

1. Agenda

Documents:

[BOMC-2-10-21-RM-AGENDA.PDF](#)

2. Meeting Called To Order/Adoption Of Agenda

3. Final Adoption Of Amendment To Ordinance Reading Process

Documents:

[CHARTER AMENDMENT -- ORDINANCE ADOPTION PROCESS.FINAL.PDF](#)

4. Resolution To Set Commercial Sanitation Fees For 2021

5. Approve Resolution, Order And Declaration Of Taking For Acquisition Of 2950 Franklin Street (Tax ID #15-249-14-005) In Fee Simple By Eminent Domain For City Street/Public Transportation Purposes In Connection With Creating The Washington-Parry Connector Street Downtown.

Documents:

[2950 FRANKLIN ST RESOLUTION ORDER DECLARATION OF TAKING.PDF](#)

6. Arbor Day Proclamation

Documents:

[2021 ARBOR DAY PROCLAMATION.PDF](#)

7. Public Comment

8. Adjournment



**BOARD OF MAYOR AND COMMISSIONERS
REGULAR MEETING
FEBRUARY 10TH, 2021
6:01 P.M.
VIA ZOOM**

AGENDA

- Item #1 Meeting Called to Order
- Item #2 Adoption of Agenda
- Item #3 **Final Adoption of Amendment to Ordinance Reading Process**
Discussed at previous meetings, this change to the city charter would decrease the number of readings required to pass an ordinance.
- Item #4 **Resolution to Set Commercial Sanitation Fees for 2021**
- Item #5 **Approve Resolution, Order and Declaration of Taking for acquisition of 2950 Franklin Street (Tax ID #15-249-14-005) in fee simple by eminent domain for city street/public transportation purposes in connection with creating the Washington-Parry connector street downtown.**
- Item #6 **Arbor Day Proclamation**
- Item #7 Public Comment
- Item #8 Adjournment

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY OF AVONDALE ESTATES TO AMEND SECTION 2.21 OF THE CITY CHARTER TO REDUCE THE REQUIREMENT THAT AN ORDINANCE MUST BE READ AT THREE MEETINGS BEFORE IT MAY BE ADOPTED TO REQUIRE READING AT ONE PRIOR MEETING BEFORE ADOPTION, WITH AN EXCEPTION WHEN THE BOARD OF MAYOR AND COMMISSIONERS VOTES UNANIMOUSLY TO PROCEED WITHOUT A PRIOR READING; TO REQUIRE INTRODUCED ORDINANCES TO BE POSTED ON THE CITY'S WEBSITE; AND TO REPEAL CONFLICTING CHARTER PROVISIONS.

WHEREAS, the City Charter, Section 2.21(b), currently requires an ordinance to be read at three separate meetings (i.e., two prior meetings) before it may be adopted; and

WHEREAS, this “three readings requirement” has proven to be an undue impediment to the efficient administration of City business; and

WHEREAS, the Board of Mayor and Commissioners desires to eliminate the “three readings requirement” while still providing ample opportunity for public input and participation; and

WHEREAS, the City Charter provides for reasonable means of providing notice of introduced ordinances under consideration to the public but has not been updated to address the role of the internet in modern life; and

WHEREAS, the City is authorized to amend its Charter by adopting an ordinance to such effect at two consecutive regular meetings pursuant to its home rule powers as set forth in O.C.G.A. § 36-35-3.

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

SECTION 1. Subsection (b) of City Charter Section 2.21, City of Avondale Estates, is hereby amended to read as follows:

“(b) An ordinance may be introduced by any member of the board of mayor and commissioners and be read at a regular or special meeting of the board of mayor and

commissioners. Upon introduction of any ordinance, the city clerk shall as soon as possible: (i) distribute a copy to the mayor and to each commissioner, (ii) make available to the public a reasonable number of copies of the ordinance at city hall and (iii) post an electronic copy of the introduced ordinance in a prominent place on the city’s official website. Ordinances shall be considered and adopted or rejected by the board of mayor and commissioners in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted until such time that the title and purpose of the ordinance has been read at a prior regular or special meeting of the board of mayor and commissioners. However, this requirement that the ordinance have been read at a prior meeting shall not apply when the board of mayor and commissioners votes unanimously to waive the requirement, or in the case of an emergency ordinance as provided for in Section 2.23 of this charter.”

SECTION 2. All charter provisions, ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3. This Charter amendment shall become effective upon its final adoption by the Board of Mayor and Commissioners at the second of two consecutive regular meetings.

First Reading: _____
Second Reading: _____
Third Reading: _____

FIRST APPROVED THIS _____ DAY OF _____, 20__.

FINAL ADOPTION THIS _____ DAY OF _____, 20__.

**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
Stephen G. Quinn, City Attorney

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE EXERCISE OF THE CITY OF AVONDALE ESTATES' POWER OF EMINENT DOMAIN IN THE ACQUISITION OF CERTAIN INTERESTS IN PROPERTY SITUATED IN DEKALB COUNTY, GEORGIA, FOR CONSTRUCTION OF A CITY STREET AND/OR OTHER PUBLIC TRANSPORTATION PURPOSES.

WHEREAS, pursuant to Article 9, Section 2, Paragraph 5 of the Georgia Constitution, municipalities may acquire property in fee simple or in any lesser interest by eminent domain for public purposes; and

WHEREAS, the governing authority of the City of Avondale Estates, Georgia, a municipal corporation of the State of Georgia, has determined that the circumstances of this matter are such that there is a necessity for exercising its powers of eminent domain pursuant to O.C.G.A. § 32-3-1, *et seq.* in the acquisition of certain interests in property for city street and/or other public transportation purposes;

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the City Attorney, or his designee, is ordered and directed to institute proceedings in rem pursuant to O.C.G.A. § 32-3-1, *et seq.* in the DeKalb County Superior Court in order to condemn that certain property and interests therein more particularly described in Exhibit "A" which is attached hereto and made a part hereof by reference as though fully set forth at this point, all to the use of the City of Avondale Estates, said property now or formerly vested in David Harrell, his successors or assigns. It is further resolved that payment of just and adequate compensation in the amount of Eight Hundred and Fifty Thousand Dollars (\$850,000) be made to the person or persons entitled to such payment. The Mayor may sign any documents and/or pleadings required for proper filing under the aforementioned Code sections including a Declaration of Taking and Order of the Board of Mayor and Commissioners.

SO RESOLVED by the Avondale Estates Board of Mayor and Commissioners, this 10th day of February, 2021.

ATTEST:

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

By _____
Gina Hill, City Clerk

Jonathan Elmore, Mayor

Approved as to Form:

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

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 249 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF FRANKLIN STREET, AND LAKE STREET; AND RUNNING EAST ALONG THE NORTH SIDE OF FRANKLIN STREET 50 FEET; THENCE NORTH 174 FEET; THENCE WEST 50 FEET TO THE EAST SIDE OF LAKE STREET; THENCE SOUTH ALONG THE EAST SIDE OF LAKE STREET 174 FEET TO THE POINT OF BEGINNING, BEING IMPROVED PROPERTY KNOWN AS NO. 129-133 CLAUDE STREET, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES ON SAID STREET.

(THIS PROPERTY BEING LOCATED ON THE CORNER OF FRANKLIN STREET AND LAKE STREET IS ALSO KNOWN AS 129 LAKE STREET).

Map Parcel No. 15 249 14 005

**ORDER OF THE AVONDALE ESTATES BOARD OF MAYOR AND
COMMISSIONERS TO CONDEMN PROPERTY FOR PURPOSES OF
CONSTRUCTING AND IMPROVING A PUBLIC TRANSPORTATION PROJECT**

WHEREAS, the Avondale Estates Board of Mayor and Commissioners has laid out and determined to construct a city street or other transportation facility for the City at that certain parcel identified for tax purposes as parcel identification number 15-249-14-005 by the DeKalb County Board of Tax Assessors; the same being more fully described and shown in the description and attached as Appendix B to the Declaration of Taking (Exhibit “A” to the Petition for Condemnation).

WHEREAS, the tract of property and other rights as herein described and as listed below shown of record as owned by the persons named herein, all as described and shown in Appendix B to the Declaration of Taking (Exhibit “A” to the Petition for Condemnation) incorporated herein by reference and made a part of this Order are essential for the construction of said project:

Property/Rights: fee simple ownership of entire parcel

Owner: David Harrell

Potentially Interested Parties: Person(s) in possession of the property.

NOW THEREFORE, in accordance with O.C.G.A. § 32-3-6(b)(6) and (c), it is hereby found by the Avondale Estates Board of Mayor and Commissioners that the circumstances are such that it is necessary that the property as described in Appendix B to Exhibit “A” of the Declaration of Taking be acquired by condemnation under the provisions of O.C.G.A. § 32-3-1 *et seq.* for public road purposes or other transportation purposes.

IT IS ORDERED that the City of Avondale Estates proceed to acquire the title, estate or interest in the lands hereinafter described in Appendix B of the Declaration of Taking (Exhibit “A” to the Petition for Condemnation) by condemnation under the provisions of said Code, and the City Attorney or his designees are authorized and directed to file condemnation proceedings, including a Declaration of Taking, to acquire said title, estate, or interest in said lands and to deposit in the Court the sum estimated as just compensation all in accordance with the provisions of said law.

SO ORDERED by the Avondale Estates Board of Mayor and Commissioners,

this 10th day of February, 2021.

[signatures on following page]

ATTEST:

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

By _____
Gina Hill, City Clerk

Jonathan Elmore, Mayor

Approved as to Form:

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

EXHIBIT "A"

DECLARATION OF TAKING

WHEREAS, the City of Avondale Estates, Georgia, has made and passed a Resolution finding that the circumstances in connection with acquiring certain interests in property and for public right-of-way or other public transportation purposes are such that it is necessary to acquire title, estate, or interest in the lands fully described in said order to condemn contained in the Resolution, a certified copy/duplicate original of which is attached to this Declaration as Appendix A to Exhibit "A," and made a part hereof, under O.C.G.A. § 32-3-1, *et seq.*; and

WHEREAS, said interests in property are for public purposes upon, across, and over the tract of land in Avondale Estates, DeKalb County, Georgia, as fully described in the attachment hereto identified as Appendix B to Exhibit "A," and made a part hereof; and

WHEREAS, the City of Avondale Estates, Georgia, has caused an investigation and report to be made by a competent land appraiser upon which to estimate the sum of money to be deposited in the Court as just and adequate compensation for the right-of-way above-referred to, a copy of the appraiser's sworn statement being attached hereto identified as Appendix C to Exhibit "A," and made a part hereof; and

WHEREAS, in consequence of the sworn statement, Appendix C to Exhibit "A," the City of Avondale Estates, Georgia estimates Eight Hundred and Fifty Thousand Dollars (\$850,000) as just and adequate compensation to be paid for said right-of-way, as fully described in Appendix B to Exhibit "A" which is attached hereto and made a part hereof and will deposit said sum in the Court to the use of the persons entitled thereto.

NOW THEREFORE, the premises considered, the City of Avondale Estates, Georgia, under authority of O.C.G.A. § 32-3-1, *et seq.*, and O.C.G.A. § 22-3-140 hereby declares that the property and interests as described in Appendix B to Exhibit "A," which is attached hereto and made a part hereof of this Declaration, is taken for purposes of locating, constructing, maintaining, repairing, replacing, extending, expanding, and/or installing infrastructure for right-of-way and sidewalk improvements or other transportation purposes.

This 10th day of February, 2021.

ATTEST:

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

By _____
Gina Hill, City Clerk

Jonathan Elmore, Mayor

Approved as to Form:

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

EXHIBIT "A"

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Map Parcel No. 15 249 14 005

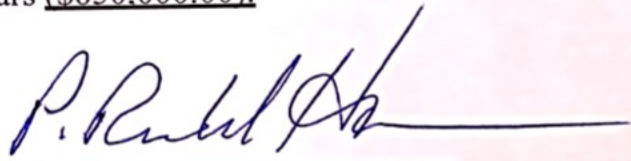
APPENDIX "C" TO EXHIBIT "A"

GEORGIA, DEKALB COUNTY

Personally comes, **P. RANDALL HAUMESSER, MAI** and after being duly sworn does state as follows:

1. Affiant was employed by the City of Avondale Estates to appraise the property known as 2950 Franklin Street, Avondale Estates, DeKalb County, Georgia 30002, tax parcel 15-249-14-005, and makes this sworn statement to be used in connection with condemnation proceedings under the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, for the acquisition of said property for use as a City street.

2. Affiant is familiar with real estate values in said county and in the vicinity where said parcel is located. Affiant has personally inspected the property or right condemned and in appraising said parcel Affiant took into consideration the Fair Market Value of said parcel, as well as any consequential damages to remaining property of the Condemnee by reason of the taking and use of said parcel and other rights for the construction of said project, and any consequential benefits which may result to such remaining property by reason of such taking and use (consequential benefits not, however, considered except as offsetting consequential damages). After said investigation and research, Affiant has thus estimated that the just and adequate compensation for said parcel, and any consequential damages or benefits considered, is in the amount of Eight Hundred and Fifty Thousand Dollars (\$850,000.00).

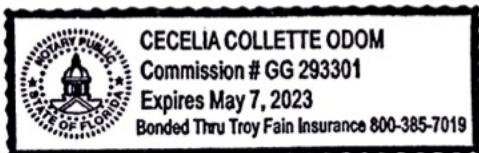


APPRAISER

Sworn to and subscribed before me,
This 3 day of February, 2021.


NOTARY PUBLIC

My commission expires 5/7/23





Proclamation

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for planting of trees; and

WHEREAS, this day, now known as ARBOR DAY, was first observed with the planting of more than a million trees in the State of Nebraska; and

WHEREAS, Arbor Day is now observed throughout the United States and the world; and

WHEREAS, trees reduce erosion of our topsoil, reduce heating and cooling costs, moderate temperature, clean air, produce oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource that provides paper, wood, fuel, and beauty

NOW, THEREFORE, I, Jonathan Elmore, Mayor of the City of Avondale Estates, Georgia, do hereby proclaim February 19, 2021, as the 149th anniversary celebration of Arbor Day in the City of Avondale Estates, and urge all citizens to celebrate Arbor Day and support efforts to protect our trees and woodlands.

Dated this 10th day of February 2021.

Jonathan Elmore, Mayor