

1. Agenda

Documents:

[BOMC-8-23-23-RM-AGENDA.PDF](#)

2. Meeting Called To Order/Adoption Of Agenda

3. Commissioner Comments

4. Approval Of Minutes

5. Ordinance To Regulate Land Disturbance

Documents:

[AVONDALE LAND DISTURBANCE ORDINANCE DRAFT 8.18.23 REDLINE VERSION.PDF](#)

[AVONDALE LAND DISTURBANCE ORDINANCE DRAFT 8.18.23 CLEAN VERSION.PDF](#)

6. Resolution To Continue The Suspension Of HOST, Continue The Levy Of EHOST, Continue The 1% SPLOST, Approve The City's SPLOST Project List, Call A Referendum Election And Approve The City's Portion Of The Ballot Form

Documents:

[DEKALB SPLOST RESOLUTION JOINING IN CALL AVONDALE ESTATES 2023 \(00146859-6XA91E4\).PDF](#)

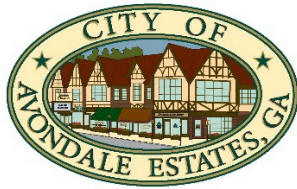
7. Resolution Authorizing An Intergovernmental Agreement With DeKalb County Relating To The Continuation Of A 1% Sales And Use Tax

Documents:

[DEKALB SPLOST RESOLUTION AUTHORIZING IGA AVONDALE ESTATES 2023 \(00146928-4XA91E4\).PDF](#)

8. Public Comment

9. Adjournment



**BOARD OF MAYOR AND COMMISSIONERS
REGULAR MEETING
CITY HALL
21 N. AVONDALE PLAZA
AUGUST 23rd, 2023
5:30 P.M.**

AGENDA

- Item #1 Meeting Called to Order
- Item #2 Adoption of Agenda
- Item #3 **Commissioner Comments**
- Item #4 **Approval of Minutes**
August 9th regular meeting
August 9th work session
- Item #5 **Ordinance to Regulate Land Disturbance**
- Item #6 **Resolution to Continue the Suspension of HOST, Continue the Levy of EHOST, Continue the 1% SPLOST, Approve the City's SPLOST Project List, Call a Referendum Election and Approve the City's Portion of the Ballot Form**
- Item #7 **Resolution Authorizing an Intergovernmental Agreement with DeKalb County Relating to the Continuation of a 1% Sales and Use Tax**
- Item #8 Public Comment
- Item #9 Adjournment

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY OF AVONDALE ESTATES TO ADOPT NEW ARTICLE VII (“LAND DISTURBANCE”) OF CHAPTER 5 OF THE CITY CODE; TO AMEND ARTICLE X (“RESIDENTIAL AND COMMERCIAL TREE PROTECTION AND PRESERVATION”) OF CHAPTER 5 OF THE CITY CODE; TO AMEND ARTICLE II (“POST-CONSTRUCTION STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT”) OF CHAPTER 20 OF THE CITY CODE; TO AMEND ARTICLE VI (“SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL”) OF CHAPTER 20 OF THE CITY CODE; TO REGULATE LAND DISTURBANCE; TO PROVIDE DEFINITIONS; TO PROVIDE PENALTIES FOR LAND DISTURBANCE IN VIOLATION OF ESTABLISHED REGULATIONS; AND FOR OTHER PURPOSES.

WHEREAS, the Board of Mayor and Commissioners of the City of Avondale Estates desires to establish clear definitions and regulations for land disturbance; and

WHEREAS, the Board of Mayor and Commissioners finds that projects that involve grading, the construction of new accessory structures, additions to existing structures, the addition of 1,000 or more sq/ft of impervious surface to a lot and/or the disturbance of more than 5,000 sq/ft of land may create stormwater runoff that can cause a long-term burden on the City’s stormwater infrastructure and may damage such infrastructure as well as private property; and

WHEREAS, the Board of Mayor and Commissioners finds that the addition of any amount of impervious surface to any lot that does not conform to current regulations because existing impervious surfaces occupy more than the allowed lot coverages under the current zoning code may create stormwater runoff that can cause a long-term burden on the City’s stormwater infrastructure and may damage such infrastructure as well as private property; and

WHEREAS, the Board of Mayor and Commissioners finds that disturbance of even small areas of land may result in harmful stormwater runoff during the project; and

WHEREAS, the Board of Mayor and Commissioners desires to protect the City’s stormwater infrastructure and private property within the City by requiring permits

for all land disturbances and regulating land disturbances to minimize associated harmful impacts.

NOW THEREFORE, BE IT ORDAINED by the Board of Mayor and Commissioners of the City of Avondale Estates, Georgia as follows:

Section 1. New Article VII of Chapter 5 of the Code of Ordinances is hereby adopted and shall provide as follows:

“ARTICLE VII. LAND DISTURBANCE

Sec. 5-201. Purpose and Intent.

The purpose of this article is to protect the City’s stormwater infrastructure and private property within the city from harmful impacts associated with land disturbance.

Sec. 5-202. Definitions.

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

Best management practices (BMPs) means sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the 'Manual for Erosion and Sediment Control in Georgia' published by the State of Georgia as of January 1 of the year in which the land disturbance is permitted.

Grading means altering the shape of ground surfaces to a predetermined condition, including stripping, cutting, filling, stockpiling, grubbing, and shaping or any combination thereof and shall include the land in its cut or filled condition.

Home gardening or landscaping means a project undertaken for sole purpose of planting cultivating plants and/or making a yard more attractive, so long the associated land disturbance does not involve the use of earth-moving mechanical equipment (including, but not limited to bobcats or tractors).

Land disturbance means any activity which may result in soil erosion or the movement of soil or dirt, including but not limited to removal of vegetation or the

grubbing, stripping, clearing, dredging, grading, excavating, transporting, or filling of land.

Sec. 5-203. Permit Required for land disturbance.

It shall be unlawful for any person to cause any of the following activities to occur within the city without first obtaining the applicable permit from the city manager or his/her designee pursuant to this article:

- a) grading any land;
- b) constructing a new structure (including accessory structures) or any addition to an existing structure;
- c) any activity that adds 1,000 or more square feet of impervious surface to any lot;
- d) the addition of any amount of impervious surface to a lot where existing structures exceed the maximum lot coverage for the subject lot under the current zoning code; and
- e) land disturbance of more than 5,000 square feet of land.

Sec. 5-204. Exemptions.

Notwithstanding any other provision, this article shall not apply to:

- (a) Home gardening or landscaping projects that do not involve land disturbance of more than 1,000 square feet of land and are completed within 21 days of starting the project;
- (b) Grading or land disturbance on public property by the City of Avondale Estates;
- (c) any work on a transportation project permitted by the City of Avondale Estates or the Georgia Department of Transportation;
- (d) the erection of a shed or other accessory structure that does not include a foundation and has a floor area of less than 200 square feet; or
- (e) repair, maintenance or improvement of an existing structure that does not involve land disturbance and does not create any new impervious surface.

Sec. 5-205. Minor Land Disturbance Permit.

- a) *Applicability.* Grading of an area of any size and/or replacing or expanding a driveway of any size requires a minor land disturbance

permit pursuant to this section, unless the project being undertaken is exempt pursuant to Section 5-204 or requires a land disturbance permit pursuant to Section 5-206.

- b) *Application for permit.* The applicant for a minor land disturbance permit shall complete a form promulgated by the city manager and submit the following along with the application:
 - i. site plan and survey of the lot involved;
 - ii. existing and proposed conditions;
 - iii. demolition plan, if applicable;
 - iv. drainage, erosion control and grading plan including location of stormwater pipes, and downspouts as applicable;
 - v. construction drawings, if applicable; and
 - vi. post-construction stormwater management plan which demonstrates best management practices.
- c) *Display of permit.* Before any land disturbance has commenced, but no later than forty-eight (48) hours after permit issuance, the minor land disturbance permit shall be posted on the property in a location that is plainly visible from the adjacent street.
- d) *Gutter system best practices.* All plans approved in connection with issuing a minor land disturbance permit shall reflect adequate measures – including, but not limited to, drains, flow wells, dry wells, rain barrels, and/or absorption by pervious surfaces – to reduce the volume and speed of water discharged from gutters on the subject property so as to protect public and private property from stormwater runoff originating from the subject property during rain events.
- e) *Best management practices.* Prior to commencement of land disturbing activities and until inspection and close-out of the minor land disturbance permit by the city, the permittee shall observe best management practices as defined in this article.
- f) *Expiration.* Land disturbance must commence within six months of issuance of the minor land disturbance permit and continue diligently until completed or the permit will be deemed expired and any land disturbance unpermitted.

Sec. 5-206. Land Disturbance Permit.

- a) *Applicability.* A land disturbance permit is required for any of the following activities:
- i. land disturbance of an area of 5,000 square feet or greater;
 - ii. constructing a new structure (including accessory structures) or any addition to an existing structure;
 - iii. any activity that adds 1,000 or more square feet of impervious surface to a lot;
 - iv. the addition or reconstruction of any amount of impervious surface to a lot where existing structures exceed the maximum lot coverage for the subject lot under the current zoning code.
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- i. site plan and survey of the lot involved;
 - ii. existing and proposed conditions;
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 - iv. drainage, erosion control and grading plan including location of stormwater pipes, and downspouts;
 - v. phased erosion control plans (initial, intermediate, and final)
 - vi. utility plan (with sanitary sewer profiles)
 - vii. tree removal and replacement plan
 - viii. construction drawings
 - ix. post-construction stormwater management plan which demonstrates compliance with best management practices and demonstrates that the first 1.2 inches of water received on the lot during a stormwater event will be retained or treated onsite; and
 - x. hydrologic model proving the first 1.2 inches of stormwater will be retained or treated onsite.
- c) *Display of permit.* Before any land disturbance has commenced, but no later than forty-eight (48) hours after permit issuance, the land disturbance permit shall be posted on the property in a location that is plainly visible from the adjacent street.
- d) *Best management practices.* Prior to commencement of land disturbing activities and until inspection and close-out of the land disturbance permit by

the city, the permittee shall observe best management practices as defined in this article.

- e) *Tree protection and preservation.* The permittee shall comply with all applicable provisions of Article X of this chapter.
- f) *Expiration.* Land disturbance must commence within six months of issuance of the land disturbance permit and continue diligently until completed or the permit will be deemed expired and any land disturbance unpermitted.

Sec. 5-207. Penalty for violation.

Any person that causes any land disturbance in violation of this article, either by causing such disturbance without a permit or by causing work to be performed that does not comply with the terms of an issued permit, shall be subject to prosecution in the municipal court. In addition, the city manager shall be authorized to enforce this article by taking the following actions:

- (a) Revoke any open building permit for the property whereupon the unlawful land disturbance occurred; and/or
- (b) Refuse to issue any certificate of occupancy for any structure on the property whereupon the unlawful land disturbance occurred.”

Section 2. Section 5-403 of the code of ordinances is hereby amended to replace the definition of “project” with the following language:

“*Project* means construction and/or site work activity on a site that requires a land disturbance permit pursuant to Code Section 5-206 or requires a building permit and ultimately a certificate of occupancy to use the improved site.”

Section 3. Section 5-412 of the code of ordinances is hereby amended to replace the definition of “project” with the following language:

“*Project* means construction and/or site work activity on a site that requires a land disturbance permit pursuant to Code Section 5-206 or requires a building permit and ultimately a certificate of occupancy to use the improved site.”

Section 4. Section 20-65 of the code of ordinances, subsections (1) and (2) are hereby amended to replace the words “five thousand (5,000) square feet” with the words “one thousand (1,000) square feet” and “one (1) acre” with the words “five thousand (5,000) square feet”.

Section 5. All ordinances and parts thereof in conflict with the provisions of this ordinance are hereby repealed.

Section 6. This ordinance shall become effective immediately upon its adoption by the Board of Mayor and Commissioners.

SO ORDAINED THIS ____ DAY OF _____, 2023.

BOARD OF MAYOR AND COMMISSIONERS
CITY OF AVONDALE ESTATES, GEORGIA

Jonathan Elmore, Mayor

ATTEST:

Gina Hill, City Clerk

Approved as to Form:

Stephen G. Quinn, City Attorney

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 - v. construction drawings, if applicable; and
 - vi. post-construction stormwater management plan which demonstrates best management practices.

- c) *Display of permit.* Before any land disturbance has commenced, but no later than forty-eight (48) hours after permit issuance, the minor land disturbance permit shall be posted on the property in a location that is plainly visible from the adjacent street.

- d) *Gutter system best practices.* All plans approved in connection with issuing a minor land disturbance permit shall reflect adequate measures – including, but not limited to, drains, flow wells, dry wells, rain barrels, and/or absorption by pervious surfaces – to reduce the volume and speed of water discharged from gutters on the subject property so as to protect public and private property from stormwater runoff originating from the subject property during rain events.

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 - v. phased erosion control plans (initial, intermediate, and final)
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 - x. hydrologic model proving the first 1.2 inches of stormwater will be retained or treated onsite.
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- d) *Best management practices.* Prior to commencement of land disturbing activities and until inspection and close-out of the land disturbance permit by the city, the permittee shall observe best management practices as defined in this article.
- e) *Tree protection and preservation.* The permittee shall comply with all applicable provisions of Article X of this chapter.
- f) *Expiration.* Land disturbance must commence within six months of issuance of the land disturbance permit and continue diligently until completed or the permit will be deemed expired and any land disturbance unpermitted.

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Any person that causes any land disturbance in violation of this article, either by causing such disturbance without a permit or by causing work to be performed that does not comply with the terms of an issued permit, shall be subject to prosecution in the municipal court. In addition, the city manager shall be authorized to enforce this article by taking the following actions:

- (a) Revoke any open building permit for the property whereupon the unlawful land disturbance occurred; and/or
- (b) Refuse to issue any certificate of occupancy for any structure on the property whereupon the unlawful land disturbance occurred.”

Section 2. Section 5-403 of the code of ordinances is hereby amended to replace the definition of “project” with the following language:

“*Project* means construction and/or site work activity on a site that requires a land disturbance permit pursuant to Code Section 5-206 or requires a building permit and ultimately a certificate of occupancy to use the improved site.”

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Section 4. Section 20-65 of the code of ordinances, subsections (1) and (2) are hereby amended to replace the words “five thousand (5,000) square feet” with the words “one thousand (1,000) square feet” and “one (1) acre” with the words “five thousand (5,000) square feet”.

Section 5. All ordinances and parts thereof in conflict with the provisions of this ordinance are hereby repealed.

Section 6. This ordinance shall become effective immediately upon its adoption by the Board of Mayor and Commissioners.

SO ORDAINED THIS _____ DAY OF _____, 2023.

BOARD OF MAYOR AND COMMISSIONERS
CITY OF AVONDALE ESTATES, GEORGIA

Jonathan Elmore, Mayor

ATTEST:

Gina Hill, City Clerk

Approved as to Form:

Stephen G. Quinn, City Attorney

A RESOLUTION BY THE CITY OF AVONDALE ESTATES BOARD OF MAYOR AND COMMISSIONERS TO AGREE WITH DEKALB COUNTY TO CONTINUE THE SUSPENSION OF THE HOMESTEAD OPTION SALES AND USE TAX AND CONTINUE THE LEVY OF AN EQUALIZED HOMESTEAD OPTION SALES AND USE TAX; TO AGREE WITH DEKALB COUNTY TO CONTINUE A ONE PERCENT SPECIAL PURPOSE LOCAL OPTION SALES AND USE TAX; TO SPECIFY THE PURPOSES FOR WHICH THE PROCEEDS OF SUCH TAXES ARE TO BE USED BY THE CITY OF AVONDALE ESTATES; TO AGREE TO HAVE DEKALB COUNTY REQUEST THE BOARD OF ELECTIONS OR THE ELECTION SUPERINTENDENT TO CALL AN ELECTION OF THE VOTERS OF DEKALB COUNTY TO APPROVE THE CONTINUATION OF SUCH SALES AND USE TAXES; TO APPROVE THE CITY'S PORTION OF THE FORM OF BALLOTS TO BE USED IN SAID ELECTIONS; AND FOR OTHER PURPOSES.

WHEREAS, Part 2 of Article 2A of Chapter 8 of Title 48 of the Official Code of Georgia Annotated allows for the suspension of the homestead option sales and use tax authorized by O.C.G.A. § 48-8-102 (the "HOST") and replacement of such tax with the imposition of an equalized homestead option sales and use tax (the "EHOST") for the purpose of reducing the ad valorem property tax millage rates levied by DeKalb County (the "County") and the municipal corporations within the County (collectively, the "Municipalities") on homestead properties; and

WHEREAS, Part 1 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated ("SPLOST Act") authorizes the imposition of a county one percent sales and use tax (the "SPLOST") for the purpose, inter alia, of financing certain county and municipal capital outlay projects, which include those set forth herein; and

WHEREAS, in an election held on November 7, 2017, the registered voters in the County voted in favor of suspending the HOST, imposing an EHOST and imposing a SPLOST ("SPLOST I"); and

WHEREAS, pursuant to O.C.G.A. § 48-8-112, proceedings for the continuation of SPLOST I ("SPLOST II") shall be in the same manner as proceedings for the imposition of SPLOST I; and

WHEREAS, pursuant to O.C.G.A. § 48-8-109.2, the referendum election to determine whether to impose an EHOST must be held in conjunction with the referendum election to approve a SPLOST and unless both sales and use taxes are approved, neither shall become effective and the HOST will continue without interruption; and

WHEREAS, the City of Avondale Estates Board of Mayor and Commissioners (the "Governing Authority") has determined that it is in the best interest of the citizens of the City of Avondale Estates (the "City") to (a) continue the suspension of the HOST and continue the imposition of the EHOST and to apply 100% of the proceeds collected from the tax to reduce ad

valorem property tax millage rates and (b) continue the imposition of the SPLOST to raise funds for the purpose of funding certain capital outlay projects of the City (the “Projects”); and

WHEREAS, the City shall enter into an Intergovernmental Agreement with the County and the other Municipalities for the purpose of delineating the method of distribution of the proceeds of SPLOST II and the delineation of the capital outlay projects that will be funded as a result; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Authority of the City of Avondale Estates, as follows:

- A. Assuming the questions of continuing the EHOST and SPLOST II are approved by the voters of the special district in the election hereinafter referred to, the continued imposition of a one percent (1%) equalized homestead option sales and use tax is hereby authorized for the purposes allowed by state law and as specified in O.C.G.A. §48-8-109.1 *et seq.*
- B. Assuming the questions of continuing the EHOST and SPLOST II are approved by the voters of the special district in the election hereinafter referred to, the continued imposition of the SPLOST is hereby authorized as follows:
 - 1. In order to finance the cost of the Projects, a SPLOST in the amount of one percent (1%) on all sales and uses in the County (and the Municipalities within the County) is to be levied and collected as provided in the SPLOST Act.
 - 2. SPLOST II shall be levied for a period of six years for the raising of approximately \$850,393,391 County-wide and approximately \$4,354,014 for the City.
 - 3. The proceeds of SPLOST II received by the City shall be used to fund the Projects (including interest on any Debt (hereinafter defined) issued for the Projects). The Projects and the estimated costs of the Projects are set forth in Exhibit A. The costs shown for the Projects are estimated amounts. If a Project has been satisfactorily completed at a cost less than the estimated cost listed for that Project, the City may apply the remaining unexpended funds to any other Project.
 - 4. Pursuant to O.C.G.A. § 48-8-109.5(e), proceeds of SPLOST II shall be distributed according to the Intergovernmental Agreement.
- C. General Obligation Debt.
 - 1. Assuming that the reimposition of the SPLOST is approved by the voters of the County and in the City in the election herein referred to, the City is hereby authorized to issue its general obligation debt (the “Debt”) (in whole or in part and in one or more series), secured by the portion of the proceeds of such SPLOST payable to the City, in a maximum aggregate principal amount of up to \$4,000,000. The proceeds of the Debt, if issued, shall be used to pay all or

a portion of any of the Projects, the costs of issuing the Debt and capitalized interest. The Debt shall bear interest from the first day of the month during which the Debt is to be issued or from such other date as may be designated by the City prior to the issuance of the Debt, which rates shall not exceed seven percent (7%) per annum. The actual rate or rates shall be determined in a resolution to be adopted by the Governing Authority prior to the issuance of the Debt. The maximum amount of principal to be paid in each year during the life of such Debt shall be as follows:

<u>Year</u>	<u>Amount</u>
2025	\$590,000
2026	615,000
2027	650,000
2028	680,000
2029	715,000
2030	750,000

The County is hereby requested to insert the foregoing provisions in its resolution requesting the call of the elections and the related materials, including, but not limited to, the notice of election. The County may make modifications to such language with the approval of the Governing Authority or the City Manager.

2. The proceeds of the Debt shall be deposited by the City in separate funds or accounts. The SPLOST II proceeds received in any year pursuant to the imposition of such tax, shall first be used for paying debt service requirements on the Debt for any such year before such proceeds are applied to any of the Projects. Proceeds of the SPLOST II not required to be deposited in the separate fund in any year for the payment of principal and interest on the Debt coming due in the current year shall be deposited in a separate fund to be maintained by the City and applied towards funding the Projects to the extent such projects have not been funded with Debt proceeds.
3. Any brochures, listings, or other advertisements issued by the Governing Authority or by any other person, firm, corporation or association with the knowledge and consent of the Governing Authority, shall be deemed to be a statement of intention of the City concerning the use of the proceeds of the Debt, and such statement of intention shall be binding upon the Governing Authority in the expenditure of such Debt or interest received from such Debt to the extent provided in O.C.G.A. § 36-82-1.

D. Call for the Election; Ballot Form; Notice.

1. The Governing Authority hereby authorizes on its behalf for the County to request the Board of Elections or the Election Superintendent to call an election

in all voting precincts in the County on the 7th day of November, 2023, for the purpose of submitting to the qualified voters of the County the questions referred to in paragraphs 2 and 3 below. **NOTICE TO ELECTORS:** Unless BOTH the EHOST and SPLOST are approved, then neither sales and use tax shall become effective.

2. The ballot to be used in the EHOST referendum election shall be in substantially the following form:

<input type="checkbox"/> YES	Shall an equalized homestead option sales and use tax be levied and the regular homestead option sales and use tax be suspended within the special district within DeKalb County for the purposes of reducing the ad valorem property tax millage rates levied by the County and municipal governments on homestead properties?
<input type="checkbox"/> NO	

3. The portion of ballot relating the City and its Projects to be used in the SPLOST II referendum election shall be in substantially the following form:

<input type="checkbox"/> YES	...() Avondale Estates' projects to be funded from Avondale Estates' share of the proceeds including (i) transportation, including, but not limited to, roads, streets, bridges, bicycle paths and sidewalks, and (ii) stormwater infrastructure.
<input type="checkbox"/> NO	If imposition of the taxes is approved by a majority of the voters within the City of Avondale Estates, such vote shall also constitute approval of the issuance of general obligation debt of the City of Avondale Estates in the principal amount not to exceed \$4,000,000 to pay all or a portion of any of the Avondale Estates' projects, the costs of issuing the debt and capitalized interest.

The County is hereby requested to insert the foregoing provisions in its resolution requesting the call for the elections and the related materials. The County may make modifications to such language with the approval of the Governing Authority or the City Manager.

- E. The City Clerk is hereby authorized and directed to deliver a copy of this resolution to the County, along with the listing of the Projects and all other documentation necessary for effectuation of the Election Call.
- F. The proper officers and agents of the City are hereby authorized to take any and all further actions as may be required in connection with the continuation of the EHOST and SPLOST II.

[Remainder of Page Intentionally Left Blank]

ADOPTED this 23rd day of August, 2023.

CITY OF AVONDALE ESTATES BOARD OF
MAYOR AND COMMISSIONERS

(SEAL)

By: _____
Jonathan Elmore, Mayor

ATTEST:

By: _____
Gina Hill, City Clerk

Approved as to Form:

Stephen G. Quinn, City Attorney

EXHIBIT A

<u>Project*</u>	<u>Estimated Cost</u>
Transportation**	\$2,177,007
Stormwater Infrastructure**	\$2,177,007

* The City may fund the Avondale Estates Projects in any order or priority that it may deem necessary or convenient.

** These projects may include land, facilities, equipment, vehicles and other capital costs related to such Projects.

RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH
DEKALB COUNTY AND OTHER MUNICIPALITIES RELATING TO THE
CONTINUATION OF A
ONE PERCENT SALES AND USE TAX WITHIN DEKALB COUNTY

WHEREAS, Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated (the “Act”) authorizes the imposition of a one percent sales and use tax (the “Sales and Use Tax”) for the purpose, among other things, of financing certain capital outlay projects; and

WHEREAS, the City of Avondale Estates (the “City”) and the other municipal corporations (collectively, the “Municipalities”) located within DeKalb County, Georgia (the “County”) and the County have determined that it is in the best interest of the citizens of the Municipalities and the County that the Sales and Use Tax be continued in the County for the purpose of funding certain capital outlay projects; and

WHEREAS, the Board of Commissioners of the County delivered or mailed a written notice (the “Notice”) to the mayor or the chief elected official of each Municipality regarding the imposition/continuation of the Sales and Use Tax; and

WHEREAS, the Notice contained the date, time, place and purpose of a meeting at which designated representatives of the County and the Municipalities met and discussed the possible projects for inclusion in the referendum, including municipally owned or operated projects (the “Projects”); and

WHEREAS, the Notice was delivered or mailed at least 10 days prior to the date of the meeting, and the meeting was held at least 30 days prior the issuance of a call for the referendum; and

WHEREAS, the Municipalities and the County desire to enter into an Intergovernmental Agreement pursuant to the Sales and Use Tax Act and Article IX, Section III, Paragraph I(a) of the Georgia Constitution with respect to the Projects and the Sales and Use Tax; and

WHEREAS, a form of the Agreement is attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the City of Avondale Estates Board of Mayor and Commissioners, as follows:

Section 1. Authorization to Negotiate Distribution Percentages. The Mayor, Mayor Pro-Tem and the City Manager are hereby authorized to negotiate the distribution percentages (the “Distribution Percentages”); provided, however, in no event shall the City’s Distribution Percentage be less than 0.512% (the “Minimum Distribution Percentage”).

Section 2. Authorization of Intergovernmental Agreement. The execution, delivery and performance of the Intergovernmental Agreement are hereby authorized and approved provided

that the Intergovernmental Agreement Contains the Minimum Distribution Percentage. The Intergovernmental Agreement shall be executed by the Mayor or Mayor Pro-Tem and attested to by the Clerk. The Intergovernmental Agreement shall be in substantially the form attached hereto, subject to such changes, insertions or deletions as may be approved by the Mayor or Mayor Pro-Tem, and the execution of the Agreement by the Mayor or the Mayor Pro-Tem as herein authorized shall be conclusive evidence of any such approval.

Section 3. General Authority. From and after the execution and delivery of the Intergovernmental Agreement, the proper officers, employees and agents of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents and certificates as may be necessary to carry out and comply with the purposes and intent of this resolution or the provisions of the Intergovernmental Agreement.

Section 4. Ratification. All acts and doings of the officers, employees and agents of the City which are in conformity with the purposes and intent of this resolution and in furtherance of the execution, delivery and performance of the Intergovernmental Agreement are hereby ratified and approved.

Section 5. Conflicts. All other resolutions, or parts thereof, in conflict with the provisions of this resolution are, to the extent of such conflict, hereby repealed.

Section 6. Effective Date. This resolution shall take immediate effect upon its adoption.

ADOPTED this 23rd day of August, 2023.

CITY OF AVONDALE ESTATES BOARD OF
MAYOR AND COMMISSIONERS

(SEAL)

By: _____
Jonathan Elmore, Mayor

ATTEST:

By: _____
Gina Hill, City Clerk

Approved as to Form:

Stephen G. Quinn, City Attorney

EXHIBIT A
INTERGOVERNMENTAL AGREEMENT

CITY CLERK'S CERTIFICATE

The undersigned City Clerk of the City of Avondale Estates (the "City") DOES HEREBY CERTIFY that the foregoing pages of typewritten matter pertaining to an Intergovernmental Agreement constitute a true and correct copy of the Resolution adopted by the City of Avondale Estates Board of Mayor and Commissioners on August 23, 2023 in a meeting duly called and assembled, which was open to the public and at which a quorum was present and acting throughout, and that the original of such Resolution appears of record in the Minute Book of the City, which is in the undersigned's custody and control.

WITNESS my hand and the official seal of the City, this ____ day of August, 2023.

City Clerk

(SEAL)