and egress of flies and other insect pests. All persons controlling such places where domesticated animals, poultry or fowl are kept shall remove all manure from such bins, pits or containers before the same shall become malodorous or unsanitary. However, any such person may use such manure upon his premises for the purpose of enriching his own ground.

Sec. 4-34. - Same—Drainage of pens and other areas.

All places wherein livestock, poultry or fowl are kept shall have adequate drainage sufficient to prevent standing water in yards or pens. Drainage from pens shall not enter storm water drains, streams, or lakes.

Sec. 4-35. - Same—Use of lime or other chemicals required.

All yards or pens wherein livestock, poultry or fowl are kept shall be regularly covered with lime or other suitable chemical agents, as may be approved by the county health officer, to prevent bad odors or nuisances to neighbors.
Sec. 4-36. - Diseased animals.

It shall be unlawful for any person to have or keep within the City any animal, poultry or fowl infected with a disease, infestation, or condition which may contaminate people, other animals, poultry, or fowl.

Sec. 4-37. – Hoarding of Animals.

It shall be unlawful for any person to collect animals and fail to provide them with humane/adequate care; fail to dispose dead animals properly; or collect, house, or harbor animals in filthy, unsanitary conditions that constitute a health hazard to the animals being kept, and/or to the animals, residents, or residents of adjacent property.

Sec. 4-38. - Breeders.

It is unlawful for any person who does not hold a license from the Georgia Department of Agriculture to breed an animal if they are required by the Georgia Department of Agriculture to be licensed.

Sec. 4-39. - Beekeeping.

The purpose of this section is to establish sound beekeeping practices, so as to avoid issues that may otherwise be associated with the keeping of bees in an urban setting.

(a) Notwithstanding compliance with any other section of this chapter, it shall be unlawful for any beekeepers to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

(b) Beekeeping is permitted provided the following requirements are met:

(1) Licensing requirement for commercial beekeepers. The Georgia Bee Law, O.C.G.A. § 2-14-40, requires that all beekeepers selling bees, queens, nuclei, etc. be licensed by the Georgia Commissioner of Agriculture. All other beekeepers (e.g. hobbyists, pollinators, honey producers) are not required to be licensed, but are subject to inspection by the Department of Agriculture.

(2) Fencing of flyways. Where a colony is located within 25 feet of a property line, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a suitable flyway barrier in the vicinity of
the apiary. Colonies should have the hive opening facing inward or toward the center of the property on which they are located.

(3) Water. Each beekeeper shall ensure that a convenient source of water is available to the bees at all times.

(4) Non-commercial colony densities. It shall be unlawful to keep more than the following number of non-commercial colonies on any parcel within the city:

(A) Less than one-half acre: two colonies;

(B) More than one-half acres but less than one acre tract size: four colonies;

(C) One acre or larger tract size: six colonies.

(5) Bees shall not be kept in parcels zoned as “Village Center Mixed-use,” except as a permitted use.

Sec. 4-40 - Targeted Grazing

The temporary keeping of goats and sheep on property otherwise not zoned for livestock, for the sole purpose of targeted grazing of vegetation, is permitted in the City of Stone Mountain under the following conditions:

(a) Target grazing may only be performed by an experienced goat and/or sheep herding vendor on any parcel, except those zoned as “Village Center Mixed-use.”

(b) Property owner or herding vendor shall secure a permit from the City Clerk prior to commencement of grazing. Before a permit shall be granted, the City Clerk shall ensure the property owner or herding vendor has at least $250,000.00 of general liability insurance to cover the targeted grazing activity. The permit request shall specify the location of grazing, the number of grazing animals, the number of guard animals, the duration of the grazing activity, 24-hour contact information for the applicant, and a copy of the certificate of insurance. The fee for a permit shall not exceed ten dollars ($10.00).

(c) Grazing animals are allowed to graze a parcel or portion thereof for no more than 28 continuous days. The City may halt grazing activity before 28 days if, in the opinion of a public officer, the grazing is negatively affecting erosion, other environmental factors, or public safety.

(d) Grazing treatments for any parcel or portion thereof shall not occur within 45 days of a previous treatment. No more than three (3) grazing treatments are allowed on a parcel or portion thereof in a calendar year.
(e) Property owners or herding vendors shall install temporary pens or electric fencing to encompass the area to be grazed in order to contain the animals. Warning signs should be placed at least every fifteen (15) feet to warn of the animals and/or shock hazard. No tethering of animals is permitted.

(f) Property owner or herding vendor shall ensure that objects or vegetation deemed harmful to the animals is removed prior to grazing treatment.

(g) Property owner or herding vendor shall provide sufficient fresh water and any supplemental nutrition the animals may require.

(h) The treatment area must be checked at least daily and kept cleaned or treated to ensure the odor of animal waste does not create a nuisance to other nearby residents or businesses.

Sec. 4-41. – Fishing and the keeping of fish.

Fishing and the keeping of fish in ponds or lakes shall be regulated by the Georgia Department of Natural Resources.

Sec. 4-42 – 4-49 – Reserved

Sec. 4-50. – Animal Nuisances

(a) The owner or person that is the custodian of animals or fowl shall be responsible for correcting and abating any nuisance that may arise from the keeping of said animals.

(b) It shall be unlawful for any person who possesses, harbors, or is in charge of any animal not to immediately remove excrement deposited by any animal upon the common thoroughfares, streets, sidewalks, trees, lawns, playground areas, parks, squares, and upon other public premises and the failure to remove said excrement shall be deemed a public nuisance and is prohibited.

Sec. 4-51. – Animal Noise Disturbance

No person shall allow any animal or fowl which howls, barks or emits audible sounds that are unreasonably loud or disturbing and which are of such character, intensity and duration as to disturb the peace and quiet of the neighborhood. For the purpose of this article, for example, "barking dog" shall mean a dog that barks, bays, cries, howls intermittently for sufficient time and noise level to be observed by law enforcement or recorded by a citizen, day or night, regardless of whether the dog is physically situated on
or upon private property; provided, however, that dog shall not be deemed a "barking
dog" for purposes of this regulation, if, at the time the dog is barking or making any other
noise, a person is trespassing or threatening to trespass upon private property.

Sec. 4-52. - Liability of City and County.

Pursuant to state law, under no circumstances shall the City or any employee or official
of the City, or any person tasked with enforcement of animal ordinances in DeKalb
County, be held liable for any damages to any person who suffers an injury inflicted by a
animal as a result of a failure to enforce the provisions of this article.

PART II

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART III

This ordinance shall become effective on the ____ day of ________________, 2018

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.

__________________________  __________________________
Mayor Patricia Wheeler     Alicia Daniels, Assistant City Clerk

__________________________
Approved as to form:     __________________________
City Attorney Joe Fowler

First read:  __________________________  Second read:  __________________________
MEMORANDUM

To: Mayor and City Council
From: Mike Cooper, Planning & Zoning Committee member
Date: November 20, 2018
Re: Planning & Zoning Committee report

The Stone Mountain Planning & Zoning Committee met Monday evening, November 19, at City Hall. The meeting began at 6:37 p.m. after it was determined there was a quorum. Members present were Pam DeLoach, Jelani Linder and Mike Cooper. Mr. Linder presided. There were three items on the agenda.

SUMMARY

1. Rezoning. 6803 James B. Rivers Memorial Dr., parcel 18 126 06 002. Applicant seeks rezoning from R-2 to MR-1.

The committee voted 3-0-0 to recommend DEFERRAL so that the applicant can revise the application to meet the requirements of the city’s stream buffer ordinance.

2. Text amendment to OPI district regulations to permit after-school programs, which would allow applicant to operate “after school child care: school age through 6th grade” at 6804 JBR Memorial Dr., parcel 18 126 07 012.

The committee recommended DENIAL in a 3-0-0 vote.


In a 3-0-0 vote, the committee:

- recommended APPROVAL of the variance for lot size
- recommended APPROVAL of the variance for lot width
- recommended DENIAL of the variance for building height

DISCUSSION

Here is additional information on each item:

1. Rezoning. 6803 James B. Rivers Memorial Dr., parcel 18 126 06 002. Applicant seeks rezoning from R-2 to MR-1.

The committee recommended DEFERRAL of this application because it does not meet the requirements of the "City of Stone Mountain Stream Buffer Protection Ordinance," Article III of the city code.
Location: The property is on the south side of JBR Memorial. The property has 130 feet of frontage on JBR. Rear border is 150 feet. West border is 405 feet, east border is 372 feet. The property has 58,950 square feet, 1.35 acres.

Adjacent Zoning: Property to the west is MR-1. Properties to the east and north are zoned R-2.

Comprehensive Plan: The proposal is consistent with the 2016 Update of the city's Comprehensive Plan, which designates the parcel Townhome/Duplex Residential.

The applicant did not provide a written narrative or site plan explaining his proposal. All that was provided was a blurry "grading and drainage plan" dated August 19, 2005 and based on a 2005 survey.

The survey appears to show a stream on the property. Existence of a stream is confirmed by DeKalb County GIS data. The application and the "grading and drainage plan" do not meet the requirements of the "City of Stone Mountain Stream Buffer Protection Ordinance," Article III of the city code.

1. The proposal does not provide the 75-foot buffer required under Article III.

The 13-year-old "grading and drainage plan" indicates that a building will be at the edge of a 25-foot stream buffer. However, the city code requires a 75-foot stream buffer.

"Sec. 28-545. - Land development requirements.

(a) Buffer and setback requirements. All land development activity subject to this chapter shall meet the following requirements:

(1) An undisturbed natural vegetative buffer shall be maintained for fifty (50) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.

(2) An additional setback shall be maintained for twenty-five (25) feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback."

A variance could be requested, but the applicant would be required to put mitigation measures in place. A variance request would also require a hardship that is not self-imposed.

2. The application does not provide the required information for development with a stream buffer.

"Sec. 28-547. - Additional information requirements for development on buffer zone properties.

Any permit applications for property requiring buffers and setbacks hereunder must include the following:

(1) A site plan showing:

a. The location of all streams on the property;

b. Limits of required stream buffers and setbacks on the property;

c. Buffer zone topography with contour lines at no greater than five-foot contour intervals;

d. Delineation of forested and open areas in the buffer zone; and
The "grading and drainage plan" that has been submitted does not clearly identify the stream, it does not delineate forested and open areas in the buffer zone, and it provides no details of the proposed impervious cover within the setback.

3. Buffer requirements apply to this property.

"Sec. 28-544. - Applicability.

This chapter shall apply to all land development activity on property containing a stream protection area as defined in section 28-543 of this chapter."

2. Text amendment to OPI district regulations to permit after-school programs at 6804 JBR Memorial Dr., parcel 18 126 07 012

The committee recommended DENIAL of this application. Panel members expressed concern about allowing before-or after-school programs at any location in the OPI district.

Family day care homes and group day care homes are "permitted by condition (special uses)" in the R-1, R-2 and MR-1 districts. The applicant's representative stated that no one would live in the house at 6804 JBR Memorial Dr. Therefore, the proposed use would be considered a group day care home under the city code:

"Group Day Care Home is operated by a person, corporation, or institution, to provide child care for children less than 18 years of age for less than 24 hours per day. Group Day Care Homes are licensed for 7-18 children."

The applicant stated that she would host 25 children, which exceeds the existing limit for this use elsewhere in the city.

As to the specific property proposed for this activity:

Location: The property is on the north side of JBR Memorial. According to county GIS map, the property has 116 feet of frontage on JBR. Rear border is 120 feet. West border is 163 feet, east border is 200 feet. Property has 34,000 square feet.

The property was rezoned to OPI in 2013.

Adjacent Zoning: Property to the west and east is R-2. Property to the rear is R-75 (county). Property to the south (across JBR) is R-2, seeking rezoning to MR-1.

Comprehensive Plan: The current zoning is INCONSISTENT with the 2016 Update of the city's Comprehensive Plan, which designates the parcel as Residential. To be consistent with the comprehensive plan, the property should be rezoned, instead of changing the OPI zoning code. Such a change would also allow the proposed use, without the need for a text amendment.

Some pages in the application state that it requests permission to permit "before/after school child care 5-12 years old" at this address. The application states "after school child care: school age through 6th grade."

If the City Council desires to adopt a text amendment to the permitted uses in OPI, I have written the following language, which is nothing more than that which is required in other zoning districts in the city:
Day cares would be "permitted by condition (special uses)" in the OPI district, with these restrictions:

Create new sections under 5.8.3(A):

9. FAMILY day care center, provided
   a. It is an owner-occupied establishment;
   b. Must receive approval by:
      i. Obtaining signatures from neighboring lots; and
      ii. Receive approval through a public hearing.
   c. No more than six individuals are kept.

10. GROUP day care facilities including private kindergartens and playschools, provided:
   a. The lot abuts upon a major or collector street or a state highway.
   b. A circular drive for off-street loading and unloading of children is provided.
   c. At least 35 square feet of indoor play area for each child at maximum enrollment is provided.
   d. At least 100 square feet of outdoor play area for each child at maximum enrollment is provided.
   e. The outdoor play area is enclosed by a fence at least four feet in height but not over eight feet in height.
   f. If a special use permit is approved, comply with all state day care requirements and health regulations."

(end substitute text amendment -- NOT recommended by the committee)

-0-


The property is on the west side of Beaver Run. According to county GIS data, the property has 47 feet of frontage on Beaver Run. The west property line is 47.5 feet, north and south property lines are 90 feet, a total of 4,253 square feet, according to county data. That's not the same as the 4,597 feet on on the administration notes.

Adjacent Zoning: Adjacent properties are all R-4.

Comprehensive Plan: The proposal is consistent with the 2016 Update of the city's Comprehensive Plan, which designates the parcel Residential.

The applicant requests three variances.

The committee recommended approval of these TWO variances:
- Variance from lot size requirement of 5,000 square feet. The property contains 4,597 square feet, according to the city’s administrative notes.
- Variance from lot width requirement of 50 feet. The property is 47.5 feet wide.

The committee recommended denial of this variance request:

- Variance from building height limit of 30 feet. The application seeks a building height of 32 feet, 7 inches.

Committee members expressed concern about a variance on building height for a structure that is far taller than adjacent buildings. There was concern that the building would be out of proportion for the Shermantown residential district.

During our meeting, the applicant indicated that he could revise his plan so that the proposed home would not exceed 30 feet in height.

Respectfully submitted,

MC
The applicant is proposing the development of single-family attached dwellings (townhomes) on the property located at 6803 James B. Rivers Memorial Drive, Stone Mountain, Ga and positioned within the Traditional Residential (R-2) zoning district.

1. The applicant is proposing an amendment to the City’s zoning map to convert the property to MR-1 Multifamily Residential (with an allowance for multiple single-family attached dwellings under Section 5-6 Multi-family residential (MR-1) district, 5-6.2(26) Permitted uses by right:
   “Other uses as approved by the city, provided:
   i. Approval must be given prior to development.”

Multi-family residential district regulations, in their entirety, can be found at https://library.municode.com/ga/stone_mountain/codes/code_of_ordinances?nodeId=PTlCOOR_APXAZO_ARTVOIRE_S5-6MUMIREDI.

5-6.5 District development regulations.
A. The following contain the development regulations for the MR-1 district. Any variance to the following must be approved by the mayor and council upon recommendation from the planning and zoning committee
1. Minimum lot size:
   a. 7,000 feet (multi-family residential);
   b. No minimum (attached two/multi-family dwellings as a part of a mixed-use building);
   c. No minimum (commercial).

The subject property, as projected on the submitted site plan/survey, is surveyed at 1.33 acres, which equates to 87,120 square feet.

2. Minimum lot width: 40 feet.
The subject property, as projected on the submitted site plan/survey, is surveyed at a lot width of 150 ft.
3. Minimum road frontage (measured at property line): 35 feet.
   The subject property, as projected on the submitted site plan/survey, is surveyed at a
   road frontage of 150.08 ft.

4. Minimum yard abutting a public street (from property line): No minimum.

   a. No minimum (commercial);
   b. If mixed-use building is detached from neighboring parcel buildings, there must
      be a 12-foot alleyway from the street to behind the building.
      i. Alleyway must be maintained in order to promote the health, safety and
         welfare of visitors, employees and residences.
   According to the proposed site plan/survey, the proposed development on the subject
   property renders side yards in excess of the ten feet minimum.

6. Minimum rear yard: 30 feet.
   According to the proposed site plan/survey, the proposed development on the subject
   property renders a rear yard in excess of the thirty feet minimum.

7. Maximum height: 50 feet.

8. Minimum floor area:
   a. 400 square feet (residential).
   b. 1,500 square feet (commercial).

9. Maximum floor area.
   a. 2,000 square feet (residential).
   b. 4,500 square feet (commercial).

10. Minimum buffer area between adjacent, dissimilar districts: Ten feet.
    Proposed development meets the requirement.

11. Minimum separation between buildings on same lot: none.

12. Maximum building height: 50 feet or three stories.
    Bonus: 65 feet or four stories, provided:
    a. The multi-family building contains at least ten percent affordable/workforce
       housing units.
    b. The principal dwelling is a part of a conservation/open space development;
    c. The principal dwelling promotes sustainable building practices as outlined by
       LEED or EARTH CRAFT building standards.

13. Maximum lot coverage: 60 percent, including a maximum of 20 percent for off-street
    parking.
    31.9% of which less than 20% is for off-street parking as presented in applicant
    provided letter from landscape architect.
5-6.6 Additional District Development Regulations.

A. The following contain the development regulations for the MR-1 district. Any variance to the following must be approved by the mayor and council upon recommendation from the planning and zoning committee.

1. Maximum density.
   a. 20 dwelling units per acre.
   **Proposed development is 11 units (3 buildings).**

2. Minimum density.
   a. Eight dwelling units per acre.
   **Proposed development is 11 units (3 buildings).**

3. Setback requirements for mixed-use development.
   a. Setbacks may vary from 15 to 25 feet to accommodate for outdoor retail and dining.

4. Lighting.
   a. Lighting other than landscape lighting, if provided, shall be dark sky compliant and reflect away from residential areas and public streets.
   b. Lighting must be pedestrian-friendly and included in alleyways.

5. Trash disposal.
   a. Each property shall provide adequate and accessible trash disposal areas. Said disposal area shall be screened from public view.
   b. Tenants and lessees of the same building or structure may share disposal facilities, provided that the design and plan is brought before the planning and zoning committee.

6. Connectivity and site design requirements.
   a. The MR-1 district should incorporate multi-modal transportation (applicable modes consisting of pedestrian, bicycle, and vehicular) elements in the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large.
   b. A grid system of streets, where feasible given the topography, is preferred over cul-de-sac designs. Block length should be conducive to pedestrian traffic.
   c. Traffic calming methods should be incorporated to promote pedestrian accessibility and safety.
   d. Interconnections to adjoining property, whether developed or undeveloped, should be included and incorporated into the design where appropriate. Proposed parcels should be arranged and designed so as to allow for the opening of future streets and provide access to those areas not presently served by streets.

5-6.7 Minimum Parking Requirements.

A. The following serves as a minimum requirement, specifically intended for this district. Please refer to article VII off-street parking and loading requirements for additional standards.

1. Minimum off-street parking spaces required.
   a. Off-street parking and loading shall be provided as stated in article VII.

2. Decorative fences or walls, plantings, berms, or other similar features should be used to screen surface parking lots from public view or soften their visual impact.
3. The location and design of parking structures should minimize their visibility from the street, adjacent properties, or other public areas and are not appropriate abutting residential properties outside the MR-1 district.

4. Surface parking lots should be oriented behind or to the side of a building when possible. Surface parking lots should not be located on street corners.

5. Underground or within the building parking is encouraged to maximize green space.

6. Shared parking should be utilized to reduce surface parking as outlined in article VII, off-street parking and loading requirements.

7. Parallel parking is permitted along all streets within the development provided the street construction specifications meet the required city code regarding parallel parking.
   a. The parking or storage of any commercial vehicle is prohibited except when any of the following provisions apply:
      i. A commercial vehicle temporarily parked or standing in a residential zoning district for less than eight hours.
      ii. An automobile, pickup truck, van or sport utility vehicle used to provide daily transportation to and from work.

8. A maximum of one piece of major recreational equipment may be parked or stored on a single-family residential lot provided that it is parked in compliance with section 5-104 of the Code of Ordinances. Additional major recreational equipment may only be parked or stored in enclosed buildings or in a carport provided that said recreational equipment fits entirely within the carport. However, such equipment may be parked on residential premises for a period of not more than 24 hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.
CITY OF STONE MOUNTAIN
APPLICATION FOR A ZONING AMENDMENT

APPLICANT'S NAME: GREEN COMMUNITY DEVELOPMENT LLC
APPLICANT'S ADDRESS: 3450 PEACH TREE BLVD STE 410
CITY: ATLANTA STATE: GA ZIP: 30341-3235
HOME #: OFFICE #: 770-457-3268 CELL #: 1
EMAIL ADDRESS: CMH2GREENCOMMUNITY.DEV.COM
ADDRESS OF PARCEL TO BE RE-ZONED: 6803 DMA MEMORIAL DR
CITY: STONE Mtn STATE: CA ZIP: 30083
CURRENT ZONING CLASSIFICATION: R-2 PROPOSED ZONING CLASSIFICATION: M-R-1

LAND USE CLASSIFICATION AS SHOWN ON THE FUTURE DEVELOPMENT MAP:
TOWHouses COMPLIANT

SIGNATURE OF APPLICANT DATE: 7 Nov 2018

THE INFORMATION BELOW MUST BE COMPLETED IF THE OWNER(S) OF THE PROPERTY IS
DIFFERENT FROM THE APPLICANT. THE PROPERTY OWNER'S SIGNATURE BELOW
AUTHORIZES THE APPLICANT TO APPLY FOR A ZONING AMENDMENT AS INDICATED ABOVE.
IF THE PROPERTY HAS MORE THAN ONE OWNER, THE NOTARIZED SIGNATURE OF ALL
PROPERTY OWNERS SHALL BE REQUIRED
(USE PAGE 3 FOR ADDITIONAL SIGNATURES)

PROPERTY OWNER'S NAME:

ADDRESS:

CITY: STATE: ZIP:

HOME #: BUSINESS #: CELL #: EMAIL ADDRESS:

SIGNATURE OF PROPERTY OWNER DATE:

SIGNATURE OF NOTARY DATE:

COMMISSION EXPIRES

(SEAL)

Page 2 of 5
CITY OF STONE MOUNTAIN
APPLICATION FOR CONDITIONAL USE

APPLICANT'S NAME: GREEN COMMUNITY DEVELOPMENT LLC
APPLICANT'S ADDRESS: 5456 PEACHTREE BLVD #410
CITY: CAUMBS STATE: CA ZIP: 30341-2235
HOME #: OFFICE #: 770-457-3300 CELL #: 23077
EMAIL ADDRESS: cmh@GREENCOMMUNITYDEV.COM
ADDRESS OF PARCEL FOR CONDITIONAL USE: 6803 JAMES BROWN AVENUE
CITY: STONE MTN STATE: GA ZIP: 3
CURRENT ZONING CLASSIFICATION: R2 PROPOSED ZONING CLASSIFICATION: MR-1
LAND USE CLASSIFICATION AS SHOWN ON THE FUTURE DEVELOPMENT MAP: 23 OCT

SIGNATURE OF APPLICANT
15 Aug 2018

THE INFORMATION BELOW MUST BE COMPLETED IF THE OWNER(S) OF THE PROPERTY IS DIFFERENT FROM THE APPLICANT. THE PROPERTY OWNER'S SIGNATURE BELOW AUTHORIZES THE APPLICANT TO APPLY FOR A CONDITIONAL USE AS INDICATED ABOVE. IF THE PROPERTY HAS MORE THAN ONE OWNER, THE NOTARIZED SIGNATURE OF ALL PROPERTY OWNERS SHALL BE REQUIRED (USE PAGE 3 FOR ADDITIONAL SIGNATURES)

PROPERTY OWNER'S NAME: HUNT INVESTMENT TRUST
ADDRESS: 5456 PEACHTREE BLVD #410
CITY: CAUMBS STATE: CA ZIP: 30341-2235
HOME #: BUSINESS #: 770-457-3300 CELL #: 23077
EMAIL ADDRESS: cmh@GREENCOMMUNITYDEV.COM

SIGNATURE OF PROPERTY OWNER
4-16-2015

SIGNATURE OF NOTARY
15 Aug 18
COMMISSION EXPIRES 5-3-2018

Page 2 of 5
DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

In accordance with the Conflict of Interest in Zoning Actions O.C.G.A., Chapter 36-67A-3, the following questions **must** be answered:

Have you, the applicant, made $250.00 or more in campaign contributions to a local government official, who will consider the application, within two years immediately preceding the filing of this application?

Yes [ ] No [✓]

If the answer is yes, you **must** file a disclosure report with the City of Stone Mountain showing:

1. The name and official position of the local government official to whom the campaign contribution was made.

2. The dollar amount and description of each campaign contribution made to the local government official during the two years immediately preceding the filing of this application and the date of each contribution.

The disclosure(s) must be filed within ten (10) days after the application is first filed.

**Signature of Applicant**

[Signature]

15 [ ] 6 [ ] 1 [ ] 8

**Date**

[Signature of Notary]

[Signature]

8-6-2018

**Date**

5-3-2022

COMMISSION EXPIRES

(SEAL)

Page 4 of 5
FOR OFFICE USE ONLY

Received By: Chequies M. Thornton  Date/Time Received: Completed application
Parcel Number: 18126 06 002  Occupancy Use: Currently Vacant Lot
Total Acreage: 1.330 Acres  Total Square Feet: 
Current Zoning: R-2 Traditional Residential

Land Use Classification as shown on the future development map: 
Filing Fee: $400.00  Date Paid: 09/07/2018  Pre-App Meeting Date: 01/23/2018
Date of Planning & Zoning Committee Hearing: October 29, 2018  November 19, 2018
Planning & Zoning Recommendation: Approve Deny Table
Public Hearing Date: Date Sign Posted: 
Date Advertised: Date Public Notice Posted: 
Date of City Council Consideration: Approved: Denied: 

CONDITIONAL USE FEE: (Required to cover administrative costs): $400.00
The following is a list of standards that should be used in all zoning proposal reviews:

1. The existing uses and zoning of nearby properties: Commercial, apartments, park land, high density residential.

2. The extent to which property values are diminished by their particular zoning restrictions: vacant land.

3. The extent to which the possible reduction of property values of the subject property promotes the health, safety, morals or general welfare of the public: the approval of requested townhouses increases the health, safety, morals or general welfare of the public.

4. The relative harm to the public as compared to the hardship imposed upon the individual property owner: The citizens of city of Stone Mountain only benefit in every way from proposed development.

5. The suitability of the subject property for the zoning proposed: Previously approved zoning.

6. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property: 10+ years.

7. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property: Enhances while complimenting.

8. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
   Nothing detrimental and only beneficial in every way.

9. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:
   Vacant property needs to have previously approved plan reinstated.

10. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools: No noticeable traffic increase.

11. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan and future development map.

12. Whether there are other existing or changing conditions affecting the use and development of the property [that] gives supporting grounds for either approval or disapproval of the zoning proposal: Approval is mandated by the need for affordable quality housing walking distance to the park and easy commute to city.

13. The impact upon the appearance of the city: Enhances and beautifies.

14. The impact upon the provision of water, sewage, transportation and other urban services: Unnoticeable

15. The impact upon population density and the potential for overcrowding and urban sprawl: Helps alleviate.

16. The impact upon thoroughfare congestion and traffic safety: Unnoticeable
17. The protection of property against blight and depreciation: Reverses and sets new higher standard for quality.

Given the nature of the Subject property having only two less desirable older homes on over two and half acres of land, and that immediately surrounding properties have been granted zonings for "cluster type" housing which are in high demand, the Applicant on behalf of the property owners, respectfully submits that the current zoning of R-75 economically penalizes the property owners and prohibits them from realizing reasonable economic return which is "balanced" by public welfare concerns. On behalf of the Applicant, the land prices will not support low-density development so as to allow a reasonable economic return from development.

Accordingly, the Applicant, on behalf of the owners of the tract of land at issue in this rezoning application (the "Property"), respectfully submits that the Zoning Ordinance of Stone Mountain, Georgia, as amended from time to time and known as the "Stone Mountain Zoning Ordinance", to the extent that it classifies the Property in any zoning district which would preclude the development of this project (or to the extent conditions inconsistent with the requested zoning might be imposed), is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Property pursuant to the Stone Mountain Zoning Ordinance deprives the current owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and those requested herein, would deprive the current owner of any reasonable use and development of the Property. Further, an attempt by the City Council to impose greater restrictions upon the manner in which the property will be developed than presently exist would be equally unlawful.

Accordingly, Applicant submits that the current R-2 Townhouses zoning classification and any other zoning of the Property save for what has been requested by it as established in the Stone Mountain Zoning Ordinance constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Property owners.

All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality or general welfare of the public and would substantially harm the Property owner. Further, the existing inconsistent zoning classifications constitute, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this project would constitute a taking of the owner’s private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph 1 and Article I, Section HI, Paragraph I of the Constitution of the State of Georgia and the Due Process Clause of the Fourteenth Amendment of the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that the City Council failure to approve the requested zoning change would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Property owner and owners of similarly situated property in violation of Article I, Section IH, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.
Finally, the Applicant respectfully submits that the City Council cannot lawfully impose more restrictive standards upon the development of the property than presently exist as to do so not only would constitute a taking of the property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article M Section IV, Paragraph II of the Georgia Constitution.

This Application meets favorably the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power, Guhl vs. Holcomb Bridge Road, 238 Ga. 322 (1977).

But the issue even more important than the economics is serving the needs of this community, and the demand for a different type of housing product, which this Application's purpose is to provide, is also the only financially viable option for both property owners and Applicant.

Respectfully Submitted this 24th day of September, 2018

Christopher M. Hunt, Sr.
Green Community Development, LLC
5456 Peachtree Blvd Ste 410
Atlanta, GA 30341-2235
770-457-3300
cmh@GreenCommunityDev.com
FOR OFFICE USE ONLY

Received By: Elia Quiroa M. Thornton
Parcel Number: 18136 06 002
Total Acreage: 1.350 Acres
Current Zoning: R-2 Traditional Residential

Date/Time Received: Completed application
Occupancy Use: Currently Vacant Lot

Land Use Classification as shown on the future development map:

Filing Fee: $400.00 Date Paid: 09/07/2018 Pre-App Meeting Date: 01/23/2018

Date of Planning & Zoning Committee Hearing: October 29, 2018
Planning & Zoning Recommendation: Approve Deny Table
Public Hearing Date: Date Sign Posted: 
Date Advertised: Date Public Notice Posted: 
Date of City Council Consideration: Approved: Denied:

CONDITIONAL USE FEE: (Required to cover administrative costs): $400.00
Property Tax Information Results

For additional assistance, contact (404) 298-4000.

Contact Us

Property Identification

Parcels ID: 18 126 06 002
Pin Number: 1094411
Property Address: 6803 JAMES RIVERS MEMOR DR
Property Type: Real Estate
Tax District: TSM 1 - STMTN CTTYAD

Owner Information

Last Name, First Name
Jan. 1st Owner: C M HUNT SR HUNT INVESTMENT TRUST
Co-Owner: HUNT CHILDREN EDUCATION TRUST
Current Owner: HUNT HUNT INVESTMENT TRUST
Co-Owner: HUNT CHILDREN EDUCATION TRUST
Owner Address: 5456 PEACHTREE BLVD STE 410
ATLANTA GA 30341-2235
Care of Information

** CHANGE MAILING ADDRESS? **

Exemption Type: Homestead Exemption
Tax Exempt Amount: $0.00

APPLY FOR BASIC HOMESTEAD EXEMPTION AND PROPERTY ASSESSMENT FREEZE

Other Exemption Information

Exemption Type: Value Exemption Amount: $0.00

Deed Information

Deed Type: QUIT CLAIM DEED
Deed Book/Page: 24992 / 00624
Plat Book/Page: / 110 CTC

Property Characteristics/Sales Information

NBHD Code: 0730
Zoning Type: X - UNKNOWN
Improvement Type:
Last Deed Date: 6/15/2015
Last Deed Amount: $1.00

Additional Property

Property Value/Billing Assessment

Taxable Year: 2018
Land Value: $13,200
Building Value: $0
Misc. Improvement Value: $0

Tax Information Summary

Taxable Year: 2018
Millage Rate: 0.058685
1st Installment Amount: $154.93
2nd Installment Amount: $154.93
DeKalb County Taxes Billed: $309.86
DeKalb County Taxes Paid: $0.00
DeKalb County Taxes Due: $309.86
Total Taxes Billed: $309.86
Total Taxes Paid: ($0.00)
Total Taxes Due: $309.86

DeKalb County Tax
Commissioner
Collections Division
PO Box 100004
Decatur, GA 30031-7004

Prior Years Tax

*** Please note that payment posting information may be delayed due to
batch processing***

DeKalb County Tax

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Delinquent Taxes/Tax Sale Information

Tax Sale File Number: 510-600000000000000
File-GED Book/Page: Levy Date
Sale Date
Delinquent Amount Due

Click here to view property map

http://taxcommissioner.dekalbcountyga.gov/TaxCommissioner/TCDisplay.asp
LEGAL DESCRIPTION
For combined tracts Memorial Drive

All the tract or parcel of land lying and being in land lot 126 of the 18th District of DeKalb County, Georgia, more particularly described as follows:

To find the TRUE POINT OF BEGINNING, begin at the intersection of the center line of Memorial Drive and the center line of Park Boulevard, thence proceeding in an easterly direction along the center line of Memorial Drive a distance of 67.92 feet to a point; thence from an angle of 90 degrees proceed a distance of 25 feet to the northerly right of way line of Memorial Drive (50 foot right of way); thence proceed along said right of way line south 80 degrees 17 minutes 04 seconds east 75 feet to a point, which is the TRUE POINT OF BEGINNING; thence continuing south 80 degrees 17 minutes 04 seconds east a distance of 150 feet to an iron pin found, thence south 00 degrees 55 minutes 46 seconds west 372.75 feet to an iron pin found; thence south 87 degrees 21 minutes 39 seconds west 150.00 feet to a point; thence north 01 degrees 08 minutes 15 seconds east a distance of 405.00 feet to an iron pin on the southerly right of way of Memorial Drive, which is the TRUE POINT OF BEGINNING.
November 8, 2018

Re: Memorial Drive Townhomes [Land Lot 126 – 16th District, City of Stone Mountain, DeKalb County, Georgia]
Preliminary Plat Plan [Sheet C3]
Dated: 08-19-05 [Revision 1: 11-10-05]
Completed: Estes, Shields Engineering [6 Executive Park Drive, Suite 300, Atlanta, Georgia 30329]

City of Stone Mountain Zoning Authorities,

The attached plat [as referenced above] of proposed Memorial Drive Townhomes project shows the lot coverage ratio of Impermeable [Developed Hardscapes, such as – Buildings, Paved Roads, Drives, Parking Areas and walkways] and Permeable Ground [Landscape or Bare ground Area] for the proposed development to be 31.19% Impermeable and 68.81% Permeable. Included in the 31.9% of Impermeable Ground, less than 20% [4.4%] is for off-street parking.

Sincerely,

Craig W. Sollenberger
Landscape Architect – License Number LA000536
BCW Landscape

[Signature]

11/28/2018
December 5, 2018

To the Mayor, City Council and Management  
City of Stone Mountain, Georgia  
922 Main Street  
Stone Mountain, Georgia 30083

We are pleased to confirm our understanding of the services we are to provide City of Stone Mountain, Georgia for the year ended December 31, 2018. We will audit the financial statements of the governmental activities, the business-type activities, each component unit, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of City of Stone Mountain, Georgia as of and for the year ended December 31, 2018. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management’s discussion and analysis (MD&A), to supplement City of Stone Mountain’s basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to City of Stone Mountain’s RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management’s responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1) Management’s Discussion and Analysis.

2) GASB required pension information

We have also been engaged to report on supplementary information other than RSI that accompanies City of Stone Mountain’s financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

1) Combining financial statements.

2) Individual fund financial statements and budgetary schedules
Audit Objectives

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States, and will include tests of the accounting records of City of Stone Mountain, Georgia and other procedures we consider necessary to enable us to express such opinions. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by Government Auditing Standards. The reports on internal control and compliance will each include a paragraph that states that the purpose of the report is solely to describe the scope of testing of internal control over financial reporting and compliance, and the result of that testing, and not to provide an opinion on the effectiveness of internal control over financial reporting or on compliance, and that the report is an integral part of an audit performed in accordance with Government Auditing Standards in considering internal control over financial reporting and compliance. The paragraph will also state that the report is not suitable for any other purpose. If during our audit we become aware that City of Stone Mountain is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in Government Auditing Standards may not satisfy the relevant legal, regulatory, or contractual requirements.

Management Responsibilities

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. As part of the audit, we will assist with preparation of your financial statements and related notes. You will be required to acknowledge in the written representation letter our assistance with preparation of the financial statements and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. You agree to assume all management responsibilities for any nonaudit services we provide; oversee the services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, or experience, evaluate the adequacy and results of the services, and accept responsibility for them.

Management is responsible for establishing and maintaining effective internal controls, including evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to us and for ensuring that management is reliable and financial information is reliable and properly recorded. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.
You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantees, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants for taking timely and appropriate steps to remedy any fraud, violations of contracts or grant agreements, or abuse that we may report.

You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to [include the audited financial statements with any presentation of the supplementary information that includes our report thereon OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon]. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) that you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management’s views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

**Audit Procedures—General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may
bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to Government Auditing Standards.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and Government Auditing Standards.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of City of Stone Mountain’s compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to Government Auditing Standards.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash or other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to City of Stone Mountain, Georgia; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of James L. Whitaker, P.C. and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to Georgia Department of Audits, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of James L. Whitaker, P.C. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the Georgia Department of Audits. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately January 15, 2019 and to issue our reports no later than June 30, 2019. James L. Whitaker is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. Our fee for these services will be at our standard hourly rates and is expected to be $22,500. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 45 days or more overdue and may not be resumed until your
account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Government Auditing Standards require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2016 PEER REVIEW REPORT accompanies this letter.

We appreciate the opportunity to be of service to City of Stone Mountain, Georgia and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

[Signature]

James L. Whitaker, Managing Owner
James L. Whitaker, P.C.

RESPONSE:

This letter correctly sets forth the understanding of City of Stone Mountain, Georgia.

Management signature: ______________________________
Title: ______________________________
Date: ______________________________

Governance signature: ______________________________
Title: ______________________________
Date: ______________________________
SYSTEM REVIEW REPORT

October 11, 2016

To the Partners of James L. Whitaker, PC
and the Peer Review Committee of the Georgia Society of CPA’s

We have reviewed the system of quality control for the accounting and auditing practice of James L. Whitaker, PC (the firm), in effect for the year ended June 30, 2016. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. As part of our peer review, we considered reviews by regulatory entities, if applicable, in determining the nature and extent of our procedures. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm’s compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under Government Auditing Standards.

In our opinion, the system of quality control for the accounting and auditing practice of James L. Whitaker, PC in effect for the year ended June 30, 2016, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of pass, pass with deficiency(ies) or fail. James L. Whitaker, PC has received a peer review rating of pass.

Clausell & Associates, P.C.
CITY OF STONE MOUNTAIN, GEORGIA
NONATTEST SERVICES DISCLOSURE

FOR THE YEAR ENDING DECEMBER 31, 2018

In connection with our audit of the financial statements of the above referenced client, we have discussed with the client’s management the importance of their acknowledgement of their responsibilities regarding any nonattest services we may perform during the audit. Nonattest services that we may perform during the audit include the following:

1. Preparation of the draft financial statements and related notes.
2. Preparation of the general ledger trial balance for use during the audit. Our preparation of the trial balance will be limited to formatting information in the organization’s general ledger into a working trial balance.
3. Preparation of proposed journal entries necessary to convert your cash basis records or modified accrual records to the accrual basis of accounting. The journal entries will be prepared from information that you provide to us.
4. Preparation of the organization’s depreciation schedule from the information you furnish to us such as additions, deletions, depreciation methods and asset lives.
5. Preparation of the organization state and federal information returns (form 990) or income tax returns, if applicable.
6. Preparation of the organization’s “Report of Local Government Finances” as required by the Department of Community Affairs.
7. Preparation of the organization’s “Solid Waste Report” as required by the State of Georgia, Environmental Protection Division.
8. Preparation of the annual impact fee report required by the State of Georgia.
9. Assistance with the preparation of the Data Collection Form and Schedule of Federal Expenditures as required with Single Audit Reports.
10. Assistance with the Introductory and Statistical Sections of the City’s Comprehensive Annual Financial Reports.
11. Assistance with bank reconciliations.

Your responsibilities as they pertain to the above mentioned nonattest services that we may perform are as follow:

A. To make all management decisions and perform all management functions.
B. Designate an individual with suitable skill, knowledge, or experience to oversee any nonattest services, tax services, or other services we may provide.
C. To evaluate the adequacy and results of the services performed.
D. To take responsibility for the results of the services.
E. Establish and maintain internal controls, including monitoring ongoing activities.

We, in our sole professional judgment, reserve the right to refuse to do any procedure or take any action that could be construed as making management decisions or performing management functions. We will advise management with regard to positions taken in the performance of or preparation of any of the above services, but management must make all decisions with regard to those matters.
MEMORANDUM
City of Stone Mountain
875 Main Street
Stone Mountain, GA 30083

DATE: January 4, 2019
TO: Mayor and City Council
FROM: ChaQuias Thornton
RE: Ordinance 2018-12 – To Amend chapter 24 Solid Waste – Revised 01042019 – Draft 2

With election of solid waste collections services provided by the DeKalb County Sanitation department, the City agreed to adopt the County’s Chapter 22 Solid Waste ordinances. The revised draft of the amendment to the City’s Chapter 24 provides for the adoption of DeKalb County’s Chapter 22 Solid Waste ordinance and to additionally provide for the following:

The underlined section of the draft has been added to;

   a. Provide provisions for submittal of solid waste management plans for new construction.
   b. To provide for monitoring by employees of the City.
   c. Offer enforcement authority by the City’s law enforcement and code compliance officers.

Thank you,

ChaQuias
ORDINANCE 2018-12

AN ORDINANCE BY THE GOVERNING AUTHORITY FOR THE CITY OF STONE MOUNTAIN, GEORGIA TO AMEND CHAPTER 24 SOLID WASTE, BY DELETING ARTICLES I, II AND III AND ADDING NEW SECTION 24-1; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE, TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

PART I

The Council of the City of Stone Mountain hereby ordains that CHAPTER 24 – SOLID WASTE of The Code of the City of Stone Mountain, Georgia be amended as follows:

1. To delete Article I. In General;
2. To delete Article II. Fees;
3. To delete Article III. Waste Management and Litter Control.
4. To add new Section 24-1. County Ordinance Adopted
   (a) Chapter 22, Solid Waste, of the Code of DeKalb County, Georgia, as amended, is adopted in its entirety as a part of this section.
   (a) Solid waste management plans. A solid waste management plan must be submitted with every application for a building permit that exceeds one thousand (1,000) square feet of new construction. The approval of the city manager of said solid waste management plan is required.
   (b) Monitoring by employees. City policemen, city code enforcement employees, and other city employees shall be alert to observe violations of the provisions of this article, including, but without limitation, loose trash and garbage, waste, litter, containers not in compliance, or any other thing or matter which may be in violation of this article or of the rules and regulations of the director. An employee observing such violations shall report the same to his or her supervisor, who in turn shall cause the information to be conveyed to the City’s code compliance office.
   (c) All City law enforcement officers and code enforcement officers are hereby authorized, empowered and directed to enforce compliance with the sections of this chapter within the incorporated limits of Stone Mountain, in conjunction with enforcement responsibilities held by the officers of the code enforcement division of DeKalb County police department and officers/employees of the DeKalb County sanitation division.

PART III

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
PART IV

This ordinance shall become effective on the _____ day of ________________, 2018
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.

Mayor Patricia Wheeler

Alicia Daniels, Asst. City Clerk

Approved as to form:

City Attorney Joe Fowler

First read: __________________________ Second read: __________________________
November 29, 2018

Mr. Gary Peet
DDA of the City of Stone Mountain, Georgia
875 Main Street
Stone Mountain, Georgia 30083

Re: Downtown Development Revolving Loan Fund Award # 19dd-nr-044-10536

Dear Mr. Peet:

I am pleased to announce the Department’s approval of the Downtown Development Authority of the City of Stone Mountain’s request for a Downtown Development Revolving Loan Fund (DD RLF) loan in the amount of $126,124 to assist the East Mountain Development Group, LLC with the acquisition of a building located at 5388 East Mountain Street in downtown Stone Mountain. We are confident this financing tool will assist you in developing a public-private partnership that will aid in accomplishing your redevelopment goals for downtown Stone Mountain.

Enclosed you will find an original and two copies of a Statement of Contract Award and a Statement of General and Special Conditions placed on the award. Please note your acceptance of these contract documents makes the Authority responsible for all requirements contained in the Statement of General and Special Conditions and the Statement of Contract Award.

After careful study of the General and Special Conditions, please acknowledge your acceptance by signing all copies of the Statement of Contract Award and the Statement of General and Special Conditions. Once executed, the original and one copy of both the Statement of Contract Award and the Statement of General and Special Conditions must be returned to the Department of Community Affairs (DCA) within thirty (30) days of the award. The award does not become effective until we receive the executed original of the Statement of Contract Award. The third copy should be retained for your files. Please note from a financial, accounting and record keeping standpoint, this award should be treated entirely separate from your other accounts.

Because DCA’s commitment of DD RLF funds is for permanent financing (intended to take out a portion of the construction loan financing the project), we do not close a DD RLF loan and release funds until the project is complete. Therefore, we will begin the closing process when we are contacted and asked to do so by either the Borrower or an authorized representative of the Authority. At that time, DCA’s attorney will prepare the loan documents for the DD RLF loan and will forward the documents to the Authority, the Borrower and the Borrower’s attorney for review. Typically, the local development authority attorney performs a title search and provides title insurance, a settlement statement and an opinion letter for the closing.
Also, prior to the loan closing, the Authority and the City will need to pass resolutions in support of the project and the DD RLF loan. Enclosed for your review is a sample resolution for both entities to consider. Please make sure the Authority follows applicable laws and regulations regarding conflicts of interest and that those efforts are reflected in the Authority's resolution.

If you have any questions regarding this award or the loan closing, please contact Cherle Bennett, DD RLF Program Manager, at (404) 831-2058. Ms. Bennett will be the contact person for the loan closing as well.

Sincerely,

G. Christopher Nunn
Commissioner

CN/db
Enclosures:  Statement of Contract Award
Statement of General and Special Conditions
Sample resolutions

cc:  Alex Brennan, East Mountain Development Group, LLC
     Corinne Thornton and John Van Brunt, DCA
WHEREAS, the Georgia Department of Community Affairs’ Downtown Development Revolving Loan Fund (DDRLF) Program is designed to assist cities, counties and development authorities in their efforts to revitalize and enhance downtown areas by providing below-market rate financing to fund capital projects in core historic downtown areas;

WHEREAS, East Mountain Development Group, LLC plans to acquire and renovate certain real property and improvements located at 5368 East Mountain Street in downtown Stone Mountain, Georgia.

WHEREAS, upon completion of the project the renovated property will serve as a micro-brewery and taproom with an outdoor beer garden.

WHEREAS, the City has determined that the project will promote downtown development for the public good in the City; and

WHEREAS, in order to help East Mountain Development Group, LLC finance the project, the Downtown Development Authority of the City of Stone Mountain will apply for a Downtown Development Revolving Loan Fund Loan from the Department of Community Affairs (“DCA”); and

WHEREAS, DCA requires evidence of municipal support for all projects that are the subject of a DD RLF application submitted by a downtown development authority.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY OF STONE MOUNTAIN, GEORGIA as follows:

That the City of Stone Mountain endorses the submission of the DD RLF application by the Downtown Development Authority of the City of Stone Mountain for the downtown project at 5368 East Mountain Street in downtown Stone Mountain, Georgia on behalf of East Mountain Development Group, LLC and agrees to support the development of the project.

RESOLVED, this _____ day of __________, 2018.

THE CITY OF STONE MOUNTAIN, GEORGIA

By: ________________________________
Mayor Patricia Wheeler

Attest: ______________________________
City Clerk Alicia Daniel

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

DATE: December 17, 2018
TO: Mayor and City Council
FROM: ChaQuias Thornton
RE: DeKalb County Service Delivery Strategy Renewal

Good afternoon Mayor and Council,

Please consider adding the following item to the December 18, 2018 work session agenda by unanimous consent under New Ordinances and Resolutions item C. Resolution 2018-34 – To Renew The Service Delivery Strategy for DeKalb County, Georgia, and for Other Purposes.

It’s that time again for the DeKalb County and the cities of DeKalb to update the Service Delivery Strategy (SDS), due to the incorporation of Stonecrest. Find attached the following:

1. **SDS Summary Matrix** – This summarizes all of the services in the SDS document. Please review and send revisions as necessary.
2. **Form 4 Certification** – The Mayor needs to sign this, once its approved by City Council.
3. **Draft Resolution** – This needs to be fully executed.

Please note that there are no changes to the City’s summary of services as provided on the attached SDS Summary Matrix except that DeKalb County is now listed as the Sanitation services provider for refuse collection and recycling program services, as well as landfill services, on page two of the matrix.

It is the County’s goal is to have a completed document ready to submit to DCA by January 15, 2019. Therefore, the Form 4 and Resolution need to be executed and returned to the County by the aforementioned date. The document requires a 45-60 day review by DCA, and needs to be certified by DCA prior to February 28, 2019. The resolution will be an item for consideration of approval on the January 8th, 2018 regular session of Council.

Let me know if you have any questions.

Thank you,
ChaQuias

Memo: DeKalb County SDS Renewal
### DeKalb County Service Delivery Strategy 2019

#### Summary of Services in DeKalb County Cities

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## DeKalb County Service Delivery Strategy 2019

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*These services are provided by DeKalb County and paid for by general funds. There is no fee differential between customers living in incorporated cities and unincorporated DeKalb County.*
**SERVICE DELIVERY STRATEGY**

**FORM 4: Certifications**

**Instructions:**
This form must, at a minimum, be signed by an authorized representative of the following governments: 1) the county; 2) the city serving as the county seat; 3) all cities having a 2000 population of over 9,000 residing within the county; and 4) no less than 50% of all other cities with a 2000 population of between 500 and 9,000 residing within the county. Cities with a 2000 population below 500 and local authorities providing services under the strategy are not required to sign this form, but are encouraged to do so.

**COUNTY: DEKALB**

We, the undersigned authorized representatives of the jurisdictions listed below, certify that:

1. We have executed agreements for implementation of our service delivery strategy and the attached forms provide an accurate depiction of our agreed upon strategy (O.C.G.A 36-70-21);
2. Our service delivery strategy promotes the delivery of local government services in the most efficient, effective, and responsive manner (O.C.G.A. 36-70-24 (1));
3. Our service delivery strategy provides that water or sewer fees charged to customers located outside the geographic boundaries of a service provider are reasonable and are not arbitrarily higher than the fees charged to customers located within the geographic boundaries of the service provider (O.C.G.A. 36-70-24 (20); and
4. Our service delivery strategy ensures that the cost of any services the county government provides (including those jointly funded by the county and one or more municipalities) primarily for the benefit of the unincorporated area of the county are borne by the unincorporated area residents, individuals, and property owners who receive such service (O.C.G.A. 36-70-24 (3)).

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RESOLUTION 2018-34

A RESOLUTION TO RENEW THE SERVICE DELIVERY STRATEGY FOR DEKALB COUNTY, GEORGIA, AND FOR OTHER PURPOSES.

WHEREAS, O.C.G.A. § 36-70-1 et seq. requires counties and municipalities to adopt a local government service delivery strategy; and

WHEREAS, DeKalb County has worked with the Cities of Atlanta, Avondale Estates, Brookhaven, Chamblee, Doraville, Decatur, Dunwoody, Lithonia, Clarkston, Stone Mountain, Pine Lake, Tucker, and Stonecrest (the “Cities”) to develop and revise a service delivery strategy; and

WHEREAS, O.C.G.A. § 36-70-25(b) provides that approval of a service delivery strategy shall be accomplished by adoption of a resolution:

(1) By the DeKalb County governing authority;
(2) By the governing authority of municipalities within DeKalb County which have a population of 9,000 or greater within the county;
(3) By the municipality which serves as the DeKalb County site if not included in paragraph (2) of this subsection; and
(4) By no less than 50% of the remaining municipalities within DeKalb County which contain at least 500 persons within the county if not included in paragraph (2) or (3) of this subsection; and

WHEREAS, a local government service delivery strategy between DeKalb County and the Cities was approved by DeKalb County on August 24, 1999 and renewed on October 25, 2005, October 24, 2006, August 28, 2007, October 23, 2007, October 31, 2008, April 30, 2009, October 31, 2009, April 27, 2010, December 14, 2010, and December 9, 2014, December 1, 2016, June 12, 2018; and

WHEREAS, DeKalb County and the Cities have reviewed and revised the previously adopted service delivery strategy and now seek to adopt the service delivery strategy attached hereto; and
WHEREAS, if a service delivery strategy is not adopted prior to expiration of the current strategy, which occurs on or about February 28, 2019, DeKalb County and the Cities will become ineligible for state administered financial assistance, grants, loans, or permits until the first day of the month following verification of the updated strategy, pursuant to the terms of O.C.G.A. § 36-70-27;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Stone Mountain, and it is hereby resolved by authority of the same, that the City of Stone Mountain adopts as its service delivery strategy the documents attached hereto and entitled as the “Service Delivery Strategy for DeKalb County.” Such strategy shall remain in force and effect until October 31, 2026. The Mayor is authorized to execute all necessary documents so long as they substantially comply with this resolution.

BE IT FURTHER RESOLVED that any and all resolutions or any part thereof in conflict with this resolution are hereby repealed. This resolution shall be effective immediately upon its adoption.

ADOPTED by the City Council of the City of Stone Mountain this ____ day of 2019.

PATRICIA WHEELER
Mayor
Stone Mountain, Georgia

ATTEST:

ALICIA DANIELS
Assistant City Clerk
Stone Mountain, Georgia

APPROVED AS TO FORM:

JOE FOWLER
City Attorney
Stone Mountain, Georgia