

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, December 12, 2017, 7:00pm



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PUBLIC NOTICE

The Mayor and City Council invite you to

our next City Council Meetings

TUESDAY, DECEMBER 12, 2017

5:00 PM - Work Session

7:00 PM - Regular Meeting

South Fulton Service Center Auditorium

5600 Stonewall Tell Road

College Park, GA 30349

If you have any questions or concerns, please contact the City of South Fulton, City Hall at www.cityofsouthfultonga.gov or call 470-809-7700.



The Honorable William “Bill” Edwards, Mayor
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem
The Honorable Carmalitha Gumbs, District 2 Councilmember
The Honorable Helen Z. Willis, District 3 Councilmember
The Honorable Naeema Gilyard, District 4 Councilmember
The Honorable Rosie Jackson, District 5 Councilmember
The Honorable khalid kamau, District 6 Councilmember
The Honorable Mark Baker, District 7 Councilmember

WORK SESSION AGENDA

- Planning Orientation for City Council by ARC
- Executive Session, if necessary

Planning Orientation for Mayor and Council

Presented by Atlanta Regional Commission and City Legal Department

Council Work Session

December 12, 2017

Agenda

1. Introductions
2. Framing the Discussion
3. Who's Who in Planning
4. The Planning Framework
5. Implementing the Plan

Introductions

Framing the Discussion

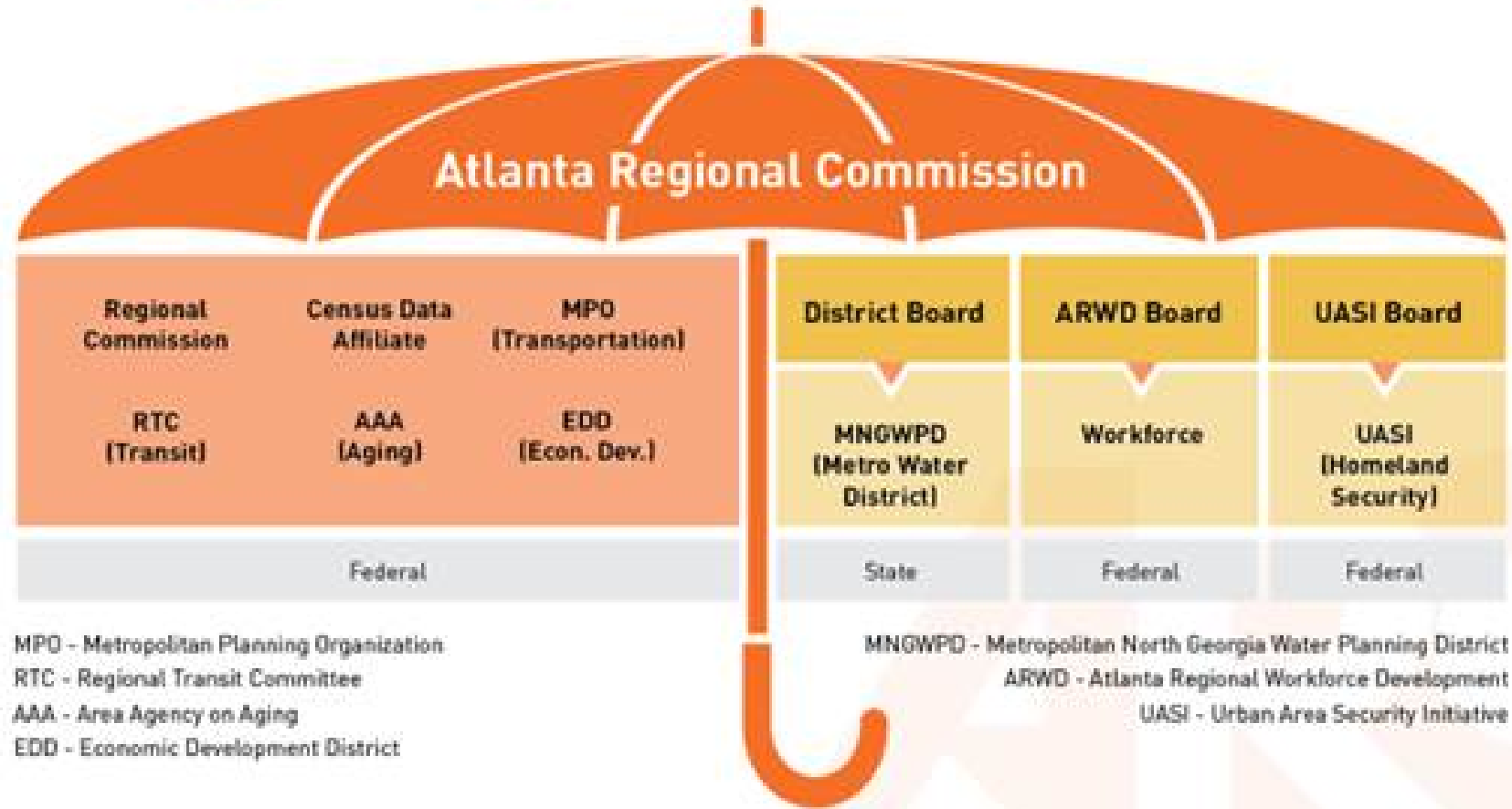
Who's Who in Planning

Georgia Department of Community Affairs (DCA)



- State Agency governed by the State Legislature
- DCA oversees local government planning
- Administers local planning requirements
- Provides plan reviews and assistance in coordination with regional commissions
- Oversees Qualified Local Government (QLG) status
- Recently modified state planning regulations (resulting from SB 86 in 2011-12)

ARC Legal Designations



Local Elected Officials

Legislative Actions:

- Adoption of Comprehensive Plans
- Adoption of ordinances
- Zoning amendments,
- Special permits, uses, and exceptions

Responsibilities:

- Policymaking
- Appoint citizens to planning boards and commissions
- Final line of local planning decision making
(except for zoning variances and administrative appeals)

Appointed Boards & Commissions

Planning Commission

- Advisory role
- Review, hear, and deliberate upon local zoning applications
- Review policy (zoning and comprehensive plan) changes

Zoning Board of Appeals (ZBA, BZA, ZRB, Etc.)

- Appointed by elected officials
- Decision-making body for variances and administrative appeals
- Quasi-judicial actions
- Appeals are to Georgia Superior Court

Role of Local Staff

- Administer code
- Provide full and accurate information to landowners, developers, boards, and commissions
- Recommendations based on fact
- Administrative Permits

The Planning Framework

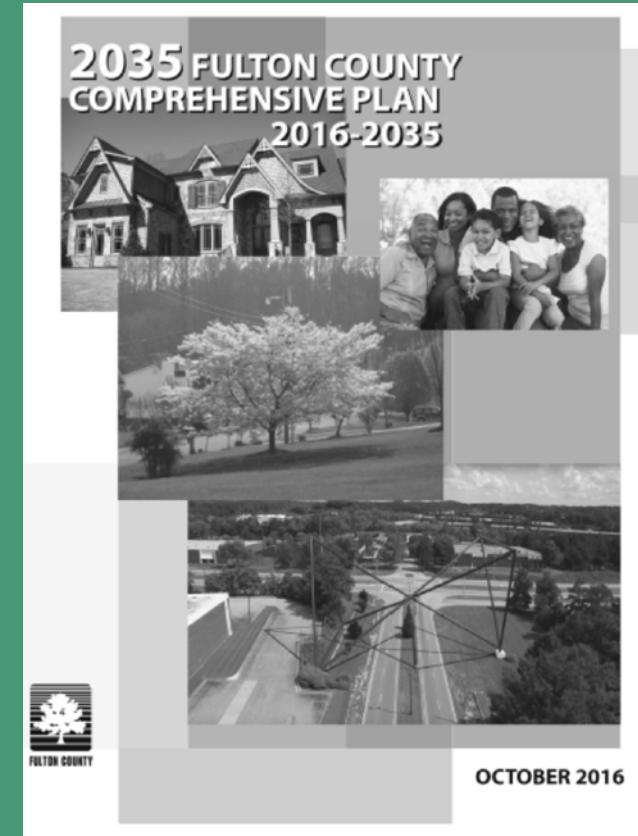
1989 Georgia Planning Act

(O.C.G.A. 45-12-200, et seq., and 50-8-1, et seq.)

- Followed upon similar legislation in Florida
- Required local, comprehensive planning under rules managed by the Georgia Department of Community Affairs (DCA)
- Intended as a “bottom up” planning approach (local to regional to state)
- Plans must be updated every 5 years

Comprehensive Plan Function

- Provides the policy framework for regulatory tools like zoning, subdivision regulations, annexations, and other policies.
- Promotes the community's vision, goals, objectives, and policies;
- Establishes a process for orderly growth and development;
- Provides for a balance between the natural and built environment



Comprehensive Plan - Menu of Plan Elements

REQUIRED
for all



REQUIRED for some communities

OPTIONAL
Elements (*Examples*)



Land Use Policy & Future Development Map

COMMUNITY
GOALS

LAND USE

- **Community Goals/Policies help to guide land use and zoning decisions**

Goal 3: Create attractive, vibrant activity centers and corridors

- **Policy 3.2:** Revitalize and enhance existing commercial corridors and developments.
 - **Strategy 3.2.1:** Revitalize and redevelop underutilized, under-performing commercial corridors.
 - **Strategy 3.2.2:** Where appropriate - redevelop underutilized, under-performing commercial corridors with walkable, mixed use development.

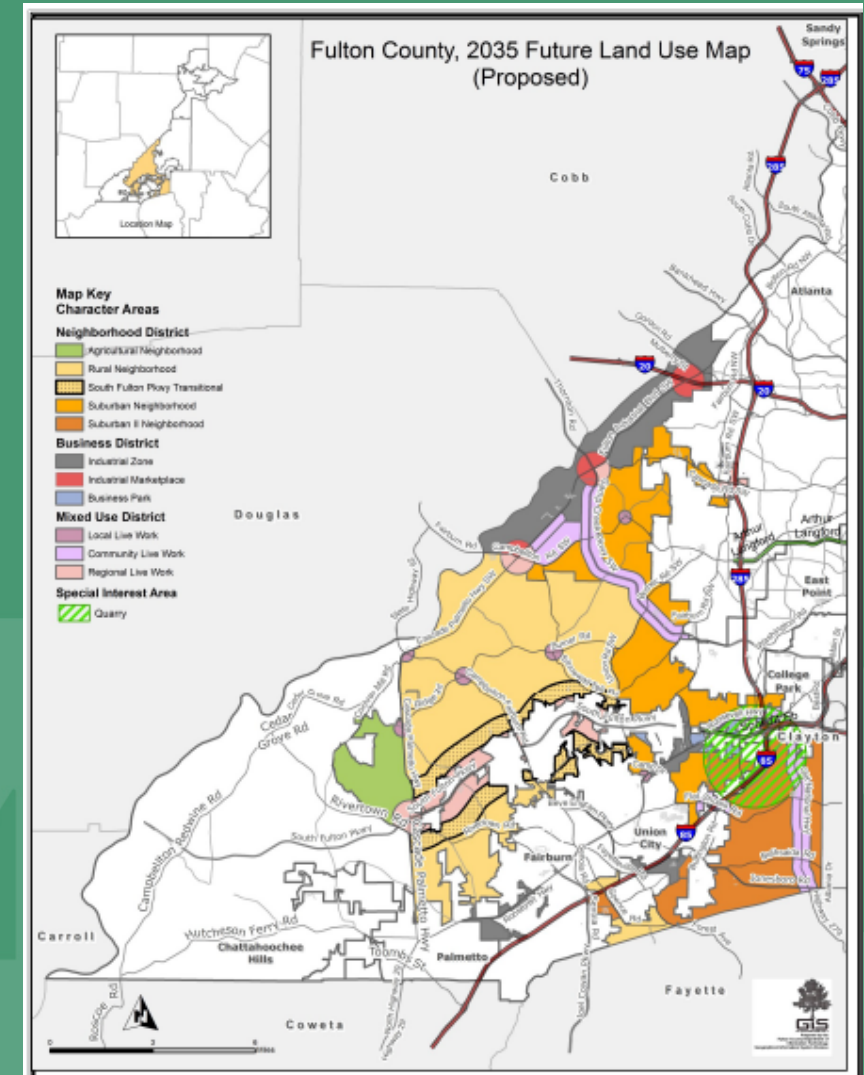
Land Use Policy & Future Development Map

COMMUNITY
GOALS

LAND USE

Future Land Use Map

- Map provides outline for how the jurisdiction intends to grow
- Map should be realistic image of future



BUHI CULTURAL CORRIDOR

EXISTING CHARACTER

Buford Highway is a bustling area of internationally-rooted small local businesses. The physical form consists of large surface parking lots sprinkled with mostly one-story buildings spanning a seven-lane roadway with an overabundance of driveway curb cuts and limited pedestrian crossings, creating a poor pedestrian environment.

VISION FOR THE FUTURE

BuHi Cultural Corridor will preserve the international diversity of businesses and new multi-family residents along Buford Highway while becoming a walkable and vibrant district for Doraville residents, workers, and visitors from around the world. Enhancements to streetscape, signage, and innovative public investments such as public art will make the corridor a popular destination in the greater Atlanta region.

POTENTIAL USES

- Mixed-use
- Retail/commercial
- Office
- Multi-family residential
- Parks & open space

BUILDING SCALE

- 3-8 stories (stepping down to 3 stories abutting low-density residential uses)

ZONING DISTRICTS

- C-1 & C-2
- T-3, T-4 & T-5
- R-3 & R-4

CHARACTER IMAGES



Future Nexus Development
Doraville



Plaza Fiesta
Chamblee



LaVista Walk
Atlanta



Buford Highway Farmers Market
Doraville

STRATEGIES

1. Implement Buford Highway Livable Centers Initiative (LCI) recommendations to build on the vision for the corridor
2. Build on the "We Love BuHi" initiative.
3. Preserve the cultural diversity of the corridor by working with businesses and business organizations.
4. Add multi-family residential to the corridor through either text amendments to the C-1 and C-2 zoning districts or rezoning to a Livable Communities Code (LCC) district to facilitate the vision of a mixed-use corridor.
5. Improve Buford Highway to enable multi-modal transportation access along the corridor.
6. Enhance existing cross streets for bicycle and pedestrian connections.
7. Include urban design requirements in all zoning regulations along the corridor to require a pedestrian-oriented building form as redevelopment occurs.
8. Encourage inter-parcel connections to reduce the abundant driveway curb cuts to improve safety for all travel modes.

COMMUNITY
GOALS

LAND USE

Comprehensive Plan Adoption Process

Plan Amendments

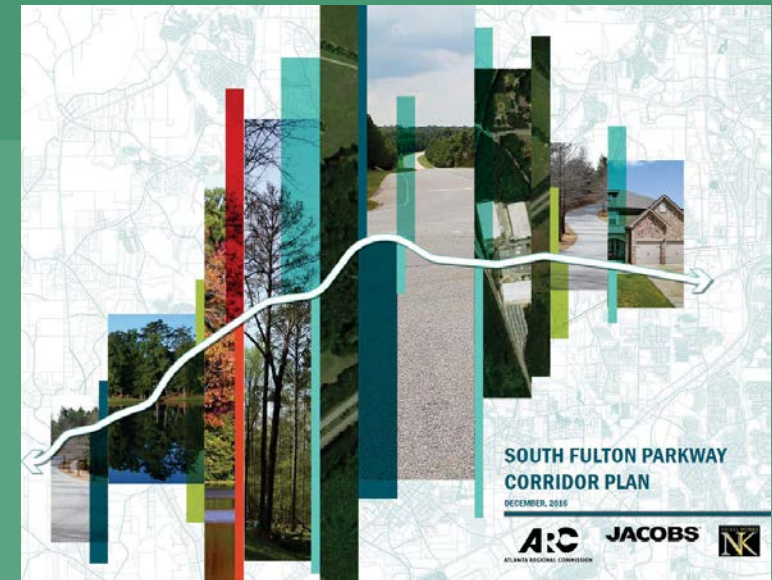
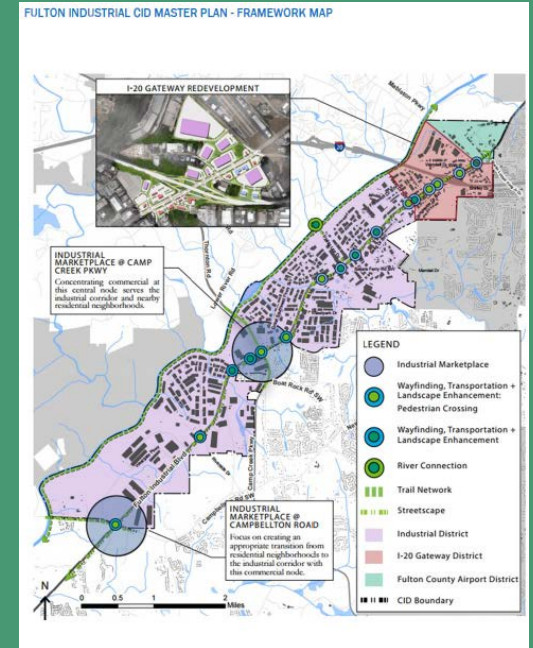
- Add components of a plan
- Make text changes
- Keeps the original intent and vision
- Can happen at anytime and does not require state review

Plan Updates

- Updates vision or intent of plan
- Developed with public input
- Can happen at anytime and but requires state review

Special/Small Area Plans

- Detailed Plan
- Clearly defined boundaries
- Subset of the larger community
- Relates to the broader Comprehensive Plan / planning framework
 - Existing conditions
 - Issue identification
 - Vision/goals, action plan



Local Planning framework



Implementing the Plan

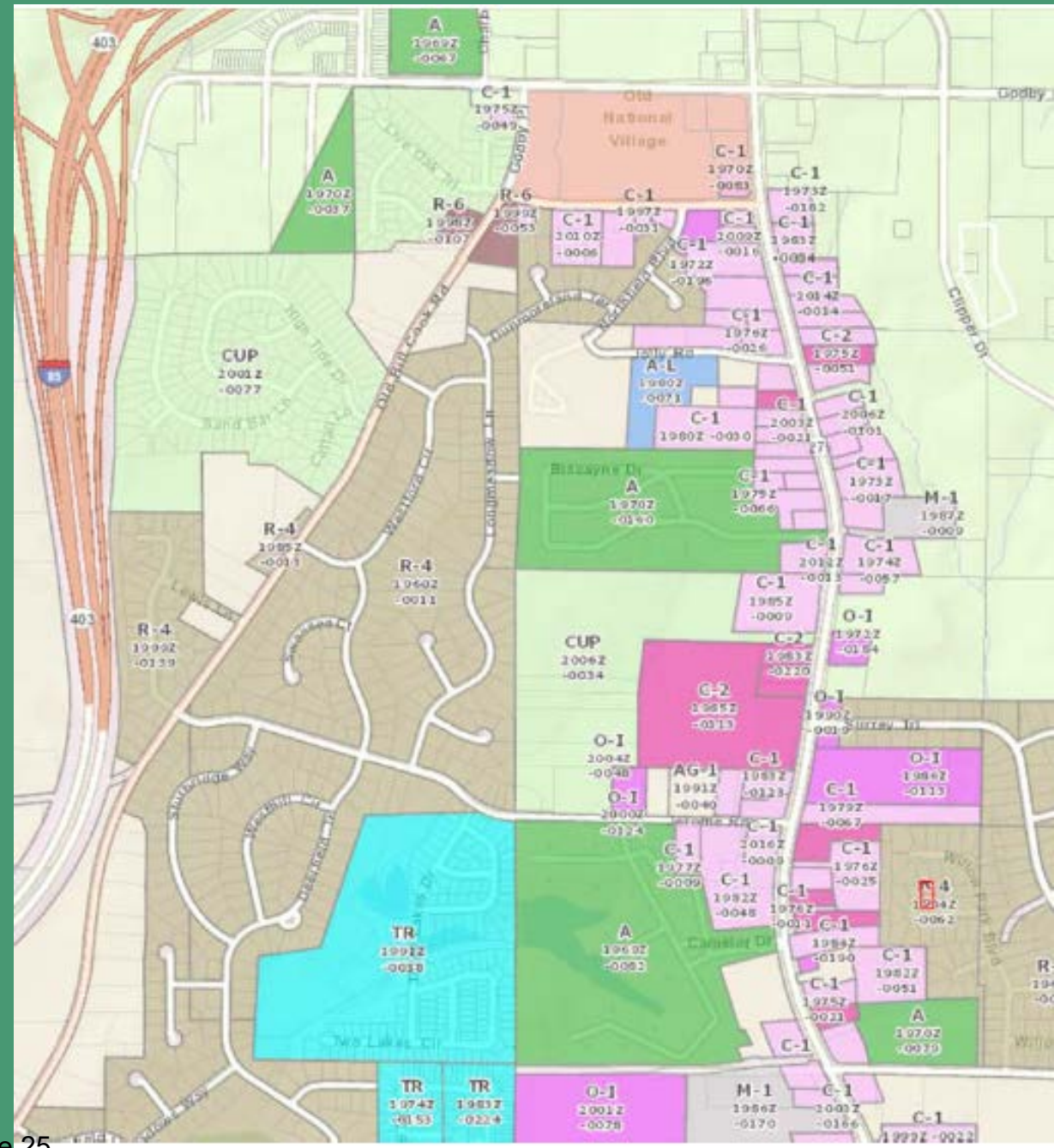
Zoning

- “The legal power of government to regulate the use of private property for the purpose of protecting the public health, safety, morals, and general welfare.
- The primary goal of zoning is to avoid or minimize disruptive land use patterns involving incompatible land uses.
- Zoning regulates what can go where
- Includes zoning map and zoning ordinance

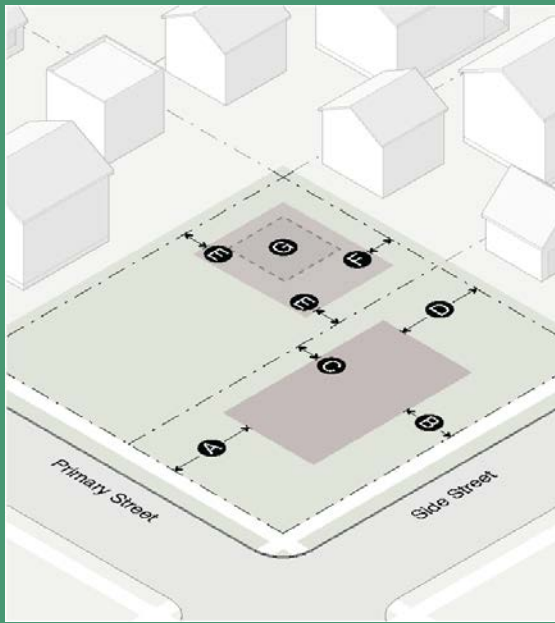
Rezoning

Changing property permanently from one zone to another

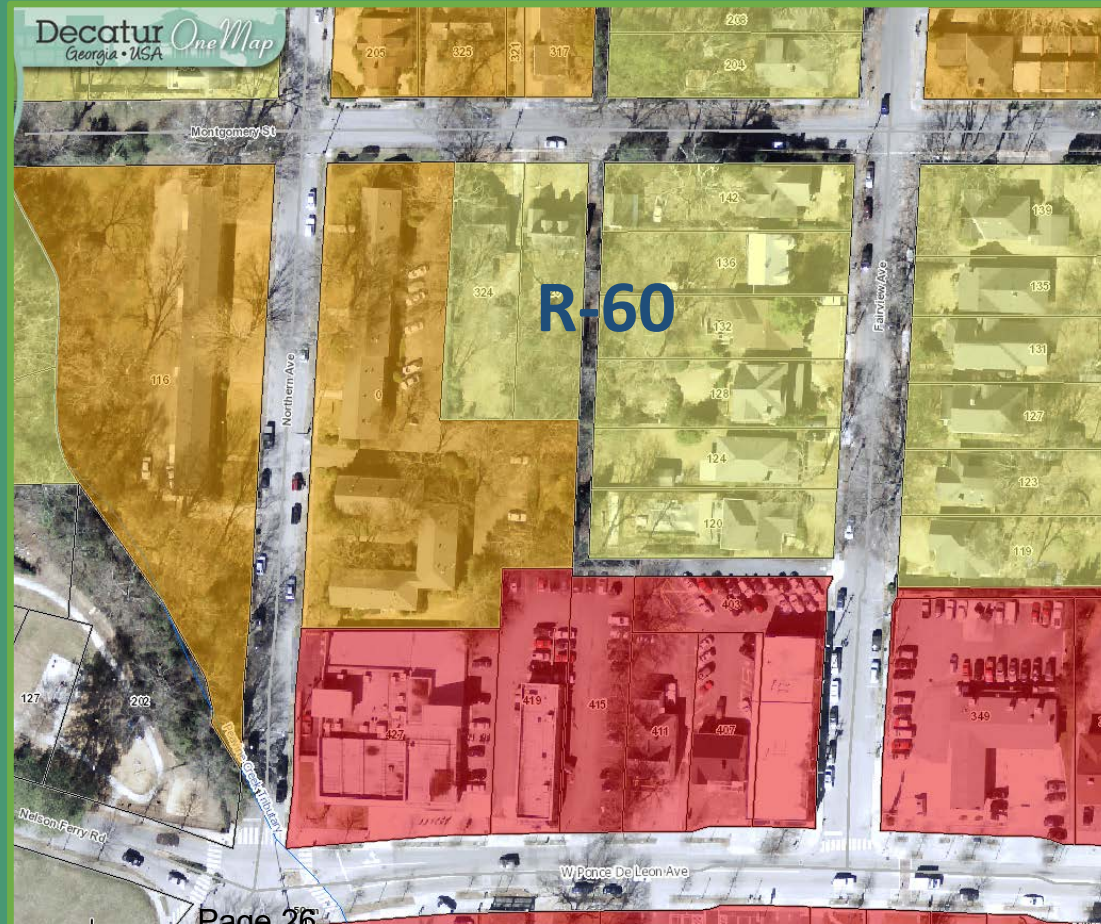
- Zoning Map
- District Requirements
 - Uses
 - Lot Size
 - Parking
- Site Design
 - Density
 - Lot Coverage
 - Setbacks
 - Building Height



Zoning District Examples

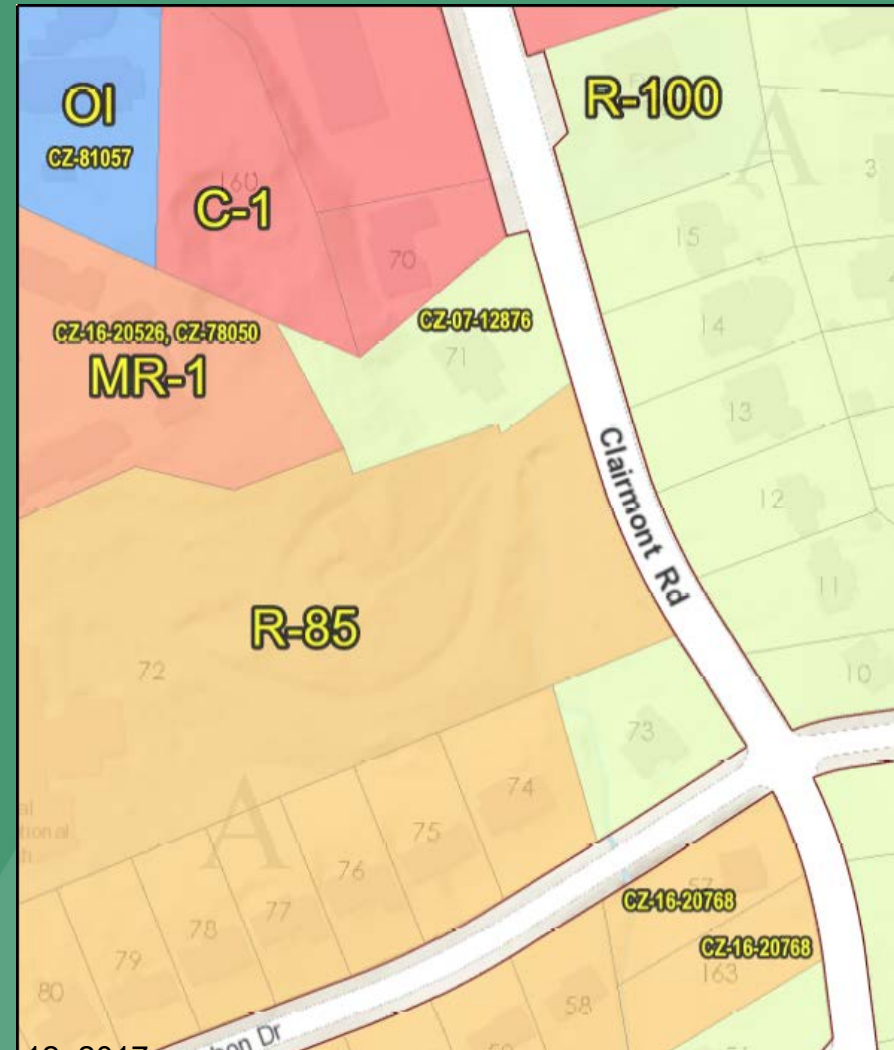


Building Height		
Principal building:		A
Lot less than 9,000 SF	see Sec. 2.1.6.B.4	
Lot 9,000 SF or more	2 stories/35' max	
1 story accessory structure	16' max	B
2 story accessory structure	25' max	C



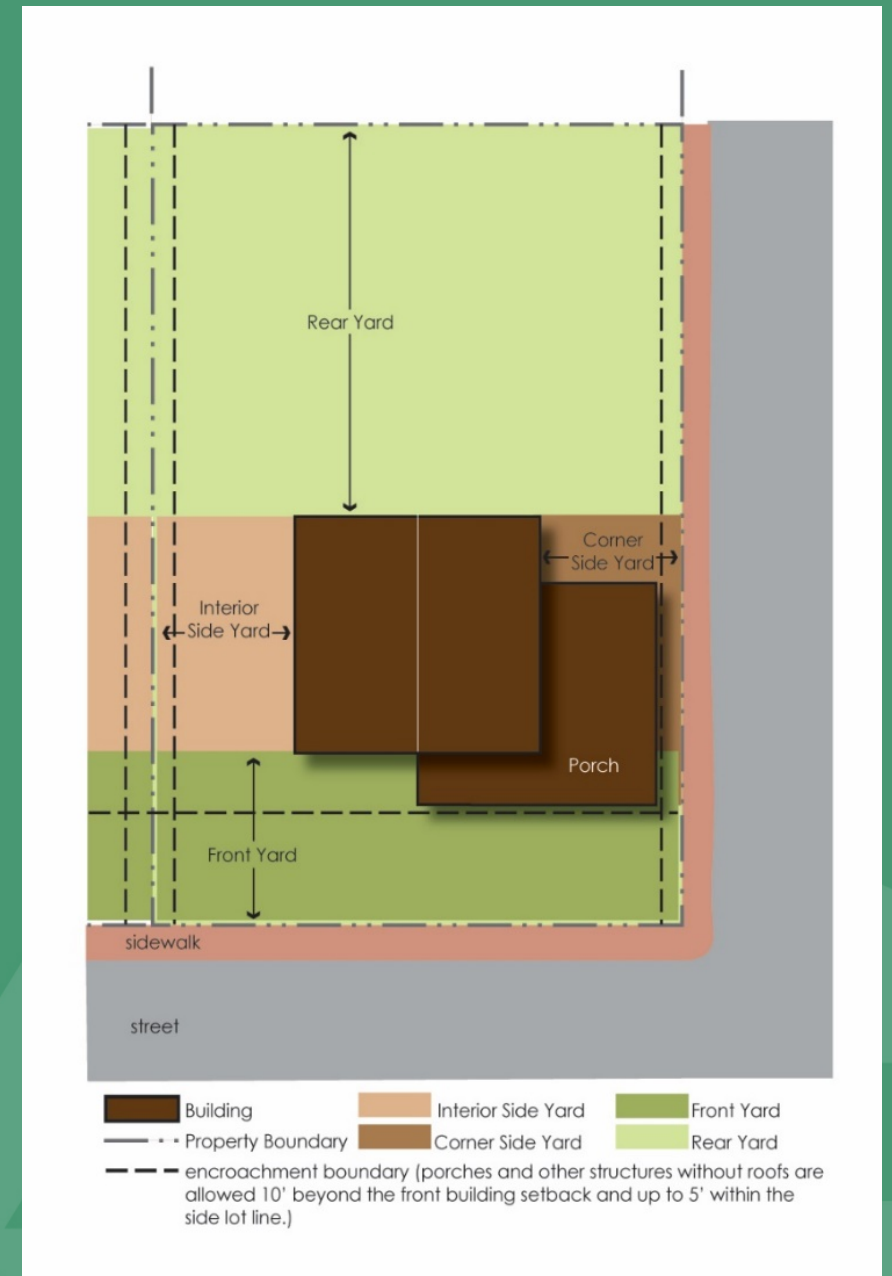
Zoning Condition / Conditional Use

- Requires special permission for certain uses within a specific zoning classification



Variance

- Permission to deviate from usual zoning regulations (setback, height, etc.) because of unusual and unnecessary hardship
- Zoning Board of Appeals (ZBA, BZA, ZRB, Etc.)
 - Decision-making body for variances and administrative appeals
 - Quasi-judicial actions
 - Appeals are to Georgia Superior Court





Subdivision Regulations

- Supported by GA Plat Act (O.C.G.A 15-6-67)
- Administrative requirements
 - Preliminary plat
 - First draft/ infrastructure design review
 - Final plat
 - Legal creation of lots
- Hearing requirements
- Minor subdivisions

Design Regulations

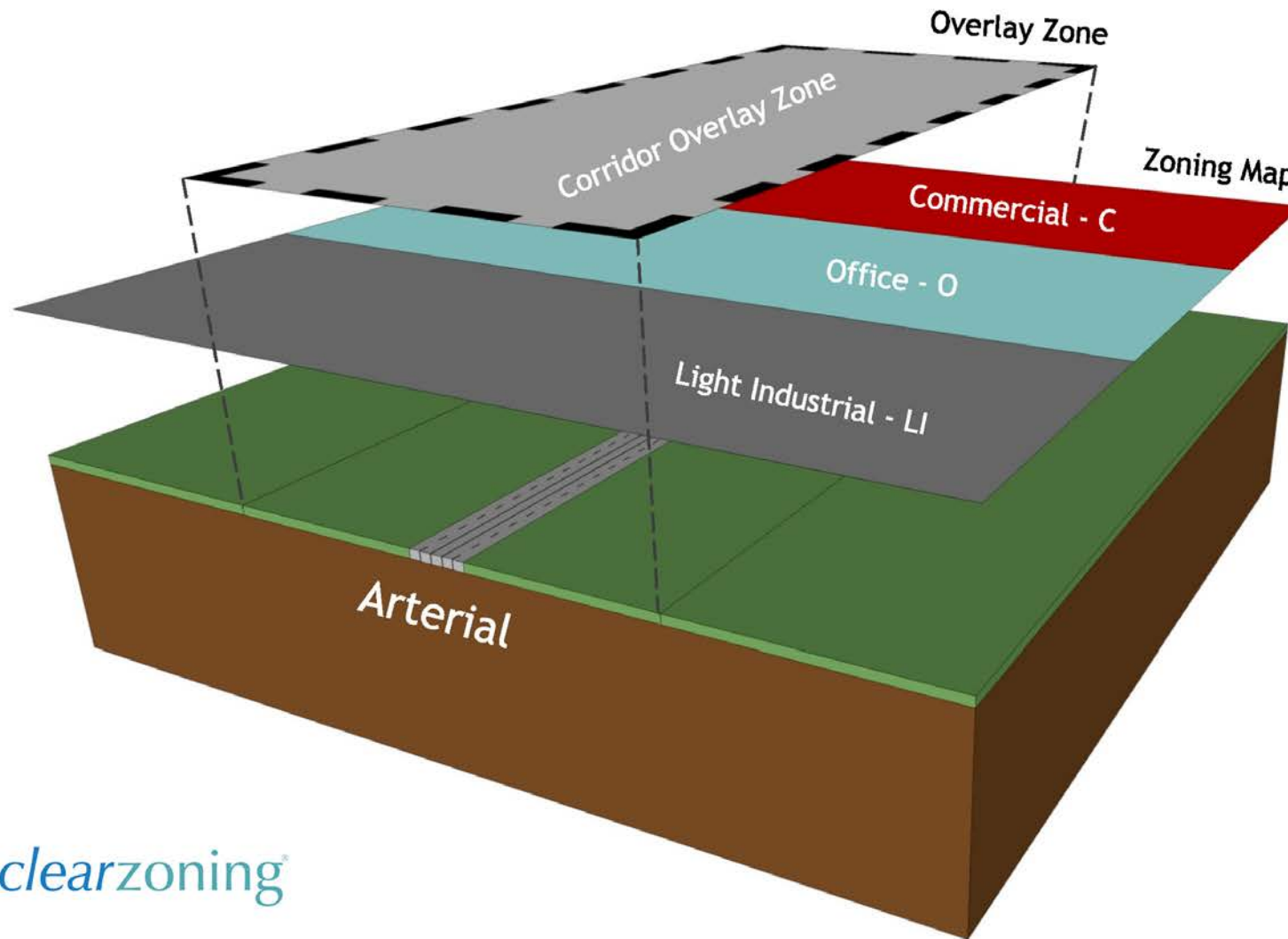
Regulate how things look

- Architectural style
- Historic Character
- Streets, sidewalk, furniture
- Landscaping
- Parking



Overlay Districts

- Provides additional regulations distinct from (or in lieu of) existing zoning districts
- Ability to cater standards to unique situations
 - May be more restrictive
 - May require specific features
 - Design Regulations
 - Mixed use
 - Workforce Housing



Local Planning framework



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The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem
The Honorable Carmalitha Gumbs, District 2 Councilmember
The Honorable Helen Z. Willis, District 3 Councilmember
The Honorable Naeema Gilyard, District 4 Councilmember
The Honorable Rosie Jackson, District 5 Councilmember
The Honorable khalid kamau, District 6 Councilmember
The Honorable Mark Baker, District 7 Councilmember

REGULAR MEETING AGENDA

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of the Consent Agenda
 - a. Meeting Minutes – Tuesday, November 28, 2017 (Work Session and Regular Meeting)
 - b. Proclamation – Popular Spring UMC Appreciation Day **(Edwards)**
 - c. Proclamation – Wayne Wright Appreciation Day **(Edwards)**

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5. Approval of the Regular Meeting Agenda
6. Proclamations and Recognitions
 - a. Proclamation – Senator Donzella James Appreciation Day
(Edwards, Gumbs, Willis & Gilyard)
7. Public Comment
 - a. Speakers will be granted up to two minutes each and public comment will not exceed 30 minutes. Speakers will not be allowed to yield or donate their time to other speakers.
8. Discussion Items
 - a. Clarification on voting process to select a name for the City
(Edwards)
 - b. General discussion on how best to involve the citizens in the voting process to select a City Seal **(Baker)**
9. Business
 - a. **Resolutions**
 - i. Resolution approving the Memorandum of Understanding between the City of Renaissance and Union City for the use of Union City’s Court Facilities. **(Res2017-076)**
 - ii. Resolution to Encourage the General Assembly to Respect Existing Municipal Borders; to Urge the General Assembly to Repeal the 1950 Local Constitutional Amendment to Prevent the Fulton Industrial District from being in a Municipality; and for Other Purposes. **(Edwards & Gilyard - Res2017-078)**
 - iii. Resolution to Approve the Installation of No Parking Signs on the 6300 Block of Stonelake Drive. **(Gumbs – Res2017-079)**

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- iv. Resolution to add Membership in a Fund of Georgia Interlocal Risk Management Agency (GIRMA); and For Other Purposes. **(Res2017-080)**

b. Ordinances

- i. **[2nd READING]** Ordinance to Amend the Charter of the City of South Fulton Amending Section 1.10 Changing the Name of the City to the City of “**Renaissance**”. **(Ord2017-037)**
- ii. **[2nd READING]** Adoption of Insurance Premium Taxation. **(Ord2017-038)**
- iii. **[2nd READING]** Ordinance to establish the convening of the Municipal Court at regular intervals. **(Ord2017-039)**
- iv. **[1st READING]** Adoption of Ordinance Establishing Historic and Cultural Landmarks Commission for The City of South Fulton. **(Rowell – Ord2017-040)**
- v. **[1st READING]** Amendment to Ord2017-031, Ethics Ordinance. **(Gumbs – Ord2017-041)**

- 10. City Manager’s Weekly Update
 - a. TAN Payment update – CFO Frank Milazi
- 11. Mayor and City Council Comments (Two Minutes Each)
- 12. Adjournment



DIVIDER SHEET



The Honorable William “Bill” Edwards, Mayor (present)
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem (present)
The Honorable Carmalitha Gumbs, District 2 Councilmember(present)
The Honorable Helen Z. Willis, District 3 Councilmember (present)
The Honorable Naeema Gilyard, District 4 Councilmember (present)
The Honorable Rosie Jackson, District 5 Councilmember (present)
The Honorable khalid kamau, District 6 Councilmember (present)
The Honorable Mark Baker, District 7 Councilmember (present)

WORK SESSION MINUTES

The Work Session was called to order y Mayor Edwards at 5:02pm. During roll call, Mayor Edwards and Councilmembers Willis Gilyard and khalid were present, therefore a quorum was present. The other members joined later.

- **Vehicle Acquisition, Disposal, Fuel, Maintenance & Repair Presentation – Enterprise FM Trust**

Mayor Edwards announced that the Presenters, Enterprise FM Trust, were not present.

- **Executive (CLOSED) Session regarding personnel, litigation or real estate matters, if necessary**

A motion was made by Councilmember Willis and seconded by Councilmember Gilyard to conduct a closed Executive Session regarding Personnel, Litigation and Real Estate. Mayor Edwards and Councilmembers Willis, Gilyard and khalid voted yea. Mayor Pro Tem Rowell and Councilmembers Gumbs, Jackson, and Baker were not present. Therefore, the motion passed 4-0-0.

LATER IN OPEN SESSION:

A motion was made by Councilmember Willis and seconded by Councilmember Jackson to close the Executive Session. Mayor Pro Tem Rowell, Councilmembers Gumbs, Willis, Jackson, khalid and Baker voted yea. Councilmember Gilyard was absent. The motion passed unanimously, 6-0-0.

The Executive Session began at 5:03pm and ended at 7:03pm.

The City Clerk announced that there was only one (1) action taken by the City Council in Executive Session. Action was taken by the City Council to delay the transition of Parks and Recreation to the end of June 2018. The motion passed unanimously, 7-0-0.

On behalf of Mayor Edwards, the City Clerk announced that the Mayor hereby appoints Mr. Phillip Etiwe to the position of Chief Administrative Officer (Qualified City Administrative Officer), effective today, November 28, 2017, and at the same time, the Mayor will initiate the process of hiring a permanent City Manager by identifying an executive search firm to provide a list of finalists, no later than January 30, 2018, for the Mayor's consideration, so that a nomination can be made by the Mayor and confirmation can be made by City Council.

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A motion was made by Councilmember Jackson and seconded by Councilmember Willis to adjourn the Work Session. Mayor Pro Tem Rowell, Councilmembers Gumbs, Willis, Jackson, khalid and Baker voted yea. Councilmember Gilyard was absent. The motion passed unanimously, 6-0-0.

The Work Session adjourned at 7:09pm.

Mark Massey, City Clerk

DRAFT



DIVIDER SHEET



The Honorable William “Bill” Edwards, Mayor (present)
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem (present)
The Honorable Carmalitha Gumbs, District 2 Councilmember (present)
The Honorable Helen Z. Willis, District 3 Councilmember (present)
The Honorable Naeema Gilyard, District 4 Councilmember (absent)
The Honorable Rosie Jackson, District 5 Councilmember (present)
The Honorable khalid kamau, District 6 Councilmember (present)
The Honorable Mark Baker, District 7 Councilmember (present)

REGULAR MEETING MINUTES

1. Call to Order

The meeting was called to order by Mayor Edwards at 7:09pm. The roll was called by the City Clerk, Mayor Edwards, Mayor Pro Tem Rowell and Councilmembers Gumbs, Willis, Jackson, khalid and Baker were present. Councilmember Gilyard was absent. A quorum was present.

Mayor Edwards announced that Councilmember Gilyard was in attendance earlier but took ill and needed to go home.

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2. Invocation

The Invocation was rendered by Pastor Warren T. Henry.

3. Pledge of Allegiance

The Pledge of Allegiance was recited in unison.

4. Approval of the Consent Agenda

- a. Meeting Minutes – Wednesday, November 8, 2017 (Special Called Meeting – Citizen Engagement Forum for Naming the City)
- b. Meeting Minutes – Monday, November 13, 2017 (Special Called Meeting – Ballot Voting for Naming the City)
- c. Meeting Minutes – Tuesday, November 14, 2017 (Work Session and Regular Meeting)
- d. Proclamation – Reverend Otis Willis, Jr. Appreciation Day **(Edwards)**
- e. Proclamation – World Changers Church Appreciation Day **(Jackson)**

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Gumbs to approve/accept the Consent Agenda as presented. Mayor Pro Tem Rowell, Councilmembers Gumbs, Willis, Jackson, Khalid and Baker voted yea. Councilmember Gilyard was absent. Therefore, the motion passed, 6-0-0.

5. Approval of the Regular Meeting Agenda

A motion was made by Councilmember Gumbs and seconded by Councilmember Baker to approve/accept the Regular Meeting Agenda as amended (adding Councilmember Jackson as co-sponsor of Ord 2017-034). Mayor Pro Tem Rowell and Councilmembers Gumbs, Willis, Jackson, Khalid and Baker voted yea. Councilmember Gilyard was absent. Therefore, the motion passed, 6-0-0.

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6. Proclamations and Recognitions
 - a. Proclamation recognizing FAKS Allied Health Education Center Appreciation Day. **(Baker) [PRESENTED]**
7. Public Comment
 - a. Speakers will be granted up to two minutes each and public comment will not exceed 30 minutes. Speakers will not be allowed to yield or donate their time to other speakers.

The following nine (9) Citizens offered public comment:

- **Dr. Barbara Cunningham** regarding City's new name.
- **Mr. Jimmie Smith** regarding raises for police and fire personnel and hiring of new officers.
- **Ms. Rosalyn Fretty** regarding City's new name.
- **Ms. Glenda Collins** (District 5) regarding clean environment, controlling building of warehouses and 18-wheelers that need to be controlled
- **Mr. Darris Rollins** (District 3) concerns with quality of police service since becoming a City.
- **Ms. Josie Brown** (District 3) concern with City name and Councilmembers not being on the same accord.
- **Ms. Kendall Henry** (District 1) concerning voting process for renaming the City. She started a petition concerning the City name and she has 600 names that disagree with Renaissance.
- **Ms. Lavon Morris-Grant** (District 3) regarding services and resources of Macosh Healing Network, a victims of crime assistance program.
- **Ms. Toni Oliver** (District 6) concerning poor lighting throughout the City especially in the dog park at Canine Crossing.
- **Ms. Barbara Reynolds** (DID NOT SPEAK) concerned with new City, garbage pick-up, utilities, police and firemen. Her concern is with the impact on services and the tax roll.

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8. Business

a. Resolutions

- i. Resolution Establishing Citywide Neighborhood Watch Program for the City of South Fulton; and for other purposes. **(Gumbs - Res2017-072)**

A motion was made by Councilmember Gumbs and seconded by Councilmember Baker to adopt/approve Res2017-072. Mayor Pro Tem Rowell, Councilmembers Gumbs, Willis, Jackson, khalid and Baker voted yea. Councilmember Gilyard was absent. Therefore, the motion passed, 6-0-0.

- ii. Amendment and Supplement to Resolution No. 2017-060 – Fulton Industrial CID Agreement. **(Res2017-073)**

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Willis to approve Res2017-073. Mayor Pro Tem Rowell, Councilmembers Gumbs, Willis, Jackson, khalid and Baker voted yea. Councilmember Gilyard was absent. Therefore, the motion passed, 6-0-0.

- iii. Resolution approving the Intergovernmental Agreement between Fulton County Schools and the City of South Fulton to provide for a School Bus Safety Enforcement Program. **(Rowell - Res2017-074)**

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Baker to approve Res2017-074. Mayor Pro Tem Rowell, Councilmembers Gumbs, Willis, Jackson, khalid and Baker voted yea. Councilmember Gilyard was absent. Therefore, the motion passed, 6-0-0.

- iv. Resolution approving the Inmate Detention Agreement between the City of South Fulton and East Point Police Department. **(Res2017-075)**

A motion was made by Councilmember Willis and seconded by Councilmember khalid to approve Res2017-075. Mayor Pro Tem Rowell, Councilmembers Gumbs, Willis, Jackson, khalid and Baker voted yea. Councilmember Gilyard was absent. Therefore, the motion passed, 6-0-0.

- v. Resolution approving the Memorandum of Understanding between the City of South Fulton and Union City for the use of Union City's court facilities. **(Res2017-076)**

A motion was made by Councilmember Baker and seconded by Councilmember khalid to hold Res2017-076 to the December 12, 2017, Meeting. Councilmembers Gumbs, Jackson, khalid and Baker voted yea. Mayor Pro Tem Rowell and Councilmember Willis voted no. Councilmember Gilyard was absent. Therefore, the motion passed, 4-2-0.

- vi. Resolution approving the contract for Professional Probation Supervision and Rehabilitation Services (PPS). **(Res2017-077)**

A motion was made by Councilmember Willis and seconded by Councilmember Jackson to approve Res2017-077. Mayor Pro Tem Rowell, Councilmembers Gumbs, Willis, Jackson and Baker voted yea. Councilmember khalid voted no. Councilmember Gilyard was absent. Therefore, the motion passed, 5-1-0.

b. Ordinances

- i. **[2nd READING]** Adoption of Additional Ethics Ordinances. **(Rowell & Willis - Ord2017-031)**

- 1) **A motion was made by Councilmember Baker and seconded by Councilmember Willis to approve Ord2017-031 with amendments by Councilmembers Jackson [Sec.1-5003, sec.**

1-5012(g) and Sec. 1-5012(h)] and Councilmember Gilyard [4th Whereas clause] (as presented by Mayor Pro Tem Rowell) with the exception of Sec. 1-5012(h) to exclude the Mayor and Councilmembers from attending staff meetings. Mayor Pro Tem Rowell, Councilmembers Gumbs, Willis, Jackson, khalid and Baker voted yea. Councilmember Gilyard was absent. Therefore, the motion passed, 6-0-0.

- 2) A motion was made by Councilmember khalid and seconded by Councilmember Baker to amend Sec 1. 5004(u), (change 'unless required by law' to "in a manner unauthorized by law"). [NO VOTE TAKEN]
- 3) A motion was made by Councilmember khalid and seconded by Councilmember Baker to reconsider the previous motion (motion 1.). Councilmembers Gumbs, Jackson, khalid and Baker voted yea. Mayor Pro Tem Rowell and Councilmember Willis voted no. Councilmember Gilyard was absent. Therefore, the motion passed, 4-2-0.
- 4) A motion was made by Councilmember khalid and seconded by Councilmember Baker to amend Sec 1. 5004(u), (change 'unless required by law' to "in a manner unauthorized by law"). Councilmembers Jackson, khalid and Baker voted yea. Mayor Edwards, Mayor Pro Tem Rowell, Councilmembers Gumbs and Willis voted no. Councilmember Gilyard was absent. Therefore, the motion failed, 3-4-0.
- 5) A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Baker to approve Ord2017-031 with amendments by Councilmembers Jackson and Gilyard. Mayor Pro Tem Rowell, Councilmembers Gumbs, Willis, Jackson and Baker voted yea. Councilmember khalid voted no. Councilmember Gilyard was absent. Therefore, the motion passed, 5-1-0.

- ii. [2nd READING] Adoption of an Ordinance to impose a surcharge on all fines imposed for violations of ordinances governing public Parks and Recreation Facilities in the City of South Fulton. (Ord2017-032)

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Willis to approve Ord2017-032. Mayor Pro Tem Rowell, Councilmembers Gumbs, Willis, Jackson, and Baker voted yea. Councilmember khalid voted no. Councilmember Gilyard was absent. Therefore, the motion passed, 5-1-0.

- iii. **[2nd READING]** Amendment to Ordinance No.2017-018 – Rules of the Road. Ordinance to Amend Title 8 of the City of South Fulton Code of Ordinances to impose a surcharge on all fines imposed under Title 8 for specific purposes – Police Tech Retention & Recruitment. **(Ord2017-033)**

A motion was made by Councilmember Willis and seconded by Councilmember Baker to approve Ord2017-033. Mayor Pro Tem Rowell, Councilmembers Gumbs, Willis, Jackson, khalid and Baker voted yea. Councilmember Gilyard was absent. Therefore, the motion passed, 6-0-0.

- iv. **[2nd READING]** Adoption of Ordinance Relating to the Regulation of Sexually-Oriented Businesses in the City of South Fulton Boundaries; To provide for definitions; To provide for the licensing of Sexually-Oriented Businesses; To provide for maximum fees and penalties for violation of this chapter; To provide for appellate rights; To provide for severability; To provide an effective date; To repeal all ordinances and parts of ordinances in conflict herewith; And for other purposes. **(Rowell & Jackson - Ord2017-034)**

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Jackson to approve Ord2017-034. Mayor Pro Tem Rowell, Councilmembers Gumbs, Willis, Jackson, khalid and Baker voted yea. Councilmember Gilyard was absent. Therefore, the motion passed, 6-0-0.

- v. **[2nd READING]** Amendment to Ordinance No. 2017-017 – Municipal Court. An Ordinance to Amend Title 7 of the City of South Fulton Code of Ordinances; To provide for a

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, November 28, 2017, 7:00pm

Quarterly Report from the Municipal Court; And for other purposes. **(Ord2017-035)**

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember khalid to approve Ord2017-035. Mayor Pro Tem Rowell, Councilmembers Gumbs, Willis, Jackson, khalid and Baker voted yea. Councilmember Gilyard was absent. Therefore, the motion passed, 6-0-0.

- vi. **[2nd READING]** Amendment to Ordinance No. 2017-017 – Municipal Court. An Ordinance to Amend Title 7 of the City of South Fulton Code of Ordinances; To provide for the payment of costs Incurred by the City of South Fulton by the defendant upon conviction. **(Ord2017-036)**

A motion was made by Councilmember Jackson and seconded by Councilmember Gumbs to approve Ord2017-036. Mayor Pro Tem Rowell, Councilmembers Gumbs, Willis, Jackson, khalid and Baker voted yea. Councilmember Gilyard was absent. Therefore, the motion passed, 6-0-0.

- vii. **[1st READING]** Ordinance to Amend the Charter of the City of South Fulton Amending Section 1.10 Changing the Name of the City to the City of “Renaissance”. **(Ord2017-037)**
[PRESENTED]

- viii. **[1st READING]** Adoption of Insurance Premium Taxation. **(Ord2017-038) [PRESENTED]**

- ix. **[1st READING]** Emergency Ordinance to establish the convening of the Municipal Court at regular intervals. **(Ord2017-039) [PRESENTED]**

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, November 28, 2017, 7:00pm

9. City Manager's Weekly Update (Financial Status Update – CFO)

CFO Frank Milazi gave a PowerPoint presentation on the current financial status of the City.

10. Mayor and City Council Comments (Two Minutes Each)

All Councilmembers and the Mayor made announcements or statements regarding activities held or upcoming in their respective districts.

Mayor Edwards recognized State Representative Derrick Jackson and former State Representative Virgil Fludd for being present in the audience.

11. Adjournment

Mayor Edwards entertained a motion to adjourn. A motion was made by Councilmember Baker and seconded by khalid to adjourn. Mayor Pro Tem Rowell, Councilmembers Gumbs, Willis, Jackson, khalid and Baker voted yea. Councilmember Gilyard was absent. Therefore, the motion passed, 6-0-0.

Mark Massey, City Clerk



City of South Fulton

Whereas, Poplar Spring Methodist Episcopal Church had its humble beginnings in a Brush Arbor in 1867, in what was known as Henry County at that time, then Fayette County, Campbell County and now Fulton County; and

Whereas, In 1939, The Methodist Episcopal Church, The Methodist Protestant Church, and the Methodist Episcopal Church South, merged to form The Methodist Church; and

Whereas, With this merger, the church was divided into six (6) jurisdictions-five geographical jurisdictions and one racial jurisdiction, the Central Jurisdiction. The Central Jurisdiction was comprised of all Black American churches and their annual conferences no matter where they were geographically located in the United States; and

Whereas, In 1968, The Methodist Church merged with the Evangelical United Brethren Church to form the United Methodist Church. With this merger, Central Jurisdiction was abolished and Poplar Spring became Poplar Spring United Methodist Church; and

Whereas, Over the years the Church was led by numerous pastors who made great strides in moving the Church forward in the areas of educational needs, young people ministries, youth and children development programs, securing larger locations to accommodate the growing membership, establishing Wednesday Evening Bible classes and intercessory prayer, and significant improvements were made to the structure; and

Whereas, In December, 2011 Rev. Dr. Robert L. Crawford was called to be our pastor and through his leadership we are celebrating a milestone-our 150th Church Anniversary. Over the years, they endured much but through it all God has been good to them. Now as they go forth in their celebration, we truly believe that through God's eternal love and grace, they shall move forward in an extraordinary way, adding to their dynamic legacy.

Now, therefore be it resolved, That the Mayor and City Council of the City of South Fulton congratulates Reverend Robert L. Crawford and the Poplar Spring United Methodist Church on its 150th Anniversary and do hereby proclaim Sunday, November 26, 2017, as “**POPLAR SPRING UNITED METHODIST CHURCH 150th ANNIVERSARY APPRECIATION DAY**” in the City of South Fulton, Georgia.

Mayor William “Bill” Edwards

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City of South Fulton | December 12, 2017



City of South Fulton

WHEREAS, In Atlanta, Georgia during the summer of 1968, while many prepped the barbeque grill and potato salad in preparation for 4th of July celebrations, Wayne Wright, Sr., and Georgia Gartrell Wright was preparing to welcome their new baby boy;

WHEREAS, The new baby boy came to be known as Skipper, by his family, would join his older sister by three years, Johnna, and would round out the Wright family;

WHEREAS, Skipper had wide eyes and a warm smile, the same charismatic grin he would carry throughout his life that both charmed and brought joy to many. After graduating from Benjamin E. Mays High School, he earned a full scholarship to Jackson State University;

WHEREAS, Skipper later came to be known as Wayne. In the fall of 1987, while attending Jackson State University, he began his journey into Kappa Land. He went on to serve as the Polemarch of the Delta Delta Chapter of Kappa Alpha Psi Fraternity, Inc.;

WHEREAS, In 1991, after graduating from Jackson State and fulfilling his military commitment to the United States Army, Wayne joined the workforce immediately accepting managerial positions with several major corporations;

WHEREAS, In December of 1999, he and his then wife, CaShona (Shona), welcomed their very own baby boy, Wayne Wright, III. They called him Tre as a nickname for the third. Tre, like his father, earned a full scholarship to college;

WHEREAS, Wayne Jr. joined Greater Travelers Rest Baptist Church and would continue to be a leader in his professional life and in 2000 he joined the Fulton County's Code Enforcement office, where he proudly served the Fulton County community for 18 years; and

WHEREAS, On Thursday, November 23rd, 2017 shortly before midnight, Wayne "Skip" Wright, Jr. ended his earthly stay with us to rest peacefully in the heavenly arms of our Father.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and the City Council of the City of South Fulton posthumously bestow this proclamation to Wayne "Skip" Wright, Jr. on his service to the community and South Fulton and do hereby proclaim Saturday, December 2, 2017, as **"WAYNE "SKIP" WRIGHT, JR. APPRECIATION DAY"** in the City of South Fulton, Georgia.

Mayor William "Bill" Edwards



DIVIDER SHEET



City of South Fulton

WHEREAS, Senator Donzella James is a Democratic Senator representing Metropolitan Atlanta’s 35th District of Georgia, which include portions of Fulton and Douglas Counties. She proudly served four and one half full terms and retired to offer herself to serve in the U.S. Congress. In 2009, Senator James was re-elected to serve once again in the State Senate where she sponsored or co-sponsored more than 400 pieces of legislation.

WHEREAS, Senator James, District 35, led the effort in the Senate convincing her colleagues on both sides of the isle to “vote yes” on the Cityhood bill. When questioned on her support for the creation of the City of South Fulton, the Senator’s reply was, “I will always choose the rights of my constituents to determine their destiny over party affiliation.”

WHEREAS, Senator James, a longtime resident of the Cliftondale Community, regularly attended planning meetings of pro-cityhood organizations and offered her knowledge and expertise to leaders of the Cityhood movement. The Senator spoke at several public meetings encouraging citizens to decide on their own future.

WHEREAS, On November 8, 2016 residents of unincorporated South Fulton decided by a referendum vote to approve the City of South Fulton. On December 13, 2016 Georgia Governor Nathan Deal named the Governor’s Transition Commission on South Fulton to prepare for the establishment of the City of South Fulton.

WHEREAS, In the post referendum phase of the movement, Senator James was appointed to the Governor’s Transition Team by Governor Nathan Deal to help the new startup city get up and running. As a member of the Transition Team, Senator James served with distinction and her contributions enabled a smooth transition of passing the baton to the Mayor and City Council, as the governing authority of the City of South Fulton.

WHEREAS, Senator Donzella James is an ardent supporter of the new government and consults with leaders when needed. Senator Donzella James is a servant at heart who is committed to continuing her life’s work of serving the people of District 35 and the great State of Georgia.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and the City Council of the City of South Fulton congratulates Senator Donzella James on her service and contributions to the citizens of South Fulton and does hereby proclaim Tuesday, December 12, 2017, as **“SENATOR DONZELLA JAMES APPRECIATION DAY”** in the City of South Fulton, Georgia.

Mayor William “Bill” Edwards

Councilmember Carmalitha Gumbs

Councilmember Helen Willis

Councilmember Nacema Gilyard

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DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION NO. 2017-076

**A RESOLUTION APPROVING THE MEMORANDUM OF
UNDERSTANDING BETWEEN THE CITY OF RENAISSANCE AND
UNION CITY FOR THE USE OF UNION CITY'S COURT FACILITIES**

WHEREAS, the City of South Fulton (the "City") is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, City Charter Section 5.10 establishes the municipal court for the City; and

WHEREAS, under Section 5.12 of the City Charter, the municipal court shall convene at regular intervals; and

WHEREAS, facilities are required for the municipal court to convene at regular intervals; and

WHEREAS, the City is authorized under City Charter Section 1.12(b)(7) and 3.10(e) to enter into contracts and agreements with private persons, firms, and corporations necessary for the proper administration of the affairs of the City; and

WHEREAS, the Mayor is authorized under City Charter Section 3.22(b)(4) to sign written and approved contracts and any necessary attendant documents thereof for the benefit of the City; and

WHEREAS, the City finds the Memorandum of Understanding Between the City of Renaissance¹ and Union City for the Use of Union City's Court Facilities to be reasonable and in the best interests of the City and its residents.

BE IT HEREBY RESOLVED by the Mayor and City Council that:

1. The aforesaid recitals are not mere recitals, but are material portions of this Resolution.
2. The Mayor is authorized to enter into a Memorandum of Understanding Between the City of Renaissance and Union City for the Use of Union City's Court Facilities, as

¹ The City of South Fulton anticipates amending the Charter to change the City's name to the City of Renaissance, effective December 12, 2017.

generally set forth in the proposed contract that is attached to this Resolution as “Exhibit 1.”

3. The Interim City Attorney and the municipal judge shall review and approve the Memorandum of Understanding Between the City of Renaissance and Union City for the Use of Union City’s Court Facilities before it is executed.
4. In the event any portion of this resolution shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of South Fulton, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.
5. All resolutions and parts of resolutions in conflict with this resolution are hereby repealed.
6. Unless specifically specified elsewhere in this resolution or in the Memorandum of Understanding, the effective date of this Resolution shall be _____.

The foregoing Resolution No. **Res2017-076**, was adopted _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS RESOLUTION adopted this _____ day of _____ **2017. CITY OF
SOUTH FULTON, GEORGIA**

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY

**MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF
RENAISSANCE AND UNION CITY FOR THE USE OF UNION CITY'S
MUNICIPAL COURT FACILITIES**

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is made and entered into on the _____ day of _____ 2017 by and between the City of Renaissance, Georgia (“Renaissance”) and the City of Union City, Georgia (“Union City”), both municipal corporations organized and existing under the laws of the State of Georgia, acting by and through their duly elected officials for the purpose of Union City allowing Renaissance to temporarily conduct its municipal court proceedings at the Union City Municipal Courthouse until Renaissance has secured its own facility. Renaissance and Union City are hereinafter collectively referred to as “Party” or “Parties.”

WHEREAS, Renaissance, formerly known as the City of South Fulton, was incorporated on May 1, 2017 and is currently transitioning services from Fulton County pursuant to Section 7.16(d) of its Charter;

WHEREAS, pursuant to Section 7.16(d) of its Charter, Fulton County has agreed to confer “regulatory authority and the appropriate court jurisdiction” to Renaissance on November 1, 2017;

WHEREAS, beginning November 1, 2017, Renaissance will have full jurisdiction allowed by law to adjudicate any violation of law that occurs within its jurisdiction;

WHEREAS, it is necessary for Renaissance to have a dedicated physical location to adjudicate any violation of law that occurs within its jurisdiction;

WHEREAS, Union City has agreed to allow Renaissance to temporarily use its court facilities until Renaissance has secured a location for its municipal court;

WHEREAS, the Parties desire to enter into this MOU for the purpose of sharing the court facilities located at 5060 Union Street, Union City, Georgia 30291 as needed for

both Parties to exercise their jurisdiction over violations that occur within their respective jurisdictions;

WHEREAS, pursuant to a mutually agreed-upon schedule set out below, the Parties will have access to the court facilities as needed to exercise their jurisdiction as deemed necessary;

WHEREAS, the Parties acknowledge that coordination between Renaissance and Union City is imperative for the public health, safety, and welfare;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and for other good and valuable consideration, the Parties agree as follows:

1. **Purpose:** The purpose of this MOU is to provide Renaissance authorization and permission to use Union City's court facilities to exercise its jurisdiction over violations that occur within its jurisdiction. The term "court facilities" referenced throughout this MOU refers to the Municipal Court located at the Union City Justice Center located at 5060 Union Street, Union City, Georgia 30291 and includes all courtrooms, holding facilities, and vestibules.
2. **Use of Union City's Court Facilities:** Renaissance has provided a Court Service Operations Plan to Union City demonstrating the scope within which Renaissance will utilize the court facilities. A copy of the Court Service Operations Plan is attached as Exhibit "A" and is by this reference incorporated herein. Renaissance shall have the authorization and permission to utilize Union City's court facilities to exercise its jurisdiction over violations that occur within its jurisdiction. Based on the Parties' understanding, Renaissance is authorized to utilize the court facilities on the following dates and times, excluding all federal and State holidays:
 - Every Tuesday from 8 a.m. to 5 p.m.;
 - Every Wednesday from 1:30 p.m. to 5:30 p.m.; and
 - Every Thursday from 8 a.m. to 5 p.m.

Renaissance shall have the right to utilize Union City's court facilities upon execution of this MOU. These facilities include access to a judge's chamber, storage room, and hard-wired network connectivity.

3. **Compensation:** As consideration for Renaissance's use of Union City's court facilities, Renaissance shall compensate Union City in the amount of _____ per month, which shall be paid to Union City on the last day of every month.
4. **Default:** Renaissance shall have the right to use Union City's court facilities pursuant to the terms of this MOU for a period of twelve (12) months from the effective date of this MOU, so long as it tenders monthly payments to Union City on a timely basis. Should Renaissance fail to comply with the terms of the MOU, such failure shall be deemed to be a default under the MOU. Upon any default, Union City shall notify Renaissance in writing and allow Renaissance to cure the default within thirty (30) days of the written notice. If such default is not cured within that 30-day period, or if Renaissance indicates that it will not cure said default, this MOU shall, at Union City's sole discretion, be immediately terminated and Renaissance's use of the court facilities shall be extinguished.
5. **Amendments:** This MOU may be modified in writing at any time during the term by mutual written consent of both Parties.
6. **Relationship to Other Agreements:** Nothing contained in this MOU shall amend, alter, or modify any other Agreements entered into between Renaissance and Union City.
7. **Indemnification.** Renaissance will indemnify and hold harmless Union City and its agents and employees from and against all claims, damages, losses and expenses including attorney's fees arising out of or resulting from the use of the courtroom facilities by Renaissance, provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property including the loss of use resulting therefrom; and is caused in whole or in part by any negligent or willful act or omission of Renaissance, and anyone directly or indirectly employed by Renaissance, or anyone for whose acts Renaissance may be

liable. In any and all claims against Union City, or any of its agents or employees, by any employee of Renaissance, or anyone directly or indirectly employed by Renaissance, or anyone for whose acts Renaissance may be liable, the indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for South Fulton under Workers' Compensation acts, disability benefit acts or other employee benefits acts.

8. Employees, agents and contractors of Renaissance shall remain employees, agents and contractors of Renaissance while performing their duties at the courtroom facilities in Union City. Nothing about the nature of the work performed by the employees, agents and contractors of Renaissance at the courtroom facilities in Union City will make the employees, agents and contractors of Renaissance be considered as employees, agents and contractors of Union City. Renaissance maintains the right to supervise and oversee all employees, agents and contractors of Renaissance performing work at the courtroom facilities in Union City. All Union City employees, agents and contractors performing work at the courtroom facilities in Union City will remain employees, agents and contractors of Union City.
9. **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 Renaissance: City Manager
5440 Fulton Industrial Boulevard
Atlanta, GA 30336
City of Renaissance

With a copy to: Josh Belinfante, City Attorney
Robbins Ross Alloy Belinfante Littlefield LLC
999 Peachtree Street NE Suite 1120
Atlanta, GA 30309

If to Union City: Sonya Fillingame
5047 Union Street
Union City, Georgia 30291

With copies to: Dennis A. Davenport
McNally, Fox, Grant & Davenport, P.C.
100 Habersham Drive
Fayetteville, Georgia 30214

10. **Non-Assignability:** Neither party shall assign any of the obligations or benefits of this MOU.
11. **Effective Date:** This MOU shall be effective on January 1, 2018 and shall automatically terminate on December 31, 2018 (the “Expiration Date”). Prior to the Expiration Date, Renaissance may request to extend the term of this MOU for thirty-day increments by providing at least thirty days’ written notice to Union City. Union City shall respond to such a request to extend the term of this MOU within 21 days of receipt of same.
12. **Entire Agreement:** The Parties acknowledge, one to the other, that the terms of this MOU constitute the entire understanding and MOU of the Parties regarding the subject matter of the MOU.
13. **Severability:** If a court of competent jurisdiction renders any provision of this MOU (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 MOU will continue in full force and effect as if the invalid provision or portion of the provision, were not part of this MOU.
14. **Binding Effect:** This MOU shall insure to the benefit of, and be binding upon, the respective parties' successors.
15. **Venue:** This MOU is governed by the laws of the State of Georgia without regard to conflicts of law principles thereof. Should any party institute suit concerning this MOU, the Parties agree that the venue shall be in the Superior Court of Fulton County, Georgia.
16. **Drafting of MOU:** This MOU 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 MOU 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 MOU by any other Party.

17. **No Third-Party Beneficiaries:** This MOU is made between and limited to Renaissance and Union City, and is not intended, and shall in no event be construed to be, for the benefit of any person or entity other than South Fulton and Union City, and no other person or entity shall be considered a third-party beneficiary of this MOU or otherwise entitled to enforce the terms of this MOU for any reason whatsoever.

18. **Counterparts:** This MOU may be executed in several counterparts, each of which shall be an original, and all of which shall constitute one and the same instrument.

WHEREFORE, we have set our hands and seals hereon as of the date first above written.

[SIGNATURES TO APPEAR ON THE FOLLOWING PAGE]

MAYOR AND COUNCIL FOR THE
CITY OF UNION CITY, GEORGIA

(SEAL)

By: _____
VINCE R. WILLIAMS, Mayor

ATTEST:

Shandrella Jewett, City Clerk

Approved as to form:

City Attorney

MAYOR AND COUNCIL FOR THE
CITY OF RENAISSANCE, GEORGIA

(SEAL)

By: _____
BILL EDWARDS, Mayor

ATTEST:

Mark Massey, City Clerk

Approved as to form:

Josh Belinfante, Interim City Attorney



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION NO. 2017-078

**TO ENCOURAGE THE GENERAL ASSEMBLY TO RESPECT EXISTING
MUNICIPAL BORDERS; TO URGE THE GENERAL ASSEMBLY TO REPEAL
THE 1950 LOCAL CONSTITUTIONAL AMENDMENT TO PREVENT THE
FULTON INDUSTRIAL DISTRICT FROM BEING IN A MUNICIPALITY; AND
FOR OTHER PURPOSES.**

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

WHEREAS, the City was created from all unincorporated areas in south Fulton County that existed on May 1, 2016; and

WHEREAS, other cities attempted, sometimes successfully, to annex into the City’s borders; and

WHEREAS, in *Mays v. City of Atlanta*, 301 Ga. 367 (2017), the Supreme Court of Georgia decided that annexation resolutions adopted after June 1, 2016 that attempted to annex territory that was then part of unincorporated Fulton County were untimely; and

WHEREAS, the City has recently resolved a matter with the City of Union City over another parcel of property that was annexed by Union City after June 1, 2016, the Mayor and City Council thank the leaders and residents of the City of Union City for working collaboratively with the City on the matter; and

WHEREAS, the City continues to examine other improper and untimely annexations into the City, and the City has authorized the Interim City Attorney to take all steps necessary to maintain the integrity of the City’s borders; and

WHEREAS, the General Assembly passed House Bills 131 and 132, which would have allowed Fulton County residents to vote on whether to repeal a 1950 Local Constitutional Amendment (1950 Ga. Laws p. 458) (the “1950 Local Amendment”), and if so repealed, would have allowed the Fulton Industrial District to be considered part of the City; and

WHEREAS, Governor Deal vetoed House Bills 131 and 132; and

WHEREAS, the General Assembly reconvenes in January 2018; and

WHEREAS, the City anticipates that the municipal boundaries of south Fulton County will be subject to legislation.

THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, AS FOLLOWS:

1. **Recitals.** The aforesaid recitals are not mere recitals, but are material portions of this Resolution.
2. **Respecting the City's Political Boundaries.** The Mayor and City Council hereby urge the members of the Fulton County delegations of the General Assembly to respect the City's existing political boundaries, and not decrease the size of the City by allowing another municipality to expand into the City.
3. **Resolving the Fulton Industrial District.** The Mayor and City Council hereby urge the members of the Fulton County delegations of the General Assembly to allow Fulton County residents to repeal the 1950 Local Amendment, and contingent upon the repeal of the 1950 Local Amendment, expand the City's borders to include the Fulton Industrial District.
4. **Delivery.** The City Clerk is hereby instructed to deliver a copy of this Resolution to all members of the General Assembly who serve in the Fulton County delegations.

The foregoing Resolution No. **2017-078** was adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS RESOLUTION adopted this _____ day of _____ 2017. **CITY OF SOUTH FULTON, GEORGIA.**

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION NO. 2017-079

**RESOLUTION TO APPROVE THE INSTALLATION OF NO PARKING SIGNS
ON THE 6300 BLOCK OF STONELAKE DRIVE.**

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

WHEREAS, the City requested that the Fulton County Fire and Public Works Departments investigate the impact of vehicles parked on the 6300 block of Stonelake Drive at the Stonewall Tell Subdivision (the “Subdivision”) on the delivery of emergency services; and

WHEREAS, the 6300 block of Stonelake Drive provides alternative access to the Subdivision’s recreational facilities; and

WHEREAS, staff of the Fulton County Fire and Public Works Departments observed that individuals often park in the street to access the Subdivision’s recreational facilities instead of utilizing the designated, off-street parking lot accessible from Summit Parkway; and

WHEREAS, parking on the 6300 block of Stonelake Drive reduces the usable width of the street and can impede emergency access through the Subdivision, hindering the delivery of emergency services to the Subdivision; and

WHEREAS, under O.C.G.A. § 40-6-203(a)(1)(K) which is incorporated by City of South Fulton Ordinance 2017-018, the City is authorized to restrict on-street parking along public roadways; and

WHEREAS, the City finds that restricting on-street parking on the 6300 block of Stonelake drive to be reasonable and in the best interests of the City and its residents.

**THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY
OF SOUTH FULTON, GEORGIA, AS FOLLOWS:**

1. The aforesaid recitals are not mere recitals, but are material portions of this Resolution.
2. On-street parking is restricted along both sides of the 6300 block of Stonelake Drive.

3. The Fulton County Department of Public Works is authorized to install No Parking signs at the locations designated on **Exhibit A** that follows this Resolution.
4. In the event any portion of this resolution shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of South Fulton, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.
5. All resolutions and parts of resolutions in conflict with this Resolution are hereby repealed.
6. This Resolution shall take effect immediately.

The foregoing Resolution No. **2017-079**, was adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS RESOLUTION adopted this _____ day of _____ 2017. **CITY OF
SOUTH FULTON, GEORGIA**

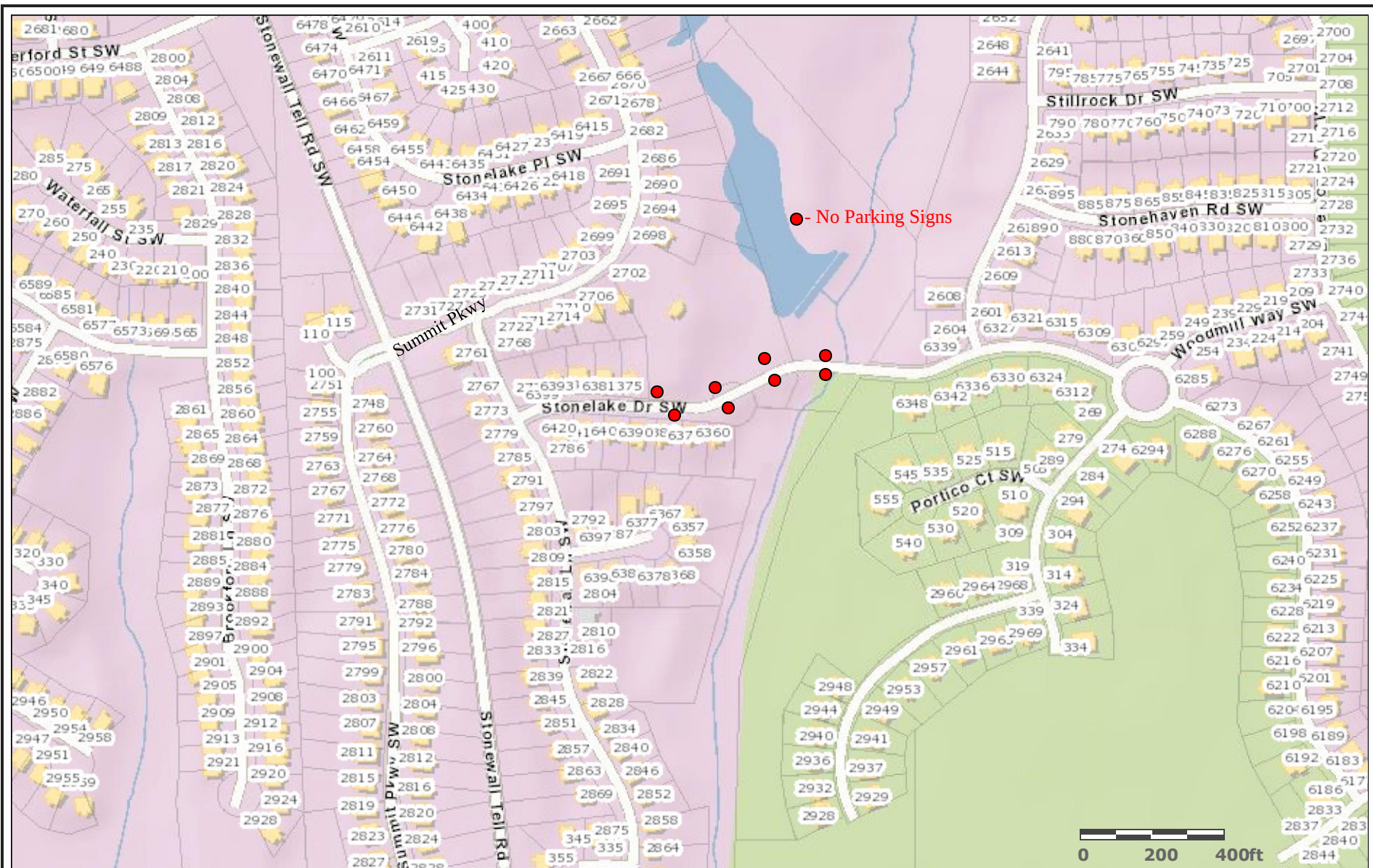
WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



No Parking Signs - Stonelake Dr
Fulton County, Georgia

Fulton County provides the data on this map for your personal use "as is". The data are not guaranteed to be accurate, correct, or complete. The feature locations depicted in these maps are approximate and are not necessarily accurate to surveying or engineering standards. Fulton County assumes no responsibility for losses resulting from the use of these data, even if Fulton County is advised of the possibility of such losses.





DIVIDER SHEET



CITY OF SOUTH FULTON

COMMISSION AGENDA ITEM



SUBJECT: Georgia Fire Fighters Cancer Benefit

DATE OF MEETING: December 12, 2017

DEPARTMENT: Finance Department

Work Session ()
 Regular Meeting (X)
 Recommendation ()
 Policy/Discussion ()
 Presentation ()
 Other ()

BACKGROUND: (HISTORY, FACTS AND ISSUES)

The State of Georgia requires that all legally organized Fire Departments by House Bill 146 (2016-2017) must provide Cancer benefits with coverage effective January 1, 2018. As such Fulton County will begin covering the Fire Fighters in the SSD effective January 1, 2018 through February 28, 2018 and the City of South Fulton will pick up the coverage March 1, 2018. The coverage will be provided by the Hartford Life and Accident Company through the relationship with Georgia Municipal Association (GMA).

Quote is printed with January 1, 2018 start date but attached email states that the request for the prorated premium of \$21,295 based on current census to be effective March 1, 2018.

RECOMMENDED ACTION: Approval of the attached quote for services as a continuation of coverage under a new quote from the county to the City service.

DEPARTMENT HEAD: Frank S. Milazi _____ **DATE:** _____

BUDGET: \$21,295

FUNDING SOURCE:
 100-3520-52-1200

FINANCE APPROVAL: _____ **DATE:** _____

ADMINISTRATIVE COMMENTS AND RECOMMENDATION _ _ _ _ _

CITY MANAGER

DATE

Action Taken By Council: _____

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION NO. 2017-080

**A RESOLUTION TO ADD MEMBERSHIP IN A FUND OF GEORGIA
INTERLOCAL RISK MANAGEMENT AGENCY (GIRMA); AND FOR OTHER
PURPOSES.**

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

WHEREAS, the City is authorized under City Charter Section 1.12(b)(7) and 3.10(e) to enter into contracts and agreements with private persons, firms, and corporations necessary for the proper administration of the affairs of the City; and

WHEREAS, the Mayor is authorized under City Charter Section 3.22(b)(4) to sign written and approved contracts and any necessary attendant documents thereof for the benefit of the City; and

WHEREAS, the City is a current member of the Georgia Interlocal Risk Management Agency (“GIRMA”), an interlocal risk management agency formed pursuant to Chapter 85 of Title 36 of the Official Code of Georgia Annotated; and

WHEREAS, the City Council has reviewed the Fund Election Form attached as Appendix A and finds that it is in the best interest of its citizens to be a member of the Funds indicated on the Fund Election Form.

**THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY
OF SOUTH FULTON, GEORGIA, AS FOLLOWS:**

1. **Recitals.** The aforesaid recitals are not mere recitals, but are material portions of this Resolution.
2. **Representative for GIRMA.** The Mayor is designated as the City’s representative to GIRMA.
3. **Approval of Execution.** The Mayor is hereby authorized to sign all documents necessary to effectuate this Resolution including, but not limited to, the Agreement. The City Clerk is authorized to execute, attest to, and seal any document that may be necessary to effectuate this Resolution including, but not limited to, the Agreement, subject to approval as to form by the City Attorney.
4. **Severability.** To the extent, any portion of this Resolution is declared invalid, unenforceable or non-binding, that shall not affect the remaining portions of this Resolution.

5. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.

6. **Effective Date.** This Resolution shall take effect immediately.

The foregoing **Resolution No. 2017-080**, was adopted on _____
 was offered by Councilmember _____, who moved its approval. The
 motion was seconded by Councilmember _____,
 and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell (Mayor Pro Tem)	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS RESOLUTION adopted this _____ day of _____ 2017.

CITY OF SOUTH FULTON, GEORGIA.

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY

Zina Cooper

From: Albright, Lindsey <lindsey.albright@WillisTowersWatson.com> on behalf of GFCP <GFCP@willistowerswatson.com>
Sent: Tuesday, December 5, 2017 12:13 PM
To: Zina Cooper; GFCP
Subject: RE: City of South Fulton Firefighter Cancer Policy Quote
Attachments: GMA Proposal (18).pdf; Package for Existing GIRMA Member to Add Fund B (S).PDF; GMA Coverage Description (9).pdf

Zina-

Per our conversation, please see attached annual quote proposal effective 1/1/18 - 1/1/19.

If you wish to begin coverage effective 3/1/18, the prorated premium will be \$21,295 based on the current census provided.

If you need anything else or have any questions, please let me know.

Thanks,

Lindsey Albright, ARM
Account Executive

Willis Towers Watson
Willis Insurance Services of Georgia, Inc.
5 Concourse Parkway 118th Floor | Atlanta, GA 30328

T 404 224 5044
M 706 877 6400
F 404 224 5001
lindsey.albright@willistowerswatson.com
willistowerswatson.com

From: Zina Cooper [mailto:Zina.Cooper@cityofsouthfultonga.gov]
Sent: Friday, December 01, 2017 12:21 PM
To: GFCP; Stan Deese
Subject: RE: City of South Fulton Firefighter Cancer Policy Quote

Megan,
In addition, the quote needs to reflect the start date of March 1, 2018 which is coincide with and be consistent with the actual transition date for the Fire Fighters to move from the coverage provided by the Fulton County plan to the coverage that will be provided by the City of South Fulton Plan. I am in need of the updated quote by Tuesday, December 5, 2018 as I need to prepare it to go before the City Council for approval and a option in a resolution.

Thank you for your time and I appreciate all of your assistance with this matter .

Best regards,



Zina Cooper, PHR, SHRM-CP
Human Resources Manager

City of South Fulton Georgia
Department of Human Resources
5440 Fulton Industrial Blvd, S.W. | Atlanta, GA 30336

Direct 470.809.7722 | Mobile 404.782.9606 | Zina.Cooper@CityofSouthFultonGA.gov

From: Murray, Meghan [<mailto:Meghan.Murray@WillisTowersWatson.com>] **On Behalf Of** GFCP
Sent: Monday, November 20, 2017 11:12 AM
To: Stan Deese <sdeese@gmanet.com>; Zina Cooper <Zina.Cooper@cityofsouthfultonga.gov>
Subject: RE: City of South Fulton Firefighter Cancer Policy Quote

Hi Zina-

To further Stan's note, I have attach the census data provided to us from the city.

Let us know if you have any questions.

Thank you!

Meghan Murray, ARM, AIC
Client Services Specialist

Willis Towers Watson
Willis Insurance Services of GA | Concourse Corporate Center Five, 18th Floor | Atlanta, GA 30328

T +1 404 302 3898
M +1 678 361 0886
F +1 404 224 5001
Meghan.murray@willistowerswatson.com
willistowerswatson.com

Follow Willis Towers Watson on social media

From: Stan Deese [<mailto:sdeese@gmanet.com>]
Sent: Monday, November 20, 2017 10:51 AM
To: Zina Cooper; GFCP
Subject: RE: City of South Fulton Firefighter Cancer Policy Quote

Hi Zina,

It was nice to meet you last week and please let us know if we can be of help in any manner.

The rate and pricing structure being used by ACCG and GMA should be the exact same, so I am not sure why there would be a difference unless there are differences in shared employee or shared volunteer status with South Fulton versus Fulton County. I do not have access to the county census data, but the folks at Willis may be able to help you with this comparison.

Since South Fulton is currently a member of GIRM A, you would just need to complete the attached enrollment documents. There is a sample resolution on page 2 of the attached. If you need both the Lump Sum and Long Term Disability coverages, you would just need to execute the signature lines (page 5) of the Application and Participation Agreement.

I am here through Wednesday of this week and can be available at your convenience to discuss any questions you may have. Just let me know.

Regards,

Stan

From: Zina Cooper [mailto:Zina.Cooper@cityofsouthfultonga.gov]
Sent: Monday, November 20, 2017 10:00 AM
To: gfcg@willistowerswatson.com
Cc: Stan Deese <sdeese@gmanet.com>
Subject: City of South Fulton Firefighter Cancer Policy Quote

To whom it May Concern,

As our Interim City Manager is no longer with us, I need to move forward with securing a Cancer Policy prior to the transition of our Fire Department from the County. I have reviewed the attached email and quote from Ms. Jones and also had an opportunity to review the quote for the same firefighter population for the short time they will be under the Intergovernmental agreement at the county. They are exact in plan design, albeit, the county quote is slightly lower than the quote for the City of South Fulton (soon to be "Renaissance"). I am also requesting a sample resolution for the City to be presented to our City Council at the next City Council Meeting. Please let me know your availability to discuss this matter.

Best regards,



Zina Cooper, PHR, SHRM-CP.
Human Resources Manager

City of South Fulton Georgia
Department of Human Resources
5440 Fulton Industrial Blvd, S.W. | Atlanta, GA 30336

Direct 470.809.7722 | Mobile 404.782.9606 | Zina.Cooper@Cityofsouthfultonga.gov

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>



Stan Deese
Director, Risk Management Services
Office: 678-686-6221 Fax: 678-686-6321
www.gmanet.com

READER ADVISORY NOTICE: This information is intended only for the individual named above. If you received this in error, please call 404-688-0472 to notify the sender, and then delete the email without printing, copying or retransmitting it. In addition, be advised that Georgia has a very broad open records law and that your email communications with GMA may be subject to public disclosure.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

For information pertaining to Willis' email confidentiality and monitoring policy, usage restrictions, or for specific company registration and regulatory status information, please visit http://www.willis.com/email_trailer.aspx

We are now able to offer our clients an encrypted email capability for secure communication purposes. If you wish to take advantage of this service or learn more about it, please let me know or contact your Client Advocate for full details.

For information pertaining to Willis' email confidentiality and monitoring policy, usage restrictions, or for specific company registration and regulatory status information, please visit http://www.willis.com/email_trailer.aspx

We are now able to offer our clients an encrypted email capability for secure communication purposes. If you wish to take advantage of this service or learn more about it, please let me know or contact your Client Advocate for full details.



GMA- GIRMA Firefighters' Cancer Benefit Program Proposal for Coverage

Effective Date: January 1, 2018

Anniversary Date: January 1

City Name: City of South Fulton

City FCC ID Number: 0102350

Insurer: Hartford Life and Accident Insurance Company

There are two coverage components required by House Bill 146 (2017) effective January 1, 2018:

- 1) Lump Sum Cancer Benefit
- 2) Long-Term Disability (Income Replacement)

The GMA-GIRMA Lump Sum Cancer Benefit and Long-Term Disability (Income Replacement) coverage components are designed to comply with House Bill 146 when purchased together. However, a city is permitted to purchase only one component if desired.

Estimated annual premiums are based on the Eligible Firefighter census data provided by the city. Premiums for Long-Term Disability (Income Replacement) differ based on whether a firefighter is employed or is a volunteer. While the premiums below are estimated annual amounts, the city will be billed on a quarterly basis in an amount that reflects the city's updates to the census.

Component 1: Lump Sum Cancer Benefit - All Firefighters		
Maximum Benefit each diagnosis:	\$6,250 (less severe forms of cancer)	
	\$25,000 (severe forms of cancer)	
Lifetime Benefit per firefighter:	\$50,000	
Lump Sum Cancer Benefit Only - Estimated Annual Premium for All Firefighters:		\$15,983
Component 2: Long-Term Disability (Income Replacement)		
Employed Firefighters		
Monthly benefit:	60% of pre -disability firefighter earnings	
Maximum monthly benefit per firefighter :	\$5,000	
Estimated Annual Premium for Employed Firefighters:		\$9,429
Volunteer Firefighters		
Monthly Benefit per firefighter:	\$1,500	
Estimated Annual Premium for Volunteer Firefighters:		\$0
Long-Term Disability Only (Income Replacement)- Estimated Annual Premium for All Firefighters:		\$9,429
Estimated Annual Premium for Components 1 & 2: Lump Sum Cancer Benefit + Long Term Disability (Income Replacement):		\$25,412

This proposal is valid for 30 days after proposal is issued or until the effective date, whichever is later.
This overview is not a part of the policy(ies) and does not provide or explain all provisions of the policy(ies).

10/19/2017

Georgia Interlocal Risk Management Agency ("GIRMA")

GIRMA Fund A Participation Statement and GIRMA Fund B Election Form

Name of GIRMA Member: _ _ _ _ _

As stated in Section 6.1 of the Intergovernmental Contract, a GIRMA member must participate in at least one Fund established by the GIRMA Board of Trustees. The Intergovernmental Contract and GIRMA Bylaws apply to all GIRMA members, regardless of the Fund or Funds in which they participate. Terms and conditions specific to a Fund are set forth in the Coverage Description for the Fund .

Fund A Participation Statement : Until January 1, 2018, GIRMA offered only Fund A, which is a combination of property damage, motor vehicle liability and general liability coverage. **As a GIRMA Member who joined GIRMA before January 1, 2018, the entity named above is a member of GIRMA's Fund A.** The Coverage Description for GIRMA provided before January 1, 2018 is also the Coverage Description for Fund A.

Fund B Application Information: GIRMA will establish Fund B on January 1, 2018. Fund B will provide fully-insured lump sum cancer coverage and disability coverage for firefighters that meet the requirements of Georgia law. A coverage description for Fund B will be filed with the Georgia Department of Insurance and made available to Fund B members upon request after approval of membership in Fund B by Georgia Municipal Association, Inc., the Program Administrator for GIRMA, and the insurance carrier.

In order to join Fund B, GIRMA Members in Fund A must complete a Resolution to Add Membership in a GIRMA Fund similar to the sample Resolution attached, and must complete the attached Firefighter Cancer Coverage Application and Participation Agreement. Membership in Fund B is effective when the Application is approved by the Program Administrator and the carrier.

**GEORGIA INTERLOCAL RISK MANAGEMENT (GIRMA)
FIREFIGHTER CANCER COVERAGE APPLICATION AND PARTICIPATION AGREEMENT**

Employers eligible to participate in GIRMA (hereinafter a "Participating Employer" or "Employer") shall complete this Application and Participation Agreement in order to purchase firefighter cancer coverage fully insured by The Hartford under the GIRMA Fund B Master Policy for Lump Sum Cancer Benefit or Master Policy for Long-Term Disability (Income Replacement) or under both Policies. Once approved by GIRMA's Program Administrator, the Participating Employer will receive a one-page Schedule of Benefits identifying the purchased coverage(s) and a link to the Policy for the purchased coverage(s), so it may make these available to Eligible Firefighters.

Who Does What?

- GIRMA is the Policyholder of two firefighter cancer coverage policies (together, the "Firefighter Cancer Policies" insured by The Hartford: Lump Sum Cancer Benefit and Long-Term Disability (Income Replacement). These coverages together are designed to meet the requirements of Georgia House Bill 146 (2016-2017), an Act effective January 1, 2018.
- Georgia Municipal Association, Inc., ("GMA") is the Program Administrator for GIRMA. GMA uses information from the Eligible Firefighter census data provided by the Participating Employer to bill for the Firefighter Cancer Policies, and maintains (either directly or through the broker for the Firefighter Cancer Policies) Participating Employers' Application and Participation Agreements.
- Participating Employers are responsible for identifying all Eligible Firefighters, submitting complete and accurate census data to GMA, paying premiums to GMA, communicating with Eligible Firefighters about the coverages it provides, providing the Schedule of Benefits and link to the applicable Policies to Eligible Firefighters, and providing all requested information and documentation to The Hartford when an Eligible Firefighter makes a claim under one or both of the Firefighter Cancer Policies.
- The Hartford evaluates and pays claims under the Firefighter Cancer Policies. All claims for benefits must be submitted to The Hartford. Neither GIRMA nor GMA have any role in claim determination or payment.
- The Hartford provides tax services related to payments under the Long-Term Disability (Income Replacement) Policy.

Definition of Eligible Firefighter: An "Eligible Firefighter" is a recruit or a trained individual who is a full-time employee, part-time employee, or volunteer for a legally organized fire department of a Participating Employer and as such has duties of responding to mitigate a variety of emergency and nonemergency situations where life, property, or the environment is at risk, which may include without limitation fire suppression; fire prevention activities; emergency medical services; hazardous materials response and preparedness; technical rescue operations; search and rescue; disaster management and preparedness; community service activities; response to civil disturbances and terrorism incidents; nonemergency functions including training, preplanning, communications, maintenance, and physical conditioning; and other related emergency and nonemergency duties as may be assigned or required; provided, however, that a firefighter's assignments may vary based on geographic, climatic, and demographic conditions or other factors including training, experience, and ability. A firefighter is an "Eligible Firefighter" as soon as he or she meets the description above, even though coverage under the Firefighter Cancer Policy(ies) does not become effective until completion of a waiting period as set forth in O.C.G.A. § 25-3-23.

Employer Obligations:

- Employer shall not require any kind of contribution from Eligible Firefighters for the coverage(s) provided under the Firefighter Cancer Policies.
- Employer is solely responsible for identifying all Eligible Firefighters (as defined above), keeping an accurate list of all Eligible Firefighters, and providing correct and complete information to GMA.
- Employer shall submit initial Eligible Firefighter census data to GMA in the form requested, and must update this census data as needed in order to ensure that all Eligible Firefighters are identified.
- The Employer's cost for coverage under the Firefighter Cancer Policy(ies) will be based on the most recent census data at the time of billing.
- A claim by an Eligible Firefighter may be denied if the Eligible Firefighter was not timely listed in the census data.
- Employer shall provide the Schedule of Benefits and a link to the applicable Policy(ies) to all Eligible Firefighters at no charge, and shall provide a copy of the applicable Policy(ies) to an Eligible Firefighter upon request.
- If the Policy(ies) are terminated for any reason, Employer shall provide notification of termination to all Eligible Firefighters.
- When a firefighter submits a claim to The Hartford, Employer shall provide The Hartford the information requested so that The Hartford may evaluate the claim, and shall affirm that this information is accurate and complete.

If the Employer is purchasing Long-Term Disability (Income Replacement) coverage, the Employer agrees as follows.

Employer Authorization for Tax Services: By completing this Application and Participation Agreement, Employer authorizes The Hartford to report, withhold and deposit the taxes described below, and agrees to provide The Hartford with accurate and timely information to provide these tax services. Employer acknowledges that The Hartford, GIRMA, and GMA, singularly and collectively, shall have no responsibility for any liability in connection with these tax services that may result from inaccurate, untimely or incomplete information provided by Employer to any of them, including but not limited to fines or penalties.

- The Hartford will withhold and deposit applicable and properly elected additional United States federal income taxes (FIT) and state income tax (SIT) as well as applicable Employee FICA taxes from disability benefits/sick pay. The Hartford will make timely filings with the appropriate United States federal and state agencies. The Hartford will deposit the taxes using The Hartford's tax identification number and will timely notify the Employer of these payments. This notification is provided on the EOB (Explanation of Benefits).
- The Hartford will prepare Forms W-2 for payees and pay the Employer's share of FICA taxes, and submit such forms and payments to the appropriate United States federal and state agencies. The Hartford will postmark by January 31st of each year, or such other date required by law, Forms W-2 containing disability benefits/sick pay information to payees and make information return filings in accordance with Federal and State requirements regarding income tax, Social Security, and Medicare tax. The Hartford will issue Forms W-2 using The Hartford's tax identification number. If the Policy is terminated, The Hartford will continue to provide Forms W-2 and make information return filings for disability benefits/sick pay payments on all claims incurred prior to termination of the Policy.
- The Hartford assumes no responsibility for any other payroll or employment related tax, fee, premium or the like including Federal Unemployment Insurance (FUTA) and State Unemployment Insurance (SUTA), State Disability Insurance, State or Local Occupational Taxes, other jurisdictional taxes such as municipal, city or county taxes, or any Workers' Compensation Tax which may be applicable to the disability benefits The Hartford is paying.
- The Hartford will prepare and deliver to Employer the annual summary reports of benefits paid.

Desired Coverage (See Attached Proposal for Estimated Annual Premiums):

Participating Employer is applying for and agreeing to purchase both the Lump Sum Cancer Benefit & Long Term Disability (Income Replacement) coverages unless either of the following options is checked.

☐

Lump Sum Cancer Benefit Only* OR

☐

Long Term Disability (Income Replacement) Only*

* Alone, this coverage does NOT meet the requirements of HB146.

The coverage elected above automatically renews at each anniversary of the effective date, based on then current premiums established by the Administrator. Coverage may be terminated in accordance with the GIRMA Bylaws rules for termination of membership in a GIRMA Fund.

**On behalf of _____ [Name of Participating Employer...._____
County, Georgia, I submit this Application and Participation Agreement and agree to its terms.**

Signature: _____ Date: _____

Print Name: _____ Title: _____

APPROVED BY GIRMA PROGRAM ADMINISTRATOR: _ _ _ _ _ , Date: _ _ _ _ _

EFFECTIVE DATE OF COVERAGE: _____



DESCRIPTION OF COVERAGE PROVIDED THROUGH GMA

All legally organized fire departments in Georgia are required by House Bill 146 (2016-2017) to provide certain cancer benefits to their firefighters effective January 1, 2018. GMA has developed a solution for Georgia cities that need this coverage, providing financial protection to firefighters and their families in the event they contract cancer.

INSURER: The Hartford Life and Accident Insurance Company
COVERAGES PROVIDED : Lump Sum Cancer & Long Term Disability (Income Replacement)
MASTER POLICYHOLDER: GMA - Georgia Interlocal Risk Management Agency
ADMINISTRATOR: Georgia Municipal Association

Who is eligible? An "Eligible Firefighter" is a recruit or a trained individual who is a full-time employee, part-time employee, or volunteer for a legally organized fire department as defined by O.C.G.A. § 25-4-2 after having served 12 consecutive months for such fire department.

CLASS DESCRIPTIONS: Class 1 - Volunteer Firefighters ; Class 2 - Employee Firefighters

Lump Sum Cancer Benefit: Full-time/Part-time Employees and Volunteers
Maximum Limit each diagnosis: \$6,250 (less severe forms of cancer as noted in HB 146);
\$25,000 (severe forms of cancer as noted in HB 146)
Lifetime Benefit per Firefighter: \$50,000
Continuation Rights: Yes (Enroll within 31 days of termination of eligibility)

Long-Term Disability (Income Replacement)

Elimination Period: 180 Days
Benefit Duration: 3 Years or until released to work as firefighter
Return to Work Incentive: Included
Integration Method: Direct with Family Social Security Offset
Pre-Existing Condition Limit: 3 months lookback
Survivor Income Benefit: 3 times last monthly Benefit
Continuation Rights: Yes (Enroll within 31 days of termination of eligibility)

Benefits:

Volunteer: \$1,500 Monthly Benefit
Full-time/Part-time Employee: 60% of pre-disability earnings as firefighter for Participating Employer
Minimum Monthly Benefit: \$100
Maximum Monthly Benefit: \$5,000

The disability benefits will be reduced by any other income benefits other than those purchased solely by the firefighter as noted by House Bi/1146 (2016-2017).

This overview is not a part of the policy(ies) and does not provide or explain all provisions of the policy(ies).

Questions about this program? Call Willis Towers Watson representatives Lindsey Albright (404.224.5044) or Meghan Murray (404.302.3898) or Stan Deese at GMA (678.686.6221).



DIVIDER SHEET



PUBLIC NOTICE

The Mayor and the City Council of the City of South Fulton will consider an ordinance to amend the Charter of the City of South Fulton amending Section 1.10 changing the name of the City to the City of “Renaissance.”

Pursuant to O.C.G.A. § 36-35-3, a copy of the proposed ordinance is on file in the Office of the Clerk of the City of South Fulton and the Office of the Clerk of the Superior Court of Fulton County for the purpose of examination and inspection by the public.

If you have any questions or concerns, please contact the City of South Fulton, City Hall at www.cityofsouthfultonga.gov or call 470-809-7712.

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE NO. 2017-037

**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF SOUTH
FULTON AMENDING SECTION 1.10 CHANGING THE NAME OF THE CITY
TO THE CITY OF “RENAISSANCE”**

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

WHEREAS, Section 1.10 of the City Charter declares that the City shall be incorporated under the name of the “City of South Fulton;”

WHEREAS, Article IX Section II Paragraph II of the Constitution of the State of Georgia, entitled Home Rule for Municipalities, allows the General Assembly of the State of Georgia to provide by law for the self-government of municipalities, which the General Assembly has done with the Municipal Home Rule Act of 1965, O.C.G.A. § 36-35-1 *et seq.*;

WHEREAS, O.C.G.A. § 36-35-3 permits a municipality to amend its charter after 12 months have elapsed after the referendum to establish the City;

WHEREAS, the Citizens of the City voted to incorporate the City on November 8, 2016;

WHEREAS, O.C.G.A. § 36-35-3 allows municipal charters to be amended by ordinances duly adopted at two regular consecutive meetings of the municipal governing authority, not less than seven nor more than 60 days apart;

WHEREAS, on November 13, 2017, the City Council informally voted to change the name of the City to the City of “Renaissance;”

WHEREAS, pursuant to O.C.G.A. § 36-35-3, the required notice has been published in the Fulton County Daily Report once a week for three weeks prior to its final adoption, and a copy of the proposed amendment has been on file in the Office of the Clerk of the City of South Fulton and in the Office of the Clerk of the Superior Court of Fulton County, Georgia, all as required by law; and

WHEREAS, the required notice has been published within the statutory period of 60 days immediately preceding the final adoption of this Ordinance amending the Charter; and

WHEREAS, the title of this Ordinance has been read and the Ordinance duly adopted at two consecutive City Council meetings not less than 7 nor more than 60 days apart as required by Georgia law.

NOW THEREFORE, in accordance with O.C.G.A. § 36-35-3, the Mayor and City Council of the City of South Fulton, Georgia, pursuant to their authority, do hereby adopt this Ordinance so that the Charter of the City of South Fulton is hereby as follows:

Section 1: That the Charter of the City of South Fulton shall be amended in accordance with the above so that upon proper passage, the name of the City shall no longer be the “City of South Fulton” but shall be the City of “Renaissance.”

Section 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3: If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

Section 4: This ordinance shall become effective immediately upon its adoption by the City Council.

The foregoing **Ordinance No. 2017-037** was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

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

THIS ORDINANCE adopted this _____ day of _____ 2017.

CITY OF SOUTH FULTON, GEORGIA

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET



CITY OF SOUTH FULTON
COMMISSION AGENDA ITEM



SUBJECT: Insurance Premium Taxation Ordinance

DATE OF MEETING: November 28, 2017

DEPARTMENT: Finance

Work Session ()
Regular Meeting (x)
Recommendation ()
Policy/Discussion ()
Presentation ()
Other ()

BACKGROUND: (HISTORY, FACTS AND ISSUES)

To impose license fees on insurers conducting business within the City of South Fulton, Georgia; to impose a gross premium tax on insurers operating within the State of Georgia; to provide an effective date; to repeal conflicting ordinances; and other purposes.

RECOMMENDED ACTION:

DEPARTMENT HEAD: Frank S. Milazi _____ **DATE:** _____

BUDGET: None

FUNDING SOURCE: N/A

Account:

FINANCE APPROVAL: _____ **DATE:** _____

ADMINISTRATIVE COMMENTS AND RECOMMENDATION: _____

CITY MANAGER

DATE

Action Taken By Council: _____

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE No. 2017-038

ADOPTION OF INSURANCE PREMIUM TAXATION ORDINANCE

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

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

WHEREAS, the duly elected governing authority of the City is the Mayor and City Council;

WHEREAS, Section 1.12(b)(41) of the City Charter authorizes the City Council to impose those taxes that may be allowed by law;

WHEREAS, Chapter 8 of Title 33 of the Official Code of Georgia Annotated authorizes municipalities to impose premium taxes of life insurance policies;

WHEREAS, through Ordinance No. 2017-007, the City Council adopted and imposed Insurance Premium Taxes, which are codified in Chapter 6 of Title 2 of the City of South Fulton Code of Ordinances;

WHEREAS, the City Council seeks to recodify the Insurance Premium Tax with this ordinance;

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS
as follows:

Section 1: Chapter 6, Insurance Premium Taxes, of Title 2, Taxation, is hereby repealed in its entirety and replaced with the following:

Title 2: TAXATION

CHAPTER 6 - INSURANCE PREMIUM TAXES

Sec. 2-6001. - Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) *Gross direct premiums* means gross direct premiums as used in O.C.G.A. § 33-8-4.

(b) *Insurer* means a company that is authorized to transact business in any

classes of insurance designated in O.C.G.A. § 33-3-5.

Sec. 2-6002. – Insurers License Fees

There is hereby levied for the year 2018 and for each year thereafter an annual license fee upon each insurer doing business within the City of South Fulton, Georgia in the amount of one hundred fifty dollars (\$150.00). For each separate business location in excess of one not covered by Section 2-6003, which is operating on behalf of such insurers within the City of South Fulton, Georgia, there is hereby levied a license fee in the amount of one hundred fifty dollars (\$150.00).

Sec. 2-6003. - License Fees for Insurers Insuring Certain Risks at Additional Business Locations

For each separate business location, not otherwise subject to a license fee hereunder, operated and maintained by a business organization which is engaged in the business of lending money or transacting sales involving term financing and in connection with such loans or sales offers, solicits or takes application for insurance through a licensed agent of an insurer for insurance said insurer shall pay an additional license fee of fifty-two and 50/100 dollars (\$52.50) per location for the year 2018 and for each year thereafter.

Sec. 2-6004. – Gross Premiums Tax Imposed on Life Insurers

There is hereby levied for the year 2018 and for each year thereafter an annual tax based solely upon gross direct premiums upon each insurer writing life, accident and sickness insurance within the State of Georgia in an amount equal to one percent (1%) of the gross direct premiums received during the preceding calendar year in accordance with O.C.G.A. § 33-8-8.1. Gross direct premiums as used in this section shall mean gross direct premiums as used in O.C.G.A. § 33-8-4. The premium tax levied by this section is in addition to the license fees imposed by Sections 2-6002 and 2-6003 of this ordinance.

Sec. 2-6005. – Gross Premiums Tax, All Other Insurers

There is hereby levied for the year 2017 and for each year thereafter an annual tax based solely upon gross direct premiums upon each insurer, other than an insurer transacting business in the class of insurance designated in subsection 1 of O.C.G.A. § 33-3-5, doing business within the State of Georgia in an amount equal to two and one-half percent (2.5%) of the gross direct premiums received during the preceding calendar year in accordance with O.C.G.A. § 33-8-8.2. Gross direct premiums as used in the section shall mean gross direct premiums as used in O.C.G.A. § 33-8-4. The premium tax levied by this section is in addition to the license fees imposed by Sections 2-6002 and 2-6003 of this Code of Ordinances.

Sec. 2-6006. – Due Date for License Fees

License fees imposed in Sections 2-6002 and 2-6003 of this Code of Ordinances shall be due and payable on the first day of January and on the first date of each subsequent year.

Section 2-6007. – Administrative Provisions

The City Clerk is hereby directed to forward a duly certified copy of this ordinance to the Insurance Commissioner of the State of Georgia within 45 days of its enactment.

Section 2: Severability

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of South Fulton, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

Section 3: Repealer

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4: Effective Date

Except for Code of Ordinance Section 2-6007, this Code Section shall become effective on January 1, 2018. Section 2-6007 of this Ordinance shall become effective immediately upon the Mayor's signature.

The foregoing Resolution No. **2017-038**, was adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

“FIRST READING”

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS RESOLUTION adopted this _____ day of _____ 2017. **CITY OF SOUTH FULTON, GEORGIA**

“FIRST READING”

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE NO. 2017-039

**AN ORDINANCE TO ESTABLISH THE CONVENING OF THE MUNICIPAL
COURT AT REGULAR INTERVALS**

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

WHEREAS, Section 5.12 of the City Charter requires the regular intervals of the Court to be established by ordinance;

WHEREAS, the municipal court is set to convene beginning December 12, 2017;

WHEREAS, Section 3.18 permits the City Council to adopt an emergency ordinance to address public emergency affects the public peace;

WHEREAS, the City finds it to be in the best public interest and for the protection of the public welfare to establish regular intervals for the convening of the municipal court.

NOW THEREFORE, the Mayor and City Council of the City of South Fulton, Georgia, pursuant to their authority, do hereby adopt this Ordinance as follows:

Section 1: The Municipal Court shall be convened in regular intervals as follows:

- Every Tuesday at 9:30am and 1:30pm: Plea and Arraignment
- 1st and 3rd Wednesday at 1:30pm: Miscellaneous
- 2nd and 4th Wednesday at 1:30pm: Motion Calendars/Probation Status/Probation Revocation
- Every Wednesday at 5:30pm: Failure to Appear (FTA)
- Every Thursday at 10:00am and 5:00pm: Bench Trial

Section 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3: If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

Section 4: This ordinance shall become effective immediately upon its adoption by the City Council.

The foregoing **Ordinance No. 2017-039**, was adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

“SECOND READING”

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE adopted this _____ day of _____ **2017.**
CITY OF SOUTH FULTON, GEORGIA.

“SECOND READING”

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE NO. 2017-040

**ADOPTION OF ORDINANCE ESTABLISHING HISTORIC AND CULTURAL
LANDMARKS COMMISSION FOR THE CITY OF SOUTH FULTON**

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

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

WHEREAS, the duly elected governing authority of the City is the Mayor and City Council;

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

WHEREAS, the City is charged with preserving the health, safety, and welfare of its citizens; and

WHEREAS, the establishment of a Historic and Cultural Landmarks Commission regarding real property within the City’s borders is in the best interest of the City.

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS
as follows:

Section 1: The City of South Fulton Code of Ordinances, Title 5, Zoning and Planning, Chapter 7, shall be as follows:

Title 5: Zoning and Planning

Chapter 7: Historic and Cultural Landmarks Commission

Section 5-7001: Creation and Appointment

a) There is hereby created the Historic and Cultural Landmarks Commission to be comprised of ten members (“Commission members”). Eight of the members shall be qualified electors of the City of South Fulton who are appointed to the Commission. The Planning and Development Director and the Building Official shall be ex officio, nonvoting members of the Historic and Cultural Landmarks Commission.

1. The Mayor and each City Council member shall appoint one representative to the Commission. The City Council shall appoint representatives

who have demonstrated their civic interest, general knowledge of the community, independent judgment and availability to prepare for and attend meetings. Whenever feasible, appointees should be practicing professionals from the fields of architecture, landscape architecture, history, urban planning, archeology, real estate, law, or other disciplines related to historic preservation.

2. All Historic and Cultural Landmarks Commission members, regardless of background, shall have a known and demonstrated interest, competence or knowledge in historic preservation and planning within the City of South Fulton, Georgia.

3. As nearly as is reasonably possible, the Historic and Cultural Landmarks Commission members as a whole shall fairly represent the ethnic makeup of the City of South Fulton.

Section 5-7002: Terms of Office

Historic and Cultural Landmarks Commission members shall serve for a term of two years. Newly appointed members shall be installed at the first regular meeting after their appointment. The members shall serve in places numbered 1 through 8. Members appointed in odd-numbered places shall serve terms, which expire October 1 of odd-numbered years. Members appointed to even-numbered places shall serve terms, which expire on October 1 of even-numbered years.

Vacancies shall be filled for unexpired terms. Commission members may be appointed to succeed themselves and shall serve at the discretion of the City Council until a new member is appointed in their place.

Section 5-7003: Organization

a) General

The chairman and vice chairman of the Historic and Cultural Landmarks Commission shall be elected by and from the members of the Historic and Cultural Landmarks Commission. The Historic and Cultural Landmarks Commission shall meet at least once every two months if business requires. Special meetings may be called at any time by the chair or by a vote of at least two of the Commission members.

b) Meetings and Quorum

Five members of the Historic and Cultural Landmarks Commission shall constitute a quorum for the conduct of business. Five affirmative votes shall be required to decide any issue before the Historic and Cultural Landmarks Commission. The Commission members shall regularly attend the meetings and public hearings of the Historic and Cultural Landmarks Commission and shall serve without compensation.

c) Attendance Reports

Once every two months, the Commission shall submit a report to the City Council showing the cumulative attendance of each member of the Historic and Cultural

Landmarks Commission, with notation of members who have been absent from three consecutive meetings.

d) **Change Require Commission Recommendation**

No changes shall be made to Title 5, Chapter 7 or the preservation plan without the recommendation of the Historic and Cultural Landmarks Commission first being entered at the required public hearings.

Section 5-7004: Power and Duties

The Historic and Cultural Landmarks Commission shall be empowered to:

1. Prepare rules and procedures as necessary to carry out the business of the Historic and Cultural Landmarks Commission, which shall be ratified by the City Council.
2. Create committees from among its membership to advise the Historic and Cultural Landmarks Commission in carrying out its powers and duties.
3. Administer the city's certified local government program.
4. Maintain written minutes, which record all actions taken by the Historic and Cultural Landmarks Commission and the reasons for such actions.
5. Increase public awareness of the value of historic, cultural, architectural and archeological preservation by developing and participating in public education programs.
6. Conduct ongoing surveys to identify and list significant historical, cultural, architectural and archeological resources.
7. Make recommendations for the employment of professional consultants as necessary to assist in carrying out the duties of the Historic and Cultural Landmarks Commission.
8. Create, maintain, revise and amend the historic resources survey.
9. Initiate and/or consider nominations, hold hearings and recommend to the City Council that certain structures and property be designated as "Highly Significant Endangered", "Historic and Cultural Landmark" or "Demolition Delay", or that an area containing two or more eligible structures be designated as a "Historic and Cultural Landmark District."
10. Maintain a current database of historic structures.
11. Adopt, enforce and amend design guidelines for structures designated

“Highly Significant Endangered” or “Historic and Cultural Landmark” or located in a Historic and Cultural Landmark District.

12. Hold hearings and make decisions concerning the issuance of Certificates of Appropriateness for demolition, relocation or other work on designated structures and, when appropriate, recommend salvage plans in connection with such demolition, relocation or other work.
13. Review public works and public utility projects to be constructed on the premises of, or immediately adjacent to, historic structures and make recommendations concerning whether they are appropriate to the character of the area.
14. Recommend enforcement actions to be taken against property owners who permit the demolition by neglect of a designated historic structure or property.
15. Advise and consult with the owners of historically and architecturally significant structures.
16. Propose incentive programs for rehabilitation of historically designated structures and properties.
17. Review requests regarding participation in historic preservation economic incentive programs and forward recommendations concerning such requests to the City Council.
18. Make recommendations to the City Council concerning the utilization of city, state, federal or private funds to promote historic preservation in the City.
19. Recommend recognition of the owners of structures or property designated in accordance by means of certificates, plaques or markers.
20. Recommend to the City Council that the City act as a conservator in the public interest through mediation, arbitration or, in extreme cases, litigation.
21. Recommend to the City Council that the City accept the donation of preservation easements and development rights as well as gifts for the purpose of historic preservation.
22. Exercise such other and further powers as may be conferred on the Historic and Cultural Landmarks Commission by City codes or ordinances.

Section 5-7005: Preservation Plan

The Historic and Cultural Landmarks Commission shall adopt, in cooperation

with the Planning Commission, a preservation plan to be considered when the City adopts its comprehensive plan. The preservation plan shall include:

- a) The historic resources survey;
- b) Criteria to be used in identifying and prioritizing sites; and
- c) General description of forms and styles found in City of South Fulton.

The plan will also include criteria for selecting and preserving structures and property. The plan will also set forth priorities not only among various historic sites but also between conflicting land use goals and shall include specific recommendations on how to resolve conflicts between competing uses. The plan will recommend the coordination required with other departments and other public and private groups to implement historic preservation.

The Historic and Cultural Landmarks Commission shall review the preservation plan every five years. Revisions may be made to the plan at any time in accordance with the rules and policies of the City.

Section 5-7006: Commission Interpretations and Amplifications

The Historic and Cultural Landmarks Commission is empowered to interpret its design guidelines, policies, procedures and rules for the benefit of the City's administrative staff, property owners or other interested parties.

Section 2: Severability

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of South Fulton, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

Section 3: Repealer

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4: Effective Date

Unless specifically specified elsewhere in this Ordinance, the effective date of this Ordinance shall be immediately.

The foregoing **Ordinance No. 2017-040** was adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

“FIRST READING”

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

**THIS ORDINANCE adopted this _____ day of _____ 2017. CITY
OF SOUTH FULTON, GEORGIA.**

“FIRST READING”

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET



CITY OF SOUTH FULTON
COMMISSION AGENDA ITEM



SUBJECT: Ethics Ordinance

DATE OF MEETING: 12/12/17

DEPARTMENT: Councilwoman Gumbs

Work Session ()
Regular Meeting (X)
Recommendation ()
Policy/Discussion ()
Presentation ()
Other ()

BACKGROUND: (HISTORY, FACTS AND ISSUES)

RECOMMENDED ACTION:

DEPARTMENT HEAD: _____ **DATE:** _____

BUDGET:

FUNDING SOURCE:

Account:

FINANCE APPROVAL: _____ **DATE:** _____

ADMINISTRATIVE COMMENTS AND RECOMMENDATION: _____

CITY MANAGER

DATE

Action Taken By Council: _____

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE No. 2017-041

AMENDMENT TO ETHICS ORDINANCE.

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

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

WHEREAS, the duly elected governing authority of the City is the Mayor and City Council; and

WHEREAS, the Mayor and City Council deem it essential to the proper operation of a democratic form of government that public officials be, and give the appearance of being, independent, impartial, and responsible to their constituents; that governmental decisions and policies be made in the proper channels of the governmental structure; and that public office not be used for personal gain; and

WHEREAS, at its inaugural meeting on April 29, 2017, the City Council passed Ordinance No. 2017-003, which contained various provisions establishing municipal laws governing ethical standards of public officers and employees; and

WHEREAS, at the May 23, 2017 meeting of the Mayor and City Council, the City Council passed a resolution seeking certification of the City as a City of Ethics by the Georgia Municipal Association; and

WHEREAS, at the November 28, 2017 meeting of the Mayor and City Council, the City Council adopted an ordinance to bring the City’s Ethics Ordinance into compliance with the Georgia Municipal Association’s guidelines for a City of Ethics; and

WHEREAS, the City Council seeks to further revise the ethics ordinance as passed.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS as follows:

Section 1: The City of South Fulton Code of Ordinances, Title 1, Chapter 5, “Ethics Policy” is amended by striking those words struck below and adding those words underlined as follows:

CHAPTER 5. – CODE OF ETHICS

Sec. 1-5001. - Declaration of policy.

The purpose of this Code of Ethics is to:

- (a) Encourage high ethical standards in official conduct by City Officials;

(b) Establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible, inconsistent, damaging, or contrary to with the interests of the City and its citizens;

(c) Require comprehensive disclosure by such officials of private, financial, or other interest in matters affecting the City and its citizens whether those interests are actual or potential; and

(d) Serve as a basis for disciplining those who ~~refuse~~ do not to-abide by its terms, whether willfully, knowingly, or recklessly.

Sec. 1-5002. - Scope.

(a) The provisions of this Code of Ethics shall be applicable to all City Officials as defined in Sec. 1-5003.

(b) Notwithstanding anything herein to the contrary, state law and the City Charter shall be controlling in the event of an actual conflict with the provisions of this Code of Ethics. This ordinance shall be interpreted to supplement, and not replace, said provisions of state law and the City Charter.

Sec. 1-5003. - Definitions.

Solely for the purposes of this Code of Ethics:

(a) *City Official* or *Official*, unless otherwise expressly defined does not include City employees but does mean the Mayor, members of the City Council, Municipal Judges (including substitute judges), City Manager, City Clerk, City Attorney, Heads or Managers of City Departments, and all other persons holding positions designated by the City Charter, as amended. The term “City Official” also includes all individuals, including any City employees, appointed by the Mayor and/or the City Council as appropriate, to serve on City authorities, commissions, committees, boards, task forces, or other bodies which can or may vote or take formal action or make official recommendations to the Mayor and/or City Council.

(b) *Decision* means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the City Council or other City board or commission, as well as the discussions or deliberations of the City Council, board, or commission which can or may lead to a vote or formal action by that body.

(c) *Employee* means any person who is a full-time or part-time employee of the City.

(d) *Immediate Family* means the spouse, mother, father, grandparent, brother, sister, son or daughter of any City Official related by blood, adoption or marriage. The relationship by marriage shall include in-laws.

(e) *Incidental interest* means an interest in a person, entity or property which is not a substantial interest as defined herein and which has insignificant value.

(f) City Official’s Partner means any City Official’s Immediate Family member, a shareholder in a corporation where the City Official is also a shareholder, a member in any LLC where the City Official is also a member, or a partner in an LLP,

Partnership, or other business entity where the City Official is also a partner. This definition shall also include any City Official's employee, supervisor, and the officers and directors or any corporation from which the City Official receives any benefit.

(g) *Remote interest* means an interest of a person or entity, including a City official, which would be affected in the same way as the general public. For example, the interest of an official in the property tax rate, general City fees, city utility charges or a comprehensive zoning ordinance or similar matters is deemed remote to the extent that the official would be affected in common with the general public.

(h) *Substantial interest* means an interest, either directly or through a member of the immediate family, in another person or entity, where:

(1) the interest is ownership of five percent or more of the ~~voting~~ stock, shares or equity of the entity or ownership of ~~\$5,000.00~~ \$500.00 or more of the equity or market value of the entity; or

(2) the funds received by the person from the other person or entity during the previous 12 months either equal or exceed:

(A) ~~\$5,000.00~~ \$100.00 and in salary, bonuses, commissions or professional fees, or in-kind compensation; or ~~\$5,000.00~~ \$100.00 in payment for goods, products or services, or

(B) ~~ten percent~~ two and one-half percent (2.5%) of the recipient's gross income during that period, whichever is less;

(3) the person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the City ~~Council~~; or

(4) the person is a creditor, debtor, or guarantor of the other person or entity in an amount of ~~\$5,000.00~~ \$500.00 or more.

Sec. 1-5004. - Prohibitions.

(a) No City Official shall violate the Constitution or the laws of the United States, the Constitution or laws of the State of Georgia, or the City Charter or Code of Ordinances of the City of South Fulton in performing his or her public duties.

(b) Other than what is required for the proper management and operation of City government, no City Official may independently direct the activities of staff or other appointed City Officials to coerce actions in violation of policy directives of the City governing authority.

(c) No City Official shall use such position or influence to secure special privileges or exemptions for himself or herself or others, or to secure confidential information for any purpose other than official duties on behalf of the City.

(d) No City Official, in any matter before the City Council or other City body, relating to a person or entity in which the official has a substantial interest,

shall fail to disclose for the record such interest prior to any discussion or vote or fail to recuse himself/herself from such discussion or vote as set forth in Section 3.15(a) of the Charter.

(e) No City Official shall act as an agent or attorney for another in any matter before the City Council or other City body.

(f) No City Official shall directly or indirectly receive, or agree to receive, any compensation, gift, reward, or gratuity in any matter or proceeding connected with, or related to, the duties of his or her office or any other City office or City Official except as may be provided by law.

(g) No City Official shall enter into any contract with, or have any interest in, either directly or indirectly, the City except as authorized by state law.

(i) This prohibition shall not be applicable to the professional activities of the City Attorney in his or her work as an independent contractor and legal advisor on behalf of the City.

(ii) This prohibition shall not be applicable to an otherwise valid employment contract between the City and a City Official who is not elected (such as, by way of example, a City Manager, or Chief of Police).

(iii) Any official who has a proprietary interest in an agency doing business with the City shall make that interest known in writing to the City Council and the City Clerk.

(h) All public funds shall be used for the general welfare of the people and not for personal economic gain.

(i) Public property shall be disposed of in accordance with state law.

(j) No City Official shall solicit or accept other employment to be performed, or compensation to be received, while still a City Official if the employment or compensation could reasonably be expected to impair or compromise such official's judgment or performance of City duties.

(k) If a City Official accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise, or make a recommendation, the official shall disclose the fact to the City Council and shall recuse himself/herself and take no further action on matters regarding the potential future employer.

(l) No City Official shall use City services, facilities, personnel, contractors, equipment, or supplies for private purposes outside of their official duties, except to the extent such are lawfully available to the public.

(m) No City Official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

(n) A City Official shall not directly or indirectly make use of, or permit others to make use of, official information not made available to the general public for the purpose of furthering a private interest.

(o) A City Official shall not use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such official or persons within the official's immediate family, or those with whom the official has business or financial ties amounting to a substantial interest.

(p) A City Official shall not order any goods and services for the city without prior official authorization for such an expenditure. No City Official shall attempt to obligate the City nor give the impression of obligating the City without proper prior authorization.

(q) No City Official shall draw travel funds or per diem from the City for attendance at meetings, seminars, training ~~or other educational, or other~~ events and fail to attend such events without ~~promptly~~ reimbursing the City ~~therefore~~ within two business days.

(r) No City Official shall attempt to unduly influence the outcome of a case before the Municipal Court of the City of South Fulton nor shall any City Official engage in *ex parte* communication with a Municipal Court Judge of the City of South Fulton on any matter pending before the Municipal Court of the City of South Fulton.

(s) No City Official shall solicit or accept campaign contributions ~~in any government-owned building, on any government-owned property.~~

(t) ~~No City Official shall use government-owned property for any political or campaign-related use.~~ No City Official shall use City services, facilities, personnel, contractors, equipment, supplies, or other property for campaign or political purposes.

(u) No City Official shall disclose or release any confidential information acquired by virtue of their office unless required by law or authorized by the City to do so. Nor shall any City Official use confidential information for personal or private gain, for themselves, any other person, or business entity.

Sec. 1-5005. – Conflict of Interest.

(a) A City Official may not participate in a vote or decision on a matter affecting an immediate family member or a person, entity, or property in which the official has a substantial interest. ~~If the City Official determines that a conflict exists, the City Official must explain the conflict and not vote on or participate in the decision.~~

(b) A City Official who serves as a corporate officer or a member of the board of directors of a nonprofit entity must disclose their interest in said entity to the Mayor and City Council prior to participating in a vote or decision regarding the funding of the entity by or through the City.

(c) Where the interest of a City Official in the subject matter of a vote or decision is remote or incidental, the City Official may participate in the vote or decision and need not disclose the interest.

Sec. 1-5006. – Board of Ethics.

(a) **Purpose.** The purpose of the Board of Ethics is to review all complaints filed and determine whether there is clear and convincing evidence that a City Official has violated this ethics code.

(b) **Composition.** The Board shall be composed as follows:

(1) **Members.** The Board of Ethics shall consist of three persons, one appointed by the mayor, one appointed by the city council, and the third appointed by the first two above named subject to approval by a majority of the city council. The third member of the Board of Ethics shall be a member in good standing of the State Bar of Georgia.

(2) **Appointment and Term.** All members shall be residents of the City of South Fulton and shall serve a four-year term.

(c). **Qualifications**

(1) All members of the Board of Ethics shall be residents of the City for at least one (1) year immediately preceding the date of taking office and shall remain a resident while serving on the Board.

(2) No person shall serve as a member of the Board of Ethics if the person, or anyone in their immediate family, has, or has had within the preceding ~~one (1) year period, five-year period,~~ any interest in any contract or contracting opportunity with the city or has been employed by the City.

(3) Members of the Board of Ethics with any permit or rezoning application pending before the City, or any pending or potential litigation against the City or any City Official charged in the complaint shall be disqualified from serving on the Board of Ethics for that complaint. An alternate member of the Board of Ethics shall be selected in the same manner as the disqualified individual.

(4) No person shall serve on the Board of Ethics who has been convicted of a felony, unless such conviction has been pardoned and certified documentary evidence is produced to the satisfaction of the City Council to demonstrate that pardon. ~~involving moral turpitude in this state or any other state, unless such person's civil rights have been restored and at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude.~~

(5) No person shall serve on the Board of Ethics who is less than 21 years of age, who holds a public elective office, who is physically or mentally unable to discharge the duties of a member of the Board of Ethics, or who is not qualified to be a registered voter in the City of South Fulton.

(6) Upon appointment, members of the Board of Ethics shall sign an affidavit attesting to their qualification to serve as a member of the Board of Ethics.

(7) Members shall be prohibited from engaging in city election political activities and from making campaign contributions to candidates in city elections during their terms as Board members and for ~~six months~~ two years prior to their appointment. A member who violates this subsection shall be ~~punished by removal~~ removed from ~~the~~ the Board membership.

(d) The members of the Board of Ethics shall serve without compensation.

(e) The city council shall provide meeting space for the Board of Ethics and, subject to budgetary procedures and requirements of the City, such supplies and equipment as may be reasonably necessary for the Board to perform its duties and responsibilities.

(f) Members of the Board of Ethics may be removed by two-thirds vote of the city council for cause, including, but not limited to, failure to maintain any requirement for qualification to serve on the Board of Ethics.

Sec. 1-5007. – Procedure.

(a) All complaints shall be filed in the city clerk's office and a copy shall be forwarded to the Board of Ethics. Complaints may be filed only by residents of the City of South Fulton and any complaint filed by any other person shall be dismissed.

(b) Form of Complaints

(1) All complaints shall be submitted and signed under oath, shall be legibly drawn, and shall clearly address matters within the scope of this Code of Ethics. The person filing the complaint shall swear under oath at the time of the filing that he or she is a resident of the City of South Fulton, state his or her residence address (post office box is not sufficient) and home phone number, if they have one and if not their business or mobile phone number, if any. The complaint shall be supported by affidavit(s) based on personal knowledge, set forth such facts as would be admissible in evidence, and show affirmatively that the affiant is competent to testify to the matters stated therein. All document(s) referred to in the affidavit shall be attached to the affidavit(s).

(2) A complaint that does not meet the standard required by this ordinance shall be dismissed without prejudice. Repetitive failures to meet the standard imposed by this ordinance shall authorize the Board of Ethics to dismiss the complaint with prejudice.

(c) Investigation of Complaints

(1) Upon receipt of a complaint in proper form, the Board shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the City Council. The Board of Ethics is empowered to dismiss in writing complaints that it determines are unjustified, frivolous, patently unfounded or fail to state facts sufficient to invoke the disciplinary jurisdiction of the City Council; provided, however, that a rejection of such complaint by the Board of Ethics shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the City Official.

(2) For complaints that are not dismissed, the Board of Ethics is empowered to collect evidence and information concerning any complaint and add the findings and results of its investigations to the file containing such complaint.

(3) Upon completion of its investigation of a complaint, the Board of Ethics is empowered to dismiss in writing those complaints which it determines are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the City Council; provided, however, that a rejection of such complaint by the Board of Ethics shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the City Official.

(4) The Board of Ethics is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint. If during an investigation, the Board determines, based on clear evidence, that additional violations of the City Code of Ethics may have occurred, the Board is empowered to add those allegations to their findings that are submitted to the City Council.

(5) The Board of Ethics is empowered to adopt forms for formal complaints, notices, and any other necessary or desirable documents within its jurisdiction where the city council has not prescribed such forms.

(6) Findings of the Board of Ethics shall be submitted to the City Council for action.

(7) Politically-inspired complaints:

(A) Complaints that are submitted against City Officials between the beginning of the qualifying period for a municipal election when the City Official named in the complaint appears on the ballot and the certification of the same municipal election, may be accepted; however, the Board of Ethics may not take any action on the complaint until after the certification of the municipal election.

(d) Service of Complaint

(1) The City Clerk shall serve the complaint on the City Official charged as soon as practicable but in no event later than seven (7) calendar days after receipt of a proper, verified complaint.

(2) Service may be by personal service, by certified mail, return receipt requested or by statutory overnight delivery.

(3) A hearing shall be held within sixty (60) calendar days after filing of the complaint. The Board of Ethics shall conduct hearings in accordance with the procedures and regulations it establishes but, in all circumstances, at least one hearing shall include the taking of testimony and the cross-examination of available witnesses.

(4) The decision of the Board of Ethics shall be rendered to Mayor and City Council within seven (7) calendar days after completion of the final hearing. At any hearing held by the Board of Ethics, the City Official who is the subject of inquiry shall have the right to written notice of the hearing and the allegations at least seven (7) calendar days before the first hearing, to be represented by counsel, to hear and examine the evidence and witnesses and, to oppose or try to mitigate the allegations.

(5) The City Official subject to the inquiry shall have also have the right but not the obligation of submitting evidence and calling witnesses. Failure to comply with any of time deadlines in this section of the ordinance shall not invalidate any otherwise valid complaint or in any way affect the power or jurisdiction of the Board of Ethics or the City Council to act upon any complaint.

(e) Penalty

(1) Any City Official who violates any provision of this Ethics Code shall be subject to public reprimand or censure by the City Council.

(2) In addition to Section (1), for any City Official who violates any provision of this Ethics Code other than Sec. 1-5012, the City Council may also:

(A) request the resignation of the City Official;

(B) assess a fine pursuant to the following schedule:

- (i) \$500.00 for the first violation within a 12-month period;
- (ii) \$1,000.00 for a second violation within a 12-month period;
- (iii) \$2,500.00 for any violation beyond a second violation within a 12-month period.

(3) If the City Council determines that criminal activity was uncovered during the investigation, they may refer the case to the law enforcement agency with appropriate jurisdiction for further investigation.

(4) No member of the governing authority shall use campaign funds to satisfy any penalty assessed pursuant to this section.

(5) The mayor or any councilmember shall be subject to removal pursuant to Section 2.16 of this charter for:

(i) Failing to pay any civil penalty within 30 days of assessment of such penalty pursuant to this section; or

(ii) Three or more violations of Sec. 1-5004 within a 12-month period.

(f) Appeal

(1) Any City Official or complainant adversely affected by the findings or recommendations of the Board of Ethics may obtain judicial review of such decision as provided in this Section.

(2) An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of Fulton County within thirty (30) days after the decision of the Board of Ethics. The filing of such application shall act as supersedeas.

Sec. 1-5008. - Complicity.

No person shall, directly or indirectly, aid, abet, agree with, assist, encourage or solicit any City Official or a City Official's Partner in substantial interest to violate this chapter or to participate in any way in a violation of this chapter with or by another person.

Sec. 1-5009. – Reserved.

Sec. 1-5010. - Duty to leave meeting.

(a) To avoid the appearance of impropriety, after any City Official or a City Official's Partner in substantial interest is determined to have a conflict of interest or a potential conflict of interest in any matter, and once all questions relating to the conflict of interest have been answered to the satisfaction of the decision maker, the City Official shall immediately leave the meeting room, except that if the matter is being considered at a public meeting, the City Official may remain in the area of the room occupied by the general public. If a City Official who has a conflict of interest in a matter is present as a member of a body which is to consider the matter, the City Official shall leave his or her regular seat as a member of the body, and not return to it until deliberation and action on the matter is completed.

(b) Nothing herein shall require members of voting bodies to leave their seats while action is taken regarding any item contained on a "consent agenda" on which there is no deliberation, the City Official's conflict has been disclosed, and the City Official abstains from voting on the item.

Sec. 1-5011. - Public contracts.

- (a) The City is prohibited from entering into any contract with a business in which a City Official or a City Official's Partner in substantial interest has a controlling interest without full disclosure as provided in this title.
- (b) Any City Official who has or may have a personal interest in any contract shall disclose such interest prior to the first of any of the events set forth in (1), (2), (3), and (4) below:
 - (1) The solicitation of a contract; or
 - (2) The bidding of a contract; or
 - (3) The negotiation of a contract; or
 - (4) The approval by the governing body of a contract.
- (c) In addition to any other remedies available in law or equity, any contract entered into in violation of this section may be voided by resolution of the City Council.
- (d) *Mandatory provision in independent contracts.* When the City contracts with any person to act on behalf of the City as an independent contractor, the contract shall include a provision which binds the independent contractor, as a condition of accepting the contract, to comply with the applicable provisions of this chapter and Charter. Any question about whether provisions are applicable, including the financial disclosure provisions, may be resolved by a written opinion of the City Attorney or by a decision of the Ethics Board. The governing body, if it deems it necessary or appropriate to do so, may adopt policies or guidelines to further define the circumstances under which any certain provision will or will not apply to independent contractors.

Sec. 1-5012. – Recommended Conduct for the Mayor and City Council.

- (a) **Limitations.** No provision of this section shall be interpreted to infringe upon the Constitutional rights of any City Official. This section should be considered recommendations for best practices in representing the City and its governing authority. Because this section lists best practices and not requirements of City Officials, a complaint cannot lie against a City Official for any violation of this section. Any complaint against a City Official filed under this code section shall be dismissed by the Board of Ethics.
- (b) **Declaration of Policy.** The public expects and deserves the highest standards of professional conduct from City Officials. The purpose of this section is to ~~encourage~~ establish a high standard for inter-personal conduct among the members of the City Council and to promote ~~good~~ transparent and trustworthy government in the City of South Fulton. City Council members are agents of the public whose primary objective should be to address the needs of the citizens of the City of South Fulton, and therefore members must observe a code of conduct in their official duties.
- (c) **Expectations of City Council Members.** All Council members should:
 - (1) Regularly attend and fully participate in City Council meetings;
 - (2) Demonstrate respect, kindness, and courtesy to others;

- (3) Prepare in advance of meetings and be familiar with items on the agenda;
- (4) Refrain from the use of technology during City Council meetings unless it is germane to presentations on the meeting agenda;
- (5) When possible and practical, Represent the City at ceremonial functions at the request of the Mayor;
- (6) Work to ensure public meetings are conducted efficiently;
- (7) Demonstrate honesty and integrity in all actions; and
- (8) ~~Avoid undermining~~ Work to build and uphold public confidence in City of South Fulton government.

(d) **Campaigning and Electioneering.**

- (1) City Council members may endorse candidates for any City Council seat or any other elected office.
- (2) City Council members shall not endorse any candidate for public office at or during an official City event or meeting.
- (3) City Council members shall refrain from mentioning anything regarding campaigns or any political activity at any official City event or meeting.

(e) **Public Comments by City Council Members.** When a Council member appears in an official capacity at any meeting, board, commission, agency, or organization, the Council member shall clearly delineate between the council member's personal opinions and those of the City.

- ~~(1) The opinions of City Council members can be attributed as opinions of the entire City governing authority. City Council members shall use caution when delivering an opinion whether in open meeting, in conversations, or through correspondence.~~
- ~~(2) If a Council member appears in an official capacity at any meeting, board, commission, agency, or organization to give a statement or testimony, the Council member shall clearly delineate between the council member's personal opinion and the affirmative statements or opinions expressed by the City's governing body.~~

(f) **Decorum for City Council Meetings.** The following protocols shall be observed for City Council meetings:

- ~~(1) City Council members shall respect the Mayor, fellow City Council members, City staff, and members of the general public.~~
- ~~(2)~~ (1) City Council members shall be punctual and keep comments germane to the subject matter being discussed.

- ~~(3) City Council members shall practice civility, professionalism, and decorum in discussions and debate.~~
- ~~(4) City Council members shall voice objections politely.~~
- ~~(5) City Council members shall refrain from actions that indicate partiality, prejudice or disrespect toward any speaker or person appearing before the City Council.~~
- ~~(6) (2) City Council members shall refrain from making belligerent, derogatory, impertinent, slanderous, threatening, abusive, or disparaging comments.~~
- ~~(7) (3) City Council members shall refrain from shouting or physical actions that could be construed as threatening.~~
- (f) Standards of Conduct for City Council Members in the Use of Social Media. The Code of Conduct for the Mayor and City Council requires members to act with decorum at City Council meetings and treat the Mayor, each other, the public and City staff with respect (Sec. 2-4012 (f)). These standards of conduct transfer and apply directly to a City Council's member's use of social media.
- a. Definition of Social Media. Social Media refers to freely accessible, third party hosted, interactive Internet technologies used to produce, post and interact through text, images, video, and audio to inform, share, promote, collaborate or network. A non-exhaustive list of examples of social media includes: Twitter, Facebook, Instagram, Snapchat, YouTube and LinkedIn.
 - b. Prohibitions on Use of Social Media. City Council members:
 - (A) Shall not, via social media, intentionally or inadvertently post confidential information, particularly information arising from closed sessions of Council or committees;
 - (B) Shall not use social media as a platform to treat members of the public, one another, or staff without respect;
 - (C) Shall not use social media to engage in or encourage harassment, intimidation, bullying, or shaming of other fellow City Council members;
 - (D) Shall not use social media to engage in criticism of City staff;
 - (E) Shall not, through the use of a conduit, engage in any activities set forth in 1-4 above.
- (g) Exclusion of Mayor and City Council Members from Staff Meetings. The Mayor and members of the City Council may not attend or be present at any staff meetings conducted by the City Manager with city officers or employees to the extent that their absence conforms to the requirements of the City Charter.

Sec. 1-5013. - Reserved.

Sec. 1-5014. - Reserved.

Sec. 1-5015. - Candidates: honesty in applications for positions.

No person seeking to become a public official, employee, contractor, volunteer or appointee to any public position shall make any false or materially misleading statement, certificate, mark, rating or report in regard to any test, certification, appointment or investigation, or in any manner commit any fraud, conceal any wrongdoing or knowingly withhold information about wrongdoing in connection with employment or service with the city or in connection with a work-related contract or service of any City Official.

Sec. 1-5016. - Financial disclosure statement—Filing.

Financial disclosure statements shall be filed as required by state law.

Sec. 1-5017. - Reserved.

Sec. 1-5018. - Reserved.

Sec. 1-5019. - Reserved.

Sec. 1-5020. - Reserved.

Sec. 1-5021. - Reserved.

Sec. 1-5022. - Reserved.

Sec. 1-5023. - Reserved.

Sec. 1-5024. - Reserved.

Sec. 1-5025. - Reserved.

Sec. 1-5026. - Reserved.

Sec. 1-5027. - Reserved.

Sec. 1-5028. - Reserved.

Sec. 1-5029. - Reserved.

Sec. 1-5030. - Severability.

If any provision of this chapter is held by any court or by any federal or state agency of competent jurisdiction to be invalid as conflicting with any federal, state or city charter provision now or hereafter in effect, or is held by such court or agency to be modified in any way in order to conform to the requirements of any such provision, the conflicting provision of this chapter shall be considered a separate, distinct and independent part of this chapter, and such holding shall not affect the validity and enforceability of this chapter as a whole, or any part other than the part declared to be invalid.

- (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this chapter are or were, upon their enactment, believed by the mayor and council to be fully valid, enforceable and constitutional.

- (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this chapter is severable from every other section, paragraph, sentence, clause or phrase of this chapter. It is hereby further declared to be the intention of the mayor and council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this chapter is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this chapter.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this chapter 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 mayor and council that such invalidity, unconstitutionally 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 chapter and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the chapter shall remain valid, constitutional, enforceable, and of full force and effect.

The foregoing **Ordinance No. 2917-041** was adopted on _____ was offered by Councilmember **Gumbs**, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE adopted this _____ day of _____ **2017.**

CITY OF SOUTH FULTON, GEORGIA.

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY