

1. Agenda

Documents:

[BOMC-9-13-23-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 CLEAN  
VERSION.PDF](#)

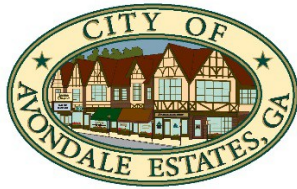
6. Ordinance To Amend To The 2023 Operating Budget

Documents:

[2023 BUDGET AMENDMENT ORDINANCE.PDF](#)  
[2023 AMENDMENT LINE ITEM - UPDATE.PDF](#)  
[2023 AMENDMENT SUMMARY - UPDATE.PDF](#)

7. Public Comment

8. Adjournment



**BOARD OF MAYOR AND COMMISSIONERS  
REGULAR MEETING  
CITY HALL  
21 N. AVONDALE PLAZA  
SEPTEMBER 13TH, 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 23<sup>rd</sup> regular meeting  
August 23<sup>rd</sup> work session  
August 31<sup>st</sup> retreat
- Item #5 **Ordinance to Regulate Land Disturbance**  
This is the second reading of this ordinance. The topic of land disturbance has been discussed publicly several times in recent months.
- Item #6 **Ordinance to Amend to the 2023 Operating Budget**  
Discussed in the last work session, this will be the first reading of this ordinance.
- Item #7 Public Comment
- Item #8 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.
- b) *Application for permit.* The applicant for a 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;
  - 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

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Jonathan Elmore, Mayor

ATTEST:

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Gina Hill, City Clerk

Approved as to Form:

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Stephen G. Quinn, City Attorney

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE BUDGET FOR FISCAL YEAR 2023 FOR  
THE CITY OF AVONDALE ESTATES.**

**BE IT ORDAINED** by the City of Avondale Estates, as follows:

**SECTION 1. Adoption by Reference.** The document entitled “City of Avondale Estates 2023 Adopted Budget,” comprised of the General Fund, the Special Revenue Funds, the Capital Project Funds, the Proprietary Funds, and the Fiduciary Fund, marked accordingly and attached hereto, is incorporated herein by reference and is hereby adopted as the Budget for Fiscal Year 2023 for the City of Avondale Estates, Georgia, replacing any and all budgets previously adopted by the City.

**SECTION 2. Special Authorization.** The City Manager shall be authorized to reallocate departmental appropriations among various line item expenditures of that department as said officer deems prudent.

**SECTION 3. Public Record.** This document shall be maintained as a public record by the City Clerk and shall be accessible to the public during all normal business hours of the City of Avondale Estates.

**ADOPTED THIS \_\_\_\_ DAY OF DECEMBER, 2023.**

**BOARD OF MAYOR AND COMMISSIONERS  
AVONDALE ESTATES, GEORGIA**

\_\_\_\_\_  
Jonathan Elmore, Mayor

ATTEST: \_\_\_\_\_  
Gina Hill, City Clerk

Approved as to Form:

Stephen G. Quinn  
Stephen G. Quinn, Assistant City Attorney

		July Actual	Annual Budget	New Budget Amount	Difference between old and new budget
<b>Revenues</b>					
R/E Property Tax - Current Yr	Property Taxes	\$ 0.00	\$ 3,208,785.00	3,300,000.00	91,215.00
Motor Vehicle Tax	Property Taxes	72,979.37	97,412.00	110,000.00	12,588.00
Pers Property Tax - Prior Year	Property Taxes	23,833.28	5,070.00	24,000.00	18,930.00
Interest on Past Due Taxes	Property Taxes	2,099.69	1,000.00	2,000.00	1,000.00
Intangible Taxes - DeKalb	Other Taxes	20,055.89	78,750.00	50,000.00	(28,750.00)
Occupational Tax	Other Taxes	148,522.07	126,000.00	148,000.00	22,000.00
Traffic Court Receipts	Fines and Forfeitures	131,944.22	367,500.00	194,000.00	(173,500.00)
Probation Services	Fines and Forfeitures	39,963.00	210,000.00	84,500.00	(125,500.00)
Interest Earnings	Interest Income	19,894.31	15,000.00	32,500.00	17,500.00
Contributions and Donations	Misc Income	30,455.00	20,000.00	36,700.00	16,700.00
Misc Events	Misc Income	400.00	0.00	400.00	400.00
Insurance Reimbursements	Misc Income	3,703.31	500.00	3,700.00	3,200.00
Intergovernmental rev - DDA	Intergovernmental	0.00	203,000.00	-	(203,000.00)
Transfer in from SW Fund	Transfers	0.00	93,289.00	-	(93,289.00)
					(440,506.00)
<b>Expenses</b>					
	Department				
Salaries - Regular	Admin	413,936.69	865,200.00	745,000.00	120,200.00
Overtime	Admin	0.00	1,000.00	-	1,000.00
FICA	Admin	30,294.47	66,188.00	56,000.00	10,188.00
Deferred Comp. Match	Admin	10,962.50	45,000.00	25,000.00	20,000.00
Other Employee Benefits	Admin	0.00	2,000.00	-	2,000.00
Legal Services - City Attorney	Professional Consultants	38,979.80	125,000.00	100,000.00	25,000.00
Professional Consultants	Professional Consultants	39,070.20	100,000.00	60,000.00	40,000.00
Salaries - Regular	Police	474,255.44	960,000.00	900,000.00	60,000.00
Deferred Comp. Match	Police	8,206.76	20,000.00	15,000.00	5,000.00
Other Employee Benefits	Police	0.00	2,000.00	-	2,000.00
Transfer to Capital Projects	Transfer	0.00	559,649.00	404,531.00	155,118.00
					440,506.00

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**City of Avondale Estates, Georgia**  
**2023 General Fund Operational Budget Summary**

<b><u>Revenues</u></b>	<b><u>2023 Adopted</u></b>	<b><u>2023 Amended</u></b>	<b><u>Difference</u></b>
Property Taxes	3,467,201	3,590,934	123,733
Franchise Fees/Insurance Premium	482,750	482,750	-
Licenses and Permits	105,210	105,210	-
Fines and Forfeitures	577,500	278,500	(299,000)
Charges for Services	5,105	5,105	-
Interest Earnings	15,000	32,500	17,500
Miscellaneous Income	81,013	101,313	20,300
Occupational and Other Taxes	243,900	237,150	(6,750)
Intergovernment Revenue	218,600	15,600	(203,000)
Transfers In	93,289	-	(93,289)
<b>TOTAL REVENUES</b>	<b>5,289,567</b>	<b>4,849,062</b>	<b>(440,506)</b>
<b><u>Expenses</u></b>			
<b>General Government:</b>	<b>2,141,909</b>	<b>1,923,521</b>	<b>(218,388)</b>
<i>BOMC</i>	34,920	34,920	-
<i>Administration</i>	1,249,588	1,096,200	(153,388)
<i>Professional Consultants</i>	270,000	205,000	(65,000)
<i>Non-departmental Expense</i>	448,000	448,000	-
<i>Municipal Court</i>	139,401	139,401	-
<b>Public Safety</b>	<b>1,537,590</b>	<b>1,470,590</b>	<b>(67,000)</b>
<b>Public Works</b>	<b>900,420</b>	<b>900,420</b>	<b>-</b>
<i>Administration</i>	261,223	261,223	-
<i>Greenspace</i>	639,197	639,197	-
<b>Communications and Events</b>	<b>150,000</b>	<b>150,000</b>	<b>-</b>
<b>Transfers Out (Capital Funds)</b>	<b>559,649</b>	<b>404,531</b>	<b>(155,118)</b>
<b>TOTAL EXPENSES</b>	<b>5,289,567</b>	<b>4,849,062</b>	<b>(440,506)</b>