

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, November 14, 2017, 5:00PM



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 by Mayor Edwards at 5:04pm. Following roll call, a quorum was present.

- **School Bus Arms Presentation (by Bunnie Jackson-Ransom)**

The City Clerk introduced Ms. Bunnie Jackson-Ransom for the School Bus Arms Presentation. Ms. Jackson-Ransom introduced Mr. David Jackson as her co-presenter.

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Ms. Jackson-Ransom then introduced Ms. Tara Pin from Fulton County Schools who works with municipalities and the police departments on the School Bus Arms Project who gave an overview of the Project in the local municipalities.

Mr. David Jackson presented a PowerPoint presentation on the program and answered questions from the Mayor and Council.

- **Timeline on Renaming the City**

Mayor Edwards asked City Attorney representative Brian Lake to give Council a review of the steps needed and the timeline for renaming the City.

- **Executive Session, 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. Hearing no objections, the motion passed unanimously, 7-0-0.

The Executive Session began at 5:45pm and ended at 6:55pm.

IN OPEN SESSION:

The City Clerk announced that there was no action taken in Executive Session.

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Gumbs and Councilmember Baker to close the Executive Session. The motion passed unanimously, 7-0-0.

The Work Session adjourned at 7:00pm.



Mark Massey, City Clerk



DIVIDER SHEET

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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)

REGULAR MEETING MINUTES

1. Call to Order

The meeting was called to order by Mayor Edwards at 7:00pm. Following the roll call, all members were present.

2. Invocation

The Invocation was rendered by Pastor Warren T. Henry.

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3. Pledge of Allegiance

The Pledge of Allegiance was recited in unison.

4. Approval of the Consent Agenda

- a. Meeting Minutes – Tuesday, October 24, 2017 (Work Session and Regular Meeting)
- b. Meeting Minutes – Friday, October 27, 2017 (Strategic Planning)
- c. Proclamation – Pearls of Vision Foundation Appreciation Day (**Edwards**)

A motion was made by Councilmember Gumbs and seconded by Councilmember Gilyard to approve/accept the consent Agenda. The motion passed unanimously, 7-0-0.

5. Approval of the Regular Meeting Agenda

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Gumbs to approve/accept the Regular Meeting Agenda as amended (adding Mayor Pro Tem Rowell and Councilmember Willis as co-sponsors of Ordinance 2017-031 Ethics Ordinance and changing the Randolph Girl Scouts Appreciation Day Proclamation from 10 Girls to 9 Girls). The motion passed unanimously, 7-0-0.

6. Proclamations and Recognitions

- a. ~~FreeWishes Foundation Appreciation Day (**Willis**) [HELD]~~
- b. Recognizing 25AndOlder Sports (**Baker**) [PRESENTED]
- c. National Domestic Violence Awareness Month (**Gumbs**) [PRESENTED]
- d. Randolph Girl Scout Appreciation Day – Reid (**Rowell**) [PRESENTED]

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- e. Randolph Girl Scouts Appreciation Day – Tillman (Rowell) [PRESENTED]
- f. Randolph Girl Scouts Appreciation Day – 3 Girls (Rowell) [PRESENTED]
- g. Randolph Girl Scouts Appreciation Day – 10 9 Girls (Rowell) [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 seven (7) Citizens offered public comment:

- **Mr. Mike Taylor** regarding City's new name.
- **Mr. John A. Jones** concerning economic development in the 5th District, printed copies of the City map showing district's, violence in and around Flatshoals Road, Buffington & Old Bill Cook Roads, and the influx of crime and any possible solutions.
- **Ms. Glenda Collins** concerning industrial classification of the new City needs to be addressed.
- **Ms. Kennetta Pillette** thanked the Mayor and Council for their service. Concerned with dumping & trash on new Wolf Creek Trail (tire dumping, utility path). Need surveillance for areas prone to dumping.
- **Mr. Sean Metcalf** suggested generating revenue through parking enforcement for the general fund.
- **Mr. John Ross** proposed establishing a credit union in South Fulton, Nova Credit Union.
- **Mr. Avon Spence** regarding Waste RFP – complaints regarding the requirement in the RFP for every household to have new containers and the point system is not fair to minority haulers.

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8. Business

a. Resolutions

- i. Resolution Approving Schedule of Fines for the Municipal Court of the City of South Fulton. **(Res2017-069)**

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Gumbs to approve/accept Res2017-069, with an effective date of November 1, 2017. The motion passed unanimously, 7-0-0.

- ii. Resolution Approving Contract for Tiffany Carter Sellers to Serve as the Chief Judge for the Municipal Court of the City of South Fulton, setting Compensation; and for Other Purposes. **(Res2017-070)**

A motion was made by Councilmember Willis and seconded by Councilmember Gilyard to approve/accept Res2017-070, with a friendly amendment by Mayor Pro Tem Rowell with respect to Section 10 of the Agreement, to add 'as it relates to her judicial responsibilities'. The friendly amendment was accepted. A motion was made by Councilmember Baker and seconded by Councilmember Willis to call the question (end debate). The motion passed unanimously, 7-0-0.

- iii. Resolution Authorizing the City of South Fulton Human Resources Department to conduct background checks on Prospective Employees, Vendors, and Volunteers; Authorizing the Human Resources Director to Serve As Agent for GCIC and Other Crime Databases; Authorizing the Human Resources Director to Establish Policies and Procedures; Providing or Training Resources as Necessary; Authorizing Mayor to sign all Documents Necessary to Effectuate This Resolution; Repealing Inconsistent Resolutions;

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Providing for an Effective Date; and for other purposes. **(Res2017-071)**

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Gumbs to approve/accept Res2017-071, with an effective date of November 14, 2017. Mayor Pro Tem Rowell, Councilmembers Gumbs, Willis, Gilyard, Jackson and Baker voted yea. Councilmember khalid voted no. The motion passed, 6-1-0.

b. Ordinances

- i. **[SECOND READING]** Ordinance, granting to Atlanta Gas Light Company, A Georgia Corporation, hereinafter designated as "Company", its successors and assigns, the right and franchise to use and occupy the streets, avenues, roads, public highways, alleys, lanes, ways, parks, and other public places of the City of South Fulton, Georgia, for constructing, maintaining, renewing, repairing, and operating a gas works and gas distribution system, and other necessary means for manufacturing, transmitting, distributing and selling of manufactured, natural or commingled gas within and through the City of South Fulton, Georgia; and fixing the terms and conditions of such grant; to provide provisions governing the franchise fee calculation; to provide an effective date; and for other purposes. **(Ord2017-028)**

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Gumbs to approve/accept Ord2017-028 as amended in Section 13 to add 'in care of the City Attorney's address as the City's address'. Mayor Pro Tem Rowell, Councilmembers Gumbs, Gilyard, Willis, Jackson and Baker voted yea. Councilmember khalid voted no. The motion passed, 6-1-0.

- ii. **[SECOND READING]** Ordinance to establish procedures to provide preference to City of South Fulton businesses in

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competitive sealed bidding for City services. (**Rowell – Ord2017-029**)

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Gumbs to approve/accept Ord2017-029. The motion passed unanimously, 7-0-0.

- iii. **[SECOND READING]** Amendment to Ordinance No. 2017-012 – Addressing the jurisdiction of the Code Enforcement Board. (**Ord2017-030**)

A motion was made by Councilmember Willis and seconded by Mayor Pro Tem Rowell to approve/accept Ord2017-030. The motion passed unanimously, 7-0-0.

- iv. **[FIRST READING]** Adoption of Additional Ethics Ordinances. (**Rowell & Willis - Ord2017-031**) **[HEARD]**
- v. **[FIRST 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**) **[HEARD]**
- vi. **[FIRST 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**) **[HEARD]**
- vii. **[FIRST READING]** Adoption of Ordinance Relating to the Regulation of Sexually-Oriented Businesses in the City of South

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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.

(Ord2017-034) [HEARD]

- viii. **[FIRST 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 Quarterly Report from the Municipal Court; and for other Purposes.

(Ord2017-035) [HEARD]

- ix. **[FIRST 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) [HEARD]**

9. Board Appointments

- a. Nomination of Ms. Joyce Armster to replace Ms. Violet Williams Crawford on the **Board of Code Enforcement. [khalid]**

A motion was made by Councilmember khalid and seconded by Councilmember Gilyard to approve/accept the nomination as presented above. The motion passed unanimously, 7-0-0.

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

CFO, Frank Milazi said the Financial Status Update will be given at the next Regular Meeting of the Council, Tuesday, November 28, 2017.

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Mayor Edwards indicated there are some changes to the health benefits. Zina Cooper of Human Resources Department presented an explanation during a slide presentation of the benefit changes.

11. 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.

12. Adjournment

Mayor Edwards entertained a motion to adjourn. A motion was made by Councilmember Baker and seconded by Mayor Pro Tem Rowell to adjourn. Hearing no objections, the meeting adjourned at 9:00pm.


Mark Massey, City Clerk

Southern Company Gas Contract Review Worksheet

Complete prior to submission for document execution. Be concise.

Date 12/13/2017	Person Completing this Form Justin Hitchcock	Aggregate Commitment (No decimals)** \$ 20,500,000
Name of Contract	Franchise Agreement	Document Type <u>FRANCH</u>
Contracting GAS Entity	Atlanta Gas Light Company	
Counterparty	City of South Fulton, Georgia Government entity? ☒ Yes Local, state, federal government or agency or instrumentality of same ☐ No	
Contract Purpose	franchise agreement for 30 years Infrastructure related? ☒ Yes See <i>Infrastructure definition below (pipeline, plant, or storage asset)</i> ☐ No	

Is this Agreement a Southern Co. Gas Template? (a fill-in-the-blank agreement pre-approved by the Legal Dept)

Examples: MSA, ESA, UECA, Base Contract for Purchase & Sales of Natural Gas, etc...

☒ Yes	Were Southern Company Gas Terms and Conditions (T&Cs) changed on template?
☐ No	☐ No changes to template agreement (other than expected fill-in-the-blank) ☒ Minor changes, but <u>NONE</u> to warranty, indemnification, limitation of liability, or insurance provisions ☐ Major changes including to warranty, indemnification, limitation on liability, or insurance provisions
List unusual contract provisions ☐ See Attached	
Only changes are to "Whereas" clauses; no changes to body of the agreement	

Approval

Approver Printed Name (Check N/A if not applicable)	Approval Signature	Date Signed
Business Unit Lead Bryan Batson		12/13/17
Supply Chain Lead ☒ N/A <u>Select Category...</u>		
Legal Resource **If Aggregate Dollar $\geq$ \$1 Million, Legal Resources must complete Accounting Review Screening Worksheet. ☐ N/A per requirements of Policy Regarding Legal Review of Contracts Justin Hitchcock		12/13/2017
Officer of Impacted Subsidiaries ☒ N/A as no services provided to or monetary / budgetary impact on another GAS subsidiary		
Director / Officer / Policy Committee / CEO ☐ N/A based on Aggregate Commitment Drew Evans		12/13/17

Signatory is authorized to execute this Contract because:

- ☒ Officer of Southern Company Gas Contracting Entity
☐ Contract is a specialized Contract listed on Exhibit B to Signature Authority Policy
☐ Designated Signatory pursuant to Exhibit C to Signature Authority Policy
☐ Signatory has been delegated authority from appropriate Policy Committee officer (attach written documentation)

Definition: Infrastructure (Pipeline, Plant or Storage Assets) contract activities include

Construction or Removal Goods & Services (Construction, supervision, engineering, easement/fee property acquisition, etc.);

Maintenance (corrosion, leaks, replacement, surveying, etc.);

Materials & Supplies (meters, pipe, fittings, etc.);

Operations or Services (above-ground – environmental, meter reading, painting, landscaping, relocation & below ground – locating, repair & consulting – where to lay pipeline, engineering, etc.)

STATE OF GEORGIA

COUNTY OF FULTON

CITY OF SOUTH FULTON

ORDINANCE NO. 2017-028

AN ORDINANCE, GRANTING TO ATLANTA GAS LIGHT COMPANY, A GEORGIA CORPORATION, HEREINAFTER DESIGNATED AS "COMPANY", ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND FRANCHISE TO USE AND OCCUPY THE STREETS, AVENUES, ROADS, PUBLIC HIGHWAYS, ALLEYS, LANES, WAYS, PARKS, AND OTHER PUBLIC PLACES OF THE CITY OF SOUTH FULTON, GEORGIA, FOR CONSTRUCTING, MAINTAINING, RENEWING, REPAIRING, AND OPERATING A GAS WORKS AND GAS DISTRIBUTION SYSTEM, AND OTHER NECESSARY MEANS FOR MANUFACTURING, TRANSMITTING, DISTRIBUTING AND SELLING OF MANUFACTURED, NATURAL OR COMMINGLED GAS WITHIN AND THROUGH THE CITY OF SOUTH FULTON, GEORGIA; AND FIXING THE TERMS AND CONDITIONS OF SUCH GRANT; TO PROVIDE PROVISIONS GOVERNING THE FRANCHISE FEE CALCULATION; TO PROVIDE AN EFFECTIVE DATE; 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;

WHEREAS, pursuant to Act 421 of the 2016 session of the Georgia General Assembly (the "City Charter"), the City of South Fulton incorporated on May 1, 2017;

WHEREAS, pursuant to Section 1.12(b)(32), the City is authorized to grant franchises or make contracts for public utilities and public services and to prescribe the rates, fares, regulations, and the standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor;

WHEREAS, the City considers collecting a franchise fee from a gas company utilizing the public rights of way as compensation to the public for the use of the rights of way and a means of promoting the public health, safety, welfare and economic development of the City and to protect public works infrastructure,

WHEREAS, the City of South Fulton City Council finds it in the best interest of the City to adopt and enter into a Gas Franchise Agreement as set forth herein with Atlanta Gas Light Company, a Georgia Corporation.

WHEREAS, the City and the undersigned warrant and represent that there is no such franchise granted by the City and in force and effect, to any other person, firm or corporation and that the City is under no contract or obligation to any other person, firm

or corporation, in anywise relating to the installation of gas service in the City of South Fulton, Georgia; now, therefore

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

SECTION 1.

Definitions.

- a. *Franchise Fee Factor ("FFF")* means \$14.62, as periodically adjusted pursuant to Section 4.
- b. *Dedicated Design Day Capacity or "DDDC"* means the sum of the individual capacity in Dekatherms attributable to all Firm Customers, as defined below, located within the city limits of the City, which as of the date hereof is 46,696.879.
- c. *Firm Customers* means all residential and business customers who purchase gas service that ordinarily is not subject to interruption or curtailment.
- d. *Fiscal Year* means the 12-month period ending September 30, of each year.
- e. *GPSC* means the Georgia Public Service Commission or such successor regulatory body, having general regulatory authority over the Company.
- f. *Franchise Fee Factor Adjustment ("FFFA")* means the percent change in the cost of service as explicitly or implicitly determined by the GPSC as a result of a rate case.

SECTION 2.

In exchange for making the franchise fee payments as provided in this Agreement, the City grants to the Company, its successors and assigns, a non-exclusive right to lay, construct, extend, maintain, renew, replace and repair gas pipes, valves, manholes, service boxes, posts, lamps, structures, appliances and all appurtenances and appendages under, along, through and across any streets, avenues, roads, public highways, alleys,

lanes, ways, parks, rights-of-way and other public places in the City (hereinafter collectively referred to as the "City's Property") and to use and occupy the City's Property for the purpose of therein laying, constructing, extending, maintaining, renewing, replacing and repairing mains, pipes, valves, manholes, service boxes, posts, lamps, structures, appliances and all appurtenances and appendages thereto, used and useful for the manufacture, transmission, distribution and sale of gas within and through the present or future territorial limits of the City, such right, when exercised as herein provided, to commence as of May 1, 2017 and to continue for a term for thirty (30) years from the date of approval of this ordinance.

SECTION 3.

Company shall be entitled to charge for gas distribution services furnished by it such rates as are prescribed by the GPSC or other lawful regulatory body of the State of Georgia.

SECTION 4.

The total dollar amount of franchise fees paid by the Company to the City shall be calculated as follows:

The following formula quantifies this payment: $FF = FFF \times DDDC \times FFFA$

Where,

FF = total franchise fees due City for the current Fiscal Year

FFF = the Franchise Fee Factor

DDDC = the Dedicated Design Day Capacity in the City as of the last day of the previous Fiscal Year

The Company shall adjust the Franchise Fee Factor by Franchise Fee Factor Adjustment only when the Company changes its rates as a result of a rate case with the GPSC.

The Company as the holder of the franchise privilege hereunder is responsible for the payment of all franchise fees payable hereunder, and shall file such reports and returns as required by this franchise ordinance. Company shall make the franchise fee payments to City on the same schedule and with such supporting documentation as Company provides to other municipalities in Georgia.

The franchise fee payments required hereunder shall be in lieu of any franchise fee, license fee, permit fee, administrative fee, occupation tax or other payment for the use of the rights-of-way by the Company for the provision of gas service, but shall not prohibit imposition of a license fee or an occupation tax on gas marketers. The Company shall comply with the City's utility right-of-way permitting process, as enacted, so long as such process does not conflict with O.C.G.A. §32-4-92 and is not more restrictive than rules and regulations as promulgated by the Georgia Department of Transportation. The City will not charge the Company any other franchise fee, occupation tax, or regulatory fee, as prohibited by O.C.G.A. §48-13-16, or any other fee prohibited by state law. Company reserves the right to reduce the annual franchise fee payable to the City for any and all fees, taxes or charges assessed by the City in contravention of this section in connection with the granting of permits to perform Company's work on City's Property during such Fiscal Year.

SECTION 5.

All rights herein granted and authorized by the City shall be subject to and governed only by this ordinance; provided, however, that the City expressly reserves unto

itself all of its police power to adopt general ordinances necessary to protect the safety and welfare of the general public in relation to the rights hereby granted not inconsistent with the provisions of this ordinance.

SECTION 6.

Company, upon making an opening in the City's Property, for the purpose of laying, repairing or maintaining gas facilities, shall use due care and caution to prevent injury to persons, and shall replace and restore the City's Property to its former condition as nearly as practicable, and within a reasonable time, and shall not unnecessarily obstruct or impede traffic upon the streets, avenues, roads, public highways, alleys, lanes, ways, parks and other places of the City.

SECTION 7.

Company shall save and keep harmless the City from any and all liability by reason of damage or injury to any person or persons whomsoever, on account of negligence of the Company in the installation, maintenance and repair of its mains and pipe lines located in the City's Property, provided the Company shall have been notified in writing of any claim against the City on account thereof and shall have been given ample opportunity to defend the same.

SECTION 8.

This ordinance, after its passage according to law, in writing duly filed with the City Clerk, shall be effective and in full force after the date of acceptance by Company.

SECTION 9.

Throughout the term of this Franchise Agreement, the Company shall, at its own cost and expense, maintain Comprehensive General Liability Insurance and shall, upon request, provide the City certificates of insurance designating the City as additional

insured and demonstrating that the Company has obtained the insurance required in this Section. Such policy or policies shall be in the minimum amount of One Million Dollars (\$1,000,000.00) for bodily injury or death to any one person, and One Million Dollars (\$1,000,000.00) for bodily injury or death to any two or more persons resulting from one occurrence, and One Million Dollars (\$1,000,000.00) for property damage resulting from any one accident. Such policy or policies shall be non-cancelable except upon thirty (30) days' prior written notice to the City. The Company shall provide workers' compensation coverage in accordance with applicable law. The Company shall indemnify and hold harmless the City from any workers' compensation claims to which the Company may become subject during the term of this Franchise Agreement. Alternatively, and in lieu of the foregoing insurance requirements, the Company may elect to self-insure or insure through its captive insurance carrier, provided that Company or its parent company have sufficient net worth to do so, as determined by customary practice in the natural gas utility industry.

SECTION 10.

Unless 90 days written notice is given by one party to the other prior to the expiration of this agreement, this franchise shall be considered as renewed and binding in all its provisions for ten (10) years after such expiration and this franchise shall so continue in operation and effect for a further and second term of ten (10) years unless such notice be given by either party prior to the expiration of the first such renewed term.

SECTION 11.

If the City grants a franchise to any other person, firm or corporation for the distribution and selling of gas, or if the City elects to establish a municipal system for the distribution and selling of gas, any proposed facilities within the certificated area of

Company must receive prior approval by the GPSC. City shall notify, or shall require any other person, firm or corporation franchised for the distribution and selling of gas to notify, the GPSC and Company of their intent to install facilities parallel to and within the rights-of-way with Company facilities at least thirty (30) days prior to installation, and such installation shall not be initiated without the written consent of the GPSC provided, however, that the GPSC shall act on such notice within a reasonable amount of time and such consent shall not be unreasonably withheld.

SECTION 12.

In the event that any provision of this ordinance should be ruled void, invalid, unenforceable or contrary to public policy by any court of competent jurisdiction, the remaining provisions of this ordinance shall survive and be applied, and together with the invalid or unenforceable portion shall be construed or reformed to preserve as much of the original words, terms, purpose and intent as shall be permitted by law.

SECTION 13.

Any and all notices required to be given under this agreement shall be in writing and shall be delivered by U.S. Mail, return receipt requested, commercial overnight courier or hand delivery and shall be deemed delivered when received or rejected for receipt by the recipient. The parties' addresses are set forth below and can be changed upon thirty (30) days' notice to the other:

City: **City of South Fulton**

Address: **c/o Robins·Ross·Alloy·Belinfante·Littlefield
Suite 1120
999 Peachtree Street, NE
Atlanta, Georgia 30309**

Attn: **Josh Belinfante**

Atlanta Gas Light Company:

P.O. Box 4569

Atlanta, GA 30302-4569

Attn: Rates and Regulatory

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

SECTION 14.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SO ADOPTED by the City Council of the City of South Fulton, Georgia, at a meeting held
on **November 14, 2017.**

The foregoing Ordinance No. **2017-028** adopted on **November 14, 2017**, was offered by Mayor Pro Tem **Rowell**, who moved its approval. The motion was seconded by Councilmember **Gumbs**, 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	☒	☐

Approved:


_____, Mayor
WILLIAM 'BILL' EDWARDS

I, MARK MASSEY, Clerk of the City of South Fulton, Georgia, hereby certify that I was present at the meeting of the Mayor and Council of the City of South Fulton, Georgia, held on November 14, 2017, which meeting was duly and legally called and held, and at which a quorum was present, and that an ordinance, a true and correct copy of which I hereby certify the foregoing to be, was duly passed and adopted by the Mayor and Council of the City of South Fulton, Georgia, at said meeting.

IN WITNESS WHEREOF, I hereunto set my hand and the seal of the City of South Fulton, State of Georgia, this **14th** day of **November 2017**.

ATTEST:



Mark Massey, City Clerk

APPROVED AS TO FORM:

By: 

Josh Belinfante, Interim City Attorney



Accepted on behalf of Company, this 13th day of December, 2017.

Atlanta Gas Light Company

By: Bryan Batson
Signature

Name: Bryan Batson
Please Print

Title: President
Please Print



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

ORDINANCE No. 2017-029

A proposed ordinance introduced by Mayor Pro Tem Rowell

**AN ORDINANCE TO ESTABLISH PROCEDURES TO PROVIDE
PREFERENCE TO CITY OF SOUTH FULTON BUSINESSES IN
COMPETITIVE SEALED BIDDING FOR CITY SERVICES.**

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, local businesses contribute significantly to the economic health of our city and to the quality of life of our citizens and visitors; and

WHEREAS, the City finds it to be in the public interest and for the well-being of the City and its inhabitants to encourage the growth of local businesses by means of increasing the participation of these businesses in the city's purchase of goods and services.

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

Section 1: The City of South Fulton Code of Ordinances, Title 10 Procurement, Chapter 1, shall be as follows:

Title 10: **Procurement**

Chapter 1: ***Local Business Preference***

Sections:

10-1001 Purpose.

10-1002 Authority.

10-1003 Preference.

10-1004 Local business and locally owned business designation.

10-1005 Exclusions.

10-1006 Violations and sanctions.

10-1007 Appeals.

Section 10-1001 Purpose.

Local businesses contribute significantly to the economic health of our city and to the quality of life of our citizens and visitors. The city encourages the growth of local businesses by means of increasing the participation of these businesses in the city's purchase of goods and services.

Section 10-1002 Authority.

Once established, the purchasing director for the City shall be responsible for enforcement of this chapter.

Section 10-1003 Preference.

- (1) A three percent evaluation preference will be applied to any sealed competitive process for goods, supplies, equipment, materials, services, or professional services from a business designated as a local business.
- (2) An additional five percent evaluation preference will be applied to any sealed competitive process for goods, supplies, equipment, materials, services or professional services from a business designated as a locally owned business.
- (3) When a nonlocal business has submitted the lowest responsive responsible bid, and when one or more local businesses, as defined in Section 10-1004, have also bid, the local business' total bid amount will be reduced by the preference percentage of either three or five percent for bid comparison purposes. If the net amount is lower than the lowest bid, the contract will be awarded to the local business for the full amount of its bid. When a request for proposals is used, the preference will reduce only the price component of the evaluation criteria.

Section 10-1004 Local Business and Locally Owned Business Designation.

- (1) A business shall comply with all of the following to be designated a local business:
 - (a) The business shall have an office with at least one employee within the City of South Fulton;
 - (b) The business shall not be delinquent with any payments to the City; and

- (c) The business shall hold a valid City of South Fulton business license.
- (2) A business shall comply with the following to be designated as a locally owned business:
 - (a) The business shall meet the requirements for a local business designation; and
 - (b) At least fifty percent of the business' owners live in the City of South Fulton.

Section 10-1005 Exclusions.

- (1) The provisions of this chapter shall only apply to competitive sealed bidding and shall not apply to:
 - (a) Sole source purchases.
 - (b) Construction projects.
 - (c) Urgent purchases necessary to protect public health, welfare or safety.
 - (d) Purchases made under a cooperative agreement.
 - (e) Purchases made by credit card, petty cash, or on claims.
 - (f) Purchases funded by outside agencies that prohibit the use of preferences.
 - (g) Professional services requests for proposals where price is not considered in the selection of which service provider to engage in negotiations.

In addition, the city council shall have the authority to waive application of the local business preference at its discretion.

Section 10-1005 Violations and Sanctions.

- (1) Any business that submits false information or fails to disclose material information in order to qualify for the preference pursuant to this chapter shall:

- (a) Pay the city any difference between the contract amount and what the city's cost would have been if the contract had been properly awarded, and
- (b) Be prohibited from bidding on any city contract or receiving any city contract for a period of three years of the discovery of facts supporting the same.

Section 10-1006 Appeals.

Any business subject to a sanction may appeal it. Appeals shall be in writing and shall clearly state the basis for the appeal. Grounds not stated in the written appeal may not be considered.

Appeals shall be filed with the city clerk within seven calendar days of the date of the city's written notice of the intention to impose sanctions. The city council will review the appeal and its decision shall be final.

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. **2017-029** adopted on **November 14, 2017**, was offered by Mayor Pro Tem **Rowell**, who moved its approval. The motion was seconded by Councilmember **Gumbs**, 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 **14th** day of **November 2017**. CITY OF SOUTH
FULTON, GEORGIA.

“SECOND READING”



WILLIAM “BILL” EDWARDS, MAYOR

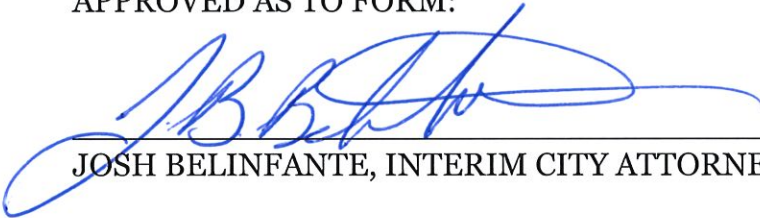
ATTEST:



MARK MASSEY, CITY CLERK



APPROVED AS TO FORM:



JOSH BELINFANTE, INTERIM CITY ATTORNEY

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

ORDINANCE NO. 2017-030

AMENDMENT TO ORDINANCE NO. 2017-012

The following is a proposed amendment to Ordinance No. 2017-12, entitled
“Adoption of Ordinance Establishing the Board of Code Enforcement for the City of
South Fulton.”

Revising Section 3-4001, addressing the establishment of the Board, as follows:

- (f) *Jurisdiction.* The Code Enforcement Board shall have non-exclusive jurisdiction to decide matters and alleged violations of all applicable codes and ordinances set forth in O.C.G.A. § 36-74-21(2), with the exception of state minimum standard codes provided in O.C.G.A. § 8-2-25 other than the International Property Maintenance Code or International Building Code, and ordinances and resolutions enacted pursuant to O.C.G.A. § 8-2-25 other than those regarding the International Property Maintenance Code or International Building Code.

The foregoing Amendment to Ordinance No. **2017-030** adopted on **November 14, 2017**, was offered by Councilmember **Willis**, who moved its approval. The motion was seconded by Mayor Pro Tem **Rowell**, 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 AMENDMENT adopted this 14th day of November 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

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

RESOLUTION NO. 2017-069

**RESOLUTION APPROVING SCHEDULE OF FINES FOR THE MUNICIPAL
COURT OF THE CITY OF SOUTH FULTON.**

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with providing public services to local residents; and

WHEREAS, on September 13, 2017, the City Council adopted Ordinance No. 2017-017, establishing the Municipal Court of the City of South Fulton;

WHEREAS, Pursuant to Section 5.13(B) of the City Charter, The Municipal Court is tasked with punishing violations of the Charter, all city ordinances, and other violations

WHEREAS, Section 5.13(c) of the City Charter provides that the Municipal Court may fix punishment for offenses within its jurisdiction, including fines, imprisonment, or alternative sentencing; and

WHEREAS, the City Council finds enforcement of prescribed fines for certain violations to be reasonable, efficient, 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. **Recitals** – The aforesaid recitals are not mere recitals, but are material portions of this Resolution;
2. **Approval** – The City Council hereby approves of the Schedule of Fines developed by Municipal Court Chief Judge Tiffany Carter Sellers (the "Schedule of Fines," attached to this Resolution and incorporated herein) as reasonable and further approves of its adoption and enforcement in the Municipal Court of the City of South Fulton.
3. **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.
4. **Repeal of Conflicting Provisions**. All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.

5. **Effective Date.** This Resolution shall take effect on **November 1, 2017.**

The foregoing Resolution No. **2017-069** adopted on **November 14, 2017**, was offered by Mayor Pro Tem **Rowell**, who moved its approval. The motion was seconded by Councilmember **Gumbs**, 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 14th day of **November 2017**.

CITY OF SOUTH FULTON, GEORGIA



WILLIAM "BILL" EDWARDS, MAYOR

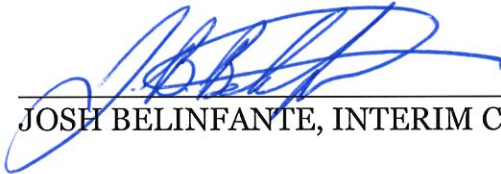
ATTEST:



MARK MASSEY, CITY CLERK



APPROVED AS TO FORM:



JOSH BELINFANTE, INTERIM CITY ATTORNEY

CITY OF SOUTH FULTON MUNICIPAL COURT'S PROPOSED FINE/FEE SCHEDULE

The following proposed fine/fee schedule is for violations committed on or after November 1, 2017.
The fines appearing within this schedule apply only to payments that are made via mail or online or in-person at the Clerk's Office.
PRIOR to your scheduled Court date. Payments submitted via mail must be in the form of a cashier's check or money order.
PERSONAL CHECKS ARE NOT ACCEPTED.
Payments made in-person may be made via credit card, debit card, or cash.

PLEASE BE ADVISED:

- * Certain violations are COURT ONLY and cannot be paid in advance.
- * Judges have the authority to impose a fine amount HIGHER OR LOWER than that appearing in this schedule.
- * If you were 17 years old or younger at the time you were cited, you must appear in Court with a parent or guardian.
This is a requirement for ALL violations.

FAILURE TO APPEAR/FAILURE TO PAY FINE

Any person who fails to pay a fine before his/her scheduled Court date or within the time permitted by the Court, SHALL be assessed a \$100 Failure to Appear/Failure to Pay Fine fee, and is subject to any other penalties authorized by law.

Speeding Offenses

*If you are charged with speeding between 5-34 miles per hour over the posted speed limit, AND this is your 1st LIFETIME offense, you may receive a lesser fine that that which is posted on this schedule. to determine whether this provision applies to you, you MUST appear in Court as scheduled.

1-5 miles over	No fine
	\$100
	\$100
6-10 miles over	\$100
	\$200
	\$200
11-15 miles over	\$200

16-20 miles over	In a school zone	\$300
	In a construction zone	\$300
21-30 miles over	In a school zone	\$300
	In a construction zone	\$400
		\$400
31+ miles over	In a school zone	\$400
	In a construction zone	\$500
	UNDER 21	\$500
Traffic Offenses		COURT ONLY
Aggressive Driving		COURT ONLY
Crossing the gore		\$250
		\$250
Driving in the emergency lane		
DUI		COURT ONLY
Failure to maintain lane	1st in 5 years	Mandatory 24 hours in jail/ \$500/ community service/evaluation
	2nd in 5 years	Mandatory 72 hours in jail/ \$1000/ community service/evaluation
	3rd in 5 years	Mandatory 15 days in jail/ \$2500/ community service/evaluation
Failure to (any moving violation)		\$200
		\$200
		\$500
Failure to yield to approaching emergency vehicle		\$375
		\$250
Failure to move-over- emergency vehicle		
Following too closely		
Hit and Run		COURT ONLY
HOV Violation		\$75
		\$225
		\$300
Improper (any moving violation)		\$250
Littering		
Loud music		

Open container	Under 21 21 and older	COURT ONLY	\$250
Passing stopped school bus while loading/unloading	Under 21 21 and older	COURT ONLY	\$450
Racing		COURT ONLY	
Reckless driving		COURT ONLY	
Seatbelt violation	Child passenger Adult passenger	COURT ONLY	\$50 \$25
Striking a parked/unattended vehicle			
Texting while driving			\$175
Too fast for conditions			\$250
Violation of pedestrian duties			\$250
Violation of pedestrian rights			\$250
Window tint violation			\$200
<u>Driver's License Violations</u>			
Allowing an unlicensed person to drive		COURT ONLY	
Driving in violation of a limited permit		COURT ONLY	
Driving on a suspended license or cancelled license	1st offense in 5 years	COURT ONLY	Mandatory 2 days to serve/ \$750 fine
	2nd offense in 5 years	COURT ONLY	Mandatory 10 days to serve/ \$1250 fine
Expired license			\$100
Failure to obtain GA driver's license w/in 30 days			\$100
Improper class of license			\$100
No Driver's License		COURT ONLY	
No license on person		\$10 (w/ proof of license)	

Tag and Registration Violations

Altered tag	\$200
Expired Tag	\$150
Improper display or tag	\$125
Improper registration	\$125
No tag	\$125
Suspended registration	\$600

Insurance Violations

No insurance	COURT ONLY
No proof of insurance	COURT ONLY

Commercial Vehicle Offenses

Failure to carry Medicaid	\$250
Multi-lane violation	\$250
No "wide-load" sign	\$250
Overlength/overwidth vehicle	\$250

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

RESOLUTION NO. 2017-070

**RESOLUTION APPROVING CONTRACT FOR TIFFANY CARTER SELLERS
TO SERVE AS THE CHIEF JUDGE FOR THE MUNICIPAL COURT OF THE
CITY OF SOUTH FULTON, SETTING COMPENSATION; 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 is charged with providing public services to local residents; and

WHEREAS, on September 19, 2017, the City Council confirmed by adoption of Resolution No. 2017-050 the Mayor's nomination of Tiffany Carter Sellers for the position of Chief Judge of the Municipal Court;

WHEREAS, Section 5.11(c) of the City Charter provides that the position of the Chief Judge shall not be a full-time position and the person serving as chief judge may engage in the private practice of law; and

WHEREAS, Section 5.11(c) of the City Charter provides that compensation of the Chief Judge shall be fixed by the City Council; 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 Council finds the Agreement with Tiffany Carter Sellers to serve as Chief Judge (the "Agreement," attached to this Resolution and incorporated herein) to be reasonable and in the best interests of the City and its resident;

**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. **Compensation** – The City Council approves the Agreement, and from October 1, 2017 through December 31, 2017, approves the annual base salary of Ninety-

Two Thousand Five Hundred Dollars and No Cents (\$92,500) for the Chief Judge of the Municipal Court to be paid in accordance with all terms of the Agreement, which is attached as Exhibit A. Beginning in January 1, 2018 and subject to annual appropriations in the City Budget which may be modified by the City Council, the City Council approves the annual base salary of Eight-Five Thousand Two Hundred and Fifty Dollars and No Cents (\$85,250) for the Chief Judge of the Municipal Court to be paid in accordance with all terms of the Agreement.

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. **2017-070** adopted on **November 14, 2017**, was offered by Councilmember **Willis**, who moved its approval. The motion was seconded by Councilmember **Gilyard** 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 **14th** day of **November 2017**.

CITY OF SOUTH FULTON, GEORGIA



WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:



MARK MASSEY, CITY CLERK



APPROVED AS TO FORM:



JOSH BELINFANTE, INTERIM CITY ATTORNEY

AGREEMENT

This Agreement, entered into this 14 ^{November} ~~October~~, 2017, between the City of South Fulton, Georgia (hereinafter referred to as the "City"), and Tiffany Carter Sellers (hereinafter referred to as "Sellers" or "Chief Judge"), to provide for the engagement of Sellers as an independent contractor to serve as Chief Judge of the Municipal Court for the City of South Fulton, and to set forth the terms and conditions of the Agreement, including the mutual obligations, rights and duties of each party.

In consideration of the mutual promises as set forth in this Agreement, the City and Sellers agree as follows:

SECTION 1: DUTIES.

The City agrees to engage Sellers as an independent contractor to serve as Chief Judge of the Municipal Court for the City of South Fulton and to perform the functions and duties as specified in Article V of the City of South Fulton Charter and the Code of the City of South Fulton, Georgia, as may be amended from time to time.

SECTION 2: TERM.

This Agreement shall become effective as of 12:01 a.m. on the 20th day of September, 2017, and shall continue through December 31, 2021, coincident with the term of the Mayor as prescribed by Section 5.11(d) of the City Charter. The Chief Judge may resign her position with the City upon giving forty-five (45) days written notice in advance, unless the parties otherwise agree. The City may terminate this Agreement

and remove the Chief Judge from her position for cause in accordance with Section 5.11(d) of the City Charter.

SECTION 3: PAYMENT FOR SERVICES RENDERED

A. Payment for Services Rendered in September through December 31, 2017.

The City agrees to pay the Chief Judge for her services rendered from October 1, 2017 through December 31, 2017 in equal monthly installments of Seven Thousand Seven Hundred Eight Dollars and Thirty-Three Cents (\$7,708.33) on the first business day of each month. The City further agrees to pay the Chief Judge for her services rendered from September 20, 2017 through September 30, 2017 at the rate of Two Thousand, Five Hundred Sixty-Nine Dollars and Forty-Four Cents (\$2,569.44) within 48 hours of the execution of this agreement. Moreover, the City agrees to make the October 2017 payment for services within 48 hours of the execution of this agreement. Payment should be made electronically, via electronic funds transfer, direct deposit or any other electronic means, except for the payment for services rendered in September and October 2017, which may be made by check. This compensation is effective as of the effective date of this Agreement.

B. Payment for Services Rendered Beginning January 1, 2018.

Beginning January 1, 2018, the City agrees to pay the Chief Judge for her services rendered at the rate of an annual base salary of Eighty-Five Thousand Two Hundred and Fifty Dollars and No Cents (\$85,250) payable in twelve (12) equal monthly installments of Seven Thousand One Hundred and Four Dollars and Seventeen Cents (\$7,104.17) on the first business day of each month. Payment is subject to annual appropriations in the

City Budget and compensation for the Chief Judge may be modified by the City Council in accordance with Section 5.11(c) of the City Charter.

SECTION 4: HOURS OF WORK AND BENEFITS.

The position of Chief Judge of the Municipal Court for the City of South Fulton is a part-time position pursuant to Section 5.11(c) of the City Charter. The Chief Judge shall work the number of hours reasonably required to discharge the duties and responsibilities of Chief Judge of the Municipal Court for the City of South Fulton, but no less than 25 hours per week, except that the City agrees to allow the Chief Judge a maximum of three (3) weeks of personal time off annually.

As an independent contractor, the Chief Judge shall not be entitled to any overtime pay or compensatory time off for any hours worked in excess of forty (40) hours per week. The Chief Judge shall not be entitled to any benefits pursuant to her position with the City. The Chief Judge shall be exempt from the provisions of the Fair Labor Standards Act. The Chief Judge may engage in the private practice of law.

SECTION 5: PROFESSIONAL DUES.

The City agrees to budget and to pay the professional dues of the Chief Judge necessary for her participation in associations and organizations approved by City Council.

SECTION 6: PROFESSIONAL DEVELOPMENT.

A. The City agrees to budget and to pay the travel and subsistence expenses of the Chief Judge for professional and official travel (other than daily commuting), meetings, and occasions adequate to continue the

professional development of the Chief Judge, including but not limited to, professional conferences.

B. The City Council also agrees to budget and to pay for the travel and subsistence expenses of the Chief Judge for short courses, institutes, and seminars that are necessary for her professional development and for the good of the City, as determined by the City Council in its discretion.

SECTION 7: INDEMNIFICATION.

The City shall defend, save harmless, and indemnify the Chief Judge against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of her duties as Chief Judge of the Municipal Court, to the same extent the Mayor and members of the City Council are so covered and indemnified. The City and its insurer will have the right to compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon.

SECTION 8: BONDING.

The City shall bear the full cost of any fidelity or other bonds required of the Chief Judge under any law or ordinance.

SECTION 9: OTHER TERMS AND CONDITIONS OF SERVICE.

A. The City Council, in consultation with the Chief Judge, shall fix any such other terms and conditions of her continued service as Chief Judge, as it may determine from time to time, relating to the performance of the Chief Judge, provided such terms and conditions are not inconsistent with or in

conflict with the provisions of the Agreement, the City Charter, or any other law.

B. As an independent contractor, the Chief Judge will hold responsibility for all applicable federal and state taxes.

SECTION 10: CIVIL CLUB.

The City may pay the actual expense of the Chief Judge to belong to a civil organization within the City of South Fulton **as it relates to her judicial responsibilities.**

SECTION 11: GENERAL PROVISIONS.

A. The text herein shall constitute the entire agreement between the parties. All prior representations or statements are void.

B. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portions thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

IN WITNESS WHEREOF, the City of South Fulton has caused this Agreement to be signed and executed in its behalf by its Mayor, and duly attested by the City Clerk and the Chief Judge, has signed and executed this Agreement, both in duplicate, the day and year first above written.

Date: 11/14/2017

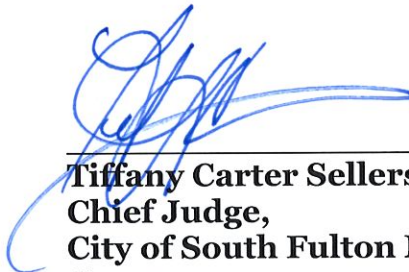
CITY OF SOUTH FULTON

By: 
William "Bill" Edwards, Mayor

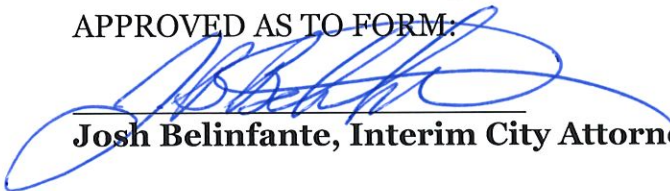
ATTEST:


Mark Massey, City Clerk




Tiffany Carter Sellers
Chief Judge,
City of South Fulton Municipal
Court

APPROVED AS TO FORM:


Josh Belinfante, Interim City Attorney

ITEM #: Reg 2017-070 RM 11/14/2017
REGULAR MEETING

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

RESOLUTION NO. 2017-071

RESOLUTION AUTHORIZING THE CITY OF SOUTH FULTON HUMAN RESOURCES DEPARTMENT TO CONDUCT BACKGROUND CHECKS ON PROSPECTIVE EMPLOYEES, VENDORS, AND VOLUNTEERS; AUTHORIZING THE HUMAN RESOURCES DIRECTOR TO SERVE AS AGENT FOR GCIC AND OTHER CRIME DATABASES; AUTHORIZING THE HUMAN RESOURCES DIRECTOR TO ESTABLISH POLICIES AND PROCEDURES; PROVIDING FOR TRAINING RESOURCES AS NECESSARY; AUTHORIZING MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS RESOLUTION; REPEALING INCONSISTENT RESOLUTIONS; PROVIDING FOR AN EFFECTIVE DATE; 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 Sections 1.12, 1.13, and 3.10 to establish departments and branches of City government and may prescribe functions and requirements to those departments; 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, ensuring that city employees, contractors, and volunteers comply with hiring requirements, job postings, and city ordinances helps ensure the quality of the City workforce remains exceptional, leading to a high level of public confidence; and

WHEREAS, the City finds that completing criminal background checks on prospective employees, vendors, and volunteers a necessary component in determining the qualifications of such persons for work with the City; and

WHEREAS, criminal background checks are authorized for local governments pursuant to O.C.G.A. § 35-3-35; and

WHEREAS, the moratorium on the issuance of alcohol licenses by the City of South Fulton will end on November 30, 2017; and

WHEREAS, criminal background checks are required to be conducted by local governments prior to the issuance of an alcohol license by O.C.G.A. § 3-3-2; and

WHEREAS, the Georgia Crime Information Center ("GCIC" or the "Center") may require the City to enter into contract or a user agreement to use the services provided through the Center for criminal background checks; and

WHEREAS, these requirements are necessary for the proper execution of a well-ordered government.

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. **Establishment of Background Check Procedures.** The Director of Human Resources is hereby authorized to create policies and procedures in conjunction with the City Manager and City Attorney for establishing criminal background checks for any prospective City employee, vendor, or volunteer, or applicants for an alcohol license. The Director of Human Resources is further authorized to serve as the City's point of contact and/or agent for GCIC, Georgia Bureau of Investigation ("GBI"), or Federal Bureau of Investigation ("FBI") in applying for or maintaining access to criminal background check databases. The Director of Human Resources shall establish requisite training courses and take all necessary steps to adopt a policy to conduct background checks on prospective employees in accordance with state law.
3. **Background Checks for Prospective City Employees, Vendors, and Volunteers.** Authorized Human Resources staff shall conduct criminal background checks on prospective City employees, vendors, and volunteers in accordance with state law, any contract for use of the GCIC database, policies established for use by GCIC, and any policies established by the Human Resources Director.
4. **Background Checks for Alcohol License Applicants.** Authorized City staff shall conduct criminal background checks on applicants for alcohol licenses in accordance with state law, any contract for use of the GCIC database, policies established for use by GCIC, and any policies established by the Human Resources Director.
5. **Approval and Execution.** The Mayor is hereby authorized to sign all documents necessary to effectuate this Resolution including, but not limited to a user agreement and contracts with the GCIC, GBI, and FBI. The City Clerk is authorized to execute, attest to, and seal any document that may be necessary to effectuate this Resolution. The City Attorney is authorized to approve as to form any document required to be executed to effectuate this resolution.

6. **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.
7. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
8. **Effective Date.** This Resolution shall take effect on **November 14, 2017.**

The foregoing Resolution No. **2017-071** was adopted on **November 14, 2017**, was offered by Mayor Pro Tem **Rowell**, who moved its approval. The motion was seconded by Councilmember **Gumbs**, 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 14th day of November 2017.

CITY OF SOUTH FULTON, GEORGIA



WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:



MARK MASSEY, CITY CLERK



APPROVED AS TO FORM:



JOSH BELINFANTE, INTERIM CITY ATTORNEY