

1. Agenda

Documents:

[BOMC-10-26-22-RM-AGENDA-FINAL.DOCX](#)

2. Meeting Called To Order/Adoption Of Agenda

3. Commissioner Comments

4. Approval Of Minutes

5. Resolution To Adopt The Dekalb County Service Delivery Strategy

Documents:

[RES TO ADOPT SDS.PDF](#)
[MATRIX \(2019\)_REVISED_02062019.PDF](#)

6. Resolution Authorizing, Inter Alia, The Extension Of The Maturity, And Amendment And Restatement, Of The Urban Redevelopment Agency Of The City Of Avondale Estates Drawdown Bond Anticipation Note, Series 2019

Documents:

[CITY RESOLUTION AVONDALE ESTATES 2022 \(00139003-2XA91E4\).PDF](#)

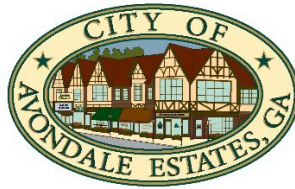
7. Resolution By The City Of Avondale Estates To Approve The Payment Of Additional Funds To The Owner Of Condemned Property Known As 143 Maple Street In Settlement Of Litigation Regarding The Fair Market Value Of Such Property Previously Condemned By The City

Documents:

[RESOLUTION FOR 143 MAPLE SETTLEMENT 10.21.22.PDF](#)

8. Public Comment

9. Adjournment



**BOARD OF MAYOR AND COMMISSIONERS
REGULAR MEETING
OCTOBER 26TH, 2022
IMMEDIATELY FOLLOWING URA
MEETING**

AGENDA

- Item #1 Meeting Called to Order
- Item #2 Adoption of Agenda
- Item #3 **Commissioner Comments**
- Item #4 **Approval of Minutes**
October 12th regular meeting
October 12th work session
- Item #5 **Resolution to Adopt the Dekalb County Service Delivery Strategy**
The Service Delivery Strategy (SDS) governs the services the county provides for Avondale Estates. The city and county go through this process on a regular basis. No changes have been made since 2019, and staff is recommending adoption without any amendments.
- Item #6 **Resolution Authorizing, Inter Alia, the Extension of the Maturity, and Amendment and Restatement, of the Urban Redevelopment Agency of the City of Avondale Estates Drawdown Bond Anticipation Note, Series 2019**
After approving the Bond Anticipation Note (BAN) extension term sheet, the city's bond counsel, Terri Finister has prepared legal documents required to extend the maturity date of the URA BAN per those terms.
- Item #7 **Resolution by the City of Avondale Estates to Approve the Payment of Additional Funds to the Owner of Condemned Property Known as 143 Maple Street in Settlement of Litigation Regarding the Fair Market Value of Such Property Previously Condemned by the City**
- Item #8 Public Comment
- Item #9 Adjournment

RESOLUTION

AREOLUTIONTORENEWTHESERVICEDELIVERYSTRATEGY 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 as required to now include the newly created cities of Tucker and Stonecrest; 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, 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, that the Avondale Estates Board of Mayor and Commissioners 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, 2032.

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 Avondale Estates Board of Mayor and Commissioners this ____ day of _____ 2022.

ATTEST:

APPROVED AS TO FORM:

Gina Hill, City Clerk

Jonathan Elmore, Mayor

DeKalb County Service Delivery Strategy 2019

Summary of Services in DeKalb County Cities

Planning & Related	Atlanta	Avondale Estates	Brookhaven	Chamblee	Clarkston	Decatur	Doraville	Dunwoody	Lithonia	Pine Lake	Stone Mountain	Tucker	Stonecrest	DeKalb County
Planning / Zoning	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Business & Alcohol License	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Community Development - CDBG	D	D	DC	DC	DC	DC	DC	N/A	DC	N/A	DC	DC	DC	D
Economic Development	D	D	D	D	D	D/A	D/A	D	D	N/A	D	A	D	A
Code Enforcement/Beautification	D	D	D	D	D	D	D	D	D	N/A	D	D	D	D
Public Housing	A	N/A	N/A	N/A	A	A	A	N/A	A	N/A	A	A	A	A
Public Works	Atlanta	Avondale Estates	Brookhaven	Chamblee	Clarkston	Decatur	Doraville	Dunwoody	Lithonia	Pine Lake	Stone Mountain	Tucker	Stonecrest	DeKalb County
Water Treatment / Water Distribution	DC	These services are provided by DeKalb County as an enterprise fund paid for by users fees. There is no fee differential between customers living in incorporated cities and unincorporated DeKalb County.												D
Wastewater Collection & Treatment	DC													D
Sanitation	Atlanta	Avondale Estates	Brookhaven	Chamblee	Clarkston	Decatur	Doraville	Dunwoody	Lithonia	Pine Lake	Stone Mountain	Tucker	Stonecrest	DeKalb County
Refuse Collection	D	D	DC	D	D	D	D	DC	DC	DC	DC	DC	DC	D
Landfill	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	D
Recycling Programs	D	D	DC	D	D	D	D	DC	D/DC	DC	DC	DC	DC	D
Roads & Drainage	Atlanta	Avondale Estates	Brookhaven	Chamblee	Clarkston	Decatur	Doraville	Dunwoody	Lithonia	Pine Lake	Stone Mountain	Tucker	Stonecrest	DeKalb County
Street Construction	D	D	D	D	D	D	D	D	D	D	D	D/DC	D/DC	D
Street Maintenance	D	D	D	D	D	D	D	D	D	D	D	DC	DC	D
Street Cleaning	D	D	D	D	D	D	D	D	D	D	D	DC	DC	D
Traffic Signaling	D	DC	D	D	D	DC	DC	D	DC	DC	DC	DC	DC	D
Street Signage	D	D	D	D	D	D	D	D	D	D	D	DC	DC	D
Storm Water	D	D	D	D	D	D	D	D	D	D	D	DC	DC	D
Cemetery	D	D	DC	DC	DC	D	DC	DC	DC	DC	D	DC	DC	D
Transportation	Atlanta	Avondale Estates	Brookhaven	Chamblee	Clarkston	Decatur	Doraville	Dunwoody	Lithonia	Pine Lake	Stone Mountain	Tucker	Stonecrest	DeKalb County
Development Permit Reviews	D	D	D	D	D	D	D	D	D	DC	D	D	D	D
Utility Encroachment Permitting	D	D	D	D	DC	D	D	D	DC	DC	D	DC	DC	D
Transportation Planning	D	D	D	D	D	D	D	D	D	D	D	DC	DC	D
Traffic Calming Program	D	D	D	D	D	D	D	D	DC	DC	DC	DC	DC	D
TC - Design and Petition ONLY!	D	D	D	D	D	D	DC	D	DC	DC	D	DC	DC	D
Airport	D	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	D
Leisure Services	Atlanta	Avondale Estates	Brookhaven	Chamblee	Clarkston	Decatur	Doraville	Dunwoody	Lithonia	Pine Lake	Stone Mountain	Tucker	Stonecrest	DeKalb County
Parks	D	D	D	D	D	D	D	D	D/DC	D	D	D	D	D
Recreation Programs	D	D	D	D	D	D	D	D	DC	D	D	D	D	D
Libraries	DC	DC	DC	DC	DC	DC	D/DC	DC	DC	DC	DC	DC	DC	D
Health and Social Services	Atlanta	Avondale Estates	Brookhaven	Chamblee	Clarkston	Decatur	Doraville	Dunwoody	Lithonia	Pine Lake	Stone Mountain	Tucker	Stonecrest	DeKalb County
Physical Health / Environmental Health	N/A	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.												D
Hospital	N/A													D
Mental Health / Substance Abuse	N/A													D
Welfare	N/A													D
Senior Services	N/A													D

D: Direct (Jurisdiction provides its own service)

DC: DeKalb County (The County is the sole provider of service)

A: Authority



Service Categories / Cities (Groups of like services)

Sub-Categories / Cities (More detailed services that require additional grouping)

A RESOLUTION AUTHORIZING, INTER ALIA, THE EXTENSION OF THE MATURITY, AND AMENDMENT AND RESTATEMENT, OF THE URBAN REDEVELOPMENT AGENCY OF THE CITY OF AVONDALE ESTATES DRAWDOWN BOND ANTICIPATION NOTE, SERIES 2019

WHEREAS, the Urban Redevelopment Agency of the City of Avondale Estates (the “Agency”) has previously (a) issued its drawdown bond anticipation note to be known as the “Urban Redevelopment Agency of the City of Avondale Estates Drawdown Bond Anticipation Note, Series 2019” in the principal face amount of \$8,400,000 (the “Note”) for the purpose of financing on an interim basis a portion of the costs of certain urban redevelopment projects and the costs of issuing the Note and (b) previously authorized the issuance of a revenue bond or revenue bonds to be known as the “Urban Redevelopment Agency of the City of Avondale Estates Revenue Bonds, Series _____” in the total principal amount not to exceed \$8,900,000 (the “Bonds”) for the purpose of providing permanent financing for the costs of the urban redevelopment projects through repayment of the Note and the costs of issuing the Bonds; and

WHEREAS, the Note was issued on September 17, 2019 pursuant to a resolution adopted by the Agency on August 12, 2019 (the “2019 Resolution”), and was purchased by PNC Bank, National Association (the “Note Purchaser”); and

WHEREAS, to secure repayment of the Note and the to be issued Bonds, the Agency and the City of Avondale Estates, Georgia (the “City”) entered into an Intergovernmental Contract, dated as of September 1, 2019 (the “Contract”), pursuant to which the Agency agreed to issue the Note and the Bonds, and the City agreed to pay to the Agency amounts sufficient to pay the debt service on the Note and the Bonds; and

WHEREAS, the Agency and the City desire to extend the maturity of the Note from December 31, 2022 to December 31, 2023; and

WHEREAS, the Note Purchaser has agreed pursuant to a term sheet dated September 26, 2022 (the “Term Sheet”), to extend the term of the Note, and due to the cessation of the LIBOR Index, requires that the interest rate on the Note be calculated using the Secured Overnight Financing Index, known as SOFR; and

WHEREAS, the Agency approved the Term Sheet at its meeting held on September 28, 2022; and

WHEREAS, the Agency proposes amending the 2019 Resolution pursuant to a First Amendment to Bond Resolution (the “First Amendment Resolution”) to provide for the extension of the maturity date of the Note and the revised interest rate provisions in accordance with the Term Sheet.

NOW, THEREFORE, BE IT RESOLVED by the BOARD OF MAYOR AND COMMISSIONERS OF THE CITY OF AVONDALE ESTATES, GEORGIA, as follows:

Section 1. Authorization of Amended and Restated Note; Acknowledgment of First Amendment Resolution. The extension of the maturity date of the Note to December 31, 2023 and the issuance of the amended and restated Note to reflect such extension and the new interest rate terms as provided in the Term Sheet is hereby authorized to the extent necessary. The City hereby acknowledges receipt of the form of the First Amendment Resolution expected to be adopted by the Agency.

Section 2. Ratification of the Contract. The Contract is hereby ratified and reaffirmed, which constitutes the security for the repayment of the amended and restated Note and the Bonds.

Section 3. Provision of Financial Information to Note Purchaser. So long as the Note is owned by the Note Purchaser, the City shall provide the Note Purchaser the City's audited financial statements within 210 days of the end of the City's fiscal year and such other information as the City shall reasonably request.

Section 4. General Authority. The proper officers, employees and agents of the City are hereby authorized, empowered and directed to do all such acts and things, including, but not limited to making covenants on behalf of the City and to execute all such documents and certificates as may be necessary to carry out the transactions contemplated by this resolution.

Section 5. Actions Approved and Confirmed. 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 are hereby authorized and approved.

Section 6. Repealing Clause. Any and all resolutions or parts of resolutions in conflict with this resolution are hereby repealed.

Section 7. Effective Date. This resolution shall take effect immediately upon its adoption.

ADOPTED this _____ day of October, 2022.

CITY OF AVONDALE ESTATES, GEORGIA

(SEAL)

By: _____
Mayor

ATTEST:

City Clerk

CITY CLERK'S CERTIFICATE

The undersigned City Clerk to the Board of Mayor and Commissioners of the City of Avondale Estates, Georgia (the "Governing Body") DOES HEREBY CERTIFY that the foregoing pages of typewritten matter constitute a true and correct copy of a resolution adopted on October __, 2022 by the Governing Body in a meeting duly called and assembled and at which a quorum was present and acting throughout, and that the original of the foregoing resolution appears of public record in the Minute Book of the Governing Body, which is in my custody and control.

GIVEN under my hand and the seal of the City, this _____ day of October, 2022.

(SEAL)

City Clerk

RESOLUTION NO. _____

A RESOLUTION BY THE CITY OF AVONDALE ESTATES TO APPROVE THE PAYMENT OF ADDITIONAL FUNDS TO THE OWNER OF CONDEMNED PROPERTY KNOWN AS 143 MAPLE STREET IN SETTLEMENT OF LITIGATION REGARDING THE FAIR MARKET VALUE OF SUCH PROPERTY PREVIOUSLY CONDEMNED BY THE CITY.

WHEREAS, the City of Avondale Estates previously acted by Resolution No. 20-29 to condemn 1,775 square feet of property owned by Joseph Gargiulo (“Owner”) for transportation purposes; and

WHEREAS, Owner appealed the fair market value of said property to DeKalb County Superior Court and such litigation, known as CAFN 20-CV-5293, remains pending in said Court; and

WHEREAS, the City initially deposited \$40,000 into the registry of the Superior Court and subsequently deposited an additional \$20,350 for the benefit of Owner; and

WHEREAS, Owner has offered to accept \$108,600 as total compensation for the condemned property and dismiss the above-referenced litigation.

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Mayor and Commissioners of the City of Avondale Estates that the City of Avondale Estates hereby approves the payment of an additional \$48,250 to Owner in exchange for Owner conveying the subject property to the City by quitclaim deed and dismissing the litigation known as CAFN 20-CV-5293.

BE IT FURTHER RESOLVED that the payment approved hereby is conditioned upon Owner conveying certain other property needed for US 278 right of way expansion purposes to the City in exchange for prices that have been agreed upon between Owner’s representatives and the city attorney.

BE IT FURTHER RESOLVED that the city manager and city attorney are hereby authorized and directed to enter into and execute a purchase/settlement agreement with Owner that is consistent with the terms set forth in this Resolution.

[signature page follows]

SO RESOLVED, this ____ day of _____, 2022

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

GEORGIA

JONATHAN ELMORE, Mayor

ATTEST:

Gina Hill
City Clerk