

CITY OF SOUTH FULTON, GEORGIA
VIRTUAL - REGULAR COUNCIL MEETING
Tuesday, November 10, 2020, 12:00 PM



The Honorable William "Bill" Edwards, Mayor
The Honorable Catherine F. Rowell, District 1 Councilmember
The Honorable Carmalitha Gumbs, District 2 Councilmember
The Honorable Helen Z. Willis, District 3 Councilmember
The Honorable Naeema Gilyard, District 4 Councilmember
The Honorable Corey A. Reeves, District 5 Councilmember
The Honorable Khalid Kamau, District 6 Councilmember
The Honorable Mark Baker, District 7 Councilmember

REGULAR COUNCIL MEETING AGENDA

- I. Meeting Called to Order
- II. Roll Call
- III. Invocation
- IV. Pledge of Allegiance
- V. Adoption of Council Agenda
- VI. Approval of City Council Meeting Minutes
 1. Request Council Approval of City Council Regular Meeting Minutes from October 27, 2020 (City Clerk)
- VII. Public Hearing(s)
 2. **PUBLIC HEARING:** Request Council Approval of Rezoning Case Z20-001 from SH to TR for a Residential Development at 6705 Camp Valley (CDRA)
 3. **PUBLIC HEARING:** Request Council Approval of Rezoning Case Z20-002 from AG1 to CUP for a Residential Development at 2210 Wallace Road (CDRA)
- VIII. Public Comments

Speakers can complete a Public Comment Speaker Card between the 6:30pm and 6:50pm, when completed, please take card to the City Clerk. Speakers will be granted a total of two (2) minutes each and public

comments will not exceed thirty (30) minutes. Speakers will not be allowed to yield or donate their time to other speakers. Speakers must identify themselves and their addresses prior to speaking. Speakers may only address the Presiding Officer, shall observe all rules of decorum. No debate, disrespect or obscenities shall be tolerated. The Presiding Officer shall rule any such individual out of order that fails to comply with the foregoing.

IX. Chief Financial Officer's Monthly Report

X. City Manager's Monthly Report

XI. City Attorney's Monthly Report

XII. Consent Agenda Items

4. Council Proclamations for Spreading on the Minutes:

- Dr. C. Clayton Powell (**Mayor Edwards**)
- Lincoln Damione Scott (**Councilmember khalid**)
- Lung Cancer Awareness Month (**Councilmember Gilyard**)

5. Request Council Approval to accept a monetary donation from Adams & Company in the amount of \$30,000 for the installation of new playground equipment at Sandtown Park and apply for the 2020 Gametime CARES Grant Program for a promotional funding discount of \$11,308.00 toward the cost of the playground equipment (PRCA)
6. Request Council Approval to accept the Publix monetary donation of \$3,000 and non-monetary donation of \$1,408.80 for the Parks, Recreation and Cultural Affairs Extension Program (PRCA)
7. Request Council Approval of Resolution Extending Moratorium Banning Uses (extending to 12.8.2020) (CDRA)
8. Request Council Approval of Renewal of Memorandum of Understanding with the U.S. Drug Enforcement Agency (Police)
9. Request Council Approval of A Resolution Authorizing the Execution of A Public Safety Memorandum of Understanding with the Georgia Bureau of Investigation (Police)

XIII. Previous Agenda Items

10. Council 2nd Reading and Approval of An Ordinance to be known as the South Fulton Crown Act Anti-discrimination Ordinance (**Councilmembers Baker and Reeves**)
11. Council 2nd Reading and Approval of the Amended Historic Landmark Commission Ordinance (**Councilmembers khalid and Rowell**)
12. Council 2nd Reading and Request Approval of An Ordinance Mandating Social Distancing at Restaurants (**Mayor Edwards**)

13. Council 2nd Reading and Request Approval of An Ordinance Title 16_ Alcoholic Beverages Regulating Entertainment at Restaurants (**Mayor Edwards**)

XIV. Agenda Items

14. Request Council Approval of A Resolution Adopting a City Vehicle Take-home Policy
15. Request Council Approval of A Resolution Authorizing Permitting and Inspection IGA's with Fulton County

XV. Executive Session

When an Executive Session is Required, one will be called for the following issues:

1) Personnel, 2) Litigation or 3) Real Estate

XVI. Adjournment of Meeting

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of City Council Regular Meeting Minutes from October 27, 2020

DATE: November 10, 2020

SUBJECT: Request Council Approval of City Council Regular Meeting Minutes from October 27, 2020

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Minutes_RM_2020_10_27_Meeting_DRAFT	Cover Memo	11/5/2020

CITY OF SOUTH FULTON, GEORGIA
VIRTUAL - Regular Council Meeting
Tuesday, October 27, 2020, 10:00 AM



REGULAR MEETING MINUTES

I. Meeting Called to Order

Minutes:

The meeting was called to order by Mayor William Edwards at 10:00 AM.

The Mayor recessed the meeting for a 15 minute break at 2:02 PM.

The Mayor reconvened the meeting at 2:17 PM.

The meeting is being conducted under special emergency circumstances due to the COVID19 (also known as the Coronavirus) pandemic. City Council members and staff are participating via conference call (Zoom). The meeting is being simulcast in realtime via the City's YouTube channel.

Attendee Name	Title	Status	Arrived
William "Bill" Edwards	Mayor	Present	
Catherine F. Rowell	District 1 Councilmember	Present	
Carmalitha Gumbs	District 2 Councilmember	Present	
Helen Z. Willis	District 3 Councilmember	Present	
Naeema Gilyard	District 4 Councilmember	Present	
Corey A. Reeves	District 5 Councilmember	Present	
khalid kamau	District 6 Councilmember	Present	10:02 AM
Mark Baker	District 7 Councilmember	Present	

Following the roll call by the Interim City Clerk, a quorum was established.

II. Invocation

Minutes:

The invocation was rendered by Pastor Warren Henry, Chaplain.

III. Pledge of Allegiance

Minutes:

The pledge of allegiance was recited in unison.

IV. Adoption of Council Agenda

Motion (Approve as Amended): Councilmember Baker

Second: Councilmember khalid

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to adopt the Regular Meeting agenda with an amendment by Councilmember Gumbs to remove item 40 - Council 1st Reading of the Amended Smoking Ordinance from the agenda.

The motion was approved unanimously.

V. Approval of City Council Meeting Minutes

Motion (Approve): Councilmember Willis

Second: Councilmember Gumbs

[Motion Approved]

Yea: 6 Baker, Gumbs, khalid , Reeves, Rowell, Willis

Nay: 0

Abstain: 1 Gilyard

Not Voting: 0

Minutes:

A motion was made to approve the following City Council Meeting Minutes:

Special Called Meeting from Sept. 17, 2020

Regular Meeting from September 22, 2020

Special Called Meeting from October 13, 2020 at 1pm and 3pm

Work Session Meeting from October 13, 2020

The motion was approved 6-0-1. Councilmember Gilyard abstained.

1. Request Council Approval of City Council Regular Meeting Minutes from September 22, 2020 (City Clerk)

2. Request Council Approval of City Council Special Called Meeting Minutes from September 17, 2020 and two meetings on October 13, 2020 (City Clerk)
3. Request Council Approval of City Council Work Session Meeting Minutes from October 13, 2020 (City Clerk)

VI. Public Hearing(s)

4. **PUBLIC HEARING** - Proposed Adoption of the City of South Fulton Tax Allocation Redevelopment Plan and Request Council Approval of City of South Fulton Tax Allocation District Resolution (Destination South Fulton)

Motion (Approve as Amended): Councilmember Baker

Second: Councilmember Reeves

[Motion Approved]

Yea: 6 Baker, Gilyard, Gumbs, Reeves, Rowell, Willis

Nay: 1 khalid

Abstain: 0

Not Voting: 0

Minutes:

Christopher Pike, Economic Development Director and Geoff Koski with Bleakly Advisory Group provided a presentation regarding the Tax Allocation District Redevelopment Plan.

Public Hearing held. No comments were received.

A motion was made to approve the City of South Fulton Tax Allocation District Resolution with an amendment to add language to the resolution allowing the South Fulton Development Authority to assist or partner with the South Fulton Downtown Development Authority on development projects.

The motion was approved 6-1. Councilmember khalid voted in opposition.

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5. **PUBLIC HEARING** - Request Council Approval of Rezoning Case Z20-001 from SH to TR for a Residential Development at 6705 Camp Valley (CDRA)

Motion (Hold): Councilmember khalid

Second: Councilmember Gilyard

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

Public Hearing held. Three comments received.

Michael Venable, District 6: Opposed to application

Alvin Reynolds, District 7: Opposed to application

Glenda Collins, District 5: Opposed to application

A motion was made to hold Case Z20-001 at 6705 Camp Valley until the next Council Regular Meeting.

The motion to hold was approved unanimously.

6. ***PUBLIC HEARING*** - Request Council Approval of Rezoning Case Z20-002 from AG-1 to CUP for a Residential Development at 2210 Wallace Road (CDRA)

Motion (Hold): Councilmember Rowell

Second: Councilmember Gilyard

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

Public Hearing held. There were no comments received.

A motion was made to hold Case Z20-002 at 2210 Wallace Road until the next Council Regular Meeting.

The motion to hold was approved unanimously.

7. ***PUBLIC HEARING*** - Request Council Approval of Rezoning Case Z20-003 from AG-1 to SH for Senior Housing Development at 3825 and 3895 Jonesboro Road (CDRA)

Motion (Hold): Councilmember Baker

Second: Councilmember khalid

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

Public Hearing held. Two comments received.

Michael Venable, District 6: Opposed to application
Alvin Reynolds, District 7: Opposed to application

A motion was made to hold Case Z20-003 at 3825 and 3895 Jonesboro Road due to the applicant's request for deferral until the December 2020 Council Regular Meeting.

The motion to hold was approved unanimously.

8. **PUBLIC HEARING** - Request Council Approval of Request for Alcohol License Revocation: re Pro Entertainment Enterprise, Inc., d/b/a South Beach (Police)

Motion (Deny): Councilmember Baker
Second: Councilmember khalid
[Motion Withdrawn]

Yea: 0
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:
Public Hearing held. One comment received.

Alvin Reynolds, District 7: Supports revocation.

Chief Keith Meadows and Major Tina Robinson spoke on behalf of the Police Department.

Dana Tucker Davis, attorney for Pro Entertainment Enterprise spoke on behalf of the owner, Lucious Crowe and manager, Jasiel Robinson.

A motion was made to deny the revocation of the liquor license for Pro Entertainment Enterprise dba South Beach.

The motion was withdrawn.

Motion (Deny): Councilmember Willis
Second: Councilmember Gumbs
[Motion Approved]

Yea: 6 Baker, Gumbs, khalid , Reeves, Rowell, Willis
Nay: 0
Abstain: 0
Not Voting: 1 Gilyard

Minutes:
A substitute motion was made to deny the revocation of the liquor license for Pro Entertainment Enterprise dba South Beach subject to compliance with the required conditions outlined by the

The motion was approved 6-0. Councilmember Gilyard did not vote.

VII. Public Comments

Minutes:

There were 35 speakers who submitted public comment as follows:

- 1. Monique Williams, District 1: Concerns expressed regarding HB 921 Implementation**
- 2. Charles Mitchell, District 4: Concerns expressed regarding HB 921 Implementation**
- 3. Richard Allen, District 3: Concerns expressed regarding HB 921, HB 1019 Implementation**
- 4. Nathaniel and Jewel Johnson, District 1: Concerns expressed regarding HB 921, HB 1019 Implementation**
- 5. Pamela Harris, District 1: Concerns expressed regarding HB 921 Implementation**
- 6. Emmanuel Rainey, District 5: Request meeting with mayor regarding Ordinance Mandating Social Distancing**
- 7. Rosa Robinson, District 6: Concerned about drag racing and noise in the Old National Hwy. and Flat Shoals area**
- 8. Tarryn Rutherford, District 5: Request meeting with mayor regarding Ordinance Mandating Social Distancing**
- 9. Alre Alston, District 6: Request meeting with mayor regarding Ordinance Mandating Social Distancing**
- 10. Alvin Reynolds, District 7: Supports Ordinance Mandating Social Distancing**
- 11. Joel Colbert, District 7: Commented on garage doors at Grown Folks Cafe**
- 12. Harriett Bryant, District 7: Commented on garage doors at Grown Folks Cafe**
- 13. Sandra McCoy Horton, District 5: Request meeting with mayor regarding Ordinance Mandating Social Distancing**
- 14. Chevone Hammond, District 5: Opposed to Ordinance Mandating Social Distancing**
- 15. Sy Collins, College Park: Opposed to Ordinance Mandating Social Distancing**
- 16. Amanda Simpson, Union City: Concerns expressed regarding HB 921 Implementation**
- 17. Meghan McNulty, Atlanta: ASHRAE, expressed comments regarding Amended Smoking Ordinance**
- 18. Jackie Beville, Stone Mountain: Request meeting with mayor regarding Ordinance Mandating Social Distancing**
- 19. Shantavia Fizer, Snellville: Opposed to Ordinance Mandating Social Distancing**
- 20. Raven Papilon, Decatur: Opposed to Ordinance Mandating Social Distancing**
- 21. Carl Williams, Atlanta: Request meeting with mayor regarding Ordinance Mandating Social Distancing**
- 22. Isaiah Mitchell, Atlanta: Opposed to Ordinance Mandating Social Distancing**
- 23. Diamond Eppinger, Atlanta: Opposed to Ordinance Mandating Social Distancing**
- 24. Robert McCombs, Atlanta: Opposed to Ordinance Mandating Social Distancing**
- 25. Jacey Gray, College Park: Opposed to Ordinance Mandating Social Distancing**
- 26. Undra Colbert, Atlanta: Opposed to Ordinance Mandating Social Distancing**
- 27. Kenny Guerra, Atlanta: Opposed to Ordinance Mandating Social Distancing**
- 28. Patrice Rowland, East Point: Opposed to Ordinance Mandating Social Distancing**
- 29. Miranda Pollard, Jonesboro: Opposed to Ordinance Mandating Social Distancing**
- 30. Destinie Montford, Hapeville: Opposed to Ordinance Mandating Social Distancing**

- 31. Nyela Rogers, Atlanta: Opposed to Ordinance Mandating Social Distancing
 - 32. Tahiera Summerfield, Atlanta Opposed to Ordinance Mandating Social Distancing
 - 33. Jordan Cruse, Atlanta: Opposed to Ordinance Mandating Social Distancing
 - 34. Angeleena Tavares, Jonesboro: Opposed to Ordinance Mandating Social Distancing
 - 35. Chanda Love, Atlanta: Opposed to Ordinance Mandating Social Distancing
-

VIII. Chief Financial Officer's Monthly Report

9. September 2020 Financial Report

Minutes:

REPORT PRESENTED.

IX. City Manager's Monthly Report

10. September 2020 City Manager's Report

Minutes:

REPORT PRESENTED.

X. City Attorney's Monthly Report

Minutes:

The City Attorney presented the following two items deemed to be time-sensitive and critical for the City Council's consideration. The Mayor asked that the record reflect that these items were voted upon based on the legal opinion provided by the City Attorney.

- 1. **Cry Wolf Contract**
 - 2. **Re-consideration of Rezoning Case #Z19-005.**
-

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

Yea: 6 Baker, Gilyard, Gumbs, Reeves, Rowell, Willis

Nay: 0

Abstain: 1 khalid

Not Voting: 0

Minutes:

A motion was made to give the Mayor, City Manager, Police Chief and City Attorney the authority to enter into and execute an agreement with Cry Wolf for a Fee Sharing Agreement for False Alarm Services.

The motion was approved 6-0-1. Councilmember khalid abstained.

Motion (Approve): Councilmember Reeves
Second: Councilmember Baker
[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

A motion was made to reconsider the Council's denial on September 22, 2020 of rezoning case Z19-005 located at 3560 Jonesboro Road for purposes of rescheduling the hearing.

The motion was approved unanimously.

Motion (Approve): Councilmember Reeves
Second: Councilmember Rowell
[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

A motion was made to reset rezoning case Z19-005 located at 3560 Jonesboro Road for a hearing at the December Regular Council Meeting.

The motion was approved unanimously.

XI. Consent Agenda Items

Motion (Approve): Councilmember Rowell
Second: Councilmember Gumbs
[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

A motion was made to approve the Consent Agenda items 11-24.

The motion was approved unanimously.

11. Request Council Approval of Board Appointments:
- Councilmember Gilyard appoints Thant Coleman to the South Fulton Development Authority
 - Mayor Edwards appoints Alvin Reynolds to the South Fulton Planning Commission
 - Councilmember Reeves appoints Christina D. Clarke to the South Fulton Environmental Committee

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the Consent Agenda items 11-24.

The motion was approved unanimously.

12. Council Proclamations for Spreading on the Minutes:
- Isabella Cavienss - Councilmember Gumbs
 - Clifton Rainey, Jr. - Mayor Edwards
 - Bishop C. L. Carter, Sr. and Elder Deborah V. Carter Day - Councilmember Reeves
 - South Fulton Sews Day - Councilmember Rowell
 - Coach Anthony "Tony" Williams - Councilmember Rowell
 - Derek Cleveland - Councilmember Rowell

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the Consent Agenda items 11-24.

The motion was approved unanimously.

13. Request Council Approval to accept the FEMA Public Assistance Grant Award for COVID-19 reimbursement in the amount of \$103,140.06 (City Manager)

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the Consent Agenda items 11-24.

The motion was approved unanimously.

14. Request Council Approval to accept the 2020 Bulletproof Vest Partnership Grant in the amount of \$11,343.50 (Police)

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the Consent Agenda items 11-24.

The motion was approved unanimously.

15. Request Council Approval of Resolution Authorizing Fire Services Mutual Aid Agreement with Fayette County (**Councilmember Gumbs**)

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the Consent Agenda items 11-24.

The motion was approved unanimously.

16. Request Council Approval of Economic Development Strategic Plan
(Destination South Fulton and BAE Urban Economics)

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the Consent Agenda items 11-24.

The motion was approved unanimously.

17. Request Council Approval of Resolution Assessing Reparations to Address
History of Racism (**Councilmember Baker**)

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the Consent Agenda items 11-24.

The motion was approved unanimously.

18. Request Council Approval of Resolution to Georgia Congressional Delegation
for John Lewis Post Office Renaming (**Councilmember Rowell**)

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

A motion was made to approve the Consent Agenda items 11-24.

The motion was approved unanimously.

19. Request Council Approval of Resolution Authorizing Emergency Repairs with CSXT (Public Works)

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

A motion was made to approve the Consent Agenda items 11-24.

The motion was approved unanimously.

20. Request Council Approval of Ahmaud Arbery Resolution Asking Georgia General Assembly to Enact Legislation Reducing Hate Crimes
(Councilmember Willis)

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

A motion was made to approve the Consent Agenda items 11-24.

The motion was approved unanimously.

21. Request Council Approval of Resolution Adopting Historic Landmark Commission Bylaws and Procedures (**Councilmembers khalid and Rowell**)

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the Consent Agenda items 11-24.

The motion was approved unanimously.

22. Request Council Approval of Resolution Extending Moratorium Banning Uses (CDRA)

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the Consent Agenda items 11-24.

The motion was approved unanimously.

23. Request Council Approval of Resolution Establishing Moratorium on Special Event Permits (**Councilmember Rowell**)

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the Consent Agenda items 11-24.

The motion was approved unanimously.

24. Request Council Approval of Resolution Amending the City of South Fulton Human Resource Policy and Procedures Manual to Incorporate Crown Act Anti-discrimination Regulations (**Councilmember Baker**)

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the Consent Agenda items 11-24.

The motion was approved unanimously.

XII. Previous Agenda Items

25. Council 2nd Reading and Request Approval of An Ordinance Mandating Social Distancing at Restaurants (**Mayor Edwards**)

Minutes:

This item was held per Mayor Edwards.

26. Council 2nd Reading and Request Approval of An Ordinance Title 16_ Alcoholic Beverages-Regulating Entertainment at Restaurants (**Mayor Edwards**)

Motion (Approve): Councilmember Willis

Second: Councilmember Rowell

[Motion Not Carried]

Yea: 0

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve An Ordinance Title 16_ Alcoholic Beverages-Regulating

Entertainment at Restaurants.

The motion was not carried.

Motion (Hold): Councilmember khalid
Second: Councilmember Baker
[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

A substitute motion was made to hold the Ordinance Title 16_ Alcoholic Beverages-Regulating Entertainment at Restaurants.

The motion was approved unanimously.

27. Council 2nd Reading and Request Approval of An Ordinance Title 2 Taxation_911 Prepaid Wireless (**Councilmember Rowell**)

Motion (Approve): Councilmember Gumbs
Second: Councilmember Rowell
[Motion Approved]

Yea: 4 Gumbs, Reeves, Rowell, Willis
Nay: 3 Baker, Gilyard, khalid
Abstain: 0
Not Voting: 0

Minutes:

A motion was made to approve of An Ordinance Title 2 Taxation_911 Prepaid Wireless.

The motion was approved 4-3. Councilmembers Baker, khalid and Gilyard voted in opposition.

28. Council 2nd Reading and Request Approval of Charter Amendment Sec 4.14 City Treasurer (**Councilmembers Rowell, Reeves and Willis**)

Motion (Approve): Councilmember Willis
Second: Councilmember Reeves
[Motion Failed]

Yea: 3 Reeves, Rowell, Willis
Nay: 3 Baker, Gilyard, khalid
Abstain: 1 Gumbs
Not Voting: 0

Minutes:

A motion was made to approve A Charter Amendment to Sec 4.14 City Treasurer.

The motion failed for a lack of 5 affirmative votes. 3-3-1 Councilmembers Baker, khalid and Gilyard voted in opposition. Councilmember Gumbs abstained.

29. Council 2nd Reading and Request Approval of An Ordinance - Title 3_Bldg Regulations - Construction Site Waste Management (**Councilmember khalid**)

Motion (Approve): Councilmember khalid

Second: Councilmember Gilyard

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve of An Ordinance - Title 3_Bldg Regulations - Construction Site Waste Management.

The motion was approved unanimously.

30. Council 2nd Reading and Request Approval of An Ordinance - Title 3_Bldg Regulations - Post Construction Stormwater Management (**Councilmember Rowell**)

Motion (Approve): Councilmember Rowell

Second: Councilmember Reeves

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve of An Ordinance - Title 3_Bldg Regulations - Post Construction Stormwater Management

The motion was approved unanimously.

31. Council 2nd Reading and Request Approval of An Ordinance - Title14_Environment - Sedimentation and Erosion Control (**Councilmember Gumbs**)

Motion (Approve): Councilmember Gumbs

Second: Councilmember Reeves

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

A motion was made to approve of An Ordinance - Title14_Environment - Sedimentation and Erosion Control.

The motion was approved unanimously.

32. Council 2nd Reading and Request Approval of An Ordinance - Title 14_Environment - Protection of Stream Buffers (**Councilmember Gilyard**)

Motion (Approve): Councilmember Gilyard
Second: Councilmember Reeves
[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

A motion was made to approve of An Ordinance - Title 14_Environment - Protection of Stream Buffers.

The motion was approved unanimously.

XIII. Agenda Items

33. Request Council Approval to re-schedule Council Regular Meetings for Tuesday, November 10, 2020 and Tuesday, December 8, 2020 at 10:00 AM instead of the regular scheduled meeting dates on November 24, 2020 and December 22, 2020 due to holidays occurring in these months; Further to cancel the following meetings:

Tuesday, November 10, 2020 Work Session
Tuesday, December 8, 2020 Work Session

(Interim City Clerk)

Motion (Approve as Amended): Councilmember Gilyard
Second: Councilmember Baker
[Motion Approved]

Yea: 6 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell
Nay: 1 Willis

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to combine the Regular Meeting and Work Session into one meeting in November on November 10, 2020 and one meeting in December on December 8, 2020 beginning at 10:00 AM. The meetings shall consist of Work Session items (one and one half hours), Zoning Rewrite items (two hours) and Regular Meeting items (two and one half hours). Councilmembers will be restricted to three minutes speaking time.

The motion was approved 6-1. Councilmember Willis voted in opposition.

34. Request Council Approval of Appointment of Mrs. Tammi Sadler Jones as Interim City Manager effective November 6, 2020 with salary to be determined administratively and consistent with the current Pay and Classification Plan. **(Mayor Edwards/City Manager)**

Motion (Approve): Councilmember Willis

Second: Councilmember Gumbs

[Motion Approved]

Yea: 0

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the Appointment of Mrs. Tammi Sadler Jones as Interim City Manager effective November 6, 2020.

The motion was not carried.

Motion (Approve): Councilmember khalid

Second:

[Motion Failed for Lack of Second]

Yea: 0

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A substitute motion was made to approve the Appointment of Mrs. Tammi Sadler Jones as Interim City Manager effective November 6, 2020 at the current salary of the City Manager.

The motion failed to receive a second. (Councilmember Gilyard withdrew her second.)

Motion (Hold): Councilmember Gumbs

Second: Councilmember Rowell

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

A motion was made to hold this item until after the Executive Session.

The motion was approved unanimously.

Motion (Approve): Councilmember khalid

Second: Councilmember Gumbs

[Motion Approved]

Yea: 6 Baker, Gilyard, Gumbs, khalid , Reeves, Willis
Nay: 0
Abstain: 0
Not Voting: 1 Rowell

Minutes:

After the Executive Session, a motion was made to approve the Appointment of Mrs. Tammi Sadler Jones as Interim City Manager effective November 6, 2020.

The motion was approved 6-0. Councilmember Rowell did not vote.

35. Request Council Approval of Resolution Approving Contract for Michael Sheridan to Serve as the Chief Judge for the Municipal Court of the City of South Fulton (City Manager)

Motion (Hold): Councilmember Gumbs

Second: Councilmember Gilyard

[Motion Approved]

Yea: 6 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell
Nay: 0
Abstain: 0
Not Voting: 1 Willis

Minutes:

A motion was made to hold this item until after the Executive Session.

The motion was approved 6-0. Councilmember Willis did not vote.

Motion (Approve as Amended): Councilmember Gumbs

Second: Councilmember Reeves

[Motion Approved]

Yea: 6 Baker, Gilyard, Gumbs, khalid , Reeves, Willis
Nay: 0
Abstain: 0
Not Voting: 1 Rowell

Minutes:

After the Executive Session, a motion was made to approve the Resolution and Contract for Michael Sheridan to Serve as the Chief Judge for the Municipal Court of the City of South Fulton.

The motion was approved 6-0. Councilmember Rowell did not vote.

36. Request Council Approval of Resolution Setting the Salary of Corey Adams as City Clerk (City Manager)

Motion (Approve): Councilmember Rowell
Second: Councilmember Reeves
[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

A motion was made to approve A Resolution Setting the Salary of Corey Adams as City Clerk.

The motion was approved unanimously.

37. C.A.R.E.S. Act Update (**Mayor Edwards**/City Manager)

Minutes:

REPORT PRESENTED.

38. Request Council approval to execute the Construction Agreement with the Georgia Department of Transportation for the Butner Road at Stonewall Tell Intersection improvement in an amount not to exceed \$456,229.76 and award the project to Piedmont Paving (Public Works)

Motion (Approve): Councilmember Willis
Second: Councilmember Gumbs
[Motion Approved]

Yea: 6 Baker, Gilyard, Gumbs, khalid , Reeves, Willis
Nay: 0
Abstain: 0
Not Voting: 1 Rowell

Minutes:

A motion was made to approve and execute the Construction Agreement with the Georgia Department of Transportation for the Butner Road at Stonewall Tell Intersection improvement in an amount not to exceed \$456,229.76 and authorization to select the low bid contractor (Piedmont Paving) to perform the Construction Agreement.

The motion was approved 6-0. Councilmember Rowell did not vote.

39. Council 1st Reading of An Ordinance to be known as the South Fulton Crown Act Anti-discrimination Ordinance (**Councilmembers Baker and Reeves**)

Minutes:

FIRST READ

40. Council 1st Reading of the Amended Smoking Ordinance (**Councilmembers Rowell, Gumbs, Reeves and Baker**)

Minutes:

Removed from agenda by Councilmember Gumbs.

41. Council 1st Reading of the Amended Historic Landmark Commission Ordinance (**Councilmembers khalid and Rowell**)

Minutes:

FIRST READ

42. Discussion: Implementation of Provisions of House Bill 921 Signed into Law on June 29, 2020 (**Mayor Edwards**)

Minutes:

Discussion held for Executive Session due to Personnel considerations

XIV. Executive Session

Motion (Recess): Councilmember Willis

Second: Councilmember Gumbs

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to recess for an Executive Session at 4:12 PM for Litigation, Personnel and Real Estate.

The motion was approved unanimously.

Motion (Reconvene): Councilmember Baker

Second: Councilmember Reeves

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to reconvene from Executive Session at 5:44 PM.

The motion was approved unanimously.

XV. Adjournment of Meeting

Motion (Adjourn): Councilmember Willis

Second: Councilmember Gumbs

[Motion Approved]

Yea: 7 Baker, Gilyard, Gumbs, khalid , Reeves, Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to adjourn the Regular Meeting at 5:49 PM.

The motion was approved unanimously.

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: PUBLIC HEARING: Request Council Approval of Rezoning Case Z20-001 at 6705 Camp Valley

DATE: November 10, 2020

SUBJECT: PUBLIC HEARING: Request Council Approval of Rezoning Case Z20-001 at 6705 Camp Valley

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
CC PC Z20-001 Presentation 11.10.20	Cover Memo	11/5/2020
Z20-001 for 6705 Camp Valley Rd Staff Report for Council Nov 10 2020	Cover Memo	11/5/2020

Z20-001

**Rezoning Request
6705 Camp Valley Rd.**



Council Meeting
City of South Fulton
November 10, 2020



Z20-001: 6705 Camp Valley Rd.

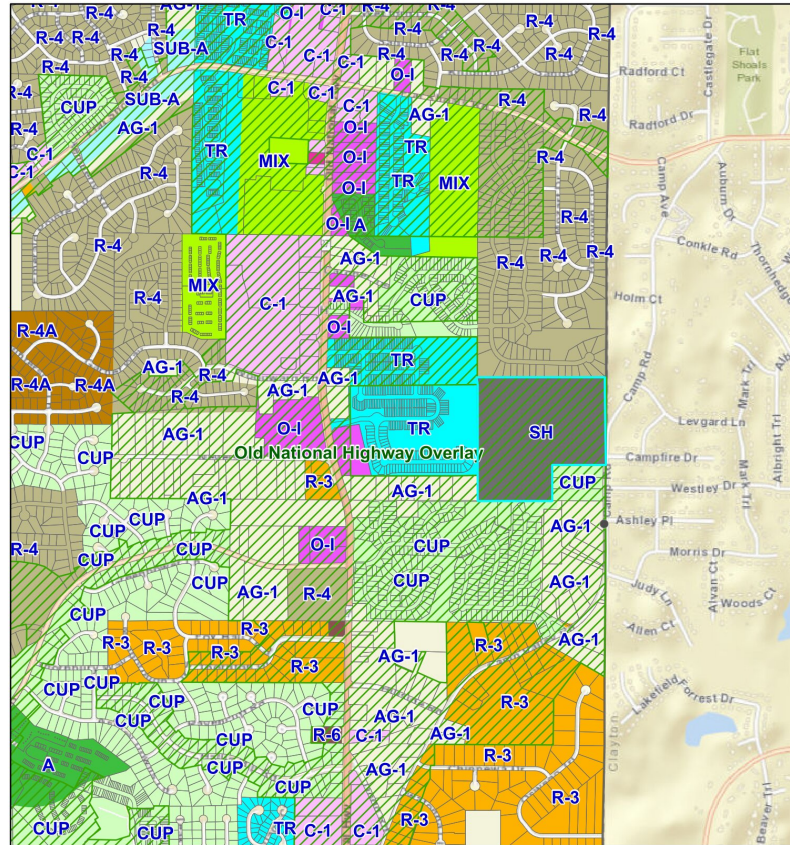
- Petitioner seeks to rezone from SH (Senior Housing) to TR (Townhome Residential) in order to develop a residential subdivision
- Proposal is for a community of single-family homes and townhomes
- Proposal is in line with the Future Land Use Map and existing development in the area
- Petitioner has met with the community, staff, and Councilmember Khalid several times in order to refine the proposal

Z20-001: 6705 Camp Valley Rd.

- Petitioner also proposes a major roadway improvement at their expense to alleviate traffic concerns
- Planning Commission recommended Approval
- Staff recommends Approval

Z20-001: 6705 Camp Valley Rd.

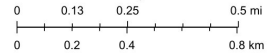
COSF ArcGIS Web Map



8/6/2020, 11:06:24 AM

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- | | |
|------------------------------|------------------------------|
| Overlay Districts | C-1 (Limited Commercial) |
| County Parcels All | C-2 (General Commercial) |
| City Limits | CUP (Community Unit Plan) |
| Current Zoning | MIX (Mixed Use) |
| A (Medium Density Apartment) | O-1 (Office & Institutional) |
| AG-1 (Agricultural) | R-3 (Single Family Dwelling) |



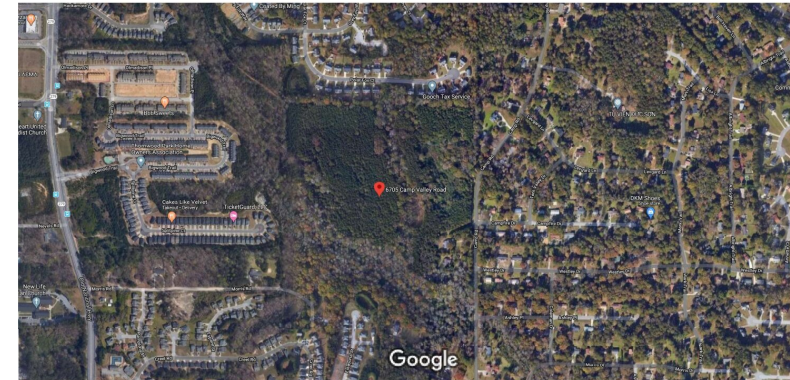
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS
City of South Fulton, GA

8/6/2020

6705 Camp Valley Rd - Google Maps

Google Maps 6705 Camp Valley Rd



Imagery ©2020 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2020 200 ft



6705 Camp Valley Rd

Riverdale, GA 30296

- Directions
- Save
- Nearby
- Send to your phone
- Share

HGGQ+VJ Riverdale, Georgia

Photos

https://www.google.com/maps/place/6705+Camp+Valley+Rd,+Riverdale,+GA+30296/@33.57725,-84.4601213,914m/data=!3m1!1e3!4m13!1m7!3m6!... 1/2

Z20-001: 6705 Camp Valley Rd.



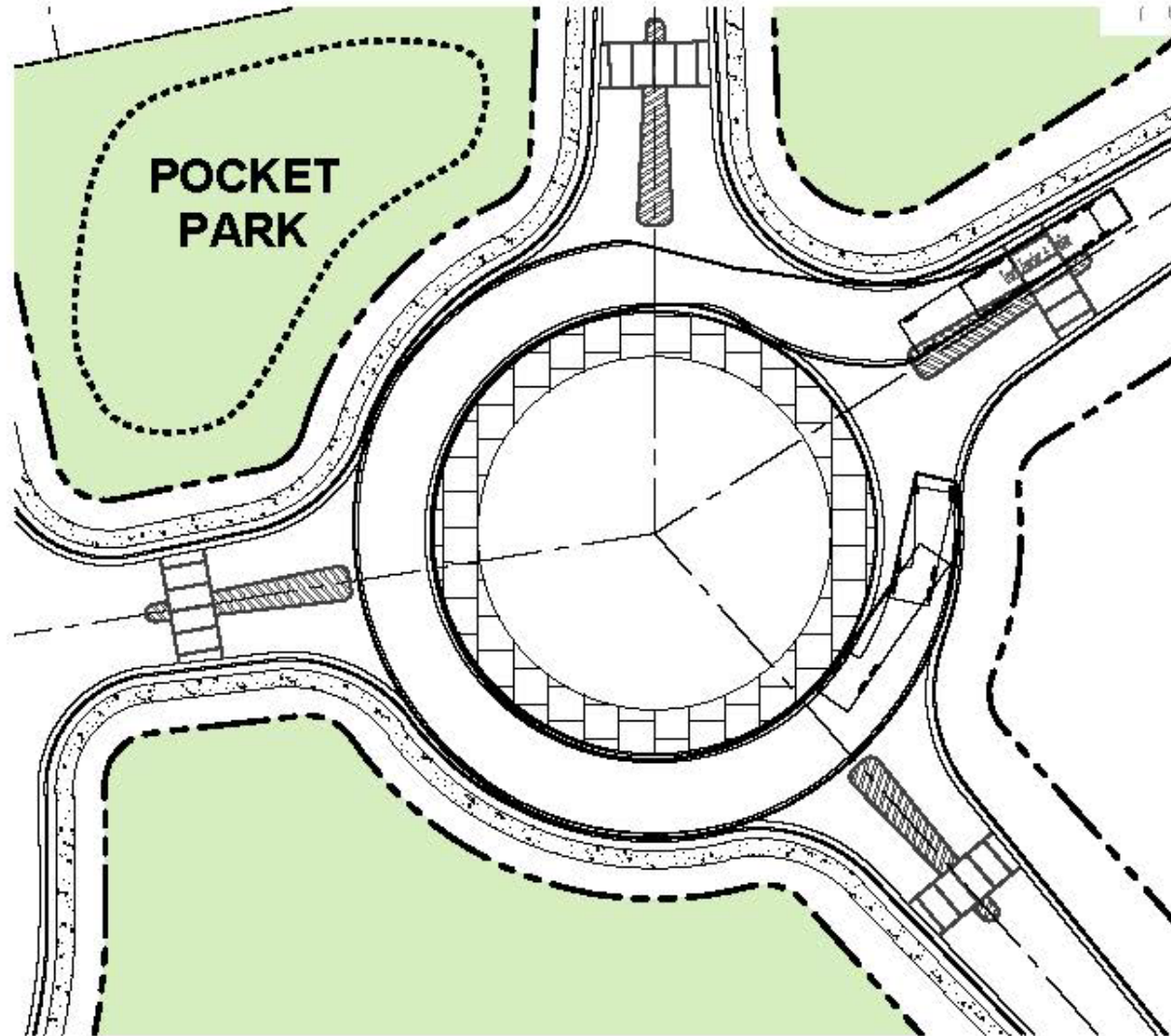
REVISIONS	DATE	DESCRIPTION

CLIENT: **GREYDEN ENGINEERING**
 1200 CHERRY LANE, SUITE 100
 WINTER GARDEN, FL 32787
 PH: 772-573-8881 FAX: 772-573-8882

CONCEPTUAL PLAN
CAMP VALLEY ROAD
 CITY OF SOUTH FULTON, GEORGIA

DATE: 7/10/20
 JOB NO.: 19-01
 DRAWN: RAD
 CHECKED: RAD
 SCALE: AS SHOWN
 SHEET:

Z20-001: 6705 Camp Valley Rd.



Z20-001: 6705 Camp Valley Rd.

ARCHITECTURE

Century Communities Single Family Detached 39' Elevations



39' - 2410 'A3'



39' - 2410 'B3'



39' - 2410 'C3'



39' - 2570 'A1'



39' - 2570 'B1'



39' - 2570 'C1'

Z20-001: 6705 Camp Valley Rd.

ARCHITECTURE

Century Communities Composite Elevation



GOVERNMENT OF THE CITY OF SOUTH FULTON

Tammi Saddler-Jones
Interim CITY MANAGER



SHAYLA REED
DIRECTOR
COMMUNITY DEVELOPMENT &
REGULATORY AFFAIRS

MEMORANDUM

TO: City Planning Commission and City Council

FROM: Planning & Zoning Division

SUBJECT: Z20-001 for 6705 Camp Valley Rd

MEETING DATE: November 10, 2020 - Deferred from October 27, 2020

~~Meeting~~

Applicant seeks to rezone from **SH (Senior Housing)** to **TR (Townhome Residential)**

STAFF RECOMMENDATION: Approval

PLANNING COMMISSION RECOMMENDATION: Approval

cc: Corey Adams, City Clerk

APPLICATION INFORMATION

Applicant Information:	Kevin Siefert Pacific Group 5755 Dupree Drive, Suite 130 Atlanta, Georgia 30327
Status of Applicant:	Owner of property; intent is to rezone for residential development
City Council District(s):	District 6
Parcel ID Number:	13 0133 LLO418
Area of Property:	43.80 Acres
Current/Past Use of the Property:	Undeveloped
Prior Zoning Cases/History:	Z11-0010, VC11-015, Z03-113
Surrounding Zoning:	<u>North</u> : R-4 <u>South</u> : CUP and AG-1 <u>East</u> : N/A (not in COSF) <u>West</u> : TR and AG-1
2035 Future Land Use Designation:	<u>Character Type</u> : Suburban II Neighborhood <u>Land Uses</u> : Residential 2 to 3 Units per acre, Residential 3 to 5 Units per acre, Open Space, Public, Semi-Public and Institutional <u>Zonings</u> : R-3, R-3A, R-4, R-4A, R-5, R-5A, TR, CUP, NUP
Compatibility to the Fulton County 2035 Comprehensive Plan:	Yes
Overlay District:	Old National
Public Utilities:	Water service is provided to this site by City of Atlanta. Sewer service is available to the site by Fulton County. Any extension of sewer service is the responsibility of the developer.
Public Services:	Police and fire services are available to the site by the City of South Fulton.
Transportation:	<u>Street</u> : Camp Valley Rd

Classification: Collector Road

Public Transit: unknown

Bike/Pedestrian Access: No sidewalk or bicycle lanes

Parking Required (Retail/Service Stations): N/A

MAPS

City of South Fulton Zoning and Aerial Map:

(see attached)

Proposed Site Plan:

(see attached)

PUBLIC PARTICIPATION

A virtual meeting was held August 13th via Zoom. The applicants hosted a second meeting with the community as well. The report is attached.

ZONING IMPACT ANALYSIS

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

Yes. This proposal is for a future low to medium density residential development. The property borders similar residential developments, both single family and townhomes.

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

No. The proposed future development is similar to what has already been built in the area. It would fit in appropriately and would not affect any existing use.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The current zoning of the property significantly limits its use; other zoning classifications are suitable for the area and provide a higher and/or more relevant economic use.

4. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;

Z20-001 for a Rezoning at 6705 Camp Valley Rd
October 27, 2020
Page 3 of 5

The proposal is for a future medium to low density residential area that would not be significantly impactful to the existing infrastructure. Current infrastructure is sufficient for what is in the area. Future needed infrastructure improvements for the site would be paid for by the developer.

5. Whether the zoning proposal is in conformity with the policies and intent of the land use plan;

Yes. The zoning requested is a type specifically listed as appropriate for the area.

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; and

No. There are no other pertinent conditions or concerns with this site.

7. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of City of South Fulton.

No. The uses allowable under this zoning are suitable for the area, and any site environmental concerns would have to be addressed in any development plan.

STAFF COMMENTS

Engineering: Requested information, none provided.

Environmental: Requested information, none provided.

Public Works: Requested information, none provided.

Transportation: Requested information, none provided.

MARTA: Requested information, none provided.

Fulton County Health Department: Requested information, none provided.

Fulton County Schools: Report attached.

Fire: Requested information, none provided.

Legal: Requested information, none provided.

PLANNER'S RECOMMENDATION

Approval. This development is highly suitable for the area, would be an improvement to the site, and would take particular care to manage the natural characteristics of the site.

Any specific concerns with the livability of the development would be considered when the applicant requested their Land Disturbance permits.

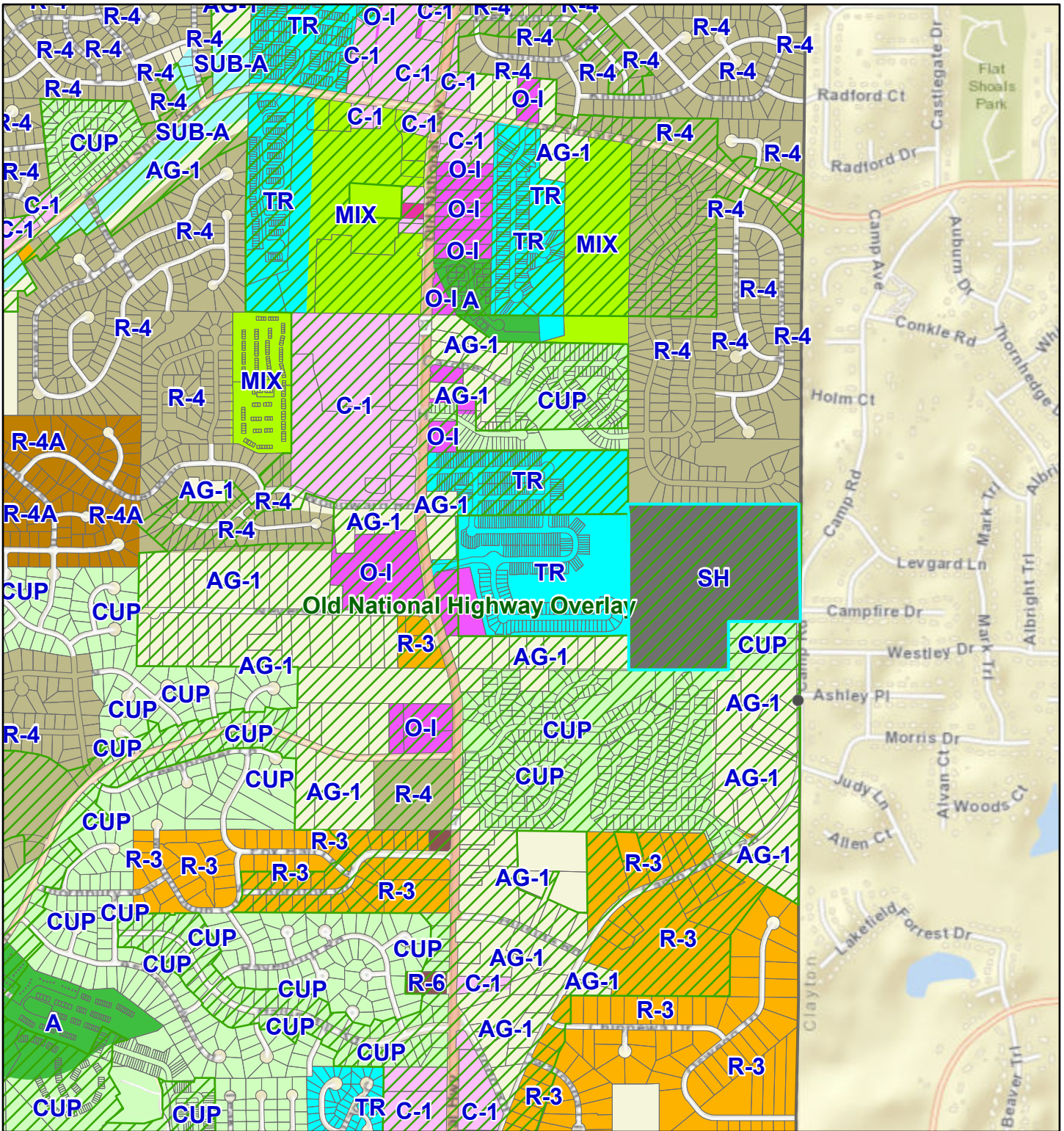
PLANNING COMMISSION RECOMMENDATION

At the September 15th Planning Commission meeting, the board voted for Approval.

PREPARED BY: Nathan Mai-Lombardo, Planning and Zoning Administrator




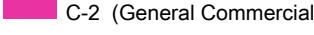

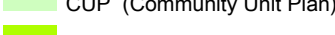
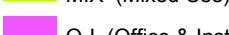


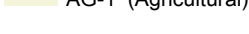

REVIEWED BY: Shayla Reed, Director, CDRA

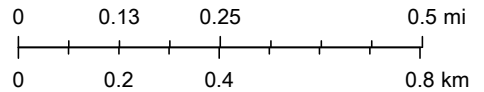
COSF ArcGIS Web Map



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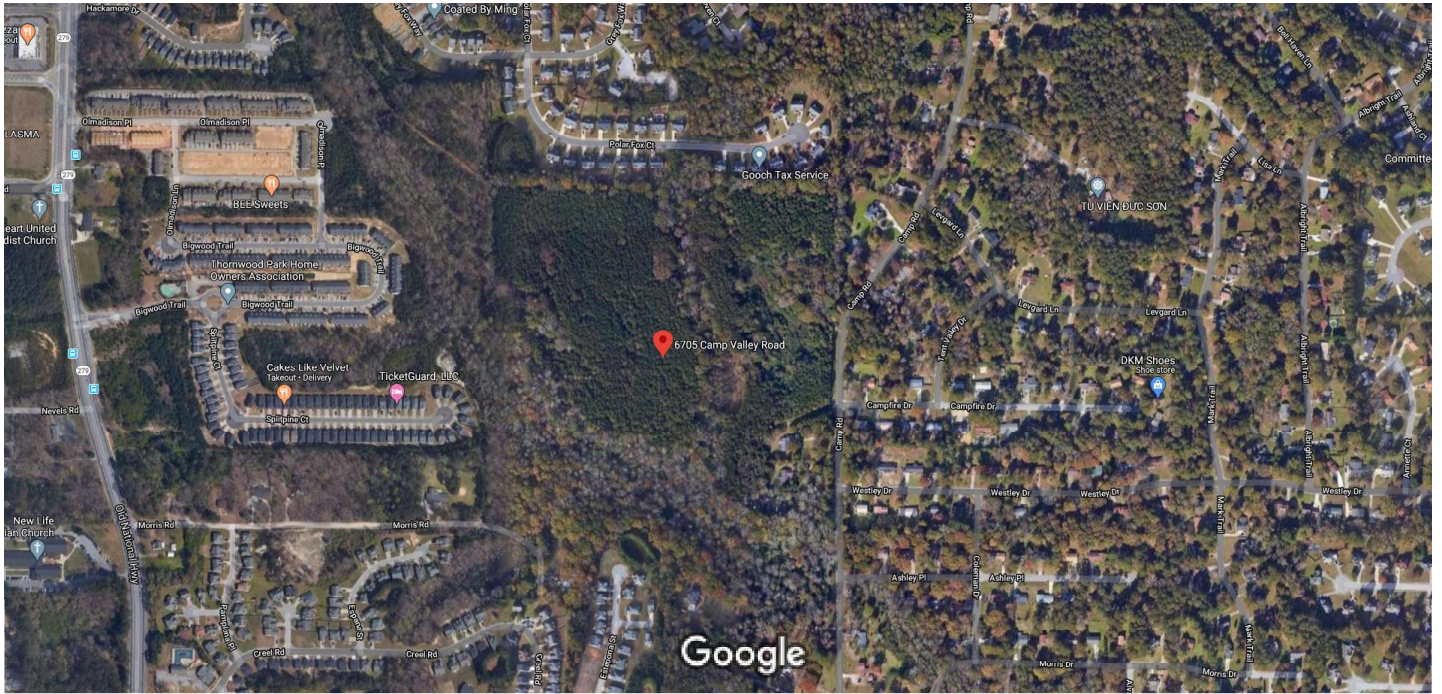
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- | | |
|---|--|
|  Overlay Districts |  C-1 (Limited Commercial) |
|  County Parcels All |  C-2 (General Commercial) |
|  City Limits |  CUP (Community Unit Plan) |
| Current Zoning |  MIX (Mixed Use) |
|  A (Medium Density Apartment) |  O-I (Office & Institutional) |
|  AG-1 (Agricultural) |  R-3 (Single Family Dwelling) |



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Google Maps 6705 Camp Valley Rd



Imagery ©2020 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2020 200 ft



6705 Camp Valley Rd

Riverdale, GA 30296



Directions



Save



Nearby



Send to your phone

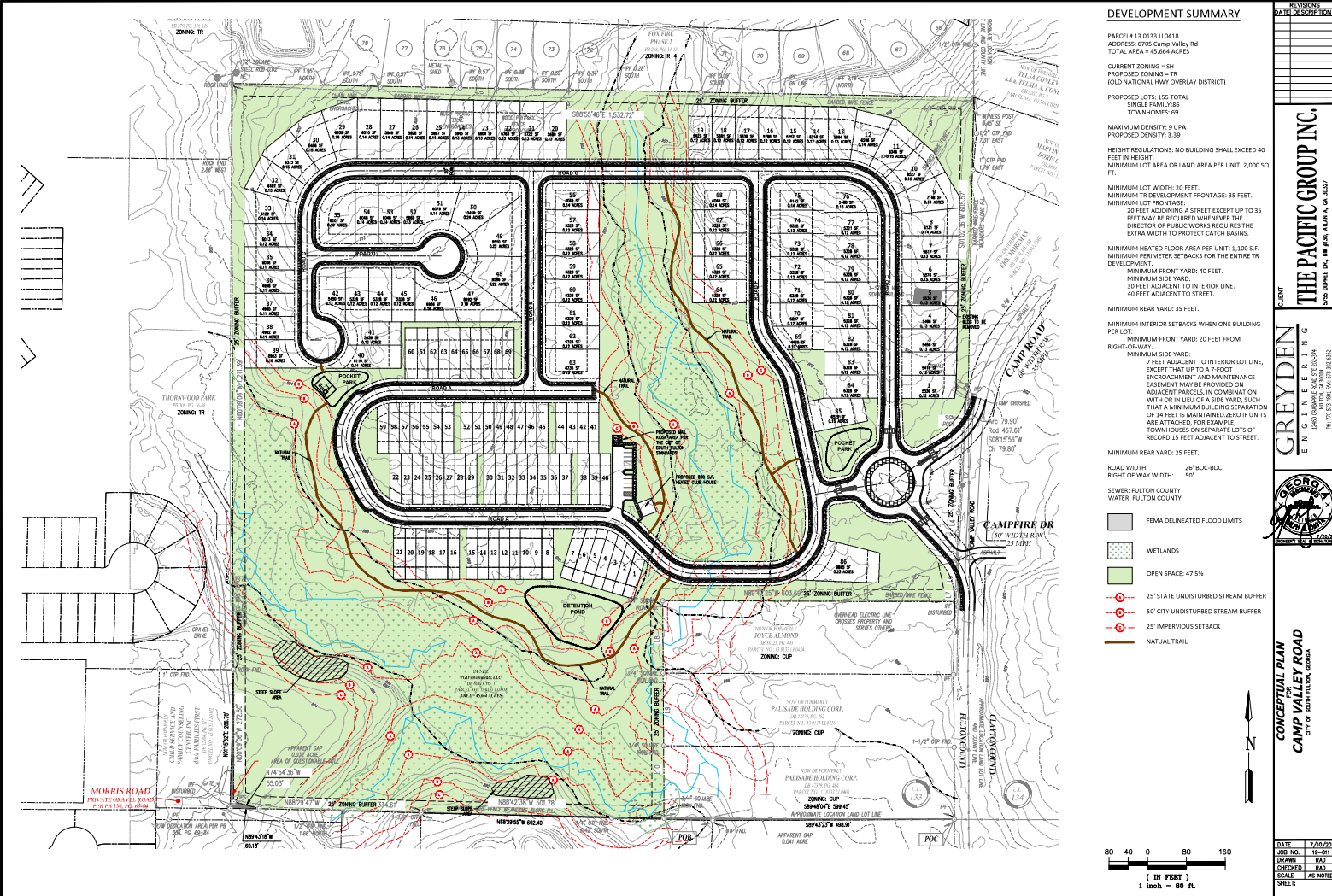


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Photos



DEVELOPMENT SUMMARY

PARCELS 13 0333 L0418
 ADDRESS: 6705 Camp Valley Rd
 TOTAL AREA = 45.664 ACRES
 CURRENT ZONING = SH
 PROPOSED ZONING = TR
 (OLD NATIONAL HWY OVERLAY DISTRICT)

PROPOSED LOTS: 155 TOTAL
 SINGLE-FAMILY RES:
 TOWNHOMES: 69

MAXIMUM DENSITY: 5 U/LA
 PROPOSED DENSITY: 3.59

HEIGHT REGULATIONS: NO BUILDING SHALL EXCEED 40 FEET IN HEIGHT.
 MINIMUM LOT AREA OR LAND AREA PER UNIT: 2,000 SQ. FT.

MINIMUM LOT WIDTH: 20 FEET.
 MINIMUM TR DEVELOPMENT FRONTAGE: 35 FEET.
 MINIMUM TR FRONTAGE:
 20 FEET ADJOINING A STREET EXCEPT UP TO 35 FEET MAY BE REQUIRED WHENEVER THE DIRECTOR OF PUBLIC WORKS REQUIRES THE EXTRA WIDTH TO PROTECT CATCH BASINS.

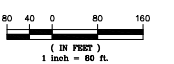
MINIMUM HEATED FLOOR AREA PER UNIT: 1,100 S.F.
 MINIMUM PERIMETER SETBACKS FOR THE ENTIRE TR DEVELOPMENT:
 MINIMUM FRONT YARD: 40 FEET.
 MINIMUM SIDE YARD:
 35 FEET ADJACENT TO INTERIOR LOT LINE.
 40 FEET ADJACENT TO STREET.

MINIMUM REAR YARD: 35 FEET.
 MINIMUM INTERIOR SETBACKS WHEN ONE BUILDING PER LOT:
 MINIMUM FRONT YARD: 20 FEET FROM RIGHT-OF-WAY.
 MINIMUM SIDE YARD:
 7 FEET ADJACENT TO INTERIOR LOT LINE, EXCEPT THAT UP TO A 7-FOOT ENCROACHMENT AND MAINTENANCE EASEMENT MAY BE PROVIDED ON ADJACENT PARCELS, IN COMBINATION WITH OR IN LIEU OF A SIDE YARD, SUCH THAT A MINIMUM BUILDING SEPARATION OF 14 FEET IS MAINTAINED ZERO IF UNITS ARE ATTACHED. FOR EXAMPLE, TOWNHOUSES ON SEPARATE LOTS OF RECORD 15 FEET ADJACENT TO STREET.

MINIMUM REAR YARD: 25 FEET.
 ROAD WIDTH: 26' BOC-BDC
 RIGHT-OF-WAY WIDTH: 50'

SEWER: FULTON COUNTY
 WATER: FULTON COUNTY

- FEMA DELINEATED FLOOD LIMITS
- WETLANDS
- OPEN SPACE: 47.5%
- 25' STATE UNDISTURBED STREAM BUFFER
- 50' CITY UNDISTURBED STREAM BUFFER
- 25' IMPERVIOUS SETBACK
- NATURAL TRAIL



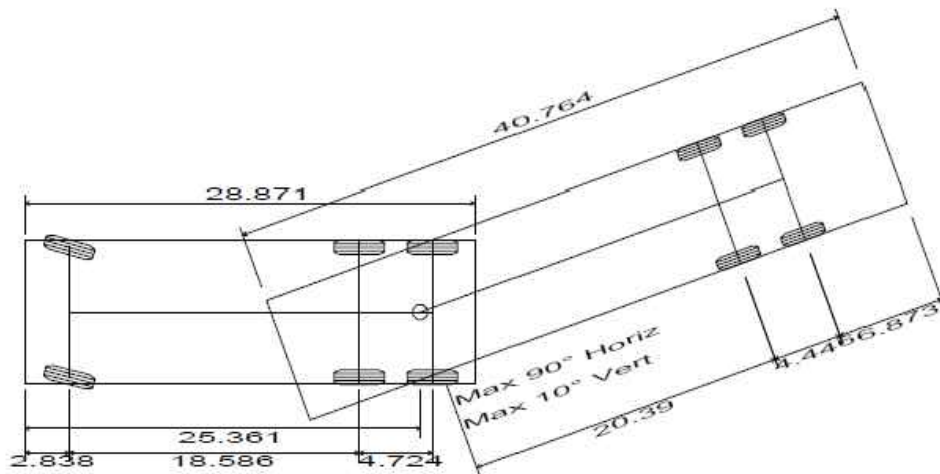
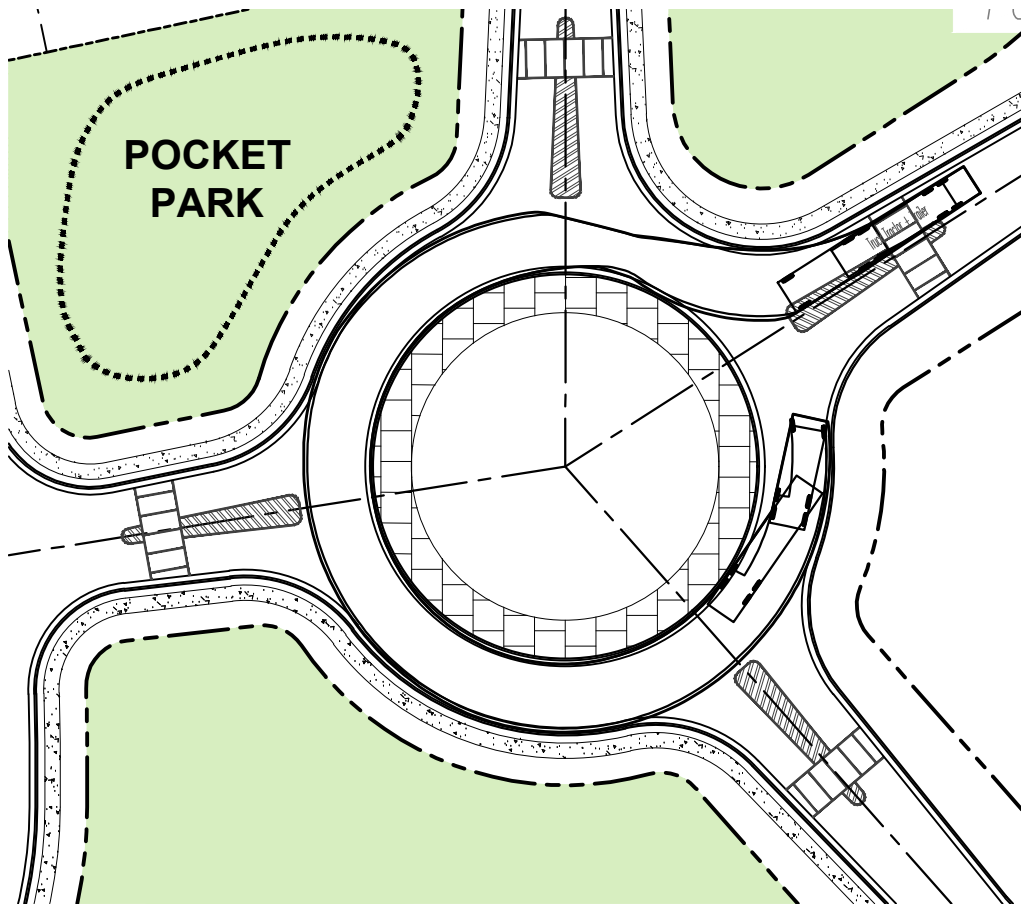
REVISIONS	DATE	DESCRIPTION

CLIENT
THE PACIFIC GROUP INC.
 5105 DANFORD DR. #4 APT. 1604A, LA 70007

ENGINEERING
GREYDEN ENGINEERING
 1500 DOWNEY DRIVE SUITE 200
 PH: 770-548-8478 FAX: 770-548-8478

CONCEPTUAL PLAN FOR
CAMP VALLEY ROAD
 CITY OF SOUTHWEST GEORGIA

DATE	1/29/20
JOB NO.	18-01
DRAWN	RJD
CHECKED	RJD
SCALE	AS NOTED
SHEET	



Truck Tractor + Trailer	
Overall Length	57.070ft
Overall Width	9.285ft
Overall Body Height	12.502ft
Min Body Ground Clearance	1.559ft
Max Track Width	9.285ft
Lock-to-lock time	4.00s
Curb to Curb Turning Radius	26.247ft

TRAFFIC CIRCLE DETAIL

PROJECT : CAMP VALLEY ROAD

PROJECT #: 19-011

DATE : 9/29/2020

SCALE : 1"=50' Page 44 of 211

City of South Fulton | November 10, 2020

GREYDEN
 ENGINEERING
 12460 Crabapple Road, Ste 202-374
 Milton, Georgia 30009
 PH: 770-573-4801 FAX: 678-302-6362

Century Communities Single Family Detached 39' Elevations



39' - 2410 'A3'



39' - 2410 'B3'



39' - 2410 'C3'



39' - 2570 'A1'



39' - 2570 'B1'



39' - 2570 'C1'

Century Communities Composite Elevation





The Pacific Group, Inc.
5755 Dupree Drive, Suite 130
Atlanta, Georgia 30327
Tel: (770) 984-8170
Fax: (770) 984-8171

July 22, 2020

Marissa Jackson
City of South Fulton
Community Development of Regulatory Affairs
Department of Planning & Zoning
5440 Fulton Industrial Blvd.
Atlanta, GA 30336

RE: Letter of Intent for Proposed Camp Valley Road Development at 6507 Camp Valley Road (Parcel ID 13 0133 LL0418) Rezoning Application

Ms. Jackson:

We write to you as a request for rezoning for 45.664 acres on Camp Valley Road. We are proposing a residential development of 164 units (92 single family detached lots and 72 townhome lots). The site is currently partially wooded with wetlands through the middle of the property. We are proposing a TR zoning district with ZERO variance requests. Currently the site is zoned SH with a condition capping the total units at 251; thus, we are proposing a reduction in density from 5.5 units per acre DOWN to 3.6 units per acre.

This proposed single-family development is consistent with the Suburban II Neighborhood designation on the 2035 Future Development Map designation and fits appropriately considering the R-4, CUP and TH zonings surrounding this property. As mentioned, the maximum proposed lot count of 164 units would result in a maximum density of 3.6 units per acre. This is substantially below the allowed 9.0 du/ac in the TR district. Since the TR district allows for single family detached homes, we have presented a sample site plan that includes a mix of both townhomes lots and single family detached lots. We want to propose a condition of zoning that would allow for the approval and development any mix of townhomes and/or single family detached so long as all regulation standards within the TR zoning district are followed. We also want to propose a minimum open space of 40% of the total site area. Below are the proposed conditions:

1. There shall be no more than 164 residential units in total. As long as the total number of units remains at or below the 164-unit maximum count, any combination of number of single family detached homes and/or townhomes may be submitted for a Land Disturbance Permit. The plan could include all townhomes, all single family detached, or any combination in between.
2. There shall be a minimum of 40% open space

Maximum building height not to exceed 40-feet, maximum building coverage, percent of impervious surface, front, side, corner, and rear setbacks, and minimum parking would all be per the standards stated in the City of South Fulton Zoning Ordinance.

We will also be providing a traffic report and an arborist survey & report prior to the public hearing(s). In addition to the 40%+ open space we are proposing to provide, there is no evidence of any endangered species (vegetation or wildlife) and there is no evidence of any natural, archaeological, or historic resources on the site.

Thank you for your time and consideration of this rezoning request. Please let us know if there are any other questions we can help answer.

Thanks so much,

Kevin Seifert
The Pacific Group
kevin@pacificgroupinc.com
678.409.8557



PUBLIC PARTICIPATION PLAN REPORT FORM E

Applicant: PGO Investments, LLC Petition No. _____

Date: _____

1. The following parties were notified of the requested rezoning/use permit:
See attached the letters, mailing lists and certificate of mailings of
notification.

2. The following meetings were held regarding this petition: (Include the date, time, and meeting location.)
August 13, 2020 at 7pm via Zoom Conference Call- applicant meeting.
August 10, 2020 at 6pm CZIM via Zoom Conference Call

3. The following issues and concerns were expressed:
The community was primarily concerned about speeding traffic on Camp Valley and the density
of the project

4. The applicant's response to issues and concerns was as follows:
We agreed to obtain a traffic study to address the traffic concerns. We are already reducing
the density from what was previously approved. We also agreed to have a follow up meeting

5. Applicants are required to attach copies of sign-in sheets from meetings as well as meeting announcements, i.e., notices, flyers, letters, and any other documentation which supports the opportunity for public input. *See attached- copies of letters, mailing lists and certificate of mailings sent.*

Attach additional sheets as needed.

Rezoning Impact Statement

Proposed Residential Units

PETITION: Z20-001 **JURISDICTION:** South Fulton

Single-family detached: **92** Townhouses: **72** Apartments: **0** Condominiums: **0**

HOME SCHOOL	PROJECTED BASELINE ENROLLMENT ^A	GADOE CAPACITY	EST. # NEW FCS STUDENTS GENERATED	PROJECTED UNDER/OVER CAPACITY ^B	
				WITHOUT DEV	WITH DEV
Nolan, Love T. ES	693 to 735	850	7 to 84	-157 to -115	-157 to -31
McNair, Ronald MS	874 to 928	1,250	8 to 23	-376 to -322	-368 to -299
Creekside HS	1,787 to 1,897	1,900	17 to 47	-113 to -3	-96 to 44
TOTAL			32 to 154		Insufficient historical data to run report? <input type="checkbox"/>

HS REGION:	AVERAGE - 1 STD.DEV		AVERAGE + 1 STD. DEV.	
	Creekside HS			
<i>One single-family detached unit generates:</i>	0.073304	to	0.489766	elementary school students
	0.019534	to	0.155084	middle school students
	0.078802	to	0.233298	high school students
<i>One townhouse unit generates:</i>	0.000000	to	0.536439	elementary school students
	0.084624	to	0.114366	middle school students
	0.139509	to	0.349225	high school students
<i>One apartment unit generates:</i>	0.037565	to	0.315093	elementary school students
	0.012956	to	0.086998	middle school students
	0.022323	to	0.176217	high school students
<i>One condominium unit generates:</i>		to		elementary school students
		to		middle school students
		to		high school students

(Note: Empty/null values indicate insufficient historic data)

A Forecasted enrollment for the 2020-21 school year

B Positive values indicate numbers of students a facility is over state capacity / negative values indicate number of students a facility is under state capacity.

** State capacity indicates space. However due to the number of special programs, portable classrooms or other measures may be needed to accommodate the instructional needs of the school.*

*** Student yields are calculated annually based on geocode of enrolled FCS students in built-out developments within the high school zone in which the proposed development is located.*

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: PUBLIC HEARING: Request Council Approval of Rezoning Case Z20-002 at 2210 Wallace Road

DATE: November 10, 2020

SUBJECT: PUBLIC HEARING: Request Council Approval of Rezoning Case Z20-002 at 2210 Wallace Road

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
CC PC Z20-002 Presentation 11.10.20	Cover Memo	11/5/2020
Z20-002 for 2210 Wallace Rd Staff Report for Council	Cover Memo	11/5/2020

Z20-002

Rezoning Request 2210 Wallace Rd.



Council Meeting
City of South Fulton
November 10, 2020



Z20-002: 2210 Wallace Rd.

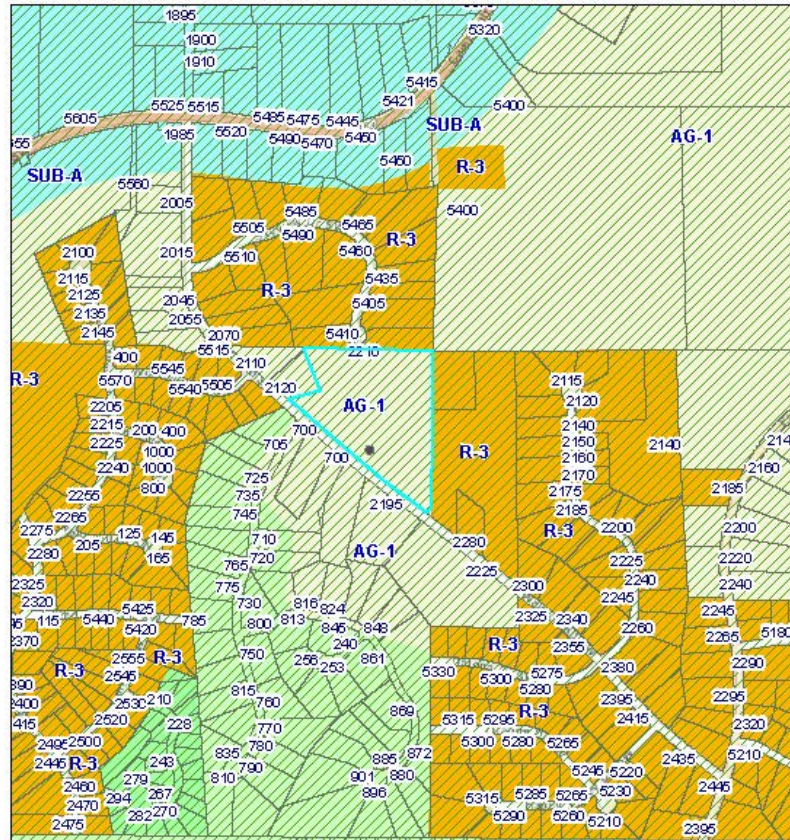
- Petitioner seeks to rezone from AG-1 (Agricultural) to CUP (Community Unit Plan) for the development of a residential subdivision
- Community will feature single-family homes
- Proposal is in line with the Future Land Use Map and the surrounding area is residential
- Planning Commission recommended Denial
- Staff recommends Approval

Z20-002: 2210 Wallace Rd.

8/7/2020

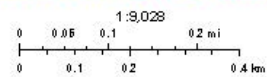
2210 Wallace Rd SW - Google Maps

COSF ArcGIS Web Map



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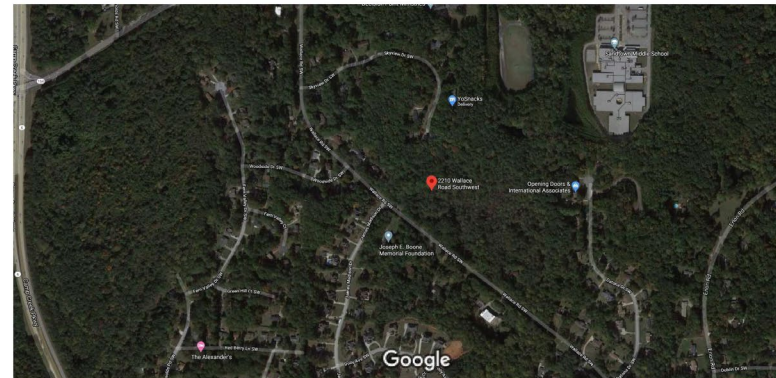
- | | |
|--------------------|--------------------------------|
| Address Points | Current Zoning |
| Overlay Districts | AG-1 (Agricultural) |
| County Parcels All | CUP (Community Unit Plan) |
| City Limits | NUP (Neighborhood Unit Plan) |
| | R-3 (Single Family Dwelling) |
| | SUB-A (Single Family Dwelling) |



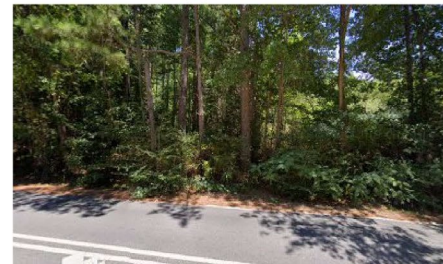
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (The Netherlands), SwgI, (c) OpenStreetMap contributors, and the GIS User Community

Web App Builder for ArcGIS
City of South Fulton, GA

Google Maps 2210 Wallace Rd SW



Imagery ©2020 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2020 200 ft



2210 Wallace Rd SW

Atlanta, GA 30331

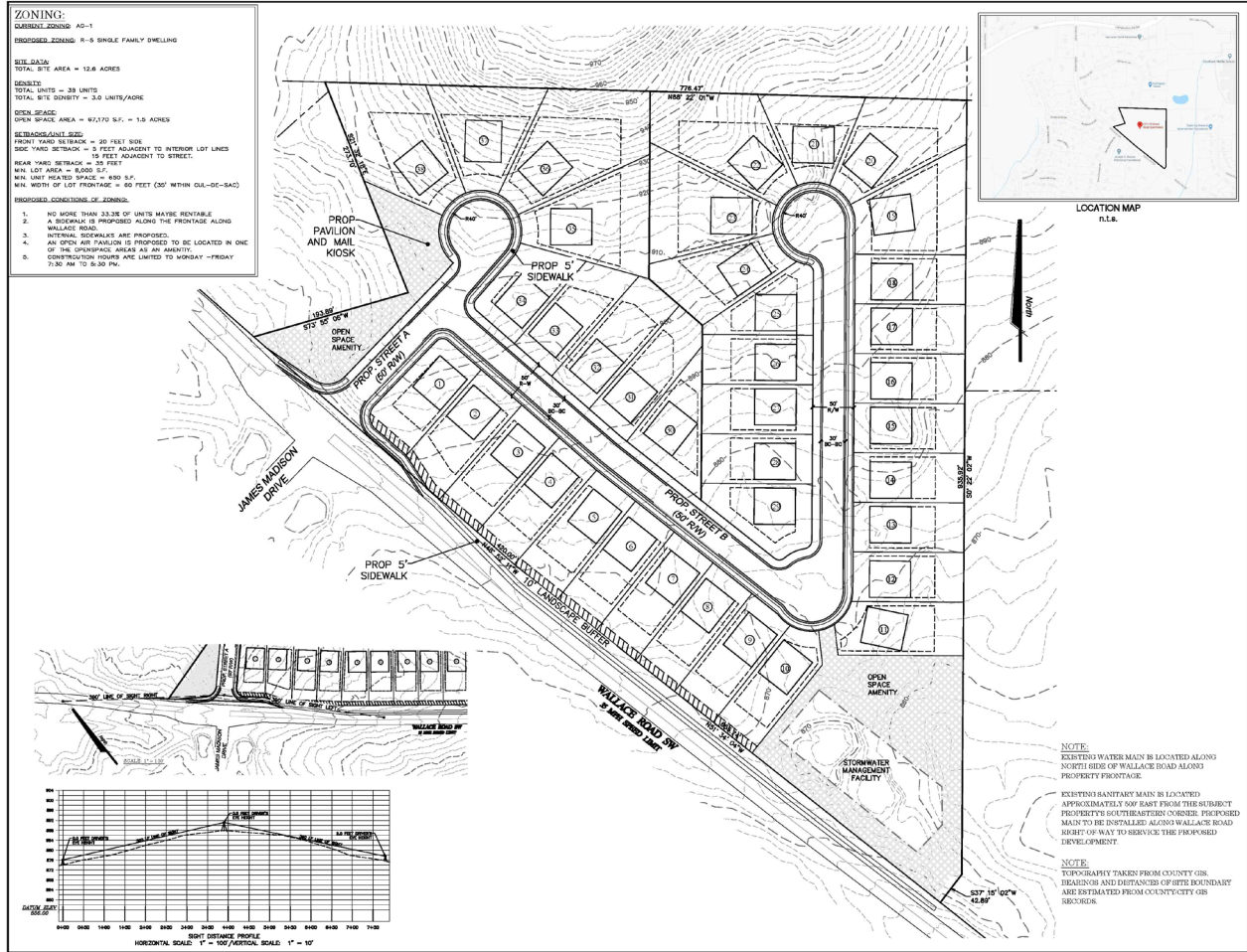
- Directions
- Save
- Nearby
- Send to your phone
- Share

MCWM+RH Atlanta, Georgia

Photos

<https://www.google.com/maps/place/2210+Wallace+Rd+SW,+Atlanta,+GA+30331/@33.6970103,-84.566801,913m/data=!3m1!1e3!4m5!3m4!1s0x88f... 1/2>

Z20-002: 2210 Wallace Rd.



KAIZENCOLLABORATIVE
 2380 MAIN STREET | TUCKER, GEORGIA 30084

CONTACT: CYNTHIA HENRY, P.E.
 CONTACT NO: 770.414.1100
 EMAIL: CHENRY@KAIZENCOLLABORATIVE.COM

ARCHITECT: KAIZENCOLLABORATIVE
 ENGINEER: KAIZENCOLLABORATIVE
 COUNTY: FULTON COUNTY
 EXEMPT: 04/15/2020

DEVELOPER
 Ehud Goldstein
 BID Investments Inc.
 ugold1@icloud.com

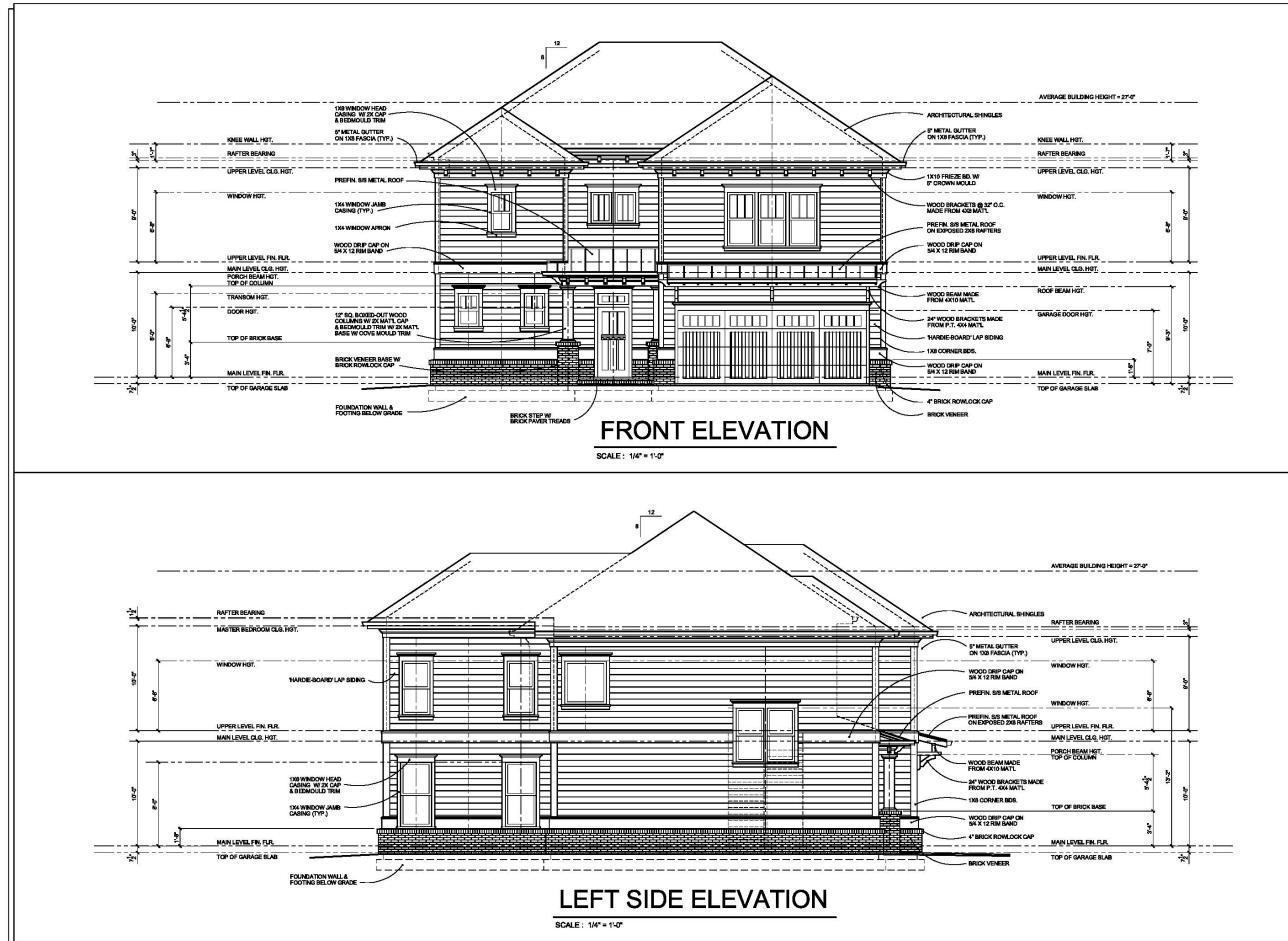
DATE	DESCRIPTION
07/14/20	CONCEPT PLAN
08/17/20	CZM COMMENTS

PROJECT # 20004
ZONING SITE PLAN FOR:
2210 Wallace Road
 LAND LOT 105
 14th DISTRICT
 CITY OF SOUTH FULTON
 FULTON COUNTY, GA
 ADDRESS:
 2210 WALLACE ROAD SW
 PARCEL ID:
 14F-5105-L-004-2

SEAL: FOR THE FRM #02 INC.

SCALE: 1" = 50'
 DATE: 07-14-2020
 SHEET #

Z20-002: 2210 Wallace Rd.



REVISION	DATE	DESCRIPTION

This drawing is the property of David E. Surles Architects, P.C. and is not to be used for any other project without the written permission of David E. Surles Architects, P.C.

David E. Surles Architects, P.C.
 688 Brown Hwy
 Atlanta, Georgia 30340
 Phone: 404.444.4400
 E-Mail: dsurles@desurles.com



PROJECT TITLE:
**SPECULATIVE RESIDENCE LOT 9
 PLAN-4B THE 'FRANKLIN'
 1766 RUSSELL STREET
 ATLANTA, GEORGIA 30316**
 for JJA DEVELOPMENT, INC.

JOB NO. 14-08-4B	DATE 10-8-16
SHEET TITLE FRONT & LEFT SIDE ELEVATIONS	
SHEET NO. A-3	OF 6
SHEETS	

RELEASED FOR CONSTRUCTION

GOVERNMENT OF THE CITY OF SOUTH FULTON

Tammi Saddler-Jones
Interim CITY MANAGER



SHAYLA REED
DIRECTOR
COMMUNITY DEVELOPMENT &
REGULATORY AFFAIRS

MEMORANDUM

TO: City Planning Commission and City Council

FROM: Planning & Zoning Division

SUBJECT: Z20-002 for 2210 Wallace Rd

MEETING DATE: November 10, 2020 - Deferred from October 27, 2020 Meeting

Applicant seeks to rezone from **AG-1 (Agricultural District) to CUP (Community Unit Plan)**

STAFF RECOMMENDATION: Approval with Conditions

PLANNING COMMISSION RECOMMENDATION: Denial

cc: Corey Adams, City Clerk

As noted below, a request to withdraw was provided by Udi Goldstein and received on November 2, 2020 by City staff.

From: Udi Goldstein <udigold11@hotmail.com>

Sent: Monday, November 2, 2020 6:50:34 PM

To: Nathan Mai-Lombardo <nathan.mai-lombardo@cityofsouthfultonga.gov>

Cc: Roy Harris <rharr255@att.net>

Subject: Re: Wallace Rd

Hello Nathan and thank you for reaching out and for your hard work on this application.

Based on our experience with the different committees at the City of South Fulton, we have decided not to pursue the acquisition of this land. We don't believe the city is open for progress and diversity and therefore we don't see how we or any developers can actually develop any project.

Your engineering department was great to work with. We have invested many efforts and resources into this project, but the city chose to listen to a handful of residents who do not want to see progress, so we will take our losses and develop in other cities.

Thank you again for all your work. Feel free to quote this email in your next meeting and I am happy to speak with anyone who would want to hear of our experience

Thank you,

Udi Goldstein

IHD Investments Inc.

From: Nathan Mai-Lombardo <nathan.mai-lombardo@cityofsouthfultonga.gov>

Sent: Monday, November 2, 2020 2:48 PM

To: 'Udi Goldstein' <udigold11@hotmail.com>

Subject: Wallace Rd

Mr. Goldstein –

Considering your case has been postponed until Nov 10th, do you want to submit an improved site plan for your case?

APPLICATION INFORMATION

Applicant Information:	Udi Goldstein 2015 Parkhaven Ct. Roswell GA 30076
Status of Applicant:	Owner of property; intent is to rezone for residential development
City Council District(s):	District 1
Parcel ID Number:	14F0105 LLO042
Area of Property:	12.6 Acres
Current/Past Use of the Property:	A single family dwelling.
Prior Zoning Cases/History:	None
Surrounding Zoning:	<u>North:</u> R-3 and AG-1 <u>South:</u> CUP <u>East:</u> R-3 <u>West:</u> R-3 and AG-1
2035 Future Land Use Designation:	<u>Character Type:</u> Suburban Neighborhood <u>Land Uses:</u> Residential 2 to 3 Units per acre, Open Space, Public, Semi-Public and Institutional <u>Zonings:</u> R-3, R-3A, R-4A, CUP, NUP
Compatibility to the Fulton County 2035 Comprehensive Plan:	Yes
Overlay District:	Sandtown Overlay District
Public Utilities:	Water service is provided to this site by City of Atlanta. Sewer service is available to the site by Fulton County. Any extension of sewer service is the responsibility of the developer.
Public Services:	Police and fire services are available to the site by the City of South Fulton.
Transportation:	<u>Street:</u> Wallace Road and Campbellton Rd. <u>Classification:</u> Collector Street

Public Transit: MARTA is not available to the site

Bike/Pedestrian Access: No sidewalk or bicycle lanes

Parking Required (Retail/Service Stations): N/A

MAPS

City of South Fulton Zoning and Aerial Map:

(see attached)

Proposed Site Plan:

(see attached)

PUBLIC PARTICIPATION

The first public participation meeting was held August 13, 2020 from 7-8pm via zoom. The meeting notes are attached.

PC asked the applicant to host a second meeting, and that was completed on September 3, 2020 from 6-7pm via Zoom. The meeting notes are attached.

ZONING IMPACT ANALYSIS

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

Yes. The site is undeveloped and is in character of the neighboring South Fulton properties adjacent to the site and at the intersection of Campbellton Road and Wallace Road. The area is primarily residential with commercial nodes at the intersections of Campbellton Rd. and Boat Rock Road to the East, and Campbellton Rd. and Camp Creek Pkwy to the West. There are also some industrial properties farther to the North down Camp Creek Parkway. The Community Unit Plan will fit nicely with the surrounding zoning classifications and suburban neighborhood nature of the area.

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

No. The proposed future development is similar to what has already been built in the area. It would fit in appropriately and would not affect any existing use. Additionally, this development is not proposed to interfere with the surrounding community in terms of traffic flows.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The subject property has historically been maintained as a single-family residence. Although it could certainly remain zoned as such, rezoning to CUP would not impede the historical nature in this area if it is conducive to the community's evolving need for quality housing. Additionally, given the large are of the property, rezoning it for new development would be suitable and provide a higher and/or more relevant economic use.

4. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;

No. The proposal is for a future medium density residential area that would not be significantly impactful to the existing infrastructure. Current infrastructure is sufficient for what is in the area.

5. Whether the zoning proposal is in conformity with the policies and intent of the land use plan;

Yes. The zoning requested is a type specifically listed as appropriate for the area.

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; and

No. There are no other pertinent conditions or concerns with this site.

7. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of City of South Fulton.

No. The uses allowable under this zoning are suitable for the area, and any site environmental concerns would have to be addressed in any development plan.

STAFF COMMENTS

Engineering: Requested information, none provided.

Environmental: Requested information, none provided.

Public Works: Requested information, none provided.

Transportation: Not large enough development to require a traffic study. Development probably will not require decel lanes or a second access point.

MARTA: Requested information, none provided.

Fulton County Health Department: Requested information, none provided.

Fulton County Schools: Requested information, none provided.

Fire: Requested information, none provided.

Legal: Requested information, none provided.

PLANNER’S RECOMMENDATION

Approval. This development is highly suitable for the area, would be an improvement to the site, and would help to fulfill a continued need for quality housing.

During consultation with the applicant, they proposed the following development conditions, which were agreed upon:

- A. Height regulations: No building shall exceed 40 feet in height
- B. Minimum front yard: 20 feet
- C. Minimum side yard:
 - 5 feet adjacent to interior lot lines
 - 15 feet adjacent to street
- D. Minimum rear yard: 35 feet
- E. Minimum lot area: 8,000 square feet
- F. Minimum lot width: 60 feet
- G. Minimum lot frontage: 35 feet adjoining a street
- H. Minimum building heated space: 1,000 s.f.
- I. Open space provided = 1.5 acres
- J. Developed area = 11.1 acres
- K. Site density = 3.0 units/acre

Any additional specific concerns with the livability of the development would be considered when the applicant requested their Land Disturbance permits.

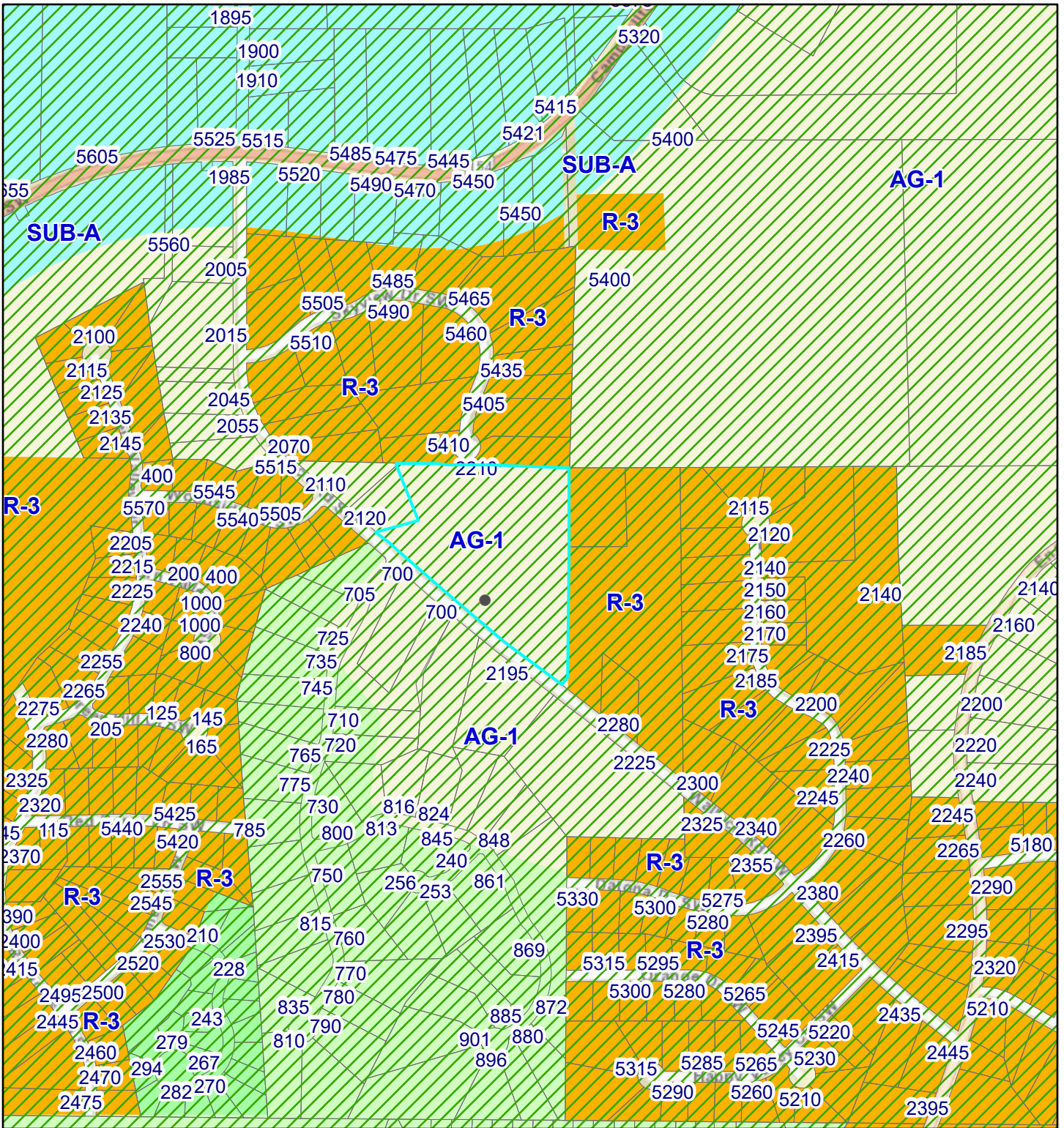
PLANNING COMMISSION RECOMMENDATION

At the September 15th, 2020 Planning Commission meeting, the board recommended Denial.

PREPARED BY: Marissa Jackson, Planner, and Nathan Mai-Lombardo, Planning and Zoning Administrator









REVIEWED BY: Shayla Reed, Director, CDRA

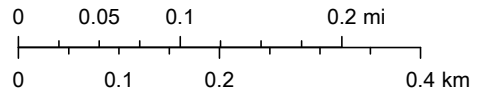
COSF ArcGIS Web Map



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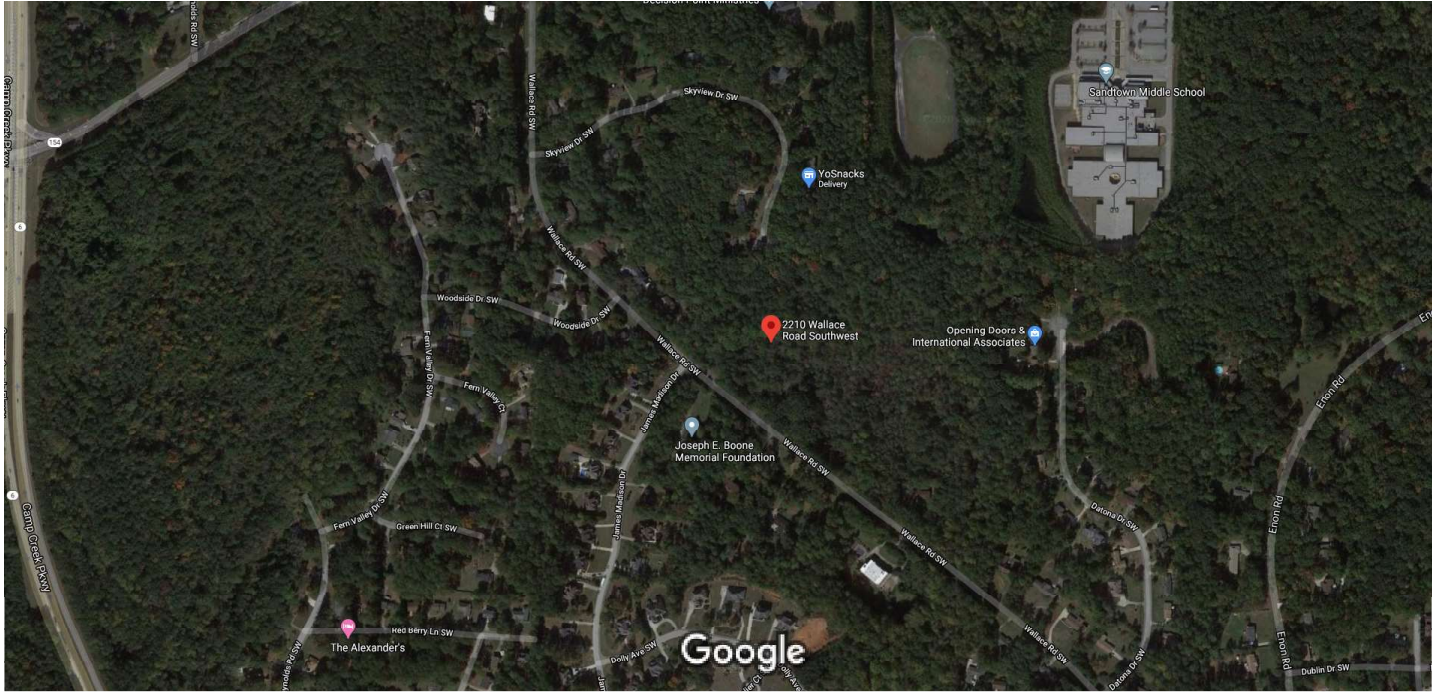
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- | | |
|---|--|
| <ul style="list-style-type: none">  Overlay Districts  County Parcels All  City Limits | <ul style="list-style-type: none">  AG-1 (Agricultural)  CUP (Community Unit Plan)  NUP (Neighborhood Unit Plan)  R-3 (Single Family Dwelling)  SUB-A (Single Family Dwelling) |
|---|--|



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Google Maps 2210 Wallace Rd SW








Imagery ©2020 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2020 200 ft



2210 Wallace Rd SW

Atlanta, GA 30331

- 
Directions
- 
Save
- 
Nearby
- 
Send to your phone
- 
Share

 MCWM+RH Atlanta, Georgia

Photos

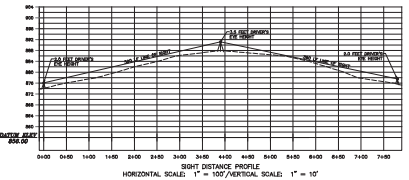
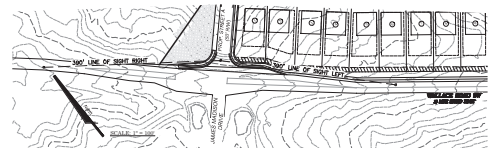
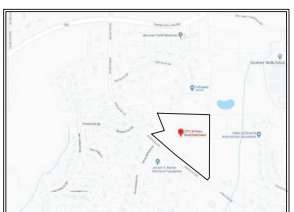
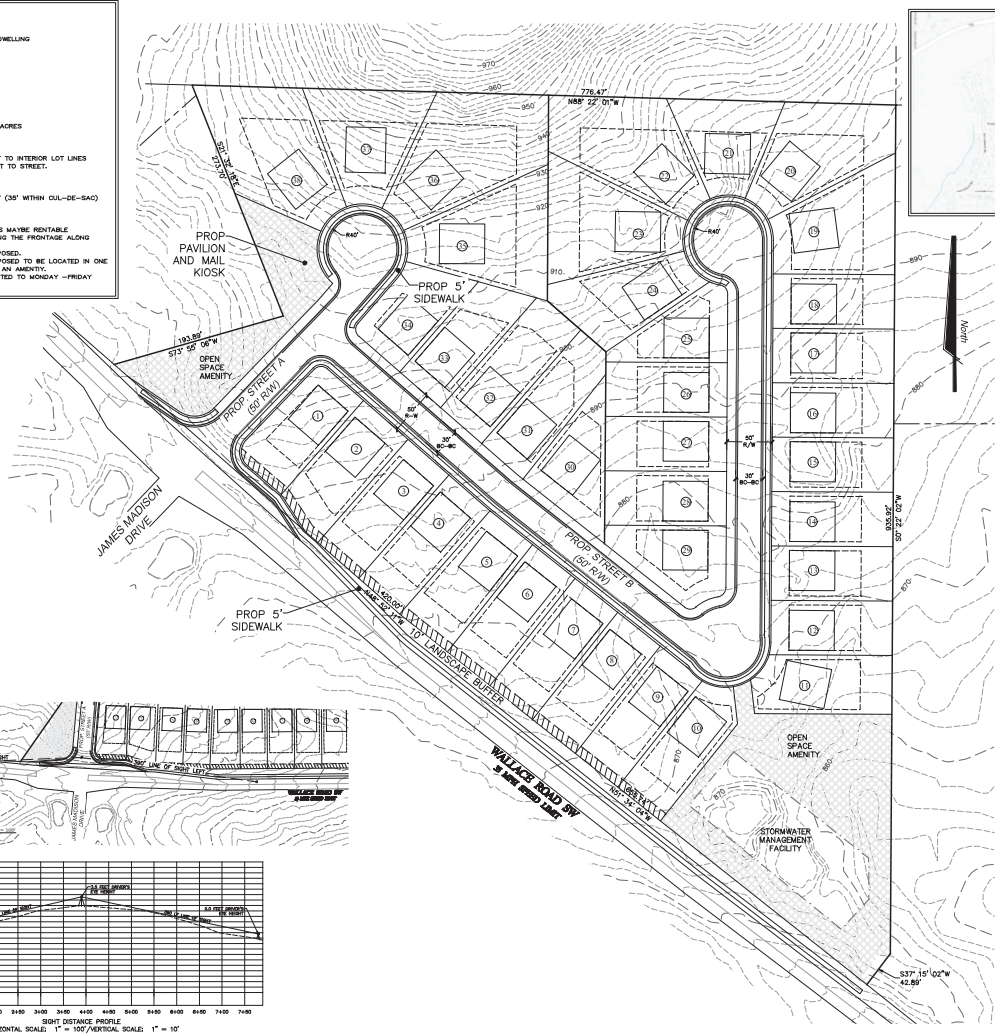
ZONING:
CURRENT ZONING: AG-1
PROPOSED ZONING: R-3 SINGLE FAMILY DWELLING

SITE DATA:
 TOTAL SITE AREA = 12.6 ACRES
 UNITS = 38
 TOTAL SITE DENSITY = 3.0 UNITS/ACRE
 OPEN SPACE = 67,170 S.F. = 1.5 ACRES

SETBACKS/LIMIT SIZES:
 FRONT YARD SETBACK = 50 FEET SIDE
 SIDE YARD SETBACK = 5 FEET ADJACENT TO INTERIOR LOT LINES
 REAR YARD SETBACK = 35 FEET
 MIN. LOT AREA = 8,000 S.F.
 MIN. UNIT HEATED SPACE = 650 S.F.
 MIN. WIDTH OF LOT FRONTAGE = 40 FEET (38' WITHIN CUL-DE-SAC)

PROPOSED CONDITIONS OF ZONING:

- NO MORE THAN 33.3% OF UNITS MAY BE RENTABLE.
- A SIDEWALK IS PROPOSED ALONG THE FRONTAGE ALONG WALLACE ROAD.
- INTERNAL SIDEWALKS ARE PROPOSED.
- AN OPEN AIR PAVILION IS PROPOSED TO BE LOCATED IN ONE OF THE OPENSPACE AREAS AS AN AMENITY. DISTRIBUTION HOURS ARE LIMITED TO MONDAY - FRIDAY 7:30 AM TO 6:30 PM.
-



NOTE:
 EXISTING WATER MAIN IS LOCATED ALONG NORTH SIDE OF WALLACE ROAD ALONG PROPERTY FRONTAGE.

NOTE:
 EXISTING SANITARY MAIN IS LOCATED APPROXIMATELY 500' EAST FROM THE SUBJECT PROPERTY'S SOUTHEASTERN CORNER. PROPOSED MAIN TO BE INSTALLED ALONG WALLACE ROAD RIGHT-OF-WAY TO SERVICE THE PROPOSED DEVELOPMENT.

NOTE:
 TOPOGRAPHY TAKEN FROM COUNTY GIS. BEARINGS AND DISTANCES OF SITE BOUNDARY ARE ESTIMATED FROM COUNTY/CITY GIS RECORDS.

KAIZEN COLLABORATIVE
 2390 MAIN STREET | TUCKER, GEORGIA 30084

CHARLESA ABBOTT, P.E.
 DESIGN ENGINEER (PL) (011)
 LICENSE # 4000049466
 EXPIRES 04/15/2022

CONTACT: CHARLES ABBOTT, P.E.
 404.639.6780 | charles@kaizen-collab.com

DEVELOPER
 Ehud Goldstein
 HD Investments Inc.
 udgold11@hotmail.com

DATE	DESCRIPTION
07/14/20	CONCEPT PLAN
05/17/20	CEM COMMENTS

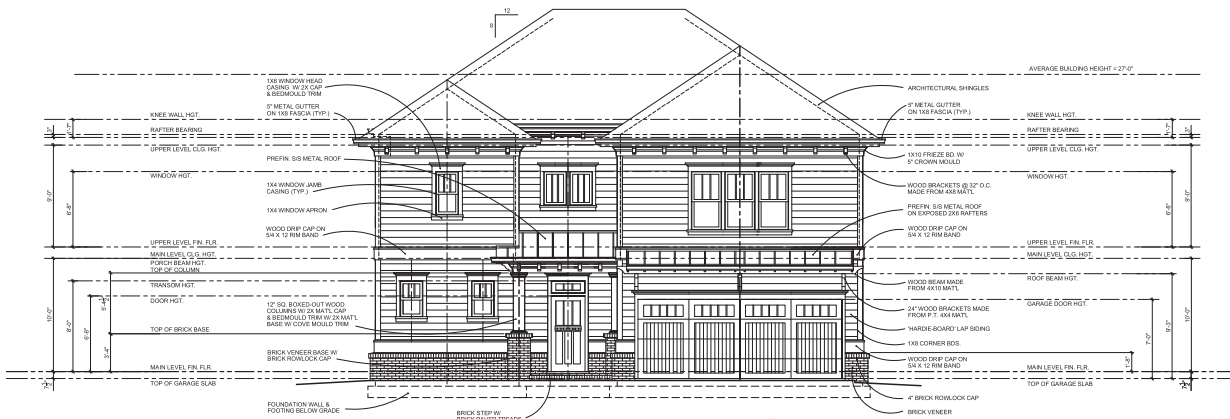
PROJECT # 20004
ZONING SITE PLAN FOR:
2210 Wallace Road
 LAND LOT 105
 14th DISTRICT
 CITY OF SOUTH FULTON
 FULTON COUNTY, GA
 ADDRESS:
 2210 WALLACE ROAD SW
 PARCEL ID:
 14F-0105-LL-004.2

SEAL: FOR THE FIRM KCD INC.

SCALE: 1" = 50'

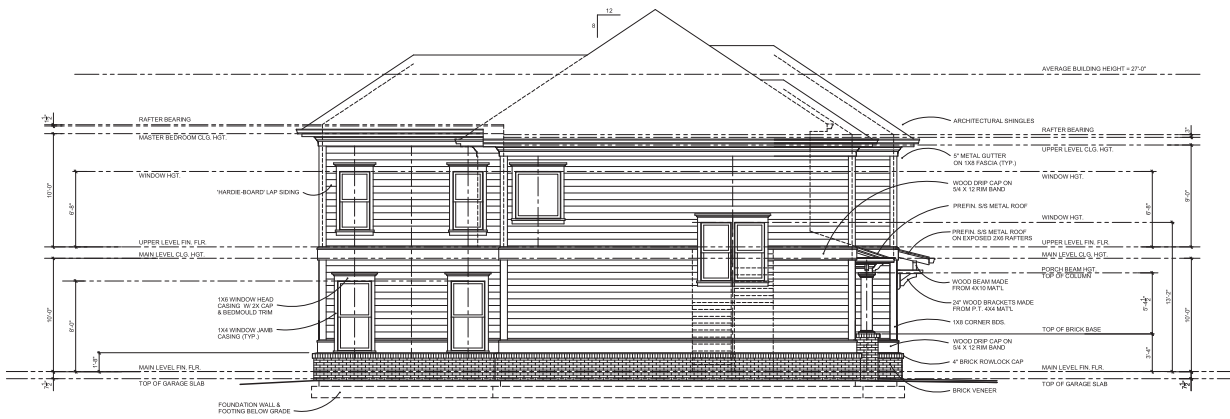
DATE: 07-14-2020

SHEET #



FRONT ELEVATION

SCALE: 1/4" = 1'-0"



LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

RELEASED FOR CONSTRUCTION

NO.	DATE	DESCRIPTION

These Drawings Are
Not To Be Used For
Construction Without
Written Permission.

David E. Surico - Architect, P.C.
 3008 Bessie Way
 Lovett Grove, Georgia 30248
 Phone: 678-414-4330
 E-Mail: desuric1@outlook.net



PROJECT TITLE
 SPECULATIVE RESIDENCE LOT 9
 PLAN-4B THE 'FRANKLIN'
 1766 RUSSELL STREET
 ATLANTA, GEORGIA 30316
 for JJA DEVELOPMENT, INC.

JOB NO. 14-09-4B	DATE 10-8-16
SHEET TITLE FRONT & LEFT SIDE ELEVATIONS	
SHEET NO. A-3	OF 6
SHEETS	

July 14, 2020

City of South Fulton

Subject: 2210 Wallace Road SW – Letter of Intent

To who it may concern:

2210 Wallace Rd SW in the City of South Fulton is a 12.6 acre parcel currently zoned as AG-1. A request for rezoning is being made from the current AG-1 district to the CUP district. The parcel is to be ultimately subdivided into 38 single-family detached lots. The development standards are as follows:

- A. Height regulations: No building shall exceed 40 feet in height
- B. Minimum front yard: 20 feet
- C. Minimum side yard:
 - 5 feet adjacent to interior lot lines
 - 15 feet adjacent to street
- D. Minimum rear yard: 35 feet
- E. Minimum lot area: 8,000 square feet
- F. Minimum lot width: 60 feet
- G. Minimum lot frontage: 35 feet adjoining a street
- H. Minimum building heated space: 1,000 s.f.
- I. Open space provided = 1.5 acres
- J. Developed area = 11.1 acres
- K. Site density = 3.0 units/acre

If you have any questions or concerns regarding this letter, please contact us.

Sincerely,

KAIZENCOLLABORATIVE Design, Inc.

Charles Abbott, P.E.

Principal Owner

c: (770) 815-7160

chuck.abbott@kaizencollaborative.com

Enclosed Document List:

- 1) Conceptual Site Plan



PUBLIC PARTICIPATION PLAN REPORT FORM E

Applicant: Ehud Goldstein for IHD Investments, inc. Petition No. 2210 Wallace Road z20-002

Date: 2020-08-17

1. The following parties were notified of the requested rezoning/use permit:
see attached mailing list

2. The following meetings were held regarding this petition: (Include the date, time, and meeting location.)

see flyer - August 13, 2020 7:00 pm- 8:00 pm

3. The following issues and concerns were expressed:
Density - can we lower density, will there be covenants, cost of homes, home construction materials, will there be sod, what is CUP zoning?, width of streets, decel lane?, are there buffers, price of houses, traffic on Wallace road, Will this be a rental neighborhood? Will this affect the neighboring property values negatively? How will stormwater be handled?

4. The applicant's response to issues and concerns was as follows;
We changed zoning request from CUP to R-5 with same number of lots. We proposed to have a max of 33.3% of homes be rental, we have HOA with covenants, Home prices start at 300k and go up to 400k. Home material will vary depending on market. We offer a sidewalk on Wallace and internally to the development, as well as a pavilion for community gatherings. Stormwater will be handled in a storm water facility in the south east corner. Public streets

5. Applicants are required to attach copies of sign-in sheets from meetings as well as meeting announcements, i.e., notices, flyers, letters, and any other documentation which supports the opportunity for public input. see attached.

Attach additional sheets as needed.

Zoom CHAT Text From C21m meeting for 2210 WALLACE ROAD

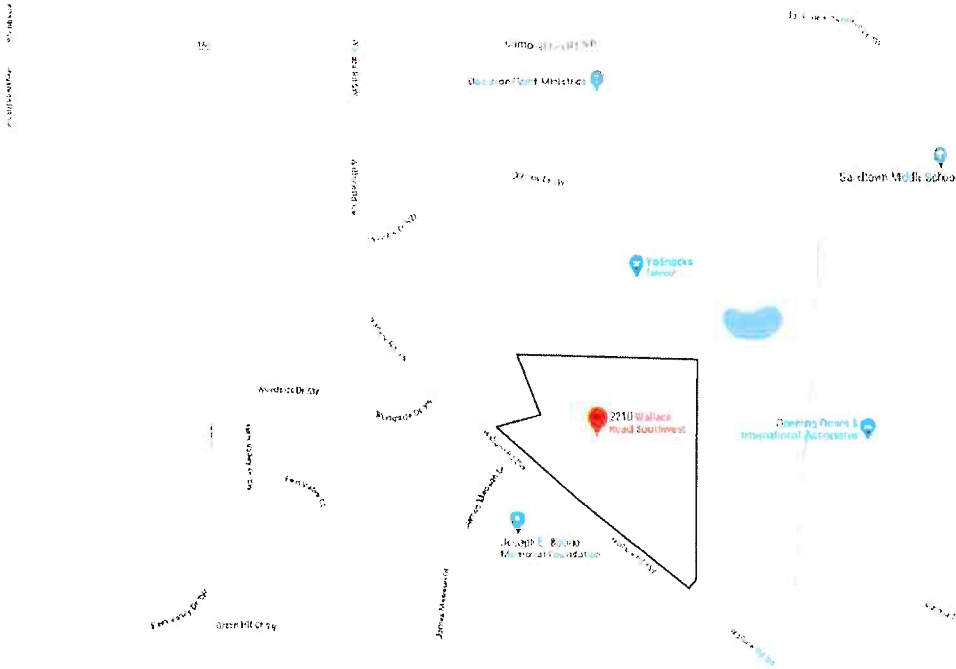
19:01:51 From Gateway : Will this be Covenant Community?
19:02:12 From Gateway : Please leave you info Mr. Harris?
19:03:09 From Gateway : Lot sizes?
19:03:22 From Linda Jordan : what will be the cost of the homes
19:03:59 From Linda Jordan : which way will they go in and out
19:04:14 From Linda Jordan : starting prices
19:11:09 From Linda Jordan : what will homes be built with, brick, stucco?
19:11:18 From Gateway : Our subdivision just had a power surge we missed the last 10 minutes
19:11:36 From Linda Jordan : square footage?
19:11:42 From Catherine Rowell : I was kicked off due to the power surge as well
19:12:18 From Dan Richardson - 367467 : Will they have sod on all fours sides, 3 sides, or just
the front?
19:12:20 From udigoldstein : Home sizes planned to be from 2,300 to 2,700
19:13:27 From Gateway : we prefer 3 sided brick or stucco sides
19:13:29 From Loretta.Jones : Loretta Jones, 245 Montpelier CT: What is CUP
19:13:35 From udigoldstein : Sod on the front and sides. Back depends on the topography
19:13:56 From Gateway : Covenant Community?
19:14:10 From Gateway : consistant mailboxes
19:14:31 From Gateway : all side or courtyard garages?
19:14:45 From Gateway : amenities
19:15:03 From Dean Rowland : Based on the requested zoning you will be able to build shopping,
office space, and institutional use. Why are you not requesting residential zoning only?
19:15:32 From Gateway : What is CUP?
19:18:26 From Terry S Francis : 8000 sf is 0.1836547 acres. Those are small lots!
19:19:59 From Gateway : I agree 38 house on 12 acres is a lot
19:22:14 From Gateway : How wide will streets be?
19:22:49 From Terry S Francis : Will there be a deceleration lane at the entrance?
19:25:12 From Terry S Francis : What size buffers are required between properties?
19:26:00 From Terry S Francis : What is the price point for the housing?
19:26:26 From Terry S Francis : Is housing build-to-suit or will model templates be used?
19:28:24 From Terry S Francis : Will affordable, market rate or workforce housing be included?
19:29:01 From Loretta.Jones : can I be unmuted
19:29:02 From Terry S Francis : What are the yard setbacks?
19:34:40 From Terry S Francis : Will homes include garages? How many bays?
19:35:58 From udigoldstein : 2 garage for all homes
19:36:07 From Stephanie. Hudson : Maybe consideration for less homes in the subdivision
19:38:37 From Catherine Rowell : These homes based on square footage would not be comps for
Madison Trace
19:38:57 From Catherine Rowell : There are other neighbors trying to get into the call Mr.
Harris
19:39:40 From Dan Richardson - 367467 : How many of the homes will have side or rear entry
garages?
19:41:01 From Catherine Rowell : Can you build less homes at a higher price home
19:45:16 From Marie Jackson : I live on Skyview Dr and I'm concerned about us losing our quality
of life; there's already too much traffic on Wallace Rd. and this new subdivision will affect traffic and
the new residents will probably have dogs that may run away. And I like to walk and I'm not a dog lover
19:46:03 From Terry S Francis : Madison Trace is Zoned as CUP.
19:46:34 From Dan Richardson - 367467 : How can we obtain a copy of the pictch?
19:46:40 From Dan Richardson - 367467 : pitch
19:47:30 From udigoldstein : partial brick front and partial siding
19:51:46 From Phyllis E's iPhone : Thank you, Eric.
19:55:06 From Terry S Francis : From Fulton County Property Records for Madison Trace:

Property Class: R3 - Residential Lots
Neighborhood: 4628
Tax District: 55
Zoning: CUP
19:55:53 From Gateway : Mabel please contact me @ 404-271-8241
19:56:12 From Phyllis E's iPhone : August 18 at 6 PM. So how many of us can attend the meeting
when it's scheduled?
19:56:41 From Phyllis E's iPhone : Tuesday.
19:58:10 From Gateway : Mabel this is Eric Sheppard from Madison Trace please contact me after
the meeting @404-271-8241
19:58:55 From udigoldstein : No, it was an official letter in an envelope
20:00:02 From Stephanie. Hudson : Was it just sent to neighborhoods on Wallace Rd?

August 3, 2020

Dear Neighbor,

We are the design team working on the development of the property located at 2210 Wallace Road. The parcel is across Wallace Road from Madison Trace subdivision. The subject property shares boundaries with parcels fronting Wallace Road to the east and west and a boundary to parcels fronting Skyview Drive to the north.



The subject property is currently being considered for rezoning from the current AG-1 (Agricultural District) to CUP (Community Unit Plan District). The intent for this change in zoning for the parcel is to develop a single-family home subdivision with 38 units total. As part of the rezoning process, our team has been asked by the city to schedule a meeting with the surrounding neighbors in order to discuss any questions from owners of the neighboring properties.

Please join us for a “virtual” meeting via Zoom:

Public Participation Meeting Regarding 2210 Wallace Road Development

Date/Time: Thursday, August 13 @ 7:00 – 8:00 p.m.

Zoom Link: <https://zoom.us/j/97752218937>

Meeting ID: 977 5221 8937

Sincerely,

KAIZENCOLLABORATIVE DESIGN.

Charles Abbott, P.E.

Principal Owner

c: (770) 815-7160



PUBLIC PARTICIPATION PLAN REPORT FORM E

Applicant: Ehud Goldstein for IHD Investments, inc. Petition No. 2210 Wallace Road z20-002

Date: 2020-09-03

1. The following parties were notified of the requested rezoning/use permit:
see attached mailing list

2. The following meetings were held regarding this petition: (Include the date, time, and meeting location.)

see flyer - September 3, 2020 6:00 pm- 7:00 pm

3. The following issues and concerns were expressed:
Density - can we lower density, cost of homes, home construction and home type
Concerns regarding traffic along Wallace Road
Will this affect the neighboring property values negatively?

4. The applicant's response to issues and concerns was as follows:
We proposed to have a max of 33.3% of homes be rental, we have HOA with covenants
a max of 33.3% of homes be rental, we have HOA with covenants, Home prices start at 300k
and go up to 400k. Home material will vary depending on market. We offer a sidewalk on
Wallace and internally to the development, as well as a pavilion for community gatherings.
Stormwater will be handled in a storm water facility in the south east corner. Public streets
Road with to be 25'. Traffic generated from this development will be negligible onto Wallace.

5. Applicants are required to attach copies of sign-in sheets from meetings as well as meeting announcements, i.e., notices, flyers, letters, and any other documentation which supports the opportunity for public input. see attached.

Attach additional sheets as needed.

ZOOM TEXT CHAT FROM 9-3 MEETING FOR
2210 WALLACE ROAD

18:11:25 From Karen's iPad : Roy I am present for the meeting. thanks
Chuck Abbott

18:11:44 From shepparde : We would like the to speak. Chat vs speaking is
tremendously unfair. Will you give us that opportunity?

18:12:39 From Chuck Abbott : we will open voice chat at the end of
presentation

18:12:49 From Linda Jordan : we need to review the list. most people did
not get an announcement in the mail about this meeting

18:13:50 From shepparde : Mailing for this was not received by the 3 homes
directly across the street Alethia Boone, Clay Croom, and Dr. Renolyds to name a
few.

18:13:51 From Linda Jordan : Mrs. boon's house is within a quarter of a
mile and she did not get a notice

18:14:48 From Linda Jordan : exactly. why are you saying it is good for
the community? not true?

18:15:17 From Linda Jordan : where is our traffic study especially with
Publix about to open up

18:15:44 From Linda Jordan : we asked for a traffic study prior to doing
anything else

18:15:53 From S Reynolds : The zoning department does not have an accurate
list of residents within 1/4 mile of the proposed development. I literally live
directly across the street from the proposed development and I did not receive
written notification.

18:16:04 From Linda Jordan : also have comparable homes built like ours

18:16:20 From Linda Jordan : no way for 38 homes in the community

18:17:54 From Linda Jordan : we would like the city of South Fulton to not
move this forward because of so many unanswered but necessary concerns/questions

18:18:40 From Linda Jordan : that's east lake,

18:19:02 From Linda Jordan : and the higher price point is what we want

18:20:40 From Linda Jordan : we need a traffic study sir

18:22:37 From katrana Luellen : How is this development going to benefit
our community?

18:23:05 From Mabel Martin : I'm a little disappointed in the appearance of
the homes.

18:23:17 From katrana Luellen : me too

18:23:19 From Mabel Martin : And I still feel that it should be 2 homers
per acre

18:24:04 From katrana Luellen : We agree two (2) Homes per acre

18:24:47 From Edith : I agree to many houses for 12 acres

18:26:11 From Edith : Right

18:28:26 From Phyllis E. Turner : Entirely too many homes per acre. Ditto,
Katrina.

18:30:27 From Edith : 33% is a high number as well

18:31:06 From Karen's iPad : We have 51 participants out of 100 mailings on
this zoom call.

18:36:28 From GraceTerrellMcCoy : Are there any amenities for this
subdivision that will be offer in this development, such as a club house, swimming
pool and or etc?

18:38:53 From Edith : Exactly! Traffic will be a problem

18:40:15 From GraceTerrellMcCoy : Before building on any site a traffic

ZOOM TEXT CHAT FROM 9-3 MEETING FOR
2210 WALLACE ROAD

light needs to be in place at Wallace and Campbellton immediately

18:41:08 From Catherine Rowell : The millage rate public hearing was yesterday evening, and I am here to listen to the concerns raised by residents.

18:49:52 From Karen's iPad : not modular homes, all site built construction

18:52:32 From S Reynolds to Chuck Abbott(Privately) : I concur with the opinions of the residents that have gotten a chance to speak. Therefore I won't reiterate what has already been expressed. My questions are Is it the goal of the City of SF to ultimately make District 1 a high density residential area?

18:53:21 From S Reynolds to Chuck Abbott(Privately) : If the millage rate for City of SF is increased, is there a need for this proposed subdivision to be developed?

18:55:43 From Catherine Rowell : Based on the feedback I've heard thus far, the residents are asking for the following from the developer: 1. Request larger lots no more than 2 homes per acre or more than 24 homes on the site 2. Concern about 33% of homes being rental. 3. Request starting point for homes to be a minimum of \$425K. 5. Limit rentals in the community to 20%

18:57:22 From shepparde : Yes those are numbers we can live with
Councilwoman

18:57:35 From shepparde : Thank you Mr. Smith

18:58:18 From Roger Bruce : This is State Rep Roger Bruce - I is clear that the current residents in the area do not want this development as it is currently being presented. Is there a plan B?

18:58:43 From shepparde : Thank you Representative Bruce

19:00:05 From Catherine Rowell : The traffic light at Campbellton and Wallace Road would fall under GDOT because it is a state road.

19:00:32 From shepparde : Lights and sidewalks are city issues, not theirs

19:01:17 From shepparde : My mistake, a state issue.

19:02:28 From shepparde : Please show the elevations Chuck

19:02:53 From S Reynolds : LOL! Ms. Jordan

19:08:46 From Catherine Rowell : If you are on this chat and you want future updates on projects in District 1, send your name and email to my city email at Catherine.rowell@cityofsouthfultonga.gov. I can also be reached at 404-694-1211.

19:09:07 From S Reynolds : Thank you Ms. Rowell

19:10:38 From Phyllis E. Turner : After listening to the conversation and as a resident of Madison Trace for more than 20 years, I would like to encourage you to consider a more co-created approach to your proposal. By that I mean, as has been clearly expressed, how can this development move forward with respect to all the voices that have spoken here today? We, in Madison Trace, would not want to stand in the way of growth. However, that growth, approached equitably, takes into consideration the benefit to all stakeholders.

19:12:55 From Catherine Rowell : Hello Mr. Harris can the phone be unmuted

19:14:43 From S Reynolds : Thank you for that question.

19:14:53 From Phyllis E. Turner : And a traffic study is a reasonable ask for the health, safety, welfare and well-being of current and proposed residents. How many traffic accidents can we anticipate (vehicle to vehicle/vehicle to pedestrian)?

19:15:47 From Virgil Smith : Mr. Harris,

2210 WALLACE ROAD- COMMUNITY PARTICIPATION MEETING

August 21, 2020

Dear Neighbor,

We are the design team working on the development of the property located at 2210 Wallace Road. The parcel is across Wallace Road from Madison Trace subdivision. The subject property shares boundaries with parcels fronting Wallace Road to the east and west and a boundary to parcels fronting Skyview Drive to the north.



The subject property is currently being considered for rezoning from the current AG-1 (Agricultural District) to CUP (Community Unit Plan District). The intent for this change in zoning for the parcel is to develop a single-family home subdivision with 38 total lots. As part of the rezoning process, our team has been asked by the city to schedule a meeting with the surrounding neighbors in order to discuss any questions from owners of the neighboring properties.

Please join us for a “virtual” meeting via Zoom:

Public Participation Meeting Regarding 2210 Wallace Road Development

Date/Time: Thursday, September 3 @ 6:00 – 7:00 p.m.

Zoom Link: <https://zoom.us/j/99909902584>

Meeting ID: 999 0990 2584

Call in via One tap mobile

+16465588656,,99909902584# US (New York)

+13017158592,,99909902584# US (Germantown)

Sincerely,

Roy Harris
rharr255@att.net

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Council Proclamations for Spreading on the Minutes

DATE: November 10, 2020

SUBJECT: Council Proclamations for Spreading on the Minutes

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
PROCLAMATION -Dr. C. Clayton Powell Edwards	Cover Memo	11/5/2020
PROCLAMATION -Lincoln Damione Scott	Cover Memo	11/5/2020
Proclamation - Lung Cancer Awareness Month 11.5.2020 Gilyard	Cover Memo	11/5/2020



City of South Fulton

WHEREAS, Dr. C. Clayton, a “Gentleman’s Gentleman”, has built a life of distinction and service in the areas of scholarship, business, civic life, civil rights, and optometry;

WHEREAS, as a young child, Dr. Powell was a high achiever who demonstrated strong tenacity and a definite sense of purpose;

WHEREAS, not one to rest on his own laurels or bask in his own glory, Dr. Powell had a passion for youth and has been one who was always willing to mentor and prepare the next generation of leaders; advising them how to avoid pitfalls, ensuring that they leave the world a much place;

WHEREAS, Dr. Powell, a man of deep abiding faith who believes “to whom much is given, much is required,” started a scholarship in his name for minority black students at his alma mater, Illinois College of Optometry;

WHEREAS, recognizing a leader is one who is a visionary, confidant, ethical, humble with a positive attitude, Dr. Powell, as a charter member of the Development Authority of Fulton County, has been instrumental in issuing over \$1 billion in both taxable and tax-exempt bonds that have provided financing for more than 187 businesses and the creation/retention of more than 335,000 jobs in Fulton County;

WHEREAS, Dr. Powell’s presence as a courageous leader, visionary trailblazer and activist will live on in the lives of so many, will immortalize his memory and be a legacy for generations to come;

WHEREAS, on a personal note, Dr. C. Clayton Powell was my friend, mentor, strong supporter and firm adviser whom I will dearly miss;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council honors Dr. C. Clayton Powell for his exemplary service in paving the way for so many, acknowledges his unwavering support and phenomenal leadership, and joins with family, friends, colleagues, mentees and others in celebrating a life well-lived and do hereby proclaim Sunday, November 1, 2020 as **DR. C. CLAYTON POWELL DAY in the City of South Fulton**

Mayor William “Bill” Edwards



City of South Fulton

Lincoln Damione Scott

PROCLAMATION CELEBRATING DECADES OF ENTREPRENURIAL EXCELLENCE IN THE CITY OF SOUTH FULTON

WHEREAS, Lincoln Scott transitioned from this life October 24, 2020; and

WHEREAS, Lincoln Scott was born December 19, 1997 to Lincoln and Justine Scott;
and

WHEREAS, Lincoln Scott was born in Elyria, OH but moved to Atlanta, Georgia where
he remained until 2020; and

WHEREAS, Lincoln Scott was a graduate of Banneker High School, in College Park, GA;
and

WHEREAS, he possessed an entrepreneurial spirit from an early age, owning and
operating four viable businesses: No Daze Off, Out Da Mudd Cars, Infamous Tattoo and
Sooooooo Icy Italian Ice Mobile Shop; and

WHEREAS, Lincoln had an affinity for people and enjoyed providing unforgettable
customer experiences; and

WHEREAS, Lincoln could often be witnessed selling goods and provides services
throughout the community; and

WHEREAS, Lincoln was one of the founding vendors of South Fulton Summer at Creel
Park in 2019; and

WHEREAS, Mr. Scott emphasized networking with Black Owned businesses, represent
the true spirit of the Kwanza principle, Ujima (cooperative economics).

NOW, THEREFORE BE IT RESOLVED I, Old National Councilman khalid, Mayor
William "Bill" Edwards & the seven members of South Fulton's City Council join in
recognizing Saturday, October 31, 2020 as **LINCOLN DAMIONE SCOTT DAY** in the
City of South Fulton.

Councilman khalid kamau, District 6



City of South Fulton

WHEREAS, lung cancer is the leading cause of cancer death among men and women in the United States and in Georgia in 2020, accounting for more deaths than colon cancer, breast cancer, and prostate cancer combined; and

WHEREAS, according to the Georgia State Cancer Registry, there were 31,700 new lung cancer cases and 22,250 deaths because of lung cancer between 2012 and 2016 in Georgia; and

WHEREAS, the 5-year survival rate for localized lung cancer is ~59%, yet only ~17% of lung cancers are diagnosed at this stage; and

WHEREAS, screening for lung cancer for high-risk individuals using low-dose computed tomography can lead to the earlier detection of lung cancer and save lives, reducing the mortality by 20% when compared to screening by chest x-ray in the National Lung Screening Trial and reducing the risk of death at 10 years by 24% in men and 33% in women as demonstrated by another large randomized trial; and

WHEREAS, funding for lung cancer research trails far behind funding for research of many other cancers, and additional research is needed in early diagnosis, screening, and treatment for lung cancer as well as in lung cancer affecting women and lung cancer health disparities; and

WHEREAS, women diagnosed with lung cancer are more likely to be younger and never-smokers, lung cancer incidence and mortality rates in women are rising relative to men, more women die from lung cancer than breast cancer every year and by 2035, it is expected that more women will die from lung cancer than men; and

WHEREAS, organizations working in the South Fulton community, such as the American Lung Cancer Screening Initiative and Women's Lung Cancer Forum, are committed to educating about lung cancer and lung cancer screening and working to increase lung cancer screening rates in South Fulton.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and the City Council of the City of South Fulton recognize the need for research in lung cancer affecting women and lung cancer health disparities, encourage all citizens to learn about lung cancer and early detection through lung cancer screening and do hereby proclaim the month of November as **LUNG CANCER AWARENESS MONTH** in the City of South Fulton, Georgia.

Councilwoman Naeema Gilyard, District 4

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Request Council Approval to accept a monetary donation from Adams & Company and apply for the 2020 Gametime CARES Grant Program

DATE: November 10, 2020

SUBJECT: Request Council Approval to accept a monetary donation from Adams & Company and apply for the 2020 Gametime CARES Grant Program

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Memo - Sandtown Playground Equipment	Cover Memo	11/5/2020

GOVERNMENT OF THE CITY OF SOUTH FULTON


Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Honorable Mayor William "Bill" Edwards & City Council Members
FROM: Odie Donald II 
City Manager
DATE: November 4, 2020
SUBJECT: Sandtown Playground Equipment

Background

Playground activities play a significant role in the development of communication and motor skills of children. Sandtown Park serves the recreational needs of a diverse mix of families, children, seniors and active adults. Adams & Company has committed to a conditional donation of \$30,000 for new playground equipment at Sandtown Park. Parks, Recreation and Cultural Affairs (PRCA) will utilize the monetary donation to install a new playground system at Sandtown Park. This new playground system will offer an additional play space for children ages 2-12 and significantly increase park usage.

In conjunction with the monetary donation, PRCA is requesting to apply for the 2020 Gametime Cares Grant Program which will award a promotional funding discount of \$11,308 toward the total cost of the playground project.

Total Playground Cost: \$33,910.71

Adams & Company Donation: \$30,000

Gametime Cares Grant Program Funding Discount: \$11,308

PRCA FY21 Budget: \$3,910.71

Recommendation

Request Council Approval to accept the Adams & Company monetary donation in the amount of \$30,000 for the installation of new playground equipment at Sandtown Park and apply for the 2020 Gametime Cares Grant Program for a promotional funding discount of \$11,308 toward the cost of the playground equipment.

Should you need further information regarding this correspondence, please contact Tony Phillips at tony.phillips@cityofsouthfultonga.gov.



5784 LAKE FORREST DRIVE, NW
SUITE 290
SANDY SPRINGS, GA 30328-6220
T: 404-255-7535
F: 404-250-1168

October 6, 2020

Chapin Payne
Deputy Director, Department of Parks, Recreation and Cultural Affairs
City of South Fulton

Dear Ms. Payne:

This is to confirm our conversations to date that Sandtown Crossing Inc will make a donation to the department of \$30,000 to cover the installation of new playground equipment at the Sandtown Park. We can send you a check at any time, just let me know.

We have appreciated the support our businesses have received from the Sandtown community and are happy to help create a better playground for the children of the community.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John R. Perlman', with a long horizontal flourish extending to the right.

John R. Perlman, CPM

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Request Council Approval to accept the Publix monetary donation and non-monetary donation for the Parks, Recreation and Cultural Affairs Extension Program

DATE: November 10, 2020

SUBJECT: Request Council Approval to accept the Publix monetary donation and non-monetary donation for the Parks, Recreation and Cultural Affairs Extension Program

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Memo - Youth Extension Program Donation	Cover Memo	11/5/2020

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager


WILLIAM “BILL” EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Honorable Mayor William “Bill” Edwards & City Council Members

FROM: Odie Donald II 
City Manager

DATE: November 4, 2020

SUBJECT: Youth Extension Program Donation

Background

The City of South Fulton Department of Parks Recreation & Cultural Affairs is the fortunate recipient of a \$4,408.80 donation from Publix-Atlanta Division on behalf of the new Sandtown Crossing Publix store. The donation consistent of gift cards and various program supplies to support the departments Extension Program. The program will incorporate public health guidelines, social distancing, and CDC recommendations to provide onsite programming for students. It will provide a safe and affordable option for working parents to access programming for their children that supports academic progress and recreational activities.

Recommendation

Request Council Approval to accept the Publix monetary donation of \$3,000 and non-monetary donation of \$1,408.80 for the Parks, Recreation and Cultural Affairs Extension Program.

Should you need further information regarding this correspondence, please contact Tony Phillips at tony.phillips@cityofsouthfultonga.gov.

October 26, 2020

Chapin Payne
Deputy Director, Department of Parks, Recreation & Cultural Affairs
City of South Fulton
5440 Fulton Industrial Blvd. SW
Atlanta, GA 30336

Subject: Youth Programs In-Kind Donation

Dear Ms. Chapin Payne:

Thank you for the opportunity to partner with the City of South Fulton. We are proud to partner with your organization and your Extension Program providing a safe place for the youth in the community to learn and grow.

Below is a table with the approximate value of the items Publix would like to donate to the Welcome All and Sandtown Recreation Center. Please let me know if this is approved through city council. Thanks for your support.

Items	Cost	Quantity	Total
Gift Card	\$50	60	\$3,000
Reusable bag	\$0.99	60	\$59.40
Drawstring bag	\$1.88	60	\$112.80
Water bottle	\$1.69	60	\$101.40
Jump rope	\$1.50 est.	60	\$90.00 est.
Pencil pouch	\$2.54	60	\$152.40
Highlighters	\$1.50 est.	60	\$90.00 est.
Hot/ cold gel pack	\$1.50 est.	60	\$90.00 est.
Frisbee	\$1.00 est.	60	\$60.00 est.
Slinky	\$1.50 est.	60	\$90.00 est.
Snack container	\$2.50 est.	60	\$150.00 est.
Construction paper 96 sheets	\$2.99	60	\$179.40

October 26, 2020

Crayola Markers 10 ct.	\$3.89	60	\$233.40
Total		780	\$4,408.80

Sincerely
Brenda Reid
Community Relations Manager- Publix Atlanta Division

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of Resolution Extending Moratorium Banning
Uses

DATE: November 10, 2020

SUBJECT: Request Council Approval of Resolution Extending Moratorium Banning
Uses

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Extended Moratorium Banning Uses (extending to 12.8.20)	Cover Memo	11/5/2020

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**

4
5 **A RESOLUTION IMPOSING A MORATORIUM ON THE ACCEPTANCE OF**
6 **APPLICATIONS FOR AND THE ISSUANCE OF LAND USE PERMITS OR**
7 **OCCUPATION TAX CERTIFICATES/BUSINESS LICENSES PERTAINING TO:**
8 **ALCOHOL PACKAGE STORES AND ANY EXPANSIONS OF THE SAME,**
9 **TOBACCO RETAIL SALES, AUTOMOBILE GAS STATIONS/SERVICE**
10 **STATIONS, CONVENIENCE STORES, CHECK CASHING**
11 **ESTABLISHMENTS, PERSONAL CARE SERVICES, AUTOMOTIVE REPAIR**
12 **SHOPS, GROUP HOMES AND RESIDENCES, PAWN SHOPS, TOBACCO**
13 **RETAIL SALES, CANNABIS DISPENSARY, FARMER’S MARKET, GUN**
14 **RANGE, OPEN AIR MARKET, TINY HOMES AND SMALL BOX**
15 **ESTABLISHMENTS IN THE CITY OF SOUTH FULTON, GEORGIA,**
16 **EXCLUDING PARCELS IMMEDIATELY FACING FULTON INDUSTRIAL**
17 **BOULEVARD, AND FOR OTHER LAWFUL PURPOSES**
18

19 **WHEREAS**, the City of South Fulton (“City”) is a municipal corporation duly
20 organized and existing under the laws of the State of Georgia;
21

22 **WHEREAS**, the duly elected governing authority of the City is the Mayor and
23 Council thereof (“City Council”);

24 **WHEREAS**, the City has been vested with the power and authority to regulate
25 the practice, conduct or use of property for the purposes of maintaining health,
26 morals, safety, security, peace and the general welfare of the City;
27

28 **WHEREAS**, Georgia cities are authorized to impose moratoria on zoning
29 decisions, permits and other development approvals. *See City of Roswell et al v.*
30 *Outdoor Systems, Inc.*, 274 Ga. 130 (2001); *Lawson v. Macon*, 214 Ga. 278 (1958);
31 *Taylor v. Shetzen*, 212 Ga. 101;
32

33 **WHEREAS**, the City Council seeks to impose a moratorium while the City
34 is undertaking revisions to the Zoning Code (the "Code") and the land use map;
35

36 **WHEREAS**, the City Council intends to allow its staff and consultant further
37 time to review its current ordinances to ensure that its laws preserve the quality
38 of life for citizens while imposing limited and effective land use regulations that
39 impact quality of life issues;
40

41 **WHEREAS**, the City Council must take immediate and responsive action
42 to protect the interests of the City, and it is in the best interests of the health,
43 safety and welfare of the citizens of the City, that no new applications for land
44 use permits or occupation tax certificates/business licenses and any expansions
45 of the same for alcohol package stores, tobacco retail sales, automobile gas
46 stations/service stations, convenience stores, check cashing establishments,
47 personal care services, automotive repair shops, group homes and residences,
48 pawn shops, tobacco retail sales, cannabis dispensary, extended stay hotel, gun

49 range, open air market, tiny homes and small box establishments to be accepted
50 in the City until 11:59 p.m. on December 8, 2020;

51

52 **WHEREAS**, the City Council finds that the concept of "public welfare" is broad
53 and inclusive; that the values it represents are spiritual as well as physical, aesthetic
54 as well as monetary; and that it is within the power of the City "to determine that a
55 community should be beautiful as well as healthy, spacious as well as clean, well
56 balanced as well as carefully patrolled," *Berman v. Parker*, 348 U.S. 26 (1954); *Kelo*
57 *v. City of New London*, 545 U.S. 469 (2005);

58

59 **WHEREAS**, the City Council finds that "general welfare" includes the valid
60 public objectives of aesthetics, conservation of the value of existing lands and
61 buildings within the City, making the most appropriate use of resources, preserving
62 neighborhood characteristics, enhancing and protecting the economic well-being of
63 the community, facilitating adequate provision of public services, and the
64 preservation of the resources of the City;

65

66 **WHEREAS**, this moratorium is enacted as a limited measure to preserve the
67 status quo pending the City's review of its Zoning Code; and

68

69 **WHEREAS**, by enactment of this extension of this moratorium the City
70 Council does not intend to disturb the operation of any business located in the
71 city limit that possesses a valid land use permit and/or business
72 license/occupation tax certificate and was operating on the date of adoption of
73 this moratorium.

74

75 **THE COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA,**
76 **HEREBY RESOLVES** as follows:

77

78 **Section 1.**

79

80 1. The moratorium imposed herein incorporates the findings and statements
81 set forth in the preceding "Whereas" clauses and such clauses are made
82 a part of this moratorium.

83

84 2. Except as allowed in paragraph 5 below, for a period beginning from the
85 date of adoption of this Resolution until 11:59 p.m. on November 24, 2020,
86 there shall be a complete moratorium on the acceptance of any land use
87 permit application or application for an occupation tax certificate/business
88 license, and any expansions of the same, for alcohol package stores,
89 tobacco retail sales, automobile gas stations/service stations, convenience
90 stores, check cashing establishments, personal care services, automotive
91 repair shops, group homes and residences, pawn shops, tobacco retail
92 sales, cannabis dispensary, extended stay hotels, gun range, open air
93 market, tiny homes and small box establishments in the City, excluding
94 parcels immediately facing Fulton Industrial Boulevard.

95

96 3. Except as allowed in paragraph 5 below, for a period beginning on the date
97 of adoption of this Resolution and ending at 11:59 p.m. on December 8, 2020

98 no land use permit or occupation tax certificate/business license shall be
99 issued and no land use permit application or occupation tax
100 certificate/business license application shall be granted or denied for the
101 establishment or expansion of alcohol package stores, tobacco retail sales,
102 automobile gas stations/service stations, convenience stores, check cashing
103 establishments, personal care services, automotive repair shops, group
104 homes and residences, pawn shops, tobacco retail sales, cannabis
105 dispensary, extended stay hotels, gun range, open air market, tiny homes and
106 small box establishments in the City, excluding parcels immediately facing
107 Fulton Industrial Boulevard.

108
109 4. For the purposes of this Resolution, "small box establishment" means a retail
110 store that is 16,000 square feet or less in size, which offers for sale a variety
111 of convenience shopping goods and continuously offers the majority of the
112 items in their inventory for sale at a price lower than traditional retail stores.
113 Small box discount store does not include stores that contain a pharmacy, sell
114 gasoline or diesel fuel, or primarily sell specialty food items (i.e. meats,
115 seafood, cheese, or oils and vinegars).

116
117 5. This moratorium has no effect whatsoever on those valid and proper land
118 use permit applications and/or occupation tax certificate/business license
119 applications filed on or before the imposition of this moratorium and those
120 applications may be considered, deferred, decided, granted or denied for
121 the establishment or expansion of alcohol package stores and any
122 expansions of the same, tobacco retail sales, automobile gas
123 stations/service stations, convenience stores, check cashing
124 establishments, personal care services, automotive repair shops, group
125 homes and residences, pawn shops, tobacco retail sales, cannabis
126 dispensary, extended stay hotels, gun range, open air market, tiny homes
127 and small box establishments in the City, pursuant to the ordinances of the
128 City as they existed on the date the application was filed.

129
130 6. The moratorium shall expire at 11:59 p.m. on December 8, 2020, unless
131 shortened or extended by official action of the City Council.

132
133 7. Nothing in this Resolution shall prevent the continued operation of any
134 business operating under a validly issued land use permit and/or
135 occupation tax certificate/business license as of the date of enactment of
136 this moratorium.

137
138 8. As of the effective date of this Resolution, any action taken by any City
139 employee, representative or agent which is contrary to this Resolution will be
140 deemed in error, null and void and of no effect whatsoever and shall constitute
141 no assurance whatsoever of any right to engage in any act, and any action in
142 reliance on any such action shall be unreasonable.

143
144 *****

145 **Section 2.** It is hereby declared to be the intention of the City Council that: (a) All
146 sections, paragraphs, sentences, clauses and phrases of this Resolution are or were,
147 upon their enactment, believed by the City Council to be fully valid, enforceable and
148 constitutional.

149 (b) To the greatest extent allowed by law, each and every section, paragraph,
150 sentence, clause or phrase of this Resolution is severable from every other section,
151 paragraph, sentence, clause or phrase of this Resolution. No section, paragraph,
152 sentence, clause or phrase of this Resolution is mutually dependent upon any other
153 section, paragraph, sentence, clause or phrase of this Resolution.

154 (c) In the event that any phrase, clause, sentence, paragraph or section of this
155 Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or
156 otherwise unenforceable by the valid judgment or decree of any court of competent
157 jurisdiction, it is the express intent of the City Council that such invalidity,
158 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not
159 render invalid, unconstitutional or otherwise unenforceable any of the remaining
160 phrases, clauses, sentences, paragraphs or sections of the Resolution.

161 **Section 3.** All prior City zoning moratoriums are hereby concluded and replaced
162 by this moratorium. In addition, all Resolutions and parts of Resolutions in conflict
163 herewith are hereby expressly repealed.

164 **Section 4.** The City Attorney and City Clerk are authorized to make non-
165 substantive editing and renumbering revisions to this Resolution for proofing,
166 codification, and supplementation purposes. The final version of all ordinances shall
167 be filed with the city clerk.

168 **Section 5.** The effective date of this Resolution shall be the date of adoption,
169 unless provided otherwise by the City Charter or state and/or federal law.
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189

190 The foregoing RESOLUTION No. 2020-_____, adopted on _____
191 was offered by Councilmember _____, who moved its approval. The
192 motion was seconded by Councilmember _____, and being put to a
193 vote, the result was as follows:

	AYE	NAY
194		
195		
196		
197		
198 William "Bill" Edwards, Mayor	_____	_____
199 Carmalitha Gumbs, Mayor Pro Tem	_____	_____
200 Catherine Foster Rowell	_____	_____
201 Helen Zenobia Willis	_____	_____
202 Gertrude Naeema Gilyard	_____	_____
203 Corey Reeves	_____	_____
204 khalid kamau	_____	_____
205 Mark Baker	_____	_____
206		

207
208 THIS RESOLUTION adopted this _____ day of _____ 2020. **CITY OF**
209 **SOUTH FULTON, GEORGIA**

210
211
212
213 _____
214 WILLIAM "BILL" EDWARDS, MAYOR

215
216
217 ATTEST:

218
219
220 _____
221 CORY E. ADAMS, CITY CLERK

222
223 APPROVED AS TO FORM:
224
225
226 _____
227 EMILIA C. WALKER, CITY ATTORNEY

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of Renewal of Memorandum of Understanding with the U.S. Drug Enforcement Agency

DATE: November 10, 2020

SUBJECT: Request Council Approval of Renewal of Memorandum of Understanding with the U.S. Drug Enforcement Agency

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Decision Memo and Routing Sheet - OT Exemption (PD) Federal Task Force 11.4.2020	Cover Memo	11/5/2020

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager


WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

DECISION MEMO

TO: Odie Donald, II,
City Manager

FROM: Keith Meadows 
Police Chief

DATE: **September 29, 2020**

SUBJECT: Memorandum of Understanding w/Federal Task Force

Background:

The City of South Fulton has engaged the Federal Government in a partnership to help reduce violent crime and drug trafficking through-out the COSF cooperate city limits. The HIDTA Task Force has agreed to supplement members salary compensation up to \$19,180.00 annually. To date HIDTA drug raids have yield 45 kilos of Meth, 7 kilos of cocaine and 34 weapons confiscated. South Fulton Police Command identifies this initiative as one of our key strategies in crime reduction and recommend an exception to the City's overtime policy as HIDTA will reimburse the City for all expenses incurred.

Decision Needed:

- Permission to present to Mayor & Council and ask for an exception to the City overtime policy for members assigned.

Decision: **Approved** **Disapproved**

Comments:

Signature

Date

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager



REVIEW AND APPROVAL ROUTING SHEET

This routing sheet has been developed to ensure that all appropriate Senior Management Team members have thoroughly reviewed, approved, and signed off on all official documents in their respective service areas prior to the City Manager's receipt for final approval and signature, as needed. Items should be routed in the following order: 1.) Originating Division and other applicable Divisions; 2.) Chief Financial Officer; 3.) Chief Operating Officer; and 4.) City Manager.

Parties Consulted:

Initials

Date

COSF City Attorney/General Counsel

Legal issues have been addressed

COSF Chief Financial Officer

Funds are available and complies with fiscal guidelines

Assistant City Manager/Chief Operating Officer

Complies with operational processes and guidelines.

Information Technology Director

When Information Technology issues are involved

Program & Performance Manager

Complies with Division/programmatic processes

Communications Director

Complies with Division/programmatic processes

Parks & Recreation Director

Complies with Division/programmatic processes

Destination South Fulton

Complies with Division/programmatic processes

DCDRA Director

Complies with Division/programmatic processes

Human Resources Director

Complies with HR policies and procedures: positions are budgeted

See notes; policy revisions recommended

10/08/2020

Public Safety

Complies with Division/programmatic processes. Specify Fire or Police

Chief Keith Meadows

Public Works Director

Complies with Division/programmatic processes

Other (Clerk's Office, Municipal Court, etc.)

Complies with Division/programmatic processes. Specify Area

City Manager's Decision: **Approved** **Disapproved**

In this section, the City Manager will sign to indicate approval of the recommended option or will provide comments to indicate pursuit of an alternate course of action.

City Manager's Comments:

City Manager's Signature

Date

I. Statement of the Policy

It is the policy of the City to properly compensate employees for all time worked, including payment of overtime and accrual of compensatory time, as allowed by and in accordance with applicable law.

II. Applicability

This policy and procedure applies to all employees who are “non- exempt” as defined in the Fair Labor Standards Act (FLSA) and may apply to exempt employees in certain circumstances as set forth herein.

1. Overtime Pay

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime. Non-exempt employees will be paid one and one-half (1.5) times their regular rate of pay for all hours worked in excess of the applicable maximum hours as listed below and as otherwise required by applicable state and federal law, unless the employee receives compensatory time for overtime work as set forth in this policy:

- 40 hours in one standard work week for all non-exempt employees except those engaged in law enforcement or fire protection activities (as defined in 29 U.S.C. § 207(k));
- 106 hours in one 14-day work period for non-exempt fire protection employees (as defined in 29 U.S.C. §207(k)); or
- 86 hours in one 14-day work period for non-exempt law enforcement personnel (as defined in 29 U.S.C. §207(k)).

Paid time, i.e., sick pay, holiday pay, vacation pay, and jury duty pay (where applicable) will not count toward hours worked for the purpose of determining overtime pay.

All overtime work must be authorized in advance by the employee’s supervisor. Employees will be compensated for all time worked. However, working overtime without prior authorization may result in disciplinary action. The standard work week and 28-day work period discussed above are defined in the Work Week, Work Period, and Pay Period Policy.

2. Accruing Compensatory Time

The City may offer time off with pay (compensatory time) in lieu of overtime pay for overtime worked as provided by applicable law to a non-exempt employee to whom the City has provided sufficient notice under the law informing the employee that compensatory time will be provided in lieu of overtime pay as allowed by law.

Compensatory time shall accrue at the rate of one and one-half (1.5) hours for

each hour worked in excess of the applicable maximum hours set forth above in Section II (1) or as otherwise required by applicable State and Federal law. Paid time off such as sick pay, holiday pay, vacation pay, and jury duty pay (where applicable) will not count toward hours worked for the purpose of determining overtime pay.

Law enforcement, fire protection, and emergency response personnel and employees engaged in seasonal activities may accrue up to 480 hours of comp time; all other employees may accrue up to 240 hours of comp time. If an employee believes he or she has been subject to an improper salary deduction, has been improperly classified as exempt or non-exempt, or has not been paid overtime for any hours worked over their respective work period, the employee should notify HR or Finance directly.

III. Procedure for Using Compensatory Time

Non-exempt employees are encouraged to use their accrued compensatory time. A non-exempt employee who accrues compensatory time will be allowed to use his or her compensatory time within a reasonable period after making a request, so long as the use does not unduly disrupt the business operations of the City. To request the use of compensatory time, an employee should submit a written request to their supervisor as far in advance as possible. There is no guarantee that the compensatory time approved will be for the specific date(s) requested by the employee.

Any leave taken by an employee will be charged against accrued compensatory leave balances, if available, before any holiday or vacation balances are charged. Hours of compensatory time used during a work week do not count towards “hours worked” for that work week for purposes of assessing whether an employee is entitled to payment of overtime or accrual of additional compensatory time.

The City reserves the right at any time to pay an employee in cash for any or all accrued compensatory time and/or to require the employee to use accumulated compensatory time.

IV. Paying out Compensatory Time

Employees, supervisors, and department heads should closely monitor comp time accruals to ensure the maximum accrual is not exceeded. Compensatory time will be paid out as following (whichever occurs first):

1. Separation of employment
2. Change in classification affecting compensation (i.e. promotion/demotion)

If the City in its discretion decides to cash out an employee’s accrued compensatory time balance at a time other than upon termination, payments for such accrued compensatory time will be paid at the regular rate earned by that employee at the time the employee receives such payment.

Departments that receive funding from external sources for reimbursement of overtime hours, shall be permitted to allow identified employees to be paid overtime pay in accordance with the *Overtime Pay* subsection described above in this policy. Accruing compensatory time shall not apply when external funding is available for reimbursement of overtime pay from external sources.

V. Exempt Employees

Exempt employees are expected to work as much of each workday as is necessary to fulfill their job responsibilities. Exempt employees are not eligible for overtime pay. At the sole discretion of the City, exempt employees may be offered compensatory time in certain circumstances, upon approval from the City Manager, for departments under his or her direct supervision. If such compensatory time is offered, exempt employees will be allowed to use the compensatory time at a time convenient for the City. Exempt employees will receive payment for accrued unused compensatory time at their regular rate of pay upon separation from employment with City.

DRAFT

**City of South Fulton, GA Police Department
STATE AND LOCAL HIDTA TASK FORCE AGREEMENT
Atlanta-Carolinas HIDTA Metro Atlanta Task Force Group 4**

This agreement is made this 1st day of October 2020, between the United States Department of Justice, Drug Enforcement Administration (hereinafter "DEA"), and the City of South Fulton Police Department ORI# GA0607200 (hereinafter "SFPD"). The DEA is authorized to enter into this cooperative agreement concerning the use and abuse of controlled substances under the provisions of 21 U.S.C. § 873.

Whereas there is evidence that trafficking in narcotics and dangerous drugs exists in the metro Atlanta area and that such illegal activity has a substantial and detrimental effect on the health and general welfare of the people of metro Atlanta area, the parties hereto agree to the following:

1. The Atlanta-Carolinas HIDTA Task Force will perform the activities and duties described below:
 - a. disrupt the illicit drug traffic in the metro Atlanta area by immobilizing targeted violators and trafficking organizations;
 - b. gather and report intelligence data relating to trafficking in narcotics and dangerous drugs; and
 - c. conduct undercover operations where appropriate and engage in other traditional methods of investigation in order that the task force's activities will result in effective prosecution before the courts of the United States and the State of Georgia.
2. To accomplish the objectives of the Atlanta-Carolinas HIDTA, the SFPD agrees to detail one (1) experienced officer to the Atlanta-Carolinas HIDTA for a period of not less than two years. During this period of assignment, the SFPD officer will be under the direct supervision and control of DEA supervisory personnel assigned to the task force.
3. The SFPD officer assigned to the Task Force shall adhere to DEA policies and procedures. Failure to adhere to DEA policies and procedures shall be grounds for dismissal from the Task Force. The SFPD officer assigned to the Task Force shall remain subject to SFPD policies, and shall report to SFPD regarding matters unrelated to this Agreement/Task Force. With regard to matters related to the Task Force, the SFPD officer assigned to the Task Force will be subject to Federal law and DEA orders, regulations and policies, including those related to standards of conduct, sexual harassment, equal opportunity issues and Federal disclosure laws. The SFPD officer assigned to the Task Force will adhere to SFPD policies where Task Force policies do not exist.
4. The SFPD officer assigned to the task force shall be deputized as task force officer of DEA pursuant to 21 USC 878.

5. To accomplish the objectives of the Atlanta-Carolinas HIDTA Task Force, DEA will assign thirteen (13) Special Agents to the task force. HIDTA will also, subject to the availability of annually appropriated funds or any continuing resolution thereof, provide necessary funds and equipment to support the activities of the DEA Special Agents and SFPD officer assigned to the task force. This support will include: office space, office supplies, travel funds, funds for the purchase of evidence and information, investigative equipment, training and other support items.

6. During the period of assignment to the Task Force, the SFPD will remain responsible for establishing the salary and benefits, including overtime, of the officer assigned to the Task Force, and for making all payments due them. HIDTA will, subject to availability of funds, reimburse SFPD for overtime payment. Annual overtime for each state or local law enforcement officer is capped at the equivalent of 25% of a GS-12, Step 1, of the general pay scale for the Rest of United States \$19,180.25. Reimbursement for all types of qualified expenses shall be contingent upon availability of funds and the submission of a proper request for reimbursement which shall be submitted **monthly or quarterly** on a fiscal year basis, and which provides the names of the investigators who incurred overtime for DEA during the invoiced period, the number of overtime hours incurred, the hourly regular and overtime rates in effect for each investigator, and the total cost for the invoiced period. Invoices must be submitted at least quarterly within 10 business days of the end of the invoiced period.

7. In no event will the SFPD charge any indirect cost rate to DEA for the administration or implementation of this agreement.

8. The SFPD shall maintain on a current basis complete and accurate records and accounts of all obligations and expenditures of funds under this agreement in accordance with generally accepted accounting principles and instructions provided by DEA to facilitate on-site inspection and auditing of such records and accounts.

9. The SFPD shall permit and have readily available for examination and auditing by DEA, the United States Department of Justice, the Comptroller General of the United States, and any of their duly authorized agents and representatives, any and all records, documents, accounts, invoices, receipts or expenditures relating to this agreement. The SFPD shall maintain all such reports and records until all litigation, claim, audits and examinations are completed and resolved, or for a period of six (6) years after termination of this agreement, whichever is later.

10. The SFPD shall comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, as amended, and all requirements imposed by or pursuant to the regulations of the United States Department of Justice implementing those laws, 28 C.F.R. Part 42, Subparts C, F, G, H and I.

11. The SFPD agrees that an authorized officer or employee will execute and return to DEA the attached OJP Form 4061/6, Certification Regarding Lobbying; Debarment, suspension and Other Responsibility Matters; and drug-Free Workplace Requirements. The SFPD acknowledges that this agreement will not take effect and no federal funds will be awarded until the completed certification is received.

12. When issuing statements, press releases requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or part with federal money, the SFPD shall clearly state: (1) percentage of the total cost of the program or project which will be financed with federal money and (2) the dollar amount of federal funds for the program or project.

13. The SFPD understands and agrees they will provide the SFPD officers assigned to the Atlanta-Carolinas HIDTA Task Force with vehicles suitable for surveillance. Atlanta-Carolinas HIDTA, through DEA may furnish mobile radios for installation in the SFPD vehicles and Atlanta-Carolinas HIDTA will assume the costs of the mobile radio installations and removals. Further, the SFPD understands and agrees they will provide for routine maintenance, i.e., oil changes, lubes, minor tune-ups, etc., for the SFPD issued vehicles. Atlanta-Carolinas HIDTA, subject to availability of funds, agrees to defray some of the costs of the vehicle's daily operations through either a monthly stipend or Government fuel card. The SFPD shall give written notice to the Atlanta-Carolinas HIDTA Director of their choice of accepting either a \$500 per month vehicle expense stipend (not to exceed \$6,000/year) to the SFPD per officer/vehicle, or the issuance of a Government fuel card to the SFPD officer/vehicle, subject to the Atlanta-Carolinas HIDTA fuel card program rules and regulations.

14. The HIDTA Executive Committee acknowledges that the United States is liable for the actions of task force officer, while on duty and acting within the scope of their federal employment, to the extent permitted by the Federal Torts Claim Act.

15. The term of this agreement shall be effective from the date in paragraph number one until September 30, 2021. This agreement may be terminated by either party on 30 days advance written notice. Billing for all outstanding obligations must be received by DEA within 90 days of the date of termination of this agreement. HIDTA will be responsible only for obligations incurred by SFPD during the term of this agreement.

For the Drug Enforcement Administration:

Robert J. Murphy, Special Agent-in-Charge
Atlanta Division

Date: _____

For the City of South Fulton Police Department

Keith Meadows
Chief

Date: _____






Office of the City Manager Routing Sheet. rev12.26.2018

Final Audit Report

2020-09-30

Created:	2020-09-30
By:	Delreese Brown (delreese.brown@cityofsouthfultonga.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAfxJSZT-gulabuCnET7z2iDu33M7O3Gm

"Office of the City Manager Routing Sheet. rev12.26.2018" History

-  Document created by Delreese Brown (delreese.brown@cityofsouthfultonga.gov)
2020-09-30 - 1:16:27 PM GMT- IP address: 98.192.91.21
-  Document emailed to Chief Keith Meadows (keith.meadows@cityofsouthfultonga.gov) for signature
2020-09-30 - 1:17:39 PM GMT
-  Email viewed by Chief Keith Meadows (keith.meadows@cityofsouthfultonga.gov)
2020-09-30 - 1:18:50 PM GMT- IP address: 24.99.107.152
-  Document e-signed by Chief Keith Meadows (keith.meadows@cityofsouthfultonga.gov)
Signature Date: 2020-09-30 - 1:19:34 PM GMT - Time Source: server- IP address: 24.99.107.152
-  Agreement completed.
2020-09-30 - 1:19:34 PM GMT

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of A Resolution Authorizing the Execution of A Public Safety Memorandum of Understanding with the Georgia Bureau of Investigation

DATE: November 10, 2020

SUBJECT: Request Council Approval of A Resolution Authorizing the Execution of A Public Safety Memorandum of Understanding with the Georgia Bureau of Investigation

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Resolution Authorizing Public Safety MOU	Cover Memo	11/5/2020
GBI ICAC Task Force MOU Approval Request _Redacted	Cover Memo	11/5/2020

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**

4
5 **A RESOLUTION BY THE CITY AUTHORIZING THE EXECUTION OF A PUBLIC**
6 **SAFETY MOU WITH THE GBI AND FOR OTHER LAWFUL PURPOSES**
7

8 **WHEREAS**, the City of South Fulton (“City”) is a municipal corporation duly
9 organized and existing under the laws of the State of Georgia;

10
11 **WHEREAS**, the duly elected governing authority of the City, is the Mayor and
12 Council thereof (“City Council”);

13 **WHEREAS**, the City Council desires to authorize the Mayor, Interim City Manager,
14 Chief Financial Officer (“CFO”) and City Attorney, to execute documentation related to a
15 memorandum of understanding with Georgia Bureau of Investigation Child Exploitation
16 and Computer Crimes Unit and the Internet Crimes Against Children Task Force Program
17 as set forth herein; and

18 **WHEREAS**, this Resolution is in the best interests of the health and general
19 welfare of the City, its residents and general public.

20 **THE COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, HEREBY**
21 **RESOLVES** as follows:
22

23 **Section 1.** The City Council hereby authorizes the Mayor, Interim City Manager and
24 City Attorney to further negotiate and execute, in substantial form as attached hereto, a
25 memorandum of understanding with Georgia Bureau of Investigation Child Exploitation
26 and Computer Crimes Unit and the Internet Crimes Against Children Task Force
27 Program.
28

29 *****

30 **Section 2.** It is hereby declared to be the intention of the City Council that: (a) All
31 sections, paragraphs, sentences, clauses and phrases of this Resolution are or were,
32 upon their enactment, believed by the City Council to be fully valid, enforceable and
33 constitutional.

34 (b) To the greatest extent allowed by law, each and every section, paragraph, sentence,
35 clause or phrase of this Resolution is severable from every other section, paragraph,
36 sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause
37 or phrase of this Resolution is mutually dependent upon any other section, paragraph,
38 sentence, clause or phrase of this Resolution.

39 (c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution
40 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
41 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
42 the express intent of the City Council that such invalidity, unconstitutionality or
43 unenforceability shall, to the greatest extent allowed by law, not render invalid,
44 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
45 sentences, paragraphs or sections of the Resolution.

46 **Section 3.** The city attorney and city clerk are authorized to make non-substantive
47 editing and renumbering revisions to this Resolution for proofing, codification, and
48 supplementation purposes. The final version of all resolutions shall be filed with the city
49 clerk.

50 **Section 4.** The effective date of this Resolution shall be the date of adoption, unless
51 provided otherwise by the City Charter or state and/or federal law.
52
53

54 The foregoing RESOLUTION No. 2020-_____, adopted on _____
 55 was offered by Councilmember _____, who moved its approval. The motion
 56 was seconded by Councilmember _____, and being put to a vote, the result
 57 was as follows:

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	AYE	NAY
William "Bill" Edwards, Mayor	_____	_____
Carmalitha Gumbs, Mayor Pro Tem	_____	_____
Catherine Foster Rowell	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Corey Reeves	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

70
 71 THIS RESOLUTION adopted this _____ day of _____ 2020. **CITY OF**
 72 **SOUTH FULTON, GEORGIA**

73
 74
 75

76 _____
 77 WILLIAM "BILL" EDWARDS, MAYOR

78
 79

80 ATTEST:

81
 82
 83

84 _____
 85 CORY E. ADAMS, CITY CLERK

86
 87


86 APPROVED AS TO FORM:

88
 89

90 _____
 91 EMILIA C. WALKER, CITY ATTORNEY



INTER-OFFICE MEMORANDUM

DATE: November 4, 2020
TO: Chief Keith Meadows
FROM: Major Tina Johnson 
SUBJECT: Approval to Joint GBI ICAC

This memo is requesting approval to enter into a memorandum of understanding with Georgia Bureau of Investigation Child Exploitation and Computer Crimes Unit (CEACC) and the Internet Crimes Against Children Task Force Program (ICAC).

ICAC helps state and local law enforcement agencies develop an effective response to technology-facilitated child sexual exploitation and Internet crimes against children. ICAC provide support that encompasses forensic and investigative components, training and technical assistance, victim services, prevention and community education.

By entering into this agreement this resource will allow our agency to engage in both proactive and reactive investigations, forensic examinations, and criminal prosecutions. Helping our agency to develop effective, sustainable responses to online child victimization; including responses to child sexual abuse images (Images). The ICAC Program can help increase Detectives capacity to combat technology facilitated crimes against children at every level.

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LAW ENFORCEMENT SENSITIVE



Internet Crimes Against Children Program

OPERATIONAL AND INVESTIGATIVE STANDARDS

ICAC Program Operational and Investigative Standards

FOR ICAC PURPOSES ONLY

Revised Update: October 16, 2014

Page 1 of 17

Page 107 of 211

City of South Fulton | November 10, 2020

**LIMITED OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE**

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Definitions of Terms

Applicability of Terms

Although some of the definitions below may be generally applicable to law enforcement, they are intended for use in the interpretation of these Standards. As such, where any term defined below is capitalized in these Standards, the Standards are referring to that term as defined below. By contrast, where any term defined below is not capitalized in these Standards, the Standards are referring to that term as it is used generally in the field of law enforcement.

“**Affiliate**” or **Affiliate Agency**” is an agency that is working with a Lead Agency as part of a regional or State ICAC Task Force. An Affiliate has agreed in writing to adhere to these Standards.

“**Authorized Personnel**” are Members who themselves lack powers of arrest but have been authorized by their respective agency to participate in Investigations and are being supervised by Sworn Personnel.

“**Commander**” is the Member of a Lead Agency who has been designated by that Lead Agency and recognized by OJJDP as the leader of the corresponding Task Force.

“**CEOS**” is the Child Exploitation and Obscenity Section of the Criminal Division of the DOJ.

“**Crime**” is any offense (or group thereof) that involves (or involve) the exploitation/victimization of children facilitated by technology.

“**CVIP**” is the Child Victim Identification Project operated by NCMEC.

“**CyberTipline**” is a reporting mechanism operated by NCMEC that allows for the reporting of suspected Crimes.

“**Deconflict**” is a process whereby Members are able to submit Investigative information to each other and/or to ICAC-related databases in order to determine whether other Members or other law enforcement agencies have information concerning the same targets or Crimes.

“**DOJ**” is the United States Department of Justice.

“**Employee**” is a sworn or compensated individual, or any individual working under the direction and control of a law enforcement agency.

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“**Equipment**” is any device or tool – including but not limited to computers, phones, and online accounts and services -- purchased or obtained for use in ICAC-related matters.

“**ICAC**” is the Internet Crimes Against Children Program, a national program composed of state and regional Task Forces.

“**Images**” are visual depictions in any form (image or video/printed or digital) of child sexual exploitation as defined by federal and/or state statute.

“**Investigation**” is an investigation into a Crime. Likewise, “Investigate” “Investigating” and “Investigative” are used within the same context.

“**Investigative Persona**” – any identity established or created by an Employee to aid an Investigation.

“**Investigator**” is a Member who is a part of the Sworn Personnel of a Task Force.

“**Lead**” or “**Lead Agency**” is the law enforcement agency that receives the ICAC grant and is designated by OJJDP to act as the lead agency for the corresponding Task Force.

“**Member**” is a Lead or Affiliate Agency’s employee who is either Sworn Personnel or Authorized Personnel and who has been designated to work on ICAC-related matters for his/her respective agency and Task Force.

“**National Initiative**” is any proposal that relies on the cooperation and resources of a significant number of Task Forces and, accordingly, has been approved by OJJDP.

“**NCMEC**” is the National Center for Missing and Exploited Children.

“**OJJDP**” is the Office of Juvenile Justice and Delinquency Prevention within the DOJ.

“**Supervisor**” is a Member who has been designated by his/her respective agency to supervise Investigations and other ICAC-related matters.

“**Standards**” are all of the provisions of these, the ICAC Operational and Investigative Standards.

“**Sworn Personnel**” are Members with powers of arrest.

“**Task Force**” is the Lead Agency and its Affiliate(s) (combined) as designated by OJJDP for a particular state or region.

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1. Purpose of the ICAC Standards

These Standards are established by OJJDP to guide administration and operation of ICAC and its Members when working on ICAC-related Investigations and matters.

ICAC Members should make every reasonable effort to comply with these Standards. However, since many aspects of Investigations are dynamic and laws vary widely between jurisdictions – their genesis; methods for their evidentiary pursuit; and their application within court – it is difficult to anticipate every circumstance that might present itself. Thus, reasonable deviations from these Standards may occur depending upon various factors (e.g., emergency situations; timing constraints; accessibility constraints; resource constraints; technology constraints; perceived conflicts between the Standards and statutes, decisional law, and court orders; et cetera).

Should questions regarding the interpretation of these Standards arise or conflicts occur between these Standards and agency policies or law, the subject Commander faced with the issue shall seek the guidance of an OJJDP Program Manager. However, nothing in these Standards is meant to interfere with a Commander's or Supervisor's lawful tactical decision-making.

Commanders may supplement, but not contradict, these Standards in the written agreements they establish with their Affiliates to promote the effective operation of their Task Forces.

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2. ICAC National Program

2.1 Mission of the ICAC Program

The Internet Crimes Against Children Task Force Program (ICAC) helps state and local law enforcement agencies develop an effective response to technology-facilitated child sexual exploitation and Internet crimes against children. This support encompasses forensic and investigative components, training and technical assistance, victim services, prevention and community education.

2.2 ICAC Background

The Internet Crimes Against Children Program (ICAC) is a national network of 61 coordinated task forces representing more than 3,500 federal, state, and local law enforcement and prosecutorial agencies. These agencies are engaged in both proactive and reactive investigations, forensic examinations, and criminal prosecutions. By helping state and local agencies develop effective, sustainable responses to online child victimization – including responses to child sexual abuse images (Images), The ICAC Program has increased law enforcement’s capacity to combat technology facilitated crimes against children at every level.

The ICAC Program was developed in response to the increasing number of children and teenagers using the Internet and other technology, the proliferation of child sexual abuse images available electronically, and the heightened online activity by predators seeking unsupervised contact with potential underage victims.

Because ICAC Members understand that arrests alone cannot resolve the problem of technology-facilitated child sexual exploitation, the ICAC Program is also dedicated to training law enforcement officers and prosecutors, as well as educating parents and youth about the potential dangers of online activity.

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3. Oversight of the ICAC Program

3.1 The oversight of the ICAC Task Force Program and the administration of ICAC grants is the responsibility of OJJDP. The oversight of each Task Force falls to its Commander. The oversight of each agency, both Lead and Affiliate, falls to its designated Supervisor.

3.2 Commanders shall ensure there are supervisory systems and protocols in place that provide for observation, documentation, and review of ICAC activity. Said systems shall comply with the principles of quality case management and shall ensure that ICAC activities comply with agency policies and these Standards.

3.3 Commanders shall ensure that each Member in his/her Lead Agency and each Supervisor of an Affiliate Agency receives a copy of the Standards.

3.3.1 Supervisors shall ensure that each Member in his/her Affiliate Agency receives a copy of the Standards.

3.4 Commanders shall submit all proposed National Initiatives to OJJDP prior to the start of the project.

3.4.1 OJJDP may suggest amendments to the original proposal following consultation with the presenting Commander and, as appropriate, other federal, state, and local entities.

3.5 Supervisors shall inform their Members about departmental or Task Force employee assistance programs and services available to them.

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4. Selection and Retention of Task Force Members

4.1 When practicable during the selection process of Members, Commanders and Supervisors shall evaluate prospective candidates for work histories that indicate prior investigative experience, courtroom testimony skills, technical knowledge and ability, an ability to prudently handle sensitive information, a genuine interest in the protection of children, and an understanding of the effects that Members may experience when exposed to Images.

4.2 Commanders and Supervisors shall acknowledge the potential effects of Investigations and exposure to Images. When practicable, they shall attempt to mitigate the potential effects of the work using, for example, the following techniques:

- *Work environment considerations* – Commanders and Supervisors are encouraged to provide a physical location for the work environment that allows the Investigator to conduct discreet Investigations.
- *Work flexibility* – Commanders and Supervisors are encouraged to allow flexibility for Investigators and others who are exposed to Images (e.g., frequent breaks, having an open-door policy, etc.).
- *Educating colleagues* – Commanders and Supervisors are encouraged to teach their colleagues that the viewing of Images is serious and restricted.
- *Work with Mental Health Providers (MHP)* – In compliance with their agency guidelines, Commanders and Supervisors are encouraged to work with MHP to make recommendations for care of Members and to provide education and training designed to minimize the impact of Images.
- *Training* -- Commanders and Supervisors are encouraged to share or seek out best practices for minimization of the impact of Images and to promote attendance at trainings regarding methods used to minimize said impact.

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5. Training

5.1 Carefully-managed Investigations conducted by well-trained Investigators are among the most effective techniques available to law enforcement for addressing Crime.

5.2 All national training curricula supported by ICAC resources shall be conducted consistent with the Standards and shall be approved by OJJDP.

5.3 Commanders shall ensure that nominees to attend any ICAC-sponsored national in-person training are current Members.

5.4 Task Forces may develop and deliver Task Force training. This training shall comply with the Standards and shall be approved by the Commander. All costs to develop and deliver the training shall be the responsibility of the Task Force or Affiliate providing the Task Force training.

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6. Case Management

6.1 Commanders and Supervisors are responsible for determining Investigative priorities and selecting cases for Investigation in their respective agencies. Those determinations shall include an assessment of victim risk, jurisdiction, known offender behavioral characteristics, and the likelihood of securing the information necessary to pursue each Investigation.

6.2 Conventional boundaries often are meaningless in today's digital world where the usual constraints of time, place, and distance lose their relevance. These factors increase the possibility of Lead and/or Affiliate Agencies targeting other law enforcement personnel, Investigating the same target, or inadvertently disrupting an ongoing Investigation. To foster effective case coordination, collaboration, and communication, each Member shall make every effort to Deconflict all active Investigations.

6.3 Lead and Affiliate Agencies shall be subject to their respective agency's incident reporting procedures and case supervision systems. At a minimum, a unique identifier shall be assigned to each case.

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7. Task Force Reporting Requirements to OJJDP

7.1 The reports described below do not replace the semi-annual progress report required by the Office of Justice Programs' Financial Guide.

7.2 Commanders shall compile and submit a Task Force Monthly Performance Measures Report to the OJJDP-designated location before the end of the following calendar month.

7.2.1 Affiliates shall report their activity to their respective Commander by the 10th of each month using the ICAC Monthly Performance Measures Report.

7.3 Commanders shall compile and submit information on all cases referred for local, state, or federal prosecution. Information is required for all cases referred by the Lead Agency, as well as all Affiliates that received more than \$20,000 a year in OJJDP ICAC funding, and any Affiliate the Commander selects to include. The case reporting requirement is ongoing and begins with the prosecutorial agency the case is referred to and continues through the final disposition of the case.

7.3.1 This ongoing quarterly report shall be submitted within 30 days of the end of the quarter.

7.4 Commanders shall compile and submit an annual report which details each of their Affiliates. The report shall be submitted in a method determined by OJJDP and shall include the following information:

7.4.1 The name of each Affiliate Agency.

7.4.2 The staffing level of each Affiliate including the number of Investigators, prosecutors, education specialists, and forensic specialists dedicated to Investigating and prosecuting Crime.

7.4.3 This ongoing annual report shall be submitted within 30 days of the end of the calendar year.

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8. Investigations

8.1 Investigations shall be conducted in a manner consistent with applicable laws and constitutional requirements.

8.2 Only Sworn Personnel shall conduct Investigations.

8.2.1 Authorized Personnel acting under the direction and supervision of Sworn Personnel may participate in Investigations.

8.2.2 Members shall not approve, condone, encourage, or promote cyber-vigilanteism by private citizens. As such, Members shall not use unauthorized private citizens to proactively seek out Investigative targets.

8.2.3 The above section (8.2.2) shall not preclude the use of information related to a Crime provided by victims or public citizens who discover evidence (e.g., CyberTip reports, mandated reports from professionals, computer repair shop complaints, parental complaints, et cetera). Nor does it preclude the use of authorized over-hears or other similar investigative methods designed to further an Investigation.

8.3 Investigations shall be documented. Any departures from this provision due to unusual or exigent circumstances shall be documented in the relevant case file and reviewed by the Supervisor.

8.3.1 The retention, storage, security, and disposal of Investigative or case information shall be consistent with the subject agency's policies and federal and state law regarding same.

8.3.2 Access to Investigative case files shall be restricted to Authorized Personnel.

8.4 Members shall not electronically upload, transmit, or forward any Images.

8.4.1 Section 8.4 shall not prohibit the transfer of evidence between Investigators as provided for by sections 8.9 and 8.10 of these Standards nor shall it prohibit the submission of Images to CVIP as provided for by section 10.1 of these Standards.

8.5 Visual depictions of any identifiable person used to represent an investigative persona or any identifiable minor, shall be only those of an Employee who has given his or her written consent and only if that Employee was at least 18 years old at the time of consent. Further, the depictions themselves may be of that Employee under the age of 18.

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8.6 Absent prosecutorial input to the contrary, during online dialogue, officers shall allow the Investigative target to set the tone, pace, and subject matter of the online conversation

8.6.1 The above section (8.6) shall not be construed to prohibit Investigators from performing any of the following activities when initiating or conducting an Investigation: (a) posting information including visual depictions (image or video/printed or digital) to establish an online presence, (b) placing advertisements or posts, or (c) sending messages.

8.6.2 Members shall familiarize themselves with relevant state and federal law, including but not limited to those regarding the defense of entrapment, and should confer with relevant prosecutors for legal consultation, as needed.

8.6.3 Members planning large-scale (multi-target) operations shall advise the Commander and shall consult relevant prosecutors regarding the operation.

8.7 The examination of digital storage devices shall be performed consistent with the subject agency's protocol.

8.8 Images shall be maintained pursuant to the subject agency's policy.

8.8.1 Absent a court order specifically ordering otherwise, evidence containing Images shall not be released to any defendant or representative thereof.

8.9 Absent exigent circumstances, all Members' case referrals between jurisdictions shall include:

- Notification to and acceptance by the Commander(s) of both jurisdictions that are involved in the referral;
- A secure (i.e., digitally-protected) copy of the case file;
- An official Investigative report or affidavit containing case details; and,
- Documentation, preferably the original, of all legal process conducted and all compliance with same, especially those documents related to the issue of jurisdiction and identification of suspect(s).

8.10 The transfer of evidence containing Images among law enforcement shall be done in a secure manner.

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9. Work Environment

9.1 ICAC Equipment shall be reserved for the exclusive use of its Members, and shall be used in accordance with their respective agency's policies.

9.2 When practicable, Equipment which might be used in undercover aspects of an Investigation shall be purchased covertly.

9.3 No personally-owned Equipment shall be used in Investigations.

9.4 Software shall be properly acquired and licensed.

9.5 Investigations shall be conducted in an approved work environment as designated by a Commander or Supervisor.

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10. Victim Identification

10.1 Identifying child victims of Crime is a critical element of the ICAC Program. DOJ and OJJDP require the Lead Agencies and Affiliates to submit Images to CVIP as a means to improve child victim identification. Absent exigent circumstances, Images shall be sent to CVIP pursuant to NCMEC's standards regarding same. In addition, Lead Agencies and Affiliates are encouraged to collaborate with NCMEC in their effort to identify children depicted in Images.

10.2 Absent exigent circumstances, victim-identifying information shall be protected from public disclosure pursuant to the protections set forth in federal and state law.

10.3 Lead Agencies and Affiliates shall adhere to local, state, and federal laws regarding mandated reporting, victim notification, and victim assistance.

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11. Public Awareness and Community Outreach

11.1 Public awareness activities and community outreach are a critical component of ICAC. Lead and Affiliate Agencies shall foster awareness and shall provide practical relevant guidance to children, parents, educators, and others concerned with child safety.

11.2 Presentations to school personnel, parents, and community groups are excellent ways to promote awareness. These presentations shall not depict identifiable victims nor shall they use pornographic or sexually explicit images. Presenters shall not discuss confidential Investigative techniques.

11.3 Members shall not endorse any product or service without the express written consent of an OJJDP Program Manager. While making public presentations, Members may indicate a preference for a product or service, but, where done, shall avoid an implicit endorsement and shall include alternatives in the presentation.

11.4 Materials and presentations shall be consistent with ICAC's mission and background, as enumerated in Section 2 of these Standards.

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12. Media Relations and Media Releases

12.1 Media releases relating to prosecutions, Crime alerts, or other matters concerning ICAC operations shall not include information regarding confidential Investigative techniques, and shall be coordinated, when applicable, with the law enforcement agencies involved with the subject Investigations, in a manner consistent with sound information management and sound media relations practices.

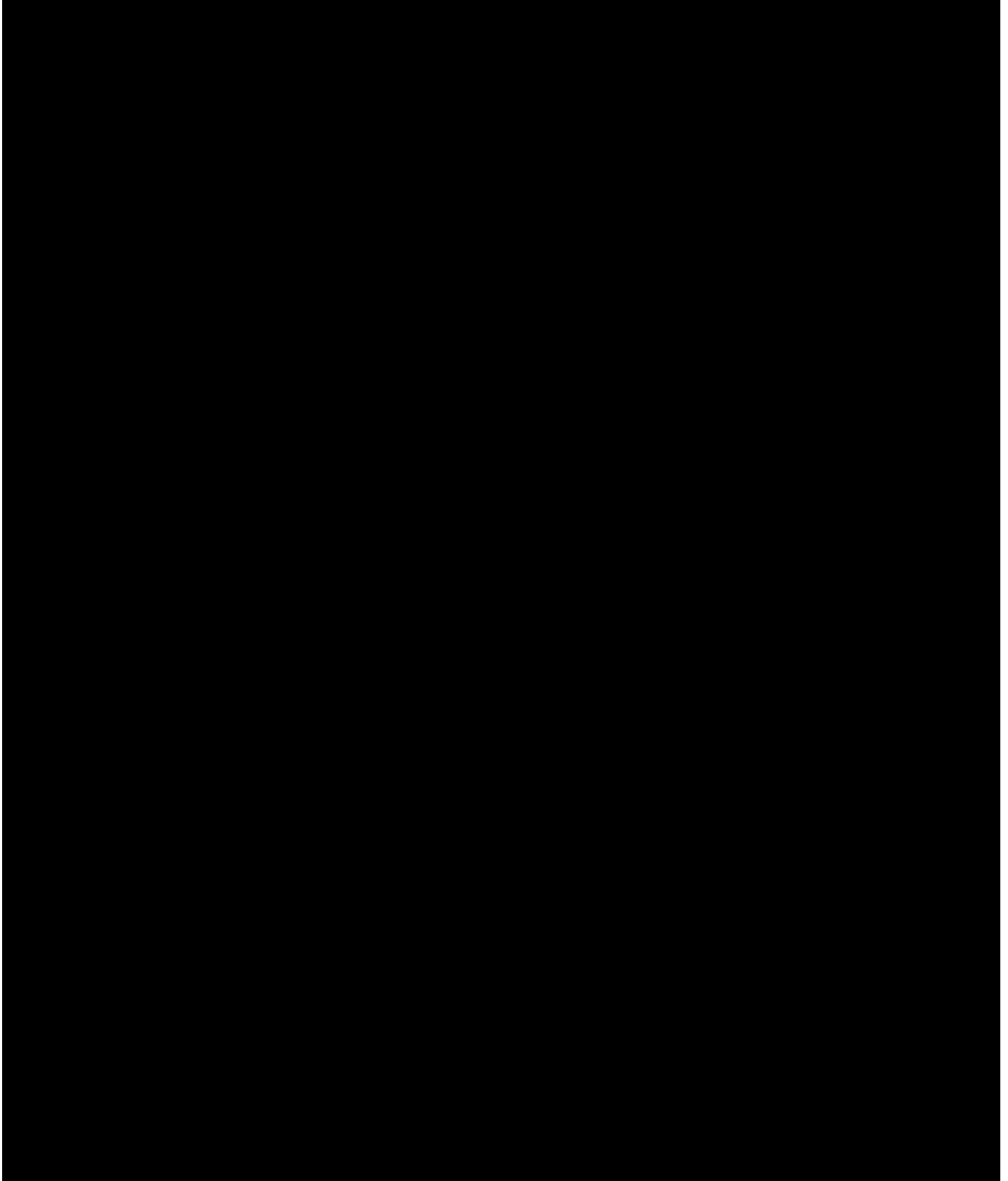
12.2 Commanders and Supervisors may speak to members of the media about their own agency's ICAC-related activities per the terms of their agency's policy on such media relations. No individual affiliated with ICAC may speak on behalf of the national ICAC Program without the express written consent of OJJDP.

12.3 Commanders shall inform their OJJDP Program Manager if approached by national media outlets about the national ICAC Program (as opposed to media seeking information about local activities) so that a coordinated national response can be prepared by OJJDP.

12.4 Information provided by Task Forces to the media shall be consistent with ICAC's mission and background, as described in Section 2 of these Standards.

End of ICAC Standards

GA ICAC TF – Affiliate Contact Form



The Georgia Internet Crimes Against Children Task Force

Equipment Agreement

The Georgia Bureau of Investigation and the Associate Member Agency, South Fulton Police Department, make this Agreement in conjunction with and in addition to the "Georgia Internet Crimes Against Children Task Force Agreement" this 4th day of November, 2020.

I. Statement of Intent and Concerns

The Associate Member Agency is provided with the equipment required for the sole purpose of conducting Internet Crimes Against Children investigations within their jurisdictional boundary. *This equipment, which includes a computer, monitor, keyboard, mouse, as well as, investigative and forensic software, was purchased by the GBI using U.S. Department of Justice, Office of Juvenile Justice Delinquency Prevention (OJJDP) grant funds for the Georgia Internet Crimes Against Children Task Force (GICTF).* This equipment will remain the property of the GICTF and is being loaned to the Associate Member Agency for use in Internet crimes against children investigations. The equipment must be made available by the Associate Member Agency for inspection by the GBI, the Department of Justice, or a representative of the ICAC Board of Director's anytime requested.

II. Commitment of Associate Member Agency

The Associate Member Agency agrees to conduct Internet crime against children investigations following the procedures of the OJJDP Internet Crime Against Children Task Force Board of Directors' protocol set forth in the attachment identified as "ICAC Program Operational and Investigative Standards". The Associate Member Agency will have sole discretion in deciding what investigations to initiate, the personnel assigned to the investigation and the methods used to conduct the investigation, except only sworn personnel trained to conduct on-line proactive investigations will be assigned to these cases. On-line proactive investigations are described as investigations conducted over the Internet to develop and collect evidence of perpetrators who are trying to entice children to commit sexual or indecent acts. ICAC proactive cases should only be worked by sworn personnel specially trained for on-line investigations and using equipment approved for ICAC investigations. Just as reverse drug buys are very complex, posing as a child on the Internet to develop probable cause to arrest a pedophile is also

very complicated. Established protocol must be strictly followed in on-line proactive investigations to ensure that the defendant cannot use entrapment as a defense. Part of the established protocol requires the running and maintaining of chat room logs. These logs should always be maintained as evidence. In addition, these logs should also be maintained for inspection by the GBI, the Department of Justice, or a representative of the ICAC Board of Director's anytime requested.

From time to time the GBI will send out National Center for Missing and Exploited Children (NCMEC) Cyber tips to the Associate Member Agency. These tips come from persons who have knowledge of someone who is in possession of child pornography, someone who is distributing child pornography, someone who is manufacturing child pornography, or someone who is using the Internet to entice children for sexual or indecent purposes. These tips might also include information on the human trafficking of children. When the GBI receives the cyber tips, its personnel develop intelligence data on the suspect perpetrator, identify the suspect's Internet Service Provider (ISP) and when possible obtain ISP subscriber information related to the suspect account. When the crime is identified as being perpetrated in the jurisdiction of the Associate Member Agency the cyber tip along with all the information developed by GBI will be provided to the agency. The decision to investigate the cyber tip is solely the discretion of the Associate Member Agency. However, the Associate Member Agency agrees to make a timely notification to the GBI as to whether the agency intends to investigate the cyber tip.

GBI personnel are always available to assist the Associate Member Agency in the technical aspects of any ICAC investigation including assisting in the development of probable cause for search warrants and the examination of any computer media seized during the investigation for evidence.

The Associate Member Agency agrees to provide the GBI with monthly information related to Internet crimes against children investigations within their agency if these investigations are conducted:

- a. Number of new ICAC investigations,
- b. Number of ICAC arrests,
- c. Number of ICAC convictions with details of sentences,
- d. Number of computer media examined for ICAC evidence to include total number of pieces and storage capacity for each device,
- e. Number of ICAC search warrants executed,
- f. Number of agencies provided assistance in ICAC investigations.

III. Withdrawal or Termination

The agreement memorialized herein shall not expire but can be terminated at any time by written agreement of either party. This Membership Agreement may be amended at any time as needed by either party. All such amendments, to be effective, must be in writing and executed by the both the GBI and the Associate Member Agency.

If for any reason either the GBI or the Associate Member Agency decide to terminate the agreement, the equipment will be returned to the GBI by the date of written termination.

IV. Agreement Controlled by Georgia Law

This agreement is made under the provisions and pursuant to the laws of the State of Georgia. This Equipment Usage Agreement shall be controlled by and construed according to the Constitution and laws of the State of Georgia. Further, this Agreement incorporates by reference herein the Memorandum of Understanding creating the Georgia Internet Crimes Against Children Task Force as of December 2000 and memorializes and reflects the entire agreement among the participating agencies.

V. Non-Severability

The provisions of the agreement shall be deemed to be nonseverable.

SO AGREED, this _____ day of _____, 20__.

As Representative of
the Georgia Bureau of Investigation

Associate Member Agency
Chief of Police

Georgia Internet Crimes Against Children Task Force

Memorandum of Understanding

Parties

The Georgia Internet Crimes Against Children (ICAC) Task Force is a partially grant-funded, multi-agency endeavor. Grant funding comes from the Department of Justice (DOJ), Office of Juvenile Justice and Delinquency Prevention (OJJDP).

This Memorandum of Understanding (MOU) is entered into by and between the following agencies:

South Fulton Police Department and the Georgia Bureau of Investigation

Nothing in this MOU should be construed as limiting or impeding the basic spirit of cooperation that exists between the participating agencies.

Mission

The mission of the Georgia ICAC Task Force is to detect, investigate, apprehend and prosecute individuals who exploit children through the use of computers or other digital media and the Internet. The Task Force will investigate crimes involving Internet sexual predators, to include the production, distribution and possession of child sexual abuse images (child pornography), human trafficking, specifically the commercial sexual exploitation of children, and child enticement. The Task Force will produce high-quality investigations leading to successful prosecutions of suspects who commit these types of crimes. The Task Force will participate in community education efforts regarding the prevention of Internet Crimes Against Children. The Task Force will provide funding for investigative training and equipment to member agencies.

Purpose

The purpose of this MOU is to delineate the responsibilities of the Georgia ICAC Task Force, maximize inter-agency cooperation, and formalize relationships between member agencies. The Task Force will investigate suspects who utilize the Internet to seek children as sexual partners and/or who traffic in child pornography. The Task Force will also partner with other state law enforcement agencies, as well as other affiliate agencies, to combat human trafficking of children in the State of Georgia. Specific ICAC crimes include sexual exploitation of a child, O.C.G.A. § 6-12-100. Under federal law, sexual exploitation of children is codified at 18 U.S.C. Chapter 110. This MOU does not prohibit the investigation of other Internet crimes against children.

Organizational Structure

The Georgia ICAC Task Force includes police officers, investigators, forensic computer specialists and supervisors, as well as prosecutors from various local, state, and federal law enforcement agencies who provide assistance subject to availability.

Georgia Internet Crimes Against Children Task Force

Direction

All participants acknowledge that the Task Force is a joint operation in which all agencies act as partners. The chain of command and supervision of the Georgia Bureau of Investigation, Child Exploitation and Computer Crimes Unit is responsible for the policy and general direction of the Task Force. The Task Force supervisor will periodically contact supervisors and investigators from other participating agencies to keep them informed of training opportunities, unusual circumstances, intelligence information, as well as the problems and successes of the Task Force.

Activities of the ICAC Task Force are further governed by the National ICAC Program Operational and Investigative Standards of the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention. The document describing the Operational and Investigative Standards contains confidential information not for public release. Member agencies must understand and comply with the standards. The standards are proprietary to OJJDP and the ICAC Working Group. Release of the standards is protected because release will jeopardize ongoing investigations. The National ICAC Program Operational and Investigative Standards are attached as "Attachment A."

Supervision

The day-to-day operational supervision and administrative control of the Task Force is the responsibility of the ICAC Task Force Commander and Assistant Commander. The Special Agent in Charge and the Assistant Special Agent in Charge, assigned to the Georgia Bureau of Investigation, Child Exploitation and Computer Crimes Unit (GBI/CEACC) are assigned as the ICAC Commander and Assistant Commander. These supervisors will work cooperatively with other supervisors and investigators from the participating agencies to keep them informed of Task Force issues and progress. Responsibility for the personal and professional conduct of Task Force members remains with the respective agencies, in accordance with each agency's rules regarding conduct.

Investigations

All Georgia ICAC Task Force investigations will be conducted in a spirit of cooperation. Investigations will follow guidelines established by each agency's respective policy manual or guidelines. This MOU is not intended to infringe on the ongoing investigations of any other agency. It is agreed that unilateral acts on the part of employees involved in Task Force investigations are not in the best interest of the Task Force.

When necessary to assist with the detecting, investigating and prosecuting of ICAC related crimes, all affiliate agencies of the Georgia ICAC Task Force will cooperate and share information with the other Georgia ICAC Task Force affiliate agencies and ICAC Task Forces across the United States and their affiliate agencies. All affiliate agencies of the Georgia ICAC Task Force will cooperate with and share information with the National Center for Missing and Exploited Children as it pertains to ICAC related crimes.

When information related to child pornography, child sex trafficking, child enticement or any other ICAC related investigation is forwarded to the affiliate agency, from either the National Center for Missing and Exploited Children (NCMEC) in the form of a cybertip or from another source, it is the affiliate agency's responsibility to review the information and handle the cybertip in a timely manner. The affiliate agency will be responsible for determining what, if any, actions will be taken based on the National ICAC Program Operational and Investigative Standards, the agency's

Georgia Internet Crimes Against Children Task Force

policies and procedures, and current Georgia law. It is the affiliate agency's responsibility to notify the ICAC Commander or Assistant ICAC Commander if the affiliate agency lacks the resources to investigate the information in a timely manner.

Public awareness activities and community outreach are a critical component of the ICAC Task Force. Affiliate Agencies shall foster awareness and shall provide practical relevant guidance to children, parents, educators, and others concerned with child safety through the use of Internet Safety Presentations in their jurisdictions. All requests for presentations made to the Georgia ICAC Task Force will be distributed to the affiliate agency responsible for that area of coverage and are to be conducted for the requester in a timely manner. Presentations to school personnel, parents, and community groups are excellent ways to promote awareness.

Prosecution

The criteria for determining whether to prosecute a particular violation in state or federal court is to achieve the greatest overall benefit to the public. Any question pertaining to jurisdiction will be resolved through discussions among the investigative and prosecutorial agencies having jurisdiction in the matter. When joint jurisdiction exists, this MOU does not preclude additional prosecution(s) in other jurisdictions.

Media Relations and Releases

Release of information to the media regarding joint Task Force operations will be coordinated and made jointly by all participant agencies. No unilateral press releases will be made by any participating agency without the prior approval of the other participants. No information pertaining to the Task Force will be released to the media without the approval of participant agencies. Media releases shall not include information regarding specific investigative techniques.

All efforts will be made to protect undercover on-line identities. Member agencies will refrain from releasing the undercover on-line identity, age, or sex of investigators. Release of such information could jeopardize ongoing investigations in which the same undercover name, age and sex are currently being used.

Funding for Equipment and Software

ICAC grant funds may be used to provide equipment and software to Task Force participants to be used during investigations involving Internet crimes against children. The equipment or software would be distributed to equip law enforcement with tools that will facilitate the investigative process. This equipment or software could include items such as a laptop computer and basic digital forensic equipment or software upon request and approval of the ICAC TF supervisor. Member agencies utilizing ICAC equipment or software agree to conduct investigations of crimes against children as required within their jurisdictions and accordance with ICAC standards. If the equipment fails to operate properly the affiliate will notify the ICAC Commander or Assistant ICAC Commander who will make a decision regarding repair, replacement or surplus of the item. Any decision to surplus equipment will be based on the policies of the GBI.

Georgia Internet Crimes Against Children Task Force

Funding for Training

ICAC grant funds may be used to provide training that would be useful in the investigation of Internet crimes against children. The training will permit Task Force participants to gain the knowledge and skills needed to investigate Internet crimes against children. Member agencies receiving ICAC funded training agree to conduct investigations of crimes against children as required within their jurisdictions. All travel paid for with ICAC grant funds must adhere to the State of Georgia Travel Policy and the Federal Travel Regulations including hotel and per diem amounts.

Duration and Termination

This MOU will remain in effect for a minimum two-year period beginning on the last date of signing listed below. Renewal of the agreement will be automatic unless the agreement is terminated by either party. Task Force member agencies may voluntarily withdraw participation at any time by providing written notice. Membership may be terminated by written notice of violation of the National ICAC Program Operational and Investigative Standards.

For the Georgia Bureau of Investigation

Date: _____

For the South Fulton Police, Chief of Police

Date: 11-4-2020

This document has been approved as to form by the GBI Director of Legal Services.

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Council 2nd Reading and Approval of An Ordinance to be known as the South Fulton Crown Act Anti-discrimination Ordinance

DATE: November 10, 2020

SUBJECT: Council 2nd Reading and Approval of An Ordinance to be known as the South Fulton Crown Act Anti-discrimination Ordinance

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Crown Act Anti-discrimination Ordinance (Baker & Reeves)	Cover Memo	11/5/2020
Crown Act Anti-discrimination Ordinance 1019 FIS	Cover Memo	11/5/2020

1 STATE OF GEORGIA
2 COUNTY OF FULTON
3 CITY OF SOUTH FULTON

4
5 AN ORDINANCE, TO BE KNOWN AS THE SOUTH FULTON CROWN ACT,
6 AMENDING TITLE 15, CRIMINAL OFFENSES, OF THE CITY CODE OF
7 ORDINANCES TO PROHIBIT BUSINESS, HOUSING, AND PUBLIC
8 ACCOMMODATION DISCRIMINATION BASED ON PROTECTIVE AND CULTURAL
9 HAIR TEXTURES AND HAIRSTYLES WITHIN THE CITY AND FOR OTHER LAWFUL
10 PURPOSES

11 (Sponsored by Councilmen Baker and Reeves)

12
13 WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly
14 organized and existing under the laws of the State of Georgia;

15
16 WHEREAS, the duly elected governing authority of the City, is the Mayor and
17 Council thereof (“City Council”);

18
19 WHEREAS, as a Home Rule municipality, the City possesses authority to enact
20 this Ordinance pursuant to its general and police powers which define, regulate, and
21 prohibit any act, practice, conduct, or use of property which is detrimental to the health,
22 sanitation, cleanliness, welfare, and safety of the inhabitants of the City;

23
24 WHEREAS, the City is further authorized to regulate business activities and
25 situations which may be dangerous to persons or property and so to promote or protect
26 the safety, health, peace, security, good order, comfort, convenience, or general welfare
27 of the city and its inhabitants;

28
29 WHEREAS, the City Council understands and acknowledges the importance of
30 racial equity and equal protection under the laws of the City;

31
32 WHEREAS, all citizens deserve to wear their natural hair without being denied
access to opportunity or experiencing discrimination;

33
34 WHEREAS, it is imperative that the City do its part to remove barriers to success
and health for persons within the City;

35
36 WHEREAS, the City Council desires to make certain that residents and religious
37 groups do not face natural hair discrimination in the workplace, when searching for a
home, and when entering a business within the City;

38
39 WHEREAS, the City may use this authority as a civil society to respond to
changing social, economic and political circumstances to maintain its vitality and order;

40
41 WHEREAS, the acknowledgment of rights proposed herein is necessary for the
accomplishment of such purposes herein and not unduly oppressive upon individuals;

42 **WHEREAS**, nothing in this amendment is intended to diminish the protections of
43 rights all individuals currently enjoy under existing interpretations of antidiscrimination
44 laws; and

45 **WHEREAS**, this Ordinance is in the best interests of the health and general
46 welfare of the City, its residents and general public.

47 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS** as
48 follows:

49 **Section 1.** The City of South Fulton Code of Ordinances, Title 15, Criminal
50 Offenses, is hereby amended by adding a new Section 15-8003 to Chapter 8, Unlawful
51 Discharge, which shall read as follows:
52
53

54 **TITLE 15 – CRIMINAL OFFENSES**

55 ...

56 **CHAPTER 9. – CROWN ACT**

57 **Sec. 15-9001. – Title**

58
59 This Chapter shall be known as the “South Fulton Crown Act.” Nothing in this
60 Chapter shall diminish the protections of rights all individuals currently enjoy under
61 existing interpretations of state and federal antidiscrimination laws.
62

63 **Sec. 15-9002. – Definitions**

64
65 “*Hairstyle*” means hair texture and styles of hair of any length, such as protective
66 or cultural hairstyles, natural hairstyles, and other forms of groomed hair presentation.
67

68 “*Protective and cultural hair textures and hairstyles*” means hairstyles and hair
69 textures most commonly associated with race, including, but not limited to braids,
70 cornrows, locs, Bantu knots, Afros, and twists, whether or not hair extensions or
71 treatments are used to create or maintain any such style, and whether or not hair is
72 adorned by hair ornaments, beads, or, headwraps.
73

74 **Sec. 15-9003. – Unlawful business practices**

75
76 Except where permitted based upon applicable national security regulations
77 established by the State of Georgia or federal government, it shall be unlawful for any
78 business owner and/or hiring personnel to discriminate against any person in any way
79 which would deprive or limit such person’s employment opportunities or otherwise
80 adversely affect their status as an applicant for employment with regard to tenure,
81 compensation, promotion or discharge because of hairstyles and protective and cultural
82 hair textures and hairstyles.
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Sec. 15-9004. – Unlawful housing practices

It shall be unlawful for any owner, real estate broker or any other person to refuse to sell, lease, sublease, rent, negotiate, assign or otherwise transfer the title or other interest in any dwelling to any person on the basis of hairstyles and protective and cultural hair textures and hairstyles.

Sec. 15-9005. – Unlawful public accommodation practices

It shall be an unlawful public accommodation practice for the owner, lessee, proprietor, manager, superintendent, agent or employee of any business or place of public accommodation to withhold from or deny to any person any of the accommodations, advantages, facilities, services or privileges, products or goods in such place of public accommodation on the basis of hairstyles and protective and cultural hair textures and hairstyles.

Section 2. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

Section 3. All Ordinance and Resolutions in conflict herewith are hereby expressly repealed.

Section 4. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the City Clerk.

126 **Section 5.** The City Police Chief, and/or his designee, in conjunction with the City
127 Attorney, shall be authorized to make forms for applications and the issuance of permits
128 consistent with the terms of this Ordinance and as permitted by State law.

129 **Section 6.** The effective date of this Ordinance shall be on the date as set forth
130 under Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state
131 and/or federal law.

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171 The foregoing Ordinance No. 2020-xxx was moved for approval by Councilmember
172 _____. The motion was seconded by Councilmember
173 _____, and being put to a vote, the result was as
174 follows:

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William "Bill" Edwards, Mayor
Carmalitha Gumbs, Mayor Pro Tem
Catherine Foster Rowell
Helen Zenobia Willis
Gertrude Naeema Gilyard
Corey Reeves
khalid kamau
Mark Baker

AYE NAY

187
188
189 THIS ORDINANCE so adopted this _____ day of _____ 2020. **CITY OF**
190 **SOUTH FULTON, GEORGIA.**

191
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193

194 _____
195 WILLIAM "BILL" EDWARDS, MAYOR

196
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ATTEST:

200

201 _____
202 CORY E. ADAMS, INTERIM CITY CLERK

203
204

APPROVED AS TO FORM:

205
206

207 _____
EMILIA C. WALKER, CITY ATTORNEY

GOVERNMENT OF THE CITY OF SOUTH FULTON

ODIE DONALD II
CITY MANAGER



FRANK MILAZI
Chief Financial Officer

MEMORANDUM

TO: Corey Adams, Interim City Clerk

FROM: Frank S. Milazi, CFO *FM*

DATE: October 19, 2020

SUBJECT: **Crown Act Anti-Discrimination Ordinance**

CONCLUSION

The City acknowledges the importance of racial equity and equal protection. As a Home Rule municipality, the City possesses authority to enact this Ordinance.

BACKGROUND

The City Council understands and acknowledges the importance of racial equity and equal protection under the laws of the City. All citizens deserve to wear their natural hair without being denied access to opportunity or experiencing discrimination.

FINANCIAL IMPACT

There will be no financial impact to the FY21 budget and/or FY21 fiscal year appropriations/allocations unless there will be additional enforcement of the ordinance.

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Council 2nd Reading and Approval of the Amended Historic Landmark Commission Ordinance

DATE: November 10, 2020

SUBJECT: Council 2nd Reading and Approval of the Amended Historic Landmark Commission Ordinance

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Amended Historic Landmark Commission Ordinance (khalid & Rowell)	Cover Memo	11/5/2020
Amended Historic Landmark Commission Ordinance 1008 FIS	Cover Memo	11/5/2020

1 STATE OF GEORGIA
2 COUNTY OF FULTON
3 CITY OF SOUTH FULTON

4
5
6 **AN ORDINANCE PROVIDING FOR REGULATIONS PROTECTING THE**
7 **HISTORICAL QUALITIES OF THE CITY; AMENDING TITLE 5, ZONING AND**
8 **PLANNING, CHAPTER 7, HISTORIC AND CULTURAL LANDMARKS COMMISSION**
9 **AND FOR OTHER LAWFUL PURPOSES**

10
11 **(Sponsored by Councilpersons khalid and Rowell)**

12
13 **WHEREAS**, the City of South Fulton (“City”) is a municipal corporation duly
14 organized and existing under the laws of the State of Georgia;

15
16 **WHEREAS**, the duly elected governing authority of the City, is the Mayor and
17 Council thereof (“City Council”);

18 **WHEREAS**, the City Council is authorized by O.C.G.A. Section 36-35-3 to adopt
19 ordinances relating to its property, affairs, and local government;

20 **WHEREAS**, Section 1.12(b)(4) of the City Charter authorizes the City to regulate
21 and license buildings and all other structures;

22
23 **WHEREAS**, the City Council desires to amend the existing Ordinance No 2017-
24 040 in order for the City to participate in and be eligible for Certified Local Government
25 Program; and to ensure compliance with both the Georgia Historic Preservation Act and
26 the Georgia Local Government Program Application and Procedures; and

27
28 **WHEREAS**, the City Council finds this Ordinance to be in the best interest of
29 the health, safety, and welfare of, the citizens of the City.

30
31 **NOW THEREFORE, THE COUNCIL OF THE CITY OF SOUTH FULTON**
32 **HEREBY ORDAINS** as follows:

33 **Section 1.** Title 5, Zoning and Planning, Chapter 7, Historic and Cultural
34 Landmarks Commission, Section 5-7001, Creation and Appointment is hereby amended
35 by replacing the same with the following:
36

37 **CHAPTER 7. - HISTORIC AND CULTURAL LANDMARKS COMMISSION**

38 **Sec. 5-7001. – Purpose, Authority, Definitions, Creation, and Appointment.**

39 (a) The mayor and council find that the historical and cultural heritage of the City is
40 among its most valued and important assets and that the preservation of this
41 heritage is essential to the promotion of the health, prosperity and general welfare
42 of the people of the City and of the public generally. Therefore, pursuant to the

43 authority conferred by the National Historic Preservation Act of 1976, as amended,
44 (16 USC 470 *et seq.*) and by the Georgia Historic Preservation Act of 1980, as
45 amended, (O.C.G.A. § 44-10-21 *et seq.*), and for the purposes of establishing a
46 uniform procedure for use in providing for the protection, enhancement,
47 perpetuation and use of historic properties and historic districts, having a special
48 historical and cultural interest or value; protecting and safeguarding the City's
49 historic and cultural heritage, as embodied and reflected in such properties and
50 districts; stabilizing and improving the property values of such properties and
51 districts to retain and attract residents and to encourage restoration and
52 rehabilitation efforts; protecting and enhancing the City's attractions to tourists and
53 visitors and the support and stimulus to business and industry thereby provided;
54 strengthening the economy of the City; enhancing the opportunities for federal and
55 state tax benefits under relevant provisions of federal and state law; seeking to
56 participate in federal and state programs that provide for the designation,
57 protection, preservation and rehabilitation of such properties and districts;
58 fostering civic pride in the beauty and accomplishments of the past; promoting the
59 use of such properties and districts for the education, pleasure, and welfare of the
60 people of the City; all in accordance with the City's adopted comprehensive plan,
61 as amended, the mayor and council hereby ordain and enact into law this chapter.

62 (b) The Historic and Cultural Landmarks Commission shall adopt rules and standards
63 for the transaction of its business and for consideration of application for
64 designation of Certificate of Appropriateness, such as by-laws, removal of
65 membership provision, and design guidelines and criteria. The Historic and Cultural
66 Landmarks Commission shall have the flexibility to adopt rules and standards
67 without amendment to this Ordinance.

68 (c) The provisions of this chapter shall govern all land, buildings and structures within
69 the incorporated limits of the city.

70 (d) The following words, terms and phrases when used in this chapter, shall have the
71 meanings ascribed to them in this section, except where the context clearly
72 indicates a different meaning:

73 *Certificate of Appropriateness* means a document approving a proposal to make a
74 material change in the appearance of a designated historic property or of a structure,
75 site, or work of art located within a designated historic district, which document must
76 be obtained from a Historic and Cultural Landmarks Commission before such material
77 change may be undertaken.

78 *Commission* means the Historic and Cultural Landmarks Commission created and
79 established pursuant to O.C.G.A. Section 44-10-24.

80 *Designation* means a decision by the mayor and council wherein a property or
81 district proposed for preservation is located to designate such property or district as a
82 "historic property" or as a "historic district" and thereafter to preclude all material
83 changes in appearance of such property or within such district prior to the issuance of
84 a certificate of appropriateness by the Historic and Cultural Landmarks Commission.

85 *Exterior architectural features* means the architectural style, general design and
86 general arrangement of the exterior of a building or other structure, including, but not
87 limited to the kind or texture of the building material; the type and style of all windows,
88 doors and signs; and other appurtenant architectural fixtures, features, details or
89 elements relative to the foregoing.

90 *Exterior environmental features* means all those aspects of the landscape which
91 affect the historic character of the property or the development of the site, including
92 but not limited to parking areas, driveways, walkways, fences, wall, landscaping, signs
93 or other permanent landscape elements; and other appurtenant environmental
94 fixtures, features, details or elements relative to the foregoing.

95 *Historic district* means a geographically definable area, urban or rural, which
96 contains structures, sites, works of art, or a combination thereof which:

- 97 i. Have special character or special historical or aesthetic interest or value;
- 98 ii. Represent one or more periods or styles of architecture typical of one or
99 more eras in the history of the municipality, county, state, or region; and
- 100 iii. Cause such area, by reason of such factors, to constitute a visibly
101 perceptible section of the municipality or county.

102 *Historic preservation jurisdiction* means the area within the incorporated limits of
103 the city.

104 *Historic property* means a structure, site, or work or art, including the adjacent
105 area necessary for the proper appreciation or use thereof, deemed worthy of
106 preservation by reason of its value to the municipality, county, state, or region for one
107 or more of the following reasons:

- 108 i. It is an outstanding example of a structure representative of its era;
- 109 ii. It is one of the few remaining examples of a past architectural style;
- 110 iii. It is a place or structure associated with an event or person of historic or
111 cultural significance to the municipality, county, state, or region; or
- 112 iv. It is a site of natural or aesthetic interest that is continuing to contribute to
113 the cultural or historical development and heritage of the municipality,
114 county, state, or region.

115 *Material change in appearance* means a change that will affect either the exterior
116 architectural or environmental features of a historic property or of any place, district,
117 site, building, structure, object or work of art within a historic district, including but not
118 limited to the following:

- 119 i. A reconstruction or alteration of the size, shape or facade of a historic
120 property, including relocation of any doors or windows or removal or
121 alteration of any architectural features, details or elements;
- 122 ii. Demolition or relocation of a historic property;
- 123 iii. Commencement of excavation;
- 124 iv. A change in the location of advertising visible from the public right-of-way
125 on any historic property; or
- 126 v. The erection, alteration, restoration or removal of any building or other
127 structures within a designated historic district, including walls, fences,
128 steps and pavements or other appurtenant environmental features,
129 except exterior paint alterations.

130 *Owner* means the holder of the title in fee simple.

131 *Parties in interest* means persons in possession of such property and all
132 individuals, associations and corporations who have an interest of record in the county
133 where the property is located in a place, site, building, structure or work of art,
134 including executors, administrators, guardians and trustees.

135 (e) There is hereby created the Historic and Cultural Landmarks Commission to be
136 comprised of ten members ("commission members"). Eight of the members shall be
137 qualified electors of the City who are appointed by the Mayor and ratified by the City
138 Council. The planning and development director and the building official shall be ex
139 officio, nonvoting members of the Historic and Cultural Landmarks Commission.

140 (f) The City Council shall appoint representatives who have demonstrated their civic
141 interest, general knowledge of the community, experience or education in history,
142 architecture, or the preservation of historic resources, independent judgment and
143 availability to prepare for and attend meetings. Whenever feasible, appointees
144 should be practicing professionals from the fields of architecture, landscape
145 architecture, history, urban planning, archeology, real estate, law, or other
146 disciplines related to historic preservation. All Historic and Cultural Landmarks
147 Commission members, regardless of background, shall have a known and
148 demonstrated interest, competence or knowledge in historic preservation and
149 planning within the city.

150 (g) As nearly as is reasonably possible, the Historic and Cultural Landmarks
151 Commission members as a whole shall fairly represent the ethnic makeup of the
152 city. All members shall be residents of the City.

153 (h) All Commission members shall serve without compensation.

154 **Section 2.** Title 5, Zoning and Planning, Chapter 7, Historic and Cultural
155 Landmarks Commission, Section 5-7004, Power and duties is hereby amended by
156 replacing the same with the following:
157

158 **CHAPTER 7. - HISTORIC AND CULTURAL LANDMARKS COMMISSION**

159 **Sec. 5-7004. - Power and duties.**

160 The Historic and Cultural Landmarks Commission shall be empowered to:

- 161 (1) Prepare an inventory of all property within the City's respective historic
162 preservation jurisdiction having the potential for designation as historic property.
- 163 (2) Recommend to the City council specific places, districts, sites, buildings,
164 structures, or works of art to be designated by ordinance as historic properties
165 or historic districts; Initiate and/or consider nominations, hold hearings and
166 recommend to the city council that certain structures and property be
167 designated as highly significant endangered, historic and cultural landmark or
168 demolition delay, or that an area containing two or more eligible structures be
169 designated as a historic and cultural landmark district.
- 170 (3) Review applications for certificates of appropriateness and grant or deny the
171 same in accordance with Code Section 44-10-28.
- 172 (4) Recommend to the city council that the designation of any place, district, site,
173 building, structure, or work of art as a historic property or as a historic district be
174 revoked or removed.
- 175 (5) Restore or preserve any historic properties acquired by the City.
- 176 (6) Promote the acquisition by the City of façade easements and conservation
177 easements in accordance with the provisions of the Georgia Uniform
178 Conservation Easement Act of 1992 and Georgia Annotated Code Sections 44-
179 10-1 through 44-10-8.
- 180 (7) Conduct an educational program on historic properties located within its historic
181 preservation jurisdiction.
- 182 (8) Make such investigations and studies of matters relating to historic preservation
183 as the local governing body or the commission itself may from time to time
184 deem necessary or appropriate for the purposes of this article.
- 185 (9) Seek out state and federal funds for historic preservation and make
186 recommendations to the local governing body concerning the most appropriate
187 use of any funds acquired.
- 188 (10) Consult with historic preservation experts in the Division of Historic
189 Preservation of the Department of Natural Resources or its successor and the
190 Georgia Trust for Historic Preservation, Inc.
- 191 (11) Submit to the Division of Historic Preservation of the Department of Natural
192 Resources or its successor a list of historic properties or historic districts
193 designated as such pursuant to Code Section 44-10-26.
- 194 (12) Perform historic preservation activities as the official agency of the City of South
195 Fulton Historic Preservation Program.

- 196 (13) Participate in private, state, and federal historic preservation programs and with
197 the consent of the South Fulton City Council, enter into agreements to do the
198 same.
- 199 (14) Receive donations, grants, funds, or gifts of historic property and acquire and
200 sell historic properties. The Commission shall not obligate the City without prior
201 consent.
- 202 (15) Review and make comments to the Historic Preservation Division of the
203 Department of Natural Resources concerning the nomination of properties
204 within its jurisdiction to the National Register of Historic Places.
- 205 (16) Prepare rules and procedures as necessary to carry out the business of the
206 Historic and Cultural Landmarks Commission, which shall be ratified by the city
207 council.
- 208 (17) Create committees from among its membership to advise the Historic and
209 Cultural Landmarks Commission in carrying out its powers and duties.
- 210 (18) Administer the city's certified local government program.
- 211 (19) Maintain written minutes, which record all actions taken by the Historic and
212 Cultural Landmarks Commission and the reasons for such actions.
- 213 (20) Increase public awareness of the value of historic, cultural, architectural and
214 archeological preservation by developing and participating in public education
215 programs.
- 216 (21) Conduct ongoing surveys to identify and list significant historical, cultural,
217 architectural and archeological resources.
- 218 (22) Make recommendations to the City council for the employment of professional
219 consultants as necessary to assist in carrying out the duties of the Historic and
220 Cultural Landmarks Commission.
- 221 (23) Create, maintain, revise and amend the historic resources survey.
- 222 (24) Maintain a current database of historic structures.
- 223 (25) Adopt, enforce and amend design guidelines for structures designated highly
224 significant endangered or historic and cultural landmark or located in a historic
225 and cultural landmark district.
- 226 (26) Hold hearings and make decisions concerning the issuance of certificates of
227 appropriateness for demolition, relocation or other work on designated
228 structures and, when appropriate, recommend salvage plans in connection with
229 such demolition, relocation or other work.
- 230 (27) Review public works and public utility projects to be constructed on the
231 premises of, or immediately adjacent to, historic structures and make
232 recommendations concerning whether they are appropriate to the character of
233 the area.
- 234 (28) Recommend enforcement actions to be taken against property owners who
235 permit the demolition by neglect of a designated historic structure or property.

- 236 (29) Advise and consult with the owners of historically and architecturally
237 significant structures.
- 238 (30) Propose incentive programs for rehabilitation of historically designated
239 structures and properties.
- 240 (31) Review requests regarding participation in historic preservation economic
241 incentive programs and forward recommendations concerning such requests to
242 the city council.
- 243 (32) Make recommendations to the city council concerning the utilization of city,
244 state, federal or private funds to promote historic preservation in the city.
- 245 (33) Recommend recognition of the owners of structures or property designated
246 in accordance by means of certificates, plaques or markers.
- 247 (34) Recommend to the city council that the city act as a conservator in the public
248 interest through mediation, arbitration or, in extreme cases, litigation.
- 249 (35) Recommend to the city council that the city accept the donation of
250 preservation easements and development rights, as well as gifts for the
251 purpose of historic preservation.
- 252 (36) Exercise such other and further powers as may be conferred on the Historic
253 and Cultural Landmarks Commission by city codes or ordinances.

254

255 **Section 3.** Title 5, Zoning and Planning, Chapter 7, Historic and Cultural
256 Landmarks Commission, is hereby amended by creating and adding Section 5-7007,
257 Designation by Ordinance of Historic Properties or Historic Districts:
258

259 **CHAPTER 7. - HISTORIC AND CULTURAL LANDMARKS COMMISSION**

260 **Sec. 5-7007. - Designation by Ordinance of Historic Properties or Historic**
261 **Districts.**

262

263 (a) Ordinances adopted by the City to designate historic properties or historic districts
264 shall be subject to the following requirements:

- 265 (1) Any ordinance designating any property as a historic property or any district as a
266 historic district shall require that the designated property or district be shown on
267 the official zoning map of the City or that, in the absence of an official zoning
268 map, the designated property or district be shown on a map of the City adopting
269 such ordinance and kept by the City as a public record to provide notice of such
270 designation in addition to other notice requirements specified by this section;
- 271 (2) Any ordinance designating any property as a historic property shall describe
272 each property to be designated, shall set forth the name or names of the owner
273 or owners of the property, and shall require that a certificate of appropriateness

274 be obtained from the Historic and Cultural Landmarks Commission prior to any
275 material change in appearance of the designated property; and

276 (3) Any ordinance designating any district as a historic district shall include a
277 description of the boundaries of the district, shall list each property located
278 therein, shall set forth the name or names of the owner or owners of each
279 property, and shall require that a certificate of appropriateness be obtained from
280 the Historic and Cultural Landmarks Commission prior to any material change in
281 appearance of any structure, site, or work of art located within the designated
282 historic district.

283
284 (b) No ordinance designating any property as a historic property and no ordinance
285 designating any district as a historic district nor any amendments thereto may be
286 adopted by the City nor may any property be accepted or acquired as historic property
287 by the City until the following procedural steps have been taken:

288
289 (1) The Commission shall make or cause to be made an investigation and shall
290 report on the historic, cultural, architectural, or aesthetic significance of each
291 place, district, site, building, structure, or work of art proposed for designation or
292 acquisition. This report shall be submitted to the Division of Historic Preservation
293 of the Department of Natural Resources or its successor which will be allowed 30
294 days to prepare written comments concerning the report;

295 (2) The Commission and the City shall hold a public hearing on the proposed
296 ordinance. Notice of the hearing shall be published at least three times in the
297 principal newspaper of general circulation within the municipality or county in
298 which the property or properties to be designated or acquired are located; and
299 written notice of the hearing shall be mailed by the Commission to all owners and
300 occupants of such properties. All the notices shall be published or mailed not
301 less than 10 nor more than 20 days prior to the date set for the public hearing;
302 and

303 (3) Following the public hearing, the City may adopt the ordinance as prepared,
304 adopt the ordinance with any amendments it deems necessary, or reject the
305 proposal.

306
307 (c) Within 30 days immediately following the adoption of the ordinance, the owners and
308 occupants of each designated historic property and the owners and occupants of each
309 structure, site, or work of art located within a designated historic district shall be given
310 written notification of such designation by the City, which notice shall apprise said
311 owners and occupants of the necessity for obtaining a Certificate of Appropriateness
312 prior to undertaking any material change in the appearance of the historic property
313 designated or within the historic district designated.

314
315 **Section 4.** Title 5, Zoning and Planning, Chapter 7, Historic and Cultural
316 Landmarks Commission, is hereby amended by creating and adding Section 5-7008,
317 Certificate of Appropriateness Requirements and Exemption:

318
319 **CHAPTER 7. - HISTORIC AND CULTURAL LANDMARKS COMMISSION**

320 **Sec. 5-7008. - Certificate of Appropriateness Requirements and Exemption.**

321 (a) After the designation by ordinance of a historic property or of a historic district, no
322 material change in the appearance of the historic property or of a structure, site, or work
323 of art within the historic district shall be made or be permitted to be made by the owner
324 or occupant thereof unless and until application for a Certificate of Appropriateness has
325 been submitted to and approved by the Commission. Such application shall be
326 accompanied by such drawings, photographs, or plans as may be required by the
327 Commission.

328
329 (b) The Department of Transportation and any contractors, including cities and counties,
330 performing work funded by the Department of Transportation are exempt from this
331 article. Local governments are exempt from the requirement of obtaining certificates of
332 appropriateness; provided, however, that local governments shall notify the Commission
333 45 days prior to beginning an undertaking that would otherwise require a Certificate of
334 Appropriateness and allow the Commission an opportunity to comment.

335
336 **Section 5.** Title 5, Zoning and Planning, Chapter 7, Historic and Cultural
337 Landmarks Commission, is hereby amended by creating and adding Section 5-7009,
338 Procedure for Review of Applications.
339

340 **CHAPTER 7. - HISTORIC AND CULTURAL LANDMARKS COMMISSION**

341 **Sec. 5-7009. - Procedure for Review of Applications.**

342 (a) Prior to reviewing an application for a Certificate of Appropriateness, the
343 Commission shall take such action as may reasonably be required to inform the owners
344 of any property likely to be affected materially by the application and shall give the
345 applicant and such owners an opportunity to be heard. In cases where the Commission
346 deems it necessary, it may hold a public hearing concerning the application.

347
348 (b) The Commission shall approve the application and issue a Certificate of
349 Appropriateness if it finds that the proposed material change in appearance would not
350 have a substantial adverse effect on the aesthetic, historical, or architectural
351 significance and value of the historic property or the historic district. In making this
352 determination, the Commission shall consider, in addition to any other pertinent factors,
353 the historical and architectural value and significance; architectural style; general
354 design, arrangement, texture, and material of the architectural features involved; and
355 the relationship thereof to the exterior architectural style and pertinent features of other
356 structures in the immediate neighborhood.

357 (c) In its review of applications for Certificates of Appropriateness, the Commission shall
358 not consider interior arrangement or uses having no effect on exterior architectural
359 features.

360 (d) The Commission shall approve or reject an application for a Certificate of
361 Appropriateness within 45 days after the filing thereof by the owner or occupant of a
362 historic property or of a structure, site, or work of art located within a historic district.
363 Evidence of approval shall be by a Certificate of Appropriateness issued by the
364 Commission. Failure of the Commission to act within the 45-day period shall constitute
365 approval, and no other evidence of approval shall be needed.

366 (e) In the event the Commission rejects an application, it shall state its reasons for doing
367 so and shall transmit a record of such action and the reasons therefor, in writing, to the
368 applicant. The Commission may suggest alternative courses of action it thinks proper if
369 it disapproves of the application submitted. The applicant, if he so desires, may make
370 modifications to the plans and may resubmit the application at any time after doing so.

371 (f) In cases where the application covers a material change in the appearance of a
372 structure which would require the issuance of a building permit, the rejection of an
373 application for a Certificate of Appropriateness by the Commission shall be binding
374 upon the building inspector or other administrative officer charged with issuing building
375 permits; and, in such a case, no building permit shall be issued.

376 (g) Where such action is authorized by the City and is reasonably necessary or
377 appropriate for the preservation of a unique historic property, the Commission may
378 enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or
379 otherwise of the property or any interest therein.

380 (h) Where, by reason of unusual circumstances, the strict application of any provision of
381 this article would result in exceptional practical difficulty or undue hardship upon any
382 owner of any specific property, the Commission, in passing upon applications, shall
383 have the power to vary or modify strict adherence to the provisions or to interpret the
384 meaning of the provision so as to relieve such difficulty or hardship; provided, however,
385 that such variance, modification, or interpretation shall remain in harmony with the
386 general purpose and intent of the provisions so that the architectural or historical
387 integrity or character of the property shall be conserved and substantial justice done. In
388 granting variations, the Commission may impose such reasonable and additional
389 stipulations and conditions as will in its judgment best fulfill the purpose of this article.

390 (i) The Commission shall keep a record of all applications for Certificates of
391 Appropriateness and of all its proceedings.

392 (j) Any person adversely affected by any determination made by the Commission
393 relative to the issuance or denial of a Certificate of Appropriateness may appeal such
394 determination to the City of South Fulton City Council in whose historic preservation
395 jurisdiction the property in question is located; and City Council may approve, modify
396 and approve, or reject the determination made by the Commission if the City Council

397 finds that the Commission abused its discretion in reaching its decision. The ordinances
398 adopted in conformity with Code Section 44-10-26 shall specify the procedures for the
399 review of decisions of the Commission by the City Council. Appeals from decisions of
400 the City Council made pursuant to this article may be taken to the superior court in the
401 manner provided by law for appeals from a conviction for municipal ordinance
402 violations.

403 **Section 6.** Title 5, Zoning and Planning, Chapter 7, Historic and Cultural
404 Landmarks Commission, is hereby amended by creating and adding Section 5-7010,
405 Maintenance of Historic Properties and Code Provisions.
406

407 **CHAPTER 7. - HISTORIC AND CULTURAL LANDMARKS COMMISSION**

408 **Sec. 5-7010. - Maintenance of Historic Properties and Code Provisions.**

409 (a) Ordinary Maintenance or Repair of any exterior architectural or environmental
410 feature in or on a historic property to correct deterioration, decay, or to sustain the
411 existing form, and that does not involve a material change in design, material or outer
412 appearance thereof, does not require a Certificate of Appropriateness.

413 (b) Property owners of historic properties or properties within historic district shall not
414 allow their buildings to deteriorate by failing to provide ordinary maintenance or repair.
415 The Commission shall be charged with the following responsibilities regarding
416 deterioration by neglect.

417 1. The Commission shall monitor the condition of historic properties and existing
418 buildings in historic districts to determine if they are being allowed to deteriorate
419 by neglect. Such conditions as broken windows, doors and exterior openings
420 which allow the elements and vermin to enter, or the deterioration of a building
421 structural system shall constitute failure to provide ordinary maintenance or
422 repair.

423 2. In the event the Commission determines a failure to provide ordinary
424 maintenance or repair, the Commission will notify the owner of the property and
425 set forth the steps which need to be taken to remedy the situation. The owner of
426 such property will have 30 days to bring the property into compliance.

427 3. In the event that the condition is not remedied in 30 days, the owner shall be
428 punished as provided in Section 5-7011 of this Ordinance and, at the direction of
429 the City of South Fulton City council, the Commission may perform such
430 maintenance or repair as is necessary to prevent deterioration by neglect. The
431 owner of the property shall be liable for the cost of such maintenance and repair
432 performed by the Commission.

433 (c) Nothing in this Ordinance shall be constructed as to exempt property owners from
434 complying with existing City building and zoning codes, nor prevent any property owner
435 from making any use of this property not prohibited by other statutes, ordinances, or
436 regulations.

437 **Section 7.** Title 5, Zoning and Planning, Chapter 7, Historic and Cultural
438 Landmarks Commission, is hereby amended by creating and adding Section 5-7011,
439 Penalty.
440

441 **CHAPTER 7. - HISTORIC AND CULTURAL LANDMARKS COMMISSION**

442 **Sec. 5-7011. - Penalty.**
443

444 Violations of any provisions of this Ordinance shall be punished in the same manner as
445 provides for punishment of violations of validly enacted Ordinances of the City of South
446 Fulton.
447

448 *****
449

450 **Section 8.** It is hereby declared to be the intention of the City Council that: (a) All
451 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were,
452 upon their enactment, believed by the City Council to be fully valid, enforceable and
453 constitutional.

454 (b) To the greatest extent allowed by law, each and every section, paragraph,
455 sentence, clause or phrase of this Ordinance is severable from every other section,
456 paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph,
457 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
458 section, paragraph, sentence, clause or phrase of this Resolution.

459 (c) In the event that any phrase, clause, sentence, paragraph or section of this
460 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or
461 otherwise unenforceable by the valid judgment or decree of any court of competent
462 jurisdiction, it is the express intent of the City Council that such invalidity,
463 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not
464 render invalid, unconstitutional or otherwise unenforceable any of the remaining
465 phrases, clauses, sentences, paragraphs or sections of the Ordinance.

466 **Section 9.** All Ordinances and Resolutions in conflict herewith are hereby expressly
467 repealed.

468 **Section 10.** The City Attorney, City Clerk and contracted City Codifier are
469 authorized to make non-substantive formatting and renumbering edits to this ordinance
470 for proofing, codification, and supplementation purposes. The final version of all
471 Ordinances shall be filed with the clerk.

472 **Section 11.** The effective date of this Ordinance shall be on the date as set forth
473 under Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state
474 and/or federal law.
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517 The foregoing Ordinance No. 2020-xxx was moved for approval by Councilmember
518 _____. The motion was seconded by Councilmember
519 _____, and being put to a vote, the result was as
520 follows:

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William "Bill" Edwards, Mayor
Carmalitha Gumbs, Mayor Pro Tem
Catherine Foster Rowell
Helen Zenobia Willis
Gertrude Naeema Gilyard
Corey Reeves
khalid kamau
Mark Baker

AYE

NAY

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535 THIS ORDINANCE so adopted this _____ day of _____ 2020. **CITY OF**
536 **SOUTH FULTON, GEORGIA.**

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540 _____
541 WILLIAM "BILL" EDWARDS, MAYOR

542

543 ATTEST:

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545

546 _____
547 CORY E. ADAMS, INTERIM CITY CLERK

548

549 APPROVED AS TO FORM:

550
551

552 _____
553 EMILIA C. WALKER, CITY ATTORNEY

GOVERNMENT OF THE CITY OF SOUTH FULTON

ODIE DONALD II
CITY MANAGER



FRANK MILAZI
Chief Financial Officer

MEMORANDUM

TO: Corey Adams, City Clerk

FROM: Frank S. Milazi, CFO *FM*

DATE: October 8, 2020

SUBJECT: Amended Historic Landmark Commission Ordinance

CONCLUSION

City Council desires to amend the existing Ordinance No 2017-040 in order for the City to participate and be eligible for the Certified Local Government Program. This will also help in ensuring compliance with both the Georgia Historic Preservation Act and the Georgia Local Government Program Application and Procedure.

BACKGROUND

City Council is authorized by O.C.G.A. Section 36-35-3 to adopt ordinances relating to its property, affairs, and local government.

FINANCIAL IMPACT

There will be no financial impact to the FY21 budget and/or FY21 fiscal year appropriations/allocations.

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Council 2nd Reading and Request Approval of An Ordinance Mandating Social Distancing at Restaurants

DATE: November 10, 2020

SUBJECT: Council 2nd Reading and Request Approval of An Ordinance Mandating Social Distancing at Restaurants

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Ordinance Mandating Social Distancing at Restaurants (Edwards) (2nd read 11.10.20)	Cover Memo	11/5/2020
Exhibit A to Ordinance Mandating Social Distancing at Restaurants	Cover Memo	11/5/2020

1 STATE OF GEORGIA
2 COUNTY OF FULTON
3 CITY OF SOUTH FULTON

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5
6 **AN ORDINANCE REQUIRING SOCIAL DISTANCING AT RESTAURANTS WITHIN**
7 **THE CITY OF SOUTH FULTON; PROVIDING FOR INCREASED COVID-19**
8 **PROTECTIONS AND FOR OTHER LAWFUL PURPOSES**

9
10 **(Sponsored by Mayor Edwards)**

11
12
13 **WHEREAS**, the City of South Fulton (“City”) is a municipal corporation duly
14 organized and existing under the laws of the State of Georgia;

15
16 **WHEREAS**, the duly elected governing authority of the City is the Mayor and
17 Council thereof (“City Council”);

18 **WHEREAS**, the City and governments across the world are responding in an
19 emergency capacity to an outbreak of respiratory disease caused by a novel coronavirus
20 (“COVID-19”);

21
22 **WHEREAS**, Georgia remains under a State of Emergency from COVID-19, with
23 the number of new cases and related deaths increasing daily throughout Fulton County
24 and several other counties within Georgia;

25
26 **WHEREAS**, it is vitally important that City residents, businesses and guests work
27 together to decrease the widespread proliferation of COVID-19;

28
29 **WHEREAS**, the City officials and officers have witnessed an increase in violations
30 of State Executive Orders by restaurants within the City;

31
32 **WHEREAS**, the City Council finds that such actions jeopardize public safety and
33 hinder the City’s goal to help minimize the spread of COVID-19 within the City; and

34
35 **WHEREAS**, the City Council finds this Ordinance to be in the best interests of the
36 health, safety and general welfare of the City, its residents and general public.

37
38 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS** as
39 follows:

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43 **Section 1.**

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A. Social Distancing in Restaurants Required. All restaurants in the City shall comply with the regulations pertaining to restaurants contained in Executive Order 09.30.20.01 issued by Governor Brian Kemp (attached hereto as Exhibit A), for the duration that such Executive Order is in effect and/or renewed. Among other things, Executive Order 10.30.20.01 mandates that restaurants:

- 1. Require workers to wear face coverings when interacting with patrons;
- 2. Redesign seating to ensure at least six (6) of separation from seating to seating or utilize physical barriers to sperate groups of seating within 6 feet; and
- 3. Do not allow patrons to congregate on restaurants or the curtilage thereof.

B. Restaurant Defined. “Restaurant” shall be defined under this Ordinance as any entity falling within the definition of a “food service establishment” as set forth under O.C.G.A. § 26-2-370(2), with the exception of food establishments in medical, nursing and long-term healthcare facilities.

C. Enforcement. Restaurants shall be issued a warning for their first violation of this Ordinance. Owners, operators, supervisors and managers of restaurants in violation of this Ordinance may be individually cited for such violation. Upon a restaurant’s second or subsequent violation of this Ordinance, offenders shall be punished by a fine of One Hundred (\$100) per violation. Each separate incident of non-compliance at least an hour apart shall constitute a separate violation of this Ordinance.

D. Masks and/or Facial Coverings Strongly Encouraged throughout Entire City. All City residents and visitors are strongly encouraged to wear face masks and/or facial coverings as practicable while outside their homes or places of residence.

E. Duration. This Ordinance shall go into effect on **November ____, 2020 at __am** and shall remain in effect for the duration that Executive Order 10.30.20.01 issued by the Georgia Governor is in effect and/or renewed.

F. Instruction to Police Department. The City Police Department is hereby instructed to provide copies of this Ordinance to all licensed restaurants within the City within ten (10) days of the adoption of this Ordinance.

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Section 2. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were,

86 upon their enactment, believed by the City Council to be fully valid, enforceable and
87 constitutional.

88 (b) To the greatest extent allowed by law, each and every section, paragraph,
89 sentence, clause or phrase of this Ordinance is severable from every other section,
90 paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph,
91 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
92 section, paragraph, sentence, clause or phrase of this Resolution.

93 (c) In the event that any phrase, clause, sentence, paragraph or section of this
94 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or
95 otherwise unenforceable by the valid judgment or decree of any court of competent
96 jurisdiction, it is the express intent of the City Council that such invalidity,
97 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not
98 render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases,
99 clauses, sentences, paragraphs or sections of the Ordinance.

100 **Section 3.** All Ordinance and Resolutions in conflict herewith are hereby expressly
101 repealed.

102 **Section 4.** The City Attorney, City Clerk and contracted City Codifier are authorized
103 to make non-substantive formatting and renumbering edits to this ordinance for proofing,
104 codification, and supplementation purposes. The final version of all ordinances shall be
105 filed with the clerk.

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123 The foregoing Ordinance No. 2019-xxx was moved for approval by Councilmember
124 _____ . The motion was seconded by Councilmember
125 _____ , and being put to a vote, the result was as follows:

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AYE NAY

William "Bill" Edwards, Mayor	_____	_____
Carmalitha Gumbs, Mayor Pro Tem	_____	_____
Catherine Foster Rowell	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Corey Reeves	_____	_____
Khalid Kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE so adopted this _____ day of _____ 2020. **CITY OF SOUTH FULTON, GEORGIA.**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

CORY ADAMS, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY



THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

RENEWAL OF PUBLIC HEALTH STATE OF EMERGENCY

- WHEREAS:** On March 14, 2020, due to the impact of COVID-19 on the State of Georgia, I issued Executive Order No. 03.14.20.01, declaring a Public Health State of Emergency in Georgia; and
- WHEREAS:** The Georgia General Assembly concurred with Executive Order 03.14.20.01 by joint resolution on March 16, 2020; and
- WHEREAS:** On April 8, 2020, I renewed the Public Health State of Emergency until May 13, 2020 by issuing Executive Order 04.08.20.02; and
- WHEREAS:** On April 30, 2020, I renewed the Public Health State of Emergency until June 12, 2020 by issuing Executive Order 04.30.20.01; and
- WHEREAS:** On May 28, 2020, I renewed the Public Health State of Emergency until July 12, 2020 by issuing Executive Order 05.28.20.01; and
- WHEREAS:** On June 29, 2020, I renewed the Public Health State of Emergency until August 11, 2020 by issuing Executive Order 06.29.20.01; and
- WHEREAS:** On July 31, 2020, I renewed the Public Health State of Emergency until September 10, 2020 by issuing Executive Order 07.31.20.01; and
- WHEREAS:** On August 31, 2020, I renewed the Public Health State of Emergency until October 10, 2020 by issuing Executive Order 08.31.20.01; and
- WHEREAS:** On September 30, 2020, I renewed the Public Health State of Emergency until November 9, 2020 by issuing Executive Order 09.30.20.01; and
- WHEREAS:** Code Section 38-3-51 vests the Governor with the power to renew any State of Emergency for a period not to exceed thirty (30) days; and
- WHEREAS:** There exists a continued need for protecting vulnerable populations, providing comprehensive testing, permitting economic flexibility

with reduced regulations, providing increased hospital capacity, and allowing the state expanded flexibility for procurement; and

WHEREAS: In consultation with the Commissioner of Public Health, the Director of the Georgia Emergency Management and Homeland Security Agency, the Adjutant General of the Georgia National Guard, and other state health and emergency preparedness officials, I have determined the public health emergency created by the spread of COVID-19 persists in the State, and that it is necessary and appropriate to renew the Public Health State of Emergency for thirty (30) days.

NOW, THEREFORE, PURSUANT TO CODE SECTION 38-3-51, AND THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY

ORDERED: That the Public Health State of Emergency declared by Executive Order 03.14.20.01 and renewed by Executive Orders 04.08.20.02, 04.30.20.01, 05.28.20.01, 06.29.20.01, 07.31.20.01, 08.31.20.01, and 09.30.20.01 which is set to expire on Monday, November 9, 2020 at 11:59 P.M., shall be renewed for thirty (30) days.

IT IS FURTHER

ORDERED: That the Public Health State of Emergency shall terminate on Wednesday, December 9, 2020, at 11:59 P.M., unless it is renewed by the Governor.

IT IS FURTHER

ORDERED: That the terms of Executive Orders 03.14.20.01, 04.08.20.02, 04.30.20.01, 05.28.20.01, 06.29.20.01, 07.31.20.01, 08.31.20.01, and 09.30.20.01 are hereby adopted by reference.

IT IS FURTHER

ORDERED: That Executive Order 04.08.20.05 is hereby extended for a period of thirty (30) days, and shall expire on Wednesday, December 9, 2020, at 11:59 P.M.

IT IS FURTHER

ORDERED: That if one or more of the provisions contained in this Order shall conflict with the provisions of any previous Executive Order or Agency Administrative Order, the provisions of this Order shall control. Further, in the event of any conflict, the provisions of any

Quarantine or Isolation Order issued to a specific person by the Department of Public Health shall control.

IT IS FURTHER

ORDERED: That nothing in this Order shall be construed to suspend or limit the sale, dispensing, or transportation of firearms or ammunition, or any component thereof.

IT IS FURTHER

ORDERED: That if one or more of the provisions contained in this Order shall be held to be invalid, in violation of the Georgia Constitution, in violation of Georgia law, or unenforceable in any respect, such invalidity, violation, or unenforceability shall not affect any other provisions of this Order, but, in such case, this Order shall be construed as if such invalid, illegal, or unenforceable provision had never been contained within the Order.

IT IS FURTHER

ORDERED: That no provision of this Order shall limit, infringe, suspend, or supplant any rights conferred by or any judicial order, judgment, or decree issued pursuant to the laws or constitution of this State or the laws or constitution of the United States, nor shall any person use any provision this Order as a defense to an action in violation of a judicial order, judgment, or decree by any court created pursuant to the laws or constitution of this State or the laws or constitution of the United States.

IT IS FURTHER

ORDERED: The Office of the Governor may continue to issue guidance on the scope of this Order as needed through communication media, including social media, without need for further Executive Orders.

IT IS FURTHER

ORDERED: All provisions of this Order shall become effective upon signature.

This 30th day of October, 2020.



GOVERNOR

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Council 2nd Reading and Request Approval of An Ordinance Title 16_Alcoholic Beverages Regulating Entertainment at Restaurants

DATE: November 10, 2020

SUBJECT: Council 2nd Reading and Request Approval of An Ordinance Title 16_Alcoholic Beverages Regulating Entertainment at Restaurants

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Revised Alcohol Ordinance Reg. Entertainment at Restaurants (Edwards)	Cover Memo	11/5/2020
Amended Alcohol Ordinance 0915 FIS	Cover Memo	11/5/2020

1 STATE OF GEORGIA
2 COUNTY OF FULTON
3 CITY OF SOUTH FULTON

4
5 AN ORDINANCE AMENDING TITLE 16, ALCOHOLIC BEVERAGES, OF THE CITY
6 CODE OF ORDINANCES PERTAINING TO ENTERTAINMENT AT ON-PREMISES
7 CONSUMPTION ESTABLISHMENTS; ENHANCING PUBLIC SAFETY AND FOR
8 OTHER LAWFUL PURPOSES.

9 (Sponsored by Mayor Edwards)

10
11 WHEREAS, the City of South Fulton ("City") is a municipal corporation duly
12 organized and existing under the laws of the State of Georgia;

13
14 WHEREAS, the duly elected governing authority of the City, is the Mayor and
15 Council thereof ("City Council");

16
17 WHEREAS, the Georgia Alcoholic Beverage Code (O.C.G.A. § 3-1-1 et al.)
18 regulates state-wide alcoholic beverage related activities in the State of Georgia;

19
20 WHEREAS, the City Council wishes to update City alcohol regulations; and

21
22 WHEREAS, this Ordinance is in the best interests of the health and general
23 welfare of the City, its residents and general public.

24
25 THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS as
26 follows:

27
28 Section 1: The City of South Fulton Code of Ordinances, Title 16, Alcohol
29 Beverages, Chapter 2, Licensing, is hereby amended by adding a new Subsection 16-
30 2003.1, Entertainment at on premises consumption establishments, which shall read as
31 follows:

32
33 TITLE 16 - ALCOHOLIC BEVERAGES

34
35 CHAPTER 2 - LICENSING

...

Sec. 16-2003.1. - Entertainment at on premises consumption establishments.

(a) Bands, orchestras, pool tables, musical entertainment and/or patron dancing shall only be permitted at an alcohol licensed consumption on the premises establishment if the following conditions are met:

- 36 (1) Adequate space exists after consideration of required NFPA occupancy and
37 seating;
- 38 (2) All fire and safety regulations are met;
- 39 (3) The appropriate license fee has been fully paid;
- 40 (4) The location installs and maintains security cameras in a secure location of a
41 type and number approved by the chief of police. Such cameras:
 - 42 i. Shall be capable of producing a retrievable image on film, tape, or any
43 readable medium that can be made a permanent record and enlarged
44 through projection or other means;
 - 45 ii. Shall be maintained in proper working order at all times and shall be subject
46 to periodic inspection by the chief of police or his designee. If a robbery or
47 other crime occurs in such outlet, the film or tape recording of such event
48 shall immediately be made available to the chief of police or his designee;
- 49 (5) No more than six pool tables are located in the establishment; and
- 50 (6) The musical entertainment at the establishment may not be heard from a
51 distance of more than 100 feet from the front and/or back doors of the
52 establishment.
- 53 (b) Alcohol licensed consumption on the premise establishments which offer patron
54 dancing and musical entertainment shall have at least two paid security officers,
55 who are certified, registered and/or licensed by the state to provide security
56 services, on duty, daily from 6pm until the close of business.

57
58 **Section 2.**

- 60 a. **Effective Date:** This Ordinance shall go into effect forty-five (45) days from the
61 date of adoption.
- 62
- 63 b. **Instruction to Police Department:** The City Police Department shall provide
64 copies of this Ordinance to all licensed consumption on premise establishments
65 within ten (10) days of the adoption of this Ordinance.

66
67 *****

68 **Section 3.** It is hereby declared to be the intention of the City Council that: (a) All
69 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were,
70 upon their enactment, believed by the City Council to be fully valid, enforceable and
71 constitutional.

72 (b) To the greatest extent allowed by law, each and every section, paragraph,
73 sentence, clause or phrase of this Ordinance is severable from every other section,
74 paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph,
75 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
76 section, paragraph, sentence, clause or phrase of this Resolution.

77 (c) In the event that any phrase, clause, sentence, paragraph or section of this
78 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or
79 otherwise unenforceable by the valid judgment or decree of any court of competent
80 jurisdiction, it is the express intent of the City Council that such invalidity,
81 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not
82 render invalid, unconstitutional or otherwise unenforceable any of the remaining
83 phrases, clauses, sentences, paragraphs or sections of the Ordinance.

84 **Section 4.** All Ordinance and Resolutions in conflict herewith are hereby expressly
85 repealed.

86 **Section 5.** The City Attorney, City Clerk and contracted City Codifier are authorized
87 to make non-substantive formatting and renumbering edits to this ordinance for
88 proofing, codification, and supplementation purposes. The final version of all
89 ordinances shall be filed with the clerk.

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122 The foregoing Ordinance No. 2020-xxx was moved for approval by Councilmember
123 _____ . The motion was seconded by Councilmember
124 _____ , and being put to a vote, the result was as
125 follows:

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AYE NAY

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William "Bill" Edwards, Mayor	_____	_____
Carmalitha Gumbs, Mayor Pro Tem	_____	_____
Catherine Foster Rowell	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Corey Reeves	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

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141 THIS ORDINANCE so adopted this _____ day of _____ 2020. **CITY OF**
142 **SOUTH FULTON, GEORGIA.**

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147 _____
WILLIAM "BILL" EDWARDS, MAYOR

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ATTEST:

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153 _____
CORY E. ADAMS, INTERIM CITY CLERK

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APPROVED AS TO FORM:

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159 _____
EMILIA C. WALKER, CITY ATTORNEY

GOVERNMENT OF THE CITY OF SOUTH FULTON

ODIE DONALD II
CITY MANAGER



FRANK MILAZI
Chief Financial Officer

MEMORANDUM

TO: Diane White, City Clerk

FROM: Frank S. Milazi, CFO *FM*

DATE: September 15, 2020

SUBJECT: Amended Alcohol Ordinance

CONCLUSION

The City of South Fulton Code of Ordinances, Title 16, Alcohol Beverages, Chapter 2, Licensing, is hereby amended by adding a new Subsection 16-2003.1, Entertainment at on premises consumption establishment. This Ordinance shall go into effect forty-five days from its date of adoption. The City Police Department shall provide copies of this Ordinance to all licensed consumption on premise establishments within ten (10) days of the adoption of this Ordinance.

BACKGROUND

The Georgia Alcoholic Beverage Code (O.C.G.A. § 3-1-1 et al.) regulates state-wide alcoholic beverage related activities in the State of Georgia. City Council wishes to update City alcohol regulation as the find that it is in the best interest of the overall health and general welfare.

FINANCIAL IMPACT

There will be no financial impact to the FY20 budget and/or FY20 fiscal year appropriations/allocations.

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of Resolution Adopting a City Vehicle Take-home Policy

DATE: November 10, 2020

SUBJECT: Request Council Approval of Resolution Adopting a City Vehicle Take-home Policy

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Resolution Adopting a City Vehicle Take-home Policy	Cover Memo	11/5/2020
Attachment to CoSF Take Home Policy	Cover Memo	11/5/2020

1 STATE OF GEORGIA
2 COUNTY OF FULTON
3 CITY OF SOUTH FULTON

4
5
6 **A RESOLUTION OF THE CITY OF SOUTH FULTON ADOPTING A CITY VEHICLE**
7 **TAKE HOME POLICY FOR CITY PERSONNEL AND FOR OTHER LAWFUL**
8 **PURPOSES**

9
10 **WHEREAS**, the City of South Fulton (“City”) is a municipal corporation duly
11 organized and existing under the laws of the State of Georgia;

12
13 **WHEREAS**, the duly elected governing authority of the City is the Mayor and
14 Council thereof (“City Council”);

15 **WHEREAS**, the City Council desires through this Resolution to adopt the City
16 vehicle take-home policy attached hereto; and

17 **WHEREAS**, this Resolution is in the best interests of the health, safety and general
18 welfare of the City and its employees, residents and visitors.

19 **THE COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, HEREBY**
20 **RESOLVES** as follows:

21
22 **Section 1.** *The City Vehicle Take-home Policy*, attached hereto is hereby adopted
23 by the City of South Fulton.

24
25 *****

26 **Section 2.** It is hereby declared to be the intention of the City Council that: (a) All
27 sections, paragraphs, sentences, clauses and phrases of this Resolution are or were,
28 upon their enactment, believed by the City Council to be fully valid, enforceable and
29 constitutional.

30 (b) To the greatest extent allowed by law, each and every section, paragraph, sentence,
31 clause or phrase of this Resolution is severable from every other section, paragraph,
32 sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause
33 or phrase of this Resolution is mutually dependent upon any other section, paragraph,
34 sentence, clause or phrase of this Resolution.

35 (c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution
36 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
37 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is

38 the express intent of the City Council that such invalidity, unconstitutionality or
39 unenforceability shall, to the greatest extent allowed by law, not render invalid,
40 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
41 sentences, paragraphs or sections of the Resolution.

42 **Section 3.** The City Attorney and City Clerk are authorized to make non-substantive
43 editing and renumbering revisions to this Resolution for proofing, codification, and
44 supplementation purposes. The final version of all resolutions shall be filed with the City
45 Clerk.

46 **Section 4.** The effective date of this Resolution shall be one week from the date of
47 adoption, unless provided otherwise by the City Charter or state and/or federal law.

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The foregoing RESOLUTION No. 2020-_____, adopted on _____
was offered by Councilmember _____, who moved its approval. The motion

79 was seconded by Councilmember _____, and being put to a vote, the result
80 was as follows:

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William "Bill" Edwards, Mayor
Carmalitha Gumbs, Mayor Pro Tem
Catherine Foster Rowell
Helen Zenobia Willis
Gertrude Naeema Gilyard
Corey Reeves
khalid kamau
Mark Baker

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THIS RESOLUTION adopted this _____ day of _____ 2020. **CITY OF SOUTH FULTON, GEORGIA**

100 _____
WILLIAM "BILL" EDWARDS, MAYOR

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ATTEST:

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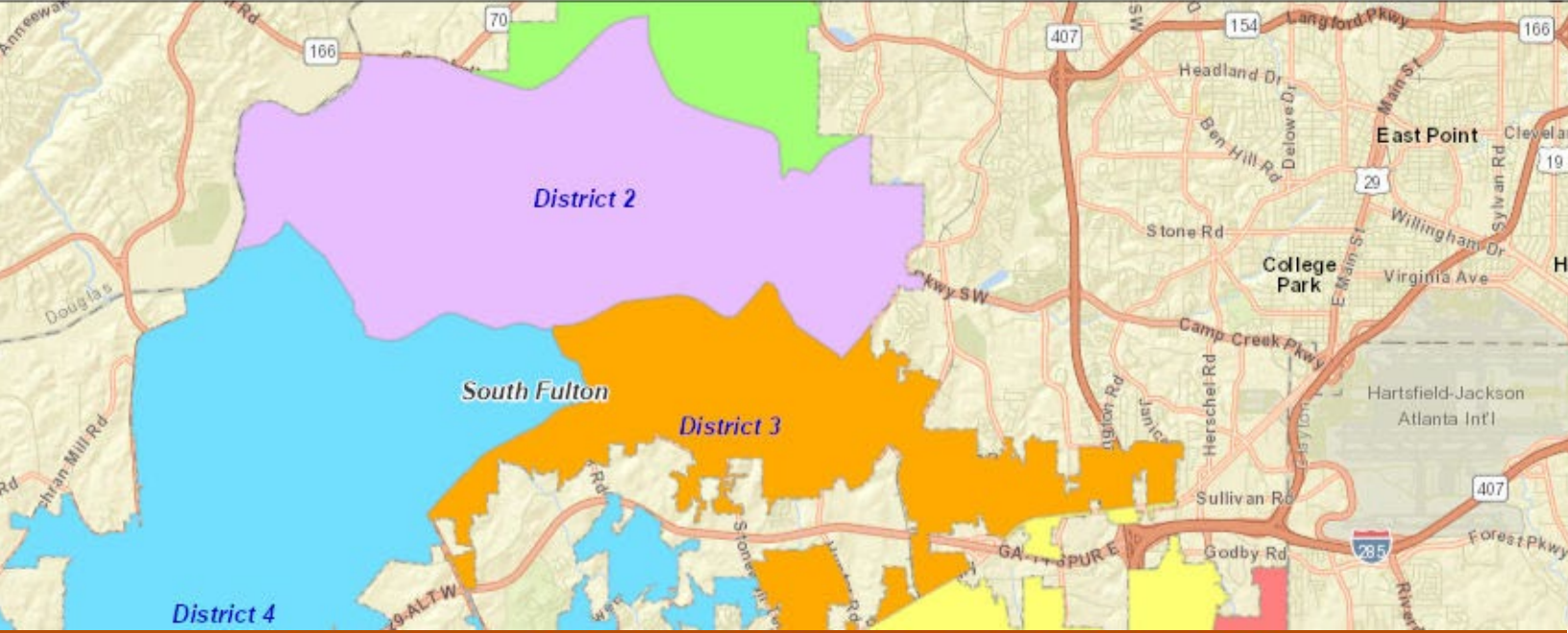
107 _____
CORY ADAMS, CITY CLERK

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APPROVED AS TO FORM:

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113 _____
EMILIA C. WALKER, CITY ATTORNEY



TAKE-HOME VEHICLE POLICY



Including Vehicle Pool Standard Operations Procedures



DEPARTMENT OF PUBLIC WORKS

Antonio M. Valenzuela, Director

Bobby Gant, Fleet Manager

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Purpose

This policy is intended to ensure the safety and well-being of City employees; to facilitate the efficient and effective use of City resources; to minimize the City's exposure to liability; to monitor the use of City-owned vehicles; to establish a uniform, comprehensive policy and criteria for the assignment, use and administrative control of vehicles assigned to employees to conduct city business.

The City of South Fulton may provide take-home vehicles to employees whose responsibilities necessitate the need to regularly report to a worksite during off duty hours for the purpose of protecting life and property. Each department director will be responsible for justifying the assignment of each take-home vehicle.

As a cost savings measure, other methods of response should be considered prior to recommending the assignment of a take-home vehicle. It is the intention of administration to assign take-home vehicles only to the extent necessary to operate in an effective and efficient manner.

The use of take-home vehicles is a privilege. The City expects employees with assigned take-home vehicles to act responsibly and use necessary discretions in the operation of the vehicle. Violation of City or state laws governing such use may lead to that privilege being revoked or other disciplinary actions as applicable.

Applicability

Department heads, elected officials, employees, or other authorized individuals operating a vehicle owned by the City of South Fulton, or that are reimbursed for the personal use of their private automobile, shall comply with this policy.

Definitions

Authorized Driver/Operator: An employee given permission to operate a City vehicle. Such driver must possess a valid and appropriate 'State' driver license or a Commercial driver's license (CDL) with an acceptable driving history.

Call Out/On Call: A directive to an employee to report to a worksite during off duty hours and to respond to emergencies which require immediate response in order to protect life and property.

Employee: An individual employed by the City of South Fulton government for compensation.

Executive Management Team: Comprised of the City Manager, Assistant City Manager, Chief Financial Officer.

Markings: All vehicles will be marked appropriately with the City seal, vehicle numbers and any other markings required by the Fleet Services Division. Exceptions of this requirement must be reviewed by the appropriate Executive Management Team member and submitted to the City Manager for approval.

Official City Business: Bona fide use of a City vehicle for city business, including city-authorized training.

Take-Home Vehicle: A City vehicle assigned to a City employee for official City business and for commuting to and from the employee's home and worksite.

Vehicle: A mechanized piece of equipment used to transport passengers or equipment and permitted by law to operate on streets and roadways.

Worksite: The office or site where an employee normally reports to perform scheduled work.

Responsibility/Accountability

In general, each department head will have the responsibility of assigning City vehicles to employees as required to conduct official business based upon their department's operations. However, all take-home vehicle assignments unless otherwise specified in this policy must be approved by the City Manager.

Department heads are responsible for assuring that all policies herein are met before authorizing the use of such vehicle. If the need for an exception is urgent and temporary, the department head may proceed with the exception. Department heads are responsible for ensuring the vehicles assigned to their departments are operated as this policy dictates and the vehicle use meets all criteria outlined in this procedure. Department heads shall ensure employees operating the department's vehicle possess a valid operator's license at the time of assignment as appropriate to the type of vehicle operated. Department heads are responsible for providing a copy of this policy to each driver and provide Human Resources with the original signed acknowledgment for inclusion in their personnel file. See Appendix B attached hereto. Furthermore, it will be the department heads responsibility to evaluate the need for employees to be assigned a take-home vehicle on a regular but at minimum annually. The department head shall, on an annual basis (in October), submit justification, to the appropriate executive management team. The justification shall include a justification of the need for the employee to take a city vehicle home. Department head must maintain documentation to support the need for the employee to take a city vehicle home and provide copy to Public Works. Lack of this support may result in denial of take-home vehicle assignments.

The Public Works Director or designee is responsible for maintaining a list record of all City take-home vehicles and assignments. Human Resources is responsible for conducting bi-annual Motor Vehicle Records (MVR) checks for all drivers of City vehicles and retaining a copy of their 'State driver's license. Drivers found to have an unacceptable driving record will lose their take home vehicle privilege. Employee must notify their department head and Human Resources immediately of any driving infractions or pending charges that affect or could affect their driver's license status. The Risk Manager will make the determination as to the current and/or future driving privilege status of the driver and/or other recommendations to ensure a safe driving habits. These actions may include, but are not inclusive of, enrollment in defensive driving and/or disciplinary actions.

Use of Vehicles

The City vehicle shall be used to perform “Official City Business” only.

City Vehicle Take-Home Privileges

A. Eligibility for vehicle take-home privileges for Public Safety and Public Facilities

Employees who live within the Metropolitan Atlanta Area:

- **For Public Safety (Police):** The Chief of Police and only those officers who are determined to be necessary for callback on an emergency basis for incident response or investigations will be eligible for take-home privileges to residences within the Metropolitan Atlanta Area. The vehicle must be equipped as an emergency response vehicle to qualify for this privilege.

The Chief of Police will determine those who qualify under this provision and report to the City Manager on a quarterly basis.

- **For Public Safety (Fire):** The Fire Chief and only those officers who are determined to be necessary for callback on an emergency basis for incident response, operational support or investigations will be eligible for take-home privileges to residences within the Metropolitan Atlanta Area. The vehicle must be equipped as an emergency response vehicle to qualify for this privilege.

The Chief of Fire will determine those who qualify under this provision and report to the City Manager on a quarterly basis.

- **For Public Facilities (Public Works):** The Public Works Director and only those individuals who are determined to be skilled and needed for callback to respond to City facility emergencies (such as electrical, heating or air conditioning outages, etc.) will be eligible for take-home privileges to residences within the Metropolitan Atlanta Area. The vehicle must be equipped with the tools necessary for the appropriate response to qualify under this provision.

The Director of Public Works will determine those who qualify under this provision and report to the City Manager on a quarterly basis.

B. Eligibility for vehicle take – home for Public Safety and Public Facilities

Employees who live outside the City of South Fulton:

- All other employees who qualify for a take home vehicle under this policy, but who live outside the City of South Fulton, may choose one of the following options:
 - a. Parking the vehicle at the closest City facility to home for drop-off and pick-up;

- b. Using a personal vehicle for call-backs and charging mileage (a combination of a and b
- c. Paying the City, a commute fee of \$.10 per mile from the City line to the employee's residence and back via payroll deduction.

II. Other Circumstances Where Overnight, Take-Home Privileges May be Granted

On a case-by-case basis, a Department Head may authorize temporary overnight take-home privileges for an employee. In those instances, the employee must have attended an authorized meeting as an official representative, and it is reasonable to return the vehicle to its normal location. In such instances, the Department Head must document for file the temporary overnight privilege to indicate the justification for the action.

III. City Vehicle Range

For day-to-day business, authorization to take a vehicle outside of the Atlanta Metropolitan Area (e.g., Macon, Columbus, etc.) must be approved in writing by the City Manager or his/her designee. For purposes of this policy, the Atlanta Metropolitan area is defined as the 20-county area as established by the United States Census Bureau. These counties include: Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, Pickens, Rockdale, Spalding, and Walton.

IV. Report to City Council

The Director of Public Works will provide a semi-annual report to the City Council identifying City take-home vehicles, including, type of vehicle; employee's name and residence; and justification.

Additions/deletions to the Overnight Vehicle List must be approved by the City Manager who will include them on the next semi-annual report to the City Council.

V. Miscellaneous Provisions for the Use of Vehicles on City Business

The City will endeavor to:

- A. Provide transportation when available, or make reimbursement of costs incurred, to employees traveling on official business for the City.
- B. Assign City vehicles full time during the working day to specific employees based on a justified need and not because of position.
- C. Provide City vehicles, as available, to ~~other~~ employees having less than full time needs.
- D. Encourage use of public transportation system when business is near Metropolitan Atlanta Rapid Transit Authority line.
- E. Encourage use of the City-wide motor pool.

- F. Authorize reimbursement at the current City-approved rate-per-mile for the use of privately-owned vehicles only when it is deemed necessary, and in the City's best interest.

DRAFT

VI. Vehicle Assignment

Vehicle assignment for business purposes may be categorized in the following manner:

- Exclusive Assignment – Restricted: The authorized use of a City vehicle by a designated City employee/ position for the purposes of efficiently and effectively performing City business.
- Exclusive Assignment – Unrestricted: the assigned, unrestricted use of a City vehicle on a 24-hour basis within the Metropolitan Atlanta area and encompasses commuting to and from home and 'de minimus' personal use. Examples of "de minimus" personal use include lunch and/or a personal errand on the way between a City work location/activity and the employee's home. Exclusive assignment is limited to specific positions within the City, i.e., Police Departments, whose response time to urgent and immediate needs of public safety duties and responsibilities are essential. The specific positions for unrestricted, exclusive assignment will be determined by the City Manager.

Unrestricted use of Public Safety (fire department and law enforcement) vehicles by specifically authorized personnel is allowed. Such unrestricted use must encompass an urgent and immediate need to respond to public safety duties and responsibilities where response time is essential. All such assignments must be recommended by the appropriate Public Safety Department Directors and approved by the City Manager.

- Eight-Hour Assignment: the assigned use of a City vehicle by a designated employee/position for the efficient and effective performance of City business during the respective employees assigned work period which may in fact be more than eight hours depending on job assignment as approved by the Department Head. Such assignment allows for use of the City vehicle for all authorized uses except for commuting between normal worksite and personal residence.

An eight-hour assignment of a City vehicle may be approved when:

- A vehicle is needed and used extensively each working day, or
 - The nature of one's work may cause unusual depreciation and wear on a personal vehicle.
- Pool Assignment: the assigned use of a City vehicle by employees for the efficient and effective performance of City business on an as needed basis.

City vehicles not assigned to a specific employee/position are designated as Department Pool Assignment vehicles. These vehicles are to be utilized by City personnel as directed by the owning Department Head or his/her designee.

Department Pool Assignment vehicles should normally be used to handle a department's short-term (approximately eight hours) transportation requirements; however, they may be used on a temporary basis for periods greater than a day when approved by the Department Head, to accomplish essential City business. The Department Head shall document for file the justification for this approved action.

- Personal Vehicle Use: allowed in the performance of City business when a City vehicle is not otherwise appropriate or available. Reimbursement shall be accomplished on an allowance or mileage basis as outlined later in this policy.
 - Individuals using personal vehicles on official City business are required to carry, at a minimum, the Georgia auto liability limits as evidence of financial responsibility. This is always the primary insurance coverage for the employee's vehicle, including when the vehicle is used on official City business.
 - Approved officials or employees who use their personal vehicles for City business may be reimbursed on a per mileage basis. Mileage for transit between home and work and between work and lunch does not qualify for reimbursement.
 - Persons in this category of assignment who consistently travel more than 500 miles per month in the conduct of City business may be considered for another type of vehicle assignment.
 - *Reimbursement requests:* The "Mileage Reimbursement Request" form shall be signed by the employee requesting the reimbursement and verified by the employee's Department Head. Reimbursement documents shall be filed with the Finance Department. The Finance Director may employ any reasonable means of checking the validity of mileage reimbursement requests. Any inaccurate record keeping shall subject the requesting employee to disciplinary action in accordance with applicable City of South Fulton policy.
 - In general, the City assumes no liability for property and/or personal injury damages for employees operating a personal vehicle while conducting official City business.

VII. Other Vehicle Use Considerations

- Mass Transit: High priority should be given to the use of public transportation systems. Employees using mass transportation for official business can submit a receipt for reimbursement.
- Taxation: Personal use of a City vehicle will subject the employee to the Internal Revenue Service (IRS) tax liability guidelines. Positions that meet the Public Safety requirements of the IRS code are exempt. The Internal Revenue Code requires the value of using a City vehicle for commuting to and from work to be taxed as income subject to federal, state and FICA withholding requirements.

VIII. Approval Process

All assignments, including reimbursement for use of personal vehicles, are subject to the monetary limitations imposed by the City of South Fulton City Council as part of the annual budget process. Semi-annually, each Department Head will assess the status of the vehicle assignments, utilizing the five categories outlined in Section VI.

On or before March 31st and September 30th of each year, Department Heads will submit justification for requirements for exclusive and eight-hour assignments to the Director of the Public Works. These requirements should be submitted using the "Request for Vehicle Assignment" form. The Public Works Director will provide a consolidated recommendation to the City Manager for his/her review and presentation to the City for the fourth Tuesday Council Meeting in April and October of each year.

In the case of mileage and vehicle allowance, reviews will be conducted annually in conjunction with the September report.

IX. Driver Responsibilities**A. Driver Qualifications**

Only City employees who hold a valid Georgia or other state driver's license and who meet the following driver's qualifications shall be allowed to operate City vehicles or drive their personal vehicles while conducting official City business:

- Have at least one year of experience in the class of vehicle to be operated or have received proper training in the operation of the vehicle prior to use.
- Must meet driver's licensing requirements.
- Must provide an initial Driving History Report (MVR) and annually thereafter.

- An employee will not qualify for a City vehicle if, during the last 36 months, the driver had any of the following experiences:
 - Been convicted of a felony.
 - Been convicted of sale, handling, or use of drugs.
 - Has automobile insurance canceled, declined, or not renewed by a company for reasons related to unsafe driving practices.
 - Has 12 or more points assigned to his/her driving record.

Drivers must sign the Take-Home Policy Acknowledgment Form, as shown in Exhibit B. Employees are required to maintain their assigned vehicle in accordance with guidelines established by Fleet Services. Failure to follow these policies and procedures shall be cause for disciplinary action up to and including termination of employment.

B. License Inspection

All City employees must, upon request, provide a copy of their driver's license to the respective Department. A visual check of the driver's license shall confirm the following:

- Signature matches the individual
- Photo resembles the individual
- Description and address fit the individual
- The expiration date has not passed
- The license has been issued by the state in which the individual resides

C. Reporting Requirements

- Driving While Impaired

All City employees are required to report any Driving While Impaired (DWI) arrest, or any other drug or alcohol arrest related to driving, whether on or off duty, to their supervisor. The employee's driving privileges will be suspended pending final disposition by the courts. Failure to report the arrest is a violation of the City of South Fulton Fleet Safety and Management Policy and shall be grounds for disciplinary actions.

- Traffic Violations

Employees (drivers) are responsible for obeying all traffic laws. All City employees who are assigned a City vehicle or who drive any vehicle more than 10% of their work time are required to report any traffic violations, whether on or off duty, to their supervisor. Failure to report any traffic violations is a violation of the City of South Fulton Policies and Procedures and shall be grounds for disciplinary action. Fines imposed on a City employee for a traffic offense committed

while on or off duty are imposed on the employee personally and payment thereof is the employee's personal responsibility.

- Incidents and Accidents

Employees involved in a Motor Vehicle Accident will be subject to disciplinary action set forth by the COSF Safety Incident/Accident Review Board. The employee will also complete online Driver Safety Remediation courses with Safety National. Each course must be completed with a proficiency of 80%.

In the event of a preventable accident involving death, the employee will, at a minimum, be suspended five (5) scheduled work days without pay, attend a Defensive Driving course approved by the City Manager or his/her designee at the employee expense and submit for a hearing with Safety Incident/Accident Review Board, before he/she is permitted to resume driving any vehicle while conducting official City business.

All vehicle operators are required to report any accident or any other incident involving a City vehicle, or any accident or other incident in a personal vehicle while conducting official City business in any vehicle, immediately, or as soon as possible, to the Appointing Authority or Department Head. In the event of an accident, the vehicle operator shall also:

- Follow the COSF Accident Reporting Procedures, which include Contacting the Risk Management office, regardless of the extent of damages. (See attached)
- Employee will submit for a Breath Alcohol Test and Drug Screen with a CSOF Panel Physician within 2hrs of the Motor Vehicle Accident.
- Not discuss the circumstances of the accident with anyone other than the investigating officer, Risk Manager, the City's insurance carrier, or persons conducting an internal investigation.
- Make no attempt to reach a settlement.
- Get the name, address, and phone number of all involved parties and witnesses.
- Take, at least, 3 photographs at different angles of the accident or incident scene.
- Submit MVA Accident report in Origami. Complete all fields for proper processing and recording. Department Heads should ensure that all reports are submitted in a timely fashion.
- Submit all documentation from Panel Physician to Risk Management as soon as possible. These documents must be sent to the Insurance Medical Adjuster to process the claim.

D. Safety and Proper Care

All City employees who operate City vehicles or their personal vehicles while conducting official City business are required to operate them in a safe and lawful manner and shall not engage in any actions which would distract the driver from the safe operation of the vehicle. Also, employees shall operate said vehicle in accordance with the motor vehicle laws of Georgia and the applicable law of any other governmental entity having jurisdiction. Approved commuters are responsible for making sure the City vehicle assigned to them is parked safely and securely when parked at the employee's home.

All drivers who operate vehicles owned by, titled to or otherwise controlled by the City, are responsible for the proper care, use, safety and security of City property. Off-street overnight parking must be provided for the City vehicle at the employee's home.

Employees are required to maintain their assigned vehicle in accordance with guidelines established by Fleet Services. Failure to follow these policies and procedures shall be cause for disciplinary action up to and including termination of employment.

E. Alcohol, Drugs, and Tobacco Prohibited

Possession, transportation or consumption of alcohol or drugs by anyone in a City vehicle is strictly forbidden, and no tobacco products may be used in City vehicles. Smoking or use of smokeless tobacco by driver or passenger in City vehicles is also prohibited.

F. No Right of Privacy

City vehicles are the property of the City of South Fulton and as such, are subject to inspection, audit, and search by City officials. This includes the right to place tracking devices on City vehicles and monitor their whereabouts without notice to employees. The City Manager shall designate persons authorized to conduct inspections, audits, searches, and monitoring.

G. Appearance

It shall be the responsibility of the employee to which a City vehicle is assigned to keep the vehicle in a state of cleanliness. City vehicles are a direct reflection on the City and as such should portray a professional appearance. Interiors of the vehicles shall be kept free of litter and debris. The physical appearance of the vehicle must create a good impression.

City vehicles will not be altered in any way without first obtaining written approval of the Fleet Manager. No City vehicles shall have personal stickers, signs, flags, or any similar attachment placed on or affixed to the vehicle unless previous approval or directive has been issued in writing the City Manager or designee. Vehicles must be affixed with the City logo. Tampering or removal of the logo will result in disciplinary action.

H. Vehicle Logs

Vehicle Logs (i.e., the “Vehicle Maintenance Checklist” form, Appendix C) may be placed in vehicles at certain times by City administration to help gather information to help the City assess its vehicles’ needs and usage patterns. When this happens, each driver will be responsible for ensuring that there is a vehicle log in his/her vehicle and that it is filled out each day. When a page is filled out completely, the driver is responsible for getting his/her supervisor’s initials on the sheet showing they have reviewed the record.

I. Vehicle Inspection Checklist

Each employee who is assigned a City vehicle shall complete a Vehicle Inspection Checklist and provide a copy to his/her supervisor no less than once monthly, as determined by the City Manager or his/her designee. Employees must comply with vehicle preventative maintenance programs which are required by the City. Drivers may not transport items or cargo having no relation to official City business.

J. Gas Stations

Only approved gas stations may be used unless there are extenuating circumstances.

K. Passengers

Only passengers on official City business are allowed in City vehicles.

L. Seat Belts

Drivers and passengers must always wear seat belts.

Take-Home Vehicle Justification

The employee must be subject to call out/on call, and/ or the responsibilities of the job assignment require that the employee be subject to be called back or respond to work.

The department head must assure that the use is justified (refer to Appendix A) based on past evidence of their need to be called back to work outside of their normal work hours or other operational need.

Criteria for Approval of Take-Home Vehicles

Unless otherwise authorized, take-home vehicles will only be permitted if the employee lives within the geographic boundaries of the City.

Exceptions of this requirement must be reviewed and recommended by the department head and submitted to the City Manager in writing for final approval.

Employees on suspension will have their take-home vehicle privileges revoked during the suspension. The Department Head or the City Manager has the discretion to reassign a take-home vehicle while an employee is absent on suspension.

Employees on leave exceeding ten days will not keep possession of the take-home vehicle during such leave.

Vehicle Inspection

All employees will perform a “walk-around” of the vehicle to identify any visible problems prior to use each day, utilizing the vehicle maintenance checklist depicted as Exhibit C.

At a minimum, the employee shall check once a day to ensure all safety equipment, i.e., headlights, turn signals, brake lights, and windshield washers are functioning properly.

Any vehicle damage beyond normal wear and tear, including defects affecting the safe operation of the vehicle must be documented on the vehicle maintenance checklist and reported to the employee’s supervisor and fleet management.

Employees must comply with all preventative maintenance programs established by the City.

Use of Electronic Devices

In accordance with O.C.G.A. § 40-6-241, the use of a mobile telephone for voice communications while physically holding or supporting said telephone with any part of the body and while operating a City vehicle or while operating a personal vehicle on official City business is prohibited except in the following circumstances:

- When reporting a traffic accident, medical emergency, fire, an actual or potential criminal or delinquent act, or road condition which causes an immediate and serious traffic or safety hazard;
- By a law enforcement officer, firefighter, emergency medical services personnel, or other similarly employed public safety-first responder during the performance of his/her official duties; and/or
- When using an earpiece, headphone device, or device worn on a wrist to conduct voice-based communications.

In all other circumstances, employees should park their vehicle in a safe manner and location when it becomes necessary to use a mobile telephone for voice communications inside the vehicle. Reading or writing texts or emails while operating a City vehicle or personal vehicle on City business is prohibited under the City of South Fulton Distracted Driving Policy.

Mobile telephones should not be used while pumping gasoline.

The use of any other electronic digital media device (e.g. GPS, laptop computer, iPad, etc.) while operating a personal vehicle on official City business, is discouraged. Employees should park their vehicle in a safe manner and location when it is necessary to use an electronic digital media device inside the vehicle.

In addition to any other acts prohibited by this Procedure, in accordance with O.C.G.A. § 40-6-241, all drivers of commercial motor vehicles are prohibited from engaging in the following acts while operating a City commercial vehicle:

- Using more than a single button on a wireless telecommunications device to initiate or terminate a voice communication; or
- Reaching for a wireless telecommunications device or stand-alone electronic device in such a manner that requires the driver to no longer be in a seated driving position or properly restrained by a safety belt.

DRAFT

Appendix A: REQUEST/JUSTIFICATION FOR TAKE-HOME VEHICLE ASSIGNMENT

Employee Name _____ Employee# _____

City _____ County _____ State _____ Zip Code _____

Employing Department _____

Job Title _____ Job Assignment _____

Provide detailed justification for take-home vehicle assignment:

Upon completion submit the form to your Department Head

_____ Date _____

Approval/Disapproval of Department Head

_____ Date _____

Approval/Disapproval of Executive Management Team Member

_____ Date _____

Approval/Disapproval of City Manager

The completed form must be submitted to the appropriate Executive Management Team member for initial review/recommendation or denial; and then forwarded to the City Manager for final approval/disapproval.

Appendix B: TAKE-HOME VEHICLE POLICY ACKNOWLEDGEMENT

Attached you will find the City’s Take-Home Vehicle Policy. All City employees who are authorized to take-home a city vehicle must read, understand and acknowledge receipt of this policy. The purpose of this policy is to establish a uniform, comprehensive policy and criteria for the assignment, use and administrative control of city vehicles; including those assigned to employees as take-home vehicles.

Upon completion, this form is acknowledgement that you have read and understand the policy. If you do not understand or have questions regarding this policy, please contact your department head.

Print Name as it Appears on Driver’s License

Driver’s License Number

I certify that I have read and understand this policy and all other City policies related to the use of City vehicles and the applicability to me as an authorized driver. Furthermore, I authorize Human Resource to obtain my driving record (MVR) with the ‘State’ or any other entity to ensure compliance with this or any other City policy.

Employee Signature

Upon completion submit this form to your Department Head*.

***The completed form shall be sent to HR for inclusion in the employee’s personal file.**

Appendix C: VEHICLE INSPECTION

ITEM	CHECKED	FAULT DEFAULT NOTED	OR	ACTION TAKEN
Odometer Reading:	Start:			End:
Fuel Level:	Start:			End:
Oil				
Coolant				
Power Steering				
Brake Fluid				
Screen Wash				
Tire Pressure				
Tire Wear				
Wipers				
Windows Clean				
Horn				
Seatbelts				
First Aid Kit				
Fire Extinguisher				
Body Work				
Side lights				
Low Beam				
Full Beam				
Taillights				
Brake Lights				
Turn Signals				
Hazard Lights				
Door Locks				
Windows/Windshield Cracks				

Appendix D: APPROVED TAKE-HOME VEHICLE LIST

TAG#	Vehicle Type	Department	Job Title	Employee Name	Home Address	City	ZIP code	Round Trip Distance	Notes/ Explanation

Vehicle Pool Standard Operations Procedures

A. Definition

Vehicles owned by, titled to or otherwise under the control of the City are authorized for use in the performance of all essential travel and transportation duties. Unless specifically excepted under this policy, use is not authorized for unofficial travel duties or tasks or the transportation of unauthorized persons or items.

B. Authorized Use of Vehicles:

1. Transport of officials, employees, clients, or guests of the City.
2. The performance of law enforcement duties.
3. When on official travel status, between place of official business and temporary place of lodging.
4. Transport of consultants, contractors, or commercial firm representatives when in direct interest of the City.
5. Transport of representatives from Federal, State, or local government when in direct interest of the City of South Fulton.
6. Transport of any person or item in an emergency.
7. Commute between place of dispatch or place of performance of official business to personal residence when specifically authorized by provisions of this policy as stipulated herein.
8. Transport of recreation program participants that are involved in a Recreation Department program if the program is required to be held off site.

C. Unauthorized Uses:

1. An unauthorized task in the normal performance of duties.
2. Transport of any item, equipment, or cargo projecting from the side, front, or rear of the vehicle in such a manner as to constitute a hazard of safe delivery.
3. Transportation to and from travel or task performance of a personal nature not connected with the accomplishment of official business.
4. Transport of family members.
5. Transport of friends, associates, or other persons who are not employees of the City or serving the interest of the City.
6. Transport of hitch-hikers, except in the case of law enforcement personnel.
7. Transport of items of cargo having no relationship to the conduct of official business.
8. Extending the length of dispatch (more than one-half mile) beyond that necessary to complete the official business purpose of the trip.
9. Transportation between place of residence and place of employment other than as specified in this policy.
10. Loan of vehicle for use in non-City authorized functions or to persons that are not on the City of South Fulton payroll.
11. Transport of acids, explosives, weapons, ammunition, or highly flammable material except in

the performance of training sites without approval granted through Training Report Process.

D. F. Minimum Business Miles Driven

For each year that a vehicle is assigned to an individual or position, the position should be driven at least 6,000 City business miles. If, after one year of assignment, the vehicle is not driven 6,000 City business miles, the City Manager or Department Head may revoke the vehicle's assignment to the individual or position.

The minimum number of miles specified refers solely to those miles driven exclusively for conducting City business. Miles driven between employee's residence and his/her worksite are not City business miles but are considered official commuting miles as defined by the Internal Revenue Code.

If the total City business miles driven by an individual or a position assigned a vehicle fails to exceed the 6,000 City business miles in a year, written justification must be provided to the City Manager specifying the reason the vehicle was driven less than the minimum distance.

Examples of appropriate justification are:

- Has special equipment, or is used to transport special equipment, which is too large or heavy or has special features which make it impractical to be transferred between vehicles or between a vehicle and a fixed location.
- Position must be able to respond quickly to emergency situations as part of their job requirements.

G. Driver Responsibilities

All drivers who operate vehicles owned by, titled to, or otherwise controlled by the City are responsible for the proper care, use, and safety of City property.

Drivers must adhere to the following minimum responsibilities:

1. Possess and maintain valid State of Georgia Driver's License approved for the class appropriate for the vehicle.
2. Obey all traffic laws and practice safe courteous driving.
3. Ensure that vehicles are used for authorized purposes only.
4. Follow accident reporting procedures.
5. Accept legal responsibility for violations and fines resulting from actions of the driver. This includes illegal parking tickets.
6. Consumption of alcoholic beverages within an 8-hour period prior to driving the City vehicle is not permitted. Violators of this responsibility are subject to disciplinary action leading up to and including termination.

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of Resolution Authorizing Permitting and Inspection IGA's with Fulton County

DATE: November 10, 2020

SUBJECT: Request Council Approval of Resolution Authorizing Permitting and Inspection IGA's with Fulton County

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Resolution Authorizing Inspection Service IGA's with Fulton County	Cover Memo	11/5/2020
Exhibit to Resolution Authorizing Inspection Service IGA's with FC	Cover Memo	11/5/2020

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**

4
5 **A RESOLUTION BY THE CITY AUTHORIZING THE EXECUTION OF INSPECTION**
6 **AND PERMITTING SERVICE AGREEMENTS WITH FULTON COUNTY, GEORGIA**
7 **AND FOR OTHER LAWFUL PURPOSES**
8

9 **WHEREAS**, the City of South Fulton (“City”) is a municipal corporation duly
10 organized and existing under the laws of the State of Georgia;

11
12 **WHEREAS**, the duly elected governing authority of the City, is the Mayor and
13 Council thereof (“City Council”);

14 **WHEREAS**, the City Council desires to authorize the Mayor, Interim City Manager,
15 Chief Financial Officer (“CFO”) and City Attorney, to execute documentation related to
16 inspection and permitting services with Fulton County as set forth herein; and

17 **WHEREAS**, this Resolution is in the best interests of the health and general
18 welfare of the City, its residents and general public.

19 **THE COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, HEREBY**
20 **RESOLVES** as follows:

21
22 **Section 1.** The City Council hereby authorizes the Mayor, Interim City Manager and
23 City Attorney to further negotiate and execute, in substantial form as attached hereto,
24 inspection and permitting service agreements with Fulton County for the: 1) Anthem by
25 Riverside Project and 2) Crow Holdings Industrial (“CHI”) industrial project consisting of
26 two buildings located on Fulton Industrial Boulevard.
27

28 *****

29 **Section 2.** It is hereby declared to be the intention of the City Council that: (a) All
30 sections, paragraphs, sentences, clauses and phrases of this Resolution are or were,
31 upon their enactment, believed by the City Council to be fully valid, enforceable and
32 constitutional.

33 (b) To the greatest extent allowed by law, each and every section, paragraph, sentence,
34 clause or phrase of this Resolution is severable from every other section, paragraph,
35 sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause
36 or phrase of this Resolution is mutually dependent upon any other section, paragraph,
37 sentence, clause or phrase of this Resolution.

38 (c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution
39 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
40 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
41 the express intent of the City Council that such invalidity, unconstitutionality or
42 unenforceability shall, to the greatest extent allowed by law, not render invalid,
43 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
44 sentences, paragraphs or sections of the Resolution.

45 **Section 3.** The city attorney and city clerk are authorized to make non-substantive
46 editing and renumbering revisions to this Resolution for proofing, codification, and
47 supplementation purposes. The final version of all resolutions shall be filed with the city
48 clerk.

49 **Section 4.** The effective date of this Resolution shall be the date of adoption, unless
50 provided otherwise by the City Charter or state and/or federal law.

51
52

53 The foregoing RESOLUTION No. 2020-_____, adopted on _____
54 was offered by Councilmember _____, who moved its approval. The motion
55 was seconded by Councilmember _____, and being put to a vote, the result
56 was as follows:

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	AYE	NAY
William "Bill" Edwards, Mayor	_____	_____
Carmalitha Gumbs, Mayor Pro Tem	_____	_____
Catherine Foster Rowell	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Corey Reeves	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

68
69

70 THIS RESOLUTION adopted this _____ day of _____ 2020. **CITY OF**
71 **SOUTH FULTON, GEORGIA**

72
73
74
75

76 _____
WILLIAM "BILL" EDWARDS, MAYOR

77
78

79 ATTEST:

80
81
82

83 _____
CORY E. ADAMS, CITY CLERK

84
85

86 APPROVED AS TO FORM:

87
88

89 _____
EMILIA C. WALKER, CITY ATTORNEY

**INTERGOVERNMENTAL
AGREEMENT
Between
FULTON COUNTY, GEORGIA
and
THE CITY OF SOUTH FULTON, GEORGIA
FOR INSPECTION AND PERMITTING SERVICES FOR THE
ANTHEM AT RIVERSIDE PROJECT FOR SENIOR CITIZENS**

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement"), by and between Fulton County, Georgia ("County") and the City of South Fulton, Georgia ("City") entered into ~~effective the day of _____, 2019~~ as set forth below.

WITNESSETH

WHEREAS, Fulton County, Georgia is a constitutionally created political subdivision of the State of Georgia (hereinafter "County"); and

WHEREAS, the City of South Fulton is a municipal corporation of the State of Georgia (hereinafter "City"); and

WHEREAS, except as otherwise provided by law, the Georgia Constitution of 1983, Article IX, Section 2, Paragraph 3, prohibits cities and counties from exercising governmental authority within each other's boundaries except pursuant to an Intergovernmental Agreement; and

WHEREAS, the Fulton County Housing Authority (the "Authority") and Prestwick Development Company (the "Developer") desire to develop and construct a housing project for senior citizens currently named the Anthem by Riverside Project (the "Project"); and

WHEREAS, the Project site lies predominately within the corporate boundaries of the City and in an unincorporated area of the County, as depicted on the Concept Plan and the Site Plan attached hereto as **Exhibit A** and **Exhibit B**, respectively, and incorporated herein by this reference; and

WHEREAS, the County and the City desire that all necessary permitting services relating to the Project shall be administered, processed, and issued, and enforced by the City; and

WHEREAS, the Board of Commissioners authorized Fulton County to negotiate and enter into this Agreement by action taken _____ on ~~February~~ February, 2020~~19~~, that grants the City the authority to administer, process, and issue all necessary permits for the Project lying within unincorporated Fulton County; and

WHEREAS, the City Council authorized the City to enter into this Agreement on _____, 20~~20~~19, wherein the City agrees to administer, process, and issue and enforce all necessary permits pertaining to the Project.

NOW THEREFORE, in consideration of the following mutual obligations, the County and City agree as follows:

ARTICLE 1

PURPOSE AND INTENT

- 1.1 The City shall provide development and building permit services related to the development and construction of the Project for senior citizens, being developed by the Fulton County Housing Authority and Prestwick Development Company, parts of which are located within portions of the City of South Fulton and unincorporated Fulton County, as these services are more defined in Article 4 of this Agreement. The County shall continue to provide permitting services for the Project related to sewer and access to County rights-of-way. The City of Atlanta shall continue to provide permitting services for the Project related to water service.
- 1.2 The County shall fully cooperate with the City and the Developer to facilitate annexation of the portion of the Project site that sits in unincorporated Fulton County into the City's corporate boundaries; provided that nothing herein is construed to prevent the County from exercising its discretion or impinge on the County's exercise of its authority over any annexation matter presented to the County.
- 1.3 The City shall, prior to the issuance of any building permits, obtain prior review and sign-off from Fulton County staff of any zoning plans.
- 1.4 Outside of the services authorized for the Project under this Agreement, nothing herein shall be construed as granting the City quasi-judicial or legislative rights to act within the boundaries of unincorporated Fulton County.

ARTICLE 2

POWERS AND DUTIES

In furtherance of the public purposes of this Agreement, the County and City hereby represent and warrant to each other the following:

- 2.1 Authority. Each party hereto expressly represents and warrants that (i) it has the power to make, deliver and perform this Agreement, and has taken all necessary action to authorize the execution, delivery and performance of this Agreement; (ii) this Agreement when executed will be legally binding upon the parties and enforceable in accordance with the terms hereof; and (iii) no further consent or approval of any other party not specifically mentioned herein is required in connection with the execution, delivery, performance, validity and enforcement of this Agreement, unless where required by law. Without limiting the generality of the foregoing, each

party hereby expressly acknowledges and represents that it has officially adopted and otherwise approved this Agreement at a meeting of its governing authority in accordance with the Constitution and laws of the State of Georgia. To the knowledge of the County and the City, there are no actions, suits or proceedings pending or threatened, in any court or before any governmental authority, domestic or foreign against, by or affecting the County or City which affect or question the validity or enforceability of this Agreement or of any action taken by the County or the City under this Agreement.

2.2 Public Purpose. This Agreement and the services contemplated herein are for the public welfare and benefit and are undertaken in accordance with the laws and Constitution of the State of Georgia. Without limiting the foregoing, the parties specifically and expressly warrant and represent, and do hereby find, that this Agreement (i) pertains to the provision of services and activities which the parties are by law authorized to undertake and provide; (ii) is otherwise authorized under the Intergovernmental Contracts Clause of the Georgia Constitution of 1983, Art. IX, Sec. III, Par. I (a); (iii) does not authorize the creation of new debt as contemplated by Ga. Const. of 1983, Art. IX, Sec. V. Par. I (a); and (iv) does not violate O.C.G.A. § 36-30-3(a) or otherwise prevent free legislation by any party in matters of government, and shall be binding and enforceable against the parties and their successors during the term hereof in accordance with its terms.

2.3 No Conflicting Agreements. The execution, delivery and performance of this Agreement will not violate or contravene any contract, undertaking, instrument or other agreement to which the County or the City is a party, or which purports to be binding upon said parties. Furthermore, the execution, delivery and performance of this Agreement does not violate the provisions of any party's enabling legislation or Code of Ordinances, or any statutory or decisional laws of the State of Georgia regarding similarly political subdivisions of said State. The representations and warranties contained in this Article shall be true and correct as of the date hereof and such representations and warranties, and the obligation of the County and the City to perform their respective obligations under this Agreement shall be expressly conditioned upon said representations and warranties being true and correct on the date hereof. Furthermore, each party hereto specifically acknowledges and agrees that it shall be forever estopped from making any claim, counterclaim, assertion, or other argument of any kind against the other party contrary to the representations and warranties set forth in this Agreement.

ARTICLE 3

TERM

3.1 The initial term of this Agreement ~~shall be for a one year is for a~~ period commencing upon the date of this Agreement's approval by the City and County governing authorities and thereafter execution by their duly authorized representatives appearing on the signature pages of this Agreement. The Agreement shall automatically renew for an additional one (1) year term, but shall automatically terminate upon the earlier occurrence of May 31, 2019 at midnight and concluding on either of the following: ~~(i) at midnight on May 30, 2020,~~ (i) the Project is completed, or (ii) the unincorporated area in which portions of the Project is located is annexed into ~~a municipality, whichever occurs first~~ the City.

3.2 Termination.

3.2.1. Termination for Convenience. The parties may mutually agree to terminate this Agreement for convenience, with the consent and approval of the governing body of each party, by giving thirty (30) days advance written notice of termination.

ARTICLE 4

PERMITTING AND INSPECTION SERVICES

4.1 The City, its employees or any third-party under contract with the City and used by the City to perform permitting and inspection services for the Project, shall at all times remain qualified and approved by the State of Georgia to perform permitting and inspection services in accordance to the applicable building codes and other necessary codes, and shall at all times maintain proper qualifications to perform these and related services.

4.2 The City, through its employees or a third-party under contract with the City is hereby authorized to provide the following permitting, inspection, and related services for all aspects of the Project located within the City and within unincorporated Fulton County:

4.2.1 Permits and Building Inspections Components. The City is authorized and shall conduct all aspects of permitting and building inspections for the Project.

4.2.2 The Permitting component includes intake of all permit applications submitted for those portions of the Project located in unincorporated Fulton County. The City shall intake, process, issue, and handle payments for all portions of the Project as well as all other related development and Administrative Use Permits for the Projects located within the City and the unincorporated area of Fulton County. The City shall intake, process, route and process payments for all land disturbance permits and plat review applications to the Plan Review and Site Inspection Program, or any process adopted by the City similar to the County's Plan Review and Site Inspection Program.

4.2.3 Under the Building Inspections component, the City shall inspect all permitted construction related to the Project for compliance with current building (structural) electrical, plumbing and mechanical (HVAC) codes as required by State and County laws, and laws of the City.

4.2.4 The City perform all necessary administration and customer service functions necessary for the Project and those portions of the Project located within unincorporated Fulton County. Under no circumstances shall the City or the County be required to make payments, make purchases or acquire debt under this Agreement. Nor shall the City or County be required to perform any

actions outside of ordinary regulatory, permitting, enforcement, administrative and inspection services which it is authorized to perform under federal, local and state law.

4.2.5 Plan review and Site Inspections Components. The City is authorized and shall conduct all aspects of plan review and site inspection for the Project, to include those portions of the Project located within unincorporated Fulton County.

4.2.6 Under the Plan Review and Site Inspection component, the City shall review grading, storm water control, infrastructure placement and road layout on all applications for land disturbance permits and plat review, to include those portions of the Project located within unincorporated Fulton County.

4.2.7. For the Site Inspection component, the City shall inspect all permitted land disturbance activities for compliance with County, State, City and Federal Erosion and storm water controls and stream buffer protection, to include those portions of the Project located within unincorporated Fulton County.

4.2.7 For the Site Inspection component, the City shall also inspect the installation of all public infrastructure for compliance with Fulton County City standards, to include those portions of the Project located within unincorporated Fulton County.

4.3 Enforcement. The City is authorized to take enforcement action on all services provided under this Agreement for the Project, consistent with the laws, rules and regulations of the State of Georgia, Fulton County and the City.

ARTICLE 5

RESPONSIBILITY FOR CLAIMS AND LIABILITY

. It is hereby stipulated and agreed between the parties that, with respect to any claim or action brought by a third party and arising out of the activities described in this IGA or stems from any matter arising out of any act or omission by the parties in connection to the performance of this IGA, that each party shall only be liable for payment of that portion of any and all liability, costs, expenses, demands, settlements, or judgments resulting from the negligence actions or omissions of its own agents, officers, and employees. Either party may self-fund its obligations under this IGA. However, nothing herein shall be construed as a waiver of any party's sovereign immunity or the immunities available to the officials, officers and employees of the parties.

The City shall ensure that any contractor retained or selected to provide the services relating to the Project under this Agreement shall agree in to indemnify and hold harmless the County as well as the County's commissioners, officers, officials,

employees, and agents, from and against any and all loss and/or expense which they or any of them may suffer or pay as a result of claims or suits due to, because of, or arising out of any and all such injuries, deaths and/or damage, irrespective of the County's negligence (except that no party shall be indemnified for their own sole negligence). The contractor, if requested, shall assume and defend at the contractor's own expense, any suit, action or other legal proceedings arising there from in which the County is named as a party, and the contractor hereby agrees to satisfy, pay, and cause to be discharged of record any judgment which may be rendered against the County arising there from. Nothing herein shall be construed as a waiver of either the City's or the County's sovereign immunity or any immunities available to their respective officers, officials, employees or agents. The City shall ensure that the provisions of this Article are included in all contracts and subcontracts.

ARTICLE 6

INSURANCE

Prior to beginning work, the City shall obtain, and where applicable, cause its contractors to obtain and furnish certificates to the County in which the County is named as an "Additional Insured," for the following minimum amounts of insurance prior to the undertaking of any of the services relating to the Project under this Agreement:

A. Workers Compensation & Employer Liability Insurance (Statutory) in compliance with the applicable Georgia Workers Compensation Act. Employer Liability Insurance with limits of not less than \$1,000,000 per accident for bodily injury or disease.

B. Professional (Errors and Omissions) insurance with limits of liability of not less than \$1,000,000 per occurrence or claim / aggregate (coverage shall insure damage, injury and loss caused by error, omission or negligent acts related to the professional services to be provided under this Agreement.

B. Public Liability Insurance in an amount of not less than one hundred thousand dollars (\$100,000) for injuries, including those resulting in death to any one person, and in an amount of not less than three hundred thousand dollars (\$300,000) on an account of any one occurrence.

C. Property Damage Insurance in an amount of not less than fifty thousand dollars (\$50,000) from damages on account of any occurrence, with an aggregate limit of one hundred thousand dollars (\$100,000).

D. Valuable Papers Insurance in an amount sufficient to assure the restoration of any plans, drawings, field notes, or other similar data relating to the work covered by the Project.

Insurance shall be maintained in full force and effect during the life of the Agreement and until final completion of the Project. The scope and coverage of the insurance protection shall extend beyond the completion of the Project until the expiration of any applicable statutes of limitations. The City may self-fund its insurance obligations under this Agreement.

ARTICLE 7

AMENDMENTS

This Agreement may be modified at any time during the term by mutual written consent of both parties.

ARTICLE 8

NOTICES

All required notices shall be given by first class mail, except that any notice of termination shall be mailed via U.S. Mail, return receipt requested. Notices shall be addressed to the parties at the following addresses:

If to the County: Richard Anderson, County Manager
141 Pryor Street, SW, Suite 1000
Atlanta, Georgia 30303
404-612-8335
404-612-0350 (facsimile)

With a copy to: Patrise Perkins-Hooker, County Attorney
141 Pryor Street, SW, Suite 4038
Atlanta, Georgia 30303
404-612-0246 (telephone)
404-730-6324 (facsimile)

If to the City: Odie Donald, City Manager
City of South Fulton
5440 Fulton Industrial Blvd, S.W., Suite A
Atlanta, Georgia 30336
470.809.7204 (telephone)

With a copy to: Emilia C. Walker, City Attorney
Fincher Denmark LLC
~~8024 Fair Oaks Court 100~~
~~Hartsfield Centre, Ste. 400~~
~~Atlanta Jonesboro~~, Georgia
~~303540236~~
770-478-9950 (telephone)
770-471-9948 (facsimile)

ARTICLE 9

NON-ASSIGNABILITY

Neither party shall assign any of the obligations or benefits of this Agreement.

ARTICLE 10

ENTIRE AGREEMENT

The parties acknowledge, one to the other, that the terms of this Agreement constitute the entire understanding and Agreement of the parties regarding the subject matter of the Agreement.

ARTICLE 11

SEVERABILITY

If a court of competent jurisdiction renders any provision of this Agreement (or portion of a provision) to be invalid or otherwise unenforceable, that provision or portion of the provision will be severed and the remainder of this Agreement will continue in full force and effect as if the invalid provision or portion of the provision, were not part of this Agreement.

ARTICLE 12

BINDING EFFECT

This Agreement shall inure to the benefit of, and be binding upon, the respective parties' successors.

ARTICLE 13

COUNTERPARTS

This Agreement may be executed in several counterparts, each of which shall be an original, and all of which shall constitute one and the same instrument.

ARTICLE 14

MISCELLANEOUS

14.1 Cooperation. The parties agree to cooperate and coordinate the creation and the submittal to each other of any necessary reports, data or records that may be needed by each to carry out its essential functions and to comply with any reporting or auditing requirements of any regulatory agency. Each party shall have the right to assert, retain and protect the confidential and/or

proprietary nature of any documents created by it.

14.2 Governing Law. This Agreement and each provision hereof shall be construed under and governed by the laws of the State of Georgia.

14.3 Captions. The captions in this Agreement are for purposes of convenient reference only and form no part hereof.

14.4 Waiver. Failure of any party to pursue any remedy pursuant to the terms of this Agreement for any default by the other party or a party's waiver of any default or non-compliance by the other party shall not affect or impair either party's rights with respect to any subsequent default or non-compliance of the same or different nature. Furthermore, a party's delay or omission in asserting any right which the party may have hereunder will not constitute a waiver of such party's right or impair the party's right to assert such default or non-compliance by the other party.

14.5 Drafting of Agreement. This Agreement shall be construed without regard to the party or parties responsible for its preparation and shall be deemed as having been prepared jointly by the parties. Any ambiguity or uncertainty existing in this Agreement shall not be interpreted or construed against any party hereto. The parties hereto agree that no representations except those contained herein that have been made by any party to induce the execution of this Agreement by any other party.

14.6 Relationship of Parties. Notwithstanding anything in this Agreement to the contrary, neither shall have the power to bind or obligate the other except as expressly set forth in this Agreement.

14.7 Survival of Representations. All terms, conditions, covenants, warranties contained in any determination of this Agreement shall remain in effect until amended by the applicable governing authority.

14.8 No Third-Party Beneficiaries. This Agreement is made between and limited to the County and City, and is not intended, and shall in no event be construed to be, for the benefit of any person or entity other than the County and the City, and no other person or entity shall be considered a third-party beneficiary of this Agreement or otherwise entitled to enforce the terms of this Agreement for any reason whatsoever.

IN WITNESS WHEREOF, the City and County have executed this Agreement through their duly authorized officers on the day and year first above written.

[SIGNATURES ON FOLLOWING PAGE]

FULTON COUNTY, GEORGIA

Robert L. Pitts, Chairman
Fulton County Board of Commissioners

ATTEST

Jesse A Harris, Clerk to
the Commission

SEAL

Approved as to Form:

Patrise Perkins-Hooker
Fulton County Attorney

CITY OF SOUTH FULTON, GEORGIA

Odie Donald, City Manager

S. Diane White, CMC, City Clerk

SEAL

Approved as to Form:

Emilia C. Walker, City Attorney

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DRAFT

EXHIBIT A
CONCEPT PLAN

DRAFT

EXHIBIT B

SITE PLAN

DRAFT